Docket Number: 1

MAIN COW CREEK (A009150)

Preliminary Docket Information

DOCKET INFORMATION FORM

Compiled by: Alexa Kreiling Date: 2/24/2025
Initial Docket Information Form ☒ Amendment # _____ (1,2,3 …)
Includes Confidential Content ☐

Park Unit: DEVA **Docket #:** 001 **Docket Title** Main Cow Creek (A009510)

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: Main Cow Creek

State: CA
County: Inyo

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

Application #: A009510 **Date:** _____
Permit #: 005381 **Date Issued:** 7/26/1939
License / Certificate #: 004621 **Priority Date:** 2/17/1939
Ruling/Order/Decree #: _____ **Date Issued:** _____

Quantity: Rate: 322.9 Duty: _____
Units: ☐ cfs ☐ gpm ☒ afy ☐ other _____ 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: SW Qtr: NE Sec: 35 T: 28 N R: 1 E PM: _____
Latitude: 36.51183493 Longitude: -116.82190878
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.

See Water Right/Source Docket Information dated August 25, 1978 in the preliminary section for narrative.

2/23/1993 NPS sent request to State to add wildlife to the purpose of use.

☐ Additional Page(s) Attached

08-25-1975: water right / source docket information ; august 25, 1975

WATER RESOURCES/WATER RIGHT DATE: August 25, 1978

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Death Valley National Monument

SITE Cow Creek and Nevares Spring

STATE California COUNTY Inyo DOCKET NO WR #1

LOCATION SW¼ NE¼ Sec. 36, T28N, R1E, SBM

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Appropriation

APPLICATION 9510 PERMIT 5381 CERTIFICATE 4621

ACTION DUE PRIORITY February 17, 1939 RESERVATION

QUANTITY 0.446 cfs USE Domestic and Recreational

STATUS Active SOURCE Surface Water

REMARKS

Hydrologic unit 18090203

NARRATIVE:

In 1939 Death Valley N.M. filed Application 9510 with the State of California to appropriate 0.446 cfs from North Canyon Cow Creek, Main Cow Creek, and tributaries. The water was collected by "French Drains" and piped to the Monument Headquarters and nearby campground. In 1951 the Service purchased a tract of land from Adolf Nevares, just east of the Cow Creek diversion. The Monument then changed the point of diversion to Nevares Springs, located on the newly acquired property, and abandoned the "French Drain" diversion on Cow Creek. In 1955 the state acknowledged the change in the point of diversion and issued License 4621 for the system.

In 1959 the Monument procured Permit 11924 (Application 18489) to appropriate 0.254 cfs from Nevares Springs for use in the Headquarters area. The water in this system commingled with the water in the former system to produce 0.54 cfs at peak periods. In 1975 a field survey of the area showed the water in Nevares Springs supplied 0.51 cfs. Since the Monument had License 4621 for 0.446 cfs the state revoked Permit 11924. The source currently supplies 100 permanent residents and 50 seasonal employees of the Monument, as well as irrigating lawns, shrubs, and trees.

Re: Application 9510 (license 4621)
Bill Werrell called the Park in January 1980 in referrence to the water use under this permit. Water use at present and in the foreseeable future should remain unchanged. For purposes of the Licensee Report the status quo shall be maintained. J.H.Hershey
1/28/80

Compiled by T. Kern

Approved by W. Werrell

02 STATE

Death Valley National Park

MAIN COW CREEK (A009150)

State Water Rights Documentation

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2023 to September 30, 2024

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 01/29/2025

Application Number: A009510
License Number: 004621

Source(s) of Water	POD Parcel Number	County
MAIN COW CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Domestic	0	01/01 to 12/31	
Recreational	0	01/01 to 12/31	

Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Domestic	100 persons, housing and offices, landscape
Fish and Wildlife Preservation and Enhancement	Water supports aquatic ecosystems, riparian zones, and wildlife habitat.

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2023			
October	9.345	10.52	27.424
November	12.245	6.979	26.539
December	13.517	6.348	27.424
2024			
January	14.435	5.43	27.424
February	12.605	5.337	24.77
March	14.519	5.346	27.424
April	12.774	6.449	26.539
May	13.912	5.952	27.424
June	12.551	6.672	26.539
July	11.152	8.712	27.424
August	9.405	10.46	27.424
September	8.968	10.256	26.539
Total	145.428	88.461	322.894
Type of Diversion	Both Direct Diversion and Diversion to Storage		
Comments	A constant flow was diverted from the spring. The diversion was either collected to a storage tank for potable use, or was directly diverted for irrigation when the tank was full. The remainder of the water right flows naturally and is beneficially used in support of wetland/riparian ecosystems and wildlife habitat. There was not an operable flowmeter measuring total diversion. However, the deliver delivery capacity (~145 gpm) of the spring collection system is well below the water right of 200 gpm. The diversions to storage entries in Column II are the amounts recorded by a flowmeter at the Cow Creek (CC) reverse osmosis (RO) plant as the potable water delivered to the storage tank. Column I: Direct diversions include irrigation for the CC village (raw water that bypasses the RO plant) and the RO concentrate (roughly 30% of the raw feed to the RO plant) that goes to the wastewater system. The entries were estimated as the difference between the delivery capacity (~145 gpm) of the water source (Nevares spring collection system) and the direct diversion amounts in Column II. The spring collection system was stress tested during a water leak, and it was found that the delivery capacity of the system is approximately 145 gpm (208,800 gpd, 0.641 afd). At this rate the water level in the spring box drops to the top of the outlet pipe. The actual total diversions will be substantially less than the maximum output of the collection system, because the last flowmeter accurately measuring total diversion averaged approximately 85 gpm. The amount used entries in column III reflect the total water right, as any un-diverted component of the water right went to beneficial use at the Nevares spring mound in support of aquatic ecosystems, riparian zones, and wildlife habitat.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	My diversion is measured by a watermaster assigned to the following service area: Death Valley National Park
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement ID number	M035924
This Device/Method was used to measure water during the current reporting period	Yes
Briefly describe the measurement device or method	
Nickname	

Type of device / method	
Device make	
Serial number	
Model number	
Approximate date of installation	
Additional info	
Approximate date the measuring device was last calibrated or the measurement method was updated	
Estimated accuracy of measurement	
Description of calibration method	
Describe the maintenance schedule for the device/method	
Information for the person who last calibrated the device or designed the measurement method	
Name	
Phone number	
Email	
Qualifications of the individual	
License number and type for the qualified individual above and/or any other relevant explanation	
Type of data recorder device / method	
Data recorder device make	
Data recorder serial number	
Data recorder model number	
Data recorder units of measurement	
Frequency of data recording	
Additional data recorder info	
I am required to report my diversion or storage data by telemetry as of the date this report is submitted	
I report my diversion or storage date by telemetry to the following website	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion (Gallons Per Day)**
2023	
October	208800
November	208800
December	208800
2024	
January	208800
February	208800
March	208800
April	208800
May	208800

June	208800
July	208800
August	208800
September	208800

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2024	
Amount (Acre-Feet) projected for 2025	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2023			
October			
November			
December			
2024			
January			
February			
March			
April			
May			
June			
July			
August			
September			

Conservation Supporting Information
Description of conservation methods
Description of baseline water use and time period

Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
The entries for the maximum rate of diversion for each month was based on the approximate delivery capacity (145 gpm) of the spring collection system. Actual maximum diversion rates were probably substantially lower given that the last flowmeter accurately measuring total diversion averaged approximately 85 gpm. Notice: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State's desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Reece
Last Name	Lynch
Relation to Water Right	Company Representative

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Reece Lynch
Date of Signature	01/29/2025

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2022 to September 30, 2023

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 05/09/2024

Application Number: A009510
License Number: 004621

Source(s) of Water	POD Parcel Number	County
MAIN COW CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Domestic	0	01/01 to 12/31	
Recreational	0	01/01 to 12/31	

Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Domestic	100 persons, housing and offices, landscape
Irrigation	
Fish and Wildlife Preservation and Enhancement	Water supports aquatic ecosystems, riparian zones, and wildlife habitat.

Irrigated Crops			
	Multiple Crops	**Area Irrigated (Acres)**	**Primary Irrigation Method**
Landscape	No	10	Surface (example: flood)

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2022			
October	8.22	11.64	26.925
November	11	4.66	26.925
December	12.18	5.08	26.925
2023			
January	12.84	7.03	26.925
February	12.66	5.28	26.925
March	14.07	5.8	26.925
April	12.14	7.08	26.925
May	12.16	7.7	26.925
June	11.72	7.51	26.925
July	10.42	9.44	26.925
August	8.98	10.88	26.925
September	10.44	8.78	26.925
Total	136.83	90.88	323.1
Type of Diversion	Both Direct Diversion and Diversion to Storage		
Comments	There was not an operable flowmeter measuring total diversion. However, the deliver delivery capacity (~145 gpm) of the spring collection system is well below the water right of 200 gpm. The diversions to storage entries in Column II are the amounts recorded by a flowmeter at the Cow Creek (CC) reverse osmosis (RO) plant as the potable water delivered to the storage tank. Column I: Direct diversions include irrigation for the CC village (raw water that bypasses the RO plant) and the RO concentrate (roughly 30% of the raw feed to the RO plant) that goes to the wastewater system. The entries were estimated as the difference between the delivery capacity (~145 gpm) of the water source (Nevares spring collection system) and the direct diversion amounts in Column II. The spring collection system was stress tested during a water leak, and it was found that the delivery capacity of the system is approximately 145 gpm (208,800 gpd, 0.641 afd). At this rate the water level in the spring box drops to the top of the outlet pipe. The actual total diversions will be substantially less than the maximum output of the collection system, because the last flowmeter accurately measuring total diversion averaged approximately 85 gpm. The amount used entries in column III reflect the total water right, as any un-diverted component of the water right went to beneficial use at the Nevares spring mound in support of aquatic ecosystems, riparian zones, and wildlife habitat.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	My diversion is measured by a watermaster assigned to the following service area: Death Valley National Park
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement ID number	M035924
This Device/Method was used to measure water during the current reporting period	Yes
Briefly describe the measurement device or method	

Nickname	
Type of device / method	
Device make	
Serial number	
Model number	
Approximate date of installation	
Additional info	
Approximate date the measuring device was last calibrated or the measurement method was updated	
Estimated accuracy of measurement	
Description of calibration method	
Describe the maintenance schedule for the device/method	
Information for the person who last calibrated the device or designed the measurement method	
Name	
Phone number	
Email	
Qualifications of the individual	
License number and type for the qualified individual above and/or any other relevant explanation	
Type of data recorder device / method	
Data recorder device make	
Data recorder serial number	
Data recorder model number	
Data recorder units of measurement	
Frequency of data recording	
Additional data recorder info	
I am required to report my diversion or storage data by telemetry as of the date this report is submitted	
I report my diversion or storage date by telemetry to the following website	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion (Gallons Per Day)**
2022	
October	325851
November	325851
December	325851
2023	
January	325851
February	325851
March	325851
April	325851

May	325851
June	325851
July	325851
August	325851
September	325851

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2023	
Amount (Acre-Feet) projected for 2024	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2022			
October			
November			
December			
2023			
January			
February			
March			
April			
May			
June			
July			
August			
September			

Conservation Supporting Information
Description of conservation methods

Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
The entries for the maximum rate of diversion for each month was based on the approximate delivery capacity (145 gpm) of the spring collection system. Actual maximum diversion rates were probably substantially lower given that the last flowmeter accurately measuring total diversion averaged approximately 85 gpm. Notice: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State's desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Richard
Last Name	Friese
Relation to Water Right	Other: NPS employee

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Richard Friese
Date of Signature	05/09/2024

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2021 to September 30, 2022

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 04/16/2024

Application Number: A009510
License Number: 004621

Source(s) of Water	POD Parcel Number	County
MAIN COW CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Domestic	0	01/01 to 12/31	
Recreational	0	01/01 to 12/31	

Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Domestic	100 persons, housing and offices, landscape
Fish and Wildlife Preservation and Enhancement	Water supports aquatic ecosystems, riparian zones, and wildlife habitat

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2021			
October	16.174	3.691	26.925
November	15.564	3.66	26.925
December	14.935	4.93	26.925
2022			
January	14.109	5.755	26.925
February	13.282	4.66	26.925
March	2.123	5.076	26.925
April	1.9	5.03	26.925
May	10.98	5.551	26.925
June	11.51	4.82	26.925
July	13.294	6.57	26.925
August	15.321	4.54	26.925
September	11.046	8.178	26.925
Total	140.238	62.461	323.1
Type of Diversion	Both Direct Diversion and Diversion to Storage		
Comments	There was an operable flowmeter measuring total diversion during the months of March, April, May, and June only. The diversions to storage entries in Column II are the amounts recorded by a flowmeter at the Cow Creek (CC) reverse osmosis (RO) plant as the potable water delivered to the storage tank. Column I: Direct diversions include irrigation for the CC village (raw water that bypasses the RO plant) and the RO concentrate (roughly 30% of the raw feed to the RO plant) that goes to the wastewater system. The entries for the months of March, April, May, and June are the differences between the amount diverted to storage and the total diversion. The other entries were estimated as the difference between the delivery capacity (~145 gpm) of the water source (Nevares spring collection system) and the direct diversion amounts in Column II. The spring collection system was stress tested during a water leak, and it was found that the maximum delivery capacity of the system is approximately 145 gpm (208,800 gpd, 0.641 afd). At this rate the water level in the spring box drops to the top of the outlet pipe. The actual total diversions will be substantially less than the maximum output of the collection system, because the last flowmeter accurately measuring total diversion averaged approximately 85 gpm. The amount used entries in column III reflect the total water right, as any un-diverted component of the water right went to beneficial use at the Nevares spring mound in support of aquatic ecosystems, riparian zones, and wildlife habitat.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	My diversion is measured by a watermaster assigned to the following service area: Death Valley National Park
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion (Gallons Per Minute)**
2021	
October	145
November	145
December	145
2022	
January	145
February	145
March	145
April	145
May	145
June	145
July	145
August	145
September	145

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2022	
Amount (Acre-Feet) projected for 2023	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2021			
October			
November			
December			

2022			
January			
February			
March			
April			
May			
June			
July			
August			
September			

Conservation Supporting Information	
Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
Notice: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State's desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Richard
Last Name	Friese
Relation to Water Right	Other: NPS employee

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Richard Friese
Date of Signature	04/16/2024

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

January 1, 2021 to September 30, 2021

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 04/18/2024

Application Number: A009510
License Number: 004621

Source(s) of Water	POD Parcel Number	County
MAIN COW CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0	1/01 to 12/31	
Domestic	0	1/01 to 12/31	

Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Domestic	100 persons, housing and offices, landscaping
Fish and Wildlife Preservation and Enhancement	Water supports wetlands, aquatic ecosystems, riparian zones, and wildlife habitat.

