Docket Number: 54

WHEATON SPRING (S013890) [RETIRED]

Preliminary Docket Information

DOCKET INFORMATION FORM

Compiled by: Alexa Kreiling Date: 6/6/2024
Initial Docket Information Form ☒ Amendment # _____ (1,2,3 ...)
Includes Confidential Content ☐

Park Unit: MOJA **Docket #:** 54 **Docket Title** Wheaton Spring (S013890) [CANCELLED]

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

State: CA
County: San Bernardino

Owner: The Bureau of Land Management (As listed by the State)

Application #: S013890 **Date:** 1/11/1993

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

License / Certificate #: _____ **Priority Date:** 1926

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

Quantity: Rate: 200 Duty: _____
Units: ☐ cfs ☐ gpm ☐ afy ☒ other gpd 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: SE Sec: 21 T: 15 N R: 14 E PM: _____
Latitude: 35.45594649 Longitude: -115.47955138
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.

-6/3/1983 assigned from Andrew H. L. Anderson to Blincoe Farms, Inc.

-Part of Valley View Allotment (Blincoe).

-Located outside of MOJA in an area not transferred to NPS with the passage of the California Desert Protection Act of 1994.

-eWRIMS Holder: BLM

☐ Additional Page(s) Attached

e-WRIMS Public Summary Page

[Return to Water Right Search] [Return to Water Right Search Results]

Application ID: S013890 View Statement
Permit ID: None
License ID: None
Water Right Type: Statement of Div and Use
Water Rights Status: Claimed (01/11/1993)
Primary Owner: U S BUREAU OF LAND MANAGEMENT

Current Parties	Relationship	Effective Date
U S BUREAU OF LAND MANAGEMENT	Primary Owner	10/13/1994
Need to report a change of ownership or agent? Click Here		

Historical Parties

Record Summary	
Application Acceptance Date	01/11/1993
Permit Issuance Date	
License Issuance Date	
Face Value Amount	0.0
Subtypes (Statements Only)	Riparian Other - Federal Reserve

Name(s) of Sources of Water	County Location	Parcel Number	Diversion Site Name	Lat/Long Coordinates
WHEATON SPRING	San Bernardino			35.45594649 ; -115.47955138
				Map It

Beneficial Uses	Acres	Direct Diversion Season	Collection to Storage Season
Domestic	0.0	1/1 to 12/31	

Electronic Reports

Year	Revision	Report Type	Date Received	View Report PDF
2012	2	Supplemental Statement of Water Diversion and Use	08/05/2013	• View
2012	1	Supplemental Statement of Water Diversion and Use	08/05/2013	• View
2011	1	Supplemental Statement of Water Diversion and Use	08/05/2013	• View
2010	1	Supplemental Statement of Water Diversion and Use	08/05/2013	• View
2009	1	Supplemental Statement of Water Diversion and Use	08/05/2013	• View
2008	1	Supplemental Statement of Water Diversion and Use	08/05/2013	• View
2007	1	Supplemental Statement of Water Diversion and Use	08/05/2013	• View

*For reports submitted prior to 2009, please contact our records room.

Water Rights Associated with Primary Owner

Application ID	Water Right Type	Water Right Status
S013890	Statement of Div and Use	Claimed

Associated Decisions/Orders

Decision/Order Number	Date	Description	View Document

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02 STATE

Mojave National Preserve

WHEATON SPRING (S013890) [RETIRED]

State Water Rights Documentation

S-13 890

**** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS *****

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S013890
OWNER OF RECORD: U S BUREAU OF LAND MANAGEMENT

U S BUREAU OF LAND MANAGEMENT
PO BOX 888
NEEDLES, CA 92363

MAR 20 1995

1995 MAY 23 AM 6:43
DIV. OF WATER RIGHTS
SACRAMENTO

SOURCE: WHEATON SPRING
TRIBUTARY TO: WHEATON WASH
COUNTY: SAN BERNARDINO
DIVERSION
WITHIN: NW¼ OF SE¼ SECTION 21, T15N, R14E, MDB&S.

