



Docket No: 83

Preliminary Docket Information

NOTICE OF CANCELLATION

This docket has been cancelled and may not contain all documents that pertain to the cancelled water right. If you wish to view this docket in its entirety, please contact the National Park Service Water Rights Branch, 1201 Oakridge Drive, Suite 250, Fort Collins, CO, 80525.

WATER RIGHT RECORD

Park:

Docket Number:

IDENTIFICATION NO: _____

DITCH/WATER SYSTEM: Teton Irrigation Project

SOURCE OF SUPPLY:

LOCATION:

WATER RIGHT:

Appropriator: Teton Irrigation Co.

Application/Permit Number: 10406, 10407, 11646, 11647, ~~11648~~, 2733

Certificate Record Number: *Docket* 15 80 81 82 83 84

Date of Priority:

Quantity of Water:

Purpose:

Irrigated Land Description:

*See Related Dockets
for other cancelled permits*

SUMMARY OF STATUS: These permits and the project involved have been cancelled. This folder is maintained only for what historical value it may have.

State of Wyoming



RECEIVED FEB 23 1955

STATE ENGINEER'S OFFICE

Cheyenne

February 23, 1955

154

Peril

Mr. Thomas J. Allen,
Assistant Director,
National Park Service,
United States Department of the Interior
Washington 25, D. C.

Ref: L54L.

Dear Mr. Allen:

In reply to your letter of February 8, 1955, regarding among other matters, the conflict of in the National Park Service's application for Fourth Enlargement of the Savage Ditch from Gros Ventre River, under our temporary filing No. 16 2/252, with Permit No. 11648 for the Gros Ventre Canal, also from the Gros Ventre River, you naturally would not find any reference to it in the book of adjudicated water rights, since only water rights for which certificates of appropriation have been issued are included in the tabulation.

The terms under Permit No. 11648 were never fulfilled, the description in part and its status as taken from the records in the State Engineer's Office being as follows:

Permit No. 11648 - Gros Ventre Canal - Source Gros Ventre River - Appropriator Teton Irrigation Company - Priority Dec. 24, 1912 - For irrigation of 17,963.38 acres, including:

40 Acres - NE 1/4 SW 1/4

40 " - NW 1/4 SW 1/4

40 " - SW 1/4 SW 1/4

40 " - SE 1/4 SW 1/4

Sec. 33, T. 43 N., R. 115 W., being same lands described in the application for Fourth Enlargement of Savage Ditch.

Time for completion was extended from time to time. Last extension of time for completion expired December 31, 1936, with no work of record being done. Request for an extension of time for completion from Karl S. Albert received October 29, 1936, was denied by John D. Quinn, then State Engineer.

Mr. Thomas J. Allen,
Washington 25, D. C.
Page 2.

I believe this answers your question regarding any possibility of reinstating this earlier priority. But since the permit is still of record it is required that the State Engineer be requested and authorized to eliminate any lands under the permit in conflict with pending application, that the record may be cleared before approval can be given the application.

The proper form has been typed up and enclosed for your convenience.

The following lands have been adjudicated under the Savage Ditch, which total acres were corrected in 6c of the application as mentioned in our previous letter:

Permit No. 10707 - Savage Ditch - Source Gros Ventre River -
Appr. Hilmer Bark - Priority May 15, 1911 - For irrigation
of 80 acres described as:

40 Acres - NE $\frac{1}{4}$ SE $\frac{1}{4}$
40 " - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 42 N., R. 115 W.
(C. R. 43, page 91)

Appr. Robert E. Miller - For irrigation of 180 acres described
as:

40 Acres - NE $\frac{1}{4}$ SW $\frac{1}{4}$
40 " - SE $\frac{1}{4}$ SW $\frac{1}{4}$
20 " - NE $\frac{1}{4}$ SE $\frac{1}{4}$
40 " - NW $\frac{1}{4}$ SE $\frac{1}{4}$
40 " - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 42 N., R. 115 W.
(C. R. 45, page 505)

Permit No. 2855 Enl. - Enl. Savage Ditch - Source Gros
Ventre River - Appr. Mae O. Kafferlin - Priority Feb. 17,
1913 - For irrigation of 75 acres described as:

40 Acres - SW $\frac{1}{4}$ NW $\frac{1}{4}$
35 " - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T. 42 N., R. 115 W.
(C. R. 43, page 89)

Appr. Hilmer Bark - For irrigation of 40 acres described as:

40 Acres - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 42 N., R. 115 W.
(C. R. 44, page 399)

Permit No. 4335 Enl. - 2nd Enl. Savage Ditch - Source Gros
Ventre River - Appr. Chas. J. Allen - Priority April 1,
1922 - For irrigation of 20.68 acres supplemental supply
for lands under Kissinger Ditch, Permit No. 1078 Enl., and
described as:

Mr. Thomas J. Allen,
Washington 25, D. C.
Page 3.

11.50 Acres - NW $\frac{1}{4}$ NE $\frac{1}{4}$
9.18 " - SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 42 N., R. 115 W.
(C. R. 45, page 172)

Permit No. 4975 Enl. - 3rd Enl. Savage Ditch - Source Gros
Ventre River - Appr. Joseph A. May - Priority June 18,
1934 - 100 acres Supplemental Supply for lands under Enl.
Mud Springs Ditch, Permit No. 4555 Enl., described as:

40 Acres - Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
40 " - Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
20 " - Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 3, T. 42 N., R. 115 W.
(C. R. 52, page 245)

Appr. Hannes Harthoorn - Supplemental supply for 320 acres
under Enl. Johnson & Eggleston Ditch, Permit No. 2644 Enl.,
Supplemental Supply Ditch, Permit No. 17937 and described as:

40 Acres - NE $\frac{1}{4}$ NW $\frac{1}{4}$
40 " - NW $\frac{1}{4}$ NW $\frac{1}{4}$
40 " - SW $\frac{1}{4}$ NW $\frac{1}{4}$
40 " - SE $\frac{1}{4}$ NW $\frac{1}{4}$
40 " - NE $\frac{1}{4}$ SE $\frac{1}{4}$
40 " - NW $\frac{1}{4}$ SE $\frac{1}{4}$
40 " - SW $\frac{1}{4}$ SE $\frac{1}{4}$
40 " - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 43 N., R. 115 W.
(C. R. 52, page 246)

Appr. Mae O. Kafferlin - 29 acres original supply described as:

27 Acres - NE $\frac{1}{4}$ NE $\frac{1}{4}$
1 Acre - NW $\frac{1}{4}$ NE $\frac{1}{4}$
1 " - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 43 N., R. 115 W.