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2021			
January	14.571	5.3	26.925
February	12.888	5.06	26.925
March	13.988	7.33	26.925
April	13.334	5.24	26.925
May	13.817	7.09	26.925
June	13.832	7.58	26.925
July	11.071	8.8	26.925
August	11.971	7.9	26.925
September	15.56	3.67	26.925
Total	121.032	57.97	242.325
Type of Diversion	Both Direct Diversion and Diversion to Storage		
Comments	There was an operable flowmeter measuring total diversion during the months of March, April, May, and June only. Death Valley NP installed this meter in February, and it failed in June when temperature get extreme. The park has not been able to find a datalogging flowmeter that can withstand the temperatures in the meter vault. The diversions to storage entries in Column II are the amounts recorded by a flowmeter at the Cow Creek (CC) reverse osmosis (RO) plant as the potable water delivered to the storage tank. Column I: Direct diversions include irrigation for the CC village (raw water that bypasses the RO plant) and the RO concentrate (roughly 30% of the raw feed to the RO plant) that goes to the wastewater system. The entries for the months of March, April, May, and June are the differences between the amount diverted to storage and the total diversion. The other entries were estimated as the difference between the delivery capacity of the water source (Nevares spring collection system) and the direct diversion amounts in Column II. The spring collection system was stress tested during a water leak, and it was found that the maximum delivery capacity of the system is approximately 145 gpm (208,800 gpd, 0.641 afd). At this rate the water level in the spring box drops to the top of the outlet pipe. The amount used entries in column III reflect the total water right, as any un-diverted component of the water right went to beneficial use at the Nevares spring mound in support of wetlands, aquatic ecosystems, riparian zones, and wildlife habitat.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	My diversion is measured by a watermaster assigned to the following service area: Death Valley National Park
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion (Gallons Per Minute)**

2021	
January	145
February	145
March	145
April	145
May	145
June	145
July	145
August	145
September	145

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2021	
Amount (Acre-Feet) projected for 2022	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2021			
January			
February			
March			
April			
May			
June			
July			
August			
September			

Conservation Supporting Information

Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
The entries for the maximum rate of diversion for each month was based on the approximate delivery capacity (145 gpm) of the spring collection system. Notice: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State's desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Richard
Last Name	Friese
Relation to Water Right	Other: NPS employee

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Richard Friese
Date of Signature	04/18/2024

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 05/06/2024

Application Number: A009510
License Number: 004621

Source(s) of Water	POD Parcel Number	County
MAIN COW CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0	01/01 to 12/31	
Domestic	0	01/01 to 12/31	

Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Domestic	100 persons, housing and offices, landscaping
Fish and Wildlife Preservation and Enhancement	Wetlands, aquatic habitat, and riparian zones

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2020			
January	0	3.49	27.441
February	0	3.061	24.786
March	0	4.504	27.441
April	0	3.643	26.556
May	0	6.295	27.441
June	0	5.008	26.556
July	0	4.906	27.441
August	0	5.523	27.441
September	0	5.523	26.556
October	0	9.049	27.441
November	0	4.467	26.556
December	0	4.228	27.441
Total	0	59.697	323.097
Type of Diversion	Diversion to Storage Only		
Comments	The amount diverted was taken as the total amount processed by the Cow Creek reverse osmosis plant (the plant). This was calculated as the amount of treated potable water going into the storage tank combined with the amount of reject water going into the sewer system. These amounts were logged by the plant's SCADA system, but the system does not log the raw feed into the plant. The two flowmeters upstream from the plant were inoperable. Unlike other years, there was no direct diversion for irrigation in 2020 because of leaks in the irrigation line and misconceptions about the capacity of the spring collection system. The remainder of the water right flows naturally and is beneficially used in support of wetland/riparian ecosystems and wildlife habitat.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	My diversion is measured by a watermaster assigned to the following service area: Death Valley National Park
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion (Gallons Per Minute)**
2020	
January	145
February	145
March	145

April	145
May	145
June	145
July	145
August	145
September	145
October	145
November	145
December	145

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts	
Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2020	
Amount (Acre-Feet) projected for 2021	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2020			
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

Conservation Supporting Information	
Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
The entries for the maximum rate of diversion for each month was based on the approximate delivery capacity (145 gpm) of the spring collection system. The spring collection system was stress tested during a water leak, and it was found that the maximum delivery capacity of the system is approximately 145 gpm (208,800 gpd, 0.641 afd). Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	ichard
Last Name	riese
Relation to Water Right	Other: NPS employee

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Richard Friese
Date of Signature	05/06/2024

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 05/08/2024

Application Number: A009510
License Number: 004621

Source(s) of Water	POD Parcel Number	County
MAIN COW CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0	01/01 to 12/31	
Domestic	0	01/01 to 12/31	

Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

Purpose of Use	
Domestic	100 persons, housing and offices, landscaping
Fish and Wildlife Preservation and Enhancement	Water supports wetlands, aquatic habitat, and riparian zones

Special Use Categories	
Are you using any water diverted under this right for the cultivation of cannabis?	No

Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
2019			
January	0	4.931	27.441
February	0	4.184	24.786
March	0	4.684	27.441
April	0	4.324	26.556
May	0	5.027	27.441
June	0	4.454	26.556
July	0	5.185	27.441
August	0	6.286	27.441
September	0	7.713	26.556
October	0	6.309	27.441
November	0	3.163	26.556
December	0	2.961	27.441
Total	0	59.221	323.097
Type of Diversion	Diversion to Storage Only		
Comments	The amount diverted was taken as the total amount processed by the Cow Creek reverse osmosis plant (the plant). This was calculated as the amount of treated potable water going into the storage tank combined with the amount of reject water going into the sewer system. These amounts were logged by the plant's SCADA system, but the system does not log the raw feed into the plant. The two flowmeters upstream from the plant were malfunctioning or inoperable. Unlike other years, there was no direct diversion for irrigation in 2019 because of leaks in the irrigation line and misconceptions about the capacity of the spring collection system. The remainder of the water right flows naturally and is beneficially used in support of wetland/riparian ecosystems and wildlife habitat.		

Water Diversion Measurement	
Required to measure as of the date this report is submitted	Yes
Is diversion measured?	My diversion is measured by a watermaster assigned to the following service area: Death Valley National Park
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

Measurement ID number	M027565
This Device/Method was used to measure water during the current reporting period	Yes
Briefly describe the measurement device or method	
Nickname	
Type of device / method	
Device make	
Serial number	
Model number	
Approximate date of installation	
Additional info	
Approximate date the measuring device was last calibrated or the measurement method was updated	
Estimated accuracy of measurement	
Description of calibration method	

Describe the maintenance schedule for the device/method	
Information for the person who last calibrated the device or designed the measurement method	
Name	
Phone number	
Email	
Qualifications of the individual	
License number and type for the qualified individual above and/or any other relevant explanation	
Type of data recorder device / method	
Data recorder device make	
Data recorder serial number	
Data recorder model number	
Data recorder units of measurement	
Frequency of data recording	
Additional data recorder info	
I am required to report my diversion or storage data by telemetry as of the date this report is submitted	
I report my diversion or storage date by telemetry to the following website	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

Maximum Rate of Diversion	
Month	**Rate of Diversion (Gallons Per Minute)**
2019	
January	145
February	145
March	145
April	145
May	145
June	145
July	145
August	145
September	145
October	145
November	145
December	145

Water Transfers	
Water transfered	No
Quantity transfered (Acre-Feet)	
Dates which transfer occurred	/ to /
Transfer approved by	

Water Supply Contracts

Water supply contract	No
Contract with	
Contract number	
Source from which contract water was diverted	
Point of diversion same as identified water right	
Amount (Acre-Feet) authorized to divert under this contract	
Amount (Acre-Feet) authorized to be diverted in 2019	
Amount (Acre-Feet) projected for 2020	
Exchange or settlement of prior rights	
All monthly reported diversion claimed under the prior rights	
Amount (Acre-Feet) of reported diversion solely under contract	

Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Credits Claimed			
	Conservation	**Reclaimed Water Use**	**Conjunctive Groundwater Use**
Claimed? (Yes/No)	No	No	No
2019			
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

Conservation Supporting Information	
Description of conservation methods	
Description of baseline water use and time period	
Description of conservation calculation methods	
Conserved water used?	

Additional Remarks
The entries for the maximum rate of diversion for each month was based on the approximate maximum delivery capacity (145 gpm) of the spring collection system. The spring collection system was stress tested during a water leak, and it was found that the maximum delivery capacity of the system is approximately 145 gpm (208,800 gpd, 0.641 afd). At 145 gpm the water level in the spring box drops to the top of the outlet pipe, which indicates that that this is the maximum capacity of the collection system. Notice: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State's desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Richard
Last Name	Friese
Relation to Water Right	Other: NPS employee

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Richard Friese
Date of Signature	05/08/2024

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2018

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 07/02/2019

Application Number: A009510
License Number: 004621

Source(s) of Water	POD Parcel Number	County
MAIN CO CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Domestic	0	01/01 to 12/31	
Recreational	0	01/01 to 12/31	

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	100 persons, housing and offices, landscaping
Fish and Wildlife Preservation and Enhancement	Wetlands, aquatic habitat, and riparian zones

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	No

5. Maximum Rate of Diversion	
Month	**Rate of Diversion (Gallons Per Day)**
January	77037
February	105702
March	59388
April	87833
May	80909
June	148604
July	77156
August	139260
September	147328
October	144508
November	145050
December	187119

6. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	15.525	3.654	26.925
February	13.607	3.716	26.925
March	16.541	2.638	26.925
April	14.762	3.799	26.925
May	14.686	4.493	26.925
June	12.878	5.683	26.925
July	14.616	4.563	26.925
August	13.381	5.798	26.925
September	10.229	8.332	26.925
October	12.889	6.29	26.925
November	12.743	5.818	26.925
December	11.735	7.444	26.925
Total	163.592	62.228	323.1
Type of Diversion	Both Direct Diversion and Diversion to Storage		
Comments	A constant diversion of 140 gpm was diverted from the spring in 2018. The diversion was either collected to a storage tank for potable use, or was directly diverted for irrigation when the tank was full. The remainder of the water right flows naturally and is beneficially used in support of wetland/riparian ecosystems and wildlife habitat.		

Water Transfers	
6d. Water transfered	No
6e. Quantity transfered (Acre-Feet)	
6f. Dates which transfer occurred	/ to /
6g. Transfer approved by	

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	

6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2018	
6p. Amount (Acre-Feet) projected for 2019	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	My diversion is measured by a watermaster assigned to the following service area: Death Valley National Park
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

Measurement Attachments			
Measurement ID Number	**File Name**	**Description**	**Size**
No attachments			

Measurement Data Files			
Measurement ID Number	**File Name**	**Description**	**Size**
No data files			

8. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
9. Are you now employing water conservation efforts?	Yes
Description of water conservation efforts	Low flow fixtures were installed
10. Amount of water conserved	
11. I have data to support use reductions under this water right due to conservation efforts	No

Water Quality and Wastewater Reclamation	
12. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
13. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
14. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
15. Amounts of groundwater used	

Additional Remarks
Notice: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information

to the State in the interest of comity and with respect to the State's desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Richard
Last Name	Friese
Relation to Water Right	Other: NPS employee

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Richard Friese
Date of Signature	07/02/2019

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2017

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 02/14/2018

Application Number: A009510
Permit Number: 005381

Source(s) of Water	POD Parcel Number	County
MAIN CO CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0	01/01 to 12/31	
Domestic	0	01/01 to 12/31	

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	100 persons, housing and offices, landscaping
Fish and Wildlife Preservation and Enhancement	Wetlands, aquatic habitat, and riparian zones

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	No

5. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPD)**
January	163114
February	171600
March	174584
April	171470
May	177567
June	195558
July	187376
August	181260
September	174718
October	160837
November	141185
December	115452

6. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	15.518	4.781	27.366
February	15.272	4.539	24.718
March	16.609	6.777	27.366
April	15.787	5.212	26.484
May	16.893	7.31	27.366
June	18.004	9.179	26.484
July	17.826	8.225	27.366
August	17.244	7.28	27.366
September	16.086	4.573	26.484
October	15.301	3.942	27.366
November	12.998	3.721	26.484
December	10.984	3.952	26.366
Total	188.522	69.491	321.216
Type of Diversion	Both Direct Diversion and Diversion to Storage		
Comments	Amount diverted and collected to storage is for consumptive use. The remainder of the water right flows naturally and is beneficially used in support of wetland/riparian ecosystems and wildlife habitat.		

Water Transfers	
6d. Water transfered	No
6e. Quantity transfered (Acre-Feet)	
6f. Dates which transfer occurred	/ to /
6g. Transfer approved by	

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	

6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2017	
6p. Amount (Acre-Feet) projected for 2018	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	Yes
b. Is diversion measured?	Yes
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

8. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
9. Are you now employing water conservation efforts?	Yes
Description of water conservation efforts	Low flow fixtures and conservation education
10. Amount of water conserved	

Water Quality and Wastewater Reclamation	
11. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
12. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
13. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
14. Amounts of groundwater used	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Scott
Last Name	Williams
Relation to Water Right	Other: NPS Employee

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Scott Williams

Date of Signature	02/14/2018

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2016

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 03/31/2017

Application Number: A009510
Permit Number: 005381

Source(s) of Water	POD Parcel Number	County
MAIN CO CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0	01/01 to 12/31	
Domestic	0	01/01 to 12/31	

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is in support of wetlands, aquatic habitat, and riparian zones. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	100 persons, housing and offices, landscaping
Fish and Wildlife Preservation and Enhancement	Wetlands, aquatic habitat, and riparian zones

Special Use Categories	
C1. Are you using any water diverted under this right for the cultivation of cannabis?	No

5. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPM)**
January	265
February	319
March	402
April	321
May	315
June	268
July	383
August	410
September	393
October	280
November	232
December	240

6. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	18.8	5.98	27.44
February	16.86	5.04	24.79
March	17.28	3.86	27.42
April	16.02	2.85	26.56
May	17.36	5.07	27.44
June	17.15	5.14	26.56
July	17.63	5.52	27.44
August	17.24	6.05	27.44
September	16.09	6.8	26.56
October	16.55	6.93	27.44
November	15.06	5.76	26.56
December	14.8	5.08	27.44
Total	200.84	64.08	323.09
Type of Diversion	Both Direct Diversion and Diversion to Storage		
Comments	Amount diverted and collected to storage is for consumptive use. The remainder of the water right flows naturally and is beneficially used in support of wetland/riparian ecosystems and wildlife habitat.		

