

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
IN AND FOR BOX ELDER COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL)
DETERMINATION OF ALL THE RIGHTS)
TO THE USE OF WATER, BOTH)
SURFACE AND UNDERGROUND,)
WITHIN BOX ELDER COUNTY,)
UTAH, GREAT SALT LAKE DIVISION,)
AREA 13.)

STIPULATION
Civil No. 7822

SNOWVILLE, PROMONTORY POINT)
AND VICINITY)

- A. Whereas, on December 4, 1956, pursuant to Title 73, Chapter 4, Utah Code Annotated 1953, as amended, the State of Utah ("Utah"), initiated a statutory adjudication of water rights in the First Judicial District Court of the State of Utah in and for Box Elder County (Civil No. 7822), which adjudication encompasses all the rights to the use of water, both surface and ground water, within the portion of the Great Salt Lake drainage in Box Elder County, including Snowville, Promontory Point and other areas.
- B. Whereas, the Golden Spike National Historic Site ("Golden Spike"), which is administered by the Department of the Interior, National Park Service, is located within the drainage covered by the statutory adjudication.
- C. Whereas, the United States of America (the "United States") was properly served and made a party to the statutory adjudication, and timely filed a Statement of Water User's Claim for Water Right No. 13-2131, for the use of water on those lands contained within Golden Spike.
- D. Whereas, the United States and Utah hereby enter into this Stipulation, effective as of the date set forth below, to resolve any current or future controversies with respect to the water rights held by the United States for the use of water at Golden Spike.

The United States and Utah hereby stipulate that the water rights held by the United States for the use of water at the Golden Spike National Historic Site shall be as follows:

1. Golden Spike was established by Congress on July 30, 1965 to commemorate the completion of the first transcontinental railroad across the United States. See 79 Stat. 426, 16 U.S.C. § 461. It is to be administered, protected, and developed subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", enacted August 25, 1916 (39 Stat. 525), as amended and supplemented, and the Act entitled, "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), as amended.
2. All of the lands within Golden Spike were acquired for the purpose of establishing Golden Spike and are shown on Appendix A, which is incorporated herein by reference.
3. Pursuant to Utah law, the United States properly acquired Water Right No. 13-2131 (A38193), for use of water at Golden Spike. Water Right No. 13-2131 has a priority date of April 6, 1967, and is for a maximum flow rate of 0.044 cubic feet per second from a six inch (6") well, 423 feet deep, located at a point South 456 feet, East 102 feet from the Northwest Corner, Section 9, Township 10 North, Range 6 West, Salt Lake Base & Meridian (SLB&M), for year-round use for administrative purposes at Golden Spike, including but not limited to domestic, irrigation, campground, visitor facilities, steam engine, fire suppression and other public purposes. The specific place of use of water under the right is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 10 North, Range 6 West, SLB&M. The maximum annual diversion for all uses at Golden Spike under Water Right No. 13-2131 shall not exceed eight (8.0) acre-feet.
4. The United States shall comply with the provisions of Section 73-3-3, Utah Code Annotated 1953, as amended, with regard to any change in the point of diversion, place or nature of use of water under Water Right No. 13-2131.
5. This Stipulation shall constitute and is a full and final settlement of any current or future water right claims of any nature by the United States for Golden Spike under federal and/or state law in effect as of the execution date of this Stipulation.
6. Nothing in this Stipulation shall be construed or interpreted to modify, alter, diminish, limit, restrict, or affect in any way:
 - a. any other water rights of the United States for its agencies and interests in the Great Salt Lake Basin other than at those lands within Golden Spike;
 - b. the right of the United States, Utah, or any other person to litigate any issue or question not resolved by this Stipulation;

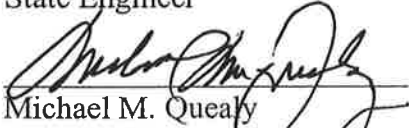
- c. the power of the United States in the future, to acquire additional rights to the use of water for Golden Spike under the laws of the United States and/or Utah; or
 - d. the authority of Utah or the Utah State Engineer in allocating, administering, or distributing the waters of the State.
7. The Utah State Engineer shall include Water Right No. 13-2131, as described in this Stipulation, in a proposed determination of water rights in this statutory adjudication specifically covering the portion of the Great Salt Lake drainage encompassing Golden Spike, and the United States and Utah shall cooperate in obtaining an interlocutory decree covering the same from the First Judicial District Court in and for Box Elder County. If the parties hereto are not successful in securing such interlocutory decree, this Stipulation shall nevertheless remain binding as between the United States and Utah until a final decree is issued.

Dated the 16th day of January, 200~~7~~².

For the State of Utah:


Kathleen B. Clarke
Executive Director, Department
of Natural Resources

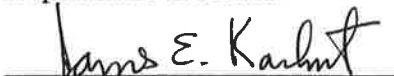

Robert L. Morgan
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For the United States of America:


Mary Risser
Superintendent
Golden Spike National Historic Site


Andrew F. Walch
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Appendix A Golden Spike National Historic Site