131 acres supplemental supplemental supply for lands under
Supplemental Supply Ditch, Permit No. 17937, and described as:

13 Acres - NE $\frac{1}{4}$ NE $\frac{1}{4}$
39 " - NW $\frac{1}{4}$ NE $\frac{1}{4}$
40 " - SW $\frac{1}{4}$ NE $\frac{1}{4}$
39 " - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 43 N., R. 115 W.
(C. R. 52, page 247)

Appr. Henry Gunther - 66.18 acres original supply described as:

2 Acres - NE $\frac{1}{4}$ NE $\frac{1}{4}$
25 " - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30
9.18 " - Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
30 " - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 45 N., R. 115 W.

Mr. The J. llen,
Washington 25, D. C.
Page 4.

Supplemental supply for 83 acres under Gunther Ditch, Permit No. 17733, and described as:

30 Acres - Lot 5 (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 19
38 " - NE $\frac{1}{4}$ NE $\frac{1}{4}$
15 " - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, T. 43 N., R. 115 W.

Supplemental supply for 10 acres under Gunther Ditch, Permit No. 4912 Enl., and described as:

10 Acres - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 43 N., R. 115 W.
(C. R. 52, page 248)

Appr. T. A. Moulton - Original supply for 20 acres described as

10 Acres - SW $\frac{1}{4}$ NE $\frac{1}{4}$
10 " - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 43 N., R. 115 W.

Supplemental supply for 140 acres under the Mormon Row Ditch, Permit No. 17697, and described as:

30 Acres - SW $\frac{1}{4}$ NE $\frac{1}{4}$
30 " - SE $\frac{1}{4}$ NE $\frac{1}{4}$
40 " - NE $\frac{1}{4}$ SE $\frac{1}{4}$
40 " - NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 43 N., R. 115 W.
(C. R. 52, page 249)

Appr. John Moulton - Original supply for 20 acres described as:

20 Acres - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 43 N., R. 115 W.

Supplemental supply for 140 acres under the Mormon Row Ditch, Permit No. 17697, and described as:

40 Acres - NE $\frac{1}{4}$ NE $\frac{1}{4}$
40 " - NW $\frac{1}{4}$ NE $\frac{1}{4}$
40 " - NE $\frac{1}{4}$ NW $\frac{1}{4}$
20 " - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 43 N., R. 115 W.
(C. R. 52, page 250)

Appr. J. W. Moulton - Original supply for 180 acres described as

10 Acres - SE $\frac{1}{4}$ NW $\frac{1}{4}$
40 " - NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29
40 " - NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30
40 " - SW $\frac{1}{4}$ SW $\frac{1}{4}$
11.4 " - SE $\frac{1}{4}$ SW $\frac{1}{4}$
33 " - NW $\frac{1}{4}$ SE $\frac{1}{4}$
5.6 " - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 43 N., R. 115 W.

Supplemental supply for 140 acres under the Mormon Row Ditch, Permit No. 17697, and described as:

Mr. Thomas W. Allen,
Washington 25, D. C.
Page 5.

30 Acres - SE $\frac{1}{4}$ NW $\frac{1}{4}$
40 " - NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29
28.6 " - SE $\frac{1}{4}$ SW $\frac{1}{4}$
7.0 " - NW $\frac{1}{4}$ SE $\frac{1}{4}$
34.4 " - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 43 N., R. 115 W.
(C. R. 52, page 251)

Appr. A. H. Chambers - Original supply for 90 acres described as

30 Acres - SW $\frac{1}{4}$ NW $\frac{1}{4}$
30 " - SE $\frac{1}{4}$ NW $\frac{1}{4}$
16 " - NE $\frac{1}{4}$ SW $\frac{1}{4}$
14 " - NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 43 N., R. 115 W.

Supplemental supply for 67 acres under the Mormon Row Ditch and the Johnson & Eggleston Ditch, Permits Nos. 17697 and 9992, and described as:

30 Acres - SW $\frac{1}{4}$ SE $\frac{1}{4}$
37 " - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 43 N., R. 115 W.

Supplemental supply for 82 acres under the Johnson & Eggleston Ditch, Permit No. 9992, and described as:

35 Acres - SW $\frac{1}{4}$ SW $\frac{1}{4}$
40 " - SE $\frac{1}{4}$ SW $\frac{1}{4}$
7 " - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 43 N., R. 115 W.

Supplemental supply for 73 acres under the Mormon Row Ditch, Permit No. 17697, and described as:

3 Acres - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29
10 " - SW $\frac{1}{4}$ NW $\frac{1}{4}$
10 " - SE $\frac{1}{4}$ NW $\frac{1}{4}$
24 " - NE $\frac{1}{4}$ SW $\frac{1}{4}$
26 " - NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 43 N., R. 115 W.
(C. R. 52, page 252)

Appr. J. B. Heninger - Original supply for 20 acres described as

20 Acres - SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 43 N., R. 115 W.

Supplemental supply for 140 acres under the Mormon Row Ditch, Permit No. 17697, and described as:

20 Acres - SW $\frac{1}{4}$ SW $\frac{1}{4}$
40 " - SE $\frac{1}{4}$ SW $\frac{1}{4}$
40 " - SW $\frac{1}{4}$ SE $\frac{1}{4}$
40 " - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 43 N., R. 115 W.
(C. R. 52, page 253)

Very truly yours,

Glenn A. Conner

GLENN A. CONNER,
Assistant State Engineer.

GAC:em

January 16, 1956

Mr. L. C. Bishop
State Engineer
Cheyenne, Wyoming

Re: Teton Irrigation Project
Permit 11648, Grand Teton
National Park

Dear Mr. Bishop:

We are pleased to learn from Mr. Lloyd's letter of January 6 that you contemplate cancelling Permits 11646, 11647, 10406 and 10407 for the Teton Irrigation Project as you have cancelled Permit 11648. We shall appreciate being advised when all are cancelled.

For your possible assistance in considering Permit 2733 Enl., a print of sheet 2 of 6 of our Drawing NP-GT-6954 is enclosed. The Enlargement of Spread Creek Canal was projected on the tracing, in pencil, before the print was made, from the map of Teton Irrigation Project which you sent us some time ago. You will note that it meanders back and forth across the Park boundary, and the diversion, and first 4.5 or 5 miles are outside of the Park.

As I have indicated in red, one of our party chiefs, who made part of the survey for Drawing 6954 in 1953, advises that the first mile or so of the ditch exists but the alignment in the S $\frac{1}{2}$ Section 16, T 44 N, R 114 W, would be on top of high hill, and not practical. He also advises that he has notes which were overlooked when preparing the drawing, showing that there was a conduit in said S $\frac{1}{2}$ Section 16, conveying water from the J. P. Nelson Ditch (Permits 14734 and 3278) to the 103 Acre Ditch (Permits 11697 and 4603 Enl.), and thence to the Eva Topping tract. He states further, however, that the connecting conduit is on marshy land, and may, or may not be man made.

