



WATER-RIGHT DOCKET

Zion National Park

Docket No: 12

REED SPENDLOVE WELL

Preliminary Docket Information

04-09-2004: Letter to ZION NPS from State of Utah DNR regarding Change in address for official notices and correspondence



OLENE S. WALKER
Governor
GAYLE F. MCKEACHNIE
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

ROBERT L. MORGAN
Executive Director

JERRY D. OLDS
State Engineer/Division Director

5-6-04 12

April 9, 2004

ZION NP USA NATIONAL PARK SERVICE
655 PARFET STR., P.O. BOX 25287
DENVER CO 80225

RE: WATER RIGHT: 81-327 (A28355)

This letter is notice to you that the Utah Division of Water Rights has processed an electronic request for an address change to the filing referenced above. This request updates ONLY the address where official notices and correspondence will be sent. It does not convey title or affect ownership of the above referenced filing in any way. The new address which was submitted to our office is:

Zion NP USA National Park Service
Chief, NPS Water Rights Branch
1201 Oak Ridge Dr., Suite 250
Ft. Collins, CO 80525-5596

This new address will be used for all future official notices and correspondence from this office rather than the mailing address at the top of this letter, UNLESS WE ARE INSTRUCTED OTHERWISE. Please contact the Division of Water Rights at (801) 538-7240 immediately if this is not your correct mailing address or if you have any questions.

Sincerely,

Jerry D. Olds, P. E.
State Engineer

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT,
IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

Washington County Civil No. 7596

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF
WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF
THE VIRGIN RIVER IN UTAH.

NOTE: Use this form to assert your water rights in the pending judicial adjudication. The State Engineer has made a hydrographic survey of this area, which includes your water rights and uses. Your receipt of this form constitutes notice to you that the survey has been completed and that your Water User's Claim is due within 90 days after you receive this form. Under Utah law, unless you timely complete and file this form, your water rights cannot be recognized and you may not be able to assert them further. File this form with the Clerk of the District Court, at St. George, Utah; and a copy with the State Engineer, at 1636 West North Temple, Salt Lake City, Utah 84116.

STATEMENT OF WATER USER'S CLAIM

CODE and SERIAL NUMBER 81 327

MAP: _____

1. **OWNER INFORMATION:** Name: United States of America c/o National Park Service
Address: Zion National Park Superintendent
City: Springdale State: UT Zip Code: 84767
2. **PRIORITY OF RIGHT:** July 18, 1956 Interest Claimed: 100 percent
3. **QUANTITY OF WATER:** .015 cfs and/or not applicable acre feet
4. **RIGHT EVIDENCED BY:** Application 28355
5. **SOURCE:** Underground water well **DRAINAGE:** Virgin River
POINT(S) OF DIVERSION: _____ **COUNTY:** Washington
(must be described with reference to U. S. Government Survey Corner)
N 1700 feet, W 600 feet from SE corner Section 8, T 40S, R 11W, SLBM

Diverting Works (name): 10-inch diameter well, 68 feet deep
6. **POINT(S) OF REDIVERSION:** The water is rediverted from _____
at a point Not applicable
7. **STORAGE:** Water is to be stored in _____ Res. from _____
to _____ Capacity _____ ac. ft., Inundating _____ acres, Height
of Dam _____ feet. The area inundated by the reservoir includes all or
part of each of the following legal subdivisions: _____
Not applicable

WATER USER'S CLAIM

8. NATURE, PERIOD, PURPOSE AND EXTENT OF USE:

Claims used for purpose described:

STOCKWATERING: From _____ to _____ Animal Units _____
 DOMESTIC: From Mar 1 to Nov 30 No. Families 1 Persons _____
 MUNICIPAL: From _____ to _____ Municipality _____
 MINING: From _____ to _____ District _____
 Mine _____ Ores _____
 POWER: From _____ to _____ Rated Capacity _____
 Power Plant Name _____
 OTHER: From _____ to _____ Description of Use _____
 IRRIGATION: From _____ to _____ Total Acres _____
 Sole Supply Acres _____ Area Irrigated in legal
 subdivisions of land by 40-acre tract. _____

9. PLACE OF USE: If other than as described in area irrigated, in legal subdivisions of land by 40-acre tract: Section 8, T 40S, R 11W, SLBM

10. POINT(S) OF RETURN: Amount of water consumed _____ Amount of water returned _____ The water will be returned to the natural stream at a point(s) described as follows: _____
 Not applicable

11. EXPLANATORY OR OTHER FACTS: _____

12. The undersigned hereby enters his appearance in this water adjudication and waives service of summons or other process.

