Docket Number: 106

PAYNE WELLS (S013441)

Preliminary Docket Information

DOCKET INFORMATION FORM

Compiled by: Alexa Kreiling Date: 6/10/2024
Initial Docket Information Form ☒ Amendment # _____ (1,2,3 ...)
Includes Confidential Content ☐

Park Unit: MOJA **Docket #:** 106 **Docket Title** Payne Wells tributary to Watson Wash (S013441)

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: Payne Wells

State: CA
County: San Bernardino

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

Application #: S013441 **Date:** 1/28/2010
Permit #: _____ **Date Issued:** _____
License / Certificate #: _____ **Priority Date:** 1900
Ruling/Order/Decree #: _____ **Date Issued:** _____

Quantity: Rate: 4500 Duty: _____
Units: ☐ cfs ☐ gpm ☐ afy ☒ other gpd Units: ☐ cfs ☐ gpm ☐ afy ☐ other _____

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

POD Name / Location: _____ ☐ Multiple PODs (see water right)
Qtr: NE Qtr: NE Sec: 36 T: 13 N R: 15 E PM: _____
Latitude: 35.1672601 Longitude: -115.31867474
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.

-3/30/1989 Gary & Linda Overson (OX Ranch Allotment) filed statement.

-1/25/1994 California Desert Protection Act of 1994, Mojave National Preserve created.

-10/2000 Gary & Linda Overson (OX Ranch, Kessler Springs Ranch, Landreman House) grazing allotment retired by National Park Foundation (G&L Overson_Allotment_Retirement_10-2000.pdf).

-1/18/2001 Ownership change confirmed (Reynolds_Pettee_01-18-2001_Enc_SWRCB_01-08-2001.pdf).

-7/24/2012 NPS informed SWRCB purpose of use changed to wildlife and recreation (Hansen_CA SWRCB_07-24-2012.pdf).

-eWRIMS data: Supplemental Statements of Water Diversion and Use (1997, 1998, 1999) filed by Overson.

☒ Additional Page(s) Attached

-Blank Supplemental Statements of Water Diversion and Use (1998, 1999, 2000) sent ~2/2001 to NPS 222 E Main St., Ste 202, Barstow, CA 92311; Holder Name is blank; Holder History: Overson 09/14/1994 - 01/11/2001; NPS 01/11/2001 - 10/24/2001.

-9/2014 Phone conversation with Darin Clark (SWRCB) status in eWRIMS is changed to inactive when SWRCB attempts to and is unable to contact owner of record or agent, generally due to an undeliverable notice from USPS.

02 STATE

Mojave National Preserve

PAYNE WELLS (S013441)

State Water Rights Documentation

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

July 24, 2012

L54 (2380)
MOJA/Water Rights

State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
P.O. Box 2000
Sacramento, California 95812-2000
Attn: Kelli Garver

Re: Change of Purpose of Use of Pre-1914 Claims, Mojave National Preserve

Ms. Garver:

Please find attached a list of Pre-1914 Claims held by Mojave National Preserve. These claims were originally established for livestock watering purposes in conjunction with the grazing of cattle on federal land. The associated grazing allotments are located within or adjacent to Mojave National Preserve and have been retired. Consequently, these claims are now used for wildlife and recreation purposes.

Please accept this letter as our request to change your records to reflect a change in the purposes of use of these claims from livestock watering, to wildlife and recreation uses.

If you have any questions, please contact Eric Lord at (970) 225-3526, or by email at: eric_lord@nps.gov.