We have also outlined the S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T 44 N, R 114 W in red, as the only land which is shown in our records to be owned by Eva Topping within the Park. We do not have the records of ownership of land outside the Park. The Federally owned land irrigated under Permit 12425 in Section 8, and under Permit 11697 in Section 16, were formerly the property of Frank Topping, as your records will show.

154-1	
WESTERN OFFICE	
DESIGN & CONSTRUCTION	
JAN 23 1956A	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHIT.	
ENGINEER	
LAND. ARCH.	
ACTION TAKEN-OAT	

We should probably make a further field study of irrigation on the Eva Topping land, and of the use of the J. P. Nelson and 103 Acre ditches, but it would help materially if you could first clarify the water right records with Eva Topping, concerning her rights to irrigate S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, her interests in the Enlargement of Spread Creek Canal, and the description of her land which may be irrigated by that canal.

Very truly yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Enclosure

Copy to: Regional Director, Region Two, w/c incoming
Superintendent, Grand Teton, w/c of incoming
Western Office of Design and Construction, w/c incoming
(Prints of 6954 sent to field with memof May 17, 1955.
Prints of map of Teton Irrigation Project sent to
field in Docket 15 with memo of May 17, 1955)

COPY

STATE OF WYOMING
State Engineer's Office
Cheyenne

January 6, 1956

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

Re: Teton Irrigation Project
Permit No. 11648, Grand
Teton National Park

Dear Mr. Dunn:

Reply to your letter of November 1, 1955, relative to
Permits Nos. 11646, 11647, 10406, 10407 and 2733 Enl.
has been held up, as we have under consideration can-
celling those permits as in the case of Permit No.
11648.

The status of these permits is the same as that of Per-
mit No. 11648 before cancellation, with one exception.
They all expired for completion on December 31, 1936
and request for further extension was denied October 29,
1936.

Under Permit No. 2733 Enl. for Enlargement Spread Creek
Canal from Spread Creek, however, the record shows that
Eva Topping filed notice of completion and completion
of beneficial use, so it is possible some rights were
acquired thereunder.

We assume that you would not be interested in copies
of the permits and maps, if these permits are cancelled.

Very truly yours,

/s/ Earl Lloyd

EARL LLOYD
Deputy State Engineer

EL;em

In reply refer to:
154-L

November 1, 1955

Mr. L. C. Bishop
State Engineer
State House
Cheyenne, Wyoming

Re: Teton Irrigation Project,
Permit 11648, Grand Teton
National Park

Dear Mr. Bishop:

We are pleased to learn from the letter of October 25, from Mr. Lloyd, that Permit 11648 has been cancelled, thus eliminating a needless encumbrance on the Federal land in Grand Teton National Park.

When this permit was first brought to our attention, you sent us a copy of a letter of October 29, 1936, to Mr. K. S. Albert from former State Engineer John D. Quinn, which also listed Permits 11646, 11647, 10406 and 10407, and 2733 Enl. Those permits also seem to apply to ditches or canals from streams in the Park. We do not seem to have obtained copies of them when we purchased records of most water claims in the Park several years ago, presumably because we did not know of their existence as undecreed rights.

We should like to know the status of those permits. Also please advise as to the cost of copies of the applications and maps of those which may not have been cancelled.

Very truly yours,

A. van V. Dunn

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Two
Superintendent, Grand Teton
~~Western Office of Design and Construction~~

Office of Chief, Western Office Div. of Design and Const.
NOV 7 1955 A.M.
Supv. Architect
Supv. Engineer <i>Krupp</i>
Supv. Landscape Arch.
Safety Engineer

C
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STATE OF WYOMING
State Engineer's Office
Cheyenne

October 25, 1955

Mr. Thomas J. Allen
Assistant Director
National Park Service
Department of the Interior
Washington 25, D. C.

Re: L 54 - L
Permit No. 11648 - Grand Teton
National Park

Dear Mr. Allen:

Receipt is acknowledged of your letter of October 18, 1955, relative to elimination of lands in Grand Teton National Park from Permit No. 11648, as issued for the Gros Ventre Canal with priority of December 24, 1912.

The permit described 17,963.38 acres of land and the only lands that have been eliminated are those in the SW $\frac{1}{4}$, Section 33, T. 43 N., R. 115 W, covered by the request of the National Park Service and eliminated March 9, 1955.

Request for further extension of time for completion under this permit was denied on October 29, 1936 and the permit is therefore not in good standing.

After considering this matter further, upon receipt of your letter and being advised of the situation relative to the fact that construction of the project proposed under this permit was not completed, we have today cancelled Permit No. 11648/

Since this permit is now cancelled on the record, nothing further is necessary from the National Park Service to eliminate lands therefrom. We believe this will fully take care of any future conflict with Permit No. 11648.

Yours very truly,

/s/ Earl Lloyd

Earl Lloyd
Deputy State Engineer

C
O
P
Y

In reply refer to:
L54-L

October 18, 1955

Mr. L. C. Bishop
State Engineer
Cheyenne, Wyoming

Re: Permit 11648--Grand Teton
National Park

Dear Mr. Bishop:

In our letter of March 3, we authorized and requested you to eliminate the SW $\frac{1}{4}$ Sec. 33, T 43 N, R 115 W, from lands covered by Permit 11648, in order to eliminate a conflict with lands covered by our temporary Permit No. 16-2/252 at Grand Teton National Park. Permit 11648 was initiated in 1912 but its terms were never fulfilled, according to your letter of February 23.

Nearly all of the land covered by Permit 11648 is now owned by the United States, and is part of Grand Teton National Park, including the lands at designated points of diversion and the upper portion of the designated canal systems. There are, however, a few parcels of private land well down the designated canal systems. We hope to acquire all private land in the Park, but it may be some years before all purchases are completed.

We also note that much of the land, both Federally and privately owned is irrigated under other rights. This suggests that some other lands may have been eliminated from the permit even though you did not give such details in the letter of February 23.

At your convenience, please advise what lands may have been eliminated. Also advise if there is any way we can eliminate all encumbrances on the land, by a statement to the effect that the land reserved for the Park is not open to entry for necessary canal rights-of-way and that the United States, as the major land owners, would not be in the market for the water, thus eliminating the need for signatures of all private land owners on a letter such as we sent on March 3. The objection to eliminating just the Federal land would be that individual parcels of private land would have to be eliminated as acquired.

