Docket Number: 1

MARTIN CREEK WATER SYSTEM

Preliminary Docket Information

DOCKET INFORMATION FORM

Compiled by: Alexa Kreiling Date: 1/7/2025
Initial Docket Information Form ☒ Amendment # _____ (1,2,3 ...)
Includes Confidential Content ☒

Park Unit: LAVO **Docket #:** 001 **Docket Title** Martin Creek Water System

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: Martin Creek

State: CA
County: Tehama

Owner: US National Park Service - Lassen Volcanic National Park (As listed by the State)

Application #: _____ **Date:** _____
Permit #: _____ **Date Issued:** _____
License / Certificate #: _____ **Priority Date:** 8/30/1894
Ruling/Order/Decree #: _____ **Date Issued:** _____

Quantity: Rate: 0.25 Duty: _____
Units: ☐ cfs ☐ gpm ☐ afy ☐ other sf Units: ☐ cfs ☐ gpm ☐ afy ☐ other _____

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

POD Name / Location: _____ ☐ Multiple PODs (see water right)
Qtr: NW Qtr: NW Sec: 19 T: 29 N R: 4 E PM: _____
Latitude: _____ Longitude: _____
UTM _____ , _____ Datum: _____

POU Name / Location: _____ ☐ Multiple POUs (see water right)
Qtr: _____ Qtr: _____ Sec: _____ T: _____ R: _____ PM: _____
Latitude: _____ Longitude: _____
UTM _____ , _____ Datum: _____

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

Historic water supply system for the park headquarters.

☐ Additional Page(s) Attached

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

March 12, 2015

MEMORANDUM

To: Acting Superintendent, Lassen Volcanic National Park

From: Chief, Water Rights Branch-Water Resources Division Wm. R. Hanson

Re: Updated Final Drought Assessment

Please find enclosed an updated Final Drought Assessment prepared by our Branch; this updates the assessment the Park received by email on May 7, 2014. The updates reflect: the calls for curtailment issued by the State Water Resources Control Board, the groundwater legislation enacted in September 2014, and changes to our understanding regarding the Board's ability to call out riparian rights.

We would like to thank Dave Worthington, Mike Magnuson, Graham Dobson, and Elizabeth Hale (and probably a few others we're not aware of) of the Park for their help.

If you choose to implement the recommendations, please contact Eric Lord at (970) 225-3526.

Cc: Forrest Harvey (w/ attachment)
Jay Goldsmith (w/ attachment)

LASSEN VOLCANIC NATIONAL PARK
California Drought Assessment

Prepared by Eric Lord
Water Rights Specialist
Water Resources Division
National Park Service
May 2014
Updated December 2014

This assessment was originally issued in May 2014 by email to the Park. At that time, the State Water Resources Control Board (Board) projected that junior water rights would be curtailed due to lack of water. How the Board would administer the curtailments was, at that point, a matter of speculation; this assessment, then, reflected that uncertainty. Since then, there have been significant developments in the State of California relative to the drought, including calls for curtailment and the enactment of groundwater management legislation. This finalized assessment provides brief updates that reflect these significant developments. Updates are in italics.

Drought Notice

In January 2014, the Governor of California issued a Proclamation of a State of Emergency due to extreme drought. In turn, the California State Water Resources Control Board (Board) issued a Notice of Surface Water Shortage and Potential for Curtailment of Water Right Diversions to all water right holders in the state.[1] An assessment of water rights held by Lassen Volcanic National Park (LAVO) was performed in order to characterize the risk to LAVO water uses posed by potential curtailment of water uses.

In April 2014, the Board published the projected timing of calls within most of the major watersheds within the State.[2] The projected timing of calls on the Sacramento-San Joaquin Watershed, which includes the LAVO watersheds, is as follows:

- All post-1914 water rights (i.e., permits, licenses) will be curtailed between May 15th and June 1st.
- Junior pre-1914 water rights will be curtailed between June 1st and June 15th.
- After June 16th, curtailment of additional pre-1914 water rights will occur based on available water supply and priority.
- Any remaining supply must be shared on a correlative basis among riparian users.

[1] Curtailment of a water right, either partial or total, referred to here as a "call", is an order by the Board to stop diverting water pursuant to a given water right until further notice. The application of a call—i.e., the order in which uses are curtailed—is based on the priority of water rights within a watershed. California adheres to the prior appropriation doctrine, which gives preference to rights established prior in time. However, California also recognizes riparian rights as well and such rights are generally senior to appropriative rights in all watersheds. The priority of rights within a watershed must be understood in order to assess the risk of having a water right curtailed by application of a call within that watershed.

[2] http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/analysis/

It is important to note that the Board expects to allow, in spite of any calls in place in a watershed, diversion of up to 50 gallons per day per person for public health and safety needs where there are no other water supplies available for emergency human health, sanitation and safety needs.[3] In addition, the calls are not expected to affect the use of groundwater through wells.

Federal reserved rights are subject to administration within the state priority system. Accordingly, federal reserved rights will be subject to calls based on the date of the reservation that created the reserved rights. Federal reserved rights held by LAVO are discussed below.

Water Right Background

Statutory Appropriative (aka post-1914) Rights

With enactment of the Water Code in 1914, the statutory procedures in the Code set forth the exclusive means by which a water right could be obtained. Upon licensing of a post-1914 right, a priority date is issued which reflects the relative priority of that right within a given watershed. The more senior the right, the more superior the right, and the less likely that right is to curtailed in the event a call is placed on the watershed. Such rights are generally junior to, or inferior to, riparian rights.

Riparian Rights

California recognizes riparian rights as well as appropriative rights. Pursuant to the riparian doctrine, the owner of land that contains or abuts a water source (stream, spring, lake) has the right to reasonable use of water from that source. There are no procedural requirements for such a right, e.g., application process. Riparian rights are "correlative"—this means that among riparian right holders on the same source, shortages and surpluses are shared equally. As stated, riparian rights are generally senior in priority to state appropriative rights.[4]

State law distinguishes riparian uses into *natural* uses and *artificial* uses. Natural uses are domestic uses including drinking, cooking, washing, and small amounts of livestock. All other riparian uses are artificial. Natural uses are given preference over artificial uses. Natural uses that are commercialized, i.e., serving paying guests, do not necessarily lose their preference as

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[3] Id.

[4] It should be noted that riparian rights, though normally viewed as correlative, also hold a temporal priority. The likelihood of such a priority becoming operative is very remote and would arise only under the most extreme drought circumstances; however, it is worth noting. Pursuant to federal and state court rulings, in California a riparian right attaches to reserved federal land when such land is first withdrawn from the public domain and reserved for a federal purpose, e.g., a national park. In theory, such riparian rights would be considered junior to state law-based appropriative rights established prior to the reservation of federal land causing riparian rights to attach to the reserved federal land. Moreover, in the case of unexercised riparian rights held by the federal government, the Board may determine that the future riparian right of the US shall have a lower priority than uses authorized by the Board prior to *exercise* of the riparian right by the US. This indicates that the priority date of a riparian right will likely be a function of when it was first exercised, rather than when it attached; and that the United States must apply to the Board whenever it proposes to exercise a riparian right. *In re Water of Hallett Creek Stream System*, 749 P.2d 324 (Cal. 1988), cert denied sub nom *California v. United States*, 488 U.S. 824 (1988). Again, this aspect of riparian rights would come into play only under extreme circumstances.

natural uses, but an excessive degree of commercialization[5] to the prejudice of downstream riparian users may affect the preference.

The California Supreme Court has recognized that the federal government holds riparian rights as owner of reserved federal lands.[6] Thus the Park, as a landowner, holds riparian rights to reasonable use of water within or abutting the reserved federal lands. The Park's uses of water—e.g., visitor center, staff housing, campground, firefighting—can be considered reasonable uses of water consistent with riparian rights.[7]

Overlying Rights (Groundwater)

In California, there are two lines of distinction regarding groundwater use; the lines are (1) land ownership, and (2) the source of the groundwater. Regarding the first distinction, an owner of land has the right to reasonable use of groundwater beneath the land. This is referred to as an overlying right. There are no procedural requirements for such use and the Board generally does not have jurisdiction over such use. In contrast, a statutory groundwater right is not based on land ownership, but is based on procedural requirements, e.g., application to the Board. One need not own land to obtain such a right, but one does need legal access to the land upon which the well will be located.

The other line of distinction regards the source of the water. In California, groundwater is divided into two categories—"percolating" groundwater, and "subterranean streams flowing through known and definite channels." Groundwater is legally presumed to be percolating; the Board has no jurisdiction over such water and no permit is needed to use such water. In contrast, "subterranean streams…", sometimes referred to as stream underflow, are within Board jurisdiction and a permit is needed to use such water.

The Park uses groundwater to meet some of its consumptive needs. As a landowner, the Park holds overlying rights to such water.[8] The water is legally presumed to be percolating; consequently, the Park needs no permit from the Board[9] to use such water. The Park should be aware, however, that this legal presumption can be overcome by evidence that a given well is

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[5] Excessive commercialization of domestic uses might include swimming pools, ornamental pools, or boating. *Prather v. Hoberg*, 150 P.2d 405 (Cal. 1944).

[6] *In re Water of Hallett Creek Stream System*, 749 P.2d 324 (Cal. 1988), cert denied sub nom *California v. United States*, 488 U.S. 824 (1988).

[7] Though there are some constraints, riparian rights afford the holder flexibility in terms of the amount of use, the purpose of use, timing of use, and location of use. In the event of questions regarding riparian uses, the Water Rights Branch is available for assistance.

[8] Though the California Supreme Court held that the United States holds riparian rights to surface water as a landowner, the case did not address whether the United States holds overlying rights to groundwater as landowner. *In re Water of Hallett Creek Stream System*, 749 P.2d 324 (Cal. 1988), cert denied sub nom *California v. United States*, 488 U.S. 824 (1988). However, the reasoning behind the California Supreme Court's ruling applies equally to overlying rights. 1-15 California Water Law and Policy § 15.16 [citations omitted].

[9] It should be noted that though no permit from the Board is required to use the water, a so-called "water right", a permit to drill and complete the well will be required from the appropriate county. Such does not constitute a "water right".

drawing from stream sub-flow.[10] In such a situation, a well would then need to file an application for a water right, and would be subject to the Board's jurisdiction.

Administration of Calls for Curtailment

The projections made by the Board, set forth above, indicate that the calls will be based on the priority of rights within a watershed. To understand the priorities of the Park's water rights, an inventory of Park rights was prepared. To prepare the inventory, the water right records maintained by the Water Rights Branch (WRB) and the Board were reviewed to determine what water rights of record are held by LAVO.

With one exception, the Park meets its water needs from surface sources. All of these uses of surface water are supported by riparian rights, even though there is no record of such uses with the Board.[11] Pursuant to State law, the Park's riparian rights are senior to all state appropriative rights (i.e., permits and licenses) and pre-1914 rights in a watershed.

The Park's reliance on riparian rights comes with a caveat. Under most circumstances, riparian rights are the most senior rights in a watershed. However, the Board may have the authority to re-prioritize newly exercised riparian rights to a very junior status, thereby making them vulnerable to a call.[12] The Park has not recorded with the Board this use of water based on riparian rights. This suggests that the rights are newly exercised, and as such, they may be re-prioritized by the Board. However, the Park has indirect records that support a claim that riparian rights have been in use for some time, and therefore should maintain their senior status. Such records include water quality testing, facilities installation and maintenance records, pumping records, and visitation records of Park facilities.

In addition to the riparian rights, the Park holds one state law-based appropriative right—License 2104—which authorizes use of water from an unnamed spring.[13]

Pursuant to federal law, the Park also holds federal reserved rights in support of the Park's purposes. The use of water for administrative purposes (e.g., visitor center, staff housing,

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[10] Such a scenario is unlikely. However, if a Park well is located near a surface stream, there is incentive for a downstream surface water right holder to seek to have the Park well come under Board jurisdiction. This could be accomplished by providing evidence that the well is drawing water from stream sub-flow. The Park would then need to file an application with the Board for a water right; that right would be very junior in the watershed and would be subject to future calls like any other junior surface right.

[11] As a landowner, the Park holds riparian rights to all surface water sources within or abutting the Park. A riparian right allows for "reasonable" use of water. Because riparian and overlying rights are based on land ownership, there is no requirement that a water user comply with state law procedures to obtain a water right. State law does require, however, that water use pursuant to a riparian right be reported to the State.

[12] It is clear that the Board has the authority, in the context of an adjudication, to re-prioritize newly exercised riparian rights. Further, though it is less clear, the Board may have authority to re-prioritize newly exercised riparian rights under *any* circumstances. The issue has arisen because some holders of licenses, in response to the Board's calls, merely began exercising their previously-dormant riparian rights. This obviously circumvents the purpose of the call.

[13] License 2104 authorizes diversion of 11,000 gallons per day from an unnamed stream for consumptive uses. The license has a 1981 priority date. The Reports of Licensee filed by the Park indicate that this license is no longer used consumptively, but is, rather, used in support of wildlife.

campgrounds) is supported by federal reserved rights. It should be noted that a water use can be supported by more than one type of right. The Park's federal reserved rights vary in terms of priority; priorities are based on the dates on which a given parcel was reserved into national forest, national monument, or national park, or was acquired from third parties.[14] In most cases, the Park holds federal reserved rights for national forest administrative purposes (domestic use) with a priority date of 1905, and federal reserved rights for national monument or national park purposes with varying priority dates.[15] Federal reserved rights are subject to calls for curtailment based on priority dates.

In addition, as a landowner the Park holds overlying rights to the use of groundwater. Like a riparian right, overlying rights do not have a priority date, but allow for reasonable use of groundwater. The Board has no jurisdiction over overlying rights; consequently, any calls will not affect the Park's groundwater use.

Based on the foregoing, and based on the Board's projections for calls in the Sacramento watershed, the following progression can be expected:

- The Park's License 2104 will be called out by June 1. Given that this is no longer used consumptively and is a headwaters source, there will be no effect on the Park from curtailment of this license.
- The Park's federal reserved rights will most likely be called out by June 15. Federal reserved rights are administered within the context of the state administrative system, and can be called out based on priority date just like a state law-based right.
- After June 15, the Park's riparian rights will be sharing available flows with other riparian right users on a given source. In theory, the shortage is shared evenly among all riparian users on the source.
- The Park's groundwater uses (wells) are not expected to be affected by calls.

Given this situation it is worth reiterating that the Board expects to allow for an exemption, if you will, from the effects of the calls for up to 50 gallons per day per person in the absence of other water supply for emergency human health, sanitation, and safety needs.[16]

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[14] The federal reserved rights held by LAVO are located in areas with different land reservation histories; consequently, the priority dates of the federal reserved rights differ within the Park based on when a given parcel was reserved for national forest, monument, or park purposes. In most of the Park, a federal reserved right exists with a reservation date of 1905, the date of reservation of the Lassen Forest Reserve. (Proclamation 564 – Establishing the Lassen Peak Forest Reserve, June 2, 1905). In addition, a federal reserved right for much of the Park exists with a priority date of 1916 based on the reservation of Lassen Volcanic National Park. Additional federal reserved rights exist for creation of the Cinder Cone and Lassen Peak national monuments and for various expansions of the Park since its creation.

[15] The area was originally reserved as the Lassen Peak Forest Reserve in 1905 (Proclamation No. 564 (1905)), and later renamed Lassen Peak National Forest. Cinder Cone National Monument and Lassen Peak National Monument were established in 1907 (Proclamation No. 753, 35 Stat. 2131 (May 6, 1907); Proclamation No. 754 (May 6, 1907)). Lassen Volcanic National Park was reserved in 1916 (An Act To establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes, 39 Stat. 442 (1916)), and there have been several expansions of Park boundaries and acquisition of private lands since then.

[16] How the Board will administer this exception is uncertain. When asked, the Board responded that they didn't really intend to enforce a limitation, given that they had no interest in denying water for domestic uses by anyone. Telephone Communication, Tom Peltier-State Water Resources Control Board, Eric Lord-NPS (May 6, 2014).

Update: December 2014

In May 2014, when this Assessment was first issued, there was much uncertainty as to how calls for curtailment would be applied in a given watershed. The Board did issue a number of calls on watersheds around the state, and it turns out that the expected administration of calls set forth above was fairly accurate.

During summer 2014, the Board issued calls for post-1914 rights in the Sacramento/San Joaquin (including LAVO), Russian, Scott, and Eel watersheds. The Board's projected curtailments of pre-1914 rights did not materialize, however, due largely to intermittent storm events that maintained adequate stream flow to support pre-1914 and riparian rights. Consequently, the calls for curtailment did not progress beyond post-1914 water rights. In November 2014, the Board issued temporary suspensions of curtailments due to the end of irrigation season and storm events, and at the time of this update the suspension of curtailments remained in place.

Though the calls are likely to remain suspended until irrigation begins again, there are concerns regarding the Park's water rights that should be addressed in the meantime.

Riparian Rights: The Park reasonably can continue to divert surface water pursuant to riparian rights. Such use would be vulnerable to a future call only in a circumstance in which the Board has already curtailed use pursuant to post-1914 and pre-1914 rights. However, in the event the Park's exercise of its riparian rights is relatively recent—i.e., initiated or claimed in response to having an appropriative right called out for curtailment—the Board may have the authority to determine that such a new use pursuant to a riparian right is unreasonable and thus subject to re-prioritizing to very junior status. However, discussion with the Board indicated that the Board is not at this time seeking to re-prioritize riparian rights. In order to minimize this potential vulnerability, it is important for the Park to research and document its present consumptive uses that are supported by riparian rights, and to determine the approximate date such use began. Such information could then be used to refute any assertion that the Park only recently started using riparian rights, and any resulting attempt to re-prioritize to junior status the Park's riparian rights.

Federal Reserved Rights: Though federal reserved rights are, in theory, subject to state administration—i.e., subject to a call—the Board has not called junior federal reserved rights on the Sacramento/San Joaquin watersheds. The reasoning for this position is not clear. The application of a call by a state agency on a federal reserved right pursuant to state law is a relatively untested aspect of the prior appropriation doctrine. NPS policy and the weight of existing authority suggest that a park voluntarily curtail use of water pursuant to a federal reserved right in the event of a call.[17]

[17] NPS Policy Manual § 4.6.2 (2006); *United States v. Denver*, 656 P.2d 1, 35 (Colo. 1982); *United States v. Bell*, 724 P.2d 631, 644 (Colo. 1986); *Federal Youth Center v. Dist. Ct.*, 575 P.2d 395, 400 (Colo. 1978).

Groundwater: In 2014, the State Legislature enacted two bills regulating the State's groundwater for the first time.[18] *The Sustainable Groundwater Management Act established a State policy to manage groundwater on a sustainable basis. Existing surface or groundwater rights are not affected by the act, and the Board's authority is not expanded. The act requires the Department of Water Resources to prioritize, by January 31, 2015, all groundwater basins as high, medium, or low priority, based on a number of criteria. Local groundwater sustainability agencies will then be established, and such agencies are required to implement groundwater sustainability plans for high and medium priority basins by 2020. The State will become involved in the process only if the local agency fails to establish a sustainability plan.*

In December 2014, the Division of Water Resources prioritized groundwater basins around the state. Based on this determination, the basins underlying the Park are considered to be of very low priority.[19] *Consequently, the act should have no effect on the Park's use of groundwater for some time.*

Recommendations

In order to minimize the effect of the Park's consumptive uses on the watershed and in the interest of good public relations, it is important to minimize the park's water use. This can be accomplished by minimizing the amount of water used, ensuring that no water is wasted, reusing water where possible, and making sure unused water is returned to the system. By minimizing the Park's water use and maximizing the park's efficiency, the Park reduces the likelihood that either the Board or a downstream user will seek to curtail Park uses.

Short-Term:

1. Be prepared to initiate the drought protocols outlined in the Park's response to the Regional Office in February 2014. Document the initiation of the protocols. Provide notice of the Park's actions on the Park website.
2. Because the Park relies heavily on riparian and overlying rights, be prepared to provide documentation of the history of those uses.[20] Such documentation could include the

[18] For a summary of the bills enacted, go to: http://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml (SB 1168), and: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml (AB 1739).

[19] In June 2014, CASGEM (California Statewide Groundwater Elevation Monitoring) prepared a groundwater basin prioritization map for purposes of prioritizing basins in need of additional groundwater monitoring. In December 2014, pursuant to the new groundwater legislation the Department of Water Resources determined that this map would be the initial prioritization of groundwater basins. Based on this map, the groundwater basins beneath the Park are considered to be of very low priority. Consequently, the appropriate county or counties abutting the Park are not required to establish a groundwater sustainability agency or develop a groundwater sustainability plan for the foreseeable future.

[20] The use of a given source pursuant to a riparian right may extend farther back in time than the currently existing water system. For example, at a given location, there may be a visitor center built in 1960; prior that that there was

water quality testing, payment of assessments to the State, installation and maintenance activities on the water systems, pumping records, and visitation records at given sites. Documentation of historical use, particularly going back in time, bolsters the Park's claim to riparian use. (WRB requests that copies of this information, if gathered, be shared with WRB.)

3. Prioritize Park uses for possible curtailment based on water availability, and prepare a contingency plan that reflects those priorities. WRB can assist with this process.
4. Monitor any developments in adjacent county governments regarding the establishment of an agency tasked to regulate groundwater pursuant to the Sustainable Groundwater Management Act. Consult with WRB regarding the potential effects of any such activity.

Long-Term:

1. Work with Water Rights Branch to ensure filing of Statements of Water Diversion and Use with State Board to ensure documentation of Park's use of riparian and federal reserved rights.
2. For those water systems that draw from a drought-sensitive source, consider storage or groundwater development as a backup.

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a ranger station built in 1920; before that there was a ranger campground and horse stable built in 1905. Each of these required water, and, absent an appropriative right, that use would have been supported by a riparian right.

TABLE: LAVO WATER USES AND RIGHTS

				FEDERAL RESERVED RIGHTS[21] – SURFACE AND GROUNDWATER		
LOCATION OF USE (Water Source)	STATUTORY APPROPRIATIVE RIGHTS	RIPARIAN RIGHTS	OVERLYING RIGHTS	National Forest Purposes	National Monument Purposes[22]	National Park Purposes
SURFACE WATER						
Warner Valley (Spring)	No	Yes	Yes	1905	No	1929
Headquarters (Martin Creek)	No	Yes	Yes	1905	No	1926
Drakesbad (Drakesbad Spring)	No	Yes	Yes	1905	No	1916
Southwest System (Forest Creek)	No	Yes	Yes	1905	No	1916
Lost Creek System (Lost Creek)	No	Yes	Yes	1905	No	1929
Manzanita Lake (Manzanita Creek)	No	Yes	Yes	1905	No	1929
Summit Lake (East Fork Hat Creek)	No	Yes	Yes	1905	No	1907
Butte Lake (Butte Lake)	No	Yes	Yes	1905	1907	1916
License 2104 (Unnamed Spring)	Yes (Priority 1981)	Yes	Yes	1905	No	1916
GROUNDWATER						
Juniper Lake (Well)	No	Yes	Yes	1905	No	1916

[21] The priority dates of the federal reserved rights for national park purposes are estimates only. The priority dates depend on the date on which the location of the water system was either reserved into the park or acquired from private parties.

[22] Applicable only if located within the boundaries of the old Lassen Peak or Cinder Cone national monuments.

WATER RESOURCES/WATER RIGHTS DATE: November 22, 1974

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Lassen Volcanic National Park

SITE Martin Creek

STATE California COUNTY Tehama DOCKET NO WR #1

LOCATION NW¼ NW¼ Section 19, T29N R4E

REGIONAL BASIN LOCAL BASIN hydrologic unit #18020006

ACQUIRED BY Purchase

APPLICATION PERMIT CERTIFICATE

ACTION DUE PRIORITY August 30, 1894 RESERVATION August 9, 1916

QUANTITY 0.25 second-feet USE

STATUS SOURCE

REMARKS This water right pertains to the water system for the LAVO headquarters area, located at Mineral, Calif. The headquarters area is some 8 or 9 miles from the park proper.

NARRATIVE:

On August 30, 1894, Bert Hampton filed a notice of his claim to 150 inches of water under a 4" pressure, to be drawn from Martin Creek, tributary to Battle Creek, in Tehama Couty (Recorded Sept. 1, 1894). Four years later, on August 22, 1898, W.E. Gerber filed his claim to 100" of water under a 4" pressure from Martin Creek (Recorded on August 26, 1898). Both Hampton and Gerber owned land adjacent to Martin Creek. Thus, they had both a riparian and appropriative water right.

On January 12, 1920, Bert Hampton conveyed to F.G. Beresford and Warren N. Woodson some 479 acres of land in Tehama County, together with all water rights appurtenant thereto (Conveyance recorded Jan. 13, 1920). Upon his death, F.G. Beresford devised an undivided ½ interest to Nellie Beresford and Harold K. Beresford, together with all water rights appurtenant thereto, of the lands conveyed to him by Hampton.

On March 5, 1935, Warren Woodson and Florence Woodson, his wife, Harold Beresford and Catherine, his wife, and Nellie Beresford, owners of land riparian to Martin Creek, agreed and contracted with George A. Starkweather and W. Leslie Comyn, the trustees of the estate of W.E. Gerber, to settle their conflicting claims over the water of Martin Creek. The water in the stream was divided 75% to Beresford and Woodson and 25% (but limited to a maximum of 50 miners inches and a 6" pressure) to the trustees of Gerber. The Beresfords and Woodsons also agreed as consideration for the agreement that they would have the Lassen Volcanic National Park officers, with whom they were negotiating a sale of water to supply the park headquarters, construct a pipeline to supply the Gerber residence.

On May 18, 1939, the Woodsons and Beresfords optioned to the U.S. their rights over the water in Martin Creek in the amount of 0.25 second-feet of water for use all year round. At about the same time, LAVO obtained a special use permit from the Forest Service, to lay a pipeline across Forest Service land.

On June 3, 1939, the Woodsons and Beresfords claimed the right to change the point of diversion, the place of use, and the purpose of use of the 0.25 second-feet of water they had optioned to the government. Two days later, a letter of warning was sent them by the attorneys for the estate of W.E Gerber; the letter threatened an injunction suit against them if the Woodsons and Beresfords did not stop trespassing on the Gerber Estate, digging a trench to carry water from the creek to LAVO. The agreement of March 5, 1935, the letter said, did not grant a right of way, except if the channel be dug within 3 years.

(Continued)

Compiled by M. Ackerman

Approved by W. Werrell

On June 6, 1939, by quitclaim deed, the Woodsons and Beresfords conveyed to the U.S. an unqualified right to divert 0.25 second-feet of water, all year, with a priority of August 30, 1894, (a portion of Bert Hampton's original appropriation) and granted them a right to enter on and use their property to "construct and forever maintain"a pipeline to take water from Martin Creek to LAVO.

On August 3, 1939, George Starkweather and Leslie Comyn drew up a contract with the Woodsons and Beresfords as follows:

1) Starkweather and Comyn consented to the sale of water to the United States.

2) The Woodsons and Beresfords would lay two pipes and build settling tanks.

3) The division of the surplus of flow of water in Martin Creek after the diversions for all the parties (including LAVO) was to be changed to 80% to Starkweather and Comyn and 20% to Woodson and Beresford with a maximum of 50 miners inches under a 4" pressure limiting Woodson and Beresfords 20% (revising the agreement of March 5, 1935, 1935).

On the 16th of May, 1940, the U.S. changed the point ofdiversion from Martin Creek, for use at LAVO.

On August 27, 1968, the Assistant Regional Director for the Western Region wrote in response to an inquiry by the superintendent of Lassen in regard to a question of whether the U.S. had an obligation to maintain the complete Martin Creek water system. It appears that a representative of Beresford and Woodson had for several years claimed he had knowledge of a document which required such maintenance by the U.S. However, on Sept. 24, 1968, the Chief of the Office of Land and Water Rights stated in a memo that after a search of docket materials, he was unable to find any such document. As noted in a memo dated Oct. 27, 1970 to the Director of the N.P.S., the Park Service had historically maintained this system but was under no legal obligation to do so and an agreement of cooperative maintenance between the U.S. and the Mineral Lodge representatives (The Beresford and Woodson interests) was recommended. As of Nov. 23, 1970, the actual use of water from Martin Creek by the N.P.S. was still undetermined and whether future needs of the park would require seeking an alternative source was also unclear.

LASSEN VOLCANIC NP
Martin Creek Water System
Water Right Docket No. 1.

Side 1

Outline of Assembly

A. Drawing NP-LV 6975.
B. Bert Hampton claim for water from Martin Creek 8/30/1894.
C. I.W.E. Gerber claim for water from Martin Creek 8/22/1898.
D. Bert Hampton sale to Warren N. Woodson and F. G. Beresford lands and water rights appurtenant to those lands, 1/12/20.
E. Decree of Final Accounting and Distribution F. G. Beresford, deceased, 2/2/25/.
F. Ltr from Gerber estate to NPS 9/15/33 - refusal to allow water concessions from Martin Creek.
G. Ltr to Warren N. Woodson from A. M. McCoy 7/25/33 diversions and water rights of Martin Creek.
H. Ltr from NPS to Lassen 8/12/33 returning right-of-way deed and report pertaining to Lassen plan to obtain water for Mineral Hqs area.
I. Ltr from Gerber estate to NPS 9/15/33 disallowing water concessions from Martin Creek.
J. Agreement between Gerber estate, Woodsons and Beresfords re water rights 3/5/35.
K. Option agreement on sale of water rights to U.S., Woodsons, Beresford dtd 5/18/39.
L. Special Use Permit granted to Lassen 5/15/39.
M. Ltr from Forest Service Lassen to NPS Lassen 6/8/39 enclosing corrected Special Use Permit.
N. Amendment to Special Use Permit 8/30/39.
O. Appraisal sheet of water right owned by Woodson and Beresford 5/8/39.
P. Notice of Water Claim Woodson-Beresford 6/3/39.
Q. Affidavit of Posting - Beresford 6/3/39.
R. Notice of Trespassing on Woodson-Beresford by Gerber estate 6/5/39.
S. Agreement to sale of parts of Land to U.S. 8/3/39.
T. Affidavit citing Woodson and Beresford beneficial use of water 10/2/39.
U. Affidavits re water for cool air subdivision 1/24/40 to 1/25/40.
V. Ltr to Dept of Interior from Tehama County Title Co. 2/2/40 re examination of records of water right lands.
W. Report for a policy of title insurance.
X. Solicitor, Dept/Interior ltr to NPS dtd 1/12/40 re examination of title and deed of water right being conveyed to U.S. Title found satisfactory.
Y. Memo NPS to Under Sec 2/19/40 conveying title covering purchase of water rights by U.S. from Woodson-Beresford.
Z. Drawing NP-LV 6979A.
AA. Affidavit of Posting 5/16/40.
BB. Notice of Water Claim-Change of Point of Diversion 5/16/40.

Docket reorganized by
Mary Hermes
4/12/90

Lassen Volcanic National Park
Water Right #1
Outline of Assembly - Correspondence - Side 2

1. Letter to Warren N. Woodson from Attorney, July 25, 1933
2. Letter to Superintendent from Acting Chief Engineer, August 12, 1933
3. Letter to Superintendent from G.A. Starkweather, September 15, 1933
4. Memorandum to Director from Regional Attorney, March 27, 1939
5. Letter to H.K. Beresford from Superintendent, March 31, 1939
6. Letter to Superintendent from H.K. Beresford, April 1, 1939
7. Letter to Superintendent from Acting Forest Supervisor, June 8, 1939
8. Memorandum to National Park Service from Solicitor, January 12, 1940
9. Letter to National Park Service from Tehama Count Title Company, February 2, 1940
10. Memorandum to Under Secretary from Director, February 19, 1940
11. Memorandum to Regional Director from Chief Water Rights, January 14, 1946
12. Memorandum to Regional Director from Chief Water Resources, October 27, 1959
13. " to Supt. Lassen from Assist. Director, Operations, Western Region Aug 27 1968
14. Memorandum to Regional Director from Supt. Lassen. Aug 30, 1968
15 Letter to Paul Simpson from Supt Lassen Sept 5, 1968

Docket reorganized by
Mary Hermes
4/12/90

02 STATE

Lassen Volcanic National Park

MARTIN CREEK WATER SYSTEM

State Water Rights Documentation

03-12-1940: 2 documents from the office of the solicitor: title re-examined and found satisfactory; title accepted as recommended

DEPARTMENT OF THE INTERIOR
Office of the Soliciter

Mar 12 1940

Title re-examined and found satisfactory.

/s/ Nathan R. Margold

Soliciter.

DEPARTMENT OF THE INTERIOR
Office of the Secretary

Mar 13 1940

Title accepted as recommended.

/s/ E. K. Burlew

First Assistant Secretary.

NOTICE OF WATER CLAIM

MARTIN CREEK - TEHAMA COUNTY - CALIFORNIA

CHANGE OF POINT OF DIVERSION

Dated May 16, 1940.

Notice is hereby given, that the undersigned, United States of America, by the Superintendent of Lassen Volcanic National Park, claims the right to make the change hereinafter described in connection with that certain right to convey and use twenty-five one-hundredths (0.25) of a cubic foot of water per second of time out of Martin Creek for domestic, fire protection and recreational purposes; which right was acquired by Warren N. Woodson et al. under and by virtue of the laws of the State of California, and for which notice of claim therefor, dated June 3, 1939, was recorded in the office of the County Recorder, County of Tehama, State of California, on June 5, 1939, and appears in Book "109" of Official Records, at page 118, Records of Tehama County; and which right is now owned by the undersigned as successors in interest of said Warren N. Woodson et al., by virtue of that certain instrument dated June 6, 1939, and filed for record February 2, 1940, in Book "106" of Official Records, at page 392, Records of Tehama County.

The change above mentioned is as follows:

1. Change in Point of Diversion, from the point of intake designated in the aforementioned notice of claim; i.e., a point on the west side of said Martin Creek near the north line of the SW¼ of the NW¼ of Section 19, Township 29 North, Range 4 East, whence the NE corner of the SW¼ of NW¼ of said Section 19 bears North 85° 25' East 368.7 feet, to

2. The present point of diversion at a sandtrap on the west bank of said Martin Creek in the NW¼ of the NW¼ of said Section 19, whence the SE corner of said NW¼ of the NW¼ bears 53° 39' East 499.65 feet.

7 copies sent to Supt. Preston 4/29/40
1 copy to Director
1 copy to Reg. 4 } 10/10/41

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U. S. GOVERNMENT PRINTING OFFICE

3. The diversion is by laterals from said sandtrap buried under said Martin Creek, and the most remote terminal of these laterals is located under the east bank of said Martin Creek at a point whence said SE corner of NW¼ of NW¼ of Section 19 bears South 17° 10' East 461.13 feet.

Notice is further given that a detailed description of the diversion and pipe line system used in connection with the above described change is contained in that certain map No. NP-LV-6979, Martin Creek Pipe Lines Nos. 1 and 2, Lassen Volcanic National Park, revised April 10, 1940, on file in the office of the County Recorder, County of Tehama, State of California.

May 16, 1940.

UNITED STATES OF AMERICA

By John C Preston
Superintendent,
Lassen Volcanic National Park.

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U. S. GOVERNMENT PRINTING OFFICE

05-16-1940: court document: state of california - affidavit of posting

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
: SS.
County of Tehama)

JOHN C. PRESTON, SUPERINTENDENT of Lassen Volcanic National Park, being first duly sworn, deposes and says:

That he is a citizen of the United States and a resident of the County of Tehama, State of California, and over the age of 21 years; that on the 16th day of May, 1940, he posted, full, true and correct, exemplified duplicates of the hereto attached Notice of Water Claim at each of the following places within the County of Tehama, State of California, by securely attaching to the objects hereinafter named such exemplified duplicate Notice of Water Claim, to wit:

1. One such duplicate Notice on the bulletin board at the Court House of the County of Tehama, situate in the City of Red Bluff, County of Tehama, State of California;

2. One such duplicate Notice on the bulletin board at the Administration Building, Headquarters Area for Lassen Volcanic National Park, situate near Mineral, California;

3. One such duplicate Notice on the bulletin board at the Post Office, at Mineral, California; and

4. One such duplicate Notice on a tree directly adjacent to the present point of diversion at a sandtrap situate on the west bank of said Martin Creek in the Northwest quarter of the Northwest quarter of said section 19, whence the Southeast corner of said Northwest quarter of the Northwest quarter bears 53° 39' East 499.65 feet and all within Township 29 North, Range 4 East, M.D.B. & M.

(SGD) JOHN C PRESTON
John C. Preston, Superintendent
Lassen Volcanic National Park

Subscribed and sworn to before me
this 16th day of May, 1940

SEAL

(SGD) W. N. MOORE
W. N. Moore
Notary Public in and for the County of Tehama, State of California.

1 Copy to Director
1 Copy to Reg. IV
10/16/41

W. N. Moore

Mineral,

Calif.

COMPARED 938

INDEXED

Recorded at request of

W. N. Moore
MAY 16, 1940

at 16 min. past 2 o'clock P.M., in liber 115 of OFFICIAL RECORDS page 46 Records of Tehama County.

Milton Hull

by Sgd. Sterling Russell
Deputy

Fee 1.00

5-16-1940: receipt fee of $1.00

00-00-0000: court document: state of california - affidavit in regard to water supply for cool air subdivision

C O P Y

AFFIDAVIT IN REGARD TO WATER SUPPLY FOR COOL AIR SUBDIVISION

STATE OF CALIFORNIA)
) SS.
COUNTY OF TEHAMA)

JOHN C. PRESTON, being first duly sworn, deposes and says:

That he is the Superintendent of Lassen Volcanic National Park;

That as such he is familiar with the water system owned by the Woodson-Beresford interests which distributes water to a subdivision known as Cool Air;

That such subdivision contains thirty cabins erected by purchasers of lots from Woodson and Beresford;

That the water supply for such lots and cabins is entirely separate and distinct from the Martin Creek supply, a portion of which is in the process of being purchased by the United States from Woodson and Beresford;

That the former hotel known as Mineral Lodge and the cabins now being operated by H. K. Beresford as a mountain resort, have been supplied from the same tanks which supply the Cool Air Subdivision; that these tanks supply the Mineral Lodge resort and the thirty owners of lots in Cool Air from springs constituting a distinct and separate source from the Martin Creek water supply;

That a member of the Lassen Park personnel is the owner of one of these cabin sites in Cool Air, and that his deed to said lot does not contain any mention of water rights whatsoever;

That he has been informed by H. K. Beresford, one of the owners, that no water rights were sold with the land sold in Cool Air Subdivision, and that said lots were sold with no agreement to supply water except by the existing pipe line from said springs;

That he has been informed by said H. K. Beresford that all waters from the Hampton Ditch are, and always have been used exclusively on the land of Woodson-Beresford and their predecessors for their own use alone;

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U. S. GOVERNMENT PRINTING OFFICE

And that he has been informed by said H. K. Beresford that no application or proceedings have ever been taken before the Railroad Commission of the State of California to declare the water furnished Cool Air a public utility.

(Sgd.) John C. Preston

Subscribed and sworn to before me,

this 25th day of January, 1940.

(SEAL) W. N. Moore
NOTARY PUBLIC,
In and for the County of Tehama,
State of California.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

01-24-1940: court document: state of california - affidavit in regard to water supply for cool air subdivision

COPY

AFFIDAVIT IN REGARD TO WATER SUPPLY FOR COOL AIR SUBDIVISION

STATE OF CALIFORNIA)
) SS.
COUNTY OF TEHAMA)

Charles H. Clark, being first duly sworn, deposes and says:

That he has been a resident of the community of Mineral, Tehama County, California, for 25 years, that he has knowledge of the water system supplying the Cool Air Subdivision consisting of approximately thirty cabins and homesites at Mineral, California;

And that the affiant knows that the water supply for the cabins and lots of the Cool Air Subdivision is derived from springs northwest of the Mineral Lodge site;

And that affiant further knows that no sale or delivery of water to said cabins or cabin lots has ever been made of waters from Martin Creek through the Hampton Ditch or any other conduit;

And that affiant during all his residence in Mineral has never heard of any proceedings or petition of the Railroad Commission to declare such a water system a public utility.

/s/ Charles H. Clark

Subscribed and sworn to before me,

this 24th day of January, 1940.

(SEAL) /s/ W. N. Moore
NOTARY PUBLIC,
In and for the County of Tehama,
State of California.

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U. S. GOVERNMENT PRINTING OFFICE

01-25-1940: court document: state of california - affidavit in regard to water supply for cool air subdivision

AFFIDAVIT IN REGARD TO WATER SUPPLY FOR COOL AIR SUBDIVISION

STATE OF CALIFORNIA)
) SS.
COUNTY OF TEHAMA)

GEORGE REED, being first duly sworn, deposes and says:

That he is a civil engineer now employed as park engineer at Lassen Volcanic National Park;

That he has inspected the Hampton Ditch and its use;

That said ditch terminates on the hill north of the Mineral Lodge site, and that from the said terminus a 2-inch pipe delivers said water to the Mineral Lodge, golf course and adjacent land of Woodson-Beresford for domestic, fire protection and irrigation purposes;

And that none of the water from the Hampton Ditch does, or in any way can, reach the independent water system serving the private lots in the Cool Air Subdivision, and no irrigation use from the Hampton Ditch is made on the lots of the said subdivision which Woodson-Beresford have sold to private individuals.

(Sgd.) George Reed

Subscribed and sworn to before me,

this 25th day of January, 1940.

(SEAL) W. N. Moore
NOTARY PUBLIC,
In and for the County of Tehama,
State of California.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

01-25-1940: court document: state of california - affidavit in regard to water supply for cool air subdivision

COPY

AFFIDAVIT IN REGARD TO WATER SUPPLY FOR COOL AIR SUBDIVISION

STATE OF CALIFORNIA)
) SS.
COUNTY OF TEHAMA)

W. N. Woodson, being first duly sworn, deposes and says:

That he has been a resident of the community of Mineral, Tehama County, California, for 20 years, that he has knowledge of the water system supplying the Cool Air Subdivision consisting of approximately thirty cabins and homesites at Mineral, California;

And that the affiant knows that the water supply for the cabins and lots of the Cool Air Subdivision is derived from springs northwest of the Mineral Lodge site;

And that affiant further knows that no sale or delivery of water to said cabins or cabin lots has ever been made of waters from Martin Creek through the Hampton Ditch or any other conduit;

And the affiant further states that he is one of the vendors of the water right in the Hampton Ditch now being sold to the United States, and that said vendors are the sole owners of Hampton Ditch water right, and that no part has ever been used to supply Cool Air cabins or cabin sites;

And that affiant during all his residence in Mineral has never heard of any proceedings or petition of the Railroad Commission to declare such a water system a public utility.

W. N. Woodson

Subsdribed and sworn to before me,

this 25th day of Jan., 1940.

Marion F. Newkirk
NOTARY PUBLIC,
In and for the County of Tehama,
State of California.

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U. S. GOVERNMENT PRINTING OFFICE

01-24-1940: court document: state of california - affidavit in regard to water supply for cool air subdivision

C O P Y

AFFIDAVIT IN REGARD TO WATER SUPPLY FOR COOL AIR SUBDIVISION

STATE OF CALIFORNIA)
) SS.
COUNTY OF TEHAMA)

H. K. Beresford, being first duly sworn, deposes and says:

That he has been a resident of the community of Mineral, Tehama County, California, for 18 years, that he has knowledge of the water system supplying the Cool Air Subdivision consisting of approximately thirty cabins and homesites at Mineral, California;

And that the affiant knows that the water supply for the cabins and lots of the Cool Air Subdivision is derived from springs northwest of the Mineral Lodge site;

And that affiant further knows that no sale or delivery of water to said cabins or cabin lots has ever been made of waters from Martin Creek through the Hampton Ditch or any other conduit;

And the affiant further states that he is one of the vendors of the water right in the Hampton Ditch now being sold to the United States, and that said vendors are the sole owners of Hampton Ditch water right, and that no part has ever been used to supply Cool Air cabins or cabin sites;

And that affiant during all his residence in Mineral has never heard of any proceedings or petition of the Railroad Commission to declare such a water system a public utility .

H. K. Beresford.

Subscribed and sworn to before me,

this 24th day of Jan., 1940.

(SEAL) W. N. Moore
NOTARY PUBLIC,
In and for the County of Tehama,
State of California.

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U. S. GOVERNMENT PRINTING OFFICE

01-24-1940: court document: state of california - affidavit in regard to water supply for cool air subdivision

COPY

AFFIDAVIT IN REGARD TO WATER SUPPLY FOR COOL AIR SUBDIVISION

STATE OF CALIFORNIA)
) SS.
COUNTY OF TEHAMA)

Egbert E. Whitaker, being first duly sworn, deposes and says:

That he has been a resident of the community of Mineral, Tehama County, California, for 10 years, that he has knowledge of the water system supplying the Cool Air Subdivision consisting of approximately thirty cabins and homesites at Mineral, California;

And that the affiant knows that the water supply for the cabins and lots of the Cool Air Subdivision is derived from springs northwest of the Mineral Lodge site;

And that affiant further knows that no sale or delivery of water to said cabins or cabin lots has ever been made of waters from Martin Creek through the Hampton Ditch or any other conduit;

And that affiant during all his residence in Mineral has never heard of any proceedings or petition of the Railroad Commission to declare such a water system a public utility.

(Sgd.) Egbert E. Whitaker

Subscribed and sworn to before me,

this 24th day of January, 1940.

(SEAL) W. N. Moore
NOTARY PUBLIC,
In and for the County of Tehama,
State of California.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

01-24-1940: court document: state of california - affidavit in regard to water supply for cool air subdivision

COPY

AFFIDAVIT IN REGARD TO WATER SUPPLY FOR COOL AIR SUBDIVISION

STATE OF CALIFORNIA)
) SS.
COUNTY OF TEHAMA)

O. Ross Parker, being first duly sworn, deposes and says:

That he has been a resident of the community of Mineral, Tehama County, California, for 12 years, that he has knowledge of the water system supplying the Cool Air Subdivision consisting of approximately thirty cabins and homesites at Mineral, California;

And that the affiant knows that the water supply for the cabins and lots of the Cool Air Subdivision is derived from springs northwest of the Mineral Lodge site;

And that affiant further knows that no sale or delivery of water to said cabins or cabin lots has ever been made of waters from Martin Creek through the Hampton Ditch or any other conduit;

And that affiant during all his residence in Mineral has never heard of any proceedings or petition of the Railroad Commission to declare such a water system a public utility.

(Sgd.) O. Ross Parker

Subscribed and sworn to before me,
this 24th day of January, 1940.

(SEAL) W. N. Moore
NOTARY PUBLIC,
In and for the County of Tehama,
State of California.

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U. S. GOVERNMENT PRINTING OFFICE

10-02-1939: court document: state of california - affidavit of beneficial use or water

AFFIDAVIT OF BENEFICIAL USE OF WATER

STATE OF CALIFORNIA)
: ss.
County of Tehama)

Charles H. Clark, being first duly sworn, deposes and says: That he is a citizen of the United States and a resident of the County of Tehama, and over the age of 21 years, that he has been a resident of said county and of the vicinity of the community of Mineral for many years last past, that he is acquainted with Harold K. Beresford and Warren N. Woodson and is familiar with their use of water for beneficial purposes on the lands of Woodson and Beresford in and around Mineral, California; that he knows that the said Woodson and said Beresford have used the waters of Martin Creek ever since 1915 or thereabouts and that he knows of his own knowledge that the waters of said Martin Creek have been beneficially used upon the Woodson and Beresford lands on the north half of Section 25, Township 29 North, Range 3 East, M. D. B. & M., continuously, ever since 1915; that this affiant is a disinterested person, having no interest in the said lands of said Woodson or said Beresford nor in the purchase of any water right by the United States from them or either of them; that affiant is not related in any way to any of the parties mentioned herein; that his knowledge of the continuous beneficial use of the water claimed by appropriation on the lands of the Woodsons and the Beresfords is from living in the vicinity, working in the vicinity, and seeing the water actually used.

Subscribed and sworn to before me this 2nd day of October, 1939.

(Signed) Charles H. Clark

(SEAL) (Signed) W. N. Moore
Notary Public in and for the County of Tehama, State of California.

10-02-1939: court document: state of california - affidavit of beneficial use of water

AFFIDAVIT OF BENEFICIAL USE OF WATER

STATE OF CALIFORNIA)
: ss.
County of Tehama)

WILLIAM J. FREEMAN, being first duly sworn, deposes and says; That he is a citizen of the United States and a resident of the County of Tehama, and over the age of 21 years; that he has been a resident of said county and of the vicinity of the community of Mineral for many years last past; that he is acquainted with Harold K. Beresford and Warren N. Woodson and is familiar with their use of water for beneficial purposes on the lands of Woodson and Beresford in and around Mineral, California; that he knows that the said Woodson and said Beresford have used the waters of Martin Creek ever since 1907 or thereabouts and that he knows of his own knowledge that the waters of said Martin Creek have been beneficially used upon the Woodson and Beresford lands on the north half of Section 25, Township 29 North, Range 3 East, M. D. B. & M., continuously, ever since 1907; that this affiant is a disinterested person, having no interest in the said lands of said Woodson or said Beresford nor in the purchase of any water right by the United States from them or either of them; that affiant is not related in any way to any of the parties mentioned herein; that his knowledge of the continuous beneficial use of the water claimed by appropriation on the lands of the Woodsons and the Beresfords is from living in the vicinity, working in the vicinity, and seeing the water actually used.

(Signed) William J. Freeman.

Subscribed and sworn to before me this 2nd day of October, 1939.

(Signed) W. N. Moore
Notary Public in and for the County of Tehama, State of California.

06-05-1939: court document: state of california - affidavit of posting

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
: SS.
County of Tehama)

H. K. BERESFORD, being first duly sworn, deposes and says: That he is a citizen of the United States and a resident of the County of Tehama, State of California, and over the age of 21 years; that on the 3rd day of June, 1939, he posted, full, true and correct, exemplified duplicates of the hereto attached Notice of Water Claim at each of the following places within the County of Tehama, State of California, by securely attaching to the objects hereinafter named such exemplified duplicate Notice of Water Claim, to wit:

1. One such duplicate Notice on the bulletin board at the Court House of the County of Tehama, situate in the City of Red Bluff, County of Tehama, State of California;

2. One such duplicate Notice on the bulletin board at the Administration Building, Headquarters Area for Lassen Volcanic National Park, situate near Mineral, California;

3. One such duplicate Notice on the bulletin board at the Post Office, at Mineral, California; and

4. One such duplicate Notice on a pine tree situate on the West bank of Martin Creek immediately South of the North line of the Southwest quarter of the Northwest quarter of Section 19, Township 29 North, Range 4 East, M.D.B. & M.

(Signed: H.K. Beresford)

Subscribed and sworn to before me

this (5) day of June, 1939

(Signed: Lucille Youles)
Notary Public in and for the County of Tehama, State of California.

06-03-1939: court document: state of california - notice of water claim

NOTICE OF WATER CLAIM

MARTIN CREEK - TEHAMA COUNTY - CALIFORNIA

CHANGE OF POINT OF DIVERSION AND PLACES AND PURPOSE OF USE

Dated June 3, 1939.

Notice is hereby given, that the undersigned claim the right to make the partial changes hereinafter described in connection with that certain right to convey and use 150 inches of water out of Martin Creek measured under a four inch pressure to be used for irrigation purposes, which right was acquired by Bert Hampton under and by virtue of the laws of the State of California, and notice of claim thereto was recorded in the office of the County Recorder, Tehama County, California, on September 1, 1894, in Book G of Miscellaneous, Page 128, Tehama County Records, and which right is now owned by the undersigned as successors in interest to said Bert Hampton.

