WATER-RIGHT DOCKET

Arches National Park

Docket No: 8

FEDERAL RESERVE RIGHT 01-1200

Preliminary Docket Information

06-11-2015: State of Utah - Division of Water Rights - Data Print Out for 01-1200

STATE OF UTAH -- DIVISION OF WATER RIGHTS -- DATA PRINT OUT for 01-1200

(WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 06/11/2015 Page 1

WATER RIGHT: 01-1200 APPLICATION/CLAIM NO.: CERT. NO.:

OWNERSHIP**********

NAME: USA Department of the Interior Arches National Park (Public Water Supplier)
ADDR: National Park Service - Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins CO 80525
INTEREST: 100%

DATES, ETC.**********

LAND OWNED BY APPLICANT? Yes COUNTY TAX ID#:
FILED: 05/22/2015|PRIORITY: 04/12/1929|PUB BEGAN: |PUB ENDED: |NEWSPAPER:
ProtestEnd: |PROTESTED: [No]|HEARNG HLD: |SE ACTION: [ ]|ActionDate: |PROOF DUE:
EXTENSION: |ELEC/PROOF:[ ]|ELEC/PROOF: |CERT/WUC: |LAP, ETC: |LAPS LETTER:
RUSH LETTR: |RENOVATE: |RECON REQ: |TYPE: { }

PD BOOK: [01-]|MAP: { }|PUB DATE:

Type of Right: Federal Reserved Water Right Source of Info: Proposed Determination Status:

LOCATION OF WATER RIGHT**********

FLOW: 120.0 acre-feet

SOURCE: Underground Water Well

COUNTY: Grand COMMON DESCRIPTION: Arches National Park

POINTS OF DIVERSION -- UNDERGROUND:
(1) S 73 ft E 1376 ft from W4 cor, Sec 27, T 23S, R 21E, SLBM
DIAMETER OF WELL: 8 ins. DEPTH: 1100 to ft. YEAR DRILLED: WELL LOG? No WELL ID#:
Comment: Devils Garden Well
(2) N 617 ft W 148 ft from E4 cor, Sec 20, T 25S, R 21E, SLBM
DIAMETER OF WELL: 8 ins. DEPTH: 120 to ft. YEAR DRILLED: WELL LOG? No WELL ID#: 29583
Comment: Headquarters Well #1
(3) S 2700 ft W 3600 ft from NE cor, Sec 21, T 25S, R 21E, SLBM
DIAMETER OF WELL: 8 ins. DEPTH: 172 to ft. YEAR DRILLED: WELL LOG? No WELL ID#:
Comment: Headquarters Well #2

POINT OF SPRING:
(1) S 294 ft W 885 ft from N4 cor, Sec 30, T 24S, R 22E, SLBM
Diverting Works: Source:

USES OF WATER RIGHT******** ELU -- Equivalent Livestock Unit (cow, horse, etc.) ******** EDU -- Equivalent Domestic Unit or 1 Family
(The Beneficial Use Amount is the quantity of Use that this Water Right contributes to the Group Total.)

SUPPLEMENTAL GROUP NO. 637290.

MUNICIPAL: Arches National Park PERIOD OF USE: 01/01 TO 12/31
Acre Feet Contributed by this Right for this Use: 120.0
120 acre-feet of Diversion and 60 Acre-feet Depletion. Place of Use is Within the Exterior
Boundaries of the Park.

DIVERSION & DEPLETION ESTIMATES**********

(All values in acre-feet, Growing Season in days) MANUALLY ACRE-FEET DIVERSION DEPLETION GROWING WATER-USE
IRRIGATION STOCK DOMESTIC MUNICIPAL MINING POWER OTHER EVALUATED EXPORTED DUTY DUTY SEASON REPORTING

DIV: 120.000 Yes

DEP: 60.000

OTHER COMMENTS**********

To fulfill the purposes for which the Park was established the United States has a federal reserved water right to all naturally occurring water underlying, originating within, or flowing through the Park (which includes perennial, intermittent and ephemeral streams, springs, seeps, groundwater, and other natural sources of water) that was unappropriated as of the relevant dates of reservation or acquisition of the lands now within the boundaries of the Park. The United States federal reserved water right shall have a single priority date of April 12, 1929 for the administrative uses, and seven separate priority dates for the in situ and instream uses, which priority dates shall correspond to the seven dates on which the lands comprising the Park were reserved from the public domain or otherwise acquired for Park purposes: April 12, 1929, November 25, 1938, July 22, 1960, January 20, 1969, November 12, 1971, December 9, 1998, and April 4, 2000, with the priority date of a particular place of use being the date of reservation or acquisition of those lands.

SEGREGATION HISTORY**********

This Right as originally filed:

FLOW IN CFS	QUANTITY IN ACRE-FEET	WATER USES						
		IRRIGATED ACREAGE	STOCK (ELUs)	DOMESTIC (FAMILIES)	MUNICIPAL	MINING	POWER	OTHER
					ACRE-FEET			
	120.0				120.00000			

**********E N D O F D A T A**********

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

PROTECTION ZONE POLICY FOR WATER RIGHT AREA 01

On May 22, 2015, the State of Utah entered into an agreement with the United States of America for a federal reserved water right for Arches National Park. As a part of the agreement, a Protection Zone was established to protect the flow of perennial, intermittent, and ephemeral streams, seeps, springs and other naturally-occurring water within the Park whose source is surface water or groundwater from the Entrada aquifer. This Protection Zone is adopted as policy for Water Right Area 01.

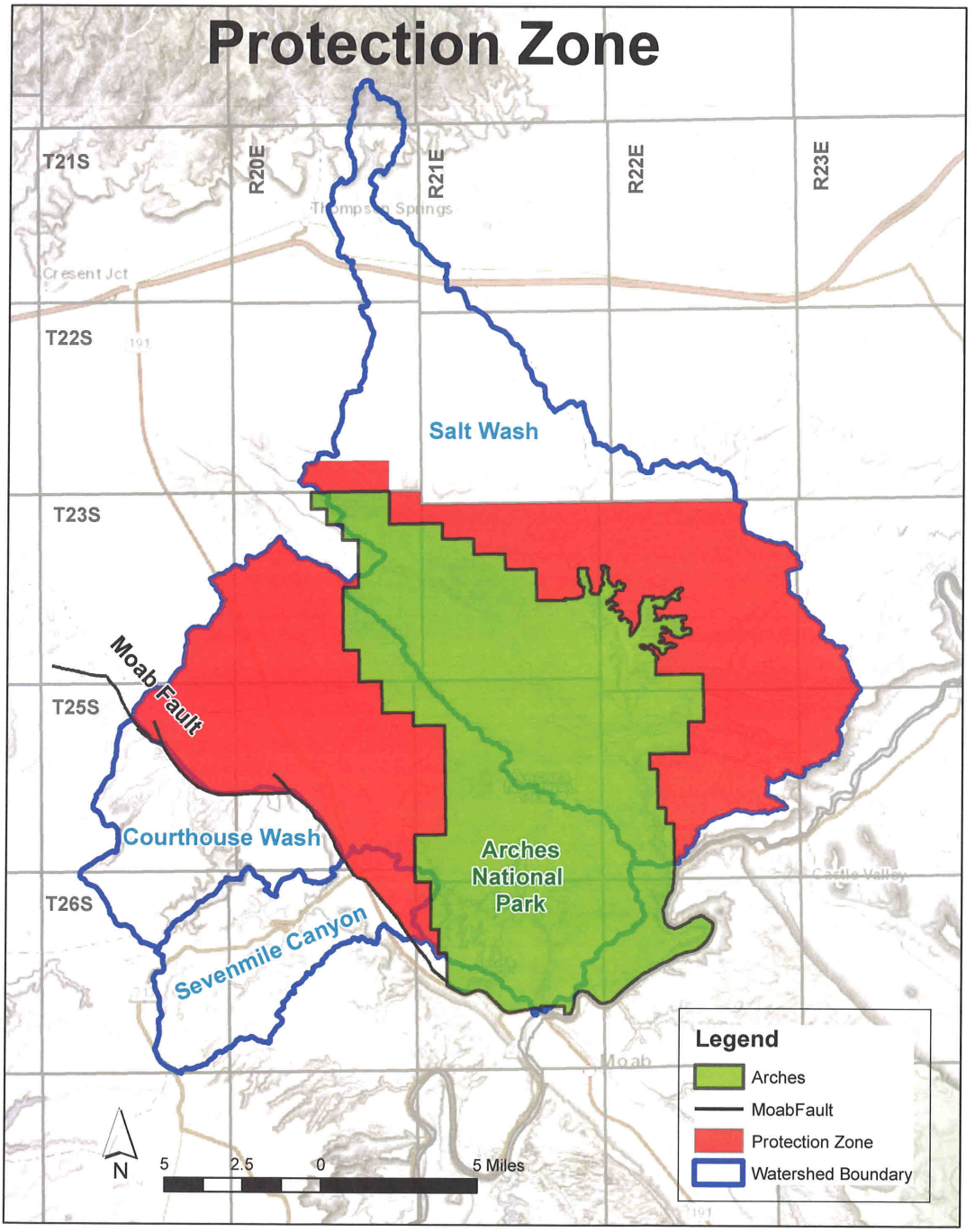
For purposes of the agreement and this policy, the "Entrada aquifer" is defined as the Slick Rock Member of the Entrada Sandstone, the Moab Member of the Curtis Formation, and all other rock units lying above the Moab Member of the Curtis Formation to and including the ground surface. Geologic units below the Entrada aquifer are not included in the Protection Zone. The areal extent of the Protection Zone is shown on Figure 1. The Protection Zone is comprised of the area outside the Park boundaries within that portion of the drainage basins of Courthouse Wash and Sevenmile Canyon lying north and east of the Moab Fault or the Moab Splay Fault and the area outside the Park boundaries within that part of the drainage basin of Salt Wash lying south of the Township 22 South and Township 23 South dividing line, and lying within Sections 33, 34 and 35 of Township 22 South, Range 20 East, SLB&M.

The State Engineer will not approve:

- Any application to appropriate surface or groundwater within the Protection Zone filed after May 22, 2015
- Any pending (previously filed and unapproved) change application or exchange application as of May 22, 2015, or any new change application or exchange application filed after May 22, 2015 that seeks to withdraw surface water or groundwater from the Protection Zone, if the proposed diversion of water under the pending or new change or exchange application would constitute the withdrawal of a new or increased quantity of surface water or groundwater from the Protection Zone (e.g., a pending or new change or exchange application whose previously approved source is surface water or groundwater outside the Protection Zone).

Southeastern Region, Price Office, 319 N Carbonville Rd, P.O. Box 718, Price, UT 84501
telephone (435) 613-3750 • facsimile (435) 613-3755 • *www.waterrights.utah.gov*

Figure 1


Protection Zone
T21S
R20E
R21E
R22E
R23E
Thompson Springs
Cresent Jct
T22S
191
Salt Wash
T23S
Moab Fault
T25S
Courthouse Wash
Arches
National
Park
T26S
Sevenmile Canyon
Castle Valley
Moab
Legend
Arches
MoabFault
Protection Zone
Watershed Boundary
N
5
2.5
0
5 Miles

ARCHES NATIONAL PARK
WATER RIGHTS AGREEMENT

This Agreement is made and entered into by the United States of America ("United States") and the State of Utah ("Utah" or the "State").

RECITALS

A. Utah has initiated statutory adjudications of water rights entitled, "IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE COLORADO RIVER IN SAN JUAN, GRAND AND UINTAH COUNTIES, UTAH AND EXCLUSIVE OF THE GREEN RIVER DRAINAGE," filed in the Seventh Judicial District, Grand County, State of Utah, as Civil No. 810704477, and "IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE PRICE RIVER AND THE DRAINAGE AREA OF THE GREEN RIVER FROM THE CONFLUENCE OF THE PRICE AND GREEN RIVERS TO THE CONFLUENCE OF THE GREEN AND COLORADO RIVERS, EXCLUDING THE DRAINAGE AREA OF THE SAN RAFAEL RIVER IN UTAH," filed in the Seventh Judicial District, Carbon County, State of Utah, as Civil No. 8598. These adjudications are commonly referred to as the Southeastern Colorado River General Adjudication and the Price/Green Rivers General Adjudication respectively (the "General Adjudications") and encompass the area within which Arches National Park (the "Park") is located, which area is within the Colorado River and Green River drainages (Areas 01 and 92). The United States has not yet been joined as a party in the General Adjudications. However, in order to remove any causes of present and future controversy over the use of water at the Park, the United States and Utah have conducted negotiations regarding a federal reserved water right for the Park.

B. These negotiations have resulted in the recognition of a federal reserved water right of the United States for the Park, subject to the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, based on the mutual promises contained herein, the parties agree to the following:

1. Establishment of Arches National Park. Arches National Monument (the "Monument") was established and subsequently expanded pursuant to the Antiquities Act of June 8, 1906, 34 Stat. 225, 16 U.S.C. § 431, by Presidential Proclamation No. 1875, 46 Stat. 2988, dated April 12, 1929; Presidential Proclamation No. 2312, 53 Stat. 2504, dated November 25, 1938; Presidential Proclamation No. 3360, 74 Stat. c79, dated July 22, 1960; and Presidential Proclamation No. 3887, 83 Stat. 920, dated January 20, 1969. On November 12, 1971, pursuant to the National Park Service Organic Act of August 25, 1916, 64 Stat. 535, 16 U.S.C. § 1, Congress, in Public Law 92-155, 85 Stat. 422, established Arches National Park by including the lands comprising the Monument within the Park and abolishing the Monument. The Park was subsequently expanded pursuant to Public Law 103-93, 107 Stat. 995, dated October 1, 1993; Public Law 105-329, 112 Stat. 3060, dated October 30, 1998 (as amended by Public Law 106-176, 114 Stat. 32, dated March 10, 2000); and Public Law 105-335, 112 Stat. 3139, dated October 31, 1998; as implemented by Exchange Patent No. 19221, dated December 9, 1998; and Exchange Patent No. 19310, dated April 4, 2000. The purposes for which the Monument and the Park were established include the preservation and protection of areas containing extraordinary examples of wind-eroded sandstone formations; the preservation of areas for scientific research; the protection of objects of geologic, historic, and scientific interest; and the conservation of "the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (54 U.S.C. § 100101). The lands comprising the Park and the dates on which the lands were reserved from the public domain or otherwise acquired for Park purposes are shown in the attached Appendix A and are described in the applicable proclamations, public laws, and patents identified herein.

2. Recognition of Federal Reserved Water Right. To fulfill the purposes for which the Park was established and subject to the terms and conditions of this Agreement, the United States has a federal reserved water right to all naturally occurring water underlying, originating within, or flowing through the Park (which includes perennial, intermittent and ephemeral streams, springs, seeps, groundwater, and other natural sources of water) that was unappropriated as of the relevant dates of reservation or acquisition of the lands now within the boundaries of the Park. The United States' federal reserved water right shall have a single priority date of April 12, 1929 for the administrative uses discussed in paragraph 3.1 below, and seven separate priority dates for the in situ and instream uses discussed in paragraph 3.2 below, which priority dates shall correspond to the seven dates on which the lands comprising the Park were reserved from the public domain or otherwise acquired for Park purposes: April 12, 1929, November 25, 1938, July 22, 1960, January 20, 1969, November 12, 1971, December 9, 1998, and April 4, 2000, with the priority date of a particular place of use being the date of reservation or acquisition of those lands, as shown in Appendix A.

3. Uses of Federal Reserved Water Right. The United States' federal reserved water right may be used as follows:

3.1 Administrative Uses. In the exercise of its federal reserved water right, the United States may, for administrative uses, divert up to 120 acre-feet per year (AFY) and deplete up to 60 AFY from within the boundaries of the Park. Such administrative uses include but are not limited to: domestic, culinary, irrigation, landscaping, and campground uses; the excavation, restoration, and preservation of ruins; the construction, operation, and maintenance of visitor facilities; and other administrative uses that shall satisfy the existing and future requirements for the operation and protection of the Park. In addition, the United States may divert such additional amounts of water as are necessary for emergency fire suppression within the Park, and such diversions shall not be charged against the maximum annual diversions and depletions that the United States may make for administrative uses, as described in this paragraph.

3.2 In Situ and Instream Uses. The remainder of the water reserved to

the United States pursuant to its federal reserved water right shall remain in its free flowing and natural condition for in situ and instream uses (collectively "in situ uses") that shall satisfy and promote the purposes for which the Park was established. Such in situ uses include but are not limited to providing water for: riparian and wetland vegetation and ecosystems; hanging gardens; geomorphologic processes; wildlife habitat and watering; and other uses that shall satisfy and promote the scenic, conservation, preservation, protection, recreational, and other purposes for which the Park was established.

4. Subordination of In Situ Uses. The United States hereby subordinates the portion of its federal reserved water right held for in situ uses (but not administrative uses) as follows:

4.1 Subordination to Existing Water Rights. The United States hereby subordinates the portion of its federal reserved water right held for in situ uses to the following (collectively "Existing Water Rights"): (1) all valid existing water rights that have been perfected and are of record in the Utah Division of Water Rights (the "Division") as of the date of the last party's signature to this Agreement (the "Effective Date"), except for the wells administered under Utah Water Right No. 01-1130 (F71691), which water right was issued for a fixed time in accordance with Utah Code Ann. § 73-3-8(2) and is expressly excluded from this subordination; (2) any valid diligence claims that are submitted to the Division after the Effective Date; and (3) any applications to appropriate, change, or exchange water with proposed points of diversion and places of use outside the Park but within the Protection Zone, as defined in Paragraphs 5 and 5.1 below, and that have been approved by the Utah State Engineer prior to the Effective Date, but that have not yet been perfected.

4.2 Inapplicability of Subordinations. The foregoing subordinations shall no longer be operative as to any Existing Water Rights that subsequently lapse or are withdrawn, forfeited, abandoned, lost through nonuse, or otherwise terminated or reduced. The subordinations also shall not apply to or otherwise affect the portion of the United States' federal reserved water right held for administrative uses. Finally, the subordinations shall not be construed as providing consent to any applications to

appropriate, change, or exchange water filed with the Division after the Effective Date and shall not limit the United States' right to protest any such applications.

5. Protection Zone. Utah hereby recognizes and establishes a protection zone (the "Protection Zone") to protect the flow of perennial, intermittent, and ephemeral streams, seeps, springs, and other naturally-occurring water within the Park whose source is surface water or groundwater from the Entrada aquifer. For purposes of this Agreement, the "Entrada aquifer" is defined as the Slick Rock Member of the Entrada Sandstone, the Moab Member of the Curtis Formation, and all other rock units lying above the Moab Member of the Curtis Formation to and including the ground surface. Geologic units below the Entrada aquifer are not included in the Protection Zone.

5.1. Areas Within Protection Zone. The Protection Zone is comprised of the area from the ground surface to the base of the Entrada aquifer located within the following drainage basins:

5.1.1 Courthouse Wash and Sevenmile Canyon Drainage Basins. The Protection Zone includes the area outside of the Park boundaries within that part of the drainage basins of Courthouse Wash and Sevenmile Canyon lying north and east of the Moab Fault or the Moab Splay Fault, as depicted in Appendix B.

5.1.2 Salt Wash Drainage Basin. The Protection Zone includes the area outside of the Park boundaries within that part of the drainage basin of Salt Wash lying south of the Township 22 South and Township 23 South dividing line, and lying within Sections 33, 34, and 35, of Township 22 South, Range 20 East, SLB&M, as depicted in Appendix B.

5.2. Diversion Limits Within Protection Zone. The State Engineer shall not approve: (a) any application to appropriate surface water or groundwater within the Protection Zone filed after the Effective Date; or (b) any pending (previously filed and unapproved) change application or exchange application as of the Effective Date, or any new change application or exchange application filed with the Division after the Effective Date, that seeks to withdraw surface water or ground water from the Protection Zone, if the proposed diversion of water under the pending or new change or exchange

application would constitute the withdrawal of a new or increased quantity of surface water or groundwater from the Protection Zone (e.g., a pending or new change or exchange application whose previously approved source is surface water or groundwater outside the Protection Zone).

6. Relationship Between United States' Federal Reserved Water Right and Its State-Based Appropriative Water Rights. In addition to the federal reserved water right recognized by this Agreement, the United States also currently owns five state-based appropriative water rights for the Park, which are listed and summarized in the attached Appendix C (the "state-based rights").

6.1 Federal Reserved Water Right Number. Upon execution of this Agreement, the State Engineer shall assign a water right number in the Utah Division of Water Rights' records for the federal reserved water right recognized by this Agreement.

6.2 Merger of State-Based Appropriative Rights. Upon the issuance of final, non-appealable decrees in the General Adjudications confirming and adjudicating the federal reserved water right recognized by this Agreement, the United States' state-based rights shall be merged into the portion of its federal reserved water right held for administrative uses, and diversions and depletions for administrative uses under the merged rights shall thereafter be governed solely by the diversion and depletion limits of Paragraph 3.1.

7. Entirety of Federal Reserved Water Right. The federal reserved water right recognized herein includes all water rights of every nature and description derived under federal law from the doctrine of federal reserved water rights from all sources of water, both surface and underground, and includes all types and kinds of uses whatsoever, and encompasses the entire federal reserved water right held by the United States for the Park as now constituted. Absent Congressional or Presidential action, the federal reserved water right for the lands now constituting the Park shall not be enlarged, expanded, or re-quantified.

8. Issuance of Proposed Determinations. The United States has not been joined as a party in the Southeastern Colorado River General Adjudication or the Price/Green Rivers General Adjudication pursuant to the 43 U.S.C. § 666. Upon joinder of the United States in these adjudications, Utah agrees to issue, within a reasonable time, Proposed Determinations or, in the event Proposed Determinations have already been issued, Addenda to the Proposed Determinations, consistent with the terms of this Agreement. The parties hereto will cooperate to obtain interlocutory decrees on the Proposed Determinations or Addenda, provided that this Agreement shall remain binding on the parties if and when such interlocutory decrees are entered and after the entry of the final decrees, except to the extent that any of the provisions of the operative decrees conflict with the terms of this Agreement.

9. Modification of Agreement. The provisions of this Agreement may be modified only in writing and upon the mutual consent of the parties to this Agreement, which consent shall not be unreasonably withheld.

10. Limitations on Effect of Agreement. Nothing in this Agreement shall constitute an admission, waiver, or precedent as to any party for any other federal reserved water right claim, or create any third party rights. Without limiting the foregoing, nothing in this Agreement shall be construed or interpreted to:

10.1 In any way affect any water rights of the United States other than the water rights held by the United States for the Park in the Colorado River Basin within the context of the Southeastern Colorado River General Adjudication and/or the Price/Green Rivers General Adjudication;

10.2 Establish any precedent or standard to be used for the quantification of federal reserved water rights in any other judicial or administrative proceeding;

10.3 Limit in any way the rights of the parties or any person to litigate any issue or question not resolved by this Agreement;

10.4 Restrict the power of the United States to reserve water in the future, or to acquire additional rights to the use of water under the laws of Utah;

10.5 Restrict the power of Utah or the State Engineer to allocate, administer, or distribute the waters of the State, except as expressly provided in this Agreement; or

10.6 Settle other federal reserved water rights of the United States.

11. Protection of Federal Reserved Water Right Under State Law. The federal reserved water right of the United States, as set forth and quantified herein, shall be administered and protected under State law in the same manner as any water right originating under State law, without losing its character as, or the attributes of, a federal reserved water right as provided under federal law. Pending the issuance of interlocutory and/or final decrees in the General Adjudications adjudicating the federal reserved water right, the United States may develop and/or use water for administrative uses under the federal reserved water right in accordance with the diversion and depletion limits set forth in Paragraph 3.1, above, provided that it gives at least 90 days prior written notice to the State Engineer.

12. Duplicate Copies. This Agreement may be executed in duplicate. Each of the duplicate copies bearing original signatures shall be deemed an original.

It being resolved and agreed to as delineated above, the undersigned parties express their mutual agreement hereto this 22nd day of May, 2015.

