WATER-RIGHT DOCKET

Lake Mead National Recreation Area

Docket No: 3

ROGERS SPRING

Preliminary Docket Information

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

WATER RESOURCES/WATER RI[G]HTS 3 DATE: July 5, 1974

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Lake Mead National Recreation Area

SITE Rogers Spring

STATE Nevada COUNTY Clark DOCKET NO WR #3

LOCATION SE¼ SE¼ Sec. 12, T18S, R67E, M.D.B.& M.

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Appropriation

APPLICATION 10092 PERMIT 10092 CERTIFICATE 4476

ACTION DUE PRIORITY February 16, 1937 RESERVATION ~~Yes~~ April 30, 1930

QUANTITY 0.44 c.f.s. USE Migratory Water Fowl Refuge

STATUS Active SOURCE Spring

REMARKS Hydrologic Unit #15010005

NARRATIVE: Executive Order No. 5539 of April 30, 1930 temporarily withdrew from entry unreserved public lands within designated areas in Arizona and Nevada pending classification as a national monument. A portion of the above lands in Nevada, within the area known as Boulder Canyon Project Area withdrawn on March 3, 1933, was administered as the Lake Mead National Recreation Area under an interbureau agreement with the Bureau of Reclamation approved by the Secretary of the Interior on October 13, 1936. This docket pertains to Rogers Spring which is located on land held originally by Executive Order No. 5339 but which was outside the original Lake Mead NRA boundary.

On February 16, 1937, the Department of Agriculture, which then contained the Bureau of Biological Survey later to become the Department of Interior's Fish and Wildlife Service, applied to the State of Nevada for a permit, Application No. 10092, to appropriate 4 second-feet of water from Rogers Spring.

The authorized development under the permit was a migratory water fowl refuge. A proposed diversion was to run to a point near Blue Point Spring, Lake Mead WR #1, but this was abandoned after 1000 feet of ditch was dug. Three ponds were also proposed along the natural spring outlet which runs into the Lake Mead area. A shelter for picnickers and the general public was constructed along with a temporary dam creating a small pond immediately adjacent to Rogers Spring. The interests in this permit, including the developments and a right-of-way to the boundary of the Recreation Area, were assigned to the National Park Service by the Director of the Fish and Wildlife Service by a memorandum of December 23, 1946.

The Park Service obtained extensions of time in which to perfect the rights under this permit up until June 7, 1955 at which time the State Engineer declared that no further extensions of time in which to file proof of completion of work or beneficial use of the water would be permitted as the Nevada law did not contemplate holding indefinitely a water right where beneficial use is not being made.

As a result of a rumor that Executive Order No. 5339 was to be canceled (which has not occurred as of this record), the Park Service initiated steps to protect its interests in the land at Rogers Spring, the shelter house, and the right-of-way to the boundary of the park. The state water right Application No. 10092, was recorded by memorandum with the Bureau of Land Management on February 17, 1954 intending to record an encumbrance before the land was thrown open to entry. The rationale being that if the land was open to homesteading, the Bureau of Land Management, who governs the public domain, would limit applications to homestead land which has been previously encumbered.

(Continued)

Compiled by M. Ackerman

Approved by W. Werrell

(Cont.)

On March 8, 1954, the Bureau of Land Management designated the 40 acres upon which Rogers Spring is situated as a portion of Public Water Reserve No. 107 under authority of Executive Order of April 17, 1926. This order provided that the smallest legal subdivision of public land which is vacant, unappropriated, and unreserved and contains a spring or water hole needed or used by the public for watering purposes is included in a blanket withdrawal without identification of the lands affected. A question then arose whether the above tract was subject to the regulations governing the use of Public Water Reserve No. 107 or whether there was a prior vested land use created by recordation of the state permit with the BLM twenty days earlier.

It was also suggested that Executive Order No. 5389 of July 7, 1930 withdrawing lands containing hot springs or springs whose waters have curative properties (mineral springs) might apply to both Rogers and Blue Point Springs as these were both highly mineralized. The order specifically provided for withdrawing land within a 40-acre subdivision of a mineral spring on unreserved public land. The waters from these springs must have lacked the necessary properties since no further action was taken to apply this order.

On July 22, 1955, Mr. Dunn, Chief of Water Resources, submitted written proof of application of the water to beneficial use to the State Engineer of Nevada. At this time, the Park Service was contemplating various water use projects, none of which were carried out.

A report by the Department of Health on January 25, 1955, in regard to a chemical analysis made by the Bureau of Reclamation on September 16, 1949 of the waters from Blue Point Spring and Rogers Spring, stated that the water was unsuited to domestic purposes. The Park Service considered the use of these sources limited to the wildfowl refuge.

After a series of denials of proof of beneficial use submitted by the Park Service due to technical and procedural errors, the State Engineer on March 7, 1956 accepted proof of completion of work and beneficial use in conjuction with a supporting map filed by Mr. A. van V. Dunn on February 16, 1956. Certificate No. 4476 was issued on November 26, 1956 to the National Park Service for use of Rogers Spring for a migratory water fowl refuge and incidental domestic use by maintenance crews and miners. The date of priority of the permit and certificate is February 16, 1937. The quantity of appropriation allowed was 0.44 c.f.s. The description of the works included concrete and earth dikes and a masonry dam creating marshes in areas adjacent to Rogers Spring and within the park. At one time, the question arose as to whether there was any development and use of this source within the park , and if not, the land including Rogers Spring was to be turned over to the Bureau of Land Management to be managed as a part of Public Water Reserve No. 107. It appears that no further development was made of this source.

A claim to the waters of Rogers Spring was filed with the State Engineer in 1952 as Application No. 14512 by Harris and Crabtree. A request was made of the Park Service for a millsite in the park but the Service informed Harris and Crabtree that the use of land for that purpose was not permissable. They subsequently made three mining claims outside the park but within the area withdrawn by mineral deposits within the claimed locations. It appears Application No. 14512 was withdrawn by Executive Order No. 5389 but these were denied due to a lack of valuable mineral deposits within the claimed locations. It appears Application No. 14512 was withdrawn with the refusal of the Park Service to permit a millsite within Lake Mead

(Cont.)

Recreation Area.

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 included the section within which Rogers Spring is located.

To WODC

L3031

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10092

December 6, 1956.

D O Gibbs
Dunn

U. S. Dept. of Interior,
National Park Service,
c/o A. Van V. Dunn,
Washington 25, D. C.

Dear Sir:

Enclosed herewith is certificate No. 4476 issued under the provisions of Section 51, Chapter 140, Statutes of 1913, which certificate has been recorded in the records of Clark County, Nevada, as required by law, and the proper notations entered on the reverse side of said certificate.

Official receipt No. 47329, issued in the sum of $ 1.00 covering the statutory fee received for recording certificate is enclosed herewith.

Very truly yours,

HUGH A. SHAMBERGER,
State Engineer.

hs

1875

BOOK 114

94559
(2-1)

Application No. 10092 Certificate Record No. 4476 Book 13 Page 4476

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, A. Van V. Dunn has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Rogers Spring through ponds and dikes for Migratory Water Fowl Refuge purposes. The point of diversion of water from the source is as follows: SE¼ SE¼ Section 12, T. 18 S., R. 67 E., M.D.B.&M., or at a point from which the S.E. corner of said Section 12 bears S. 12° 08' E., 857 feet.

situated in Clark County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72 Chapter 128 Statutes of 1931 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator United States of America, National Park Service

Post-office address Washington, D.C.

Amount of appropriation 0.44 c.f.s.

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation February 16, 1937

Description of land to which water is appurtenant:

2.02 acres in the SE¼ SE¼ Section 12, T. 18 S., R. 67 E., M.D.B.&M.
0.82 acres Lot 4 SW¼ SW¼ Section 7, T. 18 S., R. 68 E., M.D.B.&M.
3.91 acres Lot 1 NW¼ NW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
2.77 acres Lot 2 SW¼ NW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
0.53 acres in the SE¼ NW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
0.11 acres Lot 3 NW¼ SW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
0.59 acres in the NE¼ SW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
10.75 acres total

* Land inundated for water fowl refuge, ponds, growth of feed and cover.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I HUGH A. SHAMBERGER, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 26th day of November, A. D. 1956

Compared 12/5/56

Hugh A. Shamberger
State Engineer.

(SEAL)

BOOK 114

94559
(2-2)

RECEIVED
NOV 29 2 05

STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Application Number 10092

Certificate Number 4476

Book 13 Page 4476

Received and filed at the request of

this day of

196..., in Book

Page

County Recorder.

94559

NO RECORDED AT THE REQUEST OF

Nevada State Engineer

Nov 29 2 05 PM '56

OFFICIAL RECORDS BOOK NO 114

CLARK COUNTY, NEVADA

PAUL C. O'MALLEY, RECORDER

FEE $ 1.00 DEPUTY

Mail to Carson City, Nev.

Indexed

05-22-1956: receipt of payment for fees advances for filing proof of beneficial use and proof of completion under permit no. 10092

Left side in Basket.
ORIGINAL

WR Copy
RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No. 46634

May 22, 1956

U. S. Department of the Interior,
National Park Service, Washington, D. C.
Attention: A. van V. Dunn
Chief, Water Resources Section

To THE STATE OF NEVADA, Dr.

		Fees advanced for filing Proof of Beneficial Use and Proof of Completion under Permit No. 10092	$2.	00

Remittance in Warrant No. 12,274,798. Treasurer of the United States, Washington D. C. Dated May 14, 1956

Received payment,

Hugh A. Shamberger
State Engineer.

By C. E. Thiel

3M—2-55
1052

Application No. 10092 Certificate Record No. 4476 Book 43 Page 4476

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, A. Van V. Dunn has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Rogers Spring through ponds and dikes for Migratory Water Fowl Refuge purposes. The point of diversion of water from the source is as follows: SE¼ SE¼ Section 12, T. 18 S., R. 67 E., M.D.B.&M., or at a point from which the S.E. corner of said Section 12 bears S. 12° 08' E., 857 feet.

situated in Clark County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 128, Statutes of 1931 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator United States of America, National Park Service

Post-office address Washington, D.C.

Amount of appropriation 0.44 c.f.s.

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation February 16, 1937

* Description of land to which water is appurtenant:

2.02 acres in the SE¼ SE¼ Section 12, T. 18 S., R. 67 E., M.D.B.&M.
0.82 acres Lot 4 SW¼ SW¼ Section 7, T. 18 S., R. 68 E., M.D.B.&M.
3.91 acres Lot 1 NW¼ NW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
2.77 acres Lot 2 SW¼ NW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
0.53 acres in the SE¼ NW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
0.11 acres Lot 3 NW¼ SW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
0.59 acres in the NE¼ SW¼ Section 18, T. 18 S., R. 68 E., M.D.B.&M.
10.75 acres total

* Land inundated for water fowl refuge, ponds, growth of feed and cover.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I HUGH A. SHAMBERGER, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 26th day of November, A. D. 1956.

Compared HS/RB

Recorded Nov. 29, 1956 Bk. 114 Page

Clark County Records

State Engineer.

1923

10-15-1956: letter to nps from state of nevada regarding certificate of appropriation under permit no. 10092 now ready to be issue

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
SPECIAL ASSISTANT
STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ROBERT S. LEIGHTON
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
J. A. MILLAR
OFFICE ENGINEER
E. J. DeRICCO
FIELD AND OFFICE ENGINEER

IN YOUR REPLY REFER TO NO. 10092

October 15, 1956.

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

ATTENTION: A. Van V. Dunn

Dear Sir:

You are hereby advised that Certificate.... of Appropriation under your permit.... Serial No..... ....10092.....

.....

for the waters of.....Rogers Spring is.....

.....

.....

now ready to be issued by this office.

You are further advised that, in accordance with Section 72, Chapter 140, Statutes of 1913, as amended by Section 1, Chapter 128, Statutes 1931, it will be necessary that you forward to this office, within thirty days from the date hereof, the sum of...One dollar..... ($1.00 for each certificate) dollars for the issuing and recording of certificate.... under said permit.....

Said Section 72, Chapter 128, Statutes 1931, reads in part as follows:

> SEC. 72. As soon as practicable after satisfactory proof has been made to the state engineer that any application to appropriate water has been perfected in accordance with the provisions of this act, said state engineer shall issue to said applicant, his assign or assigns, a certificate setting forth the name and post-office address of the appropriator, his assign or assigns, date, source, purpose and amount of appropriation; and if for irrigation a description of the irrigated lands by legal subdivisions, when possible, to which said water is appurtenant, together with the number of the permit under which such certificate is issued, which certificate shall, within thirty (30) days after its issuance, be sent by mail to the recorder of the county in which such water is diverted from its source, as well as to the recorder of the county in which the water is used, to be recorded in books specially kept for that purpose, and the fee for recording such certificate, which is hereby fixed in the sum of one dollar ($1.00) for each county in which said record is made, shall be paid in advance to the state engineer by the party in whose favor the certificate is issued; *provided*, that no final certificate of appropriation or certificate granting a change in the place of diversion, manner of use or place of use of water already appropriated shall be issued to an applicant who is not a citizen of the United States over the age of twenty-one years or to a firm or company which is not a corporation authorized to do business in this state.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

hs

05-22-1956: receipt no. 46634: proof of completion under permit no. 10092

Left file in docket.
ORIGINAL

WR Copy
RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No 46634

May 22, 1956

U. S. Department of the Interior,
National Park Service, Washington, D. C.
Attention: A. van V. Dunn
Chief, Water Resources Section

To THE STATE OF NEVADA, Dr.

		Fees advanced for filing Proof of Beneficial Use and Proof of Completion under Permit No. 10092	$2.	00

Remittance in Warrant No. 12,274,798. Treasurer of the United States, Washington D. C. Dated May 14, 1956

Received payment,

Hugh A. Shamberger
State Engineer.

By E. Thiez

3M—2-55
1052

2-10-56

Under Permit No. 10092

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF PERMITTEE

NOTE—Questions 1 to 12, inclusive, must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See Sec. 69, Chapter 140, Statutes 1913.)

Question 1. What is your name, occupation, and post-office address?

Answer: A. van V. Dunn, Hydraulic Engineer, Interior Building, Washington 25, D. C.

Question 2. Are you acting in behalf of a corporation? If so, state its name, place of business, and your authority for acting in its behalf.

Answer: The United States as the sovereign. I am Chief, Water Resources Section, National Park Service, delegated by the Director to act on water right matters.

Question 3. What is the number of the permit under which this proof is made? Answer: 10092

Question 4. From what source do you obtain your water supply?

Answer: Roger Spring, in drainage tributary to Lake Mead.

Question 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Answer: Roger Spring Wildfowl Development

Question 6. Are you the person to whom the permit was issued? If not, state how you obtained it, giving the succession of title.

Answer: Yes. The United States of America has always been permit owner, now claiming through National Park Service as recorded in Office of State Engineer.

(If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.)

Question 7. For what purpose are you using the water for which you are now making proof?

Answer: To maintain pond and vegetation for migratory wildfowl (see remarks).

Question 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 40 miners' inches equals 1 cubic foot per second. 1 miners' inch equals 11.21 gallons per minute. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer: At least 0.24 sec.ft. now beneficially used without diversion.

Question 9. State the period during the year when water has been beneficially used.

Answer: All 12 months

Question 10. Do you divert and use more water at periods than granted in the permit for which proof is made? If so, make proper explanation.

Answer: No.

Question 11. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of persons who made the measurements.

Answer: Float measurement near earth dike No. 1 by A. van V. Dunn July 19, 1947, weir measurements 30 ft. below rock dam by E. W. Blair December 20-24, 1955, incl.

Question 12. State, if you know, the normal number of cubic feet per second flowing in the source at your point of diversion.

Answer: Flow of 1.69 sec.ft. at weir December 20-24, 1955, which is 80.5% of float measurement of July 19, 1947, which had already been computed at 80% of surface velocity times cross section.

IF WATER IS USED FOR IRRIGATION ANSWER THE FOLLOWING:

Question 13. Upon how many acres have you beneficially used water?

Answer: 10.75 acres of irrigation and pondage (see remarks).

Question 14. Give the number of acres in each legal subdivision.

Answer:

2.02	acres in the	SE¼ SE¼	of Sec.	12	, T.	18 S	, R.	67 E.
0.82	acres in the	SW¼ SW¼	of Sec.	7	, T.	18 S	, R.	68 E.
3.91	acres in the	NW¼ NW¼	of Sec.	18	, T.	18 S	, R.	68 E.
2.77	acres in the	SW¼ NW¼	of Sec.	18	, T.	18 S	, R.	68 E.
0.53	acres in the	SE¼ NW¼	of Sec.	18	, T.	18 S	, R.	68 E.
0.11	acres in the	NW¼ SW¼	of Sec.	18	, T.	18 S	, R.	68 E.
0.59	acres in the	NE¼ SW¼	of Sec.	18	, T.	18 S	, R.	68 E.

(Enumerate only the land upon which water has been actually used.)

Question 15. Have you installed a headgate and weir at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate.

Answer: No headgate because continuous natural flow is desired. Weir is below 0.23 acre of irrigation and pondage.

Question 16. Do you use the rotation system for irrigating?

Answer: No

Question 17. What is the character of the soil irrigated?

Answer: Sand and clay, reported to be alkaline.

IF WATER IS USED FOR STOCK-WATERING OR DOMESTIC PURPOSES ANSWER THE FOLLOWING:

Question 18. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

Answer: A concrete dike, about 100' long creates approximately 0.10 acre of pond and marsh; rock (masonry) dam, 10' long for abandoned diversion ditch, creates 0.13 acre of marsh; earth dikes 1, 2 and 3, with lengths of 60 ft., 50 ft and 110 ft. create remainder of pondage and marsh except for 0.46 acre below earth dike 3. Ditch described in Application 10092 constructed for about 1000 ft. and abandoned. Earth dikes 1, 2 and 3 are temporary expedients in lieu of revised plan of December 30, 1940 for use of dry draw.

Question 19. Give approximate number and kind of animals watered.

Answer: No wild fowl counts made.

IF WATER IS USED FOR POWER OR MINING AND MILLING PURPOSES ANSWER THE FOLLOWING:

Question 20. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer:

Question 21. What are the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer: .....

.....

Question 22. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer: .....

.....

Question 23. Give any information concerning diversion and use of water for power or mining not covered above?

Answer: Miners and prospectors haul water from this source for their domestic needs.

IF WATER IS USED FOR ANY PURPOSE NOT HERETOFORE NAMED
DESCRIBE FULLY UNDER REMARKS:

Remarks:

Question 7 - Pondage provides resting places for aquatic wildfowl and drinking water for all wildfowl. The vegetation provides shelter, some nesting places and food. Water also dipped for domestic and other needs of maintenance crews.

Question 8 - Table 8 shows estimated approximate annual water demand of 95.7 AF to support pondage and vegetation with flows varying from 0.00325 sec. ft. to 0.159 sec. ft., and estimate of 0.08 sec.ft. for seepage losses to support underground storage. These figures, and claim to 0.24 sec.ft. are subject to revision when more refined basic data is obtained.

Question 12 - Float measurement of 1947 may suggest some variation in seasonal and annual flow. Weir measurements of December 1955 were at time of relatively low evaporation and transpiration losses, but culture map shows 0.23 acre of pond and marsh above which probably consume about 2.75 AF/year between spring and point of measurement.

.....

(Give all information relative to the method of use of water and any other matters you deem important.)

The map made in substantiation of the claims herein, prepared under my instructions and authority, shows the actual conditions on the premises.

Signed: Arnaud Dunn

A. van V. Dunn, Chief Water Resources Section

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, and I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Washington, County of —, State of District of Columbia on this 10th day of February, A. D. 1956.

Lorin A. Davis
Notary Public, D. C.
My Commission Expires November 14, 1956

[One dollar filing fee must accompany this proof]

Under Permit No.....

PROOF
OF APPLICATION OF WATER TO
BENEFICIAL PURPOSES

DEPOSITION OF PERMITTEE

Amount of water.....

Source.....

County.....

Purpose.....

Place of use.....

.....

Date of priority.....

.....

Received and filed.....

.....

Form No. 7B 2M—11-53
748

2-10-56

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORK

Permit No. 10092

~~STATE OF NEVADA~~ City of Washington
~~County of~~ District of Columbia } ss.

BEFORE ME, Personally appeared A. van V. Dunn for the United States the subscribed, who being duly sworn saith that at least Twenty-five Hundred dollars ($2,500) has been expended in work or improvements performed or made under the conditions provided in Permit No. 10092, in the completion of said works, and at the expense of the applicant.

Said improvements consisted of (1) a concrete (masonry) dike somewhat under 100 feet long, 4 feet high, and 2 feet thick to impound water and form pool at Rogers Spring; (2) a concrete (masonry) diversion dam approximately 10 feet long, 4 feet high and 2 feet thick, 20 feet below concrete dike, now creating pondage and serving as "drop", and probably constructed for diversion to ditch on map supporting Application 10092; (3) 3 earth dikes Nos. 1, 2 and 3 of 60 feet, 50 feet and 110 feet lengths, and unknown original heights and widths; and at least 530 feet of masonry lined ditch along alignment on map supporting said application, approximately 2 feet wide and 1 feet deep. (A picnic shelter and 2 pit toilets also constructed for use of maintenance crews and the general public.)

The accompanying Drawing NRA-LM-6971 shows the structures and culture found by Water Right Surveyor Edgar W. Blair, and an insert showing historical development plans. Due to transfer of jurisdiction as recorded in State Engineer's Office, from (CONTINUED)

and being work essential to the actual diversion of the water applied for and in the completion of the work required under said permit.

A. van V. Dunn

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

Subscribed and sworn to before me this 10th day of February, 1956

Doris A. Davis

Notary public in and for the County District of Columbia, State of Nevada.

My Commission expires November 14, 1956.

[One dollar filing fee must accompany this proof]

260

(CONTINUATION)

Fish and Wildlife Service, Department of the Interior, successor to Biological Survey, Department of Agriculture, to National Park Service, no personnel has been found to identify all of original construction. The following is in records transferred from Biological Survey to Fish and Wildlife Service, and supplemented in the latter after July 1, 1939:

1. Concrete (masonry) dike was constructed in 1937.

2. Memorandum of November 2, 1940, outlines plan for 1000 feet of dikes at spring, 3400 feet of ditch with drops totalling 165 feet to flood 3 acres which were to be confined by 7 dikes with total length of 250 feet.

3. Memorandum of December 14, 1940, corrects reference to 1000 ft. dike explaining it will be 1000 ft. of ditch with control gate at spring.

4. Plan approved December 30, 1940, shows No. 1 unit near spring and Units 2, 3 and 4 in dry draw.

5. Annual memoranda in 1941, 1942 and 1943 report temporary ditching and diking with plow and scraper.

Earth Dikes No. 1, 2 and 3 have been found in operation on natural spring outlet and not in dry draw.

01-10-1956: application for extension of time: application no. 10092

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

Filed by Brice McBride for United States of America

APPROPRIATE THE WATERS OF Rogers Spring (Source)

} APPLICATION FOR EXTENSION OF TIME

[redacted] City of Washington

[redacted] District of Columbia } ss.

Comes now A. van V. Dunn, the Agent of United States (Permittee or Agent)

under Application No. 10092, who, after being first duly sworn, deposes and says:

That [redacted]: (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 [redacted] until February 15, 1956 (Not to exceed one year) within which to file proof of development and use with supporting map (Include map if required), and comply with the provisions of said permit.

Signed A. van V. Dunn
Chief, Water Resources Section
Address Department of the Interior, National Park Service, Washington 25, D. C.

Subscribed and sworn to before me this 10th day of January, 1956

Florine A. Davis
Notary Public in and for the [redacted] District of Columbia State of —

My Commission expires November 14, 1956

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

With letter of September 15, 1955, the United States, by the undersigned, filed application of September 15, 1955, for extension of time until December 31, 1955, in which to complete the map prescribed by Mr. De Ricco to support written proof of July 21 under the subject application, and enclosed Purchase Order No. 99-120 to cover the filing fee of $5.00. Signed voucher returned for payment September 27, but payment inadvertently delayed, preventing final action on application for extension of time. Voucher now being processed for payment.

Subsequent to September 15, 1955, the Superintendent of Lake Mead National Recreation Area found that he was unable to obtain the services of a local water right surveyor as hoped, and had to await the appointment of Park Engineer R. W. Blair who obtained a water right surveyor's license after he took office.

Mr. Blair forwarded a very satisfactory working drawing of the development and culture to the undersigned on December 23, 1955 and wrote you at the same time that the finished tracing and other instruments to complete proof would not reach your office until January 15. Due to slow mails we did not receive the drawing in time to start the tracing until January 9. We also find that my written proof of July 21, 1955, should be supplemented by details which were not then available.

We cannot complete that work and submit it through Mr. Blair for his signature by January 15. We will try to do so by January 31 but believe a safer date will be February 15. The status of the application of September 15, 1955, is not clear.

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY Brice McBride for United States of America

APPROPRIATE THE WATERS OF Rogers Spring (Source)

} APPLICATION FOR EXTENSION OF TIME

~~District~~ City of Washington
~~XXXXXXXX~~ District of Columbia } ss.

Comes now A. van V. Dunn, the Agent of United States (Permittee or Agent)

under Application No. 10092, who, after being first duly sworn, deposes and says:

That ~~XXXX~~: (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 ~~XX~~ until February 15, 1956 within which to file supplemental proof of development and use with supporting map (Not to exceed one year)

of ..., and comply with the provisions of said permit.
(Include map if required)

Signed A. van V. Dunn
Chief, Water Resources Section
Address Department of the Interior, National Park Service, Washington 25, D. C.

Subscribed and sworn to before me this 10th day of January, 1956

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

My Commission expires November 14, 1956

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

With letter of September 15, 1955, the United States, by the undersigned, filed application of September 15, 1955, for extension of time until December 31, 1955, in which to complete the map prescribed by Mr. De Ricco to support written proof of July 21 under the subject application, and enclosed Purchase Order No. 99-420 to cover the filing fee of $5.00. Signed voucher returned for payment September 27, but payment inadvertently delayed, preventing final action on application for extension of time. Voucher now being processed for payment.

Subsequent to September 15, 1955, the Superintendent of Lake Mead National Recreation Area found that he was unable to obtain the services of a local water right surveyor as hoped, and had to await the appointment of Park Engineer S. W. Blair who obtained a water right surveyor's license after he took office.

Mr. Blair forwarded a very satisfactory working drawing of the development and culture to the undersigned on December 20, 1955 and wrote you at the same time that the finished tracing and other instruments to complete proof would not reach your office until January 15. Due to slow mails we did not receive the drawing in time to start the tracing until January 9. We also find that my written proof of July 21, 1955, should be supplemented by details which were not then available.

We cannot complete that work and submit it through Mr. Blair for his signature by January 15. We will try to do so by January 31 but believe a safer date will be February 15. The status of the application of September 15, 1955 is not clear.

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY Brice McBride for United States of America

APPROPRIATE THE WATERS OF Rogers Spring (Source)

APPLICATION FOR EXTENSION OF TIME

Returned with letter of Jan. 16, 1956

~~XXXXXXX~~ City of Washington
~~XXXXXXXX~~ District of Columbia } ss.

Comes now A. van V. Dunn, the Agent of United States (Permittee or Agent)

under Application No. 10092, who, after being first duly sworn, deposes and says:

That ~~XXXX~~: (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~~ until February 15, 1956 (Not to exceed one year) within which to file supplemental proof development and use with supporting map of (Include map if required), and comply with the provisions of said permit.

Signed A. van V. Dunn
Chief, Water Resources Section
Address Department of the Interior, National Park Service, Washington 25, D. C.

Subscribed and sworn to before me this 10th day of January, 1956

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

My Commission expires November 14, 1956

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

With letter of September 16, 1955, the United States, by the undersigned, filed application of September 15, 1955, for extension of time until December 31, 1955, in which to complete the map prescribed by Mr. De Ricco to support written proof of July 21 under the subject application, and enclosed Purchase Order No. 99-128 to cover the filing fee of $5.00. Signed voucher returned for payment September 27, but payment inadvertently delayed, preventing final action on application for extension of time. Voucher now being processed for payment.

Subsequent to September 15, 1955, the Superintendent of Lake Mead National Recreation Area found that he was unable to obtain the services of a local water right surveyor as hoped, and had to await the appointment of Park Engineer E. W. Blair who obtained a water right surveyor's license after he took office.

Mr. Blair forwarded a very satisfactory working drawing of the development and culture to the undersigned on December 29, 1955 and wrote you at the same time that the finished tracing and other instruments to complete proof would not reach your office until January 15. Due to slow mails we did not receive the drawing in time to start the tracing until January 9. We also find that my written proof of July 21, 1955, should be supplemented by details which were not then available.

We cannot complete that work and submit it through Mr. Blair for his signature by January 15. We will try to do so by January 31 but believe a safer date will be February 15. The status of the application of September 15, 1955, is not clear.

01-13-1956: stamp: office state engineer

OFFICE
STATE ENGINEER

1956 JAN 13 AM 10 02

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY Brice McBride for United States of America

APPROPRIATE THE WATERS OF Roger Spring (Source)

APPLICATION FOR EXTENSION OF TIME

Returned with State Eng's letter of Feb 3 1956

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

Comes now A. van V. Dunn, the Agent of United States (Permittee or Agent)

under Application No. 10092, who, after being first duly sworn, deposes and says:

That due to construction by the Biological Survey under incomplete plans, it is (Give reasons why extension of time is necessary)
necessary to make new survey of water developments for the Migratory Wildfowl Refuge which have been assigned to jurisdiction of the National Park Service, in order to complete proof of construction and prepare map to support written proof of use which was prepared on July 21 and submitted by letter of July 22. Such a survey is now being made.

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

Wherefore permittee requests an extension of time ~~XX~~ until December 31, 1955 within which to comply (Not to exceed one year)
with the provisions of the above numbered permit.

Signed A. van V. Dunn
Chief, Water Resources Section
Address Department of the Interior, National Park Service, Washington 25, D. C.

Subscribed and sworn to before me this
15th day of September, 1955
Florence A. Davis
Notary Public in and for the ~~County of~~ District of Columbia State of ——

My Commission expires Nov. 14, 1956

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

08-06-1955: notice of granting of extension of time: permit no. 10092

Western Office Design & Const.

RECEIVED

NOTICE

Extension of time has been granted to August 6, 1955

under Permit No. 10092 with the provision that no further extension of time will be granted for filing Proof of Completion of Work and Proof of Beneficial Use after August 6, 1955 .

STATE ENGINEER.