Sincerely,

Wm. R. Hansen

William R. Hansen
Chief, Water Rights Branch
National Park Service

Enclosure

cc: Mojave National Preserve – Superintendent Dubois
SOL (Lakewood) - Fahmy

2380 - Rosenlieb

MOJAVE NATIONAL PRESERVE
PRE-1914 CLAIMS

STATE ID	SOURCE	CURRENT USE
S10060	Beck Spring	Wildlife, Recreation
S10061	Bathtub Spring	Wildlife, Recreation
S10062	Coyote Spring	Wildlife, Recreation
S10063	Wildcat Spring	Wildlife, Recreation
S10065	Burro Spring	Wildlife, Recreation
S10066	Bullock Spring	Wildlife, Recreation
S10067	Mexican Water Spring	Wildlife, Recreation
S10068	Silver Lead Spring	Wildlife, Recreation
S10069	Marl Spring	Wildlife, Recreation
S11343	Kessler Spring	Wildlife, Recreation
S11344	Kessler Spring Wells	Wildlife, Recreation
S11345	Cut Springs	Wildlife, Recreation
S11346	White Rock Spring	Wildlife, Recreation
S11347	Live Oak Springs	Wildlife, Recreation
S11348	Cottonwood Spring	Wildlife, Recreation
S11349	Butcher Knife Canyon	Wildlife, Recreation
S11350	Sacaton Spring	Wildlife, Recreation
S13296	Sheephorn Spring	Wildlife, Recreation
S13297	Bull Canyon Spring	Wildlife, Recreation
S13298	Cottonwood Spring	Wildlife, Recreation
S13299	Budweiser Spring	Wildlife, Recreation
S13300	Willow Spring	Wildlife, Recreation
S13301	Lower Snake Spring	Wildlife, Recreation
S13302	Upper Snake Spring	Wildlife, Recreation
S13303	Cottonwood Spring 2	Wildlife, Recreation
S13304	Unnamed Spring	Wildlife, Recreation
S13305	Van Winkle Spring	Wildlife, Recreation
S13306	Coyote Spring	Wildlife, Recreation
S13307	Bighorn Spring	Wildlife, Recreation
S13308	Arrowweed Spring	Wildlife, Recreation
S13309	Quail Spring	Wildlife, Recreation
S13310	Upper Quail Spring	Wildlife, Recreation
S13311	Twin Springs	Wildlife, Recreation
S13312	Horse Hills Spring	Wildlife, Recreation
S13313	Unnamed Spring	Wildlife, Recreation
S13314	Unnamed Spring	Wildlife, Recreation
S13315	Cornfield Spring	Wildlife, Recreation
S13316	Dam Good Spring	Wildlife, Recreation

MOJAVE NATIONAL PRESERVE
PRE-1914 CLAIMS

STATE ID	SOURCE	CURRENT USES
S13317	Pipe Wrench Spring	Wildlife, Recreation
S13318	Bolder Spring	Wildlife, Recreation
S13319	Unnamed Spring	Wildlife, Recreation
S13429	Hackberry Spring	Wildlife, Recreation
S13430	Vontrigger Spring	Wildlife, Recreation
S13431	Hogaboom Spring	Wildlife, Recreation
S13432	Unnamed Spring	Wildlife, Recreation
S13433	Rock Springs	Wildlife, Recreation
S13434	Govt Holes Well	Wildlife, Recreation
S13435	Govt Holes Well	Wildlife, Recreation
S13436	Woods Canyon Spring	Wildlife, Recreation
S13437	Watson Well	Wildlife, Recreation
S13438	Black Diamond Spring	Wildlife, Recreation
S13439	Eagle Well	Wildlife, Recreation
S13440	Lanfair Well	Wildlife, Recreation
S13441	Payne Wells	Wildlife, Recreation
S13442	Carruthers Well	Wildlife, Recreation
S13443	Headquarters Well	Wildlife, Recreation
S13444	Brant Spring	Wildlife, Recreation
S13445	Cliff Canyon Spring	Wildlife, Recreation
S13446	4th of July Canyon	Wildlife, Recreation
S13447	Young Well	Wildlife, Recreation
S13448	Slaughter House Spring	Wildlife, Recreation
S13449	Unnamed Spring	Wildlife, Recreation
S13450	Hidden Spring	Wildlife, Recreation
S13451	Barnwell Wells	Wildlife, Recreation
S13452	Lecyr Well	Wildlife, Recreation
S13453	Hummingbird Spring	Wildlife, Recreation
S13454	Keystone Spring	Wildlife, Recreation
S13455	Carruthers Canyon	Wildlife, Recreation
S13456	Quail Spring	Wildlife, Recreation
S13457	Willow Spring	Wildlife, Recreation
S13458	Dove Spring	Wildlife, Recreation

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by July 1, 2001.