For the State of Utah:

Gary Herbert
Governor

Michael R. Styler
Executive Director
Department of Natural Resources

Kent L. Jones, P.E.
State Engineer
Division of Water Rights

Norman K. Johnson,
Assistant Attorney General
Chief, Natural Resources Division

For the United States:

Laura Joss
National Park Service, Intermountain Region
Deputy Regional Director

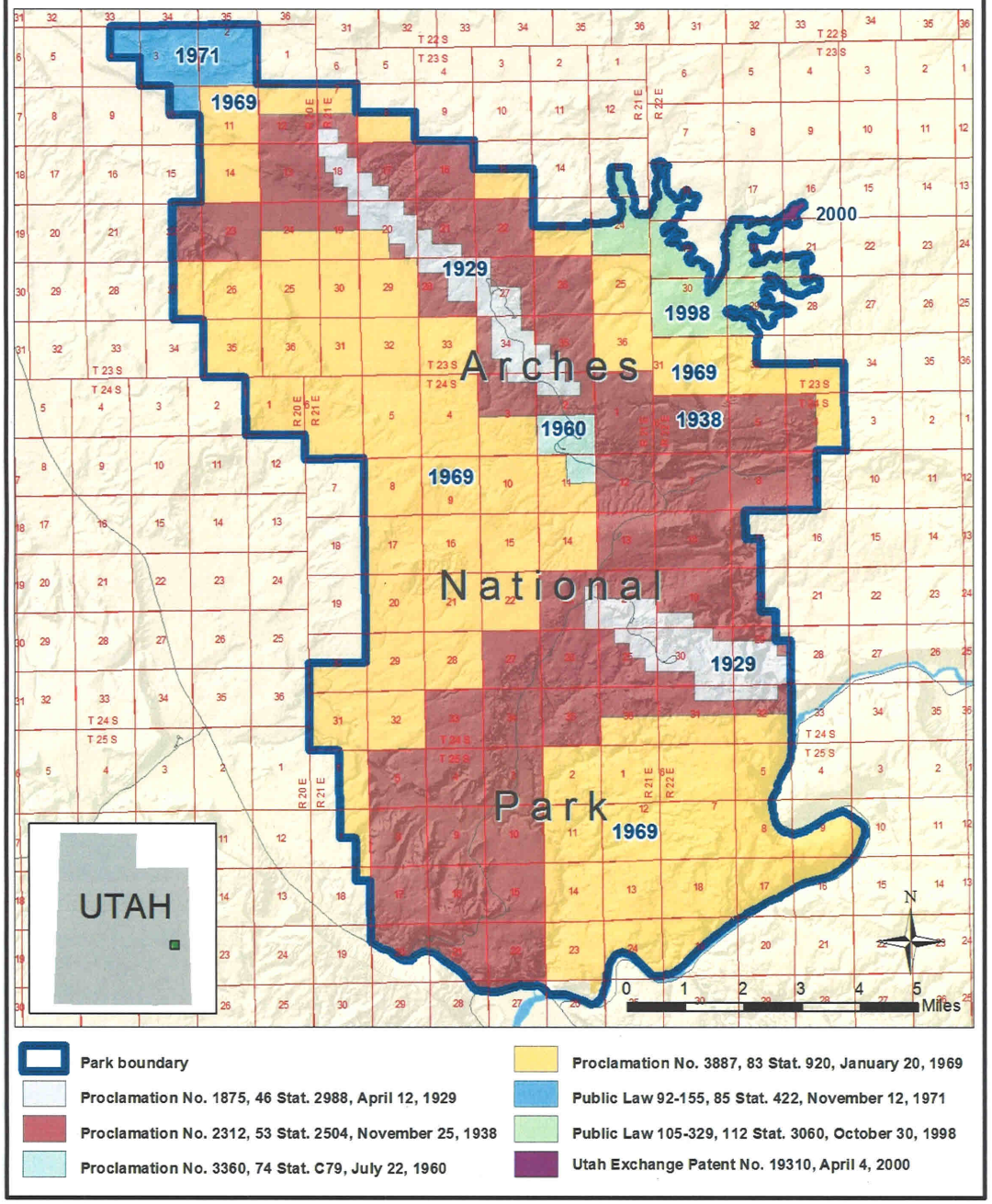
Kate Cannon
National Park Service
Superintendent, Arches National Park

Ramsay Laursod Kropf
Deputy Solicitor, Water Resources
U.S. Department of the Interior

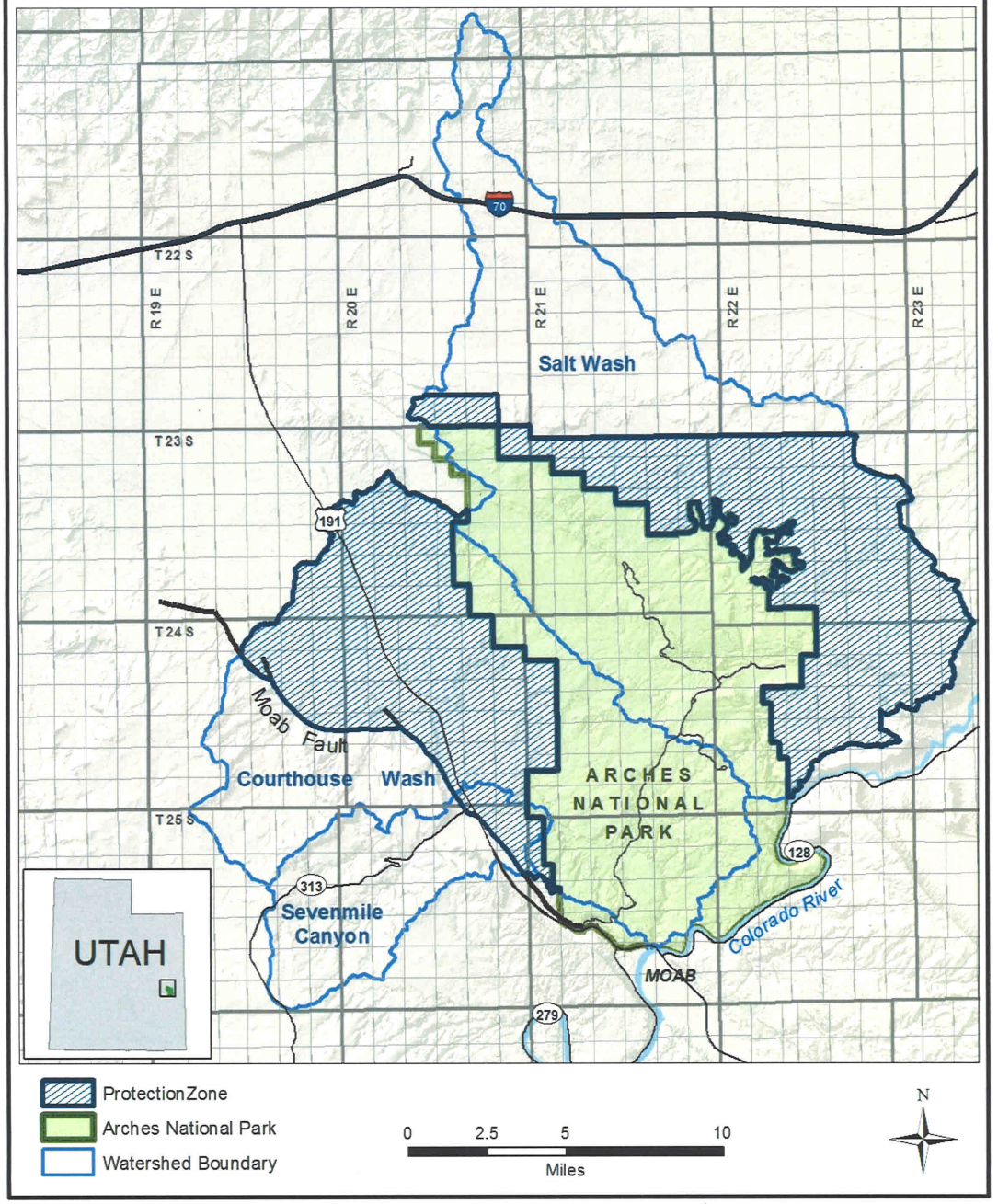
Thomas K. Snodgrass, Senior Attorney
John C. Cruden, Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

Appendix A

Arches National Park Land Reservations



Appendix B
Arches National Park Protection Zone



APPENDIX C

The United States' five state-based appropriative water rights for administrative uses in the Park as of the Effective Date.

Water Right No.	*Water Source*	*Diversion Works*	*Priority Date*	*Point of Diversion (Salt Lake Base and Meridian)*	*Place of Use*	*Type of Use*	*Period of Use*	*Current Diversion Rate (cfs)*
01-25	Headquarters Well #1	8 in. Dia. Well - 120 ft. Deep	May 17, 1940	N. 617 ft., W. 148 ft. from E4 Cor. Sec. 20, T25S, R21E	Within the Exterior Boundaries of the Park	Domestic and Other	01/01-12/31	.044
01-28	Unnamed Spring	Spring	October 03, 1949	S. 294 ft., W. 885 ft. from N4 Cor. Sec. 30, T24S, R22E	Within the Exterior Boundaries of the Park	Livestock	01/01-12/31	.0008
01-114	Devil's Garden Well	8 in. Dia. Well - 1100 ft. Deep	May 25, 1962	S. 73 ft., E. 1376 ft. from W4 Cor. Sec. 27, T23S, R21E	Within the Exterior Boundaries of the Park	Domestic and Other	01/01-12/31	.0223
05-420	Devil's Garden Well	8 in. Dia. Well - 1100 ft. Deep	May 25, 1962	S. 73 ft., E. 1376 ft. from W4 Cor. Sec. 27, T23S, R21E	Within the Exterior Boundaries of the Park	Domestic and Other	01/01-12/31	.0223
01-166	Headquarters Well #2	8 in. Dia. Well - 172 ft. Deep	September 11, 1981	S. 2700 ft., W. 3600 ft. from NE Cor. Sec. 21, T25S, R21E	Within the Exterior Boundaries of the Park	Domestic and Other	01/01-12/31	.06

AREA: ARCHES NATIONAL PARK, UTAH

AUTHORIZATION

Proclamation No. 1875 of April 12, 1929 (46 Stat. 2988), established Arches National Monument.

Act of November 12, 1971 (P.L. 92-155, 85 Stat. 422), abolished the monument and established Arches National Park.

*ACQUISITION AUTHORITY

Act of November 12, 1971, authorized the Secretary to acquire land by donation, purchase with donated or appropriated funds, transfer, exchange or otherwise. Lands owned by the State of Utah or its political subdivisions may be acquired only with the approval of such State or subdivision.

Act of October 1, 1993 (P.L. 103-93, 107 Stat. 995), authorizes acquisition by exchange of all school and institutional trust lands owned by the State of Utah within the National Park System. The act directs the Secretary to provide to the State of Utah a list of lands or interests in lands within the State of Utah for transfer to the State in exchange for the trust lands. All such exchanges shall be for equal value.

Act of October 30, 1998 (P.L. 105-329, 112 Stat. 3060), revised the boundary of the park to include additional lands and authorized acquisition (1)of Federal lands by transfer from the Bureau of Land Management (BLM), and (2) of State lands by exchange for BLM lands.

Act of October 31, 1998 (P.L. 105-335, 112 Stat. 3139), ratifies the 'Agreement to Exchange Utah School Trust Lands between the State of Utah and the United States of America'. The Act also repeals the provisions of P.L. 103-93, except for sections 7(b)(1), 7(b)(3), and 10(b).

Act of March 10, 2000 (P.L. 106-176, 114 Stat. 32), Section 302, amends P.L. 105-329, which provided for the expansion of the park, by clarifying the legal description of the land to be conveyed by the Secretary in an exchange with the State of Utah of state school trust lands. P.L. 105-329 had included an incorrect description of the lands. Section 302 also removed a redundant provision (section 8, subsection d) regarding the length of time in which the Secretary was required to take actions implementing the land exchange.

ESTABLISHED

April 12, 1929, as a national monument.

November 12, 1971, as a national park.

*BOUNDARY REVISIONS

Presidential Proclamation No. 2312 of November 25, 1938 (53 Stat. 2504), revised the boundary to include an additional 29,160 acres.

Presidential Proclamation No. 3360 of July 22, 1960, revised the boundary as described, resulting in a net decrease of 240 acres.

Presidential Proclamation No. 3887 of January 20, 1969, revised the boundary to include an additional 48,943 acres, as described.

Act of November 12, 1971, revised the boundary, resulting in a decrease of 9,574 acres.

Act of October 30, 1998, revised the boundary of the park to include an additional 3,140 acres known as "Lost Spring Canyon Addition": 3,108 acres administered by BLM and 32 acres owned by the State of Utah's School and Institutional Trust Land Administration.

Act of March 10, 2000, Section 302, amends the Act of October 30, 1998 (P.L. 105-329), which provided for the expansion of the park, by clarifying the legal description of the land to be conveyed by the Secretary in an exchange with the State of Utah of state school trust lands. P.L. 105-329 had included an incorrect description of the lands. Section 302 also removed a redundant provision (section 8, subsection d) regarding the length of time in which the Secretary was required to take actions implementing the land exchange.

ACREAGE LIMITATIONS
None

STATUTORY CEILING FOR LAND ACQUISITION
Act of November 12, 1971, authorized the appropriation of not more than $125,000.

Act of October 21, 1976 (P.L. 94-578, 90 Stat. 2732), increased the ceiling to $275,000.

AREA NUMBERS
MIS -2180

*Denotes section revised

Revised January 11, 2001

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page

Run Time 10:05 AM

Run Date: 11/30/10

01 03-04-1915;038TAT1212.
Case Type 221005: EX-ST-SPECIAL ACTS
Commodity 001: NONE
Case Disposition: AUTHORIZED

Total Acres 7,382.440

Serial Number UTU--- - 077266PV

Serial Number: UTU--- - 077266PV

Name & Address			Int Rel	% Interest
NATL PARK SERVICE	PO BOX 25287	DENVER CO 80225	ACQUIRING AGENCY	100.000000000
STATE OF UT SCH & INSTITUTION		SALT LAKE CITY UT 841801204	PROPONENT	0.000000000

Serial Number: UTU--- - 077266PV

Mer Twp Rng Sec	STyp	SNr Suff	Subdivision	District/Field Office	County	Mgmt Agency
26 0230S 0200E 002	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0230S 0200E 035	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0230S 0200E 036	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0240S 0200E 001	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0230S 0210E 032	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0230S 0210E 036	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0240S 0210E 002	ALIQ		S2;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0240S 0210E 016	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0240S 0210E 032	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0240S 0210E 036	ALIQ		S2;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0250S 0210E 002	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0230S 0220E 032	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0230S 0220E 032	ALIQ		ALL;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26 0240S 0220E 032	ALIQ		SW,W2SE;	MOAB FIELD OFFICE	GRAND	ARCHES NP
26 0250S 0220E 016	ALIQ		N2NW;	MOAB FIELD OFFICE	GRAND	BUREAU OF LAND MGMT
26 0250S 0220E 016	ALIQ		N2NW;	MOAB FIELD OFFICE	GRAND	ARCHES NP

Serial Number: UTU--- - 077266PV

Act Date	Code	Action	Action Remark	Pending Office
10/01/1993	264	LEGISLATION ENACTED	PL 103-93	
05/07/1998	387	CASE ESTABLISHED		
05/07/1998	500	GEOGRAPHIC NAME	ARCHES NP	
05/08/1998	305	AGRMT TO INITIATE EX	DOI AND STATE OF UTAH	
10/31/1998	264	LEGISLATION ENACTED	PL 105-335	
12/09/1998	866	DEED SIGNED	STATE PATENT 19221	
12/28/1998	404	TITLE RECORDATION	BK 527 PG 356 446703	
01/05/1999	400	US RIGHTS ACQ/RES	900;	
01/05/1999	400	US RIGHTS ACQ/RES	930;	
01/05/1999	865	TITLE ACCEPTED BY US		

Serial Number: UTU--- - 077266PV

Line Nr	Remarks
0001	UTAH SCHOOLS AND LANDS EXCHANGE ACT OF 1998
0002	(PUBLIC LAW 105-335)
0003	7062.44 SURFACE ACRES; 7382.44 MINERAL ACRES

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM

United States Department of the Interior
NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
Post Office Box 728
Santa Fe, New Mexico 87504-0728

In Reply Refer to:
L1429
ARCH/02-101
JUL 24 2006

Memorandum

To: Chief, National Program Center, Land Resources Division, WASO

From: Chief, Land Resources Program Center, Intermountain Region

Subject: Transmittal of Deed Assembly

Area: Arches National Park

Tract No: 02-101 Civil No:

Landowner: State of Utah

Acreage: 30.00

Deed No: 19

State: Grand

County: Utah

The original documents for this subject acquisition are transmitted herewith as follows:

(X)	1.	Recorded Exchange Patent No. 19310	( )	7.	Hazardous Materials Survey
(X)	2.	Final Title Opinion	( )	8.	Administrative Certificate/Waiver
( )	3.	Final Title Insurance Policy	( )	9.	Lis Pendens
( )	4.	Certificate of Inspection & Possession	( )	10.	Complaint/DT
( )	5.	Payment and Closing Sheet	( )	11.	Judgment
( )	6.	Accepted Offer to Sell	(X)	12.	Other (describe) 5/31/00 State of Utah Letter Title Certificate Public Law 105-329, 112 Stat. 3060

Glenna F. Vigil

Enclosures

451567 B 0549 P 308-309
Date 27-JUN-2000 9:34am
Fee: No Fee Check
MERLENE MOSHER, Recorder
Filed By JAC
For STATE OF UTAH
GRAND COUNTY CORPORATION

STATE OF UTAH
EXCHANGE PATENT NO. 19310

WHEREAS, pursuant to Section 8(a)(1) of Public Law 105-329, The Arches National Park Expansion Act of 1998, the UNITED STATES OF AMERICA is required to convey to the State of Utah certain federal lands and assets in exchange for the trust lands hereinafter described;

NOW THEREFORE I, MICHAEL O. LEAVITT, Governor, by virtue of the power and authority vested in me by the laws of the State of Utah, do issue this PATENT, in the name and by the authority of the State of Utah, hereby granting and confirming to UNITED STATES OF AMERICA, and to its successors and assigns forever, the following tracts or parcels of land in and adjacent to Arches National Park, situated in the County of Grand, State of Utah, to-wit:

Township 23 South, Range 22 East, SLB&M
Section 16: All [Surface and Minerals]

Containing 640.00 acres, more or less

TO HAVE AND TO HOLD the above described and granted premises unto the said UNITED STATES OF AMERICA, and to its successors and assigns forever, subject to the following permits and leases:

1. Grazing Permit No. 22839; issued to Lowell & LoAnn Klinglesmith; expires April 30, 2001.

2. Mineral Lease No. 48401 for oil, gas and hydrocarbon; issued to Burlington Resources Oil & Gas Company; expires January 31, 2010.

Subject to any valid, existing easement or right of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by authority of the United States as provided by Statute.

Further subject to all applicable provisions of that certain Arches National Park Expansion Act of 1998, Public Law 105-329 (1998), including, without limitation, Section 8(a)(3) (Valid Existing Rights).

FOR AND IN CONSIDERATION of the receipt of those certain federal lands and assets to be conveyed to the State of Utah by the United States pursuant to the Arches National Park Expansion Act of 1998, Public Law 105-329 (1998), described as follows:

Township 25 South, Range 18 East, SLB&M
Section 1: Lots 1-16, N½N½N½S½ [Surface and Minerals]

Containing 638.52 acres, more or less

IN TESTIMONY WHEREOF, I have caused the great seal of the State of Utah to be hereunto affixed. Done at Salt Lake City, this fourth day of April in the year of our Lord, two thousand, and of the independence of the United States of America the two hundred and twenty-fourth, and in the one hundred and fifth year of the State of Utah.

By the Governor:

Michael O. Leavitt

Olene S. Walker
Lieutenant Governor

David T. Terry, Director
School and Institutional
Trust Lands Administration

APPROVED AS TO FORM
Jan Graham
Attorney General

By _____
Special Assistant Attorney General

Recorded Patent Book 39 Page 110
Exchange No. 259
Fund: School

United States Department of the Interior

OFFICE OF THE SOLICITOR
SUITE 6201, FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138

June 30, 2000

Memorandum

To: Utah State Director, Bureau of Land Management

From: Field Solicitor, Salt Lake City Field Office, Pacific Southwest Region

Subject: Final Title Opinion, Arches National Park Expansion (P.L. 105-329) Land Exchange, UTU-78500-FD

FINAL TITLE OPINION

We have examined your file for the subject transaction submitted to us with the request for a final title opinion. It contains Utah Exchange Patent No. 19310; duly recorded in the Grand County Recorders office; a title certificate and a certificate of non-encumbrance, both executed by an appropriate State of Utah official.

Pursuant to the delegation of authority to this office, we find satisfactory title to the subject property to be vested in the United States.

JOHN W. STEIGER
Field Solicitor

DAVID K. GRAYSON
Attorney-Advisor

United States Department of the Interior
NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
Post Office Box 728
Santa Fe, New Mexico 87504-0728

In Reply Refer to:
L1429
ARCH/02-102

JUN 19 2006
Memorandum

To: Chief, National Program Center, Land Resources Division, WASO

From: Chief, Land Resources Program Center, Intermountain Region

Subject: Transmittal of Deed Assembly

Area: Arches National Park

Tract No: 02-102 Civil No:

Landowner: Bureau of Land Management

Acreage: 3,110.00

Deed No: 18

State: Grand

County: Utah

The original documents for this subject acquisition are transmitted herewith as follows:

( )	1.	Recorded Deed	( )	7.	Hazardous Materials Survey
( )	2.	Final Title Opinion	( )	8.	Administrative Certificate/Waiver
( )	3.	Final Title Insurance Policy and Endorsement	( )	9.	Lis Pendens
( )	4.	Certificate of Inspection & Possession	( )	10.	Complaint/DT
( )	5.	Payment and Closing Sheet	( )	11.	Judgment
( )	6.	Accepted Offer to Sell	(X)	12.	Other (describe) Public Law 105-329, 112 Stat. 3060 Federal Register Notice Vol. 64 No. 145

Glenna F. Vigil

Enclosures

United States Department of the Interior
NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
Post Office Box 728
Santa Fe, New Mexico 87504-0728

In Reply Refer to:
L1429
ARCH/01-121

MAY 23 2005

Memorandum

To: Chief, National Program Center, Land Resources Division, WASO

From: Chief, Land Resources Program Center, Intermountain Region

Subject: Transmittal of Deed Assembly

Area: Arches National Park

Tract No: 01-121 Civil No:

Landowner: Canyonlands Natural History Association

Acreage: 1.08

Deed No: 17

State: Utah

County: Grand

The original documents for this subject acquisition are transmitted herewith as follows:

(X)	1.	Recorded Deed	(X)	7.	Hazardous Materials Survey
(X)	2.	Final Title Opinion	(X)	8.	Administrative Certificate/Waiver
(X)	3.	Final Title Insurance Policy	( )	9.	Lis Pendens
(X)	4.	Certificate of Inspection & Possession	( )	10.	Complaint/DT
(X)	5.	Payment and Closing Sheet	( )	11.	Judgment
( )	6.	Accepted Offer to Sell	(X)	12.	Other (describe) Vendor's/Vendors' Certificate Of Disclosure U.S. Dept. of Justice Waiver

Glenna F. Vigil

Enclosures

E 460162 B 0599 P 510 -
Date 10-APR-2003 12:14pm
Fee: 15.00 Charge
MERLENE MOSHER, Recorder
Filed By MM
For SOUTH EASTERN UTAH TITLE COMPA
GRAND COUNTY CORPORATION

512

51733-G

Deed prepared by and
to be returned to the
National Park Service
Intermountain Region
Land Resources Program Center
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Arches National Park
Tract 01-121

ORIGINAL

DEFEASIBLE FEE SIMPLE QUITCLAIM DEED

CANYONLANDS NATURAL HISTORY ASSOCIATION, GRANTOR, has DONATED, GRANTED, CONVEYED, and QUITCLAIMED and by these presents does hereby DONATE, GRANT, CONVEY, and QUITCLAIM unto the UNITED STATES OF AMERICA, GRANTEE, and unto its assigns forever, the following-described lands lying in the County of Grand and State of Utah, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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 all the estate, title, claim or demand whatsoever of the GRANTOR.

TOGETHER WITH the buildings and improvements thereon and all rights and appurtenances thereto.

SUBJECT TO: (1) Existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches, and canals; (2) Any oil, gas or mineral rights of record reserved to or outstanding in third parties. (3) Terms and conditions in the Quitclaim Deed, executed by Mitchell M. Williams and Mary Williams in favor of Canyonlands Natural History Association, recorded December 30, 1982 in Book 343 at page 465.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GRANTEE, and unto its assigns forever.

The GRANTOR further remises, releases, and forever quitclaims to the UNITED STATES OF AMERICA and its assigns, all right, title, and interest which the GRANTOR may have in and to water rights, banks, beds, and waters of any stream or river bordering or traversing the said land to be conveyed and also all interest in and to any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land, and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of the Interior, National Park Service.

ARCHES NP DEED NO. 17

Situated in the State of Utah, County of Grand in a portion of Lots 7 and 10, Section 21 of Township 25 South, Range 21 East of the Salt Lake Base and Meridian, more particularly described as follows:

Commencing at the South Quarter corner of said Section 21;

Thence, East, 635.90 feet;

Thence, North, 358.20 feet to the Point of Beginning, also being a point on the highways North right-of-way line;

Thence, N.43°56'W., 1,098.00 feet along said right-of-way line to its intersection with the boundary of Arches National Park;

Thence S.53°55'E., 305.60 feet along said boundary;

Thence S.50°20'E., 250.06 feet along said boundary;

Thence S.35°33'E., 553.80 feet to the Point of Beginning and containing 1.08 acres of land, more or less.

EXHIBIT "A"

IN WITNESS WHEREOF, the said GRANTOR, through its duly appointed officer, has hereunto set hand and seal this 31st day of May, 2002.

CANYONLANDS NATURAL HISTORY ASSOCIATION INC,

(SEAL)
Attest:

By: Brad Wallis
Executive Director

ACKNOWLEDGMENT

State of Utah)
) ss.
County of Grand)

Before me, the undersigned authority, on this day personally appeared 31 day of May 2002 BRAD WALLIS - ED of CANYONLANDS NATURAL HISTORY ASSOCIATION, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal on this 31 day of May, 2002

My Commission Expires:

NOTARY PUBLIC
BRYAN WILLIAM TORGERSON
4 North Main
Moab, UT 84532
My Commission Expires March 13, 2006
State of Utah

Notary Public

This instrument accepted on behalf of the United States of America, Department of the Interior, National Park Service, by Barbara A. Sulhoff, Chief, Land Resources Program Center, Intermountain Region.

