WATER-RIGHT DOCKET

Lake Mead National Recreation Area

Docket No: 1

BLUE POINT SPRING

Preliminary Docket Information

07-05-1974: water right/source docket information

WATER RESOURCES/WATER RIC 3 DATE: July 5, 1974

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Lake Mead National Recreation Area

SITE Blue Point Spring

STATE Nevada COUNTY Clark DOCKET NO WR #1

LOCATION NW¼ NE¼ Sec. 7, T18S, R68E MDB & M

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Reservation

APPLICATION 10098 PERMIT CERTIFICATE

ACTION DUE PRIORITY RESERVATION October 13, 1936

QUANTITY USE

STATUS Inactive SOURCE Surface Water - Spring

REMARKS Nevada Application No. 10098 allowed to lapse

Hydrologic Unit #15010005

NARRATIVE:

On March 12, 1937, the National Park Service applied for a permit from the State of Nevada (Application # 10098) to appropriate water from Blue Point Spring at a rate of 2.0 second-feet to use in filling a public swimming pool and for irrigation in a public park within the Lake Mead National Recreation Area. The time in which to perfect rights to the use of this water by completing construction work and application of the water to beneficial use was extended periodically to August 6, 1950, due to lack of funds for development. On June 19, 1950, the application was canceled by the Park Service as it was found that the Mineral waters at Blue Point Spring were unsuited to domestic use (an alternative source from Rogers Spring, Application No. 10092 WR # 3, assigned to the National Park Service by memorandum of December 23, 1946 by the Fish and Wildlife Service was chosen instead). Mr. A. van V. Dunn, in a letter dated July 22, 1955 to the State Engineer, stated that the reason for cancellation was the NPS's belief that we could control conflicting uses by restricting access to land within the park boundaries. Mr. Dunn, on July 16, 1954 requested information on the procedure of reinstating Application No. 10098 (for the use of Blue Point Spring) as the Park Superintendent had reconsidered using this source for several proposed developments. The State Engineer replied that a new application was necessary but he failed to mention that on July 6, 1954, 10 days earlier, WH. McDonald filed Application No. 15725 for a proposed appropriation of Blue Point Spring for use in a plaster board mill located outside of but immediately adjacent to the park boundary. On November 18, 1954, the Superintendent filed a formal protest to the State Engineer regarding Application No. 15725 on the basis that the designated point of diversion would be on federal land withdrawn for the Boulder Canyon Project, administered by the National Park Service under the interbureau agreement of October 13, 1936 with the Bureau of Reclamation approved by the Secretary of the Interior as the Lake Mead National Recreation Area. The Park Service took the position that Mr. McDonald could not gain access over Federal land and the National Park Service would not grant a permit for such access until its development plans were completed, and then only on conditions to subject Mr. McDonald's appropriations to prior demands of the U.S. for the recreation area.

Mr. Dunn, in a letter to the Assistant Director of the Park Service, took the position that any rights and privileges under Permit No. 10098 were lost. Any protest the Park Service could make would have to be on grounds that any development or appropriation of this water source by McDonald would be subject to:

1) Executive Order No. 5339 of April 25, 1930 temporarily withdrawing

Compiled by M. Ackerman

Approved by W. Werrell

(Cont.)

from entry for classification for national monument purposes all unreserved public land in the township and range where Blue Point Spring is located.

2) Executive Order No. 5389 of July 7, 1930, withdrawing land within a 40-acre subdivision of a mineral spring on unreserved public land (which could constitute a classification of the 40-acre tracts including Roger and Blue Point Springs since both are highly mineralized).

3) The interbureau agreement with the Bureau of Reclamation dated October 13, 1936 administering the Boulder Canyon Project Area, including the section where Blue Point Spring is located but not where McDonald's mill was to be located or where Rogers Spring is located, as the Lake Mead National Recreation Area.

Mr. Dunn felt the strongest justification for protest was the "temporary" withdrawl of the entire area by Executive Order 5339. From information recently received in this office (July 1974), it appears that McDonald either was denied permit to appropriate water from Blue Point Spring or he failed to develop the spring for the mill for other reasons as no such development now exists.

On October 8, 1964, Public Law 88-639 (78 Stat. 1039) formally established the boundary of the Lake Mead National Recreation Area as shown in boundary map, RA-LM-7060-B, revised July 17, 1963. This new boundary retained the area within the original boundary where Blue Point Spring is located and also now included the are where McDonald proposed to build his millsite.

There is no evidence that the Park Service refiled on this source or that McDonald's application was denied or accepted. Current status is unknown.

July 8, 1974:

As per telephone conversation with Dave McLean (Lake Mead):

Blue Point Spring is not being used by anyone at this time, however, there is a proposed use of a refugium for pupfish.

(LATIN FOR "refuge"

06-19-1950: letter to state engineer from associate director regarding annual notice under app. nos. 10092 and 10098

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 LAME

June 19, 1950

Mr. Alfred Merritt Smith
State Engineer
Carson City, Nevada

My dear Mr. Smith:

We have received your annual notices that proof is due under Applications Nos. 10092 and 10098, unless we wish further extensions of time in which to perfect rights to the use of waters of Rodgers and Blue Point Springs at Lake Mead National Recreational Area.

Since the applications were filed, the jurisdiction over Rodgers Spring has been transferred from the Fish and Wildlife Service to the National Park Service. The waters of Rodgers Spring are better adapted to our needs than those of Blue Point Spring.

Accordingly, with this letter we request the cancellation of Water Right Application No. 10098.

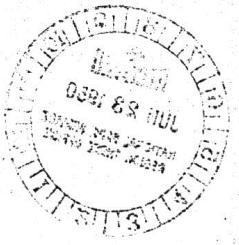
We also enclose an application for extension of time in which to perfect rights to Rodgers Spring under Water Right Application No. 10092, together with a purchase order and voucher to cover the statutory fee. Please sign and return the voucher for payment.

Sincerely yours,

(Sgd) A. E. Demaray
A. E. Demaray
Associate Director

Enclosures 4

Copy to: Regional Director, Region Three (4)



26

08-05-1949: letter to nps from state engineer regarding request for extensions of time

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THEIX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER
J. A. MILLAR
OFFICE ENGINEER

IN YOUR REPLY REFER TO NO.

Aug. 5, 1949

In replying, refer to 10092, 10098

Department of the Interior,
National Park Service,
Washington, 25, D. C.

Gentlemen:

Requests for extensions of time were

received and filed in this office under the above-mentioned

serial numbers on June 21, 1949.

The time within which to commence work under 10098 and within which to complete work and place water to beneficial use under both 10098 and 10092 is herewith extended to and including July 6, 1950, and the time within which to file proofs thereof together with map is herewith extended to and including August 6, 1950.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 34830.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

Address all mail to Alfred Merritt Smith, State Engineer

ORIGINAL

Received 8/9/47.

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No. 34830

Aug. 5, 1949

Department of the Interior,
National Park Service,
Washington, 25, D. C.

To THE STATE OF NEVADA, Dr.

		To filing requests for extensions under 10092 and 10098.		10.00

Remittance in Check No. 80,854,125, Treasurer of the U. S., Washington, D. C.

Received payment, Alfred Merritt Smith
State Engineer.

By C. E. Grieve

3,000—1-8-48

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10098
FILED BY United States of America
APPROPRIATE THE WATERS OF Blue Point Spring (Source)

APPLICATION FOR EXTENSION OF TIME

City of Washington
~~STATE OF~~ ~~COUNTY OF~~ District of Columbia } ss.

Comes now A. van V. Dunn, the agent (Permittee or Agent)

under Application No. 10098, who, after being first duly sworn, deposes and says:

That due to limitations imposed by Congress and the Bureau of the Budget, in connection with federal development of recreational and wildlife resources since the war, there has been no construction on this project during the past year. Limited temporary facilities to serve the purposes defined in Application 10098 have been provided at adjacent Rodgers Spring, which is being developed under Application 10092, to serve until the national economy will permit completion of this project.

(Give reasons why extension of time is necessary)

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of one year (Not to exceed one year) within which to file proof of construction and use (Include map if required), and comply with the provisions of said permit.

For the United States of America
Signed A. van V. Dunn
Chief, Water Resources Branch,
Address National Park Service,
Department of the Interior,
Interior Building,
Washington 25, D. C.

Subscribed and sworn to before me this
15th day of June, 1949.
Lorna A. Davis
Notary Public in and for the ~~County~~ District of Columbia State of ——
My Commission expires Nov. 14, 1951.

NOTE—$1 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

09-10-1948: letter to nps from state of nevada regarding time extensions granted for 10098 and 10092

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEX
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

Sept. 10, 1948

In replying, refer to 10092, 10098.

National Park Service,
Interior Bldg.,
Washington, 25, D. C.

Gentlemen:

Your requests for extensions of time were

received and filed in this office under the above-mentioned

serial number on June 26, 1948.

The time within which to commence work under 10098 and within which to complete work and place water to beneficial use under both 10098 and 10092 is herewith extended to and including July 6, 1949, and the time within which to file proofs thereof together with map is herewith extended to and including August 6, 1949.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 33430.

Very truly yours,

ALFRED MERRITT SMITH

CT.

State Engineer.

Address all mail to Alfred Merritt Smith, State Engineer

09-10-1948: state of nevada receipt for filing requests for extensions under 10092 and 10098

ORIGINAL

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

RECEIPT

No. 33430

September 10, 1948

National Park Service,
Interior Building,
Washington, 25, D. C.

To THE STATE OF NEVADA, Dr.

		To filing requests for extensions under 10092 and 10098.		2.00

Remittance in Check No. 69,683,386, Treasurer of the U. S. Washington, D. C.

Received payment,

State Engineer.

By

3,000—1-8-48

06-18-1948: state of nevada court document: application for extension of time under application no. 10098

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10098
FILED BY United States of America, Department of the Interior, National Park Service
APPROPRIATE THE WATERS OF Blue Point Spring (Source)

APPLICATION FOR EXTENSION OF TIME

~~STATE OF~~ City of Washington, D. C.
~~COUNTY OF~~ District of Columbia } ss.

Comes now A. van V. Dunn, the agent (Permittee or Agent)

under Application No. 10098, who, after being first duly sworn, deposes and says:

That due to limitations imposed by Congress and the Bureau of the Budget, the postwar development program at Lake Mead (formerly Boulder Dam) Recreational Area has been held at a minimum which could not complete construction of the water system contemplated under this permit. Blue Point Spring is in the same general area with Rodgers Spring, covered by related Application No. 10092. Its development and use are also partially contingent on the completion of a better grade of approach road. To serve the immediate needs of the visitors now using the area, limited picnic facilities have been provided.

(Give reasons why extension of time is necessary)

I have been unable to comply with provisions of said permit.

Wherefore permittee requests an extension of time of One year (Not to exceed one year) within which to file proof of completion of construction and full beneficial use of the water (Include map if required), and comply with the provisions of said permit.

For the United States of America

Signed Arvel V. Dunn

Address Chief, Water Resources Branch,
National Park Service,
Department of the Interior,
Interior Building,
Washington 25, D. C.

Subscribed and sworn to before me this 18th day of June, 1948

Lorna A. Davis

Notary Public in and for the ~~County~~ District of Columbia State of ——.

My Commission expires Nov. 14, 1951.

NOTE—$1 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

June 8, 1948

Hugh A. Shamberger
Assistant

In your reply refer to No. 10098

National Park Service
Department of the Interior
Washington 25, D. C.

Attention: Mr. A. van V. Dunn
Chief, Water Division

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to commence work, complete work, and place water to beneficial use on or before July 6, 1948, and to file proofs thereof together with map on or before August 6, 1948.

If you have not complied with the provisions of your permit and desire more time in which to commence work, complete work and place water to beneficial use then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to July 6, 1948.

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly,

ALFRED MERRITT SMITH,

State Engineer.

FIRST NOTICE

NOTE--All documents require a statutory fee of One Dollar for filing.

sh

07-16-1947: letter to nps from state of nevada regarding extensions of time granted for 10092 and 10098

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEX
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

July 16, 1947.

In replying, refer to 10092, 10098.

U. S. Dept. of Interior,
National Park Service,
Chicago, 54, Illinois.

RECEIVED
JUL 23 1947
ACCOUNTS

Gentlemen:

Requests for extensions of time were received and filed in this office under the above-mentioned serial numbers on June 13, 1947.

The time within which to complete the work and place water to beneficial use under 10092 is herewith extended to and including July 6, 1948, and the time within which to file proofs thereof is herewith extended to and including August 6, 1948.

The time within which to commence work, complete work and place water to beneficial use under 10098 is herewith extended to and including July 6, 1948, and the time within which to file proofs thereof is herewith extended to and including August 6, 1948.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 31862.

Very truly yours,

ALFRED MERRITT SMITH

CT.

State Engineer.

Address all mail to Alfred Merritt Smith, State Engineer

06-14-1947: letter to nps from state of nevada regarding enclosed voucher for $2.00 to cover filing fees for applications for extensi

COPY

Boulder Dam

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

June 14, 1947

In your reply refer to No. s. 10098 and 10092

The Director,
National Park Service,
Department of the Interior,
Chicago 54, Illinois.

ATTENTION: A. van V. Dunn
Chief, Water Division/

Dear Mr. Dunn:

This will acknowledge your letter of the 6th together with applications for extension of time under Permits 10092 and 10098 together with purchase order and voucher for $2.00 to cover filing fees.

Herewith find enclosed voucher in triplicate which I believe is properly signed.

Relative to Permits 10992 and 10202, and application 10188, will advise that the following notation has been placed on these files; "Transferred to Department of Interior, National Park Service by (53 Stat. 561) (53 Stat. 1431) and 54 Stat. 1231, 1232)". In other words, these permits and application will show the transfer from the Department of Agriculture to the Department of the Interior.

As soon as the fees for the applications for extension of time are submitted, this office will approve said applications for extension of time within which to comply with the provisions of the permits.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By (Sgd) Hugh A. Shamberger
Hugh A. Shamberger
Assistant State Engineer

HAS:at
encls.

WR File

STATE OF NEVADA

ALFRED MERRITT SMITH
STATE ENGINEER

OFFICE OF STATE ENGINEER
CARSON CITY
June 9, 1947

HUGH A. SHAMBERGER
ASSISTANT

Received 6/12/47.

IN YOUR REPLY REFER TO NO. 10098

National Park Service
c/o A. van V. Dunn
Chief, Water Rights Division
Chicago 54, Illinois

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to commence work, complete work and place water to beneficial use on or before July 6, 1947, and to file proofs thereof on or before August 6, 1947.

If you have not complied with the provisions of your permit and desire more time in which to commence work, complete work and place water to beneficial use, and to file proofs thereof **then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to** July 6, 1947

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly,
ALFRED MERRITT SMITH,
State Engineer.

FIRST NOTICE

NOTE—All documents require a statutory fee of One Dollar for filing.

See the Shamberger's letter of June 14 advising that extension will be granted on my request of 6/6 on payment of fee. Vouchers sent to Disbursing Officer about 6/17

sh

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

Hugh A. Shamberger
Assistant

Sept. 5, 1945.

Subject:

In replying, refer to 10098.

National Park Service,
C/o A. van V. Dunn,
Chief, Water Rights Division,
Chicago 54, Illinois.

Gentlemen:

Request for an extension of time was

received and filed in this office under the above-mentioned

serial number on August 3, 1945..

The time within which to commence work, complete work and place water to beneficial use is herewith extended to and including July 6, 1947, and the time within which to file proofs thereof together with map is herewith extended to and including August 6, 1947.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 29973.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

09-05-1945: state of nevada receipt for filing request for extension under 10098

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

RECEIPT NO.

№ 29973

ORIGINAL

September 5, ,1945

National Park Service,
C/o A. van V. Dunn, Chief, Water Rights Div.,
Chicago 54, Illinois.

To THE STATE OF NEVADA, Dr.

	To filing request for extension under 10098.	1.00

Remittance in Check No. 8,966,746, Treasurer of the U. S. Chicago, Ill.

Received payment, Alfred Merritt Smith
State Engineer.

By C E They

2000—9-15-43

07-06-1945: letter to nps from state of nevada regarding proof must be filed for permits 10092 and 10098 by aug. 6 or an extensio

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT

July 6, 1945

IN YOUR REPLY REFER TO NO. 10092 - 10098

Mr. A. van V. Dunn
Chief, Water Rights Division
National Park Service,
Chicago 54, Illinois

Dear Sir:

The provisions of your permits of the above serial numbers to appropriate public waters of the State of Nevada requires you to file with the State Engineer, Carson City, Nevada, on or before August 6, 1945, Proofs of Completion of Work and Proof of Beneficial Use of Water.

Unless this proof is filed prior to the above date your permits will be in poor standing and will be subject to cancelation. If you can not comply with the provisions of your permit and desire an extension of time within which to file your above mentioned proofs then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to August 6, 1945

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly,
ALFRED MERRITT SMITH,
State Engineer.

XXXXXX NOTICE

NOTE—All documents require a statutory fee of One Dollar for filing.
VS

Mr. Dunn:

No. 10092 belongs to the Fish and Wildlife Service. I have made a copy which you may wish to hand them.

S.N.

07-06-1944: state of nevada receipt: photostatic copy, affidavit of publication under 10098

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

RECEIPT NO.

No 29059

ORIGINAL

WR Files
7/11

July 6, ,1944

Dept. of the Interior, Natl. Park Service,
601 Sheldon Bldg.,
San Francisco, California

To THE STATE OF NEVADA, Dr.

Photostatic copy, Affidavit of Publication under 10098.	1.00

Remittance in Check No. 1,371,387, San Francisco, Calif. Treasurer of the U.S;

Received payment,

State Engineer.

By C E Rhea

2000—9-15-43

06-20-1944: state of nevada receipt: to print map filed under 10098

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

RECEIPT NO.

No 29011

ORIGINAL 6/30/44

June 20, ,1944

National Park Service,

601 Sheldon Bldg., San Francisco, Calif.

To THE STATE OF NEVADA, Dr.

To print of map filed under 10098.	1.00

Remittance in Check No. 1,347,010, Treasurer of the U. S., S. F. Calif.

Received payment,

State Engineer.

By

2000—9-15-13

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Sept. 5, 1945.

Subject:

In replying, refer to 10098.

National Park Service,
C/o A. van V. Dunn,
Chief, Water Rights Division,
Chicago 54, Illinois.

Gentlemen:

Request for an extension of time was

received and filed in this office under the above-mentioned serial

number on August 3, 1945.

The time within which to commence work, complete work and place water to beneficial use is herewith extended to and including July 6, 1947, and the time within which to file proofs thereof together with map is herewith extended to and including August 6, 1947.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 29973.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

10-05-1945: letter to nps from state of nevada regarding extension of time granted for 10098

Alfred Merritt Smith
State Engineer

State of Nevada
OFFICE OF STATE ENGINEER
Carson City

C
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P
Y

Oct. 5, 1943

Subject:

In replying, refer to 10,098

Robert H. Rose,
Acting Superintendent,
National Park Service,
P. O. Box 755,
Boulder City, Nevada.

Dear Sir:

Your request for an extension of time was

received and filed in this office under the above-mentioned

serial number on September 1, 1943.

The time within which to commence work, complete work, place water to beneficial use and file proofs thereof together with map is herewith extended to and including August 6, 1945.

Official receipt covering filing fee is enclosed herewith.
Receipt No. 28453.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT

Address all mail to Alfred Merritt Smith, State Engineer.

08-18-1943: letter to acting superintendent from state of nevada regarding proofs for 10098 have not been filed so the permit is in

State of Nevada
OFFICE OF STATE ENGINEER
Carson City

August 18, 1943

C
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Y

In your reply refer to No. 10098

Boulder Dam National Recreational Area
c/o Robert H. Rose
Acting Superintendent
Boulder City, Nevada

Gentlemen:

The provisions of your permit of the above-numbered serial number to appropriate public waters of the State of Nevada required you to file in the State Engineer's office on or before

August 6, 1943
Proof of Commencement of Work
Proof of Completion of Work
Proof of Application of Water to Beneficial Use and map

Our records show that you have not filed said Proofs and therefore your permit is in poor standing and is subject to cancelation.

Unless the necessary steps are taken to put said permit in good standing within thirty days from the above date it will be taken as conclusive evidence that you are no longer interested in said permit and that they will be canceled therewith without further notice to you, and no supplementary proceeding shall be had thereunder.

Yours truly,

ALFRED MERRITT SMITH,

State Engineer.

RMA
Encls./blank forms

17

08-19-1942: letter to acting superintendent from state of nevada regarding extension of time granted for 10098

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STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

Aug. 19, 1942.

In replying, refer to 10098

Boulder Dam Natl. Recreational Area,
c/o Robert H. Rose,
Acting Superintendent,
Boulder City, Nevada.

Gentlemen:

Your request for an extension of time was received and filed in this office under the above-mentioned serial number on August 15, 1942.

The time within which to commence work, complete work and file proofs thereof is herewith extended to and including August 6, 1943.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 27814.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

08-18-1943: letter to acting superintendent from state of nevada regarding proofs for 10098 have not been filed so permit is in poo

State of Nevada
OFFICE OF STATE ENGINEER
Carson City

August 18, 1943

C
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In your reply refer to No. 10098

Boulder Dam National Recreational Area
c/o Robert H. Rose
Acting Superintendent
Boulder City, Nevada

Gentlemen:

The provisions of your permit of the above-numbered serial number to appropriate public waters of the State of Nevada required you to file in the State Engineer's office on or before

August 6, 1943
Proof of Commencement of Work
Proof of Completion of Work
Proof of Application of Water to Beneficial Use and map

Our records show that you have not filed said Proofs and therefore your permit is in poor standing and is subject to cancelation.

Unless the necessary steps are taken to put said permit in good standing within thirty days from the above date it will be taken as conclusive evidence that you are no longer interested in said permit and that they will be canceled therewith without further notice to you, and no supplementary proceeding shall be had thereunder.

Yours truly,

ALFRED MERRITT SMITH,

State Engineer.

RMA
Encls./blank forms

C
O
P
Y

State of Nevada
OFFICE OF STATE ENGINEER
Carson City

Aug. 15, 1941.

Subject:

In replying, refer to 10098

Dept. of the Interior,
P. O. Box 755,
Boulder City, Nevada.

Gentlemen:

Your request for an extension of time was received and filed in this office under the above-mentioned serial number on August 13, 1941.

The time within which to commence and complete the work and file the respective proofs thereof is herewith extended to and including August 6, 1942.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 27225.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

State of Nevada
OFFICE OF STATE ENGINEER
Carson City

May 13, 1940

Subject:

In replying, refer to 10098

United States of America,
C/o Guy D. Edwards,
P. O. Box 755,
Boulder City, Nevada.

Gentlemen:

Your request for an extension of time was received and filed in this office under the above-mentioned serial number on May 9, 1940.

The time within which to commence work and file proof thereof is herewith extended to and including August 6, 1941.

Official receipt covering filing fee is enclosed herewith.
Receipt No. 26456.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

COPY

07-25-1939: letter to nps from state of nevada regarding extension of time granted for 10098

State of Nevada
OFFICE OF STATE ENGINEER
Carson City, Nev.

July 25, 1939.