Sincerely yours,

/s/ Thomas J. Allen

Thomas J. Allen
Assistant Director

Mr. Glenn A. Conner
Assistant State Engineer
State Engineer's Office
Cheyenne, Wyoming

Office of Chief, Western Office Div. of Design and Const.	
FEB 7 1955 A.M.	
Supr. Architect	
Supr. Engineer	<i>[Signature]</i>
Supr. Landscape Arch.	
Safety Engineer	
Re: Permit 11648 and Filing 16-2/252 Grand Teton National Park	

In reply refer to:
154-1

FEB - 8 1955

Dear Mr. Conner:

We do not understand how expired Permit 11648 can conflict with Filing 16-2/252, as stated in your letter of January 28, and have no way to check because we have found no reference to the permit in the records of the Water Master at Jackson Hole. We would prefer to reinstate the earlier priority if it involved the use of water from the same source. On the other hand, we would like to have the irrigation of the SW 1/4 Sec. 33, T 43 N, R 115 W, under Permit 11648, eliminated if the source is less reliable and its retention would make rights under Filing 16-2/252 of a secondary character. Further clarification will be appreciated, but this is to authorize the elimination if no priority of right to the Gros Ventre is lost.

We prefer your classification as the Fourth Enlargement instead of Barthoorn Enlargement of the Savage Ditch, if it is the fourth. If that change is made, however, we should like to have a list of the order of enlargements of both the Savage and Mormon Box Ditches which you recognize.

Your record of 2246.86 acres now irrigated, and our claim of 2249.87 acres in answer to question 6a, do not differ sufficiently to cause us any concern, but we should like to have our records straight. We shall appreciate your correction of the following tabulation which was compiled for the application:

T 42 N, R 115 W - Sec. 2	275.66 acres
Sec. 3	220.00 acres
T 43 N, R 115 W - Sec. 18	76.19 acres
Sec. 20	150.00 acres
Sec. 28	320.00 acres
Sec. 29	595.00 acres
Sec. 30	120.00 acres
Sec. 33	400.00 acres
Total	2249.87 acres

Mr. Rudolph G. Gerdin is a Civil Engineer in the Design and Construction Section, Branch of Engineering, Region Two of the Fish and Wildlife Service, Albuquerque, New Mexico. He has a GS rating but no special title. Mr. F. V. Olson is the Regional Engineer to whom Mr. Gerdin reports, and supplied this information during a conference here on February 4.

Sincerely yours,

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Copy to: Regional Director, Region Two, Fish & Wildlife Service,
with copy of incoming corres.
Fish & Wildlife Service, Attn: Chief Engineer, with copy of
incoming corres.

Regional Director, Region Two (2) with copies of incoming corres.
Western Office of Design and Construction,

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STATE OF WYOMING
State Engineer's Office
Cheyenne

January 28, 1955

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

Dear Mr. Dunn:

In processing the application of the United States of America, Department of the Interior, National Park Service, for Fourth Enlargement of the Savage Ditch from the Gros Ventre River for the irrigation of 160 acres in the SW $\frac{1}{4}$ of Sec. 33, T. 43 N., R. 115 W., and under our temporary filing No. 16 2/252, we find this application to be in conflict with Permit No. 11648, which the record shows expired December 31, 1936. In order that the record be cleared for approval of the present application, the State Engineer should be authorized and requested to eliminate the SW $\frac{1}{4}$, Sec. 33, T. 43 N., R. 115 W., from Permit No. 11648.

It has also been necessary to make some corrections in this application and the map. Title has been changed from "Harthorn Lateral Enlargement of Savage and Mormon Row Ditch" to "Fourth Enlargement of Savage Ditch". The reason for this is that the Savage Ditch is the conveyor from the diversion point of the Gros Ventre River, and Mormon Row Ditch and Harthorn Lateral are additional means of conveyance not originating from the source of supply.

In 6c, total number of acres now irrigated is 2246.86, as adjudicated, and the figure corrected to this amount, being lands described in Permits Nos. 10707, 2855E., 4335 E. and 4975 E.

In the certificate of survey, we note that Mr. Rudolph G. Gerdin of Albuquerque, New Mexico, has certified it as a registered engineer. But Mr. Gerdin is not registered in the State of Wyoming, therefore this registration and number should not be shown, but should show his title and the branch of government service that he represents. Perhaps you can help us in this matter with the foregoing information.

Clearing of conflict and Mr. Gerdin's connection should put this application in proper form for approval.

Very truly yours,

(SGND)
GLENN A. CONNER
Assistant State Engineer.

COPY

October 29, 1936

Mr. K. S. Albert
Consolidated Royalty Bldg.
Casper, Wyoming

Re: Application for extension of permits
to appropriate water.

Dear Mr. Albert:

I have delayed ruling on the above application while I considered the protest of certain water users of Teton County, made against the granting of further time to complete the irrigation works and apply the water to beneficial use. In deciding this matter I have also considered the report filed by you in support of the application. Certain allegations are made concerning the fight against you by interests outside the State. The only consideration that can properly affect my decision is that the water be used for the best interests of the State and wish to assure you that beneficial use of the waters of the State within the boundaries of the State has always been my primary conviction.

It should be noted that the protest, a copy of which I am enclosing, is not made by non-residents or parties having ulterior purposes, but by bona fide water users of Teton County, having adjudicated rights that are entitled to every proper protection and whose objections merit the most careful consideration. The basis of their objection is that between the dates of the original applications, 1909 and 1912, and the present, many others have taken water from the stream in question, applied same to beneficial use and now have adjudicated priorities thereto, but, if your present request is granted, those priorities will be jeopardized and their use of the water will become dependent upon the use made by you.

You are aware that Sec. 122-409, W. R. S. 1931, provides that the State Engineer may, "for good cause shown" extend the time to complete the appropriation. This, I deem, vests in me the power to exercise a proper discretion as to what "good cause" is. Obviously, no definite and precise rule can be set out, but my decision must be based upon the peculiar facts and circumstances of the particular case. In the present case I find that a number of water users have secured priorities later in date to the original permit which you now seek to have extended. Acting on the visual assurances that there was plenty of water to satisfy their needs they have made valuable improvements on their properties and applied the water to a beneficial use thereon. These permits on which you request an extension of time have been in existence for 25 years and the time for completion has been extended many times, but no construction work has been performed that would tend to show that an orderly plan or due diligence had been exercised toward the culmination of this project.

If the present application is granted, then, those who have diligently prosecuted their work, may find that it has been of no avail and st

COPY

Mr. K. S. Albert
Casper, Wyoming
Page #2

October 29, 1936.

material injury. Under the circumstances I do not feel that good cause for further extension has been shown and feel that, in light of the interes of other users from the same source, it would be inimical to the best interests of the State to grant a further extension of time for the completion of this project. It is therefore with regret that I am obliged to deny your application for extension of time in which to complete construction on the following permits:

North Ditch Creek Canal,	No. 11646
South Ditch Creek Canal,	No. 11647
Gros Ventre Canal,	No. 11648
Buffalo Fork Canal,	No. 10407
Spread Creek Canal,	No. 10406
Enlargement of Spread Creek Canal,	No. 2733 Enl.

