Docket Number: 17

UNNAMED SPRINGS - FORMELY KICA 002 - (CANCELED)

Preliminary Docket Information

DOCKET INFORMATION

Compiled by: Chris Gable Date: July 13, 2023

Initial Docket Information Form ☒ Amendment # _____ (2,3,4 ...)

Park Unit: SEKI **Docket #:** 017 **Docket Title** Unnamed Springs, Formerly KICA 002 - (Canceled)

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: _____

State: CA

County: Tulare

Owner: U.S. National Park Service (As listed by the State)

Application #: 16184 **Date:** 12/20/1954

Permit #: _____ **Date Issued:** _____

License / Certificate #: _____ **Priority Date:** _____

Ruling/Order/Decree #: _____ **Date Issued:** _____

Quantity: Rate: 6500 Units: ☒ cfs ☐ gpm ☐ afy ☒ other gpd

Duty: 0.01 Units: ☒ cfs ☐ gpm ☒ afy ☐ other _____

Use(s): ☒ Domestic ☐ Livestock ☐ Irrigation ☐ Municipal ☐ Industrial/Commercial ☐ Wildlife ☐ Instream ☒ other Fire, Recreational

POD Name / Location: _____ ☐ Multiple PODs (see water right)

Qtr: NE Qtr: SW Sec: 8 T: 14 R: 28 E PM: _____

Latitude: _____ Longitude: _____

UTM _____ , _____ Datum: _____

POU Name / Location: _____ ☐ Multiple POUs (see water right)

Qtr: SW Qtr: SW Sec: 8 T: 14 S R: 28 E PM: M.D.B.& M.

Latitude: _____ Longitude: _____

UTM _____ , _____ Datum: _____

Narrative / Remarks: Enter short narrative in the space below, attach additional page(s) as needed.

Docket SEKI 017, formerly known as KICA 002. There are numerous documents in the docket. In the initial digital scan it looks like a decision was made to not scan the docket since the application was rejected.

The three KICA (Kings Canyon National Park) dockets were changed to SEKI (Sequoia and Kings Canyon National Park) when the Docket Project database was moved to Laserfiche® and Microsoft SQL server January 2021. This docket contains information concerning Docket SEKI 006 and Docket 016 as well.

This claim of 0.01 cfs (6500 gpd) January 1 to December 3, is a supplement to rights already established under Application 5687, Permit 2962, License 961, and will be exercised through existing system. The park applied for the claim due to the use of water throughout the year. The Application 5687 allows use from April 1 through November 15. The application claim would secure the additional water for full year use. The application was protested by over 26 protestants where a hearing was set August, 25, 1959.

The application was rejected and canceled by the state Water Rights Board of California on August 26, 1959.

☐ Additional Page(s) Attached

NOTICE OF CANCELLATION

This docket has been cancelled and may not contain all documents that pertain to the cancelled water right. If you wish to view this docket in its entirety, please contact the National Park Service Water Rights Branch, 1201 Oakridge Drive, Suite 250, Fort Collins, Co, 80525.

02 STATE

Sequoia and Kings Canyon National Park

UNNAMED SPRINGS - FORMELY KICA 002 - (CANCELED)

State Water Rights Documentation

09-08-1959: Memo from NPS Water Resources to Supt. re: cancellation of WR Applic. #16184 (w/attached cancellation order)

L54-OBL

September 8, 1959

Memorandum

To: Superintendent, Sequoia and Kings Canyon National Park

From: Acting Chief, Water Resources Section

Subject: Order Rejecting and Cancelling Application 16184, Kings Canyon National Park

Attached is the original certified copy of the subject order, accompanied by a copy of Mr. Hill's transmittal letter. We are inserting a copy of the order as the top item in Water Right Docket No. 1, and filing a copy of the letter in our correspondence file. Each of the field copies should be similarly filed.

Filed

SIGNED

Gordon W. Robertson
Acting Chief, Water Resources Section

Attachments 2

Copy to: Regional Director, Region Four, w/c attachments
Chief, WODC (2), w/c attachments

WESTERN OFFICE
DESIGN & CONSTRUCTION
SEP 10 1959 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
2 ENGINEER
LAND. ARCH.
1 Monty
3 Marley
ACTION TAKEN—DATE

176

09-08-1959: Memo from NPS Water Resources to Supt. re: cancellation of WR Applic. #16184 (w/attached cancellation order)

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Docket No 1

ORDER

Kern County

APPLICATION 16184 PERMIT _____ LICENSE _____

ORDER REJECTING AND CANCELING APPLICATION

On July 30, 1959, there was received for and on behalf of applicant a request that Application 16184 be canceled.

IT IS THEREFORE ORDERED that said application be and the same is hereby rejected and canceled, without prejudice, upon the records of the State Water Rights Board.

WITNESS my hand and the seal of the State Water Rights Board this 26th day of August, 1959

L. K. Hill

L. K. Hill
Executive Officer

6

08-5-1959: Regional Director, Region Four Chief, Water Resources Section Proposed Cancellation of Application 16,184, Big Stump Area, Docket 1, King's Canyon

IN REPLY REFER TO:
154-OBL

RECEIVED
NPS REGION FOUR OFFICE
AUG - 7 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
✓ OPERATIONS		
✓ ADMIN	Wentworth	
RECREATION		
✓ INTERP.		BFM 8/12
✓ LEGAL		

X Spaulding LSS 8/10

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

August 5, 1959

Memorandum (AIR MAIL)

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Proposed Cancellation of Application 16,184, Big Stump Area, Docket 1, Kings Canyon

see memo to supt. Sequoia & Kings - 8/11/59

The attached letter of July 31 has been received from the State Water Rights Board, in reply to Mr. Price's request for the withdrawal of the subject, protested application.

Copies of the order of cancellation will be provided for the docket, when received. The copy of Mr. Hill's letter is only to advise that the proposed hearing on the protests will not be held.

My recommendation, subject to confirmation by the Solicitor or Regional Solicitor, who are both receiving copies of this memorandum, is that the Park Service complete the water system as planned under Application 16184, or as you may wish to revise the design, without further recording with the State. However, the "as constructed plans" and dates of construction and first use should be recorded in the docket.

You will also have to make the biennial reports on water use under License No. 961. These reports should only describe the full use of 1100 gpd from April 1 to November 15, as authorized. I think we can also file a petition for, and obtain authority to change the point of diversion to that of the new system, during the reconstruction.

A. van V. Dunn

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Regional Solicitor, Sacramento, w/c attachment
Field Solicitor McClellan (2), w/c attachment
Superintendent, Kings Canyon, w/c attachment
Chief, WODC (2), w/c attachment

168

L54

~~Price~~

D38 - DELee
8/12

1959 AUG 11 AM 11:30

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD
1401 - 21st Street
P. O. Box 1592
Sacramento 7, California

In the matter of Application 16184, U. S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE, Applicant JOSEF KREHBIEL, et al., Protestants	NOTICE OF CANCELLATION OF HEARING Source: Two unnamed springs County: Tulare

NOTICE IS HEREBY GIVEN that the hearing of the above-entitled matter set for Tuesday, August 25, 1959, is

CANCELED

inasmuch as the applicant has requested withdrawal of said application.

L. K. Hill
L. K. Hill
Executive Officer

Dated: August 4, 1959
Sacramento, California

07-28-1959: State Water Rights Board Assistant Director Re: Application 16184 Unnamed Springs, tributary to Mill Creek, Big Stump Entrance, Kings Canyon National Park

JUL 28 1959

L54-ORL

AIR MAIL

Mr. L. K. Hill, Executive Officer
State Water Rights Board
P. O. Box 5192
Sacramento 7, California

RE: Application 16184
Unnamed Springs, tributary to
Mill Creek, Big Stump Entrance,
Kings Canyon National Park

Dear Mr. Hill:

On behalf of the United States we hereby withdraw the subject Application 16184.

We have just been advised that you have scheduled a public hearing on protests of the application for August 25 in Fresno, and suggest that the hearing may be cancelled.

Sincerely yours,
(SGD) JACKSON E. PRICE

Jackson E. Price
Assistant Director

Copy to: Regional Solicitor, U.S. Department of the Interior,
P. O. Box 4291, Sacramento 21, California - AIR MAIL
Regional Director, Region Four - File in Docket 1
Superintendent, Kings Canyon - File in Docket 1
Chief, WODC (2) - File in Docket 1
Field Solicitor McClellan (2) - Region Four
Solicitor, w/c memo of July 22 from Assistant Regional Director
Mr. Sanders, w/c memo of July 22 from Assistant Regional Director
Mr. Dunn

AvVDunn:lct 7-26-59

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

IN REPLY REFER TO:
L 54

July 22, 1959

1959 JUL 23 PM 1:03

Memorandum (Air Mail)

To: Director

From: Assistant Regional Director, Region Four

Subject: Public Hearing on Water Rights for Big Stump Area, Sequoia & Kings Canyon National Park

We have just been informed by L. K. Hill, Executive Officer for the State Water Rights Board, that a public hearing will be held relative to our Application No. 16184 calling for the appropriation of unappropriated water at the Big Stump area in Tulare County on Tuesday, August 25, at 9:30 a.m. in Fresno.

We have written the State Water Rights Board for additional copies of the Notice of Hearing. As soon as these copies have been received, we will airmail one to you.

Herbert Maier
Assistant Regional Director

Copy to: Superintendent, Sequoia & Kings Canyon

9684

07-28-1959: Superintendent, Sequoia and Kings Canyon Acting Regional Chief of Operations, Region Four Water Right Application 16184, Big Stump Area, Docket 1, Kings Canyon National Park

L54

Spaulding

~~Spaulding~~ LSS

Whitworth

July 28, 1959

FILE COPY

Memorandum

To: Superintendent, Sequoia and Kings Canyon

From: Acting Regional Chief of Operations, Region Four

Subject: Water Right Application 16184, Big Stump Area, Docket 1, Kings Canyon National Park

Attached for filing in your Docket assembly is a list of persons present at the State Water Rights Board's investigation on July 2, and a copy of Mr. Hill's letter of July 17, transmitting the list.

(SGD) G. F. WHITWORTH

George F. Whitworth
Acting Regional Chief of Operations

Attachment

Copy to: Director (w/cy of attachment)

LSSpaulding:hat

161

Governor

STATE OF CALIFORNIA

State Water Rights Board

1401 21ST STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICE

July 17, 1959

RECEIVED
NPS REGION FOUR OFFICE
JUL 22'59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

Application 16184

Regional Director
U. S. Department of the Interior
National Park Service
180 New Montgomery Street
San Francisco, California

Attention: Linn Spaulding
Regional Hydraulic Engineer

Dear Sir:

An investigation of Application 16184 by U. S. Department of the Interior, National Park Service, for a permit to appropriate water from two unnamed springs tributary to Mill Creek in Tulare County, was conducted by representatives of this office on July 2, 1959. At the investigation, Mr. Linn Spaulding requested a list of the persons present. Accordingly, we are enclosing herewith a list of all persons at the investigation showing whom they represent where appropriate.

For your information, a hearing of Application 16184 has tentatively been scheduled for August 25, 1959, in Fresno. Official notice of said hearing will be released in ample time to allow you to prepare for representation.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.

Herman Muller Arthur F. Bergthold Ruben Bergthold Hildur Bergthold	Representing the Interests of Protestants Gottlob and Anna Muller
Ira M. Shipman	Protestant
Will Martin	Representing The Cedars
Maude Keener Laffoon Ray Laffoon	Protestants
Josef Krehbiel	Protestant
Reinhold Ewy	Protestant
A. D. Ruth	Protestant
Arthur Krehbiel	Representing Protestant Lela Eymann
P. B. Wedel	Representing Protestant Crissie Wedel
Florence E. Hackett	Protestant
Marshall E. Lee	Protestant and Representing Neffs Camp and Protestants Robert D. and Frances S. Sharp
R. S. Johnson	Protestant
B. L. Barrows	Protestant
George Walker H. J. Allcock Linn Sapulding Blanton Clements	Representing United States Department of the Interior, National Park Service
Stanley Bechtel	District Ranger ~~Sequoia National Forest~~ Grant Grove See Kings Canyon NP 155 7/27
Charles H. Crottie	Protestant
Roy I. Brogan	Protestant
F. E. Goss	Representing Kathryn Impertrice Part owner of Protestant Chester J. Cramer Interests

✓Wes Coyner	Part owner of Protestant Chester J. Cramer Interests
✓Silvester Smith	Protestant and Representing Protestants C. F. and Luella Mueller and J. J. and Anna Eymann
✓Harry B. Schuer	Successor of Protestant Edna E. Kenyon
✓F. E. Greer	Interested Party
R. R. Forsberg, Assistant Hydraulic Engineer A. N. Webb, Assistant Hydraulic Engineer	Representing the State Water Rights Board

also (added by LSS 7/27)

Donald G. MacBean, Engineer, Sequoia National Forest,

Harold Hunter, Forester " " "

07-27-1959: Director, National Park Service Assistant Solicitor, National Parks Withdrawal of Water Right Application No. 16184, Big Stump Area in Kings Canyon National Park, California

File Kings Docket 1

H-55-2125.18

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON 25, D. C.

JUL 27 1959

Memorandum

To: Director, National Park Service

From: Assistant Solicitor, National Parks

Subject: Withdrawal of Water Right Application No. 16184,
Big Stump Area in Kings Canyon National Park, California

This refers to the several conferences attended by the undersigned with Assistant Director Jackson E. Price, Chief Of Lands Donald E. Lee, Allison van V. Dunn, Chief, Water Resources Section, and Field Solicitor Joseph E. Taylor during Mr. Taylor's visit to this office the week of July 21-25. Among the matters discussed was the withdrawal of Application No. 16184 calling for the appropriation of unappropriated water at the Big Stump area in Kings Canyon National Park.

Mr. Taylor and the writer also discussed withdrawal of the application with Deputy Solicitor Fritz.

In view of certain questions raised in Arizona v. California and other cases, and as yet not finally determined, which may affect the status of Federal water rights in withdrawn and reserved areas of the United States, it is the feeling in this office that Water Right Application No. 16184 should be withdrawn.

Harry K. Sanders

For Richard A. Buddeke
Assistant Solicitor
National Parks

Enclosure

162

07-23-1959: Regional Director, Region Four Superintendent, Sequoia and Kings Canyon Notice of Hearing, Water Application 16184, Kings Canyon National Park

IN REPLY REFER TO:
Site KINGS Docket 1
L54
Sequ

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Sequoia and Kings Canyon National Parks
Three Rivers, California

July 23, 1959

RECEIVED
NPS REGION FOUR OFFICE
JUL 24 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Sequoia and Kings Canyon

Subject: Notice of Hearing, Water Application 16184, Kings Canyon National Park

Attached are two copies of Notice of Hearing, August 25, 1959, and Report of Field Investigation on Application 16184 made on July 2, 1959, that we received July 22 from the California State Water Rights Board.

We shall appreciate any assistance you can offer in preparing for this hearing. We are sending two copies of the notice of hearing, with attachments, to the Washington Office.

Thomas J. Allen
Superintendent

Attachment

Copy to: Director w/attachment

159

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

1959 JUL 27 PM 3:37

L54
Price
DE Lee
Dw

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD
1401 - 21st Street
P. O. Box 1592
Sacramento 7, California

In the matter of Application 16184, U. S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE, Applicant JOSEF KREHBIEL, et al., Protestants	NOTICE OF HEARING Source: Two unnamed springs County: Tulare

NOTICE IS HEREBY GIVEN that a hearing of the above-entitled matter will be held on Tuesday, August 25, 1959, at 9:30 a.m., in the Superior Court Room, Department 1, 3rd Floor, County Court House Building, Fresno, California.

This hearing is for the purpose of affording the applicant, protestants and other interested parties an opportunity to present relevant oral testimony and written evidence, maps, charts and other material which may tend to establish whether or not there is unappropriated water to supply the applicant and whether said application should be approved.

There is enclosed a copy of the "Staff Summary for Hearing of Application 16184" containing pertinent factual data from the Board's file. Particular attention is directed to the section entitled "Scope of the Hearing".

The enclosed pamphlet contains information as to the procedure to be followed by the Board in conducting the hearing and allocation of the costs to be borne by the parties appearing.

Insofar as is practicable, the parties are to exchange copies of proposed exhibits and submit five copies of each to the Board on or before August 20, 1959.

Those desiring to be heard shall give the undersigned at least five days' notice of intended appearance at this hearing.

L. K. Hill
L. K. Hill
Executive Officer

Enc.
Dated: Sacramento, California
July 21, 1959

Reg. 4

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

STAFF SUMMARY FOR HEARING OF APPLICATION 16184

Applicant: United States Department of the Interior, National Park Service
Source: Two unnamed springs
County: Tulare

Purpose of Hearing

Application 16184 is for a permit to appropriate unappropriated water and protests against its approval have been received. The parties have not been able to adjust their differences and a hearing is necessary to consider the issues raised by the application and protests thereto.

Substance of the Application

Date filed: December 20, 1954
Source: Two unnamed springs
Tributary to: Mill Creek thence Kings River
Amount: 6500 gallons per day
Season: January 1 to December 31
Purpose: Domestic, recreational, and fire protection
Points of Diversion: Within the SE¼ of NW¼ and NE¼ of SW¼ of Section 8, T14S, R28E, MDB&M
Place of Use: Within the SW¼ of SW¼ of Section 8, T14S, R28E, MDB&M

Protestants

Name	Basis of Rights Claimed
Charles H. and Jessie A. Crottie	Riparian
Chester J. Cramer and Roy I. Brogan	Appropriative right initiated in 1911
United States Forest Service	License 2137 (Application 8225)
Josef Krehbiel	Riparian
George T. and Maude Keener	Appropriative right initiated in 1911

Name	Basis of Rights Claimed
H. N. and L. E. Britten	Appropriative right initiated in 1911
E. E. and P. V. Fudge	Appropriative right initiated in 1911
John T. S. Clark	Appropriative right initiated in 1911
Florence E. Hackett	Appropriative right initiated in 1911
W. H. and Flora Krehbiel	Riparian
Crissie Wedel	Riparian
J. J. and Anna Eymann	Riparian
C. F. and Luella Mueller	Riparian
Lela Eymann	Riparian
A. D. and Lelia Ruth	Riparian
Reinhold Ewy	Riparian
Fred Armstrong, Sr.	Appropriative right initiated in 1911
T. W. McKenzie	Appropriative right initiated in 1911
Marshall E. and Teddie F. Lee	Appropriative right initiated in 1911
R. S. Johnson, et al.	Not stated
Sylvester and Minnie Smith	Riparian
Gottlob and Anna Muller	Riparian
Ira M. and Lorita M. Shipman	Not stated
The Cedars	Riparian
R. D. and F. S. Sharp	Appropriative right initiated prior to 1914
Edna E. Kenyon	Riparian

Downstream Rights of Record

The water rights of record in the files of the State Water Rights Board are limited to those initiated subsequent to December 19, 1914, the effective date of the Water Commission Act. Appropriative rights initiated prior to that date and riparian and overlying rights are not of record. As of July 14, 1959, Licenses 961 and 2137 are the only active filings to appropriate from Mill Creek downstream from the applicant's proposed point of diversion to the confluence of Mill Creek with Kings River.

License 961 (Application 5687) by United States Department of the Interior, National Park Service, confirms a right to divert 1100 gallons per minute from about April 1 to about November 15 of each year from an unnamed spring tributary to Mill Creek for domestic, recreational, and fire protection purposes. The point of diversion is within the SE¼ of NW¼ of Section 8, T14S, R28E, MDB&M.

License 2137 (Application 8225) by United States, Sequoia National Forest, confirms a right to divert 6500 gallons per day between January 1 and December 31 of each year from Mill Creek for domestic and fire protection uses. The point of diversion is within the SW¼ of SE¼ of Section 12, T14S, R27E, MDB&M.

Available Records of Stream Flow

The only available records of stream flow of Mill Creek, to our knowledge, are obtained by the Kings River Water Association and are reported in the annual watermaster reports of that agency covering the years from 1939 to date. These records indicate that normally during the months from about June or July to about November

no surface flow occurs at the gaging station which is located some 31 miles downstream from the applicant's proposed point of diversion and 0.5 miles above the Mill Creek-Kings River confluence.

During an investigation by engineers of the Board's staff on July 2, 1959, of the project under Application 16184, several measurements of the flow of the source springs and Mill Creek were made. The results of these measurements as well as other pertinent data concerning the subject application are contained in a "Report of Field Investigation on Application 16184", dated July 7, 1959. A copy of that report is attached hereto. The flow as measured on July 2, 1959, is as follows:

Point of Measurement	Flow (gallons per minute)
Spring No. 1	0.8
Spring No. 2	6.7
At Highway 180 near park entrance station	4
Below bog area	24
At Highway 65 bridge above Pinehurst	43
At highway bridge below Miramonte	24

Scope of the Hearing

The decision of the State Water Rights Board as to whether or not a permit should be issued must be based upon the record developed at the hearing. The applicant and protestants should submit information responsive to the issues raised by the application and the protests and answers thereto insofar as they relate to matters within the jurisdiction of the Board. Particular consideration

should be given to the following items:

1. Existence of unappropriated water available to supply the applicant as to amount and season of occurrence.

2. Anticipated injury, if any, to the protestants and other lawful downstream users should the application be approved with specific data substantiating such injury.

3. What special terms and conditions, if any, should be included in the permit issued pursuant to the subject application, if approved.

Documents to be Offered into Evidence

The following public documents on file with the State Water Rights Board contain information which may be relevant to the matter to be heard and will be offered into evidence at the hearing by reference:

1. The file of Application 16184.

2. Bulletin No. 1, State Water Resources Board, "Water Resources of California", dated 1951, with particular reference to Chapter VIII - Central Valley Area.

3. United States Department of the Interior, Geological Survey, Water Supply Papers, Part 11, "Pacific Slope Basins in California", with particular reference to stream flow records in the Kings River drainage basin.

4. Topographic maps of the area under consideration published by the United States Geological Survey.

Dated: July 15, 1959
Sacramento, California

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

REPORT OF FIELD INVESTIGATION
ON
APPLICATION 16184

Introduction

Application 16184 filed by United States Department of the Interior, National Park Service is for a permit to appropriate 6,500 gallons per day year-round from 2 unnamed springs tributary to Mill Creek in Tulare County for domestic, recreational, and fire protection purposes. The application was protested by Charles H. and Jessie A. Crottie, Chester J. Cramer and Roy I. Brogan, United States Forest Service, Josef Krehbiel, George T. and Maude Keener, Hudson N. and Louise E. Britten, Edmond E. and Pearle V. Fudge, John T. S. Clark, Florence E. Hackett, Marshall E. and Teddie F. Lee, R. S. Johnson, et al., Silvester and Minnie Smith, Gottlob and Anna Muller, Ira M. and Lorita M. Shipman, The Cedars, Robert D. and Frances S. Sharp, Edna E. Kenyon, W. H. and Flora Krehbiel, Crissie Wedel, J. J. and Anna Eymann, C. F. and Luella Mueller, Lela Eymann, A. D. and Leila Ruth, Reinhold Ewy, Fred Armstrong, Sr., and T. W. McKenzie.

Stipulations to the proceedings in lieu of hearing as provided for in Section 737 of the rules and regulations were not invited because of the issues involved and the number of parties. A field investigation was held on July 2, 1959, of which all parties were notified by certified mail. Those present at the investigation were:

Herman Muller	Representing the Interests of
Arthur F. Bergthold	Protestants Gottlob and Anna
Ruben Bergthold	Muller
Hildur Bergthold	

Ira M. Shipman	Protestant
Will Martin	Representing The Cedars
Maude Keener Laffoon Ray Laffoon	Protestants
Josef Krehbiel	Protestant
Reinhold Ewy	Protestant
A. D. Ruth	Protestant
Arthur Krehbiel	Representing Protestant Lela Eymann
P. B. Wedel	Representing Protestant Crissie Wedel
Florence E. Hackett	Protestant
Marshall E. Lee	Protestant and Representing Neffs Camp and Protestants Robert D. and Frances S. Sharp
R. S. Johnson	Protestant
B. L. Barrows	Protestant
George Walker H. J. Allcock Linn Spaulding Blanton Clements	Representing United States Department of the Interior, National Park Service
Stanley Bechtel	District Ranger Sequoia National Forest
Charles H. Crottie	Protestant
Roy I. Brogan	Protestant
F. E. Goss	Representing Kathryn Impertrice Part owner of Protestant Chester J. Cramer Interests
Wes Coyner	Part owner of Protestant Chester J. Cramer Interests
Silvester Smith	Protestant and Representing Protestants C. F. and Luella Mueller and J. J. and Anna Eymann

Harry B. Schuer	Successor of Protestant Edna E. Kenyon
F. E. Greer	Interested Party
R. R. Forsberg, Assistant Hydraulic Engineer A. N. Webb, Assistant Hydraulic Engineer	Representing the State Water Rights Board

The investigation included an inspection of the applicant's proposed project, a reconnaissance of Mill Creek from the source springs to below the town of Miramonte, an inspection of some of the protestants projects and a discussion of the matter with the various interested parties.

Applicant's Project

Application 16184 filed on December 20, 1954, is for a permit to appropriate 6,500 gallons per day from two unnamed springs tributary to Mill Creek in Tulare County, year-round, for domestic, recreational and fire protection purposes. The source springs are located within the SE¼ of NW¼ and NE¼ of SW¼ of Section 9, T14S, R28E, MDB&M. There is an existing spring box at Spring No. 1 and use therefrom is covered under License 961 (Application 5687) by United States National Park Service for a diversion of 1,100 gallons per day from April 1 to November 15 of each year. This spring supplies water for a service station and a forest ranger camp at the entrance of Kings Canyon National Park. All of the flow of Spring No. 1 was entering the spring box and any overflow disappears within a short distance. There is no development or diversion works at Spring No. 2. It was explained by the National Park Service representatives that when development is made at Spring No. 2, the diversion at Spring No. 1 will probably be abandoned and diversion under License 961 and the present application will be from Spring No. 2. The total amount of water to be

diverted will be 6,500 gallons per day. In other words the 1,100 gallons per day covered under License 961 will not be additive to the amount requested under Application 16184. The water is to be used at the entrance of Kings Canyon National Park for a service station and for quarters for about 3 rangers and their families consisting of sanitary facilities and domestic water. It is also planned that an exhibit below the highway at the entrance will be built and a comfort station will be supplied with water from the springs. No commercial development is anticipated in connection with this supply of water.

Source and Watershed

According to USGS Giant Forest, Dunlap, Patterson Mountain, and Watts Valley quadrangles, 15-minute series, dated 1956, 1944, 1952, and 1942, respectively, Mill Creek heads in the SE¼ of Section 7, T14S, R28E, MDB&M, and flows southwesterly in a circuitous course some 6 miles to the town of Miramonte thence in a general northwesterly direction approximately 24 miles to a confluence with Kings River. Principal tributaries of Mill Creek are Milk Ranch Canyon, White Deer Creek, Sycamore Creek from the north and Tretten Canyon from the south.

The two springs named as sources in the subject application are within the watershed of Mill Creek. However, the flow from Spring No. 1 does not reach Mill Creek even in the winter time according to Ranger Bechtel. The flow from Spring No. 2 crosses the road just above the entrance station to the park. The flow continues below the road to a large meadow or bog area where visible flow disappears. However, at the bottom of the meadow or bog area the flow reappears in much greater quantity than

that above the bog and there is evidence of accretion near or in the bog area. The flow continues through a rocky ravine and crosses Highway 180 as the main thread of Mill Creek.

The drainage area above the applicant's proposed points of diversion scales about 100 acres ranging from a maximum elevation of about 7,200 feet to about 6,320 feet.

Water Supply

Measurements of the flow from the source springs were made as well as measurements of Mill Creek at several points. These measurements are tabulated as follows:

Point of Measurement	Flow	Method
Spring No. 1	0.8 gpm	Volumetric
Spring No. 2	6.7 gpm	Volumetric
At Highway 180 near park entrance station	4 gpm	Float Measurement
Below bog area	24 gpm	Float Measurement
At Highway 65 bridge above Pinehurst	43 gpm	Volumetric
At Highway bridge below Miramonte	24 gpm	Volumetric

It was stated by several of the protestants that the flow of Mill Creek had ceased in 1928 and 1934 in the vicinity of their points of diversion. The National Park Service representative stated that the flow from Spring No. 1 on the surface does not reach Mill Creek even in the winter.

The Kings River Water Association Watermaster reports for the years 1939 to present contain stream flow records of Mill Creek near its confluence with Kings River. These records indicate that normally during

the months from about June or July to about November no surface flow occurs at the gaging station.

Protestants' Projects

The protestants' projects were not inspected in detail, however, the Neff subdivision was visited as well as Teddy and Lee's Restaurant. The area of the stream in the vicinity of a number of the other protestants was observed and use appears to be as described in the protests of record.

Other Matters

The consensus of the protestants seemed to be that insufficient water was available every year during the summer months for their use. They were opposed to any diversion of water that would further deplete the flow of Mill Creek and felt that a diversion by the National Park Service would deplete the flow of Mill Creek. All of the parties strenuously object to approval of the application and indicated that they would make appearance at any hearing scheduled by the Board in protection of their existing rights.

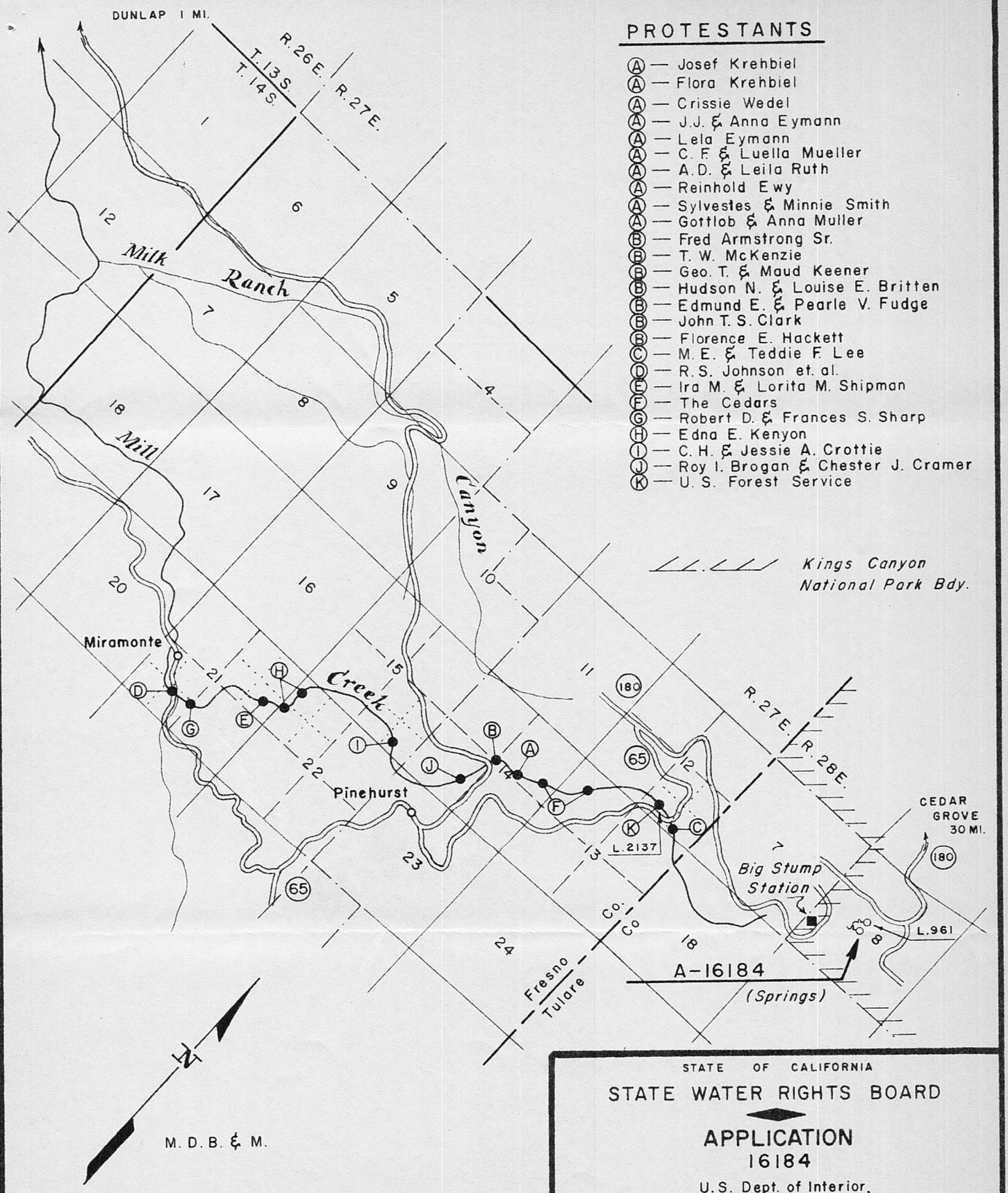
The National Park Service representatives stated that in their opinion the flow of the source springs did not reach Mill Creek. Several small meadow areas and one large meadow area were pointed out and they stated that the evaporation and transporation that occurred in these areas would more than cover the use planned under the proposed development. Accordingly it was their opinion that if the supply of water to the meadow areas was cut off there would be no loss to the protestants as such water does not reach Mill Creek anyhow. Mr. Spaulding, the regional hydraulic

engineer for the National Park Service, stated that the Park Service was interested in making development of the project under Application 16184 and would be favorable to an early hearing of the matter. The parties present at the investigation expressed an opinion that Fresno would probably be the most acceptable place for holding a hearing.

/s/ Robert R. Forsberg

Robert R. Forsberg
Assistant Hydraulic Engineer

Dated: July 7, 1959
Sacramento, California



PROTESTANTS

- (A) — Josef Krehbiel
- (A) — Flora Krehbiel
- (A) — Crissie Wedel
- (A) — J.J. & Anna Eymann
- (A) — Lela Eymann
- (A) — C. F. & Luella Mueller
- (A) — A.D. & Leila Ruth
- (A) — Reinhold Ewy
- (A) — Sylvestes & Minnie Smith
- (A) — Gottlob & Anna Muller
- (B) — Fred Armstrong Sr.
- (B) — T. W. McKenzie
- (B) — Geo. T. & Maud Keener
- (B) — Hudson N. & Louise E. Britten
- (B) — Edmund E. & Pearle V. Fudge
- (B) — John T. S. Clark
- (B) — Florence E. Hackett
- (C) — M. E. & Teddie F. Lee
- (D) — R. S. Johnson et. al.
- (E) — Ira M. & Lorita M. Shipman
- (F) — The Cedars
- (G) — Robert D. & Frances S. Sharp
- (H) — Edna E. Kenyon
- (I) — C. H. & Jessie A. Crottie
- (J) — Roy I. Brogan & Chester J. Cramer
- (K) — U. S. Forest Service

STATE OF CALIFORNIA

STATE WATER RIGHTS BOARD

APPLICATION 16184

U.S. Dept. of Interior, National Park Service

SCALE

0 — 2 MILES

DATE: 7-16-59	DRAWN E.C.W.	CHECKED R.R.F	NO. 2013

FORM 513 S

07-8-1959: Regional Chief of Operations, Region Four Hydraulic Engineer Spaulding, Region Four State Investigation of Water Rights Application 16184, Big Stump, Sequoia and Kings Canyon

IN REPLY REFER TO:
L-54 File KINGS Docket 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

July 8, 1959

~~Spaulding~~ LSS
Whitworth
~~McClellan~~
~~Manbey~~ BFM
~~Wosky~~
Maier

FILE COPY

Memorandum

To: Regional Chief of Operations, Region Four

From: Hydraulic Engineer Spaulding, Region Four

Subject: State Investigation of Water Right Application 16184, Big Stump, Sequoia and Kings Canyon

This report covers my travel to Sequoia and Kings Canyon National Parks June 30 to July 2. The purpose of the trip was to attend a field investigation by the California State Water Rights Board of Application 16184 of the United States for water in the Big Stump Area and protests thereof.

Following is a detailed report of the investigation. Attached are a summary of water measurements made July 1 and 2 and a copy of Drawing NPSK-2202, Grant Grove Water Systems. The latter is a small scale sketch map showing Park Service Systems and the location of protestant's diversions. A larger scale drawing is in preparation to show the data with greater legibility.

Prior to the investigation I conferred briefly with Superintendent Allen and with Assistant Superintendent Walker. Guided by District Ranger Bechtel I inspected the Big Stump System, measured water flow, measured the size of a small meadow immediately below the spring now in use and calculated the water consumption of the meadow. I also looked over the Grant Grove System, a proposed extension of which will bring water close to the Big Stump Area. Results of these measurements are shown on the attached summary.

The State's investigation was held as scheduled on July 2 at the Big Stump Entrance and was attended by Park Service representatives and a large group of protestants.

Representation at the investigation was as follows:

State Water Rights Board
Robert R. Forsberg, Assistant Hydraulic Engineer
A. N. Webb " " "
National Park Service
George Walker, Assistant Superintendent, Sequoia and Kings Canyon
Blanton Clement, Park Engineer
Stanley Bechtel, District Ranger, Grant Grove
Herman Allcock, Park Engineer, Yosemite
Linn Spaulding, Hydraulic Engineer, Region Four

Forest Service (protestant)
Donald G. MacBean, Engineer, Sequoia National Forest
Harold Hunter, Forester, Sequoia National Forest

Protestants (Complete list to be supplied later by the State)
Marshall E. Lee
Will Martin, President, "The Cedars"
Sylvester Smith
Roy Brogan
and about 25 others, the above being the more outspoken.

Before the arrival of the State Engineers, Mr. MacBean expressed to Mr. Walker and me the regret of the Forest Service that a protest was made. He conceded that the better course would have been to meet with us and work out a solution.

Briefly the investigation consisted of an examination of the physical features, measurement of flows, explanation by the Park Service of existing and proposed works and water use, statements by protestants as to downstream water supplies and an explanation by the State's representatives as to future procedure.

The physical features examined by the party were the existing spring diversion, the site of a second proposed diversion, a small meadow about half way between the Springs and the place of use and the Big Stump use area. Flow measurements were made of the existing spring diversion and of the stream at the proposed diversion site. The amounts are summarized in an attachment to this report. Later in the day and accompanied only by Park Service representatives, Mr. Forsberg and Mr. Webb examined the big meadow west of the Big Stump Entrance. Still later the two State Engineers and I measured the flow of Mill Creek at several places downstream and very briefly viewed some of the localities where Mill Creek water is used by protestants.

During the course of inspection of the Big Stump System and after the party returned to Big Stump/explained to the group the existing rights and proposed use under the pending application.