TELEPHONE NUMBER: (619) 326-3896
YEAR OF FIRST USE: 1926
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

A. Water is used under: Riparian claim ✓; Pre 1914 right _____; Other (explain) _____

B. Year of first use (Please provide if missing above) _____.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ❑ Gallons ❑ Acre-feet ❑ (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC	TOTAL ANNUAL
1992	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
1993	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
1994	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation _____ acres; Stockwatering Livestock; Domestic ✓
Other (specify) Wildlife

***** CONTINUE ON BACK PAGE *****

***** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS *****

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: May 17, 19 95, at Needles, California

SIGNATURE: Michael McGill

PRINTED NAME: MICHAEL (FIRST NAME) MCGILL (M. NAME) (LAST NAME)

COMPANY NAME: BLM

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

SURNAME

(916) 657-1875

FAX: (916) 657-1485

In Reply Refer
to:332:WR:S13890

SEPTEMBER 7 1993

Bureau of Land Management
Needles Resource Area
P.O. Box 888
Needles, CA 92363

STATEMENT OF WATER DIVERSION AND USE, STATEMENT NUMBER 13890

Your statement of water diversion and use has been received and assigned the above number. You should refer to this number in any future correspondence to this office regarding the statement.

A copy of the statement is enclosed for your records.

Please notify us of any change in address or change in ownership.

The law requires that supplemental statements be filed at three-year intervals. The form is automatically sent to you by the State Water Resources Control Board at the close of the period.

Thank you for your cooperation. If you have any questions or concerns, please telephone me at (916) 657-1875.

Sincerely,

ORIGINAL SIGNED BY:

Wynne Rowlands
Associate Land and Water
Use Analyst
Application Unit #2

Enclosure

!WROWLANDS:shalbert:9-3-93
!ahear300:40e.40e.pl:S13890

WR 40e (2/91)

SURNAME	Rowlands 9/7/93			

DWR 540 REV. 1/88

S13890

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

STATEMENT OF WATER DIVERSION AND USE

(This is not a Water Right)

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water BLM Needles Resource Area USDI

Address PO Box 888 Needles, CA 92363 Telephone: (619) 326-3896

B. Name of body of water at point of diversion Wheaton Spring

Tributary to Wheaton Wash

C. Place of diversion NW ¼ SE ¼ Section 21, Township 15 1/2N, Range 14E, SB B&M, San Bernardino County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works NA

E. Capacity of diversion works NA cubic feet per second / gallons per minute

Capacity of storage reservoir _____ gallons / acre-feet

State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1992	X	X	X	X	X	X	X	X	X	X	X	X	946,080 gal/yr

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

Maximum annual water use in recent years _____ gallons / acre-feet

Minimum annual water use in recent years _____ gallons / acre-feet

Type of diversion facility: gravity ____, pump ____

Method of measurement: weir ____, flume ____, electric power meter ____, water meter ____, estimate ____

F. Purpose of use (what water is being used for) WILDLIFE HABITAT, GROUNDWATER RECHARGE

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)

H. Year of first use as nearly as known 1926

I. Name of person filing statement Richard Fagan

Position Area Manager Organization USDI-BLM Needles Resource Area

Address PO BOX 888 Needles, CA 92363 Telephone: (619) 326-3896

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

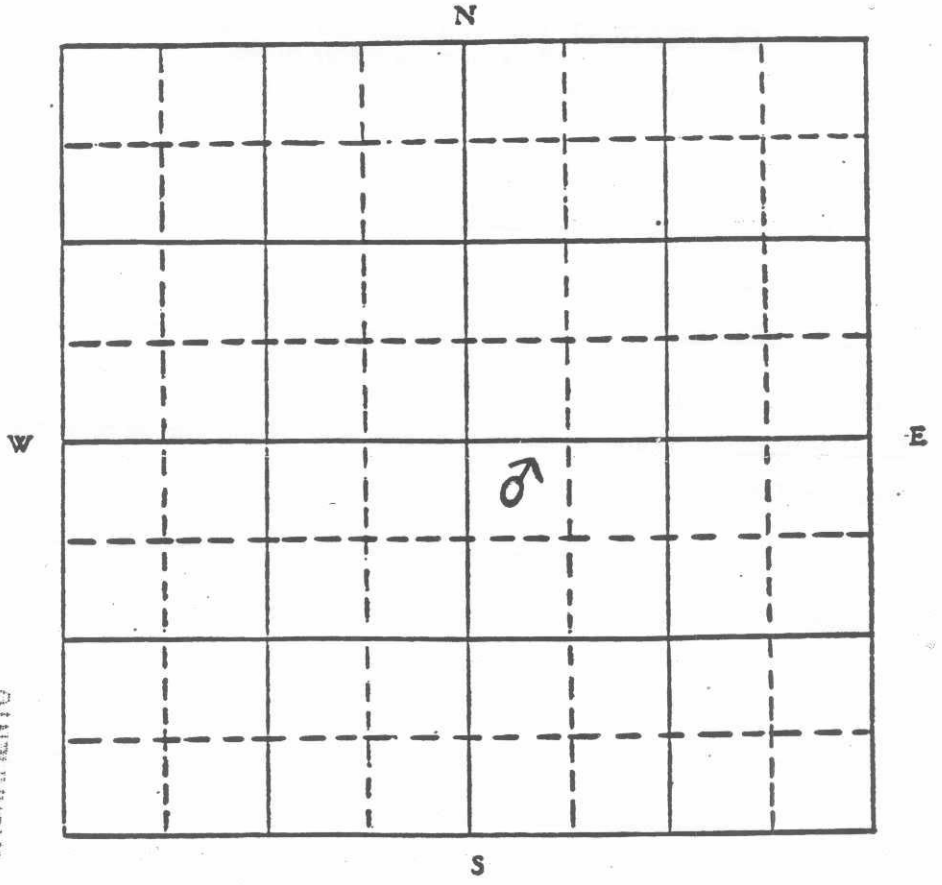
DATED: January 4, 19 93, at Needles, California.