By: Barbara A. Sulhoff
Barbara A. Sulhoff
Chief, Land Resources Program Center
Intermountain Region

Date: 3/17/03

ARCHES NATIONAL PARK

AREA: 1.08 acres ±

DATE: May 30, 2002

INTEREST: FEE-O

TRACT NO. 01-121

E 460162 B 0599 P 511

United States Department of the Interior

OFFICE OF THE SOLICITOR
SUITE 6201, FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138

May 4, 2005

NPS C LACQ

MEMORANDUM

To: Chief, Land Resources Program Center, Intermountain Region

From: Regional Solicitor, Intermountain Region

Subject: Request for Final Title Opinion, Canyonlands Natural History Association, Arches National Park,.Tract No. 01-121

FINAL TITLE OPINION

We have examined your file for the subject transaction submitted to us with the request for a final title opinion. The endorsements to the policy of title insurance by First American Title Insurance Company shows title to the property described in the Quit Claim Deed from Canyonlands Natural History Association to the United States, recorded in the Grand County Recorder's office, Utah, April 10, 2003, to be vested in the United States, subject to the exceptions noted in Schedule B.

Pursuant to the delegation of authority to our office, we find satisfactory title to the subject property to be vested in the United States.

LAWRENCE J. JENSEN
Regional Solicitor

JARED C. BENNETT
Attorney

Attachment - File

Policy No. 22,738-9

SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

Part One:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

2. Easements, claims of easement or encumbrances which are not shown by the public search.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.

4. Unpatented mining claims, reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

5. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

Part Two:

1. Taxes are not assessed.

Tax Serial #: 03-021-0001

2. Oil, gas and mineral rights, as reserved in the Patent recorded in Book 142 at page 38, a reservation of a gas distribution line, reserved in said patent, subject to any easement or right of way of the public, to use all such highways as may have been established according to law, over the same or any part thereof, and subject to all rights of way for ditches, tunnels, and telephone and transmission lines, as set forth therein.

3. Terms and conditions in the Quitclaim Deed, executed by Mitchell M. Williams and Mary Williams in favor of Canyonlands Natural History Association, recorded Dec. 30, 1982 in Book 343 at page 465, including, but limited to the condition that said land be conveyed to Arches National Park, as soon as reasonably possible, or if said property is used for any commercial or retail purposes including the sale of concessionary foodstuffs, goods or other items, the property is to vest in Saint Francis Episcopal Church of Moab.

POLICY NO. 22,738-9

4. Any portion within US Highway 191.

5. An Easement in favor of Utah Department of Transportation, recorded June 5, 2002 in Book 582 at page 198, entry no. 457349, for a perpetual easement on said land, with terms and conditions as set forth therein.

United States Department of the Interior
NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
Post Office Box 728
Santa Fe, New Mexico 87504-0728

In Reply Refer to:

L1429
ARCH/Utah Land Exchange

JUN 17 2004

Memorandum

To: Chief, National Program Center, Land Resources Division, WASO

From: Chief, Land Resources Program Center, Intermountain Region

Subject: Transmittal of Deed Assembly

Area: Arches National Park

Tract No: 01-102, 01-110, 01-117, 01-119 Civil No:
01-120, 01-128, 01-133, 01-134,
01-135, 01-136, 01-139, 01-146

Landowner: State of Utah

Acreage:

01-102 - 665.24	01-133 - 240.00
01-110 - (320.00)	01-134 - 320.00
01-117 - 640.00	01-135 - 639.92
01-119 - 640.00	01-136 - 640.00
01-120 - 640.00	01-139 - 80.00
01-128 - 640.00	01-146 - 1917.28

Deed No: 16

State: Utah

County: Grand

The original documents for this subject acquisition are transmitted herewith as follows:

(X)	1.	Recorded Exchange Patent No. 19221	(X)	7.	Hazardous Materials Surveys, I and II
(X)	2.	Final Title Opinion	(X)	8.	Administrative Certificate/Waiver
( )	3.	Final Title Insurance Policy	( )	9.	Lis Pendens
(X)	4.	Certificates of Inspection & Possession	( )	10.	Complaint/DT
( )	5.	Payment and Closing Sheet	( )	11.	Judgment

( ) 6. Accepted Offer to Sell

(X) 12. Other (describe)
01/04/99 State of Utah Letter
Title Certificate
Encumbrances
Public Law 105-335, 112 Stat. 3139

Barbara A. Suchoff

Enclosures

striking "Public Law 101–573" and inserting "Public Law 100–573".

SEC. 302. ARCHES NATIONAL PARK EXPANSION ACT OF 1998.

Section 8 of Public Law 92–155 (16 U.S.C. 272g), as added by section 2(e)(2) of the Arches National Park Expansion Act of 1998 (Public Law 105–329; 112 Stat. 3062), is amended as follows:

(1) In subsection (b)(2), by striking ", described as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian." and inserting "located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:

"(A) Lots 1 through 12.

"(B) The S½N½ of such section.

"(C) The N½N½N½S½ of such section."; and

(2) By striking subsection (d).

SEC. 303. DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE ACT OF 1998.

(a) TRANSFER OF JURISDICTION.—Section 6(b) of the Dutch John Federal Property Disposition and Assistance Act of 1998 (Public Law 105–326; 112 Stat. 3044) is amended as follows:

16 USC 460v note.

(1) By striking the subsection heading and inserting the following: "ADDITIONAL TRANSFERS OF ADMINISTRATIVE JURISDICTION.—".

(2) By striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) TRANSFER FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over approximately 2,167 acres of lands and interests in land located in Duchesne and Wasatch Counties, Utah, that were acquired by the Secretary of the Interior for the Central Utah Project, as depicted on the maps entitled—

"(A) the 'Dutch John Townsite, Ashley National Forest, Lower Stillwater', dated February 1997;

"(B) the 'Dutch John Townsite, Ashley National Forest, Red Hollow (Diamond Properties)', dated February 1997; and

"(C) the 'Dutch John Townsite, Ashley National Forest, Coal Hollow (Current Creek Reservoir)', dated February 1997.

"(2) TRANSFER FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,450 acres of lands and interests in lands located in the Ashley National Forest, as depicted on the map entitled 'Ashley National Forest, Lands to be Transferred to the Bureau of Reclamation (BOR) from the Forest Service', dated February 1997.".

(3) In paragraph (3)(A), by striking the second sentence and inserting the following new sentence: "The boundaries of the Ashley National Forest and the Uinta National Forest are hereby adjusted to reflect the transfers required by this section.".

07-29-1999: Public Land Order# 7402, Transfer of Jurisdiction, BLM

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–942–1430–01; UTU 75302]

Public Land Order No. 7402; Transfer of Jurisdiction, Arches National Park Expansion; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order transfers jurisdiction of 3,140 acres of public land from the Bureau of Land Management to the National Park Service for the expansion of Arches National Park. This transfer of jurisdiction is directed by the Arches National Park Expansion Act of 1998 (Pub. L. 105–329).

EFFECTIVE DATE: July 29, 1999.

FOR FURTHER INFORMATION CONTACT: Mary von Koch, BLM Moab Field Office, 82 East Dogwood Avenue, Moab, Utah 84532, 435–259–2128.

By virtue of the authority vested in the Secretary of the Interior by Public Law 105–329, it is ordered as follows:

1. Subject to valid existing rights, jurisdiction of the following described public land, depicted on the map entitled "Boundary Map, Arches National Park, Lost Spring Canyon Addition", numbered 138/60,000–B, and dated April 1997, is hereby transferred to the National Park Service for the expansion of Arches National Park:

Salt Lake Meridian

Those lands, within the indicated lots and aliquot parts, lying below the 4600-foot contour line, except as noted:

T. 23 S., R. 21 E.,
- Sec. 13, E½SW¼ and W½SE¼;
- Sec. 23, SE¼SE¼NE¼;
- Sec. 24, W½NE¼, SE¼NE¼, E½NE¼NW¼, S½NW¼, and S½.

T. 23 S., R. 22 E.,
- Sec. 18, lots 1, 2, and 3, lots 5 to 8, inclusive, NE¼SW¼, N½SE¼SW¼, and W½NW¼SE¼;
- Sec. 19, lots 1 to 8, inclusive, SW¼NE¼NW¼, NW¼SE¼NW¼, S½SE¼NW¼, NE¼SW¼, SE¼SW¼, SW¼NW¼SE¼, SW¼SE¼, and E½SE¼SE¼;
- Sec. 20, N½NE¼, NE¼SW¼NE¼, NW¼SE¼NE¼, and W½, deviating on the east from the 4600-foot contour line;
- Sec. 30, lots 1 to 8, inclusive, E½W½, and E½.

Those lands, within the indicated aliquot parts, lying below the 4800-foot contour line:

T. 23 S., R. 22 E.,
- Sec. 20, SE¼;
- Sec. 21, N½N½NW¼, S½N½SW¼, SW¼SW¼, and W½SE¼SW¼;
- Sec. 28, NW¼NE¼, N½NW¼, N½S½NW¼, and N½NW¼SW¼;
- Sec. 29.

The area described contains approximately 3,140 acres in Grand County.

2. The following described State land is adjacent to Arches National Park:

Salt Lake Meridian

T. 23 S., R. 22 E.,
- Sec. 16.

The area described contains 640 acres in Grand County.

In the event the land described above returns to Federal ownership, jurisdiction of the land would automatically be transferred to the National Park Service, upon acquisition, for expansion of Arches National Park.

3. Future use of the land described in Paragraph 1 and the land described in Paragraph 2, if acquired by the United States, shall be in accordance with and subject to the provisions of Public Law 92–155, as amended by Public Law 105–329.

Dated: July 15, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99–19337 Filed 7–28–99; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–921–1430–01; WYW 83356–04]

Public Land Order No. 7405; Partial Revocation of Secretarial Orders dated February 2, 1924, and April 30, 1938, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two Secretarial orders insofar as they affect 40 acres of public land withdrawn for stock driveway purposes. The land is no longer needed for the purpose for which it was withdrawn, and the revocation is needed to permit disposal of the land through exchange. This action will open the land to surface entry unless closed by overlapping withdrawals or temporary segregations of record. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: August 30, 1999.

FOR FURTHER INFORMATION CONTACT: Janet Booth, BLM Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307–775–6124.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Secretarial Orders of February 2, 1924, and April 30, 1938, which withdrew public land for Stock Driveway No. 128 (Wyoming 13), are hereby revoked insofar as they affect the following described land:

Sixth Principal Meridian

T. 43 N., R. 86 W.,
- Sec. 21, NE¼NE¼.

The area described contains 40 acres in Washakie County.

2. At 9 a.m. on August 30, 1999, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on August 30, 1999, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: July 15, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99–19333 Filed 7–28–99; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–050–09–1430–01; AA–58926, AA–58927]

Lease of Public Land; Paxson Lake, AK

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: This notice of realty action involves a proposal for two non-competitive 5 year renewable commercial leases to Roger Butler, Standing Bear Guide Service. The leases are intended to resolve the unintentional occupancy trespass involving two existing commercial recreational facilities related to guiding and outfitting activities on public land.

DATES: Comments and an application must be received on or before September 13, 1999.

ADDRESSES: Comments and an application must be submitted to the Glennallen District Management Team, P.O. Box 147, Glennallen, Alaska 99588–0147.

FOR FURTHER INFORMATION CONTACT: David Mushovic (907) 822–3217.

SUPPLEMENTARY INFORMATION: The two one acre sites examined and found suitable for leasing under the provision of Sec. 302 of the Federal Land Policy

United States Department of the Interior

OFFICE OF THE SOLICITOR
SUITE 6201, FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84138

January 5, 1999

BLM C TITL

MEMORANDUM

To: Regional Director, Intermountain Region, National Park Service

From: Field Solicitor, Salt Lake City Field Office, Pacific Southwest Region

Subject: Request for Final Title Opinion, Arches National Park-Grand County

FINAL TITLE OPINION

The Utah Schools and Lands Exchange Act of 1998, Pub.L. 105-335, 12 Stat. 3139 (1998), provides for the conveyance to the United States of Utah State school sections which are inholdings within Federal Lands.

We have examined your file for the subject transaction submitted to us with the request for a final title opinion, for the tracts described in attached Patent. The file contains the following documents:

(1) Patent from the State of Utah to the United States of America for the tracts identified, and recorded in the Grand County, Utah, Recorder's Office on December 28, 1998;

(2) Title Certificate from the State of Utah signed by David T. Terry, Director, School and Institutional Trust Lands Administration, certifying that the tracts indicated in the patent were conveyed to the State of Utah by the United States and that the state records indicate that from inception that neither the Territory or the State of Utah has sold, conveyed, or in any manner transferred its title in or to these lands. The patent indicates that it is subject to rights-of-way, leases, permits and other encumbrances as indicated;

(3) Administrative determination by the Bureau of Land Management (BLM) indicating that these encumbrances are acceptable to the BLM;

(4) Certificates of inspection and possession for each tract; and

(5) Level 1 or level 2 contaminant surveys for each tract.

Pursuant to the delegation of authority to this office, we find satisfactory title to the subject tracts identified in the patent to be vested in the United States.

BRUCE HILL
Field Solicitor

DAVID K. GRAYSON
Attorney

Attachment - File

STATE OF UTAH
EXCHANGE PATENT NO. 19221

WHEREAS, pursuant to the Utah Schools and Lands Exchange Act of 1998, Pub. L. 105-335, (1998) the UNITED STATES OF AMERICA is required to convey to the State of Utah certain federal lands and assets in exchange for the trust lands hereinafter described;

NOW THEREFORE I, MICHAEL O. LEAVITT, Governor, by virtue of the power and authority vested in me by the laws of the State of Utah, do issue this PATENT, in the name and by the authority of the State of Utah, hereby granting and confirming to UNITED STATES OF AMERICA, and to its successors and assigns forever, the following tracts or parcels of land in the Arches National Park, situated in the County of Grand, State of Utah, to-wit:

Parcel No. 36
Township 23 South, Range 20 East, SLB&M
Section 2: Lots 1-4, S½N½, S½ (All) [Surface and Minerals]
Containing 665.24 acres, more or less

Parcel No. 37
Township 23 South, Range 20 East, SLB&M
Section 35: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 38
Township 23 South, Range 20 East, SLB&M
Section 36: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 39
Township 23 South, Range 21 East, SLB&M
Section 32: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 40
Township 23 South, Range 21 East, SLB&M
Section 36: All [Surface and Minerals]
Containing 640.00 acres, more or less

E 446703 B 0527 P 356
Date 28-DEC-1998 11:56am
Fee: 30.00 Cash
MERLENE MOSHER, Recorder
Filed By MM
For UTAH TRUST LANDS ADMINISTRATIO
GRAND COUNTY CORPORATION

ARCHES NP DEED NO. 16

Parcel No. 41
Township 23 South, Range 22 East, SLB&M
Section 32: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 42
Township 24 South, Range 20 East, SLB&M
Section 1: Lots 1-4, S½N½, S½ (All) [Surface and Minerals]
Containing 637.28 acres, more or less

Parcel No. 43
Township 24 South, Range 21 East, SLB&M
Section 2: S½ [Minerals only]
Containing 320.00 acres, more or less

Parcel No. 44
Township 24 South, Range 21 East, SLB&M
Section 16: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 45
Township 24 South, Range 21 East, SLB&M
Section 32: All [Surface and Minerals]
Containing 640.00 acres, more or less

Parcel No. 46
Township 24 South, Range 21 East, SLB&M
Section 36: S½ [Surface and Minerals]
Containing 320.00 acres, more or less

Parcel No. 47
Township 24 South, Range 22 East, SLB&M
Section 32: SW¼, W½SE¼ [Surface and Minerals]
Containing 240.00 acres, more or less

Parcel No. 48
Township 25 South, Range 21 East, SLB&M
Section 2: Lots 1-4, S½N½, S½ (All) [Surface and Minerals]
Containing 639.92 acres, more or less

Parcel No. 49
Township 25 South, Range 22 East, SLB&M
Section 16: N½NW¼ [Surface and Minerals]
Containing 80.00 acres, more or less

The above parcels aggregate 7,062.44 surface acres and 7,382.44 mineral acres, more or less.

TO HAVE AND TO HOLD the above described and granted premises unto the said UNITED STATES OF AMERICA, and to its successors and assigns forever, subject to the following leases, easements, and permits:

1. Grazing Permit No. 20550; issued to Canyonlands Cattle Co. Ltd.; expires April 30, 2011 (affects Parcel Nos. 37, 38, 42).

2. Grazing Permit No. 21258; issued to Taylor Livestock Corp.; expires April 30, 1999 (affects Parcel No. 40).

3. Grazing Permit No. 22839; issued to Lowell Klinglesmith & LoAnn Klinglesmith; expires April 30, 2001 (affects Parcel No. 41).

4. Mineral Lease No. 47312--oil, gas, and hydrocarbon; issued to GCRL Energy, LTD; expires August 31, 2006 (affects Parcel No. 41).

Subject to any valid, existing easement or right of way of any kind and any right, interest, reservation or exception appearing of record, and subject also to all rights of way for ditches, tunnels, and telephone and transmission lines that have been or may be constructed by authority of the United States as provided by Statute.

Further subject to all applicable provisions of that certain Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America, dated May 8, 1998, as ratified by the Utah Schools and Lands Exchange Act of 1998, Pub. L. 105-335, (1998), including, without limitation, Section 4(A) (Valid Existing Rights), Section 7 (Grazing Permits) and Section 9 (Surface Use and Rights of Way).

FOR AND IN CONSIDERATION of the receipt of those certain federal lands and assets to be conveyed to the State of Utah by the United States pursuant to the Utah School and Lands Exchange Act of 1998, Pub. L. 105-335, (1998).

IN TESTIMONY WHEREOF, I have caused the great seal of the State of Utah to be hereunto affixed. Done at Salt Lake City, this ninth day of December in the year of our Lord, one thousand nine hundred and ninety-eight, and of the independence of the United States of America the two hundred and twenty-third, and in the one hundred and third year of the State of Utah.

By the Governor:

Michael O. Leavitt

Olene S. Walker
Lieutenant Governor

David T. Terry, Director
School and Institutional
Trust Lands Administration

APPROVED AS TO FORM
Jan Graham
Attorney General

By
Special Assistant Attorney General

Recorded Patent Book 39 Page 21
Exchange No. 205
Fund: School

Public Law 105–335
105th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 31, 1998
[H.R. 3830]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah Schools and Lands Exchange Act of 1998.
16 USC 431 note [table].

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Schools and Lands Exchange Act of 1998".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The State of Utah owns approximately 176,600 acres of land, as well as approximately 24,165 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of the Grand Staircase-Escalante National Monument, established by Presidential proclamation on September 18, 1996, pursuant to section 2 of the Antiquities Act of 1906 (16 U.S.C. 431). The State of Utah also owns approximately 200,000 acres of land, and 76,000 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of several units of the National Park System and the National Forest System, and within certain Indian reservations in Utah. These lands were granted by Congress to the State of Utah pursuant to the Utah Enabling Act (chap. 138, 28 Stat. 107 (1894)), to be held in trust for the benefit of the State's public school system and other public institutions.

(2) Many of the State school trust lands within the monument may contain significant economic quantities of mineral resources, including coal, oil, and gas, tar sands, coalbed methane, titanium, uranium, and other energy and metalliferous minerals. Certain State school trust lands within the Monument, like the Federal lands comprising the Monument, have substantial noneconomic scientific, historic, cultural, scenic, recreational, and natural resources, including ancient Native American archeological sites and rare plant and animal communities.

(3) Development of surface and mineral resources on State school trust lands within the Monument could be incompatible with the preservation of these scientific and historic resources for which the Monument was established. Federal acquisition of State school trust lands within the Monument would eliminate this potential incompatibility, and would enhance management of the Grand Staircase-Escalante National Monument.

(4) The United States owns lands and interest in lands outside of the Monument that can be transferred to the State of Utah in exchange for the Monument inholdings without jeopardizing Federal management objectives or needs.

(5) In 1993, Congress passed and the President signed Public Law 103–93, which contained a process for exchanging State of Utah school trust inholdings in the National Park System, the National Forest System, and certain Indian reservations in Utah. Among other things, it identified various Federal lands and interests in land that were available to exchange for these State inholdings.

(6) Although Public Law 103–93 offered the hope of a prompt, orderly exchange of State inholdings for Federal lands elsewhere, implementation of the legislation has been very slow. Completion of this process is realistically estimated to be many years away, at great expense to both the State and the United States in the form of expert witnesses, lawyers, appraisers, and other litigation costs.

(7) The State also owns approximately 2,560 acres of land in or near the Alton coal field which has been declared an area unsuitable for coal mining under the terms of the Surface Mining Control and Reclamation Act. This land is also administered by the Utah School and Institutional Trust Lands Administration, but its use is limited given this declaration.

(8) The large presence of State school trust land inholdings in the Monument, national parks, national forests, and Indian reservations make land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(9) It is in the public interest to reach agreement on exchange of inholdings, on terms fair to both the State and the United States. Agreement saves much time and delay in meeting the expectations of the State school and institutional trusts, in simplifying management of Federal and Indian lands and resources, and in avoiding expensive, protracted litigation under Public Law 103–93.

(10) The State of Utah and the United States have reached an agreement under which the State would exchange all its State school trust lands within the Monument, and specified inholdings in national parks, forests, and Indian reservations that are subject to Public Law 103–93, for various Federal lands and interests in lands located outside the Monument, including Federal lands and interests identified as available for exchange in Public Law 103–93 and additional Federal lands and interests in lands.

(11) The State school trust lands to be conveyed to the Federal Government include properties within units of the National Park System, the National Forest System, and the Grand Staircase-Escalante National Monument. The Federal assets made available for exchange with the State were selected with a great sensitivity to environmental concerns and a belief and expectation by both parties that Federal assets to be conveyed to the State would be unlikely to trigger significant environmental controversy.

(12) The parties agreed at the outset of negotiations to avoid identifying Federal assets for conveyance to the State where any of the following was known to exist or likely to

be an issue as a result of foreseeable future uses of the land: significant wildlife resources, endangered species habitat, significant archaeological resources, areas of critical environmental concern, coal resources requiring surface mining to extract the mineral deposits, wilderness study areas, significant recreational areas, or any other lands known to raise significant environmental concerns of any kind.

(13) The parties further agreed that the use of any mineral interests obtained by the State of Utah where the Federal Government retains surface and other interest, will not conflict with established Federal land and environmental management objectives, and shall be fully subject to all environmental regulations applicable to development of non-Federal mineral interest on Federal lands.

(14) Because the inholdings to be acquired by the Federal Government include properties within the boundaries of some of the most renowned conservation land units in the United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve many longstanding environmental conflicts and further the interest of the State trust lands, the school children of Utah, and these conservation resources.

(15) The Congress finds that, under this Agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests and payments to be conveyed to the State of Utah by the United States, are approximately equal in value.

(16) The purpose of this legislation is to enact into law and direct prompt implementation of this historic agreement.

SEC. 3. RATIFICATION OF AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands, Federal mineral interests, and payment of money for lands and mineral interests managed by the Utah School and Institutional Trust Lands Administration, lands and mineral interests of approximately equal value inheld within the Grand Staircase-Escalante National Monument the Goshute and Navajo Indian Reservations, units of the National Park System, the National Forest System, and the Alton coal fields.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" (herein referred to as "the Agreement") are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, the State of Utah, and Utah School and Institutional Trust Lands Administration (herein referred to as "SITLA"), as a matter of Federal law.

SEC. 4. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.

(b) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(c) CONFLICT.—In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

SEC. 6. REPEAL OF PUBLIC LAW 103–93 AND PUBLIC LAW 104–211.

The provisions of Public Law 103–93 (107 Stat. 995), other than section 7(b)(1), section 7(b)(3), and section 10(b) thereof, are hereby repealed. Public Law 104–211 (110 Stat. 3013) is hereby repealed.

SEC. 7. CASH PAYMENT PREVIOUSLY AUTHORIZED.

As previously authorized and made available by section 7(b)(1) and (b)(3) of Public Law 103–93, upon completion of all conveyances described in the Agreement, the United States shall pay $50,000,000 to the State of Utah from funds not otherwise appropriated from the Treasury.

SEC. 8. SCHEDULE FOR CONVEYANCES.

All conveyances under sections 2 and 3 of the agreement shall be completed within 70 days after the enactment of this Act.

Approved October 31, 1998.

LEGISLATIVE HISTORY—H.R. 3830:

HOUSE REPORTS: No. 105–598 (Comm. on Resources).
SENATE REPORTS: No. 105–331 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):
June 24, considered and passed House.
Oct. 9, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):
Oct. 31, Presidential statement.

O

ARCHES NATIONAL PARK EXPANSION ACT OF 1998

Public Law 105–329
105th Congress

An Act

Oct. 30, 1998
[S. 2106]

To expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arches National Park Expansion Act of 1998.
16 USC 272 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arches National Park Expansion Act of 1998".

SEC. 2. EXPANSION OF ARCHES NATIONAL PARK, UTAH.

(a) BOUNDARY EXPANSION.—The first section of Public Law 92–155 (16 U.S.C. 272) is amended—

(1) by striking "That (a) subject to" and inserting the following:

"SECTION 1. ESTABLISHMENT OF PARK.

"(a) IN GENERAL.—

"(1) INITIAL BOUNDARIES.—Subject to"; and

(2) by striking "Such map" and inserting the following:

Effective date.

"(2) EXPANDED BOUNDARIES.—Effective on the date of enactment of this paragraph, the boundary of the park shall include the area consisting of approximately 3,140 acres and known as the 'Lost Spring Canyon Addition', as depicted on the map entitled 'Boundary Map, Arches National Park, Lost Spring Canyon Addition', numbered 138/60,000–B, and dated April 1997.

"(3) MAPS.—The maps described in paragraphs (1) and (2)".

(b) INCLUSION OF LAND IN PARK.—Section 2 of Public Law 92–155 (16 U.S.C. 272a) is amended—

(1) by striking "SEC. 2. The Secretary" and inserting the following:

"SEC. 2. ACQUISITION OF PROPERTY.