Owner of Record: U S NATIONAL PARK SERVICE ;

U S NATIONAL PARK SERVICE
222 E MAIN ST STE:202
BARSTOW, CA 92311

Statement No: S013441
Password: 04190110028460
Phone Number: (760)255-8801

***If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

Source Name: PAYNE WELLS
Year of First Use: 1900
Tributary To: UNST
County: San Bernardino
Parcel Number:
Diversion Within: NE1/4 of NE1/4 Section 36, T13N, R15E, SB&M

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 _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1998													
1999													
2000													

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____ ; Domestic _____ ;

Other (specify) _____

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. Please answer only those questions below which are applicable to your project:

1. Conservation of water
   a. Are you now employing water conservation efforts? YES ___ NO ___
   Describe any water conservation efforts you have initiated: _____

   b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

   Reductions in Diversions:

   yr____ _____ (af/mg) yr____ _____ (af/mg) yr____ _____ (af/mg)

   Reductions in consumptive use:

   yr____ _____ (af/mg) yr____ _____ (af/mg) yr____ _____ (af/mg)

   I have data to support the above surface water use reductions due to conservation efforts. YES ___ NO ___

ST-SUPPL (2-01)

OCT 31 2001

2. Water quality and wastewater reclamation

   a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____.

   b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

   yr_____ _____ (af/mg) yr_____ _____ (af/mg) yr_____ _____ (af/mg)
   I have data to support the above surface water use reductions due to wastewater reclamation. YES ___ NO ___

3. Conjunctive use of surface water and groundwater

   a. Are you now using groundwater in lieu of surface water? YES _____ NO _____.

   b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

   yr_____ _____ (af/mg) yr_____ _____ (af/mg) yr_____ _____ (af/mg)
   I have data to support the above surface water use reductions due to conjunctive use efforts. YES ___ NO ___

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

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

DATE:_____, 20_____ at _____, California

SIGNATURE: _____

PRINTED NAME:_____
(first name) (middle init.) (last name)

COMPANY NAME:_____

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
____	_____
____	_____
____	_____
____	_____
____	_____

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 divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative 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. Appropriate rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. 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 diversions, 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: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov"

01-18-2001: To: Water Resources Division, National Park Service; From: Resource Management; Subject: List of water rights transferred to the National Park Service

Dan
Jeff A

United States Department of the Interior

NATIONAL PARK SERVICE
Mojave National Preserve
222 East Main Street, Suite 202
Barstow, California 92311

IN REPLY REFER TO:

N3617 (MOJA-RM)

January 18, 2001

Mr. Chuck Pettee
Water Resources Division
1201 Oak Ridge Drive, Ste 250
Ft. Collins, CO 80525

Dear ~~Mr. Pettee~~ Chuck:

Enclosed please find a list of water rights which has been transferred to the National Park Service. The State Water Resources Control Board will be changing their records to show the change in ownership.

If you have any questions you can contact me at 760-255-8818.

Sincerely,

Mike

Mike Reynolds, Chief
Resource Management

Enc.

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5369
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: http://www.swrcb.ca.gov
Division of Water Rights: http://www.waterrights.ca.gov

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

JAN 10 2000

JAN 08 2001

In Reply Refer
To:341:SO:435

U.S. National Park Service
222 E. Main Street, Suite 202
Barstow, CA 92311

Gentlemen:

LICENSES 866, 869, 870, 871, 872, 4746, 5516, 6229, AND 6230 (APPLICATIONS 435, 677, 678, 679,1929, 15271, 16964, 17272, AND 17612) AND STATEMENTS OF WATER DIVERSION AND USE NOS. 10060 THROUGH 10069, 11343 THROUGH 11350, 13429 THROUGH 13458 – VARIOUS SOURCES IN SAN BERNARDINO COUNTY

We have received a signed notice of assignment transferring title to the above water rights to you. Our records will be changed to show ownership of the following in the name of U.S. National Park Service:

LICENSE NO.	APPLICATION NO.
866	435
869	677
870	678
871	679
872	1929
4746	15271
5516	16964
6229	17272
6230	17612

STATEMENT OF WATER DIVERSION AND USE NO.

10060	11345	13435	13447
10061	11346	13436	13448
10062	11347	13437	13449
10063	11348	13438	13450
10064	11349	13439	13451
10065	11350	13440	13452
10066	13429	13441	13453
10067	13430	13442	13454
10068	13431	13443	13455
10069	13432	13444	13456
11343	13433	13445	13457
11344	13434	13446	13458

If I can be of further assistance, please write or call me at (916) 341-5369.