I told the group that the Park Service held a licensed right to 1100 gallons per day and that the new application was for water to serve Park Service development at Big Stump and to meet the needs of increased travel. In particular, I said the water was needed for new quarters for three rangers at the entrance replacing existing tent frames, for a proposed exhibit building and for the gas station as long as it continued in use. I justified our claim that the water was unappropriated by stating that the water we claim is now consumed by vegetation in the meadows and is water that does not reach lower users. I told the group

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that the small meadow between the diversion and place of use was calculated to consume 2000 gallons per day and that the effect of our proposed diversion would be to take water from that and other meadows rather than diminish stream flow below the meadows.

In making explanations we were under a slight handicap in that no copies of the application were available either in the Park or at the Regional Office. However, most of the details were known from correspondence. Two points I was not prepared for should be mentioned. Mr. Forsberg of the State Water Rights Board asked if the spring box we viewed was that spring to be abandoned upon construction of the system covered by the application. Caught unaware of any proposed abandonment I answered that the existing spring would be abandoned only if the second point of diversion by itself produced sufficient flow. About this same time one of the protestants asked what was the total amount of water we were asking. Mr. Walker and Mr. Allcock answered that the total was 6500 gallons per day including the established right, not 6500 plus the 1100 GPD. Mr. Forsberg said he had not realized that such was our claim but that he would make adjustments accordingly.

While on the subject of Park Service plans one of the protestants, Mr. Martin, told of a rumor that the application was really for use by the principal Park concessioner for development at Big Stump. Mr. Walker answered that such was not so.

Several of the protestants described their use of Mill Creek Water.

Mr. Smith, representing Cedarbrook, a group of 11 cabins on land acquired in 1914 said he personally owned 36 acres, 1-1/2 acres of apple orchard and that he and the people he represented were entirely dependent on Mill Creek Water.

Mr. Lee, representing the people of Neff's subdivision including 22 homes, a coffee shop, gas station, 4 acres of apple orchards, said the area was occupied nearly all summer long and that the cafe and station served travelers to the Park. Their point of diversion, he said, was the highest on Mill Creek, being just above the Forest Service diversion.

Mr. Brogan stated his use was for domestic purposes only and that his use was covered by an early water right.

Mr. Martin, president of the Cedars, identified himself as a lifelong contestant in water fights with the Government and a former representative in Washington for the Kings River Water Association. Mr. Martin described how dry Mill Creek sometimes got

and that occasionally people could not use their houses because of lack of water. Mr. Martin said he was surprised that the Government gave the people a chance to protest - "Why did not you just go and take the water?"

All protestants who spoke told of extremely limited water supplies and said that no reduction in stream flow could be accepted. Several suggested we go to wells rather than take from the stream. Our claim that the Park Service diversion would take water consumed by the meadows did not seem to convince the protestants that downstream flow would not be affected.

Mr. Forsberg explained two types of procedure the Board follows in settling protests. The matter could be handled informally, in which case a decision would be issued upon the evidence gathered during an investigation such as that then in progress. However, the informal procedure requires that all interested parties stipulate in writing that the application and protests be submitted to the Board for settlement.

The second procedure, Mr. Forsberg said, would be to hold a formal hearing at which all parties could present evidence. A decision would then be made by the Water Rights Board. It was explained that the costs of the reporter and transcript of the hearing would be shared by the parties.

Mr. Forsberg asked for expression of the group as to the procedure desired, intimating that if agreement was expressed the investigation then in progress would serve as the main fact gathering portion of an informal procedure.

The reaction of those of the protestants who spoke was that the informal procedure was not acceptable, that all allowable avenues were wanted to protect their water rights. Mr. Martin emphasized that the time to protect their rights was now, not after the government had been granted a permit.

In response to the attitude of the group, Mr. Forsberg said the State would proceed under the assumption that a formal hearing would be held. The hearing, he said, could not be held for 3 or 4 months and that 20 days notice would be given each party.

Several of the protestants requested that the State make additional measurements around Labor Day when the flow of Mill Creek is much diminished.

Under the lead of Mr. Martin some of the protestants gathered separately to lay plans for presenting their case. There was talk of jointly engaging an attorney to represent them.

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The group disbanded after the above discussions. The State investigators then inspected the big meadow west of the Big Stump Entrance and made a flow measurement in company of Park Service representatives. In the afternoon of July 2, Mr. Forsberg and Mr. Webb and I drove down Highway 65 to Miramonte and, other than stops for measuring Mill Creek, stopped only at Neff's subdivision. I located one point of diversion on Mill Creek, the diversion being a low loose cobble dam diverting to a two-inch pipe at a point 500 feet above the highway bridge in Section 12, T14S, R27E, and believed to be the supply for Teddy Lee Cafe and Neff's subdivision. From examination of several sections of the stream, it appears that Mill Creek is flowing continuously from the big meadow within the Park to at least as far as Miramonte. The only portion where no surface flow was observed was a short section of several hundred feet in the upper reaches of the big meadow. Flow measurements made at down-stream points on Mill Creek are summarized on the attachment.

Linn S. Spaulding

Linn S. Spaulding
Hydraulic Engineer

Attachment

Copy to: Director (2)(w/encls)
Supt., Sequoia and Kings Canyon (w/encls)
Chief, WODC (2) (w/encls)
Field Solicitor (2) (w/encls)

Cleared for distribution:

H. Maier 7/8/59

Herbert Maier
Assistant Regional Director

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Sequoia and Kings Canyon National Parks

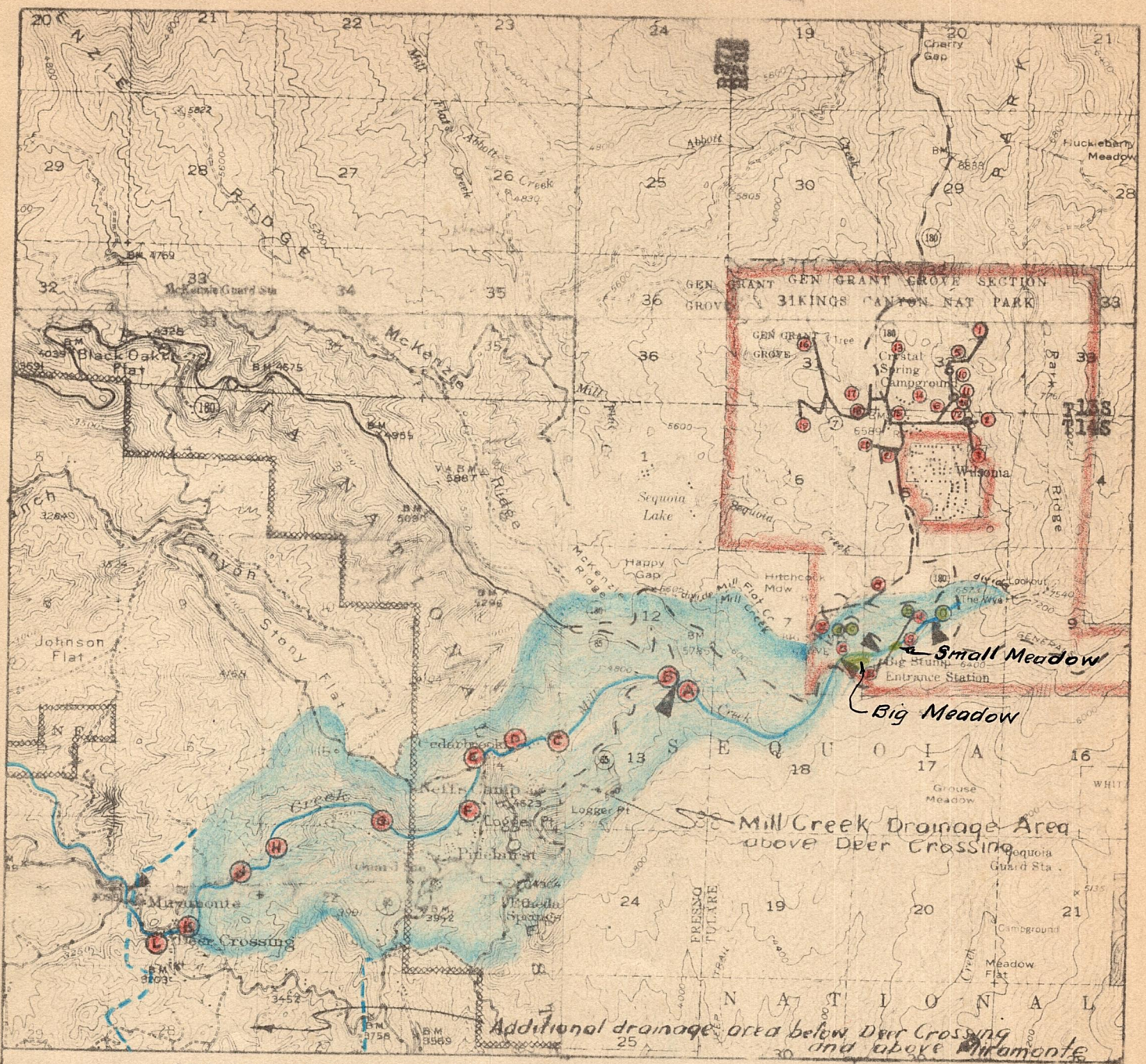
WATER MEASUREMENT

GRANT GROVE SECTION & MILL CREEK

July 8, 1959 by Spaulding

DATE	TIME	LOCATION	MEASURED BY	FLOW cfs	FLOW GPM	FLOW GPD	REMARKS
Oct. '58		Round Meadow Intake - 3 boxes	Nixon		25		
"		Round Meadow - by passing intakes	Nixon		25		estimate
"		Cedar Spring Intake (actually stream)	Nixon		5-6		
"		Winter Springs - 3 intake boxes	Nixon		22		
"		Merritt Spring at reservoir ?	Nixon		20		
		total available Grant Grove system			98		
NOTE: The above was reported to Spaulding by Nixon on July 1, 1959							
7/1/59	2:00 PM	Unnamed Spr. Big Stump intake - inflow	Spaulding		0.87	1250	2# coffee can
"	"	" " " - overflow	"		0.73	1050	do
"	"	" net flow to place of use	"		0.14	-	(0.87 - 0.73)
"	4:00 PM	Unnamed Spr. near Burnt Monarch	"		1 ±		by inspection
"	"	2nd Unnamed Spr. " " "	"		1 ±		" "
7/2/59	10:30 A.M.	Unnamed Spr. Big Stump intake - inflow	Forsberg, Webb, Spaulding		0.815	1170	No overflow. Level in box drawn down 6" · 1 gal. can
"	10:45 "	Mill Creek, site of proposed intake	do		6.67	9600	
"	noon	" " , below big meadow near Rt. 180	do	0.054	24		float
"	2:00 P.M.	" " , above " " below road	do	0.009	4		float
"	3:00 P.M.	" " , crossing old road in Sec. 18	Spaulding		25±		est. by inspection
"	3:30 P.M.	" " , at Bridge, Rt. 65 in Sec. 12	Forsberg, Webb, Spaulding		43		5 gal. can
"	4:15 P.M.	" " , at Bridge at Deer Crossing	Spaulding		8 ±		est. by inspection
"	4:45 P.M.	" " , at falls, below Miramonte	Forsberg, Webb, Spaulding		24		5 gal. can (200' below bridge, Sec. 12)
7/1/59		Small meadow on Mill Creek in NE¼ SW¼ Sec. 8, T14S. R28E., 800' ± Southwest of point of diversion. Quantity consumed by vegetation (deep, thick meadow grass) water table at or within 12" of ground surface	Spaulding			2000 ±	Size = 60' x 180' = 10,800 ft² = .25 acre. Consumption at rate of 1 sec. ft. per 80 acres = .25 x 1/80 = .0031 cfs = 1.4 GPM = 2000 GPD

PRINTED ON RECAPPING MACHINE



GRANT GROVE WATER SYSTEM

POINTS OF DIVERSION

1	Round Meadow Sprs.	El. 7420
C	Winter Spring	El. 6860
3	Merritt Spring	El. 6900
25	Cedar Spring	El. 6860

RESERVOIRS

10	200 M Gal. proposed	El. 6970 ±
11	2 @ 25 M Gal. to be abandoned	El 6820 ±
R	50 M Gal. existing	El. 6830 ±

PIPE LINES

6	Round Mdw. to Tank 2" & 3" exist., 4" prop.
5	Tanks to main use area 2"-4" exist., 6" & 8" prop.
7	Mains to places of Use 2"-3" exist., 2"-4" prop.
8	Extension to Big Stump Area proposed 3"

PLACES OF USE

13	Crystal Sprs. Campgr.	El. 6670 ±
14	Meadow Camp & Utility Area	El. 6650 - 6700
15	Village Lodge - NPS HQ	El. 6650 - 6700
16	Grant Grove	El. 6380 - 6440
17	Columbine Picnic Area	El. 6600 ±
18	Azalea Campground	El. 6580 ±
19	Swale Campground	El. 6350 ±
20	Sunset Campground	El. 6580 ±
21	Chapel & Amphitheater	El. 6640 ±
22	Winter Use Area	El. 6400 ±
23	Interpretive Ctr. (Logging)	El. 6220 ±

Stream measurement by State 7/2/59

BIG STUMP WTR. SYS.

POINT OF DIVERSION
4 Springs El. 6495

PIPELINE
9 1" & 4" existing, 2" proposed

PLACE OF USE
24 Entrance Sta. El. 6260

RESERVOIR
4 750 Gal. existing

S Measured Flow (see reverse)

A Protestant's Point of Diversion

Sequoia & Kings Canyon National Parks

GRANT GROVE WATER SYSTEMS

Scale 1" = 1 mile

June 25, 1959

NPSK 2202

Protestants to Application 16184

Point of Diversion	Protestant	Place of Use
(A)	Lee & others (total 32)	Neff Subdivision
(B)	Forest Service	
(C)	The Cedars, a Calif. Corp.	representing 13 homeowners
(D)	Smith; Krehbiel, J.; Krehbiel, W.H. & Anna; Wedel; Eymann, J.; Eymann, L.; Mueller; Muller; Ruth; Ewy	Cedarbrook Tract — 10 separate protests with identical wording
(E)	Hackett; McKenzie; Armstrong; Brittain; Fudge; Clark; Keener	10 separate protests with identical wording basing right on same 1912 County Filing
(F)	Cramer & Brogan	Orchard & Domestic
(G)	Croftie	3/4 mile both sides of Mill Cr. - Stock water
(H)	Kenyon	patented land - mining, irrigation & stock
(J)	Shipman	For business
(K)	Sharp	Deer Crossing - 10 dwellings {use wells near Creek
(L)	R.S. Johnson & 22 others	along Mill Creek (direct [illegible] wells)
○		

Flow Measurements

Point	Location	Date	Flow cfs	Flow GPD
(a)	Mill Creek above NPS diversion	Sept. 16, 1955		3360
(b)	NPS diversion - Spring on tributary of Mill Cr.	Fall 1950		2160
(c)	Unnamed spring on tributary of Mill Cr.	Sept. 16, 1955		2760
(d)	" " " " " " "	Sept. 16, 1955		4032

07-2-1959: Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, California Acting Chief, Division of Operations Claim Supplemental to License 961

...e Kings Docket

NATIONAL PARK SERVICE

x

Acct. 0343 - 1-WR-60

RECEIVED
NPS REGION FOUR OFFICE
JUL -6'59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		7/6
OPERATIONS		7/7
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

VIA PBS

July 2, 1959;

SUPERINTENDENT, SEQUOIA AND KINGS CANYON NATIONAL PARKS, THREE RIVERS, CALIFORNIA

L54-OBL WALKER TT JUNE 30 MISROUTED. APPLICATION 16184 CLAIMS 6,500 GALLONS PER DAY FROM SPRINGS TRIBUTARY TO KINGS RIVER THROUGH MILL CREEK, JANUARY 1 THROUGH DECEMBER 31 FOR DOMESTIC, RECREATIONAL AND FIRE PROTECTION AT BIG STUMP ENTRANCE WITH 25,000 GALLON REGULATORY STORAGE. POINTS OF DIVERSION N 30 DEGREES 46 MINUTES 30 SECONDS EAST 3136.84 FT., AND NORTH 30 DEGREES 52 MINUTES 47 SECONDS EAST 3054.43 FT. FROM SW CORNER SECTION 8, T 14 S, R 28 E, MDM. CLAIM SUPPLEMENTAL TO RIGHTS UNDER LICENSE 961. OLD DIVERSION UNDERGROUND PIPE AND DAM AT SPRING SOURCE PROPOSED. SPRING FLOW INTERMITTENT SHORT DISTANCE BELOW PLACE OF USE, AND LOWER MILL CREEK FLOW IS FROM OTHER SOURCES.

LSS 7/9

SIGNED

LANGLEY
ACTING CHIEF, DIVISION OF OPERATIONS

CONFIRMATION

Copy to: Regional Director, Region Four

Night letter
Recd at Sequoia-Kings 8:50 AM July 3, 1959

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file Docket

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
San Francisco Field Office
180 New Montgomery Street
San Francisco 5, California

RECEIVED
NPS REGION FOUR OFFICE
JUN 29 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

June 29, 1959

Memorandum

To: Regional Solicitor, Sacramento Region

From: Field Solicitor, San Francisco

Subject: Water Right Application 16,184, Big Stump Area, Docket No. 1 (Kings), Sequoia and Kings Canyon National Parks

To bring you up-to-date on the above entitled matter, there are attached copies of all the correspondence that appears in the files of the Region Four Office of the National Park Service subsequent to receipt of your memorandum of March 20, 1959 to the Regional Director.

It appears from this correspondence that the Park Service is not inclined to withdraw the application.

After talking with you and Assistant Regional Solicitor Taylor last Monday, June 22, I then discussed the matter further with the Regional Director of the National Park Service and members of his staff. The Regional Director suggested that the Superintendent of the Park should be asked for his views. Hydraulic Engineer Spaulding of the Park Service Regional Office and I then telephoned Superintendent Allen. Mr. Allen appeared reluctant to withdraw the application for the following reasons:

1. The Park is planning further developments at Big Stump and they wish to acquire appropriative water rights under State law, if possible, because there is a bill pending in Congress, which is likely to pass, requiring Federal agencies to comply with State water right laws. Perhaps Mr. Allen was referring to S. 1416.

2. There is also a bill in Congress which would cede legislative jurisdiction over areas under the exclusive jurisdiction of the United States back to the State. (This jurisdiction bill (S. 1617) does not itself recede or relinquish legislative jurisdiction to the State, but it sets up the policies pursuant to which legislative jurisdiction should be retained and it authorizes the heads of Federal

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agencies to relinquish "such measure of legislative jurisdiction over any such lands or interests as he may deem desirable.")

I am quite certain the Park Service, if it is possible to do so under the policies eventually established by any new law on jurisdiction, will wish to retain legislative jurisdiction over Federally owned lands within Kings Canyon National Park. In brief, I think the jurisdiction question is still very important.

The Park Service advised further it had already notified the State that it would have representatives at the hearing or investigation which the State scheduled for July 2 at the Big Stump area. In view of the foregoing, it appears that it is hardly possible to get the application withdrawn before the hearing.

(SGD) SIDNEY McCLELLAN

Sidney McClellan
Field Solicitor

Attachments

Copy to: Regional Director, Region Four, NPS (2)

15

06-23-1959: Regional Director, Region Four Chief, Water Resources Section Hearing Application 16184, Big Stump Water Rights, Kings Canyon

File re Bucket 1

IN REPLY REFER TO:
L54-OBL

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

RECEIVED
NPS REGION FOUR OFFICE
JUN 26 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
✓ OPERATIONS		
✓ COMM.	Whitworth	
RECREATION		
INTERP.		
LEGAL		

has copy ✓ Spaulding LSS 6/26
✓ Manbey BTar

June 23, 1959

Memorandum (AIR MAIL)

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Hearing, Application 16184, Big Stump Water Rights, Kings Canyon

In addition to your teletype of June 19, I have received a direct notice of the proposed hearing on July 2 at 9:30 AM, at the junction of Highways 65 and 180, near the Park Entrance, together with a card for acknowledgment of the notice.

In accordance with your teletype, I have indicated that We (the United States) will be represented by Messrs. Allcock and Spaulding. I shall not attempt to attend, and we have already so advised you by teletype.

The Regional and Field Solicitors may have some specific ideas as to how the matter should be handled. They did suggest that the application might be withdrawn. I asked for advice as to whether we should request cancellation of License 961 as well as Application 16184, and no action has been taken because of lack of legal instructions. It seems inconsistent to me to exercise small rights under the license during the summer, and claim that all other use, summer and winter, is, and has been under some other unspecified Federal rights.

Assuming that we are to attempt to eliminate the protest so that a permit can be granted, my idea is that all available water originating in the spring area has been consumed by native vegetation where above the highest headgate of the protestants, and largely above where the flow, might leave the Park if there were no vegetation or evaporation. The present and future Park Service diversions, therefore, only drain the swampy spring area, reduce local vegetation in the Park and perhaps for a short distance downstream from the Park. This is the point for which Messrs. Allcock and Spaulding should have some supporting data.

If the above statement can be supported, the protestants must obtain water originating from springs closer to their headgates, and from precipitation run-off in the drainage below the Park.

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

Copy to: Superintendent, Sequoia-Kings Canyon
Chief, WODC (2)
Field Solicitor McClellan (2)

149

06-19-1959: Director, National Park Service Acting Regional Director GSA Teletype L54

File Kings Docket 1

National Park Service

~~Spaulding~~ LSS

~~Whitworth~~

(Later) McClellan

~~Manbey~~ BFM

(Later) ~~Wosky~~ JBW

~~Maier~~ Hea

~~(Hurd)~~

Sh 6/19

San Francisco, California
June 19, 1959

GSA TELETYPE

Director, National Park Service, Interior Building
Washington, D. C.

L54. Water Right Application 16,184, Big Stump Area, Sequoia and Kings Canyon NP. State Water Rights Board to hold hearing 9:30 a.m., July 2, at junction of State Highways 65 and 180. Engineers Allcock and Spaulding to be present.

Maier
Acting Regional Director

Addressee Confirmation Copy

Copy to: Supt., Sequoia and Kings Canyon NP

Telephoned 1:45 p.m., by: Sh

Spaulding:sh

148

06-19-1959: Regional Director, Region Four Superintendent, Sequoia and Kings Canyon Water Application 19184

File Kings Docket 1

IN REPLY REFER TO:

L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Sequoia and Kings Canyon National Parks
Three Rivers, California

June 19, 1959

RECEIVED
NPS REGION FOUR OFFICE
JUN 22 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
✓ OPERATIONS		
ADMIN.		
RECREATION		
✓ ~~INTERP.~~	Lands B/M 6/30	
✓ LEGAL		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Sequoia and Kings Canyon

Subject: Water Application 16184

This seems important. { ✓ Whitworth ~~Spaulding~~ has copy LSS 6/22

Attached is copy of the notice of June 17, 1959 from the State Water Rights Board, Sacramento 7, California, which refers to application which was filed on December 20, 1954, by United States Department of Interior, National Park Service, for water for the Big Stump area of Kings Canyon National Parks.

We have made arrangements to have representatives at the meeting on July 2, as requested.

We need all the assistance that your Office can give on this matter.

Thomas J. Allen
Superintendent

Attachment

Copy to: Director w/attachment (AIR MAIL)

147

L 54

Edmund G. Brown
[redacted]
Governor

STATE OF CALIFORNIA

State Water Rights Board

1401 21st STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

✓	SUPT		
✓	[illegible] S.		
✓	AO	4	6/18

June 17, 1959

Application 16184

TO APPLICANT, PROTESTANTS, AND
OTHER INTERESTED PARTIES:

This is to inform you that A. N. Webb, an engineer from this office will make a field investigation of the proposed project under Application 16184, and protests against approval thereof. The application was filed on December 20, 1954, by United States Department of Interior, National Park Service, to appropriate unappropriated water from two unnamed springs in Tulare County. Mr. Webb will be at the entrance to Kings Canyon National Park near the junction of Highways 65 and 180 on Thursday, the 2nd day of July, 1959, at about 9:30 a.m. and will meet you or your representative at that time and place.

It is important that you be present at the investigation, or have a representative present who is familiar with the situation and can supply all necessary information concerning your water rights and use of water. Any records that you might have relative to your water rights, use of water, and flow of water in the source, should be available at the investigation.

Please return the enclosed post card at your early convenience, indicating if you can keep the appointment, or who will represent you. It is requested that no change be made as field trips are closely scheduled.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.
Cert.

04-20-1959: Regional Director, Region Four Assistant Director Water Right Application 16184. Big Stump Area, Docket No. 1 (Kings), Sequoia and Kings Canyon N.P.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

IN REPLY REFER TO:
L54-OBL

RECEIVED
NPS REGION FOUR OFFICE
APR 24 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
WATER		
LEGAL		

APR 20 1959

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Right Application 16,184, Big Stump Area, Docket No. 1 (Kings), Sequoia and Kings Canyon N.P.

Attached are two copies of Mr. Dunn's comments on the Regional Solicitor's memorandum of March 20 to you. We believe that the points should be considered in connection with the review suggested in Mr. Wosky's memorandum of transmittal of March 23.

Jackson E. Price
Assistant Director

Attachments 2

Copy to: Superintendent, Sequoia and Kings Canyon, w/c attachment
Chief, WODC, w/c attachment
Field Solicitor McClellan (2), w/c attachment

has copy → ~~Spaulding~~ LSS 4/24

L54-OBL

April 17, 1959

Memorandum

To: Assistant Director Price

Through: Chief of Lands

From: Chief, Water Resources Section

Subject: Water Right Application 16,184, Big Stump Area, Docket No. 1 (Kings), Sequoia and Kings Canyon N.P.

The memorandum of March 20 from the Regional Solicitor, which Mr. Wosky forwarded on March 23, refers to correspondence from the State Water Rights Board, of which we do not appear to have copies. However, I believe that Mr. Burke's suggestion to withdraw the application at this time should only be followed after he and this Service consider what I have to offer.

1. I personally saw the spring area when little or no water was being diverted. It was a swampy area in a well defined channel, and extending a short distance up one side of the channel. With subsequent water system improvements by this Service, which I have not seen, the original spring area, with surface flows, may have been drained. I think we know more about the source than is suggested in Mr. Burke's last paragraph, that it is subject to appropriation and the historical character of the source needs documentation by old timers rather than by observation of present conditions.

2. At the time of my early inspection the flow on the opposite side of the road was apparently less, suggesting that much of the water was consumed by native grass and shrubs in the spring area. I was also advised that all surface flow disappeared near the Park boundary. I believe this is supported by memoranda from former Superintendent John R. White, or those on his staff. I believe, therefore, that all or most of the water has always been locally consumed, and did not contribute to the supplies of those who have protested Application No. 16184. Any existing or proposed NPS diversions may kill off part of the vegetation in the Park, but have no downstream effect. I also question whether it would be economical or necessary to make a 100% diversion of the sources for the proposed diversion.

143

3. Mr. Burke's third paragraph concerning jurisdiction is not entirely clear without the correspondence of about March 18 from the Executive Officer of the State Water Rights Board. However, Mr. Burke does not know that I have supplied additional information for the Department of Justice in the last six weeks, concerning the first Federal withdrawal and reservation of lands which now constitute National Parks and Monuments, to supplement my testimony in Arizona vs. California. I gather from my discussion with Mr. Wise that the Department of Justice is probably attempting to establish a form of riparian rights with priority of first Federal reservation of the land, in Arizona vs. California, which would be applicable in any state if the attempt is successful. The Executive Officer's letter of March 18 may have resulted only from the time which the Park Service has allowed to elapse without resolving the protest of Application No. 16184, but might also be a move to weaken the Federal case in Arizona vs. California. I consider it unfortunate, to say the least, if the Park Service is forced to withdraw the application without knowing more than I do about other bases of Federal water rights and the possible affect of the Supreme Court decisions in Arizona vs. California.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four (2)
Superintendent, Sequoia and Kings Canyon
Field Solicitor McClellan (2)
Chief, WODC (2)

03-23-1959: Director Regional Chief of Operations, Region Four Water Right Application 19184, Big Stump Area, Docket No. 1 (Kings), Sequoia and Kings Canyon NP

~~1-64~~
454

March 23, 1959

Memorandum

To: Director

From: Regional Chief of Operations, Region Four — Put in docket

Subject: Water Right Application 16,184, Big Stump Area, Docket No. 1(Kings), Sequoia and Kings Canyon NP

Attached is a copy of a memorandum of March 20 to this office from Regional Solicitor William J. Burke, transmitting a letter he received from the Executive Officer of the State Water Rights Board. A copy of Executive Officer Hill's letter, dated March 18, also is attached.

We are forwarding the correspondence at this time for information purposes. Our comments upon Mr. Burke's recommendation that Application 16184 be withdrawn will be sent after we review the water situation at Big Stump. The matter has been discussed briefly with Field Solicitor McClellan. He is in full accord with Mr. Burke's views.

By copies of this memorandum, copies of the incoming letters are being distributed for filing in the several sets of Docket 1.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Attachments

Copy to: Superintendent, Sequoia & Kings, w/attach.
Chief, WODC w/attach.

WESTERN OFFICE
DESIGN & CONSTRUCTION
MAR 25 1959
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE
None

Do not file

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SACRAMENTO REGION
P. O. BOX 4291 - T&C
SACRAMENTO 21, CALIFORNIA

RECEIVED
NPS REGION FOUR OFFICE
MAR 23 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

MAR 20 1959

Memorandum

To: Regional Director, Region Four, National Park Service

From: Regional Solicitor

Spaulding LSS
Whitaker

Subject: Water Right Application 16184 -- Kings Canyon National Park (Big Stump Area)

See memo of 3/23 to Director

Attached are two copies of a letter dated March 18 to this office from the Executive Officer of the State Water Rights Board. This letter responds to a presentation to the State Water Rights Board made by this office by letter of February 4, 1957, wherein the Water Rights Board was requested to consider the effect of exclusive jurisdiction upon this application.

Through the Field Solicitor you were furnished a copy of our letter of February 4, 1957, and by memorandum to you of March 12, 1957, we recommended against action either to withdraw or to proceed in connection with this application until further word was received from the State agency.

It was our thought that if the State agency chose to reject the application on the ground of the lack of jurisdiction, this would be a pilot determination for all other water right applications made on behalf of the National Park Service which involved water supplies within areas of exclusive jurisdiction. We do not agree with the conclusion stated in the Executive Officer's letter of March 18 to this office. However, in view of the avowed intention to process the application in the usual course, it appears that we are faced with the alternative of either preparing for a hearing, which has the potential of presentations on behalf of 40 or more protestants, or withdrawing the application.

We now recommend that the application be withdrawn. This recommendation is made in contemplation not only of the legal situation relating to exclusive jurisdiction but also in view of the factual situation involving an almost negligible quantity of water and the uncertainty of the source of initial supply. By the latter comment

141

we mean the practical doubt in relation to the question whether the water comes from a natural water course or whether it may be construed as percolating water.

William J. Burke

Regional Solicitor
Sacramento Region

In duplicate

Attachments

Copy to: Field Solicitor, San Francisco, w/attachs.

COPY

Henry Holsinger, Chairman
W, P. Rowe, Member
Ralph J. McGill, Member

L. K. Hill
Executive Officer

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
1401 - 21st Street
P. O. Box 1592
Sacramento 7, California

March 18, 1959

Application 16184

William J. Burke, Esq.
Regional Solicitor
U. S. Department of the Interior
P. O. Box 291, T&C
Sacramento 21, California

Dear Mr. Burke:

Please refer to our letter to you of January 30, 1957, and to your reply of February 4, 1957, concerning the above-numbered application by the United States National Park Service to appropriate water in Kings Canyon National Park. The question whether the Board has jurisdiction to act upon the application has been reviewed by our legal staff. It is concluded that the Board has jurisdiction.

Since the subject of the application is a right to use water tributary to a stream which flows outside of the national park and involves rights of many parties outside of the national park, it is believed that the rule of the Petersen case (United States v. Petersen, 191 Fed. 2d. 154) is not controlling.

In view of the conclusion that has been reached, it is proposed to continue to process the application in the usual course.

Very truly yours,

/s/ L. K. Hill
L. K. Hill
Executive Officer

03-21-1957: To: Regional Director, Region Four; From: Chief, Water Resources Section; Subject: Suggested Water Right for Cedar Grove Incinerator - Kings Canyon

Dial 0 + ask for line 180 - Ext. 177

L54-L

Sid McClellan - 177
Call Monday 4/8 to see if State forms are available.

March 21, 1957

200,000

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Suggested Water Right for Cedar Grove Incinerator-Kings Canyon

The memorandum of March 14 from Mr. Maier and memoranda of March 5 from Mr. Allen and February 14 from Mr. P. E. Smith, indicate that a new claim to water for the Cedar Grove Incinerator is being initiated. Mr. Maier suggests that we rely on riparian rights, but the State now claims that the United States does not have riparian rights except to water on land which has been patented and reacquired by the United States. The correspondence indicates that the Regional Solicitor and State Water Rights Board are now studying the basis for Federal water rights, and the results may alter the State position in connection with Federal water use under the riparian doctrine. The Regional Solicitor has also specified that no appropriative claims be filed or withdrawn, and no well be drilled at the Big Stump Area where riparian rights are an issue, until the matter is resolved with the State Water Rights Board.

For these reasons, the water right procedure for the Cedar Grove Area can not yet be defined. However, if WODC is constructing a new system or a lateral from an existing system, it should supply the Water Resources Section with a plan of that system, and a draft of an application, on copy of the State form, while preparing the construction plans.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Sequoia-Kings Canyon
Chief, WODC

WESTERN OFFICE
DESIGN & CONSTRUCTION
MAR 25 1957 A.M

	CHIEF
	ADMIN. ASSIST.
	PERSONNEL
	PLANS & PROG.
	SAFETY
✓	ARCHITECT
✓	ENGINEER
	LAND. ARCH.
	3/25
	ACTION TAKEN—DATE

Reg 4, 4/12/57

139

02-11-1957: To: Superintendent, Sequoia and Kings Canyon; From: Regional Director, Region Four; Subject: Water Rights - Big Stump Area, General Grant Grove Section, Kings Canyon National Park

In reply refer to:
L54 Sequ

McClellan
Whitworth
~~Manbey~~ B/M
Merriam
2/11

February 11, 1957

Memorandum

To: Superintendent, Sequoia and Kings Canyon

From: Regional Director, Region Four

Subject: Water Rights--Big Stump Area, General Grant Grove Section, Kings Canyon National Park

This refers to your memorandum of December 20, 1956 relating to water rights and proposed developments at Big Stump.

Water right problems involving all national parks in California are the subject of current discussions between the State Water Rights Board and the Sacramento Region of the Office of the Solicitor, Department of the Interior. We have been requested by the Regional Solicitor, through Field Solicitor McClellan, that pending the outcome of the present study of this matter and the current discussions with the State, no further development of the water system at Big Stump by the drilling of a well or otherwise be undertaken. This does not, of course, preclude the continued use of water pursuant to license 961.

We hope to have more definite information on this matter before the next travel season begins and you will be promptly advised when the information is received.

(SGN) LAWRENCE C. MERRIAM

Lawrence C. Merriam
Regional Director

Copy to: Regional Solicitor, Sacramento
The Director

SMcClellan:in

FILE COPY

138

02-04-1957: To: State Water Rights Board; From: US Department of the Interior, Office of the Solicitor; Subject: Application 16184

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SACRAMENTO REGION
P. O. BOX 4291 - T&C
SACRAMENTO 21, CALIFORNIA

FEB 4 1957

Subject: Application 16184

State Water Rights Board
State of California
P. O. Box 1592
Sacramento 7, California

Attention: Mr. Gavin M. Craig,
Principal Attorney

Gentlemen:

The application referred to in Mr. Craig's letter of January 30 contemplates the diversion of this small quantity of water, its conveyance from said point of diversion, and its place of use, all within section 8, T. 14 S., R. 28 E., M.D.M.

The said section 8 was added to the Kings Canyon National Park as a portion of the General Grant Grove Section of said Park by section 2 of the act of March 4, 1940 (54 Stat. 41, 16 U. S. C. 80a). By an act of the Legislature of California approved April 7, 1943 (Government Code of California, Section 119), exclusive jurisdiction was ceded (with certain reservations) to the United States over all the territory set aside and dedicated for park purposes as Kings Canyon National Park, with the provision that the jurisdiction should not vest until the United States had notified the State of California that it assumes police jurisdiction over said Park. By letter of April 21, 1945, to the Governor of California, the Secretary of the Interior accepted on behalf of the United States "exclusive jurisdiction over all the lands now included in Kings Canyon National Park," and gave notice that the United States then assumed police jurisdiction over the said Park.

Consideration of these circumstances was involved in the case of United States v. Petersen, et al. (State of California, et al., Interveners) in the United States District Court, Southern District of California, Northern Division (1950), 91 Fed. Supp. 209: affirmed on appeal Peterson v. United States (1951), 191 Fed. 2d. 154. Certiorari denied November 26, 1951, 96 Law. Ed. 115.

137

I trust that this information may be of some assistance to you in making a final disposition of the application.

Very truly yours,

William J. Burke

Regional Solicitor

Copy to: Field Solicitor, San Francisco (in trip.)

137

01-03-1957: To: Regional Director, Region Four; From: Acting Chief, Water Resources Section; Subject: Annual Reports on Water Rights with Particular Reference to such rights at Big Stump Area, Kings Canyon

IN REPLY REFER TO:
L54-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

RECEIVED
NPS REGION FOUR OFFICE
JAN-8'57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
✓ LEGAL		

January 3, 1957

Memorandum

To: Regional Director, Region Four

From: Acting Chief, Water Resources Section

Subject: Annual Reports on Water Rights with Particular Reference to such rights at Big Stump Area, Kings Canyon

① ✓ Lands BFM 2/25
✓ Whitworth

No further action needed

The memorandum of December 11, 1956, to the Superintendent from Mr. Johnston suggests that the proposed withdrawal of Application 16184 may have been proposed by him.

Please refer to the memorandum of August 31, 1956, to you from Mr. Burke. We have construed the last paragraph as instructions to withdraw Application 16184. By memorandum of October 23, 1956, to you, Mr. Garrison requested further instructions from the Regional Solicitor because of the situation which will result if the U. S. continues to use water to full extent of License 961 and the claim under Application 16184, with only the rights under License 961.

