WATER-RIGHT DOCKET

Zion National Park

Docket No: 1

CRAWFORD DITCH, CLAIM NO. 66

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: ZION

Docket Number:
Federal 1

ID NO: ZION R 1 5 4 1 1 0 A F 0 1

DITCH/WATER SYSTEM: Crawford Ditch

SOURCE OF SUPPLY: North Fork of the Virgin River

LOCATION: N50°29'E 1998.0 ft. from NE Cor., Sec. 21, T41S, R10W, SLB&M
in Sec 15

WATER RIGHT:

Appropriator: United States Of America, National Park Service

Application/Permit Number: a-1658

Certificate Record Number: Claim No. 66 of the Virgin River Decree filed December 12, 1925 as amended by Final Decree April 21, 1931.
Date of Priority: 1877

Quantity of Water: 1.21 C.F.S.

Purpose: Municipal

Irrigated Land Description:

SUMMARY OF STATUS: This right was purchased with the land it served by the United States in 1931. The purchase which included all rights in the Crawford Ditch is recorded with the County. An application for Permanent Change of Point of Diversion, Place and Nature of Use of Water was filed with the State of Utah on June 29, 1943. Thereafter a number of requests for extension of time in order to make proof of beneficial use were made and the Certificate of Permanent Change of Point of Diversion, Place or Purpose of Use of Water was issued June 10, 1957. The certificate authorizes the diversion of water from any one or all of nine (9) diversion points described in the certificate.

State Water Rights Documentation

08-19-1957: certificate - change in water rights

CERTIFICATE

Pursuant to the provisions of the Act of August 24, 1952, as amended (5 U.S.C., Sec. 488), I HEREBY CERTIFY that the annexed copies of Certificates of Permanent Change of Point of Diversion, Place or Purpose of Use of Water, numbers a-221, a-222, a-223 and a-224 contitute a full, true and literal exemplification of the change in the status of water rights under Applications Numbers a-1657, a-1658, a-1659 and a-1660 (Decreed Priorities 63, 65 and 66 and Certificate 1991) for Zion National Park, contained in the official records of the National Park Service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the National Park Service to be affixed, this AUG 19 day of , A. D. 1957.

(SGD) [illegible]

Assistant Director
National Park Service

Copy to: Regional Director, Region Three
Superintendent, Zion
Chief, WODC (2)

06-10-1957: letter to nps from the state engineer regarding certificate no. a-222

Form 23 2M 6-5-5

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE
1957 JUN 17 AM 10 27

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

June 10, 1957

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

CERTIFICATE ISSUED

APPLICATION NO. a-1658

Gentlemen:

Enclosed is Certificate No. a-222 issued by the State Engineer as the final step in completing the appropriation relating to Application No. a-1658.

Under the law this Certificate must be recorded in the office of the County Recorder in the County where the water is diverted, within 30 days from the receipt hereof. You should attend to this matter at once.

Yours very truly,

Wayne D. Criddle

ADDRESS ALL COMMUNICATIONS TO:
EEV/le
Encl: Certificate

Wayne D. Criddle
STATE ENGINEER
STATE CAPITOL
SALT LAKE CITY 1, UTAH

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103782
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FORM CC-2 1000 ORIGINAL

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NATIONAL PARK SERVICE
1957 JUN 14 AM 10:28

CERTIFICATE OF PERMANENT CHANGE OF POINT OF DIVERSION, PLACE OR PURPOSE OF USE OF WATER.

STATE OF UTAH

CHANGE APPLICATION NO. a-1658 FILED 29TH DAY OF JUNE, 1943, CHANGE CERTIFICATE NO. a-222

NAME AND ADDRESS OF APPROPRIATOR UNITED STATES OF AMERICA, NATIONAL PARK SERVICE, DEPT. OF THE INTERIOR, WASHINGTON 25, D. C.

SOURCE OF SUPPLY NORTH FORK OF VIRGIN RIVER IN WASHINGTON COUNTY, UTAH; COLORADO RIVER DRAINAGE AREA

QUANTITY OF WATER CHANGED ONE AND TWENTY-ONE/HUNDREDTHS (1.21) SECOND-FEET PRIORITY CLAIMED FOR ORIGINAL RIGHT 1877

PERIOD AND PURPOSE OF CHANGED USE FROM JANUARY 1 TO DECEMBER 31 INCLUSIVE OF EACH YEAR FOR MUNICIPAL PURPOSES

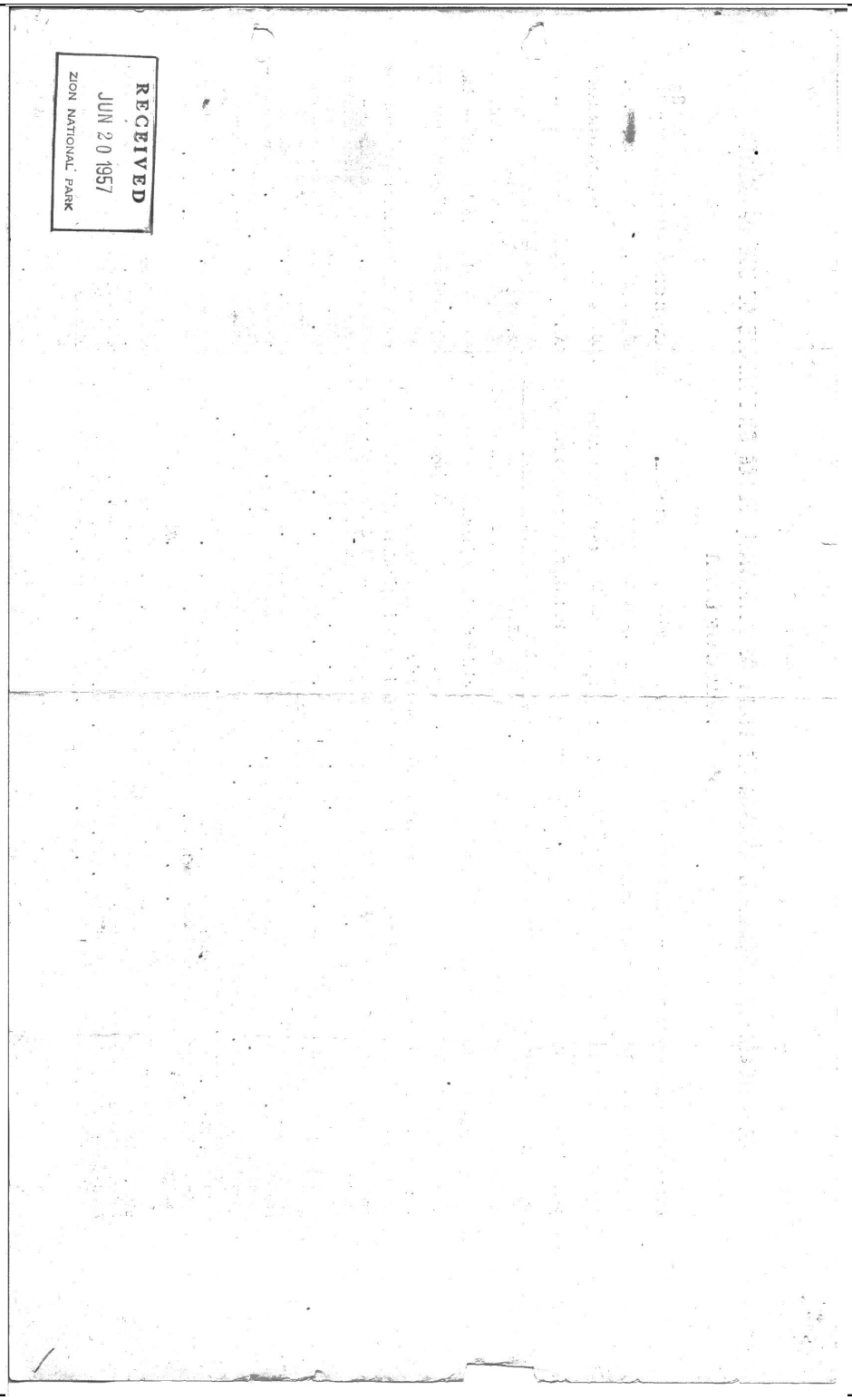
WATER RIGHT ON WHICH CHANGE IS BASED CLAIM NO. 66 OF THE VIRGIN RIVER DECREE FILED DECEMBER 12, 1925 IN THE DISTRICT COURT IN AND FOR WASHINGTON COUNTY, STATE OF UTAH AS AMENDED BY FINAL DECREE, APRIL 21, 1931

Whereas, *It has been made to appear to the satisfaction of the undersigned that the change of water herein described has been perfected in accordance with the Laws of Utah;* Therefore, *Be it known that I,* WAYNE D. CRIDDLE *the duly appointed, qualified and acting State Engineer, by authority of the Laws of Utah, do hereby certify that said appropriator is entitled to change the* POINT OF DIVERSION, PLACE AND NATURE OF USE *of water as herein set out, subject to prior rights, if any, (including those junior to the original application or right which might be impaired by the change or changes) for diversion and use as follows, to wit:* The water covered by this change, decreed under the so-called Virgin River Decree as Award No. 66 covered the requirements for the irrigation of 66.7 acres of land described hereinafter and was diverted from the North Fork of the Virgin River originally into the Crawford Ditch at a point situated S 250.0 ft. and E 1300.0 ft. from NW Cor. Sec. 22 T41S R10W SLB&M, and later moved to a point on said ditch designated Diversion No. 1, situated N50°29'E 1998.0 ft. from NE Cor. Sec. 21 T41S R10W SLB&M. The water thus diverted was conveyed in and distributed from said Crawford Ditch, and, during the entire year, intermittently used to irrigate land embraced within Sections 21, 22, and 28, T41S R10W SLB&M, more definitely described as follows: 0.74 acre designated Parcel O1, 0.31 acre designated Parcel O2, 0.13 acre designated Parcel O3 in SE¼NE¼, 2.08 acres designated Parcel P1, 3.56 acres designated Parcel P2, 3.39 acres designated Parcel R1, 11.41 acres designated Parcel F2, 0.35 acre designated Parcel T, 0.11 acre designated Parcel F1, 0.09 acre designated Parcel U in NE¼SE¼, 0.43 acre designated Parcel L, 0.31 acre designated Parcel V in NW¼SE¼, 17.45 acres designated Parcel J, 1.59 acres designated Parcel W, 0.59 acre designated Parcel X in SW¼SE¼, 0.91 acre designated Parcel R2, 13.85 acres designated Parcel G in SE¼SE¼ said Sec. 21; 0.55 acre designated Parcel M, 2.92 acres designated Parcel Q1, 1.68 acres designated Parcel Q2, 0.73 acre designated Parcel N in SW¼NW¼, 1.72 acres designated Parcel Q3, 0.85 acre designated Q4, 0.54 acre designated Parcel Q5 in NW¼SW¼ said Sec. 22, 0.41 acre designated Parcel Y in NW¼NE¼ said Sec. 28. Total area formerly irrigated was 66.70 acres.

This certificate entitles the holder to now divert the water at any, each, or all of the hereinafter described points of diversion, which water is yielded by the North Fork of Virgin River and tributaries thereof, including streams, springs, and spring areas. The points at which the water is now diverted are designated and described as follows: No. 1, from North Fork Virgin River at the head gate of Crawford Ditch, situated N50°29'E 1998.0 ft. from NE Cor. Sec. 21 T41S R10W SLB&M; 2A, from North Fork Virgin River at the head gate of Gifford Ditch, situated N41°28'45"E 4233.80 ft. from NE Cor. said Sec. 21; No. 4, from a spring area tributary to Oak Creek, described

06-29-1943: certificate of permanent change in point of diversion, place or purpose of use of water (a-222)

06-20-1957: received stamp - zion national park



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FORM CC-3 1000

as follows: Beg. at the point of collection, being the point of diversion, situated S86°23'W 8633.70 ft. from NE Cor. said Sec. 21, thence on the following traverse: S18°29'W 300.0 ft, N71°31'W 1000.0 ft, N18°29'E 600.0 ft, S71°31'E 1000.0 ft, S18°29'W 300.0 ft. to beg; No. 5, from spring area tributary to Birch Creek, described as follows: Beg. at the point of collection, being the point of diversion, situated N21°56'E 9151.95 ft, from NE Cor. said Sec. 21, thence on the following traverse: S 1436.24 ft, N67°32'W 2747.49 ft, N 2200.00 ft, N84°23'E 2551.21 ft, S 2063.76 ft. to beg; No. 7, from Lower Grotto Spring, tributary to North Fork Virgin River at a point situated N31°39'E 18,223.11 ft. from NE Cor. said Sec. 21; No. 8, from springs, tributary to North Fork Virgin River at the intakes of the Sinawava Pipe Line, situated N18°43'E 27,901.20 ft, and N21°29'40"E 27,290.00 ft. from NE Cor. Sec. 21 T41S R10W SLB&M, which last point is designated 12B; No. 9, from spring at the intake of what is known as Scout Lookout Pipe Line, situated N16°59'E 25,095.34 ft. from NE Cor. said Sec. 21; No. 10, from Upper Grotto Spring area described as follows: Beg. at the point of collection being the point of diversion, situated N29°47'E 17,059.55 ft. from NE Cor. said Sec. 21, thence on the following traverse: E 100.0 ft, S 150.0 ft, W 200.0 ft, N 150.0 ft, E 100.0 ft. to beg; No. 11, from Wylie Retreat Spring Area described as follows: Beg. at a point situated N32°25'25"E 13,167.50 ft. from NE Cor. said Sec. 21, thence on the following traverse: N65°00'E 440.0 ft, S25°00'E 220.0 ft, S65°00'W 600.0 ft, N25°00'W 220.0 ft, N65°00'E 160.0 ft. to beg, the point of collection being the point of diversion, situated N33°14'04"E 13,238.54 ft. from NE Cor. said Sec. 21. The water is diverted at the points hereinabove described and conveyed through 33,540.84 ft. of 1-in, 2-in, 3-in, 4-in, and 6-in. diameter pipe lines, through 16,490.80 ft. of open ditch and 750.0 ft. of hose to the places of use, and used directly, or is conveyed to one or several storage tanks or equalizers varying in capacities from 500 to 250,000 gallons from whence it is distributed and used. The water changed is, during the period from January 1 to December 31 inclusive of each year, intermittently used, as a supplemental supply, within the boundaries of Zion National Park for municipal purposes in serving the general public and inhabitants thereof, limited to the irrigation use formerly made on 66.7 acres as described in Award No. 66 of the Virgin River Decree.

The right evidenced by this certificate is restricted to the change of point of diversion, place, and nature of use, and this certificate in no way establishes nor validates the water right claimed by the applicant, and the change is to in no way enlarge the original right or rights.

The works employed in this change are to be operated and maintained in such manner and condition as will prevent waste of water.

Entry No. 103782 Recorded at request of Zion National Park
Date June 28, 1957 at 4:45 P. M., Book M-3, page 147-148 Fee $2.80
Helen P. Allred Washington County Recorder, By _____ Deputy.
Hl-33-40

In Witness Whereof, *I have hereunto set my hand and affixed the seal of my office this* 10th *day of* June, 19 57.

Change *Cert. No.* a-222 *Page No.* 2 *of* 2 *Pages.*

Wayne D. Criddle
Wayne D. Criddle, STATE ENGINEER

06-10-1957: certificate of permanent change in point of diversion, place or purpose of use of water (a-222), page 2 cont.

4a

Certificate of Appropriation of Water

State of Utah

.....Drainage Area

Certificate No......

To.....

.....

For.....

.....

.....

.....

Filed for record this.....*day*

of.....19....., *at*.....*o'clock*

.....*m., and recorded in Book*.....

of Water..... *Page*.....

.....

Recorder.....*County, Utah*

This certificate must be filed for record with Recorder of.....*County, Utah, within thirty days from its date.*



RECEIVED
JUN 20 1957
ZION NATIONAL PARK

06-20-1957: received stamp - zion national park

Reg Three

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Proof of Permanent Change of Point of Diversion, Place, and Purpose of Use of Water

STATE OF UTAH

(Do not fill out this blank until you have read carefully the pamphlet on "Rules and Regulations" and instructions in the body and on the back hereof.)

1. *The name of the applicant is* United States of America National Park Service, Department of the Interior, Washington 25, D. C.

2. *The post-office address of applicant is* [see above]

The Following Describes the Water Right Before Being Changed

3. *The water right for which Proof of Permanent Change of (1) Point of Diversion, (2) Place,* Right and *(3) Purpose of Use is submitted was acquired by* decreed Dec. 12, 1925, and Dec. 12, 1950. No. 66,

(Give number of Application, title and date of decree, or other identification of right.)

4. *The flow of water heretofore used was* 1.21 *second-feet or* ..... *acre-feet*

5. *The water was heretofore used each year from* Jan. 1 (Month) (Day) *to* Dec. 31 (Month) (Day), *incl.,*

and stored each year (if stored) from ..... (Month) (Day) *to* ..... (Month) (Day), *incl.*

6. *The drainage area to which the direct source of supply belongs is* ..... (Leave blank)

7. *The direct source of supply is*† North Fork of Virgin River (Name of stream or other source)

which is tributary to Colorado River, *tributary to* .....

†NOTE—If water is diverted from a well, an underground drain, or a tunnel, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank. If the source is a stream, a spring, a spring area, or a surface drain, so indicate in the first space, giving its name, if named, and in the remaining spaces designate the stream channels to which it is tributary, even though the water may sink, evaporate, or be diverted before reaching said channels. If water from a spring flows in a natural surface channel before being diverted, the direct source should be designated as a stream and not a spring.

8. *The point at which the water has heretofore been diverted from stream, spring, spring area,* (Strike words not needed)

~~drain, well (flowing or pump), tunnel, or~~ *is in* Washington *county,*

*situated at a point** N. 50° 29' E. 1998.0 ft. from NE Cor. Sec. 21, T. 41 S., R. 10 W., S.L.M. (erroneously decreed 250 ft. S. & 1300 ft. E. of NW Cor. Sec. 22 = NE Cor. Sec. 21).

*NOTE—Give the location of the point at which the water was first diverted from its source or channel with reference to a United States land survey corner or mineral monument. In case of storage on the natural channel of source of supply, describe the point of intersection of stream bed with the center line of impounding dam. If a spring area, describe the point within said area at which water was collected and diverted therefrom, and under General Remarks give a description by metes and bounds of said area and locate the area by one course, and distance or by rectangular co-ordinates with reference to a United States land survey corner.

9. *The water has heretofore been used for the following purposes* irrigation of 61.3 acres in Sec. 21, 5.1 acres in Sec. 22, and 30.3 acres in Sec. 28. (Area in Sec. 28 evidently should read 0.303 acre, ~~0.303 acre in decree~~ See Rem. 100 general remarks) *Total,* 66.7 *acres*

NOTE—If for irrigation, give legal subdivision of land and total acreage heretofore irrigated. If less than full legal subdivision are irrigated, the words "part of" should precede each description and the boundary of each parcel must be described by metes and bounds under "General Remarks" on following page. If for purposes other than irrigation, give nature, place, and extent of such use.

10. *The point at which the water has heretofore been returned (if returned) is described with reference to a United States land survey corner or mineral monument as follows:* —

The Following Changes Have Been Made

11. *The flow of water changed is* 1.21 *second-feet or* ..... *acre-feet*

(See Paragraphs 4 and 5 under "Rules and Regulations" on page 4 hereof.)

12. *The water is now used from* Jan. 1 (Month) (Day) *to* Dec. 31 (Month) (Day), *incl.*

and stored each year (if stored) from ..... (Month) (Day) *to* ..... (Month) (Day), *incl.*

NOTE—The period of use or storage given in this paragraph must not exceed that given in paragraph 5.

13. *The point at which the water is now diverted from stream, spring, spring area, drain, well,* (Strike words not needed)

~~(flowing or pump), tunnel, or~~ are *is in* ..... *county, situated*

at a point: (See note under Paragraph 8.) on North Fork of Virgin River and tributaries thereto, between points N. 18° 43' E. 27,901 ft. from NE Cor., and S. 40° 42' E. 3196 ft. from E¼ Cor. of said Sec. 21, more particularly described under Remarks.

14. *The present diverting and carrying works consist of* ditches and pipe lines more particularly described under Remarks. Completed 50,784.89

15. *The length of the present diverting channel, exclusive of laterals, is* 50,611.89 *feet*

See Remarks.

NOTE—If an existing channel is used, give only the length of that part used under this Application.

16. *The top width of the present diverting channel is (if a ditch)* See Remarks *feet*

17. *The bottom width of the present diverting channel is (if a ditch)* " " *feet*

18. *The depth of water in the present diverting channel is (if a ditch)* " " *feet*

19. *The width of the present diverting channel is (if a flume)* " " *feet*

20. *The depth of water in the present diverting channel is (if a flume)* " " *feet*

21. *The diameter of the present diverting channel is (if a pipe)* " " *inches*

22. *The grade of the present diverting channel is* See Remarks *feet per thousand*

23. *The water is now used for the following purposes* Municipal purposes, including incidental irrigation, at Zion National Park, Utah, as described in Remarks in proof on Change Application a-1658. *Total* *acres*

NOTE—See note under paragraph 9. If no change of place or purpose of use has been made, merely so state and make reference to paragraph 9.

24. *The character of soil irrigated is* See records of Decreed Priorities 63, 65, & 66, and Change Application ~~Endsott~~ a-1311.

25. *The kind of crops produced are* native trees, bushes, and grass.

NOTE—Paragraphs 24 and 25 to be filled in only when water is used for irrigation.

26. *Construction of works was commenced about* 19 10 *and completed* Sept. 15 19 52

27. *The water was measured by* See Remarks *Date* 19
(Name of hydrographer)

28. *The water was measured by vessel, ~~weir~~, reservoir capacity, or by* Weir
(Strike words not needed)

‡(Give sufficient data under General Remarks to enable the State Engineer to check the water measurements. It is necessary that a series of such measurements be given. Notes of the observations shall be submitted and if a current meter was used, a copy of the meter rating table shall accompany the notes for checking purposes.)

GENERAL REMARKS

NOTE—A concise description of the diverting and carrying works, also the conveyance and use of the water, shall be given under general remarks, which description is to trace the water from the point of diversion to and including the place of use. The reservoir, if any, diverting dams, head gates, canals, flumes, and other related structures shall be included as well as an explanation of the nature and extent of the uses made of the water. If there is a secondary use of the water which is incidental to the primary use, the nature and extent of the secondary use shall be explained as well as that of the primary use. This description shall be in the form of a concise word picture of the storage of water, if stored, its release ,re-diversion, conveyance and use in sequence order. The above requirement applies both to the original and the changed use, i. e., the story shall be in such form as to give the above data first for the original use, then for the changed use.

1952

Summary of Changes Made under Applications a-1657, a-1658, a-1659, and a-1660

Federal rights under Decreed Priorities Nos. 63, 65, and 66, and Certificate No. 1991 are made interchangeably appurtenant to Crawford and Gifford Ditches, and 7 pipe lines with various points of diversion from North Fork Virgin River and tributary springs in Zion National Park. The commingled waters under said priorities, totalling 2.28 sec. ft., are now used for municipal purposes, and former irrigation is now reduced to extent necessary to provide water for other municipal purposes. The following descriptions are referred to proper sheet of supporting 11-page map by parenthetic insertions.

Description of Municipality

The name of the municipality is Zion National Park.

Boundary of said municipal area: Beg. NE Cor. Sec. 1, T. 40 S., R. 10 W., S.L.M., thence on the following traverse, southerly along E. line Secs. 1, 12, 13, 24, 25, & 36 to N. line of unsurveyed Sec. 1, T. 41 S., R. 10 W.; easterly along N. line said Sec. to NW Cor. Sec. 6, T. 41 S., R. 9 W.; southerly along W. line and easterly along S. line to SE Cor. said Sec. 6; southerly along E. line Sec. 7 to SE Cor.; easterly along N. line Sec. 17 to NE Cor.; southerly along E. line Secs. 17, 20, 29, & 32, T. 41 S., R. 9 W., & Unsurveyed Secs. 5, 8, & 17, T. 42 S., R. 9 W., to SE Cor. Sec. 17; westerly along S. line Secs. 17 & 18 to SW Cor. Sec. 18; southerly along W. line Sec. 19 to SE Cor. Sec. 8, T. 42 S., R. 9½ W.; westerly along S. line unsurveyed Secs. 8 & 7, T. 42 S., R. 9½ W., and Secs. 12, 11, & 10, T. 42 S., R. 10 W., to S¼ Cor. said Sec. 10; northerly along center line Sec. 10 and unsurveyed Sec. 3 to center said Sec. 3; westerly along center line unsurveyed Sec. 3 & Sec. 4 to center said Sec. 4; northerly along center said Sec. 4 & unsurveyed Secs. 33 & 28, T. 41 S., R. 10 W. to center Sec. 28; easterly along center line to E¼ Cor., and northerly along E. line to NE Cor. said Sec. 28; westerly along N. line said Sec. 28 and Sec. 29 to NE Cor. Sec. 30; southerly along E. line and westerly along S. line said Sec. 30 to NE Cor. Sec. 36, T. 41 S., R. 11 W.; southerly along E. line said Sec. 36 to SE Cor.; westerly along S. line Secs. 36, 35, & 34 to SW Cor. said Sec. 34; northerly along W. line Secs. 34, 27, 22, 15, 10, & 3 to NW Cor. Sec. 3; easterly along N. line said Sec. 3 to SW Cor. Sec. 35, T. 40 S., R. 11 W.; northerly along W. line Secs. 35, 26, 23, & 14, to NW Cor. Sec. 14; easterly along N. line said Sec. 14 to NW Cor. Sec. 11; northerly along W. line, and easterly along N. line said Sec. 11; northerly along W. line, and easterly along N. line Sec. 1, T. 40 S., R. 11 W.; northerly along W. line Sec. 11, T. 40 S., R. 10½ W. to NW Cor.; easterly along N. line Secs. 11 & 12, T. 40 S., R. 10½ W. to SW Cor. Sec. 6, T. 40 S., R. 10 W.; northerly along W. line to NW Cor. said Sec. 6; and easterly along N. line Secs. 6, 5, 4, 3, 2, & 1, to NE Cor. to beg.

The subdivisions of U.S. Land Survey embraced within the municipality, only partially surveyed, are: All of T. 40 S., R. 10 W.; T. 40 S., R. 10½ W., except Secs. 1 & 2; Secs. 1, 11, 12, 13, 14, 23, 24, 25, 26, 35, & 36, T. 40 S., R. 11 W.; Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, & 36, T. 41 S., R. 11 W.; all of T. 41 S., R. 10 W., except Secs. 29, 31, 32, W½ & NE¼ Sec. 28, and W½ Sec. 33; Secs. 7, 17, 18, 19, 20, 29, 30, 31, & 32, T. 41 S., R. 9 W.; Secs. 5, 6, 7, 8, 17, & 18, T. 42 S., R. 9 W.; Secs. 5, 6, 7, & 8, T. 42 S., R. 9½ W., and Secs. 1, 2, 11, 12, E½ and NW¼ Sec. 3, NE¼ Sec. 4, and E½ Sec. 10, T. 42 S., R. 10 W., S.L.B.&M.

The principal developed areas of said municipality are as follows, all in T. 41 S., R. 10 W., S.L.B.&M., except as otherwise noted, and all subject to expansion:

I. Camp Center, Residential Area, and Utility Area (sheet 3 of 11) occupy the W½SW¼ and SW¼NW¼ Sec. 22; and SW¼SE¼, E½SE¼, S½NE¼, SE¼NW¼ and NW¼NW¼ Sec. 21, being largely, but not limited to areas irrigated from Gifford and Crawford Ditches. Approximately 7.5 acres of the Residential and Utility Areas are above said ditches and are irrigated with water from Oak and Birch Creek Pipe Lines.

II. Headquarters Area (sheet 3 of 11) occupies parts of NW¼NW¼ Sec. 22, and W½SW¼ of unsurveyed Sec. 15. Approximately 4.80 acres are irrigated from Gifford Ditch, and approximately 5.0 acres are irrigated from Birch Creek Pipe Line.

III. Concessioner's Utility Area (sheet 4 of 11) is located in NE¼NE¼ of unsurveyed Sec. 10, is now irrigated from Upper Grotto and Wylie Retreat Pipe Line, and can be served with water from Birch Creek Pipe Line.

IV. Lodge Area (sheet 4 of 11) is located in western portion of unsurveyed, and apparently greatly oversized Sec. 2, as follows: Beg. N. 27° 20' 51" E. 14,767.4 ft. from NE Cor. Sec. 21, and run. thence S. 280.0 ft.; S. 18° 30' W. 785.8 ft., S. 21° 48' E. 538.5 ft., S. 85° 14' W. 481.6 ft.; N. 6° 28' W. 1509.5 ft., N. 27° 16' E. 545.6 ft., S. 63° 26' E. 670.8 ft.; & S. 51° 20' W. 192.1 ft. to beg., containing 22.63 acres, of which 20.67 acres are now irrigated from Upper Grotto and Wylie Retreat Pipe Lines.

V. Grotto Campground (sheet 9 of 11) occupies land just north of Lodge Area, beg. N. 30° 12' 40" E. 18,251.0 ft. from NE Cor. Sec. 21, and run. thence S. 75° 00' W. 1200.0 ft., N. 15° 00' E. 400 ft., N. 75° 00' E. 1200.0 ft.; and S. 15° 00' E. 400.0 ft. to beg., containing approximately 11.0 acres, of which approximately 3.0 acres are irrigated from Lower Grotto Pipe Line.

VI. Temple of Sinawava Parking Area (sheet 10 of 11) is served by pipe line of same name, and is located at upper end of motor travel in Zion Canyon, in NE¼SW¼ of unsurveyed Sec. 34, T. 40 S., R. 10 W., S.L.M. There is now negligible irrigation.

VII. Scout Lookout (sheet 11 of 11) in NW Cor. aforesaid Sec. 2, served by pipe line of same name, is a trailside resting place with no irrigation.

Reclassification of Original Irrigated Areas (sheet 2 of 11)

The Federal acquisition of lands and appurtenant water rights under Decreed Priorities 63, 65, and 66, and Certificate 1991, in Secs. 21 & 22, T. 41 S., R. 10 W., extended over the period from 1930 to 1941, as shown in the copies of the deeds submitted with applications accepted as Permits a-1657 to a-1660. The United States, and its concessioner, the Utah Parks Company, have exercised those rights, as herein described, since the land was accepted for the United States on Nov. 2, 1931. The amount of water diverted by the 7 pipe lines has been equivalent to that no longer applied to irrigation; by restoring some irrigated areas to their natural state, and by reducing the duty of water on other irrigated land.

Sheet 2 of 11, and Table A, show the lands from which irrigation rights have been severed and alternative lands on which irrigation has been initiated, with the resulting release of rights to 0.5698 sec. ft. of water which are now exercised through diversions from aforesaid 7 pipe lines. As shown hereafter, said pipe lines have a combined capacity of ~~1.4762~~ 1.4828 sec. ft., and a flow of 0.9288 sec. ft. is available at the headgates. The land is irrigated at less than the decreed duty of 1.00 sec. ft. for 55 acres by ditches, as increasing pipe diversions approach the spring flow of 0.9030 sec. ft., such that total diversions for municipal purposes remain 2.2800 sec. ft.

TABLE A

Sub-Division	Parcel	Retained Decreed Irrigated Acreage No. 63	No. 65	No. 66	Abandoned Decreed Irrigated Acreage No. 63	No. 65	No. 66	New Irrigation Acreage Under Gifford Ditch
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Sec. 22:								
SW¼NW¼	N			0.55				
"	Q1			2.92				
"	Q2			1.68				
"	N						0.73	
"	A1		1.23					
"	A2		1.13					
NW¼SW¼	Q3			1.72				
"	Q4						0.85	
"	Q5			0.54				
Sec. 21:								
SE¼NE¼	A3		12.11					
"	A4		2.96					
"	Q1			0.74				
"	Q2			0.31				
"	Q3			0.13				
"	R1					4.28		
SW¼NE¼	A5		1.67					
"	B2					0.16		
"	Z1							1.10
NW¼SE¼	D1					3.14		
"	V						0.31	
"	L			0.43	0.43			
NE¼SE¼	B3					0.72		
"	C					0.10		
"	A6		0.71					
"	P1			2.08				
"	P2			3.56				
"	D2					0.79		
"	E	1.23						
"	F1			0.11				
"	F2			11.81	11.81			
"	S	(arid)						
"	T						0.35	
"	U			0.09				
"	R1			3.39				
SW¼SE¼	W						1.59	
"	X						0.59	
"	J			17.45	17.45			
"	K	2.35						
SE¼SE¼	G			13.85	13.85			
"	I	0.08						
"	H1				1.21			
"	H2	2.82						
"	F2			0.91				
Sec. 28:								
NW¼NE¼							0.81	
Sec. 15:								
SW¼SW¼	Z2							4.80
Total Acres		6.48	19.81	61.87	44.35	9.19	4.83	5.90
Water Use at 1.0 s.f. per 55 acres		0.1178	0.3602	1.1249				
Water Released for Transfer					0.4122*	0.1671	0.0878	

TABLE A (Continued)

Total unchanged decreed rights under Priorities Nos. 63, 65, & 66	(Cols. (3) to (5))	1.6029 sec. ft.
Total decreed rights under Decreed Priorities Nos. 63, 65, & 66 being transferred	(Cols. (6) to (8))	0.6671 sec. ft.
Transfer to Gifford Ditch for Parcels Z1 and Z2 at 1.0 s.f. per 55 acres		-0.1073 sec. ft.
Water transferred to Park pipe lines from Ditches		0.5598 sec. ft.
Certified Right No. 1991 transferred to Park pipe lines		+ 0.0100 sec. ft.
Minimum rights now exercised in Park pipe lines		0.5698 sec. ft.

* By Change Application No. a-1311, duty of water was less than 1 s.f. per 55 acres. Total water use, Col. (3), is calculated at 1 s.f. per 55 acres, leaving residue of only 0.4122 s.f. for transfer as shown in Col. (6).

Question 13 (continued): The water is now diverted, as needed, at any one of the following points, numbered as shown on accompanying maps, all ties being measured from NE Cor. Sec. 21, T. 41 S., R. 10 W., S.L.M.

1. Headgate of Crawford Ditch, from North Fork of Virgin River, N. 50° 29' E., 1998.0 ft. (See proof on Change Application No. a-1311 and sheets 1, 2, and 6 of 11).

2A. Headgate of Gifford Ditch, from North Fork of Virgin River, N. 41° 28' 45" E., 4233.80 ft. (See map filed in proof of Change Application No. a-1311, and sheets 1, 2, & 6 of 11).

4. Headgate of Oak Creek Pipe Line, from spring area, tributary to Oak Creek, tributary of North Fork of Virgin River, S. 86° 23' W. 8633.70 ft. (Sheet 5 of 11.)

5. Headgate of Birch Creek Pipe Line, from spring area tributary to Birch Creek, tributary of North Fork of Virgin River, N. 21° 56' E. 9151.95 ft. (Sheet 6 of 11.)

11. Headgate of Wylie Retreat Pipe Line, from Wylie Retreat spring area tributary to North Fork of Virgin River, N. 33° 14' 04" E., 13,238.54 ft. (Sheet 7 of 11.)

10. Headgate of Upper Grotto Pipe Line, from Upper Grotto Spring area, tributary to North Fork of Virgin River, N. 29° 47' E. 17,059.55 ft. (Sheet 8 of 11.)

7. Headgate of Lower Grotto Pipe Line, from Lower Grotto Spring, tributary to North Fork of Virgin River, N. 31° 39' E. 18,223.11 ft. (Sheet 9 of 11.)

8. Headgates of Temple of Sinawava Pipe Line, from springs tributary to North Fork of Virgin River (Diversion 8) N. 18° 43' E. 27,901.20 ft., and (Diversion 12B) N. 21° 29' 40" E. 27,290.00 ft. (Sheet 10 of 11.)

9. Headgate of Scout Lookout Pipe Line from spring tributary to North Fork of Virgin River, N. 16° 59' E. 25,095.34 ft. (Sheet 11 of 11.)

Description of:

Oak Creek spring area (diversion 4), beg. at point of diversion; thence S. 18° 29' W. 300 ft.; N. 71° 31' W. 1000 ft.; N. 18° 29' E. 600 ft.; S. 71° 31' E. 1000 ft.; S. 18° 29' W. 300 ft. to beg.

Birch Creek spring area (diversion 5), beg. at point of diversion; thence S. 1436.25 ft.; N. 67° 32' W. 2747.94 ft.; N. 2200.00 ft.; N. 84° 23' E. 2551.21 ft.; S. 2063.76 ft. to beg.

Wylie Retreat Spring area (diversion 11), beg. N. 78° 00' W. 200 ft. from point of diversion, thence N. 65° 00' E. 440 ft.; S. 25° 00' E. 220 ft.; S. 65° 00' W. 600 ft.; N. 25° 00' W. 220 ft.; N. 65° 00' E. 160 ft. to beg.

Upper Grotto Spring area (diversion 10), beg. at point of diversion, thence E. 100.0 ft.; S. 150.0 ft.; W. 200.0 ft.; N. 150.0 ft.; and E. 100.0 ft. to beg.

Question 14 (Continued): Crawford Ditch is as described in proof under previous Change Application No. a-1311, but pump may be installed to deliver water to Gifford Ditch. (See next item.)

Gifford Ditch (Diversions 1 and 2A) has been abandoned below, and including Oak Creek diversion. The North Fork Virgin River diversion (2A), and upper 1300 ft. of ditch, have also been temporarily suspended. Water is now diverted by Crawford Ditch (Diversion 1) to control works (Stat. 86+20.00 to 86+32.9). A pump, rated 300 gpm at 30-ft. head, driven by 3 HP electric motor delivers 0.4 sec. ft. through 268 ft. of 3-inch pipe to Gifford Ditch with pump lift of 45.6 ft. (See insert, sheet 3 of 11.)

Oak Creek Water System consists of 4 masonry spring boxes in spring area, GI pipe to settling basin, and thence to commingling point of diversion, and thence to 2 concrete distribution reservoirs.

Birch Creek Water System consists of 2 tunnels, 2 masonry spring boxes, sediment traps, GS pipes to commingling point of diversion, and thence to same distribution reservoirs serving Oak Creek Pipe Line.

Wylie Retreat Water System consists of collecting tile through spring area, sediment trap, GI pipe, and concrete distribution reservoir.

Upper Grotto Water System consists of GI pipe fitted into water-bearing seams in face of rock cliff, and extending thence past abandoned, earlier diversion works to wood stave distribution reservoirs.

Lower Grotto Water System consists of tunnel, concrete collecting sump, GS pipe, and distribution reservoir.

Temple of Sinawava Water System diverts from two sources. Diversion 8 consists of 3" pipe from spring in rock crevice to 160-gallon concrete collecting sump, whence 2" pipe extends to place of use with 500-gallon distribution reservoir "floating" on system. Diversion 12B consists of ½" pipe from spring in another rock crevice to 50-gallon iron drum, whence 20' of 2" pipe and 750 feet of 1" rubber hose convey water to aforesaid "floating" distribution reservoir. Diversion 12B was provided in June 1952 and will be replaced with larger and more permanent structures.

Scout Lookout Water System consists of small concrete dam across spring outlet and GI pipe to distribution reservoir.

TABLE B

Questions 15-22 (Continued): The following hydraulic properties relate to the various water systems:

	Crawford Ditch	Gifford Ditch	Oak Creek Pipe Line	Birch Creek Pipe Line	Wylie Retreat Pipe Line	Upper Grotto Pipe Line	Lower Grotto Pipe Line	Temple of Sinawava Pipe Line Diversion S	Temple of Sinawava Pipe Line Diversion 12B	Scout Lookout Pipe Line	Totals
Length 1" pipe in ft.										~~2635.00~~ 569.00 2066.00	
Length 2" pipe in ft.			4017.33					1589.~~11~~ 36	750.0 (hose) 20.00		
Length 3" pipe in ft.		268.00	3543.51		1335.21	180.71 2181.66	41.5				
Length 4" pipe in ft.					328.77	~~2362.37~~					
Length 6" pipe in ft.				17,592.54			75.5				
Total Length of Diverting Channel in ft.	8890.8	7868/*	7560.84	17,592.54	1663.98	2362.37	117.0	2359.11		2635.00	(33,540.84 pipes (16,490.8 ditch (750.0 hose
Total Fall in ft.	***	***	606.00**	75.71	137.70	71.45 ~~80.07~~	8.0	14.80	9.20	184.50	
Control Gradient per 1000 ft.	***	****	101.7	4.31	52.00	See General Remarks ~~94.50~~	178.0	9.33	12.0	21.30	
Control Pipe Diameter	—	3	2"	6"	3"	3 ~~4~~"	3"	2"	1"	1" (6-14+20 ~~7+39~~)	
Capacity in Sec. Ft.	***	***	0.1650	0.3694	0.2280	0.3218 ~~0.3625~~	0.3100	0.0311	0.0067 (hose)	0.0101	~~1.4427~~ 1.4828
Measured Spring Flow in Sec. Ft.: Diverted	#	#	0.1213	0.2700	0.0667	0.2228	0.1337	0.0311	0.0067	0.0022	0.8545
Measured Reserve in Spring Area			0.0031	0.0284				0.0297	0.0131		0.0743 0.9288
Regulatory Storage in Distribution Reservoirs in Gallons				256,000	51,400	300,000	5,000	660		2,200	614,810

* For other details, see Application a-1311 and evidence submitted for Decrees Nos. 65 & 66, for descriptions of Crawford and Gifford Ditches.

** To junction with Springdale Pipe Line. Fall to distribution reservoirs 432.3 feet, both including pressure head from highest spring, as pipe line was found, by Robertson, to be operating in June 1952, with lower spring boxes sealed and under pressure.

*** As decreed, or described in proof under Permit a-1311.

**** Pump delivers over 0.4 sec. ft.

\# Under Permit a-1311, Crawford Ditch Capacity enlarged to 1.74 sec. ft., but present irrigated area requires maximum of 1.2427 sec. ft. at 1.0 sec. ft. to 55 acres. Maximum demand for land under Gifford Ditch is now 0.3602 sec. ft.

00-00-1952: summary of changes made under applications a-1657, a-1658, a-1659, and a-1660, page 7 - table b, cont

00-00-1952: summary of changes made under applications a-1657, a-1658, a-1659, and a-1660, page 8 - table c, cont

TABLE C

Record of Flow Measurements (comments follow table)

Spring	Now Diverted Into Pipe Lines — Measurements by: Cowell Gals.per Day	Date	Fagergren Gals.per Day	Date	Robertson Gals. per Day	Date	To be Diverted Into Pipe Lines as Needed — Measurements by Cowell Gals.per Day	Date	Actual Measurements 1948 by Fagergren	1952 by Robertson & Franke
Oak Creek 4A							1,000	1935		
" " 4B3							1,000	1935		
" " 4B1 & B2	2,500	1935	*		*					
" " 4C	20,500	1935			28,800	6/8/52				5 gal/15 sec.
Total 4B1, B2 & C	23,000	1935	30,856 **	6/24/48	78,400**	6/8/52			5 gal/14 sec.	5 gal/5.5 sec.
Total 4A & B3							2,000	1935		
Equivalent sec. ft.	0.0356 s.f.		0.0477 s.f.		0.1213 s.f.		0.0031 s.f.			
Birch Creek 5A1 & A2	62,000	1935	10,300	7/12/48	15,050	5/31/52			5 gal/42 sec.	5 gal/28.7 sec.
" " 5B & C	141,000	1935	131,100	7/12/48	159,840	5/31/52			97.5 cu.ft./8 min.	5 gal/2.7 sec.
" " 5D & E							16,000	1935		
" " 5F							2,300	1935		
Total 5A1,A2,B & C	203,000	1935	141,400	7/12/48	174,890	5/31/52	18,300	1935		
Equivalent sec.ft.	0.3140 s.f.		0.2190 s.f.		0.2700 s.f.		0.0284 s.f.			
Wylie Retreat Spring Area			43,200	7/12/48					5 gal/10 sec.	
Equivalent sec. ft.			0.0667 s.f.							
Upper Grotto Spring Area			144,000	7/12/48					5 gal/3 sec.	
Equivalent sec.ft.			0.2228 s.f.							
Lower Grotto Spring			86,400	7/12/48	85,680	5/30/52			5 gal/5 sec.	(5 gal/8.7 sec.)***
Equivalent sec.ft.			0.1337 s.f.		0.1314 s.f.					(5 gal/12.0 sec.)
Temple of Sinawava Spring (Div.8)			39,300	6/30/48					10 gal/22 sec.	
Equivalent sec.ft.			0.0608 s.f.							
Temple of Sinawava Spring (Div. 12B)					12,800	8/29/52				(3 gal/20.25 sec.)****
Equivalent sec.ft.					0.0198 s.f.	by Paul Franke Jr.				(by Paul Franke Jr.)
Scout Lookout Spring			1,440	6/1/48					1 gal/1 min.	
Equivalent sec.ft.			0.0022 s.f.							

* Not measured individually.

** Measured total diversion by pipe line, at pond near Utility Area on Sheet 2 of 11, indicated that lower spring boxes were sealed to make full head under Upper Spring effective.

*** Measured in two parts during tunnel drilling.

**** 3-gallon container filled 3 times in 20 seconds and once in 21 seconds, by Paul R. Franke, Jr.

TABLE C (continued)

The following measurements of flow in Crawford and Gifford Ditches were made on July 2, 1940 by A. van V. Dunn, Chief, Water Resources Section, when each ditch was diverting directly from the Virgin River by gravity:

(1) The Cipolletti weir, with crest length of 1.5 ft. and side slopes of 1:4 was found to have water depth of 0.44 ft. flowing to Crawford Ditch. The standard tables for Cipolletti weirs give flow of 1.40 sec.ft. for weir of this size.

(2) A section of the Gifford Ditch was measured and found to have bottom width of 1.0 ft.; depth of 0.5 ft.; and 1.5 ft. width at water surface, giving cross section area of 0.625 sq.ft. The velocity of flow was measured with small current meter #12588, made by A. Lietz Co., for which manufacturer's formula at time of 1936 purchase was: velocity = 2.29 Rev. per second + 0.07. At 0.6 depth 3 measurements were made in which the meter made 10 revolutions in 37.8 seconds, 39.2 seconds, and 38.6 seconds, respectively, giving computed velocity of 0.664 ft. per second and flow of 0.415 sec.ft. The meter was adjusted and recalibrated by the U. S. Bureau of Standards in 1955 and the new formula for low velocities is V = 2.2337 N + 0.028, which would now give computed flow of 0.380 sec.ft., suggesting that flow in 1940 may have been any value between 0.415 sec.ft. and 0.38 sec.ft.

The Cipolletti weir was measured by Gordon W. Robertson on June 6, 1952, and the depth of water was found to be 0.552 ft., giving flow to Crawford Ditch of 2.07 sec.ft.

The first pump on the line from control box in Crawford Ditch to Gifford Ditch was second hand and delivered decreasing quantities of water during summer of 1952. The following measurement was made by Assistant Superintendent Chester A. Thomas and Wesley Bennett on September 15, 1952, to justify replacement:

Pump on line to Gifford Ditch allowed to run 3 minutes with inflow shut off, and water in pump sump dropped 2.4 ft. The 4 ft. diameter pump sump has cross section area of 12.57 sq.ft., giving pumping rate of 30.168 cu.ft. or 225 gallons in 3 minutes, which converts to 75 gal. per minute, or 0.167 sec.ft.

The following measurements of replacement pump capacity were made by Park Engineer Millard W. Wilcox on June 29, 1955, in accordance with letter of February 7, 1955, to show that deliveries are comparable to those of 1940:

A standard Cipolletti weir with crest length of 1.5 ft. and side slopes of 1:4 was installed in Gifford Ditch below the discharge of pump line from Peerless 7.5 HP pump, which operates at constant speed. The depth of flow to Gifford Ditch over said weir was 0.21 ft., giving flow of 0.472 sec.ft.

00-00-1952: summary of changes made under applications a-1657, a-1658, a-1659, and a-1660, page 9cont

Flow measurements were made by A. E. Cowell, Park Engineer, at various times during 1935, mean values being shown in Table C. Post construction measurements, also shown in the table, were made by Fred C. Fagergren, Chief Ranger and former Engineering Aid, in 1948; and by Gordon W. Robertson, Assistant Chief, Water Resources Branch, in 1952. All measurements were made by timing rate at which 5 and 10 gallon cans were filled with diverted water, except that Fagergren drained and filled 105" x 32" sediment box at station 7/48 to depth of 50", to measure combined flow of springs 5B and C.

Because the combined flow of the Oak Creek Springs 4B1, B2, and C was found so much greater on June 8, 1952, than on June 24, 1948, due to more complete diversion of source through improved headworks, a check measurement was made on August 21, 1952, by Wesley Dennett, whose 5-gallon can was filled in 8.4 seconds to give a diverted flow of 36 gallons per minute, which is equivalent to 51,400 gallons per day, or 0.0795 second-foot.

The municipal area now has an average summer population of approximately 3300 people and minimum winter population of approximately 300 people, with peak in July and minimum in January. Peak daily attendance is approximately double the monthly averages. (There were approximately 7500 visitors on Easter Sunday, 1952.) Permanent population (employees of United States, and its Concessioner, the Utah Parks Company) varies from 275 in tourist season to 75 in winter. The average visitor stays in the Park about 1.2 days in summer and 1 day in winter. Annual visitor attendance is increasing, as illustrated by following table of total number of visitors for 5 pre-war, and 5 post-war years, the attendance through August 31, 1952, being 309,902, as compared with 288,428 at same date in 1951.

Pre-War		Post-War	
Year	Number of Visitors	Year	Number of Visitors
1937	137,404	1947	272,368
1938	149,075	1948	292,587
1939	158,063	1949	311,746
1940	165,029	1950	320,994
1941	190,016	1951	331,676

The 7 pipe lines provide water for aforesaid population in homes, hotels, lodges, campgrounds, wayside comfort stations, a museum and general store; and for irrigation of 36.17 acres listed in description of developed areas. They also provide water for the repair and maintenance shops in utility areas of the United States and the Concessioner, for gasoline station operation. The Concessioner is under contract to maintain 24 horses in the municipality during the summer season, for the use of Park visitors, and for the past few years he has actually kept about 3 dozen, which are largely watered from aforesaid pipe lines.

End of Remarks

Additional Remarks Prescribed by State Engineer's Letter of February 7, 1955

Question 9 (continued)

Areas on page 1 of the proof form are quoted from decrees of 1925 and 1930, there being a variation as to area in Sec. 28. The following table of areas by 40-acre tracts, from Sheet 2 of accompanying map, gives the same total, but does not agree as to proportion in each section.

	Map Designation	Area in Acres	Remarks
Sec. 22 SW¼ NW¼	M	0.55	Cultivated
	Q 1	2.92	Cultivated
	Q 2	1.68	Timber land
	N	0.73	Cultivated-later washed away
Subtotal		5.88	
NW¼SW¼	Q 3	1.72	Cultivated
	Q 4	0.88	Cultivated-later washed away
	Q 5	0.54	Timber land
Subtotal		3.11	
Total-Sec. 22		8.99	Part may have been considered in Sec. 21-Decree grants 5.1 acres
Sec. 21 SE¼ NE¼	O 1	0.74	Cultivated
	O 2	0.31	Timber
	O 3	0.13	Timber
Subtotal		1.18	
NE¼ SE¼	P 1	2.08	Cultivated
	P 2	3.56	Timber land
	R 1	3.39	Cultivated
	F 2	11.41	Cultivated
	T	0.35	Cultivated
	S	Trace	Cultivated
	F 1	0.11	Cultivated
	U	0.09	Cultivated-later eliminated by ditch realignment
Subtotal		20.99	
NW¼SE¼	L	0.43	Cultivated
	V	0.31	Cultivated-later eliminated by ditch realignment
Subtotal		0.74	
SE¼ SE¼	R 2	0.91	Cultivated
	G	13.85	Cultivated
Subtotal		14.76	
SW¼ SE¼	J	17.45	Cultivated
	W	1.59	Cultivated-later eliminated by ditch realignment
	X	0.59	Cultivated-later eliminated by ditch realignment
Subtotal		19.63	
Total Sec. 21		57.30	Decree grants 61.3 acr.
Sec. 28 NW¼ NE¼	Y	0.41	Cultivated
GRAND TOTAL		66.70	Agrees with decree

Table A, with last paragraph page 2 and analytical computions at top of page 4 of General Remarks, constitute summary and analysis of other portions of proof which were essential to undersigned proof engineer, as check, and may be disregarded to extent not helpful to State Engineer. Map numbered 159 in support of original decrees is crude and does not fully define total irrigated areas to which rights were decreed, and those areas shown on sheet 2 of accompanying map and in Table A, show best available definition based on subsequent surveys of land to which water had been diverted.

The transfer of rights under change Application a-1311, Certificate 54, then authorized the use of water on land under Crawford Ditch in excess of duty decreed in 1925 and 1930 except to the extent that part of rights have been, and now are exercised through pipelines described in this proof. Computation on page 4 shows that 0.5698 sec.ft. of water under said rights must be exercised through pipelines, and Tables B and C prove that 0.9288 sec.ft. can be diverted by said pipelines, and that residual portions of 2.28 sec.ft. can be diverted and used through Crawford and Gifford Ditches.

Table C gives the results of spring flows by Cowell, Fagergren, Franke and Robertson, but no proof is based on the Cowell measurements except to show that there is so some reserve spring supply, because the method of measurement cannot be described and they were not made for sworn testimony. All measurements by Fagergren, Franke and Robertson, were made by timing the flow from a unit of the existing pipe systems, after draining off any live stored water at the intake works, into oil or gas cans or drums of the designated 1, 3, 5 and 10 gallon capacities, with one exception. The measurements by Robertson were with stop watch which has least count of 0.2 second. All indicated quantities are the mean of two or more measurements.

As the exception, Mr. Fagergren measured the flow of springs 5B and 5C on Birch Creek, by draining the sediment box, of which details are given on sheet 6 of the maps, and timing the refill. Said sediment box is 2'8" wide and 8'9" long. The water rose 4.05 ft. in 8 minutes.

In compliance with the letter of February 7, 1955, from the State Engineer, page 8 of these remarks has been renumbered 8a, and the measurement of water diverted to the Crawford and Gifford Ditches have been added as page 8b. In all cases the ditches were carrying the diverted water without overflow. The flow in the Crawford Ditch has been measured at 1.40 sec.ft. and 2.07 sec.ft., in both cases of the diversions being made during the day.

As submitted in 1953, the second paragraph, page 5 of remarks, in answer to question 14, the pump on the line between the Crawford and Gifford Ditches was reported to have a capacity of 0.4 sec.ft. Subsequent information indicates that this capacity was determined before the pump was installed, that the first measured capacity installed, was on September 15, 1952, when the capacity was found to be only 0.167 sec.ft., as explained on page 8b. Also as shown on page 8b, the measured gravity diversion by the Gifford Ditch was 0.415 sec.ft. on July 2, 1940, and diversions by pump have been increased to 0.472 sec.ft. since February 16, 1953, but first measured on June 29, 1955.

TABLE C (continued)

The total flow changed under this proof, is as follows:

Diversion Conduit	With pump diversion to Gifford Ditch	With gravity diversion to Gifford Ditch
Crawford Ditch (decreed agreage limitation 1.2427 sec.ft.)	2.0700 sec.ft.	1.4000 sec.ft.
Gifford Ditch (with decreed acreage of 0.4675 sec.ft.)	0.1670 sec.ft.	0.4150 sec.ft.
Oak Creek pipeline	0.1213 sec.ft.	0.1213 sec.ft.
Birch Creek pipeline	0.2700 sec.ft.	0.2700 sec.ft.
Wylie Retreat pipeline	0.0667 sec.ft.	0.0667 sec.ft.
Upper Grotto pipeline	0.2228 sec.ft.	0.2228 sec.ft.
Lower Grotto pipeline	0.1337 sec.ft.	0.1337 sec.ft.
Temple of Sinawava pipeline Diversion 8	0.0311 sec.ft.	0.0311 sec.ft.
Diversion 12B	0.0067 sec.ft.	0.0067 sec.ft.
Scout Lookout pipeline	0.0022 sec.ft.	0.0022 sec.ft.
Total maximum diversions (not all made simultaneously)	3.0915 sec.ft.	2.6695 sec.ft.

Upper Grotto Pipe Details

The Upper Grotto Pipeline diversion was originally at Sta. 2 + 18.72, the upper end of 4 inch pipeline shown on sheet 8 of map, and has been moved upstream by progressive extensions with 3-inch G.I. pipe. Diversion was at Sta. 0 + 00 (Collecting Diversion 10A) when proof maps were started, but supplemental collections from Collecting Diversions 10B and 10C were provided prior to September 15, 1955. The 3 diversions are not at the same elevation, and water from the higher sources may be lost at the lower ones when full spring flow is not being diverted. It is also possible that other laterals may be constructed within the designated spring area. Accordingly, Diversion No. 10, at Sta. 0 + 38.01 is the true point of diversion and beginning of diversion pipe.

Sta. 24 + 00.38, at connection to first of 2-150,000 gallon reservoirs has been designated as terminus of the diversion pipe. Water may be released to distribution line from either reservoir; and may be delivered to the second reservoir either through the pipe between Stas. 24 + 00.38 and 24 + 40.47, or through the 6-inch pipe between the 2 reservoirs.

The length of diversion pipe from Sta. 0 + 38.01 to Sta. 24 + 00.38 is 2362.37 ft., of which 180.71 ft. are 3-inch pipe and 2181.66 ft. are 4-inch pipe. The hydraulic properties were inadvertently not corrected in proof as submitted on September 22, 1952, and as resubmitted with letter of February 10, 1953. The following data were computed using C = 100 and Hazen and Williams tables, 1933 edition, for carrying capacity of 0.3218 sec.ft.:

3" pipe = Friction Loss per 1000' of 97.78 ft.; total head loss	17.67 ft.
4" pipe = Friction Loss per 1000' of 24.19 ft.; total head loss	52.78 ft.
Total head loss in diversion pipe	70.45 ft.
Elevation at diversion (Sta. 0 + 38.01)	4548.30 ft.
By subtraction, elevation of discharge into reservoir	4477.85 ft.

Actual diversions have not exceeded the spring flow of 0.2228 sec.ft.

CERTIFICATE OF PROOF ENGINEER

City of Washington
~~STATE OF UTAH~~)
~~COUNTY OF~~ District of Columbia) ss.

A. van V. Dunn having been duly sworn, certifies that he is the engineer who prepared the within proof, that he is personally acquainted with the works constructed by United States of America for change in (1) point of diversion, (2) place, ~~or~~ and (3) purpose of use of water from North Fork of Virgin River and tributaries in Washington county, under Application No. a-1658 for municipal & incidental irrigation purposes, xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxx, that said works have been fully completed and used to the extent and in the manner particularly set forth in the foregoing statement of facts; xxxxxxxxxxxxxxxxxxxxxxxxxxxx that he has read such statement and that each and all of the items therein contained are true to the best of his knowledge and belief.

/s/ A. van V. Dunn
PROOF ENGINEER
Chief, Water Resources Section, National Park Service

Subscribed and sworn to before me this 17th day of November, 1955.
(Seal)
My commission expires Nov. 14, 1956.

/s/ Lorin A. Davis
NOTARY PUBLIC

11-17-1955: certificate of applicant (a-1658)

CERTIFICATE OF APPLICANT

(Fill in blank spaces but do not sign until Proof has been submitted to the State Engineer and accepted by him as sufficient.)

~~STATE OF UTAH~~ CITY OF WASHINGTON
~~COUNTY OF~~ DISTRICT OF COLUMBIA } ss.

I, Conrad L. Wirth, Director of the National Park Service, being first duly sworn, do hereby certify that I am the ~~person, assignee, or the~~ agent of United States of America ~~who or~~ which made an Application to permanently change the (1) point of diversion, (2) place, and ~~or~~ (3) purpose of use of the water right acquired by decree and priority (Strike words not needed) for water from ~~Virgin River and tributaries~~ North Fork of the Virgin River and tributaries in Washington county for municipal and incidental irrigation purposes; that said Application is filed in the State Engineer's office as No. a-1658; that the works necessary to accomplish the change or changes herein described have been completed; that the foregoing statement of facts is submitted in proof of the completion of said works and the use of said water; that I made the said statement and that each and all of the items contained herein are true to the best of my knowledge and belief.

United States of America
By: (S) Conrad L. Wirth
Director
National Park Service
Signature of Appropriator.

Subscribed and sworn to before me this 17th *day of* November, 1955
(Seal)
My commission expires Nov. 14 1956 (S) Lorin A. Davis
Notary Public.

CERTIFICATE OF DISINTERESTED WITNESSES

(One witness shall be the engineer who prepared proof maps, etc. Fill in blank spaces but do not sign until Proof has been submitted to the State Engineer and accepted by him as sufficient.)

~~STATE OF UTAH~~ CITY OF WASHINGTON
~~COUNTY OF~~ DISTRICT OF COLUMBIA } ss.

A. van V. Dunn, proof engineer, and Gordon W. Robertson having both been duly sworn, each for himself says that he is personally acquainted with the works constructed by the United States of America and for the change in (1) point of diversion, (2) place, or (3) purpose of use of water from the North Fork of the Virgin River and tributaries (Strike words not needed) in Washington county for municipal and incidental irrigation purposes; that said works have been fully completed and used to the extent and in the manner particularly set forth in the foregoing statement of facts; that he has read said statement and that each and all of the items therein contained are true to the best of his knowledge and belief.

Signature of Witness.

Signature of Witness.

Subscribed and sworn to before me this ..... *day of* ....., *19*.....
(Seal)
My commission expires ..... *19*.....
Notary Public.

STATE ENGINEER'S ENDORSEMENTS

Dates

..... *Change Application received in State Engineer's office; Approved*.....
..... *Proof of Permanent Change due in State Engineer's office.*
Sept. 22 1952 *Written proof and maps received in State Engineer's office by*.....
Feb. 2, 1955 *Written proof and maps returned for correction by* EEV
..... *Corrected written proof and maps resubmitted, received by*.....
.....
..... *Corrected written proof and maps examined and Certificate written by*.....
No fees *Certificate of Permanent Change issued (No.*.....)
required *Maps, profiles, and drawings filed on Hanger*..... *page*.....
..... *Fee for filing proof and exam. maps $6.00, received by*..... *Receipt No.*.....
..... *Fee for issuing Certificate $1.00, received by*..... *Receipt No.*.....

This written proof and the maps, profiles, and drawings pertaining thereto are found to comply with the requirements of the Laws of Utah, and the same are hereby approved.

....., 19.....
State Engineer.

Proof of Change on
Application No. 9-1658

RULES AND REGULATIONS

Each proof shall consist of two parts: (a) a written proof and (b) a sheet or sheets of maps, profiles, and drawings. The maps must be prepared in accordance with Rules and Regulations published in pamphlet form by the state engineer, a copy of which will be furnished upon request.

No proof will be marked "received" until the statutory fees ($1 for filing the written proof and $5 for examining the maps) have been paid and the written proof, maps, profiles, and drawings submitted.

If there is insufficient information in the proof to indicate that the changes have been made or the water applied to beneficial use, as provided in the application, the proof will be returned to the applicant for the necessary corrections, additions, or deletions. These amendments must be made and the proof returned to the office within the time allowed by the state engineer in his letter returning the proof, otherwise the application may lapse.

In cases where proofs of appropriation or change are submitted in such incomplete form as to require extensive changes, they will be returned to the applicant or his attorney-in-fact, accompanied by a copy of the rules and regulations pertaining thereto, together with a letter requiring that the proof be resubmitted in accordance with such rules. The time shall be fixed by the state engineer when the proof shall be resubmitted, which time in the discretion of the state engineer may be the time formerly fixed or an extension thereof.

When the state engineer deems it advisable, he may through his employees make changes in proofs in green ink for the purposes of clarification and he shall thereupon notify the applicant or his attorney-in-fact of such changes. If the applicant or his attorney-in-fact does not within 15 days request the return of the proof for the purpose of verifying or modifying such green inking, it shall be conclusively presumed that the applicant has adopted such changes.

The extent of a permanent change in point of diversion, place or purpose of use of an established water right is limited not only by the quantity claimed under the original right, but by the quantity measured as having been diverted and beneficially used under the "changed" right; provided, however, in no case shall the "changed right" exceed or enlarge the original right.

Each written proof shall contain details of water measurements, made to determine the quantity of water applied to beneficial use. Such details shall include a description of the method used in making the measurement, the date when made, the place in the system where made, the name of the person making the measurement, and sufficient data in order that the state engineer may compute therefrom the quantity of water measured in each case. The method of measurement must conform to standard engineering practice. Water measurements may be made by vessel, weir, meter, rated flume, or other suitable means, but not by floating chip or theoretical carrying capacities of conveying channels. If measurements were made by current meter, the original meter notes together with meter rating table must be submitted. Where the source of supply is of a fluctuating nature, a series of measurements should be submitted to show the variation in flow and the periods during which it is available. Measurements shall be made in such manner as to determine the quantity of water conveyed through the diverting works to the place of use and there beneficially used for the purpose defined by the application. A mere measurement through a wasteway or overflow does not constitute a measurement of water conveyed through the diverting works and used, and for this reason is not acceptable.

If the water is used for irrigation, the boundaries of the various irrigated areas shall be described by metes and bounds with all points of beginning tied to a regularly established U. S. land survey corners or mineral monuments if within a distance of six miles of either; otherwise, to a prominent and permanent natural object by means of one course and distance or rectangular coordinates. The number of acres in each separately described tract of land shall be given. In no instance is an irrigated area to be given by elimination of nonirrigated areas. The descriptions in the written proof are to conform strictly to the lettering on the maps.

A description of the legal subdivisions embracing the irrigated area shall be given in the blank spaces or paragraph provided. If insufficient space is there provided, it may be given under general remarks or on added sheets with reference thereto in the paragraph. No legal subdivision of forty acres shall be described, if no part of it has been irrigated. In addition to this statement, there shall appear under general remarks or on additonal sheets attached thereto and made a part of the written proof, detailed descriptions of the irrigated areas as referred to above in this paragraph. In order to economize on wording with the thought in view of minimizing recording costs, descriptions in the written proof by metes and bound shall be prepared in the following manner:

> "Beg. S. 78° 28′ W. 120.0 ft. from E¼ Cor. Sec. 16, thence on the following traverse, S. 360.0 ft., S. 23° 45′ W. 580.0 ft., N. 360.0 ft., N. 23° 45′ E. 580.0 ft. to beg., containing .....acres."

Note the abbreviations and punctuation which are to be followed. In order to facilitate a uniform practice in preparing descriptions of irrigated areas for certificates of appropriation all descriptions of the closed traverse by metes and bounds shall be prepared both on the maps and in the written proof, proceeding around each respective tract in a clockwise order. Where more than one canal or ditch diverts from a natural stream, either at points of diversion or rediversion, the separate areas, both as to legal subdivisions embracing the irrigated areas and detailed descriptions of the irrigated areas shall be given for each such respective ditch together with the total irrigated area in acres under each. These areas shall be grouped under general headings of township and range. Traverses shall close with a tolerance not exceeding 1:500. All bearings must be given to the nearest minute of angle. The notes and computations of latitudes and departures and computations of areas are to be submitted for checking.

All ties to points of diversion, points of rediversion, points of return, points of beginning of descriptions of irrigated areas, etc., must be given with reference to a regularly established U. S. land survey corner or mineral monument if within a distance of six miles of either; otherwise to a permanent and prominent natural object.

All maps must be submitted on sheets of tracing linen having dimensions of 24″ x 30″, having an unincumbered margin of at least 1½″ on all sides without border lines.

FEES REQUIRED BY LAW FOR STATE TREASURY

For filing written proof	$1.00
For examining maps, profiles, and drawings	5.00
For issuing certificate of permanent change	1.00

09-21-1951: letter to chief, water rights branch from state engineer regarding application a-1658

FORM LI9 5M 1-50 [illegible]ITH PTG. CO.

THE STATE OF UTAH

OFFICE OF STATE ENGINEER

SALT LAKE CITY

September 21, 1951

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

Dear Sir:

RE: APPLICATION a-1658

Request for Extension of Time in which to submit Proof of Appropriation or Proof of Change contemplated by the above application has been considered and the time for receiving proof is hereby extended from September 25, 1951 to September 25, 1952, inclusive.

Yours truly,

Joseph M. Tracy

Joseph M. Tracy,
STATE ENGINEER
403 STATE CAPITOL
SALT LAKE CITY 1
UTAH

ADDRESS ALL COMMUNICATIONS TO:

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EXTENSION GRANTED

P. S. Although this extension is granted in accordance with the provisions of the law, I earnestly recommend that you proceed to prepare and submit proof at the earliest possible date. One cannot foresee what contingencies might arise in the future; the present possession of your certificate might stand you in good stead.

Form L25 6M 11-47

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

REQUEST FOR ~~REINSTATEMENT AND~~ EXTENSION OF TIME
(Strike words not needed)
(Before Fourteen Years)

APPLICATION NO. a-1658

STATE OF UTAH ~~CITY OF WASHINGTON~~)
COUNTY OF ~~DISTRICT OF COLUMBIA~~) ss

A. van V. Dunn, for the United States of America, being first duly sworn says that he is ~~the owner or~~ the agent of the owner of the above numbered Application; that he knows of his own knowledge that the construction of works as contemplated by the Application was actually commenced ~~within~~ prior to ~~months after~~ the date of approval of the Application, and that the work has since been prosecuted with diligence.

The nature, extent and approximate cost of construction work done to this date, together with a detailed statement of use to which the water has been put, is as follows: (Describe briefly the type and extent of construction, whether impounding or diversion dam, or diverting channels and give the cost of construction. Indicate what part of the water, if any, covered by this Application has been put to beneficial use, the number of acres irrigated, etc. Mere statement as to general character of works, costs and use will not answer,—give details sufficient for one to determine what has actually been done.)

More than $100,000 has been spent rehabilitating the Gifford and Crawford Ditches, constructing 8 domestic pipe lines, and removing the pipe line covered by amendment a-1657 of original Certificate 1991, as described in Applications a-1657, a-1658, a-1659, and a-1660. The water is now all diverted and used. The water diverted by, and used from the aforesaid 8 pipe lines is equivalent to the water covered by Decree No. 63 which was transferred from the Pine Creek to the Crawford Ditch under Application a-1311, or equivalent to the portion of Decreed Priority No. 66.

The nature, extent and estimated cost of construction remaining to be done to complete the work in accordance with the Application follows: (Describe with same details as required last above.)

No additional construction is required. Request for extension of time is made only to permit completion of the somewhat complicated proof which it has been necessary to prepare because of the inter-relation of the various water systems.

(OVER)

Request is made for ~~reinstatement and~~ extension of time for filing (Strike words not needed)
proof from Sept. 25, , 19 51 , to Sept. 25, , 1952 . Reasons why extension should be granted are: (Give reasons why the work could not be completed and the water put to beneficial use within the time heretofore allowed and why conditions now will permit the completion of the works and filing of proof within the time requested. Be specific in statement.)

It is necessary to submit complete proofs covering the use by all 8 pipe lines and 2 ditches at once. It is still necessary to obtain a few details from the field to complete such proofs.

Affiant upon oath states that he or the owner of the Application, whom he represents, has a bona fide intention and the financial ability to complete the works and to apply the water to beneficial use as provided in the Application, within the period of extension requested.

/s/ A. van V. Dunn
Chief, Water Resources Branch,
National Park Service.
Applicant

(If a corporation, specify the title of the officer making the affidavit and affix corporate seal)

(SEAL)

Subscribed and sworn to before me this 11th day of September 1951

/s/ Robert H. Weist
Notary Public

NOT TO BE FILLED IN BY APPLICANT

Application No._____ Request due_____Recd._____
Applicant_____
Source_____
14 year period ends_____

Request for extension approved / rejected ; time for submitting proof is hereby extended from _____to and including_____

_____ _____
Date STATE ENGINEER

09-12-1950: letter to the chief, water resources branch from the state engineer regarding application a-1658

FORM L19 5M 1-50 SMITH-TG. CO.

THE STATE OF UTAH

OFFICE OF STATE ENGINEER

SALT LAKE CITY

Zion National Park Deed 19

September 12, 1950

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

Dear Sir:

RE: APPLICATION a-1658

Request for Extension of Time in which to submit Proof of Appropriation or Proof of Change contemplated by the above application has been considered and the time for receiving proof is hereby extended from September 25, 1950 to September 25, 1951, inclusive.

Yours truly,

Joseph M. Tracy

Joseph M. Tracy
STATE ENGINEER
403 STATE CAPITOL
SALT LAKE CITY 1
UTAH

ADDRESS ALL COMMUNICATIONS TO:

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EXTENSION GRANTED

P. S. Although this extension is granted in accordance with the provisions of the law, I earnestly recommend that you proceed to prepare and submit proof at the earliest possible date. One cannot foresee what contingencies might arise in the future; the present possession of your certificate might stand you in good stead.

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Form L25 6M 11-47

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

REQUEST FOR ~~REINSTATEMENT AND~~ EXTENSION OF TIME
(Strike words not needed)
(Before Fourteen Years)

APPLICATION NO. a-1658

~~STATE OF UTAH~~ CITY OF WASHINGTON)
~~COUNTY OF~~ DISTRICT OF COLUMBIA) ss

A. van V. Dunn for the United States of America, being first duly sworn says that he is ~~the owner or~~ the agent of the owner of the above numbered Application; that he knows of his own knowledge that the construction of works as contemplated by the Application was actually commenced ~~within~~ prior to ~~months after~~ the date of approval of the Application, and that the work has since been prosecuted with diligence.

The nature, extent and approximate cost of construction work done to this date, together with a detailed statement of use to which the water has been put, is as follows: **(Describe briefly the type and extent of construction, whether impounding or diversion dam, or diverting channels and give the cost of construction. Indicate what part of the water, if any, covered by this Application has been put to beneficial use, the number of acres irrigated, etc. Mere statement as to general character of works, costs and use will not answer,—give details sufficient for one to determine what has actually been done.)**

Applications a-1657, a-1658, a-1659, and a-1660 involve the construction of eight water systems at a cost of more than $100,000.00, and the transfer to them of part of the rights now legally appurtenant to the Crawford and Gifford Ditches, and a small domestic pipe line constructed by John R. Crawford. Construction has been completed, and the water has been put to full beneficial use in accordance with aforesaid applications. Proof maps are in an advanced stage of preparation, but work has been suspended while applicant gained experience in connection with simpler problems relating to Application No. 20278.

The nature, extent and estimated cost of construction remaining to be done to complete the work in accordance with the Application follows: **(Describe with same details as required last above.)**

No additional construction is required.

(OVER)

Request is made for ~~reinstatement and~~ extension of time for filing proof from September 25, 19 50, to September 25, 19 51. Reasons why extension should be granted are: (Strike words not needed) (Give reasons why the work could not be completed and the water put to beneficial use within the time heretofore allowed and why conditions now will permit the completion of the works and filing of proof within the time requested. Be specific in statement.)

Too little time has been provided between the receipt of your final letter of July 21, 1950, relating to the proofs under aforesaid Application No. 20278, and September 25, 1950, when proofs on this application are due. The combined proof on the four applications involves a complex description of the integrated use of the eight pipe lines and two ditches, and none of the proofs is complete without the others.

Affiant upon oath states that he or the owner of the Application, whom he represents, has a bona fide intention and the financial ability to complete the works and to apply the water to beneficial use as provided in the Application, within the period of extension requested.

/s/ A. van V. Dunn
Chief, Water Resources Branch,
National Park Service.
Applicant

(If a corporation, specify the title of the officer making the affidavit and affix corporate seal)

(SEAL)

Subscribed and sworn to before me this 30th day of August 19 50

/s/ Lorin A. Davis
Notary Public
My Commission Expires Nov. 14, 1951.

NOT TO BE FILLED IN BY APPLICANT

Application No._____ Request due_____ Recd._____
Applicant_____
Source_____
14 year period ends_____

Request for extension approved / rejected; time for submitting proof is hereby extended from _____ to and including _____

_____ Date

_____ STATE ENGINEER

FORM L19 3M

THE STATE OF UTAH

OFFICE OF STATE ENGINEER

SALT LAKE CITY

Zion Reed 19

September 1, 1949

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

Dear Sir:

RE: EXT. GRANTED APPLICATION NO. a-1658

This will acknowledge receipt of your request of Aug. 29, 1949, for Extension of Time in which to submit Proof of Appropriation or Proof of Change contemplated by Application No. a-1658.

The matter has been considered and the time for submitting proof has been extended from September 25, 1949 to September 25, 1950 inclusive.

Yours very truly,

H. A. Linke

Harold A. Linke

ADDRESS ALL COMMUNICATIONS TO: STATE ENGINEER
403 STATE CAPITOL
SALT LAKE CITY 1, UTAH

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Extension Granted

Form L25 6M 11-47

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

REQUEST FOR ~~REINSTATEMENT AND~~ EXTENSION OF TIME
(Strike words not needed)
(Before Fourteen Years)

APPLICATION NO. a-1658

~~STATE OF UTAH~~ CITY OF WASHINGTON)
~~COUNTY OF~~ DISTRICT OF COLUMBIA) ss

A. van V. Dunn, being first duly sworn says that he is the owner or the agent of the owner of the above numbered Application; that he knows of his own knowledge that the construction of works as contemplated by the Application was actually commenced ~~within~~ by ___ ~~months after~~ the date of approval of the Application, and that the work has since been prosecuted with diligence.

The nature, extent and approximate cost of construction work done to this date, together with a detailed statement of use to which the water has been put, is as follows: (Describe briefly the type and extent of construction, whether impounding or diversion dam, or diverting channels and give the cost of construction. Indicate what part of the water, if any, covered by this Application has been put to beneficial use, the number of acres irrigated, etc. Mere statement as to general character of works, costs and use will not answer,—give details sufficient for one to determine what has actually been done.)

The necessary water systems have been completed at a cost of more than $100,000, in accordance with drawing No. NP-ZIO-6978, amendment of Decreed Water Rights Nos. 63, 65, 66, and Certified Right No. 1991, of which prints have been previously filed with the State Engineer. The full quantity of water has been beneficially used from the water systems so shown. Statements and maps for final proof are largely completed, but have been held in suspense pending acceptance of the less complicated proof under Application No. 20278 which is being perfected preparatory to withdrawing Application No. 14066, for the appropriation of waters of the Yovimpa Spring Area at Bryce Canyon National Park, in order to gain experience.

The nature, extent and estimated cost of construction remaining to be done to complete the work in accordance with the Application follows: (Describe with same details as required last above.)

No additional construction is needed for final proof.

(OVER)

Request is made for ~~reinstatement and~~ extension of time for filing (Strike words not needed)
proof from **September 25** , 19 **49** , to **September 25** , 19 **50**. Reasons why extension should be granted are: **(Give reasons why the work could not be completed and the water put to beneficial use within the time heretofore allowed and why conditions now will permit the completion of the works and filing of proof within the time requested. Be specific in statement.)**

Proof under aforesaid Application No. 20278 was also in suspended status until after the application was approved on May 12, 1949. Proof on Application No. 20278 is now being submitted, thus clearing the way to proceed with proof under Application No. a-1658 as soon as the proof on Application No. 20278 is accepted by the State Engineer, presumably during the coming year.

Affiant upon oath states that he or the owner of the Application, whom he represents, has a bona fide intention and the financial ability to complete the works and to apply the water to beneficial use as provided in the Application, within the period of extension requested.

Lafayette Dunn
A. Van V. Dunn,
Chief, Water Resources Branch,
National Park Service.
Applicant

(If a corporation, specify the title of the officer making the affidavit and affix corporate seal)

Subscribed and sworn to before me this 24 day of August
19 49

Robert N. Weist
Notary Public

NOT TO BE FILLED IN BY APPLICANT

Application No._____ Request due_____Recd._____
Applicant_____
Source_____
14 year period ends_____

Request for extension approved / rejected ; time for submitting proof is hereby extended from _____to and including_____

_____ _____
Date STATE ENGINEER

(Form F-8—6-42—2M—Sun) CHANGE APPLICATION NO. a-1658

Application for Permanent Change of Point of Diversion, Place and Nature of Use of Water

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

For the purpose of obtaining permission to permanently change the point of diversion, place or nature of (Strike out written matter not needed)
use of water right acquired by Right No. 66, decreed December 12, 1925, and amended by supplemental and final decree dated December 12, 1930, in the Fifth
(Give No. of Application, certificate of appropriation, title and date of Decree or other identification of right)
Judicial District Court,
to that hereinafter described, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

1. *The name of the applicant is* United States of America, by Paul R. Franke, Superintendent.
2. *The post-office address of the applicant is* Zion National Park, Utah.
3. †*The flow of water which has been ~~or was to have been~~ used in second-feet is* 1.21.
4. †*The quantity of water which has been or was to have been used in acre-feet is*
5. †*The water has been ~~or was to have been~~ used each year from* Jan. (Month) 1 (Day) to Dec. (Month) 31 (Day) *incl.*
6. †*The water has been or was to have been stored each year from* (Month) (Day) *to* (Month) (Day) *incl.*
7. *The drainage area to which source of supply belongs is* Colorado River (Leave blank)
8. *The direct source of supply is* the North Fork of the Virgin River *in* Washington *County.*
9. †*The point of diversion as described in the original Application ~~or the point at which the water has been diverted~~ is situated at a point* 250 feet south and 1300 feet east of the NW corner Section 22, T. 41 S., R. 10 W., S.L.B.&M., and this ditch diversion was moved to point, hereafter designated as Diversion No. 1, N 50°29' E 1998 ft. from said corner under Application No. a-1311, Certificate No. 54 for changes under decreed Right No. 63.
10. †*The water involved has been ~~or was to have been~~ used for the following purpose:*
To irrigate 61.3 acres in E½ Section 21, 5.1 acres in W½ W½ Section 22, and 0.3 acre in NW¼ NE¼ Section 28, T. 41 S., R. 10 W., S.L.B.&M.

Total 66.7 *Acres.*

NOTE—If for irrigation, give legal subdivision of land and total acreage which has been or was to have been irrigated. If for other purposes, give nature, place and extent of use or proposed use.

11. †*The point at which water has been or was to have been returned to the stream channel is situated as follows:* Largely by seepage along the irrigated area.

NOTE—The above space is to be filled in only when all or part of the water is returned to the natural stream or channel.

The Following Changes Are Proposed

12. *The flow of water to be changed in cubic feet per second is* ~~0.278~~ 1.21.
13. *The quantity of water to be changed in acre-feet is*
14. *The water will be used each year from* Jan. (Month) 1 (Day) *to* Dec. (Month) 31 (Day) *incl.*
15. *The water will be stored each year from* (Month) (Day) *to* (Month) (Day) *incl.*
16. *The proposed point of diversion from the source is to be changed as follows:* The point of diversion will be changed to a point in the North Fork of the Virgin River, and tributaries entering said river, between a point in the Narrows, which point is located N. 18°43' E. 27,901 feet from the NE Corner of Section 21, T. 41 S., R. 10 W., S.L.M.; and a point downstream from above point where said North Fork of the Virgin River intersects the South Boundary of Zion National Park, which is also the south line of said Section 21, which point is located S. 40°42' W. 3,496 feet from the E¼ Corner of said Section 21.

are (Strike out the ones not needed) *on the North*

of six miles of either, or if a greater distance, to some prominent and permanent natural object.

17. *The proposed diverting and conveying works will consist of* ~~the Crawford Ditch as in past;~~ and concrete, masonry, and rock fill dams on river and its tributaries, concrete and masonry collecting sumps at springs, earth and masonry lined ditches, iron, steel and wood pipe, and wood and concrete distribution and regulatory tanks and reservoirs, and structures on Crawford and Gifford Ditches as now on record.

†Strike out written matter not needed.

20. *The length of the diverting channel, exclusive of laterals, will be* See additional facts. *feet*
(If an existing channel is used give only the length of that part used under this Application)

21. *The top width of the diverting channel will be (if a ditch)* See application No. a-1311. *feet*

22. *The bottom width of the diverting channel will be (if a ditch)* See application No. a-1311. *feet*

23. *The depth of water in the diverting channel will be (if a ditch)* variable. *feet*

24. *The width of diverting channel will be (if a flume)* ..... *feet*

25. *The depth of water in the diverting channel will be (if a flume)* ..... *feet*

26. *The diameter of the diverting channel will be (if a pipe)* ..... *inches*

27. *The grade of the diverting channel will be* ..... -6.6- *feet per thousand*

28. *The point at which it is proposed to return the water is situated* (See note under 16) .....
largely at various areas of irrigation by seepage. ..... return

29. *The water is to be used* as indicated in following explanation. ..... for supplemental purposes

..... Total ..... acres.

NOTE—If for irrigation, give legal subdivisions of land to be irrigated. If for other purposes, give place and extent of proposed use. If for power give number, size and make of wheels, head under which they will operate, total H.P. to be developed and place where power will be used.

30. *The character of the soil to be irrigated is* as described in / adjudication *subsoil*

NOTE—Number 30 is to be filled in only when proposed change is for irrigation.

EXPLANATORY

NOTE—Paragraph 13 on page 1 must not be used except when storage is contemplated; in such case Paragraph 14 should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres; the height of the impounding dam must also be specified.

If the reservoir is to be located on the channel of the source from which the water is to be appropriated, it should be so stated in this space below, and—

1. The location of the impounding dam should be described in Paragraph 16.
2. The point where the released storage will be rediverted from the natural stream should be described below in accordance with the note under Paragraph 16.

When the water is to be stored in other than the natural channel of the source from which it is to be appropriated, it should be so stated in the space below, and—

1. The point of diversion from the supplying source should be described in Paragraph 16.
2. The intersection of the longitudinal axis of impounding dam and centerline of stream channel or drainage and a similar point where the released storage will be rediverted from a natural channel should be described below in accordance with the note under Paragraph 16.

In all cases Paragraphs 17 to 27, incl., should describe the proposed diverting and carrying works, exclusive of natural channels, even if already constructed in whole or in part.

If it is proposed to collect the water of a number of springs or other sources at a common point, said point should be described as the point of collection in Paragraph 16, and the point of diversion from each source should also be described below, in accordance with the note in Paragraph 16. The quantity of water sought from each source should be indicated below, the total equaling the quantity specified in Paragraphs 12 or 13. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described below by metes and bounds and located with reference to the same point as used in describing the point of collection and as outlined by the note under Paragraph 16.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed change:

20. The length of the Greenland Ditch from Weed Creek to the [illegible]

Individual water rights which are now contemplated have the following properties:

Diversion
Greenland Ditch - [illegible]
[illegible] - [illegible]

Use
[illegible]

Location
[illegible]

Quantity
[illegible]

Rate
[illegible]

Point of Diversion
[illegible]

Control
[illegible]

06/29/1943: Application for Change of Point of Diversion, Place, and Nature of Use of Water

(This page is not to be filled in by applicant)

State Engineer's Endorsements

9:00 a m

1. June 29, 1943 Change Application received ~~over counter~~ by mail in State Engineer's office by BA
2. Aug. 12, 1944 Priority of right to make change brought down to, on account of change in point of diversion ✓
3. June 29, 1943 Fee for filing Application, $2.50, received by VH Receipt No.
4. May 23, 1943 Application copied in Change Book No. 10, page 206, and indexed by VH PCR.
5. Sept. 20, 1943 Application platted by
6. April 16, 1945 Application examined by
7. June 20, 1944 Application returned, with letter, to A. Van V. Dunn, Director, Nat'l Park Service, Chicago for correction

8 Aug. 12, 1944 Corrected application resubmitted ~~over counter~~ by mail to State Engineer's office.

8a. Copy brought up to date (red inked) and placed in record book by

9. Sept. 16, 1946 additional fee for publishing notice requested $25 received by ZD Mdse No. 15292 -
10. April 30, 1945 Fee for publishing notice $45.00, Received by ZD VHH Receipt No. 12732 -
11. April 1946 Application approved for advertisement by CLC & Secy.
12. May 7-1946 Notice to water users prepared by PCR
13. May 23-1946 Publication began; was completed June 20-1946
Notice published in Washington County News - St. George - Ut
14. ~~May~~ June 10 1946 Proof slips checked by Let Dy
15. Change Application protested by

16. Sept. 1946 Application designated for approval ~~rejection~~ by CLC & HW.
17. Fee for approving Application requested
18. no fee required Fee for approving application, $2.50, received by Receipt No.
19. Oct. 14, 1946 Change Application proof, read by BF. PCR
20. Oct. 14, 1946 Change Application approved ~~rejected~~ and returned to applicant

This Application is approved on the following conditions:

1. Actual construction work necessitated by proposed change shall be diligently prosecuted to completion.
2. Proof of change shall be submitted to the State Engineer's office by September 25, 1948.
3. Subject to prior rights whether diverting directly from the source hereof or from other sources to which this water is tributary (including rights junior to the original application or rights which might be impaired by the change or changes) for diversion and use as herein described.