Subject:

In replying, refer to 10098

United States of America,
C/o Guy D. Edwards,
P. O. Box 755,
Boulder City, Nevada.

Gentlemen:

Request for an extension of time was received and filed in this office under the above-mentioned serial number on July 19, 1939.

The time within which to commence work and file proof thereof is herewith extended to and including July 1, 1940.

Official receipt covering filing fee is enclosed herewith.
Receipt No. 25980

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT

Address all mail to Alfred Merritt Smith, State Engineer.

07-05-1938: letter to supervisor from state of nevada regarding extension of time granted for 10098

State of Nevada
OFFICE OF STATE ENGINEER
Carson City

C
E
P
Y

July 5, 1938

Subject:

In replying, refer to 10098.

Guy D. Edwards, Supervisor,
Boulder Dam Recreational Area,
P. O. Box 755,
Boulder City, Nevada.

Dear Sir:

Your request for an extension of time was received and filed in this office under the above-mentioned serial number on July 2, 1938.

The time within which to commence work and file proof thereof is herewith extended to and including August 6, 1939.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 25427.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

Address all mail to Alfred Merritt Smith, State Engineer.

C
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STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merrit Smith
State Engineer

H. W. Reppert
Assistant

December 30, 1937

In your reply refer to No. 10098

United States Department of the Interior, National Park Service
Boulder Dam Recreational Area
P. O. Box 755
Boulder City, Nevada

Gentlemen:

Enclosed herewith you will find Permit No. 10098 for the waters of Blue Point Spring together with official receipt No. 25199 for the sum of $20.00 fee for issuing the same.

Your attention is particularly directed to the printed statutes on the reverse side of the permit.

You are advised that if the various proofs thereunder, together with the map which is due on August 6, 1943, are not filed in this office prior to the dates set for such filings, as required by law, the permit will be subject to cancelation.

Yours truly,

ALFRED MERRITT SMITH,

State Engineer.

G

Encls.

09-06-1937: application for permit to appropriate the public waters of the state of nevada: serial no. 10098

APPLICATION FOR PERMIT Serial No. 10098

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office Mar. 12, 1937
Returned to applicant for correction Jul. 8, 1937
Corrected application filed Sep. 6, 1937

The undersigned United States of America, Interior Department, National Park Service (Name of applicant) of Boulder City, County of Clark, State of Nevada, hereby make s application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Blue Point Spring (Name of stream, lake, or other source)

2. The amount of water applied for is 2.0 (One-second-foot equals 40 miners' inches) second-feet.

3. The water to be used for Recreational and Domestic (Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point: In the NW¼ NE¼ Section 7, Twp. 18 South, Range 68 East, M.D.B.& M., from (Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.) which the North Quarter Corner of said Section 7, bears N. 81° 40' W., 401.5 feet.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is 25 acres

(b) Description of ~~land to be irrigated~~ place of use 6.887 Acres in the SW¼ SW¼ and (Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.) 8.035 acres in the SE¼ SW¼ of Section 7 and 5.510 Acres in the NW¼ NW¼ and 4.591 acres in the NE¼ NW¼ of Section 18, all in Twp. 18 South, Range 68 East, M.D.B. & M.

(c) Use will begin about Jan 1st (Month) and end about Dec. 31st (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is _____ horsepower.

(e) Works to be located _____ (Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream _____ (Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered _____

(h) Use will begin about _____ (Month) and end about _____ (Month), of each year.

(i) Remarks This water is to be impounded in a swimming pool for public use.

INSTRUCTIONS TO APPLICANTS

Application should be made out in detail on the form prescribed by the State Engineer.

Applications should be typewritten or filled out with ink.

An application is not a permit to appropriate water until after its approval by the State Engineer. Upon approval (or rejection) of any application, a copy of the original application with such approval or rejection endorsed thereon, will be returned to the applicant. The terms of the permit will show on the endorsement, and be a guide for the applicant.

The following rules should be complied with in making application:

Under Question No. 1—Where the source of the water desired is from more than one stream, lake, spring or other body of water, separate applications must be made out for each source; *provided, however*, that when the numerous sources have their confluence above the point of diversion one application will serve to appropriate the water, by giving the name of the main stream at the point of diversion. The application should state the name of the stream, including its tributaries.

Under Question No. 2—The amount of water applied for should be limited to the amount that can be put to beneficial use. The Statute provides that this amount shall not exceed three acre feet per annum in districts where irrigation is carried on for the six months beginning April 15 and ending October 15 of each year; and where irrigation is carried on for a longer period each year, one-half of one acre foot per month for each additional month is the maximum quantity allowed. Therefore, there shall be allowed a continuous flow of one second foot of water for each one hundred acres of land irrigated. The amount should be stated in cubic feet per second instead of in miners' inches. (One cubic foot per second equals forty miners' inches.) (One acre foot of water is equal to 43,560 cubic feet, or the amount of water necessary to cover an acre of ground one foot deep.)

Under Question No. 3—Ordinarily only one use of water can be named in each application. If domestic purposes is included, however, two uses can be named. For instance, if the application stated "For Irrigation and Domestic Purposes" it shall be allowed; but if "Power and Irrigation" are named in one application it shall not be allowed, but the application will be returned for correction.

Under Question No. 4—The point of diversion is one of vital importance in the application, as upon the location of the point of diversion depends the question of interference with prior rights. The point of diversion must be stated as being within the forty-acre legal subdivision, or, if on unsurveyed land, it must be tied by the course and distance to the nearest corner of a legal subdivision, if such corner is within six miles. If no corner is found within six miles, the point of diversion should be tied to some definite and fixed monument or object.

Except under special conditions, there shall be accepted only one point of diversion in each application, for the reason that an entire stream could be covered by one application if more than one point of diversion were permitted to be named in each filing. In cases where the diversions, if there be more than one, are on the same forty-acre tract, and are required to economically handle the water, the application for more than one point of diversion will be considered.

Under Question (a)—The total number of acres of land should be stated with reasonable accuracy. The quantity of water allowed in the application, endorsed thereon by the State Engineer, is determined by the number of acres to be irrigated as well as the amount of unappropriated water in the stream.

Under Question (b)—There should be given a description of the land to be irrigated by legal subdivisions. In the event that the land proposed to be irrigated is unsurveyed, then give the approximate location of such land, together with the township and range wherein such land is situated.

Under Question (c)—Give the time when the use of water for irrigation purposes will begin, and also when it will end.

Under Question (d)—If the application is for power purposes, give the theoretical horsepower to be developed, and the vertical head under which the power is to be developed.

Under Question (e)—If application for power or stock watering purposes, give a description of the location of the proposed works, by legal subdivisions, or tie by course and distance to a section corner, as required in answer to Question 4 above.

Under Question (f)—Where water applied for is to be returned to the stream, give a description of the proposed point of return, as described in answer to Question 4 above.

Under Question (g)—State number and kinds of animals to be watered at place of use.

Under Question (h)—Give time when use of water for stock watering purposes will begin and when it will end.

Under Description of Proposed Works—Under description of proposed works, state by what means the water is to be diverted from the stream, whether by dams, ditches, pipe lines or other conduit. Give the size of such ditches, pipe lines, etc., and the proposed grade that each will have from the point of diversion, to enable this office to determine the capacity of each. The size of the ditch should be consistent with the amount of water applied for under Question No. 2.

If the water is to be stored in a reservoir, give its location with reference to the legal subdivision or subdivisions. If the reservoir is to be located on unsurveyed lands, the rules and regulations of the Department of the Interior should be followed precisely. Such rules and regulations are embodied in a pamphlet furnished by the Department of the Interior, called "Regulations Concerning Right of Way Over Public Lands and Reservations for Canals, Ditches, and Reservoirs," approved by the Secretary of the Interior, June 6, 1908. The maps and field notes of such reservoir should conform strictly with these regulations and a copy filed with the office of the State Engineer.

Applications for permit to store water shall conform with the above rules, except that the description of the lands to be irrigated shall not be required. If, however, the description of the lands is known and can be listed, the number of acres and location should be given.

The application shall bear the signature of the applicant, his agent or attorney.

FEES

The following fees shall be collected by the State Engineer in advance, and shall be accounted for and paid by him into the General Fund of the State Treasury, on or before the 10th day of each month; *provided, however*, that the fees named in subdivision (c) of this list shall not apply to permits for underground waters:

(a) For examining and filing an application for permit to appropriate water, twenty dollars ($20), which shall include the cost of publication, which publication fee is hereby fixed at twelve dollars and fifty cents ($12.50).

(b) For examining and filing an application for permit to change the point of diversion, manner of use, or place of use, twenty-five dollars ($25), which shall include the cost of permit should the same issue thereunder, and the cost of publication of such application.

(c) For issuing and recording a permit to appropriate water for irrigation purposes, ten cents per acre for each acre to be irrigated, up to and including one hundred acres; and five cents for each acre in excess of one hundred acres, up to and including one thousand acres; and three cents for each acre in excess of one thousand acres.

(d) For issuing and recording permit for power purposes, five cents for each theoretical horsepower to be developed; and for issuing final certificate under permit for power purposes, twenty-five cents for each theoretical horsepower to be developed up to and including one hundred horsepower; and twenty cents for each horsepower in excess of one hundred horsepower up to and including one thousand horsepower; and fifteen cents for each horsepower in excess of one thousand.

(e) For issuing and recording permit to store water, twenty-five dollars ($25), and for issuing final certificate under permit to store water, five cents for each acre foot of water stored up to and including one thousand acre feet; and three cents for each acre foot in excess of one thousand.

(f) For issuing and recording permit to appropriate water for any other purpose, $10 for each second foot of water applied for, or fraction thereof.

(g) For filing secondary permit under reservoir permit, $5; for approving and recording permit under reservoir permit, $5.

(h) For filing proof of commencement of work, $1.

(i) For filing proof of completion of work, under any permit, $1.

(j) For filing any protest, affidavit, or any other water right instrument or paper, $1.

(k) For making copy of any document recorded or filed in his office, $1 for the first hundred words, and 20 cents for each additional one hundred words or fraction thereof; where the amount exceeds $5, then only the actual cost in excess of that amount shall be charged.

(l) For certifying to copies of documents, records or maps, $1 for each certificate.

(m) For blue print copy of any drawing or map, 15 cents per square foot.

(n) For such other work as may be required of his office, actual cost of the work.

No instrument will be received for filing in the State Engineer's office unless the fee for recording the same, as above provided, shall accompany such instrument. In cases where no fee accompanies the instrument tendered for filing, such instrument shall be returned to the sender forthwith.

Where copies of any instrument of record in the office of the State Engineer is desired, a sufficient amount to cover the approximate cost of the same must be forwarded with the application for such copies. When such copies are prepared, any surplus over and above the statutory cost for copying such instrument or instruments shall be returned to the party requesting such copies.

Remittances should be made by draft or postal or express money order payable to the order of the State Engineer, Carson City, Nevada. Where personal checks are sent, certification by the bank upon which they are drawn is required. Foreign checks, in addition to certification, must include the exchange charge of the local bank.

The State Engineer reserves the right to hold all applications, accompanied by uncertified checks for filing fees, without filing, until collection is made on such checks.

DESCRIPTION OF PROPOSED WORKS

Water is to be diverted by a rubble masonry dam about four feet high and about twenty feet long into a four inch pipe line approximately six thousand feet long. This pipe will carry the water to the proposed public camp ground and swimming pool. At the camp ground the water will be used for domestic purposes and to irrigate trees and shrubs.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works Ten thousand dollars ($10,000).

6. Estimated time required to construct works Five (5) years.

7. Remarks

For use of applicant

United States of America, Applicant.
Guy D. Edwards, Supervisor
By (Robert H. Rose Acting)
Boulder Dam Recreational Area
National Park Service.

Compared RMG-CT

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

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

This application, which represents what may be termed an unusual appropriation, is granted subject to all prior rights on the source. A substantial headgate and weir or some other suitable measuring device must be installed to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed Two (2) cubic feet per second.

Actual construction work shall begin on or before July 6, 1938 - Extended to Aug 6, 1941 extended to 8/6/43 - See Supt's letter 5/22/40 see Supt's letter 5/21/41

Proof of commencement of work shall be filed before August 6, 1938 extended to aug 6, 1943.

Work must be prosecuted with reasonable diligence and be completed on or before July 6, 1943

Proof of completion of work shall be filed before August 6, 1943

Application of water to beneficial use shall be made on or before July 6, 1943. Proof of the application of water to beneficial use must be filed with State Engineer on or before August 6, 1943

WITNESS MY HAND AND SEAL this 29th day of December, 1937

Map filed Sep. 6, 1937

/s/ Alfred Merritt Smith
State Engineer.

Compared RMG-CT

RECD JAN 24 1938

No. 10098

Application for
Permit to Appropriate Water

STATE OF NEVADA
ENGINEER'S OFFICE

Filed Mar. 12, 1937

Applicant United States of America, Interior Department,
National Park Service
P. O. Address Boulder City
Nevada

Form 1b-[illegible] 2000—9-5-36

10-25-1937: affidavit of publication: for 5 weeks in the las vegas evening review journal

FILED
OCT 29 1937
STATE ENGINEER'S OFFICE



NOTICE OF APPLICATION FOR PERMISSION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Application No. 10093.

Notice is hereby given that on the 12th day of March, 1937, in accordance with Section 13, Chapter 59, of the Statutes of 1913, United States of America, Park Service of Boulder City, County of Clark, State of Nevada, made application to the State Engineer of Nevada for permission to appropriate the underground waters of the State of Nevada, as follows: Diversion to be made from Big Point Spring, Mount in the NW¼NE¼ Sec. , T. 15 S., R. 68 E., M. D. B. & M., or at a point from which the E. ¼ corner of said section 7 bears S. 21° W. 4013 feet. Water will be used from the pipe line to a portion of the SW¼ SW¼ and SE¼ SW¼ Sec. and the NW¼ NW¼ and SW¼ NW¼ of Sec. 18 T. 15 S. R. 68 E. M. D. M., and there used for recreational and domestic purposes from January 1st to December 31st of each year.

Signed:
ALFRED MERRITT SMITH,
State Engineer.

s27—o4-11-18-25

Ref No 583

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

Dick Lochrie , being first duly sworn,

deposes and says: That he is foreman of the LAS VEGAS EVENING REVIEW-JOURNAL, a daily newspaper, of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published

in said newswaper for a period of Five weeks

from Sept 27th 1937 to October 25th 1937

inclusive, being the issues of said newspaper for the following dates, to-wit:
Sept 27th- Oct 4th-11th-18th-25th

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Dick Lochrie

Subscribed and sworn to before me this 25th day of October 1937

Notary Public in and for Clark County, Nevada

My Commission Expires
Jan 12 1939

09-25-1937: letter to nps from state of nevada regarding application 10098 was received and filed; notice of publication goes forwa

C
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State of Nevada
OFFICE OF STATE ENGINEER
Carson City

Sept. 25, 1937.

Subject:

In replying, refer to 10098

United States of America,
C/o Guy D. Edwards,
P. O. Box 755,
Boulder City, Nevada.

Gentlemen:

Your application was

received and filed in this office under the above-mentioned

serial number on March 12, 1937.

Notice of publication goes forward today to the Las Vegas Review,
Las Vegas, Nevada.

Supporting map was received and filed September 6, 1937.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT

Address all mail to Alfred Merritt Smith, State Engineer

09-13-1937: letter to assistant state engineer, nv from nps regarding enclosed original application no. 10098

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

September 13, 1937

Mr. H. W. Reppert
Assistant State Engineer
Office of State Engineer
Carson City, Nevada

Dear Mr. Reppert:

In accordance with your letter dated September 2, we are enclosing herewith the original Application, No. 10098, filed on March 12, 1937.

Sincerely yours

Guy D. Edwards
Supervisor

By:
Robert H. Rose
Acting Supervisor

C
O
P
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State of Nevada
OFFICE OF STATE ENGINEER
Carson City

September 7, 1937

In your reply refer to 10098.

United States Department of the Interior
National Park Service
c/o Boulder Dam Recreational Area
P. O. Box 755
Boulder City, Nevada

Attention Robert H. Rose
Acting Supervisor

Gentlemen:

We received on September 6 your letter together with your amended application and supporting map submitted in connection with Application No. 10098, filed on March 12, 1937, for permission to appropriate 2 second feet of the waters of Blue Point Spring for irrigation, recreational and domestic purposes.

You have not returned the original application as requested in our letter to you of July 8, 1937. We therefore request that the original application be returned to this Office.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By /s/ H. W. Reppert

H. W. Reppert
Assistant State Engineer

FND:G

COPY

03-15-1937: letter to nps from state of nevada regarding application 10098 was received an filed; further action will be withheld pe

State of Nevada
OFFICE OF STATE ENGINEER
Carson City

March 15, 1937.

Subject:

In replying, refer to 10098

United States of America,
C/o Guy D. Edwards,
P. O. Box 755,
Boulder City, Nevada.

Gentlemen:

Your application was

received and filed in this office under the above-mentioned

serial number on March 12, 1937

Further action on this application will be withheld pending the receipt of a supporting map prepared by a licensed State Water Right Surveyor.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 24838.

Very truly yours,

ALFRED MERRITT SMITH

CT

State Engineer.

C
O
P
Y

Address all mail to Alfred Merritt Smith, State Engineer

Land History

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54-L

DEC 17 1953

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Executive Order No. 5389 Dated July 7, 1930, Withdrawing Public Land Containing Medicinal Springs

By memorandum of October 15 to the Superintendent, Lake Mead, Mr. Patraw submitted a partial copy of Executive Order No. 5389, which was all that Mr. Barton could find in the New Mexico Law Library. Attached are two copies of the order, which Mr. Dunn had copied from Volume 23 of the bound volumes, Presidential Executive Orders, in the Departmental Library. For your information, the Departmental Library now has a complete file of such orders which were obtained after considerable research, and copying of those issued before the Federal Register was started.

It is noted that Order No. 5389 was issued under authority of the acts of June 25, 1910, and August 24, 1912, which are also the acts under which public water reserves have been established. As you know, by the Solicitor's Opinion M.31817, of June 15, 1942, the National Park Service is now bound by the ruling that subsequent proclamations establishing national parks and monuments cancelled public water reserves therein unless specific exception was made, as in the establishment of Organ Pipe Cactus.

Blue Point Spring is in Sec. 7, T. 18 S., R. 68 E., M.D.M. Rodgers Spring is in Sec. 12, T. 18 S., R. 67 E., M.D.M. Executive Order 5389, of July 7, 1930, exempts springs on reserved public lands, and we find from the tract books that all of T. 18 S., Ranges 67 and 68, was withdrawn for classification by Executive Order No. 5339 of April 25, 1930--two and a half months before Executive Order 5389 was issued. The first form withdrawal (reference 148878) for the Colorado River Storage Project was made on March 3, 1933, and included Sec. 7, T. 18 S., R. 68 E., but not Sec. 12, T. 18 S., R. 67 E. By Executive Order No. 6065, also of March 3, 1933, the Boulder Canyon Wildlife Refuge was established to include Section 7, but not Section 12. By proclamation of 1940



the name of the wildlife refuge was changed to Boulder Canyon National Wildlife Refuge. The order establishing the wildlife refuge was revoked on September 23, 1948. The first form withdrawal of Section 7 is still in effect and exercised for the Boulder Canyon Project and not for the more recently planned Colorado River Storage Project, so far as the tract books show. However, recent cancellations of first form withdrawals beyond project needs are not a matter of record in the tract books.

Presumably, but not checked, the first form withdrawal was made by the Secretary, and was in the nature of a classification under the Executive Order No. 5339. Executive Order No. 5389 has never been applicable to the land including Blue Point Spring or Rodgers Spring because they were covered by Executive Order No. 5339 or the first form withdrawal at the time of issuance. In fact, we believe that both areas are still covered by Executive Order No. 5339, but this matter should be determined by review of the first form withdrawal at the Reclamation Office in Boulder City, to see whether it includes a clause cancelling the Executive order.

By Filing No. 10092 with the State Engineer of Nevada, the Biological Survey, now part of the Fish and Wildlife Service, appropriated 4 second-feet of the waters of Rodgers Spring on February 16, 1937, for use in Section 7. The supporting map, showing the lands to be used, became a matter of public record in the State Engineer's office. No land use permit was obtained from the Bureau of Land Management. The water right and water system right-of-way across the land in Section 12 became appurtenant to the land in Section 7 which is still part of the first form withdrawn area administered as Lake Mead National Recreation Area unless there has been a very recent revocation. The National Park Service, as successor to the Fish and Wildlife Service in the administration of Section 7, has continued to exercise the rights and rights-of-way, and paid annual fees to the State Engineer for extensions of time in which to make full use of the authorized quantity of water.

By memorandum of October 17, 1952, to the Director, a copy of which was forwarded to you with a copy of a letter of October 23, 1952, to the State Engineer, concerning Application 14512 by Harris and Crabtree, Mr. Dunn suggested that neither the Fish and Wildlife Service nor the National Park Service had obtained permission to use the public domain. From the preceding discussion, we, and the Bureau of Land Management, believe that

an application to the Bureau of Land Management for a right-of-way is not necessary. However, a copy of the water right permit, including the map, certified as to date of acceptance and present status by the State Engineer, should be filed in duplicate with the Bureau of Land Management as a record of encumbrance in accordance with procedure similar to that outlined for the Forest Service in 44 L. D. 359. Filing of the map in the Register's Office by the Bureau of Land Management will place on record a Federal use under Executive Order 5339, so that, if Executive Order 5339 is subsequently revoked, the lands returned to public domain status will be charged with the encumbrance.

While the Federal filing seems to have valid status, we agree with the suggestion in Mr. Patraw's memorandum that the Executive Order No. 5389 nullifies any filings by private parties since 1948 except under the regulations of August 27, 1925 (Circular No. 1028), or after revoking the Executive order as it relates to the Rodgers Spring area. The Secretary of the Interior has had the authority since April 24, 1943, when Executive Order No. 9337 was issued, to issue, modify, or revoke orders withdrawing and reserving public lands. Executive Order 10355 issued May 28, 1952, spelled out this authority in more detail and revoked Order 9337.

Before the Bureau of Land Management proceeds to authorize private use of the land, it should know of the encumbrance under Water Right Application and Permit No. 10092. It should also know of the reason for keeping that right in good standing with incomplete development, to provide a water supply for a proposed expansion of the public camping facilities now provided in Section 7, within the Recreation Area.

Mr. Dunn has been particularly interested in this case because of the possible effect of the order on mineral springs in a number of parks and monuments in the various regions.

Assistant Director

In duplicate

Attachments 2

Copy to: Regional Director, Region One) each with copy
Regional Director, Region Two) of Executive Order
Regional Director, Region Four) No. 5389
Supt., National Capital Parks)

C O P Y

EXECUTIVE ORDER

Withdrawal of Public Lands Containing Medicinal Springs
United States

Under authority of the act of Congress approved June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), it is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated unreserved public land and contains a hot spring, or a spring the waters of which possess curative properties, and all land within one-quarter of a mile of every such spring located on unsurveyed public land, exclusive of Alaska, be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for lease under the provisions of the act of March 3, 1925 (43 Stat. 1133), subject to valid existing rights.

This order shall remain in full force and effect unless and until revoked by the President or by act of Congress.