264

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

№ 43324

August 3, 1954

National Park Service

Department of the Interior

Washington 25, D. C.

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

To THE STATE OF NEVADA, Dr.

		To filing request for extension under No. 10092	5	00
		Extension of time to August 6, 1955 has been granted with the provision that no further extensions will be granted for filing Proofs of Completion of Work and Beneficial Use after August 6, 1955.		

Remittance in U. S. Government Check No. 25,337,509, July 29, 1954

Received payment,

State Engineer.

By C E Phelps

3M—6-53
1052

08-05-1955: letter to nps from state of nevada regarding notice for required proofs to be received and filed

859

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO. 10092

August 5, 1955

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

Att: Chief Water Resources Section, Re: L54-L

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and beneficial use, together with supporting map

on or before August 6, 1955

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

Unless the legally required proofs ~~or affidavit requesting an extension of time in which to file said proof~~ are received and filed with the State Engineer at Carson City, Nevada, within thirty (30) days of the date of this final registered notice, your permit will be canceled and no further proceedings shall be had thereunder. No further extension of time will be granted for filing of said proofs.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

THIRD AND FINAL NOTICE

dmf

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.

NOTICE

No further extension of time will be granted for the filing of Proof of.....
Completion and beneficial use
.....

under Permit No. 10092

STATE ENGINEER.

265

Under Permit No. 10092

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF PERMITTEE

NOTE—Questions 1 to 12, inclusive, must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See Sec. 69, Chapter 140, Statutes 1913.)

Question 1. What is your name, occupation, and post-office address?

Answer: A. van V. Dunn, Hydraulic Engineer, Interior Building, Washington 25, D. C.

Question 2. Are you acting in behalf of a corporation? If so, state its name, place of business, and your authority for acting in its behalf.

Answer: The United States as the sovereign. I am Chief, Water Resources Section, National Park Service, delegated by the Director to act on water right matters.

Question 3. What is the number of the permit under which this proof is made? Answer:

Question 4. From what source do you obtain your water supply?

Answer: Roger Spring, in drainage tributary to Lake Mead.

Question 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Answer: Roger Spring Wildfowl Development

Question 6. Are you the person to whom the permit was issued? If not, state how you obtained it, giving the succession of title.

Answer: Permit issued to U. S. Department of Agriculture. Assignment to National Park Service on December 23, 1946, on file in State Engineer's Office.

(If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.)

Question 7. For what purpose are you using the water for which you are now making proof?

Answer: To maintain pond and aquatic plants for migratory wildfowl, and for incidental use by picnickers and the general public.

Question 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 40 miners' inches equals 1 cubic foot per second. 1 miners' inch equals 11.21 gallons per minute. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer: My crude measurement indicated flow of 2.1 sec.ft. on July 19, 1947, but flow probably variable and all net after evaporation and seepage is consumed by vegetation.

Question 9. State the period during the year when water has been beneficially used.

Answer: Water used throughout year in variable amounts.

Question 10. Do you divert and use more water at periods than granted in the permit for which proof is made? If so, make proper explanation.

Answer: No

Question 11. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of persons who made the measurements.

Answer: Crude float measurement made by the undersigned July 19, 1947, at restricted section of pond near the outlet. Conditions not suitable for refined measurement.

Question 12. State, if you know, the normal number of cubic feet per second flowing in the source at your point of diversion.

Answer: Do not know normal, maximum or minimum flow.

IF WATER IS USED FOR IRRIGATION ANSWER THE FOLLOWING:

Question 13. Upon how many acres have you beneficially used water?

Answer: Approximately one acre.

Question 14. Give the number of acres in each legal subdivision.

Answer: 1 acres in the SE¼ SE¼ of Sec. 12, T. 18 S, R. 67 E.

Trace acres in the SW¼ SW¼ of Sec. 7, T. 18 S, R. 68 E.

Trace acres in the NW¼ NW¼ of Sec. 18, T. 18 S, R. 68 E.

____ acres in the ____ of Sec. ____, T. ____, R. ____ E.

____ acres in the ____ of Sec. ____, T. ____, R. ____ E.

____ acres in the ____ of Sec. ____, T. ____, R. ____ E.

(Enumerate only the land upon which water has been actually used.)

Question 15. Have you installed a headgate and weir at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate.

Answer: No

Question 16. Do you use the rotation system for irrigating?

Answer: No

Question 17. What is the character of the soil irrigated?

Answer: Not analyzed, reported to alkaline sand with some clay.

IF WATER IS USED FOR STOCK-WATERING OR DOMESTIC PURPOSES ANSWER THE FOLLOWING

Question 18. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

Answer: Small earth dike was constructed across the spring outlet at approximate point of authorized diversion in June 1938, creating a small pond from which water is dipped by picnickers, and where stock and wildlife may water.

Question 19. Give approximate number and kind of animals watered.

Answer: Stock watering is more of a potentiality than fact - see remarks.

IF WATER IS USED FOR POWER OR MINING AND MILLING PURPOSES ANSWER THE FOLLOWING:

Question 20. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer:

Question 21. What are the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer: .....

Question 22. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer: .....

Question 23. Give any information concerning diversion and use of water for power or mining not covered above.

Answer: Miners and prospectors haul water from this source for their domestic needs.

IF WATER IS USED FOR ANY PURPOSE NOT HERETOFORE NAMED
DESCRIBE FULLY UNDER REMARKS:

Remarks:

The land in SE¼ SE¼ Sec. 12, T. 18 S, R 67 E, was withdrawn from entry for classification by Executive Order No. 5339 of April 25, 1930, of which copy is attached, and has not been cancelled. The Federal land use under Application 10092 was recorded by Bureau of Land Management in accordance with attached copy of memorandum of February 17, 1954, to Manager, Land and Survey Office, Reno, from ActingAssistant Director. Said SE¼ SE¼ Sec. 12 was also designated as pracel of Public Water Reserve No. 107 in accordance with attached copy of memorandum of March 8, 1954, to Manager, Land and Survey Office, Reno, from Acting Assistant Director of Bureau of Land Management. By the abovementioned order and memoranda, and temporary improvements of the spring area under Application 10092, the United States of America has made the available flow of Roger Spring available for the purposes heretofore designated.

CONTINUED

(Give all information relative to the method of use of water and any other matters you deem important.)

~~The map made in substantiation of the claims herein, prepared under my instructions and authority, sh~~ Photographs Nos. LM-47-D-1 and LM-47-D-2, taken by the undersigned on July 19, 1947, are offered in lieu of a map to show the extent of development, as follows on attached sheet.

Signed: (Sgd) A. van V. Dunn
A. van V. Dunn, Chief, Water Resources Sec.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, and I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Washington, ~~County of~~ District, ~~State of~~ of Columbia, on this 21st day of July, A. D. 1955.

(Sgd) Lorin A. Davis
Notary Public
Comm. Expires 11-14-56

[One dollar filing fee must accompany this proof]

(Seal)

C
O
P
Y

66372 LUD:WFK

3-8-54

Memorandum

To: Manager, Land and Survey Office, Reno, Nevada

From: Director, Bureau of Land Management

Subject: Withdrawal - Public Water Reserve No. 107, Nevada

By Executive Order of April 17, 1926 (Public Water Reserve No. 107) every smallest legal subdivision of the public land surveys which is vacant, unappropriated, unreserved public land and contains a spring or water hole needed or used by the public for watering purposes was included in a blanket withdrawal without identification of the lands affected.

Evidence received in this office discloses that the following-described public land contains a spring or water hole of the type contemplated by the above mentioned Executive Order:

Mount Diablo Meridian

T. 18 S., R. 67 E.,
sec. 12, SE¼SE¼, containing 40 acres.

Please make appropriate notations on your records and acknowledge receipt of this memorandum.

/s/ Earl G. Harrington
Acting Assistant Director

C
O
P
Y

66372 LUD:WFK

February 17, 1954

Memorandum

To: Manager, Land and Survey, Office, Reno, Nevada

From: Director, Bureau of Land Management

Subject: Department of Agriculture - Water Permit

Attached is a copy of Water State Water Right No. 10092 of February 16, 1937, with accompanying maps, grant to the Department of Agriculture permission to appropriate the public waters of the State of Nevada in the amount of four second-feet, to be diverted from Rogers Spring in the SE¼SE¼ Sec. 12, T. 18 S., R. 67 E., M.D.B. and M. The permit has been transferred to the Department of the Interior National Park Service, pursuant to applicable legislation.

Your records should be noted in accordance with the principles enunciated in the instructions of the Assistant Secretary of August 31, 1915 (44 L.D. 359) and of January 13, 1916 (44 L.D. 513). Should the lands be thereafter listed or disposed of under any applicable public-land law, the final certificate and patent will contain an appropriate exception.

/s/ Earl G. Harrington
Acting Assistant Director

C
O
P
Y

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)

Under Permit No.....

PROOF
OF APPLICATION OF WATER TO
BENEFICIAL PURPOSES

DEPOSITION OF PERMITTEE

Amount of water.....

Source.....

County.....

Purpose.....

Place of use.....

.....

Date of priority.....

.....

Received and filed.....

.....

FORM NO. 7B 2M—8-1-49

C
O
P
Y

IN THE OFFICE OF THE STATE ENGINEER

of Nevada

. . . . . .

In the Matter of Permit No. 10092 in the name of the U. S. Department of Interior for the waters of Rogers Spring.	APPLICATION FOR EXTENSION OF TIME

Comes now BRICE McBRIDGE, Hydraulic Engineer for the U. S. Fish and Wildlife Service, Department of the Interior, who, after being first duly sworn, respectfully requests the Honorable State Engineer to grant an extension of time within which to complete work under the above numbered permit, and as reasons for requesting said extension sets forth as follows:

That due to the curtailment of personnel and the difficulty in obtaining labor and materials since December 7, 1941 we have been unable to proceed with the development of the Rogers Spring area according to plans submitted with original application. That continuous use has been made of the entire flow of Rogers Spring since the 5th day of July, 1938, by the use of the temporary diversion dam referred to in affidavit of commencement of work filed in your office on August 4, 1938, and it is our intention to continue the present use of the water until such time as conditions are such that more permanent structures can be built and a more extensive system of distribution can be installed.

WHEREFORE, it is requested that the State Engineer grant further extension of time to complete work and file proof thereof under Application #10092 up to and including August 6, 1945.

_____

Subscribed and sworn to before me this _____ day of September 19 43

_____
Notary Public

LM-47-D-1
Perry Convis at Pond at Roger Spring - 7/19/47

LM-47-D-2
General view at Roger Spring showing shelter - 7/19/47

07-06-1955: letter to nps from state of nevada regarding requirement to file proof of completion of work and beneficial use

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO. 10092

July 6, 1955

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

Att: Chief, Water Resources Section
Re: L54-L

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proof of Completion of Work and Beneficial Use, together with supporting map on or before August 6, 1955

~~If you are unable to file the proof as required by the terms of your permit, then you should file affidavit requesting an extension of time.~~ No further extension of time will be granted for filing of said proofs.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

SECOND NOTICE

dmf

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.

NOTICE

No further extension of time will be granted for the filing of Proof of Completion of Work and Beneficial Use under Permit No. 10092

STATE ENGINEER

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
E. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10092

June 7, 1955

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

Att: Chief, Water Resources Section
Re: L54-L

Gentlemen:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use, together with supporting map on or before August 6, 1955.

If you are unable to file the Proof as required by the terms of your permit, then you should file affidavit requesting an extension of time. No further extension of time will be granted for filing of said proofs.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

FIRST NOTICE

mb

Encls.

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.

404

LAME

NOTICE

No further extension of time will be granted for the filing of Proof of Completion of Work and Beneficial Use, together with supporting map under Permit No. 10092

STATE ENGINEER.

265

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY United States of America

APPROPRIATE THE WATERS OF Rodgers Spring (Source)

APPLICATION FOR EXTENSION OF TIME

~~STATE OF~~ Washington

~~COUNTY OF~~ District of Columbia } ss.

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

under Application No. 10092, who, after being first duly sworn, deposes and says:

That due to limitations placed on recreational and wildlife refuge developments (Give reasons why extension of time is necessary)

by the Bureau of the Budget until the Federal budget is more adequately balanced, and because the existing developments at Rodgers Spring serve the temporary needs.

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 Section

Address National Park Service

Department of the Interior

Washington 25, D. C.

Subscribed and sworn to before me this

14th day of July, 1954

Notary Public in and for the ~~county~~ District of Columbia State of

My Commission expires Nov. 14, 1956

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER

285—2—53

07-06-1954: letter to nps from state of nevada regarding requirement to file proofs of completion of work and beneficial use

L54

853

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE
1954 JUL 9

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO. 10092

July 6, 1954

Dorothy Dana

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

Dear Sir:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use together with supporting map on or before August 6, 1954

If you are unable to file the Proof as required by the terms of your permit, then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

SECOND NOTICE

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.

HUGH A. SHAMBERGER
STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

RECEIVED
1954 JUN 10 AM

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

EDMUND MUTH
ASSISTANT STATE ENGINEER
F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER

IN YOUR REPLY REFER TO NO. 10092-Rogers Spring

June 7, 1954

L 54 ~~LAME~~-1

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

Dear Sir:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use together with supporting map **on or before** August 6, 1954.

If you are unable to file the Proofs **as required by the terms of your permit , then you should file affidavit requesting an extension of time.**

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

FIRST NOTICE

Encls.

p

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.

404

LAME

08-24-1953: receipt no. 41689: filing request for extension under no. 10092

ORIGINAL RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No 41689

August 24, 19 53

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

To THE STATE OF NEVADA, Dr.

		To filing request for extension under No. 10092		5.00
		Extension of time to August 6, 1954 has been granted.		

Remittance in U. S. Treasurer's Check #21,616,037, Washington, D. C.

Received payment,

State Engineer.

By

3M—6-53
1052

09-00-1953: stamp of receipt

07-06-1953: letter to nps from state of nevada regarding requirement to file proofs of completion of work and beneficial use

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO. 10092-Rogers Spring

July 6, 1953

L 54 [redacted]-1

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

Permit: U. S. Dept. of Agricul

Dear Sir:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to file Proofs of Completion of Work and Beneficial Use together with supporting map on or before August 6, 1953.

If you are unable to file the Proofs as required by the terms of your permit, then you should file affidavit requesting an extension of time.

Very truly yours,

HUGH A. SHAMBERGER,

State Engineer.

SECOND NOTICE

LAME
p

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.

JUL 10 AM 8:53 1953

06-19-1953: application for extension of time: application no. 10092

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY United States of America

APPROPRIATE THE WATERS OF Rodgers Spring (Source)

APPLICATION FOR EXTENSION OF TIME

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

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

under Application No. 10092, who, after being first duly sworn, deposes and says:

That due to relatively small use of the Rodgers Spring area and existing water using facilities, pending completion of a proposed new road to the area, the enlargement and completion of the water system in accordance with permit authorization has been deferred. This action is part of the effort, on the part of the United States, to reduce expenditures. (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 comply with the provisions of the above numbered permit.

For the United States of America

Signed A. van V. Dunn

Chief, Water Resources Branch

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

Subscribed and sworn to before me this 19th day of June, 1953.

Doris A. Davis

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

My Commission expires Nov. 14, 1956.

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER.

901

09-24-1952: receipt no. 39900: filing request for extension under 10092

Regional Director
Region Three

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

No 39900

Sept. 24, , 1952

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

To THE STATE OF NEVADA, Dr.

		To filing request for extension under 10092		5.00
		Extension of time to August 6, 1953 has been granted.		

Remittance in Cfheck No. 17,665,346, Treasurer of the U. S. Washington, D. C.

Received payment,

State Engineer.

By

3M—11-51

10-00-1952: stamp of receipt

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY United States of America

APPROPRIATE THE WATERS OF Rodgers Spring (Source)

APPLICATION FOR EXTENSION OF TIME

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

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

under Application No. 10092, who, ~~after~~ being first duly sworn, deposes and says:

That due to relatively small use of the Rodgers Spring area of Lake Mead National (Give reasons why extension of time is necessary)
Recreational Area there has not been the justification for investing any part of the limited Federal appropriations in the completion of this water system during the past year. The area is on a secondary road which is to be extended and improved as a future main highway between Overton and Boulder City. Until that unit of the transportation system is completed, the existing water system, which was constructed in 1937, is adequate for the recreational and wildlife use.

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 complete construction (Include map if required), and comply with the provisions of said permit.

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

(SEAL)

Subscribed and sworn to before me this

21st day of July, 1952

/s/ Lorin A. Davis

Notary Public in and for the ~~county of~~
District of Columbia
~~State of~~

My Commission expires November 14, 1956.

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER

285—8—33

09-00-1952: stamp of receipt

07-31-1951: receipt no. 37944: filing request for extension under 10092

ORIGINAL

RECEIPT

Region Three
The Mead Docket No. 3

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

№ 37944

July 31, 1951

U. S. National Park Service,

Interior Bldg., Washington, 25, D. C.

To THE STATE OF NEVADA, Dr.

		To filing request for extension under 10092.	5	00

Remittance in Check No. 13,104,554, Treasurer of the U. S. Washington, D. C.

Received payment,

Hugh Shamberger
State Engineer.

By C E Riley

BY-133

3M—12-15-49

06-14-1951: application for extension of time: application no. 10092

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY United States of America

APPROPRIATE THE WATERS OF Rodgers Spring (Source)

APPLICATION FOR EXTENSION OF TIME

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

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

under Application No. 10092, who, after being first duly sworn, deposes and says:

That due to limitations imposed by Congress and the Bureau of the Budget, during (Give reasons why extension of time is necessary)
the national emergency, there has been no further enlargement of the water development under this application during the past year. The water is being impounded by temporary structures provided at the time the application was filed, and water is being used for designated beneficial uses.

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 permanent construction (Include map if required), and comply with the provisions of said permit.

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

(SEAL)

Subscribed and sworn to before me this

14th day of June, 19 51

/s/ Lorin A. Davis

Notary Public in and for the ~~county of~~
District of Columbia
~~State of~~

My Commission expires Nov. 14, 1951.

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER

285—2—33

06-06-1951: letter to nps from state of nevada regarding requirement to complete work, place water to beneficial use and file map:

254 LAME

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. 10092

June 6, 1951

Rodney Dunn

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

Dear Sirs:

The provisions of your permit of the above serial number to appropriate public waters of the State of Nevada requires you to complete work, place water to beneficial use and file map on or before July 6, 1951, and file proof thereof on or before August 6, 1951.

If you have not complied with the provisions of your permit and desire more time in which to file work requirements, 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, 1951.

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

encl.-1
nm

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.

08-24-1950: receipt no. 36512: filing request for extension under 10092

ORIGINAL

RECEIPT

STATE OF NEVADA
ENGINEER'S OFFICE
Carson City, Nevada

Nº 36512

August 24, 1950

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

To THE STATE OF NEVADA, Dr.

		To filing request for extension under 10092.		5.00
		Lake Mead		

Remittance in Check No. 10,630,173, Treasurer of the U. S. Washington, D. C.

Received payment, Alfred Merritt Smith
State Engineer.

By C E Rush

3M—12-15-49

08-24-1950: letter to nps from state of nevada regarding extension of time granted: no. 10092

ALFRED MERRITT SMITH
STATE ENGINEER
EDMUND MUTH
SPECIAL ENGINEER
C. E. THIEX
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
F. N. DONDERO
DEPUTY STATE ENGINEER
J. A. MILLAR
OFFICE ENGINEER
E. J. DeRICCO
FIELD AND OFFICE ENGINEER

Aug. 24, 1950.

In replying, refer to 10092.

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

Gentlemen:

Request for an extension of time was

received and filed in this office under the above-mentioned serial number on June 23, 1950.

One year extension of time has been granted on the above numbered permit.

Official receipt covering filing fee is enclosed herewith.
Receipt No. 36512.

Very truly yours,

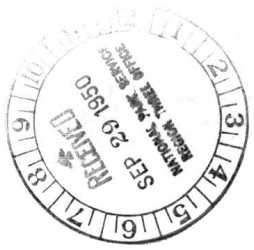
ALFRED MERRITT SMITH

State Engineer.

CT.

Address all mail to Alfred Merritt Smith, State Engineer

09-29-1950: stamp of receipt



COPY

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY United States of America

APPROPRIATE THE WATERS OF Rodgers Spring (Source)

APPLICATION FOR EXTENSION OF TIME

City ~~State~~ OF Washington

~~County~~ District of Columbia } ss.

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

under Application No. 10092, who, after being first duly sworn, deposes and says:

That due to the limitations on appropriations imposed by Congress and the Bureau of the (Give reasons why extension of time is necessary)
Budget, there has been no additional construction on this water system during the past year. Neither has there been any improvement of the approach road to stimulate use of the temporary water system which was completed before the war.

In requesting this extension of time, we are also requesting cancellation of related Application 10098 for the waters of Blue Point Spring. Although there has been no additional improvement of Rodgers Spring during the past year, under Application 10092, the water has been partially appropriated and is vital to the Federal needs, now that Application 10098 is being cancelled.

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

Wherefore premittee 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, 1950

Robert H. Weist

Notary Public in and for the ~~county~~ DISTRICT of

COLUMBIA ~~State of~~

My Commission expires Oct. 31, 1951

$5 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION SHOULD BE FILED FOR EACH SEPARATE PERMIT TO APPROPRIATE WATER

08-05-1949: letter to nps from state of nevada regarding extensions of time granted for applications 10092 and 10098

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

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

June 6, 1949

IN YOUR REPLY REFER TO NOS 10092 and 10098

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

06-15-1949: court document: state of nevada - application for extension of time under application 10092

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 10092
FILED BY United States of America
APPROPRIATE THE WATERS OF Rodgers Spring
(Source)

APPLICATION FOR EXTENSION OF TIME

City of Washington
District of Columbia } ss.

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

under Application No. 10092, who, after being first duly sworn, deposes and says:

That due to limitations imposed by Congress and the Bureau of the Budget, in connection
(Give reasons why extension of time is necessary)
with federal development of recreational and wildlife resources, since the war, there has been no additional construction on this project during the past year. Limited development has been made and reported in previous years, and the water is being impounded and used under temporary emergency conditions to serve the purposes defined in the application until the national economy will permit installation of permanent structures.

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

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

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
Lorin 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 extensions of time granted for applications 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

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.

06-18-1948: court document: state of nevada - application for extension of time under application 10092

BEFORE THE STATE ENGINEER OF THE STATE NEVADA

IN THE MATTER OF APPLICATION NO. 10092

FILED BY United States of America, Department of the Interior, National Park Service

APPROPRIATE THE WATERS OF Rodgers Spring (Source)

APPLICATION FOR EXTENSION OF TIME

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. 10092, 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. As a temporary measure, some minor dikes have been provided to create limited pondage of the type contemplated, until more adequate development can be made.
(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 A. van 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

Lorin 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.

07-16-1947: letter to nps from state of nevada regarding extensions of time granted for applications 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.

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

06-09-1947: letter to nps from state of nevada regarding instructions to follow if more time is needed after extensions of time expir

NATIONAL PARK SERVICE
RECEIVED
JUN 12 1947
CHIEF CLERK'S OFFICE

ALFRED MERRITT SMITH
STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

June 9, 1947

WR File

Name	Date
Burney	Aug
Dunn	6/19

HUGH A. SHAMBERGER
ASSISTANT

IN YOUR REPLY REFER TO NO. 10092

Director, National Park Service
Chicago 54, Illinois

ATTENTION: Hugh M. Miller
Acting Director

Dear Mr. Miller:

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 or before July 6, 1947, and 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 complete work, place water to beneficial use, and 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 Mr Shamberger's letter of June 14 advising that extension will be granted on payment of fee. Voucher sent to disbursing office about 6/17

sh

00-00-1945: court document: state of illinois - application for extension of time in which to complete proofs under permit no. 10092

State of Illinois)
) ss.
County of Cook)

Application for Extension of Time in Which to Complete Proofs Under Water Right Permit No. 10092.

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. 10092.

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

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

(SEAL)

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

3-1

IN REPLY REFER TO

ADDRESS ONLY THE
DIRECTOR, FISH AND WILDLIFE SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
[redacted]
CHICAGO, ILLINOIS

DEC 23 1946

MEMORANDUM for the Director,
National Park Service, Chicago, Illinois.

The Fish and Wildlife Service hereby transfers custody of Permit No. 10,092, Rogers Spring, Nevada, for 4 cubic feet per second, filed February 16, 1937, to the National Park Service of the Department of the Interior, as a result of our withdrawal from the joint supervision of the area serviced by the permit.

Clarence Cottam
Acting Director.

C-1

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

Aug. 6, 1945.

In replying, refer to 10092.

Brice McBride,
Hydraulic Engineer,
436 Federal Bldg.,
Salt Lake City, Utah.

Dear Sir:

Your 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 complete the 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 is herewith extended to and including August 6, 1947.

Official receipt covering filing fee is enclosed herewith.

Receipt No. 29910.

Very truly yours,

ALFRED MERRITT SMITH.

State Engineer.

Address all mail to Alfred Merritt Smith, State Engineer

C
O
P
Y

IN THE OFFICE OF THE STATE ENGINEER

OF Nevada

In the Matter of Permit No. 10092 in the name of the U. S. Department of Interior for the waters of Rogers Spring.

APPLICATION FOR EXTENSION OF TIME

Comes now BRICE MCBRIDGE, Hydraulic Engineer for the U.S. Fish and Wildlife Service, Department of the Interior, who, after being first duly sworn, respectfully requests the Hon. State Engineer to grant an extension of time within which to complete work under the above numbered permit, and as reasons for requesting said extension sets forth as follows:

That due to the curtailment of personnel and the difficulty in obtaining labor and materials since December 7, 1941, we have been unable to proceed with the development of the Rogers Spring area according to plans submitted with original application. That since the 5th day of July, 1938, by the use of the temporary diversion dam referred to in affidavit of commencement of work, filed in your office on August 4, 1938, and it is our intention to continue the present use of the water until such time as conditions are such that more permanent structures can be built and a more extensive system of distribution can be installed.

WHEREFORE, it is requested that the State Engineer grant further extension of time to complete work and file proof thereof under Application #10092 up to and including August 6, 1947.

_____

Subscribed and sworn to before me this 1st day of August 19 45

_____
Notary Public

E-2

IN THE OFFICE OF THE STATE ENGINEER

OF NEVADA

FILED
Aug. 3, 1945
State Engineer's Off.

In the Matter of Permit No. 10092 in the name of the U. S. Department of Interior for the waters of Rogers Spring.

APPLICATION FOR EXTENSION OF TIME

Comes now BRICE MCBRIDE, Hydraulic Engineer for the U.S. Fish and Wildlife Service, Department of the Interior, who, after being first duly sworn, respectfully request the Hon. State Engineer to grant an extension of time within which to complete work under the above numbered permit, and as reasons for requesting said extension sets forth as follows:

That due to the curtailment of personnel and the difficulty in obtaining labor and materials since December 7, 1941, we have been unable to proceed with the development of the Rogers Spring area according to plans submitted with original application. That continuous use has been made of the entire flow of Rogers Spring since the 5th day of July, 1938, by the use of the temporary diversion dam referred to in affidavit of commencement of work, filed in your office on August 4, 1938, and it is our intention to continue the present use of the water until such time as conditions are such that more permanent structures can be built and a more extensive system of distribution can be installed.

WHEREFORE, it is requested that the State Engineer grant further extension of time to complete work and file proof thereof under Application #10092 up to and including August 6, 1947.

(Signed) Price McBride

Subscribed and sworn to before me this 1st day of August -1945.

(SEAL)

(Signed) Gertrude E. Maguire
Notary Public

Notary Public in & for the State of Utah
My Commission Expires July 11, 1947.

09-15-1943: letter to sr. hydraulic engineer from office of state engineer regarding extension of time

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

ALFRED MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT

Sept. 15, 1943.

Subject:

In replying, refer to 10092.

Brice McBride,
Sr. Hydraulic Engineer,
436 Federal Bldg.,
Salt Lake City, Utah.

Dear Sir:

Your request for an extension of time was

received and filed in this office under the above-mentioned

serial number on September 13, 1943.

The time within which to complete the 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. 28411.

Very truly yours,

ALFRED MERRITT SMITH

State Engineer.

CT.

Address all mail to Alfred Merritt Smith, State Engineer.

C
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P
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IN THE OFFICE OF THE STATE ENGINEER

of Nevada

. . . . . .

In the Matter of Permit No. 10092 in the name of the U. S. Department of Interior for the waters of Rogers Spring.

APPLICATION FOR EXTENSION OF TIME

Comes now BRICE McBRIDGE, Hydraulic Engineer for the U. S. Fish and Wildlife Service, Department of the Interior, who, after being first duly sworn, respectfully requests the Honorable State Engineer to grant an extension of time within which to complete work under the above numbered permit, and as reasons for requesting said extension sets forth as follows:

That due to the curtailment of personnel and the difficulty in obtaining labor and materials since December 7, 1941 we have been unable to proceed with the development of the Rogers Spring area according to plans submitted with original application. That continuous use has been made of the entire flow of Rogers Spring since the 5th day of July, 1938, by the use of the temporary diversion dam referred to in affidavit of commencement of work filed in your office on August 4, 1938, and it is our intention to continue the present use of the water until such time as conditions are such that more permanent structures can be built and a more extensive system of distribution can be installed.

WHEREFORE, it is requested that the State Engineer grant further extension of time to complete work and file proof thereof under Application #10092 up to and including August 6, 1945.

_____

Subscribed and sworn to before me this _____ day of September 19 43

_____
Notary Public

IN THE OFFICE OF THE STATE ENGINEER

of Nevada

. . . . . .

FILED
SEP 13 1943
STATE ENGINEER'S OFFICE

In the Matter of Permit No.)
10092 in the name of the)
U. S. Department of Interior)
for the waters of Rogers)
Spring.)

APPLICATION FOR EXTENSION OF TIME

Comes now BRICE McBRIDE, Hydraulic Engineer for the U. S. Fish and Wildlife Service, Department of the Interior, who, after being first duly sworn, respectfully requests the Honorable State Engineer to grant an extension of time within which to complete work under the above numbered permit, and as reasons for requesting said extension sets forth as follows:

That due to the curtailment of personnel and the difficulty in obtaining labor and materials since December 7, 1941 we have been unable to proceed with the development of the Rogers Spring area according to plans submitted with original application. That continuous use has been made of the entire flow of Rogers Spring since the 5th day of July, 1938, by the use of the temporary diversion dam referred to in affidavit of commencement of work, filed in your office on August 4, 1938, and it is our intention to continue the present use of the water until such time as conditions are such that more permanent structures can be built and a more extensive system of distribution can be installed.