Signature: Richard E. Fagan

N-45 Mineral Hill 7.5
CA. e. Zone 5 N 721250' & E 2750 850'
Strm. P. 6-202-06-00-9

See Instructions on Reverse Side

The location of the diversion point and the place of use may be sketched on this section grid. If it is used, please enter the section(s), township and range below and show any streams or other landmarks that will assist in identifying the area.



STATE WATER RESOURCES CONTROL BOARD
1993 JAN 11 PM 3:48
DIV. OF WATER RIGHTS SACRAMENTO

Section(s) 21

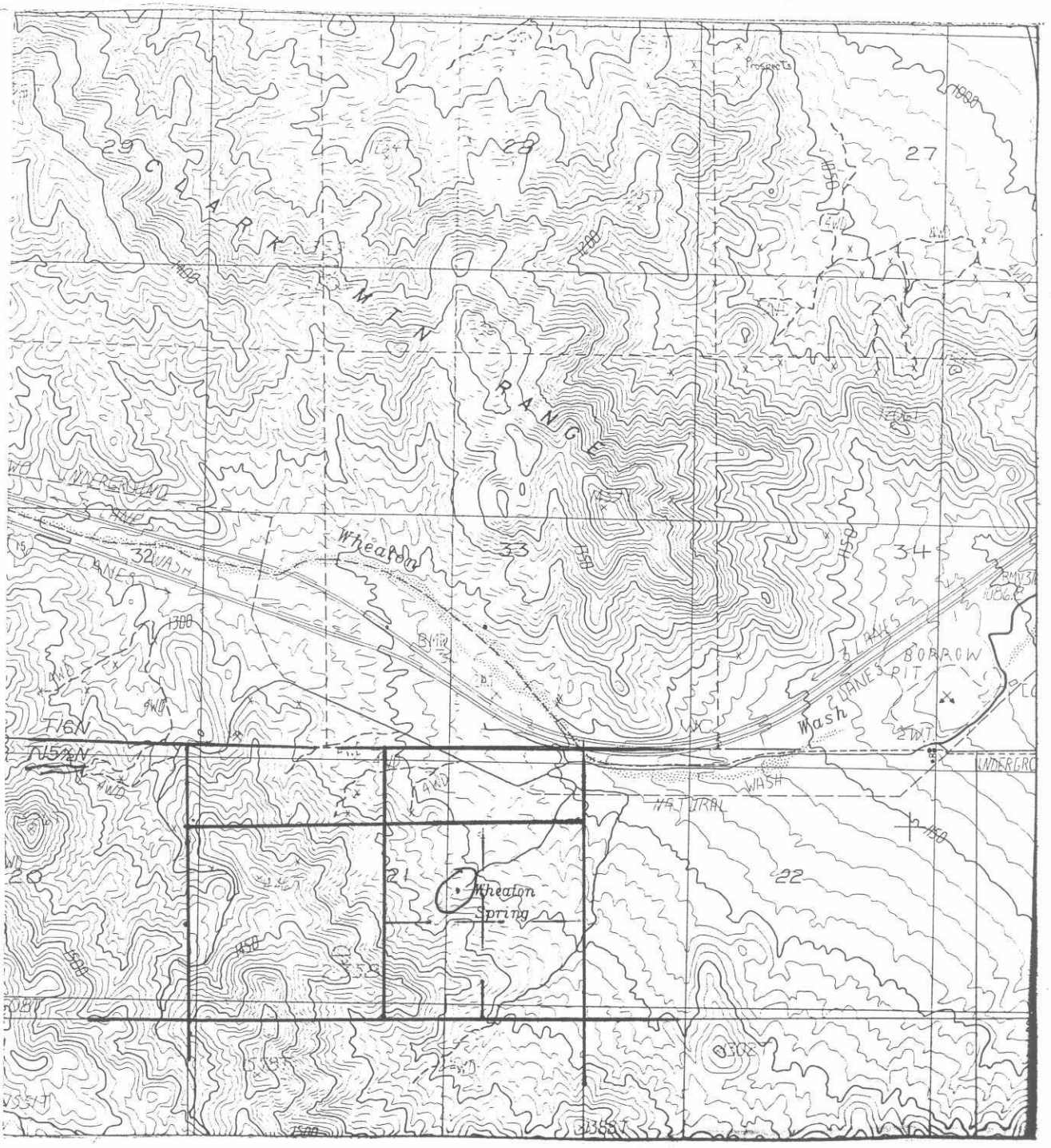
Township 15½N ; Range 14E ; SB B&M

INSTRUCTIONS:

A separate statement should be filed for each point of diversion.

A duplicate copy will be returned for your file.

Please send the completed statement to: STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights
77 Cadillac Drive
Sacramento, CA 95825



APPLICANT B.L.M.

DIVERSION WITHIN NW 1/4 SE 1/4 OF

SECTION 21, T. 15½ N., R. 14 E., S.B. B&M

COUNTY OF San Bernardino

U.S.G.S. Quad. Mineral Hill Map Code N-45

Scale 1:24000 Contour Interval 10 Mtr.

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

~~APPLICATION~~

~~PERMIT~~ STATEMENT S13890

~~LICENSE~~

DATE:

DRAWN BY: WR

DIS CT WATER NO._____
STATE ASSIGNED NO._____ WR

UNITED STATES
DEPARTMENT OF THE INTERIOR

NOTIFICATION OF FEDERAL RESERVED WATER RIGHTS
TO THE STATE OF CALIFORNIA

The United States of America, acting by and through the Bureau of Land Management, United States Department of Interior, hereby notifies the State of California, State Water Resource Control Board of federally reserved water(s) described on the attached statement of Water Diversion and Use and situated on public lands under jurisdiction of the Bureau of Land management and reserved as noted below.