STATE OF UTAH)

COUNTY OF _____) SS.

The undersigned swears on oath that he makes and certifies this water user's claim either as the claimant himself or as the duly-authorized agent of the claimant, that he has read and knows the contents of the claim, that he signs the same, and that the information supplied therein is true to the best of his knowledge and belief.

Title: _____

(Individual or Office)

Signature _____

Subscribed and sworn to before me this _____ day of _____, 19____

Residing at: _____

Commission expires: _____

Notary Public



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER

JOHN BENE
DEPUTY

P.O. BOX 506
CEDAR CITY, UTAH 84720
586-4231

GERALD W. STOKER
AREA ENGINEER

April 24, 1974

L1425 ZION
Spendlove, Reed
TA. 01-107 and
01-162

Mr. Lloyd L. Garrison, Realty Specialist
National Park Service
Utah Lands Office
Room 103, Fed. Bldg. Annex
Salt Lake City, Utah 84111

Dear Mr. Garrison:

In reply to your letter dated April 15, 1974, regarding certain properties in Washington County, Utah. We have researched our records for water rights appurtenant to the lands described in your letter and have found the following described right:

Application No. 28355 (81-327). Underground Water Well located at a point N. 1700 ft. and W. 600 ft. from the SE cor. Sec. 8, T40S, R11W, SLB&M. The flow is 0.015 sec.-ft. for the domestic use of one family. The right has a priority date of July 18, 1956, and is shown on our records in the name of Reed Spendlove.

We are enclosing a copy of this filing for your records. If you require further information please feel free to contact this office.

Yours truly,

Gerald W. Stoker
Gerald W. Stoker
Area Engineer

GWS/sm

RECEIVED

APR 25 1974

UTAH LAND'S OFFICE

cc Chief Div. of Land & Surveying. RMR
Superintendent Zion
Bill M. Reed RMR 3/27/74

Form 100-A 4-15-53 3M

Application No. 28355 (81-327)

Application to Appropriate Water for Domestic Purposes

STATE OF UTAH

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for domestic purposes, Application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of the Laws of Utah.

Note.—The information given in the following blanks should be free from explanatory matter, but when necessary a complete supplementary statement should be made on the following page under the heading "Explanatory."

- The name of the applicant is Reed Spendlove
- The post-office address of the applicant is Virgin, Utah.
- The quantity of water to be appropriated is 0.015 second-feet or _____ acre-feet
(See note on following page)
- The water is to be used each year from March 1 to Nov. 30 incl.,
(Month) (Day) (Month) (Day)
and stored each year (if stored) from _____ to _____ incl.
(Month) (Day) (Month) (Day)
- The drainage area to which the direct source of supply belongs is Colorado River
(Leave blank)
- The direct source of supply is Underground Water
(Name of stream or other source)
which is tributary to _____, tributary to _____

†Note.—Where water is to be diverted from a well or a tunnel, the source should be designated as "Underground Water" in the first space and the remaining spaces should be left blank. If the source is a stream, a spring, a spring area, a tunnel or a drain, so indicate in the first space, giving its name, and in the remaining spaces, designate the stream channels to which it is tributary, even though the water may sink, evaporate, or be diverted before reaching said channels. If water from a spring flows in a natural surface channel before being diverted, the direct source should be designated as a stream and not a spring.

- The point of diversion from ~~stream, spring, spring area, drain, well~~ (flowing or pump) tunnel
(Strike words not needed)
or _____ is in Washington county, situated at a point*
N. 1700 ft. and W. 600 ft. from SE Cor. Sec. 8, T40S, R11W, S1B&M.

