Docket Number: 2

UNNAMED SPRING A9386

Preliminary Docket Information

Water Right Details

Open Classic View

Water Right: 73-424 Display/Refresh

Run Date: 8/11/2022 3:22:56 PM

Select Related Information

WARNING: Water Rights makes NO claims as to the accuracy of this data.

Water Right: 73-424 Application/Claim Number: A9386 Certificate Number: 1494

Home Display
Sole Supply
Scanned Documents
Print

View Map

Changes

a23462 (Filed: 06/24/1999) Lapsed

Owners

Name: Cedar Breaks NM USA National Park Service
Address: ATTN: Mike Ward
Box 749
Cedar City UT 84720 Interest: 100%
Remarks:

General

Type of Right: Application To Appropriate Source of Info.: Proposed Determination **Status: Certificated**
Quantity of Water: 0.06 CFS

Source: Unnamed Spring
County: Iron
Common Description: Cedar Breaks

Proposed Determin. Book: 73- Map: 37 Publication Date:

Land Owned by Applicant: County Tax Id#:

Dates

View More

Filing:
Filed: 09/05/1925
Priority: 09/05/1925 Decree/Class:

Advertising:
Protest End Date: Protested: Not Protested Hearing Held:

Approval:
State Engineer Action: Approved Action Date:

Certification:
Proof Due Date:
Certificate/WUC Date: Lapsed, Etc. Date: Lapsed Letter Date:

Points of Diversion

View Map

Stream Alteration Required:

Points of Diversion - Point to Point

(1) Spring located at: S 660 ft W 660 ft from E4 corner, Sec 10 T 37S R 9W SLBM, Sec 10 T 37S R 9W SLBM
Comment: Administratively updated by State Engineer.

Water Uses

View Map View Use Data

Water Use Group Number: 605567
Water Rights Appurtenant to the following use(s): 73-424(CERT),

Recreation: Domestic use at Cedar Breaks Lodge Prd of Use: 01/01-12/31
Acre Feet Contributed by this Right for this Use: 43.4388

Place of Use	North West Quarter				North East Quarter				South West Quarter				South East Quarter				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
Sec 10 T 37S R 9W SLBM														X			
																Group Acreage Total:	

Use Totals - for 1 group

Use Type	Sole Supply Total	Group Total
Other:	43.4388 acft	-

Sole Supply Totals For Each Water Right In Group: 605567

	WrNum	Irrigation (acres)	Stockwatering (stock units)	Domestic (EDUs)	Municipal (acft)	Mining (acft)	Power (cfs)	Other (acft)
1	73-424	0	0	0	0	0	0	43.43879882813
Sole Supply Totals:		0	0	0	0	0	0	43.4388
Group Totals:								

DOCKET INFORMATION

Compiled by: CGABLE Date: 03-12-2024

Initial Docket Information Form ☑ Amendment # _____ (2.3,4 ...)

Park Unit: CEBR Docket #: 002 Docket Title: Unnamed Spring A9386

Docket Type:
Select all applicable: ☐ PC/V (pre-code/vested) ☑ APP (appropriative) ☑ RIP (riparian)
☐ FRR (federal reserved right) ☐ PWR (public water reserve) ☐ ACQ (acquired)
☐ GW (groundwater) ☐ Own (ownership) ☐ Other _____

Region:
☐ NER & NCR ☑ IMR
☐ SER ☐ MWR
☐ IMR ☐ PWR
☐ AKR

Source:
☐ Groundwater ☐ Spring (When recognized by the State as separate from groundwater and surface water)
☑ Surface Water
☑ Direct Diversion ☐ Diversion to Storage ☐ Instream Flow
Name: Unnamed Spring

State: Utah
County: Iron

Owner: Cedar Breaks NM USA National Park Service (As listed by the State)

Application #: A9386 Date: _____

Permit #: _____ Date Issued: _____

License / Certificate #: 1494 Priority Date: September 5, 1925

Ruling/Order/Decree #: Water User Claim 73-424

Date Issued: _____

Quantity: Rate: 0.06 CFS Duty: 43.4

Units: ☑ cfs ☐ gpm ☐ afy ☐ other _____ Units: ☐ cfs ☐ gpm ☑ afy ☐ other _____

Use(s): ☑ Domestic ☐ Livestock ☐ Irrigation ☐ Municipal ☐ Industrial/Commercial ☐ Wildlife ☐ Instream ☑ other Culinary

POD Name / Location: N 10 54 W 1941 FT from ☐ Multiple PODs (see water right)

Qtr: SW Qtr: _____ Sec: 11 T: 37 ~~N~~ / S R: 9 ~~E~~ / W PM: SLBM

Latitude: _____ Longitude: _____

UTM _____, _____ Datum: _____

POU Name / Location: Cedar Breaks Lodge ☐ Multiple POUs (see water right)

Qtr: SW Qtr: _____ Sec: 11 T: 37 N / S R: 9 ~~E~~ / W PM: SLBM

Latitude: _____ Longitude: _____

UTM _____, _____ Datum: _____

Narrative / Remarks (continue on back, if necessary):

The water right was quitclaimed to the UTAH PARKS COMPANY a corporation of the State of Utah for $1 dollar on December 31, 1971. Quitclaim Deed transferring from the Los Angeles and Salt Lake Railroad Company and its lessee, Union Pacific Railroad.

Also, on that day a Special Warranty Deed was granted by Utah Parks Company that donated said water rights, springs, and water wells to the Grantee (NPS).

The NPS applied for a change application 73-424 (a23462a), a well that would join the rights of 73-424 and 73-1211 for Twin Springs and Blowhard Springs. The application permanently lapsed by the State of Utah on August 31, 2011.

02 STATE

Cedar Breaks National Monument

UNNAMED SPRING A9386

State Water Rights Documentation

6

GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

SEPTEMBER 15, 2011

USA NATIONAL PARK SERVICE
CEDAR BREAKS NATIONAL MONUMENT
2390 WEST HIGHWAY 56, SUITE 11
CEDAR CITY UT 84720

LAPSED

FINAL NOTICE OF LAPSING
RE: Application No. 73-424 (a23462)
PERMANENTLY LAPSED DATE: AUGUST 31, 2011

Dear Applicant:

The above numbered application LAPSED because neither proof of beneficial use nor extension of time request was received on or before AUGUST 31, 2011.

Under Utah Laws, if an application has lapsed because proof was not submitted or an election was not filed (in areas under an adjudication order of the court), or an extension of time was not requested with proper showing of diligence, **it may be reinstated within sixty days after this notice of lapsing.**

REQUEST FOR REINSTATEMENT CANNOT BE RECEIVED LATER THAN SIXTY DAYS FROM THE DATE HEREOF. IF YOUR APPLICATION IS REINSTATED, ITS PRIORITY DATE WILL BE CHANGED TO THE DATE ON WHICH REQUEST FOR REINSTATEMENT IS FILED.

IF YOUR APPLICATION IS NOT REINSTATED WITHIN SIXTY DAYS FROM THE DATE HEREOF, UNDER THE LAW, THE ABOVE-NUMBERED APPLICATION WILL BE PERMANENTLY LAPSED AND YOU WILL HAVE LOST THE RIGHT INITIATED BY THIS APPLICATION. THIS IS THE ONLY NOTICE OF PERMANENT LAPSING YOU WILL BE SENT UNDER THIS APPLICATION.

IF YOU USE THIS WATER WITHOUT PROPER AUTHORITY, YOU ARE PERFORMING AN ILLEGAL ACT THAT MUST BE DISCONTINUED UNTIL PROPER PROCEDURES HAVE BEEN FOLLOWED.

IF YOU HAVE QUESTIONS OR IF WE CAN ASSIST YOU, WE WILL BE HAPPY TO DO SO. YOUR CONTACT WITH THIS OFFICE, SHOULD YOU NEED IT, IS WITH OUR REGIONAL OFFICE IN CEDAR CITY. THE TELEPHONE NUMBER IS (435)586-4231.

Yours truly,

Kent L. Jones, P.E.
State Engineer

P E R M A N E N T L Y L A P S I N G N O T I C E

GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director
KENT L. JONES
State Engineer/Division Director

JUNE 30, 2011

USA NATIONAL PARK SERVICE
CEDAR BREAKS NATIONAL MONUMENT
2390 WEST HIGHWAY 56, SUITE 11
CEDAR CITY UT 84720

Dear Applicant:

RE: Application No. 73-424 (a23462)
PROOF DUE DATE: AUGUST 31, 2011

To complete an appropriation or a change of water right, proof that the development work is completed and the water is being beneficially used must be prepared by a land-surveyor or an engineer licensed in Utah. Your due date for submitting a properly prepared proof is on or before **AUGUST 31, 2011.**

However, if the water uses do not exceed one residence, irrigation of 0.25 acre, and watering 10 livestock, you may be eligible to submit an Affidavit of Beneficial Use instead of a proof prepared by a licensed proof professional. The following is required to submit an affidavit: a copy of the Certificate of Occupancy for the residence; a copy of the plat map from your County Recorder's office; a map showing the water source and the uses of water; and a completed affidavit form. If you submit an affidavit, all required documents must filed by the proof-due date shown above.

There is no fee for filing a proof or an affidavit. However, if either cannot be submitted by the proof-due date, an extension of time may be requested by completing the enclosed form and submitting it by the proof-due date. The fee for filing an extension of time request is $50.00.

If the applicant is a public water supplier or wholesale electrical cooperative, extensions beyond 50 years can only be approved if the water is needed for the future needs of the public. Those extension requests must be accompanied by an adequate 40-year plan projecting the future needs of the applicant, in accordance with criteria specified in Section 73-1-4(2)(f), Utah Code Annotated 1953 (as amended).

Failure to submit a completed proof, affidavit, or an extension request on or before the PROOF DUE DATE will cause the application to LAPSE.

Your contact with this office, should you need it, is with our Regional Office in Cedar City. The telephone number is (435)586-4231.

Yours truly,

Kent L. Jones, P.E.
State Engineer

Enclosure: Extension Form

PROOF DUE

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

On Extension of Time Request
For Permanent Change Application Number 73-424 (a23462)
January 12, 2006

Permanent Change Application Number 73-424 (a23462) was filed on June 24, 1999, and approved on August 25, 1999. Proof of Beneficial use was last due on August 31, 2005.

The applicant has filed for an extension of time within which to file proof requesting additional time to complete the project. The request for extension of time has been considered and it is the opinion of the State Engineer that the applicant has satisfied Section 73-3-12 of the Utah Code, by providing adequate documentation of due diligence or reasonable cause for delay.

It is, therefore, **ORDERED** and an extension of time within which to submit proof is **GRANTED** on Permanent Change Application Number 73-424 (a23462) to and including **August 31, 2011**, but with the condition that any future request for extension of time will be critically reviewed. Unless substantial progress is shown in the form of physical development within the time hereby granted or reasonable cause for delay is demonstrated, the State Engineer will likely deny any further request for extension of time.

The applicant is placed on notice that extension requests must continue to comply with the provisions of Section 73-3-12 of the Utah Code. This extension is granted in accordance with the law which states: "The construction of the works and the application of water to beneficial use shall be diligently prosecuted to completion within the time fixed by the State Engineer Extensions of time. . . may be granted by the State Engineer on proper showing of diligence or reasonable cause of delay. . .. In considering an application to extend the time in which to place water to beneficial use under an approved application, the State Engineer shall deny such extension and declare the application lapsed, unless the applicant affirmatively shows that the applicant has exercised or is exercising reasonable and due diligence in working toward completion of the appropriation."

The applicant is cautioned that holding a change application does not protect the underlying right from challenge as having been forfeited through nonuse if beneficial use does not occur for a period of five or more consecutive years. Water should be used at either the historic or the proposed location, or filing a nonuse application should be considered.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

It is earnestly recommended that you complete your development and submit Proof of Beneficial Use at the earliest possible date.

Your contact with this office, should you need it, is with our Regional Office in Cedar City. The telephone number is (435)586-4231.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this **12th** day of **January, 2006.**

Jerry D. Olds

Jerry D. Olds, P.E., State Engineer

Mailed a copy of the foregoing Memorandum Decision this **12th** day of **January, 2006,** to:

USA National Park Service
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City UT 84720

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

December 21, 2005

USA NATIONAL PARK SERVICE
CEDAR BREAKS NATIONAL MONUMENT 2390 WEST HIGHWAY 56, SUITE 11
CEDAR CITY UT 84720

RE: Application No. 73-424 (a23462)

Dear Applicant: PROOF DUE: August 31, 2005

The above-numbered application lapsed on August 31, 2005, because neither proof, nor an election, nor an extension request was received in our office.

The application was reinstated November 29, 2005, because a Request for Reinstatement and Extension of Time was received in our office. You will be notified at a later date of the State Engineer's action on your Extension request.

The priority date of the application is now November 29, 2005.

Sincerely,

Jerry D. Olds

Jerry D. Olds, P.E.
State Engineer

NOTICE OF LAPSING AND REINSTATEMENT

LAPSED [redacted] ID
REINSTATED

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

11-29-2005: Request for Reinstatement and Extension of Time to Water Right to Beneficial Use Showing to make absolute of water right demonstrating progress towards putting water to beneficial use.

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

RECEIVED
DEC - 1 2005
WATER RIGHTS
SALT LAKE

REQUEST FOR REINSTATEMENT AND EXTENSION OF TIME

(Before Fourteen Years)

RECEIVED
NOV 29 2005
WATER RIGHTS
CEDAR CITY

WATER RIGHT NO. **73-424 (a23462)** APPLICANT: **USA National Park Service**
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City UT 84720

STATE OF UTAH
COUNTY OF **Iron**

Steven M. Robinson, being first duly sworn that he or she is the (agent of the) owner of the above number application; that the information given is true and correct to the best of his or her knowledge.

Describe briefly the type, extent, and cost of construction completed to date, and the estimated cost of any remaining construction to complete the project and to submit PROOF of BENEFICIAL USE. Give reasons why the work could not be completed and water put to beneficial use within the time allowed.

The USDI-National Park Service at Cedar Breaks National Monument spent $33,400 to drill a well in order to put this water right to use. A total of 220 feet were drilled without hitting water before our funding source was exhausted. The Zion National Park Hydrologist's revised estimate for hitting water will require drilling at least 1,000 feet, or a minimum of 780 additional feet. The well was cased and capped until additional funds are available to continue drilling.

The National Park Service is applying for and awaiting the necessary funding to continue the project, which is estimated at $120,000, at which time drilling will continue in the development of this site. The water was not put to beneficial use because the well was not established at the depth intended. The National Park Service fully intends to make beneficial use of this water right in the establishment of a safe and reliable culinary water supply for Cedar Breaks National Monument.

Pursuant to Section 73-3-12, Utah Code Annotated 1953 (as amended), request is made for REINSTATEMENT and EXTENSION OF TIME for filing proof from

August 31, 2005 to August 31, 2010.

KARMA NEILSEN
NOTARY PUBLIC - STATE of UTAH
2390 W. HWY 56 STE 11
CEDAR CITY, UT 84720
COMM. EXPIRES 7-31-2006

Steven M. Robinson, Chief Park Ranger
APPLICANT (if a corporation, give title of officer signing)

Subscribed and sworn to before me this 29TH day of November, 2005.

Karma Neilsen
NOTARY PUBLIC

FOR OFFICE USE ONLY

Ck # 016907

$25 FEE RECD. 29 Nov 05 BY CA RECEIPT NO. 05-05252 COMPUTER 11/29/05

PROOF DUE DATE: **August 31, 2005** 4 YEAR PERIOD ENDS: **August 25, 2013**

REMARKS

RETURN TO: DIVISION OF WATER RIGHTS*CEDAR CITY OFFICE*P.O. Box 506*Cedar City, Utah 84721-0506*(435)586-4231.

SCANNED

Extension Request

10-17-2005: To: USA National Park Service Cedar Breaks National Monument From: State of Utah Department of Natural Resources Divison of Water Rights Subject: Final Notice of Lapsing, August 31, 2005

6

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

October 17, 2005

USA NATIONAL PARK SERVICE
CEDAR BREAKS NATIONAL MONUMENT
2390 WEST HIGHWAY 56, SUITE 11
CEDAR CITY UT 84720

Dear Applicant:

FINAL NOTICE OF LAPSING
RE: Application No. 73-424 (a23462)
PERMANENTLY LAPSED DATE: August 31, 2005

The above numbered application LAPSED because neither proof of beneficial use nor extension of time request was received on or before August 31, 2005.

Under Utah Laws, if an application has lapsed because proof was not submitted or an election was not filed (in areas under an adjudication order of the court), or an extension of time was not requested with proper showing of diligence, it may be reinstated within sixty days after this notice of lapsing.

REQUEST FOR REINSTATEMENT CANNOT BE RECEIVED LATER THAN SIXTY DAYS FROM THE DATE HEREOF. IF YOUR APPLICATION IS REINSTATED, ITS PRIORITY DATE WILL BE CHANGED TO THE DATE ON WHICH REQUEST FOR REINSTATEMENT IS FILED.

IF YOUR APPLICATION IS NOT REINSTATED WITHIN SIXTY DAYS FROM THE DATE HEREOF, UNDER THE LAW, THE ABOVE-NUMBERED APPLICATION WILL BE PERMANENTLY LAPSED AND YOU WILL HAVE LOST THE RIGHT INITIATED BY THIS APPLICATION. THIS IS THE ONLY NOTICE OF PERMANENT LAPSING YOU WILL BE SENT UNDER THIS APPLICATION.

IF YOU USE THIS WATER WITHOUT PROPER AUTHORITY, YOU ARE PERFORMING AN ILLEGAL ACT THAT MUST BE DISCONTINUED UNTIL PROPER PROCEDURES HAVE BEEN FOLLOWED.

IF YOU HAVE QUESTIONS OR IF WE CAN ASSIST YOU, WE WILL BE HAPPY TO DO SO. YOUR CONTACT WITH THIS OFFICE, SHOULD YOU NEED IT, IS WITH OUR REGIONAL OFFICE IN CEDAR CITY. THE TELEPHONE NUMBER IS (435)586-4231.

Yours truly,

Jerry D. Olds

Jerry D. Olds, P.E.
State Engineer

PERMANENTLY LAPSING NOTICE

1594 West North Temple, Suite 220, PO Box 146300, Salt Lake City, UT 84114-6300
telephone (801) 538-7240 • facsimile (801) 538-7467 • *www.waterrights.utah.gov*

1

JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

June 30, 2005

USA NATIONAL PARK SERVICE
CEDAR BREAKS NATIONAL MONUMENT
2390 WEST HIGHWAY 56, SUITE 11
CEDAR CITY UT 84720

Dear Applicant:

RE: Application No. 73-424 (a23462)
PROOF-DUE DATE: August 31, 2005

To appropriate water in Utah, or to change the point of diversion, place and nature of use of water, you must make application, receive approval, complete the intended development work and submit proof that the water has been put to beneficial use. Upon submission of satisfactory proof, a certificate will be issued, which is your evidence of a water right. Our records indicate that you have not made proof of beneficial use on your application. **This is due on August 31, 2005.**

Proof must be prepared by a registered engineer or land surveyor and must be filed in this office on or before the above proof-due date. Failure to make proof by this due date will allow the application to LAPSE. Blank forms for submitting proof will be sent upon request.

If proof cannot be submitted at this time, an extension of time may be requested by completing the enclosed form and submitting it on or before the proof-due date. **The fee for filing this request is $25.00.**

Submission of a request for extension of time does not assure that it will be granted. Generally diligence must be shown. **If specific conditions of approval and/or a previous extension granted are not met, a further extension may be denied. Requests should be made for the reasonable period needed to complete the project and proof.**

Your contact with this office, should you need it, is with our Regional Office in Cedar City. The telephone number is (435)586-4231.

Yours truly,

Jerry D. Olds

Jerry D. Olds, P.E.
State Engineer

Enclosure: Extension Form
Certified Mail

7002 2030 0007 1021 0043

PROOF DUE

03-03-2003: To: USA National Park Service Cedar Breaks National Monument From: State of Utah Department of Natural Resources Division of Water Rights State Engineer Subject: Extension of Time for Proof of Beneficial Use August 31, 2005

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Jerry D. Olds
State Engineer

1594 West North Temple, Suite 220
PO Box 146300
Salt Lake City, Utah 84114-6300
(801) 538-7240 telephone
(801) 538-7467 fax
www.nr.utah.gov

March 3, 2003

USA National Park Service
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City, UT 84720

Dear Applicant:

RE: 73-424 (a23462)

Request for extension of time in which to submit Proof of Beneficial Use contemplated by the above-numbered water right has been considered and the time for receiving Proof of Beneficial Use is hereby extended to August 31, 2005.

This extension is granted in accordance with the law which states: 'The construction of the works and the application of water to beneficial use shall be diligently prosecuted to completion within the time fixed by the state engineer. Extensions of time... may be granted by the state engineer on proper showing of diligence or reasonable cause of delay... In the consideration of an application to extend the time in which to place the water to beneficial use under an approved application,... the state engineer shall deny such extension and declare the application lapsed, unless the applicant affirmatively shows that he has exercised or is exercising reasonable and due diligence in working toward completion of the appropriation.'

I earnestly recommend that you complete your development and submit Proof of Beneficial Use at the earliest possible date.

Utah water law provides that to maintain a water right's validity, the water must be beneficially used. The filing of a change application does not excuse placing the water to beneficial use or protect the right from the challenge of partial or total forfeiture.

If needed, please contact the CEDAR CITY Regional Office.
The telephone number is (801)-586-4231.

Yours truly,

Jerry D. Olds

Jerry D. Olds, P.E.
State Engineer

JDO:dd

EXTENSION GRANTED

Utah!
Where ideas connect

SCANNED

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

REQUEST FOR REINSTATEMENT AND EXTENSION OF TIME

(Before Fourteen Years)

RECEIVED
JAN 03 2003
WATER RIGHTS

WATER RIGHT NO. **73-424 (a23462)** APPLICANT: **USA National Park Service**
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City, UT 84720

STATE OF UTAH
COUNTY OF **Iron**

ALISON J. WRIGHT, being first duly sworn that he or she is the (agent of the) owner of the above number application; that the information given is true and correct to the best of his or her knowledge.

Describe briefly the type, extent, and cost of construction completed to date, and the estimated cost of any remaining construction to complete the project and to submit PROOF of BENEFICIAL USE. Give reasons why the work could not be completed and water put to beneficial use within the time allowed.

See attached sheet.

Pursuant to Section 73-3-12, Utah Code Annotated 1953 (as amended), request is made for REINSTATEMENT and EXTENSION OF TIME for filing proof from

December 31, 2002 to December 31, 2004.

Alison J Wright
APPLICANT (if a corporation, give title of officer signing)

RECEIVED
DEC 23 2002
WATER RIGHTS
CEDAR CITY

NOTARY PUBLIC
CLARK C. ADAMS
585 North Main Street
Cedar City, UT 84720
My Commission Expires
June 6, 2006
STATE OF UTAH

Subscribed and sworn to before me this 23rd day of Dec, 2002.

