



Point Reyes National Seashore

Docket Number: 4

HALL-DRAKES BEACH LAGOON

Preliminary Docket Information

03 HISTORY

Point Reyes National Seashore

HALL-DRAKES BEACH LAGOON

Land History

Rapp, John G. et ux

I. R. S.
\$33.00 Cancelled.

to

Martins, Hamilton C. et al

For and in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid, the receipt whereof is hereby acknowledged, we, John G. Rapp and Theresa Rapp, his wife, do by these presents grant, bargain, sell and convey to Hamilton C. Martins and Trajano L. Machado all of those certain lots, pieces, or parcels of land situated and being in the County of Marin, State of California, and bounded and particularly described as follows, to-wit:-

COMMENCE at the corner common to Ranches "C", "D", and "E" as surveyed A. D. 1879 by Edw. G. Tilton at the request of Charles Webb Howard which point is further described as being the following courses and distances: North 21° 54' East 682.60 feet, more or less, North 22° 16' East 2137.6 feet, North 21° 40' East 2026.0 feet, North 21° 35' East 1640.40 feet, North 20° 46' East 291.50 feet, South 47° 19' East 69.90 feet, South 44° 39' East 64.90 feet, South 44° 35' East 699.50 feet, South 54° 07' East 2896.00 feet, South 15° 18' East 220.10 feet, South 15° 39' East 250.20 feet, South 15° 58' East 390.70 feet, South 23° 51' East 156.20 feet, from the Northwest corner of the United States Life Saving Reservation, the deed to which is recorded in the office of the Recorder of Marin County, State of California, in Book "6" of Deeds at page 469, thence from above described point along the line common to Ranches "D" and "E" as surveyed by aforesaid Edw. G. Tilton the following courses and distances: North 52° 45' East 150. feet, North 52° 57' East 100. feet, North 52° 49' East 600 feet, North 52° 13' East 2310.70 feet, North 52° 14' East 200. feet, North 51° 39' East 150. feet, North 30° 39' East 1070 feet, North 45° 28' East 560. feet, South 56° 58' East 803. feet, to the shore of Limantour Bay, thence following said shore along the line of ordinary high tide: South 34° 13' West 126.00 feet, South 62° 57' East 678.20 feet, South 1° 35' West 316.30 feet, South 71° 43' East 191.70 feet, South 38° 21' East 201.60 feet, South 19° 40' East 582.30 feet, North 49° 58' East 249.50 feet, North 87° 03' East 137.40 feet, South 66° 45' East 502.30 feet, South 53° 08' East 443.90 feet, South 50° 17' East 254.40 feet, South 43° 36' East 359.30 feet, South 52° 38' East 622.50 feet, South 47° 09' East 136.40 feet, South 27° 22' East 1029.30 feet, South 39° 50' East 418.40 feet, South 10° 13' East 175.30 feet, South 78° 52' East 192.80 feet, South 50° 19' East 200.80 feet, South 32° 34' East 703.60 feet, South 67° 01' East 154.50 feet, South 47° 27' East 419.70 feet, South 24° 06' East 937.90 feet, South 4° 20' East 269.90 feet, South 16° 48' East 1250.20 feet, South 17° 48' West 216.10 feet, to the shore line of Drake's Bay, thence along said shore line: South 81° 25' West 888.80 feet, South 86° 12' West 965.10 feet, North 85° 13' West 1001.80 feet, to the mouth of a salt water lagoon, thence along the shore line of said lagoon: North 17° 02' West 601.10 feet, North 2° 09' East 357.50 feet, North 34° 19' West 764.40 feet, North 7° 40' East 156. feet, North 30° 02' West 1105.90 feet, South 15° 08' East 813.60 feet, South 11° 40' East 1079.70 feet, South 6° 36' East 456.90 feet, North 70° 33' West 309.80 feet, North 47° 31' West 622.30 feet, North 45° 39' West 406.50 feet, North 77° 13' West 333.10 feet, South 40° 36' East 606.80 feet, South 33° 45' East 644.90 feet, South 64° 59' East 1060.60 feet, South 46° 39' East 170.90 feet, to the shore of Drake's Bay, thence along said shore South 77° 58' West 559.20 feet, South 71° 57' West 1131.80 feet, South 70° 18' West 890.20 feet, South 62° 19' West 561.40 feet, South 89° 15' West 226.10 feet, to the entrance of a fresh water lagoon, thence along the shore of said lagoon North 49° 01' West 299.70 feet, North 42° 21' West 399.70 feet, South 70° 57' West 221.20 feet, South 80° 05' West 99.70 feet, North 80° 14' West 134.70 feet, North 55° 02' West 91.80 feet, North 33° 50' West 490.10 feet, North 48° 28' West 399.50 feet, North 33° 03' West 240.10 feet, North 24° 54' West 300.30 feet, North 16° 14' West 385.40 feet,

North 17° 39' East 270.10 feet, North 45° 14' West 679.30 feet, to the line common to Ranches "D" and "C" as surveyed by said Edw. G. Tilton, thence along said common line: North 23° 03' West 334.00 feet, North 22° 28' West 900. feet, North 33° 27' West 1306.10 feet, North 26° 41' West 340.20 feet, North 26° 28' West 900.40 feet, to the point of commencement. Foregoing description comprising an area of 1212.41 acres of land more or less; aforesaid area has heretofore been known as Ranch "D", in the Holdings of the Estate of Charles Webb Howard, in and upon the tract of land known as "Point Reyes," same being a portion of the Rancho Punta de los Reyes Sobrante, the patent for which is recorded in Book "A" of Patents at page 50, in the office of the Recorder of Marin County, State of California. Together with the right to pass over the regularly travelled roads in the lands of the grantor for the purpose of ingress and egress. (Subject to right of way over the regularly travelled roads for the purpose of ingress and egress to the lands of the grantor. Excepting from the tract above described one (1) acre of land, situated on the shore of fresh water lagoon, which said acre of land is more particularly described as follows, to-wit:

COMMENCING at a point, which, from the corner common to Ranches "C", "D", and "E" is the following courses and distances: South 26° 28' East 900.4 feet, South 26° 41' East 340.2 feet, South 33° 27' East 1360.1 feet, South 22° 28' East 900.0 feet, South 23° 03' East 334.0 feet, South 45° 14' East 404.84 feet to a point in the shore of a fresh water lagoon and aforesaid point of commencement, thence from said point of commencement, following the shore of said lagoon: South 45° 14' East 274.46 feet, South 17° 39' West 100.0 feet, thence leaving said lagoon: South 72° 21' East 100.0 feet, North 17° 39' East 161.14 feet, North 45° 14' West 335.60 feet, South 44° 46' West 100.0 feet to the point of beginning. (Subject to the right of grantor to sink a well on the tract above described, said well to be located in closest proximity to the acre of land above described.) Together with all and singular, the improvements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining To Have and to Hold all and singular the said premises, together with the appurtenances thereto, unto the said Hamilton C. Martins and Tragano L. Machado, their heirs and assigns forever. In Witness Whereof, we have hereunto set our hands and seals this 6th day of January, A. D. 1920.