Sincerely,

Shige Okada

Shige Okada, Chief
Licensing Unit

cc: Gary and Linda Overson
P.O. Box 6
Cima, CA 92323

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS
P.O. BOX 2000, SACRAMENTO, CA 95812-2000
(916) 657-2170

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1997

OWNER OF RECORD: LINDA OVERSON, GARY OVERSON

LINDA OVERSON
PO BOX 6
CIMA, CA 92323

STATEMENT NO: S013441

S 0 1 3 4 4 1

SOURCE: PAYNE WELLS
TRIBUTARY TO: UNST
COUNTY: SAN BERNARDINO
DIVERSION WITHIN: NE¼ OF NE¼ SECTION 36, T13N, R15E, SB&M.

TELEPHONE NUMBER: (619)928-2580
YEAR OF FIRST USE: 1900
PARCEL NO:

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) _____

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1994	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
1995	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
1996	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering 300 hd approx. Domestic _____

Other (specify) _____

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: June 30, 19 97 at Cima, California

SIGNATURE: Linda Overson

PRINTED NAME: Linda (FIRST NAME) (MIDDLE INIT.) Overson (LAST NAME)

COMPANY NAME: O.X. Ranch

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

WR 40-1

ITEM	CONTINUATION

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 water shed 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 appropriative 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 a 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"

S-13 441

** 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

STATE WATER RESOURCES CONTROL BOARD
1995 MAY 23 PM 3: 21
DIV. OF WATER RIGHTS SACRAMENTO

STATEMENT NO: S013441
OWNER OF RECORD: LINDA OVERSON

LINDA OVERSON
P O BOX 6
CIMA, CA 92323

SOURCE: PAYNE WELLS
TRIBUTARY TO: UNST
COUNTY: SAN BERNARDINO
DIVERSION
WITHIN: NE¼ OF NE¼ SECTION 36, T13N, R15E, MDB&S.

TELEPHONE NUMBER:
( ) -
YEAR OF FIRST USE: 1900
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 300 hd Approx.; Domestic _____
Other (specify) _____

*** CONTINUE ON BACK PAGE ***

OK

***** 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.)

None

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: April 26, 1995, at Cima, California

SIGNATURE: Linda Overson

PRINTED NAME: Linda (FIRST NAME) (M. NAME) Overson (LAST NAME)

COMPANY NAME: DBA O.X. Ranch

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"

13441

STATEMENT OF WATER DIVERSION AND USE

ROUTE SHEET

NAME: GARY & LINDA OVERSON

STATEMENT NUMBER(S): ~~124~~ 13441

1. Secretary JUN 8 1990 KSN — ✓ Log in and assign Statement No.

✓ Assign to staff engineer

2. Staff Engr. ~~JUN 8 1990 KSN~~ — ✓ Review for acceptance and for completeness (WC5103)

✓ Accept: yes ✓ no ___

✓ Plot P.O.D. on spot map in Blue ink

List 1. Spot map page no.
2. Name of Quad Sheet
3. Minute series
4. Calif. Coordinates with zone n
5. Stream Code

All above information on the bottom of statement in black ink.

3. Secretary JUNE 08 1990 gm — Send copy to diverter with form letter (WR40e) when complete

Log out to AWRIS unit

4. AWRIS JUN 20 1990 KRB — ✓ Update AWRIS

5. File Room ___ — File

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

STATE WATER RESOURCES CONTROL BOARD
1989 APR -6 PM 12: 5 S13441
DIV. OF WATER RIGHTS
SACRAMENTO

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 Gary + Linda Overson
Address P.O. Box 6 Cima, Ca 92323 Telephone: None

B. Name of body of water at point of diversion Payne Wells
Tributary to WATSON ~~WASH~~ WASH

C. Place of diversion NE ¼ NE ¼ Section 36, Township 13N, Range 15E, S 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 Payne Wells

E. Capacity of diversion works _____ 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
9-86 to 1989	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

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.
Approx. 300 head Cattle

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) Livestock water for Cattle located on the O.X. Ranch

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

H. Year of first use as nearly as known Early 1900's

I. Name of person filing statement Gary + Linda Overson
Position Owners Organization O.X. Ranch
Address P.O. Box 6 Cima, Ca 92323 Telephone: None

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.
DATED: March 30, 1989, at Cima, California.