Clark C Adams
NOTARY PUBLIC

FOR OFFICE USE ONLY

$25 FEE RECD. 12-23-02 BY SDZ ck # 1360-61 RECEIPT NO. 02-00073 COMPUTER 12-31-02

PROOF DUE DATE: **December 31, 2002** 14 YEAR PERIOD ENDS: **August 25, 2013**

REMARKS JB-KCC

PLEASE RETURN TO: DIVISION OF WATER RIGHTS*CEDAR CITY OFFICE*P.O. Box 506*Cedar City, Utah 84721-0506*(435)586-4231.

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF UTAH

REQUEST FOR REINSTATEMENT AND EXTENSION OF TIME

(Before Fourteen Years)

WATER RIGHT NO. **73-424 (a25462)** APPLICANT: **USA National Park Service**
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City, UT 84720

STATE OF UTAH
COUNTY OF **Iron**

Steven M. Robinson, being first duly sworn that he or she is the (agent of the) owner of the above number application; that the information given is true and correct to the best of his or her knowledge.

Describe briefly the type, extent, and cost of construction completed to date, and the estimated cost of any remaining construction to complete the project and to submit PROOF of BENEFICIAL USE. Give reasons why the work could not be completed and water put to beneficial use within the time allowed.

During 2001 and 2001 Cedar Breaks National Monument expended approximately $20,000 for a Preliminary Evaluation Report and Engineering design for the proposed well, and drilling to a depth of 220 feet. No water was found. The well has been cased, surface sealed and capped. We request an extension of at least 2 years in order to evaluate alternatives, including drilling deeper (probably to 1,000 feet) or adding additional storage and treatment to the existing water supply, and to seek funding.

Pursuant to Section 73-3-12, Utah Code Annotated 1953 (as amended), request is made for REINSTATEMENT and EXTENSION OF TIME for filing proof from

DECEMBER 31, 2002 to DECEMBER 31, 2004.

MARIJANE ROBINSON
NOTARY PUBLIC • STATE of UTAH
1169 WEST BROOK ST
CEDAR CITY, UT 84720
COMM. EXP. 8-23-2005

Steven M. Robinson
APPLICANT (if a corporation, give title of officer signing)

Subscribed and sworn to before me this 19 day of December, 2002.

Marijane Robinson
NOTARY PUBLIC

FOR OFFICE USE ONLY

$25 FEE RECD. _____ BY _____ RECEIPT NO. _____ COMPUTER _____

PROOF DUE DATE: **December 31, 2002** 14 YEAR PERIOD ENDS: **August 25, 2013**

REMARKS

PLEASE RETURN TO: DIVISION OF WATER RIGHTS•CEDAR CITY OFFICE•P.O. Box 506•Cedar City, Utah 84721-0506•(435)586-4231.

12-19-2002: To: USA National Park Service, Cedar Breaks National Monument From: State of Utah State Engineer Subject: Application No. 73-424 (e23462) Fourteen day notice to submit proof or request extension of time

5

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Jerry D. Olds
State Engineer

1594 West North Temple, Suite 220
PO Box 146300
Salt Lake City, Utah 84114-6300
(801) 538-7240 telephone
(801) 538-7467 fax
www.nr.utah.gov

December 18, 2002

USA National Park Service 73-424
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City, UT 84720

Dear Applicant:

RE: Application No. 73-424 (a23462)
PROOF-DUE DATE: December 31, 2002

It is noted from our files that you have only fourteen (14) more days in which to submit proof before the lapsing of your application.

This letter is sent to remind you to have your proof or request for extension of time filed in this office before the proof-due date of your application, which is December 31, 2002.

Enclosed is a request for extension of time form in case you have misplaced the one previously sent to you.

Your contact with this office, should you need it, is with our Regional Office in Cedar City. The telephone number is (435)586-4231.

Yours truly,

Jerry D. Olds

Jerry D. Olds, P.E.
State Engineer

Enclosure: Extension form

14 DAY NOTICE

10-31-2002: To: USA National Park Service - Cedar Breaks National Monument; From: State of Utah Department of Natural Resources Division of Water Rights State Engineer; Subject: Application No.73-42 (a23462), Proof Due Date: December 31, 2002

1

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Jerry D. Olds
State Engineer

1594 West North Temple, Suite 220
PO Box 146300
Salt Lake City, Utah 84114-6300
(801) 538-7240 telephone
(801) 538-7467 fax
www.nr.utah.gov

October 31, 2002

USA National Park Service 73-424
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City, UT 84720

Dear Applicant:

RE: Application No. 73-424 (a23462)
PROOF-DUE DATE: December 31, 2002

To appropriate water in Utah, or to change the point of diversion, place and nature of use of water, you must make application, receive approval, complete the intended development work and submit proof that the water has been put to beneficial use. Upon submission of satisfactory proof, a certificate will be issued, which is your evidence of a water right. Our records indicate that you have not made proof of beneficial use on your application. This is due December 31, 2002.

Proof must be prepared by a registered engineer or land surveyor and must be filed in this office on or before the above proof-due date. Failure to make proof by this due date will allow the application to LAPSE. Blank forms for submitting proof will be sent upon request.

If proof cannot be submitted at this time, an extension of time may be requested by completing the enclosed form and submitting it on or before the proof-due date. **The fee for filing this request is $25.00.**

Submission of a request for extension of time does not assure that it will be granted. Generally diligence must be shown. **If specific conditions of approval and/or a previous extension granted are not met, a further extension may be denied. Requests should be made for the reasonable period needed to complete the project and proof.**

Your contact with this office, should you need it, is with our Regional Office in Cedar City. The telephone number is (435)586-4231.

Yours truly,

Jerry D. Olds
State Engineer

Enclosure: Extension Form
Certified Mail

PROOF DUE

Utah!
Where ideas connect

7099 3400 0016 8891 2364

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

PS Form 3800, February 2000 See Reverse for I

Postmark Here

09-08-1999: memorandum to chief, water rights branch/national park service from superintendent/cedar breaks national monument regarding approved change application number 73-424(a23462)

United States Department of the Interior

NATIONAL PARK SERVICE
CEDAR BREAKS NATIONAL MONUMENT
2390 West Highway 56, Suite 11
CEDAR CITY, UTAH 84720

IN REPLY REFER TO:

L54

September 8, 1999

Memorandum

To: Chief, Water Rights Branch,
Water Resources Division

From Superintendent, Cedar Breaks National Monument

Subject: Approved Change Application Number 73-424 (a23462)

A copy of the Utah State Engineer's approval of a change application for water rights for the public water supply at Cedar Breaks National Monument is enclosed for your information and records. This change was filed on June 24, 1999 and approved August 25, 1999. It was intended to facilitate the drilling of a well to provide a more reliable water source that would be less subject to surface water influences.

The water rights involved are 73-424 and 73-1211 for Twin Springs and Blowhard Springs. These rights are effectively joined with that of a new well to be drilled at one of three possible locations. Only one productive well will be developed and all unsuccessful wells will be closed in a manner consistent with Utah Administrative Code. Funding has already been obtained and we now expect to drill in August or September of 2000. A Preliminary Evaluation Report will have to be submitted to the state Division of Drinking Water and approved prior to drilling.

If a water supply well is successfully established, it is our intent to close and officially abandon water developments at Twin Springs. Water developments at Blowhard Spring would be retained as an emergency supply only.

Please contact Dave Sharrow, Hydrologist, or me at 435-586-2765 with any questions regarding this project.

Sincerely,

Thomas E. Henry
Superintendent

Enclosure
cc: IMR – John Reber
WRD - Larry Martin
USPHS Denver – Barry Davis
CEBR – Robinson
ZION – Sharrow, Bradybaugh

08-25-1999: state of utah letter in responce to approved change application no.73-424(a23462)

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Robert L. Morgan
State Engineer

1594 West North Temple, Suite 220
PO Box 146300
Salt Lake City, Utah 84114-6300
801-538-7240
801-538-7467 (Fax)

August 25, 1999

USA National Park Service 73-424
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City, UT 84720

Dear Applicant:

RE: APPROVED CHANGE APPLICATION
NUMBER 73-424 (a23462)

This is your authority to proceed with the actual construction work under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof of beneficial use be made to the State Engineer on or before December 31, 2002; otherwise, the application will be lapsed.

Proof of beneficial use is evidence to the State Engineer that the wate has been placed to its full intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location and the uses for the water. Your proof of change will become the basis for the extent of your water right.

Failure on your part to comply with the requirements of the statutes may result in forfeiture of this application. **It is the applicant's obligation to maintain a current address with this office. Please notify this office immediately of any change.**

Also enclosed are two post cards. You must give the Driller (Start) Card to the licensed driller with whom you contract to construct the well(s). The other card is the Applicant Card which is your responsibility to sign and return to this office immediately after final completion of the well. CAUTION: There may be local health department requirements for the actual siting of your well. Please check with the proper local authority before construction begins.

Your contact with this office, should you need it, is with the Cedar City Regional Office. The telephone number is (435)586-4231.

Sincerely,

Robert L. Morgan

Robert L. Morgan, P.E.
State Engineer

RLM:et
Encl.: Memorandum Decision

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)
) MEMORANDUM DECISION
NUMBER 73-424 (a23462))

Change Application Number 73-424 (a23462), in the name of USA National Park Service (for Cedar Breaks National Monument), was filed on June 24, 1999, to change the point of diversion of 0.08 cfs of water evidenced by Water Right Numbers 73-424 and 73-1211. Heretofore, the water has been diverted from Twin Springs (also known as "Shooting Star Spring") and from Blowhard Spring, at points located North 2590 feet and East 1860 feet from the SW Corner of Section 11, T37S, R9W, SLB&M, (Twin Springs); and in the NE¼SE¼ of Section 10, T37S, R9W, SLB&M (Blowhard Spring). The water has been used for recreational, domestic and sanitation uses in Cedar Breaks Lodge at Cedar Break National Monument.

Hereafter, it is proposed to divert 0.08 cfs of water from the springs as heretofore, but also from an 8-inch well, 100 feet to 500 feet deep, to be located at one of the following locations sites: (1) North 2190 feet and East 1600 feet from the NW Corner of Section 14; (2) North 2000 feet and West 320 feet from the NE Corner of Section 15; or (3) North 2680 feet and West 310 feet from the NE Corner of Section 15, all in T37S, R9W, SLB&M. The water is to be used as heretofore.

The application was advertised in The Daily Spectrum on July 8, 1999, and July 15, 1999, and was not protested. In evaluating the various elements of the underlying rights, it is the primary intention of the State Engineer to provide sufficient definition of the rights to assure that other vested rights are not impaired by the change without compensation and that no enlargement occurs. The applicant has submitted a memorandum geological report in support of the application which concludes that the proposed well locations would encounter water that is essentially the same water that would naturally appear at the springs, but being diverted at the well would enable better protection against potential surface contamination. It appears reasonable to believe that the proposed development can be approved without impairment nor enlargement if certain conditions are met.

It is, therefore, **ORDERED** and Application Number 73-424 (a23462) is hereby **APPROVED** subject to prior rights and the following conditions:

1) Any well drilled under this application and found unsuitable for the proposed uses shall be properly abandoned under the supervision of a licensed water well driller per Utah Administrative Code (R655-4-12).

2) This approval is limited to the right to divert and use water from the well to be drilled but does not grant any approvals related to the design, construction nor operation of a public water supply system. Such authority must be acquired separately.

3) The maximum rate of diversion from the existing and proposed sources is limited to 0.08 cfs (approximately 36 gallons per minute) from all sources combined, and the beneficial uses are limited to those already established in the underlying rights for this change application.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 25th day of August, 1999.

Robert L. Morgan

Robert L. Morgan, P.E., State Engineer

RLM:KEC:et

Mailed a copy of the foregoing Memorandum Decision this 25th day of August, 1999, to:

USA National Park Service
Cedar Breaks National Monument
2390 West Highway 56, Suite 11
Cedar City, UT 84720

Scott Hacking, P.E.
District Engineer
Department of Environmental Quality
88 E Fiddlers Canyon Road, Suite H
Cedar City, UT 84720

BY: Eileen Tooke

Eileen Tooke, Secretary

The Spectrum

A Marketing and Communications Company

Persons objecting to an application should file a CLEARLY READABLE written protest stating WHAT NUMBER, REASONS FOR OBJECTION, PROTESTANTS' NAME AND RETURN ADDRESS, and any request for a hearing. Protest must be filed with the State Engineer, Box 146300, Salt Lake City, UT 84114-6300 (801-538-7240) on or before AUGUST 4, 1999. These are informal proceedings as per Rule R655-6-2 of the Division of Water Rights.

(LEGEND: Point(s) of Diversion = POD; Place of Use = POU; Nature of Use = USE)

IRON COUNTY

73-2611(a23451): Ivan & Eileen Carson proposes to correct the POD, POU, & USE of water as evidenced by A segregated portion of 73-121, U6005. Change Application a15696, on which proof has been filed..
HERETOFORE: QUANTITY: 1.0 ac-ft. SOURCE: 6 in. well 200 ft. to 400 ft. deep. POD: (1) S 183 E 1604 from NW Cor, Sec 8, T35S, R11W. USE: Irrigation: from Mar 15 to Oct 31, total acreage 0.1400 acs, sole supply 0.1400 acs; Domestic: 1 family. POU: NE¼NW¼ Sec 8, T35S, R11W.
HEREAFTER: QUANTITY: 1.0 ac-ft. SOURCE: 6 in. well 180 ft. deep. POD: (1) S 185 E 1699 from NW Cor, Sec 8, T35S, R11W. (Northwest of Cedar City) USE: Irrigation: from Mar 15 to Oct 31, total acreage 0.1025 acs, sole supply 0.1025 acs; Stockwatering: 5 head of livestock; Domestic: 1 family. POU: NE¼NW¼ Sec 8, T35S, R11W.

73-195(a23452): David H. Jenson, Kathryn Lamoreaux, David H. Jenson proposes to correct the POD, POU, & USE of water as evidenced by 73-195(U13498); 73-342(U8176); 73-1075(A11745a); & 73-2650(U11597). Amendatory Change Application for a16142, a16144, a16145 on which proof has been filed..
HERETOFORE: QUANTITY: 1446.2 ac-ft. SOURCE: Underground Water Wells (2). POD: (1) S 150 W 1440 from E¼ Cor, Sec 31, 12 in. well 472 ft. deep (2) N 840 E 2570 from W¼ Cor, Sec 32, T35S, R11W., 16 in. well 415 ft. deep. USE: Irrigation: from Mar 15 to Oct 31, total acreage 1434.1200 acs, sole supply 105.0000 acs; Stockwatering: 100 head of livestock. POU: SW¼SW¼ Sec 30; N½ Sec 31; NW¼ Sec 32, T35S, R11W.
HEREAFTER: QUANTITY: 1446.2 ac-ft. SOURCE: Underground Water Wells - 3 (All existing). POD: (1) S 2547 W 1398, 12 in. well 472 ft. deep (2) S 1285 W 3818 from NE Cor, Sec 31, 16 in. well 760 ft. deep (3) S 1710 E 2592 from NW Cor, Sec 32, T35S, R11W., 16 in. well 415 ft. deep. (Northwest of Cedar City) USE: Irrigation: from Mar 15 to Oct 31, total acreage 492.6500 acs, sole supply 360.8500 acs; Stockwatering: 100 head of livestock. POU: SW¼SW¼ Sec 30; N½ Sec 31; NW¼ Sec 32, T35S, R11W.

73-3175(a23454): Donna Landphear propose(s) to change the POD, POU, & USE of water as evidenced by a segregated portion of 73-2706 (U8187).
HERETOFORE: QUANTITY: 5.0 ac-ft. SOURCE: Underground Water Well. POD: (1) N 1235 W 1300 from SE Cor, Sec 13, T35S, R11W. USE: Irrigation: from Mar 15 to Oct 31, total acreage 1.2500 acs, sole supply 1.2500 acs. POU: W½NW¼ Sec 7; NW¼SW¼ Sec 18, T35S, R10W.; NE¼ Sec 12; NE¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼ Sec 13; SE¼NE¼, NE¼SE¼ Sec 14, T35S, R11W.
HEREAFTER: QUANTITY: 5.0 ac-ft. SOURCE: 6 in. well 404 ft. deep. POD: (1) S 660 W from E¼ Cor, Sec 15, T35S, R11W. (Cedar City Valley) USE: Irrigation: from Mar 15 to Oct 31, total acreage 1.1165 acs, sole supply 1.1165 acs; Stockwatering: 3 head of livestock; Domestic: 1 family. POU: NE¼SE¼, Sec. 15, T35S, R11W, SLB&M.

73-3172(a23456): Sherry L. Bennett-Hayes propose(s) to change the POD, POU, & USE of water as evidenced by a segregated portion of 73-1770 (Diligence Claim).
HERETOFORE: QUANTITY: 5.0 ac-ft. SOURCE: Underground Water Wells (3). POD: (1) N 1678 W 1096 from SE Cor, Sec 11, 16 in. well 250 ft. deep (2) S 2593 E 284 from NW Cor, Sec 13, 12 in. well 230 ft. deep (3) S 1200 W 35 from NE Cor, Sec 14, T34S, R11W., 16 in. well 220 ft. deep. USE: Irrigation: from Mar 15 to Oct 31, total acreage 1.2500 acs, sole supply 1.2500 acs. POU: S½, S½NW¼ Sec 11; S½SW¼ Sec 12; NW¼, W½SW¼ Sec 13; N½ Sec 14, T34S, R11W.
HEREAFTER: QUANTITY: 5.0 ac-ft. SOURCE: Underground Water Wells (2). POD: (1) S 750 W 10, 8 in. well (2) S 750 W 200 from N¼ Cor, Sec 19, T35S, R11W., 8 in. well 0 ft. to 500 ft. deep. (About 5 miles NW of Cedar City) USE: Irrigation: from Mar 15 to Oct 31, total acreage 1.1025 acs, sole supply 1.1025 acs; Stockwatering: 5 head of livestock; Domestic: 1 family. POU: NE¼NW¼ Sec 19, T35S, R11W.

PROOF
OF
PUBLICATION

'ATE OF UTAH SS.
ITY OF WASHINGTON

Jones, being duly sworn,
ses and says that she is
rtising representative, at
y newspaper published at
rge, Washington County,
Utah, also distributed in
unty, and that the notice:

'B # : L1567
e copy of which is hereto
ed, was published in its
ed the 08 day
JULY 1999
s published again in the
of said newspaper dated:
07/15, 1999

tal of 2 insertion(s).

Molly Jones

ped and sworn before me
16 day of
July 1999

RY PUBLIC RESIDING
AT WASHINGTON COUNTY

ST. GEORGE OFFICE
275 E. St. George Blvd. St. George, UT 84770
Office (435) 674-6200 FAX 674-6265
CEDAR CITY OFFICE
2071 N. Main St. #2 Cedar City, UT 84720
Office (435) 586-7646 FAX 586-7471

NOTARY PUBLIC
SHAWNA BROOKS
275 E. St. George Blvd.
St. George, UT 84770
My Commission Expires
March 16th, 2001
STATE OF UTAH

0700000082

06-29-1999: memorandum to jeff hughes,john reber/hydrologist,water resources coordinator/water resources division,intermountain regional office from hydrologist/dave sharrow/zion national park regarding change application for water right 73-424 and 73-1211

United States Department of the Interior

NATIONAL PARK SERVICE
Zion National Park
Springdale, UT 84767-1099

June 29, 1999

IN REPLY REFER TO:
L54 (CEBR)

Memorandum

To: Jeff Hughes, Hydrologist, Water Rights Branch, Water Resources Division
John Reber, Water Resources Coordinator, Intermountain Regional Office

From: Dave Sharrow, Hydrologist, Zion National Park

Subject: Change Application for Water Rights for Cedar Breaks National Monument

On June 24, 1999, Cedar Breaks National Monument filed for a change in their water rights, a copy of which is attached for your information. This was undertaken in order to address possible inadequacies in our potable water supply due to surface water influence. The change is to rights 73-424 and 73-1211, for Twin Springs and Blowhard Springs, which together supply potable water to the park. The change requests that a well at one of three possible locations be added to the rights. This will allow the use of a well as the primary supply, yet retain the potential to use the springs during emergencies. No other changes in the amount of water diverted or consumed, place of use or nature of use are requested.

As currently planned, one well will be drilled this year at site 1 as indicated on the enclosed memorandum. If this well proves unsuccessful, it will be plugged and the need to drill sites 2 and 3 will be considered for 2000, providing time to investigate running power and pipelines to these more remote sites.

Drilling a well in this area involves a great deal of uncertainty. The target strata is a thin layer of volcanic brecca, or the uppermost layers of the claron formation. Strata below about 200 feet are thought to be very unfavorable for groundwater production. The target structures for drilling were identified by Larry Martin (WRD-WOB), with the specific sites selected by Superintendent Henry and me. All of the targets attempt to drill fracture zones along faults that influence the location of known springs.

Drilling at site 1 will be categorically excluded, while the other sites might require an EA. The park will have to file a Preliminary Evaluation Report and Source Protection Plan under Utah Regulations for Drinking Water.

We will keep you informed of our progress. Please Call me at 435-586-2765 if you have any questions.

Attachments (2)

cc: IMFA - Barry Davis

APPLICATION FOR PERMANENT CHANGE OF WATER

Rec. by KHC
Fee Paid $ 75.00
Receipt #

STATE OF UTAH

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

CHANGE APPLICATION NUMBER: a23462 **WATER RIGHT NUMBER: 73 - 424**

75 - 1211

This Change Application proposes to change the POINT(S) OF DIVERSION.

1. OWNERSHIP INFORMATION.

A. NAME: USA National Park Service **INTEREST:** 100%
Cedar Breaks National Monument
ADDRESS: 2390 West Highway 56, Suite 11, Cedar City, UT 84720

B. PRIORITY OF CHANGE: **FILING DATE:**

C. EVIDENCED BY:
73-424, (A9386, 0.06 cfs), & 73-1211, (A35622, 0.02 cfs)

DESCRIPTION OF CURRENT WATER RIGHT:

2. SOURCE INFORMATION.

A. QUANTITY OF WATER: 0.08 cfs

B. SOURCE: Twin Springs & Blowhard Spring **COUNTY:** Iron

C. POINT OF DIVERSION -- SURFACE:
(1) N 2590 feet E 1860 feet from SW corner, Section 11, T 37S, R 9W, SLBM
SOURCE: Twin Springs

D. POINT OF DIVERSION -- OTHER:
(1) Domestic directly on spring located
in the NE¼SE¼ of Sec 10, T37S, R9W, SLBM.

3. WATER USE INFORMATION.

RECREATION: from Jan 1 to Dec 31. Domestic use at Cedar Breaks Lodge

RECREATION: from Jan 1 to Dec 31. Sanitation Facilities/120,000 people per year @ Cedar Breaks National Monument

RECEIVED
JUN 24 1999
WATER RIGHTS
CEDAR CITY

CHANGE APPLICATION NUMBER: a23462 for Water Right: 73 - 424 continued***** Page:

4. PLACE OF USE.

*----------

* THE FOLLOWING CHANGES ARE PROPOSED:

*----------

5. SOURCE INFORMATION.

A. QUANTITY OF WATER: 0.08 cfs

B. SOURCE: Twin Springs, Blowhard Spring & Underground Wells COUNTY: Iron

C. POINTS OF DIVERSION -- UNDERGROUND: Changed as Follows:

(1) N 2190 feet E 1600 feet from NW corner, Section 14, T 37S, R 9W, SLBM
WELL DIAMETER: 8 inches WELL DEPTH: 100 to 500 feet
COMMENT: First choice

(2) N 2000 feet W 320 feet from NE corner, Section 15, T 37S, R 9W, SLBM
WELL DIAMETER: 8 inches WELL DEPTH: 100 to 500 feet

(3) N 2680 feet W 310 feet from NE corner, Section 15, T 37S, R 9W, SLBM
WELL DIAMETER: 8 inches WELL DEPTH: 100 to 500 feet

D. POINT(S) OF DIVERSION -- SURFACE: Same as HERETOFORE.

E. COMMON DESCRIPTION: Cedar Breaks National Monument

6. WATER USE INFORMATION. Same as HERETOFORE.

*----------

7. PLACE OF USE. Same as HERETOFORE.

8. EXPLANATORY.

It is intended by this change application to add a well to the existing points of diversion and hereby comingle the springs and well to allow the applicants to divert the water from any, each, or all points of diversion for the uses previously perfected. Three well sights are requested under this change, however only the first well drilled that produces sufficient flows will be developed and completed. If a well is drilled that is not sufficient, it will be filled and abandoned according to Utah Code.