Very truly yours,

JOHN D. QUINN
State Engineer

JDQ:RM
Encl.
CC - 3

K. S. ALBERT
U. S. LAND MATTERS--SURVEYING
CONSOLIDATED ROYALTY BUILDING
CASPER, WYOMING

October 7, 1936

COPY

State Engineer
Capitol Building
Cheyenne, Wyoming

Dear Mr. Quinn:

Registered notices were received this week that the completion of construction of the following named canals would expire on the 31st day of December, 1936:

North Ditch Creek Canal,	No. 11646
South Ditch Creek Canal,	No. 11647
Gros Ventre Canal,	No. 11648
Buffalo Fork Canal,	No. 10407
Spread Creek Canal,	No. 10406
Enlargement of Spread Creek Canal,	No. 2733 Enl.

As you probably are aware, all of the above mentioned permits are included in one large project, commonly known as the Teton Irrigation Project. Construction work was started by me, under the supervision of Mr. Henry Gunther of Moose, Wyoming, during November of 1935. A notice of this construction work was filed in your office and a copy sent to the District Government Attorney at that time. The reason for this later copy was that a suit had been instituted for the cancellation of the Government rights-of-way in connection with this Project. As a direct result of this showing a letter was received from the office of the Secretary of the Interior stating that no further prosecution of this cancellation suit would be made prior to September 1, 1936, on which date I was to show any additional construction work done. During the month of June, 1936 I received a registered notice from the office of the District Attorney in Cheyenne notifying me that I discontinue any construction work done, and any further work would be done entirely at my own risk. No further notice has been received by me since that date and no further construction work has been done during the year of 1936.

- 2 -

COPY

I have not dropped my interest in the above mentioned project by any means but, in view of the opposition by the Department, I fear this matter will have to be taken up in the future from a different angle. For this reason I shall appreciate it very much if you can see your way clear to granting an additional three year extension on these permits in which to complete the construction of the Project.

A copy of this request is being sent to Mr. George E. Brimmer, attorney for Mr. C. C. Carlisle.

Very truly yours

(Signed) H. G. Albert

KSA:C

cc. George E. Brimmer

Application for a Permit to Divert and

Water Division No. 4

District No.

1. Charles C. Carlisle of Thyenne County of Thyenne
Thyenne State of Wyoming being duly sworn according to law, upon my oath say:
2. The name of the applicant is Teton Irrigation Company
3. The post office address of the applicant is Thyenne, Wyoming
4. The use to which the water is to be applied is Irrigation, Stock, Domestic
5. The name of the ditch or canal is The Gros Ventre Canal
6. The source of the proposed appropriation is The Gros Ventre River, a tributary of the Snake River
7. The headgate of the proposed ditch or canal is located 552'-10" W. - 700 feet from

the N. E. Cor. of Section 1 Township 42 N. Range 115 W.
 7. The said ditch or canal is to be approximately 9 miles long and to pass through the following lands
 (give route by courses and distances, or by naming least subdivisions crossed): Beginning in lot 1 of Sec. 1, T. 42 N. R. 115 W.
 thence through Secs. 1 and 2 of T. 42 N. R. 115 W.; thence through Secs. 35-34-27-28-21-
 22-15-9 and 8 of T. 43 N. R. 115 W.

8. The dimensions of said works are: (a) [At headgate] Width on top (at water-line) 31 feet; width on bottom 23 feet;
 depth of water 4 feet; grade 3 feet per mile.

(b) (Give dimensions at each point where required in size, stating miles from headgate:
 [At] [Width on top (at water-line)] feet; width on bottom feet; depth of water feet; grade feet per mile.
 [At] [Width on top (at water-line)] feet; width on bottom feet; depth of water feet; grade feet per mile.
 [At] [Width on top (at water-line)] feet; width on bottom feet; depth of water feet; grade feet per mile.

9. Describe the character of proposed works, stating: 1st. The nature of the material to be moved. 2nd. Number and length of tunnels, if any.

3rd. Amount of fluming, if any.

- 1- Earth
 2- None
 3- 250' of flume

10. The estimated cost of said ditch is \$ 35,000

11. The land to be irrigated has a total area of 17,963.38 acres, described as follows:

Also a supplementary supply of water is to be furnished for the following
 described by courses and distances, or by naming least subdivisions crossed:

12. Construction will begin on proposed works on or before 1941
13. The time required for the completion of ditches and other distributing works is Five years from date of approval
14. The time required to complete the application of water to the beneficial use stated in this application is Ten years from date of approval of this application 1941
15. A map of the proposed ditch or canal, prepared in accordance with Chapter 14, R. S. 1909, accompanies this application.

Signed: Charles C. Carlisle

NOTE: The statements in the foregoing application must comply with the requirements of Chapter 14, R. S. 1909.

Words = 2430

Appropriate the Water of the State of Wyoming

THE STATE OF WYOMING,
COUNTY OF Laramie

I hereby certify that the foregoing application was signed in my presence and sworn to before me by
Charles C. Carlisle this *23rd* day of *December*, 191*2*.

Margaret Bailey,
Notary Public. Seal

Notice of publication mailed OCT 1 1917

Time for processing materials to DEC 3 1954

Notice of appeal on mailed SEP 30 1920

Time for completion extended to DEC 31 1971

Notice of the mailing mailed on 23-4

Notice of Exemption mailed SEP 2 1973

DEC 1942

Journal of Management Education 32(10)

Time for completion: 10:00 AM 10/26/2006 10/26/2006

Notice of completion mailed SEP 20 1926

Time for completion extended to DEC 31 1927

Notice of copyright is mailed SEP 20 1927

Time for completion, estimated at DEC 31 1930

Notion of "matters" is matted. SEE 11-11-30

TIME 00:00:00

Notice of production mailed. SEP 30 1933

§ Some of the lands described herein are already covered by certificates of appropriation or permit under other migration systems; a water right may be acquired for said lands either under those existing rights, or under the terms of this permit, or where the right covering said land is from a different source than that named in this permit, a supplemental right from both sources may be acquired. For said lands the total amount of water that may be used shall not exceed the statutory limit of one cubic foot per acre for each acre-foot, years

TIME FOR COMPLETION EXTENDED TO *Dec 31, 1936*

THE STATE OF WYOMING,)
STATE ENGINEER'S OFFICE,) ss.

This is to certify that I have examined the foregoing application and have returned the same without my approval for the following reasons:

Witness my hand this _____ day of _____, A. D. 191__

State Engineer.

THE STATE OF WYOMING,
STATE ENGINEER'S OFFICE.