Water Transfers	
6d. Water transfered	No
6e. Quantity transfered (Acre-Feet)	
6f. Dates which transfer occurred	/ to /
6g. Transfer approved by	

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	

6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2016	
6p. Amount (Acre-Feet) projected for 2017	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	Yes
b. Is diversion measured?	Yes
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

8. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
9. Are you now employing water conservation efforts?	Yes
Description of water conservation efforts	Low flow fixtures and conservation education
10. Amount of water conserved	

Water Quality and Wastewater Reclamation	
11. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
12. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
13. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
14. Amounts of groundwater used	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Richard
Last Name	Friese
Relation to Water Right	Other: NPS employee
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2015

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact: U S NATIONAL PARK SERVICE

Date Submitted: 09/01/2016

Application Number: A009510
Permit Number: 005381

Source(s) of Water	POD Parcel Number	County
MAIN CO CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0	01/01 to 12/31	
Domestic	0	01/01 to 12/31	

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	No
Description of noncompliance with terms and conditions	No longer used solely in support of licensed purposes. Additional beneficial use is for wildlife, and recreation. NPS considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. NPS intends to determine whether a formal change in use is appropriate in the future.

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	100 persons, housing, lawn & garden area
Recreational	wildlife

5. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	8.242	17.527

February	0	7.141	13.727
March	0	6.747	17.094
April	0	6.57	15.408
May	0	8.35	16.143
June	0	7.83	15.559
July	0	10.569	17.266
August	0	11.229	18.251
September	0	10.783	18.332
October	0	6.228	17.258
November	0	5.369	18.119
December	0	5.437	18.693
Total	0	94.495	203.377
Type of Diversion	Diversion to Storage Only		
Comments	Amount diverted or collected to storage is for consumptive use. The remainder of the water flows naturally and is beneficially used in support of wetland/riparian ecosystems, wildlife, and recreation. Natural flow is below license face value.		

Water Transfers	
8e. Water transfered	No
8f. Quantity transfered (Acre-Feet)	
8g. Dates which transfer occurred	/ to /
8h. Transfer approved by	

Water Supply Contracts	
8i. Water supply contract	No
8j. Contract with	
8k. Other provider	
8l. Contract number	
8m. Source from which contract water was diverted	
8n. Point of diversion same as identified water right	
8o. Amount (Acre-Feet) authorized to divert under this contract	
8p. Amount (Acre-Feet) authorized to be diverted in 2015	
8q. Amount (Acre-Feet) projected for 2016	
8r. Exchange or settlement of prior rights	
8s. All monthly reported diversion claimed under the prior rights	
8t. Amount (Acre-Feet) of reported diversion solely under contract	

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPD)**
January	120600
February	184500
March	100200
April	105400
May	187500
June	130200
July	173500
August	160200
September	167800
October	144800

November	111800
December	104000

7. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
8. Are you now employing water conservation efforts?	Yes
Description of water conservation efforts	Residents are encouraged to minimize outdoor watering of plants.
9. Amount of water conserved	

Water Quality and Wastewater Reclamation	
10. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
11. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
12. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
13. Amounts of groundwater used	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Genne
Last Name	Nelson
Relation to Water Right	Other: NPS employee
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

08-25-2016: To: US National Park Service; From: State Water Resources Control Board; Subject: Notice of Failure to File 2015 Water Use Report for License 4621

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

August 25, 2016

U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

To Whom It May Concern:

Notice of Failure to File 2015 Water Use Report for License 4621

Water right holders are required to file annual reports of their water diversion and use to the State Water Resources Control Board (State Water Board) using the online Reporting and Management System. The reported diversion data is needed to more accurately analyze the State's water supply conditions to ensure protection of senior water right holders and other instream beneficial uses of water.

The 2015 report of water diversion and use was due no later than July 1, 2016, for all claimants under Statement of Water Diversion and Use and all permit and license holders. The State Water Board previously provided written notification of this requirement to each claimant and water right holder. As of August 23, 2016, we have not received a completed use report for the subject right or claim.

All diverters who fail to submit the required reports are subject to enforcement action, including imposition of an administrative civil liability. Statement holders who fail to file are subject to $1,000, plus $500 per day for each additional day after provided notice of the violation (Wat. Code §5107 (c) (1)). Permit and license holders who fail to file are subject to $500 for each day of violation. (Wat. Code § 1846)

To access the RMS system and report your water use, please visit the following webpage: *https://rms.waterboards.ca.gov/login.aspx.*

Your username and password for this License are:
Username: A009510
Password: 813434

In the interests of obtaining a high compliance rate for online use reporting, the Division of Water Rights (Division) has published a list of parties with deficient 2015 use reports as of August 23, 2016, to our webpage at
http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/docs/plftf2015_082316.pdf
http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/docs/plftf2015_082316.xlsx

Water right holders shown on the lists are currently subject to enforcement action. The State Water Board may use discretion in initiating enforcement, if the required online report is received within 30 days of this notice. Therefore, if your name or water right is shown on the list,

DEVA

you should immediately file the required online report. You should also confirm that your reporting is complete for previous years at this time.

If you are no longer the owner of the water right or claim, please submit a change of ownership request at *http://www.waterboards.ca.gov/water_issues/programs/ewrims/ownership/index.php*.

If you were the owner of the water right or claim for any part of 2015, please note that you are required to file a use report, even if there was no use. Please file a use report for the months of ownership using the above login credentials.

If you have any questions on the reporting form, please visit our Help webpage at, *http://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims/help.shtml*. Phone inquiries should be made at (916) 341-5342. Please do not use other Division phone lines or contacts for such inquiries.

Also, stay informed about the new measurement requirements for your diversion available at: *http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml*.

Sincerely,

Kathy Mrowka
Program Manager
Enforcement Program
Division of Water Rights

Updated February 29, 2016

CALIFORNIA Water Boards

Fact Sheet

EMERGENCY REGULATION FOR MEASURING AND REPORTING ON THE DIVERSION OF WATER

Governor Edmund G. Brown Jr. signed Senate Bill (SB) 88 on June 24, 2015. Sections 15 through 18 of SB 88 add measurement and reporting requirements for a substantial number of diverters. The State Water Resources Control Board (State Water Board) adopted a regulation to implement the new law at its January 19, 2016 Board Meeting. The regulation will go into effect upon approval by the Office of Administrative Law, which is anticipated to occur in March 2016.

The measurement requirements of the regulation apply to all water right holders who divert more than 10 acre-feet of water per year. The annual reporting requirements in the regulation apply to all statement holders as well as persons authorized to appropriate water under a permit, license, registration (small domestic, small irrigation, or livestock stockpond), or certificate for livestock stockpond use.

Information on the regulation, SB 88, and related documents are available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/measurement_regulation/

If you have any questions or concerns, please contact the Division of Water Rights (Division) at:

Email Address: dwr-measurement@waterboards.ca.gov
Phone Number: (916) 341-5300

Key Provisions of Regulation

Annual Water Use Reporting Requirements for Water Right Holders

All water right holders shall report on their diversion and use of water annually, beginning with reports for the 2016 diversion season. Annual water use reports for permits, licenses, registrations and stock pond certificates must be filed by April 1 of each year starting April 1, 2017 for diversions made in 2016. The annual use reports for statements shall be filed prior to July 1 of each year. All reports will continue to document diversions during the prior calendar year. The filing dates are for the annual water use reports are summarized below:

DIVERSION/STORAGE PERIOD	WATER USE REPORT DEADLINES				
	PERMITS	LICENSES	STATEMENTS	REGISTRATIONS	CERTIFICATES
2015	JULY 1, 2016	JULY 1, 2016	JULY 1, 2016	VARIES	NOT REQUIRED
2016	APRIL 1, 2017	APRIL 1, 2017	JULY 1, 2017	APRIL 1, 2017	APRIL 1, 2017

Reporting Requirements for Water Right Holders During Times of Insufficient Supply

When the amount of water available in a surface water source is not sufficient to support the needs of existing water right holders and in-stream uses, the State Water Board may require monthly or more frequent reporting in the affected areas to provide the most accurate assessment of water demand. The State Water Board will notify diverters in affected areas when additional reporting is required.

Deadline for Complying with Measurement and Reporting Requirements

The regulation provides for a phased approach to compliance. The compliance deadlines, by volume of water diverted, are shown in the table below.

Required Accuracy for Measurement and Frequency for Monitoring

SB 88 set expectations for both the accuracy of measurement devices as well as the monitoring frequency of the device. The regulation links both device accuracy and monitoring frequency to the volume categories. Larger diversions and larger reservoirs or ponds have more stringent measurement and monitoring requirements and more stringent requirements for the installation and certification of measurement devices as described in the table below.

Type of Diversion (af = acre-feet)	Installation Deadline	Required Accuracy	Required Monitoring Frequency	Qualifications For Installation And Certification
Direct Diversion ≥ 1,000 af/year Storage ≥ 1000 af	January 1, 2017	10%	Hourly	Engineer/Contractor/Professional
Direct Diversion ≥ 100 af/year Storage ≥ 200 af	July 1, 2017	10%	Daily	Engineer/Contractor/Professional
Direct Diversion > 10 af/year Storage ≥ 50 af	January 1, 2018	15%	Weekly	Individual experienced with measurement and monitoring
Storage > 10 af	January 1, 2018	15%	Monthly	Individual experienced with measurement and monitoring

Measurement Methods

Diverters may propose a measurement method, in lieu of a measuring device, to comply with measurement and accuracy requirements under the regulation. Examples of measurement methods include:

- Multiple water right holders on a single surface supply can propose a collaborative measurement approach.
- A single water right holder with multiple points of diversion can propose a measurement method that may preclude the need to install a measurement device at each point of diversion.

Alternative Compliance

A water right holder may request an alternative compliance approach when strict compliance is not feasible, would be unreasonably expensive, would unreasonably affect public trust resources, or would result in the waste or unreasonable use of water.

The Division is preparing the forms to request alternative measurement or alternative compliance. All requests must be submitted on the Division's forms. Please note; persons subject to the regulation are not allowed to claim "not locally cost effective".

Certification of Water Measurement Device

The regulation requires that the accuracy of the water measurement device be certified every five years, in accordance with the table above. The regulation calls for an initial certification with the first water use report filed after the device has been installed.

CALIFORNIA
Water Boards

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

February 19, 2016

Designated Contact or Agent:
U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

Primary Owner: U S NATIONAL PARK SERVICE

Application ID: A009510 **License No.** 004621

First three Sources listed:	Counties:
MAIN COW CREEK	Inyo

Direct Diversion Rate: 0.446 Cubic Feet per Second **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2015

As indicated in the California Code of Regulations title 23, section 847, the State Water Resources Control Board (State Water Board) requires annual reporting of water diversion and use under licenses. California Water Code chapter 2.7 section 348 authorizes the State Water Board to require online reporting of water diversions. Consistent with these requirements, the State Water Board, Division of Water Rights (Division) developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). RMS allows electronic submittal of water diversion and use reports, saving both paper and resources. **All reports must be completed online through RMS; paper copies are not available.** To report online, go to **www.waterboards.ca.gov/rms** and login with your User ID and Password. The information required to login and access your online Report of Licensee is:

User ID (Water Right ID): **A009510**
Password (Reporting Identifier): **813434**

IMPORTANT: PLEASE NOTE BELOW

Effective immediately the Division of Water Rights will **NO LONGER** notify you via mail in the future when reporting is due. If you would like to be notified when reporting is due and other reporting related material, please subscribe to our Lyris list (Water Rights Reporting Notification) at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

You are required to complete the online report for 2015 no later than **June 30, 2016.** If you do not have a computer or internet access, you should use a friend's computer, a computer in a public library, or a Division computer to fill out the form. Unfortunately, Division staff cannot fill the form out on your behalf. However, if you wish to seek assistance with the form, you may contact the Division to request a listing of attorneys and consulting firms with water rights experience. You can also review the listing on the Division's Business Information Contacts webpage at: www.waterboards.ca.gov/waterrights/board_info/contacts.shtml.

If you have multiple water rights, please be aware you must report water use separately for each right. Do not list total combined diversions under multiple rights on the form. To document compliance with the conditions of your water right(s), you may use RMS to submit photos (such as staff gages, measuring devices, etc.), documents (California Department of Fish and Wildlife agreements, other agency approvals, etc.), graphs, and spreadsheets.

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

You are required to notify the Division directly of any water right ownership change. Your county assessor's office or title company does not notify the Division of ownership changes. Failure to notify the Division of an ownership change prior to assessment of annual water right fees will result in your liability to pay the annual water right fee even if you transferred the property associated with the water right. Notification to the Division should be made using the Change of Name/Address or Ownership form by clicking on the Water Rights Forms link located at www.waterboards.ca.gov/waterrights/publications_forms/forms/index.shtml.

CHANGES FOR REPORTING AND MEASUREMENT OF DIVERSIONS MADE IN 2016, AND THEREAFTER

- See attached "Fact Sheet" for updates.

CONTACT INFORMATION

Frequently asked questions pertaining to filling out online reports are posted at the RMS website and we encourage you to read these first. However, if you still have any questions or need assistance completing the report, please contact the Division of Water Rights at (916) 323-9393 or send an email to: ewrims@waterboards.ca.gov.

Sincerely,

Amanda Montgomery

Amanda Montgomery, Manager
Permitting and Licensing Section
Division of Water Rights

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2014

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact: U S NATIONAL PARK SERVICE

Date Submitted: 07/01/2015

Application Number: A009510
Permit Number: 005381

Source(s) of Water	POD Parcel Number	County
MAIN CO CREEK		Inyo
MAIN CO CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Domestic	0	01/01 to 12/31	
Recreational	0	01/01 to 12/31	

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	100 persons
Fish and Wildlife Preservation and Enhancement	Aquatic and riparian ecosystems

5. Amount of Water Diverted and Used

Month	Amount directly diverted (Acre-Feet)	Amount diverted or collected to storage (Acre-Feet)	Amount used (Acre-Feet)
January	0	20.15	26.91
February	0	20.15	26.91
March	0	20.15	26.91
April	0	20.15	26.91
May	0	20.15	26.91

June	0	20.15	26.91
July	0	20.15	26.91
August	0	20.15	26.91
September	0	20.15	26.91
October	0	20.15	26.91
November	0	20.15	26.91
December	0	20.15	26.91
Total	0	241.8	322.92
Comments	The amount diverted from the spring for consumptive use is 0.334 cfs. The remainder of the water right flows naturally and supports wetland/riparian ecosystems, wildlife, and recreation.		