Ed. H. Watson, State Engineer.

21. Time for making proof of change extended to

22. Proof of change submitted.
23. Fee for filing proof of change, $1.00, received by
24. Fee for examining maps, profiles and drawings, $5.00, received by
25. Fee for issuing certificate of change, $1.00, received by
26. Certificate of change, No., issued.

I hereby certify that the foregoing is a true copy of the Application by to change the point of diversion, place and nature of use of water as shown, with endorsements thereon, on the records of my office on the date given below.

Salt Lake City, Utah, 19

State Engineer.

Change Application No. a 1658

NOTICE TO APPLICANT

The approval of this Application is not a certificate of change. It is merely your authority to begin construction work, which must be commenced within six months from the date of approval of this Application and prosecuted diligently to completion. To secure a certificate of change under this Application proof of change must be submitted within the time limit allowed by the State Engineer. The amount of water for which certificate will be issued will depend upon the amount of water actually put to a beneficial use, not to exceed, however, the amount of water covered by the original right. For further information write the State Engineer.

No.....

APPLICATION OF .....

FOR

PERMANENT CHANGE OF POINT OF DIVERSION, PLACE AND NATURE OF USE OF WATER

Rules and Regulations

Applicants will save time and expense by familiarizing themselves with the law before making Applications.

No enlargement of an original water right may be made by a change Application, either as to quantity of water covered, period of use or otherwise.

When there are two or more coapplicants the Application must be accompanied by a power of attorney, together with a fee of $1.00, authorizing one to act for all.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer notified promptly of any change in address; otherwise applicant may lose rights initiated by Application by failing to receive notices sent from the State Engineer's office.

No Application or other paper pertaining to an Application will be marked received unless accompanied with the required filing fee.

Applications accepted and numbered by the State Engineer, when returned to applicant for correction or additions, must be amended with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. Corrected Applications must be resubmitted to the State Engineer's office, within sixty days from the date of State Engineer's letter returning Application for correction; otherwise the priority of the right to change will be brought down to date corrected Application is resubmitted.

Applicants will be informed by the State Engineer's office when cost of publishing notice of Application is due, and must advance cost within sixty days after date of notice, otherwise Application will lapse.

Fees Required by Law Payable to State Engineer

For examining and filing Applications for change of point of diversion, place and nature of use	$2.50
For approving and recording Applications for change of point of diversion, place and nature of use	$2.50
For filing written proof of change	$1.00
For examining maps, profiles and drawings that are part of the proof of change	$5.00
For issuing certicate of change	$1.00
For filing protests against the granting of Applications or answers thereto	$1.00
For filing an affidavit or any other paper	$1.00

NOTE—In addition to the above fees applicants must pay the cost of publication of "Notice to Water Users" concerning the proposed change.

RECEIVED JUN 29 1943 State Engineer's Office

08/26/1948: Extension of Time Granted

Form L19 2000 28-9-45

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

September 22, 1948

Zion Decree 19

Mx. U. S. Dept. of the Interior
National Park Service
Washington, 25, D.C.

Dear Sirs: RE[redacted]: EXT. GRANTED APPLICATION NO. a-1658

This will acknowledge receipt of your request of August 26, 1948 for Extension of Time in which to submit Proof of Appropriation or Proof of Change contemplated by Application No. a-1658 , [redacted] with [redacted]

EXTENSION GRANTED

The matter has been considered and the time for submitting proof has been extended from - - - - September 25, 1948, - - - to - - - September 25, 1949 - - - inclusive.

Yours very truly,
E. H. Watson
Ed. H. Watson
STATE ENGINEER
403 STATE CAPITOL
SALT LAKE CITY, UTAH

ADDRESS ALL COMMUNICATIONS TO:
eca

Form L25 3M 7-43

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

REQUEST FOR ~~REINSTATEMENT AND~~ EXTENSION OF TIME
(Strike words not needed)
(Before Fourteen Years)

APPLICATION NO. a-1658

CITY
~~STATE OF UTAH~~ Washington) ss
~~COUNTY OF~~) ss
DISTRICT OF Columbia)

A. van V. Dunn, being first duly sworn says that he is ~~the owner or~~ the agent of the owner of the above numbered Application; that he knows of his own knowledge that the construction of works as contemplated by the Application was actually commenced within 6 months after the date of approval of the Application, and that the work has since been prosecuted with diligence.

The nature, extent and approximate cost of construction work done to this date, together with a detailed statement of use to which the water has been put, is as follows: **(Describe briefly the type and extent of construction, whether impounding or diversion dam, or diverting channels and give the cost of construction. Indicate what part of the water, if any, covered by this Application has been put to beneficial use, the number of acres irrigated, etc. Mere statement as to general character of works, costs and use will not answer,—give details sufficient for one to determine what has actually been done.)**

All of the water systems, to which parts of the original decreed rights are being transferred, have been constructed and placed in operation. The full quantity of water has been and is being used beneficially. The cost of water systems has exceeded $100,000, and an itemized statement will be included in proof. The water served all the municipal needs of the employees and more than 272,000 visitors at Zion National Park during the year ending September 30, 1947. A slightly larger population is being served this year.

The nature, extent and estimated cost of construction remaining to be done to complete the work in accordance with the Application follows: **(Describe with same details as required last above.)**

No additional construction is needed for final proofs.

(OVER)

3

Request is made for reinstatement and extension of time for filing
(Strike words not needed)
proof from September 25, 19 48, to September 25, 19 49. Reasons why extensions should be granted are: (Give reasons why the work could not be completed and the water put to beneficial use within the time heretofore allowed and why conditions now will permit the completion of the works and filing of proof within the time requested. Be specific in statement.)

The proofs were started prior to receipt of a copy of your rules and regulations of June 1, 1947, and before our recent correspondence relating to similar proofs under water right application 14066 for the Yovimpa Springs Water System at Bryce Canyon National Park. As a result, it has been necessary to revise many of the exhibits. It is also believed that these complicated proofs can be presented with less need for subsequent correction if they are deferred until after we file the new and less complicated claim and proof for municipal use of the waters of Yovimpa Springs. The proofs are complicated by the interrelation of approximately a dozen relatively independent water sources and the interrelation of water right applications a-1657, a-1658, a-1659, and a-1660.

Affiant upon oath states that he or the owner of the Application, whom he represents, has a bona fide intention and the financial ability to complete the works and to apply the water to beneficial use as provided in the Application, within the period of extension requested. ~~A filing fee of $1.00 is tendered herewith.~~

A. van V. Dunn,
Chief, Water Resources Branch,
~~National Park Service.~~
Applicant

(If a corporation, specify the title of the officer making the affidavit and affix corporate seal)

Subscribed and sworn to before me this 26th day of August 1948

Robert H. Weist
Notary Public

NOT TO BE FILLED IN BY APPLICANT

Application No._____ Request due_____ Recd._____
Applicant_____ ~~Filing fee $1.00 Recd.~~_____ by____
Source_____ Receipt No._____
14 year period ends_____

Request for extension approved / rejected ; time for submitting proof is hereby extended from_____ to and including_____

_____ Date

_____ STATE ENGINEER

Form L21 7000 8-47

THE STATE OF UTAH

OFFICE OF STATE ENGINEER
SALT LAKE CITY

July 20, 1948.

Zion Deed 19

U.S. Dept. of the Interior
National Park Service
Washington, 25, D. C.

Gentlemen: RE: APPLICATION NO. a-1658.

Proof as contemplated by Application No. a-1658 will be due Sept. 25, 1948. . Such proof, together with maps, profiles and drawings and the statutory filing fees, must be received in this office on or before that date. "Failure to make proof of appropriation or proof of change of water on or before the date set therefor, shall cause the Application to lapse." (Section 100-3-17 Utah Code Annotated 1943.)

Blank forms upon which proof must be submitted and a copy of the Rules and Regulations will be sent upon request. Upon receipt of the proof it will receive an office examination after which a field inspection will follow.

PROOF DUE

An extension of time for filing proof will be granted only upon the filing of a written request for extension made in affidavit form, showing diligence or a reasonable cause for delay and containing the following information:

1. Amount of work done and approximate cost.
2. Amount of work remaining to be done and its estimated cost.
3. Reason for extension and time desired.

Yours very truly,

Ed. N. Watson

ADDRESS ALL COMMUNICATIONS TO: STATE ENGINEER
403 STATE CAPITOL
SALT LAKE CITY 1, UTAH

ba
enc.:fl-25

Form L18-A 2M 3-1-42 Times-News

Received 19

NATIONAL PARK SERVICE
RECEIVED
OCT 17 1946
CHIEF CLERK'S OFFICE

ED. H. WATSON
STATE ENGINEER

Name	Date
Lessen	

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY
Oct. 11, 1946.

CHANGE APPLICATION APPROVED

(Form for perfected right)

Mr. U.S. Dept. of the Interior
National Park Service
Chicago, 54, Illinois. Attention: Chief, Water Rights Division.

Dear Sir: REL: APPROVED APPLICATION NO. a-1658

Enclosed find (1) Application No. a-1658 which has been approved by me and (2) receipt for $2.50 paid by you as approval fee. The approved Application is your authority to proceed with actual construction work which, under Sections 100-3-10 and 100-3-12, Revised Statutes of Utah, 1933 as amended, must be begun within six months after the approval date, and diligently prosecuted to completion, the water being put to beneficial use and proof of change made to State Engineer on or before September 25, 1948.

Failure on your part to comply with these requirements may result in forfeiture of your Application.

Yours very truly,

Ed. H. Watson

ADDRESS ALL COMMUNICATIONS TO:
ba
enc.: approved application

ED. H. WATSON
STATE ENGINEER
403 STATE CAPITOL
SALT LAKE CITY, UTAH

NOTICE TO WATER USERS

The following applications have been filed with the State Engineer by the United States of America, Zion National Park, Utah, to change water in Washington County, State of Utah, throughout the entire year, unless otherwise designated, all locations being from SLB&M.

a-1657—The applicant proposes to change the point of diversion, place and nature of use of .01 sec. ft. of water right acquired by Application No. 10618, Certificate No. 1991. The water has been diverted from unnamed spring tributary to North Fork of Virgin River at a point S. 76° 23′ E. 2116 ft. from E¼ Cor. Sec. 21, T41S, R10W, and used for domestic purposes.

Hereafter, the above quantity of water will be diverted at indetermediate points and in indeterminate quantities between an upper point on North Fork of Virgin River which is located N. 18°43′ E. 27,901 ft. from NE Cor. Sec. 21, T41S, R10W, and a lower point located S. 40°42′ W. 3496 ft. from E¼ Cor. said Sec. 21. The diverting and carrying works will consist of concrete, masonry, and rock-filled dams, concrete and masonry collecting sumps, ditches, pipe lines, regulatory tanks and reservoirs having a total length of 40,991 ft. The water will be used for domestic and municipal purposes within Zion National Park, having an area of 94,887.73 acres embraced in Township 40S, Range 10, 10½ and 11 W; Township 41S, Ranges 9, 9½, 10 and 11W, and Township 42S, Ranges 9, 9½, 10 and 11W.

a-1658—The applicant proposes to change the point of diversion, place and nature of use of 1.21 sec. ft. of water right acquired by decrees dated Dec. 12, 1925 and Dec. 12, 1930. The water has been diverted from North Fork of Virgin River at a point S. 250 ft. and E. 1300 ft. from NW Cor. Sec. 22, T41S, R10W, and at a point N. 50°29′ E. 1998 ft. from NE Cor. Sec. 21, T41S, R10W, and used to irrigate 66.7 acres of land embraced in Secs. 21, 22 and 28, T41S, R10W.

Hereafter, the above quantity of water will be diverted at indeterminate points and in indeterminate quantities between an upper point on North Fork of Virgin River which is located N. 18°43′ E. 27,901 ft. from NE Cor. Sec. 21, T 41S, R10W, and a lower point located S. 40°42′ W. 3496 ft. from E¼ Cor. said Sec. 21. The diverting and carrying works will consist of concrete, masonry, and rock-filled dams, concrete and masonry collecting sumps, ditches, pipe lines, regulatory tanks and reservoirs having a total length of 40,991 ft. The water will be used for domestic and municipal purposes within Zion National Park, having an area of 94,887.73 acres embraced in Township 40S, Ranges 10, 10½ and 11W; Township 41S, Ranges 9, 9½, 10 and 11W, and Township 42S, Ranges 9, 9½, 10 and 11W.

a-1659—The applicant proposes to change the point of diversion, place and nature of use of .53 sec. ft. of water right acquired by decrees dated Dec. 12, 1925 and Dec. 12, 1930. The water has been diverted from North Fork of Virgin River and Oak Creek at a point S. 2000 ft. and W. 1850 ft. from NE Cor. Sec. 21, T41S, R10W, and used to irrigate 29 acres of land embraced in Secs. 21 and 22, T41S, R10W.

Hereafter, the above quantity of water will be diverted at indeterminate points and in indeterminate quantities between an upper point on North Fork of Virgin River which is located N. 18°43′ E. 27,901 ft. from NE Cor. Sec. 21, T41S, R10W, and a lower point located S. 40°42′ W. 3496 ft. from E¼ Cor. said Sec. 21. The diverting and carrying works will consist of concrete, masonry, and rock-filled dams, concrete and masonry collecting sumps, ditches, pipe lines, regulatory tanks and reservoirs having a total length of 40,991 ft. The water will be used for domestic and municipal purposes within Zion National Park, having an area of 94,887.73 acres embraced in Township 40S, Ranges 10, 10½ and 11W; Township 41S, Ranges 9, 9½, 10 and 11W, and Township 42S, Ranges 9, 9½, 10 and 11W.

a-1660—The applicant proposes to change the point of diversion, place and nature of use of .53 sec. ft. of water right acquired by decree dated Dec. 12, 1925, as amended by Change Application No. a-1311, Certificate No. 54. The water has been diverted from North Fork of Virgin River at a point N. 50°29′ E. 1998 ft. from NE Cor. Sec. 21, T41S, R10W, and used to irrigate 50.83 acres of land embraced in SE¼ Sec. 21, T41S, R10W.

Hereafter, the above quantity of water will be diverted at indeterminate points and in indeterminate quantities between an upper point on North Fork of Virgin River which is located N. 18°43′ E. 27,901 ft. from NE Cor. Sec. 21, T41S, R10W, and a lower point located S. 40°42′ W. 3496 ft. from E¼ Cor. said Sec. 21. The diverting and carrying works will consist of concrete, masonry, and rock-filled dams, concrete and masonry collecting sumps, ditches, pipe lines, regulatory tanks and reservoirs having a total length of 40,991 ft. The water will be used for domesic and municipal purposes within Zion National Park, having an area of 94,887.73 acres embraced in Township 40S, Ranges 10, 10½ and 11W; Township 41S, Ranges 9, 9½, 10 and 11W, and Township 42S, Ranges 9, 9½ 10 and 11W.

Protests resisting the granting of any of the foregoing applications with reasons therefor, must be in affidavit form with extra copy and filed with the State Engineer, 403 State Capitol, Salt Lake City 1, Utah, on or before July 20, 1946.

ED. H. WATSON,
State Engineer.

First publication, May 23, 1946.
Last publication, June 20, 1946.

Form L13 2000 11-26-37—Joe R. Brown Ptg. Co.

ED. H. WATSON
T. H. HUMPHERYS
STATE ENGINEER

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

April 18, 1945

Mr. United States of America
Department of the Interior
% Hillory A. Tolson, Acting Director
Chicago, 54, Illinois.

Dear Sirs: REL: ADVERTISING FEE APPLICATION NO. a-1658.

This will notify you that your Application No. a-1658 has now been put into acceptable form and filed. The next step required will be to publish Notice to Water Users for a period of 29 days, or for 5 weekly issues, the cost of which will be $15.00. You will have 60 days from date hereof in which to deposit this sum with the State Engineer, OTHERWISE THE APPLICATION WILL BE LAPSED. Time, however, will be saved in handling this Application if this fee be paid at once. Notice to Water Users will be published in the - - - - - - - - - - - - - and when finally completed a receipted bill from said publisher for the amount paid by you will be mailed to your address.

ADV. FEE

Yours very truly,

le

ED. H. WATSON
T. H. HUMPHERYS
STATE ENGINEER

ADDRESS ALL COMMUNICATIONS TO:
STATE ENGINEER
STATE CAPITOL
SALT LAKE CITY, UTAH

08/18/1944: Acknowledgement of report of ammended applications

COPY

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

ED. H. WATSON
State Engineer

August 18, 1944

Mr. Hillory A. Tolson
Acting Director
National Park Service
Chicago, Illinois

Dear Sir: RE: APPLICATIONS NOS. a-1657, a-1658, a-1659, & a-1660

This acknowledges receipt of the above numbered applications amended in accordance with an agreement made in this office on June 20, 1944. The applications have been endorsed to show receipt on August 12, 1944.

I also acknowledge receipt of photostatic copies of deeds showing the chain of title to the water rights affected by the Change Applications.

It will be satisfactory for you to file a copy of a supplemental deed as suggested in your letter of August 7, 1944 without affecting the priority date or status of the applications.

Yours very truly,

(Sgd.) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

EJS/ln

04/22/1941: Affidavit

A F F I D A V I T .

STATE OF UTAH,)
: SS.
COUNTY OF WASHINGTON)

ARTHUR K. HAFEN, being first duly sworn, deposes and says:

That he is the Secretary and Treasurer of the Virgin River Water Users Association, a voluntary association organized for the purpose of cooperating with the State Engineer and affecting distribution of the waters of the Virgin River as decreed in the case of St. George & Washington Canal Company, plaintiff, vs. Hurricane Canal Company, defendants, Civil #270, said decree being dated December 12, 1925, and as amended April 21, 1931;

That as Secretary of said association, affiant states that the charges for water commissioner and distribution of water on said system have been paid by the owners of water under Item #66 of said decree up to and including the year 1940, the last payment being made by said users under Item #66 of said decree was for the year 1940; that up to the present date for the year 1941 no assessment for the distribution of water has been made.

Arthur K. Hafen
Secretary Virgin River Water Users Co.

SUBSCRIBED AND SWORN TO before me this 22nd day of April, 1941.

Lee Roy Hafen
Notary Public
Residing at:
My Commission expires:

(Notarial Seal)

04/10/1941: State Engineer's certificate of no changed in point of diversion, place, or use

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

T. H. HUMPHERYS
STATE ENGINEER

C E R T I F I C A T E

I, T. H. Humpherys, the duly appointed, qualified and acting State Engineer of the State of Utah, do hereby certify that no Application to change the point of diversion, place or purpose of use of water in the State of Utah has been filed in this office by the Crawford Ditch Company covering water shown in item 66, page 15, of the Virgin River Decree in the case of St. George and Washington Canal Company, a corporation, plaintiff vs. Hurricane Canal Company, a corporation, defendant, since the signing of the decree - in this case December 12, 1925, or the supplemental and final decree dated April 21, 1931. So far as is shown by the records in this office there has been no change in the status of water rights owned by said company during this period of time. Any change of ownership since the filing of the decree and supplements thereto should have been filed in the county recorder's office and not in the State Engineer's office.

IN WITNESS WHEREOF I set my hand and affix the seal of my office this 10 day of April, 1941.

T. H. HUMPHERYS,
STATE ENGINEER

2/mct

115

Entry #50562

Certificate of Permanent Change of Water

STATE OF UTAH

COLORADO RIVER Drainage Area

Change Certificate No. 54

To .....

.....

For .....

.....

.....

.....

Filed for record this 11th *day*

of August, *1938*, *at* 9 *o'clock*

A m., *and recorded in Book* W-2

of Water Records *Page* 212

La Verne Dedman

Recorder Washington *County, Utah*

This certificate must be filed for record with Recorder of WASHINGTON ***County, Utah, within thirty days from its date.***

ABSTRACT RECORD

Book B1 Page 37 11 28

H1 21 13

1.78

NATIONAL PARK
Received
1938
Noted
By

08/11/1938: Filing Record for Change of Use

08/06/1938: Certificate for Change of Point of Diversion, Place or Purpose of Use

Form L30 50 2-23-38

ORIGINAL

CERTIFICATE OF PERMANENT CHANGE OF POINT OF DIVERSION, PLACE OR PURPOSE OF USE OF WATER

STATE OF UTAH

CHANGE APPLICATION NO. a-1311 CHANGE CERTIFICATE NO. 54

NAME AND ADDRESS OF APPROPRIATOR UTAH PARKS COMPANY, A CORPORATION; SALT LAKE CITY, UTAH

SOURCE OF SUPPLY NORTH FORK OF VIRGIN RIVER IN WASHINGTON COUNTY, UTAH; COLORADO RIVER DRAINAGE AREA

QUANTITY OF WATER CHANGED FIFTY-THREE HUNDREDTHS (0.53) SECOND-FEET PRIORITY OF RIGHT 1881

PERIOD AND PURPOSE OF CHANGED USE JANUARY 1 TO DECEMBER 31 INCLUSIVE OF EACH YEAR - FOR IRRIGATION PURPOSES

WATER RIGHT ON WHICH CHANGE IS BASED CLAIM NO. 63 OF VIRGIN RIVER DECREE FILED DEC. 12, 1925 IN THE DISTRICT COURT FOR WASHINGTON CO.

Whereas, *It has been made to appear to the satisfaction of the undersigned that the change of water herein described has been perfected in accordance with the Laws of Utah;* **Therefore,** *Be it known that I,* T. H. HUMPHERYS *the duly appointed, qualified and acting State Engineer, by authority of the Laws of Utah, do hereby certify that said appropriator is entitled to change the* POINT OF DIVERSION AND PLACE OF USE *of water as herein set out, subject to prior rights, if any, for diversion and use as follows, to wit:*

Under the provisions of said decree, the right was granted for the use of said 0.53 second-feet of water from the north fork of Virgin river during the period January 1 to December 31 inclusive of each and every year to be diverted into the Pine Creek ditch at a point located N. 2011.32 feet and E. 1975.87 feet from the NW Cor. Sec. 22, T. 41 S., R. 10 W., SLB&M and used in the Pine Creek ditch to irrigate 29.4 acres of land embraced in said Sec. 22.

This Certificate entitles the holder to divert the water at a point which bears N. 50° 29' E. 1998.0 feet from the NE Cor. Sec. 21, T. 41 S., R. 10 W., SLB&M, thence convey it through a 24-inch pipe a distance of 270.6 feet and by open ditch a further distance of 8620.2 feet to the land hereinafter described where it is used from January 1 to December 31 inclusive of each and every year to irrigate 50.83 acres of land embraced in the SE¼ Sec. 21, T. 41 S., R. 10 W., more specifically described as follows: Beginning at a point which bears N. 14° 52' 23" W. 2046.07 feet from the SE Cor. Sec. 21, T. 41 S., R. 10 W., SLB&M, and continuing thence with the following courses: S. 56° 00' 00" E. 429.8 feet; S. 15° 04' 00" W. 841.6 feet; S. 30° 42' 00" W. 493.4 feet; S. 52° 56' 00" W. 137.5 feet; N. 77° 32' 30" W. 441.5 feet; S. 66° 15' 30" W. 536.5 feet; S. 72° 24' 00" W. 339.4 feet; S. 63° 53' 00" W. 157.9 feet; S. 41° 39' 00" W. 92.3 feet; S. 66° 59' 00" W. 175.5 feet; S. 88° 07' 30" W. 85.6 feet; N. 30° 29' 30" W. 242.4 feet; N. 19° 19' 30" E. 205.7 feet; N. 35° 48' 00" E. 73.3 feet; N. 45° 21' 00" E. 108.7 feet; N. 60° 52' 00" E. 64.7 feet; N. 44° 15' 00" E. 50.4 feet; N. 21° 01' 00" E. 90.9 feet; N. 34° 05' 00" E. 126.1 feet; N. 48° 47' 00" E. 70.3 feet; N. 75° 45' 00" E. 149.2 feet; N. 35° 54' 00" E. 87.5 feet; N. 71° 00' 00" E. 189.0 feet; N. 62° 12' 00" E. 92.8 feet; N. 48° 44' 00" E. 104.9 feet; N. 32° 18' 00" E. 43.3 feet; N. 24° 48' 00" E. 236.3 feet; N. 21° 07' 00" E. 132.5 feet; N. 57° 15' 00" E. 114.6 feet; N. 35° 44' 00" E. 74.2 feet; N. 32° 02' 00" E. 97.8 feet; N. 53° 22' 00" E. 129.5 feet; N. 37° 09' 00" E. 98.6 feet; N. 50° 57' 00" E. 145.80

feet; N. 62° 31' 00" E. 143.3 feet; S. 84° 22' 00" E. 75.9 feet; S. 42° 36' 00" E. 123.7 feet; S. 72° 19' 00" E. 95.8 feet; N. 27° 47' 00" E. 116.1 feet to point of beginning, containing 51.25 acres; except the following elimination: Beginning at a point which bears N. 24° 23' 43" W. 1885.5 feet from the SE Cor. Sec. 21, T. 41 S., R. 10 W., SLB&M, and continuing thence with the following courses: S. 49° 38' 30" E. 67.1 feet; N. 76° 57' 30" E. 105.4 feet; N. 14° 03' 30" E. 95.8 feet; N. 26° 00' 30" W. 43.0 feet; S. 78° 14' 00" W. 72.0 feet; S. 42° 09' 30" W. 131.0 feet to point of beginning, containing 0.42 acres. Net irrigated area, 50.83 acres.

The priority of the right to change the point of diversion and the place of use herein described is November 26, 1935. The right herein acquired is restricted to the change in point of diversion and place of use and in no way establishes or validates the right claimed by applicant. This Certificate entitles the holder to use not to exceed three acre-feet of water per acre of land irrigated per annum.

In Witness Whereof, *I have hereunto set my hand and affixed the seal of my office this* 6 *day of* AUGUST, *19* 38

Change Certificate No. 34 *Page No.* 2 *of* 2 *Pages*

T. H. [illegible], STATE ENGINEER.

08/06/1938: Certificate for Change of Point of Diversion, Place or Purpose of Use

PARTIAL COPY
(Original returned to Zion National Parks)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT.

COUNTY OF WASHINGTON, STATE OF UTAH.

ST. GEORGE AND WASHINGTON CANAL COMPANY, a corporation,

Plaintiff,

vs.

HURRICANE CANAL COMPANY, a corporation,

Defendant.

SUPPLEMENTAL AND FINAL DECREE.

This matter came before the Court on the 12th day of December, 1930, upon the notice given to all parties thereto of the hearing provided in the proposed decree in said case, whereby the Court retained jurisdiction of the case for the period of five years, to modify or change the duty of water and to correct such other errors as may be necessary. The five year period having elapsed December, 12th 1930, and the parties to said case having been notified of said final hearing set for December, 12th 1930., the Court on said day proceeded to hear all applications for change of duty, and the correction of other errors in said decree which were filed on or prior to the 12th day of December, 1930. That the Court commenced on said date and from time to time as fast as the Court could expediently do, heard all the protests and petitions which were filed in said case, and from the evidence herein finds that the decree heretofore entered by the Court on the 12th day of December, 1925 and aschedule of water rights therein losted should and is hereby declared to be a final decree, adjudicating the water rights of all the water on the Virgen River System, provided that the Court finds upon the hearing of the petitions filed prior to the 12th day of December, 1930, that the said schedule of water rights should be amended, and is hereby amended in so far as it applies to the following water rights which are contained in said proposed determination and set out in the decree of December, 1925.

No.	Date of Priority	Class	Acreage	Duty	Amount	
Rockville Town Ditch Company, Roswell DeMille Pres't. Rockville, Utah.						From Jan, 1, to Dec. 31.
69.	1862, 1.	211.6.	55.	3.84	c.f.s.	Said water to be diverted from the North Fork of the Virgen River into the Rockville Town Ditch, at a point 1725 ft. W. of the S¼ Cor. of Sec. 32. T. 42 S. R. 10 W and used to irrigate 216.6 acres of land described as follows; 16.5 acres in Sec. 5. 40.3 acres in Sec. 6, T. 42 S. R. 10.W. 73.5 acres in Sec. 1 49 acres in Sec. 2. and 9.3 acres in Sec. 3. T. 42 S.R11W. and 24 acres in one or the other of said section.
John Griffith Ditch Company Springdale, Utah,						From Jan. 1. to Dec. 31.
65.	1881. 1.	15.1.	55.	.53	c.f.s.	Said water to be diverted from either or both of two points as follows; (1) from the North Fork of the Virgen River at a point in Sec. 15, T. 41. S. R. 10. W. and (2) from Oak Creek at a point 200 ft. S. and 1850 ft. W. of the NE Cor. of Sec. 21 Tp and Range aforesaid. Said water to be conveyed through the John H. CrawfordDitch and used to irrigate 29 acres described as follows; 28 acres in Sec. 21. and 1 acre in Sec. 22. Tp and Range aforesaid and is to be divided among the owners named hereafter in the ratio of their respective individual acreage, to the total acreage as follows W. L. Crawford 14 acres, Jacob Crawford 5 acres John Jolley 5 acres, Daniel Crawford 1 acre John Crawford 1 acre, and james Crawford 3 acres.
Crawford Ditch Company, John R. Crawford, Pres't. Springdale, Utah,						From Jan 1. to Dec. 31.
66,	1877.	66.7	55.	1.21	c.f.s.	Said water to be diverted from the North Fork of the Virgen River into the Crawford Ditch at a point 250 ft.S. and 1300 ft. E. of the NW Cor. Sec. 22. T. 41. S.R.10.W. and used to irrigate 66.7 acres of land described as follows; 61.3 acres in Sec. 21. 5.1 in Sec. 22 and 30.3 acre in Sec. 28. Tp. and Range aforesaid, Said water to be dividedamong the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows, John R. Crawford 27.4 acres, Daniel Crawford 6.1 acres, James Crawford 26. acres, E.E.Winder 5. acres, Lyle Winder 1.1 acre, Hyrum Reusch 1.1 acres, Total 66.7 acres.

No.	Date of Priority	Class	Acreage	Duty	Amount	
La Verkin Vench Canal Co. Samuel Webb.Pres't. La Verkin, Utah						From Jan. 1. to Dec. 31
86.	1890.	1.	330.	55.	6.00 c.f.s.	Said water to be diverted from the Virgen River at a point 54 ft.S. and 515 ft W.of the W¼ Cor. of Sec. 19. T.41.S. R. 12 W. and used to irrigate 660 acres of land. NOTE. Waters available to be distributed between St. George and Washington Canal Co, Hurricane Canal Co, and La Verkin Bench Canal Co. shall be distributed as follows; of the first 45 c.f.s. La Verkin Bench Canal Co, shall have 6.c.f.s. of any amount between 45 c.f.s. and 110 c.f.s. La Virken Bench Canal Co. shall receive 9.25 per cent, said water to be determined by taking the sum of the amounts in the canals of the three companies measured at the three main points as follows; in the St. George and Washington Canal Co. at the Sproul Headgate, In the Hurricane Canal Co Canal at a point immediately above the first diversion lateral at the Town of Hurricane, In the La Verkin Bench Canal Co canal immediately above the entrance to the tunnel. When water is available exceeds 131.5 c.f.s. La Verkin Bench Canal Co. shall receive the next 2. c.f.s.
	1890.	2.	330.	55.	6.00 c.f.s.	

The Court finds from the foregoing that the following application numbers which were pending before the State Engineer's Office December 12th 1925. have lapsed.

No. 32. Coal Creek Irrigation Co
54A Thomas A. Thorley
54B. Thomas A. Thorley
74 J os A. Scow
76A Vinal Millett
83 A. B. Christensen
148. Martin Slack Jr
158. F.P.McMullen
197. Gladys Idella Sparks
128. George I. Batty (Proof made still pending)

The following are still pending and in good standing.

28 David L. Foote
29-1/2 Homer W. Esplin
31. Roswell DeMill
35 Columbia Trust Co
60 Virgen Canal Co
79. Virgen Canal Co
87B LaVerkin Sanitarium Res.
90 Richard A. Thorley
104. Elmer Taylor
119. Richard A. Thorley
120 Richard A. Thorley
122. Richard A. Thorley
125. Richard A. Thorley
126. G. M. Spillsbury
130. A. E. Gregerson
135. Emma Naegle
138. John L. Sevy
139. Wallace Highline Irr.Co.
147. Thomas Earl Parkinson
159. Martha L. Theobald
184. Edward Tobler
191. Price Bench Canal Co
198. Edward S. Terry.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED, THAT the decree heretofore filed in this case on Dec. 12th, 1925, be amended to conform with the changes heretofore made and specifically set out; that with these amendments incorporated in said decree, it is ordered that the said decree filed in said case, December 12th 1925 is hereby decraled to be the final decree adjudicating the water rights of the Virgen River System in the above entitled action.

Dated this 21st day of April, 1931. /s/ LeRoy H. Cox
JUDGE.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT.

COUNTY OF WASHINGTON, STATE OF UTAH.

ST. GEORGE AND WASHINGTON CANAL	)	
COMPANY, a corporation,	)	
Plaintiff,	)	
vs.	)	SUPPLIMENTAL AND FINAL DECREE.
HURRICANE CANAL COMPANY,	)	
a corporation,	)	
Defendant.	)	

This matter came before the Court on the 12th day of December, 1930, upon the notice given to all parties thereto of the hearing provided in the proposed decree in said case, whereby the Court retained jurisdiction of the case for the period of five years, to modify or change the duty of water and to correct such other errors as may be necessary. The five year period having elapsed December, 12th 1930, and the parties to said case having been notified of said final hearing set for December, 12th 1930., the Court on said day proceeded to hear all applications for change of duty, and the correction of other errors in said decree which were filed on or prior to the 12th day of December, 1930. That the Court commenced on said date and from time to time as fast as the Court could expediently do, heard all the protests and petitions which were filed in said case, and from the evidence herein finds that the decree heretofore entered by the Court on the 12th day of December, 1925 and schedule of water rights therein listed should and is hereby declared to be a final decree, adjudicating the water rights of all the water on the Virgin River System, provided that the court finds upon the hearing of the petitions filed prior to the 12th day of December, 1930, that the said schedule of water rights should be amended, and

is hereby amended in so far as it applies to the following water rights which are contained in said proposed determination and set out in the decree of December 1925. **********

No.	Date of Priority	Class	Acreage	Duty	Amount	
	Crawford Ditch Company, John R. Crawford, Pres., Springdale, Utah.					From Jan. 1, to Dec. 31.
66	1877	1	66.7	55	1.21 cfs.	Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41 S. R. 10 W, and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21, 5.1 acres in Sec. 22, and .3 acre in Sec. 28, Tp. and Range aforesaid, said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford, 27.4 acres, Daniel Crawford, 6.1 acres, James Crawford, 26 acres, E. E. Winder, 5 acres Lyle Winder, 1.1 acre, Hyrum Reusch 1.1 acres. Total 66.7 acres.

****

CERTIFICATE OF COPY

STATE OF UTAH)
) ss.
County of Washington)

I Alice Pendleton Clerk of Washington County, Utah, and ex-officio Clerk of the District Court, do hereby certify that the above and foregoing is a full, true and correct copy of ~~the original~~ a portion of the Supplemental and Final Decree in Civil Action, St. George & Washington Canal Co. vs Hurricane Canal Company,

which is on file in my office.

In witness whereof I hereunto set my hand and the seal of the said Court above mentioned.

This 30 day of January A. D., 1941.

Alice Pendleton Clerk

By /s/ Lyle Benson Deputy

LAPSED ..4.25.....19.29 adv. fee
RE-INSTATED. May 31 19 29 9:00 a.m.

Form F-b

File No. 10618

Application to Appropriate Water for Domestic and Municipal Purposes

The priority of this application is determined by its date of re-instatement.

STATE OF UTAH

Do not fill out this blank until you have read carefully and thoroughly understand the "Rules and Regulations" on the back hereof and all the notes in the body of it.

Springdale, Utah, Oct. 17, 1928,

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for domestic and municipal purposes, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of ~~as amended by~~ *the Session Laws of Utah, 1919 and 1925.* *Sec. 100 Compiled Laws of Utah, 1917,*

NOTE—The information given in the following blanks should be free from explanatory matter, but when necessary a complete supplementary statement should be made on page 2 under the heading "Explanatory."

1. *The name of the applicant is* John R. Crawford
2. *The post-office address of the applicant is* Springdale, Utah
3. *The flow of water to be appropriated, in cubic feet per second, is* .01
4. *The quantity of water to be appropriated, in acre feet, is (see note under Explanatory)*
5. *The water is to be used each year from* Jan. (Month) 1 (Day) *to* Dec. (Month) 31 (Day)
6. *The water is to be stored each year from* (Month) (Day) *to* (Month) (Day)
7. *The river system or drainage area to which the direct source of supply belongs is** Colorado River
8. *The direct source of supply is* an unnamed spring (Name of Stream or Other Source)
   in Washington *County.*
9. *The* ~~point of diversion from stream~~ (Strike out one not needed) *is situated at a point* S. 76°23' E. 2116 feet from the *point of issuance of spring* 1/4 corner common to Secs. 21 and 22 Tp. 41 S. R. 10 W. Salt Lake Meridian

NOTE—The "point of diversion" or "point of issuance of spring" must be located definitely by course and distance or by rectangular distances with reference to some United States land corner or United States mineral monument, if within a distance of six miles of either, or if a greater distance to some prominent and permanent natural object. No application will be received in which the "point of diversion" or point of issuance of spring" is not described definitely. Any change made in this description after application is received and before approved will bring down the priority of application to the date when amended application is received.

10. *The diverting works will consist of* a small head house and a pipe
11. *The cross-section of the diverting channel will be* ⊔ ∨ ○ (Strike out ones not needed)
12. *The nature of the diverting channel will be* ~~earth, wood~~, iron, ~~concrete~~. (Strike out ones not needed)
13. *The length of the diverting channel will be* 3289 *feet*
14. *The top width of the diverting channel will be (if a ditch)* *feet*
15. *The bottom width of the diverting channel will be (if a ditch)* *feet*
16. *The depth of water in the channel will be (if a ditch)* *feet*
17. *The width of the diverting channel will be (if a flume)* *feet*
18. *The depth of water in the diverting channel will be (if a flume)* *feet*
19. *The diameter of the diverting channel will be (if a pipe)* 3/4 & 1 *inches*
20. *The grade of the diverting channel will be* 93 *feet per thousand*

*Leave blank.

* See water proof

Tributary to Muddy trib. to Virgin R. Tributary to Colo. R.

Copies mailed this date to applicant, Regional Director, and State Engineer. 6/10/41

EXPLANATORY

NOTE—Never use Paragraph 4 on preceding page except when it is intended to store the water to be appropriated; in such case the volume of water to be stored should be given in acre feet in that space. The time during which the water is to be stored in the reservoir should be stated in Paragraph 6, and the time during which it is to be released and used should be set forth in Paragraph 5. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land. The area of the reservoir when at full stage should be given in acres in the same space. If the reservoir is located on a natural stream bed and the water is to be released from the reservoir into the natural channel it should be so stated in the space below, and the point where it will be rediverted from such stream should be described in Paragraph 9 and the center of the impounding dam of such reservoir should be described in the space below in accordance with note in Paragraph 9. The data given in Paragraphs 10 to 20, inclusive, should be relative to the works used to divert the water from the natural channel. All other works should be described in the space below this note except when the water is not stored in the natural channel of the stream from which it is to be appropriated; in such case the point of diversion is the place where the water is taken from the supplying source and should be described in Paragraph 9, the center of the impounding dam described in the space below, and Paragraphs 10 to 20, inclusive, should describe the diverting works. In case the application is made for the water from a number of springs, the point where the water is collected should be described as the point of diversion and the works below it described as the diverting works; those above it should be described as the collecting works in the space below. Each spring should also be described in the space below in accordance with note in Paragraph 9. Where the source of supply is in reality a spring area, the point of diversion is the point where the water will be collected.

The following additional facts are set forth in order to define more clearly the full purpose of the proposed appropriation:

The water herein applied for is to supply 7 families located near the mouth of Zion Canyon and has already been in use for two years.

/s/ John R. Crawford
*Signature of Applicant.**

*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer. If applicant is a corporation or other organization the affidavit below need not be filled in. If there are more than one applicant, a power of attorney authorizing one to act for all should accompany the application.

STATE OF UTAH, }
County of Washington } ss.

John R. Crawford
each being for himself duly sworn, deposes and says I *am a citizen of the United States* (Strike out one not needed) ~~*have declared my intention of becoming a citizen of the United States on*~~ *at*

John R. Crawford

Seal
Subscribed and sworn to before me this 11 *day of* March ,19 29

/s/ C. Hirschi
Notary Public.
My commission expires May 19 - 1931 Residing at Hurricane, Utah

(This page is not to be filled in by applicant)

State Engineer's Endorsements

Dates: 9:30 a.m.

1. Mar. 13, 1929 *Application received in State Engineer's office*
2. May 31 - 1929 *Priority of application brought down to, on account* of advertising fee not paid within the time allowed by law.
3. Mar. 25 - 1929 *Application examined* and filed
4. ..... *Application returned to* ..... *for following corrections:*

5. ..... *Corrected application returned to State Engineer's office*
6. ..... *Corrected application examined and*
7. ..... *Application rejected and returned to applicant for the reason*

8. Aug. 23, 1929 *Application approved and returned to applicant*

This application is approved on the following conditions:

1. *That actual construction work shall begin within six months.*
2. *That the appropriation shall be fully completed by* October 20, 1930.
3. .....

/s/ Geo. M. Bacon
State Engineer.

State Engineer's Memoranda

Dates:

1. Mar. 13, 1929 *Fee for filing application paid* $ 2.50
2. May 31, 1929 *Cost of publishing notice deposited* $ 15.00
3. June 13, 1929 *Publication began and was completed* July 11, 1929
4. ..... *Notice published in* Washington Co. News
5. ..... *Application protested by*
6. Aug. 17, 1929 *Fee for recording and approving application paid* $2.50.
7. *Time for making proof of appropriation extended to* Feb. 15, 1931
8. *Proof of appropriation submitted* Feb. 16 - 1931
9. Apr. 16 - 1931 *Fee for issuing certificate of appropriation paid* $1.00.
10. May 12 - 1931 *Certificate of appropriation, No* 1991 *, issued.*

I hereby certify that the foregoing is a true copy of the application made by ..... to appropriate water and of the endorsements thereon as shown by the records of my office on the date given below.

Salt Lake City, Utah, ..., 19..... .....
State Engineer.

File No. 10618 *Recorded* Mar. 13, 19 29

NOTICE TO APPLICANT

The approval of this application is not a certificate of appropriation. It is merely your authority to begin construction work, which must be commenced within six months from the date of approval of this application and prosecuted diligently to completion. To secure a certificate of appropriation under this application proof of appropriation must be submitted within the time limit allowed by the State Engineer. The amount of water for which certificate will be issued will depend upon the amount of water actually put to a beneficial use at the time proof of appropriation is submitted, the same, however, not to exceed the amount of water specified in this application. Proof of appropriation must be made in accordance with Sections 55 and 56, Chapter 67, Session Laws of Utah, 1919. For further information write the State Engineer.

(Not to be filled in by applicant)

No.....

APPLICATION

OF

TO APPROPRIATE WATER

FROM

IN

FOR DOMESTIC & MUNICIPAL PURPOSES.

PREPARED BY
COPIED BY
PROOF READ BY

Recorded in Book.....of Applications

to Appropriate Water, on pages.....

to.....

Rules and Regulations

The affidavit relating to the citizenship of the applicant, at the bottom of page 2, must be filled in and sworn to before a notary public before the application will be received.

Application returned to applicant for correction must be corrected with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. All additions must be made with red ink.

Application returned to applicant for correction must be resubmitted to the State Engineer's office within sixty days from the date noted in Paragraph 4, under State Engineer's endorsements, or the priority determined by the original receiving date will be lost.

Applications resubmitted after expiration of sixty days allowed by law for correcting same will be treated as new applications in all respects. (See Section 45, Chapter 67, Session Laws of Utah, 1919.)

No application will be received which contemplates the appropriation of water from an artificial canal or channel.

Seepage and percolating water, or water confined in sloughs and artificial drains is not subject to appropriation through the State Engineer's office.

It is permissible to appropriate water from more than one source of supply provided the water from the source specified is taken to one place and used for one purpose. In this case the point of diversion from each source must be specified in accordance with note in Paragraph 9. Also the amount of water to be diverted from each source should be specified under "Explanatory" on page 2, if only approximately.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer should be notified promptly of any change in address; otherwise applicant may lose rights initiated by application by failing to receive notices sent from the State Engineer's office.

Applicant should sign the application at the bottom of page 2.

No application or other paper pertaining to an application will be marked received unless accompanied with the required filing fee.

Applicants will be informed by this office when cost of publishing notice of application is due, and must advance cost within sixty days after so notified.

Requests for extensions of time for completion of appropriation will not be considered unless submitted on or before the date when proof is due, accompanied with sufficient affidavit and required fee.

When there are two or more co-applicants the application should be accompanied by a power of attorney authorizing one to act for all.

Fees Required by Law for State Treasury

For examining and filing applications to appropriate ten cubic feet of water per second or less $2.50

For examining and filing applications to appropriate five hundred acre feet of water or less 2.50

For examining and filing applications to appropriate more than ten cubic feet of water per second a fee of $2.50 plus $1.00 for each cubic foot per second in excess of that flow.

For examining and filing applications to appropriate more than five hundred acre feet of water a fee of $2.50 plus 2 cents for each acre foot in excess of that quantity.

When the filing fee on any application to appropriate water shall exceed $1,000.00, the balance of the fee in excess of $1,000.00 may, at the option of the applicant, be paid at the time the proof of appropriation is submitted.

For approving and recording completed applications 2.50

For examining and filing written proof of appropriation 1.00

For examining and filing map, profile and drawings that are part of the proof of appropriation 5.00

For issuing certificate of appropriation 1.00

For filing and examining papers of assignment, $1.00; and in addition 50 cents for the first folio and 20 cents for each additional folio for recording.

For filing protests against the granting of applications 1.00

For filing an affidavit or any other paper 1.00

NOTE—Applicants will save time and expense by familiarizing themselves with the law before making applications.

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
CHICAGO 54, ILLINOIS

November 16, 1944.

MEMORANDUM for the Secretary.

On September 2 and 4, 1941, the Department accepted three warranty deeds executed by John W. and Madge J. Crawford, James and Ellen C. Crawford, and John R. and Eliza E. Crawford, respectively, conveying to the United States 0.996 second feet of water of the waters of Virgin River, Utah, for use at Zion National Park. Photostats of the deeds and related papers are attached.

It appears that the quantity of water to be conveyed by the above-mentioned deeds was calculated on the basis of the 1.03 second feet of water decreed under Item No. 66, page 15, of the decree dated December 12, 1925, in the case of St. George and Washington Canal Company v. Hurricane Canal Company, less 0.034 second feet which, it was then believed, had already been acquired by the United States by virtue of the Crawfords' conveyances of land in 1931 but which now appear to have been reserved by the grantors. However, as indicated in the deeds, the decree of December 12, 1925, was amended by supplemental decree of April 21, 1931, so as to decree a total of 1.21 second feet of water.

Since it was the intention of the grantors to convey to the United States the entire quantity of water (1.21 second feet) as decreed under the decree of December 12, 1925, and supplemental decree of April 21, 1931, the attached confirmatory deed has been secured from them.

If the Solicitor finds the confirmatory deed to be satisfactory as to form and substance, its acceptance by you on behalf of the United States is respectfully recommended.

(Sgd) Hillory A. Tolson

Acting Director.

Enclosure 2366983.

cc: Mr. Demaray.
Mr. Dunn.
Mr. Price.

HKS:rd

12/30/1944: Deed accepted as recommended

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON

Deed examined and found to be satisfactory.

DEC 29 1944

For the Solicitor,

(Sgd) Theodore Spector

Assistant Solicitor.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

DEC 30 1944

Deed accepted as recommended.

(SGD.) OSCAR L. CHAPMAN

Assistant Secretary.

09/12/1944: Confirmatory Deed

CONFIRMATORY DEED

WHEREAS, by warranty deeds dated May 14, 1941, and April 22, 1941, John W. Crawford and wife, Madge J. Crawford, James Crawford and wife, Ellen C. Crawford, and John R. Crawford and wife, Elisa E. Crawford, conveyed unto the United States of America, for the considerations stated therein, nine hundred ninety-six thousandths (0.996) second feet of water of the waters of Virgin River, being a portion of the water as decreed in the case of St. George and Washington Canal Company, a corporation, plaintiff, vs. Hurricane Canal Company, defendant, Civil No. 270, under Item No. 66, page 15, of the decree dated December 12, 1925, as amended by supplemental decree dated April 21, 1931, said deeds being recorded in the Records of Washington County, Utah, in Book W-2, pages 234, 238, and 244, respectively; and

WHEREAS, it was the intention of the grantors to convey unto the United States of America the entire quantity of water as decreed under said item No. 66 of the decrees dated December 12, 1925, and April 21, 1931, totalling one and twenty-one hundredths (1.21) second feet of water;

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That, for and in consideration of the premises, John W. Crawford and wife, Madge J. Crawford, James Crawford and wife, Ellen C. Crawford, and John R. Crawford and wife, Elisa E. Crawford, all of Springdale, Washington County, State of Utah, do hereby grant, bargain, sell, convey, remise, release, confirm and forever quitclaim unto the UNITED STATES OF AMERICA and its assigns the following described water rights in Washington County, State of Utah, to wit:

One and twenty-one hundredths (1.21) second feet of water of the waters of Virgin River as decreed in the case of St. George and Washington Canal Company, a corporation, plaintiff, vs. Hurricane Canal Company, defendant, Civil No. 270, decreed under Item No. 66, page 15, of the decreed schedule of water rights in the above-entitled case, said original decree being dated December 12, 1925, and signed by Thomas H. Burton, Judge, and as amended by Supplemental Decree in the above-entitled case on decreed schedule of water rights under Item No. 66, page 5, of said Supplemental Decree dated April 21, 1931, and signed by Le Roy H. Cox, Judge;

Said decreed rights in the Decrees herein mentioned are particularly described as follows:

Item #66, Page 15 of the Decree dated December 12, 1925, is as follows:

NO. 66 - CRAWFORD DITCH COMPANY,
John R. Crawford, Pres., Springdale, Utah.

Date of Priority:	Class:	Acreage:	Duty:	Amount:
1877	1	66.7	55	1.05 c.f.s.

From Jan. 1 to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41 S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Section 21; 5.1 acres in Sec. 22 and 0.3 acre in Sec. 28, T. 41 S. R. 10 W. Said water to be divided among the owners named hereinafter in the ratios of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26.0 acres; E. E. Winder 6.0 acres; Lyle Winder 1.1 acres; Hyrum Reusch 1.1 acres. Total 66.7 acres.

and as amended by Supplemental Decree, Item #66, Page 5 dated April 21, 1931, as follows:

NO. 66 - CRAWFORD DITCH COMPANY,
John R. Crawford, Pres't. Springdale, Utah.

Date of Priority:	Class:	Acreage:	Duty:	Amount:
1877	1	66.7	55	1.21 c.f.s.

From Jan. 1 to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22. T. 41. S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21. 5.1 in Sec. 22 and 0.3 acre in Sec. 28. Tp. and Range aforesaid. Said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26. acres, E. E. Winder 6. acres, Lyle Winder 1.1 acre, Hyrum Reusch 1.1 acres. Total 66.7 acres.

WITNESS the hands of said Grantors this 12 day of September, A. D. 1944.

John R. Crawford

Eliza E. Crawford

James Crawford

Ellen C. Crawford

John W. Crawford

Madge J. Crawford

SIGNED IN THE PRESENCE OF:

Arden G. Schiefer

Fred C. Fagergren

R. D. Woolley

09/14/1944: Notarary Seal

STATE OF UTAH)
: SS.
COUNTY OF WASHINGTON)

On this 14 day of September, in the year 1944, personally appeared before me JAMES CRAWFORD and ELLEN C. CRAWFORD, his wife, and JOHN R. CRAWFORD and ELIZA E. CRAWFORD, his wife, the signers of the above instrument, and acknowledged to me that they executed the same.

(Sgd.) Maurice Cope
Notary Public
Residing at: Zion National Park,
Springdale, Utah.

My commission expires:
March 15, 1948.

(Notarial Seal)

STATE OF UTAH)
: SS.
COUNTY OF WEBER)

On this 18th day of September, in the year 1944, personally appeared before me JOHN W. CRAWFORD and MADGE J. CRAWFORD, his wife, signers of the above instrument, and acknowledged to me that they executed the same.

J. E. Van Boerum
Notary Public
Residing at:

My commission expires:

My commission Expires Oct. 21, 1947

(Notarial Seal)

Entry No. 62812

Filed October 7

A. D. 1944 11 A. M.

in Book W-3

at page 15

Records of Washington County
State of Utah

(Sgd.) Helen Bleak
Recorder

By _____
Deputy

ABSTRACT RECORD

Book H 1 Page 27 Line 33

10/07/1944: Abtract Record

Pursuant to the provisions of the Act of Congress approved August 24, 1912 (37 Stat. 497), I hereby certify that the annexed are true copies of the following deeds (and related papers attached thereto) conveying to the United States of America certain lands and water rights in Washington County, Utah, for use in connection with the Zion National Park, as the same appear in the records and files of this Office:

Deed 1 1. Warranty deed dated September 14, 1927, from Jacob Crawford and Mary Effie Crawford, his wife;
Deed 3 2. Quitclaim deed dated May 15, 1931, from Daniel Crawford, et al.;
Deed 5 3. Warranty deed dated May 15, 1931, from Arden G. Schiefer and Lucy C. Schiefer, his wife;
Deed 6 4. Warranty deed dated May 15, 1931, from Vera D. Allred and John A. Allred, her husband;
Deed 7 5. Warranty deed dated May 15, 1931, from James Crawford and Ellen Crawford, his wife;
Deed 8 6. Warranty deed dated May 15, 1931, from John W. Crawford and Madge Crawford, his wife;
Deed 9 7. Warranty deed dated May 15, 1931, from John R. Crawford and Eliza Crawford, his wife;
Deed 10 8. Warranty deed dated May 15, 1931, from William L. Crawford and Mary J. Crawford, his wife;
Deed 11 9. Warranty deed dated May 15, 1931, from Daniel Crawford, et al.;
Deed 12 10. Warranty deed dated May 15, 1931, from Daniel Crawford and Sarah Crawford, his wife;
Deed 15 11. Quitclaim deed dated May 26, 1937, from Utah Parks Company;
Deed 16 12. Warranty deed dated April 22, 1941, from John R. Crawford and Eliza E. Crawford, his wife;
Deed 17 13. Warranty deed dated April 22, 1941, from James Crawford and Ellen C. Crawford, his wife;
Deed 18 14. Warranty deed dated May 14, 1941, from John W. Crawford and Madge J. Crawford, his wife.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the National Park Service, Department of the Interior, to be affixed hereto, in the City of Chicago, State of Illinois, this 8th day of August, 1944.

(Sgd) Hillory A. Tolson

Acting Director,
National Park Service,
United States Department of the Interior.

08/08/1944: Copy of Deeds

Pursuant to the provisions of the Act of Congress approved August 24, 1912 (37 Stat. 497), I hereby certify that the annexed are true copies of the following deeds (and related papers attached thereto) conveying to the United States of America certain lands and water rights in Washington County, Utah, for use in connection with the Zion National Park, as the same appear in the records and files of this Office:

Deed 1 1. Warranty deed dated September 14, 1927, from Jacob Crawford and Mary Effie Crawford, his wife;
Deed 3 2. Quitclaim deed dated May 13, 1931, from Daniel Crawford, et al.;
Deed 5 3. Warranty deed dated May 13, 1931, from Arden G. Schiefer and Lucy C. Schiefer, his wife;
Deed 6 4. Warranty deed dated May 13, 1931, from Vera D. Allred and John A. Allred, her husband;
Deed 7 5. Warranty deed dated May 13, 1931, from James Crawford and Ellen Crawford, his wife;
Deed 8 6. Warranty deed dated May 13, 1931, from John W. Crawford and Madge Crawford, his wife;
Deed 9 7. Warranty deed dated May 13, 1931, from John R. Crawford and Eliza Crawford, his wife;
Deed 10 8. Warranty deed dated May 13, 1931, from William L. Crawford and Mary J. Crawford, his wife;
Deed 11 9. Warranty deed dated May 13, 1931, from Daniel Crawford, et al.;
Deed 12 10. Warranty deed dated May 13, 1931, from Daniel Crawford and Sarah Crawford, his wife;
Deed 15 11. Quitclaim deed dated May 26, 1937, from Utah Parks Company;
Deed 16 12. Warranty deed dated April 22, 1941, from John R. Crawford and Eliza E. Crawford, his wife;
Deed 17 13. Warranty deed dated April 22, 1941, from James Crawford and Ellen C. Crawford, his wife;
Deed 18 14. Warranty deed dated May 14, 1941, from John W. Crawford and Madge J. Crawford, his wife.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the National Park Service, Department of the Interior, to be affixed hereto, in the City of Chicago, State of Illinois, this 8th day of August, 1944.

(Sgd) Hillory A. Tolson

Acting Director,
National Park Service,
United States Department of the Interior.

DEED No. 18
no acreage

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

YELLOWS NORTH

NATIONAL PARK SERVICE RECEIVED SEP 5 - 1941 MAILS AND FILES

August 25, 1941.

MEMORANDUM for the Secretary:

There are transmitted herewith the title papers covering the proposed purchase of 0.077 second feet of established water right No. 66, priority of 1877, waters of the Virgin River and its tributaries, from John W. Crawford and Madge Crawford, his wife, for the sum of $131.28 pursuant to contract No. I-lp-17882 approved March 21, 1941, for use at Zion National Park.

Funds to complete this purchase were made available to the National Park Service by Interior Department Appropriation Act, 1941 (Public No. 640, 76th Congress), for the investigation and purchase of water rights.

The Assistant Solicitor has examined the title to the above-mentioned water right and a copy of his opinion thereon dated June 28, 1941 (M. 31365), setting forth certain requirements to be met before the title will be approved, is enclosed. It appears that all the requirements of the opinion have now been complied with.

It is therefore respectfully recommended that the title to the water right be accepted by you on behalf of the United States if upon re-examination by the Solicitor it is found to be satisfactory.

Enclosure 2538458

Hillory A. Tolson
Acting Director.

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08/25/1941: Memorandum for the Secretary regarding title papers

DEPARTMENT OF THE INTERIOR
Office of the Solicitor

Title re-examined and found to be satisfactory subject to the payment of an assessment which will be levied by the Virgin River Waters Users Association to cover distribution expenses.

12/9/41
Requirement met.
See letter from Supt of
12/2/41 enclosing receipt
in payment of assessment.
Asst. Solicitor
per R.A.M.

For the Solicitor,

Assistant Solicitor.

DEPARTMENT OF THE INTERIOR
Office of the Secretary

SEP - 4 1941

Title accepted subject to the above-mentioned condition.

Under Secretary.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON

JUN 28 1941

M. 31365.

The Honorable

The Secretary of the Interior.

My dear Mr. Secretary:

In accordance with the request from the National Park Service an examination has been made of the title data relating to certain water rights under established water right No. 66, Priority of 1877, waters of the Virgin River and its tributaries for use at Zion National Park in Washington County, Utah. These water rights are to be acquired for a consideration of $131.28 in accordance with contract No. I-lp-17882, approved March 21, 1941, by authority of the act of June 18, 1940 (Public No. 640, 76th Cong.).

The water rights are described in the enclosed executed deed dated May 14, 1941, from John W. Crawford and Madge J. Crawford, his wife, to the United States of America, which is satisfactory in form.

The abstract, consisting of nine pages, was last certified on April 24, 1941, by Lehay H. Cox, abstracter. The certificate must be amended to show that it was prepared for the use and benefit of the United States.

The abstract and accompanying data discloses the title to be vested in the United States of America, subject to:

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M. 31365.

All taxes and assessments which are liens at the time of passing of title. If the taxes are liens by State statute but are not ascertainable, adequate provision must be made for the payment of such taxes by withholding from the purchase price a sufficient sum to secure the payment of such taxes.

The water rights in question were formerly owned by E. E. Winder. These water rights, however, were acquired by John W. Crawford by virtue of the enclosed quitclaim deed dated May 10, 1941, from Cornelia C. Winder, administratrix of the estate of Enos E. Winder, deceased. This deed was executed pursuant to an order of court entered April 29, 1941, in the matter of the Estate of Enos E. Winder, deceased. A certified copy of said order of court and an affidavit reconciling the discrepancy in names as between E. E. Winder and Enos E. Winder are enclosed also. The administratrix' quitclaim deed, the order of the court and the affidavit of identity must be recorded.

The question as to whether the deed to the United States conveys the rights to the increased amount of water provided by the supplemental decree of April 21, 1931, is answered in the affirmative, since the deed taken as a whole shows the manifest intention of the grantors to convey all their right, title and interest in the waters decreed to them by both the original and supplemental decrees.

Only when the foregoing requirements and objections have been met the enclosed warranty deed from John W. Crawford and Madge J. Crawford,

M. 31365.

his wife, to the United States, properly stamped, has been recorded, the abstract has been continued and certified to a date subsequent to the recordation of the deed, disclosing that nothing has occurred since the date of the present certificate to affect the title adversely, and showing the vesting of a valid title in the United States of America, the title will be approved and the deed accepted.

Should it be ascertained that there are any outstanding rights or claims adversely affecting the water rights, not referred to in this opinion and which have not been properly met, this opinion and the related data should be referred to me for further consideration.

The deed, abstract and related papers are returned for further action in accordance with this opinion.

Respectfully,

For the Solicitor,

Assistant Solicitor.

Approved: JUN 28 1941

W. C. Mendenhall

Acting Assistant Secretary.

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WARRANTY DEED

JOHN W. CRAWFORD and MADGE J. CRAWFORD, his wife, of Springdale, Washington County, State of Utah, Grantors, hereby convey and warrant to UNITED STATES OF AMERICA, and ITS ASSIGNS, for the sum of ONE HUNDRED THIRTY-ONE AND 28/100 DOLLARS ($131.28), the following described water rights, in Washington County, State of Utah, to wit:

0.077 thousandths second feet of water of the waters of the Virgin River as decreed in the case of St. George Washington Canal Company, a corporation, plaintiff, vs. Hurricane Canal Company, a corporation, defendant, Civil #270, said water right being all the right, title and interest of the grantors in water decreed under Item #66, Page 15, of the decreed schedule of water rights in the above entitled case, said original decree being dated December 12, 1925, and signed by Thomas H. Burton, Judge, and as amended by Supplemental Decree in the above entitled case on decreed schedule of water rights under Item #66, Page 5 of said supplemental decree dated April 21, 1931, and signed by Le Roy H. Cox, Judge.

Said decreed rights in the decrees herein mentioned are particularly described as follows:

"Crawford Ditch Company, John R. Crawford, Pres., Springdale, Utah.

No.	Date of Priority:	Class:	Acreage:	Duty:	Amount:
66	1877	1	66.7	55	1.03 c.f.s.

From Jan. 1 to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41, S.R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21; 5.1 acres in Sec. 22 and 0.3 acre in Sec. 28, T. 41 S. R. 10 W. Said water to be divided among the owners named hereinafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26.0 acres; E. E. Winder 5.0 acres; Lyle Winder 1.1 acres; Hyrum Reusch 1.1 acres. Total 66.7 acres;"

and as amended by Supplemental Decree, Page 5, Item #66 dated April 21, 1931, as follows:

"Crawford Ditch Company, John R. Crawford, Pres't, Springdale, Utah.

No.	Date of Priority:	Class:	Acreage:	Duty:	Amount:
66	1877	1	66.7	55	1.21 c.f.s.

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From Jan. 1 to Dec. 31.

Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41. S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21, 5.1 in Sec. 22 and 0.3 acre in Sec. 28, Tp. and Range aforesaid. Said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26. acres; E. E. Winder 5. acres, Lyle Winder 1.1 acre, Hyrum Reusch 1.1 acres. Total 66.7 acres."

WITNESS the hands of said Grantors this 14th day of May, A. D. 1941.

Signed in the Presence of:

Lee Roy Allen

John W. Crawford

Madge J. Crawford

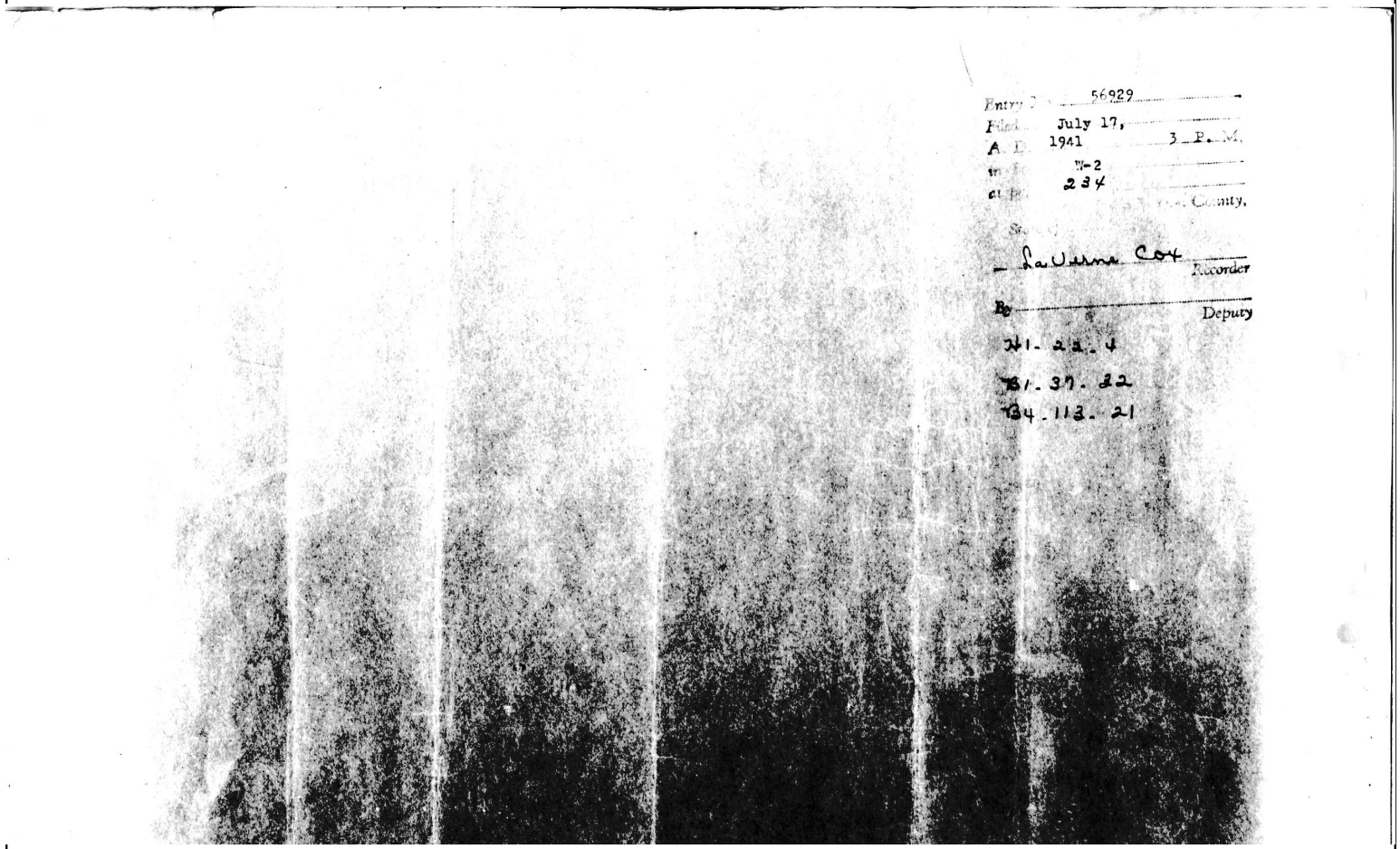
STATE OF UTAH,)
: SS.
COUNTY OF WASHINGTON)

On this 16th day of May, in the year 1941, personally appeared before, JOHN W. CRAWFORD and MADGE CRAWFORD, his wife, the signers of the above instrument, who duly acknowledged to me that they executed the same.

Lee Roy Allen

Notary Public,
Residing at St. George, Utah,
My commission expires October 24, 1943.

(Notarial Seal)


Entry No. 56929
Filed July 17,
A. D. 1941 3 P. M.
in W-2
at Pg. 234
County,
Sr.
LaVerne Cox
Recorder
By Deputy
N1-22-4
B1-37-22
B4-113-21

07/17/1941: Filing Record

05/10/1941: Quit Claim Deed

ADMINISTRATRIX' QUIT CLAIM DEED

THIS INDENTURE, Made on the 10th day of May, 1941, by and between CORNELIA C. WINDER, the duly appointed, qualified and acting Administratrix of the Estate of Enos E. Winder, deceased, late of Washington County, Utah, the party of the first part, and JOHN W. CRAWFORD of Springdale, Washington County, State of Utah, the party of the second part:

WITNESSETH: That Whereas, on the 29th day of April, 1941, the Judge of the Fifth Judicial District Court of the County of Washington, State of Utah, made an Order authorizing execution of an Administratrix' Quit Claim Deed by the said party of the first part, said deed to cover certain water rights of the said Enos E. Winder, deceased, situate in the County of Washington, State of Utah, and particularly described in said Order which is now on file and of record in the said Fifth Judicial District Court, and is hereby referred to for greater certainty;

AND WHEREAS, by virtue of said Order and after due and legal notice of the petition for authorization to execute an Administratrix' Quit Claim Deed, did, on the 29th day of April, 1941, sign an Order authorizing and directing the Administratrix to execute and deliver to JOHN W. CRAWFORD, an Administratrix' Quit Claim Deed; and

WHEREAS, said Order authorizing the execution of said Administratrix' Quit Claim Deed has been recorded in the office of the County Recorder of Washington County, State of Utah, in Book W-2, at page 233, of the records of Washington County, Utah;

NOW, THEREFORE, the said Cornelia C. Winder, as administratrix of the estate of Enos E. Winder, deceased, as aforesaid,

the party of the first part, pursuant to the order last aforesaid of the said Fifth Judicial District Court, for and in consideration of the sum of One Dollar ($1.00), to her in hand paid by the said party of the second part, receipt of which is hereby acknowledged, has quitclaimed and conveyed, and by these presents does quitclaim and convey unto the said party of the second part, his heirs and assigns forever, all the right, title, interest, and estate of the said Enos E. Winder, deceased, at the time of his death, and also all the right, title, and interest that the said estate, by operation of law or otherwise, may have acquired, other than or in addition to that of said intestate at the time of his death, in and to all those certain water rights under Item #66 of the Final Decree of St. George and Washington Canal Company, a corporation, plaintiff, vs. Hurricane Canal Company, a corporation, defendants, Civil #270, and more particularly described as follows to wit:

No.	Date of Priority:	Class:	Acreage:	Duty:	Amount:
66	1877	1	66.7	50	1.21 c.f.s.

Crawford Ditch Company, John R. Crawford, Pres't. Springdale, Utah.

From Jan. 1 to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41 S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres of land in Sec. 21, 5.1 in Sec. 22 and 0.3 acre in Sec. 28, Tp. and Range aforesaid. Said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres, Daniel Crawford 6.1 acres; James Crawford 26. acres, E. E. Winder 5. acres, Lyle Winder 1.1 acres, Hyrum Reusch 1.1 acres. Total 66.7 acres.

TO HAVE AND TO HOLD, all and singular the above mentioned and described water rights unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part, as administratrix of the estate of said deceased, as aforesaid, has executed these presents the day and year first above written.

X Cornelia C. Winder

Administratrix of the estate of Enos E. Winder, deceased.

WITNESS:

Leon J. Welch

STATE OF UTAH,)
: SS
COUNTY OF WASHINGTON)

On this 12 day of May, in the year 1941, before me, LEROY H. COX, a Notary Public in and for said County of Washington, State of Utah, personally appeared CORNELIA C. WINDER, personally known to me to be the person whose name is subscribed to the foregoing instrument as the Administratrix of the estate of Enos E. Winder, deceased, and she duly acknowledged to me that she, as such administratrix, executed the same.

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

LeRoy H. Cox

Notary Public residing at St. George, Utah,
My commission expires October 24, 1943.

(Notarial seal)

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A F F I D A V I T

STATE OF UTAH,)
: SS.
COUNTY OF WASHINGTON)

LE ROY H. COX, being first duly sworn, deposes and says:

That he was acquainted with Enos E. Winder, also known as E. E. Winder; that he has known the said Enos E. Winder, also known as E. E. Winder, for more than twenty years;

Affiant further states that when the Supplemental and Final Decree in the case of St. George and Washington Canal Company, a corporation, plaintiff vs. Hurricane Canal Company, a corporation, defendants, was entered, he was the Judge of the Court, and signed the Supplemental and Final Decree; that in making the Supplemental and Final Decree he knows of his own knowledge that the said E. E. Winder and Enos E. Winder, who appears as one of the owners of water right under Item #66, page 5 of the Supplemental and Final Decree, is one and the same person.

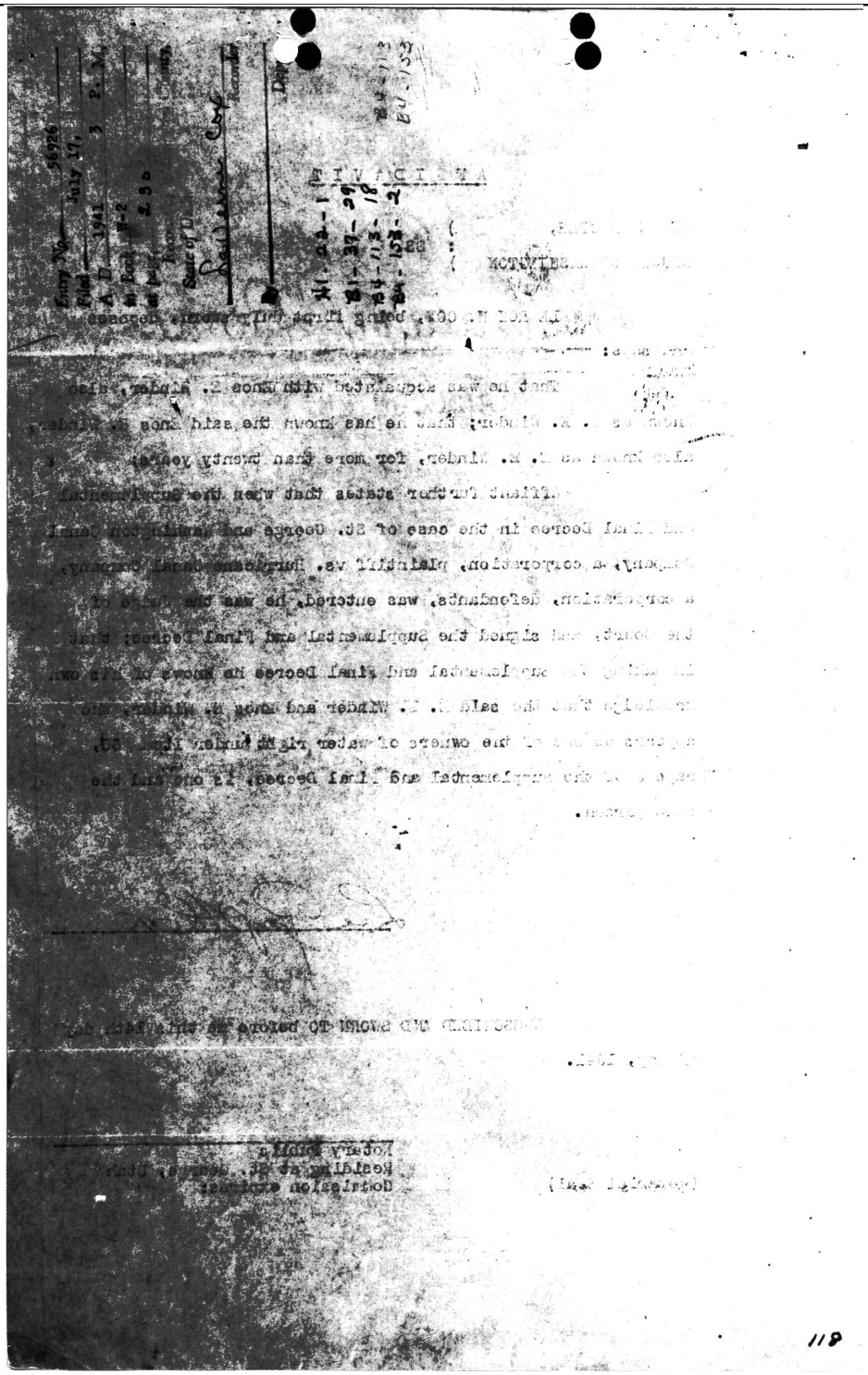
Le Roy H. Cox

SUBSCRIBED AND SWORN TO before me this 14th day of May, 1941.

Notary Public
Residing at St. George, Utah
Commission expires:

(Notarial Seal)

07/17/1941: Filing Record



IN THE FIFTH JUDICIAL DISTRICT COURT FOR WASHINGTON COUNTY, STATE OF UTAH.....

In the Matter of the Estate of Enos E. Winder, Deceased.

ORDER AUTHORIZING EXECUTION OF ADMINISTRATOR'S DEED

It appearing to the court that the petition of the administratrix, Cornelia C. Winder, praying for an order authorizing her to execute an administratrix deed was duly filed on the 15th day of April, 1941, and that the same was set for hearing on the 29th day of April, 1941, and that no protest has been filed:

And it further appearing to the court that the diseased, Enos E. Winder, prior to his death, entered into an agreement to convey certain lands and water rights to one, John W. Crawford,

And it further appearing to the court that the lands were conveyed, but no conveyance was ever made of the water used upon the land.

And it further appearing to the court that it was intended that the said land so conveyed should carry the water rights used upon the land.

And it further appearing to the court that said water rights used upon and appurtenant to said land is decreed to the diseased Enos E. Winder, also known as E. E. Winder in the final decree entered in the case of St. George and Washington Canal Company Vs. Hurricane Canal Company, Civil 270. Said water right as finally decreed, being a part of Item 66, page 15 of said decree, and more particularly described as follows:

No.	Date of Priority:	Class:	Acreage:	Duty:	Amount:
66	1877	1	66.7	55	1.21 c.f.s.

From Jan. 1. to December 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 850 ft. S. and 1300 ft. E. of the NW Cor. Sec. 28, T. 41. S. R. 10 W. and used to irrgate 66.7 acres of land described as follows: 61.3 acres in Sec. 21; 5.1 acres in Sec. 22 and 0.3 acre in Sec. 28. Tp. and Range aforesaid,

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Said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres, Daniel Crawford 6.1 acres, James Crawford 26 acres, E. E. Winder 5. acres, Lyle Winder 1.1 acre, Hyrum Reusch 1.1 acres. Total 66.7 acres.

And it further appearing to the court that the consideration for said land and water herein referred to was paid to the deceased prior to his death.

NOW THEREFORE, It is ordered, adjudged, and decreed that said administratrix, Cornelia C. Winder, is hereby authorized and directed to sign an administratrix deed, conveying all right title and interest of Enos E. Winder, also known as E. E. Winder in and to the water rights heretofore described to John W. Crawford.

Dated this 29th day of April, 1941

Wilf L. Hoyt.
Judge

CERTIFICATE OF COPY

STATE OF UTAH
County of Washington } **ss.**

I, Alice Pendleton Clerk of Washington County, Utah, and ex-officio Clerk of the District Court, do hereby certify that the above and foregoing is a full, true and correct copy of the original Order Authorizing Execution of Administrator 's Deed in the Matter of the Estate of Enos E. Minder, deceased

which is on file in my office.

In witness whereof I hereunto set my hand and the seal of the said Court above mentioned.

This 10 day of May A. D., 1941.

Alice Pendleton Clerk

By [signature] Deputy

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07/17/1941: Filing Record

For ... 56928
... July 17
... 1941 3 P.M.
... M-2
... 233
... County,

... Darlene Cox
... Recorder

By ... Deputy

NL 22-3
B1-37-31
B4-113-20

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DEED #17.
no acreage

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

NATIONAL PARK SERVICE RECEIVED SEP 5 - 1941 MAILS AND FILES

FELLOWS NOTED

August 25, 1941.

MEMORANDUM for the Secretary:

There are transmitted herewith the title papers covering the proposed purchase of 0.402 second feet of established water right No. 66, priority of 1877, waters of the Virgin River and its tributaries, from James and Ellen C. Crawford, for the sum of $685.41 pursuant to contract No. I-1p-17879 approved March 21, 1941, for use at Zion National Park.

Funds to complete this purchase were made available to the National Park Service by Interior Department Appropriation Act, 1941 (Public No. 640, 76th Congress), for the investigation and purchase of water rights.

The Assistant Solicitor has examined the title to the above-mentioned water right and a copy of his opinion thereon dated June 28, 1941 (M. 31342), setting forth certain requirements to be met before the title will be approved, is enclosed. It appears that all the requirements of the opinion have now been complied with.

It is therefore respectfully recommended that title to the water right be accepted by you on behalf of the United States if upon re-examination by the Solicitor it is found to be satisfactory.

Hillory A. Tolson
Acting Director.

Enclosure 2538453

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DEPARTMENT OF THE INTERIOR
Office of the Solicitor

Title re-examined and found to be satisfactory subject to the payment of an assessment which will be levied by the Virgin River Water Users Association to cover distribution expenses.

12/9/41
Requirement met. (Total) See letter of Asst. Solicitor enclosing receipt in payment of assessment.
Asst. Solicitor per RRM

For the Solicitor,

Assistant Solicitor.

DEPARTMENT OF THE INTERIOR
Office of the Secretary

SEP - 4 1941

Title accepted subject to the above-mentioned condition.

Under Secretary.

96

06/28/1941: Memorandum to the Secretary regarding examination of title

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON

M. 31342.

JUN 28 1941

The Honorable

The Secretary of the Interior.

My dear Mr. Secretary:

In accordance with the request from the National Park Service an examination has been made of the title data relating to certain water rights under established water right No. 66, Priority of 1877, waters of the Virgin River and its tributaries for use at Zion National Park, in Washington County, Utah. These water rights are to be acquired for a consideration of $685.41 in accordance with contract No. I-lp-17879, approved March 21, 1941, by authority of the act of June 18, 1940 (Public No. 640, 76th Cong.).

The water rights are described in the enclosed executed deed dated April 22, 1941, from James Crawford and Ellen C. Crawford, his wife, to the United States of America, which is satisfactory in form.

The abstract, consisting of nine pages, was last certified on April 24, 1941, by Le Ray H. Cox, Abstracter. The certificate must be amended to show that it was prepared for the use and benefit of the United States.

The abstract and accompanying data disclose the title to be vested in the United States of America, subject to:

1. All taxes and assessments which are liens at the time of the passing of title. If the taxes are liens by State statute but are not ascertainable adequate provision should be made for the payment of such taxes by withholding from the purchase price a sufficient sum to secure the payment of such taxes.

2. In paragraph No. 4 of the enclosed contract reference is made to an agreement between the vendors and Evan Lee for the temporary use of 0.36 second-foot of this water. As shown by the enclosed warranty deed dated April 10, 1941, from Evan S. Lee and wife to James Crawford and Helen Crawford, the grantors have released and surrendered all of their rights to the use of said water. This deed, however, must be recorded.

3. A discrepancy in names appears as between Helen Crawford, grantee in the above-mentioned deed, and Ellen C. Crawford, grantor in the deed to the United States. An affidavit must be submitted showing that these names relate to one and the same person.

The question as to whether the deed to the United States conveys the rights to the increased amount of water provided by the supplemental decree of April 21, 1931, is answered in the affirmative since the deed, taken as a whole, shows the manifest intention of the grantors to convey all their right, title and interest in the waters decreed to them by both the original and supplemental decrees.

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Only when the foregoing requirements and objections have been met, the enclosed warranty deed from James Crawford and Ellen Crawford, his wife, to the United States, properly stamped, has been recorded, the abstract has been continued and certified to a date subsequent to the recordation of the deed, disclosing that nothing has occurred since the date of the present certificate to affect the title adversely, and showing the vesting of a valid title in the United States of America, the title will be approved and the deed accepted.

Should it be ascertained that there are any outstanding rights or claims adversely affecting the water rights, not referred to in this opinion and which have not been properly met, this opinion and the related data should be referred to me for further consideration.

The deed, abstract and related papers are returned for further action in accordance with this opinion.

Respectfully,

For the Solicitor,

/s/ Theodore Spector

Assistant Solicitor.

Approved: JUN 28 1941

/s/ W. C. Mendenhall

Acting Assistant Secretary.

WARRANTY DEED

JAMES CRAWFORD and ELLEN C. CRAWFORD, his wife, of Springdale, Washington County, State of Utah, grantors, hereby convey and warrant to UNITED STATES OF AMERICA, OR ITS ASSIGNS, Grantee, for the sum of SIX HUNDRED EIGHTY-FIVE AND 41/100 DOLLARS ($685.41), lawful money of the United States of America, the following described water rights in Washington County, State of Utah, to wit:



Four Hundred Two thousandths (0.402) second feet of water of the waters of Virgin River as decreed in the case of St. George and Washington Canal Company, a corporation, plaintiffs, vs. Hurricane Canal Company, defendants, Civil #270, said water right being all the right, title and interest of the grantors in water decreed under Item #66, Page 15, of the decreed schedule of water rights in the above entitled case, said original decree being dated December 12, 1925, and signed by Thomas H. Burton, Judge, and as amended by Supplemental Decree in the above entitled case on decreed schedule of water rights under Item #66, Page 5 of said Supplemental Decree dated April 21, 1931, and signed by Le Roy H. Cox, Judge;

Said decreed rights in the Decrees herein mentioned, of which the above Parcel is a part, is particularly described as follows, to wit:

Item #66, Page 15 of the Decree dated December 12, 1925, is as follows:

NO. 66 - CRAWFORD DITCH COMPANY,
John R. Crawford, Pres., Springdale, Utah.

Date of Priority:	Class:	Acreage:	Duty:	Amount:
1877	1	66.7	55	1.03 c.f.s.

From Jan. 1 to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41 S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Section 21; 5.1 acres in Sec. 22 and 0.3 acre in Sec. 28, T. 41 S. R. 10 W. Said water to be divided among the owners named hereinafter in the ratios of their respective individual acres to the total acreage as follows: John R. Crawford

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27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26.0 acres; E. E. Winder 5.0 acres; Lyle Winder 1.1 acres; Hyrum Reusch 1.1 acres. Total 66.7 acres.

and as amended by Supplemental Decree, Item #66, Page 5 dated April 21, 1931, as follows:

NO. 66 - CRAWFORD DITCH COMPANY,
John R. Crawford, Pres't. Springdale, Utah.

Date of Priority:	Class:	Acreage:	Duty:	Amount:
1877	1	66.7	55	1.21 c.f.s.

From Jan. 1 to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22. T. 41. S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21. 5.1 in Sec. 22 and 0.3 acre in Sec. 28. Tp. and Range aforesaid. Said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26. acres, E. E. Winder 5. acres, Lyle Winder 1.1 acre, Hyrum Reusch 1.1 acres. Total 66.7 acres.

WITNESS the hands of said Grantors this 22nd day of April, A. D. 1941.

James Crawford

Ellen L Crawford

SIGNED IN THE PRESENCE OF:

Le Roy H Cox

STATE OF UTAH,)
: SS.
COUNTY OF WASHINGTON)

On this 22nd day of April, in the year 1941, personally appeared before me JAMES CRAWFORD AND ELLEN C. CRAWFORD, his wife, the signers of the above instrument, who duly acknowledged to me that they executed the same.

Notary Public
Residing at St. George, Utah.
My Commission expires October 24, 1943.

(Notarial Seal)

101

7-17-41
3 P.M.

Fee No. 36932
Filed July 17,
At 1941 3 P.M.
in Book W-2
at Page 238
Records of Lassen County,
State of California.

Lauerne Cox
Recorder

By _____ Deputy

41-22-7
T31-37-35
T34-113.24

102

07/17/1941: Affidavit

A F F I D A V I T

STATE OF UTAH,)
COUNTY OF WASHINGTON) ss.