HERBERT HOOVER

The White House,
July 7, 1930

(No. 5389)

United States Department of the Interior

BUREAU OF RECLAMATION
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

IN REPLY REFER TO:
LC-2518
LND-6.00

JUN 0 4 2001

MEMORANDUM

To: Mr. Jeffrey C. Hughes, National Park Service, Water Resources Division, 1201 Oakridge Drive, Suite 250, Fort Collins, Colorado 80525

From: William J. Liebhauser
Regional Realty Officer

Subject: Request for Documentation for Lake Mead NRA Land Status Determination (Your E-Mail Dated May 7, 2001)

Attached per your request is a historical land status report for the following legal descriptions:

Township 16 South Range 68 East, Sections 19 and 20
Township 18 South Range 67 East, Section 12
Township 18 South Range 68 East, Section 7

We are pleased to assist you by providing this information. If you have questions regarding the report, please contact Ms. Kay Sundberg, Realty Specialist, at 702-293-8176.

Attachment

cc: Mr. Bill Dickinson, Superintendent, Lake Mead National Recreation Area, 602 Nevada Highway, Boulder City, Nevada 89005

Review of the master title plat, historical indices, Bureau of Reclamation records and various research documents for Township 16 South Range 68 East, Sections 19 and 20 disclosed the following land status information.

All of Section 19 and part of Section 20 were selected by the State of Nevada under the provisions of the Act of Congress approved June 16, 1880:

Section 19

Document #	*Date*	*Legal Description*
State Selection List #1	May 24, 1882	W2NE, SENE, NESE
State Selection List #3	September 28, 1883	SESE
State Selection List #13	June 28, 1895	NWNW
State Selection List #14	January 23, 1896	NENE, NENW, SWNW, SENW, NESW,NWSW, SWSW, SESW, W2SE

Section 20

Document #	*Date*	*Legal Description*
State Selection List #13	June 28, 1895	SWSW
State Selection List #14	23 January 1896	SWNW, N2SW,SESW
State Selection List #25	7 January 1898	W2SE

The State sold the selected land to various private parties from 1905 through 1918 according to the Nevada Division of State Lands List of Patents for Sections 19 and 20. The United States acquired some of the parcels in the 1930's for the Boulder Canyon Project.

The United States acquired portions of Sections 19 and 20 (Boulder Canyon Project):

Document #	Acquired From	Date	Legal Description
N-48935	Nevada Land & Livestock	10/15/1935	Section 20 S1/2NESW
N-49043	Annie & MD Cooper	7/15/1935	Section 19 N1/2S1/2SESE
N-49446	NE & Wayland Morrison	9/7/1932	Section 19 E1/2NE,NESE, E1/2NWSE,NESWNE, S1/2SWNE Section 20 SESW
N-49453	NY & Las Vegas Invest	4/27/1932	Section 19 N1/2SESE,E1/2SWSE, E1/2NWSWSE,E1/2NESW, E1/2NWNESW,SESENW, E1/2SWSENW
N-49459	Joe & Katherine Perkins	5/27/1933	Section 19 NWSE
N-49473	EE & HV Spangler	3/27/1933	Section 20 SWNW excepting SESE (see N-49500)
N-49500	F & JR Whipple	7/14/1932	Section 20 SESESWNW
N-49501	F & JR Whipple	9/26/1932	Section 20 W1/2SW

(The remainder of Section 19 is privately owned. The NW1/4, excluding NE1/4NW1/4 owned by Clark County Sanitation, NE1/4 and E1/2 SE1/4 of Section 20 are BLM managed lands. The N1/2NE1/4SW1/4 and W1/2SE1/4 of Section 20 are privately owned.)

Other Actions - Sections 19 and 20

Document	Date	Legal Description
Secretarial Order Withdrawal Colorado River Storage Project (withdrew land from public entry and supercedes subsequent withdrawals)	5/8/1919	All Sections 19 & 20
Recreation & Public Purpose Patent 27-76-0018 to Clark County Sanitation (BLM land)	1/6/1976	Section 20 - NENW
Recreation & Public Purpose Lease N-37137 To Clark County Sanitation -Sewage Treatment (BLM land)	9/10/1987	Section 20 NWNW,SENW
Private Exchange Segregation (BLM land)	10/01/1997	Section 20 NWNW,SENW

Review of the master title plat, historical indices, Bureau of Reclamation records and various research documents for Township 18 South 67 East, Section 12 and 18 South 68 East, Section 7 disclosed the following land status information.

18 South 67 East, Section 12

Federal ownership. Actions affecting the section:

Document	**Date**
BLM Order - Withdrawal Power Reservoir 107	3/8/1954
BLM Right-of-Way Nev-046924 granted to NPS for Rogers Spring diversion to Blue Point Spring SESE or Lot 4 of Section 12	3/8/1954
Act of Congress Withdrawal Lake Mead National Recreation area**	10/8/1964

****In answer to your question regarding the 1948 historical index notation:**
Executive Order 5339 of April 25 , 1930 temporarily withdrew the section pending determination as to its inclusion in a national monument. Executive Order 6065 of March 3, 1933 reserved and set apart the area as a refuge and breeding ground for wild birds and animals. PLO 501 dated 7/22/1948 revoked Executive Order 6065, partially revoked EO 5339 and opened certain land to public entry. The land withdrawn by EO 5339, with the exception of an area which does not include this section, was excluded from the revocation. The Lake Mead National Recreation Area Act became effective October 8, 1964. Public Land Order 5976 revoked EO 5339 on 7/8/1981. Therefore, the open to entry notation of 7/22/1948 did not apply to this section.

18 South 68 East, Section 7

Federal ownership. Actions affecting the section:

Document	Date
BLM Right-of-Way Nev-045262 granted to Overton Power District for aerial line	3/6/1959
Act of Congress Withdrawal Lake Mead National Recreation Area**	10/8/1964

****In answer to your question regarding the 1948 historical index notation:**
Executive Order 5339 of April 25 , 1930 temporarily withdrew the section pending determination as to its inclusion in a national monument. Executive Order 6065 of March 3, 1933 reserved and set apart the area as a refuge and breeding ground for wild birds and animals. PLO 501 dated 7/22/1948 revoked EO 6065, partially revoked EO 5339 and opened certain land to public entry. The land withdrawn by EO 5339, with the exception of an area which does not include this section, was excluded from the revocation. The Lake Mead National Recreation Area Act became effective October 8, 1964. Public Land Order 5976 revoked EO 5339 on 7/8/1981. Therefore, the open to entry notation of 7/22/1948 did not apply to this section

Research documents:

Master Title Plats and Historical Indices

Bureau of Reclamation Boulder Canyon Project Plat Book

Boulder Canyon Project Warranty Deeds

State Selection Documents 1,3,13,14,and 25

Bureau of Land Management Surface Management Maps - Lake Mead and Overton

Clark County Assessor's Maps and Records

Nevada Division of State Lands List of Patents

Bureau of Land Management Serial Register Pages (for BLM Rights-of-Ways)

Withdrawal and Revocation Orders

L54

Lake Mead National Recreation Area
Boulder City, Nevada

September , 1953

Mr. A. L. Simpson, Manager
Bureau of Land Management
Land and Survey Office
Reno, Nevada

Dear Mr. Simpson:

Attached are a copy of Executive Order No. 5339 of April 25, 1930 and a print of the map to accompany Application No. 10092 for the appropriation of water of Rogers Spring for migratory wildfowl refuge. The map shows Rogers and Blue Point Springs which are both needed for recreational and wildfowl purposes in Sec. 6, T. 18 S., R. 68 E., M. D. B. & M., in Lake Mead National Recreation Area.

The use of land at Rogers Spring was covered by memoranda to you from the Acting Assistant Director, B. L. M., of February 17 and March 8, 1954 concerning said water right application 10092 and the classification of SE¼ SE¼ Sec. 12, T. 18 S., R. 67 E., as a parcel of Public Water Reserve No. 107. No right of way was needed to use the waters of Blue Point Spring. However, a Mr. W. A. McDonald has initiated claims to the use of waters of Blue Point Spring for the propagation of tropical fish on the S½ SE¼ Sec. 6, T. 18 S., R. 68 E., under State Application No. 16129, and constructed his system along the outlet of that spring before we could complete our plans and related application to the state for the appropriation of the water. The conflicting claim to the water is dependent on parallel authority to use the land in Sec. 6.

According to information from Washington the Executive Order No. 5389 is still in effect, and we gather that Mr. McDonald's development is in trespass. We shall appreciate your confirmation. We shall also appreciate any information you have or obtain on Mr. McDonald's efforts to obtain land use. We believe that it is in the best interest of the United States to deny such use. It appears to us that the present water use for tropical fish propagation is now being developed on a mining claim, the status of which we have not been able to determine.

Sincerely yours,

Charles A. Richey
Superintendent

Enc.

LAMS

COPY OF A COPY

EXECUTIVE ORDER

- - - -

Withdrawal of Public Lands for Classification

Arizona - Nevada

Under authority of the act of Congress approved June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), it is hereby ordered that the unreserved public lands within the following listed townships, as now surveyed or as they probably will be when surveyed, in the States of Arizona and Nevada, be, and the same are hereby temporarily withdrawn for classification and pending determination as to the advisability of including such lands in a national monument, subject to the conditions of the aforesaid acts and to valid existing claims:

Arizona: Gila and Salt River Meridian

T. 27 N., Rs. 21 and 22 W.;
T. 28 N., Rs. 10, 11, 12, 13, 21, and 22 W.;
T. 29 N., Rs. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.;
T. 30 N., Rs. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.;
T. 31 N, Rs. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 W.;
T. 32 N., Rs. 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 W.;
T. 33 N., Rs. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 W.;
T. 34 N., Rs. 4, 5, 6, 7, 13, 14, 15, and 16 W.;
T. 35 N., Rs. 4, 5, 6, 7, 15, and 16 W.;

Nevada: Mount Diablo Base and Meridian

T. 16 S., Rs. 68 and 69 E.;
T. 17 S., Rs. 68, 69, 70 and 71 E.;
T. 18 S., Rs. 67, 68, 69, 70 and 71 E.;
T. 19 S., Rs. 67, 68, 69, 70, and 71 E.;
T. 20 S., Rs. 65, 66, 67, 68, 69, 70, and 71 E.;
T. 21 S., Rs. 64, 65, 66, 67, 68, 69, 70, and 71 E.;
T. 22 S., Rs. 64 and 65 E.;
T. 23 S., Rs. 64 and 65 E.;
T. 24 S., Rs. 64 and 65 E.;
T. 25 S., R. 65 E.

This order shall continue in full force and effect unless and until revoked by the President, or by act of Congress.

HERBERT HOOVER

THE WHITE HOUSE

April 25, 1930

(No. 5339)

WR Copy

In reply refer to:
L54

Region Three
Santa Fe, New Mexico

February 8, 1955

Memorandum

To: Director

From: Acting Regional Chief, Division of Cooperative Activities

Subject: Chemical Analysis, Roger and Blue Point Springs, Lake Mead

Attached is a letter from Sanitary Engineer Z. D. Harrison, San Francisco, California, addressed to Superintendent Richey dated January 25.

You will note that in the tabulated column the parts per million of iron, magnesium, chloride, sulfate and total solids exceed the Public Health Service standards by more than twice the recommended amounts.

Further comments regarding Roger and Blue Point Springs are covered in a memorandum to Superintendent Richey, copies of which have been furnished your Office.

(SIGNED)

John E. Kell, Acting Regional Chief
Division of Cooperative Activities

In duplicate

Attachment, in duplicate
Copy to: Supt., Lake Mead

C O P I E S

C O P I E S

Regional Medical Director
441 Federal Office Building
San Francisco 2, California

January 25, 1955

Charles A. Richey, Superintendent
Lake Mead National Recreation Area
National Park Service
Department of the Interior
Boulder City, Nevada

Dear Mr. Richey:

We wish to acknowledge your letter of January 13, 1955, with the attached copy of the chemical analysis of water from two spring sources located in the Lake Mead area.

We are enclosing a copy of our publication entitled Public Health Service Drinking Water Standards, 1946. Sections 4.21, page 12, and 4.22, page 13 establish limiting concentrations for certain chemical substances which may be present in natural or treated waters.

The results of the chemical analyses are compared with the Drinking Water Standards, Section 4.22, in the table below:

Chemical Substances	Concentration in Parts Per Million		
	Blue Point Springs	Roger Springs	PHS Standard
Iron	1.6	0.8	0.3
Magnesium	263	267	125
Chloride	372	336	250
Sulfate	672	593	250
Total Solids	3800	3875	500-1000

The concentrations of iron, magnesium, chloride, sulfate and total solids reported for the two springs are in excess of the preferred maximum concentrations. Therefore, we would not recommend the use of these springs as sources for domestic water supplies, if other more suitable supplies are available in the area.

(Mr. Charles A. Richey - 1/25/55)

The limiting concentration established for the chemical substances enumerated above are based primarily on desirable physical characteristics of the water.

Chloride and Total Solids. Concentrations of chloride and total solids of the magnitude reported for the two springs would undoubtedly impart an objectionable taste to the water. The intensity of the objectionable taste would probably vary with the sensitivity of the individual consumer. Most individuals are sensitive to a total solids concentration of 1000 parts per million.

Magnesium and Sulfate. An excessive concentration of magnesium salts will affect the taste of the water and may have a cathartic effect on individual consumers.

Iron. The presence of an excess of iron in the water supply will stain plumbing fixtures and will be objectionable for laundry use.

Total Hardness. The total hardness values for both springs are very high. It would be difficult to produce a satisfactory lather with these waters and soap consumption would be excessive.

Section 4.21 of the Drinking Water Standards lists the limiting concentrations for certain chemical substances of importance primarily from a physiological aspect. If the springs are used for drinking purposes the absence of these substances or their presence not in excess of the limiting values should be established.

Recently attention has been devoted to the presence of sodium in drinking water supplies. Investigations indicate that waters containing excessive concentrations of sodium should be avoided by individuals who have been placed on low sodium diets.

We trust that these comments will be of assistance and that you will call upon us if additional information is desired.

Sincerely yours,

Z. D. Harrison
S. A. Sanitary Engineer
(General Sanitary Engineering)

Encl.

cc: Regional Director, Region III
National Park Service

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

January 5, 1955

Memorandum

To: Superintendent, Lake Mead

From: Assistant Superintendent

Subject: Water Analysis, Blue Point and Rogers Springs.

The following analysis of water for Blue Point Spring and Rogers Spring was obtained September 16, 1949 from J. Leo Courtney, U. S. Bureau of Reclamation. I believe these analyses to be accurate and acceptable and no request need be made of the Geological Survey.

Blue Point Springs		Roger Springs	
P - Alkalinity	-- 0	P - Alkalinity	-- 0
M - "	- 130	M - "	- 130
PH.	7.3	PH.	7.3
Magnesium	263	Magnesium	267
Calcium	100	Calcium	180
Sulphate	672	Sulphate	593
Chloride	372	Chloride	336
Iron	1.6	Iron	.8
Silica	10.1	Silica	7.6
Carbonate	130	Carbonate	130
Noncarbonate	593	Noncarbonate	591
Total Hardness	723	Total Hardness	721
Tot. dissolved solid	- 3,800	Total dis. solid	- 3,875
Free CO_2		Free CO_2	13

All results expressed in parts per million.

/s/ W. Ward Yeager

W. Ward Yeager
Assistant Superintendent

COPY

Park Service Water Analysis
8/16/49

Blue Point Springs		Roger Springs	
P - Alkalinity	0	P. Alkalinity	0
M - "	130	M. "	130
PH.	7.3	PH.	7.3
Magnesium	263	Magnesium	267
Calcium	100	Calcium	180
Sulphate	672	Sulphate	593
Chloride	372	Chloride	336
Iron	1.6	Iron	.8
Silica	10.1	Silica	7.6
Carbonate	130	Carbonate	130
Noncarbonate	593	Noncarbonate	591
Total hardness	725	Total hardness	721
Tot. dissolved solid	3,800	Total Dis. solid	3,875
Free CO_2	13	Free CO_2	13

All results expressed in parts per million.

(Sgd.) J. Leo Courtney

COPY

COPY

08-22-1949: stamp of receipt



Other Supporting Information

Water
Rights Corresp.

Lake Mead National Recreation Area
Boulder City, Nevada

L 54 May 24, 1962

Memorandum Report

To: Superintendent, Lake Mead

From: Supervisory Civil Engineer

Subject: BLUE POINT SPRINGS, APPLICATION 10098, NW¼ NW¼ SEC 7 T 183 R 63 E MDBM

Application made on March 12, 1937 on Monument withdrawn land. No work done on developing spring. Time extension obtained every year until 1950. Cancelled by Assistant Director in 1950. McDonald filed in 1954 - NPS protested. No record after NPS filed protest. Public Land Order No. 501 made section public land in 1948. (Not Reserved)

Water in Blue Point Springs heavy in iron content. This limits the use of the water for the following reasons. Iron causes hardness in water but in quantities over 0.3 ppm (Blue Point Springs has 1.6 ppm). In addition it causes taste, discoloration of clothes and plumbing fixtures, but more important, this quantity of iron in the water very likely would be accompanied by heavy growths of crenothrix causing exaggerated staining and clogging of pipes. Growth of crenothrix bacteria is always accompanied by unpleasant odors after the death of the bacteria. Control of this iron in water must be done by aeration to remove the iron. Iron in the quantities in Blue Point Springs would probably require aeration, sedimentation and filtration processes to remove it.

Blue Point Springs also holds large concentration of magnesium cholorides and magnesium sulfates. This is a form of permanent hardness which can wreck a steam boiler in a short time. Hot water heaters and the like cannot exist in the same line with this water.

Magnesium sulfate (Blue Point Springs has 672 ppm of sulfate and 263 ppm of magnesium) is Epsom salts and 500 ppm or more causes a definite laxative effect.

The hardness of the water is well above what is thought to be allowable and would probably cause cooking tastes and would definitely be detrimental to industrial use by having 3800 ppm total dissolved solids.

It is apparent that the water could not be used without extensive treatment and softening processes.

E. W. Blair
Supervisory Architect

Attachment

Copy to: Blair

WR Copy

In reply refer to:
L54-L
WOR-Dunn

July 29, 1954

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Rights to Rodger and Blue Point Springs (Applications 10092 and 10098), Dockets 3 and 1, Lake Mead

The attached copy of a letter of July 20 from the Assistant State Engineer is particularly significant because it indicates that Nevada places a limit on the number of extensions of time, although I have not come across the statutory provisions, in the same manner as the State of Utah. Utah water laws do provide for further extensions, after 14 years, on showing of good cause.

Applications 10092 and 10098 are already 17 years old, and we have not yet received the order granting the extension to determine what total time limit is granted. However, as indicated in my memorandum of July 16, we will prepare and file an application for appropriation of both springs on the basis of plans for the future development if you will supply a plan of development.

It will be necessary to have the final water right map signed by an engineer registered in Nevada, Accordingly, we should also like to know whether there is such a licensed engineer in one of the Federal offices at Boulder City who will consent to sign the map.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachment
Copy to: Western Office of Design and Construction w/c of incoming corres.
Mr. Dunn w/c of incoming corres.

AvVDunn:lct

C
O
P
Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
Carson City, Nevada

s. 10092 and 10098 July 20, 1954

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

ATTN: A. van V. Dunn,
Chief, Water Resources Section

Dear Sir:

Your Reference No. L54-L.

Your request for an extension of time under Application 10092 will be granted with the provisions, however that no further extension will be granted in which to file proof of completion of work and beneficial use. We suggest that if you are not in a position to make use of this water within the time period of the present extension, that you file a new application. The water law does not contemplate the holding indefinitely of the water right where beneficial use is not being made of the water.

Application No. 10098 which was withdrawn on July 18, 1950, cannot be reinstated. It will be necessary for you to make a new filing on this source of water. It will not be necessary to have a new map made provided the original map covers the same point of diversion and place of use shown under the original application.

Very truly yours,

/s/ HUGH A. SHAMBERGER
State Engineer

By /s/ Edmund Muth
Edmund Muth
Assistant State Engineer

EM:at
encls.

Lake Mead
Rogers + Rogers 5, 7

WR Copy

Refer to:
L54-L

July 23, 1954

Memorandum

To: Regional Director, Region Three

From: Acting Superintendent, Lake Mead

Subject: Water Right Applications #100092 and 10098

Reply is made to the Regional Engineer's memorandum of July 20, which transmitted copies of Mr. Van Dunn's memorandum to the Regional Director and his letter to Nevada State Engineer Shamberger, both dated July 16.

The questions raised by Mr. Van Dunn are answered below.

In his first paragraph, mention is made of intent to request the reinstatement of Water Right Application 10098 covering use of water from Blue Point Spring; the former application was allowed to lapse in 1950. In a letter to Superintendent Baggley dated June 25, 1954, Mr. Shamberger advised that reinstatement or reactivation of the permit was not possible, and that a new application would be required.

As to the location of the small pond and picnic shelters at Rogers Spring, both lie within the exterior boundaries of Section 12, outside the Recreation Area. Actually, the downstream end of the pond is only seven or eight feet from the section line common to Sections 7 and 12, while the more easterly of the two shelters is located approximately fifty feet from the same section line. Present plans do not contemplate construction of a new pond to lie wholly within Section 7, as suggested in the subject memorandum, nor are there presently available funds with which to do this work. From the character of the springs, which arise at several points on the bottom of the pond, it is doubtful if attempts to eliminate a pond at that point would be wholly successful.

For the second point, it is believed that the original maps supporting the two applications would not be adequate for representing the current plans of the Department of the Navy as regards their proposed recreational development. At the time the maps were submitted they adequately represented plans for development by this Service. We have as yet received no formal application from the Navy, and their plans have not been presented in such form to date that new maps could be prepared at this

time. The thought behind requesting reinstatement or renewal of the application by Mr. Van Dunn was to forestall possible filing by private parties who might later attempt to obtain unwarranted profit from a lease of the water right, or possible blocking of the Navy's plan for recreational development. We do not believe that disturbance of the wild fowl would be a serious factor requiring reversal of usage, since the road is some distance from their area at that point. Reversal of use would also place any Navy operations on less favorable terrain, at least as regards a part of their physical plant. Opposed to these, the additional conduit which would have to be constructed is relatively unimportant in their planning.

The chemical content of the water of Blue Point Spring render it unusuable for drinking purposes, but for other domestic purposes it should be satisfactory. We believe it would be suitable for use in swimming pools, and it should be more desirable for both purposes than the water of Rogers Spring. Both contain approximately the same elements, but total mineral content of Blue Point is lower.

Regarding a decision as to whether or not to maintain independent water rights for the two purposes or to attempt to merge the flow of both springs, we definitely favor the former. If the two were to be combined, utilized for swimming pools, and then released to flow to wildfowl ponds below the Navy Recreation Site, the resulting ponds would then be in close proximity to the recent Homesite Development. As to the number of people who might be quartered at the Navy installation, we doubt that this number would be very great at any one time. With a total personnel expected to reach 800, we would not anticipate use by more than 50 - 75 individuals at any one time, and preliminary talks with their representative have not indicated a large physical plant. It is, of course, possible that the personnel of the neighboring Air Force Base at Nellis Field would be invited to make use of the proposed installatipn; if that were to be the case, the usage would possibly be five or six times greater.