Signature: Linda Overson

See Instructions on Reverse Side

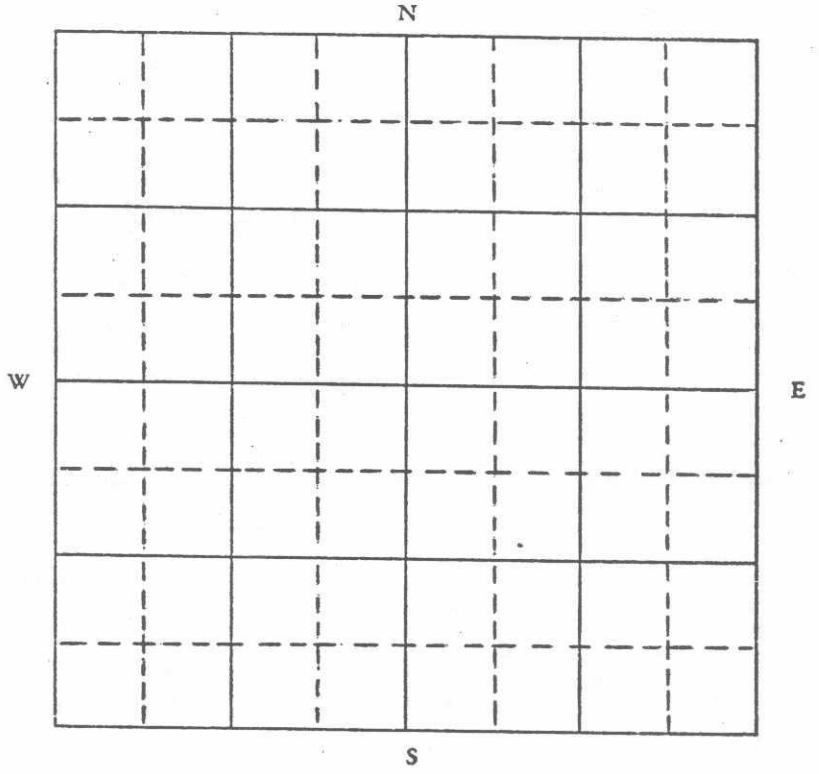
Gary Overson

WR 40 (6/83)

IN-46
Pinto Valley
Zone-5 7½

Se- 6-602-16-98-9 N617450 E 2801550

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.



Section(s)_____

Township_____; Range _____; _____ 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
P. O. Box 2000
Sacramento, CA 95810

03 HISTORY

Mojave National Preserve

PAYNE WELLS (S013441)

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 Mojave National Preserve Fee Lands

WHEREAS the National Park Foundation is donating funds towards the National Park Service's acquisition of certain fee lands from Gary and Linda Overson as set forth in the Option Agreement O.X. Ranch, Kessler Springs Ranch and Landreman House between said parties, and amendment(s) thereto.

WHEREAS, it is the intent of the National Park Foundation and its donors, as acknowledged by Gary and Linda Overson, that no future grazing will be permitted by the National Park Service on the lands subject to this Agreement, 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, the National Park Service will administer the interests affected by the Agreement 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 this Donation without the National Park Service's acceptance of each and every condition described in this Agreement.

WHEREAS, in making this Agreement, and accepting this 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 these lands 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 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/permit livestock or feral animal grazing uses on said 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 subject lands. The National Park Service agrees that the lands and all estates, rights, privileges, and interests that are part of or associated with the 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 administer all water rights that are part of or associated with the lands as 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). 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 lands subject to this Agreement to be used for transmission of water between locations outside of the Preserve.

Further, in compliance with the conditions of this Agreement and the Donation, the National Park Service, within five years from the date upon which this Donation is executed, will expressly incorporate into its General Management Plan for the Mojave National Preserve, a commitment that the lands subject to this Agreement will not be subject to any grazing or grazing-related use in the future nor will these lands be permanently altered by structures or other physical improvements unless to provide for Park Service employee 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, species and habitat needs. The National Park Foundation acknowledges that, to the extent that a use of these lands would be consistent with this Agreement, the National Park Service will be entitled to use any associated water rights in furtherance of that use.

