



WATER-RIGHT DOCKET

Grand Teton National Park

Docket No: 176

OBRIEN #1 (P44212.0W)

Preliminary Docket Information

06-29-2017: Docket Information (P44212.0W)

DOCKET INFORMATION

Docket #: _____ Type (PC, APP, RIP, FRR, PWR, GW, ACQ): APP
Docket Title: Obrien #1 (P44212.0W)
Park Unit: GRTE Region: IMR
State: WY County: Teton
Source: ☒ Groundwater ☐ Surface Water Source Name: _____
POD Name / Location: SW1/4, SE/4, Sec 34, T43N, R116W
POU Name / Location: SW1/4, SE1/4 Sec 34, T43N, R116W
Quantity: 12 gpm (include units – gpm, afy, etc.)
Use(s): Domestic
Permit #: P44212.0W Priority Date: 07/12/1978
License / Certificate #: _____ Date Issued: _____
Owner: Richard J. O'Brien

Narrative / Remarks: (history, status, etc)

June 2012 GRTE requested WRB to identify any water rights appurtenant to a parcel of land purchased by the Park in the 1960s from the Barkers. The purchase included a life estate on tract 02-136. An investigation of the Wyoming State Engineer records resulted in four surface water rights and two groundwater rights being identified as having Places of Use appurtenant to the Barker Property. Information regarding the life estate location and the identified water rights is located in the *Other Supporting Information* section of this docket.

WR Number	P44212.0W
PriorityDate	07/12/1978
SummaryWRStatus	Complete
FirstName	RICHARD J.
LastName	O'BRIEN
FacilityName	OBRIEN #1
Uses	DOM GW
TwN	043N
Rng	116W
Sec	34
Qtr-Qtr	SW1/4SE1/4
Survey Type,Survey Number,Survey Suffix	L5
Total Flow(CFS)/ Appropriation(GPM)	12
Total depth (Ft)	100
StaticWaterLevel (Ft)	33
Facility type	Well
Longitude	-110.75043
Latitude	43.64362

Compiled by: J. Chafey Date: 6/29/2017
National Park Service
Water Resources Division, Water Rights Branch
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525

[Print](#)**Permit Summary****Instrument: WELLS AND SPRINGS**

Facility Name: OBRIEN #1	Water Right Status: COMPLETE
Application Number:	Date Accepted for Processing:
Temporary File Number:	Priority Date: 07/12/1978
Permit Number: P44212.0W	Division: 4 District: 16
Proof Number:	SC Original Expiration Date:
Docket Number:	SC Extended Expiration Date:
Order Number:	SC Actual Date: 08/10/1978
Certificate Record Number:	BU Original Expiration Date:
Auto Cancellation Date:	BU Extended Expiration Date:
Extended Auto Cancellation Date:	BU Actual Date: 08/10/1978
Last Modified By:	Last Modified Date:
Created By:	

General Info

Type Of Diversion	Supply Type	Special Cases
Well, Production Well	Original Supply	
Appropriation Amount :	12.000 GPM	
Prefix	Water Right Number	Suffix

Appropriator(s)

Appropriator	Last Name	First Name	Company	City	State
Applicant	O'BRIEN	RICHARD J.		MOOSE	Wyoming

Agent**Beneficial Uses**

Beneficial Uses: Domestic-- Ground Water()

Water Right POD

Principal Meridian	Township	Range	Section	Quarter	Qtr-Qtr	SurveyType	Number	Primary POD
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06	043N	116W	34	SE	SWSE	Lot	5	Y
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Water Right POU

Principal Meridian	Township	Range	Section	Quarter	Q-Q	WR Status	Acres	Use	Sub Use	Supply Type
06	043N	116W	34	SE	SWSE					ORIGINAL

1

Supply Type	Acres
Original	0.000
Total acres irrigated:	0.000

Construction

Diversion Type	Construction Type	Construction Description	Total Depth (feet)	Casing Height (feet)	static water level (feet)
			100.00		33.00