1.__ Executive Order of_____under authority of the Act of June 25, 1910, (36 Stat.847; 43 U.S.C. 141-143) as amended which created Public Reserve No. _____.

2.__ Water(s) reserved under authority of Section 10 of the Act of December 29, 1916, (43 U.S.C. 300) in connection with stock driveways formally designated prior to October 21, 1976.
Date of Designation:_____.

3.X Executive Order of April 17, 1926, under authority of the Act of June 25, 1910, (36 Stat. 847; 43 U.S.C. 141-143) as amended which created Public Water Reserve No. 107 and reserved the lands for public use in accordance with Section 10 of the Act of December 29, 1916, (39 Stat. 865; 43 U.S.C. 300). If spring or water hole was not in existence on April 17, 1926, the date of priority is the date of creation_____.

4.__ Executive Order 5389 dated July 7, 1930, (Mineral hot springs) under authority of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141-143) and the Act of March 3, 1925, (43 Stat. 1133; 43 U.S.C. 971). Must have been formally designated October 21, 1976. Date of first use _____.

5.__ Waters developed by an oil and gas permittee or lessee and subsequently acquired and reserved by the United States under authority of the Act of June 16, 1934, (48 Stat. 977, 30 U.S.C. 229a). Date of release to the United States _____.

6.__ Waters reserved under authority of the Wild and Scenic Rivers Act (PL 90 542) U.S.C. 1271. Date of Designation _____.

7.__ Waters reserved under authority of the Wilderness Act (PL 88 577) 16 U.S.C. 1131. Date of Designation _____.