The other points brought up by Mr. Van Dunn will be proposed to the Navy whenever a formal request for a Special Use Permit is received. We agree that these considerations should be made a part of the agreement before final approval of any permit, and can foresee no reasonable objection on the part of the Navy to incorporating such clauses in the permit, when granted.

W. Ward Yeager
Acting Superintendent

In triplicate

07-28-1954: stamp of receipt



WR Copy

In reply refer to:
L54-L

July 16, 1954

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Right Applications 10092 (Docket No. 3) and 10098 (Docket No. 1), Lake Mead

Attached are two copies of our request for extension of time in which to perfect rights under Application 10092 and our letter to the State Engineer concerning the reinstatement of Application 10098 to provide a water supply for the proposed Navy Development at the Rodgers-Blue Point Spring Area. The memorandum of June 30 from Mr. Miller, concerning the Navy plans, arrived just in time to serve as an indirect support for further extension of time in which to perfect rights to Rodgers Spring.

The situation has become so involved that we better reconsider both claims while awaiting a reply to our letter to the State Engineer. I believe that a revised development plan is needed before any further action is taken.

In the first place, I wonder whether the little pond and shelter at Rodgers Spring are on Sec. 12, outside the Recreation Area; or on Sec. 7, within that Area. With the cancellation of the First Form Withdrawal, the land in Sec. 12 is only supposed to be used for a diversion works and short section of ditch. A simple diversion and ditch should be constructed to convey the water to a new pond within the Recreation Area, and any pond in Sec. 12 should be drained and the vegetation should be allowed to die as soon as new feed and shelter can be provided for the wildlife in Sec. 7.

In the second place, we should know whether the areas respectively designated for recreation (campground) and wildfowl refuge in the maps supporting the two applications are adequate and properly located for the two purposes. If the Navy is to approach from Overton and reach Blue Point Spring first, it seems to me that the two places of use should be reversed, both to reduce conduit lengths and to prevent needless disturbance in the wildfowl area.

Third, we have correspondence indicating that the waters of Blue Point Spring are not suitable for the domestic and recreational purposes for which they were appropriated under Application 10098, and the waters of Rodgers Spring were appropriated for migratory wildfowl under Application 10092, although recent correspondence has suggested they are to be used for recreational purposes under ultimate plans of this Service. We should establish the proper purpose of use as soon as possible in case there is any loss of priority when purposes are changed. So far we are just claiming rights to Rodgers Spring to prevent conflicting appropriation by others.

Fourth, we should decide whether to maintain independent rights for the two purposes or commingle the waters except for a small portion of the Rodgers Spring water which may be suitable for domestic purposes. This raises the question of whether commingled water should be used for the swimming pool and then released to duck ponds. It also leads to the question of the number of people who might be quartered at the Navy installation to need water for domestic and sanitary purposes, and the size of public campground needed if the Navy improves the approach road.

I am heartily in favor of letting the Navy develop all the water to permit perfection of rights as soon as possible, if that plan goes through. If so, the Federal water rights should be perfected for recreational and wildfowl purposes without designating specific reservations of water for public use. At the same time, in any agreement with the Navy Department, it should be specified that they are to be permitted to use a certain area, and water under Federal rights perfected in compliance with instructions of this Service, subject to a reservation of the right of this Service to permit public use of not to exceed a specified amount of water during the life of the agreement.

The agreement should also provide that the Navy Department will provide plans of its water system at the first opportunity, to be incorporated with Park Service plans for the preparation of amended water right applications and will provide data on proposed and actual water use for the application and subsequent proof, as needed. The Navy might also agree to pay statutory fees prescribed for amendment and perfection of rights which it is to enjoy.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 3
Copy to: Western Office Design & Construction w/c attachments
Mr. Miller
/ Mr. Dunn

AvVDunn:lct

In reply refer to:
L54-L

July 16, 1954

Mr. Hugh A. Shamberger
State Engineer
Carson City, Nevada

Permits 10092 & 10098

Dear Mr. Shamberger:

Enclosed are a request for extension of time in which to complete developments under Application 10092 and a purchase order and voucher for $5.00 to cover the statutory fee. Please sign and return the voucher for payment.

During the past year this Service has recorded a certified copy of the permit with the Bureau of Land Management to establish the right-of-way on land in Sec. 12, T.18 S., R. 67 E., which is not within Lake Mead National Recreation Area, and has concurred in the cancellation of the First Form Withdrawal of that land by the Bureau of Reclamation, as land not needed for the Boulder Canyon Project. This places the diversion, and a small part of the water system on a right-of-way, on land now open for entry.

The Navy has recently proposed the development of part of Sec. 7, T. 18 S., R. 66 E., as a recreation center for personnel stationed at a nearby Ordnance Station. This section of Federal land is part of the Boulder Canyon Project Area which is administered by the National Park Service as Lake Mead National Recreation Area; and includes the place of use under Permit 10092, and Blue Point Spring which was formerly appropriated under Permit 10093. By letter of June 19, 1950, from A. E. Demaray, then Associate Director of the National Park Service, request was made for cancellation of Permit 10093.

The Navy use would require a permit from the National Park Service, and might be restricted to the area where the waters of Blue Point Spring were formerly used, or might require complete reallocation of areas for respective uses as the wildfowl refuge and recreation areas for both the Navy and public. All waters at Rodgers and Blue Point Springs will be needed and may be commingled or reallocated for recreational and wildfowl purposes.

Plans are not yet sufficiently advanced to permit the revision of water claims, but we should like to reinstate Permit 10098 to establish the best possible priority, with the understanding that it and Permit 10092 may have to be amended as to place and purpose of use within said Sec. 7.

Accordingly, please send us six copies of any forms needed to reinstate Permit 10098 and 12 copies of forms needed for applications for changes in place and purpose of use under both permits. I also wonder whether you have a published set of rules and regulations for the preparation of such instruments. We are now governed entirely by your compiled Nevada Water Law, dated January 1952.

You will notice that the accompanying request for extension of time under Permit 10092 makes no reference to the potential changes and accelerated completion of the Rodgers Spring development because the plans are not sufficiently advanced to be described in a sworn statement. However, this letter, and the additional potential fees involved, should be considered as additional support for the requested extension of time.

Yours very truly,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Enclosures 3

Copy to: Regional Director, Region Three (2) detached
✓Chief, Western Office of Design and Construction detached

4

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 LAME

JUN 20 1950

Memorandum

To: Regional Director, Region Three

From: Associate Director

Subject: Water Right Applications 10092 and 10098 for the Appropriation of the Waters of Rodgers and Blue Point Springs for Lake Mead National Recreational Area

Enclosed are two copies of our request to the State Engineer for the extension of time in which to complete construction of the water system at Rodgers Spring, and four copies of a letter to him to request cancellation of Application 10098 for the appropriation of the waters of Blue Point Spring.

For correspondence relating to proposals to cancel Application 10098, see our memorandum of August 19, 1949, and memorandum of concurrence by Mr. Patraw of August 30, 1949.

Please have one copy of the request for extension of time inserted in each of the assemblies of Lake Mead Deed 17 at your office and in the Superintendent's file. In like manner, please have one copy of the letter to the State Engineer inserted in each of the similar assemblies of Deed 14. The other two copies of the letter are for the files of your office and the Recreational Area.

(SGD) A. E. DEMARAY

Associate Director

Attachments 6

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

06-19-1950: letter to nv state engineer from nps regarding requested cancellation of water right application 10098; enclosed applic

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 LAME

JUN 19 1950

Mr. Alfred Merritt Smith
State Engineer
Carson City, Nevada

My dear Mr. Smith:

We have received your annual notices that proof is due under Applications Nos. 10092 and 10098, unless we wish further extensions of time in which to perfect rights to the use of waters of Rodgers and Blue Point Springs at Lake Mead National Recreational Area.

Since the applications were filed, the jurisdiction over Rodgers Spring has been transferred from the Fish and Wildlife Service to the National Park Service. The waters of Rodgers Spring are better adapted to our needs than those of Blue Point Spring.

Accordingly, with this letter we request the cancellation of Water Right Application No. 10098.

We also enclose an application for extension of time in which to perfect rights to Rodgers Spring under Water Right Application No. 10092, together with a purchase order and voucher to cover the statutory fee. Please sign and return the voucher for payment.

Sincerely yours,

(SGD) A. E. DEMARAY

A. E. Demaray
Associate Director

Enclosures 4

Copy to: Regional Director, Region Three (4)
Mr. Dunn

AvanVDunn:sh

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

June 7, 1950

In your reply refer to Nos. 10092 & 10098

Department of the Interior,
National Park Service,
Washington 25, D. C.

Gentlemen:

The provisions of your permits of the above serial numbers to appropriate public waters of the State of Nevada requires you to complete Work and Place Water to Beneficial Use together with Map under Permit No. 10092; Commence and Complete Work and Place Water to Beneficial Use together with Map under Permit No. 10098 on or before July 6, 1950.

If you have not complied with the provisions of your permit and desire more time in which to complete work requirements named above then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to July 6, 1950.

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly

ALFRED MERRITT SMITH

State Engineer.

FIRST NOTICE

lm

Fee for filing Proof of Commencement, Proof of Completion and Proof of Beneficial Use $1 each.

Fee for filing Request for Extension of Time $5.

06-16-1949: letter to nv state engineer from nps regarding enclosed applications for extension of time for applications 10092 and 1

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

June 16, 1949.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Mr. Smith:

We enclose applications for extension of time in which to perfect rights to the use of water of Hodgers and Blue Point Springs at Lake Mead Recreational Area under Applications No. 10092 and 10098, and a purchase order and voucher to cover the filing fees. Please sign the voucher on the line indicated by pencilled cross, and return to this Office for payment.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Resources Branch.

AvVD:sh.
Enclosure 1272784.

cc: Regional Director, Region Three (2).

06-16-1949: memorandum to regional director, region three from nps regarding an annual payment of $10 to retain the 1937 priori

Mr. Murra

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

JUN 16 1949

MEMORANDUM for the Regional Director, Region Three.

We have just applied to the State Engineer of Nevada for extension of time in which to complete construction and make beneficial use of the waters of Rodgers and Blue Point Springs in Lake Mead Recreational Area under Water Right Applications 10092 and 10098.

The State Engineer is only authorized to grant extensions of time of one year or less, which we have been obtaining from year to year since the initial time limit expired in 1938. The fee for filing applications for extension of time has been $1.00 until the State Legislature raised it to $5.00 this spring.

Rodgers Spring is on the Recreational Area and cannot be appropriated by others unless access is granted by special use permit granted by the National Park Service. Blue Point Spring is on the public domain just outside of the Recreational Area, but is now accessible only by a low-grade road across several miles of the Recreational Area. Technically, no one can obtain access by which to develop the latter spring without obtaining a permit from the Bureau of Land Management. A partial development was made at Rodgers Spring in 1937 but nothing has been done at Blue Point Spring.

It is our opinion that an annual payment of $10 to retain the 1937 priority of these water rights will not be justified in the future unless there is reasonable assurance that complete development will be made in the relatively near future. Since we cannot foretell the extent of annual appropriations, the measure of probable date of completion will have to be fixed by the need for the development and its priority on the project construction program.

It is our understanding that the water of Rodgers Spring has been partially developed in accordance with Application 10092, for wildfowl feeding purposes, and partially for use in connection with the growth of vegetation to shade a small picnic area. The water of Blue Point Spring was appropriated under Application 10098 for use at a proposed campground or small lodge development, but the water was found to be unsuited to human consumption. More

recently, there have been suggestions that Blue Point Spring would be used in the wildfowl feeding ponds and that Rodgers Spring might be substituted as the supply for resort purposes either at the site between the two springs, or at a lakeside development about 10 miles south of the existing Overton development.

These plans for the use of Rodgers Spring, if carried through with reasonable diligence, offer far more justification for continued extensions of time under Application No. 10092 than can be offered for extensions under Application 10098. However, our records do not show that the waters of Rodgers Spring have ever been analyzed as a source of supply for human consumption. There should be an analysis of the water before any further consideration is given to its use except for wildfowl and irrigation demands.

Our records also show that you have recommended the extension of time under Application No. 10098 in the past, in part to prevent private interests from establishing conflicting claims, and to prevent them from constructing a "hot dog stand" type of development just outside of the Recreational Area in anticipation of the construction of a new road. As stated above, the poor access may offer some obstacles in connection with such development. It is also probable that we can partially control action on applications by requests to the State Engineer if we ask to be advised of such applications. Furthermore, we fail to see how Blue Point Spring will offer much incentive to private resort development if the water is not suitable for human consumption, and could only be used for sanitary purposes and irrigation.

Please give us a comprehensive report on your views in connection with these points in order that we may determine what water right action to take in the future. Also, please submit such revisions of master plan and project construction proposals as may be needed to justify any further extensions of time under these applications.

(SGD) A. E. DEMARAY

Associate Director.

AvVD:sh.

In duplicate.

cc: Mr. Dunn.

ALFRED MERRITT SMITH
STATE ENGINEER
C. E. THIEX
CHIEF CLERK

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

HUGH A. SHAMBERGER
ASSISTANT STATE ENGINEER
EDMUND MUTH
DEPUTY STATE ENGINEER
F. N. DONDERO
OFFICE ENGINEER

IN YOUR REPLY REFER TO NOS 10092 and 10098

June 6, 1949

National Park Service,
Department of the Interior,
Washington 25, D. C.

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to complete work and place water to beneficial use on No. 10092 and commence and complete work and place water to beneficial use on No. 10098 on or before July 6, 1949.

If you have not complied with the provisions of your permit and desire more time in which to comply with the provisions listed above, then an acknowledged affidavit setting forth good and sufficient reasons for granting your request for an extension of time must be received by the State Engineer at Carson City, Nevada, prior to July 6, 1949.

No extensions of time can be granted unless the request for the extension of time is received prior to the limiting dates as set forth in the permit.

Yours very truly

ALFRED MERRITT SMITH

State Engineer.

FIRST NOTICE

NOTE—All documents require a statutory fee of One Dollar for filing.

he

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

July 7, 1948.

MEMORANDUM for the Regional Director, Region Three.

The attached report by Mr. Dunn, on the Status of Water Development, Rodgers and Blue Point Springs, Lake Mead Recreational Area, in duplicate, is primarily a record of his findings during his inspection last summer. It is also particularly significant in pointing out the overlapping plans for the use of the two springs.

Now that this Service has administrative jurisdiction over both water right permits, it is hoped that a more efficient plan can be worked out for the use of the waters. Such a revised plan should be made as soon as possible, and included in the Master Plan, so that the water right may be amended.

(SGD) W. G. Carnes.

Acting Chief of Development.

AvVD:sh.
Enclosure 394.
In duplicate.

cc: Mr. Vint.
Mr. Dunn.



June 25, 1948.

Status of Water Development Rodgers and Blue Point Springs Lake Mead Recreational Area

By

A. van V. Dunn,
Chief, Water Resources Branch

The Biological Survey obtained water right Permit No. 10092 for the development of Rodgers Spring to provide water for duck feeding ponds in Lake Mead Recreational Area. The National Park Service has become successor in interest in said rights. The National Park Service has also obtained water right Permit No. 10098 for the development of Blue Point Spring to provide water at a proposed public campground in the same general area.

Permit No. 10092 provides for the conveyance and use of the waters of Rodgers Spring in the valley close to Blue Point Spring. Permit No. 10098 provides for the conveyance and use of the waters of Blue Point Spring close to Rodgers Spring. Neither project has been constructed, and annual extensions of time are being obtained from the State Engineer of Nevada, in order to prevent lapse of Federal rights to the use of the water.

The writer visited the area in July 1947, in the company of the late Perry Convis, District Park Ranger, to obtain a better familiarity with the plans, and data for justifying the extensions of time. The following discussion constitutes the record of that investigation.

There are already one or two small pools along the outlet stream from Rodgers Spring, and considerable vegetation has grown up to provide shade, and a certain amount of feed for the migratory birds, as shown in photograph No. LM-47-D-1. A shelter and pit toilets have also been provided at the same spring area, to serve those who now care to camp or picnic in the area. The shelter and more of the vegetation are shown in photograph No. LM-47-D-2.

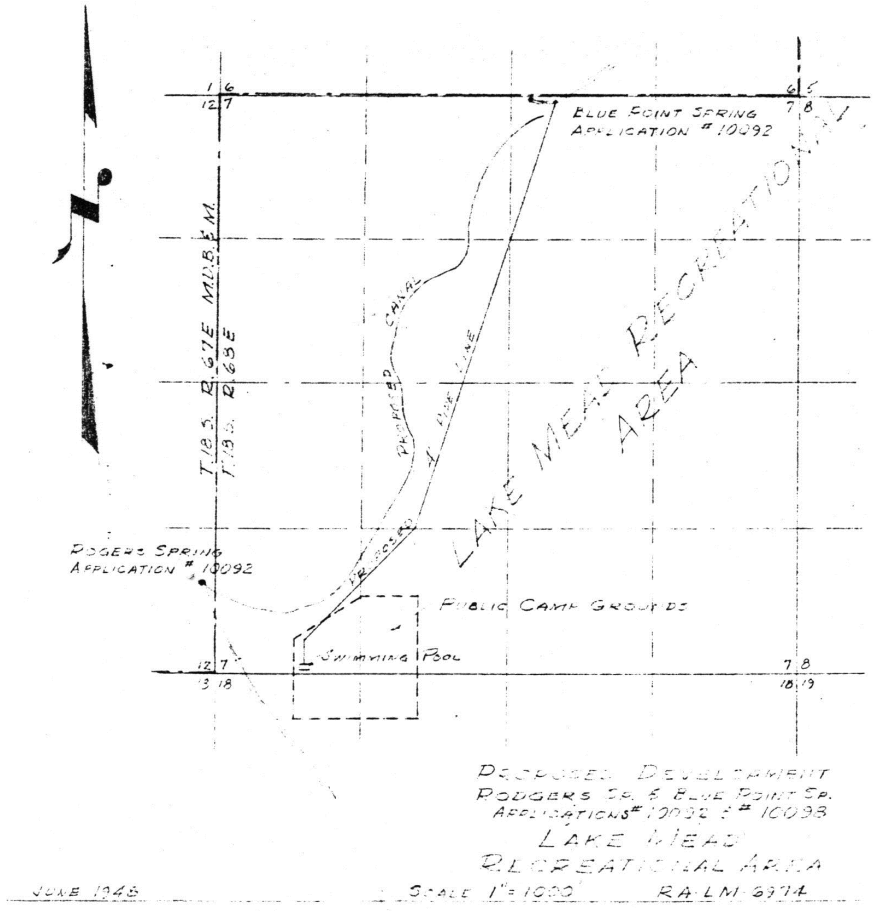
It is not clear how much of the pondage is due to simple diking by the Biological Survey, the Fish and Wildlife Service as successors, or the National Park Service, or who built the public facilities. However, the conditions serve as evidence of the use of the area for the purposes designated in Permits Nos. 10092 and 10098. Preliminary use of the area and water will be claimed in further requests to the State Engineer for extensions of time, until the National Park Service completes ultimate plans for, and possible development of the area.

Blue Point Spring is just outside of the Recreational Area. The plan to convey the water to the area near Rodgers Spring is to permit its use on the Recreational Area. The Application No. 10098 was filed when it was in order to prevent private interests from establishing senior rights. Such private development has been anticipated when the new road is built between Overton and the existing developments at Boulder Beach. The site, just outside the Recreational Area, would be suitable for a roadside hot dog stand, if not for a small resort. It might be developed like the area at Rodgers Spring, and it offers a fine view of Lake Mead as shown in photograph No. LM-47-D-3.

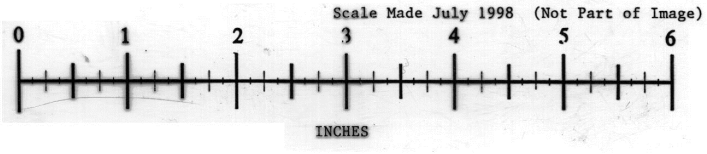
Some use was formerly made of Blue Point Spring. Photograph No. LM-47-D-4 shows remnants of a small ditch leading away from that source. However, there is no evidence of recent use of the water, and there are no records of water claim other than by the United States under Permit No. 10098.

If the waters of Blue Point and Rodgers Springs are to be used by the National Park Service, they will be used in the development of one area between the two sources. Since both water rights are now controlled by the one agency, there is no longer the need to consider each separately in that development. It is recommended, therefore, that one revised and consolidated plan of development be prepared as soon as possible, and that the water rights be amended to permit such development. It is also recommended that further extensions of time be obtained, as needed until construction can be completed, or until it is definitely decided that no development will be made.

06-00-1946: map of lake mead recreational area



Scale Made July 1998 (Not Part of Image)



06-22-1948: letter to state engineer, nevada from nps regarding enclosed applications for extensions of time to perfect water rights

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

June 22, 1948.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Mr. Smith:

We enclose applications for extensions of time in which to perfect water rights at Lake Mead Recreational Area under Permits 10092 and 10098, and a voucher for the filing fees. Despite the annual increase in public use of our national parks, monuments, and recreational areas of approximately 15%, we are not, as a nation, able to provide the proper increase in facilities until our international affairs are under better control.

Please sign the voucher on the line indicated by pencilled cross, and return it for payment.

In preparing these requests, it is our practice to prepare duplicates for our own files. It will be appreciated, therefore, if you will send us a dozen or so of the forms, as a reserve for that purpose.

Sincerely yours,

(~~SGD.~~) A. VAN V. DUNN
A. van V. Dunn,
Chief, Water Resources Branch.

AvVD:sh.
Enclosure 373.

cc: Regional Director, Region Three (2).



07-19-1947: photos: lm-47-d-3 lake mead from near blue point spring and lm-47-d-4 ditch near blue point spring



LM-47-D-3
Lake Mead from near Blue Point Spring - 7/19/47



LM-47-D-4
Ditch near Blue Point Spring - 7/19/47

00-00-0000: court document, state of illinois: application for extension of time in which to complete proofs under water right permit

State of Illinois)
) ss.
County of Cook)

Application for Extension of Time in Which to Complete Proofs Under Water Right Permit No. 10098.

I, A. van V. Dunn, Chief, Water Division, Branch of Development, National Park Service, Department of the Interior, acting for the United States of America, being first duly sworn, depose and say:

1. That on September 5, 1945, on request of Hillory A. Tolson, Acting Director, National Park Service, the time within which to complete construction and to make beneficial use of water of Blue Point Spring under Application No. 10098 was extended to July 6, 1947, and August 6, 1947, respectively.

2. That on August 6, 1945, on request of Brice McBride, Hydraulic Engineer, then of the Fish and Wildlife Service, Department of the Interior, and formerly of the Bureau of Biological Survey, Department of Agriculture, the time within which to complete construction and to make beneficial use of the waters of Rodgers Spring under Application 10092 was extended to July 6, 1947, and August 6, 1947, respectively.

3. That on December 23, 1946, the Fish and Wildlife Service withdrew from joint supervision of the area involved in said developments under Applications Nos. 10092 and 10098, and relinquished all control thereof to the National Park Service, which administers the Boulder Dam Recreational Area. Records of the change in administrative functions of Federal agencies have been submitted in connection with related Application No. 10202.