WHEREFORE, it is requested that the State Engineer grant further extension of time to complete work and file proof thereof under Application #10092 up to and including August 6, 1945.

Brice McBride

Subscribed and sworn to before me this 10 day of September 19 43

J W Funk Jr.
Notary Public

09-10-1943: letter to fish and wildlife service from sr. hydraulic engineer regarding permit no. 10092

IN REPLY REFER TO

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

Boulder
Rogers Spring
Permit #10092

436 Federal Building
Salt Lake City Utah

September 10, 1943

State Engineer of Nevada
Carson City, Nevada

Dear Sir:

Enclosed please find Application for Extension of Time on Permit #10092 on Rogers Spring.

As stated in the affidavit, we are using the water from this spring with temporary structures and would prefer to await more permanent installations and extension of the system before showing Proof of Completion of Work.

Enclosed find personal check for $1.00 to cover fee.

Very truly yours,

Brice McBride

BRICE McBRIDE
Sr. Hydraulic Engineer

cc-Director
Laythe
Wardwell

OFFICE
STATE ENGINEER
SEP 10 1943

AMENDED

APPLICATION FOR PERMIT Serial No. 31492

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office FEB 16 1937
Returned to applicant for correction MAY -6 1937
Corrected application filed MAY 22 1937

The undersigned U. S. Department of Agriculture
Name of applicant
of Washington, D. C., County of _____,
State of _____, 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 Rogers Spring
Name of stream, lake, or other source

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

3. The water to be used for Migratory Water fowl Refuge
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
SE¼ SE¼ Sec. 12, T. 18 S., R. 67 E., M.D.B.&M., or at a point from which
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.
the S.E. corner of said section 12, bears S. 12° 08' E., 857 feet.

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

(a) Number of acres to be irrigated is _____

(b) Description of land to be irrigated _____
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.

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

(i) Remarks It is the intention of the applicant to make use of the entire flow of the Rogers Spring by diverting its flow through a series of ponds to keep the water levels as near consistant as possible. Acquatic plants will be planted in these ponds for water-fowl feed.

DESCRIPTION OF PROPOSED WORKS

An overflow rubble masonry dam approximately 3 feet high across Rogers Wash
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
at point of diversion with movable stop log spillway. No headgate in canal. A
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.
rubble-lined canal approximately 6,000 feet long with side slopes 1:1, bottom width 2 feet, depth 2 feet.

5. Estimated cost of works $6,300.

6. Estimated time required to construct works Two years

7. Remarks
For use of applicant

Henry A. Wallace, Sec'y.
U. S. Dept. Agr'l., Applicant.

By Brice McBride
Brice McBride, Hydraulic Engineer for the U. S. Bureau of Biological Survey, his designated Agent, for this purpose.

Compared RMG-C.T.

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 four (4.0) cubic feet per second. Allowed for 0.44 cfs

Actual construction work shall begin on or before July 6, 1938

Proof of commencement of work shall be filed before August 6, 1938

Work must be prosecuted with reasonable diligence and be completed on or before July 6, 1941

Proof of completion of work shall be filed before August 6, 1941

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

Map Filed April 17, 1937
Proof of commencement of work filed AUG 4 1938
Proof of Completion of work filed MAY 2 2 1956
PROOF OF BENEFICIAL USE FILED MAY 2 2 1956
Certificate No. 4476 Issued Nov. 26 1956 for 0.44 c/s for Magistry Water Fowl Refuge
Recorded Nov. 29, 1956 Bk 114 Page
County Records

WITNESS MY HAND AND SEAL this 10th day of December, 1937

ALFRED MERRITT SMITH
State Engineer.

By H. W. Keppert
H. W. Keppert, Assistant State Engineer

Compared RMG-CT

Land History

"Kay Sundberg" <KSUNDBERG@lc.us br.gov>
11/26/2001 01:05 PM MST

To: Jeff Hughes/FTCOLLINS/NPS
cc:
Subject: Re: Rogers Spring and EO 6065

Howdy! Hope you had a nice Turkey Day! I have been out of the office starting last Tuesday.

It looks like I made a booboo on this one. You are correct --Esecutive Order 6065 did not affect Section 12. Executive order 5339 included the entire township and was revoked in 1981. The Lake Mead Act of 1964 withdrawal is still in effect. I can fax you the historical indices if you need them. So to make a long story short, EO 6065 and PLO 501 should be deleted from my documentation for Section 12.

I sure do apologize for that! Old age is my only excuse!

Thanks!

Kay
>>> <Jeff_Hughes@nps.gov> 11/20/01 01:53PM >>>
Kay,

Hi, its me again! I have another question concerning the land history of
Lake Mead National Recreation Area, which of course will take some of your
time to answer.

I have been looking more closely at all the legislation affecting the land
which includes Rogers Spring. This spring is in the SE1/4 SE1/4 Section
12, T18S, R67E MDB&M.

In your Land Status Documentation for Lake Mead NRA dated June 04, 2001
that you provided me, you reported that Executive Order 6065 of March 3,
1933 (which set apart certain lands as a refuge and breeding ground for
wild birds and animals) included the section 12 listed above. I have a
copy of EO 6065 and I can't find where section 12 is included. What I read
is that for T18S, R67E, Sections 13, 24, 25, and 36 are included. Did I
miss something? (This is very possible) Could you confirm or deny this?

Thank you! There is no big hurry on this request.

11-26-2001: Email correspondence between Kay Sundberg and Jeff Hughes RE: Executive order 6065 effects on LAME Section 1

Jeff Hughes
11/20/2001 02:53 PM
MST

To: ksundberg@lc.usbr.gov
cc: Dan McGlothlin/FTCOLLINS/NPS@NPS
Subject: Rogers Spring and EO 6065

Kay,

Hi, its me again! I have another question concerning the land history of Lake Mead National Recreation Area, which of course will take some of your time to answer.

I have been looking more closely at all the legislation affecting the land which includes Rogers Spring. This spring is in the SE1/4 SE1/4 Section 12, T18S, R67E MDB&M.

In your Land Status Documentation for Lake Mead NRA dated June 04, 2001 that you provided me, you reported that Executive Order 6065 of March 3, 1933 (which set apart certain lands as a refuge and breeding ground for wild birds and animals) included the section 12 listed above. I have a copy of EO 6065 and I can't find where section 12 is included. What I read is that for T18S, R67E, Sections 13, 24, 25, and 36 are included. Did I miss something? (This is very possible) Could you confirm or deny this?

Thank you! There is no big hurry on this request.

Please call if you have any questions.

Jeff

****

Jeffrey C. Hughes, Hydrologist
National Park Service, Water Resources Division
1201 Oakridge Dr. Suite 250
Fort Collins, CO 80525
(970) 225-3527 (direct)
(970) 225-9965 (fax)
jeff_hughes@nps.gov

****

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

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)

Executive Order

Boulder Canyon Wild Life Refuge

NEVADA AND ARIZONA

It is hereby ordered that the following-described area in the States of Nevada and Arizona, be, and the same is hereby, reserved and set apart for the use of the Department of Agriculture as a refuge and breeding ground for wild birds and animals:

Arizona

GILA AND SALT RIVER MERIDIAN

T. 31 N., R. 15 W., all fractional unsurveyed portion north and west of Hualpai Indian Reservation;
T. 32 N., R. 15 W., secs. 4 to 9, secs. 16 to 21, and secs. 28 to 33, inclusive (unsurveyed);
T. 30 N., R. 16 W., secs. 5, 6, 7, 8, and 18 (partly surveyed);
T. 31 N., R. 16 W., all (unsurveyed);
T. 32 N., R. 16 W., all (unsurveyed);
T. 33 N., R. 16 W., all (unsurveyed);
T. 30 N., R. 17 W., secs. 1 to 18, inclusive (partly surveyed);
T. 31 N., R. 17 W., all fractional;
T. 32 N., R. 17 W., all fractional (unsurveyed);
T. 30 N., R. 18 W., secs. 1 to 21 and secs. 28 to 30, inclusive (partly surveyed);
T. 30 N., R. 19 W., secs. 1 to 18 and secs. 24 to 25, inclusive (unsurveyed);
T. 31 N., R. 19 W., all fractional (unsurveyed);
T. 32 N., R. 19 W., all fractional (unsurveyed);
T. 30 N., R. 20 W., secs. 5 to 8, inclusive (unsurveyed);
T. 31 N., R. 20 W., all (unsurveyed);
T. 32 N., R. 20 W., all fractional (unsurveyed);
T. 30 N., R. 21 W., secs. 1 and 12 (unsurveyed);
T. 31 N., R. 21 W., all (unsurveyed);
T. 32 N., R. 21 W., all fractional (unsurveyed);
T. 30 N., R. 22 W., all (unsurveyed);
T. 31 N., R. 22 W., all (unsurveyed);
T. 32 N., R. 22 W., all fractional (unsurveyed);
T. 30 N., R. 23 W., all fractional;
T. 31 N., R. 23 W., all fractional;
T. 32 N., R. 23 W., all fractional;

Nevada

MOUNT DIABLO MERIDIAN

T. 20 S., R. 63 E., sec. 36 (unsurveyed);
T. 23 S., R. 63 E., secs. 1, 12, and 13, and that portion of secs. 2, 11, 14, 23, and 24 within Boulder Canyon Project Federal Reservation;

T. 21 S., R. 63½ E., secs. 1, 12, and 13 (unsurveyed);
T. 23 S., R. 63½ E., secs. 12, 13, and 24, and that portion of sec. 1 within Boulder Canyon Project Federal Reservation;
T. 20 S., R. 64 E., secs. 31 and 32;
T. 21 S., R. 64 E., all (unsurveyed);
T. 22 S., R. 64 E., all;
T. 23 S., R. 64 E., secs. 1 to 24, inclusive;
T. 20 S., R. 65 E., secs. 19 to 36, inclusive;
T. 21 S., R. 65 E., all fractional;
T. 22 S., R. 65 E., all fractional;
T. 23 S., R. 65 E., secs. 5 to 8 and secs. 16 to 21, inclusive (unsurveyed);
T. 20 S., R. 66 E., secs. 19 to 36, inclusive (unsurveyed);
T. 21 S., R. 66 E., all fractional (unsurveyed);
T. 17 S., R. 67 E., secs. 24 and 25;
T. 18 S., R. 67 E., secs. 13, 24, 25, and 36;
T. 19 S., R. 67 E., secs. 1, 12, 13, 24, 25, and 36;
T. 20 S., R. 67 E., secs. 1 and 2, secs. 11 to 14, and secs. 19 to 36, inclusive (unsurveyed);
T. 21 S., R. 67 E., all fractional (unsurveyed);
T. 15 S., R. 68 E., secs. 25, 26, 35, and 36;
T. 16 S., R. 68 E., secs. 1 and 2, secs. 11 to 14, and secs. 19 to 36, inclusive;
T. 17 S., R. 68 E., secs. 1 to 5, secs. 8 to 30, and secs. 32 to 36, inclusive;
T. 18 S., R. 68 E., secs. 1 to 5 and secs. 7 to 36, inclusive;
T. 19 S., R. 68 E., secs. 2 to 11, secs. 14 to 23, and secs. 26 to 35, inclusive;
T. 20 S., R. 68 E., secs. 2 to 11, secs. 14 to 23, and secs. 25 to 36, inclusive;
T. 21 S., R. 68 E., all fractional;
T. 15 S., R. 69 E., secs. 29 to 32, inclusive;
T. 16 S., R. 69 E., secs. 5, 6, 7, 18, 19, 30, 31, and 32;
T. 17 S., R. 69 E., secs. 4 to 10, secs. 15 to 21, and secs. 28 to 33, inclusive;
T. 18 S., R. 69 E., secs. 5, 6, 7, 8, and 18;
T. 20 S., R. 69 E., secs. 31 to 36, inclusive;
T. 21 S., R. 69 E., all fractional (unsurveyed);
T. 22 S., R. 69 E., all fractional (unsurveyed);
T. 20 S., R. 70 E., secs. 23 to 26 and secs. 31 to 36, inclusive (unsurveyed);
T. 21 S., R. 70 E., all fractional (unsurveyed);
T. 22 S., R. 70 E., all fractional (unsurveyed);
T. 20 S., R. 71 E., secs. 3, 4, 9, 10, secs. 15 to 22 and secs. 27 to 33, inclusive (unsurveyed);
T. 21 S., R. 71 E., all fractional (unsurveyed).

Practically all the lands involved have been withdrawn for classification and in connection with the Boulder Canyon Project for river regulation, improvement of navigation, flood control, irrigation and domestic uses, and for power development, and are primarily under the jurisdiction of the Department of the Interior. The

reservation of this area as a wild-life refuge is subject to the use thereof by said department for the purposes mentioned and other incidental purposes, and to any other existing valid rights.

It is unlawful within this reservation (*a*) to hunt, trap, capture, willfully disturb, or kill any wild animal or bird of any kind whatever, to take or destroy the nests or eggs of any wild bird, to occupy or use any part of the reservation, or to enter thereon for any purpose, except under such rules and regulations as may be prescribed by the Secretary of Agriculture; (*b*) to cut, burn, or destroy any timber, underbrush, grass, or other natural growth; (*c*) willfully to leave fire or to suffer it to burn unattended near any forest, timber, or other inflammable material; (*d*) after building a fire in or near any forest, timber, or other inflammable material, to leave it without totally extinguishing it; and (*e*) willfully to injure, molest, or destroy any property of the United States.

Warning is given to all persons not to commit any of the acts herein enumerated, under the penalties prescribed by sections 106, 107, and 145 of chapter 4, title 18, United States Code (35 Stat. 1098 and 43 Stat. 98), or by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; U. S. Code, Supp., title 16, sec. 715*i*).

This refuge shall be known as the Boulder Canyon Wild Life Refuge.

HERBERT HOOVER

THE WHITE HOUSE,
March 3, 1933.

[No. 6065]

U. S. GOVERNMENT PRINTING OFFICE: 1933

C
O
P
Y

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)

72

02-02-1968: usgs chemical analysis

G.W. Type Analysis A-1, no Fe soln. **USGS CHEMICAL ANALYSIS** Account 20NP Project 34

State Nevada County Clark Location Roger's Spring, Lake Mead Nat'l. Recreation Area

Latitude-Longitude Well No. Date Collected 1-11-68

Owner NPS, Boulder City, Nev. Date Drilled Source Depth (ft.) Diam.(in.)

pH..... 7.3 Temp.(°C)

Hardness as $CaCO_3$: Total, mg/L 1710

Noncarbonate, mg/L. 1580

Color.. 0 Sodium-adsorption ratio..... 3.2

%Na.... 28 Tons per acre ft...

Density, g/ml at 20°C.

W.B.F.

Producing Intervals

W.L.

Sampled after Pumping(Time)

Yield

Point of Collection

Appearance

Use Stock, swimming

Collected by G. Wohlbrandt

Remarks: Not chlorinated.

Chemist RLL, SWM, BR Checked By EFW

Date Completed 2-8-68

Date Transmitted

Laboratory No. C63018

Specific Conductance, micromhos at 25°C 3,780

Concentrations in milligrams per liter (mg/L)

Silica (SiO_2).....	17	Bicarbonate (HCO_3).....	163
		Carbonate (CO_3).....	0
Calcium (Ca).....	444		
		Sulfate (SO_4).....	1700
Magnesium (Mg).....	146		
		Chloride (Cl).....	338
Sodium (Na).....	308		
		Fluoride (F).....	1.4
Potassium (K).....	23		
		Nitrate (NO_3).....	1.0
Na+K (Calculated).....			
Dissolved Iron (Fe)....	0.00	Boron (B).....	1.2
Total Iron (Fe).....	0.02	Dissolved Solids: Sum of Constituents.....	3060
		Residue on Evaporation at 180°C.....	3220

Provisional records, subject to revision.

Geological Survey
Experimental qw-gw (1966)

UNITED STATES DEPARTMENT OF THE INTERIOR
Ground Water Analysis

Water Resources Divisi

State Nev. (32) County Clark — Latitude ° ' " N, S — Longitude ° ' " — Seq. No. — Date coll. D 04 Y 67

Source: Spring
Use: Irr.

Local well No. a Roger's Spring — Owner b. NPS — Collected by Cal L. Keele — Lab. Anal. A-1 — Project No. 20-NPS-C
Lake Mead Nat'l. Recreation Area — 601 Nevada Hwy., B.C.
No Fe soln

WBF — Appearance Wc Clear — Wa — Lab. No. 61648 — Sampling depth — Type c

	ppm	epm
Kx10⁶ 21.9 T 360 R KCl 95.5 (3770)	3710	
pH 7.6 (7.6)	7.6	
Temperature °F		
SiO_2 f 50,5 — 10 ml — Abs .328 (17)	17	
Ca 4,50 — 5 ml (450)	450	22.46
Mg — ml (140)	140	11.54
Subtotal cations (Ca, Mg)		34.00
Na 0-100 50-200 ml 172 78.8 73.3x4 (293)	293	12.75
K 0-10 50-200 ml 54.6 (22)	22	0.56
Subtotal cations (Ca, Mg, Na, K)		47.31
HCO_3 8,25 0,00 8,25 — 50 ml (165)	165	2.70
CO_3 — 50 ml	0	0.00

	ppm	epm
SO_4 1070 25-500-10 — ml (1700)	1700	35.39
f 400 — ml 4,33 0,00 4,33 −0,07 = 4,26		
Cl — 25 ml (336) — 1,0 ml 14,75	3360	9.48
Mg · $AgNO_3$ — 6,00 −8,45 −0,05 = 8,40		
Source of data d 79 — Card Q 80 Q		
F — 10 ml Abs 1,078 ,0144 (1.4)	1.4	0.07
NO_3 3,2 11,7 1,0 ml Abs .088 (1.0)	1.0	0.02
PO_4 — f Abs — Abs — %		
HPO_4 — % H_2PO_4 —		
Total anions		47.66
B 1,28 f — 1,0 ml Abs 0,995 (1.3)	1.3	
Al — ml Abs (Al + Fe)		
Remarks and explanation on other side		

	ppm	epm
Fe f 1,71 — 25 ml (0,02)	0.02	
Total — ml Abs ,008		
Dissol. — ml Abs		
Mn f — ml		
Total — ml Abs —		
Dissol. — ml Abs		
Cu — ml		
Pb — ml		
Zn — ml		
Subtotal cations (Al, Fe, Mn, Cu, Pb, Zn)		
Subtotal cations (Ca, Mg, Na, K)		
Total cations		
Dissolved solids (3180)	3180	
Residue at 180° — 25 ml		
Dish No. X-131 60,0707		
Calculated 59,9911 0,0776 (3040)	3040	
Hardness		
Ca, Mg — 5 ml 8,50 (1700)	1700	
Noncarbonate 0,00 8,50 (1560)	1560	
Color (3) 78-79	3	Card R 80 R

SAR — 3.1

126

Provisional records, subject to revision.

Geological S[illegible]
Experimental [illegible] qw-gw (1966)

UNITED STATES DEPA[illegible]ENT OF THE INTERIOR
Ground Water Analysis

Wat[illegible]sources Division

State Nevada 33 (1 2) County Clark (3 4) Latitude ° ' " N, S (5 10 11) Longitude ° ' " (12 18) Seq. No. (19) Date coll. M D Y 01 31 66 (20 25)

Local well No. a Roger Spring Owner b Nat'l. Park Service Collected by _____ Lab. Anal. A-1 -Fe Sol +Tot Fe Project No. NPS
Lake Mead Nat'l. Rec. Area Source: Spring

WBF _____ Appearance Wc _____ Wa _____ Lab. No. C59044 Sampling depth (26 29) Type c _____ (30)

	ppm	epm
Kx10⁶ 23.4T 349 R KCl 93.1 (3750)	3750 (31 35)	
pH 7.3	7.3 (36 38)	
Temperature °F	(39 41)	
SiO_2 f 50.8 ✓ 10 ml (17) Abs .339	17. (42 44)	
Ca 4.43 0.00 4.43 ✓ 5 ml (443)	443. (45 49)	22.11
Mg _____ ml (140)	140. (50 53)	11.43
Subtotal cations (Ca, Mg)		33.60
Na 50→250 0-100 ml 68.3 59.2X5 (296) 50.0ppm - 60.1	296. (54 58)	12.87
[illegible] 50→250 0-10 ml 4.42X5 (22) 5.0ppm - 50.0	22. (59 61)	0.56
Subtotal cations (Ca, Mg, Na, K)		47.04
HCO_3 8.30 0.00 8.30 ✓ 50 ml (166) 82	166 (62 65)	2.72
CO_3 50 ml 0	0 (66 67)	0.00

	ppm	epm
SO_4 10→200 _____ ml (1680) f _____ ml 4.26 0.00 4.26 -.07 4.19 ✓	1680. (68 72)	34.98
Cl 25 ml (334) _____ mg Mg · $AgNO_3$ 1.0 18.50 10.10 8.40 -.05 8.35 ✓	334. (73 78)	9.42
Source of data d 79 Card Q 80 Q		
F .0147 10 ml Abs 1.074 (1.5)	1.5 (26 28)	0.08
NO_3 11.5 10 ml Abs .070 (0.8) 3.1 mg Ag_2SO_4	0.8 (29 32)	0.01
PO_4 _____ f Abs _____ Abs _____ %	(33 35)	
HPO_4 _____ % H_2PO_4 _____		
Total anions		47.21
B 1.33 f _____ 1 ml Abs .901 (1.2)	1.2 (36 38)	
Al _____ _____ ml Abs (Al + Fe) _____	(39 41)	

Remarks and explanation on other side

	ppm	epm
Fe f 1.88 ✓ 25 ml (0.02) Total _____ ml Abs .013	0.02 (42 45)	
Dissol. _____ ml Abs _____	(46 49)	
Mn f _____ _____ ml Total _____ ml Abs _____	(46 49)	
Dissol. _____ ml Abs _____	(50 52)	
Cu _____ ml	(53 54)	
Pb _____ ml	(55 57)	
Zn _____ ml		
Subtotal cations (Al, Fe, Mn, Cu, Pb, Zn)		
Subtotal cations (Ca, Mg, Na, K)		
Total cations		
Dissolved solids 47.2530 (3260) Residue at 180° 47.1714 25 ml 0.0816 ✓	3260 (58 63)	
Dish No. N-11 Calculated (3020)	3020 (64 69)	
Hardness 8.40 0.00 8.40 ✓ Ca, Mg 5 ml (1680)	1680 (70 73)	
Noncarbonate (1540)	1540 (74 77)	
Color 0 78-79	0	
Card R 80 R		

Provisional records, subject to revision.

State | County | Lat. | Long. | Seq. No. | Date | Samp. depth

Remarks:

Fe .0125 .268 1.87 } 1.88
.0500 1.057 1.89

F .01 1.221
.02 .930
.03 .703

SiO_2 .1 .199 50.25 } 50.8
.2 .389 51.41

NO_3 .1 .868 11.52 } 11.52
.1 .869 11.51

B .5 .374 1.34 } 1.33
1.0 .759 1.32

Provisional records, subject to revision

JOE O'NEILL — Chemist
E. F. WILLIAMS — Checked by
APR 14 1966 — Date begun
Date transmitted
Punched by
Verified

Br ——— ml — 26 28

I ——— ml — 29 31

Alk. as $CaCO_3$ — 32 35

Free CO_2 — 36 38

SAR (3.1) 3.1 — 39 41

RSC — 42 44

Organics

MBAS (ABS) ——— ml — 45 47

48 50

51 54

a Master card A (21-34)
b Master card A (52-66)
c Type:
1. Pumped
2. Bucket
3. Forest
4. Spigot
5. Bailer
6. Special
d Source of data:
1. USGS
2. UPHS
3. State Health
4. State
5. Industrial
6. Private
7. Educational

Radiochemical

Alpha (pc/l) — 55 57

Beta (pc/l) — 58 60

Ra (pc/l) — 61 63

U (ug/l) — 64 66

Other data (67-79)[e]

e Indicate constituent and card columns.

Card S — 80 S

Docket No 3

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U.S. GEOLOGICAL SURVEY ANALYTICAL NOTES

Type Analysis A-1 Project NPS Collector M. C. Ott

State Nevada County Clark City (at or near) Roger Spring (20 mi. - Overton, Nevada)

Latitude-Longitude ____ Well No. ____ Date Collected 1/21/65

Owner Govt. Date Drilled ____ Cased to ____ Depth (ft) ____ Diam. (in) ____

pH 7.4 7.4 Temp.(°F) ____

Hardness as $CaCO_3$ Total 1720 1,720

Noncarbonate 1580 1,580

Color 0 0 S.A.R. 3.1 3.1

%Na 27 27 T/af 4.18 4.18

Density (g/ml) ____

V.B.F. ____

Producing Intervals ____

W.L. ____

Sampled after Pumping(Time) ____

Yield approx. 700 GPM

Pair Collection ____

Appearance ____

Use ____

Remarks: Source: Spring

Chemist Kim Ong Checked By E.F.W.

Date Completed MAR 31 1965

Date Transmitted ____

Laboratory No. C56334

Spec. Cond. (micromhos at 25°C): T 240 R KCl 345 R Sample 91.9 (3750) 3,750

	PPM	EPM
Silica f 48.1 vol 10 o.d. 0.360	(17) 17	
Calcium 4.52 / 0.00 / 4.52 EPM TH ____ vol 5	(452) 452	34.40 / 22.55
Magnesium 17.25 / 0.00 / 17.25 vol 10	(144) 144	11.85
Sodium vol 50→250 0-100 range 67.7 / 67.5 67.6 312 59.6 x 5	(298) 298	12.96
Potassium vol 25→100 0-10 range 54.8 / 54.9 54.8 24	(22) 22	0.56
Na+K (Calculated)		
Iron f 1.92 vol 25 In sol.: o.d. ____ Total: o.d. 0.012	(0.02) 0.02	
TOTAL CATIONS		47.92

	PPM	EPM
Bicarbonate 37.25 / 28.40 / 8.35 vol 50	(167) 167	2.74
Carbonate	(0) 0	0.00
Sulfate 4.34 / 0.00 / 4.34 vol 10→250 −0.07 / 4.27 1500	(1710) 1,710	35.60
Chloride 19.60 / 11.10 / 8.50 vol 25 / 0.05 / 8.45 $AgNO_3$ 1.0	(338) 338	9.53
Fluoride vol 10 o.d. 1.030	(1.6) 1.6	0.08
Nitrate f 11.4 vol 10 / 3.2 o.d. 0.086	(1.0) 1.0	0.02
Boron f 1.531 vol 1 o.d. 0.260	(1.3) 1.3	
Sum of Constituents	(3070) 3070	
Residue on Evaporation at 180°C vol 25 57.1272 / 57.8465 / 0.0807 dish X-115	(3230) 3230	
TOTAL ANIONS		47.97

Provisional records, subject to revision.

FORM 9-1367 (9-1960)
U. S. DEPT. OF INTERIOR
GEOLOGICAL SURVEY

ANALYTICAL STATEMENT - GW
NPS

COUN Clark (Nev) 79783
LAB NO. 54824

Location 21 miles SE of Overton, Nev. SE¼ sec.12 T18S R67E
Source (type of well) Spring MDM
Owner NPS
Date drld ____ Cased to ____ ft
Depth ____ Diam ____
USW ____
Water level ____ ft
Sampled after pumping ____ hrs
Yield 1.76 GPM (meas of XXX flow
Pt of coll Rogers spring
Appearance Clear
Temp (°F) 80 Use Irr.
Collector ____
Chemist KO
Date completed Aug. 14, 1964
Checked by RLL
Date transmitted ____

Date of collection Recd. July 20, 1964
Ignition Loss ____ Color 1
Dissolved Solids:
Residue at 180°C 3,180
Calculated (Sum) 3,060
Tons per Acre Foot 4.16
Hardness as $CaCO_3$ 1,710
Non-carbonate Hardness 1,570
% Na 27 SAR 3.1 pH 7.2
Specific Conductance (micromhos at 25°C) 3,710

	epm	ppm
SiO_2		17
Fe (total)		0.06
Ca	22.26	446
Mg	11.94	145
Na	12.88	296
K	0.56	22
Na+K	47.64	
HCO_3	2.72	166
CO_3	0.00	0
SO_4	35.60	1,710
Cl	9.42	334
F	0.08	1.5
NO_3	0.02	1.1
	47.84	B 0.86

Provisional records, subject to revision.

C
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Department of
Health, Education and Welfare
Regional Office

Public Health Service
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 your 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	1.0	0.8	0.3
Magnesium	263	257	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.

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(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 addition 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,

/s/ Z. D. Harrison

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

37

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	723	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

Other Supporting Information

L-54

Region Three
Santa Fe, New Mexico

April 20, 1959

Duplicate (3)

Memorandum

To: Director

From: Regional Chief of Lands

Subject: Surveys and Mapping, Roger and Blue Point Springs, Application 10092 and 10093, Lake Mead

In answer to Mr. Dunn's inquiry of April 2, Superintendent Richey reports there are no outstanding charges against 14X1035 (Account 347).

He does not anticipate doing any work at Roger or Blue Point Springs before June 30, 1959. The work to be done after July 1 will be reported after Mr. Fields and I have returned from Lake Mead.

A copy of Superintendent Richey's memorandum of April 14 is attached for your files.

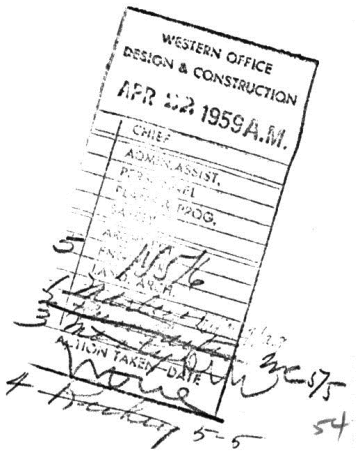
JOHN E. KELL

John E. Kell
Regional Chief of Lands

In triplicate

Attachments

Copy to: Superintendent, Lake Mead
Chief, WODC
Mr. Giles



04-14-1959: memorandum to regional director from superintendent regarding surveys and mapping, roger and blue point springs,

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

April 14, 1959

Memorandum

To: Regional Director, Region Three

From: Superintendent, Lake Mead NRA

Subject: Surveys and Mapping, Roger and Blue Point Springs, Application 10092 and 10098, Lake Mead

In response to Mr. Miller's memorandum of April 8 and Mr. Dunn's memorandum of April 2 concerning previously proposed work on the subject water rights, this is to advise that we have no outstanding charges of any kind in account 128.2.