Pump/Flow**Well Log/Water Quality**

Total Depth (feet)	Well Diameter (inches)	WaterBearing Formation (feet)	WaterBearing Formation Top (feet)	WaterBearing Formation Bottom (feet)	Water Quality
		30.00	49.00	51.00	

Comments

Created Date	Comment Details	Created by
1/1/1800 12:00:00 AM	COMPLETION OF BENEFICIAL USE ASSUMED TO BE SAME AS DATE OF COMPLETION. NOTICE OF COMMENCEMENT IS WAIVED.	MIGRATED

1

Documents

Document Type	Document Name	Document Date	Document Created by	Document Uploaded by	Uploaded Date	View
	Notice					
	Permit					

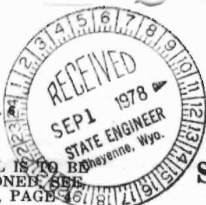
Remarks**Appropriation for Ground Water**

Appropriation Amount (GPM) 12.00

Related Transactions

Instrument Type	Instrument Name	Instrument Code	WR Number Type	WR Number
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Form U.W. 4

MICRO-
FILMED

SEP 05 79

NOTE: Do not fold this form. Use type-
writer or print neatly with black
ink.IF WELL IS TO BE
ABANDONED, SEE
ITEM 15, PAGE 4

STATE OF WYOMING

SCANNED JUL 25 2012

OFFICE OF THE STATE ENGINEER

STATEMENT OF COMPLETION AND DESCRIPTION OF WELL

PERMIT NO. U.W. 44212

NAME OF WELL O'Brien #1

1. NAME OF OWNER Richard J O'Brien
2. ADDRESS P.O. Box 216, MEADE, WYOMING Zip Code 83012
3. USE OF WATER: Domestic ☒ Stock Watering ☐ Irrigation ☐ Municipal ☐ Industrial ☐ Miscellaneous ☐
4. LOCATION OF WELL: SW 1/4 SE 1/4 of Section 34, T. 43 N., R. 116 W., of the 6th P.M. (or W.R.M.), Wyoming, being specifically _____ (Bearing and Distance)
or _____ ft. North and _____ ft. East from the _____ corner of Section _____, T. _____ N., R. _____ W. (Strike out words not needed).
5. TYPE OF CONSTRUCTION: Drilled ☒ CABLE TOOL Dug ☐ Driven ☐ Jetted ☐
(Type of Rig)
Other _____
6. CONSTRUCTION: Total Depth 100 ft. Depth to Water Level 33 ft.
 - a. Casing Schedule New ☐ Used ☐

<u>6"</u> diameter from <u>0</u> ft. to <u>100</u> ft.	Material <u>STEEL</u>	Gage <u>0.250</u>
_____ diameter from _____ ft. to _____ ft.	Material _____	Gage _____
_____ diameter from _____ ft. to _____ ft.	Material _____	Gage _____
 - b. Perforations: Type of perforator used MILLS
Size of perforations .375 inches by 1500 inches.
Number of perforations and depths where perforated:
15 perforations from 49 ft. to 51 feet.
_____ perforations from _____ ft. to _____ feet.
 - c. Was well screen installed? Yes ☐ No ☒
Diameter: _____ slot size: _____ set from _____ feet to _____ feet.
Diameter: _____ slot size: _____ set from _____ feet to _____ feet.
 - d. Was well gravel packed? Yes ☐ No ☐ Size of gravel _____
 - e. Was surface casing used Yes ☐ No ☐ Was it cemented in place? Yes ☐ No ☐
7. NAME & ADDRESS OF DRILLER WEBER DRILLING, BOX 232, JACKSON, WYOMING 83001
8. DATE OF COMPLETION OF WELL (including pump installation) AUG 10, 1978
9. PUMP INFORMATION: Manufacturer JALUZZI Type 554B-10 SUB.
Source of power ELECTRICAL Horsepower 1/2 Depth of Pump Setting 49 FT.
Amount of Water Being Pumped 12 Gallons Per Minute.