Water Transfers	
8e. Water transfered	No
8f. Quantity transfered (Acre-Feet)	
8g. Dates which transfer occurred	/ to /
8h. Transfer approved by	

Water Supply Contracts	
8i. Water supply contract	No
8j. Contract with	
8k. Other provider	
8l. Contract number	
8m. Source from which contract water was diverted	
8n. Point of diversion same as identified water right	Yes
8o. Amount (Acre-Feet) authorized to divert under this contract	
8p. Amount (Acre-Feet) authorized to be diverted in 2014	
8q. Amount (Acre-Feet) projected for 2015	
8r. Exchange or settlement of prior rights	No
8s. All monthly reported diversion claimed under the prior rights	
8t. Amount (Acre-Feet) of reported diversion solely under contract	

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (CFS)**
January	0.334
February	0.334
March	0.334
April	0.334
May	0.334
June	0.334
July	0.334
August	0.334
September	0.334
October	0.334
November	0.334
December	0.334

7. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
8. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
9. Amount of water conserved	

Water Quality and Wastewater Reclamation	
10. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
11. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
12. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
13. Amounts of groundwater used	

Additional Remarks
Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Richard
Last Name	Friese
Relation to Water Right	Other: Representative of the NPS
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

January 30, 2015

Designated Contact or Agent:
U S National Park Service
1201 Oak Ridge Dr Ste 250
Fort Collins, CO 80525

Primary Owner: U S National Park Service

Application ID: A009510 **License No.** 004621

First three Sources listed:	**Counties:**
MAIN COW CREEK	Inyo

Direct Diversion Rate: 0.446 Cubic Feet per Second **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2014

As indicated in the California Code of Regulations title 23, section 847, the State Water Resources Control Board (State Water Board) requires annual reporting of water diversion and use under licenses. California Water Code chapter 2.7 section 348 authorizes the State Water Board to require online reporting of water diversions. Consistent with these requirements, the State Water Board, Division of Water Rights (Division) developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). RMS allows electronic submittal of water diversion and use reports, saving both paper and resources. **All reports must be completed online through RMS; paper copies are not available.** To report online, go to **www.waterboards.ca.gov/rms** and login with your User ID and Password. The information required to login and access your online Report of Licensee is:

User ID (Water Right ID): **A009510**
Password (Reporting Identifier): **813434**

You are required to complete the online report for 2014 no later than **June 30, 2015.** If you do not have a computer or internet access, you should use a friend's computer, a computer in a public library, or a Division computer to fill out the form. Unfortunately, Division staff cannot fill the form out on your behalf. However, if you wish to seek assistance with the form, you may contact the Division to request a listing of attorneys and consulting firms with water rights experience. You can also review the listing on the Division's Business Information Contacts webpage at: www.waterboards.ca.gov/waterrights/board_info/contacts.shtml.

If you have multiple water rights, please be aware you must report water use separately for each right. Do not list total combined diversions under multiple rights on the form. To document compliance with the conditions of your water right(s), you may use RMS to submit photos (such as staff gages, measuring devices, etc.), documents (California Department of Fish and Wildlife agreements, other agency approvals, etc.), graphs, and spreadsheets.

SPECIAL REPORTING FEATURES:

- It is possible to create one account on the RMS site to report all of your water rights. It is not necessary to create an account if you would like to report your water rights individually. Please see the RMS login page for more information and instructions.
- RMS includes the capability to amend current and past reports. Amendments to credits previously claimed pursuant to Water Code sections 1010, 1011, and 1011.5 are subject to review and may not be accepted.
- Licensees can list all of their reservoirs associated with this license in their report.
- RMS includes new on screen help tools and instructions.

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

You are required to notify the Division directly of any water right ownership change. Your county assessor's office or title company does not notify the Division of ownership changes. Failure to notify the Division of an ownership change prior to assessment of annual water right fees will result in your liability to pay the annual water right fee even if you transferred the property associated with the water right. Notification to the Division should be made using the Change of Name/Address or Ownership form by clicking on the Water Rights Forms link located at www.waterboards.ca.gov/waterrights/publications_forms/forms/index.shtml.

CONTACT INFORMATION

Frequently asked questions pertaining to filling out online reports are posted at the RMS website and we encourage you to read these first. However, if you still have any questions or need assistance completing the report, please contact the Division of Water Rights at (916) 323-9393 or send an email to: ewrims@waterboards.ca.gov.

Sincerely,

Amanda Montgomery

Amanda Montgomery, Manager
Permitting and Licensing Section
Division of Water Rights

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2013

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact: U S NATIONAL PARK SERVICE

Date Submitted: 05/14/2014

Application Number: A009510
Permit Number: 005381

Source(s) of Water	POD Parcel Number	County
MAIN CO CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Recreational	0	01/01 to 12/31	
Domestic	0	01/01 to 12/31	

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	Cow Creek housing and offices. 50-100 people. Some landscaping irrigation at housing.
Fish and Wildlife Preservation and Enhancement	Undiverted portion of the water right supporting ecosystems, wildlife, and recreation.

5. Amount of Water Diverted and Used		
Month	**Amount directly diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	20.15	26.91
February	20.15	26.91
March	20.15	26.91
April	20.15	26.91
May	20.15	26.91

June	20.15	26.91
July	20.15	26.91
August	20.15	26.91
September	20.15	26.91
October	20.15	26.91
November	20.15	26.91
December	20.15	26.91
Total	241.8	322.92
Comments	The amount diverted from the spring for consumptive use is 0.334 cfs. The remainder of the water right flows naturally and supports wetland/riparian ecosystems, wildlife, and recreation.	

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (CFS)**
January	0.334
February	0.334
March	0.334
April	0.334
May	0.334
June	0.334
July	0.334
August	0.334
September	0.334
October	0.334
November	0.334
December	0.334

7. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
8. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
9. Amount of water conserved	

Water Quality and Wastewater Reclamation	
10. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
11. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
12. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
13. Amounts of groundwater used	

Additional Remarks
Declaration: The United States gives this information to the State in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Richard
Last Name	Friese
Relation to Water Right	Primary Owner of Record
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2012

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact: U S NATIONAL PARK SERVICE

Date Submitted: 05/08/2013

Application Number: A009510
Permit Number: 005381

Source(s) of Water	POD Parcel Number	County
MAIN COW CREEK		Inyo

MAX Direct Diversion Rate: 0.446 CFS
MAX Collection to Storage: 0 AC-FT
Face Value: 322.9 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Domestic	0	01/01 to 12/31	
Recreational	0	01/01 to 12/31	

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	Varies by season.
Recreational	Visitation
Fish and Wildlife Preservation and Enhancement	Amounts are estimates.

5. Amount of Water Diverted and Used		
Month	**Amount directly diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	27.4	27.4
February	24.8	24.8
March	27.4	27.4
April	26.5	26.5
May	27.4	27.4

June	26.5	26.5
July	27.4	27.4
August	27.4	27.4
September	26.5	26.5
October	27.4	27.4
November	26.5	26.5
December	27.4	27.4
Total	322.6	322.6
Comments		

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (CFS)**
January	0.446
February	0.446
March	0.446
April	0.446
May	0.446
June	0.446
July	0.446
August	0.446
September	0.446
October	0.446
November	0.446
December	0.446

7. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
8. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
9. Amount of water conserved	

Water Quality and Wastewater Reclamation	
10. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
11. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
12. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
13. Amounts of groundwater used	

Additional Remarks
The United States gives this information to the State in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments

File Name	Description	Size
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Marc
Last Name	Yalom
Relation to Water Right	Other
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2011

Primary Owner: U S NATIONAL PARK SERVICE
Application Number: A009510
License Number: 004621
Date Submitted: 2012-07-03

1. Project Abandoned	
The project has been abandoned and I request revocation of my water right license	No

2. Compliance with License Terms and Conditions	
I have currently reviewed my water right license and I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	

3. Changes to the Project	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	
Other changes	
Description of other changes	

4. Purpose of Use	
Domestic	Varies by season.
Recreational	Visitation
Fish and Wildlife Protection and/or Enhancement	Amounts are estimates.

5. Amount of Water Diverted and Used

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount used (Acre-Feet)
January	20.2	20.2
February	20.2	20.2
March	20.2	20.2
April	20.2	20.2
May	20.2	20.2
June	20.2	20.2
July	20.2	20.2
August	20.2	20.2
September	20.2	20.2
October	20.2	20.2
November	20.2	20.2
December	20.2	20.2

Total	242.4	242.4

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (CFS)**
January	0.335
February	0.335
March	0.335
April	0.335
May	0.335
June	0.335
July	0.335
August	0.335
September	0.335
October	0.335
November	0.335
December	0.335

7. Storage					
Reservoir name	**Spilled this year**	**Feet below spillway at maximum storage**	**Completely emptied**	**Feet below spillway at minimum storage**	**Method used to measure water level**

Conservation of Water	
8. Are you now employing water conservation efforts?	No
Description of water conservation efforts	
9. Amount of water conserved	

Water Quality and Wastewater Reclamation	
10. During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	No
11. Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
12. During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	No
13. Amounts of groundwater used	

Additional Remarks
The United States gives this information to the State in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

DEVA

CALIFORNIA Water Boards

Edmund G. Brown Jr. GOVERNOR

Matthew Rodriquez SECRETARY FOR ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

March 5, 2012

Designated Contact or Agent:
U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

Contact Phone Number: (970) 225-3500

Primary Owner: U S NATIONAL PARK SERVICE

Application ID: A009510 **License No.** 004621

First three Sources listed:	Counties:
MAIN COW CREEK	Inyo

Direct Diversion Rate: 0.446 Cubic Feet per Second **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2011

As indicated in the California Code of Regulations title 23, section 847, the State Water Resources Control Board (State Water Board) requires annual reporting of water diversion and use under licenses. The State Water Board has historically required these reports to be filed once every three years in paper form. California Water Code chapter 2.7 section 348 authorizes the State Water Board to require online reporting of water diversions. Consistent with these requirements, the State Water Board, Division of Water Rights (Division) developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). RMS allows electronic submittal of water diversion and use reports, saving both paper and resources. **All reports must be completed online through RMS; paper copies are not available.** To report online, go to **www.waterboards.ca.gov/rms** and login with your User ID and Password. The information required to login and access your online Report of Licensee is:

User ID (Water Right ID): **A009510**
Password (Reporting Identifier): **813434**

You are required to complete the online report for 2011 no later than **June 30, 2012.** If you do not have a computer or internet access, you should use a friend's computer, a computer in a public library, or a Division computer to fill out the form. Unfortunately, Division staff cannot fill the form out on your behalf. However, if you wish to seek assistance with the form, you may contact the Division to request a listing of attorneys and consulting firms with water rights experience. You can also review the listing on the Division's Business Information Contacts webpage at: http://www.waterboards.ca.gov/waterrights/board_info/contacts.shtml.

If you have multiple water rights, please be aware you must report water use separately for

each right. Do not list total combined diversions under multiple rights on the form. To document compliance with the conditions of your water right(s), you may use RMS to submit photos (such as staff gages, measuring devices, etc.), documents (Department of Fish and Game agreements, other agency approvals, etc.), graphs, and spreadsheets.

CHANGES FOR 2011 REPORTING:

- It is possible to create one account on the RMS site to report all of your water rights. It is not necessary to create an account if you would like to report your water rights individually. Please see the RMS login page for more information and instructions.

- RMS includes the capability to amend current and past reports. Amendments to credits previously claimed pursuant to Water Code sections 1010, 1011, and 1011.5 are subject to review and may not be accepted.

- Licensees can list all of their reservoirs associated with this license in their report.

- RMS includes new on screen help tools and instructions.

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

You are required to notify the Division directly of any water right ownership change. Your county assessor's office or title company does not notify the Division of ownership changes. Failure to notify the Division of an ownership change prior to assessment of annual water right fees will result in your liability to pay the annual water right fee even if you transferred the property associated with the water right. Notification to the Division should be made using the Change of Name/Address or Ownership form by clicking on the Water Rights Forms link located at www.waterboards.ca.gov/waterrights/board_info.

CONTACT INFORMATION

Frequently asked questions pertaining to filling out online reports are posted at the RMS website and we encourage you to read these first. However, if you still have any questions or need assistance completing the report, please contact the Division of Water Rights at (916) 323-9393 or send an email to: ewrims@waterboards.ca.gov.

Sincerely,

Phillip Crader, Manager
Permitting and Licensing Section
Division of Water Rights

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2010

Primary Owner: U S NATIONAL PARK SERVICE
Application Number: A009510
License Number: 004621

Compliance with License Terms and Conditions	
The project has been abandoned and I request revocation of my water right license	No
I have reviewed my water right license	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	Varies by season.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount used (Acre-Feet)
January	18.9	18.9
February	18.9	18.9
March	18.9	18.9
April	18.9	18.9
May	18.9	18.9
June	18.9	18.9
July	18.9	18.9
August	18.9	18.9
September	18.9	18.9
October	18.9	18.9
November	18.9	18.9
December	18.9	18.9
Total	226.8	226.8

Month	Maximum Rate of Diversion ()
January	
February	
March	
April	
May	
June	

July	
August	
September	
October	
November	
December	

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation	
During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your license?	
Amounts of groundwater used	

Additional Remarks
The United States gives his information in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Attachments	
File Name	Size
No Attachments	

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

State Water Resources Control Board

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ (916) 341-5300
Mailing Address: P.O. Box 2000 ♦ Sacramento, California ♦ 95812-2000
FAX (916) 341-5400 ♦ Web Site Address: http://www.waterboards.ca.gov

Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

NOTICE TO WATER RIGHT LICENSEE

Application ID: A009510 **License No.** 4621 **Reporting Cycle:** 3

Owner(s) of Record: U S NATIONAL PARK SERVICE

Primary Contact or Agent:
U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

Contact Phone: (970) 225-3500

Source(s): MAIN COW CREEK in Inyo County

Direct Diversion Rate: 0.446 Cubic Feet per Second **Collection To Storage Amount:** 0 AC-FT

ANNUAL LICENSEE REPORTING FOR 2010

The State Water Resources Control Board (State Water Board) has historically required Reports of Licensee to be filed once every three years in paper form. Senate Bill 8, which was signed into law in 2009, authorized the State Water Board to adopt regulations requiring online reporting of water diversions. Consistent with the Senate Bill, the State Water Board has adopted regulations requiring annual reporting of water diversion and use under licenses, and developed a new online Report Management System (RMS) as a component of the enhanced Water Right Information Management System (eWRIMS). The online RMS allows you to electronically submit your water diversion and use report, saving both paper and resources. To report on-line, go to **www.waterboards.ca.gov/rms** and log in with your water right ID and password. The information required to log in and access your online Report of Licensee is:

Water Right ID: **A009510**
Password: **2W3T5Y**

You are required to complete the online report for 2010 no later than **July 1, 2011.** You may also submit your record of diversion and use for previous years using the RMS. To maintain a continuous record of water use under your license, Licensees with **Reporting Cycle 1** should report their monthly diversion and use for 2008, 2009, and 2010. Licensees with **Reporting Cycle 2** should report their monthly diversion and use for 2009 and 2010; and Licensees with **Reporting Cycle 3** only need to report monthly diversion and use for 2010. Please note that it is not possible at this time to amend a report submitted through the RMS.

CHANGES FOR 2010 REPORTING:

Question 4 on the previous Report of Licensee form ("Amount of Water Used") has changed. New Question 5c requires you to report both the "*Amount directly diverted and/or collected to storage*" and the corresponding "*Amount used*" for each month. For many direct diversion-only projects, these amounts will be the same and the online form provides a check box for that purpose (Question 5b).

New Questions 6a and 6b on the RMS Report of Licensee requires you to report the maximum instantaneous *rate* of diversion that has occurred in each month under the license, if available.

If your water project is covered by two or more water rights, you should only report your diversion and use of water for the project covered by the license number printed above. The total amount diverted and used under multiple water rights should not be combined and reported on a single

form. In such cases, you should quantify your diversion under each water right, assigning water to the senior-most right first, to the extent allowed under the permit or license.