8.__ Other reserved water(s) (cite specific authority and date):

Note: This notification of a federally reserved water right claim of the United States provided in the furtherance of the State-Federal comity to advise the State and others of the United States' claim to the waters in question.

This notification is not, nor should it be construed as, an acknowledgement of a right or power of the State to limit, adjudicate, or in any other manner determine the right of the United States to develop and utilize the federally reserved water resources, except as provided by law. Accordingly, this notification is not a waiver of any reserved water rights of the United States nor does it waive, negate or replace any other water rights of the United States.

Richard E. Fagan 1-5-93
Area Manager Date

03 HISTORY

Mojave National Preserve

WHEATON SPRING (S013890) [RETIRED]

Land History

National Park Service
U. S. Department of the Interior
Natural Resource Stewardship & Science
Water Resources Division

1201 Oakridge Dr., Ste. 250
Fort Collins, CO 80525
970-225-3548 phone
970-225-9965 fax

Water Rights Branch

Note to File

Date: May 22, 2024
From: Alexa Kreiling, WRB Water Rights Research Assistant
File: MOJA Technical Report
Subject: Land History
Activation: California Desert Protection Act of 1994 – June 3, 1995

Director, National Park Service and Director, Bureau of Land Management. 1995. To: National Park Service, WASO Directorate and Others. Re: Activation: California Desert Protection Act of 1994 – June 3, 1995
IRMA – Data Store – Published Report – (Code: 2229521)
DataStore - Activation: California Desert Protection Act of 1994 – June 3, 1995 (nps.gov)

The purpose of this memorandum is to outline the actions that need to be taken to implement the California Desert Protection Act of 1994 and indicate the responsible officials. Its primary audience is park managers, staff, and the interested public. Its objectives are to provide an administrative history, outline steps for activating the act's provisions, and clarify the responsibilities of federal and state officials. Key aims include designating and managing new wilderness areas and national parks, protecting natural resources, preserving traditional land uses like grazing, and coordinating law enforcement and land management activities. The document is crucial for guiding the effective management and preservation of the protected areas.

National Park Service
U. S. Department of the Interior
Natural Resource Stewardship & Science
Water Resources Division

1201 Oakridge Dr., Ste. 250
Fort Collins, CO 80525
970-225-3548 phone
970-225-9965 fax

Water Rights Branch

Note to File

Date: May 23, 2016
From: Joseph Chafey, WRB Hydrologist
File: MOJA Dockets with Grazing Allotment Water Rights
Subject: Land History
From Neglected Space to Protected Place: An Administrative History of Mojave National Preserve by Eric Charles Nystrom, March 2003

Nystrom EC and Great Basin CESU. 2003. From Neglected Space to Protected Place: An Administrative History of Mojave National Preserve. Administrative History
IRMA – Data Store – Published Report – (Code: 650008)
https://irma.nps.gov/DataStore/Reference/Profile/650008

Description

Report on the formation and management of Mojave National Preserve. Information on mining issues, resources, and threats to the Preserve are included.

Chapter 8 – Administrative History (excerpt)

For Mojave National Preserve, grazing is a controversial and important issue that cannot be ignored. Widespread political and cultural overtones help make grazing a sensitive issue for everyone involved. As such, park management tread carefully but deliberately in the arena of grazing management. The Park Service has long viewed grazing as antithetical to its mission, permitting the activity in certain parks only when political circumstances absolutely required it. Park Service culture and policy have historically limited grazing in national parks, initially to differentiate itself from the Forest Service, and in later years to help maintain ecosystems. The long history of grazing in Mojave National Preserve and permission for its continuation in perpetuity by legislative action complicates natural resource decisions, making the goal of a functioning pre-grazing ecosystem frustratingly difficult to achieve.

At the time Mojave National Preserve was established, all or part of eleven BLM grazing allotments, established under the 1934 Taylor Grazing Act, were included within the park. Superintendent Marvin Jensen brought a background in range conservation with him and established a friendly management tone toward grazers. All existing operations were issued NPS permits to continue with their ranching activity, and management of the range did not differ substantially from BLM activity.