LE ROY H. COX, being first duly sworn, deposes and says:

That he is acquainted with Ellen C. Crawford, wife of James Crawford, one of the grantors in that certain warranty deed dated April 22, 1941, from James Crawford and Ellen C. Crawford, his wife, to the United States of America, and is also acquainted with Helen Crawford, one of the grantees in that certain warranty deed from Evan S. Lee and Lillian Lee, his wife, to James Crawford and Helen Crawford, dated April 10, 1941; that the said Helen Crawford and Ellen C. Crawford, above referred to, is one and the same person.

Le Roy H Cox

SUBSCRIBED AND SWORN TO before me this 12 day of July, 1941.

Owal Hafen
Notary Public,
Residing at St. George, Utah.
My Commission expires:
Feb 20 1942

(Seal)

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WARRANTY DEED

EVAN S. LEE and LILLIAN LEE, his wife, of Virgin, Washington County, State of Utah, Grantors, hereby convey and warrant to JAMES CRAWFORD and HELEN CRAWFORD, Grantees of Springdale, Utah, for the sum of One Dollar and other valuable considerations, the following described water rights, in Washington County, State of Utah, to wit:

The right to the use of thirty-six hundredths (.36) cubic feet of water per second of time from June 25, 1940 to June 25, 1941, and to the use of said water at any future time, said water right being a part of the decreed water right under Item #66 of the Decree in the District Court of Washington County, State of Utah, in the case entitled: St. George & Washington Canal Company, plaintiff vs. Hurricane Canal Company, defendant, said right being also the same right referred to in the Supplemental and final Decree of the above described case. The original Right of which this is a part is described in said supplemental and final decree as follows:

"Crawford Ditch Company, John R. Crawford, Pres't., Springdale, Utah.

No.	Date of Priority:	Class:	Acreage:	Duty:	Amount:
66	1877		66.7	55	1.21 c.f.s.

From Jan. 1 to Dec. 31.

Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22 T. 41. S. R. 10. W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21. 5.1 in Sec. 22 and 0.3 acre in Sec. 28 Tp. and Range aforesaid, said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26. acres; E. E. Winder 5. acres; Lyle Winder 1.1 acre; Hyrum Reusch 1.1 acres; Total 66.7 acres.

It is the intent and purpose of this deed of conveyance for the grantors to surrender back to the grantee any and all claim on the use of water, or any part thereof, described in this deed, and said grantee will have the right to take immediate possession and use of said water.

WITNESS the hand of said Grantors this 10 day of April, A. D. 1941.

Evan S. Lee

Lillian Lee

SIGNED IN THE PRESENCE OF:

Lee Roy Hall

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STATE OF UTAH,)
: SS!
COUNTY OF WASHINGTON)

On this 10 day of April, in the year 1941, personally appeared before me, EVAN S. LEE and LILLIAN LEE, his wife, the signers of the above instrument, who duly acknowledged to me that they executed the same.

Lee Roy H. Cox

Notary Public
Residing at: St. George, Utah,
My Commission expires: October 24, 1943.

(Notarial Seal)

105

Entered No. 56921
Filed July 17,
At 1941 3 P.M.
in V-2
and 236
County,
State
Recorder
By Deputy

141-22-4
131-37-33
84-113-22

04/10/1941: State Engineer Certificate of no change of diversion or use

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

T. H. HUMPHERYS
STATE ENGINEER

C E R T I F I C A T E

I, T. H. Humpherys, the duly appointed, qualified and acting State Engineer of the State of Utah, do hereby certify that no Application to change the point of diversion, place or purpose of use of water in the State of Utah has been filed in this office by the Crawford Ditch Company covering water shown in item 66, page 15, of the Virgin River Decree in the case of St. George and Washington Canal Company, a corporation, plaintiff vs. Hurricane Canal Company, a corporation, defendant, since the signing of the decree - in this case December 12, 1925, or the supplemental and final decree dated April 21, 1931. So far as is shown by the records in this office there has been no change in the status of water rights owned by said company during this period of time. Any change of ownership since the filing of the decree and supplements thereto should have been filed in the county recorder's office and not in the State Engineer's office.

IN WITNESS WHEREOF I set my hand and affix the seal of my office this 10 day of April, 1941.

T. H. HUMPHERYS,
STATE ENGINEER

2/mot

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04/22/1941: Affidavit

A F F I D A V I T .

STATE OF UTAH,)
: SS.
COUNTY OF WASHINGTON)

ARTHUR K. HAFEN, being first duly sworn, deposes and says:

That he is the Secretary and Treasurer of the Virgin River Water Users Association, a voluntary association organized for the purpose of cooperating with the State Engineer and affecting distribution of the waters of the Virgin River as decreed in the case of St. George & Washington Canal Company, plaintiff, vs. Hurricane Canal Company, defendants, Civil #270, said decree being dated December 12, 1925, and as amended April 21, 1931;

That as Secretary of said association, affiant states that the charges for water commissioner and distribution of water on said system have been paid by the owners of water under Item #66 of said decree up to and including the year 1940, the last payment being made by said users under Item #66 of said decree was for the year 1940; that up to the present date for the year 1941 no assessment for the distribution of water has been made.

Arthur K. Hafen
Secretary Virgin River Water Users Committee

SUBSCRIBED AND SWORN TO before me this 22nd day of April, 1941.

Lee Roy Allen
Notary Public
Residing at:
My Commission expires:

(Notarial Seal)

116

08/25/1941: Memorandum to the Secretary regarding title papers

DEED 76
no acreage

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

August 25, 1941.

MAILS AND FILES

MEMORANDUM for the Secretary:

There are transmitted herewith the title papers covering the proposed purchase of 0.423 and 0.094 second feet of established water right No. 66, priority of 1877, waters of the Virgin River and its tributaries, from John R. and Eliza E. Crawford, his wife, for the sums of $721.21 and $160.27 pursuant to contracts Nos. I-lp-17880 and I-lp-17881, respectively, approved March 21, 1941, for use at Zion National Park.

Funds to complete this purchase were made available to the National Park Service by Interior Department Appropriation Act, 1941 (Public No. 640, 76th Congress), for the investigation and purchase of water rights.

The Assistant Solicitor has examined the title to the above-mentioned water right and a copy of his opinion thereon dated June 28, 1941 (M. 31342), setting forth certain requirements to be met before the title will be approved, is enclosed. It appears that all the requirements of the opinion have now been complied with.

It is therefore respectfully recommended that title to the water right be accepted by you on behalf of the United States if upon re-examination by the Solicitor it is found to be satisfactory.

Hillory A. Tolson
Acting Director.

Enclosure 2538455

65

09/02/1941: Examination of title

DEPARTMENT OF THE INTERIOR
Office of the Solicitor

Title re-examined and found to be satisfactory subject to the payment of an assessment which will be levied by the Virgin River Waters Users Association to cover distribution expenses.

12/9/41
Requirement met.
See letter from Supt.
of 12/5/41 enclosing receipt
in payment of assessment
Asst. Solicitor
per RRM.

For the Solicitor,

Assistant Solicitor.

DEPARTMENT OF THE INTERIOR
Office of the Secretary

SEP - 2 1941

Title accepted subject to the above-mentioned condition.

Under Secretary.

66

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR JUN 28 1941
WASHINGTON

M. 31364.

The Honorable

The Secretary of the Interior.

My dear Mr. Secretary:

In accordance with the request from the National Park Service an examination has been made of the title data relating to certain water rights under established water right No. 66, Priority of 1877, waters of the Virgin River and its tributaries for use at Zion National Park in Washington County, Utah. These water rights are to be acquired for a consideration of $721.21 and $160.27 in accordance with contracts Nos. I-lp-17880 and I-lp-17881, respectively, approved March 21, 1941, by authority of the act of June 18, 1940 (Public No. 640, 76th Cong.).

The water rights are described in the enclosed executed deed dated April 22, 1941, from John R. Crawford and Elina E. Crawford, his wife, to the United States of America, which is satisfactory in form.

The abstract, consisting of nine pages, was last certified on April 24, 1941, by Le Roy H. Cox, Abstractor. The certificate must be amended to show that it was prepared for the use and benefit of the United States.

The abstract and accompanying data discloses the title to be vested in the United States of America, subject to:

1

67

M. 31342.

Only when the foregoing requirements and objections have been met, the enclosed warranty deed from James Crawford and Ellen Crawford, his wife, to the United States, properly stamped, has been recorded, the abstract has been continued and certified to a date subsequent to the recordation of the deed, disclosing that nothing has occurred since the date of the present certificate to affect the title adversely, and showing the vesting of a valid title in the United States of America, the title will be approved and the deed accepted.

Should it be ascertained that there are any outstanding rights or claims adversely affecting the water rights, not referred to in this opinion and which have not been properly met, this opinion and the related data should be referred to me for further consideration.

The deed, abstract and related papers are returned for further action in accordance with this opinion.

Respectfully,

For the Solicitor,

Theodore Lyeton

Assistant Solicitor.

Approved: JUN 28 1941

W. C. Mendenhall

Acting Assistant Secretary.

67½

M. 31964.

1. All taxes and assessments which are liens at the time of the passing of title. If the taxes are liens by State statute but are not ascertainable adequate provision should be made for the payment of such taxes by withholding from the purchase price a sufficient sum to secure the payment of such taxes.

2. In paragraph No. 4 of the enclosed contract No. I-lp-17669, reference is made to an agreement between the vendors and George H. Ison of Burrisons, Utah, for the use of 0.38 second-feet from June 25, 1940, to June 25, 1941. As shown by the enclosed warranty deed dated April 9, 1941, from George H. Ison and Annie G. Ison, his wife, to John R. Crawford, the grantors have released and surrendered all of their rights to the use of said water. This deed, however, must be recorded.

3. The water rights described in the enclosed contract No. I-lp-17681 were formerly owned by Daniel Crawford. However, these water rights were acquired by John R. Crawford by virtue of the enclosed warranty deed dated April 12, 194$_1$, from Daniel Crawford and Sarah Curtis Crawford, husband and wife. This deed must be placed of record.

The question as to whether the deed to the United States conveys the rights to the increased amount of water provided by the supplemental decree of April 21, 1931, is answered in the affirmative since the deed, taken as a whole, shows the manifest intention of the grantors to convey all their right, title and interest in the waters decreed to them by both the original and supplemental decrees.

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M. 31364.

Only when the foregoing requirements and objections have been met, the enclosed warranty deed from John R. Crawford and Eliza M. Crawford, his wife, to the United States, properly stamped, has been recorded, the abstract has been continued and certified to a date subsequent to the recordation of the deed, disclosing that nothing has occurred since the date of the present certificate to affect the title adversely, and showing the vesting of a valid title in the United States of America, the title will be approved and the deed accepted.

Should it be ascertained that there are any outstanding rights or claims adversely affecting the water rights, not referred to in this opinion and which have not been properly met, this opinion and the related data should be referred to me for further consideration.

The deed, abstract and related papers are returned for further action in accordance with this opinion.

Respectfully,

For the Solicitor,

Assistant Solicitor.

Approved: JUN 28 1941

Acting Assistant Secretary.

WARRANTY DEED

JOHN R. CRAWFORD and Eliza H. CRAWFORD, his wife, of Springdale, Washington County, State of Utah, grantors, hereby convey and warrant to UNITED STATES OF AMERICA, OR ITS ASSIGNS, , Grantee, for the sum of EIGHT HUNDRED EIGHTY-ONE AND 48/100 DOLLARS ($881.48), lawful money of the United States of America, the following described water rights in Washington County, State of Utah, to wit:



Parcel No. 1:
Four hundred twenty-three thousandths (.423) second feet of water of the waters of Virgin River as decreed in the case of St. George and Washington Canal Company, a corporation, plaintiffs, vs. Hurricane Canal Company, defendants, Civil #270, said water right being all the right, title and interest of the grantors in water decreed under Item #66, Page 15, of the decreed schedule of water rights in the above entitled case, said original decree being dated December 12, 1925, and signed by Thomas H. Burton, Judge, and as amended by Supplemental Decree in the above entitled case on decreed schedule of water rights under Item #66, Page 5 of said Supplemental Decree dated April 21, 1931, and signed by Le Roy H. Cox, Judge;

Parcel No. 2:
Ninety-four thousandths (.094) second feet of water of the waters of Virgin River as decreed in the case of St. George and Washington Canal Company, a corporation, plaintiffs, vs. Hurricane Canal Company, defendants, Civil #270, said water right being all the right, title and interest of the grantors in water decreed under Item #66, Page 15, of the decreed schedule of water rights in the above entitled case, said original decree being dated December 12, 1925, and signed by Thomas H. Burton, Judge, and as amended by Supplemental Decree in the above entitled case on decreed schedule of water rights under Item #66, Page 5 of said Supplemental Decree dated April 21, 1931, and signed by Le Roy H. Cox, Judge;

Said decreed rights in the Decrees herein mentioned, of which Parcels Nos. 1 and 2 are a part, are particularly described as follows to wit:

Item #66, Page 15 of the Decree dated December 12, 1925, is as follows:

NO. 66 - CRAWFORD DITCH COMPANY,
John R. Crawford, Pres., Springdale, Utah.

Date of Priority:	Class:	Acreage:	Duty:	Amount:
1877	1	66.7	55	1.03 c.f.s.

From Jan. 1 to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41 S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Section 21; 5.1 acres in Sec. 22 and 0.3 acre in Sec, 28, T. 41 S. R. 10 W. Said water to be divided among the owners named hereinafter in the ratios of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26.0 acres; E. E. Winder 5.0 acres; Lyle Winder 1.1 acres; Hyrum Reusch 1.1 acres. Total 66.7 acres.

and as amended by Supplemental Decree, Item #66, Page 5, dated April 21, 1931, as follows:

NO. 66 - CRAWFORD DITCH COMPANY,
John R. Crawford, Pres't. Springdale, Utah.

Date of Priority:	Class:	Acreage:	Duty:	Amount:
1877	1	66.7	55	1.21c.f.s.

From Jan. 1 to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22. T. 41. S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21. 5.1 in Sec. 22 and 0.3 acre in Sec. 28. Tp. and Range aforesaid. Said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres, James Crawford 26. acres, E. E. Winder 5. acres, Lyle Winder 1.1 acre, Hyrum Reusch 1.1 acres. Total 66.7 acres.

WITNESS the hands of said Grantors this 22 day of April, A. D. 1941.

X John R Crawford

X Eliza E Crawford

SIGNED IN THE PRESENCE OF:

LeRoy H. Cox

STATE OF UTAH,)
: SS.
COUNTY OF WASHINGTON)

On this 22 day of April, in the year 1941, personally appeared before me JOHN R. CRAWFORD and Eliza E. CRAWFORD, his wife, the signers of the above instrument, who duly acknowledged to me that they executed the same.

Notary Public
Residing at: St George Utah
My commission expires: Oct 24th 1943

(Notarial Seal)

Entry No. 56936
Filed July 17,
A. D. 1941 3 P. M.,
in Book M-2
at page 244
County,
State of
LaVerne Coy
Recorder
By
Deputy

N1-22-11
B4-182-2
B4-113-28

07/17/1941: Filing Record

WARRANTY DEED

DANIEL CRAWFORD and SARAH CURTIS CRAWFORD, husband and wife, of Parowan, Iron County, State of Utah, grantors, hereby convey and warrant to JOHN R. CRAWFORD of Springdale, Utah, Grantee, for the sum of One Dollar and other valuable considerations, the following described water rights in the Virgin River, Washington County, State of Utah, as set out and decreed in the case of St. George & Washington Canal Company, plaintiff vs. Hurrican Canal Company, as set out in Item #66, on page 15 of the original decree dated December 12, 1925, as follows to wit:

66. Crawford Ditch Company, Springdale, Utah.

Date of Priority:	Class:	Acreage:	Duty:	Amount:
1877	1	66.7	55	1.03 c.f.s.

From Jan. 1. to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41 S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21; 5.1 acres in Sec. 22 and 0.3 acre in Sec. 28, T. 41 S. R. 10 W. Said water to be divided among the owners named hereinafter and in the ratios of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26.0 acres; E. E. Winder 5.0 acres; Lyle Winder 1.1 acres; Hyrum Reusch 1.1 acres. Total 66.7 acres;

and as amended in the Final and Supplemental Decree made and entered on April 21, 1931, Item #66, page 5 of said supplemental decree as follows to wit:

No.	Date of Priority:	Class:	Acreage:	Duty:	Amount:
66	1877	1	66.7	55	1.21 c.f.s.

Crawford Ditch Company, John R. Crawford, Pres't, Springdale, Utah. From Jan. 1. to Dec. 31.
Said water to be diverted from the North Fork of the Virgen River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22, T. 41 S. R. 10 W. and used to irrigate 66.7 acres of land described as follows: 61.3 acres of land in Section 21; 5.1 in Sec. 22 and 0.3 acre in Sec. 28. Tp. and Range aforesaid. Said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26. acres, E.E.Winder 5. acres, Lyle Winder 1.1 acre, Hyrum Reusch 1.1 acres, Total 66.7 acres;

WITNESS the hands of the said Grantors this 12 day of April, A. D. 1941.

Daniel Crawford
Sarah Curtis Crawford

Signed in the Presence of:
H.C. Parcell
Rex C. Ward

STATE OF UTAH,)
: SS.
COUNTY OF Iron)

On this 12 day of April, in the year 1941, before me personally appeared DANIEL CRAWFORD AND SARAH CURTIS CRAWFORD, husband and wife, the signers of the above instrument, and who duly acknowledged to me that they executed the same.

H.C. Parcell
Notary Public, ~~Paroman~~
Residing at ~~St. George~~, Utah.
My commission expires: Dec 1-1944

(Notarial Seal)

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Entry No. 56935
Filed July 17,
A. D. 1941 3 P. M.
in Book W-2
at page 242
[illegible] County,
State of [illegible]
LaVerne Cox
Recorder
By [illegible]
Deputy

W1.22.10
B4-182-1
B4.113-27

74

07/17/1941: Filing Record

WARRANTY DEED

GEORGE H. ISOM and ANNIE C. ISOM, his wife, of Hurricane, Washington County, State of Utah, Grantors, hereby convey and warrant to JOHN R. CRAWFORD, Grantee of Springdale, Utah, for the sum of One Dollar and other valuable considerations, the following described water rights, in Washington County, State of Utah, to wit:

The right to the use of thirty-eight hundredths (.38) cubic feet of water per second of time from June 25, 1940 to June 25, 1941, and to the use of said water at any future time, said water right being a part of the decreed water right under Item #66 of the Decree in the District Court of Washington County, State of Utah, in the case entitled: St. George & Washington Canal Company, plaintiff vs. Hurricane Canal Company, defendant, said right being also the same right referred to in the Supplemental and final Decree of the above described case. The original right of which this is a part is described in said supplemental and final decree as follows:

"Crawford Ditch Company, John R. Crawford, Pres't., Springdale, Utah.

No.	Date of Priority:	Class:	Acreage:	Duty:	Amount:
66	1877	66.7	55	1.21.	C. F. S.

From Jan. 1. to Dec. 31.
Said water to be diverted from the North Fork of the Virgin River into the Crawford Ditch at a point 250 ft. S. and 1300 ft. E. of the NW Cor. Sec. 22 T. 41. S. R. 10.W and used to irrigate 66.7 acres of land described as follows: 61.3 acres in Sec. 21. 5.1 in Sec. 22 and 0.3 acre in Sec. 28. Tp. and Range aforesaid, said water to be divided among the owners named hereafter in the ratio of their respective individual acres to the total acreage as follows: John R. Crawford 27.4 acres; Daniel Crawford 6.1 acres; James Crawford 26. acres; E. E. Winder 5. acres; Lyle Winder 1.1 acre; Hyrum Reusch 1.1 acres; Total 66.7 acres.

It is the intent and purpose of this deed of conveyance for the grantors to surrender back to the grantee any and all claim on the use of water, or any part thereof, described in this deed, and said grantee will have the right to take immediate possession and use of said water.

WITNESS the hand of said Grantors this 9 day of April, A. D., 1941.

SIGNED IN THE PRESENCE OF:

William H. Isom

William H. Isom

George H. Isom

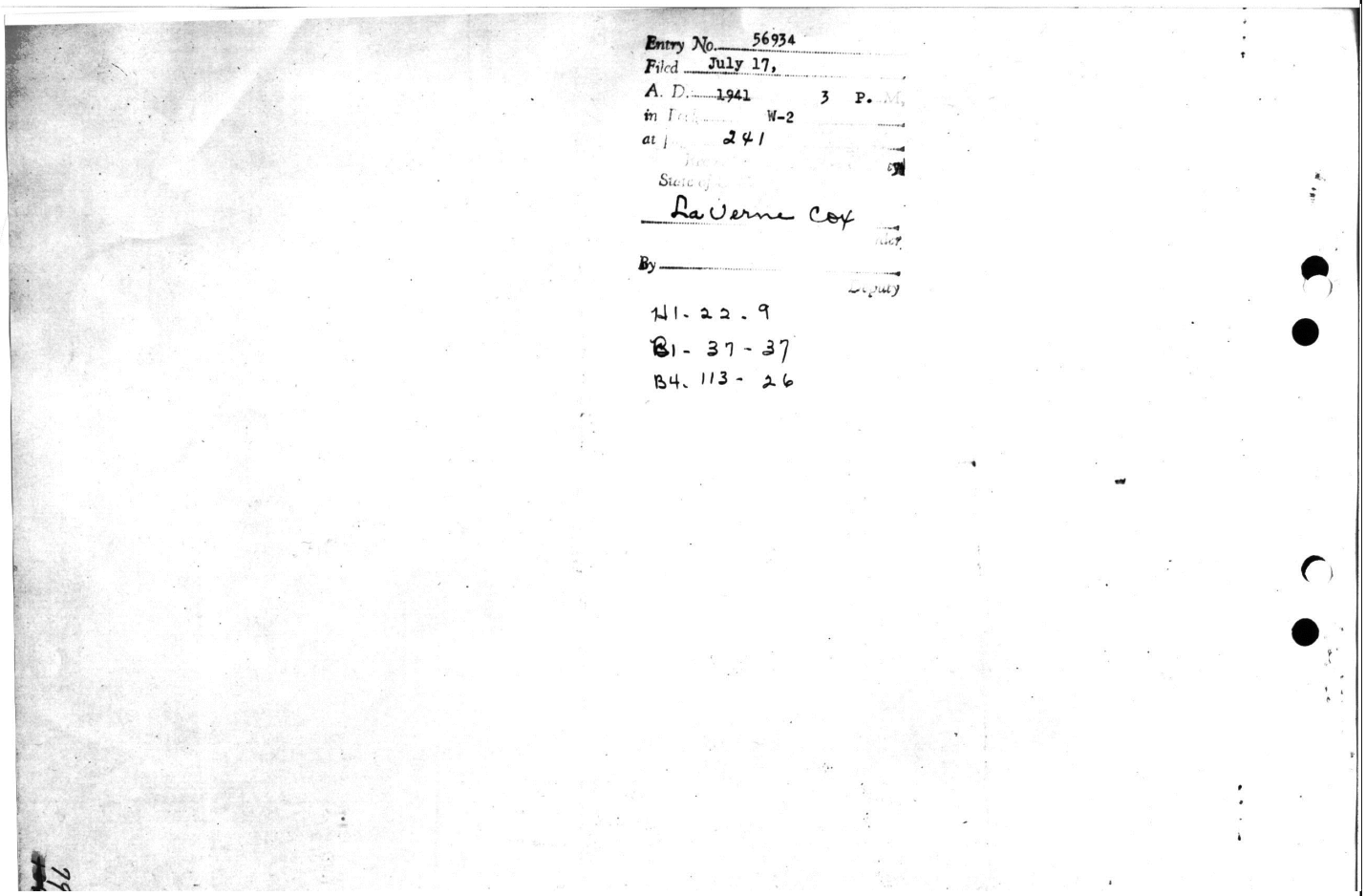
Annie C. Isom

STATE OF UTAH,)
: SS
COUNTY OF WASHINGTON)

On this 9 day of April, 1941, personally appeared before me, George H. Isom and Annie C. Isom, his wife, the signers of the above instrument, who duly acknowledged to me that they executed the same.

Notary Public
Residing at: Hurricane, Utah
My commission expires:
May 23, 1943

(NOTARIAL SEAL)



Entry No. 56934
Filed July 17,
A. D. 1941 3 P. M.
in Test W-2
at p 241
State
La Verne Cox
By
Deputy

W1-22-9
B1-37-37
B4-113-26

07/17/1941: filing Record

04/10/1941: State Engineers Certificate of no change of diversion of use

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

T. H. HUMPHERYS
STATE ENGINEER

CERTIFICATE

I, T. H. Humpherys, the duly appointed, qualified and acting State Engineer of the State of Utah, do hereby certify that no Application to change the point of diversion, place or purpose of use of water in the State of Utah has been filed in this office by the Crawford Ditch Company covering water shown in item 66, page 15, of the Virgin River Decree in the case of St. George and Washington Canal Company, a corporation, plaintiff vs. Hurricane Canal Company, a corporation, defendant, since the signing of the decree - in this case December 12, 1925, or the supplemental and final decree dated April 21, 1931. So far as is shown by the records in this office there has been no change in the status of water rights owned by said company during this period of time. Any change of ownership since the filing of the decree and supplements thereto should have been filed in the county recorder's office and not in the State Engineer's office.

IN WITNESS WHEREOF I set my hand and affix the seal of my office this 10 day of April, 1941.

T. H. HUMPHERYS,
STATE ENGINEER

2/mct

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04/22/1941: Affidavit

AFFIDAVIT.

STATE OF UTAH,)
: SS.
COUNTY OF WASHINGTON)

ARTHUR K. HAFEN, being first duly sworn, deposes and says:

That he is the Secretary and Treasurer of the Virgin River Water Users Association, a voluntary association organized for the purpose of cooperating with the State Engineer and affecting distribution of the waters of the Virgin River as decreed in the case of St. George & Washington Canal Company, plaintiff, vs. Hurricane Canal Company, defendants, Civil #270, said decree being dated December 12, 1925, and as amended April 21, 1931;

That as Secretary of said association, affiant states that the charges for water commissioner and distribution of water on said system have been paid by the owners of water under Item #66 of said decree up to and including the year 1940, the last payment being made by said users under Item #66 of said decree was for the year 1940; that up to the present date for the year 1941 no assessment for the distribution of water has been made.

Arthur K. Hafen
Secretary Virgin River Water Users Committee

SUBSCRIBED AND SWORN TO before me this 22nd day of April, 1941.

Lee Roy Allen
Notary Public
Residing at:
My Commission expires:

(Notarial Seal)

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C O P Y

A F F I D A V I T

STATE OF UTAH,)
) SS.
COUNTY OF WASHINGTON)

ARTHUR K. HAFEN, being first duly sworn, deposes and says:

That he is the Secretary and Treasurer of the Virgin River Water Users Association, a voluntary association organized for the purpose of cooperating with the State Engineer and affecting distribution of the waters of the Virgin River as decreed in the case of St. George & Washington Canal Company, plaintiff, vs. Hurricane Canal Company, defendants, Civil #270, said decree being dated December 12, 1925, and as amended April 21, 1931;

That as Secretary of said association affiant states that the charges for water commissioner and distribution of water on said system have been paid by the owners of water under Item #66 of said decree up to and including the year 1940, the last payment being made by said users under Item #66 of said decree was for the year 1940; that up to the present date for the year 1941 no assessment for the distribution of water has been made.

(sgd) Arthur K. Hafen
Secretary, Virgin River Water UsersCommittee

SUBSCRIBED AND SWORN TO before me this 22nd day of April, 1941.

(sgd) Le Roy H. Cox
Notary Public
Residing at:
My Commission Expires
(Oct. 24, 1943)

NOTARIAL SEAL

Deed 15

QUIT CLAIM DEED

THIS INDENTURE, made this 26th day of May, 1937 between Utah Parks Company, a corporation organized under the laws of the State of Utah, with its office and principal place of business at Salt Lake City, County of Salt Lake, State of Utah, Party of the first part and the United States of America, the party of the Second Part, WITNESSETH:

That the said party of the first part, for and in consideration of the sum of three hundred and eighty-nine Dollars, ($ 389) lawful money of the United States of America to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has remised, released and forever quit claimed, and by these presents does remise, release and forever quit claim unto the party of the second part and to its assigns, all of its certain right in and to the use of the waters of the Virgin River and/or its tributaries within the State of Utah, more particularly described as follows:

The primary right acquired under and by virture of the laws of the State of Utah to divert fifty-three hundredths (.53) second feet of water, for use during the entire calendar year, said right having a priority of 1881 as determined and established by decree of the District Court of the Fifth Judicial District in and for Washington County, State of Utah, in an action entitled "St. George and Washington Canal Company, a corporation, Plaintiff, vs. Hurricane Canal Company, a corporation, Defendant, Decreed Schedule of Water Rights on the Virgin River System", confirming said right unto Daniel Crawford, which said decree was made on December 12, 1925, said right being the identical right conveyed to the party of the first part by Daniel Crawford and Sarah Crawford, his wife, under deed

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dated July 25, 1935, which deed was filed for record August 26, 1935 at 9:15 A.M. and recorded in Book W-2 of Water Deeds at page 48, Records of Washington County, Utah.

To have and to hold all and singular the said waters and water right unto the party of the second part and to its assigns forever.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed by its proper officers the day and year first above written.

UTAH PARKS COMPANY

By Wm Stephens
President

ATTEST:

Secretary

Executed and delivered in the presence of

L. Bach

C. A. Thompson

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05/26/1937: Notary Seal

STATE OF Nebraska)
SS
COUNTY OF Douglas)

On this 26 day of May, 1937 personally appeared before me Wm. Jeffers and Paul Rigdon, who being by me duly sworn did say that they are respectively the President and Assistant Secretary of Utah Parks Company, a corporation and that said instrument was signed on behalf of such Corporation by authority of a resolution of its Board of Directors and said Wm. Jeffers and Paul Rigdon acknowledged to me that said corporation executed the same.

J. A. Buettenbach
Notary Public residing at
Omaha, Neb.

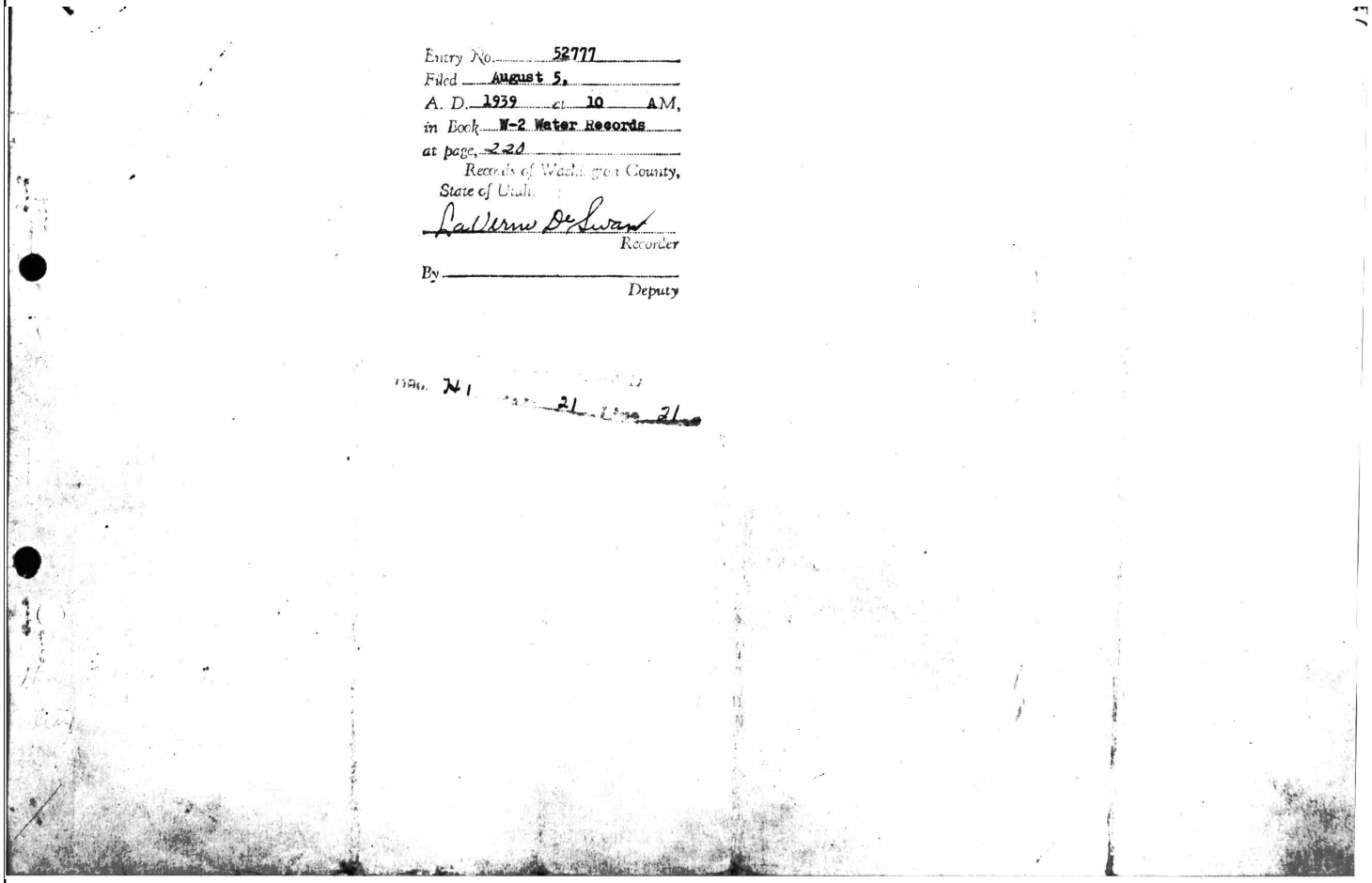
My Commission Expires:
2-10-1938

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Entry No. 52777
Filed August 5,
A. D. 1939 at 10 AM,
in Book W-2 Water Records
at page 220
Records of Washington County,
State of Utah.

LaVern DeLaRosa
Recorder

By _____
Deputy



08/05/1939: Filing Record

Deed No 12
90.186 acres
Abstract with
Deed No 3

CERTIFICATE OF ACCEPTANCE

...vi...e of and pursuant to the authority conferred by the ... of ...ongress approved March 1, 1929 (45 Stat. 1600), and ... A... approved February 14, 1931, (Public No. 666-71st Con...ss ...I, the undersigned, as Assistant Secretary of the In...ior ... hereby accept the attached deed dated May 13, 19... w...in and whereby Daniel Crawford and Sarah Crawford, h... wif... convey to the United States of America certain ... si...ted within the area of the Zion National Park.

In ...tness whereof, I, as said Assistant Secretary, ...reun... set my hand officially and have caused the seal of ...id D...rtment to be affixed hereto and in attestation ...reof, this 2nd day of Nov., 1931.

John H. Edwards
Assistant Secretary.

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WARRANTY DEED.

THIS INDENTURE, made the 13th day of May, in the year of our Lord One Thousand Nine Hundred and thirty-one, between DANIEL CRAWFORD and SARAH CRAWFORD, his wife, of Springdale, Utah, parties of the first part, and UNITED STATES OF AMERICA, party of the second part,

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of seventeen thousand nine hundred and sixty-three (17,963) dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

South half of Northeast Quarter of Section Twenty-one (21), less15.30 acres conveyed November 16, 1927, to Arden G. Schiefer and 56.68 acres conveyed June 20, 1930, to William L. Crawford; also beginning Southwest corner of Southwest Quarter of Southeast Quarter of Section Twenty-one (21); thence North 40 rods; thence East 30 rods; thence South 40 rods; thence West 30 rods to point of beginning, less 6.16 acres conveyed February 10, 1926, to John W. Crawford; West half of Northwest Quarter of Section Twenty-two (22), less 13.15 acres conveyed March 24, 1926, to Jacob Crawford and wife and 4.70 acres conveyed March 27, 1926, to Mrs. Cyrus Gifford and 1.60 acres conveyed November 16, 1927, to Arden G. Schiefer and .014 acres conveyed May 11, 1928, to Dixie Power Company. Also beginning at Northeast corner of Northwest Quarter of Southwest Quarter of Section Twenty-two (22); thence South 60 rods; thence Northwest 82 38/81 rods to point 40 rods North of Southwest corner of Northwest Quarter of Southwest Quarter of Section Twenty-two (22); thence North 40 rods; thence East 80 rods to point of beginning. All in Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and containing 90.186 acres, more or less.

Subject to present existing rights of way for road, ditch,

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and telephone and power lines.

Also reserving unto the parties of the first part the primary water rights from the Virgin River owned by said first parties and particularly set forth as the Decreed Schedule of Water Rights for the Virgin River System in the Decree of the Fifth Judicial District, in and for Washington County, State of Utah, entered December 12, 1925, in Civil Case No. 270, entitled "St. George & Washington Canal Co., a corporation, plaintiffs, vs. Hurricane Canal Co., a corporation, defendants."

Together with all and singular the tenements, heredita-ments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever.

And the said parties of the first part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

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

Signed, sealed and delivered in the presence of

Daniel Crawford

Sarah Crawford

STATE OF UTAH, :
: ss.
County of Washington. :

On this 13th day of May in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared DANIEL CRAWFORD and SARAH CRAWFORD, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell
Notary Public for the State of Utah.
Residing at Hurricane, Utah.
My Commission expires 2-7-35.

3.-

WARRANTY DEED.

DANIEL CRAWFORD and SARAH CRAWFORD, his wife,

to

UNITED STATES OF AMERICA.

Dated: May _____, 1931.

1.76
Filed May 13, 1931 at 5 P.M.
Entry # 53954
In Book U-7 Page 524

31 37 12
" 19 24
Ellen Bachi
Co. Recorder
Wash. Co. Ut.

05/00/1931: Filing Record

QUITCLAIM DEED.

THIS INDENTURE made this 13th day of May, 1931, by and between JOHN R. CRAWFORD and ELIZABETH CRAWFORD, his wife, J. M. BEAN and MARGARET BEAN, his wife, and HYRUM RUESCH and BESSIE RUESCH, his wife, all of Springdale, Utah, parties of the first part, and DANIEL CRAWFORD, of Springdale, Utah, party of the second part,

W I T N E S S E T H :

That the said parties of the first part do by these presents grant, bargain, sell and convey, remise, release and forever quitclaim unto Daniel Crawford, said party of the second part, all the right, title, interest, estate, claim and demand, both at law and in equity, and as well in possession as in expectancy, of the said parties of the first part, of, in and to all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

South half of Northeast quarter of Section Twenty-one (21), less 15.30 acres conveyed November 16,1927, to Arden G. Schiefer and 56.68 acres conveyed June 20, 1930, to William L. Crawford; also beginning Southwest corner of Southwest Quarter of Southeast Quarter of Section Twenty-one (21); thence North 40 rods; thence East 30 rods; thence South 40 rods; thence West 30 rods to point of beginning, less 6.16 acres conveyed February 10, 1926, to John W. Crawford; West half of Northwest Quarter of Section Twenty-two (22), less 13.15 acres conveyed March 24, 1926, to Jacob Crawford and wife and 4.70 acres conveyed March 27, 1926, to Mrs. Cyrus Gifford and 1.60 acres conveyed November 16, 1927, to Arden G. Schiefer and .014 acres conveyed May 11, 1928, to Dixie Power Company. Also beginning at Northeast corner of Northwest Quarter of Southwest Quarter of Section Twenty-two (22); thence South 60 rods; thence Northwest 82 38/81 rods to point 40 rods North of Southwest corner of Northwest Quarter of Southwest Quarter of Section Twenty-two (22); thence North 40 rods; thence East 80 rods to point of beginning. All in Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and containing 90.186 acres, more or less.

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TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the second part, his heirs, successors and assigns forever.

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

J M Bear (SEAL)
Margaret Bear (SEAL)
John B Crawford (SEAL)
Eliza Crawford (SEAL)
Hyrum Ruesch (SEAL)
Bessie Ruesch. (SEAL)

Signed, sealed and delivered in the presence of

2.-

State of Utah, :
: ss.
County of Washington. :

On the 13th day of May in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared JOHN R. CRAWFORD and ELIZABETH CRAWFORD, his wife, J. M. BEAN and MARGARET BEAN, his wife, and HYRUM RUESCH and BESSIE RUESCH, his wife, the persons whose named are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell
Notary Public for the State of Utah,
Residing at Hurricane, Utah.
My Commission expires 2-7-35.

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QUITCLAIM DEED.

JOHN R. CRAWFORD, et al.

to

DANIEL CRAWFORD.

Dated: May ____, 1931.

1,00
Filed May 13, 1931 at 5 P.M.
Entry #33756
In Book 11-7 Page 527.

131 37 14
" 19 25
Ellen Coyle Co. Records
Wash. Co. Ut.

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05/00/1931: Filing Record

05/13/1931: Affidavit

AFFIDAVIT.

STATE OF UTAH, :
: ss.
County of Washington. :

DANIEL CRAWFORD and SARAH CRAWFORD, his wife, of Springdale, Utah, being first duly sworn, each for himself and herself, deposes and says:

That they are the lessors who made and executed a certain oil and gas lease to one D. J. L. Davis, as lessee, on the 30th day of July, 1921, which said oil and has lease was recorded on November 10, 1921, in Book U-5, pages 40-41-42, Records of Washington County, Utah.

That the said lease covered the following described lands: South half of Northeast quarter of Section Twenty-one (21), and West half of Northwest quarter of Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian.

That under and by the terms of said lease the termination thereof was fixed as of the 30th day of July, 1926, providing gas or oil was not produced from said land by said lessee.

It was also further provided that if no well should be commenced on said land on or before the 21st day of August, 1924, the said lease should terminate unless the said lessee should pay to the said lessors certain sums for an extension of time; that the said D. J. L. Davis, the lessee, did not comply with the terms of said lease in that neither he nor his assigns have ever commenced drilling for gas or oil on said premises according to the terms of said lease and that neither said D. J. L. Davis, lessee, nor his assigns have ever offered to pay or have paid any sum whatsoever for the extension of said lease.

That said lease therefore has been considered cancelled

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by said lessors for many years and the said lessors have given notice to the said lessee of the termination thereof, said notice being as follows:

"NOTICE OF FORFEITURE.

"TO D. J. L. DAVIS:

"YOU ARE HEREBY NOTIFIED that you have failed to perform on your part the terms and conditions of that certain oil and gas lease made and entered into on the 30th day of July, 1921, by and between Daniel Crawford and Sarah Crawford, his wife, of Springdale, Utah, as lessors, and yourself as lessee, and recorded on November 10,1921, at four P. M. in Book U-5, pages 40-41-42, Records of Washington County, Utah; and we hereby give you notice that because of your failure to perform the said lease has terminated and you have no longer any right, title or interest in or to the said premises described in said lease as the South half of Northeast quarter of Section Twenty-one (21), and the West half of Northwest quarter of Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, or any part thereof.

Daniel Crawford
Sarah Crawford."

That said notice was duly recorded in the office of the County Recorder of Washington County, State of Utah, on the 13th day of May, 1931, in Book U-7, page 580, Records of Washington County.

That said lessors do not know the whereabouts of D. J. L. Davis and have not seen or heard of him for more than five years last past.

Daniel Crawford
Sarah Crawford

Subscribed and sworn to before me,
this 13th day of May, 1931.

Harold Russell
Notary Public in and for the County of Washington,
State of Utah.

My Commission expires: Feb. 7- 1935

AFFIDAVIT.

SK-

140

Filed May 13, 1931 at 4:55 P.M.
Entry # 33953
In Book U-7 Page 523
Allen Carlin
Co. Recorder Wash. Co. Ut.

131 37 10
131 19 23

NOTICE OF FORFEITURE.

TO D. J. L. DAVIS:

YOU ARE HEREBY NOTIFIED that you have failed to perform on your part the terms and conditions of that certain oil and gas lease made and entered into on the 30th day of July, 1921, by and between Daniel Crawford and Sarah Crawford, his wife, of Springdale, Utah, as lessors, and yourself as lessee, and recorded on November 10, 1921, at four P. M. in Book U-5, pages 40-41-42, Records of Washington County, Utah; and we hereby give you notice that because of your failure to perform the said lease has terminated and you have no longer any right, title or interest in or to the said premises described in said lease as the South half of Northeast quarter of Section Twenty-one (21), and the West half of Northwest quarter of Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, or any part thereof.

Daniel Crawford

Sarah Crawford

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STATE OF UTAH, :
: ss.
County of Washington. :

On this 13th day of May in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared DANIEL CRAWFORD and SARAH CRAWFORD, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell
Notary Public for the State of Utah.
Residing at Hurricane, Utah.
My Commission expires 2-7-35.

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NOTICE OF FORFEITURE.

DANIEL CRAWFORD and SARAH CRAWFORD, his wife,

to

D. J. L. DAVIS.

Dated: May _____, 1931.

Filed May 13, 1931 at 3:30 P.M.
Dr. Reg #33942
Dr. Book U-7 Page 520
Yellow Card
County Recorder
Wash. Co. Ut.

B1 37 11
B1 19 22

05/00/1931: Filing Record

Deed no 11
30.27 acres
Abstract with
deed no 3

CERTIFICATE OF ACCEPTANCE

By virtue of and pursuant to the authority conferred by the Act of Congress approved March 1, 1929, (45 Stat. 1600), and the Act approved February 14, 1931, (Public No. 666-71st Congress), I, the undersigned, as Assistant Secretary of the Interior, do hereby accept the attached deed dated May 13, 1931, wherein and whereby Daniel Crawford and Sarah Crawford, his wife: John R. Crawford and Eliza Crawford, his wife: James Crawford and Ellen Crawford, his wife, convey to the United States of America certain land situated within the area of the Zion National Park.

In witness hereof, I, as said Assistant Secretary, have hereto set my hand officially and have caused the seal of said Department to be affixed hereto and in attestation thereof this 2nd day of Nov, 1931.

John H. Edwards
Assistant Secretary

RWB on CAW

60

WARRANTY DEED.

THIS INDENTURE made the 13th day of May, in the year of our Lord one thousand nine hundred and thirty-one, between DANIEL CRAWFORD and SARAH CRAWFORD, his wife, JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife, and JAMES CRAWFORD and ELLEN CRAWFORD, his wife, all of Springdale, Utah, parties of the first part, and UNITED STATES OF AMERICA, party of the second part,

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of four thousand two hundred and ninety-one (4,291) dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

West half of Northeast quarter of Southeast quarter of Section Twenty-one (21), less 4.65 acres conveyed June 20,1930, to William L. Crawford. Also beginning 26 rods North of Southwest corner of Southeast quarter of Southeast quarter of Section Twenty-one (21); thence East 8 rods; thence Northeast 67 27/100 rods to point 32 rods West of Northeast corner of Southeast quarter of Southeast quarter; thence West 48 rods; thence South 54 rods to point of beginning; also beginning at Northwest corner of Southwest quarter of Southeast quarter of Section Twenty-one (21); thence East 30 rods; thence South 40 rods; thence West 30 rods; thence North 40 rods to point of beginning- All in Section Twenty-one (21), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and containing 30.27 acres, more or less.

Subject to present existing rights of way for road, ditch, and telephone and power lines.

Also reserving unto the parties of the first part the primary water rights from the Virgin River owned by said first parties and particularly set forth as the Decreed Schedule of Water Rights for the Virgin River System in the Decree of the Fifth Judicial District, in and for Washington County, State of Utah, entered December 12, 1925, in Civil Case No. 270, entitled "St. George & Washington Canal Co.,

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a corporation, plaintiffs, vs. Hurricane Canal Co., a corporation, defendants".

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever.

And the said parties of the first part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

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

Dennie Crawford (SEAL)
Sarah Crawford (SEAL)
John R Crawford (SEAL)
Edgar Crawford (SEAL)
James Crawford (SEAL)
Ellen Crawford (SEAL)

Signed, sealed and delivered in the presence of

2.-

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STATE OF UTAH, :
: ss.
County of Washington. :

On this 13th day of May, in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared DANIEL CRAWFORD and SARAH CRAWFORD, his wife, JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife, and JAMES CRAWFORD and ELLEN CRAWFORD, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah.
Residing at Shoemaker, Utah.
My Commission expires 2-7-35

3.-

63

WARRANTY DEED.

DANIEL CRAWFORD, et al.

to

UNITED STATES OF AMERICA.

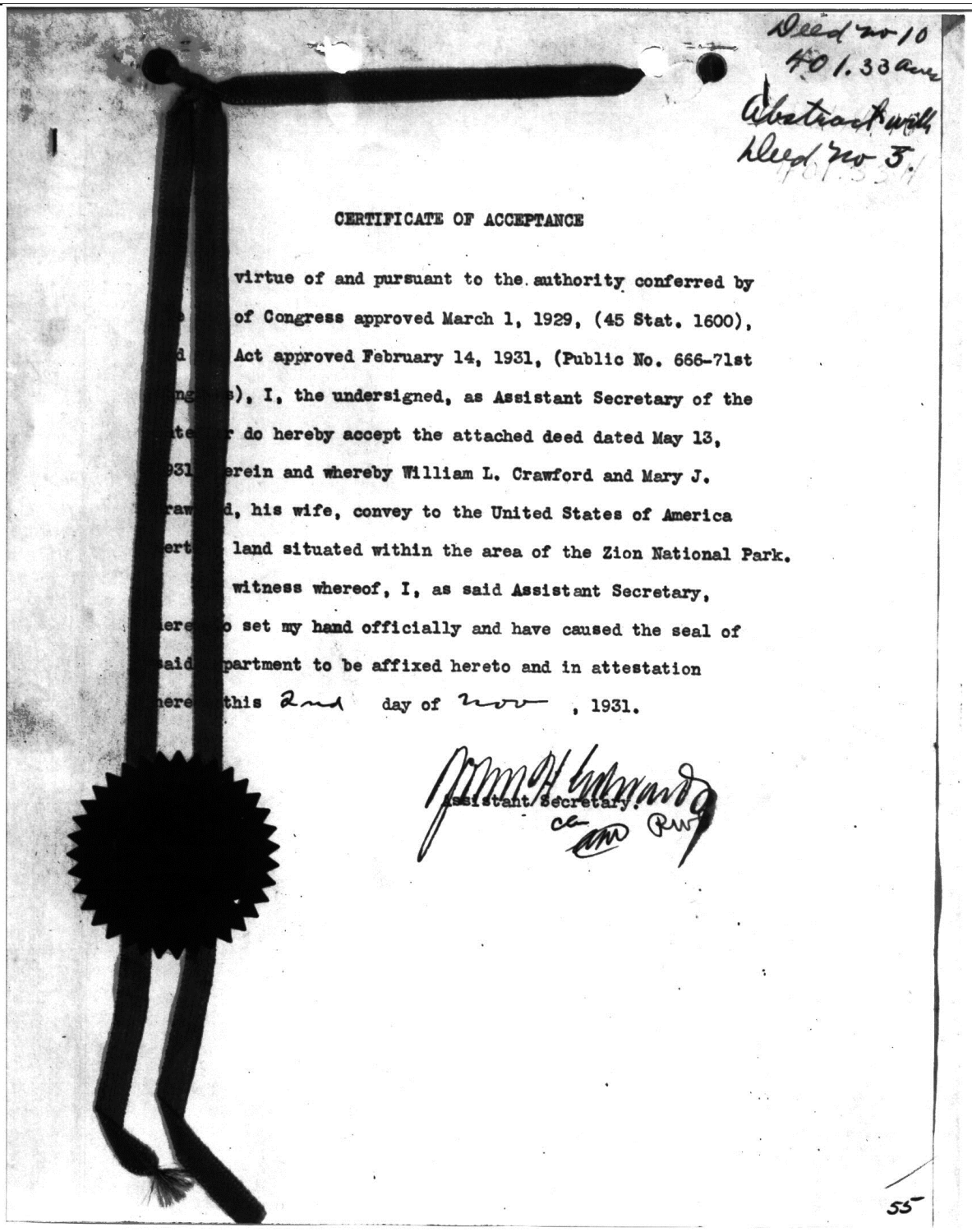
Dated: May_____, 1931.

1.70

Filed May 13, 1931 at 5 P. M.
Entry #33941
In Book U-7 Page 533

B1 37 19
Ellen Carlin Co. Recorder
Wash. Co. Neb.

05/00/1931: Filing Record



Deed No 10
401.33 Acres
Abstract with
Deed No 3.

CERTIFICATE OF ACCEPTANCE

virtue of and pursuant to the authority conferred by
of Congress approved March 1, 1929, (45 Stat. 1600),
Act approved February 14, 1931, (Public No. 666-71st
), I, the undersigned, as Assistant Secretary of the
do hereby accept the attached deed dated May 13,
erein and whereby William L. Crawford and Mary J.
d, his wife, convey to the United States of America
land situated within the area of the Zion National Park.
witness whereof, I, as said Assistant Secretary,
o set my hand officially and have caused the seal of
partment to be affixed hereto and in attestation
this 2nd day of Nov , 1931.

Assistant Secretary.

55

W[illegible]RANTY DEED.

THIS INDENTURE, made the 13th day of May, in the year of our Lord one thousand nine hundred and thirty-one, between WILLIAM L. CRAWFORD and MARY J. CRAWFORD, his wife, of Springdale, Utah, parties of the first part, and UNITED STATES OF AMERICA, party of the second part,

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of seven thousand two hundred (7,200) dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

North half of northeast quarter; northwest quarter; north half of Southwest quarter and North half of Northwest quarter of Southeast quarter of Section Twenty-one (21); also beginning at a point 581 feet West from East quarter corner of Section Twenty-one (21); thence South 43° 47' West 495 feet; thence West 396 feet; thence North 357 feet; thence East 739 feet to point of beginning, containing 4.65 acres. Also beginning at a point 1320 feet North and 1051 feet West from East quarter corner of Section Twenty-one (21); thence South 34° 00' East 1314 feet; thence South 39° 20' West 282 feet; thence West 2145 feet; thence North 1320 feet; thence East 1589 feet to point of beginning, containing 56.68 acres. All in Section Twenty-one (21), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and containing in all 401.33 acres, more or less.

Subject to present existing rights of way for road, ditch, and telephone and power lines.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents,

56

issues and profits thereof, and also all the estate, right, title, interest, property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever.

And the said parties of the first part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

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

William L. Crawford (SEAL)

Mary J. Crawford (SEAL)

Signed, sealed and delivered in the presence of

57

STATE OF UTAH, :
: ss.
County of Washington. :

On this 13th day of May in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared WILLIAM L. CRAWFORD and MARY J. CRAWFORD, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah.
Residing at Hurricane, Utah,
My Commission expires 2-7-35.

3.-

5-8

05/00/1931: Filing Record

WARRANTY DEED.

WILLIAM L. CRAWFORD and MARY J. CRAWFORD, his wife,

to

UNITED STATES OF AMERICA.

Dated: May _____, 1931.

1:50
Filed May 13, 1931 at 5 P.M.
Entry # 33965
In Book H-7 Page 538

31 37 22

Ellen Hardy Co. Recorder
Wash. Co. Utah

Deed No 7
57.30 acres
Abstract with
Deed No 5

CERTIFICATE OF ACCEPTANCE

virtue of and pursuant to the authority conferred by
e A of Congress approved March 1, 1929, (45 Stat. 1600),
nd t Act approved February 14, 1931, (Public No. 666-71st
ongr), I, the undersigned, as Assistant Secretary of the
nter do hereby accept the attached deed dated May 13,
1931, erein and whereby James Crawford and Ellen Crawford,
his wi , convey to the United States of America certain land
situat within the area of the Zion National Park.

In witness whereof, I, as said Assistant Secretary,
here o set my hand officially and have caused the seal of
said Department to be affixed hereto and in attestation
her of this 2nd day of Nov , 1931.

John H. Edwards
Assistant Secretary.
cm

31

WARRANTY DEED.

THIS INDENTURE, made the 13th day of May, in the year of our Lord one thousand nine hundred and thirty-one, between JAMES CRAWFORD and ELLEN CRAWFORD, his wife, of Springdale, Utah, parties of the first part, and UNITED STATES OF AMERICA, party of the second part,

W I T N E S S E T H:

That the said parties of the first part, for and in consideration of the sum of nine thousand three hundred and seventy-five (9,375) dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

The East five-eighths of Southwest quarter of Southeast quarter of Section Twenty-one (21), containing twenty-five (25) acres; also beginning at Southwest corner of Southeast quarter of Southeast quarter of Section Twenty-one (21); thence North twenty-six (26) rods; thence East eighty (80) rods; thence South twenty-six (26) rods; thence West eighty (80) rods, to point of beginning, containing thirteen (13) acres; also South half of Northwest quarter of Southeast quarter of Section Twenty-one (21), containing twenty (20) acres-all in Section Twenty-one (21) of Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, containing in all 57.30 acres, more or less.

Subject to present existing rights of way for road, ditch, and telephone and power lines.

Also reserving unto the parties of the first part the primary water rights from the Virgin River owned by said first parties and particularly set forth as the Decreed Schedule of Water Rights for the Virgin River System in the Decree of the Fifth Judicial District, in and for Washington County, State of Utah, entered December 12, 1925, in Civil Case No.

32

270, entitled "St. George & Washington Canal Co., a corporation, plaintiffs, vs. Hurricane Canal Co., a corporation, defendants".

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever.

And the said parties of the first part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the s aid premises, and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

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

James Crawford (SEAL)
Ellen Crawford (SEAL)

Signed, sealed and delivered
in the presence of

STATE OF UTAH, :
: ss.
County of Washington. :

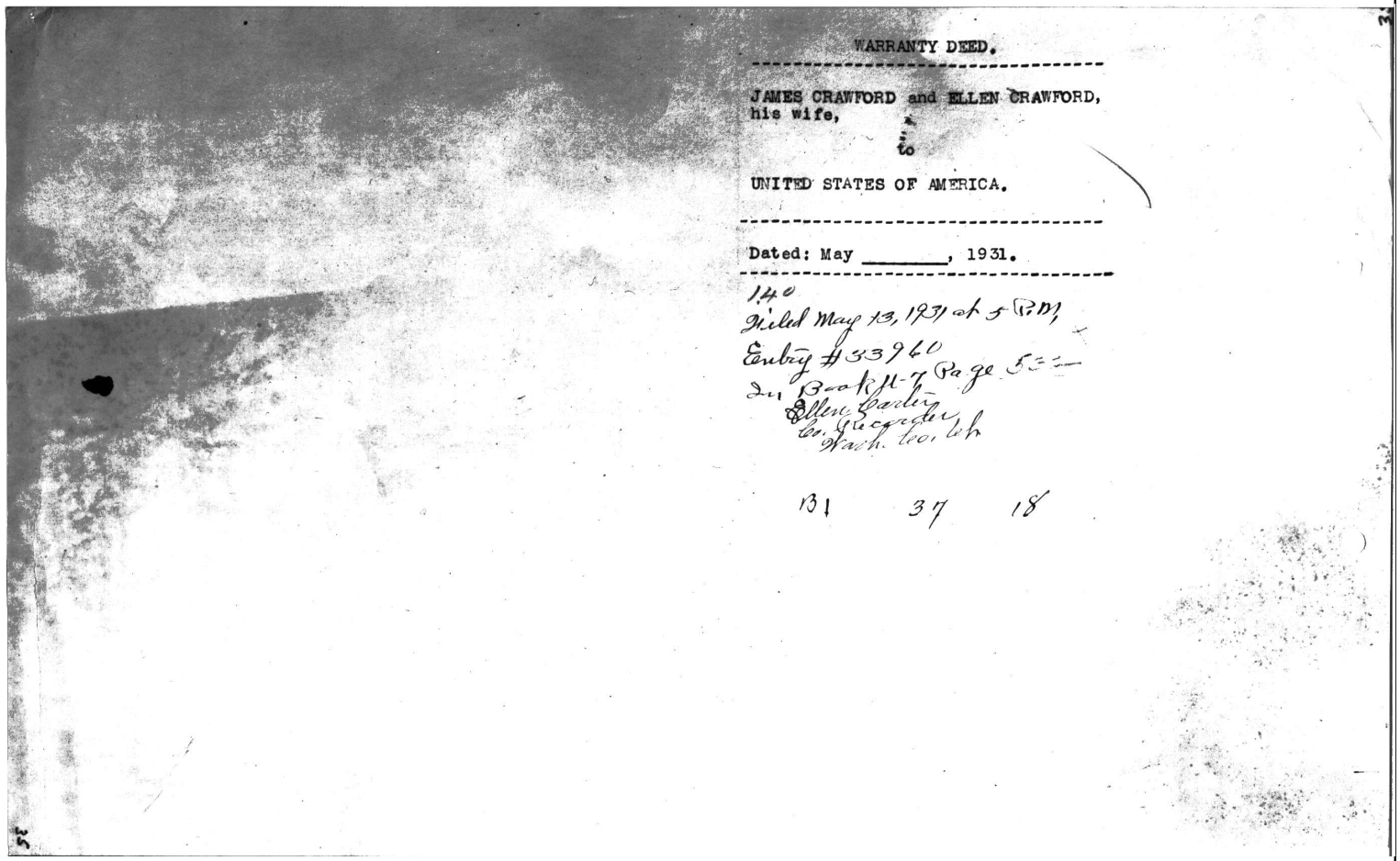
On this 13th day of May in the year one thousand nine hundred and thirty-one (1931), before me, Harold Pumell a Notary Public for the State aforesaid, personally appeared JAMES CRAWFORD and ELLEN CRAWFORD, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Pumell

Notary Public for the State of Utah
Residing at Hurricane, Utah.
My Commission expires 2-7-35

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WARRANTY DEED.

JAMES CRAWFORD and ELLEN CRAWFORD, his wife,

to

UNITED STATES OF AMERICA.

Dated: May _____, 1931.

140
Filed May 13, 1931 at 5 P.M.
Entry #33960
In Book H-7 Page 52
Ellen Carlin
Co. Recorder
Wash. Co., Ida.

31 37 18

05/00/1931: Filing Record

QUITCLAIM DEED.

THIS INDENTURE made this 13th day of May, 1931, by and between SAMUEL K. CRAWFORD and EMMA CRAWFORD, his wife, JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife, and ELIEL WINDER and Sarah WINDER, his wife, all of Springdale, Utah, parties of the first part, and JAMES CRAWFORD, of Springdale, Utah, party of the second part,

W I T N E S S E T H :

That the said parties of the first part do by these presents grant, bargain, sell and convey, remise, release and forever quitclaim unto James Crawford, said party of the second part, all the right, title, interest, estate, claim and demand, both at law and in equity, and as well in possession as in expectancy, of the said parties of the first part, of, in and to all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

> The East five-eighths of Southwest quarter of Southeast quarter of Section Twenty-one (21), containing 25 acres; also beginning at the Southwest corner of Southeast quarter of Southeast quarter of Section Twenty-one (21); thence North 26 rods; thence East 80 rods; thence South 26 rods; thence West 80 rods, to point of beginning, containing 13 acres. Also South half of Northwest quarter of Southeast quarter of Section Twenty-one (21), containing 20 acres. All in Section Twenty-one (21), of Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, containing in all 57.30 acres, more or less.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the

second part, his heirs, successors and assigns forever.

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

John R Crawford (SEAL)
Eliza C Crawford (SEAL)
Samuel K. Crawford (SEAL)
Emma Crawford (SEAL)
Elick Winder
Sarah Winder

Signed, sealed and delivered in the presence of

D Solinsky Jr.
Thos J Sloan

2.-

37

State of Utah, :
: ss.
County of Washington. :

On the 13th day of May, in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared SAMUEL K. CRAWFORD and EMMA CRAWFORD, his wife, JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife, and ELIEL WINDER and Sara L. WINDER, his wife, the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah,
Residing at Hurricane, Utah.
My Commission expires 2-7-35

QUITCLAIM DEED.

SAMUEL K. CRAWFORD, et al.

to

JAMES CRAWFORD.

Dated: May _____, 1931.

1,30
Filed May 13, 1931 at 5 P.M.
Entry #33958
In Book 4-I Page 529
Selley Yoder, Co. Recorder
Wash. Co. Utah

81 37 16

00-00-1931: quitclaim deed - s. crawford to j. crawford

Deed No 6
H. 70 acres
Abstract with
Deed No 5

CERTIFICATE OF ACCEPTANCE

By virtue of and pursuant to the authority conferred by Act of Congress approved March 1, 1929 (45 Stat. 1600), the Act approved February 14, 1931, (Public No. 666-71st Congress), I, the undersigned, as Assistant Secretary of the Interior do hereby accept the attached deed dated May 13, 1931, wherein and whereby Vera D. Allred and John A. Allred, her husband, convey to the United States of America certain land situated within the area of the Zion National Park.

In witness whereof, I, as said Assistant Secretary, have hereunto set my hand officially and have caused the seal of said Department to be affixed hereto and in attestation thereof this 2nd day of Nov, 1931.

John H. Edwards
Assistant Secretary.

Rec'd

26

WARRANTY DEED.

THIS INDENTURE, made the 13th day of May, in the year of our Lord one thousand nine hundred and thirty-one, between VERA D. ALLRED and JOHN A. ALLRED, her husband, of Springdale, Utah, parties of the first part, and UNITED STATES OF AMERICA, party of the second part,

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of one thousand fifty (1,050) dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

Beginning at a point 412.50 feet due South from Northwest corner of Section Twenty-two (22); thence South 89° 42' East 346.50 feet; thence Southerly 132 feet; thence South 89° 42' East 214.50 feet; thence Northerly 132 feet; thence South 89° 42' East 435.70 feet; thence South 36° 17' West 309 feet; thence North 89° 42' West 822.20 feet; thence Northerly 250 feet to point of beginning, all in Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and containing 4.70 acres.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises,

27

and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever.

And the said parties of the first part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

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

Vera D. Allred (SEAL)
John A. Allred (SEAL)

Signed, sealed and delivered
in the presence of

28

STATE OF UTAH, :
: ss.
County of Washington. :

On this 13th day of May, in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell, a Notary Public for the State aforesaid, personally appeared VERA D. ALLRED and JOHN A. ALLRED, her husband, known to me to be the persons whose named are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah.
Residing at Hurricane, Utah.
My Commission expires 2-7-35.

29

WARRENTY DEED.

VERA D. ALLRED and JOHN A. ALLRED, her husband,

to

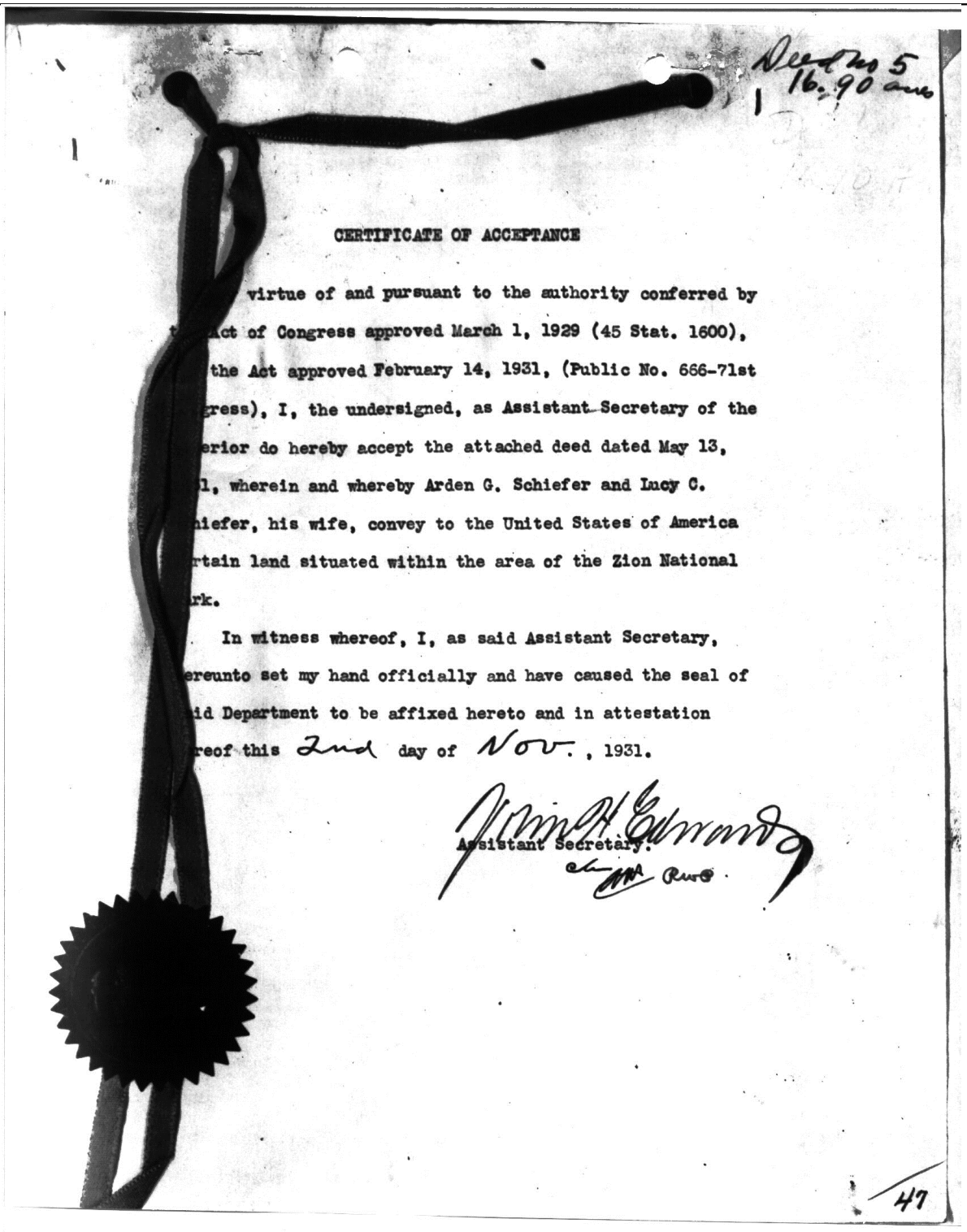
UNITED STATES OF AMERICA.

Dated: May _____, 1931.

150
Filed May 13, 1931 at 5 P.M.
Entry #33962
In Book 11-7 Page 535
Ellen Ingaty, Jr. Recorder
Wash. Co. Ida.

31 19 28

05-13-1931: warranty deed - mr. and mrs. j.a. allred to the usa



Deed No 5
16.90 acres

CERTIFICATE OF ACCEPTANCE

virtue of and pursuant to the authority conferred by
ct of Congress approved March 1, 1929 (45 Stat. 1600),
the Act approved February 14, 1931, (Public No. 666-71st
ress), I, the undersigned, as Assistant Secretary of the
erior do hereby accept the attached deed dated May 13,
l, wherein and whereby Arden G. Schiefer and Lucy C.
iefer, his wife, convey to the United States of America
rtain land situated within the area of the Zion National
rk.

In witness whereof, I, as said Assistant Secretary,
ereunto set my hand officially and have caused the seal of
id Department to be affixed hereto and in attestation
reof this 2nd day of Nov., 1931.

John H. Edwards
Assistant Secretary.

47

WARRANTY DEED.

THIS INDENTURE, made the 13th day of May, in the year of our Lord one thousand nine hundred and thirty-one, between ARDEN G. SCHIEFER and LUCY C. SCHIEFER, his wife, of Springdale, Utah, parties of the first part, and UNITED STATES OF AMERICA, party of the second part,

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of six thousand seven hundred and nineteen (6,719) dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

Beginning at a point 1320 feet North from East quarter corner of Section Twenty-one (21); thence South 39° East 306 feet; thence South 24° 40' West 462 feet; thence South 39° 20' West 431 feet; thence North 34° West 1314. feet; thence East 1051 feet to point of beginning. All in Sections Twenty-one (21) and Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and containing 16.90 acres, more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular, the above mentioned

48

and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever.

And the said parties of the first part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

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

Arden G. Schiefer (SEAL)

Lucy B. Schiefer (SEAL)

Signed, sealed and delivered
in the presence of

49

STATE OF UTAH, :
: ss.
County of Washington. :

On this 13th day of May, in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell, a Notary Public for the State aforesaid, personally appeared ARDEN G. SCHIEFER and LUCY C. SCHIEFER, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah.
Residing at Hurricane, Utah.
My commission expires 2-7-35

50.

WARRANTY DEED.

ARDEN G. SCHIEFER and LUCY C. SCHIEFER, his wife,

to

UNITED STATES OF AMERICA.

Dated: May _____, 1931.

1.50
Filed May 13, 1931 at 5 P.M.
Entry #33963
In Book U-7 Page 536

31 37 20
131 19 29
Ellen Corbett
Co. Recorder
Stark Co. O.

05-13-1931: warranty deed- mr. and mrs. a.g. schiefer to the usa

Deed No 8
6.16 Acres

Abstract with
Deed No 3

CERTIFICATE OF ACCEPTANCE

By virtue of and pursuant to the authority conferred by the Act of Congress approved March 1, 1929, (45 Stat. 1600), and the Act approved February 14, 1931, (Public No. 666,-71st Congress), I, the undersigned, as Assistant Secretary of the Interior do hereby accept the attached deed dated May 13, 1931, wherein and whereby John W. Crawford and Madge Crawford, his wife convey to the United States of America certain land situated within the area of the Zion National Park.

In witness whereof, I, as said Assistant Secretary, have hereunto set my hand officially and have caused the seal of the Department to be affixed hereto and in attestation thereof this 2nd day of Nov., 1931.

John H. Edwards
Assistant Secretary.

WARRANTY DEED.

THIS INDENTURE, made the 13th day of May, in the year of our Lord, one thousand nine hundred and thirty-one (1931), between JOHN W. CRAWFORD and MADGE CRAWFORD, his wife, of Springdale, Utah, parties of the first part, and UNITED STATES OF AMERICA, party of the second part,

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of two thousand two hundred (2,200) dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

Beginning at the Southwest corner of Southwest quarter of Southeast quarter of Section Twenty-one (21); thence North 21 rods; thence Northeasterly approximately 26.86 rods to a point 20 rods East of a point 40 rods North of the point of beginning; thence East 10 rods; thence South 33 rods; thence Southwesterly approximately 9.9 rods; thence West 23 rods to point of beginning. All in Section Twenty-one (21), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian. Containing 6.16 acres, more or less.

Subject to present existing rights of way for road, ditch, and telephone and power lines.

Also reserving unto the parties of the first part the primary water rights from the Virgin River owned by said first parties and particularly set forth as the Decreed Schedule of Water Rights for the Virgin River System in the Decree of the Fifth Judicial District, in and for Washington County, State of Utah, entered December 12, 1925, in Civil Case No. 270, entitled "St. George & Washington Canal Co., a corporation, plaintiffs, vs. Hurricane Canal Co., a corporation, defendants".

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever.

And the said parties of the first part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

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

John W. Crawford (SEAL)

Madge Crawford (SEAL)

Signed, sealed and delivered
in the presence of

J. Solomon Jr.

[illegible]

STATE OF UTAH, :
: ss.
County of Washington. :

On this 13 day of May, in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell, a Notary Public for the State aforesaid, personally appeared JOHN W. CRAWFORD and MADGE CRAWFORD, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah.
Residing at Hurricane, Utah.
My Commission expires 2-7-33

WARRANTY DEED.

JOHN W. CRAWFORD and MADGE CRAWFORD, his wife,

to

UNITED STATES OF AMERICA.

Dated: May _____, 1931.

Filed May. 13, 1931 at 4 P.M.
Entry #33964
In Book H-7 Page 5

31 37 21
Allen Eaches, Co. Recorder
Washington Co. Utah.

5

05-13-1931: warranty deed - mr. and mrs. john w. crawford to the usa, page 4cont

QUITCLAIM DEED.

THIS INDENTURE made this 13th day of May, 1931, by and between DANIEL WINDER and MYRTLE WINDER, his wife, of Springdale, Utah, parties of the first part, and JOHN W. CRAWFORD, of Springdale, Utah, party of the second part,

W I T N E S S E T H :

That the said parties of the first part do by these presents grant, bargain, sell and convey, remise, release and forever quitclaim unto John W. Crawford, said party of the second part, all the right, title, interest, estate, claim and demand, both at law and in equity, and as well in possession as in expectancy, of the said parties of the first part, of, in and to all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

Beginning at the Southwest corner of Southwest quarter of Southeast quarter of Section Twenty-one (21); thence North 21 rods; thence Northeasterly approximately 26.86 rods to a point 20 rods East of a point 40 rods North of the point of beginning; thence East 10 rods; thence South 33 rods; thence Southwesterly approximately 9.9 rods; thence West 23 rods to point of beginning. All in Section Twenty-one (21), Township Forty-one (41) South, Range 10 West, Salt Lake Meridian, containing 6.16 acres, more or less.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said party of the second part, his heirs, successors and assigns forever.

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

Daniel Winder (SEAL)

Signed, sealed and delivered Myrtle Winder (SEAL)

in the presence of

D. Boeing Jr.

[illegible]

State of Utah, :
: ss.
County of Washington. :

On the 13th day of May, in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared DANIEL WINDER and MYRTLE WINDER, his wife, the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah.
Residing at Hurricane, Utah.
My Commission expires: 2-7-35

7

QUITCLAIM DEED.

DANIEL WINDER and MYRTLE WINDER, his wife,

to

JOHN W. CRAWFORD.

Dated: May ____, 1931.

1.10

Filed May 13, 1931 at 50 M.
Entry # 33955
In Book W-7 Page 526

RECORDED

13 37

Ellen Cooke
Co. Recdr.
Pack. Co. Ut.

8

Deed No 9
52.30 acres
Abstract with
Deed No 3

CERTIFICATE OF ACCEPTANCE

I, by virtue of and pursuant to the authority conferred by the Act of Congress approved March 1, 1929 (45 Stat. 1600), and the Act approved February 14, 1931, (Public No. 666-71st Congress), the undersigned, as Assistant Secretary of the Interior do hereby accept the attached deed date May 13, 1931 wherein and whereby John R. Crawford and Eliza Crawford, his wife, convey to the United States of America certain land situated within the area of the Zion National Park.

In witness whereof, I, as said Assistant Secretary, have hereunto set my hand officially and have caused the seal of said Department to be affixed hereto and in attestation hereof this 2nd day of June, 1931.

Assistant Secretary.

9

WARRANTY DEED.

THIS INDENTURE, made the 13th day of May, in the year of our Lord one thousand nine hundred and thirty-one, between JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife, of Springdale, Utah, parties of the first part, and UNITED STATES OF AMERICA, party of the second part,

W I T N E S S E T H :

That the said parties of the first part, for and in consideration of the sum of sixteen thousand forty-seven (16,047) dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

East half of Northeast quarter of Southeast quarter of Section Twenty-one (21)- Also beginning 26 rods North of Southeast corner of Southeast quarter of Southeast quarter of Section Twenty-one (21); thence West 72 rods; thence Northeast 67 27/27 rods to point 32 rods West of Northeast corner of Southeast quarter of Southeast quarter of Section Twenty-one (21); thence East 32 rods; thence South 54 rods to place of beginning, all in Section Twenty-one (21). Also beginning at Southwest corner of Northwest quarter of Southwest quarter of Section Twenty-two (22); thence North 40 rods; thence Southeast 82 38/57 rods to a point 20 rods North of Southeast corner of Northwest quarter of Southwest quarter of Section Twenty-two (22); thence South 20 rods; thence West 80 rods to point of beginning, in Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and containing in all 52.30 acres, more or less.

Subject to present existing rights of way for road, ditch, and telephone and power lines.

Also reserving unto the parties of the first part the primary water rights from the Virgin River owned by said first parties and particularly set forth as the Decreed Schedule of Water Rights for the Virgin River System in the Decree of the Fifth Judicial District, in and for Washington County, State of

10

Utah, entered December 12, 1925, in Civil Case No. 270, entitled "St. George & Washington Canal Co., a corporation, plaintiffs, vs. Hurricane Canal Co., a corporation, defendants".

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns, forever.

And the said parties of the first part, and their heirs, do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof, unto the said party of the second part, its successors and assigns, against the acts and deeds of the said parties of the first part, and all and every person and persons whomsoever lawfully claiming or to claim the same.

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

John R Crawford (SEAL)
Eliza L Crawford (SEAL)

Signed, sealed and delivered
in the presence of

State of Utah, :
: ss.
County of Washington. :

On this 13th day of May, in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah.
Residing at Hamblin, Utah.
My commission expires 2-7-35

12

WARRANTY DEED.

JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife,

to

UNITED STATES OF AMERICA.

Dated: May ____, 1931.

1.75
Filed May 13, 1931 at 5 P. M.,
Entry #33959
In Book U-7 Page 530
Ellen Carlin, Co. Records
Wash. Co. Utah

131 37 17
131 19 27

13

QUITCLAIM DEED.

THIS INDENTURE made this 13th day of May, 1931, by and between J. M. BEAN and MARGARET BEAN, his wife, WESTON JUSTET and MARGARET JUSTET, his wife, HOWARD RUESCH and SUSAN RUESCH, his wife, CORNELIA CRAWFORD (widow), and EMMA CRAWFORD (a single woman), all of Springdale, Utah, parties of the first part, and JOHN R. CRAWFORD, of Springdale, Utah, party of the second part,

W I T N E S S E T H :

That the said parties of the first part do by these presents grant, bargain, sell and convey, remise, release and forever quitclaim unto John R. Crawford, party of the second part, all the right, title, interest, estate, claim and demand, both at law and in equity, and as well in possession as in expectancy, of the said parties of the first part, of, in and to all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

East half of Northeast quarter of Southeast quarter of Section Twenty-one (21); also beginning 26 rods North of Southeast corner of Southeast quarter of Southeast quarter of Section Twenty-one (21); thence West 72 rods; thence Northeast 67 27/127 rods to point 32 rods West of Northeast corner of Southeast quarter of Southeast quarter of Section Twenty-one (21); thence East 32 rods; thence South 54 rods to place of beginning, all in Section Twenty-one (21). Also beginning at Southwest corner of Northwest quarter of Southwest quarter of Section Twenty-two (22); thence North 40 rods; thence Southeast 82 38/81 rods to ~~the~~ a point 20 rods North of Southeast corner of Northwest quarter of Southwest quarter of Section Twenty-two (22); thence South 20 rods; thence West 80 rods to point of beginning, in Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and containing in all 52.30 acres, more or less.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises,

together with the appurtenances, unto the said party of the second part, his heirs, successors and assigns forever.

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

J.M. Bean (SEAL)
Margaret Beans (SEAL)
Weston Justet (SEAL)
Margaret Justet (SEAL)
Howard Ruesch (SEAL)
Susan Ruesch (SEAL)
Emma Crawford (SEAL)
Cornelia E. Crawford (SEAL)
her
mark

Signed, sealed and delivered in the presence of

witness to mark
Cornelia Crawford

2.-

15

STATE OF UTAH, :
: ss.
County of Washington. :

On the 13th day of May, in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared J. M. BEAN and MARGARET BEAN, his wife, WESTON JUSTET and MARGARET JUSTET, his wife, HOWARD RUESCH and SUSAN RUESCH, his wife, CORNELIA CRAWFORD (widow) and EMMA CRAWFORD (a single woman), the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell
Notary Public for the State of Utah.
Residing at Hurricane, Utah.
My Commission expires 2-7-35.

16

QUITCLAIM DEED.

J. M. BEAN, et al.,

to

JOHN R. CRAWFORD.

Dated: May ____, 1931.

1,80

Filed May 13, 1931 at 3-PM,
Entry #33957
In Book 11-7 Page 528

131 37 13-
131 24
Allen Baker
Co. Recorder
Wash. Co. Ark.

NOTICE OF FORFEITURE.

TO D. J. L. DAVIS:

YOU ARE HEREBY NOTIFIED that you have failed to perform on your part the terms and conditions of that certain oil and gas lease made and entered into on the 30th day of July, 1921, by and between John R. Crawford, James Crawford and Daniel Crawford, of Springdale, Utah, as lessors, and yourself as lessee, and recorded on November 10, 1921, at four P. M. in Book U-5- pages 42-43-44, Records of Washington County, Utah; and we hereby give you notice that because of your failure to perform the said lease has terminated and you have no longer any right, title or interest in or to the said premises described in said lease as the the East half of Southeast quarter and Southwest quarter of Southeast quarter of Section Twenty-one (21) and Northwest quarter of Southwest quarter of Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, or any part thereof.

John R Crawford
Daniel Crawford
James Crawford

1.-

STATE OF UTAH, :
: ss.
County of Washington. :

On this 13th day of May in the year one thousand nine hundred and thirty-one (1931), before me, Harold Russell a Notary Public for the State aforesaid, personally appeared JOHN R. CRAWFORD, JAMES CRAWFORD and DANIEL CRAWFORD, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Harold Russell

Notary Public for the State of Utah.
Residing at Hurricane, Utah.
My Commission expires 2-7-35.

19

NOTICE OF FORFEITURE.

Filed 4:55 P.M. May 13. 1931

JOHN R. CRAWFORD, JAMES CRAWFORD
and DANIEL CRAWFORD

to

D. J. L. DAVIS.

Dated: May _____, 1931.

90 2nd
Filed May 13, 1931 at 4:55 P.M.
Entry #33950
In Book U-7 Page 521
Ellensburg, Kittitas Co. Recorder
Washington Co. Wash.

Book 131 Page 18 Lot 34
" 19 19

00-00-0000: notice of forfeiture, page 3cont

AFFIDAVIT.

STATE OF UTAH, :
: ss.
County of Washington. :

JOHN R. CRAWFORD, JAMES CRAWFORD and DANIEL CRAWFORD, of Springdale, Utah, being first duly sworn, deposes and says:

That they are the lessors who made and executed a certain oil and gas lease to one D. J. L. Davis, as lessee, on the 30th day of July, 1921, which said oil and gas lease was recorded on November 10, 1921, in Book U-5, pages 42-43-44, Records of Washington County, Utah.

That the said lease covered the following described lands: East half of Southeast quarter and Southwest quarter of Southeast quarter of Section Twenty-one (21), and Northwest quarter of Southwest quarter of Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian.

That under and by the terms of said lease the termination thereof was fixed as of the 30th day of July, 1926, providing gas or oil was not produced from said land by said lessee.

It was also further provided that if no well should be commenced on said land on or before the 21st day of August, 1924, the said lease should terminate unless the said lessee should pay to the said lessors certain sums for an extension of time; that the said D. J. L. Davis, the lessee, did not comply with the terms of said lease in that neither he nor his assigns have ever commenced drilling for gas or oil on said premises according to the terms of said lease and that neither said D. J. L. Davis, lessee, nor his assigns have ever offered to pay or have paid any sum whatsoever for the extension of said lease.

21

That said lease therefore has b en considered cancelled by said lessors fo. many years and the said lessors have given notice to the said lessee of the termination thereof, said notice being as follows:

"NOTICE OF FORFEITURE.

"TO D. J. L. DAVIS:

YOU ARE HEREBY NOTIFIED that you have failed to perform on your part the terms and conditions of that certain oil and gas lease made and entered into on the 30th day of July, 1921, by and between John R. Crawford, James Crawford and Daniel Crawford, of Springdale, Utah, as lessors, and yourself as lessee, and recorded on November 10, 1921, at four P. M. in Book U-5, pages 42-43-44, Records of Washington County, Utah; and we hereby give you notice that because of your failure to perform the said lease has terminated and you have no longer any right, title or interest in or to the said premises described in said lease as the East half of Southeast quarter and Southwest quarter of Southeast quarter of Section Twenty-one (21) and Northwest quarter of Southwest quarter of Section Twenty-two (22), Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, or any part thereof.

John R. Crawford
James Crawford
Daniel Crawford."

That said notice was duly recorded in the office of the County Recorder of Washington County, State of Utah, on the 13th day of May, 1931, in Book U-7-, page 521, Records of Washington County.

That said lessors do not know the whereabouts of D. J. L. Davis and have not seen or heard of him for more than five years last past.

John R. Crawford
Daniel Crawford
James Crawford

Subscribed and sworn to before me, this 13th day of May, 1931.

Harold Russell

Notary Public in and for the County of Washington, State of Utah.

My Commission expires: 2-7-35

AFFIDAVIT.

1:50
Filed May 13, 1931 at 4:55 PM
Entry # 33952
In Book W-7 Page 522

ABSTRACT RECORD
Book 101 Page 37 Line 9
101 19 31

Ellen Banks
Co. Recorder
Yak. Co. Wn.

43

AFFIDAVIT.

State of Utah, :
: ss.
County of Washington. :

DONAL J. JOLLEY, being first duly sworn, deposes and says:

That he is Chief Ranger of Zion National Park and for more than ten years last past has been Ranger and Chief Ranger of said Zion National Park and has resided therein.