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

You are required to notify the State Water Board directly of any water right ownership change. Your county assessor's office or title company does not notify us of any ownership updates. Failure to notify the State Water Board of an ownership change prior to assessment of annual water right fees will result in your liability to pay the annual water right fee even if you transferred the property associated with the water right. Notification to the State Water Board should be made using the Change of Name/Address or Ownership form by clicking on the Water Rights Forms link located at www.waterboards.ca.gov/waterrights/board_info

CONTACT INFORMATION

Frequently asked questions pertaining to filling out online reports are posted at the RMS website and we encourage you to read these first. However, if you still have any questions or need assistance completing the report, please contact the Division of Water Rights at (916) 341-5431 or send an email to: ewrims@waterboards.ca.gov

Sincerely,

Phillip Crader, Manager
Permitting and Licensing Section
Division of Water Rights

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2009

Application Number: A009510
License Number: 004621

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	Varies by season.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	18.9	18.9
February	18.9	18.9
March	18.9	18.9
April	18.9	18.9
May	18.9	18.9
June	18.9	18.9
July	18.9	18.9
August	18.9	18.9
September	18.9	18.9
October	18.9	18.9
November	18.9	18.9
December	18.9	18.9
Total	226.8	226.8

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation	

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your permit?	
Amounts of groundwater used	

Additional Remarks
The United States gives this information in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2008

Application Number: A009510
License Number: 004621

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	Varies by season.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	18.9	18.9
February	18.9	18.9
March	18.9	18.9
April	18.9	18.9
May	18.9	18.9
June	18.9	18.9
July	18.9	18.9
August	18.9	18.9
September	18.9	18.9
October	18.9	18.9
November	18.9	18.9
December	18.9	18.9
Total	226.8	226.8

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation	

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your permit?	
Amounts of groundwater used	

Additional Remarks
The United States gives this information in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2007

Application Number: A009510
License Number: 004621

Compliance with Permit Terms and Conditions	
I have reviewed my water right permit	Yes
I am complying with all terms and conditions	Yes
Description of noncompliance with terms and conditions	
Intake location has been changed	
Description of intake location changes	
Type of use has changed	
Description of type of use changes	
Place of use has changed	
Description of place of use changes	

Purpose of Use	
Domestic	Varies by season.

Month	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	18.9	18.9
February	18.9	18.9
March	18.9	18.9
April	18.9	18.9
May	18.9	18.9
June	18.9	18.9
July	18.9	18.9
August	18.9	18.9
September	18.9	18.9
October	18.9	18.9
November	18.9	18.9
December	18.9	18.9
Total	226.8	226.8

Reservoir name	Spilled this year	Feet below spillway at maximum storage	Completely emptied	Feet below spillway at minimum storage	Method used to measure water level

Conservation of Water	
Are you now employing water conservation efforts?	
Description of water conservation efforts	
Amount of water conserved	

Water Quality and Wastewater Reclamation	

During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?	
Amount of reclaimed, desalinated, or polluted water used	

Conjuctive Use of Groundwater and Surface Water	
During the period covered by this Report, were you using groundwater in lieu of available surface water authorized under your permit?	
Amounts of groundwater used	

Additional Remarks
The United States gives this information in the interest of comity, and does not concede that the State has the power to regulate the rights of the United States to the use of water.

Contact Information of the Person Submitting the Form	
First Name	Eric
Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

Return completed Report to:

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

A009510%L%2009

Or file Report online at: http://ciwqs.waterboards.ca.gov/ewrims/ewrims_online_reporting/login.jsp
For assistance completing this Report, call: (916) 341-5300 FAX (916) 341-5400

REPORT OF LICENSEE FOR 2007, 2008, 2009

OWNER(S) OF RECORD: If the owner information below is wrong or missing, please correct.
U S NATIONAL PARK SERVICE

APPLICATION NO: A009510

LICENSE NO: 004621
CONTACT PHONE NO: 970-225-3500

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING
U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525

LICENSE SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed) **POD PARCEL NO** **COUNTY LOCATION**
MAIN COW CREEK — Inyo

MAX DIRECT DIVERSION RATE: 0.446 Cubic Feet per Second
MAX COLLECTION TO STORAGE AMOUNT: 0 AC-FT
WATER RIGHT FACE VALUE: 322.9 AC-FT

LICENSED USE(S) OF WATER (First 4 uses displayed below)	ACRES (AC)	DIRECT DIVERSION SEASON (month/day to month/day)	COLLECTION TO STORAGE SEASON (month/day to month/day)
Domestic	0.0	1/1 to 12/31	
Recreational	0.0	1/1 to 12/31	

[ ] YES [ ] NO The project has been abandoned and I request revocation of my water right license.

COMPLIANCE WITH LICENSE TERMS AND CONDITIONS: This Report is important since it provides a record of your actual water use as well as your compliance with the terms and conditions of your water right license. The information requested below should be filled out carefully. This Report should be promptly returned to the above address.

1. [ ] YES [ ] NO I have currently reviewed my water right license.
2. [ ] YES [ ] NO I am complying with all terms and conditions listed in the license. Identify any noncompliance under "Remarks" on the reverse side.
3. [ ] YES [ ] NO I have changed the intake location, type(s) of use, and/or place of use authorized by the license. If **Yes**, explain under "Remarks' on reverse side. ***Note:*** *A Change Petition and associated fees may be required for any significant changes to the licensed project.*

BENEFICIAL USE(S) OF WATER: Under the appropriate boxes below, briefly explain how the water was used each year

4. Current Use(s) of Water	2007	2008	2009
4.a. Irrigation – specify no. of acres irrigated			
4.b. Frost Protection – specify no. of acres protected			
4.c. Heat Control – specify no. of acres protected			
4.d. Industrial – specify type			
4.e. Stockwatering – specify no. & type of animals			
4.f. Municipal – approx. population served			
4.g Domestic – specify no. of persons, lawn/garden area			
4.h. Power Generation – installed capacity in kW, MW, or hp			
4.i Recreational – specify (boating, fishing, water contact sports, etc.)			
4.j. Other – specify (Examples: fire protection, snowmaking, mining, etc.)			

AMOUNT OF WATER TAKEN FROM THE SOURCE: Please report only the amounts diverted and/or stored under this license.
5.a. Amount of water taken each month under this license in [ ] gallons or [ ] acre-feet or [ ] million gallons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007													
2008													
2009													

AMOUNT OF WATER BENEFICIALY USED: Please report only the amounts beneficially used under this license.
5.b. Amount actually used by direct diversion and/or withdrawal from storage in acre-feet [ ] Check if amounts are same as 5.a.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2007													
2008													
2009													

✂ ----------

Please Detach This Portion

To file this report electronically, please go to http://ciwqs.waterboards.ca.gov/ewrims/ewrims_online_reporting/login.jsp and log-in using the Water Right ID and Password provided below:

Water Right ID: A009510

Password: 2W3T5Y

After logging-in, you will be able to change your password by selecting the "Change E-mail or Password" link at the top of the screen. To complete your report for the current year, select the link to the year 2009. You can also complete reports for previous years by selecting "Submit a Report for a Year not Shown Above".

If you have any questions or need further assistance you may contact the eWRIMS Help Desk at 866-792-4977, Monday through Friday, 8:00 a.m. through 5:00 p.m., or by email at ewrims@waterboards.ca.gov.

Please Detach This Portion

App ID No. A009510

6. For Storage Projects only:	2007	2008	2009
6.a. Did your reservoir(s) spill?			
6.b. If **No**, how many feet vertically below the spillway was the water level at maximum storage?			
6.c. Have you emptied the reservoir(s)?			
6.d. If **No**, how many feet vertically below the spillway was the water level(s) at minimum storage?			

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW THAT ARE APPLICABLE TO YOUR WATER RIGHT PROJECT
(Please note that future amendments to the claims below will not be accepted.)

An appropriative water right can be reduced or revoked through five continuous years of nonuse. However, the California Water Code specifies that under certain conditions no reduction or loss of the appropriative water right shall occur due to: (a) water conservation efforts; (b) use of recycled, desalinated, or polluted water; and/or (c) conjunctive use of groundwater and surface water. You must report the extent and amount of water claimed for credit below. Failure to report the amounts will deprive you of the benefits allowed under the Water Code sections.

CONSERVATION OF WATER: (Water Code section 1011)

7. **[ ] YES [ ] NO** During the period covered by this Report, were you implementing any water conservation efforts? If **YES**, please describe:

_____

8. If **YES** and you want to claim credit for the amount of water conserved towards the water use authorized under your license as allowed under Water Code section 1011, please show the amount of water conserved below:

Future amendments to this claim will not be accepted.	2007	2008	2009
Amount of water conserved. *Specify in acre-feet (AF) or million gallons (MG)*			

WATER QUALITY AND WASTEWATER RECLAMATION: (Water Code section 1010)

9. **[ ] YES [ ] NO** During the period covered by this Report, did you use reclaimed water from a wastewater treatment facility, water from a desalination facility, or water polluted by waste to a degree which unreasonably affects the water for other beneficial uses?

10. If **YES** and you want to claim credit for the substitution of this reclaimed, desalinated, or polluted water in lieu of the surface water authorized under your license as allowed by Water Code section 1010, please show the amount of reclaimed, desalinated, or polluted water used below:

Future amendments to this claim will not be accepted.	2007	2008	2009
Amount of reclaimed, desalinated, or polluted water used. *Specify in acre-feet (AF) or million gallons (MG)*			

CONJUNCTIVE USE OF GROUNDWATER AND SURFACE WATER: (Water Code section 1011.5)

11. **[ ] YES [ ] NO** During the period covered by this Report, were you using groundwater in lieu of the surface water authorized under your license?

12. If **YES** and you want to claim credit for the groundwater used in lieu of the surface water authorized under your permit as allowed under Water Code section 1011.5, please show the amount of groundwater used below:

Future amendments to this claim will not be accepted.	2007	2008	2009
Amount of groundwater used in lieu of surface water. *Specify in acre-feet (AF) or million gallons (MG)*			

REMARKS: (Identify the item you are explaining; additional pages may be attached.)

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

Signature:_____ Date: _____ Phone No.: ( ) _____
LICENSEE (OR AGENT / DESIGNEE)

10

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000 SACRAMENTO, CA 95812-2000
1001 I STREET, SACRAMENTO, CA
(916) 341-5300 FAX: (916) 341-5400

REPORT OF LICENSEE FOR 1998,1999,2000

Owner of Record:
U S NATIONAL PARK SERVICE ;

U S NATIONAL PARK SERVICE
1201 OAK RIDGE DR STE 250
FORT COLLINS, CO 80525-5596

Application No.: A009510
Password: 04190110040172
License: 004621
Phone Number: (970)225-3500

***If the information above is wrong or missing, please correct.**

Source Name (Display up to the first four sources)
MAIN COW CREEK

County Name (First POD)
Inyo

Purpose (Display up to the first four uses)	**Diverson Season** (MM/DD - MM/DD)	**Storage Season** (MM/DD - MM/DD)	**Acres** (AC)
Domestic	1 /1 - 12 / 31	0 / 0 - 0 / 0	0
Recreational	1 /1 - 12 / 31	0 / 0 - 0 / 0	0

Max DD Appl: .446 CFS **Max Storage:** AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X] NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ].

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1998	~~0.36'~~	~~0.36'~~	~~0.36'~~	~~0.36'~~	~~0.36'~~	~~0.36'~~	~~0~~	X	X	X	X	X	X
1999	X	X	X	X	X	X	X	X	X	X	X	X	X
2000	X	X	X	X	X	X	X	X	X	X	X	X	X

COMPLETE FOR STORAGE PROJECTS

	1998	1999	2000
3. Did your reservoir spill this year?	NA	NA	NA
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

(Continues on reverse side)

USE (COMPLETE FOR ALL PROJECTS) (see page 1 for year of use)

7. Acreage irrigated.	3-4	3-4	3-4
8. Stockwatering - number of stock.			
9. Domestic - number of persons.	150	150	150
garden area, etc.			
10. Recreational - nature of use			
11. Industrial - nature of use			
12. Municipal - approximate population			
13. Power generation - K.W.			
14. Other Fire Protection/Wildlife Habitat	X	X	X

15. If no water was used in one or more years, briefly state the reason under "Remarks".
16. If the location of the point of diversion or place of use or type of use(s) has been changed and the permission of this Board has not yet been obtained, please describe nature of changes under "Remarks".

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW WHICH ARE APPLICABLE TO YOUR PROJECT.

(Please note that future amendments to claims below will not be accepted)

CONSERVATION OF WATER

17. Describe any water conservation efforts you may have started: Installation of efficient swamp coolers. Replacement of non-native vegetation with less water-consumptive natives.

18. If you want to claim credit under Section 1011 of the Water Code for beneficial use of water under this license for water not used due to a conservation effort, you must identify the amounts of water conservation in the spaces below. The amounts applicable to any claim shall be limited to the amounts shown for the year(s) on this report.

1998 _____(af/mg) 1999 _____(af/mg) 2000 _____(af/mg)

WATER QUALITY AND WASTEWATER RECLAMATION

19. 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 [ ].
20. If credit toward use under this license 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 diversion and amounts of reclaimed water used: 1998 _____(af/mg) 1999 _____(af/mg) 2000 _____(af/mg)

CONJUNCTIVE USE OF SURFACE WATER AND GROUNDWAtER

21. Are you now using groundwater in lieu of surface water? YES [ ] NO [ ]
22. If credit toward use under this license 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:

1998 _____(af/mg) 1999 _____(af/mg) 2000 _____(af/mg)

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

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

Date:_____Sign Here:_____

LICENSEE (OR AGENT OR DESIGNEE)

Cal/EPA

State Water Resources Control Board

Division of Water Rights

Mailing Address:
P.O. Box 2000
Sacramento, CA
95812-2000

901 P Street
Sacramento, CA
95814
(916) 657-1359
FAX (916) 657-1485

Pete Wilson
Governor

In Reply Refer
to:332:KDL:9510

JUNE 16 1997

U.S. Death Valley National Monument
c/o Mr. Owen R. Williams, Chief
Water Rights Branch
United States National Park Service
1201 Oakridge Drive, Suite 250
Fort Collins, CO 80525

Dear Mr. Williams:

LICENSE 4621 (APPLICATION 9510) MAIN COW CREEK DIVERSION IN INYO COUNTY

Enclosed is an Order amending the above referenced water right. The amendment is necessary to correct an oversight that occurred when the License was issued and thereby comply with California Fish and Game Code Sections 5937 and 5946 (copy enclosed). This Order should be filed with your copy of License 4621. If you do not have a copy of your License, one will be furnished upon request.

If you have any questions, please contact Kevin Long of my staff at (916) 657-1927.