In the event such work is to be performed by this Area, your office will be advised in order that proper work order may be issued. However, none is anticipated during the balance of this fiscal year.

Charles A. Richey
Superintendent

53

L54-1 D4C

DEC 19 1956

Lake Mead

WESTERN OFFICE
DESIGN & CONSTRUCTION
DEC 21 1956 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE

Memorandum

To: Solicitor

From: ACTING Assistant Director, National Park Service

Subject: The State of Arizona v. State of California, et al., United States of America, Intervener, State of Nevada, Intervener, State of New Mexico and State of Utah, Impleaded Parties, Original No. 10 in the Supreme Court of the United States

Attached are five copies of Certificate No. 4476 which has been granted on Federal Permit No. 10092 to the waters of Roger Spring at Lake Mead National Recreation Area, and the cover letter from the State Engineer which acknowledges payment of the recording. One set is certified.

The earlier records of this water right were submitted to you with our memorandum of August 22, and three copies were forwarded to Mr. Warner with a letter of September 7 from Mr. Armstrong.

(SGD) HENRY LANGLEY

Assistant Director

In triplicate

Attachments 5

Copy to: Regional Director, Region Three, w/c certificate
Superintendent, Lake Mead, w/c certificate
Western Office of Design and Construction, w/c certificate

51

12-19-1956: water right certificate no. 4476

C E R T I F I C A T E

Pursuant to the provisions of the act of August 24, 1912, as amended (5 U. S. C., Sec. 488), I HEREBY CERTIFY that the annexed copies, from bottom upwards, of Water Right Certificate No. 4476, and letter of December 6, 1956, from the State Engineer constitute a full, true, and literal exemplification of the change of status of water rights under Application-Permit No. 10092 to Roger Spring for Lake Mead National Recreation Area contained in the official records of the National Park Service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the National Park Service to be affixed, this 19th day of December A. D. 1956.

(SGD) HENRY LANGLEY

Assistant Director
National Park Service

Copy to: Regional Director, Region Three)
Superintendent, Lake Mead) See Docket 3
Western Office of Design and Construction)

L54-L

10092-Docket 3

December 13, 1956

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Application-Permit 10092, Certificate 4476, Roger Spring, Docket 3, Lake Mead

With copies of this memorandum to the Superintendent and the Western Office of Design and Construction we are distributing the original Certificate 4476 and cover letter to Mr. Richey, and copies to you and WODC. The Certificate and cover letter to record recording fee, should be filed at top of contents of Part II of Docket 3 in each office.

This right now accounts for 0.44 sec.ft. of the water of Roger Spring. Supplemental claims may be established by applications for the use of any residual flow, when plans are supplied. We may also change the place and purpose of use under this right to the extent that more than the residual flow might be needed for a higher type of use.

(SIGNED)

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Lake Mead, w/c attachment
Western Office of Design and Construction, w/c attachment

WESTERN OFFICE
DESIGN & CONSTRUCTION
DEC 17 1956 A.M.

	CHIEF
	ADMIN.ASSIST.
	PERSONNEL
	PLANS & PROG.
	SAFETY
	ARCHITECT
	ENGINEER
	LAND. ARCH.
	Courtesy
	ACTION TAKEN—DATE

L54-L

Part II Docket #3

October 26, 1956

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

RE: Permit 10092, Roger Spring
Lake Mead National Recreation Area

Dear Mr. Shamberger:

In accordance with your notice of October 15, we enclose a voucher and purchase order to cover your filing with the County Recorder of pending certificate on proof under the subject permit. The voucher should be signed and returned to this office for payment.

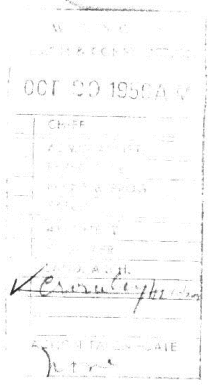
Very truly yours,

(SIGNED)

A. van V. Dunn
Chief, Water Resources Section

Enclosure

Copy to: Regional Director, Region Three, w/c incoming)To be filed
Superintendent, Death Valley, with original incoming)in Part II,
Western Office of Design and Construction, w/c incoming)Docket #3



48

L54-L

April 26, 1956

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

Re: Application No. 10092
Rogers Spring, Lake Mead

Dear Mr. Shamberger:

We have received the letter of March 7 from Mr. DeRicco advising that a certificate can be issued under Application No. 10092 for 0.44 sec.ft. of water, based on the proof submitted, without the supplemental application which we submitted at the same time. We also received that supplemental application, which you returned for withdrawal, cancellation, or amendments, and signing by me. Since the supplemental application is not needed to support the rights to water now being used, we are withdrawing it.

Mr. DeRicco also returned the Purchase Order No. 99-494, and voucher signed by Assistant State Engineer Edmund Muth, which covered (1) fee of $25.00 for filing the withdrawn application; (2) fee of $1.00 for filing proof of completion of construction under Application No. 10092; and (3) fee of $1.00 for filing proof of beneficial use of water under Application No. 10092. Mr. DeRicco stated that the $25.00 fee would be refunded if we decided to withdraw, or not to file, the supplemental application at this time. I find that we can canel the first item for the fee for supplemental application, and save the inconvenience of refunds. The voucher has been sent to the disbursing office with the item deleted, and the check will be issued for only $2.00 to cover items 2 and 3. Your copy of the purchase order is returned for record purposes, with the notations made on our copy.

The supplemental application to cover recreation uses will be submitted as soon as plans are completed.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Enclosure

Copy to: Regional Director, Region Three (detached)
Superintendent, Lake Mead (detached)
Western Office of Design and Construction (detached)

W R Copy

L54-L

April 26, 1956

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: proofs Under Application No. 10092, Rogers Spring, Docket 3, Lake Mead

With copies of this memorandum we are distributing copies of a letter of March 7 from Field Deputy State Engineer DeRicco, and our reply, to you, the Superintendent, and the Western Office of Design and Construction.

If there was no typographical error in Mr. DeRicco's letter, the State Engineer is willing to allow rights to more water for transit losses than I anticipated. In any case, it is gratifying that he will now grant the certificate for all water heretofore used without the supplemental application.

We should now file an application for the appropriation of water for recreational uses just as soon as the plans can be supplied.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Lake Mead, with two attachments
Western Office of Design and Construction, with two attachments
Mr. Dunn

AvVDunn:lct

L54

STATE OF NEVADA
OFFICE OF STATE ENGINEER
Carson City, Nevada

March 7, 1956

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

Dear Sir:

Reference is made to your letter of February 16, 1956, with regard to Application No. 10092 filed to appropriate the waters of Rogers Spring. Your reference L 54-L. Please be advised that all of the enclosures as listed in your letter have been received by this office.

I have checked the Proof of Completion of Work and the Proof of Beneficial Use with the supporting map, and I find that they are acceptable by this office. A certificate will be issued to you under Permit No. 10092 on receipt of the proper fees for filing said proofs.

In my letter of February 8, 1956, I stated that it would be advisable for you to prove up at this time on the land in Section 12 and 7, and that the development in Section 18 could be covered by a new application. This was erroneous, Permit No. 10092 adequately covers all of the proposed uses that have been listed under the Proof of Beneficial Use submitted to this office, including the incidental domestic use, in that a domestic use is not considered a major case in this state. We will therefore issue you a certificate in the amount of 0.44 c.f.s. to cover said incidental domestic use.

In checking over the supplemental application submitted to us I find that you have listed five points of diversion under one application. It is the policy of this office to allow more than one point of diversion within a 40-acre subdivision of public survey under an application, however only one 40-acre subdivision can be covered by an application. The five points of diversion under the supplemental application you submitted are within three separate 40-acre subdivisions, and it will not be possible for us to accept the application in its present form. You must limit the points of diversion in an individual application to those which are within one 40-acre subdivision. I also note that the application was not properly signed by you, and we cannot accept an application that has not been signed.

45

In my original recommendations to you it was my understanding that it was the Park Services' immediate intent to place the waters of Rogers Spring to recreational uses, therefore I suggested to you that you file a new application to cover the proposed recreational uses being that said uses were not covered under Permit No. 10092. Apparently the National Park Service is not yet in a position to file for this proposed new use, therefore I believe that it would advisable not to file the supplemental application that you have submitted to us. In issuing you a certificate under Permit No. 10092, I stated that we can allow you an incidental domestic right under the permit without the necessity of application, being that it is a minor use. It is therefore suggested that you not file a new application on this source until such time as you are prepared to include the proposed recreational uses that being outlined for this source. Should you desire to file it any how, we will be happy to accept the application after you have made the necessary additions and corrections that I have outlined in this letter.

I am returning the voucher you submitted to us properly signed, so that we may receive proper fees for the material you submitted to us. If you decide not file the supplemental application, we will refund the $25.00 which was submitted for filing fees.

I am sorry that we have had so much confusion in trying to clear this permit. I hope that things will go more smoothly on any future permits you may acquire from this office.

Very truly yours,

HUGH A. SHAMBERGER
State Engineer

By

E. J. DeRicco
Field Deputy State Engineer

L54-L

March 5, 1956

Memorandum

To: Superintendent, Lake Mead

From: Chief, Water Resources Section

Subject: Water Rights Within the Hawthorne, Nevada, Naval and Ammunition Depot; the Pelton Case, FPC vs Oregon, 349 US 435; and Effect on Federal Water Rights, Docket 3, Roger Spring Area, Lake Mead

The Pelton Case, to which you referred in memorandum of February 17, is causing some confusing ideas as to the status of Federal rights on reserved Federal land. Representatives of the Department of Justice have gone on record in an adjudication of rights on the upper Colorado River in claiming that the United States does not have to have rights for Rocky Mountain rights adjudicated.

Meantime, however, the Solicitor's Office has instructed the National Park Service to continue to follow the same appropriative procedure "which it has in the past", but to be sure to indicate in applications that nothing therein constitutes a waiver of other rights which the U. S. may have to the same water. Since this clause was not in the original Application 10092 for Rogers Spring, I placed it in the proof which you are presumably sending to the State Engineer of Nevada.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three
Western Office of Design and Construction

WESTERN OFFICE
DESIGN & CONSTRUCTION
MAR 12 1956 A.M
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE

43

D. W R Copy

L-54-L

1956 MAR 6 PM 12:33

March 1, 1956

Memorandum

Parcel

To: The Director; Attention: Chief, Water Resources Section.

From: Superintendent, Lake Mead

Subject: Water Right Proof, Application 10092, Rogers Spring Docket No. 3.

In accordance with your memoranda of February 13 and 16, 1956, all changes to proofs and cultural map have been made; the map has been signed by Water Rights Surveyor E. W. Blair and the items listed below have been forwarded with your original letter to the State Engineer.

1. Original Cultural Map to accompany proofs.
2. Written proof of application of water to beneficial use as notarized on February 10, 1956.
3. Written proof of application of water to beneficial use as notarized on July 21, 1955.
4. Written proof of completion of work.
5. Supplemental application for permit to appropriate water in Section 18, and written proof of construction.
6. Purchase order and voucher to cover fees for the application and proofs.

The four pages of the July 21, 1955 proof of beneficial use have been removed and attached to the new proof and have been filed in docket 3.

I am sending under separate cover one reproducible copy of the original cultural map accompanying two proofs. The copy was made after the map was corrected and signed by Mr. E. W. Blair.

Concerning requested information necessary to make application for the remainder of water at Rogers Spring for recreational purposes, it is being prepared as quickly as possible, bearing in mind the construction and maintenance work load now at Lake Mead. To further complicate matters, a replacement for Mr. Glenn Hendrix, Landscape Architect, has not been found to date.

Dep

Since our construction program must go forward along with other necessary future planning, our Engineer has not been able to obtain preliminary survey data requested earlier by you. We hope to obtain the services of the Bureau of Reclamation survey crew in Boulder City to help in this connection. However, this will not be possible until after March 21 since the Chief of Party is attending a concrete school in Denver, Colorado.

Charles A. Richey
Superintendent

cc: To accompany reproducible
Region Three
WODC

L54-L

WESTERN OFFI
DESIGN & CONSTRU
FEB 21 195
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—D

AIR MAIL

February 16, 1956

Memorandum

To: Superintendent, Lake Mead

From: Chief, Water Resources Section

Subject: Water Right Proof, Application 10092, Rogers Spring, Docket 3, Lake Mead

Attached are an original application for the supplemental appropriation of water in accordance with the letter of February 8 from Mr. DeRicco, of which you and Mr. Vandenberg received copies; the purchase order and voucher to cover fees for the application, and for the proofs which were mailed to you on February 13; and the original and your copy of my letter of transmittal.

Certain changes are necessary before the designated instruments are forwarded to the State Engineer with my letter and any further letter you consider desirable. The same changes should be made by Regional Director and Western Office of Design and Construction on their copies of proofs.

1. One tracing of Drawing 6971, the middle line of title now reads: "10092-Roger Spring". This should be changed by Mr. Blair to read:

"10092-Rogers Spring
and
Accompanying Supplemental Application".

If you can obtain new prints of the tracing in Boulder City, I suggest that the existing single line be erased, and that the new statement be centered, and that four prints be obtained and distributed after the drawing is signed, for the docket assemblies. The additional statement will have to be squeezed in, on tracing and all prints we sent, if no new prints can be obtained.

2. The statement "Permit No. 10092" appears in upper left corner of proof of completion, and "Under Permit No. 10092" in upper left corner page 1 of proof of application of water to beneficial use, either following, or just beneath, please add "and accompanying supplemental application."

3. Under Remarks on page 3 of proof of application of water to beneficial use:

a. At end of statement concerning question 7, change period after word crews" to "comma , and add "and public purposes.

b. Statement concerning question 8 states: Table 8 shows", but should read "Table I shows".

We are holding copies of supplemental application for docket distribution until we receive original in permit form to add data inserted by State Engineer.

We must now expedite an application for appropriation of water for recreational use of unappropriated waters of Rogers Spring. We need a general plan of uses, which should be in form of master plan sheet for approval, but need not go into details. It must show point of diversion for a permanent structure, the traverse of pipeline at diversion through or to places of use, and should show proposed pipe sizes, location of reservoirs, and control elevations from which to determine capacities. It must be supplemented by descriptions of diversion works, dimensions of reservoir, and population of campers, picnickers, cottage occupants, etc., to be served.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 4

Copy to: Regional Director, Region Three, with attachments
WODC, with attachments

00-00-0000: letter to state engineer from nps regarding application 10092, rogers spring

L54-L

FEB 1 0 1938

Mr. Hugh Shamberger
State Engineer
Carson City, Nevada

Through: Superintendent, Lake Mead
National Recreation Area

Re: Application 10092, Rogers Spring,
Lake Mead

Dear Mr. Shamberger:

In accordance with the letters of January 16 and February 8 from Mr. DeRicco, we are submitting the following through the Superintendent of Lake Mead National Recreation Area:

1. A supplemental application for the appropriation of Rogers Spring water by impoundment and irrigation in Sec. 18, T 18 S, R 68 E, MDB&M, and incidental use of water dipped from ponds in SE¼ SE¼ Sec. 12, T 18 S, R 67 E, MDB&M.

2. Written Proof of Construction under Application 10092 and the supplemental Application.

3. Written Proof of Beneficial Use under the same two applications.

4. Tracing of supporting map, our Drawing NRA-LM- 6971.

5. Purchase Order No. 99-494, to cover filing fees of $25.00 for the supplemental application and $1.00 for each of the two proofs.

6. Voucher which should be signed and returned to this office for payment under said purchase order.

It is not entirely clear why Mr. DeRicco considers original Application 10092 inadequate for the basis of proof of development and water use for a Migratory Water Fowl Refuge in Section 18. The area, and parts of Secs. 17, 19 and 20 are included in the 40-acre subdivisions of area of use under answer to Question 4(e), even though the supporting map of April 17, 1937, does not show the main conduit necessary for the use of those Sections. We believe, however, that the supplemental application is desirable to clarify the locations of the impoundments under both applications, and to introduce the incidental use of water by maintenance crews, miners and the public.

Under Remarks, in answer to Question 8 of the Proof of Beneficial Use, I have included Table I by which I have derived an estimated annual consumptive use of 95.7 acre-feet of water by transpiration and evaporation, with probable maximum reduction in flow of 0.239 sec.ft. in August, and a minimum reduction of 0.08325 sec.ft. in December. In the closing sentence under Remarks on page 3 of Proof form I have intended to point out that my unit estimates of evaporation, transpiration, and seepage are subject to revision with more refined data. You may have the better unit values for the types of vegetation and evaporation in southern Nevada.

We do not have figures from which to determine the consumptive use of water by wildfowl or the maximum use by people, but the quantity is so small in proportion to evaporation and transpiration that it should be covered by the rounding off of the evaporation-transpiration uses to the next higher one or two hundredths of a second foot.

Although Mr. DeRicco suggested that the supplemental application might include the recreational uses, the lack of certain data at this time will make it necessary to file a separate application for those developments and use.

Sincerely yours,

A. van V. Dunn
Chief, Water Resources Section

Attachments 6

Copy to: Superintendent, Lake Mead
Regional Director, Region Three
Western Office of Design and Construction
Associate Director
~~Mr.~~ Dunn

AvVDunn:lct 2-16-56

154-L

WESTERN OFFICE
DESIGN & CONSTRUCTION
FEB 20 1956 A.M
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE

February 13, 1956

Memorandum

To: Superintendent, Lake Mead

From: Chief, Water Resources Section

Subject: Water Right Proofs Under Application 10092, Rogers Spring, Docket 3, Lake Mead

In accordance with our memorandum of January 30, we are sending you in a flat envelope with this memorandum, the original and one executed copy of the written Proof of Completion of Work, and of the written Proof of Application of Water to Beneficial Use, all notarized on February 10; the written Proof of Application of Water to Beneficial Use which was notarized on July 21, 1955, and previously submitted to the State Engineer, is attached to the new Proof of Application of Water to Beneficial Use. We are also sending you, under separate cover, a roll containing the tracing and four reproducible prints of the supporting Drawing No. 6971 with a copy of this memorandum. We are also sending copies of the two written proofs to Region Three and the Western Office of Design and Construction, respectively, the copies for the latter being in a folder for Docket 3. We are holding one reproducible print of the drawing until we are sure that the instruments are received in good shape by you.

We have removed the four pages of attachments from the proof submitted last July and attached them; with the two new attached pages in the written Proof of Beneficial Use of February 10. It is requested that you and the Regional Director make the same transfer and then file the new copies of written proof of construction and beneficial use just below the outline at top of contents of Docket 3, and leave the former written proof, without attachments, as now filed in the docket assembly.

So far as we can determine from the State Engineer's Regulations, and from the statements on the proof forms only the tracing of Drawing 6971 is to be submitted with the proofs. The four reproducible prints are for the docket, to be distributed after signing, and filed just below the two written proofs of February 10. Before submitting the written proofs and the tracing to the State Engineer, the tracing and all reproducible prints must be signed by Mr. Blair, and at least the tracing must be notarized, all with Higgins ink. If the notary makes a charge for each instrument, the notary's data on the reproducible prints may be copied in by Mr. Blair.

35

Before signing the drawings, Mr. Blair should be sure that they represent a map that does agree with his survey records. He may make a correction on all copies, if necessary, but should consider whether the change will require me to revise the written proof. The only known liberties which we have taken are: (1) to describe a longer dike at the spring than he showed; (2) shortened one traverse line to agree with field notes; and (3) omitted his question as to whether dikes 2 and 3 are such. We will have to capitalize on the two dikes whether they were man made or due to natural obstructions. We have also computed areas of culture on the assumption that width of surface flow averages four feet where not impounded, and that the arrow weed along the margins has an average width of only three feet.

I doubt if these details need correction if not entirely true. It would take radical changes to support a claim to more than about one quarter of a second foot of water. The rest of the flow will have to be appropriated under a new application and it is only essential that we file such application, with supporting map of further developments before some miner files a conflicting application.

After Mr. Blair executes the drawings, please hold the original written proofs and tracing for air mail instructions for financing and forwarding them to the State Engineer. The reproducible prints of the drawing should be distributed as soon as executed by Mr. Blair.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Regional Director, Region Three, with attachments
Western Office of Design and Construction, with attachment

39

02-08-1956: letter to nps from state engineer regarding proof of beneficial use

HUGH A. SHAMBERGER
STATE ENGINEER
SIMMONS MUTH
ASSISTANT STATE ENGINEER
C. H. TWISS
ADMINISTRATIVE ASSISTANT

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

ADDRESS ALL COMMUNICATIONS TO THE STATE ENGINEER

1956 FEB 13 PM 1:06

454

IN YOUR REPLY REFER TO NO. 10092

February 8, 1956

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

Charles A. Richey
Supt. National Park Service
Boulder City, Nevada

Richard Vandenberg
P. O. Box 647
Las Vegas, Nevada

Dear Sir:

Reference is made to your letter of Jan. 30, 1956. Please be advised that we are returning herewith the National Park Services check in the amount of $5.00, which we neglected to return in our letter of January 16, 1956.

With regard to the Proof of Beneficial Use that was submitted to us on January 22, 1955, please be advised that it would be impossible for this office to accept said Proof in that, in order for us to accept a Proof of Beneficial Use, it must be accompanied by a supporting Cultural Map. If the Proof will support the Cultural Map, which you are in the process of submitting to us you may resubmit at the time the map is sent to us.

With regard to the use of water under this permit, it would be advisable for you to prove up at this time on the land in Sections 12 and 7. The development in Section 18 may be covered be a new application.

It would be impossible for you to amend Permit No. 10092, as the law makes no provision for the amending of permits. It would be necessary for you to file an application to change said permit. This would not be advisable at this time in that, the water law requires that water be placed to Beneficial Use within ten years of the date of filing. Application No. 10092 was filed on Feb. 16, 1937, there is therefore some question as to its validity. At the present time there is no conflict with regard to the appropriation on this source. Priorities are not of prime importance. It would therefore be advisable for you to file a new application without delay to cover the new proposed use and the areas that have been developed and that are not covered under Permit No. 10092.

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
ADMINISTRATIVE ASSISTANT

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10092

The map you submit in the support of The Proof of Beneficial Use under Permit No. 10092 may be used to support a new application, providing the point of diversion and place of use of the new application are shown on the Proof map. Action on the required proofs would not be delayed in any way by the use of this map to support a new application.

In filing the new application, it is recommended that you include all possible use under said filing. The amount that we will grant you under Permit No. 10092 should not be taken into consideration in filing the new application. When it becomes necessary for you to file Proof of Beneficial Use under said new application, then you may consider the right received under Permit No. 10092, and decrease the new appropriation accordingly.

Very truly yours,

HUGH A. SHAMBERGER
State Engineer

By E. J. DeRicco
Field Deputy State Engineer

EJD/hs

L54-L WESTERN OFFICE
DESIGN & CONSTRUCTION
FEB 6 1956 A.M
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE

AIR MAIL

January 30, 1956

Memorandum

To: Superintendent, Lake Mead

From: Chief, Water Resources Section

Subject: Water Rights, Rogers and Blue Point Springs, Lake Mead

The attached copies of letter of January 16 from Mr. DeRicco and my reply are self-explanatory. We propose to forward the proofs and the tracing and reproducible prints of Drawing NRA-LM-6971, by regular mail, as soon as prints are available. We will send fiscal instruments and other instructions Air Mail, as soon as we have a reply from the State Engineer.

Meantime, we should also be supplied with plans of, or for, recreational development at Rogers Spring and Blue Point Spring. At Rogers Spring, you may be able to advise that the plan of last summer is final, and that the system has been restored since the floods of last August. However, the new application does not have to be followed by immediate proof, and should be based on an approved plan for ultimate development.

The application for the appropriation of Blue Point Spring is much more urgently needed than one for Rogers Spring if we are to establish rights in competition with those of Mr. McDonald under his Permit No. 15725. We should know at once what plans you and the Navy have worked out, and have a map of the proposed conduits if we are to file an application. We should agree on our own desires, and know what more Mr. McDonald has done, before we ask the State Engineer for further explanation of the status of Permit 15725.

Several questions have arisen concerning Mr. Blair's field notes and drawings. I am not sure whether you can supply comments before tracing returns from printer, or not.

1. In copying from original notes, the bearing between 15 and 16 is a duplicate of that from 16 to 17 instead of that derived from deflection angle. We have corrected.

2. The course from 8 to 9 is plotted 130 feet longer than copy of field notes indicate. We have accepted the 319 ft. stadia distance as correct.

3. Mr. Blair shows only a 15 foot concrete dike near the spring but I recall from last August, and am supported by the Chief Engineer of Fish and Wildlife Service, who constructed it while an employee of the Biological Survey, that there is close to 100 feet of masonry dike, and that there was considerable clear water above it last August. Accordingly, I have omitted the length on the tracing.

4. There were a couple of ambiguous lines on drawing which result in possible minor errors in cultural details.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Regional Director, Region Three, with copies of attachments
Western Office of Design and Construction, with copies of attachments

36

L 54

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
ADMINISTRATIVE ASSISTANT

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DERICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10092

January 16, 1956

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

Charles A. Richey
Super. National Park Service
Boulder City, Nevada

Attn: Mr. A. Van V. Dunn

Dear Sir:

Reference is made to Permit No. 10092 in the name of the National Park Service, to appropriate the waters of Rogers Spring in Clark County for Migratory Fowl purposes. Please be advised that we are returning herewith two applications for extensions of time, one Proof of Beneficial Use, one check in the amount of $1.00 together with voucher for same; and two vouchers for $5.00 each covering filing fees for "Application for Extension of Time."

Due to the confusion that now exists with regard to the requirements under this permit, we feel that it is advisable to return this material.

Our reasons for returning this material are listed herewith:

1. (a) Proof of Completion of Work must be filed before the Proof of Beneficial Use can be accepted.
   (b) Not supported by a Cultural Map.
   (c) Under question 7, use must be limited to Migratory Water Fowl refuge purposes as applied for under the original application.
   (d) Under question 8, accurate measurements on use must be given.

2. Voucher and $1.00 check submitted for filing fees with Proof of Beneficial Use cannot be accepted, because the Proof of Beneficial Use as submitted could not be filed for the reasons listed above.

3. Both extensions of time have expired or will expire before additional action can be taken on the permit; however, we will hold permit pending your immediate compliance with requirements listed herewith.

From recent field investigations in the matter of this permit,

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
ADMINISTRATIVE ASSISTANT

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10092

it is our understanding that the major use from this source will be for Recreational purposes instead of Migratory Water Fowl refuge purposes as applied for under the original permit.

If such is the case it is suggested that you proceed in the following manner in order that the Park Service hold this water right until such time as they have placed it to its proposed use.

1. In order to keep permit No. 10092 in good standing and to acquire a certificate for the extent of the use that is being made of the water at this date, you must file a Proof of Completion of Work, and a Proof of Beneficial Use together with a supporting Cultural Map. The statutory fee of $1.00 must accompany each of these Proofs. From correspondence in our files it appears that the Park Service is in the process of submitting this material at the present time, however, I am enclosing blank forms for your convenience.

2. A new application should be filed without delay. Said application should be filed for Recreational purposes and all proposed uses should be described on a sheet attached to the application. The new application must be accompanied by the statutory filing fee of $25.00 and must be supported by a map. I am enclosing blank forms for this purpose for your convenience.

Very truly yours,
HUGH A . SHAMBERGER
State Engineer

By:
E. J. DeRicco
Field Deputy State Engineer

EJD/hs

14 att.

L54-L

AIR MAIL

January 30, 1956

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

Re: Application No. 10092, Rogers Spring,
Lake Mead National Recreation Area

Dear Mr. Shamberger:

With the letter of January 16, Mr. DeRicco returned certain instruments relating to partial proof and extensions of time under the subject application. Mr. DeRicco also indicated that two proofs, of Construction and Beneficial Use of Water, respectively, would have to be filed to keep Permit No. 10092 in good standing; and that a new application would be needed to cover any developments and uses other than those for the wildfowl purposes.

We have been working on the assumption that we would follow both procedures, but the status of rights under Permit No. 10092 is somewhat confused.

The status is now as follows:

1. Proof of Beneficial Use, without map, mailed to you with voucher and purchase order No. 99-33 with our letter of July 22, 1955. Signed voucher returned and paid by check No. 29,792,921 for $1.00 of August 10, 1955. You have returned proof, purchase order and uncashed check.

2. Request for Extension of Time until December 31, 1955, to make survey for map to support proof, voucher and purchase order No. 99-128 to cover fee of $5.00 were mailed to you with our letter of September 16, 1955. You have returned the request for extension of time with your letter of January 16, which was received here on January 20. Meantime, the voucher was paid by check No. 11,252,339 on January 18.

3. Request for Extension of Time until February 15 in which to complete said map, voucher and purchase order No. 99-409 to cover $5.00 fee mailed to you with our letter of January 11. You have returned request, purchase order, and the signed voucher.

4. We have completed a tracing of the proof map for which the surveys and working drawings were prepared by Licensed Water Right Surveyor Edgar W. Blair in December.

5. We have completed the written proof of construction and an amended proof of beneficial use of the water under Permit No. 10092.

It seems possible that some part of the record covered by items 1, 2 and 3 should be returned with items 4 and 5, or else the one outstanding check No. 11,252,339 of January 18 should be returned so that we may start from scratch. We believe that the partial proof of July 22, 1955, should be on record and our new one should be treated as an amendment if there is to be no evidence of lapse on August 6, 1955, but our Finance Officer suggests that the check No. 29,792,921 of August 10, 1955, should be replaced by a new one because of the delay in cashing it. There is also some question as to whether Mr. Muth signed voucher No. 99-409 with the idea of validating an extension of time for which both requests have now been returned to this office.

It also happens that Permit 10092 authorized development and water use in Sections 12 and 7 while actual developments and water use have been made along the natural outlet from Rogers Spring in Sections 12 and 18, with only a trace in Section 7. This raises the question of whether action on the pending proofs will not be further delayed if they are not submitted with an amended Application No. 10092 to cover the change in place of use between 1937 and 1940. This in turn raises the question of whether the proof map can also be used to support the potential amended application and permit.

Mr. Blair has shown 10.75 acres of irrigation and pondage, instead of the 1 acre I estimated in the partial proof of July 21, 1955. He obtained weir measurements of flow of 1.69 sec.ft. as compared with my earlier float measurement of 2.1 sec.ft., and the difference is just as likely to be due to difference in season as to difference in the accuracy of measurement. In any case, the beneficial use for wildfowl refuge purposes does not exceed about 0.25 sec.ft. The remainder appears to flow on down the outlet channel and is not lost in marsh and pond seepage as I anticipated in July. There is a question of what proportion of the residual flow to claim in the new, supplemental application until we know what rights you grant on the proof under Permit No. 10092.