The Park Service also took concrete steps toward limiting grazing when possible, providing that the situation was politically feasible. The portion of the Piute allotment within the park was for ephemeral forage only and was in desert tortoise habitat. Management decided that any ephemeral forage must, at behest of the Desert Tortoise Recovery Plan, be used by the desert tortoise, so a permit to graze ephemeral forage would never be issued. A second allotment, Crescent Peak, was owned by a conservation group, who had purchased it as part of a move to

eliminate grazing in southern Nevada. Since no active grazing was taking place, the permit was retired. Not long after the creation of the Preserve, the rancher who held the Clark Mountain grazing allotment passed away, and Park Service regulations forbid the issue of a permit for renewed operations there. Irene Ausmus held the Round Valley allotment, just large enough for her to keep her two pet cows in feed, but not so big as to cause significant resource issues for the park.

Major cattle operations in Mojave National Preserve were essentially controlled by three groups. The Overson family was responsible for the largest share of the acreage, with the OX and Kessler Springs ranches owned by Gary and Linda Overson, and the Granite Mountains ranch owned by their son, Clay Overson. Next in size were the Valley View and Valley Wells allotments, both owned by Richard Blincoe, an Idaho agriculturalist, and managed by Tim Overson. The Blair family operated the 7IL Ranch on the Colton Hills and Gold Valley allotments. During the CDPA debate, the Blairs worked to preserve their ranching way of life, and an original clause that specified a twenty five year sunset on Mojave ranching was removed from the bill largely as a result of their efforts. In 2001, the park concluded an arrangement begun in 1998 where the 40 acres of park land that included the 7IL Ranch headquarters were swapped to the Blairs for 40 acres of undisturbed land in critical desert tortoise habitat owned by the ranching family. Touted as a "win-win" situation for the Blairs and the Park Service, the deal also showed locals that the government was not out to destroy family ranchers in the Preserve.

Ranch lands are identified in the California Desert Protection Act as top priorities for acquisitions. In contrast to the Blairs' opposition to the CDPA, Gary Overson specifically requested that his ranchlands be included in the park, to guarantee an acceptable purchase price should he decide to sell his property. Beginning in 1995, Deputy Superintendent Mary Martin worked to coordinate the sale of Overson's ranch to the National Parks Conservation Fund, but after years of contract negotiations, the deal fell through at least in part as a result of strict timelines and reluctance on the part of BLM. Undaunted, Martin sought another donor, but Overson doubted the ability of the Park Service to complete a buyout, as a result of the earlier failed experiment. Overson looked for another private buyer for his ranch, but the park made it clear to the buyer that issuance of a new grazing permit "is not certain" and that "the application process ... is subject to lengthy and potentially costly delays and complex administrative and legal procedures and challenges." As a trial run, Mojave National Preserve and the National Park Foundation worked to move the Granite Mountains Ranch, owned by Overson's son, to NPS control. The deal was completed in April 2000, and set the stage for the park's successful acquisition of Gary Overson's holdings in January 2001. In 2002, Blincoe also agreed to sell his ranches to the park.

The effect of the Overson and Blincoe allotment acquisitions cannot be overstated. Total grazing in the Mojave National Preserve was reduced from some 37,000 Animal Unit Months (AUMs) to approximately 4,000 AUMs, leaving the 7IL as the only major cattle ranch in the Preserve. The elimination of grazing will move the formerly grazed lands closer toward a goal of a more naturally functioning ecosystem. The Park Service also gained control of a tremendous number and variety of structures associated with cattle ranching in the eastern Mojave desert. In 2002, a consultant produced a National Register district nomination for the Overson properties, signifying their historic importance to the east Mojave; future plans may include interpretive programs and utilizing some structures for NPS employee housing. The ranches acquired by Mojave National Preserve included some private lands among the holdings, but the most valuable assets to the park were the grazing permits and the ranchers' water rights.

Agreement to Conditions for Donation
Fee Lands
Mojave National Preserve

WHEREAS, the National Park Foundation is donating funds towards the National Park Service's acquisition of certain fee lands from Richard D. and Betty Blincoe, and Blincoe Farms, Inc. ("Sellers"), as set forth in the Contract for Sale, Valley View and Valley Wells Allotments in the Mojave National Preserve, between Sellers and the National Park Foundation, and amendment(s) thereto.

WHEREAS, said fee lands are set forth on Exhibit A attached to and incorporated and made a part of this Agreement ("fee lands").

WHEREAS, the funds donated by the National Park Foundation for this acquisition are equal to one hundred percent of the portion of the Purchase Price set forth in the Contract for Sale between Sellers and the National Park Foundation which is attributable to the acquisition of the fee lands.