John G. Rapp (Seal)

Theresa Rapp (Seal)

City and County of San Francisco }
State of California } ss

On this 6th day of January in the year One Thousand Nine Hundred and Twenty before me, W. T. Hess, a Notary Public, in and for said City and County, residing therein, duly commissioned and sworn, personally appeared John G. Rapp and Theresa Rapp (his wife) known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

(Seal)

W. T. Hess, Notary Public in and for the

City and County of San Francisco, State of California. My commission expires February 8, 1921.

Filed for record

and recorded at the request of Marin Co. Abstract Co. Jan. 21, 1920 at 10 minutes past 3 o'clock P. M.

F. S. Holland
Recorder.
By h. J. White
County

07 OTHER

Point Reyes National Seashore

HALL-DRAKES BEACH LAGOON

Other Supporting Information



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE



SAN FRANCISCO PLANNING AND SERVICE CENTER

Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

December 15, 1966

IN REPLY REFER TO:

L54-LWSSC

Memorandum

To: Assistant Director, Special Services
Attention: Chief, Branch of Water Resources

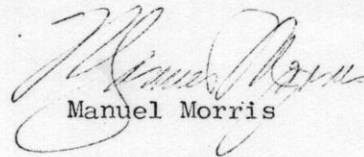
From: Supervisory Hydraulic Engineer, LWSSC

Subject: Water Right Dockets, Point Reyes

Enclosed are new water right dockets for Point Reyes, as follows:

Water Rights No. 3, Spring on 150 X 150 plot
Water Rights No. 4, Hall-Drakes Beach Lagoon
Water Rights No. 5, Alemea Creek
Water Rights No. 6, Glen Ranch
Alien Water Right No. 3, Spring lot Gray-Vrable-Boyle
Alien Water Right No. 4, Haggerty Gulch Entrance Road
Alien Water Right No. 6, Bear Creek - Olema Water System
Alien Water Right No. 7, Olema Creek - Smoot

As you will note, Alien Water Right docket 5 is not included. It should be completed within the next 30 days.


Manuel Morris

Enclosures

cc:

Superintendent, Point Reyes w/dockets
Regional Director WR, w/o encls.

UNITED STATES GOVERNMENT

Memorandum

TO : Manuel Morris

DATE: October 20, 1966

FROM : David Mogilefsky

SUBJECT: Right to Drill a Well, Hall property

As part of our continuing examination of water rights in the Point Reyes National Seashore I have compiled a docket on the existence of a right to drill a well on the property of William Hall, Tract 80.

In 1912, John G. Rapp deeded the present Hall property to one Hamilton C. Martins excepting for himself a one acre plot adjacent to a fresh water lagoon. In the paragraph following this exception, the deed states, " Subject to the right of the grantor to sink a well on the tract above described, said well to be located in closest proximity to the acre of land above described". As this right to drill a well is not specifically made appurtenant to the excepted one acre, the question may be raised as to whether this is an easement appurtenant or in gross. If the right is interpreted as an easement in gross it would not have passed to the present owner, since such easements do not run with land, and are not assignable or inheritable.

By the great weight of authority, however, the easement is appurtenant to the one acre parcel and remains with it in the hands of subsequent grantees. The reason for this is that if a right is reserved for the benefit of property retained, it will be deemed an easement appurtenant, and not in gross, regardless of the form in which such intention is expressed. It is clear that the well right was meant to be for the benefit of the one acre tract, and thus is appurtenant to it. This one acre and corresponding well right were acquired by the United States in a condemnation proceeding against the County of Marin.

As shown by the docket materials, part of the Hall property has been acquired by the U.S. but this is not the part affected by the well right.

David B. Mogilefsky
10-20-66

FC April 25

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

L54-PORE

WR — Drake's Beach Lagoon

March 25, 1966

HFS
Springer
Morris

Mr. L. K. Hill, Executive Officer
State Water Rights Board
Room 1140, Resources Building
1416 - Ninth Street
Sacramento, California 95814

Dear Mr. Hill:

Would you advise us as to whether there are any water permits, rights or applications known to you for water from a lake near Drake's Estero at Point Reyes National Seashore. This lake is more accurately described from U.S. Geological Survey Quadrangle, "Point Reyes, California" 1954, 15' series, as being at Lat. 38° 01.7' N.; Long. 122° 58' W. in Drake's Beach County Park 0.1 miles West of Sir Francis Drake Historical Marker.

We would like to have copies of any applicable documents and your prompt reply would be appreciated.

Sincerely yours,

(Sgd) Manuel Morris

Manuel Morris
Supervisory Hydraulic Engineer

HSpringer:ms

San Francisco Field Office
450 Golden Gate Avenue, Box 36064
San Francisco, California 94102

Kornelius

Costello

11425-SLW

February 9, 1966

(Wm. T. & Alice C. Hall) Point Reyes

Honorable J. Edward Williams
Assistant Attorney General
Lands Division
Department of Justice
Washington, D. C.

Dear Mr. Williams:

Re: Letter, Harold S. Harrison
Chief, Land Acquisition Section
Dated January 11, 1966
File 33-5-2295-58
William T. and Alice C. Hall

Enclosed is a letter dated January 19, 1965, signed by Acting Regional Director, Raymond O. Mulvaney, advising that administrative determinations have been made covering objections 5 and 6 of the Preliminary Title Opinion for the land acquired from William T. and Alice C. Hall. You will note that Mr. Mulvaney's letter also states that the purchase price has been paid.

We are returning the final title papers which we submitted to you on October 27, 1965.