We must still obtain prints of the proof map, and have it reviewed and signed by Mr. Blair, as the Water Right Surveyor, before the proof is ready to submit to you. Meantime we shall appreciate your suggestions on the questions which have been raised.

Yours sincerely,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three, detached
Superintendent, Lake Mead, detached
Western Office of Design and Construction, detached

L54-L

AIR MAIL

January 11, 1956

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

Re: Permit 10092, Rogers Spring,
Lake Mead National Recreation Area

Dear Mr. Shamberger:

Attached are application for extension of time to February 15 in which to file supplemental proof and supporting map under subject permit, and purchase order No. 99-409 and voucher, to cover the filing fee.

This water right permit is now covered, therefore, by written proof of July 21, 1951, request of September 15, 1955, for extension of time until December 31, 1955, in which to submit map, on which your action has been suspended pending payment of fee, and the accompanying application and supporting purchase order and voucher. We assume that Mr. Blair's letter of December 29, 1955, can only be accepted as informative because it was not notarized. We assume, however, that there has been no recent application for the appropriation of the water by others, and that the request for the new, brief extension of time will permit us to establish the rights to the use of the water which has been made between 1938 and August 6, 1955.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Regional Director, Region Three, detached
Superintendent, Lake Mead, detached
Western Office of Design and Construction, detached

12-29-1955: letter to state engineer from acting superintendent regarding application no. 10092

Lake Mead National Recreation Area
Boulder City, Nevada

December 29, 1955

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

Dear Mr. Shamberger:

Please refer water right application No. 10092 assigned to Roger Spring. The supplementary survey mentioned in Mr. A. van V. Dunn's letter of September 16, 1955 has been completed except for preparation of final map to accompany proof of beneficial use. Field notes and a draft of the map have been forwarded to our Washington Office for completion.

Upon completion of the final map by the Washington Office, it will be returned to this office for signature by Mr. E. W. Blair, State Water Right Surveyor. The entire docket will then be forwarded directly to your office. Estimating the length of time required for mail service, the proof of beneficial use should be in your office around January 15, 1956.

Thank you for your help in this matter.

Sincerely yours,

Edgar W. Blair
Acting Superintendent

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

E. W. Blair

ewb:bjk

December 29, 1955

Air Mail

Memorandum

To: Chief, Water Resources Section

From: Acting Superintendent, Lake Mead

Subject: Water Rights at Roger Spring, Permit No. 10092

Please refer to your letter of September 8, 1955, similar subject which requested additional information to be used in the proof of beneficial use of Roger Spring water.

We have been delayed in furnishing the necessary information because of a combination of events. First, our new Park Engineer did not arrive until the first week in October; second, our construction program has been exceptionally time demanding; and third, we have had difficulty in obtaining the services of the Boulder City Survey Crew. The State Engineer has been notified by letter, a copy to your office of the delay and that we anticipate having the proof of beneficial use in his office around January 15, 1956.

I am enclosing a copy of field notes taken during the survey just completed. The notes include computations of the solar observation taken to determine an exact tie from the section corner to the point of diversion, which has been established as the spring entrance into the pond.

Under separate cover I am forwarding two preliminary maps, both reproducible, which can be used in preparing the final map to accompany proof of beneficial use. The maps have been prepared by tracing the original plane table sheets, which are being filed in this office. As suggested in your letter, our maps indicate all vegetation growth near the spring and stream channel, in order that a cultural map can be prepared by your office.

The flow of Roger Springs was measured over a 5 day period and the average found to be 1.74 cubic feet per second. A standard, rectangular contracted weir (with knife edges) was used in determining the flow. The head on the weir was measured on a gage located upstream a distance over four times the length of the weir opening. A photograph is enclosed which shows the weir installation.

There appears to be seepage from the main pond which cannot be measured. This is evident by the fact that two miles downstream the flow appears to be greater than at the point of diversion. Since

this flow is below the last pond and dike it is difficult to say whether we should do any more than recognize its existence at this time.

Concerning the dikes and ponds shown on the maps, it might be well to point out that the dikes are not recent structures, in fact appear to be natural barriers somewhat altered.

Our Resident Park Engineer, Mr. Edgar W. Blair, has been appointed State Water-Right Surveyor, license No. 258. As such Mr. Blair can sign all maps to be submitted in connection with water rights. Since your office has handled the correspondence on permit No. 10092 we feel that you should prepare the map needed to accompany beneficial use for Roger Springs and forward to this office for signature. However you may wish in the future to have Mr. Blair initiate the application to appropriate water and prepare the maps to accompany various steps in the procedure. Please give us your thinking on this matter.

Edgar W. Blair
Acting Superintendent

Enclosure

Copy to: Blair

ewb:bjk

Lake Mead National Recreation Area
Boulder City, Nevada

December 29, 1955

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

Dear Mr. Shamberger:

Please refer water right application No. 10092 assigned to Roger Spring. The supplementary survey mentioned in Mr. A. van V. Dunn's letter of September 16, 1955 has been completed except for preparation of final map to accompany proof of beneficial use. Field notes and a draft of the map have been forwarded to our Washington Office for completion.

Upon completion of the final map by the Washington Office, it will be returned to this office for signature by Mr. E. W. Blair, State Water Right Surveyor. The entire docket will then be forwarded directly to your office. Estimating the length of time required for mail service, the proof of beneficial use should be in your office around January 15, 1956.

Thank you for your help in this matter.

Sincerely yours,

Edgar W. Blair
Acting Superintendent

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

09-16-1955: letter to state engineer from acting superintendent regarding unauthorized reconstruction and damage caused by stor

Office of
Chief, Western Office
Div. of Design and Const.
SEP 21 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

In reply refer to:
L54-L

September 16, 1955

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

Re: Application 10092
Roger Spring, Lake Mead
National Recreation Area

Dear Mr. Shamberger:

The letter of August 31 from Mr. DeRicco suggests several courses to be followed in completing the proof under the subject application. The situation has been complicated by the beginning of unauthorized reconstruction, and the subsequent destruction of part of the water system during a severe storm about a day before the area was inspected by Mr. Richard Vandenberg of your Staff, Superintendent Charles A. Richey and Landscape Architect Glen Hendrix of the Recreation Area, and me on August 25.

It will simplify matters if we complete proof of construction and use in conformity with the recorded permit to appropriate the water for a Migratory Wildfowl Refuge, and follow with an application to change the place and purpose of part of the use of the water thereafter. The written proof of use for the Refuge was submitted with our letter of July 22. Mr. DeRicco has now advised that this proof must be supplemented by a proof of actual construction and an as constructed map of the water system related culture.

A supplemental survey is being made to describe the construction because the Biological Survey, now Fish and Wildlife Service, did not follow its original plans entirely. The enclosed application is for extension of time until December 31 in which to make that survey and file the supplemental data prescribed by Mr. DeRicco. The time is needed because part of the work will have to be done under the supervision of a licensed water right surveyor who is fully employed by the Bureau of Reclamation.

We also enclose a purchase order and voucher to cover the fee for the requested extension of time. The voucher should be signed and returned to this office for payment.

The proposed water use for campground purposes will be covered by an independent application for change in place and purpose

of use, and probably for a change in point of partial diversion. The nature of the application will depend somewhat on the final disposition of Applications 15725 and 16129 of W. H. McDonald for the appropriation of water of Blue Point Spring. This matter will be covered by a separate letter as soon as we determine the extent of Mr. McDonald's right to use the Federal land he is developing under those applications.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Enclosures 2

SIGNED

Copy to: Regional Director, Region Three) Please file attached
Superintendent, Lake Mead) application in Docket 3
Western Office of Design and Construction) Lake Mead

31

WR Lofg

In reply refer to:
L54-L

September 8, 1955

Memorandum

To: Superintendent, Lake Mead

From: Chief, Water Resources Section

Subject: Water Rights at Roger Spring, Application 10092, Docket 3, and Blue Point Spring, Lapsed Application 10098, Docket 1, Lake Mead

Attached are a copy of letter of August 31 from the Field Deputy State Engineer of Nevada and a print of our Drawing RA-LM-6972. A print of the latter was also sent to you with copy of our memorandum of November 29, 1954, to the Assistant Director and a cover memorandum of December 15, 1954, to the Regional Director.

Your Drawing NRA-LM-2296 indicates that Roger Spring, and not the upper dam, is approximately on the bearing from the section corner which was designated in Application 10092, but about 130 feet further from that corner. Presumably there was to have been a dam across the spring outlet, about 150 feet long, about where you have shown the proposed road to cross the Spring outlet on Drawing 2296. From FWS Drawing M-NEV-5-32.01 (upper map in Docket 3) it also appears that FWS plans were changed about October 1940 to provide ponds along the outlet creek instead of along the ditch extending to point above Blue Point Spring (see notations in orange on Drawing 6972).

Your Drawing 2296 shows that the new campground ditch diversion was within 20 feet of the proper distance from the section corner, but about 8° off in bearing. The headworks were not of permanent construction, and were washed out by flood just before our inspection with Mr. Vandenberg on August 25. As I explained while there, the Navy Drawing LMR-207A-1 shows proposed Rest Center buildings and swimming pool, but not Blue Point Spring, the proposed pipeline therefrom, or the adjacent 1/4 corner. Your Drawing 2275, of the Stewart Point Vacation Homesites, is projected on attached Drawing 6972, but neither shows any water system from either Blue Point Spring or Lake Mead. You have advised us that the Navy has not indicated whether it intends to develop the Rest Center, and the development and source of water may depend on whether we eliminate the senior McDonald claims to Blue Point Spring.

For these reasons, I believe that our first problem is to submit a map to support the partial proof of use of Roger Spring waters

which I signed and mailed to the State Engineer on July 21. This would constitute partial compliance with the last paragraph, page 1, of attached letter of August 31 from Mr. DeRicco. To comply, the first four and last of the following items of survey data are needed at once:

1. (See Drawing 2296 in your office). Tie in any other evidence of old dikes across outlet from Roger Spring below diversion to new campground ditch. In 1947, there was one dike about where proposed road is to cross the outlet, which would be closest to point of diversion designated in Application 10092 and supporting map. Some dikes may be found as far down stream as units 3 and 4 shown on attached Drawing 6972.

2. Traverse portions of old ditch to east and northeast of spring for short distance from spring outlet, where traces of said ditch can first be found (for possible reconciliation of map supporting Application 10092 and your Drawing 2296).

3. Outline by stadia or metes and bounds:

A. All ponds caused by old dikes along Roger Spring outlet below existing pond shown on Drawing 2296.

B. All stands of vegetation around spring and ponds which have grown up as result of artificial pondage under Application 10092, and revised plan of Drawing M-NEV-5-32.01 which is also in Docket 3. Also indicate types of vegetation so outlined, to permit completion of map of culture thus produced for wildfowl shelter.

4. Measure flow from Roger Spring or over the old dam, indicating when, where, by whom, and how. We had insufficient supplies to restrict the flow or construct a wier, when I was there.

There are also the following needs for subsequent amendments or new claim:

5. To prepare an application for appropriation of water for the irrigation of the Roger Spring Campground (Drawing 2296), we need cross-section and grade of the new ditch, and description and dimensions of the wooden intake works.

6. To prepare an application for diversion of part of the water to the proposed Navy Rest Center, we need alignment, grade, and cross-section, or diametery of the connecting conduit, and description of headworks for that conduit. Possibly the ditch alignment on Drawing filed in support of Application 10092 will suffice if grade is supplied, and cross-section given on page 3 of said application is checked. A shallower ditch may be needed if it is to be an earth ditch. The tank, swimming pool, or other structure at lower end of the ditch should also be shown and described.

7. As discussed with you, we should also have the following to complete proposed Rest Center plan, to supplement data on Drawing LMB-207A-1:

A. Location of Blue Point Spring with relation to swimming pool or the topography.

B. Tie from said spring to 1/4 corner and some other point on north line of Section 7.

C. Tie from said spring to existing McDonald diversion.

D. Alignment and description of proposed water system to serve the Rest Center, with tie from diversion to 1/4 corner.

8. If water from Roger or Blue Point Springs is to be used at Stewart Point, we should also have similar plan and description of that water system, including reservoirs, swimming pool, comfort stations and other terminal water using facilities.

9. We need estimated costs of all past and future construction, and approximate dates of past or proposed construction.

I doubt if we are ready to complete items 5-8 without more study by the Navy, and your Landscape Architect and Engineer, and without first settling the fate of Mr. McDonald's claims under Applications 15729 and 15129, but such portions as you can supply may be helpful. We should obtain the data requested as items 1-4 and 9 as soon as you can obtain the services of the Boulder City survey crew, or your own Engineer.

We can prepare the map if you supply the data. The data may be in the form of field notes, if clear, but it may be easier for us to follow if plotted on prints of some of the drawings heretofore mentioned.

Please determine whether Mr. Henry C. Hall, Bureau of Reclamation, will sign the map as State Water Right Surveyor, and on what terms. We will have to prepare much of the map to conform with my proof, but he may wish to participate.

With a copy of this memorandum, I am requesting that $375 be obligated under Appropriation 14X1035, Account 347, to cover the cost of surveys. We can allot funds on the basis of more refined estimate or pay the bill when presented on Form 1081.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2
Copy to: Regional Director, Region Three, with copy of attachments
Western Office of Design and Construction, with copy of attachments

Mr. P. Miller
Mr. Neilson) Please obligated $375 per last paragraph
Mr. Douglas)
Mr. Dunn

AvVDunn:let

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO:

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

August 31, 1955

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

Dear Mr. Dunn:

On August 29, 1955 this office received a letter from our Assistant Deputy State Engineer, Richard Vandenberg in Las Vegas, Nevada with regard to a field investigation made on August 25, 1955, in the matter of Roger Spring and Blue Point Spring. From said investigation it is apparent that the status of permit number 10092 needs clarification. On August 16, 1955 I wrote you a letter in which I attempted to explain in detail the requirements that would be necessary to furnish final proof under permit number 10092. Enclosed please find a copy of said letter.

From the information submitted to us by Richard Vandenberg it is apparent that the final proof under this permit is further complicated in that the manner of use has been changed from Wild Life Culture to camp-site facilities. If it is the intent of the National Park Service to abandon the use of the water of Roger Spring for Migratory Water Fowl Refuge purposes and to use the water for Camp-site facilities, it would be necessary for them to file, without delay, an application to change the manner of use under permit number 10092. Enclosed herewith please find blank application forms for this purpose. The map filed in support of Application number 10092, may be used to support the new application providing the point of diversion and place of use are not changed.

If it is the intent of the Park Service to use the water of this source for Migratory Water Fowl Refuge purposes, in addition to Camp-site facilities, it would then be advisable for them to submit final proof under permit number 10092 as outlined in our letter of August 16, 1955. It would also be necessary for the Park Service to file a new application for Camp-site purposes. This new application could also be supported by the map filed in support of permit number 10092 providing the point of diversion and place of use are not changed. Enclosed herewith please find blank application forms for this purpose.

With regard to the final proof that must be submitted under permit number 10092, it will be necessary for the Park Service to act without delay in that said permit is in poor standing and subject to cancellation. This would also apply to filing an application to change the manner of use, if it is proposed to file such an application. If an application to change the manner of use is submitted it would be necessary for you to submit an application for extension of time under permit 10092 to keep said permit in good standing while the new application is being processed. Said extension will be granted for this purpose.

With regard to applications numbers 15725-16129 filed by W. H. McDonald to appropriate the waters of Blue Point Spring for mining and domestic and for propagation of Tropical Fish respectively. Please be a advised that this office has not taken action on either of these filings pending investigation. Mr. McDonald has no right to the use of the water of this source. Before this office will take final action on the filings, Mr. McDonald will have to clear his entry on to the lands on which he plans to place this water to Beneficial Use with the National Park Service.

I am enclosing herewith our Pamphlets entitled "Summary of Statutory Procedure in Making Application for Water Rights" and " Rules and Regulations concerning the Preparation of Maps" in compliance with your request to Mr. Vandenberg.

Any course of action that the Park Service may decide to take in the matter of Roger Spring should be taken without delay in that the permit is in poor standing and although we will hold it in abeyance for a reasonable length of time pending receipt of the necessary proofs and maps. There is some question how long this permit may be held under our laws without jeopardizing your right to the use of these waters. If we can be of any further service in this matter please contact us.

Very truly yours,

HUGH A. SHAMBERGER
State Engineer

By E. J. DeRicco
E. J. DeRicco
Field Deputy State Engineer

EJD/ms

08-29-1955: letter to nps from state engineer regarding application no. 10092 to appropriate the waters of rogers spring

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

IN YOUR REPLY REFER TO NO. 40-55

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

August 29, 1955

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

Dear Hugh:

This primarily concerns application #10092 to appropriate the waters of Rogers Spring by the U.S. Government.

Thursday, August 25, 1955, investigation was made of the Rogers Spring-Blue Point Spring area with Mr. A. van V. Dunn, Chief, Water Resources Section, National Park Service, Interior Bldg., Washington 25, D.C., Mr. Charles A. Richey, Superintendent, National Park Service, Boulder City, Nevada, and Mr. Glenn Hendrix, Landscape Architect, N.P.S., Boulder City. A full report of this investigation will be forwarded after I have had a chance to meet with Mr. McDonald, who has made applications #15725 and #16129 for the waters of Blue Point Spring. This is being protested by the N.P.S..

Clarification is needed on the status of #10092, for Rogers Spring. As you will recall, further extensions were denied and the N.P.S. made a last-ditch effort to produce evidence that they were developing the area and wished to delay submitting their proof of beneficial use until they had completed their improvements. They wish to prove up on this spring, but do not know whether you accepted the evidence they submitted or whether they must file a new application and start all over again. To further complicate the issue, the manner of use has been changed from wildlife culture to campsite facilities. They have actually built ditches, diverted water through them, and have camp tables and toilet facilities. Apparently, they have serious plans to develop the area. Besides this campsite, there are plans for a Navy rest camp near Blue Point Spring and 89 cabin sites (for vacationers who wish to build a permanent cabin) at Stewart's Point. A number of these cabins have already been built by private individuals. Now they want Rogers Spring and Blue Point Spring. the N.P.S.

There are complications on the McDonald applications. Mr. McDonald first made application #15725 for mining. The N.P.S. protested. Mr. McDonald made application #16129 for the same spring for the propagation of tropical fish. The N.P.S. did not see this publication and failed to file a protest on this new application. Mr. McDonald now has six or

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DERICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 40-55

August 29, 1955

eight concrete ponds in operation. [redacted]: The N.P.S. wishes to know if their first protest covers them on both applications, and can a protest still be filed on #16129?

The final mixup on the McDonald matter arises out of his legal right to be occupying the area. On April 25, 1930, an Executive Order, #5339, was signed by President Herbert Hoover, withdrawing certain public lands, including the area where Mr. McDonald has built his fish ponds. From what Mr. Dunn can find out, this Executive Order has never been rescinded. Therefore, the N.P.S. maintains that Mr. McDonald cannot legally occupy the area.

It would be appreciated if a letter could be forwarded to Mr. Dunn with a copy to Mr. Richey answering the above problems. They wish to know if they can make beneficial use proof on #10092. They would also like to have a copy of our Rules and Regulations Concerning Preparation Of Maps, if such is available to them. Mr. Dunn shows a desire to comply with Nevada Water Law.

Within the next week or two, Mr. McDonald should be in the area, and I will attempt to straighten matters out with him. Incidently, the flash flood of Thursday morning raised havoc with this area and the Bunkerville-Mesquite area. The damage was unbelievable. For example, one N.P.S. road had a wash in it 20 foot deep and 40 feet across. The water just left the culvert bare. I understand that the Bunkerville irrigation ditch was practically filled up, with dirt and gravel.

Kind regards,

Rick

R. Vandenberg
P.O. Box 647
Las Vegas, Nevada

rv

08-16-1955: letter to nps from state engineer regarding permit no. 10092-lake mead

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIEX
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

RECEIVED
Clerks Office
NATIONAL PARK SERVICE
1955 AUG 19 AM 9:47

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DERICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10092-Lake Mead August 16, 1955
Your reference: L54-L

Dunn

United States Department of the Interior
National Park Service
Washington 25, D. C.
Att: A. Van V. Dunn, Chief, Water Resources Section

Gentlemen:

Reference is made to permit no. 10092 filed in the name of the National Park Service. There has been some confusion on the requirements under this permit and I would like to clarify them as much as possible.

On August 4, 1955, this office received a proof of beneficial use together with a purchase order in the amount of $1.00 for fees. The proof was not accompanied by a cultural map and although we have received the $1.00 fee from the government, we will not be able to file said proof until such time as the National Park Service provides us with a cultural map to support it.

It will also be necessary for the Park Service to submit a proof of completion under this filing together with the statutory filing fee of $1.00. Enclosed herewith please find blank forms for this purpose.

With regard to the cultural map that must be submitted in support of the proof of beneficial use under permit no. 10092, it is suggested that the Park Service prepare a map showing the actual use that is being made of the water at this time. It is further suggested that the cultural map show the proposed use that the Park Service intends to make of this water at a future date, All of this information can be included on the same map, however, the present use and the proposed use must be indicated on the map.

It would be advisable for the Park Service to file a new application without delay in order that no other party may intervene with a filing on this source. The cultural map that is filed in support of the proof of beneficial use under permit no. 10092 may be used to support the new application.

If the final use under the new application is in accordance with the proposed use indicated on the cultural map, the cultural map may be used to support the final proofs under the new application.

Listed herewith I am again stating the necessary steps to complete no. 10092 so that this office may issue a certificate under said permit:

1. File proof of completion of work together with the statutory filing fee.

2. File cultural map in support of the proof of beneficial use and submit to this office under no. 10092.

We will hold this permit in abeyance for a reasonable length of time pending receipt of the above material.

Trusting that this letter may clarify the status of permit no. 10092, with kind personal regards,

Very truly yours,

HUGH A. SHAMBERGER
State Engineer

By: E. J. Dericco

E. J. DERICCO
Field Deputy State Engineer

EJD:dmf

Enclosures

08-12-1955: letter to state engineer from chief regarding application 10092 to cover proof on the development and use made betw

In reply refer to:
L54-L

August 12, 1955
AIR MAIL

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

Re: Application 10092, Roger Spring Area
Lake Mead

Dear Mr. Shamberger:

We have received the letter of August 5 from Mr. Jewett regarding a print of plan of Roger Spring Campground, Drawing 2296, which Superintendent Charles A. Richey submitted as proof with a letter of August 2. We have also received the letter of July 28 from Mr. De Ricco and the signed voucher to cover the filing fee, to cover proof on the development and use made between 1938 and July 1955.

We did not see a print of the Drawing and letter until August 3 when we send you an Air Mail letter which has crossed that of August 5 from Mr. Jewett in transit. We had not intended to make proof on new developments at this time but to have Mr. Richey submit the Drawing as an indication of the work being planned, as described in the second paragraph of our letter of July 22.

We agree with Mr. Jewett that the Drawing 2296 is not suitable as a map to support an application for amendment or proof. As soon as we are advised of the extent of rights to be certified, as indicated in the letter from Mr. De Ricco, we shall proceed with applications for amendments or supplemental appropriations as indicated in our letter of August 3.

Sincerely yours,

SIGNED
A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three with copy of letter of 8/5/55
Superintendent, Lake Mead, with copy of letter of 8/5/55
Western Office of Design and Construction, with copy of letter of 8/5/55

In reply refer to:
L54-L

August 12, 1955

Memorandum

To: Superintendent, Lake Mead

From: Chief, Water Resources Section

Subject: Proof Under Application 10092, Docket 3, Roger Spring Area, Lake Mead

Drawing 2995, which you have forwarded with copy of your letter of August 2 to the State Engineer, is less in conflict with the original plan covered by the application and permit than I anticipated. It is not acceptable for the following reasons:

1. It does not give actual bearing and distances from old and new points of diversion.

2. It does not show 40-acre subdivision lines of the area of use.

3. It does not show limits of wildfowl use area, also within projected 40-acre subdivisions.

4. It does not include the engineer's statement, signed by an engineer licensed in Nevada.

5. It does define public water use, in contrast to wildlife use, in excess of the quantity I suggested in the proof.

The drawing can be made to conform with these requirements, but if so modified and used, it will be necessary to file the tracing with the State Engineer. I recommend that we make a tracing to support an amended, or supplemental water right application, and consider Drawing 2996 as your Park Service drawing for the purposes indicated by the blocks for approval.

Since I expect to be at Lake Mead later this month, please hold the tracing until my arrival. It will also be helpful if you have another print available on my arrival so that I may add such notes as I desire when I inspect the area.

Attached are copies of letter of August 5 from the State Engineer and our reply. Also attached is copy of Notice of Completion of Work and Beneficial Use under Application 10092. This notice should be filed in the subject docket.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Regional Director, Region Four, with three attachments
Western Office of Design and Construction, with three attachments
Mr. P. Miller
~~Mr. Dunn~~

AvVDunn:lct

HUGH A. SHAMBERGER
STATE ENGINEER
EDMUND MUTH
ASSISTANT STATE ENGINEER
C. E. THIES
OFFICE MANAGER

ADDRESS ALL COMMUNICATIONS
TO THE STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

F. N. DONDERO
DEPUTY STATE ENGINEER
E. J. DeRICCO
FIELD DEPUTY STATE ENGINEER
DONALD K. JEWETT
OFFICE ENGINEER
HERBERT E. WINCHESTER
GROUND WATER GEOLOGIST

IN YOUR REPLY REFER TO NO. 10092

August 5, 1955

United States Department of the Interior
National Park Service
Washington 25, D. C.
Attention: Chief, Water Resources Section

Gentlemen:

We are writing you in regard to your permit no. 10092, under which you recently filed proof of beneficial use.

This proof was found to be in order but we are unable to file it for reasons that you have not submitted proof of completion of work and we cannot accept the map submitted in support of the proof of beneficial use.

Due to the extensions of time which have been filed under this permit, the proof of completion of work and proof of beneficial use become due at the same time.

The map submitted in support of the proofs must be prepared by a licensed state water rights surveyor since it must conform to certain specifications.

We are returning the map herewith and are enclosing our third and final notice calling for these proofs.

Very truly yours,

HUGH A. SHAMBERGER
State Engineer

By: D. K. JEWETT
D. K. JEWETT
Office Engineer

DKJ:dmf

Enclosure

LAME

Lake Mead

In reply refer to: L54-L

Office of Chief, Western Office of Design and Const.
AUG 8 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

1 -

AIR MAIL

August 3, 1955

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

Application 10092, Lake Mead

Dear Mr. Shamberger

We have received your letter of July 28 and the signed voucher to cover the fee for filing proof under the subject application. The voucher is being processed for payment. We are pleased to have the proof accepted, and believe that the certificate will be satisfactory, but it is not clear whether the quantity of water will be limited to that I actually determined on one date, or on the maximum consumption which may have been greater at other times, until we receive the certificate.

Meantime, we received a teletype from the Superintendent of Lake Mead, on August 1, advising that a new system has been constructed and a plan is available. The information was too incomplete, and too late to determine the extent of changes, and amend the application to permit immediate proof. We suggested that a print of the plan of the new development be sent to you as evidence of more diligence than has been reported for a number of years, if the proof on the old development were not considered adequate.

We shall file another application, based on said plan, but it is not clear from my present information, whether the application will be for an amendment under Permit 10092, or for appropriation of water not covered by that permit. This matter will be given immediate consideration if you can issue the license, or indicate the maximum quantity of water to be authorized, soon after the fee is paid.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Lake Mead - AIR MAIL
Regional Director, Region Three
~~Western~~ Office of Design and Construction

21

L54-L

Lake Mead National Recreation Area
Boulder City, Nevada

August 2, 1955

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

Dear Mr. Shamberger:

Re: Application - Permit 10092.

The enclosed drawing LM-NRA-2296 is presented in support of the Proof of Application of Water to Beneficial Use under Permit No. 10092 and relates directly to Mr. A. van V. Dunn's letter to you, July 22.

The irrigation and distribution ditches described on the drawing have been constructed and are in use. Some planting has been done along the ditch and further planting can be accomplished immediately following the hot summer season. This portion of the development will constitute the public use and picnic facilities and distribution of water below these facilities will provide wild fowl feeding and refuge area. Approximately 10 acres are included in the public area and probably more than 80 acres in the wild fowl area.

Please consider this further evidence of use and development when considering Proof of Beneficial Use under Permit Number 10092.

Sincerely yours,

[SIGNED]

Charles A. Richey
Superintendent

cc: Region Three
Director
WSDC

1—

Office of
Chief, Western Office
Div. of Design and Const.
AUG 4 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer
Recorded & Filed 8/5/55

70

C
O
P
Y

STATE OF NEVADA
Office of State Engineer
Carson City, Nevada

July 28, 1955

United States Department of the Interior
National Park Service
Washington 25, D. C.
Attn: A. van V. Dunn

Gentlemen:

Reference is made to your letter of July 22, 1955 with regard to the proof of application of water to beneficial use under permit no. 10092.

Please be advised that we will file the proof of beneficial use submitted to us under this permit and issue a certificate to the National Park Service for the extent of the use the water has been placed to at this time.

With regard to your request for an additional extension of time within which to file proof of beneficial use under this permit, this office does not feel that we can grant said extension without violating the intent of the Nevada water law.

Due diligence with regard to application of water to beneficial use is one of the primary requisites in the Nevada law. Water should be placed to beneficial use within 10 years of the date of filing.

If the National Park Service proposes to make additional use of this water, it is suggested that they make another application on the source without delay. The map that has been filed in support of permit no. 10092 may be used to support the new application. The National Park Service would then be in a position to hold this water for an additional period of time so that they may apply the water to the fullest extent of use they may propose.

Very truly yours,

/S/ HUGH A. SHAMBERGER
State Engineer

By: E. J. DeRicco
E. J. DERRICO
Field Deputy State Engineer

STATE ENGINEER'S OFFICE

L54-L

July 22, 1955

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

Re: Application-Permit 10092
Lake Mead National Recreation Area

Dear Mr. Shamberger:

Submitted herewith is a written Proof of Application of Water to Beneficial Use under Permit No. 10092.

Your notices of June 7 and July 6 indicate that no further extensions of time will be granted. Accordingly, although we can hardly report completion of construction with a temporary development which was made by the Department of Agriculture, and plans for permanent replacements and modifications being now made by the National Park Service, we offer proof of the development and use of water which has been made since 1938. We should appreciate your reconsideration of the possibility of a further extension of time and the few days after August 6 which might be needed to request it.