Finally, 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.

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

National Park Service

By: _____
Mary Martin,
Superintendent
Mojave National Preserve

Date: 10/2/00

_____
John Reynolds,
Regional Director,
Pacific West Region

Date: 10/13/00

The National Park Foundation

By: _____
James Maddy, President

Date: 10/23/00

Donation
Mojave National Preserve
Grazing Interests, Water Rights, and Range Improvements

WHEREAS, the National Park Foundation has acquired, with funds from anonymous donors, certain interests, including privileges, rights and uses under certain grazing permits and leases, certain water rights and all the title and interest in certain related range improvements related thereto from Gary and Linda Overson as set forth in the Option Agreement O.X. Ranch, Kessler Springs Ranch and Landreman House between said parties, and amendment(s) thereto.

WHEREAS, said grazing privileges, water rights and related range property are set forth on Exhibits A,B, and C attached to and incorporated and made a part of this Donation.

WHEREAS, it is the intent of the National Park Foundation and its donors, as acknowledged by Gary and Linda Overson, that said grazing permits and all grazing privileges, rights and uses thereunder shall be forever extinguished and retired by the National Park Service within the Mojave National Preserve and that the water rights shall be forever conserved by the National Park Service in

accordance with National Park Service laws and the mandates set forth in Mojave National Preserve law and the terms of this Donation.

WHEREAS, when the National Park Service acquires fee title to the State of California Schools Lands within the Mojave National Preserve, which lands are subject to grazing rights, water rights, and related rights, the National Park Foundation will donate to the National Park Service, subject to the same terms and conditions as set forth in this Donation, such interests in those lands as the Foundation has acquired from Gary and Linda Overson.

WHEREAS, the National Park Service will administer the interests affected by this Donation in accord with the terms of this Donation, the California Desert Protection Act, the National Park Service Organic Act and all laws applicable to the Mojave National Preserve, which administration will be for non-grazing purposes.

WHEREAS, the National Park Service's acceptance of each and every condition of this Donation is an inducement to the National Park Foundation to make the Donation, and the Foundation and its donors would not have made this

Donation without the National Park Service's acceptance of each and every condition described in this Donation.

WHEREAS, in accepting this Donation, the National Park Service acknowledges that the measure of the value to the National Park Foundation of the National Park Service committing to permanently terminating grazing-related uses upon these lands 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 property.

NOW THEREFORE, in consideration of and on the condition that the National Park Service permanently terminate all grazing authorized by permit on the lands included in the Preserve, the Foundation here and now transfers, surrenders and quitclaims, to the National Park Service, through voluntary donation, all grazing privileges, rights and uses heretofore allowed within the boundaries of the Mojave National Preserve under permitted use set forth in Exhibit A, and further transfers, surrenders and quitclaims, through voluntary

donation, all related water rights set forth on Exhibit B, and further, any and all interest in range improvements set forth on Exhibit C, constructed or installed on lands owned by the United States within the Mojave National Preserve.

As an express condition of this Donation, the National Park Service, will extinguish and permanently retire all said grazing permits, rights and uses and shall not issue any further or future grazing rights, privileges or uses on said lands.

Further, the National Park Service will convert all said water rights 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). The National Park Service will not allow water resources and water rights that are within the Preserve boundary and part of this Donation to be used outside the Preserve boundary.

Further, in compliance with the conditions of this Donation, the National Park Service, within five years from the date upon which this Donation is executed, will expressly incorporate into its General Management Plan for the Mojave National Preserve a commitment that the lands subject to the donated

grazing privileges, rights and use, and related water resources, will not be subject to any grazing or grazing-related use in the future.

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.

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

National Park Service

By: _____
Mary Martin,
Superintendent
Mojave National Preserve

Date: 10/2/00

_____
John Reynolds,
Regional Director,
Pacific West Region

Date: 10/13/00

The National Park Foundation

By: _____
James Maddy, President

Date: 10/23/00

07 OTHER

Mojave National Preserve

PAYNE WELLS (S013441)

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 : 15

Documents Dated from : 06-30-1997 to 06-10-2024

Docket Compiled: 1/16/2025