Gordon W. Robertson

Gordon W. Robertson
Acting Chief, Water Resources Section

Copy to: Superintendent, Sequoia-Kings Canyon
Western Office of Design and Construction

Note - See Merriam's memo of Feb. 11 to Supt. Sequoia

1-19-57
cc to Reg. Sol 135

09-10-1956: To: Director; From: Regional Director, Region Four; Subject: Application 16184 for the appropriation of unappropriated water, Big Stump area, Kings Canyon National Park

In reply refer to
L54 Water Rights Manbey
Segur
9/11
Johnston

September 10, 1956

Memorandum

To: Director

From: Regional Director, Region Four

Subject: Application 16184 for the appropriation of unappropriated water, Big Stump area, Kings Canyon National Park

Attached is copy of Regional Solicitor Burke's memorandum of August 31 to Region Four on the above subject. It will be seen that a staff member of the California State Water Rights Board, successor in functions to the Division of Water Resources of the Department of Public Works of the State of California, informally has inquired from Mr. Burke of the Government's desires with regard to the disposition of the above application, and particularly as to whether it should be set for a hearing.

Mr. Burke mentions that "there are numerous protestants against the National Park Service application, with the result that the prosecution of the application for water would present highly volatile implications and probably scant results." Mr. Burke also makes reference to the fact that certain officials of the Park Service have contemplated a physical solution of the problem through the obtaining of water from ground water sources, with the anticipated result that the application could be withdrawn. He continues that from his knowledge of the situation he would be inclined to recommend the exploration of such a course. In any event, he wishes to be informed as soon as is reasonably possible whether or not the application will be withdrawn so that he can send word along to the Sacramento officials of the State Water Rights Board. In discussing this matter with Field Solicitor McClellan, just before he left on his vacation, he said he was in entire accord with Mr. Burke in his recommendation as to withdrawal of the application.

When this matter was discussed in conference in this office some months ago with Field Solicitor Bennett, who at that time was handling water rights matters, Engineer Allcock was in attendance at that meeting, and our understanding was that the physical solution mentioned by Mr. Burke was considered a simple engineering problem which could easily be put into effect. In view of the many protests, among which was one from the Forest Service, we feel that in many respects it would be desirable to withdraw the application, and find our own solution on the ground as suggested by Mr. Burke.

(SGN) LAWRENCE C. MERRIAM

Lawrence C. Merriam
Regional Director

Attachment

Copy to Sequoia-Kings Canyon

Mr. McClellan

BFManbey/jd

FILE COPY

126

08-31-1956: To: Regional Director, Region 4, National Park Service; From: Regional Solicitor; Subject: Application 16184 for the appropriation of unappropriated water, Big Stump Area, Kings Canyon National Park

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SACRAMENTO REGION
P. O. BOX 291 - T&C
SACRAMENTO 21, CALIFORNIA

AUG 31 1956

Memorandum

To: Regional Director, Region 4
National Park Service

From: Regional Solicitor

Subject: Application 16184 for the appropriation of unappropriated water, Big Stump Area, Kings Canyon National Park.

A staff member of the California State Water Rights Board, successor in functions to the Division of Water Resources of the Department of Public Works of the State of California, informally has inquired of the Government's desires with regard to the disposition of this matter, particularly as to whether it should be set for a hearing.

As I understand it, there are numerous protestants against the National Park Service' application, with the result that the prosecution of the application for water would present highly volatile implications and probably scant results.

I understand, also, that at one time certain officials of the Park Service contemplated a physcial solution of the problem through the obtaining of water from groundwater sources, with the anticipated result that the application could be withdrawn. From my knowledge of the situation, I would be inclined to recommend the exploration of such a course. In any event, I would appreciate information on whether the application will be withdrawn so that I can pass the word along to the Sacramento officials of the State Water Rights Board.

Sincerely yours,

William J. Burke
Regional Solicitor

I think the application should be withdrawn RER

Copy to: The Solicitor (in dup.)
Field Solicitor, San Francisco

12-15-1955: To: National Park Service; From: California State Engineer; Subject: Application 16184

. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

Recd 12/19 16

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

December 15, 1955

ADDRESS REPLY TO
VISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

X ~~Manbey~~ BFM
McClellan

Application 16184

Mr. Thomas J. Allen
Assistant Director
National Park Service
U. S. Department of the Interior
Washington 25, D. C.

Sent cc Supt. Sequoia
12/22 BFM

Dear Mr. Allen:

Thank you for your letter of December 2 in connection with Application 16184 of the National Park Service to appropriate from two unnamed springs in Kings Canyon National Park.

In line with our discussion with Messrs. van V. Dunn and McClellan at the time of their visit to this office on August 24, it is believed that an investigation of the project and a conference with all of the interested parties on the ground by one of our representatives is desirable before taking some formal action to resolve the problem. Unless you have other thoughts in the matter we will suspend further action on the application until next spring when the area is accessible, at which time an investigation and conference will be scheduled. Ample notice will be given to all interested parties of a time and place of the investigation and conference and all will be invited to attend.

Very truly yours,

HARVEY O. BANKS
ACTING STATE ENGINEER

Sequoia - Kings Canyon
COPY TO _____ DATE 12-21-55
FOR YOUR ☑ INFORMATION ☐ ACTION
REGION FOUR OFFICE INITIALS BFM

By L C Jopson
L. C. Jopson
Principal Hydraulic Engineer

cc: Mr. Lawrence C. Merriam
Regional Director
National Park Service
180 New Montgomery Street
San Francisco 5, California

123

12-28 cc to Mr. Bennett

12-02-1955: To: California State Engineer; From: Assistant Director, National Park Service; Subject: Re: Application 16184, Kings Canyon National Park

L54-L

DEC - 2 1955

Mr. Harvey O. Banks, Acting State Engineer
Division of Water Resources
P. O. Box 1079
Sacramento 5, California

Re: Application 16184
Kings Canyon National Park

Dear Mr. Banks:

We are referring the letter of November 22, from Mr. Gianelli, to our Regional Director, Mr. Lawrence C. Merriam, 180 New Montgomery Street, San Francisco 5, for reply. We have had no report on the protests of the subject application since Messrs. McClellan and Dunn called on Mr. Gianelli late in August. We assume that the suggested conference with all protestants, to determine the facts, proved to be impractical until spring, and that no report or resolution of the relative interests of the Forest Service and Park Service has been made because it would not resolve the entire problem.

Sincerely yours,

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Copy to: Regional Director, Region Four (detached)
Field Solicitor McClellan (2) detached)
Superintendent, Kings Canyon (detached)
~~Western~~ Office of Design and Construction (detached)

121

12-02-1955: To: Regional Director, Region Four; From: Assistant Director of the National Park Service; Subject: Protest of Application 16184, Docket 1, Kings Canyon

IN REPLY REFER TO:
L54-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

RECEIVED
NPS, REGION FOUR OFFICE
DEC 6 - 1955

DEC - 2 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.	[illegible]	12/6
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
[illegible]	BFM	12/19

See below

Wrote Supt 12/19 BFM

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Protest of Application 16184, Docket 1, Kings Canyon

Attached are copies of a letter of November 22 from Mr. Gianelli and our reply to the Acting State Engineer, which requires your further reply.

At the conference in Mr. Gianelli's office, on August 23, it was Mr. Dunn's understanding that Mr. McClellan would arrange for discussions with Mr. Littlefield of the Forest Service, and try to have the Forest Service withdraw its protest and help convince the other protestants of the desirability of withdrawing theirs. The status of the appropriative claim of the United States is precarious, however, if lower land owners can assert their riparian rights while the State Engineer does not recognize similar riparian rights of the United States on land which has not been patented. Mr. Dunn suggests that the matter of riparian rights should probably be clarified before further action is taken.

Thomas J. Allen

Assistant Director

Attachments 2

Copy to: Field Solicitor McClellan, with two attachments
Superintendent, Kings Canyon, with two attachments
Western Office of Design and Construction, with two attachments

McClellan

Is Bennett in on this too?

Yes. He indicated he would take care of it. He is talking to state people about it. Dunn

122

C
O
P
Y

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
Sacramento

November 22, 1955

Application 16184

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

Dear Mr. Dunn:

Reference is made to National Park Service Application 16184 to appropriate from an unnamed spring in Tulare County, California, for domestic and recreational uses within Kings Canyon National Park.

It is our understanding that you were arranging for discussion of the application, and protests filed in connection therewith, with representatives of the Forest Service in an effort to reach an amicable settlement with the protestants. Will you please advise us as to the status of the entire matter.

Very truly yours,

HARVEY O. BANKS
ACTING STATE ENGINEER

By /s/ W. R. Gianelli
W. R. Gianelli
Supervising Hydraulic Engineer

cc: T. R. Littlefield
Regional Director
U. S. Forest Service
630 Sansome Street
San Francisco, Calif.

10-10-1955: To: Regional Director, Region Four; From: Chief, Water Resources Section; Subject: Protest of Application No. 16184 for the Appropriation of Water of Springs on Mill Creek, Big Stump Area, Kings Canyon

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
OCT 17 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	[illegible]	10/17
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL	[illegible]	10-17
	[illegible]	[illegible]

October 10, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Protest of Application No. 16184 for the Appropriation of Water of Springs on Mill Creek, Big Stump Area, Kings Canyon

Attached copy of letter of September 28 from the Supervising Hydraulic Engineer, California Division of Water Resources, should be filed in Docket No. 1. Copies are being sent to the Superintendent and Western Office of Design and Construction with copies of this memorandum, for the same purpose.

Also attached are two copies for Mr. McClellan, to complete the files of the Regional and Field Solicitor's Offices. This letter indicates that all protestants have now been served with copies of our answer to the first three protests, and the State Engineer has been so advised. The next step depends on the decision of the Associate Solicitor as to how we treat protests based on riparian rights.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Kings Canyon, with copy of attachment
Western Office of Design and Construction, with copy of attachment
Field Solicitor McClellan, Region Four (2)

09-28-1955: To: National Park Service, Water Resources Section; From: California State Engineer; Subject: Application 16184

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

King's Canyon
Docket 1

1955 OCT 3 AM 10 04

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

Your No.: L54-L

September 28, 1955

Application 16184

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

Dear Mr. Dunn:

Receipt is acknowledged of the copies of your letters of September 20, addressed to Miss Edna E. Kenyon and Robert D. and Frances S. Sharp, which transmitted to them copies of the partial answers to their protests against Application 16184, of the National Park Service.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By W R Gianelli
W. R. Gianelli
Supervising Hydraulic Engineer

09-22-1955: To: Regional Director, Region Four; From: Chief, Water Resources Section, National Park Service; Subject: Protest of Federal Application 16184 for the Appropriation of Water of Unnamed Spring Area at Big Stump Entrance Area, Kings Canyon National Park

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
SEP 26 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	9/26
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL	SM	11-1
① Hilton		9/26
② X ② Manley	BFM	11/1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

AIR MAIL

September 22, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Protest of Federal Application 16184 for the Appropriation of Water of Unnamed Spring Area at Big Stump Entrance Area, Kings Canyon National Park

The air mail memorandum of September 20 from Mr. Walker has arrived one day after my memorandum of September 21 was mailed to you. I have added the stream flow records to the tracing of the map I sent you, and corrected the alignment of the stream from two springs which I showed uniting with Mill Creek along the Park boundary which seems to unite at Old Adam some distance below.

We shall need measurements of the flow of all other tributaries and the main stream above the lowest protestants diversion, and the actual quantities of beneficial use by the protestants if it becomes necessary to show that there is unappropriated water for increasing park use. However, the measurements do show a total flow of at least 10,152 gallons per day or 0.0157 sec.ft. of water to which the National Park Service makes no claim, which is available to satisfy the Forest Service claim to 0.01 sec.ft. a mile below, even if there are no other springs above that diversion.

In addition, if the Park Spring Area only yields another 0.01 sec.ft., it is quite probable that all of the 0.0257 sec.ft. is consumed by vegetation between the Park Boundary and Forest Service diversion a mile below, and that all the protestants obtain their water from lower sources. The Forest Service, at least, should probably consider these points and withdraw its protest.

As stated in my memorandum of September 21, the more serious question to determine first is how to protect any of the Federal appropriative rights under NPS Applications 5687 (License 961) and 16184, and Forest Service Application 8225 against existing and potential riparian claims of patented land owners. That now seems to be the main issue, and the Forest Service should switch sides for the potential battle.

Three of the prints from the Superintendent are attached as surplus to my needs, but of possible value to you or Mr. McClellan.

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

115

09-21-1955: To: Regional Director, Region Four; From: Chief, Water Resources Section, National Park Service; Subject: Protests of Federal Application 16184 for the Appropriation of Water of Unnamed Spring Area at Big Stump Entrance Area, Kings Canyon National Park

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
SEP 26 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	9-26
ADMIN.		
COOR. ACT.		
INTERP.		
LEGAL		

September 21, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Protests of Federal Application 16184 for the Appropriation of Water of Unnamed Spring Area at Big Stump Entrance Area, Kings Canyon National Park

The attached History of Protests of Application 16184 from July 21 to September 20 indicates that all protestants have been supplied with our Partial Answer to the first three protests. Copies of the protests of Mr. and Mrs. Sharp and Edna E. Kenyon, and our letter of acknowledgement are attached. Part III of your assembly of Docket 1 should be completed by using the History as an index and filing it at the top. Copies of this memorandum are being sent to the Superintendent and Western Office of Design and Construction so that they may also comply. Three extra copies of the History and protests are marked for the Field Solicitor.

Also attached are copies of a map, scale 1"=1000', showing Mill Creek, its tributaries, and the location of interests of protestants to Application 16184, which should be filed just below the copy of letter of July 21 to Mrs. Teddie Lee from the State Engineer, making it the bottom instrument, and the History the top instrument in the group of protests, in each docket. An extra copy of the map is being sent to the Superintendent for possible use in discussions and hearings.

In my discussion with Mr. W. R. Gianelli, Supervising Hydraulic Engineer, in the State Engineer's Office on August 23, he suggested that we request a conference in lieu of a formal hearing in order to determine the facts. Such a hearing should be held at, or near the site of the development before snow makes an inspection impossible. It is doubtful whether such a conference can now be scheduled this fall, both because of potential snow, and because the Regional Solicitor in Sacramento may wish to consider some of the points hereafter raised before approving such procedure.

While in San Francisco, Field Solicitor Sidney McClellan requested that we supply the authoritative basis for filing Application 16184. No explanation is probably needed of the basic Federal stand under which no Federal applications have been filed for diversions and use of water in the four national parks in California, in cases where the use is all within those parks and the used or surplus water is returned to the stream in compliance with the riparian doctrine which is recognized in California. Mr. McClellan is better qualified than I to state whether the lack of appropriations was based on attempts to exercise riparian rights, or claim immunity to the state water laws because the state has ceded exclusive jurisdiction over the areas comprising the four national parks. He also knows that the State Engineer has refused to recognize the Federal right to exercise riparian rights on legal advise that the United States abrogated the riparian doctrine under an Act of 1866 and the Desert Land Act of 1877.

The National Park Service has made appropriative filings under the state water laws, in cases where the water is returned to its natural channel a considerable distance below a park boundary, or where the water is diverted outside the park, conveyed through land under other ownership or jurisdiction, and used and returned to a stream in the park. The first case is covered by Application 11947, Permit 6972 (Yosemite Docket 2) for the appropriation of water of Bishop Creek in Yosemite, in which the diversion and use are on one tract of Federal land in the Park but the water is diverted from one stream and returned to another which does not unite with the first until about six miles below the Park boundary. The second case is covered by Application 6729, Permit 3549 (Yosemite Docket 1) for the appropriation of water of Raynor Creek above the Park.

A review of Application 5687, Permit 2962, License 961 (Kings Canyon Docket 1) will show that the original appropriator was Howell Bone, a land use permittee in what was then part of Sequoia National Forest. The appropriation was prescribed by permit of January 1, 1927. The permit of July 1, 1938, to Tom P. Furguson, as successor, specified that no water rights should accrue. The permit of January 1, 1940, to J. D. Neff, as successor, also specified that no water rights should accrue, and that permittee should use existing Forest Service water line. There never has been but one water line, the Forest Service made no water right filing, and the docket shows that considerable documentation was needed to establish Federal title to the rights under State License 961.

As the subsequent agency of the license, the National Park Service filed the standard biennial report of water use under License 961 in November 1953, showing probable use in excess of the authorized 1100 gpd, particularly during the unauthorized period between November 15 and April 1, when the area was used by skiers.

By letter of December 7, 1953, Mr. L. C. Jopson, Principal Hydraulic Engineer in the State Engineer's Office, advised that there should be a supplemental water right because the United States has no other means to acquire a right. I personally referred the letter to the Chief Counsel with a handwritten note explaining the controversy as to whether the United States may exercise riparian rights. I am quite certain that Mr. Jopson's letter was returned with an informal note from someone in the Solicitor's Office instructing that the supplemental filing be made. Both notes were of the informal type, probably on a routing sheet, which are destroyed when correspondence goes to files, and cannot now be found. We have only the letter of February 18, 1954, to the State Engineer from Assistant Director Allen, which states at the bottom of page 1 that the Solicitor's Office has suggested that the supplemental appropriation be made without accepting or making an issue of Mr. Jopson's penultimate sentence. That letter was surnamed by Dunn, Richey, Lewis, Sanders, and Price. Copies of the letter from Mr. Jopson and the reply from Mr. Allen were sent to the Solicitor, and no comments have been received since the date of the latter.

The first three protests, were made on the basis of priority, and the Partial Answer of August 17 was prepared accordingly:

1. The Crotties claimed priority of 1928 for 500 gpd.

2. The Forest Service claimed priority of Application 8225 of January 28, 1935, for 0.01 sec.ft.

3. Cramer and Brogan claimed priority of 1911, said to have been "granted" to Neff, but there was no grant under county filings made in lieu of applications to State Engineer at that time.

The nature of the controversy has been radically changed by the identical protests of August 16 by eight lot owners in the Cedar Brook Tract who claim riparian rights. It seems possible that these protests may have been prepared by Stoddard and Karrer, Civil Engineers, who obtained an extension of time in which to file protests for unidentified clients. In fact, nearly all protests filed after August 10 reflect engineering or legal counsel in their basis of water claims.

Unfortunately, I did not see these later protests until my return to Washington, or I would have asked Mr. Gianelli for more details as to the latest problems in that office relating to riparian rights of the United States or when riparian rights become appurtenant to unpatented but entered public land. We did raise the question of riparian rights on mining claims only covered by location notices, and I believe it was the Principal Attorney, Henry Holsinger, of the

State Engineer's Office who advised that the matter was being given further review and no decision had been made. Mr. Gianelli also admitted that the United States was in a precarious position if any of its appropriative rights could be subordinated to later riparian rights as the public lands are patented.

It is also noted in the new protests that some claims are to surface water, some to possible underground stream flow, and others are probably to groundwater. Due to the small scale of maps from which the attached drawing was prepared, there is possibility of some inaccurate stream location, but it is also reasonably evident that some protestants divert from tributaries which derive no water from Mill Creek, the diversion for Lee's Coffee Shop being the best example. It is also fairly evident that many have signed the protests who are only guests or tenants of the property owners. All of these observations suggest that valid protestants be determined and limited. The others are probably valid witnesses, and indicate the probable amount of domestic water demand by indicating the number of families served.

The attached drawing differs from that submitted with the Partial Answer of August 17, in showing that there are two main branches of Mill Creek in Section 8 which do not unite until they are nearly 1/4 mile into Section 7, and that the water is diverted from the northerly branch and returned to the southerly branch. The development was in compliance with the riparian doctrine when Sections 7 and 8 were both part of Sequoia National Forest. It still complies with the riparian doctrine to the extent that the $E\frac{1}{2}$ $SE\frac{1}{4}$ Section 7 and all of Section 8 are Federally owned, but the two sections are now under the jurisdiction of the Departments of Agriculture and Interior, respectively.

It should also be pointed out that we have had no answer from the Superintendent to question 6 in my memorandum of August 23. The United States would be in a better position to try to resolve the controversy if it knew about how much water originates on the surface in each tributary shown on the drawing. Although there are a lot of water claimants, most of them use small quantities of water. We should also know the area of marsh at the spring area in order to determine how far the increasing Federal water needs can be satisfied with water now consumed by needless vegetation.

From these observations I believe that:

1. The Field Solicitor or Regional Solicitor, should first determine whether a conference could, or should, be held to obtain the rest of the facts before the Federal position relating to riparian and appropriative rights is determined.

2. Any potential conference should be limited to fact finding:

A. The map should be revised to show true points of diversion and their relation to the flow from Park spring area.

B. The approximate quantity of water available at each diversion should be determined.

C. The extent of beneficial use for purpose such as domestic, irrigation and power, should be given by each protestant.

D. There should be a determination of the amount of water now consumed by vegetation at the Park spring area which can be eliminated to compensate for increasing consumptive use under Application 16184. (With total diversion of requested 0.01 sec.ft., it is probable that consumptive use will not exceed 0.002 sec.ft.)

In sending the three copies of this memorandum and the large drawing to the Field Solicitor, it is assumed that he will wish one and one is for the Regional Solicitor. Either the Field Solicitor or the Regional Solicitor may wish to present the third copy to the State Engineer. Two copies of the map are being sent to the Superintendent so that one will be available for display at the possible conference. We should have two copies of any correspondence, reports or decisions made in the matter, exclusive of those for the Solicitor"s Office.

A. van V. Dunn
Chief, Water Resources Section

Attachments 4

Copy to: Field Solicitor McClellan (3) with copies of attachments
Superintendent, Sequoia-Kings Canyon, with copies of attachments
Western Office of Design and Construction, with copies of attachments

September 20, 1955

History of Protests of Application 16184 July 21 to September 20, 1955

July 21, 1955 - Form letter to Mrs. Teddie Lee, Teddie & Lees Store and Coffee Shop instructing as to method of protest and sending forms.

August 1, 1955 - Protest by Charles H. and Jessie A. Crottie.

August 4, 1955 - State Engineer acknowledged Crottie protest.
- State Engineer also advised National Park Service that reply to protest should be filed by September 1.
- Protest by Acting Regional Forester L. M. Correll.

August 9, 1955 - State Engineer sent acknowledgement of Forest Service Protest to Regional Forester Hendee with copy to National Park Service.

August 4, 1955 - Protest by Cramer and Brogan.

August 9, 1955 - State Engineer sent acknowledgement of protest to Cramer and Brogan with copy to National Park Service.

August 17, 1955 - Partial answer to protest mailed to State Engineer and Forest Service, Cramer and Brogan, and Charles H. and Jessie A. Crottie. (Signed by Acting Assistant Director Garrison with a copy to Region Four, Superintendent and WODC.)

August 18, 1955 --Robertson submitted two more copies of partial answer to protest to Superintendent, Sequoia-Kings Canyon, Region Four and WODC.

August 15, 1955 - State Engineer acknowledged letter of August 10 from Stoddard and Karrer, Civil Engineers, and extended time until September 1, 1955, in which to submit protests.

August 22, 1955 - Acting Superintendent forwarded copies of the 21 following protests:

1. Silvester & Minnie Smith
2. Gottlob & Anna Muller
3. Ira M. & Lorita M. Shipman
4. The Cedars, % Rudy Berthold
5. Geo. T & Maude Keener
6. Joseph Krehbiel
7. Reinhold Ewy
8. A. D. & Lelia Ruth
9. Lela Eymann
10. C. F. & Luella Mueller
11. J. J. & Anna Eymann
12. Crissie Wedel
13. H. H. & Flora Krehbiel
14. Florence Elizabeth Hackett
15. John T. S. Clark
16. Edmund E. & Pearle V. Fudge
17. Hudson N. & Louise E. Britten
18. Fred Armstrong, Sr.
19. T. W. McKenzie
20. Marshall E. & Teddie F. Lee
21. R. S. Johnson, et al.

August 23, 1955 - Memo of instructions for Director from Dunn.

August 29, 1955 - State Engineer acknowledged 21 protests, with copy to National Park Service.

August 29, 1955 - Protests of Crottie, Forest Service, and Cramer & Brogan distributed for docket by Robertson memo.

Sept. 1, 1955 - Copies of 21 protests distributed for dockets and two copies for Field Solicitor, by Robertson.

Sept. 2, 1955 - Copies of partial answer and cover letter of August 17 sent to 21 protestants, State Engineer so advised, and letter to Silvester and Minnie Smith distributed. (The letter to Smith, letter to State Engineer, and memo to Superintendent should go in docket.)

August 31, 1955 - Protest of August 25 by Robert D. and Frances S. Sharp forwarded by Acting Superintendent.

Sept. 2, 1955 - State Engineer's letter to Acting Assistant Director, acknowledges partial answer of August 17 and transmits copy of acknowledgement of Sharp protest.

Sept. 8, 1955 - State Engineer acknowledged protest of Kenyon, with copy to National Park Service.

Sept. 13, 1955 - Copy of Kenyon protest forwarded by Superintendent.

Sept. 14, 1955 - Letter to Robertson from Jopson of State Engineer Office acknowledges partial answers of September 2.

Sept. 20, 1955 - Letter to Robert D. and Frances S. Sharp from A. van V. Dunn, transmitting copy of partial answer of August 17. Letter to Edna E. Kenyon from A. van V. Dunn, transmitting copy of partial answer of August 17.

09-20-1955: To: Miss Edna E. Kenyon; From: Chief, Water Resources Section, National Park Service; Subject: Protests for Application 16184

In reply refer to:
L54-L

September 20, 1955

Miss Edna E. Kenyon
Miramonte
California

Dear Miss Kenyon:

Receipt is acknowledged of copy of your protest of September 1 of Application 16184 for the appropriation of waters of unnamed spring area at Big Stump Entrance of Kings Canyon National Park. Enclosed are copies of the partial answer to earlier protests and the letter by which it was sent to the State Engineer on August 17. The same Partial Answer is applicable in the case of your protest.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Enclosures 2

Copy to: A. D. Edmonston, State Engineer, Sacramento 5, California
Superintendent, Kings Canyon) Please file all protests
Regional Director, Region Four) and letters transmitting
Western Office of Design and Construction) partial answers in Docket 1

113

09-20-1955: To: Director; From: Superintendent, Sequoia and Kings Canyon; Subject: Protests of Water Rights Application 16184, Big Stump Area, Kings Canyon National Park

L54-L

RECEIVED
NPS, REGION FOUR OFFICE
SEP 21 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	9-21
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		

September 20, 1955

Air Mail

Memorandum

To: Director

From: Acting Superintendent, Sequoia and Kings Canyon

Subject: Protests of Water Rights Application 16184, Big Stump Area, Kings Canyon National Park

In reply to Mr. Garrison's memorandum of August 17 and copy of Mr. Dunn's memorandum of August 23, there are attached five copies of a map showing water flow above junction of stream from springs NPS uses and flow from other sources outside the park.

The gallons per day indicated on the map are estimated. We also understand that there is a flow in Mill Creek outside the park but the amount is not known.

We regret the delay in submitting this information but the recent fire emergencies and heavy travel created an unusual heavy work load.

Please let us know if additional information is needed.

/s/ George A. Walker

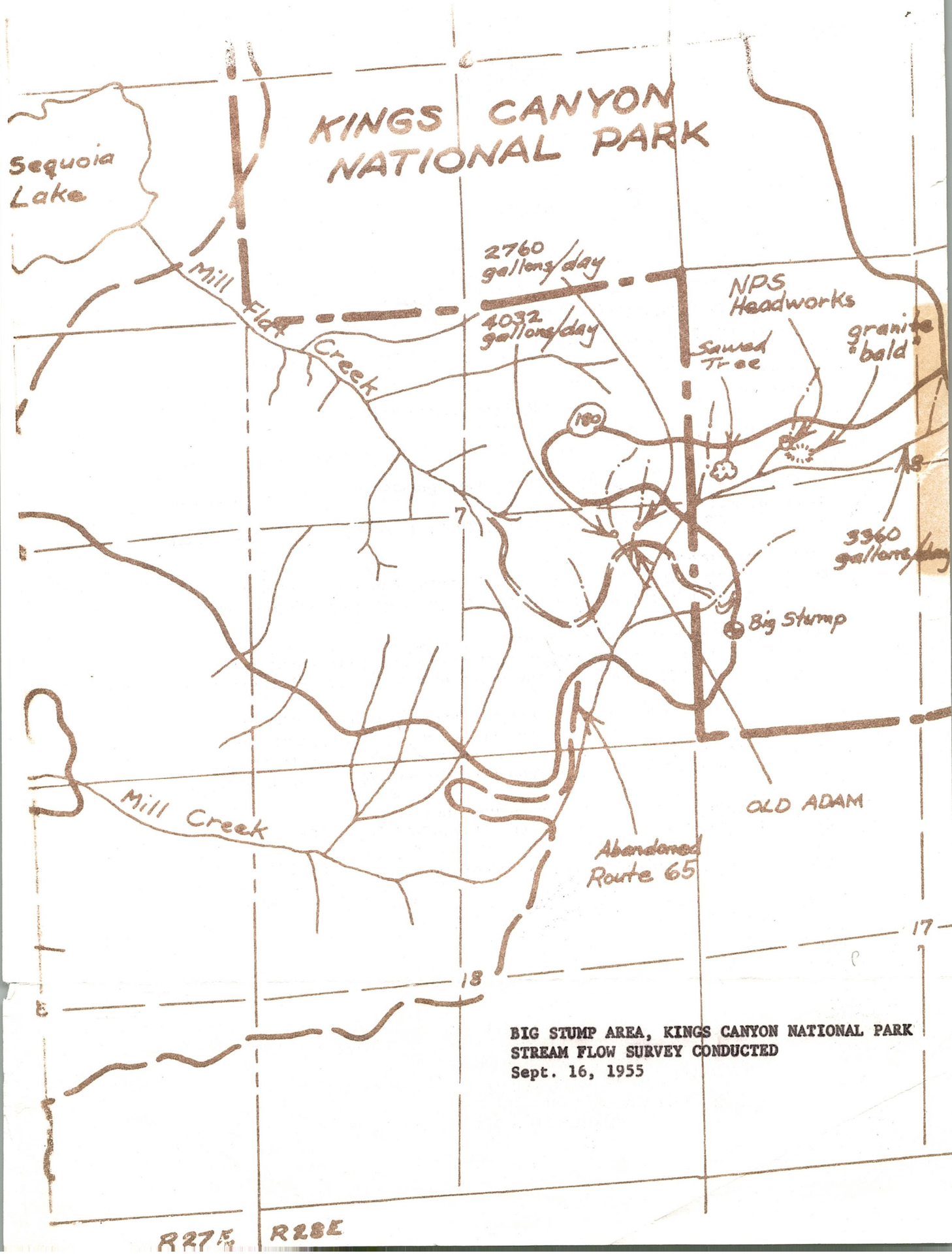
George A. Walker
Acting Superintendent

Attachment

Copy to: Regional Director, Region Four w/copy of map

Copy map D-111

09-16-1955: Map Name: Kings Canyon National Park; Map Of: Big Stump Area, Kings Canyon National Park; Map Description: Stream Flow Survey Conducted



BIG STUMP AREA, KINGS CANYON NATIONAL PARK
STREAM FLOW SURVEY CONDUCTED
Sept. 16, 1955

09-14-1955: To: Water Resources Section, National Park Service; From: California State Engineer; Subject: Application 16184

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

SEP 19 AM 10 03

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

Your File: L54-L

Prior Done

September 14, 1955

Application 16184

Mr. Gordon W. Robertson
Acting Chief
Water Resources Section
Department of the Interior
National Park Service
Washington 25, D. C.

Dear Mr. Robertson:

Receipt is acknowledged of your letter of September 2 advising this office that you have sent copies of your partial answers to each party who protested your Application 16184.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By L. C. Jopson
L. C. Jopson
Principal Hydraulic Engineer

09-03-1955: To: Mr. Graham; From: Field Solicitor, San Francisco; Subject: Protest to Water Right Application 16184 - Big Stump area, Docket 1, Kings Canyon

~~Manbey~~
BFM

San Francisco Field Office
180 New Montgomery Street
San Francisco 5, California

September 3, 1955

FILE

Memorandum

To: Mr. Graham

From: Field Solicitor, San Francisco

Subject: Protest to Water Right Application 16184--
Big Stump area, Docket 1, Kings Canyon

A matter which I hope you and Mr. Bennett will get a chance to discuss with the appropriate officials in the Washington Office is the application for supplemental water supply, Application 16184, Docket 1, Big Stump area, Kings Canyon National Park, filed with the State Engineer, State of California.

As you may recall, Mr. Dunn informed us during our discussion in your office that he had received administrative instruction to file such an application. The wisdom of such action, in view of the fact that the Federal Government has exclusive jurisdiction over Kings Canyon National Park and may have to rely upon the riparian right doctrine to support its right to water in other national parks in California, including its right to use the water of the Merced River in Yosemite Valley, seems to me to be doubtful. During the discussion Mr. Dunn and I had with a member of State Engineer Edmonston's staff, we requested that no hearing be scheduled in connection with the many protests which have been filed until he heard further from us on the matter. I doubt if we should acknowledge the State Engineer's jurisdiction to conduct a formal hearing.

(SGD) SIDNEY McCLELLAN

Sidney McClellan
Field Solicitor, San Francisco

Copy to: Regional Director, Region Four, NPS
Supt., Sequoia and Kings Canyon

107

09-02-1955: To: National Park Service; From: California State Engineer; Subject: Application 16184

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

SEP 6 PM 2 56

September 2, 1955

Application 16184

Mr. Lemuel A. Garrison
Acting Assistant Director
National Park Service
Department of the Interior
Washington 25, D. C.

Dear Mr. Garrison:

Receipt is acknowledged of your letter of August 17 transmitting partial answers to the protests against the National Park Service's Application 16184 to appropriate from an unnamed spring in Tulare County, California.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By L. C. Jopson
L. C. Jopson
Principal Hydraulic Engineer

09-02-1955: To: Superintendent, Sequoia-Kings Canyon; From: Acting Chief, Water Resources Section; Subject: Protest of Water Right Application 16184, Docket 1, Big Stump Area, Kings Canyon

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE

SEP 6 - 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Lowenz	9/6
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL	AM	11-1
	DFM	11/1

September 2, 1955

Memorandum

To: Superintendent, Sequoia-Kings Canyon

From: Acting Chief, Water Resources Section

Subject: Protest of Water Right Application 16184, Docket 1, Big Stump Area, Kings Canyon

In the opening paragraph of his memorandum of August 17, Mr. Garrison transmits copies of the State Engineer's form letters to one of the first three subject protests. The other two were sent by memorandum of August 18.

Attached, for your records, is a copy of similar memorandum of the same form, to a subsequent protestant, on which it is noted that the same letter went to an attached list of the other 20 protestants who followed the action of the original three.

Also attached is a copy of our answer to one of the protestants. The same letter was sent to the other 20 protestants which are included on the abovementioned list.

SIGNED

Gordon W. Robertson
Acting Chief
Water Resources Section

Attachments 2

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

104

09-02-1955: To: Mr. and Mrs. Smith; From: Water Resources Section, National Park Service; Subject: Re: Application 16184, Kings Canyon

In reply refer to:
L54-L

September 2, 1955

Sylvester and Minnie Smith
1322 F Street
Reedley, California

Re: Application 16184, Kings Canyon

Dear Mr. and Mrs. Smith:

There is enclosed a copy of the Partial Answer of the Acting Assistant Director of the National Park Service, Department of the Interior, to the first three parties to protest to the filing of Application 16184 by the Assistant Director.

Also enclosed is the letter of transmittal to the State Engineer of California by which said Partial Answer was presented to him.

The purpose of these is to endeavor to keep you equally informed of the action we are taking in this matter.

Very truly yours,

Gordon W. Robertson
Acting Chief
Water Resources Section

Enclosures 2

Copy to: Regional Director, Region Four detached
Superintendent, Sequoia-Kings Canyon detached
Western Office of Design and Construction detached

107

09-02-1955: To: California State Engineer; From: Water Resources Section, National Park Service; Subject: Re: Application 16184, Kings Canyon

In reply refer to:
L54-L

September 2, 1955

Mr. A. D. Edmonston, State Engineer
Division of Water Resources
P. O. Box 1079
Sacramento 5, California

Re: Application 16184, Kings Canyon

Dear Mr. Edmonston:

As suggested by Mr. Gianelli of your Office to Mr. Dunn during his visit there, we have sent copies of our partial answer to protest to our Application 16184, which was originally sent to the original three protestants, to the subsequent protestants, now numbering 21. They also received copies of the letter we wrote to your Office at the time that we presented this partial answer.

Very truly yours,

SIGNED

Gordon W. Robertson
Acting Chief
Water Resources Section

Copy to: Mr. Dunn

GWRobertson:lct

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

September 2, 1955

Application 16184

COPY

Mr. Lemuel A. Garrison
Acting Assistant Director
National Park Service
Department of the Interior
Washington 25, D. C.

Dear Mr. Garrison:

Receipt is acknowledged of your letter of August 17 transmitting partial answers to the protests against the National Park Service's Application 16184 to appropriate from an unnamed spring in Tulare County, California.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By_____
L. C. Jopson
Principal Hydraulic Engineer

ECG:gb

09-02-1955: To: Robert D. and Frances S. Sharp; From: California State Engineer; Subject: Application 16184

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

September 2, 1955

Application 16184

Robert D. and Frances S. Sharp
Deer Crossing
Miramonte, California

Dear Sir and Madam:

Your protest against Application 16184 of United States-National Park Service has been received and it is noted that a copy of the protest has been served upon the applicant.

If, in due course, a hearing is found necessary you will be given sufficient notice of the time and place to enable you to be present or represented.

Very truly yours,

A. D. EDMONSTON
State Engineer

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

Form 48

09-01-1955: Protest by Edna E. Kenyon

RECEIVED
SEP -6 1955
SEQUOIA
NAT'L PARK

11

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

SUPT. / U.S. / A.S. / C.R. / P.M. / P.E. / L.A. / G.F. / R.F. / T.F. / E.E.

PROTEST

Application

I, Edna E. Kenyon (Name of protestant)
of Miramonte Calif. (Post-office address of protestant) have read carefully a copy
of, or a notice relative to Application 16184 of U.S. Dept of Interior (State name of applicant)
to appropriate from Sand Creek (Name the source)
at a point Burns Flat (Describe location of applicant's point of diversion)

It is desired to protest against the approval thereof because to the best of our (My or our) information and belief the proposed appropriation will result in injury to us (Me or us) as follows: Water for cattle (State the injury which will result to you) and agriculture and mining

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon Patent property (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Water for cattle (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

Where is *your diversion point* located? W½ of NW¼ ¼ of NW¼ & SW¼ ¼ of Section 22, (Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined)
T. 14, R. 27, B. & M.