Permit No. U.W. 44212

Book No. 239 Page No. 143

If so, by whom CURT TORMAN Address WEBER DELLING, BOX 252, JACKSON WY

Yield: _____ gal./min. with _____ foot drawdown after _____ hours.

If well yields artesian flow, yield is _____ gal./min. Surface pressure is _____ lb./sq. inch, or _____ feet of water.

Does well leak around casing? Yes ☐ No ☐

Depth of completed well 100 feet. Diameter of well 6 inches.

Depth to principal water bearing formation Top 49 feet to Bottom 51 feet.

Ground Elevation, if known _____

QUALITY OF WATER INFORMATION:

Was a chemical analysis made? Yes ☐ No ☒

If so, please include a copy of the analysis with this form.

If not, do you consider the water as: Good ☒ Acceptable ☐ Poor ☐ Unusable ☐

a. If for irrigation, the land proposed to be irrigated should be described in the following tabulation. Describe in the "Remarks" section, under Item 14, the means of conveying the water to the lands and the method of irrigation.

b. If not used for irrigation, show the area and point(s) of use and location of well in the tabulation below. Also describe the method of conveyance in the "Remarks" section under Item 14.

TOTAL NUMBER OF ACRES TO BE IRRIGATED_____

Supplemental Supply _____ acres

c. A separate map may be submitted if the information required cannot be shown on this plat.

Scale: 2" = 1 Mile

REMARKS: _____

W 44212

15. IF WELL IS TO BE ABANDONED, complete Items 1 through 8, Item 12 (Log of Well) and state reason for abandonment below.

It is the responsibility of the owner to properly plug or fill in the well in order to prevent contamination of ground water and to cover or cap the well at ground level.

Under penalties of perjury, I declare that I have examined this form and to the best of my knowledge and belief it is true, correct and complete.

Richard J. O'Brien
Signature of Owner or Authorized Agent

Aug. 27, 19 78
Date

Date of Receipt SEP 1 1978, 19 78 *VASH.*

Date of Priority July 12, 1978, 19 78

Date of Approval Aug. 23, 19 79

Richard H. Stubble
for State Engineer

Book No. 239 Page No. 143

12. The well is to be constructed on lands owned by Richard J. O'Brien
(The granting of a permit does not constitute the granting of right of way. If any easement or right of way is necessary in connection with this application, it should be understood that the responsibility is the applicant's. A copy of the agreement should accompany this application, if the land is privately owned and the owner is not a co-applicant.)
13. The water is to be used on lands owned by Richard J. O'Brien
(If landowner is not the applicant, a copy of the agreement relating to usage of appropriated water on the land should be submitted to this office. If the landowner is included as a co-applicant on the application, this procedure need not be followed.)

REMARKS: _____

THE LEGALLY REQUIRED FILING FEE MUST ACCOMPANY THIS APPLICATION

Under penalties of perjury, I declare that I have examined this application and to the best of my knowledge and belief it is true, correct and complete.

Richard J. O'Brien _____
Signature of Applicant or Authorized Agent Date July 10, 1978, 19 _____

THIS SECTION IS NOT TO BE FILLED IN BY APPLICANT

THE STATE OF WYOMING)
) ss.

STATE ENGINEER'S OFFICE)

This instrument was received and filed for record on the 12 day of July, A. D. 19 78, at 10:30 o'clock A. M.

Permit No. U.W. 44212

[Signature]
for 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 is approved subject to the condition that the proposed use shall not interfere with any existing rights to ground water from the same source of supply and is subject to regulation and correlation with surface water rights, if the ground and surface waters are interconnected. The use of water hereunder is subject to the further provisions of Chapter 169, Session Laws of Wyoming, 1957, and any subsequent amendments thereto.