"(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) LOST SPRING CANYON ADDITION.—As soon as practicable after the date of enactment of this subsection, the Secretary shall transfer jurisdiction over the Federal land contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service.".

(c) LIVESTOCK GRAZING.—Section 3 of Public Law 92–155 (16 U.S.C. 272b) is amended—

or assigns) of the natural gas pipeline and related facilities located in the Lost Spring Canyon Addition on the date of enactment of this paragraph.".

16 USC 272g note.

(e) EFFECT ON SCHOOL TRUST LAND.—

(1) FINDINGS.—Congress finds that—

(A) a parcel of State school trust land, more specifically described as section 16, township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a);

(B) the parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel; and

(C) it is in the interest of the State of Utah and the United States for the parcel to be exchanged for Federal land of equivalent value outside the Lost Spring Canyon Addition to permit Federal management of all lands within the Lost Spring Canyon Addition.

(2) LAND EXCHANGE.—Public Law 92–155 (16 U.S.C. 272 et seq.) is amended by adding at the end the following:

16 USC 272g.

"SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LAND.

"(a) EXCHANGE REQUIREMENT.—

"(1) IN GENERAL.—If, not later than 1 year after the date of enactment of this section, and in accordance with this section, the State of Utah offers to transfer all right, title, and interest of the State in and to the school trust land described in subsection (b)(1) to the United States, the Secretary—

"(A) shall accept the offer on behalf of the United States; and

Deadline.

"(B) not later than 180 days after the date of acceptance, shall convey to the State of Utah all right, title, and interest of the United States in and to the land described in subsection (b)(2).

"(2) SIMULTANEOUS CONVEYANCES.—Title to the school trust land shall be conveyed at the same time as conveyance of title to the Federal lands by the Secretary.

"(3) VALID EXISTING RIGHTS.—The land exchange under this section shall be subject to valid existing rights, and each party shall succeed to the rights and obligations of the other party with respect to any lease, right-of-way, or permit encumbering the exchanged land.

"(b) DESCRIPTION OF PARCELS.—

"(1) STATE CONVEYANCE.—The school trust land to be conveyed by the State of Utah under subsection (a) is section 16, Township 23 South, Range 22 East of the Salt Lake base and meridian.

"(2) FEDERAL CONVEYANCE.—The Federal land to be conveyed by the Secretary consists of approximately 639 acres, described as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.

"(3) EQUIVALENT VALUE.—The Federal land described in paragraph (2) shall be considered to be of equivalent value to that of the school trust land described in paragraph (1).

"(c) MANAGEMENT BY STATE.—

"(1) IN GENERAL.—At least 60 days before undertaking or permitting any surface disturbing activities to occur on land acquired by the State of Utah under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal land and resources and conduct, in a manner consistent with Federal law, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands.

"(2) PRESERVATION OF EXISTING USES.—To the extent that it is consistent with applicable law governing the use and disposition of State school trust land, the State shall preserve existing grazing, recreational, and wildlife uses of the acquired lands in existence on the date of enactment of this section.

"(3) ACTIVITIES AUTHORIZED BY MANAGEMENT PLAN.—Nothing in this subsection precludes the State of Utah from authorizing or undertaking a surface or mineral activity that is authorized by a land management plan for the acquired land.

"(d) IMPLEMENTATION.—Administrative actions necessary to implement the land exchange under this section shall be completed not later than 180 days after the date of enactment of this section.".

Approved October 30, 1998.

LEGISLATIVE HISTORY—S. 2106 (H.R. 2283):

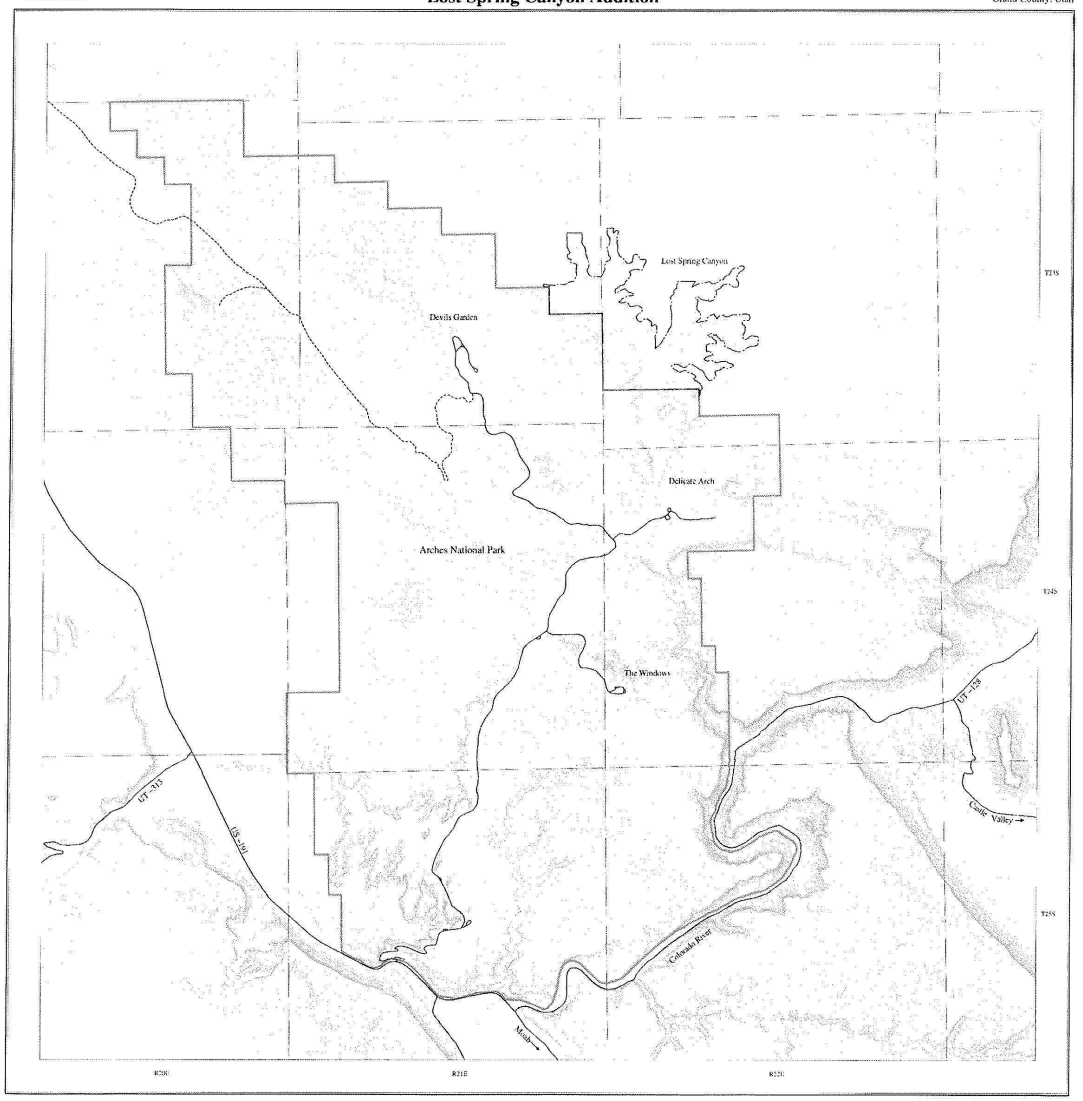
HOUSE REPORTS: No. 105–385 accompanying H.R. 2283 (Comm. on Resources).
SENATE REPORTS: No. 105–330 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):
Oct. 2, considered and passed Senate.
Oct. 10, considered and passed House.

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United States
Department of the Interior
National Park Service

Boundary Map - Arches National Park
Lost Spring Canyon Addition

Grand County, Utah

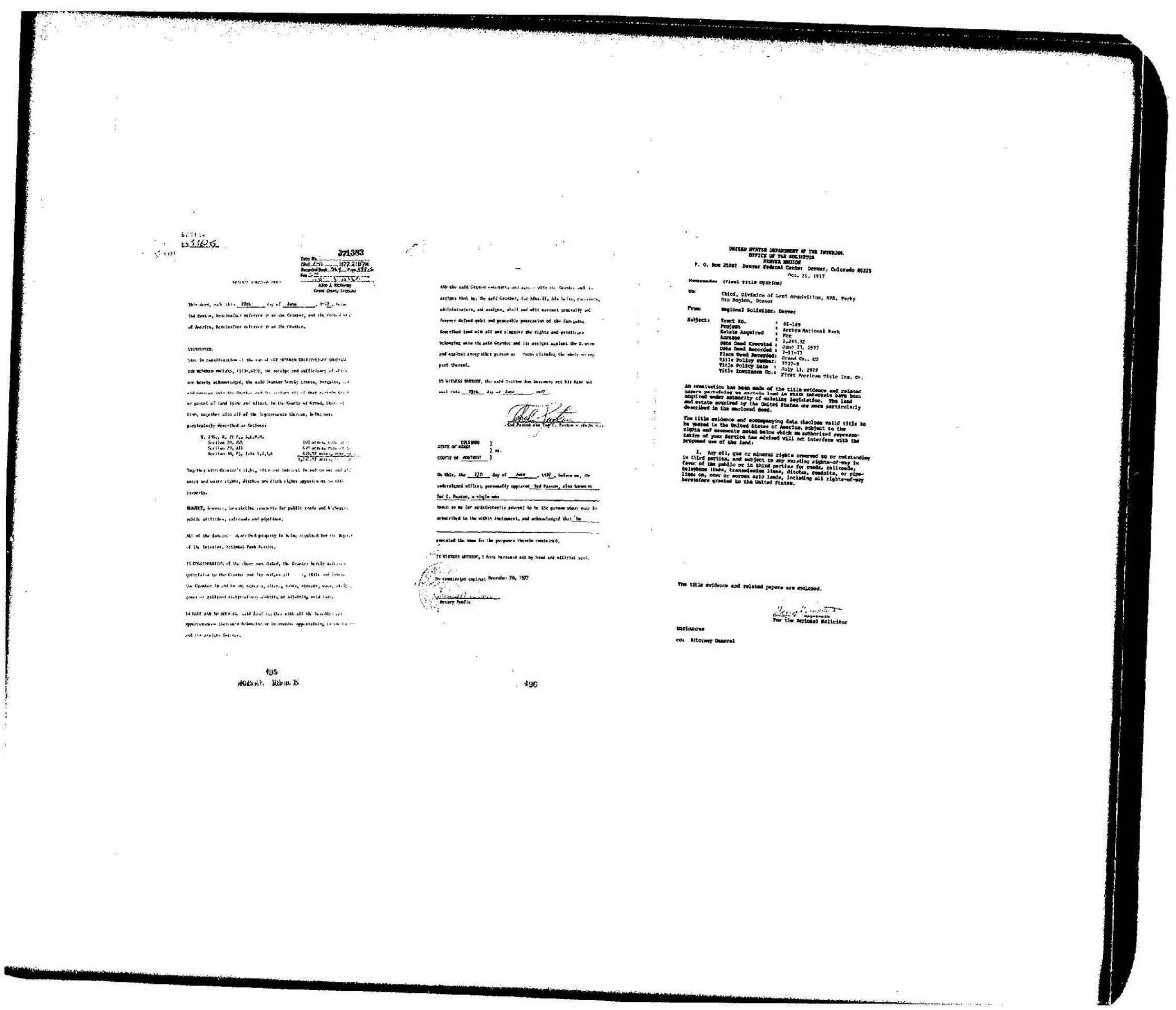


Acreage:
Existing Arches National Park ..... 73,390 Acres
Lost Spring Canyon (Admin) ..... 3,140 Acres
Total ..... 76,530 Acres

Created by Jim Olds
Southwest Field Area
National Park Service

- Existing Arches National Park
- Lost Spring Canyon addition (S. 2106 / H.R. 2283)
- Colorado River
- Existing Arches National Park boundary
- Lost Spring Canyon addition (S. 2106 / H.R. 2283)
- Paved road
- Unpaved road
- 15 Mile reservoir

06-27-1977: Title and Warranty Deed, Tract 01-149



Serial No. 3-51215

271583

This deed, made this 27th day of June, 1977, between Ted Parson, hereinafter referred to as the Grantor, and the United States of America, hereinafter referred to as the Grantee,

WITNESSETH:

That in consideration of the sum of FIVE HUNDRED FORTY-EIGHT AND NO/100 DOLLARS ($548.00), the receipt and sufficiency of which are hereby acknowledged, the said Grantor hereby transfers, bargains, sells and conveys unto the Grantee and his assigns all of that certain tract or parcel of land lying and situate in the County of Grand, State of Utah, together with all of the improvements thereon, hereinafter particularly described or referred:

S. 19½, N. 19 Fgt Salt/Pt
Section 30, NE
Section 19, All
Section 30, Fgt Lots 1,2,3,4

Together with Grantor's rights, title and interest in and to any and all water and water rights, ditches and ditch rights appurtenant to said properties.

EXCEPT, however, from the above conveyed for public roads and highways, public utilities, railroads and pipelines.

All of the foregoing described property is also acquired subject to the terms of the Glenwood Park Permits.

IT IS UNDERSTOOD, that the above conveyed, the Grantor hereby makes no warranties, expressed or implied, as to the title of the Grantee and his assigns, all title and interest the Grantor has and to any rights, claims, liens, encumbrances, or defects of title, whether of record or not.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 27th day of June, 1977.

Ted Parson

STATE OF UTAH)
) ss.
COUNTY OF GRAND)

On this, the 27th day of June, 1977, before me, the undersigned officer, personally appeared Ted Parson, also known as Ted C. Parson, a single man

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires: December 20, 1977

Recorded at request of Grantee

405

490

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
DENVER REGION
P. O. Box 25007 Denver Federal Center Denver, Colorado 80225

Dec. 21, 1977

Memorandum (Final Title Opinion)

To: Chief, Division of Land Acquisition, NPS, Rocky Mountain Region, Denver

From: Regional Solicitor, Denver

Subject: Tract No. 01-149
Parcel No. 1
Estate Acquired Access
Acreage 1.001.92
Date Deed Executed June 27, 1977
Place Deed Recorded Grand Co., CO
Title Policy number 0179-1
Title Policy date 12:00 A.M. 1977
Title Insurance Co. First American Title Ins. Co.

An examination has been made of the title evidence and related papers furnished to certain land in which interests have been acquired by the United States of America, subject to the rights and reservations retained by the owners thereof, under the authority of existing legislation. The land involved is described in the enclosed deed.

The title evidence and accompanying data discloses valid title to the interest in the United States of America, subject to the rights and reservations set forth below which in our opinion will not interfere with the proposed use of the land.

1. Any oil, gas or mineral rights reserved to or outstanding in third parties, and any rights-of-way in favor of the public or in third parties for roads, railroads, telephone lines, transmission lines, ditches, canals, reservoirs, pipe-lines or, ways or, across said lands, including all rights-of-way appurtenant thereto to the United States.

The title evidence and related papers are enclosed.

Acting Regional Solicitor
For the Regional Solicitor

Enclosures

cc: Attorney General

Public Law 94–578
94th Congress

An Act

Oct. 21, 1976
[H.R. 13713]

To provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Park System.
Appropriation ceilings increase; boundary changes.

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

16 USC 272f. (1) Arches National Park, Utah: section 7 of the Act of November 12, 1971 (85 Stat. 422), is amended by changing "$125,000" to "$275,000";

16 USC 459f-10. (2) Assateague Island National Seashore, Maryland and Virginia: section 11 of the Act of September 21, 1965 (79 Stat. 824), as amended (16 U.S.C. 459f), is further amended by changing "$21,050,000" to "$22,400,000";

16 USC 460m-14. (3) Buffalo National River, Arkansas: section 7 of the Act of March 1, 1972 (86 Stat. 44), is amended by changing "$16,115,000" to "$30,071,500";

16 USC 273f. (4) Capitol Reef National Park, Utah: section 7 of the Act of December 18, 1971 (85 Stat. 739), is amended by changing "$423,000" to "$2,173,000";

16 USC 459e-9. (5) Fire Island National Seashore, New York: section 10 of the Act of September 11, 1964 (78 Stat. 928), is amended by changing "$16,000,000" to "$18,000,000";

16 USC 459h-10. (6) Gulf Islands National Seashore, Florida and Mississippi: section 11 of the Act of January 8, 1971 (84 Stat. 1967), is amended by changing "$3,462,000" to "$22,162,000";

16 USC 461 note. (7) Lincoln Home National Historic Site, Illinois: section 3 of the Act of August 18, 1971 (85 Stat. 347), is amended by changing "$2,003,000" to "$3,059,000";

16 USC 111e. (8) Mesa Verde National Park, Colorado: section 3 of the Act of December 23, 1963 (77 Stat. 473), is amended by changing "$125,000" to "$193,233";

16 USC 90d-5. (9) North Cascades National Park and Lake Chelan National Recreation Area, Washington: section 506 of the Act of October 2, 1968 (82 Stat. 926), is amended by changing "$3,500,000" to $4,500,000";

16 USC 461 note. (10) Saint-Gaudens National Historic Site, New Hampshire: section 6 of the Act of August 31, 1964 (78 Stat. 749), is amended by adding a new sentence as follows: "For the acquisition of lands or interest therein, there is authorized to be appropriated not to exceed $80,000.";

(11) Scotts Bluff National Monument, Nebraska: section 3 of the Act of June 30, 1961 (75 Stat. 148), is amended by changing "$15,000" to "$145,000";

16 USC 271g. (12) Canyonlands National Park, Utah: section 8 of the Act of September 12, 1964 (78 Stat. 934) as amended (85 Stat. 421) is further amended by changing "$16,000" to "$104,500"; and

SEE OMNIBUS BILL BOOK II FOR BACKGROUND MATERIAL

(13) Padre Island National Seashore, Texas: section 8 of the Act of September 28, 1962 (76 Stat. 650) is amended by changing "$5,000,000" to "$5,350,000". 16 USC 459d-7.

TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for development of units of the National Park System contained in the following Acts are amended as follows:

(1) Andrew Johnson National Historic Site, Tennessee: section 3 of the Act of December 11, 1963 (77 Stat. 350), is amended by changing "$66,000" to "$266,000"; 16 USC 461 note.

(2) Arkansas Post National Memorial, Arkansas: section 3 of the Act of July 6, 1960 (74 Stat. 334), as amended (80 Stat. 339), is further amended by changing "$550,000" to "$2,750,000"; 16 USC 431 note.

(3) Chamizal National Memorial, Texas: section 5 of the Act of June 30, 1966 (80 Stat. 232), is amended by changing "$2,060,000" to "$5,063,000"; 16 USC 431 note.

(4) Fort Larned National Historic Site, Kansas: section 3 of the Act of August 31, 1964 (78 Stat. 748), is amended by changing "$1,273,000" to "$4,273,000"; 16 USC 461 note.

(5) Golden Spike National Historic Site, Utah: section 3 of the Act of July 30, 1965 (79 Stat. 426), is amended by changing "$1,168,000" to "$5,422,000"; 16 USC 461 note.

(6) Jefferson National Expansion Memorial National Historic Site, Missouri: section 4 of the Act of May 17, 1954 (68 Stat. 98), as amended (16 U.S.C. 450jj), is further amended by changing "$23,250,000" to "$32,750,000"; 16 USC 450jj note.

(7) Saint Gaudens National Historic Site, New Hampshire: section 6 of the Act of August 31, 1964 (78 Stat. 749), is amended by changing "$210,000" to "$2,677,000"; 16 USC 461 note.

(8) Vicksburg National Military Park, Mississippi: section 3 of the Act of June 4, 1963 (77 Stat. 55), is amended by changing "$2,050,000" to "$3,850,000"; 16 USC 430h-5.

(9) Channel Islands National Monument, California: paragraph (1) of section 201 of the Act of October 26, 1974 (88 Stat. 1445, 1446), is amended by changing "$2,936,000" to "$5,452,000"; and

(10) Nez Perce National Historical Park, Idaho: section 7 of the Act of May 15, 1965 (79 Stat. 110) is amended by changing "$1,337,000" to "$4,100,000". 16 USC 281f.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. The Act of September 21, 1965 (79 Stat. 824), as amended (16 U.S.C. 459f), providing for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, is further amended by repealing sections 7 and 9 in their entirety, and by adding the following new section 12: Repeal. 16 USC 459f-6, 459f-8.

"SEC. 12. (a) Within two years of the date of enactment of this section, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives a comprehensive plan for the protection, management, and use of the seashore, to include but not be limited to the following considerations: Comprehensive plan, transmittal to congressional committees. 16 USC 459f-11.

"(1) measures for the full protection and management of the natural resources and natural ecosystems of the seashore;

"(2) present and proposed uses of the seashore and the lands and waters adjacent or related thereto, the uses of which would reasonably be expected to influence the administration, use, and environmental quality of the seashore;

"(3) plans for the development of facilities necessary and appropriate for visitor use and enjoyment of the seashore, with identification of resource and user carrying capacities, along with the anticipated costs for all proposed development;

"(4) plans for visitor transportation systems integrated and coordinated with lands and facilities adjacent to, but outside of, the seashore; and

"(5) plans for fostering the development of cooperative agreements and land and resource use patterns outside the seashore which would be compatible with the protection and management of the seashore.

"(b) Notwithstanding any other provision of law, no Federal loan, grant, license, or other form of assistance for any project which, in the opinion of the Secretary would significantly adversely affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without first consulting with the Secretary to determine whether or not such project is consistent with the plan developed pursuant to this section and allowing him at least thirty days to comment in writing on such proposed action.".

Publication in Federal Register.

SEC. 302. (a) The Secretary of the Interior is authorized to designate by publication of a map or other boundary description in the Federal Register certain areas of scenic, historic, and geological significance including portions of No Thoroughfare Canyon and Red Canyon, but not to exceed two thousand eight hundred acres, for addition to Colorado National Monument, Colorado. Within the areas so designated the Secretary may acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange. Property so acquired and any Federal property so designated shall thereupon become part of the Colorado National Monument, subject to the laws and regulations applicable to the monument.

Land acquisition.

Appropriation authorization.

(b) There is authorized to be appropriated not to exceed $460,000 for the acquisition of lands and interests therein.

16 USC 431 note.

SEC. 303. Section 4 of the Act approved August 31, 1965 (79 Stat. 588), as amended (87 Stat. 456), providing for the commemoration of certain historical events in the State of Kansas, is further amended by changing "$1,420,000" to "$2,000,000".

SEC. 304. (a) In order to facilitate the administration of certain areas of the National Park System located in Montgomery County, Maryland, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") may transfer, without monetary reimbursement, to the jurisdiction of the Director of the National Park Service in Montgomery County, Maryland, as set forth in the drawing entitled "Transfer of Land for Washington Aqueduct Shops and Storehouse Projects", numbered 40.1—103.3—1, and dated January 30, 1970 (a copy of which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior), and which the Secretary of the Army has had use of under a permit dated March 5, 1965, issued by the Director of the National Park Service.

Land transfer.

(b) The Secretary of the Army may transfer, without monetary reimbursement, to the jurisdiction of the Secretary the land located in Montgomery County, Maryland, administered by the Secretary of the Army as part of the Washington Aqueduct at the Dalecarlia Shops

area, as set forth in the drawing of January 30, 1970, specified in subsection (a).

SEC. 305. Section 2(c) of the Act of October 4, 1961 (75 Stat. 780), providing for the preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, as amended (88 Stat. 1304), is further amended by changing the fifth sentence by deleting "parcels A, B, C, and D" and inserting in lieu thereof "parcels A, B, and C".

Land acquisition.
16 USC 461 note.

SEC. 306. Section 3 of the Act of August 31, 1964 (78 Stat. 749), authorizing the establishment of the Saint-Gaudens National Historic Site, New Hampshire, is amended by adding the following sentence: "Following such establishment the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed sixty-four acres of lands and interests therein which he deems necessary for addition to the national historical site and which, when acquired, shall become a part of the site.".

Saguaro National Monument, Ariz., boundary revision.

SEC. 307. (a) The boundary of the Saguaro National Monument is hereby revised to include the area as generally depicted on the map entitled "Boundary Map, Saguaro National Monument, Pima County, Arizona", numbered 151-91,001-C, and dated July 1976, which map shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior. The Secretary of the Interior may acquire property within the revised boundary by donation, purchase, transfer from any other Federal agency, exchange, or by any other means. The monument shall hereafter be administered in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

Appropriation authorization.

(b) There is authorized to be appropriated not to exceed $1,700,000 in the acquisition of lands and interests added to the Saguaro Monument pursuant to subsection (a).

Appomattox Court House National Historical Park, Va.
16 USC 450e-1.

SEC. 308. (a) The Appomattox Court House National Historical Park shall hereafter comprise the area depicted on the map entitled "Boundary Map, Appomattox Court House National Historical Park", numbered 340-20,000A, and dated September 1976, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Land acquisition.

(b) Within the boundaries of the park, the Secretary may acquire lands and interests in lands, by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Virginia or its political subdivisions may be acquired only by donation.

Property retained.

(c)(1) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition, less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law

Fair market value.

Termination.

upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

"Improved property."

(2) As used in this Act, the term "improved property" means a detached, single-family dwelling, construction of which was begun before June 8, 1976, which is used for noncommercial residential purposes, together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(3) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101(6) of such Act.

42 USC 4623–4626.

Administration.

(d) The Secretary shall administer the park in accordance with the Acts of August 25, 1916 (39 Stat. 535), as amended and supplemented, and August 21, 1935 (49 Stat. 666) as amended.

Repeals. 16 USC 450b, 450c, 450d, 450d-1, 450e.