This protest may be disregarded and dismissed if (State conditions which will relieve protest)
a small dam to hold date summer water for cattle

A true copy of this protest has been served upon the applicant Mail (Personally or by mail)

Edna E. Kenyon (Protestant sign here)
G. P. Kenyon

Date Sept 1 - 55

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

93167 2-54 3M ① SPO

09-01-1955: To: Regional Director, Region Four; From: Acting Chief, Water Resources Section, National Park Service; Subject: Protests of Water Right Application 16184, Big Stump Area, Kings Canyon

In reply refer to:
L54-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

RECEIVED
NPS, REGION FOUR OFFICE
SEP 6 - 1955

September 1, 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
PROP. ACT.		
INTERP.		
LEGAL		
✓Land	RM 11-1	
	BFM 11/1	

Memorandum

To: Regional Director, Region Four

From: Acting Chief, Water Resources Section

Subject: Protests of Water Right Application 16184, Big Stump Area, Kings Canyon

In compliance with Item 1 of Mr. Dunn's instructions in a memorandum to the Director on the above subject, dated August 23, there are attached three copies of 21 additional protests to the subject application. We are also sending a copy to the Park and the Western Office of Design and Construction for their docket folder.

Gordon W. Robertson

Gordon W. Robertson
Acting Chief
Water Resources Section

Attachments 63

Copy to: Superintendent, Kings Canyon, with copies of attachments
Western Office of Design and Construction, with copies of attachments

copy ltr 162

09-01-1955: To: Director; From: Chief, Water Resources Section, National Park Service; Subject: Protests of Water Right Application 16184, Big Stump Area, Kings Canyon

RECEIVED
NPS; REGION FOUR OFFICE
SEP 1 - 1955

In reply refer to:
L54-L

REGION FIVE
AUG 30 1955
DIRECTOR
ASST. REG. DIR.
CHIEF, OPER.
INTERPRETATION
ADMIN.
COOP. ACT.

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Rowley 9/1	
ADMIN.		
COOP. ACT.		
INTERP.	DM 11-1	
LEGAL	Rowley DFM 11/1	

COPY

En Route--Sacramento to Berkeley
August 23, 1955

Memorandum

To: Director

From: Chief, Water Resources Section

Subject: Protests of Water Right Application 16184, Big Stump Area, Kings Canyon

Mr. McClellan and I called on Mr. Gianelli of the State Engineer's Office after I received a phone call yesterday from Mr. Walker at Sequoia, who had advised that the Superintendent had received about 20 more protests of the subject application. The protests are being forwarded to you by the Superintendent.

1. Copies of each new protest should be made for each of the docket assemblies, and two additional copies of them are desired by Mr. McClellan. I suggest that the original group of protests, including that by the Forest Service, also be sent in duplicate for Mr. McClellan.

2. Mr. Gianelli suggests that copies of our answer to the first group of protests be sent to each new protestant, and the State Engineer, Regional Director, Superintendent, and Mr. McClellan in duplicate, should be advised of the fact.

3. Mr. Littlefield of the SF Office of Forest Service has already expressed regret to Mr. Gianelli that the FS protest was filed. I believe that protest may be withdrawn. In our discussion, Mr. Gianelli also suggested that most of the protests were probably the result of precedent set by Forest Service, and suggested that we explore the possibility of Forest Service efforts to have them withdrawn. Mr. McClellan will take care of that phase.

4. On my return to Washington, I will prepare a further reply to State Engineer, as suggested by Mr. Gianelli, "to suggest a conference to determine the facts, in lieu of a hearing," if the procedure under pp 3 is not successful. Despite 15-day limit from September 1, we may have 30 days, more or less, to take these steps.

5. There is some question as to how many protestants are permittees on Forest Service land. It will be helpful if Mr. Robertson will plot all land claimed by protestants on

no copy 98

township plat, and check with BLM for patented and Federal ownership before my return. Prints might be made and sent to Area, Region, and two copies for Mr. McClellan.

6. I should also like to know from Superintendent, whether there is water flowing in Mill Creek above junction of stream from springs NPS uses, and water in other tributaries shown on sketch with our first reply to protests, and about how much water from each flowing source. This memo should be typed and distributed (Air Mail to Superintendent) to request that information, and to advise of what has been accomplished.

/s/ A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Kings Canyon, AIR MAIL
Regional Director, Region Four (3) - 1 for office files and
2 for Mr. McClellan

98

08-31-1955: To: Chief, Water Resources Section, National Park Service; From: Acting Superintendent, Sequoia and Kings Canyon; Subject: Water Rights Application 16184, Big Stump Water System, Kings Canyon

L54-L

RECEIVED
NPS, REGION FOUR OFFICE
SEP 1 - 1955

August 31, 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPER.	Conley	9/1
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
	Manley	8/Sep/1

Air Mail - Registered

Memorandum

To: Chief, Water Resources Section

From: Acting Superintendent, Sequoia and Kings Canyon

Subject: Water Rights Application 16184, Big Stump Water System, Kings Canyon

We are attaching protest from Robert D. and Frances S. Sharp which was received yesterday. While we realize this was received after the 40 day period had elapsed, we are sending it on for your information.

/s/ Fred J. Novak

Fred J. Novak
Acting Superintendent

Attachment

Copy to: Regional Director, Region Four
Chief, Western Office, Division of Design and Construction

101

08-29-1955: To: Mr. and Mrs. Smith; From: California State Engineer; Subject: Application 16184

Chief Clerk's Office
U.S. NATIONAL PARK SERVICE
1955 SEP 1 AM 9:47

Kings Canyon
Nov 21

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

L54

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

August 29, 1955

Application 16184

Sylvester and Minnie Smith
1322 F Street
Reedley, California

Dear Mr. and Mrs. Smith:

Your protest against Application 16184 of United States-National Park Service has been received and it is noted that a copy of the protest has been served upon the applicant.

If, in due course, a hearing is found necessary you will be given sufficient notice of the time and place to enable you to be present or represented.

Very truly yours,

A. D. EDMONSTON
State Engineer

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

(same letter sent to attached list)

Form 48

Gottlob Muller & Anna Muller
Route 3, Box 242
Reedley, California

Ira M. & Lorita M. Shipman
P. O. Box 17
Miramonte, California

The Cedars
c/o Rudy Bergthold
1718 11th Street
Reedley, California

George T. Keener and
Maude Keener
Miramonte, California

Josef Krehbiel
861 West Avenue
Reedley, California

Reinhold Ewy
6299 Lac Jac Avenue
Reedley, California

A. D. & Lelia Ruth
1111 K Street
Reedley, California

Lela Eymann
943 West Avenue
Reedley, California

C. F. & Luella Mueller
1002 L Street
Reedley, California

J. J. & Anna Eymann
901 West Avenue
Reedley, California

Crissie Wedel
859 West Avenue
Reedley, California

W. H. & Flora Krehbiel
861 West Avenue
Reedley, California

Florence Elizabeth Hackett
Route 1, Box 122
Orange Cove
California

John T. S. Clark
Miramonte, California

Edmund E. Fudge
and Pearle V. Fudge
Miramonte, California

Hudson N. Britten & Louise E. Britten
447 No. Bellah
Lindsay, California

Fred Armstrong, Sr.
370 Van Ness
Lindsay, California

T. W. McKenzie
818 F Street
Reedley, California

Marshall E. Lee & Teddie F. Lee
c/o Teddie & Lee's Coffee Shop
Miramonte, California

R. S. Johnson, et al.
c/o Ralph N. Nickerson, Attorney
170 East Kern Street
Dinuba, California

08-25-1955: Protest by Robert D. and Frances S. Sharp for Application 16184

10

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 30 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184 Form 47a.

I, ROBERT D AND FRANCES S SHARP
Name of protestant
of DEER CROSSING, MIRAMONTE CAL. have read carefully a copy
Post-office address of protestant
of, or a notice relative to Application # 16184 of U.S. DEPT OF INTERIOR
State name of applicant
to appropriate WATER from 2 UNNAMED SPRINGS, HEADING MILL CREEK
Name the source
at a point SE 1/4 OF NW 1/4 AND NE 1/4 OF SW 1/4 SEC 8 & 14S, R28E MDB & M
Describe location of applicant's point of diversion

It is desired to protest against the approval thereof because to the best of OUR information and belief the
My or our
proposed appropriation will result in injury to US as follows: OUR WATER SUPPLY
Me or us
State the injury which will result to you
FROM WELLS, THAT SUPPLY WATER FOR DOMESTIC PURPOSES TO TEN (10) DWELLINGS WOULD CEASE TO EXIST AS THE WELLS ARE FED UNDERGROUND FROM THE STREAM KNOWN AS MILL CREEK WELLS ARE LOCATED WITHIN 125 FT OF SAID CREEK OR STREAM.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which
right is based upon DEER CROSSING WAS ESTAB. PRIOR TO 1913 BY
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.
& MR. BRENT HARDING

The extent of present and past use of water by protestant or his predecessors in interest from this source is as
follows: HAS BEEN USED PRIOR TO 1913 FOR DOMESTIC PURPOSES
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put
YEAR AROUND

Where is *your diversion point* located? E 1/2 OF E 1/2 OF SW 1/4 1/4 of 1/4 of Section 21,
Describe location with sufficient accuracy that position thereof relative to that
T. 14, R. 27, B. & M.
of applicant may be determined

This protest may be disregarded and dismissed if OTHER SPRINGS ARE USED
State conditions which will relieve protest
OR WATER DEVELOPED (SUCH AS WELLS) WHICH IN NO WAY WILL BE DETRIMENTAL TO THE NORMAL FLOW OF SAID MILL CREEK

A true copy of this protest has been served upon the applicant BY MAIL
Personally or by mail

Robert D Sharp mrs Frances S. Sharp.
Protestant sign here

Date Aug. 25-1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

93167 2-54 3M (1) SPO

PARTIAL ANSWER TO PROTESTS
Application 16184 - Kings Canyon

This is partial answer to the following protests of Application 16184, which has been filed on behalf of the United States of America; by the Assistant Director, National Park Service, Department of the Interior:

1. Protest of L. M. Correll, Acting Regional Forester, on behalf of United States Forest Service, another Federal agency, dated August 4, 1955, based on senior rights evidenced by Permit No. 4510.

2. Protest of Chester J. Cramer and Roy I. Brogan, dated August 4, 1955, claiming water for domestic and irrigation purposes under rights established by appropriation by Charles Neff in 1911.

3. Protest of Charles H. and Jessie A. Crottie, dated August 1, 1955, claiming water for domestic use initiated by protestants in 1942 and possible priority of 1928.

The applicant, the United States of America, recognizes all valid senior rights. Submitted herewith is sketch of parts of T 14 S, R's 27 and 28 E, showing Mill Creek, the claimant's point of diversion in Kings Canyon National Park, and the lands or developments of the protestants. There is a reach of more than 0.5 mile of intermittent stream, and there are tributaries to Mill Creek between the diversion under Application 16184 and the protestant's headgates. None of the protestants has shown how much, if any, of their water is derived from source claimed in Application 16184 and also used by applicant under License 961.

Also submitted herewith is sketch of headworks of existing water system under License 961. Said diversion system loses as much water as it diverts, with the result that there is more than one acre of bog with excessive water consumption by native vegetation. The applicant claims:

1. The new water system will largely divert water now consumed by native vegetation, with little or no reduction in existing natural flow beyond boundary of Kings Canyon National Park.

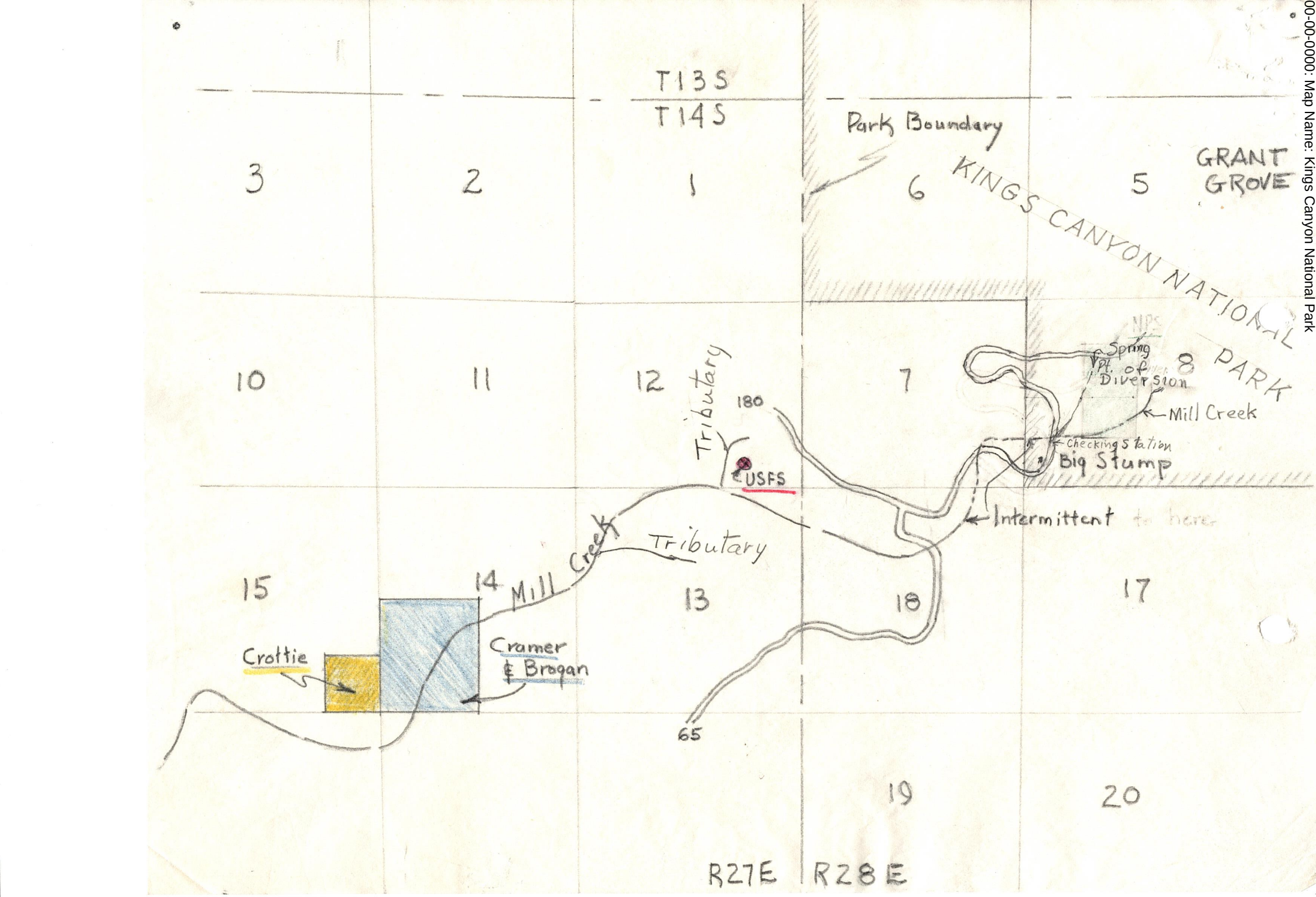
2. Most of the diverted water will be used for sanitary purposes, treated, and returned to the natural channel above said Park boundary and reach of intermittent flow, and actual depletion of flow to protestant headgates will be nominally unaltered.

3. That, with 25,000 gallons of proposed regulatory storage, the probable underground storage in intermittent reach of Mill Creek, and the distance between applicant's diversion and nearest protestant's diversion, there should be no conflict in domestic uses.

AUG 17 1955
Date

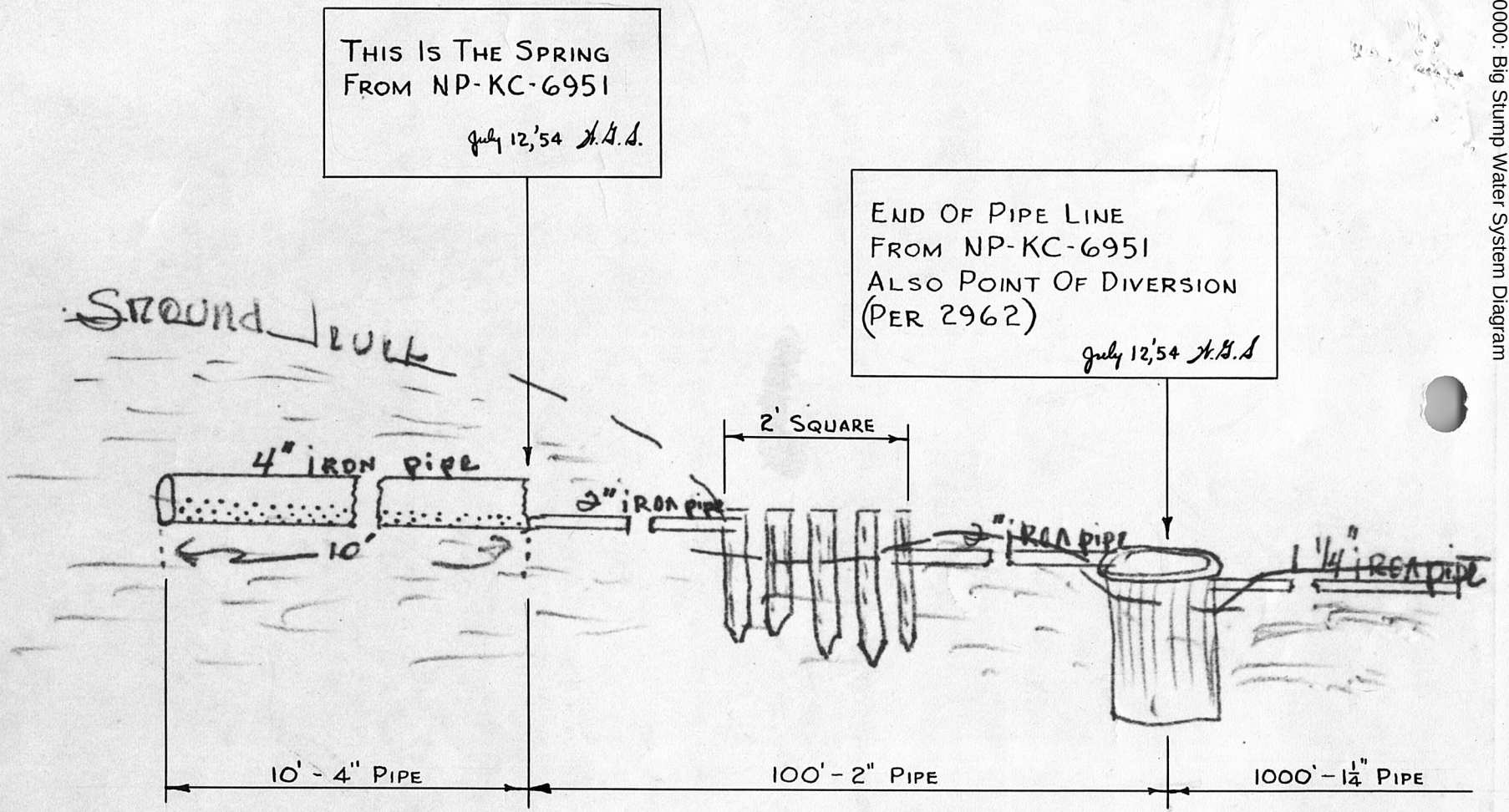
(SGD) LEMUEL A. GARRISON
Lemuel A. Garrison
Acting Assistant Director
National Park Service
Department of the Interior

CC's sent to protestants



00-00-0000: Map Name: Kings Canyon National Park

000-00-0000: Big Stump Water System Diagram



Head Works - Big Stump Water System

08-17-1955: To: Superintendent, Sequoia-Kings Canyon; From: Acting Assistant Director, National Park Service; Subject: Protest of Water Right Application 16184, Docket 1, Big Stump Area, Kings Canyon

RECEIVED
REGIONAL OFFICE
AUG 22 1955

In reply refer to:
L54-L

AUG 17 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATION		
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		

Memorandum

To: Superintendent, Sequoia-Kings Canyon

From: Acting Assistant Director

File in DOCKET No. 1 Big Stump Area Kings Canyon

Subject: Protest of Water Right Application 16184, Docket 1, Big Stump Area, Kings Canyon

Attached are copies of the State Engineer's letters of August 4 to Mr. and Mrs. Crottie and this Office, concerning their protests of the subject application, our answer to the protests which you forwarded by memorandum of August 9, and our letter forwarding the answer to the State Engineer. The same attachments are being sent to Region Four and the Western Office of Design and Construction, and one copy of each instrument should be filed in the subject docket. We are also sending copies of our answer, and letter to State Engineer to each of the protestants.

It is hoped that the protestants will withdraw their protests on the basis of the reply. If not, there will be delay while they attempt to support their claims of potential damage. They should produce records of streamflow at their diversions and have fluorescein tests made to trace the water from the source through the reaches of intermittent flow.

Mr. Dunn has suggested other possible sources of water in Mill Creek and its tributaries. We should like to know whether the main branch of Mill Creek, to the south of the springs, has flow, and whether any of the other tributaries below the Park contribute any flow. We should determine that much to support our suggestion. However, the measurements and fluorescein test are properly matters which should probably be made by the protestants.

Mr. Dunn will be in the Region Four Office from August 19 to August 23, and will discuss the matter there and at the Forest Service Office.

Also attached are copies of the three protests. The protests, with copies of our letter to State Engineer, should be filed in the subject docket.

(SGD) LON GARRISON

Acting Assistant Director

Attachments 7

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

93

08-17-1955: To: California State Engineer; From: Acting Assistant Director, National Park Service; Subject: Re: Application 16184, Kings Canyon

In reply refer to:
L54-L

AUG 17 1955

Mr. A. D. Edmonston
State Engineer
P. O. Box 1079
Sacramento 5, California

Re: Application 16184
Kings Canyon

Dear Mr. Edmonston:

Attached is a partial answer to the protests of the subject Application. Copies of this answer and forwarding letter are being sent to the protestants.

The Application was filed at your suggestion, in which you claimed that the United States was not entitled to riparian rights to validate use in excess of the 1100 gallons per day authorized under License 961 during only part of the year. The protestants now protest said Application without support for their claims that they will be injured by normal protection of valid existing rights or actual depletion of flow necessary to satisfy those rights.

Accordingly, it is suggested that the protestants should show what portion of their water is derived from the springs covered by Application 16184 and License 961, and the extent of natural flow now passing their headgates, if the attached answer does not assure them of proper protection of their rights.

Sincerely yours,

(SGD) LEMUEL A. GARRISON

Lemuel A. Garrison
Acting Assistant Director

Attachment

Copy to: Regional Forester, Region Five, Forest Service
Charles H. and Jessie A. Crottie
Chester J. Cramer and Roy I. Brogan
Regional Director, Region Four
Superintendent, Sequoia-Kings Canyon
Western Office of Design and Construction

94

08-17-1955: Protest by Ira M. and Lorita M. Shipman for Application 16184

9 3

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA NAT'L PARK

SUPT
A.S.
AO
C.R.
P.E.
L.
G.E.

PROTEST

Application 16184

I, Ira M. & Lorita M. Shipman
Name of protestant

of P.O. Box 17 Miramonte have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application 16184 of U.S. Dept. of Interior c/o Supt.
State name of applicant

Sequoia Kings Can. Nat. Park to appropriate from 2 unnamed springs tributary to Mill Creek, thence Kings River
Name the source

at a point (1) SE1/4 of NW1/4 & (2) NE1/4 of SW1/4 of Section 8, T14S, R28E, MDB&M
Describe location of applicant's point of diversion

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our

proposed appropriation will result in injury to us as follows: Any cut in the
Me or us State the injury which will result to you

water flow in any way would cause our ranch to be warmer. This would be very detrimental to our fur business

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Our water is controlled by the creek
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

flow and should this be cut we might be forced to seek water elsewhere. We have used this water for nine years

Where is *your diversion point* located? SE 1/4 of NE 1/4 of Section 21,
Describe location with sufficient accuracy that position thereof relative to that

T. 14, R. 27, B. & M.
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest

A true copy of this protest has been served upon the applicant by mail
Personally or by mail

Ira M. Shipman
Lorita M. Shipman
Protestant sign here

Date 8-17-55

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

93167 2-54 3M ① SPO

08-16-1955: Protest by Sylvester Smith and Minnie Smith for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

We
I, Sylvester Smith and Minnie Smith, wife,
Name of protestant
of 1322 F Street, Reedley, California have read carefully a copy
Post-office address of protestant
of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant
to appropriate from Two unnamed springs tributary to Mill Creek
thence Kings River. Within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T. 14S, R. 28E,
Name of the source
at a point
Describe location of applicant's point of diversion
M.D.B. &M.

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our
proposed appropriation will result in injury to us as follows: The proposed appropriation, if
Me or us
State the injury which will result to you
allowed, will reduce the flow of Mill Creek during the summer months, June to
October inclusive, to a point of depriving us of our necessary needs for personal
use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which
right is based upon domestic use under riparian right and claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as
follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put
furnishes the only water available for our needs.

Where is *your diversion point* located? Cedar Brook Tract, Lots A, B, C, 2, ¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that
T. 14, R. 27, B. & M. Fresno County
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest
Without this only available water from Mill Creek for domestic needs our property
would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
Personally or by mail

Sylvester Smith & Minnie Smith wife
Protestant sign here

Date August 16, 1955 Attest: R. Bergthold
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

48440 8-51 3M ① SPO

08-16-1955: Protest by Gottlob Muller and Anna Muller for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA NAT'L PARK

PROTEST

Application 16184

We Gottlob Muller and Anna Muller, wife,
Name of protestant

of Route 3, Box 242, Reedley, California, have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant

to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River.
Name the source

Within the SE¼ of NW¼ and NE¼ of SW¼ of sec. 8, T. 14S, R. 28E,
at a point
Describe location of applicant's point of diversion

M.D.B. & M.

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our

proposed appropriation will result in injury to us as follows: The proposed appropriation, if
Me or us
State the injury which will result to you

allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusive, to a point of depriving us of our necessary needs for personal use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon domestic use under riparian right and claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek furnishes the only water available for our needs.
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

Where is *your diversion point* located? Cedar Brook Tract, Lot 11¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that

T. 14, R. 27, B. & M. Fresno County
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest

Without this only available water from Mill Creek for domestic needs our property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
Personally or by mail

Gottlob Muller & Anna Muller.
Protestant sign here

Date August 16, 1955

Attest: R Berglund
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

48440 8-51 3M ① SPO

08-16-1955: Protest by Josef Krehbiel for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

I, Josef Krehbiel (Name of protestant) of 861 West Avenue, Reedley, California, (Post-office address of protestant) have read carefully a copy of, or a notice relative to Application 16184 of United States Department of the Interior (State name of applicant) to appropriate from Two unnamed springs tributary to Mill Creek (Name the source) thence Kings River. Within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T. 14S R. 28E, at a point (Describe location of applicant's point of diversion) M.D.B. & M.

It is desired to protest against the approval thereof because to the best of my (My or our) information and belief the proposed appropriation will result in injury to me (Me or us) as follows: The proposed appropriation, if allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusive, to a point of depriving me of my necessary needs for personal use, fire and sanitation. (State the injury which will result to you)

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon domestic use under riparian right and claim. (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek furnishes the only water available for my needs. (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

Where is *your diversion point* located? Cedar Brook Tract, Lot 5 ¼ of ¼ of Section 14, (Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined) T. 14, R. 27, B. & M. Fresno County

This protest may be disregarded and dismissed if (State conditions which will relieve protest) Without this only available water from Mill Creek for domestic needs my property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail. (Personally or by mail)

Josef Krehbiel By Walter S. Krehbiel Guardian
(Protestant sign here)

Date August 16, 1955

Attest: R Bergthold Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

48440 8-51 3M ① SPO

08-16-1955: Protest by Reinhold Ewy for Application 16184

7

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

I, Reinhold Ewy (Name of protestant)

of 6299 Lac Jac Avenue, Reedley, California, (Post-office address of protestant) have read carefully a copy

of, or a notice relative to Application 16184 of United States Department of the Interior (State name of applicant)

to appropriate from Two unnamed springs tributary to Mill Creek (Name the source)

thence Kings River, within the SE¼ of NW¼ and NE¼ of SW¼ of sec. 8, T. 14S, R. 28E,

at a point (Describe location of applicant's point of diversion)

M.D.B. & M.

It is desired to protest against the approval thereof because to the best of my (My or our) information and belief the proposed appropriation will result in injury to me (Me or us) as follows: The proposed appropriation, if (State the injury which will result to you)

allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusive, to a point of depriving me of my necessary needs for personal use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon domestic use under riparian right and claim. (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

furnishes the only water available for my needs.

Where is *your diversion point* located? Cedar Brook Tract, Lot 4 ¼ of ¼ of Section 14, (Describe location with sufficient accuracy that position thereof relative to that)

T. 14, R. 27, B. & M. Fresno County (of applicant may be determined)

This protest may be disregarded and dismissed if (State conditions which will relieve protest)

Without this only available water from Mill Creek for domestic needs my property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail. (Personally or by mail)

Reinhold Ewy
(Protestant sign here)

Date August 16, 1955

Attest: R Bergthold
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

48440 8-51 3M ① SPO

08-16-1955: Protest by A. D. Ruth and Lelia Ruth for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

We I, A. D. Ruth and Lelia Ruth, wife,
Name of protestant
of 1111 K Street, Reedley, California, have read carefully a copy
Post-office address of protestant
of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant
to appropriate from Two unnamed springs tributary to Mill Creek
Name the source
thence Kings River. Within the SE¼ of NW¼ and NE¼ of SW¼ Sec. 8, T. 14S, R. 28E,
at a point
Describe location of applicant's point of diversion
M.D.B. & M.

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our
proposed appropriation will result in injury to us as follows: The proposed appropriation, if
Me or us
State the injury which will result to you
allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusive, to a point of depriving us of our necessary needs for personal use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which
right is based upon domestic use under riparian right and claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as
follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put
furnishes the only water available for our needs.

Where is *your diversion point* located? Cedar Brook Tract, Lot 8 ¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that
T. 14, R. 27, B. & M. Fresno County
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest
Without this only available water from Mill Creek for domestic needs our property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
Personally or by mail

A. D. Ruth & Lelia Ruth, wife
Protestant sign here

Date August 16, 1955

Attest: R Berglund
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

48440 8-51 3M SPO

08-16-1955: Protest by Lela Eymann for Application 16184

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

I, Lela Eymann
Name of protestant

of 943 West Avenue, Reedley, California have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant

to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River. Within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T. 14S, R. 28E,
Name the source

at a point
Describe location of applicant's point of diversion

M.D.B. & M.

It is desired to protest against the approval thereof because to the best of my information and belief the
My or our

proposed appropriation will result in injury to me as follows: The proposed appropriation, if
Me or us State the injury which will result to you

allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusive, to a point of depriving us of our necessary needs for personal use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon domestic use under riparian right and claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

furnishes the only water available for my needs.

Where is *your diversion point* located? Cedar Brook Tract, Lot 6 ¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that

T. 14, R. 27, B. & M. Fresno County
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest

Without this only available water from Mill Creek for domestic needs my property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
Personally or by mail

Lela Eymann
Protestant sign here

Date August 16, 1955

Attest: R. C. Berglund
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

FORM NO. 78 (OVER)

48440 8-51 3M (1) SPO

08-16-1955: Protest by C. F. Mueller and Luella Mueller for Application 16184

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

We
K C. F. Mueller and Luella Mueller, wife,
Name of protestant

of 1002 L Street, Reedley, California, have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant

to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River. Within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T. 14S, R. 28E,
Name the source

at a point
M.D.B. & M.
Describe location of applicant's point of diversion

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our

proposed appropriation will result in injury to us as follows: The proposed appropriation, if
Me or us
State the injury which will result to you

allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusive, to a point of depriving us of our necessary needs for personal use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon domestic use under riparian right and claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

furnishes the only water available for our needs.

Where is *your diversion point* located? Cedar Brook Tract, Lot 10 ¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that

T. 14, R. 27, B. & M. Fresno County
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest

Without this only available water from Mill Creek for domestic needs our property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
Personally or by mail

C F Mueller Luella wife
Protestant sign here

Date August 16, 1955

Attest: R Bergthold
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

FORM NO. 78

(OVER)

48440 8-51 3M (1) SPO

08-16-1955: Protest by J. J. Eymann and Anna Eymann for Application 16184

7

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

We
I, J. J. Eymann and Anna Eymann, wife,
Name of protestant

of 901 West Avenue, Reedley, California have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant

to appropriate from Two unnamed springs tributary to Mill Creek
Name the source

thence Kings River. Within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T. 14S, R. 28E,
at a point
Describe location of applicant's point of diversion

M.D.B. & M.

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our

proposed appropriation will result in injury to us as follows: The proposed appropriation, if
Me or us State the injury which will result to you

allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusinve, to a point of depriving us of our necessary needs for personal use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon Domestic use under riparian right and claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek furnishes the only water available for our needs.
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

Where is *your diversion point* located? Cedar Brook Tract, Lot 1 ¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that

T. 14, R. 27, B. & M. Fresno County
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest

Without this only available water from Mill Creek for domestic needs our property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
Personally or by mail

J. J. Eymann Anna Eymann wife.
Protestant sign here

Date August 16, 1955 Attest: R. J. Seyfhold
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

FORM NO. 78

(OVER)

48440 8-51 3M (1) SPO

08-16-1955: Protest by Crissie Wedel for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
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SEQUOIA
NAT'L PARK

PROTEST

Application 16184

I, Crissie Wedel
Name of protestant

of 859 West Avenue, Reedley, California have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant

to appropriate from Two unnamed springs tributary to Mill Creek
Name the source

at a point thence Kings River. Within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T. 14S, R. 28E,
Describe location of applicant's point of diversion

M.D.B. & M.

It is desired to protest against the approval thereof because to the best of my information and belief the
My or our

proposed appropriation will result in injury to me as follows: The proposed appropriation, if
Me or us State the injury which will result to you

allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusive, to a point of depriving us of our necessary needs for personal use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon domestic use under riparian right and claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek furnishes the only water available for my needs.
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

Where is *your diversion point* located? Cedar Brook Tract, Lot 9 ¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined

T. 14, R. 27, B. & M. Fresno County

This protest may be disregarded and dismissed if
State conditions which will relieve protest

Without this only available water from Mill Creek for domestic needs, my property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
Personally or by mail

Crissie Wedel
Protestant sign here

Date August 16, 1955

Attest: R I Birgfeld
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

FORM NO. 78 (OVER)

48440 8-51 3M ① SPO

08-16-1955: Protest by W. H. Krehbiel and Flora Krehbiel for Application 16184

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SEQUOIA
NAT'L PARK

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

PROTEST

Application 16184

We
I, W. H. Krehbiel and Flora Krehbiel, wife,
Name of protestant

of 861 West Avenue, Reedley, California have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant

to appropriate from Two unnamed springs tributary to Mill Creek
Name the source

thence Kings River. Within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T. 14S, R. 28E,
at a point
Describe location of applicant's point of diversion

M.D.B. & M.

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our

proposed appropriation will result in injury to us as follows: The proposed appropriation, if
Me or us
State the injury which will result to you

allowed, will reduce the flow of Mill Creek during the summer months, June to October inclusive, to a point of depriving us of our necessary needs for personal use, fire and sanitation.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon domestic use under riparian right and claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1938. Mill Creek
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

furnishes the only water available for our needs.

Where is *your diversion point* located? Cedar Brook Tract, Lot 3 ¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that

T. 14, R. 27, B. & M. Fresno County
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest

Without this only available water from Mill Creek for domestic needs our property would become worthless and therefore, this protest cannot be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
Personally or by mail

Walter H. Krehbiel
Flora Krehbiel
Protestant sign here

Date August 16, 1955

Attest: R. Bergtold
Notary Public

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

FORM NO. 78 (OVER)

48440 8-51 3M ① SPO

08-16-1955: Protest by R. S. Johnson, R. H. Elam, Vernon Barrows, James G. Hyman, Lyle Oliver, Victor Badertscher, J. W. Braber, Donald Ericksen, R. G. Stouffer, and fourteen additional persons for Application 16184

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

PROTEST

Application 16184

I, R.S.Johnson, R.H.Elam, Vernon Barrows, James G. Hyman, Lyle Oliver, Victor Badertscher, J.W.Graber, Donald Ericksen, R.G. Stouffer, and fourteen (14) additional persons. (Name of protestant) of C/o Ralph N. Nickerson, Attorney, P.O.Box 395, Dinuba, Calif. (Post-office address of protestant) have read carefully a copy of, or a notice relative to Application 16184 of United States Department of Interior, (State name of applicant) to appropriate from 2 unnamed springs tributary to Mill Creek, (Name the source) ~~at a point~~ thence Kings River, in the County of Tulare, at a pointwithin (Describe location of applicant's point of diversion) (1) SE1/4 of NW1/4 and (2) NE1/4 of SW1/4 of Sec. 8,T 14S,R 28 E, M.D.B.& M.