Under this change, the place of use is not changed and therefore application maps are not required.

CHANGE APPLICATION NUMBER: a23462 for Water Right: 73 - 424 continued***** Page:

9. SIGNATURE OF APPLICANT(S).

The undersigned hereby acknowledges that even though he/she/they may have been assis in the preparation of the above-numbered application, through the courtesy of employees of the Division of Water Rights, all responsibility for the accuracy of information contained herein, at the time of filing, rests with the applicant(s).

Signature of Applicant(s)

00-00-0000: proof the water right was donated to nps from utah parks company

Jeffrey C. Hughes

April 24, 1997

L54(2380)
CEBR/Water Rights

Mr. Kerry Carpenter
Regional Engineer
State of Utah
Division of Water Rights
P.O. Box 506
Cedar City, UT 84721-0506

correction relayed to Mr. Carpenter during a 30 April 1997 telephone conversation. J. Hughes

Re: National Park Service Water Right for Spring Flow at Cedar Breaks National Monument (Application No. 9386, Certificate 1494, Water User Claim 73-1211)

424

Dear Mr. Carpenter,

I have been informed by the Utah Division of Water Rights office in Richfield that the above-mentioned water right is presently listed in your records as being owned by both the National Park Service (NPS) and the Utah Parks Company. I am enclosing a copy of the Special Warranty Deed which serves as proof the water right has been donated by the Utah Parks Company to the NPS. We are sending this proof so you may correct your records.

If you have any questions concerning this request, please do not hesitate to contact me at (970) 225-3527.

Sincerely,

Jeffrey C. Hughes
Hydrologist

Enclosure

bcc: CEBR - Superintendent
2380 - McGlothlin, CEBR Docket #2
FNP:JHughes:mf:4/24/97:S:\WRB\JCH\DUAL-CLM.FIX

ORIGINAL

C. D. No. 32482-17

SPECIAL WARRANTY DEED

THIS DEED, made this 31st day of December, 1971, between UTAH PARKS COMPANY, a corporation of the State of Utah, Grantor, party of the first part, and UNITED STATES OF AMERICA, Grantee, party of the second part,

WITNESSETH, That

WHEREAS, the Grantee desires to acquire the land, water rights, springs and water wells, hereinafter described in connection with the development and operation of the National Parks of the United States of America; and

WHEREAS, the Grantor is willing to donate said land, water rights, springs and water wells to the Grantee;

NOW THEREFORE, in consideration of the premises, the Grantor does by these presents, DONATE, REMISE, RELEASE and CONVEY unto the Grantee and unto its successors and assigns all of its right, title and interest in and to the following described lot or parcel of land located outside of the boundaries of Zion, Bryce and Grand Canyon (North Rim) National Parks and Cedar Breaks National Monument, situate, lying and being in the County of Garfield and State of Utah, to wit:

> The $SE\frac{1}{4}$ of the $NW\frac{1}{4}$, the $W\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$, the west 3/4 of the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$, and the $E\frac{1}{2}$ of the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 34, Township 36 South, Range 4 West of the Salt Lake Base and Meridian, containing an area of 100 acres,

together with the Grantor's right, title and interest in and to water rights appurtenant to this property and also in and to the water rights, waters of all springs and water wells arising or located outside the boundaries of the aforementioned parks and monument, but used in conjunction with the Grantor's facilities located in said parks and monument, in Washington County, Utah, Garfield County, Utah, Coconino County, Arizona, and Iron County, Utah; and, also, together with the Grantor's right, title and interest in and to water rights and waters of all springs located within said parks and monument, including specifically the water rights from an unnamed spring located North 10° 54' West, 1,941 feet, from the Southwest corner of Section 11, Township 37 South, Range 9 West, SLBM, Iron County, Utah; and with all and singular the buildings and improvements thereon, and all rights, hereditaments, easements and appurtenances and all and every rights, roads, alleys, ways, waters, watercourses, liberties,

privileges, hereditaments, appurtenances and advantages thereto belonging or in any way appertaining, including accretions opposite to and fronting upon said land, and any means of ingress or egress appurtenant thereto, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; and with all the right, title, and interest of the said Grantor in and to any streets, alleys, roads, strips, gores, waters, watercourses, or railroad rights-of-way or strips of land abutting, adjacent to, adjoining or contiguous to or traversing the land described and conveyed herein and any means of ingress or egress appurtenant thereto.

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

EXCEPTING from this conveyance and RESERVING unto the Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered, including, without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual right to explore for, remove and dispose of, said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the lands hereby conveyed, and in such manner as not to damage the surface of said lands or to interfere with the use thereof by the Grantee, its successors or assigns, it being understood that Grantor, when and if it exercises the rights excepted and reserved under this conveyance, shall do nothing, and shall not cause or permit anything to be done, that will in anyway contaminate or deplete the water supply produced or developed on the above described portions of said Section 34.

THIS PROPERTY IS BEING ACQUIRED BY THE NATIONAL PARK SERVICE FOR THE UNITED STATES OF AMERICA.

TO HAVE AND TO HOLD, subject to the aforesaid exceptions, reservations, and other provisions, the said premises with all the rights and appurtenances thereunto belonging unto the said Grantee, its successors and assigns, forever; and the said Grantor hereby covenants with the said Grantee that it will warrant and defend the title to the said premises unto the said Grantee, its successors and assigns, forever, except as hereinbefore mentioned, against the lawful

claims of all persons claiming by, from or under it, but against none other.

IN WITNESS WHEREOF, said Utah Parks Company has caused these presents to be signed by its President and attested by its Assistant Secretary, and its corporate seal to be hereunto affixed as of the 31st day of December, 1971.

In Presence of:

UTAH PARKS COMPANY,

By _____
President

Attest:

_____ (Seal)
Assistant Secretary

130802
ENTRY NO. _____ RECORDED 1-16 1973 AT 9 AM
AT REQUEST OF Security Title Company
FEE $5.00 Lyle N. Miller Deputy
RECORDER GARFIELD COUNTY, UTAH

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 31st day of December, 1971, before me, a Notary Public in and for said County in the State aforesaid, personally appeared J.C. KENEFICK, to me personally known, and to me personally known to be the President of UTAH PARKS COMPANY, and to be the same person whose name is subscribed to the foregoing instrument, and who, being by me duly sworn, did say that he is President of Utah Parks Company; that the seal affixed to said instrument is t the corporate seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and the said J.C. KENEFICK acknowledged said instrument to be his free and voluntary act and deed, and the free and voluntary act and deed of said corporation, by it voluntarily executed, for the uses specified therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires MARCH 11, 1975

NOTARY PUBLIC
COMMISSION EXPIRES
STATE OF NEBRASKA

R E Holmberg
Notary Public

Residing at OMAHA, NEBRASKA 68102

(Seal)

BOOK 178 PAGE 783

01-02-1963: bad copy, original is in cebr 01; january 02, 1963

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SUITE 3425, FEDERAL BUILDING
125 SOUTH STATE STREET
SALT LAKE CITY, UTAH, 84111

Best Copy possible. Original in CEBR 01

January 2, 1968

Memorandum

To: Regional Director, Southwest Region, National Park Service, P. O. Box 728, Santa Fe, New Mexico 87501

From: Regional Solicitor, Salt Lake City, Utah 84111

Subject: Adjudication of water rights in Beaver River-Escalante Valley

I have been notified by the United States Attorney that the federal claims have been officially served with process on December 19, 1967, on the following matters:

1. Proposed Determination of Water Rights in Beaver River-Escalante Valley, Cedar City Valley Division, Code No. 73 (Books 1-4); and

2. Proposed Determination of Water Rights in Beaver-River Escalante Valley, Parowan Valley Division, Code No. 75 (Books 1-3).

Because of this official service it is now incumbent on us to inform the United States Attorney as to any objections or protests on behalf of Department of the Interior agencies that need to be made with respect to the proposed determinations.

I have examined the proposed determinations described above. In the Parowan Division no water rights have been included for the Park Service, but in the Cedar City Valley Division one water right is listed. It is described as Application No. 35622, Water Users Claim No. 1211, Twin Spring Area, located in Section 11, Township 37 South, Range 9 West, Salt Lake Base and Meridian (Cedar Breaks National Monument). The proposed determination lists this right as a pending application on Page 365 of Book No. 4, Cedar City Valley Division, "Proposed Determination of Water Rights in Beaver River-Escalante Valley." I assume that your Cedar Breaks office has already received a copy of this proposed determination. Would you advise me by February 23, 1968, of any protests or objections that need to be made with respect to these determinations. These protests and objections, if any, should relate to the rights of the United States National Park Service which are not properly recognized in the determinations as well as to any private rights which you regard as being improperly included in the determinations and which adversely affect your agency.

01-02-1963: bad copy, original is in cebr 01, page 2; january 02, 1963

As part of the procedure in the adjudication, it is necessary that Water Users Claim No. 1211 be executed on behalf of the National Park Service and forwarded to the United States Attorney through me for filing in court. It is the practice of the Utah State Engineer's Office to prepare the water users' claim forms as part of the preliminary work leading to the publication of the State Engineer's proposed determination. Your field personnel for Cedar Breaks National Monument are probably fully familiar with this matter and may be able to assist in getting this claim to you or the appropriate officer, for signature.

If I can assist you in this matter, please let me know.

J. Harrist McMaster
Regional Solicitor

cc: National Park Service
San Francisco Planning and Service Center
Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

(Copy sent to
Cedar National Park
Springdale, Utah

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

December 12, 1966

HUBERT C. LAMBERT
STATE ENGINEER

U. S. Dept. of Interior
National Park Service
Office of Land and Water Rights
450 Golden Gate Ave., Box 36063
San Francisco, California 94102

Attention: Manuel Morris, Supervisory Hydraulic Engineer

Gentlemen:

RE: L54 LWSSC
APPLICATIONS NOS. 9386 (73-424) AND 35622 (73-1211), CEDAR CITY VALLEY DETERMINATION

In reference to your letter of December 5, 1966, and to your telephone conversation with Mr. Donald G. Stewart, Chief Appropriations Engineer of this office, on Friday, December 9th, please be advised of the following filings recorded in this office within Sections 10, 11 and 12, T37S, R9W, SLB&M. Copies of the filings are enclosed.

Application No. 9386, Certificate No. 1494, in the name of Utah Parks Company, evidences the right to divert 0.06 sec.-ft. of water from an unnamed spring located at a point N. 10°54' W. 1941 ft. from SW Cor. Sec. 11, T37S, R9W. The water is collected and conveyed by pipe line to a storage tank, from which it is released and used during the entire year for domestic and culinary purposes at the Cedar Breaks Lodge located within NW¼SE¼ said Sec. 11. This water right is covered by Water Users Claim 73-424 in the Cedar City Valley Determination.

Application No. 35622, Water Users Claim 73-1211, Cedar City Valley Determination, in the name of U.S. Dept. of Interior, National Park Service, Southwest Region, seeks to appropriate 0.02 sec.-ft. of water from Twin Springs, at a point N. 35°43'40" E. 3186.19 ft. from SW Cor. Sec. 11, T37S, R9W. The water is collected and conveyed by pipe line to the existing storage tank and released and used during the entire year for domestic purposes at Cedar Breaks Lodge for visitors and permanent residents. This application has a present proof due date of December 31, 1966. A formal request for extension of time has been filed with this office regarding this proposed development.

We also have knowledge of a spring located approximately at a point N. 750 ft. and E. 200 ft. from W¼ Cor. said Sec. 11. However, this spring has not been recorded in this office, establishing any use made of the water.

Yours very truly,

Mildred Evans

Mildred Evans,
TECHNICAL COORDINATOR, APPROP. DIV.

ME/s
Encs.

Mogilefsky
Morris

SAN FRANCISCO PLANNING AND SERVICE CENTER
Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102
December 5, 1966

L54 LWSSC
(CEBR-Gen)

Mr. Hubert C. Lambert
Office of State Engineer
403 State Capitol
Salt Lake City, Utah

Dear Sir:

We would appreciate being advised of any applications, permits, licenses or other water rights of record known to your office to waters within or adjacent to that portion of the Cedar Breaks National Monument, Iron County, included in Township 37 South, Range 9 West, Sections 10, 11 and 12.

We would be grateful if you would please call me, or in my absence Mr. George Downie, 415-556-8660, collect, as soon as possible. Your written reply can follow.

Sincerely,

(Sgd) MANUEL MORRIS

Manuel Morris
Supervisory Hydraulic Engineer

GDownie/bb 12-5-66

09-01-1966: Amended Statement of Water Users Claim of Unnamed Spring by the State Engineer

Form 114
25M 4-63

AMENDED BY STATE ENGINEER

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

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF ALL THE WATER, BOTH SURFACE AND UNDERGROUND, WITHIN THE DRAINAGE AREA OF THE BEAVER RIVER-ESCALANTE VALLEY AND ALL TRIBUTARIES IN MILLARD, BEAVER, IRON WASHINGTON, KANE AND GARFIELD COUNTIES IN UTAH.

STATEMENT OF WATER USER'S CLAIM
CODE NO. 73 SERIAL NO. 424
MAP NO. 37

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 Parowan, Utah, within sixty (60) days from date of service of the attached Notice. A copy shall be filed with the State Engineer, 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 said drainage area.

1. Name of Claimant Utah Parks Company Interest Claimed full
2. Address 1416 Dodge St. Omaha, Nebraska
3. Name of particular spring, ~~stream, canal or drain~~ from which water is diverted is Unnamed Spring in Iron County.
4. Priority date claimed Sept. 5, 1925 Date when water was first used Sept. 5, 1925
   Date when work on diverting system was first begun ____ Date when diverting system was completed ____ Nature of work ____
5. Class of Right (Indicate by X):
   (a) ____ Right to surface water initiated by beneficial use before 1903 Claim No. ____
   (b) ____ Right to underground water initiated before 1935 Claim No. ____
   (c) ____ Right decreed by court, cite title of case ____
   (d) X Application filed, State Engineer's Office No. 9386 Cert. of App. No. 1494
   (e) ____ Right acquired by adverse use prior to 1939 ____
6. Nature (Indicate by X), Amount, and Annual Period of Use (by month & day):

(a)	Irrigation	Sec. Ft.		from	to	(both dates incl.)
(b)	Stockwatering	Sec. Ft.		from	to	(both dates incl.)
(c)	X Domestic	Sec. Ft.	.06	from Jan. 1	to Dec. 31	(both dates incl.)
(d)	Municipal	Sec. Ft.		from	to	(both dates incl.)
(e)		Sec. Ft.		from	to	(both dates incl.)

7. Direct Flow Appropriation (must be described with reference to U. S. Government Survey Corner)
   (a) Point of diversion from spring, ~~stream, canal or drain~~ NE¼SE¼, Section 10, T37S, R9W, SLB&M.
   (b) Description of spring area ____
   (c) Point of rediversion or point of return to natural channel ____
   (d) If flow is intermittently diverted, list by number or description, all rights involved ____
8. Where water is used for irrigation purposes:
   (a) Area irrigated in legal subdivisions of land by 40-acre tract. (All sources of water for same land or lands must be described in each instance by name or claim number) ____
   (b) Do you get water under a ditch owned by several users ____ If so, give names of all users and divisions of interest ____
9. Where water is used for Stockwatering:
   (a) Number of each kind of stock watered ____
   (b) All sources of water for same stock. (Describe by name or claim number) ____
10. Where water is used for Domestic: Domestic use at Cedar Breaks Lodge
    (a) Number of families or their equivalent ____ All sources of water for same use. (Describe by name or claim number) ____

Sept 1, 1966

DETERMINATION OF WATER RIGHTS BEAVER RIVER-ESCALANTE VALLEY
CEDAR CITY VALLEY DIVISION

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
2101	United States of America Forest Service Forest Service Building Ogden, Utah	Moots Hollow Spring, Diligence Map 36-d	1856	.005	Stock water directly on spring located N. 2045 ft. E. 370 ft. from S¼ cor. Sec. 7, T37S, R9W, SLB&M.	June 26	Sept. 10
1581	United States of America Forest Service Forest Service Building Ogden, Utah	Spring, Diligence Map 36-d	1856	.011	Stock water directly on spring located in the NE¼NE¼ Sec. 8, T37S, R9W, SLB&M.	June 26	Sept. 10
1864	United States of America Forest Service Forest Service Building Ogden, Utah	Crystal Spring, Diligence Map 36-d	1856	.011	Stock water directly on spring located in the NW¼SE¼ Sec. 8, T37S, R9W, SLB&M.	June 26	Sept. 10
1579	United States of America Forest Service Forest Service Building Ogden, Utah	Spring, Diligence Map 37	1856	.011	Stock water directly on spring located in the NE¼SW¼ Sec. 9, T37S, R9W, SLB&M.	June 26	Sept. 10
1749	United States of America Forest Service Forest Service Bldg. Ogden, Utah	Shooting Star Creek, Diligence Map 37	1856		Stock water directly on stream from point where stream enters NW¼NW¼, Sec. 10 T37S, R9W, SLB&M, (on the boundary of Cedar Breaks National Monument) to point of stream's confluence with Ashdown Creek in the SE¼SE¼ Sec. 29, T36S, R9W, SLB&M.	June 26	Sept. 10
424	Utah Parks Company 1416 Dodge Street Omaha, Nebraska	Spring, Application 9386 Cert. of App. 1494 Map 37	Sept. 5, 1925	.06	NE¼SE¼ Sec. 10, T37S, R9W, SLB&M.	Jan. 1	Dec. 31

ANNUAL WATER ALLOWED		PURPOSE, EXTENT & PLACE OF USE	CLAIMS USED FOR PURPOSE DESCRIBED	REMARKS	CLAIM NO.
FARM HEADGATE AC. FT.	DIVERSION FROM SOURCE AC. FT.				
	*	STOCKWATERING: 1142 sheep - Cedar Canyon Allotment SEE CLAIMS USED FOR PURPOSE DESCRIBED	For Claims Used for Purpose Described see Water User's Claim 1316, Page 2.	* Diversion any, each, or all claims. Total yearly diversion under all claims mentioned 6.40 ac. ft.	2101
	*	STOCKWATERING: 1142 sheep - Cedar Canyon Allotment SEE CLAIMS USED FOR PURPOSE DESCRIBED	For Claims Used for Purpose Described see Water User's Claim 1316, Page 2.	* Diversion any, each, or all claims. Total yearly diversion under all claims mentioned 6.40 ac. ft.	1581
	*	STOCKWATERING: 1142 sheep - Cedar Canyon Allotment SEE CLAIMS USED FOR PURPOSE DESCRIBED	For Claims Used for Purpose Described see Water User's Claim 1316, Page 2.	* Diversion any, each, or all claims. Total yearly diversion under all claims mentioned 6.40 ac. ft.	1864
	*	STOCKWATERING: 1142 sheep - Cedar Canyon Allotment SEE CLAIMS USED FOR PURPOSE DESCRIBED	For Claims Used for Purpose Described see Water User's Claim 1316, Page 2.	* Diversion any, each, or all claims. Total yearly diversion under all claims mentioned 6.40 ac. ft.	1579
	*	STOCKWATERING: 1142 sheep - Cedar Canyon Allotment SEE CLAIMS USED FOR PURPOSE DESCRIBED	For Claims Used for Purpose Described see Water User's Claim 1316, Page 2.	* Diversion any, each, or all claims. Total yearly diversion under all claims mentioned 6.40 ac. ft.	1749
		DOMESTIC: Domestic use at Cedar Breaks Lodge SEE CLAIM USED FOR PURPOSE DESCRIBED	424		424

DUPLICATE

Form-F-20-A

CERTIFICATE OF APPROPRIATION OF WATER

STATE OF UTAH

APPLICATION NO. 9386 SEVIER RIVER WATER DIVISION CERTIFICATE NO. 1494

Water Deed to: Utah Parks Company Dated 6-3-30

NOF

Whereas, *It has been made to appear to the satisfaction of the undersigned, State Engineer of the State of Utah, that the appropriation of water from* An Unnamed Spring *in* Iron *County, made by* ~~Los Angeles and Salt Lake Railroad Company~~ *has been perfected in accordance with the application therefor, received in the office of the State Engineer on the* 5th *day of* September *19* 25 *and recorded on page* 306 *in book* Dof.-4 *of the record of applications to appropriate water; Wherefore, Be it known that I,* GEO. M. BACON*, State Engineer of the State of Utah, under and by authority and direction of the provisions of the Compiled Laws of Utah, 1917, as amended by Chapter 67 of the Session Laws of Utah, 1919,* and 1925 *"Water Rights and Irrigation," do hereby certify that the said* Los Angeles and Salt Lake Railroad Company *of* Salt Lake City *in* Salt Lake *County, State of* Utah*, is entitled to the use of* Six Hundredths (.06) of a cubic ~~feet~~ foot *of water per second, subject to the following restrictions, towit:*

The water is diverted from said unnamed spring at its point of issuance which bears N. 10°54' W. 1941 ft. from SW Cor. Sec. 11, T. 37 S., R. 9 W., S.L.B.M. The diverting works consist of a concrete intake box, a pipe line 4400 ft. long varying from 3 inches to 2 inches in diameter, a pump house, gas engine and pump located at Station 19+50 and a galvanized iron tank having a capacity of 8000 gallons. The water is used from January 1 to December 31 inclusive of each year for domestic & culinary purposes by the applicant at the Cedar Breaks Lodge located in the NW¼ of SE¼ of Sec. 11, T. 37 S., R. 9 W., S.L.B.M. This use consumes all of said water.

The diverting works must be maintained in such condition as will prevent an unreasonable loss of water.

The date of the appropriation is September 5, *19* 25

BK-24

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this FIRST *day of* OCTOBER *A. D. 19* 26

A.D.