Sincerely,

Edward C. Anton, Chief
Division of Water Rights

Enclosures: Order amending License
Fish and Game Code Sections 5937 and 5946

cc: County Recorder (Order only)
County of Inyo
P.O. Drawer F
Independence, CA 93526

§5935. Owner responsibility toward repair, etc.
The owner of any dam upon which a fishway has been provided shall keep the fishway in repair and open and free from obstructions to the passage of fish at all times.

§5936. Destruction of fishway—unlawful.
It is unlawful to wilfully destroy, injure, or obstruct any fishway.

§5937. Passage of water for fish below dam.
The owner of any dam shall allow sufficient water at all time to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. During the minimum flow of water in any river or stream, permission may be granted by the department to the owner of any dam to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that may be planted or exist below the dam, when, in the judgment of the department, it is impracticable or detrimental to the owner to pass the water through the fishway.

§5938. Hatchery; operation of.
Whenever in the opinion of the commission it is impracticable, because of the height of any dam, or other conditions, to construct a fishway over or around the dam, the commission may, in lieu of the fishway, order the owner of the dam completely to equip, within a specified time, on a site to be selected by the department, a hatchery, together with dwellings for help, traps for the taking of fish, and all other equipment necessary to operate a hatchery station, according to plans and specifications furnished by the department. After such hatchery has been constructed, the department shall operate it without further expense to the owner of the dam except as provided in Sections 5940 and 5941.

§5939. Equipment—size, etc.
The hatchery, traps, and other equipment necessary to operate a hatchery station shall not be of a size greater than necessary to supply the stream or river with a reasonable number of fish. The owner of the dam shall permit the department to locate the hatchery, dwellings, traps, and other equipment upon any of the land of the owner of the dam upon a site or sites to be mutually agreed upon by the department and the owner of the dam.

§5940. Electricity generation—use.
If the owner of the dam generates electricity at the place of the dam, he shall furnish sufficient light, without charge, for the use of the hatchery.

§5941. Use of water for hatchery.
The owner shall permit the use of water, without charge, to operate the hatchery.

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§5942. Planting of fish in lieu of fishway, hatchery, etc.
The commission may, in lieu of a fishway, hatchery, dwelling, traps or other equipment necessary to operate a hatchery station, order the owner of the dam to plant, under the supervision of the department, the young of such fish as naturally frequent the waters of the stream or river, at such times, in such places, and in such numbers as the commission may order.

§5943. Public access to impounded waters.
The owner of a dam shall accord to the public for the purpose of fishing, the right of access to the waters impounded by the dam during the open season for the taking of fish in such stream or river, subject to the regulations of the commission.

§5944. Dam owner-liability for damages.
The owner of a dam is not liable in damages to any person exercising the right to fish, who suffers any injury through coming in contact with, or tampering with, any of the property of the owner of the dam.

§5945. Selling of fish at cost.
The department may sell, at cost, to the owner of a dam, young fish ordered to be planted.

§5946. Inapplicability to dams constructed in District 4½.
The provisions of Section 5938 shall not be applicable to dams constructed in District 4½ after September 9, 1953.
No permit or license to appropriate water in District 4½ shall be issued by the State Water Rights Board after September 9, 1953, unless conditioned upon full compliance with Section 5937. Plans and specifications for any such dam shall not be approved by the Department of Water Resources unless adequate provision is made for full compliance with Section 5937.

§5947. Hydroelectric energy generation unlawful by owner of dam in District 4½.
It is unlawful for the owner of a dam in District 4½ to release water from the dam, or any facilities for the generation of hydroelectric energy operated in connection therewith, in varying flows in such a manner as to destroy fish life below such release.

§5948. Log jams, artificial barriers—unlawful.
No person shall cause or having caused, permit to exist any log jam or debris accumulation or any other artificial barrier, except a dam for the storage or diversion of water, public bridges and approaches thereto, groins, jetties, seawalls, breakwaters, bulkheads, wharves and piers permitted by law, and debris from mining operations, in any stream in this State, which will prevent the passing of fish up and down stream or which is deleterious to fish as determined by the commission, subject to review by the courts.

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06-16-1997: order amending license fish and game code ; june 16, 1997

A copy of this document is
being recorded at your
County Recorder.

Please retain this copy
for your file.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 9510 Permit 5381 License 4621

ORDER AMENDING LICENSE

WHEREAS:

1. License 4621 was issued to the United States National Park Service, Death Valley National Monument, and recorded at the office of the Inyo County Recorder on April 29, 1957.

2. License 4621 confers upon the United States National Park Service, Death Valley National Monument, an appropriative right to use water from Main Cow Creek tributary to Amargosa River in Inyo County.

3. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.

4. The License was issued without referencing compliance with Section 5937.

5. Since amendment of License 4621 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: JUNE 16 1997

ORIGINAL SIGNED BY:

Walt Pettit
Executive Director

Application : A009510
Permit : 005381 **Issued on** July 26, 1939
License : 004621 **Issued on** April 24, 1957

Primary Owner : U S NATIONAL PARK SERVICE
Mail To Owner : U S NATIONAL PARK SERVICE
DEATH VALLEY NATIONAL PARK
Address : 1201 OAK RIDGE DR STE 250, FORT COLLINS, CO 80525-5596

POD Information :
IN SW¼ of NE¼ of Section 36, T28N, R1E, MDB&S (Inyo County)
Water to be diverted from MAIN COW CREEK
Tributary SALT CREEK thence DEATH VALLEY

Amount :
Maximum Application DD : 0.446 cubic-feet/sec

Purpose of Use : Recreational
Diversion Season : January 1 to December 31

Purpose of Use : Domestic
Diversion Season : January 1 to December 31

File

United States Department of the Interior

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

December 12, 1995

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

Mr. John Wright
Associate WRC Engineer
Permit and License Unit
State of California
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Re:	License 002430	(Application A005073) Lower Spring
	License 004621	(Application A009510) Main Cow Creek
	License 006110	(Application A015381) Lower Emigrant Spring
	License 006343	(Application A008183) Saratoga Springs
	License 006559A	(Application A013852A) Burns Spring
	License 006740	(Application A018433) Goldbelt Spring
	License 007578	(Application A019538) Mesquite Spring
	License 010580	(Application A008423) UNSP
	License 010781	(Application A015539) Covered Spring
	License 010845	(Application A016096) Tarantula Springs

Dear Mr. Wright:

Enclosed please find the completed Report of Licensee forms for the above captioned water rights at Death Valley National Park.

Should you have any questions regarding these Report of Licensee, please contact Denise Newberry of my staff at (970) 225-3525.

Sincerely,

Owen R. Williams

Owen R. Williams
Chief, Water Rights Branch
Enclosures

cc: DEVA - Superintendent (w/ enclosure)
PGSO - Kolipinski (w/o enclosures)
2380 - Pettee (w/o enclosures)
bcc: Dockets (w/ enclosures)
FNP:DNewberry:mf:12/12/95:S:\WRB\DENISE\1995ROL.DOC

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000 SACRAMENTO, CA 95812-2000
901 P STREET, SACRAMENTO, CA
(916) 657-1364 FAX: (916) 657-1485

REPORT OF LICENSEE FOR 1992, 1993, 1994

OWNER OF RECORD: U S DEATH VALLEY NATL MONUMENT

U S DEATH VALLEY NATL MONUMENT
1201 OAKRIDGE DR STE 250
FORT COLLINS, CO 80525

APPLICATION: A009510

LICENSE: 004621

TELEPHONE NUMBER:
(970) 225 -3500

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:	COUNTY:
MAIN COW CREEK	INYO

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
RECREATIONAL	JAN 01 TO DEC 31 /	0 AC
DOMESTIC	JAN 01 TO DEC 31 /	0 AC

AMOUNT: 0.446 CFS 0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [x] NO [ ]. I am complying with the conditions of my license: YES [x] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ].

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [x] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	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	
1993	x	x	x	x	x	x	x	x	x	x	x	x	
1994	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS

	1992	1993	1994
3. Did your reservoir spill this year? . (tank)	yes	yes	yes
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?	no	no	no
6. How many feet below spillway vertically was it drawn down at end of season?			

3/94

(Continues on reverse side)
FOR0135R1

USE (COMPLETE FOR ALL PROJECTS) (see page 1 for year of use)

7. Acreage irrigated			
8. Stockwatering - number of stock	150-200	150-200	150-200
9. Domestic - number of persons	20 acres	20 acres	20 acres
garden area, etc.	pool	pool	pool
10. Recreational - nature of use			
11. Industrial - nature of use			
12. Municipal - approximate population			
13. Power generation - K.W.			
14. Other Wildlife Preservation	x	x	x

15. If no water was used in one or more years, briefly state the reason under "Remarks".

16. If the location of the point of diversion or place of use or type of use(s) has been changed and the permission of this Board has not yet been obtained, please describe nature of changes under "Remarks". _____

PLEASE ANSWER ONLY THOSE QUESTIONS BELOW WHICH ARE APPLICABLE TO YOUR PROJECT.

CONSERVATION OF WATER

17. Describe any water conservation efforts you may have started: Restriction of lawn and landscape watering to 1 hour per day during summer months.

18. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre-feet or mg.):
19___ _____(af/mg) 19___ _____(af/mg) 19___ _____(af/mg)

WATER QUALITY AND WASTEWATER RECLAMATION

19. 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 [x].

If credit toward use under this 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 diversion and amounts of reclaimed water used: 19___ _____(af/mg) 19___ _____(af/mg) 19___ _____(af/mg)

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

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

Date: 14 Dec 95 Sign Here: Owen R. Williams Chief, Water Rights Branch

LICENSEE (OR AGENT OR DESIGNEE)

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Ft. Collins, Colorado 80525

TAKE PRIDE IN AMERICA

IN REPLY REFER TO

February 3, 1993

DEVA 6

L54(479)
PINN/Water Rights
DEVA/Water Rights

Mr. John Wright
Associate WRC Engineer
Permit and License Unit
State of California
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Re: License 9374 (Application A008969) Chalone Creek
License 6559A (Application A013852A) Burns Creek
License 6110 (Application A015381) Lower Emigrant
License 7854 (Application A010119) Unnamed Source
License 2430 (Application A005073) Lower Spring
License 4621 (Application A009510) Main Cow Creek
License 4897 (Application A012076) Wildrose Spring
License 7578 (Application A019538) Mesquite Spring
License 7577 (Application A019482) Ranger Spring
License 6740 (Application A018433) Goldbelt Spring
License 10580 (Application A008423) Unnamed Spring
License 10845 (Application A016096) Tarantula Springs
License 6343 (Application A008183) Saratoga Spring
License 10780 (Application A021646) Unnamed Stream
License 10781 (Application A015539) Covered Spring

Dear Mr. Wright:

Enclosed are completed Reports of Licensee forms for water right licenses in Pinnacles National Monument and Death Valley National Monument.

As Denise Newberry of my staff discussed with you earlier this year, the National Park Service (NPS) is updating its files and the State's records of its water rights in California park units. The NPS requests orders correcting the purpose of use for the following water licenses, as indicated below:

License 4621 (Application A009510) Main Cow Creek - add wildlife preservation

License 10580 (Application A008423) Unnamed Spring - add wildlife preservation

License 6110 (Application A015381) Lower Emigrant - add wildlife preservation

License 7854 (Application A010119) Unnamed Source - add wildlife preservation

License 2430 (Application A005073) Lower Spring - add wildlife preservation, delete domestic

License 6559A (Application A013852A) Burns Creek - add wildlife preservation, delete domestic

If you have questions regarding these Reports of Licensee, please contact Denise at (303) 225-3525.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosures

cc: WR - Kolipinski (w/o enclosures)
DEVA - Superintendent
PINN - Superintendent
479 - Johns (w/o enclosures), Water Rights Dockets

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P ST. SACRAMENTO, CA
(916) 324-5626

REPORT OF LICENSEE FOR 1987, 1988, 1989

OWNER OF RECORD:

U S DEATH VALLEY NATIONAL MONUMENT
c/o National Park Service
Water Resources Division
1201 Oakridge Dr., Suite 250
Fort Collins, CO 80525

APPLICATION: A009510

LICENSE: 004621

TELEPHONE NUMBER:
( ) -

OR MISSING, PLEASE CORRECT.

SOURCE:

MAIN COW CREEK

COUNTY:

INYO (1)

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
DOMESTIC	JAN 01 TO DEC 31	.0 AC
RECREATION	JAN 01 TO DEC 31	.0 AC

AMOUNT: 0.466 CFS 0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

MPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [XX]. IO [ ]. I am complying with the conditions of my license: YES [XX] NO [ ]. Identify any noncompliance by license erm number under "Remarks" on reverse side. This report is important in providing the record of use needed in aintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

HE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [XX]

OMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [XX] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1987	x	x	x	x	x	x	x	x	x	x	x	x	
1988	x	x	x	x	x	x	x	x	x	x	x	x	
1989	x	x	x	x	x	x	x	x	x	x	x	x	

OMPLETE FOR STORAGE PROJECTS	1987	1988	1989
3. Did your reservoir spill this year? . (tank) . . .	yes	yes	yes
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?	no	no	no
6. How many feet below spillway vertically was it drawn down at end of season?			
SE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering – number of stock			
kind of stock			
9. Domestic – number of persons	150-200	150-200	150-200
garden area, etc.	20 acres	20 acres	20 acres
0. Recreational – nature of use	pool	pool	pool
1. Industrial – nature of use			
2. Municipal – approximate population			
3. Power generation – K.W.			
4. Other wildlife preservation	x	x	x

5. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
6. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

(REPORT CONTINUES ON REVERSE SIDE)

REPORT OF LICENSEE FOR — PAGE 2

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is be developed, conserved, and utilized in the public interest as required by the Water Code. Please answer tho questions which are applicable to your project.

CONSERVATION OF WATER (WATER PURVEYORS)

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detectic program [ ]; (2) Lining canals [ ]; (3) Phreatophyte and aquatic vegetation control [ ]; (4) Other (describe "Remarks") [ ].

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage mo efficient irrigation systems (sprinkler, drip, etc.) where applicable [ ]; (2) Return flow systems on individu farms [ ]; (3) Return flow system areawide [ ]; (4) Water pricing to encourage reduced use [ ]; (5) Charges f drainage of irrigated lands [ ]; (6) Other (describe in "Remarks") [ ].

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations control wasteful use [ ]; (2) Public education program on water conservation [ ]; (3) Pricing to encourage reduc use [ ]; (4) Assistance to industry in design of recycle systems [ ]; (5) Other (describe in "Remarks" [ ].

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system [ ]; (2) Water u for major crops by each farm [ ]; (3) Other (describe in "Remarks") [ ].