Sincerely yours,

William J. Costello
Field Solicitor

Enclosures (6)

cc:
Director, Attn: Chief, Div. of Land & Water Rights
Western Regional Office files
Supt., Point Reyes

TKornelius:af

January 19, 1966

LL425

Memorandum

To: Field Solicitor, San Francisco Field Office
From: Acting Regional Director
Subject: Land Acquisition - William T. and Alice C. Hall

Reference is made to objection No. 5 of the preliminary title opinion, dated August 19, 1965, on above subject: The right to drill a well, as contained in the Deed from John G. Rapp to Hamilton C. Martins, et al, will not interfere with the contemplated use of the land by the United States, and it has been administratively determined that this item can be waived.

Objection No. 6 of the preliminary title opinion refers to the right of the state of California to a lake or pond lying approximately 3,800 feet easterly of the Drake's Beach County Park. By a special act, the state of California conveyed all of its land within the Point Reyes National Seashore boundary to the United States, thereby divesting itself of any claim; therefore, this objection can be administratively waived.

The purchase price of \$9,500. was submitted to the Marin Title Guaranty Company for distribution on September 3, 1965, and their letter of October 5, 1965, advised that they had closed the transaction and were forwarding the title insurance policy to us.

(sgd) Raymond O. Mulvaney

Raymond O. Mulvaney

MSH:JDM
33-5-2295-58

August 19, 1965

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

My dear Mr. Secretary:

An examination has been made of the title data relating to 12.64 acres of land, more or less, Parcels 1, 2, 3 and 4, Point Reyes National Seashore Project in Marin County, California. This land is to be acquired for a consideration of \$9,500.00 by authority of existing legislation. The file number of this Department is 33-5-2295-58.

The land is described in the enclosed draft of deed from William T. Hall and Alice C. Hall, his wife, to the United States of America.

The title report No. 76084 NW, dated as of April 16, 1965, was prepared by Marin Title Guaranty Company and is satisfactory in form.

The title report and accompanying data disclose the title to be vested in William T. Hall and Alice C. Hall, subject to:

1. All taxes and assessments, including those noted at item 1 of the report.
2. Right-of-way claims of persons in possession, if any, not shown of record.
3. Mechanics' liens, if any, not shown of record.

Preliminary title opinion

-2-

4. Rights of way for roadways, telephone lines and transmission lines outstanding in third parties as of June 15, 1965, including rights of way noted at items 4, 5 and 6 and the roadway easement noted at item 8 of the report.
5. Right to drill a well as contained in the deed noted at item 7 of the report.
6. Rights of the State of California, noted at item 2 of the report.

Prior to the consummation of this acquisition, the curative action necessary to effect the elimination of item 3 of the report should be completed.

Since it cannot be determined that the descriptions in the title report describe Parcels 1, 2, 3, and 4 the title insurance policy should describe the land as set forth in the option. ✓

According to the option the land is to be acquired subject to the rights and easements referred to in objection 4 above, which are therefore waived.

When the above requirements and objections numbered 1, 2 and 3 have been met, and the enclosed draft of deed to the United States, duly executed and properly stamped, has been recorded, the purchase price has been paid and a title insurance policy in approved form has been

-3-

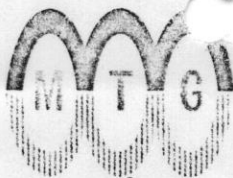
obtained showing the vesting of a valid title in the United States of America, and this Department has been informed in writing that objections 5 and 6 will not interfere with the contemplated use of the land, the title will be approved subject to the rights and easements referred to in objections 4, 5 and 6.

The title report and related papers are enclosed.

Sincerely yours,

Attorney General

Enclosures



MARIN TITLE GUARANTY COMPANY

1300 FOURTH STREET, P. O. BOX 669, SAN RAFAEL, CALIFORNIA, 94902
TELEPHONE: 456-4400

Deeds Searched

RECEIVED	
National Park Service	
Point Reyes National Seashore	
JUL 29 1965	
✓	SUPV. <i>Sta 7/29</i>
	ADM. ASST
	REALTY OFCR <i>OK</i>
✓	ENGINEER <i>7/29</i>
	CHF RGR
✓	CHF NAT <i>OK</i>

July 28, 1965

Point Reyes National Seashore Project
Point Reyes,
California

Attention: Seashore Project Manager

Re: Our No. 70410
U. S. vs. 60.95 acre
Civil No. 43726

Gentlemen:

At the request of Rodney H. Hamblin, Assistant United States Attorney, we have examined the records of the County Recorder of Marin County for any Deeds executed by the successive owners of the 51.12 acre parcel of land, described as Parcel No. 1 in our Preliminary Report No. 70410, conveying the right to take waters from said parcel of land. We did not find any such Deeds.

Our examination commenced with John C. Rapp, who was the former owner of said parcel of land and also the owner of adjoining lands and included each successor owner to date.

Very truly yours,

John E. McCarthy

JOHN E. MC CARTHY
Vice President

JEMcC/jh

*copies to
M. Morris, WRO
Rod Hamblin, US atty.
7/29/65 - JMK*

STATEMENT OF FACTS

UNITED STATES vs. ~~60.95~~ acres of land, more or less, in the County of
Marin, California, COUNTY OF MARIN

Civil No. 43726

Parcel 1 & 2 Project Point Reyes Acreage 51.12
National Seashore 1.00

Unit

Estate: Fee Title

1. Apparent owners:

County of Marin
Civic Center
San Rafael, California

2. Tenants, lienholders or others known to or alleged to have interest in land: Mr. William T. Hall and Alice C. Hall, owner and Rudy Harick and his wife, tenants of adjoining property, pump water from a fresh water lagoon on the Parcel One to a pond on the Hall property. Investigation of County and State records do not show anything where Hall or Harick have any water rights. Pacific Gas and Electric show they installed (over)

3. Appraisals: none

Date Approved	Name of Appraiser	Amt. of Appraisal
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4. Title Evidence: Marin Title Guaranty Company.

5. Negotiations: By resolution of the Board of Supervisors on 2/23/65 the county of Marin consented to the acquisition by the U.S. with no payment to the County. Douglas J. Maloney, County Counsel, Civic Center, San Rafael is handling this for the County.

2, (continued)

power for an irrigation pump on January 30, 1948 for Mr. Hall. This was ten years after the County acquired title to the property.