The Changes above mentioned refer only to that portion of the above described right sufficient to supply a quantity of twenty-five one-hundredths (0.25) of a cubic foot of water per second of time for use from January 1 to December 31 of each year, for domestic, recreational and fire protection purposes in the area known and used as the Headquarters Area for Lassen Volcanic National Park, and they are as follows:

1. Change in Point of Diversion, from the point of intake of the present ditch on the west side of Martin Creek near the south line of the NW¼ of the SW¼ of Section 19, Township 29 North, Range 4 East, M. D. B. & M., and whence SW corner of said Section 19 bears S. 26°10'W. 1782 feet, to a point on the west side of said Martin Creek near the north line of the SW¼ of the NW¼ of said Section 19 whence the NE corner of the SW¼ of NW¼ of said Section 19 bears North 85° 25' East 368.7 feet.

Copies to Director and Regional Director of Region IV 6/20/39

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2. Change of Places of Use, from the north half of Section 25, Township 29 North, ~~Range 3 East, M. D. B. & M.~~, to the SW¼ of NW¼ of Section 25, and SE¼ of NE¼ of Section 26, Township 29 North, Range 3 East, M. D. B. & M.

3. Change in Purposes of Use, from irrigation purposes to domestic, recreational, and fire protection purposes.

Notice is further given that a detailed description of the diversion and pipe line system to be used in connection with the above described changes is contained on that certain map, a true copy of which was submitted by the United States of America to the State of California, Department of Public Works, Division of Water Resources, for filing on May-24, 1939.

Mineral, California,

June-3, 1939.

Warren N Woodson
Florence E Woodson
Nellie V. Beresford
Harold K. Beresford
Catherine A. Beresford

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U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: option agreement - sale of water right to the united states government

OPTION AGREEMENT

SALE OF WATER RIGHT TO THE UNITED STATES GOVERNMENT

THE UNDERSIGNED, hereinafter known as vendors, in consideration of the examination and appraisal by the United States of the waters and water right, as hereinbelow described, and other good and valuable consideration the receipt of which is hereby acknowledged, agree for themselves, their heirs, administrators, executors, and assigns, as follows:

(1) That at any time within six months from the date of this instrument, if requested so to do by an authorized representative of the United States, vendors will sell and at their own expense, convey to the United States or its nominee, free of all encumbrances whatsoever, by proper deed of conveyance with general warranty of title, under conditions hereinafter provided, that portion of their certain rights in and to the use of the waters of Martin Creek, and/or its tributaries, within the County of Tehama, State of California, more particularly described as follows:

The unqualified right to divert twenty-five hundredths (0.25) second feet of water, for use during the entire year, said right having a priority of August 30, 1894.

It is intended that the aforesaid right to be conveyed to the United States shall be a portion of that certain right to divert 150 inches of water measured under a four-inch pressure, originally acquired by Bert Hampton by virtue of his filing, under the laws of the State of California, of a notice of appropriation of water dated August 30, 1894, which notice was recorded in the office of the County Recorder, Tehama County, on September 1, 1894, in Book C. of Miscellaneous Records at Page 128, and which right is now owned by vendors.

(2) That as a part of the above mentioned deed of conveyance to the United States the vendors will execute a quitclaim in favor of the United States to any riparian rights owned by them to the extent of the

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U. S. GOVERNMENT PRINTING OFFICE

twenty-five hundredths (0.25) second feet of water to be conveyed.

(3) That also, as a part of the above mentioned deed of conveyance to the United States, vendors shall execute an acknowledgment of, and they do by this instrument hereby acknowledge, the right of way of the United States across any lands owned by them for the purpose of constructing and maintaining a pipe line to conduct water from Martin Creek to lands of the United States.

(4) That, prior to the execution and delivery of the aforesaid deed of conveyance to the United States, vendors will procure the permit of the State Engineer, State of California, covering the change of the point of diversion of said priority right of August 30, 1894, to the point of intake upon Martin Creek selected by the United States for its diversion works, and said permit shall also cover a change of place and method of use to conform to the plans of the United States to use said twenty-five hundredths (0.25) second feet of water for domestic, recreational and fire protection purposes at the headquarters area for Lassen Volcanic National Park, near Mineral, California.

That said deed of conveyance to the United States shall convey said portion of the priority right of August 30, 1894, with the aforesaid authorized changes in the point of diversion, place and method of use.

(5) Vendors further agree that they will save and hold the United States free and harmless from any damage which may arise by reason of the adverse claims of any other water owner upon said Martin Creek below the point of diversion selected by the United States for its diversion works.

(6) That the price at which said waters and water right will be sold to the United States as hereinbefore provided shall be $5,150.

(7) That in the event the vendor is unable to show and establish title to the above-described waters and water right satisfactory to the United States Government, and if the United States, in its discretion, chooses to institute condemnation proceedings for the acquisition of said waters and water right, then, the vendors agree that the price

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hereinabove set forth is the full value of the waters and complete water right to be acquired under said condemnation proceedings.

(8) That, at the date of this instrument, the title to said waters and water right is in vendors and is clear, free, and unencumbered, except three Deeds of Trust to-wit: to Willis V. Beresford for $5000, recorded in Vol. 64, p 471; to Willis V. Beresford for $10,000, recorded in Vol. 46, p 353; and to Elbert L. Hampton for $12,500, recorded in Vol. 1, p 91, records of Tehama County which said vendors agree to cause to be released, and agree to acquire the full right, power and authority to convey to the United States an unencumbered title to the aforesaid waters and water right.

(9) That, when requested so to do by the proper representative of the United States, at any time after the exercise of this option in the manner hereinafter specified, the said vendors will promptly and at their own expense furnish an abstract of title, prepared by an abstracter approved and recognized as such by the United States Attorney for the District in which the place of diversion of the water from its natural channel is situated, which abstract shall be accompanied by the certificate of said abstracter, and shall be later extended to include any instrument subsequently required by the United States to be recorded in connection with the title to said waters and water right; which abstract shall show all references contained in the county records and in the records of the State of California, Department of Public Works, Division of Water Resources, to the title to the water right herein described, and said abstracter shall certify that said abstract is a full, true and correct copy of all such references contained in said records; and said abstract and certificate, as extended, shall also show final approval by the said Division of Water Resources of such changes in places of diversion and changes in places and/or methods of use as are necessary for the use of said water by the United States, and shall show such recordation of said final approval as is required by the laws of the State of California; further, vendors will also, at their own

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expense, record the deed of conveyance and/or other necessary papers made pursuant to this instrument; provided, that if said vendors fail to furnish a proper abstract of title, or title certificate, within sixty (60) days after such request, then the United States may procure same at the expense of said vendors and deduct the cost thereof from the purchase price hereinabove set forth.

(10) That when the United States of America acting through the Secretary of the Interior, or other authorized representative, shall have approved and signed this option for the purchase of the waters and water right as herein provided, then, in that event, this instrument shall constitute a contract of bargain and sale between the parties hereto.

(11) No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom. Nothing in this paragraph, however, shall invalidate this contract if made with a corporation for its general benefit.

In witness whereof_____

_____

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have set their hands and seals to these presents on this 25th day of April, 19 39.

Signed, sealed and delivered in the presence of:
(2 witnesses to each signature)

(sgd) Alfred Maun
Corning
(Address)

(sgd) Virgil Coenen
Corning, Calif.
(Address)

(sgd) W. N. Woodson (SEAL)

(sgd) Alfred Maun
Corning, Calif.
(Address)

(sgd) Virgil Coenen
Corning, Calif.
(Address)

(sgd) Florence E. Woodson (SEAL)

(sgd) Leonard M. Irish
Mineral, Calif.
(Address)

(sgd) M. P. Woodward
Mineral, Calif.
(Address)

(sgd) Nellie V. Beresford (SEAL)

(sgd) Leonard M. Irish
Mineral, Calif.
(Address)

(sgd) M. P. Woodward
Mineral, Calif.
(Address)

(sgd) Catherine A. Beresford (SEAL)

(sgd) Leonard M. Irish
Mineral, Calif.
(Address)

(sgd) M. P. Woodward
Mineral, Calif.
(Address)

(sgd) H. K. Beresford (SEAL)

Approved _____
Date

Assistant Secretary of the Interior

7—1404

U. S. GOVERNMENT PRINTING OFFICE

COPY

AGREEMENT

THIS AGREEMENT made this 5th day of March 1935, between GEORGE A. STARKWEATHER and W. LESLIE COMYN, as trustees of the estate of W. E. GERBER, deceased, parties of the first part, and WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, and NELLIE V. BERESFORD, the parties of the second part;

WITNESSETH :-

WHEREAS, the parties hereto are the owners of all the lands riparian to Martin Creek, a tributary of Battle Creek, in Tehama County, California, from a point where the north line of the Southwest Quarter of the Northwest Quarter (SW¼ of NW¼) of Section Nineteen (19), Township Twenty-nine (29) North, Range Four (4) East, M.D.M. crosses said Martin Creek, to its confluence with Battle Creek, and said parties are the owners of all the riparian rights in and to the waters of said Martin Creek except such rights as may exist or may hereafter be acquired north of the lands of the parties hereto; and,

WHEREAS, the parties of the second part also claim to have acquired certain rights in said Martin Creek by appropriation or prescription in addition to their said riparian rights, which claim is denied by the parties of the first part and a controversy has arisen as to the nature and extent of the water rights of the parties hereto; and,

WHEREAS, the parties hereto are desirous of entering into an agreement completely settling their respective water rights of every kind and nature in and to said waters of Martin Creek whether said rights be acquired or claimed by appropriation, prescription or as riparian proprietors along said stream;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND OF THE MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER CONTAINED, IT IS MUTUALLY AGREED AS

FOLLOWS:

(1) That the parties of the first part are the owners of and in possession of and entitled to divert from Martin Creek and use upon their riparian lands and for domestic use, for the watering of stock and for the purpose of supplying water for campsites and hotels, or any other beneficial use 75 per cent of the total flow of said Martin Creek when the total flow of said creek shall not exceed 200 inches of water measured under a 6-inch pressure, and when the total flow of said creek shall exceed 200 inches of water measured under a 6-inch pressure the parties of the first part shall be entitled to divert and use as aforesaid the total flow of said creek, save and except 50 inches of water measured under a 6-inch pressure which is and shall be the maximum quantity of water which the second parties shall be entitled to divert.

(2) That the parties of the second part are the owners of and in possession of and entitled to divert from said Martin Creek for use upon their lands and for domestic use, the watering of stock and for campsites, cottages, hotels and any other beneficial use, 25 per cent of the total flow of said creek when said total flow shall not exceed 200 inches of water measured under a 6-inch pressure, and when the total flow of said creek shall exceed 200 inches of water measured under a 6-inch pressure the parties of the second part shall be entitled to divert therefrom 50 inches of water measured under a 6-inch pressure and no more, it being the true intent and meaning of this paragraph that the parties of the second part shall be entitled to receive 25 per cent of the waters flowing in said Martin Creek until the said 25 per cent of said water shall amount to 50 inches of water measured under a 6-inch pressure, and all of the excess of the water of said creek above 50 inches measured under a 6-inch pressure shall belong to the parties of the first part.

(3) That for the purpose of measuring the quantity of water flowing in said Martin Creek from time to time and for the purpose of dividing the flow

of said creek between the parties of the first part and the parties of the second part, as hereinbefore provided, a weir or weirs shall be constructed in said Martin Creek as soon as practicable after the execution of this agreement and the conveyance hereinafter mentioned, and said weir or weirs shall be so constructed as to automatically divide the entire flow of said creek between the parties hereto as hereinbefore provided. The said weir or weirs shall be constructed at or near the present point of diversion of the parties of the second part but not below the said point of diversion, and at a place where the total flow of the creek is confined to a single channel. The expense of constructing said weir or weirs shall be borne by the parties hereto in the ratio of their respective interests in the waters of said creek.

(4) That the parties of the second part shall have the right to convey their portion of the waters of said Martin Creek, or any part of their portion thereof, through a pipeline and a right of way for said pipeline across the lands of the parties of the first part in the Southwest Quarter of the Southwest Quarter (SW¼ of SW¼) of Section Nineteen (19), and the Northwest Quarter of the Northwest Quarter (NW¼ of NW¼) of Section Thirty (30), in Township Twenty-nine (29) North, Range Four (4) East, M.D.M., is hereby granted, but the said right of way shall be located across said lands in a manner to cause the least practical damage to said lands and inconvenience to the parties of the first part, and the said pipeline, if laid across meadow or tillable land shall be laid in a trench and covered to a suitable depth. Said pipeline shall be taken out the present point of diversion of the parties of the second part, or at a new point of diversion to be selected as hereinbefore provided, but such diversion of the waters of the parties of the second part, or any part thereof, through such pipeline shall not increase the quantity of water which the parties of the second part are entitled to divert under the provisions of this agreement. That the parties of the first part shall have the right to convey any of their portion of the waters of Martin Creek through a pipeline and a right of way

across the lands of the parties of the second part in Section Twenty-five (25), Township Thirty (30) North, Range Four (4) East, M.D.M., is hereby granted, but said right of way shall be located across said lands in a manner to cause the least practical damage and inconvenience to theparties of the second part, and all pipe shall be covered to a suitable depth.

(5) That the parties of the second part of their successors in interest shall have the right to select new points of diversion nearer the source of said Martin Creek for the purpose of increasing the pressure in their pipeline, and such additional points of diversion, if selected, shall be above and not below the present point of diversion of the parties of the second part, and any and all water diverted at such new points of diversion shall be measured in miners' inches under a 6-inch pressure at the weir or weirs to be constructed near the present point of diversion, so that such water shall have contributed its proportion of seepage and evaporation loss. It is further agreed that in the event such new points of diversion shall be selected as aforesaid, the parties of the second part or their successors in interest, as the case may be, will give notice in writing thereof to the parties of the first part, before construction of any dam or weir or diversion system is commenced, designating the said proposed new points of diversion. It is further agreed that any such new diversion system, including the weir or gauge for measuring and dividing the water shall be so constructed as to automatically and correctly deliver to the parties of the second part, or their successors in interest, as the case may be, only that portion of the waters of said Martin Creek to which they are entitled under the provisions of this agreement, and shall in no event increase the quantity thereof by reason of greater pressure in their pipeline, or for any other reason.

(6) That either of theparties hereto may make any use of their respective portions of the waters of said Martin Creek, as hereinbefore divided and apportioned, which they may deem convenient or beneficial, whether such use shall be

a riparian use or not, and either of the parties hereto may sell the portion of the waters of said stream to which they are entitled, or any part thereof, for use outside the water-shed of said Martin Creek. But it is agreed that so long as the parties of the second part of their successors in interest shall use any portion of the waters of said Martin Creek for irrigation of their meadow lands in the Northeast Quarter of the Northeast Quarter (NE¼ of NE¼) of Section Twenty-five (25), Township Twenty-nine (29) North, Range Four (4) East, M.D.M., the run-off and seepage from said meadow lands shall be permitted to flow back into Martin Creek, but this restriction shall not apply to water used to irrigate lawns on the golf course.

(7) That no rights have been acquired or initiated, either by the parties of the first part or the parties of the second part, under that certain agreement dated the 20th day of October, 1926, between WARREN N. WOODSON, NELLIE V. BERESFORD and HAROLD K. BERESFORD, as parties of the first part, and W. E. GERBER, as party of the second part, relating to the respective rights of the parties thereto in the waters of Martin Creek, and it is mutually agreed by the parties hereto that upon the execution of this agreement the said agreement of October 20th, 1926, shall be null and void, and said agreement shall not be construed in any controversy which may arise between the parties hereto, or their successors in interest, to have increased, diminished, altered or in anywise affected the water rights of said parties, or their successors in interest, and hereinbefore defined.

(8) That the parties of the second part are negotiating with Lassen Volcanic National Park officers for the sale to said Park of a domestic water supply for its headquarters and said parties of the second part agree to cause said Lassen Volcanic National Park, through its proper officers, to lay a 4-inch pipeline of similar construction to that used in its own water system to the headquarters and residence situate on the W. E. GERBER estate, known as Gerber Meadows, with four 2½ inch outlets and hydrants, and to grant to the parties of

the first part the perpetual right to divert through said pipeline 2 inches of their water in Martin Creek, measured under a 6-inch pressure, to the said headquarters aforesaid, and in consideration of the laying of said pipeline and the perpetual right to use the same, upon the completion of the same within three years, and the execution and delivery of a valid contract by said Lassen Volcanic National Park conveying and conferring unto the parties of the first part the rights aforesaid, said parties of the first part will transfer and convey unto said Lassen Volcanic National Park 2 inches of the waters of Martin Creek, measured under a 6-inch pressure to be diverted through said pipeline. But in the event the second parties shall for any reason fail to cause said Lassen Volcanic National Park to lay said pipeline and grant to the parties of the first part the perpetual right to use the same and divert said quantity of water through the same as aforesaid, then it is hereby mutually agreed that all water and water rights of the parties hereto shall be measured under a 4-inch pressure, and paragraphs (1) and (2) hereof shall be deemed amended ao as to provide that the waters of Martin Creek, as in said paragraphs divided and apportioned, shall be measured under a 4-inch pressure instead of a 6-inch pressure as now provided therein; it being mutually understood and agreed that the parties of the first part originally claimed that the rights of the parties hereto in and to the waters of Martin Creek shall be measured in miners' inches under a 4-inch pressure, and that said first parties agreed to accept the 6-inch pressure inch in consideration of the agreement of the parties of the second part to procure the laying of said pipeline by said Lassen Volcanic National Park and the right to divert and carry through the same 2 inches of water measured under a 6-inch pressure.

(9) That this agreement is intended to be a complete settlement of the water rights of the parties hereto in and to the waters of said Martin Creek and the same shall be binding upon the heirs, administrators, assigns, grantees

and successors in interest of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands the day and year first above writtein.

GEORGE A. STARKWEATHER

As Trustees for the Estate of W. E. GERBER, Deceased, Parties of the First Part.

WARREN N. WOODSON

FLORENCE E. WOODSON

HAROLD K. BERESFORD

CATHERINE A. BERESFORD

NELLIE V. BERESFORD

Parties of the Second Part.

C O P Y

03-05-1935: court document: state of california - personal appearance of a trustee of the estate of w.e. gerber

STATE OF CALIFORNIA)
(SS
COUNTY OF TEHAMA)

On this 5th day of March, in the year one thousand nine hundred and thirty-five (1935), before me, FRED C. PUGH, a Notary Public in and for the County of Tehama, State of California, residing therein, duly commissioned and sworn, personally appeared GEORGE A. STARKWEATHER, known to me to be the person whose name is subscribed to the within instrument as one of the Trustees of the Estate of W. E. GERBER, deceased, and he duly acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the County of Tehama, the day and year in this certificate first above written.

FRED C. PUGH
Notary Public in and for the County of Tehama, State of California.

My Commission expires Apr. 14, 1937.

STATE OF CALIFORNIA)
(SS
COUNTY OF TEHAMA (

On this 5th day of March, in the year one thousand nine hundred and Thirty-five (1935), before me, FRED C. PUGH, a Notary Public in and for the County of Tehama, State of California, residing therein, duly commissioned and sworn, personally appeared WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, and NELLIE V. BERESFORD, known to me to be the persons whose names are subscribed to the within instrument, and they duly 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 County of Tehama, the day and year in this certificate first above written.

FRED C. PUGH
Notary Public in and for the County of Tehama, State of California.

My Commission expires Apr. 14, 1937.

08-22-1898: court document: state of california - book g of miscellaneous, page 551; water notice from w.e. gerber

COPY

BOOK G OF MISCELLANEOUS, PAGE 551

Water Notice)
of)
W. E. Gerber)

Dated Aug. 22, 1898.

Water Notice:

1. I. W. E. Gerber, hereby give notice:

That I claim the water here flowing towit: in "Martin Creek", a prong of the South Fork of Battle Creek at a point near the center of the Southeast quarter of the Northeast quarter of Section 25, Tp. 29 N, Range 3 E, M. D. B. & M. in Tehama County, State of California. to the extent of one hundred inches measured under a four inch pressure.

2. That I claim the said water for the purpose of irrigating the lands lying adjacent to said creek in Section 25 of said Township.

3. That I intend to divert said water so claimed by me by means of a dam across said creek and a ditch or ditches on each side of said creek of sufficient capacity to properly carry said 100 inches of water.

Dated this 22nd day of August A. D. 1898.

W. E. Gerber.

State of California)
) ss.
County of Tehama)

W. E. Gerber being duly sworn deposes and says, that he is the person named in the within water notice and whose name is signed thereto; that he posted a notice of which the within is a copy at a point named therein towit: near the center of the SE¼ of the NE¼ of Sec. 25, Tp. 29 N, R 3 E, M. D. B. & M., Tehama County, State of California, by nailing same on a tree on the 22nd day of August, A. D. 1898.

Subscribed and sworn to before me this) W. E. Gerber.
22nd day of August A. D. 1898)

W. E. Conard, Justice of the Peace,
in and for the County of Tehama, State of California.

Recorded at request of W. E. Gerber, August 26, 1894, at 41 minutes past 8:00 o'clock A. M.

W. A. Fish Recorder

By

E. DeShields, Deputy.

08-30-1894: court document: state of california - book g of miscellaneous, page 128; notice of claim and file upon the 150 inches of water out of martin creek

C O P Y

BOOK G OF MISCELLANEOUS, PAGE 128

Water Claim)
of)
Bert Hampton)

Dated Aug. 30th, 1894.

Notice is hereby given that I claim and file upon the Hundred and fifty inches (150) of water out of Martin Creek measured under a four inch pressure. I intend to convey this water by a ditch 2 feet wide on top, one foot deep and 1½ feet wide on the bottom. The said ditch will leave Martin Creek near the South line of the NW¼ of the SW¼ of Sec. 19, Tw. 29 N, R 4 East M.D.M., on the West side of said Martin Creek and running Southwest upon the North half of Sec. 25, Tw. 29 N, R 3 East M.D.M. to be used for irrigation purposes.
Battle Creek Medows, Tehama County, State of California,
Aug. 30, 1894.

Bert Hampton.

Recorded at request of W. J. Clark Sept. 1st, 1894, at 31 minutes past 1:00 o'clock P. M.

W. R. Hall, Recorder,

By E. DeShields, Deputy.

03 HISTORY

Lassen Volcanic National Park

MARTIN CREEK WATER SYSTEM

Land History

02-02-1940: preliminary report for a policy of title insurance in the sum of $5000 no liability assumed here; from tehama county title company

COPY

TEHAMA COUNTY TITLE COMPANY

RED BLUFF, CALIFORNIA
Telephone 51

Affiliated With
TITLE INSURANCE AND GUARANTY COMPANY
A Trust Company
130 Montgomery St. San Francisco, Calif.

Preliminary report for a policy of title insurance in the sum of $5,000.00
No liability assumed hereby

TO U. S. A. Department of Interior
601 Sheldon Building Order No. 9857
San Francisco, California

TEHAMA COUNTY TITLE COMPANY, a corporation, hereby reports that title to the land hereinafter described is on February 2, 1940 at 11:20 a.m. vested in:
WARREN N. WOODSON, as to an undivided 1/2 interest; NELLIE V. BERESFORD, as to an undivided 1/4 interest and HAROLD K. BERESFORD, as to an undivided 1/4 interest in Parcel One and Parcel Two. WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, and NELLIE V. BERESFORD, a widow, as to Parcel Three.

SUBJECT TO:

1. DELINQUENT COUNTY TAXES for the fiscal year 1931-32; 1932-33; 1933-34 and 1934-35 as to Lot 5 in Block 4 of Cool Air Subdivision.

2. RIGHTS OF WAY and incidents thereto heretofore granted for roads, highways, and for electric transmission and distribution lines, and for water pipe lines.

3. DEED OF TRUST, in the sum of $12,500.00, from WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, and NELLIE V. BERESFORD, a widow, and HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, to ERLE GANS and W. G. MOORE, Trustees, and ELBERT L. HAMPTON, dated April 20, 1928 and recorded April 20, 1928 in Book "1" of Official Records at page 91, Records of Tehama County, covering all of said premises excepting that portion in Cool Air Subdivision.

4. DEED OF TRUST in the sum of $5,000.00 from WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, NELLIE V. BERESFORD, a widow, HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, to CURTISS E. WETTER, as Trustee, and W. V. BERESFORD, Beneficiary, dated November 7, 1934 and recorded November 15, 1934 in Book "64" of Official Records at page 471, Records of Tehama County, covering a portion of said premises.

Note: In a subordination agreement dated November 10, 1934 and recorded November 15, 1934 in Book "66" of Official Records at page 460, Records of Tehama County, the lien of the Deed of Trust referred to as exception No. 3 herein is made subordinate to the lien of the Deed of Trust referred to as exception No. 4 herein.

5. DEED OF TRUST in the sum of $10,000.00 from WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, and NELLIE V. BERESFORD, a widow, and HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, to C. D. HILL and L. L. MILLION, as Trustees and WILLIS V. BERESFORD, beneficiary, dated January 2, 1939 and recorded January 13, 1939 in Book "46" of Official Records at page 353, Records of Tehama County. This Deed of Trust does not cover "Cool Air".

6. In a Deed dated January 6, 1939 and filed for record February 2, 1940 at 20 minutes past 11 o'clock a.m., File No. 239, Records of Tehama County, W. N. WOODSON and FLORENCE E. WOODSON, his wife, NELLIE V. BERESFORD, a widow, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, conveyed to THE UNITED STATES OF AMERICA the right to divert 0.25 second feet of water from Martin Creek and the grantors therein recognize the right now existing to enter upon, construct and maintain a buried pipe line to conduct water from Martin Creek to the lands now owned by the UNITED STATES OF AMERICA.

In the same instrument ERLE GANS and W. G. MOORE, Trustees, conveyed to the UNITED STATES OF AMERICA all interest in the Trust Deed referred to as exception No. 3 herein in and to the water rights conveyed in the foregoing Deed executed by W. N. WOODSON, et al.

In the same instrument CURTISS E. WETTER, Trustee, conveyed to the UNITED STATES OF AMERICA all interest covered by the Deed of Trust referred to as exception No. 4 herein in and to the water rights conveyed in the foregoing Deed executed by W. N. WOODSON, et al.

In the same instrument C. D. HILL and L. L. MILLION, Trustees, conveyed to the UNITED STATES OF AMERICA all interest covered by the Deed of Trust referred to as exception No. 5 herein in and to the water rights conveyed in the foregoing Deed executed by W. N. WOODSON, et al.

Note: The owners of this property furnish water to the owners of the lots in Cool Air Subdivision, and as a charge is made for this service, they are under the jurisdiction of the Railroad Commission of the State of California.

Note: This company certifies that there are no unpaid taxes against said premises except as referred to in exception No. 1 herein.

DESCRIPTION

All those certain lots, pieces or parcels of land, situate, lying and being in the County of Tehama, State of California, bounded and particularly described as follows, to-wit:

PARCEL ONE: Lots 2 and 3 of Section 19 in Township 29 North, Range 4 East, Mount Diablo Base and Meridian; the East half of the Southeast quarter of Section 24; the North half of the Northeast quarter; the Southwest quarter of the Northeast quarter; the Southeast quarter of the Northwest quarter and Northwest quarter of the Northwest quarter of Section 25; the Northeast quarter of the Northwest quarter and the North half of the Northeast quarter of Section 26, all in Township 29 North, Range 3 East, Mount Diablo Base and Meridian. Excepting therefrom all that portion of the Southwest quarter of the Northeast quarter and the Southeast quarter of the Northwest quarter of Section 25 in Township 29 North, Range 3 East, Mount Diablo Base and Meridian embraced within the boundaries of "Cool Air" Subdivision as said subdivision is shown on the Map entitled: "COOL AIR Segment of Mineral Tehama County California", filed in the office of the County Recorder of the County of Tehama, State of California, July 24, 1928 in Book "F" of Maps at page 72.

PARCEL TWO: Lots 6 and 8 and the East half of Lot 4 of Block 1; Lots 1, 2, 3, 4, 5, 8 and the West 45 feet of Lot 10 and Lots 11 to 25 inclusive in Block 2; Lots 2 to 12 inclusive and Lots 14 to 22 inclusive and Lots 24 and 25 in Block 3; Lots 2, 3, 6, 8 and 11, Block 4; Lots 9, 12 and 18 to 22 inclusive in Block 5; Lots 1 to 16 inclusive, the East half of Lot 17 and Lot 19 in Block 6, all as shown on the Map entitled: "COOL AIR Segment of Mineral Tehama County California", filed in the office of the County Recorder of the County of Tehama, State of California, July 24, 1928 in Book "F" of Maps at page 72.

PARCEL THREE: Lot 20 in Block 6 and Lot 5 in Block 4 of Cool Air Subdivision as the same are shown on the Map entitled: "COOL AIR Segment of Mineral Tehama County California", filed in the office of the County Recorder of the County of Tehama, State of California, July 24, 1928 in Book "F" of Maps at page 72.

This report does not include an examination of and the policy of title insurance in the usual form will not insure against loss by reason of:

1. Easements or liens which are not shown by the public records (2) of the District Court of the Federal District, (b) of the county, or (c) of the city, in which said land or any part thereof is situated.

2. Rights or claims of persons in possession of said land which are not shown by those public records which impart constructive notice.

3. Any facts, rights, interests, or claims which are not shown by those public records which impart constructive notice, but which could be ascertained by an inspection of said land, or by making inquiry of persons in possession thereof, or by a correct survey.

4. Mining claims, reservations in patents, water rights, claims or title to water.

5. Acts or regulations of any governmental agency regulating the occupancy or use of said land or any building or structure thereon.

TEHAMA COUNTY TITLE COMPANY

By /s/ Thos. J. McGlynn

02-19-1940: memorandum to under secretary from nps regarding papers covering the purchase of certain water rights being conveyed to the u.s.

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

Address Only
The Director, National Park Service

February 19, 1940

MEMORANDUM for the Under Secretary:

There are transmitted herewith title papers covering the purchase of certain water rights being conveyed to the United States by the Woodson-Beresford interests at a consideration of $5150.00 in accordance with the terms of contract No. I-lp-16307, approved June 13, 1939. The water rights are being acquired for the Lassen Volcanic National Park headquarters area.

Funds for this purpose were made available and authority to purchase was conferred by the Interior Department Appropriation Act, 1939 (52 Stat. 335).

The Solicitor has examined the title evidence covering the water rights being purchased and a copy of his memorandum opinion of January 12, 1940, is attached. It appears that all of the requirements of this memorandum have been complied with. Attention is invited to the memorandums of November 2, 1939, and February 14, 1940, from Regional Attorney Taylor discussing certain matters in connection therewith.

If, upon re-examination by the Solicitor, title is found to be satisfactory, it is respectfully recommended that the deed from W. N. Woodson, et al., be accepted by you on behalf of the United States.

/s/ Arno B. Cammerer
Director.

Enclosure 2407507.

02-00-1940: departmental report on possessory rights for water right acquisition for lavo

REC'D FEB 3 1940

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757

DEPARTMENTAL REPORT ON POSSESSORY RIGHTS FOR WATER RIGHT ACQUISITION FOR LASSEN VOLCANIC NATIONAL PARK (no letter of transmittal)

The following is my report after a personal inspection of the property hereinafter described.

1. Access to the source of supply (Martin Creek) has been provided by vendors in accordance with the terms of contract I-lp-16307. Vendors are the only other occupants of the lands crossed.

2. (a) There is no evidence of recent building construction except for the Government's construction of its own water system.

(b) There are no outstanding recorded Mechanics', laborers', or materialmen's liens applicable to this property.

3. The property conveyed conforms generally with the description in the conveyance.

4. The water rights vested in third persons that may in any way affect this property are the unconveyed portion of the original right and any limitation thereon by virtue of those water rights vested in the Estate of W. E. Gerber, both of which are more fully described and limited in the abstract of title to said premises.

5. The property herein referred to is not affected by any easement, public or private.

6. There is no other reason why the United States is not entitled to full, immediate and sole possession of the property interest conveyed upon acceptance of title. The vendors herein have now full, immediate and sole possession of the property hereinafter described.

The unqualified right to divert twenty-five hundredths (0.25) second feet of water, for use during the entire year, said right having a priority of August 30, 1894, and being a portion of that certain right to divert 150 inches of water measured under a four-inch pressure, originally acquired by Bert Hampton by virtue of his filing under the laws of the State of California, of a notice of appropriation of water dated August 30, 1894, which notice was recorded in the office of the County Recorder, Tehama County, on September 1, 1894, in Book G. of Miscellaneous Records at Page 128, and change in point of diversion and place and methods of use noticed and recorded June 5, 1939, in Book "109" of Official Records at Page 118, Records of Tehama County.

John C. Preston

John C. Preston,
Superintendent
January 31, 1940

02-02-1940: letter from department of interior regarding: there are no instruments or writings of record which effect the water right in martin creek or water rights appurtenant to the following described areas

C
O
P
Y

Red Bluff, California
February 2, 1940
11:20 A.M.

U. S. A. Department of Interior
601 Sheldon Building
San Francisco, California

Gentlemen: Our No. 9857

After a careful examination of every instrument or writing in the public records of Tehama County, California, or in the Federal Offices of the District in which the lands herein referred to are situated executed by WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, and NELLIE V. BERESFORD, a widow, and/or any of them, or their record predecessors in interest, including the original patentee,

TEHAMA COUNTY TITLE COMPANY, a Corporation,

hereby certifies that there are no instruments or writings of record which effect the water right in Martin Creek or water rights appurtenant to the following described premises:

All those certain lots, pieces or parcels of land, situate, lying and being in the County of Tehama, State of California, bounded and particularly described as follows, to-wit:

Lots 2 and 3 of Section 19 in Township 29 North, Range 4 East, Mount Diablo Base and Meridian; the East half of the Southest quarter of Section 24; the North half of the Northeast quarter; the Southwest quarter of the Northest quarter; the Southeast quarter of the Northwest quarter and Northwest quarter of the Northwest quarter of Section 25; the Northeast quarter of the Northwest quarter and the North half of the Northeast quarter of Section 26; all in Township 29 North, Range 3 East, Mount Diablo Base and Meridian. Excepting therefrom all that portion of the Southwest quarter of the Northeast quarter and the Southeast quarter of the Northwest quarter of Section 25 in Towhship 29 North, Range 3 East, Mount Diablo Base and Meridian embraced within the boundaries of "Cool Air" Subdivision as shown on the Map. Lots 6 and 8 and the East half of Lot 4 of Block 1; Lots 1, 2, 3, 4, 5, 8 and the West 45 feet of Lot 10 and Lots 11 to 25 inclusive in Block 2; Lots 2 to 12 inclusive and Lots 14 to 22 inclusive and Lots 24 and 25 in Block 3; Lots 2, 3, 6, 8 and 11, Block 4; Lots 9, 12 and 18 to 22 inclusive in Block 5; Lots 1 to 16 inclusive, the East half of Lot 17 and Lot 19 in Block 6; also Lot 20 in Block 6 and Lot 5 in

66-05.11

02-02-1940: letter from department of interior regarding: there are no instruments or writings of record which effect the water right in martin creek or water rights appurtenant to the following described areas, page 2cont

Block 4 of Cool Air Subdivision as the same are shown on the Map entitled: "COOL AIR Segment of Mineral Tehama County California", filed inthe office of the County Recorder of the County of Tehama, State of California, July 24, 1928 in Book "F" of Maps at page 72.

Except as follows:

1. In the deed dated January 12, 1920 and recorded January 13, 1920 in Book "100" of Deeds at page 170, Records of Tehama County, executed by ELBERT L. HAMPTON, also known as BERT HAMPTON, a single person, in favor of WARREN N. WOODSON And F. G. BERESFORD, there was included after the description the following reference to water rights: "Together with all water and water ditches and water rights and ditch rights upon and appurtenant to and belonging with said described lands".

2. In the Certified Copy of the Decree of Distribution had in the Matter of the Estate of FRED G. BERESFORD, also known as F. G. BERESFORD, Deceased, dated February 2, 1925 and recorded February 2, 1925 in Book "118" of Deeds at page 184, Records of Tehama County, the real property was distributed to NELLIE V. BERESFORD AND HAROLD K. BERESFORD, as to an undivided 1/2 interest each, and immediately following the description of the property appears the following reference to water rights: "Together with all water and water ditches and water rights and ditch rights upon and appurtenant to and belonging with said described lands".

3. DEED OF TRUST from WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, and NELLIE V. BERESFORD, a widow, and HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, to ERLE GANS and W. G. MOORE, Trustees, and ELBERT L. HAMPTON, covering portion of premises herein, dated April 20, 1928 and recorded April 20, 1928 in Book "1" of Official Records at page 91, Records of Tehama County, California, given to secure the payment of a promissory note in the sum of $12,500.00.

4. DEED OF TRUST in the sum of $10,000.00 from WARREN N. WOODSON AND FLORENCE E. WOODSON, his wife, and NELLIE V. BERESFORD, a widow, and HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, to C. D. HILL and L. L. MILLION, as Trustees, and WILLIS V. BERESFORD, Beneficiary, dated January 2, 1939 and recorded January 13, 1939 in Book "46" of Official Records at page 353; covering Lots 2 and 3 of Section 19, Township 29 North, Range 4 East, $E\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 24; the $N\frac{1}{2}$ of $NE\frac{1}{4}$; the $SW\frac{1}{4}$ of $NE\frac{1}{4}$; the $SE\frac{1}{4}$ of $NW\frac{1}{4}$ and the $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 25 and $NE\frac{1}{4}$ of $NW\frac{1}{4}$, the $N\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 26, all in Township 29 North, Range 3 East, containing 479 acres, save and excepting that portion of the foregoing described land heretofore released and legally described as Cool Air, a segment of Mineral.

02-02-1940: letter from department of interior regarding: there are no instruments or writings of record which effect the water right in martin creek or water rights appurtenant to the following described areas, page 3cont

5. In an Agreement dated March 5, 1935 and recorded May 22, 1935 in Book "70" of Official Records at page 460, Records of Tehama County, between GEORGE A. STARKWEATHER and W. LESLIE COMYN, as Trustees of the estate of W.E. GERBER, Deceased, as parties of the First Part, and WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, and NELLIE V. BERESFORD, parties of the Second Part; it is agreed among other things that the par ies of the First Part (Trustees of the Gerber Estate) shall have 75 per cent of the total flow of Martin Creek and that the parties of the Second Part (Woodson, et al) shall have 25 per cent of the flow of said Creek when said total flow shall not exceed 200 inches of water measured under a 6 inch pressure and no more. The agreement also provides for rights of way for pipe lines, etc. A copy of this agreement was recorded June 5, 1939 in Book "109" of Official Records at page 130, Records of Tehama County.

6. In Book "G" of Miscellaneous Records at page 128, Records of Tehama County, appears a notice of water claim, dated August 30, 1894 and recorded September 1, 1894. A claim was made by BERT HAMPTON, one of the predecessors in interest of the present owners. The claim includes 150 inches of water out of Martin Creek measured under a four inch pressure together with the right to convey this water by a ditch which was to leave Martin Creek near the South line of $NW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 19, Township 29 North, Range 4 East M.D.M., on the West side of Martin Creek and running Southwest upon the North half of Section 25, Township 29 North, Range 3 East, M.D. M., said water to be used for irrigation purposes in Battle Creek Medows Teham_ County.

7. In Book "G" of Miscellaneous Records at page 551, Records of Tehama County, appears a record of a water claim made by W. E. GERBER. The claim is dated August 22, 1898 and recorded August 26, 1898. W. E. GERBER claims the water flowing in Martin Creek to-wit: a prong of the South fork of Battle Creek at a point near the center of the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 25, Township 29 N.R. 3 East M.D.M., Tehama County, California, to the extent of 100 inches of water measured under a four inch pressure, the water to be used to irrigate adjacent lands. W. E. GERBER also claims the right to divert water by means of a dam across said creek and a ditch or ditches on each side of said creek of sufficient capacity to properly carry 100 inches of water.

8. A Notice of Water Claim on Martin Creek, Tehama County, California, dated June 3, 1939 was filed for record June 5, 1939 at 10:20 a.m., and now appearing in Book "109" of Official Records

02-02-1940: letter from department of interior regarding: there are no instruments or writings of record which effect the water right in martin creek or water rights appurtenant to the following described areas, page 4cont

at page 118, Records of Tehama County; the claim is signed by WARREN N. WOODSON, FLORENCE E. WOODSON, NELLIE V. BERESFORD, HAROLD V. BERESFORD and CATHERINE A. BERESFORD. Refers to the original Notice of Claim recorded September 1, 1894 and recorded in Book "G" of Miscellaneous Records at page 128, Records of Tehama County. Claims the right to supply a quantity of 0.25 of a cubic foot of water per second of time for use from January 1 to December 31 of each year for domestic, recreational and fire protection purposes in the area known and used as the Headquarters Area for Lassen Volcanic National Park, together with notice of a change in Point of Diversion and the place of use and the purpose of use of said water.

9. AFFIDAVIT of Use of Water executed by CHARLES H. CLARK and WILLIAM J. FREEMAN, dated October 2, 1939 and recorded October 5, 1939 in Book "110" of Official Records at page 444, Records of Tehama County. Affiants state that the waters of Martin Creek have been used upon the Woodson and Beresford Lands in the North Half of Section 25, Township 29 North, Range 3 East, since 1907 and since 1915.

10. AGREEMENT dated August 3, 1939 and recorded August 30, 1939 in Book "110" of Official Records at page 158, Records of Tehama County, GEORGE A. STARKWEATHER and W. LESLIE COMYN, as Trustees, of the estate of W. E. GERBER, Deceased, signified their consent to the sale by Woodson and Beresford to the United States of 12½ inches of the waters of Martin Creek measured under a four inch pressure at the point of diversion. The water is to be used by Lassen Volcanic National Park. The consideration to be paid to Woodson and Beresford is $5,150.00. The agreement also provides for the furnishing and laying of water pipes and redwood water tanks.

11. In an instrument dated June 6, 1939 and filed for record February 2, 1940 at 11:20 A. M., Recorder's File No. 239, W. N. WOODSON and FLORENCE E. WOODSON, his wife, NELLIE V. BERESFORD, a widow, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, convey to THE UNITED STATES OF AMERICA, the right to divert 0.25 second feet of water from Martin Creek, and the grantors recognize the right now existing to enter upon, construct and maintain a buried pipe line to conduct water from Martin Creek to the lands now owned by THE UNITED STATES OF AMERICA. Attached to said conveyance are the following reconveyances:

A. ERLE CANS and W. G. MOORE, Trustees, convey to THE UNITED STATES OF AMERICA all interest in the Trust Deed recorded in Liber 1 of Official Records at page 91, Records of Tehama County, in and to the water rights conveyed in the foregoing instrument executed by W. N. WOODSON, et al.

B. CURTISS E. WETTER, Trustee, conveys to THE UNITED STATES OF AMERICA all interest in the Trust Deed recorded in Liber 64 of Official

02-02-1940: letter from department of interior regarding: there are no instruments or writings of record which effect the water right in martin creek or water rights appurtenant to the following described areas, page 5cont

Records at page 471, Records of Tehama County, in and to the water rights conveyed in the foregoing instrument executed by W. N. WOODSON, et al.

C. C. D. HILL and L. L. MILLION, Trustees, convey to THE UNITED STATES OF AMERICA All interest in the Trust Deed recorded in Liber 46 of Official Records at page 353, Records of Tahama County, in and to the water rights conveyed in the foregoing instrument executed by W? N. WOODSON, et al.

This company certified that all of the foregoing documents are executed according to law and that there are no judgments or liens assessed against such owners of any nature of record affecting these water rights.

Note: The owners of this property furnish water to the owners of the lots in Cool Air Subdivision, and as a charge is made for the service, they are under the jurisdiction of the Railroad Commission of the State of California.

TEHAMA COUNTY TITLE COMPANY

By (sgd) Thos. J. M. Glynn
Manager

Note: This company certifies that there are no unpaid taxes against said premises except as follows:

DELINQUENT COUNTY TAXES for the fiscal year 1931-32; 1932-33; 1933-34 and 1934-35 as to Lot 5 in Block 4 of Cool Air Subdivision.

11-18-1939: invoice from the u.s. to the woodsons and beresfords for water rights: $5150 not received yet

COPY

INVOICE

Date Nov - 18, 1939.

UNITED STATES OF AMERICA

to

W. N. Woodson,
Florence E. Woodson,
Nellie V. Beresford,
Harold K. Beresford,
Catherine A. Beresford.

Dr.

For certain water rights and other rights in connection therewith, conveyed to the United States by W. N. Woodson, et al., by deed dated June 6, 1939 for use in Lassen Volcanic National Park, in accordance with the terms of contract No. I-lp-16307, approved June 13, 1939 . . . . . $5,150.00

We hereby certify that the above account is correct and just and that payment therefor has not been received.

Sgd. W. N. Woodson

W. N. Woodson

Sgd. Florence E. Woodson

Florence E. Woodson

Sgd. Nellie V. Beresford

Nellie V. Beresford

Sgd. Harold K. Beresford

Harold K. Beresford

Sgd. Catherine A. Beresford

Catherine A. Beresford

10-24-1939: letter to department of interior from tehama county title company regarding water rights bought from woodson and beresford for $5150

REC'D OCT 25 1939

TEHAMA COUNTY TITLE COMPANY

AFFILIATED WITH

TITLE INSURANCE AND GUARANTY COMPANY

RED BLUFF, CALIFORNIA
TELEPHONE 51

Ans. 10/25/39 J.E.T.

October 24, 1939

U. S. A. Department of Interior
601 Sheldon Building
San Francisco, California

Attention: Mr. Taylor

Dear Sir: Our No. 9857

Yesterday we forwarded to you a report covering the record water rights appurtenant to the Woodson and Beresford property at Mineral.

Supplementing the report we inform you that in an agreement dated August 3, 1939 and recorded August 30, 1939 in Book "110" of Official Records at page 158, Records of Tehama County, George A. Starkweather and W. Leslie Comyn, as Trustees of the estate of W. E. Gerber, deceased, signified their consent to the sale by Woodson and Beresford to the United States of 12½ inches of the waters of Martin Creek measured under a four inch pressure at the point of diversion.

The water is to be used by Lassen Volcanic National Park. The consideration to be paid to Woodson and Beresford is $5,150.00.

The agreement also provides for the furnishing and laying of water pipes and redwood water tanks.

Although the foregoing agreement would have no affect on the Woodson and Beresford water right unless the purchase of the water right by the United States of America is completed, you may deem it necessary to have a copy of said agreement for your file. In the event you desire a copy of said agreement, please so advise us.

Very truly yours,

TEHAMA COUNTY TITLE COMPANY

By Thos J McGlynn
Manager

TJM:ep

C O P Y

GEORGE A. STARKWEATHER ET AL

WITH AGREEMENT

WARREN N. WOODSON ET AL

THIS AGREEMENT, made this 3rd day of August, 1939, between GEORGE A. STARKWEATHER and W. LESLIE COMYN, as Trustees of the estate of W. E. Gerber, deceased, parties of the first part, and WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, and NELLIE V. BERESFORD, the parties of the second part,

WITNESSETH:

(1) That in consideration of the covenants and agreements hereinafter contained, the parties of the first part hereby consent to the sale by the parties of the second part to the United States for the use of Lassen Volcanic National Park twelve and one-half (12½) inches of the waters of Martin Creek, measured under a four-inch pressure at the point of diversion, to be diverted through a pipe line from a point of diversion selected by the United States for the sum of Five Thousand One Hundred Fifty and No/100 Dollars ($5,150.00).

(2) That the parties of the second part agree to furnish and lay a six-inch pipe line from the point of diversion selected by the United States to a 5,000 gallon redwood settling tank, said settling tank to be located on the hill above the golf links of the party of the second part. The parties of the second part further agree to construct two additional redwood tanks with a capacity of 10,000 gallons each to be located a short distance below the said settling tank, and to be constructed so that said tanks will be upon the same level, and to furnish and lay a four-inch pipe line from said settling tank to each of said two lower tanks, so as equally to divide the water diverted by said six-inch pipe line, and to connect said two tanks with a four-inch pipe line which can be opened and make available for the parties of the first part and for the parties of the second part the entire capacity of both of

7—1404

U. S. GOVERNMENT PRINTING OFFICE

said tanks in case of fire. The parties of the second part further agree to furnish and lay a four-inch pipe from one of said lower tanks to their own headquarters, and agree to furnish and lay a four-inch pipe from the other tank to the principal residence at the Gerber Estate headquarters, hereby granting the right of way therefor across the lands of the parties of the second part. That when the water system herein contemplated is completed the tank and the pipe line which conveys water to the headquarters of the Gerber Estate, together with the right of way for the same across the lands of the parties of the second part, shall be and remain the absolute property of the parties of the first part; and the tank and pipe line which conveys water to the headquarters of the parties of the second part shall be and remain the absolute property of said parties of the second part. Provided, however, that in no event shall more than fifteen (15) inches of water measured under a four-inch pressure be diverted from Martin Creek through said pipe line. It is further agreed that the parties of the first part and the parties of the second part shall be the owners as tenants in common of all of the rest of said water system, including the settling tank and all pipe and equipment connected therewith. The parties of the second part agree to construct, install and complete said water system as hereinbefore described, at their sole cost and expense, within two years from the date hereof, and in the event of their failure so to do this agreement shall be null and void.

(3) That all materials used by the parties of the second part in the construction of said water system shall be of good quality and the same and every part thereof shall be constructed and installed in a good and workmanlike manner. The four-inch pipe line to be laid to the Gerber Estate headquarters shall enter the Gerber Estate property at a point near the main entrance to the Gerber Estate.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

(4) That it is mutually agreed that the water system contemplated and described in paragraph (8) of that certain agreement dated March 5, 1935, and recorded on June 5, 1939, in Book 109 of Official Records of Tehama County at page 130, wherein the parties of the first part herein were parties of the first part, and the parties of the second part herein were parties of the second part, was not constructed with three years, or at all, and that the water and water rights of the parties hereto shall be measured under a four-inch pressure. That the whole of the residue of the flow of said Martin Creek, after making the diversion for the use of Lassen Volcanic National Park, and the diversion through the pipe line and into said tanks for the parties hereto, shall be divided upon the basis of eighty per cent (80%) of the flow of said Martin Creek to the parties of the first part and twenty per cent (20%) of the flow of said Martin Creek to the parties of the second part, with a maximum to the parties of the second part of 50 miner's inches measured under a four-inch pressure, instead of seventy-five per cent (75%) to the parties of the first part and twenty-five per cent (25%) to the parties of the second part as provided in said agreement of March 5, 1935. That it is further mutually agreed that said agreement of March 5, 1935, shall not be deemed to have been modified or changed in any respect except as herein expressly provided.

(5) That it is mutually agreed that the parties of the first part shall have the right to go upon the lands of the parties of the second part annually, if necessary, for the purpose of cleaning and straightening the channel of said Martin Creek for the purpose of increasing the flow thereof, and shall have the right to move machinery and equipment upon and across the land of the parties of the second part for said purpose, and shall have the right to cut brush and timber when necessary for the purpose aforesaid, and that the parties of the second part agree to pay the parties of the first part fifty per cent (50%) of the actual

7—1404

U. S. GOVERNMENT PRINTING OFFICE

reasonable expense of the work performed in cleaning, clearing and straightening or deepening the channel of said Martin Creek, the said payment to be made within thirty days after presentation of a statement showing the total expenditure for such work.

(6) That is is expressly understood and agreed that this agreement shall not limit, restrict or prejudice in any manner any water rights which may have been conveyed to or which may be vested in Annie Gerber Comyn, by that certain deed from William E. Gerber and Hattie A. Gerber, as grantors, to said Annie Gerber Comyn, as grantee, dated August 4, 1922, and recorded Juue 11, 1929, in Volume 19 of Official Records, page 31, Tehama County Records.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands the day and year first above written.