Plans are now being developed jointly by the National Park Service, Navy Department, and other neighboring private interests for more permanent development of Roger Spring, and Blue Point Spring which was formerly claimed under Federal Application No. 10098. It is our plan to use all the water of both sources to serve a small wildfowl refuge, certain recreational facilities and other public needs. Plans have progressed rather slowly during the past six months because chemical analysis has indicated that the water can be used for only limited human needs. The development plan cannot be completed until this Service and the Navy decide whether to treat this water, or import water from Lake Mead for the potable use of those who are to use the development for extended periods.

We permitted Application 10098 to lapse because we believed we could control conflicting uses before a new application is filed by restricting right of access on Lake Mead National Recreation Area, where the spring is located. On the other hand, there is actual water use, and it is desirable for the National Park Service to retain the 1938 priority of rights to Roger Spring under Permit 10092 because of the order of Federal land withdrawals and reservations, and the fact that the spring and most of the existing development are a few hundred feet outside of the Recreation Area.

Sincerely yours,

A. van V. Dunn

Chief, Water Resources Section

AvVDunn:lct

Enclosure

Copy to: Regional Director, Region Three, detached
Western Office of Design and Construction, detached
Superintendent, Lake Mead, detached
Mr. Dunn

L54-L

July 22, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Proof Under Water Right Application 10092, Docket No. 3, Lake Mead

Attached are your copies of a Proof which we are submitting under the subject application and the letter of transmittal. Copies of this memorandum and the same instruments are being sent directly to the Superintendent and Western Office of Design and Construction. The Proof should be filed in Docket 3. Your copies of photographs will be supplied when prints are made. In the meantime, the same prints have been distributed most recently with copies of memorandum of November 29, 1954, to the Director, with copies to the field offices.

We are not sure that the State Engineer will accept the proof. For that reason, we should be prepared to file new applications for the appropriation of both Roger and Blue Point Springs before private interests attempt to appropriate either of them.

In this connection, we have revised the water right acquisition and investigation funds, to permit larger allotments of 1956 funds for field surveys and mapping to complete water right applications. We have submitted a desired project for Region Four at a cost of approximately $10,000, and propose to do the same for Region Three as quickly as possible.

Any survey and drafting needed to show the location of the proposed water system to divert Roger and Blue Point Springs, ties to section corners, areas of use, and descriptions of diversion works and storage facilities and other ties which may be needed to tie in previous water right plans in the dockets, may be done with allotments from Account 347. At Lake Mead, we also need similar plans of the new water system at Temple Bar and other Park Service or concession water systems. In each case the comprehensive plans for construction drawings are supposed to be financed from funds for that purpose, and the water right funds are for supplemental water right data. You and engineers of the area or Western Office of Design and Construction will have to make your own decisions as to what part of the work, or proportion of the work should be done with water right funds, and we believe that the water right proportion may be justifiably high to permit early preparation of a new application for the Roger-Blue Point springs development.

Pending receipt of the complete survey needs for Region Three, we suggest that you submit an estimate of the cost of survey needs at Lake Mead and start plans to try to get the necessary personnel on the work as soon as possible. The pending memorandum will list needs in a number of areas with the potential major program at Lake Mead for this year, at a total cost of about $10,000.

Attached are copies of two applications for extension of time which are made from records in the files of Fish and Wildlife Service. They were attached to memoranda advising the Director that they had been executed and filed. They should be filed at the proper dates in the docket assembly.

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Lake Mead, with three attachments
Western Office of Design and Construction, with three attachments
Mr. P. Miller
Mr. Dunn

AvVDunn:lct

L54-L

AIR MAIL

June 13, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Land and Water System Developments, Water Right Application 10092, Docket 3, Rodger Spring Area, Lake Mead

The attached copy of letter of June 7, from the State Engineer of Nevada, has just been received with the attached notice that no further extension will be granted in which to perfect rights under Application 10092, and proof with supporting map must be made by August 6. This action was indicated in a similar notice attached to the Order of August 3, 1954, granting the extension of time from August 1954 to August 1955.

With air mail copies of this memorandum directly to the Superintendent and Western Office of Design and Construction, it is requested that each of you supply such data as have been assembled since the Survey Crew was in the area in January, as last requested in the memorandum of March 9 from the Chief of Lands. The time is already very short for preparing either a new application or proof on existing developments. For this reason it is particularly important for Mr. Richey to indicate whether there is danger that Mr. McDonald, or others, would attempt to initiate a claim as soon as Permit 10092 expires.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Lake Mead, with attachments
Western Office of Design and Construction, with attachments

Office of
Chief, Western Office
Div. of Design and Const.
JUN 7 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

W R Copy RWR (a)

In reply refer to:
L54-L

FEB 14 1955

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Water Rights and Water Developments, Roger and Blue Point Spring Area, Lake Mead

We have received the memorandum of February 3 from Mr. Yeager transmitting copies of chemical analyses of the waters of Roger and Blue Point Spring by the Public Health Service, from samples obtained on September 16, 1949; and a letter of January 25, 1955, to Mr. Richey from Mr. Harrison of the Public Health Service, which agrees with the 1949 analysis of solids and includes interpretations. We have also received the copies of the memorandum of February 4 from Mr. Miller to the Superintendent, relating to land status and development plans.

The memorandum from Mr. Miller suggests the resolution of certain problems at the Washington level. It also includes certain conclusions relating to the appropriation of water on Public Water Reserves which are based on Solicitor's opinions but appear to conflict with conditions, and more recent discoveries and decisions relating to the comparable problems at Death Valley. We are deferring answers and comments on that memorandum until we obtain clarification of certain points by the Solicitor.

The chemical analyses indicate that the waters of the two springs are suitable for very limited use. They are probably suitable for duck ponds as intended under Water Right Application 10092, and for a swimming pool. They might be satisfactory for sanitary sewers but the iron would stain the fixtures. They are not recommended by Mr. Harrison for potable and laundry use. We also question whether they would be suitable for use in the manufacture of plaster board, as suggested in Water Right Application 15725 by Mr. McDonald, because of the potential iron rust stains.

The chemical analysis and letter from Mr. Harrison may be sufficient to lead Mr. McDonald to abandon his plans for development and to discourage others who contemplate developments in the future. We are attaching five copies of the analyses and letter so one may be filed in Dockets 1 and 3, respectively, in your office and at Lake Mead, and Mr. Richey may have an extra copy to show or present to Mr. McDonald, if he desires.

The next question is what use the United States will make of the water. Any amendment of the rights to Roger Spring (Docket 3), or new application for the appropriation of waters of Blue Point Spring (10098-Docket 1 has expired), should be based on plans that will be carried out with construction beginning within one year after the water right application is filed. There is no justification for filing an application or making surveys and supporting maps for developments that are not feasible, just to establish a delaying priority to prevent private filings. Presumably the chemical analysis and letter have been referred to the Navy, and we are sending a copy of each to the Western Office of Design and Construction with a copy of this memorandum. The WODC is requested to have the survey party, now at Lake Mead, determine what use, if any, will actually be made of the waters of either or both of the Springs by the United States, the existing use of the waters of Roger Spring within the Recreation Area, and obtain enough data to prepare a plan of the developments suitable for use in preparing necessary applications for amendment of rights under Application 10092 and for possible further appropriation of the waters of either source.

Although Mr. Dunn could go to Lake Mead while the WODC survey party is there, as requested in the memorandum of December 23, 1954, from Mr. Richey, any field work by him on water right matters is dependent on prior development plans which must be worked out jointly by WODC the Navy and the U.S. Public Health Service; and on the answers to questions we are referring to the Solicitor by another memorandum. Accordingly, his trip is being tentatively deferred until later in the year.

(SGD) THOMAS J. ALLEN

Assistant Director

In duplicate

Attachments 5

Copy to: Western Office of Design and Construction, with attachment
Mr. P. Miller with attachment
Mr. Dunn, with attachment

AvVDunn:lct

W'L Copy

In reply refer to:
L54-L

September 14, 1954

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Proposed Amendment of Water Right Applications 10092 and 10098 and Reinstatement of Latter - Lake Mead

The comments of July 23 by Mr. Yeager, which Mr. Lassiter forwarded on August 23, include one paragraph in the middle of first page, which implies that no development of Rogers Spring is contemplated for use in Section 7, as prescribed in Permit 10092. The development is now entirely in Section 12, outside of the recreational area or land which has been, or is to be, restored to entry under the administration of the Bureau of Land Management by cancellation of the withdrawal for the Boulder Canyon Project.

In these circumstances, Permit 10092 should be assigned to the Bureau of Land Management for amendment as to place of use, or declared abandoned when the next progress report is due, before August 6, 1955. This Service appears to have no authority to administer the area except as it relates to a right-of-way to develop and convey the water to Section 7.

If Rogers Spring is not to be used by this Service and any development is to be made in Section 7 which will require water, it is particularly important that we reinstate rights to Blue Point Spring under a permit to replace cancelled Permit 10098. The Nevada water laws prescribe that construction under any permit shall begin within one year. Accordingly, this Service will be hard pressed to establish the proposed new right if the Navy does not carry through with its plans for a rest center.

The State Engineer of Nevada has specified that Permit 10092 will expire on August 6, 1955 unless the construction is completed. It follows that this Service must either get out a plan for development of one spring or the other, with assurance of some construction within a year after August 6, 1955, or give up its claims to these springs until a firm project is ready to proceed. This Service may be able to reserve the waters of Blue Point Spring without a water claim, by denying others the access under surface use permit, but the problem will be greater with the extension of the mining laws to the area.

(SGD.) A. VAN V. DUNN,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Mr. Woodward
Mr. Diederich
Mr. Dunn

AvVDunn:let

In duplicate

In reply refer to:
L54-L

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.

NATIONAL PARK SERVICE RECEIVED AUG - WESTERN OFFICE OF DESIGN AND CONST.

Lake Mead
Rogers + Rogers 5, 7

W&L Copy

Refer to:
154-L

July 28, 1954

Memorandum

To: Regional Director, Region Three

From: Acting Superintendent, Lake Mead

Subject: Water Right Applications 100093 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 installation; 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.

H. Ward Yeager
Acting Superintendent

In triplicate

C
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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.

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

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.

NATIONAL PARK SERVICE
RECEIVED
JUL 21 1954
WESTERN OFFICE
DIV. OF DESIGN AND CONST.

5

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

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. 68 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 10098. 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 10098.

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.

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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

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66372 LUD:WFK

February 17, 1954

Memorandum

To: Manager, Land and Survey Office, Reno, Nevada

From: Director, Bureau of Land Management

Subject: Department of Agriculture - Water Permit

Attached is a copy of Water State Water Right No. 10092 of February 16, 1937, with accompanying maps, granting to the Department of Agriculture permission to appropriate the public waters of the State of Nevada in the amount of four second-feet, to be diverted from Rogers Spring in the SE¼SE¼ Sec. 12, T. 18 S., R. 67 E., M.D.B. and M. The permit has been transferred to the Department of the Interior National Park Service, pursuant to applicable legislation.

Your records should be noted in accordance with the principles enunciated in the instructions of the Assistant Secretary of August 31, 1915 (44 L.D. 359) and of January 13, 1916 (44 L.D. 513). Should the lands be thereafter listed or disposed of under any applicable public-land law, the final certificate and patent will contain an appropriate exception.

/s/ Earl G. Harrington

Acting Assistant Director

WR Copy

In reply refer to:
L54 LAME

Region Three
Santa Fe, New Mexico

November 9, 1953

Memorandum

To: Director

From: Acting Regional Director

Subject: Extension of Time to Complete Rodgers Spring Water System under Permit 10092, Docket No. 3, Lake Mead

On September 17 we wrote to the Superintendent, Lake Mead, with a copy to your Office, requesting information regarding the need for the waters from Rodgers Spring and the advisability of continuing to request extension of time, as outlined in the last paragraph of Mr. Dunn's memorandum of September 4.

In this connection, we have attached a copy of Superintendent Baggley's memorandum of October 26. We do not agree with Mr. Baggley's proposal for changing the location of a future ranger district headquarters to the vicinity of Rodgers Spring, in order to avoid the restrictions placed on constructing employees' housing by Budget Circular 4-18. However, Mr. Baggley points out that we should continue to request extension of time because the water may be necessary for irrigation uses. There is an existing picnic area in the oasis of Rodgers Spring.

It is anticipated that plans showing the proposed use of Rodgers Spring can be completed before it is necessary to ask for an additional extension of time.

P. P. Patraw
Acting Regional Director

In duplicate

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

New buildings cannot be constructed within certain distance (about 20 miles) of available buildings which will serve same purpose.

10-26-1953: memorandum to regional director from superintendent regarding extension of time to complete rodgers spring water s

File Reference - L54

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

October 26, 1953

Memorandum

To: Regional Director, Region Three

From: Superintendent, Lake Mead

Subject: Extension of Time to Complete Rodgers Spring Water System under Permit 10092, Docket No.3, Lake Mead

Assistant Regional Director Patraw's memorandum of September 17 requested advice from this office as to future possible use of the waters of Rogers Spring, in order to determine the practicability of continuing the annual $5 fee payment to keep the application active.

At the present time members of our staff are continuing the boundary survey study initiated during the past few months. While they have not yet completed their report on the portion of the boundary near Overton, the field work has been done. In informal discussions we have agreed that the former selection of the site proposed for a future District Headquarters will have to be abandoned because of recent instructions setting up criteria for construction of employee housing. In view of this necessity for change we are of the present opinion that a site further south, in reasonable proximity to Rogers Spring, will offer one of the best headquarters locations. If such selection is made after due consideration of all factors, we should need to be certain of the availability of water from this spring. While not suitable for drinking purposes, this water could well be used for irrigation and other domestic needs.

To abandon this filing now would preclude consideration of the Rodgers Spring vicinity in planning the developments on this district. It is suggested that a renewal will give us sufficient time to make the now necessary revision of the Master Plan, with the strong possibility that this water may be extremely important to Service operations in the area. There is no alternate water supply, other than the lake, within several miles, and the possible success of a well in that section is doubtful.

George F. Baggley
Superintendent

In duplicate

In reply refer to:
L54-L

September 4, 1953

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Extension of Time to Complete Rodgers Spring Water System under Permit 10092, Docket 3, Lake Mead

Attached are the original and a copy of the receipt for the fee for filing request for extension of time in which to complete the subject water system. This receipt constitutes the record that the extension was granted, and should be filed in the docket in your office and at Lake Mead, the original going to the latter.

Your attention is called to the fact that this water right was initiated with a priority of February 16, 1937, and 17 years have elapsed without diligent prosecution of the project. It is quite possible that the State Engineer will question more than one or two more extensions of time, and we should consider whether the ultimate development is sufficiently assured to justify the continued annual payment of $5. We should also consider whether the water system should be constructed even though the road and other developments are deferred, to strengthen the justification for protesting such claims as Application No. 14512 by Harris and Crabtree.

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

In duplicate

Attachments 2

AvanVDunn:sh

07-03-1953: letter to state engineer from chief of lands regarding request for extension of time

In reply refer to:
L54-L

July 3, 1953

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

Dear Mr. Shamberger:

Enclosed are a request for extension of time in which to perfect water rights at Lake Mead National Recreation Area under Application No. 10092, a purchase order, and a voucher in the amount of $5.00 which should be signed and returned for payment of the filing fee.

Sincerely yours,
SIGNED

Charles A. Richey
Chief of Lands

Enclosures 4

Copy to: Regional Director, Region Three (2), with 2 copies of request for extension of time for insertion in Lake Mead Docket No. 3
Mr. Dunn

SH

07-23-1952: letter to state engineer from chief, water resources section regarding extension of time

In reply refer to:
L54 LAME-L

July 23, 1952

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

Dear Mr. Shamberger:

Enclosed are our request for an extension of time in which to complete the ultimate water system under Application No. 10092, and a voucher for $5 which should be signed and returned for payment. The public facilities, of which this water system is a part, are now of a primitive type and used by a limited number of visitors because of the long, low grade approach road. The ultimate water development is scheduled for construction with the new road several years hence.

Sincerely yours,

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

Enclosures 2

Copy to: Regional Director, Region Three (2)

AvanVDunn:sh

WR Copy

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

July 10, 1952

Memorandum

To: Regional Director, Region Three

From: Assistant Superintendent
Lake Mead National Recreation Area

Subject: Water Right Application 10092 for Appropriation of Waters of Rodger's Spring, Lake Mead.

In reply to Mr. Dunn's request submitted with Mr. McColm's memorandum of July 7, you are advised that no development was made at Rodger Springs during the past year. The spring was kept clean and the adjacent campground and picnic area was maintained.

[SIGNED]

W. Ward Yeager
Assistant Superintendent

06-14-1951: letter to state engineer from chief, water resources division regarding extension of time under app. no. 10092

In reply refer to:
L54 LAME

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

June 14, 1951

Mr. Alfred Merritt Smith
State Engineer
Carson City, Nevada

My dear Mr. Smith:

Enclosed are a request for extension of time in which to perfect water rights at Lake Mead National Recreational Area under Application No. 10092, and a voucher for $5 which should be signed and returned for payment.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Enclosures 4

Copy to: Regional Director, Region Three (2)

AvanVDunn:sh

06-19-1950: letter to state engineer from associate director regarding notices that proof is due under app. nos. 10092 and 10098

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

In reply refer to:
L54 LAME

Mr. Alfred Merritt Smith
State Engineer
Carson City, Nevada

JUN 19 1950

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.

09-14-1949: memorandum to director from acting regional director regarding master plan

RECEIVED
Chief Clerks Office
1949 SEP 19 PM 1 12

DEVELOPMENT DIVISION
FILE COPY
NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

In reply refer to:
D1815 LAME

Hall
Hatcher
Dunn

September 14, 1949

Memorandum

To: Director

From: Acting Regional Director

Subject: Master Plan, Rodgers Spring Area, Lake Mead National Recreational Area

Reference is made to Mr. Carnes' memorandum of August 19 concerning the use of the water of Rodgers and Blue Point Springs, Lake Mead, and requesting in the last paragraph advice as to the full extent of proposed use of the water of Rodgers Spring.

The attachments to this memorandum, including Mr. Patraw's memorandum of August 30 to Lake Mead, Mr. Yeager's reply of September 9 and the water analysis for both springs, should give you the desired information.

John M. Davis
Acting Regional Director

Attachments 3

Copy to: Superintendent, Lake Mead

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Lake Mead National Recreational Area
Boulder City, Nevada

September 9, 1949

Memorandum

To: Regional Director, Region Three

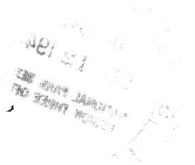
From: Acting Superintendent

Subject: Master Plan, Rodgers Spring area, Lake Mead

The use of water from Rodgers Spring, application No. 10092, is proposed for sanitary purposes and pondage.

Proposed development in the vicinity of Rodgers Spring provides for an extensive campground and picnic area. Use of the area will be year round although the greatest volume of use will be during the cooler seasons. Water from Rodgers Spring will be required for all sanitary purposes as well as continued pondage and irrigation of planting in the campground and vicinity.

W. Ward Yeager
Acting Superintendent



09-12-1949: statement of receipt

08-30-1949: memorandum to superintendent from associate regional director regarding master plan for rodgers spring area

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

August 30, 1949

Memorandum

To: Superintendent, Lake Mead

From: Associate Regional Director

Subject: Master plan for Rodgers Spring area, Lake Mead Recreational Area

Enclosed is a copy of Mr. Carnes' memorandum of August 19, concerning the master plan and its relationship to the Blue Point and Rodgers Springs, Lake Mead Recreational Area. The second paragraph states that water right application No. 10098 will be withdrawn. This application concerns Blue Point Spring and we concur in this action.

Application No. 10092 for Rodgers Spring will be kept active. A statement from you on the full extent of proposed use for this spring will be appreciated.

The water analysis attached to your memorandum of August 18 indicates that the water is unfit for drinking and cooking purposes because of its high mineral content.

(Signed)

P. P. Patraw
Associate Regional Director

Attachment

08-19-1949: memorandum to regional director from acting chief of development regarding master plan for rodgers spring area

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

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

In reply refer to:
D1615 LAME

August 19, 1949

Memorandum

To: Regional Director, Region Three

From: Acting Chief of Development

Subject: Master plan for Rodgers Spring area, Lake Mead Recreational Area

In reviewing the new master plan for the Lake Mead Recreational Area, it is noticed that the waters of Rodgers Spring are to be used entirely at the pond already partially developed adjacent to the spring and that no reference is made to any conveyance of the water to areas adjacent to Blue Point Spring for wildlife purposes as now provided in Water Right Permit No. 10092. In addition, no reference is made to the disposition or use of waters of Blue Point Spring for which Water Right Permit No. 10098 was granted designating use approximately at the Rodgers Spring area. Furthermore, we have not yet received a reply to our memorandum of June 16 inquiring as to the suitability of the waters of Rodgers Spring for human consumption, since analysis has already shown that the waters of Blue Point Spring are not of such quality.

On the basis of these observations, we shall abandon or withdraw Application 10098 for the appropriation of waters of Blue Point Spring when water right action is needed again. Application 10092 will be kept active and ultimately perfected, the extent of amendment to depend on whether the water is used only for pondage, or also for sanitary or drinking purposes.

We shall appreciate your early advice as to the full extent of proposed use of the water.

(SGD) W. G. CARNES

W. G. Carnes
Acting Chief of Development

In duplicate

Copy to: Mr. Kittredge
Mr. Hall
Mr. Dunn

AvanVDunn:sh

06-16-1949: memorandum to nps from state engineer regarding applications of extensions of time

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 10093, 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. [illegible]
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 from associate director regarding extension of time to complete construction

Mr. [illegible]

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 snow 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.

07-07-1948: memorandum to regional director from acting chief of development regarding findings during inspection

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.

06-25-1948: report on status of water development rodgers and blue point springs by chief, water resources section

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.

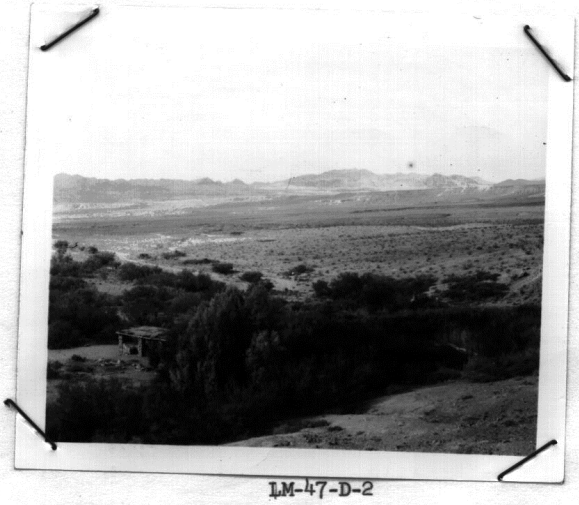
It is not clear how much of the pondage is due to simple diking by the Biological Survey, the Fish and Wildlife Service as successors, or the National Park Service, or who built the public facilities. However, the conditions serve as evidence of the use of the area for the purposes designated in Permits 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.

LM-47-D-1
Perry Convis at Pond at Roger Spring - 7/19/47

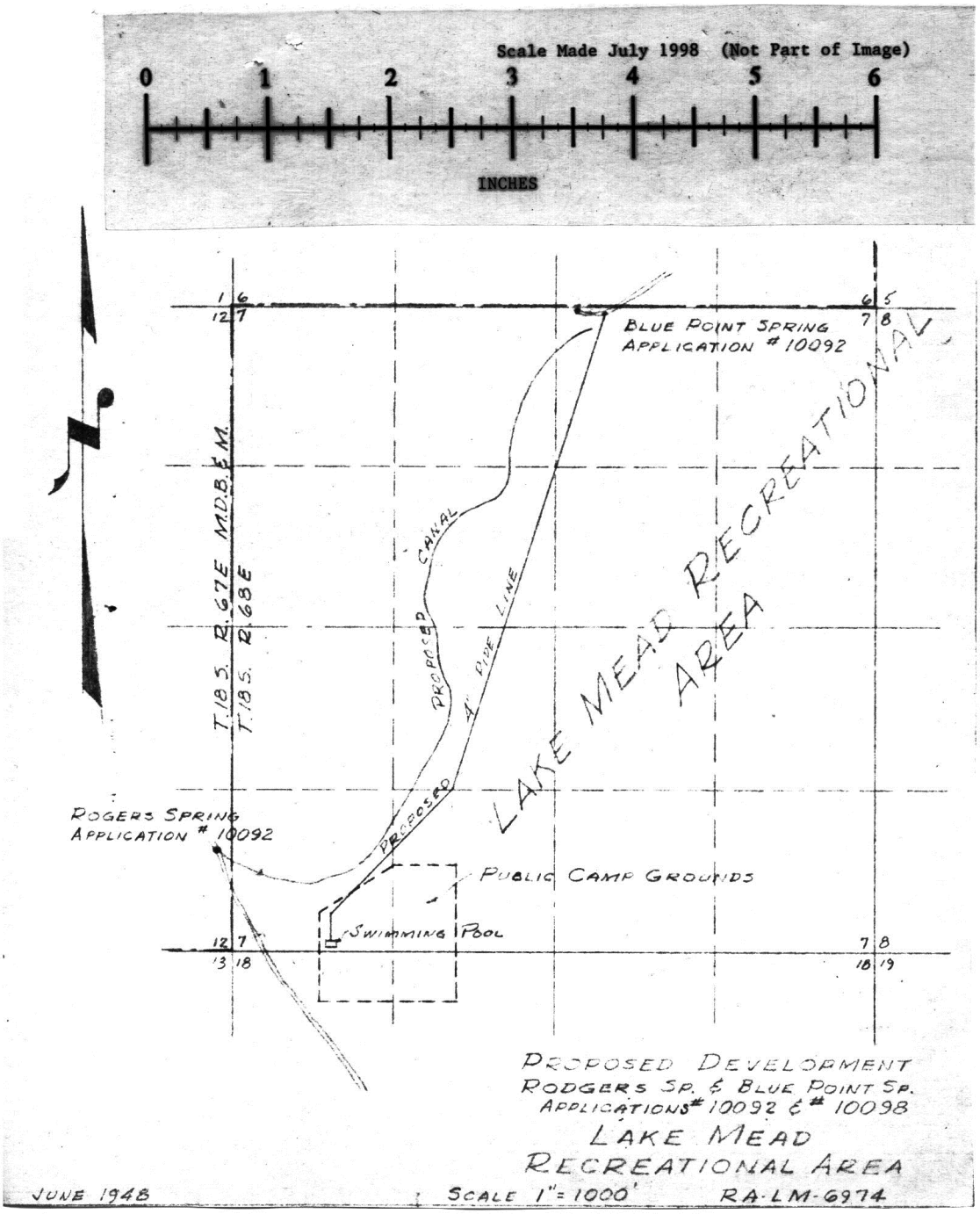


LM-47-D-2
General view at Roger Spring showing shelter - 7/19/47

LM-47-D-1
District Ranger Perry Convis at pond below Rodgers Spring.

LM-47-D-2
Shelter and vegetation at Rodgers Spring.

06-00-1948: map of proposed development: rodgers spring and blue point sp. applications #10092 and #10098



06-22-1948: letter to state engineer from nps regarding applications for extensions of time in which 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).

C O P Y

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.

06-06-1947: letter to state engineer from chief, water division regarding extensions of time under permits 10092 and 10098

Las Vegas Duck Ponds
& Blue Point Springs

54

June 6, 1947.

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

My dear Mr. Smith:

There are enclosed applications for extensions of time in which to complete construction and make beneficial use of the waters of Rodgers and Blue Point Springs, under Permits 10092 and 10098, respectively, at Boulder Dam Recreational Area, and a purchase order and voucher for $2.00 to cover the filing fees of $1.00 each, which are required under Section 73, Chapter 128 of the Statutes of 1931. Please sign and return the voucher for payment.

Permit No. 10098 was initiated by this Service. Permit No. 10092, however, is one of those which were initiated by the Biological Survey, and over which Federal jurisdiction has passed to the more recently established Fish and Wildlife Service, and now to the National Park Service. The authority for these changes has been presented to you in connection with related Permits Nos. 10188 and 10202. The last correspondence seems to be our letter of May 21 to you, signed by Hugh H. Miller, Acting Director. We hope that the Secretary of State has accepted the authority cited in that letter, in order that there will be no further complication. If not, of course, we wish to insure continuing priority until the matter is settled.

We have now received one order granting extension of time under Permit 10202 which was issued to the U. S. Department of Agriculture, National Park Service, and an amended order issued to the National Park Service, Branch of Development (Water Division). We also note that the order granting an extension of time under Permit 10098, dated September 5, 1945, was issued to the National Park Service, care of A. van V. Dunn, Chief, Water Division. The application for Permit 10098, however, was made out with the United States of America as claimant. We wonder if it would not simplify much of the difficulty if the orders were all made out to the United States of America with address of National Park Service, Department of the Interior, Chicago 54, Illinois.

Sincerely yours,

(SGD.) A. VAN V. DUNN

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

AvVD:sh.
Enclosure 594.

cc: Regional Director, Region Three (2).

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

May 21, 1947.

Las Vegas Wash
X Overton Nursery
X Rogers Spring.

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

Dear Mr. Smith:

We have received Assistant State Engineer Shamberger's letter of April 22, stating that the evidence furnished with our letter of April 18, in the opinion of the State Attorney General, is insufficient to authorize an assignment of water right application No. 10188 and permits Nos. 10092 and 10202 from the United States Department of Agriculture to the United States Department of the Interior.

The State Attorney General suggests that a "simple assignment or quit claim deed" from the Department of Agriculture to the Department of the Interior for use of the National Park Service, duly acknowledged before a notary public, would be all that is required to authorize the transfer on your records of the water right application and permits.

It is fundamental that title to the public lands or other public property owned by the Federal Government is held by and in the name of the United States. No executive department of the Government has authority to acquire or hold title to Federal property in its own name. Under the Federal Constitution, section 3, Article IV, Congress alone has power "to dispose of and make all needful rules and regulations respecting the territory or the property belonging to the United States." Under its authority to regulate the use of the property of the United States, Congress may transfer, or authorize the transfer, of administrative jurisdiction and control over Federal property from one department of the Government to another.