4. That the United States has been unable to complete construction under Permits 10092 and 10098 because of the more urgent needs for labor, materials, and funds for the prosecution of the war and activities relating to the postwar national reconversion and housing program. Funds for development of the national parks,

monuments, and recreational areas have been largely frozen under Directive No. 128 of the Office of War Man Power and Reconversion during much of the postwar period.

5. That with the recent transfer of administrative jurisdiction from the Fish and Wildlife Service to the National Park Service of interests in Rodgers Spring, covered by Application No. 10092, it is possible to make more efficient use of both springs under a revised plan of development.

Therefore, acting for and in behalf of the United States of America, request is hereby made for an extension of time of two years within which to complete construction and use of water under Application No. 10096.

(Sgd) A. van V. Dunn
A. van V. Dunn,
Chief, Water Division,
Branch of Development,
National Park Service,
United States Department of the Interior.

(SEAL)

Subscribed and sworn to before me this sixth day of June, 1947.

(Sgd) Kent FitzGerald
Notary Public in and for the County
of Cook, State of Illinois.

12-10-1946: memorandum to director, fish and wildlife service from nps regarding proposed water control projects of this service;

UNITED STATES

DEPARTMENT OF THE INTERIOR

Blue Point Springs.

Boulder Dam R.A.
X Water Resources Committee

NATIONAL PARK SERVICE
Chicago 54, Illinois

December 10, 1946.

MEMORANDUM for the Director,
Fish and Wildlife Service.

Reference is made to your memorandum of November 22 regarding proposed water control projects of this Service, which were listed with the Water Resources Committee in compliance with the Secretary's memorandum of April 26, 1946, concerning the coordination of investigations.

The item "Wildlife Ponds" related to the impounding of the waters of Blue Point Spring in Boulder Dam Recreational Area. Blue Point Spring is adjacent to Rodgers Spring, which your Service planned to develop in the same manner. The United States holds water right permits Nos. 10092 and 10098. The two projects involve land which has been withdrawn both as a wildlife refuge and for the Boulder Canyon Project. The water projects are now being held in abeyance, pending adjustments in the boundary of the Boulder Dam Recreational Area and final disposition of the Boulder Canyon Wildlife Refuge.

The total program included in Mr. Hoyt's memorandum of October 4, 1945, was based on a schedule to spend considerable sums for improvements as part of a postwar recovery program, over a 5-year period. As you know, the Federal construction program has been greatly reduced and such funds as have been appropriated are largely reserved from current obligation under directives of the Office of War Mobilization and Reconversion.

Such water utilization projects as we will probably undertake in the near future do not seem to fall under the provisions of Public Law 732, 79th Congress. All involve only small fractions of a second-foot. Most involve wells or the diversion of subsurface flow of streams. When the program is expanded or accelerated, we shall keep you posted on any projects that may be of interest to you.

(Sgd) Hillory A. Tolson.
Acting Director.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

June 17, 1946.

MEMORANDUM for the Regional Director, Region Three.

Mr. Scoyen's memorandum of May 9, with enclosure from Superintendent Edwards, with regard to the future disposition of Rodgers and Blue Point Springs at Boulder Dam National Recreational Area, has been received.

The present permits for the development and use of these springs expire in August, 1947. The permit for Blue Point Spring has already been renewed annually from 1938 to 1945, and again in 1945, the fee each time being $1.00. The permit for Rodgers Spring has been renewed by the Fish and Wildlife Service at intervals of not to exceed 2 years. The renewals cover a period of 10 years and, under the Utah water laws, the total extension of time is limited to 20 years.

The permits now cover development plans which were abandoned almost as soon as the applications were filed, because the water was not found suitable for such use. We have been informed repeatedly that the water of Blue Point Spring would be developed for wildlife purposes since it was not suitable for domestic purposes as originally planned. However, there is no proposal for any development in the current master plan or the project construction program.

In our memorandum of February 16, 1945 (RD-102), we stated that no more water rights would be acquired or initiated, unless they were authorized in the master plan and project construction program. This means that we will not attempt to renew permits for construction when the final license cannot be obtained within the limit of such renewals.

Accordingly, if it is desired to have the permits for development of Blue Point and Rodgers Springs renewed in August 1947, it will be necessary to get the plans in the project construction program in the interim, with sufficiently high priority to suggest probable completion before August 6, 1957. It will also be necessary, of course, to have the plan in the approved master plan if the proposal for construction is to have any weight.

Mr. Edwards suggests a nuisance value in the springs, implying that someone else will appropriate the water if the Federal permits



lapse. No one can appropriate water on Federal land without a permit. On the other hand a diversion could be made on private land whether we have permits or not, and the lack of diligence on the part of this Service can be questioned if we have made little progress over a 10-year period or more. Therefore, we see no harm in permitting the permits to lapse if the development is a long way in the future.

(SGD) HILLORY A. TOLSON
Acting Director.

AvVD:sh.

In duplicate.

cc: Mr. Dunn.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

May 9, 1946.

MEMORANDUM to the Director.

Enclosed is a copy of memorandum of May 3 from Superintendent Edwards, commenting on Mr. Dunn's memorandum of January 31 regarding water rights at Rogers and Blue Point Springs. Although the sketches asked for in Mr. Dunn's memorandum are not included, possibly there is enough information in Mr. Edward's memorandum so that an extension of the rights to the use of the waters of these springs can be obtained by Mr. Dunn.

(Sgd) E. T. Scoyen
E. T. Scoyen,
Acting Regional Director.

cc: Superintendent, Boulder Dam.

Enclosure 2879779.

05-03-1946: memorandum to regional director, region three from nps regarding advisable to plan at least a limited development of

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

May 3, 1946.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to your memorandum of February 5, with enclosed copy of memorandum to your office, dated January 31, from Mr. A. Van v. Dunn, Chief Water Rights Division, both pertaining to water rights at Rodgers and Blue Point Springs.

Further consideration has been given to these two springs and this office feels that it is advisable to plan at least a limited development of these two springs in order to obtain a further extension of time in 1947.

The proposed highway extension from the present Overton boat landing to the proposed development area at Bitter Springs Wash will pass within a very short distance of both of these two springs. In fact, it is possible one or both of them might be within the right of way.

In that case it seems advisable that we should plan for their use in connection with two small oases along the highway. The two springs are about a mile apart and midway along the proposed twelve mile section of road to Bitter Springs Wash. Although the water in either spring is not potable, small green areas at points along this twelve mile road would add to the enjoyment of visitors who might want to picnic at points closer to Overton.

Furthermore, these springs have a nuisance value and the holding of the water rights on these springs until the final plans for the road and the proposed development area at Bitter Springs Wash would protect the Government's interests.

The Blue Point Spring is on Reclamation withdrawn land within the Boulder Dam National Recreational Area. The Rodgers Spring is just outside the Recreational Area on withdrawn land for national monument purposes. However, it is on land which we are recommending to be retained and not thrown open to entry.

Guy D. Edwards,
Superintendent.

11-09-1945: letter to mr. dunn from chief, water rights division regarding questions about development of the springs

Mr Evison, Mr Drury Nov. 9,1945

Mr Dunn

During the summer we received a notice from the State Engineer of Nevada advising that the water rights on Rogger's Spring and Blue Point Spring, in Boulder Dam N R A, were about to lapse.The former was claimed by the Fish and Wildlif e Service, and the latter by us.We obtained an extension an the latter by paying $ 1, and referred the letter to the other Service, which agreed to do something about it, and advise us.There has been no word so far as I know.

In my discussion with the Fish and Wildlife Service it developed that one reason that both rights should be kept active for another 2 years was that each Service wanted to assign its interests in the area to the other but that no plans had been completed.This was referred to Region Three, too, ahd I have not seen any reply.

Mr Rogers has just shown me a note, with some files he is using, to the effect that Mr Day phoned Mr Drury and advised that the F & WL wanted to drop the area as a refuge.Did he say anything about the status of the water right? Also, are we going to develop either spring for ducks as both have planned? I might add that each spring is on the area the other agency was planning to develops If this Service follows its original plan it should be more interested in the F & WL water claim than its own for the future. (SGD.) A. VAN V. DUNN

Superseded by memorandum of Nov. 13, 1945. Chief,Water Rights Division

Mr. Burney. November 13, 1945.

Mr. Dunn.

During the summer we received a notice from the State Engineer of Nevada advising that the water rights on Rogers Spring and Blue Point Spring, in Boulder Dam National Recreational Area, were about to lapse. The former was claimed by the Fish and Wildlife Service, and the latter by us. We obtained an extension on the latter by paying $1, and referred the letter to the other Service, which agreed to do something about it and advise us. There has been no word so far as I know.

In my discussion with the Fish and Wildlife Service it developed that one reason that both rights should be kept active for another two years was that each Service wanted to assign its interests in the area to the other but that no plans had been completed. This was referred to Region Three, too, and I have not seen any reply.

Mr. Rogers has just shown me a notation on files he is using, to the effect that Mr. Day has recently phoned Mr. Drury and advised that the Fish and Wildlife Service wishes to drop the refuge plans for the area including both springs. I wonder if he stated whether that Service has obtained the extension of time for the water right on Rogers Spring, or allowed it to lapse.

As a further consideration, each spring is in the center of the area where the other agency has planned to make its development. If this Service still plans to build some duck ponds it would save much ditching cost by using Rogers Spring, rather than Blue Point Spring, if the Fish and Wildlife Service is still active. On the other hand, it could also build ponds closer to Blue Point Spring to use its own rights if the Fish and Wildlife Service is releasing the land, and save ditching cost in that case, too. From the piecemeal information I get, it is also possible that both developments can be dropped and the water rights allowed to lapse.

What we need is a definite and consolidated statement of plans.

(SGD.) A VAN V DUNN

AvVD:sh. Chief, Water Rights Division.

January 31, 1946.

MEMORANDUM for the Regional Director, Region Three.

We enclose two copies of a letter we have just received from Brice McBride, Hydraulic Engineer, Fish and Wildlife Service, in reply to our inquiry as to whether that Service obtained an extension of time in which to perfect rights under Application No. 10092 for Rodgers Spring in Boulder Dam National Recreational Area.

It appears that the rights to the use of the waters of both Rodgers and Blue Point Springs under rights Nos. 10092 and 10098 are in good standing until 1947. This makes it possible for you to plan any form of development for the use of either, which you desire, subject to further agreements with the Fish and Wildlife Service during the intervening time, and subject to related use which Mr. Rose described in his memorandum of January 11. Apparently, too, one Service or the other should amend right No. 10092 to cover the use at the comfort station. This may be a justification for obtaining a further extension of time in 1947, and we should have a sketch of the existing system and the related land boundaries to determine administrative responsibility.

(SGD.) A. VAN V. DUNN
Chief, Water Rights Division.

AvVD:sh.
Enclosure 115.
In duplicate.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS 54

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

December 10, 1945.

MEMORANDUM for the Regional Director, Region Three.

Assistant Director Day of the Fish and Wildlife Service has telephoned me that his Service wants to abandon its plan for a wildfowl refuge in the area including Blue Point and Rogers Springs in Boulder Dam National Recreational Area, and suggests that the development should be made by this Service. I told him that we were attempting to confine our activities in the Recreational Area to the development and administration of recreation, and that we have delegated other land use administration, for which we had become responsible under agreement with the Bureau of Reclamation, through interbureau agreements with the Fish and Wildlife Service and the Division of Grazing.

In 1937, the Fish and Wildlife Service filed Application No. 10092 with the State Engineer for the appropriation of the waters of Rogers Spring for use in proposed duck feeding ponds, that Service being the Bureau of Biological Survey and under the Department of Agriculture at that time. At approximately the same time, the National Park Service filed Application No. 10098 for the appropriation of the waters of Blue Point Spring for domestic purposes at a contemplated lodge area. This development was abandoned when it was found that the water was not suitable for that use, and suggestions were made that we should expand the proposed wildfowl refuge by using its water right in connection with the construction of more duck ponds. Both Services have obtained extensions of time in which to make water system developments, the last being in August and extending the time until the summer of 1947. However, there are no master plans or proposals for construction in our records, and no funds have been requested for such a project.

Investigation of the plans submitted with both water right applications has shown that each Service has contemplated making its development in the vicinity of the spring controlled by the other bureau, with resulting long and needless conduits. If any development is to be made, a much more efficient use of the water nearest to the place of use should be considered. I wonder, too, if the waters of Rogers Spring are any more suitable for domestic consumption than those of Blue Point Spring, and whether the recreational development was dropped entirely because of the lack of suitable water, or also because of the lack of recreational need.



I am anxious to have all worth-while ideas incorporated in our master plans with adequate complementary proposals for construction. Please send me your recommendations with regard to the use of the area.

Director.

In duplicate.

12-17-1945: memorandum to regional director, region three from director regarding duplicate copy of previous memo

54

December 12, 1945.

MEMORANDUM for the Regional Director, Region Three.

Assistant Director Day of the Fish and Wildlife Service has telephoned me that his Service wants to abandon its plan for a wildfowl refuge in the area including Blue Point and Rogers Springs in Boulder Dam National Recreational Area, and suggests that the development should be made by this Service. I told him that we were attempting to confine our activities in the Recreational Area to the development and administration of recreation, and that we have delegated other land use administration, for which we had become responsible under agreement with the Bureau of Reclamation, through interbureau agreements with the Fish and Wildlife Service and the Division of Grazing.

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I am anxious to have all worth-while ideas incorporated in our master plans with adequate complementary proposals for construction. Please send me your recommendations with regard to the use of the area.

(SGD) NEWTON B. DRURY

Director.

AvVD:sh.
In duplicate.
cc:Mr. Dunn.
Mr. Demaray.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

December 21, 1945.

MEMORANDUM for the Regional Director, Region Three.

Following is a report of the chemical analysis of the Blue Point Spring water as made by the Department of Food and Drugs, University of Nevada, Reno, Nevada.

	Parts per Million
Total solids	3602
Silica	29
Iron and Aluminum	Trace
Calcium	481
Magnesium	170
Sodium and Potassium	317
Carbonates	0
Bicarbonates	122
Sulphates	1904
Chlorides	358
Alkalinity	100
Hardness	1900
Hypothetical Form of Combination:	
Sodium Chloride	593.0
Calcium Sulphate	1635.0
Magnesium Sulphate and Sodium Bicarbonate	336.0

The principal constituent of this water is the combined sulphate salts of calcium, magnesium, and, possibly sodium. These salts are all considered to be objectionable in domestic drinking supplies and are present in sufficient amounts to have a marked laxative effect.

Inasmuch as the principal salts in this water are of the sulphate variety and very difficult to remove by chemical treatment, it would be impracticable, if not impossible, to so treat the water as to render it suitable for drinking and culinary purposes.

Robert H. Rose,
Superintendent

Mr. Dunn: This water is too hard for domestic use, and is too far from Bitter Wash for use if it were potable.
Lassiter 1/4/46.

Robert H. Rose,
Superintendent.

January 14, 1946.

MEMORANDUM for the Regional Director, Region Three.

We have just received a copy of a memorandum of December 21 from Superintendent Rose to you giving the chemical analysis of the Blue Point Spring at Boulder Dam National Recreational Area, on which Mr. Lassiter added a note to me to the effect that the spring is too far from Bitter Wash and the water is too hard for domestic purposes for use in that development.

This information is helpful, but the solution of the problems relating to Blue Point and Rogers Springs is of course dependent on the complete report as to the proposed development of both, and we should still like to have a complete reply to Mr. Drury's memorandum of December 17, 1945. The main problems at this time are to correlate the development program with the next action to be taken in connection with water rights and either to obtain a formal decision to abandon both water rights at that date or give sufficient priority to the plan for development, either as a recreational or as a wildlife project, to permit the completion of such projects with reasonable diligence.

AvVD:sh.

(SGD) A. VAN D. DUNN

Chief, Water Rights Division.

In duplicate.

01-24-1946: memorandum to regional director, region three from chief, water rights division regarding no action will be taken until

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS 54

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

January 24, 1946.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the memorandum of January 11 from Superintendent Rose for you with regard to the possible use of Blue Point and Rodgers Springs in Boulder Dam National Recreational Area.

In his fourth paragraph Mr. Rose states that he believes that the Water Rights Division will take the necessary steps for any amendment or perfection of water rights. This is true, but no action will be taken until the master plan is revised to cover the changes or until some form of interim plan is approved or until a construction plan is completed to show what form of development will be made.

We are writing to the Fish and Wildlife Service to be sure that the right to Rodgers Spring was not allowed to lapse last summer, and any action on the construction plan should be completed in time to make necessary application for further extensions at the time when both of these applications again require renewal.

(SGD.) A. VAN V. DUNN
Chief, Water Rights Division.

In duplicate.

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

January 24, 1946.

Mr. Brice McBride,
Hydraulic Engineer,
Fish and Wildlife Service,
456 Federal Building,
Salt Lake City, Utah.

My dear Mr. McBride:

Last summer we received a single notice of the potential lapse of water right Applications Nos. 10092 and 10098, covering diversions of Rodgers Spring and Blue Point Spring at Boulder Dam National Recreational Area. We took the necessary steps to obtain an extension of time in which to complete the development of Blue Point Spring and referred the notice to your Chicago office for action with regard to the right to Rodgers Spring under Application No. 10092.

There is at the present time a good deal of discussion as to whether the Fish and Wildlife Service will or will not maintain the refuge in the vicinity of these two springs, and there is a bare possibility that the National Park Service might use Rodgers Spring as a source of supply for a recreational area development if the wildlife refuge is abandoned.

For this reason, will you please advise us whether the right to Rodgers Spring is in good standing.

Sincerely yours,

A. van V. Dunn,
Chief, Water Rights Division.

AvVD:sh.

cc: Regional Director, Region Three (2).

September 13, 1945.

MEMORANDUM for the Regional Director, Region Three.

The two enclosed copies of a letter of September 5 from the State Engineer of Nevada constitute the official record of extension of time in which to start and complete construction and use the water under water right Permit No. 10098. These copies should be attached at the top of the assemblies of Boulder Dam Water Right Deed No. 14 in your files and at the Area.

Your attention is also called to Mr. Patraw's memorandum of June 16 suggesting certain exchanges or transfers of interest in the claims to the waters of Blue Point and Rodgers Springs with the Fish and Wildlife Service. Your reply will now be based in part on whether the Fish and Wildlife Service has obtained the extension of time under Permit No. 10092, as we have on this one.

(SGD.) A. VAN V. DUNN

Chief, Water Rights Division.

AvVD:sh.

Enclosure 305.
In duplicate.

07-30-1945: letter to state engineer from chief regarding extension of time: permit no. 10098

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO 54, ILL.



ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

July 30, 1945.

Mr. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

My dear Mr. Smith:

In response to your notice of July 6, we enclose a notarized application and voucher for $1.00 for extension of time in which to complete work under water right permit No. 10098.

Permit No. 10092, which was also listed in your notice, was initiated by what is now the Fish and Wildlife Service. A copy of your notice was sent to that Service for such action as seemed desirable.

Sincerely yours,

A. van V. Dunn,
Chief, Water Rights Division.

AvVD:rg.
cc: Regional Director, Region Three.
Supt., Boulder Dam.
Mr. Dunn.
Enclosure 934.

07-30-1945: memorandum to regional director from nps regarding extension of time to complete construction: permit no. 10098

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
54

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

July 30,1945.

MEMORANDUM for the Regional Director, Region Three.

Two copies of an application executed on July 30 for extension of time in which to complete construction and use of water under permit No. 10098 are enclosed, and should be attached to Boulder Dam Water Right Deed 14 as filed in your office and at the Boulder Dam National Recreational Area.

On June 18, we wrote you, calling attention to the fact that permit No. 10092 in the name of the Fish and Wildlife Service, and permit No. 10098 in the name of this Service had neither of them been completed, and that each designated use near the source of water supply for the other. Both permits are now in need of renewal. It is also found that those in the Director's Offices of both Services are somewhat interested in turning their interests over to the other Service.

We have had no reply to our memorandum of June 18. We are, therefore, filing this application in order not to lose the right, and we understand that the Fish and Wildlife Service is taking similar action. The use specified in Permit No. 10098 is domestic and recreational and that in 10092 is for duck feeding ponds. During the next one or two year period which we expect to be allowed, the two Services should decide on their future program and exchange or consolidate the claims with proper amendment. Perhaps, in fact, both claims should be abandoned as it will be difficult to obtain further extensions after the close of the war if some work is not done.

(SGD) A. VAN V. DUNN
Chief, Water Rights Division.

AvVD:rg.
Enclosure 935.
In duplicate.

cc: Mr. Dunn.



07-30-1945: affidavit and application for extension of time: application and permit no. 10098

AFFIDAVIT AND APPLICATION
FOR EXTENSION OF TIME.

State of Illinois)
) ss. Application and Permit No. 10098.
County of Cook)

I, Hillory A. Tolson, Acting Director, National Park Service, United States Department of the Interior, being first duly sworn, depose and say:

1. That, on December 29, 1937, the United States of America, Department of the Interior, National Park Service, was granted permission under Serial No. 10098 to appropriate 2.0 second feet of the waters of Blue Point Spring, tributary to Lake Mead on the Colorado River, in Boulder Dam National Recreational Area in Clark County, Nevada, for recreational and domestic purposes;

2. That, for some years the public welfare has required that the United States devote all available labor and materials to more essential activities of defense and war and to defer completion of the water system covered by said permit;

3. That, from time to time, the State Engineer has granted extensions of time for such construction but such extensions have been inadequate because of the continuation of the war;

4. That, by reason of these continuing war activities, a further extension of time is required;

Therefore, acting for and in behalf of the United States of America, request is hereby made for an additional extension of time of two years within which to complete said water system and make beneficial use of said water.

Hillory A. Tolson

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

Subscribed and sworn to before me this 30th day of July 1945.

(Sgd.) C. A. Sandberg. Notary Public in and for the County
My commission expires Jan.16,1947. of Cook, State of Illinois.

STATE OF NEVADA

ALFRED MERRITT SMITH
STATE ENGINEER

OFFICE OF STATE ENGINEER
CARSON CITY

HUGH A. SHAMBERGER
ASSISTANT

March 5, 1945

IN YOUR REPLY REFER TO NO. 10098

The Director, National Park Service
United States Department of The Interior
Chicago 54, Illinois

Attention Mr. A. van V. Dunn
Chief Water Right Division

Gentlemen:

As requested in your letter of February 16 we are mailing to you via American Railway Express photostat negative of original Application No. 10098 filed in this office on March 12, 1937.

The photostat represents that part of the application in which answers to questions appear. The printed part of the application containing instructions, etc., has not been photostated, but we have included with the photostat several application blanks on which can be pasted the photostats.

Since our charge is two dollars for each photostat, we return to you herewith your purchase order in the amount of two dollars which is insufficient to ocver the entire cost. A new purchase order for four dollars will therefore be required.

Enclosed herewith is our statement in triplicate for four dollars, the charge for the photostats.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By Hugh A. Shamberger

Hugh A. Shamberger
Assistant State Engineer

FND:RMA
Encls.