If neither of them can show a water right it is anticipated the U.S. will issue a permit to use water if requested.

NATIONAL PARK SERVICE
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C. 20240

G.A.E. ACCOUNT 413

X

JUL 6 - 1965

RECEIVED	
National Park Service	
at Reyes National Seashore	
JUL - 9 1965	
✓	SUPT. <i>7/20</i>
✓	ADM. ASST
	REALTY OFFR
	ENGINEER
✓	CHF RGR <i>BKR 7/9</i>
	CHF NAT
	(2)

BEACH
MARIN
COUNTY

REGIONAL DIRECTOR, NATIONAL PARK SERVICE, SAN FRANCISCO
LL425-SIW. BY LETTER JUNE 22 ATTORNEY GENERAL ADVISES TITLE TO 60.95
ACRES OF LAND, MORE OR LESS, POINT REYES, INVOLVED IN CONDEMNATION
PROCEEDINGS CIVIL 4372 COVERING TRACTS 1, 2, 3 and 4 NOW VESTED IN
UNITED STATES.

LEE
CHIEF, DIVISION OF LAND
AND WATER RIGHTS

cc:
Supt., Point Reyes
Land Acquisition Office, Point Reyes

**MARIN TITLE GUARANTY COMPANY**1300 FOURTH STREET, P. O. BOX 669, SAN RAFAEL, CALIFORNIA, 94902
TELEPHONE: 456-4400

APPLICATION NUMBER

76084 - NW

PRELIMINARY REPORT

NO LIABILITY HEREUNDER

An examination of the records of the Office of the Recorder of Marin County discloses that the title to the land hereinafter described is at 8:00 A.M. on April 16, 1965

VESTED IN— WILLIAM T. HALL and ALICE C. HALL,
his wife, as Joint Tenants.

SUBJECT TO:

1. Real property taxes for the fiscal year 1965-66 and personal property taxes which may be assessed against the record owner on March 1, 1965, now a lien, but not yet due or payable.
2. The rights of the State of California of the Lake or Pond lying approximately 3800 feet Easterly of "Drakes Bay County Beach" as said Lake or Pond is outside of the Patent line from the United States of America to Andrew Randall, a certified copy of said patent being recorded in A of Patents, at page 50.
3. Any change in the boundaries of the herein described property that has occurred or may hereafter occur by natural means and by imperceptible degrees.
4. The rights of way as granted by Charles Webb Howard to the United States of America, by Deed recorded January 20, 1888 in Book 6 of Deeds, at page 469.
5. The right to pass over the regularly traveled road, as granted to Joseph Nunes, et al, by Deed recorded December 29, 1919 in Book 208 of Deeds, at page 407.
6. The rights to pass over the regularly traveled roads, as granted to Joseph V. Mendoza, by Deed recorded December 29, 1919 in Book 208 of Deeds, at page 409.
7. The right to drill a well, as contained in the Deed from John G. Rapp, et ux, to Hamilton C. Martins, et al, recorded January 21, 1920 in Book 210 of Deeds, at page 257.

Con't.

8. An easement for roadway purposes, 40 feet in width, the access rights and an easement for the construction, maintenance of a public roadway and public parking area, as contained in the Final Decree and Judgment of Condemnation in the action entitled, "The County of Marin vs William T. Hall, et al", Case No. 18767, in the Superior Court of the County of Marin, a certified copy of said Decree recorded February 17, 1949 in Book 610 of Official Records, at page 24, Marin County Records.

NOTE:

Second Installment County of Marin taxes for the fiscal year 1964-65 for the sum of \$844.34 has been paid. Assessment No. 190-221-01, 109-221-02, 109-221-07. Code No. 82-000.

That certain real property situate in the County of Marin, State of California, described as follows:

COMMENCING at the corner common to Ranches C, D and E, as surveyed A. D. 1879, by Edw. G. Tilton, at the request of Charles Webb Howard, which point is further described as being the following courses and distances: North 21° 54' East 682.60 feet, more or less; North 22° 16' East 2137.6 feet; North 21° 40' East 2026.0 feet; North 21° 35' East 1640.40 feet; North 20° 46' East 291.50 feet; South 47° 19' East 69.90 feet; South 44° 39' East 64.90 feet; South 44° 35' East 699.50 feet; South 54° 07' East 2896.00 feet; South 15° 18' East 220.10 feet; South 15° 39' East 250.20 feet; South 15° 38' East 390.70 feet; South 23° 51' East 156.20 feet from the Northwest corner of the United States Live Saving Reservation, the Deed to which is recorded in the office of the Recorder of Marin County, State of California, in Book 6 of Deeds, page 469; thence from the above described point along the line common to Ranches D and E as surveyed by aforesaid Edw. G. Tilton, the following courses and distances: North 52° 45' East 150 feet; North 52° 57' East 100 feet; North 52° 49' East 600 feet, North 52° 13' East 2310.70 feet; North 52° 14' East 200 feet; North 51° 39' East 150 feet; North 30° 39' East 1070 feet; North 45° 28' East 560 feet; South 56° 58' East 803 feet to the Shore of Limantour Bay; thence following said shore along the line of ordinary high tide, South 34° 13' West 126 feet; South 62° 57' East 678.20 feet; South 1° 35' West 316.30 feet; South 71° 43' East 191.70 feet; South 38° 21' East 201.60 feet; South 19° 40' East 582.30 feet; North 49° 58' East 249.50 feet; North 87° 03' East 137.40 feet; South 66° 45' East 502.30 feet; South 53° 08' East 443.90 feet; South 50° 17' East 254.40 feet; South 43° 36' East 359.30 feet; South 52° 38' East 622.50 feet; South 47° 09' East 136.40 feet; South 27° 22' East 1029.30 feet; South 39° 50' East 418.40 feet; South 10° 13' East 175.30 feet; South 78° 52' East 192.80 feet; South 50° 19' East 200.80 feet; South 32° 34' East 703.60 feet; South 67° 01' East 154.50 feet; South 47° 27' East 419.70 feet; South 24° 06' East 937.90 feet; South 4° 20' East 269.90 feet; South 16° 48' East 1250.20 feet; South 17° 48' West 216.10 feet to the shore line of Drake's Bay; thence along said shore line, South 81° 25' West 888.80 feet; South 86° 12' West 965.10 feet; North 85° 13' West 1001.80 feet to the mouth of a salt water lagoon; thence along the shore line of said lagoon North 17° 02' West 601.10 feet; North 2° 09' East 357.50 feet; North 34° 19' West 764.40 feet; North 7° 40' East 156 feet; North 30° 02' West 1105.90 feet; South 15° 08' East 813.60 feet; South 11° 40' East 1079.70 feet; South 6° 36' East 456.90 feet; North 70° 33' West 309.80 feet; North 47° 31' West 622.30 feet; North 45° 39' West 406.50 feet; North 77° 13' West 333.10 feet; South 40° 36' East 606.80 feet; South 33° 45' East 644.90 feet; South 64° 59' East 1060.60 feet; South 46° 39' East 170.90 feet to the shore of Drake's Bay; thence along said shore line South 77° 58' West 559.20 feet; South 71° 57' West 1131.80 feet; South 70° 18' West 890.20 feet; South 62° 19' West 561.40 feet; South 89° 15' West 226.10 feet to the entrance of a fresh water lagoon; thence along the shore of said lagoon North 49° 01' West 299.70 feet; North 42° 21' West 399.70 feet; South 70° 57' West 221.20 feet; South 80° 05' West 99.70 feet; North 80° 14' West 134.70 feet; North 55° 02' West 91.80 feet; North 33° 50' West 490.10 feet; North 48° 28' West 399.50 feet; North 33° 03' West 240.10 feet; North 24° 54' West 300.30 feet; North 16° 14' West 385.40 feet; North 17° 39' East 270.10 feet; North 45° 14' West 679.30 feet to the line common to Ranches D and C as surveyed by said Edw. G. Tilton; thence along said