*Note.—The point of diversion must be located definitely by course and distance or by rectangular distances, with reference to some United States land survey corner or United States mineral monument, if within a distance of six miles of either, or if at a greater distance, to some prominent and permanent natural object. (Also see note, page 4.)

No Application will be received in which the point of diversion is not described definitely. Any change made in this description after Application is received and before approved will bring down priority of Application to the date when the amendment is made of record in the State Engineer's office. If the point of diversion is described improperly it may result in the necessity for readvertising, or for filing a change application to correct the improper tie before certificate of appropriation can be issued.

- The diverting and carrying works will consist of a 10 inch well, between 100 ft. and 120 ft. deep; 400 ft. of 3/4-inch pipe from well to place of use.
- The cross section of the diverting channel will be ~~trapezoidal~~ ☒ ~~other~~ ☐
(Strike ones not needed)
- The diverting works and diverting channel will be constructed of ~~earth, wood, iron, concrete~~
(Strike words not needed)
- The length of the diverting channel, exclusive of laterals, will be 580 feet
- The top width of the diverting channel will be (if a ditch) _____ feet
- The bottom width of the diverting channel will be (if a ditch) _____ feet
- The depth of water in the diverting channel will be (if a ditch) _____ feet
- The width of the diverting channel will be (if a flume) _____ feet
- The depth of water in the diverting channel will be (if a flume) _____ feet
- The diameter of the diverting channel will be (if a pipe) _____ and 3/4 inches
- The grade of the diverting channel will be level vertical _____ feet per thousand

19. Number of families to be served for household purposes One
20. General description of proposed household uses Yes, All
21. Place of use by Section, Township and Range Sec. 8 Township 40 S. R. 11 W. SLB&M.

EXPLANATORY

The following additional facts are set forth in order to define more clearly the full purpose of the proposed appropriation:

The water used for any incidental purpose including Irrigation or Stock Watering will be limited to an amount less than that used for Domestic (Household) purposes.

The quantity of water sought to be appropriated is limited to that which can be beneficially used for the purposes herein described.

It is proposed to drill a well at the point described under paragraph 7 herein, from which the water will be diverted and conveyed to the house where it will be used for the domestic requirements of one family.

/s/ Reed Spendlove
Signature of Applicant*

*If applicant is a corporation or other organization, signature must be in the name of such corporation or organization by its proper officer. If a corporation, the affidavit below need not be filled in. If there are more than one applicant, a power of attorney, authorizing one to act for all should accompany the Application.

STATE OF UTAH,

County of Washington } ss.

On the 17 day of July, 1956, personally appeared before me, a notary public for the State of Utah, the above applicant who, on oath, declared that he is a citizen of the United States.

My commission expires
(SEAL) Dec. 4, 1959
J.L.L.

/s/ Alisa E. Flanigan

Notary Public.

(This page is not to be filled in by applicant)
STATE ENGINEER'S ENDORSEMENTS

9:30 a.m.

1. July 18, 1956. Application received ~~over-counter~~ by mail in State Engineer's office by Lea
2. Priority of Application brought down to, on account of _____
3. July 18, 1956. Fee for filing Application, \$ 2.50, received by Lea LCM Rec. No. 26247
4. July 30, 1956. Application copied in book D-61, page 390, and indexed by LCM AB
5. July 23, 1956. Application platted by ACT(C-40-11)8 dad-l Band Made & Tabbed.
6. Aug. 3, 1956. Application examined by AGG
7. _____ Application returned, with letter, to _____ for correction
8. _____ Corrected Application resubmitted over counter by mail to State Engineer's office.
9. NO ADVERTISING REQUIRED Fee for publishing notice requested.
10. _____ Fee for publishing notice, \$ _____, received by _____ Rec. No. _____
11. _____ Application approved for advertisement by _____
12. _____ Notice to water users prepared by _____
13. _____ Publication began; was completed _____
Notice published in _____
14. _____ Proof slips checked by _____
15. _____ Application protested by _____
16. June 13, 1957 Application designated for approval ~~rejection~~ by F.T.M. JMG
17. _____ Fee for approving Application requested
18. July 18, 1956. Fee for approving Application, \$2.50 received by Lea LCM Rec. No. 26347
19. Oct. 28, 1957 Application proofread by LE RR
20. Oct. 28, 1957 Application approved ~~rejected~~ and returned to applicant

This Application is approved, subject to prior rights, if any, on the following conditions:

1. Actual construction work shall be diligently prosecuted to completion, and the water applied to beneficial use on or before October 28, 1959, otherwise the application will lapse.
2. ~~Proof of Appropriation shall be submitted to the State Engineer's office by _____~~

3.