GEORGE A. STARKWEATHER

W. LESLIE COMYN
As Trustees of the Estate of W. E. Gerber, deceased, parties of the first part.

WARREN N. WOODSON

FLORENCE E. WOODSON

HAROLD K. BERESFORD

CATHERINE A. BERESFORD

NELLIE V. BERESFORD
Parties of the Second Part.

PROVINCE OF
BRITISH COLUMBIA

On this 24th day of August in the year one thousand nine hundred and thirty-nine, before me, a Notary Public in and for the Province of British Columbia, residing therein, duly commissioned and sworn, personally appeared W. LESLIE COMYN, as co-trustee of the estate of W. E. Gerber, deceased, known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same, as co-trustee of said estate.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the City of Vancouver, Province of British Columbia, the day and year in this certificate first above written.

J. H. HAMILTON
A notary public in and for the Province of British Columbia.

SEAL

STATE OF CALIFORNIA)
)ss.
County of Teham)

On this 12th day of August in the year one thousand nine hundred and 39 before me, Fred C. Pugh, Jr. a Notary Public in and for the County of Tehama, State of California, residing therein, duly commissioned and sworn, personally appeared George A. Starkweather, as co-trustee of the estate of W. E. Gerber, deceased, known to me to be the person whose name is subscribed the the within instrument, and he duly acknowledged to me that he executed the same, as co-trustee of said estate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the County of Tehama, the day and year in this certificate first above written.

FRED C. PUGH, JR.
Notary Public In and for the County of Tehama,
SEAL 3/31/41 State of California.
My Commission expires 3/31/41

2015

Recorded at request of Fred C. Pugh Aug 30 1939 at 30 min. past 1 o'clock P.M., in liber 110 of Official Records page 158 Records of Tehama County.

MILTON HULL
Recorder
Fee $2.15 By Sterling Russell, Deputy

7—1404

U. S. GOVERNMENT PRINTING OFFICE

06-21-1939: letter to h.k. beresford from tehama county title company regarding copies of the deed and decree of distribution

TEHAMA COUNTY TITLE COMPANY

AFFILIATED WITH

TITLE INSURANCE AND GUARANTY COMPANY

RED BLUFF, CALIFORNIA
TELEPHONE 51

June 21, 1939

Mr. H. K. Beresford
Mineral
California

Dear Sir: Our No. 9857

In accordance with your instructions, we have made two copies of the Deed executed by Elbert L. Hampton, also known as Bert Hampton, a single person, to Warren N. Woodson and F. G. Beresford. The Deed, in addition to conveying the 479 acres of land, also conveys all water and water ditches and water rights and ditch rights upon and appurtenant to said lands.

We are also enclosing, herewith, in duplicate, a copy of the Decree of Distribution had in the matter of the Estate of Fred G. Beresford, deceased. The decree distributes title to the land and all water and water rights to Nellie V. Beresford and Harold K. Beresford, share and share alike.

It is our opinion that if you will present a copy of the Deed and Decree of Distribution to Mr. Joseph E. Taylor, Regional Attorney of the Department of the Interior, that he will be satisfied that the title to the property is vested in Warren N. Woodson as to an undivided one-half interest, Nellie V. Beresford as to an undivided one-fourth interest, and Harold K. Beresford as to an undivided one-fourth interest.

Pursuant to your instructions over the telephone, we have obtained a Reconveyance of the Deed of Trust in the sum of $6750.00 in favor of the Bank of Tehama County. The Deed of Trust was recorded April 20, 1928

in Book "2" of Official Records at page 157, Records of Tehama County.

The Reconveyance releasing the foregoing Deed of Trust was recorded June 21, 1939. Therefore, please consider the original report amended to the extent that said Deed of Trust is now eliminated.

We call your attention to the fact that the following Deed of Trust covers a portion of the premises viz: Deed of Trust in the sum of $5,000.00 from Warren N. Woodson and Florence E. Woodson, his wife, Nellie V. Beresford, a widow, Harold K. Beresford and Catherine Beresford, his wife, to Curtiss E. Wetter, as Trustee, and W. V. Beresford, Beneficiary, dated November 7, 1934 and recorded November 15, 1934 in Book "64" of Official Records at page 471, Records of Tehama County. The Deed of Trust was not mentioned in our former report due to the fact that it did not cover water or water rights.

We are returning, herewith, your abstract of title and a copy of Mr. Taylor's letter.

If we can be of further assistance to you in this matter, please call on us.

Liability limited hereunder to $30.00.

Very truly yours,

TEHAMA COUNTY TITLE COMPANY

By Thos. J. McGlynn
Manager

DATED: June 21, 1939
9:01 A.M.

TJM:ep
ENCLS.

Deed of Reconveyance

Whereas, the indebtedness secured by the Deed of Trust executed by Warren N.Woodson, and Florence E. Woodson, his wife and Nellie V. Beresford, a widow, and Harold K. Beresford and Catherine Beresford, his wife

to

Erle Gans and W. G. Moore ~~(a corporation)~~, as Trustee,

dated April 19, 1928 and recorded April 20, 1928 in Volume 2 of Official Records at page 157, Tehama County records, has been **FULLY PAID;**

Whereas, TehamaCounty Title Company, a corporation, was duly substituted as Trustee in place and stead of Erle Gans and W. G. Moore by an instrument in writing, recorded December 24, 1932 in Liber 49 of Official Records at page 64, Records of Tehama County.

Now, Therefore, Tehama County Title Company (a corporation), as Trustee, does hereby **GRANT** and **RECONVEY** unto the **PARTIES ENTITLED THERETO,** without warranty, all the estate and interest derived to them, under said Deed of Trust, in the lands situate in the County of Tehama, State of California, and therein described.

IN WITNESS WHEREOF, said Trustee has executed these presents this 21st day of June, 1939.

TEHAMA COUNTY TITLE COMPANY

By Thos J McGlynn Trustee.

By Evelyn Peters President.

Assistant- Secretary.

STATE OF CALIFORNIA }
County of Tehama } ss.

On June 21st, 1939 *before me,* N. A. Gernon, *a Notary Public, in and for said* Tehama *County and State, personally appeared* Thos. J. McGlynn and Evelyn Peters *known to me to be the* President and Ass't Secretary *of the corporation that executed the within instrument, as Trustee and also known to me to be the person s who executed it on behalf of such corporation and acknowledged to me that such corporation executed the same as Trustee.*

N. A. Gernon

Notary Public in and for the Tehama *County of* Tehama *State of California.*

My commission expires Jan 9-1941

FULL RECONVEYANCE (Corporation)

Order No. 9857

When recorded mail to

W K Beresford

Mineral Calif

Recorder's File No. 1502 INDEXED

Deed of Reconveyance

(Full)

COMPARED

TO

Parties Entitled Thereto

Recorded at the Request of

TEHAMA CO. TITLE CO

JUN 21 1939

at 43 min. past 4 o'clock P M.,

in Volume 106 of

OFFICIAL RECORDS, page 248

Tehama

County Records.

Milton Hull

Recorder.

By Sterling Russell

Deputy Recorder.

Fee $1.00

INDEXED	COPIED	PAGED	COMPARED

FOUNDED 1848 INCORPORATED 1902

TITLE INSURANCE AND GUARANTY COMPANY

A TRUST COMPANY

SAN FRANCISCO

130 MONTGOMERY STREET

TELEPHONE DOUGLAS 2500

Form 69

06-21-1939: deed of reconveyance, page 2cont

06-09-1939: letter to h.k. beresford from tehama county title company regarding examination of records concerning the riparian water rights

Reg Attorney Taylor

June 9, 1939

Mr. H. K. Beresford
Mineral
California

Dear Sir: Our Order No. 9857

In accordance with your instructions, we have examined the records in the Recorder's Office concerning the repairian water rights pertaining to the following described property.

Parcel One: Beginning at a point from which the corner common to Sections 19, 30, 24 and 25 in Township 29 North, Range 3 East and 4 East, bears North 30° 57' East 1539.1 feet, said point being 1320 feet South and 791.3 feet West of the Corner common to the above named sections, thence West along the South line of the North half of the Northeast quarter of Section 25, in Township 29 North, Range 3 East, 879.1 feet, thence North 990 feet, thence East 879.1 feet, thence South 990 feet to the place of beginning, containing 20 acres, more or less, all of which land is in the NE¼ of Section 25, Township 29 North, Range 3 East, Mount Diablo Base and Meridian;
Parcel Two: Lots 2 and 3 of Section 19, in Township 29 North, Range 4 East, Mount Diablo Base and Meridian; the East half of the Southeast quarter of Section 24; the North half of the Northeast quarter; Southwest quarter of Northeast quarter; Southeast quarter of Northwest quarter and Northwest quarter of Northwest quarter of Section 25; the Northeast quarter of Northwest quarter and North half of Northeast quarter of Section 26; all in Township 29 North, Range 3 East, Mount Diablo Base and Meridian.

Received with copy of Supts. memorandum of June 10, 1939, to the Director.

The examination discloses that no Water Right of any kind has been conveyed by the present owners or their predecessors in interest, including the original patentee, except as follows:

The Water Rights were included in the following Deeds of Trust:

release not given

1. DEED OF TRUST from WARREN N. WOODSON and FLORENCE E. WOODSON, his wife and NELLIE V. BERESFORD, a widow, and HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, to ERLE GANS and W. G. MOORE, Trustees, and BANK OF TEHAMA COUNTY, a Corporation, covering Parcel one herein, dated April 19, 1928 and recorded April 20, 1928 in Book "2" of Official Records at page 157, Records of Tehama County, California, given to secure the payment of a promissory note in the sum of $6750.00, dated April 19, 1928, due October 19, 1928, with interest at 7 per cent per annum, payable semi-annually, and also to secure such further sums as may thereafter be advanced.

O.K.

2. DEED IF TRUST from WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, and NELLIE V. BERESFORD, a widow, and HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, to ERLE GANS and W. G. MOORE, Trustees, and ELBERT L. HAMPTON, covering Parcels One and Two herein, dated April 20, 1928, and recorded April 20, 1928 in Book "1" of Official Records at page 91, Records of Tehama County, California, given to secure the payment of a promissory note in the sum of $12,500.00.

O.K.

3. DEED OF TRUST in the sum of $10,000.00 from WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, and NELLIE V. BERESFORD, a widow, and HAROLD K. BERESFORD and CATHERINE BERESFORD, his wife, to C. D. HILL and L. L. MILLION, as Trustees, and WILLIS V. BERESFORD, Beneficiary, dated January 2, 1939 and recorded January 13, 1939 in Book "46" of Official Records at page 353; covering Lots 2 and 3 of Section 19, Township 29 North, Range 4 East. E½ of SE¼ of Section 24; the N½ of NE¼; the SW¼ of NE¼; the SE¼ of NW¼ and the NW¼ of NW¼ of Section 25 and NE¼ of NW¼, the N½ of NE¼ of Section 26 all in Township 29 North, Range 3 East, containing 479 acres, save and excepting that portion of the foregoing described land heretofore released and legally described as Cool Air, a segment of Mineral.

4. In and Agreement dated March 5, 1935 and recorded May 22, 1935 in Book "70" of Official Records at page 460, Records of Tehama County, between GEORGE A. STARKWEATHER and W. LESLIE COMYN, as Trustees of the estate of W. E. GERBER, Deceased, as parties of the First Part, and WARREN N. WOODSON and FLORENCE E.

06-09-1939: letter to h.k. beresford from tehama county title company regarding examination of records concerning the riparian water rights, page 3cont

WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, and NELLIE V. BERESFORD, parties of the Second Part; it is agreed among other things that the parties of the First Part (Trustees of the Gerber Estate) shall have 75 per cent of the total flow of Martin Creek and that the parties of the Second Part (Woodson, etal) shall have 25 per cent of the flow of said Creek when said total flow shall not exceed 200 inches of water measured under a 6 inch pressure. The parties of the Second Part (Woodson, et al) shall be entitled to divert 50 inches of water measured under a 6 inch pressure and no more. The agreement also provides for rights of way for pipe lines, etc. A copy of this agreement was filed for record June 5, 1939 at 3:50 P.M., File No. 1377, Records of Tehama County.

The following instruments appear of record and as a matter of information are being brought to your attention.

In Book "G" of Miscellaneous Records at page 128, Records of Tehama County, appears a notice of a water claim, dated August 30, 1894 and recorded September 1, 1894. A claim was made by BERT HAMPTON, one of the predecessors in interest of the present owners. The claim includes 150 inches of water out of Martin Creek measured under a four inch pressure together with the right to convey this water by a ditch which was to leave Martin Creek near the South line of NW¼ of the SW¼ of Section 19, Township 29 North, Range 4 East M. D. M., on the West side of Martin Creek and running Southwest upon the North half of Section 25 Township 29 N R 3 East M. D. M., said water to be used for irrigation purposes in Battle Creek Medows Teham_ County.

In Book "G" of Miscellaneous Records at page 551, appears a record of a water claim made by W. E. GERBER. The claim is dated August 22, 1898 and recordedAugust 26, 1898. W. E. GERBER claims the water flowing in Martin Creek to-wit: a prong of the South Fork of Battle Creek at a point near the center of the SE¼ of the NE¼ of Section 25 Township 29 N. R. 3 East M. D. M., Tehama County, California, to the extent of 100 inches of water measured under a 4 inch pressure. the water to be used to irrigate adjacent lands. W. E. GERBER also claims the right to divert water by means of a dam across said creek and a ditch or ditches on each side of said creek of sufficient capacity to properly carry 100 inches of water.

A Notice of Water Claim on Martin Creek, Tehama County, California, dated June 3, 1939, was filed for record June 5, 1939 at 10:20 A.M., File No. 1366, Records of Tehama County. The Claim is signed by WARREN N. WOODSON, FLORENCE E. WOODSON, NELLIE V. BERESFORD, HAROLD

V. BERESFORD and CATHERINE A. BERESFORD. Refers to the original Notice of claim recorded September 1, 1894 and recorded in Book "G" of Miscellaneous Records at page 128, Records of Tehama County. Claims the right to supply a quantity of 0.25 of a cubic foot of water per second of time for use from January 1 to December 31 of each year for domestic, recreational and fire protection purposes in the area known and used as the Headquarters Area for Lassen Volcanic National Park, together with notice of a change in Point of Diversion and the place of use and the purpose of use of said water.

Liability limited hereunder to $30.00.

Very truly yours,

TEHAMA COUNTY TITLE COMPANY

By _____
Manager

TEHAMA COUNTY TITLE COMPANY · ESTABLISHED 1913 · RED BLUFF, CALIF.

DATED: June 9, 1939
9:01 A.M.

06-06-1939: indenture between w.n. woodson and florence e. woodson, his wife, nellie v. beresford, a widow, harlod k. beresford and catherine a. beresford, his wife, parties of the first part, and the usa, as a party of the second part

Reg. Attorney Taylor

THIS INDENTURE, made this 6th day of June, 1939, between W. N. WOODSON and FLORENCE E. WOODSON, his wife, NELLIE V. BERESFORD, a widow, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, parties of the first part, and THE UNITED STATES OF AMERICA, as party of the second part,

W I T N E S S E T H :

That the parties of the first part, for and in consideration of the sum of Five Thousand One Hundred Fifty Dollars ($5,150.00), lawful money of the United States, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said party of the second part, it s successors and assigns, that portion of their certain rights in and to the use of the waters of Martin Creek, and/or its tributaries, within the County of Tehama, State of California, particularly described as follows:

> The unqualified right to divert twenty-five one-hundredths (0.25) second feet of water, for use during the entire year, said right to have a priority as of August 30, 1894, the said right being a portion of that certain right to convey and use 150 inches of water measured under a 4-inch pressure, originally acquired by Bert Hampton by virtue of a Notice of Appropriation of Water dated August 30, 1894, and recorded in the office of the County Recorder of said County of Tehama on September 1, 1894, in Book "G" of Miscellaneous Records, at page 128; and said right being the same right as that referred to in that certain "Notice of Water Claim - Martin Creek - Change of Point of Diversion and Places and Purposes of Use" dated June 3, 1939, and filed for record in the office of the County Recorder of the County of Tehama, State of California, on June 5, 1939, and which bears Recorder's No. 1366;

The parties of the first part will warrant to the party of the second part all the said property against every person lawfully claiming the same, and said parties of the first part covenant with the party of the second part that they and all persons acquiring any interest in the property granted through them or for them, will, on demand, execute and deliver to the party of the second part, and at their own expense, any further assurance of the same that may be reasonably required;

Received duplicate copy of Supt's. memorandum of June 10, 1939, to the Director.

CURTISS E. WETTER
ATTORNEY AT LAW
ANGLO BANK BLDG.
RED BLUFF, CALIFORNIA

IN ADDITION, the parties of the first part for themselves, their executors, assigns and successors, do by these presents hereby remise, release and forever quitclaim unto the party of the second part a portion of the total rights to the use of the waters of said Martin Creek which they may possess by virtue of the ownership of riparian lands adjacent thereto, to the extent of twenty-five one-hundredths (0.25) of a cubic foot of water per second of time. It is the intention of the parties hereto that the party of the second part shall be protected, in its use of the waters and water right herein granted, against any adverse claims of parties of the first part or any successor in interest in and to the lands now owned by parties of the first part which may arise by virtue of riparian ownership or ownership of that portion of the above described appropriative right not herein conveyed;

FURTHER, the parties of the first part do by these presents recognize the right now existing in favor of the party of the second part to enter upon, construct and forever maintain a buried pipe line to conduct water from Martin Creek to lands of the United States across lands owned by parties of the first part, and in accordance with any alignment selected by party of the second part over the following described tracts:

In Township 29 North, Range 4 East, Mount Diablo Base and Meridian:

Section 19:
The Southwest Quarter of the Northwest Quarter (SW¼ of NW¼), and the Northwest Quarter of the Southwest Quarter (NW¼ of SW¼).

In Township 29 North, Range 3 East, Mount Diablo Base and Meridian:

Section 24:
The Northeast Quarter of the Southeast Quarter (NE¼ of SE¼), and the Southeast Quarter of the Southeast Quarter (SE¼ of SE¼).

Section 25:
The Northwest Quarter of the Northeast Quarter (NW¼ of NE¼), and the Southeast Quarter of the Northwest Quarter (SE¼ of NW¼).

CURTISS E. WETTER
ATTORNEY AT LAW
ANGLO BANK BLDG.
RED BLUFF, CALIFORNIA

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the party of the second part, its grantees and successors forever;

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

W. N. WOODSON

FLORENCE E. WOODSON

NELLIE V. BERESFORD

HAROLD K. BERESFORD

CATHERINE A. BERESFORD

STATE OF CALIFORNIA)
: ss.
County of Tehama)

On this 6th day of June, 1939, before me, CURTISS E. WETTER, a Notary Public in and for said County and State, personally appeared W. N. WOODSON, FLORENCE E. WOODSON, NELLIE V. BERESFORD, HAROLD K. BERESFORD AND CATHERINE A. BERESFORD, known to me to be the persons whose names are subscribed to the foregoing instrument, and they acknowledged to me that they executed the same.

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

(SEAL)

CURTISS E. WETTER
Notary Public in and for the County of Tehama, State of California.

CURTISS E. WETTER
ATTORNEY AT LAW
ANGLO BANK BLDG.
RED BLUFF, CALIFORNIA

We, the undersigned, ELBERT N. HAMPTON and OLEN J. HAMPTON, the owners and holders of the beneficial interest in and to that certain Deed of Trust dated April 20, 1928, and recorded in the office of the County Recorder of the County of Tehama, State of California, on said 20th day of April, 1928, in Liber "1" of Official Records, at page 91, Records of Tehama County, California, and of the obligations thereby secured, do hereby release from the said Deed of Trust and from the lien thereof the water rights and appurtenances conveyed by the within warranty deed, and agree that The United States of America shall have the rights and property taken by said Warranty Deed freed from the lien and operation of said Deed of Trust; and we instruct the Trustees in said Deed of Trust named to release and reconvey such rights.

Dated June 6th, 1939.

ELBERT N. HAMPTON

Elbert N. Hampton

OLEN J. HAMPTON

Olen J. Hampton

STATE OF CALIFORNIA)
: ss.
County of Tehama)

On this 6th day of June, 1939, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ELBERT N. HAMPTON and OLEN J. HAMPTON, known to me to be the persons whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, the day and year in this certificate first written.

(SEAL)

W. N. MOORE

Notary Public in and for the County of Tehama, State of California.

CURTISS E. WETTER
ATTORNEY AT LAW
ANGLO BANK BLDG.
RED BLUFF, CALIFORNIA

Pursuant to the direction of the owners of the beneficial interest in and to that certain Deed of Trust dated the 20th day of April, 1928, and recorded in the office of the County Recorder of the County of Tehama, State of California, on the said 20th day of April, 1928, in Liber "1" of Official Records, at page 91, Records of said Tehama County, we, the undersigned, as Trustees, do hereby grant and convey unto The United States of America, without warranty, all the estate and interest derived to us under said Deed of Trust in and to the water rights conveyed by the above and within Warranty Deed; and do hereby release such water rights from the lien and operation of said Deed of Trust.

Dated June 6, 1939.

ERLE GANS Trustee

W. G. MOORE Trustee

STATE OF CALIFORNIA)
: ss.
County of Tehama)

On this 6th day of June, 1939, before me, the undersigned a Notary Public in and for said County and State, personally appeared ERLE GANS, known to me to be the person whose name is subscribed to the above instrument as Trustee, and he acknowledged to me that he executed the same as such Trustee.

WITNESS my hand and official seal.

CURTISS E. WETTER
Notary Public in and for the County of Tehama, State of California.

(SEAL)

STATE OF CALIFORNIA)
: ss.
City & County of San Francisco)

On this 8th day of June, 1939, before me, the undersigned a Notary Public in and for said City, County and State, personally appeared W. G. MOORE, known to me to be the person whose name is subscribed to the above instrument as Trustee, and he acknowledged to me that he executed the same as such Trustee.

WITNESS my hand and official seal.

ANNA B. De LAUNAY
NotaryPublic in and for the City & County of San Francisco, State of California.

(SEAL)

My Commission Expires October 8, 1942

CURTISS E. WETTER
ATTORNEY AT LAW
ANGLO BANK BLDG.
RED BLUFF, CALIFORNIA

I, the undersigned, W. V. BERSFORD, also known as Willis V. Beresford, the owner and holder of the beneficial interest in and to that certain Deed of Trust dated November 7, 1934, and recorded in the office of the County Recorder of the County of Tehama, State of California, on November 15, 1934, in Liber "64" of Official Records, at page 471, Records of said Tehama County, and of the obligations thereby secured, and the owner and holder of the beneficial interest in and to that certain Deed of Trust dated January 2, 1939, and recorded in the office of the County Recorder of the County of Tehama, State of California, on January 13, 1939, in Liber "46" of Official Records, at page 353, Records of said Tehama County, and of the obligations thereby secured, DO HEREBY RELEASE from said Deeds of Trust and from the liens thereof the water rights and appurtenances conveyed by the within Warranty Deed; and agree that The United States of America shall have the rights and property taken by said Warranty Deed, freed from the liens and operation of said Deeds of Trust; and I instruct the Trustees in said Deeds of Trust named to release and reconvey such rights.

Dated June 6th, 1939.

WILLIS V. BERESFORD

STATE OF CALIFORNIA)
: ss.
County of TEHAMA)

On this 6th day of June, 1939, before me, the undersigned, a Notary Public in and for said County and State, personally appeared W. V. BERESFORD, also known as WILLIS V. BERESFORD, known to me to be the person whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, the day and year in this certificate first written.

(SEAL)

LUCILLE YOULES
Notary Public in and for the County of Tehama, State of California.

CURTISS E. WETTER
ATTORNEY AT LAW
ANGLO BANK BLDG.
RED BLUFF, CALIFORNIA

Pursuant to the direction of the owners of the beneficial interest in and to that certain Deed of Trust dated the 7th day of November, 1934, and recorded in the office of the County Recorder of the County of Tehama, State of California, on the 15th day of November, 1934, in Liber "64" of Official Records, at page 471, Records of said Tehama County, I , the undersigned, as Trustee, do hereby grant and convey unto The United States of America, without warranty, all the estate and interest derived to me under said Deed of Trust in and to the water rights conveyed by the above and within Warranty Deed; and do hereby release such water rights from the lien and operation of said Deed of Trust.

Dated June 6th , 1939.

CURTISS E. WETTER Trustee

STATE OF CALIFORNIA)
: ss.
County of Tehama)

On this 6th day of June, 1939, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CURTISS E. WETTER, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same as such Trustee.

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

(SEAL) LUCILLE YOULES
Notary Public in and for the County of Tehama, State of California.

CURTISS E. WETTER
ATTORNEY AT LAW
ANGLO BANK BLDG.
RED BLUFF, CALIFORNIA

Pursuant to the direction of the owners of the beneficial interest in and to that certain Deed of Trust dated the 2nd day of January, 1939, and recorded in the office of the County Recorder of the County of Tehama, State of California, on the 13th day of January, 1939, in Liber "46" of Official Records, at page 353, Records of said Tehama County, we, the undersigned, as Trustees, do hereby grant and convey unto The United States of America, without warranty, all the estate and interest derived to us under said Deed of Trust in and to the water rights conveyed by the above and within Warranty Deed; and do hereby release such water rights from the lien and operation of said Deed of Trust.

Dated June 6th, 1939.

C. D. HILL Trustee

L. L. MILLION Trustee

STATE OF CALIFORNIA)
: ss.
County of Tehama)

On this 6th day of June, 1939, before me, the undersigned, a Notary Public in and for said County and State, personally appeared C. D. HILL and L. L. MILLION, known to me to be the persons whose names are subscribed to the foregoing instrument as Trustees, and acknowledged to me that they executed the same as such Trustees.

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

OLGA LIERSCH
Notary Public in and for the County of Tehama, State of California.

(SEAL)

CURTISS E. WETTER
ATTORNEY AT LAW
ANGLO BANK BLDG.
RED BLUFF, CALIFORNIA

06-05-1939: notice of trespassing upon lands

COPY*

COPY

NOTICE

TO WARREN N. WOODSON, FLORENCE E. WOODSON, NELLIE V. BERESFORD, CATHERINE A. BERESFORD and HAROLD K. BERESFORD:

YOU ARE HEREBY NOTIFIED that you, your employees, agents and servants have been trespassing upon lands owned by the estate of W. E. Gerber, deceased, ripqrian to Martin Creek by cutting timber upon said land and by digging a trench across said lands for the purpose of diverting a portion of the waters of said Martin Creek to the headquarters of the Lassen Volcanic National Park, and that the agreement dated March 5, 1935 between the trustees of the W. E. Gerber Estate and yourselves does not grant, or purport to grant, a right of way for a pipe line for the said Volcanic National Park headquarters, except upon condition that such pipe line should be completed within three years from the time of said agreement;

YOU ARE FURTHER NOTIFIED that by reason of the failure to enter a binding agreement with the said Volcanic National Park and your failure to cause a pipe line to be laid and completed within three years from the date of said agreement of March 5, 1935, your right to measure that portion of the waters of Martin Creek which you are entitled to divert and use, as defined by said agreement, shall be measure under a four inch pressure, and not under a six inch pressure;

YOU ARE FURTHER NOTIFIED that the location and establishment of a new point of diversion of the waters of said Martin Creek can only be by agreement with the trustees of the Estate of W. E. Gerber, deceased, and that the trustees of the the estate of said W. E. Gerber, deceased, will immediately file an action to enjoin you and each of you, your employees, agents and servants from continuing the trespass hereinbefore referred to, and or from establishing a new diversion point upon said Martin Creek without the consent or approval of said trustees of said W. E. Gerber Estate;

COPY COPY

YOU ARE FURTHER NOTIFIED that this notice is given pursuant to instructions received this day from the trustees of the Estate of W. E. Gerber, deceased,

Dated this 5th day of June, 1939.

(Signed) Pugh &Pugh
Pugh & Pugh, attorneys for the trustees of the Estate of W. E. Gerber, deceased.

05-08-1939: appraisal sheet

REC'D MAY 10 1939

APPRAISAL SHEET

Date May 8, 1939.

Present Owner W. N. Woodson and H. K. Beresford

Tract No _____ Acres _____

Location _____

A. Land

1. Cleared

(a) Under cultivation _____ Acres @ $_____ per Ac. $_____

(b) Uncultivated _____ Acres @ $_____ per Ac. _____

2. Uncleared Land

(a) Timber Land _____ Acres @ $_____ per Ac. _____

(b) Brush and cut over land _____ Acres @ $_____ per Ac. _____

Total Value of Land $_____

B. Improvements - Present value.

1. Dwelling or dwellings $_____

2. Outbuildings _____

3. Fences _____

4. Other tangible values Water Right for 0.25 second foot $5400.

Total value of improvements $_____

Total value of land _____

Total value of property $5400.

Remarks See remarks on following page.

Concurred in by:

Joseph E. Taylor
Regional Attorney, National Park Service.

C. Ward Gunn
Associate Engineer, National Park Service.

Prepared by Nelson C. Nesbitt
Superintendent, Lassen Volcanic National Park.

This appraised water right is a portion of the first known appropriative right on Martin Creek, Tehama County, California. It has a priority right of August 30, 1894, by recordation in the County Recorder's Office, and, under the terms of the option, is to be confirmed by certificate of the State Engineer approving changed point of diversion and changed places and methods of use.

The California State Railroad Commission has appraised a limited number of northern California water rights for municipal purposes with an average value of approximately $40,000 per second foot, and except for unusual cases a minimum of $24,000 per second foot. These values are reproduction costs, and sale prices, which are not available, may be much higher.

Capitalizing profits on irrigation use of water in the Mineral area gives a slightly lower value, but the agricultural activity is rapidly being replaced by recreational developments with water values comparable to those of a municipality.

The accompanying appraisal, at $21,600 per second foot, is approximately a minimum for recreational and domestic use on the basis of present development, and a maximum for agricultural purposes. This value is fully justified by:

1. The priority of the water right.

2. It is to be further protected by quitclaim deeds to an equal amount of the riparian right in the stream.

3. The option provides for an "unqualified right to twenty-five hundredths (0.25) second feet ..... during the entire year." By this, the United States will not have to share with the vendor in any proration of water deficits in dry years, and the vendor thus agrees to transfer the water free from claims of other water users.

This water right is valuable to the park because of this early priority, and because it is essential that a water supply be provided for Park Headquarters at Mineral, for which purpose this acquisition is proposed to be made.

08-30-1939: letter to lassen volcanic national park from acting forest supervisor regarding amendment to be attached to special use permit

COPY

U
USES, Lassen
Lassen Volcanic National Park
Water Transmission, Conduit 5/2/39

AMENDMENT TO BE ATTACHED TO SPECIAL USE
PERMIT OF LASSEN VOLCANIC NATIONAL PARK AND MADE A PART THEREOF.

. . . . . .

Paragraph No. 1 of the above special use permit is hereby amended to read "Right of way for 300 feet of 6 inch metallic pipe, 308 feet of perforated 14 inch pipe, 300 feet of 12 inch perforated pipe and a concrete settling basin, all in the NW¼NW¼ Sec. 19, T. 29 N., R. 4 E., M. D. M., and 26 feet of 6 inch pipe in SW¼SE¼ of Sec. 24, T. 29 N., R. 3 E., M. D. M., as shown on the attached map which is hereby made a part of this permit."

The permit is not otherwise amended.

/s/ R. H. Blood

Approved: August 30, 1939

R. H. BLOOD
Acting Forest Supervisor

08-01-1939: letter to superintendent from woodson and beresford regarding the laying of pipe line in trench

COPY

MINERAL CAMP SITE

Hotel Accommodations :: Housekeeping Cottages
General Merchandise :: Garage

Under the Shadow of Mt. Lassen

Mineral, California

April 1, 1939

Mr. John C. Preston,
Superintendent, Lassen Volcanic Natl. Park,
Mineral, Calif.

Dear Mr. Preston:

Your letter of March 31 quoting Associate Director, A. E. Demaray memorandum regarding the laying of our pipe line in your trench is perfectly satisfactory to us and may we withdraw our suggestion of our letter of March 11th to reserve such right in right of way easement and ask that you proceed with the preparation of final form of option for our sale of water rights to the Park Service.

Hoping this clears up all matters pertaining to the completion of the sale I am,

Sincerely yours,

Woodson & Beresford

Sgd. H. K. Beresford

03-31-1939: letter to h.k. beresford from nps regarding form of option for the purchase of a water right

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MINERAL, CALIFORNIA

March 31, 1939

Mr. H. K. Beresford
Mineral
California

Dear Mr. Beresford:

March 8th, Regional Attorney Taylor submitted to The Director, National Park Service, Washington, D. C., a form of option for the purchase of a water right for .25 second-feet of water for Park Headquarters from the Woodson-Beresford interests. March 10th, we submitted to you a copy of the proposed option agreement with the request that you review it and return it to this office with your comments.

Your letter of March 11th to this office concerning the proposed agreement read in part as follows:

"However we note that there is no provision for the joint use of your trench and intake for the laying of our pipe line in the same trench."

"Therefore may we suggest that you keep this in mind in your final draft for the right of way desired for the installation of the water system here under consideration."

Recently Mr. Taylor received a memorandum from Associate Director, A. E. Demaray, approving the option form. A copy of Mr. Demaray's letter was furnished this office and reads in part as follows:

"There is no objection to permitting Mr. Beresford to lay his pipe line in the trench which will be excavated across his land for the purpose of laying our pipe line, provided his installation does not seriously interfere with ours. No formal permit will be required. As servient tenant, he probably has a right to make any use of his property which does not disturb the line laid by this Service, and there is no objection to his taking advantage of our excavation."

The Washington Office also approves the payment of approximately $5,050.00 for one-quarter of a second-foot of the Woodson-Beresford 1894 Priority.

We will appreciate advice from you as to whether we should proceed with the preparation of the option in final form in accordance with the preliminary form previously submitted.

Sincerely yours,

John G. Preston,
Superintendent

cc- Regional Attorney Taylor
The Director
Regional Director

03-27-1939: memorandum to director from regional attorney regarding approval of form of option as submitted for the purchase of water right

COPY

601 Sheldon Building
March 27, 1939

Memorandum for the Director:

Reference is made to Associate Director A. E. Demaray's memorandum of March 25 approving the form of option as submitted for the purchase of the water right at Lassen Volcanic National Park.

In answer to the inquiry in the fourth paragraph thereof, you are advised that this proposal contemplates an outright purchase of 0.25 second feet of water and does not involve the original proposal whereby an oversized line would be required to provide a private supply. The present proposal contemplates independent lines.

Joseph E. Taylor,
Regional Attorney.

CC: Regional Director, Region IV.
Supt., Lassen Volcanic National Park.

09-15-1933: letter to nps from g.a. starkweather regarding concessions in connection with the water not allowed

COPY

Estate of W. E. Gerber, Deceased
Estate of Henry Gerber, Deceased
Estate of Hattie Gerber, Deceased

Office of
Gerber Estates

426 J Street,
Sacramento, California,
September 15, 1933.

National Park Service,
Mineral, California.

Gentlemen: Attention: Mr. L. W. Collins,

I am sorry that after legal and engineering investigations upon the part of our Estate into the waters of Martin Creek, I was advised by our Attorney that it would be fatal to allow any concessions in connection with the water thereof, and, therefore, I was reluctantly compelled to advise Mr. Woodson of our decision in connection with his supplying you water from Martin Creek. The water is so vital and the very existence of the Gerber Ranch so that we could not, even if we wanted to, in any way jeopardize our riparian rights.

I trust you will appreciate my position as Trustee in the handling of these Estates and accept from me this explanation as it is always desirous on the part of my family and of the Estate and myself to co-operate to the fullest extent with our neighbors. In this instance we were forced under legal instructions to turn down the proposition so far as yourself and Messrs. Woodson and Beresford are concerned.

Yours very truly,

Sgd/ G. A. Starkweather, per L.

GAS:L

660-05.11

COPY

IN THE SUPERIOR COURT OF THE COUNTY OF TEHAMA

STATE OF CALIFORNIA

In the Matter of the Estate

of

Fred G. Beresford, also known as F.G. Beresford, Deceased.

Decree of Final Accounting and Distribution.

H.K. Beresford, Administrator of said estate, having on the 19th day of January, 1925, rendered and filled a full report of his administration, together with a Waiver of account, and waving any proceedings for the settlement of a final account, and a petition for the final distribution of said estate;

And said petition this day regularly coming on to be heard, proof having been made to the satisfaction of the Court that the Clerk has given notice of the hearing of said petition in the manner and for the time prescribed by law;

And it appearing that the rendition and filling of an account has been waived by all of the parties interested in said estate, and the Court finds that there is no necessity for any proceedings for the settlement of a final account herein, and that the residue of said estate remaining on hand for distribution is in all respects as hereinafter described and distributed; and that it appearing that all claims and debts against said deceased, including funeral expenses and expenses of his last illness, and all taxes and costs and expenses of administration, have been fully paid and discharged; that the Inheritance Tax Appraiser, appointed to appraise said estate has filed his report from which it appears that there is no inheritance tax due from said estate, or a lien upon any of the property of said estate; and it appearing to the satisfaction of the Court, and the Court finds, that due and legal notice to creditors to present claims against said

U. S. GOVERNMENT PRINTING OFFICE

COPY

estate has been given in all respects as provided by law, and that more than ten months have elapsed since the first publication of the notice to creditors, and that said estate is now in condition to be finally distributed and closed.

That the residue of said estate now remaining in the hands of the Administrator for distribution consists exclusively of real and personal property described in the petition for Distribution and hereinafter distributed and more fully described in this Decree.

That said Fred G. Beresford, also known as F.F. Beresford, deceased, a resident of the County of Tehama, died intestate on or about the 1st day of February, 1922, leaving him surviving the following heirs at law, to-wit:

Nellie V. Beresford, widow of said deceased, and
Harold K. Beresford, son of said deceased.

Both residing at Corning Tehama County, California, and both over the age of twenty-one years, who are entitled to the distribution of said estate in equal shares.

IT IS ORDERED, ADJUDGED AND DECREED that the Waiver of the rendition and settlement of a final account herein is hereby approved; and that the residue of said estate, remaining in the hands of the Administrator for distribution, including all other property of every kind, not now known or discovered, which may belong to said estate or in which said estate may have an interest, be and the same is hereby distributed as follows, to-wit:

To Nellie V. Beresford and Harold K. Beresford, each an undivided one-half (½) interest therein.

The following is a particular description of said residue of said estate referred to in this Decree and of which distribution is now ordered as aforesaid:

REAL ESTATE: All of those certain pieces, parcels/or tracts of land situate, lying and being in the County of Tehama, State of

U. S. GOVERNMENT PRINTING OFFICE

California, and described as follows, to-wit:

All of Lots One (1), Two (2) Three (3) and Four (4) in Block Sixty (60), of Maywood Addition to the Town (now City) of Corning, as the same are laid down on the official plat thereof now on file in the office of the County Recorder of said Tehama County, including the dwelling house and improvements thereon.

An undivided one-half ($\frac{1}{2}$) interest in and to: Lots Two (2) and Three (3) of Section Nineteen (19) Township Twenty nine (29) North Range Four (4) East, Mount Diablo Base and Meridian; ALSO The East half ($E\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section Twenty-four (24) the North Half ($N\frac{1}{2}$) of Northeast quarter ($NE\frac{1}{4}$); South west Quarter ($SW\frac{1}{4}$) of Northeast quarter ($NE\frac{1}{4}$); Southeast quarter ($SE\frac{1}{4}$) of Northwest quarter ($NW\frac{1}{4}$) and Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section twenty-five (25) and the Northeast quarter $NE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) and the North half ($N\frac{1}{2}$) of Northeast quarter ($NE\frac{1}{4}$) of Section Twenty-six (26) all in Township Twenty-nine (29) North, of Range Three (3) East, Mount Diablo Base and Meridian Containing in all 479 acres, according to the Official Plats of the Surveys of said lands returned to the General Land Office by the Surveyor General.

Together with all water and water ditches and water rights and ditch rights upon and appurtenant to and belonging with said described lands.

PERSONAL PROPERTY:

Seventeen Thousand Four Hundred (17,400) Shares of the Capital stock of Northern California Nursery

U. S. GOVERNMENT PRINTING OFFICE

Co, a corporation of Corning, California, par value $1.00 each

ALSO Six (6) Shares of the capital stock of the California Peach and Fig Growers, a corporation, organized under the laws of the State of California.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said Administrator, upon delivery of the residue of said personal property as hereinbefore provided and ordered and upon filing due and proper vouchers and receipts therefor, shall be fully and finally discharged from his trusts as such Administrator.

Dated February 2nd 1925

ENDORSED,
FILED
FEB 2-1925

H. G. KUHN, CLERK

By R.H. Holthe
Deputy Clerk

John F. Ellison
Judge of the Superior Court

STATE OF CALIFORNIA)
SS
COUNTY OF TEHAMA)

I.H.G. KUHN, County Clerk of the County of Tehama, State of California, and Clerk of the Superior Court, do hereby certify that I have compared the foregoing copy of Decree of Final Accounting and Distribution Estate of Fred G. Beresford, Deceased and of the endorsements thereon with the original records of the same remaining in this office, and that the same are correct transcripts therefrom and of the whole of said original records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court of the County of Tehama, the 2nd day of February 1925

H. G. Kuhn
County Clerk and ex-officio Clerk
of the Superior Court of said
Tehama County

SEAL

By R. H. Holthe
Deputy Clerk

7—1404

U. S. GOVERNMENT PRINTING OFFICE

COMPARED

266

Recorded at request of E.L. Randall Feb 2 1925 at 41 min past 10 o'clock A.M. in liber 118 of Deeds page 184 Records of Tehama County

H. G. Kuhn
Recorder

By Kathryn E. White
Deputy

C O P Y

7—1404

U. S. GOVERNMENT PRINTING OFFICE

01-12-1920: indenture between elbert l. hampton, the party of the first, and warren n. woodson and f.g. beresford

COPY

THIS INDENTURE, made this 12th day of January in the year of our Lord one thousand nine hundred and Twenty; Between Elbert L. Hampton, also known as Bert Hampton, a single person, of Tehama County, California the party of the first part, and Warren N. Woodson and F. G. Beresford of said Tehama County the parties of the second part;

WITNESSETH: That the said party of the first part for and in consideration of the sum of Ten & 00/100 DOLLARS Lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents GRANT, BARGAIN, SELL and CONVEY unto the said parties of the second part, and to their heirs and assigns forever, all those certain lots and parcels of land, situate, lying and being in the County of Tehama, State of California, and bounded and particularly described as follows, to-wit:

U. S. Rev. Stamps $10.00 E.L.H. 1/12/20

Lots two (2) and three (3) of section nineteen (19) township twenty nine (29) north range four (4) East, M. D. M. Also East half of South East quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) of Section twenty four (24): North half of Northeast quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) South West quarter of north east quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$): South east quarter of north west quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) North West quarter of north west quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of section twenty five (25) North east quarter of north west quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) and north half of north east quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$ of section twenty six (26) All in township twenty nine (29) north range three East, M. D. M. and containing in all 479 acres, more or less.

Together with all water and water ditches and water rights and Ditch rights upon and appurtenant to and belonging with said described lands.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold, all and singular the said premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunder set my hand and seal the day and year first above written.

Signed, Sealed and delivered
in the Presence of

ELBERT L. HAMPTON (Seal)
also known as

N. A. Gernon BERT HAMPTON (Seal)

STATE OF CALIFORNIA,
SS
COUNTY OF TEHAMA

On this 12th day of January, in the year one thousand nine hundred and Twenty before me, N. A. Gernon, a Notary Public in and for the County of Tehama, personally appeared Elbert L. Hampton, also known as Bert Hampton known to me to be the same person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal at my office in the said County of Tehama, the day and year in this Certificate first above written.

(Seal)

N. A. GERNON
Notary Public in and for the County of
Tehama, State of California

Recorded at the request of H. S. Gans Jan 13, A. D., 1920 at 50 min past 4 o'clock P. M., and recorded in Vol. "100" of Deeds, page 170, Tehama County Records.

H. G. KUHN, County Recorder
By Mattie A. Moore, Deputy Recorder

7—1404

U. S. GOVERNMENT PRINTING OFFICE

05 ADMIN

Lassen Volcanic National Park

MARTIN CREEK WATER SYSTEM

Administrative Agreements

05-15-1939: letter to superintendent from administrative officer regarding standardizing clauses for special use permits

February 7, 1968

2720
Lassen Volcanic National Park
Water Transmission (Conduit)
5/15/39

Superintendent
Lass Volcanic National Park
Mineral, California 96063

Dear Permittee:

We are presently standardizing the clauses for our special use permits. Therefore, enclosed is an amendment to your permit which should be attached to your copy of the permit and made a part thereof.

If you have any questions concerning this, please contact the District Ranger responsible for administering your permit.

Sincerely yours,

PAUL D. REILING
Administrative Officer

By Roy F. Delfuer

Enclosure

cc: Mineral w/copy of amendment.

SPECIAL USE PERMIT AMENDMENT NO. 2

The special use permit issued to Lassen Volcanic National Park on May 15, 1939 by W.J. Orr, Acting Forest Supervisor is hereby amended as follows:

Addition of the following clauses:

20. Avalanches, rising waters, high wind and falling limbs or trees are natural occurrences in the forest for which the permittee shall not hold the Forest Service nor the Government responsible. While these occurrences cannot be foreseen, they present a risk which the permittee must assume. The permittee has the responsibility of inspecting his site and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and securing permission from the Forest Service to remove such hazards.

21. The permittee shall be responsible for the prevention and control of soil erosion and gullying on the area covered by this permit and lands adjacent thereto, and shall provide preventive measures as required.

22. The permittee shall perform all work with explosives in such a manner as not to endanger life or property. All storage places for explosives and inflammable material shall be marked Dangerous. The method of storing and handling explosives and inflammable materials shall conform with all federal, state, and local laws, by-laws and regulations.

It is understood that this amendment shall not operate to alter nor amend said permit in any other respect than is herein specified and shall not in any way constitute a waiver of any part, provision, or condition of said permit, and every such part, provision, or condition of said permit shall apply equally to this amendment.

Adrian E. Dalton SE.

ADRIAN E. DALTON
Forest Supervisor

Date: FEB 7 1968

08-30-1939: agreement to be attached to special use permit of lassen volcanic national park and made a part thereof

U
USES, Lassen
Lassen Volcanic National Park
Water Transmission, Conduit 5/2/39



AMENDMENT TO BE ATTACHED TO SPECIAL USE
PERMIT OF LASSEN VOLCANIC NATIONAL PARK AND MADE A PART THEREOF.

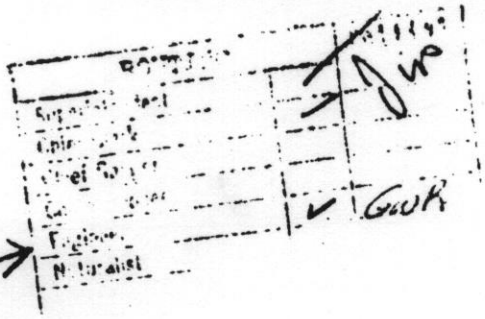
o o o o o o o o o o o o o o o o o o o o o o

Paragraph No. 1 of the above special use permit is hereby amended to read "Right of way for 300 feet of 6 inch metallic pipe, 308 feet of perforated 14 inch pipe, 300 feet of 12 inch perforated pipe and a concrete settling basin, all in the NW¼NW¼ Sec. 19, T. 29 N., R. 4 E., M. D. M., and 26 feet of 6 inch pipe in SW¼SE¼ of Sec. 24, T. 29 N., R. 3 E., M. D. M., as shown on the attached map which is hereby made a part of this permit."

The permit is not otherwise amended.

Approved: August 30, 1939

R. H. BLOOD
Acting Forest Supervisor



Pls. return to
N. Moore for files

660-05.11

00-00-0000: correspondence regarding forest service special use permit for pipeline in connection with martin creek water system to headquarters

File 660-05.1

Correspondence regarding Forest Service

Special Use Permit for pipeline

in connection with Martin
Creek Water System to
Headquarters

00-00-0000: public utilities corporation

10-23
(June 1941)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK

FILE NO. 660-04.1.1

[redacted]

Public Utilities Corporation.

IMPORTANT

This file constitutes a part of the official records of the National Park Service and should not be separated or papers withdrawn without express authority of the official in charge.

All Files should be returned promptly to the File Room.

Officials and employees will be held responsible for failure to observe these rules, which are necessary to protect the integrity of the official records.

NEWTON B. DRURY,
Director.

U. S. GOVERNMENT PRINTING OFFICE 16—22371

03-28-1944: memorandum to regional director from superintendent regarding special use permit

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

LASSEN VOLCANIC NATIONAL PARK
Mineral, California

March 28, 1944

MEMORANDUM for the Regional Director,
Region Four.

We are enclosing herewith the Special Use Permit of May 2, 1939 relating to the Park Service use of lands at the diversion for the Martin Creek Water System. This is the original permit requested by Mr. A. van V. Dunn in his memorandum of March 24. Also enclosed is a letter from Forest Supervisor A. G. Brenneis regarding a correction to be made on the Special Use Permit which supersedes the one issued on May 15, 1939.

James V. Lloyd
Superintendent

Enclosure 1090539
hbr/ls
cc: files
day files

Robinson

901-07 Special Use Permits - Gen. & Misc.
C. R. to 660-05.11 Martin Creek

03-24-1944: memorandum to superintendent from hydraulic engineer regarding permit relating to diversion of martin creek water system

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

March 24, 1944.

MEMORANDUM for the Superintendent,
Lassen Volcanic National Park.

In going through the letter files of your office we found the amendment to the Forest Service permit relating to the Park Service use of lands at the diversion for the Martin Creek Water System, but we did not find the original permit which it amended. Will you please send us the original permit dated May 2, 1939 or send us four copies. In the meantime we are copying the amendment and will see that the original is returned to you later, as I believe all of these original permits should be somewhere other than in the water right instruments or files.

A. van V. Dunn,
Hydraulic Engineer.

COPY

Form 832
(Revised Nov. 1933)

FOREST SERVICE
U S
DEPARTMENT OF AGRICULTURE

U
USES, Lassen
Lassen Volcanic National Park
Water Transmission, Conduit 5/2/39

(Case designation)

SPECIAL USE PERMIT

Permission is hereby granted to Lassen Volcanic National Park

of Mineral, California

to use the following-described lands: right of way for 150 feet of 12 inch perforated pipe in NW¼NW¼ Sec. 19, T. 29 N., R. 4 E., and 26 feet of 5 inch pipe unsurveyed, by metes and bounds, with reference to a road or stream or well-known landmark; right of way by terminal points, direction, and lands occupied) in SW¼SE¼ Sec. 24, T. 29 N., R. 4 E., M. D. M.

(Describe the lands to be occupied, if

for the purpose of constructing and maintaining a pipe line on government lands.
(Briefly but clearly describe the use, giving area of inclosures, length and width of right of way, etc.)

subject to the following conditions:

1. The permittee shall pay to the Regional Fiscal Agent designated by the Forest officer for deposit to the credit of the Treasurer of the United States, in consideration for this use, the sum of Free under Reg. L-2(H) dollars ($_____) for the period from _____, 19___, to December 31, 19___, and thereafter annually, on January 1, _____ dollars ($_____).

2. The permittee shall comply with the regulations of the Department of Agriculture governing the National Forest, shall observe all sanitary laws and regulations applicable to the premises, and shall keep the premises in a neat and orderly condition and dispose of all refuse and locate outhouses and cesspools as required by the Forest officers.

3. This permit is subject to all valid claims.

4. The permittee shall take all reasonable precaution to prevent and suppress forest fires.

5. The permittee, if engaged in business, shall conduct same in an orderly manner and in accordance with all requirements of the laws of the State of California, as well as the laws of the United States.