It is desired to protest against the approval thereof because to the best of our (My or our) information and belief the proposed appropriation will result in injury to us (Me or us) as follows: Said Mill Creek is the sole source of any importance for water for domestic, recreational and fire protection purposes for the protestants and their cotenants. Said Mill Creek is small in size and is just barely adequate for protestants present use. Any substantial reduction in size thereof would likely render protestants property useless during the summer months because of loss of domestic water supply, and would destroy all recreational values of the area in connection with fishing, swimming, and scenery. (State the injury which will result to you)

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: The protestants and/or their predecessors in interest began using water from said Mill Creek in 1922 or 1923, for domestic purposes for between 10 and 12 cabins, either directly or from shallows wells most of the water for which appears to be supplied by the water table built up by Mill Creek. About half of said cabins are built on the immediate bank of Mill Creek and acquire considerable value from standpoint of seenery and recreation by such proximty. All protestants have a common interest in the property adjoining Mill Creek, and rely on it for swimming and some fishing, as well as domestic use, and fire protection. (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

Where is *your diversion point* located? Portion of S1/2 ¼ of SW ¼ of Section 21, T. 14 S., R. 27 E., M. D. B. & M., lying southerly and westerly of the Sand Creek Road. (Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined)

This protest may be disregarded and dismissed if (State conditions which will relieve protest)

A true copy of this protest has been served upon the applicant by mail. (Personally or by mail)

R.S. Johnson J.G. Hyman Rouville D. Stouffer J.W. Graber
R.H. Elam E.G. Phillips

Date August 16, 1955 (Protestant sign here)

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

93167 2-54 3M (1) SPO

08-15-1955: Protest by Marshall E. Lee and Teddie F. Lee

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application

I, We, Marshall E. Lee and Teddie F. Lee (Name of protestant)
of Miramonte, Calif. % Teddie & Lee's Coffee Shop (Post-office address of protestant) have read carefully a copy
of, or a notice relative to Application of United States Dept. of the Interior, Sequoia and (State name of applicant)
Kings Canyon National Park to appropriate from Two unknown springs tributary to Mill Creek (Name the source)
at a point (1) S.E. 1/4 of N.W. 1/4 and (2) N.E. 1/4 of S.W. 1/4 of Section 8, T. 14 S, R. 28 E, MD B and M.
(Describe location of applicant's point of diversion)

It is desired to protest against the approval thereof because to the best of Our (My or our) information and belief the proposed appropriation will result in injury to us (Me or us) as follows: Our Store, Cafe, Service Station business (State the injury which will result to you) will be ruined, saw mill shut down, Orchard & garden ruined, fire damage to great. The 22 homes in NEFF's Subd. will close & sell out. Mr. Neff's little ranch ruined. Since 1948 Water in Mill Creek so low, we have had to curtail water to bare necessities so others below us could have water. Untold damage and suffering financially will result.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon first claim and use by reparian right 1911, By Charles L. Neff. (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)
We, Marshall E. & Teddie F. Lee purchased all of Charles L. Neff's holdings, Oct. 24, 1944.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Years prior to 1911, Date not known by us. Jan. 1st to Dec. 31st, Easily 3500 Gal per day (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put) for our Cafe, Store, Service Station public use to supply 22 homes in Neff's Subd. for household purposes. Also Mr. Neff's 4 acres of Orchard, garden, chickens. And our Storage of 4500 Gal. for fire protection of our property, Neff's Subd. & Mr. Neff's place. Also for our Saw mill

Where is *your diversion point* located? SE 1/4 of SE 1/4 of Section 12, (Describe location with sufficient accuracy that position thereof relative to that)
T. 14 S, R. 27 E, MD B. & M.
of applicant may be determined

This protest may be disregarded and dismissed if Water is left as is. (State conditions which will relieve protest)

A true copy of this protest has been served upon the applicant By mail (Personally or by mail)

Marshall E. Lee and Teddie F. Lee
Protestant sign here

Date Aug. 15, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM No. 78

93167 2-54 3M ① SPO

NOTE

A concise and definite statement of the grounds of protest is desired. This statement should take the form indicated on the blanks on the reverse side of this sheet. Additional information may be added below if there is insufficient space in the blanks, or data not pertinent to those blanks, but insofar as practicable it is desired that protests follow the printed form.

These are some of the Home owners in Neff's Subd. who use water from our Diversion.

Teddie F. Lee

J. E. Winters Neff Camp Miramonte Calif
B Martell Neff Camp Miramonte Cal
J. A. & Virginia Bartlett Neff Sub Div Miramonte Cal
Mr & Mrs Orland Montgomery Neff Camp Miramonte Calif
[illegible] Johnson Neff Camp Miramonte Calif
Melvina Finch Neff Camp Miramonte, Calif
Mr & Mrs De Loa Pinkerton Neff Camp " "
Mr & Mrs Burton Chiriault Neff Camp " "
Gladys Chism, Neff. Camp. Miramonte Calif.
Bonnie L. Johnson. Neff Subdivision, Miramonte, Calif.
Clare L. Butler Neff Subdivision Miramonte Calif.
Mr & Mrs Ernest Sacks Neffs Camp Miramonte Cal
Bonnie J. Scaff and Phillip Lawrence Neff Camp Miramonte Calif.
Roxie L. Otto Neff Camp. Miramonte Calif.
Will F. and Erna Lou Heavner, Neff Camp Miramonte Calif.
Lute C & Stella E Morton Neff Camp - Miramonte Calif.
Sophie Adelsbach Visalia Calif.
A W Lambrigger 2026 - 238 St Torrance Calif
Esther M. Lambrigger - 2026 - 238th St - Torrance Calif
Theo M. Grizzell - 10512 California Ave - South Gate Calif
Robert Grizzell - 1322 W. Cypress - Redlands Calif
Louis A. Grizzell - 10512 California Ave - South Gate, Calif
J. Lloyd Johnson - 9224 E. Ives Bellflower, Calif
Wilma J. Johnson 9224 - E. Ives Bellflower, Calif
Charles Neff Neffs Camp Miramonte Cal.

DO NOT WRITE BELOW

08-15-1955: To: Civil Engineers; From: California State Engineer and Supervising Hydraulic Engineer; Subject: Application 16184

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

August 15, 1955

Application 16184

COPY

Stoddard and Karrer
Civil Engineers
421 Rowell Building
Fresno, California

Attention: Mr. Henry Karrer

Gentlemen:

Pursuant to your letter of August 10, and for the reasons setforth therein, an extension of time is allowed to and including September 1, 1955, within which to submit protests against Application 16184 of the National Park Service.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By W R Gianelli
W. R. Gianelli
Supervising Hydraulic Engineer

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

08-12-1955: Protest by George T. Keener and Maude Keener for Application 16184

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

PROTEST

Application 16184

I, We, George T. Keener and Maude Keener, husband and wife
Name of protestant

of Miramonte, Fresno County, California have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application 16184 of United States Department of the Interior
State name of applicant

to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River
Name the source

at a point within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T 14 S, Range 28 E M. D. B. & M. Tulare County
Describe location of applicant's point of diversion

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our

proposed appropriation will result in injury to us as follows: The proposed appropriation
Me or us — State the injury which will result to you

if allowed even in an amount less than applied for would reduce the flow of Mill Creek during the months of June through November to zero and thereby completely deprive the protestants of water supply.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

right is based upon notice of appropriation dated December 6, 1911 recorded in Vol. D of Water Rights page 276 Fresno County on Jan. 5, 1912

The extent of present and past use of water by protestant or his predecessors in interest from this source is as
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

follows: Diversion and use of water for domestic purposes began immediately upon appropriation and has continued to present date. The amount of water used has not been measured but the diversion and use has been and is reasonable and beneficial. This is the only dependable water supply.

Where is *your diversion point* located? (See below) ¼ of ¼ of Section ,
Describe location with sufficient accuracy that position thereof relative to that

T. , R. , B. & M.
of applicant may be determined

Point on south bank of Mill Creek at or near NW corner of NW¼ of SE¼ of Section 14, Township 14 South, Range 27 East, M. D. B. & M.

This protest may be disregarded and dismissed if
State conditions which will relieve protest

sufficient flow of water from Mill Creek is assured protestants to continue in amounts equivalent to prior years and continued beneficial use under protestants present water rights. Protestants do not believe that such water flow is possible to continue if the application is granted in any way to reduce present flow as present flow is barely adequate at this time.

A true copy of this protest has been served upon the applicant by registered mail.
Personally or by mail

George T. Keener - George T. Keener
Protestant sign here
Maude Keener Maude Keener

Date August 12, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

FORM NO. 78

(OVER)

68856 10-52 3M ① SPO

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

I, JOHN T. S. CLARK (Name of protestant)
of Miramonte, Fresno County, Calif. (Post-office address of protestant) have read carefully a copy
of, or a notice relative to Application 16184 of United States Department of the Interior (State name of applicant)
to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River (Name the source)
at a point within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T 14 S, Range 28 E, M. D. B. & M. Tulare County (Describe location of applicant's point of diversion)

It is desired to protest against the approval thereof because to the best of my information and belief the
proposed appropriation will result in injury to me (My or our / Me or us) as follows: the proposed appropriation
if allowed emen in an amount less than applied for would reduce the flow (State the injury which will result to you)
of Mill Creek during the months of June through November to Zero and
thereby completely deprive the protestant of water supply.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which
right is based upon notice of appropriation dated December 6, 1911 recorded in
Vol. D of water Rights page 276 Fresno County on Jan. 5, 1912 (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as
follows: Diversion and use of water for both domestic and irrigation began
immediately upon appropriation and has continued to present date. The
amount of water used has not been measured but the diversion and use has
been and is reasonable and beneficial. This is the only water supply.
Water from Mill Creek is used throughout the year for named purposes.
(State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

Where is *your diversion point* located? (See below) ¼ of ¼ of Section ,
(Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined)
T. , R. , B. & M.

Point on south bank of Mill Creek at or near NW corner of NW¼ of SE¼ of
Section 14, Township 14, South, Range 27 East, M. D. B. & M.

This protest may be disregarded and dismissed if (State conditions which will relieve protest)
sufficient flow of water from Mill Creek is assured protestant to continue
in amounts equivalent to prior years and continued beneficial use under
protestant's present water rights. Protestant does not believe that such
water flow is possible to continue if the application is granted in any
way to reduce present flow as present flow is barely adequate at this time.

A true copy of this protest has been served upon the applicant by registered mail.
(Personally or by mail)

John T. S. Clark
John T. S. Clark
(Protestant sign here)

Date August 12, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

66856 10-52 3M SPO

08-12-1955: Protest by Edmund E. Fudge and Pearle V. Fudge for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

I, We, Edmund E Fudge and Pearle V Fudge, husband and wife
of Miramonte, Fresno County, California (Name of protestant; Post-office address of protestant)
have read carefully a copy of, or a notice relative to Application 16184 of United States Department of the Interior (State name of applicant)
to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River, (Name the source)
at a point within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T 14 S, Range 28 E, M. D. B. & M. Tulare County (Describe location of applicant's point of diversion)

It is desired to protest against the approval thereof because to the best of our (My or our) information and belief the proposed appropriation will result in injury to us (Me or us) as follows: The proposed appropreation if allowed even in an amount less than applied for would reduce the flow of Mill Creek during the months of June through November to Zero and thereby completely deprive the protestants of water supply. (State the injury which will result to you)

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon notice of appropriation dated December 6, 1911 recorded in Vol. D. of Water Rights page 276 Fresno County on Jan. 5, 1912 (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes began immediately upon appropriation and has continued to present date. The amount of water used has not been measured but the diversion and use has been and is reasonable and beneficial. This is the only dependable water supply. (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

Where is *your diversion point* located? (See below) ¼ of ¼ of Section , (Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined)
T. , R. , B. & M.
Point on south bank of Mill Creek at or near NW corner of NW¼ of SE¼ of Section 14, Township 14 South, Range 27 East, M. D. B. & M.

This protest may be disregarded and dismissed if sufficient flow of water from Mill Creek is assured protestants to continue in amounts equivalent to prior years and continued beneficial use under protestants present water rights. Protestants do not believe that such water flow is possible to continue if the application is granted in any way to reduce present flow as present flow is barely adequate at this time. (State conditions which will relieve protest)

A true copy of this protest has been served upon the applicant by registered mail. (Personally or by mail)

Edmund E Fudge
Edmund E Fudge
Pearle V Fudge
Pearle V Fudge (Protestant sign here)

Date August 12, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

68856 10-52 3M ① SPO

08-12-1955: Protest by Hudson N. and Louise E. Britten for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

~~I~~ We, Hudson N. and Louise E. Britten, husband and wife
Name of protestant
of 477 No. Bellah, Lindsay, California have read carefully a copy
Post-office address of protestant
of, or a notice relative to Application 16184 of United States Department of the
State name of applicant
Interior to appropriate from Two unnamed springs tributary to Mill Creek
Name the source
thence Kings River at a point within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T 14 S, Range 28 E,
Describe location of applicant's point of diversion
M. D. B. & M. Tulare County

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our
proposed appropriation will result in injury to us as follows: The proposed appropreation
Me or us
State the injury which will result to you
if allowed even in an amount less than applied for would reduce the flow of Mill Creek during the months of June through November to Zero and thereby completely deprive the protestants of water supply.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which
right is based upon notice of appropriation dated December 6, 1911 recorded in
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.
Vol. D of Water Rights page 276 Fresno County on Jan. 5, 1912

The extent of present and past use of water by protestant or his predecessors in interest from this source is as
follows: Diversion and use of water for both domestic and irrigation began
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put
immediately upon appropriation and has continued to present date. The amount of water used has not been measured but the diversion and use has been and is reasonable and beneficial. This is the only water supply.

Where is *your diversion point* located? (See below) ¼ of ¼ of Section ,
Describe location with sufficient accuracy that position thereof relative to that
T. , R. , B. & M.
of applicant may be determined
Point on south bank of Mill Creek at or near NW corner of NW¼ of SE¼ of Section 14, Township 14, South, Range 27 East, M. D. B. & M.

This protest may be disregarded and dismissed if
State conditions which will relieve protest
sufficient flow of water from Mill Creek is assured protestants to continue in amounts equivalent to prior years and continued beneficial use under protestants present water rights. Protestants do not believe that such water flow is possible to continue if the application is granted in any way to reduce present flow as present flow is barely adequate at this time.

A true copy of this protest has been served upon the applicant by registered mail.
Personally or by mail

Hudson N. Britten
Hudson N. Britten
Protestant sign here
Louise E. Britten
Louise E. Britten

Date August 12, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

68856 10-52 3M ① SPO

08-12-1955: Protest by Fred Armstrong Sr. for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA NAT'L PARK

PROTEST

Application 16184

I, FRED ARMSTRONG SR. (Name of protestant)
of 370 Van Ness, Lindsay, California (Post-office address of protestant) have read carefully a copy of, or a notice relative to Application 16184 of United States Department of the Interior (State name of applicant) to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River (Name the source) at a point within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T14 S, Range 28 E, M. D. B. & M. Fresno ~~Co~~ Tulare County (Describe location of applicant's point of diversion)

It is desired to protest against the approval thereof because to the best of my (My or our) information and belief the proposed appropriation will result in injury to me (Me or us) as follows: the proposed appropriation if allowed even in an amount less than applied for would reduce the flow of Mill Creek during the months of June through November to Zero and thereby completely deprive the protestant of water supply. (State the injury which will result to you)

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon notice of appropriation dated December 6, 1911 recorded in Vol. D of Water Rights page 276 Fresno County on Jan. 5, 1912 (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes began immediately upon appropriation and has continued to present date. The amount of water used has not been measured but the diversion and use has been and is reasonable and beneficial. This is the only water supply. Water from Mill Creek is used throughout the year for named purpose. (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

Where is *your diversion point* located? (See below) ¼ of ¼ of Section , (Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined)
T. , R. , B. & M.

Point on south bank of Mill Creek at or near NW corner of NW¼ of SE¼ of Section 14, Township 14, South, Range 27 East, M. D. B. & M.

This protest may be disregarded and dismissed if sufficient flow of water from Mill Creek is assured protestant to continue in amounts equivalent to prior years and continued beneficial use under protestant's present water rights. Protestant does not believe that such water flow is possible to continue if the application is granted in any way to reduce present flow as present flow is barely adequate at this time. (State conditions which will relieve protest)

A true copy of this protest has been served upon the applicant by registered mail. (Personally or by mail)

Fred Armstrong Sr.

Fred Armstrong Sr.
(Protestant sign here)

Date August 12, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

93167 2-54 3M SPO

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

I, T. W. McKenzie (Name of protestant)
of 818 F. St., Reedley, California (Post-office address of protestant) have read carefully a copy
of, or a notice relative to Application 16184 of United States Department of the
Interior (State name of applicant) to appropriate from Two unnamed springs tributary to Mill Creek
thence Kings River (Name the source)
at a point within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T 14 S, Range 28 E,
M. D. B. & M. Tulare County (Describe location of applicant's point of diversion)

It is desired to protest against the approval thereof because to the best of my (My or our) information and belief the proposed appropriation will result in injury to me (Me or us) as follows: the proposed appropriation if allowed even in an amount less than applied for would reduce the flow of Mill Creek during the months of June through November to Zero and thereby completely deprive the protestant of water supply. (State the injury which will result to you)

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon Notice of appropriation dated December 6, 1911, recorded in Vol. D. of Water Rights page 276 Fresno County on Jan. 5, 1912. (Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes began immediately upon appropriation and has continued to present date. The amount of water used has not been measured but the diversion and use has been and is reasonable and beneficial. This is the protestant's only water supply. (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

Where is *your diversion point* located? (See below) ¼ of ¼ of Section , (Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined)
T. , R. , B. & M.

Point on south bank of Mill Creek at or near NW corner of NW¼ of SE¼ of Section 14, Township 14, South, Range 27 East, M. D. B. & M.

This protest may be disregarded and dismissed if sufficient flow of water from Mill Creek is assured protestant to continue in amounts equivalent to prior years and continued beneficial use under protestant's present water rights. Protestant does not believe that such water flow is possible to continue if the application is granted in any way to reduce present, flow as present flow is barely adequate at this time. (State conditions which will relieve protest)

A true copy of this protest has been served upon the applicant by registered mail. (Personally or by mail)

T. W. McKenzie
Protestant sign here

Date August 12, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

68856 10-52 3M ① SPO

08-11-1955: Protest by The Cedars, a California Corporation, for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 22 1955
SEQUOIA
NAT'L PARK

AS

PROTEST

Application 16184

I, We, The Cedars, a California Corporation, whose membership is given on the reverse side hereof :
(Name of protestant)
of c/o Rudy Bergthold, 1718 11th St., Reedley, Calif., have read carefully a copy
(Post-office address of protestant)
of, or a notice relative to Application 16184 of United States Department of the Interior
(State name of applicant)
to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River.
(Name the source)
at a point Within the SE¼ of NW¼ and NE¼ of SW¼ of Sec.8, T 14 S, R 28 E, M.D.B. & M.
(Describe location of applicant's point of diversion)

It is desired to protest against the approval thereof because to the best of our information and belief the
(My or our)
proposed appropriation will result in injury to us as follows: The proposed appropriation, if allowed,
(Me or us) (State the injury which will result to you)
even in an amount less than that applied for, will reduce the flows of Mill Creek during the months of June, July, August, September, October and November to zero and thereby completely deprive the protestants of their water supply.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon Domestic use under riparian right and claim.
(Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.)

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for domestic purposes commenced in 1921 and has been
(State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)
continuous and expanding ever since. At the present time thirteen (13) separate homes, all bordering Mill Creek, are using Mill Creek water. This is their only dependable water supply. The amount of water used has not been measured but the diversion and use has been and is reasonable and beneficial.

Where is *your diversion point* located? At thirteen (13) points along Mill Creek within the
¼ of ¼ of Section
(Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined)
T. , R. , B. & M. W½ of NW¼ of Sec.13, and within the SE¼ of NE¼ of Sec.14, T 14 S, R 27 E, M.D.B. & M., Fresno County, Calif.

This protest may be disregarded and dismissed if
(State conditions which will relieve protest)
Under the above stated circumstances this protest can not be disregarded or dismissed.

A true copy of this protest has been served upon the applicant by Registered Mail.
(Personally or by mail)

The Cedars, a California Corporation.
By: Will Martin
(Protestant sign here)
Will Martin, President.

Date August 11, 1955.
Attest: R. Bergthold, Secretary.

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

Ferdinand L. Gale
Notary Public.

FORM NO. 78 (OVER)

68856 10-52 3M ① SPO

NOTE

A concise and definite statement of the grounds of protest is desired. This statement should take the form indicated on the blanks on the reverse side of this sheet. Additional information may be added below if there is insufficient space in the blanks, or data not pertinent to those blanks, but insofar as practicable it is desired that protests follow the printed form.

MEMBERSHIP OF " THE CEDARS ", a California Corporation :

1 Will Martin 16256 E. Inginaw Reedley Calif
Ruby Martin " " " "
2 Elizabeth Kullman 8832 So Crawford Ave Reedley Calif
3 Wm F. Hunter 111 E. Sequoia, Visalia, Calif.
Ercell M. Hunter 111 E. Sequoia, Visalia, Calif.
4 J. F. White 218 W Cypress St Visalia Calif.
Kathleen White 218 W. Cypress St Visalia Calif
5 Henry A. Berkeley 7780 So East Ave Fresno Calif
6 Lewis V. Oldham 7747 So East Ave Fresno Cal
7 Mrs Hugh Miller 665 2nd St Parlier
8 W. J. Hutsell 233 No G St Tulare Calif.
9 Charles W. Langdon 410 E Main St. Visalia Calif.
Mrs. Charles W. Langdon 410 E. Main Visalia Calif
10 Hermon Heufeld 20184 E Dinuba Reedley, Calif
11 Mrs. Charles W. Langdon 410 E Main Visalia Calif
R. Bergthold 55 L Reedley Cal
Rosa Bergthold 1005 L St Reedley Calif

DO NOT WRITE BELOW

08-10-1955: Protest by Florence Elizabeth Hackett for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG 18 1955
SEQUOIA
NAT'L PARK

PROTEST

Application 16184

I, FLORENCE ELIZABETH HACKETT (Name of protestant)
of Rte 1 Box 122 Orange Cove, California (Post-office address of protestant) have read carefully a copy
of, or a notice relative to Application 16184 of United States Department of the Interior (State name of applicant)
to appropriate from Two unnamed springs tributary to Mill Creek thence Kings River (Name the source)
at a point within the SE¼ of NW¼ and NE¼ of SW¼ of Sec. 8, T 14 S, Range 28 E, M. D. B. & M. ~~Fresno County~~ Tulare County (Describe location of applicant's point of diversion)

It is desired to protest against the approval thereof because to the best of my (My or our) information and belief the proposed appropriation will result in injury to me (Me or us) as follows: the proposed appropriation (State the injury which will result to you) if allowed even in an amount less than applied for would reduce the flow of Mill Creek during the months of June through November to Zero and thereby completely deprive the protestant of water supply.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon notice of appropriation dated December 6, 1911 (Prior application, notice posted or use begun prior to December 19, 1914, Spanish claim, etc.) recorded in Vol. D of Water Rights page 276 Fresno County on Jan. 5, 1912

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Diversion and use of water for both domestic and irrigation and stockwatering began immediately upon appropriation and has continued to present date. The amount of water used has not been measured but the diversion and use has been and is reasonable and beneficial. This is the only dependable water supply as the only well on the premises can be pumped dry in half an hour. Water from Mill Creek is used throughout the year for named purposes. (State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put)

Where is *your diversion point* located? (See below) ¼ of ¼ of Section , (Describe location with sufficient accuracy that position thereof relative to that of applicant may be determined)
T. , R. , B. & M.

Point on south bank of Mill Creek at or near NW corner of NW¼ OF SE¼ of Section 14, Township 14 South, Range 27 East, M.D. B. & M.

This protest may be disregarded and dismissed if (State conditions which will relieve protest) sufficient flow of water from Mill Creek is assured protestant to continue in amounts equivalent to prior years and continued beneficial use under protestant's present water rights. Protestant does not believe that such water flow is possible to continue if the application is granted in any way to reduce present flow as present flow is barely adequate at this time.

A true copy of this protest has been served upon the applicant by registered mail (Personally or by mail)

Florence Elizabeth Hackett
Florence Elizabeth Hackett (Protestant sign here)

Date August 10, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

48440 8-51 3M ① SPO

08-10-1955: To: United States Forest Service; From: Acting Superintendent; Subject: Protest to Application No. 16184

L54-L

Your file:
E-Water Resources
TRL

August 9, 1955

RECEIVED
NPS, REGION FOUR OFFICE
AUG 10 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		

Clare Hendee, Regional Forester
United States Forest Service
630 Sansome Street
San Francisco 11, California

Dear Mr. Hendee:

In reply to Mr. Correll's August 4 letter attached to your Protest to Application No. 16184, this is to let you know the diversion point is for the springs above Big Stump. You may recall the original Application No. 5687 was filed by Mr. Howell Bone as a prescribed condition to a special use permit issued by the U. S. Forest Service in 1927. Our application is largely to validate use of the springs as the water source for our facilities at Big Stump.

Sincerely yours,

/s/ Fred J. Novak

Fred J. Novak
Acting Superintendent

Copy to: Chief, Water Resources Section, WASO (2)
Regional Director, Region Four

See protest filed by Forest Service.
L 2m

08-05-1955: To: Field Attorney, National Park Service; From: Attorney, US Department of Agriculture; Subject: Copies of the Protest to Application 16184

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL
216 Federal Office Building
Civic Center
San Francisco 2, California

File under Kings Canyon - Docket No. 1
Big Stump Area

August 5, 1955

Mr. Sidney McClellan, Field Attorney
National Park Service, U.S.D.I.
180 New Montgomery Street
San Francisco, California

Dear Mr. McClellan:

Enclosed herewith are two copies of the Protest to Application 16184 filed by the Sequoia-Kings Canyon National Park.

It is unfortunate that this matter was not handled by administrative conferences between your service and the Forest Service, but since it was not you will recall that it was decided that it would be necessary to file this protest and then probably necessary administrative arrangements can be made.

Very truly yours,

Jesse R. Farr
Attorney in Charge

Enclosures

87

08-04-1955: To: Charles H. Crottie and Jessie A. Crottie; From: California State Engineer; Subject: Protest against Application 16184

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

August 4, 1955

Application 16184

Charles H. Crottie and
Jessie A. Crottie
Valley View Ranch
Miramonte, California

Dear Sir and Madam:

Your protest against Application 16184 of United States-National Park Service has been received and it is noted that a copy of the protest has been served upon the applicant.

If, in due course, a hearing is found necessary you will be given sufficient notice of the time and place to enable you to be present or represented.

Very truly yours,

A. D. EDMONSTON
State Engineer

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

Form 48

08-04-1955: To: National Park Service; From: California State Engineer; Subject: Application 16184

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

August 4, 1955

Application 16184

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

Gentlemen:

A protest against the approval of your above-numbered application has recently been received and the protestant states therein that a copy of the protest has been served upon you. Pursuant to our rules and regulations which are set forth in the enclosed leaflet, an answer to this and any other protest against the application should be submitted to the Department and a copy thereof served upon the protestant not later than 15 days following expiration of the time allowed within which to submit protests. As the protest period for your above-numbered application will expire on August 17, 1955, answers to protests should be submitted on or before September 1, 1955.

If it appears that it may be possible to reach an agreement with the protestant that will result in the withdrawal of the protest and thus avoid the delay and expense incident to a hearing which may otherwise be required, the Department, upon your request, will extend the period for answering the protest for any reasonable time as may be suggested to allow negotiations toward such an agreement.

Very truly yours,

A. D. EDMONSTON
State Engineer

Enc.

48b

08-04-1955: Protest by Chester J. Cramer and Roy I. Brogan for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG -8 1955
SEQUOIA
NAT'L PARK

SUPT.		
S.		8/8
A.O.		8/8
C.R.		
P.W.		
P.E.		
L.A.		
G.F.		
R.F.		
T.F.		
E.E.		

PROTEST

Application

I, Chester J. Cramer and Roy I Brogan
Name of protestant

of 752 So. Genesee St. Los Angeles-P.O. Box 844 Tulare have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application of Department of Interior, Sequoia
State name of applicant

Kings Canyon Nat. Park to appropriate from Mill Creek
Name the source

at a point #1-So. E ¼ of No. W ¼ & #2-No. E ¼ of So. W ¼ of Sec. 8 township
Describe location of applicant's point of diversion

14. Range 28 E. Mt. Diablos.

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our

proposed appropriation will result in injury to us as follows: This water has been used for
Me or us State the injury which will result to you

the past forty-four years, for irrigation of an apple orchard and domestic use. And the Creek gets very low in the summer time, if this water is diverted it would in our opinion dry the creek up.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon An appropriations granted to Charles Neff
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: Water was first used in 1911 and has been used for irrigation
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

and domestic use continually since, the amount of water taken at point of Diversion Varies, the water is used at Pinehurst area

Where is *your diversion point* located? South West ¼ of ¼ of Section 14,
Describe location with sufficient accuracy that position thereof relative to that

T. 14 So., R. 27 E., Mt. Diab. B. & M.
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest

A true copy of this protest has been served upon the applicant By mail
Personally or by mail

Chester J. Cramer Roy I Brogan
Protestant sign here

Date Aug 4/1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

93167 2-54 3M ① SPO

STATE OF CALIFORNIA - DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

STATE ENGINEER

In the matter of Application 16184

NATIONAL PARK SERVICE - SEQUOIA
KINGS CANYON NATIONAL PARK

Applicant

UNITED STATES FOREST SERVICE

Protestant

PROTEST TO APPLICATION 16184

(a) This protest is submitted by the United States Forest Service, Office of the Regional Forester, 630 Sansome Street, San Francisco, California. Employees of Protestant have read Application 16184.

(b) Protestant will suffer permananet and irreparable damage from proposed appropriation since there is insufficient water to meet Protestant's needs and those applied for.

(c) On January 28, 1935, Protestant filed Application No. 8225 to appropriate 1/100 cubic feet per second of water from Mill Creek, a tributary of Kings River, for domestic, stock watering, irrigation, and fire protection purposes. On April 11, 1935, permit No. 4510 was issued to Protestant to appropriate 6500 gallons of

7—1404

U. S. GOVERNMENT PRINTING OFFICE

water per day from said Mill Creek. Said water has been used by Protestant since December 1938 under said application and permit.

(d) Protestant's point of diversion is described as follows:

North 3029.55 feet and East 3797.64 feet from the West one-quarter corner of Section 13, T. 14 S., R. 27 E., M.D.B.& M., being within SW¼ of SE¼ of Section 12, T. 14 S., R. 27 E., M. D.B.& M.

(e) Since there is insufficient water available in Mill Creek to meet the established and appropriated needs of Protestant, others having established rights, and Applicant no adjustment if made would result in withdrawal of this protest.

(f) Protestant has, under date of August 4, 1955, by registered mail, sent a copy of this protest to E. T. Scoyen, Superintendent of the Sequoia -Kings Canyon National Park, at Three Rivers, California.

(g) This protest is filed within the time stated in the published notice of Application No. 16184.

DATED: August 4, 1955.

UNITED STATES FOREST SERVICE

By _____
Acting Regional Forester

7—1404

U. S. GOVERNMENT PRINTING OFFICE

08-01-1955: Protest by Charles H. Crottie and Jessie A. Crottie for Application 16184

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

RECEIVED
AUG -2 1955
SEQUOIA
NAT'L PARK

✓	SUPT		
✓	A.S.	Ek	8/3
✓	A.O.		
	C.R.		
	P.N.		
X ✓	P.E.		
	L.A.		
	G.F.		
	R.F.		
	T.F.		
	E.E.		

PROTEST

Application

We, I, Charles H. Crottie and Jessie A. Crottie
Name of protestant

of Valley View Ranch, Miramonte, Calif. have read carefully a copy
Post-office address of protestant

of, or a notice relative to Application for water of Sequoia Kings Canyon National Park
State name of applicant

to appropriate from Mill Creek
Name the source

at a point 1.)SE 1/4 of NW 1/4, and 2)NE 1/4 of SW1/4 Sect.8, T 14S, R28E MD B M
Describe location of applicant's point of diversion

It is desired to protest against the approval thereof because to the best of our information and belief the
My or our

proposed appropriation will result in injury to us as follows:
Me or us — State the injury which will result to you

Mill Creek is our chief source of water for domestic use and for our stock. The amount applied for by the Park will almost entirely cut off our supply of water.

Protestant claims a right to the use of water from the source from which applicant proposes to divert, which right is based upon riparian rights claim.
Prior application, notice posted or use begun prior to December 19, 1914; riparian claim, etc.

Our land lies on both sides of Mill Creek for a distance of ¾ mile.

The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows: First used in 1928 by our predecessors ~~in 1928~~, By us since 1942.
State approximate date first use made, amount used, time of year when diversion is made, the use to which water is put

About 500 gallons daily used. Diversion is made Jan. 1, to Dec. 31 (all year) Domestic use and watering stock.

Where is *your diversion point* located? SE ¼ of SE ¼ of Section 15,
Describe location with sufficient accuracy that position thereof relative to that

T. 14S, R. 27 E, BD B. & M.
of applicant may be determined

This protest may be disregarded and dismissed if
State conditions which will relieve protest

None

A true copy of this protest has been served upon the applicant by mail
Personally or by mail

Charles H. Crottie
Protestant sign here
Jessie A. Crottie

Date Aug. 1, 1955

NOTE.—Protests must be filed within the time allowed by the Division as stated in the published notice relative to an application or such further time as may be allowed.

(OVER)

FORM NO. 78

93167 2-54 3M ⓘ SPO

NOTE

A concise and definite statement of the grounds of protest is desired. This statement should take the form indicated on the blanks on the reverse side of this sheet. Additional information may be added below if there is insufficient space in the blanks, or data not pertinent to those blanks, but insofar as practicable it is desired that protests follow the printed form.

At the present time during the summer months the water flow of the creek is so limited that there is barely enough water to run the ram which pumps the water up the hill to our house. This is our permanent home and we will suffer great damage if we have no water supply from the creek.

DO NOT WRITE BELOW

07-30-1955: State of California - County of Fresno

STATE OF CALIFORNIA)
) ss.
County of Fresno)

Philip H.Lawrence, being first duly sworn, deposes and says:

That he and his sister, Bonnie J.Scaff are the owners of the following described real property in the County of Fresno, of the following described:real property in the County of Fresno, State of California to-wit:

Neff Subd.: S 1/2 of Lot 16,Sec. 14, 14/27.

That affiant does hereby protest the removal of any water or the infringement upon any and all water rights of said real property;

Affiant hereby grants to Mr. Lee authority to protest any taking of water or infringement of water rights by the United States Government or the State of California in his behalf.

Philip H. Lawrence

Subscribed and sworn to before me this 30th day of July,1955

Blair Stewart

NOTARY PUBLIC in and for said County and State.

My commission expires July 10, 1959

07-30-1955: Petition against the approval of applicant to appropriate and/or divert water from the source from which applicant proposes

We the undersigned porperty owners in the East-half of the Southeast quarter (E½ of SE¼) of Section Fourteen (14), Township Fourteen (14) South, Range Twenty-seven (27) East, Mount Diablo Base and Meridian, Known as Neff's Subdividion, do herewith desire to issue our protest along with parties filing Official Protest Applications.

We the undersigned wish to protest against the approval of applicant to appropriate and/or divert from the source from which applicant proposes, (above data on original Protest) on grounds of prior rights based upon application, notice posted or use begun prior to December 19, 1914: riparian claim, etc.

Additional grounds of protest found on officisl Protest application which we herein petition that our protest be attached as a part thereof.

	NAME	ADDRESS
7/30/55	J. Lloyd Johnson	9224 E Ives Bellflower Calif
7/30/55	Wilma J. Johnson	9224 E Ives Bellflower Calif.
7/30/55	Thos M Suggett	10512 Calijave South Gate Calif.
7/30/55	Robert J. Izzell	822 W. Cypress Richland Calif
7/30	Louis A. Izzell	10512 CALIFORNIA AVE South Gate Calif.
7/30/55	A W Sambrigger	2026-238 St Torrance Calif
7/30/55	Esther M. Sambrigger	2026-238th St. Torrance, Calif

same names are on Lee's Coffee Shop Protest form

As circulator of this petition, I, Wilma J. Johnson do hereby swear that to the best of my knowledge all names in the above spaces are legal property owners in said subdivision, furthermore that all signatures were entered in their own hand in my presence.

Wilma J. Johnson

County of Los Angeles
State of California
Subscribed and sworn to
before me, Orla M. Jeanson
this 1st. day of August, 1955.
Orla M. Jeanson, Notary Public
in and for above county and
state

MY COMMISSION EXPIRES AUG. 4, 1957

07-29-1955: To: Superintendent, Sequoia-Kings Canyon; From: Chief, Water Resources Section, National Park Service; Subject: Water Right Application 16184, Big Stump Water System, Kings Canyon

RECEIVED
NPS, REGION FOUR OFFICE

AUG 2 - 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Lowley	8/2
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL	S.M.	8/2
Manley	B.F.M.	8/2

AIR MAIL

July 29, 1955

Memorandum

To: Superintendent, Sequoia-Kings Canyon

From: Chief, Water Resources Section

Subject: Water Right Application 16184, Big Stump Water System, Kings Canyon

We have just received a copy of a form letter to Mrs. Teddie Lee, c/o Teddie & Lees Store and Coffee Shop, Miramonte, forwarding forms for a protest of the subject application, giving instructions for such protest, and stating that the protest will be accepted until August 17. It also suggests that attempts be made to adjust matters informally before a protest is filed. The letter does not merit duplicating, but we should be prepared for the protest, and for possible discussion between you and Mrs. Lee, if she calls.

Any protest should be forwarded to this office with your comments, if it is mailed to you with no indication of a copy to us, and it will be duplicated for all assemblies of the docket. If the diversions of the protestants are in Miramonte, and your past reports are correct that Mill Creek has intermittent flow below the Big Stump Area, it is hard to anticipate the basis for protest. However, it will help if you can supply a simple tracing of the drainage, from the map of Sequoia National Forest, from the Big Stump Area to the protestant's points of diversion, showing the portion of the stream with intermittent flow. Also supply your best estimate of the amount of water normally flowing at the diversions. A tracing is suggested so that it can be placed on our copy of the map, at a scale of four miles to the inch.

In potential discussions with Mrs. Lee, agreement to eliminate protest might be obtained by pointing out that the application is largely to validate water use since 1927, that the small amount of additional water is probably less than amount now consumed by native vegetation which will be largely eliminated by piping the water across the marshy area around the spring, and that most of the water will be used for sanitary purposes and returned to the drainage after use and treatment. For your information, about 0.7 of an acre of the marsh grasses probably consume more water than is to be diverted for Park use--an area about 174 feet square. I am reasonably certain you will lose that much of the marsh area.

SIGNED

A. van V. Dunn

Chief, Water Resources Section

84

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

Copy to: Western Office of Design and Construction

07-27-1955: Granted authority to protest

STATE OF CALIFORNIA)
) ss.
County of Fresno)

Bonnie J. Scaff, being first duly sworn, deposes and says:

That she and her brother, Phillip Lawrence are the owners of the following described real property in the County of Fresno, State of California to-wit:

Neff Subd.: S 1/2 of Lot 16, Sec. 14, 14/27.

That affiant does hereby protest the removal of any water or the infringement upon any and all water rights of said real property;

Affiant hereby grants to Mr. Lee authority to protest any taking of water or infringement of water rights by the United States Government or the State of California in her behalf.

Bonnie J. Scaff

Subscribed and sworn to before me this 27th day of July, 1955

NOTARY PUBLIC in and for said County and State.

07-27-1955: Affidavit of Identification

W. M. "BILL" NUCKOLLS

REALTOR

LOANS - LEASES - HOMES - NOTARY PUBLIC - APPRAISALS

2132 TULARE ~~3127 BELMONT AVE.~~ TELEPHONE 2-7203

FRESNO, CALIFORNIA

July 27, 1955

AFFIDAVIT OF IDENTIFICATION.

This will certify to the signature of the named party herein namely Roxie L. Otto. She is well known to the notary who herein acknowledges her signature in his presence.