(e) The Acts of June 18, 1930 (46 Stat. 777), August 13, 1935 (49 Stat. 613), and July 17, 1953 (67 Stat. 181), are repealed.

Appropriation authorization.

(f) There are authorized to be appropriated not to exceed $1,335,000 to carry out the purposes of this Act.

Bandelier National Monument, N. Mex., land acquisition.

SEC. 309. (a) That the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange approximately four thousand two hundred and thirty-four acres comprising part of the Canada de Cochiti Grant adjacent to the southern boundary of Bandelier National Monument, New Mexico, and approximately three thousand and seventy-six acres containing the headwaters of the Rito de los Frijoles adjacent to the northwestern boundary for addition to the monument. Lands and interests therein owned by the State of New Mexico or any political subdivision thereof may be acquired only by donation or exchange.

(b) Lands and interests therein acquired pursuant to this Act shall thereupon become part of Bandelier National Monument and subject to all laws and regulations applicable thereto.

Appropriation authorization. 16 USC 460m-14.

(c) There are hereby authorized to be appropriated not to exceed $1,463,000 for the acquisition of land.

SEC. 310. Section 7 of the Act of March 1, 1972 (86 Stat. 44) which establishes the Buffalo National River, is amended by deleting "For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,923,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended." and inserting in lieu thereof "For development of the national river, there are authorized to be appropriated not to exceed $9,371,000.".

SEC. 311. The Act of September 5, 1962 (76 Stat. 428) which designates the Edison National Historic Site, is amended (a) by deleting the words "accept the donation of" in section 2 and substituting the words "acquire, by donation, or purchase with donated or appropriated funds,"; and (b) by adding the following new section:

Appropriation authorization.

"SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed

$75,000 for acquisition of lands or interests therein, and $1,695,000 for development.".

SEC. 312. The Act of September 13, 1961 (75 Stat. 489), authorizing the establishment of the Fort Smith National Historic Site, Arkansas, is amended as follows: 16 USC 461 note.

(a) in section 1, after "adjoining" insert "or related" in the first sentence, and add the following after the second sentence: "The total area so designed for the purposes of this Act may not exceed seventy-five acres.";

(b) in section 2, change the colon at the end of the second sentence to a period and delete the remainder of the section (through the second proviso); and

(c) revise section 4 to read as follows:

"SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $1,719,000 for land acquisition and not to exceed $4,580,000 for the development of Fort Smith National Historic Site undertaken after the effective date of this section." Appropriation authorization.

SEC. 313. The Act of September 13, 1960 (74 Stat. 881) which designates and establishes that portion of the Hawaii National Park on the island of Maui, in the State of Hawaii, as the Haleakala National Park, is amended by adding the following new section: 16 USC 396b.

"SEC. 2. (a) Notwithstanding any limitations on land acquisition as provided by the Act of June 20, 1938 (52 Stat. 781), the Secretary of the Interior may acquire for addition to the park any land on the island of Maui within the boundaries of the area generally depicted on the map entitled 'Haleakala National Park, Segment 03,' numbered 162-30,000-G, and dated May 1972, by donation, purchase with donated or appropriated funds, or exchange. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Land acquisition. 16 USC 396c.

"(b) There is authorized to be appropriated such sums but not to exceed $920,000 as may be necessary to carry out the purposes of this section." Appropriation authorization.

SEC. 314. The second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There is authorized to be appropriated to carry out this subsection not to exceed $4,000,000 for the fiscal year ending September 30, 1978, and not to exceed $4,300,000 for the fiscal year ending September 30, 1979.". 20 USC 76l.

SEC. 315. The Act of September 18, 1964 (78 Stat. 957), entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", as amended by the Act of October 26, 1974 (88 Stat. 1447), is amended by changing "465 acres" in both places in which it appears in the first section to "600 acres". 16 USC 409g.

SEC. 316. The first sentence of section 15 of the Act of March 23, 1972 (86 Stat. 102; 16 U.S.C. 460z-13) which establishes the Oregon Dunes National Recreation Area, is hereby amended to read as follows: "There are hereby authorized to be appropriated for the acquisition of lands, waters, and interests therein such sums as are necessary, not to exceed $5,750,000.". Appropriation authorization.

SEC. 317. The boundary of the Pecos National Monument is hereby revised to include the area as generally depicted on the map entitled "Boundary Map, Pecos National Monument, New Mexico", numbered 430-20017, and dated December 1975, which map shall be on file and Pecos National Monument, N. Mex., boundary revision.

available for public inspection in the offices of the National Park Service, Department of the Interior.

Zion National Park, Utah, boundary revision.
16 USC 346a-4.

SEC. 318. The boundary of Zion National Park is hereby revised to include the area as generally depicted on the map entitled "Land Ownership Types, Zion National Park, Utah", numbered 116-80,003, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may acquire the property included by this section by donation only.

SEC. 319. The Act of June 21, 1934 (48 Stat. 1198; 16 U.S.C. 430j) is amended as follows:

(1) In section 1:

(a) change "national military park" to "national battlefield" and

(b) change "Monocacy National Military Park" to "Monocacy National Battlefield" (hereinafter referred to as "the battlefield"). The battlefield shall comprise the area generally depicted on the drawing entitled "Boundary, Monocacy National Battlefield", numbered 894-40,000 and dated May 1976, and delete the remainder of the sentence.

16 USC 430k. (2) In section 2, change "Monocacy National Military Park" to "battlefield" wherever it occurs.

16 USC 430l. (3) In section 3, delete "enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition", and insert in lieu thereof, "lease to the immediately preceding owner or owners any lands acquired pursuant to an agreement that such lessee or lessees will occupy such lands in a manner consistent with the purposes of this Act and".

16 USC 430m. (4) Change section 4 to read:

"SEC. 4. The administration, development, preservation, and maintenance of the battlefield shall be exercised by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666).".

Repeal.
16 USC 430n. (5) Repeal all of section 5.

16 USC 430o. (6) In section 6:

(a) delete "said Office of National Parks, Buildings, and Reservations, acting through the", and

(b) change "Monocacy National Military Park:" to "battlefield", delete the remainder of the sentence and insert in lieu thereof "for carrying out the provisions of this Act.".

16 USC 430p. (7) In section 7:

(a) change "Monocacy National Military Park" to "battlefield", and

(b) delete the comma and "which approval shall be based on formal written reports made to him in each case by the Office of National Parks, Buildings, and Reservations; *Provided*," and insert in lieu thereof "*Provided further*,".

(8) In section 8, change the comma to a period and delete "of not less than $5 nor more than $500.". 16 USC 430q.

(9) Change section 10 to read:

"SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $3,525,000 for the acquisition of lands and interests in lands, and not to exceed $500,000 for the development of essential public facilities. Within three years from the date of the enactment of this section, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the battlefield consistent with the preservation objectives of this Act, indicating:

"(1) the facilities needed to accommodate the health, safety, and interpretive needs of the visiting public;

"(2) the location and estimated cost of all facilities; and

"(3) the projected need for any additional facilities within the battlefield.

No funds authorized to be appropriated pursuant to this section shall be available prior to October 1, 1977.".

Appropriation authorization. 16 USC 430s.

Final master plan, submittal to congressional committees.

SEC. 320. (a) The boundaries of Olympic National Park as established by the Act of June 29, 1938 (52 Stat. 1241), and as revised by proclamation pursuant to that Act and by or pursuant to the Act of December 22, 1942 (56 Stat. 1070), and the Act of June 11, 1958 (72 Stat. 185), are hereby revised to include the lands, privately owned aquatic lands, and interests therein within the boundaries depicted on the map entitled "Boundary Map, Olympic National Park, Washington," numbered 149-80-001-B, and dated January 1976, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

Olympic National Park, Wash., boundary revision. 16 USC 251e.

(b) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall, beginning within thirty days after the date of enactment of this Act, consult with the Governor of the State of Washington, the Board of Commissioners of Clallam County, and the affected landowners, and shall locate a boundary encompassing all of the shoreline of Lake Ozette, including privately owned aquatic lands not within the boundary of the park on the date of enactment of this Act: *Provided*, That such boundary shall be located not less than two hundred feet set back from the ordinary high-water mark of Lake Ozette: *Provided further*, That the privately owned lands encompassed within the park by such boundary shall not exceed one thousand five hundred acres. The Secretary shall, within one hundred and eighty days after the date of enactment of this Act, and following reasonable notice in writing to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of his intention to do so, publish in the *Federal Register* a detailed description of the boundary located pursuant to this subsection. Upon such publication the Secretary is authorized to revise the map on file pursuant to subsection (a) of this section accordingly, and such revised map shall have the same force and effect as if included in this Act.

Consultation. 16 USC 251f.

Notice to congressional committees; publication in Federal Register.

(c) Section 5 of the said Act of June 29, 1938, is amended by deleting the second sentence, and inserting in lieu thereof: "The boundaries of Olympic National Park may be revised only by Act of Congress.". 16 USC 255.

(d) Notwithstanding any other provision of law, within the boundaries of the park as revised by and pursuant to this Act, the Secretary is authorized to acquire lands, privately owned aquatic lands, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any Federal agency. Property so acquired shall become part of Olympic National Park and shall be administered by the Secretary subject to the laws and regulations

Land acquisition. 16 USC 251g.

applicable to such park. The Secretary is authorized and directed to exclude from the boundaries of the park such private lands and publicly owned and maintained roads within Grays Harbor County which are near and adjacent to Lake Quinault, and which do not exceed two thousand, one hundred and sixty-eight acres in total. Prior to excluding such lands from the park, the Secretary shall study and investigate current and prospective uses of the private lands, as well as the implications of their exclusion both for the lands involved and for Olympic National Park. The results of such study shall be transmitted to the President and to the Congress within two years of the enactment of this Act, and shall take effect unless disapproved by simple majority vote of the House of Representatives or the Senate of the United States of America within ninety legislative days of their submission to the Congress. Property excluded from the boundaries of the park by this Act may be exchanged for non-Federal property within the boundaries; or it may be transferred to the jurisdiction of any Federal agency or to the State of Washington or a political subdivision thereof, without monetary consideration, as the Secretary may deem appropriate. Any such Federal property transferred to the jurisdiction of the Secretary of Agriculture for national forest purposes shall upon such transfer become part of the national forest and subject to the laws and regulations pertaining thereto. Any property excluded from the park by this Act which is within the boundaries of an Indian reservation may be transferred in trust to such Indian tribe, subject, however, to the express condition that any concessioner providing public services shall be permitted to continue to provide such services in such manner and for such period as set forth in his concession contract, that the Secretary of the Interior is authorized to pay all franchise fees collected from the concessioner under the contract to said Indian Tribe, and that in the event his contract is terminated, the United States shall purchase his possessory interest in accordance with the Act of October 9, 1965 (79 Stat. 969). The acquisition of lands by the United States in trust for an Indian tribe pursuant to this title shall not confer any hunting or fishing rights upon such tribe which were not vested in such tribe prior to the acquisition of such lands.

Study and investigation.

Study results, transmittal to President and Congress.

Property retained. 16 USC 251h.

(c)(1) Any owner or owners of improved property within the boundaries of the park, as revised by and pursuant to this Act may, on the date of its acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for such noncommercial residential purposes as existed on or before January 1, 1976, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

Fair market value.

"Improved property."

(2) As used in this title, the term "improved property" shall mean any single-family dwelling on which construction was begun before January 1, 1976, together with so much of the land on which the dwelling is situated (such land being in the same ownership as the dwelling) as shall be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, as the Secretary shall designate. The amount of the land so designated shall in every case be not more than three acres in area: *Provided*, That the Secretary may exclude from the land so designated any beach or water, together with so much of the land adjoining any such beach or water, as he may deem necessary for public access thereto.

(f) The Secretary is directed to acquire in fee all other privately owned lands added to the park by and pursuant to this Act, and to acquire within three years of adoption of this Act so much of such lands as can be acquired by donation, exchange, or purchase, to the extent of available funds, and to report to Congress on the third anniversary of adoption of this Act the estimated amount of appropriations which would be necessary to acquire the remainder, if any, of such lands by condemnation. The compensation for such lands shall be their fair market value on the date of their acquisition, taking into account applicable land use regulations in effect on January 1, 1976. Land acquisition, report to Congress. 16 USC 251i.

(g) Notwithstanding the provisions of the preceding subsection, any noncorporate owner or owners, as of January 1, 1976, of property adjacent to Lake Ozette may retain title to such property: *Provided*, That such owner or owners consent to acquisition by the Secretary or scenic easements or other interests that allow only those improvements that the Secretary finds to be reasonably necessary for continued use and occupancy. Any such owner or owners who elects to improve his property or a portion thereof shall submit to the Secretary a plan which shall set forth the manner in which the property is to be improved and the use to which it is proposed to be put. If, upon review of such plan, the Secretary determines that it is compatible with the limitations of this subsection, he in his discretion may issue a permit to such owner and a certificate to that effect. Upon issuance of any such certificate and so long as such property is maintained and used in conformity therewith, the authority of the Secretary to acquire such property or interest therein without the consent of the owner shall be suspended. Property retained. 16 USC 251j.

(h) In order to minimize economic dislocation in acquiring property within the park, the Secretary may acquire with the consent of the owner, lands and interests in lands outside the boundaries of the park, but within the State of Washington, and with the concurrence of the Secretary of Agriculture, he may utilize lands and interests therein within a national forest in the State of Washington hereby authorized to be transferred to the Secretary, for the purpose of exchanging lands and interests so acquired or transferred for property within the park. Land acquisition. 16 USC 251k.

(i) Effective upon acceptance thereof by the State of Washington (1) the jurisdiction which the United States acquired over those lands excluded from the boundaries of Olympic National Park by subsection 1(a) of this Act is hereby retroceded to the State: *Provided*, That the lands restored to the Quileute Indian Reservation shall be subject to the same State and Tribal jurisdiction as all other trust lands within said Reservation; and (2) there is hereby retroceded to such State concurrent legislative jurisdiction, as the Governor of the State of Washington and the Secretary shall determine, over and within all territory within the boundaries of the park as revised by this Act. 16 USC 251*l*.

(j) There is hereby authorized to be appropriated not to exceed $13,000,000 for the acquisition of lands, privately owned aquatic lands, or interests therein in accordance with the provisions of this title. No funds authorized to be appropriated pursuant to this title shall be available prior to October 1, 1977. Appropriation authorization. 16 USC 251m.

SEC. 321. Section 403 of the Act of October 26, 1974 (88 Stat. 1447), is amended by adding the following new subsection (c):

"(c) To carry out the priority repairs as determined by the study performed in accordance with subsection (a) of this section, and to complete additional detailed studies to accomplish the work so identified, there are authorized to be appropriated such sums as may be necessary, but not more than $2,733,000. No funds authorized to

be appropriated pursuant to this subsection shall be available prior to October 1, 1977.".

16 USC 698b.

SEC. 322. Section 3(b) of the Act of October 11, 1974 (88 Stat. 1234; 16 U.S.C. 698(b)), is amended by deleting "detached, one-family dwelling," and inserting in lieu thereof "detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and".

16 USC 460ff-1.

SEC. 323. The Act of December 27, 1974 (88 Stat. 1784) entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area" is amended as follows:

(a) In subsection 2(a) strike out "Boundary Map, Cuyahoga Valley National Recreation Area, Ohio, numbered NRA-CUYA-20,000-A, and dated December 1974," and insert in lieu thereof "Boundary Map, Cuyahoga Valley National Recreation Area, Ohio, numbered 90,000-A, and dated September 1976,".

16 USC 460ff-5.

(b) In subsection 6(a) strike out "$34,500,000" and insert in lieu thereof "$41,100,000".

16 USC 460ff-5 note.

(c) No funds authorized by this section in excess of those sums previously authorized by the Act of December 27, 1974, shall be available for expenditure before October 1, 1977.

Approved October 21, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1162 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-1158 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 122 (1976):
June 8, considered and passed House.
Aug. 26, considered and passed Senate, amended.
Sept. 29, House concurred in certain Senate amendments and in others with amendments.
Oct. 1, Senate agreed to certain House amendments and to one with an amendment; House agreed to Senate amendment.

Office of the Attorney General
Washington, D. C. 20530

April 1, 1974

Honorable Rogers C. B. Morton
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

Re: File No. 33-46-421
Tract No. 01-111, 01-124, 01-147 and 01-148
County Grand State Utah

An examination has been made of the title evidence and related papers pertaining to certain land in which interests have been acquired under authority of existing legislation. The land and estate acquired by the United States are more particularly described in the deed.

The title evidence and accompanying data disclose valid title to be vested in the United States of America subject to the rights and easements noted in Schedule A attached hereto which your Department has advised will not interfere with the proposed use of the land.

The title evidence and related papers have been retained in the files of this Department.

Sincerely yours,

William B Saxbe

Attorney General

SCHEDULE A

File No.: 33-46-421

Tracts Nos.: 01-111, 01-124, 01-147 and 01-148

Project: Arches National Monument located in Grand County, Utah.

Estate Acquired: Fee simple

Acreage: 1,183

Consideration: $123,408.00

The deed to the United States of America was executed by Paxton Mineral Corporation, et al., on September 20, 1973, filed for record on October 11, 1973, and recorded in Book 207 at page 160.

The title insurance policy No. 5143-9 was prepared as of October 11, 1973, by First American Title Insurance Company.

The title is subject to the following:

1. Existing easements for public roads, highways, railroads, pipelines and public utilities.

2. Reservation by the grantors of the right to use the land for grazing purposes until May 31, 1982, by reason of grazing permit dated August 7, 1972.

SOUTH EAST[illegible] UTAH
TITLE CO. - MOAB
ORDER NO. 5086-G

WARRANTY DEED

Tracts 01-111 (Min), 01-147
01-124 & 01-148 ARCH

THIS DEED, Made this 20th day of September 1973 between PAXTON MINERAL CORPORATION, FRANKLIN T. PAXTON a/k/a TAFT PAXTON, MAURINE C. PAXTON, HUSBAND AND WIFE, CLAIN TAD PAXTON a/k/a TAD PAXTON, A SINGLE MAN, GENEVIEVE P. RAWSON & MILTON L. RAWSON, HUSBAND AND WIFE

GRANTORS,
parties of the first part, and
THE UNITED STATES OF AMERICA and assigns, Grantee,
party of the second part:

WITNESSETH, That the said parties of the first part,
for and in consideration of the sum of ($123,408.00)
ONE HUNDRED TWENTY THREE THOUSAND FOUR HUNDRED EIGHT DOLLARS
to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, transferred, bargained, sold, conveyed, set over and delivered, and by these presents do grant, bargain, sell, convey, set over, deliver and confirm with all legal warranties and with full substitution and subrogation in and to all the rights and actions of Warranty which Grantors have or may have against all preceding owners and Grantors, unto the UNITED STATES OF AMERICA and its assigns forever, a fee simple title in and to all the following described lot or parcel of land, situate, lying and being in the County of Grand and State of Utah, and hereby releasing and waiving all rights of homestead, dower, curtesy, and any and all spouse's rights and interest under and by virtue of the laws of the state, to wit:

Tract 01-111 (Min), 01-147. Section 24, Township 23 South, Range 20 East, Salt Lake Meridian, S½, containing 320.00 acres, more or less. Section 25, Township 23 South, Range 20 East, Salt Lake Meridian, E½, containing 320.00 acres, more or less.

Tract 01-124. Section 3, Township 24 South, Range 21 East, Salt Lake Meridian, S½. Containing 320.00 acres, more or less.

Tract 01-148. Section 19, Township 23 South, Range 21 East, Salt Lake Meridian, S½ (or lots 3, 4, SE¼). Containing 223.00 acres, more or less.
Containing in total 1,183 acres, more or less.
Together with all rights, title and interest to mineral and water rights appurtenant to this property.

Excepting and reserving only the following rights and interests in the above described property:

Free use in compliance to present grazing permit as issued in letter to Mr. Paxton from Superintendent Kerr dated August 7, 1972. Grazing use permit expires May 31, 1982.

THIS PROPERTY IS BEING ACQUIRED BY THE NATIONAL PARK SERVICE FOR THE UNITED STATES OF AMERICA.

TOGETHER with all and singular the buildings and improvements thereon, and all rights, hereditaments, easements and appurtenances and all and every rights, roads, alleys, ways, waters, watercourses, liberties, privileges, hereditaments, appurtenances and advantages thereto belonging or in any way appertaining, including accretions opposite to and fronting upon said land, and in any means of ingress or egress appurtenant thereto, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TOGETHER with all the right, title and interest of the said Grantors in and to any streets, alleys, roads, strips, gores, waters, watercourses, or railroad rights-of-way or strips of land abutting, adjacent to, adjoining or contiguous to or traversing the land described and conveyed herein and in any means of ingress or egress appurtenant thereto.

ARCHES NP
DEED 14
160

SUBJECT, however, to existing easements for public roads, public highways, public utilities, railroads and pipelines.

TO HAVE AND TO HOLD the said tract of land, buildings, hereditaments and premises above bargained and described and intended so to be with the appurtenances unto the UNITED STATES OF AMERICA and its assigns, that at the time of the ensealing and delivery of these presents, they are well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever;

and the above bargained premises in the quiet and peaceable possession of the UNITED STATES OF AMERICA and its assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will WARRANT AND FOREVER DEFEND, and that said Grantors will execute such other and further assurances thereof as may be requisite. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

Clain Tad Paxton
CLAIN TAD PAXTON, a/k/a TAD PAXTON

Genevieve P. Rawson
GENEVIEVE P. RAWSON

Milton L. Rawson
MILTON L. RAWSON

PAXTON MINERAL CORPORATION
By [signature]

[signature]
FRANKLIN T. PAXTON, a/k/a TAFT PAXTON

Maurine C. Paxton
MAURINE C. PAXTON

State of UTAH)
) ss.
County of WEBER)

On this the 21st day of SEPTEMBER, 1973, before me, BROCKSIE J. TECHMEYER, the undersigned officer, personally appeared MILTON L. RAWSON, GENEVIEVE P. RAWSON, FRANKLIN T. PAXTON aka TAFT PAXTON, AND MAURINE C. PAXTON known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.

In witness whereof, I hereunto set my hand and official seal.

Brockie J. Techmeyer
(Signature)

Notary Public - Comm. Exp.: Feb. 16,1975
(Title)

(My commission expires _____).

State of Colorado)
ss.
County of Montrose)

On this 18th day of September, 1973, before me Daniel S. King, the undersigned officer, personally appeared Clain Tad Paxton, a/k/a Tad Paxton, Taft Paxton as president of Paxton Mineral Corporation, Franklin T. Paxton a/k/a Taft Paxton And Maurine C. Paxton known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purpose therein contained.

In witness Whereof, I hereunto set my hand and official seal.

(My Commission Expires March 9, 1975) Daniel S. King Notary Public

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11-12-1971: An Act - Public Law 92-155, Deed #13

5170

Public Law 92-155
92nd Congress, S. 30
November 12, 1971

An Act

85 STAT. 432

To establish the Arches National Park in the State of Utah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered [illegible]-80,001K and dated September 1969, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Arches National Park, Utah, establishment.

Exclusion of [illegible] 9,719.00
Exclusion 9,730 Fed
8,331 Nonfed

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

Sec. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

lands, acquisition.

Sec. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

Grazing privileges.

Sec. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and waterings are situated within the park: *Provided*, That the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

Livestock trails, watering rights.

Sec. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

Administration.

16 USC 1.

(b) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

Report to President.

ARCHES NP

D. 13

1

11-12-1971: An Act - Public Law 92-155, Deed #13

5170

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Exclusion 9,730 Fed
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lands, acquisition.

Sec. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

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Administration.

