



Capitol Reef National Park

Docket Number: 12

PLEASANT CREEK

Preliminary Docket Information

DOCKET INFORMATION

Docket #: 12 Type (PC, APP, RIP, FRR, PWR, GW, ACQ): APP
Docket Title: Pleasant Creek
Park Unit: CARE Region: IMR
State: UT County: Wayne
Source: Groundwater ☐ Surface Water ☒ Source Name: Colorado River Drainage / Pleasant Creek
POD Name / Location: S½ S¼/4 Sec.20, N½SE¼SE¼: W¼NE¼ Sec 29: T30S, R7E
POU Name / Location: Various acreage over 140 acres
Quantity: 1.462 cfs (include units – gpm, afy, etc.)
Use(s): Live Stock , Irrigation , ,
Application #: Date:
Permit #: Date Issued:
License / Certificate #: Priority Date:
Ruling/Order/Decree#: Warranty Deed No 24 Date Issued: November 11, 1974
Owner: Prior Owner Lurton J and Alice K Knee

Narrative / Remarks: (history, status, etc)

Capitol Reef National Park purchased a parcel of land from the Knee's in 1974 and acquired the water rights associated with this Deed No 24.

The deed conveys 140 acres of the 375 acres to the United States. This is 140/375 or 37.3% of the total. Of the 375 acres, 36.98 acres are irrigated and are covered by Water User's Claims 95-1 thru 95-4. Of the 140 acres acquired by the United States, 23 acres are irrigated under 95-1/95-4. This is 23/36.98 or 62.2% of the irrigated acreage. From this it appears that the United States acquired the following water rights under this deed:

1. 23/36.98 (62.2%) of the irrigation portion and 140/375 (37.3%) of the stockwatering portion of Water User's Claims 95-1 thru 95-4
2. 140/375 (37.3%) of Water User's Claims 95-6 thru 95-8
3. 140/375 (37.3%) of the stockwatering portion of Water User's Claim 95-5.

Compiled by: C Gable Date: November 5, 2021

National Park Service
Water Resources Division, Water Rights Branch
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525

02 STATE

Capitol Reef National Park

PLEASANT CREEK

State Water Rights Documentation

FORM 114
6-57 10M-

Date April 17, 1960 in state of Utah,
Division of Water
Rights database.
J. Hughes,
May 18, 2018

IN THE SIXTH JUDICIAL DISTRICT COURT, IN AND FOR THE
COUNTY OF WAYNE, STATE OF UTAH

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

SERIAL NO. 1

STATEMENT OF WATER
USER'S CLAIM

DIRTY DEVIL RIVER DIVISION

MAP SHEET NO. 200-a

NOTE: This blank is sent to you in accordance with Utah Law. The information called for herein will be used in connection with the adjudication of water rights on the above mentioned drainage area. All questions applicable to your claim must be answered fully, and one copy of this form must be filed with the Clerk of the District Court at Loa, Utah, within sixty (60) days from date of service of the attached Notice. A copy shall be filed with the State Engineer, 403 State Capitol, Salt Lake City. Failure to file the attached Statement of the Water User's Claim with the Clerk of the District Court within the time stated will forever bar and estop you from asserting any right to the use of water from the said drainage area.

1. Name of Claimant Lurton J. Knes Interest Claimed
 2. Postoffice Address Torrey, Utah
 3. Name of particular ~~stream~~ stream, ~~which water is diverted is~~ from which water is diverted is Pleasant Creek in Wayne County.
 - (1. Right to surface water initiated by beneficial use before 1903 Claim No.
 - (2. Right to underground water initiated before 1935 Claim No.
 4. Class of Right (3. Right decreed by court, cit title of case
(4. Application filed, State Engineer's Office No. Cert. of App. No.
(5. Right acquired by adverse use prior to 1939
(Irrigation Sec. Ft. 1193 from March 15 to Nov 15 (both dates incl.)
(~~other~~ Sec. Ft. from to (both dates incl.)
5. Nature, Amount, ~~of water~~ Sec. Ft. from to (both dates incl.)
and Annual ~~diversion~~ Sec. Ft. from to (both dates incl.)
Period of Use (Stockwatering Sec. Ft. Incid. from Jan. 1 to Dec. 31 (both dates incl.)
(by month & day) ~~other~~ Sec. Ft. from to (both dates incl.)
(..... Sec. Ft. from to (both dates incl.)
 6. Direct Flow Appropriation:
 - (a) Point of diversion from ~~stream~~ stream, ~~which water is diverted is~~ S. 166 ft. W. 1065 ft. from the E. cor. Sec. 30, T30S, R7E, SLEM.
 - (b) Description of spring area
 - (c) Point of return to natural channel
 - (d) Point of redirection

NOTE: Point of diversion, redirection, and return to natural channel must be described with reference to U. S. Government survey corner.

 - (e) If flow is intermittently diverted, list by number or description, other rights involved
7. Appropriation for Storage Purposes:

(a) Name of reservoir None

(b) Location of reservoir by legal subdivisions described by 40-acre tracts

(c) Maximum capacity of reservoir in acre feet: Year construction commenced
Completed: Water first used Is reservoir located on or off stream

(d) Period of Storage from to (both dates incl.). Period of use from
to (both dates incl.). Maximum area in acres inundated Max. depth in feet
Average depth in feet Is reservoir drained each year Maximum number of fillings per
year Is reservoir used for equalizing purposes If feeder canal is used, give maximum
carrying capacity in sec. Ft.
8. Diverting Works:

(a) Surface water diverting dam: Material composed of None
Max. length Max. height Max. width at bottom Max. width at
top

(b) Underground water diverting works: Is well flowing or pump Depth of well
Diameter of well Length of drain Width of drain Depth of drain
Diameter of drain Length of tunnel Width of tunnel Height of
tunnel Type of pump Capacity of pump