Geo. M. Bacon
STATE ENGINEER

10-01-1926: certificate of appropriation of water; october 01, 1926

COPY

(ORIGINAL)

CERTIFICATE OF APPROPRIATION OF WATER
STATE OF UTAH

CERTIFICATE NO. 1494 APPLICATION NO. 9386 PRIORITY NO. B

SEVIER RIVER WATER DIVISION

WHEREAS, It has been made to appear to the satisfaction of the undersigned, State Engineer of the State of Utah, that the appropriation of water from the An Unnamed Spring in Iron County Water Division, made by Los Angeles and Salt Lake Railroad Company has been perfected in accordance with the application therefor, dated September 5th, 19 25 , and recorded in the office of the State Engineer on page 306 in Book D-4 of the record of applications to appropriate water; WHEREFORE, Be it known that I, Geo. M. Bacon , State Engineer of the State of Utah, under and by authority and direction of the provisions of Chapter 108 of the Session Laws of Utah of 1905, as amended by Chapter 156 of the Session Laws of Utah, 1907, and Chapter 62 of the Session Laws of Utah, 1909, on "Water Rights and Irrigation," do hereby certify that the said Los Angeles and Salt Lake Railroad Company of Salt Lake City in Salt Lake County , State of Utah, is entitled to the use of Six Hundredths (.06) of a cubic foot of water per second, subject to the following restrictions, to-wit:

The water is diverted from said unnamed spring at its point of issuance which bears N. 10°54' W. 1941 ft. from SW. Cor. Sec. 11, T. 37 S., R. 9 W. S.L.B.M. The diverting works consist of concrete intake box, a pipe line 4400 ft. long varying from 3 inches to 2 inches in diameter, a pump house, gas engine and pump located at Station 19+50 and a galvanized iron tank having a capacity of 8000 gallons. The water is used from January 1 to December 31 inclusive of each year for domestic & culinary purposes by the applicant at the Cedar Breaks Lodge located in the NW¼ of SE¼ of Sec. 11, T. 37 S., R. 9 W., S.L.B.M. This use consumes all of said water.

The diverting works must be maintained in such condition as will prevent an unreasonable loss of water.

The date of the appropriation is September 5, 19 25 , and the priority number of the right is No. B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this FIRST day of OCTOBER A.D. 1926 .

/s/ Geo. M. Bacon
STATE ENGINEER

10-01-1926: State of Utah Certification of Appropriation of Water for Application No. 9386

09-10-1923: application to appropriate water ; september 10, 1923

Region III

Form F-b—11-22-40—2M

Application No. 9386

Application to Appropriate Water for Domestic and Municipal Purposes

STATE OF UTAH

Cedar City, Utah
August 18, 1923

Do not fill out this blank until you have ready carefully and thoroughly understand the Rules and Regulations on the back hereof and all the notes in the body of it.

For the purpose of acquiring the right to use a portion of the unappropriated water of the State of Utah, for domestic and municipal 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."

1. *The name of the applicant is* Los Angeles & Salt Lake Railroad Co.
2. *The post-office address of the applicant is* Omaha, Nebraska
3. *The quantity of water to be appropriated is* 0.06 *second-feet or* ..... *acre-feet* (See note on following page)
4. *The water is to be used each year from* January (Month) 1 (Day) *to* December (Month) 31 (Day) *incl.,*
   and stored each year (if stored) from ..... (Month) ..... (Day) *to* ..... (Month) ..... (Day) *incl.*
5. *The drainage area to whcih the direct source of supply belongs is* Sevier River (Leave blank)
6. *The direct source of supply is*† Spring (Name Unknown) (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, or a drain, so indicate in the first space, giving its name, if named, 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.

7. *The point of diversion from* ~~stream~~, *spring,* ~~spring area, drain, well (flowing or pump), tunnel, or~~ (Strike words not needed)
   ..... *is in* Iron *county, situated at a point** in Section 10 Twp. 37 South Range 9 West of Salt Lake Base and Meridian which point is North 10° 54' West 1941 feet from Section Corner 10, 11, 14 & 15 Twp. 37 South Range 9 West Salt Lake Base ' Meridian as shown on blue print attached.

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

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 the priority of Application to the date when the amendment is made of record in the State Engineer's office.

8. *The diverting and carrying works will consist of* Masonry or Concrete Head box and pipe line.
9. *The cross section of the diverting channel will be* ~~▭ ▽ ○~~ (Strike out ones not needed)
10. *The diverting works and diverting channel will be constructed of* ~~earth, wood,~~ iron, ~~concrete~~ (Strike out words not needed)
11. *The length of the diverting channel, exclusive of laterals, will be* approximately 4000 *feet*
12. *The top width of the diverting channel will be (if a ditch)* -- *feet*
13. *The bottom width of the diverting channel will be (if a ditch)* -- *feet*
14. *The depth of water in the diverting channel will be (if a ditch)* -- *feet*
15. *The width of the diverting channel will be (if a flume)* -- *feet*
16. *The depth of water in the diverting channel will be (if a flume)* -- *feet*
17. *The diameter of the diverting channel will be (if a pipe)* 2 to 3 -3- or -4- *inches*
18. *The grade of the diverting channel will be* approximately 88 *feet per thousand*

Tributary to Midway Creek Tributary to Sevier R. S.B.P.

*See written proof

EXPLANATORY

NOTE.—The second sace provided in Paragraph 3 on page 1 must not be used except when storage is contemplated; in such case Paragraph 4 (first line) should indicate the time in each year during which the water will be released and used. The lands to be inundated by the reservoir must be described in the space below this note as nearly as may be and by government subdivisions if upon surveyed land, and the area of the reservoir when at full stage should be given in acres.

If the Reservoir is Located on the Channel of the Source from which the water is to be appropriated, it should be so stated in the space below, and—

1. The location of the center of the impounding dam should be described in Paragraph 7.
2. The point where the released storage will be rediverted from the natural stream should be described in the space below in accordance with the note under Paragraph 7.

When Water is Not Stored in the Natural Channel of the Source from which it is to be appropriated, it should be so stated in the space below, and—

1. The point of diversion from the supplying source should be described in Paragraph 7.
2. The center of the impounding dam and the point where the released storage will be rediverted from a natural channel should be described below in accordance with the note under Paragraph 7.

In all cases Paragraphs 8 to 18, inclusive, should describe the entire diverting works, exclusive of natural channels and laterals, even if already constructed in whole or in part.

If Application is Made for the Water of a Number of Springs, or other sources collected at a common point, said point should be described as the point of diversion in Paragraph 7 and the point of diversion from each source should also be described below, in accordance with the note in Paragraph 7. The quantity of water sought from each source should be indicated below, the total equaling the quantity specified in Paragraph 3. Where the source of supply is in reality a spring area, the point of diversion is the point where the water is collected; in such case the exterior boundary of the spring area must be described below by metes and bounds and located with reference to a point as outlined by the note under Paragraph 7.

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

After being collected the water will be pumped approximately 4000 feet thro pipe line to site of proposed Lunch Pavilion situated in Section 11 Twp. 37 South R 9 W of SLBAM ~~as shown on attached print~~ and there used for domestic and culinary purposes.

Based on result of observations to be carried on during the Summer size of pipe may be changed depending on actual amount of water developed.

LOS ANGELES AND SALT LAKE RAILROAD COMPANY

By R. L. Huntley /s/
Chief Engineer
*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..... } ss.

On the ..... day of ....., 19....., 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)

Notary Public.

09-10-1923: state engineer endorsement, september 10, 1923

(This page is not to be filled in by applicant)

State Engineer's Endorsements

1. 4:50 p.m. Sept. 5, 1923 *Application received* over counter / by mail *in State Engineer's office by*.....
2. ..... *Priority of Application brought down to, on account of*.....
3. Sept. 5, 1923 *Fee for filing Application, $* 2.50 *, received by*.....
4. ..... *Application copied in book*....., *page*....., *and indexed by*.....
5. ..... *Application platted by*.....
6. Oct. 8, 1923 *Application examined by* and filed
7. ..... *Application returned, with letter, to*..... *for correction*
8. ..... *Corrected Application resubmitted* over counter / by mail *to State Engineer's office.*
9. ..... *Fee for publishing notice requested.*
10. Oct. 18, 1923 *Fee for publishing notice, $* 15.00 *, received by*.....
11. ..... *Application approved for advertisement by* .....
12. ..... *Notice to water users prepared by* .....
13. Nov. 2, 1923 *Publication began; was completed* Nov. 30, 1923
    Notice published in Iron County Record
14. ..... *Proof slips checked by*.....
15. ..... *Application protested by*.....
16. ..... *Application designated for* approval / rejection *by*.....
17. ..... *Fee for approving Application requested* .....
18. Jan. 21, 1924 *Fee for approving Application, $2.50, received by*.....
19. ..... *Application proofread by*.....
20. Jan. 28, 1924 *Application* approved / ~~rejected~~ *and returned to applicant* c/o Thos. S. Bult

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

1. *Actual construction work shall begin within six months from date of approval.*
2. *Proof of Appropriation shall be submitted to the State Engineer's office by* June 1,1925
3. .....

R. E. Caldwell /2/

State Engineer.

21. ..... *Time for making Proof of Appropriation extended to* Dec. 1,1926
22. Sept. 13,1926 *Proof of Appropriation submitted.*
23. ..... *Fee for filing Proof of Apppropriation, $1.00, received by*.....
24. ..... *Fee for filing maps, profiles and drawings, $5.00, received by*.....
25. Sept. 13,1926 *Fee for issuing Certficate of Appropriation, $1.00, received by*.....
26. Oct. 1, 1926 *Certificate of Appropriation, No.* 1494 *, issued*

I HEREBY CERTIFY that the foregoing is a true copy of the Application by..... to appropriate water and of the endorsements therein as shown by the records of my office on the date given below.

Salt Lake City, Utah,....., 19.....

Recorded Sept. 10 1923 State Engineer.

Application No. 9386

NOTICE TO APPLICANT

The approval of this Application is not a Certificate of Appropriation. It is merely your authority to begin construction work, which must be commenced within six months from the date of approval of this Application and prosecuted diligently to completion. To secure a Certificate of Appropriation under this Application, Proof of Appropriation must be submitted within the time limit allowed by the State Engineer. The amount of water for which Certificate will be issued will depend upon the amount of water actually put to a beneficial use, not to exceed, however ,the amount of water specified in this Application. Proof of Appropriation must be made in accordance with the requirements of the law. For further information write the State Engineer.

(Not to be filled in by applicant)

No.....

APPLICATION OF ..... TO APPROPRIATE WATER FROM ..... IN ..... FOR DOMESTIC AND MUNICIPAL PURPOSES

Rules and Regulations

All waters in this state, whether above or under the ground, are the property of the public, subject to all existing rights to the use thereof. No appropriation of the unappropriated public water may be made and no rights to the use thereof shall be recognized except Application for such appropriation first be made to the State Engineer.

The application must be signed by the applicant at the bottom of page 2 and the affidavit relating to citizenship, acknowledged before a Notary Public before the Application be received by the State Engineer.

An Application shall not be made for more than one purpose, except where the secondary purpose is a necessary incident to the primary one; as for instance, an Application for irrigation purposes may specify domestic purposes as a necessary incident.

An Application made to appropriate water for use in a single system with one or more points of diversion or sources of supply, or both, whether the water be commingled or not, may be accepted if made by one person or by a corporation, if and when the points of diversion be in close proximity or located in continguous sections by government survey; provided, however, that the quantity of water sought, also tie to section corner, be given for each point of diversion.

In case a material error is made in the description of the point of diversion, or in case any error is made the correction of which would enlarge the rights sought in an Application after its receipt in the State Engnieer's office, then such error may be corrected, but the priority date of the Application will be changed to the time when the corrected Application is resubmitted in the State Engineer's office; and, if the notice to water users has been published, the State Engineer may in his discretion cause a revised notice to be published at the expense of the applicant.

When there are two or more coapplicants the Application must be accompanied by a power of attorney, together with a fee of $1.00, authorizing one to act for all.

The applicant's permanent address should be given in Paragraph 2, and the State Engineer notified promptly of any change in address; otherwise applicant may lose rights initiated by Application by failing to receive notices sent from the State Engineer's office.

No Application or other paper pertaining to an Application will be marked received unless accompanied with the required filing fee.

Applications accepted and numbered by the State Engineer, when returned to applicant for correction or additions, must be amended with red ink. Erasures must not be made, but any matter may be eliminated by running a red line through it. Corrected Applications must be resubmitted to the State Engineer's office, within sixty days from the date of State Engineer's letter returning Application for correction; otherwise the Application will lapse.

Applicants will be informed by the State Engineer's office when cost of publishing notice of Application is due, and must advance cost within sixty days after date of notice, otherwise Application will lapse.

Fees Required by Law Payable to State Engineer

For filing Application to appropriate 10 second-feet of water or less and additionally, $1.00 for each second-foot above 10.	$2.50
For filing Application to appropriate 500 acre-feet of water or less and additionally, 2 cents for each acre-foot above 500.	2.50
When the filing fee on any Application to appropriate water shall exceed $1,000.00, the balance of the fee in excess of $1,000.00 may, at the option of the applicant, be paid at the time the Proof of Appropriation is submitted.	
For approving and recording completed Application	2.50
For examining and filing written Proof of Appropriation	1.00
For examining and filing map, profile and drawings that are part of the Proof of Appropriation	5.00
For issuing Certficate of Appropriation	1.00
For filing and examining paper of assignment	1.00
For filing protests against the granting of Application or answers thereto	1.00
For filing an affidavit or any other paper	1.00

NOTE.—Applicants will save time and expense by familiarizing themselves with the law before making Application.

03 HISTORY

Cedar Breaks National Monument

UNNAMED SPRING A9386

Land History

April 24, 1997

Cedar Breaks National Monument

Water Rights transfer from Utah Parks (App. 9386, Cert. 1494, WUC # 73-1211)

This water right was donated to the National Park Service on December 31, 1971 by the Utah Parks Company by a Special Warranty Deed (copy of deed attached). The Warranty Deed mentions only that this water right was transferred to the NPS, no land for this area is mentioned. The NPS Land Status map shows that the land encompassing the spring was acquired from the U.S. Forest Service. It is likely that the Utah Parks Company had a water right for the spring and did not own any of the land.

12-09-1974: To: Utah State Engineer-Stoker, From: Rocky Mountain Legal Assistant-Mekeel, Subject: Quitclaim deed and water rights transfer from Union Pacific Railroad Company to the National Park Service

L54(RMR)PN

December 9, 1974

Gerald Stoker
State Engineer
P.O. Box 506
Cedar City, Utah 84720

Dear Mr. Stoker:

Enclosed per your request are copies of the quitclaim deed and recording data transferring water rights from the Union Pacific Railroad Company to the Utah Parks Company. These rights were subsequently donated to the National Park Service.

If we can be of further assistance please do not hesitate to contact us.

Sincerely yours,

/s/ WILLIAM MEKEEL

William L. Mekeel
Legal Assistant
Rocky Mountain Region

Enclosures

bcc:
RMR-PN, Mr. Mekeel w/enc.

WLMekeel:sg 12/9/74

10-02-1974: To: Legal Assistant - Rocky Mountain Regional Office, From: Union Pacific Railroad Company - Asst. General Attorneys, Subject: Regards to Quitclaim Deed recording data

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

1416 DODGE STREET OMAHA, NEBR. 68179

C-32482-31

C. BARRY SCHAEFER
Vice President and Western General Counsel
H. F. CORAY
Senior General Solicitor
WILLIAM P. HIGGINS
General Commerce Counsel
EDWARD A. DONAHOE
General Contract Counsel

J. J. BURCHELL
JEROME GIVEN
H. LUSTGARTEN, JR.
Assistant General Solicitors

ROBERT B. BATCHELDER
W. DONALD BOE, JR.
General Attorneys

JOHN J. CONNOR
R. F. NIEHAUS
VINCENT F. POWERS
D. SCOTT RAILSBACK
VALERIE W. SCOTT
Asst. General Attorneys

JOSEPH D. ANTHOFER
DANIEL P. MORISSEAU
Attorneys

October 2, 1974

Mr. William L. Mekeel
Legal Assistant
Rocky Mountain Regional Office
U.S. Department of the Interior
National Park Service
655 Parfet Street
P.O. Box 25287
Denver, Colorado 80225

Dear Mr. Mekeel:

This supplements my letter to you of August 6 in connection with quitclaim deed from Los Angeles & Salt Lake Railroad Company, and its lessee, Union Pacific Railroad Company, to Utah Parks Company, covering all of the formers' right, title and interest, if any, in and to certain water rights in Washington, Garfield and Iron Counties, Utah, and in Coconino County, Arizona.

For your information, the recording data for the above-mentioned deed is as follows:

County	Date	Inst.No.	Book	Pages
Washington County, Utah	9-23-74	163128	159	361-362
Garfield County, Utah	8-30-74	133968	186	483-484
Iron County, Utah	8-26-74	174464	198	547-548
Coconino County, Ariz.	8-29-74	10050	518	601-602

Yours truly,

R. F. Niehaus

08-06-1974: To: Rocky Mountain Legal Assistant- Legal Assistant, From: Union Pacific Railroad Company-Asst. General Attorneys, Subject: Executed Quitclaim Deed

WDM 8/9/74

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

1416 DODGE STREET OMAHA, NEBR. 68179 C-32482-31

C. BARRY SCHAEFER
Vice President and Western General Counsel
H. F. CORAY
Senior General Solicitor
WILLIAM P. HIGGINS
General Commerce Counsel
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J. J. BURCHELL
JEROME GIVEN
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Assistant General Solicitors

ROBERT B. BATCHELDER
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General Attorneys

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VINCENT F. POWERS
D. SCOTT RAILSBACK
VALENTINE SCOTT
Asst. General Attorneys

JOSEPH D. ANTHOFER
DANIEL P. MORISSEAU
Asst. Attorneys

Rocky Mountain Regional Office
AUG 8 '74

August 6, 1974

Director	
Deputy Director	
NPS Mgmt-Administration	
Professional Svcs	
Coop. Activities	
Operations Eval.	
Public Affairs	
EEO	
Action Taken	

Mr. William L. Mekeel
Legal Assistant
Rocky Mountain Regional Office
United States Department of the Interior
National Park Service
655 Parfet Street
P.O. Box 25287
Denver, Colorado 80225

Dear Mr. Mekeel:

Pursuant to your letter of July 18, I am enclosing copy of executed quitclaim deed from Los Angeles & Salt Lake Railroad Company, and its lessee, Union Pacific Railroad Company, to Utah Parks Company, covering all of the formers' right, title and interest, if any, in and to certain water rights in Washington, Garfield and Iron Counties, Utah, and in Coconino County, Arizona.

I will furnish you the recording data following receipt of such information.

Yours truly,

R. F. Niehaus

C. D. No. 32482-31

QUITCLAIM DEED

LOS ANGELES & SALT LAKE RAILROAD COMPANY, and its lessee, UNION PACIFIC RAILROAD COMPANY, corporations of the State of Utah, Grantors, hereby QUITCLAIM to UTAH PARKS COMPANY, a corporation of the State of Utah, Grantee, for One Dollar ($1.00), all their right, title and interest, if any, in and to the water rights, waters of all springs and water wells arising or located outside the boundaries of Zion, Bryce and Grand Canyon (North Rim) National Parks and Cedar Breaks National Monument, but used in conjunction with the Grantee's facilities located in said Parks and Monument, in Washington County, Utah, Garfield County, Utah, Coconino County, Arizona, and Iron County, Utah; and in and to water rights and waters of all springs located within said Parks and Monument, including specifically the water rights from an unnamed spring located North 10° 54' West, 1,941 feet, from the Southwest corner of Section 11, Township 37 South, Range 9 West, SLBM, Iron County, Utah.

IN WITNESS WHEREOF, the Grantors have caused these presents to be executed on their behalf by their officers thereunto duly authorized as of the 31st day of December, 1971.

In Presence of:

LOS ANGELES & SALT LAKE
RAILROAD COMPANY
UNION PACIFIC RAILROAD COMPANY,

By _____
President

Attest:

_____ (Seal)
Assistant Secretary

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 1st day of August, 1974, before me, T. E. MIKKELSEN, a Notary Public in and for said County and State, personally appeared J. C. KENEFICK, known to me to be the President, and A. O. Mercer, known to me to be the Assistant Secretary of LOS ANGELES & SALT LAKE RAILROAD COMPANY and UNION PACIFIC RAILROAD COMPANY, the corporations that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporations herein named, and acknowledged to me that such corporations executed the same pursuant to their Bylaws or Resolutions of their Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)



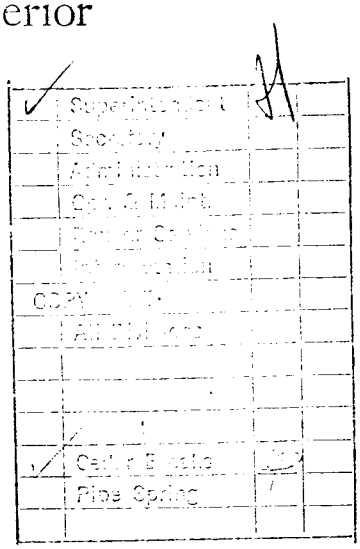
T. E. Mikkelsen
Notary Public in and for said
County and State

United States Department of the Interior

NATIONAL PARK SERVICE
MIDWEST REGION
1709 JACKSON STREET
OMAHA, NEBRASKA 68102

January 22, 1973

IN REPLY REFER TO:
L54(MWR)PSW
CEBR/WR#1 (alien)



Memorandum

To: Superintendent, Cedar Breaks National Monument

From: Associate Director, Professional Support, MWR

Subject: Union Pacific/Utah Parks Company Donation, Cedar Breaks NM

Enclosed is data concerning Water Right Application 9386 that we recently acquired from the Union Pacific Railroad. This information should be filed in Alien Water Right Docket No. 1. We are in the process of acquiring the deed that has been filed with the County of Iron, Utah. This will show the acquisition of the water right by the United States of America. We will transmit this information to you when it becomes available and ask that Alien Water Right Docket No. 1 be made Park Service Docket No. 2. We will also notify the Utah State Engineer of this transaction and ask that the Certificate be made out in our name.

John Kawamoto

Enclosure

cc:
WASO-PN w/enc Please file enc
in Alien WR# 1 as noted.
Utah State Director

RECEIVED
JAN 24 1973
ZION NATIONAL PARK

ORIGINAL

C. D. No. 32482-17

SPECIAL WARRANTY DEED

THIS DEED, made this 31st day of December, 1971, between UTAH PARKS COMPANY, a corporation of the State of Utah, Grantor, party of the first part, and UNITED STATES OF AMERICA, Grantee, party of the second part,

WITNESSETH, That

WHEREAS, the Grantee desires to acquire the land, water rights, springs and water wells, hereinafter described in connection with the development and operation of the National Parks of the United States of America; and

WHEREAS, the Grantor is willing to donate said land, water rights, springs and water wells to the Grantee;

NOW THEREFORE, in consideration of the premises, the Grantor does by these presents, DONATE, REMISE, RELEASE and CONVEY unto the Grantee and unto its successors and assigns all of its right, title and interest in and to the following described lot or parcel of land located outside of the boundaries of Zion, Bryce and Grand Canyon (North Rim) National Parks and Cedar Breaks National Monument, situate, lying and being in the County of Garfield and State of Utah, to wit:

> The $SE\frac{1}{4}$ of the $NW\frac{1}{4}$, the $W\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$, the west 3/4 of the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$, and the $E\frac{1}{2}$ of the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 34, Township 36 South, Range 4 West of the Salt Lake Base and Meridian, containing an area of 100 acres,

together with the Grantor's right, title and interest in and to water rights appurtenant to this property and also in and to the water rights, waters of all springs and water wells arising or located outside the boundaries of the aforementioned parks and monument, but used in conjunction with the Grantor's facilities located in said parks and monument, in Washington County, Utah, Garfield County, Utah, Coconino County, Arizona, and Iron County, Utah; and, also, together with the Grantor's right, title and interest in and to water rights and waters of all springs located within said parks and monument, including specifically the water rights from an unnamed spring located North 10° 54' West, 1,941 feet, from the Southwest corner of Section 11, Township 37 South, Range 9 West, SLBM, Iron County, Utah; and with all and singular the buildings and improvements thereon, and all rights, hereditaments, easements and appurtenances and all and every rights, roads, alleys, ways, waters, watercourses, liberties,

privileges, hereditaments, appurtenances and advantages thereto belonging or in any way appertaining, including accretions opposite to and fronting upon said land, and any means of ingress or egress appurtenant thereto, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; and with all the right, title, and interest of the said Grantor in and to any streets, alleys, roads, strips, gores, waters, watercourses, or railroad rights-of-way or strips of land abutting, adjacent to, adjoining or contiguous to or traversing the land described and conveyed herein and any means of ingress or egress appurtenant thereto.