6. The permittee shall pay the United States for any damage to its property resulting from this use.

7. The permittee shall fully repair all damage, other than ordinary wear and tear, to roads and trails in the National Forests caused by the permittee in the exercise of the privilege granted by this permit.

8. Construction work (or occupancy and use) under this permit shall begin within _____ months, be completed within _____ years from the date of the permit, and this use shall be actually exercised at least _____ days each year, unless the time is extended or shortened.

9. In case of change of address, permittee shall immediately notify the Forest Supervisor.

10. The charges for this use may be readjusted whenever necessary to place this permit on a basis consistent with the charge to other permittees for like privileges. A general readjustment will be made at the end of five years from the date of issuance of permit and at the end of each five-year period thereafter.

11. No National Forest timber may be cut or destroyed without first obtaining a permit from the Forest Supervisor.

12. Upon the abandonment, termination, or revocation of this permit, and in the absence of an agreement to the contrary, the permittee, if all the rental charges due the Government have been paid, may, within a reasonable period to be determined by the issuing officer, remove all structures which have been placed on the premises by him, except where the material was furnished by the Forest Service, but upon failure to remove the structures within that period they shall become the property of the United States.

13. This permit may be transferred with the approval of the officer by whom it was given or his successor, subject to such conditions as may be imposed at the time of transfer. It shall terminate upon breach of any of the conditions herein or at the discretion of the Regional Forester or the Forester.

14. The permittee shall provide, whenever requested by the Forest officers, a way across the land covered by this permit for the free ingress or egress of Forest officers and for users of National Forest land and purchasers of National Forest products.

15. This permit confers no rights upon the permittee to use of the water involved.

16. The permittee shall install and maintain an efficient fish screen at the intake for the 12 inch perforated pipe.

17. Compensation shall be made for damage caused to the property of the United States through the overflow of water.

18. Suitable crossings shall be provided and maintained for roads and trails.

19. The right of way granted under this permit includes only the area actually occupied by the conduit itself.

May 15, 1939
(Date)

(Signed illegible initials)
(Signature of officer issuing permit)

Acting Forest Supervisor
(Title)

05-02-1939: amendment to be attached to special use permit

C O P Y

U
USES, Lassen
Lassen Volcanic National Park
Water Transmission, Conduit 5/2/39

AMENDMENT TO BE ATTACHED TO SPECIAL USE
PERMIT OF LASSEN VOLCANIC NATIONAL PARK AND MADE A PART THEREOF.

. . . . . .

Paragraph No. 1 of the above special use permit is hereby amended to read "Right of way for 300 feet of 6 inch metallic pipe, 308 feet of perforated 14 inch pipe, 300 feet of 12 inch perforated pipe and a concrete settling basin, all in the NW¼NW¼ Sec. 19, T. 29 N., R. 4 E., M. D. M., and 26 feet of 6 inch pipe in SW¼SE¼ of Sec. 24, T. 29 N., R. 3 E., M. D. M., as shown on the attached map which is hereby made a part of this permit."

The permit is not otherwise amended.

/s/ R. H. Blood

Approved: August 30, 1939

R. H. BLOOD
Acting Forest Supervisor

06-08-1939: letter to superintendent from forest supervisor regarding corrected special use permit

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
LASSEN NATIONAL FOREST

Address reply to
FOREST SUPERVISOR
and refer to

Susanville, California

June 8, 1939

U
USES, Lassen
Lassen Volcanic National Park
Water Trans., Conduit 4/22/39
Water Trans., Conduit 5/2/39

Mr. John C. Preston, Superintendent
Lassen Volcanic National Park
Mineral, California

Dear Sir:

We are enclosing herewith corrected Special Use Permit which supersedes the one issued on May 15.

In checking over the above permit for correction, the permit of 5/2/39 was also referred to and we find that in the description an error was made in the latter part. As corrected, it should read "and 26 feet of 5 inch pipe in SW¼SE¼ Sec. 24, T. 29 N., R. 3 E., M.D.M." Will you please change your permit accordingly, as the description should cover R. 3 E., instead of R. 4 E., for Sec. 24.

Very truly yours,

A. G. BRENNEIS
Forest Supervisor

By /s/ R. H. Blood
Acting

Enclosure

08-09-1939: letter to forest supervisor from superintendent regarding amendment to special use permit

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MINERAL, CALIFORNIA

August 9, 1939

Mr. A. G. Brenneis
Forest Supervisor
Susanville, California

Dear Mr. Brenneis:

Amendment to Permit L-B-39, new use permit for Lassen Volcanic National Park for water transportation conduit, is hereby requested. New description is as follows:

1. 26 feet of 5 inch pipe in SW¼ SE¼ Sec. 24 T 29 NR 3E MDM should now read 26 feet of 6 inch pipe in same location as described above.

2. Right of way for 300' of 6" metallic pipe, 308' of perforated 14" pipe, 500 feet of 12-inch perforated pipe and a concrete settling basin all in the NW¼ NW¼ Sec 19 T29 NR4E MDM. Courses and distances are noted on accompanying sketches.

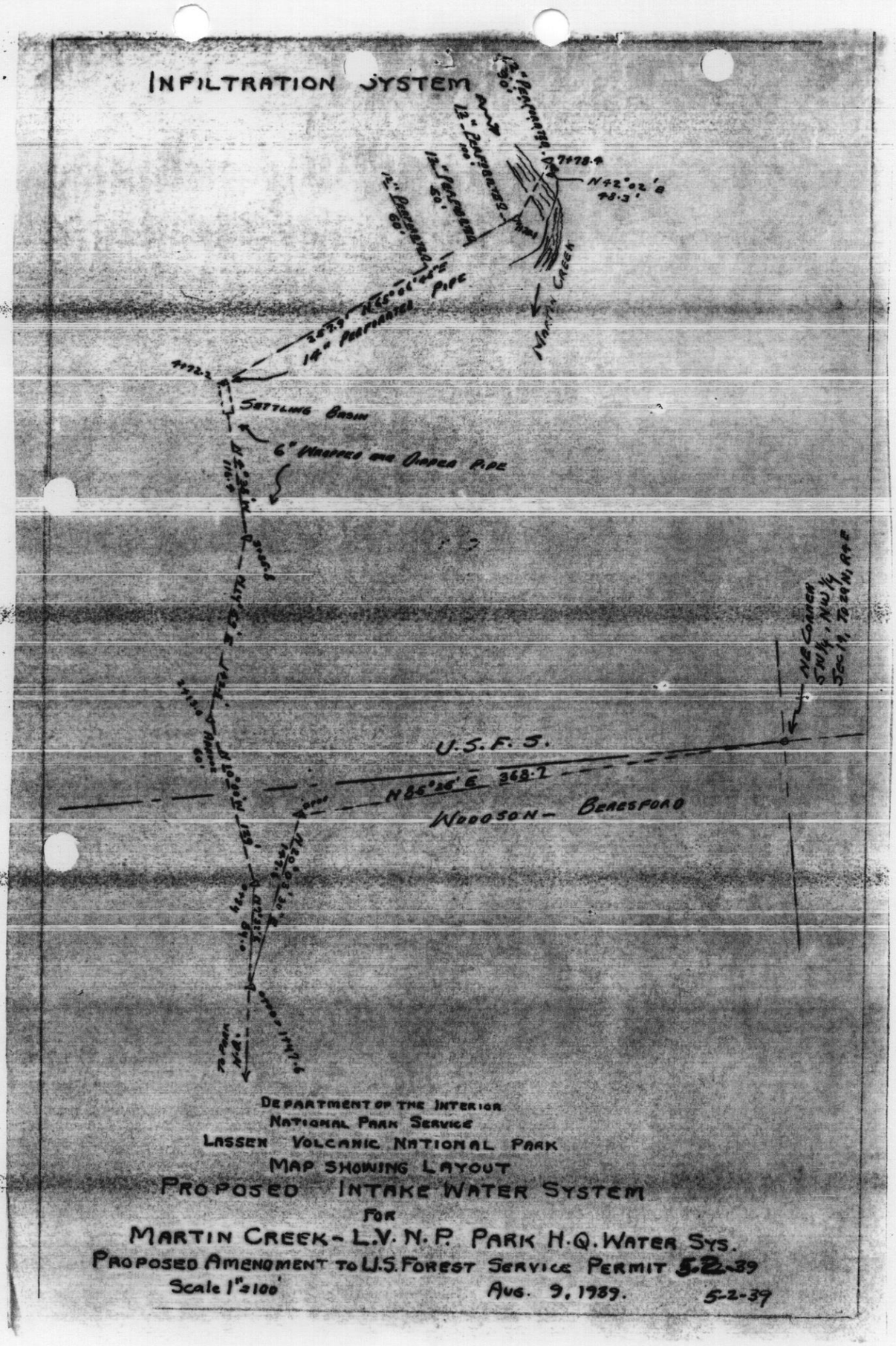
Very truly yours,

John C. Preston
Superintendent

cc: Mr. Brokenshire

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MAP SHOWING LAYOUT
PROPOSED INTAKE WATER SYSTEM
FOR
MARTIN CREEK - L.V. N.P. PARK WATER SYS
PURPOSES UNDER TO U.S. FOREST SERVICE PERMIT L-B-39

08-09-1989: map of martin creek



DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MAP SHOWING LAYOUT
PROPOSED INTAKE WATER SYSTEM
FOR
MARTIN CREEK - L.V.N.P. PARK H.Q. WATER SYS.
PROPOSED AMENDMENT TO U.S. FOREST SERVICE PERMIT 5-2-39
Scale 1"=100' Aug. 9, 1989. 5-2-39

Scale Made July 1998 (Not Part of Image)

0 1 2 3 4 5 6

INCHES

05-11-1939: memorandum to regional attorney from superintendent regarding previous memorandum

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MINERAL, CALIFORNIA

May 11, 1939

Memorandum to Regional Attorney Taylor:

Reference is made to your memorandum of May 11 concerning the use permits from the United States Forest Service which will permit the laying of our pipe line across "Forest" land.

This matter has been discussed with the Supervisor of the Lassen National Forest and permits are now being prepared in the Supervisor's office at Susanville.

Superintendent

JCP:lb

05-11-1939: memorandum to superintendent from regional attorney regarding acquisition of water supply

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

601 Sheldon Building
May 11, 1939

Memorandum for the Superintendent, Lassen Volcanic National Park:

Reference is made to past correspondence relating to the acquisition of a water supply for Mineral Headquarters.

It is believed that you should be considering straightening out the matter of use permits with the Forest Service to permit the laying of our pipe line across their properties. No doubt you have previously given this matter some thought, and this is written to serve only as a reminder.

Joseph E. Taylor

Joseph E. Taylor,
Regional Attorney.

RECEIVED
MAY 13 1939
LASSEN VOLCANIC NATIONAL PARK

ROUTING		Initial
Superintendent		
Chief Clerk		
Chief Ranger		
Commissioner		
Engineer		
Naturalist		

04-24-1939: letter to superintendent from forest supervisor regarding two letters requesting special use permits

Swartzlow
file

RECEIVED
APR 26 1939
LASSEN VOLCANIC NATIONAL PARK

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
LASSEN NATIONAL FOREST

ADDRESS REPLY TO
FOREST SUPERVISOR
AND REFER TO

SUSANVILLE, CALIFORNIA

U
APPLICATIONS
Lassen

April 24, 1939

Mr. John C. Preston, Superintendent
Lassen Volcanic National Park
Mineral, California

Dear Mr. Preston:

Reference is made to Mr. Swartzlow's two letters of April 24 requesting special use permits for a pipe line and for a diversion dam.

These are being sent to Ranger Brokenshire today and as soon as he submits a report upon them to us, which should be within the next few days, we will be very glad to issue special use permits to cover both applications.

Very truly yours,

A. G. BRENNEIS,
Forest Supervisor

George.
Wes would like to know footage of pipe line across Forest Service property between spring on Viola Road & our Headquarters.
Please let me know and I can relay dope to him.
Phil

1700 ft.

04-24-1939: letter to supervisor from acting superintendent regarding installing a new water system

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MINERAL, CALIFORNIA

April 24, 1939

Mr. A. J. Brenneis, Supervisor
Lassen National Forest
Susanville, California

Dear Mr. Brenneis:

As you probably know, we contemplate installing a new water system for our Park Headquarters Area. In order to get sufficient head to bring the water to our storage tank by gravity, it is necessary to divert the water a considerable distance up Martin Creek, our source.

We had expected to place the small diversion dam entirely on the Woodson-Beresford property. However, recent surveys indicate that a portion of the proposed structure will encroach on Forest Service land.

Therefore, we request a special use permit covering this structure as indicated on the attached sketch.

Your early approval of this request would be appreciated since work on the project will start in the near future.

Very truly yours,

John C. Preston
Superintendent

By
Carl Swartzlow
Acting Superintendent

660.05.11

06-08-1939: letter to superintendent from forest supervisor regarding corrected special use permit

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
LASSEN NATIONAL FOREST

Address reply to
FOREST SUPERVISOR
and refer to

Susanville, California

June 8, 1939

U
USES, Lassen
Lassen Volcanic National Park
Water Trans., Conduit 4/22/39
Water Trans., Conduit 5/2/39

Mr. John C. Preston, Superintendent
Lassen Volcanic National Park
Mineral, California

Dear Sir:

We are enclosing herewith corrected Special Use Permit which supersedes the one issued on May 15.

In checking over the above permit for correction, the permit of 5/2/39 was also referred to and we find that in the description an error was made in the latter part. As corrected, it should read "and 26 feet of 5 inch pipe in SW¼SE¼ Sec. 24, T. 29 N., R. 3 E., M.D.M." Will you please change your permit accordingly, as the description should cover R. 3 E., instead of R. 4 E., for Sec. 24.

Very truly yours,

A. G. BRENNAN
Forest Supervisor

By /s/ R. H. Blood
Acting

Enclosure

SPECIAL USE PERMIT AMENDMENT NO. 2

The special use permit issued to Lassen Volcanic National Park on May 15, 1939 by W.J. Orr, Acting Forest Supervisor is hereby amended as follows:

Addition of the following clauses:

20. Avalanches, rising waters, high wind and falling limbs or trees are natural occurrences in the forest for which the permittee shall not hold the Forest Service nor the Government responsible. While these occurrences cannot be foreseen, they present a risk which the permittee must assume. The permittee has the responsibility of inspecting his site and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and securing permission from the Forest Service to remove such hazards.

21. The permittee shall be responsible for the prevention and control of soil erosion and gullying on the area covered by this permit and lands adjacent thereto, and shall provide preventive measures as required.

22. The permittee shall perform all work with explosives in such a manner as not to endanger life or property. All storage places for explosives and inflammable material shall be marked Dangerous. The method of storing and handling explosives and inflammable materials shall conform with all federal, state, and local laws, by-laws and regulations.

It is understood that this amendment shall not operate to alter nor amend said permit in any other respect than is herein specified and shall not in any way constitute a waiver of any part, provision, or condition of said permit, and every such part, provision, or condition of said permit shall apply equally to this amendment.

Adrian E. Dalton

ADRIAN E. DALTON
Forest Supervisor

Date: FEB 7 1968

COPY

Form 832
(Revised Nov. 1933)

FOREST SERVICE
U S
DEPARTMENT OF AGRICULTURE

U
USES, Lassen
Lassen Volcanic National Park
Water Transmission, Conduit 5/2/39

SPECIAL USE PERMIT

(Case designation)

Permission is hereby granted to Lassen Volcanic National Park

of Mineral, California

to use the following-described lands: right of way for 150 feet of 12 inch
(Describe the lands to be occupied, if
perforated pipe in NW¼NW¼ Sec. 19, T. 29 N., R. 4 E., and 26 feet of 5 inch pipe
unsurveyed, by metes and bounds, with reference to a road or stream or well-known
in SW¼SE¼ Sec. 24, T. 29 N., R. 4 E., M. D. M.
landmark; right of way by terminal points, direction, and lands occupied)

for the purpose of constructing and maintaining a pipe line on government lands.
(Briefly but clearly describe the use, giving area of
inclosures, length and width of right of way, etc.)

subject to the following conditions:

1. The permittee shall pay to the Regional Fiscal Agent designated by the Forest officer for deposit to the credit of the Treasurer of the United States, in consideration for this use, the sum of Free under Reg. L-2(H) dollars ($_____) for the period from _____, 19___, to December 31, 19___, and thereafter annually, on January 1, _____ dollars ($_____).

2. The permittee shall comply with the regulations of the Department of Agriculture governing the National Forest, shall observe all sanitary laws and regulations applicable to the premises, and shall keep the premises in a neat and orderly condition and dispose of all refuse and locate outhouses and cesspools as required by the Forest officers.

3. This permit is subject to all valid claims.

4. The permittee shall take all reasonable precaution to prevent and suppress forest fires.

5. The permittee, if engaged in business, shall conduct same in an orderly manner and in accordance with all requirements of the laws of the State of California, as well as the laws of the United States.

6. The permittee shall pay the United States for any damage to its property resulting from this use.

7. The permittee shall fully repair all damage, other than ordinary wear and tear, to roads and trails in the National Forests caused by the permittee in the exercise of the privilege granted by this permit.

8. Construction work (or occupancy and use) under this permit shall begin within _____ months, be completed within _____ years from the date of the permit, and this use shall be actually exercised at least _____ days each year, unless the time is extended or shortened.

9. In case of change of address, permittee shall immediately notify the Forest Supervisor.

10. The charges for this use may be readjusted whenever necessary to place this permit on a basis consistent with the charge to other permittees for like privileges. A general readjustment will be made at the end of five years from the date of issuance of permit and at the end of each five-year period thereafter.

11. No National Forest timber may be cut or destroyed without first obtaining a permit from the Forest Supervisor.

12. Upon the abandonment, termination, or revocation of this permit, and in the absence of an agreement to the contrary, the permittee, if all the rental charges due the Government have been paid, may, within a reasonable period to be determined by the issuing officer, remove all structures which have been placed on the premises by him, except where the material was furnished by the Forest Service, but upon failure to remove the structures within that period they shall become the property of the United States.

13. This permit may be transferred with the approval of the officer by whom it was given or his successor, subject to such conditions as may be imposed at the time of transfer. It shall terminate upon breach of any of the conditions herein or at the discretion of the Regional Forester or the Forester.

14. The permittee shall provide, whenever requested by the Forest officers, a way across the land covered by this permit for the free ingress or egress of Forest officers and for users of National Forest land and purchasers of National Forest products.

15. This permit confers no rights upon the permittee to use of the water involved.

16. The permittee shall install and maintain an efficient fish screen at the intake for the 12 inch perforated pipe.

17. Compensation shall be made for damage caused to the property of the United States through the overflow of water.

18. Suitable crossings shall be provided and maintained for roads and trails.

19. The right of way granted under this permit includes only the area actually occupied by the conduit itself.

May 15, 1939
(Date)

(Signed illegible initials)
(Signature of officer issuing permit)

Acting Forest Supervisor
(Title)

08-12-1933: letter to superintendent from acting chief engineer regarding right of way deed

Lassen 820

FILE COPY

August 12, 1933.

Mr. L. W. Collins,
Superintendent,
Lassen Volcanic National Park,
Mineral, California.

Dear Mr. Collins:

We are returning to you herewith the right of way deed and report by Mr. A. M. McCoy, Attorney at Law, pertaining to your plan to obtain water for the Mineral Headquarters Area.

Both of these documents have been reviewed by Mr. Dechant, Attorney for the Forest Service. He reports that the right of way deed appears to be in order, andhas no suggestions to make regarding it. He has reviewed Mr. McCoy's report, but he says can find very little to suggest to supplement Mr. McCoy's recommendations which will be of material help. He said he thought it might expedite the matter some if when you filed on the surplus water it be done jointly with Mr. Woodson. We expect that you will keep us advised regarding developments.

As you know, the $3700 for purchasing and installing the pipe has been set up, but we know that there will be plenty of time to advertise after you have obtained the water.

Sincerely yours,

A. W. Burney,
Acting Chief Engineer.

Encls.

AWB:SH

CC: Geo. W. Reed.

06 DATA

Lassen Volcanic National Park

MARTIN CREEK WATER SYSTEM

Supporting Hydrologic Data

08-12-1933: letter to superintendent from acting chief engineer regarding right of way deed

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
District Office
Water Resources Division
855 Oak Grove Avenue
Menlo Park, California 94025

October 15, 1975

Mr. Gerard S. Witucki
Chief, Division of Water Resources
Western Region, National Park Service
U.S. Department of Interior
450 Golden Gate Avenue
San Francisco, California 94102

Dear Mr. Witucki:

Enclosed are notes and logs prepared by G. L. Bertoldi and R. P. Fogelman of our Sacramento office regarding work done for the National Park Service in Lassen Volcanic National Park during July 22-24, 1975.

Pumping tests and other work on well 29N/3E-26H1 indicate that the well is a low yield well (10 - 30 gpm) that can supply a constant daily demand of about 15 - 40 thousand gallons provided ground water is available in the aquifer. The lack of long-term water level data leaves us without any real means of predicting ground water availability, and the large difference between water levels measured in late autumn of 1974 and those measured in summer of 1975 indicate that in the autumn of precipitation deficient years the aquifer probably will yield very little water. This probability and other geologic and hydrologic data for the well site are discussed in the enclosures.

Very truly yours,

Lee R. Peterson

Lee R. Peterson
District Chief

Enclosures

07-22-1975: note on pumping test at well no. 29n/3e-26h1

NOTES ON PUMPING TEST AT WELL 29N/3E-26H1

(National Park Service well at Mineral, California)

July 22-24, 1975

Pretest and general data:

A step-drawdown test, constant-rate discharge test, and natural-gamma log were made for well 29N/3E-26H1, located one mile west of the town of Mineral and about 0.1 mile south of California State Highway 36. Borehole cuttings taken by the driller and a sample of water from the well were also obtained for analysis.

Well 29N/3E-26H1 was drilled in the autumn of 1974 to a depth of about 146 feet, where the driller encountered what he considered the basement rock and described it as a hard basalt (identified as a vesicular basalt, from cuttings).

The driller installed unperforated casing in the upper 156 feet of the well to keep ground water from above the basalt out of the well, then continued to drill through the basalt until he encountered porous basalt (identified from samples as scoria) at about 188 feet below land surface. Air and drilling fluid were lost so rapidly to the porous basalt that drilling could not continue below 205 feet. Formations below 160 feet did not contain water.

To prevent loss of water from the aquifer above, it was necessary to seal off the porous basalt by cementing the well from 205 feet below land surface up to 180 feet below land surface. The well was completed by removing the 156 feet of unperforated casing and installing a 10-inch diameter casing that is perforated at intervals of 120 to 140 and 145 to 155 feet below land surface. Yield from the well in October 1974 was about 12 gpm with the pump intake at 140 feet below land surface and the water level drawn down to the intake.

On July 21, 1975, the driller measured a water level of 48 feet below land surface, after which he pumped the well for a period of 2 hours and 45 minutes at about 60-65 gpm to clear sediment from the well casing and further develop it. The water level was drawn down to the pump intake (about 154 feet) within one and one-half hours after starting. Four hours after pumping stopped, the water level in the well had recovered to about 88 feet below land surface.

Step-drawdown test:

The test began at 0908 hours, July 22, 1975, with a water level of 88.01 feet below land surface and a pumping rate of 15 gpm. The pumping rate was increased four times until a final rate of 60 gpm was reached. At 60 gpm, the aquifer would not yield enough water to the well so that the water level dropped rapidly to the pump intake (154 feet), thus ending the test when the pump began to take in air. The average specific capacity for well 29N/3E-26H1 is about 1.2 gpm/ft of drawdown.

The well is tapered from a 10-inch casing to a 6 7/8-inch casing at about 156 feet below land surface, so the maximum practical pump setting (for submergible pumps-the size of the test pump, 10 hp) is 156 feet below land surface. With a pump intake setting of about 156 feet and a water level of about 88 feet below land surface, the maximum practical drawdown is about 40 feet which will produce a discharge of 40-45 gpm.

Constant-rate discharge test:

This test was a single well test because no suitable observation well could be found nearby. The test began at 0845 hours, July 23, 1975; water level was 86.32 feet below land surface. Water levels were measured using an electric sounder and discharge rate was measured using an integrating pitot tube and volume-time methods. The discharge rate was very uniform throughout the test, at about 30 gpm. At 1419 hours, the submergible test pump stopped running, but because the driller had installed two identical submergibles at the same depth, the second pump was activated within 10 seconds of the first's stopping and virtually no change was detected in water levels. The drawdown part of the test was concluded at 1845 hours, July 23, 1975. The water-level recovery in the aquifer was measured until 0600 hours, July 24, 1975, at which time water level had recovered to within 0.35 foot of the initial water level of 86.32 feet.

The results of the constant-discharge test indicate a very low transmissivity for the aquifer, about 1,000 gallons per day per foot, and a rather large predicted 24-hour drawdown (33 feet) for a constant pumping rate of about 30 gpm.

43L00
RDD

Water quality:

A water sample taken from the discharge pipe of the pump two hours after pumping started was analyzed in the field for pH, temperature, alkalinity, and electrical conductivity. Results of the field analysis are: pH = 6.5, temperature = 8.5°C, alkalinity = 85 milligrams per litre, conductivity = 90 micromhos of laboratory analysis for dissolved minerals is enclosed.

Analysis of results:

The heterogeneity of aquifer materials, uncertainty about the number of aquifers contributing water to the well, lack of vertical leakage coefficients, and lack of knowledge of boundary conditions contribute to the conditional nature of the results of this test. However, there are some well performance data that can be used to evaluate well 29N/3E-26H1 for future Park Service requirements. The computed transmissivity of 1,000 gallons per day per foot is a reasonably good estimate of the ability of the aquifer to transmit water to the well considering previous experience with materials having similar depositional history and log information. A transmissivity of 1,000 gallons per day per foot is very low and according to one standard[1] is sufficient only for small domestic supplies where continuous daily requirements are in the range of 15-40 thousand gallons.

An important consideration at this well site is whether or not water will be available for the aquifer to transmit to the well.

---

[1] Johnson Division of U.O.P., Inc., 1966, Ground water and wells: Published by Edward E. Johnson, Inc., St. Paul, Minnesota, 440 p.

Borehole cuttings and logs:

The set of samples obtained from the driller were useful in finding two clays, one at the 65-85 foot level and the other at 100-110 foot level, but did not substantiate the presence of a sizeable thickness of clay reported by the driller and partially shown on the enclosed gamma log as the large deflection to the right of the normal trace at the 40-50 foot level. It is possible that the lack of clay in the 40-50 foot samples is because of over washing of the samples or simply that the device used to collect the samples allowed the fine particle sizes to pass through while coarser particle sizes were retained. This is probably true in varying degrees for the entire set of cuttings because the gamma log indicates that most of the column logged is much more heterogeneous than the point samples demonstrate.

Of general geologic interest, one can ascertain from the well cuttings that the geologic time period represented by the upper 150 feet of rocks was one of fluvial and glacio-fluvial deposition with no indication of volcanic activity. The period represented by samples from the 150 foot level to the bottom of the hole was one of quiescent volcanic activity mainly a series of viscous, gaseous, basaltic lava flows. The zone below the 150 foot level is interesting in that the cellular or vesicular basalts and scoria found there are free from any secondary filling (amygdules) by precipitation of water-born minerals such as calcite, quartz, chlorite and epidote, indicating that the section of rock materials below the 150 foot level probably has been devoid of circulating ground water since its emplacement.

Water levels measured at different times show fluctuations as follows:

Date	Water level (in feet below land surface)
Nov. 14, 1974	126
June 25, 1975	60
July 21, 1975	48
July 24, 1975	88
Aug. 4, 1975	78
Sept. 4, 1975	73

Water levels in the well probably closely approximate water levels in Battle Creek Meadow, adjacent to the well, and the large fluctuations probably are a general indicator of ground water availability from deposits underlying the meadow. This test was made following one of the wettest and the second heaviest snowpack on record for the Mineral-Lassen Park area; furthermore, substantial amounts of precipitation occurred a month later in the spring, than usual. As a result, the availability of ground water may have been greater at the time of the test than it has been or will be in midsummer of years having normal amounts of precipitation. Monthly water-level measurements should be made by the National Park Service for a period of at least one year to determine if water levels in the well vary seasonally. Information on the fluctuation of water levels can shed some light on the availability of ground water at the well site at different times of the year and help determine an optimum pumping rate. With only the information available to date, an estimated optimum pumping rate is somewhere between 10-30 gallons per minute; the lower end of the range is preferable.

Chemical quality of water is excellent for almost any use.

Gilbert L. Bertoldi

07-22-1975: analysis of borehole cuttings for well 29n/3e-26h1

ANALYSIS OF BOREHOLE CUTTINGS FOR

Well 29N/3E-26H1

NATIONAL PARK SERVICE WELL

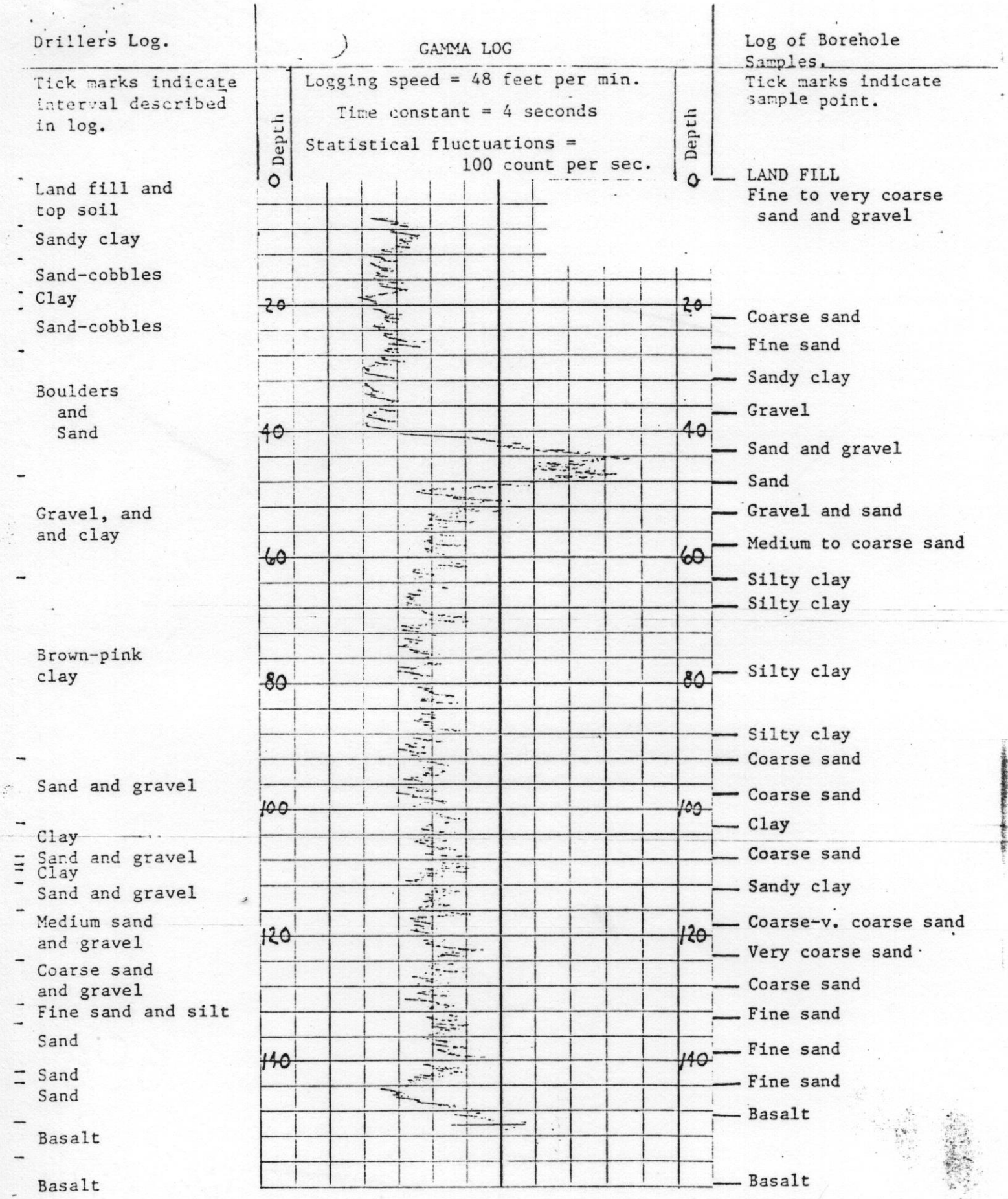
Mineral, California

Depth of sample, in feet below land surface	Description of sample
0 - 5	Land fill. Sand, fine (0.125-0.249 mm) to very coarse (1-1.999 mm), pale yellowish brown, very little quartz (>2 percent of sample).
25	Sand, very fine (0.062-124 mm) to medium (0.25-0.499 mm), light olive gray.
30	Sand, very fine (0.062-124 mm), light olive gray, and silty clay [>5 percent of sample had particles clay-silt range size (0.00025-0.061 mm)]. Sample also contained several pieces of decayed organic matter (probably peat) ranging in size from 0.2-2 mm.
35	Gravel, fine (1-1.999 mm) to coarse (4-7.999 mm), mostly angular to subrounded particles of andesite, rhyolite, and basalt.
40	Gravel, fine (1-1.999 mm) to medium (2-3.999 mm), mostly subrounded rhyolite and basalt; and sand, medium (0.25-0.499 mm) to very coarse (1-1.999 mm), dark gray. Gravel = 70 percent, sand = 30 percent of sample.
45	Gravel, fine (1-1.999 mm) to coarse (4-7.999 mm), mostly very weathered, subrounded basalt; and sand, medium (0.25-0.499 mm) to very coarse (1-1.999 mm), brownish gray. Gravel = 55 percent, sand = 45 percent of sample.
48	Sand, medium (0.25-0.499 mm) to coarse (0.5-0.999 mm), pale yellowish brown; with some medium (2-3.999 mm) gravel.
50	Same as 48 foot sample.

Depth of sample, in feet below land surface	Description of sample
55	Gravel, coarse (4-7.999 mm) to very coarse (8-15 mm), subrounded basalt; and sand, coarse (0.5-0.999 mm) to very coarse (1-1.999 mm), brownish gray. Gravel = 80 percent, sand = 20 percent of sample.
60	Sand, very fine (0.062-0.124 mm) to very coarse (1-1.999 mm), black.
65	Silt and clay (0.00049-0.0007 mm), buff; with gravel, coarse (4-7.999 mm), unweathered basalt. Silt and clay = 90 percent, gravel = 10 percent of sample.
70 75 80 85 90	Silt and clay (0.00049-0.007 mm), silicious, very light gray, probably could be classed as glacial flour.
95 100	Sand, medium (0.25-0.499 mm) to very coarse (1-1.999 mm), greenish gray; with gravel, fine (2-3.999 mm), mostly derived from very weathered dacite and rhyolite. Sand = 65 percent gravel = 35 percent of sample.
105	Clay (0.00049-0.003 mm), buff, with large percentage of clay particles being quartz (35-40 percent).
110	Same as sampled at 95-100 foot interval.
115	Uniform mixture of sand, very fine (0.62-.124 mm), silt (0.004-0.061 mm) and clay (0.00049-0.003 mm), light brown, low (1-3) percentage of quartz present in sample.
120	Sand, coarse (0.5-0.999 mm) to very coarse (1-1.999 mm), light brown, and gravel, fine (2-3.999 mm) to medium (8-15 mm), fine gravel is well rounded, medium gravel, subangular to subrounded. Sand= 60 percent, gravel = 40 percent of sample.
125	Same as sampled at 120 foot.

Depth of sample, in feet below land surface	Description of sample
130	Sand, medium (0.25-0.499 mm) to very coarse (1-1.999 mm), light gray.
135	Sand, medium (0.25-0.499 mm) to coarse (4-7.999 mm). Sample contained 2 large (13 mm) gravel-size fragments.
138 140 145	Sand, medium (0.25-0.499 mm) to coarse (4-7.999 mm), black. Individual grains are derived from vesicular basalt or dacite.
150 155 156	Vesicular basalt, driller originally described this as "cap rock."
160 170 175 180	Vesicular basalt, vesicules somewhat elongated, phenocrysts of hornblende, quartz, and olivine can be seen with aid of microscope.
185	Basalt, dark green to black, some phenocrysts of quartz and olivine.
188	Basalt as described at 185 foot sample point mixed with oxidized (red) scoria.
190	Scoria, deep red, indentified as "cinders" by driller.
205	Scoria, unoxidized, black.
205	Botton of hole.

Note: Textural sizes are in accordance with those described by Lane and others, 1947, Transactions of the American Geophysical Union, v. 28, No. 6, pp. 936-938. Colors are in accordance with the Rock-color chart of the Geological Society of America, Second Printing 1951. These sizes and colors differ from those found on the drillers log but are used because of their wide recognition as uniform standards.



Natural-gamma log of National Park Service well number 29N/3E-26H1 with summarized drillers' and borehole samples logs.

07-22-1975: step-drawdown test

UNITED STATES
DEPARTMENT OF THE INTERI
GEOLOGICAL SURVEY

File No. .....

29N/3E-26H1 Step-Drawdown Test 7-22-75

	Time (Hr:Sec)	Water Level (ft w lsd)		Time (Hr:Sec)	Water Level (ft w lsd)	
0902 hrs	0:00	88.01		64:26	102.75	
	:31	89.95		65:15	102.95	
	1:24	91.95		66:12	103.15	
	2:46	93.95		67:33	103.35	
	3:46	94.95		73:53	103.93	
	4:29	95.45		81:48	104.35	STEP 2
	5:16	95.95		97:57	104.75	Q = 20 gpm
	6:14	96.45		109:09	105.03	
	7:41	96.95		109:40		
	8:30	97.20		110:04	105.95	STEP 3
	9:40	97.45		110:24	106.63	Q = 33 gpm
	10:56	97.70		110:45	107.25	
	12:27	97.95		111:15	108.05	
	13:59	98.15		111:44	108.55	
	15:39	98.35		111:54	108.75	
	17:49	98.55		?	108.95	
	19:08	98.65		112:15	109.15	
	20:27	98.75		112:27	109.35	
	21:55	98.85		112:44	109.55	
	23:27	98.95		113:01	109.75	
	33:06	99.45		113:19	109.95	
	42:06	99.95	STEP 1	113:36	110.15	
	57:24	100.22	Q = 15 gpm	113:56	110.35	
	59:39	100.17		114:19	110.55	
	60:00			114:43	110.75	
	61:22	101.33		115:11	110.95	
	61:55	101.74	STEP 2	116:16	111.35	
	62:25	101.95	Q = 20 gpm	117:43	111.75	
	62:47	102.15		119:47	112.15	
	63:16	102.35		126:52	112.95	
	63:46	102.55		141:47	113.77	

07-22-1975: step-drawdown test, page 2cont

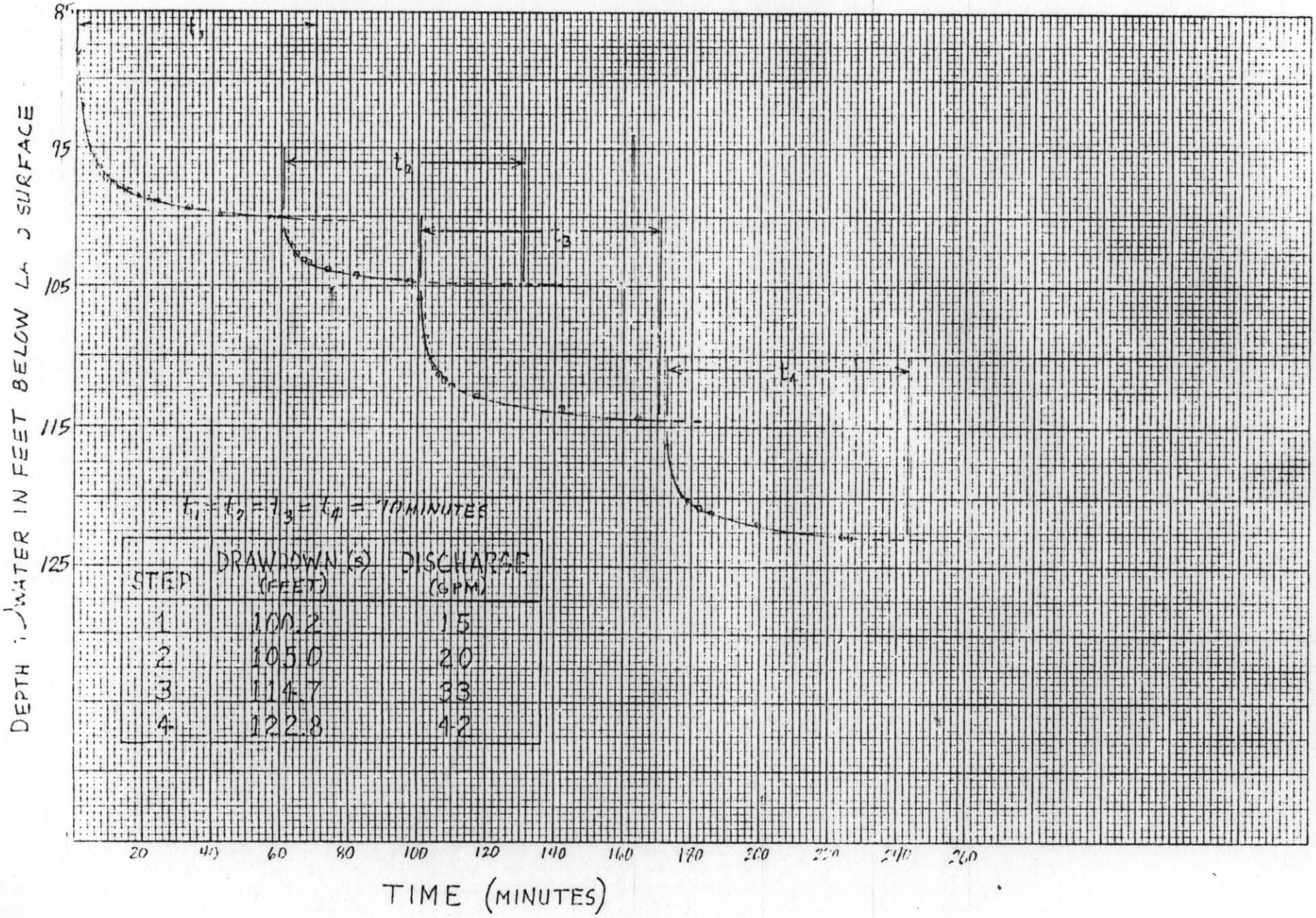
9-2230
Rev. 8-67)

UNITED STATES
DEPARTMENT OF THE INTERI
GEOLOGICAL SURVEY

File No. .....

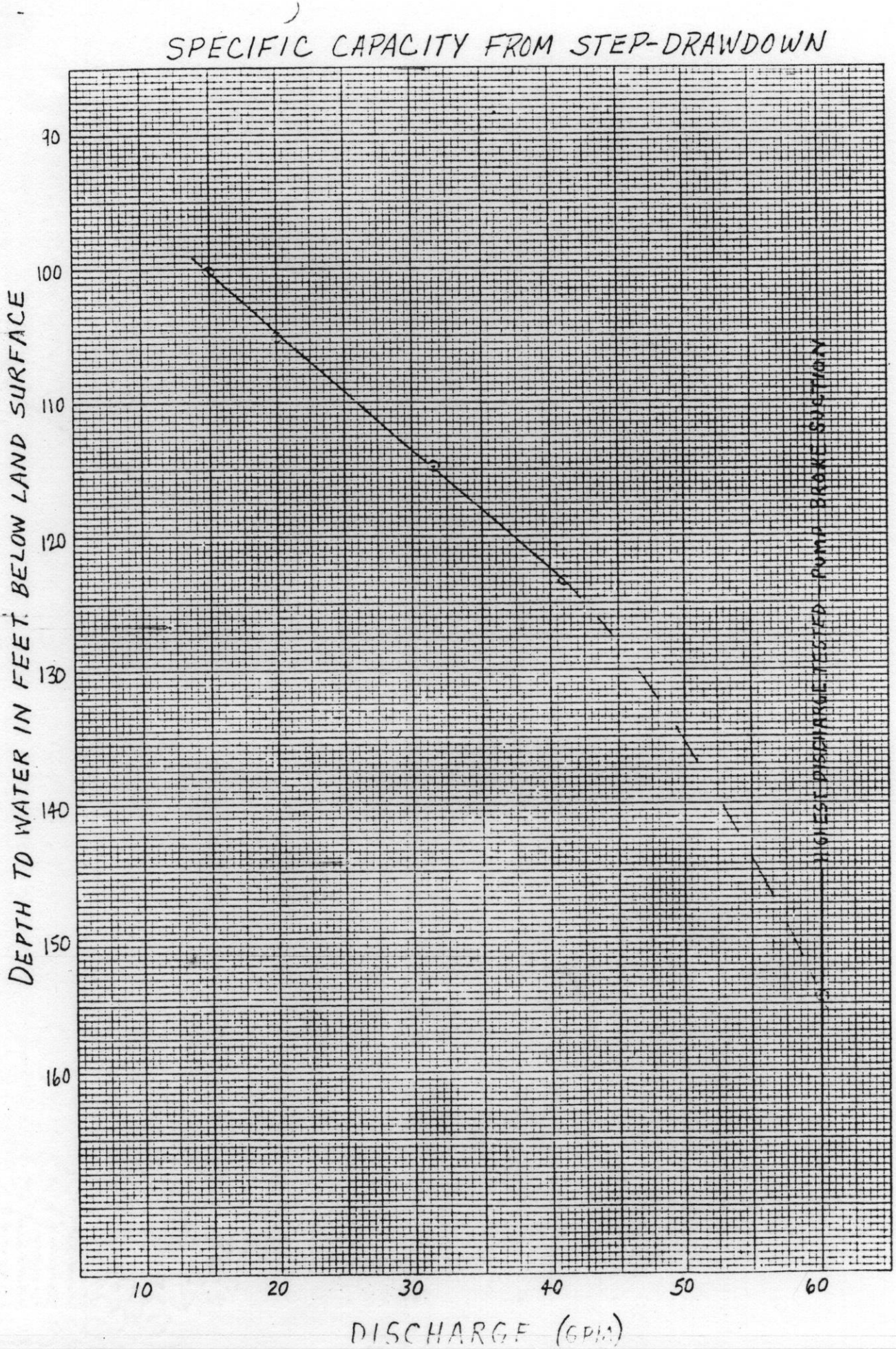
Time (Min:Sec)	Water Level (blw lsd)		Time (Min:Sec)	Water Level (blw lsd)	
164:30	114.45	STEP 3	230:00	128.45	
170:39	114.72	Q = 33 gpm	230:09	128.95	
171:30			230:21	129.45	
172:21	115.95	STEP 4	230:29	129.95	
172:35	116.35	Q = 42 gpm	230:41	130.45	
172:45	116.71		230:52	130.95	
173:21	116.95		231:02	131.45	
173:55	117.90		231:14	131.95	
174:33	118.45		231:25	132.45	
175:24	118.95		231:35	132.95	
175:44	119.15		231:47	133.45	
176:13	119.35		231:59	133.95	
176:42	119.55		232:10	134.45	
177:15	119.75		232:22	134.95	
177:53	119.95		232:50	135.95	
178:34	120.15		233:12	136.95	
179:30	120.35		233:47	137.95	
182:00	120.75		234:25	139.95	
185:29	121.15		235:12	141.95	
189:31	121.95	STEP 4	236:00	143.95	
224:22	122.77	Q = 42 gpm	236:55	145.95	
225:33	122.80		237:54	147.95	
228:20			238:44	149.95	
228:35	123.95	STEP 5	239:39	151.95	
228:55	124.95	Q = 60 gpm	240:49	153.95	
229:00	125.45		243:50	154.47	AT PUMP
229:10	125.95		245:35	154.37	INTAKE
229:19	126.45				
229:29	126.95				
229:38	127.45				
229:49	127.95				

HYDROGRAPH OF STEP-DRAWDOWN



STEP	DRAWDOWN (s) (FEET)	DISCHARGE (GPM)
1	100.2	15
2	105.0	20
3	114.7	33
4	122.8	42

00-00-0000: hydrograph of step-drawdown


SPECIFIC CAPACITY FROM STEP-DRAWDOWN
DEPTH TO WATER IN FEET BELOW LAND SURFACE
90
100
110
120
130
140
150
160
10
20
30
40
50
60
DISCHARGE (GPM)
HIGHEST DISCHARGE TESTED - PUMP BROKE SUCTION

UNITED ST ES DEPARTMENT OF THE INTE OR
GEOLOGICAL SURVEY
CENTRAL LABORATORY, SALT LAKE CITY, UTAH

WATER QUALITY ANALYSIS
LAB ID # 212036 RECORD # 31287

SAMPLE LOCATION: LASSEN VOLCANIC NATIONAL PARK 29N/3E 26H1
STATION ID: 29N/3E-26H1 LAT.LONG.SEQ.:
DATE OF COLLECTION: BEGIN--750721 END-- TIME--1800
COUNTY CODE: 103 PROJECT IDENTIFICATION: 479498835
DATA TYPE: 2 SOURCE: GROUND WATER GEOLOGIC UNIT:
COMMENTS:

ALK,TOT (AS CACO3)	MG/L	66	PH		6.5
ALUMINUM DISSOLVED	UG/L	20	PHOS ORTHO DIS AS P	MG/L	0.01
ARSENIC DISSOLVED	UG/L	1	PHOSPHATE DIS ORTHO	MG/L	0.03
BICARBONATE	MG/L	80	POTASSIUM DISS	MG/L	1.7
BORON DISSOLVED	UG/L	6	RESIDUE DIS CALC SUM	MG/L	110
CALCIUM DISS	MG/L	15	RESIDUE DIS TON/AFT		0.14
CARBONATE	MG/L	0	RESIDUE DIS 180C	MG/L	106
CHLORIDE DISS	MG/L	0.9	SAR		0.2
FLUORIDE DISS	MG/L	0.2	SILICA DISSOLVED	MG/L	43
HARDNESS NONCARB	MG/L	0	SODIUM DISS	MG/L	3.9
HARDNESS TOTAL	MG/L	55	SODIUM PERCENT		13
IRON DISSOLVED	UG/L	0	SP. CONDUCTANCE FLD		90
MAGNESIUM DISS	MG/L	4.3	SP. CONDUCTANCE LAB		129
MANGANESE DISSOLVED	UG/L	10	SULFATE DISS	MG/L	1.5
NO2 + NO3 AS N TOT	MG/L	0.07	WATER TEMP (DEG C)		8.5

CATIONS	(MG/L)	(MEQ/L)	ANIONS	(MG/L)	(MEQ/L)
CALCIUM DISS	15	0.749	BICARBONATE	80	1.312
MAGNESIUM DISS	4.3	0.354	CARBONATE	0	0.000
POTASSIUM DISS	1.7	0.044	CHLORIDE DISS	0.9	0.026
SODIUM DISS	3.9	0.170	FLUORIDE DISS	0.2	0.011
			SULFATE DISS	1.5	0.032
TOTAL		1.315	TOTAL		1.378

PERCENT DIFFERENCE = -2.34

This map copied from The Lassen Peak Quadrangle, 15-minute series, United States Department of the Interior, Geological Survey.