CONSERVATION OF WATER (WATER USERS)

21. Describe any water conservation efforts you may have started: _____

Restrictions of lawn and landscape watering to one hour per day during summer months

22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claime under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
19__ _____ 19__ _____ 19__ _____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters:

24. After use, the water is (1) retained in reservoir [ ]; (2) discharged into a stream or lake [ ]; (3) discharged int settling ponds [XX]; (4) Other [ ]. Describe: _____

25. Does or will water being discharged contain waste materials? YES [ ] NO [XX]
(1) Domestic [ ]; (2) Municipal [ ]; (3) Industrial [ ]; (4) Agricultural [ ]; (5) Other [ ]. Describe: _____

26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or whic would impair the water for beneficial uses? YES [ ] NO [XX]. Describe: _____

TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR LICENSE, PLEASE ANSWER IN REMARKS SECTION BELOW.

27. Are you now or have you been using reclaimed water from a wastewater treatment facility or water polluted by wast to a degree which unreasonably affects such water for other beneficial uses? YES [ ] NO [XX].

If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriate water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts o reclaimed water used.

28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES [ ] NO [XX If yes, please describe. _____

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant o polluted water in place of the appropriated water to satisfy all or part of your water needs? none

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs? none

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it? not at this time

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

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

Date: 2/4/93 Sign Here: _____ Chief, Water RIghts Branch

LICENSEE (OR AGENT OR DESIGNEE)

STATE OF CALIFORNIA

PETE WILSON, *Governor*

STATE WATER RESOURCES CONTROL BOARD
THE PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CA 95814

916/657-2046

FAX: 916/657-2388

Mailing Address
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000

In Reply Refer
To:341:JHW:5073

AUGUST 25 1992

Denise Newberry
United States Department of the Interior
National Park Service
Water Resources Division
301 South Howes Street, Room 353
Ft. Collins, CO 80521

Dear Ms. Newberry:

LICENSES 2430, 4621, 4897, 6110, 6343, 6559A, 6740, 7577, 7578, 7854, 10580, 10780, 10781, AND 10845 (APPLICATIONS 5073, 9510, 10276, 15381, 8183, 13852A, 18433, 19842, 19538, 10119, 8423, 21646, 15539, AND 16096) VARIOUS SOURCES IN INYO AND SAN BERNADINO COUNTIES

In regard to your letter dated June 30, 1992, please find enclosed blank copies of the Licensee Reports for the above licenses.

Please note that addresses on several of the Reports of Licensee are different. Please indicate how the addresses for the above licenses should be shown when you return the completed Reports of Licensee.

If you require further assistance in this matter, please write or telephone me at the above number.

Sincerely,

Jon H. Wright

Jon H. Wright
Associate WRC Engineer
Permit and License Unit

Enclosures

Nevares Spring app. A009510 Lic. 004621

United States Department of the Interior

NATIONAL PARK SERVICE
DEATH VALLEY NATIONAL MONUMENT
DEATH VALLEY, CALIFORNIA 92328

Recd aug 6, 1987

Rec'd 8/6 Witucki.

Power

IN REPLY REFER TO:
L54

July 24, 1987

Mr. Glenn K. Bork
State Water Resources Control Board
The Paul R. Bonderson Bldg.
901 P. Street
Sacramento, CA 95814

Dear Mr. Bork:

Please find enclosed the reports of licensee which you requested. Should you have any questions in regard to this matter, please call Mr. Gerard Witucki, National Park Service Water Resources Branch, Ft. Collins, Colorado, (303) 221-5341, or Peter Rowlands, Death Valley National Monument, (619) 786-2331.

Sincerely,

Edwin L. Rothfuss
Superintendent

Enclosures

cc: Gerard Witucki, Water Resources Branch
Regional Director, Western Region

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95810
901 P STREET SACRAMENTO, CA
(916) 324-5626

REPORT OF LICENSEE FOR 1984, 1985, 1986

OWNER OF RECORD:

DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE
WESTERN REGION, DIVISION OF WATER RESOUR
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CA 94102

APPLICATION: A009510

LICENSE: 004621

TELEPHONE NUMBER: (619) 786-2331

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: MAIN COW CREEK / NEVARES spring

COUNTY: INYO

PURPOSE:	Where possible Lets be more specific on source - ie here Lets add NEVARES	N/STORAGE SEASON:	ACRES/HP:
DOMESTIC		DEC 31	.0 AC
RECREATION		DEC 31	.0 AC

AMOUNT: 0.446 CFS 0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X] NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1984	X	X	X	X	X	X	X	X	X	X	X	X	X
1985	X	X	X	X	X	X	X	X	X	X	X	X	X
1986	X	X	X	X	X	X	X	X	X	X	X	X	X

COMPLETE FOR STORAGE PROJECTS	1984	1985	1986
3. Did your reservoir spill this year?	Yes	Yes	Yes
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?	No	No	No
6. How many feet below spillway vertically was it drawn down at end of season?	X	X	X
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated	NA	NA	NA
Crops grown	NA	NA	NA
8. Stockwatering – number of stock	NA	NA	NA
kind of stock	NA	NA	NA
9. Domestic – number of persons	150-200	150-200	150-200
garden area, etc.	20ac. +/-	20ac. +/-	20 ac. +/-
10. Recreational – nature of use	NA	NA	NA
11. Industrial – nature of use	NA	NA	NA
12. Municipal – approximate population	NA	NA	NA
13. Power generation – K.W.	NA	NA	NA
14. Other School, Wildlife Fire	X	X	X

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

(REPORT CONTINUES ON REVERSE SIDE)

00-00-0000: licensee forms cont. ; , 1986

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code. Please answer those questions which are applicable to your project.

CONSERVATION OF WATER (WATER PURVEYORS) NA

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program [ ]; (2) Lining canals [ ]; (3) Phreatophyte and aquatic vegetation control [ ]; (4) Other (describe in "Remarks") [ ].

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable [ ]; (2) Return flow systems on individual farms [ ]; (3) Return flow system areawide [ ]; (4) Water pricing to encourage reduced use [ ]; (5) Charges for drainage of irrigated lands [ ]; (6) Other (describe in "Remarks") [ ].

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use [ ]; (2) Public education program on water conservation [ ]; (3) Pricing to encourage reduced use [ ]; (4) Assistance to industry in design of recycle systems [ ]; (5) Other (describe in "Remarks" [ ].

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system [ ]; (2) Water use for major crops by each farm [ ]; (3) Other (describe in "Remarks") [ ].

CONSERVATION OF WATER (WATER USERS)

21. Describe any water conservation efforts you may have started: Restriction of lawn and landscape watering to one hour/day during summer months

22. If credit toward beneficial use of water under this license for water not used due to a conservation effort is claimed under Water Code Section 1011, please show the amounts of water conserved (acre feet or mg.):
1978 _____ 1979 _____ 1980 _____

WATER QUALITY AND WASTEWATER RECLAMATION

23. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters:

24. After use, the water is (1) retained in reservoir [ ]; (2) discharged into a stream or lake [X]; (3) discharged into settling ponds [X]; (4) Other [ ]. Describe:

25. Does or will water being discharged contain waste materials? YES [ ] NO [X].
(1) Domestic [ ]; (2) Municipal [ ]; (3) Industrial [ ]; (4) Agricultural [ ]; (5) Other [ ]. Describe:

26. Does or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? YES [ ] NO [X]. Describe:

TO THE EXTENT THE FOLLOWING QUESTIONS APPLY TO YOUR LICENSE, PLEASE ANSWER IN REMARKS SECTION BELOW.

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

If credit toward use under this water right through substitution of reclaimed or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used.

28. Are you now or have you been reclaiming or reusing any of the water appropriated under this right? YES [ ] NO [X]. If yes, please describe.

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs? None

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs? None

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it? Not at this time

REMARKS: (Identify the item you are explaining. Additional pages may be attached.)

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

Date: 7/23/87 Sign Here: Peter J. Rowlands Chief, Resources Mgmt.
LICENSEE OR AGENT OR DESIGNEE)
Death Valley National Monument

Tapia RT

Witucki GSW

L54 (WR-RNW)
DEVA/WR #1, WR #6, WR #7, WR #9, WR #21
WR #26, WR #27, WR #28, AWR #3

March 9, 1984

State of California - Resource Agency
State Water Resources Control Board
Division of Water Rights
901 P Street
Sacramento, CA 95810

Gentlemen:

In reply to your request for an update regarding the Report of Licensee for Death Valley National Monument (1981, 1982, 1983), the enclosed report is submitted.

If you have any questions or comments regarding this matter, please call me at (415) 556-8660.

Sincerely,

Gerard S. Witucki
Hydrologist, Water Resources
Western Region

Enclosure

cc:
Superintendent, Death Valley, w/encl.

(WR-RNW):Tapia:Witucki:yt:3/9/84

00-00-0000: licensee form ; , 1983

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000 SACRAMENTO, CA 95810
901 P STREET SACRAMENTO, CA
(916) 324-5626

REPORT OF LICENSEE FOR 1981, 1982, 1983

OWNER OF RECORD:

DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE
WESTERN REGION, DIVISION OF WATER RESOUR
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRACISCO, CALIF 94102

APPLICATION: A009510

LICENSE: 004621

TELEPHONE NUMBER:
(415) 556-8660

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:
MAIN COW CREEK

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

COUNTY:
INYO

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
DOMESTIC	JAN 01 TO DEC 31	.0 AC
RECREATION	JAN 01 TO DEC 31	.0 AC

AMOUNT: 0.446 CFS 0.0 AC-FT

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X] NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1981	X	X	X	X	X	X	X	X	X	X	X	X	
1982	X	X	X	X	X	X	X	X	X	X	X	X	
1983	X	X	X	X	X	X	X	X	X	X	X	X	

COMPLETE FOR STORAGE PROJECTS	1981	1982	1983
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering — number of stock			
kind of stock			
9. Domestic — number of persons	X	X	X
garden area, etc.			
10. Recreational — nature of use	X	X	X
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other Wildlife enhancement	X	X	X

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

00-00-0000: licensee form ; , 1980

State Water Resources Control Board
DIVISION OF WATER RIGHT
77 Cadillac Drive, Sacramento, CA 9[illegible]25
(916) 920-6151

REPORT OF LICENSEE FOR 1978, 1979, 1980

OWNER OF RECORD:

DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE
WESTERN REGION, DIVISION OF WATER RESOUR
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRACISCO, CALIF 94102

APPLICATION: A009510

LICENSE: 004621

TELEPHONE NUMBER:
(415) 556-8660

IF OWNER'S NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE:

MAIN COW CREEK

COUNTY:

INYO

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
DOMESTIC	JAN 01 TO DEC 31	.0 AC
RECREATION	JAN 01 TO DEC 31	.0 AC

AMOUNT: 0.446 CFS 0.0 AC-FT

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to administer the rights of the United States to the use of water.

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X]. NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address. Do you need a copy of your license: Yes [ ] No [X]. If yes, please include a stamped, addressed envelope with your request.

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1978	x	x	x	x	x	x	x	x	x	x	x	x	
1979	x	x	x	x	x	x	x	x	x	x	x	x	
1980	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS	1978	1979	1980
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering — number of stock			
kind of stock			
9. Domestic — number of persons	x	x	x
garden area, etc.			
10. Recreational — nature of use	x	x	x
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other Wildlife enhancement	x	x	x

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

00-00-0000: licensee form ; , 1979

State Water Resources Control Board
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

REPORT OF LICENSEE FOR 1977, 1978, 1979

OWNER OF RECORD:

DEATH VALLEY NATL MONUMENT
c/o U S NATIONAL PARK SERVICE,
WESTERN REGION, DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE, BOX 36063,
SAN FRANCISCO, CALIF 94102

(415) 556-8660
Area Code and Telephone Number

APPLICATION: 9510

If the owner's name or address shown above is wrong, please correct.

SOURCE: MAIN COW CREEK

COUNTY: INYO

AMOUNT: 0.446 CU FT/SEC

PURPOSE: DOMESTIC & RECREATIONAL

LICENSE: 4621

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! EVERY license is subject to the conditions therein. I have currently reviewed my license: YES [X] NO [ ]. I am complying with the conditions of my license: YES [X] NO [ ]. Identify any noncompliance by license term number under "Remarks" on reverse side. This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the above-listed address. Do you need a copy of your license: YES [ ] NO [X].

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: YES [ ] NO [X]

COMPLETE FOR DIRECT DIVERSION PROJECTS

1. Have you used the full licensed amount of water each year? YES [X] NO [ ].
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used).

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1977	X	X	X	X	X	X	X	X	X	X	X	X	
1978	X	X	X	X	X	X	X	X	X	X	X	X	
1979	X	X	X	X	X	X	X	X	X	X	X	X	

COMPLETE FOR STORAGE PROJECTS	1977	1978	1979
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering — number of stock			
kind of stock			
9. Domestic — number of persons	X	X	X
garden area, etc.			
10. Recreational — nature of use	X	X	X
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other Wildlife Preservation	X	X	X

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks".
16. If either the location of the point of diversion or place of use has been changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks".

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

Date: January 10, 1980 Sign Here: (Sgd) Gerard S. Witucki
Gerard S. Witucki, Chief, Water Resources, NPS, Western Reg.
LICENSEE (OR AGENT OR DESIGNEE)

00-00-0000: licensee form ; , 1973

STATE OF CALIFORNIA – THE RESOURCES AGENCY

WR#1

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

REPORT OF LICENSEE FOR 1971, 1972, 1973

OWNER OF RECORD: APPLICATION 9510

U S DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE,
DIVISION OF WATER RESOURCES, SSC,
450 GOLDEN GATE AVENUE, BOX 36025,
SAN FRANCISCO, CALIF 94102

Declaration: The United States gives this notification to the State in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to the use of water.

Telephone Number

If the information shown above is wrong, please correct

SOURCE: MAIN COW CREEK

AMOUNT: 0.446 CU FT/SEC
PURPOSE: DOMESTIC & RECREATIONAL

LICENSE 4621

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

IMPORTANT! Every License is issued subject to the conditions therein expressed. I have currently reviewed and am complying with the conditions under which this License has been issued. ☐ Yes ☐ No

This report is important in providing the record of use needed in maintaining your water right. It should be filled out carefully and returned promptly to the State Water Resources Control Board, Division of Water Rights, Room 1015, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

The project has been abandoned, and I request revocation of the License. ☐ Yes ☒ No

DIRECT DIVERSION

1. Have you used the full licensed amount of water each year? ☐ Yes ☐ No
2. State the quantity of water used each month in gallons or acre-feet (if not known, check months water was used.)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct..	Nov.	Dec.	Total Annual
1971	x	x	x	x	x	x	x	x	x	x	x	x	12
1972	x	x	x	x	x	x	x	x	x	x	x	x	12
1973	x	x	x	x	x	x	x	x	x	x	x	x	12

STORAGE

	1971	1972	1973
3. Did your reservoir spill this year?	N/A	N/A	N/A
4. How many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

USE

7. Acreage irrigated			
Crops grown:			
8. Stockwatering – head			
Kind			
9. Domestic – number of persons	X	X	X
Garden area, etc.			
10. Recreational – nature of use	X	X	X
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – H.P.			
14. Other WILDLIFE	X	X	X

15. If no water was used in one or more years, briefly state the reason on the reverse side under "Remarks."

16. If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change on the reverse side under "Remarks."

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

(SGD) GERARD S. WITUCKI

Date: January 24, 1974 Sign Here: Gerard S. Witucki, Chief, Water Resources

LICENSEE

WRCB–17(9–73)

1973

(Report continues on reverse side)

00-00-0000: licensee form cont. ; , 1973

NOTE: The following questions relate to the Board's continuing responsibility to insure that appropriated water is best developed, conserved, and utilized in the public interest as required by the Water Code.