Pursuant to its Constitutional power, Congress has authorized the transfer of the functions of the former Bureau of Biological Survey of the Department of Agriculture and the former Bureau of Fisheries of the Department of Commerce to the Department of the Interior and the consolidation of their respective functions into one agency of the latter Department, to be known as the Fish and Wildlife Service. This transfer and consolidation of functions necessarily had the effect of vesting in the Fish and Wildlife Service as an administrative agency of the Department of the Interior the control and jurisdiction over the Federal

FOR VICTORY
BUY
UNITED
STATES
WAR
BONDS
AND
STAMPS

property, including the water rights in question, formerly exercised by the Bureau of Biological Survey. For your convenient reference, citations to the basic authorities for these transfers are listed below:

Reorganization Act of 1939, approved April 3, 1939 (53 Stat. 561).
Reorganization Plan No. II, sections (e) and (f), (53 Stat. 1431, 1433).
Reorganization Plan No. III, section 3, (54 Stat. 1231, 1232).

In view of the above, it is not believed that a formal assignment or quitclaim from the Department of Agriculture to the Department of the Interior would be of any legal effect. Moreover, it is our view that the necessary jurisdictional transfer has already been effected by virtue of the above-mentioned Reorganization Plans as authorized by the Congress and that the Department of the Interior is now the legal custodian for the Government of the Federal property rights represented by the water right application and permits.

Since the Fish and Wildlife Service has withdrawn from active participation in the administration of the area in question and the Bureau of Reclamation has indicated its non-interest in securing additional water rights, the National Park Service is the only agency of the Department of the Interior now functioning in the area which has need for the water rights under consideration. It is again requested, therefore, that you change your records, including your certificate of April 7 granting an extension of time under permit No. 10202, to show the United States of America, Department of the Interior, National Park Service, as the applicant or permittee under application No. 10188 and permits Nos. 10092 and 10202.

Sincerely yours,

(SGD) HUGH M. MILLER

Hugh M. Miller,
Acting Director.

cc: Regional Director, Region Three (2).
Mr. Dunn.
Mr. Price.
HKS:rd

COPY

Las Vegas - yes
X Blue Point Springs
X Overton

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

April 22, 1947

Blue Point Overton Las Vegas

In your reply refer to No. s. 10092, 10188 and 10202

Director, National Park Service,
Chicago 54, Illinois.

ATTENTION: Hugh M. Miller,
Acting Director.

Dear Mr. Miller:

This will acknowledge your letter of the 18th together with eight exhibits pertaining to the jurisdiction over application No. 10188 and permits 10092 and 10202 in name of U. S. Department of Agriculture. I have gone over the various exhibits and your letter with the Attorney General's office and he still is of the opinion that the letters will not be proper authorization for the State Engineer to assign these applications. He stated that while there may be a technicality in this case, should anything ever come up in the future regarding the legality of such an assignment, the court would probably hold that the assignments were not proper.

It is the Attorney General's opinion that a simple assignment or quit claim deed from the U. S. Department of Agriculture to the U. S. Department of the Interior for use of the National Park Service would be all that is required. The Secretary of the Department of Agriculture or his duly authorized assistant should sign the assignment and have his signature notarized. One assignment could cover the three water rights providing the application numbers were mentioned, and when submitted to this office, would give us full authorization to make the assignment.

Relative to Permit 10202, will advise that an extension of time was granted within which to complete the work and place water to beneficial use up to and including April 1, 1948. I am sending you a copy of our official notice to that effect which was made out in error insofar as it is addressed to the U. S. Department of Agriculture, National Park Service, Merchandise Mart., Chicago 54, Illinois.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer
By (Sgd) Hugh A. Shamberger
HUGH A. SHAMBERGER
Assistant State Engineer

Blue Point Springs
X Las Vegas Wash
X Overton
X Lake Mead 660-057

54

April 15 1947.

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

My dear Mr. Smith:

This replies to the letter of March 5 from Mr. Shamberger, with regard to Federal jurisdiction over Applications Nos. 10,092, 10,158, and 10,202, for the appropriation of water in Boulder Dam Recreational Area, and will also correlate the correspondence between your office and the Regional Office of the Fish and Wildlife Service in Portland, Oregon, which terminated with Mr. Shamberger's letter of February 26.

We enclose the following exhibits:

1. Map of Boulder Dam National Recreational Area, drawing NRA-NP-7000, which shows the boundaries of the Recreational Area and the Boulder Canyon Wildlife Refuge, and on which the points of diversion are spotted as described in the water right applications Nos. 10,092, 10,158, and 10,202.

2. A photostat copy of the Executive Order of March 3, 1933, by which the President withdrew the lands and established the Wildlife Refuge.

3. Signed copy of a letter of March 27 from Acting Director Clarence Cottam of the Fish and Wildlife Service to Director Drury of this Service, which explains and gives the authorization under which the Biological Survey was transferred from the Department of Agriculture to the Department of the Interior and combined with the Bureau of Fisheries to form the Fish and Wildlife Service.

4. Copy of a letter of December 23, 1946, from Acting Director Cottam, Fish and Wildlife Service, for the Commissioner, Bureau of Reclamation, indicating Federal interest in Water Right Application No. 10,158 as an appurtenance to lands assigned to the Bureau of Reclamation under Permit No. 46-444.

5. Copy of letter of June 28, 1946, from the Assistant Commissioner of Reclamation for the Director, Fish and Wildlife Service, requesting a permit to use said land pending its more permanent disposition.

6. Copy of Permit No. 46-444.

7. Copy of Memorandum of August 14, 1946, for the Commissioner, Bureau of Reclamation, from the Director, Fish and Wildlife Service, transmitting said permit.

8. Copy of Memorandum of February 20, 1947, for the Director, Fish and Wildlife Service, from William E. Warne, Assistant Commissioner, Bureau of Reclamation, indicating that rights under Application No. 10,188 are of no interest to the Bureau of Reclamation, but that the National Park Service will assume some interest with Bureau concurrence.

On the basis of the information contained in the documents listed above and those enclosed with Mr. Dunn's letter of February 20, we believe that the State Attorney General should be in a position to recognize the National Park Service, Department of the Interior, as now being the proper agency of the United States to perfect rights and use water under Applications Nos. 10,092, 10,188, and 10,202. We also believe that he will agree that, on the basis of the information furnished, further action by the Secretary of Agriculture toward effecting a transfer of interest under the applications is unnecessary. We hope that you may now grant the extension of time in which to perfect rights under Application and Permit No. 10,202 as requested in Mr. Dunn's letter of February 20.

We realize that no permit has been granted on Application No. 10,188 due to protest by the Muddy Valley Irrigation District. It is our plan to adjust the differences with the Irrigation District in the near future, and perfect all or a part of the right. This will be covered by later correspondence.

Sincerely yours,

(Sgd.) Hugh M. Miller.

Hugh M. Miller,
Acting Director.

AvVD:sh.
Enclosure 561.

cc: Regional Director, Region Three (2).
Mr. Dunn.

Blue Point Springs
X Lake Mead Water Rights

March 25, 1947.

Status of Land under Interbureau Administration
and
Related Water Right Applications 10,092, 10,188, and 10,202
Boulder Dam Recreational Area

Drawing NRA-RD-7000 shows boundary of Boulder Dam Recreational Area and Reclamation withdrawal for Boulder Canyon Project--boundaries identical--and Boulder Canyon Wildlife Refuge. To all intents and purposes, the Refuge is entirely within Reclamation withdrawal and Recreational Area, but does not cover all of those withdrawals.

The Biological Survey, Department of Agriculture--later transferred to Department of the Interior and consolidated with Fish and Wildlife Service by Executive Order--has had jurisdiction over Wildlife Refuge, which is now being abolished. This leaves entire area covered by Refuge still a part of Reclamation withdrawal and under administration of National Park Service, as Boulder Dam Recreational Area. References to Fish and Wildlife Service, hereafter, refer also to Biological Survey as predecessor.

Tracts 120, 120-I and 120-II were acquired by Fish and Wildlife Service but are in neither the Reclamation withdrawal nor the Recreational Area.

Tracts 11, 506, and 515 are in said withdrawal and Recreational Area, but are not served by Water Right No. 10,188, and value as part of Recreational Area has not been determined. Status of other water rights not investigated.

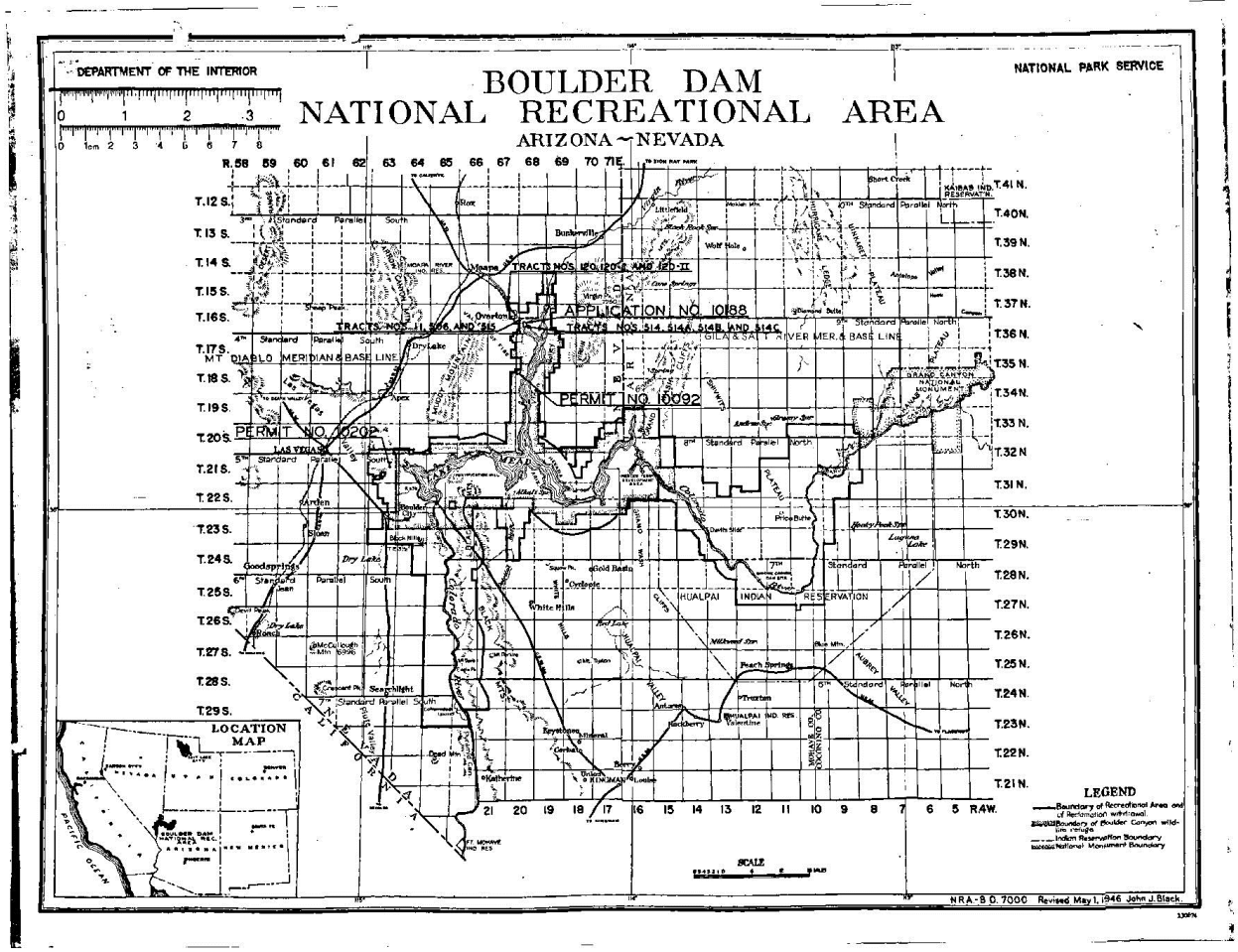
Tracts 514, 514A, 514B, and 514C were purchased by Fish and Wildlife Service to obtain rights of way across private land for ditch which has been constructed under Water Right Application No. 10,188, but are only 20 feet wide, and are used solely as rights of way.

Water right application has been protested by Muddy Valley Irrigation District and no permit has been granted, pending adjustments with District, but ditch is reported to have been built and water is reported to have been diverted. It is believed that the National Park Service has already used part of the water on its Overton Nursery. All use by Fish and Wildlife Service has been on Federal land in Boulder Dam Recreational Area.

Permit No. 10,092 has been granted for diversion and use of Rodgers Spring, in Boulder Dam Recreational Area. Status of construction, by Fish and Wildlife Service, not yet determined.

Permit No. 10,202 for impounding water in Las Vegas Wash in Boulder Dam Recreational Area, was granted but status of construction has not been determined. These water developments were never in the Wildlife Refuge and authority of Fish and Wildlife Service to develop and use said water under State permit is based on authority the Bureau of Reclamation or National Park Service may have granted to Fish and Wildlife Service, or permission granted by General Land Office, now part of Bureau of Land Management, prior to Reclamation withdrawal.

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


DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOULDER DAM
NATIONAL RECREATIONAL AREA
ARIZONA ~ NEVADA
APPLICATION NO. 10188
PERMIT NO. 10092
PERMIT NO. 10202
TRACTS NOS. 120, 120-2 AND 120-11
TRACTS NOS. 514, 514A, 514B, AND 514C
TRACTS NOS. 511, 515, AND 515
MT. DIABLO MERIDIAN & BASE LINE
GILA & SALT RIVER MER. & BASE LINE
HUALPAI INDIAN RESERVATION
LOCATION MAP
LEGEND
SCALE
NRA-B.O. 7000 Revised May 1, 1946 John J. Black.

Rogers Spring
x Overton
x Las Vegas

Mr. Burney and Mr. Price. March 11, 1947.

Mr. Dunn.

Transfer of water rights from one Federal agency to another--
Letter of March 5 from Assistant State Engineer of Nevada regarding
3 water rights in Boulder Dam.

This letter is the result of my submission of request for extension of time in which to complete proof under Application No. 10202, and copies of the memoranda from the Acting Director, Fish and Wildlife Service, ceding jurisdiction over rights under Application 10092, 10188, and 10202 to this Service and the Bureau of Reclamation, as authority to request extension.

The three water rights were initiated by the Department of Agriculture, only in one case with the added designation of the Biological Survey. The two giving the Department as claimant were prepared and signed by Brice McBride as Hydraulic Engineer for the Biological Survey. The other was signed by Luther M. Windsor, Irrigation Engineer, and his bureau affiliation is omitted because it is shown elsewhere. The three water right assemblies are attached.

It appears that the Fish and Wildlife Service has not attempted to transfer jurisdiction since it was transferred from Agriculture to Interior.

To be consistent with our other water rights, the claimant should be the United States of America, Department of the Interior, National Park Service, by the Acting Director. The intent is to have the United States as claimant, and indicate the Department and Bureau for administrative convenience.

I believe that we should obtain a formal conveyance from the Department of Agriculture to the Department of the Interior. I believe the Secretary of the Interior should then designate this Service to administer rights under Permits Nos. 10092 and 10202; and should authorize this Service and the Bureau of Reclamation to arrange such division of interest, or just responsibility, for the administration of rights under Application No. 10188 as may be mutually agreeable for the full utilization of the water.

Application 10188 was treated differently in the assignment by Acting Director Cottam because it was largely appurtenant to land which was transferred to the Bureau, after actual purchase by the Fish and Wildlife Service. The application is under protest, but the diversion has been made without permit, and has provided water for the Overton Nursery part of the time since the ditch was constructed.

On receipt of transfers and designation of authority, I think this Service, and the Bureau of Reclamation, should submit proper copies to the State Engineer of Nevada with the request that the United States be recorded as claimant, with administration by this Service or the Bureau.

Had the Biological Survey filed the applications in the name of the United States, I do not think this elaborate formality would have been necessary.

The adjustment of transfer of title seems to be a legal matter, but I should like copies of all related correspondence.

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

AvVD:sh.
Attachments.

COPY

10202
X10188
X10092

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

March 5, 1947

In your reply refer to No. 10092, 10188 and 10202

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

Dear Mr. Dunn:

This will acknowledge your letter of the 20th ultimo in reference to Permits to appropriate water Nos. 10092 and 10202 and application No. 10188 which stands on our records in the name of the U. S. Department of Interior. I wish to acknowledge the various documents that you enclosed with your letter including the application for an extension of time within which to file proof of completion of work and beneficial use under Permit 10202.

We have taken up the matter of transfering these water rights from one Governmental Department to another with the Attorney General's office and it is the opinion that if you desire to have these permits and application in the name of the U. S. Department of Interior that the proper procedure would be for the Secretary of Agriculture to assign these rights to the National Park Service of the U. S. Department of the Interior. Such assignment could be by quit claim deed and be certified and submitted to this office with the statutory filing fee of $1.00.

If, on the other hand, it is your desire to have the permits and application remain in the name of the U. S. Department of the Agriculture and at the same time having the National Park Service comply with the provisions of said permits, there would be no need for any assignments and you could file the necessary proofs. When the permits are perfected, the certificates could be issued in the name of the U. S. Department of Agriculture. This procedure might be what you have in mind insofar as the memorandum that you submitted in relation to permits 10092 and 10202 it is stated that the Fish and Wildlife Service transfers the custody, etc.

Prior to receiving your letter and on February 26th, I addressed a letter to the Fish and Wildlife Service at Portland advising them regarding the filing of assignments.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer
By (Sgd) Hugh A. Shamberger
HUGH A. SHAMBERGER
Assistant State Engineer

HAS:at

02-13-1947: letter to state engineer from acting regional director regarding filing permits nos. 10188, 10202, and 10092 and their tr

ADDRESS ONLY THE REGIONAL DIRECTOR
FISH AND WILDLIFE SERVICE
AND REFER TO

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

OFFICE OF REGIONAL DIRECTOR
600 WEATHERLY BUILDING
PORTLAND, OREGON

REGION 1

WASHINGTON
OREGON
CALIFORNIA
NEVADA
IDAHO
MONTANA

/14

February 13, 1947

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

Dear Mr. Smith:

Filing Permits No. 10,188, Big Muddy Creek, for 25 c.f.s.; No. 10202, Las Vegas wash, for 5 c.f.s.; and No. 10,092, Rogers Spring, for 4 c.f.s., have been transferred to the National Park Service.

We have forwarded the notice of time of completion of No. 10,202 to the Director of the Park Service at Chicago.

Very truly yours,

Alphonse Kemmerich
Acting Regional Director

ask for
cir copy of transfer

FOR VICTORY
BUY
UNITED STATES SAVINGS BONDS AND STAMPS

02-26-1947: letter to regional director from assistant state engineer regarding receipt of letter to appropriate water

10092 - 10188 - 10202

February 26, 1947

Fish & Wildlife Service,
600 Weatherly Building,
Portland 14, Oregon.

Attention: Regional Director

Dear Sir:

We have received your letter of the 13th, wherein you advise us that permit No. 10092 to appropriate the waters of Roger Spring; Permit No. 10188 to appropriate the waters of Muddy Creek, and Permit No. 10202 to appropriate the waters of Las Vegas Wash, have been transferred to the National Park Service.

Before we can make the assignments in this office it will be necessary for either the Fish & Wildlife Service or the National Park Service to submit to us certified copies of the transfers, which must be accompanied by the statutory filing fee of $1.00 each.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

HAS/vs

By HUGH A. SHAMBERGER
Assistant State Engineer

01-23-1947: memorandum to regional director from chief, water division regarding granting of extension of time

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

January 23, 1947.

MEMORANDUM for the Regional Director, Region Three.

We enclose two reproductions of each of the following instruments, relating to Boulder Dam Recreational Area Alien Water Right 2, Application 10092, for diversion of Rodgers Spring:

1. Application for extension of time, filed August 5, 1945.

2. Letter of August 6, 1945, from State Engineer, granting extension of time until July 6, 1947.

These should be attached at the top, in the order listed, in Alien Water Right 2. By memorandum of January 9 from Mr. Patraw, we sent you two copies of a memorandum of December 23 from the Acting Director, Fish and Wildlife Service, transferring this water claim to the National Park Service. That memorandum of transfer should be inserted at the top in the two alien water right assemblies.

Since this water right is now the property of this Service, the "Alien WR-2" on the folder should be crossed out, and the statement "Deed 17" should be lettered in above. We also enclose two copies of form L-1 which should be filed as an index after attaching the forms L-3 which have already been distributed.

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

AvVD:sh.
Enclosure 502.
In duplicate.

cc: Mr. Siler.

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

10092
10202
Rogers
Las Vegas
Overton

January 9, 1947.

MEMORANDUM for the Regional Director, Region Three.

By memorandum of December 16, Mr. Dunn sent you copies of a letter of November 8 from Mr. E. H. Nelson to Mr. H. D. Willis, both of the Fish and Wildlife Service, regarding the status of water rights initiated by that Service in the Boulder Canyon Wildlife Refuge. We now enclose two copies each of two memoranda of December 23 by which that Service transfers its custody of the Federal rights under Permits Nos. 10,092 and 10,202 to the National Park Service as a part of its withdrawal from joint administration of the portion of the Refuge within Boulder Dam Recreational Area. Also enclosed are two copies of a memorandum of the same date to the Commissioner of the Bureau of Reclamation regarding the Federal rights under Permit No. 10,188, which are appurtenant to land purchased by the Fish and Wildlife Service and now transferred to the Bureau of Reclamation under Permit No. 46-444 dated August 14, 1946.

Rights under Permit No. 10,092 relate to Hodgers Spring, which is adjacent to Blue Point Spring, for which the National Park Service has initiated water rights under Permit No. 10,098. Permit No. 10,092 will lapse if no extension of time is obtained in July of this year. Permit No. 10,098 will lapse if such extension is not obtained by August. Please refer to Mr. Tolson's memorandum of June 17, 1946, and reconsider the development plan with both springs available, and give us your recommendations as to further disposition of the rights by not later than mid-May.

Proof, or extension of time, is needed by March 1 to prevent the lapse of rights under Permit No. 10,202. We have ordered a copy of the permit and file map from the State Engineer and will send you copies as soon as they are available.

We do know that the diversion is in SW¼ SW¼ Section 14, T. 21 S., R. 63 E., M.D.M., and use is in Sections 13 and 14 in Boulder Dam Recreational Area, but not in the Reclamation withdrawal. Meanwhile, if the Superintendent is able to identify the water system to which it is appurtenant, we should like to know the present stage of development and whether this Service can or should complete the work needed to obtain a license.

Copies of Permit No. 10,188 and accompanying map were sent to you with a memorandum of September 27, 1945, with the suggestion that

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

it be added to the assembly we are maintaining under "Summary of Alien Water Rights." No immediate action is needed by the United States, as the permit is in suspended status due to protest, but it seems possible that this matter may be adjusted in time and that this right might be partially amended to provide water for the Overton Nursery. Therefore, please contact the local office of the Bureau of Reclamation and request them to defer action until we determine how this right may relate to the operation of the nursery. It seems probable that the water system covered by Permit No. 10,188 has been constructed and now provides the water for the nursery, and may need amendment to cover the proper place of use and indicate the proper bureau jurisdiction to the extent of that use. Please give us any information available on that matter.

The protest of this claim, by the Muddy Valley Irrigation Company, is based on the contention that Muddy Creek is already fully appropriated. The matter is well covered in pages 49-72 of the State Engineer's Biennial Report for the period ending June 30, 1940. It is evident that no further nursery development should be considered until we settle the matter, purchase a suitable right to divert Muddy Creek, or construct a water system to pump from Lake Mead.

(SGD) P. P. PATRAW

Acting Director.

AvVD:sh.

Enclosure 492.
In duplicate.

cc: Mr. Dunn.

C O P Y

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY, NEVADA

December 28, 1946

In your reply refer to No. S. 10092, 10188 and 10202

Las Vegas Wash Duck Ponds
x Overton Nursery Water System
x Rogers Spring

National Park Service,
Chief Water Division,
Room 11, 123 Merchandise Mart,
Chicago 54, Illinois.

Gentlemen:

Reference is made to your letter of December 16, 1946.

Enclosed are the following:

1. Copy of application No. 10188, U.S. Department of Agriculture, Bureau of Biological Survey covering 25 c.f.s. of Muddy Creek Water.

2. Copy of Muddy Valley Irrigation Co's. protest to above application.

3. Copy of letter March 17, 1938 from U.S. Department of Agriculture, Bureau of Agricultural Engineering re-above protest and of letter Nov. 23, 1938 from U.S. Department of Agriculture Bureau of Biological Survey, re above protest.

4. Copy of Application and Permit No. 10202, U.S. Department of Agriculture covering 5.0 c.f.s. of the waters from Las Vegas Wash.

5. Copy of application for extension of time filed March 16, 1945 to file proof of completion of work under permit No. 10202 and copy of office letter March 19, 1945 granting the extension of time.

6. Copy of application for extension of time filed Aug. 3, 1945 to file proofs of completion of work and of beneficial use under permit No. 10092 and copy of office letter of August 6, 1945 granting the extension of time.

7. Prints of maps filed under 10188 and 10202 will be mailed to you within the next few days.

Enclosed is also our statement in triplicate for $10.00 attached to your Public Vouchers for the above copies and maps, together with your purchase order 186 D dated December 16, 1946.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By (Sgd) Edmund Muth

EDMUND MUTH
Deputy State Engineer

FND:at
enclosures.

COPY

Las vegas
X Rogers
X Overton

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

December 16, 1946.

MEMORANDUM for the Regional Director, Region Three.

Mr. William V. Taylor, Engineer in the Branch of Wildlife Refuges, Fish and Wildlife Service, called on me on the afternoon of December 12 to see what we wished to do about the water claims which that Service now holds for the use of water on the Boulder Canyon Wildlife Refuge. They are appurtenant to the portion of the Refuge within the Boulder Dam Recreational Area which is being abandoned by that Service. A copy of a letter from Mr. Nelson to Mr. Willis is attached as a listing of those claims.

Mr. Taylor is not sure that they wish to convey the rights under Application 10188, as they are also appurtenant to certain land which the Fish and Wildlife Service purchased outside of the Recreational Area. This depends on how we adjust the boundary of the Recreational Area.

I assured Mr. Taylor that this Service would like to keep the claims alive until we determine whether they will have any value in the development of the Recreational Area. Before this can be done we must learn more about the claims under Permit 10202 and Application No. 10188. I am now obtaining copies of the applications, permits, and file maps, which will be forwarded when received. It seems possible that these rights may be a desirable solution to the question of water for the Overton area, and particularly for the nursery there. Rights under Permit 10092 for Rodgers Spring should be treated like our own rights under Permit 10098 for adjacent Blue Point Spring.

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

AvVD:sh.

Enclosure 477.
In duplicate.

cc: Mr. Richey, with copy of Mr. Nelson's letter of Nov. 8.
Mr. Dunn.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
436 Federal Building
Salt Lake City 1, Utah

Blue Point ✓ Rogers Spring
X Las Vegas Wash Duck Ponds
X Overton Nursery Water System

In reply refer to

Nevada
Boulder Canyon
Water

November 8, 1946

Mr. H. D. Willis
600 Weatherly Bldg
Portland, 14 Oregon

Dear Mr. Willis:

For your information the following data is listed for our Boulder Canyon water filings:

Rogers Spring, Permit #10092, 4 cfs.

Complete works and place water to beneficial use	July 6, 1947
Filing of proofs thereof	Aug. 6, 1947

Las Vegas Wash, Permit #10202, 5 cfs.

Complete works and place water to beneficial use	Mar. 1, 1947
Filing of proofs thereof	Apr. 1, 1947

Big Muddy Creek, Application #10188, 25 cfs.

Application is still before the State Engineer for action following the protest by the Muddy Valley Irrigation Company and the hearing conducted at Overton on December 6, 1938.

The above data no doubt appears in the regional files but is listed here in consideration that it may save you a search through the files.

I am aware that there is talk of turning over some of our interests in the Boulder Canyon Refuge to the National Park Service but we have no recent information here on whether this has been done, or of the intentions of the Service in this regard.

Very truly yours,

E. H. NELSON
Civil Engineer

cc-Director

06-17-1946: memorandum to regional director from acting director regarding future disposition of rodgers and blue point springs

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 1943, 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

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

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
FISH AND WILDLIFE SERVICE
436 Federal Building
Salt Lake City 1, Utah

Blue Point & Rogers Springs
X Las Vegas Wash Lucks Ponds
X Overton Nursery Water System

In reply refer to

Nevada
Boulder Canyon
Water

November 8, 1946

Mr. H. D. Willis
600 Weatherly Bldg
Portland, 14 Oregon

Dear Mr. Willis:

For your information the following data is listed for our Boulder Canyon water filings:

Rogers Spring, Permit #10092, 4 cfs.

Complete works and place water to beneficial use	July 6, 1947
Filing of proofs thereof	Aug. 6, 1947

Las Vegas Wash, Permit #10202, 5 cfs.

Complete works and place water to beneficial use	Mar. 1, 1947
Filing of proofs thereof	Apr. 1, 1947

Big Muddy Creek, Application #10188, 25 cfs.

Application is still before the State Engineer for action following the protest by the Muddy Valley Irrigation Company and the hearing conducted at Overton on December 6, 1938.

The above data no doubt appears in the regional files but is listed here in consideration that it may save you a search through the files.

I am aware that there is talk of turning over some of our interests in the Boulder Canyon Refuge to the National Park Service but we have no recent information here on whether this has been done, or of the intentions of the Service in this regard.

Very truly yours,

E. H. NELSON
Civil Engineer

cc-Director

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.

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.

C O P Y

In reply refer to

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

Nevada
Water
Application #10092

436 Federal Building
Salt Lake City 1, Utah

January 28, 1946

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

Dear Sir:

As per your request of January 24 am furnishing you the status of water right Application #10092 on Rodgers Spring.

Proof of commencement of work was filed on August 4, 1938. On August 6, 1945 the State Engineer granted an extension of time to complete the work and place water to beneficial use to, and including July 6, 1947, and extended the time within which to file proof thereof to and including August 6, 1947.

From the above explanation you will see that the water rights for Rodgers Spring is in good standing.

Very truly yours,

(Sgd) Brice McBride

BRICE MCBRIDE
Hydraulic Engineer

January 24, 1946.

Mr. Brice McBride,
Hydraulic Engineer,
Fish and Wildlife Service,
436 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).

54

December 17, 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.

(SGD) NEWTON B. DRURY

Director.

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

07-06-1945: letter to nps from state engineer regarding permits to appropriate water

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

MERRITT SMITH
STATE ENGINEER

HUGH A. SHAMBERGER
ASSISTANT

BRANCH OF ENGINEERING
NATIONAL PARK SERVICE
JUL 9 1945
Taylor
Burney
Menfield
Prince
Webber
Ritcase
Metcalf
Gwynne
Mercer
Genther
Dunn
Water Rights
File
Answered

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.

NOTICE

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

54

June 16, 1945.