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

EXCEPTING from this conveyance and RESERVING unto the Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered, including, without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual right to explore for, remove and dispose of, said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the lands hereby conveyed, and in such manner as not to damage the surface of said lands or to interfere with the use thereof by the Grantee, its successors or assigns, it being understood that Grantor, when and if it exercises the rights excepted and reserved under this conveyance, shall do nothing, and shall not cause or permit anything to be done, that will in anyway contaminate or deplete the water supply produced or developed on the above described portions of said Section 34.

THIS PROPERTY IS BEING ACQUIRED BY THE NATIONAL PARK SERVICE FOR THE UNITED STATES OF AMERICA.

TO HAVE AND TO HOLD, subject to the aforesaid exceptions, reservations, and other provisions, the said premises with all the rights and appurtenances thereunto belonging unto the said Grantee, its successors and assigns, forever; and the said Grantor hereby covenants with the said Grantee that it will warrant and defend the title to the said premises unto the said Grantee, its successors and assigns, forever, except as hereinbefore mentioned, against the lawful

claims of all persons claiming by, from or under it, but against none other.

IN WITNESS WHEREOF, said Utah Parks Company has caused these presents to be signed by its President and attested by its Assistant Secretary, and its corporate seal to be hereunto affixed as of the 31st day of December, 1971.

In Presence of:

UTAH PARKS COMPANY,

By _____
President

Attest:

_____ (Seal)
Assistant Secretary

130802
ENTRY NO. _____ RECORDED 1-16 1973 AT 9 AM
AT REQUEST OF Security Title Company
FEE $5.00 Lyle N. Miller Deputy
RECORDER GARFIELD COUNTY, UTAH

12-31-1971: on this 31st day of december

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 31st day of December, 1971, before me, a Notary Public in and for said County in the State aforesaid, personally appeared J.C. KENEFICK, to me personally known, and to me personally known to be the President of UTAH PARKS COMPANY, and to be the same person whose name is subscribed to the foregoing instrument, and who, being by me duly sworn, did say that he is President of Utah Parks Company; that the seal affixed to said instrument is t the corporate seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors; and the said J.C. KENEFICK acknowledged said instrument to be his free and voluntary act and deed, and the free and voluntary act and deed of said corporation, by it voluntarily executed, for the uses specified therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires MARCH 11, 1975

NOTARY PUBLIC COMMISSION EXPIRES

R E Holmberg
Notary Public

Residing at OMAHA, NEBRASKA 68102

(Seal)

BOOK 178 PAGE 493

CORPORATION WARRANTY DEED Tract #

THIS DEED, Made this day of , 19 ,
between Utah Parks Company,
A corporation duly organized and existing under and by
virtue of the Laws of the State of Utah,
Grantor, of the first part, and THE UNITED STATES OF
AMERICA and assigns, Grantee, of the second part:

WITNESSETH, That the said party of the first part, for
and in consideration of the sum of $1.00 and other
good and valuable consideration,
to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, transferred, bargained, sold, conveyed, set over and delivered, and by these presents does grant, bargain, sell, convey, set over, deliver and confirm with all legal warranties and with full substitution and subrogation in and to all the rights and actions of Warranty which Grantor has or may have against all preceding owners and grantors, unto the UNITED STATES OF AMERICA and its assigns forever, a fee simple title in and to all the following described lot or parcel of land, situate, lying and being in the County of Garfield and State of Utah , to wit:

Together with the Grantor's right, title and interest in and to water rights appurtenant to this property, and water rights located in Zion, Bryce and Grand Canyon National Parks and Cedar Breaks National Monument. Also, the Grantor's right, title and interest in and to the water rights, waters of all springs and water wells arising or located outside the boundaries of the aforementioned parks and monument, but used in conjunction with the Grantor's facilities located in Zion, Bryce and Grand Canyon National Parks and Cedar Breaks National Monument in Washington County, Utah, Garfield County, Utah, Coconino County, Arizona and Iron County, Utah respectively, and specifically water rights from an unnamed spring located North 10° 54' West, 1,941 feet, from the Southwest corner of Section 11, Township 37 South, Range 9 West, SLBM, Iron County, Utah.

THIS PROPERTY IS BEING ACQUIRED BY THE NATIONAL PARK SERVICE FOR THE UNITED STATES OF AMERICA.

TOGETHER with all and singular the buildings and improvements thereon, and all rights, hereditaments, easements and appurtenances and all and every rights, roads, alleys, ways, waters, watercourse, liberties, privileges, hereditaments, appurtenances and advantages thereto belonging or in any way appertaining, including accretions opposite to and fronting upon said land, and in any means of ingress or egress appurtenant thereto, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TOGETHER with all the right, title, and interest of the said Grantor in and to any streets, alleys, roads, strips, gores, waters, watercourses, or railroad rights-of-way or strips of land abutting, adjacent to, adjoining or contiguous to or traversing the land described and conveyed herein and in any means of ingress or egress appurtenant thereto.

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

TO HAVE AND TO HOLD the said tract of land, buildings, hereditaments and premises above bargained and described and intended so to be with the appurtenances unto the UNITED STATES OF AMERICA and its assigns in fee simple FOREVER. And the said party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the UNITED STATES OF AMERICA and its assigns, that at the time of the ensealing and delivery of these presents, it is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as 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;

and the above bargained premises in the quiet and peaceable possession of the UNITED STATES OF AMERICA and its assigns against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND, and that said Grantor will execute such other and further assurances thereof as may be requisite.

IN WITNESS WHEREOF, the said party of the first part has caused its corporate name to be hereunto subscribed by its President, and its corporate seal to be hereunto affixed, attested by its Secretary the day and year first above written.

Attest: _____ _____

_____ By _____

Secretary President

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of _____, in the year _____, before me _____, personally appeared _____ known to me to be the _____ of the Corporation that executed the within instrument.

In witness whereof I hereunto set my hand and official seal.

(SEAL) _____
(Signature)

_____
(Title)

(My Commission expires _____)

06 DATA

Cedar Breaks National Monument

UNNAMED SPRING A9386

Supporting Hydrologic Data

WELL DRILLER'S REPORT

State of Utah
Division of Water Rights
For additional space, use "Additional Well Data Form" and attach

Well Identification CHANGE APPLICATION: a23462 (~~73-424~~)

Owner *Note any changes*

USA National Park Service
2390 West Highway 56, Suite 11
Cedar City, UT 84720

Contact Person/Engineer: _____

Well Location *Note any changes*

COUNTY: Iron
NORTH 2190 feet EAST 1600 feet from the NW Corner of
SECTION 14, TOWNSHIP 37S, RANGE 9W, SLB&M.

Location Description: (address, proximity to buildings, landmarks, ground elevation, local well #) _____

Drillers Activity Cedar Breaks National Monument
Start Date: 8-19-02 Completion Date: 8-22-02
Check all that apply: ☒ New ☐ Repair ☐ Deepen ☐ Clean ☐ Replace ☐ Public Nature of Use:
If a replacement well, provide the location of the new well. ____ feet north/south and ____ feet east/west of the existing well.

DEPTH (feet) FROM	TO	BOREHOLE DIAMETER (in)	DRILLING METHOD	DRILLING FLUID
1	30	16"	Air Rotary	Foam Air
30	212	9 7/8"	Air Rotary	Foam Air

Well Log

DEPTH (feet) FROM	TO	WATER	PERMEABLE high	PERMEABLE low	UNCONSOLIDATED CLAY	SILT	SAND	GRAVEL	COBBLES	BOULDER	OTHER	CONSOLIDATED ROCK TYPE	COLOR	DESCRIPTIONS AND REMARKS (e.g., relative %, grain size, sorting, angularity, bedding, grain composition, density, plasticity, shape, cementation, consistancy, water bearing, odor, fracturing, minerology, texture, degree of weathering, hardness, water quality, etc.)
0	1										X		Dark Brown	Top Soil
1	8										X	Limestone	Gray	Fractured
8	31										X	Limestone	"	Bedrock
31	37										X	Limestone	"	"
37	97										X	Mudstone	Red	"
97	128										X	Mudstone	Red	Fractured
128	150										X	Mudstone	Red	
150	190										X	Mudstone	Gold	
190	212										X	Mudstone	Orange	

RECEIVED
OCT 08 2002
WATER RIGHTS
SALT LAKE

Static Water Level

Date 9-22-02 Water Level None feet Flowing? ☐ Yes ☒ No
Method of Water Level Measurement String & Float If Flowing, Capped Pressure — PSI
Point to Which Water Level Measurement was Referenced Top of Casing Ground Elevation (If known) _____
Height of Water Level reference point above ground surface 2 feet Temperature — ☐ °C ☐ °F

Well Log

Construction Information

DEPTH (feet) FROM	DEPTH (feet) TO	CASING: CASING TYPE AND MATERIAL/GRADE	WALL THICK (in)	NOMINAL DIAM. (in)	DEPTH (feet) FROM	DEPTH (feet) TO	☐ SCREEN ☐ PERFORATIONS ☐ OPEN BOTTOM: SCREEN SLOT SIZE OR PERF SIZE (in)	SCREEN DIAM. OR PERF LENGTH (in)	SCREEN TYPE OR NUMBER PERF (per round/interval)
+2	30	A 53 GRADE B	.250	12 3/4"					

Well Head Configuration: STEEL PLATE Access Port Provided? ☐ Yes ☒ No

Casing Joint Type: BUTT WELD Perforator Used: NONE

Was a Surface Seal installed? ☒ Yes ☐ No Depth of Surface Seal: 30 feet Drive Shoe? ☐ Yes ☒ No

Surface Seal Material Placement Method: TREMIE 3/8 HOLE PLUG

Provide Seal Material description below:

DEPTH (feet) FROM	DEPTH (feet) TO	SURFACE SEAL / INTERVAL SEAL / FILTER PACK / PACKER INFORMATION: SEAL MATERIAL, FILTER PACK and PACKER TYPE and DESCRIPTION	Quantity of Material Used (if applicable)	GROUT DENSITY (lbs./gal.,# bag mix, gal./sack etc.)
0	30	3/8" HOLE PLUG	32,50lb. SACKS	DRY - 100%

Well Development and Well Yield Test Information

Date	Method	Yield	Units Check One GPM	Units Check One CFS	DRAWDOWN (ft)	TIME PUMPED (hrs & min)
	NONE					

Pump (Permanent)

Pump Description: _____ Horsepower: _____ Pump Intake Depth: _____ feet

Approximate maximum pumping rate: _____ Well disinfected upon completion? ☐ Yes ☐ No

Comments

Description of construction activity, additional materials used, problems encountered, extraordinary circumstances, abandonment procedures. *Use additional well data form for more space.*

PARK SERVICE PLANS TO DEEPEN NEXT YEAR TO 1000 FT.

Well Driller Statement

This well was drilled and constructed under my supervision, according to applicable rules and regulations, and this report is complete and correct to the best of my knowledge and belief.

Name BRUSHAW DRILLING (Person, Firm, or Corporation - Print or Type) License No. # 240

Signature _____ (Licensed Well Driller) Date 9-16-02

MEASUREMENT OF SPRING OUTFLOW - 1975
(Gallons Per Minute)

	14 July	21 July	28 July	4 August	11 August	18 August	25 August	1 September	8 September
Primary Spring	30	20	15	12	10.6	-	9	8.6	7.8
Secondary Spring	6	5.3	5.6	5.5	4.9	-	4.2	3.7	3.6
Pumphouse Overflow	18	20	13.8	11.3	10.6	-	8.6	8.6	

00-00-1975: Data Table - Measurement of Spring Outflow

07 OTHER

Cedar Breaks National Monument

UNNAMED SPRING A9386

Other Supporting Information

June 17, 1999

To: Tom Henry

From: Dave Sharrow

Subject: Update on Well Project for CEBR

Following our reconnaissance of possible well sites on 6-16-99, I offer this evaluation of those sites, an a list of action items for this project.

Three possible sites are evaluated and depicted on the attached map. All are on or near faults with the intention of intersection the fracture zones around them. Site one is the most desirable due to the ease of access and close proximity to the existing pump house and power. The site selected, 150 feet north of the pump house provides easy access for a drill rig and permits drilling most closely to the fault trace.

While both potential drill sites near Blowhard Spring offer a greater opportunity to drill into the fault and have a successful well, they will require running power and water lines a much greater distance. Both would be accessed by driving the drill rig across the meadow. Sites further south on the Blowhard Spring fault are not considered further because surface drainage is either clearly into the Sevier River Basin, or is unclear. Moving a water right from the Coal Creek basin to the Sevier River basin would be very difficult.

Site1

Location: 150 Feet at N. 10° E. from the existing pump house
(2,190 feet N, 1,600 feet E of the NW corner Section 14, T.37S., R.9W.)

Access: Easily accessible off of little used road extending north past the pump house. Slope is <10%.

Utilities: Power and pipe connection 150' away at pump house

Comments: This point provides the closest lateral approach to the Twin Spring fault. It is possible to proceed 600-800 feet further north on little used road, but this trends away from the mapped fault.

Site 2

Location: 100 feet north of Blowhard Spring, about 10 feet lower in elevation.
(2,000feet N, 320 feet W. of the NE corner Section 15, T.37S., R.9W.)

Access: Across about 800 feet of meadow, not difficult for drill rig. Slope is 10%

Utilities: Pipeline 100 feet away at Blowhard Spring.
Overhead power line located about 1,000 feet away at park boundary.

Comments:

Site 3

Location: 200 feet south of Blowhard Spring, and about 40 feet higher in elevation. In an alcove of meadow pushing onto the forest.
(2,680feet N, 310 feet W. of the NE corner Section 15, T.37S., R.9W.)

Access: Across about 600 feet of meadow, the last 100 feet is on slopes of 15-20%. Slope at drill site is 20%

Test the Water as Required by the state.

Secure funding for

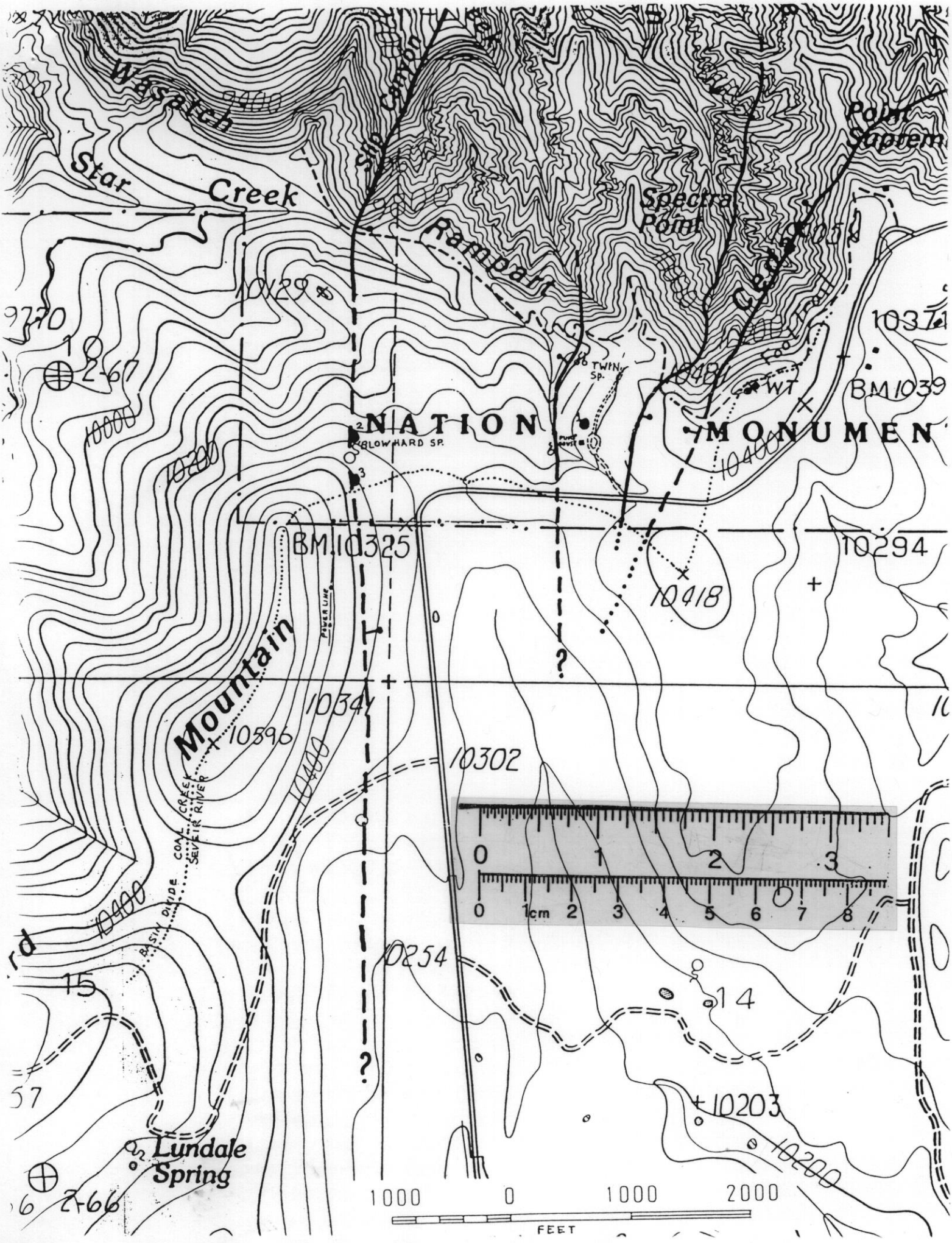
Setting a Pump and installing a Control Panel
Power Supply
Pipeline to Pump house

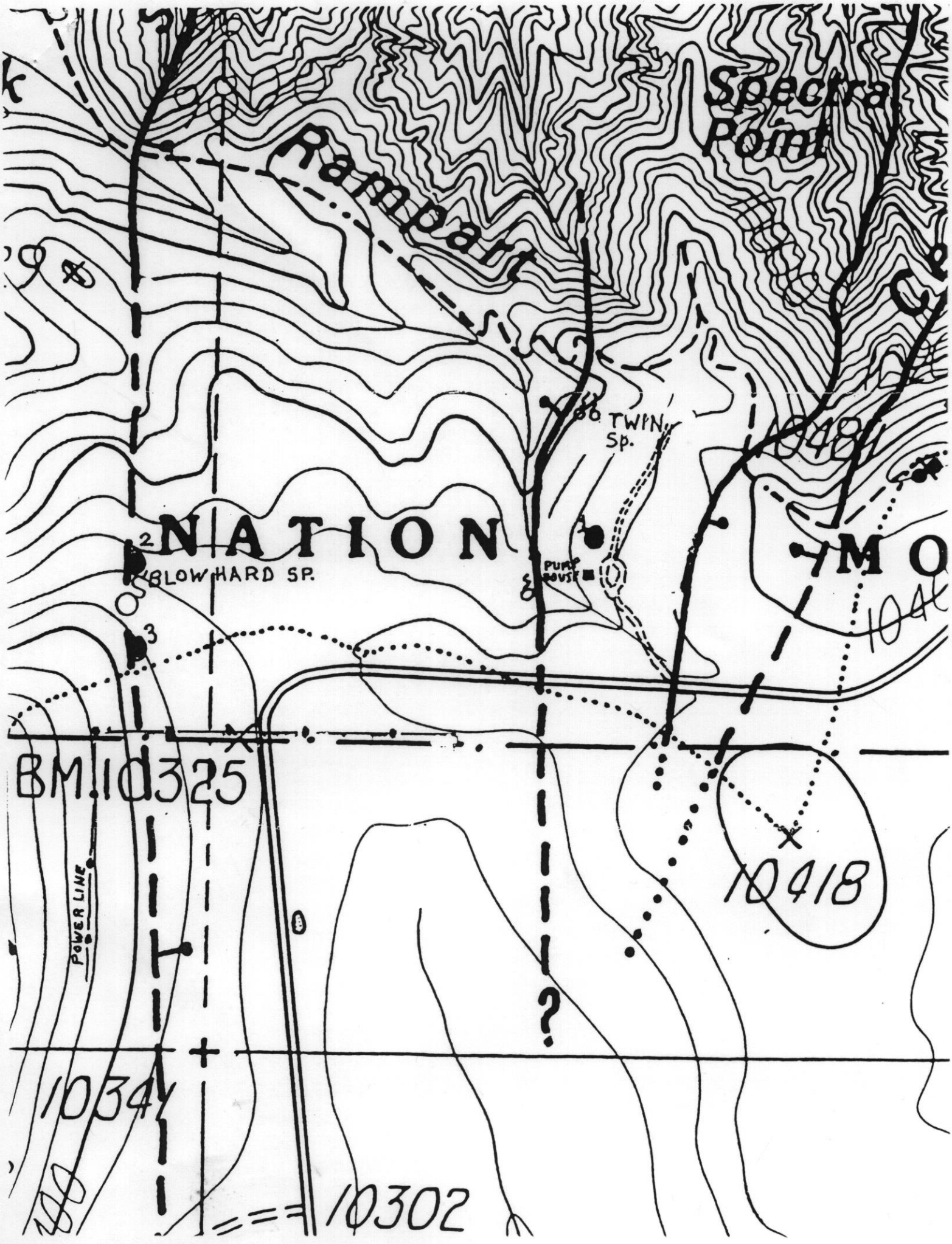
The combined water right for the two springs is 0.08 CFS or 35.8 gpm. the pump and pipe should be sized to produce at least this capacity.

Prepare Drinking Water Source Protection Plan
Required within 1 year after the Preliminary Evaluation Report is approved.

File Proof of Beneficial Use with State Engineer
This will complete the process to change the water right

Evaluate the desirability of Abandoning and Reclaiming developments at Twin Spring


Wasatch
Star Creek
Rampart
Spectra Point
Point Supreme
NATION
MONUMEN
BLOWHARD SP.
TWIN Sp.
WT
BM 10325
BM 1039
10294
10418
10371
10129
10000
10200
10400
10396
10302
10254
10203
Mountain
Lundale Spring
BASIN DIVIDE
COAL CREEK
SEVIER RIVER
POWER LINE
1000 0 1000 2000
FEET


Rampart
Spectra
Point
TWIN
Sp.
NATION
BLOW HARD SP.
PUMP HOUSE
BM 1d325
POWER LINE
1034
10302
10418
?