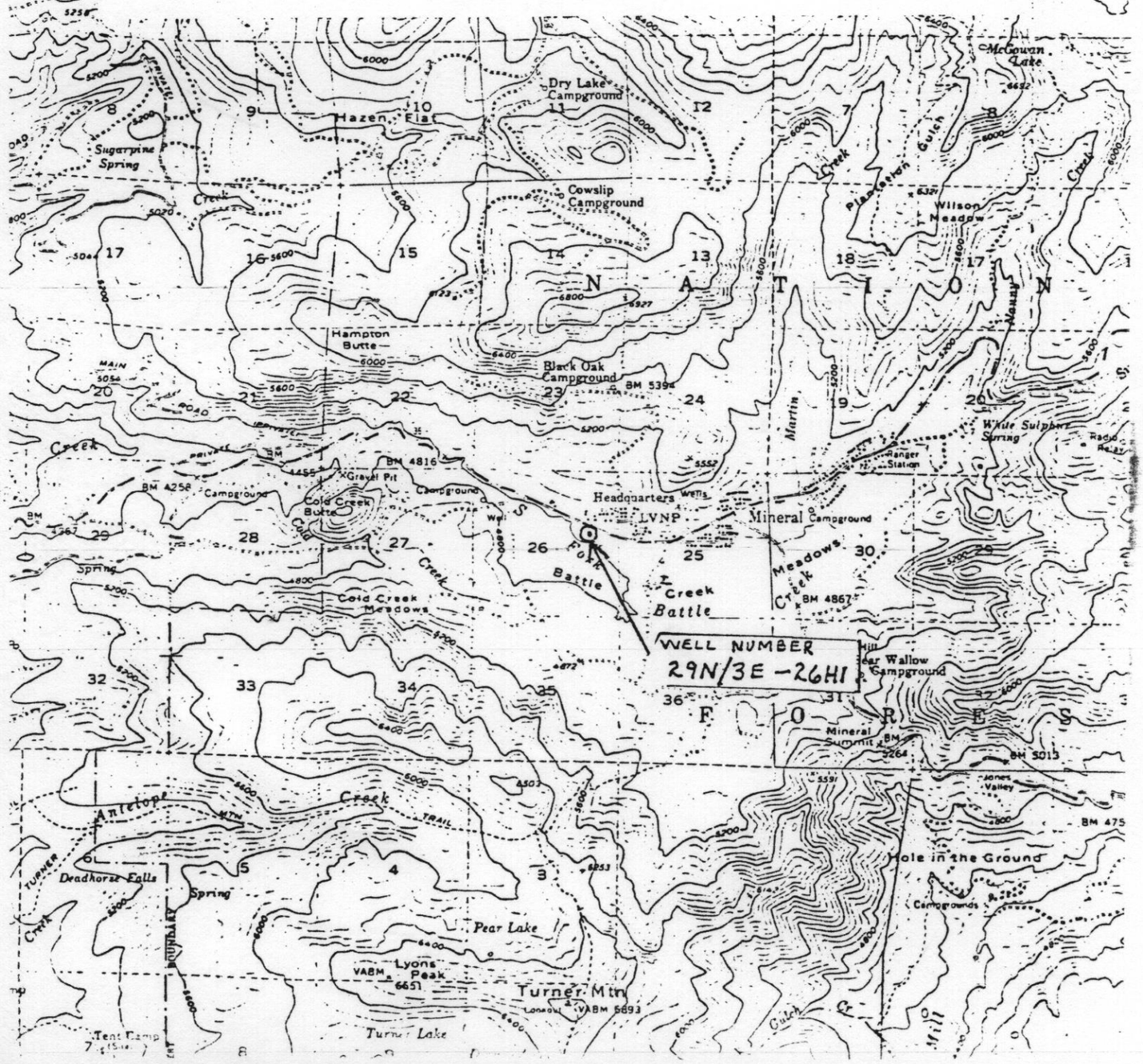
SCALE 1:62500

1 0 1 2 3 4 MILES

3000 0 3000 6000 9000 12000 15000 18000 21000 FEET

1 5 0 1 2 3 4 5 KILOMETERS

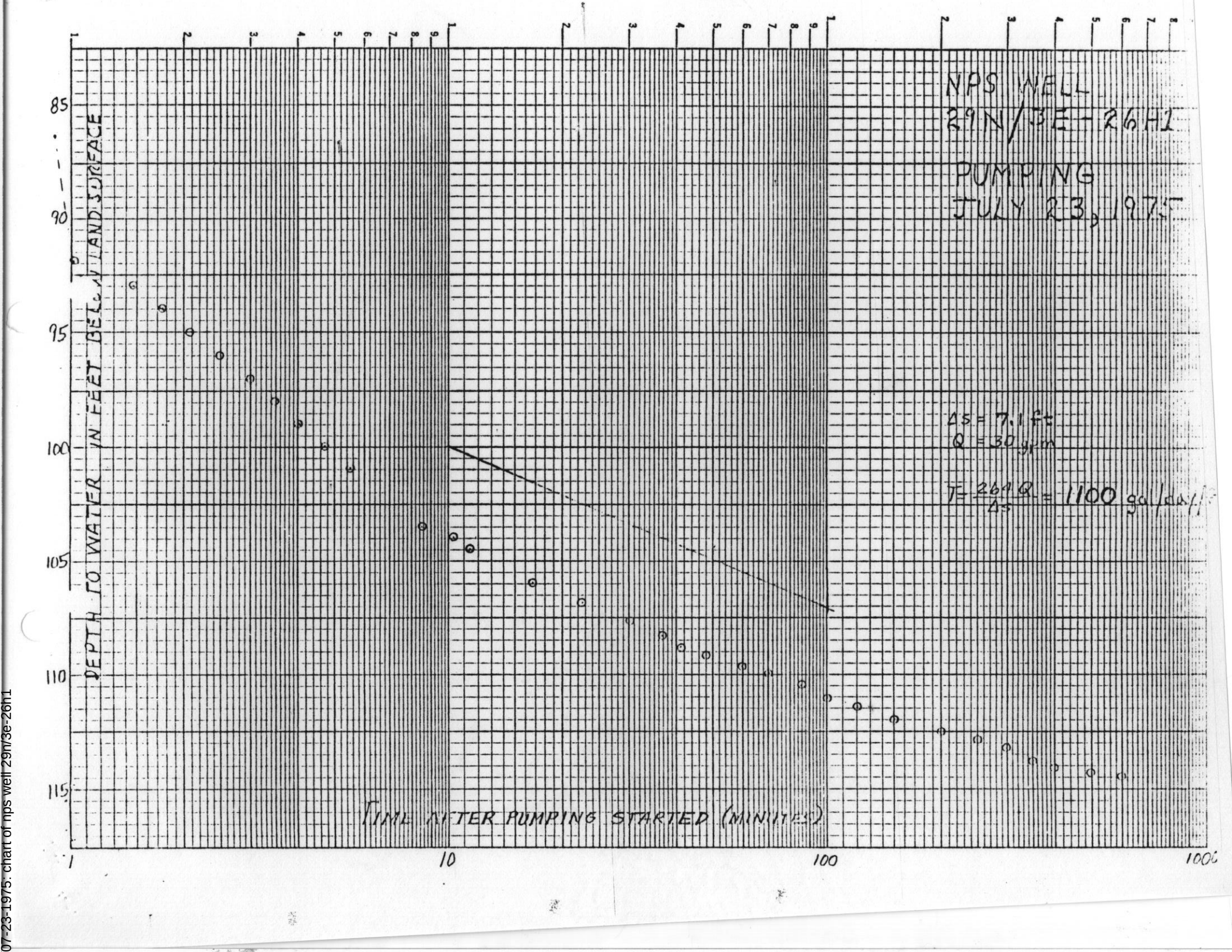
CONTOUR INTERVAL 80 FEET
DATUM IS MEAN SEA LEVEL



Scale Made July 1998 (Not Part of Image)

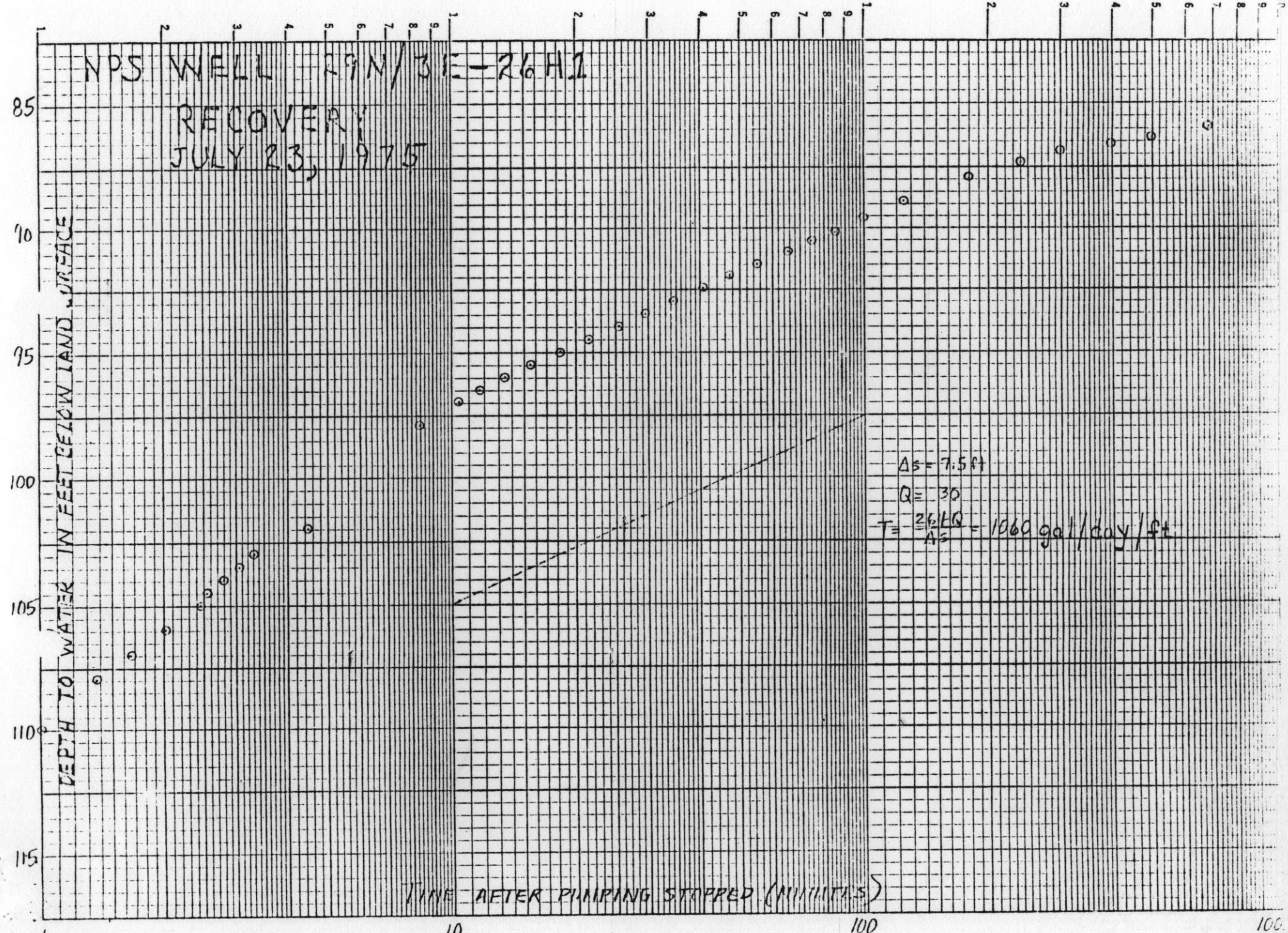
0 1 2 3 4 5 6

INCHES

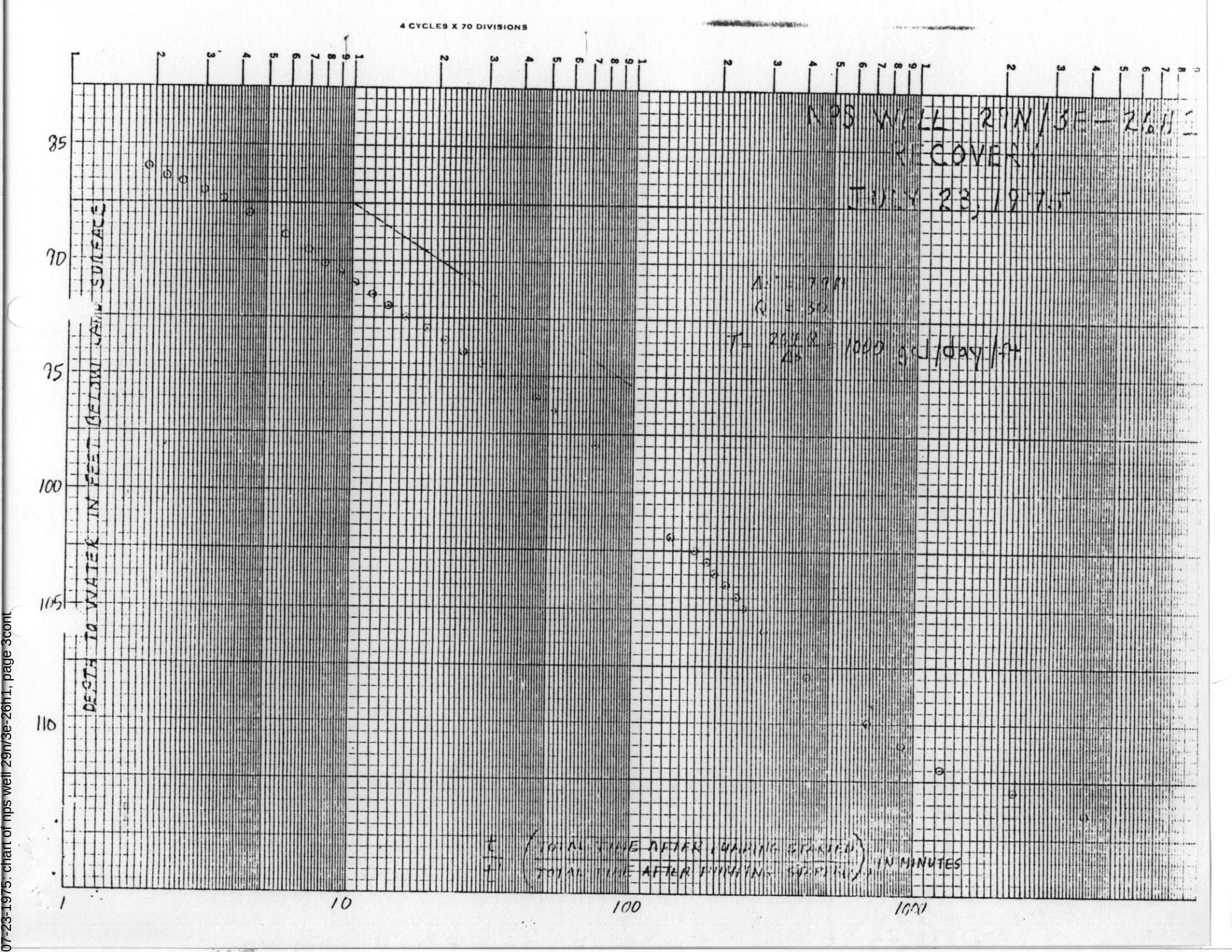


07-23-1975: chart of nps well 29n/3e-26h1

KEUFFEL & ESSER CO.



07-23-1975: chart of nps well 29n/3e-26h1, page 2cont



07-23-1975: chart of nps well 29n/3e-26h1, page 3cont

07-23-1975: constant discharge test: 29n/3e-26h1

UNITED STATES
DEPARTMENT OF THE INTERI'
GEOLOGICAL SURVEY

File No. .....

29N/3E-26H1 Constant Discharge Test 7-23-75

	Time (Min:Sec)		Water Level (blw lsd)					Time (Min:Sec)		Water Level (blw lsd)		
0845 hrs	0:00		86.32					200:00		112.53		
	:06		86.95					250:00		112.87		
	:15		87.95					300:00		113.21		
	:26		88.95					350:00		113.81		
	:39		89.95					400:00		114.08		
	:53		90.95					500:00		114.34		
	1:07		91.95				1844 hrs	600:00		114.47		
	1:25		92.95									
	1:44		93.95									
	2:04		94.95									
	2:27		95.95									
	2:56		96.95									
	3:27		97.95									
	4:01		98.95									
	4:42		99.95									
	5:34		100.95									
	8:21		103.45									
	10:11		103.95									
	11:24		104.45									
	16:46		105.95									
	22:33		106.87									
	30:00		107.70									
	36:24		108.35									
	41:07		108.70									
	48:00		109.08									
	59:40		109.58									
	70:06		109.98									
	85:43		110.45									
	100:00		111.05									
	120:00		111.48									
	150:00		112:00									

07-23-1975: constant discharge recovery test: 29n/3e-26h1

9-330
(Rev. 8-67)

UNITED STATES
DEPARTMENT OF THE INTERI
GEOLOGICAL SURVEY

File No.

29N/3E-26 H1 Constant Discharge Recovery Test 7/23-24/75

	Time (Hr:Sec)		Water Level (ftw lsd)	Δ				Time (Min:Sec)		Water Level (ftw lsd)	Δ	
1846 hrs	0:00		114.47					85:00		90.12	24.35	
	:09		113.95	.52				100:00		89.60	24.87	
	:16		112.95	1.52				125:00		88.93	25.54	
	:29		111.95	2.52				180:00		87.98	26.49	
	:40		110.95	3.52				240:00		87.35	27.12	
	:53		109.95	4.52				300:00		86.97	27.50	
	1:23		107.95	6.52				400:00		86.53	27.94	
	1:40		106.95	7.52				500:00		86.34	28.13	
	2:02		105.95	8.52				684:00		85.97	28.50	
	2:25		104.95	9.52								
	2:36		104.45	10.02								
	2:49		103.95	10.52								
	3:04		103.45	11.02								
	3:19		102.95	11.52								
	3:37		102.45	12.02								
	4:24		101.95	12.52								
	8:21		97.90	16.57								
	10:23		96.95	17.52								
	11:49		96.45	18.02								
	13:34		95.95	18.52								
	15:38		95.45	19.02								
	18:14		94.95	19.52								
	21:19		94.45	20.02								
	25:09		93.95	20.52								
	29:31		93.45	21.02								
	34:17		92.95	21.52								
	40:41		92.45	22.02								
	47:53		91.95	22.52								
	54:53		91.45	23.02								
	65:39		90.95	23.52								
	74:00		90.55	23.92								

UNITED STATES
DEPARTMENT OF THE INTERI
GEOLOGICAL SURVEY

File No.

t min/sec	t' min/sec	t min	t' min	t/t'			t sec	t' sec	t/t'		
600:00	0:00	600.0	0.0	0			685:00	85:00	8.1		
600:09	:09	600.15	.15	4001			700:00	100:00	7.0		
600:16	:16	600.267	.267	2248			725:00	125:00	5.8		
600:29	:29	600.483	.483	1243			780:00	180:00	4.3		
600:40	:40	600.667	.667	901			840:00	240:00	3.5		
600:53	:53	600.883	.883	681			900:00	300:00	3.0		
601:23	1:23	601.383	1.383	435			1000:00	400:00	2.5		
601:40	1:40	601.667	1.667	361			1100:00	500:00	2.2		
602:02	2:02	602.033	2.033	296			1284:00	684:00	1.9		
602:25	2:25	602.416	2.416	249							
602:36	2:36	602.6	2.6	232							
602:49	2:49	602.816	2.816	214							
603:04	3:04	603.067	3.067	197							
603:19	3:19	603.316	3.316	182							
603:37	3:37	603.616	3.616	167							
604:24	4:24	604.4	4.4	137							
608:21	8:21	608.35	8.35	72.9							
610:23	10:23	610.383	10.383	58.8							
611:49	11:49	611.816	11.816	51.8							
613:34	13.34	613.566	13.566	45.2							
615:38	15:38	615.633	15.633	39.4							
618:14	18:14	618.233	18.233	33.9							
621:19	21.19	621.316	21,316	29,1							
625:09	25:09	625.15	25.15	24.9							
629:31	29:31	629.516	29.516	21.3							
634:17	34:17	634.283	34.283	18.5							
640:46	40:46	640.766	40.766	15.7							
647:53	47.53	647.883	47.883	13.5							
654:53	54.53	654.883	54.883	11.9							
665:39	65:39	665.65	65.65	10,1							
674:00	74:00	674.	74.	9.1							

00-00-0000: description of property: water right application 9712, permit 5449; fixed property record

DESCRIPTION OF PROPERTY *(Inclu eference to the location within the Park; h ne asset was acquired, name of contractor, e*

WATER RIGHT, Deed No. 8 (NPS Form L1). Water right application 9712, Permit 5449. A conditional right to divert 0.074 sec. ft. from five nameless springs on Forest Service land for domestic and fire protection purposes at Mineral Headquarters. Including land under lease or permit to California State Highway Department.

Line	DATE	REFERENCE		QUANTITY			COST		
		Journal Vou.	Other	Unit	No. of Units	Accumulated Total	Direct Costs	Indirect Costs	Accumulated Cos
1	6/15/59	34-22		Each	1	1	2,000.00		2,000.0
2									
3									
4									
5									

G.L. Acct. No.	General Classification	Sub-Classification	Region	State	Park or Office
250	WATER RIGHTS Deed 8	General	4	California	Lassen

Form 10-559
(Nov. 1958)

U. S. DEPARTMENT OF THE INTERIOR - NATIONAL PARK SERVICE

FIXED PROPERTY RECORD

DESCRIPTION OF PROPERTY *(Include reference to the location within the Park; how the asset was acquired, name of contractor,*

RIGHT OF WAY for 150 feet of 12" perforated pipe in the Northwest 1/4 of the Northwest 1/4 of Section 19 Township 29 North Range 4 East and 26 feet of 5" pipe in the Southwest 1/4 o the Southeast 1/4 of Section 24 Township 29 North Range 4 East Mount Diablo Base Meridian.

Granted by Special Use Permit from the United States Forest Service to the National Park Service on May 15, 1939.

Amended on August 30, 1939 to read: Right of way for 300 feet of 6" Metallic Pipe, 308 Fe of Perforated 14" pipe, 300 Feet of 12" Perforated Pipe and a concrete settling basin all the Northwest 1/4 of the Northwest 1/4 of Section 19 Township 29 North Range 4 East MDM and 26 feet of 6" Pipe in the Southwest 1/4 of the Southeast 1/4 of Section 24 Township 29 North Range 3 East Mount Diablo Meridian.

Line	DATE	REFERENCE		QUANTITY			COST		
		Journal Vou.	Other	Unit	No. of Units	Accumulated Total	Direct Costs	Indirect Costs	Accumulated Co
1	6/15/59	34-22		Each	1	1	1.00		PA) 1.
2									
3									
4									
5									

G.L. Acct. No.	General Classification	Sub-Classification	Region	State	Park or Office
250	RIGHTS OF WAY	Water Line	4	California	Lasse

Form 10-559
(Nov. 1958)

U. S. DEPARTMENT OF THE INTERIOR - NATIONAL PARK SERVICE

FIXED PROPERTY RECORD

DEED No. 7

DESCRIPTION OF PROPERTY *(Include reference to the location within the Park; how the asset was acquired, name of contractor, etc.*

WATER RIGHTS, Deed No. 7 (NPS Form L1). Water Right application 7156, Permit 3889, License 2,104. A perfected right to divert 11,000 gallons per day from nameless springs in the Northeast corner of the Headquarters Area for domestic, industrial and fire protection purposes at the Mineral Headquarters with priority of December 17, 1931.

This right has been relinquished as of ~~Sept.~~ 1-23-61 per letter on file in the records.

Line	DATE	REFERENCE		QUANTITY			COST		
		Journal Vou.	Other	Unit	No. of Units	Accumulated Total	Direct Costs	Indirect Costs	Accumulated Costs
1	~~6/15/59~~	~~34-22~~		Each	1	1	750.00		750.00
2									
3									
4									
5									

G.L. Acct. No. 260	General Classification	Sub-Classification	Region	State	Park or Office

07 OTHER

Lassen Volcanic National Park

MARTIN CREEK WATER SYSTEM

Other Supporting Information

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

November 16, 2000

IN REPLY REFER TO:
L54(2380)
LAVO/Water Rights

Mr. Daniel F. Gallery
926 'J' Street, Suite 505
Sacramento, CA 95814-2786

Re: Water Rights of Park Service at Lassen Volcanic Nat. Park at Mineral, Tehama County, California – L54(479) LAVO/Water Rights

Dear Mr. Gallery:

In response to your October 23, 2000 request for information concerning pre-1939 historical use of water from Martin Creek under the Beresford-Woodson water right, please find the enclosed copies from our records.

If you have any questions concerning this information, please contact either Eric Lord, one of our Colorado State University Cooperators or Jeff Hughes of my staff at (970) 225-3526 and (970) 225-3527 respectively.

Sincerely,

Charles W. Pettee,
Chief, Water Rights Branch

Enclosures (8)

Bcc: (all w/Enclosures)
LAVO – Superintendent
PGSO - Kolipinski
2380 - Hughes

11-16-2000: Response to 10/23/2000 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
: SS.
County of Tehama)

H. K. BERESFORD, being first duly sworn, deposes and says: That he is a citizen of the United States and a resident of the County of Tehama, State of California, and over the age of 21 years; that on the 3rd day of June, 1939, he posted, full, true and correct, exemplified duplicates of the hereto attached Notice of Water Claim at each of the following places within the County of Tehama, State of California, by securely attaching to the objects hereinafter named such exemplified duplicate Notice of Water Claim, to wit:

1. One such duplicate Notice on the bulletin board at the Court House of the County of Tehama, situate in the City of Red Bluff, County of Tehama, State of California;

2. One such duplicate Notice on the bulletin board at the Administration Building, Headquarters Area for Lassen Volcanic National Park, situate near Mineral, California;

3. One such duplicate Notice on the bulletin board at the Post Office, at Mineral, California; and

4. One such duplicate Notice on a pine tree situate on the West bank of Martin Creek immediately South of the North line of the Southwest quarter of the Northwest quarter of Section 19, Township 29 North, Range 4 East, M.D.B. & M.

(Signed: H.K. Beresford)

Subscribed and sworn to before me
this (5) day of June, 1939

(Signed: Lucille Youles)
Notary Public in and for the County of Tehama, State of California.

11-16-2000: Response to 10/23/2000 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

AFFIDAVIT OF BENEFICIAL USE OF WATER

STATE OF CALIFORNIA)
: ss.
County of Tehama)

Charles H. Clark, being first duly sworn, deposes and says: That he is a citizen of the United States and a resident of the County of Tehama, and over the age of 21 years, that he has been a resident of said county and of the vicinity of the community of Mineral for many years last past, that he is acquainted with Harold K. Beresford and Warren N. Woodson and is familiar with their use of water for beneficial purposes on the lands of Woodson and Beresford in and around Mineral, California; that he knows that the said Woodson and said Beresford have used the waters of Martin Creek ever since 1915 or thereabouts and that he knows of his own knowledge that the waters of said Martin Creek have been beneficially used upon the Woodson and Beresford lands on the north half of Section 25, Township 29 North, Range 3 East, M. D. B. & M., continuously, ever since 1915; that this affiant is a disinterested person, having no interest in the said lands of said Woodson or said Beresford nor in the purchase of any water right by the United States from them or either of them; that affiant is not related in any way to any of the parties mentioned herein; that his knowledge of the continuous beneficial use of the water claimed by appropriation on the lands of the Woodsons and the Beresfords is from living in the vicinity, working in the vicinity, and seeing the water actually used.

Subscribed and sworn to before me this 2nd day of October, 1939.

(Signed) Charles H. Clark

(SEAL) (Signed) W. N. Moore
Notary Public in and for the County of Tehama, State of California.

AFFIDAVIT OF BENEFICIAL USE OF WATER

STATE OF CALIFORNIA)
: ss.
County of Tehama)

WILLIAM J. FREEMAN, being first duly sworn, deposes and says; W.N.M. That he is a citizen of the United States and a resident of the County of Tehama, and over the age of 21 years; that he has been a resident of said county and of the vicinity of the community of Mineral for many years last past; that he is acquainted with Harold K. Beresford and Warren N. Woodson and is familiar with their use of water for beneficial purposes on the lands of Woodson and Beresford in and around Mineral, California; that he knows that the said Woodson and said Beresford have used the waters of Martin Creek ever since 1907 or thereabouts and that he knows of his own knowledge that the waters of said Martin Creek have been beneficially used upon the Woodson and Beresford lands on the north half of Section 25, Township 29 North, Range 3 East, M. D. B. & M., continuously, ever since 1907; that this affiant is a disinterested person, having no interest in the said lands of said Woodson or said Beresford nor in the purchase of any water right by the United States from them or either of them; that affiant is not related in any way to any of the parties mentioned herein; that his knowledge of the continuous beneficial use of the water claimed by appropriation on the lands of the Woodsons and the Beresfords is from living in the vicinity, working in the vicinity, and seeing the water actually used.

(Signed) William J. Freeman.

Subscribed and sworn to before me this 2nd day of October, 1939.

(Signed) W. N. Moore
Notary Public in and for the County of Tehama, State of California.

11-16-2000: Response to 10/23/00 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

NOTICE OF WATER CLAIM

MARTIN CREEK - TEHAMA COUNTY - CALIFORNIA

CHANGE OF POINT OF DIVERSION AND PLACES AND PURPOSE OF USE

Dated June 3, 1939.

Notice is hereby given, that the undersigned claim the right to make the partial changes hereinafter described in connection with that certain right to convey and use 150 inches of water out of Martin Creek measured under a four inch pressure to be used for irrigation purposes, which right was acquired by Bert Hampton under and by virtue of the laws of the State of California, and notice of claim thereto was recorded in the office of the County Recorder, Tehama County, California, on September 1, 1894, in Book G of Miscellaneous, Page 128, Tehama County Records, and which right is now owned by the undersigned as successors in interest to said Bert Hampton.

The Changes above mentioned refer only to that portion of the above described right sufficient to supply a quantity of twenty-five one-hundredths (0.25) of a cubic foot of water per second of time for use from January 1 to December 31 of each year, for domestic, recreational and fire protection purposes in the area known and used as the Headquarters Area for Lassen Volcanic National Park, and they are as follows:

1. Change in Point of Diversion, from the point of intake of the present ditch on the west side of Martin Creek near the south line of the NW¼ of the SW¼ of Section 19, Township 29 North, Range 4 East, M. D. B. & M., and whence SW corner of said Section 19 bears S. 26°10'W. 1782 feet, to a point on the west side of said Martin Creek near the north line of the SW¼ of the NW¼ of said Section 19 whence the NE corner of the SW¼ of NW¼ of said Section 19 bears North 85° 25' East 368.7 feet.

11-16-2000: Response to 10/23/00 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

2. Change of Places of Use, from the north half of Section 25, Township 29 North, Range 3 East, M. D. B. & M., to the SW¼ of NW¼ of Section 25, and SE¼ of NE¼ of Section 26, Township 29 North, Range 3 East, M. D. B. & M.

3. Change in Purposes of Use, from irrigation purposes to domestic, recreational, and fire protection purposes.

Notice is further given that a detailed description of the diversion and pipe line system to be used in connection with the above described changes is contained on that certain map, a true copy of which was submitted by the United States of America to the State of California, Department of Public Works, Division of Water Resources, for filing on May-24, 1939.

Mineral, California,

June-1, 1939.

Warren N Woodson
Florence Edwards Woodson
Nellie V. Beresford
Harold K. Beresford
Catherine A. Beresford

11-16-2000: Response to 10/23/00 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

COPY

AGREEMENT

THIS AGREEMENT made this 5th day of March 1935, between GEORGE A. STARKWEATHER and W. LESLIE COMYN, as trustees of the estate of W. E. GERBER, deceased, parties of the first part, and WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, and NEILLIE V. BERESFORD, the parties of the second part;

WITNESSETH :-

WHEREAS, the parties hereto are the owners of all the lands riparian to Martin Creek, a tributary of Battle Creek, in Tehama County, California, from a point where the north line of the Southwest Quarter of the Northwest Quarter (SW¼ of NW¼) of Section Nineteen (19), Township Twenty-nine (29) North, Range Four (4) East, M.D.M. crosses said Martin Creek, to its confluence with Battle Creek, and said parties are the owners of all the riparian rights in and to the waters of said Martin Creek except such rights as may exist or may hereafter be acquired north of the lands of the parties hereto; and,

WHEREAS, the parties of the second part also claim to have acquired certain rights in said Martin Creek by appropriation or prescription in addition to their said riparian rights, which claim is denied by the parties of the first part and a controversy has arisen as to the nature and extent of the water rights of the parties hereto; and,

WHEREAS, the parties hereto are desirous of entering into an agreement completely settling their respective water rights of every kind and nature in and to said waters of Martin Creek whether said rights be acquired or claimed by appropriation, prescription or as riparian proprietors along said stream;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND OF THE MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER CONTAINED, IT IS MUTUALLY AGREED AS

11-16-2000: Response to 10/23/00 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

FOLLOWS:

(1) That the parties of the first part are the owners of and in possession of and entitled to divert from Martin Creek and use upon their riparian lands and for domestic use, for the watering of stock and for the purpose of supplying water for campsites and hotels, or any other beneficial use 75 per cent of the total flow of said Martin Creek when the total flow of said creek shall not exceed 200 inches of water measured under a 6-inch pressure, and when the total flow of said creek shall exceed 200 inches of water measured under a 6-inch pressure the parties of the first part shall be entitled to divert and use as aforesaid the total flow of said creek, save and except 50 inches of water measured under a 6-inch pressure which is and shall be the maximum quantity of water which the second parties shall be entitled to divert.

(2) That the parties of the second part are the owners of and in possession of and entitled to divert from said Martin Creek for use upon their lands and for domestic use, the watering of stock and for campsites, cottages, hotels and any other beneficial use, 25 per cent of the total flow of said creek when said total flow shall not exceed 200 inches of water measured under a 6-inch pressure, and when the total flow of said creek shall exceed 200 inches of water measured under a 6-inch pressure the parties of the second part shall be entitled to divert therefrom 50 inches of water measured under a 6-inch pressure and no more, it being the true intent and meaning of this paragraph that the parties of the second part shall be entitled to receive 25 per cent of the waters flowing in said Martin Creek until the said 25 per cent of said water shall amount to 50 inches of water measured under a 6-inch pressure, and all of the excess of the water of said creek above 50 inches measured under a 6-inch pressure shall belong to the parties of the first part.

(3) That for the purpose of measuring the quantity of water flowing in said Martin Creek from time to time and for the purpose of dividing the flow

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of said creek between the parties of the first part and the parties of the second part, as hereinbefore provided, a weir or weirs shall be constructed in said Martin Creek as soon as practicable after the execution of this agreement and the conveyance hereinafter mentioned, and said weir or weirs shall be so constructed as to automatically divide the entire flow of said creek between the parties hereto as hereinbefore provided. The said weir or weirs shall be constructed at or near the present point of diversion of the parties of the second part but not below the said point of diversion, and at a place where the total flow of the creek is confined to a single channel. The expense of constructing said weir or weirs shall be borne by the parties hereto in the ratio of their respective interests in the waters of said creek.

(4) That the parties of the second part shall have the right to convey their portion of the waters of said Martin Creek, or any part of their portion thereof, through a pipeline and a right of way for said pipeline across the lands of the parties of the first part in the Southwest Quarter of the Southwest Quarter (SW¼ of SW¼) of Section Nineteen (19), and the Northwest Quarter of the Northwest Quarter (NW¼ of NW¼) of Section Thirty (30), in Township Twenty-nine (29) North, Range Four (4) East, M.D.M., is hereby granted, but the said right of way shall be located across said lands in a manner to cause the least practical damage to said lands and inconvenience to the parties of the first part, and the said pipeline, if laid across meadow or tillable land shall be laid in a trench and covered to a suitable depth. Said pipeline shall be taken out the present point of diversion of the parties of the second part, or at a new point of diversion to be selected as hereinbefore provided, but such diversion of the waters of the parties of the second part, or any part thereof, through such pipeline shall not increase the quantity of water which the parties of the second part are entitled to divert under the provisions of this agreement. That the parties of the first part shall have the right to convey any of their portion of the waters of Martin Creek through a pipeline and a right of way

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across the lands of the parties of the second part in Section Twenty-five (25), Township Thirty (30) North, Range Four (4) East, M.D.M., is hereby granted, but said right of way shall be located across said lands in a manner to cause the least practical damage and inconvenience to theparties of the second part, and all pipe shall be covered to a suitable depth.

(5) That the parties of the second part of their successors in interest shall have the right to select new points of diversion nearer the source of said Martin Creek for the purpose of increasing the pressure in their pipeline, and such additional points of diversion, if selected, shall be above and not below the present point of diversion of the parties of the second part, and any and all water diverted at such new points of diversion shall be measured in miners' inches under a 6-inch pressure at the weir or weirs to be constructed near the present point of diversion, so that such water shall have contributed its proportion of seepage and evaporation loss. It is further agreed that in the event such new points of diversion shall be selected as aforesaid, the parties of the second part or their successors in interest, as the case may be, will give notice in writing thereof to the parties of the first part, before construction of any dam or weir or diversion system is commenced, designating the said proposed new points of diversion. It is further agreed that any such new diversion system, including the weir or gauge for measuring and dividing the water shall be so constructed as to automatically and correctly deliver to the parties of the second part, or their successors in interest, as the case may be, only that portion of the waters of said Martin Creek to which they are entitled under the provisions of this agreement, and shall in no event increase the quantity thereof by reason of greater pressure in their pipeline, or for any other reason.

(6) That either of theparties hereto may make any use of their respective portions of the waters of said Martin Creek, as hereinbefore divided and apportioned, which they may deem convenient or beneficial, whether such use shall be

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a riparian use or not, and either of the parties hereto may sell the portion of the waters of said stream to which they are entitled, or any part thereof, for use outside the water-shed of said Martin Creek. But it is agreed that so long as the parties of the second part of their successors in interest shall use any portion of the waters of said Martin Creek for irrigation of their meadow lands in the Northeast Quarter of the Northeast Quarter (NE¼ of NE¼) of Section Twenty-five (25), Township Twenty-nine (29) North, Range Four (4) East, M.D.M., the run-off and seepage from said meadow lands shall be permitted to flow back into Martin Creek, but this restriction shall not apply to water used to irrigate lawns on the golf course.

(7) That no rights have been acquired or initiated, either by the parties of the first part or the parties of the second part, under that certain agreement dated the 20th day of October, 1926, between WARREN N. WOODSON, NELLIE V. BERESFORD and HAROLD K. BERESFORD, as parties of the first part, and W. E. GERBER, as party of the second part, relating to the respective rights of the parties thereto in the waters of Martin Creek, and it is mutually agreed by the parties hereto that upon the execution of this agreement the said agreement of October 20th, 1926, shall be null and void, and said agreement shall not be construed in any controversy which may arise between the parties hereto, or their successors in interest, to have increased, diminished, altered or in anywise affected the water rights of said parties, or their successors in interest, and hereinbefore defined.

(8) That the parties of the second part are negotiating with Lassen Volcanic National Park officers for the sale to said Park of a domestic water supply for its headquarters and said parties of the second part agree to cause said Lassen Volcanic National Park, through its proper officers, to lay a 4-inch pipeline of similar construction to that used in its own water system to the headquarters and residence situate on the W. E. GERBER estate, known as Gerber Meadows, with four 2½ inch outlets and hydrants, and to grant to the parties of

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the first part the perpetual right to divert through said pipeline 2 inches of their water in Martin Creek, measured under a 6-inch pressure, to the said headquarters aforesaid, and in consideration of the laying of said pipeline and the perpetual right to use the same, upon the completion of the same within three years, and the execution and delivery of a valid contract by said Lassen Volcanic National Park conveying and conferring unto the parties of the first part the rights aforesaid, said parties of the first part will transfer and convey unto said Lassen Volcanic National Park 2 inches of the waters of Martin Creek, measured under a 6-inch pressure to be diverted through said pipeline. But in the event the second parties shall for any reason fail to cause said Lassen Volcanic National Park to lay said pipeline and grant to the parties of the first part the perpetual right to use the same and divert said quantity of water through the same as aforesaid, then it is hereby mutually agreed that all water and water rights of the parties hereto shall be measured under a 4-inch pressure, and paragraphs (1) and (2) hereof shall be deemed amended ao as to provide that the waters of Martin Creek, as in said paragraphs divided and apportioned, shall be measured under a 4-inch pressure instead of a 6-inch pressure as new provided therein; it being mutually understood and agreed that the parties of the first part originally claimed that the rights of the parties hereto in and to the waters of Martin Creek shall be measured in miners' inches under a 4-inch pressure, and that said first parties agreed to accept the 6-inch pressure inch in consideration of the agreement of the parties of the second part to procure the laying of said pipeline by said Lassen Volcanic National Park and the right to divert and carry through the same 2 inches of water measured under a 6-inch pressure.

(9) That this agreement is intended to be a complete settlement of the water rights of the parties hereto in and to the waters of said Martin Creek and the same shall be binding upon the heirs, administrators, assigns, grantees

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and successors in interest of the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands the day and year first above writtein.

GEORGE A. STARKWEATHER

As Trustees for the Estate of W. E. GERBER, Deceased, Parties of the First Part.

WARREN N. WOODSON

FLORENCE E. WOODSON

HAROLD K. BERESFORD

CATHERINE A. BERESFORD

NELLIE V. BERESFORD

Parties of the Second Part.

C O P Y

11-16-2000: Response to 10/23/00 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

STATE OF CALIFORNIA)
(SS
COUNTY OF TEHAMA)

On this 5th day of March, in the year one thousand nine hundred and thirty-five (1935), before me, FRED C. PUGH, a Notary Public in and for the County of Tehama, State of California, residing therein, duly commissioned and sworn, personally appeared GEORGE A. STARKWEATHER, known to me to be the person whose name is subscribed to the within instrument as one of the Trustees of the Estate of W. E. GERBER, deceased, and he duly acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the County of Tehama, the day and year in this certificate first above written.

FRED C. PUGH
Notary Public in and for the County of Tehama, State of California.

My Commission expires Apr. 14, 1937.

STATE OF CALIFORNIA)
(SS
COUNTY OF TEHAMA (

On this 5th day of March, in the year one thousand nine hundred and Thirty-five (1935), before me, FRED C. PUGH, a Notary Public in and for the County of Tehama, State of California, residing therein, duly commissioned and sworn, personally appeared WARREN N. WOODSON and FLORENCE E. WOODSON, his wife, HAROLD K. BERESFORD and CATHERINE A. BERESFORD, his wife, and NELLIE V. BERESFORD, known to me to be the persons whose names are subscribed to the within instrument, and they duly 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 County of Tehama, the day and year in this certificate first above written.

FRED C. PUGH
Notary Public in and for the County of Tehama, State of California.

My Commission expires Apr. 14, 1937.

11-16-2000. Response to 10/23/00 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

COPY

THIS INDENTURE, made this 12th day of January in the year of our Lord one thousand nine hundred and Twenty; Between Elbert L. Hampton, also known as Bert Hampton, a single person, of Tehama County, California the party of the first part, and Warren N. Woodson and F. G. Beresford of said Tehama County the parties of the second part;

WITNESSETH: That the said party of the first part for and in consideration of the sum of Ten & 00/100 DOLLARS Lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents GRANT, BARGAIN, SELL and CONVEY unto the said parties of the second part, and to their heirs and assigns forever, all those certain lots and parcels of land, situate, lying and being in the County of Tehama, State of California, and bounded and particularly described as follows, to-wit:

U. S. Rev. Stamps $10.00 E.L.H. 1/12/20

Lots two (2) and three (3) of section nineteen (19) township twenty nine (29) north range four (4) East, M. D. M. Also East half of South East quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) of Section twenty four (24): North half of Northeast quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) South West quarter of north east quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$): South east quarter of north west quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) North West quarter of north west quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of section twenty five (25) North east quarter of north west quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) and north half of north east quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$ of section twenty six (26) All in township twenty nine (29) north range three East, M. D. M. and containing in all 479 acres, more or less.

Together with all water and water ditches and water rights and Ditch rights upon and appurtenant to and belonging with said described lands.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold, all and singular the said premises, together with the appurtenances, unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunder set my hand and seal the day and year first above written.

Signed, Sealed and delivered
in the Presence of

ELBERT L. HAMPTON (Seal)
also known as

N. A. Gernon BERT HAMPTON (Seal)

STATE OF CALIFORNIA,
SS
COUNTY OF TEHAMA

On this 12th day of January, in the year one thousand nine hundred and Twenty before me, N. A. Gernon, a Notary Public in and for the County of Tehama, personally appeared Elbert L. Hampton, also known as Bert Hampton known to me to be the same person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal at my office in the said County of Tehama, the day and year in this Certificate first above written.

(Seal)

N. A. GERNON
Notary Public in and for the County of
Tehama, State of California

Recorded at the request of H. S. Gans Jan 13, A. D., 1920 at 50 min past 4 o'clock P. M., and recorded in Vol. "100" of Deeds, page 170, Tehama County Records.

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COPY

BOOK G OF MISCELLANEOUS, PAGE 551

Water Notice)
of)
W. E. Gerber)

Dated Aug. 22, 1898.

Water Notice:

1. I. W. E. Gerber, hereby give notice:

That I claim the water here flowing towit: in "Martin Creek", a prong of the South Fork of Battle Creek at a point near the center of the Southeast quarter of the Northeast quarter of Section 25, Tp. 29 N, Range 3 E, M. D. B. & M. in Tehama County, State of California. to the extent of one hundred inches measured under a four inch pressure.

2. That I claim the said water for the purpose of irrigating the lands lying adjacent to said creek in Section 25 of said Township.

3. That I intend to divert said water so claimed by me by means of a dam across said creek and a ditch or ditches on each side of said creek of sufficient capacity to properly carry said 100 inches of water.

Dated this 22nd day of August A. D. 1898.

W. E. Gerber.

State of California)
) ss.
County of Tehama)

W. E. Gerber being duly sworn deposes and says, that he is the person named in the within water notice and whose name is signed thereto; that he posted a notice of which the within is a copy at a point named therein towit: near the center of the SE¼ of the NE¼ of Sec. 25, Tp. 29 N, R 3 E, M. D. B. & M., Tehama County, State of California, by nailing same on a tree on the 22nd day of August, A. D. 1898.

Subscribed and sworn to before me this) W. E. Gerber.
22nd day of August A. D. 1898)

W. E. Conard, Justice of the Peace,
in and for the County of Tehama, State of California.

Recorded at request of W. E. Gerber, August 26, 1894, at 41 minutes past 8:00 o'clock A. M.

W. A. Fish Recorder

By

E. DeShields, Deputy.

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C O P Y

BOOK G OF MISCELLANEOUS, PAGE 128

Water Claim)
of)
Bert Hampton)

Dated Aug. 30th, 1894.

Notice is hereby given that I claim and file upon the Hundred and fifty inches (150) of water out of Martin Creek measured under a four inch pressure. I intend to convey this water by a ditch 2 feet wide on top, one foot deep and 1½ feet wide on the bottom. The said ditch will leave Martin Creek near the South line of the NW¼ of the SW¼ of Sec. 19, Tw. 29 N, R 4 East M.D.M., on the West side of said Martin Creek and running Southwest upon the North half of Sec. 25, Tw. 29 N, R 3 East M.D.M. to be used for irrigation purposes.
Battle Creek Medows, Tehama County, State of California,
Aug. 30, 1894.

Bert Hampton.

Recorded at request of W. J. Clark Sept. 1st, 1894, at 31 minutes past 1:00 o'clock P. M.

W. R. Hall, Recorder,

By E. DeShields, Deputy.

Law Office of
DANIEL F. GALLERY
A Professional Corporation
926 'J' Street, Suite 505
Sacramento, CA 95814-2786
- - -
Telephone (916) 444-2880
FAX (916) 444-6915

October 23, 2000

Chief, Water Rights Branch
Water Resources Division
U.S. National Park Service
1201 Oak Ridge Drive, Suite 250
Ft. Collins, Colorado 80525-5596

RE: Water Rights of Park Service at Lassen Volcanic Nat. Park at Mineral, Tehama County, California - L54 (479) LAVO/Water Rights

I am assisting the Mineral Water Company, which provides domestic water service to the community of Mineral, in Tehama County, California, in a review of its water rights, including the history of its diversion of water from Martin Creek northeast of the community.

The Water Company's predecessors, Warren and Florence Woodson and Harold and Catherine Beresford, and their predecessors, had diverted water jointly with the Estate of W. E. Gerber and its predecessors, from Martin Creek for many years prior to 1939. In 1939, pursuant to an agreement between those parties, the Beresfords and the Woodsons sold out of their share of the water diversion from Martin Creek, to the Lassen Volcanic National Park Headquarters, a right to the diversion of .25 cfs from Martin Creek. The right was apparently conveyed to the Park Service by deed dated June 6, 1939.

The files at the California State Water Resources Control Board (SWRCB) indicate that the Park Service also owns a License No. 7156 to divert 11,000 gpd from a spring on the Park Service property, but separately from that, the Board files also contain some correspondence between the Park Service and the SWRCB regarding the Park Service's use of the water from Martin Creek. That consists of the enclosed letters dated February 27, 1991 and March 18, 1991. The first letter refers to the right transferred to the Park Service as being "a portion of the original right to divert from Martin Creek first recorded

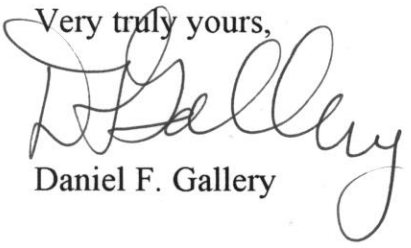
in Tehama County by Bert Hampton in Book G of Misc. Records at page 128, and that

> "The history of the right is more detailed than presented. However our purpose here is to show that there exists a lengthy history of water rights on Martin Creek in the records of Tehama County
>
> • * *
>
> "These rights were created by priority of appropriation initiated before December 19, 1914, commonly referred to as a "pre-1914 rights".

These quoted comments suggest that the Park Service may have gathered some historical information on the use of water under the Beresford Woodson water right in connection with it acquiring a part interest therein in 1939, or since that time. This letter is to inquire whether any such documentation or information is available in the Park Service's files on the pre-1939 historical use of water from Martin Creek under the Beresford Woodson water right, and if so, how we might obtain copies of that information. It would be extremely useful and helpful to the Mineral Water Company in the documentation of its own rights to divert from Martin Creek.

You cooperation and assistance would be very much appreciated.

Very truly yours,



Daniel F. Gallery

DFG:grn

Enclosures

cc: Joann Perkins, Mineral Water Company

11-16-2000: Response to 10/23/00 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

RTJ

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

February 27, 1991

File A-7156

L54(479)
LAVO/Water Rights

Mr. Jesse M. Diaz, Chief
Division of Water Quality and Water Rights
State of California
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Dear Mr. Diaz:

The Water Resources Division (WRD) is providing assistance to Lassen Volcanic National Park in evaluating the status of its water rights associated with the diversion and use of water from Martin Creek, near the community of Mineral, California. It has come to our attention that there is uncertainty or confusion with respect to water rights held by the National Park Service (NPS) for Martin Creek and, possibly, a need to notify the State of California of these rights to eliminate this confusion.

The water right in question is that right acquired by NPS from W.N. Woodson, et. al., by deed dated June 6, 1939, which conveyed riparian property and water rights for the diversion and beneficial use of 0.25 cubic feet per second (cfs) of water flowing in Martin Creek. A Notice of Water Claim - Change of Point of Diversion was posted by the NPS on May 16, 1940, which claimed the right to change the location of the diversion to NW 1/4 NW 1/4 Section 19 Township 29 North Range 4 East, and filed in the office of the County Recorder, County of Tehama. This claim is a portion of the original right to divert from Martin Creek first recorded in Tehama County by Bert Hampton, a predecessor in interest to the NPS holdings, on September 1, 1894, in Book "G" of Miscellaneous Records, at page 128. The history of the right is more detailed than presented. However, our purpose here is to show that there exists a lengthy history of water rights on Martin Creek in the records of Tehama County.