(c) Surface and underground water conveying works: Length of ditch to first place of use Width of
ditch at top Width of ditch at bottom Depth of water Grade of
ditch per 1000 ft. Material through which ditch passes Maximum length of pipe
line to first place of use Diameter of pipe line Grade of pipe line per 1000
feet

- NOTARY PUBLIC



United States Department of the Interior

NATIONAL PARK SERVICE
ROCKY MOUNTAIN REGIONAL OFFICE

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

IN REPLY REFER TO:

L54 (RMR)PN
CARE

January 8, 1976

Mr. Kenward H. McKinney
Area Engineer
State of Utah Dept. of Natural Resources
Division of Water Rights
P.O. Box 718
Price, Utah 84501

Dear Mr. McKinney:

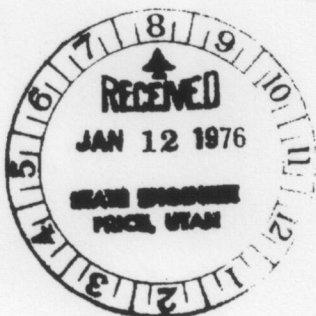
Superintendent Frank Wallace, Capitol Reef National Park has asked me to send you the enclosed Warranty Deed conveying property from Lurton J. and Alice K. Knee to the United States.

You will note the eighth paragraph of the deed conveys all water rights the Knee's may have had to the United States. The question of course is what water rights, if any, were conveyed with the 140 acre parcel we purchased. The appraisal report on the Knee property, the total holdings not just the 140 acre parcel we purchased, makes reference to eight water rights claims with a total of 1.462 cfs from Pleasant Creek. It appears from the limited records available to us that none of the eight water rights are included within the part of the land we purchased. However, this may or may not be true and we will appreciate any assistance you can give us in determining if there are any water rights of record with the land we purchased.

Sincerely yours,

William L. Mekeel
William L. Mekeel
Chief, Division of Water Rights

Enclosures



03 HISTORY

Capitol Reef National Park

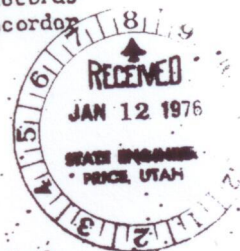
PLEASANT CREEK

Land History

Filed for record at request of Utah Title Agency Date 12/27/74
 Recorded in Book 85700 of Deeds Page 27-28 Wayne County Records
Wayne County Recorder

85700

WARRANTY-DEED



LURTON J. KNEE and ALICE K. KNEE, husband and wife,
 Grantors, of the town of Torrey in the County of Wayne, State of Utah,
 hereby convey and Warrant to THE UNITED STATES OF AMERICA and its assigns,

Grantee, the fee simple title to the land described
 for the sum of (\$300,000.00) Three Hundred Thousand Dollars

Wayne County, State of Utah, to-wit:

(The South half of the Southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 20; less
 the North half of the Southeast quarter of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$)
 of Section 20, and the West half of the Northeast quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of
 Section 29, all in Township 30 South, Range 7 East, Salt Lake Meridian.

The above described parcel of land contains 140 acres, more or less.

All gas, oil and mineral rights on the 140 acre parcel are to be delivered
 to Buyer.

This land is being acquired by the National Park Service for
 Capitol Reef National Park.

TO HAVE AND TO HOLD the above granted and described premises together with all
 and singular the tenements, hereditaments, and appurtenances thereto belonging,
 or in any wise appertaining unto the UNITED STATES OF AMERICA, and its assigns,
 forever.

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

SUBJECT to existing easements for public roads and highways, public utilities,
 railroads and pipelines as the records may reveal at the date of conveyance.

SUBJECT further to a reservation of the right to traverse the existing roads
 now serving Section 20 and Section 29 of Township 30 South Range 7 East, Salt Lake
 Meridian, until such time as the remaining portion of Tract 01-133, Capitol Reef
 National Park is acquired by the UNITED STATES OF AMERICA.

Witness the hand of said Grantor; this 11th day of

November, A.D., 1974

SIGNED IN THE PRESENCE OF

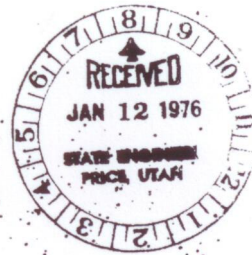
[Signature]
[Signature]

[Signature]
 Lurton J. Knee

[Signature]
 Alice K. Knee

CAPITOL REEF NP DEED NO 24

See transmittal
 letter dated
 Jan 8, 1976
 in state
 WR documentation
 section.
 J. Hughes
 May 18, 2018



STATE OF UTAH

County of Wayne

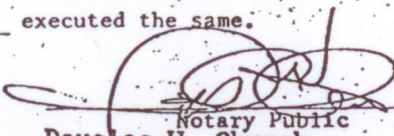
On this 11th day of November, 1974

Personally appeared before me Lurton J. Knee and

Alice K. Knee, husband and wife

The signers of the above instrument, who duly acknowledged to me that

they executed the same.


Notary Public
Douglas W. Church

My Commission expires May 27, 1977

ABSTRACT OF TITLE

Re: 95-1, 95-2, 95-3, and 95-4

Filed	Dated	Recorded	Deed Assign.	Assignor	Assignee	Amount Conveyed	Amount Remaining	Remarks
1/12/76	11/11/74	11/11/74	warranty deed	Lurton J. Knee	U.S.A., c/o National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, PO Box 25287, Denver, Col. 80225 (refer to L54 CARE)	62.2% irr. 37.3% stk.	37.8 %irr. 62.7% stk.	

SCANNED

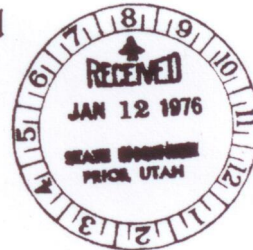
NED

NNED

33-46-400-

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

February 4, 1975



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

My dear Mr. Secretary:

Re: File No. 33-46-400-7
Tract No. 01-133
County Wayne

State Utah

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

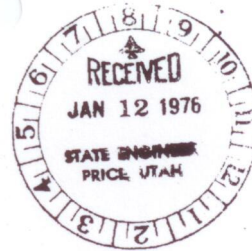
The title evidence and accompanying data disclose valid title to be vested in the United States of America subject to the rights and easements noted in Schedule A attached hereto which your Department has advised will not interfere with the proposed use of the land.