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions: Ditch Creek

Construction of proposed works shall begin within one year from date of approval.

The time for completing the work shall terminate on December 31, 1917...

The time for completing the appropriation of water for beneficial use shall terminate on December 31, 1946.

The amount of the appropriation shall be limited to one cubic foot per second of time for each seventy acres of land reclaimed on or before December 31, 1960, and the additional volume used for stock and domestic purposes on or before said date.

Witness my hand this 31st day of January, A. D. 1912.

THE STATE OF WYOMING,)
STATE ENGINEER'S OFFICE. (MS.

This instrument was received and filed for record on the 24th day of December, A. D. 1912, at 11:30 A. M., and duly recorded in Book 38 of Applications, on Page 33.

o'clock A. M., and duly recorded in Book 38 of Applications, on Page 33

a. j. Parrish

State Engineer

For affidavit of assignment of any and all interest in the Teton Irrigation Co. from Archie Allison to Chas. C. Carlisle, see Miscellaneous Records, Book 8, page 203.

Notice of commencement of work returned NOV 21 1935 from Karl S. Albert

For agreement between C. C. Carlisle and Karl S. Albert relative to construction of Teton Irrigation Project and the irrigation of 7,000 acres of land in the southern part of T. 44 N., R. 115 W. and the northern part of T. 43 N., R. 115 W. in Wyoming and assignment of interest in Permits No. 11648, etc. from Carlisle to Albert, see Miscellaneous Records, Book 8, pages 234 to 238 inclusive.

Notice of expiration mailed, SEP 30 1936

Request for an extension of time for completion from Karl S. Albert received OCT 29 1936 Denied.
JOHN D. QUINN, State Engineer. Signed in Serial Register

Rec. 11648

(Sh 2 of 3) Land ~~is~~ under the Gros Ventre Canal.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
42	115	1	Lot 1																	
		2	Lot 2	10	8					2		8	12		19	2			67	
		3	Lot 3				Lot 4	40	40	40	40	40	40	40	30	40	24		354	
		4	Lot 4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	473.28	
		5										20	40	40		20	40		160	
		6													27			5	32	
		7	15	6		30	5	24	35	40	40	41.74	41.71	40	40		40	30	346.95	
		8	17	23	40	40	22	12	40	40		30	20	20	15		25	11	355	
		9	40	37	31	11	23	20	40	40	15	31							288	
		10	40	40	2	5	40	40											167	
		11	10	31			37	40	2										120	
		12																		
		13																		
		14																		
		15																		
		16																		
		17																		
		18	30	40	40	12	40	40	40	40	40	41.19	40.98	18		11			436.16	
		19																	18	
42	116	1	Lot 1	Lot 2	40	40	Lot 3	Lot 4	40	40	40	40	40	40	40	40	40	40	639.56	
		2	Lot 1	Lot 2	40	40	Lot 3	Lot 4	40	40	40	40	40	40	40	40	40	40	462.56	
		3																		
		4																		
		5																		
		6																		
		7																		
		8																		
		9																		
		10	40	38	64	40	40	20	31	27	95	40	40	40	40	40	40	40	40	566.90
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
12	40	20	25		40	40	40	40	40	40	40	40	40	40	40	40	40	565		
13	40															15	135			
14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640		
15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	25	585			
TOTAL																	7277.34			

DEBROS INC. QUICK WATER, CHEYENNE.

BEHOLD THE GROS VENTRE, CHEYENNE.

(54343) Land ~~under~~ under the Gros Ventre Canal: Per 11648

Twp	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
42	116	16	Lot 1 1592		Lot 5 3035									Lot 8 2376	40	25	42	40	215.45
		21	25	35	20	34	Lot 1 2597				30	Lot 3 1346	Lot 4 2738	20	40	15	10	40	335.76
		22			40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
		23	40	40	40	40	40	40	40	40	30	40	20		40		10		460
		24		40	30	Lot 2 1633	40							Lot 3 2951					155.84
		25				Lot 2 3231	40	Lot 3 3048						Lot 3 1258	Lot 1 2603	Lot 2			102.79
		26	40	20	40	40	30	40	40	40	40	40	40	30	40	40	40	40	480
		27	40	40		40					20	20			40		20	40	260
		28			25	5	20	Lot 1 3273	Lot 2 3899	40	10	35	20	5	40	40	15		327.72
		29												Lot 3 4051	Lot 4 2881				89.08
		32	40	Lot 1 3735	Lot 4 2818	40								Lot 3 4023	Lot 4 3704	33			277.86
		33	40	40		20	40	40	20		22		6	10	99	10			248.99
		34	Lot 1 2877	Lot 2 6.09			40	40	Lot 4 42.86	Lot 3 2892									186.64
		35						Lot 3 17.57											17.57
																			TOTAL
																			3717.70
																			FROM SH. 1
																			6968.34
																			FROM SH. 2
																			7277.34
																			TOTAL UNDER GROS VENTRE CANAL
																			17963.38

Other Supporting Information



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON 25, D. C.

L 54

August 29, 1955

955 AUG 30 PM 5:24

Memorandum

To: Director, National Park Service
From: Acting Assistant Solicitor, National Parks
Subject: Teton Irrigation Project, Grand Teton National Park

Consideration has been given to Assistant Director Allen's memorandum of May 17 and the attached water rights assembly designated Grand Teton-Docket No. 15. The question asked of this Office relates to the procedure which should be followed in order to eliminate the encumbering effect of State Permit 11648 upon various lands located in Grand Teton National Park.

The assembly submitted to this Office shows that the permit in question had a priority dating from December 24, 1912. However, the permit lapsed on December 31, 1936, following a refusal of the State Engineer to extend further its terms because of the permittee's failure to perform the necessary work.

An acceptable procedure for eliminating the encumbering effect which this old permit has upon water rights in the Park was set forth in the letter of February 23, 1955, to the National Park Service from the office of the State Engineer. In this letter, the National Park Service was advised as follows:

"But since the permit is still of record it is required that the State Engineer be requested and authorized to eliminate any lands under the permit in conflict with pending application, that the record may be cleared before approval can be given the application.

"The proper form has been typed up and enclosed for your convenience."

Pursuant to these instructions, on March 3, 1955, the National Park Service requested the State Engineer to eliminate a certain quarter section from the permit in order to clear the records for an application of the National Park Service.

The foregoing procedure appears applicable for use also in removing the encumbrance of Permit 11648 from the remaining land

*Price
Drum*

QATE

covered by that permit. If the National Park Service wishes to utilize a different procedure for the remaining lands, I suggest that the views of the State Engineer be obtained. It may be that he would accept a procedure different from that prescribed in the letter of February 23, however, he alone can advise you fully as to what he regards as acceptable procedure. You may find that for administrative reasons he prefers to eliminate the encumbering effect of the permit upon the remaining lands only in connection with specific applications.