Granting of a permit does not guarantee the right to have the water level or artesian pressure in the well maintained at any specific level. The well should be constructed to a depth adequate to allow for the maximum development and beneficial use of ground water in the source of supply.

If the well is a flowing artesian well, it shall be so constructed and equipped that the flow may be shut off when not in use, without loss of water into surface formations or at the surface.

Approval of this application may be considered as authorization to proceed with construction of the proposed well.

Construction of well will begin within one (1) year from date of approval. A Statement of Completion will be filed within thirty (30) days of completion of construction, including pump installation.

Completion of construction and completion of the beneficial use of water for the purposes specified in Item 4 of this application will be made by December 31, 19 79

The amount of appropriation shall be limited to the quantity to which permittee is entitled as determined at time of proof of application of water to beneficial use.

Witness my hand this 19th day of July, A.D. 19 78

[Signature]
State Engineer

NOTICE OF COMMENCEMENT WAIVED - Statement of completion received prior to expiration date for commencement.

September 1, 1978 - Statement of completion on August 10, 1978 received.
Beneficial use assumed as of date of completion.

SCANNED JUL 25 2012

MICROFILMED SEP 05 78

92486
Warranty Deed

Eligible Landowners
at

11-10

THIS STATE OF MONTANA
(County of Park)
Know all men by these presents, that I, Eligible Landowners
do hereby certify that the above named land is and was included
in the 11-10-67
at 11-10-67
in the 14-67
of the 335
W. William L. Larnie
County Clerk of the State of Montana
RECORDED
INDEXED
FILED
11-10-67
11-10-67
11-10-67

Grand Teton N.P. D. 57

1

03-112

WARRANTY DEED

Elizabeth Anderson, a single woman, and Babette Lemon, a single woman, Grantors, of Teton County, Wyoming, for and in consideration of Fifty Thousand Five Hundred and 00/100 Dollars (\$50,500.00) in hand paid, receipt whereof is hereby acknowledged, CONVEY and WARRANT to the United States of America and its assigns, Grantees, the following described real estate situate in Teton County, Wyoming, to wit:

A tract of land lying in Lot 5, Section 34, Township 43 North, Range 116 West, 6th Principal Meridian,

Commencing at the northwest corner of Lot 5, thence south $62^{\circ} 03' 40''$ East, a distance of 781.8 feet, which is the point of beginning and is Corner No. 1 of this tract;

Thence South $54^{\circ} 30'$ East a distance of 240 feet to Corner No. 2;

Thence South $43^{\circ} 55'$ West a distance of 295.3 feet to Corner No. 3;

Thence North $40^{\circ} 04' 25''$ West a distance of 472.8 feet corner No. 4;

Thence South $88^{\circ} 12' 40''$ East a distance of 313.7 feet to Corner No. 1, the point of beginning,

Containing 2.073 acres, more or less.

Subject to Elizabeth Anderson, Babette Lemon and Helene Wittmer, having the right to use and occupy the same for and during the term of their natural lives, in accordance with the conditions set forth in the Land Purchase Option and Contract to the United States of America, dated January 28, 1966, a copy being on file with the Superintendent, Grand Teton National Park.

Witness our hand this 23 day of September, 1967.

This property is being acquired by The National Park Service for the United States of America.



Elizabeth Anderson
Babette Lemon
W. B. Nichols

2

STATE OF WYOMING }
COUNTY OF TETON } SS

On this 23rd day of Sept., 19 67, before me personally appeared Elizabeth Anderson & Babette Lemon, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Given under my hand and Notary seal, this 23rd day of Sept., A.D. 19 67.



Larry R. Hock
Notary Public

My commission expires on the 22 day of March, A.D. 19 70.

STATE OF WYOMING }
COUNTY OF TETON } SS

On this 23rd day of Sept., 19 67, before me personally appeared V. E. Nichols, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

Given under my hand and Notary seal, this 23rd day of Sept., A.D. 19 67.