That he is well acquainted with Daniel Crawford, John R. Crawford and James Crawford and with the lands owned by said Crawfords and described as follows: S½ of NE¼; E½ of SE¼ and SW¼ of SE¼ of Section 21; W½ of NW¼ and NW¼ of SW¼ of Section 22, in Township 41 South, Range 10 West, Salt Lake Meridian; that to his personal knowledge no oil or gas well has ever been drilled or attempted to be drilled on said lands within the past ten years.

Donal J Jolley.

Subscribed and sworn to before me,
this 13th day of May, 1931.

Harold Russell

Notary Public in and for the County of Washington,
State of Utah.

My Commission expires: 2-7-35

24

AFFIDAVIT OF

DONAL J. JOLLEY.

Dated: May _____, 1931.

3rd

807

Filed May 13, 1931 at 4:55 P. M.

Entry #33951

In Book U-7 Page 521

Book 31 Page 18 Line 37

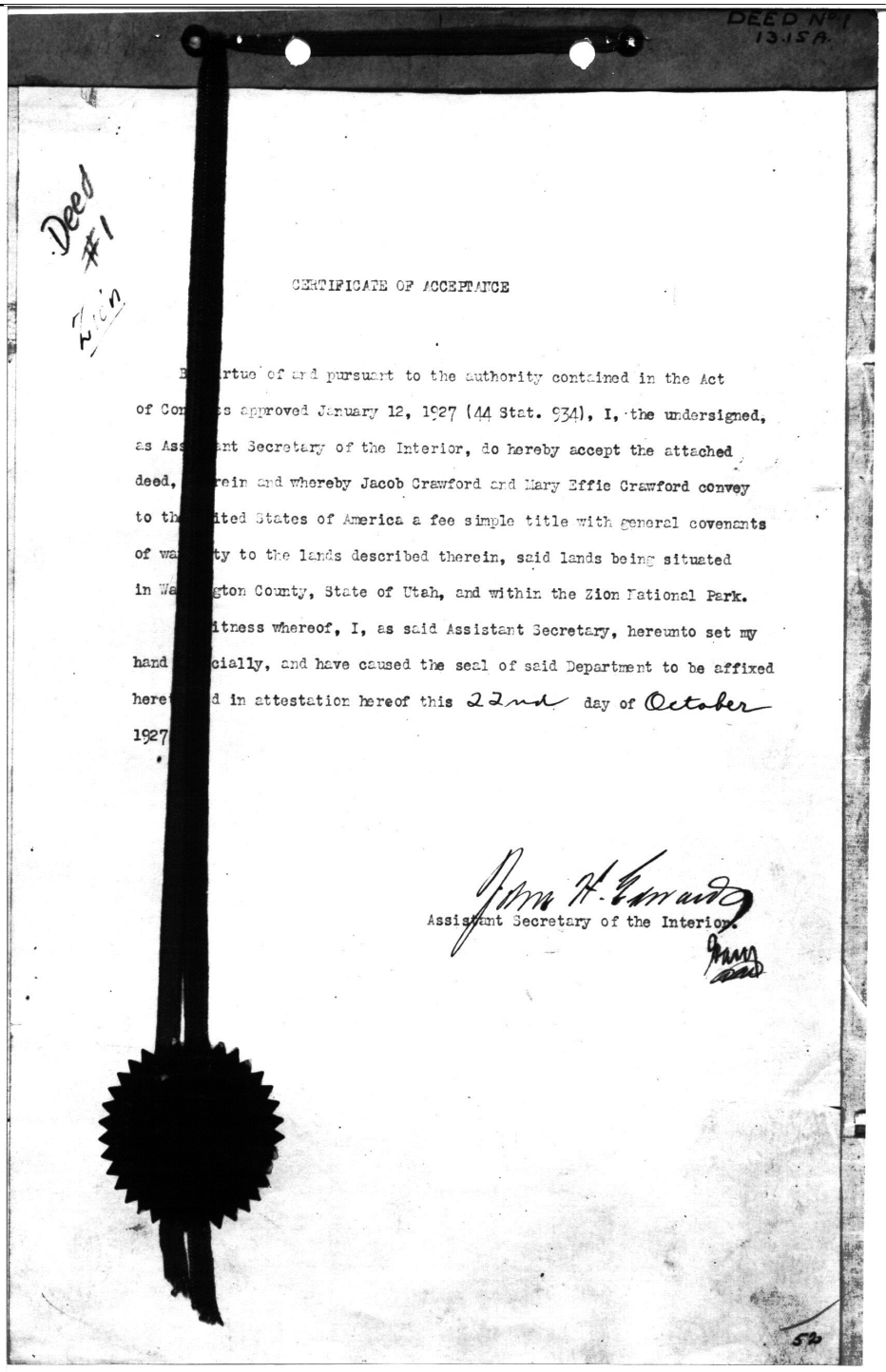
" 19 20

Ellen Carter

Co. Recorder

Wash Co. Utah.

10-22-1927: certificate of acceptance



DEED No 1
13.15A.

Deed #1

CERTIFICATE OF ACCEPTANCE

By virtue of and pursuant to the authority contained in the Act of Congress approved January 12, 1927 (44 Stat. 934), I, the undersigned, as Assistant Secretary of the Interior, do hereby accept the attached deed, wherein and whereby Jacob Crawford and Mary Effie Crawford convey to the United States of America a fee simple title with general covenants of warranty to the lands described therein, said lands being situated in Washington County, State of Utah, and within the Zion National Park.

In witness whereof, I, as said Assistant Secretary, hereunto set my hand officially, and have caused the seal of said Department to be affixed hereto in attestation hereof this 22nd day of October 1927.

John H. Edwards
Assistant Secretary of the Interior.

KNOW ALL MEN BY THESE PRESENTS:

THAT JACOB CRAWFORD and MARY EFFIE CRAWFORD, husband and wife of the County of Washington and State of Utah for and in consideration of the sum of TWO THOUSAND TWO HUNDRED FIFTY AND NO/100 - - - - - - - - - - - - DOLLARS in hand paid do hereby grant, bargain, sell, convey and confirm unto THE UNITED STATES OF AMERICA to become a permanent part of the Zion National Park lands. ~~of the County of and State of~~ the following described real estate situated in Springdale in Washington County, and State of Utah to-wit: precinct

Beginning at the Northwest corner of section twenty two (22), in township forty one (41) south of Range ten (10) west of the Salt Lake Meridian, Utah.
Southerly 412.5 feet, thense S. 89 Deg. 42 Min. E. 346.5 feet, thense southerly 132.0 feet, thense S. 89 Deg. 42 Min. E. 214.5 feet, thense northerly 132.0 feet, thense S. 89 Deg. 42 Min. E. 759.0 feet, thense northerly 412.5 feet, thense N. 89 Deg. 42 Min. W. 1320.0 feet to the point of beginning, containing thirteen and fifteen one hundreths (13.15 A.) acres with the appurtenances and all the estate, right, title and interest of the said paaties of the first part therein.

TO HAVE AND TO HOLD the premises above described, together with all the Tenements, Hereditaments and appurtenances thereunto belonging, unto the said United States of America and to their heirs and assigns forever.

And they do hereby covenant with the said Grantee and with their heirs and assigns, that may be lawfully seized of said premises; that they are free from encumbrance

that they have good right and lawful authority to sell the same; and they do hereby covenant to warrant and defend the title to said premises against the lawful claims of all persons whomsoever.

And the said Mary Effie Crawford - - - - - - - - - - - - - hereby relinquishes all right, benefit, privilege, advantage and exemption of homestead under the Statutes of the State of Utah in and to the above described premises.

Signed this 14th day of September A. D. 192 7

In Presence of

Jacob Crawford
Mary Effie Crawford

Ellen Carter as to both names.
Emma Wahlquist as to both names

STATE OF Utah } ss.
Washington County }

On this 14th day of September, A. D. 192 7, before me, the undersigned Ellen Carter County Recorder ~~Notary Public~~ duly commissioned and qualified for and residing in said County, personally came Jacob Crawford and Mary Effie Crawford, husband and wife

to me known to be the identical person s whose name s are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

Ellen Carter Notary Public
County Recorder

My commission expires the day of , 19

STATE OF .....
..... County } ss.

On this ..... day of ....., A. D. 192..., before me, the undersigned ..... a Notary Public, duly commissioned and qualified for and residing in said county, personally came .....

.....

.....

to me known to be the identical person ..... whose name ..... affixed to the foregoing instrument and acknowledged the same to be ..... voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

..... Notary Public.

My commission expires the ..... day of ..... 192...

Filed Sept 14, 1927 at 2 P.M.
Cindy # 25838

Indexed / Compared
General / Paged

WARRANTY DEED

..... et al Crawford et ux

TO

United States of America

STATE OF Wash. } ss.
Washington County }

Entered in Numerical Index and filed for record in the office of the Register of Deeds of said County, this 14th day of September 1927 at 2 o'clock and ..... minutes P. M. and duly recorded in Book 41 of Warranty Deeds on page 353

Ellen Beals
Register of Deeds.

..... Deputy.

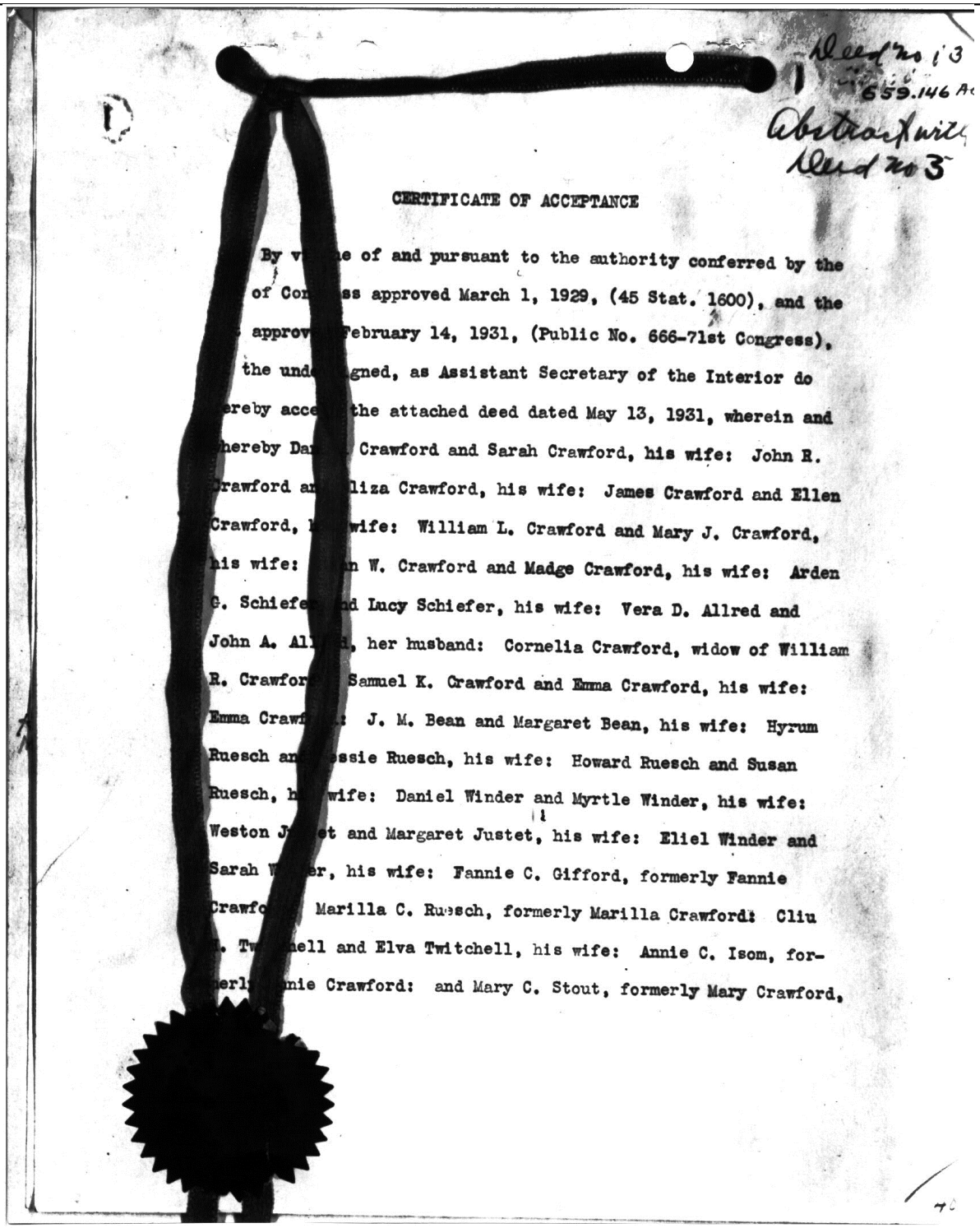
ABSTRACT RECORD
Book 81 Page 19 Line 10

Verified

The Huffman General Supply House, Lincoln, Neb.

54

00-00-0000: certificate of acceptance



Deed No 13
659.146 Ac
Abstract with
Deed No 3

CERTIFICATE OF ACCEPTANCE

By virtue of and pursuant to the authority conferred by the Act of Congress approved March 1, 1929, (45 Stat. 1600), and the Act approved February 14, 1931, (Public No. 666-71st Congress), the undersigned, as Assistant Secretary of the Interior do hereby accept the attached deed dated May 13, 1931, wherein and whereby David Crawford and Sarah Crawford, his wife: John R. Crawford and Eliza Crawford, his wife: James Crawford and Ellen Crawford, his wife: William L. Crawford and Mary J. Crawford, his wife: John W. Crawford and Madge Crawford, his wife: Arden G. Schiefer and Lucy Schiefer, his wife: Vera D. Allred and John A. Allred, her husband: Cornelia Crawford, widow of William R. Crawford: Samuel K. Crawford and Emma Crawford, his wife: Emma Crawford: J. M. Bean and Margaret Bean, his wife: Hyrum Ruesch and Jessie Ruesch, his wife: Howard Ruesch and Susan Ruesch, his wife: Daniel Winder and Myrtle Winder, his wife: Weston Justet and Margaret Justet, his wife: Eliel Winder and Sarah Winder, his wife: Fannie C. Gifford, formerly Fannie Crawford: Marilla C. Ruesch, formerly Marilla Crawford: Cliu M. Twitchell and Elva Twitchell, his wife: Annie C. Isom, formerly Annie Crawford: and Mary C. Stout, formerly Mary Crawford,

convey to the United States of America certain land situated within the area of the Zion National Park.

In witness whereof, I, as said Assistant Secretary, hereunto set my hand officially and have caused the seal of said Department to be affixed hereto and in attestation hereof this 2nd day of Nov., 1931.

Assistant Secretary.

41

QUITCLAIM DEED.

THIS INDENTURE made this 13th day of May, 1931, by and between DANIEL CRAWFORD and SARAH CRAWFORD, his wife, JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife, JAMES CRAWFORD and ELLEN CRAWFORD, his wife, WILLIAM L. CRAWFORD and MARY J. CRAWFORD, his wife, JOHN W. CRAWFORD and MADGE CRAWFORD, his wife, ARDEN G. SCHIEFER and LUCY SCHIEFER, his wife, VERA D. ALLRED and JOHN A. ALLRED, her husband, CORNELIA CRAWFORD (widow of William R. Crawford), SAMUEL K. CRAWFORD and EMMA CRAWFORD, his wife, EMMA CRAWFORD (a single woman), J. M. BEAN and MARGARET BEAN, his wife, HYRUM RUESCH and BESSIE RUESCH, his wife, HOWARD RUESCH and SUSAN RUESCH, his wife, DANIEL WINDER and MYRTLE WINDER, his wife, WESTON JUSTET and MARGARET JUSTET, his wife, ELIEL WINDER and Sarah WINDER, his wife, FANNIE C. GIFFORD (formerly Fannie Crawford), MARILLA C. RUESCH (formerly Marilla Crawford), all of Springdale, Utah, and ANNIE C. ISOM (formerly Annie Crawford) and MARY C. STOUT (formerly Mary Crawford), of Hurricane, Utah, parties of the first part, and the UNITED STATES OF AMERICA, party of the second part,

H.R.
N.P.

and Clin H. Twitchell and Elva Twitchell, his wife,

W I T N E S S E T H :

That the said parties of the first part do by these presents grant, bargain, sell and convey, remise, release and forever quit-claim unto the United States of America, said party of the second part, all the right, title, interest, estate, claim and demand, both at law and in equity, and as well in possession as in expectancy, of the said parties of the first part, of, in and to all those certain lots, pieces and parcels of land situate in the County of Washington, State of Utah, and more particularly described as follows, to-wit:

Northeast quarter; northwest quarter; north half of southwest quarter, and southeast quarter of Section Twenty-one (21); west half of northwest quarter and

northwest quarter of southwest quarter of Section Twenty-two (22), in Township Forty-one (41) South, Range Ten (10) West, Salt Lake Meridian, and located within the exterior boundaries of Zion National Park.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the United States of America.

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

Witnesses

D. J. Sowinski Jr.

Thos. J. Allen

Witness to mark

Cornelia Crawford

D. J. Sowinski Jr.

Thos. J. Allen

Harold Rutledge

Daniel Crawford (SEAL)

Sarah Crawford (SEAL)

John R Crawford (SEAL)

Eliza Crawford (SEAL)

Emma Crawford (SEAL)

Cornelia R Crawford (SEAL)

Williams L. Crawford (SEAL)

Mary J. Crawford (SEAL)

James Crawford (SEAL)

Ellen Crawford (SEAL)

Arden G. Schiefer (SEAL)

Lucy C. Schiefer (SEAL)

Loyd D. Allred (SEAL)

John A. Allred (SEAL)

Fanny C. Gifford (SEAL)

E. M. Bean (SEAL)

Margaret Bean (SEAL)

Weston Justet (SEAL)

Margaret Justet (SEAL)

Howard Ruesch (SEAL)

Susan Ruesch (SEAL)

Bessie Ruesch. (SEAL)

43

John W. Crawford (SEAL)
Hyrum Roesch (SEAL)
Elsie Winder (SEAL)
Sarah Winder (SEAL)
Madge Crawford (SEAL)
Samuel B. Crawford (SEAL)
Emma J. Crawford (SEAL)
Annie C. Doss (SEAL)
Mary C Stout (SEAL)
Manilla E. Roesch (SEAL)
Elsie H Twitchell (SEAL)
Elva Twitchell (SEAL)
Daniel Winder (Seal)
Myrtle Winder (Seal)

3.-

State of Utah, :
: ss.
County of Washington. :

On the 13th day of May, 1931, personally appeared before me DANIEL CRAWFORD and SARAH CRAWFORD, his wife, JOHN R. CRAWFORD and ELIZA CRAWFORD, his wife, JAMES CRAWFORD and ELLEN CRAWFORD, his wife, WILLIAM L. CRAWFORD and MARY J. CRAWFORD, his wife, JOHN W. CRAWFORD and MADGE CRAWFORD, his wife, ARDEN G. SCHIEFER and LUCY SCHIEFER, his wife, VERA D. ALLRED and JOHN A. ALLRED, her husband, CORNELIA CRAWFORD (widow of William R. Crawford), SAMUEL K. CRAWFORD and EMMA CRAWFORD, his wife, EMMA CRAWFORD (a single woman), J. M. BEAN and MARGARET BEAN, his wife, HYRUM RUESCH and BESSIE RUESCH, his wife, HOWARD RUESCH and SUSAN RUESCH, his wife, DANIEL WINDER and MYRTLE WINDER, his wife, WESTON JUSTIT and MARGARET JUSTIT, his wife, ELIEL WINDER and Sarah WINDER, his wife, FANNIE C. GIFFORD (formerly Fannie Crawford), and Clien H. Smithell and Elva Smithell his wife. MARILLA C. RUESCH (formerly Marilla Crawford), MARY C. STOUT (formerly Mary Crawford) and ANNIE C. ISOM (formerly Annie Crawford), the signers of the above instrument, who duly acknowledged to me that they executed the same.

Harold Pumell

Notary Public in and for the County of Washington,
State of Utah.

My Commission expires: 2-7-35

QUITCLAIM DEED.

DANIEL CRAWFORD, et al.

to

UNITED STATES OF AMERICA.

Dated: May ____, 1931.

U.S.

Filed May 13 1931 at 3 P.M.

Entry #33946

Book 21-7 Page 540

131 97 23

131 19 30

Ellen Tweedy, Co. Recorder

Wash. Co. Utah

46

Other Supporting Information

December 13, 1962

L54-RLW

Memorandum

To: Chief, Division of Lands

From: Chief, Branch of Water Resources

Subject: Water Rights, Upper Grotto and Wylie Retreat Water Systems, Zion

This refers to Regional Director Allen's memorandum of December 4, 1962, in which he requests the views of this Office as to what action, if any, should be taken in the subject matter at this time, or if the matter should be taken care of when the present concession contract with the Utah Parks Company expires (December 31, 1968), and a new contract entered into.

Enclosed are copies of a letter of October 25, 1935, from George H. Smith, then attorney for Utah Parks Company, and memorandum of October 28, 1935, by which Superintendent Patraw forwarded it to the Director. Without exhaustive review, I believe that the main issue at Zion was whether an appropriative right should be established under state law. I believe the proprietory title to the land has always been in the name of the United States. In addition, there are no records to show how much of the spring flow reached the Virgin River before the diversions were made, but there has been subsequent intermittent flow from at least Upper Grotto Spring. There has never been any question of company title to the two pipelines.

On advice of our counsel, the established rights now perfected in accordance with Certificates A-221, A-222, A-223, and A-224, were amended to authorize the use of all, or any part of 2.26 c.f.s. of the waters in or tributary to the Virgin River through any of the Federal or Company water systems for municipal purposes in Zion National Park, with priorities ranging from 1877 to 1929. Any of those priorities may be exercised in any of the pipelines and two ditches. The amendments were not protested by the Utah Parks Company.

It seems rather late for the Company to reopen the questions of title and basis of rights. Perhaps the memorandums of March 29, April 5, and April 10, 1962, mentioned in Superintendent Oberhansley's memorandum of October 21, 1962, but not available here, explain this. However, the amended rights do not appear to constitute exclusive rights to the sources,

if there are valid senior rights, and the Company can establish title to them. One unresolved question is whether the Wylie Retreat Spring was used prior to the adoption of the present Utah water laws, and created some form of diligence rights. Another question is whether the diligence type of right would still be valid after the adjudications of 1925 and 1930. The third question is what title the Company can establish to such rights.

At the top of page 5 of his letter of May 4, 1962, Mr. Murray quotes a portion of Mr. Tolson's letter of August 7, 1944, which might have two interpretations. This Service recognized that the Company had constructed the Upper Grotto and Wylie Spring water systems, and was the sole user of them and the water which were diverted through them. This is still true. However, the attorneys of the Company and this Service disagreed as to whether there were any existing rights under the Utah water laws under which that water was diverted and used. That matter has not yet been determined to the mutual satisfaction of the Federal and Company attorneys. We should still honor any such valid rights, if defined, but would oppose the Company purchase and transfer of additional rights if not also assigned to the United States.

It is my recommendation that an effort be made to resolve these questions sometime before the concession contract expires. This would facilitate negotiations regarding a new contract insofar as water rights are concerned.

It is recommended further that the Field Solicitor be requested to investigate the legal phases of the matter.

(SIGNED)
A. van V. Dunn

Enclosures 2

cc:
Superintendent, Zion, w/c encs.
Chief, WODC (2), w/c encs.

Salt Lake City, Utah.

October 25, 1935.

Re: Water Rights - Zion National Park.

Mr. H. A. Hansen:

Referring to my letter to you of September 3, 1935, with respect to water rights in the Southern Utah Parks, and particularly with reference to Zion National Park:

Mr. Pearson furnished me the information heretofore requested with reference to the location of the springs. But upon further study of the procedure and rights to the water from springs existing on the land of a proprietor, and which has not been previously appropriated in any way, I am further convinced of the correctness of the position I have always maintained that the title to the water by reason of the use made which neither the Government, the Utah Parks Company, the user of the water and representing the Government, could be disturbed in their use, and their rights would be good as against anybody attempting to contest them, or claiming any rights to the water.

After again reviewing the whole situation and in the matter of specific procedure, I am convinced that neither the Government nor the Parks Company should make any application to the State Engineer for record title to appropriate or use this water. To do so would not strengthen the title in any way, and if the State Engineer's office took jurisdiction, as it probably would upon

though no statute provides for such procedure, notice of the proceedings would be sent to every entity ever claiming any right in the Virgin River System. This would surely invite objections to the application, and maybe adverse claims. In that event a very extensive and protracted hearing would put the Parks Company and the Government to a lot of unnecessary work and expense.

Their rights are complete as they are, and the better plan of wisdom and procedure is to stand upon them as they exist. If anyone should hereafter make any claim to the spring waters, all that would be necessary would be for the Utah Parks Company to show the beneficial use of the water and the period of that use. That would be a very simple proceeding.

We have consulted with one of our local attorneys, who is an outstanding water and irrigation lawyer in this state of Utah and wide experience in such matters, and he agrees with these conclusions. I shall therefore do nothing further about it.

I saw Mr. Potraw, Superintendent of Zion National Park, on October 12, 1935, and explained this whole situation to him, and my final conclusions, and am sending him a copy of this letter as I agreed to do.

(signed) Geo. H. Smith.

10-28-1935: letter to the director, nps from the superintendent regarding zion water rights

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Zion and Bryce Canyon National Parks.

October 28, 1935.

The Director
National Park Service
Washington, D. C.

Dear Mr. Director:

Reference is made to previous correspondence in connection with the question of water rights in Zion National Park. On October 12 Mr. George W. Smith of Salt Lake City, attorney for the Union Pacific System, called at this office and expressed his opinion that there was no need for application to be filed for establishing the right of the National Park Service or the Utah Parks Company to appropriate the water now being used for domestic purposes at the lodge and other places in the park. His opinion was based on thorough study of statutes in the matter and on advice of other lawyers who are experts in the matter of state laws governing water rights.

As I felt this was a matter for determination by legal minds, I requested him to prepare memorandum outlining his ideas, to be submitted to your office for decision, and copy of Mr. Smith's memorandum of October 25, 1935, is inclosed. Your decision in the matter is requested.

In the meantime, it is planned to put to beneficial use the 0.53 second foot of water rights recently purchased by Utah Parks Company not only because we have beneficial use for the water, but also to avoid loss of the rights through abandonment of use. If at any time it becomes necessary to do so, we will thus have sufficient rights which could be applied to water needed for domestic purposes at the lodge and other places in the park.

Very truly yours,

(sgd) P. P. Patraw
Superintendent.

Encl. 1.

Southwest Region
Santa Fe, New Mexico

12/4/62

L54
ZION

Memorandum

To: Director

From: Regional Director

Subject: Water Rights, Upper Grotto and Wylie Retreat Water Systems, Zion National Park

By memorandum of October 21 the Superintendent of Zion transmitted a letter dated May 4, 1962 to him from Mr. T. E. Murray, Manager of the Utah Parks Company. This letter quotes an opinion by the present General Solicitor of the Union Pacific Railroad Company concerning the subject water rights.

It is apparent from earlier correspondence that past solicitors for this company have held to this same opinion.

Prior to filing this letter in our docket we would like to have the opinion of Mr. van V. Dunn in your office whether or not we should at this time take some action or if we should (as we have stated in the past) take care of this matter in the concessions contract when it is renewed.

We are also enclosing a copy of the Superintendent, Zion's memorandum of October 21 for his review.

By copy of this memorandum we are returning a copy of the May 4 letter from Utah Parks Company to the Superintendent, Zion as per his request.

Thomas J. Allen
Regional Director

In duplicate

Enclosures (1 set)

cc:
Supt., Zion w/enclosure

WEFields:ew 12/3/62

10-21-1962: memorandum to the regional director from the superintendent, zion regarding water rights - zion

Zion National Park
Springdale, Utah

L54 Water Matters
(Dockets 1-4-Zion)
X-(D5031) October 21, 1962

Memorandum

To: Regional Director, Southwest Region

From: Superintendent, Zion

Subject: Water Rights - Zion National Park

No reply to the enclosed Utah Parks Company letter of May 4, 1962 has been made by this office for reasons found in the history of water right matters here. The questions raised by the Company are the result of an inquiry from the State of Utah as indicated by the following enclosures:

Office of State Engineer - Letter dated March 29, 1962
Superintendent, Zion - Letter dated April 5, 1962
Superintendent, Zion - Letter dated April 10, 1962

The files reveal that with the exception of Water Right No. 63, Virgin River Decree, there were no adjudicated or other water rights of record in the Park, vested in the Utah Parks Company or their antecedents. Water Right No. 63 was conveyed for a sum of $389 to the United States of America by the Union Pacific Railroad Company, June 29, 1939 and the transaction is recorded as NPS Deed No. 15.

It does not appear necessary for us to review the change applications wherein decreed rights owned by the National Park Service are in part assigned to Upper Grotto and Wylie Retreat water systems or the reasons therefor, as the record is adequate in this respect. However, Some of the references appropriate to the status of water from these sources are as follows:

Mr. Tolson's memorandum to Region Three, August 8, 1944
Mr. Dunn's memorandum to Superintendent, Zion, May 22, 1942
Mr. Dunn's memorandum to Superintendent, Zion, August 6, 1941

We note from a copy of Mr. E. W. Reed's memorandum of October 22 that he and Mr. Dunn have scheduled a visit to your office. It is assumed that they will be interested in the reiteration of the Utah Parks

Company position on water rights in Upper Grotto and Wylie Retreat springs. However, the State Engineer's decisions in recent years on applications to appropriate water for domestic purposes reflects the view that the water belongs to the land.

Please reproduce a copy of the enclosed Utah Parks Company letter for our file as the Thermofax is inadequate for water right documentation.

FR Oberhansley

Frank R. Oberhansley

In triplicate

Enclosures 7

JBF:lal

05-04-1962: letter to the superintendent from the utah parks company regarding water rights title - grotto and wylie retreat springs

UTAH PARKS COMPANY

LODGE-HOTEL AND TRANSPORTATION SERVICE

T. B. MURRAY, MANAGER

BRYCE-ZION-GRAND CANYON NATIONAL PARKS
CEDAR BREAKS NATIONAL MONUMENT
CEDAR CITY, UTAH

1.	✓	SUPERINTENDENT
2.	✓	ASST. SUPT.
4.	✓	SECRETARY
		ADM. OFFICER
		PERSONNEL
	✓	SUPV. ACCT.
3.	✓	CHIEF RANGER
		ASST. CHIEF
		CH. NATURALIST
		PARK NATURALIST
		ENGINEER

May 4, 1962

Mr. Frank R. Oberhansley, Superintendent
Zion National Park
Springdale, Utah

Dear Mr. Oberhansley:

I have your letter of April 10, 1962, File: D-5039, concerning the title of the water at Grotto and Wiley Retreat springs. You advised that the title to this water was vested in the United States Government. You referred to Change Applications A-1657, A-1658, A-1659, and A-1660 which are covered by Certificate Nos. A-221, A-223, and A-224. I think there might have been a discrepancy in your letter because Certificate No. A-222 was omitted, and there should be a certificate for each Change Application.

I referred your letter to the office of the General Solicitor of the Union Pacific Railroad Company in Salt Lake City. I received a very informative letter from him and am quoting in part as follows:

> "I have made a thorough and detailed check through the records in the Utah State Engineer's office, and I must advise you, and you may so advise Mr. Oberhansley and the Park Service, that title to the water from the Upper Grotto and Wiley Retreat Springs is not in the United States Government but is in the Utah Parks Company. From checking our records in the office here, we find that the Utah Parks Company acquired title and right to use of this water before Zion National Park even became a national park. Wiley originally established a camp ground there and used the water for his camp ground at a time when he used nothing but tents in the area, and the Utah Parks Company bought his installation out and succeeded to all the rights which he had.
>
> "Aside from that, however, the question of any claim by the National Parks Service to the waters from this Upper Grotto and Wiley Retreat source presents no serious problem at all, and neither the United States nor its Parks Service

RECEIVED
MAY 7 19[illegible]
UNION PACIFIC
ZION NATIONAL PARK

REACHED VIA UNION PACIFIC RAILROAD

UTAH PARKS COMPANY

LODGE, HOTEL AND TRANSPORTATION SERVICE

T. E. MURRAY, MANAGER

BRYCE-ZION-GRAND CANYON NATIONAL PARKS

CEDAR BREAKS NATIONAL MONUMENT

CEDAR CITY, UTAH

May 4, 1962

Mr. Oberhansley: Page 2

has any sufficient basis to substantiate the claim, but on the contrary would be estopped by their own records as furnished to the Utah State Engineer.

"The applications numbered as above referred to, with certificates as issued thereon, all refer to water rights which were acquired by the United States Government from other sources; and each of the applications supporting the certificates was based solely upon an application to change the point of diversion and place of use of a water right theretofore held. It is a definitely established principle of water law in this state, and no attorney advising the Parks Service would tell them anything different, that an application to change does not initiate nor enlarge any water right but merely leaves such water right as it may have theretofore existed and allows the change applicants to change the point of diversion and place of use. Even had the notices as issued on these change applications indicated any desire to acquire any additional water right or enlarge any right, such could not have been done under a change application. Nevertheless, the original applications and the notices as issued thereon did not seek to "appropriate" any water right nor to enlarge any right theretofore existing but merely sought the change of use of an existing right.

"Change Application A-1657 and the certificate issued thereon sought to change the point of diversion and use of 0.01 second feet of water which had been acquired by Application No. 10618 and Certificate No. 1991 in the Utah State Engineer's office. Application 10618 was filed by John R. Crawford, and the water was used, and to be used, by him and six others--seven families in all. This Certificate No. 1991 was transferred from Crawford to the United States Government, and it was this water which was sought to be changed by Application A-1657 and so referred to in the published notice.

"Application A-1658 sought to change the point of diversion and place of use of 1.21 second feet of water which had been acquired by deed to the United States

05-04-1962: letter to the superintendent from the utah parks company regarding water rights title - grotto and wylie retreat springs,

UTAH PARKS COMPANY

LODGE-HOTEL AND TRANSPORTATION SERVICE

T. E. MURRAY, MANAGER

BRYCE-ZION-GR.) CANYON NATIONAL PARKS

CEDAR BREAKS NATIONAL MONUMENT

CEDAR CITY, UTAH

May 4, 1962

Mr. Oberhansley:

Government from prior owners and which had formerly been used to irrigate 66.7 acres of land. This water had been decreed to the prior owners by the Virgin River Decree under date of December 12, 1925, with an amended decree December 12, 1930. It had nothing to do with any waters from the Upper Grotto and Wiley Retreat Springs and cannot be extended to include them. Change Applications A-1659 and A-1660 appear to be duplicates and each of these change applications seeks to change the point of diversion and use of 0.53 second feet of water. Both applications refer to water acquired under decrees dated December 12, 1925. Both refer to 0.53 second feet, and under A-1659 it states that the water was formerly used to irrigate 29 acres of land, and A-1660 states that the water was formerly used to irrigate 50.83 acres of land.

"Under the Virgin River Decree, Claim No. 63 as included in the Decree of December 12, 1925, allotted 0.53 second feet of water to Daniel Crawford for irrigation purposes, with a priority as of 1881. The Utah Parks Company acquired this water from Daniel Crawford by purchase and deed. The deed to the Parks Company was recorded in 1935, as Entry 42191 in the records of the County Recorder's office of Washington County, Book W2, page 48. After the Utah Parks Company acquired this right from Daniel Crawford, they filed a change application, designated in the office of the State Engineer as A-1311. The change application was filed and approved without protest, and the change authorized the Utah Parks Company to use the water to irrigate approximately 29 acres of land in Section 22, Township 41, South Range 10 West. The water was conveyed to this land for irrigation purposes through the Pine Creek ditch. When it came to furnishing proof on the change application, it was found that the proof differed slightly from what was intended, and, accordingly, Change Application No. A-1395 was filed to make the right agree with the proof as prepared; and on this Application No. A-1395 as changed, and including proof under the Certificate A-1311, Certificate No. 54 was issued by the Utah State Engineer's office, authorizing Utah Parks Company to irrigate 50.83 acres of land. Thus it appears Applications

05-04-1962: letter to the superintendent from the utah parks company regarding water rights title - grotto and wylie retreat springs,

UTAH PARKS COMPANY

LODGE-HOTEL AND TRANSPORTATION SERVICE

T. E. MURRAY, MANAGER

BRYCE-ZION-GRAND CANYON NATIONAL PARKS

CEDAR BREAKS NATIONAL MONUMENT

CEDAR CITY, UTAH

May 4, 1962

Mr. Oberhansley:

A-1659 and A-1660 apparently cover the same water right, and it will be found that the Utah Parks Company did deed this water to the United States Government by quitclaim deed in return for consideration paid therefor in the amount of $389. There was only one deed and one water right included, and it was based upon this Claim No. 63 under the Virgin River Decree as therein decreed to Daniel Crawford.

"In none of the change applications, A-1657 to A-1660, inclusive, was any mention made of waters theretofore used at Zion Park by the Utah Parks Company from Upper Grotto and Wiley Retreat Springs, but the applications were so complicated that, after considerable correspondence, the Utah State Engineer suggested that the Parks water resources engineer come to the State Capitol to discuss the matters so that they could be properly progressed. This was done, and A. van V. Dunn, Chief of the Water Resources Branch of the National Parks Service, and perhaps others, did come to Salt Lake and discuss the matter with the Utah State Engineer. It may have been that the Director of the National Park Service himself came and discussed the matter also. The files are not complete in this regard but do indicate that there were several discussions had with the State Engineer as well as a number of letters from different officials representing the Park Service.

"After the matter had been discussed with the State Engineer, a letter was written to State Engineer Ed. H. Watson under letterhead of the 'Department of the Interior - National Park Service' from Chicago, Illinois. The letter was dated August 7, 1944, and signed by Hillory A. Tolson, Acting Director of the National Park Service. He referred to correspondence by the State Engineer and Hydraulic Engineer A. van V. Dunn, and also to verbal discussion which had been had. This letter then contains a paragraph which states as follows:

> 'By following your suggestion to claim diversion anywhere on the Virgin River between the highest headgate and the south park boundary, we automatically include the Upper Grotto and Wylie

UTAH PARKS COMPANY

LODGE-HOTEL AND TRANSPORTATION SERVICE

T. B. MURRAY, MANAGER

BRYCE-ZION-GRA... CANYON NATIONAL PARKS

CEDAR BREAKS NATIONAL MONUMENT

CEDAR CITY, UTAH

May 4, 1962

Mr. Oberhansley:

Retreat water systems which the Utah Parks Company constructed for use at the Lodge it operates under Government contract. We have, therefore, added their descriptions to the list of water systems. It should be pointed out, however, that the Government contract with the Company grants that Company an independent installation and operation and they are merely included in order that they may be protected by the same water rights if both parties find it desirable before final proof is due.'

"I will get a photostatic copy of the complete letter and forward it to you, but this paragraph shows very definitely an admission on behalf of the Director of the National Park Service, admitting that the Upper Grotto and Wiley Retreat systems had been constructed and used by the Utah Parks Company and were independent installations and used and operated by the Utah Parks Company.

"As stated above, any change applications as were filed herein, water rights could not be increased. The notices issued and published did not refer to the Upper Grotto or Wiley Retreat Springs, and in all events could not have the effect of increasing any right under the change applications, because all change applications can do is change the point of diversion and place of use of an existing right that must be proved otherwise. Therefore, with the law so providing, as far as change applications are concerned, and with the Director of the National Park Service himself admitting that the Utah Parks Company owned and had constructed and used the Upper Grotto and Wiley Retreat systems, there is no way that the United States Government or the National Park Service could successfully maintain the claim they seek to assert now that the United States Government owns the title to the water from the Grotto and Wiley Retreat Springs."

The above information is furnished to you so that your file will be complete and corresponde with that of ours and the State Engineers office in Salt Lake City.

05-04-1962: letter to the superintendent from the utah parks company regarding water rights title - grotto and wylie retreat springs,

UTAH PARKS COMPANY

LODGE-HOTEL AND TRANSPORTATION SERVICE

T. E. MURRAY, MANAGER

BRYCE-ZION-GRA CANYON NATIONAL PARKS

CEDAR BREAKS NATIONAL MONUMENT

CEDAR CITY, UTAH

May 4, 1962

Mr. Oberhansley: Page 6

If you have any further questions, please feel free to ask.

Yours very truly,

UTAH PARKS COMPANY

T. E. Murray
Manager

Zion National Park
Springdale, Utah

April 10, 1962

D5039

Mr. T. E. Murray, Manager
Utah Parks Company
Cedar City, Utah

Dear Mr. Murray:

Referring to our telephone conversation concerning title to water in the Grotto and Wiley Retreat springs, this is to advise that title to this water is vested in the United States.

We suggest that you furnish the following information to the State in reply to their request. Change Applications a-1657; a-1658; a-1659; and a-1660, and Certificates Nos. a-221; a-223; and a-224, refer to the sources of the listed water test samples. The location and descriptions of the spring and stream diversions are shown on drawing No. NP-AIO-6950, and other documents furnished the State Engineer's Office by this Service from 1942 through 1957.

We believe this information will satisfy the State's request to you.

Sincerely yours,

Frank R. Oberhansley
Superintendent

In duplicate
FROberhansley:lal

COPY

04-05-1962: letter to the state engineer from superintendent regarding water sample numbers

Zion National Park
Springdale, Utah

D5031 April 5, 1962

Mr. Wayne D. Criddle
State Engineer
403 State Capitol Bldg.
Salt Lake City, Utah

Dear Mr. Criddle:

The data pertinent to various water systems in Zion National Park requested by Mr. Beer's letter of March 29 is as follows:

Sample #61-403 - Temple of Sinawava

Sample #61-404 - Grotto Campground

Sample #61-408 - Composite of Birch and Oak Creek

Change applications a-1657, a-1658, a-1659, a-1660 and Certificate Numbers a-221, a-222, a-223 and a-224 refer to the source of the listed water test samples.

The exact location and description of the spring and stream diversions that pertain to the sampled areas are found on Drawing NP-ZIO-6950 and other documents furnished your office from 1942 through 1957.

I trust this is the information you desired.

Sincerely yours,

Frank R. Oberhansley
Superintendent

03-29-1962: letter to the superintendent from the water resources branch regarding water sample test reports

COPY

THE STATE OF UTAH

(SEAL)
L54
D5031

OFFICE OF STATE ENGINEER

Salt Lake City

Wayne D. Criddle
State Engineer

March 29, 1962

Superintendent
Zion National Park
Springdale, Utah

Dear Sir:

We have just received in our office from the Utah Department of Public Health copies of water sample test reports #61-403, #61-404, and #61-408.

For our records, we would like to know the exact locations of the wells, springs, or stream diversions, as well as the application or claim numbers that pertain to the sampled areas.

Your early reply would be appreciated.

Sincerely,

/s/ Lawrence P. Beer

Lawrence P. Beer
Water Resources Branch

LPB:ej

COPY

L54-OEL

September 30, 1960

Memorandum

To: Regional Director, Region Three

From: Assistant Chief, Water Resources Section

Subject: Statement of Improvements and Diligence in Placing Decreed Water to Beneficial Use in the Crawford Irrigation Ditch, Docket No. 1, Zion

Your memorandum on the above subject to Chief, WCDC, indicates that a copy of Superintendent Oberhansley's certified memorandum was sent directly to the Director, but we have been unable to locate it. It may also have had attached to it a copy of the related certificate which we should have for our assembly of the Crawford Ditch docket. We shall appreciate being supplied with these records.

SIGNED
Gordon W. Robertson
Assistant Chief, Water Resources Section

Copy to: Superintendent, Zion
Chief, WCDC (2)
Mr. Dunn

GWRobertson:lct

07-22-1960: memorandum to chief, western office of design and construction from assistant regional director regarding statement

WR Copy

RECEIVED
NATIONAL PARK SERVICE
WASHINGTON OFFICE
JUL 25 9 13 AM '60

Region Three
Santa Fe, New Mexico

L-5k

JUL 22 1960

Memorandum

To: Chief, Western Office of Design and Construction

From: Assistant Regional Director

Subject: Statement of Improvements and Diligence in Placing Decreed Water to Beneficial Use in the Crawford Irrigation Ditch, Docket No. 1, Zion

Attached is a copy of a letter concerning the above subject from Superintendent Oberhansley, Zion National Park. This letter has been certified by the Superintendent and shows diligence and rehabilitation improvements in the use of water in the Crawford irrigation ditch during the past year and a half.

As suggested by Superintendent Oberhansley, we have inserted a copy of this in our Docket No. 1 and a copy is attached for insertion in your docket. A copy was sent direct to the Washington Office by the Superintendent.

(SIGNED)

George W. Miller
Assistant Regional Director

In duplicate

Attachment

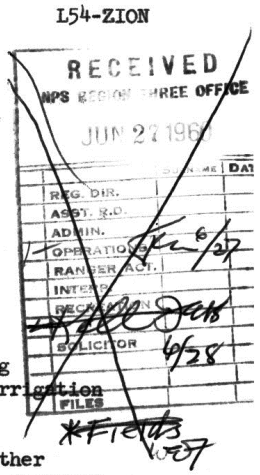
Copy to: Director (2) without attachment
Supt., Zion without attachment

06-17-1960: memorandum to the regional director from the superintendent regarding statement of improvements and diligence in

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

L54-ZION



Zion National Park
Springdale, Utah

June 17, 1960

Memorandum

To: Regional Director, Region Three

From: Superintendent, Zion

Subject: Statement of Improvements and Diligence in Placing Decreed Water to Beneficial Use in the Crawford Irrigation Ditch.

Following is a record of improvements, rehabilitation and other related work that was performed during the past year on the Crawford irrigation ditch and diversion structure. During this period it was impossible to place all urgently needed water in use at the South Campground area. This situation was caused by the road construction project in the area. However, advantage was taken of every opportunity to take and make use of water when the road construction activities permitted. The Utah State Engineer's Office is aware of this and mention was made by Mr. Lawrence Hinton, Watermaster, Virgin River Water Users, Hurricane, Utah during the meeting held in St. George, Utah on March 10, 1960. Chief Ranger Felton attended this meeting.

Sent reproduced copy to files.

This statement is to become a permanent record in the appropriate water docket:

CRAWFORD DITCH

April - May - June - 1959.

Rehabilitation at headgate, installation of metal trash screens, cleaning and repair of flume, installation of sluice gates, rip-rap over flume	$ 1,418.44

May - June - 1959

Installation of Parshall flume	$ 160.73

CRAWFORD DITCH

April - May - 1960

Improvement of lateral ditches at South Campground	$ 300.00
Installation of 514 lin. feet of 12" CMP at South Campground @ $2.50 ft.	1,285.00

June, 1960

Installation of 5 metal sluice gates in new concrete ditch lining and CMP @ $1.849	$ 92.45

August, 1959

C.O. No. 1 - Contracting Corp. (Contract 14-10-01000-1000) Install 68 lineal ft. 24" CMP under Oak Creek Bridge	$ 382.00
General Contract 14-10-01000-1000 144 lin. ft. 29" x 18" C.M.P. at Entrance to Visitor Center Parking lot @ $6.55	$ 943.20

April , 1960

C.O. No. 4 (Contract 14-10-01000-1000) 320 linear ft. 29" x 18" C.M.P. (Road Stations 16+00 to 19+20).	$ 2,216.00
C.O. No. 5 (Contract 14-10-01000-1000) 1500 lin. ft. 1" bottom x 1" deep x 3' flared top, 4" concrete ditch lining (This does not include labor required for placing water, gate control etc.,)	$ 5,250.00
Total for rehabilitation, new construction, and improvements	$12,047.82

Frank L Oberhansley

Frank R. Oberhansley
Superintendent

Subscribed and sworn to before me this 17th day of June, 1960.

Margy J. Beat
Notary Public Springdale, Utah

My Commission Expires
Feb 24 1963
In triplicate
Copyto: Director

WR COPY

L34-GBL

August 28, 1959

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Installation of Parshall Flume and State Regulation of Use of Waters of Upper Virgin River, Zion

The memorandum of May 12 from Mr. Franke to you, and Mr. Kell's reply of May 29 did not require any comment as to the installation of the Parshall Flume. However, the Federal participation in the cost of a River Master should now be reconsidered if he is under the State Engineer.

A review of your files for more than a decade will show periodic attempts of the Water Users Association to assess the United States on the basis of its decreed rights. The Park Service, on legal counsel, has contended that the Association was not of the type, or lacked the articles of incorporation, constitution and bylaws to permit Federal participation. However, on the basis of a decision of the Comptroller, the Park Service has become affiliated with the Fort Laramie Ditch Company, and votes and pays assessments.

I am not sure that it is necessary, but I think you and the Field Solicitor should determine whether the affiliations and financial obligations should now be changed at Zion. The Superintendent of Fort Laramie was instructed to include the assessments in his annual budget, but I am not sure that the assessments of the first year were not paid from water right funds. I think they would be a proper charge against your work order for the one or two years until programmed by the Park, if necessary.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Zion
Mr. Dunn

AvVDunn:lct

05-29-1959: memorandum to the superintendent from regional chief of lands regarding installation of parshall flume

WR Copy

L-54

WR

Region Three
Santa Fe, New Mexico

May 29, 1959

Memorandum

To: Superintendent, Zion National Park

From: Regional Chief of Lands

Subject: Installation of Parshall Flume, Zion National Park

Your memorandum of May 12 addressed to the Regional Director refers to the installation of a Parshall flume to be installed in the Crawford (lower) ditch. This memorandum will serve as your authority to encumber the funds estimated to cost $180. However, we would like to have a draft of a work order submitted, showing a breakdown of the costs. Our experience has shown that a work order issued to the various areas and charged against our basic or "parent" work order 3-WR-59 makes it much easier to keep a record of the work being done. The work order would then be your authority to bill this office on a 1081 form, and the work order should show a breakdown of the component costs.

If at all possible, you should submit a draft of the work order, and we can complete it in this office and return it to you. We do not like to have work initiated without formal authority, since this makes it almost impossible to provide the proper accounting in the Washington Office for Mr. Dunn's information.

(SIGNED)

John E. Kell
Regional Chief of Lands

Copy to: Director (2) -w/attachment
Chief, WODC (2) - w/attachment

05-12-1959: memorandum to the regional director from the superintendent regarding installation of the parshall flume

C
O
P
Y

L-54 ZION

Zion National Park
Springdale, Utah

May 12, 1959

Memorandum

To: Regional Director, Region Three

From: Superintendent, Zion

Subject: Installation of Parshall Flume

Now that the supervision of water use on the upper Virgin River has been officially placed with the office of the Utah State Engineer, we have been informed by their representatives that the present measuring flume does not meet their specifications. A Parshall type flume has been recommended and is in the process of being purchased. Mr. Kell, during his recent visit here, indicated that funds would be made available to defray the expense involved in the purchase of the new flume and its installation. To assist in the encumbrance of funds it is estimated that the total cost will amount to approximately $180.00. We will submit an itemized statement of total costs just as soon as installation is completed.

Your assistance in this matter is greatly appreciated.

/s/ Paul R. Franke

Paul R. Franke
Superintendent

In duplicate

cc: Supv. Accountant, Zion

COPY

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

November 4, 1957

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Proposed Change, Point of Diversion No. 8, Temple of Sinawava Pipeline, Zion National Park

Referring to your memorandum of October 11, Drawing ZIO-3300-A, and the memorandum of October 1 from Mr. Franke, I recommend that proper records be added to Dockets 1-4, but that no new amendment of rights be initiated at this time for the proposed changes in the Temple of Sinawava Pipeline.

A reference to the application of June 1943, or published notice of 1946, in any one of the individual dockets covering the applications a-1657, a-1658, a-1659, or a-1660 will show that the United States has claimed the right to indeterminate quantities from indeterminate points between the original Temple of Sinawava diversion and the south boundary of the park on the North Fork of Virgin River. The published notice is in section "Amendment of Decreed Right No. 66 by U. S." in Docket 1 - Part I. One of the earlier State Engineers (I believe it was Mr. Watson) told me personally that the State did not care where or how we diverted the water for municipal purposes after proof of diversion capactiy was made. That proof and the resulting certificates are at the top of combined Dockets 1-4, Part II. The certificate states that diversions are now (June 1957) made at designated points for municipal purposes from the river and tributaries thereof, including springs and spring areas.

As another consideration the certificates were granted on partial proof that temporary diversion for the Gifford Ditch was through the headworks of the Crawford Ditch. My intent and conclusion is that the Gifford Ditch can be reconstructed to a gravity diversion near the original headgate without further amendment of rights. By my reasoning the diversion for the Temple of Sinawava Pipeline can also be changed to any other tributary to the North Fork Virgin River which flows into the River at a point below the original diversion point at the spring in the Narrows. My conclusions might be confirmed by unofficial discussion with the State Engineer when convenient, but I hope that I am correct in assuming that no further amendments are needed until we have a need to take water from further up the river.

C
O
P
Y

I do not think that we should record changes as they are made. A folder for Docket 1-4, Part III, with dividers for (a) Gifford Ditch and (b) Temple of Sinawava Pipeline, is being distributed at this time for that purpose. For the moment I suggest that the 3-sheet Drawing ZIO-3300-A be duplicated, Distributed, and included in the folders being provided for your office, the park, WODC and here. The drawing does not seem to be too clear as to the form of collection that is to be made from the springs between Stations 0 and 5+44 and that might be clarified on the drawing before the prints are made. Also, by reference to Sheet 10 of 11 of Drawing ZIO-6950, in Docket 1-4, Part II, the drawing should show the tie to section corner by computing traverse from section corner to Diversion 8, back along existing line to point common to new system and thence along traverse of new line to 0+00 and thence to 5+44, with closing courses from 0+00 and 5+44 to the section corner.

When constructed, I think we might claim a new point of diversion (8A) at 0+00 and collection from a rectalinear spring area from 0+00 to 5+44. If an "as completed" drawing is made, one sheet on scale of 1"=100' should show all of pipeline from Comfort Station to Diversions 8 and 8A, with section ties and such spring area, and the details of structures, to replace 3-sheet Drawing ZIO-2200A. When available, the final construction report (but not photograps) should also be duplicated and filed in Docket 1-3, Part III.

/s/ A. Van V. Dunn
A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Zion, with attachment
Chief, WODC, with attachment

08-19-1957: memorandum to a solicitor from the assistant director, nps regarding the state of arizona vs. the state of california

L54-L

AUG 19 1957

Zion

Docket 1 2 3 4

Memorandum

To: Solicitor

From: Assistant Director, National Park Service

Subject: The State of Arizona v. State of California, et. al., United States of America, Intervener, State of Nevada, Intervener, State of New Mexico and State of Utah, Impleaded Parties, Original No. 10 in the Supreme Court of the United States

Attached are five copies of the final Certificates Numbers a-221, a-222, a-223 and a-224, one certified, which have been issued on proof of amended appropriation of waters of the Virgin River under Applications a-1657, a-1658, a-1659 and a-1660.

Copies of the decrees, deeds, applications, and proofs for these water right acquisitions and amendments were submitted to you with our memorandum of August 15, 1956, and forwarded to Mr. Warner of the Department of Justice with the letter of August 22 from Mr. Fritz.

(SGD) JACKSON E. FRITZ

Assistant Director

Attachments 5

Copy to: Regional Director, Region Three
Superintendent, Zion
Chief, WODC (2)

WESTERN OFFICE
DESIGN & CONSTRUCTION
AUG 20 1957 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE
None

08-19-1957: certificate

C E R T I F I C A T E

Pursuant to the provisions of the Act of August 24, 1952, as amended (5 U.S.C., Sec. 488), I HEREBY CERTIFY that the annexed copies of Certificates of Permanent Change of Point of Diversion, Place or Purpose of Use of Water, numbers a-221, a-222, a-223 and a-224 contitute a full, true and literal exemplification of the change in the status of water rights under Applications Numbers a-1657, a-1658, a-1659 and a-1660 (Decreed Priorities 63, 65 and 66 and Certificate 1991) for Zion National Park, contained in the official records of the National Park Service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the National Park Service to be affixed, this AUG 19 1957 of , A. D. 1957.

(SGD) JACKSON R. PAYNE

Assistant Director
National Park Service

Copy to: Regional Director, Region Three
Superintendent, Zion
Chief, WODC (2)

07-26-1957: memorandum to the director from the superintendent regarding water right application a-1657, a-1658, a-1659, and a

WR Copy

L54

Zion National Park
Springdale, Utah

July 26, 1957

AIR MAIL

REGISTERED MAIL

Memorandum

To: Director

From: Superintendent, Zion

Subject: Water Right Applications A-1657, A-1658, A-1659 and A-1660, Zion

Attached are the original water Certificates A-221, A-222, A-223 and A-224 returned in accordance with Mr. A. Van V. Dunn's memorandum of June 18. Please note that Mr. Dunn anticipates sending these records through the Solicitor to the Department of Justice by August 4.

The Certificates were recorded in the Washington County Recorder's Office in St. George, Utah, June 28 and the cover letters have been filed here as Mr. Dunn directed.

Paul R. Franke
Superintendent

In duplicate
Enclosure

cc: Regional Director, Region Three
Chief, WODC

WR Copy

154-L

June 18, 1957

AIR MAIL

REGISTERED MAIL

Memorandum

To: Superintendent, Zion

From: Chief, Water Resources Section

Subject: Water Right Applications a-1657, a-1658, a-1659 and a-1660, Zion

Attached are the original water right Certificates a-221, a-222, a-223 and a-224, and the cover letters for each, which have been issued on the subject applications. Also attached are a purchase order and voucher for recording the certificates with the Recorder of Washington County with an estimated cost of $2.00 on the purchase order.

You will note that the certificates must be recorded in Washington County within 30 days from date of receipt, which was June 14. We must also make copies for the docket assemblies, and also for the records in Arizona vs. California, and all records for the latter are supposed to be sent through the Solicitor to the Department of Justice by August 4.

Please have the four certificates recorded at once at the County Recorder's Office in St. George, and return them to us for duplicating. Also, file the cover letters at the top of contents of Docket 1-4, Part II, in your assembly. We have made, and are holding photostat negatives of all instruments, in their present state, for reference until the recorded certificates are returned to us. The certificates will ultimately be returned to you.

Although the State makes no charges for filing Federal water rights, it has made the charge for advertising. The voucher and purchase order are enclosed on the assumption that the County will make a charge of 50¢ or $1.00 for recording.

I have checked the certificate for original right No. 66 as to areas of original irrigation, ties from points of diversion to the section corner, and have checked all rights to be sure that the quantities of water are correct. The only variation between proof and certificate is that the State Engineer has designated the point where water from Wylie Retreat Springs leaves the spring area instead of the end of the collecting lateral. This is satisfactory in that it gives greater freedom for remodeling the diversion.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 5
Copy to: Regional Director, Region Three
Chief, WCDC

Copy to: Mr. Dunn

AvVDunn:lct

3

154-L
Corr

WESTERN OFFIC
DESIGN & CONSTRU
AUG 2 1956,
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DA
Filed - Docket

July 30, 1956

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

(4)

Subject: Amendment of Water Rights, Applications a-1657, 1658, 1659 and 1660, Dockets 1-4, Zion National Park

The proofs under the subject rights were submitted to the State Engineer last November, but no licenses or suggestions for alterations by him have been received. Judging from the number of years it took him to review the unsigned proofs and suggest the revisions necessary before Mr. Wirth signed them, it may be some time before the proofs are accepted, and the licenses are granted.

Meantime, as indicated in separate correspondence since May, we are now working on Federal claims to be submitted in the Federal intervention in the suit between Arizona v. California. By further memorandum to be sent to you after clarification of details with the Solicitor, you will be advised that representatives of this Service will have to testify this fall, and some of the witnesses will have to be from your office or the areas. For this reason, it is desirable that you and the Superintendent have all records now available to define rights at Zion.

Docs 8/16/12 KR

To keep the bulk to a minimum, particularly in Docket 1, we have decided to consider all past records as Parts I of the four dockets, and to make one assembly of Part II, Dockets 1-4, with only one set of the supporting maps.

Attached are one new folder for each of the Dockets 1 through 4 to which you should transfer, intact, the contents of the dockets you now have. The old folders should then be destroyed.

Also attached is your assembly of Docket 1-4, Part II, containing one set of the proof maps in 11 sheets, and one written proof for each of the original rights under Applications a-1657, 1658, 1659 and 1660. You will find that most of the written proof is identical for each right, but there are certain variations such as page 10 of supplemental sheets relating to answers to question 9.

When perfected, the United States will have the municipal right to 2.28 sec.ft. of water with part under each of the original priorities, and the authority to exercise any rights under any priority through any of the designated water systems. If rights under 1894 or 1929 priority cannot be exercised during any period of drought, the Park Service (and its concessioners) can still use the quantities of water authorized with 1877 and 1881 priority in any proportion through each of the systems in any manner it chooses.

With copies of this memorandum we are also sending the same folders and proof to the Superintendent. We made the proof so far back that we do not have complete records for the Western Office of Design and Construction. For the moment we are sending them a copy of this memorandum, the new folders (empty) for Parts I of each of the four dockets, and a folder for Part II, Dockets 1-4 (containing prints of the maps and an extra copy of this memorandum). There is really little reason for WODC to have more than a complete Part II, Dockets 1-4, but we will have to defer completing it until later, and hope that the present attachments will suffice for the moment.

(SIGNED)

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Zion National Park, with attachment
WODC, with attachment

Office of
[illegible], Western Office
Dir. of Design and Const. 154-L
JUL 13 1955 A.M
Supv. Architect
Supv. Engineer 7/13
Supv. Landscape Arch.
Safety Engineer

3

(1)

July 7, 1955

Memorandum

To: Superintendent, Zion National Park

From: Chief, Water Resources Section

Subject: Proof on Water Right Applications a-1756 to a-1660, Zion National Park

The memorandum of June 29 from Mr. Thomas does not indicate the exact date on which Mr. Wilcox made the measurements of the flow in the Crawford and Gifford Ditches, or that the water in the ditches had depths at the Administration Building, or some other designated points, were approximately those normally observed about 1952 and 1953, and before. This information is essential.

The pump delivery of 0.48 sec.ft. to the Gifford Ditch is satisfactory provided the resulting observed depth has been noted during past irrigation about 1952. It may be necessary to stretch the point to claim 1952 conditions if the old pump could not delivery that much. The main thing is to obtain confirmation that approximately that much water has been observed during actual irrigation operation, presumably when gravity diversions were last made, or that none of the water overflowed the ditch between the weir and the point of first lateral releases from the ditch to the irrigated land. Our statement in the proof will be strengthened by the fact that the pump is not equipped for variable speed.

The flow of 4.68 clearly indicates excessive unauthorized diversions. To comply with the water rights, the headgate on the Crawford Ditch should be closed sufficiently to prevent more than about 1.8 sec.ft. to flow over the weir in that ditch when water is being pumped to the Gifford Ditch, and the amount should actually be even less to compensate for those portions of 0.9288 s.f. being diverted elsewhere by pipeline for domestic consumption. Again stretching the point, I am inclined to report my measurement of 5.75" or 0.48 ft. of water going over the weir to deliver 1.68 sec.ft. through the Crawford Ditch, as conditions actually observed during irrigation in 1952 and 1953 and before. That measurement was made during normal operation in 1940, diversions should still be nominally the same, and I will assume that Mr. Wilcox has adjusted the gate and remeasured at least in theory. I assume that the pump was properly set so that it will not suck air if the water level at the intake is lowered about 6 inches.

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

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

In reply refer to:
L54-1

Zion and Bryce Canyon National Parks
Springdale, Utah

June 29, 1955

Memorandum

To: Director

From: Acting Superintendent, Zion and Bryce Canyon

Subject: Proof on Water Right Applications A1657, A-1658, A-1659 and A-1660, Zion National Park.

A Cipolletti weir has been constructed at the head of the Gifford Ditch. A sketch giving weir dimensions is inclosed. The depth of flow over the Gifford weir crest, measured on the above date, was 0.21 ft. A simultaneous measurement of flow over the Crawford weir crest gave a depth of 0.95 ft. The above measurements show that 0.486 c.f.s. (218 g.p.m.) was being pumped into the Gifford Ditch, while at the same time the Crawford Ditch was carrying 4.68 c.f.s. (2098 G.P.M.), giving a total diversion of 5.166 c.f.s. (2318 g.p.m.) from the Virgin River. The above figures indicate that a total diversion of 2.28 c.f.s. can be made, also that .362 c.f.s. can be pumped into the Gifford Ditch.

The pump motor is of constant speed therefore the amount of water pumped per day will have to be controlled by pumping time. The flow of water in the Crawford Ditch can be regulated to the desired amount. Weir measurements were made by Park Engineer Wilcox.

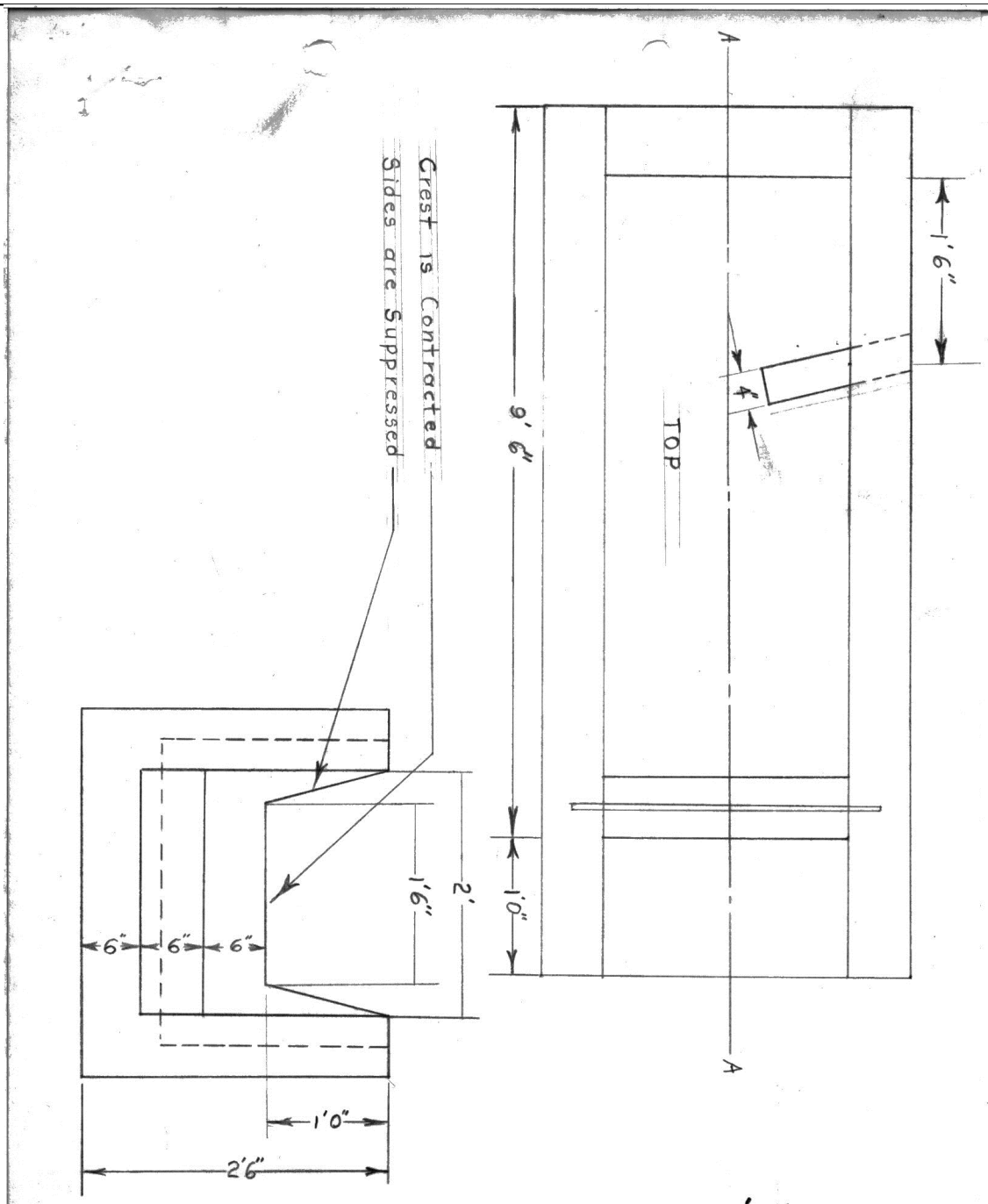
Chester A. Thomas
Acting Superintendent

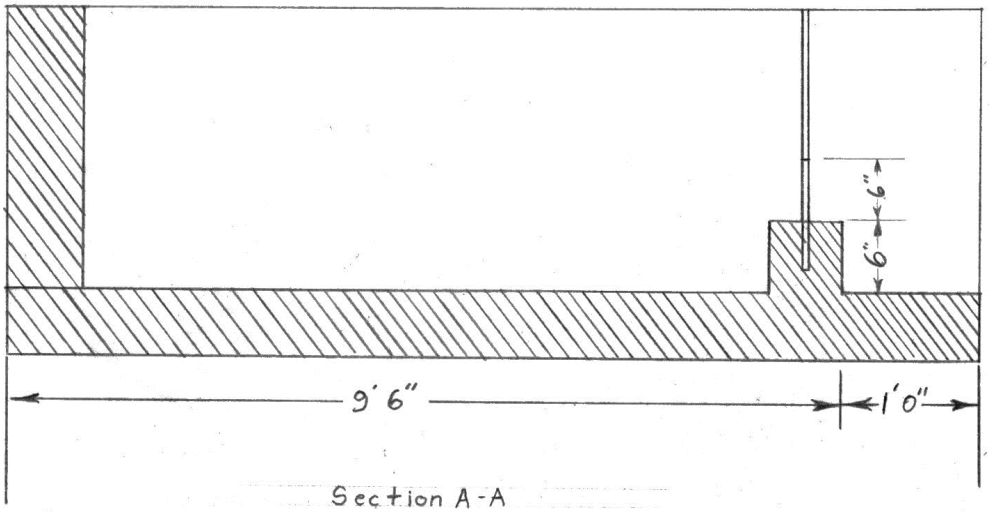
Enclosure

cc: Western Office, Design and Construction

Office of
Chief, Western Office
Div. of Design and Const.
JUL 5 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

06-29-1955: sketch of gifford ditch weir





Section A-A

05-31-1955: letter to state engineer from chief, water resources section regarding application a-1657, a-1658, a-1659, a-1660

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const
JUN 6 1955 A.M
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

MAY 31 1955

Mr. Joseph L. Tracy
State Engineer
Salt Lake City, Utah

Re: Applications A-1657, A-1658, A-1659 and A-1660, Zion National Monument

Dear Mr. Tracy:

Written proof on the subject applications, when returned for corrections with your letter of February 7, included numerous notations in pencil for our guidance. Many of the corrections will involve typing over the pencil notations and crossing out statements which your engineer has crossed out in pencil. Please advise whether you wish to have the pencil marks removed with art gum, as a cleanup matter, or left for your reference.

One sheet of the plans included a diversion 12A with proposed pipeline and a tie, which was on some preliminary drawings which were sent to you, and diversion 12B somewhat further down the draw with another tie and the pipeline as subsequently constructed. Diversion 12A was shown for your possible reference to earlier correspondence, and you have instructed us to delete it. Please advise whether you wish to have pipeline, diversion point 12A and tie all erased, or just the pipeline which was not constructed.

The plan of the Birch Creek water system has the 6" diameter shown at various points along its course, but your engineer has made the further statement in pencil, without comments, that all pipe is 6" between the point of commingling in the spring area and the distribution reservoir. We should like to know whether you wish to have that explanatory statement lettered in ink.

The answer to question 11 in each has been given as the total decreed quantity, and you state that it has not been established as the flow that has been changed. The only omissions were the flows in the Crawford and Gifford Ditches, which are being added. They were omitted in the first place because previous proofs had established their adequate capacity. It is assumed, and we should like confirmation that this is all the additional proof needed. This proof will show maximum diversions by each of the two ditches and seven pipelines with a total in excess of the authorized 2.20 sec.ft., and not necessarily the momentary or average daily diversions by each system to conform with the authorization.

You also refer to the normal requirement, waived in this case, that question 9 be answered by metes and bounds descriptions of the original irrigated areas. That detail was not attempted because of the limit of our basic data, and we assume that you have waived the requirement for the same reason. We have a print of a drawing obtained from your office many years ago, which bears the number 159 in the upper right corner and shows irrigated areas of sections 21 and 22 under the Gifford, Crawford and Pine Creek Ditches, without bearings and distances. We also have copies of the decree which tabulate the acreage in each legal subdivision without reciting traverses of the boundaries. The data on sheet 2 of the 11 proof maps includes all of that data as closely as it can be reconciled with our more recent surveys after intervening floods and road reconstruction.

In connection with Application A-1657, we have only the proof map for the original Certificate 1991 and did not think other data on the Application 10618 or written certificate would be necessary. As a result of your request for a description of the use by seven families, we enclose a purchase order and voucher and request a copy of the application, written proof and certificate.

Very truly yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Enclosure

Copy to: Regional Director, Region Three
Superintendent, Zion National Monument
Western Office of Design and Construction

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
MAY 27 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

1-

May 23, 1955

Docket 2 ✓ 3 ✓ 4

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Proof on Water Right Applications A-1657, A-1658, A-1659 and A-1660, Zion National Park

Mr. Lassiter has forwarded a memorandum of May 13 to you from Mr. Franke, with a question of whether this type of measurement is satisfactory. The method of measurement and the objectives were both described in my memorandum of May 17, before receipt of the memorandum of May 13.

A one second pump test is too short to give the desired flow conditions in the Gifford Ditch. The drawdown in the pump sump is also inadequate without knowing how much water is diverted at the same time from the Virgin River at the headgate of the Crawford Ditch, and how much water is also flowing in the Crawford Ditch below the pump sump. It is also essential to show that adequate water is delivered to the land under each ditch.

It will be satisfactory to show:

1. That the headgate on Crawford Ditch is normally opened to give flow of specified depth over the Cipolletti Wier, whose crest width is 18" and side slopes are 4:1. (I measured the wier on July 2, 1940 and found depth of 5.75 inches which gave flow of 1.68 sec.ft. A depth of about 7.2 inches is needed to divert 2.28 sec.ft., but Crawford Ditch may not be able to carry entire 2.28 sec.ft. without spill at some point.)

2. That pump delivers 236 gpm, if true, is operated for 13 hours per day, and that the Gifford Ditch will carry that much water, and give about normal clearance under foot bridge at administration area. It might also be helpful to try pump operation at slowest speed the motor can handle, and make another measurement under those conditions.

3. That a specified quantity of water flows past the pump sump with each rate of pumping, and when there is no

pumping, and which rate of flow gives about normal depth of water at some point along the Crawford Ditch.

The main thing is to get some accurate measurements of continuing flows in each ditch, with dates and name of engineer making them, and assurance that ditch deliveries are about normal for past operation. We may assume that pump is used to deliver at more than normal daily average for gravity diversions, and operated for only 12-14 hours per day if the ditch will carry the water.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Copy to: Superintendent, Zion National Park
Western Office of Design and Construction

Mr. P. Miller
Mr. Dunn

AvDunn:lac

05-17-1955: memorandum to regional director, region three from chief, water resources section regarding proof on water right appl

In reply refer to:
L54-L

Office of
Chief, Western Office
DW. of Design and Const.
MAY 23 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

May 17, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Proof on Water Right Applications A-1657, A-1658, A-1659 and A-1660, Dockets 1-4, Zion National Park

The memorandum of April 26 from Mr. Thomas, which Mr. Bowen forwarded on May 3, describes satisfactory replacements now being made, but suggests possible misunderstanding of the importance of the 1953 date in proofs. It also suggests that the replacement may be essential to the 1953 proof, but its use, if so, must be used with care because the 1953 statements must still be signed under oath by Mr. Wirth and me.

The first recorded statement of 1953 is to the effect that a pump with a rated capacity of 300 gpm (0.67 sec.ft.), driven by a 3 HP electric motor, had been installed, and delivered 0.4 sec.ft. of water. The rated pump capacity and motor output were supplied by the Park at the time. The delivery of 0.4 sec.ft. was computed as slightly more than the portion needed to irrigated the 19.81 acres under the Gifford Ditch at the decreed rate of 1.0 sec.ft. for 55 acres.

If the old pump delivered only 75 gpm (0.1674 sec.ft.), we better forget its existence. The pump now being installed has a rated capacity of 175 gpm, or 0.391 sec.ft. This is nominally the delivery said to have been obtained in, or since 1953. After the proof is notarized, we can take cognizance of the replacements or reconstruction of any part of any of the water systems, but need do so only if a representative of the State Engineer - probably a water master - should find it necessary to inspect the developments in connection with future water right administration.

When the new pump is installed, Mr. Wilcox should make all the measurements of diverted water in accordance with instructions in the memorandum of April 7, trying to pump as nearly 0.4 sec.ft. of water as possible from the Crawford Ditch to the Gifford Ditch. It is important to observe the water level in the Gifford Ditch at some point, such as where it flows under the foot bridge at the Park office, while the diversion is being made, and supply us with a statement to the effect that the water level or bridge clearance is about the same as it has been in the past. If the water level or clearance is more or less than formerly, an attempt should be made to obtain the old conditions and make new measurements under those conditions.

The proof relates to the use of a total of 2.28 sec.ft. of water, and shows maximum potential diversions of 0.9288 sec.ft. by the domestic pipelines. This leaves only 1.3512 sec.ft. for irrigation by the Crawford and Gifford Ditches if, or when, full domestic use is made from the pipelines. The proof also shows that the total irrigated area has been reduced from 146.53 acres to 94.06 acres, to make water available for the ultimate domestic demand. This reduces the potential duty of water from the decreed 1 sec.ft. for 55 acres to 1 sec.ft. for 69.6 acres.

The proof also shows that only 19.81 acres are to be irrigated hereafter from the Gifford Ditch. At 1 sec.ft. for 55 acres, there should be a diverted flow of 0.362, which is slightly less than rated new pump capacity. At 1 sec.ft. for 69.6 acres, the diversion should be reduced to 0.285 sec.ft. when, or if it becomes necessary to divert all of the 0.9288 sec.ft. by the domestic pipelines. Accordingly, the only reason to try to measure a diversion of 0.391 sec.ft. is to support statements in the proof. It is only essential to measure a pump diversion of 0.285 sec.ft. to retain the right, provided 1.0662 sec.ft. simultaneously flows down the Crawford Ditch below the pump site; but it will be essential to show 0.362 sec.ft. in the Gifford Ditch and 1.35 sec.ft. in the Crawford Ditch below the pump if higher duty of water is to be retained for periods of low domestic demand.

This has been a lengthy explanation to show the different results which will be suitable. The main requirement is to obtain one or more sets of measurements under approximate 1952 or 1953 conditions to show that the ditches were capable of delivering between 1.35 sec.ft. and 1.71 sec.ft. in the proper proportion, when domestic demands were at the maximum and minimum respectively. It is requested that measurements be made as soon as possible in order that we can determine whether the results are suitable before it is too late to make others for use by fall.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Copy to: Western Office of Design and Construction

Mr. P. Miller
Mr. Dunn

AVVDunn:let

05-13-1955: memorandum to regional director, region three from superintendent regarding proof on water right application a-1657,

In reply refer to: WR Corr
L54-Zion

Zion and Bryce Canyon National Parks
Springdale, Utah

May 13, 1955

Memorandum

To: Regional Director, Region Three

From: Superintendent, Zion and Bryce Canyon

Subject: Proof on Water Right Application A-1657, A-1658, A-1659 and A-1660, Dockets 1 to 4, Zion National Park.

Reference Mr. Dunn's memorandum of April 7, fifth paragraph, and your memorandum of April 19, we have now installed the 7½ HP turbine pump to pump water from the Crawford to the Gifford Ditch. This pump is installed in a 48" C.MP. sump. Sump draw down measurements of two preliminary pumpings of sixty seconds each show delivery of approximately 236 g.p.m. It is believed that results of these measurements are more accurate than measurements that would be obtained by installing a weir in the Gifford ditch. If you believe that this type of water measurement will be satisfactory with Mr. Dunn further measurements will be made and sent to you as water transfer operations get under way.

(SGD) PAUL R. FRANKE

Paul R. Franke
Superintendent

In triplicate.



ZION

05-03-1955: memorandum to director from regional chief, cooperative activities division regarding proof on water right applications

WR Copy

In reply refer to:
L54

Region Three
Santa Fe, New Mexico

May 3, 1955

Memorandum

To: Director

From: Regional Chief, Cooperative Activities Division

Subject: Proof on Water Right Application A-1657, A-1658, A-1659, and A-1660, Dockets 1 to 4, Zion National Park

By copy of Acting Superintendent Thomas' memorandum of April 26 he explains the difficulty in transferring 175 gallons per minute from the Crawford and Gifford Ditches.

A Peerless 7.5 HP has now been purchased and is being installed. As soon as this work is finished a report will be submitted from the field and we will advise your office of the amount of water that can be delivered by this pump.

William L. Bowen, Regional Chief
Division of Cooperative Activities

In duplicate

Attachment, in duplicate
Copy to: Supt., Zion and Bryce Canyon

In reply refer to:
L54

Zion and Bryce Canyon National Parks
Springdale, Utah

April 26, 1955

Memorandum

To: Regional Director, Region Three

From: Acting Superintendent, Zion and Bryce Canyon

Subject: Proof on Water Right Application A-1657, A-1658, A-1659 and A-1660, Dockets 1 to 4, Zion National Park

The fifth paragraph of Mr. Van Dunn's memorandum of April 7 reads in part:

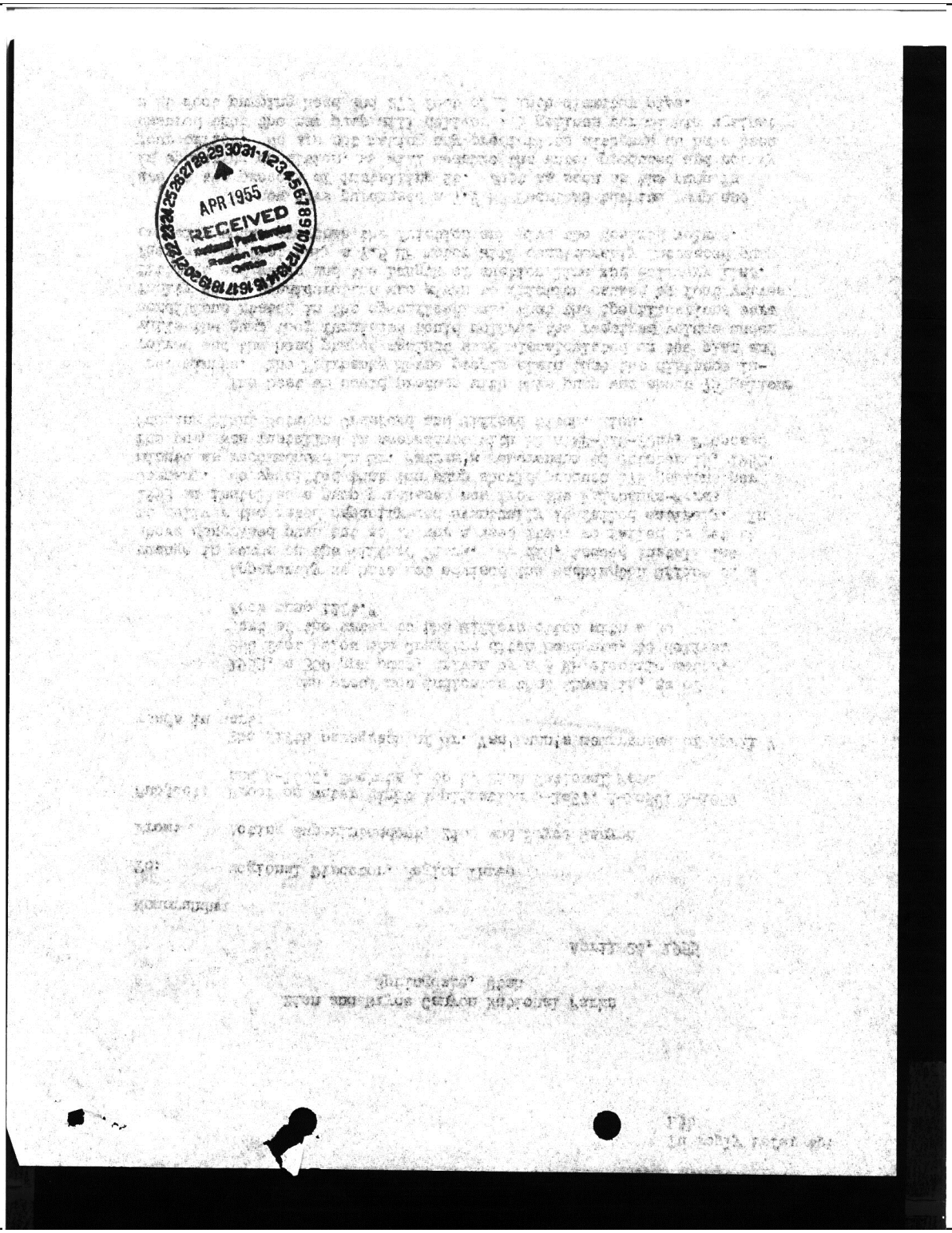
> "the proof now indicates that there is, as of 1953, a 300 gpm pump, driven by a 3 HP electric motor, 258 feet below the Crawford ditch headgate, to deliver part of the water to the Gifford ditch with a 30 foot pump lift."

Apparently we have not advised the Washington Office of a change in pumps on the Gifford Ditch. We did, indeed install the above described pump but as it was a used item, we failed to get it to deliver the rated capacity and eventually it failed entirely. In 1953 we installed a pump purchased new from the Fairbanks-Morse Company. We specified that the pump should produce 175 gallons per minute as recommended in Mr. Patraw's memorandum of October 15, 1952. The pump was installed in accordance with Plan NP-ZIO-2045, Proposed Pumping Plant Between Crawford and Gifford Ditch, Zion.

The best we could produce with this pump was about 75 gallons per minute. The Fairbanks Morse people claim that the distance involved and the head pumped against were miscalculated on the plan and while the pump they furnished would deliver the required volume under conditions stated in the specifications, that the specifications were faulty as no consideration was given to friction caused by foot valves, fittings and bends and the length of suction line and delivery line. They stated that only a 7.5 HP motor with considerably increased pump capacity would overcome the friction and give the desired volume.

We now have purchased a 7.5 HP Peerless turbine pump and are in the process of installing it. Just as soon as the pump is in operating condition, we will measure the water produced and notify your office. We are not making any predictions although we have been assured that the new pump will deliver 175 gallons per minute against a 48 foot pumping head and 275 feet of 3 inch diameter pipe.

04-26-1955: memorandum to regional director, region three from acting superintendent regarding proof on water right application



There seems to be some discrepancy between amount of water proposed to be pumped from the Crawford Ditch to the Gifford Ditch. Mr. Van Dunn's memorandum of April 7, 1955 implies that we should pump 0.67 sec. ft. This would amount to roughly 500 gallons per minute. We have always had in mind pumping a much smaller amount namely 0.362 sec. ft. (162 gallons per minute) as recommended in Mr. Van Dunn's memorandum to the Regional Director dated July 25, 1952 (paragraph 3.) Please check this and inform us as to your findings. It would take a great deal of re-designing and reconstruction of our pumping plant if the larger quantity is now contemplated.