common Line: North 23° 03' west 334.00 feet, North 22° 28' west 900. feet,

North 33° 27' West 1306.10 feet; North 26° 41' West 340.20 feet;
North 26° 28' West 900.40 feet to the point of commencement.

AFORESAID area has heretofore been known as Ranch D, in the holdings of the Estate of Charles Webb Howard, in and upon the tract of land known as "Point Reyes" same being a portion of the Rancho Punta de los Reyes Sobrante, the patent for which is recorded in Book "A" of Patents at page 50, in the office of the Recorder of Marin County, State of California.

EXCEPTING from the tract above described 1 acre of land situate on the shore of fresh water lagoon, which said acre tract of land is more particularly described as follows:

COMMENCING at a point which, for the corner common to Ranches C, D and E is the following courses and distances: South 26° 28' East 900.4 feet; South 26° 41' East 340.2 feet; South 33° 27' East 1360.1 feet; South 22° 28' East 900.0 feet; South 23° 03' East 334.0 feet; South 45° 14' East 404.84 feet to a point in the shore of a fresh water lagoon and aforesaid point of beginning; thence from said point of beginning following the shore of said lagoon South 45° 14' East 274.46 feet; South 17° 39' West 100 feet; thence leaving said lagoon, South 72° 21' East 100 feet; North 17° 39' East 161.14 feet; North 45° 14' West 335.60 feet; South 44° 46' West 100 feet to the point of commencement.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

L54 ✓

X W14 X11425
TO : Files

DATE: August 12, 1964

FROM : Superintendent

SUBJECT: Water in Drakes Bay County Park

Verbal permission for the NPS contractor on the Point Reyes Beach access road to obtain water from the pond on county property at Drakes Bay was received from Kelvin Nelson, Director, Parks and Recreation, the latter part of April. The exact date was not recorded.

After the contractor moved in on July 13 Mr. Hall, the adjacent land owner, raised an objection to crossing his land to get to the pond. He asked \$1,000 for a right-of-way. It was then determined that the contractor would lay a pipe to the pond and not trespass on Hall's property. Mr. Hall stated that his son-in-law Rudy Horick used water from the pond for his dairy but he thought there was plenty of water for both purposes.

A search of records, both County and State, has failed to disclose any recorded water right for Mr. Hall but he may have established some right through use.

The Superintendent held a discussion of the situation with Rudy Horick on August 10. Mr. Horick is primarily concerned with protection of his submerged pumps. If the water level gets too low there is danger of burning up a pump. He stated that Mr. Hall has agreed to lower one pump that was partially exposed prior to the contractor drawing water. He was assured that the National Park Service is interested in protecting his dairy business and will cooperate with him in sharing the water. If it should be lowered to the point that there may not be enough for the dairy we will look for other sources.

No commitment was made on assuming part or all of the cost of lowering Mr. Horicks pumps if it should become necessary by reason of use by the contractor. However, we believe this is a reasonable expense.

The project supervisor is to check the water level in the pond periodically and inform the Superintendent if the pond is lowered to the point the pumps would be endangered.

Fred W. Binnewies
Fred W. Binnewies

FILE COPY

POINT REYES NATIONAL SEASHORE
Point Reyes, California 94956

L54
X D22

July 31, 1964

Mr. Arthur L. Lafranchi
Attorney at Law
P.O. Box 379
Petaluma, California

Dear Mr. Lafranchi:

The water referred to in your letter of July 20 as being used by our road contractor comes from a pond on county property that is part of Drakes Beach County Park. Permission for the National Park Service to make use of this source was obtained directly from the County Department of Parks and Recreation.

We discussed the matter of taking water from the pond with Mr. Hall because his land is adjacent to county property and we were aware that he, or Mr. Horik, was also drawing water from this source. Mr. Hall thought that there was plenty of water for both purposes.

The contractor has only withdrawn a few thousand gallons of water at present and we are sure it has not been enough to lower the level of the pond by a measurable amount. In fact the best engineering estimate indicates that the total amount of water needed for the job will not lower the pond more than six inches.

We are interested in knowing the amount of water claimed by Mr. Horik and on what basis the claim. Does he have a water right filed on this source or is he obtaining it by an agreement with the county?

It is our intention to cooperate to the fullest extent with Mr. Hall and Mr. Horik and not jeopardize their dairy operation. We will be pleased to discuss this matter with Mr. Horick in order to further identify his needs.