Julian H. Golden
Acting Assistant Solicitor
National Parks

In reply refer to:
154-L

MAY 17 1955

Office of North Western Office Div. of Design and Const.
MAY 21 1955 A.M.
Supv. Architect.
Supv. Engineer. <i>W. J. L.</i>
Supv. Landscape Arch.
Safety Engineer.
<i>C. Crowley</i>

Memorandum

To: Acting Assistant Solicitor, Parks
From: Assistant Director
Subject: Teton Irrigation Project, Grand Teton National Park

Attached is our assembly of Grand Teton Docket No. 15, covering the records assembled to date on the water rights for the subject project. The State Engineer refused to grant another permit to the United States for the irrigation of SW $\frac{1}{4}$ Sec. 33, T. 43 N., R. 115 W., until we have formally requested elimination of the area from Permit 11648.

The docket indicates that the water rights under Permit 11648 (one of six permits for the Teton Irrigation Project) were initiated in 1913, and that an application for extension of time in which to complete the project, made in 1936, was denied. The copies of recent correspondence in the docket also indicate that the land is encumbered by the permit even though the rights have lapsed.

The data from the file map has been transposed to two sheets of NP-GT Drawing 6954 to show the relation of the Teton Project and existing ditches, and the portions of the land which is now Federally and privately owned. The maps show all ditches and canals except the Buffalo Fork Canal under Permit 10407. The Project Canals were not constructed, presumably as a result of the protests mentioned in the letter of October 29, 1936, to Mr. Albert from the State Engineer.

Most of the land is in the Park, and only a few small areas are privately owned. Part of the land, south of the Gros Ventre, may be in the adjacent game preserve of the Fish and Wildlife Service.

The National Park Service would like to eliminate all encumbering effects of the water right permits, and we assume that private land owners in the Park will have the same desire when the matter is referred to them. As a result of the recent action by which the encumbrance on the SW $\frac{1}{4}$ Sec. 33 has been eliminated, it seems probable that the desired action can be obtained by submitting a print of the map with Federal and private land shown, and a request for similar

elimination of all land to be listed which would be that owned by those signing the request. We should attempt to have the private land owners sign with the United States in order that the encumbrance would be eliminated before potential Federal acquisition.

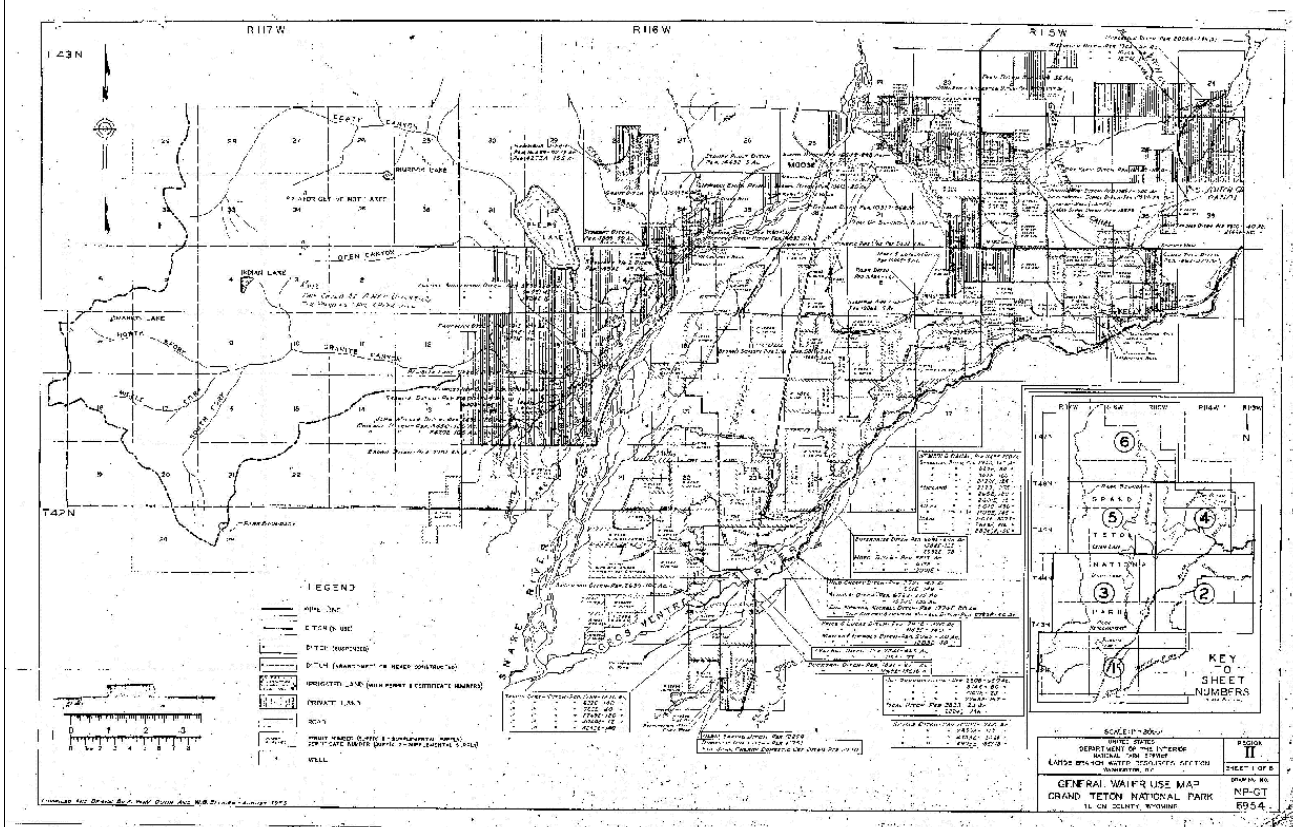
Before taking such action, we shall appreciate your advice as to whether that action would be sufficient, or whether we should attempt to determine the status of the Teton Irrigation Company, and have it make the request if it is still in existence.