Roxie L. Otto

This signature signed in presence of the undersigned notary for Fresno Co. Calif

William M. Nuckolls

My Commission Expires Jan. 21, 1957

<html><body>07-21-1955: To: Mrs. Teddie Lee, Teddie & Lees Store & Coffee Shop; From: California State Engineer; Subject: Application 16184
<p>   </p>
</body>
</html>

A. D. EDMONSTON,
[redacted], STATE ENGINEER
CHIEF OF DIVISION

EARL WARREN
GOVERNOR OF CALIFORNIA

C. H. PURCELL
DIRECTOR

L54

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE
1955 JUL 25 AM 11:39

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO 5

DIVISION OF WATER RESOURCES
401 PUBLIC WORKS BUILDING

~~Price~~ @ Dockets

July 21, 1955

Kings Canyon
Big Stump Area

Application 16184

Mrs. Teddie Lee
c/o Teddie & Lees Store & Coffee Shop
Miramonte, California

Dear Mrs. Lee:

Receipt is acknowledged of your letter of July 19.

When two or more parties desire to file objections against an application it is often possible to file a joint protest which will serve the purpose as adequately as separate protests. Any individual grounds of objection may be stated on the reverse side of the protest form and a sketch should be attached which will show the relative locations of the intakes of the several parties in relation to the intake of the applicant. Assuming that one protest will be sufficient in the present instance, only one set of blanks is enclosed in response to your recent letter. A pamphlet is also enclosed relative to protests and hearings which will be of interest in this connection. One copy of the protest should be forwarded to this office, one sent to the applicant and the third kept for your record. If it is found necessary to submit individual protests additional blanks will be sent on request.

Before submitting objections it is suggested that you interview the applicant and endeavor to adjust the matter informally thereby avoiding the expense and delay which otherwise might be entailed. Protests will be received up to and including August 17, 1955.

Very truly yours,

A. D. EDMONSTON, State Engineer

cc: √ Applicant
Form 47a
2/2/50

07-20-1955: To: US National Park Service; From: California State Engineer; Subject: Application 16184

W R Copy L'54

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

RECEIVED
Chief Clerks Office
NATIONAL PARK SERVICE
1955 JUL 25 PM 12 10

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

July 20, 1955

Parcel
Dunn

Application ~~16184~~

U. S. National Park Service
c/o Superintendent, Sequoia and Kings Canyon
National Parks
Three Rivers, California

Gentlemen:

Receipt is acknowledged of affidavit of

posting
~~publishing~~ notice of the above-numbered application.

Further action will follow in due course.

Very truly yours,

A. D. EDMONSTON
State Engineer

APC ad

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

8E
8/5/54-1M

SEQH

07-19-1955: To: Director; From: Superintendent, Sequoia and Kings Canyon; Subject: Application from Supplemental Water Supply for Big Stump Area, Application 16184, Docket 1, Kings Canyon

154-L

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

July 19, 1955

Memorandum

To: Director

From: Superintendent, Sequoia and Kings Canyon

Subject: Application for Supplemental Water Supply for Big Stump Area, Application 16184, Docket 1, Kings Canyon

We have Mr. Dunn's subject memorandum of July 13, and this is to advise that we received the Applications from the State and two copies were posted by Assistant Superintendent Walker on July 14. One copy is on the bulletin board at the Ranger Station and the other is posted in the Kings Canyon National Park Post Office, both at General Grant Grove.

The copy of the notice sent by Mr. Dunn has been filed in the Appliction 16184, Docket 1, as requested.

/s/ E. T. Scoyen

E. T. Scoyen
Superintendent

Copy to: Regional Director, Region Four
Chief, Western Office, Division of Design and Construction

83

07-13-1955: To: Superintendent, Sequoia-Kings Canyon; From: Chief, Water Resources Section, National Park Service; Subject: Application for Supplemental Water Supply for Big Stump Area, Application 16184, Docket 1, Kings Canyon

RECEIVED
NPS, REGION FOUR OFFICE
JUL 18 1955

File. Sequoia Kings Water Rights-Docket 1

AIR MAIL

July 13, 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERA...	Lowery	7/15
ADMIN.		
COOP. ACT.		
INTER...		
LEGAL	Manley	8/Jn 7/18

Memorandum

To: Superintendent, Sequoia-Kings Canyon

From: Chief, Water Resources Section

Subject: Application for Supplemental Water Supply for Big Stump Area, Application 16184, Docket 1, Kings Canyon

Attached are two copies of the notice of the subject application for the appropriation of water, which we have received in triplicate, without cover letter, by registered mail. They are all copies, and it is presumed that two other copies, of which one may be the original, were sent directly to you in accordance with our letter of November 24, 1954. We enclose two copies to be sure that you have enough for posting at two conspicuous places near the water system. We question whether you obtained other copies because of the number sent here, and the fact they came by registered mail.

The water code prescribes that this notice shall be posted or advertised within 15 days of the date of issuance, which was July 8. The notice is normally advertised in the local paper if the claim is for 3.0 sec.ft. or 200 acre-feet, or more; and is only posted if for less than that amount. Posting is sufficient in this case unless the State Engineer has prescribed advertising. We have been instructed to advertise several small claims in the past.

In our memorandum to you of November 24, 1954, we advised that the voucher to cover the cost of advertising should be forwarded to this office for payment under Account 347.01. We have now abolished the decimal breakdown and charge everything to Account 347. If the advertising has been prescribed you may submit the voucher as instructed, or pay the bill yourself and submit Form 1081 for reimbursement.

With copies of this memorandum, we are sending photostat copies of the attached notice to the Regional Director and Western Office of Design and Construction for filing in Part III of their assemblies of Docket 1. One of your copies of the notice should be filed in your docket assembly. However, we can supply another copy if you do not have a suitable copy for the permanent record after posting.

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

Attachments 2

Copy to: Regional Director, Region Four, with copy of notice
Western Office of Design and Construction, with copy of notice

82

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application 16184

NOTICE IS HEREBY GIVEN, THAT United States Department of the Interior.
c/o Superintendent
Sequoia and Kings Canyon National Parks
Three Rivers, California

~~have~~
has under the date of December 20, 1954, applied to the Department of Public Works, State Engineer, for a permit to appropriate unappropriated water, subject to vested rights.

Description of Project

Water to be appropriated from two unnamed springs tributary to Mill Creek, thence Kings River.

In the County of Tulare.

Amount applied for: 6,500 gallons per day.

Diversion season named: January 1 to December 31 of each year.

Water to be used for domestic, recreational and fire protection purposes.

Point of diversion within (1) SE¼ of NW¼ and (2) NE¼ of SW¼ of Section 8, T 14 S, R 28 E, MDB&M.

Place of use described: Big Stump Entrance Area of Kings Canyon National Park within SW¼ of SW¼ of Section 8, T 14 S, R 28 E, MDB&M as shown on map filed with State Engineer.

Relative to Protests

Blanks upon which to submit protests will be supplied free upon request.

Any person desiring to protest against the granting of such permit shall within 40 days from date hereof file with the Department of Public Works, State Engineer, Sacramento, California, a written protest. Such protest shall clearly set forth the protestant's objections to the approval of the application and shall contain the following information:

(1) Statement of the injury which would result to protestant from such appropriation and use.

(2) The basis of protestant's water right.

(3) Protestant's past and present use of water both as to amount used and land irrigated, or use made of water if other than irrigation.

(4) The approximate location of protestant's land or place of use and point of diversion of the water.

A copy of the protest should be sent to the applicant and this office notified that the same has been done.

DEPARTMENT OF PUBLIC WORKS
By A. D. EDMONSTON, *State Engineer*

Dated: Sacramento, California,
July 8, 1955
APC:gv

FORM 8-A

17502 8-55 8M ② SFC

02-28-1955: To: USDI National Park Service, Water Resources Section; From: California State Engineer; Subject: Application 16184

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

February 28, 1955

Application 16184

BIG STUMP AREA
Kings Canyon

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

Dear Mr. Dunn:

Receipt is acknowledged of Mr. Allen's letter of February 3 transmitting your amended Application 16184 to appropriate from an unnamed spring area in Tulare County, California, and of your letter of February 8 transmitting maps in support thereof.

Further action will follow in due course.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By _____
L. C. Jopson
Principal Hydraulic Engineer

ECG:mm

COPY

79

02-08-1955: To: California State Engineer; From: Chief, Water Resources Section, National Park Service; Subject: Re: Application 16184, Water System, Big Stump Area, Kings Canyon National Park

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
FEB 14 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	2-14
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
X Lands	BFm	2/16

February 8, 1955

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
Department of Public Works
P. O. Box 1079
Sacramento 5, California

Re: Application 16184, Water System,
Big Stump Area, Kings Canyon
National Park

Dear Mr. Edmonston:

In accordance with the letter of February 3, by which Mr. Allen returned Application 16184, we enclose two prints of the supporting map NP-SK-6979 with the regulatory storage changed from 5000 to 25,000 gallons. I have signed and dated the reference to the revision in the upper left hand corner.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Enclosures 2

✓ BFm OK

Copy to: Regional Director, Region Four (2) with revised prints to be filed in Part III, Docket 1
Western Office of Design and Construction, with revised print to be filed in Part III, Docket 1

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FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

Application No. 16184 Filed December 20, 1954 at 1:09 P.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, United States Department of the Interior, National Park Service,
Name of applicant

of Washington, D.C. County of
Address

State of, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS*:

Source, Amount, Use and Location of Diversion Works

1. **The source** of the proposed appropriation is an unnamed spring
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Tulare County, tributary to Mill Creek, thence Kings River

2. **The amount of water** which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 6,500 gallons per day ~~cubic feet per second~~
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

~~second~~ to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use acre-feet
1 acre-foot equals 325,851 gallons

per annum, to be collected between and of each season.
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed.

3. **The use** to which the water is to be applied is domestic, recreational and fire suppression.
Domestic, irrigation, power, municipal, mining, industrial, recreational

purposes.

4. **The point of diversion** is to be located (1) N 30-46-30 E 3, 336.84 feet and (2) N 30-52-47 E, from SW corner of Section 8, T 14 S, R 28 E, MDB&M.
State bearing and distance or coordinate distances from section or quarter section corner

being within the (1) SE¼ of NW¼, (2) NE¼ of SW¼
State 40-acre subdivision of U. S. Government survey or projection thereof

of Section 8, T. 14 S, R. 28 E, M.D. B. & M., in the County of Tulare

5. **The main conduit** terminates in SW¼ of SW¼, of Sec. 8, T. 14 S, R. 28 E, M.D. B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application can not be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. **Intake or Headworks** (fill only those blanks which apply)

(a) Diversion will be made by pumping from
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being (1) 100 lb. hail keg. (2) 5 feet in height (stream bed to level of overflow); 30 feet long on top; and constructed of Masonry
Concrete, earth, brush, etc.

(c) The storage dam will be feet in height (stream bed to overflow level); feet long on top; have a freeboard of feet, and be constructed of
Concrete, earth, etc.

7. ~~Storage~~ Reservoir Regulatory 25,000 concrete ~~5,000~~ gallon ~~redwood~~ tank
Name

The storage reservoir will flood lands in
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of acres, and a capacity of acre-feet.

☞ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

FORM 1

8. **Conduit System** (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line)..... feet; width at bottom.....
Cross out two not used

feet; depth of water..... feet; length..... feet; grade..... feet per 1,000 feet; materials

of construction..... (1) (1¼ (1164
Earth, rock, timber, etc. (1 (1113 (1) 75

(b) Pipe line: Diameter (2) (¼ inches; length (12 feet; grade (2) 77 feet per
(2 (2050

1,000 feet; total fall from intake to outlet (1) 167 feet; kind Galvanized iron pipe
(2) 158 Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 5 gallons per minute
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is ~~$5,000~~ $9,400
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. **Construction work** will begin on or before Aug. 1, 1957

Construction work will be completed on or before Sept. 30, 1958

The water will be completely applied to the proposed use on or before December 31, 1960

Description of Proposed Use

11. **Place of Use.** Big Stump Entrance Area of Kings Canyon National Park in SW¼ of
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land

SW¼ of Section 8, T 14 S, R 28 E, MDB&M as shown on map filed with State Engineer.
survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all

40-acre tracts, describe area in a general way and show detail upon map.

Does applicant own the land whereon use of water will be made? Yes
Yes or No

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Domestic Use.** Domestic use is proposed as follows: 3 rangers, gas station operator, and
Describe nature of use which may include stock water and the irrigation of domestic

their families, and park visitors.
gardens not exceeding one-half acre with each place of residence. State number and kind of stock to be watered, number of houses and people to be served.

The amount for which application is made was determined by.....
Describe basis of quantity needed

13. **Irrigation Use.** The area to be irrigated is..... acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice..... acres; alfalfa..... acres;

orchard..... acres; general crops..... acres; pasture..... acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about..... and end about.....
Beginning date Closing date

The land to be irrigated has another / no other water right or source of water supply other than that herein applied for. The nature

and amount of the additional supply referred to is.....

14. **Power Use.** The total fall to be utilized is..... feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is..... cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is..... horsepower.
Second feet × fall ÷ 8.8

The use to which the power is to be applied is.....
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is.....
Turbine, Pelton wheel, etc.

The size of the nozzle to be used is..... inches.

The water will / will not be returned to..... in..... of
Name stream State 40-acre subdivision

Sec....., Tp..... N....., ... B. & M.

EXPLANATORY STATEMENT

1. The source of supply is an unnamed spring area; beginning at point on proposed dam, whence SW Cor. said Sec. 8 bears S 30-52-47 W 3054.43 ft.; thence S 68-00 E 100 ft.; thence N 22-00 E 250 ft.; thence N 68-00 W 200 ft.; thence S 22-00 W 250 ft.; and thence S 68-00 E 100 ft. to point of beginning.

2.(a) This claim to 0.01 sec.ft. throughout the year is a supplement to rights already established under Application 5687, Permit 2962, License 961, and will be exercised through existing system for the established rights until that system can be replaced as herein described.

2.(b) There is no seasonal storage, but between 5,000 and 10,000 gallons of regulatory storage have been, and will be, provided to adjust steady flow to the hourly, daily, and week end demands.

3. 12. and 18. The water system provides the domestic supply for the gas station attendant, from 1 to 3 rangers and their families, and part-time assistants. The water is also used by the park visitors at comfort stations and the gas station. The Big Stump Entrance is at the top of the long grade from the San Joaquin Valley and many cars need water after the ascent in summer. The area has also been a popular site for skiing in the winter, particularly when the road is not kept open to the Grant Grove area within the Park. Most of the 440,000 annual visitors to the Park use the Big Stump Entrance at least once, and approximately 30,000 of these visitors use the area as a base for skiing in the winter.

4. Records from Forest Service indicate that some early surveys were made with compass bearings. The areas granted for former fox farm and lodge, and for gas station are shown by respective locations based on ties to section corner and tie to original water tank, which indicate a variation in azimuth of between 1 and 2 degrees. This same variation is evident in location of point of diversion by description in Water Right Permit 2962, License 961, and as located by official topographic survey of 1937 on which later surveys are based. The existing point of diversion is presumably at the approximate site developed under Permit 2962.

6. A perforated 4" pipe, 10 feet in length, now diverts most of the water at the main spring. The water is then conveyed approximately 60 feet by 2" GI pipe to a 2'X2' open sided redwood settling box where more water is recovered. A 20 ft. length of 1.5" GI pipe then conveys the water to an old nail keg, herein designated as existing point of diversion as last point where water can be recovered or lost. The water was then formerly conveyed by 1107 feet of 1.25" pipe, and 1543 feet of 1" pipe to a distribution tank. This tank and the last 430 feet of 1" pipe beyond the gas station are no longer used.

The new system, when constructed, will consist of a dam as described in 6(b), at point of beginning of the designated spring area. The water will be impounded by the dam, with a possible tile collecting pipe in the spring area. The water will be conveyed from the dam to a 5,000 gallon redwood tank, floating on the system, whence 2050 feet of 2" GI pipe will convey the water to the place of use.

DO NOT WRITE IN THIS SPACE

ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____ (Name city or cities, town or towns. Urban areas only) _____ having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

_____

_____

_____

16. **Mining Use.** The name of the mining property to be served is _____ (Name of claim) _____ and the nature of the mines is _____ (Gold placer, quartz, etc.)

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____ (Cubic feet per second, gallons per minute. State basis of estimate)

The water will / will not be polluted by chemicals or otherwise _____ (Explain nature of pollution, if any)

and it will / will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of

Sec. _____, T. _____, R. _____, _____ B. & M.

17. **Industrial Use.** The nature of the use proposed is _____ (Describe nature and method of use)

_____

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

_____

18. **Recreational Use.** Water will be used for _____ (Describe nature and method of use)

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

_____

General

19. Are the maps as required by the Rules and Regulations filed with Application? Yes (Yes or No). If not, state specifically the time required for filing same _____

20. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

_____

21. What is the name of the post office most used by those living near the proposed point of diversion?

Grant Grove, Kings Canyon National Park, California (Summer) Miramonte, California (Winter)

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? None known

_____

_____

_____

United States Department of the Interior

[SIGNATURE OF APPLICANT] by _____

Thomas J. Allen, Assistant Director
National Park Service

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No._____

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before

5. Complete application of the water to the proposed use shall be made on or before

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Engineer until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Witness my hand and the seal of the Department of Public Works of the State of California this day of 19

A. D. EDMONSTON,
State Engineer

7-611 2-53 5M ① SPO

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

December 20, 1954

Application 16184

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

Attention: Mr. Thomas J. Allen
Assistant Director

Gentlemen:

Your application to appropriate from Unnamed spring area tributary to Kings River was received December 20, 1954 and given the number 16184. It will be examined soon and you will then be informed of further requirements.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

Form 19
2/4/54

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

Application No. 16184 Filed 12/20/54 per acknowledgement at M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, The United States of America, by Thomas J. Allen, Assistant Director,
Name of applicant National Park Service, Department of the Interior
of Washington ~~XXXXXX~~ County of
Address
~~State of~~ D.C., for Kings Canyon Natl. Park, Calif. hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS*:

Source, Amount, Use and Location of Diversion Works

1. **The source** of the proposed appropriation is unnamed spring area (see attached description)
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed
located in Tulare County, tributary to Kings River through Mill Creek

2. **The amount of water** which applicant desires to appropriate under this application is as follows:

(*a*) For diversion to be directly applied to beneficial use 0.01 cubic feet per second, to be diverted from January 1 to December 31 of each year.
(1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day)
(Beginning date) (Closing date)

(*b*) For diversion to be stored and later applied to beneficial use acre-feet per annum, to be collected between and of each season.
(1 acre-foot equals 325,851 gallons)
(Beginning date) (Closing date)

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. If amount under (*a*) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed.

3. **The use** to which the water is to be applied is domestic, recreational and fire supression purposes.
Domestic, irrigation, power, municipal, mining, industrial, recreational

4. **The point of diversion** is to be located at point whence SW Cor. Sec. 8, T 14 S, R 28 E, MDB&M bears: (existing) S30-46-30W 3136.84 ft; and (ultimate) S30-52-47W 3054.43ft.
(State bearing and distance or coordinate distances from section or quarter section corner)
being within the $NE\frac{1}{4}$ $SW\frac{1}{4}$
(State 40-acre subdivision of U. S. Government survey or projection thereof)
of Section 8, T. 14S, R. 28E, MDB& B. & M., in the County of Tulare

5. **The main conduit** terminates in $SW\frac{1}{4}$ $SW\frac{1}{4}$, of Sec. 8, T. 14S, R. 28E, MDB ~~&~~ B. & M.
(State 40-acre subdivision of U. S. Government survey or projection thereof)

Description of Diversion Works

NOTE.—An application can not be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. **Intake or Headworks** (fill only those blanks which apply)

(*a*) Diversion will be made by pumping from -
(Sump, offset well, unobstructed channel, etc.)

(*b*) Diversion will be by gravity, the diverting dam being 5 feet in height (stream bed to level of overflow); 30 feet long on top; and constructed of masonry
(Concrete, earth, brush, etc.)

(*c*) The storage dam will be feet in height (stream bed to overflow level); feet long on top; have a freeboard of feet, and be constructed of
(Concrete, earth, etc.)

7. **Storage Reservoir** None, but 5,000 gal. redwood tank and limited capacity of reservoir ~~created~~ by diversion dam will be used to equalize distribution.
The storage reservoir will flood lands in
(Indicate section or sections, also 40-acre subdivisions unless shown upon map)
It will have a surface area of acres, and a capacity of acre-feet.

☞ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

8. **Conduit System** (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line)____ feet; width at bottom____ feet; depth of water____ feet; length____ feet; grade____ feet per 1,000 feet; materials of construction____

Cross out two not used

Earth, rock, timber, etc.

See attached description

(b) Pipe line: Diameter____ inches; length____ feet; grade____ feet per 1,000 feet; total fall from intake to outlet____ feet; kind____

Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 0.01 sec.ft.

State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $5,000.00

Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. **Construction work** will begin on or before old system completed - see License 961. Badly needed reconstruction is awaiting Congressional appropriations.

Construction work will be completed on or before 1960

The water will be completely applied to the proposed use on or before____

Description of Proposed Use

11. **Place of Use.** Big Stump Entrance Area of Kings Canyon National Park in SW¼ SW¼ Sec. 8, T 14 S, R 28 E, MDB&M

State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Does applicant own the land whereon use of water will be made? Yes

Yes or No

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Domestic Use.** Domestic use is proposed as follows: Water used by rangers, gas station operator, and their families and park visitors. See attached statement

Describe nature of use which may include stock water and the irrigation of domestic gardens not exceeding one-half acre with each place of residence. State number and kind of stock to be watered, number of houses and people to be served.

The amount for which application is made was determined by See attached statement

Describe basis of quantity needed

13. **Irrigation Use.** The area to be irrigated is None acres.

State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice____ acres; alfalfa____ acres; orchard____ acres; general crops____ acres; pasture____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about____ and end about____

Beginning date

Closing date

The land to be irrigated has another / no other water right or source of water supply other than that herein applied for. The nature and amount of the additional supply referred to is See application , Permit 2962, License 961

14. **Power Use.** The total fall to be utilized is____ feet.

Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is____ horsepower.

Second feet × fall ÷ 8.8

The use to which the power is to be applied is____

For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is____

Turbine, Pelton wheel, etc.

The size of the nozzle to be used is____ inches.

The water will / will not be returned to____ in____ of

Name stream

State 40-acre subdivision

Sec.____, Tp.____, R____, ____ B. & M.

EXPLANATORY STATEMENT

1. The source of supply is an unnamed spring area; beginning at point on proposed dam, whence SW Cor. said Sec. 8 bears S 30-52-47 W 3054.43 ft.; thence S 68-00 E 100 ft.; thence N 22-00 E 250 ft.; thence N 68-00 W 200 ft.; thence S 22-00 W 250 ft.; and thence S 68-00 E 100 ft. to point of beginning.

2.(a) This claim to 0.01 sec.ft. throughout the year is a supplement to rights already established under Application 5687, Permit 2962, License 961, and will be exercised through existing system for the established rights until that system can be replaced as herein described.

2.(b) There is no seasonal storage, but between 5,000 and 10,000 gallons of regulatory storage have been, and will be, provided to adjust steady flow to the hourly, daily, and week end demands.

3. 12. and 18. The water system provides the domestic supply for the gas station attendant, from 1 to 3 rangers and their families, and part-time assistants. The water is also used by the park visitors at comfort stations and the gas station. The Big Stump Entrance is at the top of the long grade from the San Joaquin Valley and many cars need water after the ascent in summer. The area has also been a popular site for skiing in the winter, particularly when the road is not kept open to the Grant Grove area within the Park. Most of the 440,000 annual visitors to the Park use the Big Stump Entrance at least once, and approximately 30,000 of those visitors use the area as a base for skiing in the winter.

4. Records from Forest Service indicate that some early surveys were made with compass bearings. The areas granted for former fox farm and lodge, and for gas station are shown by respective locations based on ties to section corner and tie to original water tank, which indicate a variation in azimuth of between 1 and 2 degrees. This same variation is evident in location of point of diversion by description in Water Right Permit 2962, License 961, and as located by official topographic survey of 1937 on which later surveys are based. The existing point of diversion is presumably at the approximate site developed under Permit 2962.

6. A perforated 4" pipe, 10 feet in length, now diverts most of the water at the main spring. The water is then conveyed approximately 60 feet by 2" GI pipe to a 2'X2' open sided redwood settling box where more water is recovered. A 20 ft. length of 1.5" GI pipe then conveys the water to an old nail keg, herein designated as existing point of diversion as last point where water can be recovered or lost. The water was then formerly conveyed by 1107 feet of 1.25" pipe, and 1543 feet of 1" pipe to a distribution tank. This tank and the last 430 feet of 1" pipe beyond the gas station are no longer used.

The new system, when constructed, will consist of a dam as described in 6(b), at point of beginning of the designated spring area. The water will be impounded by the dam, with a possible tile collecting pipe in the spring area. The water will be conveyed from the dam to a 5,000 gallon redwood tank, floating on the system, whence 2050 feet of 2" GI pipe will convey the water to the place of use.

DO NOT WRITE IN THIS SPACE

ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____ (Name city or cities, town or towns. Urban areas only) having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is _____ (Name of claim) and the nature of the mines is _____ (Gold placer, quartz, etc.)

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____ (Cubic feet per second, gallons per minute. State basis of estimate)

The water will / will not be polluted by chemicals or otherwise _____ (Explain nature of pollution, if any)

and it will / will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of Sec. _____, T. _____, R. _____, _____ B. & M.

17. **Industrial Use.** The nature of the use proposed is _____ (Describe nature and method of use)

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

18. **Recreational Use.** Water will be used for See attached statement (Describe nature and method of use)

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

General

19. Are the maps as required by the Rules and Regulations filed with Application? Yes (Yes or No). If not, state specifically the time required for filing same _____

20. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

21. What is the name of the post office most used by those living near the proposed point of diversion?

Grant Grove, Kings Canyon National Park, Calif. (Summer) - Miramonte, Calif. (Winter)

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? No direct claimants. This spring is one source of said mill creek but becomes intermittent a short distance below designated place of use with no other headges in upper reaches. Mill Creek, fed from other sources below, passes through a number of communities before uniting with Kings River below Pine Flat.

[SIGNATURE OF APPLICANT] United States of America
by (Signed) 11-23-54
Thomas J. Allen, Assistant Director
National Park Service

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No._____

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before

5. Complete application of the water to the proposed use shall be made on or before

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Engineer until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Witness my hand and the seal of the Department of Public Works of the State of California this day of 19

A. D. EDMONSTON,
State Engineer

311 2-53 5M ① SPO

11-30-1954: To: National Park Service; From: California State Engineer; Subject: Standard Form 1034

Goodwin J. Knight

~~EARL WARREN~~
GOVERNOR OF CALIFORNIA

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

FRANK B. DURKEE
DIRECTOR

RECEIVED
Hist. Clerk's Office
NATIONAL PARK SERVICE
1954 DEC 6 PM 12:29

L54

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
PUBLIC WORKS BUILDING
P. O. Box 1079
SACRAMENTO 5

~~Prac~~
~~Dunn~~
Fiscal
file 12/8/54

November 30, 1954

L54-L

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

Attention: Mr. Thomas J. Allen
Assistant Director

Gentlemen:

Returned herewith is Standard Form 1034 covering filing fee in the amount of $5.00 for an application to appropriate water from an unnamed spring area, tributary to Kings River through Mill Creek, NE¼, SW¼, Section 8, T. 14 S., R 28 E., M. D., B & M, in the County of Tulare. This has been certified by the undersigned.

As soon as the filing fee is received, the application will be filed and assigned a number.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By T C Cronin
T. C. Cronin
Acting Administrative Officer

BV 1045
12/8/54

KICA

11-24-1954: To: California State Engineer; From: Assistant Director, National Park Service; Subject: App. 5687, License 961

In reply refer to:
L54-L

NOV 24 1954

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
Department of Public Works
P. O. Box 1079
Sacramento 5, California

App. 5687, License 961

Dear Mr. Edmonston:

Enclosed is an application for the supplemental appropriation of water by the system covered by License 961 in compliance with the letter of December 7, 1953 from Mr. Jopson. The application has been prepared to cover the increasing quantity and time of water use, and proposed reconstruction of the water system. It also indicates a correction in the location of the point of diversion described in the Application 5687 and License 961, with justification for the variation in azimuth based on more recent accurate surveys of land marks shown in the maps relating to the earlier application and related land use permits.

Also enclosed are a purchase order and voucher to cover the filing fee. The voucher should be signed and returned to this office for payment. If the application is acceptable without changes, it is requested that you send the notices for posting and publication to the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, California, with a copy to this office, to save time. The permit, when issued, should be sent to this office.

Sincerely yours,

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Enclosures 3

Copy to: Regional Director, Region Four (detached)
Superintendent, Sequoia and Kings Canyon (detached)
Western Office of Design and Construction (detached)

72

10-06-1954: To: Director; From: Regional Chief of Lands; Subject: Water Rights, Big Stump Area, Kings Canyon National Park

In reply refer to
L64

Manbey BFM

FILE COPY

October 6, 1954

Memorandum

To: The Director

From: Regional Chief of Lands

Subject: Water Rights, Big Stump Area, Kings Canyon National Park

This is in reply to Mr. Dunn's memorandum of August 3 on the above mentioned subject. There are now attached the following:

One copy of Dwg. No. NP-SK-6979
One copy Proposed Appropriation Application
One copy Supt. Scoyen's memorandum of Sept. 16

It will be noted that Mr. Scoyen's memorandum signifies clearance. Obviously the park engineer has supplied the engineering data.

One copy of drawing and Mr. Scoyen's memorandum of September 16 are being transmitted with copy of this memorandum to the Design and Construction Office.

B. F. Manbey
Regional Chief of Lands

Attachments 3

Copy to: Superintendent, Sequoia
Western Office, Design and Construction
B. F. Manbey

BFManbey:hcf

FILE COPY

1

09-16-1954: To: Regional Director, Region Four; From: Superintendent, Sequoia and Kings Canyon; Subject: Water Rights, Big Stump Area, Kings Canyon National Park

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SEQUOIA AND KINGS CANYON NATIONAL PARKS
THREE RIVERS, CALIFORNIA

In reply refer to:
L54

BFM

September 16, 1954

Wrote Supt. 9/28
Wrote W.O. 10/6

Memorandum

To: Regional Director, Region Four

From: Superintendent, Sequoia and Kings Canyon

Subject: Water Rights, Big Stump Area, Kings Canyon NP

Map filed in Lands Dwn.
BFM
10/6

Returned herewith are three prints of NP-SK-6979 which we do not believe require any changes. On question 21 of the draft of application we have entered in pencil the summer post office at Grant Grove, and the winter post office at Miramonte.

We are unable to answer question 22 because the spring appears to be at the initial source of Mill Creek which, according to the U.S.G.S. Topographic Map for Sequoia and Kings Canyon, wanders through a number of communities and enters the Kings River below Pine Flat Dam. However, the stream becomes intermittent a short distance below Big Stump and this may have some bearing on the proposed application.

E. T. Scoyen

E. T. Scoyen
Superintendent

Enclosure

NATIONAL PARK SERVICE
RECEIVED
SEP 20 1954
REGION FOUR OFFICE

69

08-03-1954: To: Regional Director, Region Four; From: Chief, Water Resources Section; Subject: Water Rights, Big Stump Area, Kings Canyon National Park

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54-L

McCallum
X Manbeck BFm

AUG - 3 1954

Wrote Supt 8/19
BFm

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Rights, Big Stump Area, Kings Canyon National Park

Attached are four prints of Drawing NP-SK-6979 and a draft of our proposed application for the appropriation of water for purposes, and at times, not covered by License 951, Docket No. 1. The State Engineer demanded a new appropriation for water use between November 15 and April 1, and the attempt has been made to make the application broad enough to cover all future development, and to reconcile data from various sources.

Please obtain such clearance as seems proper, from the Superintendent and Western Office of Design and Construction, and return the application and one print of the map with any changes which seem desirable. In addition, please supply the answers to Questions 21 and 22. I assume that we should give both Ash Mountain and another address for the Gas Station operator. I also assume that there are no other claimants to the waters of Mill Creek before that stream unites with Kings River, but the points should be confirmed.

A. van V. Dunn
Chief, Water Resources Section

Attachments 5

In triplicate

NATIONAL PARK SERVICE
RECEIVED
AUG 6 1954
REGION FOUR OFFICE

67

In reply refer to:
L54-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SEQUOIA AND KINGS CANYON NATIONAL PARKS
THREE RIVERS, CALIFORNIA

Ike 5/5
Crowley
~~Jackson~~ WSJ

MEMO. TO DIRECTOR
5-5-54 W.S.J.

May 3, 1954

Memorandum

To: Regional Director, Region Four

From: Superintendent, Sequoia and Kings Canyon

Subject: Water Rights, Big Stump Area

Returned herewith is print NP-SK-2111A on which we have superimposed the location of the proposed 25,000 gallon redwood tank and two-inch water line contemplated under PCP U-47-2. All of this information was obtained from print NP-SK-5006 which we believe is the latest drawing available on the proposed project. You may wish to check your files for a more recent edition of the drawing before transmitting to the Washington Office.

E. T. Scoyen

E. T. Scoyen
Superintendent

Enclosure

NATIONAL PARK SERVICE
RECEIVED
MAY 4 1954
REGION FOUR OFFICE

65

04-02-1954: To: Regional Director, Region Four; From: Chief, Water Resources Section; Subject: Water Rights, Big Stump Area, Sequoia National Park

In reply refer to:
L54-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

April 2, 1954

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Rights, Big Stump Area, Sequoia National Park

On March 10 Mr. Hill transmitted Mr. Scoyen's memorandum of March 5 with prints of Dwg. No. 2111A, clarifying the status of water installation at the Big Stump Area. In order to make a file map to accompany the proposed application Mr. Scoyen mentioned, this map should have superimposed on it the location of the 25,000 gallon redwood tank and the two-inch water line contemplated under PCP, U-47-2. The flow and residual pressure figures in Mr. Hill's memorandum check nicely for the same tank location as the old unuseable tank, but could be just as applicable to a location down the pipe line 40 feet or so below the spring elevation.

We are returning one copy of the map upon which the requested data might be shown.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachment

NATIONAL PARK SERVICE
RECEIVED
APR 6 1954
REGION FOUR OFFICE

63

03-22-1954: To: Regional Director, Region Four; From: Chief, Water Resources Section; Subject: Riparian Water Rights of the US in California

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54-L

McClellan
Crowley 3/26
Manley BFM.

March 22, 1954

Sent cc Supt. Sequoia
3/26/54
BFM.

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Riparian Water Rights of the United States in California

By letter of December 7 Mr. L. C. Jopson, Principal Hydraulic Engineer of the State Division of Water Resources, advised that the United States had no means for obtaining rights to water at the Big Stump Area of Kings Canyon except by appropriation, copies of the letter being sent to you by memorandum of February 18. Subsequent to December 7, we received the Western Water News reporting that the State had now recognized the riparian rights of the United States in connection with the Santa Margarita case. I wrote to the State Engineer to see whether the State had reversed its stand with regard to Federal riparian rights.

The attached reply of March 3 from Henry Holsinger, Principal Attorney, indicates that there has been no change. The second paragraph is approximately the same information which I have obtained from the engineers in the Division of Water Resources at various times during the past 15 years, but this is the first time it has been concisely stated in writing, and by a member of the legal staff.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 2

NATIONAL PARK SERVICE
RECEIVED
MAR 26 1954
REGION FOUR OFFICE

62

03-05-1954: To: Regional Director, Region Four; From: Superintendent, Sequoia and Kings Canyon; Subject: Water Rights, Big Stump Area, Kings Canyon

In reply refer to
L54-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Sequoia and Kings Canyon National Parks
Three Rivers, California

Monterey B/M
X Crowley

March 5, 1954

Copy to Director
See memo to Dir
of 3/10/54 HR

Memorandum

To: Regional Director, Region Four

From: Superintendent, Sequoia and Kings Canyon

Subject: Water Rights, Big Stump Area, Kings Canyon

We have received Drawing No. NP-SK-2111A, as requested in Mr. Hill's February 25 memorandum, and believe it is accurate, as we know of no recent changes to the system. We have, however, re-written PCP V-47-2 and entered it on the 1956 F.Y. Area Priority List as Priority No. 8, and we hope that funds will soon be available for construction of a new system.

There are no records available on the maximum number of visitors using the facilities of the water system in summer and winter. During three months of the summer season, two of the temporary quarters are occupied by park personnel. They are served by cold water taps only. The service station, however, is occupied all year by the attendant and his wife. Although there is heavy visitor use in the area both summer and winter, very little use is made of the water system facilities by the public at present.

In view of the recently improved highway from Fresno and a proposed land acquisition in the Big Stump area, it is evident that demands for improved facilities are going to multiply. We suggest therefore, that in establishing a maximum anticipated use in the application to be filed, these factors be taken into consideration.

E. T. Scoyen

E. T. Scoyen
Superintendent

60

03-03-1954: To: USDI, National Park Service, Water Resources Section; From: Principal Attorney, State of California Department of Public Works; Subject: Application 5687

C O P Y

Goodwin J. Knight
Governor of California

A. D. Edmonston, State Engineer
Chief of Division

Frank B. Durkee
Director

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Address reply to
Division of Water Resources
P. O. Box 1079
Sacramento 5
Public Works Building
1120 N Street

March 3, 1954

Application 5687

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

Your File No. L54-L

Dear Mr. Dunn:

Your letter to A. D. Edmonston, State Engineer, under date of February 24, 1954, concerning riparian rights of the United States has been referred to me for reply.

There has been no change in the position of this office with respect to riparian water rights pertaining to vacant public lands, which is that riparian rights do not attach until the first effective step is taken to acquire a private possessory interest therein, as by making entry under the homestead laws or for the purpose of acquiring a mining claim. This position does not conflict with the possibility that the United States might acquire such vested riparian rights as have previously attached to a parcel of land in private ownership, by purchase of such land just as any other purchaser might do, or by condemnation thereof. This is the situation on the Santa Margarita River where the Navy has acquired title to the former Rancho Santa Margarita for purposes of a military reservation. It is conceded that the United States has succeeded to whatever riparian rights its predecessors possessed.

59

There has been no recent decision defining the State Engineer's position in these respects as no occasion for such definition has arisen. I trust the foregoing information will be of assistance to you.