Sincerely yours,

(SGD.) FRED W. BINNEWIES

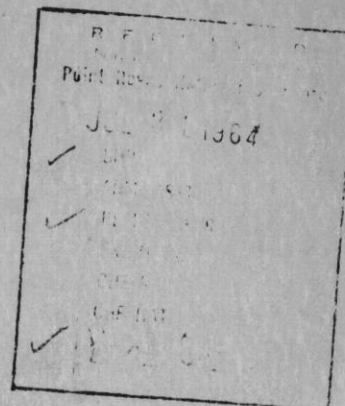
Fred W. Binnewies
Superintendent

FILE COPY

ARTHUR L. LAFRANCHI
ATTORNEY AT LAW
P. O. BOX 379 ~~XXXXXXXXXXXXXXX~~ 410 Pet. Blvd. S.
PETALUMA, CALIFORNIA

TELEPHONE 763-0790 OR
545-8092

July 20, 1964



Resident in Charge
U.S. Dept. of the Interior
National Park Service
Pt. Reyes National Seashore
Pt. Reyes, California

Sir:

I have been contacted by Mr. Rudy J. Horik of Inverness in regard to a verbal agreement entered into between your Department and Mr. William Hall for the use of water from a lake on Mr. Hall's property by one of your road contractors. Mr. Horik has a right to use water from this storage area for agricultural purposes, and he has never been contacted in regard to your use of water therefrom. Therefore, we are writing to you to make Mr. Horik's position and interest known to you.

Mr. Horik has two submersible pumps installed in this reservoir, both set at different levels, and present use by your contractor has placed one pump in jeopardy due to the fact that the water table has dropped to a level below that required for the safe operation of this type pump. In the event that there is continued use of this water, Mr. Horik requires that you or your contractor bear the cost of lowering the higher pump to a more desirable level. He firmly desires that this work be done by Petaluma Pump and Well Company of Petaluma, California, and that it be done at once.

Secondly, since the use of this water is for agricultural purposes, its purity must be maintained, for if it is not, such impurity could result in the exclusion of Mr. Horik's products from market. Lowering of the water table in the lake beyond a certain point will result in causing the water to become muddied by the pumps' siphoning action, and this muddying action could well result in sufficient impurity to cause market exclusion of Mr. Horik's milk.

Lastly, as you are probably well aware, we are into the dry season and the amount of water being taken from the lake exceeds the amount coming in. It is of paramount importance to Mr. Horik that a certain reserve of water be maintained in the lake to insure his needs

Resident in Charge
U.S. Dept. of Interior

-2-

July 30, 1964

until the winter season. It seems likely that at some future date your contractor will have to cease drawing any more water.

These points cover the essential concerns of Mr. Horik and since without physical examination of the property and face to face discussion between the parties concerned, there can be no fixed standards to implement the safeguarding of Mr. Horik's rights, I strongly urge you to contact him at once. He can be reached at Code Area 415-669-1260.

I hope we have made our position clear to you and that you appreciate the urgency of the problem. If there are any questions you wish to ask me about, please call at your earliest convenience.

Thank you for your prompt attention to this matter.

Sincerely yours,


ARTHUR L. LAFRANCHI

ALL/ad

cc: Rudy Horik

UNITED STATES GOVERNMENT

Memorandum

TO : Manuel Morris

DATE: October 20, 1966

FROM : David Mogilefsky

SUBJECT: Right to Drill a Well, Hall property

As part of our continuing examination of water rights in the Point Reyes National Seashore I have compiled a docket on the existence of a right to drill a well on the property of William Hall, Tract 80.

In 1912, John G. Rapp deeded the present Hall property to one Hamilton C. Martins excepting for himself a one acre plot adjacent to a fresh water lagoon. In the paragraph following this exception, the deed states, " Subject to the right of the grantor to sink a well on the tract above described, said well to be located in closest proximity to the acre of land above described". As this right to drill a well is not specifically made appurtenant to the excepted one acre, the question may be raised as to whether this is an easement appurtenant or in gross. If the right is interpreted as an easement in gross it would not have passed to the present owner, since such easements do not run with land, and are not assignable or inheritable.

- By the great weight of authority, however, the easement is appurtenant to the one acre parcel and remains with it in the hands of subsequent grantees. The reason for this is that if a right is reserved for the benefit of property retained, it will be deemed an easement appurtenant, and not in gross, regardless of the form in which such intention is expressed. It is clear that the well right was meant to be for the benefit of the one acre tract, and thus is appurtenant to it. This one acre and corresponding well right were acquired by the United States in a condemnation proceeding against the County of Marin .

As shown by the docket materials, part of the Hall property has been acquired by the U.S. but this is not the part affected by the well right.

David B. Mogilefsky
10-20-66

FC April 25

SAN FRANCISCO PLANNING AND SERVICE CENTER

Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

L54-PORE

~~40~~ Drake Beach Lagoon

March 25, 1966

H7S
Springer
Morris

Mr. L. K. Hill, Executive Officer
State Water Rights Board
Room 1140, Resources Building
1416 - Ninth Street
Sacramento, California 95814

Dear Mr. Hill:

Would you advise us as to whether there are any water permits, rights or applications known to you for water from a lake near Drake's Estero at Point Reyes National Seashore. This lake is more accurately described from U.S. Geological Survey Quadrangle, "Point Reyes, California" 1954, 15' series, as being at Lat. 38° 01.7' N.; Long. 122° 58' W. in Drake's Beach County Park 0.1 miles West of Sir Francis Drake Historical Marker.

We would like to have copies of any applicable documents and your prompt reply would be appreciated.

Sincerely yours,

(SGT) Manuel Morris

Manuel Morris
Supervisory Hydraulic Engineer

HSpringer:ms

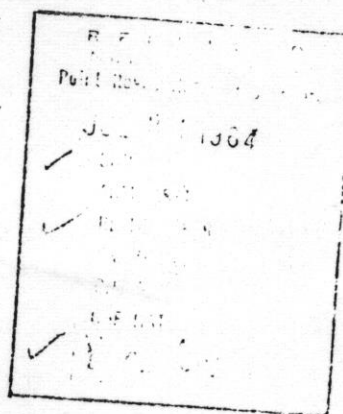
ARTHUR L. LAFRANCHI
ATTORNEY AT LAW 410 Pet. Blvd. S.
P. O. BOX 379 XXXXXXXXXXXXXXXXXX
PETALUMA, CALIFORNIA

TELEPHONE 763-0790 OR
545-8092

July 20, 1964

Resident in Charge
U.S. Dept. of the Interior
National Park Service
Pt. Reyes National Seashore
Pt. Reyes, California

Sir:



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Resident in Charge
U.S. Dept. of Interior

-2-

July 30, 1964

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I hope we have made our position clear to you and that you appreciate the urgency of the problem. If there are any questions you wish to ask me about, please call at your earliest convenience.