16 USC 1.

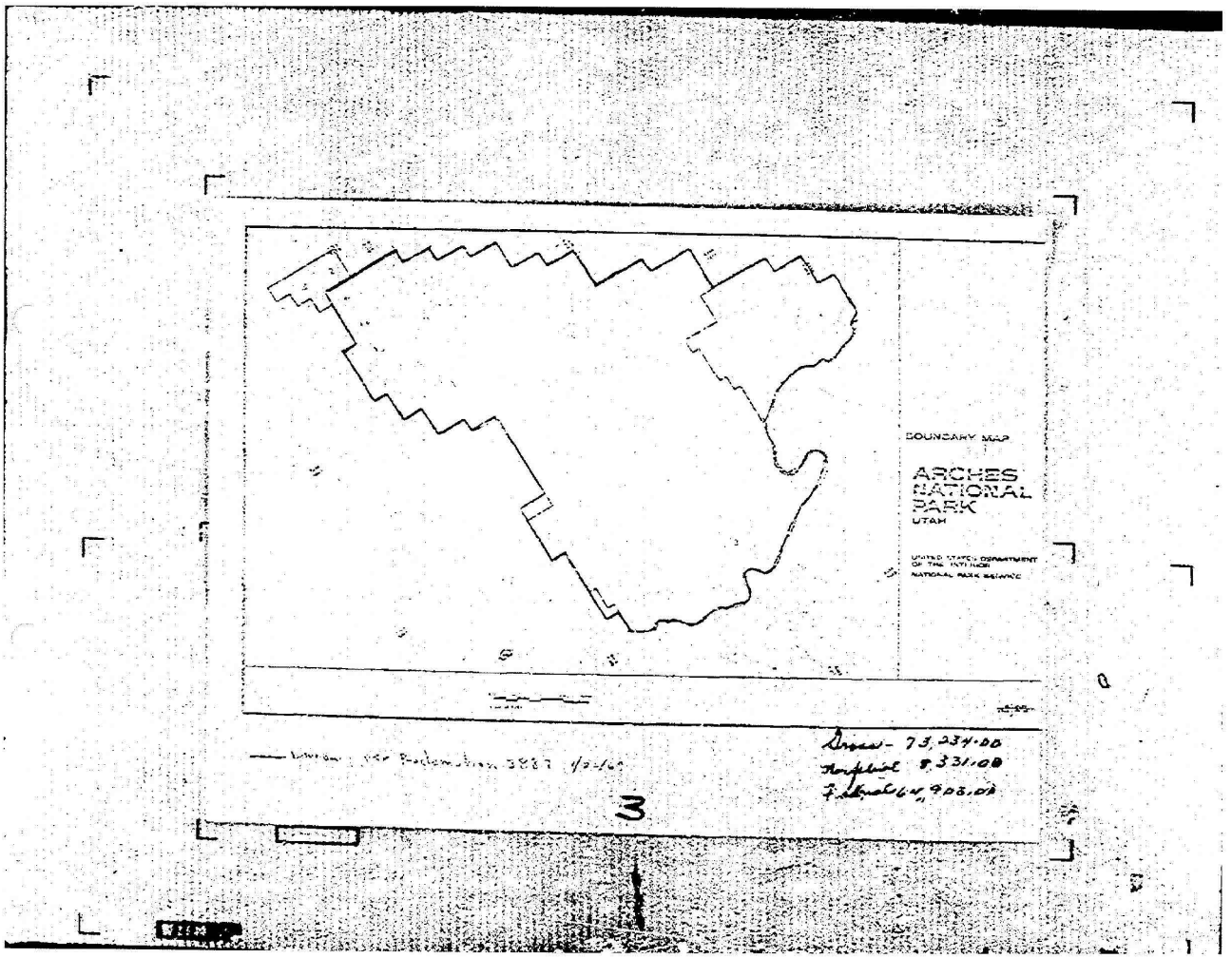
(b) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

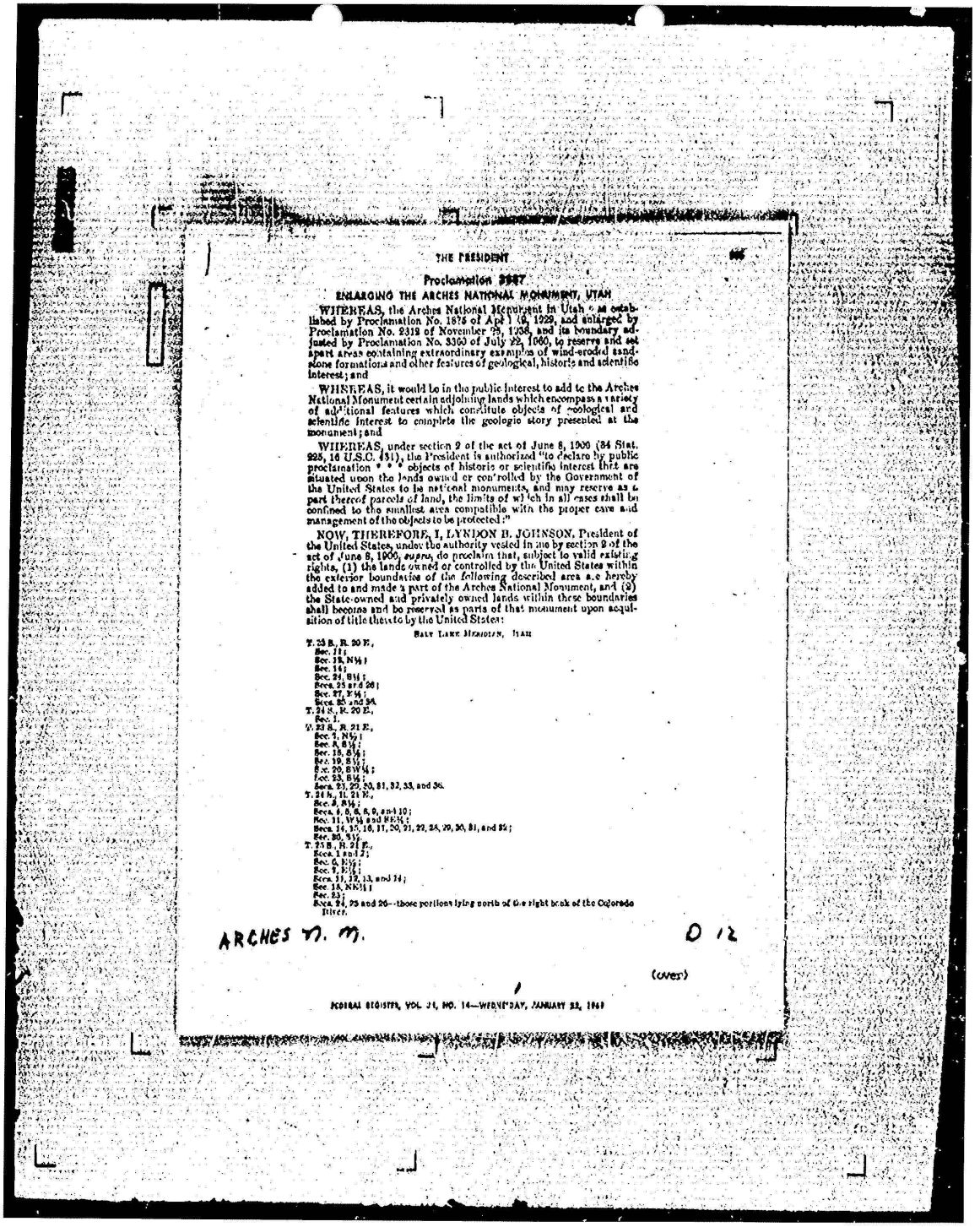
Report to President.

ARCHES NP

D. 13

1


BOUNDARY MAP
ARCHES
NATIONAL
PARK
UTAH
UNITED STATES DEPARTMENT
OF THE INTERIOR
NATIONAL PARK SERVICE
3



THE PRESIDENT

Proclamation 3887

ENLARGING THE ARCHES NATIONAL MONUMENT, UTAH

WHEREAS, the Arches National Monument in Utah was established by Proclamation No. 1875 of April 12, 1929, and enlarged by Proclamation No. 2312 of November 12, 1938, and its boundary adjusted by Proclamation No. 3360 of July 22, 1960, to reserve and set apart areas containing extraordinary examples of wind-eroded sandstone formations and other features of geological, historic and scientific interest; and

WHEREAS, it would be in the public interest to add to the Arches National Monument certain adjoining lands which encompass a variety of additional features which constitute objects of zoological and scientific interest to complete the geologic story presented at the monument; and

WHEREAS, under section 2 of the act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), the President is authorized "to declare by public proclamation * * * objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected:"

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States, under the authority vested in me by section 2 of the act of June 8, 1906, *supra*, do proclaim that, subject to valid existing rights, (1) the lands owned or controlled by the United States within the exterior boundaries of the following described area are hereby added to and made a part of the Arches National Monument, and (2) the State-owned and privately owned lands within these boundaries shall become and be reserved as parts of that monument upon acquisition of title thereto by the United States:

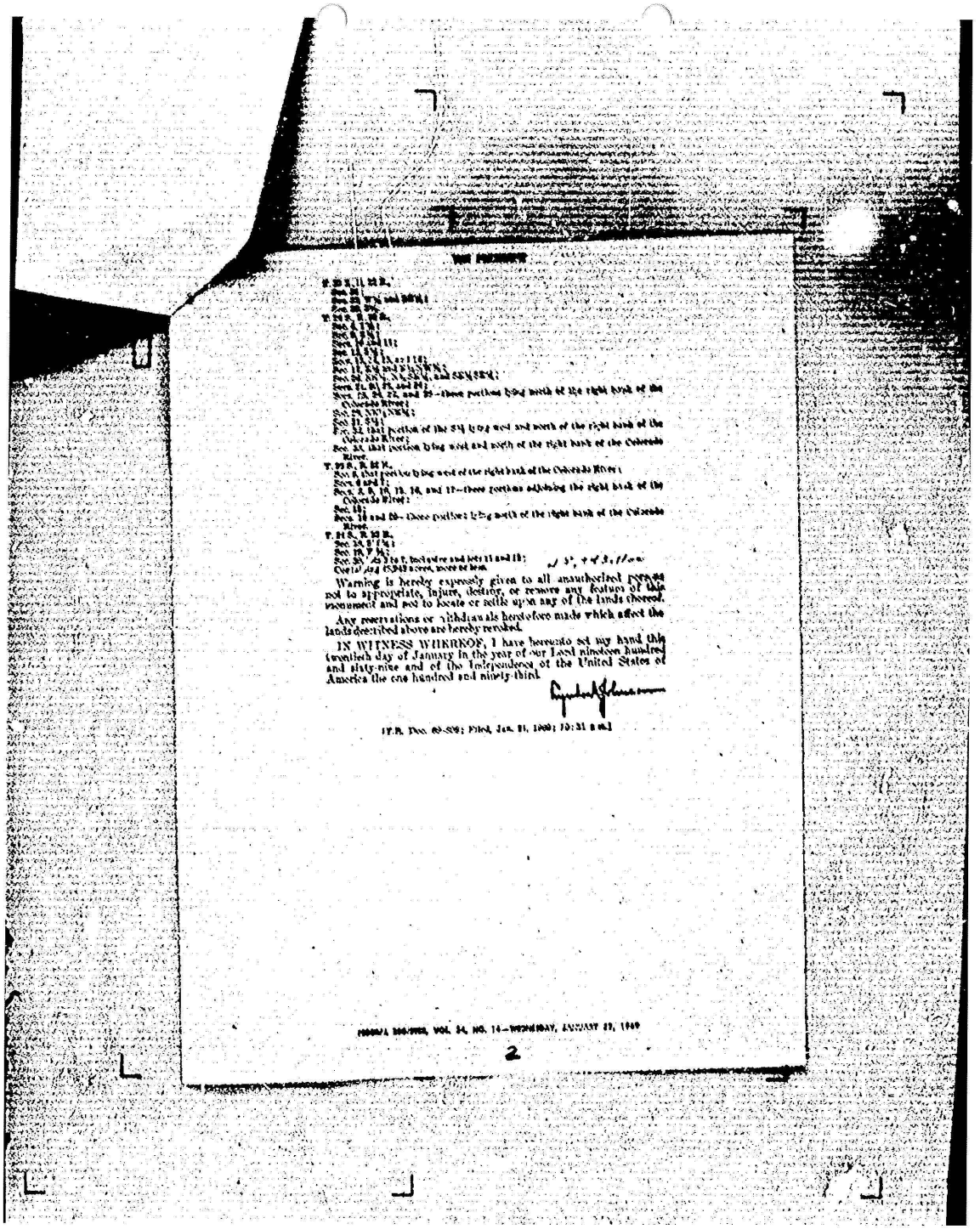
SALT LAKE MERIDIAN, UTAH

T. 23 S., R. 20 E.,
Sec. 31;
Sec. 18, N½;
Sec. 14;
Sec. 24, SE¼;
Secs. 25 and 26;
Sec. 27, E½;
Secs. 35 and 36.
T. 24 S., R. 20 E.,
Sec. 1.
T. 23 S., R. 21 E.,
Sec. 7, N½;
Sec. 8, E½;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20, SW¼;
Sec. 33, E½;
Secs. 25, 27, 29, 31, 32, 33, and 36.
T. 24 S., R. 21 E.,
Sec. 5, E½;
Secs. 6, 7, 8, 9, and 10;
Sec. 11, W½ and SE¼;
Secs. 14, 15, 16, 17, 20, 21, 22, 28, 29, 30, 31, and 32;
Sec. 36, S½.
T. 25 S., R. 21 E.,
Secs. 1 and 2;
Sec. 6, E½;
Sec. 7, E½;
Secs. 11, 12, 13, and 24;
Sec. 18, NE¼;
Sec. 23;
Secs. 24, 25 and 26—those portions lying north of the right bank of the Colorado River.

ARCHES N. M. D 12

(over)

01-21-1969: Federal Register, Volume 31 No. 14, Presidential Proclamation 3887, Deed #12



Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Any reservations or withdrawals heretofore made which affect the lands described above are hereby revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January in the year of our Lord nineteen hundred and sixty-nine and of the Independence of the United States of America the one hundred and ninety-third.

[F.R. Doc. 69-876; Filed, Jan. 21, 1969; 10:31 a.m.]

FEDERAL REGISTER, VOL. 34, NO. 14—WEDNESDAY, JANUARY 22, 1969

2

December 1968

Arches National Monument, Utah - Enlargement

Arches National Monument lies in the heart of the famed red-rock country of southeastern Utah. Here the earth's crust warped upward to form what geology terms an anticline, some 30 miles in length. The crest of this huge fold sank in, forming what are now Salt Valley and Cache Valley. Erosion along fractures in the flanks of the anticline formed thin fins of soft sandstone, which in the ages since, have been carved by the weather into the Nation's greatest concentration of natural stone arches, windows, spires, and pinnacles. Nearly 90 arches have been discovered to date.

To preserve the great scenic and scientific values of this region, an Arches National Monument was proclaimed in 1929. It was enlarged to 34,010 acres by boundary changes in 1938 and 1960. But it did not protect all of the significant features of spectacular beauty, nor was it adequate to tell the complete geologic story. As now enlarged, its 82,953 acres encompass the two central valleys as well as such striking formations as the Marching Men and the huge fins in Herdina Park. Two important ecosystems--the deeply entrenched stream valley of Courthouse Wash and Dry Mesa, 1200 feet higher in elevation than the surrounding area--are protected for study and public understanding. In addition, the enlarged national monument stretches now to the Colorado River Canyon where more than a third of its 1500-foot walls is a sheer precipice of red sandstone.

48,943.11
The 48,943-acre addition to Arches National Monument, which includes 40,623 acres of federal land, 5,920 acres of State land and 2,400 acres of private inholdings, will protect outstanding scientific resources and include the entire geologic phenomenon associated with the Arches story.

New Gross 82,953.05
New Federal 71,633.05
Non-Federal 8,320.00

Form NPS L-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

LAND OWNERSHIP RECORD

State: Utah — Tract: State Land
County: Grand — Deed No.: 11
Civil Subdivision: T. 24 S., R. 21 E. — Area: 320.00 acres — Arches National Monument (Name of Park or Area)
Area based on survey of: BLM — approved Date: Feb. 13, 1945 — Devil's Garden (Section of Park or Area)

Legal Description: SE¼ Section 2, T. 24 S., R. 21 E., SLM, Utah containing 320.00 acres, more or less.

Method of Acquisition: Exchange U-035421 — Appropriation or Source of funds:
Cost (if purchased) or estimated value: Estimated Value $3,200.00

Acquired from: State of Utah by exchange

Accepted by Secretary (__) Opinion of Att'y. Gen.-title in U. S. (__) date: BLM Decision 11/12/63

Physical Characteristics: Scenic area of colorful sandstone formations with light vegetation consisting of Pinyon and Juniper trees and Blackbrush ground cover. Extremely rough.

"Surprise Arch" a natural arch with a 51 foot spread and estimated to be 50 or 60 feet high has been discovered in the SE¼ of the tract.

Improvements on Land at time of Acquisition: 1.42 miles of graded and stabilized base road and three 10-car parking areas.

Existing or outstanding special use permits, reservations, rights, or rights of way: Right-of-Way No. 814 for monument road executed the 10th day of January, 1963, and recorded January 28, 1963, at 4:30 PM in Book 114, pages 334-335 in the records of Grand County, Utah. This easement will merge with the land. In Exchange U-035421 all minerals were reserved to the State of Utah.

Report Based on: BLM Decision of November 12, 1963 and letter of January 16, 1964.

Prepared by: John E. Kell and Superintendent Bates E. Wilson — date: Jan. 21, 1964

Map References: NM-ARCH-7113 and Land Atlas Sheet No. 5

Remarks: NPS-L-1 Form prepared November 15, 1963. The BLM Decision was undated. It took until January 21, 1964 to obtain a reply from the Bureau of Land Management. "Surprise Arch" was discovered by Superintendent Wilson on Friday, December 13, 1963.

J.E.K.

Entry No. 300227 Filed for record June 22 1963 at 9:30 A.M.
Bk. 114 page 334-5 Earlene Summerhays Recorder Grand Co. Ut.
Fee 3.00 Abs. Bk 9 Pg 1 Sec 4 T 24S R 21E Cm 2

EASEMENT

State of Utah No. 814

THE STATE OF UTAH, acting by and through the Utah State Land Board, Grantor, in consideration of the public benefits to be derived from the construction of a road within Arches National Monument, hereby grants to the United States of America and its assigns, Grantee, an easement 200 feet wide (100 feet on each side of the centerline) for the construction and maintenance of a road over and across the S½ of Section 2, T. 24 S., R. 21 E., Salt Lake Meridian, along a route shown and delineated on the map attached hereto marked NA-ARC-7113 referenced to Bureau of Public Roads survey Station 231+ 50 in the SW¼SE¼ of aforementioned Section 2 and leaving said Section 2 at Station 274 + 75 in the NW¼SE¼, and by this reference made a part hereof.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed this 10th day of January 1963, by the Director of the State Land Board, duly authorized by a resolution of said Board dated Sept. 1, 1961.

STATE OF UTAH
STATE LAND BOARD

BY Max C. Gardner
MAX C. GARDNER
DIRECTOR

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On this 10th day of January 1963, personally appeared before me MAX C. GARDNER, who being by me duly sworn did say that he is the Director of the State Land Board of the State of Utah, and said instrument was signed in behalf of the State of Utah by authority of a resolution of the State Land Board and said MAX C. GARDNER acknowledged to me that the State of Utah executed the same.

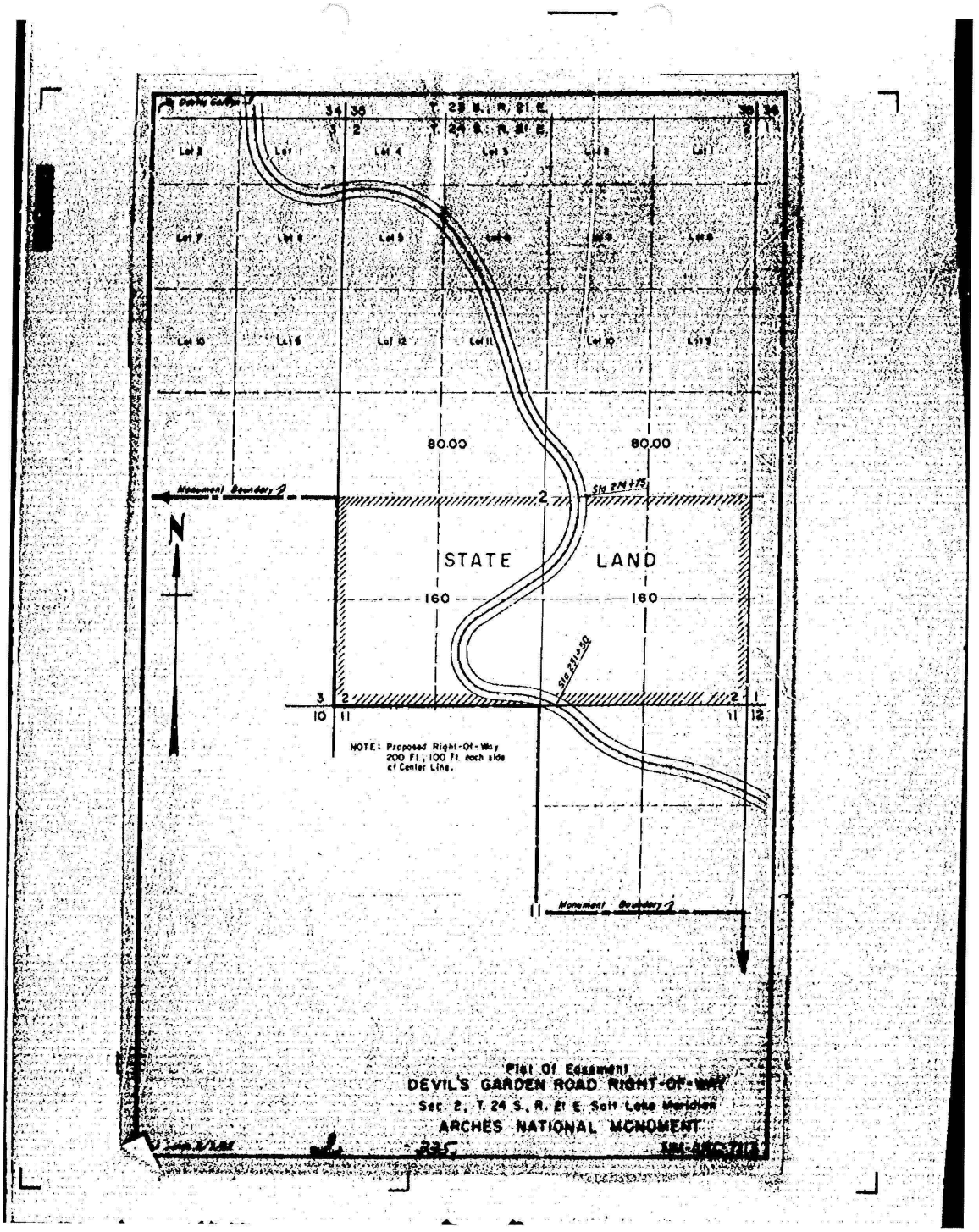
Notary Public

My Commission Expires:
March 9, 1963

APPROVED AS TO FORM:
A. PRATT KESLER
ATTORNEY GENERAL
By

ARCHES N.M. D. 10

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T. 23 S., R. 21 E.
T. 24 S., R. 21 E.
Lot 2
Lot 1
Lot 4
Lot 3
Lot 8
Lot 7
Lot 6
Lot 5
Lot 10
Lot 9
Lot 12
Lot 11
80.00
80.00
Monument Boundary
Sta 24+75
2
N
STATE
LAND
160
160
Sta 23+50
3
2
2
10
11
11
12
NOTE: Proposed Right-Of-Way
200 Ft., 100 Ft. each side
of Center Line.
11
Monument Boundary
Plat Of Easement
DEVIL'S GARDEN ROAD RIGHT-OF-WAY
Sec. 2, T. 24 S., R. 21 E. Salt Lake Meridian
ARCHES NATIONAL MONUMENT

C242 N23

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3359

NATIONAL DAY OF PRAYER, 1960

By the President of the United States of America

A Proclamation

WHEREAS by the grace of God we live in a good land where each citizen can enjoy the blessings of liberty; and

WHEREAS our forebears did establish in this land a Nation whose law defends and whose spirit ever nourishes that liberty; and

WHEREAS the Congress, by a joint resolution approved April 17, 1952 (66 Stat. 64), sought to remind our citizens of this heritage by providing that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation":

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby set aside Wednesday, the fifth day of October 1960, as a National Day of Prayer; and I call upon my countrymen to observe it, remembering:

First, that it is not by our strength alone, nor by our own righteousness, that we have deserved the abundant gifts of our Creator;

Second, that the heritage of a faith born of hope and raised in sacrifice lays upon its heirs the high calling of being generous and responsible stewards in our own and among the kindred nations of the earth;

Third, that in this time of testing we shall ever place our trust in the keeping of God's commandments, knowing that He who has it ought as here requires justice and mercy in return;

And finally, that as we lift our thankful hearts to Him, we will see clearly the wisdom of the world that is meant to be and set our hearts resolutely toward the achievement of it.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of July in the year of our Lord nineteen hundred [SEAL] and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-7061; Filed, July 26, 1960; 2:30 p.m.]

Proclamation 3360

MODIFYING THE ARCHES NATIONAL MONUMENT, UTAH

By the President of the United States of America

A Proclamation

WHEREAS the Arches National Monument in Grand County, Utah, established by Proclamation No. 1875 of April 12, 1929, and enlarged by Proclamation No. 2213 of November 12, 1938, was reserved and set apart as an area containing extraordinary examples of wind-eroded sandstone formations and other geologic and prehistoric structures of historic and scientific interest; and

WHEREAS it appears that it would be in the public interest to add to the Arches National Monument certain contiguous lands on which outstanding geologic features of great scientific interest are situated, and certain other lands adjacent to the monument which are essential to the proper care, management, and protection of the objects of scientific interest situated on such lands and on lands now comprising a part of the monument; and

WHEREAS it appears that it would also be in the public interest to exclude from the monument certain lands in the southeast section thereof, contiguous to the Salt Wash escarpment, which are used for grazing and which have no known scenic or scientific value:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), and subject to valid existing rights, do proclaim as follows:

The lands now owned by the United States within the exterior boundaries of the following-described tracts of land are hereby added to and reserved as a part of the Arches National Monument; and lands owned by the State of Utah within such boundaries shall become and be received as a part of that monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN

T. 24 S., R. 21 E.,
Sec. 1, S½;
Sec. 11, NE¼;
containing 480 acres, more or less.

The following-described lands in the State of Utah are hereby excluded from the Arches National Monument:

SALT LAKE MERIDIAN

T. 24 S., R. 21 E.,
Sec. 17, W½, SE¼, NW¼;
Sec. 20, NE¼, N½SE¼, SE¼SE¼;
Sec. 29, NE¼NE¼;
containing 280 acres, more or less.

The boundaries of the Arches National Monument are modified accordingly.