Larry R. Hock
Notary Public

My commission expires on the 22nd day of March, A.D. 19 70.

3

RECORDED	4-35	1967	AT H-10
IN BOOK	17	OF	10
NO.	24726	COUNTY CLERK	



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

December 13, 1967

Honorable Stewart L. Udall
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

Re: File No. 33-52-233-4
Tract No. 4A3
County Teton State Wyoming

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

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

The title evidence and related papers are enclosed.

Sincerely yours,

Ramsey Clark
Attorney General

File No. 3

Tract No.

Project:
Wyoming

Estate Acc

Acreage:

Considerat

executed by
Nichols on
September

May 16, 19
Title Guar

SCHEDULE A

File No. 33-52-213-4

Tract No. 4A3

Project: Grand Teton National Park located in Teton County, Wyoming

Estate Acquired: Fee

Acreage: 2.073

Consideration: \$50,500.00

The deed to the United States of America was executed by Elisabeth Anderson, Babette Lemon and V. E. Nichols on September 23, 1967, filed for record on September 25, 1967, and recorded in Book 14, at page 375.

The title insurance policy was prepared as of May 16, 1967, and extended to September 25, 1967, by the Title Guaranty Company of Wyoming, Inc.

The title is subject to the following:

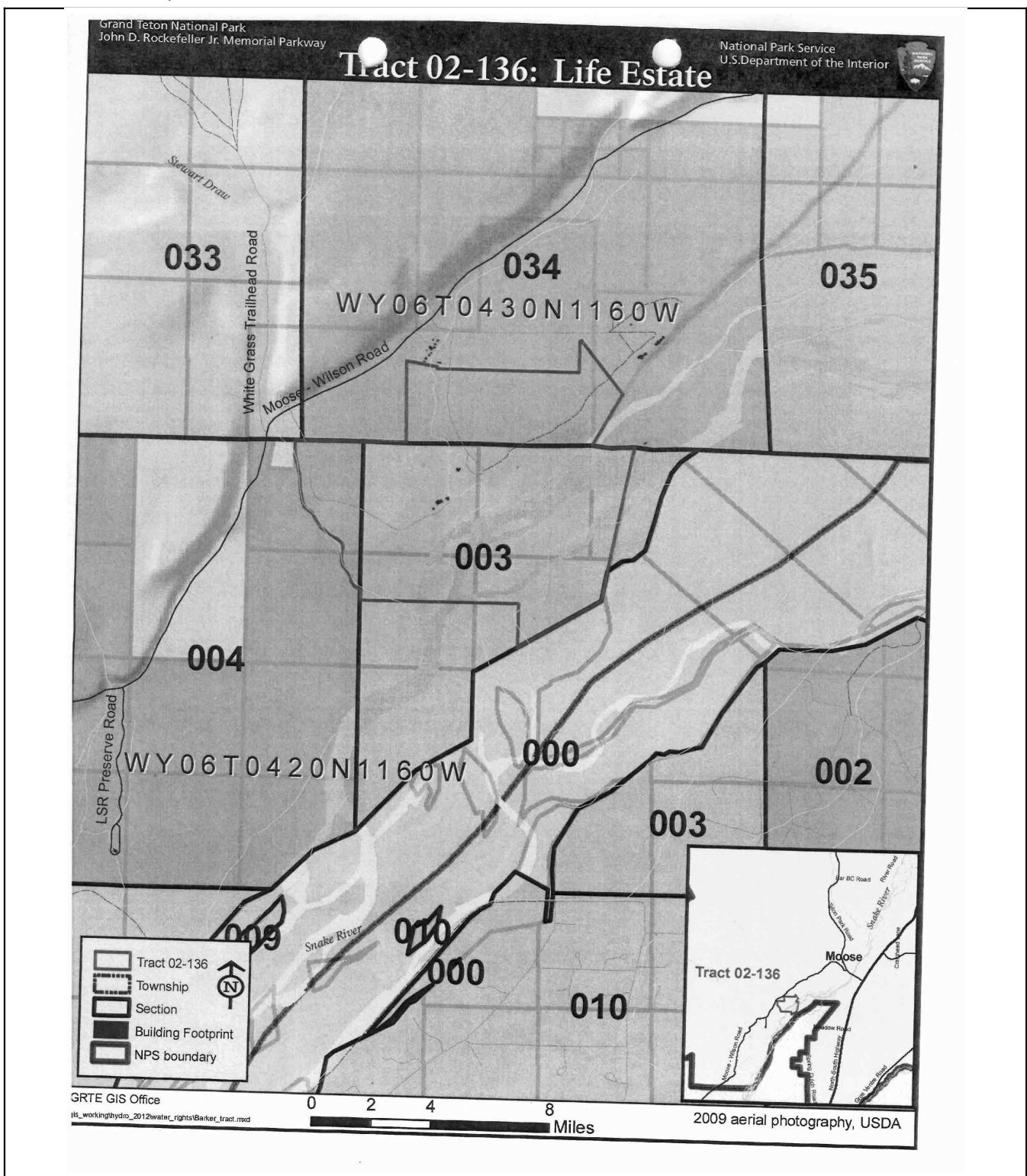
1. Existing easements for public roads and highways, rights of way for railroads, pipelines and public utilities, including those noted at item 3, Schedule B of the policy.
2. Life estate in Elisabeth Anderson, Babette Lemon and Helen Wittmer as set forth in the deed to the United States.