03-05-1945: photostat negative of application no. 10098

STATE ENGINEER'S OFFICE
CARSON CITY, NEVADA

March 5, 1945

National Park Service, R. M. Rittase, Purchasing Officer, Room 11-123
Merchandise Mart Building, Chicago 54, Illinois

TO THE STATE ENGINEER OF NEVADA DR.

TO

Photostat negative of Application No. 10098 as originally filed on March 12, 1937, pertaining to waters of Blue Point Spring at Boulder Dam National Recreational Area ..... $ 4.00

December 23, 1944.

MEMORANDUM for the Regional Director, Region Three.

By memorandum of July 29 Mr. Dunn sent you two copies of the assembly of Boulder Dam National Recreational Area, Deed 14, covering Water Right Application No. 10,098, with the request that original instruments from which the copies were made be sent to this Office by the Superintendent. We shall appreciate an early compliance in order that we may complete the Director's assembly.

(SGD) Hillory A. Tolson

Acting Director.

AvVD:sh.
In duplicate.
cc: Mr. Dunn.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

August 27, 1944

COPY

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

I, Robert H. Rose, Acting Superintendent of the Boulder Dam National Recreational Area, National Park Service, being duly sworn, depose and say:

That the United States of America, Interior Department, National Park Service was on December 29, 1937 granted a permit, No. 10098, to appropriate the waters of Blue Point Spring in Clark County, Nevada; that actual construction work was to begin on or before August 6, 1943; that due to unforeseen difficulties in obtaining funds and materials because of the war, it will be impossible for the United States of America to start the construction of the dam and pipe line by August 6, 1943, and at this time it is requested that the State Engineer grant an extension of time to one year after the close of the wa r in which to begin the work required under permit, Serial Number 10098.

/s/ Robert H. Rose
Robert H. Rose, Acting Superintendent
Boulder Dam National Recreational Area
National Park Service, Boulder City, Nevada.

Subscribed and sworn to before me this 27 day of August, 1943, at Boulder City, Nevada.

/s/ C. F. Weinkauf
Notary Public

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54



July 30,1945.

MEMORANDUM for the Regional Director, Region Three.

Two copies of an application executed on July 30 for extension of time in which to complete construction and use of water under permit No. 10098 are enclosed, and should be attached to Boulder Dam Water Right Deed 14 as filed in your office and at the Boulder Dam National Recreational Area.

On June 18, we wrote you, calling attention to the fact that permit No. 10092 in the name of the Fish and Wildlife Service, and permit No. 10098 in the name of this Service had neither of them been completed, and that each designated use near the source of water supply for the other. Both permits are now in need of renewal. It is also found that those in the Director's Offices of both Services are somewhat interested in turning their interests over to the other Service.

We have had no reply to our memorandum of June 18. We are, therefore, filing this application in order not to lose the right, and we understand that the Fish and Wildlife Service is taking similar action. The use specified in Permit No. 10098 is domestic and recreational and that in 10092 is for duck feeding ponds. During the next one or two year period which we expect to be allowed, the two Services should decide on their future program and exchange or consolidate the claims with proper amendment. Perhaps, in fact, both claims should be abandoned as it will be difficult to obtain further extensions after the close of the war if some work is not done.

A. Wm. Dunn
Chief, Water Rights Division.

Enclosure 935.
In duplicate.



21

July 29, 1944.

MEMORANDUM for the Regional Director, Region Three.

In reply to my memorandum of June 2 regarding the status of Water Right Application 10098, Boulder Dam National Recreational Area Deed 14, Mr. Rose sent the necessary copies of correspondence from which to assemble the deed with an omission. However, the correspondence which he sent included more than was needed for the deed.

We enclose two copies of the deed assembly, marked for your file and that of the area. There are also two copies of the correspondence which are not needed in the deed, but which should be inserted in the correspondence files of the two offices so far as they do not constitute duplication.

When Mr. Rose receives his deed assembly he should send us the originals of all papers in the deed assembly so they can be used as the Director's "original" deed.

The deed should also include the original, or first application which the State Engineer sent back and then demanded returned before the permit was granted. If Mr. Rose does not have a copy of that instrument we can obtain a photostat from the State Engineer but we should prefer to duplicate his copy if there is one in the area.

We are also somewhat mystified by the State Engineer's letter of December 30, 1937 (in deed assembly) which refers to the printed statutes on the reverse side of the permit. There are no such statutes on the reverse side of the approval on the application. We should like to know whether there is a permit on a separate form or whether the State Engineer approved the application on a different form. The matter will be settled when Mr. Rose sends us the originals, as signed by the State Engineer. If there are two instruments we request both and will see that they are duplicated for the various deed assemblies.

It will also be noted that the copies of the various applications for extension of time lack the notary's signature, that of Mr. Edwards and the date of notarizing. If the data is on the copy in the area it should be copied onto the papers in the deed assemblies.

The map and print of affidavit of publication, in each deed assembly, have been supplied by us, and one is already in the Director's file. Hence, no search should be made for further copies to return.

A print of a Sketch Showing Location of Blue Point Spring is also enclosed. We find no reference to this development either in the Master Plan or the Project Control Program. In the State Engineer's letter of August 18, 1943, he states that the permit is in poor standing. It is in poor standing because there has been no indication of diligence

during seven years. Until the war started the only excuse offered was lack of funds which is not an acceptable excuse, and so indicated in all state water right manuals except that of Nevada.

There is some tolerance of the lack of funds caused by failure of Congress to make a requested appropriation and when the appropriation is less than was requested. However, in this case there is not even the plan on which to base a request.

The last extension of time was granted until August 6, 1945. With another year in which to consider, it is suggested that the Master Plan and Project Control Program should be revised or else we should prepare to advise the State Engineer next year that the development is so far in the future that we will allow it to lapse and reinstate it later.

It is my understanding that although the application is for an appropriation for Recreational and Domestic purposes the water has been found to be unsuited to such use and will instead be used for a duck pond or some such purpose. If so, the application should be amended. Such an amendment with an explanation of the study of the quality of the water will indicate that there is interest in the development. It will also introduce the question of whether the development will not be a wholly new idea which should not have the 1937 priority.

It does not seem to me that the priority is very important. No one else can gain access to make an appropriation adverse to the United States, without its consent. The loss of water will mean nothing to the Bureau of Reclamation with any priority and that Bureau could release flood waters in exchange to satisfy lower claimants if a suitable interbureau agreement were arranged.

This water claim was probably a perfectly reasonable one when filed, with CCC plans for the development. Not having been built at that time, and not covered by a high priority PCP, now, it has become rather far-fetched. This Service has had very fair treatment by the various States in the perfection of its water rights during the past eight years, and it would be very undesirable to lose the position we hold through too great an effort to hold a few years priority for an unimportant water system.

From this discussion it is suggested first, that the "original" water right assembly be sent to this office as explained. Second, it is recommended that the need and possible plans for the development be reconsidered during the next year as though there were no recorded claim at all.

(SGD.) A. VAN V. DUNN

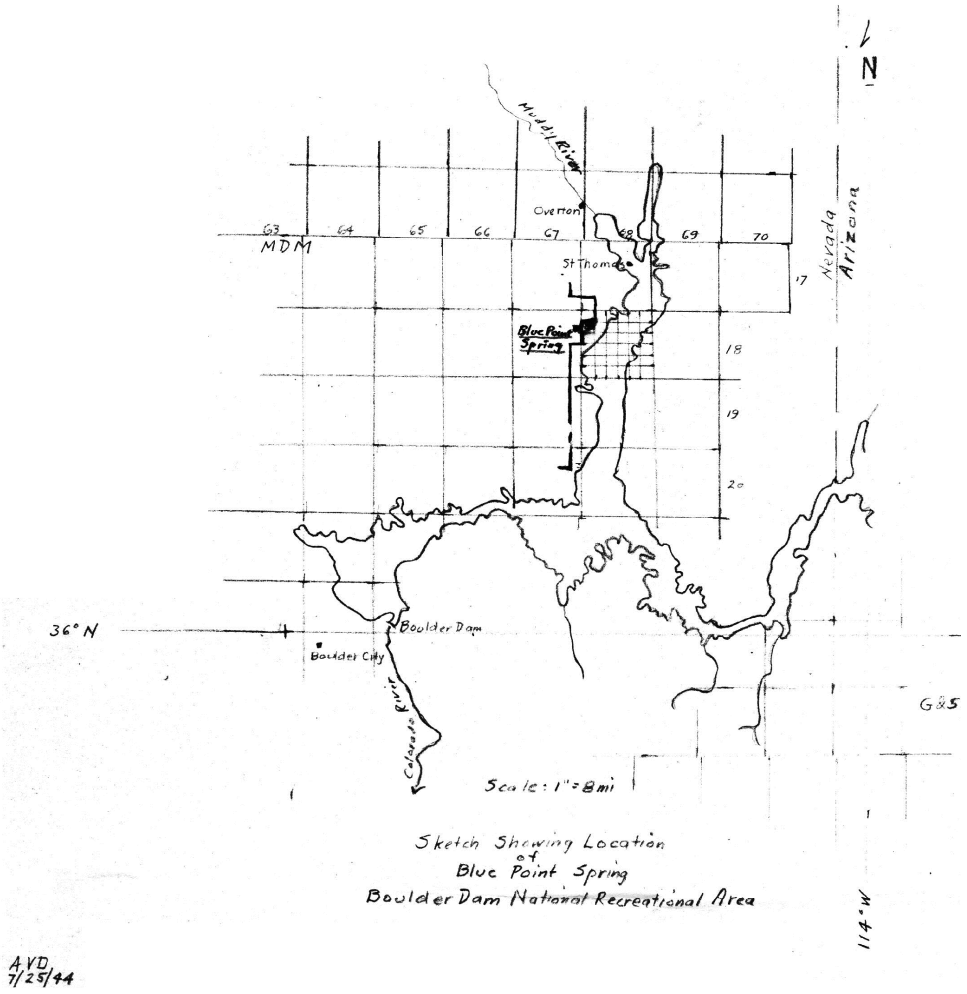
A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

Enclosure 812566.

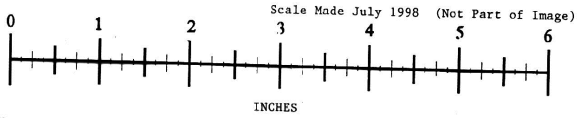
In duplicate.

08-25-1944: map of blue point spring



Sketch Showing Location
of
Blue Point Spring
Boulder Dam National Recreational Area

AYD
7/25/44



6/30

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

June 21, 1944

MEMORANDUM for Hydraulic Engineer A. van V. Dunn,
San Francisco, California.

Reference is made to your memorandum for this office dated June 2 requesting information on whether extension of time has been approved by the State Engineer of Nevada in connection with Water Right Application 10098, Blue Point Spring, as requested by this office on August 27, 1943.

Attached are four copies of letter dated October 5, 1943 from State Engineer of Nevada extending the time of Water Right Application 10098 to August 6, 1945.

Also in accordance with your request for the assembly of water right instruments as "Deeds", we have assembled for this instrument four copies of each letter written to the State Engineer requesting extension of Water Right Application 10098, Blue Point Spring, and his letter or other instrument granting the extension.

Please inform this office if you need any additional material on this subject.

Enc.

Robert H. Rose
Superintendent

06-12-1944: memorandum to hydraulic engineer from state engineer affidavit of public of application no. 10098

JUN 13 1944

ALFRED MERRITT SMITH
STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

HUGH A. SHAMBERGER
ASSISTANT

June 12, 1944

IN YOUR REPLY REFER TO NO. 10098

A. van V. Dunn
Hydraulic Engineer
National Park Service
Water Rights Section
601 Sheldon Building
San Francisco 5, California

Dear Mr. Dunn:

In accordance with your letter of June 7th we are enclosing herewith a photostatic copy of the Affidavit of Publication of Application No. 10098.

The cost of the photostatic copy is One Dollar and we are returning the signed voucher herewith.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By Hugh A. Shamberger
Hugh A. Shamberger
Assistant State Engineer

HAS:RMA
Encls.

Boulder Dam

FILE COPY

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

June 7, 1944.

State Engineer,

Carson City, Nevada.

Dear Sir:

Reference is made to Mr. Shamberger's letter of June 6 advising that notice of application to appropriate water under Application No. 10098 was published in the Los Vegas Evening Review Journal on September 27 and October 4, 11, 18, and 25, 1937.

It is assumed that you were provided with a certificate of publication including an attached clipping of thenotice as published. We enclose a voucher to cover the charge and request that you send us a photostat negative of that notice. Please sign the voucher and advise us of the cost but do not enter the charge on the voucher as we have to enter it the same on additional copies.

Yours very truly,

AvVD:sh

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 477.

06-06-1944: letter to nps from state engineer regarding map covering blue point spring

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT

Boulder Dam

June 6, 1944

IN YOUR REPLY REFER TO NO. 10098

A. van V. Dunn
Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco 5, California

Dear Sir:

In reference to your letter of June 2 will advise that we are having a Van Dyke negative prepared of the map filed in support of Application No. 10098 covering Blue Point Spring.

In regard to the second paragraph of your letter wherein you ask if Nevada advertises notices of appropriation either by publication or posting with a certificate of such advertisement, will advise in the negative. The only publication notice made on applications to appropriate water is, following the filing of such applications, when notice of said applications is published in a newspaper for five consecutive weeks. Thirty days following the final date of publication action can be taken on said applications.

Notice of application for permission to appropriate water under Application No. 10098 was published in the Las Vegas Evening Review Journal on September 27, October 4, 11, 18 and 25, 1937.

We are enclosing the voucher you submitted with your letter in the sum of One Dollar for having the negative prepared, which voucher has been signed.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By Hugh A. Shamberger

Hugh A. Shamberger
Assistant State Engineer

HAS:RMA
Encls.

06-02-1944: memorandum to superintendent from hydraulic engineer regarding extension for water right application 10098

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

June 2, 1944.

MEMORANDUM for the Superintendent,
Boulder Dam National Recreational Area.

Our records show that you requested extension of time in connection with Water Right Application 10098, Blue Point Spring, on August 27, 1943. Will you please advise if this extension was granted by the State Engineer?

In the assembly of water right instruments as "Deeds", which will be made soon after my transfer to Chicago, the assembly for this instrument will consist of the map, application, each letter you have written to the State Engineer requesting extension, and his letter or other instrument granting the extension. So far as possible the original instruments signed by the State Engineer will be used for the Director's assembly and copies will be assembled for the files of the Region, area and this Section. An extra assembly will be made for Coordinating Superintendent where there is one. On this basis it might simplify the proposed transfer if you started segregating the items listed, in your letter file and making enough copies to go around.

We will take care of duplicate copies of the application and map. So you may omit them.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

cc: Region Three.

FILE COPY

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

June 2, 1944.

State Engineer,

Carson City, Nevada.

Dear Sir:

Will you please send us a van dyke negative of the map filed with Water Right Application 10098 covering Blue Point Spring at Boulder Dam Recreational Area.

We also wonder if Nevada advertises the notices of appropriation either by publication or posting with a certificate of such advertisement. If so, we should like van dyke negatives of the notice and certificate in connection with the above application.

We enclose a voucher to cover the charges for the above order and request that you sign and return it promptly with a statement of the costs. Due to our pending transfer to Chicago we should like to obligate the voucher here in San Francisco before June 15. If the van dykes can be sent here by that date it will be appreciated, but if the order cannot be delivered by that date please forward them to the Director, National Park Service, Merchandise Mart, Chicago 54, Illinois.

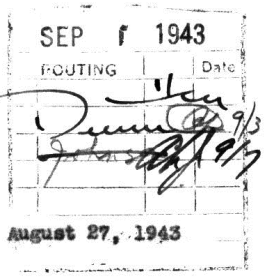
Yours very truly,

AvVD:sh
Attachment.

A. van V. Dunn,
Hydraulic Engineer.

FILE COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA



Water Right Files

August 27, 1943

Mr. Alfred M. Smith, State Engineer
Carson City
Nevada

Dear Mr. Smith:

At the time we received your notice dated August 18 on our water right application #10098 we also received for transmission to your office a letter from our Hydraulic Engineer addressed to you dated A August 16. As indicated by Mr. van V. Dunn we would like to have granted an extension of time on this application.

Enclosed herewith is a noterized request for extension of time under this application, to one year after the end of the war.

Attached also is Mr. Dunn's letter dated August 16 addressed to you.

Sincerely yours,

Robert H. Rose
Superintendent

Enc.

cc Region Three (2)
Region Four

08-27-1943: court document, granting permit no. 10098

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

August 27, 1943

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

I, Robert H. Rose, Acting Superintendent of the Boulder Dam National Recreational Area, National Park Service, being duly sworn, depose and say:

That the United States of America, Interior Department, National Park Service was on December 29, 1937 granted a permit, No. 10098, to appropriate the waters of Blue Point Spring in Clark County, Nevada; that actual construction work was to begin on or before August 6, 1943; that due to unforeseen difficulties in obtaining funds and materials because of the war, it will be impossible for the United States of America to start the construction of the dam and pipe line by August 6, 1943, and at this time it is requested that the State Engineer grant an extension of time to one year after the close of the wa r in which to begin the work required under permit, Serial Number 10098.

Robert H. Rose

Robert H. Rose, Acting Superintendent
Boulder Dam National Recreational Area
National Park Service, Boulder City,
Nevada.

Subscribed and sworn to before me this 27 day of August, 1943, at Boulder City, Nevada.

C. J. Markham

Notary Public

My Commission Expires March 17, 1946

08-26-1943: letter to state engineer from superintendent regarding water right app. no. 10098

COPY

BOULDER DAM NATIONAL
P. O. BOX 7[illegible]
BOULDER CITY, NEVADA

August 26, 1943

Mr. Alfred M. Smith, State Engineer
Carson City
Nevada

Dear Mr. Smith:

At the time we received your notice dated August 18 on our water right application #10098 we also received for transmission to your office a letter from our Hydraulic Engineer addressed to you dated August 16. As indicated by Mr. van V. Dunn we would like to have granted an extension of time on this application.

Sincerely yours,

Robert H. Rose
Superintendent

Enc.

601 Sheldon Building

August 16, 1943.

AIR MAIL

MEMORANDUM for the Superintendent,
Boulder Dam National Recreational Area.

Our records show that construction of the Blue Point Spring water system under Application 10098 should have been started by August 6 of this year. We assume it has not. If you wish to keep that water claim in good standing we suggest you forward the attached letter. If not, please advise us what future plans you do have for that development.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

Enclosure 297.

cc: Regional Director, Region Three.
Director.

FILE COPY

08-24-1942: memorandum to hydraulic engineer from acting superintendent regarding problem with appropriation of water

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

August 24, 1942.

MEMORANDUM for Hydraulic Engineer Dunn,
Region Four Headquarters, San Francisco, California.

Further reference is made to the problem of Water Right Application No. 10098 covering appropriation of water from Blue Point Springs which has been the subject of recent correspondence with you and with Regional Attorney Johnson.

We enclose herewith a copy of a time extension granted by State Engineer Alfred Merritt Smith.

Robert A. Rose
Acting Superintendent.

Enclosure.
cc-Albert L. Johnson,
Region Four
Region Three

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

July 30, 1942

C
O
P
Y

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

I, Robert H. Rose, Acting Superintendent of the Boulder Dam National Recreational Area, National Park Service, being duly sworn, depose and say:

That the United States of America, Interior Department, National Park Service was on December 29, 1937 granted a permit, No. 10098, to appropriate the waters of Blue Point Spring in Clark County, Nevada; that actual construction work was to begin on or before August 6, 1942; that due to an unforseen difficulty in arranging for the money necessary to do this work, it will be impossible for the United States of America to start the construction of the dam and pipe line by August 6, 1942; and at this time it is requested that the State Engineer grant an extension of one year in which to begin the work required under permit, Serial No. 10098.

Robert H. Rose, Acting Superintendent
Boulder Dam National Recreational Area
National Park Service, Boulder City,
Nevada.

Subscribed and sworn to before me this 30th day of July, 1942, at Boulder City, Nevada.

Notary Public

07-29-1942: letter to state engineer from acting superintendent regarding affidavit requesting more time for beginning work at blue

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

COPY

July 29, 1942

Mr. Alfred Merritt Smith, State Engineer,
State of Nevada,
Carson City, Nevada.

Dear Mr. Smith:

You will please find enclosed herewith an affidavit requesting additional time for the beginning of work at Blue Point Springs, our permit No. 10098 dated August 15, 1941. Time on the permit we now hold expires August 6, 1942.

Due to the sudden reduction of CCC forces about a year ago, it has not yet been possible to start any considerable amount of construction. Therefore, we will appreciate the grant of an extension for beginning construction.

A voucher in the amount of $1.00 covering filing fee is enclosed. Please return the voucher to us after signing it in the designated place.

Sincerely yours,

Robert H. Rose,
Acting Superintendent.

cc - A. Van V. Dunn,
Hydraulic Engineer.
Regional Attorney Albert L. Johnson.

601 Sheldon Building

July 24, 1942.

MEMORANDUM for the Acting Superintendent,
Boulder Dam National Recreational Area.

Reference is made to Mr. Dunn's memorandum to you of June 18 regarding extension of time to complete construction in connection with Water Right Application No. 10098 covering appropriation of water from Blue Point Springs. We appear to have received no reply from you, so we are sending you this reminder that the expiration date is August 6, 1942, and you should immediately make request to the State Engineer for extension of time for completion of construction and proof of beneficial use on this application in case you have not already done so. Please send us a copy of your letter to the State Engineer, and a copy of the order granting extension of time when it is received.

SH

Attorney.

cc: Director.
Region Three.

FILE COPY

07-18-1942: memorandum to acting superintendent from hydraulic engineer regarding appropriation of waters from blue point spri

601 Sheldon Building

June 18, 1942.

MEMORANDUM for the Acting Superintendent,
Boulder Dam National Recreational Area.

Reference is made to Mr. Edwards' memorandum of August 21, 1941, advising that Water Right Application No. 10098 to appropriate the waters of Blue Point Springs in Boulder Dam National Recreational Area was granted an extension of time to August 6, 1942, in which to commence and complete the work and file the respective proofs thereof.

As it is only approximately six weeks until that final date, certain proof should be made or a further extension of time should be requested if we do not wish to have the priority lapse. Will you please advise us as to the amount of work which may or may not have been done during the past year, and whether you wish to request an extension of time, or whether by any chance the scheme has become sufficiently uncertain to justify our allowing it to lapse until some time after the war.

AvVD:SH

Hydraulic Engineer.

cc: Director.
Region Three.

FILE COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

September 20, 1941

Memorandum for the Regional Director, Region Three:

Reference is made Acting Assistant Regional Director Bryant's memorandum of August 6 with which was enclosed a copy of a memorandum of August 2 from Mr. Gerner of the Washington Office concerning CCC Job. No. 259, Blue Point Springs, which was approved in the Regional Office on July 22. We are asked to supply information requested in Mr. Gerner's memorandum relative to the location of the Springs.

We have checked carefully on the location of Blue Point Springs and from information in our files it appears that the Recreational Area boundary line is located approximately 400 feet north of these springs. We find that they are located in the NW¼ of the NW¼ of Section 7, Township 18 South, Range 68 East, which definitely places them within the present boundary lines of Boulder Dam National Recreational Area.