Thank you for your prompt attention to this matter.

Sincerely yours,


ARTHUR L. LAFRANCHI

ALI/ad

cc: Rudy Horik

POINT REYES NATIONAL SEASHORE
Point Reyes, California 94956

LSH
X D22

July 31, 1964

Mr. Arthur L. Lafranchi
Attorney at Law
P.O. Box 379
Petaluma, California

Dear Mr. Lafranchi:

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It is our intention to cooperate to the fullest extent with Mr. Hall and Mr. Horik and not jeopardize their dairy operation. We will be pleased to discuss this matter with Mr. Horik in order to further identify his needs.

Sincerely yours,

(SGD.) FRED W. BINNEWIES

Fred W. Binnewies
Superintendent

FILE
COPY

08 MAPMISC

Point Reyes National Seashore

HALL-DRAKES BEACH LAGOON

Maps and Miscellaneous Information

PARCEL ONE...51.12 AC ±

1. S 41° 07' E 488.0'
2. S 41° 07' E 217.6'
3. S 41° 07' E 100.0'
4. S 41° 07' E 75.3'
5. S 41° 07' E 53.8'
6. S 41° 07' E 48.0'
7. S 41° 07' E 37.8'
8. S 41° 07' E 28.7'
9. S 41° 07' E 19.5'
10. S 41° 07' E 10.3'
11. S 41° 07' E 1.0'
12. S 41° 07' E 1.0'
13. S 41° 07' E 1.0'
14. S 41° 07' E 1.0'
15. S 41° 07' E 1.0'
16. S 41° 07' E 1.0'
17. S 41° 07' E 1.0'
18. S 41° 07' E 1.0'
19. S 41° 07' E 1.0'
20. S 41° 07' E 1.0'
21. S 41° 07' E 1.0'
22. S 41° 07' E 1.0'
23. S 41° 07' E 1.0'
24. S 41° 07' E 1.0'
25. S 41° 07' E 1.0'
26. S 41° 07' E 1.0'
27. S 41° 07' E 1.0'
28. S 41° 07' E 1.0'
29. S 41° 07' E 1.0'
30. S 41° 07' E 1.0'

PARCEL TWO...1.00 AC ±

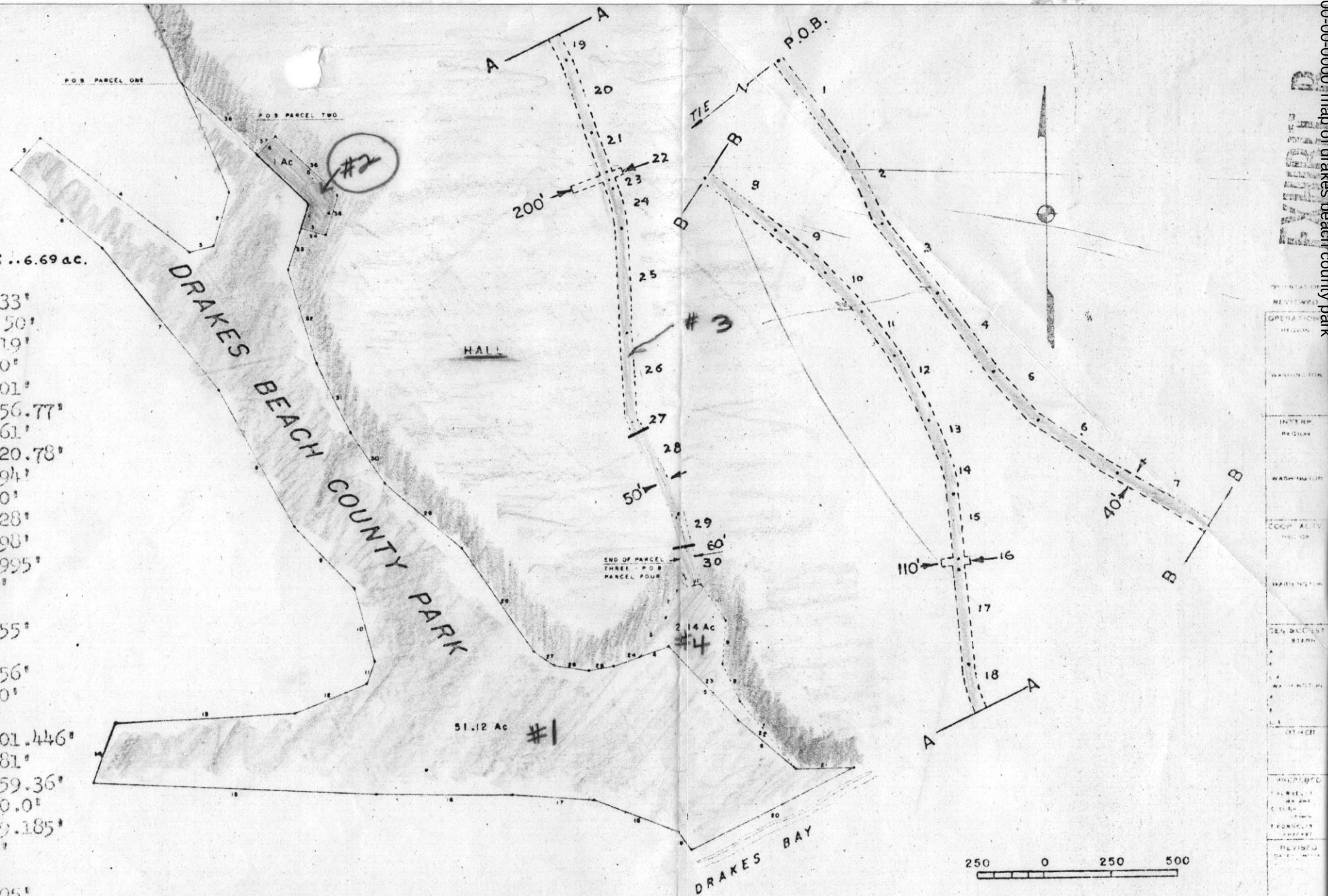
1. S 41° 07' E 274.48'
2. S 41° 07' E 100.0'
3. S 41° 07' E 100.0'
4. S 41° 07' E 100.0'
5. S 41° 07' E 100.0'
6. S 41° 07' E 100.0'