In evaluating park files, an inquiry of Division of Water Rights records conducted by this office in June 1990 produced no information in regards to the above-referenced rights to Martin Creek. These rights were created by priority of appropriation

NATIONAL PARK SERVICE 75 1916 - 1991 ™

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initiated before December 19, 1914, commonly referred to as "pre-1914 rights". It is our understanding that a general adjudication of water rights is the basis by which these rights are recorded with the State. NPS records indicate that no such previous action(s) has been initiated by the State of California by which these rights may have been recorded. Therefore, it is logical to assume these rights are not a matter of record with the State.

The National Park Service is concerned, given that no evidence of this right exists in your records, that the current situation may invite misunderstanding or adverse public reaction, particularly in time of water shortage, as to the potential for further development of water on Martin Creek. In fact, NPS is presently aware of at least one instance where such misunderstanding has occurred. In this case, the misunderstanding results from a recent California Department of Health Services report that relies upon data furnished by your agency.

With this in mind, it is our desire to properly inform the State of the NPS's rights on Martin Creek. If there is need for proper notification and/or recordation with the State, we would appreciate any assistance you can provide us to accomplish same.

If you have any questions or need to discuss this matter further, please contact Dan McGlothlin or me at (303) 493-1441. Thank you for your assistance.

Sincerely,

Daniel J. McGlothlin

for Owen R. Williams
Chief, Water Rights Branch

11-16-2000: Response to 10/23/00 inquiry from Mr. Daniel Gallery re: NPS water rights at LAVO L54(479) [collection of documents]

916/324-5695

FAX: 916/323-0743

In Reply Refer
To:341:JO:7156

MARCH 18 1991

Mr. Owen R. Williams, Chief
Water Rights Branch, Water Resources Division
U.S. Department of Interior
National Park Service
301 South Howes Street, Room 353
Ft. Collins, CO. 80521

Dear Mr. Williams:

LASSEN VOLCANIC NATIONAL PARK DIVERSIONS FROM MINERAL CREEK IN TEHEMA COUNTY

In your letter to the Division of Water Quality and Water Rights (Division) dated February 27, 1991, you discussed a deeded water right being exercised by the Lassen Volcanic National Park (LVN Park) from Mineral Creek in Tehama County. As indicated in your letter, our Division has no filing on record to cover this diversion and there is no adjudication confirming it.

The description of the Mineral Creek water right in paragraph 2 of your letter suggest that it is an appropriation that may have been perfected under procedures established by Sections 1410 through 1422 of the California Civil Code of 1872. As you are aware, our Division does not have jurisdiction to qualify or quantify such water rights since our authority was not established until enactment of the Water Commission Act of December 19, 1914. Therefore, your successful assertion of a "pre-1914 right" would require a judgement by a court of competent jurisdiction. Normally, such a judgement is based not only upon the evidence of the original appropriation but also the subsequent maintenance of the right by continuous and diligent application of water to beneficial use.

At this time, our Division will not contest the LVN Park's claim to the Mineral Creek water right, but will require that it file a Statement of Water Diversion and Use in compliance to Part 5.1 of Division 2 of the California Water Code. Enclosed is a pamphlet with a copy of this section of the Water Code and the necessary form for filing a statement. This statement and its subsequent supplements will create the desired public record of the Mineral Creek diversion.

SURNAME O'Hagan 3-18-91

DWR 540 REV.1/86

86 39106

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Of noted importance, our Division record shows Lassen Volcanic National Park as the owner of License 2104 (Application 7156). This license covers the diversion of water from an Unnamed Spring located within SW1/4 of NW1/4 of Section 25, T29N, R3E, MDB&M in the amount of 11,000 gallons per day from January 1 to December 31 for Domestic, Industrial, and Fire Protection uses at Lassen Volcanic Park Headquarters.

The terms and conditions of this and all licenses requires the owner to submit triennial reports of water use under the license. A form for reporting the water use, Report of Licensee, is mailed by our Division, when required. Because the file for License 2104 shows that the Reports of Licensee for 1985 through 1987 and for 1988 through 1990 have not been submitted, extra copies of these report forms have been enclosed. You should complete these forms so that continuous water use under this license is also on public record.

If you have any questions concerning your water rights or if you need additional information, please write or telephone me at the above number.

Sincerely,

ORIGINAL SIGNED BY:

John O'Hagan
Associate WRC Engineer
Permit and License Unit

Enclosures

cc: Lassen Volcanic National Park
U. S. National Park Service, DWR
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

!JOHagan:plederer:3-14-91:tmaxon:3-18
!plede300:JO:7156

!Control Tag No.: 11055

Docket Copy
LAVO-0001

July 23, 1991

L54(479)
LAVO/Water Rights

Memorandum

To: Superintendent, Lassen Volcanic National Park

From: Chief, Water Rights Branch

Subject: State of California Notice of Unavailability of Water

At the request of Bob Lake, the Water Resources Division (WRD) has evaluated the State Water Resource Control Board's Notice (see attached) which was sent to water right holders in the Sacramento and San Joaquin watersheds and delta channels. The Notice advises all water right holders that, as of July 1, 1991, and continuing through August 31, 1991, water will not be available for diversion under permits or licenses issued by the State Water Resources Control Board. Mr. Lake requested an interpretation of the Notice's impact on the Lassen Volcanic National Park (LAVO) water supply.

The State warns that it will be inspecting the diversions and use of water for selected water users. Where water use exceeds the legally available amount, enforcement actions may be taken. The warning implies that holders of riparian rights or appropriative water rights obtained prior to 1914 may come under similar review. According to a spokesperson with the State, unless conditions of blatant waste and/or unreasonable uses are observed, the State will not be concerned with use related to riparian and pre-1914 rights.

To determine if water rights for LAVO are subject to the Board's restrictions, we reviewed the status of LAVO water rights as recorded in the WRD's water right dockets. We also contacted the State Water Resources Control Board to determine which rights are recorded with the State. Two water sources of concern are Martin Creek, which provides the primary water supply for LAVO headquarters, and Headquarters Spring located at SW1/4 NW1/4 Sec. 25 T29N R3E. Of these, only Headquarters Spring has a water right recorded with the state. The park's water uses from this water source are covered by State appropriative water rights and, therefore, may be subject to the order.

With respect to Martin Creek, the National Park Service's (NPS) water right was established prior to the 1914 water code. Because the Notice applies to water right holders with permits or licenses issued by the State (post - 1914 water rights), the Martin Creek water right would not be affected by the Board's Notice. (Note: At the recommendation of the Water Resources Control Board, a Statement of Water Diversion and Use is being prepared for the purpose of recording the Martin Creek water right with the State.)

However, the Notice probably affects the NPS's water right (License 2104) for the Headquarters Spring, which provides supplemental water for domestic, fire protection and industrial uses.

Assuming that flow from this spring contributes to downstream channels, domestic and industrial uses, regarded by the State as being water consumptive, should be curtailed during the period July 1 to August 31, 1991, or until further Notice. Fire protection purposes, on the other hand, are regarded as non-consumptive uses and are not restricted by the Notice. (This information was derived from a telephone conversation with Christyl Escarda, of the State Board's Drought Information Office).

If, on the other hand, the natural flow of Headquarters Spring, left undeveloped or undiverted, would not flow off NPS property and would not contribute to downstream channels, the restrictions imposed under the Notice would not apply. However, based on the information contained in the Headquarters Spring docket, we are unable to determine if this situation applies to Headquarters Spring.

Accordingly, if you determine that the natural flow of the spring would contribute to downstream channels or you are uncertain of the applicability of the order, we recommend that domestic and industrial uses be curtailed for the period specified in the Notice or as otherwise indicated by the Board. It is our understanding that the Martin Creek system can accommodate your needs (per Dan McGlothlin's July 10 telephone conversation with you).

The dockets also provide information on the following surface water developments which would appear to be covered by Federal reserved water rights but which might be considered riparian rights.

1. Sulphur Works Entrance system

2. Summit Lake system

3. Manzanita Creek

4. Drakesbad Concession

Federal reserved rights would not be affected by the Notice. With respect to riparian rights, a full supply will be available throughout July, but in August, riparian right holders should expect supplies to be approximately 80 percent of normal. The spokesperson from the state indicates that, in response to this forecast, most water users in the affected area are reducing their water use. We recommend that you consider, where feasible, as a matter of comity and in the spirit of cooperation with the state, reducing water use associated with the above four systems. If there are other surface water supply systems for which we have no record, these recommendations would also apply.

We would appreciate any information you may have regarding any other water systems so we may update the dockets.

If you have further questions regarding water rights at LAVO, please contact Owen Williams or Dan McGlothlin at (303) 493-1441.

Owen Williams

Attachment

cc: WR - Kolipinski
LAVO - Lake
479 - Ponce, McGlothlin, Johns, Hansen

FNP:DMCGLOTHLIN:jt:(303)493-1441:A\DMLAVO.

United States Department of the Interior

NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 353
FT. COLLINS, COLORADO 80521

TAKE PRIDE IN AMERICA

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

August 1, 1991

RECEIVED
AUG 5 1991
Lassen Volcanic National Park

	Action	Info	Copy	Initial	Date
SUPT		✓		KB	8/5
AO		✓			
CPM		✓		DL	8-5
CPN		✓			
CPR		✓			
CRM					
LONG					CC
DOSEN					
FILE					
Library					

Memorandum

To: Superintendent, Lassen Volcanic National Park

From: Chief, Water Rights Branch

Subject: Water Rights for Martin Creek

The Water Resources Division (WRD) received the attached letters from the State Water Resources Control Board (SWRCB), Division of Water Rights, which concern the National Park Service (NPS) water right for Martin Creek. We wish to bring these to your attention as they address a water right matter on which this office is providing you assistance. The letter of July 12, 1991, addressed to Owen Williams, responds to a February 27, 1991, inquiry from this office requesting information from SWRCB on notification to the State of NPS's water right for Martin Creek. The SWRCB's letter of July 15, 1991, responds to a request from Assemblyman Statham to provide assistance and includes a copy of their July 12 letter. We wish to bring these letters to your attention as they seem to indicate that there is an outside interest in the Park's water right for Martin Creek.

With regard to the Statement of Water Diversion and Use referenced in the SWRCB's letter to Owen Williams, the Water Rights Branch is in the process of completing and filing this document with the state. We will be forwarding a copy of the statement to you shortly.

If you have any questions regarding the letters or the Statement of Water Diversion and Use, please contact Dan McGlothlin or me at (303) 493-1441.

Attachments

cc: WR - Kolipinski
LAVO - Lake
479 - McGlothlin

NATIONAL PARK SERVICE 75 1916-1991 TM

07-15-1991: To: Mineral Water Steering Committee; From: Division of Water Quality, State Water Resources Control Board; Subject: Pre-1914 Claim to Martin Creek in Tehama County

STATE OF CALIFORNIA

Pete Wilson, *Governor*

STATE WATER RESOURCES CONTROL BOARD
THE PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CA 95814

Mailing Address:
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000

916/324-5686

FAX: 916/323-0743

In Reply Refer
To:342:BHP:Pre-1914

JULY 15 1991

JUL 1991
RECEIVED
WRD - FT COLLINS

Mineral Water Steering Committee
c/o Mr. Nunes
P.O. Box 10
Mineral, CA 96063

Dear Mr. Nunes:

PRE-1914 CLAIM TO MARTIN CREEK IN TEHAMA COUNTY

On April 19, 1991 we received a letter from Assemblyman Stan Statham informing us to contact you regarding a water right question. This matter related to a letter dated February 27, 1991 from the U.S. Department of the Interior, sent under Mr. Owen R. Williams signature, regarding the Lassen Volcanic National Park. During a June 21, 1991 telephone conversation with you a member of my staff found that you were inquiring about a water right within the Mineral Water System. We have responded to the letter and a copy is enclosed.

If we can be of further assistance, please telephone me at 916/445-9552. The staff person currently working on this issue is Bert Parkinson, and he can be reached at 916/324-5686.

Sincerely,

ORIGINAL SIGNED BY:

Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

Enclosure

cc: Assemblyman Stan Statham
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

National Park Service
c/o Mr. Owen Williams
Water Resources Division
301 South Howes Street, Room 353
Fort Collins, CO 80521

07-12-1991: To: Water Resources Division, National Park Service; From: Division of Water Quality and Water Rights, State Water Resources Control Board; Subject: Pre-1914 Claim to Martin Creek in Tehama County

STATE OF CALIFORNIA

Pete Wilson, *Governor*

STATE WATER RESOURCES CONTROL BOARD
THE PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CA 95814

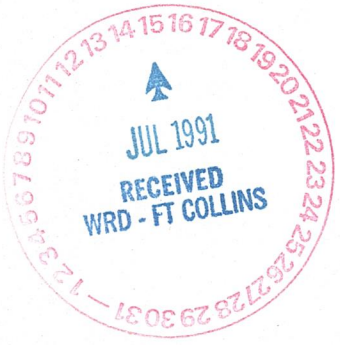
Mailing Address:
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000

916/324-5686

FAX: 916/323-0743

In Reply Refer
To:342:BHP:Pre-1914

JULY 12 1991



National Park Service
c/o Mr. Owen Williams
Water Resources Division
301 South Howes Street, Room 353
Fort Collins, CO 80521

Gentlemen:

PRE-1914 CLAIM TO MARTIN CREEK IN TEHAMA COUNTY

By letter dated February 27, 1991 you inquired about a water right in the Lassen Volcanic National Park, the Mineral Water System, and in part stated the following:

> "This claim is a portion of the original right to divert from Martin Creek first recorded in Tehama County by Bert Hampton, a predecessor in interest to the National Park Service holdings, on September 1, 1894...In evaluating park files, an inquiry of Division of Water Rights records conducted by this office in June 1990 produced no information in regards to the above-referenced rights to Martin Creek...it is our desire to properly inform the State of NPS's rights on Martin Creek. If there is need for proper notification and/or recordation with the State, we would appreciate any assistance you can provide us to accomplish same."

Based on this information it was determined that the National Park Service should file a Statement of Water Diversion and Use with the State Water Resources Control Board. The statement applies to water diverted from a surface stream under claim of riparian right and to appropriations commenced prior to establishment of the permit system in 1914, even though recorded in the county. I have enclosed a copy of the form, with supportive information, for your convenience.

If we can be of further assistance, please telephone me at 916/445-9552. The staff person currently working on this issue is Bert Parkinson, and he can be reached at 916/324-5686.

Sincerely,

for Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

Enclosure

cc: Assemblyman Stan Statham
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

Mineral Water Steering Committee
c/o Mr. Nunes
P.O. Box 10
Mineral, CA 96063

BHP

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1

To DAN McGLOTHLIN	From BERT PARKINSON
Co. NAT. PARK SERVICE	Co. SWRCB
Dept.	Phone # (916) 324-5686
Fax # (303) 221-8315	Fax #

916/324-5686

FAX: 916/323-0743

JULY 15 1991

In Reply Refer
To:342:BHP:Pre-1914

Mineral Water Steering Committee
c/o Mr. Nunes
P.O. Box 10
Mineral, CA 96063

Dear Mr. Nunes:

PRE-1914 CLAIM TO MARTIN CREEK IN TEHAMA COUNTY

On April 19, 1991 we received a letter from Assemblyman Stan Statham informing us to contact you regarding a water right question. This matter related to a letter dated February 27, 1991 from the U.S. Department of the Interior, sent under Mr. Owen R. Williams signature, regarding the Lassen Volcanic National Park. During a June 21, 1991 telephone conversation with you a member of my staff found that you were inquiring about a water right within the Mineral Water System. We have responded to the letter and a copy is enclosed.

If we can be of further assistance, please telephone me at 916/445-9552. The staff person currently working on this issue is Bert Parkinson, and he can be reached at 916/324-5686.

Sincerely,

ORIGINAL SIGNED BY:

Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

Enclosure

cc: Assemblyman Stan Statham
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

National Park Service
c/o Mr. Owen Williams
Water Resources Division
301 South Howes Street, Room 353
Fort Collins, CO 80521

!BHParkinson:plederer:7-3-91
!plede300:BHP:pre.1914.m

STATE WATER RESOURCES CONTROL BOARD
THE PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CA 95814
(916) 324-5679

FAX: (916) 323-0743

Mailing Address:
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000

RECEIV
Lassen Volcanic National

ACTION | Info | Copy | Initial | Date
SUPT
AO
CPM
CPN
CSR
CWR
FILE IN
COPY

MAY 15 1991

TO: WATER RIGHT HOLDERS WITH PERMITS OR LICENSES IN THE SACRAMENTO AND SAN JOAQUIN WATERSHEDS AND DELTA CHANNELS

NOTICE OF UNAVAILABILITY OF WATER

California is in the midst of the fifth year of drought, and the current water year continues to be critically dry, as declared by the Director of Water Resources on May 10, 1991. The heavy March rains improved the statewide water supply. Between March 1 and May 1, average precipitation increased from 35 percent to 75 percent of normal and average reservoir storage increased from 5 percent to 65 percent of normal. These increases have significantly enhanced the water supply for this year, but there is still a critical shortage of water.

The purpose of this letter is to advise you that water will not be available for diversion under permits or licenses issued by the State Water Resources Control Board (State Board) beginning on July 1, 1991 and continuing through August 31, 1991 unless otherwise notified. Water diverted during this curtailment period must be from alternate sources of supply, such as ground water wells, purchased water, or rediversion from earlier storage.

Based on current forecasts, our calculations indicate that a full riparian rights supply will be available throughout July. In August, however, the natural flow will supply approximately 80 percent of the needs of riparian right holders in the Sacramento and San Joaquin Watersheds and Delta Channels Riparian land is the property that adjoins natural lakes, streams, and rivers carrying water from natural runoff. Water diverted under claim of riparian right is to be shared for beneficial uses co-equally with other riparian owners. Please note that release of previously stored water from upstream reservoirs is not part of the natural flow and is not available for riparian owners' use.

The State Board staff will be inspecting the diversions and use of water for selected water users. Those who are found to be diverting water beyond what legally available to them may be subject to enforcement actions, including fines of up to $500 per day and/or cease and desist orders.

We are requesting your cooperation and assistance in complying with the constraints under your water right to conserve the limited supplies of available water.

MAY 15 1991

If we can be of further assistance, please telephone Christyl Escarda. The Drought Information telephone number at the State Board is (916) 324-5643.

Sincerely,

Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

L54(479)
LAVO/Water Rights

FEB 27 1991

To: Superintendent, Lassen Volcanic National Park

From: Chief, Water Resources Division

Subject: Water Rights, Mineral Water System

Attached is a copy of a letter from the Water Resources Division to the California State Water Resources Control Board pertaining to NPS water rights on Martin Creek in Lassen Volcanic National Park (LAVO). As per the telephone conversation between Dan McGlothlin of this office and Bob Lake, and in reply to Mr. Lake's February 5, 1991, memo to the Chief, Water Rights Branch, we have asked the State of California for guidance concerning possible recordation of the NPS right.

This issue surfaced as a result of a January 9, 1991, California Department of Health Services field inspection report. That report indicated there are "no applied for, licensed or adjudicated water rights for any of the water on Martin Creek". Our letter should clarify this matter but if you need further assistance in clarifying the NPS's right with the Department of Health Services, please let us know. Contact Owen Williams or me at (303) 493-1441 or (303) 221-8305, respectively.

Stanley L. Parr

Attachment

cc: WR - Kolipinski
WR - Ikeda
LAVO - Superintendent
SOL - Mihan
479 - Williams, McGlothlin, Werrell

NATIONAL PARK SERVICE 75 1916 - 1991

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

February 27, 1991

L54(479)
LAVO/Water Rights

FEB 27 1991

Mr. Jesse M. Diaz, Chief
Division of Water Quality and Water Rights
State of California
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Dear Mr. Diaz:

The Water Resources Division (WRD) is providing assistance to Lassen Volcanic National Park in evaluating the status of its water rights associated with the diversion and use of water from Martin Creek, near the community of Mineral, California. It has come to our attention that there is uncertainty or confusion with respect to water rights held by the National Park Service (NPS) for Martin Creek and, possibly, a need to notify the State of California of these rights to eliminate this confusion.

The water right in question is that right acquired by NPS from W.N. Woodson, et. al., by deed dated June 6, 1939, which conveyed riparian property and water rights for the diversion and beneficial use of 0.25 cubic feet per second (cfs) of water flowing in Martin Creek. A Notice of Water Claim - Change of Point of Diversion was posted by the NPS on May 16, 1940, which claimed the right to change the location of the diversion to NW 1/4 NW 1/4 Section 19 Township 29 North Range 4 East, and filed in the office of the County Recorder, County of Tehama. This claim is a portion of the original right to divert from Martin Creek first recorded in Tehama County by Bert Hampton, a predecessor in interest to the NPS holdings, on September 1, 1894, in Book "G" of Miscellaneous Records, at page 128. The history of the right is more detailed than presented. However, our purpose here is to show that there exists a lengthy history of water rights on Martin Creek in the records of Tehama County.

In evaluating park files, an inquiry of Division of Water Rights records conducted by this office in June 1990 produced no information in regards to the above-referenced rights to Martin Creek. These rights were created by priority of appropriation

NATIONAL PARK SERVICE 75 1916 - 1991

initiated before December 19, 1914, commonly referred to as "pre-1914 rights". It is our understanding that a general adjudication of water rights is the basis by which these rights are recorded with the State. NPS records indicate that no such previous action(s) has been initiated by the State of California by which these rights may have been recorded. Therefore, it is logical to assume these rights are not a matter of record with the State.

The National Park Service is concerned, given that no evidence of this right exists in your records, that the current situation may invite misunderstanding or adverse public reaction, particularly in time of water shortage, as to the potential for further development of water on Martin Creek. In fact, NPS is presently aware of at least one instance where such misunderstanding has occurred. In this case, the misunderstanding results from a recent California Department of Health Services report that relies upon data furnished by your agency.

With this in mind, it is our desire to properly inform the State of the NPS's rights on Martin Creek. If there is need for proper notification and/or recordation with the State, we would appreciate any assistance you can provide us to accomplish same.

If you have any questions or need to discuss this matter further, please contact Dan McGlothlin or me at (303) 493-1441. Thank you for your assistance.

Sincerely,

Daniel J. McGlothlin

for Owen R. Williams
Chief, Water Rights Branch

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814
(916) 323-1382

RECEIVED
SEP 10 1986
LASSEN VOLCANIC NAT'L. PARK

September 8, 1986

	Action	Info	Copy	Initial	Date
SUPT		X			9/15
AO		X			9-15
CPM					
CPN					
CPR					
CRM					

Water docket

Lassen Volcanic National Park
Headquarters
Attention: Bob Lake
Facility Manager
Mineral, CA 96063

WATER PERMIT NO. 86-030

Application of the Lassen Volcanic National Park, dated February 25, 1986 made in accordance with Section 4011 of the California Health and Safety Code for a domestic water supply permit, has been considered by the State Department of Health Services. The enclosed engineering report, dated June 1986, describing the existing system and proposed improvements, was prepared by the Sanitary Engineering Branch.

The State Department of Health Services Finds on the basis of the above report that Sections 4010 to 4039.5, inclusive, of the California Health and Safety Code can be met by the water system.

A domestic water permit is hereby granted to the Lassen Volcanic National Park.

Peter A. Rogers, Chief
Sanitary Engineering Branch

Enclosure
cc: Maris Pubulis, P.E.
Sanitary Engineering Dir.
U.S. Public Health Service
Western Regional Office
450 Golden Gate Ave.
San Francisco, CA 94102
Tehama County Health Dept.
Shasta County Health Dept.
Plumas County Health Dept.
Lassen County Health Dept.

STATE OF CALIFORNIA

DEPARTMENT OF HEALTH SERVICES

Water Supply Permit

The State Department of Health Services Hereby Grants Permission To

LASSEN VOLCANIC NATIONAL PARK

To Furnish or Supply Water for Domestic Purposes To

LASSEN VOLCANIC NATIONAL PARK

This Permit Becomes Effective SEPTEMBER 8, 1986

and is granted subject to the provisions of Division 5, Part 1, Chapter 7 of the Health and Safety Code of the State of California and the Department of Health Services letter of SEPTEMBER 8, 1986

Water Permit No. 86-030

Peter A. Rogers

Chief, Sanitary Engineering Section

67561-449 2-79 800 ◆ OSP

09-08-1986: water supply permit no. 86-030

06-00-1986: cover page: engineering report in the matter of the permit application

System No. 52-500

STATE OF CALIFORNIA — HEALTH AND WELFARE AGENCY
George Deukmejian, Governor

DEPARTMENT OF HEALTH SERVICES
2151 BERKELEY WAY
BERKELEY, CA 94704

The park has a copy of this report if needed. Mary Hermes 4/12/90

ENGINEERING REPORT

In the Matter of the Permit Application

From

LASSEN VOLCANIC NATIONAL PARK
SERVING LASSEN VOLCANIC NATIONAL PARK
LASSEN, PLUMAS, TEHAMA AND SHASTA COUNTIES

Report Prepared By

FRANKLIN M. SAYLOR
SANITARY ENGINEER

Approved

ALBERT ELLSWORTH
SUPERVISING SANITARY ENGINEER

Date

JUNE 1986

Sanitary Engineering Branch

00-00-1985: engineering report in the matter of the permit application

1985

PLACE AND OWNER OF FILTER PLANT = LAVO
RESERVOIR = LAVO

OUR WATER RIGHT ON MARTIN CREEK = .25 C.F./SEC.
15 CF/MIN
112.215 GPH
116,589.6 GPD

BERESFORDS & WOODSON AGREED TO SELL WATER TO LAVO

ON MAY 18, 1939, WOODSON & BERESFORD OPTIONED TO US THEIR RIGHTS TO MARTIN CREEK FOR .25 CF/SEC.
- AT SAME TIME USNPS OBTAINED SPECIAL USE PERMIT FROM USFS TO LAY PIPELINE ACROSS FOREST SERVICE LAND.

ON JUNE 6, 1939 WOODSON & BERESFORD CONVEYED TO LAVO AN UNQUALIFIED RIGHT TO DIVERT .25 CF. OF WATER AND GRANTED LAVO THE RIGHT TO ENTER ON W & B's LAND TO CONSTRUCT AND FOREVER MAINTAIN A PIPELINE TO TAKE WATER FROM MARTIN CREEK

ON AUG 3, 1939 - CONTRACT WAS WRITTEN STATING:
1) STARKWEATHER & COMYN CONSENTS TO SALE OF WATER TO US.
2) WOODSONS & BERESFORDS WOULD LAY TWO PIPES AND BUILD SETTLING TANKS
3) REVISED AMOUNT OF WATER DIVERSION TO PRIVATE PARTIES.

ON MAY 16, 1940 - US CHANGED POINT OF DIVERSION FROM MARTIN CREEK FOR USE AT LAVO.

IT IS UNKNOWN WHETHER WE HAVE AN OBLIGATION TO MAINTAIN COMPLETE MARTIN CREEK WATER SYSTEM. - ANY SUBSTANTIATING DOCUMENTATION CANNOT BE FOUND.

WE HAVE HISTORICALLY MAINTAINED THE SYSTEM BUT NPS DIRECTOR IN 1970 STATED WE WERE NOT OBLIGATED TO DO SO. A MAINTENANCE AGREEMENT BETWEEN MINERAL LODGE AND NPS IS RECOMMENDED HOWEVER.

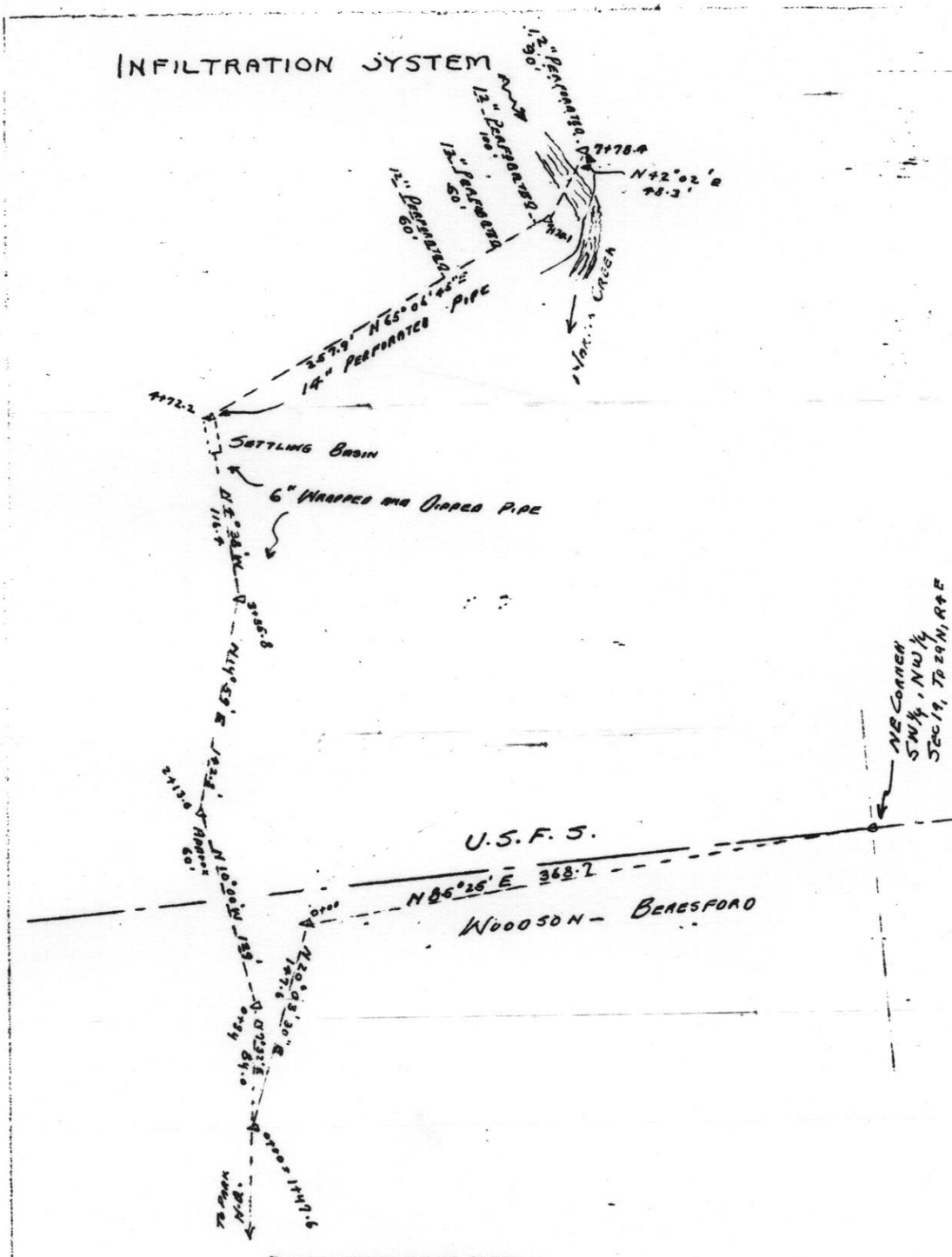
THE POINT OF DIVERSION FOR WATER WAS CHANGED FROM PRIVATE PROPERTY TO FOREST SERVICE LANDS (JUNE 3, 1939). THIS GIVES PARK SOMEWHAT STRONGER POSITION REGARDING WATER SOURCE

SPECIAL USE PERMIT DATED 5/2/39 STATES

1) PERMITTEE SHALL INSTALL AND MAINTAIN EFFICIENT FISH SCREEN AT INTAKE FOR 12" PERFORATED PIPE
2) COMPENSATION FOR DAMAGE CAUSED TO PROPERTY OF US THRU OVERFLOW OF WATER.
3) SUITABLE CROSSINGS SHALL BE PROVIDED AND MAINTAINED FOR ROADS & TRAILS
4) THE RIGHT OF WAY GRANTED UNDER THIS PERMIT INCLUDES ONLY THE AREA ACTUALLY OCCUPIED BY THE CONDUIT ITSELF.

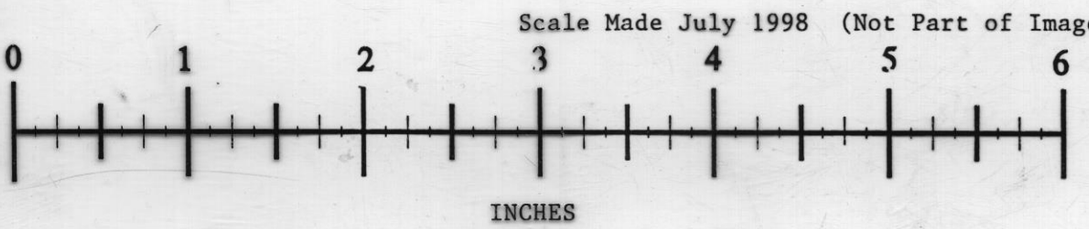
MAY 11, 1939 -
REFERS TO PERMIT CONCERNING LAYING OF PIPE ACROSS FOREST LAND.

AN APRIL 24, 1939 LETTER TO SUPT PRESTON FROM USFS REQUEST SPECIAL USE PERMITS FOR PIPE LINE AND A DIVERSION DAM.



DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MAP SHOWING LAYOUT
PROPOSED INTAKE WATER SYSTEM
FOR
MARTIN CREEK - L.V.N.P. PARK H.Q. WATER SYS.
PROPOSED AMENDMENT TO U.S. FOREST SERVICE PERMIT 5-22-39
Scale 1"=100' AUG. 9, 1939. 5-2-39

Scale Made July 1998 (Not Part of Image)



An April 24, 1939 letter from Supt Preston to Forest Supervisor A.J Brenneis says

The Park is contemplating installing new water system at Martin Creek.

It was expected to place small diversion dam entirely on Woodson - Beresford property. However, a survey indicated a portion of proposed structure would encroach on forest land.

A special permit was requested to do this and apparently permit was approved.

Cost: Est. $34,000 figuring full labor for 4" line for Park-needs only and 6" line for Woodson - Beresford requirements

A letter dated Sept. 24, 1968 from Regional Office to LAUO stated a search of water docket could not substantiate the thought that a legal document exists saying we (LAUO) is required to maintain water system at Martin Creek. This includes the water diversion structure at point of diversion of the vender and the US 4" water line on Martin Creek.

(Dick Boyer)

Letter dated Sept. 5, 1968 from Park to Paul Simpson of Sudanville, Ga. States "system is on a joint use basis and that a joint maintenance endeavor was considered.

AGREEMENT DATED AUG 3, 1939 BETWEEN STARKWEATHER, AND COMYN AND WOODSON - BERESFORD AND US GOVERNMENT STATED:

LAVO AGREED TO FURNISH AND LAY A 6" PIPE FROM POINT OF DIVERSION SELECTED BY THE U.S. TO A 5,000 GAL REDWOOD SETTLING TANK - TANK TO BE LOCATED ON A HILL ABOVE GOLF LINKS. BERESFORDS AGREED TO BUILD 2 ADDITIONAL REDWOOD TANKS W/ CAPACITY OF 10,000 GAL. EA.

AN "OPTION AGREEMENT ON SALE OF WATER TO THE UNITED STATES" PARAGRAPH 3) STATES: "THE US HAS RIGHT OF WAY ACROSS ANY LANDS OWNED BY THEM FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PIPE LINE TO CONDUCT WATER FROM MARTIN CREEK TO LANDS OF UNITED STATES."

PARAGRAPH 4) STATES THAT A NOTICE SHALL BE POSTED AT THE POINT OF INTAKE UPON MARTIN CREEK SELECTED BY THE UNITED STATES FOR ITS DIVERSION WORKS AND POSTING NOTICES IN TWO OTHER PLACES IN TEHAMA COUNTY.

PARAGRAPH 5) STATES PRIVATE PARTIES SHALL HOLD US FREE FROM ANY DAMAGE WHICH MAY ARISE BY REASON OF ADVERSE CLAIMS OF ANY OTHER WATER OWNER UPON MARTIN CREEK BELOW THE POINT OF DIVERSION SELECTED BY THE US FOR ITS DIVERSION WORKS.

PARAGRAPH 8) STATES THIS INSTRUMENT (THE OPTION AGREEMENT) CONVEYS TO THE US UNENCUMBERED TITLE TO AFORSAID WATERS AND WATER RIGHT.

CHANGE IN POINT OF DIVERSION MARKED ON MAY 14, 1940 FROM A POINT ON WEST SIDE OF MARTIN CREEK NEAR NORTH LINE OF THE SW ¼ OF THE NW ¼ OF SECT. 19, T 29 N, R 4E WHENCE THE NE CORNER OF THE SW ¼ OF NW ¼ OF SAID SECT 19 BEARS NORTH 85° 25' E 368.7' TO THE PRESENT POINT OF DIVERSION AT A SAND TRAP ON WEST BANK OF MARTIN CREEK IN THE NW ¼ OF THE NW ¼ OF SAID SECT. 19 WHENCE THE SE CORNER OF SAID NW ¼ OF THE NW ¼ BEARS 53° 39' E 499.65'

THE DIVERSION IS BY LATERALS FROM SAID SANDTRAP BURIED UNDER MARTIN CREEK, AND THE MOST REMOTE TERMINAL OF THESE LATERALS IS LOCATED UNDER THE EAST BANK OF MARTIN CREEK AT A POINT WHENCE SAID SE. CORNER OF NW ¼ OF NW ¼ OF SECT. 19 BEARS SOUTH 17° 10' EAST 461.13'

TEHAMA COUNTY TITLE COMPANY OF RED BLUFF TO USDI ON FEB 2, 1940 AT 11:20 AM STATES IN PARAGRAPH 6 THAT THE WOODSONS & BERESFORDS COVEY TO THE U.S THE RIGHT TO DIVERT 0.25 SEC. FEET OF WATER FROM MARTIN CREEK AND THE GRANTORS THEREIN RECOGNIZE THE RIGHT NOW EXISTING TO ENTER UPON, CONSTRUCT AND MAINTAIN A BURIED PIPE LINE TO CONDUCT WATER FROM MARTIN CREEK TO THE LANDS NOW OWNED BY USA.

United States Department of the Interior

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

D5039(WR-OM)

June 16, 1983

RECEIVED
JUN 23 1983
LASSEN VOLCANIC
NATIONAL PARK

ACTION	ROUTE	COPY	INITIAL	DATE
	X		SUPT	6/27
			PIO	
			SO	
			AO	
			AT	
			PA	
			AC	
	X		CPR	6/30
	X		RMS	6/
			SDO	
			NDO	
			FEE	
	X		CPN	6-30
	X	X	CPM	6-29
			BSU	
			PRT	
			CHCF	
	✓		FILE	
			LIBRARY	

Memorandum

To: Superintendent, Lassen Volcanic

From: Regional Director, Western Region

Subject: Recommendations on revising Headquarters Water System Package Number 226

Mr. Otake discussed these recommendations with Mr. Lake on June 14. This memorandum is to confirm the approach we are recommending and spell out the assistance we will provide.

The basic recommendations are to (1) abandon the 14,000-gallon reservoir, (2) install a polymer filter system and chlorinator in a new structure, (3) rehabilitate the 100,000-gallon tank, and (4) replace inoperative valves and make required plumbing changes. In order to carry out the work a combination of contract, purchase orders, and day labor will be needed.

The 100,000-gallon reservoir would be drained, one cell at a time, and the walls and floor sealed to prevent leakage. We propose to use two products, "Water Plug" for larger cracks or holes and "Thoro-Seal," a plaster-like material for complete coating of the interior. Two coats of Thoro-Seal are required. These materials are available in the Bay Area. This office will work on the procurement problem. We have suggested that Mr. Lake have one of his people attend a seminar on the product at the Thoro-Systems plant in Newark, California.

While this work is going on the large valves at the reservoir would be replaced and a tap for the new filter system installed. Also, the lines would be changed at the 14,000-gallon reservoir to abandon that unit. The pumbing work would have to be by contract, and we will prepare the specifications and drawings needed to contract out the work. Enclosed is a schematic sketch showing how the pumbing would be revised.

We have supplied Mr. Lake with a sketch drawing for the new polymer filter/chlorinator building. This he will locate and construct with day labor forces. A new line will be needed between this building and the 100,000-gallon reservoir. We will work up a plan and profile for the line and stake-out in the field. The line would follow the existing road. Equipment would be obtained by purchase order. Mr. Pubulis will provide assistance with this aspect.

At this time we do not know if the present funds will cover all work needed. Perhaps a portion will have to be deferred. However, we recommend the 100,000-gallon reservoir sealing, valve replacement, and abandonment of the 14,000-gallon reservoir proceed. If required, the completion of the new filter/chlorinator system could be done later.

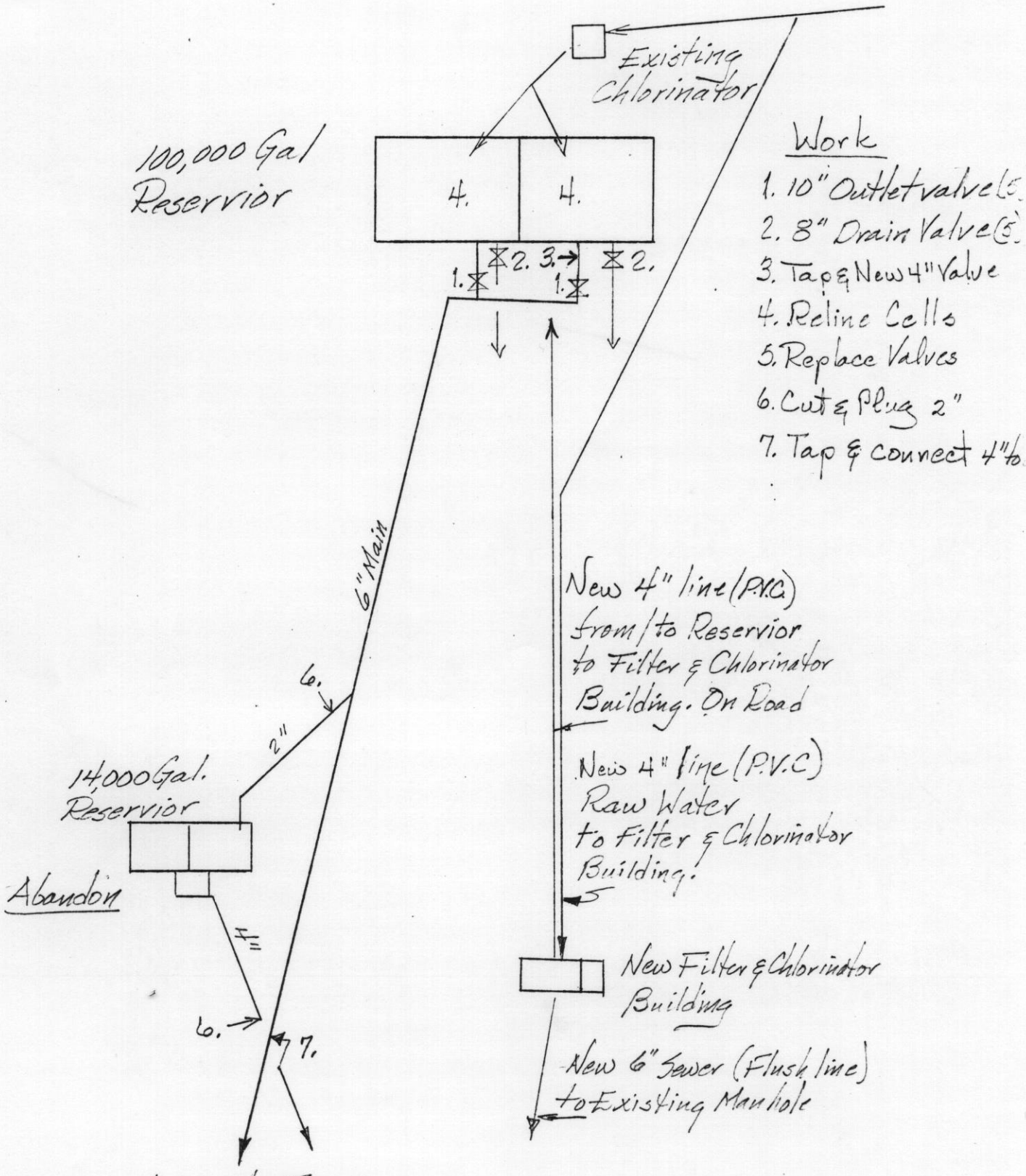
We will complete our portion of this work as quickly as possible.

Howard L. Chapman

Enclosure

cc:
Bob Lake, LAVO

06-16-1983; hand drawn schematic: revisions water system-headquarters



Schematic-Revisions
Water System-Headquarters
Lassen Volcanic N.P.
6/83

(WR)RW

A40
(WR)RP

May 17, 1979

Memorandum

To: Superintendent, Lassen Volcanic

From: ACTING Regional Director, Western Region

Subject: Meeting with personnel from Lassen National Forest

This is in response to your subject memorandum of April 25. Information on some of the issues raised at the meeting is shown below:

Interagency Transfer:

Before any action is taken by this Office, you should make sure that the Forest Supervisor has discussed the proposed transfer of Section 13 with the Regional Forester. If this has taken place, you could follow up then with a memorandum requesting that we initiate action at this level.

Water Rights:

Currently no valid water rights or diversions exist on Manzanita Creek downstream from the boundaries of the park, so no water rights problem should result from park water usage. Park Service use of water from Manzanita Creek on Forest Service property could be based on the history of prior beneficial use at the old diversion point in the park (with the initial use of the water predating the advent of the California permit system); if water were diverted from within the park boundaries a Federal reserved right could be asserted. In either case the right of the Park Service to use water from Manzanita Creek would be superior to any potential downstream user.

Environmental Assessment for the Bluff Falls Area:

We agree that the preparation of an environmental document for the sewage disposal system in this area should be prepared by the Park Service. Whether the work is done by the A/E or by the Service will be a matter for the Denver Service Center to decide.

Cooperative Agreements - Bluff Falls Area:

We commented on the draft agreement with the Forest Service concerning the Bluff Falls area by a memorandum of May 3, 1979, file code A44.

(Sgd) Bruce M. Kilgore

cc:
DSC-TWE-Assistant Manager, Pacific Northwest/Western Team, Denver Service Center

bc:
Water Resources, WRO

04-25-1979: memorandum to regional director from superintendent regarding meeting with lassen national forest

United States Department of the Interior

NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MINERAL, CALIFORNIA 96063

IN REPLY REFER TO:
A40

April 25, 1979

RECEIVED
Western Regional Office
APR 27 '79
Regional Director
Dep. Regional Dir.
Operations Eval.
Administration
Operations
Res. Mgmt. Plan
Public Affairs

Memorandum

To: Regional Director, Western Region

From: Superintendent, Lassen Volcanic

Subject: Meeting with Lassen National Forest

On Friday, April 20, a joint meeting was held here at Mineral with the Forest Service. I am enclosing a copy of the minutes of that meeting for your information. A number of topics of current interest were brought out and discussed, and I would like to emphasize a few of them.

Interagency Transfer: The Lassen Forest staff feels that this is an opportune time to initiate proceedings to transfer Section 13 from the Forest Service to the National Park Service. Aside from the obvious benefits of a transfer, it would help solve the problems of legal jurisdiction and concessions management in Section 13.

Water Rights: Are water rights from Manzanita Creek going to be a problem in Section 13, if the creek is manipulated for aesthetic reasons in the landscape plan?

Environmental Impact Statement for the Bluff Falls area: If the Bluff Falls area is to be used for disposal of effluent generated by the sewage disposal system at the ski area, will an environmental assessment or statement be required? As far as we know none has been made for that area. The Forest Service raised the question and also feel that it is our responsibility to prepare one, if required, since we are the initiating agency. If one is required, we feel it should be prepared under Work Directive 9-0003-79-01, Design of Southwest Developed Area Sewerage Facilities by Barrett and Associates, Inc.

Cooperative Agreement: The Forest Service has given us verbal approval to use the old quarry site at Bluff Falls for the disposal of sewage effluent. We are in the process of drafting this agreement and will send you a copy for review and approval when it is ready.

This was a very productive session and all of us benefitted from it. Once again it pointed out the excellent cooperation between the Forest Service and the Park Service at the field level.

W. Stephenson

Enclosure

United States Department of the Interior

NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MINERAL, CALIFORNIA 96063

IN REPLY REFER TO:

A40

Interagency Meeting
Lassen National Forest/Lassen Volcanic National Park
April 20, 1979, Mineral, California

Present: Forest Service - Forest Supervisor Bill Jones, Almanor District Ranger Bill Swanson, Hat Creek District Ranger Phil Carlson, Recreation Specialist Don Winslow and Forest Engineer Byron Bartholf

National Park Service - Superintendent Bill Stephenson, Facility Manager Bob Lake, Resource Management Specialist Alan Denniston, Chief Park Naturalist Dick Vance, North District Ranger Jim Fox and Secretary Gertrude Ratledge

Superintendent Stephenson opened the meeting by explaining the development alternatives at Manzanita Lake. Bill Jones stated, and the others agreed, they felt Alternative B was the most desirable development. They felt it was the best concept even without the water manipulation in this alternative. Problems with diverting water from Manzanita Creek were discussed. No one is quite sure what the water rights are, and this should be checked out before any further plans are made for diverting water. Steve Young, Forest Hydrologist, has a Water Rights Atlas for Section 13 to which we can have access.

Office space requirements for the Forest Service were discussed. Phil Carlson doesn't see more than minimal needs. Their major needs are for housing and maintenance. This will be discussed further when detailed plans are developed. The joint agency visitor center has been very successful and everyone agrees the new visitor center should be developed toward both agency's needs. The Forest Service doesn't anticipate any need for space during the winter months.

Administrative problems (law enforcement jurisdiction, concession operation, etc.) with the National Park Service operating this area under a Cooperative Agreement were discussed. It was mutually agreed that an interagency transfer would be the best solution to the problems. Both agencies feel that "service to the public" is the bottom line, and this could best be accomplished with an interagency transfer.

Ski area development and problems with sewage disposal were discussed. Tests have been conducted which have determined there is no place in the park where sewerage can be disposed which will meet State requirements. Bill Jones said the Forest Service would agree to building a sewerage disposal facility on Forest Service land providing it was the only reasonable, feasible alternative, and it can be proved that no site exists inside the park. Bill Swanson expressed concern over the type of facility planned; the mounding might be subject to tampering. An environmental assessment and archeological survey will have to be done. The question came up of who would be responsible for preparing the assessment, and the park will check to see if this is required of the A/E contractor under the work directive. The park will have their archeologist start the archeological survey when he makes his scheduled visit next month. Don Winslow requested that as soon as a draft environmental assessment is prepared, that a copy be sent to the Forest Service for review. This will expedite the review of the final document.

It was mutually agreed that separate agreements would be executed for the ski area and the Manzanita Lake Development. The National Park Service will initiate the agreement for land use for the sewerage disposal system.

Since the joint visitor center at Manzanita Lake has been so successful, it was agreed that the visitor center in the planned base lodge at the ski area should also be a cooperative operation.

Alan Denniston explained the status of the Fire Management Plan for the park. Bill Swanson said the forest is working on a plan for the Caribou Wilderness and because of similarities with the park would like to have an information exchange with Fire Scientist, Dr. Jan van Wagtendonk of Yosemite when he comes up. The Forest Service will have a review of their Fire Management Program in July. We will let the Forest Service know when we get the information on a training session on prescribed burning which is being put on by Bob Martin of the Forest Service on the Modoc National Forest and Lava Beds National Monument this spring. Bill Swanson said they are planning to have a prescribed burn this year near Finley Lake and will let us know when it is scheduled.

The cost effectiveness of manning the Mt. Harkness Lookout was discussed. Bill Swanson will check and let us know what value this lookout has to their operation.

Don Winslow reported on the status of the Pacific Crest Trail on the forest. There is still an uncompleted segment on the Hat Creek District which is expected to be completed in 1980. He explained a proposed trailhead and overnight camping facility at Domingo Springs. A copy of the proposal is enclosed. The Forest Service is geared to accommodate horses on the Pacific Crest Trail at both sides of the park.