The title evidence and related papers are enclosed.

Sincerely yours,

Acting Attorney General

Schedule A



File No.: 33-46-400-7

Tract No.: 01-133

Project: Capitol Reef National Park located in Wayne County, Utah

Estate Acquired: Fee simple

Acreage: 140.0

Consideration: \$300,000.00

The deed to the United States of America was executed by Lurton J. Knee, et ux., on November 11, 1974, filed for record on November 11, 1974, and recorded in Book R of Deeds at page 77.

The title insurance policy No. USA 652, was prepared as of November 11, 1974, by The Title Guaranty Company.

The title is subject to the following:

1. Existing easements for public roads and highways, railroads, pipelines and public utilities, including easement rights noted at items Nos. 3 and 4, Schedule B of the title policy.
2. Reservation by the grantors of the right to traverse certain existing roads as set forth in the deed to the United States.

January 16, 1976

MEMO TO: Donald C. Norseth
 FROM: Kenward H. McKinney
 SUBJECT: Capitol Reef National Park Deed No. 24

Attached hereto is the above referenced deed in which Lurton J. Knee and Alice K. Knee convey and warrant to the United States of America the $S\frac{1}{2}SE\frac{1}{4}$ Sec. 20, less the $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 20; and the $W\frac{1}{2}NE\frac{1}{4}$ Sec. 29, all in T30S, R7E, SLB&M, containing 140 acres more or less. Also attached is a tracing of the relevant portion of Dirty Devil River Hydrographic Sheet 200-a. A preliminary examination of the Proposed Determination of Water Rights In Colorado River Drainage Area, Dirty Devil River Division, Pleasant Creek and Sandy Creek Subdivision and on hydrographic survey maps made in connection therewith, indicate the following:

1. The property in Secs. 20 & 29, T30S, R7E, SLB&M, comprising the Sleeping Rainbow Guest Ranch (Pleasant Creek Ranch), previously entirely owned by the Knees, consisted of:

a. $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$ Sec. 20	5 Acres
b. $S\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ Sec. 20	10 Acres
c. $S\frac{1}{2}S\frac{1}{2}$ Sec. 20	160 Acres
d. $W\frac{1}{2}NE\frac{1}{4}$ Sec. 29	80 Acres
e. $E\frac{1}{2}NW\frac{1}{4}$ Sec. 29	80 Acres
f. $NW\frac{1}{4}NW\frac{1}{4}$ Sec. 29	40 Acres
	<u>375 Acres</u>
2. Lurton J. Knee owns Water User's Claims 95-1, 95-2, 95-3, 95-4, 95-5, 95-6, 95-7, & 95-8.
 - a. 95-1 Page 23 PD 0.925 sec.-ft. of water from Pleasant Creek for the irrigation of 36.98 acres and stockwatering 50 cattle and 20 horses.
 - b. 95-2 Page 22 PD 0.1 sec.-ft. of water from Miner's Mountain Draw No. 4 for irrigation and stockwatering as in 95-1.
 - c. 95-3 Page 22 PD 0.1 sec.-ft. of water from Miner's Mountain Draw No. 3 for irrigation and stockwatering as in 95-1.
 - d. 95-4 Page 22 PD 0.1 sec.-ft. of water from Miner's Mountain Draw No. 2 for irrigation and stockwatering as in 95-1.

Memo UGK to Norseth 4/16/76

Capitol Reef National Park Deed

II

- e. 95-5 Page 18 PD 0.237 sec.-ft. of water from an unnamed spring for the domestic use of 200 families and stockwatering 50 cattle and 20 horses.
- f. 95-6 Page 22 PD Stockwater 50 cattle and 20 horses directly on Pleasant Creek.
- g. 95-7 Page 18 PD Stockwater as 95-6.
- h. 95-8 Page 18 PD Stockwater 50 cattle and 20 horses directly on Miner's Mountain Draw.

The deed conveys 140 acres of the 375 acres to the United States. This is 140/375 or 37.3% of the total. Of the 375 acres, 36.98 acres are irrigated and are covered by Water User's Claims 95-1 thru 95-4. Of the 140 acres acquired by the United States, 23 acres are irrigated under 95-1/95-4. This is 23/36.98 or 62.2% of the irrigated acreage. From this it appears that the United States acquired the following water rights under this deed:

1. 23/36.98 (62.2%) of the irrigation portion and 140/375 (37.3%) of the stockwatering portion of Water User's Claims 95-1 thru 95-4
2. 140/375 (37.3%) of Water User's Claims 95-6 thru 95-8
3. 140/375 (37.3%) of the stockwatering portion of Water User's Claim 95-5.

The unnamed spring covered by Water User's Claim 95-5 is on property acquired by the United States but I believe that it is used for stockwatering and for the domestic use of 200 families. Knee's retained all of the living quarters which are in the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20. Under these circumstances I believe that Knees should retain the domestic uses under 95-5 and that the stockwatering portion of that claim should be prorated as indicated.

Enclosed is a sketch of the relevant portion of Dirty Devil Hydrographic Survey Sheet 200-a and a table showing property ownership. I checked by telephone with the Wayne County Clerk and Treasurer concerning this matter and they confirmed that Lurton J. Knee owned the property as shown on the accompanying map and table. Therefore the division of the Water User's Claims should be as shown herein. The irrigation portion of Water User's Claims 95-1 thru 95-4 was prorated on the basis of the fraction of the whole of the irrigated acreage owned by each party. The stockwatering portion of Water User's Claims 95-1 thru 95-8 was prorated on the basis of the fraction of the whole acreage held by each party.