This assurance that Blue Point Springs lies within the Recreational Area doubtless comprises adequate justification for development as outlined in the job application. However, it may be well for us to again emphasize the importance of the Springs in the probable future development of the Recreational Area. It is quite likely that the locality around Blue Point Springs will be one of the first places to be developed along the Virgin River arm of Lake Mead, aside from the present development near Overton.

Guy D. Edwards,
Superintendent.

By
Robert H. Rose,
Acting Superintendent.

08-21-1941: memorandum to hydraulic engineer from acting superintendent regarding extension of time

8/25/41

8/25

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA

August 21, 1941

Memorandum for Hydraulic Engineer A. Van V. Dunn
San Francisco, California

With reference to your memorandum of July 16 regarding Water Right Application 10098 covering the Blue Point Springs, wish to advise that the State Engineer on August 15 granted an extension of time within which to commence and complete the work and file the respective proofs thereof to and including August 6, 1942.

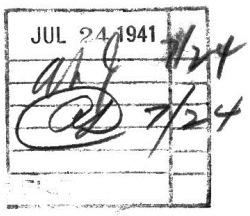
As advised in our memorandum to you of July 18 we forwarded a CCC Job Application for development work at the Springs, and as soon as the application is approved development work at the Springs will commence. This is in accordance with recommendations contained in your previous memoranda.

Guy D. Edwards

Guy D. Edwards,
Superintendent

07-18-1941: memorandum to hydraulic engineer from superintendent regarding initiation of construction

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA



July 18, 1941

Memorandum for Hydraulic Engineer A. Van V. Dunn,
San Francisco, California.

We are in receipt of your memorandum of July 16, regarding Water Right Application 10098 covering the Blue Point Springs and requesting information as to possible initiation of construction.

We have forwarded a CCC Job Application for development work at the Springs and as soon as approval is received, this construction will start immediately. This is in accordance with your previous suggestion. We are today requesting an extension on the application using the justification that immediate construction will commence. A copy of our request to the State Engineer is enclosed.

Guy D. Edwards,
Superintendent.

Enclosure.

07-18-1941: letter to state engineer from superintendent regarding commencement of work at blue point springs

RSJ 7/21

July 18, 1941

Mr. Alfred Merritt Smith, State Engineer,
State of Nevada,
Carson City, Nevada.

Dear Mr. Smith:

Enclosed is an Affidavit requesting additional time for the commencement of work at Blue Point Springs, our permit No. 10098 to appropriate specific waters in the State of Nevada states, "That the time in which to commence work and proof thereof expires on August 6, 1941".

We have submitted a CCC Job Application for actual construction work at the Springs and we fully intend to start construction within the next month. Due to lack of funds, it was impossible to do any work prior to this time. We will, therefore, appreciate your granting us additional extension, during which time we intend to do construction work of a permanent nature.

A voucher in the amount of $1.00 covering filing fee is also enclosed. Please sign at the designated place and return to us.

Sincerely yours,

Guy D. Edwards,
Superintendent.

Enclosures.
cc: A. Van V. Dunn

ARN/jdj

June 13, 1941.

MEMORANDUM for Superintendent Guy D. Edwards,
Boulder Dam National Recreational Area:

Reference is made to your memorandum of May 8, 1941, to Associate Attorney Johnson regarding the status of construction at Blue Point Springs at Boulder Dam National Recreational Area.

We assume that you will request a further extension of time in which to start construction of that water development. Second extensions of time are not as readily granted as the first, however.

It occurs to us that we have a stronger reason for not starting due to the general curtailment of non-defense funds for all federal agencies. We think this reason could be profitably used in your request.

Further, from past experience in other States, we have found that most State Engineers accept and even suggest the mere gesture of a start, if possible, in order not to have to request and grant extensions of time. We wonder, therefore, if you could not find some work of a permanent nature at the springs to which you could assign two to six CCC boys for a few days during the next month. You could then report that activity, add that complete construction will be slow due to the effect of defense activity, and thus strengthen your plea for mere extension of time in which to complete the work.

The Director has recently expressed his desire not to make extensive new developments and to stress conservation instead. The construction of a new water system is a new development. However, an existing water right or water claim is property. It may be that you will wish to drop the Blue Springs development as a whole, but, on the other hand, if it is one of the desirable new developments every effort should be made to prevent reduction of its value by loss of priority of the water right. We suggest that you give this matter your consideration as an added justification for immediate funds if they are needed. Some action must be taken before the permit lapses on August 6, 1941.

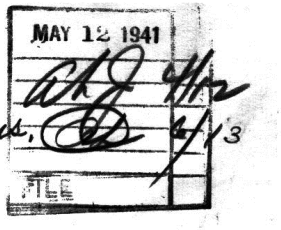
Hydraulic Engineer.

cc: Director.
Reg. III.

AvVD:SH

FILE COPY

05-08-1941: memorandum to attorney from superintendent regarding extension of time



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA

May 8, 1941

Memorandum for Associate Attorney Albert L. Johnson:

Reference is made to your memorandum of April 23 reminding us of the extension of time granted within which to start construction on the Blue Point Springs diversion.

You are correct in presuming that no work has been performed upon that diversion during the current year. Also, in further reply to your questions, we do not anticipate that we will have funds for beginning of construction during the present fiscal year, nor has any request for special funds in the new fiscal year been made.

Guy D. Edwards,
Superintendent.

cc - Region III

April 23, 1941.

Memorandum for Superintendent Edwards,
Boulder Dam National Recreational Area:

May we remind you that on May 13, 1940, the State Engineer of Nevada granted you an extension of time within which to start construction on the Blue Point Springs diversion. This time expires on August 6, 1941, according to your letter of May 22, 1940.

I presume no work has been performed upon that diversion during the current year. Do you anticipate that you will have funds for construction to start during the present fiscal year, or have you made any request for such funds for the new fiscal year?

ALJ:SH

Associate Attorney.

cc: Regional Director, Region III:

FILE COPY

04-17-1940: court document, granting permit no. 10098 to appropriate waters of blue point spring

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
P. O. BOX 755
BOULDER CITY, NEVADA

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

I, Guy D. Edwards, Supervisor of the Boulder Dam National Recreational Area, National Park Service, being duly sworn, depose and say:

That the United States of America, Interior Department, National Park Service was on December 29, 1937 granted a permit, No. 10098, to appropriate the waters of Blue Point Spring in Clark County, Nevada; that actual construction work was to begin on or before July 1, 1940; that due to an unforseen difficulty in arranging for the money necessary to do this work, it will be impossible for the United States of America to start the construction of the dam and pipe line by July 1, 1940; and at this time it is requested that the State Engineer grant an extension of one year in which to begin the work required under permit, Serial number 10098.

/s/ Guy D. Edwards
Guy D. Edwards, Supervisor,
Boulder Dam National Recreational Area,
National Park Service.

Subscribed and sworn to before me this 17 day of April 1940.

/s/ Gail H. Baird
Notary Public in and for Clark County,
Nevada.

My commission expires March 11, 1943.

08-04-1939: memorandum to regional attorney from acting supervisor regarding extension of time

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA

REC'D AUG 7 1939

August 4, 1939

Memorandum for the Regional Attorney, Region IV:

In reply to your memorandum of July 31st, we wish to advise that the State Engineer of the State of Nevada has granted an extension of time within which to commence work and file proof thereof at Blue Point Springs, under Permit No. 10098.

This extension has been made to and including July 1, 1940. We wish to thank you for your cooperation in this matter.

Guy D. Edwards,
Supervisor.

By: Robert H. Rose
Robert H. Rose,
Acting Supervisor.

4/16/40 — Reminded Rose re this & they will follow up.

07-31-1939: memorandum to supervisor from regional attorney regarding extension of time

FILE COPY

601 Sheldon Building
July 31, 1939

Memorandum for the Supervisor,
Boulder Dam National Recreational Area:

Reference is made to your memorandum of June 30, with which you enclosed a copy of your letter to the State Engineer, State of Nevada, requesting an extension of time to commence construction work at Blue Point Spring under permit No. 10098.

May we have your advices as to whether the additional time has been granted, and specifically the term of any extension.

JET:SH

Joseph E. Taylor,
Regional Attorney.

06-30-1939: memorandum to regional attorney from supervisor regarding thank you

REC'D JUL 5 1939

J.E.T. 7/18

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA

June 30, 1939

Memorandum for Regional Attorney Joseph E. Taylor,
Region IV:

In accordance with your reminder of June 13 we made an application to the State Engineer, copy of which is enclosed herewith, requesting an extension of time to commence construction work as we do not have sufficient funds at this time to do the work required, at Blue Point Spring.

We wish to thank you for your cooperation in this matter in reminding us of these requirements.

Guy D. Edwards,
Supervisor.

Encl.

06-30-1939: memorandum to state engineer from supervisor regarding affidavit requesting additional time to start construction

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA
June 30, 1939

Mr. Alfred Merritt Smith, State Engineer,
State of Nevada,
Carson City, Nevada.

Dear Mr. Smith:

Enclosed herewith is an Affidavit requesting additional time for the commencement of work at Blue Point Spring. Our permit No. 10098 to appropriate public waters in the State of Nevada stated that actual construction work should commence on or before July 6, 1939.

To date we have been unable to obtain sufficient funds for the construction work required and this request is made for additional time in which to commence work and file proof thereof.

A voucher in the amount of $1.00 covering the filing fee is also enclosed herewith. Please sign at the designated place and return to us.

Sincerely yours,

Guy D. Edwards,
Supervisor.

Encl.
cc-Joseph E. Taylor
Regional Attorney
ARN:MK

00-00-0000: court document, granting permit no. 10098 to appropriate waters of blue point spring

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

I, Guy D. Edwards, Supervisor of the Boulder Dam National Recreational Area, National Park Service, being duly sworn, depose and say:

That the United States of America, Interior Department, National Park Service was on December 29, 1937 granted a permit, No. 10098, to appropriate the waters of Blue Point Spring in Clark County, Nevada; that actual construction work was to begin on or before July 6, 1939; that due to an unforseen difficulty in arranging for the money necessary to do this work, it will be impossible for the United States of American to start the construction of the dam and pipe line by July 6, 1939; and at this time it is requested that the State Engineer grant an extension of one year in which to begin the work required under permit, Serial number 10098.

_____
Guy D. Edwards, Supervisor,
Boulder Dam National Recreational Area,
National Park Service.

Subscribed and sworn to before me this _____ day of

_____ 1939.

_____
Notary Public in and for Clark County,
Nevada.

FILE COPY

601 Sheldon Building
June 13, 1939

Memorandum for the Supervisor, Boulder Dam (National) Recreational Area:

Reference is made to Application for Permit to Appropriate the Public Waters of the State of Nevada, serial number 10098, being an application by you to appropriate water from Blue Point Spring.

As originally granted, the terms of the State Engineer's permit provided for the commencement of construction on or before July 6, 1938, and proof thereof to be filed on or before August 6, 1938. By letter dated August 2, 1938, you advised this office that the time within which to commence work and file proof thereof had been extended to and including August 6, 1939.

This reminder is sent at this time in order that you may have sufficient time either to request a further extension of time or commence construction if you still contemplate the use of this spring.

Joseph E. Taylor,
Regional Attorney.

JET:SH

08-02-1938: memorandum to regional attorney from supervisor regarding approval of extension of time

Put in monthly report.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA

RECD AUG 4 1938

Aug. 2, 1938

Mr. Joseph E. Taylor, Regional Attorney,
Region IV, National Park Service,
601 Sheldon Building,
San Francisco, California.

Dear Mr. Taylor:

In reply to your letter of July 28 regarding Blue Point Spring, we wish to advise that our request for an extension of time to begin construction work in connection with the appropriation of the waters was approved by the State Engineer on July 2, 1938. The time within which to commence work and file proof thereof is extended to and including August 6, 1939.

We regret that we overlooked furnishing you this information previously.

Sincerely yours,

Guy D. Edwards

Guy D. Edwards,
Supervisor.

cc/Director
Regional Director,
Region IV

06-15-1938: memorandum to state engineer from supervisor regarding affidavit requesting additional time to start construction

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM NATIONAL RECREATIONAL AREA
BOULDER CITY, NEVADA

C
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P
Y

June 15, 1938.

Mr. Alfred Merritt Smith, State Engineer,
State of Nevada,
Carson City, Nevada

Dear Mr. Smith:

Enclosed herewith is an Affidavit requesting additional time for the commencement of work at Blue Point Spring. Our permit No. 10098 to appropriate public waters in the State Of Nevada stated that actual construction work was to commence on or before July 6, 1938.

However, due to unforseen circumstances, we were unable to obtain sufficient funds to go ahead with this work, and this request is made for additional time.

A voucher in the amount of $1.00 covering the filing fee is also enclosed herewith. Please sign at the designated place and return to us.

Sincerely yours,

Guy D. Edwards,
Supervisor

Encl.

06-17-1938: lettter to regional attorney from supervisor regarding extension of time

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM RECREATIONAL AREA
P. O. Box 755
BOULDER CITY, NEVADA

JUN 20 1938

June 17, 1938

Mr. Joseph E. Taylor, Regional Attorney,
Region IV, National Park Service,
601 Sheldon Building,
San Francisco, California.

Dear Mr. Taylor:

Reference is made to your letter of June 3 reminding us that actual construction work should begin on or before July 6 in order to appropriate the waters of Blue Point Spring.

Due to unforseen circumstances preventing us from obtaining sufficient funds to commence this work, we are requesting an extension on the actual date of construction.

A copy of this Affidavit is enclosed herewith for your information.

Sincerely yours,

Guy D. Edwards

Guy D. Edwards,
Supervisor.

Encl.

00-00-1938: court document, granting permit no. 10098

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

I, Guy D. Edwards, Supervisor of the Boulder Dam Recreational Area, National Park Service, being duly sworn, depose and say:

That the United States of America, Interior Department, National Park Service was on December 29, 1937 granted a permit, Number 10098, to appropriate the waters of Blue Point Spring in Clark County, Nevada; that actual construction work was to begin on or before July 6, 1938; that due to an unforseen difficulty in arranging for the money necessary to do this work, it will be impossible for the United States of America to start the construction of the dam and pipe line by July 6, 1938; and at this time it is requested that the State Engineer grant an extension of one year in which to begin the work required under permit, Serial number 10098

_____
Guy D. Edwards, Supervisor,
Boulder Dam Recreational Area,
National Park Service.

Subscribed and sworn to before me this day of 1938.

_____
Notary Public in and for Clark County,
Nevada.

FILE COPY

/////

June 3, 1938.

Mr. Guy D. Edwards,
Supervisor,
Boulder Canyon Recreational Project,
P. O. Box 755,
Boulder City, Nevada.

Dear Mr. Edwards:

We desire to remind you that, from our copy of your Application for a Permit to Appropriate Water in the State of Nevada, it appears that actual construction work should begin on or before July 6, 1938. We note also that proof of commencement shall be filed before August 6, 1938, but that you have five years after the first day before completion is necessary.

We presume you have some one in your office who may furnish the necessary statement before August 6, 1938, for commencement of this work to the State Engineer of Nevada. Associate Engineer Dunn of this division has previously informed you that whereas in most States he is licensed and qualified as a Civil Engineer, yet he has no license in the State of Nevada, and therefore he could not make any certificate as to engineering work in Nevada.

Sincerely yours,

Joseph E. Taylor,
Regional Attorney.

By:
Albert L. Johnson,
Associate Attorney.

ALJ:SH

CC: Director,
Regional Director, Region IV.

12-17-1937: letter to regional attorney from supervisor regarding approval of application to appropriate water

UNITED STATES
DEPARTMENT OF THE INTERIOR

RECD DEC 20 1937

NATIONAL PARK SERVICE
BOULDER DAM RECREATIONAL AREA
P. O. BOX 755
BOULDER CITY, NEVADA

December 17, 1937

Joseph E. Taylor, Regional Attorney
National Park Service
601 Sheldon Building
San Francisco, California

Dear Mr. Taylor:

Reference is made to your letter dated December 3, regarding water right filing on Blue Point Spring.

We have just been advised, by the State Engineer, that our application to appropriate the water of this spring has been approved, and requesting that we forward the necessary fee for issuing and recording of the permit.

The voucher is being forwarded today, and we will notify you immediately upon receipt of the permit.

Sincerely yours

Guy D. Edwards

Guy D. Edwards
Supervisor

12-03-1937: letter to supervisor from regional attorney regarding water right filing on blue point spring

FILE COPY

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December 3, 1937.

Mr. Guy D. Edwards,
Supervisor,
Boulder Canyon Recreational Project,
P. O. Box 755,
Boulder City, Nevada.

Dear Mr. Edwards:

Reference is made to your letter of September 21 addressed to the Regional Director regarding water right filing on Blue Point Spring, application for which, together with the supporting map, were forwarded to the State Engineer on September 1.

May we inquire at this time whether the State Engineer's office has issued permit upon this application?

Sincerely yours,

Joseph E. Taylor,
Regional Attorney.

JET:SH

09-21-1937: letter to regional director from supervisor regarding filing on blue point spring

REC'D SEP 23 1937

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

BOULDER DAM RECREATIONAL AREA
P. O. BOX 755
BOULDER CITY, NEVADA

September 21, 1937

Mr. Frank A. Kittredge, Regional Director
CCC Region Four
National Park Service
601 Sheldon Building
San Francisco, California

Dear Mr. Kittredge:

Reference is made to your letter dated August 23, requesting information regarding the filing on Blue Point Spring.

This application, with supporting map, was forwarded to the State Engineer on September 1, 1937. We will notify you upon receipt of the permit from the State Engineer's office.

Sincerely yours

Guy D. Edwards
Supervisor

ARN/am
CC:Joseph E. Taylor, Attorney

FILE COPY

August 26, 1937.

Mr. F. A. Kittredge,
Regional Director,
Region 4,
National Park Service,
601 Sheldon Bldg.,
San Francisco, Calif.

Dear Mr. Kittredge:

The Director and Supervisor Edwards the early part of this year were concerned over the appropriation of waters of Roger's Spring and Blue Point Spring, both being within the Boulder Canyon Recreational Project.

With reference to Roger's Spring, a use was contemplated for swimming pool purposes and perhaps other recreational purposes, but it was discovered that a filing covering the entire flow of the spring had been made by the Bureau of Biological Survey. Accordingly, an inter-bureau agreement was made for the purpose of allowing such recreational uses as might be desired by Supervisor Edwards, and the responsibility for the completion of all steps necessary to the acquisition of a valid water right is being allowed to rest upon the Bureau of Biological Survey. For that reason, we are closing our file in connection with this spring.

With reference to Blue Point Spring, a separate filing was to be made on behalf of the Boulder Canyon Recreational Project by Mr. Edwards, and maps in connection therewith were to be prepared in the area under the direction of an engineer licensed under the laws of the State of Nevada. Whether an application was filed and a permit issued thereon is not known, and it would be appreciated if inquiries will be made by you to bring our information up to date.

Sincerely yours,

JET:H
CC: Director.
Supervisor Edwards.

Joseph E. Taylor,
Attorney.

C O P Y

STATE OF NEVADA
ENGINEER'S OFFICE
CARSON CITY

July 8, 1937.

Subject:

In replying, refer to 10098
United States of America,
C/o Guy D. Edwards,
P. O. Box 755,
Boulder City, Nevada.

Dear Sir:

Your application for permission to appropriate the public waters was received and filed Mar. 12, 1937 under the serial number above referred to.

This application is returned to you for correction, being defective in the following particulars:

Under question No. 4 give the point of diversion within a 40 acre subdivision and by means of a course and distance tie to a corner of the public land survey.

Under subdivision (b) give description of the place of use by legal subdivisions.

Fill in the amended application as instructed above, sign and return to this office together with the original application and a supporting map prepared by a licensed State Water Right Surveyor. The amended application and supporting map must be filed in this office on or before the 6th day of September, 1937 or it becomes mandatory for the State Engineer to cancel the application.

You are advised that your application, if returned properly corrected within sixty days, will be refiled, retaining the priority of its original filing, and if not returned within the time stated will be canceled.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer.

Enc.

FILE COPY

May 11, 1937.

Mr. Guy D. Edwards,
Supervisor,
Boulder Canyon Recreational Project,
P. O. Box 755,
Boulder City, Nevada.

Dear Mr. Edwards:

Mr. Johnson of this office is now making a field trip in the Southwestern Monuments, covering matters connected with the acquisition of water rights, and I have requested that on his way back to San Francisco he stop at Boulder City to see you and see if he can be of any assistance or can obtain any additional information concerning the present status of the Blue Point Spring application, and the amendment to the application for permission to appropriate the waters of Rogers Spring.

If Mr. Johnson can be of any assistance in any way, please feel free to request his cooperation.

Sincerely yours,

Joseph E. Taylor,
Attorney.

JET:SH

March 27, 1937.

MEMORANDUM:

Re: Boulder Canyon Recreational Project.

I saw Mr. Edwards, Supervisor of Boulder Canyon Recreational Project, today, and he advised me that they had made a filing on Blue Point Spring and paid the filing fee, and that he has talked to the Bureau of Biological Survey, and feels confident that they can arrive at some agreement for the use of the waters of Rogers Springs so as to accommodate both services, and he will arrange to have them make an amended filing to cover any additional uses contemplated by the Park Service.

J. E. T.

Joseph E. Taylor,
Attorney.

REC'D MAR 15 1937

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

March 9, 1937.

Mr. Joseph E. Taylor,
Legal Division, National Park Service,
110 Sutter Street,
San Francisco, California.

Dear Mr. Taylor:

This will acknowledge the receipt of your letter of February 18, transmitting copies of the laws and regulations relating to the appropriation of water in Nevada, and copies of correspondence relating to the appropriation of the waters of Rogers Spring and Blue Point Spring. We have since received a copy of Mr. Edwards' letter of February 26 to you, relating to the above-mentioned springs.

It appears from Mr. Edwards' letter of February 26 that the application made by the Bureau of Biological Survey covers the total flow from Rogers Spring. It will be necessary to make some agreement with the Biological Survey regarding the use of the water for recreational purposes. There should be no difficulty in this, for the contemplated uses can probably be made at successive levels for the various purposes. In our view, the title to the water right will be vested in the United States rather than in any department or bureau, and a use of the water by any Government agency is a use by the United States.

It is suggested that the application already filed be examined to determine whether the uses stated in the application are broad enough to include our proposed uses. If not, an amendment may be necessary. There is no statement in any of the correspondence regarding this point. Please consider it and advise this Office and Supervisor Edwards.

Sincerely yours,

A. E. Demaray
Associate Director.

Enclosure 1171297.

cc: Supervisor, Boulder Canyon
Recreational Project

02-26-1937: letter to attorney from nps regarding application for use of water from rogers spring and blue point spring

REC'D MAR 1 1937

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER CANYON RECREATIONAL PROJECT

Ans. 3/3/37 - J.E.T.

P. O. Box 755
Boulder City, Nevada
February 26, 1937

(Copy mailed Director 3/3/37.)

Mr. Joseph E. Taylor, Attorney
Branch of Land Acquisition and Regulation
110 Sutter Street
San Francisco, California

Dear Mr. Taylor:

Receipt is acknowledged of your letter of February 18, regarding our application to the Nevada State Engineer for the use of water from Rogers Spring and Blue Point Spring.