Author: Jeff Hughes at NP-WASO-WR
Date: 04/15/1999 2:05 PM
Priority: Normal
TO: Dave Sharrow at np-cebr
CC: Bill Hansen, Dan McGlothlin
Subject: Re[2]: CEBR water rights

Dave,

Sure, I'll print off a copy of the status from the internet. I was just hoping to get the confirmation from the State to include in our dockets file for this water right so we could verify that the State acknowledges our request from the change in ownership. The internet information will have to suffice.

Jeff

_____ Reply Separator _____

Subject: Re: CEBR water rights
Author: Dave Sharrow at np-cebr
Date: 04/15/1999 11:08 AM

Jeff,

I spoke with someone in Kerry's office about this change and official confirmation. She said that they do not send out letters of confirmation because it would be too much paper work. We checked both 73-1211 and 73-424 and found them both to have NPS as the sole owner, although the former has rocky mountain region and the latter CRBR.

Is this adequate?

Dave

_____ Reply Separator _____

Subject: CEBR water rights
Author: Jeff Hughes at NP-WASO-WR
Date: 4/15/99 9:06 AM

Dave,

Did Kerry Carpenter ever say he would provide documentation to us on the change of ownership of UT water right Certificate 1494. I believe this one is blowhard springs.

Let me know when you find out.

Thanks!

Jeff
(970) 225-3527

Utah Division of Water Rights

Water Right Listing

Water Right 73-424

Click here to view documents

```
 ***WR#: 73  424 has been PRINTED!!
                          (WARNING: Water Rights makes NO claims as to the accuracy of this data.) RUN DATE: 04/15/99     Page
WRNUM: 73-424       APPLICATION/CLAIM NO.: A9386       CERT. NO.: 1494
----------------------------------------------------------------------------------------------------------------------
OWNERSHIP*************************************************************************************************************
----------------------------------------------------------------------------------------------------------------------
NAME: USA National Park Service (Cedar Breaks NM)                OWNER MISC: ATTN: Mike Ward
ADDR: Box 749
CITY: Cedar City                      STATE: UT  ZIP: 84720      INTEREST: 100%
LAND OWNED BY APPLICANT?
----------------------------------------------------------------------------------------------------------------------
DATES, ETC.***********************************************************************************************************
----------------------------------------------------------------------------------------------------------------------
FILING:        /  /     |PRIORITY:  09/05/1925|ADV BEGAN:     /  /   |ADV ENDED:    /  /   |NEWSPAPER:
PROTST END:  /  /       |PROTESTED: [   ]     |APPR/REJ:   [        ]|APPR/REJ:     /  /   |PROOF DUE:    /  /    |EXTENSION:     /
ELEC/PROOF:[         ]  |ELEC/PROOF:  /  /    |CERT/WUC:      /  /   |LAP, ETC:     /  /   |PROV LETR:    /  /    |RENOVATE:      /
PD Book No.     Type of Right: APPL  Status: CERT  Source of Info: PDET  Map: 37       Date Verified:   /  /        Initials:
----------------------------------------------------------------------------------------------------------------------
LOCATION OF WATER RIGHT***********************************************************************************************
----------------------------------------------------------------------------------------------------------------------
FLOW: 0.06 cfs                                   SOURCE: Unnamed Spring
COUNTY: Iron          COMMON DESCRIPTION:
POINT OF DIVERSION:    ( 1)Domestic directly on spring located in NE>SE> Sec 10, T37S, R9W, SLBM.
                           Source:
----------------------------------------------------------------------------------------------------------------------
USES OF WATER RIGHT***************************************************************************************************
----------------------------------------------------------------------------------------------------------------------
CLAIMS USED FOR PURPOSE DESCRIBED: 424
     Referenced To:            Claims Groups:                   Type of Reference -- Claims:    Purpose:     Remarks:
......................................................................................................................
  ###RECREATION       Domestic use at Cedar Breaks Lodge                                      PERIOD OF USE: 01/01 TO
IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII E N D   O F   D A T A IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX                        XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
OOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOO E N D   O F   D A T A OOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOO
```

Johns

United States Department of the Interior
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 353
FT. COLLINS, COLORADO 80521

TAKE PRIDE IN AMERICA

July 31, 1991

IN REPLY REFER TO:
L54(479)
RMR/Water Rights

Andy Walch, Attorney
U.S. Department of Justice
Land and Natural Resources Division
999 18th Street, Suite 945
Denver, Colorado 90294

Re: Request For Information Concerning Any Water Right Claims Filed For Cedar Breaks National Monument, in Utah

Dear Andy:

As part of the Resources Management Planning process for Cedar Breaks National Monument (CEBR), we are investigating the current status of any adjudications involving CEBR. The monument is located north of the Virgin River Basin in the Coal Creek and Sevier River drainages (see enclosed map).

Our records indicate that CEBR was included in the adjudication of water rights of Beaver River-Escalante Valley. According to a January 2, 1968, memorandum (enclosed) the United States was "...officially served with process on December 19, 1967," on the Proposed Determination of water rights in the Beaver River-Escalante Valley, Cedar City Division (Code No. 73) and Parowan Valley Division (Code No. 75).

It appears that one claim (Application No. 35622, Water Users Claim No. 73-1211) may have been filed on behalf of the National Park Service. It is also possible that a claim was filed for another appropriative water right, Application No. 9386, Certificate No. 1494, a right which was, at the time, in the name of the Utah Parks Company. Our records are incomplete regarding these and other claims which may have been filed on our behalf. We have no information concerning claims for reserved water rights.

Therefore, I request verification and documentation of any water right claims filed in any adjudications on behalf of the National Park Service, for Cedar Breaks National Monument, as well as a report on the status of any adjudications affecting the monument.

NATIONAL PARK SERVICE 75 1916 - 1991 ™

If possible I would like this information by August 31, 1991. If you have any questions, please contact me or Alice Johns of my staff.

Sincerely,

Owen

Owen R. Williams
Chief, Water Rights Branch

Enclosures

cc: CEBR - Superintendent
RMR - Chaney
479 - Kimball, Sharrow, Pettee, Johns,
SOL (Salt Lake City) - Collins

01-17-1978: thank you for the legal notice; january 17, 1978

Jan 17, 1978

JAN 17 1978

L54 (RMR) MW

Memorandum

TO: Superintendent, Zion National Park

From: Chief, Division of Water Resources

Subject: Legal Notice concerning Water Rights at Cedar Breaks National Monument

Thanks for the legal notice in regard to adjudication of water rights in Iron County and others which appeared to include the Springs in Cedar Breaks.

A Statement of Water Users Claim was filed with the State of Utah on 8 June, 1973 and completed on December 10, 1974. Copies of the appropiate documents should have been sent to you, but in case they were not I am enclosing a copy each for filing in Cedar Breaks Docket #1.

I verified the above filings with Gerry Stoker, Area Engineer in Cedar City and he assured me that everything that needs to be done has been done so we are in good shape on this one. The only thing he indicated that might be lacking is water for the springs if you don't start getting some snow.

Thanks again for bringing this matter to my attention.

/s/ WILLIAM MEKEEL

William L. Mekeel

Enclosures

WLMekeel:ek 1/17/78

Rocky Mountain
Regional Office

United States Department of the Interior

NATIONAL PARK SERVICE

JAN 6 '78

Zion National Park
Springdale, Utah 84767

Regional Director	
Deputy Reg. Director	
Administration	
Park Operations MW	
Plan & Resource Pres.	
Denver Archeo. Off.	
Executive Assistant	
Communications & P.A.	
EO	
Action Taken	

IN REPLY REFER TO:
L54

January 4, 1978

Memorandum

To: Regional Director, Rocky Mountain Region

Attention: Regional Chief of Water Rights Mekeel

From: Superintendent, Zion

Subject: Legal Notice Concerning Water Rights at Cedar Breaks National Monument

Enclosed for Mr. Mekeel's attention is a legal notice from the Iron County Record of Thursday, December 22, 1977. As we read this summons, it is our interpretation that the State will be adjudicating the water rights in Iron County except that which flows into the Sevier River system and into the Virgin River system. Therefore, we are making the assumption that the springs presently in use at Cedar Breaks National Monument would fall under this summons. It would be appreciated if Mr. Mekeel could make the necessary inquiries and proceed to protect our water rights.

Your assistance in this matter is greatly appreciated.

Robert C. Heyder

Enclosure

LEGAL NOTICES

IRON COUNTY RECORD - CEDAR CITY, UTAH
Thursday, December 22, 1977

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT IN AND FOR TOOELE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHTS TO THE USE OF WATER, BOTH SURFACE AND UNDERGROUND, WITHIN ALL OF TOOELE COUNTY: ALL OF JUAB COUNTY, EXCEPT THAT PORTION DRAINING TO UTAH LAKE AND TO THE SEVIER RIVER DRAINAGE: AND ALL OF MILLARD, BEAVER AND IRON COUNTIES EXCEPT THAT PROTION IN THE SEVIER RIVER AND THE VIRGIN RIVER DRAINNAGE IN UTAH.

SUMMONS

Civil No. 6049

THE STATE OF UTAH TO THE SAID DEFENDANT:

You are hereby summoned to appear and defend the above-entitled action which is brought for the purpose of making a general adjudication of rights to the use of all the water, both surface and underground, withnin all of Tooele County; all of Juab County, except that portion draining to Utah Lake and to the Sevier River Drainage; and all of Millard, Beaver and Iron Counties except that portion in the Sevier River and the Virgin River Drainage in Utah. Upon the service of this Summons upon you, you will thereafter be subject to the jurisdiction of the above-entitled Court and it shall be your duty to follow further proceedings in the above-entitled action and to protect your rights therein, and you are required to notify the State Engineer of your name and address if you claim a water right which is not now of record in the State Engineer's Office. When the State Engineer has completed his survey you will be given a further written notice, either in person or by registered mail, sent to your last known address, that you must file said Claim within the time set and your failure so to do will constitute a default in the premises and a judgment may be entered against you declaring and adjudging that you have no right in or to the waters of the described water source.

Dated this 17th day of November, 1977.

Dennis D. Ewing
Tooele County Clerk
Dallin W. Jensen
Assistant Attorney General
Attorney for State Engineer
442 State Capitol Building
Salt Lake City, Utah 84114

Pub. Dec. 1, 8, 15, 22, 29, 1977.

L54(RMR)PN

July 18, 1974

R.F. Niehaus
Asst. General Attorney
Union Pacific Railroad Company
1416 Dodge Street
Omaha, Nebraska 68102

Dear Mr. Niehaus:

With reference to our recent telephone conversation we are requesting quitclaim deeds from the railroad to the Utah Parks Company for the water rights donated to the National Park Service at Bryce Canyon National Park and Cedar Breaks National Monument in order to perfect the chain of title of the water rights involved. This is urgently needed so that we may satisfy the State of Utah Division of Water Rights of Park Service ownership in connection with the present adjudication of water rights in the Paria River Basin.

We would appreciate any assistance you may be able to offer to expedite this matter.

Sincerely yours,

/s/ WILLIAM MEKEEL

William L. Mekeel
Legal Assistant
Rocky Mountain Regional Office

cc:
WASO-MR Mr. Berte'
bcc:
RMR-PN Mr. Mekeel

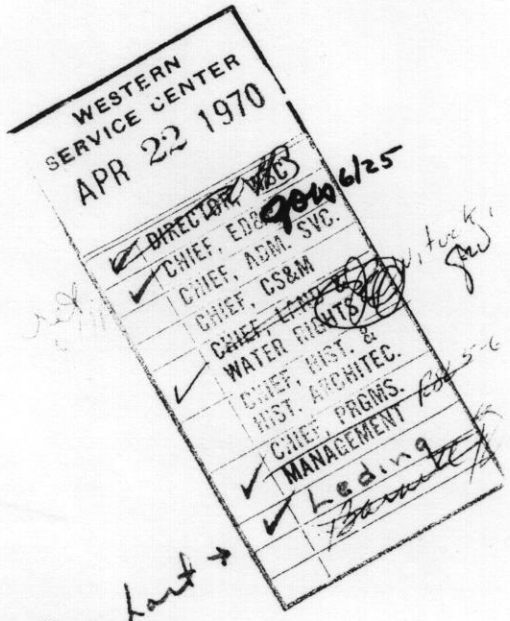
WLMekeel:sg 7/18/74

L-1425

C3823-C Zion #102 Cedar Breaks -#1367

APR 17 1970

X C-3823 - Cedar Breaks



Memorandum

To: Director, Southwest Region

From: Director

Subject: Concessions Contract, Utah Parks Company, Zion, Bryce Canyon, Grand Canyon (North Rim), Cedar Breaks National Monument

We are indeed pleased to learn, by copy of Concessions Analyst John Clay's memorandum of February 2, to Acting Assistant Director, Park Management, that appraisals of the market value of existing facilities, and the removal and relocation cost for some of these buildings in the above areas, are underway. We urge that these appraisals and final estimates, particularly for Grand Canyon (North Rim) and Bryce Canyon, be completed and sent to us as expeditiously as possible to enable us to better evaluate and decide on the recommendations set forth in your memorandum of September 4, 1969. As you know, the basic Fact Sheet and/or Prospectus draft are completed except for the compilation of data relating to the rehabilitation and building program that your staff is now compiling.

In a recent meeting here in Washington we advised attorney Donohue and Mr. Tom Murray, Manager, Utah Parks Company, that we were appraising concessioner facilities for data to develop a rehabilitation and building program for inclusion in either a Fact Sheet or a Prospectus to be issued as soon as possible, and that we are processing a one-year extension of the current contracts from January 1, 1970 through December 31, 1970. Mr. Donohue stated that Utah Parks Company would like to continue under a new long term contract, although it was our impression that they would not preclude the possibility of their selling the company in the near future.

The company officials stated that before the Board of Directors will consider any donation of facilities an

outside appraisal will be needed. They are proceeding with their own appraisal of the Cedar Breaks facilities as soon as they can get into the Monument. We were led to understand that water rights in all areas could be included in a donation, but this was not discussed at length and no commitments were made by Utah Parks Company nor by the Service.

For your information and convenience in the matter of water rights, we are enclosing a copy of memorandum of April 25, 1967, from Chief, Division of Land and Water Rights, to Assistant Director, Operations, regarding water rights owned by Utah Parks Company in the above areas. In line with Service policy, concessionar-owned water rights should be perfected in the name of the United States. Therefore, it appears to us that now is the time to decide what our strategy pertaining to Utah Parks Company water rights should be in negotiating a new contract. We are informed that Utah Parks Company may be interested in donating any or all of its water rights in the above areas as a tax writeoff. What are your recommendations in this regard? Messrs. Donohue and Murray suggested that the Company-owned water rights and water systems are worth about $600,000. The enclosed memorandum, however, does not appear to substantiate that estimate.

We discussed in general terms our present policy of eliminating preferential transportation rights in new contracts. It developed that the situation with respect to this concessioner's transportation operations are somewhat different than other park operators in that the economics of the system extend beyond the parks. In considering this matter we should like your analysis of the situation as it exists, both within and without the parks, and the public needs and desires with respect to the continuation of the present arrangement, as well as any alternate proposals.

04-17-1970: letter from thomas f. flynn; april 17, 1970

We shall appreciate receiving the information as commented on above as soon as it can be developed in order that decisions may be made with respect to the basis on which these operations will be continued.

(Sgd) Thomas F. Flynn

Enclosure

cc:
WSC-PDC, Mr. Leding

04-25-1967: reply to memorandum of march 31

April 25, 1967

L54-OIM

Memorandum

To: Assistant Director, Operations

From: Chief, Division of Land and Water Rights

Subject: Water rights, Bryce Canyon and Cedar Breaks

This is in reply to your memorandum of March 31 in which you asked for a report on the water rights and water supply situation at Bryce Canyon National Park and Cedar Breaks National Monument and information on the Utah Parks Company's rights and water supply systems at Zion and Grand Canyon National Parks with a view to acquiring the company's interests at all four areas. The proposed Master Plans for Bryce Canyon and Cedar Breaks have been reviewed as suggested.

Acquisition of the Utah Parks Company's interest in its water supply systems including the company's water rights has been considered a number of times since 1935 and perhaps even earlier. Acquisition by the National Park Service would be advantageous from an administrative and management standpoint, but the company has not been receptive to the idea. The need for renegotiating the company's concession contract may give the Service some leverage in dealing with the company.

In 1964, when commercial power was extended to the north rim of Grand Canyon, the company donated its hydroelectric plant and system to the National Park Service but retained its water system. Presumably the tax savings on the donation and removal by the Service of the hydro-system (it was surplus and would have to be removed) made such a donation attractive. All the company's water systems are old and will require major replacement in the near future. Perhaps donation of the water systems and water rights may be equally attractive.

In Bryce Canyon National Park, the Utah Parks Company has rights to 0.20 c.f.s. from Shelter Spring and 0.05 c.f.s. from Trough Spring both within the park boundaries. However, it is doubtful that these springs ever produced more than 0.05 c.f.s. combined and have been completely dry at times. The company also has rights to "all" the water from Hopkins Spring, also within the park. The spring has

never been developed and undoubtedly goes dry at times. It is probable that this right has lapsed and, in any case, has never been considered as a possible supply.

The main supply for the Utah Parks Company's facilities and for the park comes from springs and wells on about 100 acres of company owned land outside the park. The land is within the Dixie National Forest. The company may own more than 100 acres because the 1963 Forest Service map shows about 160 acres in the same section as being privately owned. The purchase of 100 acres included the springs area, but the company also purchased 0.25 c.f.s. from the Tropic and East Fork Irrigation Company, presumably with a view to confirming its right to the spring waters. In 1955, however, the spring flow would not supply the park's needs and a well was drilled by the company. The well produced the required amount of water, but pumping the well dried up the springs. Two additional wells were drilled in 1957. One of these wells and occasional spring flow are used as supplements to the first well.

The Utah Parks Company claims rights in the East Fork area to 0.41 c.f.s. (184 gpm) from May 1 through November 1, and these rights were confirmed in a decision by the State Engineer. However, the Tropic and East Fork Irrigation Company has protested the State Engineer's decision and the case is expected to come to trial this year. Until this case is decided, the company has no rights to sell. The sustained yield of the East Fork area was estimated by the U. S. Geological Survey to be about 0.12 c.f.s. (55 gpm).

The water system owned by the company consists of the spring diversion works, the three wells, the collecting system, pumps, pipeline to storage tank, the storage tank, and the distribution system from the tank to its facilities. The company also owns the pipeline from Trough and Shaker Springs. The system is old and not in good shape. The Service would probably have to replace most or all of it within a few years.

In 1960, a deep well was completed by the Park Service and a pump installed in 1962, but the well has never been hooked up to the system because the well water is more mineralized than Public Health Service standards recommend. It is hard and high in sulfates but is comparable to the waters being used at several other areas in the Southwest. It can be used as a source of supply if necessary. The well will yield more than 200 gpm, but the pump presently installed produced 182 gpm when tested.

Last year the Forest Service drilled a well for a proposed Job Corps Camp about four miles northwest of park headquarters. The well reportedly is 52 feet deep and produced 290 gpm of excellent water, a relatively high yield for wells in the area. The Job Corps Camp is not being activated at present and the Forest Service apparently is willing to discuss arrangements for the park to use the well. However, the relatively large reported yield may be due to leakage from the Tropic and East Fork Irrigation Company's ditch. Heavy continual pumping at the well might result in increased ditch losses with consequent legal protest by the company. Additional information and tests on the well are needed to evaluate its possibilities as a source of supply for the park and efforts to this end have been started.

At Bryce Canyon a firm supply of 125 gpm with adequate storage should supply the future needs of the area. Additional sources of water are limited to the deep well, the Forest Service well, and springs below the escarpment. The Forest Service well has not been adequately investigated to determine its possibilities, but this will be done. The springs below the escarpment are adequate in volume but would require a pumping lift of 1,000 feet, and a long pipeline through the rugged scenic areas of the park. The deep well could supply the entire needs of the headquarters area but the quality is poor. However, it is not much more mineralized than the water from Lake Mead. Full treatment of the water to conform the Public Health Service standards would be expensive, but partial treatment and mixing with East Fork water should be considered. A dual system utilizing the deep well water for all but domestic and laundry uses is another possibility.

The Master Plan recommended further testing of the deep well. This could be done but it would be expensive. From the information already available, the only way to improve the quality of the water would be to case off the upper poor water, above 1,200 feet. The lower, better water, if it has not already been changed by recharge from the poorer zones, would be considerably less in volume and the pumping level would be much lower. Rather than attempt to test each zone individually as proposed in the Master Plan, a single operation would separate the poorer from the better water. The well would have to be pumped to waste for an indeterminate time to remove the poorer water that has been recharging the better aquifers since the well was perforated.

In Cedar Breaks National Monument, the Utah Parks Company owns rights to 0.06 c.f.s. (27 gpm) of water from an unnamed spring. They also own the collecting box at the spring, pipeline, pump and pumphouse,

a 58,000 gallon storage tank, and the distribution system to the company's facilities. It is doubtful if the flow of the spring ever was 0.06 c.f.s. and at times has been less than 0.02 c.f.s. (9 gpm).

The National Park Service has applied for rights to 0.02 c.f.s. (9 gpm) of water from Twin Springs. This water is piped to the Utah Parks Company's pipeline and commingled with the waters of the company's spring. The National Park Service has constructed a 33,500 gallon storage tank adjacent to and connected with the Utah Parks Company's tank, and a distribution system to the visitor center, residential area, and campground. The National Park Service also plans to construct a 200,000 gallon collecting tank and pump near the Utah Parks Company's spring and lay a new pipeline from the tank to the existing National Park Service main. Presumably, this has been deferred pending possible acquisition of the Utah Parks Company's water rights.

A study of the water resources of the monument is scheduled for this fiscal year, but based on available information the possible sources appear to be limited to the small springs and seeps on the plateau. Tapping ground water would require a well several thousand feet deep with little assurance that the water would be of good quality. A firm supply of 40 gpm with adequate storage should supply the future needs of the area for an indeterminate period. If the lodge is removed as proposed in the Master Plan this estimate may be high. If the scheduled water resources study shows 40 gpm cannot be obtained, additional large storage tanks will have to be constructed.

At Zion National Park the Utah Parks Company has no decreed or certificated rights, but claims the use of waters from the Upper Grotto and Wylie Retreat Springs on the basis of long and uncontested use. The company owns the collecting system, storage tanks, and distribution system to the lodge and its utility area. The status of the company's rights is questionable. At one time, the National Park Service Counsel concluded that the company had no rights, but in the light of more recent State and Federal decisions, especially the Arizona-California decision, it would be advisable to get an up-to-date opinion from the Solicitor's Office.

At Grand Canyon National Park the Utah Parks Company has no water rights but owns the pumps, pumphouse, pipeline, storage tanks, and distribution system to its facilities on the north rim. The National Park Service owns the water rights, additional storage, and the distribution system to National Park Service's facilities.