SLEEPING RAINBOW GUEST RANCH
Secs. 20 & 29, T30S, R7E, SLB&M

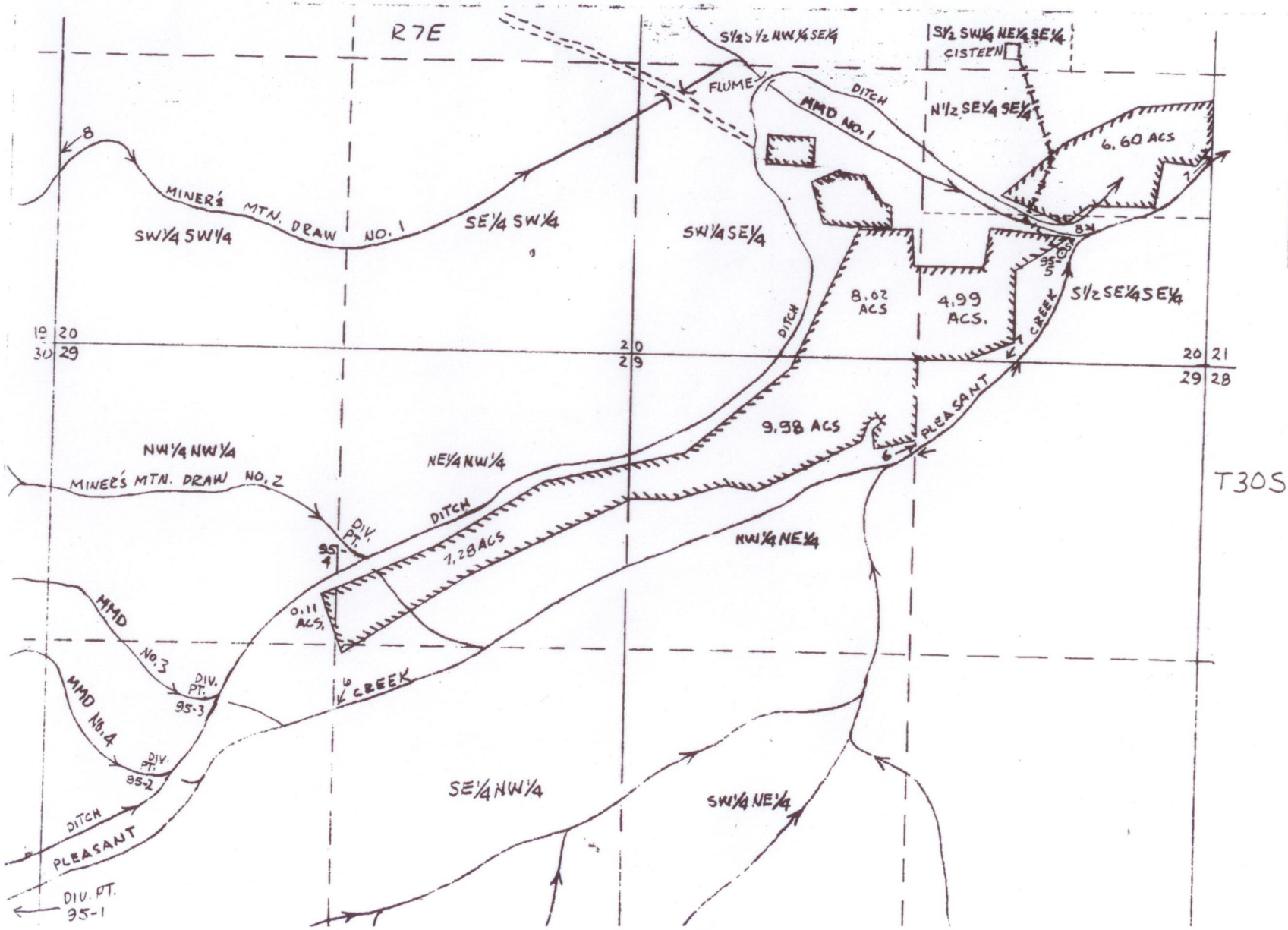
U.S. Dept. of Interior, National Park Service (USNPS), acquired 140 acs. of the Sleeping Rainbow Guest Ranch from Lorton J. Knee & Alice K. Knee (LJK). The following table indicates the percentage of the whole ranch acquired & retained by each party & the percentage of the irrigated acreage acquired & retained by each party.

OWNER	SEC T30S, R7E	SUBDIVISION	ACS	ACS. IRR.	REMARKS
LJK	20	S 1/2 SW 1/4 NE 1/4 SE 1/4	5	0	LJK SUBTOTAL ACS. = $\frac{235}{375} = .62666 = 62.7\%$
LJK	20	S 1/2 S 1/2 NW 1/4 SE 1/4	10	0	TOTAL ACS. = $\frac{375}{375} = 1.00000 = 100\%$
LJK	20	N 1/2 SE 1/4 SE 1/4	20	6.59	LJK SUB. ACS. IRR. = $\frac{13.98}{36.98} = .3780421 = 37.8\%$
LJK	20	SE 1/4 SW 1/4	40	0	TOTAL ACS. IRR. = $\frac{36.98}{36.98} = 1.00000 = 100\%$
LJK	20	SW 1/4 SW 1/4	40	0	
LJK	29	NE 1/4 NW 1/4	40	7.28	
LJK	29	NW 1/4 NW 1/4	40	0.11	
LJK	29	SE 1/4 NW 1/4	40	0	
		LJK SUBTOTAL	235	13.98	
USNPS	20	S 1/2 SE 1/4 SE 1/4	20	5.00	USNPS SUB. ACS. = $\frac{140}{375} = .37333 = 37.3\%$
USNPS	20	SW 1/4 SE 1/4	40	8.02	TOTAL ACS. = $\frac{375}{375} = 1.00000 = 100\%$
USNPS	29	NW 1/4 NE 1/4	40	9.98	USNPS SUB. IRR. ACS. = $\frac{23.}{36.98} = .6219578 = 62.2\%$
USNPS	29	SW 1/4 NE 1/4	40	0	TOTAL IRR. ACS. = $\frac{36.98}{36.98} = 1.00000 = 100\%$
		USNPS SUBTOTAL	140	23.00	
		LJK SUBTOTAL	235	13.98	
		TOTAL	375	36.98	

LJK Property ownership confirmed by phone with Wayne County Recorder & Treasurer on Jan. 16, 1976.