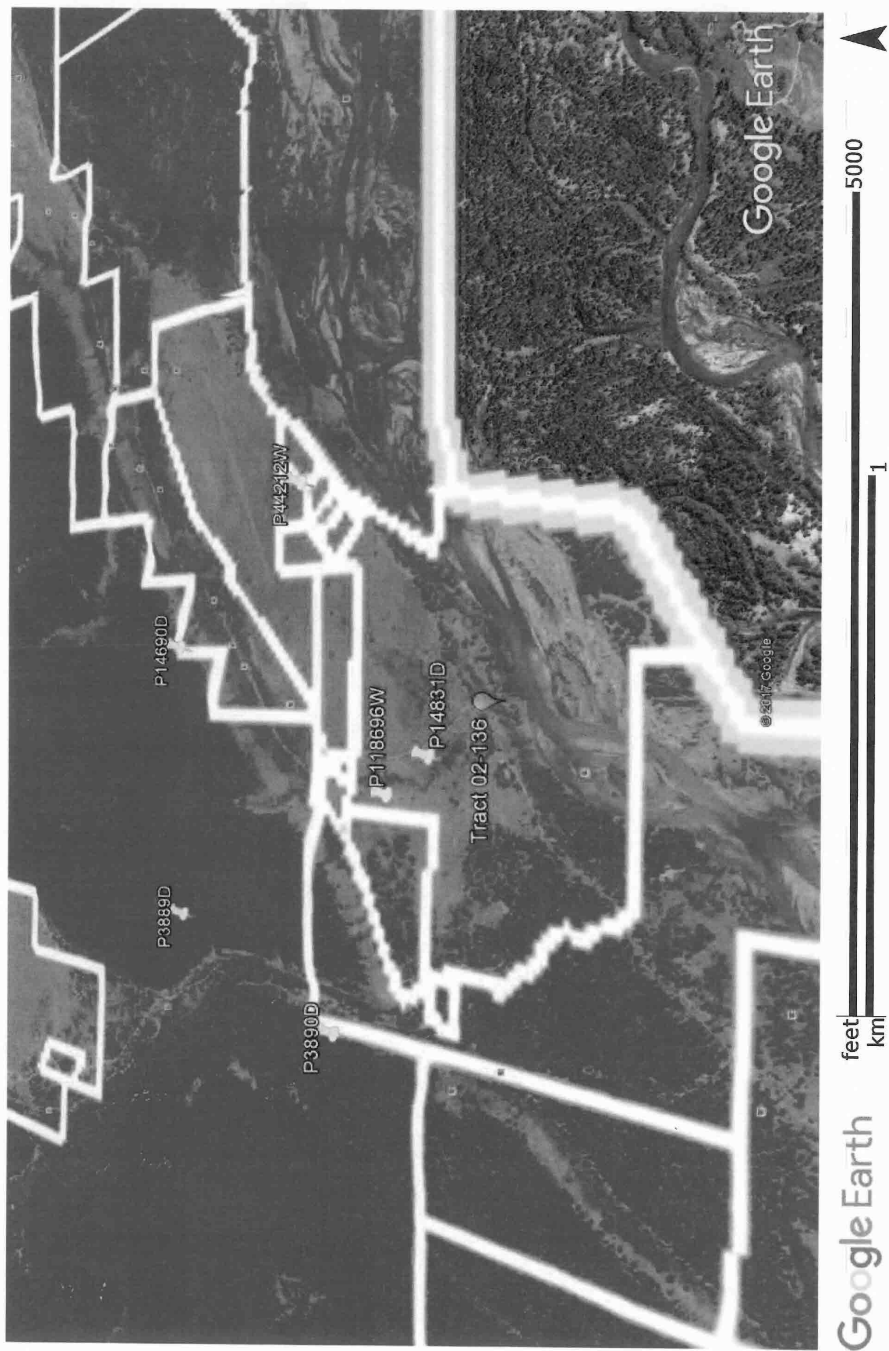
GRAND TETON NATIONAL PARK
Water Rights Appurtenant to Barker Parcel