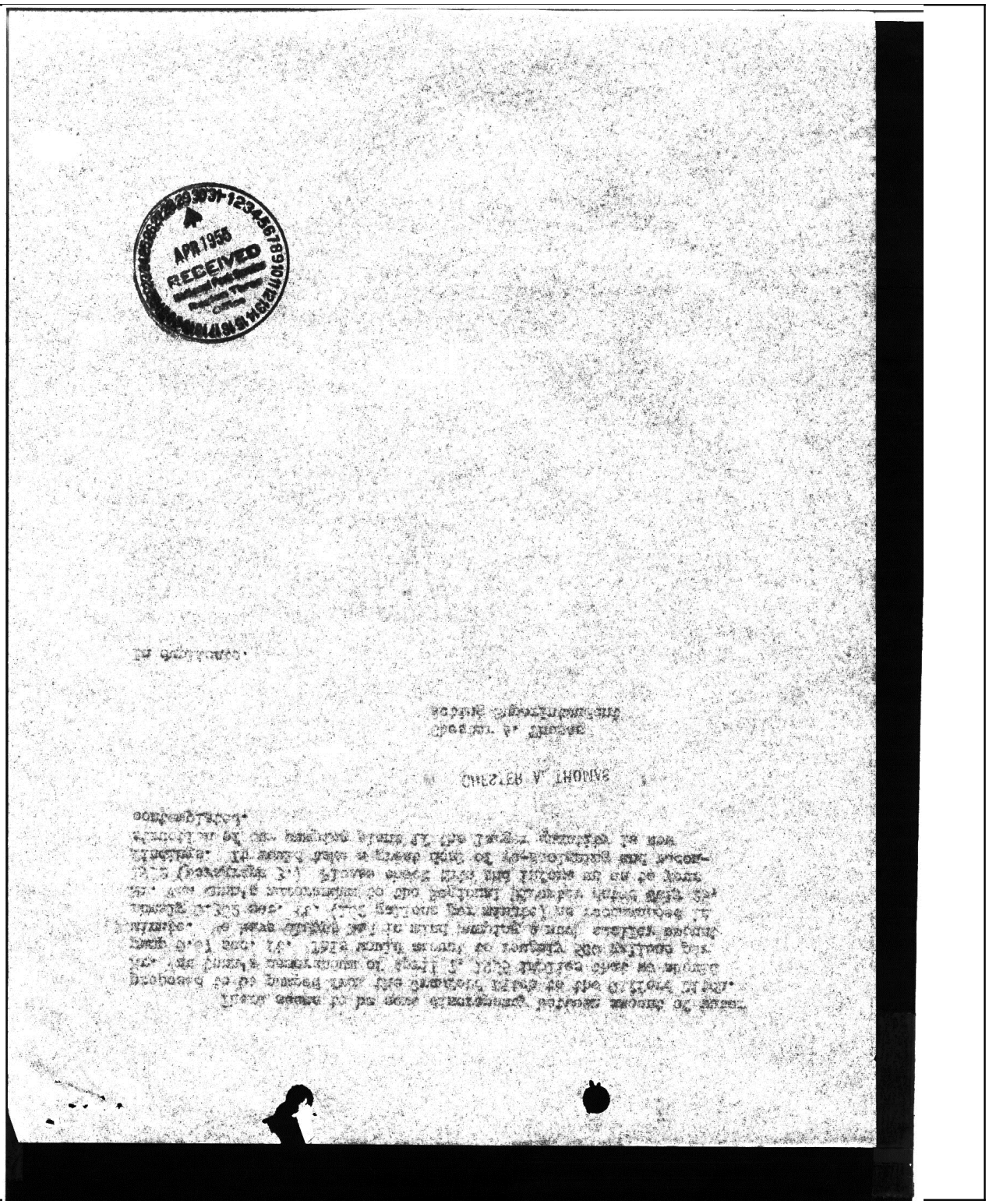
CHESTER A. THOMAS

Chester A. Thomas
Acting Superintendent

In duplicate.



04-26-1955: memorandum to regional director, region three from acting superintendent regarding proof on water right application



04-19-1955: memorandum to superintendent from acting regional director regarding proof on water right application a-1657, a-165

In reply refer to:
154

3

Region Three
Santa Fe, New Mexico

April 19, 1955

Memorandum

To: Superintendent, Zion and Bryce Canyon

From: Acting Regional Director

Docket 4

Subject: Proof on Water Right Applications A-1657, A-1658, A-1659 and A-1660, Dockets 1 to 4, Zion National Park

Attached is a copy of Mr. Dunn's memorandum of April 7, with attachments, which outlines in detail the additional data required for the subject proofs.

Mr. Dunn suggests that it may be necessary for Mr. Wilcox to construct a weir on the Gifford ditch to measure the rate of pump delivery, unless you can arrange to measure the flow directly from the pump.

Mr. Dunn states that it is desirable to obtain measurements of the ditch diversions before the forthcoming summer season.

(SIGNED)
David H. Canfield
Acting Regional Director

Attachment
Copy to: Director, in duplicate.
Western Office of Design and Construction

Office of
Chief, Western Office
Div. of Design and Const.
APR 22 1955 A.M.
Supv. Architect
1- Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

In reply refer to:
L54-L

3

Office of
Chief, Western Office
Div. of Design and Const.
APR 12 1955 A.M.
Supv. Architect
Supv. Engineer 4/12
Supv. Landscape Arch.
Safety Engineer

April 7, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Proof on Water Right Application A-1657, A-1658, A-1659 and A-1660, Dockets 1 to 4 Zion National Park

Attached are two copies of a letter of February 7 from the State Engineer of Utah, with which he returned the subject proofs for corrections and signing. These proofs have been in the State Engineer's Office since 1953 for the prescribed review before they are signed by the claimant.

The inconsistencies in data on the maps and written proofs, which are noted in the letter, can be checked and corrected here. They are partially typographical and partially due to changes in basic data obtained between the dates the applications were filed and the proof was completed. These required adjustments can be made with existing data in this office. It is fortunate that the State Engineer waives the new provision that exact areas of former irrigation be delineated, because the map supporting the original rights does not give the details except to the extent we have already described them.

We do need measurements of the amount of water diverted by the Crawford and Gifford ditches, which can be treated as contemporary with the 1952 measurements of spring flows and pipeline diversions. I did not include the ditch flow measurements in the 1953 proof because the ditch capacities were not supposed to have been changed except at the head works.

The contemporary type of measurements can now be made if the pump is still installed on the Crawford ditch; but it will be necessary to follow the correlative method which the State Engineer suggests at the top of page 3 if the pump has been removed since 1953.

Presumably there is still a Cipolletti Wier at the head works of the Crawford ditch. The proof now indicates that there is, as of 1953, a 300 gpm pump, driven by 3 HP electric

motor, 258 feet below the Crawford ditch headgate, to deliver part of the water to the Gifford ditch with a 30-foot pump lift. If such conditions still exist, please have Mr. Wilcox install some form of wier on the Gifford ditch at the pump-line discharge, and divert enough water to run about the normal amount of water in each ditch, and measure the flows by the Cipolletti and suggested wiers. He should then supply us with the cross sections of both wiers, the depth of water flowing over each, and the computed flows, giving the date of the measurements, and assurance that the ditches are operating under normal conditions. The suggested wier will measure the rate of pump delivery.

If a new headgate has been installed on the Gifford ditch, please supply similar wier measurements for each headgate. We will then attempt to reconstruct the equivalent conditions when the Gifford ditch was supplied by the pump. The pump, of course, is rated to deliver 0.67 sec.ft., and the wier measurement is intended to prove that the pump has approximately its rated capacity, and what that capacity is, as well as that the ditch can carry the water.

The measurements may show that the two ditches can carry practically all of the 2.28 sec.ft. authorized under the four rights at times when domestic pipeline diversions are at a minimum, and must show ditch diversions in excess of the 1.3512 sec.ft., which the pipe systems cannot divert. The exact amount between the two limits does not matter because the proof indicates that all water that is not needed for domestic purposes is used for irrigation, and irrigation will suffer when the full potential domestic water demand materializes. We have accounted for the pipeline diversions of 0.9288 sec.ft. for domestic use.

As stated by Mr. Tracy, we have until November 30 in which to submit the proof. However, it will be desirable to obtain the measurements of the ditch diversions before the summer domestic demands materialize, in order to show a larger irrigation use without suggesting more than authorized total diversions. I should also like to complete the proof as early as possible in order to have it ready for Mr. Wirth's signature at his convenience, and should have the ditch flow measurements in time to permit re-measurement, or other clarification, if necessary.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 2

Copy to: Western Office of Design and Construction, with attachment

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

JOSEPH M. TRACY
STATE ENGINEER

L54

FEB 11 AM 9 13

February 7, 1955

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

Gentlemen:

Re: APPLICATIONS NO. a-1657, a-1658, a-1659, a-1660

Returned to you herewith are 4 sets of written proof, and under separate cover 11 sheets of tracing, all pertaining to proof of change on the above-captioned applications, for completion as follows:

WRITTEN PROOF

The paragraph numbers appearing herein refer to the same paragraph numbers as those found in the written proof form. All paragraphs shall refer to all of the hereinabove captioned applications except where otherwise indicated.

Par. 3, Applications No. a-1657, a-1658, a-1660: Strike under this paragraph reference to the change application which is the application upon which you are now submitting proof of change. The information requested to be given under this paragraph is the right upon which the present changes are being made. The right being changed is now shown, the deletion necessary having been made in pencil which is to be permanently made in ink.

Par. 9, Application No. a-1657: Reference is made to the note in small print under this paragraph which requires, if the purpose of use is other than irrigation, that the nature, place and extent of such use be given in the above-captioned paragraph. It appears from Application No. 10618, Certificate No. 1991, on which the present change is being made that the former place and extent of use was for domestic purposes in serving 7 families residing near or at the entrance of Zion's National Park.

Par. 9, Applications No. a-1658, a-1659, a-1660: It is noted that you describe under this paragraph in each proof pertaining to applications above-captioned, the total number of acres formerly irrigated in a given section. Reference is made to the note under this paragraph which provides that the irrigated area be described therein by legal subdivisions and that the descriptions, by metes and bounds, of each parcel irrigated be given under General Remarks. Since the present proof forms, now being used for these proofs, were printed, the law has been changed requiring that the actual configuration of the areas irrigated be shown on the map, and that the acreage of each parcel of land irrigated within a legal subdivision of 40 acres be given. In the instance of these proofs, you will not be required to alter the information now shown under each of these paragraphs except where there appears to be a possible error as to the number of acres shown as being irrigated in a given section. For your use, in checking our interpretation of the descriptions of the areas formerly irrigated under each right as disclosed by Sheet No. 2 of the set of tracings, the following

is submitted:

Application No. a-1658: 0.31 acre, 0.13 acre, 0.74 acre, all in SE¼NE¼; 3.56 acres, 2.08 acres, 3.39 acres, 0.09 acre, 11.41 acres, 0.11 acre, 0.35 acre, in NE¼SE¼; 0.31 acre, 0.43 acre, in NW¼SE¼; 1.59 acres, 0.59 acre, 17.45 acres, in SW¼SE¼; 0.91 acre, 13.85 acres, in SE¼SE¼ Sec. 21; 1.68 acres, 0.55 acre, 2.92 acres, 0.73 acre in SW¼NW¼; 0.85 acre, 0.54 acre, 1.72 acres, in NW¼SW¼ Sec. 22; 0.41 acre in NW¼NE¼ Sec. 28. Total area formerly irrigated was 66.70 acres.

Application No. a-1659: 1.67 acres, 0.16 acre, in SW¼NE¼; 12.11 acres, 2.96 acres, 4.28 acres in SE¼NE¼; 0.71 acre, 0.72 acre, 0.10 acre, 0.79 acre in NE¼SE¼; 3.14 acres in NW¼SE¼ Sec. 21; 1.23 acres, 1.13 acres, in SW¼NW¼ Sec. 22. Total area formerly irrigated was 29.00 acres.

Application No. a-1660: 1.23 acres, 11.41 acres in NE¼SE¼; 0.43 acre in NW¼SE¼; 17.45 acres, 2.35 acres in SW¼SE¼; 13.85 acres, 2.82 acres, 1.21 acres, 0.08 acre in SE¼SE¼ Sec. 21; Total area irrigated was 50.83 acres, as a supplemental supply.

After carefully checking the hereinabove, each proof under the applications above captioned, are to contain the descriptions pertaining thereto under General Remarks as the former place of use.

Par. 11: The flow of water shown under this paragraph is in accordance with the flow awarded in the original right; however, said flow has not been established as being the flow changed, as disclosed by water measurements, under the application. Please be advised, it is required under the law that details and data of water measurements be submitted as part of proof whether the proof be one of appropriation or of change. The flow changed and allowed in the certificate of change is based on water measurements submitted as part of proof. In the instance of the above captioned applications, each application proposed to change the total flow under each right covered by said application. There would be a total, therefore, of 2.28 sec.-ft. being changed under all 4 applications. It appears that the water measured under all 4 applications, as disclosed by the measurements submitted on tables designated "C and B", Pages 7 and 8 under General Remarks is 0.9288 sec.-ft. It is noted however, that no measurements have been submitted of the water diverted at the points of diversion where the water is now diverted for use from the Crawford and Gifford ditches. The approved application in each instance provided that the water covered thereunder would be diverted at any, each or all of the new points of diversion. You should show therefore by water measurements, that the total flow of 2.28 sec.-ft. is diverted in order to show that the full right under each application is changed. If this is not so, then you should show in the paragraph above designated in each written proof, that part of the right which has been changed. If you do not already have details and data of water measurements, made at the points hereinabove mentioned,

for submission to show the total changed under all 4 applications and it is necessary to take additional measurements, then you should, in some way, correlate these measurements with the existing conditions prior to submission of proof. This is for the reason that all changes as contemplated under the application shall have been accomplished prior to submission of proof. A correlation may be made by means of an affidavit by a disinterested party who is familiar with the existing conditions prior to submission of proof and who can say, under oath, that the water measured and submitted as part of proof after its submission is substantially the same flow as that which was diverted at the points described in said measurements prior to submission of proof.

Reference is made to the last paragraph on Page 2 and top of Page 4 of General Remarks, which appears to be in part based on theoretical computation. Reference is made to Rule 42, Page 10 of the Rules and Regulations of the State Engineer, a copy of which is presumed to be in your possession, which provides in part that all water measurements submitted as part of proof are to be made in accordance with standard engineering practice and not by theoretical means or carrying capacities of conveying channels. You may add an additional sheet to General Remarks containing data and details of the hereinabove requested measurements.

Par. 13, Applications No. a-1657, a-1659, a-1660: Delete under this paragraph in each of the hereinabove referred to written proofs reference to Change Application No. a-1658. The same is required under paragraphs 14, 15, 16, 22, 23, and 27 of Applications No. a-1657 and a-1660. In the instances of the hereinabove referred to paragraphs where reference to Change Application No. a-1658 is to be stricken, supply information therein, where it applies, to "See General Remarks."

Par. 26, Applications No. a-1657, a-1658, a-1660: Give the information requested in the last space provided under this paragraph to the closest month and year. It appears from Par. 26 in proof of change under Application No. a-1659 that you have given the date of September 1952 as the time when the construction of works were completed. Would not this date be the same for the other applications since the works now used to divert the water are the same under each.

Par. 28: If, upon submitting details and data for the additional measurements hereinabove requested other than the methods now shown under these paragraphs are used, such information should be included therein.

GENERAL REMARKS

Re: Applications No. a-1657, a-1660: Strike from the opening paragraph under General Remarks reference to proof under Application No. a-1658.

The attached sheets under General Remarks being identical under each application have been examined under Application No. a-1657 only, all pencil notations having been made thereon. Any corrections, additions, or deletions

therefore refer to all 4 proofs.

Checking the description of the municipality as described on Page 1 of General Remarks Continued with the boundary of same as shown on Sheet 1 of the sheet of tracings, discloses that a few inadvertencies have been made. Reference is made to the 8th line thereof which shows the range as being 9E, whereas it should be shown as 9 W. Line 23 shows Sec. 22, whereas it appears it should have been Sec. 23. Line 24 shows a corner of Sec. 11 as the NW Cor, whereas it appears it should have been SW Cor. Line 26 makes reference to R10W, whereas it appears it should have been 11 W.

Reference is made to Page 2 of General Remarks. The area described as being the location of the Temple of Sinawava parking area as in NE¼SE¼ of unsurveyed Sec. 34 appears to be an error. The map shows it as being located in NE¼SW¼ said Sec. 34. Reference is made to the last paragraph on Page 2 of said General Remarks Continued which shows the pipe lines as having a combined capacity of 1.4761 sec.-ft, whereas Table B, Page 7 of said General Remarks shows the capacity as being 1.4828 sec.-ft. Kindly make the correction where necessary.

Reference is made to the points of diversion as described at the bottom of Page 4 of General Remarks Continued. In the instances of the diversions from the Crawford and Gifford Ditches, a note at the end of each makes reference that these diversions are shown on Sheets 2 and 6 of the set of tracings, which do not appear to be thereon. Make the correction if necessary. Reference is made to the description of the Oak Creek spring area shown on Page 5 under General Remarks Continued in which there appears to have been an inadvertency made in describing the course "S18°29'E", which from the map appears to be described as"S18°29'W". The description of Birch Creek spring area as described under General Remarks is inconsistent with the area shown on the tracings in the first course thereof, which is described herein as S 1436.25 ft, whereas it is shown on the map as being S 1436.24 ft. Make the correction where necessary.

Reference is made to the table designated "Table B", Sheet 7 of General Remarks Continued, particularly to the length of pipe shown therein for the Scout Lookout pipe line as being 2635.0 ft, whereas it appears from the map to be 2231.00; also the length of 2-in. diameter pipe shown in said table as being 1589.11 ft. for the Temple of Sinawava pipe line does not agree with the distances shown on Sheet 10 of the sheets of tracing. It appears from the map that the length of 4-in. diameter pipe should be 2199.91 ft. as said pipe line is indicated thereon to be from Station 2+40.56 to the reservoirs which are at Station 24+40.47 for the Upper Grotto pipe line; also, there appears to be 202.55 ft. of 3-in. diameter pipe from the point of collection to Station 2+40.56. If these figures are correct, the total now shown for said Upper Grotto pipe line should be changed from 2362.37 ft. to 2402.46 ft. The total of the entire diverting channel would change if changes are made in the detailed information, in which instance the figure now appearing in Par. 15 of

the written proof should be changed to conform. All corrections are to be made in black. Red is used only when changing original applications after being filed and before being advertised.

As stated hereinbefore, additional information including all details and data should be given pertaining to water measurements.

TRACINGS

1. The tie shown on Sheet No. 1 of the sheets of tracing for Diversion No. 12B of the Temple of Sinawava pipe line does not conform to the tie shown on Sheet No. 10 of the set of tracings. Make the correction where necessary and see that the tie shown agrees wherever it appears in the proof.

2. It is noted on said Sheet No. 1 of the set of tracings that reference is made to contemplations, such as, certain points of diversion to be abandoned, which should be deleted as proofs refer only to accomplishment.

3. Reference is made to Sheet No. 5 of the set of tracings, which shows the diversions from Oak Creek spring area. Measurements are contained in the data given under General Remarks Continued of this diversion at 4B2, whereas said diversion point doesn't appear to be shown on the hereinabove referred to sheet of tracing. Reference is made to the note "See Sheet 2 for Reservoir Details" on Sheet No. 6 of the set of tracings, which appears to be an inadvertency, Sheet No. 5 showing the details of the reservoirs referred to. Reference is made to the description of the spring area of Birch Creek on said Sheet No. 6 of the set of tracings, which gives the distance from the SE Cor. of said spring area to the point of diversion as being 1436.24 ft, whereas it is described under General Remarks of the written proof as being 1436.25 ft.

4. The tie on Sheet 10 of the set of tracings for the diversion point at 12B is shown as N27°29'40"E whereas it is given under General Remarks of the written proof, and also shown on Sheet No. 1 of the set of tracings as being N21°29'40"E. Make the correction where necessary. The station of the pipe line from Diversion No. 8 to a point opposite to Comfort Station on said Sheet 10 is 15+98.11, whereas said pipe line is given under General Remarks as being 1589.11 ft. long. Make the correction where necessary.

CERTIFICATES

After completing the proof as above outlined, the certificates of the appropriator and proof engineer in the written proof forms, are to be completed, executed by the proper parties, and the executions acknowledged before a notary public in each instance. It is noted that the certificates on the set of tracings have already been executed.

You are allowed to and including November 30, 1955 within which to complete the proofs as above outlined and return the same to this office.

Yours truly,

Joseph M. Tracy

EEV/wh
Encl: 4 Written Proofs

Joseph M. Tracy
STATE ENGINEER

02-10-1953: letter to state engineer from director regarding application a-1657, a-1658, a-1659, a-1660

In reply refer to:
L54 ZION-L

FEB 10 1953

Mr. Joseph H. Tracy
State Engineer
Salt Lake City, Utah

Subject: Applications a-1657, a-1658, a-1659, and a-1660

My dear Mr. Tracy:

Returned herewith are our proofs under the subject applications. The supporting maps, our drawing number NP-ZIO-6950, in 11 sheets, are being forwarded separately with a copy of this letter. These instruments were returned to us with your letter of October 6, 1952, after they were informally discussed on October 4, by Mrs. Ethel E. Visser and Mr. F. W. Cottrell of your office, and Mr. A. van V. Dunn, the Chief of our Water Resources Branch.

In that conference your representatives decided that proof under Application a-1659, relating to the changes in the Gifford Ditch, and secondary diversion for the Temple of Sinawava Pipe Line to which parts of the commingled diversion under all of the rights now attach, was incomplete. Mr. Dunn also gained the impression that the "return for completion" was in accordance with paragraph 5, page 6 of your Rules and Regulations, and that you might wish to return them again for corrections, in accordance with paragraph 4, on the same page, before I sign them. Accordingly, the proofs are now returned without my signature.

In the process of completing the proof under Application a-1659, it has not been entirely clear how much freedom Mr. Dunn had to change the other three related proofs. The narrative, which is included as attachments in all, could be improved and condensed if completely rewritten, but he has assumed that a complete revision was not authorized. In addition, the completion of the one proof has made it necessary to correct the total length of diverting channels on all, which has been done in red, according to the general instructions. It has also been necessary to confine ourselves to the supplemental diversion 12B of the Temple of Sinawava Pipe Line (sheet 10 of 11), which has actually been in use as the basis for proof; but we have not believed that we had the authority to erase the line to potential diversion 12A, or to redraw the sheet.

It is hoped that with these explanations, and a minimum of correction, you can now approve the proofs and authorize my signature.

Sincerely yours,

(SGD) Conrad L. Wirth
Conrad L. Wirth
Director

Enclosures 4

Copy to: Regional Director, Region Three (2)
Mr. Dunn

AvanVDunn:sh

10-16-1952: memorandum to superintendent from assistant regional director regarding water right proof for zion national park

VR Copy (a)

In reply refer to:
L54 ZION-L

Nat.
Engr.
V. Clerk
Steno
Whse.
C. Clerk

Region Three
Santa Fe, New Mexico

October 16, 1952

Memorandum

To: Superintendent, Zion and Bryce Canyon

From: Assistant Regional Director

Subject: Water Right Proof for Zion National Park

When Chief of Water Resources Branch Dunn passed through Salt Lake City early this month, he had a conference in the State Engineer's office relative to water rights in Zion National Park. The following is quoted from his memorandum of October 4 to the Director, reporting his conference:

"I have had an excellent, 2-hour conference at the Office of the State Engineer, with Mrs. Ethel E. Visser, Proof Engineer; and Mr. F. W. Cottrell, now retained as a consultant since his retirement. Mr. Cottrell was the engineer who helped me obtain Municipal Status for the claims in the first place, and he overruled most of Mrs. Visser's suggestions for changes, today. He also arranged to have an incomplete proof drawn up on Application a-1659, and told Mrs. Visser to send it to us with the demand that we comply with the rest of the statutory requirements. In a way, the letter will not be complimentary, but it will permit us to complete proof on all four rights, now, and not on just the three we have included. When returned, the rights should be held for me, except as hereafter outlined.

"The tracings will also be returned for certain additions, but should be held for my return.

"It appears that we can make proof on the Gifford Ditch with any point of diversion which is now being used, or is to be used next year, and that once proof is made, we have every right to make further changes under the municipal status without further authority from the State Engineer, since all points are within the municipal area (Park) and there is no private land. Accordingly, please have Miss Hicks type copies

of this memorandum, and send them to Region Three with the request that they advise me at Region Four as to what water was pumped, or diverted to the Gifford Ditch during the past summer, and approximately where. In addition, I should like to have a definite plan of the new diversion worked up, if possible by the end of October, so I can show it on the maps, and describe it in the narrative. If, as previously suggested, we are pumping or will pump from control box on Crawford Ditch, all we need is pump and motor size, pipe diameter, pump lift, and approximate alignment and length of pipe line. I have suggested that some information be sent to Region Four so I can decide whether I should stop at Zion or Santa Fe on my return trip, to discuss the matter. The opinion of the Regional Director will also be appreciated."

Particular attention is called to Mr. Dunn's request that detailed information as to diversion from the Crawford Ditch intake to the Gifford Ditch reach him by the end of October, if possible. In this connection, attention is also invited to the first paragraph of Mr. Dunn's memorandum of July 21 which was transmitted to you with our memorandum of August 12, in which Mr. Dunn advised that the State Engineer would not continue to grant further extension of time for final proof unless there was evidence of diligence in the prosecution of the work.

From reading Mr. Dunn's memorandum it appears that we can settle all water right problems at Zion if you will immediately arrange to pump water from the Crawford to the Gifford Ditch. Engineer Bradley has prepared a drawing, No. NP-ZIO-2045, showing the proposed pumping plant and the approximate location of the pump house and pipe lines. You may proceed with the installation pursuant to that plan if it is satisfactory to you.

Mr. Dunn has advised that in order to make final proof, we will need a pump that will deliver at least 162 gallons per minute. He has further stated that we could have a pump delivering 25% to 50% in excess of the 162 gallons. Therefore, it is our recommendation that you obtain a pump that will deliver at least 175 gallons per minute.

This matter of the installation of the pump and placing it in operation so that water can be transferred from the Crawford Ditch to the Gifford Ditch is so important that we believe it should be done immediately. We would like you to take immediate steps to acquire the pump, pipe and any other necessary equipment, and advise this office when the pump could be placed in operation. The cost of this installation will have to be met from one or more of your maintenance accounts.

(SIGNED)
P. P. Patraw
Assistant Regional Director

Copy to: Director ✓
Mr. Dunn - c/o Region Four Office- with copy drawing.

10-04-1952: memorandum to director from chief, water resources branch regarding water right proof for zion national park

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Salt Lake City, Utah
Oct. 4, 1952

To: Director

From: Chief, Water Resources Branch

Subject: Water Right Proof for Zion National Park

I have had an excellent, 2-hour conference at the Office of the State Engineer, with Mrs. Ethel E. Visser, Proof Engineer; and Mr. F. W. Cottrell, now retained as a consultant since his retirement. Mr. Cottrell was the engineer who helped me obtain Municipal Status for the claims in the first place, and he overruled most of Mrs. Visser's suggestions for changes, today. He also arranged to have an incomplete proof drawn up on Application a-1659, and told Mrs. Visser to send it to us with the demand that we comply with the rest of the statutory requirements. In a way, the letter will not be complimentary, but it will permit us to complete proof on all four rights, now, and not on just the three we have included. When returned, the rights should be held for me, except as hereafter outlined.

The tracings will also be returned for certain additions, but should be held for my return.

It appears that we can make proof on the Gifford Ditch with any point of diversion which is now being used, or is to be used next year, and that once proof is made, we have every right to make further changes under the municipal status without further authority from the State Engineer, since all points are within the municipal area (Park) and there is no private land. Accordingly, please have Miss Hicks type copies of this memorandum, and send them to Region Three with the request that they advise me at Region Four as to what water was pumped, or diverted to the Gifford Ditch during the past summer, and approximately where. In addition, I should like to have a definite plan of the new diversion worked up, if possible by the end of October, so I can show it on the maps, and describe it in the narrative. If, as previously suggested, we are pumping or will pump

from control box on Crawford Ditch, all we need is pump and motor sizes, pipe diameter, pump lift, and approximate alignment and length of pipe line. I have suggested that some information be sent to Region Four so I can decide whether I should stop at Zion or Santa Fe on my return trip, to discuss the matter. The opinion of the Regional Director will also be appreciated.

Mrs. Visser has also requested that copies of the Remarks in Application a-1658 be included in each proof, and Mr. Cottrell specified that they should be ozalid, or blue prints from existing typed copies. Accordingly, please have Mr. Robertson pick the best set of carbons and get the best prints he can. There should be 12 such prints.

If we are to complete proofs on the Gifford Ditch, we will also have to decide whether to accept location of the spring to the east of the Temple of Sinawava comfort station as determined in August, or obtain a more accurate survey tie by traverse. I recommend the latter if the Regional Director can arrange it, now that the season is over.

Tentatively, I propose to have my return plane switched from United to TWA, and make reservations to provide a stop at Albuquerque, for one or two days about the middle of the first week of November. Your concurrence, and adjustment of TA 132 will be necessary before I can do so, and plane reservations seem to be hard to get as you wish, on less than 10 days, or two weeks notice.

As a caution, Mr. Selkirk is not to make any changes on tracings until my return, regardless of possible clarity of instructions from the State Engineer. The written instructions are based on my ability to read between the lines from discussion this morning. Certain stretches of regulations are to be made because of complexity of the problem.

(SGD.) A. VAN V. DUNN.

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

09-30-1952: letter to state engineer from chief, water resources branch regarding applications a-1658, a-1659

In reply refer to:
L54 ZION-L

September 30, 1952

Mr. Joseph H. Tracy
State Engineer
State Capitol
Salt Lake City 1, Utah

Subject: Applications a-1658 and a-1659

Dear Mr. Tracy:

With our letter of September 18, we submitted proof on amendment of rights under a-1657, a-1658, and a-1660, and a request for extension of time under Application a-1659. We have just received the enclosed order granting the extension of time under Application a-1658 instead of a-1659.

According to the copies of the applications in our files and the notice published at the time the permits were granted, No. a-1658 relates to the original rights to 1.21 second-feet of water diverted by the Crawford Ditch. That ditch is in good condition, and our proof is supposed to be adequate.

Application a-1659 relates to the rights to 0.53 second-foot originally diverted in part from the North Fork of the Virgin River, and in part from Oak Creek, by Gifford Ditch. In the amendment of rights, we are abandoning the Oak Creek diversion and requested the extension of time because flood damage has made it necessary to make a last minute change in the North Fork diversion.

Accordingly, unless there is some error in all of our records as to identity of rights, we should like to have the order corrected to grant the extension on Application a-1659. I will also discuss this matter with you on October 4.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Enclosure
Copy to: Regional Director, Region Three (2)

AvanVDunn:sh

In reply refer to:
L5A ZION-2

September 18, 1952

Mr. Joseph H. Tracy
State Engineer
State Capitol
Salt Lake City 1, Utah

Dear Mr. Tracy:

Enclosed are written proofs under Permits a-1657, a-1658, and a-1660, and a request for extension of time in which to make proof under Permit a-1659. Under separate cover, and with a copy of this memorandum, we are also submitting the proof drawings in 11 sheets. You will note that the narrative proof is to be signed by the Director of the National Park Service when ready for acceptance by you.

The proofs are submitted at this time because of your statement a year ago about reluctance to grant further extensions of time for an apparently indefinite period. However, as in the case of any municipality, we are making proof on a water development which is being expanded and improved as needed to serve the increasing population, and to eliminate susceptibility to flood damage.

The proof shows full diversion and use of water by the pipe lines equal to that formerly allotted for duplicate or abandoned irrigation under the original, decreed and certified rights; and certain pipe capacities and undeveloped springs to augment the supply as needed, with resulting reduction in the duty of irrigation water. It is our intent to continue the irrigation indefinitely in the developed areas; but to reduce the duty slightly, as needed hereafter, to permit necessary increases in preferred diversions and use by the pipe lines within the water right limitations. We hope that it will not be necessary to acquire more rights because of such increases in preferred use that impractical irrigation duty of water results.

Presumably, we can make proof under Permit a-1659 within about a year, to the extent that a new headgate for the Clifford Ditch should be completed. However, if it meets with your approval, it would be desirable to defer that action for

FILE COPY

several years to permit some other revision of plans such as those relating to ultimate storage needs and the use of the easterly spring now temporarily connected to the Temple of Square Pipe Line. Consideration is also being given to moving the distribution reservoir on the Wylie Retreat Pipe Line to the same elevation as that on the Upper Grotto Pipe Line, or to providing consolidated storage for the two diversions. In the latter connection, the Wylie Retreat Spring was first used at a campground to the south of the Lodge, reconstructed to serve the Lodge when it replaced the camp, and supplemented by the Upper Grotto System as the water demand increased.

We interpret former State Engineer Watson's letter of December 13, 1940, in connection with Water Right Application No. 20870, to mean that all filing fees are waived in connection with Federal water right instruments.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Enclosures 4

Copy to: Regional Director, Region Three (2)

AvanVDunn:sh

09-04-1952: memorandum to director from acting superintendent regarding water right proofs

L54 ZION

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Zion and Bryce Canyon National Parks
Springdale, Utah

RECEIVED
1952 SEP 8 AM 9 07

September 4, 1952

Memorandum

To: Director

From: **Acting** Superintendent, Zion and Bryce Canyon

Subject: Water Right Proofs, Zion

We have Mr. Lee's memorandum of August 26 and regret that ours of August 21 further complicated matters. We are inclined to agree that the spring northeast of the comfort station, Temple of Sinawava, would not be necessary if we could always depend on the supply from the spring west of the river.

No doubt about the main source of supply west of the river is adequate for many years, but ways and means of assuring the supply are nebulous. There are so many more urgent needs in our areas for public safety and comfort that we must necessarily operate with make-shift systems at the Temple for many years. For this reason, we must protect ourselves and provide the right to make use of the northeast spring during periods of emergency.

In response to your request we submit the following on the four items listed:

1. Check of spring location (see attached sketch)

   Spring to road measured at right angles to road - 194' (horizontal distance)

   Point on road to point in parking area opposite east end of comfort station - 683' (horizontal distance)

2. Flow of spring

   Flow measured with 3 gallon container

   1st run - 20 sec. to fill
   2nd run - 21 sec.
   3rd run - 20 sec.
   4th run - 20 sec.

   Mean 3gal/20.25 sec. or 1gal per 6.75 sec. = 12,800 gpd = 0.0198 c.f.

   Measurement made August 29, 1952 by P. R. Franke, Jr. and Wesley Dennett.

3. Development of spring.

Present box is a 50 gallon steel drum filled from the top by a 4" pipe diverting spring flow from a crevice in rock. A twenty foot section of 2" steel pipe connects from just above the bottom of the steel drum to 1" I.D. heavy duty rubber hose. Approximately 700 ft. of rubber hose extends to the comfort station.

4. Elevation difference.

Survey made with surveyors rod (15') and hand level.

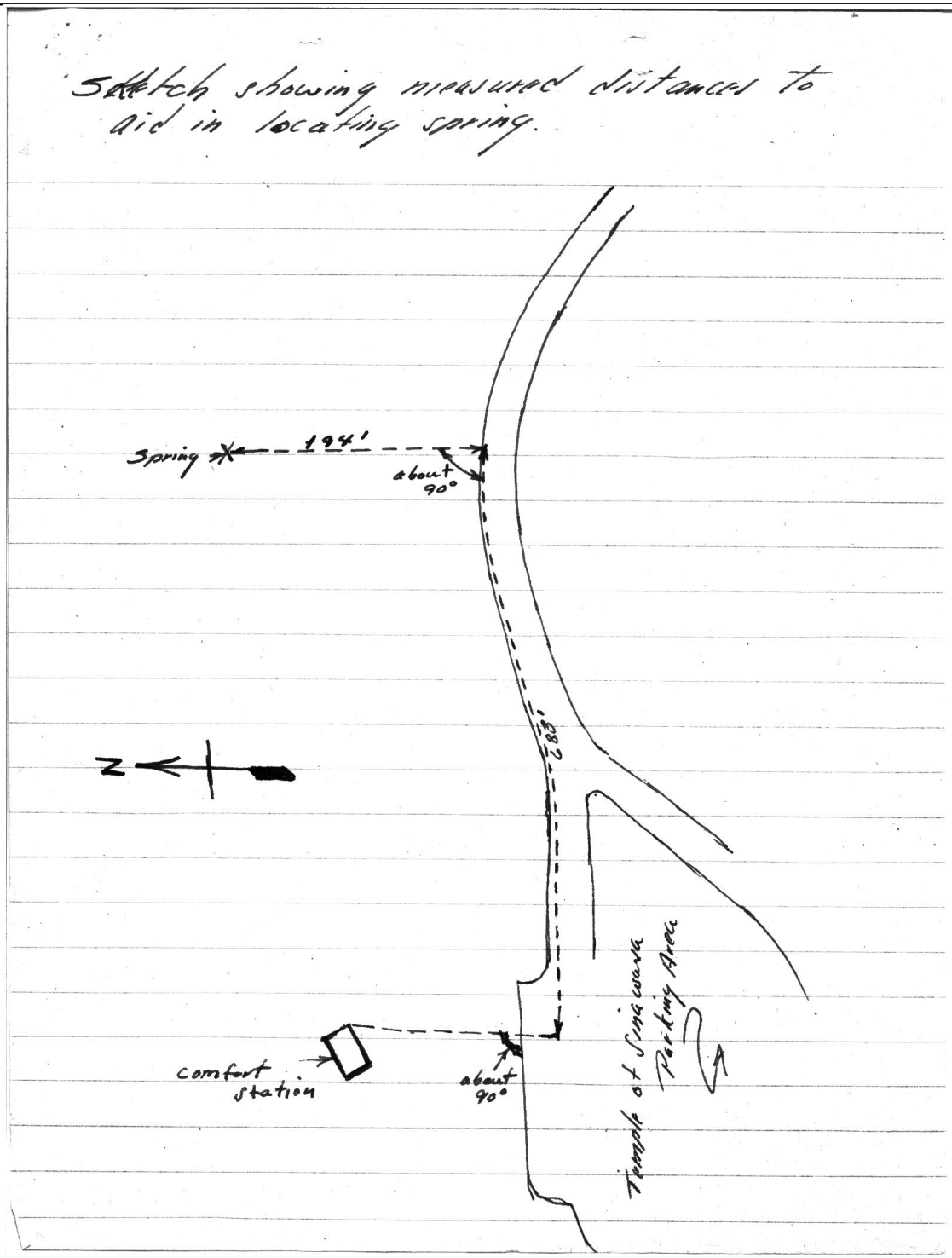
Outlet of spring to floor of comfort station - 44 feet.

Outlet from present collecting box to floor of comfort station - 39 feet. with C=120; S=0.0557 Q= about 12,000gpd

Chester A. Thomas
Acting Superintendent

Enclosure
cc: Regional Director, Region Three

09-04-1952: sketch showing measured distance to aid in locating spring



In reply refer to:
L54 ZION-L

September 16, 1952

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Water Right Proof, Zion National Park

The memorandum of September 4 from Mr. Thomas and the copy of Mr. McColm's memorandum of September 5 to the Superintendent constitute all the comments we have received on the proposed proof to date, and we are proceeding accordingly, to complete the official copies for the State Engineer for mailing before the end of the week.

Since there is no survey of the easterly spring at the Temple of Sinawava, I have not attempted to correct the location shown on the previous prints of the map, but have added the location supplied by Mr. Thomas, and indicated that future survey is expected to show the location between the two, and probably closer to that supplied by Mr. Thomas. We are not attempting to pin down the point of diversion, but rather to reserve the right to use the water under any of the priorities on the basis of further proof to be submitted later.

Attached are a revised copy of the last page of the Remarks, now pages 9 and 10, which has been prepared since receipt of the aforesaid memoranda. In connection with the park attendance, I have attempted to use the figures supplied by Mr. Franke on August 21 only as a suggestion in order that there will be no implication of limit.

Since sheets 1 and 10 of the drawing both had to be revised to show the alternative location of the easterly spring at the Temple of Sinawava, I have added the distribution pipe from the Lower Grotto Spring. However, this is only important for consistency, as distribution pipes are not required except to clarify matters.

I am not adding the gas station on sheet 2. The sheet is primarily to show irrigated areas rather than developments in those areas and the cafeteria should be sufficient for orientation.

The details as to whether the Upper Grotto or Wylie Retreat Spring serves the fire protection system at the Lodge are unimportant. My intent has been to show that there is a cross connection between the two systems, such that either supply could be used in any part of the distribution system if needed. Even though the reservoirs on the two systems are not at the same elevation, and thus do not permit commingled use of the water at this time, I have attempted to show that either source is available in case of emergency. In addition, to segregate the two systems too specifically might lead to the suggestion that full beneficial use of the water is not practical.

It is true that you may not have funds to provide adequate storage on the main Temple of Sinawava pipe line at this time, but the lack of such storage , coupled with the concentrated use during only a few hours of the day, offers the State Engineer the opportunity to question full beneficial use and the ability to do so. We should have a PCP for the necessary reservoir, and it may be necessary to provide plans by the time we make final proof on the Gifford Ditch rights under Application a-1659. It also seems possible that there is more urgency for such storage than Mr. Thomas suggests, with the increasing park attendance and apparently large percentage of the visitors who use the comfort station.

Please return the three narrative proofs, including the complete set of remarks relating to proof on Application a-1658, after you have completed your review, in order that they may be corrected in accordance with the State Engineer's instructions, when he returns the originals for final signature. Perhaps I should explain that, under the Utah system, the proofs are submitted for review, returned for corrections or clarification and signature, and then resubmitted to the State Engineer. Some further corrections can be made at the time of resubmission, if you find the need for such action.

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

In duplicate

Attachments 2

Copy to: Mr. Vint

AvanVDunn:sh

08-29-1952: memorandum to regional director, region three from chief, water resources branch regarding water right proof

In reply refer to:
L54 ZION-L

August 29, 1952

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Water Right Proof, Zion National Park

By Mr. Wirth's memorandum of August 22, we sent you one copy of the narrative proof for review and comments, and advised that the supporting maps would be sent during the next week. Attached are three prints of drawing NP-ZIO-6950 in eleven sheets, being the maps to support that proof. It is requested that you make such checks as you wish, and return one copy of any print which seems to require corrections, to arrive in this Office not later than September 15, and also advise in advance, by teletype, if changes can be so described.

Also attached is a revision of the last page of the Remarks for proof under Application a-1658, which incorporates data supplied in the memorandum of August 21 from Mr. Franke. This statement may be slightly revised on the basis of any measurements of the flow of the spring east of the Temple of Sinawava Comfort Station which are obtained in time, but we will not try to make proof on that diversion (No. 12) at this time.

I have been concerned by the evidence that only a small part of the water from the spring in the Narrows can be used because of lack of storage for the regulation of even one day's spring flow. To admit that the easterly spring is to augment the supply, would only stress the point that only a small part of the water from Diversion 8 is beneficially used because the water demand is all concentrated in a small portion of the day, and there is not the necessary regulatory storage.

We have also found that the measured flow of the spring in the Narrows, and by Mr. Robertson of Birch Creek Springs 5A1 and A2 were incorrectly converted to daily flow and second feet in Tables B and C of the narrative proof (my own error). These corrections have been made in the rest of the copies of the tables.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 33

AvanVDunn:sh

08-26-1952: memorandum to superintendent from assistant director, water right proof regarding

WR Copy

In reply refer to:
L54 ZION-L

AUG 26 1952

Air Mail

Memorandum

To: Superintendent, Zion National Park

From: Assistant Director

Subject: Water Right Proof, Zion National Park

Your memorandum of August 21 supplied all the information needed for proof on the seven water systems we have been considering, but it has complicated matters considerably in suggesting that we claim specific rights to the spring east of the Temple of Sinawava comfort station. We are addressing this memorandum to you to obtain immediate information on the four items listed hereafter. However, we do not believe that permanent use of that spring will be necessary for many years, and we also want reconsideration of the general plan by the Regional Engineer.

Mr. Pagergren measured the flow of the spring in the Narrows (main source of supply) on June 30, 1948, and found a flow of 39,300 gallons per day, or 27.3 gallons per minute. However, the pipe line from that spring has a capacity of only 15.35 gallons per minute. In addition, the collecting tank at the spring has a capacity of only 210 gallons.

The plans also show that there are four toilets and a urinal in the comfort station. A well adjusted toilet can be flushed with about 5.0 gallons of water, but many in the parks have been adjusted to use nearly 7.0 gallons. A urinal probably requires about 1.0 gallon. If all five fixtures were flushed at once, they should not require more than the 27.0 gallons per minute which were available on June 30, 1948, but this is approximately twice as much as the pipe can deliver. Therefore, only two or three toilets can be flushed at a time, which is all that one would expect on an average.

You further advise that peak park attendance is approximately 7,500 people per day. Assuming that 40% use the toilets

between 10:00 a.m. and 5:00 p.m., the average rate would be at seven per minute. If there is that demand, there is need for three or four times the number of toilets. However, at that rate, the total day's water demand would be about 18,000 gallons, which is less than half the spring flow of June 30, 1948, and slightly less than the pipe can deliver during a full day of continuous flow.

To make full use of the available flow from the spring in the Narrows, it will be necessary to provide storage of at least 35,000 gallons, and considerably greater pipe capacity between that reservoir and the comfort station. A 20,000-gallon reservoir, a 3" diversion pipe, and a 1½" distribution pipe should be ample for many years, but a 50,000-gallon, or even a 100,000-gallon reservoir may be needed for day-to-day carry-over storage at some future date. The larger diversion pipe is needed because of limited fall to any reservoir.

One objection to the use of the spring to the east of the comfort station is that it is said to be contaminated, or subject to contamination. There seems to be enough water from the regular source without introducing the use of such a supply. However, since there has been emergency use, we can provide the right to make future emergency use. To do so, we must have the following information at once:

1. To check the spring location, please measure distance from spring to the road, on line approximately at right angles to the road, and then measure distance from that point on road to point on edge of parking area opposite east end of comfort station. (We have tentatively determined that the spring is about 660 feet northerly from the road at a point 925 feet easterly from the east end of the comfort station.)

2. Measure flow of spring, giving date of measurement, name of person making measurement, size of container used to make measurement, and time required to fill container.

3. Send best possible sketch of dam or spring box being installed at spring, with dimensions, and the diameter of the pipe from spring to comfort station.

4. Give best available information on difference in elevation between spring and floor in comfort station. If you have an Abney level (hand level), the measurement can be determined by measuring vertical angles, at height of observer's eye, from point on road directly below spring, to the spring and to the floor of comfort station, and stating height of observer's eye above road. With the distances requested in item 1, we can then compute the elevations fairly closely.

(SGD) Ronald F. Lee

Assistant Director

Copy to: Regional Director, Region Three (Air Mail)
Chief of Design and Construction
Mr. Dunn

AvanVDunn:sh

08-22-1952: memorandum to regional director, region three from director regarding proof on water right application a-1657, a-165

In reply refer to:
L54 ZION-L

AUG 22 1952

Memorandum

To: Regional Director, Region Three

From: Director

Subject: Proof on Water Right Applications a-1657, a-1658, a-1659, and a-1660, Zion National Park

Attached are one copy each of the proposed narrative proofs on Applications a-1657, a-1658, and a-1660, and of a request for extension of time in which to make proof under Application a-1659. These proofs, with the supporting maps, which will not be completed until next week, must be in the hands of the State Engineer by September 25. We should mail them from here between September 15 and 18. Most of the Park Service staff will be at the Area Operations Conference during the intervening period.

The narrative proofs are submitted so that you can see the form of statement to be submitted, and to permit such field check as you may wish to have made. The maps will be submitted in about one week. It is suggested that you might review the attachments, send or take them for Mr. Franke's review, and then return them to your office for further, detailed check with the maps. They should be returned to reach this Office, with comments, by September 15. If changes seem desirable, it will also help to have those which can be so explained, described in earlier letters or teletype messages so that there is not too much work to do at the last minute.

In the absence of maps, at the moment, you may refer to advance prints of drawing NP-ZIO-6950, which are already in the files at your office and the Park, consisting of the general map of all water systems, the map showing irrigation under Decreed Rights 65 and 66, with rights under 63 conflicting with those under 66, the maps of the seven listed pipe lines, and maps of the main distribution pipe lines at the Camp Center and Lodge areas.

In reviewing the attached proofs, please do not mark them up in a way such that they cannot be corrected and used as one of the sets of copies for the ultimate records at one of the Park Service offices.

(SGD) Conrad L. Wirth

Director

In duplicate

Attachments 4

Copy to: Mr. Dunn

AvanVDunn:sh

08-21-1952: memorandum to director from superintendent regarding water right proof

L5421(4)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Zion and Bryce Canyon National Parks
Springdale, Utah

1952 AUG 25 PM 12:33

Return to → Dunn Rachey

August 21, 1952

Memorandum

To: Director

From: Superintendent, Zion and Bryce Canyon

Subject: Water Right Proof, Zion National Park

In response to Mr. A. Van V. Dunn's memorandum of August 12 we are furnishing additional information relative to water use and water systems at Zion.

The water line at the Temple of Sinawava has been repaired and no appreciable change has been made in the river crossing. We have, however, made changes by which the water from the spring on the west side of the river is used only for the drinking fountain and for the lavatories in the comfort station. The water for flushing toilets is now brought from a spring on the east side of the river through a temporary pipe line. The additional water was needed because the usage at this area has so increased that the water from the spring on the west side of the river has become insufficient to flush the toilets in the comfort stations. I believe Mr. Robertson took sufficient detail so that the new spring and pipe line can be located.

There are now 64 permanent Federal employees including wives and children living year long in the Canyon.

There are approximately 25 temporary Federal employees at peak season which are not included in the above.

There are 12 permanent concessioner employees including wives and children in the canyon year long.

There are 175 seasonal concessioner employees at the peak of the season not included in the above.

There were approximately 7,500 visitors in the park on Easter Sunday this year.

We have made several checks (August 21, 1952 - Wesley Dennett) of the flow of the Oak Creek Pipe Line at the old pond

behind the Utility Area. The pipe line is now flowing at the rate of 36 gallons per minute which is at the rate of 51,840 gallons per day. You are safe in claiming this amount of water. Last year it became necessary to repair the collection system which had been washed out by floods. We found and collected several new sources of water which has previously been escaping. We are sure that this is the capacity of the springs now.

I will be glad to consider your suggestion for diverting the Oak Creek Pipe Line into a Highline Ditch or some other similar device for making more consistent use of the Oak Creek Water. At the moment I do not know all the ramifications of this suggestion but will explore the possibilities and inform you further.

Paul R. Franke

Paul R. Franke
Superintendent

cc: Regional Director, Region Three

08-12-1952: memorandum to superintendent from chief, water resources branch regarding water right proof

In reply refer to:
L54 ZION-L

August 12, 1952

Air Mail

Memorandum

To: Superintendent, Zion National Park

From: Chief, Water Resources Branch

Subject: Water Right Proof, Zion National Park

The information in the memorandum of August 6 from Mr. Thomas serves the purpose very well, to permit us to complete the proof map for the Lower Grotto Pipe Line. Assuming that the repair of the Temple of Sinawava Pipe Line will not involve a radical relocation, we are proceeding to complete descriptions of the pipe lines from data now on hand.

In connection with the proof of water use, we find that personnel records are not complete in this Office. Either as estimates, or by count, we should like to have the following figures for either 1951 or this year. It is more important to have a good, conservative estimate than to delay while making detailed counts.

1. Total permanent Federal employees, including wives and children.

2. Approximate number of temporary Federal employees at peak season, which are not included in item 1.

3. Permanent Concessioner employees, including wives and children.

4. Approximate seasonal Concessioner employees at peak of season, not included in item 3.

5. Number of visitors on peak day of 1951 or to date this year, including date.

I now find that I can make proof without the use of the Pine Creek Spring. Accordingly, I am going to omit that water system except for the portion between the Birch Creek Pipe Line connection, and the reservoirs up behind the headquarters.

I also propose to make proof relating to changes in the rights formerly appurtenant to the Crawford Ditch and Easter Service Pipe Line, but to request another extension of time in which to complete proof on the Gifford Ditch rights in order to permit more time in which to plan and complete a new, permanent diversion for the latter.

For the benefit of the Regional Engineer, who may be working on the plans for the Gifford Ditch, it will be necessary to provide for deliveries of at least 0.3602 second-foot, or 162 gallons per minute, to that ditch for final proof. If it is decided to pump from the Crawford Ditch to the Gifford Ditch, a pump of at least that capacity must be provided before we can make final proof on the amendment of the Gifford Ditch rights (Decreed Priority No. 65, Change Application a-1659). The pump, or new diversion works, will permit more flexible operation if between 25% and 50% more capacity is provided.

As stated in my previous correspondence, Mr. Robertson measured about twice as much water flowing from the Oak Creek Pipe Line, at the old pond behind the Utility Area, as was found by Mr. Cowell in 1935 or by Mr. Fagergren in 1948, and the measured quantity could not pass through the pipe unless water from the lower springs was backing up to the highest spring to provide the extra pressure head. I guess I can claim the larger amount now, subject to further check before later, final proof is made on the Gifford Ditch rights, but I should prefer to have a check measurement at once, if possible.

In connection with the use of the Oak Creek Pipe Line, I propose to show part time deliveries to the 250,000-gallon reservoirs above the Residential Area; part time deliveries to the Springdale Pipe Line in the past; and that the water is also available for irrigation around the buildings in the more westerly portion of the Residential Area, beyond the reach of the existing Gifford Ditch. The Gifford Ditch originally had a diversion on Oak Creek. Accordingly, for consideration by you and the Regional Director, I wonder if we should not consider connecting the Oak Creek Pipe Line to either a high line ditch through the Residential Area, or to an irrigation pipe line to serve short ditches around the more westerly homes. We really need evidence of more consistent use of the Oak Creek water.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Regional Director, Region Three

AvanVDunn:sh

In reply refer to:
L54 ZION-L

Region Three
Santa Fe, New Mexico

August 12, 1952

Memorandum

To: Superintendent, Zion and Bryce Canyon

From: Acting Regional Director

Subject: Amendment of Decreed Water Rights Nos. 63, 65, and 66, and Certified Water Right No. 1991, Zion National Park

In Mr. Dunn's memorandum of July 21, copy attached, he points out that the State Engineer will not continue to grant extensions of time on the above-mentioned water rights unless there is evidence of diligence in the prosecution of the work. We must complete proof of one or two rights by September 25, 1952.

We have found it necessary to refresh our understanding of the proceedings now being carried out. It is noted that, until water rights were acquired for Zion National Park, beginning in the early 1930's, all diversions for park use were illegal. This was true regardless of the length of the pipe line used for conducting the water. When Mr. Dunn's plan of transferring the acquired water rights is completely carried out, all the important systems will divert under substantial rights with at least some early priority. This plan is set forth in his Tentative Plan of Use dated May 4, 1942, a copy of which will be found in your Water Right Docket No. 1. It is noted that the final proof as proposed by Mr. Dunn will depart in some slight degree from the Tentative Plan of Use as devised in 1942.

The four pending applications are probably best described in the Notice to Water Users published in May and June, 1946. The application numbers and the numbers of the water rights are as follows:

Application No.	a-1657	Certificate No.	1991
" "	a-1658	Decreed Right No.	66
" "	a-1659	" "	No. 65
" "	a-1660	" "	No. 63

It is noted that the applications permit transfers within rather broad and flexible limits. However, we believe that the final

proof must be precise in all details, showing exactly how much of each water right is transferred to each pipe line, and how much is left to be used through each ditch. Also the plans, profiles, and engineering data for each ditch or pipe line must be exactly shown in the proof.

Mr. Dunn now proposes to transfer the 0.10 c.f.s. under Certified Right No. 1991 to Scout Lookout and Temple of Sinawava line. Proof of this transfer will necessitate the reconstruction of the washed-out portion of the Temple of Sinawava pipe line, which we believe you have already accomplished. Mr. Dunn does not indicate where he plans to transfer the remaining 0.066 c.f.s. of the No. 1991 Right.

We infer that Mr. Dunn could also make final proof on the changes in Decreed Right No. 65, in the Gifford Ditch, if a new headgate were installed. Please report whether it is possible to install a new headgate, and furnish its characteristics and elevation of the gate sill, in time to enable Mr. Dunn to use the data in his final proof under that decreed right.

We would like to have you review Mr. Dunn's memorandum and submit a report advising when the various items can be undertaken or completed.

(SIGNED)
Harvey H. Cornell
Acting Regional Director

Attachment

Copy to: Director

In reply refer to:
L54 ZION-L

July 25, 1952

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Completion of Proof for Amended Water Rights Nos. a-1657 to a-1660, Zion National Park

In developing plans to complete water right proofs due this September, it has become apparent that full transfer of irrigation rights to domestic use at this time will greatly simplify our dealings with the State, both now and in the future. This can be done if Gifford Ditch rights to the extent of 76 gpm are transferred, which necessitates use of the balance (162 gpm) being in evidence before the close of the season if at all possible, with diversion from either the river or the Crawford Ditch. If a small pump could be made available to Zion National Park to accomplish this even under a very temporary setup, it would preclude the necessity of reopening the Gifford Ditch diversion, which has been deemed impractical. The 162 gpm are understood to be a minimum rate, that is, a larger pump may be used if available, on a part time schedule.

If the new plan is to divert all irrigation rights for both ditches through the Crawford Ditch headgate, the Crawford Ditch capacity must be adequate from headgate to pump site. The capacity should be adequate to deliver at least 2.00 second-feet to the pump site. The plans of the Utah Parks Company for the reconstruction of the ditch under former amendment a-1311 imply that there is adequate capacity, but I am not sure that all reconstruction was in accordance with the plans.

All we seem to need from the field to complete all proofs are: (1) deliver to, and use of 162 gpm (0.362 sec. ft.) through the Gifford Ditch; (2) the information recently requested on the Grotto Campground headworks details; (3) the check of flow at Oak Creek, and (4) information on any change in alignment of Temple

of Sinawava Pipe Line. The construction features do not have to be completed until the oath is signed on the proof, but we should have plans at once to complete our drawings and written descriptions.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Copy to: Mr. Paul Miller

AvanVDunn:sh

In reply refer to:
154 ZION-L

July 21, 1952

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Amendment of Decreed Water Rights Nos. 63, 65, and 66, and Certified Water Right No. 1991, Zion National Park

In approving an extension of time in which to make proof for amendment of the subject rights under Permits a-1657 to a-1660, in September 1951, the State Engineer made the comment that he would not continue to grant some extensions unless there was evidence of diligence in the prosecution of the work. Accordingly, we are now attempting to complete the proof on one or two of the rights by September 25, and propose to request an extension of time in which to make the other proofs.

It is necessary to make all changes of one right which we contemplate, at the time of proof. At the present time we cannot make final proof on changes in the decreed right No. 65, in the Clifford Ditch, because of the need for a new headgate and the probability that a permanent one will not be completed this summer. Accordingly, we plan to request an extension of time in which to make this proof.

The proof on certified right No. 1991 will be simple, and will be submitted this summer. Part of the right will be transferred to the Scout Lookout Pipe Line, and the rest will be transferred to any pipe line which has the residual capacity after allotting parts of decreed rights Nos. 63 and 66. However, since the certified right is inferior to the decreed rights, it is hoped to attach it to the Scout Lookout and Temple of Sinawava pipe lines whose intermittent use is likely to be least questioned in dry periods. The only complication is that proof should not include the Temple of Sinawava Pipe Line until the washed-out section has been restored. We should be advised as soon as that work is completed, and we should be supplied with a new plan of any portion of the pipe line which may be relocated.

The main job is now to transfer enough of decreed rights 63 and 66 from the Crawford Ditch to the various pipe lines to eliminate duplicate irrigation rights on the same area of Camp Center (cafeteria area). The problem is to complete the drawings of enough of the pipe lines to provide pipe capacity for the water. The Birch Creek, Upper and Lower Grotto, Wylie, Oak Creek, and Pine Creek systems, are all needed to provide capacity for all water transferred under decreed rights 63, 65, and 66, even though the Oak Creek and Pine Creek Pipe Lines are not now used. The ideal procedure is to make proof while the pipe lines are in operating condition.

Accordingly, I have just been analyzing the Oak Creek Pipe Line with the use of the latest information obtained by Mr. Robertson. There have been some startling discoveries.

Mr. Robertson was able to fill a 5-gallon can from the Oak Creek Pipe Line at the old pond above the Utility Area in about 5.7 seconds. This was equivalent to a flow of about 53 gallons per minute, 76,000 gallons per day, or 0.117 second-foot. To get that much water through the 2" pipe which extends to near the pond, the gradient was such that the water from the lower springs must have backed up to the outlet of the highest spring. In other words, the water in the sealed, masonry boxes at the three lower springs is under a pressure of 225 feet or 97.5 pounds.

Mr. Robertson also found that the flow of the highest spring--4G on our drawings--on the longer, more westerly lateral, was only 28,800 gallons per day. Accordingly, in spite of the back pressure of 97.5 pounds, the three lower springs--4B on our drawings--on the shorter, north lateral, were delivering about 48,200 gallons per day. Mr. Robertson did not find a convenient place to break the pipe from the lower springs, but I believe such a break should be made, and the natural flow of springs 4B should be measured on the same day with another measurement of the upper west springs, 4c. The pipes should then be reconnected, or equipped with unions for emergency connection, before the State Engineer makes any inspection after our proofs are filed.

If check measurements bear out our study, it is recommended that the outlets of individual spring boxes at spring area 4B be provided with turnout valves in order that the spring boxes will not be subjected to pressure when the water is not needed, and that the spring boxes be reconstructed to take the pressure when the Oak Creek Pipe Line is again placed in use. In addition, the 2" pipe line, and perhaps the 3" pipe line, should be replaced

with larger ones which can deliver the water to the main reservoirs, or to an irrigation system around the portions of the Residential Area above the Gifford Ditch.

With the existing water system it is only possible to deliver about 50,400 gallons of the Oak Creek water to the main reservoirs above the Residential Area, with the pressure reduced to that provided by the springs at 4B. About 73,000 gallons could be delivered to the reservoirs under the pressure produced by Spring C, which Mr. Robertson seems to have found. Accordingly, I propose to transfer decreed rights to only 50,400 gallons under rights Nos. 63 and 66 to the Oak Creek Pipe Line, as a maximum, and to transfer the rights under Priority No. 65 for the rest. With the proposed extension of time in which to make proof on the amendment of rights under Priority No. 65, we will then have more time in which to modify the design of the Oak Creek Pipe Line.

Mr. Robertson also advises that the spring box at Spring 4C (upper, west) is being undermined. The bearing should be strengthened by tamping more concrete under the box in order that the diversion works will not break before water right proofs are completed, particularly if the box is subject to internal pressure like the lower ones at spring area 4B.

(SGD.) A. VAN V. DUNN,

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Copy to: Mr. Vint

AvanVDunn:sh

COPY

THE STATE OF UTAH
Office of State Engineer
SALT LAKE CITY
July 25, 1950

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

RE: APPLICATION NO. a-1658

Dear Sir:

Proof as contemplated by Application No. a-1658 will be due September 25, 1950. Such proof, together with maps, profiles and drawings and the statutory filing fees, must be received in this office on or before that date. "Failure to make proof of appropriation or proof of change of water on or before the date set therefor, shall cause the Application to lapse." (Section 100-3-17 Utah Code Annotated 1943.)

Blank forms upon which proof must be submitted and a copy of the Rules and Regulations will be sent upon request. Upon receipt of the proof it will receive an office examination after which a field inspection will follow.

An extension of time for filing proof will be granted only upon the filing of a written request for extension made in affidavit form, showing diligence or a reasonable cause for delay and containing the following information:

1. Amount of work done and approximate cost.

2. Amount of work remaining to be done and its estimated cost.

3. Reason for extension and time desired.

Yours very truly,

/s/ Harold A. Linke
STATE ENGINEER
405 STATE CAPITOL
SALT LAKE CITY 1, UTAH

ADDRESS ALL COMMUNICATIONS TO:
eca
Enc: F L25

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

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

In reply refer to:
L54 ZION

August 24, 1949

Mr. Harold A. Linke
State Engineer
Salt Lake City, Utah

Subject: Water Right Applications Nos. a-1657, a-1658, a-1659, and a-1660, Zion National Park

My dear Mr. Linke:

In accordance with regulations and notices from your office, we enclose applications for extensions of time in which to make proof under the above designated applications. By the order of September 22, 1948, in our records, the time for making proof was extended to September 25, 1949. According to your notice of August 2, however, the date for making proof was indicated as October 10. It is assumed that the difference of 15 days may be an allowable period of grace, and we have used the earlier date in the applications.

No vouchers are being issued, on the assumption that the United States is exempt from the filing fees (see second paragraph of letter of March 16, 1948, to the Director, National Park Service, from State Engineer Watson in connection with Water Right Application No. 14066).

In connection with the proofs, a review of the extensive correspondence would reveal that we condensed Applications Nos. a-1657, a-1658, a-1659, and a-1660 considerably, on the advice of Mr. Watson, but were not offered any simplified form of proof. As a result of my last conference with Mr. Watson, I have prepared individual maps of each of the water systems from diversions to the respective distribution reservoirs. There is also one map to show the withdrawal of duplicating irrigation of the same land under Decreed Priorities Nos. 65 and 66 and Decreed Priority No. 63 under transfer Application a-1311. To complicate matters still further, it is our plan to transfer parts of each of the decreed rights from the Crawford and Gifford Ditches to the various pipe lines serving municipal types of communities in the Park. The whole plan was fairly well outlined in the attachment with my letter of May 4, 1942.

It has been definitely settled that a separate proof has to be filed in connection with each of the rights. With the limited

space on the narrative proof form, it would be still more simple to make individual proofs of each increment of right being transferred to an individual pipe line---assuming, of course, that there will not be fees for each of the said individual Federal filings. This procedure should be easier to follow, with drawing NP-ZIO-6978 as a key.

This procedure would also permit us to file one or two proofs for preliminary comment, and would leave us at the end of each of the next few years with increasing proofs on file as evidence of diligence. Your comments will be appreciated.

The application for extension of time indicates that action should be deferred until experience is gained in proof now being made on Application 20278. That proof will be submitted in a matter of weeks, probably before September 25.

Sincerely yours,

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

Enclosures 4

Copy to Regional Director, Region Three (2)

AvanVDunn:sh

09-12-1946: letter to state engineer from chief, water resources branch regarding advertising amendments of water rights under ap

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 12, 1946.

Mr. Ed. H. Watson,
State Engineer,
Salt Lake City, Utah.

My dear Mr. Watson.

In accordance with your letter of July 26, we enclose check No. 3,145,529 in the amount of $28.50 covering the balance due for advertising amendments of water rights under Applications a-1657, a-1658, a-1659, and a-1660, appurtenant to water systems in Zion National Park.

Sincerely yours,

(SGD.) A. VAN V. DUNN
A. van V. Dunn,
Chief, Water Rights Division.

Enclosure 197.



09-02-1948: letter to state engineer from chief, water resources branch regarding requests for extension of time in which to make p

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 2, 1948.

Mr. Ed. H. Watson,
State Engineer,
Salt Lake City, Utah.

My dear Mr. Watson:

The attached requests for extension of time in which to make proof of construction and use at Zion National Park under applications Nos. a-1657, a-1658, a-1659, and a-1660, will be followed in a few days by a new application for the appropriation of the waters of Tovimpa Springs for municipal use at Bryce Canyon National Park. The latter application will supersede application No. 14066.

The proofs on all of these applications can be made during the coming year. The proof on the new application for appropriation of the waters of Tovimpa Springs, however, will follow advertising and your granting of the new permit.

With the attached requests for extension of time, we wish to place the proofs of appropriation at Zion National Park after that for Bryce Canyon in order to profit by experience gained while making proof on the less complicated water system at Bryce Canyon. As you know from past discussion and correspondence, there are a multiplicity of diversions and areas of use at Zion National Park, to which we are transferring parts of the rights under the above applications a-1657 to a-1660.

Sincerely yours,

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

AvVD:sh.

Enclosure 284.

cc: Regional Director, Region Three (2).



C O P Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

July 26, 1946

United States of America
Zion National Park
Utah

Gentlemen: RE: APPLICATIONS NOS. a-1657, a-1658, a-1659, a-1660

Reference is made to enclosed proof of Notice to Water Users concerning the above numbered applications, which appeared in the Washington County News, St. George, Utah, from May 23 to June 20, 1946.

On May 30, 1945, $15.00 was deposited to this office to cover the cost of advertising each application; however, the cost of advertising these applications are as follows:

Application No.	a-1657	$22.00
" "	a-1658	22.25
" "	a-1659	22.00
" "	a-1660	22.25

Therefore, please submit an additional amount of $28.50 to cover the balance due on the above numbered applications. You may have 60 days from date, or on or before September 24, 1946, in which to submit payment, otherwise your applications will lapse.

Yours very truly,

(Sgd) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER.

RER/ig
Enc: Proof &
triplicate copies of invoices

P.S. Enclosed herewith are triplicate copies of certified invoices covering the above amounts.

Ed.H.W.

06-12-1946: memorandum to state engineer from chief, water rights division regarding status of application no. a-1657, a-1658, a-

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

June 12, 1946.

Mr. Ed. H. Watson,
State Engineer,
State Capitol,
Salt Lake City, Utah.

My dear Mr. Watson:

Will you please advise me as to the present status of our applications Nos. a-1657, a-1658, a-1659, and a-1660, for the amendment of water rights at Zion National Park.

There seems to have been some confusion over the payment of fees a year ago when our accounting department sent purchase order No. 230-D, and check No. 6,456,224 without reference to the application numbers. By letter of June 18, 1945, to G. Frank Brown, reference General, you asked for clarification, and returned the check. On June 23 Mr. Brown sent the check back to you with a note giving the information that the check was to cover cost of publication. It would be quite a task to check with the Treasury to determine whether the check has been cashed, or why the Department did not enclose the proper identifying information with it in the first place, as suggested in your letter of June 18, 1945. Therefore, we should like to know whether you have been paid, and whether the water right amendments have been advertised.

On October 19, 1945, and again on January 17, I wrote to you to obtain about the same information requested in this letter, but have received no reply. It was my idea that after publication we would receive permits for the changes we proposed to make. Since these have not been received, I wonder if some other complications have arisen.

Sincerely yours,

(SGD.) A. VAN V. DUNN

AvVD:sh.

A. van V. Dunn,
Chief, Water Rights Division.



04-18-1945: letter to department of the interior from state engineer regarding advertising fee application no a-1658

C O P Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

ED. H. WATSON
~~E. H. HUMPHERYS~~
STATE ENGINEER

April 18, 1945

Mxx United States of America
Department of the Interior
% Hillory A. Tolson, Acting Director
Chicago, 54, Illinois.

Dear Sirs: REL: ADVERTISING FEE APPLICATION NO. a-1658.

This will notify you that your Application No. a-1658 has now been put into acceptable form and filed. The next step required will be to publish Notice to Water Users for a period of 29 days, or for 5 weekly issues, the cost of which will be $15.00. You will have 60 days from date hereof in which to deposit this sum with the State Engineer, OTHERWISE THE APPLICATION WILL BE LAPSED. Time, however, will be saved in handling this Application if this fee be paid at once. Notice to Water Users will be published in the - - - - - - - - - - - - - - - and when finally completed a receipted bill from said publisher for the amount paid by you will be mailed to your address.

Yours very truly,

le
ADDRESS ALL COMMUNICATIONS TO:

ED. H. WATSON
~~E. H. HUMPHERYS~~
STATE ENGINEER
STATE CAPITOL
SALT LAKE CITY, UTAH

06-23-1945: letter to state engineer from acting chief, accounts section regarding publication cost of amendments of water rights

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO 54, ILL.

June 23, 1945.

Mr. Ed. H. Watson, State Engineer,
The State of Utah,
Office of State Engineer,
Salt Lake City, Utah.

Dear Sir:

There is enclosed check No. 6,455,224 in the amount of $60.00, which was transmitted to this Office for identification with your letter of June 18.

The above check covers publication cost of amendments of water rights for Zion National Park under Application a-1657, a-1658, a-1659, and a-1660, listed under our Purchase Order No. 230-D dated April 25, 1945.

Sincerely yours,

(SGD) G. FRANK BROWN

G. Frank Brown,
Acting Chief, Accounts Section.

cc: Voucher Unit.
Enclosure 423.

01-16-1945: memorandum to regional director from acting director regarding confirmatory deed

54

January 16, 1945.

MEMORANDUM for the Regional Director, Region Three.

We enclose two copies of a letter of this date being sent to the State Engineer of Utah with a certified copy of the confirmatory deed of September 12, 1944, by which John R. Crawford, et al, clarified Zion National Park Deeds 16, 17, and 18, conveying Decreed Water Right No. 66 to the United States. We also enclose two copies of Form L-1 covering this deed which has been assigned number 24. One copy of each is for the Park files.

No quantity of water is shown on the form L-1 because the deed is merely intended to clarify meaning. However, the quantity of water involved in the title adjustment was 0.244 second-foot of the 1.21 second-feet decreed in 1931.

When this deed is received by the State Engineer, he should approve the water right applications and return them as permits. It will then be in order to complete the deed assemblies. We seem to have all the records for all copies of the assembly except one copy of the confirmatory deed. We can make another copy, but wonder if we sent a duplicate to the Superintendent or you with our memorandum of August 3. As there will be a copy in each water right assembly, please return any copy which may now be available for that use.

(SGD) Hillory A. Tolson

Acting Director.

AvVD:sh.

Enclosure 458.

In duplicate.

cc: Mr. Dunn.

Confirmatory Deed

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CHICAGO 54, ILLINOIS

November 16, 1944.

MEMORANDUM for the Secretary.

On September 2 and 4, 1941, the Department accepted three warranty deeds executed by John W. and Madge J. Crawford, James and Ellen C. Crawford, and John R. and Eliza E. Crawford, respectively, conveying to the United States 0.996 second feet of water of the waters of Virgin River, Utah, for use at Zion National Park. Photostats of the deeds and related papers are attached.

It appears that the quantity of water to be conveyed by the above-mentioned deeds was calculated on the basis of the 1.03 second feet of water decreed under Item No. 66, page 15, of the decree dated December 12, 1925, in the case of St. George and Washington Canal Company v. Hurricane Canal Company, less 0.034 second feet which, it was then believed, had already been acquired by the United States by virtue of the Crawfords' conveyances of land in 1931 but which now appear to have been reserved by the grantors. However, as indicated in the deeds, the decree of December 12, 1925, was amended by supplemental decree of April 21, 1931, so as to decree a total of 1.21 second feet of water.

Since it was the intention of the grantors to convey to the United States the entire quantity of water (1.21 second feet) as decreed under the decree of December 12, 1925, and supplemental decree of April 21, 1931, the attached confirmatory deed has been secured from them.

If the Solicitor finds the confirmatory deed to be satisfactory as to form and substance, its acceptance by you on behalf of the United States is respectfully recommended.

(SGD) Hillory A. Tolson

Acting Director.

Enclosure 2366983.

cc: Mr. Demaray.
Mr. Dunn.
Mr. Price.

70 —

11-04-1944: letter to state engineer from acting director regarding water right application no. a-1657, a-1658 a-1659, a-1660

COPY

November 4, 1944.

Mr. Ed. H. Watson,
State Engineer,
Salt Lake City, Utah.

Dear Mr. Watson:

Reference is made to our Water Right Applications Nos. a-1657, a-1658, a-1659, and a-1660 for amendment of rights to divert from the Virgin River in Zion National Park. As a water user, the United States has been called upon to contribute to the salary of the Water Commissioner, to the repair of certain weirs, and now to the reconstruction of certain structures on Navajo Lake.

Assessments have been made by the Virgin River Water Users Association which its Secretary has defined as a voluntary, unincorporated association for the convenience of its members, to facilitate payment of the Commissioner's salary and administration of water rights in accordance with the decrees. We are trying to discover or obtain authorization for federal participation in the Association, but find that its organization and the scope of its activities are not as concrete and limited as they should be. We have also found it difficult, to date, to determine why the United States should contribute to construction at Navajo Lake. We understand that the lake is controlled by the State Fish and Game Commission.

Will you please advise of any procedure that we might follow in paying legitimate obligations as a federal water user without becoming a party to a private water users association? If this cannot be done, it will be appreciated if you will supply the legal authorization for the operation of the Virgin River Water Users Association as justification for our considering further dealings with it. We also wonder if you can give us a brief outline of the Navajo Lake case from which we might be able to justify a federal contribution or decide that there is no federal obligation.

Very truly yours,

(SGD) Hillory A. Tolson

Hillory A. Tolson,
Acting Director.

cc: Regional Director, Region Three.
Supt., Zion National Park.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION NATIONAL PARK, UTAH

September 12, 1944.

MEMORANDUM for Regional Director, Region Three.

Reference is made to Hydraulic Engineer Dunn's memorandum of August 29 and Acting Director Tolson's memorandum of August 18 in regard to water rights in Zion National Park.

We will try to obtain the signatures to the Confirmatory Deed as requested. This will take a little time as one party, John W. Crawford, has moved from Springdale to Ogden and the matter will have to be handled by mail. When we have obtained the necessary signatures, notarized and recorded the deed, we shall forward it to you.

We now agree that this confirmatory deed should clear our claim to all of right #66 provided it can be obtained. We base this supposition on the quitclaim deed made by Hyrum Ruesch to Daniel Crawford who, by the same type of deed, quitclaimed all his interest in right #66 to John Crawford in 1941 who in turn we hope to have release all his interest to us by the confirmatory deed. In the same way Eliel Winder quitclaimed his interest to James Crawford who we now are hoping will sign this last deed.

Regional Engineer Lassiter, who happened to be in Zion National Park when Mr. Dunn's memorandum was received, was taken over the old ditch lines by the chief ranger and he can confirm the statement that the Crawford Ditch is in approximately the same location until you reach a point about fifty feet south of the cafeteria road and main park highway junction. From this point the new ditch has been kept on the east side of the highway as it goes south. However, evidence of the old Crawford ditch can be found wandering southward along the west side of the highway, as shown on the B.P.R. blueprint sent to the Director. West of the Crawford ditch some two hundred feet and higher up the hill is the remaining evidence of the old John Gifford ditch. In fact, it is possible to stand on the old Crawford ditch line near the south checking station and see to the west the Gifford Ditch and to the east (east of the highway) the new location of the Crawford Ditch. The outlines of Hyrum Ruesch's and Eliel Winder's former homes are still discernible. Mr. Lassiter said we were safe in believing the Bureau of Public Roads blueprint with the location of the ditch and houses to be fairly accurate and that the houses were located within at least two feet of being exact.

Mr. Schiefer and some of the Crawfords have been consulted and they maintain that both H. Ruesch and E. Winder had gardens and small orchards watered from the Crawford ditch. A small fig tree remains on the spot occupied by Eliel Winder. Hence it is obvious that land belonging to Ruesch and Winder was below the ditch and they did have a water right. It is true that Eliel

Winder's site was in the S½ SE¼ SE¼ of Sec. 21 on land which was never patented, his was a "squatter's claim" although he had, we understand, "filed" on the ground. While his was a squatter's right, there is no reason to believe that he couldn't have asked for a water right along with the Crawfords when the water was up for adjudication in the anticipation that the land might some day belong to him.

The John Crawford ditch did at one time run as far south as Springdale in an unsuccessful attempt to water land on a bench back of the present town. It is evident with retaining walls and the ditch line itself over quite a distance and is definitely not "up in the air."

Apparently Mr. Solinsky had assumed another view in the acquisition of the water rights when the land was purchased. It appears, without other evidence, that he felt we acquired all of the water rights appurtenant to the land acquired, as it normally is in this vicinity, except those water rights specifically reserved. We are claiming the rights in the John Gifford ditch on these grounds, at least there was no specific conveyance of these water rights with the land to us, and there was no reservation of the rights by those particular vendors.

We are enclosing a copy of the Utah Parks Company deed to a piece of land that adjoins the south boundary of the park in Section 28. The land purchased by them would have had to include the 0.3 acres watered from Right #66 but, as you will note, they obtained their land from John J. Gifford, which included a water right. However, John J. Gifford only had a water right for this land in the Springdale Ditch and did not have any rights in the Crawford Ditch. The portion of this deed that is at present watered is all under the Springdale ditch.

Dorr G. Yeager,
Acting Superintendent.

Enclosure

In duplicate.

Book V8 - Page 183 Washington County Records.

John J. Gifford and Fanny Gifford, his wife and Loren C. Gifford, a single person, grantors of Springdale, County of Washington, State of Utah, hereby convey and warrant to Utah Parks Co., a corporation with its offices and principal place of business at Cedar City, County of Iron, State of Utah, grantee of Cedar City for the sum of one dollar and other valuable consideration the following described tracts of land in Washington County, State of Utah.

Commencing at the quarter section corner (1/4) in the North line of Sec. 28 T. 41 S R 10 W, Salt Lake Meridian in Utah, the same being the south boundary line of Zion National Park and running thence west along the north section line of said section 28, T 41 S R 10 W 37.0 feet, more or less, to a point; thence south 24 degrees 35 minutes west along southeasterly boundary line of the right of way of Highway U-15 210.0 feet, more or less, to a point; thence continuing in a southwesterly direction along the southeasterly boundary line of the right-of-way of Highway U-15 on a right curve whose radius is 550.0 feet, more or less, 188.94 feet, more or less, to a point, thence south 42 degrees 48 minutes east 338.54 feet, more or less, to a point which is 0.5 feet south of a cross on a stone and 594.0 feet, more or less, south of the point of beginning; thence north 594.0 feet, more less, to the point of beginning.

Beginning at the quarter section (1/4) corner in the north line of Section 28, T 41 S R 10 W, Salt Lake Meridian, said point being in the south boundary line of Zion National Park and running thence, east along the north line of said section 28, 132.0 feet, more or less to a point; thence, south 43 degrees 35 minutes east 165.0 feet, more or less, to a point in the Virgin River bed stream; thence in a southwesterly direction to a point which point is 0.5 feet south of a cross on a stone and 594.0 feet, more or less, south of the point of beginning thence north 594.0 feet, more or less to the point of beginning. Together with all rights, privileges, improvements and appurtenances thereunto belonging or in anywise pertaining. Together with all water rights appurtenant to said land. Together also with taxes, up to and including June 1, 1934.

Witness, the hands of said grantors, this 28th day of May A. D. 1934.

Signed in the presence of
Reuben J. Shay

(sgd) John J. Gifford
" Fanny C. Gifford
" Lorin C. Gifford

08-29-1944: memorandum to superintendent from hydraulic engineer regarding blue-prints of bureau survey of highway between h

CHICAGO 54, ILLINOIS August 29, 1944.

MEMORANDUM for the Superintendent,
Zion National Park.

In compliance with your memorandum of August 16 we are returning the blue-prints of the Bureau survey of the highway between Headquarters and the South Entrance of Zion National Park. We also enclose a print of drawing NP-ZIO-6982, revised August 22, 1944, on which the data relating to ditches, houses, fences, etc., have been added in accordance with the prints.

This additional information suggests that Messrs. Winder and Ruesch may have had an interest in water rights under decreed right No. 66. It also indicates that both the Crawford and Gifford Ditches may have extended into the unpatented land in the south half of the southwest quarter of Section 21, and it might be that we could support a claim to water use on that eighty acres if any portion of the two ditches can still be found. However, at the present time such use is not important. Mr. Tolson's memorandum of August 16, 1944, still applies as it relates to the conveyance of interests from Winder and Ruesch to Mr. Crawford, who in turn reserved the interests in decreed right No. 66 when conveying the land to the United States. Therefore, the need for further conveyances to the United States is still as pertinent as when Mr. Tolson wrote his memorandum.

As a matter of fact, many of the details as to buildings and other structures on a map by the Bureau of Public Roads are sketched in as a rule opposite the right station along the road but not necessarily at the proper distance away from the road if they do not affect the right of way problems relating to the road. As I recall the topography west of the road at the South Entrance, the Crawford Ditch as shown by the Bureau would be slightly up on the hillside and the Gifford Ditch would be decidedly up in the air, and the intervening hill slope was not particularly adapted to any normal agriculture unless it was some form of an orchard. The Crawford Ditch has very definitely been moved down onto the other side of the road at this time in any case, and I understood that it was nearly on the same location that it had always been. For this reason, it would be appreciated if some of the old-timers in the Park would comment on the relative positions of the two ditches as they recall them in the early days.

(SGD.) A. VAN V. DUNN

Hydraulic Engineer.

AvVD:sh.

Enclosure 812586.

cc: Regional Director, Region Three, with
print~~s~~ of drawing NP-ZIO-6982.

CHICAGO 54, ILLINOIS August 18, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Superintendent Smith's memorandum of August 13 regarding possible federal title to portions of Decreed Water Right No. 66 at Zion National Park. It is assumed that you have received a print of NP-ZIO-6982, which was sent to you by memorandum of August 8, and which can now be used by all in analysing the problem.

Mr. Solinsky's letter of July 15, 1932, is not substantiated by the deeds and abstract. Decreed Right No. 66 only authorized the irrigation of land which was conveyed to the United States under Deeds Nos. 7, 8, 9, 11 and 12 as shown on that drawing, and 0.3 acre in Section 28. All primary rights, of which No. 66 is one, are reserved by the vendors in these deeds. The right to irrigate 0.3 acre in Section 28 was not even at issue at that time because the land is not in the Park and has never been considered for purchase by the United States.

A map accompanying Mr. Smith's memorandum shows the 1.1 acres of Hyrum Ruesch to have been part of the parcel of Deed No. 12 lying northwest of the highway in the SW¼ SE¼ of Section 21. Daniel Crawford conveyed it to the United States with the reservation of any interest in Decreed Right No. 66 to himself. Hyrum Ruesch conveyed his interest in the area and water right to Daniel Crawford by quitclaim on the dame date, May 13, 1931. Hyrum Ruesch made no conveyance to the United States by any instrument in the files of this Service or by any instruments recorded in the abstracts of 1931 or 1941. These records indicate that Hyrum Ruesch conveyed his half interest in 0.054 sec. ft. of Decreed Right No. 66, if he had any, to Daniel Crawford and not to the United States.

As a matter of fact, the Ruesch tract and the rest of that parcel of Deed No. 12 seem to be above the Crawford Ditch and above any culture shown on the map filed in the adjudication of water rights. The State Engineer has no record of later transfer of rights to that area. Therefore, any water use made by Hyrum Ruesch was unauthorized. This Service has no way to show an interest in Decreed Right No. 66 by any use which Mr. Ruesch may have made.

The map accompanying Superintendent Smith's memorandum also shows that the 1.1 acres previously occupied by Eliel Winder was in the SE¼ SE¼ SW¼ of Section 21, on land which has never been patented and to which no water right has ever been assigned by decree or subsequent permit and license. It is also above the Crawford Ditch where no water could be delivered without pumping. There is no reason why James Crawford, who did not own the land, should have received the quitclaim deed, but that deed of May 13, 1931, certainly conveyed any interest in water right to James Crawford to be reserved in the deed of the latter to the United States of the same date.

If Messrs. Ruesch and Winder had any intent to convey 2.2 acres of land and 0.054 sec. ft. of Water Right No. 66 to the United States as suggested in Mr. Solinsky's letter to Mr. Patraw of July 15, 1932, it is not supported by records. Mr. Solinsky's letter has no value without the substantiating records. The further references to this item by Messrs. Patraw and Joseph E. Taylor in 1935 are evidently based on Mr. Solinsky's letter and, therefore, equally valueless.

As the records now stand, this Service cannot claim any interest in Decreed Right No. 66 by the deeds of 1931.

We are now advised by Mr. Patraw that the Utah Parks Company bought the land between the highway and river in Section 28, just south of the Park boundary, except for a small parcel near the bridge. The purchase was made while Mr. Patraw was Superintendent and is not covered by the abstracts in this office because of its location.

It seems probable that the 0.3 acre of land in Section 28, to which part of Decreed Right No. 66 was appurtenant, is included in the land purchased by the Utah Parks Company. Therefore, we request that you obtain a copy of the description of the land, references to water rights and other appurtenances, any possible reservations, and the dates of conveyance and recording of that instrument, either from the Company or the county recorder.

We come now to the Deeds Nos. 16, 17 and 18, by which parts of Decreed Water Right No. 66 were conveyed to the United States in 1941. The options relating to these conveyances called for 0.996 sec. ft. of the right decreed in 1925. The final deeds conveyed 0.996 sec. ft. of the right decreed in 1925 as amended in 1931. By the terms of the options the United States was to obtain any additional water which accrued from the amendment of 1931, but by rewording the deeds the Crawford family has retained the increase which amounts to 0.204 sec. ft. The vendors have not complied with their contracts until they correct the conveyances by some instrument similar to that sent to you with our memorandum of August 3.

So far as our records show, the vendors can include the 0.054 sec. ft. of water formerly claimed by Hyrum Ruesch and Eliel Winder. They can also include the 0.56 sec. ft. of water which was temporarily assigned to Evan S. Lee and reconveyed to James Crawford in 1941, and the 0.38 sec. ft. of water temporarily assigned to George H. Isom and reconveyed to John R. Crawford in 1941. We must have the data on the conveyance to the Utah Parks Company to know whether they could convey the 0.00544 sec. ft. decreed to Section 28 without first buying it back from that Company.

This Service can neglect the 0.00544 sec. ft. decreed to Section 28 if there would be any extra expense for the Crawford family in regaining control. In fact, the contract will be fulfilled if the Crawfords retain 0.04 sec. ft. of the right as amended in 1931 to protect the interest of the Utah Parks Company, but this seems like a needless precaution.