Acreages confirmed by FRAME 1450-A, a MICROFILM of the U.S. LAND SURVEY PLAT of a portion of T30S, R7E. The plat indicates the S 1/2 Sec. 20 to contain 320 acs. & Sec. 29 to contain 640 acs.

MEMO: MCK TO NORSETH 1/16/76



DETERMINATION OF WATER RIGHTS, COLORADO RIVER DRAINAGE AREA
DIRTY DEVIL RIVER DIVISION
WAYNE, GARFIELD, EMERY, SEVIER AND SANPETE COUNTIES, UTAH
Pleasant Creek, Sandy Creek and tributaries

22

ANNUAL WATER ALLOWED		PURPOSE, EXTENT & PLACE OF USE	CLAIMS USED FOR PURPOSE DESCRIBED	REMARKS	CLAIM NO.
FARM HEADGATE	DIVERSION FROM SOURCE				
AC. FT.	AC. FT.				
		IRRIGATION: 11.59 acs. SE $\frac{1}{4}$ SE $\frac{1}{4}$, 8.02 acs. SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T30S, R7E, SLEM. 9.98 acs. NW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.28 acs. NE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.11 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T30S, R7E, SLEM or a total acreage of 36.98. SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4	Diversion any, each or all claims. Total yearly diversion under all claims mentioned 129.43 ac. ft.	4
		STOCKWATERING: 50 cattle, 20 horses SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4, 5, 6, 7, 8	Flow for this purpose is part of flow for irrigation.	6
		STOCKWATERING: 50 cattle and 20 horses SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4, 5, 6, 7, 8		
	See Remarks	IRRIGATION: 11.59 acs. SE $\frac{1}{4}$ SE $\frac{1}{4}$, 8.02 acs. SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T30S, R7E, SLEM. 9.98 acs. NW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.28 acs. NE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.11 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T30S, R7E, SLEM or a total acreage of 36.98. SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4	Diversion any, each or all claims. Total yearly diversion under all claims mentioned 129.43 ac. ft.	3
		STOCKWATERING: 50 cattle, 20 horses SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4, 5, 6, 7, 8	Flow for this purpose is part of flow for irrigation.	2
	See Remarks	IRRIGATION: 11.59 acs. SE $\frac{1}{4}$ SE $\frac{1}{4}$, 8.02 acs. SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T30S, R7E, SLEM. 9.98 acs. NW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.28 acs. NE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.11 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T30S, R7E, SLEM or a total acreage of 36.98. SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4	Diversion any, each or all claims. Total yearly diversion under all claims mentioned 129.43 ac. ft.	
		STOCKWATERING: 50 cattle, 20 horses SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4, 5, 6, 7, 8	Flow for this purpose is part of flow for irrigation.	

DETERMINATION OF WATER RIGHTS, COLORADO RIVER DRAINAGE AREA
DIRTY DEVIL RIVER DIVISION
WAYNE, GARFIELD, EMERY, SEVIER AND SANPETE COUNTIES, UTAH
Pleasant Creek, Sandy Creek and tributaries

CLAIM NO.	NAME & ADDRESS OF CLAIMANT	SOURCE & TYPE OF RIGHT	PRIORITY DATE	FLOW C.F.S.	POINT OF DIVERSION	PERIOD OF USE, Inclusive	
						FROM	TO
1	Knee, Lurton J. Torrey, Utah	Pleasant Creek, Dil.	1882	0.925	S. 160 ft. W. 1065 ft. from the NE cor. Sec. 30, T30S, R7E, SLEM	Apr. 1	Oct. 31
				See Remarks		Jan. 1	Dec. 31
~~151~~	~~United States of America Bureau of Land Management Box 777 Salt Lake City 10, Utah~~	~~South Draw Stream, Dil.~~	~~1881~~		~~Stock water directly on stream from point where stream enters SE¹₄SE¹₄ Sec. 32, T30S, R7E, SLEM to point where stream leaves NE¹₄NE¹₄ Sec. 32, T30S, R7E, SLEM~~	~~Jan. 1~~	~~Dec. 31~~
~~142~~	~~United States of America Bureau of Land Management Box 777 Salt Lake City 10, Utah~~	~~Cottonwood Creek, Dil.~~	~~1881~~		~~Stock water directly on stream from point where stream enters SW¹₄SW¹₄ Sec. 36, T30S, R7E, SLEM to point of stream's confluence with Sandy Creek located in NE¹₄NE¹₄ Sec. 32, T30S, R8E, SLEM~~	~~Jan. 1~~	~~Dec. 31~~

DETERMINATION OF WATER RIGHTS, COLORADO RIVER DRAINAGE AREA
DIRTY DEVIL RIVER DIVISION
WAYNE, GARFIELD, EMERY, SEVIER AND SANPETE COUNTIES, UTAH
Pleasant Creek, Sandy Creek and tributaries