WHEREAS, it is the intent of the National Park Foundation and its donors, as acknowledged by Richard D. and Betty Blincoe, and Blincoe Farms, Inc., that no future grazing will be permitted or otherwise authorized by the National Park Service on the fee lands, and that water rights thereon shall be forever conserved by the National Park Service in accordance with National Park Service laws, the mandates set forth in Mojave National Preserve law, and the terms of this Agreement.

WHEREAS, it is the intent of the National Park Foundation and its donors that the National Park Service prevent any permanent structures or alterations upon the fee lands unless

necessary for public health and safety or for permanent preservation of natural resources by the National Park Service.

WHEREAS, it is the intent of the National Park Foundation and its donors that each and every water resource and related improvement on the fee lands, including but not limited to facilities relating to livestock watering, be restored (either actively or passively) to a natural condition, removed, or maintained in such a condition as to be consistent with the promotion of natural population levels and habitat for native species.

WHEREAS, it is the intent of the donors to the National Park Foundation for this acquisition that use of the water resources and improvements on the fee lands be only for preserving natural native resources and natural population levels of native species.

WHEREAS, the National Park Service will administer the fee lands in accord with the terms of this Agreement, the California Desert Protection Act, the National Park Service Organic Act and all laws applicable to the Mojave National Preserve.

WHEREAS, the National Park Service's acceptance of each and every condition of this Agreement and this Agreement is an inducement to the National Park Foundation to make the donation, and the Foundation and its donors would not have made the donation without the National Park Service's acceptance of each and every condition described in this Agreement.

WHEREAS, in making this Agreement, and accepting the donation, through the National Park Foundation, the National Park Service acknowledges that the measure of the value to the National Park Foundation and its donors of the National Park Service committing to permanently prohibiting any future grazing-related uses upon the fee lands and carrying out each of the additional duties in this Agreement includes not only any monetary benefit that the Foundation

may obtain, if any, but also other benefits, including but not limited to the benefits of ensuring the permanent restoration and preservation of all the land resources, water resources, and scenic, aesthetic, and environmental values associated with the fee lands.

NOW THEREFORE, in consideration of and as an express condition of this Agreement and the donation, the National Park Service, on behalf of itself, and its successors, assigns, and contractors, if any, will not allow or permit livestock or feral animal grazing uses on the fee lands. Further, the National Park Service agrees to take any and all further measures, as necessary, to ensure permanent cancellation and termination of any grazing leases, permits, and allotments that may be associated with the fee lands. The National Park Service agrees that the fee lands and all estates, rights, privileges, and interests that are part of or associated with the fee lands shall be forever conserved and used in perpetuity for the preservation of natural habitat consistent with the conservation and preservation purposes of the Mojave National Preserve.

Further, the National Park Service will convert all water rights that are part of or associated with the fee lands into conservation and/or reserved water rights of the Preserve as recognized under California water law and/or mandated in the California Desert Protection Act (16 U.S.C. 410aaa-76). Further, the National Park Service will curtail groundwater extraction upon the fee lands, except to the extent necessary to provide water for conservation purposes of the Mojave National Preserve. The National Park Service will not allow water resources and water rights that are within the Preserve boundary and subject to this Agreement to be used outside the Preserve boundary, nor allow the fee lands to be used for transmission of water between locations outside of the Preserve. Further, the National Park Service will restore (either actively or passively) to a natural condition, remove, or maintain in such a condition as to be

consistent with the promotion of natural population levels and habitat for native species each and every water resource and related improvement on the fee lands, including but not limited to facilities relating to livestock watering.

Further, the National Park Service will not introduce nor authorize the introduction of non-native species (except at historic sites in connection with approved treatment plans consistent with the General Management Plan for the Mojave National Preserve as adopted pursuant to the 2001 record of decision and published April 2002 (the "General Management Plan")) upon the fee lands.