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of July in the year of our Lord nineteen hundred [SEAL] and sixty-four of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

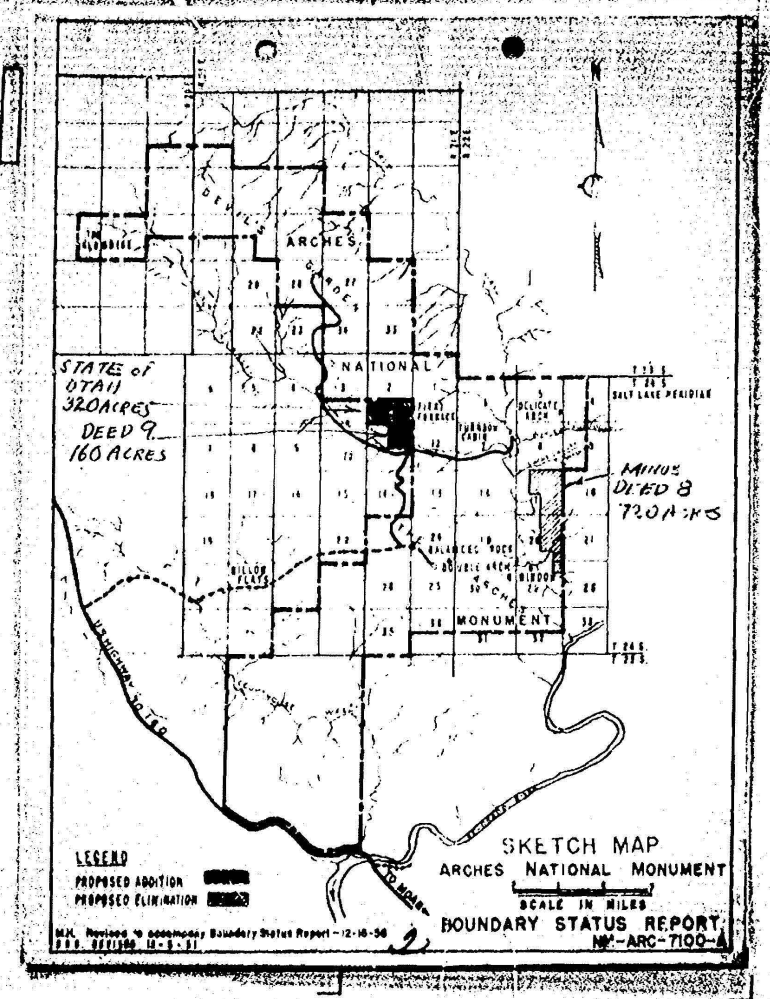
By the President:

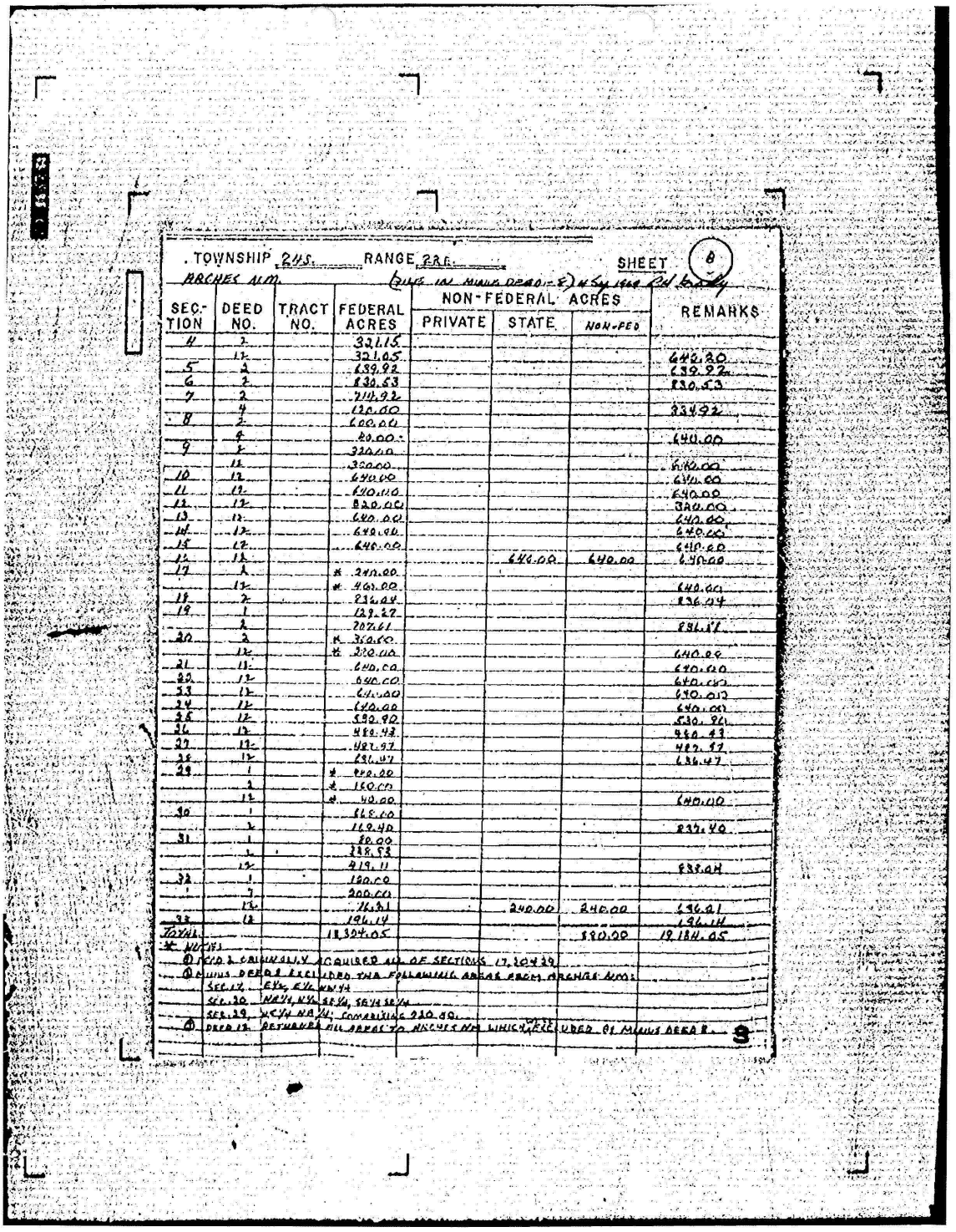
CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-7062; Filed, July 26, 1960; 2:30 p.m.]

FEDERAL REGISTER
THURSDAY JULY 28, 1960
ARCHES NAT. MON. DEED No. 9

7145


ARCHES
NATIONAL
MONUMENT
STATE of UTAH 320 ACRES DEED 9 160 ACRES
MINUS DEED 8 720 ACRES
SALT LAKE MERIDIAN
US HIGHWAY 160
LEGEND
PROPOSED ADDITION
PROPOSED ELIMINATION
SKETCH MAP
ARCHES NATIONAL MONUMENT
SCALE IN MILES
BOUNDARY STATUS REPORT
No.-ARC-7100-A



. TOWNSHIP 24S. RANGE 22E. SHEET 8

ARCHES NM. (LIES IN MINUS DEED-E) N Sy 1960 PM Bailey

SEC-TION	DEED NO.	TRACT NO.	FEDERAL ACRES	NON-FEDERAL ACRES: PRIVATE	STATE	NON-FED	REMARKS
4	2		321.15				
	12		321.05				642.20
5	2		639.92				639.92
6	2		830.53				830.53
7	2		711.92				
	4		120.00				831.92
8	2		600.00				
	9		80.00				640.00
9	2		320.00				
	12		320.00				640.00
10	12		640.00				640.00
11	12		640.00				640.00
12	12		820.00				820.00
13	12		640.00				640.00
14	12		640.00				640.00
15	12		640.00				640.00
16	12			640.00	640.00		640.00
17	1		* 240.00				
	12		* 400.00				640.00
18	2		836.04				836.04
19	1		128.27				
	2		707.61				836.88
20	2		* 320.00				
	12		* 320.00				640.00
21	12		640.00				640.00
22	12		640.00				640.00
23	12		640.00				640.00
24	12		640.00				640.00
25	12		590.90				590.90
26	12		480.43				480.43
27	12		482.97				482.97
28	12		636.47				636.47
29	1		* 440.00				
	2		* 160.00				
	12		* 40.00				640.00
30	1		566.00				
	2		169.40				835.40
31	1		80.00				
	2		238.53				
	12		319.11				637.64
32	1		120.00				
	2		200.00				
	12		76.91		240.00	240.00	636.91
33	12		196.14				196.14
TOTALS			18,304.05			$80.00	19,184.05

* NOTES

① TRACT 2 ERRONEOUSLY ACQUIRED ALL OF SECTIONS 17, 20 & 29

② MINUS DEED E EXCLUDED THE FOLLOWING AREAS FROM ARCHES NM:

SEC. 17 E½, E½ W½ NW¼

SEC. 20 NW¼, N½ SE¼, SE¼ SE¼

SEC. 29 W½ W½ NW¼ COMPRISING 220.00.

③ DEED 12 RETURNED ALL AREAS TO ARCHES NM WHICH WERE USED BY MINUS DEED E.

MODIFYING THE ARCHES NATIONAL MONUMENT, UTAH

July 22, 1960
[No. 3360]

By the President of the United States of America

A Proclamation

WHEREAS the Arches National Monument in Grand County, Utah, established by Proclamation No. 1875 of April 12, 1929, and enlarged by Proclamation No. 2312 of November 25, 1938, was reserved and set apart as an area containing extraordinary examples of wind-eroded sandstone formations and other geologic and prehistoric structures of historic and scientific interest; and

46 Stat. 2988.
53 Stat. 2504.

WHEREAS it appears that it would be in the public interest to add to the Arches National Monument certain contiguous lands on which outstanding geologic features of great scientific interest are situated, and certain other lands adjacent to the monument which are essential to the proper care, management, and protection of the objects of scientific interest situated on such lands and on lands now comprising a part of the monument; and

WHEREAS it appears that it would also be in the public interest to exclude from the monument certain lands in the southeast section thereof, contiguous to the Salt Wash escarpment, which are used for grazing and which have no known scenic or scientific value:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), and subject to valid existing rights, do proclaim as follows:

The lands now owned by the United States within the exterior boundaries of the following-described tracts of land are hereby added to and reserved as a part of the Arches National Monument; and lands owned by the State of Utah within such boundaries shall become and

be reserved as a part of that monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN

T. 24 S., R. 21 E.
Sec. 2, S½;
Sec. 11, NE¼;
comprising 480 acres, more or less.

The following-described lands in the State of Utah are hereby excluded from the Arches National Monument:

SALT LAKE MERIDIAN

T. 24, S., R. 22 E.,
Sec. 17, E½, E½NW¼;
Sec. 20, NE¼, N½SE¼, SE¼SE¼;
Sec. 29, NE¼NE¼;
comprising 720 acres, more or less.

The boundaries of the Arches National Monument are modified accordingly.

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

ARCHES NATIONAL MONUMENT DEED 1
160.00 A

WARRANTY DEED

EMMETT ELIZONDO and LENA ELIZONDO, husband and wife, grantors of Moab, County of Grand, State of Utah, hereby CONVEY and WARRANT to THE UNITED STATES OF AMERICA,

grantee of United States of America for the sum of ONE THOUSAND and no/100 ($1,000.00) DOLLARS, the following described tract of land in Grand County, State of Utah:

The East Half of the Northeast Quarter (E½NE¼) and the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section 7, and the Southwest Quarter of the Northwest Quarter (SW¼NW¼) of Section 8, Township 24 South, Range 22 East, Salt Lake Meridian, containing 160 acres.

This deed is made and accepted by the United States subject to the following express conditions:

(a) That for a period of 35 years from the date of this conveyance, the grantor, his heirs, devisees, administrators, and executors, as the case may be, shall have and enjoy, without payment of any fee or other charge, the right of access to the lands herein conveyed for the purpose of using the water in the Salt Wash running through the property for watering his sheep herd or such other livestock as he may own or control. It is understood and agreed that the permission herein provided for shall entitle the grantor to water his sheep or other livestock herd along the Salt Wash for the full distance which said wash traverses the lands herein conveyed, a distance of approximately 3/4 miles. It is further understood and agreed that this privilege is to be exercised generally during the period from December 1, to May 1, of each year, but it may also be exercised at such other times as may be reasonable and necessary upon approval in advance by the Custodian or other officer in charge of Arches National Monument.
(Continued on reverse.)

WITNESS, the hands of said grantor, this 26th day of May, A. D. 1948.

Signed in the Presence of
Thomas Earl Washington
Russell T. Mahaw

Emmett Elizondo
Lena Elizondo

STATE OF Colorado,
County of Montrose } ss.

On the 26th day of May, A. D. 1948 personally appeared before me Emmett Elizondo and Lena Elizondo, husband and wife, the signer of the within instrument, who duly acknowledged to me that they executed the same.

Esse Bryant
Notary Public

My commission expires June 17, 1951 Residing in Montrose Colorado

Filed for record at Utah
Date 1948 Book 3-Z Page 1

Deed No. 4

ARCHES NM D-4

(b) That the grantor, without payment of any fee or other charge, shall be permitted to erect a suitable storehouse or grain bin upon the land herein conveyed for the storage of stock feed and supplies for camp use; provided, however, that the site for the erection of such storehouse or grain bin, and the construction plans therefor, shall be approved in writing by the Custodian or other officer in charge of Arches National Monument before construction shall be undertaken. It is understood and agreed that title to the storehouse or grain bin to be erected on the land shall remain in the grantor, who shall be permitted to remove the same at any time during the 35-year period stipulated in paragraph "(a)" above. In the event the structure herein authorized to be erected shall not have been removed within three (3) months following the expiration of the 35-year period so stipulated, the same shall be the property of the United States. In the event of removal or abandonment of the structure by the grantor, it is agreed that the site thereof shall be restored to its original condition at the expense of the grantor.

(c) That the grantor, without payment of any fee or other charge, and during the 35-year period herein stipulated, shall be permitted to drive his sheep or other livestock herd across Arches National Monument lands, using the so-called Slick Rock trail, northwest of Delicate Arch, for the purpose of reaching the lands herein conveyed in order to water the grantor's stock. A second stock driveway running from the east through Cash Valley shall also be permitted for the purpose stated. The stock driveways herein permitted are substantially those used in the past by the grantor but it is understood and agreed that in the enjoyment of the privileges herein provided for, both driveways shall not be less than 1/4 mile, nor more than 1/2 mile, in width and that the boundaries of the said driveways may be fixed and made more definite by the Custodian or other officer in charge of Arches National Monument. It is further understood and agreed that the grantor will exercise due care in the enjoyment of the privileges hereby authorized to guard against injury or damage to the lands and other property of the United States and will not permit his sheep or other livestock herd to stray from the stock driveways or the watering places provided for herein.

(d) The privileges herein provided for shall not be assignable.

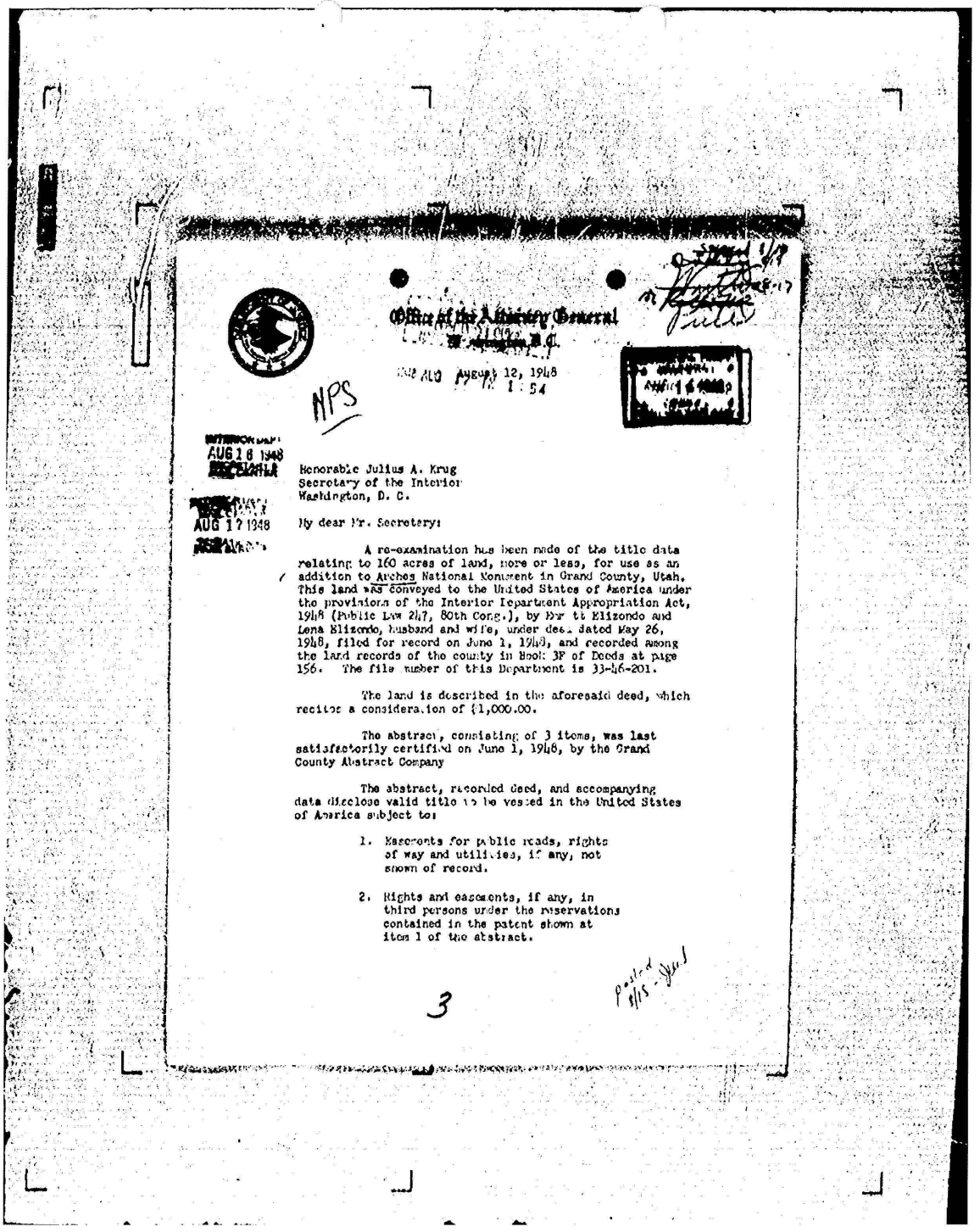
UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service
Washington

SEP 10 1948

The within deed is hereby accepted on behalf of the United States under authority contained in the Interior Department Appropriation Act, 1948 (Public Law 247, 80th Congress), and pursuant to Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361).

C. B. Richardson
Acting Director.

2



Office of the Attorney General
Washington, D. C.

AUG 12 1948
1:54

NPS

AUG 18 1948

AUG 17 1948

August 12, 1948

Honorable Julius A. Krug
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

A re-examination has been made of the title data relating to 160 acres of land, more or less, for use as an addition to Arches National Monument in Grand County, Utah. This land was conveyed to the United States of America under the provisions of the Interior Department Appropriation Act, 1948 (Public Law 247, 80th Cong.), by Bert Elizondo and Lena Elizondo, husband and wife, under deed dated May 26, 1948, filed for record on June 1, 1948, and recorded among the land records of the county in Book 3F of Deeds at page 156. The file number of this Department is 33-46-201.

The land is described in the aforesaid deed, which recites a consideration of $1,000.00.

The abstract, consisting of 3 items, was last satisfactorily certified on June 1, 1948, by the Grand County Abstract Company

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

1. Easements for public roads, rights of way and utilities, if any, not shown of record.

2. Rights and easements, if any, in third persons under the reservations contained in the patent shown at item 1 of the abstract.

3

Posted 8/18 - Gyl

3. Payment of the purchase price.

Your Department has advised that objections 1 and 2 will not interfere with the contemplated use of the land.

The abstract, deed and related papers are enclosed.

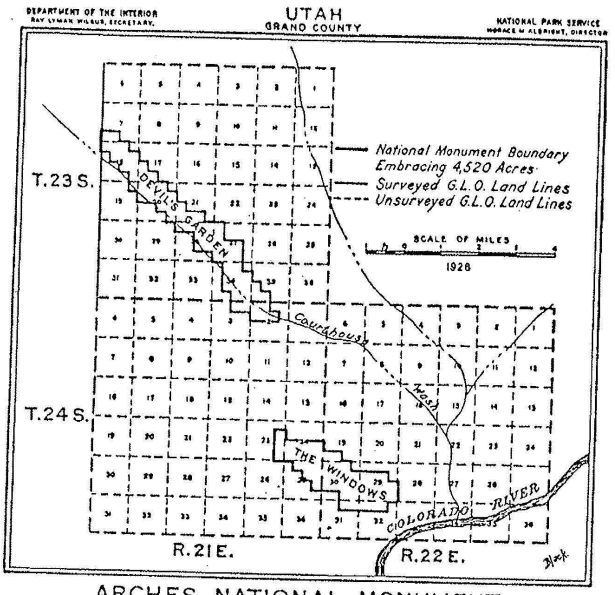
Sincerely yours,

Tom C. Clark

Attorney General

Received by U.S.G.S.
Date OCT 5 1948

4



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 2312—Nov. 25, 1938—53 Stat. 2504]

WHEREAS certain public lands contiguous to the Arches National Monument, in Utah, established by proclamation of April 12, 1929 (46 Stat. 2988), have situated thereon geologic and prehistoric structures of historic and scientific interest; and

WHEREAS there are other public lands contiguous to the said monument which are necessary for the proper care, management, and protection of the objects of scientific interest situated on the lands included in the monument and on the other lands referred to above; and

WHEREAS it appears that it would be in the public interest to reserve such lands as part of the said monument:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Utah are hereby reserved from all forms of

appropriation under the public-land laws and added to and made a part of the said Arches National Monument:

SALT LAKE MERIDIAN—UTAH

T. 23 S., R. 20 E., sec. 12, S½,
sec. 13, all,
sec. 22, E½,
sec. 23, all,
sec. 24, N½,
T. 23 S., R. 21 E., sec. 7, S½
secs. 16 to 18, inclusive,
sec. 19, N½,
sec. 20, N½ and SE¼,
secs. 21 and 22,
secs. 26 to 28, inclusive,
secs. 34 and 35,
T. 24 S., R. 21 E., sec. 1, all,
sec. 2, N½,
sec. 3, N½,
secs. 12 and 13,
secs. 23 to 27 and 33 to 35, inclusive,
sec. 36, N½ (all unsurveyed),
T. 25 S., R. 21 E., secs. 3 to 5 and 8 to 10, inclusive,
secs. 15 to 17, inclusive,
sec. 22, all
and all those parts of secs. 20, 21, 27 and 28 north of State Highway No. 450,
T. 24 S., R. 22 E., sec. 4, W½,
secs. 5 to 8, inclusive,
sec. 9, W½,
secs. 17 to 20, inclusive,
secs. 29 to 30,
sec. 31, N½,
sec. 32, N½,

aggregating approximately 29,160 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes", approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of November in the year of our Lord nineteen hundred and thirty-eight, and of the
[SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT.

By the President:
CORDELL HULL,
The Secretary of State.

Deed No. 1
4813.63 Acres.

Note - Area differs from that given in proclamation because land was surveyed after monument establishment.

ARCHES NATIONAL MONUMENT
UTAH

By the President of the United States of America

A Proclamation

WHEREAS, there are located in unsurveyed townships twenty-three and twenty-four south, range twenty-one east, and twenty-four south, range twenty-two east of the Salt Lake meridian, in Grand County, Utah, two areas, known locally as the "Devil's Garden" and the "Windows," containing approximately 2,600 acres and 1,020 acres, respectively;

WHEREAS, these areas contain extraordinary examples of wind erosion in the shape of gigantic arches, natural bridges, "windows," spires, balanced rocks, and other unique wind-worn sandstone formations, the preservation of which is desirable because of their educational and scenic value; and

WHEREAS, it appears that the public interest would be promoted by reserving these features as a national monument, together with such land as may be needed for the protection thereof;

NOW, THEREFORE, I, HERBERT HOOVER, President of the United States of America, by virtue of the power in me vested by section two of the act of Congress entitled, "An Act for the Preservation of American Antiquities," approved June 8, 1906 (34 Stat. 225), do proclaim that there are hereby reserved from all forms of appropriation under the public land laws and set apart as a national monument all those pieces and parcels of land in Grand County, State of Utah, shown as the Arches National Monument upon the diagram hereto annexed and made a part hereof, subject to prior valid claims and pending applications for permits to prospect for potassium under the act of Congress approved October 2, 1917 (40 Stat. 297), provided that they do not involve the ultimate disposition of the title of the United States to any lands within the area hereby reserved.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this Monument as provided in the act of Congress entitled, "An Act to establish a National Park Service and for other purposes," approved August 25, 1916 (39 Stat. 535), and acts additional thereto or amendatory thereof.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 12th day of April in the year of our Lord one thousand nine hundred and twenty-nine and of the [SEAL] Independence of the United States of America the one hundred and fifty-third.

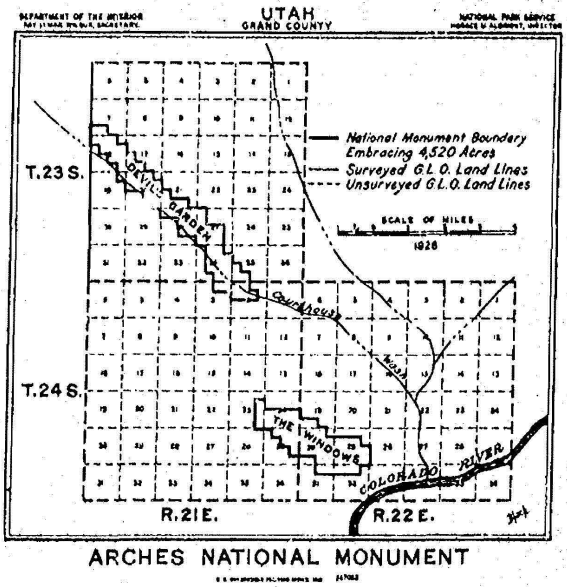
HERBERT HOOVER

By the President:
HENRY L. STIMSON
Secretary of State.