23

ANNUAL WATER ALLOWED		PURPOSE, EXTENT & PLACE OF USE	CLAIMS USED FOR PURPOSE DESCRIBED	REMARKS	CLAIM NO.
FARM HEADGATE	DIVERSION FROM SOURCE				
AC. FT.	AC. FT.				
	See Remarks	IRRIGATION: 11.59 acs. SE $\frac{1}{4}$ SE $\frac{1}{4}$, 8.02 acs. SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, T30S, R7E, SLEM. 9.98 acs. NW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.28 acs. NE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.11 ac. NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T30S, R7E, SLEM or a total acreage of 36.98. SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4.	Diversion any, each or all claims. Total yearly diversion under all claims mentioned 129.43 ac. ft.	1
		STOCKWATERING: 50 cattle, 20 horses SEE CLAIMS USED FOR PURPOSE DESCRIBED	1, 2, 3, 4, 5, 6, 7, 8	Flow for this purpose is part of flow for irrigation.	
		STOCKWATERING: 14,500 sheep, 4,628 cattle, 65 horses SEE CLAIMS USED FOR PURPOSE DESCRIBED	102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 168, 169, 170, 174		151
		STOCKWATERING: 14,500 sheep, 4,628 cattle, 65 horses SEE CLAIMS USED FOR PURPOSE DESCRIBED	102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 168, 169, 170, 174		142

DETERMINATION OF WATER RIGHTS, COLORADO RIVER DRAINAGE AREA
 DIRTY DEVIL RIVER DIVISION
 WAYNE, GARFIELD, EMERY, SEVIER AND SANPETE COUNTIES, UTAH
 Sandy Creek, Pleasant Creek and tributaries

CLAIM NO.	NAME & ADDRESS OF CLAIMANT	SOURCE & TYPE OF RIGHT	PRIORITY DATE	FLOW C.F.S.	POINT OF DIVERSION	PERIOD OF USE, Inclusive	
						FROM	TO
160	United States of America Bureau of Land Management Box 777 Salt Lake City 10, Utah	Tributary to Sandy Creek, Dil.	1881		Stock water directly on stream from point of stream's issuance located in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T30S, R8E, SLEM to point of stream's confluence with Sandy Creek located in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, T29S, R8E, SLEM	Jan. 1	Dec. 31
118	United States of America Bureau of Land Management Box 777 Salt Lake City 10, Utah	Burro Spring, Dil.	1881		Stock water directly on Spring located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T30S, R8E, SLEM	Jan. 1	Dec. 31
49	United States of America United States Forest Service Ogden, Utah	Meeks Draw, Dil.	1881		Stock water directly on stream from point of stream's issuance located in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, T31S, R4E, SLEM to point of stream's confluence with Pleasant Creek located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, T31S, R5E, SLEM	May 1	Oct. 31

06 DATA

Capitol Reef National Park

PLEASANT CREEK

Supporting Hydrologic Data



United States Department of the Interior

NATIONAL PARK SERVICE

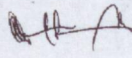
Water Resources Division

1201 Oakridge Drive, Suite 250

Fort Collins, Colorado 80525

May 17, 2018

To: Sue Fritzke, Superintendent, Capital Reef National Park (CARE)

Through: Alan C. Ellsworth, Branch Chief, Aquatic Systems Branch, Water Resources
Division (WRD) 

From: Michael Martin, Hydrologist, Aquatic Systems Branch, WRD
Tae Wan Kim, Visiting Scientist, Geoscientists-In-the-Parks Program, WRD

Subject: Technical Assistance Report – Elevation and Gradient Analysis for Pleasant
Creek Diversion, 2017

Introduction

In response to Technical Assistance Request #2238, WRD and CARE staff completed an elevation and gradient survey between Pleasant Creek and an associated irrigation ditch, to evaluate the potential of establishing a new diversion point. Capital Reef National Park currently possesses a surface water right associated with the creek; however, the original intake structure has been destroyed by erosion and a large section of the upper portion of the remaining ditch is being threatened by further channel migration. A new diversion point in a more stable reach of Pleasant Creek should be established to continue to utilize the surface water right. Four potential diversion sites were located during the summer of 2016, and it was the intent of this analysis to precisely quantify the elevation gradient between these potential diversion points and a lower (more stable) section of the ditch. Based on this assessment, the two most upstream diversions appear to be the most favorable from a hydraulic perspective.

Field Survey

The two-day site visit, which occurred from April 25-26, resulted in completion of a topographic, total station-based survey that included multiple points along the irrigation ditch and the four potential diversion locations adjacent to Pleasant Creek. This survey used local coordinates, starting at an arbitrary benchmark (BM 1), located at the northwest corner of the historic orchard (Figure 1). The traverse continued upstream (and “upditch”) about 3500 ft. (1067 m) and included 12 points in the ditch as well as the four potential diversion sites. The diversion locations were designated A through D, with A being the furthest upstream and highest

elevation. Four representative ditch points were selected and designated Points 1-4, with Point 1 being closest to the orchard (Figure 1). An additional point (Point 2a) was interpolated between Points 2 and 3 for use in the gradient analysis.