Dick Vance commented on the joint visitor services at Manzanita Lake, which is very successful and a good way to avoid duplication of services. He is meeting with visitor service personnel on the Hat Creek District next Friday, April 27, to discuss plans for the coming summer. He also touched briefly on park programs for the coming year--Year of the Visitor, International Children's Year and Junior Ranger Program.

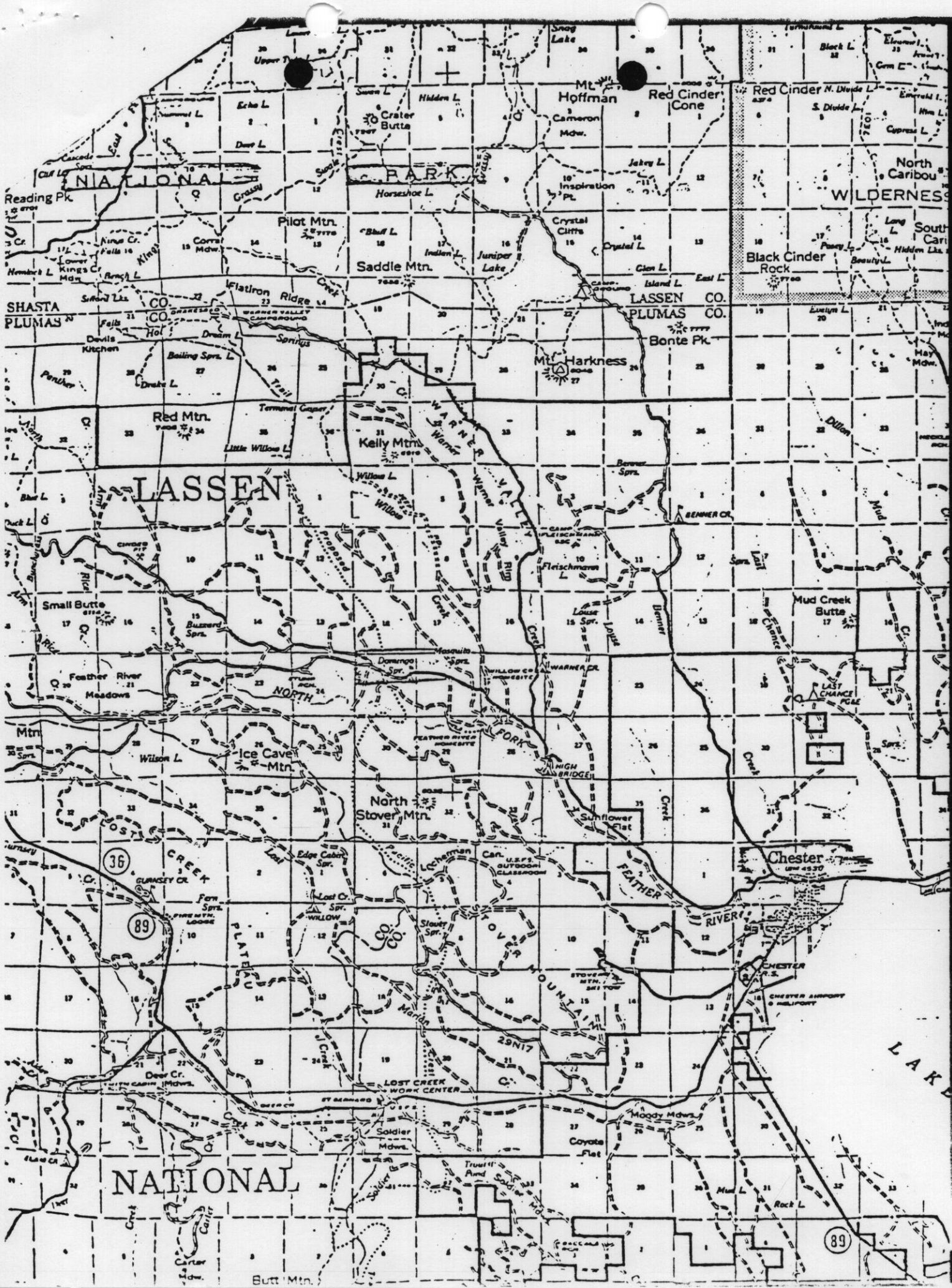
Cattle trespassing problems were discussed. There are several methods that can be used to provide drift fencing to attempt to control livestock, such as, the government furnishing materials and the permittee building and maintaining fences, or the permittee furnishing materials and the government constructing fences with the permittee maintaining them, etc. Each Forest Service district will furnish the park with a list of permittees with allotments near the park. This year the Hat Creek District will require each permittee to mark stock with a colored ear tag to aid in identifying livestock.

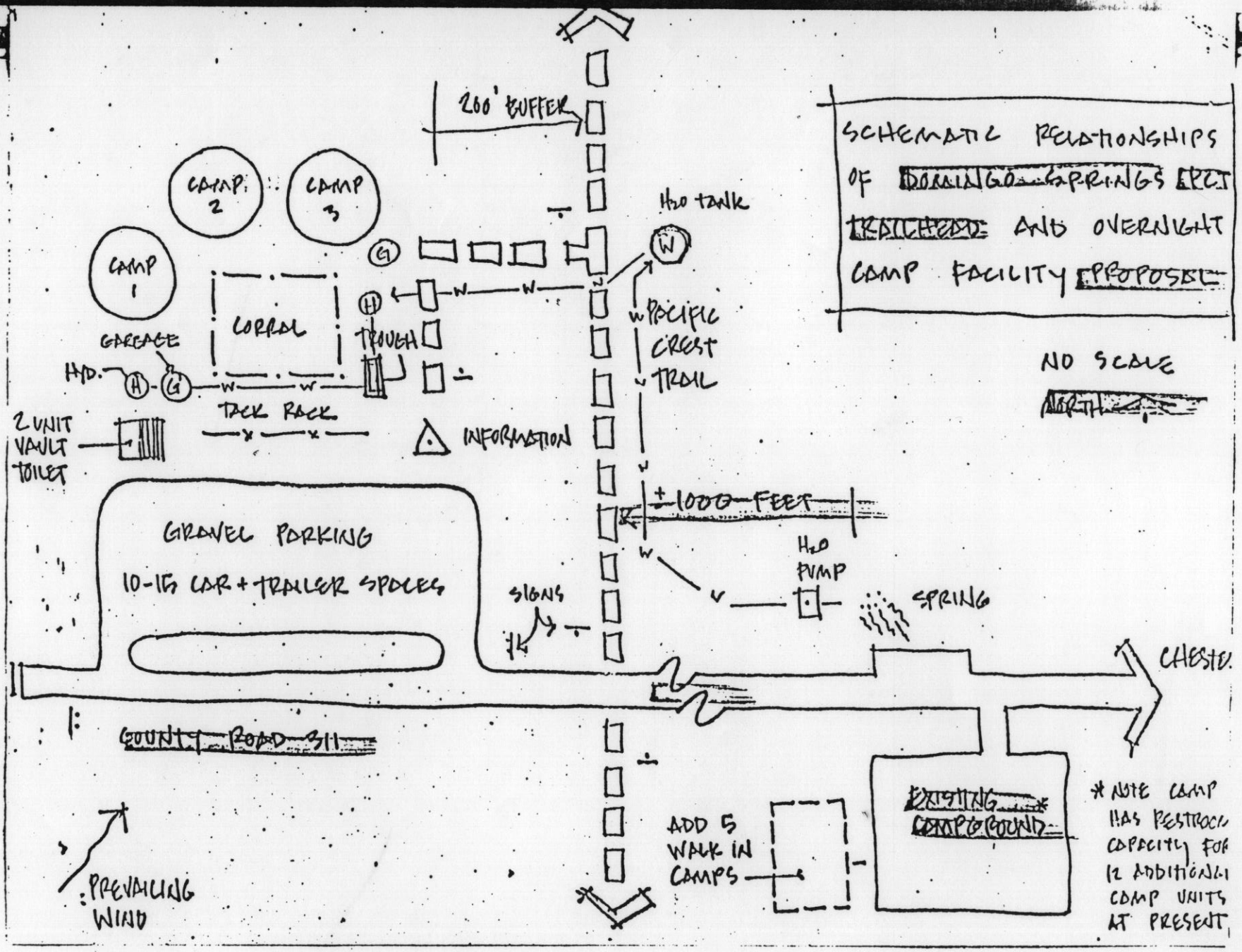
The Forest Service is starting an environmental assessment on geo-thermal leasing. Jake Jacobson is working on it. The forest's interests are in the surface resources, and any implementation will be a Department of Interior function. The forest will submit areas where they do not want leases. There are six or seven applications for exploration on the forest. Phillips Petroleum drilled on the forest a couple of years ago, but the forest has not been notified of the results of the drilling. Any move to develop geothermal resources in Section 36 will result in the park moving on condemnation proceedings.

Don Winslow said that RARE II evaluation has resulted in no changes of land status on the Lassen National Forest.

Phil Carlson said park concerns on logging roads approaching park boundaries have been taken into consideration in setting criteria for a planned timber sale next to the park. He asked about the status of park boundary surveying and monumenting. The entire park has been surveyed and monumented, but the contract has not been finalized. In checking park boundaries, the monuments are correct, but many of the boundary signs are not in the correct places--ignore them when they conflict with the monuments. As soon as we get final bearings of the monuments, we will send them to the forest for their use.

00-00-0000: map of lavo





00-00-0000: sketch of headquarters

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
SAN FRANCISCO FIELD OFFICE
450 GOLDEN GATE AVENUE, BOX 36064
SAN FRANCISCO, CALIFORNIA 94102

March 13, 1978

RECEIVED
Western Regional Office
MAR 13 1978
Regional Director
Operations
Action Taken

3/15

Memorandum

To: Regional Director, Western Region,
National Park Service

From: Field Solicitor, San Francisco

Subject: Water Rights in Warner Valley,
Lassen Volcanic National Park

In response to your request, attached please find a draft letter answering Daniel F. Gallery's inquiries on the above. The draft has been discussed with Mr. Werrell and Witucki.

Ralph G. Mihan
Field Solicitor

John McMunn
For the Field Solicitor

Enclosure

D R A F T

Daniel F. Gallery, Esq.
926 Jay Building
Sacramento, California 95814

Re: Donald and Joe Lee, Jr.
Request to Construct Water
System Across Park Lands

Dear Mr. Gallery,

As requested by your January 4, 1978 letter, we have again reviewed the status of your clients Donald and Joseph Lees' water rights in the Warner Valley area in and adjacent to Lassen Volcanic National Park. Our delay in responding to your letter is largely due to time taken up in research on the questions you raised.

Having carefully considered all aspects of this matter, we have concluded that we may not permit the Lees to construct and maintain a collection box and pipeline water system across Park lands to serve private cabin sites outside the Park.

At this time we have decided not to challenge the water rights claimed by the Lees in Lassen, which we regard as being a separate issue from the question of whether we may permit construction of a new water distribution system by the Lees on National Park Service lands.

The Lees clearly have no right at this time to construct a new, permanent water collection and transmission system on and across lands within the boundaries of Lassen Volcanic National Park. Nor do we have discretionary authority to permit them to do so.

02-08-1972: memorandum to director from superintendent, lavo regarding water resources projects - fy 1973 through future years

D22
(WR)PC

February 8, 1972

Memorandum

To: Director, Western Region

From: Superintendent, Lassen Volcanic

Subject: Water Resource Projects - FY 1973 through Future Years
Reply due: February 11, 1972

Enclosed is the information on Water Resource Projects as requested in your memorandum of January 17, 1972.

Dick Boyer

Enclosures

cc:
File
CPM
Yellow

00-00-1972: water resources projects data sheet

) er Resources Projects)

ıssen Volcanic National Park California 2/2/72

1		HQ.	2	Non-Development Related ~~Headquarters Water Supply~~, Protection & Supplemental Well Study.	None
2		JL	2	Juniper Lake Water Supply Study	None

02-02-1972: water resources proposal

WATER RESOURCE PROPOSAL

NO.	1 TO 2
1	PC (Orig)
1	Lassen Vol.

REGION	PARK	DEVELOPED AREA
Western	Lassen Volcanic Nat. Park	[X] EXISTING [ ] PROPOSED

PROJECT TITLE: Headquarters Water Supply, Protection & Supplemental Soil Study

A.R. INDEX NO.:

ESTIMATED TOTAL MAXIMUM DAILY USE OF AREA SERVED BY THIS SYSTEM (Persons/Day) → (present): 92 (twenty years from present):

FACILITIES TO BE SERVED AND NUMBER OF SITES		ESTIMATE MAXIMUM NUMBER PERSONS/DAY: Existing	Replacement of Existing	Expansion of Existing	New
Campground					
Picnic Area					
Comfort Stations					
Residences	34	92			
Other (Specify)					
Administrative & Utility Buildings	6	10			
Concession Facilities (Specify)					

TYPE AND PERCENTAGE OF WATER USE:	Domestic (Res. & Maint.)	Public	Irrigation	Fire	Wildlife	Other
	100%					

PREVIOUS INVESTIGATION OR STUDIES: None (organization) (dates)

LAND STATUS: Government owned

FIRST YEAR WATER NEEDED: 1972

% SEASONAL USE: 50%

EXISTING USABLE WATER SOURCES (thousand gallons/day)

[ ] RIVER [ ] SPRING [ ] WELL [ ] LAKE [ ] OTHER: Creek

ESTIMATED TOTAL MAX-DAY DEMAND - THOUSAND GALLONS:

PRESENT WATER QUANTITY AVAILABLE, INCLUDING STORAGE TO MEET DEMAND: 0.25 CFS with 114,000 gal. Storage Tanks.

ADDITIONAL WATER QUANTITY NEEDED TO MEET MAX-DAY DEMAND: Unknown

ADDITIONAL WATER QUANTITY NEEDED TO MEET MAX-DAY DEMAND 20 YEARS FROM PRESENT: Unknown

NARRATIVE OF SITUATION, MANAGEMENT REQUIREMENTS AND JUSTIFICATION:

In 1939 the Park Service purchased the right to 0.25 CFS of water from Martin Creek from two main water right claimants, the Gerber Estate and the Beresford interests, which have priority dates of 1898 and 1894. Martin Creek supplies water to the town of Mineral and the Mineral Park Headquarters area. In recent years numerous new homes have been constructed in the town of Mineral. The Mineral Lodge has been selling water to the residents This situation could result in a shortage of water, especially during dry years and would raise a question as to priority on water rights. Our Martin Creek water system is not metered, therefore, we do not know if we are exceeding the 0.25 CFS volume. We are presently negotiating with WRO for aid in obtaining a meter for this system. We request that a comprehensive USGS survey be made of the Mineral Headquarters area to determine if an underground well could be developed to supplement and eventually replace the surface water supply to our water storage tanks.

SUPERINTENDENT'S RECOMMENDATION (Signature) (date)

PREPARED BY (Signature): Dell R. Bressler/ Ch. of Maint. (date): 2/2/72

REGIONAL DIRECTOR'S APPROVAL (Signature) (date) (priority) (F.Y. to be programmed)

(FOR COST ESTIMATE, SEE REVERSE SIDE)

02-04-1972: water resource projects priority list

(Dec., 1971) NATIONAL PARK SERVICE

Water Resource Projects PRIORITY LIST

Lassen (Park) California (State) 2/4/72 (Date)

WR 2/24/72

Park Priority	Criteria	Pkg. No.	Dev. Area Code	Cong. Dist.	Developed Area Package Title	Related Development Package Numbers
					Development Related	
					None	
					Non-Development Related	
1		134	HQ		Headquarters Water Supply Protection & Supplemental Well Study	
2		135	JL		Juniper Lake Water Supply Study	

10-08-1971: memorandum to director, western service center from director, western region regarding water supply - park headquarters

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54
(WR)AMPC
WR#1

October 8, 1971

WESTERN SERVICE CENTER
OCT 12 1971
DIRECTOR, WSC
CHIEF, ED&P
CHIEF, ADM. SVC.
CHIEF, CC&M
CHIEF, LAND &
WATER (illegible)
CHIEF, HIST. &
HIST. ARCHITEC.
CHIEF, PRGMS. MANAGEMENT
Bressler

Memorandum

To: Director, Western Service Center

From: Director, Western Region

Subject: Water Supply - Park Headquarters, Lassen Volcanic

Enclosed is Superintendent Boyer's September 29 memorandum on the above subject. In the next three weeks, at your convenience, we would like to discuss the subject water supply problems with you. Following initial discussion between your Water Resource personnel and Regional Programs Officer, Patton of this office, we will be in a position to discuss the problem with the park, prior to advising what steps we wish to be taken to solve the problem.

Daniel J. Tobin, Jr.

Enclosure

cc:
Superintendent, Lassen

09-29-1971: memorandum to director from superintendent regarding water supply - park headquarters

AM

United States Department of the Interior

NATIONAL PARK SERVICE

LASSEN VOLCANIC NATIONAL PARK
MINERAL, CALIFORNIA 96063

IN REPLY REFER TO:

L54
Water Docket #1

September 29, 1971

RECEIVED
NPS Western Regional Office
SEP 30 '71

Director	
Assoc. Director	
Ch. Admin. Mgt.	
Asst. Dir. PS	
Asst. Dir. CP	
Chief, OE	
Action Taken:	

9/10/8/71
memo to WSC 10/8/71

Memorandum

To: Director, Western Region

From: Superintendent, Lassen Volcanic

Subject: Water Supply - Park Headquarters

We have engaged in correspondence for sometime (since August, 1968) with both you and the Western Service Center concerning the water supply at Park Headquarters in Mineral. A number of our questions have been answered, for which we are thankful; however, there are some major questions still unresolved and about which we have received no information. I am enclosing for your ready review a number of items of correspondence, both incoming and outgoing, which should provide you with adequate background. We hope you will be able to work on getting us an adequate response so we will not suddenly be hit with the possibility of having a crippling water shortage occur at Park Headquarters.

The Mineral Lodge people are still continuing their sale of individual building lots. The latest move in the sales campaign has been to sell to a large Bay Area corporation the remaining lots owned by the lodge people on the land they have set aside for housing purposes. There is already a concerted drain on the existing water supply, and even though the park has a very good water right, we would like to make every effort to avoid some adverse public reaction if this is possible. We think it is vital that we be able to place a metering device in the line near our 100,000 gallon settling tank to determine if our actual use is in excess of our legal water right. It should be there for a period of several years so that we may ascertain the gallonage we are using. We now think we are using more than our permitted right, yet a meter will be the only way to determine if this is true. I would like to again reiterate that a secondary supply of water should be examined at the earliest opportunity at Park Headquarters. This would be a well. Our demand here has not lessened, and before it is too late we must have an adequate water supply developed well in advance of a water shortage.

With this in mind, I would like to recommend the following steps be taken with a little extra effort being given to, 1) see is somewhere in the

Service there is a 3" water meter that could be made available to us on a loan basis for the necessary metering period. We have no park funds to purchase such a meter, and 2) follow through with the earlier park recommendation that a survey be made of the Mineral headquarters area with a test well, if necessary, to see if we cannot develop a supplemental underground water supply. This may be needed now, and it surely will be needed within a few years.

We are thanking you for any help you can give us. As you can see we have been working on this since late 1968.

Dick Boyer

In Duplicate

Enclosures

11-23-1970: memorandum to director, western service center from superintendent regarding water rights

WSC-D

United States Department of the Interior

NATIONAL PARK SERVICE

LASSEN VOLCANIC NATIONAL PARK
MINERAL, CALIFORNIA 96063

IN REPLY REFER TO:

L54-MW

WE DOCKET #1

November 23, 1970

WESTERN SERVICE CENTER
NOV 24 1970

DIRECTOR, WSC	
CHIEF, ED&P	
CHIEF, ADM. SVC.	
CHIEF, CS&M	
CHIEF, LAND & WATER RIGHTS	✓
CHIEF, HIST. & HIST. ARCHITEC.	
CHIEF, PRGMS. MANAGEMENT	

Memorandum

To: Director, Western Service Center
Attention: Mr. Gerard S. Witucki

From: Superintendent, Lassen Volcanic

Subject: Water Rights, Lassen Volcanic

We have been reading with much interest the intra-service water rights correspondence concerning Lassen Volcanic National Park. These memoranda include Dave Chavez's Lassen Volcanic trip report of October 5 and Jerry Witucki's following memorandum of October 27 to the Washington Office. The latest memorandum from Manuel Morris in Washington to the Director, Western Service Center, confirms and further strengthens the thoughts in the previous two communications. We are pleased to received these affirmations concerning our legal water rights at Park Headquarters.

The two questions still unresolved and probably upon which work is in progress toward solution now by the water rights people are: 1) determination of the actual amount of water we are using at Park Headquarters by a meter, and 2) dependent upon present and future uses which we assume will exceed (or have already) the approprative right of .025 cfs, we still think strongly that every effort should be made to develop a satisfactory ground water well supply.

In this connection we would like to again suggest that perhaps the Division of Water Resources could perhaps make a loaner 6" meter available to the park for a test period which would give us average gallonage use. A permanent installation would be necessary in the final analysis, perhaps at a later date. We would also request that appropriate action be taken toward placing us in line for an early ground water study of the Park area which would hopefully include drilling of a test well should this be technically feasible..

Thank you again for your continued progress toward the retention and/or development of adequate water supplies for Lassen Volcanic National Park. We will appreciate receiving any appropriate comments which will follow up this good progress we are now making on our water rights program.

Dick Boyer

cc:
WRO

11-12-1970: memorandum to director, western service center from chief, division of water resources regarding water rights

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

IN REPLY REFER TO:

L54-MW

12 NOV 1970

WESTERN SERVICE CENTER
NOV 16 1970

- DIRECTOR, WSC
- CHIEF, ED&P
- CHIEF, ADM. SVC.
- CHIEF, CS&M
- CHIEF, LAND & WATER RIGHTS
- CHIEF, HIST. & HIST. ARCHITEC.
- CHIEF, PRGMS. MANAGEMENT

Memorandum

To: Director, Western Service Center
Attention: Mr. Gerard S. Witucki

From: Chief, Division of Water Resources

Subject: Water Rights, Lassen Volcanic

Please refer to Mr. Chavez's trip report dated October 5 and Mr. Witucki's memorandum of October 27 to this office on the above subject.

We have reviewed water right docket 1, and agree with Mr. Chavez's conclusion that the right is well grounded. The park has unqualified appropriative rights to 0.25 cfs, through purchase, with a priority of 1894, and no other rights in the vicinity antedate this right. The right cannot be abandoned and the source is in a national forest. It is difficult to imagine a stronger legal right.

The only possible source of trouble appears to be a diversion upstream that would reduce the flow to less than 0.25 cfs. In this case, assuming the diverter refuses to curtail his use, after being apprised of the park's priority, legal action would have to be taken. Although we do not know how much of the basin upstream is privately owned, it is very doubtful that such a situation would occur. If the Mineral Lodge diversion should increase to the point that the park cannot obtain sufficient water for its needs (not exceeding 0.25 cfs), then legal action against the lodge would be in order. However, since the diversionary works serve both the park and the lodge, this seems remote.

In checking our files, we note that Alien Water Rights 4 and 5 have no record of right-of-way. These rights, owned by the same three people, McMann, Neely, and Kelly, are for water diverted within Lassen

Volcanic for use outside. The priorities, 1924 and 1926, antedate the 1929 extension of the park boundary to include the diversions. It may be that the Forest Service issued them a permit for a right-of-way, but if so, we have no record of it. This should be checked.

Manuel Morris

cc:
Director, Western Region (2)
Rocky Mountain National Park, Attn: Mr. Mekeel, Legal Asst.

10-27-1970: memorandum to director, national park service from chief, water resources section regarding martin creek water system

CHA
BARRETT
WITUCKI

L54(WSC)LWW
LAVO/WR Docket
No. 1

October 27, 1970

Memorandum

To: Director, National Park Service
Attention: Chief, Division of Water Resources

From: Chief, Water Resources Section, Office of Land Acquisition and Water Resources, WSC

Subject: Martin Creek Water System, Water Docket No. 1 - Headquarters area, Lassen Volcanic

In accordance with the trip report of Water Docket Specialist D. Chavez (October 5, 1970), as to a further analysis of the water "right" situation at the Headquarters area, Lassen Volcanic, the following is presented.

As noted, the water of Martin Creek has had two main water right claimants, the Gerber Estate and the Beresford interests, which have priority dates of 1898 and 1894, respectively. In 1939, the Service bought from the Beresford interests (with written concurrence from the Gerber Estate) a water right which is defined as follows:

> "The unqualified right to divert twenty-five hundredths (0.25) second feet of water, for use during the entire year, said right having a priority of August 30, 1894, and being a portion of that certain right to divert 150 inches of water measured under a four-inch pressure, originally acquired by Bert Hampton by virtue of his filing under the laws of the State of California, of a notice of appropriation of water dated August 30, 1894, Tehama County, on September 1, 1894, in Book G of Miscellaneous Records at Page 128, and change in point of diversion and place and methods of use notice and recorded June 5, 1939, in Book "109" of Official Records at Page 118, Records of Tehama County."

This water source has apparently been adequate in serving the needs of the park, the Mineral Lodge (Beresford) and Gerber Estate. Recently, however, new homes have been constructed in the town of Mineral, and the Mineral Lodge has been selling water to the residents. This situation could eventually result in a shortage of water and raise a question as to priority in right. Upon review of the data, it is our

opinion that the Service's position as to State right and priority is well grounded, as well as documented, i.e., the priority date being August 30, 1894, as well as the continued beneficial exercise of the water right all fully recorded.

The purchase agreement clearly indicates an unqualified right to the use of a specific amount of water (0.25 c.f.s.). That is, the Service may claim their full amount withstanding any changes in demand on the water source. However, as the amount of actual use is unknown, this office could initiate action to monitor the amount so as to verify the Service's water right claim within the context of the agreement. Also, this would give a substantial indication as to the adequacy of the source in terms of future needs. The extent to which the park is presently using its share from this source would affect the programming of ground water exploration as a possible alternate source. In that the park has requested water resources investigation for the area, we can also plan to include a monitoring program for the Martin Creek water system.

Superintendent Boyer again expressed concern over the problems of maintenance of the diversionary works of the system. These works serve both the park and Mineral Lodge; however, the park has been maintaining the system (see enclosed Superintendent Boyer's August 30, 1968, memorandum and our reply of September 24, 1968). Consequently, it would seem an agreement as to cooperative maintenance would be most practical. It is also noted that the point of diversion was changed from private property to Forest Service lands where diversionary works are located (references: 1) Notice of Water Claim - Martin Creek - Tehama County - California -- Change of Point of Diversion and Places and Purpose of Use, dated June 3, 1939; and 2) Amendment to Special Use Permit, dated August 30, 1939 - Docket No. 1). This may give the park somewhat an even stronger position regarding this water source. These matters have been informally discussed with Legal Assistant W. E. Mekeel and it is agreed that he will investigate the situation further, so as to provide the Service with the various legal alternatives that will be avilable should the park wish to modify its position further.

Your comments as appropriate would be appreciated.

(Sgd)

Gerard S. Witucki

Enclosure

cc:
Director, Western Region
Superintendent, Lassen Volcanic 2
Mr. Mekeel, Rocky Mtn

FNP:DCHAVEZ:GSWITUCKI:mlk 10/27/70

00-00-0000: professional survey regional

...Y ...S PROPOSAL

Type original and three copies using an E... typewriter. See reverse for additional inst... ons.

DUPE CONTROL CARDS

I. PARK

a. NAME OF PARK: Lassen Volcanic — LAVO WR-2

b. REGION: Western

c. OPERATING UNIT (If any)

d. NAME OF REQUEST: Headquarters Water Supply Protection and Supplemental Well Study

e. INITIAL EST. $ 15,000 — PROPOSED OBLIGATION DATE (Mo) 1 (Yr) 72 — FY 72

C.C. 1

f. DESCRIPTION OF SERVICES REQUIREMENT (Identify Development Project Title if ... related)

Investigate and resolve existing water rights agreements ... Park Headquarters with parties involved in Mineral. Anticipated expansion ... facilities in both Mineral and Park Headquarters, with associated increase in demand and use of water, necessitates a review of water rights to ensure ample and future continuing water supplies for park water needs, including the feasibility of a supplemental well supply.

h. JUSTIFICATION (Why is it needed)

Protection of water rights to guarantee continued water supply for Park Headquarters.

PARK PRIORITY: 5

i. ORIGINATOR: (Name & Title) John H. Busekist, Foreman III, B&U — DATE 7/29/70

k. SUPERINTENDENT'S APPROVAL (Signature) Dick Boyer — DATE 7/30/70

II. REGION

a. REMARKS

b. REGIONAL PRIORITY

INSTRUCTIONS: (Region)
1. Enter regional priority (II b)
2. Enter optional remarks and approve
3. Enter proper professional office (III a) and transmit

c. DIRECTOR'S APPROVAL (Signature) — DATE

FOR WASO USE ONLY

SERVICEWIDE PRIORITY ... — SIGNATURE — DATE — SERV. PRIORITY

C.C. 2

III. PROFESSIONAL OFFICE (Can be park staff)

a. CENTER — b. OFFICE — c. CODE

d. PLANNED ACTION

e. COST EST. — f. MAN MONTHS — g. TENTATIVE DATES START (Mo. Yr.) COMPLETE (Mo. Yr.)

h. METHOD: CODE
I - In-house (NPS personnel)
O - Out-house (Contract)
E - Either in-house and/or contract

i. CLEARANCES AND APPROVAL
PROGRAMS - CENTER (Signature) — DATE
PROFESSIONAL ... OFFICE (Signature) — DATE

C.C. 8

10-05-1970: memorandum to director, western service center from water docket specialist regarding trip to whiskeytown

CHAVEZ
BARRETT
WITUCKI
RITCHIE
BOWEN

L54(WSC)LWW
WHIS
CR: LAVO

October 5, 1970

Memorandum

To: Director, Western Service Center
Through: Chief, Office of Land Acquisition and Water Resources
Chief, Water Resources Section

From: Water Docket Specialist, WSC-LWW

Subject: Trip to Whiskeytown and Lassen Volcanic, September 21-25, 1970

1. Purpose of Trip: To update existing and initiate new water right dockets at Whiskeytown. Also, I stopped at Lassen Volcanic regarding a request for assistance on a water right matter, concerning the Headquarter's Area water supply.

2. Accomplishments: On September 21 through 24, I met with Superintendent L. J. Mitchell and Ranger V. Leimer, to discuss our purpose and approach as to documenting the water rights for the Whiskeytown area. The park staff was most helpful in providing me with the necessary files and I proceeded to search out the pertinent water right materials; also, a great deal of information was obtained from conversations with the staff as to water use and appurtenant water right status within the area. I spent some time searching through the Shasta County Recorder's records in Redding, to determine if any water rights claims (particularly other than Park Service) existed which were otherwise undocumented.

Having established an up-to-date record of the water rights, I had concluding discussions with Mr. Mitchell and Mr. Leimer as to how we could best keep the dockets current in the future; also, I indicated that our office would provide the park with a full set of dockets, as well as the Washington Office, as soon as practicable.

On September 24, I proceeded to Lassen Volcanic and met with Superintendent R. Boyer and reviewed water right docket #1, Martin Creek, Headquarter's Water Supply. Although no immediate problem exists as to the use of the water from Martin Creek, the park would like to establish its full legal position concerning this use should a shortage occur in the future. Briefly, we determined that the Service purchased an unqualified right to a specific amount of water from Martin Creek. There are two other major water right claimants to the waters of Martin Creek, one of which is selling water to newly constructed homes in the town of

Mineral; this increase in use, may very well contribute to an eventual water shortage. I assured Mr. Boyer that this office would determine the full nature of the park's water right in this matter. We also briefly discussed the possibility of developing a ground water source for the area, should it become necessary.

5. Observations and Proposals: Based on the present information, it would appear that the Service's claim to a specified amount of water utilized at the Lassen Headquarter's area is valid. However, as the amount of actual present use is unknown, steps should be taken to monitor the amount so as to establish the Service's claim within the context of the purchase agreement. It should also be determined whether this amount is adequate to meet the area's needs now and in the forseeable future. A more detailed analysis of the situation with our recommendations will follow.

(Sgd)

David Chavez

Cleared for Distribution:

(Sgd.) Robert S. Lunfey OCT 6 1970

Acting Director, WSC (Date)

cc:
HH-WASO
Director, Western Region
(WSC) PM

FNP:DCHAVEZ:GSWITUCKI:mlk 10/5/70

09-30-1968: memorandum to superintendent from assistant to the regional director regarding maintenance requirement search, water right docket no. 1

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

RECEIVED
OCT 1 - 1968
LASSEN VOLCANIC NATIONAL PARK

IN REPLY REFER TO:

L54
(WR)PC

September 30, 1968

Memorandum

To: Superintendent, Lassen Volcanic

From: Assistant to the Regional Director, Program Coordination

Subject: Maintenance requirement search, Water Right Docket No. 1, Lassen Volcanic

Enclosed is a copy of Mr. Kornelis' memorandum of September 24 replying to ours of September 6 and advising that a thorough review of the subject Water Rights Docket reveals no documentation which supports the Mineral Lodge's claim noted in your August 30 memorandum.

John L. Sansing

Enclosure

RECEIVED
LASSEN VOLCANIC
NATIONAL PARK
OCT 1 1968
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ACTION

09-24-1968: memorandum to assistant to regional director from chief, office of land and water rights regarding maintenance requirement search

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SAN FRANCISCO PLANNING AND SERVICE CENTER
450 GOLDEN GATE AVENUE, BOX 36025
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:
LWSSC
L54

September 24, 1968

Memorandum

To: Assistant to Regional Director, Program Co-ordination, Western Region

From: Chief, Office of Land and Water Rights, SSC

Subject: Maintenance requirement search, Water Right Docket No. 1, Lassen Volcanic

As requested by your September 6 memorandum concerning the Martin Creek Water System, LAVO, our office has made a thorough review of Water Right Docket No. 1. We were unable to find any documentation which supported the Mineral Lodge's claim that a legal document exists which requires the U.S. to maintain the water diversion structure at the point of diversion of the vendor and United States 4" water line on Martin Creek.

Thomas Bonelis

cc:
Chief, Branch of Water Resources, WASO

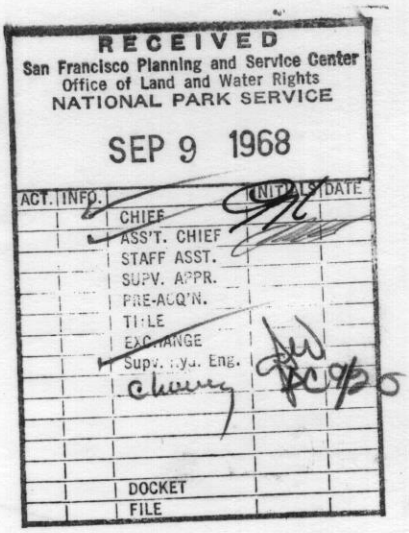
09-06-1968: memorandum to chief, office of land and water rights from assistant to the regional director regarding maintenance requirement search

L+W

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:
L54
(WR)PC

September 6, 1968



Memorandum

To: Chief, Office of Land and Water Rights, SSC

From: Assistant to the Regional Director, Program Coordination

Subject: Maintenance requirement search, Water Right Docket No. 1, Lassen Volcanic

Enclosed is a copy of Superintendent Boyer's August 30 memorandum requesting a review of Water Rights Docket No. 1 at Lassen Volcanic to determine if any document exists which requires the Park to maintain the Martin Creek Water System.

We will appreciate your assistance.

John L. Sansing

Enclosure

cc:
Supt., Lassen Volcanic

09-05-1968: letter to vandenberg and simpson from lassen volcanic national park regarding copy of the original intake structure

Lassen Volcanic National Park
Mineral, California 96063

D5039
X Water Docket #1

September 5, 1968

Mr. Paul Simpson
Vandenberg and Simpson
45 South Roop Street
Susanville, California 96130

Dear Mr. Simpson

Enclosed is a copy of the original intake structure located on Martin Creek which serves the National Park Service and the town of Mineral. We have also included a copy of some improvements undertaken by contract recently. The other rough sketch, as you will note, was for maintenance personnel.

Generally, the system is checked once a week during the summer and once or twice during the winter months, which at times can be somewhat of a problem. As the water supply system is on a joint-use basis, we have been considering a joint maintenance endeavor on the part of the present users in the near future.

The system is not metered and there have been no flow records kept. As you will note on the plans, the Park Service line is 6" steel pipe, but (as not noted) it is reduced to 3" just before it enters our storage tank. The maximum amount of flow, of course, is the amount forced through the 3" portion with the head on the 6" line. Our supply is not a continuous flow as it is controlled by a clay-valve and float.

I trust this information will suffice, and if we can be of more service, please contact us.

Sincerely yours,

Dick Boyer
Superintendent

Enclosures 3

cc: File CPM B&U Yellow JHBusekist:gr

08-30-1968: memorandum to regional director from superintendent regarding maintenance requirement search

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Lassen Volcanic National Park
Mineral, California 96063

IN REPLY REFER TO:
L54
(Water Docket #1)

August 30, 1968

Memorandum

To: Regionald Director, Western Region

From: Superintendent, Lassen Volcanic

Subject: Maintenance requirement search, Water Right Docket No. 1, Lassen Volcanic

Thank you for sending on the additional documents concerning the NPS headquarters water supply.

Historically, the National Park Service has maintained the diversion structure on Martin Creek purchased under terms of Contract No. I-1p-16307, dated June 13, 1939. Previously, this contract was an option agreement of a May 18, 1939 date until executed by an Assistant Secretary of the Interior (we assume on June 13, 1939). We do not have a copy of finished Contract No. I-1p-16307, June 13, 1939, in our Water Right Docket No. 1 assembly, nor does it appear likely from our previous requests and your replies, that the contract is available to us, or even necessary to have now as its wording is probably duplicated by the option agreement.

A representative of one of the original vendors of the 0.25 second feet to the United States (Mineral Lodge) has for several years indicated that he has knowledge of a document which requires the United States to maintain the water diversion structure at the point of diversion of the vendor and United States 4" water line on Martin Creek. He has purposefully been vague as to the location of the document. We are not certain it is recorded.

It is a sensitive matter from the standpoint of park neighbor relations, and we do not wish to needlessly stir up the Beresford interests; however, we will pursue this farther.

Therefore, as Mr. Moore suggested in his August 27 memorandum, I would like to have a complete review made of the DCSSC Water Rights Docket No. 1 (LAVO) for any legal sole maintenance requirement by the United States. Such work involves heavy equipment from time to

time and winter trips as ice or flood conditions may require, with resultant expense. Dependent upon what is revealed, if anything, we can then take it from there to work out a maintenance agreement with the Mineral Lodge people.

Dick Boyer

08-27-1968: memorandum to superintendent from assistant regional director regarding contract no. i-1p-16307

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54
(WR)ORM

August 27, 1968

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LASSEN VOLCANIC
NATIONAL PARK
AUG 28 1968
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FOR.
ACTION

Memorandum

To: Superintendent, Lassen Volcanic

From: Assistant Regional Director, Operations, Western Region

Subject: Contract No. I-1p-16307

Enclosed herewith as requested in your memorandum of August 9 are two documents from Water Right Docket No. 1, Martin Creek Water System, Lassen Volcanic. Both documents concern the sale of water rights to the United States Government. The only contract number appears on the option agreement of May 18, 1939, but presumably was carried over to the final agreement of August 12, 1939.

From a telephone conversation subsequent to your memorandum of August 9, apparently, you are interested in the question of whether or not the United States has an obligation to maintain the complete Martin Creek water system. From a cursory review of the two above documents and the complete docket, we find no indication of this obligation. Water Right Docket No. 1 of Lassen, however, is considerably more complicated than the single purchase of water right for the Mineral headquarters of the park. None of these documents appears to have any bearing on the maintenance of the system. Nor can we locate informal agreements which will bear on this. If you intend to pursue this point to its conclusion, we suggest that you request through this office a complete review of Water Right Docket No. 1 by the Chief, Land and Water Rights, San Francisco Service Center.

R. B. Moore

Enclosure

08-01-1968: memorandum to regional director from superintendent regarding locating 1939 water contract

Lassen Volcanic National Park
Mineral, California 96063

L54
(Docket #1)

August 1, 1968

Memorandum

To: Regional Director, Western Region

From: Superintendent, Lassen Volcanic

Subject: Locating 1939 water contract

Would you please take action necessary to procure for me a copy of a water purchase contract which must be on file in the Washington Office. To better describe the document, here is what we have on it:

> Contract No. I-1p-16307, dated June 13, 1939 whereby for the sum of $5,150.00, Woodson and Beresford sold to the United States a certain quantity of domestic and irrigation water for use at Mineral Park Headquarters. A search of our Water Docket No. 1 does not reveal a copy.

Our interest in the contract is in an effort to pin down legal maintenance assignments, if any, required of the Government.

Thanks for your aid on this.

Dick Boyer

cc:
CPM
File
Yellow
RHBoyer:gr

10-27-1959: memorandum to regional director from chief, wrs regarding martin creek water system

file LAVO Docket 1

IN REPLY REFER TO:
L54-OBL

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

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

October 27, 1959

L55 11/2
(1) Spaulding
(2) Manbey

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Docket 1, Martin Creek Water System, Lassen Volcanic

Attached is your copy of completion report dated April 6, 1959, which should be filed in the subject docket. Copies are being sent to the Superintendent and WODC.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Lassen Volcanic, w/c attachment
Chief, WODC (2), w/c attachment

01-14-1946: memorandum to regional director from chief, water resources section regarding independent status of water system

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS 54

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

January 14, 1946.

MEMORANDUM for the Regional Director, Region Four.

We enclose two copies each of a memorandum of March 27, 1939, from Regional Attorney Joseph E. Taylor for the Director, a letter of March 31, 1939, from Superintendent John G. Preston to Mr. H. K. Beresford, and a letter of April 1, 1939, from Mr. Beresford to Superintendent Preston, all relating to the independent status of the water systems of the United States and Mr. Beresford for diversions from Martin Creek for the Cool Air Subdivision and the headquarters at Lassen Volcanic National Park.

This information will have considerable reference value as time goes on to show that this Service has bought an outright title to one-fourth of a second foot of water and is entitled to the necessary right-of-way because of the reservations in the patents issued subsequent to the act of 1890.

It is therefore suggested that these copies be inserted at the proper date in the assemblies of Lassen Volcanic National Park Deed 5 in your office and at the Park.

A. Grant Iverson

Chief, Water Rights Division.

Enclosure 376.
In duplicate.

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

01-23-1939: memorandum to nps from regional attorney regarding lavo headquarters water supply

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

601 Sheldon Building
January 23, 1939

Memorandum for Regional Director, Region IV
Regional Engineer Waterhouse
Regional Geologist Lewis
Associate Engineer Dunn
Associate Engineer Crowley
Associate Engineer Hohl

Enclosed herewith is a copy of the notes taken during the conference held in San Francisco on January 17 regarding the Lassen Volcanic National Park Headquarters water supply.

You will understand that as so many persons were talking at various times, and because we jumped from one subject to another fairly frequently, there is a considerable lack of continuity in these notes. However, they cover fairly well the discussion as it occurred, and I am leaving it to each individual to make his own summary because I believe each can do it better for himself than one person could summarize for all individuals.

Joseph E. Taylor

Joseph E. Taylor,
Regional Attorney.

Encl.

JET:SH

01-17-1939: report of conference in sheldon building regarding water supply problems at lavo headquarters

REPORT OF CONFERENCE IN ROOM 617, SHELDON BUILDING, SAN FRANCISCO, JANUARY 17, 1939, 9:30 A. M. TO 11:45 A. M., IN CONNECTION WITH WATER SUPPLY PROBLEMS AT LASSEN VOLCANIC NATIONAL PARK HEADQUARTERS.

Presiding: Robert D. Waterhouse, Regional Engineer.
Present: Regional Engineer Waterhouse, Regional Attorney Taylor, Regional Geologist Lewis, Associate Engineer Dunn, Associate Engineer Hohl, Associate Engineer Crowley, Acting Superintendent Swartzlow, Associate Engineer Reed, and Associate Attorney Johnson.

Regional Engineer Waterhouse opened the meeting with the statement that there were several questions to be considered; that there are three potential sources of water supply -- Martin Creek, Cold Creek, and wells. There is the question as to whether we have funds enough for any one of the three. To Regional Attorney Taylor's question as to the basis of the estimates, Mr. Waterhouse replied that it is CCC participation and park force labor. He stated, in reply to Mr. Taylor's question as to whether CCC labor can be used on Public Works, that the PW appropriations were made with CCC participation in mind. Associate Engineer Dunn stated that $29,700 have been appropriated, and Regional Engineer Waterhouse added that was the amount available from appropriations.

The Regional Engineer questioned Associate Engineer Hohl as to whether any one of the three systems could be built. Associate Engineer Hohl replied that in the case of Martin Creek, if we bring our whole requirements down -- independent of the Woodson-Beresford and Gerber requirements, plus satisfying their demands with a separate ditch -- the cost would come to about $34,000 as he figured it, figuring on full labor. This is figured on a 4-inch line for park needs only, and a 6-inch line for the Woodson-Beresford requirements. On Cold Creek all that would be needed would be a 3-inch line to satisfy our present requirements of 0.1 second-feet. If the pipe line were routed the long way with pump at the power house, you could get that in for about $16,000; if you should go the short route over the saddle and not via the power house site as originally stated, you could cut off about 4000 feet and put that in for about $14,000. The disadvantage of that was that you would have the pump house in some place that is away from the power house and not far from the source, and you would

have to pump a long way, but, as Associate Engineer Dunn pointed out, if you were to develop the CCC springs and use them for winter supply you could shut down the pump house over the winter period, and its relative inaccessibility would not be a detriment.

The Regional Attorney inquired if that would include trenching through solid rock, to which Associate Engineer Hohl replied that it would not -- we would go right over the top and pump over it. That would give us sufficient gravity so that a booster pump would be all that is necessary. The Regional Engineer stated that you would have pressure all the way from the pump house way up to the reservoir on the hillside. There would be a little bit more line loss there, but a very small percentage of increase.

Regional Attorney Taylor asked Associate Engineer Reed his opening as to the merits of the Cold Creek source as a fire protection supply. Mr. Reed replied that we cannot tell when we are going to have a fire; we might have a fire in the fall or early spring as well as any other time.

Associate Engineer Hohl asked what are the requirements for a bad fire, to which Mr. Reed replied that we would like to have a constant source of supply. We would like to have water come in equivalent to that going out, as we would have if we were getting it from Martin Creek. Mr. Hohl asked on what basis storage for fire protection is figured, to which Mr. Reed replied 100,000 gallons in approximately 4 hours, to supply two streams with standard fire hose. Regional Engineer Waterhouse stated in regard to storage for fire protection that four streams in 2½ hours is the maximum need. If you cannot control a fire in 2½ hours under those circumstances, the buildings are lost anyway.

Mr. Reed brought up the question of forest fires, stating that the park is surrounded by forest, to which Regional Engineer Waterhouse stated that water is largely useless in a timber fire.

Regional Attorney Taylor brought up the point that in 2½ hours the reservoir might be dry, and even though the fire had been brought under control it would still be smouldering, to which Associate Engineer Dunn replied that there is still the normal flow, and Regional Engineer Waterhouse added that there would be no forest fire in the winter time.

Regional Attorney Taylor asked concerning the storage expenditure, and Regional Engineer Waterhouse replied that a 100,000 gallon tank would cost about $5000 or $6000 with full labor.

The question of cost of a 200,000 or even a 500,000 gallon storage tank was brought up by Mr. Taylor, and Mr. Waterhouse explained that the cost in addition to the expense of a 100,000 gallon tank would be slight in proportion to the added capacity.

Associate Engineer Dunn stated that there is one other feature there -- if there is a lot of extensive irrigation done during certain parts of the summer, at certain times we would want extra storage to tide over some of the peak irrigation and domestic use, and that would justify at least 500,000 gallons storage for total draft -- the storage need would depend on how much area you are going to irrigate. Associate Engineer Reed stated that we have been able to do no irrigation except maybe a little bit around the administration building during the warm summer months.

Associate Engineer Hohl stated that the capacity of the 3-inch line proposed for Cold Creek would be about 50 gallons per minute, or 3000 gallons an hour. That would be about .1 second-foot.

Regional Attorney Taylor asked Associate Engineer Reed if he could see the ideal requirements for the park in this system, assuming that the park would have a good pump. Mr. Reed replied that 50 gallons a minute would be about 3000 gallons an hour -- about 72,000 gallons per day. Mr. Hohl stated that Mr. Reed's figures would cover a big hotel and a lot of other buildings, though there is no big hotel there as yet. Mr. Reed stated that the park does have equipment sheds full of equipment that would run into a lot of money.

Acting Superintendent Swartzlow stated that, considering the Diamond Match Company offer, which seemed to be very fair and reasonable in lieu of a monetary consideration for the use of their property for the pipe line right of way, they would want to reserve the right to use whatever water they needed in case they put in logging operations in that area. That brings up the point, if they put in extensive logging operations involving railroads, several outpost camps, or a big village setup such as is apt to center around an extensive operation, that might seriously curtail the water that would be available for the Park Service. If there were just a side camp in that area, 100,000 gallons a day might be used in that logging operation and would not affect the Park Service supply.

He further stated that it might be years before they went in there, or it might be soon, depending on the fluctuation of the lumber market. Mr. Swartzlow thought it was the usual practice for a company like that to be cleared of any indemnity in case of damage. Asked by Mr. Taylor if he discussed it from the angle of an outright sale, Mr. Swartzlow replied that he did not, that he asked what the Diamond Match Company would want for their water right and for Park Service water going across their land. They said they didn't think there would be any money involved. They enumerated the things the company would ask for in return for a right of way across their property.

In reply to Regional Engineer Waterhouse's question as to what effect the logging would have upon the spring, Associate Engineer Reed replied that it would probably dry it up to a certain extent. The Acting Superintendent stated that the Diamond Match Company has a conservative policy and only take out the mature timber. However, it may affect the runoff to such an extent that it would cut down very seriously the seepage, and on that basis reduce the yield of Cold Creek considerably. Associate Engineer Dunn stated that the flow of Cold Creek is now 1.0% second-foot. Regional Engineer Waterhouse said that even if this quantity was cut down considerably, the Park Service would still have an adequate supply, and the conditions imposed by the Diamond Match Company are not too difficult to meet.

Regional Attorney Taylor asked if the company did not state they would allow us to fence in a reasonable area around the spring, to which the Acting Superintendent replied that that was his impression.

Associate Engineer Dunn suggested getting up a tentative draft of a contract such as we drew up with Woodson-Beresford and the Gerber Estate to see what their final reaction would be before we would be able to make a comparison of the terms in each case. Regional Engineer Waterhouse replied that the present purpose is to crystallize our ideas as to the most advantageous source of water supply for the Mineral area. Regional Attorney Taylor said that he favored more discussion with the Diamond Match Company before drafting any terms.

Mr. Waterhouse stated that in his opinion the Martin Creek source is the least desirable of the three proposals, entirely aside from the legal aspect. The dam site is far from being a good one.

He stated that there is no indication of flood damage around the Cold Creek source where we would take our water. Associate Engineer Dunn remarked that it is drained from the north and ~~west~~ east slope.

Associate Engineer Reed stated that the well went dry one summer. Acting Superintendent Swartzlow, in commenting on Associate Engineer Dunn's proposition to redrill the well, pull the casing, and get the rock out, stated that the casing is thin and is apt to break if an attempt is made to pull it out, and part of the casing be left down in the rock. A rock is lodged 95 feet down the shaft. The diameter of the casing is 8 inches. In answer to Mr. Taylor's suggestion that another casing could be put down inside the present one, Mr. Swartzlow stated that the present casing is almost too narrow, and in that type of material a casing should be 10 or 12 inch casing.