It is our belief that there is nothing to prevent the execution of the confirmatory deed which was sent on August 5 except the possible interest of the Utah Parks Company in 0.00544 sec. ft. of water. Should the deed to that Company show such interest, we would suggest the following changes in the confirmatory deed before it is signed:

1. Change second paragraph to read:

> "Whereas, it was the intention of the grantors to convey unto the United States of America all their interest in water as decreed under said item No. 66 of the decrees dated Dec. 12, 1925, and April 21, 1931, totalling one and twenty thousand, four hundred and fifty-six hundred-thousandths (1.20456) second feet of water, it being the intent to exclude the proportionate rights to irrigate three-tenths (0.3) acre of land in Section 28, T. 41 S., R. 10 W., S.L.M., which was previously conveyed to the Utah Parks Company,:
>
> "Now, Therefore . . . . "

2. Change the last paragraph, page 1, to read:

> " . . . . the following described water right in Washington County, State of Utah, to wit:
>
> All but five hundred and forty-four hundred-thousandths (0.00544) second feet of the one and twenty-one one-hundredths (1.21) second feet of the waters of Virgin River. . . ."

If this deed is signed in either form there may be a notary's fee of fifty cents. There will also be a fee for recording with the county. Mr. Dunn is willing to pay the notary's fee if you cannot get it waived, and the Service can pay the recording fee from water rights funds, account 145/51056, if you send through the properly signed voucher to this office. These should eliminate all financial obligation for the Crawfords if the instrument is typed by this Service.

It is requested, therefore, that you discuss the matter of the further deed with the vendors of rights covered by the deeds of 1941 and advise us as to how they would like to modify the deed before signing it.

Acting Director.

In duplicate.

08-18-1944: letter to acting director from state engineer regarding application no. a-1657, a-1658, a-1659, a-1660

C O P Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

August 18, 1944

ED. H. WATSON
State Engineer

Mr. Hillory A. Tolson
Acting Director
National Park Service
Chicago, Illinois

Dear Sir: RE: APPLICATIONS NOS. a-1657, a-1658, a-1659, & a-1660

This acknowledges receipt of the above numbered applications amended in accordance with an agreement made in this office on June 29,1944. The applications have been endorsed to show receipt on August 12, 1944.

I also acknowledge receipt of photostatic copies of deeds showing the chain of title to the water rights affected by the Change Applications.

It will be satisfactory for you to file a copy of a supplemental deed as suggested in your letter of August 7, 1944 without affecting the priority date or status of the applications.

Yours very truly,

(Sgd.) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

EJS/ln

08-16-1944: memorandum to director from superintendent regarding amendments made in zion and map zio-6982

NATIONAL PARK SERVICE
RECEIVED
AUG 18 1944
MAILS AND FILES

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION NATIONAL PARK, UTAH

Name	Date
Taylor	

August 16, 1944.

AIR MAIL

MEMORANDUM for the Director.

Reference is made to Water Right Amendments being made for Zion National Park and the recent map Zio-6982 prepared by Mr. Dunn.

Mr. Fagergren has found in checking the maps that there are several errors in regard to the locations of the John R. Crawford ditch. This is very important in connection with the use of the 0.37 c.f.s. we claim as having been obtained from H. Ruesch and Eliel Winder. We are enclosing a map prepared by the Bureau of Public Roads in 1925-1926 which shows the location of the old road, the proposed road, which is approximately the same as the existing road, and especially the relation between the roads and the John R. Crawford ditch, the location of Winder's and Ruesch's houses. The red pencil marks were placed on the map by Mr. Fagergren after consultation with Arden Schiefer and the Crawfords. The old ditch outlined and extended in red pencil are as walked over by Mr. Fagergren and, while not tied by survey, are approximate for the time.

We have found too, by checking topographic sheets Zio-4931 by Hopper in 1931, that parts of the John Crawford ditch are shown and that he has indicated on the sheets some of the gardens and orchards that existed at that time and are evidently accurately located and could be properly placed on a map such as Zio-6982. Copies of the topography Zio-4931 no doubt are on file in the Chief Engineer's office in Chicago.

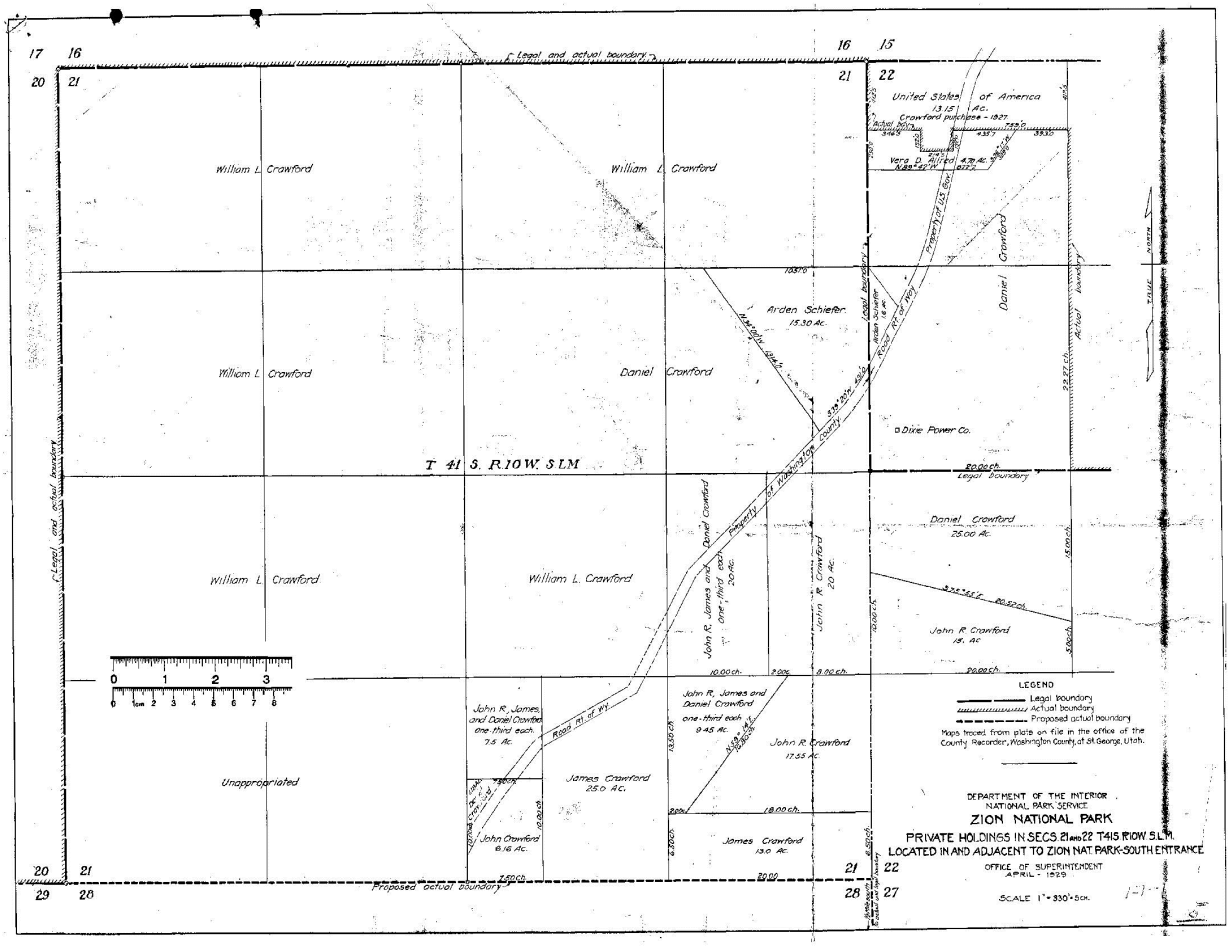
It is felt that this map will be of assistance to Mr. Dunn in clarifying the matter, especially at this time. Since this is our only copy its return will be appreciated.

Chas. J. Smith,
Superintendent.

Enclosure 80.

cc: Region Three.

04-00-1929: map of private holdings in secs 21 and 22 adjacent to south entrance



NATIONAL PARK SERVICE
RECEIVED
AUG 15 1944
MAILS AND FILES

Name	Date
Carter	8/16
Demaris	8/16
Tolson	
Wirth	—
	a
Bethune	
	8/18/44

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION NATIONAL PARK, UTAH

Answered by Tolson memo to Ref Director dated

AIR MAIL

August 13, 1944.

MEMORANDUM for the Director.

Reference is made to the Acting Director's memorandum of August 3 in regard to the amendment of the Zion National Park water rights and the discrepancy over the 2.2 acres of land and water that at one time were supposed to have belonged to Hyrum Ruesch and Eliel (Lyle) Winder.

The files referred to by Chief Ranger Fagergren's memorandum of January 5, 1940 have again been reviewed by him and his statement "A - Primary Rights 1-0.034 c.f.s. in what was known as the Crawford Ditch ... obtained by the Park Service with the purchase of 1.1 acres of land from Hyrum Ruesch and 1.1 acres of land from Lyle Winder in 1931" was based upon a letter in our file, copy of which is attached. In this letter of Special Assistant Solinsky to Superintendent Patraw on July 15, 1932, in the first paragraph of the second page, it says "The Government also acquired the following in the Crawford Ditch Company designated as number 66 in the abstract, the rights of Lyell Winder - 1.1 acres and Hiram Rausch - 1.1 acres." The water rights mentioned in the last paragraph of the first page of the same letter as, "interest of Jacob Crawford for 5.0 acres and John Jolley for 5.0 acres were not acquired," were actually part of the purchases from John A. Allred who had bought previously the interests of Jacob Crawford and Arden G. Schiefer who had previously bought the interests of John Jolley.

Some clue as to how these water rights were acquired might be found in a report (on water rights at Zion National Park) mentioned by Attorney Taylor in a memorandum to Superintendent Patraw June 10, 1935 as being forwarded to the Director. The water right is mentioned again in Mr. Patraw's letter of May 29, 1935 to Mr. H. A. Hansen, Superintendent of Utah Parks Co. In this it is said "as a result of Mr. Taylor's investigation so far, it is determined that except for some 0.034 primary right and 0.44 secondary rights owned by the National Park Service on the upper part of the Virgin River, there are no adjudicated or other rights of record in the Park."

The drawing referred to in Mr. Tolson's memorandum we feel should show all the land formerly irrigated by the Crawford ditch, as well as the land covered by the deeds which reserved the water rights, as the lands occupied by Mr. Hyrum Ruesch and Mr. Eliel Winder were also irrigated by the same ditch. The right could not have been included in the Allred tract conveyed by Deed 6 as the lands are a mile apart and the Allred tract was watered by the Gifford Ditch. Hyrum Ruesch's land was located in the S. W. quarter S. W. quarter S. E. quarter Section 21. Eliel Winder's land was located in S. E. quarter S. E. quarter S. W. quarter of Sec. 21. Both are indicated on the map attached.

Mr. John W. Crawford and his wife have moved away from Springdale but Mr. John R. Crawford and James Crawford have been interviewed by Mr. Fagergren and they have indicated to him that the water rights of Hyrum Ruesch and Eliel Winder were acquired by the park with the purchase of 1931. The 0.034 c.f.s. right has not been used by them or any others except the park which, as you know, has been using the right since 1931. The Confirmatory Deed transmitted for signature of the people who sold water rights to us in 1941 does not seem to be in order as it was the intention of these people to convey to the Government only the water which had been decreed or acquired by them. We are reluctant to approach Hyrum Ruesch or Eliel Winder for a quit claim deed as it might require the expenditure of funds for their former right which they long ago thought went to the United States. If a great deal of explanation were required to secure signature to a confirmatory deed it might also arouse the same people to making another try for some more money.

It seems to us that if possible we should try to establish our proof of title with the state engineer with the documents we now have. This can be approached in several ways.

Without other records to substantiate Mr. Solinsky's letter of July 15, 1932 it appears that he has based his contention that we acquired all of the water rights that were appurtenant to the land purchased as customary in this region, except those that were specifically reserved by the parties involved. There is some strength in this in that quitclaim deeds involving Hyrum Ruesch and Eliel Winder were obtained at the same time warranty deeds were obtained from the parties selling land to the Park Service as well as having their names attached to the quitclaim deed to the United States (#1) by the Crawford family as a whole.

Mr. Fagergren has, in his conversation with the Crawford's, found that Hyrum Ruesch's first wife was a daughter of Daniel Crawford who had "given" him a small piece of land upon which to live. As Mr. Ruesch's first wife died and he remarried, Daniel would not give Hyrum a deed to the land. However, at the time of purchase there was obtained by Daniel from Hyrum, along with others, a quitclaim deed, a copy of which is attached, this deed makes no reservation of the water right and was not reserved by Daniel Crawford in his warranty deed to the Government as it specifically states "also reserving unto the parties of the first part the primary rights from the Virgin River owned by said first parties and particularly set forth as the Decreed Schedule of Water Rights for the Virgin River System in the Decree of the Fifth Judicial District."

Eliel Winder possessed a "squatter's right" on land in the SE quarter of the SW quarter of Sec. 21 and to pacify him for his moving out of the Park

he was paid $500 which came from the payment made to James Crawford. A quitclaim deed from Eliel Winder and others was obtained by James Crawford, copy attached. If Winder's rights had gone to James Crawford he would have reserved more than the right "decreed by the court."

In searching our copies of the deeds for the water acquired in 1941 and the abstract of title accompanying the deeds, no where can there be found any reference to any other quantity of water except specified in the decree to the individuals. As the water rights owned by Daniel, James and John R. Crawford were leased out and used by others, they certainly would have used or leased this other balance of 0.034 c.f.s. had they claimed it.

We will wait your advice as to whether to proceed to obtain the signature of the parties involved in order to correct the ambiguity in the quantities of water awarded in 1925 and 1931 and at the same time use the same instrument as a means of settling the question of 0.034 c.f.s.

Chas. J. Smith,
Superintendent.

Enclosure 76.
cc. Region Three.

07-00-1942: enclosure 76

DI-19
(Approved July 1942)

ENCLOSURE 76

DEPARTMENT OF THE INTERIOR

GPO 16—30424-1

(COPY)

Quit Claim Deed

Book W7, page 529.

This indenture made this 13th day of May 1931, by and between Samuel K. Crawford and Emma Crawford, his wife, John R. Crawford and Eliza Crawford, his wife, and Eliel Winder and Sarah Winder, his wife, all of Springdale, Utah, parties of the first part and James Crawford of Springdale, Utah, party of the second part, Witnesseth:

That the said parties of the first part do by these presents grant, bargain, sell and convey, remise, release and forever quitclaim unto James Crawford, said party of the second part, all the right, title, interest, estate, claim and demand, both at law and in equity and as well in possession as in expectancy, of the said parties of the first part, of, in and to all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

The East five-eights of S W ¼ of S E ¼ of Section 21 - containing 25 acres; also beginning at Southwest corner of S E ¼ of SE¼ of Section 21 - Thence N 26 rods; thence E 80 rods; thence S 26 rods; thence W 80 rods; to point of beginning. Containing 13 acres; also S½ of N W ¼ of S E ¼ of Section 21. Containing 20 acres - all in Section 21 of T 41 S. R. 10 W. Salt Lake Meridian, less rights of way for roads and containing in all 57.30 acres more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

To Have and to Hold all and singular the said premises, together with the appurtenances, unto the said party of the second part his heirs, successors and assigns forever.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

John R. Crawford (Seal)

Eliza Crawford (Seal)

Samuel K. Crawford (Seal)

Eliel Winder (Seal)

Sarah Winder (Seal)

Signed, sealed and delivered
in the presence of

F. J. Solinsky, Jr.
Thos. J. Allen, Jr.

(COPY)

QUIT CLAIM DEED

Book U7, Page 527.

This indenture made this 13th day of May, 1931, by and between John R. Crawford and Elizabeth Crawford, his wife, J. M. Bean and Margaret Bean, his wife, and Hyrum Ruesch and Bessie Ruesch, his wife, all of Springdale, Utah, parties of the first part and Daniel Crawford of Springdale, Utah, party of the second part, Witnesseth:

That the said parties of the first part do by these presents grant, bargain, sell and convey, remise, release and forever quitclaim unto Daniel Crawford, said party of the second part, all the right, title, interest, estate, claim and demand, both at law and in equity and as well in possession as in expectancy, of the said parties of the first part, of, in and to all those certain lands and properties located within the boundaries of Zion National Park, being in the County of Washington, State of Utah, and particularly described as follows, to-wit:

S½ of NE¼ of section 21 less 15.30 acres conveyed November 16th, 1927, to Arden G. Schiefer and 56.68 acres conveyed June 20, 1930 to William L. Crawford; also beginning SW corner of SW¼ of SE¼ of section 21. Thence N 40 rods; thence E. 30 rods; thence S 40 rods; thence W 30 rods to point of beginning less 6.16 acres conveyed February 10, 1926 to John W. Crawford; W½ of NW¼ of Section 22, less 13.15 acres conveyed March 24, 1926 to Jacob Crawford and wife and 4.70 acres conveyed March 27, 1926 to Mrs. Cyrus Gifford and 1.60 acres conveyed November 16, 1927 to Arden G. Schiefer and .014 acres conveyed May 11, 1928 to Dixie Power Company. Also beginnings at NE corner of NW¼ of SW¼ of Section 22; thence S 60 rods; thence NW 82 ~~44~~ 81 rods to point 40 rods N of SW corner of NW¼ of SW¼ of section 22; thence N 40 rods; thence E 80 rods to point of beginning. All in T 41 S. R. 10 W. Salt Lake Meridian less rights of way for road purposes and containing 90.186 acres more or less.

Together with all and singular the tenements, hereditaments and appurtennances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

To Have and to Hold all and singular the said premises, together with the appurtenances, unto the said party of the second part his heirs, successors and assigns forever.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

J. M. Bean (Seal)

Margaret Bean "

John R. Crawford "

Eliza Crawford "

Hyrum Ruesch "

Bessie Ruesch "

Signed, sealed and delivered
in the presence of

F. J. Solinsky, Jr.

Thos. J. Allen, Jr.

07-15-1932: letter to superintendent from nps regarding relative water rights acquired by the u.s. from a private land owner

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Field Headquarters
San Francisco, Calif.

(COPY) July 15, 1932

Mr. P. P. Patraw,
Superintendent,
Zion National Park,
Utah.

Dear Mr. Patraw:

I have your letter of the 9th inst., relative water rights acquired by the United States in the Zion purchases from the Crawford family.

I have reviewed the agreements and the deeds from the various members of the Crawford family to the United States, and the water rights actually reserved were the personal rights of these parties, to be transferred and the water to be diverted to points beyond the boundary of Zion National Park and for the personal use of the following:

John R. Crawford

His interest in the water rights designated in the abstract as numbers 64, 66 and 67.

Daniel Crawford

His interest in the water rights designated in the abstract as numbers 63 and 66.

James Crawford

His interest in the water rights designated in the abstract as number 66.

The Government acquired all of the interest of the Crawfords in water rights number 65 with the John Gifford Ditch Company. Referring to this water right, the interest of Jacob Crawford for 5.0 acres and John Jolley for 5.0 acres were not acquired. The total rights under this ditch company were for 29.0 acres. Therefore, the Government acquired the rights for 19.0 acres.

The Government also acquired the following in the Crawford Ditch Company designated as number 66 in the abstract, the rights of Lyell Winder - 1.1 acres and Hiram Rausch - 1.1 acres.

The Government also acquired all water rights appurtenant to the lands purchased from Vera D. Allred, Arden Schiefer and William L. Crawford.

As set forth in my letter to the Director, which you quote in your letter of the 9th inst., the Crawfords conveyed all their title in and to the secondary water rights, and Oak Creek, which should furnish sufficient water for any development contemplated by the Park Service.

The secondary water rights referred to are the rights of the John Gifford Ditch Company, which are classed as two in the abstract of title. The primary water rights are classed as one in the abstract of title.

Sincerely yours,

(Sgd.) F. J. Solinsky, Jr.
Special Assistant.

CC Director

COPY

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

August 8, 1944.

MEMORANDUM for the Regional Director, Region Three.

The enclosed copies of our letter returning Water Right Applications Nos. a-1657, a-1658, a-1659, and a-1660 to the State Engineer of Utah and covering amendment of water rights at Zion National Park, are to complete the Regional and Park files.

The corrections include a change from domestic to municipal use, and a claim for diversion at any points to be determined later, between the headgate of the Temple of Sinawava Pipe Line and the south boundary of the Park. This gives the whole floor of the valley municipal status.

The Lodge and Concessioner's utility area are in the designated utility area. Further, the contract with the Utah Parks Company grants it the right to construct water systems and use springs but not to take so much water that it will mar the natural beauty of the spring areas. The United States cannot dictate the rate of such diversion unless it has the water rights.

As a matter of fact, the United States has not had legal rights to the waters of the Upper Grotto and Wylie Retreat Sprins, although there might be some question of preemptery right for the latter based on its use at the public campground in varying quantities since the first of the centmry, or before. However, the right to the full quantity could not be established by such preemptory use and there is every indication that such vested or preemptory right was lost in 1925 since the use was not adjudicated.

Meantime, Attorney Smith of the Union Pacific Company has claimed some title to the rights in the name of the Utah Parks Company, and has claimed that the right to springs did not require adjudication. Mr. Smith has now retired and we do not know how nearly his successor agrees with these views, but at last defined they conflict with those of this Service.

On the basis of these various conditions and opinions, we have added the Upper Grotto and Wylie Retreat Spring water systems to the list in the applications for amendment of the water rights. Whether we actually transfer rights to them or not, depends on the final proof which will not be completed for some years; and, in the meantime, the contracts with the concessioner will doubtless be renewed in new form to fit the water right status better.

We recommend that you do not bring the matter to the concessioner's attention at this time, but you should be prepared to reply to any questions it may raise if it learns of the claim from the State Engineer. The answer is that this Service does not contemplate perfecting any rights for the spring's used by the company until, or unless, the status is

COPY

settled in part of the renewal of the concession contract, but it has provided for such action in the applications to eliminate the need for further amendment later and to provide temporary protection of the diversions during the further consideration of the problem. If any further explanation is requested it should be referred to this Office.

(SGD) HILLORY A. TOLSON

Acting Director

Enclosure 812573.

In duplicate.

COPY

August 7, 1944.

Mr. Ed. H. Watson,
State Engineer,
Salt Lake City, Utah.

Dear Sir:

Reference is made to your letter of June 20 to Hydraulic Engineer A. van V. Dunn with regard to correction of Water Right Applications a-1657, a-1658, a-1659, and a-1660, covering water use at Zion National Park, and to the discussions Mr. Dunn had with you and members of your staff on the same date. The corrected applications are being returned with a certified photostat copy of the deeds relating to the federal acquisition of these rights, a certified copy of the Solicitor's opinion relating to the deeds before they were accepted, and a print of Drawing NP-ZIO-6982 showing water rights which were appurtenant to the land covered by these deeds.

By following your suggestion to claim diversion anywhere on the Virgin River between the highest headgate and the south park boundary, we automatically include the Upper Grotto and Wylie Retreat water systems which the Utah Parks Company constructed for use at the Lodge it operates under Government contract. We have, therefore, added their descriptions to the list of water systems. It should be pointed out, however, that the Government contract with the Company grants that Company an independent installation and operation and they are merely included in order that they may be protected by the same water rights if both parties find it desirable before final proof is due.

In reviewing the deeds and Solicitor's opinion, it will become clear that there is some ambiguity with regard to the title to the full quantity covered by decreed item No. 66. There is the question of whether the deeds listed as items 12, 13 and 14 defined the water in terms of the decree of 1925 or were intended to withhold part of the right under the later decree. There is also a complete lack of record regarding the 0.034 sec. ft. of water right originally allocated to Reusch and Winder for 2.2 acres of land which were not intended to have been reserved in the deeds of 1931. Drawing NP-ZIO-6982 is compiled from park maps and map 159 filed in adjudication of 1925, and seems to indicate that all water use under right No. 66 was on land covered by deeds with the reservation of water rights.

We are now attempting to obtain a supplemental deed to clarify both points, but cannot hope to have it recorded and accepted by the Solicitor or Attorney General by August 19, when the applications must be returned to you. One solution is the granting of more time in which to prove full title, but it is hard to foretell how quickly a deed can be drawn that is acceptable to the Solicitor or Attorney General. Hence, we wonder if the applications can be accepted conditional on further perfection of title before proof amendment is made, with the understanding that the quantity of water will be reduced if the title is not cleared.

Yours very truly,

(SGD) Hillory A. Tolson

Hillory A. Tolson,
Acting Director.

AvVD:HT:sh

Enclosure 812571.

cc: Regional Director, Region Three.
Superintendent, Zion National Park.
Mr. Dunn.

8/7

August 3, 1944.

MEMORANDUM for the Superintendent,
Zion National Park.

Reference is made to Mr. Dunn's visit at the State Engineer's Office in Salt Lake City with regard to the amendment of Zion National Park water rights under Applications Nos. a-1657, a-1658, a-1659, and a-1660. He now has until August 19 in which to amend the applications and prove title to the water rights. Reference is also made to Mr. Fagergren's memorandum of January 5, 1940, for the Acting Superintendent in which it is stated, under item 1, that the United States acquired 0.034 sec. ft. of the Decreed Right No. 66 with 2.2 acres of land by deed from Hyrum Ruesch and Lyle Winder in 1931. There is no such deed in the Director's Office files and no record of such a deed in the abstracts of title for the Solinsky purchases or for the water right purchases of 1941.

Copies of the water right deeds were sent to you with a copy of Mr. Moskey's memorandum of February 13, 1942, for Attorney Johnson. In those deeds, John R. Crawford and wife convey 0.517 sec. ft. in two parcels; James Crawford and wife convey 0.402 sec. ft.; and John W. Crawford and wife convey 0.077 sec. ft. -- a total of 0.996 sec. ft. Of the original decree to 1.03 sec. ft., this leaves the same 0.034 sec. ft., which Mr. Fagergren reports as a separate conveyance.

The deeds and map of irrigated areas relating to the original adjudication have been compiled as a single drawing to be released later, and show all land irrigated by the Crawford Ditch to have been covered by the deeds which reserved the primary right. The only way in which Messrs. Ruesch and Winder could have conveyed water rights in 1931 would have been to have had an interest of 2.2 acres in the Allred tract conveyed by Deed 6, and then only if some water use under Decreed Right No. 66 was transferred to that land after the decrees of 1925 and 1931. There is no record of such interest or transfer.

Since Mr. Fagergren's report is carefully prepared, the Crawford deeds of 1941 are so detailed as to parcels of the right, and there is no other place to use the original 0.034 sec. ft., it seems that the intent has been to convey all interest in the right to the United States despite the discrepancy in quantity. This presupposes that there was an oral agreement before April 22, 1941, whereby the whole Crawford clan considered that 0.034 sec. ft. of the water right had already passed from its control. There is also some ambiguity because the deeds of 1941 refer to the decrees of 1925 and 1931, but seem to convey the water on the basis of the quantities awarded in the earlier one.

A Confirmatory Deed is enclosed for execution if it conforms to the intent of the vendors. Please discuss the matter with those members of the Crawford family involved and have it executed, if possible. Should they feel that the right to 0.034 sec. ft. was conveyed to the United States earlier, we should like to have a complete explanation so that we can decide what other form of instrument might establish the title we need.

If the enclosed instrument is executed it should then be recorded in the county and forwarded to this Office. The recording fee can be charged against the Water Rights appropriation and paid by this Office under Account 143/51056.

It does not seem probable that the instrument can be signed, recorded and accepted by the Department before August 19, but we should like to advise the State Engineer of the steps being taken and request a further extension of time; hence, we should like to have an immediate report on the discussion with the Crawfords.

(SGD) Hillory A. Tolson

Acting Director.

Enclosure 812569.

cc: Regional Director, Region Three.
Mr. Dunn.

06-20-1944: letter to director; nps from state engineer regarding amending applications nos. a-1657, a-1658, a-1659, and a-1660

C O P Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

Ed. H. Watson
State Engineer

June 20, 1944

Mr. A. van V. Dunn
Director, National Park Service
Merchandise Mart
Chicago 54, Illinois

Dear Sir:

RE: APPLICATIONS NOS. a-1657, a-1658,
a-1659 AND a-1660

Reference is made to the conference held June 20, 1944 in this office relative to amending Applications Nos. a-1657, a-1658, a-1659 and a-1660.

The above numbered applications are being returned for you to make the necessary amendments which were agreed upon while you were in the office. In connection with the amendments to be made, it will be necessary for you to submit satisfactory documentary evidence to show the chain of title from the owners of the water rights evidenced by the decreed rights and/or applications to appropriate.

The law requires the amended applications to be resubmitted to this office within sixty days, or on or before August 19, otherwise the applications will lapse.

Yours very truly,

(Sgd) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

RER/ss
Enc: Applications Nos. a-1657
a-1658
a-1659
a-1660

06-06-1944: memorandum to director from hydraulic engineer regarding water rights not proving federal title

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

AIR MAIL

June 6, 1944.

MEMORANDUM for the Director.

From Mr. Tolson's wire of June 5, with regard to Zion deeds and water rights, there seems to be considerable delay in the transit of air mail. This memorandum may be too late to help but may clarify the matter. I also enclose copy of the wire we sent last night.

Since May 26 I have only known that the evidence submitted with the Zion water rights did not prove federal title to the State Engineer. From Superintendent Smith's memorandum received yesterday I know that the only evidence submitted was a list of deeds with no explanation of what was covered by each instrument.

I have duplicate signed copies of Deeds 8, 9 and 10 which show conveyance of Water Right No. 66 except for the 0.034 sec. ft. which is reported to have been bought between 1927 and 1932 and for which no deed was found in your office.

I need the deed from the Utah Parks Company to the United States covering Decreed Priority No. 63. This is Deed No. 7. I can only guess at the other deeds I need from my incomplete drafts of forms L-1 but believe I need Deeds Nos. 1, 3, and 4. If there are any other deeds from the Crawford tribe which are not just for road right of way, I need them, but I am pretty certain you do not have others in the deed file.

In presenting my case to the State Engineer I propose to claim that all water rights were appurtenant to the land except where the exception of Decreed Right 66 is concerned, and where No. 63 was already in the name of the concessioner. The concessioner had to prove its title to No. 63 before obtaining the transfer from the Pine Creek to the Crawford Ditch. Hence, I merely need a deed from the concessioner to the United States in that case.

This leaves 0.034 sec. ft. of Decree No. 66, all of Decree No. 65, and Certified Right No. 1991 which are not specifically mentioned in deeds, and which I intend to claim as appurtenances to land covered by deeds 1, 3 and 4. Since each Crawford deed includes quit-claims from various members of the family, I hope the State Engineer will not suggest that some interest was omitted. If the latter were true, I should need abstracts as well as deeds and then I am not sure I could clear title. Hence I have decided to

FILE COPY

limit myself to deeds while at Salt Lake, place dumb faith in the intent of the deeds and let the State Engineer introduce the questions if he cares to do so. With such questions as he may raise a final proof can be worked up by the Chief Counsel and me in Chicago.

AvVD:sh

A. van V. Dunn,
Hydraulic Engineer.

cc: Director (regular mail).

C O P Y

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

May 29, 1944.

AIR MAIL

MEMORANDUM for the Director.

By memorandum of May 26 to you, and copies to the Regional Director and the Superintendent of Zion National Park, I inquired about the present location of the records which were supposed to have been sent to the State Engineer with our applications to amend the Zion water rights (decreed rights Nos. 63, 65 and 66 and Certificate No. 1991 - deeds 14-17).

On investigation of our records I find that the letter from Mr. Yeager to the State Engineer of June 25, 1943, transmitting the applications, also included "a statement giving the chain of title and the Washington County Recorder's Certificate as to the words of the conveyances." Our records also include a tabulation of 17 deeds, dated June 5, 1943, and certified as being compiled by the county recorder from the county records. I do not know what else may have been submitted as the "words of the conveyances", but the tabulation is not an adequate proof.

By memorandum of December 15, 1943, with attached notes on Zion National Park Water Rights (copy enclosed), I pointed out that the title to the bulk of decreed right No. 66 is covered by deeds 8, 9, and 10. Decreed right No. 63 is covered by deed 7 but the abstract is also needed to show conveyance to the Utah Parks Company. Decreed right No. 65 and certified right No. 1991 are conveyed only as appurtenances to the land in Sections 21 and 22 in earlier deeds (see enclosed print of map 159 filed in adjudication of the rights). There are reported to have been deeds from Reusch and Winder for 1.1 acres and 0.017 sec. ft. of appurtenant decreed right No. 66 which I did not find but for which I set up deed folders Nos. 11 and 12. I assumed that the deeds must still be in the Park and never recorded or accepted by the Solicitor or Attorney General.

If I am going to try to prove federal title to the water rights in Salt Lake on June 20 I will have to have a complete copy of the deeds to the United States and the deed to the Utah Parks Company in the case of decreed right No. 63. I assume the State Engineer merely reviews them, certifies that he has seen them, and then returns them, but he may actually want to keep copies. (I have the extra signed copies of deeds 8, 9 and 10 which Mr. Moskey distributed with memorandum of February 13, 1942, which do not show recording.)

I hardly want the extra tonnage of deeds while traveling, even if it is safe to carry them about in that way. I wonder, therefore, if they could be sent directly to the State Engineer, State Capitol, Salt Lake City, by registered mail. If not, the alternate seems to be for me to limit my visit to a discussion of what more is needed and prepare that record after I reach Chicago.

Please advise as to the procedure you wish me to follow.

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 470.

cc: Region Three.
Supt., Zion N. P.

05-13-1944: letter to state engineer from hydraulic engineer regarding corrections of applications a-1657, a-1658, a-1659 and a-16

COPY

601 Sheldon Building

May 13, 1944.

Mr. Ed. H. Watson,
State Engineer,
Salt Lake City, Utah.

Dear Sir:

By letter of March 1 to the Superintendent of Zion National Park you suggested that a representative of the Service should call at your office in connection with "corrections" of Applications a-1657, a-1658, a-1659 and a-1660.

We are transferring the Water Rights Section of this Service to Chicago during June and I propose to be in Salt Lake City all of Tuesday, June 20, provided all other connections in my itinerary are arranged successfully. Will you please advise if such schedule is satisfactory for you. I should also like to know the nature of the corrections you propose so that I may know what records I may wish to bring, as stated in my letter of March 17.

A. van V. Dunn,
Hydraulic Engineer.

05-01-1944: letter to superintendent from state engineer regarding amending multiple applications to meet the requirements of the

C O P Y

THE STATE OF UTAH

Office of State Engineer

Salt Lake City

March 1, 1944

United States of America
c/o Mr. Paul R. Franke, Supt.
Zion National Park, Utah

Gentlemen: RE: APPLICATIONS NOS. a-1657, a-1658, a-1659 AND a-1660.

Reference is made to the above numbered applications. Due to the extensive information given under "Explanatory" and the complicated rights involved, I think it would be to our mutual benefit if a representative from your department would call at this office, at your convenience, to assist in amending the applications to meet the requirements of this office.

I would appreciate it if you could notify me a few days in advance of the date you wish set for a meeting in this office.

Yours very truly,

(Signed) Ed. H. Watson

STATE ENGINEER

RER/vm

12-15-1943: memorandum to director from hydraulic engineer regarding files for deeds 11, 12 and 13

Mr. Dunn,

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

December 15, 1943.

MEMORANDUM for the Director.

While in your office last month I provided folders in the Zion land files for the following deeds which I could not find.

Deed 11 - Lyall Winder, vendor of 1.1 acres of land and 0.017 sec. ft. of decreed water right No. 66.

Deed 12 - E. E. Winder, vendor of 1.1 acres of land and 0.017 sec. ft. of decreed water right No. 66.

Deed 13 - Vendor unknown but conveying the decreed right to 0.44 sec. ft. of water in the Gifford Ditch under priority No. 65.

I am reasonably certain that I have been told that these deeds preceded the purchases by Frank Solinsky covered by deed 3. It was my plan to write to the Superintendent for further information, but a review of our own files shows that by memorandum of November 14, 1940, Mr. Franke advised that:

"All Park files in the matter were forwarded to the Washington office. This file was requested by the Director under date of March 31, 1939...."

It seems probable that this is the file on the Solinsky purchases, which Mr. Simmers had in a box on one of his file cabinets while I was there. There did not seem to be any references therein to the specific rights, but I better review them more thoroughly before I bother the Park further.

The matter can probably wait until my return to Chicago during the summer, but I request that these files be given special consideration and left in their present form until that time. In order to resume the study easily, I offer the attached notes on my recent activities.

The whole issue has arisen as a result of my trip to Chicago, where I first learned that there were not specific deeds to back past reports of National Park Service ownership.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

Attachment.
cc: Region Three, with attachment.
Supt., Zion, with attachment.

December 15, 1943.

Notes on Zion National Park Water Rights

Deed 3 - Solinsky Purchase from Crawford Family in 1931

1. All rights in decreed priority No. 66 were reserved by vendors except such interest as may have been owned by William Crawford or Vera Allred. From the property map, Z-319 or ZIO-4983, neither of these vendors seem to have had any interest in this right.

2. Neither Lyall Winder or Hyrum Ruesch conveyed 1.1 acres of land by deed 3, and the abstract shows no record of any independent conveyance by them.

3. By letter of July 15, 1932, to Mr. Patraw, Mr. Solinsky stated:

"The Government also acquired the following in the Crawford Ditch Ditch Company designated as number 66 in the abstract, the rights of Lyell Winder -- 1.1 acres and Hiram Ruesch - 1.1 acres."

4. By letter of June 10, 1935, to the Director, Joseph E. Taylor advised that "the park possesses a primary right to 0.034 sec. ft. of water from the Pine Creek Ditch ....."

5. By memorandum of July 11, 1940, to the Regional Attorney, Region Four, Mr. Davis states that: "The water owned in this decree (No. 66) by Lyle Winder and Hyrum Ruesch was sold to the Park along with their land."

6. Deeds 8, 9 and 10 convey all of decreed right No. 66 to the United States except those of Lyle Winder and Hyrum Ruesch.

7. William L. Crawford and Vera Allred reserved no water rights when conveying land.

8. No vendor reserved any rights under decreed priority No. 65.

9. Most, if not all, rights under decreed priority No. 65 were appurtenant to the land of William L. Crawford and Arden Schiafer.

10. In letter of July 15, 1932, to Mr. Patraw, Mr. Solinsky states:

"The Government acquired all of the interest of the Crawfords in water rights Number 65 with John Gifford Ditch Company. Referring to this water right, the interest of Jacob Crawford for 5.0 acres and John Jolley for 5.0 acres were not acquired. The total rights under this ditch company were 29.0 acres. Therefore, the Government acquired the rights for 19.0 acres."

11. Mr. Taylor's letter of June 10, 1935, states that the secondary right (No. 65) for 0.44 sec. ft. was purchased by the Government with land of John Crawford.

12. By memorandum of October 18, 1940, to Regional Attorney, Region Four, Mr. Franke advised that 0.034 sec. ft. of decreed right No. 66 and 0.44 sec. ft. of decreed right No. 65 were acquired in 1931.

13. Deeds 14-17 for amendment of all of rights under priorities No. 65 and 66, and others, have been assigned application numbers a-1657-1660 inclusive.

14. Above applications were filed with certificates of conveyance listed with Mr. Franke's memorandum for the Regional Attorney dated June 7, 1943.

15. Protest of any part of amendment will not be made until proof is advertised at an indefinite future date.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

07-16-1943: letter to hydraulic engineer from state engineer regarding typographical error in the heading of letter dating july 7

JUL 19 1943

7/19

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

July 16, 1943

ED. H. WATSON
STATE ENGINEER

7/19

Mr. A. van V. Dunn, Hydraulic Engineer
Water Rights Section
National Park Service
601 Sheldon Building
San Francisco, California

Dear Sir: RE: APPLICATIONS NOS. a-1657, a-1658, a-1659, AND a-1660

Reference is made to your letter of July 13 in regard to Applications Nos. a-1657, a-1658, a-1659, and a-1660.

You were right in assuming that a typographical error was made in the heading of our letter dated July 7, and that the numbers in the body of the letter were correct. The decreed rights apply to the applications as follows:

Decreed Right No. 63 - Application No. a-1660
Decreed Right No. 65 - Application No. a-1659
Decreed Right No. 66 - Application No. a-1658
Certified Right No.1991-Application No. a-1657.

Yours very truly,

Ed. H. Watson
R.

Ed. H. Watson
STATE ENGINEER

RER/vm

Copies to Director
Region Three
Supt. Zion N. P.
7/19/43

07-07-1943: letter to nps from state engineer regarding transmission of four applications together with voucher covering filing fees

C O P Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

July 7, 1943

Water Rights Section
National Park Service
601 Sheldon Building
San Francisco, California

Gentlemen: RE: APPLICATIONS NOS. a-1657, a-1648, a-1649 and a-1660

Receipt is acknowledged of your letter dated June 25, transmitting four applications Nos. a-1657, a-1658, a-1659 and a-1660, together with voucher in the amount of $10 covering the filing fees on the above applications. The signed voucher is returned herewith. Please refer to above application numbers when making remittance.

Yours very truly,

(Sgd) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

RER/vm
Enc;Voucher

06-25-1943: letter to state engineer from acting superintendent regarding four applications to amend the water rights

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

June 25, 1943.

Utah State Engineer,
State Capitol Building,
Salt Lake City, Utah.

Dear Sir:

Transmitted herewith are four applications to amend the following water rights at Zion National Park:

1. Right No. 63 decreed December 12, 1925 in the Fifth Judicial Court, amended by change Application No. A-1311, Certificate No. 54, Granted August 6, 1938.

2. Right No. 65 decreed December 12, 1925 and ratified by supplemental and final decree dated December 12, 1930.

3. Right No. 66, decreed December 12, 1925 and amended by supplemental and final decree dated December 12, 1930.

4. Certified Right No. 1991 acquired by application No. 10618.

Accompanying these applications you will find a statement giving the chain of title and the Washington County Recorder's Certificate as to the words of the conveyances.

The filing fee of $2.50 for each application will be promptly paid upon the return of the enclosed voucher which should be executed by signature on the white sheet opposite "*Payee" with the title etc. One copy may be retained for your files.

All communication pertaining to these applications should be sent directly to our office at the following address:

Water Rights Section,
National Park Service,
601 Sheldon Building,
San Francisco, California.

Very truly yours,

Dorr G. Yeager,
Acting Superintendent

cc: Region Three
Region Four

Enclosure

06-07-1943: memorandum to regional attorney from superintendent regarding amended filings for the water rights

JUN 10 1943

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

June 7, 1943

MEMORANDUM for the Regional Attorney, Region Four.

Reference is made to copies of yours and the Hydraulic Engineer's memoranda of May 24 to the Regional Director, Region Three and the Acting Regional Director memorandum of May 29, all pertaining to the amended filings for the water rights of Zion National Park.

Ranger Fagergren was detailed to the county seat and obtained the Recorder's certificate for all the conveyances relating to the water rights involved and a copy of this certificate is attached hereto. The original certificate is being retained in this office along with the original applications to amend the water rights, pending further advice from your office.

We are not sure that the recorder's certificate, copy of which is attached, qualifies with paragraph three of Mr. Dunas' memorandum of May 24 as a proof of National Park Service title. If this certificate is not adequate proof of title, does your office consider that a statement of Record of Conveyance to the N. P. S. of the lands and water involved, similar to the copy attached, to be adequate if supplementing the Recorder's Certificate?

Should proof of these Park Service titles require preparation of certified deeds it will be necessary for you to arrange to have such copies made, probably by the Chicago office.

The original applications have been signed by Superintendent Franke and will be submitted along with the voucher for $10.00 to the State Engineer upon receipt of your advice concerning the proof of title. As Superintendent Franke is leaving this area within the next few days and will be replaced by Superintendent Chas. J. Smith, we presume the application will remain in order even though the latter will be the National Park Service representative during the investigation that will no doubt be made by the State Engineer.

We will appreciate your suggestion and advise concerning these matters.

Paul R. Franke

Paul R. Franke,
Superintendent.



Enclosure 2616965
cc: Region Three
(Enclosure 2616966)

06-05-1943: letter to whom it may concern from county recorder regarding list of conveyances

WASHINGTON COUNTY

St. George, Utah

June 5, 1943

TO WHOM IT MAY CONCERN

I, Helen Bleak, the duly elected, qualified and acting county recorder of Washington County, Utah, hereby certify as follows:

That the following conveyances are shown of record in my office as follows:

	Kind of Instrument	From	To	Date Filed Recorded
No.1	Quit Claim Deed	Utah Parks Co.	United States	August 5, 1939 at 10 A.M. Book W-2, Page 220
No.2	Quit Claim Deed	Cornelia C. Winder for E. E. Winder	John W. Crawford	July 17, 1941 at 3 P.M. Book W-2, Page 231
No.3	Warranty Deed	John W. Crawford	United States	July 17, 1941 at 3 P.M. Book W-2, Page 234
No.4	Quit Claim Deed	Hyrum Ruesch	Daniel Crawford	May 13, 1931 at 5 P.M. Book U-7, Page 527
No.5	Warranty Deed	Daniel Crawford	United States	May 13, 1931 at t P.M. Book U-7, Page 524
No.6	Quit Claim Deed	Eliel Winder	James Crawford	May 13, 1931 at 5 P.M. Book U-7, Page 529
No.7	Warranty Deed	James Crawford	United States	May 13, 1931 at 5 P.M. Book U-7, Page 532
No.8	Warranty Deed	John R. Crawford	United States	July 17, 1941 at 3 P.M. Book W-2, Page 244
No.9	Warranty Deed	Daniel Crawford	John R. Crawford	July 17, 1941 at 3 P.M. Book W-2, Page 242
No.10	Warranty Deed	James Crawford	United States	July 17, 1941 at 3 P.M. Book W-2, Page 238
No.11	Quit Claim Deed	J.M. & Margaret Bean Weston & Margaret Justet Howard and Susan Ruesch -To- John R. Crawford		May 13, 1931 at 5 P.M. Book U-7, Page 528
No.12	Warranty Deed	John R. Crawford	United States	May 13, 1931 at 5 P.M. Book U-7, Page 530
No.13	Warranty Deed	Daniel Crawford John R. Crawford James Crawford	United States	May 13, 1931 at 5 P.M. Book U-7, Page 533
No.14	Warranty Deed	Arden G. Schiefer	United States	May 13,1931 at 5 P.M. Book U-7, Page 536
No.15	Warranty Deed	William L.Crawford	United States	May 13, 1931 at 5 P.M. Book U-7,Page 538

No.16 Deed	Jacob Crawford	United States	Sept. 14, 1927 at 2 P.M. Book U-6, Page 553
No.17 Warranty Deed	John A.& Vera D. Allred	United States	May 13, 1931 at 5 P.M. Book U-7, Page 535

In witness whereof, I have hereunto set my hand and affixed my official seal this 5th. day of June, 1943.

HELEN BLEAK

County Recorder

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

Redord of Conveyances

The water rights of Zion National Park have been acquired through the sale of lands or/and water rights by individuals to the United States. The following table traces the chain of title from the court decree entered December 12, 1925, amended by supplemental and final decree dated December 12, 1930 in the Fifth Judicial District Court for the suit entitled, "St. George and Washington Canal Company, a corporation, plaintiffs vs Hurricane Canal Company, a corporation, defendants to the present ownership. The recorded instruments of conveyances are here identified by number. This number refers to the certificate of the Washington County Recorder which shows the type of deed, date and location of the recording.

Decreed Right #63 to Daniel Crawford of Springdale, Utah
Priority 1881 class 1 for 29.4 acres 0.53 c. f. s. (amended by change Application # a-1311 certificate #54 granted August 6, 1938).

A. Right sold to Utah Parks Co. transaction not recorded.
B. Utah Parks Co. sold right to United States (1) Books W-2, Page 270.

Decreed Right #66 to Drawford Ditch Company, Springdale, Utah
Priority 1877 Class 1 for 66.7A 1.21 c. f. s.
Divided right as follows

A-John R. Crawford	27.4	Acres
B-Lyle Winder	1.1	"
C-Daniel Crawford	6.1	"
D-James Crawford	26.0	"
E-E. E. Winder	5.0	"
F-Hyrum Ruesch	1.1	"
	66.7	

A-Portion to John R. Crawford
(8) John R. Crawford sold right to the United States Book W-2, Page 244.
B-Portion to Lyle Winder (also known as Kliel Winder)
(6) Kliel Winder included right in deed to James Crawford, Book U7 Page 529.
(7) James Crawford included right in deed to United States, Book U7 Page 532.
C-Portion to Daniel Crawford.
(9) Daniel Crawford deeded right to John R. Crawford, Book W-2, Page 242.
(8) John R. Crawford deeded right to United States Government, Book W-2, Page 244.
D-Portion to James Crawford.
(10) James Crawford sold right to United States, Book W-2, Page 238.



E-Portion to E. E. Winder
(2) Cornelia C. Winder, executrix for E. E. Winder, deeded right to John W. Crawford, Book W-2, Page 231.
(3) John W. Crawford deeded right to United States, Book W-2, Page 234.
F-Portion to Hyrum Ruesch
(4) Hyrum Ruesch included right in deed to Daniel Crawford, Book U-7, Page 427.
(5) Daniel Crawford included right in deed to United States, Book U-7, Page 524.

Decreed Right #65 John Gifford Ditch Company, Springdale, Utah.
Priority 1894, Class 2 for 29.0 acres 0.44 c.f.s.
Divided right as follows:

A-W.L. Crawford	14	acres
B-Jacob Crawford	5	"
C-John Jolley	5	"
D-Daniel Crawford	1	"
E-John Crawford	1	"
F-James Crawford	1	"
	29	

A-Portion to W. L. Crawford
(15) W. L. Crawford included right in deed to United States, Book U-7, Page 538.
B-Portion to Jacob Crawford
(16) Jacob Crawford included right in deed to United States, Book U-6 Page 553.
(Discrepancy and overlap in the use of this right covered by
(17) John A. and Vera D. Allred deed to United States, Book U-7, Page 535.)
C-Portion to John Jolley
Right sold to Arden G. Schiefer by Jolley, no record of the transaction.
(14) Arden G. Schiefer included right in deed to United States, Book U-7 Page 536.
D-Portion to Daniel Crawford
E-Portion to John Crawford
F-Portion to James Crawford
These portions covered by rights included in deeds.
(5) Daniel Crawford to United States, Book U-7, Page 524.
(12) John R. Crawford to United States, Book U-7, Page 530.
(7) James Crawford to United States, Book U-7, Page 532.
(13) Daniel, John R., and James Crawford to United States, Book U-7, Page 533.
Application #10618 Certificate #1991 to John R. Crawford. for 0.01 c.f.s.
This certificate was for culinary water used by the following and their families:
A-John R. Crawford
B-Daniel Crawford
C-Arden G. Schiefer
D-J. M. Bean
E-Weston Justet

F-W. L. Crawford
G-James Crawford
All interest in this right included by following deeds:
(11) J. M. Bean, Weston Justet, and Howard Ruesch to John R. Crawford, Book U-7, Page 528.
(12) John R. Crawford to United States, Book U-7, Page 530.
(5) Daniel Crawford to United States, Book U-7, Page 524.
(7) James Crawford to United States, Book U-7, Page 532.
(13) Daniel, John R. and James Crawford to United States, Book U-7, Page 533.
(15) W. D. Crawford to United States, Book U-7, Page 538.
(14) Arden C. Shiefer to United States, Book U-7, Page 536.

May 24, 1943.

MEMORANDUM for the Regional Director, Region Three.

We enclose the originals of applications to amend the following water rights at Zion National Park.

Decreed Right No. 63 - In Crawford Ditch
Decreed Right No. 65 - In Gifford Ditch
Decreed Right No. 66 - In Crawford Ditch
Certified Right No. 1991 - In "Easter Service" Pipe Line

The amendments are in accordance with our past correspondence and discussions. If still satisfactory to you and Mr. Franke they should be signed by the latter and forwarded to the State Engineer, together with a voucher for $10.00 to cover the four filing fees. The manual states that there is a fee of $2.50 "for exchange, replacement or segregation." We feel that these amendments may constitute exchange and segregation, but we suggest that the fee be deferred until requested by the State Engineer.

The applications must also be accompanied by proof of Park Service title. Mr. Johnson has answered your questions of February 2, 1943, with regard to these proofs in the accompanying memorandum.

These four applications are decidedly involved. We suggest that Mr. Franke request in his letter of transmittal that the State Engineer communicate directly with the Water Rights Section, National Park Service, 601 Sheldon Building, for any changes in the applications themselves and with him for additional fees or matters relating to title. It might also pay to have the permits returned to us for final preparation of other National Park Service copies before they are sent to the park. This should expedite matters. Copies of correspondence to either should, of course, be sent to the other on receipt.

Mr. Franke or Mr. Richie has asked me, too, why parts of several rights were being transferred to the same water system. It will probably be evident to the State Engineer that we are trying to balance priorities and quantities according to urgency of need, but it may not be amiss to mention this point in the letter of transmittal.

No maps are submitted at this time because they are not needed until proof of diversion and use are filed. In our interview in March, the State Engineer further advised against filing maps now in case they might need revision after the applications are accepted. For the same reason we are

FILE COPY

holding the copies of the applications for Park Service files until all possible alterations are made.

We enclose copies of this memorandum for the Director and the Superintendent.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH
Enclosure 236.

04-15-1943: letter to hydraulic engineer from state engineer regarding explanation of the procedure in filing change applications

APR 16 1943

4/17

ED. H. WATSON
STATE ENGINEER

mr 4/17

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

April 15, 1943

Mr. A. Van V. Dunn, Hydraulic Engineer
601 Sheldon Bldg.,
San Francisco, California

Dear Sir:

RE: VIRGIN RIVER DECREED RIGHTS NOS. 63, 65 & 66 and (APPLICATION NO. 10618 - Certificate No. 1991)

Reference is made to your letter dated March 3, and our conversation on March 15, relative to change applications in Zion National Park. You are advised to file the respective change applications, there being one for each of the various rights mentioned in accordance with rule No. 23 in the pamphlet "Applications to the State Engineer," a copy of which is furnished you herewith. In this instance all the rights are perfected, the one being represented by Certificate of Appropriation, No. 1991, issued on perfected Application No. 10618, the other perfected rights being respectively decreed rights Nos. 63, 65 & 66 as set out in the Virgin River decree. At the time of filing these applications, evidence of the ownership of each respective right must be furnished in accordance with rule No. 22, found in the same pamphlet.

You are referred to my letter dated July 18, 1942, for detailed explanation of the procedure in filing change applications.

Although you submit prints of drawings and profiles in the regulation size required for proofs, they do not conform to the requirements of this office as defined in the "Rules & Regulations For Preparing Proofs," a copy of which is also furnished you herewith.

Comprehensive criticisms cannot be made of these maps and profiles until such time as the change applications have been filed, found satisfactory and approved. It is, therefore, unwise on your part to even prepare proofs before the change applications are approved. Should you be without adequate engineering help and for this reason find yourself in the position of not being able to prepare each respective proof of change within the time allowed by the State Engineer at the time each application is approved, you should then request extension of time in which to file proof. The Request for Extension of Time must be filed before the time elapses in which proof is to be submitted. The policy of this office has always been to give due consideration to these requests when made for reasonable cause.

If this procedure be followed there is no reason why you will not have sufficient time to submit your proofs compatible with conditions then existing.

It is desired at all times to give the maximum of help and service to patrons of this office in assisting them in all procedures required by law. It is felt, however, that you should first file your applications for change before taking up the matter of the proofs in detail. In doing otherwise we cannot give you the proper guidance in each particular instance.

In relation to proof maps, you are referred to my letter of August 13, 1942. In correspondence relative to matters of applications and proofs where perfected rights are involved, it is suggested that you refer to the application number and corresponding Certificate of Appropriation as such. With respect to decreed rights, reference should be made to the particular decree of the court in which the rights are awarded. To do otherwise makes it extremely difficult to identify the rights involved and to locate the file in this office.

Yours very truly,

Ed. H. Watson

Ed. H. Watson
STATE ENGINEER.

FWC/ig
Encl: Rules and Regulations

C O P Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

August 13, 1942

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

Dear Sir: REL: VIRGIN RIVER DECREE NOS. 63,65 & 66,
APPLICATION NO. 10618,
CERTIFICATE NO. 1991

Reference is made to your letter dated August 4, and to my letter dated July 18, relating the above captioned application and decreed water rights. It appears from your letter that all of the rights under discussion are perfected, there being no application pending in this office, therefore, a separate Proof of Change must be filed for each separate right. The items mentioned in your recent letter are taken up in the order and by number as you present them.

1. Due to the interconnected nature of the works in this instance it might be well to present the profile separate from the plan; however, only the profile pertaining to the right under Proof is to be included in each instance.

2. It is noted a small scale has been adopted on the map of which you present a print. This map may well serve the purposes of each Proof as a key map showing the interconnected works under the various proposed applications; however, the works pertaining to the Proof, under consideration, must be shown in black, while all others must be shown in a different color. Examinations cannot be made under the system used in this office in checking traverses where the courses and distances are given in tabular form separate from the map, therefore, detailed maps on regulation size sheets should be prepared with match lines on which it is shown the alignment notes lettered thereon in their proper locations in accordance with Rules & Regulations.

One form on which to submit "Proof of Permanent Change of Point of Diversion, Place, and Purpose of Use of Water" is furnished for your information.

Notes of water measurements in each instance must be given under "General Remarks" sufficiently in detail to enable one to determine from the data given, the quantity of water measured. If

a current meter be used, a copy of the current meter notes must be submitted. If a weir be used, the type, length of crest, and head of water flowing over it, together with the date and name of the person making the measurement must be submitted. The location where each water measurement is made must also be lettered on the map. Any standard engineering method of measuring water may be used, but sufficient detailed data of each measurement must be submitted to enable one to compute therefrom the quantity of water discharged. For the reason that any approved method of water measurement may be used, no blank forms in the Proof are provided for reporting the data. It may be necessary to utilize more space than is provided in the proof form under "General Remarks", in which instance additional sheets cut the same size as the Proof, may be added as "General Remarks continued."

Yours very truly,

(Sgd) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER.

FWC/ig
Encl: Form

C O P Y

601 Sheldon Building

August 4, 1942.

Mr. Ed. H. Watson,
State Engineer,
Salt Lake City, Utah.

Dear Sir:

Reference is made to your letter of July 18, 1942, regarding amendment of decreed water rights Nos. 63, 65, and 66, and certified right No. 1991 at Zion National Park.

Your revised manuals of April 15 and May 1, 1942, are much more explicit than our old copy of the manual dated 1930. We should have no difficulty in preparing our applications to require the minimum of subsequent correction.

It happens, however, that we have been working on data for final proof while waiting for various Park officials to review the proposed claims and we have taken certain steps which seem to be acceptable under the old manual but not under the new. Please refer to the drawings submitted on June 20.

1. We have prepared two sheets of plan and two sheets of profiles. The new manual states that if profiles are given, the plan and profile should be together on one sheet of plan-profile paper. Since the old manual did not make that specific demand we wonder if there can be exceptions.

2. We adopted a scale of 1"=1000' in order to get all of the main interrelated water systems on one sheet as a proper and intelligent expression of conditions. No standard plan-profile cloth would permit this plan to be so shown.

3. Because of the close proximity of various pipe lines and ditches we have tabulated traverse notes. This does not seem to be prohibited by the 1930 manual, but is by the new one. Regardless of map scale this violation of the new manual seems clearer.

We are also somewhat uncertain as to the type and extent of recorded measurements which we should submit. Perhaps this would be clarified if you would send us a copy of the blank which we will use in the final proof which supplements the map. The problem arises from our diversity of systems, varieties of uses and present limited supply of meters. It is now further complicated by the reduction in tourist travel this year and the abandonment of CCC and other construction activities. It is, therefore, a question whether we can make the immediate proof we hoped or will have to defer it until after the war.

Sincerely yours,

A. van V. Dunn,
Hydraulic Engineer.

07-18-1942: letter to hydraulic engineer; nps from state engineer regarding virgin river decree nos. 63, 65, and 66; application no.

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

July 18, 1942

ED. H. WATSON
STATE ENGINEER 1942

Mr. A. van V. Dunn, Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco, California

Dear Sir: REL: VIRGIN RIVER DECREE NOS. 63, 65 AND 66
APPLICATION NO. 10618, CERTIFICATE NO. 1991

In answer to your letter dated June 20, you are advised as follows:

Applications to appropriate water or for change of point of diversion, place and nature of use, must be made on the forms as printed and furnished by the State Engineer, in accordance with Paragraph 1 of "Rules and Regulations - Applications to the State Engineer," a copy of which is furnished you, herewith. This is necessary, due to the fact that the records of this office are made up of books of this form. Should it become necessary to use additional space under any of the paragraphs, the information should be given under "General Remarks" with reference made thereto under each particular paragraph affected. It may be necessary, in some instances, to attach several sheets to the application in order to cover all of the necessary explanatory matter, in which instance the sheets must be cut the same size as the application and attached thereto as a part of "General Remarks" continued. It might be well, in instances where extended explanation is necessary under the various paragraphs, to make reference to them in the same order and by paragraph under "General Remarks."

Of course it must be clearly understood that only one right can be covered by a change application where the right is perfected. In instances where change applications are made on pending applications in this office, any number of changes may be made in one change application, for the reason that the changes serve only as amendments to the original pending applications. When an application to change the point of diversion, place and nature of use is filed on a perfected right, it requires a Proof of Change, thus only one such right can be handled under one change application. Should you desire to cover ultimate sizes in your change application, this may be done. If, after having filed the change application, a lesser capacity is provided and included in the Proof, this also may be done, but the application cannot be enlarged upon in perfecting it when submitting Proof. Thus, should you desire to delay making Proof until the ultimate capacity has been provided, it becomes unnecessary to file a new change application.

Records of water measurements are given in the Proof of Appropriation or Proof of Change and the detailed data are given as a part of "General

Mr. A. van V. Dunn
7/18/42

Remarks." A copy of "Rules and Regulations for Submitting Proofs" is enclosed.

Yours very truly,

Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

FWC/vm
Enc:Rules & Regulations (2)

05-22-1942: memorandum to superintendent from hydraulic engineer regarding proposed transfer of water rights

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Four
San Francisco, California

IN REPLY REFER TO:

May 22, 1942.

MEMORANDUM for the Superintendent,
Zion National Park:

Reference is made to your memorandum of May 18 with regard to the proposed transfer of water rights in the park.

Your first suggestion in the second paragraph, to show the area to be developed as the new Administrative Area and so designated, is a good one and we shall see that it is done before the applications are completed. I might add that we are still awaiting the necessary application forms from the State Engineer who apparently is rather busy with this other war activities and other things which may be more important than water rights at the moment, but we should receive and complete our applications in the very near future.

In your next paragraph you refer to the use of the Pine Creek Pipe line to serve a large number of buildings, and point out that I did not include any irrigation from the system. I was not aware that any except the three residences were actually connected to this system and am glad to be able to include the others to strengthen the justification for use, as .03 sec. ft. as about 18,000 gallons a day is rather a large amount for the three residences.

We shall also be glad to specify that any overflow from that system is commingled with the other rights in the ditches for irrigation. It does not, however, seem justifiable to assign a specific area in this case, as it is quite probable that at times you would not be able to do any irrigating from this source, and due to the commingling in the ditch it would be better to merely increase the duty of water over the whole irrigated area in the very small amount necessary to include this water.

It is very gratifying to know that you have the ditches in order for active use this summer, in order that we will not have any more danger of lapse of rights.

COPY

With regard to your last paragraph concerning the connection between the Birch Creek Water System and Utah Parks Company Utility Area, I think I should explain that I deliberately omitted any suggestion of water use under the existing rights at any Company area except the Cafeteria Area where they have already signified a desire to have a water right by having transferred the Pine Creek Ditch rights a few years ago. The point was that I did not feet that we should conflict with their own policy on any of their own individual water systems. However, the case of the Company's Utility Area is somewhat different to the extent that they may fall back on the park water system for additional supply. Therefore, I shall add that use in the application to be prepared and ptotentially it will constitute that much more of the much needed immediate demand from the Water System.

The only reason that no portion of the park water rights is being assigned to the Upper Grotto and Wiley Spring systems at this time is the objection which has been expressed by the Company's attorney, Mr. Smith, who wishes to rely on the long use and his feeling that the springs differ from the main drainage of the system. Attorneys Taylor and Johnson both disagree with him, just as I do, but, as explained in my previous memorandum, the right if it does become necessary can be transferred at a later date and thus eliminate the need for any immediate arguments between yourself and the operator with regard to the matter. However, if they have already suggested any change of attitude or if you wish to adjust the complete set of systems at this time and make an issue of them, it is not too late to do so, merely requiring a still further reduction in the duty of irrigation water, and addition of the particular systems involved to the map and new applications to be prepared.

A. van DUNN
/s/
Hydraulic Engineer.

COPY

C O P Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

May 20, 1942

Mr. A. van V. Dunn, Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco, California

Dear Sir: REL: VIRGIN RIVER DECREE NOS. 63, 65, AND 66
APPLICATION NO. 10618, CERTIFICATE NO. 1991

This will acknowledge receipt of your letter dated May 4, 1942, together with Enclosure No. 2121968 and map, relative to changing the point of diversion, place and nature of use of the above numbered water rights. It will be necessary for you to use a separate change application form for each of the four water rights, for which 20 copies of this form is sent you under separate cover.

If the spaces provided on the forms will not permit all of the explanation necessary, riders should be attached thereto. If change application is made for the water of a number of springs or spring area to be collected at a common point, this point should be described as the point of diversion and the exterior boundary of the spring area must be described under "Explanatory" by metes and bounds and located with reference to the common point of tie shown on your map. In describing the works proposed in the change it would be wise for you to give the maximum dimensions intended to be used in the enlarged completed project.

I suggest that you do not designate the nature of use as "recreational" but to describe it as being used for irrigation, domestic, stock-watering and miscellaneous purposes. It may be possible to make a liberal interpretation of an intensified area as being comparable to that of a municipality at the time your applications are submitted. A copy of the new rules and regulations of this office are now in the hands of the publisher and a copy will be mailed you as soon as it is released from the press.

Yours very truly,

(Sgd.) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

RER/vm

05-04-1942: letter to state engineer from hydraulic engineer regarding certain water rights on the virgin river and general plan of us

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA
601 Sheldon Building

May 4, 1942.

State Engineer,

Salt Lake City, Utah.

Dear Sir:

The National Park Service has acquired certain water rights on the Virgin River for use at Zion National Park. These rights and the general plan of use are described in the accompanying "Tentative Plan of Use, Zion Water Rights" and advance print of drawing NP-ZIO-6978 which will be used as proof for amendment. The plan is still subject to administrative approval and adjustment, but is offered to you now to clarify this letter.

First, by reference to the Pertinent History you will note that the Park Service has been involved in a rather complicated program of acquisition and water system operation to acquire and maintain rights adequate for its needs. This is to advise that we propose to record and amend these rights with you during the next few months.

We assume that we are to use the "Application for Change of Point of Diversion, Place and Nature of Use." The question is whether we should use one application for each of the four rights, or whether we can consolidate the whole procedure in a single application and permit. We shall need five copies of the application blank for each application to be filed. This is a request for these forms.

You will also note that the amendments will involve considerably more explanation than the space on the forms permits, and this will be further complicated by the red corrections you usually require. To keep corrections at a minimum, we shall appreciate any special instructions you care to offer as suggested by the problem. We should also like to know whether you accept the extensive use of riders.

The Lower Grotto, Temple of Sinawava, and Scout Look-out pipe lines are several miles above the limits of the accompanying map and will be shown on a separate sheet. There is not, however, any private land or conflicting diversion between decreed and proposed diversions.

In the case of Oak and Birch Creek pipe lines, we shall wish to claim spring areas instead of isolated points of diversion. At Birch Creek, particularly, there are several more springs and we have only developed and diverted enough to provide the flow equal to the pipe capacity. Others will be diverted when need arises and funds for larger pipe are available. The question is whether we must give ties to all springs inthe application, or whether a tie to the lowest pipe junction and a traverse of the spring area will suffice. Even this, of course, will not go on the space provided under item 12 of the application.

The tentative plan calls for the allocation of only enough water to a pipe line to cover pipe capacity. More rights are quite likely to be needed at Birch Creek when capacity is available, but to transfer them now might result in lapse. Is there a way to provide for future enlargements now to eliminate future amendments?

You will also note that the proposed amendments leave only 0.26 sec. ft. in the Gifford Ditch. As a practical matter, it will be better to consolidate the rights in the Gifford and Crawford Ditches and use them by rotation in each ditch at different times or in variable proportions of the total. The decree of 1925 permits such rotation of rights, but should we make further reference to it in the amendments?

From time to time the Park Service finds it desirable to develop new areas and construct new pipe lines to serve them. It is also possible that we shall wish to provide a ditch to the Grotto Campground or to the CCC area to reduce the irrigation draft on pipe lines as domestic demands increase. Such possibilities are too remote to justify immediate design. However, if the Park Service owns all land along the North Fork of the Virgin from the south line of Sections 21 and 22 to the next township to the north, and the Court recognized the rotation of rights, we wonder if we cannot so amend the rights in the Crawford and Gifford Ditches that they may be rotated to other unrecorded Park Service systems in that area as they are built, without the formality of further applications for amendment.

You will note in the Tentative Plan that I have suggested that we designate our "Nature of Use" as "Recreational". We have irrigation of lawn and shade trees, domestic use at employees' residences, industrial use at utility areas, watering of saddle horses, maintenance of a swimming pool, and provision for fire protection. All are part of the facilities for public recreation. The water demand is increasing with the increase in park attendance. Even the number and size of needed campgrounds, requiring some irrigation, increases with park attendance, but to some extent irrigation is less important than some other uses. Hence we shall appreciate your suggestions as to special claims to be stated in the application to give the most flexible administration of the water rights. As a suggestion, Oregon construed a whole park as a municipality and Arizona has recognized the municipal status of the villages at the North and South Rims of Grand Canyon. In these cases, however, we were dealing with new appropriations rather than final decrees.

Yours very truly,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 2121968.

cc: Director.
Region Three.
Supt. Franke.
Reg. Atty. Taylor.
Assist. Engr. Hendricks.

Extra

TENTATIVE PLAN OF USE

ZION WATER RIGHTS

ZION NATIONAL PARK

By

A. van V. Dunn
Hydraulic Engineer

601 Sheldon Building,
San Francisco, Calif.,
May 4, 1942.

Present Park Water Rights

Location	Right No.	Priority Date	Quantity of Water	Area Served
Crawford Ditch	Decr. 63 Primary	1881	0.53 s.f.	(38.29 Ac. conflicts with Right No. 66. (12.54 Ac.- no conflict.
" "	Decr. 66 "	1877	1.21 s.f.	66.7 Ac.
Gifford Ditch	Decr. 65 Secondary	1894	0.44 s.f.	(10.1 Ac. being withdrawn south of Oak Creek (14.6 Ac. used north of Oak Creek
Master Service Pipe Line	Cert. 1991 Ter.	5/31/29	0.10 s.f.	Domestic
		Got →	2.28 s.f.	93.84 Ac. Net Active

Decreed duty of water 1 sec. ft. to 55 acres ±.

Proposed Park Water Rights

Crawford Ditch	Decr. 63 Primary	1881	0.190 s.f.	12.54 Ac.
" "	Decr. 66 "	1877	1.047 s.f.	66.70 Ac.
Gifford Ditch	Decr. 65 Secondary	1894	0.260 s.f.	14.60 Ac.
Master Service P.L.	--	--	0.000 s.f.	0.00 Ac.
Birch Creek P.L.	Decr. 63 Primary	1881	0.149 s.f.	17.77 Ac. Adm. Area - new
" " "	Decr. 65 Secondary	1894	0.180 s.f.	7.79 Ac. Res. Area - new
" " "	Decr. 66 Primary	1877	0.113 s.f.	12.95 Ac. CCC & Inn."- new
" " "	Cert. 1991 Ter.	5/31/29	0.099 s.f.	
Oak Creek P.L.	Decr. 63 Primary	1881	0.060 s.f.	3.06 Ac. Utility Area - new
Pine Creek P.L.	Decr. 63 Primary	1881	0.030 s.f.	--
Lower Grotto "	Decr. 63 Primary	1881	0.134 s.f.	9.92 Ac. Grotto CG- new
Temple of Sinawava P.L.	Decr. 63 Primary	1881	0.033 s.f.	(Parking 0.50 Ac. (Area - new
Scout Look-out P.L.	Cert. 1991 "	5/31/29	0.001 s.f.	0.00 Ac. Trailside
Total			2.280 s.f.	145.83 Ac.
Present Water Demand (Domestic)			0.200 s.f.	
Present water available for irrigation			2.080 s.f.	

Proposed average duty of water: 1 sec. ft. to 70.11 acres.

Pertinent History

Decreed Water Rights Nos. 63, 65 and 66 were awarded to various members of the Crawford family by decree entered December 12, 1925. The duty of water under Right No. 66 was amended by decree entered December 12, 1930, such that all of these rights had a duty of 1 second foot to 55 acres with minor variations.

Certificate No. 1991 was granted to John R. Crawford for a pipe line diversion from a nameless spring for domestic purposes on May 31, 1929, as result of proof under Application No. 10618.

Park Service water use started with the creation of the Mukuntuweap National Monument in 1909. The Monument was changed to Zion National Park in 1919 and has been enlarged since, chiefly in 1931 and 1932 when much of the area near the South Entrance was purchased from the Crawford family and their neighbors. Park Service water use has been continuous and increasing throughout the period.

The Park Service purchased 0.034 sec. ft. of Decreed Right No. 66 from Winder and Hasech in 1931, but the transfer was not recorded with the State Engineer and no attempt was made to amend the right to cover the purpose or place of use to which it has since been placed. The purchase is recorded in the county.

Decreed Right No. 65 was purchased with the land it served in 1931 by the United States, being all rights in the Gifford Ditch. The purchase is recorded with the County. The right has not been amended and the change of ownership has not been recorded with the State Engineer. During the past few years the ditch has been neglected to the south of Oak Creek. Portions of the right are subject to lapse if not transferred in the near future. The inactive portions include all diversions from Oak Creek and the irrigation of 10.1 acres to the south of that stream.

Decreed Right No. 63 was used by the Crawford family until the land was sold to the United States in 1931 or 1932. It was purchased by the Utah Parks Company in 1935 and transferred from the Pine Creek to the Crawford Ditch under Application No. A-1311 and the change was perfected under Certificate No. 54 dated August 6, 1938. The right was deeded to the United States approximately one year later, and is so recorded in the county. Use has been continuous since its transfer.

Decreed Right No. 66 was used by the Crawford family until the land it served was sold to the United States in 1932. It was used by the United States, with the consent and knowledge of the owners, until about 1937 when Right No. 63 was transferred to serve 38.29 acres of the same area of use in the South Entrance Area, campground and cafeteria area. Federal use of the portion of the right not assigned to the conflicting area has continued to date.

As of June 26, 1940 for one year, under temporary permit from the State Engineer, 0.74 sec. ft. of Right No. 66 was transferred and used on the lands of George H. Ison and Evan S. Lee. This constituted withdrawal of 40.79 acres from irrigation in the national park, nominally the 38.29 acres of conflict with the land served under Right No. 63.

During 1941 the United States purchased all of Right No. 66 except the 0.034 sec. ft. which it had already acquired from Winder and Ruesch in 1931.

Objectives of Proposed Changes

The plan of use, herein described, involves amendment of the water rights as follows:

1. Conversion of portions of the rights from irrigation to recreational purposes, domestic, stock watering and industrial use in the utility area, and assignment of the converted rights to Park Service water systems for which rights are now lacking.

2. Transfer of irrigation rights from areas where they can no longer be used, due to conflict with other rights or to change of use of the area, to areas where irrigation is needed but not now available.

3. Change of means of conveyance of irrigation water from ditch to pipe line to provide head for use above the existing ditches.

4. Reduce the duty of water from 1 sec. ft. to 55 acres, as decreed, to approximately 1 sec. ft. to 70 acres. This is possible because the Park Service irrigates to maintain lawns, meadows and shade trees instead of the farm crops, with higher water demands, previously cultivated by the Crawford family.

5. Correct certain errors in descriptions in original decrees.

Special Problems to Consider

In the applications for amendment to be filed with the State Engineer, the following features will be covered:

1. The domestic water demands are increasing and although only approximately 0.2 sec. ft. is needed for such purposes now, this demand will increase annually as park attendance increases. (Attendance has increased from 3692 people in 1920 to 168,029 in 1940, and the annual increase was between 8000 and 10,000 per year in the last two years of that record.)

2. Irrigation of lawns and shade trees is a very desirable feature in the park, but not as essential as domestic consumption, proper sanitary facilities, watering of saddle horses, operation of machine shops, and other water uses for the convenience of the public. It is planned to classify water use from the pipe lines as recreational to include irrigation and these other demands in order that the Park Service may increase the preferred uses at the expense of irrigation, as the need arises, without further amendment of rights.

3. Rights to be transferred to pipe lines are based on pipe capacity or spring flow, whichever is less. This limits desirable irrigation above ditches. Since all land within the park is federally owned, only the Park Service Right No. 66 for 1.21 sec. ft. is senior to the privately owned Right No. 67 in the Flannigan Ditch, and all Park Service rights are junior to those of Springdale, it would be desirable and not unreasonable to obtain the right to divert all or any part of the Park Service rights at any of the designated points of diversion as conduits may be enlarged to permit it.

Errors to Correct

1. Right No. 66 is to divert from an indefinite point on the Virgin River in Section 15 and this point could be described more specifically.

2. Right No. 66 is also to divert from a point on Oak Creek, 1850 feet west and 200 feet south of the NE corner of Section 21. This diversion is to be abandoned, but there is also a clear typographical error in that said point is 2000 instead of 200 feet south of the corner.

3. Right No. 65 is to irrigate 29 acres with 0.44 sec. ft. at 1 sec. ft. to 55 acres. The filed map and quantity of water indicate that the area is approximately 5 acres less than specified in the decree.

Which Rights to Transfer

To eliminate conflicts between Rights Nos. 63 and 66 either may be transferred, but it is preferable to move No. 63 to clear the greatest area with the least water.

There is some question of relative values of priorities of 1877 and 1881, but both are primary rights. The suggested amendments are based on the assumption that they are nominally of equal value while exercised within the park.

The Birch Creek Pipe Line is assigned portions of all priorities even though it is the main park system. It is believed that this system is best able to handle reduced diversions under junior rights, of those using pipe conduits.

Certificate No. 1991 is a domestic right but it is, and has always been, assigned to a source of supply which has proved inadequate in dry seasons of some years. The portion to be assigned to the Birch Creek Pipe Line is approximately the amount that the present diversion at Birch Creek Diversion fails in those years. The portion assigned to the Scout look-out system is for trailside use by hikers and the same occasional use would be made at the spring without development or right if the pipe did not provide greater convenience. Thus the full disposition of this right is suggested to preserve it without giving it greater importance than it has had in the past.

02-24-1942: memorandum to director from attorney regarding proof of title to water rights which will be needed to amend the right

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

February 24, 1942.

MEMORANDUM for the Director:

There is attached certain correspondence between Mr. Dunn and the State Engineer of Utah with regard to proof of title to water rights which will be needed when we amend the rights at Zion National Park.

The State Engineer suggests the use of certified copies of the deeds. However, before making any final decision we should know a little more about some of the deeds.

The following conveyances are involved:

1. Deed from Reusch and Winder for 0.034 sec. ft. in 1931.

2. The deeds covering the lands of John and Daniel Crawford and J. M. Bean and relating to the four 40-acre subdivisions centering on the 1/4 corner between Sections 21 and 22, T. 41 S., R. 10 W., S. L. M. (Relates to Water Right Application No. 10618 by John Crawford for domestic use by the community there.)

3. Deed from Utah Parks Company conveying Water Right No. 63 which that company first transferred from the Pine Creek to Crawford Ditch.

4. The recent deeds totalling 0.996 sec. ft. in the Crawford Ditch.

Will you please review all these deeds and determine whether we should obtain the certified copies as suggested by the State Engineer. If you decide on certified copies, please have them made in order that they will be available when Mr. Dunn completes his applications for amendment of the rights.

Enclosure 919986. Attorney.

cc: Regional Director, Region Three.
Supt., Zion National Park.

C O P Y

THE STATE OF UTAH

OFFICE OF STATE ENGINEER

SALT LAKE CITY

ED. H. WATSON
State Engineer

February 17, 1942.

National Park Service
Region Four
601 Sheldon Building
San Francisco, Calif.

re: Applications #10840 and #10618

Gentlemen:

I have your letter of February 13, 1942, regarding the recording of conveyances which affect the above numbered applications and also certain decreed rights. The assignment of application No. 10840, duly signed by the Timpanogos Cave Committee, has been received and filed.

You inquire as to whether it is necessary to file with the State Engineer a conveyance of water rights upon which you expect to file applications for change of point of diversion, place and purpose of use. It is a rule of this office that an applicant who files a change application must be able to show a chain of title to the water right from the original certificate or decreed right to the applicant. I suggest, therefore, that when you file your change applications, you submit with the applications certified copies of assignments or conveyances from the original applicant, or owner of decreed right to the National Park Service.

You state that the Utah Parks Company acquired rights to the Pine Creek Ditch and perfected a change application before conveying the water right to the United States. You inquire as to whether, under the circumstances, it is necessary in such case to file in this office a copy of the conveyance to the United States. Although the law does not require the recording of such conveyances in the State Engineer's office, it is desirable to file a recorded copy of such conveyances here for the convenience both of this office and your Department. I am working on Rules and Regulations which will be published in the near future, and I am including a rule to the effect that such conveyances must be recorded in the State Engineer's office.

If you have further questions concerning these matters, do not hesitate to write again.

Respectfully,

/s/ Ed. H. Watson,
State Engineer.

EJS/ba

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

FEB 17 1942
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3/3/42
FILE
Zion 660-05.72

February 14, 1942

MEMORANDUM for Regional Director, Region Four:

For: Water Rights Division

Reference is made to your memorandum of February 6 concerning the difference between 1.21 second feet and 1.03 second feet of water purchased by the United States in the Crawford Ditch, and requesting comments.

This office from general conversations with the owners feels that there was no intention on their part to retain the .18 second feet. It further appears that the retention of this .18 second feet by the vendors would necessitate the establishment of a right thereto and resultant modification of the original decree or its amendment. On April 10, 1941, the Utah State Engineer furnished a certificate stating that there had been no change in the status of these water rights as shown in the decree of December 12, 1925, and as amended April 21, 1931. For legal description it would probably be best to ask advice from the Chief Counsel.

Commenting on matters discussed on page 3 of Mr. Dunn's memorandum of February 4, we offer the following: We do not recall that the Utah State Engineer required registration of conveyance at Timpanogos Cave National Monument. It should be the place of your office to once and for all get a decision from the Utah State Engineer concerning the recording of conveyance in his office. So far we have been unable to contact the new Utah State Engineer, but former Engineer Humpherys and the subordinates in the State Engineer's office inform us they make no record of change of ownership.

A letter to the Utah State Engineer certifying to the continued use of the Crawford Ditch water by the National Park Service and by Isom and Lee during 1940-1941 is no doubt desirable to counteract the River Commissioner's letter of July 5, 1940, concerning lapse of the rights. Possibly this office could obtain a letter from the present River Commissioner certifying to the continued use of the water.

The federal government has purchased the water of the Crawford Ditch from vendors as follows:

James and Ellen C. Crawford	0.402 sec. ft.
John R. and Eliza E. Crawford	0.423 sec. ft.
John R. and Eliza E. Crawford	0.094 sec. ft.
John W. and Madge Crawford	0.077 sec. ft.
	0.996 sec. ft.
Hyrum Ruesch and Lyle Winder	0.034 sec. ft.
	1.030 sec. ft.

This constitutes the original decree of December 12, 1925, and when amended April 21, 1931, the amount of water was raised to 1.21 second feet. It appears to this office that the recording of the purchase of all water under the original decree constitutes the right to the amended amount. This is supported by the Utah State Engineer's certificate that there has been no change in status in the original decree and its amendment. The Chief Counsel may be asked by your office to decide this question.

Paul R. Franke
Superintendent

CC - Director
Region Three

02-13-1942: letter to state engineer from hydraulic engineer regarding acquired water right for the appropriation of swinging bridge

Zion 660-05.7
x Timpanogos Cave 660-05.7

February 13, 1942.

State Engineer,

Salt Lake City, Utah.

Dear Sir:

We have recently acquired the water right for the appropriation of Swinging Bridge Canyon waters for Timpanogos Cave National Monument, Application No. 10840, and have been taking steps to record the conveyance in your office. It is presumed that the conveyance has been properly signed and returned to you by this time or will be in the very near future.

This brings up the question as to whether all water right acquisitions should be recorded in your office. At Zion National Park we have just completed the purchase of Water Right No. 66 covering the Crawford Ditch rights, and some years ago we acquired the rights in the Gifford Ditch, No. 65, and the rights covered by Application 10618, License No. 1991.

We are at the present moment working on applications to change the place and method of use, and to a certain extent to change the point of diversion, under these rights, and the question arises as to whether we should record conveyance as well as make the amendments, or whether the applications for amendment will serve the purpose.

In addition, the Utah Parks Company acquired part of the rights to the Pine Creek Ditch and perfected the change in point of diversion and place and method of use, and obtained Certificate No. 54 for the change, on decreed priority No. 63. That Company then conveyed that right to the United States, the procedure in this case having been that the Company made the necessary changes prior to conveyance to the United States, whereas in the other cases the

FILE COPY

United States acquired the rights in their original state. Therefore, it may be that your answer as to whether we should record the final conveyance in this case may be different from that in connection with the rights as previously described.

Yours very truly,

Hydraulic Engineer.

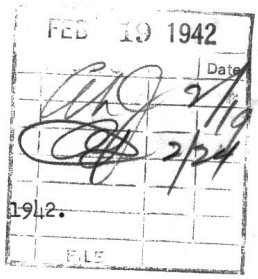
AvVD:SH

cc- Director)
Regional Director, Region Three) mailed 2/24/42.
Supt., Zion National Park)

02-13-1942: memorandum to attorney from chief counsel regarding crawford water rights purchased in 1941

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE



February 13, 1942.

MEMORANDUM for Attorney Johnson, Region Four:

Reference is made to Mr. Dunn's memorandum of February 4 to you relating to the Crawford water rights purchased in 1941 for use at Zion National Park. Mr. Dunn expresses a desire to inspect the abstracts of title to the properties purchased.

The Crawfords furnished a number of extra copies of their deeds and abstracts, the deeds being all executed as originals. A complete set of extra copies furnished by each vendor is enclosed for your use, and a duplicate set is being sent to Superintendent Franke of Zion National Park. The copies of the abstracts have not been extended and recertified, but they will undoubtedly serve your purposes.

H. A. Moskey
Chief Counsel.

Enclosure 2978809

cc: Supt., Zion National Park
and copy of enclosure

02-07-1942: memorandum to regional director from superintendent regarding water right recordings for purchase of water right no.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

FEB 10 1942
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2/10
2/13
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February 7, 1942

Zion 660-05.72

MEMORANDUM for Regional Director, Region Four:

For: Water Rights Division

Reference is made to your memorandum of February 3 concerning recordings of water rights, Zion National Park, Utah.

Question raised under paragraph 2 "the legal determination of just how much of it we have acquired" is answered by the Office of the Solicitor, Department of the Interior, letter dated June 28, 1941, page 2, number 3, for contract No. I-1P-17879 for purchase of water right No. 66, as follows:

"The question as to whether the deed to the United States conveys the rights to the increased amount of water provided by the supplemental decree of April 21, 1931, is answered in the affirmative since the deed, taken as a whole, shows the manifest intention of the grantors to convey all their right, title and interest in the waters decreed to them by both the original and supplemental decrees."

Concerning the Ruesch and Winder right to 0.034 second feet, we have nothing in our records to show that any records were ever filed with the State Engineer. Conveyance to the United States was by purchase on January 17, 1931. See memorandum of Fred C. Fagergren to the Acting Superintendent, Zion National Park, dated January 5, 1940, copy of which was furnished Attorney Johnson. Purchase preceded the supplemental decree of April 21, 1931, and the amount should probably be corrected to 0.04 second feet. We have no record of legal decision concerning this quantity.

Gifford ditch right exists as originally decreed and probably so recorded with the State Engineer. Does your paragraph refer to the conveyance to the United States? If so, the conveyance was never recorded with the State Engineer. See last paragraph of this memorandum.

Concerning the Easter Service area, the assumption is correct and there is no record of conveyance, except the deed.

02-07-1942: memorandum to regional director from superintendent regarding water right recordings for purchase of water right no.

Utah Parks Company, Pine Creek ditch rights, conveyance to the United States was properly recorded with Washington County between July 21 and August 12, 1939. We do not have the deed in our files and exact date of recording is stamped thereon. Change of certificate #54 by the State Engineer covering change in point of diversion and place of use of said Crawford water right was approved August 6, 1938.