MEMORANDUM for the Regional Director, Region Three.

Our records show that Water Right Application 10098, Deed 14, for the appropriation of the waters of Blue Point Spring in Boulder Dam National Recreational Area, will expire on August 6 unless another extension of time is obtained. We also note that there is no proposal for the development in the project construction program. The map filed by the Fish and Wildlife Service in connection with their Application No. 10092 for Rodgers Spring indicates that they contemplate the construction of a ditch to carry Rodgers Spring water to the vicinity of Blue Point Spring. A discussion with Engineer William V. Taylor of their local office reveals that no actual development has been made by the Fish and Wildlife Service either, and they, like ourselves, are just keeping their filing alive.

Under the new water rights procedure, the request for extension of time under Application 10098 should be made by this Office with your prior concurrence. This is to request such concurrence and determine that the Superintendent has not already done so.

After talking with Mr. Taylor, it is evident that the right should be kept alive for the Fish and Wildlife Service if this Service is no longer interested in the project. If the ultimate use is to be for wildlife, rather than the campground and swimming pool as now planned, it seems logical to convey the right to that Service. Otherwise, there should be a proposal in the project construction program to support our claim. Please give us your views on this suggestion.

(SGD) PRESTON P. PATRAW

AvVD:sh. Acting Director.

In duplicate.

cc: Mr. Dunn.

STATE OF NEVADA

ALFRED MERRITT SMITH
STATE ENGINEER

OFFICE OF STATE ENGINEER
CARSON CITY

HUGH A. SHAMBERGER
ASSISTANT

May 21, 1945

muddy Valley Irrigation Co.
X Blue Point & Rogers Spring
X Overton Nursery Water
Supply

IN YOUR REPLY REFER TO NO. 10092, 10188

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

Dear Mr. Dunn:

Reference is made to your letter of May 14.

Enclosed herewith are the requested copies of application and permit No. 10092 and application No. 10188.

Blue prints of maps filed in support of the two applications are being mailed to you under cover. Map showing the location of the land to which 0.0286 c.f.s. of the waters of the Muddy River decreed to John F. Perkins together with the original evidence in connection with the determination of the Relative Right in and to the Waters of Muddy River and its Tributaries are filed with the clerk of the Tenth Judicial District Court, Las Vegas, Nevada. A print of this map can be perhaps obtained from him by referring to serial No. 01635 under which the original proof of appropriation was filed.

Relative to the status of applications Nos. 10092 and 10188 our records disclose the following:

Application No. 10092 Rogers Spring, was approved and a permit for 4.0 c.f.s. was issued on December 10, 1937 for Migratory Water fowl game refuge. Proof of commencement of work was filed on August 4, 1938. Proof of Completion of work, proof of application of water to beneficial use and supporting map become due for filing in this office on August 6, 1945.

Application No. 10188 Muddy Creek was protested on March 9, 1938 by Muddy Valley Irrigation Company. No action has been taken on this application and is therefore pending.

Relative to the water right of John F. Perkins our records show that on April 22, 1926 the State Engineer

issued Certificate No. 267 under proof No. 01635 to John F. Perkins for 0.0286 c.f.s. of the waters of Muddy River and its tributaries for summer season from May 1 to October 1 of each year and 0.02 c.f.s. for winter season from October 1 to May 1 of each year.

The point of diversion is described as being within the NE¼ NE¼ Section 4 T. 17 S., R. 68 E., M.D.B.&M. and the land irrigated is described as being 2.0 acres located within the E part of NE¼ NE¼ Section 10 and W. part of NW¼ SW¼ Section 11 T. 17 S., R. 68 E., MD.B&M. The priority of appropriation is January 1, 1905. This certificate was issued according to Decree in the matter of Muddy Valley Irrigation Co., et al v. Moapa and Salt Lake Produce Co. et al, Tenth Judicial Court. The certificate was recorded June 11, 1926 in book 1 page 59, Clark County Records. This right was assigned by John F. Perkins on April 11, 1931 to Muddy Valley Irrigation Co. Records of other assignments if any may be found in the recorders office.

Enclosed herewith are the signed vouchers and our statement for $4.00 the charge for the copies of the two applications and maps.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By Hugh A. Shamberger
Assistant State Engineer

FND:at

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

C
O
P
Y

August 27, 1944

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 Are
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

08-26-1937: letter to regional attorney from director regarding appropriation of waters

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,

Joseph E. Taylor,
Attorney.

JET:SH
CC: Director.
Supervisor Edwards.

07-02-1937: letter to supervisor from regional director regarding roger's spring and dr. sanders' location

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY

REGION NO. 1
Washington
Oregon
California
Nevada

C
O
P
Y

Office of Regional Director
404 U.S. Court House, Portland, Oregon

R
Boulder Canyon

July 2, 1937

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

Dear Mr. Edwards:

Your letter of June 21 is received.

Dr. Saunders is at the present time in the wilds of Canada and cannot be reached, but I do not believe that it is at all necessary to check up withhim in regard to the Roger's Spring. I understand that Mr. Winsor, Engineer for the Bureau of Agricultural Engineering, filed on the Roger's Spring water without Dr. Saunders' knowledge, and subsequent to his conversation with you.

However, I do not believe that it makes the least bit of difference who filed on this water as I told both you and Mr. Winsor at Las Vegas in May that should the National Park Service desire to develop this spring as a plunge, that there certainly was no objection to such action on the part of the Biological Survey. I believe that the agreement between the heads of the two Departments, which was recently effected, will cover the use of this area very satisfactorily.

I see no reason why you cannot go ahead with your plans for the use of the Roger's Spring water, at least with the preliminary plans, and we can then take our plans and coordinate the two. There is absolutely no reason that I can see why you should not use the Spring water for a camping site and plunge.

Very truly yours

/s/ W. M. Rush
Regional Director

WMR S

REC'D JUL 31 1937

Boulder Canyon

REC'D JUN 25 1937

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

June 21, 1937

Mr. W. M. Rush, Regional Director
Bureau of Biological Survey
404 U. S. Court House
Portland, Oregon

Dear Mr. Rush:

Reference is made to previous conversations between us regarding the waters of Roger's Spring, in Section 12, T18S-R67E, and being about twelve miles south of Overton, Nevada.

It is our understanding that the Biological Survey has made application, with the Sta te Engineer of Nevada for approximately four second feet of water from this spring.

When Mr. G. B. Saunders, Associate Refuge Manager, Biological Survey, Headquarters Lake Charles, La., was here in December making preliminary arrangements concerning developments of Biological Survey at Overton, Nevada, he was informed of our plans for using the waters, or at least a portion of the waters, from Roger's Spring.

It was agreed between us at that time that the waters of this spring would be available for both, the Biological Survey and the National Park Service. The understanding between us was that the National Park Service would use the water from Roger's Spring for use in connection with a proposed swimming pool, and other developments there, and that the run-off from the pool, and extra water not used by us, would be used at a lower level, in connection with the proposed bird pools to be constructed by the Biological Survey. No indication was made by Mr. Saunders, at that time, that the Biological Survey would make application for water from this spring without conferring with us.

We would appreciate information as to whether Mr. Saunders' verbal agreement with this office is still satisfactory, if so, we would be pleased to have a letter from you reaffirming it.

We do not have a copy of the application made by your Bureau for the waters of Roger's Spring, therefore, we would appreciate information as to whether the application contains a statement of proposed uses, sufficient to cover the uses desired by the National Park Service. If it does not, no doubt satisfactory arrangements can be made, such as an amendment to the application, for the use of the waters of Roger's Spring, for our purpose as well as yours.

Since the United States will, in any case, be the owner of the established right, such an amendment will also make fully effective the preliminary application made between Mr. Saunders and this office.

We would be pleased to have your reactions in this matter.

Sincerely yours

Guy D. Edwards
Supervisor

GDE:AM

CC: The Director
Mr. Joseph E. Taylor, Attorney

03-30-1937: letter to director from attorney regarding joint use of the waters of rogers spring

FILE COPY

March 30, 1937.

The Director,
National Park Service,
Washington, D. C.

Dear Mr. Director:

This will refer to my letter of March 22 in the matter of the joint use of the waters of Rogers Spring within the Boulder Canyon Recreational Project by the Bureau of Biological Survey and the Recreational Project.

In the last paragraph thereof I stated that I would advise you as soon as we had information concerning the uses contemplated under the Bureau's application to appropriate the waters of this spring. We have recently received advices from the State Engineer of Nevada to the effect that the designated use under the application named is "Migratory Waterfowl Refuge". It is assumed by the State Engineer's office that it is intended to make use of the flow of Rogers Spring by diverting its flow through a series of ponds to keep the water levels as near constant as possible, and also to sow such ponds to some form of aquatic plants for feeding of wild fowl. They recognize that the term used is quite general in its scope, and constitutes what might be termed an unusual appropriation of water, but they state that there could be no objection to later amending the application if it be done before same is sent to publication to make the use of water more general, just as long as it is not intended under the application to designate two major uses of the water.

Mr. Edwards is presently in San Francisco, and we have briefly discussed this matter. I believe that what should be done now is to make arrangements with the Bureau before publication upon their present application is made, so as to designate a use satisfactory for the Project purposes. I understand that Mr. Edwards will confer with representatives of the Bureau with this in mind, and will request that they amend their application so as to include some general classification for Project uses, such as "general recreational".

Yours very truly,

JET:SH
CC: Supervisor Edwards.

Joseph E. Taylor,
Attorney.

FILE COPY

March 25, 1937.

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

Dear Mr. Edwards:

Enclosed is a copy of a letter dated March 24 from Alfred Merritt Smith, the State Engineer of Nevada, relating to the filing made on the waters of Rogers Spring by the United States Bureau of Biological Survey. This is in reply to my letter to Mr. Smith of March 22, a copy of which was sent to you, asking to be advised as to the uses specified in the above application.

You will note in the last sentence of the State Engineer's letter that he states there is no objection to amending the application before it is sent to publication, so long as two major uses are not intended.

We suggest, therefore, that you contact the Bureau of Biological Survey, and arrange for an amendment to their application to include the recreational uses desired by the Park Service.

Sincerely yours,

Joseph E. Taylor,
Attorney.

Encl.

SH

02-16-1937: letter to attorney from state engineer regarding uses specified in application no. 10092

REC'D MAR 25 1937

STATE OF NEVADA

ALFRED MERRITT SMITH
STATE ENGINEER

OFFICE OF STATE ENGINEER
CARSON CITY

H. W. REPPERT
ASSISTANT

March 24, 1937

Copy to Supervisor
Edwards 3/25/37.

IN YOUR REPLY REFER TO NO. 10092

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

Dear Mr. Taylor:

This is to acknowledge receipt of your letter of March 22nd regarding the uses specified in Application No. 10092, filed on February 16, 1937, by Henry A. Wallace, Secretary, U. S. Department of Agriculture, to appropriate the waters of Rogers Spring, Clark County, Nevada.

The designated use under the above numbered application is "Migratory Waterfowl Refuge," it apparently being the intention to make use of the flow of Rogers Spring by diverting its flow through a series of ponds to keep the water levels as near constant as possible, and also to sow such ponds to some form of acquatic plants for feeding of wild fowl. The term as used is, of course, quite general in its scope, and constitutes what might be termed an unusual appropriation of water. However, there could be no objection to later amending the application before same is sent to publication to make the use of water more general, just as long as it was not intended under the application to designate two major uses of the water.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

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

HWR:G

03-22-1937: letter to the director from attorney regarding joint use of the waters of rogers spring

FILE COPY

March 22, 1937.

The Director,
National Park Service,
Washington, D. C.

Dear Mr. Director:

This refers to Mr. Demaray's letter of March 9 concerning the contemplated joint use of the waters of Rogers Spring by the Bureau of Biological Survey and the Boulder Canyon Recreational Project.

I quite agree with Mr. Demaray in his statement that the title to the water right will be vested in the United States rather than in any department or bureau, and that a use of the water by any Government agency is a use by the United States, despite the fact that the application was made and filed in the name of Henry A. Wallace, Secretary United States Department of Agriculture.

I have written to the State Engineer, asking for his advices on the uses contemplated under the Bureau of Biological Survey's application, and if those uses are sufficiently broad, Supervisor Edwards would merely have to arrange with that bureau for proper joint use. If the uses contemplated are not sufficiently broad for our purposes, it is probable that any amendment to the application should be made by the Bureau of Biological Survey rather than by us, and by the man making the filing on behalf of the Secretary; namely, Brice McBride, Hydraulic Engineer for the United States Bureau of Biological Survey.

You will be advised as soon as we have the information concerning the uses contemplated under the application now on file.

Yours very truly,

Joseph E. Taylor,
Attorney.

JET:SH

CC: Supervisor Edwards

03-22-1937: letter to state engineer form attorney regarding application to appropriate four cfs of the waters of rogers spring

FILE COPY

March 22, 1937.

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

Dear Sir:

Under date of February 16, 1937, you advised us that your office had on the same 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 South, Range 68 East, 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 United States Bureau of Biological Survey. This application was assigned the serial number 10092.

While this water right is now the property of the United States of America, and not of any particular bureau thereof, we are uncertain as to the designated purposes for which the appropriation was made, and it may be desirable to amend the application to provide additional uses if those previously designated are not sufficiently broad. In order to determine this, we will have to be advised as to the uses specified in the said application, and we would greatly appreciate receiving your advices on this subject.

Yours very truly,

Joseph E. Taylor,
Attorney.

JET:SH

CC: [redacted]
Supervisor Edwards

03-09-1937: letter to supervisor from associate director regarding waters of blue point spring and rogers spring

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

REC'D MAR 1 [illegible] 1937

March 9, 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 February 26 to Joseph E. Taylor, regarding the waters of Rogers Spring and Blue Point Spring. There is enclosed a copy of our letter to him, relating to the same matter.

It is unfortunate that the Bureau of Biological Survey made application for the water from Rogers Spring without conferring with us. However, if satisfactory arrangements can be made for the use of the water for our purposes as well as for theirs, there can be no objection, since the United States will in any case be the owner of the established water right. If the agreement between you and Mr. Saunders is still satisfactory it should be reaffirmed and reduced to writing, with special mention of the application made by the Bureau of Biological Survey. If not, a new agreement should be made.

As stated in our letter to Mr. Taylor, it should be determined whether the application made by the Bureau of Biological Survey contains a statement of proposed uses sufficient to cover the uses desired by this Service. If not, an amendment to the application may be necessary to make fully effective any agreement which may be entered into.

Sincerely yours,

(SGD.) A. E. DEMARAY

Associate Director.

Enclosure 1171296.

cc: Mr. Joseph E. Taylor (sent)

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

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 Denver 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 attorney regarding sketch and information concerning possible use of water from rogers and

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:EH

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.

02-16-1937: letter to a. smith, state engineer, state of nevada from joseph e. taylor, attorney, nps branch of land acquisition and re

Copy mailed [illegible]
Copy mailed Edwards 1/18/37

REC'D FEB 18 1937

ALFRED MERRITT SMITH
STATE ENGINEER

STATE OF NEVADA
OFFICE OF STATE ENGINEER
CARSON CITY

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 attorney from branch of land acquisition, legal division regarding boulder dam recreational area

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Branch of Land Acquisition and Re[illegible]
Legal Division
110 Sutter Street
San Francisco, C[illegible]

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.

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. Now 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.

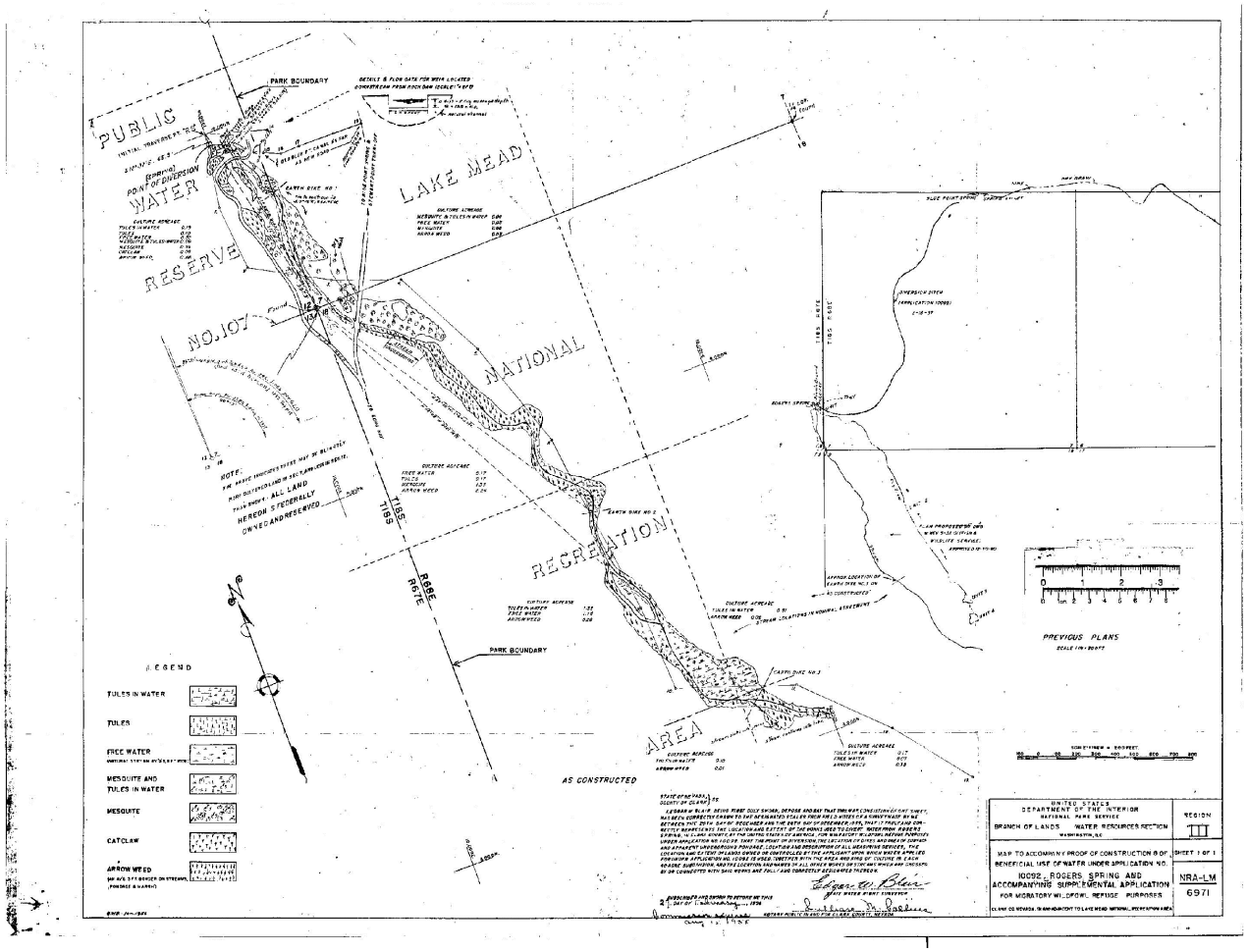
However, as there have been constructed several ECW projects by CCC labor at these areas under the direction of the National Park Service we are very anxious that these permits be renewed by our Service.

Therefor will you please write us, informing us just what proceedure we shall follow in refiling on these springs for the Federal Government.

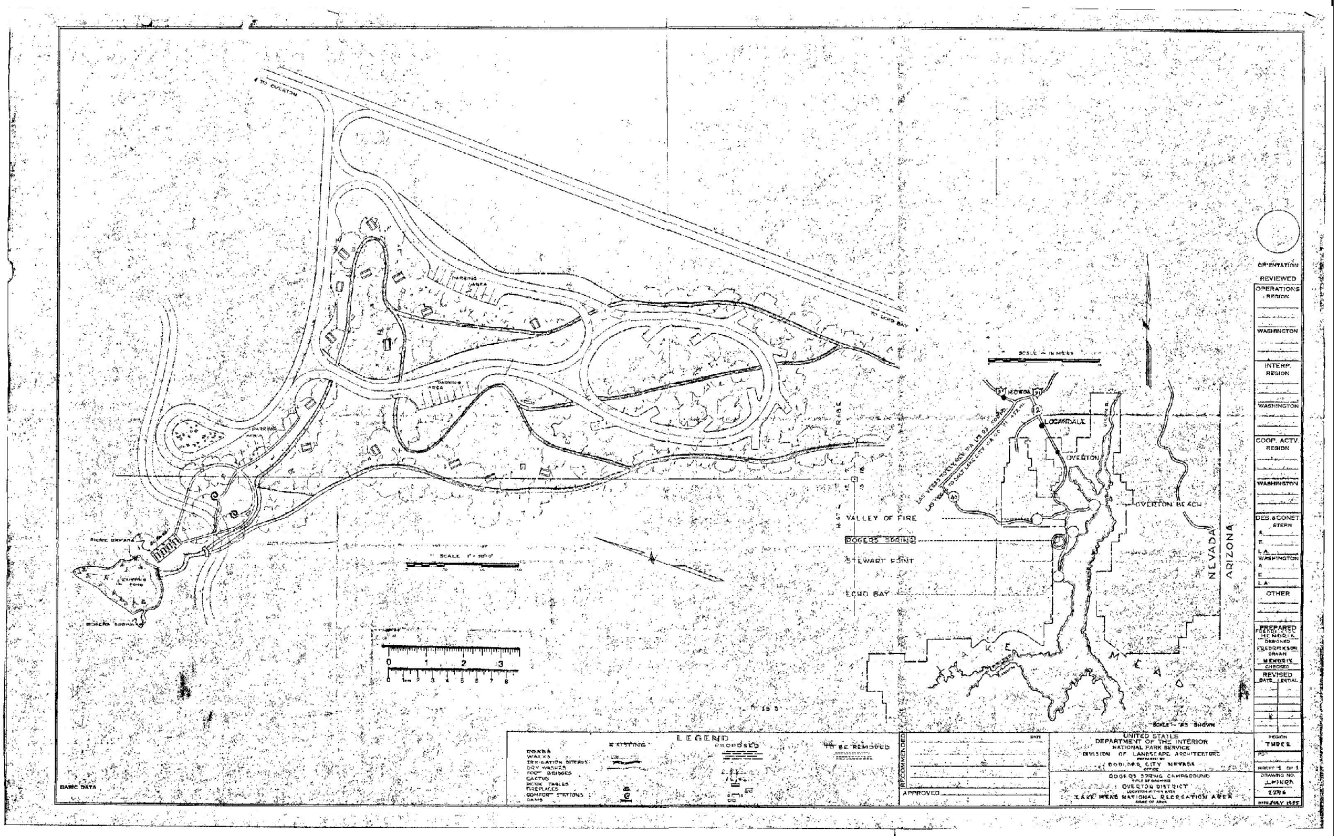
Sincerely yours,

Guy D. Edwards
Supervisor

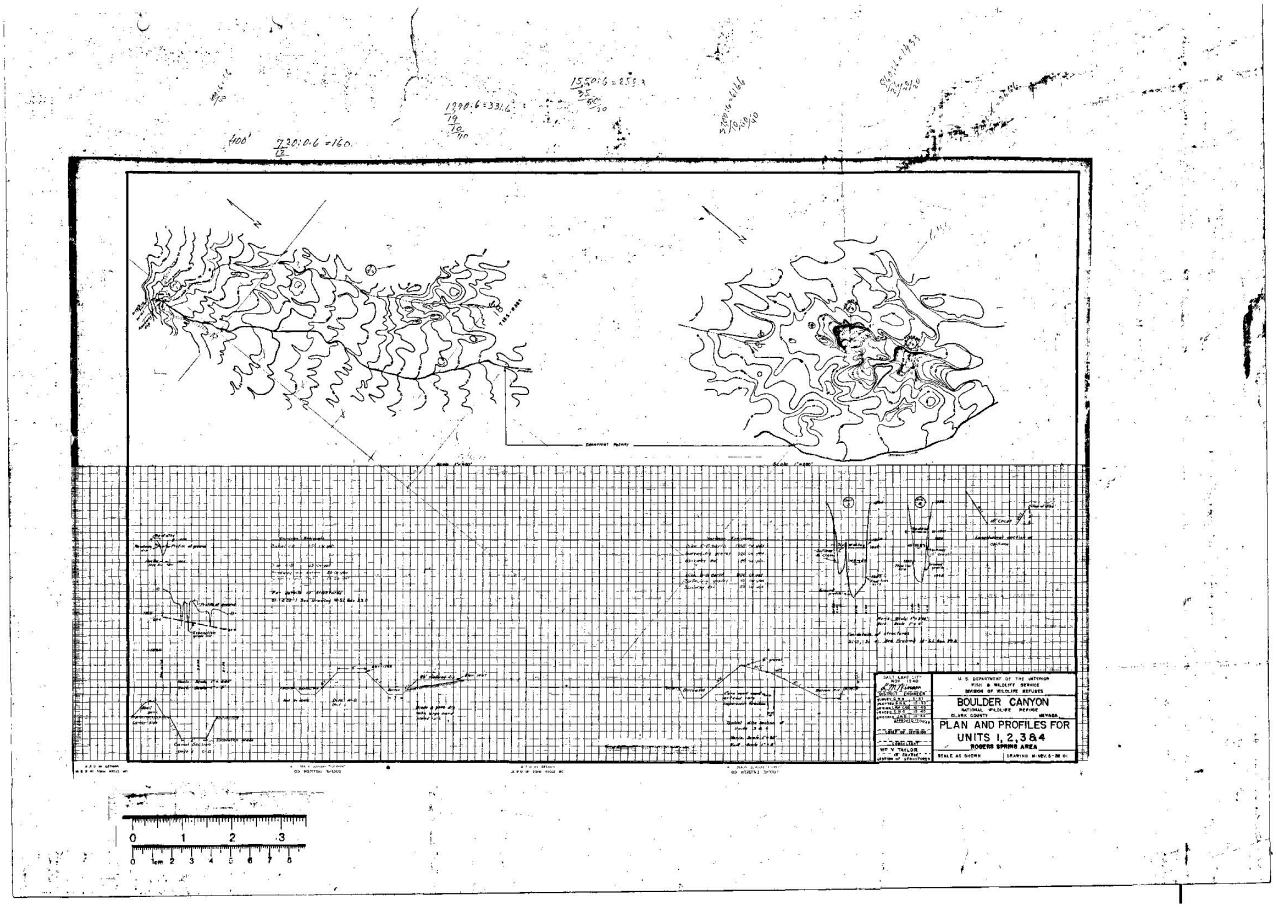
02-29-1956: map of rogers spring and accompanying application for migratory wildfowl refuge purposes



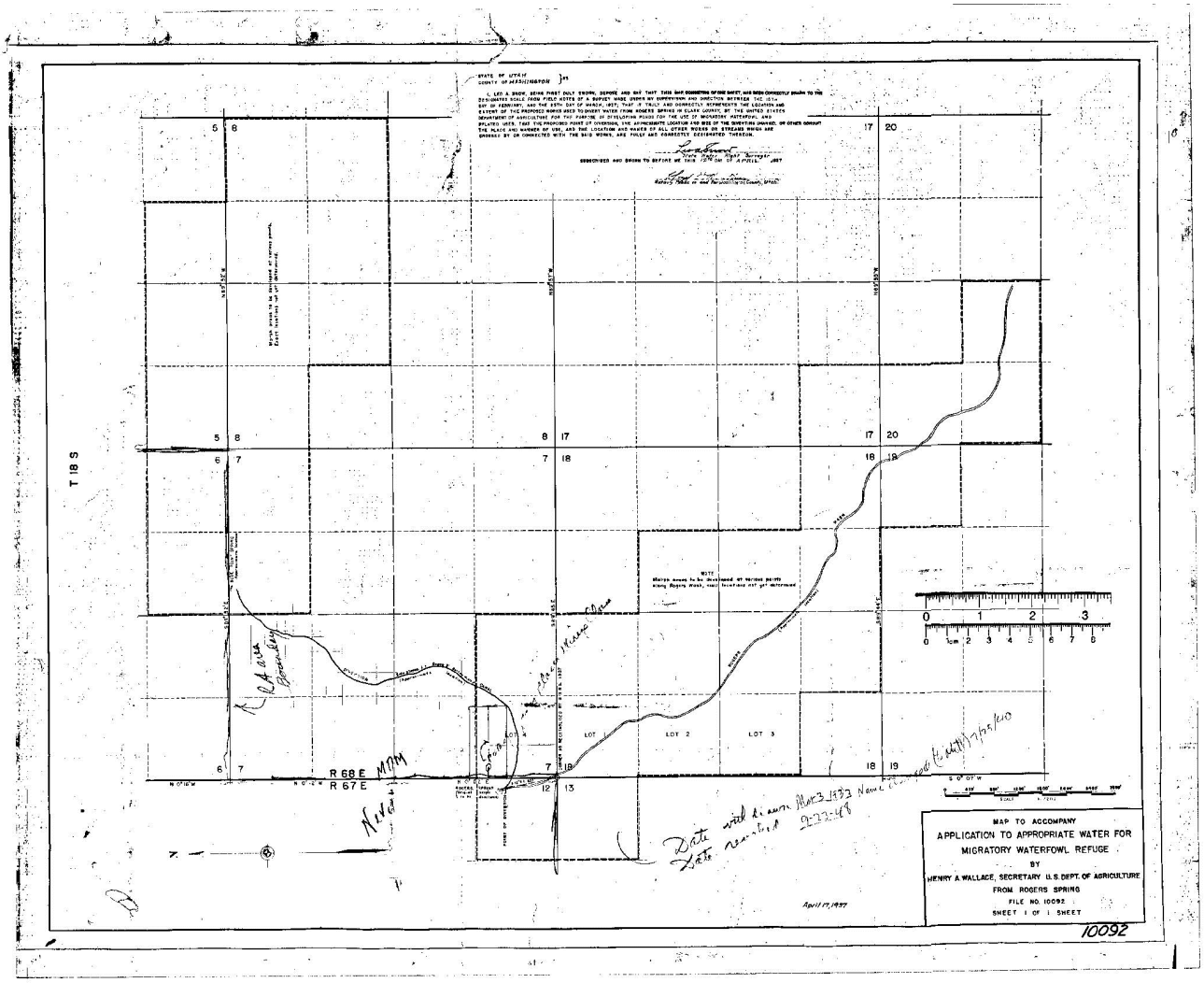
07-00-1955: map of rogers spring campground



12-30-1940: boulder dam - plans ands profiles for units 1- 4



04-17-1937: map to accompany application for migratory wildfowl refuge purposes



Docket Information

Number of Documents in Docket 252

Documents Dated from 4/25/1930 to 7/5/1974

Docket Compiled: 4/18/2016