Very truly,

/s/ Henry Holsinger
Henry Holsinger
Principal Attorney

59

02-24-1954: To: California State Engineer; From: Water Resources Section, National Park Service; Subject: Application 5687, Permit 2962, License961, Kings Canyon National Park

In reply refer to:
L54-L

McClellan
Manbert BFM

February 24, 1954

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
P. O. Box 1079
Sacramento 5, California

Subject: Application 5687, Permit 2962, License 961, Kings Canyon National Park

Sent cc Supt. Sequoia
2/1
BFM

Dear Mr. Edmonston:

By letter of December 7, 1953, Mr. Jopson suggested that the Big Stump water system appeared to be used to divert more water than is authorized under License 961, particularly to the extent that winter use is made of the system. He suggested that an appropriative filing be made for the additional diversions and use because appropriation was the only source of water rights available to the United States. By letter of February 18 Assistant Director Thomas J. Allen replied that the National Park Service has been authorized to comply with the appropriative code with the proviso that it does not constitute a waiver of any riparian rights which the United States may have.

The Park Service has had to govern its activities relating to the perfection of water rights to comply with two schools of thought for about 15 years. The controversial question is whether the United States has been entitled to exercise riparian rights since passage of the Desert Land Act of 1877. Mr. Jopson has offered the same negative answer first offered by Messrs. Hyatt and Edson.

A clipping from the Los Angeles Times of February 3 now suggests that the legal counsel of the Division of Water Resources may have reversed its stand, at least as far as it relates to the Santa Margarita River case and the Fulbright Bill (Senate 2521). To the extent that it may help reconcile Federal and State positions, we shall appreciate receiving copies of any decisions which define the present State position.

Sincerely yours,

(SGD.) A. VAN V. DUNN.
A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four (2)

NATIONAL PARK SERVICE
RECEIVED
MAR 1 1954
REGION FOUR OFFICE

57

02-18-1954: To: California State Engineer; From: Assistant Director, National Park Service; Subject: Applications 5687, Kings Canyon National Park, and 8714, Lassen Volcanic National Park

In reply refer to:
L54-L

FEB 18 1954

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
P. O. Box 1079
Sacramento 5, California

Subject: Applications 5687, Kings Canyon National Park, and 8714, Lassen Volcanic National Park

Dear Mr. Edmonston:

In acknowledging the biennial reports on water use under licenses issued under the subject applications, Mr. L. C. Jopson has indicated that the rights to use of the spring waters at the Big Stump Entrance Area of Kings Canyon National Park are limited to the period from April 1 to November 15, and to a diversion of only 1100 gallons per day, and that the report indicates additional use of the water which should be covered by an additional appropriative water right.

As your records show, Mr. Howell Bone made the original development, on what was then land of Sequoia National Forest, and initiated the rights under Application 5687, Permit 2962, License 961, under a special use permit from the U. S. Forest Service. The interests were subsequently divided, and independently conveyed through a number of owners. Within approximately the past two years, the National Park Service has shown to your satisfaction that all title has passed to the United States.

All diversions and use of water at the Big Stump Area now conform with the riparian doctrine recognized by the State of California, whether covered by License No. 961 or not. For a number of years the National Park Service has been governed by Departmental instructions not to initiate appropriative claims of this type except in special cases, because of the potential effect on the controversy as to the status of Federal riparian rights which was reflected in the acts of July 26, 1866 (14 Stat. 251) and March 3, 1877 (19 Stat. 377).

It has now been suggested by the Solicitor's Office that we make the supplemental appropriation as suggested by Mr.

Jopson, without accepting or making an issue of the statement in the penultimate sentence of his letter. An application will be filed as soon as certain information is obtained from our Regional Office.

Sincerely yours,

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Copy to: Solicitor, with copy of Mr. Jopson's letter of December 7
Regional Director, Region Four (4), with 4 copies of
Mr. Jopson's letter of December 7

02-18-1954: To: Regional Director, Region Four; From: Assistant Director, National Park Service; Subject: Water Rights, Big Stump Area, Kings Canyon National Park

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54-L

McClellan
Can you supply? → Crowley 2/25
Manbey B/M.
B/M
FEB 18 1954
Peterson 2/25/54
memo to Seq-KC 2/25/54

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights, Big Stump Area, Kings Canyon National Park

The attached copies of a letter of December 7 from Mr. L. C. Jopson and of my reply to the State Engineer reflect instructions we have just obtained informally from the Solicitor's Office, to comply with the appropriative water code in the subject case, rather than raise the issue presented in the penultimate sentence of Mr. Jopson's letter.

The application must be accompanied by a plan of the water system. The only plans in this Office are the ones in Docket No. 1, which are obsolete. Drawing NP-KC-6951 at the bottom of the assembly is a photostat reduction of a 1937 drawing by the Forest Service, showing the conditions at that time, with the projection of the new road. Presumably you have the original tracing to a much larger scale.

Please send us a plan of the existing water system with pipe sizes, location of related gas station, checking station, parking area, and other developments, with sufficient reference points to locate them on drawing 6951, or our print of the original map. If you have no plan of the system as it now exists, the details should be shown as closely as possible on a print of that drawing. Also please indicate the changes contemplated to provide a more adequate supply. Also supply us with any records you have of the maximum number of visitors using the facilities of the water system in summer and winter.

Assistant Director

In duplicate

Attachments 8

NATIONAL PARK SERVICE
RECEIVED
FEB 23 1954
REGION FOUR OFFICE

54

12-07-1953: To: USDI, National Park Service, Water Resources Branch; From: California State Engineer; Subject: Applications 5687, 8714

COPY

Goodwin J. Knight
Governor of California

A. D. Edmonston, State Engineer
Chief of Division

Frank B. Durkee
Director

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Address reply to
Division of Water Resources
P. O. Box 1079
Sacramento 5
Public Works Building
1120 N Street

December 7, 1953

Applications 5687, 8714

Mr. A. Van V. Dunn, Chief
Water Resources Branch
U. S. Department of the Interior
National Park Service
Washington 25, D. C.

Dear Mr. Dunn:

Your letter of November 19, and accompanying reports on Application 5687, License 961, and Application 8714, License 2291, is acknowledged.

Use under a license may not be increased. Therefore, it is again desired to point out that License 961 covers use of water from April 1 to November 15 whereas it appears that use is made during all months of the year. It also appears that the maximum use now exceeds the 1100 gallons per day, covered by the license. Under the circumstances, it is suggested that a second application be filed to cover use for domestic, recreational and fire protection purposes during all months and for an additional amount sufficient to cover the maximum anticipated use of water on the project. No other means of obtaining a right to such use is available to you. Forms for this purpose have been sent to you under separate cover.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By /s/ L. C. Jopson
L. C. Jopson
Principal Hydraulic Engineer

54

09-11-1951: To: Regional Director, Region Four; From: Acting Superintendent, Sequoia and Kings Canyon National Parks; Subject: Water Right Application No. 5687, License No. 961, Deed 5, Big Stump Area, Kings Canyon National Park

X ~~Manley~~ B/M

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SEQUOIA AND KINGS CANYON NATIONAL PARKS
THREE RIVERS, CALIFORNIA

L54 KICA

Crowley M 9/17

~~Hohl~~ L.L.H 9/17

Sent cc Director 9/17/51 B/M

September 11, 1951

Memorandum

To: Regional Diredtor, Region Four

From: Acting Superintendent, Sequoia and Kings Canyon National Parks

Subject: Water Right Application No. 5687, License No. 961
Deed 5, Big Stump Area, Kings Canyon National Park

We asked the Sequoia National Forest for the information requested in Mr. Van Dunn's memorandum of July 19, 1951, and have received the following letter from Forest Supervisor McNutt:

"Your letter of August 8 has been received. Due to off-forest fires we have delayed our reply to you.

"There is very little information that we can give you on these permits, as Mr. Neff's was closed on July 18, 1940 and the Rowland and Temple permit which was transferred to Ferguson was closed on December 4, 1939. Information on these permits are retained by us for five years after closing, and then destroyed. Consequently, we have no detailed information in our files on them.

"There is no one now on the Forest who is familiar with these permits so there is little additional information we can give you. We have asked the District Ranger at Hume Lake regarding this and he also can contribute no light to the matter."

O. W. Carlson
Acting Superintendent

NATIONAL PARK SERVICE
RECEIVED
13 1951
REGION FOUR OFFICE

48

08-08-1951: To: Supervisor, Sequoia National Forest; From: Superintendent, National Park Service; Subject: Water Right Application No. 5687

S+K

660.05.4

In reply refer to:
54 KICA

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SEQUOIA AND KINGS CANYON NATIONAL PARKS
THREE RIVERS, CALIFORNIA

1. ~~McClellan~~ d.M.
2. ~~Crowley~~ pc 8/13
3. ~~Hanbey~~ B/M 8/14

August 8, 1951

Jack J. McNutt, Supervisor
Sequoia National Forest
Porterville, California

Dear Mr. Mc Nutt:

The National Park Service holds a water right application, No. 5687, License No. 961, Deed 5, Big Stump Area in Kings Canyon National Park. This water right assembly as it now stands is in need of break down as to land occupancy, water right definition and title.

We have been advised that condition 28 of the Forest Service Permit to Mr. Neff of January 1, 1950, authorizes connection to a Forest Service water system, and that the Rowland and Temple Water Transmission Conduit Permit was terminated by condition 15 of the permit of July 1, 1938, to Mr. Tom P. Ferguson. There is a suggestion that the United States has claimed the right to divert and use, and to allow the permittees to use, water in excess of rights under License 961 since 1938; and that the United States has an unrecorded riparian claim which may date back to 1927 or before.

It will be appreciated if you can furnish us any information to show whether there was a Forest Service development in the Big Stump Area between 1927 and 1938, and approximately its extent and date of construction.

We want to thank you in advance for any assistance you can give in this matter.

Sincerely yours,

E. T. Scoyen
Superintendent

Copy to: Director
Regional Director, Region Four

NATIONAL PARK SERVICE
RECEIVED
AUG 9 1951
REGION FOUR OFFICE

47

07-19-1951: To: Regional Director, Region Four; From: Chief, Water Resources Branch; Subject: Water Right Application No. 5687, License No. 961, Deed 5, Big Stump Area, Kings Canyon National Park

RRH 7/24

In reply refer to:
L54 KICA

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

Peterson JC 7/24
Manbey OFm
Hunt RRH
McClellan.

July 19, 1951

Memorandum

Wrote Supt. 7/25
BFm

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Water Right Application No. 5687, License No. 961, Deed 5, Big Stump Area, Kings Canyon National Park

The information enclosed with the memorandum of May 23 from Mr. Manbey seems to be all that is now needed to complete the above-designated water right assembly so far as it relates to existing conditions. It may be desirable to amend the rights when the water system is reconstructed.

The assembly, as it now stands, is in need of breakdown as to land occupancy, water right definition and title, and change from a deed to a docket. We shall make such changes, and send the original to the Park through you, in the near future.

Meantime, your attention is called to the fact that condition 28 of the Forest Service Permit to Mr. Neff of January 1, 1940, authorizes connection to a Forest Service water system, and that the Rowland & Temple Water Transmission Conduit Permit was terminated by condition 15 of the permit of July 1, 1938, to Mr. Tom P. Ferguson. There is a suggestion that the United States has claimed the right to divert and use, and to allow the permittees to use water in excess of rights under License 961 since 1938; and that the United States has an unrecorded riparian claim which may date back to 1927 or before.

It is because of the uncertainty as to unrecorded early Federal water use that we wish to be careful about filing any additional claims to the waters of the Big Stump springs. It would be helpful if you can determine from the Forest Supervisor whether there was a Forest Service development in the Big Stump Area between 1927 and 1938, and approximately its extent and date of construction. From such information we could probably establish a right to the entire spring flow even though only part of the flow has been used to date.

A. van V. Dunn
Chief, Water Resources Branch

NATIONAL PARK SERVICE
RECEIVED
JUL 24 1951
REGION FOUR OFFICE

In duplicate

4

05-23-1951: To: Director; From: Acting Assistant Regional Director; Subject: Water Rights, Big Stump Area, Application No. 5687, License No. 961 (File L54 KICA)

FILE COPY

S.R. Water Rights

~~PETERSON~~

~~HOHL~~

~~MANBEY~~

BFM

May 23, 1951

Memorandum

To: Director

From: Acting Assistant Regional Director

Subject: Water Rights, Big Stump Area, Application No. 5687, License No. 961 (File L54 KICA)

Attached is a copy of a memorandum from O. W. Carlson, Assistant Superintendent, Sequoia and Kings Canyon National Parks, dated May 15, 1951, and a copy of a memorandum by District Ranger Bechtel of the same area, dated April 2, 1951. Also attached is a print of Drawing No. NP-SK-2111A, titled "Water Rights Map, Big Stump Area", which was prepared in this office.

In general, we believe all the information requested in Mr. Demaray's memorandum of January 9, 1951 is contained in the data being forwarded. You will note estimates for present day use require slightly more than 1500 gallons per day, with an anticipated ultimate use of approximately 6,000 gallons per day.

Also, you will note the measured flow of the spring was one and a half gallons per minute (2,160 g.p.d.) last fall, presumably the driest part of the year. Computations on the pipe line show that it is capable of delivering approximately 16,000 gallons per day at the service station location, but only about 3,000 gallons per day at the location of the old water tank (out of use since 1940). The pipe line is in very poor condition.

It is believed the spring can be developed for the ultimate anticipated use by installation of an efficient collection works. At the same time a new pipe line and a storage reservoir should be provided.

TO: WESTERN OFFICE,
DIVISION OF DESIGN AND CONSTRUCTION
For Your ☒ Information ☐ Action
Pacific Coast Office Initials E.M.H. W.S.J. Date 8-11-54

42

FILE COPY

To our knowledge the question of whether to file an application for additional water or rely on riparian rights has never been definitely answered. Therefore, we recommend the same course of action taken on like matters in the past.

B. F. Manbey
Acting Assistant Regional Director

Attachments 3

LTPeterson:rw

05-15-1951: To: Regional Director, Region Four; From: Assistant Superintendent, Sequoia and Kings Canyon; Subject: Water Rights, Big Stump Area, Application No. 5687, License No. 961

J.G. 5/21 Peterson
~~Hohl~~ L.L.H

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

SEQUOIA AND KINGS CANYON NATIONAL PARKS

THREE RIVERS, CALIFORNIA

May 15, 1951

Memorandum

To: Regional Director, Region Four

From: Assistant Superintendent, Sequoia and Kings Canyon

Subject: Water Rights, Big Stump Area, Application No. 5687, License No. 961

There is returned print of Drawing NP-SK-2111, titled "Water Rights Map, Big Stump Area," which has been corrected by District Ranger Bechtel as requested by Mr. Crowley. Copy of memorandum from Mr. Bechtel is also attached, as well as sketch showing intake at spring as it actually exists.

Considering the crudeness of the installation, it is doubtful if much more than 1100 gallons per day can be produced, and this can still be considered a good estimate for present winter needs. For the summer needs of the area an increased amount should be made available. See our memorandum dated September 15, 1950 for estimated needs.

Mr. van V Dunn has questioned whether the government should file an application for the appropriation of more water or rely on riparian rights. In any event, it seems quite definite that with the ultimate construction of a flush comfort station, and possibly a ski warming house, the full capacity of the present spring will be utilized.

O. W. Carlson
Assistant Superintendent

Enclosures

copy of this memo & of Bechtel's memo sent to Director.

JJB 5/23/51

NATIONAL PARK SERVICE RECEIVED MAY 17 1951 REGION FOUR OFFICE

TO: WESTERN OFFICE,
DIVISION OF DESIGN AND CONSTRUCTION
For Your [X] Information [ ] Action
Pacific Coast Office Initials E.M.H. Date 8-11-54
W.S.J.

41

04-02-1951: To: Chief Ranger; From: District Ranger, Bechtel; Subject: Big Stump Water Rights

Memorandum

Grant Grove District
April 2,I95I

For : Chief Ranger

From : District Ranger,Bechtel

Subject : Big Stump Water Rights

Referring to regional Engineer Crowley's memorandum of March i to Supt. of Sequoia-Kings.

Paragraph 2

The 2300 feet of iron pipe now in use starts out as a two inch line and maintains that size for the first I00'.It then reduces to I¼" and maintains that size for approximately I000', the balanceof th e line is composed of I" iron pipe.

The tank Mr. Crowley mentions is not usuable and has not been connected to the present water system since I940.

The flow of the spring in its present condition does not keep a I" line running full of water. During a test conductef last fall the spring was producing I½gallons per minute or 2I60 gallons a day

At present the amount of water stored for use is limited to the capacity of the 2300 feet of various sized pipe that goes to make up the water system. There is not a storage tank connected with the system.

Paragraph 3

The II00 gallons per day estimate made previously is still a good estimate for present winter needs,however you will note in memorandums to you from this office dated July 3I I950 and again on Sept. I3 I950 it was pointed out that all water available from the springs would be needed in furture devolepment of the area. We had in mind a figure of 6000 gallons per day to be produced from these springs after proper devolepment.
It is recommended that the figure of 6000 gallons per day be used in estimating water needs for furture devolepment.

TO: WESTERN OFFICE,
DIVISION OF DESIGN AND CONSTRUCTION
For Your ☒ Information ☐ Action
Pacific Coast Office Initials E.M.H. Date 8-11-54
W.S.J.

40

Paragraph 4

There would seem to be some misunderstanding as to the extent of the structures that goes to make up the head works of the Big Stump water system.
You will note from the attached sketch that the head works are rather simple consisting as it does of 10' of 4" pipe preforated with a series of small holes, out of which leads a 2" iron pipe which in turn leads to a box 2' square composed of redwood stakes driven into the ground. This box with a dirt bottem and partially open sides acts as a settling tank, water from this box is then conducted through a length of 1½" iron pipe to a 100 lb. nail keg, which in turn acts as another settling tank, from this nail keg a 1¼" iron piperuns approximately 1000' there giving way to 1" iron pipe.

Measurement tests mentioned above were conducted as the water entered the wooden stake box.

The protective division installed the present head works with the help of Mr. J.R.Dickson.

The 10' of 4" iron pipe is lying in decomposed granite, and is covered with DG and dirt.

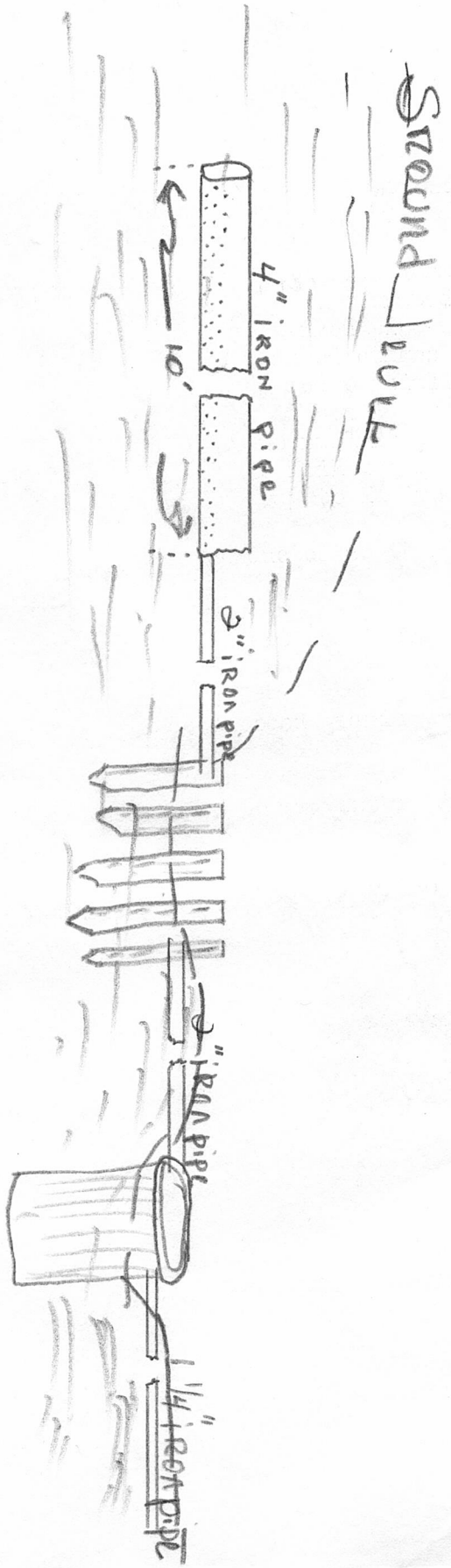
There is no dam or any other obstruction to prevent water from continuing on down the draw.

The present water system is not at all adaquate for the needs of the area.

Stanley H Bechtel

Stanley H. Bechtel
District Ranger

40



Head Works Big Stump Water System

03-01-1951: To: Superintendent, Sequoia and Kings Canyon; From: Regional Engineer; Subject: Water Rights, Big Stump Area, Application No. 5687, License No. 961

FILE COPY

In reply refer to:
L54 KICA

~~PETERSON~~

~~HOHL~~

CROWLEY 3/1/51

5

180 New Montgomery Street

Memorandum March 1, 1951

To: Superintendent, Sequoia and Kings Canyon

From: Regional Engineer

Subject: Water Rights, Big Stump Area, Application No. 5687, License No. 961

Attached are two prints of Drawing NP-SK-2111, titled "Water Rights Map, Big Stump Area". This map was prepared to show the location of the water diversion or spring with respect to the area in which the water is used. Data used in its preparation were old and probably do not show all developments now existing. We should appreciate your checking this map and showing all developments at the Big Stump Area. Any changes you show on the print will be incorporated here in the original drawing.

It is Engineer Peterson's recollection that the existing line is 2" diameter iron pipe. If this is correct, the pipe is capable of carrying about 32,000 gallons per day. If the pipe is only 1½" in diameter, the flow will be approximately 15,000 gallons daily. These figures assume there is an overflow on the tank and that the spring itself has at least the flow required to fill the pipe and keep it running full.

Mr. Demaray's memorandum of January 9 to this office (L54 KICA), (see our memorandum to you of February 2), states that with the rights under License No. 961 he doubts that more than 1100 gallons of water are used per day. Our belief is that considerably more water is used if the assumptions regarding pipe capacity in the above paragraph are correct. Undoubtedly not all of the water flowing through the pipe is consumed, but it certainly appears to exceed the quantity covered by License No. 961. Therefor, it is our belief that you should make estimates of the present and ultimate demands as requested in Mr. Demaray's memorandum and then request the Washington Office to file a second application to cover the needs of this area.

39

FILE COPY

It is our impression that the spring is completely enclosed. If this is correct, the only measurement which can be made on it will be either at the tank or at one of the drain valves in the pipe. This should be relatively easy to do late in the summer when the spring flow is at its lowest.

Since we think you can take care of this matter satisfactorily, we shall not plan to send an engineer at this time unless you feel there is need.

(SGD) H. L. CROWLEY

H. L. Crowley
Regional Engineer

Attachments 2

LTPeterson:rw

01-09-1951: To: Regional Director, Region Four; From: Associate Director; Subject: Water Rights, Big Stump Area, Kings Canyon National Park, Application 5687, L:icense 961

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 KICA

~~Hohl~~ L. Litt
~~Crowley~~ HC 2/5
~~Manbey~~ BFM
Peterson LB

JAN - 9 1951

Memorandum

To: Regional Director, Region Four

From: Associate Director

Subject: Water Rights, Big Stump Area, Kings Canyon National Park, Application 5687, License 961

Attached are four copies of a letter of December 13 from the Supervising Hydraulic Engineer of California with regard to our reports on the Battle Creek hydroelectric plant at Lassen Volcanic National Park under Application 8714, and the water system at the Big Stump Entrance of Kings Canyon National Park under Application 5687, License 961. You also received copies of the letter of November 7 to which it refers.

In connection with the rights under License No. 961, we doubt if more than 1100 gallons of water are used per day. In addition, we have no information with regard to the available spring flow and your estimates of the present and ultimate water demand. Also please supply us with a map of the water system and related improvements now existing. Assuming that the diversion is still at the approximate point described in the original application, a suitable map can be prepared by tracing and revising the map in the Deed 5 assembly in your office.

Map prepared from other information giving greater detail.

This water right has been in the process of adjustment for some years. There is also some question as to whether the United States should file an application for the appropriation of more water or rely on riparian rights. Accordingly, any field work which may be needed to supply the necessary information can be scheduled during the coming summer.

A. E. Demaray
Associate Director

NATIONAL PARK SERVICE
RECEIVED
JAN 15 1951
REGION FOUR OFFICE

Attachments 4

In duplicate

34

C O P Y

Earl Warren
Governor of California

A. D. Edmonston, State Engineer
Chief of Division

C. H. Purcell
Director

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Address Reply to
Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento 5

December 13, 1950.

Application 5687, 8714

Your File
L54 REG4

Mr. A. Van V. Dunn, Chief
Water Resources Branch
U. S. Department of the Interior
National Park Service
Washington, 25, D. C.

Dear Mr. Dunn:

Your letter of November 7, with accompanying reports in connection with Application 5687, License 961, and Application 8714, Permit 2291, is acknowledged. The statements therein relative to the uses presently made of the water, have been accepted as a petition for change in character of use, under License 961. Action thereon will be taken in the near future.

It should be noted that License 961 covers use of water from April 1 to November 15 whereas it appears that use is made during all months of the year. It also appears that the maximum use now exceeds the 1100 gallons per day, covered by the license. Under the circumstances, it is suggested that a second application be filed to cover use for domestic, recreational and fire protection purposes during all months and for an additional amount sufficient to cover the maximum anticipated use of water on the project. In the event you decide to file such an application, forms for the purpose will be sent you upon request.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By /s/ L. C. Jopson
L. C. Jopson,
Supervising Hydraulic Engineer

11-07-1950: To: Public Works Building, Division of Water Resources; From: USDI, National Park Service, Water Resources Branch; Subject: Triennial Reports of Licensee under Water Right Application 5687

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 REC4

L.L.H
~~Mantry~~ BFM 11/13
~~Crowley~~ KE 11/13

November 7, 1950

Sent ccs to Kings AND Lassen
BFM 11/13

Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento 5, California

File in Kings Canyon
BFM

Gentlemen:

Enclosed are the triennial Reports of Licensee under Water Right Application 5687, License 961, at Kings Canyon National Park, and Application 8714, License 2291, at Lassen Volcanic National Park.

License 961 authorizes the use of water for domestic purposes and to operate a fox farm. The fox farm is a thing of the past. Most of the water is now used at the residence of the gas station attendant and his wife, and at the comfort stations provided for the checking ranger and the public. A certain amount of water is also used in connection with the servicing of motor cars at the gas station--many radiators need refilling after the long uphill drive. The water is also available for fire fighting.

On this basis, it seems probable that the purpose of use should be reclassified as domestic and recreational, and might include industrial use. Since only 1100 gallons of water per day are involved, it is wondered if the reclassification can be made without the formality of an application, advertising, and proof.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

Enclosures 2

Copy to: Regional Director, Region Four (2)

NATIONAL PARK SERVICE
RECEIVED
NOV 13 1950
REGION FOUR OFFICE

32

07-11-1950: To: Regional Director, Region Four; From: Chief, Water Resources Branch, National Park Service; Subject: Water Use, Big Stump Area, Kings Canyon National Park, Under Water Right License 961

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 KICA

July 11, 1950

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Water Use, Big Stump Area, Kings Canyon National Park, Under Water Right License 961

The memorandum of June 30 for you from Mr. Scoyen is helpful but not sufficient to define the extent of water use. It is quite appropriate to make an estimate of the present water use and ultimate demand in connection with the state-wide water resources survey.

For the present water use, we should know the number of people occupying the five-room house--presumably the family of J. R. Dickson. We should also know what part of the day the checking ranger is dependent on the water system, and we should estimate the number of cars which stop at the service station for water for their radiators and also for the use of the comfort stations. Mr. Dickson could probably count the number of people using comfort stations and those filling their radiators on a few days, and could probably tell by the length of time that the water was running about how many quarts the average car required in its radiator. These data for the specific days could be tied in with the number of people checking in and out of the park for the same days, and the average seasonal rates could then be computed.

As far as the ultimate use is concerned, the quantity of water is so small that it is probably sufficient to say that all will be used when adequate comfort stations are provided for summer use, and very definitely all will be used if a ski-warming house is provided to concentrate the public at this area instead of at the Lodge on up the road.

A. van V. Dunn
Chief, Water Resources Branch

NATIONAL PARK SERVICE RECEIVED JUL 1950 REGION FOUR OFFICE

In duplicate

30

06-30-1950: To: Regional Director, Region Four; From: Superintendent, Sequoia and Kings Canyon; Subject: Water Right Application 5687, License 961, Big Stump Area, Kings Canyon National Park

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

SEQUOIA AND KINGS CANYON NATIONAL PARKS

THREE RIVERS, CALIFORNIA

L54 KICA

~~Manley~~ BFm 7/3
~~Hohl~~ L.H.H 7/5

Sent cc Director BFm 7/3

June 30, 1950

To file BFm

Kings Canyon-
Water Rights Applic
5687

Memorandum

To: Regional Director, Region Four

From: Superintendent, Sequoia and Kings Canyon

Subject: Water Right Application 5687, License 961, Big Stump Area
Kings Canyon National Park

Reference is made to copy of memorandum from Mr. Dunn to you, dated June 21, 1950, regarding the amount of water used at Big Stump Area during the winter months.

We have no record of the actual amount of water used, but for Mr. Dunn's information there is in operation in the area a five room residence in addition to the station itself. Eventually there probably also will be a public comfort station, and a ski-warming house is included in our development plans.

E. T. Scoyen

E. T. Scoyen
Superintendent

NATIONAL PARK SERVICE
RECEIVED
JUL 3 1950
REGION FOUR OFFICE

X9

06-21-1950: To: Regional Director, Region Four; From: Chief, Water Resources Branch, National Park Service; Subject: Water Right Application 5687, License 961, Big Stump Area, Kings Canyon National Park

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 KICA

~~Hoyt~~ RHH 6/26
~~Manbey~~ BFM 6/26
~~Crowley~~ 6/26/50
Sent cc to Sequoia BFM 6/26

June 21, 1950

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Water Right Application 5687, License 961, Big Stump Area, Kings Canyon National Park

To file BFM
Kings Canyon - Alien WR-1
Applic. 5687

Enclosed are two copies of a letter of June 14 from the State Supervising Hydraulic Engineer, advising that rights to the use of water of the spring at the Big Stump Area of Kings Canyon National Park under the above application and license are now all recorded in the name of the United States. Please have one copy inserted just above the certified copy of the agreement and waiver by the Sequoia and Kings Canyon National Parks Company at the top of Kings Canyon Deed 5 in your office and at the Park.

You will note that Mr. Smitherum questions the adequacy of rights to the use of water in the winter. It is our contention that the United States has adequate rights under the riparian doctrine. However, for our own information please advise if the water system is used in the winter, and if so, to what extent.

A. van V. Dunn
A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Attachments 2

NATIONAL PARK SERVICE
RECEIVED
JUN 26 1950
REGION FOUR OFFICE

28

06-21-1950: To: Public Works Building, Division of Water Resources, Supervising Hydraulic Engineer; From: Water Resources Branch, National Park Service; Subject: Water Right Application 5687

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 KICA

Manbey Crowley BFm 6/26

June 21, 1950

Sent cc to Sequoia BFm 6/26

Mr. Harrison Smitherum
Supervising Hydraulic Engineer
Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento 5, California

My dear Mr. Smitherum:

In accordance with your letter of June 14, relating primarily to Water Right Application 5687, we enclose one map each of Sequoia-Kings Canyon and Lassen Volcanic National Parks.

With regard to the winter use of water at the Big Stump area of Kings Canyon National Park under Application 5687, License 961, we believe that the United States has adequate rights for the small quantity diverted, but we will make a further investigation of the matter.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

Attachments 2

Copy to: Regional Director, Region Four (2)

NATIONAL PARK SERVICE RECEIVED JUN 26 1950 REGION FOUR OFFICE

27

COPY

A. D. Edmonston, State Engineer
Chief of Division

Earl Warren
Governor of California

C. H. Purcell
Director

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Address Reply to
Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento 5

June 14, 1950

L54 KICA

Application 5687

Mr. Hillory A. Tolson
Acting Director
U. S. Department of the Interior
National Park Service
Washington 25, D. C.

Dear Mr. Tolson:

Receipt is acknowledged of your letter of June 7 and the document providing evidence that the Sequoia and General Grant National Parks Company has transferred all of its right, title, and interest in Application 5687, Permit 2962, License 961, to your agency. The filing now stands solely in the name of United States-Department of the Interior, National Park Service.

License 961 provides for the use of water only from about April 1 to about November 15 of each season. If the use of water during the winter months at the place of use under the license is more than nominal, it is suggested that a new filing be made with this office for the use present and prospective, not covered under the license. Appropriate forms will be forwarded upon request.

If you have maps of Sequoia-Kings Canyon and Lassen Volcanic National parks available we would appreciate having a copy of each.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By /s/ Harrison Smitherum
Harrison Smitherum
Supervising Hydraulic Engineer

25

06-12-1950: To: Regional Director, Region Four; From: Associate Director, National Park Service; Subject: Water Right Application No. 5687, Permit No. 2962, License No. 961, Kings Canyon National Park

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 KICA

JUN 12 1950

~~McClellan~~ SM 6/19
~~Crowley~~ HE 6/20
~~Mantery~~ BFM 6/19
Wrote Sequoia BFM 6/19
To file
Water Right
Assembly
Kings Canyon
Alien WR 1

Memorandum

To: Regional Director, Region Four

From: Associate Director

Subject: Water Right Application No. 5687, Permit No. 2962, License No. 961, Kings Canyon National Park

Enclosed are two copies of the Assignment and Waiver of February 21, by which the Sequoia and Kings Canyon National Parks Company assigns its interests in the water rights under Application No. 5687, License No. 961, to the United States. Please insert these instruments directly above Assignment and Waiver by J. R. Dickson in Kings Canyon National Park Water Right Deed 5.

Also enclosed are two copies of a letter of June 7 to the State Engineer by which we have sent a certified copy to him in accordance with Mr. Zander's letter of April 28, 1948.

This seems to complete the records so far as chain of title is concerned. The next step will be to amend the right to show the change in purpose and place of use and method of conveyance, if we decide to rely on this water right. At the moment, we are still uncertain as to how far we might prefer to rely on riparian rights in connection with the use of water at the Big Stump Area. The State Engineer and some Federal attorneys have indicated differences of opinion as to whether the United States abrogated the riparian doctrine under the act of July 26, 1866. We will advise you when a decision is made.

G. E. Demaray
Associate Director

In duplicate

Attachments 4

NATIONAL PARK SERVICE
RECEIVED
JUN 15 1950
REGION FOUR OFFICE

24

06-07-1950: To: California State Engineer; From: Acting Director, National Park Service; Subject: Application No. 5687

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 KICA

JUN - 7 1950

Mr. A. D. Edmonston
State Engineer
Sacramento, California

My dear Mr. Edmonston:

Enclosed is a certified copy of an assignment and waiver of interests in water rights under Application No. 5687, License No. 961, by which the Sequoia and Kings Canyon National Parks Company grants the United States all its interests in such rights. According to the letter of April 28, 1948, to me from Mr. Gordon Zander, this will complete your records of the chain of title by which the United States now claims full ownership, and the National Park Service operates the water system for public use in Kings Canyon National Park.

Sincerely yours,

(Sgd) Hillory A. Tolson

Hillory A. Tolson
Acting Director

Enclosure

Copy to: Regional Director, Region Four (2)

23

05-10-1950: To: Director; From: Acting Regional Director; Subject: Water Rights, License No. 961, Big Stump Area, Kings Canyon National Park

Manbey BFM
~~Hoyt~~ RAB
~~Hohl~~ CEH

J.12
660-05

In reply refer to:
L54 KICA

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO 5, CALIFORNIA
180 New Montgomery Street

May 10, 1950

Memorandum

To: The Director

From: Acting Regional Director

Subject: Water Rights, License No. 961, Big Stump Area, Kings Canyon National Park

Mr. Wirth's memorandum of January 27 requested that the designated officers of the Sequoia and Kings Canyon National Parks Company execute the attached two copies of an Assignment and Waiver of interest in the above mentioned water right.

This document was duly executed, and recorded May 2, 1950 in Volume 1442, page 52, of the Official Records of Tulare County. As requested in the above mentioned memorandum of January 27, both copies are being returned herewith. It is understood that the Washington Office will subsequently furnish us with copies of this document under the regular Water Right Assemblies.

FILE COPY

Herbert Maier
Acting Regional Director

Attachments 2

Copy to: Supt., Sequoia and Kings Canyon

BFManbey/ew

22

04-20-1950: To: Superintendent, Sequoia - Kings Canyon National Park; From: Office Manager, Sequoia and Kings Canyon National Parks Co.; Subject: Emerly Whilton property - Assignment and Waiver

Sequoia and Kings Canyon National Parks Co.

GEORGE L. MAUGER
VICE-PRES.-GENERAL MANAGER

Operating Lodges, Housekeeping Camps, Shelter Camps, Stores, Pack Trains and Motor Transportation in

"The Biggest Tree" National Parks

RECEIVED
APR 20 1950
SEQUOIA
NAT'L PARK

DIRECTORS
HOWARD H. HAYS
OAKLEY K. MORTON
GEORGE L. MAUGER

~~Sequoia National Park~~, *California*
129 E. Center St.,
Visalia, April 19, 1950.

Mr. E. T. Scoyen,
Superintendent,
Sequoia - Kings Canyon National Parks,
Sequoia National Park,
Calif.

Dear Mr. Scoyen,

We enclose Assignment and Waiver regarding the Emery Whilton property, after returning it to Mr. Hays for the proper wording of the notarized certificate. We trust that this time the wording will be acceptable to the County Recorder.

Yours very truly,

H. F. POWERS,
OFFICE MANAGER.

Encl.

20

01-27-1950: To: Regional Director, Region Four; From: Assistant Director, National Park Service; Subject: Water Rights, Big Stump Area, Kings Canyon National Park

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to:
L54 KICA

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

Memorandum

27 JAN 1950

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights, Big Stump Area, Kings Canyon National Park

If the designated officers of the Sequoia and Kings Canyon National Parks Company will execute the attached Assignment and Waiver of interest in water rights under License No. 961, in duplicate, we believe that we shall be able to complete all action required by the State Engineer to establish federal title to such rights. If the instrument is so completed, please have it recorded in the County, and then return both copies to this Office, We will provide copies for the assemblies of Deed No. 5 in your office and the Park, thereafter.

There should be no difficulty in obtaining the Assignment and Waiver, because it appears that the Company probably has no interest to transfer. If it acquired any, which is doubtful, it could be shown to have abandoned it. However, we have chosen the more convenient method of securing an assignment for whatever it may be worth, and using it to clear the record title to License No. 961. It is in the nature of a quitclaim, and the Company could not be liable even if nothing of value is transferred.