Permit	Source	Amount	Purposes	Facility	Status	Place of Use
SURFACE WATER						
P14831D	Reserve Creek	0.21 cfs	Irrigation	Reserve Creek Ditch No. 2	Adjudicated	NW NE (5a), NE NW (5a), SE NW (5a), Section 3, T42N, R116W
P14690D	Reserve Creek	0.76	Irrigation; Domestic	Ilse No. 2 Ditch	Unadjudicated	SE SW (30a) Section 34, T43N, R116W
P3889D	Stewart Creek	0.71	Irrigation; Domestic	Stewart Ditch	Adjudicated	NW NW (30 a), SW NW (20 a), Section 3, T42N, R116W
	Stewart Creek		Irrigation; Domestic	Stewart Ditch	Unadjudicated	NE NE, SE NE, Section 4, T42N, R116W (Wyo. SE records indicate this has expired.)
P3890D	Reserve Creek	0.21 cfs	Irrigation	Reserve Ditch	Adjudicated	NE NE (10a), SE NE (5a) Section 4, T42N, R116W
GROUNDWATER						
P44212W	Well		Domestic	O'Brien #1	Complete	SW SE Section 34 (River Lot 5), T43N, R116W (It's not entirely clear that this is located within the Barker Property.)
P118696W	Well		Bottled Water	HG2	Complete	Point of Diversion: Homestead Entry #61, SE SW Section 34, T43N, R116W (It's not entirely clear that this is located within the Barker Property.)

An "adjudicated" right is one for which an application has been made, a permit granted, proof of beneficial use has been filed, and a certificate issued reflecting the beneficial use. The amount certificated may be less than the amount permitted. This will leave some lands authorized for irrigation under the permit for which no certificate has been issued. This is an "unadjudicated" right.

An "unadjudicated" right is the same except no proof of beneficial use has been filed and/or no certificate has been issued. In some instances, proof of beneficial use has been filed but the right holder did not thereafter pursue a license nor had one issued. Unadjudicated right exist on the books but are likely worthless given that any attempt to revive them would likely be defeated due to nonuse. The SE considers them to be expired.





Docket Information

Number of Documents in Docket 18

Documents Dated from 9/25/1969 to 6/29/2017

Docket Compiled: 7/14/2017