Although the acquisition of the Utah Parks Company's water rights would be advantageous to the National Park Service from an administrative and operational standpoint, acquisition as of the present may raise more problems than it may solve. Until the case of the Utah Parks Company and the Tropic and East Fork Irrigation Company is settled the Utah Parks Company has only disputed rights, and if the National Park Service acquired these rights, it could be faced with assuming the case for the Utah Parks Company. The company's rights at Zion are nebulous and should be reviewed by the Solicitor's Office before any negotiations are undertaken. At Cedar Breaks, the company's rights are firm, but are worth little, inasmuch as the only other possible user is the monument. At Grand Canyon, the Utah Parks Company has no water rights.

All the water systems of the Utah Parks Company are old and should be replaced within the next decade. Undoubtedly the costs to the company have been entirely amortized and, if acquired from the company by the Service, the cost of removal probably would exceed the salvage value of the system. In view of this, donation of the systems and water right should be broached to the company. The water rights have a more tangible value than the systems and, if necessary, these rights including the land outside Bryce Canyon, could be purchased.

The following figures of the values of the water rights are "ball park" estimates only. No recent comparable sales information is available. Before any firm negotiations to purchase the water rights of the Utah Parks Company are started a qualified appraisal should be made.

Assuming the company's water rights at Bryce Canyon are upheld by the courts, the value of the land and water rights in the East Creek area probably would not exceed $400 per acre or $40,000 for the 100 acres which the company purchased in 1926 for $25.00 per acre. However, the Tropic and East Fork Irrigation Company might be a competitor in any purchase. The rights to Trough and Shaker Springs might be worth another $2,000.

At Cedar Breaks the water rights in an open market probably would sell for less than $1,000 but as a practical matter the only

market is the National Park Service. At Zion, assuming the company has rights and could sell them to a private buyer outside the park, the rights might bring $5,000.

Phillip O. Stewart

Enclosure

04-25-1967: utah parks company water rights; april 25, 1967

UTAH PARKS COMPANY WATER RIGHTS

Bryce Canyon National Park

Inside park

Shaker Spring, 0.20 c.f.s., Application 9221, January 2, 1923, Certificate 1382 issued April 13, 1925, domestic and culinary.

Trough Spring, 0.05 c.f.s., Application 9406, October 18, 1923, Certificate 1397 issued May 29, 1925, domestic and culinary.

Note - Total flow of both springs average about 0.03 c.f.s. and were dry in 1956 and 1957.

Outside park

East Creek Springs and wells

0.16 c.f.s., diligence right 756, domestic and culinary from April 1 to November 1.

0.25 c.f.s., purchased from Tropic and East Fork Irrigation Company, domestic and culinary from April 1 to November 1.

Note - These rights have been confirmed by State Engineer's decision dated June 29, 1961, but Tropic and East Fork Irrigation Company has contested this decision. A trial is expected to be held this year.

Cedar Breaks National Monument

Unnamed spring in sec. 10, T. 37 S., R. 9 W., 0.06 c.f.s., Application 9386 dated August 18, 1923, Certificate 1494 issued October 1, 1926.

Zion National Park

Upper Grotto Spring and Hylie Retreat Spring

No claims filed with State Engineer but company claims flow based on use and uninterrupted possession. Total flow of these springs is about 150 gpm.

Grand Canyon National Park

No rights claimed

CEBR files

United States Department of the Interior

NATIONAL PARK SERVICE
MIDWEST REGION
1709 JACKSON STREET
OMAHA, NEBRASKA 68102

IN REPLY REFER TO:
L54(MWR)PSW
CEBR/WR#1 (alien)

January 22, 1973

✓	Superintendent
	Secretary
	Administration
	Operations
	Park Service
	Information
COPY SENT	
	All Divisions
	Cedar Breaks
	Pipe Spring

Memorandum

To: Superintendent, Cedar Breaks National Monument

From: Associate Director, Professional Support, MWR

Subject: Union Pacific/Utah Parks Company Donation, Cedar Breaks NM

Enclosed is data concerning Water Right Application 9386 that we recently acquired from the Union Pacific Railroad. This information should be filed in Alien Water Right Docket No. 1. We are in the process of acquiring the deed that has been filed with the County of Iron, Utah. This will show the acquisition of the water right by the United States of America. We will transmit this information to you when it becomes available and ask that Alien Water Right Docket No. 1 be made Park Service Docket No. 2. We will also notify the Utah State Engineer of this transaction and ask that the Certificate be made out in our name.

John Kawamoto

Enclosure

cc:
WASO-PN w/enc Please file enc
in Alien WR# 1 as noted.
Utah State Director

RECEIVED
FEB 5 1973
SOUTHERN UTAH GROUP

RECEIVED
JAN 24 19[illegible]
ZION [illegible]ONAL PARK

07-00-1970: water system evaluation for union pacific railroad company; july, 1970

WATER SYSTEM EVALUATION

FOR

CEDAR BREAKS, UTAH

FOR

UNION PACIFIC RAILROAD COMPANY

JULY 1970

TEMPLETON, LINKE AND ALSUP - CONSULTING ENGINEERS

40 WEST 2950 SOUTH STREET - SALT LAKE CITY, UTAH

07-00-1970: index of water system evaluation for union pacific railroad company; july, 1970

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WATER SYSTEM EVALUATION

FOR

CEDAR BREAKS, UTAH

FOR

UNION PACIFIC RAILROAD

GENERAL

On April 7, 1970, Templeton, Linke and Alsup, Consulting Engineers, were employed by the Union Pacific Railraod Company to evaluate the water system at Cedar Breaks, Utah with the objective of providing the Company with a valuation report of the facilities.

Data available for this survey include the following:

Drawing	Date	Title
_____	Sept. 1926	Map-Profile and drawings showing works, ground line, grade line, cross-sections of channel and devices, structures and character of materials used to divert water from spring (name unknown) in Iron County, Utah by the Los Angeles and Salt Lake Railroad Company for domestic and culinary purposes.
C.E. Drwg. No. 51239	Oct. 1, 1929	Tourist Facilities
_____	Jan. 15, 1955	Utah Parks Co. Bath Additions and Propane Heating Equipment for Cedar Breaks Cabins.

NM CB 8110	1939	United States Department of the Interior National Park Service, Water Systems, N.P.S. and Operators Areas, Cedar Breaks National Monument, Utah.
	1936	U.S. Geological Survey Cedar Breaks National Monument, Utah.
1953 CB N.M. Revised 17000	Feb. 1968	Cedar Breaks National Monument, Utah
	Dec. 31, 1969	Water Right Adjudication answer of State Engineer Re: Protest of Union Pacific Railraod Co. (Cedar City Valley Division, Civil No. 4415)
_____	March 17, 1979	Union Pacific Railroad Co. letter
_____	_____	Photographs
_____	Sept. 1946	Instructions No. 2661F installing and operating Fairbanks-Morse self oiling typhoon pumps.

INSPECTION OF FACILITIES

On June 27, 28, and 29th Lloyd Yowell, representing Templeton, Linke and Alsup, made a trip to inspect the Cedar Breaks water system. Mr. C. A. Croft of the Utah Parks Company was the guide of the facilities. Monday morning was spent with Mr. Tom Murray and Mr. Croft discussing the existing facilities and other sources of water available in the Lodge area. The inspection trip provided a good basis for evaluating the existing system.

WATER RIGHTS

Water rights in the area of Cedar Breaks were obtained from the State Engineer's office at Salt Lake City and the branch office at Cedar City. A summary of water rights in the area is as follows:

Name	Location	Amount	Application No.
Utah Parks Company (Unnamed spring)	N. 10°-54'W. 1941' from SW Cor. Sec. 11, T.37S., R. 9W., SLBM	0.06 cfs	9386 (Certificate No. 1494)
U.S. Dept. of Interior National Park Service (Twin Springs)	N. 35°-43' - 40" E. 3186.19' From S.W. Cor. Sec. 11, T. 37S., R. 9W., SLBM	0.02 cfs	35622

The FCC has a radar installation located on Blowhard Mountain approximately two miles southwest from the Cedar Breaks Lodge. According to the State Engineer they drilled a well and then abandoned it. An application has not been filed.

The above named Utah Parks Company Certificate of Appropriation No. 1494 is a right to use water for domestic and culinary purposes at the Cedar Breaks Lodge from January 1st to December 31. This right has a priority date of Sept. 5, 1925 which was adjudicated (Civil No. 4415, Cedar Valley Division) to show a priority date of September 5, 1923. The spring was flowing at 13.3 gpm on June 28, 1970 when measured by bucket.

The State Department of Social Service Division of Environmental Health analyzed a water sample from the system in 1961. This sample met U.S. Public Health Service standards at that time.

WATER SYSTEM

The existing water system is located in the Cedar Breaks National Monument which is located in Iron County, Utah, approximately 23 miles east from Cedar City and 14 miles south from Parawan. The system was constructed in 1926 with the exception of the water tank which was installed in 1956. The purpose of the system is to supply water to the Utah Parks Company, Cedar Breaks Lodge and ten log cabins. Due to severe winters, the lodge and cabins are open from early June through Labor Day.

The water system consists of a spring which feeds into a four foot square concrete spring box with a sheet metal cover. The spring is enclosed in a fenced area 45' X 42'-6". The fence is 3' 0" high with two strands of barbed wire. The posts are steel tee sections. From the spring box, the water flows by gravity two thousand feet (1730 l.f. of 3-inch galvanized steel pipe and 240 l.f. 2 1/2-inch galvanized steel pipe) to a concrete sump next to a log pump house. The water is pumped from the sump by a Fairbanks-Morse 1000 gallon per hour self oiling typhoon pump driven by a Wagner Electric Corp. 2 horsepower motor through 1770 linear feet of 2-inch galvanized steel pipe to a 60,000 gallon steel tank located northwest of the lodge. The water flows from the steel tank in a 4-inch cast iron pipe and 2-inch steel pipe to the Cedar Breaks Lodge area where it is piped to the cabins, lodge and two fire hydrants. The four-inch cast iron pipe is owned by the National Park Service and extends into their area.

The spring box has a drain and overflow. The metal cover is supported on 2 X 12 fir covered with screen. In the area of the concrete spring box is an old abandoned wooden spring box. No connection exists between the two.

The pump house is a log cabin 13'-8" X 28'-8" with a concrete foundation, wooden floor and shingle roof. The cabin houses the water system pump plus two older unused pumps. The cabin has two lights with the disconnect switches and starters to operate the pumps. The pump house also houses a small chlorine feeder which feeds into the pump suction. The pump sump is a concrete wetwell 9'-6" square by 7'-6" deep with 10-inch thick walls, a base slab and a 6-inch thick top slab. The access to the sump is by a 24-inch cast iron bar locking manhole. There is a Penn float switch which starts and stops the pump. The sump has a drain and overflow.

The existing nominal 60,000 gallon storage tank in back of and above the Cedar Breaks Lodge. It was built to replace the original 8,000 gallon storage tank. The existing tank is a modified railroad engine watering tank 32'6" outside diameter by 18'-10" high at the shell wall. The tank has a steel bottom and steel cone roof with a vent and an 18-inch inside diameter access manhole. Also, there is a ladder and indicating float. The tank inlet valve and drain is housed in a 30-inch square wooden drain box with a sheet metal covered wooden cover. The drain box is filled with saw dust.

In 1939, the United States Department of Interior National Park Service installed a water system to serve the National Monument headquarters, the Museum, and public camp grounds. The Park Service built a steel tank next to the Utah Parks Company 60,000 gallon tank and installed a 4-inch cast iron pipe from the tank into their area. After the construction of the 4-inch line was completed a portion of the Utah Parks Company's 2-inch pipe was removed between the tank and the cabin area. The 2-inch galvanized iron pipe near the lodge was retired.

SYSTEM OPERATION

The Utah Parks Company system is operated together with the National Park Service System in that each source of water is used to the common service. The water from the National Park Service Spring is piped to the pump suction line of the Utah Parks Company system where it is pumped to the 60,000 gallon storage tank. The Utah Parks Company provides water to the Park service without charge. The National Park Service has a tank located adjacent to and connected with the 60,000 gallon system tank. The discharge from the tank feeds into a 4-inch cast iron pipe owned by the National Park Service. This pipe is the source of service to the lodge and cabins and Park Service facilities.

COST ESTIMATES

Current prices for constructing the features were determined in one of the two ways described below:

1. Unit prices or lump sum prices for performing similar work were used. These prices were taken from bids received this year from Contractors and adjusted to meet the Cedar Breaks conditions.

2. Item for which we did not have current bids were estimated by adding the cost of materials delivered to the site to the cost of labor including payroll taxes, insurance, equipment rental, etc. The cost of materials was increased by 4.5% sales tax. Overhead and profit estimated at 15% was then added to the total cost to arrive at the construction cost of the items.

Several contractors were consulted to determine excavating, pipe laying, and other labor costs.

In consideration of estimates we received and weighed by our own observations, we have placed the net payment for wages and salaries to be about 40% of the project cost, with payroll taxes, fringe benefits, etc. being about 15% of the net salaries or 6 percent of the direct construction costs. We have allowed

10% for tools and equipment rental and maintenance, the total of which would be 56% of the total project cost being labor and related items.

Other costs were added to the construction cost to obtain the total cost. These include 15% for design, inspection, survey, right-of-way descriptions, and supervision by resident engineer and administration by owner. An additional 1% was added to cover interest cost during construction. The total of these costs is referred to as total project cost.

In estimating the life of the project, we consulted Federal Publications and C.P.A. firms engaged in this type of work in Salt Lake City. The Federal Publications showed the life of a distribution system to be 50 years minimum. Inasmuch as some of the system has been in service for 44 years and appears at this time to be in good condition except for some items requiring maintenance, we used an expected life of 75 years for the tank and pipelines and 50 years for the life of the pumphouse cabin.

Estimates and summaries of estimates are included at the back of this report.

CONCLUSIONS AND SUMMARY

In order to arrive at a value for the water right, we made the following assumptions: (1) The water usage time is from the first of June through Labor Day or ninety days (2) The spring average flow is 0.03 cfs (3) The cost of water is comparable to Parowan with 50% added for a smaller system. Using the aforenoted assumptions the annual value of the water right is $400.00. If capitalized over an infinite period at 5%, the present value would be $8,000.00

The value of the property is assumed to be inconsequential since the original permit cost was nominal.

The system is in good condition except for the log cabin pumphouse which is in fair condition. The hose houses are in poor condition. The tank needs to be sand blasted and painted.

The cost estimates are attached.

The total dollar value of water system is as follows:

1.	Water Rights	$ 8,000.00
2.	Water system-present value	27,194.61
	TOTAL VALUE	$35,194.61

WATER SYSTEM EVALUATION FOR CEDAR BREAKS, UTAH

FOR UNION PACIFIC RAILROAD COMPANY

COST ESTIMATES

SPRING BOX AND PIPELINE

	Unit	Quantity	Current Price	Amount Material	Amount *Labor	Estimated Item Cost Lump Sum
Excavation	c.y.	520	$ 3.00			$ 1,560.00
Special Backfill	c.y.	2	10.00			20.00
6-inch diam. vitrified clay pipe	l.f.	8	0.91	$ 7.28	$ 8.00	
2-inch Diam. Galv. Steel pipe	l.f.	2,055	0.82	1,685.10	2,055.00	
2 1/2-inch diam. Galv. Steel pipe	l.f.	250	1.29	322.50	250.00	
3-inch Diam. Galv. Steel Pipe	l.f.	1,730	1.69	2,923.70	1,730.00	
3/4-inch Diam. Galv. Steel pipe	l.f.	560	0.27	151.20	560.00	
Hose Houses (2)	l.s.	---	---	----	---	200.00
3-inch gate valve	each	2	46.20	92.40	117.60	
1/2-inch Faucetts	each	12	2.00	24.00	30.55	
3/4-inch globe valves	each	10	5.50	55.00	70.00	
2-inch gate valves	each	3	29.40	88.20	112.25	
2 1/2-inch gate valves	each	1	38.90	38.90	49.51	
Fire hydrants with 2 hose connections	each	2	161.00	322.00	409.82	
Hose 2" rubber lined	l.f.	350	1.00	350.00	70.00	
Fence - 3 ft. high with 2 strands of barbed wire	l.f.	175	0.50	87.50	122.50	
Concrete	c.y.	2	200.00			400.00
Carpentry	l.s.			5.00	6.36	
Balance of Misc. Items	l.s.			100.00	127.27	
				$6,252.78	$5,718.86	$ 2,180.00
	Sales Tax			281.38		
	Profit and overhead			980.12	857.83	
				$7,514.28	$6,576.69	$ 2,180.00
	TOTAL					$16,270.97

* includes wages, taxes, benefits, etc. where applicable

07-00-1970: water system evaluation cost estimates; july, 1970

WATER SYSTEM EVALUATION FOR CEDAR BREAKS, UTAH

FOR UNION PACIFIC RAILRAOD COMPANY

60,000 GALLON STEEL TANK

	Unit	Quantity	Current Price	Amount Material	Amount Labor	Estimated Item Cost Lump Sum
Tank Base:						
Excavation	c.y.	42	$10.00			$ 420.00
Compaction	c.y.	36	1.25			45.00
Ring wall (stone)	l.f.	40	10.00			400.00
Special backfill	c.y.	36	10.00			360.00
Tank:						
Furnish and erect steel tank including painting	l.s.					15,000.00
	TOTAL					$16,225.00

07-00-1970: water system evaluation cost estimates, page 2, July, 1970

WATER SYSTEM EVALUATION FOR CEDAR BREAKS, UTAH

FOR UNION PACIFIC RAILROAD COMPANY

PUMPHOUSE

	Unit	Quantity	Current Price	Amount Material	Amount *Labor	Estimated Item Cost Lump Sum
Excavation	c.y.	38	$ 3.00			$ 114.00
Compaction	c.y.	4	1.25			5.00
Concrete	c.y.	22	200.00			4,400.00
Miscellaneous Metalwork	l.s.			$ 80.00	20.00	
Carpentry	l.s.					4,500.00
Finishes	l.s.			28.00	$ 180.00	
Pump	l.s.			300.00	150.00	300.00
Chlorination Equipment	l.s.			198.00	99.00	
Mechanical System	l.s.			213.00	271.00	
Electrical System	l.s.			220.00	280.00	
				$1,039.00	$1,000.00	$ 9,319.00
	Sales Tax			46.76		
	Profit and overhead			162.86	150.00	
				$1,248.62	$1,150.00	$ 9,319.00
	TOTAL					$11,717.62

* includes wages, taxes, benefits, etc. where applicable.

07-00-1970: water system evaluation cost estimates, page 3: July, 1970

WATER SYSTEM EVALUATION FOR CEDAR BREAKS, UTAH

FOR UNION PACIFIC RAILROAD COMPANY

	Total Present Day Direct Cost	Engineering Inspection & Supervision	Interest during construction	Estimated Total Present day Const. Cost	Estimated useful life	No. of years in use	Percent of useful life remaining	Present Values
Spring box and pipeline	$16,270.97	$ 2,440.65	$ 162.71	$ 18,874.33	75	44	41.33	$ 7,800.76
60,000 gallon tank	16,225.00	2,433.75	162.25	18,821.00	75	14	81.33	15,307.12
Pumphouse	7,217.62	1,082.64	72.18	8,372.44	75	44	41.33	3,460.33
(Log Cabin)	4,500.00	675.00	45.00	5,220.00	50	44	12.00	626.40
				$51,287.77				$27,194.61

07-00-1970: water system evaluation cost estimates, page 4, July, 1970

08-11-1961: reference to copy of mr. j. c. miller's memorandum; august 11, 1961

L54

Grand Canyon National Park
Grand Canyon, Arizona

AUG 11 1961

Memorandum

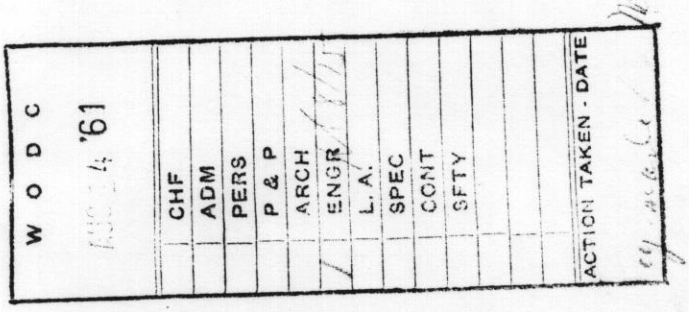
To: Regional Director, Region Three

From: Superintendent, Grand Canyon

Subject: Acquisition of Utah Parks Company Water Rights and Systems, Cedar Breaks, Bryce, Zion and North Rim of Grand Canyon

Reference is made to copy of Mr. J. C. Miller's memorandum to the Director of June 13 and Assistant Director Price' memorandum to you of July 31, subject as above. We have been reluctant to comment upon this matter until receipt of the Kennedy Associates Engineering Company report on water systems in this Park. Thus far this report has had only preliminary distribution but it appears to substantiate our thinking and planning on most aspects of the water systems for developments on both Rims in this Park.

Our first reaction was favorable toward the thought that water rights and systems might be acquired on a package basis for all areas where Utah Parks Company operates; however, recent planning with respect to the North Rim appears to make such an approach questionable. It appears we are now pretty much agreed that most elements of the water distribution system on the North Rim will have to be replaced by a larger and more modern system, and this would mean that the Government would have to replace the most important elements such as the pumping plant and supply line from Roaring Springs to the Rim. The pumping plant is antique and will require either complete replacement or extensive renovation soon, and it seems to be the consensus of informed engineering thinking that a larger pipeline should be installed to supply the North Rim. In the circumstances then it would appear that instead of purchasing the North Rim system the Service would replace it with a more modern one.



This conclusion is tentative, pending thorough study of the Kennedy report; but as things stand at present I believe that the above will form our approach to water supply problems on the North Rim.

John S. McLaughlin
Superintendent

Copy to: Chief, WODC (2)
Supt., Bryce
Supt., Zion

JUNE 13, 1961

Region Three
Santa Fe, New Mexico

154

Memorandum

To: Director

From: Acting Regional Director

Subject: Proposed Acquisition Water Rights, Utah Parks Company, Bryce Canyon and Cedar Breaks

Associate Director Scoyen's memorandum of May 24 referred to a discussion with Superintendent Oberhansley regarding the acquisition of the Utah Parks Company water rights at Bryce Canyon and Cedar Breaks.

Mr. Scoyen has observed that one of the first causes for delay was the inability of the Company to agree to convey one right without a determination of the disposition of the other right. The matter is also complicated, and Mr. Scoyen has recognized this factor, because the Utah Parks Company is involved with a water supply for the North Rim of Grand Canyon. Because Superintendent McLaughlin is familiar with this problem and since it may not be possible to completely divorce the North Rim matter from Bryce Canyon and Cedar Breaks, we are sending copies of this correspondence to Superintendent McLaughlin for any comments he may wish to add.

The water supply for Bryce Canyon up until a few years ago was completely dependent upon the Utah Parks Company water distribution system and storage tanks. Subsequently the National Park Service erected a million-gallon steel storage tank and a new distribution line leading from the storage tank to the residences and visitor center, and thus while the storage tank and distribution lines became separate we were, and still are; dependent upon the Utah Parks Company for water from their East Creek source in the East Fork of the Sevier River drainage. You are aware that we now have our own well at Bryce Canyon but thus far no pump or connecting pipeline to the Park Service storage tank has been constructed. It is our belief, and we think the Superintendent of Bryce Canyon will agree, that this system (the connecting link

and pump) should be constructed in order that our service may be completely independent of the Utah Parks system.