With regard to all recording of conveyances from water right owners to the United States, this office understands that in Utah the State Engineer neither accepts or makes record in his office of change of ownership. Such recording must be done in the county. The State Engineer requires recording and approval only of change in point of diversion and place of use.

Paul R. Franke
Superintendent

CC - Director
Region Three

02-06-1942: memorandum to superintendent from attorney regarding crawford ditch right as being for the amount of 1.21 sec. ft. a

Zion 660-05.72

February 6, 1942.

MEMORANDUM for the Superintendent,
Zion National Park:

Reference is made to your memorandum of January 20, 1942, pointing out the Crawford Ditch right as being for the amount of 1.21 sec. ft., although the purchase by the United States set forth 1.03 sec. ft.

I am enclosing herewith a copy of a memorandum by Mr. Dunn attempting to reconcile this discrepancy. I do not recollect that the discrepancy was apparent in the discussion between you and myself in April of last year when the various deeds of the Crawfords were submitted by you to me prior to transmittal to Washington.

Referring to the penultimate paragraph on page 2 of Mr. Dunn's memorandum, I do not think there is any doubt that the owner of the rights conveyed to the United States all his interest, whether founded on the decree of 1925 or on the decree of 1931. You might give me your comments as to whether there was any apparent intention to retain any part of the water right by the vendors or if there is any possible use that the vendors could have made of .18 sec. ft.

We would especially like your comments as to the statements made by Mr. Dunn on page 3 of his memorandum so that we can make the proper transmittal to the State Engineer.

Attorney.

Enclosure 2121921.

ALJ:SH

cc: Director, with enclosures.
Region Three, with enclosures.

FILE COPY

02-04-1942: memorandum to attorney from hydraulic engineer regarding water right 66 in the crawford ditch was for 1/21 sec. ft of

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

Zion 660-05.72

February 4, 1942.

MEMORANDUM for Attorney Albert L. Johnson:

Reference is made to Superintendent Franke's memorandum to the Director of May 17, 1941, and to his memorandum to us of January 20, 1942, in which he points out that Water Right No. 66 in the Crawford Ditch was for 1.21 sec. ft. of water, while the purchase by the United States involved only 1.03 sec. ft. of which 0.034 sec. ft. was acquired some years ago.

After some study I agree with Mr. Franke, but this conclusion merely leads me to join Mr. Franke in asking what quantity of water we did acquire. The answer is needed before we complete the amendments of rights, and apparently it can only be determined by a legal interpretation of the abstract, which was not sent to this office for my inspection. I offer the following analysis of the problem.

In the original decree, dated December 12, 1925, the duty of water was defined as 1 sec. ft. for 60 acres on the East Fork and on the "upper parts of the North Fork and Ash Creek, and a duty of 55 acres for one cubic foot per second was decided upon for the remainder of the system." The term "upper part of the North Fork" is rather ambiguous, but I think it was intended to apply to the portion on the plateau north of the Narrows. This would mean that all diversions in the Zion headquarters area were to be at the rate of 1 sec. ft. to 55 acres.

The decree then awarded Right No. 66 to the Crawford Ditch for the diversion of 1.03 sec. ft. to irrigate 66.7 acres of land. This gives a duty of 1 sec. ft. to 65 acres. This duty is less than either rate specified in the general explanation, and was clearly due to a mathematical error.

The court allowed 5 years in which claimants could protest their awards, and John R. Crawford filed such a protest for the Crawford Ditch Company with the date of his oath Dec. 8, 1924, a whole year before the original decree was rendered. The protest regarding

priority was apparently corrected in the original decree, but the duty of water was not. The weakness in the claim was that Mr. Crawford claimed 3.0 sec. ft. for his land or a duty of 1.0 sec. ft. to 22 acres which was certainly at least double any value the court would accept.

The final hearing on protests was held on December 12, 1930, as provided in the original decree and the Crawford Ditch right was corrected to allow 1.21 sec. ft. for the 66.7 acres, or a duty of 1.0 sec. ft. to 55 acres, by a decree signed April 21, 1931. The duty implies that the court recognized that the ditch was not on the upper North Fork, and that some one had realized that the original decree had been based on a mathematical error.

Copies of the protest and supplemental decree are attached. (Filed herein under date of 1/30/42.)

In purchasing the 2.2 acres of land of Lyle Winder and Hyrum Reusch (circa 1931 or 1932) the United States also acquired their rights to 0.034 sec. ft. of Right No. 66. This is at the rate of 1.0 sec. ft. to 65 acres in accordance with the 1925 decree. The United States should have acquired 0.04 sec. ft. at the rate of 1.0 sec. ft. to 55 acres if the purchase was after the supplemental decree was rendered, or it did automatically acquire the greater amount when the decree was rendered if the purchase was first.

The date of the Winder and Reusch purchases is needed.

My best information on the deeds and abstracts covering the purchase of 1941 is in a memorandum from Superintendent Franke of July 26, 1941, a copy of which is attached because none seems to have been sent to the Director. All instruments listed therein refer to conveyance of rights covered by the decree of 1925 and do not mention the supplemental decree of 1931, and all refer to quantities of water as defined in the 1925 decree. The question seems to be whether the owner of rights decreed in 1925 is automatically the owner of the rights to the increased quantity decreed in 1931 or whether the deeds were drawn with deliberate intent to retain 0.18 sec. ft. for the vendors.

The best argument for full conveyance seems to be that each deed seems to convey all rights of each original claimant for water to irrigate specific areas at not less than 1.0 sec. ft. to 60 acres and more probably at 1.0 sec. ft. to 55 acres. To fulfill the latter, it was necessary to convey 996/1030 x 1.21 or about 1.16 sec. ft. by the three deeds combined. Note that the other 0.04 or 0.034 sec. ft. was an independent purchase requiring special consideration as previously described.

So far as the Park Service was concerned, all negotiations were based on the quantity of 1.03 sec. ft. for the total right, and in my discussion with the State Engineer when I found that the right was for sale we referred to the original decree. Our appraisal was also based on 0.996 sec. ft. and not 1.16 sec. ft. Hence, the United States should be satisfied with the lower value if that is all it acquired, but it should not allow the other 0.18 sec. ft. to lapse if it was acquired.

Referring to the transfer of title to water rights at Timpanogos Cave as an example, it appears that the State of Utah requires that such conveyances must be registered with the State Engineer. Our records do not show that such registration has been made in the case of the Crawford purchases under contracts I-lp-17879, 17880 and 17882. This should be done as soon as possible, but two points should be covered in that procedure:

1. The letter of transmittal should advise that we have kept the rights active through use with Mr. Crawford's knowledge since 1932, and that now that we have acquired them we will make certain changes in point of diversion, place and method of use during the next year. This is all to counteract the statement made by the River Commissioner in a letter to the State Engineer of July 5, 1940, that the rights were apparently about to lapse through non-use. I assured the State Engineer of the National Park Service use orally at that time, but it should now be recorded in writing, and indicating further use of part of the rights by Isom and Lee during 1940-1941.

2. If more than 0.996 sec. ft. is claimed by the three purchases the deeds should be accompanied by any other instruments which may be needed to prove full title.

Gerald D. Dann
Hydraulic Engineer.

Enclosures.

cc: Director, with enclosures.
Region Three, with enclosures.
Supt., Zion Nat. Park, with enclosures.

01-24-1942: letter to county recorder from hydraulic engineer regarding adjudication of the virgin river the court amended the quan

601 Sheldon Building

January 24, 1942.

County Recorder,
Washington County,
St. George, Utah.

Dear Sir:

We are advised by Superintendent Franke of Zion National Park that in the matter of the adjudication of the Virgin River the court amended the quantity involved in Right No. 66 on April 21, 1931, allowing 1.21 second feet instead of the 1.03 second feet originally decreed.

We should like to borrow a copy of that amended decree of April 21, 1931, for two or three days to copy the pertinent information, or as an alternate we should like to obtain a certified copy of the portions thereof which relate to the increased quantity and the reasons for the increase.

In case you prefer to follow the second procedure, we enclose a voucher to be signed on the line indicated by a cross, and request that you execute it and return with a statement, on a separate sheet, of the charge for such copy.

Yours very truly,

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

Encl.

FILE COPY

01-20-1942: memorandum to regional director from superintendent regarding amended water right raising the total right from 1.03

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

JAN 22 1942
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January 20, 1942

MEMORANDUM for Regional Director, Region Four:

Water Rights Division

Reference is made to your memorandum of January 13 relating to water rights, Zion National Park, Utah.

The amended water right raising the total right from 1.03 second feet to 1.21 second feet, on right No. 66, is in possession of the County Recorder, Washington County, St. George, Utah. The Recorder will not release this, but upon your application she may do so, or provide evidence as to the court's action.

The following is the description of the .014 acre of private land owned by the Dixie Power Company in section 22, used for a high voltage transformer station. Portion of SW¼ SW¼ NW¼, Sec. 22, T. 41 S., R. 10 W., S.L.M. This office is now negotiating with the power company for a relocation of this power line, and if approved by the Director this parcel will probably be donated to the Service.

We are working on the maps and data as requested in your memorandum of January 9, and will have most of the information in the mail within the next ten days.

Paul R. Franke
Superintendent

CC - Region Three
Mr. Hendricks

10-18-1940: memorandum to regional director from superintendent regarding options and appraisals recently forwarded for the pu

Mr. Dunn.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

January 13, 1942.

MEMORANDUM for the Superintendent,
Zion National Park:

Reference is made to your memorandum of October 14, 1941, enclosing one from Ranger Fred C. Fagergren to you of August 11, 1941, and relating to water rights owned by the Park Service.

We have checked the quantities of water given in Mr. Fagergren's memorandum and find them to agree with our records. The errors in our "Status of Park Service Water Rights" have been noted and will be corrected in the next annual edition.

That tabulation gives 0.996 sec. ft. as the quantity just purchased from the Crawford family; which, with the 0.034 sec. ft. purchased some years ago, constitutes all of right No. 66 as we have found it in all copies of the decree. You will note, however, that in your registered memorandum to the Director of May 17, 1941, you state that in the amendment of April 21, 1931, the court raised the quantity of the total right from 1.03 sec. ft. to 1.21 sec. ft. Evidently we have not seen this amended decree. We should like to borrow your copy and obtain a full explanation of your statement of May 17.

With regard to the land served by these rights, we refer to a memorandum from the Chief Counsel to Attorney Johnson of January 6, 1942, of which you received a copy, which refers to the tract still owned by the Dixie Power Company in the SW¼ NW¼ Section 22. Will you please send us the exact description of this tract as recorded in the deeds or county records in order that we may plot it correctly on our map.

Referring now to Bryce Canyon, the Utah Parks Company has been reported as donating the rights of Trough and Shaker Springs to the Park Service. We shall wish to know when the donation is accepted, and we shall wish a map of the Park Service water system from these springs, all in order to amend the place of use.

As stated in my memorandum of January 9, 1942, we wish to complete water right projects, which have been started, as soon as possible in case there should be a curtailment of activities for the rest of the war period. For this reason we should appreciate the reply to the above questions, and to the memorandum of November 19, 1941, as soon as possible. If some answers have to be incomplete because you have not made the surveys, just give the best answers you can. We do not wish to go to the expense of additional field surveys until we know more about our future funds.

(SGD.) A. VAN V. DUNN

Hydraulic Engineer.

cc: Region Three.

00-00-0000: table of land and water rights acquired by the nps from the crawford family

Crawford Rights '66

From	Contract	Quantity	Acreage served	Price
John R + Eliza E Crawford orig Daniel Crawford Right	I-Lp-17881	0.094 s.f.	6.1 ac	$160.27
John R + Eliza E Crawford	I Lp-17880	0.423 s.f.	27.49ac	$721.21
James + Ellen Crawford	I-Lp-17879	0.402 s.f.	26.0ac	$685.41
John W + Madge Crawford Original E E Winder Right	I-Lp-17882	0.077 s.f.	5.0ac	$131.28
		0.996 s.f.	64.5ac	1698.17

01-09-1942: memorandum to the superintendent from a hydraulic engineer regarding enclosed print map used in the adjudication

rector Zion - Deed 19

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

Mr. Bartlett
Mr. Stacy
Mr. Dunn

NATIONAL PARK SERVICE RECEIVED JAN 14 1942 MAILS AND FILES

January 9, 1942.

MEMORANDUM for the Superintendent,
Zion National Park:

There is enclosed for your records a print of the map used in the adjudication of Gifford, Crawford and Pine Creek Ditches, and showing the specific areas to which water was decreed.

You will note that the large parcel with the "10" in the middle, south of Oak Creek and west of the Virgin River, is the same area to which the Utah Parks Company transferred its rights in the Pine Creek Ditch before conveying them to the United States. There is thus a duplication of water supply on this area at the present time. Also, all irrigated areas between the Pine Creek Ditch and the Virgin River have now been eliminated.

This data is submitted for your records at this time, and to show why it is necessary to reallocate the places of use under various federally owned rights. As stated in our memorandum of November 19, 1941, the amendments are being prepared, but we need certain data requested in that memorandum. Due to the uncertain future of non-defense activities, we should appreciate the data requested at the first opportunity.

(SGD.) A. VAN V. DUNN
Hydraulic Engineer.

Enclosure 919975.

cc: Director, with 1 print.
Region Three, with 1 print.

09-23-1941: memorandum to the superintendent from the chief counsel regarding the purchase of certain water rights from john r.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 23, 1941.

MEMORANDUM for the Superintendent, Zion National Park:

Reference is made to the purchase of certain water rights from John R. Crawford, et al., pursuant to contracts Nos. I-lp-17879, I-lp-17880, I-lp-17881, and I-lp-17882, for use at Zion National Park.

We have requested the Chief of Operations to have checks covering the purchase prices for the water rights involved drawn on the appropriate funds and forwarded to you for delivery to the vendors. However, as title to the water rights was accepted subject to the payment of assessments which will be levied by the Virgin River Water Users Association to cover distribution expenses, it will be necessary that you ascertain the exact amounts of the assessments in each case and secure such amounts from the vendors before delivering the checks to them. It will also be necessary for you to obtain receipts from the Association showing that the assessments have been paid, and transmit them to this Office in order to comply with the condition upon which the title to the water rights was accepted.

(SGD) G. A. Moskey

cc: Mr. Barton.
Mr. Hernon.

Attorney Johnson Chief Counsel.

09-23-1941: memorandum to the chief of operations from chief counsel regarding the purchase of water rights from john crawford

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 23, 1941.

MEMORANDUM for the Chief of Operations:

There are attached certified copies of contracts Nos. I-lp-17880 and I-lp-17881, approved March 21, 1941, covering the purchase of 0.423 and 0.094 second feet of established water right No. 66, priority of 1877, waters of the Virgin River and its tributaries, in Washington County, Utah, from John R. Crawford and Eliza E. Crawford, his wife, for the respective sums of $721.21 and $160.27, for use in connection with the Zion National Park.

Also attached are certified copies of the Assistant Solicitor's opinion of June 28, 1941 (M. 31364), memorandum of August 25, 1941 showing acceptance of title by the Under Secretary on September 2, 1941 subject to the payment of an assessment which will be levied by the Virgin River Water Users Association to cover distribution expenses, and a certified invoice for the purchase prices totaling $881.48.

It is proposed to complete this purchase from funds made available to the National Park Service by Interior Department Appropriation Act, 1941 (Public No. 640, 76th Congress), for the investigation and purchase of water rights. (Appropriation symbol, 1411056, Water Rights, National Park Service, 1941 and 1942).

It is requested that a check for $881.48, payable to the order of John R. Crawford and Eliza E. Crawford, be drawn on the above-mentioned funds and forwarded to the Superintendent, Zion National Park, for delivery to the payees. Appropriate instructions are being given the Superintendent concerning payment of the above-mentioned assessment before delivering the check to the payees.

(SGD) G. A. Moskey
Chief Counsel.

Enclosure 2538491

cc: ~~Mr. Barton.~~ Atty. Johnson
Mr. Hernon.

09-23-1941: memorandum to the chief of operations from chief counsel regarding the purchase of water rights from james crawfor

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

SEP 29 1941

September 29, 1941.

MEMORANDUM for the Chief of Operations:

There is attached a certified copy of contract No. I-lp-17879 approved March 21, 1941, covering the purchase of 0.402 second feet of established water right No. 66, priority of 1877, waters of the Virgin River and its tributaries, in Washington County, Utah, from James Crawford and Ellen C. Crawford, his wife, for the sum of $685.41, for use in connection with the Zion National Park.

Also attached are certified copies of the Assistant Solicitor's opinion of June 28, 1941 (M. 31342), memorandum of August 25, 1941 showing acceptance of title by the Under Secretary on September 4, 1941 subject to the payment of an assessment which will be levied by the Virgin River Water Users Association to cover distribution expenses, and a certified invoice for the purchase price.

It is proposed to complete this purchase from funds made available to the National Park Service by Interior Department Appropriation Act, 1941 (Public No. 640, 76th Congress), for the investigation and purchase of water rights. (Appropriation symbol, 1411056, Water Rights, National Park Service, 1941 and 1942).

It is requested that a check for $685.41, payable to the order of James Crawford and Ellen C. Crawford, be drawn on the above-mentioned funds and forwarded to the Superintendent, Zion National Park, for delivery to the payees. Appropriate instructions are being given the Superintendent concerning payment of the above-mentioned assessment before delivering the check to the payees.

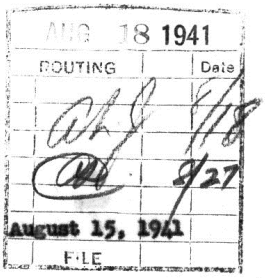
(SGD) C. A. Moskey

Enclosure 2538489

Chief Counsel.

cc: ~~Mr. Barton.~~ Attorney Johnson
Mr. Hernon.

08-15-1941: list of the crawford family water rights as sold to the park service



ZION AND BRYCE CANYON NATIONAL PARKS
Springdale, Utah.

Registered Mail

Memorandum for the Director:

Reference is made to your memorandum of July 2 regarding proposed purchase of the Crawford water rights for use at Zion National Park.

All the requirements in connection with this purchase have been met and the following papers are enclosed:

John R. Crawford rights:

Deed from Daniel Crawford and wife to John R. Crawford and wife recorded in Washington County Records, Book W-2, Page 242, filed July 17, 1941. (No stamp necessary)

Deed from George Isom and wife to John R. Crawford and wife, recorded in Washington County Records, Book W-2, Page 241, filed July 17, 1941. (No stamp necessary)

Deed from John R. and Eliza E. Crawford to the United States, recorded in Washington County Records, Book W-2, Page 244 ($1.10 stamps)

Certificate of abstract amended to show that it was made for the benefit of the United States (Page 9 of Abstract No. 40).

Abstract extended and certified subsequent to recordation of deeds showing that nothing has occurred to affect title adversely. (Page 17 of Abstract)

Certificate of inspection and possession, dated August 15, 1941.

James Crawford rights:

Deed from James and Ellen Crawford to the United States recorded in Washington County Records, Book W-2, Page 238. ($1.10 in stamps)

Deed from Evan S. Lee and Lillian Lee, his wife, to James and Ellen Crawford recorded in Washington County Records, Book W-2, Page 236. (No stamps necessary.)

Affidavit of identity of Ellen C. and Helen Crawford recorded in Book W-2, Page 236 of Washington County Records.

Certificate of abstract amended to show that it was made for the benefit of the United States. (Page 9 of Abstract No. 51.)

Abstract extended and certified subsequent to recordation of deeds to show that nothing has occurred to affect title adversely. (Page 15 of Abstract)

Certificate of inspection and possession, dated August 15, 1941.

John W. Crawford rights:

Deed from John W. and Madge J. Crawford to the United States recorded in Washington County Records, Book W-2, Page 234. ($.55 stamps)

Administratrix quitclaim deed in estate of Enos E. Winder, Order of the Court, and Affidavit of Identity, recorded in Washington County Records, Book W-2, Pages 231, 233, and 230, respectively, filed July 17, 1941

Abstract amended to show that it was made for the benefit of the United States. (Page 9 of Abstract No. 52.)
Abstract extended and certified to a date subsequent to recordation of deed showing that nothing has occurred to affect title adversely.
Certificate of inspection and possession, dated August 15, 1941.

As to all of above rights:
Affidavit of Arthur K. Hafen, Secretary, Virgin River Water Users Association, certifying that all charges for water distribution have been paid up to April 22, 1941. (Book W-2)
Affidavit of T. H. Humpherys, State Engineer, certifying that there has been no change in status of water rights above named.
Abstract to deeds Nos. 5 to 13, Zion National Park.

If the above papers are in order it is requested that vouchers be prepared and sent to this office for vendors' signatures. When the vouchers are forwarded, please advise whether they should be signed by both husband and wife or whether the signature of one will suffice. Also, provision should be made in the vouchers for an assessment by the Virgin River Water Users Association which will be levied during October, 1941, for the current year. The exact amount of the assessment is not ascertainable at this time but it usually amounts to about $2.00 per second foot of water. Since there is a total of 1.030 c.f.s. of water involved it is suggested that $1.00 be deducted from each vendor, which should be adequate to cover the assessment.

Paul R. Franke
Superintendent.

cc: Region III
Region IV.
Water Rights Div

COPY

STAMPED

Received Zion
National Park
Aug. 1941

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Region Four
San Francisco, California

IN REPLY REFER TO:

August 6, 1941.

MEMORANDUM for the Superintendent,
Zion National Park

Reference is made to your memorandum of July 26, 1941, regarding the pending purchase of Water Right No. 66 from various members of the Crawford family. This very excellent summary is greatly appreciated.

Two points now seem to be in order:

1. I wonder whether the changed points of diversion made by Isom and some others for the last year all automatically revert to their original point in the Park as of this past June when thir temporary time limit was up. If not we may have to file another statement or request of some sort. If you have had satisfactory dealings with the River Commissioner in the past you might ask him about this point.

2. By reference to my report on Water Rights and Water Use at Zion as revised in March 1941, you will note that the purchase when combined with the recent transfer of rights from Pine Creek Ditch, places too much water on the cafeteria area. Also, there are no rights for existing pipe lines. Before taking what seems to be the next step, we should have your approval to begin with the Birch Creek system and transfer Right No.66 as far as it will go to pipe capacities among such systems. Also, amend the Gifford Ditch right to serve irrigation of present areas along its course instead of those which have been "restored to nature" since being acquired by the Park.

Note that this will leave the operators systems, chiefly those from Upper Grotto and Retreat Springs, without rights. The Union Pacific seems to prefer to rely on Attorney Smith's suggestions which differ from ours, and until we acquire these systems there seems to be little to do but let the matter rest there.

/s/ A. van Dunn,
Hydraulic Engineer

cc: Supt. Franke
The Director
Regional Director, Region III
Water Rights
Mr. Dunn

COPY

07-26-1941: memorandum to the regional director from the nps regarding purchase of water rights from the crawford family

AUG 1 1941

ROUTING	Date
[illegible]	8/1
[illegible]	8/4
[illegible]	8/5
Asst A vD	8/6
FILE	

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

ZION AND BRYCE CANYON NATIONAL PARKS
Springdale, Utah.

July 26, 1941.

Memorandum for the Regional Director,
Region IV, San Francisco, California:

Attention: Hydraulic Engineer A. van V. Dunn.

Reference is made to your memorandum of July 15, 1941, regarding the purchase of water rights from James and Ellen C. Crawford, John R. and Eliza E. Crawford, and John W. and Madge J. Crawford for Zion National Park.

The conveyance of these water rights has been almost completed. At the present time the deeds are being recorded in Book W-2 of the Washington County records. The recorder has promised to return the deeds to us by this week end at which time they, along with the abstracts, certificates and other related papers, will be submitted to the Director for final approval and payment.

You will find following a brief outline of the papers we now have, along with the dates for each water right:

1. From John R. Crawford and his wife, Eliza E. Crawford, vendors: 0.094 c.f.s. of water (said right being a portion of right #66 as decreed Dec. 12, 1925, in the action entitled, "St. George & Washington Canal Co. vs. Hurricane Canal Company," and described therein as belonging at that time to Daniel Crawford to water 6.1 acrew of land.)

Option taken September 10, 1940 for one year for $160.27.

Contract No. I-lp-17881 approved March 21, 1941 by authority of Act of June 18, 1940. (Public #640, 76th Congress)

0.423 c.f.s. of water (said right being a portion of Right No. 66 as decreed Dec. 12, 1925, in the action entitled, "St. George & Washington Canal Co. vs. Hurricane Canal Company," and described therein as belonging at that time to John R. Crawford to water 27.4 acres of land.

Option taken September 10, 1940, at $721.21 for one year.

Contract No. I-lp-17880 approved March 21, 1941, by authority of Act of June 18, 1940 (Public No. 640, 76th Congress.)

For both rights we now have: (1) Abstract No. 50 consisting of nine pages, certified April 24, 1941, (2) a warranty deed for the use of 0.38 c.f. from Geo. Isom and Annie C. Isom, his wife, to

copy mailed Director 2/6/42.

John R. Crawford, wherein they release all of the right dated April 9, 1941, filed July 17, 1941, and recorded in Book W-2 of Washington County records; (3) the water rights described as being formerly owned by Daniel Crawford, (0.094 c.f.) conveyed to John R. Crawford by Warranty Deed dated April 12, 1941, from Daniel Crawford and Sarah Curtis Crawford, his wife, to John R. Crawford, filed July 17, 1941, and recorded in Book W-2 of Washington County records; (4) warranty deed from John R. Crawford and Eliza E. Crawford, his wife, to the United States, properly stamped, dated April 22, 1941, filed July 17, 1941, and recorded in Book W-2 of Washington County records; (5) continuation of abstract from April 24, 1941 to 5:00 p.m. July 17, 1941, consisting of seven pages and certificate of abstractor showing there are no subsisting judgements or liens of any kind, no taxes due or levied against water rights at this time, also dated July 17, 1941, 5:00 p.m; (6) in addition we have a certificate from the State Engineer dated April 10, 1941 that there has been no change in the status of the water rights as shown in the decree of December 12, 1925, and as amended April 21, 1931; (7) also an affidavit dated April 22, 1941, made by Arthur K. Hafen, secretary of Virgin River Waterusers Committee, that all taxes and assessments had been paid up to and including the year 1940 and no levies had been made for the year 1941.

II. From James Crawford and Ellen Crawford, his wife, vendors: 0.402 c.f.s. of water. (said right being a portion of Right No. 66 as decreed Dec. 12, 1925 in the action entitled, "St. George & Washington Canal Co. vs. Hurricane Canal Co.," and described therein as belonging at that time to James Crawford to water 26.0 acres of land.

Option taken September 10, 1940 at $685.41 for one year.

Contract No. I-lp-17879, approved March 21, 1941, by authority of the Act of June 18, 1940. (Public No. 640, 76th Congress).

For the above we now have: (1) Abstract No. 51, consisting of nine pages, certified April 24, 1941; (2) warranty deed from Evan S. Lee and wife to James Crawford, wherein Lee releases and surrenders all of their rights to temporary use of 0.36 c.f.s. dated April 10, 1941, filed July 17, 1941 and recorded in Book W-2 of the Washington County records; (3) warranty deed from James Crawford and Ellen C. Crawford, his wife, to the United States, properly stamped, dated April 22, 1941, and filed July 17, 1941, for recording in Book W-2 of the Washington County records; (4) continuation of abstract from April 24, 1941, to 5:00 p.m. July 17, 1941, consisting of seven pages, and certificate of abstractor showing there are no subsisting judgements or liens of any kind, no taxes due or levied against water right at this time, also dated 5:00 p.m. July 17, 1941; (5) In addition we have a certificate from the State Engineer dated April 10, 1941, that there has been no change in the status of the water rights as shown in the decree of December 12,

1925, and as amended April 21, 1931; (6) an affidavit dated April 22, 1941, made by Arthur K. Hafin, secretary of the Virgin River Waterusers' Committee, that all taxes and assessments on said water right had been paid up to and including the year 1940, and no levies had been made for the year 1941.

III. From John W. and Madge J. Crawford, vendors: 0.077 c.s.f. of water. (said right being a portion of right No. 66 as decreed Dec. 12, 1925, in the action entitled, "St. George & Washington Canal Co. vs. Hurricane Canal Co.," and described therein as belonging at that time to E. E. Winder to water 5.0 acres of land).

Option taken Sept. 10, 1940, at $131.28 for year.

Contract No. I-1p-17882, approved March 21, 1941 by authority of the Act of June 18, 1940 (Public No. 640, 76th Congress).

For the above we now have: (1) Abstract No. 52, consisting of nine pages, certified April 24, 1941; (2) Quitclaim Deed, dated May 10, 1941, executed by Cornelia C. Winder, administratrix of the estate of Enos E. Winder, deceased, in favor of John W. Crawford, filed July 17, 1941, and recorded in Book W-2 of the Washington County records; (3) a certified copy of the order of the court, entered April 29, 1941, authorizing Cornelia C. Winder to convey the rights filed in May, 1941, and recorded in Book W-2 of Washington County records; (4) Warranty deed from John W. Crawford and Madge J. Crawford, his wife, to the United States, properly stamped, dated May 14, 1941, filed July 17, 1941 and recorded in Book W-2 of the Washington County records; (5) continuation of the abstract from April 24, 1941 to 5:00 p.m. July 17, 1941, consisting of nine pages and certificate of abstractor showing there are no subsisting judgements or liens of any kind, no taxes due or levied against water rights at this time, also dated July 17, 1941, at 5:00 p.m.; (6) A certificate from the State Engineer that there has been no change in the status of the water rights at this time, as shown in the decree of December 12, 1925, and as amended April 12, 1931; (7) An affidavit made by Arthur K. Hafen, secretary of the Virgin River Waterusers' Committee that all taxes and assessments have been paid up to and including the year 1940, and no levies have been made for the year 1941.

Paul R. Franke
Superintendent.

CC - Regional Director, R-III

06-07-1943: memorandum to superintendent from hydraulic engineer regarding approved conveyances or opinions regarding deed

Zion

July 15, 1941.

MEMORANDUM for Superintendent Franke,
Zion National Park:

Reference is made to the Acting Chief Counsel's memorandum to you of July 2, 1941, returning approved conveyances or opinions regarding them covering the deeds of James and Ellen C. Crawford, John R. and Eliza E. Crawford, and John W. and Madge J. Crawford, for water rights at Zion National Park.

Our records do not have a complete list of the vendors in connection with all the portions of the water right which we are trying to purchase, including the portions to be obtained if possible from Mr. Crawford. For this reason, will you please send us a complete list of the increments of the right, giving the names of the vendors, quantities of water, contract numbers if any purchases have gotten that far, dates the options were signed, dates of acceptance by the United States, and the present status of each, as your records show them.

We are extremely anxious to get this information at once, as it is needed in the preparation of an exhibit we submit annually as justification for funds for the purchase of water rights.

Hydraulic Engineer.

AvVD:SH

FILE COPY

07-02-1941: memorandum to superintendent from acting chief counsel regarding proposed purchase of crawford water rights

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

July 2, 1941.

MEMORANDUM for the Superintendent,
Zion National Park:

Reference is made to the proposed purchase of the Crawford water rights for use at Zion National Park.

The Solicitor has completed his examination of the title to the water rights conveyed by the three deeds transmitted with your memorandum of May 17, and has written a separate opinion with relation to each conveyance, as follows:

Deed of James and Ellen C. Crawford -
opinion No. M. 31342;
Deed of John R. and Eliza R. Crawford -
opinion No. M. 31364;
Deed of John W. and Madge J. Crawford -
opinion No. M. 31365.

Two copies of each opinion are attached to the related deeds. Please request the vendors to comply with the requirements of the respective opinions.

There are enclosed six copies of a form of certificate of inspection and possession, which should be executed by you. This form we have adapted from the form of certificate of inspection and possession set out on pages 25, 26 and 27 of the Regulations for the Preparation of Title Evidence in Land Acquisition by the United States, issued by the Department of Justice, copies of which have been sent to you. One signed copy should be returned with each deed after the deeds are recorded and the abstracts extended.

The unrecorded deeds, the abstracts of title, and related papers are enclosed.

(SGD) D. E. Lee

Acting Chief Counsel.

Enclosure 2161496.

cc- Region III
Associate Attorney Johnson
Mr. Sanders

06-03-1941: memorandum to solicitor from acting director regarding title papers covering purchase of established water right

JUN 9 1941

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

June 3, 1941.

MEMORANDUM for the Solicitor:

There are transmitted herewith the title papers covering the purchase of 0.077 second feet of water of established water right No. 66, Priority of 1877, waters of the Virgin River and its tributaries, from John W. Crawford and his wife, Madge Crawford, for a consideration of $131.28, in accordance with the terms of contract No. I-lp-17882, approved March 21, 1941, copy attached, for use at Zion National Park.

Funds for this purchase were made available to the National Park Service by the Interior Department Appropriation Act, 1941 (Public No. 640, 76th Congress), for the investigation and purchase of water rights.

Attention is invited to the fact that the deed conveying these water rights refers to a decree dated December 12, 1925, as amended by a supplemental decree of April 21, 1931, whereas the above-mentioned contract merely provides for the conveyance of the water rights under the decree of December 12, 1925.

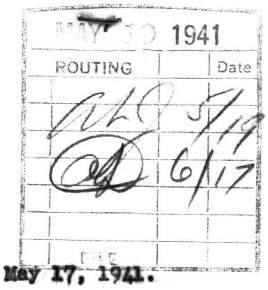
It is therefore requested that you examine the title papers and furnish this Service with your opinion on, (1) the validity of the title to the water rights involved, and (2) whether the deed to the United States conveys the rights to the increased amount of water provided by the supplemental decree of April 21, 1931.

(SGD) A. E. DEMARAY

Enclosure 1775738

Acting Director.

cc: Supt., Zion National Park.
~~Mr. Merton.~~
Mr. Hernon.



May 17, 1941.

Registered Mail

Memorandum for the Director:

There are enclosed the following papers in connection with the proposed purchase of water rights at Zion National Park:

John R. Crawford rights

Warranty deed signed by John R. and Eliza E. Crawford for sale of rights to United States.

Warranty deed signed by Daniel and Sarah C. Crawford for sale of rights to John R. Crawford.

Warranty deed signed by George H. and Annie C. Isom for sale of rights to John R. Crawford.

Abstract of title to water rights owned by John R. Crawford.

James Crawford rights

Warranty deed signed by James and Ellen C. Crawford for sale of rights to United States.

Warranty deed signed by Evan S. and Lillian Lee for sale of rights to James Crawford.

Abstract of title to water rights owned by James Crawford.

John W. Crawford rights

Warranty deed signed by John W. and Madge J. Crawford for sale of rights to United States.

Administratrix' quit claim deed signed by Cornelia C. Winder, Administratrix, assigning water rights owned by Enos E. Winder, deceased, to John W. Crawford.

Order of the Court in the matter of the estate of Enos E. Winder, deceased.

Affidavit by LeRoy H. Cox identifying Enos E. Winder.

Abstract of title to water rights owned by John W. Crawford.

Letter by Attorney LeRoy H. Cox, who prepared the water right documents, stating why the Administratrix' quit claim deed, the order of the court, and the affidavit of identity have not been recorded.

As to all of above rights

Affidavit by Arthur K. Hafen, Secretary of Virgin River Water Users' Association, stating that all charges for distribution of water under Court Decree of December 12, 1925, and as amended April 21, 1931, have been paid by the owners of water rights up to and including the year 1940.

Affidavit by T. H. Humpherys, State Engineer, stating that there has been no change in the status of water rights under Court Decree cited.

All of the above documents with the exception of the letter by Attorney Cox and the affidavits by Hafen and Humpherys are in sextuple.

Your attention is called to a legal technicality involving all the rights to be purchased. The Court Decree of December 12, 1925, allowed 1.030 c.f.s. of water for a total of 66.7 acres. The government acquired .034 c.f.s. of this water when private lands at the south entrance were purchased several years ago, leaving .996 c.f.s. to be purchased under the documents submitted herewith. However, the amended Court Decree of April 21, 1931, allowed 1.21 c.f.s. of water for 66.7 acres, and after deducting the .034 c.f.s. acquired by land purchase, the government should now be purchasing 1.176 c.f.s. While the deeds state "Said water right being all the right, title and interest of the grantors in water decreed under Item 66, Page 15, of the decreed schedule of water rights, etc.," the quantities stated are actually less than they should be. This matter is referred to your office for decision but it is hoped that it will not hold up unduly the completion and approval of the documents.

The water right owners are anxious to complete the sale and receive their money and any action to expedite the handling of the papers will be appreciated.

Superintendent

cc Region III
Region IV

RJ 4/14

April 7, 1941.

Memorandum for Superintendent Franke,
Zion National Park:

Reference is made to your memorandum of April 3, 1941, regarding the Crawford water right No. 66 at Zion National Park.

By State law, a water right lapses after 5 years of non-use, but may be retained during 10 years of non-use if a declaration of intended resumption is filed with the State Engineer before the first 5 years are up. Mr. Crawford, and the Crawford Ditch Company which owned the right, have not been able to use it since the Park Service bought the land except when they transferred it to other land, as Messrs. Lee and Isom did this past year.

River Commissioner Imlay had no records of transfers other than those of Lee and Isom, and no record of conveyance to the United States. Hence, his records showed the right about to expire, if it had not already done so, last June. He mentioned that the right was about to expire, in a letter to the State Engineer when he approved the Lee and Isom transfers. I saw the letter in Salt Lake. If Mr. Imlay did not make a copy for himself his successor might not know this. Further, your only record of it is my correspondence beginning with my air-mail memorandum to the Regional Attorney from Salt Lake City of July 8, 1940, with copy to you.

Actually, the full ditch capacity has been used by the Park ever since the land and ditch were acquired. Such use was covered by the permit only if we recognize that Mr. Crawford loaned the right pending arrangements to transfer it. He did not do so formally, but for sale purposes now I am sure that he will say he knew the Park was using the water and keeping the right active. That is what he will have to do if he sells, and I think you should assure yourself that he knew you were using the right and approved of it. This should be done before purchase contracts are completed, and he should agree to make the statement to the State Engineer when we record the purchase or change the right. If he agrees that we have kept the right active with his knowledge and consent, there has

FILE COPY

been no lapse and could not be for another 5 years. That is the point we wish to stress to refute Mr. Imlay. If Mr. Crawford does not agree, he has lost 0.179 sec. ft. of the right and cannot sell to the United States. The certificate of validity which you say you are requesting is probably all that is needed.

I did not know that Mr. Crawford had transferred 0.077 sec. ft. to Springdale. Either this was overlooked by the State Engineer when I was in Salt Lake in July, or Mr. Crawford made the transfer at a later date. It is not important. It merely means that this much should be deducted from all values of idle and total rights in my memorandum of March 27, and my report of March 31. The right now stands:

0.077 sec. ft. used by Crawford at Springdale
0.034 sec. ft. owned and used by NPS in Park
0.360 sec. ft. temporarily transferred and used by Evan Lee
0.380 sec. ft. temporarily transferred and used by Geo. H. Isom
0.179 sec. ft. which Mr. Crawford should agree has been loaned to U. S. and used in Park with his consent

1.030 sec. ft. Total Right No. 66.

I assume that Mr. Crawford will not sell the 0.077 sec. ft. Therefore, instead of trying to buy 0.996 sec. ft. at this time, we are trying to buy 0.919 sec. ft. This amount will be reduced by any quantity which Mr. Lee orMr. Isom will not release from their earlier options.

Your penultimate paragraph is subject to some question. First, we have funds for purchase and want to obligate them during the current fiscal year. Hence, Mr. Crawford will not have to wait for payment beyond the time for him to deliver title satisfactory to the Solicitor. I think payment should be possible between June 25 and the latter part of the summer.

Second, you, or members of your staff, have suggested that certain purchases lower on the river have not been recorded because of possible discounting of the quantity of water by the State Engineer when the rights are transferred. I doubt if there will be any discount for changes within the Park, but I think it might be desirable ti file an application for our proposed changes in order to describe the plan and get the State Engineer's approval before any final purchase which might include payment for more than we will receive. Of course, however, we cannot make applications for changes until we are entirely decided on what changes to make, and that involves the policy to be

followed with the operator, the possibility of extended negotiations with the operator, and legal concurrence in my expressions of water right status and values.

I am starting on a trip to Colorado in a few days, and will go through Salt Lake City on my return late in the month or early in May. Because of the time usually needed to remake trains in Salt Lake and Ogden, I can probably call on the State Engineer without interrupting my trip. If so, I can find out what discounts are to be expected in such a change. Hence, I would push the options now, as though final applications and purchase were certain of immediate completion to any extent necessary.

Third, the proposed changes may involve conversion from irrigation to domestic use which may result in a different degree of discount from mere change of point of diversion and place of use. This is a corollary under the second point and to be settled in the same manner.

The map of present and proposed irrigation enclosed with your memorandum will be very helpful, but I shall defer its further consideration until my return from the Colorado trip.

AvVD:SH

Hydraulic Engineer.

cc: Director
Regional Director, Region III

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

APR 5 1941
ROUTING | Date
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4/14
FILE

April 3, 1941.

Memorandum for the Regional Director, Region IV.

Attention Water Rights Division.

Reference is made to your memorandum of March 27 concerning the Crawford right No. 66 in the Crawford Ditch.

River Commissioner Imlay, referred to in paragraph 2 of your memorandum, died in December, 1940, and we are unable to determine at this time upon what data he reported the non-use of this right. An analysis of water used is interesting and submitted for your review:

Evan Lee	.36	sec.	ft.,	leased from	James Crawford
George H. Isom	.38	"	"	" "	John R. Crawford
John W. Crawford	.077	"	"	used at Springdale, Utah.	
Total	.817	"	"		

This apparently leaves only .179 second foot unaccounted for, which is only a fraction of the water diverted by the National Park Service under tolerance of Mr. Crawford. Diversion records by the Park Service are available for some years back taken by former engineer Huston. Mr. Calvin Ruesch, park water master, we feel sure will be able to furnish records of the Crawford ditch use, if you desire us to contact him. Ranger Fagergren will be able to support a statement that the ditch actually diverted for some years past as much water as you noted in July, 1940.

Authority to purchase was received several days ago and the signed options have been delivered to the respective water owners. The owners have been instructed to furnish deeds and abstracts as soon as possible. They have also been asked to submit certification of the validity of the rights, and they state that use can be accounted for. The water if not used by the owners has been leased from time to time by other individuals, and Park Service diversion will easily take over any water not accounted for. Release of the leased water has also been asked for.

It appears to this office that applications for change of diversion should wait until we complete the purchase. Approval of these

applications some times takes years, as in the case of the Utah Parks Company, and the water owners would probably be reluctant to let us divert all the .996 second foot to protect its validity and then wait years for their money. Further, there is a possibility that clear title to some of the water may not be obtainable, in which case we would have to relinquish the amount of diversion. Your guidance and advice will be most welcome.

We enclose copy of map NP-ZIO 6975 indicating existing irrigated areas in red. We also show proposed irrigated areas which we hope to water by ditches and sprinklers if the new water is acquired. These are located in campground, lodge, residential and utility areas.

Paul R. Franke
Superintendent

cc Director
Regional Director, Region III

APR 1 1941

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 27, 1941.

MEMORANDUM for the Superintendent,
Zion National Park.

There are enclosed two copies each of four contracts for the purchase of certain water rights totalling 0.996 second feet of water right No. 66 for use at Zion National Park. The options were accepted and the contracts approved by the Under Secretary on March 21.

Please deliver the signed copies of the contracts to the respective vendors, and request them to execute the necessary deeds but not to record them at this time, and to furnish the required evidence of title for examination by the Solicitor of this Department. The number of deeds to be used in conveying the four separate interests may be left to the vendors in the first instance. A single deed could undoubtedly be legally effective, but might be so complicated that separate deeds would be preferable. The evidence of title can be combined in a single document if it shows clearly that each vendor has a clear title to the interest he conveys. The vendors have a choice between abstracts and certificates of title, but if certificates can be furnished the time required to examine the title evidence will be considerably shortened. We have no information as to whether title certificates are commonly used in connection with the transfer of water rights in Utah. There are enclosed five copies of the regulations for the preparation of title evidence in land acquisitions by the United States, issued by the Department of Justice on February 1, 1940. Much of the matter in the pamphlets is irrelevant to the acquisition of water rights when no land is involved, but it may provide some useful data.

It is noted that two of the rights which are to be purchased are encumbered by temporary uses, one of which is for a term ending June 25, 1941. It is unlikely that the purchase will be completed before June 25, and it is only necessary to assure that the United States will be entitled to immediate possession when the purchase is completed and title is accepted. The release of the temporary rights of use will be sufficient if it provides for immediate cessation of use on notice if such notice is given before the rights would otherwise expire.

(SGD) G. A. Moskey
Chief Counsel.

Enclosure 2537919.
cc - Reg. [redacted], Director, Reg. III - Assoc. Atty Johnson - Mr. Sanders.

03-27-1941: memorandum to superintendent from hydraulic engineer regarding previous correspondence and appraisal of the cra

March 27, 1941.

Memorandum for Superintendent Franke,
Zion National Park:

Reference is made to our previous correspondence and appraisal of the Crawford right No. 66 in the Crawford Ditch.

When I was at Salt Lake last summer and read the letter from the River Commissioner, I found that he had reported to the State Engineer that this right was about to expire except to the extent that the temporary transfers were made last year. I believe we can show that none of it has expired because the Park Service was diverting the balance in the ditch under tolerance of Mr. Crawford. At the same time, we should complete the purchase of all rights which Mr. Crawford will sell as soon as possible. I wonder, therefore, what you have heard with regard to our appraisal, and whether the Director has authorized the execution of an option.

As soon as authority to purchase is received, we should make every effort to have Mr. Crawford obtain a release of the earlier options to .74 sec. ft. held by the lessees in order that we can purchase the full .996 sec. ft. now listed under Mr. Crawford's name. However, if he cannot obtain the necessary releases, we should certainly buy the other .256 sec. ft. still left in the original ditch.

The lessees have temporary changed points of diversion which expire on the 26th of June 1941, and unless they lose the rights they are likely to request another year of use at these changed points. This, together with the approach of the current fiscal year, makes it extremely desirable that we complete the negotiations and obligate funds as soon as possible.

Since there is some doubt as to the status of certain rights, we shall wish to make the option conditional on assurance by the State Engineer that they have not lapsed by non-use. Hence, as soon as the option is executed, I shall file an application for some form of change in the right, in order to obtain the acceptance and approval of such change as a proof of the validity of the right.

FILE COPY

I have a measurement of the amount being diverted early in July 1940 which I think will show satisfactorily that the Park Service was making use of the water at that time. It might help to show a quantity of water being diverted by the ditch in one of the two or three preceding years if the park has any such record. If not, I wonder if Mr. Fagergren is in a position to testify if necessary to the fact that the ditch actually diverted at least as much, if not more, water than I found in July during some specific week or month of the preceding year.

As stated in my report on water use dated Last June 20 and now being revised, the waters being diverted by the Crawford Ditch under right No. 63 transferred from the Pine Creek Ditch, and the waters being diverted under its own right No. 66, are used on the same irrigated area and constitute a conflict. The change I propose to make is to transfer enough of the right to some other place of use in order to eliminate the conflict. Subject to final verification by an attorney, I am extremely anxious to transfer a portion to the Birch Creek water system, which at the present time has no right. In addition, I believe the logical procedure is to transfer the portion of the right originally vested in the Oak Creek diversion to the Park Service diversions for the Oak Creek pipe line and to make the total quantity of water transferred to the two domestic systems legally capable of diversion from either or both systems as available supply and your personal desires may dictate.

Admitting that we get the full .996 second foot, domestic use will not need the full quantity. We can transfer the balance to the other domestic supplies, such as the Lower Grotto Spring and the Temple of Sinawava water system, or we can apply it to other areas of irrigation. I favor transferring it to domestic use, but I am not sure that the Regional Attorney agrees. Hence, I should appreciate your consideration of the area under irrigation under the right No. 63 as transferred from the Pine Creek Ditch and your advice as to whether there are any adjacent areas which should be irrigated.

Since both the Crawford Ditch and the Gifford Ditch flow through the administration area, and the Gifford Ditch also extends to the residential area, we should also provide for irrigation of these two areas, and the Gifford Ditch like the Crawford Ditch will have a surplus of water, as much of the original area irrigated has now been restored to its natural condition -- particularly that on the south side of Oak Creek.

Probably the best answer to these problems of irrigation use would be a general map of each area irrigated. You might use the one in the early edition of my report and sketch in, in pencil, all areas irrigated at the present time. You can spare this map at this time, as I will send you a new and revised copy within the next week or ten days.

AvVD:SH

Hydraulic Engineer.

cc: Director.
Regional Director, Region III.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 24, 1941.

MEMORANDUM for the Acting Chief of Operations:

On March 21, 1941 the Under Secretary approved the following contracts for the purchase of 0.996 second feet of established water right No. 66, priority of 1877, waters of the Virgin River and its tributaries, from various users of the John R. Crawford Ditch, needed for use at Zion National Park.

Vendor	Second feet	Appraised value ($3,000 per c.f.s.)	Purchase Price
James and Ellen C. Crawford	0.402	$1,206.00	$ 695.41
John R. and Eliza E. Crawford	0.423	1,269.00	721.21
John R. and Eliza E. Crawford	0.094	282.00	160.27
John W. and Madge Crawford	0.077	231.00	131.28
Totals	0.996	$2,988.00	$1,698.17

It is proposed to complete these purchases from funds made available to the National Park Service by the Interior Department Appropriation Act, 1941 (Public No. 640, 76th Congress), for the investigation and purchase of water rights (Appropriation Symbol: 140/11056). These funds expire for obligation on June 30, 1941.

Please encumber $1,698.17 of the above-mentioned funds to cover the obligations represented by the contracts for the purchase of the said water right.

(SGD) D. E. Rice

Acting Chief Counsel.

cc: Supt., Zion National Park.
Mr. Barton.
Mr. Sanders.

Received with memo of 7/28/41 from Chief Counsel E. A. Markey in File 660-057

01-30-1942: letter to national park service from county clerk regarding a certified copy of the portion of the supplemental and final

ALICE PENDLETON
COUNTY CLERK
EX-OFFICIO AUDITOR AND CLERK, FIFTH DISTRICT COURT

COMMISSIONERS
GEORGE H. LYTLE, CHAIRMAN, ST. GEORGE, UTAH
NEWELL R. FREI, ST. GEORGE, UTAH
FINLEY M. JUDD, HURRICANE, UTAH

WASHINGTON COUNTY

PHONE 161-W
ST. GEORGE, UTAH

FEB 2 1942
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January 30, 1942

Mr. A. van V. Dunn, Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco, California

Dear Sir:

In keeping with the request in your letter of January 24th, we are enclosing a certified copy of the portion of the Supplemental and Final Decree concerning the adjudication of the waters of the Virgin River which pertains to Right No. 66. We have checked the case and feel that the copy of the Protest which we are also enclosing probably states as clearly as any document in the case the reason for the increase in the amount of water allocated to this applicant.

The fee for the certified copy and the copy of the Protest is $2.00 as shown on the attached voucher.

Very truly yours,

alice Pendleton

AP:lb

County Clerk

AvD. 12/11

601 Sheldon Building,
San Francisco, Calif.,
December 11, 1940.

Memorandum for Superintendent Franke,
Zion National Park:

Reference is made to your memorandum of December 9, 1940, to the Director, transmitting your appraisals of the Crawford Water Right No. 66.

In this memorandum you advise that Mr. Crawford's offer to sell in 1935 only involved 0.423 sec. ft. From our previous correspondence, Associate Attorney Johnson and I have understood, incorrectly, that this offer was for the full 0.996 sec. ft., and probably more recent than 1935. Your last explanation adds great justification to our joint approval of a value of at least $1705.

Referring to item 4b, page 3, of my memorandum of November 23 to Mr. Johnson, I can now set the value of the full right at 0.996/0.423 x $750, or $1765. My mean value, at the bottom of the page, would then be ($2750 + $1765)/2 or $2257.50.

In the same manner, the sentence beginning on the eighth line from the bottom of the justification attached to your appraisals could be improved by rewording as follows:

> Mr. Crawford has offered to sell 0.423 sec. ft. of Right No. 66 to the Hurricane Canal Company in 1935 in competition with Class 2 and 3 rights at a value in the park of approximately $1765 per second foot, but has since leased to prospects nearer the park with option to buy, which eliminates need for competition with junior rights. In paying $1705 per second foot, the United States would still be paying a low Class 2 value for a Class 1 to be used where transfer losses will be at a minimum; and only 75% of the probable market value of unclassified Class 1, 2 and 3 rights.

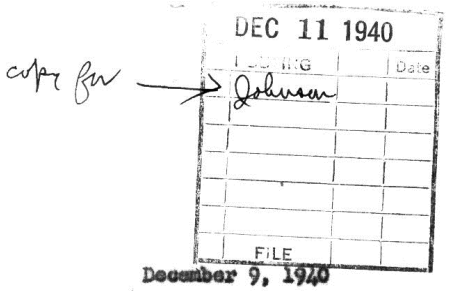
This explanation has changed what looked like a good buy with weak justification, to a fully justified bargain.

cc: Director (Airmail).
Region III.
Reg. Atty. Taylor.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

FILE COPY



December 9, 1940

MEMORANDUM for the Director:

We forward herewith for your review and further action options, appraisals and other pertinent correspondence relating to a proposal to purchase 0.996 second foot of water right No. 66 from various users of the John R. Crawford Ditch, for use at Zion National Park.

Copies of all previous correspondence have been forwarded to your office. If any additional information is necessary for decision, we shall attempt to obtain it upon request.

In general, the appraisals of the National Park Service Hydraulic Engineer and this office appear to agree that a price of $1,705 c.f.s. is fair for this water.

One controversial point we have been unable to answer to the satisfaction of Hydraulic Engineer Dunn is considered beside the point by Associate Attorney Johnson but is called to your attention. Following the purchase of land in 1934 by the National Park Service from John R. Crawford, he was left without property holdings and wanted to dispose of his water holdings of 0.423 c.f.s. in the John R. Crawford Ditch. He offered to sell this water in 1935 to the Hurricane Ditch Company for $300 to $400. Apparently whoever took up the offer at the time could have purchased the water right of 0.423 c.f.s. for $300 and the National Park Service should have included it in the land purchase. As no one seems to have had the funds to purchase, Mr. John R. Crawford has been trying to transfer this water to the Hurricane Ditch Company for use of his brother-in-law. The Hurricane Ditch Company has refused to take additional water into its ditch system, and so Mr. John R. Crawford is still trying to find use for his water.

In attempting to locate sufficient water for Zion National Park, estimated to need one more second foot, we of course deal here with very closely related people. John R. Crawford, Daniel Crawford, James Crawford and E. E. Winder had between them a total of 0.996 c.f.s. of water which could be purchased. We could get no commitment on price until they had a chance to talk it over. They finally came out of their huddle with the low taking price of $30.00 per share, the Government to pay legal costs of abstracts, etc. We finally agreed on $31.00 per share, with clear title and abstracts to be furnished

by the owners at no additional costs to the Government. The options were secured on that basis.

Mr. James R. Crawford's offer of 1934-1935 to the Hurricane Ditch Company was to sell 0.423 c.f.s. of water for $300 to $400; our option secured in 1940 was for 0.423 c.f.s. of water for $721.21 on a ratio similar to the selling price of the other three owners for the total 0.996 c.f.s. of water. We were unable to secure options at a more favorable price to the Government.

Paul R. Franke
Superintendent

CC for Regional Director, Region III
Regional Director, Region IV
√Regional Attorney, Region IV

11-27-1940: memorandum to superintendent from associate attorney regarding options and appraisals being returned

AD

601 Sheldon Building
November 27, 1940

Memorandum for Superintendent Franke,
Zion National Park:

In further reference to the options and appraisals being returned to you today, it is noted that you sent us five copies of each, and, inasmuch as we understand that the regulations require that five copies be forwarded to the Director, we are returning to you the entire five sets, with the request that you send to us a copy of each optimand appraisal for our files if you have extra sets in your office, or if it is possible for you to have them typed from your file copies.

(SGD.) ALBERT L. JOHNSON
Associate Attorney.

SH

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601 Sheldon Building
November 27, 1940

Memorandum for Superintendent Franke,
Zion National Park:

Reference is made to your memorandum of November 14, 1940, regarding the appraisal and option to buy 0.996 second foot of Water Right No. 66 from Mr. Crawford for use at Zion National Park.

We regret that there has been some confusion over the location of your options and appraisals, but I am sure that there has been nothing lost thereby. Apparently there has also been some misunderstanding of my memorandum of September 19, 1940, by which we wished to approve the forms of the appraisals and options, but obtain slightly more explanatory justification of the exact values used. Apparently there are very few old sales itemized in a manner to be helpful and the analyses of such data as you have found by Hydraulic Engineer A. van V. Dunn offer the best available derivation of unit values.

From his memorandum of September 17, 1940, and one of November 23 which is enclosed, Hydraulic Engineer Dunn feels that experienced local men, such as the Virgin River Water Master, would value Class 1 Right No. 66 at about $3400 on the basis of potential income at the present place of diversion and use; and that competent local users, like the Harrisburg Water Company would probably offer to buy at about $2750 if they have paid apparently $6875 for other Class 1 rights requiring shorter transfers (see item 3b, page 2, of his memorandum of November 23).

Mr. Dunn explains to me that he considers Mr. Crawford's offer to sell to the Hurricane Canal Company is beside the point because the Class 1 right was offered in competition with Class 2 and 3 rights for quick sale. Now that Mr. Crawford has leased part of these rights with options to buy, they acquire a price somewhere between that of Class 1 and 2 rights, which he has taken as the mean, or $1750.

Mr. Dunn has approved each appraisal on the basis of his memorandum of September 17, 1940, and has executed a rider attached

FILE COPY

to each as a means of approving the options on the basis of his memorandum of November 23, 1940. I also concur, herewith, but we both wish to call your attention to our lack of information regarding your actual negotiations with Mr. Crawford. Most of our other appraisals are based on estimated income such as that by which Mr. Dunn obtains his value of $3400, but we do not usually have a record of an offer to sell the same property to another for 10% of that value.

As a result of this record the Director may prefer to use a lower value, but certainly not below $1750 per second foot. Such a reduction leaves little margin to cover your option of $1705. It seems probable that you had to approach this limit to tempt the purchase from the lessees, and execute at once to keep it, but we normally prefer the Director's approval of the appraisal before completing an option.

Mr. Dunn also questioned the advisability of completing the options until we file an application to change point of diversion and purpose of use. I prefer to complete the option first, but agree that we should obtain the State Engineer's approval of such changes before completing final purchase. Mr. Dunn will cover this problem with further correspondence later.

If you approve of Mr. Dunn's justification, please forward options and appraisals to the Director for his approval, and authority to proceed.

Associate Attorney.

Encl. 1943972.

AvVD:SH

cc: Director.
Region III.
Reg. Atty. Taylor.

November 27, 1940.

Justification

Reference is made to analyses by Hydraulic Engineer A. van V. Dunn in memoranda to Associate Attorney Albert L. Johnson of September 17 and November 23, 1940.

Competent local authorities, including the Virgin River Water Master and the Secretary of Virgin River Water Users Association, appraise rights according to class and priority approximately as follows:

Class 1 - 1870 priority - $3,415
Class 2 - 1893 priority - 3,030
Class 2 - 1900 priority - 1,375

Water Right No. 66 is Class 1, priority of 1877, and should be worth close to $3,400 per second foot, but we estimate $3,000 by deducting approximately 12% for transfer charges and contingencies.

Only one Class 1 sale is recorded with Class 2 rights and lump sum price, but from other Class 2 values, the price of Class 1 rights were approximately $6,875 per second foot. At this price at the town of Harrisburg, and allowing for seepage and evaporation losses between there and Zion, its price in the park would have been approximately $2,750. Mr. Crawford has offered to sell Right No. 66 to Hurricane Canal Company in competition with Class 2 and 3 rights at value in the park of approximately $750 per second foot, but has since leased to prospects nearer the park with option to buy, which eliminates need for competition with junior rights. In paying $1,705 per second foot, the United States would still be paying a low Class 2 value for a Class 1 right to be used where transfer losses will be at a minimum.

A. van V. Dunn,
Hydraulic Engineer.

11-23-1940: memorandum to associate attorney from hydraulic engineer regarding the appraisal of the crawford water right no. 66

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
November 23, 1940

Memorandum for Associate Attorney Albert L. Johnson:

Reference is made to Superintendent Franke's memorandum to you of November 14 regarding the appraisal of the Crawford Water Right No. 66 at Zion National Park, which arrived just after your departure for Yosemite. Pending your return I have checked and found that the appraisals and options have not been returned to him as suggested in your memorandum of October 23, 1940.

Apparently Mr. Franke cannot obtain more specific justification for his appraised value, and he has not explained how he reconciles it with Mr. Crawford's offer to sell to the Hurricane Canal Company for $300. While my memorandum of September 17 justifies the value of $3000per second foot on the basis of local estimates, it does not explain why we should pay $1705 after the Hurricane Canal Company would not buy at $300.

I have prepared the attached "Justification", independent of that of September 17, using the limited sale records, and discounting features to explain this difference. I assume that the Hurricane Company did not buy because of uncertain success in the necessary change of the diversion past many potential protestants who would at least lose the late season return flow from present use.

The mean of my two sale values is $1750, or just over the proposed option. This is not surprising, as it is doubtful if any purchase would be made at full appraised value. I also feel that this value is better than the $750 value from the Crawford offer to Hurricane because it includes both a "cut-price" for quick sale, and the Harrisburg offer to tempt an indifferent vendor.

I feel that the appraisal should have some explanation of the derivation of the $3000 value and the reason for offering to buy for only 56%, which is still 5.7 times the Crawford offer to Hurricane. My two justifications seem to be as complete as can be made from available data. They may not need to be attached to the appraisal, but should be tied in by reference.

This brings up the fact that the appraisals are not on a standard form. I prefer Mr. Franke's form, but wonder if it is acceptable in Washington. If it is, I suggest that some reference to my analyses, or a summary of them, be inserted under "Remarks".

In your memorandum of September 18 you stated that the options were satisfactory. However, delay has made the rights more subject to lapse. Further, there is the slight danger of discount or State denial of any transfer even in the park. Hence, I wonder if they should not be made a little more conditional on National Park Service success in changing point of diversion and purpose of use, which we should then initiate by immediate filings for transfers to National Park Service domestic systems.

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.) with attached justification
Region III.)
Supt., Zion National Park.) and 1 appraisal sheet form 90607.
Reg. Atty. Taylor.)

November 23, 1940.

Justification

Virgin River water rights are classed as follows:

Class 1 - Priorities earlier than January 1, 1891.

Class 2 - Priorities January 1, 1891, to March 12, 1903.

Class 3 - Priorities March 12, 1903, to December 12, 1925.

On December 12, 1925, a decree was entered, defining all rights as of that date, and all later rights might be considered as a Class 4, established by appropriative filings according to the present water code.

All rights in Zion National Park and the drainage below are to the flow of 1 second foot for each 55 acres irrigated. Shares of stock in irrigation companies are rights to water for the irrigation of 1 acre of land, or to 1/55 second foot. The following organization values are known:

St. George Canal Co. - Class 1, 1890 priority - $12.50 per share.

Springdale Consolidated Ditch Co. -
Class 1, 1870 priority - $25.00 per share.

The following present values have been estimated, or quoted:

1. Mr. A. K. Hafen, Secretary of the Lower Virgin River Water Users Association:

   a. St. George Canal rights - $25.00 per share.

   (This company has 1650 shares of Class 1 rights with 1890 priority, and 3080 shares of Class 2 rights with 1900 priority. It seems probable, therefore, that the Hafen quotation is for the Class 2 rights which are more numerous and more readily released by their owners.)

2. Mr. J. W. Imlay, Virgin River Water Commissioner:

a. Hurricane Canal Company rights - $50 - $60 per share.

(There are 495 shares of Class 1 rights of 1893 priority which are on a par with the St. George Canal Class 1 rights in an agreement between these two and the LaVerkin Canal Company, and 1346.4 shares of Class 1 rights of 1893 which are prorated with the Class 2 rights of these other two companies when the river flow is below 131.5 second feet.

If the Imlay estimate is a mean, and the 1346.4 shares are worth only $25 like Class 2, St. George Canal rights, the 495 shares of Class 1 rights have a value between $118 and $155, or a mean of $136 per share.)

b. Toquerville rights (unclassified) - $100 per share.

c. New Harmony rights (unclassified) - $60 per share.

(On Ash Creek)

The following water right sales are known:

3. a. 1935-1936 Town of St. George bought rights in the St. George and Cottonwood Canal (Probably Class 2 rights) at $50 per share, or - $2750 per sec. ft.

b. Sept. 1937 Town of Harrisburg bought 15 shares of Class 1 and 12.5 shares of Class 2 rights for $2500, which can be broken down as follows:

12.5 shares Class 2 at $50 -$625 or $2750 per sec. ft.
15.0 shares Class 1 at $125-1875 or $6875 per sec. ft.

Total purchase $2500

c. 1939-1940 Town of Hurricane bought Berry Spring rights to 0.44 sec. ft. for $700, or $1591 per sec. ft.

(Priority or class unknown, but recording of purchase is deferred until success of changes in point of diversion and purpose of use are determined, which implies that

value would have been higher if these changes were not needed. Mr. Imlay estimates changes to result in 10%-20% discount in water, the maximum of 20% giving an ultimate sale price of 0.352 sec. ft. for $700, or $1989 per sec. ft.

4. Ranger Fred C. Fagergren of Bryce:

a. Two sales of Springdale rights reported in past few years, presumably Class 1 rights with 1881 priority, as follows:

Springdale Canal rights @ $23 per share, or $1265 per sec. ft.

6 shares Springdale Canal rights @ $16.66 per share, or - $916 per sec. ft.

(Nothing is stated as to changes in point of diversion or purpose of use, which may have deflated the particular sale value.)

b. Mr. Crawford has offered to sell Class 1, priority of 1877, Right No. 66 to the Hurricane Canal Company at 0.996 sec. ft. for $300. This involved possible change in point of diversion of 30 miles which, from 3-c, would result in at least 20% discount for 10 mile change, or 60% total. This would fix value at present diversion at $750 even if there are no other complicating factors in the long change in point of diversion.

The only purchases or offers definitely covering Class 1 rights are that of Harrisburg, which should be discounted about 60% more if located in Zion National Park, and Mr. Crawford's offer to the Hurricane Canal Company, as follows:

3-b, Harrisburg purchase at 40% -	$2750 per sec. ft.
4-b, Crawford offer, appreciated as above -	750 per sec. ft.
Mean probable market value -	$1750 per sec. ft.

This probable market value converts to $32.82 per share. Substituting this value for the 1650 shares of Class 1 right with Priority 1890 in the St. George Canal Company (1 a), the company value is as follows:

1650 shares 1890 priority at $31.82 -	$54,153
3080 shares 1900 priority at $20.81 -	64,097
Total Hafen appraisal at $25 -	$118,250

The values of rights quoted by the Water Commissioner (2 a-c) suggest that this value is very conservative. It is also conservative by assuming $25 to be the mean value instead of more probable value for Class 2 rights. Further, it does not recognize the relative values of priorities within the class group.

A. van V. Dunn

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Region III.
Supt., Zion National Park.
Reg. Atty. Taylor.

11-23-1940: appraisal sheet

APPRAISAL SHEET

Date.....

Present Owner.....

Tract No..... Acres.....

Location.....

A. Land

1. Cleared

(a) Under cultivation ..... Acres @ $..... per Ac. $.....

(b) Uncultivated ..... Acres @ $..... per Ac. .....

2. Uncleared Land

(a) Timber Land ..... Acres @ $..... per Ac. .....

(b) Brush and cut over Land..... Acres @ $..... per Ac. _____

Total Value of Land $.....

B. Improvements - Present value

1. Dwelling or dwellings $.....

2. Outbuildings .....

3. Fences .....

4. Other tangible values _____

Total value of improvements $.....

Total value of land _____

Total value of property

Remarks.....

.....

.....

.....

Prepared by.....

90607 .....

11-14-1940: memorandum to regional director from superintendent regarding the purchase options and appraisal of the crawford ri

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

November 14, 1940

NOV 18 1940

ROUTING		Date
CP		11/18

Memorandum for the Regional Director, Region IV:

Attention Associate Attorney Albert L. Johnson

Reference is made to memorandum of October 23 and previous data concerning purchase options and appraisal of the 0.996 second foot of the Crawford Right No. 66 for Zion National Park.

Under paragraph three you request data on actual value of land without water similar to that under the Crawford Ditch. Dry land along the Virgin River has little value. A number of sales have been made, as for instance the sale of land and improvements to the Service for national park purposes. This sale in 1931, according to Service members then on our staff, included land, fences, houses and barns, the various owners obtaining from $17.00 to $200.00 per acre, dependent upon the physical improvements. No doubt the water rights could have been obtained at slight additional costs, but unfortunately the Service negotiators assumed that all waters rising within the park were available for any use desired by the Government. The parcel of 401.33 acres purchased from William L. Crawford and wife for $17.94 per acre, located in Oak Creek Canyon, north and west of the town of Springdale, is typical of valley land values without improvements or water. Land without water changed hands in 1922, when Mr. Don Jolley purchased forty acres west of Springdale at $20.00 per acre. Mr. Jolley has for years been attempting to get water for this land but is unable to do so. He states that with water his land would be worth $200.00 per acre.

In general, all land sales in the Virgin valley are completed, including the water right, or are within reach of town domestic water supply systems. Dry land, only good for very limited grazing purposes, is usually sold for a few dollars per acre.

The price of $1,705 per second cubic foot asked by the owners under which we obtained our option was a fair price considering recorded water sales in this vicinity, varying from $1,600 c.f.s. to $5,500 c.f.s. We believe it would be difficult to again obtain options under $2,000.00 for a cubic foot per second, particularly since the Southern Utah Light and Power Company has now entered the market in attempting to increase the capacity of their hydro-electric power plant at Hurricane.

The Superintendent submitted the standard appraisal forms completed on September 12 and your memorandum of September 19 stated that options and appraisals were satisfactory. Do you desire new appraisals based on findings of some committee to be appointed by the Director? We are rather at a loss in the face of your varied requests and suggest that your office make the necessary recommendations direct to the Washington office.

With reference to the last paragraph of your memorandum of October 23 requesting a tabulation of land purchases, giving acreage, water right involved, price, and portion of price allowed for improvements such as buildings, fences, etc., we are unable to supply the data. All park files in this matter were forwarded to the Washington office. This file was requested by the Director under date of March 31, 1939, and the information must therefore be obtained from his office.

Paul R. Franke
Superintendent

10-23-1940: memorandum to superintendent from associate attorney regarding appraisal of crawford right no. 66

FILE COPY

601 Sheldon Building
October 23, 1940

Memorandum for Superintendent Franke,
Zion National Park:

From your memorandum of October 18 and previous data submitted, Hydraulic Engineer Dunn has endeavored to break down the costs of various Park Service land and water right purchases at Zion, in order to arrive at a basis for an appraisal of the 0.996 second foot of the Crawford Right No. 66. I enclose a copy of his memorandum of October 23 covering this analysis.

It is not possible from his available data to even suggest a final unit value, but by some methods he comes close to previously suggested $3,000, and in others is able to arrive at much higher and lower figures.

Apparently the first problem is to try to determine the actual value of land similar to that under the Crawford Ditch when it is not served by a water right. If your previous purchase of the actual land under this ditch was less than $200 an acre, which seems to have been rather consistent in the case of your other purchases, the difference between the two multiplied by the number of acres may provide the necessary data without further research.

If, when you obtain any data on land values, none seem to fit the problem in hand, Mr. Dunn will be glad to offer such interpretations as he may see on the basis of his field inspection last summer and previous experience on similar evaluations.

We also suggest that either when requesting such assistance or when submitting a draft of your proposed appraisal to us, it would help if you could give us a tabulation of your various land purchases, giving acreage, water right involved, the price, and the portion of the price which was allowed for improvements such as buildings, fences, etc.

(SGD.) ALBERT L. JOHNSON

Associate Attorney.

Enclosure 1943949.
AvVD:SH
cc: Director.
Region III.
Reg. Atty. Taylor.

10-23-1940: memorandum to associate attorney from hydraulic engineer regarding crawford ditch right no. 66

601 Sheldon Building,
San Francisco, Calif.,
October 23, 1940.

Memorandum for Associate Attorney Johnson:

Re: Crawford Ditch Right No. 66,
Zion National Park.

Reference is made to Superintendent Paul R. Franke's memorandum to the Regional Attorney of October 18, 1934, regarding water right values at Zion National Park.

It is not clear to me whether Mr. Franke refers to the option of $1705 as a draft or a price which has been discussed with Mr. Crawford. In the former case we are still at liberty to amend the amount. In the latter, we are in a position where we must almost justify that price if we wish to obtain Water Right No. 66. The latter type of justification is difficult, but not impossible, because of our record that Mr. Crawford has offered to sell the same right to the Hurricane Ditch Company for $400, or roughly 25% of what the Park Service seems willing to bid.

Whatever the status of the "option", an appraisal, on the standard form, is needed before it can be completed. Messrs. Franke and Fagergren would be acceptable to the Director as a committee to make such an appraisal. I believe Mr. Franke would find it advantageous to use some other member of his staff who is familiar with local land value as a third appraiser. Unless requested to do so by the Director, I believe I should not act as an appraiser if our office is to pass on the results, but I believe I can offer some suggestions.

From my memorandum to you of September 17, 1940, page 2, I determined on page 3 that Right No. 66 was worth $3030 ÷ 0.7x385 or $3,287, though the answer was inadvertently typed as $3,400. This was the value of a right of 1877 priority when operating on the land to which it was decreed. This determination, however, is rather hypothetical and should be checked by another method before being applied to an appraisal.

Mr. Franke advises that the park purchased 2.2 acres of land and 0.034 sec. ft. of the same right in 1932 at $200 per acre, or $440. That same land, without water, is not worth $200 per acre, but might be worth $25 per acre. On this basis the water right was worth $385 or $11,310 per second foot.

Mr. Franke also advises that the park bought land and 0.44 second foot of Right No. 65 with priority of 1894 at $200 per acre. He does not give the acreage, but the decree assigned the right to 29 acres. At the same suggested value of $25 per acre for the land without water, the water right cost $5075 or $11,510 per second foot.

These values of over $11,000 per second foot are entirely too high by comparison with data in my memorandum of September 17, 1940. The water right values can be reduced to any lesser amount according to the amount the land value will exceed $25 per acre. I am rather afraid, too, that all the rest of the land under the Crawford Ditch with Right No. 66 was purchased at $200 per acre without water, which suggests water right values of zero. Before accepting any final appraisal I should like to know just what price was paid for this waterless land.

My computations above have also set the value of the junior Gifford right higher than the Crawford right. This is of course preposterous. However, the land under the Gifford Ditch is higher on the mountainside than that under the Crawford Ditch. It is possible that the higher land is more valuable either due to less susceptibility to flood damage, has greater cultural value by being above the bottomland frosts, or has higher hotel value due to view and air circulation.

I suggest, therefore, that the land should be compared with other similar tracts along the river which have been sold without water and the sale prices obtained. These prices, deducted from the $200 per acre which the Park Service has previously paid, may offer a value for the water rights involved.

The bid price, or suggested value for the option, will constitute the minimum appraisal value which we can use. The only reliable suggestion is the purchase of Crawford Right No. 63 in the Pine Creek Ditch for $389 or $734 per second foot. Since its priority is 4 years later than that of Right No. 66 this price is lower than we need offer. The value of Right No. 63 may also have been low because of imminent abandonment of the Pine Creek Ditch, and need for its transfer to another system and place of use.

A curious coincidence arises in that four times $734 is $2,936, and four times $400, which Mr. Crawford has asked for Right No. 66, is $1600. One is nominally the suggested value in my memorandum of September 17, and the other is approximately Superintendent Franke's suggested value for the offer. They suggest that the Union Pacific and Mr. Crawford may both consider a ditch right worth four times as much on its originally decreed land as after transfer.

The last paragraph offers a possible reason for the Park Service to pay four times as much as the Hurricane Ditch Company (but that company did not buy), and a reason why the U. P. R. R. and Park Service could buy the Pine Creek right at 25% of its apparent value.

Assuming Right No. 66 to be worth $3,287 at its present diversion, the previous park purchase was worth $96.75. If $440 was paid for it with the land, the land alone was sold for about $156 per acre. According to the decree, the 0.996 sec. ft. was decreed to 64.5 acres of land which the Park has purchased. If the price was $200 per acre, as in other cases mentioned, the payment included $2,838 which would have represented water rights in the other cases. Its only other justification would be that the gross acreage under the Crawford Ditch is worth more than the 2.2 acres previously purchased, and that under the Gifford Ditch. This is possible since more of the land is flat when comparing with that under the Gifford Ditch, and I believe it has a more favorable location with respect to the road.

If $2,838 has already been paid toward the water right, there is a possibility that not more than $449 more should be offered. Mr. Crawford may have recognized previous recompense when offering to sell for $400.

I conclude, therefore, that Mr. Franke should try to find a few records of the sale of similar land without water. Further, I hope he does not actually negotiate on the basis of $1,705 for 0.996 sec. ft. until he can justify more than the range from $449 to $734 by proof that land without water is worth less than $156 per acre.

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Region III.
Supt., Zion Nat. Park.
Reg. Atty. Taylor.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

OCT 21 1940
ROUTING
Cons. 10/23/40 A. VP.

October 18, 1940

Copy mailed J. E. Taylor 11/23/40

Memorandum for Regional Director, Region IV:

Attention Regional Attorney

Reference is made to your memorandum of September 19 concerning options and appraisals recently forwarded to your office in negotiating for the purchase of the John R., John W. and James Crawford water rights on the Virgin River in Zion National Park.

The .034 c.f., a portion of Decreed Right No. 66, was acquired in 1931 along with the purchase of 1.1 acres of land from Hyrum Ruesch, and 1.1 acres of land from Lyle Winder. The price paid for the land and water together was on the basis of $200 an acre. The .44 c.f. of the John Gifford Decreed Right No. 65 was also acquired in 1931, together with the purchase of land from W. L. Crawford and others on the same basis of $200 an acre. The park did not purchase the water separately, and for that reason it is not possible to evaluate the water rights from these acquisitions.

The sums stated in the options recently forwarded to your office were figured on a base of $1705 per cubic foot, a little more than half the appraisal value. The appraised value of $3000 per second foot was determined after careful study of recorded sales of water rights in St. George and Hurricane, Utah. Former Superintendent Patraw also set the value of this water at $3,000 per second foot.

John R., John W. and James Crawford all asked $30.00 a share for their water ($1650 per s.f.) and were given $31.00 a share ($1705 per c.f.) in order to cover the cost of furnishing proof of title, abstracts, recording of deeds and other necessary legal papers that will be required.

This price is higher than the United States paid the Utah Parks Company for the 0.53 c.f. bought by them from Daniel Crawford. In this respect it should be noted that Daniel Crawford, after selling his land in 1931, moved out of the country, having no further interest along the Virgin River drainage. John R., John W., and James Crawford still have many interests here and will still own property along the Virgin River. It is true that John R. Crawford offered to sell his water to the Hurricane Canal Company several years ago for $400. At that time water was plentiful and the demand for it low. Since then, particularly during the past four years, this section of country has suffered severely from the lack of sufficient water due to droughth conditions. For these reasons, such an offer cannot equitably be used in determining a base price at the present time.

1705
400
1305
act cost
less by
transfer

It is believed Mr. Fagergren's suggestion relative to changing the point of diversion has been misunderstood. It was his intention to suggest postponing the change in point of diversion until after the purchase had been made in order not to cause any delay toward such action. Past records indicate that the Solicitor General would not approve a previous purchase of water or release funds until after the State Engineer approved the change in diversion. The Crawford right proposed for purchase can be effectively used in the same ditch and diversion and for the most part on the same land as originally described in the court decree.

It is hoped that this memorandum will serve to straighten out the question you referred to and should there be any other information you require to expedite this matter, please let me know.

Paul R. Franke
Superintendent

CC for Regional Director, Region III

09-19-1940: memorandum to hydraulic engineer dunn from the nps regarding possibility of water right purchase in zion

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

5516 Stuart Building
Seattle, Washington
September 19, 1940

SEP 23 1940

ROUTING		Date
Johnson		9/23
Dunn		9/23
FILE		

MEMORANDUM for Hydraulic Engineer Dunn:

Reference is made to your memorandum of September 17 relating to the possibility of a water right purchase on behalf of Zion National Park.

In accordance with your request I am herewith returning your copy of Mr. F. C. Fagergren's memorandum for the Acting Superintendent, dated August 10, 1940.

The material contained in Mr. Fagergren's memorandum is extremely interesting and indicates a willingness on the part of the Crawfords to sell their water rights to the Government at a reasonable price. The principal problem remaining seems to be to get Mr. Isom to likewise agree to the sale.

You ask whether I recall any obligations against the fiscal year 1940 funds. I am not sure that your figure of $14,000 as the balance remaining from those funds was arrived at after deducting the amount approved for the Linger Brothers' water rights, ~~or~~ at Great Sand Dunes National Monument. If the $14,000 was left after an incumbrance of the funds for the Linger Brothers' purchase, then I have no recollection of other obligations except for the possibility of the Nevares purchase in Death Valley. Miss Hicks, I believe, has a statement of negotiations pending, from which you can secure a definite answer to that question.

In connection with the Zion matter, it would be my suggestion that a fair appraisal of the water right be made, taking into consideration all the sales which reflect values in the area. This appraisal can then be used as a limit to be borne in mind in negotiations. I think the matter of the negotiations themselves should be largely one for the exercise of discretion on the part of the Park officers actually conducting them. I feel confident that those officers would treat the vendors fairly by first determining their willingness to sell and their conception of fair prices. Beyond agreeing upon a fair valuation for appraisal purposes, I do not think we should attempt to make suggestions which might limit them in the conduct of negotiations.

I agree with you that this purchase, if it can be made at reasonable figures, should be expedited since the Acting Superintendent

has already found the needs of the Park will require the extra water supply. To that end negotiations should be continued and proper options secured, if you feel satisfied that the rights to be acquired are in good standing at this time.

Mr. Johnson will be in a position to render whatever assistance is needed in the drafting of the options, and to advise the Superintendent upon the procedure with respect to both the preparation of the appraisal and the transmittal of the option accompanied by the appraisal.

Joseph E. Taylor

Joseph E. Taylor,
Regional Attorney.

Encl.

cc: Mr. Johnson

from files of [illegible]

Joe, please return this to my reference

August 10, 1940

Memorandum for the Acting Superintendent:

Reference is made to Mr. Taylor's memorandum of July 23, 1940, relating to availability, price, specific values, etc., of water rights for Zion National Park.

As instructed, a trip was made to St. George, Hurricane, and Springdale, where the county records were studied and interviews were made with the water commissioner, the Secretary of the Lower Virgin River Water Users' Association, and each of the principals owning water in the John R. Crawford Ditch. As a result of this trip, the following facts were found:

1 - Basis of setting a price or an appraisal of the value of the water rights.

(a) Appraisal sheet prepared by Superintendent Patrew for the purchase of the 0.53 c.f.s. of water from the Utah Parks Company on August 12, 1938 was $3,000.00 c.f.s. or for the 0.53 c.f.s., $1590.00. This was later bought for $389.00 or on base of $733.95 c.f.s.

(b) Most of the water sales recorded in the county records are for $1.00 "and other valuable considerations" but a few were found expressing a value. It is to be noted that water is spoken of and recorded in units of shares in this locality, a share representing the amount of water necessary to water one acre of gound; and by court decree this water duty was set at 55 acres per cubic foot per second, or one share is equal to 1/55 of a c.f.s. During the winter of 1935-36 the City of St. George bought most of the interests in the St. George and Cottonwood Canal, paying a set price of $50 per share or on the base of $2750.00 c.f.s. In September 1937 the State Building and Loan Association of Salt Lake sold to the Harrisburg Water Company 15 shares of primary and 12½ shares of secondary water for $2500.00. There was no break-down shown for the two classes; but combining the two, the base was approximately $90.91 a share, or about $5000.00 c.f.s.

(c) From Mr. A. K. Hafen, Secretary of the Lower Virgin River Water Users' Association, I learned that at the time of organization the shares in the St. George Canal were set with a par value of $12.50, but Mr. Hafen believed that the present value was about $25.00 per share.

1890 1900

1893

(d) From Mr. J. W. Imlay, Virgin River Water Commissioner, I learned that in Hurricane water was currently valued at $50-60 a share, which would be a base of $2750-3300 a c.f.s. At Toquerville, he said, water was valued at $100 a share or on a base of $5500 a c.f.s. (This was set by the Federal Land Bank.) At New Harmony it was valued at $60 a share or on a base of $3300 c.f.s. There has been a recent sale of water to the City of St. George, not yet recorded, of what is known as the "Berry Springs" some five miles west of Hurricane. There was a decreed right of 0.44 c.f.s. and the price paid was $700, or a base of about $1600 c.f.s. It is of important note that the reason this sale has not been recorded is that the city is waiting for approval from the State Engineer for a change in the place and manner of use and a change in the point of diversion; and that the final payment on the water will be based upon the discount made by the State Engineer for the amount of water lost by evaporation and seepage by changing the point of diversion down stream about ten miles. Mr. Imlay was of the opinion that it would be discounted from 10%-20%, the purchase price remaining the same.

1915

(e) In Springdale the par value of a share of Springdale Canal Company water is $25.00, but there have been two sales in the past few years in which shares were sold for $23.00; and in another sale six shares were bought for $100 or on the base of about $916 a c.f.s.

Thus from the above it is noted that water has had a value ranging from $13 to $100 a share, depending upon many variable factors.

2 - <u>As to whether the water rights are for sale.</u>

(a) John R. Crawford, the decreed owner of 0.423 c.f.s., told me that he had given his brother-in-law the right to use his share from June 1 of this year to June 1 of next year and the option of buying it at that time if he wants it. This brother-in-law, Mr. George H. Isom of Hurricane, is a crippled man who is attempting to buy some land on the Hurricane bench and to use this water by placing it in the Hurricane Canal and then pumping it to his land. He has a family of several boys he hopes to put to work. From Mr. Imlay I learned that the Hurricane Canal Company has not yet let Isom into their canal with his water as they feel such a small amount of water would only add to their burden of distribution, and they have told him he can't bring water into the canal in an amount less than a cubic foot. As there is only 0.996 c.f.s. available and this would be discounted at least 15% by the State Engineer for its change in point of diversion, it is going to be a point in our favor in acquiring this portion. As I understand it from Mr. Crawford, there hasn't been any thing in writing between the two concerning the water, only a promise that Mr. Crawford would of necessity be forced to abide by.

From Mr. Imlay it was learned that he had heard the price for this water was $75.00. Further questioning placed some doubt on whether this was just for this year's use or for the total right; Mr. Imlay was inclined to believe that this was to be the total price paid for the right. From others I learned that Crawford was more or less making a gift of the water to Isom, he being a close relative. Mr. Crawford said that had he known the water was wanted by the Park he would never have made any deal as the "Government has furnished me with 90% of my living and money I have received the past twenty years".

From Mr. Imlay I learned that "the Crawfords" have been trying to sell their water for several years; they offered it to the Hurricane Canal Company for $300; and as they did not care to take it, Crawfords asked them to try and sell it for them for $300-$400, or whatever they could get.

Mr. Crawford informed me that several years ago he made a trade with his brother, Daniel Crawford, and he now controls the decreed right of 0.094 c.f.s. formerly belonging to Daniel Crawford. Mr. Crawford was of the opinion that the water was worth "about $25 a share" and as there has been nothing in writing between him and Isom it was suggested that perhaps it would be to his advantage as well as Isom's to sell the rights to the Park. No price was mentioned, but it was intimated that they might get a little more than $25.00 a share, as the Park was willing to pay a fair price. With this thought planted, Mr. Crawford said that possibly he could make some arrangments with Isom and we could have the water. He said he would have a talk with him and let me know later.

A few points for argument were given to Mr. Crawford; the fact that if the State proposed project on either the North Fork or the Parunuweap does go thru, water would be cheaper and more available to Mr. Isom at Hurricane than the water they are going to attempt to change down there. It is my belief that Crawford and Isom can come to terms between themselves and that we can get this portion of water.

(b) Mr. James Crawford, decreed owner of 0.402 c.f.s., was called upon, and he said that only the previous day George Isom had been to see him and wanted to get his water. He said that they were discussing a deal whereby Mr. Isom would let him use or have some land in exchange for the water. He was most definite, but after discussing the proposed State projects which would be of more value to them, he said, "well, I will talk to John and see what he is going to do; if he will sell to you folks, why I guess I will". No price was mentioned, but a fair price was promised for the water.