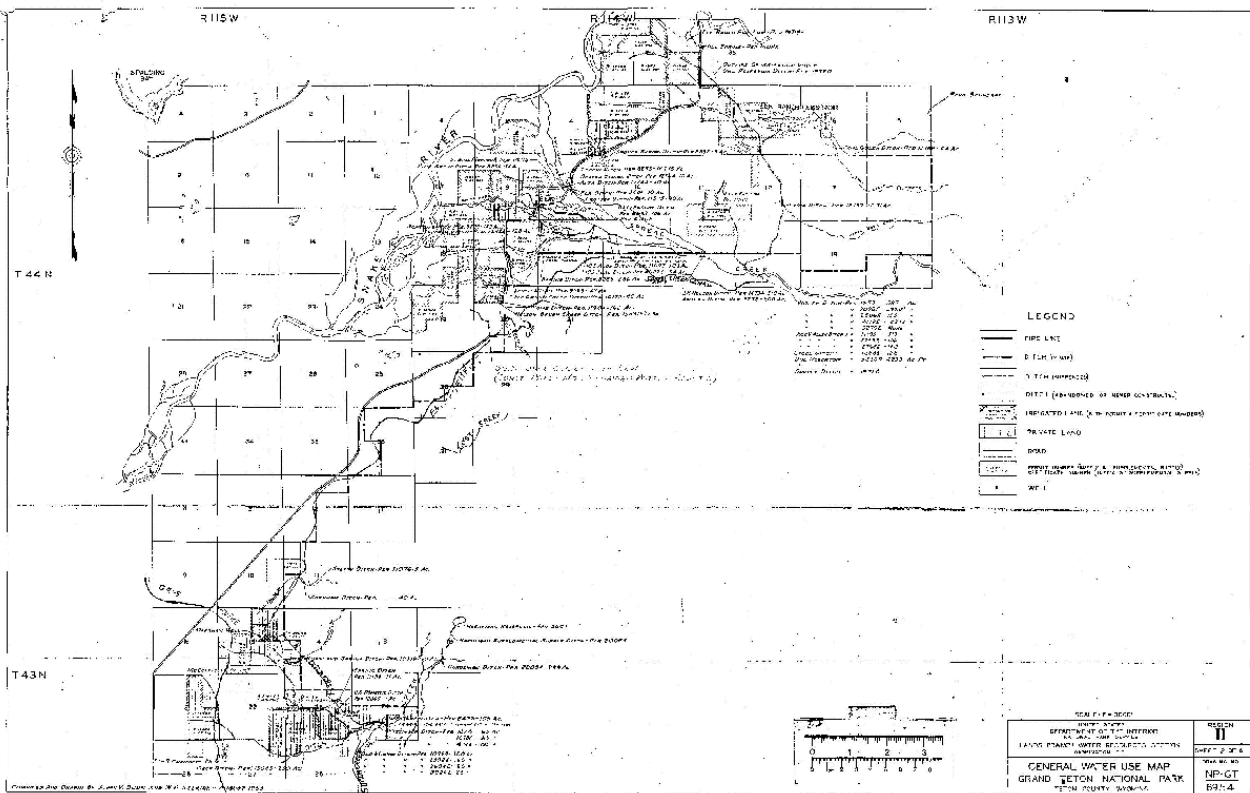
(SGD) THOMAS J. ALLEN

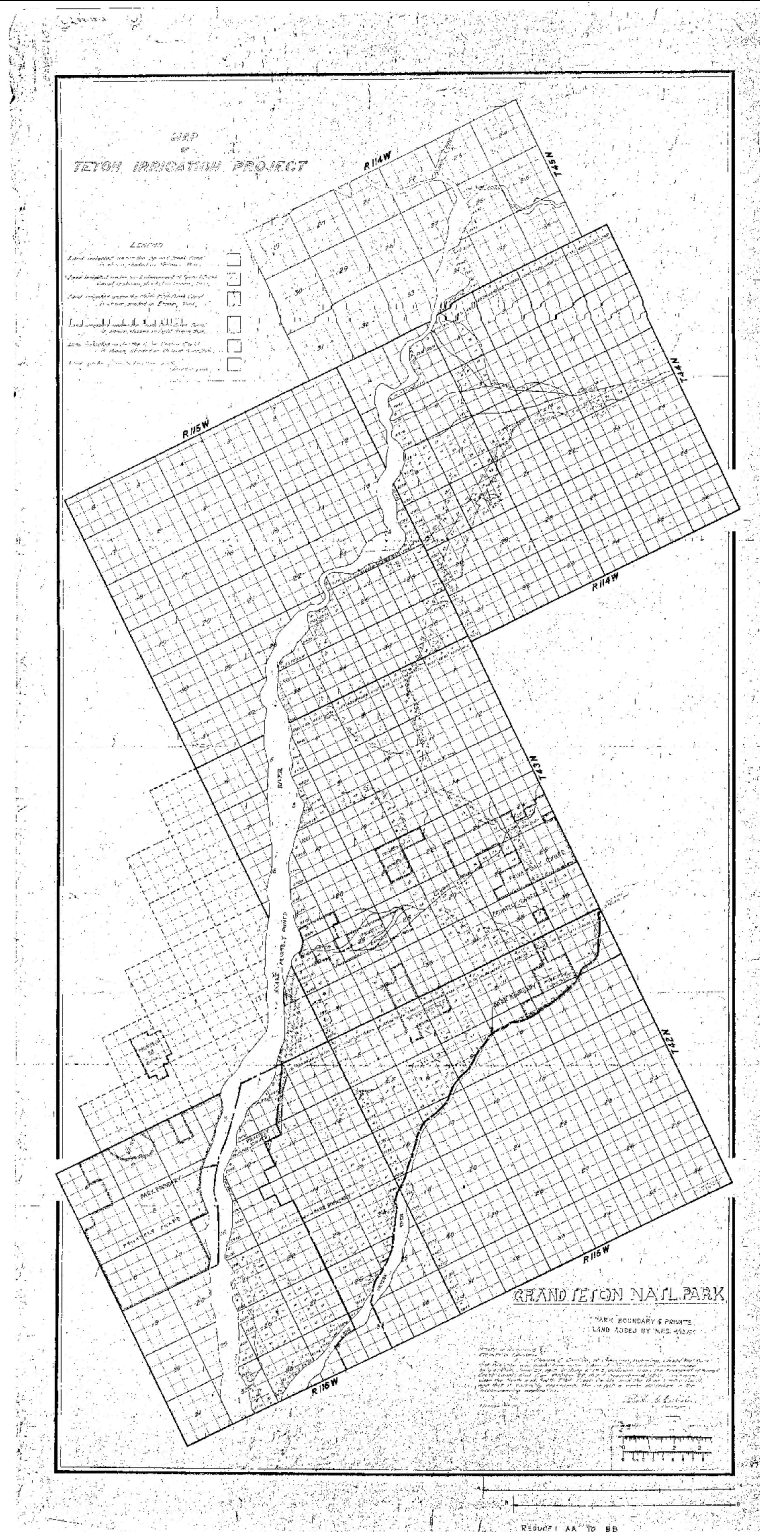
Assistant Director

Attachment

Copy to: Regional Director, Region Two
Superintendent, Grand Teton
~~Western Office of Design and Construction~~







Docket Information

Number of Documents in Docket 34

Documents Dated from 6/23/1912 to 7/3/2012

Docket Compiled: 7/3/2012