NO PROOF REQUIRED
ACCOUNT SOURCE YIELDS NOT MORE THAN 0.015 S.F.

Wayne D. Criddle
Wayne D. Criddle, State Engineer.

21. _____ Time for making Proof of Appropriation extended to _____
22. _____ Proof of Appropriation submitted.
23. _____ Fee for filing Proof of Appropriation, \$1, rec'd by _____ Rec. No. _____
24. _____ Fee for filing maps, profiles and drawings, \$5, rec'd by _____ Rec. No. _____
25. _____ Fee for issuing Cert. of Appropriation, \$1, rec'd by _____ Rec. No. _____
26. _____ Certificate of Appropriation, No. _____, issued

655 Parfet Street P.O. Box 25287
Denver, Colorado 80225

GENERAL WARRANTY DEED

Zion National Park
Tracts No. 06-112, 06-141

This deed, made this 4th day of June, 1982,
between Reed Spendlöve and Thora L. Spendlöve, husband and wife, hereinafter
referred to as the Grantors, and the United States of America, hereinafter
referred to as the Grantee, whose address is: U.S. Department of the Interior,
National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225.

WITNESSETH

238707

That in consideration of the sum of Forty-three thousand and no/100 dollars
(\$43,000.00), the receipt and sufficiency of which are hereby acknowledged,
the said Grantors do hereby grant, bargain, sell and convey unto the
Grantee and its assigns all of those certain tracts or parcels of land lying
and situate in the County of Washington, State of Utah, together with all
of the improvements thereon, with all its appurtenances and warrants the
title to the same, being more particularly described as follows:

BEGINNING at the Southeast Corner of the Northwest Quarter of Section 16,
Township 40 South, Range 11 West, Salt Lake Base and Meridian, and running
thence West 820.00 feet; thence North 4°15' West 230.00 feet; thence North
37°40' West 900.00 feet; thence North 40° West 515.00 feet; thence North 60°
West 296.10 feet; thence North 1174.00 feet, more or less, to a point on the
North Boundary of said Section, said point being 665.00 feet East of the
Northwest Corner of said Section; thence running East 290.00 feet, more or less,
to a point 955.00 feet East of the Northwest Corner of said Section; thence
running South 568.44 feet; thence East 1685.00 feet, more or less, to the
East Boundary of the Northwest Quarter of said Section; thence South 258.52
feet; thence running West 1685.00 feet; thence South 258.52 feet; thence
East 1685.00 feet, more or less, to the East Boundary of the Northwest Quarter
of said Section; thence South 10.10 feet; thence West 250 feet; thence South
300.00 feet; thence East 250.00 feet, more or less, to a point on the East
Boundary Line of the Northwest Quarter of said Section being 1244.42 feet North
of the Southeast Corner of the Northwest Quarter of said Section; thence South
225.0 feet, more or less, to a point on the East Boundary Line of the Northwest
Quarter of said Section, being 1020.39 feet North of the Southeast Corner of the
Northwest Quarter of said Section; thence West 1449.92 feet; thence South
40°00' East 102.61 feet; thence South 37°40' East 562.70 feet; thence East
1040.11 feet, more or less, to the East Boundary of the Northwest Quarter of
said Section; thence South 495.40 feet, more or less, to the point of beginning,
containing 46.91 acres, more or less.

Together with the Grantors' right, title and interest in and to ~~any and all~~
~~water rights~~ and interests in water running with, attaching to, or otherwise
appurtenant to the foregoing described land.

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-ZION DEED NO. 93

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

All of the foregoing described property is being acquired for the Department of the Interior, National Park Service.