Conrad L. Wirth
Assistant Director

Attachments 2

In duplicate

NATIONAL PARK SERVICE
RECEIVED
FEB 1 1950
REGION FOUR OFFICE

18

10-10-1949: To: Regional Director, Region Four; From: Assistant Superintendent, Sequoia and Kings Canyon; Subject: Water Rights, Big Stump Area, Kings Canyon National Park

L54 SEQK

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

SEQUOIA-KINGS CANYON NATIONAL PARKS

THREE RIVERS, CALIFORNIA

REGION IV OFFICE

ROUTING	DATE
Last ~~Hoyt~~	RH 10/31
October 7, 1949	
OCT 10 1949	
~~Manbey~~	BFM 10/24
~~Hoyt~~	RH 10/10
~~McClellan~~	10-18
	LLH 10/10

Memorandum

To: Regional Director, Region Four

From: Assistant Superintendent, Sequoia and Kings Canyon

Subject: Water Rights, Big Stump Area, Kings Canyon National Park

Reference is made to Mr. Demaray's memorandum of September 19, 1949, regarding a previous request for a further search of County records to locate record of conveyance of property interests in the Big Stump Area of Kings Canyon National Park. While a considerable time has elapsed since request for information was first made, the matter has not been forgotten, although continued search of records was discontinued during the busy summer season.

We can advise that some progress has been made. We were unable to locate any recordings in the County Recorder's Office, but Mr. V. H. Rowland, a former owner of the Big Stump Lodge, had in his possession License 961, Application 5687, Permit 2962 as issued January 12, 1931, to Mr. Howell Bone of Miramonte, Calif. This permit was assigned to Messrs. H. Rowland and H. D. Temple as of March 16, 1931. With this information we should now be able to determine whether the necessary recording was made. In letter dated March 17, 1931, Deputy Harold Conkling, of the State Division of Water Resources, warned Mr. Bone in the following words:

> "The papers forwarded to you by this office under date of Feb. 20 (1931) should be made available to the new parties in interest (Rowland and Temple) immediately, and their attention called to the necessity of following the instructions contained in said letter. Unless the license is filed with the County Recorder of Tulare County on or before March 28th next, and the recorder's certificate of filing filed with this office on or before April 12th, next, this office will have no alternative other than to revoke the license."

The license provided for a maximum of 1100 gallons per day from about April 1st to about November 15th of each season. According to Mr. Rowland, the water system was originally built by Mr. Howell Bone.

16

Also, an inspection of Special Use Permit issued by the Forest Service on January 1, 1940, to J. D. Neff as transferred from Tom P. Ferguson July 1, 1938, covering the operation of gasoline station at Big Stump, contains the following statement as clause No. 28:

> "No water rights accrue under this permit. The permittee will be allowed to connect to the existing Forest Service water system and use for Service Station purposes its proportional share of the water from Big Stump Spring, giving due consideration to the water requirements for the Forest Service Big Stump public campground and the Big Stump Resort Permittee."

The above mentioned permit is now in possession of J. R. Dickson, present permittee at Big Stump.

We will check into this matter further at the first opportunity.

O. W. Carlson
Assistant Superintendent

05-24-1948: To: Regional Director, Region Four; From: Associate Director, National Park Service; Subject: Request for Copies of Records

MAY 28 1948

ROUTING		DATE
X	~~Hoht~~ Spurr	
	~~McClellan~~	5/25/48
	~~Manbey~~ BFm 6/2	

Write Supt. BFm 6/2.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

May 24, 1948.

MEMORANDUM for the Regional Director, Region Four.

The enclosed copy of a letter of April 28, from the State Engineer of California, in quadruplicate, specifies that we must obtain an assignment from the Sequoia-Kings Canyon National Park Company before the United States can claim undisputed rights to the use of the springs in the Big Stump Area of Kings Canyon National Park under Application 5687, Permit 2962, License 961. As explained in my letter of April 15 to the State Engineer, we do not know what interests the Concessioner might have to assign. To clarify the matter, please send us copies of any of the following records which can be found in the county records:

1. Transfer of water right, or other property interests in the Big Stump Area from Howell Bone to V. H. Rowland and M. D. Temple, probably about August or September 1929.

2. Similar transfers by Rowland and Temple between themselves, and to Ed. Creighton and Tom P. Ferguson about June 1938.

3. Similar transfers by Ed. Creighton and Tom P. Ferguson between themselves and to Emery Whilton and J. D. Neff about November or December 1939.

4. Similar transfers by Emery Whilton and J. D. Neff between themselves, and to J. R. Dickson and what is now the Sequoia-Kings Canyon National Park Company.

Where such instruments do not make specific references to water rights, be sure to get the complete references to appurtenances, hereditaments, etc.

In addition, please give us as much information as you can with regard to improvements and replacements of parts of the existing water system at the Big Stump Area. We want to know how much of the original water system of Bone, or Rowland and Temple, is still in use; and who made replacements, and when.

12

We enclose four copies of the State Engineer's letter so that one copy can be inserted in Deed 5 and one in the letter files, in your office and at the Park.

G. E. Demaray
Associate Director.

Enclosure 360.
In duplicate.

12

04-28-1948: To: Associate Director, National Park Service; From: California State Engineer; Subject: Application 5687

File Deed 5

COPY

Edward Hyatt, State Engineer
Chief of Division

Earl Warren
Governor of California

C. H. Purcell
Director

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Address reply to
Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento 5

April 28, 1948

Application 5687

Mr. A. E. Demaray
Associate Director
National Park Service
Washington 25, D. C.

Dear Mr. Demaray:

This is to acknowledge the receipt of your letter of April 15 together with the following documents.

(1) Photostatic copy of Special Use Permit dated January 26, 1927, issued by the Forest Service to Howell Bane.

(2) Photostatic copy of Special Use Permit dated September 28, 1929, issued by the Forest Service to Rowland and Temple.

(3) Photostatic copy of Special Use Permit dated August 2, 1938, issued to Tom P. Ferguson.

(4) Typed copy of Term Permit dated November 29, 1939, issued to Mr. and Mrs. Emery Whilton.

(5) Photostatic copy of Special Use Permit dated December 4, 1939, issued to J. D. Neff.

(6) Typed copy of assignment dated May 24, 1940, of Term Permit from Mr. and Mrs. Emery Whilton to Sequoia and General Grant National Parks Company.

(7) Typed copy of supplemental agreement dated May 6, 1941, issued to Sequoia and General Grant National Parks Company.

This record of issuance of Special Use Permits agrees very closely with the records of assignments of Application 5687, License 961, which are on file with this office.

Under date of March 1, 1948, Mr. Dunn submitted for our files a copy of an assignment from J. R. Dickson to the United States in which it appears that he had succeeded to the interests of J. D. Neff in Application 5687, License 961, and upon this evidence we may change our records to indicate that the portion of the water right formerly held by J. D. Neff has been assigned to United States-Sequoia-Kings Canyon National Park.

A water right is a property right and can be assigned in the same manner as any other property right. As yet, we have no evidence of the assignment of that portion of the water right which stands upon the records of this office in the name of Sequoia and General Grant National Park.

May we direct attention to the fact that while permission to use or occupy government lands can only be obtained from the government, a right to appropriate water can only be initiated and acquired through the State and unless the United States can acquire by assignment that portion of the right now or formerly held by Sequoia and General Grant National Park Company, it should protect its interests by filing an application with this office. Appropriate forms will be forwarded upon request.

Very truly yours,

EDWARD HYATT, STATE ENGINEER

By (Sgd) Gordon Zander
Gordon Zander
Principal Hydraulic Engineer

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

04-15-1948: To: California State Engineer; From: Associate Director, National Park Service; Subject: Application No. 5687, Permit 2962, License 961

S-12
660-05

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

APR 26 1948

ROUTING		DATE
~~McClellan~~	[illegible]	5/21
cc Sequoia	[illegible]	4/27
~~[illegible]~~	R.L.H.	4/27

April 15, 1948.

State Engineer,
Department of Public Works,
Sacramento 5, California.

Dear Sir:

In his letter of March 9 to Mr. A. van V. Dunn, Chief, Water Resources Branch, Mr. Stoddard has indicated that the General Grant National Park Company seems to have a part interest in water rights under Application No. 5687, Permit 2962, License 961, in the Big Stump Area of what is now Kings Canyon National Park. He suggests that the rights may have lapsed, or, if in good standing, that an assignment to the United States may be in order.

We enclose photostat copies of permits from which we believe that title passed to the United States on July 1, 1938. Our further conclusion is that the General Grant National Park Company, now reorganized as Sequoia and Kings Canyon National Park Company, never owned any interest in the water system or the appurtenant water rights.

The Special Use Permits of January 1, 1927, to Howell Bone, and September 26, 1929, to Rowland and Temple provided, in condition 15, that the permittees shall comply with the state water laws. Water right Application 5687 and subsequent License 961 were the result.

Condition 12 of the same permits provided for Federal title to all structures not removed by the permittees within a reasonable time after abandonment, termination, or revocation of the permits. The permit was terminated by condition 15 in the resort permit of July 1, 1938, signed on August 2, 1938, and issued to Tom P. Ferguson. The water system was not removed because it continued to serve the resort, the gasoline station, and the ranger station of the Forest Service.

As condition 28 of the permit to J. D. Neff, and condition 30 of the permit to Mr. and Mrs. Emery Whilton, both of January 1, 1940, and executed by the Forest Supervisor on December 4 and November 29, 1939, respectively, it is specified that no water rights shall accrue, and that water shall be obtained from the Forest Service water system subject to specified priorities for the public campground, resort, and service station.

10

As stated in the letter of March 28, 1941, to Mr. Dunn from Mr. Conkling, the interests of Emery Whilton were transferred to the Sequoia and General Grant National Park Company on May 24, 1940. These interests could not include a water system and appurtenant water rights because title thereto passed to the United States under the terms of the cancellation of the Rowland and Temple Water Transmission Conduit Permit, as of July 1, 1938.

There might be some question as to the meaning of "waiver" in condition 15 of the permit to Tom Ferguson of July 1, 1938, if it were not for condition 12 in the permits of 1927 and 1929 that specified Federal title if the water system were not removed, and that conditions 28 and 30 in the respective permits of 1940 indicate Federal title. The water system has continued to serve all the developments in the Big Stump area since its original construction, and the Forest Service, and National Park Service as successor in administration of the area, have maintained and operated the system in recent years.

There is some question as to whether the entire 11,000 gallons per day, authorized under license No. 961, is being used at this time. However, the limitations on use are the result of wartime conditions and the problems relating to national postwar economic and industrial stabilization. The Big Stump Area is now the entrance to the General Grant area of Kings Canyon National Park and one of the two major gateways to Sequoia National Park. It is in the incomplete stage of conversion in which it was left at the beginning of the war. The checking station has been installed without related public comfort stations. Mr. Dickson has water service at the gas station, which he also occupies as a residence, but there are not the adequate sanitary facilities at that station either.

The resort has been removed, in part because there was not adequate water for that resort or the public campground. In fact, the 11,000 gallons per day is only a reasonable supply for the comfort station need for the convenience of the approximately 230,000 people who entered and left the Sequoia-Kings Canyon National Park through this entrance in 1947. This would have provided only about 4 gallons per entrant, or half that amount for those entering and leaving, if the facilities had been completed as planned. The annual attendance, too, is increasing, and has every indication of doubling within 10 or 15 years.

This discussion has been presented to show that there has been no lapse through abandonment, but rather an unavoidable reduction in use due to wartime deferment of reconstruction and maintenance.

It is our belief, therefore, that it would be meaningless to obtain an assignment of water right interests from the Company, which does not own them, to the United States which does. It is also our belief that the validity of the entire right should be recognized even though there is an annual fluctuation in the amount of water used. It may not be remiss, however, to note that the use has changed from that for a fox farm, to that for a resort, campground and gasoline service station, and that the water will be used hereafter for only the gasoline service station, and public comfort stations at the Park entrance. There may be a future winter use at some form of accommodations for the skiers. This suggests that there might be an amendment of the purpose of use to recreational.

Pretty Goode Van !

Sincerely yours,

(SGD)

A. E. Demaray,
Associate Director.

Enclosure 184.

cc: Regional Director, Region Four (2), with 2 copies of State Engineer's letter of 3/9/48.

10

03-09-1948: To: Chief, Water Resources Branch, National Park Service; From: California State Engineer; Subject: Application 5687

C O P Y

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

March 9, 1948

Application 5687

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

Dear Mr. Dunn:

This is to acknowledge the receipt of your letter of March 1, together with an "Assignment and Waiver" signed by Mr. J. R. Dickson in which it appears that Mr. J. D. Neff assigned his interest in Application 5687 License 961 to J. R. Dickson and that Mr. Dickson, in turn, has assigned his interest in the license to the United States of America.

Application 5687 License 961 now stands upon the records of this office in the names of J. D. Neff and Sequoia and General Grant National Parks Company. It would appear, therefore, that Mr. Neff only assigned his interest in the license to the U.S. Government and that the interest of Sequoia and General Grant National Parks Company is still owned by that company or else that it has been lost by abandonment. The water right is valid only to the extent that the water has been used beneficially in recent years.

In order to clear the records of this office of the name of Sequoia and General Grant National Parks Company it would appear that either the United States should obtain an assignment from the Company or else that a hearing should be set by this office for the purpose of revoking the Company's interest in the filing.

Please indicate how you wish the assignment of Mr. Dickson to appear upon our records. Should it be an assignment to United States - General Grant National Park?

Very truly yours,

EDWARD HYATT, STATE ENGINEER
By (Sgd) Walter E. Stoddard
Walter E. Stoddard
Senior Hydraulic Engineer

cc-Sequoia and General Grant
National Parks Co.
J. D. Neff, Kings Canyon National
Park, Tulare Co., Calif.
J. D. Neff, Big Stump Service Station,
Miramonte, Calif.

12-17-1947: To: Superintendent, Sequoia-Kings Canyon; From: Associate Regional Director; Subject: Copy of Report of Licensee

Deed No 5

McClellan.
Manbey.
CROWLEY

FILE COPY

601 Sheldon Building

December 17, 1947.

MEMORANDUM for the Superintendent, Sequoia-Kings Canyon.

Enclosed is a photostatic copy of Report of Licensee in connection with the use of water at the Big Stump Area at Kings Canyon National Park which should be added to the assembly of Alien WR-1 in your office.

It will be seen in Associate Director Demaray's memorandum of December 5, copy enclosed, that a designation of "Deed No. 5" has been assigned to former Alien WR-1 and an L-1 form has been prepared to supersede the old L-3 form. One copy of the revised form is enclosed for your files. Your copy of the L-3 form should be destroyed.

There are also enclosed for the signature of Mr. Dixon (or Dickson) the original and four copies of the proposed waiver of his rights, if any. Apparently "Dixon" is a successor to J. D. Neff, owner of half interest in the water right in question. After execution of the waiver by Mr. "Dixon", one copy should be placed in the Deed 5 assembly at your office, and the original and three copies should be returned to this office in accordance with Mr. Demaray's memorandum.

We question the spelling of Mr. Dickson's name since it appears as "M. J. L. Dixon" in Mr. Demaray's memorandum and as "J. R. Dixon" on the proposed waiver forwarded by the Director's Office for signature and our concession files show that business concession permit No. I-36mp-37 was issued to "J. R. Dickson" for the operation of a service station at Big Stump.

In checking the other names mentioned in the proposed waiver, we find the following: (1) while a Thomas Ferguson is shown in the sixth paragraph as having waived his interest in the water right pursuant to condition No. 15 of a permit issued to him by the Forest Service, reference to this permit indicates that it was issued to Tom P. Ferguson and signed by T. P. Ferguson; (2) the name Thomas Ferguson is also mentioned in the fourth paragraph of the waiver along with Ed Creighton, but the only reference to this assignment in our file is in condition No. 15 of Ferguson's Forest Service permit, where they are shown as "Ferguson & Creighton", presumably a partnership in which a waiver by Ferguson apparently was considered as a waiver by both; (3) in the first paragraph on page 2 of the proposed waiver reference is made to Emery Wilton and

5

Johnny D. Neff; all references in the files in this office are to Emery Whilton and to J. D. Neff.

We believe you should check these discrepancies with the records in your files, which may be more complete than those in this office, and retype the Assignment and Waiver for execution by J. R. Dickson and make whatever other corrections in the names that you may find to be necessary to make the record accurate.

(SGD) HERBERT MAIER

Herbert Maier,
Associate Regional Director.

SM:BFM:hg
Enclosure 330.

cc: Director (2).

12-05-1947: To: Regional Director, Region Four; From: Associate Director, National Park Service; Subject: Copies of the Report of Licensee

DEC 15 1947

ROUTING		DATE
X ~~McClellan~~		Seew
~~Hoyt~~	RH	12/17
~~Crawford~~	HC	12/19
~~Murray~~		Seew

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

December 5, 1947.

MEMORANDUM for the Regional Director, Region Four.

We enclose two photostat copies of the Report of Licensee in connection with the use of water at the Big Stump Area of Kings Canyon National Park, which should be added to the assemblies of Alien WR-1, in your office and at the Park.

You will note that we have claimed Federal title to the water right by waiver of the permittee's interest in the Rowland and Temple pipe line under the Forest Service permit issued to Tom P. Ferguson in 1938. On this basis, we have assigned Deed No. 5 to the former Alien WR-1, and prepared L-1 forms to supersede the old L-3 forms. Two copies are enclosed for your office and the park, and the L-3 forms should be destroyed when they are filed.

From the Forest Service permits in the assembly, it will be noticed that while Mr. Ferguson waived his interests in the right on July 1, 1938, the assembly does not include any waiver by Mr. J. D. Neff of his interest under the permit issued to him by the Forest Service. It is fairly evident that the waiver by Mr. Ferguson was intended to eliminate the alien title, but M. J. L. Dixon, successor to J. D. Neff, may still own a half-interest unless Mr. Neff signed a waiver of which we have no knowledge.

To clarify the matter, we enclose the original and four copies of a proposed waiver for Mr. Dixon's signature. After execution by him, one copy should be placed in each of the Deed 5 assemblies in your office and the Park, and the original and remaining two copies should be returned to this Office.

G. E. Demaray
Associate Director.

Enclosure 658.
In duplicate.

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

4

05-18-1944: To: Hydraulic Engineer, Water Rights Section, National Park Service; From: Forest Supervisor, Sequoia National Forest, Forest Service, US Department of Agriculture; Subject: Special Use Permits

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SEQUOIA NATIONAL FOREST

Address reply to
Forest Supervisor
and refer to

Porterville, California

May 18, 1944

U
USES
General
Sequoia

VIA REGISTERED MAIL - Return Receipt Requested

Mr. A. Van V. Dunn
Hydraulic Engineer
Water Rights Section
National Park Service
601 Sheldon Building
San Francisco 5, California

Dear Mr. Dunn:

Your letter of May 8 is received.

We are enclosing our file copies of Special Use Permits issued to Rowland and Temple for a fox farm and conduit. We have been unsuccessful as yet in securing the initial permit for the fox farm issued to Howell Bone for the fox farm in 1926. We are attempting to secure a copy from our District Ranger headquarters at Pinehurst and if successful in locating it, will forward it to you. The complete file on the Whilton case was transferred to the Kings Canyon National Park following its creation.

When the attached permits have served your purpose, we should appreciate having them returned to us.

Very truly yours,

NORMAN L. NORRIS, Forest Supervisor

By (Sgd) W. E. Bawcombe
Acting

Enclosures

2

04-27-1944: To: Acting Superintendent, Sequoia-Kings National Park; From: Forest Supervisor, Sequoia National Forest, Forest Service, US Department of Agriculture; Subject: Term Permit and Special Use Permit

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SEQUOIA NATIONAL FOREST

Address Reply to
Forest Supervisor
and refer to
U
USES
General
Sequoia

Porterville, California

April 27, 1944

VIA REGISTERED MAIL- Return Receipt Requested

Mr. Daniel J. Tobin
Acting Superintendent
Sequoia-Kings Canyon National Parks
Sequoia National Park, California

Dear Mr. Tobin:

In accordance with your request of April 4, we are enclosing Term Permit issued to Mr. Tom P. Ferguson for resport, and a special use permit granted to John D. Neff for gasoline station and residence. The original permit issued to Howell Bone for a fox farm in 1926 is no longer in our files, since this permit was closed in 1929.

This area in which these permits are located was transferred to the jurisdiction of the National Park Service from the Sequoia Nation Forest with the creation of the Kings Canyon National Park.

Since these are the only records of permits issued Messrs. Ferguson and Neff, we should like to have them returned to our file as soon as they have served your purpose.

Very truly yours,

NORMAN I. NORRIS, Forest Supervisor

By (Sgd.) W. E. Bawcombe
Acting

Enclosures

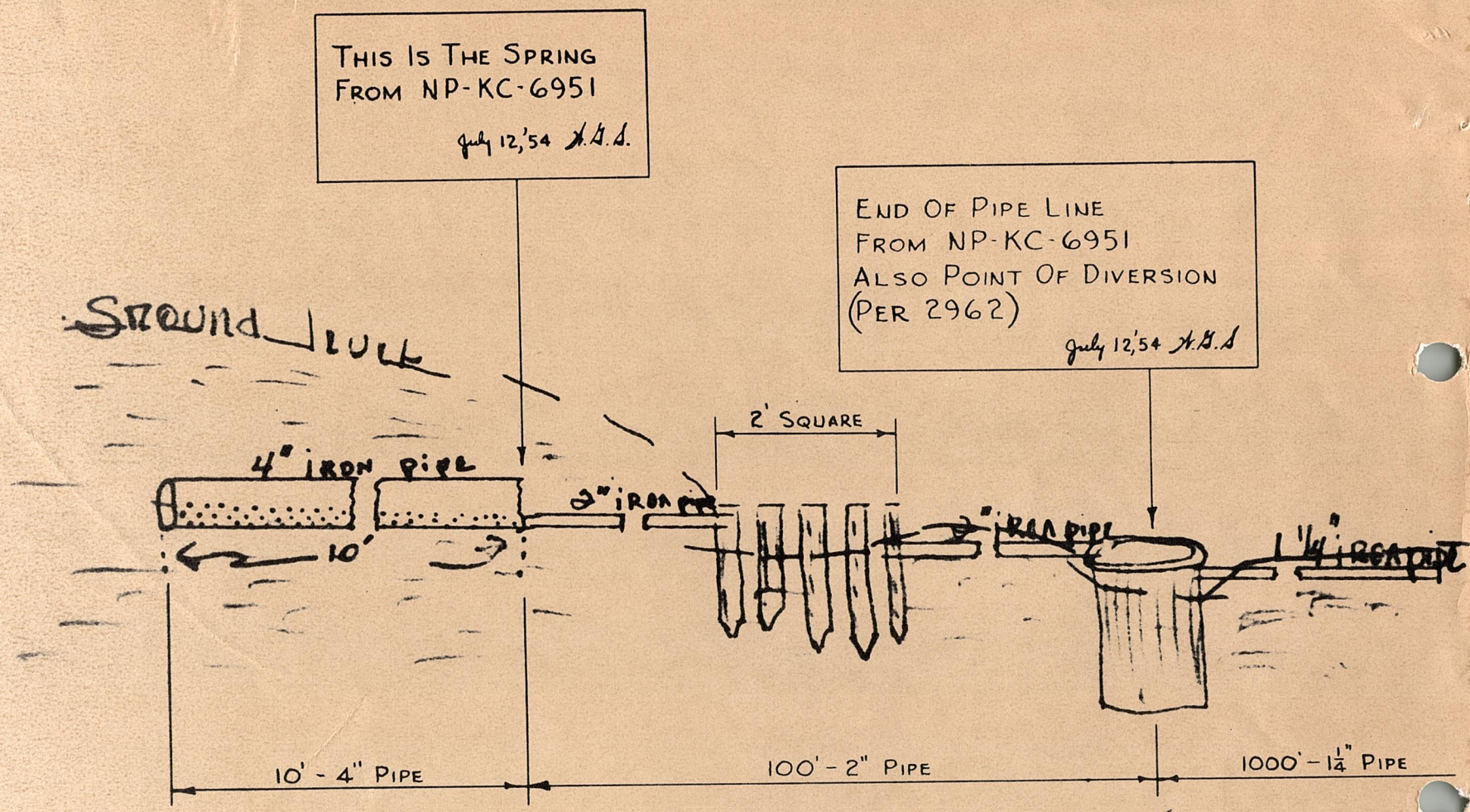
C
O
P
Y

06 DATA

Sequoia and Kings Canyon National Park

UNNAMED SPRINGS - FORMELY KICA 002 - (CANCELED)

Supporting Hydrologic Data



Head Works - Big Stump Water System

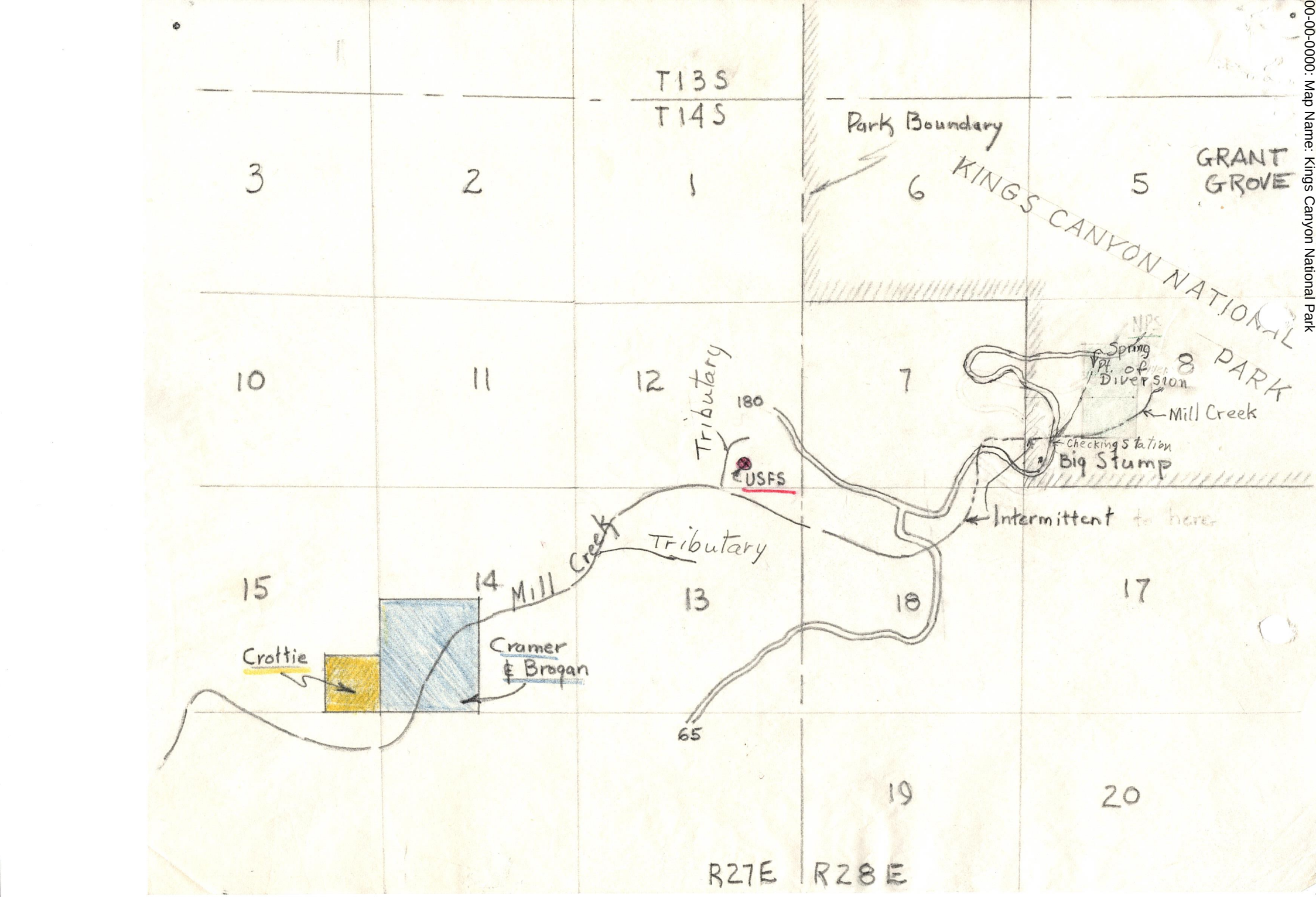
000-00-0000: Big Stump Water System Diagram

08 MAPMISC

Sequoia and Kings Canyon National Park

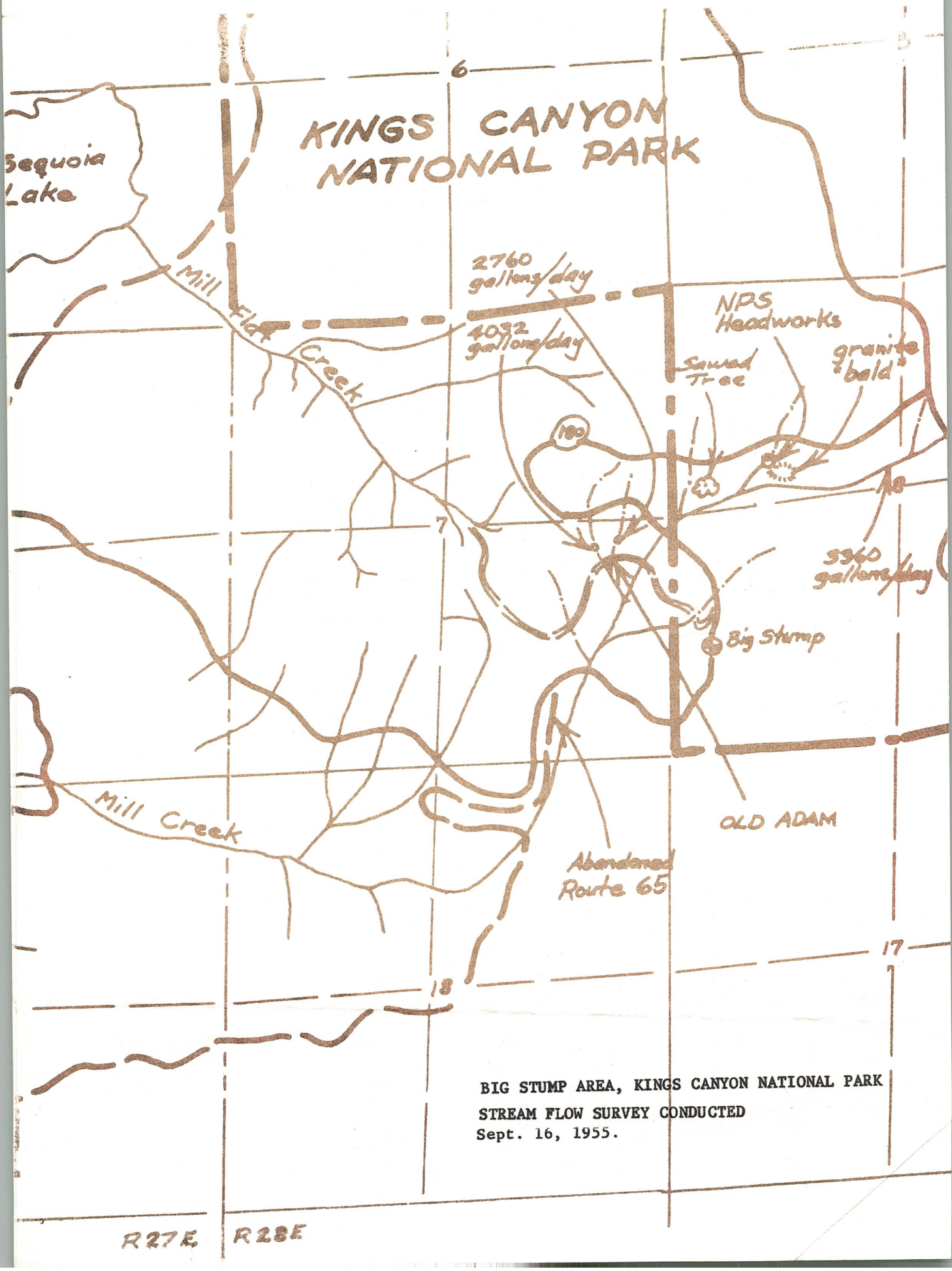
UNNAMED SPRINGS - FORMELY KICA 002 - (CANCELED)

Maps and Miscellaneous Information



00-00-0000: Map Name: Kings Canyon National Park

09-16-1955: Map Name: Kings Canyon National Park; Map Of: Big Stump Area, Kings Canyon National Park; Map Description: Stream Flow Survey Conducted



BIG STUMP AREA, KINGS CANYON NATIONAL PARK

STREAM FLOW SURVEY CONDUCTED
Sept. 16, 1955.

09-00-1955: Map Name: Interests of Protestants, Federal Application No. 16184, Kings Canyon National Park; Map Of: Mill Creek, Kings Canyon National Park

Sequoia

Kings Canyon

National

Park

National

Forest

To Grant Grove

APPLICATION NO. 16184

N.P.S. Pipeline

SPRING Natural Draw

Spr.

Spr.

nameless trib's

BIG STUMP AREA

Checking Station

Intermittant Flow

Lee's Coffee Shop

3797.64 feet

point of diversion located

nameless trib.

U.S. Forest Service

"The Cedars"

THE CEDARBROOK TRACT

Ewy W. Krehbiel
Ruth J. Krehbiel
Muller, G. Wedel
Muller, C.F. Smith
Eymann, L.
Eyman, J.

Lot numbers, in sec. 14, of the above protestants are apparently from local surveys

3029.55 feet

nameless trib.

CREEK

W. Martin H. Miller
E. Kullman W. Hutsell
W. Hunter C. Langdon
F. White H. Neufeld
H. Bishop L. Oldham
R. Bergthold

The above "signees" of "The Cedars" Inc., and apparently two who failed to sign, have diversions in the indicated half-quarter sec.

CRAMER & BROGAN

Keener
Hackett
Clark
Fudge
Britten
Armstrong
McKenzie

NEFF SUBDIVISION

points of diversion not indicated

CROTTIE

24 persons in this half-quarter sec. owned by P. Lawrence, who grants Mr. Lee authority to protest, obtain thier water from the diversion of Lee's Coffee Shop, from 2 unnamed springs *TRIBUTARY* to Mill Creek in sec. 12. They are listed on Lee's protest.

nameless trib.

MILL

Shipman

Kenyon

Sharp

R.S. Johnson & group (of 21 others)
(one protest form)

G.W.R. Sept. 1955

INTERESTS OF PROTESTANTS
to
FEDERAL APPLICATION NO. 16184
KINGS CANYON NATIONAL PARK
Scale: 1"=1000'

07-00-1954: Map Name: Kings Canyon National Park; Map Of: Present Pipeline and Proposed Pipeline; Map Description: Water System, Big Stump Area, Sequoia-Kings Canyon National Parks

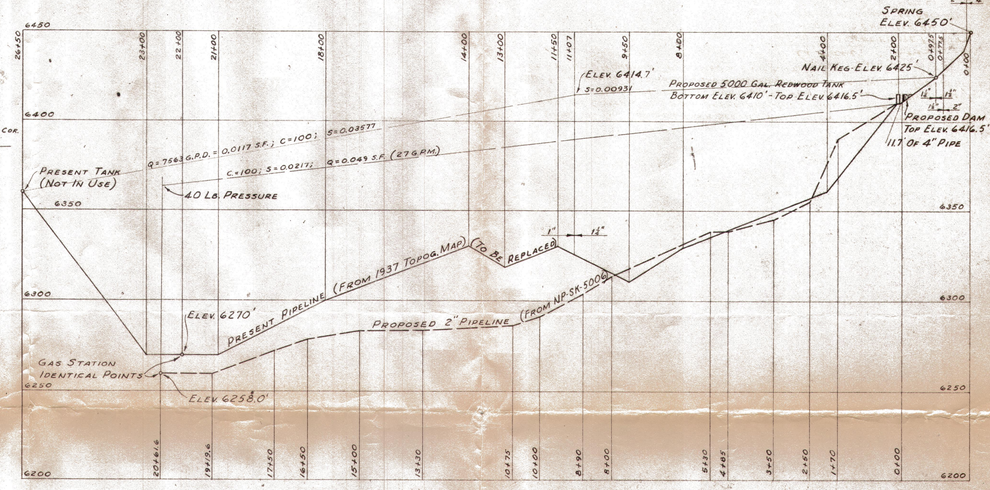
T. 14 S., R. 28 E., M. D. B. & M.

REVISIONS:
PROPOSED 5,000 GAL. REDWOOD TANK CHANGED TO 25,000 GAL. CONCRETE REGULATORY STORAGE TANK
A. van V. Dunn JAN. 28, 1955

KINGS CANYON NATIONAL PARK

BASE MAPS
1. TOPOGRAPHIC MAP W½ SEC. 8 BY FOREST SERVICE - 1937
2. DRAWING NO. NP-SK-5006 - 1949
3. DRAWING NO. NP-SK-2111-A - 1951
4. MAP SUPPORTING APPLICATION NO. 5687
5. PLATS SUPPORTING FORMER LAND USE PERMITS

COMPILED AND DRAWN BY A. van V. DUNN AND W. G. SELKIRK - JULY 1954.



PROFILE
SCALE: HOR. 1"=200', VERT. 1"=40'

I, A. van V. DUNN, OF THE NATIONAL PARK SERVICE, WASHINGTON, D.C., DO HEREBY CERTIFY THAT THIS MAP WAS COMPILED FROM OFFICIAL MAPS, AND SURVEYS MADE UNDER MY IMMEDIATE DIRECTION IN 1949 AND 1953 AND THAT IT CORRECTLY REPRESENTS THE WORKS DESCRIBED IN THE ACCOMPANYING APPLICATION, AND THE LOCATION OF STREAMS AND DITCHES IN THE IMMEDIATE VICINITY.

A. van V. Dunn
ENGINEER CERTIFICATE No. 455
HYDRAULIC ENGINEER AND CHIEF, WATER RESOURCES SECTION
NATIONAL PARK SERVICE

SCALE: 1" = 200'

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE LANDS BRANCH, WATER RESOURCES SECTION WASHINGTON, D. C.	REGION IV SHEET 1 OF 1
WATER SYSTEM BIG STUMP AREA SEQUOIA-KINGS CANYON NATIONAL PARKS TULARE COUNTY, CALIFORNIA	DRAWING NO. NP-SK 6979

Docket Information

Number of Documents in Docket : 160

Documents Dated from : 04-27-1944 to 08-5-1959

Docket Compiled: 7/30/2024