Further, in compliance with the conditions of this Agreement and the donation, the National Park Service will expressly incorporate into a grazing management plan or other activity plan or specific plan for the Mojave National Preserve a commitment that the fee lands will not be subject to any grazing or grazing-related use in the future. Further, the National Park Service will deliberately seek the special regulations to limit hunting, fishing and trapping, as committed to in the General Management Plan, and such regulations shall not be inconsistent with the conditions of this Agreement. Further, the National Park Service will prevent any permanent alterations structures or other physical improvements, and will remove from the Mojave National Preserve all range improvements or range developments upon the fee lands, unless necessary to provide for employee-related housing within or upon the site of structures currently suitable to that use, or unless essential to meet public health and safety needs or, consistent with preservation purposes, native species and habitat needs. For the purpose of preventing trespass cattle, the National Park Service will fence the perimeter of the Mojave National Preserve's satellite unit in the manner set forth in the General Management Plan.

The National Park Service agrees to these conditions by executing an acceptance below. Should the National Park Service not adhere to any of these conditions, the National Park Foundation and/or its donors, through their authorized agent, shall be entitled to pursue any and all legal remedies in equity and law.

This agreement may be signed in original counterparts, each of which shall be considered an original and which together will constitute one and the same agreement.

Executed at Washington, District of Columbia this _____ day of _____, 2003.

WITNESS:

_____

NATIONAL PARK FOUNDATION

By: _____
James Maddy, President

Acceptance of voluntary donation and conditions thereof is hereby acknowledged by:

National Park Service

By: _____
Mary Martin
Superintendent
Mojave National Preserve

Date: _____

By: _____
Regional Director,
Pacific West Region

Date: _____

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The National Park Service agrees to these conditions by executing an acceptance below. Should the National Park Service not adhere to any of these conditions, the National Park Foundation and/or its donors, through their authorized agent, shall be entitled to pursue any and all legal remedies in equity and law.

This agreement may be signed in original counterparts, each of which shall be considered an original and which together will constitute one and the same agreement.

Executed at Washington, District of Columbia this _____ day of _____, 2003.

WITNESS: NATIONAL PARK FOUNDATION

_____ By: _____
James Maddy, President

Acceptance of voluntary donation and conditions thereof is hereby acknowledged by:

National Park Service

By: _____
Mary Martin
Superintendent
Mojave National Preserve

By: _____
Regional Director,
Pacific West Region

Date: _____ Date: 6-30-03

The National Park Service agrees to these conditions by executing an acceptance below. Should the National Park Service not adhere to any of these conditions, the National Park Foundation and/or its donors, through their authorized agent, shall be entitled to pursue any and all legal remedies in equity and law.

This agreement may be signed in original counterparts, each of which shall be considered an original and which together will constitute one and the same agreement.

Executed at Washington, District of Columbia this _____ day of _____, 2003.

WITNESS:

_____

NATIONAL PARK FOUNDATION

By: _____
James Maddy, President

Acceptance of voluntary donation and conditions thereof is hereby acknowledged by:

National Park Service

By: _____
Mary Martin
Superintendent
Mojave National Preserve

Date: 4/29/03

By: _____
Regional Director,
Pacific West Region

Date: _____

07 OTHER

Mojave National Preserve

WHEATON SPRING (S013890) [RETIRED]

Other Supporting Information

National Park Service
U. S. Department of the Interior
Natural Resource Stewardship & Science
Water Resources Division

1201 Oakridge Dr., Ste. 250
Fort Collins, CO 80525
970-225-3548 phone
970-225-9965 fax

Water Rights Branch

Note to File

Date: May 20, 2024
From: Alexa Kreiling, WRB Water Rights Research Assistant
File: MOJA Technical Report
Subject: Other Supporting Information
Water Resources Scoping Report, Mojave National Preserve, 1999

National Park Service. 1999. Water Resources Scoping Report, Mojave National Preserve. NPS/NRWRD/NRTR-99/225. National Park Service, Water Resources Division. Fort Collins, Colorado
IRMA – Data Store – Published Report – (Code: 2174498)
DataStore - Water Resources Scoping Report, Mojave National Preserve (nps.gov)

The purpose of this report is to describe how the park was conceived and established and how it has been managed to the present day. Its primary audience is park managers and staff, but it is also directed to the interested public. The report aims to be as comprehensive as possible while emphasizing management issues of ongoing concern. It is essentially a chronological narrative with the selection of topics and the amount of detail weighted somewhat more heavily toward the recent past. While the administrative history covers many diverse management issues, its core objective is to distinguish those historical themes that most ably explain this national park's unique character and course of development.

Docket Information

Number of Documents in Docket : 13

Documents Dated from : 00-00-1995 to 06-06-2024

Docket Compiled: 2/3/2025