IN CONSIDERATION of the above sum stated, the Grantors hereby release and quitclaim to the Grantee and its assigns all right, title and interest of the Grantors in and to any streams, alleys, roads, streets, ways, strips, gores or railroad rights-of-way abutting or adjoining said land.

TO HAVE AND TO HOLD the said premises, with the appurtenances, unto Grantee, its successors and assigns forever. And Grantors for themselves, their heirs, executors and administrators, do covenant and agree that at the time of the ensealing and delivery of these presents, they are well seized and possessed of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever.

Grantors hereby WARRANT AND DEFEND said premises, and the quiet and peaceable possession of Grantee, its successors and assigns, therein against all and every person or persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this 4 th day of June, 1982.

REQUEST SOUTHERN UTAH TITLE
BOOK 310 PAGE 62
1982 JUN -7 AM 10:31
238707
HERBERT S. DENTLEY
WASHINGTON FIELD OFFICE
BY 8.7

Reed Spendlove
Reed Spendlove (husband)

Thora L. Spendlove
Thora L. Spendlove (wife)

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ZION DEED NO. 93

STATE OF UTAH

COUNTY OF WASHINGTON

On this 4 th day of June, 1982, before me,

H. Lane Tait, the undersigned officer,

personally appeared Reed Spendlove and Thora L. Spendlove, husband and wife,

known to me to be the persons whose names are subscribed to the within

document and acknowledged to me that they executed the same for the purpose

therein contained.

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



H. Lane Tait
Notary Public
My Commission Expires: May 7, 1983
Residing in St. George, Utah

235707

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ZION DEED NO. 93



Water Rusinek *ur*
Owen Williams
ORu

May 6, 1987

LS4 (479)
RMR/ZION Water Rights

Memorandum

To: Chief, Lands Division
Attn: Lee Garrison, Realty Specialist

From: Owen Williams, Acting Chief
Water Rights Branch

Subject: Water Rights, Spendlove Land, Zion National Park

Issue

This issue concerns the status of a water right appurtenant to land acquired in 1982 by the Park from Reed Spendlove. The Park is currently negotiating to exchange this acquired land for land owned by a Park inholder. Because a valid water right could affect the value of the land, we have been requested to provide a brief summary of the status of the water right.

Findings

1. Under Utah law, rights to groundwater are appurtenant to the land and are transferred with the sale of the land unless specifically withdrawn by the terms of the deed.
2. Reed Spendlove filed an application (#A23355) with the State of Utah in July of 1956 to appropriate 0.015 cfs of groundwater for domestic purposes. The pumped water was to be transferred through 400 feet of pipeline to the point of use.
3. The Utah State Engineer's Office approved the application in October of 1957 on the condition that the water be applied to beneficial use on or before October 28, 1959. The application stated that failure to meet this condition would cause the application to lapse.
4. The state did not require a proof of appropriation because the amount of water to be used did not exceed 0.015 cfs.
5. Recent field investigations of the parcel by Park personnel have failed to locate the well, and conversations with neighboring landowners indicate that a successful well was never developed on the property.

6. The water right attached to the Spendlove land still appears on the Utah State Engineer's List of Water Rights as water right #81-327.
7. Under Utah law, appropriated water that is not used for a period of five years reverts back to public ownership, and the attached water right is considered to be forfeited.
8. Utah law currently requires that the State Engineer grant a permit before any well is drilled, including a replacement well. The application for the permit must state the reasons why the replacement well is needed and this well must be drilled within 150 feet of the old well. If the replacement well is located more than 150 feet from the former well, a change in point diversion application must be filed with the State Engineer's Office.

I hope this brief review provides some assistance. If you have further questions on the issue, please contact Walter Rusinek at 221-5341.

Owen Williams

Owen Williams

cc: Harold Grafe, Superintendent, Zion NP
Ron Hermanca, RMK

PNP:Rusinek:cs:5/4/87:221-5341:20504wil.mml

Docket Information

Number of Documents in Docket 13

Documents Dated from 7/17/1956 to 4/9/2004

Docket Compiled: 6/26/2017