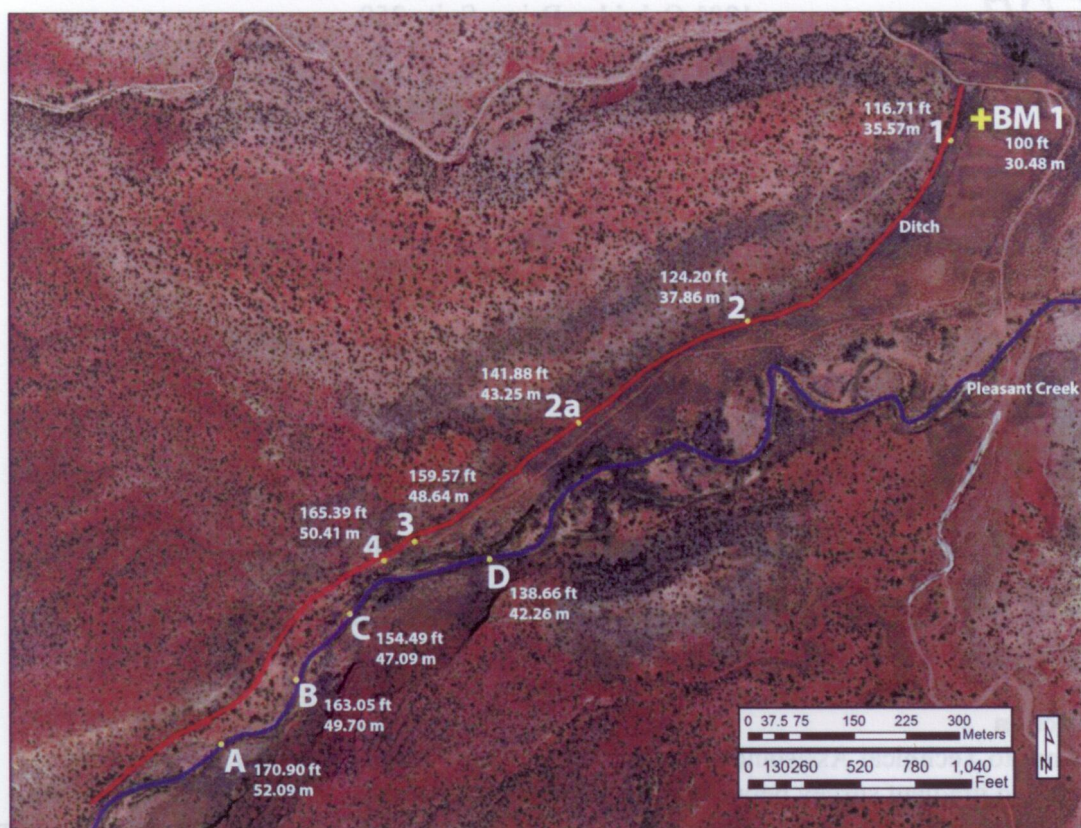


Figure 1. 2011 National Air Imagery Program image of the study area around Pleasant Creek. The creek channel is depicted as a blue line and the irrigation ditch as a red line. Potential diversion locations are labeled A through D with elevations (ft. and m) as subscript. Ditch points are labeled 1-4 with elevations (ft. and m) as superscript. Point 2a is the interpolated point used in the gradient analysis.

Elevation Analysis

All of the elevations used in this analysis are referenced to the arbitrary benchmark, BM 1, assigned an elevation of 100.00 ft. (30.48 m) (Table 1). The lowest point surveyed in the irrigation ditch, Point 1, was located west of BM1 at an elevation of 116.71 ft. (35.57 m), or about 17 ft. (5 m) above the orchard. The ditch points, Point 1 to Point 4, spanned an elevation range of 48.68 ft. (14.84 m) from 116.71 ft. (35.57 m) to 165.39 ft. (50.41 m). The potential diversion locations (A through D) spanned a range of 32.24 ft. (9.83 m) from 138.66 ft. (42.26 m) to 170.90 ft. (52.09 m). The elevation of the most upstream diversion location, A, was 170.90 ft. (52.09 m), while the elevation of the most upstream ditch point, Point 4, was 165.39 ft. (50.41 m) (Table 1).

Ditch Points	Elevation (feet)	Elevation (meters)
1	116.71	35.57
2	124.20	37.86
2a	141.88	43.25
3	159.57	48.64
4	165.39	50.41
Possible Diversion Locations	Elevation (feet)	Elevation (meters)
A	170.90	52.09
B	163.05	49.70
C	154.49	47.09
D	138.66	42.26

Table 1. Surveyed elevations of the Ditch Points (1-4) in the irrigation ditch and the potential diversion locations (A-D) along Pleasant Creek. Elevations are relative to BM1 with an arbitrary elevation of 100.00 ft. (30.48 m).

Gradient Analysis

This assessment included a gradient analysis on multiple, potential alignments between the diversion locations at Pleasant Creek and nearby, downgradient ditch points. Percent slope was calculated over a straight-line distance between likely pairs of diversion locations and ditch points (Table 2). From the survey data, the minimum slope of the ditch (0.44%) suggests a design criterion for potential diversion alignments. All of the presented alignments are near or greater than this slope value.

Diversion Zone	Irrigation Ditch	Distance (ft.)	Distance (m)	Slope (%)
A	1	4426.37	1349.16	1.22
	2	3158.91	962.84	1.48
	2a	2251.16	686.15	1.29
	3	1312.55	400.07	0.86
	4	1150.81	350.77	0.48
B	1	3965.42	1208.66	1.17
	2	2695.11	821.47	1.44
	2a	1787.46	544.82	1.18
	3	852.31	259.78	0.41
C	1	3576.64	1090.16	1.06
	2	2308.56	703.65	1.31
	2a	1395.75	425.42	0.90
D	1	2913.04	887.89	0.75
	2	1641.44	500.31	0.88

Table 2. Distance data used, along with surveyed elevations to calculate gradient of potential alignments between diversion locations and ditch elevations. Straight-Line distances were calculated using ArcGIS Ruler.

Recognizing that length of alignment will be a factor in cost and constructability, four favorable alignments, based on grade and length, are presented in greater detail (Figure 2). The nearest potential alignment to the orchard is Diversion D and Ditch Point 2 (D-to-2). Diversion D is about 3000 ft. (914 m) upstream of the orchard and 1641.44 ft. (500.31 m) away from Point 2 in straight-line distance. The percent slope of D-to-2 is 0.88 percent. Given the length of this proposed alignment, it may not be the most favorable possibility. The next upstream diversion location, Diversion C, is about 700.46 ft. (213.50 m) upstream of Diversion D. A potential alignment for this diversion would be Diversion C to Ditch Point 2a (C-to-2a), which is 1395.75 ft. (425.42 m) away in a straight-line distance. The percent gradient of alignment C-to-2a is 0.90 percent. Again, given the length of this proposed alignment, it may not be the most favorable option. Diversion B is about 397.57 ft. (121.18 m) upstream from Diversion C. This diversion could form a likely alignment with Ditch Point 3 (B-to-3), which has a straight-line distance of 852.31 ft. (259.78 m). The percent gradient of Alignment B-to-3 is 0.41 percent, slightly below the design criteria of 0.44 percent and the lowest gradient of all alignments analyzed. However, this alignment has the shortest distance of the various alignment options and should be considered. Diversion A, the most upstream diversion, is 463.97 ft. (141.36 m) upstream of Diversion B. The possible alignment between A and Ditch Point 4 (A-to-4) has a straight-line distance of 1150.81 ft. (350.77 m) and a percent gradient of 0.48 percent.