Associate Engineer Dunn then suggested using the well as it is at present after removing the rock, and get what water we can out of it. It would be a means of filling up the reservoir in the winter time if the springs were inadequate. In the early winter the springs may not have filled up to a point where they would fill up the reservoirs, but the well being underground and getting seepage perhaps faster than the springs, you would have a chance ro fill up while your fire hazard was greater in the late fall, and also in the early spring again before your springs have begun to build up.

Acting Superintendent Swartzlow and Associate Engineer Dunn discussed the merits of a well and the feasibility of making it larger and sinking it to a greater depth. The question of blasting and the type of material at the well were also discussed. The Acting Superintendent stated that there is a great deal of boulder material there.

Associate Engineer Crowley questioned whether shooting the well would be advantageous. Dr. Lewis did not favor the idea, due to loose cinders and boulders and the possibility of these falling in after the blasting.

Mr. Hohl asked as to whether the well was poorly located. Mr. Swartzlow made comments as to the difficulty of knowing the type of material to be encountered in sinking a well in an area of this kind. He suggested that it might be better to have several shallow wells than one deep well.

Regional Attorney Taylor brought up the question of what is an adequate supply. Acting Superintendent Swartzlow stated an all-year supply sufficient for fire protection and domestic use and irrigation for a setup that might be approximately double what is there at the present time. He stated that Lassen has been tremendously underrated as to the possibilities of the area, that on account of the many accessible lakes the entire setup will be increased. Regional Engineer Waterhouse suggested the possibility of moving headquarters to a more desirable location, to which Mr. Swartzlow replied that he understood this matter had been discussed with the Director, and the indications are that the headquarters are to remain permanently where they are. He believes that the Juniper Lake area will sometime be the concentration point.

Associate Engineer Dunn felt that a basis of 100 gallons per capita for 300 people for domestic use with a fair amount of sprinkling should take care of requirements.

Associate Engineer Crowley brought up the subject of the Cold Creek purchase; Mr. Dunn stated that if this purchase went through we should have .2 to .25 second-foot, which would leave about .75 second-foot available for logging operations. He stated our maximum needs would be .25 second-foot if present irrigation plans were followed.

Coming back to the well, Regional Attorney Taylor asked if anything could be learned from the log of the present well, as to what conditions might be encountered. Regional Geologist Lewis replied that it is not predictable in such varied volcanic materials. Mr. Swartzlow stated that the present well cost approximately $1500.

Associate Engineer Reed stated that we cannot depend on the CCC springs. If the CCC camp continues, the springs will not supply that camp during a dry year. Sometimes they are frozen up in November. Mr. Dunn suggested digging down a couple of feet more, and making the collection below the frost line. Mr. Reed replied that in any case the supply cannot be depended on in a dry year. Mr. Swartzlow stated that no attempt has been made to insure a maximum supply from the springs.

Regional Attorney Taylor asked Associate Engineer Reed if the well would be a desirable solution, to which his reply was that it would not, it would be pretty much of a gamble.

Mr. Swartzlow said that if the water from the well or springs could be used it would not have to be treated. It is potable.

Dr. Lewis stated that the area near Battle Creek Meadow would be a logical place to drill -- somewhere upstream (east) from the septic tank.

Associate Engineer Crowley suggested making a careful estimate on Cold Creek for the amount needed and getting an agreement with the Diamond Match Company, then use any money over and above the amount of this estimate on the well boring and see what is there, and fall back on Cold Creek if necessary.

Associate Engineer Dunn stated that if a filing were made on Cold Creek and we don't develop it within five years, we might lose our priority. Associate Engineer Crowley said we could complete development now even if the well program was successful if it was desirable to do so for any reason. Mr. Waterhouse stated that the well if successful is by far the best proposition. Mr. Crowley agreed.

Mr. Hohl suggested sinking several wells; Mr. Dunn replied that this would lower the water table. This criticism had been directed at well owners in the San Joaquin Valley and Hollister by the State.

Regional Attorney Taylor suggested setting a minimum capacity for the well, and then a minimum capacity for the available springs plus storage, and see if the total would be sufficient for our needs.

Associate Engineer Crowley thought it would be desirable to find out what we could get in a well and then we could plan a little better for the surface sources. Mr. Taylor stated that we have got to decide upon either Cold Creek or Martin Creek before we can go ahead with the well, so as to have something to fall back on if the well fails.

Mr. Waterhouse recommended figuring the Cold Creek supply very carefully, then taking what money is left and sinking a well. Messrs. Taylor, Waterhouse, Hohl, and Dunn agreed that the Cold Creek estimates are more clear cut than those for Martin Creek, and Mr. Dunn explained why.

Messrs. Hohl and Reed discussed the question of power.

Regional Attorney Taylor asked Acting Superintendent Swartzlow to make a further contact with Mr. Colgan, and find out if there is a possibility of a purchase of the area at the spring upon the basis of appropriation of water by us not to exceed .25 second-foot, to

leave them a supply in the spring of .75 second-foot (quantity not to be guaranteed), and reserving to them the right of access for installation of their own water systems. If it isn't too expensive, we would rather own it and control it.

A discussion of the amount of acreage needed followed. Opinions varied from 3 to 10 acres. The question of valuable timber upon the area was considered.

Mr. Swartzlow stated that the flow of water from Cold Creek is quite constant.

Messrs. Waterhouse, Taylor, and Dunn discussed the possibility of splitting the water fifty-fifty if the supply gets too low.

Mr. Swartzlow mentioned the status of Cold Creek. Mr. Taylor said we could make a preliminary filing on that. Mr. Swartzlow said a decided advantage to Martin Creek is that there is a gravity supply, and we wouldn't have to pump it. Mr. Waterhouse said you would have considerable trouble with maintainance and stoppage on Martin Creek, and this would cost considerable. Mr. Reed stated that there would be no maintainance on the laterals.

The question of the difficulty of acquiring an ultimate supply, if only 0.1 second-foot is acquired now, was brought up, and Mr. Reed thought it might be possible to obtain the 0.25 second-foot required from the Martin Creek supply, too.

Messrs. Reed and Waterhouse discussed the question of maintainance cost of the Martin Creek source.

Another discussion on timber followed.

Associate Engineer Reed stated that he would not be satisfied with the elimination of the Martin Creek project. He still believes it is the best source.

Another discussion followed on the possibility of lowering the water table and possible criticism in connection therewith.

Associate Engineer Dunn stated that his measurements showed that the flow of Battle Creek was the same in mid-August and just after a rain in late September, but on the other hand the ones on Martin Creek dropped one-half. This might be due to irrigation keeping a high water table in Battle Creek Meadows, thus allowing all rain in that area to run off at once while that on Martin Creek all sank in the ground.

Acting Superintendent Swartzlow stated he would see the Diamond Match Company in a couple of days. He said it seemed to be the opinion of the engineers that Cold Creek would be a more advisable development than Martin Creek. He stated he would try to get an answer back here the last of this week or the first of next.

Regional Engineer Waterhouse stated he would have an estimate of Cold Creek prepared and see how much would be left for the well.

A discussion of funds followed.

Regional Attorney Taylor suggested that no definite steps should be taken until the return from Washington, D. C., of Regional Director Kittredge and Superintendent Preston.

01-13-1939: memorandum to regional attorney from nps regarding mineral headquarters water system

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

601 Sheldon Building
January 13, 1939

Memorandum for Mr. Joseph E. Taylor, Regional Attorney:

Re: Mineral Headquarters Water System,
Lassen Volcanic National Park.

Acting Superintendent Swartzlow's memorandum of January 10, 1939, reporting on his conference with the Diamond Match Company is very encouraging. To me it adds justification for a very careful study of the Cold Creek diversion before becoming further involved with Woodson-Buresford and the Gerber Estate.

1. The Diamond Match Company does not want monetary compensation. Since our estimates to date have included $4000 for this compensation (approximately equal to the estimated cost of the proposed Gerber lateral) there can now be a reduction of that amount in our comparative cost analyses. Since our estimates for Cold Creek were already lower than those for the Martin Creek system, this reduction adds very great weight in favor of the former.

2. We agree with Mr. Conglan and Mr. Reed that there will be several hundred yards of rock trenching in the Cold Creek line. Mr. Jackson's survey of last fall shows 650 feet of hill slope with boulders 15 to 20 feet in diameter between stations 2 and 8, and another 200 feet of definite rock classification between stations 8 and 9. There will probably be some boulders throughout the pipe route.

There will doubtless be the equivalent of a quarter mile of solid rock excavation, and from station 2 to 8 there will be rather expensive pipe fitting to wind through the boulder formation. In our comparative cost analyses, we have used Mr. Reed's original unit cost of $1.00 per foot of trench 2.5 feet deep, or roughly $7.20 per cubic yard throughout. This is a pretty definite allowance for rock throughout the line.

Suppose, however, that we were to assign the $4000 saved in the Diamond Match negotiations as an extra cost between stations 2 and 9. At 2.5 feet deep and 1.5 feet wide, there would be 0.139 x 850 = 118 cubic yards in this distance, or the $4000 would amount to $33.90 per cubic yard of excavation. Adding this to the $7.20 already allowed, we could pay $41.10 per cubic yard of excavation, or $5.70 per lineal foot of trench in this area, and still come within our tentative comparative estimate.

3. The preceding figures are decidedly greater than any required for even the type of rock encountered, but they suggest another alternate. In my report on this system, I mentioned Mr. Reed's idea of a route over the saddle east of Cold Creek Butte, with a saving of 0.85 miles, but abandoned the idea because the saddle elevation was 20 feet higher than the intake. However, adding the $4000 saved on Diamond Match contract, $4488 for the shorter length of excavation, and $4675 for shorter length of pipe, and we have $13,163 to spend at the saddle without increasing our original estimate for the system.

If approximately $1000 were spent for a water rotater, mine car, rails, fish-plates and spikes, there would still be nearly $12,000 for a tunnel over and above the normal pipe and trench cost. A tunnel 5' x 7' and 1200 feet long at $10 per cubic yard, would cost $15,600. Adding the $1800 saved in trenching and pipe, for the same distance, to the $12,000 just mentioned, such a tunnel would be possible if unlined and done partially by CCC labor. Perhaps a shorter lined tunnel would be found practical, since only 70 feet of cut is necessary at the saddle to provide a grade suitable for a 4" pipe capacity of roughly 0.2 second-foot.

I do not necessarily favor this scheme, though it would greatly reduce the pipe length subject to breakage with logging equipment going over it. Actually, the $12,000 is approximately the amount to be saved if the project is to be completed within the appropriation.

4. The fact remains that, whether the rock excavation is expensive or not, the Cold Creek route has more obvious conditions than those which may be encountered

either on Martin Creek, or in sinking a new well. Hence, if my original estimate of $42,000 for Cold Creek is reduced by the $4000 saved in the contract, the resulting $38,000 is far more certain as a maximum limit than the $55,000 quoted for Martin Creek, and far closer to the appropriation of $30,000. Even neglecting the fact that 0.2 second-feet can be obtained from Cold Creek, and only 0.1 second-foot is promised from Martin Creek, the cost is not nearly as far out of proportion.

5. Pumping water does have its inconveniences; but with the various springs near Headquarters adequate throughout the winter, and the existing well as an added potential winter supply at relatively low cost, they are not serious. With these winter reserves, the Cold Creek supply can be shut down for the winter. This would justify placing the pump at Cold Creek diversion and pumping directly over the saddle to the new reservoir on a direct route, which would reduce the length by approximately 2 miles from that quoted in my report, or by about a mile from the route via the saddle and power house. This should save the other $10,000 necessary to meet the budget and permit the full development of the CCC spring and reconditioning of the existing well. Winter inaccessibility of the Cold Creek diversion, as stressed by Mr. Reed, ceases to be a factor if the line is not used in that season.

6. I see no objection to Mr. Conglan's suggested terms.

A. A reservation of a right to use water as they need it should not result in nearly as many entanglements as those which have arisen over the Martin Creek plan. There is roughly 0.75 second-foot available for this need after we supply park needs -- far more than I can foresee for any logging operations. At the same time, if we are to complete a contract with the Diamond Match Company, and file on the water, the water belongs to the State and not the Company, to apportion, and we should see that the contract is not complicated by restrictions.

B. Logging operations might result in some damage to the pipe, but by locating the line away from the bases of trees as far as possible, this should be slight as long as the pipe is 2 to 3 feet below the surface.

7. Mr. Starkweather has eliminated very little cost by his reduction in demands. Neither has he suggested anything to satisfy Mr. Kittredge's objections to building an over-sized main and a lateral, to satisfy private needs, with no written contracts for the approval of the Comptroller.

I am not alone in most of the views I have just expressed. Hence, though the conference called for next Tuesday at Dr. Swartzlow's request may help to reconcile the different schools of thought, I hope no final action is attempted until the return of Mr. Kittredge and Mr. Preston. Unfortunately, at that time Mr. Waterhouse, you, and I may all be away for a while. For this reason, we should arrange for a complete set of notes on the meeting.

AvVD:SH

A. van V. Dunn,
Associate Engineer.

01-13-1939: memorandum to acting superintendent from regional attorney regarding the memorandum relating to certain aspects of the water supply problem at mineral headquarters

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

601 Sheldon Building
January 13, 1939

Memorandum for Acting Superintendent, Lassen Volcanic National Park:

Reference is made to Regional Geologist J. Volney Lewis's memorandum of December 22, 1938, relating to certain aspects of the water supply problem at Mineral Headquarters, Lassen Volcanic National Park.

In view of certain information secured by Dr. Lewis with respect to the old well on the Headquarters Area, Associate Engineer A. van V. Dunn has prepared a further suggestion which may merit your consideration. Accordingly, we are transmitting herewith a copy of his memorandum to me of January 11, which we believe you will find self-explanatory. We suggest that this be one of the topics for consideration at the forthcoming conference here in San Francisco, tentatively set for next Tuesday.

Joseph E. Taylor

Joseph E. Taylor,
Regional Attorney.

In duplicate.

Encl.

JET:SH

CC: Director, with enclosure.
Regional Director, Region IV, with enclosure.
Dr. J. V. Lewis, with enclosure.
Assoc. Engr. Hohl, with enclosure.

01-11-1939: memorandum to regional attorney from nps regarding mineral headquarters water system

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

601 Sheldon Building
January 11, 1939

Memorandum for Mr. Joseph E. Taylor, Regional Attorney:

Re: Mineral Headquarters Water System,
Lassen Volcanic National Park.

I have read Regional Geologist Lewis's memorandum for the Regional Director of December 22, 1938, with great interest. It suggests several new ideas.

The chief difficulty I see in Dr. Lewis's plan of procedure is the time element. The present PWA appropriation of $30,000 is for construction during the present calendar year, and had to be started last November by some preliminary labor activity, if we were to retain the fund. To devote next summer to stream flow measurements and the construction and late season measurement of wells will retard this PWA project to the point where much of the fund may be lost. Since test borings will be an added cost with uncertain results, they should be followed as a last resort, and only if the proper officials feel that it is wise to have the further studies, even though they delay the new system for several years until the funds can be re-appropriated.

Dr. Lewis's description of the existing well suggests one study which might be made this winter, even if it required the construction of a work shed, and the result might decide whether a summer of previously described study would be justified. If a rock is all that prevents the operation of this well, it could be removed this winter. I do not know how far down it is lodged, but it might be drilled and split, or it might be possible to pull a portion of the casing including that with the rock, or, if a small rock, it might be pulled out with a sewer tape and hook.

With the rock out, the well capacity could be compared with that for the same spring period of 1934, and a "trend" could be computed by comparison with the rainfall records of the past sixty-odd years. Also, if it is only a matter of depth, it might be cheaper to sink this existing well another thirty or forty feet than to start more wells at less convenient distribution sites. If reopened, it should at least provide fire protection if a half million gallon reservoir were built to be filled each winter.

In fact, with a capacity of 67,000 g.p.d. in February 1934, as Dr. Lewis has quoted Mr. Reed, I am not sure that it would not be better to make the present PWA program one of better development of existing facilities as follows:

1. Complete the full diversion and use of the CCC springs.

2. Improve the present Headquarters spring development to pick up the present loss on the slope below.

3. Install adequate storage (500,000 to 1,000,000 gallons) at the highest point in the area.

4. Recondition the well for use as conditions permit.

5. Install a pump unit with valves and connections to deliver to the new reservoirs from both the well and the Headquarters spring.

I have not compared the cost with our previous plans, but I believe it would be the cheapest, and suggest that the Regional Engineer might include it in his latest cost studies. It would not involve the long pipe lines, and it would not involve duplicate distribution systems since all three sources have been considered satisfactory for potable use by the Public Health Service. It would also be free from water right entanglements except with respect to the pending filing on the CCC springs.

With respect to Dr. Lewis's suggestion to make test borings on the slope below the Headquarters spring, I wish to add a word of caution. Such a boring may drain the water away from the Headquarters spring. Hence I do not favor it unless it is definitely decided to provide pump facilities which could return the water to the system from a lower elevation.

A. van V. Dunn,
Associate Engineer.

AvVD:SH

01-11-1939: memorandum to superintendent preston from regional director regarding the water supply at mineral headquarters

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

January 11, 1939

Memorandum for Superintendent Preston:

We forward herewith a copy of Regional Geologist Lewis' report on the Water Supply situation at Mineral Headquarters, as a result of his visit to the park in December and consultation with yourself and Park Naturalist Svartzlow.

Your attention is directed to the recommendations appended to Dr. Lewis' report. We understand that these suggestions were discussed with you at the time of his visit, and we will be interested in learning what additional data is accumulated through these measures.

Frank A. Kittredge,
Regional Director

By_____
W. R. Ballard, Acting
Assistant Regional Director.

Enclosure 1926401

cc Dr. Lewis ✓

00-00-0000: memorandum to regional director from regional geologist regarding the water supply at mineral headquarters

PRIOR TO 1938 NO DATE

Memorandum for the Regional Director:

The Water Supply at Mineral Headquarters

Lassen Volcanic National Park

The possible sources

Various aspects of the water supply problem at Mineral Headquarters, Lassen Volcanic National Park, including the proposed purchase of water rights from the owners of adjoining lands, have been discussed with Regional Attorney Joseph E. Taylor and with Associate Engineer A. V. Dunn. The latter has written a report in which he describes and discusses the advantages and disadvantages of the several alternative plans, including the springs on the adjacent Forest Service land and the possible diversion of water from several creeks in the vicinity.

Local ground water

In a memorandum to Superintendent Preston, Park Naturalist Swartzlow has suggested that the ground water possibilities at Mineral also be considered. Accordingly the gologic and ground water conditions, as affecting a possible local water supply at Mineral, were examined jointly with Dr. Swartzlow on the 8th, 9th, and 10th of December, 1938. The needs and the adverse conditions to be overcome, particularly the prevailing scarcity of ground water and the diminished flow of the streams in the vicinity during the summer and autumn, were discussed also with Superintendent Preston and Associate Engineer Reed.

Thus far the subsurface conditions at Mineral have been only partially explored, and the present knowledge of them is summed up in the following paragraphs.

The local spring

On the slope at the northwestern boundary of the Headquarters tract, immediately back of the Administration building, the ground water appears in a surface seepage. A trench, or infiltration gallery, at the upper edge of this seepage area still remains the only source of water for the local community. For about one-half the year the flow is adequate for the present needs, but in summer and early autumn, when the local population and the demands for water are at the maximum, the flow diminishes to a minimum that barely meets the domestic requirements, leaving no reserve for fire protection and other needs. Sometimes, as in the summer of 1934, the yield of the spring falls so low that water must be hauled in from other sources for drinking purposes.

Possible increase from the spring

The conditions at the spring indicate the possibility that valuable water may be escaping through underground seepage beneath the present collecting trench. Whether or not this is so and if so the approximate amount of the loss may be determined by opening a trench or a series of test pits a short distance below the existing trench and measuring the yield obtainable from this source in August and September.

The dry season flow of the spring might continue to be used for drinking and domestic purposes, even if a supplementary supply for other uses should be obtained from one of the creeks. Some duplication of pipe lines would be required, but it would save the cost and other objectionable features of chemical treatment, as well as some degree of risk which is incurred wherever the continuous operation of such a process must be relied upon for protection.

The well of 1934

An unused well about 550 feet north of the Administration building was drilled in January and February 1934. The total depth is recorded as 151 feet, and the principal inflow of water was thought to have come from a zone between 130 and 135 feet in depth. The water rose in the well, however, and at the beginning of the pumping test on February 9, 1934, it stood only 46 feet below the surface. The test was interrupted and unsatisfactory; but on the basis of 52 minutes of continuous pumping the capacity of the well was estimated by Associate Engineer Reed at 66,816 gallons per day. In early summer the water level had fallen and the well is reported to have been almost dry. Later in the summer the sounding could not be repeated, as a stone that had been dropped in had lodged in the casing. It is thought probable that the well was then entirely dry.

The year 1934 was exceptionally dry. Little snow fell at Mineral, and outdoor work was possible almost continuously during the winter. In late summer the flow of the spring diminished to such an extent that it became necessary to haul water for drinking.

Subsurface losses

The behaviour of the spring and the well indicate that the water table is well maintained in winter and spring and that the ground water from the mountain slope contributes to the flow of Battle Creek by continuous underground seepage beneath both the sloping ground and the flat meadow adjacent to the creek. On the other hand, the shrinkage of the spring flow and its almost complete disappearance in dry years, and particularly the drop of the water level in the well to depths considerably below the level of Battle Creek, show that the diminished supply of water in summer is no longer sufficient to maintain the subsurface seepage into the creek. This diminished summerflow, therefore, must sink into a deeper porous zone, through which it escapes into the valley at a lower level.

The existence of such deeper movement in the valley is further confirmed and its importance emphasized by heavy losses in the flow of Martin Creek, a tributary of Battle Creek, in short distances between gauging stations, as observed by Associate Engineer Reed. Similar and proportionately greater losses from the flow of Manzanita Creek, at the northwest corner of the park, have long been known. In some degree such deep seepage probably is characteristic of many streams in the higher volcanic regions.

Doubtless the losses are even greater in winter and spring, when water is abundant, than in the dry summer and fall; but only in the latter seasons do they become critical, when they reduce the surface flow of the streams and drop the water table along the valley sides to depths as yet unknown. As Associate Engineer Dunn has pointed out, it may be anticipated that in some dry years the creeks may fail to supply the requirements of the growing local communities.

Permeable and impermeable formations

The failure of the well demonstrates that the water table in the dry season may fall 150 feet or more below the surface at that location; hence an adequate summer test at the same place would require deeper penetration. On the lower slope, however, depths as much as 40 to 50 feet below the bottom of the well may be reached without deeper drilling. Whether such a test would reach or even approach any nearer to the sunken water table of summer can not now be judged with any degree of confidence, as the depths reached by the deep seepage of the ground water and the losses from the streams in the various parts of the region are entirely unknown.

In the nature of the case, porous cinder beds, lava flows, and even open lava tubes must have been formed repeatedly in the course of the long volcanic history of the region. In contrast with these, the compact beds of fine volcanic ash and the flows of dense massive lava are relatively impervious. Such formations as these undoubtedly lie interstratified with the more permeable materials at irregular intervals throughout the whole volcanic accumulation. Furthermore, the various beds of both porous and dense materials differ greatly in both thickness and lateral extent, so that layers of the different kinds are overlapped and interbedded in the most irregular fashion.

The water table in summer

Despite underground losses, the abundant water of winter and spring maintained the water table at the well within 50 feet of the surface, even in the dry year of 1934; but the depth to which the zone of saturation falls in summer is at present unknown. Nevertheless, data that would throw light on this problem can be obtained from a series of dry season gaugings of the flow of Battle Creek, taken about the same time of day , at stations say about 1,000 feet or less apart, for a distance of one or two miles below the meadow at Mineral. A definite increase in volume, apart from the inflow of tributaries, would indicate the emergence of the water table and hence would mark its approximate position in the bottom of the valley. From this information a rough estimate of the depth to water at Mineral might be made.

Recommendations

In view of the conditions above set forth, I recommend:

1. That the possibility of obtaining a greater summer flow from the spring at Mineral be investigated, along the lines suggested above;

2. That gaugings of the flow of Battle Creek be made, as also indicated above;

3. That in case an adequate minimum supply can not be obtained from the spring, or in case a satisfactory supply for fire protection and other uses can not be secured on suitable terms from one of the creeks in the vicinity, a test well be drilled on the Headquarters tract at Mineral — the location and the depth to be determined after the gaugings of the flow of Battle Creek have been completed and the results have been tabulated and interpreted;

4. That both the general plans and the details of the methods and procedure to be pursued in making the foregoing tests be determined jointly by the civil and sanitary engineers and the geologist, preferably after a joint inspection of the conditions and discussion of the problems in the field.

J. Volney Lewis
Regional Geologist

San Francisco, California
December 22, 1938

11-25-1938: memorandum to regional director, region iv from regional attorney regarding a memorandum about the possibility of obtaining a mineral headquarters water supply by drilling a well

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

November 25, 1938.

Memorandum for the Regional Director, Region IV:

Reference is made to Superintendent Preston's memorandum to you of November 19, 1938, with which he enclosed a copy of the analysis made by Dr. Swartzlow of the possibility of obtaining a Mineral Headquarters water supply by drilling a well, which, added to the existing supply, may be sufficient for all purposes.

In that connection, there is hereto attached a copy of a memorandum prepared by Associate Engineer A. van V. Dunn, in which he concurs in the plan to have a geological study, but calls attention to the fact of costs where adverse conditions may exist, and that a final determination should not be made before complete investigation of the well possibilities as compared to the possible system next lowest in cost.

I am furnishing Dr. Lewis an extra copy of this memorandum for his consideration.

Joseph E. Taylor

Joseph E. Taylor,
Regional Attorney.

Encl.

JET:EH

CC: Director, with enclosure.
Supt., Lassen Vole. Nat. Park, with enclosure.
Dr. J. Volney Lewis, Regional Geologist,
with enclosure.

11-22-1938: memorandum to regional attorney from nps regarding mineral headquarters water system

601 Sheldon Bldg.,
San Francisco, Calif.,
November 22, 1938.

Memorandum for Mr. Joseph E. Taylor, Regional Attorney:

Re: Mineral Headquarters Water System,
Lassen Volcanic National Park.

Reference is made to the memoranda by Supterintendent John C. Preston and Park Naturalist Carl Swartzlow of November 19, 1938, suggesting further development of wells for Mineral Headquarters at Lassen.

A well, according to my interpretation of your statements, would come within the doctrine of riparian rights if it diverted the underground flow of Battle and Martin Creeks. In this case, it would not involve a filing, or other agreements with adjacent landowners, if drilled on the park land for purely headquarters use. I understand, however, that you question the full application of riparian doctrine, since the equipment served at headquarters is used throughout the park, applying the water use to the whole park area.

If, on the other hand, the well taps an underground flow, other than Battle or Martin Creek, I have understood you to say riparian rights are not applicable, but that the doctrine of underground channels, which would apply, is analogous and would not require a filing or negotiations with adjacent landowners.

According to Dr. Swartzlow, the existing well, with a questionable supply of 7000 gallons per day, is ill located, and he thinks geologists can find a better well site which will develop 10,000 gallons per day. He further advises that the present well is 151 feet deep, and I suppose he anticipates that the new well will be deeper.

From the preceding, I feel Dr. Swartzlow's proposed studies are fully justified if the geology does suggest the more adequate supply. I would have suggested such a study in my own analysis, except for the fact that my geological knowledge is weak, and the reports I received on the existing well were all most discouraging.

If such a study is made, however, I should like to call attention to one well problem in California. Wells have been a popular source of supply since pioneer days, and are extensively used for irrigation in the San Joaquin Valley, and in the San Benito River near Hollister, at this time. In both cases, the continued use has lowered the general water table to a point where more and more water is needed to maintain a proper duty on the cultivated surface, and all wells have a decreasing capacity. Agricultural engineers have made many studies of this problem, but seem to have few solutions except to reduce pumping and bring in more surface water from the mountains. In the more acute case of salt water encroachment, at the Sacramento Delta, they are also trying to maintain a higher river level.

The suggested well at Mineral Headquarters, even if 0.1 second-foot were pumped, does not in itself constitute the start of another similar problem. It is, however, the start of a policy which might be followed by the other local landowners, and might ultimately make the land comparable to that at Tres Pinos and Paicines, between Hollister and the Pinnacles. It is not a policy in keeping with the work of the Water Resources Committee, nor with an agency like the Park Service, which contends that it is protecting the ground storage of the headwaters of the nation's streams so far as these headwaters are controlled by the Park Service.

Battle Creek Meadows are large in acreage in proportion to the available supply of the streams, and are in a volcanic area where underground flow is uncertain. It is, therefore, possible, if not probable, that an adequate well might have an adverse influence on the area. This is particularly true if the well diverts only the underground flow of Battle and Martin Creek.

In other words, if the well were to have a recognized riparian status, it would have legal protection, but might lead to local friction as time progressed, especially if neighbors resent the abandonment of Martin Creek plans. On this basis, it would be better if the well could be sunk to a greater depth to divert a real underground flow. However, the volcanic formation makes the existence of such a flow uncertain at an economic depth unless the existing well, or a test bore, can supply the information.

X

Assuming the spring flow of the past September to have been properly analyzed in my previous report, it was:

Headquarters spring	9239 g.p.d.
CCC spring #1	10,400 g.p.d.
CCC spring #2	1,945 g.p.d.
CCC spring #3	3,700 g.p.d.
Total	25,284 g.p.d.

In my report, I showed that this would be reduced to 20,736 g.p.d. in a year with an index of wetness of 100, and might be reduced to 10,000 or 15,000 g.p.d. in very dry years. In these very dry years, the well would then have to supply roughly 50,000 g.p.d. if the area needed 0.1 second-foot continuously. If extensive irrigation of lawns is to be practised, double this amount might ultimately be needed in the years when the well might be least able to supply it.

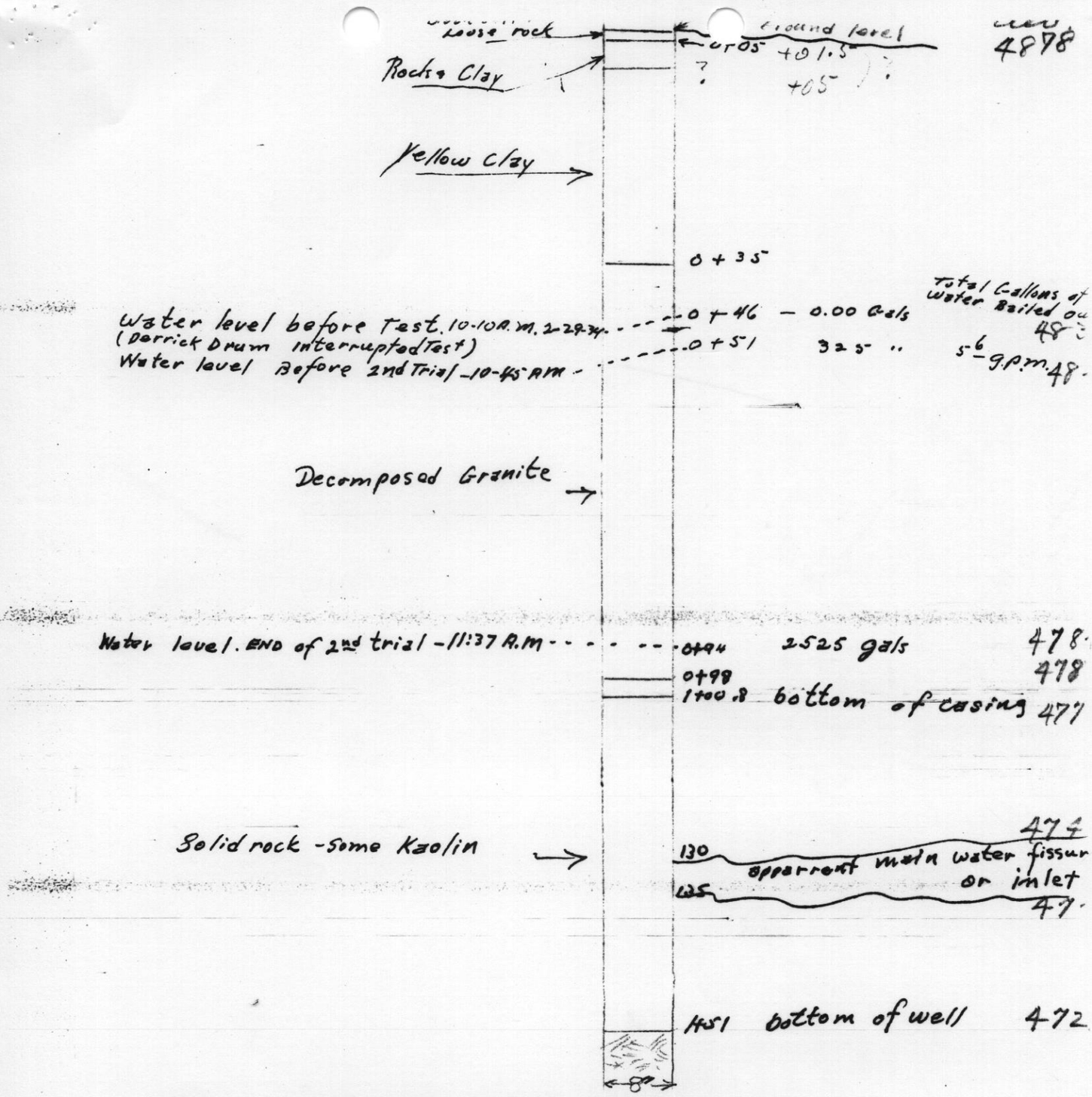
There is no reason to suppose that the well would be proportionately less adequate in dry years, or that water rights would be any more acute. I merely wish to show that a "little" well is no better than a restricted surface water right. Either will require "hold-over" storage.

In the matter of cost, I agree with Dr. Swartzlow that the well might be far cheaper than any of the proposed stream diversions, but his estimate of $1500 is likely too optimistic and misleading. I would use that figure as the minimum for the casing in place. It might cost $3000 to $5000 before an adequate supply was obtained. The pump unit will cost at least $500. Then, to make the system comparable to the others previously covered in my report, we must add the cost of the CCC springs improvements, the 6" pressure main, and at least 500,000 gallons of additional storage. Mr. Hohl also calls my attention to the fact that a more expensive type of pump will be needed at the well than on the Cold Creek System, and that power wiring may be considerably greater for either the well or the direct Battle Creek diversion than for a pump at the power house site. I prefer not to offer any total cost estimate, since the Regional Engineers are working on them now, and so much will depend on Dr. Swartzlow's further studies of the possible well site, but I shall be surprised if the estimate for the well system results in an appreciable saving over its next nearest competitor, if ideal field conditions are not met throughout construction.

I hope I have not made this too discouraging. I think the well scheme has as many merits as some of the other ideas. The geological study should certainly be made, but there should not be too many false hopes at the start.

A. van V. Dunn,
Associate Engineer.

AvVD:SH

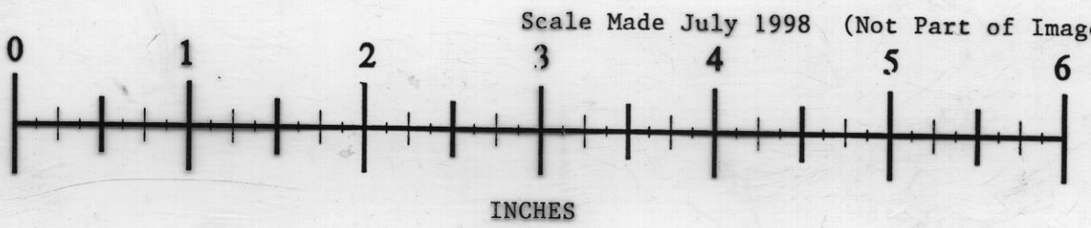


Drawn down 10:45 to 11:37 AM -- 43 ft. - 2525 Gals. bailed
No. of Gals. of Displacement in 43 ft of casing - 110 gals.
2525 - 110 equals 2415 Gals actual flow into well in 52 Min.
2415/52 equals 46.4 gals per minute is flow into well per minute
2415 x 24 equals 66,816 gals per 24 hrs flow in well per 24 hrs.

Lassen Volcanic National Park
Well in Park Headquarters Area
Well Statistics and Bailing Test
Scale 1" - 20' Feb. 9, 1934

(Geo. Rust's record + Log)

Scale Made July 1998 (Not Part of Image)



10-01-1937: letter to regional geologist, region 4 from park naturalist regarding the water supply at headquarters

OCT 4 1937
MAYFIELD
EDWARDS
CROSS
FILE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LASSEN VOLCANIC NATIONAL PARK
MINERAL, VIA RED BLUFF, CALIF.

October 1,1937

Dr. J. Volney Lewis
Regional Geologist,Region 4
National Park Service
601 Sheldon Bldg
San Francisco
California

Dear Dr. Lewis: Lassen

I am sorry to have missed seeing you on your trip through this park, but was informed of the problem that you have in mind for your next visit to this area. Since we have had considerable trouble with water supply at headquarters, I have spent some time looking over the situation and will be happy to discuss it with you at your convenience.

Roughly there are three possibilities for increasing the water supply,1st,to divert more water into Martin Creek to increase the flow (doubtfull) 2nd to pump water from Battle Creek into suitable storage tanks (may involve litigation over water rights) and 3rd to sink a well near headquarters. This seems to offer the best possibilities but more field work is necessary before a final choice can be made. The cost in either case will be about the same,as the well will probably be shallow.

If possible please let me know when you will arrive so that I can plan my work so that I can spend some time in the field with you.

Cordially,
Carl Swartzlow
Carl Swartzlow
Park Naturalist

06-09-1937: memorandum to acting regional officer, region iv from regional geologist regarding job comment - supplementary to job comment on may 1, 1937 water supply system - springs and reservoir

June 9, 1937.

Memorandum to Acting Regional Officer,
Region IV.

ATTENTION: MR. ASTRUP

Subject: Job Comment -
Supplementary to Job Comment of May 1,1937
Water Supply System - springs and Reservoir
Lassen Volcanic National Park, California.

Superintendent Leavitt's letter of May 25, 1937, states that this job is set up for the temporary protection of the present water supply at Mineral Headquarters, pending the construction of a new water supply system which will not use the present source.

In view of these considerations I recommend the approval of the Job Application as submitted.

J. Volney Lewis
Regional Geologist

05-01-1937: memorandum to regional officer from regional geologist regarding job comment - job no. 144, priority no. 140 water supply system - springs and reservoir

COPY FOR MR. LEWIS

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

ECW REGION FOUR

601 SHELDON BUILDING

SAN FRANCISCO, CALIFORNIA

May 1, 1937

Memorandum to: Regional Officer

Subject: Job Comment -
Job No. 144; Priority No. 140
Water Supply System - Springs and Reservoir
Lassen Volcanic National Park, California

Sawed lumber is specified for linings in the trenches that collect the seepage water from the springs at Park Headquarters, at Mineral. The supply of water is limited and the collecting trenches through the seepage area are 7 feet wide and 4 feet deep. Their aggregate length is not given, but it is evident that a large amount of timber would thus be exposed to the water while gradually decaying.

Instead of the temporary and objectionable structures of timber, I recommend the use of stone. After conferring with the Branch of Engineering, I concur in the plan, which I understand they recommend, to lay drain pipe in a filling of loose stone and to cover the filled trenches with earth. This will eliminate the use of timber altogether and will give a permanent and efficient gathering system.

J. Volney Lewis
Regional Geologist

08 MAPMISC

Lassen Volcanic National Park

MARTIN CREEK WATER SYSTEM

Maps and Miscellaneous Information

CLEARED
REGIONAL DIRECTOR
RECREATIONAL PLANNING AND STATE COOPERATION
REVIEWED
RESEARCH AND EDUCATION
SANITATION
FORESTRY
HISTORY
PLANS AND DESIGN
ENGINEERING
DESIGNED BY
DATE

R.3E. M.D.B.&M.
R.4E.

Martin Creek
Possible Diversions
Nannie Creek
Battle Road
Cold Creek
Mineral Road
Robert Harvey April 13, 1878 Preemption
Possible Diversion
Mineral Road

FOREST SERVICE

22 23 24 19 20
27 26 25 30 29
35 36 31 32

Sierra Lumber Co. Oct 27, 1903 — Diamond Match Co.
Mary E. O'Conner Jan. 9, 1904 S. & O. — Diamond Match Co.
H. A. Rawson Sept. 22, 1903 — Gerber Estate
J. W. Burgess July 25, 1894 — Woodson-Beresford
Bert Hampton June 25, 1894 — Woodson-Beresford
Bert Hampton Dec. 3, 1894 — Woodson-Beresford
Bert Hampton March 23, 1901 — Woodson-Beresford
Robert Harvey April 13, 1878 Preemption — Gerber Estate
H. A. Rawson, et al Oct. 19, 1875 S. & O. — Gerber Estate
W. E. Gerber Oct. 28, 1902 — Gerber Estate
W. E. Gerber June 20, 1898 — Gerber Estate
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Mary Gallogher Feb. 5, 1904 S. & O. — Diamond Match Co.
H. A. Rawson Oct. 19, 1875 — Gerber Estate
H. A. Rawson, et al June 14, 1887 — Gerber Estate
Conard — Gerber Estate
HEADQUARTERS MINERAL Nat'l Park Service — Nat'l Park Service

T. 29N. M.D.B.&M.
T. 28N.

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

LEGEND

PRESENT OWNERS

- National Park Service
- National Forest
- Gerber Estate
- Woodson-Beresford
- Diamond Match Co.
- Conard

Patented prior to Aug. 30, 1890 without reservation for Federal Ditch and Canal rights of way.

NOTES:
Each 40 Acres contains:
.Patentees name at top.
Present owners name at bottom.

Except as otherwise shown, patents were granted with reservation for ditch and canal rights of way when to be constructed by the authority of the United States.

Revised Nov. 22, 1938.

PROPERTY MAP

SCALE 0 1 M

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BRANCH OF LAND ACQUISITION AND REGULATION
PREPARED BY
SAN FRANCISCO, CALIF.
OFFICE

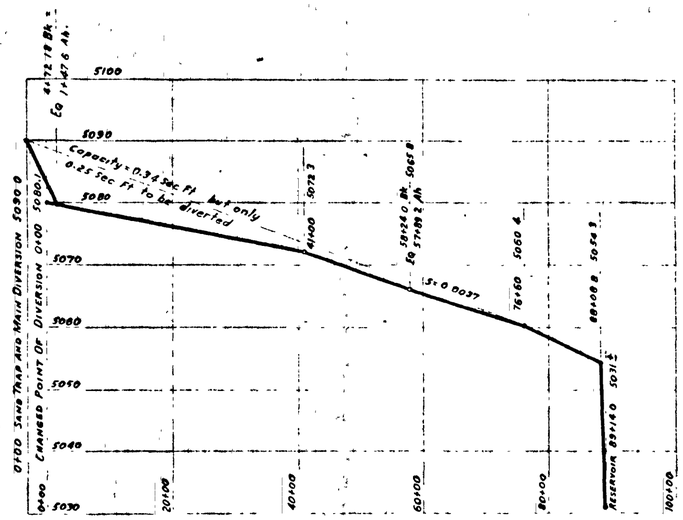
MINERAL HEADQUARTERS
WATER RIGHT STUDIES
LASSEN VOLCANIC NATIONAL PAR

LEGEND

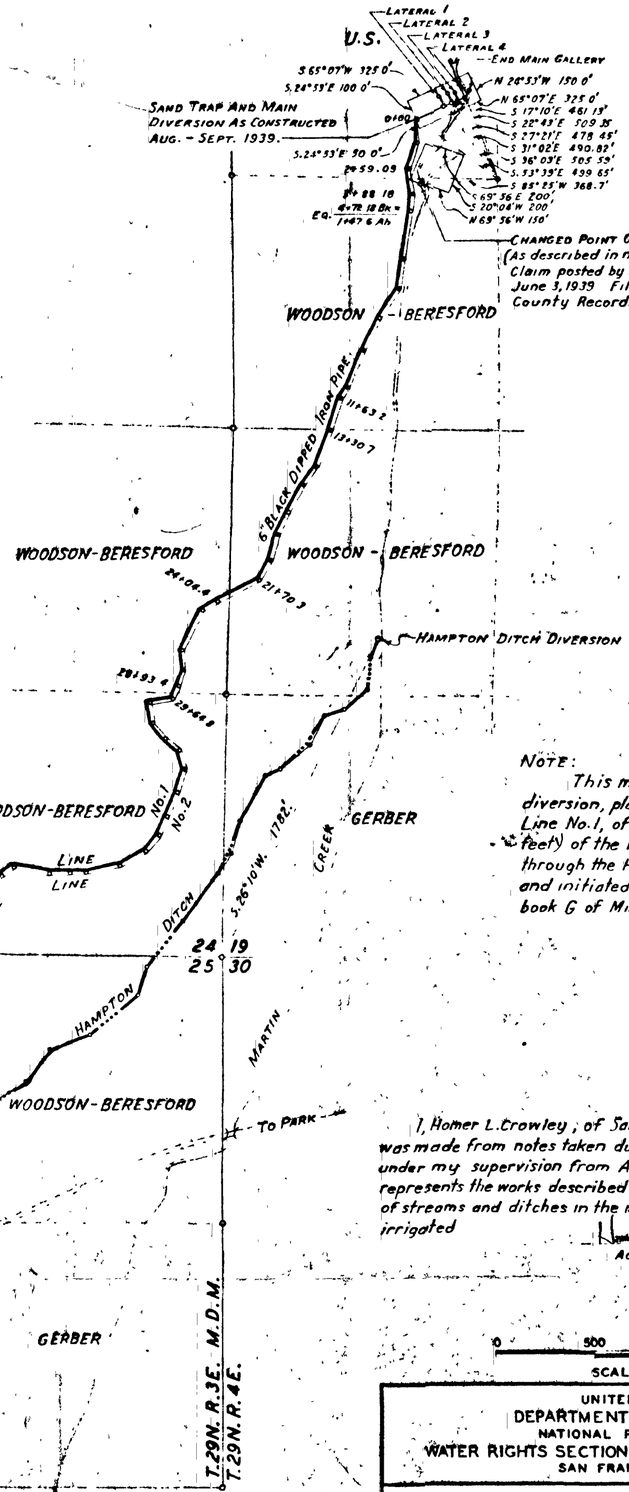
- Water Line
- Ditch
- Park Headquarters Boundary
- Section Line
- 1/4 Section Line
- 1/16 Section Line
- Tie
- Buildings
- Marsh
- Stream
- Road

0 1 2 3

0 1cm 2 3 4 5 6 7 8



PROFILE



Filed in the Office of the County Recorder of the County of Tehama, State of California this 2nd day of October A.D. 1941

Milton Hull
County Recorder

Deputy Recorder

NOTE:

This map is a description of changes in point of diversion, place and method of use by Martin Creek Pipe Line No.1, of a portion (said portion being 0.25 second feet) of the right to the use of water of Martin Creek through the Hampton Ditch acquired by Bert Hampton and initiated by notice recorded Sept. 1, 1894 on page 128, book G of Miscellaneous Records, Tehama County.

I, Homer L. Crowley, of San Francisco, do hereby certify that this map was made from notes taken during actual Park Service surveys made partially under my supervision from Aug 3, 1933 to May 15, 1939, and that it correctly represents the works described in the accompanying application, the location of streams and ditches in the immediate vicinity, and the acreage to be irrigated

Homer L. Crowley

Acting Regional Engineer, Region 4
National Park Service.

0 500 1000 1500

SCALE:- 1"=500'

PREPARED BY	COMPILED & DRAWN BY	TRACED BY
A von V Dunn		
June 18, 1940	W.S.J	W.S.J

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

REGION IV

SHEET 1 OF 1

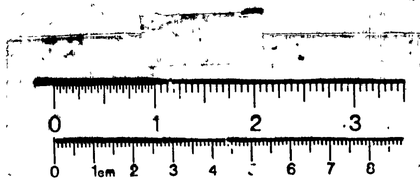
MARTIN CREEK
PIPE LINES NO. 1, AND 2
LASSEN VOLCANIC NATIONAL PARK

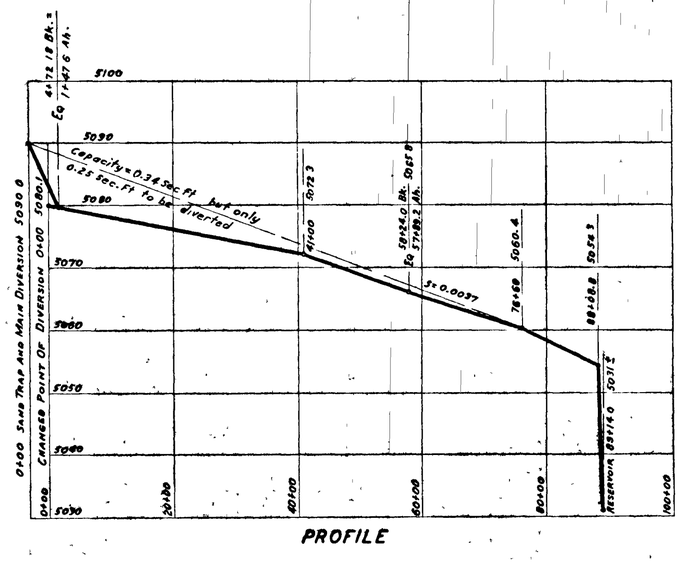
DRAWING NO.
NP-LV
6979A

11-22-1938: map of martuin creek - pipe lines 1 and 2

LEGEND

- Water Line
- Ditch
- Park Headquarters Boundary
- Section Line
- 1/4 Section Line
- 1/16 Section Line
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- Stream
- Road





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Acting Regional Engineer, Region 4
National Park Service

0 500 1000 1500
SCALE:- 1"=500'

PREPARED BY	COMPILED & DRAWN BY	TRACED BY
A van V Dunn June 18, 1940	W.S.J.	W.S.J

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

REGION IV

SHEET 1 OF 1

MARTIN CREEK
PIPE LINES NO. 1, AND 2
LASSEN VOLCANIC NATIONAL PARK

DRAWING NO.
NP-LV
6979A

CLEARED
REGIONAL DIRECTOR
RECREATIONAL
PLANNING AND STATE COOPERATION
REVIEWED
RESEARCH AND EDUCATION
SANITATION
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PLANS AND DESIGN
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DESIGNED BY
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R.3E. M.D.B.&M.
R.4E.
Martin Creek
Possible Diversions
Nannie Creek
Battle Creek
Road
Cold Creek
Possible Diversion
Mineral Road
Headquarters Nat'l Park Service
FOREST SERVICE
22 23 24 19 20
27 26 25 30
35 36 31
0 1 2 3
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H. A. Rawson, et al June 14, 1887 — Gerber Estate
Conard

LEGEND

PRESENT OWNERS

- National Park Service
- National Forest
- Gerber Estate
- Woodson-Beresford
- Diamond Match Co.
- Conard

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Revised Nov. 22, 1938.

T. 29N. M.D.B.&M.
T. 28N.

PROPERTY MAP

0 — 1 Mile
SCALE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BRANCH OF LAND ACQUISITION AND REGULATION
PREPARED BY
SAN FRANCISCO, CALIF.
OFFICE

REGION IV
SHEET 12 OF 18
DRAWING NO. NP-LV 6975

MINERAL HEADQUARTERS
WATER RIGHT STUDIES
LASSEN VOLCANIC NATIONAL PARK

Docket Information

Number of Documents in Docket : 258

Documents Dated from : 08-30-1894 to 01-07-2025

Docket Compiled: 1/8/2025