[No. 1875]

ARCHES N.M. D. 1

1



2

Supporting Hydro Data

DOCKET – ARCH 008

National Park Service
U.S. Department of the Interior

Natural Resource Stewardship & Science
WRD - WRB

April 29, 2016

SUPPORTING HYDRO DATA

NOTE TO THE FILE:

The following references are found in the original Docket Folder but due to the size or quality of images they have been posted to DATA STORE in the National Park Service Integrated Resource Management Application (IRMA) as separate documents and can be located by the DATA STORE REFERENCE CODE.

- **Recharge areas and geologic controls for the Courthouse-Sevenmile Spring system, Western Arches National Park, Grand County, Utah: Final Contract report, 2003**
  - DATA STORE REFERENCE CODE – 657977

- **Summary of ground-water sampling in the Courthouse Wash Area, Grand County, Utah, 2007**
  - DATA STORE REFERENCE CODE – 2174207

- **Summary results from the Courthouse Wash Monitoring Well, Open File Report 606, Utah Geological Survey, Utah Department of Natural Resources, 2013**
  - DATA STORE REFERENCE CODE – 2229341

Data Store
Integrated Resource Management Applications
Part of IRMA

National Park Service
U.S. Department of the Interior
Natural Resource Stewardship and Science

Published Report - (Code: 657977)

Actions

Title Recharge areas and geologic controls for the Courthouse-Sevenmile Spring system, Western Arches National Park, Grand County, Utah : Final contract report

Description

Full Citation Hurlow HA and Bishop CE. 2003. Recharge areas and geologic controls for the Courthouse-Sevenmile Spring system, Western Arches National Park, Grand County, Utah : Final contract report. State of Utah, Department of Natural Resources, Utah Geological Survey. Salt Lake City, UT

Visibility Public

click here for less info

Files and Links (2)

Type	Download Link	Description
Digital File	N16Hurl2003Springs.pdf	Digital Report (June 2011)
Digital File	rechargeareasgeo00hurl.pdf	Digitized by the Internet Archive from the WRD collection; physical copy archi

< >

Core Info | Permissions | Units and Geography | Subjects and Keywords | Taxonomy | History

Title	Recharge areas and geologic controls for the Courthouse-Sevenmile Spring system, Western Arches National Park, Grand County, Utah : Final contract report
Date Published	January 13, 2003
Author(s)	Hugh A Hurlow; Charles E Bishop
Editor(s)	- -
Publisher	State of Utah, Department of Natural Resources, Utah Geological Survey
Report Number/ID	- -
Place Published	Salt Lake City, UT
Content Begin Date	- -
Content End Date	- -
Number of Pages	80 Pages
Description	- -
Table of Contents	- -
Notes	Two copies in file. Report includes three plate maps titled: Structure-contour map of the base of the Moab member of the Curtis Formation, Courthouse Wash-Sevenmile Canyon Area, Grand County, Utah; Topographic and geologic maps of the Courthouse Wash - Sevenmile Canyon Area, Grand County, Utah; and Cross sections of the Courthouse Wash - Sevenmile Canyon Area, Grand County, Utah., **This information is imported from the Legacy field in NatureBib** Author role:Utah Geological Survey, D **This information is imported from the Legacy field in NatureBib**
Edition	- -
Published Report Series Title	- -
Publisher	- -

Data Store
Integrated Resource Management Applications
Part of IRMA

National Park Service
U.S. Department of the Interior
Natural Resource Stewardship and Science

Unpublished Report - (Code: 2174207)

Actions

Title Summary of ground-water sampling in the Courthouse Wash Area, Grand County, Utah

Description This report presents data from ground-water sampling of springs and wells in the Courthouse Wash area. A total of eight sites, including four wells and four springs, were sampled in March of 2006. All samples were analyzed for 1) general solute chemistry including major anions and cations, nitrite and nitrate, total and dissolved phosphate, 2) stable isotopes of deuterium and oxygen, 3) tritium, and 4) carbon isotopes. Results indicate that the three springs that issue near the base of the Moab Member of the Curtis Formation, including Sevenmile Canyon Boundary Spring, Poison Ivy Spring, and Sleepy Hollow Spring, consist of ground water recharged approximately sin ...more

Full Citation Kirby S. 2007. Summary of ground-water sampling in the Courthouse Wash Area, Grand County, Utah. Utah Geological Survey, Department of Natural Resources. Salt Lake City, UT

Visibility Public

click here for more info

Files and Links (1)

Type	Download Link	Description
Digital File	N16KIRB2007WATE_2174207.pdf	PDF uploaded from NCPN files (July 2011)

Data Store
Integrated Resource Management Applications
Part of IRMA

National Park Service
U.S. Department of the Interior
Natural Resource Stewardship and Science

Generic Document - (Code: 2229327)

Actions

Title Groundwater Age Dating in and Near Arches National Park, Utah

Description The objectives of this study were to determine the age and origin of recharge for waters issuing from four springs in Courthouse Wash and Sevenmile Canyon in Arches National Park, and waters from four wells screened within the Moab Member of the Curtis Formation, Slickrock Member of the Entrada Sandstone, or the Navajo Sandstone aquifers adjacent to Courthouse Wash and Sevenmile Canyon. Noble gas thermometry and stable isotopes were used to estimate the recharge elevation for these waters, and the environmental tracers tritium and chlorofluorocarbons were used to determine the age of waters within these aquifers.

Full Citation Masbrush MD and Others. 2010. Groundwater Age Dating in and Near Arches National Park, Utah. State of Utah, Department of Natural Resources, Utah Geological Survey. Salt Lake City, UT

Visibility Public

click here for more info

Files and Links (1)

Type	Download Link	Description
Digital File	Arches_GroundwaterAgeDating.pdf	

Data Store
Integrated Resource Management Applications
Part of IRMA

National Park Service
U.S. Department of the Interior
Natural Resource Stewardship and Science

Published Report - (Code: 2229341)

Actions

Title Summary Results from the Courthouse Wash Monitoring Well, Open File Report 606, Utah Geological Survey, Utah Department of Natural Resources

Description This open-file report presents data and describes results from a new groundwater monitoring well and groundwater sampling campaign in the Courthouse Wash area near Moab, Utah. The purpose of the monitoring well and new groundwater samples is to better delineate the relationship between groundwater that supplies important springs within Arches National Park, and groundwater beneath the upper portions of Courthouse Wash.

Full Citation Kirby SM and Others. 2013. Summary Results from the Courthouse Wash Monitoring Well, Open File Report 606, Utah Geological Survey, Utah Department of Natural Resources. Utah Geological Survey, Department of Natural Resources. Salt Lake City, UT

Visibility Public

click here for more info

Files and Links (1)

Type	Download Link	Description
Digital File	State_of_Utah_UGS_OFR-606.pdf	

Other Supporting Information

print

State, Park Service sign water rights agreement for Arches National Park

by Molly Marcello
Contributing Writer
05.28.15 - 09:36 am

Utah Gov. Gary Herbert and Kate Cannon, superintendent of the Southeast Utah Group of the National Park Service, settled a 15-year discussion on Friday, May 22. Herbert and Cannon, along with other state and federal officials, signed a contract that defines the water rights for Arches National Park and aims to provide clarity to all water users in the area.

The agreement gives Arches National Park 120 acre-feet of water for administrative uses such as the visitor center and campgrounds.

It also establishes a "protection zone" that prohibits surface water or groundwater from being appropriated in the Courthouse Wash, Sevenmile Canyon and Salt Wash drainage basins.

Local water users — including those with junior rights — will continue to receive their water allocation.

"We've come up with an amount that will preserve the park and will also protect local water users — this is a win-win situation," said Mike Styler, executive director of the Utah Department of Natural Resources (DNR).

When Congress creates a national park or Native American Reservation, a federal water right is always established, Styler said.

But the details — like how much each water each national park is entitled to — are left for the states and the parks to work out.

Since Arches was first established in 1929, the issue of water rights has remained in limbo, and serious discussions to settle the issue began only 15 years ago.

"It's left to the states and the park service to negotiate how much water goes with the park. Some states have ignored it; other states have said 'we'll settle it in court.' Our state has said 'let's talk, let's negotiate it,'" Styler said. "It's better than fighting it out in court and it's better than ignoring the situation."

Herbert told a small crowd gathered at the La Sal Mountain Overlook in Arches on Friday, May 22, that Utah is well known for its spirit of cooperation and collaboration.

"Compromise is not a dirty word in our vernacular here," said Herbert.

Herbert praised the state and federal officials who worked through their differences and made the agreement a reality.

"Margaret Mead once said 'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.' As I think of a small, group of thoughtful committed citizens like yourselves representing different entities — it's really been your commitment, your reasonableness, your willingness to come together and work together that's brought us to this resolution today," Herbert said.

The Arches agreement is the 10th water right settlement in Utah so far, and representatives from Utah DNR hope Bryce Canyon National Park will be next to reach a settlement in the state.

Utah Division of Water Rights State Engineer Kent Jones said he looks forward to similar settlements, saying that they bring clarity to all water users.

"We're really interested in getting all these reservations finalized," Jones said. "It just helps us give order and certainty to the Colorado River issues."

Laura Joss, former superintendent of Arches National Park, said both state and federal agencies worked hard to secure precious water resources for the future.

"In the representatives of the state of Utah, I found people who found the importance of water to this wonderful place and who were committed to working with the park and our colleagues in the National Park Service Water Resources Division ... to ensure the water rights necessary to the park were preserved," Joss said. "I'm proud to be here today to witness the signing of this important agreement and to congratulate those from the state and federal agencies who helped make this happen and to celebrate the fact that when important values are at stake, we can all come together to protect them."

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State, feds celebrate Arches water agreement

Rudy Herndon Moab Sun News | Posted: Thursday, May 28, 2015 8:45 am

May 22 might have seemed like an ordinary – albeit windy – day to the average Arches National Park visitor.

But to Gov. Gary Herbert and other dignitaries who gathered that afternoon at the park's La Sal Mountains viewpoint, it was a day for the record books.

The governor joined National Park Service Southeast Utah Group Superintendent Kate Cannon to sign a landmark water rights agreement that protects water resources within Arches, while preserving the rights of others who hold water rights in the area.



Historic day at Arches

Gov. Gary Herbert, second from right, joined National Park Service employees on Friday, May 22, to celebrate the signing of a landmark water rights agreement at Arches National Park. [Photo by Rudy Herndon / Moab Sun News]

Speaking against the backdrop of the park's famed Courthouse Towers, Herbert said the agreement represents a combined effort on the part of numerous state and federal officials that will keep water-related disputes from heading to an actual courthouse.

"I know that this is a labor of love for many people to get this resolved," he said.

Cannon used similar words to describe the agreement.

"It's the culmination of many, many years of effort by a group of people with great expertise and great commitment, determined to find a win-win solution to a problem," she said.

Under the agreement, the park will retain the rights to 120 acre-feet of water per year for administrative purposes, such as campground and culinary water use. (One acre foot equals about 325,851 gallons of water.)

At the same time, the agreement ensures that natural streams and springs inside the park cannot be diverted for other purposes, and it creates watershed protection zones on state and federal lands in the Courthouse Wash, Sevenmile Canyon and Salt Wash basins beyond the park's boundaries.

The zone protects surface water and groundwater that come from the upper Entrada aquifer. In one key win for the state, though, it does not extend to the lower-level Navajo aquifer, which means that groundwater below the Entrada formation can still be developed.

State officials also won provisions that protect upstream water rights owners, including ranchers and irrigators, who can continue their water use without any impediments. And in a victory for every non-lawyer out there, the agreement eliminates the possibility of future lawsuits regarding water rights in and around the park.

"I know the attorneys are going to feel bad about this, but the fact that we can have a lack of litigation and a resolution of conflict is an important part of this agreement," Herbert said.

The park's reserved water rights date back to the creation of Arches National Monument in 1929. However, the details of those rights were never clarified at the time, and the state continued to appropriate water after the establishment of the monument, which became a national park in 1971.

Utah Department of Natural Resources Executive Director Mike Styler brought the audience up to date on the history behind the issue, noting that the U.S. Supreme Court's justices ruled that Congress intended to create reserved water rights for places such as national parks.

"They just never said how much," Styler said. "They left it up to the state and the federal government to negotiate it."

In this case, that's just what the two sides have been doing since 1999.

Past incarnations of the Grand County Council feared that earlier proposals would have hampered future development of groundwater resources around the park. State and federal officials eventually addressed those concerns in a draft version of the final agreement, which a previous county council ultimately endorsed.

About 18 months later, state officials were finally ready to climb on board, as well.

"Their presence and their purpose here today are a good example of the kind of assistance and support we've come to expect from the State of Utah and the governor," Cannon said.

Former Arches National Park Superintendent Laura Joss, who currently serves as the deputy regional director of the park service's intermountain region office in Denver, said she was happy that the two sides were able to resolve the issue.

"Those of us in the arid West know the value of water," she said.

"As former superintendent of Arches, and as part of the team who worked on this agreement, it meant a great deal to me."

Styler, meanwhile, praised Utah Division of Water Rights officials and others for heeding the governor's call to be "reasonable" as they work on tough situations.

"Some states have chosen to just ignore the whole issue; others have decided, 'We'll litigate the issue,' and there have been nasty lawsuits in some states between the state and Native Americans or the state and the national parks," he said. "But in Utah, we have a governor that has said for many years, 'Where there's two reasonable people or two reasonable groups, we ought to be able to come to a reasonable resolution,' and that's what we've done here."

Herbert said he believes that spirit of cooperation and collaboration is part and parcel of the state's success, citing a recent U.S. Chamber of Commerce survey which declared that Utah has been the best-performing state for the past two years.

"That's high praise from people who have no ax to grind and really don't care who's number one and who's number 50," he said. "But it does reflect on the people of Utah, that we do have an understanding of how to work things out. Compromise is not a dirty word in our vernacular here in the state of Utah."

The agreement is the 10th settlement of its kind that the two sides have reached to date, following similar efforts to define water rights at Zion National Park and Natural Bridges National Monument, among other places.

"We've got a great track record," Styler said.

Next on the list is a proposed settlement to resolve water rights issues in and around Bryce Canyon National Park.

"We're hoping he can do it before he's re-elected," Styler joked. "Either way, we'll get the governor to sign it."

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Utah And Arches National Park Reach A Water Rights Agreement

By JON KOVASH (/PEOPLE/JON-KOVASH) · MAY 26, 2015

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Water agreement strives to provide enough water while still protecting.

JON KOVASH

Arches National Park has reached an agreement with the State of Utah regarding water rights in the park.

Listen

2:19

The new agreement intends to make sure the park has enough water for administrative and campground uses, and also establishes a protection zone, to ensure the flows of streams, seeps and springs within the park. Attending a signing ceremony on Friday were Governor Gary Herbert and state officials, including Mike Styler, director of Utah's Natural Resources Department:

"Many years ago the Supreme Court said that Congress intended for there to be reserved water rights for places like national parks and for Native American reservations. They just never said how much. They left it up to the state and the federal government to negotiate it. This agreement has set aside, we've come up with an amount, that will serve the park, but it will also protect local water users."

Styler said other states have either ignored the issue, or resorted to litigation, but Arches is the 10th agreement that Utah has worked out with a national park unit in the state, and Bryce Canyon will be the next. Virtually all of the assembled officials called it a "win win" situation, including Governor Herbert:

"And I know this is a work, a labor of love for many people to get this resolved. It certainly is a significant modification and certainly is a significant resolution that we're celebrating here today. And I am so proud of the work that we've done here in the past with the Department of Interior in trying to resolve some of these difficult issues that we've had here, you know, for twenty plus years on public lands."

Stephen Kirby is one of the scientists who conducted hydrology and water chemistry studies in the park.

"A bunch of the perennial stream flow in Court House Wash, and also some of the groundwater within Arches National Park is interconnected with areas there to the north and west of here."

The agreement will also ensure surface flows in the 7 Mile Canyon and Salt Wash drainages, and it protects ground water in the Entrada aquifer beneath the park. No future permits will be granted to drill into the Entrada, but the park's senior, 1929 water rights will be subordinated to existing ranch, farm and recreational users who hold junior rights.





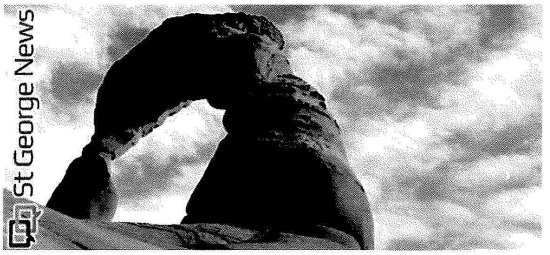
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Delicate Arch gives a splendid show of nature at Arches National Park, Moab, Utah, Date not specified | Photo courtesy of the National Park Service

Herbert signs agreement outlining Arches National Park water rights

Written by or for St. George News on May 23, 2015 in Government, News, Politics - No comments

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MOAB — Gov. Gary R. Herbert signed a water right agreement Friday with the U.S. Department of Interior and Arches National Park that outlines Arches' water rights and removes the possibility of future litigation. It also identifies protections for basin water users, including businesses, ranchers, farmers and those that recreate in red rock country.

We came out of this process with a fair and equitable agreement

"Today's agreement between the state and federal government once again shows our ability to collaborate and solve complex challenges when we work together," Herbert said Friday. "These agreements don't happen overnight. They take time and a commitment from everyone involved, but we came out of this process with a fair and equitable agreement that benefits Arches and the state of Utah."

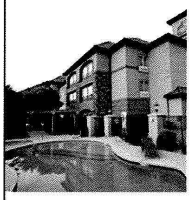
A reserved water right was established when Arches National Park was created in 1929. However, the details of that right were not quantified at that time, and the state continued to appropriate water in the area following the establishment of the park.

Utah can once again clearly distribute water and regulate the basin's system

The new agreement means Utah can once again clearly distribute water and regulate the basin's system while preserving the rights of other water users in the area. As one of the basin's senior water rights holders, the United States has agreed to allow junior water rights holders to continue receiving their water allocation out of priority. This agreement permits water rights owners upstream, like ranchers and irrigators, to continue their water use unimpeded.

As part of the agreement, Arches National Park receives 120 acre-feet of water for park administrative uses, including the visitor center and campgrounds. Protections are also

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in place that prevent natural streams and springs within the park from being diverted for other purposes.

It's our responsibility to ensure Utah's natural resources like water are protected

"It's our responsibility to ensure Utah's natural resources like water are protected, conserved and used wisely for the benefit of our state," Mike Styler, Utah Department of Natural Resources executive director, said. "This agreement allows us to continue to meet the needs of existing water users in the basin, while also meeting the needs of Arches National Park and its desire to protect the park's streams and springs."

The Arches agreement is Utah's tenth reserved water right agreement with the federal government. Past agreements include Cedar Breaks National Monument, Golden Spike National Historic Site, Hovenweep National Monument, Natural Bridges National Monument, Rainbow Bridge National Monument, Timpanogos Cave National Monument and Zion National Park. Natural Bridges was the last water rights agreement signed by Herbert.

Resources

- Arches National Park Agreement

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State, national park leaders hammer out deal for Arches water

BY BRETT PRETTYMAN

THE SALT LAKE TRIBUNE

PUBLISHED: MAY 23, 2015 04:12PM

UPDATED: MAY 23, 2015 10:48AM

There is not much water in Arches National Park.

What water is there is vitally important to the flora and fauna of the popular high-desert preserve.

State and federal officials gathered Friday in the park just north of Moab to acknowledge the role water plays with a contract meant to protect the precious resource.



Francisco Kjolseth | The Salt Lake Tribune
Delicate Arch in Arches National Park. November 2012.

The deal signed by Utah Gov. Gary Herbert and national-park and Interior Department leaders has been a long time coming, but finally defines water rights for the park and other water users in the area.

"It's our responsibility to ensure Utah's natural resources like water are protected, conserved and used wisely for the benefit of our state," said Mike Styler, executive director of the Utah Department of Natural Resources.

"This agreement allows us to continue to meet the needs of existing water users in the basin, while also meeting the needs of Arches National Park and its desire to protect the park's streams and springs."

The accord recognizes and reserves 120 acre-feet of water pulled from wells to serve campers at the Devils Garden Campground, people at the park's visitor center and employees living near the park entrance.

The contract also creates a protection zone around the park to guard "the flow of perennial, intermittent and ephemeral streams, seeps, springs and other naturally occurring water within the park, whose source is surface water or groundwater from the Entrada aquifer."

Part of the deal allows upstream "junior" water users in the basin, including ranchers and irrigators, to continue their water use.

A federal water right for the park was reserved when Arches was created in 1929. But no protections for water within and under the national park were carved out until now.

Arches Superintendent Kate Cannon said work on the agreement has been underway for at least 15 years. She complimented the state for the pact.

"Four very thorough hydrological studies by the state and federal government helped us determine how much water we need to maintain the park's natural features and the culinary supplies we rely on," Cannon said. "This is another great accomplishment by the [Utah Division of Water Rights]. I'm not sure any other state has this kind of success and determination."

State officials already have reached federal water agreements with Cedar Breaks National Monument, Golden Spike National Historic Site, Hovenweep National Monument, Natural Bridges National Monument, Rainbow Bridge National Monument, Timpanogos Cave National Monument, Zion National Park and the Shivwits Tribe.

Water agreements have yet to be reached for Canyonlands and Capitol Reef.

"Today's agreement between the state and federal government once again shows our ability to collaborate and solve complex challenges when we work together," Herbert said. "These agreements don't happen overnight.

They take time and a commitment from everyone involved. But we came out of this process with a fair and equitable agreement that benefits Arches and the state."

The agreement comes on the heels of a recently released audit of the Division of Water Resources that criticized water-use data collected by the state as inaccurate and incomplete.

brettp@sltrib.com

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GRAND COUNTY COUNCIL MEMBERS
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March 15, 2011

Mr. Kent L. Jones
State Engineer
Utah Division of Water Rights
1594 W. North Temple Suite 220
P.O. Box 146300
Salt Lake City, UT 84114-6300

Dear Mr. Jones,

The Grand County Council appreciates and acknowledges the initiation of statutory adjudication for the Arches National Park Federal Reserved Water Rights. Grand County agrees with the intent to set aside waters necessary to accomplish the purposes of Arches National Park. However, Grand County is concerned that the "Arches National Park Water Rights Agreement" restricts potential water development in aquifer systems that do not contribute to the purpose or operation of Arches National Park. Grand County is also concerned that existing surface water rights in the Courthouse Wash basin are thoroughly accounted for and afforded adequate protection in order to preserve their respective industries.

On February 1st, 1999 the Grand County Council adopted the "191 North Corridor Plan" as an amendment to the General Plan. This plan calls out three primary "nodes" targeted as locations ideal for growth along US 191. Two of these nodes, Canyonlands Field Airport and the 313/191 turnoff, are within the Courthouse Wash drainage and would be subject to proposed restrictions in the water rights agreement. The plan also stipulates a desire to preserve and protect historic agricultural use within its scope. Further, the BLM is in the process of developing a competitive bidding zone concerning potash resources on Federal property that is in or near the Courthouse Wash drainage basin. Grand County acknowledges the concept of the Federal Reserved Water Rights as setting aside water necessary to fulfill the purpose of the Park. It is, however, in the interest of Grand County that waters superfluous to the purpose of the Park are not restricted as a result of the adjudication process.

A document delivered to the County from the Utah Division of Water Rights provides a briefing of the Water Rights Agreement. This briefing states "There are deep groundwater resources (Navajo Aquifer) which may be useable without impact to the springs but additional testing and study will need to confirm the viability before use." However, the Water Rights Agreement restricts future diversions in the Courthouse Wash basin to no more than 50 acre-feet regardless of the aquifer being drawn from. This restriction is based on a study of the hydrology of the Entrada Aquifer which feeds Arches National Park. The agreement provides no relief of the 50 acre-feet restriction upon the potential finding that the Navajo aquifer is viable and not linked to the purpose or operation of Arches National Park. Such an agreement appears to set aside a greater amount of water than is enabled by the Federal Reserved Water Rights.

It is in Grand County's interest to endorse an agreement that limits restrictions on future water development to the hydrology specific to the purpose of Arches National Park. Agreements that place restrictions on waters not linked to the purpose of Arches National Park inappropriately set aside water for a purpose they cannot fulfill. However, those waters may be useful in fulfilling the long range plans of Grand County, SITLA, and a variety of other development interests. It is also in Grand County's interest that existing water use associated with range and grazing activity be thoroughly acknowledged and protected. We would appreciate further information or even additional studies on the effect of the Moab Fault dividing Cotton and Seven Mile watersheds.

We look forward to further discussions on the issue and respectfully request that the above concerns be addressed within the proposed agreement.

Sincerely,

Chris Baird, Chair
Grand County Council

cc: Marc Stilson, Regional Engineer, Utah Division of Water Rights, Southeastern Regional Office
Boyd Clayton, Deputy State Engineer, Utah Division of Water Rights
James Harte, Hydrologist, National Park Service, Water Resources Division
Kate Cannon, Superintendent, National Park Service - Southeast Utah Group, Arches National Park

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Docket Information

Number of Documents in Docket 109

Documents Dated from 4/12/1929 to 4/29/2016

Docket Compiled: 7/8/2016