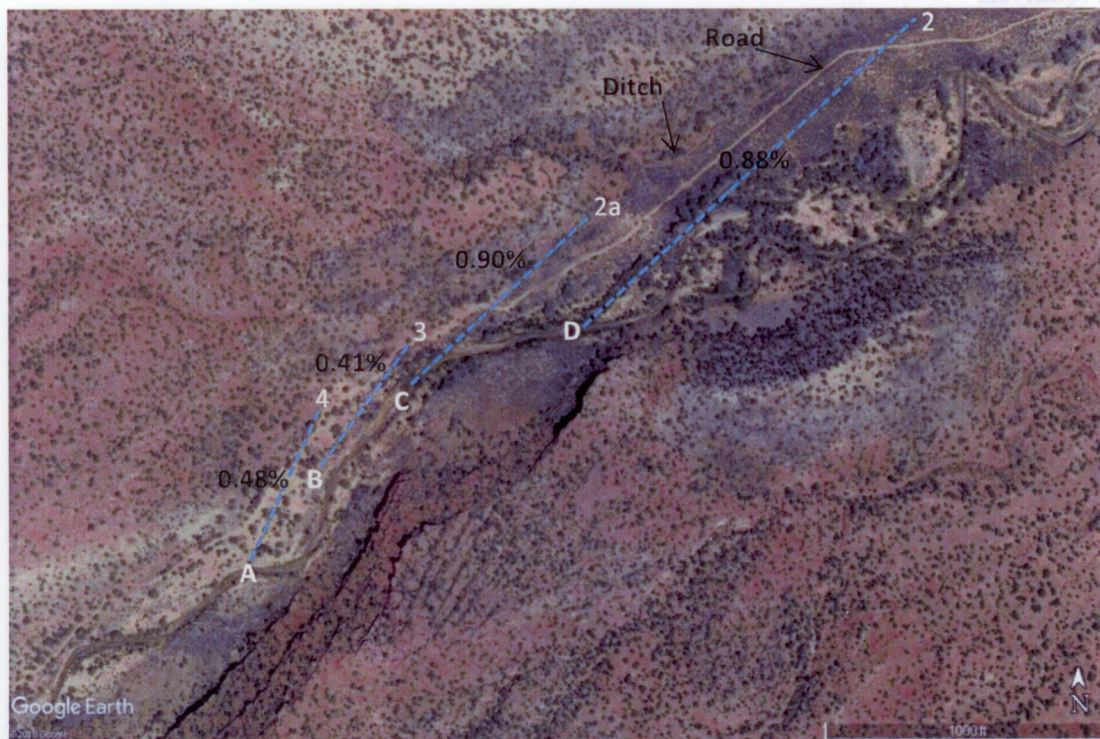


Figure 2 Google Earth image showing four potential alignments (dashed blue lines) for water delivery from Pleasant Creek to the irrigation ditch. Calculated gradients of these alignments are displayed as percentages.

Conclusions

Based on the elevation and gradient analysis between Pleasant Creek and the associated irrigation ditch, it appears there are a number of feasible diversion alignments. Of the four likely alignments that were examined, the two most upstream diversions appear to be the most favorable from a hydraulic perspective. The B-to-3 alignment has the shortest straight line distance, 852.31 ft. (259.78 m) and a positive gradient of 0.41 percent. The A-to-4 alignment is slightly steeper with a grade of 0.48 percent, and 35 percent longer straight-line distance of 1150.81 ft. (350.77 m). Selection of these two alignments is preliminary. Other factors, such as constructability and accessibility will determine the final choice of diversion alignments. A reconnaissance level evaluation with construction professional(s) to assess practicability of the B-to-3 and the A-to-4 alignments (as well as the other potential alignments, if necessary) is a logical "next-step" in evaluating replacement of the Pleasant Creek diversion.

cc:

CARE - Roche

SEUG - Fisk

IMR - Weeks

WRD - Ellsworth, Harvey, Hughes, Lord

07 OTHER

Capitol Reef National Park

PLEASANT CREEK

Other Supporting Information



United States Department of the Interior

NATIONAL PARK SERVICE

GOLDEN SPIKE NATIONAL HISTORIC SITE

P.O. BOX W

BRIGHAM CITY, UT 84302-0923

IN REPLY REFER TO:

March 16, 1987

To: Utah State and Federal Agencies in Utah

As you know, the National Park Service Office in the Federal Building in Salt Lake City was closed on December 31, 1986.

Since that time, I have been designated acting Utah Coordinator for the National Park Service pending the selection of the new superintendent for Canyonlands National Park.

That selection has just been made and Harvey Wickware will assume his new duties as Canyonlands Superintendent and Utah State Coordinator effective March 29, 1987.

For your information his address is:

Harvey Wickware
Utah State Coordinator
National Park Service
Canyonlands National Park
125 West 200 South
Moab, Utah 84532

(801) 259-7164

Needless to say, we in the National Park Service will miss the close associations that Don Gillespie was able to maintain while in Salt Lake City. Harvey comes to his new position after eight years as superintendent at Theodore Roosevelt National Park, North Dakota, and looks forward to his new association with all of you. Please feel free to contact him as appropriate.

I have enjoyed my brief tenure as acting state coordinator and appreciate your help and support.

Sincerely,

Denny Davies
Acting State Coordinator
National Park Service

cc: Harvey Wickware
Regional Director, RMR

attachment in
land history section
"warranty ded."
J. Hughes
May 18, 2018

Docket Information

Number of Documents in Docket : 8

Documents Dated from : 04-07-1960 to 11-05-2021

Docket Compiled: 9/21/2022