We make this statement for two reasons: First, the Utah Parks Company at the present time, because of the protest filed by the Tropic and East Fork Irrigation Company, does not have a water right that they could convey from East Creek. Second, if our service becomes completely independent of the Utah Parks Company system we believe we would be in a better bargaining position for either direct purchase or conveyance by some other means than we would be if we have a well not connected to our present system.

Mr. Scoyen is correct that this office has reported that at one time the Utah Parks Company might donate the rights to Trough and Shaker Springs, however, the supply from these two springs, at least as of a few years ago, was so meager as to be almost non-existent and we think for the purpose of this discussion they can be temporarily ignored.

On February 26, 1958, Superintendent Dean and Regional Chief of Lands Hall met with General Manager Fred Warner at Cedar City and the Utah Parks Attorney Mr. A. V. Miner. At that time they attempted to confine the discussion to Bryce Canyon supply only, ignoring Cedar Breaks and the North Rim of Grand Canyon.

The Utah Parks Company were receptive to the discussions but not particularly enthusiastic about donations. Mr. Hall informs me that Mr. Miner is inclined to be receptive toward Trough and Shaker Springs (because they are inside the park), but we think he holds that the East Creek right, if and when it can be resolved through the State Engineer's Office, has a real value not appurtenant to the Park and therefore, could be sold to any number of potential users who could make beneficial use by change application with the State Engineer. In our opinion there is no possibility of negotiations with the Utah Parks Company for the East Creek rights until the protest is resolved through the State Engineer's Office.

In the matter of acquisition of the rights at Cedar Breaks we believe that it can be resolved without immediate commitment on what we propose to do at Bryce Canyon or the North Rim at Grand Canyon. In this connection we have attached a copy of Regional Chief of Concessions Management Harlow Glenn's memorandum to us, dated June 8, coded C-3023. This very good analysis explains the steps

that should be taken to resolve the matter at Cedar Breaks. In addition we think that some qualified representative of the Service should call on Mr. Stoddard or his representative in Omaha, sit down with him and explain our proposed use at Cedar Breaks. We are not at all certain that the proper representative of the Utah Parks Company understands that our proposal at Cedar Breaks involves the storage of surplus water in the winter time, when no use is made of it by the Utah Parks Company. If we invest this sum of money we must have the water rights or else seek an entirely independent source of supply. An alternate solution would be to suggest to the Utah Parks Company that they improve the water system under their own water right and deliver water to our Service at Cedar Breaks.

If we can effect a break-through at Cedar Breaks we believe we will then be in a favorable position to proceed individually with Bryce Canyon and the North Rim of Grand Canyon. So far as we have been able to learn the State Engineer has not reached a decision on the recent hearing regarding the protests involving the East Creek rights outside the boundaries of Bryce Canyon.

Jerome G. Miller
Acting Regional Director

In duplicate

attachments

Copy to: Superintendent Grand Canyon w/inc.
Superintendent Zion (2) w/Glenn/s memo 6/8
Superintendent Bryce Canyon
Chief, WCSC (2) w/Glenn's memo 6/8

JEKell:eh 6/13/61

06-08-1961: letter concerning dates pertaining to water rights; june 08, 1961

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

C3823

TO : Regional Director
Through: Regional Chief of Lands, and
Regional Chief of Operations

DATE: June 8, 1961

FROM : Regional Chief of Concessions Management

SUBJECT: Water Rights and Utah Parks Company Contract, Cedar Breaks

I have reviewed various data on the subject matter. It appears that it should now be possible to resolve the water right and other phases of the amendment proposed to bring Cedar Breaks under the basic Utah Parks Company contract No. I-100np-102.

Cedar Breaks is now operating under an expired (December 31, 1959) Forest Service Permit transferred to the Service.

Mr. A. E. Stoddard, President of the Utah Parks Company, in his letter of February 9, 1960 to Mr. Price, was concerned with the following items contained in the amendment submitted to him with Mr. Price's letter of January 13, 1960:

1. The $100 per annum franchise fee for Cedar Breaks.

2. Notes Nos. 3 to 6 of schedules accompanying Exhibit B of Contract I-100np-102.

3. Water rights.

Regarding Item No. 1: although Mr. Stoddard, in his letter of February 9, 1960, objected to the continuance of the fee if Cedar Breaks comes under the basic contract, it seems reasonably sure that he would not withhold approval of the amendment for this cause alone. There would be no consideration for the Service to drop the $100 fee and Mr. Stoddard has been so informed (Mr. Price's letter of January 12, 1961). Also, Mr. Stoddard wished to add unrecovered loss at Cedar Breaks to Contract No. I-100np-102. This, of course, is objected to by the Service.

Regarding Item No. 2: Notes Nos. 3 to 6 on schedules accompanying Exhibit B concerns percentage apportionments of expenditures to determine those to be allocated for Park operations compared to outside the Park operations. The following are the items concerned:

Note 3. Tour coupon and ticket exchange.
Note 4. Commissary transactions.
Note 5. Laundry transactions.
Note 6. Transportation transactions.

In view of the unrecovered loss clause 11(b), page 14, of the basic contract and the unrecovered loss reported as of December 31, 1960 of $1,280,704.22, it seems that Item No. 2 is academic. However, there appears to be no reason not to agree to review with the Company Notes Nos. 3 to 6 of Exhibit B.

Regarding Item No. 3. Mr. Stoddard objected to water rights wording of proposed Cedar Breaks amendment to the basic contract submitted with Mr. Price's letter of January 13, 1960. This wording was:

> "The Concessioner agrees to convey without charge to the Secretary within 90 days after final execution of this amendment, all its right, title, and interest in and to its water in Cedar Breaks National Monument, including rights evidenced by Certificate No. 1494, Application No. 9386, and the existing water system with all its appurtenances and equipment.
>
> "In consideration of the conveyance of such water rights and water system, the Secretary agrees to provide water without charge to the Concessioner during the remaining term of Concession Contract No. I-100np-102 provided that an adequate water supply continues to be available under such water rights." (Underscoring supplied.)

Pursuant to Mr. Stoddard's suggestions of February 9, 1960, a revised draft of the proposed amendment changed the underscored part to read as follows:

> "... to such an extent as will not unreasonably restrict anticipated use by the Secretary."

This information supplements Mr. Carpenter's memorandum of June 6 to the Director, file C3823.

Marlow Glenn
Regional Chief of Concessions Management

Copy to: Mr. Kell (5)

W O D C
MAY 25 '61
CHF
ADM
PERS
P & P
ARCH
ENGR
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SPEC
CONT
SFTY
ACTION TAKEN - DATE

L54-QRL

MAY 24 1961

Memorandum

To: Regional Director, Region Three

From: Associate Director

Subject: Proposed Acquisition of Water Rights of Utah Parks Company of Bryce Canyon and Cedar Breaks

I understand, from discussion with Superintendent Oberhansley, that the Federal acquisition of the subject water rights has been held up for a number of years.

On return to this Office, I find that the delay was first caused by inability to obtain Company agreement to convey except as a one package deal to include all its rights, the water systems, and lands to which they are appurtenant. This included the costly water systems for the domestic and power supplies for the North Rim of Grand Canyon, where the United States owns the water rights; and the land on East Creek, in the East Fork of the Sevier River drainage, which includes the springs which constitute the main supply for the concession and past Park use at Bryce Canyon.

You have subsequently reported that the Company might donate the rights to Trough and Shaker Springs at Bryce, and the spring at Cedar Breaks if it were compensated for the land and rights to the springs in East Creek. We understand the Company's title to rights on East Creek are in question as a result of the Tropic and East Fork Irrigation Company protest of the Company substitution of wells to intercept the spring sources. We have not been advised of the State Engineer's decision on this after the recent hearings in connection with the protests.

Please advise when we may expect your resumption of negotiations to arrive at the method and price of acquisition. Also advise if it is not possible to complete the acquisition of the rights at Cedar Breaks; the rights to Trough and Shaker Springs on Federal land in Bryce; and the interests on East Creek. They may have to be three separate transactions. We should not, of course, replace or improve any of the Company water systems until the United States acquires its water rights and related property.

SCOYEN

Associate Director

Copy to: Superintendent, Bryce Canyon
Chief, WODC (2)

Copy to: Superintendent, Zion National Park

FILE COPY

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CALDWELL, BICKNELL & SUDBURY

ENGINEERS

408 Zion's Savings Bank Building
Salt Lake City 1, Utah

March 19, 1956

Mr. Chester S. Thomas
Acting Superintendent
Zion & Bryce National Parks
Springdale, Utah

Dear Mr. Thomas:

Our sincere apologies for the delay in getting a letter off to you regarding a study and appraisal of the water rights and water system belonging to the Utah parks Company in Bryce Canyon National Park.

To make a thorough and proper appraisal of the water system in question we must have detailed information as to layout of the system, size of pipe, date of installation etc. and the requirements of the system.

By detailed information as to layout etc. we mean that there will be available to us, maps, profiles and drawings showing on a scale large enough to define the location and extent of the underground facilities as they are installed in the various areas, with the character of materials used and the dates the installations were made.

So that from these drawings and the assistance of some of the park employees who are familiar with the system, we will be able to really determine locations on the ground and distances without making extensive surveys.

We would expect to make measurements of the water at the various sources as we find them. However in order to properly evaluate the water for its service rendering ability, any records of the yeild of these sources during other years and other periods of the vacation season will be very important.

Therefore if there are measurements of the flow of each or any of the sources, and a record of the pumpage each day or month during the season when the area is being used, that data will be very helpful.

Also we feel that it will be necessary to have the pipes uncovered at various places so that we can examine their present conditions. It may be desirable to cut the pipe at some points to actually see the condition of the pipe on the inside.

We, therefore, propose that we will come to Bryce National Park, spend the necessary time to study the system on the ground with the above mentioned information and drawings, inspect the physical system by having it exposed by others so we can actually see the pipe and some of the fittings themselves, get the necessary data on the water supply and its use, and with that data prepare an appraisal report.

We will undertake to make this study and report as suggested above for a fee of $1950.00.

We trust you will appreciate the amount of study and analysis of costs which goes into such an appraisal report to be effective in accomplishing your purpose.

We would be pleased to hear further from you.

Respectfully yours,
CALDWELL, RICHARDS & SORENSEN

By /s/ A. H. Sorensen

AHS/beg

C
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04-21-1956: reference to memorandum of march 22

In reply refer to:
L 54

cc Cedar Breaks
Smith
Reading
Crowley

April 21, 1956

Memorandum

To: Superintendent, Zion and Bryce Canyon National Parks

From: Acting Chief, Western Office, Division of Design and Construction

Subject: Proposed Acquisition of Water Rights, Utah Parks Company, Bryce Canyon National Park and Cedar Breaks National Monument

Reference is made to your memorandum of March 22 to the Regional Director regarding the acquisition of water rights of the Utah Parks Company at Bryce and Cedar Breaks. I discussed the problem with Engineer Wilcox when he was in the office and advised him that, due to the pressure of getting the 1957 construction projects under way this summer and to obtain necessary field information for the 1958 projects, we are concentrating our survey crews on construction work. However, we have found a man who we think will be good on water rights work, and we have asked the Washington Office for approval to hire him or someone else. His expenses, or at least a portion of them, would be paid out of the water rights appropriation and he would concentrate all of his time on such projects throughout the western areas.

Pending a decision, we plan to send Engineer Bauermeister (who should be reporting for work next week) to Zion and Bryce and Cedar Breaks areas this summer starting in June in order to help out with the construction programs. He, along with 3 students, will comprise a survey party who will help you lay out the work for the 1957 Fiscal Year program and also obtain information on the 1958 construction program. If time permits, we will be glad to have him help your engineer work on the water rights surveys needed until such time as we have a water rights engineer available.

(SGD.) P. E. SMITH

P. E. Smith
Acting Chief, Western Office
Division of Design and Construction

PESmith:gg

04-22-1956: reference to memorandum of february 16

154-DC-CB

cc Colo Boulder

WESTERN OFFICE
DESIGN & CONSTRUCT
MAR 26 1956A

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

Zion and Bryce Canyon National Parks
Springdale, Utah

March 22, 1956

Memorandum

To: Regional Director, Region Three

From: Superintendent, Zion and Bryce Canyon

Subject: Proposed Acquisition of Water Rights, Utah Parks Company, Bryce Canyon National Park and Cedar Breaks National Mon

Please refer to your memorandum, February 16, 1955, in the subject matter.

Compliance with your instructions has been very slow indeed. However, the search for a qualified appraiser was undertaken and our inability to obtain detailed drawings and adequate data on the systems involved caused delays.

My first step in this direction was in a meeting with Mr. W. P. Rogers on April 12, 1955 during which oral consent was given for a qualified appraiser to enter on the properties of the Company. Mr. Rogers agreed to it at the time expressing the opinion that the Company was also interested in the actual values of their water rights systems and lands.

Soon thereafter I proceeded to St. George and Richfield, Utah, to interview engineers specializing in water rights, in order to secure some quotation of the cost of an appraisal. Failing to secure a qualified person or firm near here I proceeded to Salt Lake City and obtained the interest of Caldwell, Richardson and Sorensen, a very reputable and long established engineering firm specializing in water projects. Their request was for detailed maps, layouts, et cetera in order to approximate the scope of the appraisal before a quotation could be given.

On June 18, 1955, the day before my accident, I wrote Mr. Rogers, copy enclosed, requesting plans for the location of the lands and systems involved. There was no reply to this letter. However, in January, 1956, Mr. George Croft of the Utah Parks Company delivered to this office many plans of various installations. From our point of view these were entirely inadequate as far as describing the whole system for each area. Assistant Superintendent Thomas took these plans to Salt Lake City and delivered them to Caldwell, Richards and Sorensen. Enclosed are copies of their letter of March 19 listing certain conditions for the appraisal and quoting a price of $1950.00. The quotation is for Bryce Canyon only.

From my point of view it seems of utmost importance that we have complete detailed plans of the Bryce Canyon and Cedar Breaks properties of the Utah Parks Company pertaining to their water rights, distributing systems and pertinent lands outside the park areas. Such information is contemplated in the studies requested by Mr. Dunn. Your memorandum of March 7 and our reply of March 14 outlines some of the problems in completing this work. Time is an important element and the work should not be delayed until after July 1. If possible an engineer with crew should be assigned and the work started by May 15, this year. It would probably take more than one month to cover both areas with a detailed survey and complete the drawings. The engineer's per diem would amount to about $300 and at least two assistants employed locally at about $14.00 per day would add another $300.00. At least $300.00 for expense in addition to personal services would bring the total to $1500.00.

Our Park Engineer, Mr. Wilcox, is to report for several weeks at the Western Office, Design and Construction, and on his return must necessarily give technical supervision to the campground and road construction projects at Bryce Canyon and corrective measures on the Zion-Bryce Canyon Approach Road. He can give some assistance in the water system surveys, but reliance for direction of the project must be on others.

With detailed surveys and drawings we will be in a position to obtain firm appraisal quotations. Perhaps you can get the funds through Mr. Dunn and also request Mr. Hill of the Western Office, Design and Construction for an engineer and crew, or secure authority for this office to recruit and employ them?

(SGD) PAUL R. FRANKE

Paul R. Franke
Superintendent

In triplicate, w/copies letter from Caldwell, Richards & Sorenson,
w/copies Mr. Franke's letter of 4/18/55 to
Mr. W. P. Rogers, Utah Parks Company

cc: Western Office, Design and Construction
Bryce Canyon
Cedar Breaks

L54-DC

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Zion and Bryce Canyon National Parks
Springdale, Utah

June 18, 1955

Mr. W. P. Rogers, General Manager
Utah Parks Company
Cedar City, Utah

Dear Mr. Rogers:

I have a further request relative to the acquisition of water rights at Bryce Canyon and Cedar Breaks. As you know negotiations were contingent on an appraisal of the rights, the lands involved, and the water distributing system owned by the Utah Parks Company. Appraisers interested have asked for plans of the above in order to estimate the cost of an appraisal to be undertaken by the National Park Service.

Anything you can do to make available a set of plans or maps covering the location of the lands involved in the water rights and of the distributing systems would be greatly appreciated.

Sincerely yours,

(SGD) PAUL R. FRANKE

Paul R. Franke
Superintendent

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00-00-0000: memorandum for the superintendent

rector

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA



November 19, 1941.

MEMORANDUM for the Superintendent,
Zion National Park:

For your records we enclose a copy of Water Right Application No. 9386, Certificate No. 1494, owned by the Utah Parks Company in connection with their water system at Cedar Breaks National Monument. This is the only right under which both the Company and the Park Service now divert and use water at this Monument.

(SGD.) A. VAN V. DUNN
Hydraulic Engineer.

Enclosure 919951.

cc: Director, with enclosures.
Region III, with enclosures.

08 MAPMISC

Cedar Breaks National Monument

UNNAMED SPRING A9386

Maps and Miscellaneous Information

00-00-0000: cedar breaks national monument half size reproduction

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

UTAH
(IRON COUNTY)
CEDAR BREAKS NATIONAL MONUMENT

PROVO 213 MI.
PAROWAN (JUNC. U. S. ROUTE NO. 91) 13 MI.

Mammoth Summit

DIXIE NATIONAL FOREST

MARKAGUNT PLATEAU

North Point

The Harlequin

Cedar Breaks Lodge

PCCC Camp

Forest View

Sunset View

Desert View

Meline Pond

The Craters

Stud Flat

Snow Ridge

Rattlesnake Cr.

Ash Crown

Shooting Star Ridge

The Barrier

Blowhard Mtn

Spectra Point

Polar Sobrany

Wasatch

Valley Creek

Long

Pipe Spring

Water

Pump House

Topography by R.T.Evans
Surveyed in 1936

Polyconic projection. 1927 North American datum
2500 yard grid based on U.S. zone system, F
5000 foot grid based on Utah (South)
rectangular coordinate system

Contour interval 25 feet
Datum is mean sea level

ROUTES USUALLY TRAVELED
HARD IMPERVIOUS SURFACES
OTHER SURFACE IMPROVEMENTS
2 U. S. ROUTE 3 STATE ROUTE

HALF-SIZE REPRODUCTION
CEDAR BREAKS NATIONAL MONUMENT, UTAH
Edition of 1941

N3736-W11249/4 X 3.5

Scale Made July 1998 (Not Part of Image)

0 1 2 3 4 5 6

INCHES

00-00-0000: water systems study cedar breaks national monument

Cedar Breaks National Monument

To Parowan

To Panguich

Newton 3 W1/4 Sec. 24

3844.2

23

24

25

26

34

35

36

1/4 corner

Possible Water supply

Alpine Pond Elev. 10585

outlet dam

Rim of Plateau

25 30 36 31

Tie from road Traverse to Section Corner

Road traced from Geological Survey Polyconic projection

NPS road traverse

1W1155E

12708.3

Proposed Water Supply

Forest Service Land

Lee Camp

T 36 S, SLM

T 37 S, SLM

R 9 W, SLM

R 8 W, SLM

10350

10325

Museum and Headquarters

Lodge by GLO map

Campground

NPS Reservoir Elev. 10468

UP Reservoir

Utility Area

1534.6 ft

Present Water Supply

Spring not in use

Springin fence (Appropriated by U.P.

Entrance

Lodge (UP map loc.)

Various Maps match on this 1/4 section line

Creek

Valley

To Cedar City

Note: Date from NPS surveys shown thus ——.
Date from Geological Survey map shown thus ~~~~.

Variation between NPS and GS road location is due largely to GS failure to show irregularities of sections, and Dunn's difficulty in determining best data for matching various maps, and also to difference in plane and polyconic projections. Match made on east line section 11 to include tie for operators leased area.

Aug. 7, 1941
A. van V. Dunn

Scale: 1" = 1000'

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WATER RIGHTS SECTION, OFFICE OF CHIEF COUNSEL
SAN FRANCISCO, CALIF.

REGION III

SHEET 1 OF 1

Water System Study.
Cedar Breaks National Monument

DRAWING NO. NM-CB 6975

00-00-0000- map profile and drawings

116

911

Engineers Certificate

I, C.E. Hoge, a civil engineer, being first duly sworn, do hereby certify that this map, profile and drawings consisting of one sheet, has been correctly drawn to the designated scale from field notes of a survey made by me during the 1st day of April 1923 and the 1st day of July 1923, that I fully and correctly represents the location and extent of the works used to divert water from spring (Name unknown) in Iron County, Utah, by the Los Angeles and Salt Lake Railroad Company, for domestic and culinary purposes.

That all other works and structures which are cross ed or connected with the said works by the diverting channel and which carry on land embraced by the United States Land Survey, either partly on land not yet embraced, the limits of surveyed lands, the ground and grade lines of the diverting channel and the cross sections and dimensions of each of the various forms of said channel and the kind of earth slope in its construction, the details of all dams, headgates and devices used to regulate and measure said water, the details of all crossings of or connections with other works and streams, the bridges which cross the flume or other structures or support the said diverting channel or any part of it and the character of materials used in each of said structures, are all fully and correctly shown hereon.

C.E. Hoge

Subscribed and sworn to before me this 1st day of Sept 1926

F. S. Keeler
Notary Public

My commission expires Jan 3rd 1928.

Appropriators Certificate

State of Utah
County of Salt Lake

I, Geo. H. Smith, being first duly sworn, do hereby certify that I am an officer of the Los Angeles and Salt Lake Railroad Company, a corporation of the State of Utah; that as General Attorney, that I make this affidavit for and on behalf of said Los Angeles and Salt Lake Railroad Company, who made an application to appropriate water from (spring Name unknown) in Iron County, Utah, for domestic and culinary purposes; that the said application is filed in the State Engineer's office as No. [illegible], and that the map, profile and drawing is submitted to accompany the written proof of appropriation pertaining thereto.

Geo. H. Smith

Subscribed and sworn to before me this 3rd day of March 1924

Chas. A. Rentz
Notary Public

My commission expires Dec 26, 1925

MAP - PROFILE AND DRAWINGS

Showing Works, Ground Line, Grade Line Cross-Sections of Channel and the Devices, Structures and Character of Materials Used to Divert Water From Spring (Name Unknown) in Iron County, Utah By the Los Angeles and Salt Lake Railroad Company for Domestic and Culinary Purposes.

Concrete Box at Spring

End View — Scale ½"=1'

Top View — Scale ½"=1'

Location of Spring & Box. — Scale 1"=20'

Concrete Jump at Pump House

End View — Scale ½"=1'

Top View — Scale ½"=1'

Floor Plan Log Pump House — Scale 3/16"=1'

Concrete Machine Base — Scale 1"=1'

Concrete Pump Base

Storage Tank

Concrete Base — Scale ½"=1'

T. 37 S. R. 9 W. Salt Lake Base & Meridian

Horizontal Scale 1"=100'

Vertical Scale 1"=10'

0 1 2 3
0 1cm 2 3 4 5 6 7 8

Docket Information

Number of Documents in Docket : 108

Documents Dated from : 09-10-1923 to 03-12-2024

Docket Compiled: 3/15/2024