PARCEL FOUR...2.14 AC

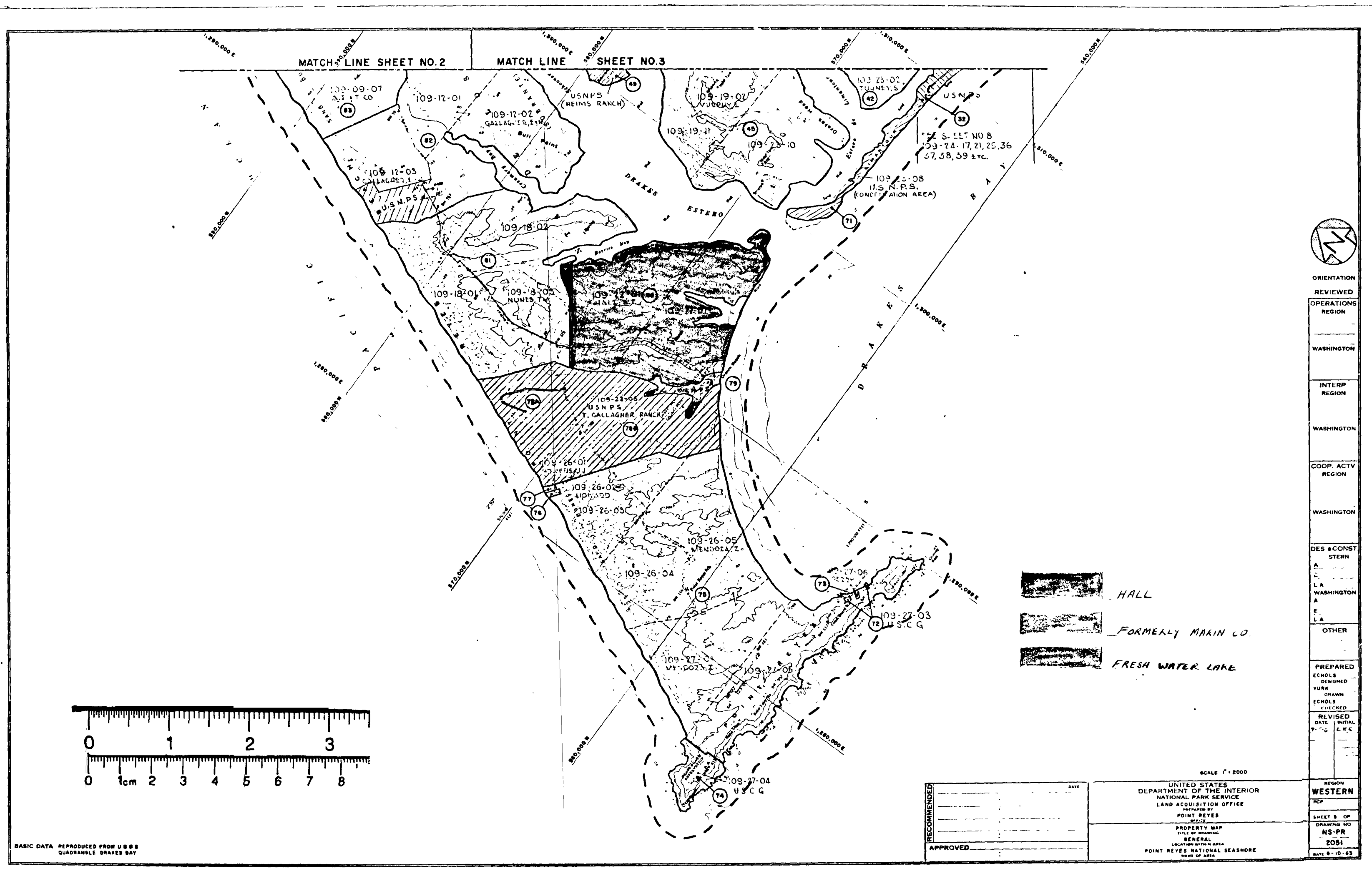
1. S 41° 07' E 74.264'
2. S 41° 07' E 117.23'
3. S 41° 07' E 112.198'
4. S 41° 07' E 116.484'
5. S 41° 07' E 116.484'
6. S 41° 07' E 116.484'
7. S 41° 07' E 116.484'
8. S 41° 07' E 116.484'
9. S 41° 07' E 116.484'
10. S 41° 07' E 116.484'

PARCEL THREE...6.69 AC.

1. S36°14'E 422.33'
2. S26°30'E 304.50'
3. S38°36'E 341.19'
4. S34°29'E 300.0'
5. S41°45'E 246.01'
6. S54°55'30"E 356.77'
7. S59°00'E 394.61'
8. S51°59'30"E 320.78'
9. S48°45'E 249.94'
10. S43°14'E 208.0'
11. S35°58'E 209.28'
12. S28°39'E 281.90'
13. S23°20'E 136.995'
14. Cr. rt. R=500'
L=159.407'
15. S5°04'E 247.155'
16. S5°04'E 20.0'
17. S5°04'E 370.156'
18. Cr. lft. R=500'
L=177.151'
19. S25°41'30"E 101.446'
20. S18°25'E 296.81'
21. S19°45'30"E 159.36'
22. S19°45'30"E 20.0'
23. S19°45'30"E 29.185'
24. Cr. rt. R=500'
L=156.716'
25. S1°40'E 393.305'
26. S2°32'E 339.70'
27. S25°00'E 22.4'
28. S25°00'E 372.2'
29. S12°05'E 127.60'
30. S12°05'E 158.909'



RECOMMENDED TO	UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE LAND ACQUISITION OFFICE POINT REYES		APPROVED
	PROPERTY: 51.12 AC DRAKES BEACH COUNTY PARK POINT REYES NATIONAL SEASHORE		



BASIC DATA REPRODUCED FROM U.S.G.S. QUADRANGLE DRAKES BAY

Docket Information

Number of Documents in Docket : 30

Documents Dated from : 01-21-1920 to 10-29-2024

Docket Compiled: 11/13/2024