(c) From James Crawford I learned that the decreed right of 0.77 c.f.s. to E. E. Winder, along with 5 acres of land, had been sold to his son, John W. Crawford, some time before the Park bought the land for the south entrance extension. I then called upon J. W. Crawford and he was immediately enthusiastic about selling. He said he had tried to get rid of it or have it changed to Hurricane but had had no success and was willing to have it taken off his hands.

I told him that his portion was quite small and would hardly be worth while unless we could also buy the water owned by his uncle and his father, and he said he would have a talk with them. He was of the opinion that we can come to terms with them with a fair price.

3 - Availability of Abstracts

At this time there are no abstracts available; however, Mr. John T. Woodbury of St. George is a licensed abstractor, and he was acceptable to the Solicitor General in the transfer of the U. P. water to the Government. As the water rights of 0.996 are now controlled by three principal parties, two of whom are decreed owners, an abstract will be comparatively simple to prepare. If we proceed in taking an option on these water rights, we can put a clause in the option that they are to furnish an abstract of title with the warranty deed.

To clear title on this water, we shall need:

A warranty deed of the John R. Crawford right of 0.423 c.f.s.
A quit-claim deed of the " " " " " 0.094 c.f.s. from D. CRAWFORD
A warranty deed of the Daniel Crawford water right 0.094 c.f.s.
A warranty deed of the James Crawford right of 0.402 c.f.s.
Warranty and quit-claim deeds of the John W. Crawford right of 0.077 c.f.s. from Mrs. Cornelia Winder, widow and administratrix of the E. E. Winder estate.
Possibly a quit-claim deed from George Isom on the John R. Crawford right.

After talking to the interested parties, it is my opinion that a fair price for the water would be $30 a share, or a base of $1650 c.f.s. This is a little higher than par value of Springdale water shares, but it seems reasonable considering the dryness of this particular year; the fact that the "Crawford water rights" are the only available rights that can be bought without making a purchase of land with water rights; the fact that it is of the earliest priority; and not least is the fact that we can acquire this water without asking State approval for a change in point of use, manner of use, or point of diversion, which would have to be done with other water.

The next few days should disclose whether or not we shall be able to get John R. Crawford's water. If it becomes apparent that we can, should we proceed to take an option on this water? The fair value of $30.00 a share would of necessity have to be shown on the option and no doubt will have to be approved by the Regional office. We have a copy of the options used for the Utah Parks Company water in the file, and we could use them with modifications to suit these particular cases provided they still meet with the Regional Attorney's approval. A copy of the appraisal form, abstractor's certificate, etc., are in our files, and copies of them could be made.

fcf;ks

Fred C. Fagergren

09-19-1940: memorandum to the superintendent from an associate attorney regarding water right purchases

Mr. Taylor

RECD. SEP 2 - 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

September 19, 1940

Memorandum for Superintendent Franke,
Zion National Park:

I have reviewed your memorandum of September 12, and believe that the options and appraisals submitted will be satisfactory. However, before final passing on the matter, I am transmitting a copy of a memorandum of Hydraulic Engineer Dunn of September 17.

I want to call particular attention to the fact that we do not know the price paid by the park on Crawford Right No. 66 and Gifford Right No. 65, as shown on page 2 of Mr. Dunn's memorandum. We would like you to review the matter further, and give us the prices paid for those two rights and whatever other data you may have.

Furthermore, while Mr. Pagergren or Mr. Dunn may justify a price in excess of $3000 for these various water right purchases, nevertheless if the private parties are offering to sell at a low figure of, say, $400, I do not see why we cannot obtain options at their price and submit them for approval by the Director.

We have mailed a copy of Mr. Dunn's memorandum to Mr. Taylor at Seattle, in the hope that he might have some comment to make on these possible purchases.

Enclosure 1943936.

Associate Attorney.

cc: Regional Director, Region III, with
copy of Mr. Dunn's memorandum.
Regional Attorney Taylor.

9/21/ Have already commented

09-17-1940: memorandum to the regional attorney from a hydraulic engineer regarding the sale of water rights from the crawford

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

REC'D. SEP 19 1940

September 17, 1940

Memorandum for Regional Attorney Joseph E. Taylor:

I am sending you herewith a copy of a memorandum we have just received from Zion National Park, written by F. C. Fagergren to the Acting Superintendent under date of August 10, 1940, and a copy of my engineering comments for Mr. Johnson, all relating to the Crawford Water Right No. 66 for .996 second foot of water, which was for sale at least as recently as August 10.

It seems strange that the park did not advise us until after our very recent request for more information, that this data had been obtained. This looks like a decided bargain if we can obtain it, though I am a little concerned as to what value to offer when $400 has already been considered and somewhere between $3100 and $3400 is a good value according to both Mr. Fagergren and myself.

There is, as I recall, around $14,000 left over from last year's funds, and about $17,000 available from this year's appropriation for water right purchase, and as far as I can recall the only obligations we have at the present time are the possible price for the Nevares property. I should, however, like to know if you can recall any other purchase now pending which might limit the amount we could offer Mr. Crawford or which would prevent us from doing all we can to expedite the execution of an option.

Roland D. Dunn
Hydraulic Engineer.

Encls.

09-17-1940: memorandum to an associate attorney from the nps regarding crawford water right no. 66

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
September 17, 1940

Memorandum for Associate Attorney Albert L. Johnson:

Re: Crawford Water Right No. 66,
Zion National Park.

Reference is made to Superintendent Franke's memorandum of September 12, 1940, with copy of one from Mr. F. C. Fagergren to him of August 10, 1940, all relating to the possible purchase of Water Right No. 66.

I am decidedly in favor of purchase, and immediate execution of the necessary option. The form of the option and deed are legal matters on which I do not wish to comment, but I feel I should make the following evaluation of price.

Mr. Fagergren has given the prices of certain water right shares in his memorandum, to which I have added the priorities of the rights as follows:

	Share Values			
	Capitalized	Present Sale		
Water Right	Par Value	Price	Priority	Quantity
St. George Canal #165	$12.50	$25.00 (Est.)	(1890 (1900	(30.0 s.f. (56.0 s.f.
Hurricane Canal #84	--	$50.00-$60.00(Est.)	1893	33.48 s.f.
Springdale (#62) (#68)	$25.00	$23.00-$100.00	(1865 (1870	0.27 s.f. 3.97 s.f.

I assume that the junior rights are all that have been sold in any cases. On this basis, water right shares may be evaluated as follows, with the value of 1870 priority perhaps even higher.

Priority	Mean Price Per Share	Per Second Foot
1870	$62.00	$3415.00
1893	$55.00	$3030.00
1900	$25.00	$1375.00

The Crawford Right No. 66 has the following position among rights in the Springdale-Zion Area.

Water Right	Priority	Price Park Paid	Quantity
Springdale Right No. 62	1865		0.27 sec. ft.
Springdale Right No. 68	1870		3.97 sec. ft.
Crawford Right No. 66	1877		0.996 sec. ft.
Park Portion Crawford Right No. 66	1877	?	0.034 sec. ft.
Flannigan Right No. 67	1880		1.65 sec. ft.
Park (Crawford) Right No. 63	1881	$389.00	0.53 sec. ft.
Flannigan Right No. 64	1881		0.28 sec. ft.
Park (Gifford) Right No. 65	1894	?	0.44 sec. ft.

All of the above rights except the last are class 1 as defined in the Virgin River decree and described in my Hydrographic Study of the Virgin River, dated June 10, 1940. There are 12.58 sec. ft. of class 1 rights north of the park, of which it is probably safe to estimate that at least half have priorities later than 1877. This places Right No. 66 where it can practically operate whenever the river flow is over 11.56 sec. ft., and certainly whenever that flow is over 17.85 sec. ft. The same hydrographic study shows that no flow of less than 20.0 sec. ft. has been recorded to date.

Mr. Fagergren mentions discounts in value due to changing points of diversion. These result from seepage losses when a diversion is moved. He also suggests that the park would not have to change the point of diversion. I differ in feeling that all the right should be changed to a new point of diversion, but feel that his general arguments are correct.

1. Any change the park may make will be upstream, which should justify an increased quantity instead of a discounted one.

2. Park diversion would probably be by pipe instead of ditch, which would also reduce seepage and justify increase in quantity.

On the whole, therefore, the value of Right No. 66 per sec. ft., with priority of 1877, is at least $3030 plus 16/23 of the difference between the value of an 1893 and an 1870 right, or $3030/0.7 x $385 = $3400. The 0.996 sec. ft. now under consideration are worth a few dollars less, but can be set at the same figure because of the physical values which I have mentioned but not evaluated.

In the last table I list the $389.00 which the park paid for Right No. 63. This right was worth over $1600, but obtained at 25% because of Mr. Crawford's generosity and a National Park Service error in not accepting it as part of the land purchase to which it was appurtenant. This suggests that the 0.996 sec. ft. of Right No. 66 should be obtained for much less than the suggested $3400. Mr. Fagergren suggests that it has been offered by Mr. Crawford at $300 to $400 based on the assumption that it will be transferred only at a discount.

If we are to buy at more than $400, and Mr. Crawford's offer to sell is on record, we become bidders. I am not sure that this is normally a federal policy, but it is to the Park Service advantage to obtain the right as well as prevent others from getting it. Hence, it may be possible to offer more. To determine what higher value should be offered, I suggest using the price paid for the 0.034 sec. ft. of the same right previously purchased. (I do not have that figure, however.) If that portion of the right cost inproportionately, I suggest that we weigh the prices paid for priorities Nos. 63 and 65, both as to priority date and date of purchase. I shall be glad to help in that work if we can obtain the prices the Park Service has paid.

Note that I have definitely ignored some of the water right prices and appraisals quoted by Mr. Fagergren. Springs and other tributaries from which several diversions are made, may have special values. I have, therefore, limited myself to rights on the North Fork and main river, but might have to consider others as well at a later date.

A. van V. Dunn,
Hydraulic Engineer.

cc: Reg. Attorney Taylor.
Supt., Zion National Park.
Regional Director, Region III.

09-12-1940: memorandum to the regional director from the superintendent regarding water rights purchases

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

REC'D SEP 16 1940
(by Registered Mail.)

September 12, 1940

Ans. 9/17/40—A+V D

Memorandum for Regional Director, Region IV

Attention Regional Attorney Taylor

Reference is made to previous correspondence regarding the purchase of the water right of 0.996 c.f. in the John R. Crawford Ditch.

There are transmitted herewith options taken by us on all this water on the basis of $31 a share or $1705 a c.f.s. Your attention is called to the water right decreed to E. E. Winder that is now owned by John W. Crawford. The water decreed to Daniel Crawford is now owned by John R. Crawford.

In addition to these options you will please find appraisal sheets for each piece of water right and copies of a memorandum written by Mr. Fagergren justifying the price being paid.

If these options and appraisals meet with your approval, it is recommended that steps be taken immediately for their acquisition.

Paul R. Franke
Superintendent

Returned to Supt. Zion National Parks 11/27/40.

Enc.

08-10-1940: memorandum to the acting superintendent from the nps regarding availability, price and value of zion water rights

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF NATIONAL PARKS,
BUILDINGS, AND RESERVATIONS
ZION AND BRYCE CANYON NATIONAL PARKS
UTAH

OFFICE OF THE SUPERINTENDENT
P. O. ADDRESS:
SPRINGDALE, UTAH

August 10, 1940

Memorandum for the Acting Superintendent:

Reference is made to Mr. Taylor's memorandum of July 23, 1940, relating to availability, price, specific values, etc., of water rights for Zion National Park.

As instructed, a trip was made to St. George, Hurricane, and Springdale, where the county records were studied and interviews were made with the water commissioner, the Secretary of the Lower Virgin River Water Users' Association, and each of the principals owning water in the John R. Crawford Ditch. As a result of this trip, the following facts were found:

1 - Basis of setting a price or an appraisal of the value of the water rights.

(a) Appraisal sheet prepared by Superintendent Patraw for the purchase of the 0.53 c.f.s. of water from the Utah Parks Company on August 12, 1938 was $3,000.00 c.f.s. or for the 0.53 c.f.s., $1590.00. This was later bought for $389.00 or on base of $733.95 c.f.s.

(b) Most of the water sales recorded in the county records are for $1.00 "and other valuable considerations" but a few were found expressing a value. It is to be noted that water is spoken of and recorded in units of shares in this locality, a share representing the amount of water necessary to water one acre of gound; and by court decree this water duty was set at 55 acres per cubic foot per second, or one share is equal to 1/55 of a c.f.s. During the winter of 1935-36 the City of St. George bought most of the interests in the St. George and Cottonwood Canal, paying a set price of $50 per share or on the base of $2750.00 c.f.s. In September 1937 the State Building and Loan Association of Salt Lake sold to the Harrisburg Water Company 15 shares of primary and 12½ shares of secondary water for $2500.00. There was no break-down shown for the two classes; but combining the two, the base was approximately $90.91 a share, or about $5000.00 c.f.s.

(c) From Mr. A. K. Hafen, Secretary of the Lower Virgin River Water Users' Association, I learned that at the time of organization the shares in the St. George Canal were set with a par value of $12.50, but Mr. Hafen believed that the present value was about $25.00 per share.

Copy mailed Reg Att. E. Taylor 9/13/40

(d) From Mr. J. W. Imlay, Virgin River Water Commissioner, I learned that in Hurricane water was currently valued at $50-60 a share, which would be a base of $2750-3300 a c.f.s. At Toquerville, he said, water was valued at $100 a share or on a base of $5500 a c.f.s. (This was set by the Federal Land Bank.) At New Harmony it was valued at $60 a share or on a base of $3300 c.f.s. There has been a recent sale of water to the City of St. George, not yet recorded, of what is known as the "Berry Springs" some five miles west of Hurricane. There was a decreed right of 0.44 c.f.s. and the price paid was $700, or a base of about $1600 c.f.s. It is of important note that the reason this sale has not been recorded is that the city is waiting for approval from the State Engineer for a change in the place and manner of use and a change in the point of diversion; and that the final payment on the water will be based upon the discount made by the State Engineer for the amount of water lost by evaporation and seepage by changing the point of diversion down stream about ten miles. Mr. Imlay was of the opinion that it would be discounted from 10%-20%, the purchase price remaining the same.

(e) In Springdale the par value of a share of Springdale Canal Company water is $25.00, but there have been two sales in the past few years in which shares were sold for $23.00; and in another sale six shares were bought for $100 or on the base of about $916 a c.f.s.

Thus from the above it is noted that water has had a value ranging from $13 to $100 a share, depending upon many variable factors.

2 - <u>As to whether the water rights are for sale.</u>

(a) John R. Crawford, the decreed owner of 0.423 c.f.s., told me that he had given his brother-in-law the right to use his share from June 1 of this year to June 1 of next year and the option of buying it at that time if he wants it. This brother-in-law, Mr. George H. Isom of Hurricane, is a crippled man who is attempting to buy some land on the Hurricane bench and to use this water by placing it in the Hurricane Canal and then pumping it to his land. He has a family of several boys he hopes to put to work. From Mr. Imlay I learned that the Hurricane Canal Company has not yet let Isom into their canal with his water as they feel such a small amount of water would only add to their burden of distribution, and they have told him he can't bring water into the canal in an amount less than a cubic foot. As there is only 0.996 c.f.s. available and this would be discounted at least 15% by the State Engineer for its change in point of diversion, it is going to be a point in our favor in acquiring this portion. As I understand it from Mr. Crawford, there hasn't been any thing in writing between the two concerning the water, only a promise that Mr. Crawford would of necessity be forced to abide by.

From Mr. Imlay it was learned that he had heard the price for this water was $75.00. Further questioning placed some doubt on whether this was just for this year's use or for the total right; Mr. Imlay was inclined to believe that this was to be the total price paid for the right. From others I learned that Crawford was more or less making a gift of the water to Isom, he being a close relative. Mr. Crawford said that had he known the water was wanted by the Park he would never have made any deal as the "Government has furnished me with 90% of my living and money I have received the past twenty years".

From Mr. Imlay I learned that "the Crawfords" have been trying to sell their water for several years; they offered it to the Hurricane Canal Company for $300; and as they did not care to take it, Crawfords asked them to try and sell it for them for $300-$400, or whatever they could get.

Mr. Crawford informed me that several years ago he made a trade with his brother, Daniel Crawford, and he now controls the decreed right of 0.094 c.f.s. formerly belonging to Daniel Crawford. Mr. Crawford was of the opinion that the water was worth "about $25 a share" and as there has been nothing in writing between him and Isom it was suggested that perhaps it would be to his advantage as well as Isom's to sell the rights to the Park. No price was mentioned, but it was intimated that they might get a little more than $25.00 a share, as the Park was willing to pay a fair price. With this thought planted, Mr. Crawford said that possibly he could make some arrangments with Isom and we could have the water. He said he would have a talk with him and let me know later.

A few points for argument were given to Mr. Crawford; the fact that if the State proposed project on either the North Fork or the Parunuweap does go thru, water would be cheaper and more available to Mr. Isom at Hurricane than the water they are going to attempt to change down there. It is my belief that Crawford and Isom can come to terms between themselves and that we can get this portion of water.

(b) Mr. James Crawford, decreed owner of 0.402 c.f.s., was called upon, and he said that only the previous day George Isom had been to see him and wanted to get his water. He said that they were discussing a deal whereby Mr. Isom would let him use or have some land in exchange for the water. He was most definite, but after discussing the proposed State projects which would be of more value to them, he said, "Well, I will talk to John and see what he is going to do; if he will sell to you folks, why I guess I will". No price was mentioned, but a fair price was promised for the water.

(c) From James Crawford I learned that the decreed right of 0.77 c.f.s. to E. E. Winder, along with 5 acres of land, had been sold to his son, John W. Crawford, some time before the Park bought the land for the south entrance extension. I then called upon J. W. Crawford and he was immediately enthusiastic about selling. He said he had tried to get rid of it or have it changed to Hurricane but had had no success and was willing to have it taken off his hands.

I told him that his portion was quite small and would hardly be worth while unless we could also buy the water owned by his uncle and his father, and he said he would have a talk with them. He was of the opinion that we can come to terms with them with a fair price.

3 - Availability of Abstracts

At this time there are no abstracts available; however, Mr. John T. Woodbury of St. George is a licensed abstractor, and he was acceptable to the Solicitor General in the transfer of the U. P. water to the Government. As the water rights of 0.996 are now controlled by three principal parties, two of whom are decreed owners, an abstract will be comparatively simple to prepare. If we proceed in taking an option on these water rights, we can put a clause in the option that they are to furnish an abstract of title with the warranty deed.

To clear title on this water, we shall need:

A warranty deed of the John R. Crawford right of 0.423 c.f.s.
A quit-claim deed of the " " " " " 0.094 c.f.s. from D. Crawford
A warranty deed of the Daniel Crawford water right 0.094 c.f.s.
A warranty deed of the James Crawford right of 0.402 c.f.s.
Warranty and quit-claim deeds of the John W. Crawford right of 0.077 c.f.s. from Mrs. Cornelia Winder, widow and administratrix of the E. E. Winder estate.
Possibly a quit-claim deed from George Isom on the John R. Crawford right.

After talking to the interested parties, it is my opinion that a fair price for the water would be $30 a share, or a base of $1650 c.f.s. This is a little higher than par value of Springdale water shares, but it seems reasonable considering the dryness of this particular year; the fact that the "Crawford water rights" are the only available rights that can be bought without making a purchase of land with water rights; the fact that it is of the earliest priority; and not least is the fact that we can acquire this water without asking State approval for a change in point of use, manner of use, or point of diversion, which would have to be done with other water.

The next few days should disclose whether or not we shall be able to get John R. Crawford's water. If it becomes apparent that we can, should we proceed to take an option on this water? The fair value of $30.00 a share would of necessity have to be shown on the option and no doubt will have to be approved by the Regional office. We have a copy of the options used for the Utah Parks Company water in the file, and we could use them with modifications to suit these particular cases provided they still meet with the Regional Attorney's approval. A copy of the appraisal form, abstractor's certificate, etc., are in our files, and copies of them could be made.

fcf;ks

Fred C. Fagergren

08-22-1940: memorandum to the director from an associate attorney regarding sale of the crawford family water rights

FILE COPY

601 Sheldon Building
August 22, 1940

Memorandum for the Director:

Reference is made to information obtained by Hydraulic Engineer A. van V. Dunn while at Salt Lake City this summer to the effect that one of the Crawfords was offering for sale parts or all of Water Right No. 66 decreed to lands in Zion National Park, and that portions of these rights were temporarily transferred to the lands of George H. Isom and Evan S. Lee for one year from June 25, 1940.

Mr. Dunn was unable to determine whether the full right was for sale, or whether Mr. Crawford was merely selling his own interests, but gathered that he was acting as President of the original ditch company for all the owners of the original right.

In order to keep your files up to date, I enclose a copy of a memorandum from Mr. Dunn to Regional Attorney Taylor of July 18, and a copy of one which I sent to Superintendent Franke on August 17 at the suggestion of the Regional Attorney. Due to trips by various representatives of this office, and Mr. Taylor's assignment to Seattle, Mr. Dunn's memorandum was not released as quickly as it might have been. We feel, however, his earlier information of which you already have a copy has probably resulted in some investigation at the park. However, with the arrival of the new Superintendent, we felt that it was wise to offer this reminder in order that we do not lose a valuable water right in the park if it is possible to acquire title. A copy of Mr. Dunn's memorandum of July 11 to the Acting Superintendent of Zion National Park is also enclosed.

Associate Attorney.

Enclosure 1943920.

AvVD:SH

cc: Regional Director, Region III, with copies of enclosures.
Supt., Zion National Park.

08-17-1940: memorandum to the superintendent from an associate attorney regarding water right purchases

FILE COPY

601 Sheldon Building
August 17, 1940

Memorandum for Superintendent Franke,
Zion National Park:

We are transmitting herewith a copy of a memorandum by Hydraulic Engineer Dunn dated July 18 which has been delayed in transmittal here. We call your attention to the fact that this memorandum, coupled with those that you have already received, indicates a condition which might call for your early action in attempting to secure by purchase some of the Crawford water rights. If those water rights have been offered for sale to the general public, it may be that some one else has purchased them in the meantime since Mr. Dunn's visit there the first of July. However, if negotiations can be started for a reasonable purchase, it would obligate our water rights funds early in the fiscal year and we could help you materially to secure those rights.

Will you let us know if Mr. Davis or Mr. Fagergren made any contacts with private owners since the visit of Mr. Dunn there the first week in July. We would like to know as early as possible if we can use any of our water rights funds in that park for the most necessary acquisition of an adequate water supply which we do not feel you have established at this time.

Associate Attorney.

Enclosure 1943915.

ALJ:SH

copy to Director
copy to Reg. Director, Reg. III } 8/22/40.

07-23-1940: memorandum to the acting superintendent from regarding water rights in zion

July 23, 1940

Memorandum for Acting Superintendent John Davis;
Zion National Park:

Reference is made to your airmail memorandum of July 13 relating to water rights at Zion National Park.

You advise that the water situation on the Virgin River is becoming very acute and that Class 2 and 3 rights have ceased to exist at this time. You recommend the immediate purchase of the remaining 0.996 C.F.S. of water in the John R. Crawford Ditch.

From your statements in the memorandum of July 13 together with previous analyses we are inclined to agree that the purchase recommended is advisable. However we believe that the procedure previously found best adapted to acquisition should also be followed in this case. I refer to the matter of negotiation.

For many reasons it has been found that negotiations are best carried on by the persons upon the ground and those who are known to the proposed vendors and who being located in the vicinity have the opportunity to make the various contacts which almost invariably are required. We have found that negotiations are usually spread over some considerable period of time, even under the best of circumstances, and if we had to carry them on,a much longer time would be consumed than if carried on by the persons in the vicinity.

It is recommended that your office determine whether these water rights are for sale and whether they could be purchased at a reasonable price and in that connection that you prepare an appraisal with the justification of the price or prices arrived at. Previous sales under similar circumstances and over a period of time not too far in the past may constitute one of the bases for determination of value, if there is any record of such sale. Values should be ascertained from exterior circumstances if possible, rather than any specific values to the Park Service. Savings to the Park Service or specific values incident to the acquisition of these water rights to the Park Service are elements for justification of the purchase, but they do not constitute a sound basis for determining the amount to be paid. For example, the acquisition

FILE COPY

of water rights may have a specific value to a park by furnishing the opportunity for production of hydroelectric power and thus saving on annual maintenance and operation costs of another type of power plant. The saving would be a good justification for undertaking the acquisition but probably would not constitute an element of true value of the water rights.

I am awaiting the return of Hydraulic Engineer A. V. Dunn and expect to get a rather complete report from him. However, in the meantime I would appreciate receiving any further thoughts you may wish to convey or any information you may have upon possibility of acquisition. Also it would be well if you can do it to check upon the availability of abstracts in connection with this specific water right.

A copy of this memorandum is going forward to the Director so that he may have advance knowledge of this proposed acquisition before any amount of money is determined upon for expenditure from the water rights funds.

Regional Attorney

JET:O'H

cc: Regional Director, Region III
The Director
Mr. A. V. Dunn, c/o Olympic N.P.

FILE COPY

At Glacier National Park,
July 18, 1940,

Memorandum for Regional Attorney Taylor:

Reference is made to memo from Acting Superintendent Davis of July 11, 1940.

The letter from the River Commissioner to the State Engineer, which I quoted on July 8, did not specify which rights were for sale. However, Mr. Funk and I assumed that Mr. Crawford, as President of the Crawford Ditch Company, was acting for all former land owners who had not already sold their rights to the Park Service, namely:

John R. Crawford..... for 0.423 sec. ft.
Daniel Crawford..... for 0.094 sec. ft.
James Crawford..... for 0.402 sec. ft.
E. E. Winder..... for 0.077 sec. ft.

0.996 sec. ft.

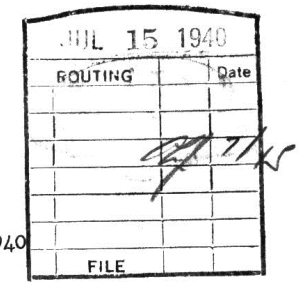
Lyle Winder and Hyrum Ruesch have already conveyed their 0.034 sec. ft.

I hoped Mr. Davis would have Mr. Fagergren, or another cautious local representative call on the Water Commissioner for more details, and then on the Crawford who was President of the Ditch Company to see what he had to offer. Since the State has been advised of the offer to sell, I see no reason for not openly looking into it, but I think speed is needed. It is my hope that we can buy all, including the temporary transfers to Lee and Isom, though the latter cannot be used until next June 25.

A. van V. Dunn,
Hydraulic Engineer.

Copy to Supt. Zion N.P. 8/17/40 A.L.J.
Copy to Director 8/22/40 A.L.J.
Copy to Reg. Director, Reg. III 8/22/40 A.L.J.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH



July 13, 1940

AIR MAIL

Memorandum for the Regional Director, Region IV:

Attention Regional Attorney

Reference is made to your memorandum of July 9 and ours to you of July 11 regarding water rights in Zion National Park.

Virgin River Commissioner Wilson F. Finlay of Hurricane made a visit to this office this morning. He had been instructed by the State Engineer to find out if we had acquired the water rights in the John Gifford Ditch with our purchase of private land and what other rights were transferred to us or retained by the people who sold land along the John R. Crawford Ditch. He was informed that we acquired all the rights in the John Gifford Ditch (0.44 c.f.s.) and that we had 0.564 c.f.s. in the John R. Crawford Ditch, 0.53 of which was changed from Pine Creek Ditch after purchase from Daniel Crawford and 0.034 c.f.s. acquired with the purchase of land.

During the conversation he mentioned that there had recently been several inquiries about the water in the John R. Crawford Ditch; and that John R. Crawford had temporarily transferred 0.36 c.f.s. of his water to Evan Lee of Virgin, Utah; also that James Crawford had temporarily transferred 0.38 c.f.s. of his water to George H. Isom of Hurricane. "Of course," he said, "they can't change this water without taking it up with the state engineer".

He mentioned too that the water situation was becoming very acute. Class 2 and 3 rights have ceased to exist at this time. He said these latter rights were governed by the flow of the river at Hurricane. Class 3 rights cease when the flow of the river reaches 135 c.f.s., and class 2 rights cease in order of their priority when the river reaches a flow of 45 c.f.s. Many of the towns along the lower portion of the river are now without water rights, the Virgin with only a third class right, and many others with only a third or second class right. The primary rights at St. George are serving a duty of 150-160 acres and at Hurricane 100-110 acres. Incidentally, he mentioned the fact that it requires almost an acre foot of water per acre to irrigate when the water is as clear as it has been the past few weeks due to the deep penetration of the water compared with its shallow penetration when burdened with silt.

Inasmuch as the grain and sugar beet seed is now being harvested, the farmers' needs are less. However, if we don't receive rain before long it might be necessary for them to shut our John Gifford Ditch off. Mr. Finlay felt that the water we use for irrigating trees, etc., is, for the most part, returned to the river and he didn't know as it would be necessary to cut this

off at this time.

From Mr. Finlay's conversation, it is apparent that the transfers referred to by Mr. Dunn's memorandum have not been definitely approved by the state engineer inasmuch as the state engineer has not been sure that the original owners of the decreed water actually have title to the water. If the contemplated changes are made and definitely approved by the state engineer, the balance of decreed water amounting to 0.256 c.f.s. would hardly be sufficient for our immediate needs.

It is also known that the parties controling the water in this ditch are most definitely trying to sell their rights, particularly James Crawford, who is in need of funds. In view of the above situation, the immediate purchase of the remaining 0.996 c.f.s. of water in the John R. Crawford Ditch is recommended. Other good reasons for the purchase of this water are: (1) its priority of 1877, making it a first-class right; (2) to protect the culinary use we are now making of water in the Birch Creek, Oak Creek, Temple of Sinawave, Grotto Camp and the other minor systems; (3) the water would be taken, for the present, at practically the same diversion, run in the same ditch, and used on practically the same land as described in the original decree.

In the event the water is successfully secured, we shall have total rights of 2.10 c.f.s. (1.56 c.f.s. primary and 0.54 c.f.s. secondary). This amount of water is approximately one half of our estimated total requirement. While we have been entitled to use but 0.564 c.f.s. in our south entrance irrigation system, we have in reality been making use of from 1 c.f.s. to 2-1/2 c.f.s. In the John Gifford Ditch we are entitled to 0.44 c.f.s., and have used as much as 1 c.f.s. It is urged that your office will continue to plan on securing additional water from the other possibilities.

It is believed best that a representative of your office negotiate for the purchase of the Crawford Ditch water.

Attached you will find clipping from the Salt Lake Tribune of July 11, 1940, that you might be interested in. (Re Timpanogos Cave Acts)

John M. Davis
Acting Superintendent

07-11-1940: memorandum to the regional director from the acting superintendent regarding water rights divisions amongst john r.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ZION AND BRYCE CANYON NATIONAL PARKS
SPRINGDALE, UTAH

.290
034
.256

JUL 15 1940
ROUTING | Date
Taylor
Johnson
Dunn
FILE

July 11, 1940

Memorandum for Regional Director, Region IV:

Attention Regional Attorney

Reference is made to Mr. Dunn's letter of July 8, 1940, which states that "Mr. Crawford still owns 0.996 c.s.f." in the Crawford Ditch. The original decree (#66) divides the total water in the ditch among several individuals, not only J. R. Crawford. Division was as follows:

John R. Crawford	27.4 acres	41.08%	0.423 c.f.s.
Daniel Crawford	6.1 acres	09.14%	0.094 c.f.s.
James Crawford	26.0 acres	38.98%	0.402 c.f.s.
E. E. Winder	5.0 acres	07.50%	0.077 c.f.s.
Lyle Winder	1.1 acres	1.65%	0.017 c.f.s.
Hyrum Ruesch	1.1 acres	1.65%	0.017 c.f.s.
	66.7 acres		1.030 c.f.s.

As Mr. Dunn doesn't state from whom Evan S. Lee got his temporary transfer of 0.36 c.f.s. or from whom George H. Isom got his temporary transfer of 0.38 c.s.f., we can't determine who has made the sale or rental of the water.

Of the above parties who originally owned this water, John R. Crawford purchased land in Springdale after the sale of his land in the park, and no doubt purchased with it additional water rights, and his share is in excess of what he is using. The same applies to James Crawford and E. E. Winder except that E. E. Winder has since died and the water will be owned by his heirs.

Daniel Crawford moved to Parowan, Utah, and purchased land there. He has already made sale of the water he owned in the Pine Creek Ditch (#63).

The water owned in this decree by Lyle Winder and Hyrum Ruesch was sold to the Park along with their land. The transfer of this water, like our other water rights, has never been recorded in the county, nor title to the water has never been changed at the state engineer's office. We are using it the same as decreed and in approximately the same location.

Owen M. Davis
Acting Superintendent

07-11-1940: memorandum to the acting superintendent from the nps regarding water right transfers from water right no. 66

REC'D JUL 16 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Yellowstone National Park
July 11,1940

Memo to Acting Supt. Davis,Zion.

I find a Copy of memo from Regional Attorney Joseph E Taylor to you of July 9,1940 on my arrival here today, which suggests that I was not too clear in my memo to him of the previous day. The transfers by George H Isom and Evan S Lee are parts of Right No.66 in the Crawford Ditch.The status of that right and ditch are now as follows:

In Crawford Ditch this summer		
Park right transferred from Pine Creek Ditch	0.53	s.f.
Park owned right No.66	0.034	"
Crawford Interest (not transferred)	0.256	"
Total right Park may divert	0.820	"
Temporary transfers for summer		
By Isom to Hurricane Ditch	0.380	"
By Lee to Evan S Lee Ditch	0.360	"
Total temporary transfers	0.74	"
Total rights potentially available in Crawford Ditch after June 26,1941.	1.56	"

In negotiating with Mr Crawford, we should try to buy the full 0.996 s.f which will be available next June if Isom and Lee do not have options to buy their temporary transfers at that time.If they do have the options, we can only buy the remaining 0.256 s.f.Either amount would help.

While at Zion I computed the diversion with 5.75 inches of water on the weir to be 2.41 s.f., but on check find it to be 2.58 s.f. I have since computed the diversion if the gate were closed enough to let only 3 inches flow over the weir and find it to be 1.385 s.f. I also found from the State Engineer that the right is to the amount flowing over the weir and not what reaches the irrigated land.In other words there should be only a little over 2 inches of water on the weir for continuous diversion, or if you continue to keep a 6 inch head on the weir you should only divert one day in three this summer.On a prorata basis, Mr Fagergren can compute the approximate head on the weir for alternate day diversions, to use the average in any case of 0.82 s.f.

According to the State Engineer it is up to Isom and Lee, or the River Commissioner,to advise you, but since I got the imformation direct it may pay you to be prepared if not to contact Commissioner Imlay and indicate your intent to adhere to the decree.You will have to divert only part of each day, or

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

at intervals of 2 or 3 days,as the continuous flow of 2 inches would deliver very little water to the land after seepage in the ditch.Diversion for 8 hours of each day is the same as a whole day every third day.

You also have the 0.44 s.f. in the Gifford Ditch.You might see Imlay about transferring it to the Crawford Ditch for the summer to permit larger diversions for longer times if need be, but I think it may be better to save that as defense for the domestic systems.It could be transferred temporarily to your domestic pipe lines from Birch,Oak, and lower Grotto spr ings if ~~this~~ Imlay's inspections made it necessary.

However, I have some further imformation on the spring diversions which I will try to get out inthe next few days. Meantime, I would leave the Gifford Ditch as it is, and contact Mr Taylor and me if a change is forced by Mr Imlay.

A van Dunn

A. van V. Dunn

CC Regional Attorney Taylor
Regional Director (through Mr Taylor) mailed 8/22/40
Director (" " " if he desires) mailed 8/22/40

07-09-1940: memorandum to the acting superintendent from a regional attorney regarding addition acquisitions of water rights at z

FILE COPY

601 Sheldon Building
July 9, 1940

Memorandum for the Acting Superintendent,
Zion National Park:

Reference is made to previous correspondence and discussions between various members of the Water Rights Section office and your office concerning additional acquisitions of water rights at Zion National Park.

Hydraulic Engineer A. van V. Dunn, who recently left your park, made a visit to the State Engineer's office in Salt Lake City on July 8. In connection with his findings during that visit, he prepared a memorandum for me dated July 8, and, while it is noted that he said he was sending a copy to you, I am nevertheless transmitting an extra copy for your files.

You will note in the next to the last paragraph of Mr. Dunn's memorandum a recommendation of immediate negotiations to secure 0.996 second foot of water of the old Crawford Ditch Right No. 66.

While we have not received any allotment advice with respect to the appropriation for the acquisition of water rights for the fiscal year 1941, nevertheless it is quite definite that funds are available for such acquisition. However, before making any recommendations, with respect to the use of those funds at Zion National Park, we should have from you a justification, together with your definite recommendations upon the subject. Further, we should have an explanation of your concept of the effect the transfers referred to in Mr. Dunn's memorandum will have. These transfers are applied for by George H. Isom and Evan S. Lee, and I infer from Mr. Dunn's memorandum that the transfer applies to water adjudicated to the Crawford Ditch.

Enclosure 1835998.

Regional Attorney.

cc: Director, with enclosure.
Regional Director, Region III,
with enclosure.
Mr. Dunn, at Yellowstone National Park.

JET:SH

Air Mail

REC'D JUL 9 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

Salt Lake, Utah,
July 8, 1940

Memo to Joseph E Taylor, Regional Attorney.

I have just returned from the State Engineer's Offoce where I looked up transfers of Crawford Right No.66 from the Crawford Ditch.

George H Isom has application No.40-28 for the temporary transfer of 0.38 sec.ft. from June 26,1940 to June 26,1941. This transfer is to the Hurricane Ditch, considerably below the Park and the River Commissioner has recommended its approval.

Evan S Lee has application No.40-30 for the temporary transfer of 0.36 sec. ft. to irrigate 20 acres for the same period. This transfer is to the Evan S Lee Ditch at point 300 feet south of North ¼ corner of section 31, T 41 S, R 11 W, much nearer the Park, and is also recommended by the Commissioner.

There are no other state records of permanent or temporary transfer of the 0.996 sec. ft. Mr Crawford still owns in the ditch.

In his letter of recommendation to the State Engineer of July 5,1940, which I was allowed to read, River Commissioner Woolley further advised:

1. That the statutory period of 5 years would soon expire, and the water had not been used lately. (I told Assistant State Engineer Funk that in reality the Park had been using the water pending its disposal by Crawford, a condition I found by measurement while there.)
2. That Mr Crawford had the water up for sale.

Regardless of other future plans, I recommend that the Park Service negotiate immediately for this 0.996 second feet, or as much of it as is not now under option ~~A/C/II/A~~ while temporarily transferred, if we have the funds available now.

I am sending copy of this memo to Zion. Please make other copies as you see fit, and communicate with Act.Supt.Davis at once.

A. van V. Dunn
Hydraulic Engineer

copies mailed Director; Regional III; and Act. Supt. of Zion Nat. Parks 7/9/40.

Maps and Miscellaneous Information

Maps

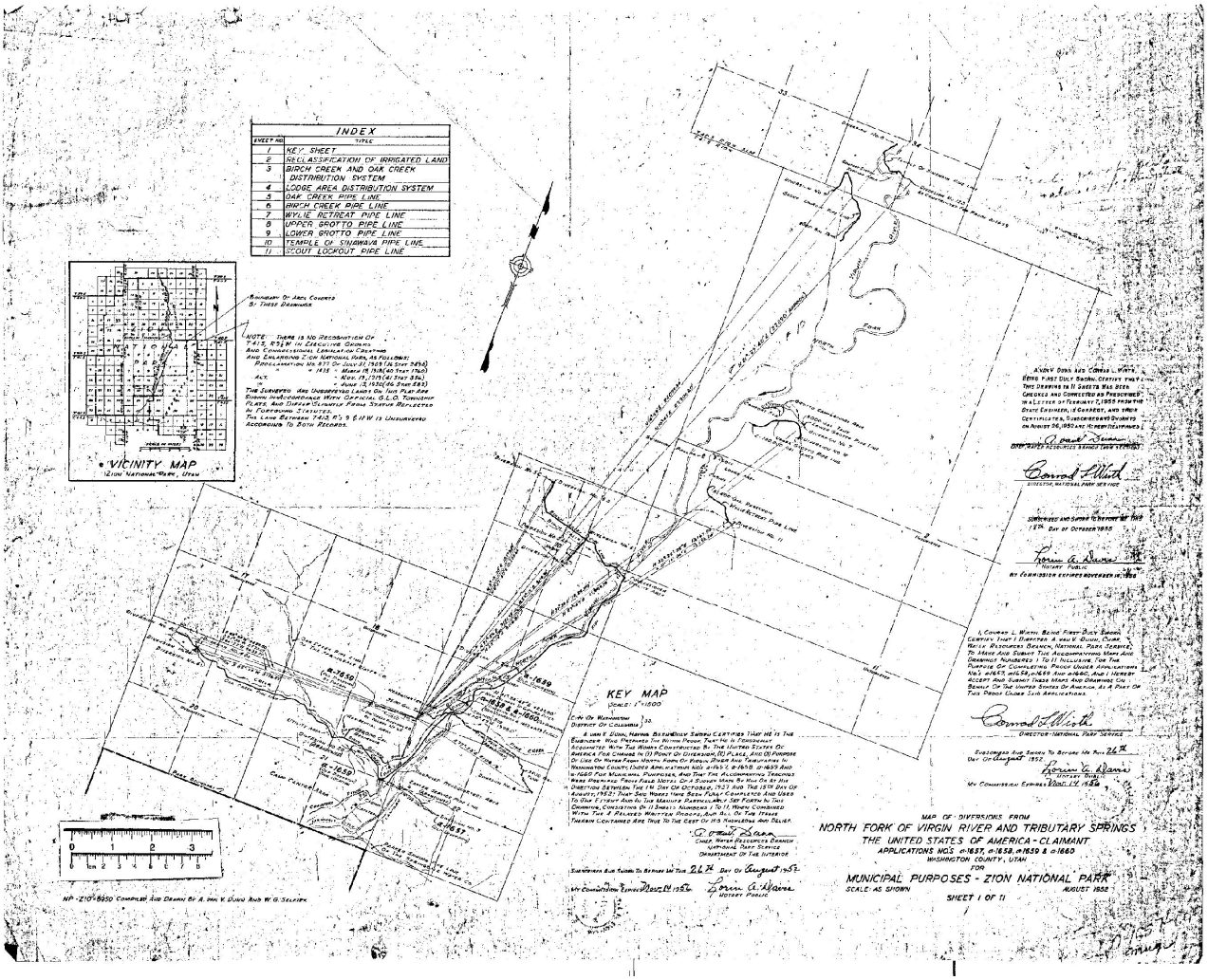
Maps related to:

Decree 63, Application 1660 (Crawford Ditch)
Decree 65, Application 1659 (Gifford Ditch)
Decree 66, Application 1658 (Crawford Ditch)
Certificate 1991, Application 1657 (Springs)

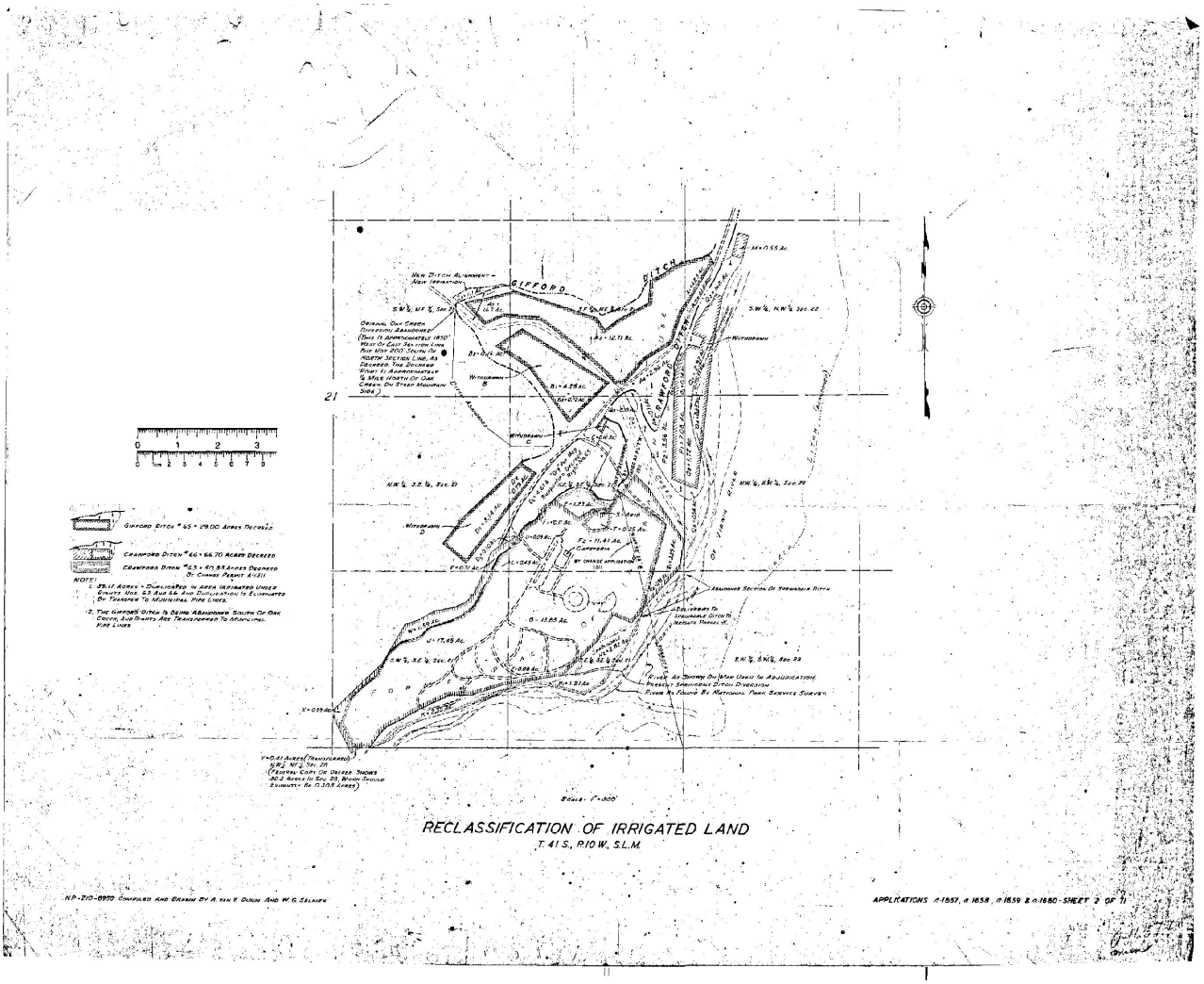
Can be found in ZION Dockets 1 through 4.

J.C. Hughes
27 September 1996

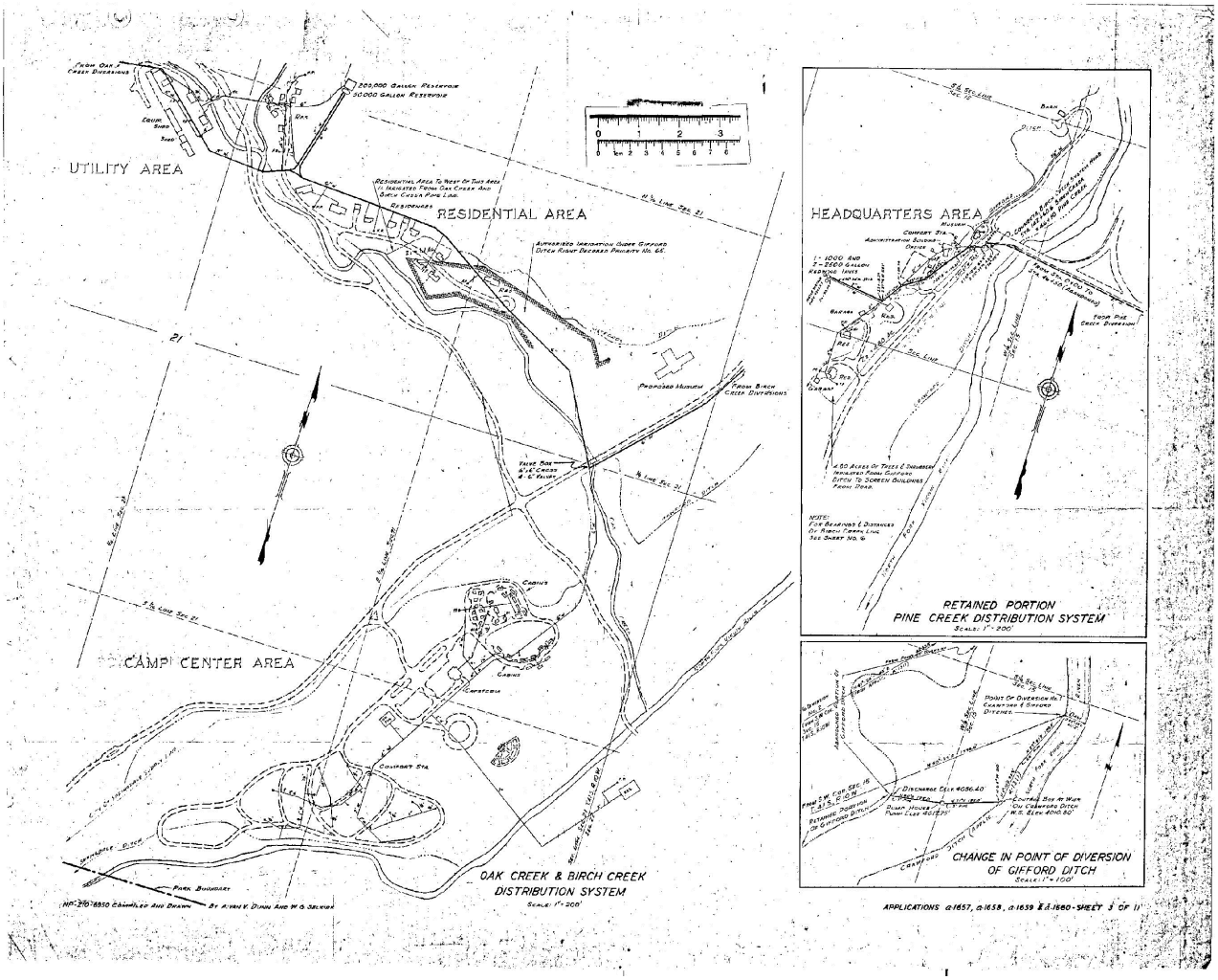
08-00-1958: map of diversions from north fork of virgin river and tributary springs



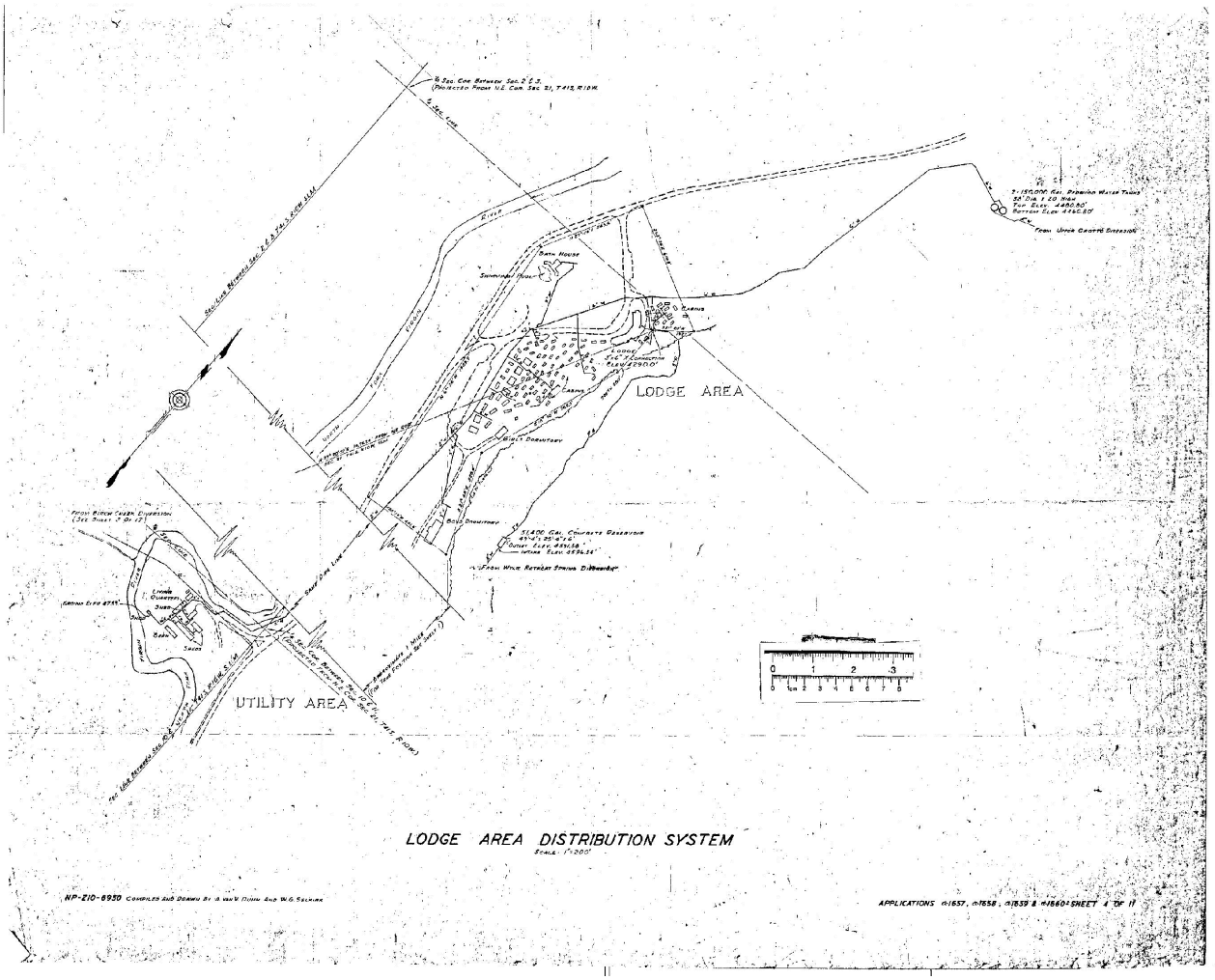
00-00-0000: map of reclassification of irrigated land



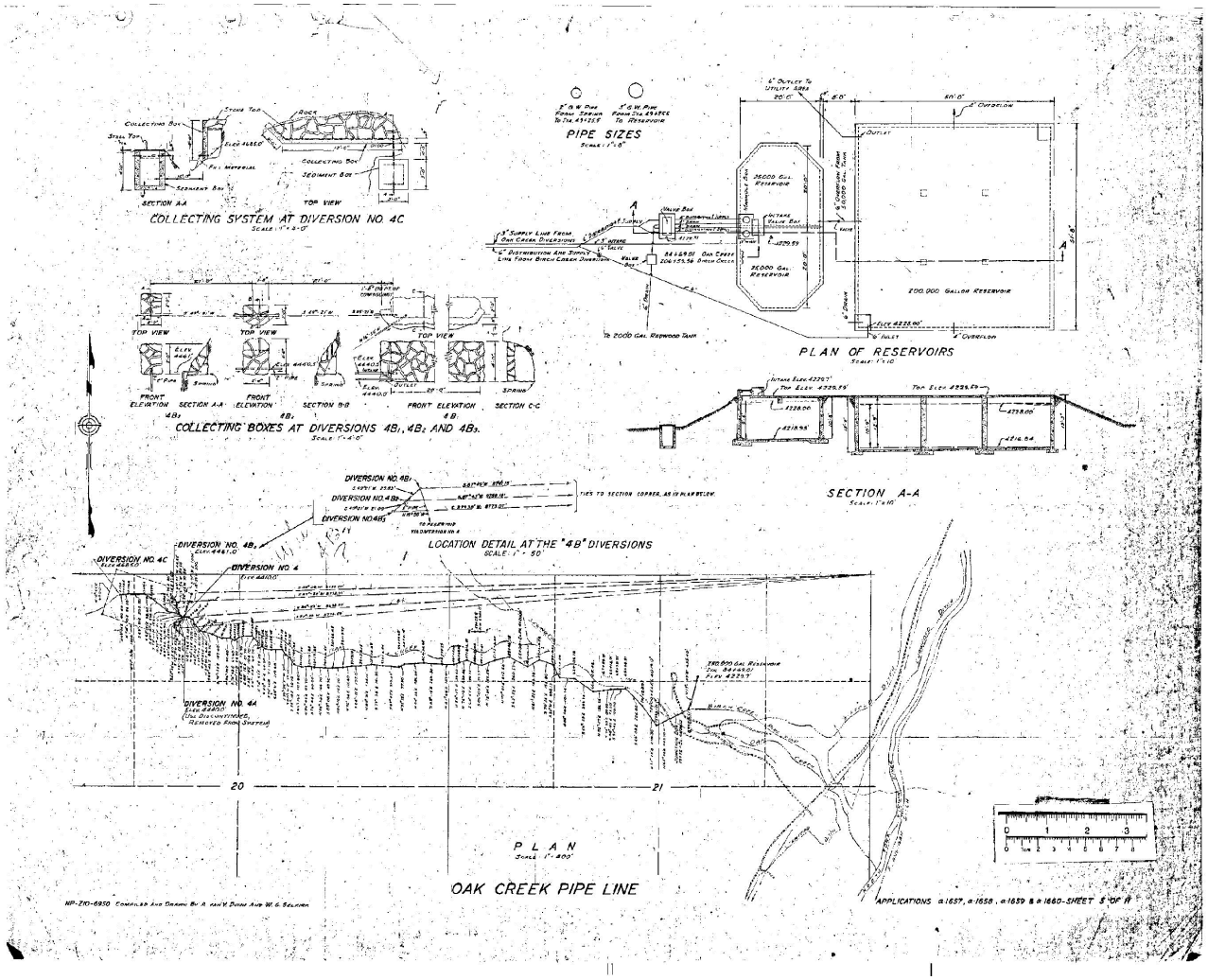
00-00-0000: map of oak creek and birch creek distribution system



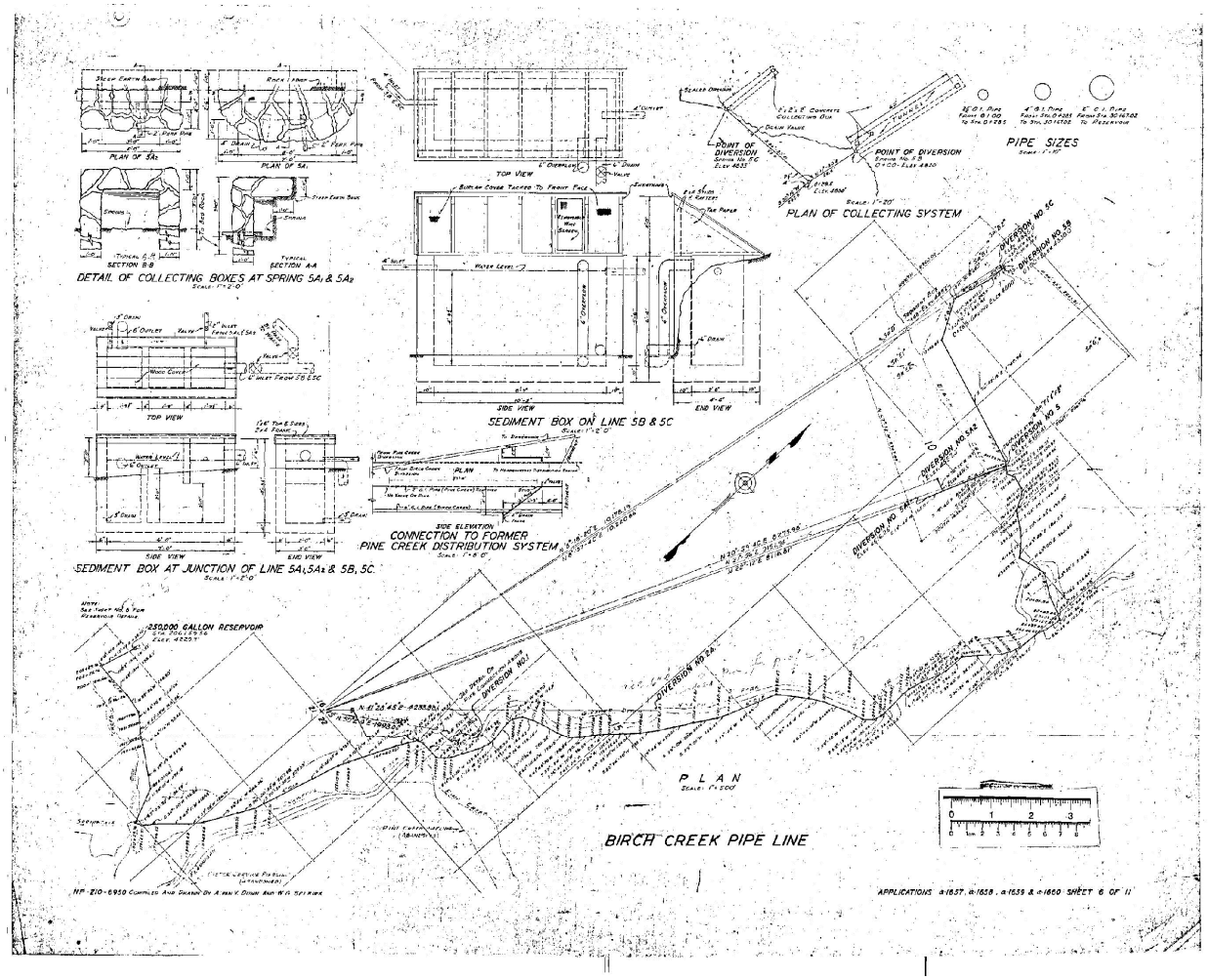
00-00-0000: map of lodge area distribution system np-zio 6950



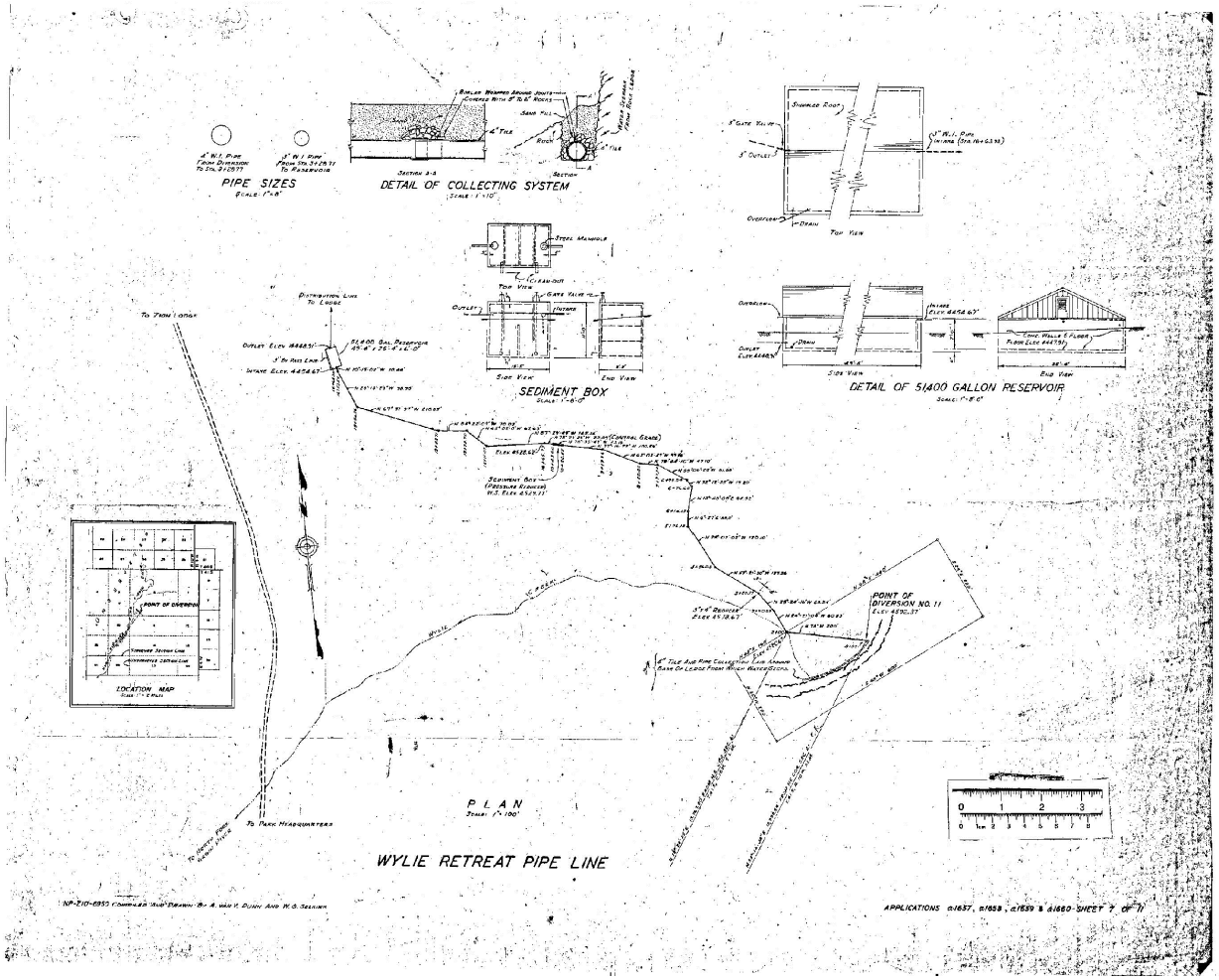
00-00-0000: map of oak creek pipe line np-zio 6950



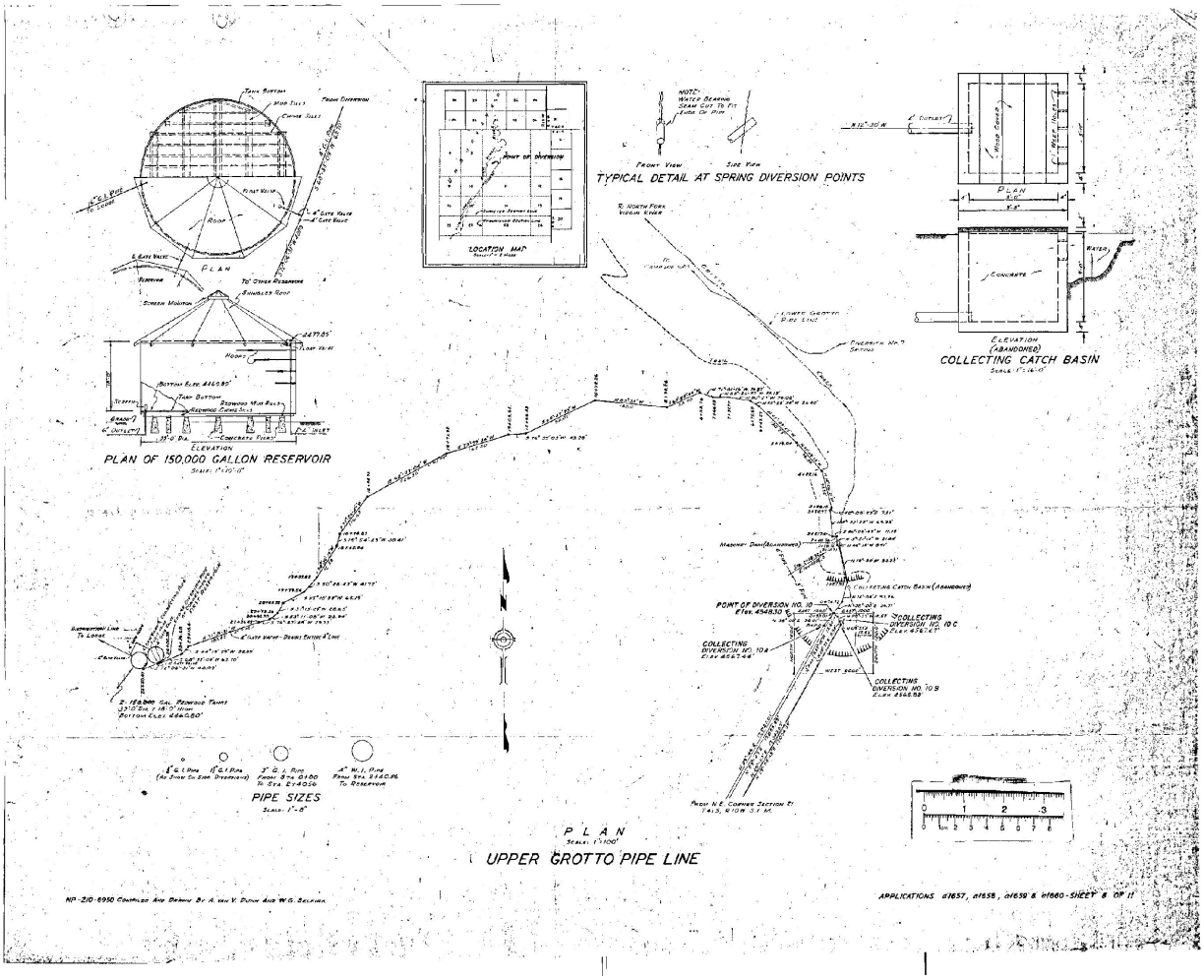
00-00-0000: map of birch creek pipe line np-zio 6950



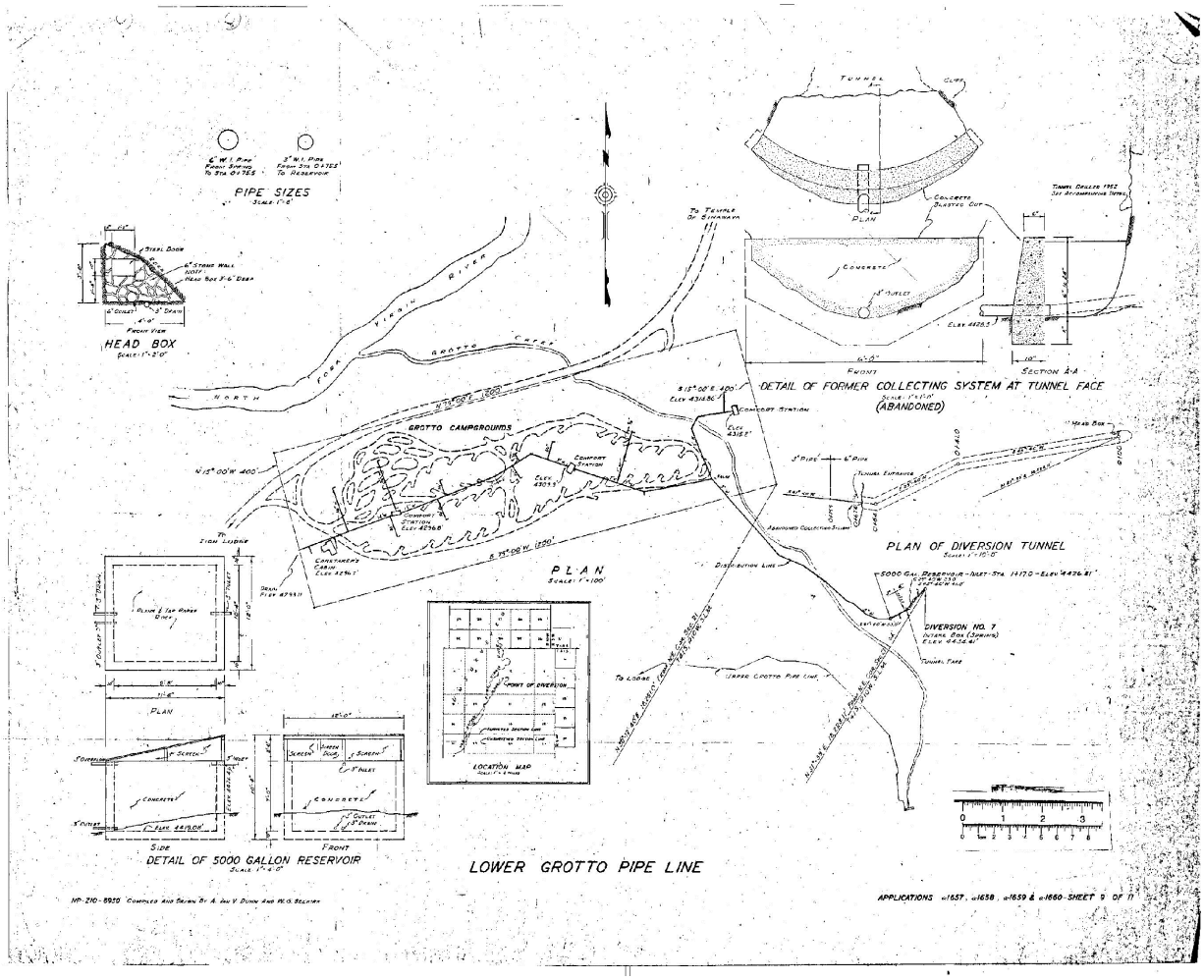
00-00-0000: map of wylie retreat pipe line np-zio 6950



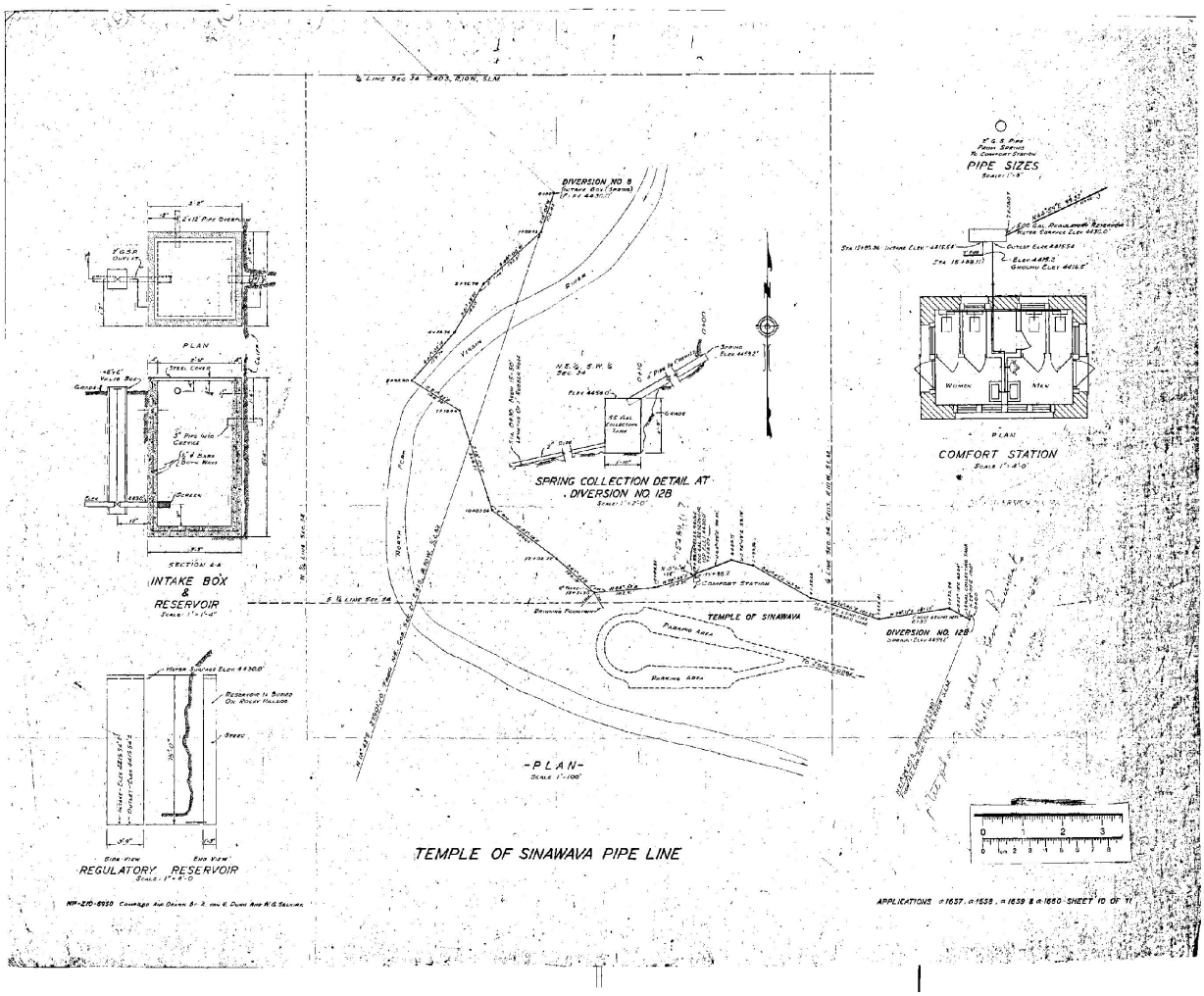
00-00-0000: map of upper grotto pipe line np-zio 6950



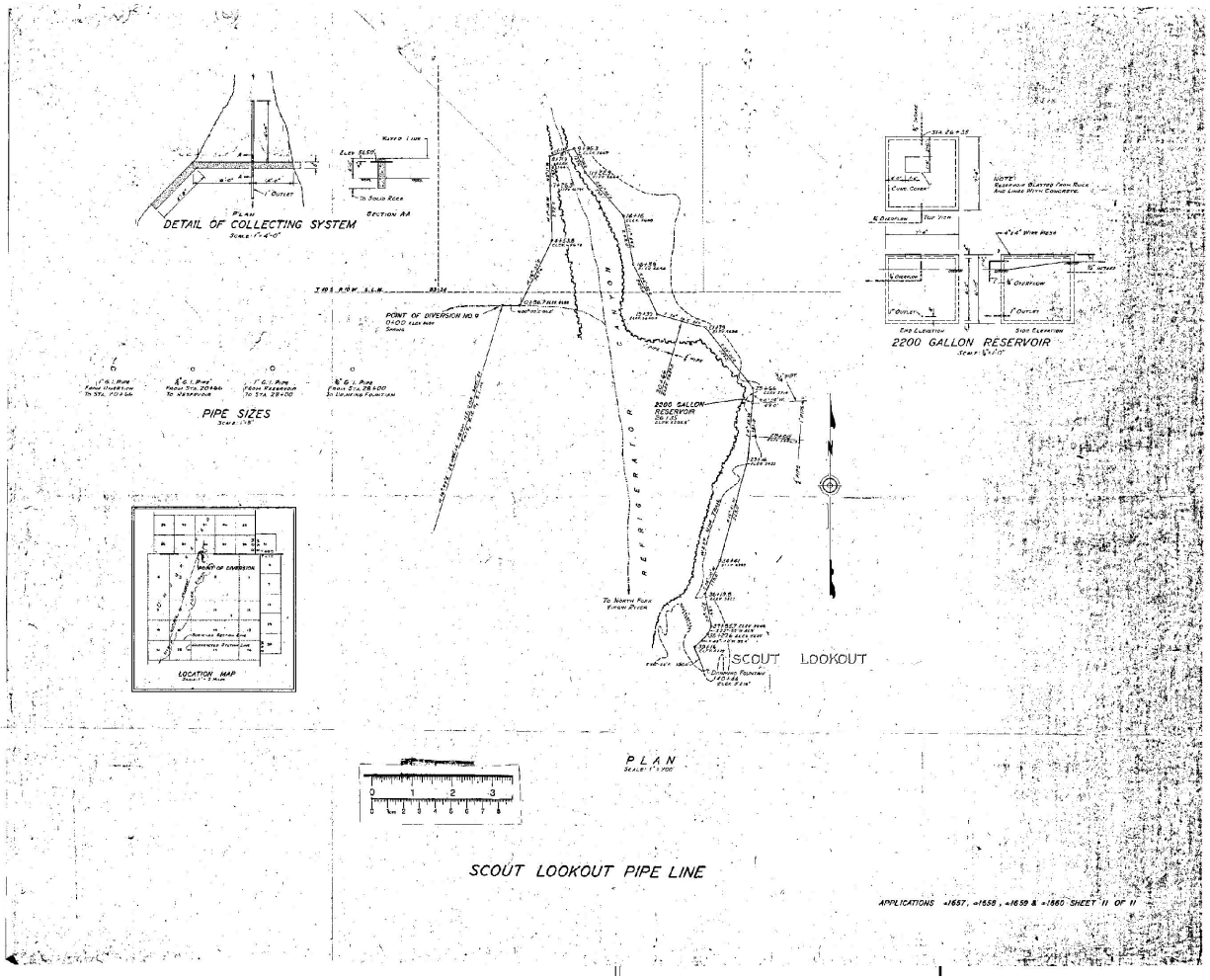
00-00-0000: map of lower grotto pipe line np-zio 6950



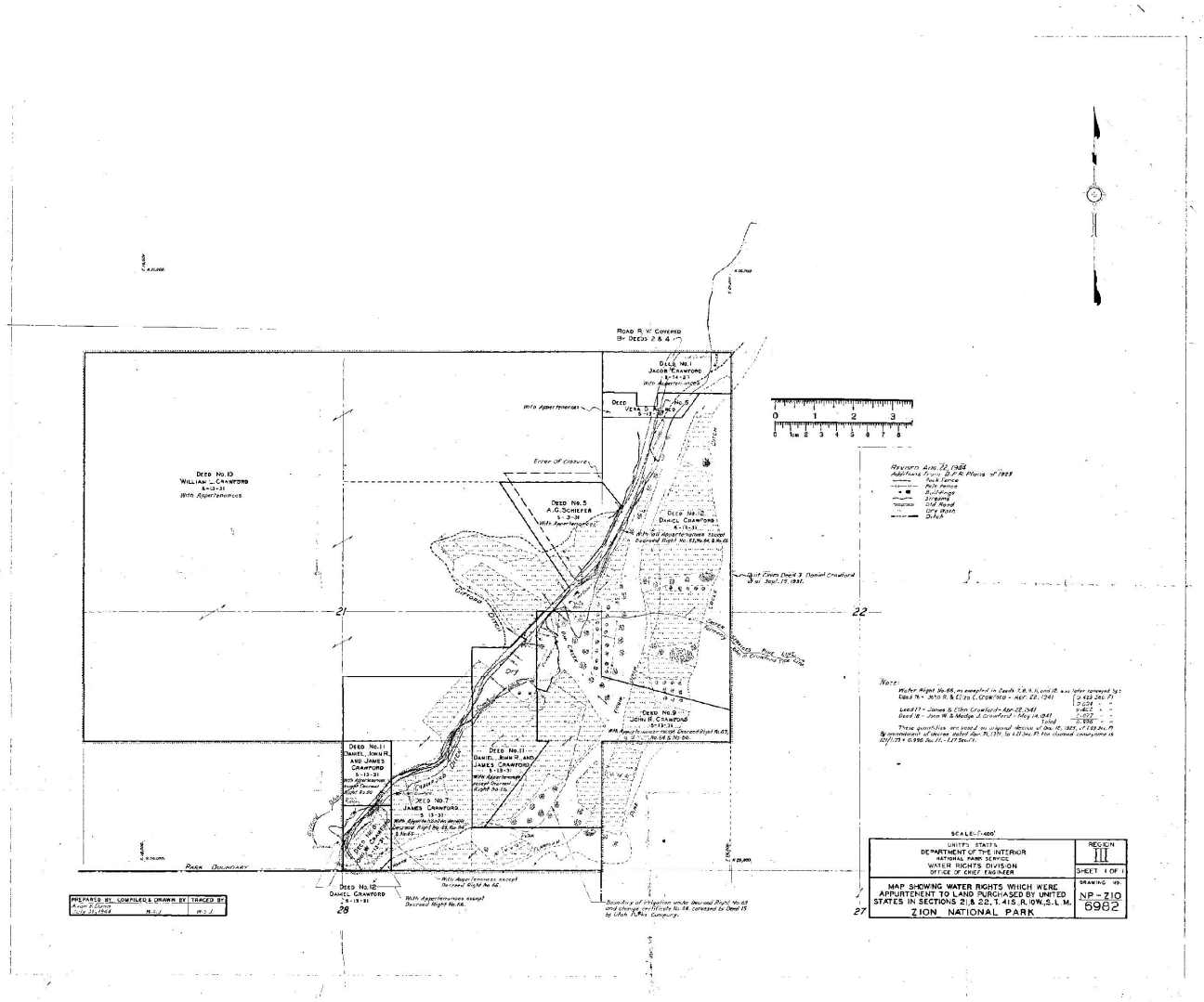
00-00-0000: map of temple of sinawava pipe line np-zio 6950



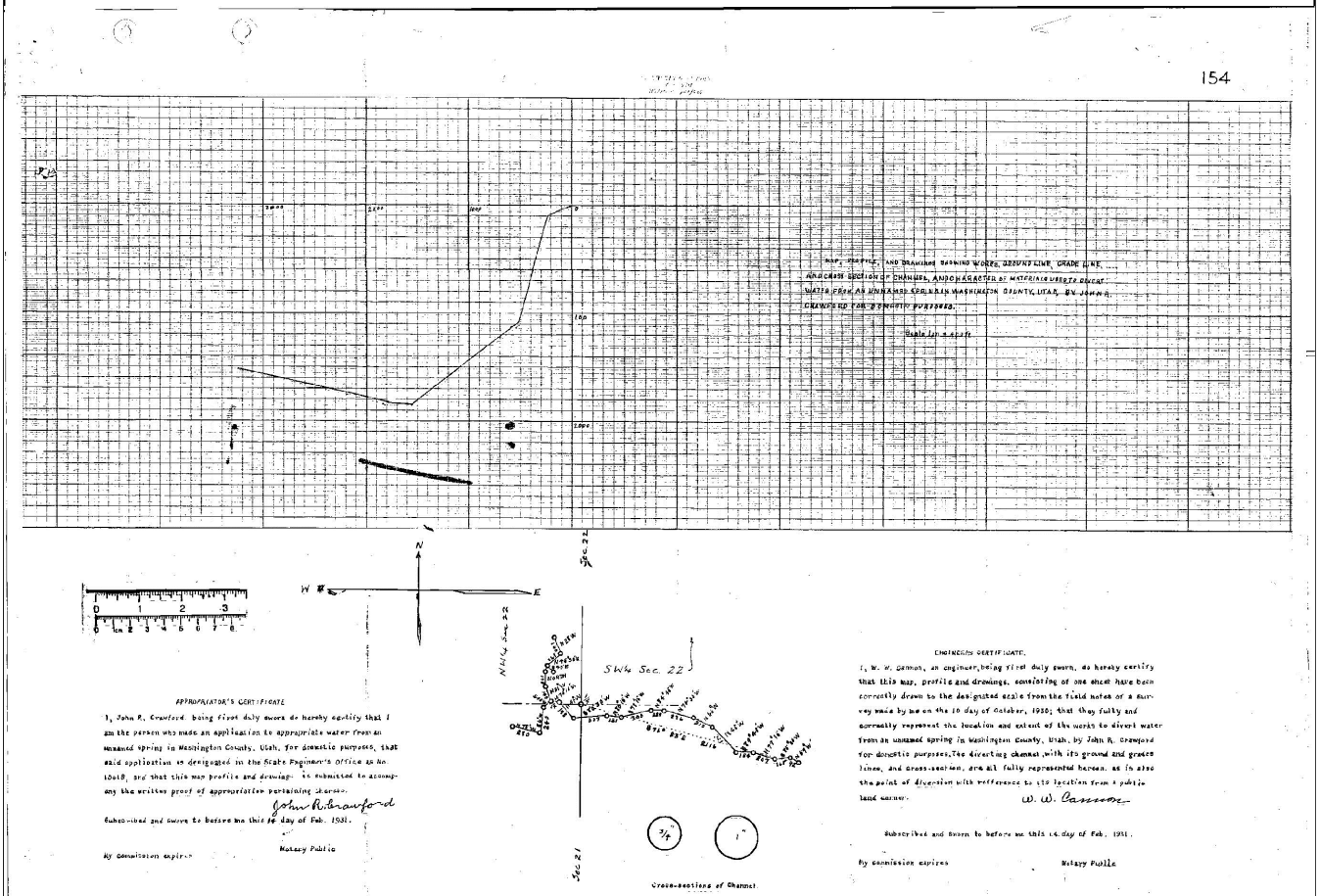
00-00-0000: map of scout lookout pipe line



07-31-1944: map of water rights appurtenent to purchased land np-zio 6982



02-14-1931: map of profile and cross section of channel



Docket Information

Number of Documents in Docket 480

Documents Dated from 9/14/1927 to 9/27/1996

Docket Compiled: 6/9/2016