It is interesting to note from the State Engineer's letter that the Biological Survey had on February 16, made application to appropriate four cubic feet per second of water from Rogers Spring. In your letter you indicate this application paper was filed after having had some understanding with our office. However this was not the case. Last December a representative of the Biological Survey conferred with me regarding the proposed development in the Overton area by both Bureaus.

I discussed with Mr. Saunders of the Biological Survey the fact that we already had developments at Rogers Spring which were built as a CCC State project. The improvements consist of a shelter, picnic tables and pit toilets. A swimming pool was also started but was not completed. It was planned at that time to use the water from Rogers Spring, which is not potable, for the swimming pool and it was also our understanding that the water from Blue Point Spring was to be piped to Rogers Spring for use in connection with domestic supply and irrigation. The two springs are about a mile apart.

It was agreed between Mr. Saunders and myself that the National Park Service would use the spring water from Rogers Spring for use in connection with swimming pool and that the run-off from the pool and extra water not used would be used at a lower level in connection with the proposed bird pools. No indication was made at that time that the Biological Survey would make application for water without conferring with us. Their application for four cubic feet per second of the waters of Rogers Spring is, we believe, far in excess of the output of the spring. The total amount flowing from the spring is not over <u>two second</u> feet. The amount flowing from Blue Point Spring, does not exceed one second foot.

It is our understanding that the Biological Survey have not filed on this latter spring. It seems unfortunate that the Biological Survey would file upon this spring without consulting the National Park Service or this office, since they know that we plan on continuing our development at Rogers Spring and had discussed with their representative last December regarding the use of water from Rogers Spring.

In your third paragraph you mention that in the event the application of the department of Agriculture is in excess of supply, we should arrange with that department for such use as we wish, rather than file any conflicting application which would show a lack of accord between the departments. Is it your thought that we should not file application on waters of Rogers Spring but have a letter or some such agreement with the Biological Survey whereby we could use a certain amount of the waters. We would appreciate your advice in this matter as to what form of agreement you would wish to have drawn up.

Regarding the waters of Blue Point Spring, we are filling out the application blanks for the required amount of water from that spring. As we have funds available from our regular allotment we will pay the filing fee. We will be able to make the map here although we may not send it in immediately with the application.

Mr. E. W. Bannister, who is superintendent of Camp S.P. 4, is a licensed water right surveyor in the State of Nevada and is preparing the maps and will sign them as a licensed water right surveyor. Your postscript, however, indicates you might prefer to have the maps made in your office, if so we would appreciate advice regarding this. If we can be of further assistance in this matter please advise.

Sincerely yours,

Guy D. Edwards

Guy D. Edwards,
Supervisor

02-18-1937: letter to supervisor from nps regarding use of water from rogers spring and blue point spring

FILE COPY

February 18, 1937.

Mr. Guy D. Edwards,
Supervisor,
Boulder Dam Recreational Area,
P. O. Box 755,
Boulder City, Nevada.

Dear Mr. Edwards:

Enclosed herewith you will find a copy of a memorandum by Mr. Dunn dated February 15, together with a print of the sketch mentioned therein, both of which are self-explanatory. In addition, I am likewise enclosing a copy of a letter received today from the office of the State Engineer of Nevada, which letter contains some interesting information concerning our possible use of water from Rogers Spring and Blue Point Spring.

You will note that the date of the State Engineer's letter is February 16, and that on that date that office received an application to appropriate four cubic feet per second of the waters of Rogers Spring, which application was made in the name of the Secretary of Agriculture by the hydraulic engineer for the Bureau of Biological Survey. This application perhaps was filed after arriving at some understanding with you as Supervisor of the Area, but if such was not the case a policy matter may be involved which you would like straightened out.

From the size of the filing, it would appear that this is a large spring, but it may be that the application of the Department of Agriculture is in excess of the supply, in which event we should arrange with that Department for such uses as you wish, rather than to file any conflicting application which would show a lack of accord between the Departments.

Upon receipt of your letter to the Director dated January 27, upon the subject of appropriation of the waters of Rogers Spring and Blue Point Spring, Assistant Director Moskey referred the matter to me, and furnished us with a copy of your letter to the Director dated January 27, 1937, copy of the letter of the State Engineer to you dated January 20, and copy of your letter to the State Engineer dated January 15, and also sent the application blanks received by him.

We do not have the factual information at this office to fill out the application blanks, and we are sending them herewith so that you may prepare them, giving the facts required.

It would be my suggestion that the application be made in the name of the United States of America from your office in Nevada. We do not know the nature of the uses to which you intend to apply the water, nor the quantities which can be applied to beneficial use, nor the nature of the works by which you propose to divert the water.

Some difficulty may be encountered in furnishing the maps required under the laws of the State of Nevada, for the reason that such maps are to be prepared only by State water right surveyors. As far as I am able to ascertain, none of the staff here is a licensed water right surveyor in the State of Nevada, which requires a special certificate as well as a bond payable to the State, and I find no exemption from such requirement in favor of engineers of the Federal Government. It is possible that through the Bureau of Reclamation you could provide for the execution of maps necessary by a licensed water right surveyor on their staff, or you may have some other idea as to how this requirement can be met.

If you care to do so after furnishing the factual information required by the application blanks, you could return them to us for final checking, and we could return them to you for transmittal to the State Engineer's office.

The maps do not have to be furnished at the same time that the application is made to the State Engineer, but they may follow the application at any time within sixty days. Consequently, you could file your application, and have the maps prepared later for filing within the sixty-day period. If you feel that you can arrange to have the maps made, we would greatly appreciate receiving prints for the completion of our files, and in addition we should like a copy of the application filed by you and any permit issued by the State Engineer (if not a copy, then a memorandum of the pertinent information contained on that permit).

In paying filing fees, our usual procedure has been to have the park or monument involved make payments out of administrative funds where such funds are available. However, if those funds are not available, or if it is felt that better use of them could be made otherwise, it is permissible to advance the filing fee to the State administrative body and then bill us for a refund.

We would like to have this matter handled in any way it seems desirable to you, and if you will just kindly indicate your desire -- particularly with reference to following up after you have completed the application blank -- we shall be most happy to cooperate.

Sincerely yours,

Joseph E. Taylor,
Attorney.

JET:SH

CC: Director.

P.S.- Concerning the qualifications of the engineer drawing the map, we are writing to the State Engineer in order to determine definitely whether there is an exemption from state licensing for Federal work done by Federal engineers, and you will be advised of our finding as soon as we hear.

Another thought occurs to us, which is,that in any event our office might be of assistance in preparing the tracing, since we expect to have a draftsman for just such work within the next week or two, and if we could be furnished with the proper data the tracing could be prepared here, even though it develops that it will have to be signed by a licensed water right surveyor.

02-18-1937: letter to state engineer from attorney regarding receipt of letter

FILE COPY

February 18, 1937.

Office of the State Engineer,
Carson City, Nevada.

Gentlemen:

This will acknowledge receipt of your letter, signed by Mr. Reppert, dated February 16, upon the subject of applications for permits to appropriate water from Rogers Spring and Blue Point Spring in Clark County, Nevada, for which we wish to express our appreciation.

We are glad to have the information that a filing has been made on Rogers Spring in the name of the Secretary of the Department of Agriculture, for use upon the migratory waterfowl refuge, and it is possible that this use may cover the use contemplated by Supervisor Edwards.

At this time we should like also to acknowledge receipt of three copies of the Rules and Regulations of that office, and three copies of the Water Law of Nevada, for which we are likewise grateful.

It is noted that your law requires preparation of maps by a State water right surveyor, licensed and bonded under the laws of the State of Nevada, and I was unable to find any exemption from such a requirement for Federal work performed by a Federal engineer. It is important that we determine as early as possible whether there is any exemption from this requirement for Federal engineers, and your advices on the point will be greatly appreciated.

Yours very truly,

Joseph E. Taylor,
Attorney.

JET:SH
CC: Mr. Edwards

Copy mailed Director 2/18/37.
Copy mailed Edwards

REC'D FEB 18 1937

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

H. W. REPPERT
ASSISTANT

February 16, 1937

IN YOUR REPLY REFER TO NO S. 5380, 6406

Joseph E. Taylor, Attorney
United States Department of the Interior
National Park Service
Branch of Land Acquisition and Regulation
Legal Division
110 Sutter Street
San Francisco, California

Dear Sir:

Reference is made to your letter of February 15 regarding the appropriation of Rogers Spring and Blue Point Spring in Clark County, Nevada, subjects of Applications and Permits Nos. 5380 and 6406, respectively, by the Nevada Fire Insurance Company, which permits are listed on our records as withdrawn by the applicant on January 22, 1937.

With reference to your request that the State Engineer make a reservation of the waters of these springs from further appropriation until such time as you are able to furnish this Office with proper applications and to have the proper surveys and maps made in connection therewith, will advise that there is nothing in our Water Law which would give the State Engineer authority to make such a reservation. Any application filed to appropriate the waters of these springs should set forth the quantity of water which it is intended to use in connection with the proposed appropriation, so that following the granting of any permit under the application the appropriator would be in a position to make beneficial use of the waters applied for in connection with said proposed development. For your information will advise that this Office has this date received an application to appropriate four cubic feet per second of the waters of Rogers Spring in the SE¼ of the SE¼ of Section 12, Township 18 S., Range 68 E. for migratory waterfowl refuge, made in the name of Henry A. Wallace, Secretary United States Department of Agriculture, by Brice McBride, Hydraulic Engineer for the U. S. Bureau of Biological Survey, his designated agent. This application has been filed as of this date, and assigned serial number 10092.

No new filings have been made to date on Blue Point Spring in the NW¼ NE¼ Section 7, Township 18 S., Range 68 E., M.D.M.

No maps have been filed under either of the above numbered applications which could be used in support of a new application on these sources.

As requested, we are sending you under separate cover 3 copies of the Rules and Regulations of this Office pertaining to the preparation of maps under Proofs of Appropriation and applications for permission to appropriate water, and 3 copies of the Water Law of Nevada.

Very truly yours

ALFRED MERRITT SMITH
State Engineer

By H. W. Reppert
H. W. Reppert
Assistant State Engineer

HWR:G

02-15-1937: memorandum to nps from state engineer regarding water rights at blue point spring and rogers spring

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Branch of Land Acquisition and Regional
Legal Division
110 Sutter Street
San Francisco, Calif.

February 15, 1937.

MEMORANDUM TO MR. TAYLOR:

Re: Boulder Dam Recreational Area.

In looking over the records at the office of the Chief Engineer, with regard to the water rights on Rogers Spring and Blue Point Spring, I have found that no two maps show these springs to be in the same location. The attached print of a sketch I have prepared shows the three locations for Rogers Spring according to various maps, and also the data from Mr. Edwards.

You will note that Rogers Spring is shown on the maps both in Sections 12 and 13 of Township 18 South, Range 67 East, and that it is described in the old filing No. 5380 as in Section 7, Township 18 South, Range 68 East. In addition, this spring is not in the same 40-acre subdivision of each section. I find only two locations for Blue Point Spring, with location very close to north-south center line where an error in section line location might throw it into NW¼. (Filing No. 6406 seems to be the correct filing, though I quoted you 6X06 Saturday noon from another page of the correspondence.)

According to the State Engineer in his letter to Mr. Edwards of January 20, we should file a new application for permission to appropriate. This filing should be made out correctly with relation to land subdivision, and in addition, if the actual locations of the springs are found to differ from the old filings by the Nevada Fire Insurance Company, I believe the State should be advised to the effect that there are no springs at the points designated in old filings 5380 and 6406, in order that the State records will not show a possible source of water for some one else to appropriate.

The Geological Survey map, which is the basis for spring locations in the Knight-Edwards-Kuehl report, shows certain township lines, but not section lines in most cases. It is possible that the maps could therefore be wrong, if an actual survey was made for the original filings. However, I recommend that Mr. Edwards should make a further check in the field before we proceed with the application.

If we are to complete the filing, there will be a few other bits of information to obtain from Mr. Edwards on the application form.

Item 2, Amount of Water: Mr. Edwards should advise how much water he wishes.

Item 3: The use is quite indefinite. I understand that a swimming pool was started, but abandoned because of the impotability of the Rogers Spring.

Under Item 4, if we determine the exact 40-acre subdivisions in which the springs are located, that is sufficient.

Under irrigation, or perhaps even in case of only domestic use, we shall wish to know the exact 40-acre subdivisions or protions thereof in which the water is to be used, as requested under (a) and (b).

Under (c) I assume that we are safe to assume irrigation, if any, over eight to ten months of the year; domestic use throughout the year, and swimming pool operation from June to September or October.

This seems to be all the information requested by the State Engineer, and I doubt very much if a map is actually required.

A. van V. Dunn

A. van V. Dunn,
Associate Engineer.

CC: Mr. Edwards.
Director.

03-15-1937: letter to nps from state engineer regarding receipt of filing fee

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

Alfred Merritt Smith
State Engineer

H. W. Reppert
Assistant

March 15, 1937.

Subject:

In replying, refer to 10098

United States of America,
C/o Guy D. Edwards,
P. O. Box 755,
Boulder City, Nevada.

Gentlemen:

Your application was

received and filed in this office under the above-mentioned

serial number on March 12, 1937.

Further action on this application will be withheld pending the receipt of a supporting map prepared by a licensed State Water Right Surveyor.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 24838.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

02-15-1937: letter to state engineer from attorney regarding appropriation of water from two springs

FILE COPY

February 15, 1937.

Hon. Alfred Merritt Smith,
State Engineer,
Carson City, Nevada.

Dear Sir:

We have been advised by Supervisor Guy D. Edwards of Boulder Dam Recreational Area that the appropriation of water from two springs in that vicinity will be beneficial and necessary to the recreational developments at Boulder Dam.

By letter dated January 15, 1937, Mr. Edwards communicated with your office concerning these springs, and in your reply thereto dated January 20 you advised that the previous filings upon these springs by the Bureau of Reclamation had lapsed and that it would be necessary to file new applications.

The springs to which I refer are Rogers Spring, located in the SW¼ of the SW¼, Section 7, Township 18 South, Range 68 East, MDM, and Blue Point Spring, located in the NW¼ of the NE¼ of the same section, township, and range. The former spring has previously been covered by filing No. 5380, and the latter by filing No. 6X06.

This is to advise that it is the intention of the National Park Service to make a valid appropriation of the waters of these springs, and the formal procedure required under the laws of the State of Nevada will be followed as soon as possible, but in the meantime, if there is any way in which it can be provided for, we would greatly appreciate a reservation of the waters of these springs from further appropriation until such time as we are able to furnish you with proper applications and required maps and fees in connection therewith.

While we do not know at this time all of the contemplated uses, nor the exact places of use, it occurs to us that perhaps our filings, insofar as maps are concerned, might be simplified if we could in any way make use of those previously on file covering these springs. The quantity of water to be used from these springs will increase as time goes on, and we would appreciate any advice you may give us as to how we can provide for future beneficial uses by filing at this time.

If you have the water laws of Nevada compiled in pamphlet form, we should very much like to procure three copies, and also the same number of copies of any rules and regulations prescribed by your office. Any charges in connection with such publications may be billed to this office.

Yours very truly,

Joseph E. Taylor,
Attorney.

JET:SH

CC: Supervisor Guy D. Edwards.
Director.

C
O
P
Y

BOULDER DAM RECREATIONAL AREA

P. O. Box 755
Boulder City, Nevada.
January 27, 1937

The Director
National Park Service
Washington, D. C.

Dear Mr. Director:

Attached herewith is a copy of a letter we have written to the Nevada State Engineer, Carson City, Nevada and his reply thereto, both concerning the appropriation of the waters of Rogers Spring and Blue Point Spring; Section 7, Township 18 south, 967 East, MDM.

As you will note from the correspondence these springs and the waters of these springs are covered by filings made by the Bureau of Reclamation. You will also note that Bureau of Reclamation has determined that no further action will be taken to keep the permits in good standing. However, both of these springs will be valuable to the National Park Service in connection with any proposed development at the springs and the boat landing on Lake Mead at Overton, Nevada.

Our proposed road development, which our Service has already requested the Bureau of Public roads to survey, will lead south from Overton near the springs to the boat landing. Some development has already been made by our ECW forces at Rogers Spring.

It would seem advisable to again make application for acquiring water rights covering these two springs. Therefore, we are forwarding copies of these two letters together with the blank applications for permit for your consideration. If you prefer to have this office handle this matter rather than handling it direct we will be pleased to do so.

Sincerely yours,

(SGD) GUY D. EDWARDS
Supervisor

C
O
P
Y

State of Nevada
OFFICE OF STATE ENGINEER
Carson City

January 20, 1937

Mr. Guy D. Edwards, Supervisor
National Park Service
Boulder Dam Recreational Area
P. O. Box 755
Boulder City, Nevada

Dear Mr. Edwards:

Reference is made to your letter of January 15th concerning the appropriation of the waters of Rogers Spring and Blue Point Spring, as covered by filings Nos. 5380 and 6406, respectively.

The above numbered filings were made by the Nevada Fire Insurance Company and were approved by this Office on April 22, 1931, for irrigation purposes. Although our records do not show any assignement of these water rights, it appears that same were sold to the U. S. Bureau of Reclamation as on July 29, 1932, Walker R. Young, Construction Engineer, U. S. B. R., in an application for an extension of time within which to comply with the provisions of said permits, stated that the United States had acquired said permits and the lands to which the water was to be made appurtenant. On December 15, 1936, Mr. Ralph Lowry, Construction Engineer, U. S. B. R., advised this Office that the Bureau of Reclamation had determined that no further action would be taken to keep the permits in good standing. Acting upon the authority contained in said letter, we have listed these permits as withdrawn at the request of the applicant.

In view of the foregoing, the proper procedure for your Department to pursue, in the event you desire to appropriate these waters for a beneficial purpose, is to file with the State Engineer an application for permission to appropriate same.

We are enclosing herewith two blank forms of application for permission to appropriate water. The initial filing fee on each application is Twenty Dollars. In addition, a supporting map made by a State Water Right Surveyor is required, and should either accompany the application when filed with this Office or follow within a period of sixty days thereafter.

Very truly yours

ALFRED MERRITT SMITH
State Engineer

By (Signed) H. W. Reppert
H. W. Reppert -Asst. State Eng.

C
O
P
Y

BOULDER DAM RECREATIONAL AREA

P. O. Box 755
Boulder City, Nevada
January 15, 1937

State Engineer,
Carson City, Nevada

Dear Sir:

In conferring with the Bureau of Reclamation officials we find that the Bureau had two water rights in Sec. 7 SP 18 S. 68 E., M.D.M. as follows:

(1) Filing No. 5380 on Rogers Spring in the S. W. 1/4 of the S. W. 1/4 of Sec. 7, T18S,R68E.

(2) Filing No. 6X06. changed to 6406 on Blue Point Spring in the N.W.1/4 of the N.E.1/4 of sec. 7, T18S.S68E.

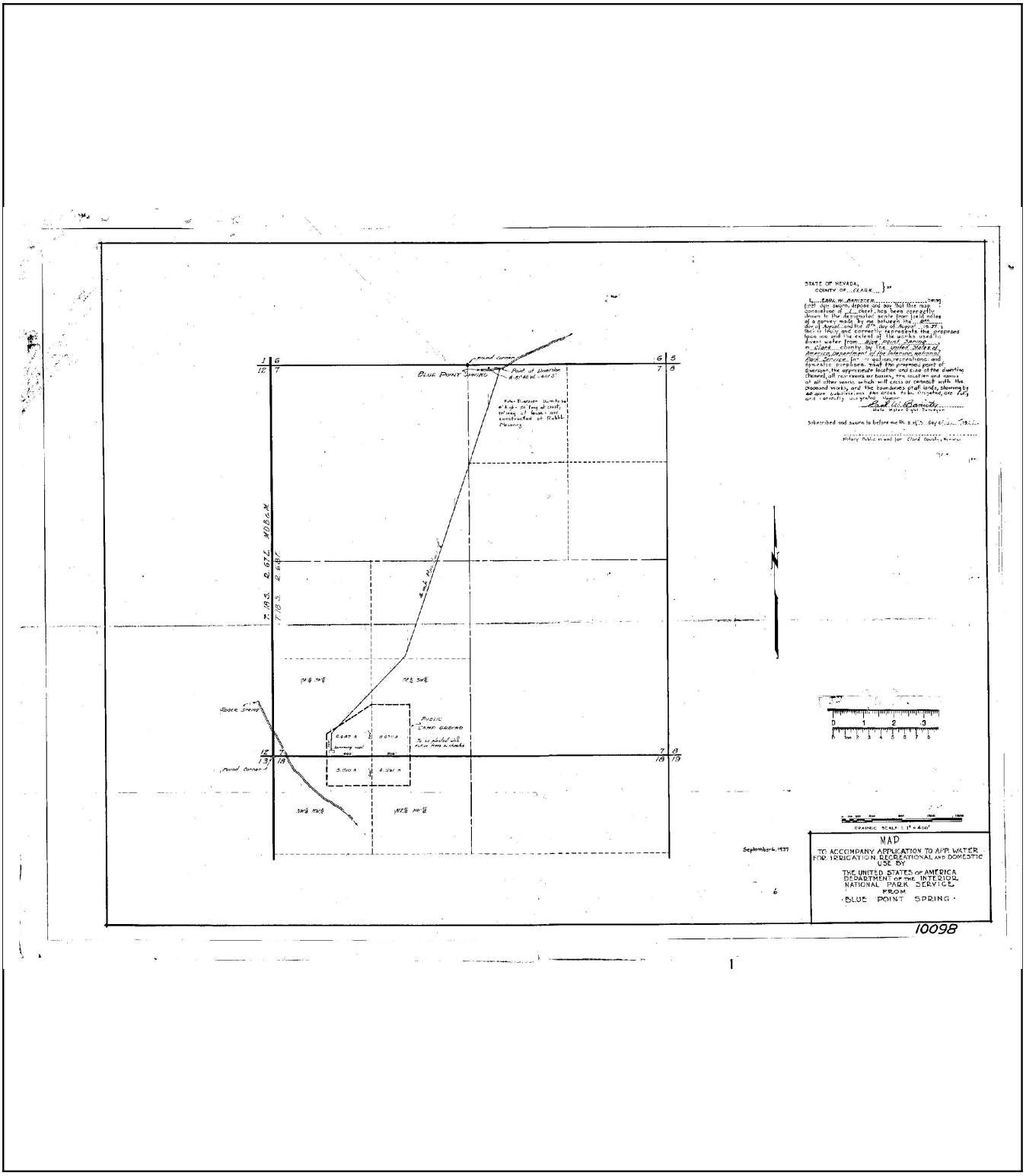
It is our understanding that these water rights have lapsed.

However, as there have been constructed several ECW projects by CCC labor at these areas under the direction of the National Park Service we are very anxious that these permits be renewed by our Service.

Therefor will you please write us, informing us just what proceedure we shall follow in refiling on these springs for the Federal Government.

Sincerely yours,

Guy D. Edwards
Supervisor



Docket Information

Number of Documents in Docket 166

Documents Dated from 1/15/1937 to 7/5/1974

Docket Compiled: 4/15/2016