CONSERVATION OF WATER

17. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐ (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in remarks) ☐.

18. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.), where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in remarks) ☐;

19. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in remarks) ☐.

20. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (describe in remarks) ☐.

WATER QUALITY AND WASTEWATER RECLAMATION

21. Describe methods you are using to minimize erosion and to prevent the entry of silt into surface waters:

22. After use, the water is (1) retained in reservoir ☐; (2) discharged into a stream or lake ☐; (3) discharged into settling ponds ☐; (4) Other ☐; Describe:

23. Is or will water being discharged contain waste materials? ☐ Yes ☐ No
(1) Domestic ☐; (2) Municipal ☐; (3) Industrial ☐; (4) Agricultural ☐; (5) Other ☐; Describe:

24. Is or will water being discharged contain any specific material which is deleterious to fish and wildlife or which would impair the water for beneficial uses? ☐ Yes ☐ No Describe:

25. Describe what steps you are, have been, or can take to reclaim or directly reuse the water sought being appropriated:

REMARKS

Please designate by number the question you are answering:

(If additional space is needed for remarks, attach numbered sheets.)

12-14-1970: memo of progress reports for permittee ; december 14, 1970

L54(WSC)LWW
DEVA

December 14, 1970

AIRMAIL

State Water Resources Control Board
Division of Water Rights
Resources Building - Room 1140
1416 Ninth Street
Sacramento, California 95814

Gentlemen:

Enclosed are completed Progress Reports for Permittee for 1970 for Death Valley National Monument as follows:

Source	Application No.	Permit No.
Ibex Spring No. 1	22366	15363
Unnamed Spring	8423	4645
Furnace Creek Wash	10118	5754
Furnace Creek Wash	10001	5738
Furnace Creek Wash	10002	5739
Covered & Wee Springs	15539	11424
Chucker Spring	16138	11422
Tarantula Springs	16096	11421
Nevares Springs	18489	11924
Blue Cliff Springs	17839	11423
Surprise Spring	21646	14533
Green Spring	22979	15721

Also enclosed are completed Reports of Licensee for 1968, 1969, 1970, as follows:

Source	Application No.	Licence No.
Wildrose Spring	10276	4897
Burns Spring	13852	6559-A
Main Cow Creek	9510	4621

(Sgd)
Gerard S. Witucki

Enclosures

cc:
MW-WASO
Director, Western Region
Superintendent, Death Valley

STATE OF CALIFORNIA—THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

REPORT OF LICENSEE FOR 1968, 1969, 1970

OWNER OF RECORD:

U S DEATH VALLEY NATL MONUMENT
C/O U S NATIONAL PARK SERVICE,
DIVISION OF WATER RESOURCES, SSC,
450 GOLDEN GATE AVENUE, BOX 36025,
SAN FRANCISCO, CALIF 94102

APPLICATION 9510

If the owner or address shown above is wrong, please correct

SOURCE: MAIN COW CREEK WR-1

AMOUNT: 0.446 CU FT/SEC
PURPOSE: DOMESTIC & RECREATIONAL

LICENSE 4621

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF YOUR LICENSE

Please fill out carefully and return promptly to the State Water Resources Control Board, Division of Water Rights, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

The project has been abandoned, and I request revocation of the license. ☐ Yes ☒ No

DIRECT DIVERSION

1. Have you used the full licensed amount of water each year? ☐ Yes ☐ No
2. State the quantity of water used each month in gallons or acre-feet. (If not known check months water was used.)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1968	X	X	X	X	X	X	X	X	X	X	X	X	12
1969	X	X	X	X	X	X	X	X	X	X	X	X	12
1970	X	X	X	X	X	X	X	X	X	X	X	X	12

STORAGE

	1968	1969	1970
1. Did your reservoir spill this year?	N/A	N/A	N/A
2. How many feet below spillway vertically was the water level at maximum storage?			
3. Have you emptied the reservoir?			
4. How many feet below spillway vertically was it drawn down at end of season?			

USE

1. Irrigated acres			
Crops grown:			
2. Stockwatering—head			
Kind			
3. Domestic—number persons			
Garden area, etc.			
4. Recreational—nature of use			
5. Industrial—nature of use			
6. Municipal—approximate population			
7. Power generation—H.P.			
8. Other WILDLIFE	X	X	X

If no water was used in one or more years, briefly state the reason:

If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change

REMARKS
(If more space is needed, use reverse side)

Date DECEMBER 1, 1970

Sign Here (Sgd.) GERARD S. WITUCKI, CHIEF, WATER RESOURCES SECTION, WESTERN SERVICE CENTER
Licensee

1970

10-09-1967: licensee form ; october 09, 1967

AXW

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

Report of Licensee for 1965, 1966 and 1967

OWNER OF RECORD: APPLICATION 9510

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

If the owner or address shown above is wrong, please correct

SOURCE: (1) MAIN COW CREEK (2)
(3) (4)
(5) (6)
(7)

LICENSE 4621

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF THE ABOVE-NUMBERED LICENSE

1. Please give a specific answer in each of the following spaces in regard to beneficial use of water under the license:

1965: Was water used? Yes What was the maximum rate of diversion (if known)? Unknown

Purpose (irrigation, domestic, etc.) Wildlife

Number of units served Unknown
Total acres irrigated, number of stock watered, average number of persons served, etc.

What quantity of water was used each month in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	12

1966: Was water used? Yes What was the maximum rate of diversion (if known)? Unknown

Purpose Wildlife

Number of units served Unknown

What quantity of water was used each month in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	12

1967: Was water used? Yes What was the maximum rate of diversion (if known)? Unknown

Purpose Wildlife

Number of units served Unknown

What quantity of water was used each month in gallons or acre-feet? (If not known check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	12

If no water was used in one or more years, briefly state the reason:

N/A

2. If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change N/A

3. The project has been abandoned, and I request revocation of the license. ☐ Yes ☒ No

REMARKS (If more space is needed, use reverse side) The system is being considered for irrigation purposes in the utility areas and trailer village

Date October 9, 1967 Sign Here _____
Licensee

John W. Stratton Superintendent

Please fill out carefully and return promptly to the State Water Rights Board, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

1967

SWRB 17 (8-67)

12786-957 8-67 3500 ① OSP

10-09-1967: licensee form cont. ; october 09, 1967

REMARKS

02-11-1965: memo of enclosing report of licensee for 1962, 1963, and 1964 ; february 11, 1965

Western Region
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

L-54

February 11, 1965

Mr. L. K. Hill, Executive Officer
State Water Rights Board
1416 Ninth Street
Sacramento, California 95814

Dear Mr. Hill:

I am enclosing one copy each of the Report of Licensee for the Years 1962, 1963, and 1964 for Water Rights at Death Valley National Monument. These are for Application No. 9510, License 4621; Application 10276, License 4897; and Application 13852, License 6559-A.

The submission delay was due to our misinterpreting an instruction from the Superintendent of Death Valley National Monument, and we consequently added the reports to our files.

Sincerely yours,

(Sgd) Manuel Morris

Manuel Morris
Acting Regional Chief,
Division of Land and Water Rights

Enclosures

cc:
Superintendent, Death Valley
P. S. to Supt.: Thank you for bringing this to our attention. We misinterpreted your memorandum of November 17, 1964 which begins, "We are submitting, Etc," which we misinterpreted as meaning," We are submitting to the State, etc".

M.M.

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
ROOM 1140, 1416 NINTH STREET
SACRAMENTO 95814

Report of Licensee for the Years 1962, 1963 and 1964

OWNER OF RECORD: APPLICATION 9510

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY,
CALIFORNIA

Indicate Corrections Above If the Owner or Address Shown Are Incorrect

SOURCE: (1) MAIN COW CREEK (2)
(3) (4)
(5) (6)
(7)

LICENSE 4621

THIS REPORT IS REQUIRED BY THE TERMS AND CONDITIONS OF THE ABOVE-NUMBERED LICENSE

1. Please give a specific answer in each of the following spaces in regard to beneficial use of water under the license:

1962: Was water used? Yes Amount (if known) Unknown
Purpose (irrigation, domestic, etc.) Domestic, Irrigation, Wildlife
Season of use (months) 12 Months
Number of units served (acres, persons or ?) 30 persons

1963: Was water used? Yes Amount (if known) Unknown
Purpose Domestic, Irrigation, Wildlife
Season of use 12 Months
Number of units served 30 Persons

1964: Was water used? Yes Amount (if known) Unknown
Purpose Domestic, Irrigation, Wildlife
Season of use 12 Months
Number of units served 30 Persons

If no water was used in one or more of the years, briefly state the reason:
N/A

2. If either the location of the point of diversion or place of use has changed and the permission of this Board has not yet been obtained, please describe nature of change N/A

3. If the project has been abandoned, please so state and license will be revoked
N/A

REMARKS

Date November 17, 1964

Sign Here John A Aubuchon
John A. Aubuchon *Licensee* Superintendent

YEAR 1964

FORM 91

27982-957 8-64 3500 ① OSP

02-08-1965: memorandum to regional director, from superintendent ; february 08, 1965

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

February 8, 1965

IN REPLY REFER TO:
L54

RECEIVED
NPS Western Regional Office
FEB 10 '65

	Surname	Date
Reg. Dir.		
Asst. R.D. (AD)		
Asst. R.D. (OP)		
Asst. R.D. (CA)		
Asst. to R.D. (PA)		
Sr. Asst. (Dev)		
Sr. Asst. to R.D.		
R. S. [illegible]		

Memorandum

To: Regional Director, Western Region

From: Superintendent, Death Valley

Subject: Report of Licensee, Application 13852, License 6559-A; Application 10276, License 4897 and Application 9510, License 4621.

We are enclosing three postcards received from the State Water Rights Board indicating the subject reports have not been received.

According to our files these reports were mailed to your office on November 17, 1964.

John A. Aubuchon

Enclosures 3

cc:
State Water Rights Board

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02-08-1965: post card ; february 08, 1965

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
Resources Building, Room 1140
Ninth & O Streets
Sacramento, California 95814

Licensee:

We have not received the completed Report of Licensee recently sent you.

The form, which reports your use of water during the past three years, should be returned as soon as possible.

In event the form has been misplaced, please let us know and we will send you a copy.

Sincerely,

L. K. Hill

L. K. Hill
Executive Officer

SWRB
17A (1-65)

APPLICATION 9510

STATE WATER RIGHTS BOARD
1416 - 9th St. Room 1140
SACRAMENTO, CALIF. 95814

SACRAMENTO CALIF FEB 3-'65 U.S. POSTAGE 04 P.B. METER 168515

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

LICENSE 4621

137

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
1401 21st STREET
P. O. BOX 1592
SACRAMENTO

Report of Licensee for the Years 1959, 1960 and 1961

For the mutual benefit of licensee and the public a report is requested concerning the license noted below. With the information made available thereby this office will be in a position to readily advise licensee concerning new applications to appropriate from the same source or any other matters which might affect this appropriation. And if the report is carefully made it will enable this office to protect the owner of the license from any possibility of jeopardizing his rights under the license by reason of unauthorized changes in location of point of diversion or place of use, or otherwise. May we therefore have from you promptly a report upon the following matters? The reverse side of this sheet may be used if the spaces provided are inadequate.

THIS REPORT SHOULD COVER USE BY ALL RECORD HOLDERS OF THIS LICENSE

SOURCE North Canyon Cow Cr., etc. APPLICATION 9510

LICENSE 4621

1. Names of all present holders of this license The United States of America(Death Valley National Monument
   Address National Park Service, Washington 25, D. C.

2. Was beneficial use of water made under this license in 1959? yes. In 1960? yes.
   In 1961? yes. If no use of water was made in any one or more of the past three years please state the reason

3. Describe briefly the use of water made during the past three years by all users under the license, indicating (a) the purposes for which used, i.e., power, municipal, mining, industrial, recreational, irrigation, domestic, etc.; (b) the season (particular months) of use; and (c) the amount, if known, and the extent of use, i.e., if for irrigation, give number of acres irrigated, if for domestic use give number of persons served, etc.,

   1. Irrigation of 13 acres of lawn, trees and shrubbery.
   2. Industrial - Utility area shops including air conditioning.
   3. Domestic - Permanent population of 96-air conditioning of 23 residences, one 6 unit apartment. Used by up to 100 campers during period of peak Monument visitation.
   4. Recreational - Swimming pool.

   Water used under this permit is co-mingled with water used under application 18489, Permit 11924. Peak quantity used was .54 Sec. Ft.

4. If either the location of point of diversion or place of use has been changed and the permission of this office has not yet been obtained, please describe nature of change No change.

5. If the project has been abandoned, please so state and license will be revoked

/s/ Granville B. Liles
Granville B. Liles
Superintendent — *Licensee*

Date November 6, 1961

(OVER)

254

FORM 91

YEAR 1961

RECEIVED WITH MEMO OF 11-14-61

44032-E 6-61 3M ① SPO

NOTE

This space may be used for amplification of statements on the reverse side or other matters pertinent to this license.

DO NOT WRITE IN THIS SPACE

00-00-0000: application 9510, permit 5381, license 4621 ; , 1959

file Deva Docket 1 leftside

Edmund G. Brown
Governor

STATE OF CALIFORNIA

State Water Rights Board

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

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

L. K. HILL
EXECUTIVE OFFICER

MAY 4 '59

Application 9510, Permit 5381, License 4621

U. S. - Death Valley
National Monument
c/o A. Van V. Dunn
National Park Service
Department of Interior
Washington 25, D. C.

Gentlemen:

Herewith is a copy of Order Allowing Change in Point of Diversion and Correction of Description of Source under the above-numbered license, which copy should be attached to your copy of the license.

Order filed in part IV fSS

The records of this office have been amended in accordance therewith and a copy of the order with amended map has been filed with the County Recorder of Inyo County, Independence, California.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.
Cert.

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 9510 PERMIT 5381 LICENSE 4621

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION AND CORRECTION OF DESCRIPTION OF SOURCE

Licensee having established to the satisfaction of the State Water Rights Board that the change in points of diversion and correction of description of source under Application 9510, Permit 5381, License 4621, for which petition was submitted on January 5, 1959 will not operate to the injury of any other legal user of water, the Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said Application 9510, Permit 5381, License 4621 to point of diversion described as follows, to wit:

> NORTH SIXTY-NINE DEGREES, THIRTY-NINE MINUTES EAST (N69°39'E) THREE THOUSAND AND SEVENTY-SEVEN (3077) FEET FROM E¼ CORNER OF SECTION 35, T28N, R1E, SBB&M, BEING WITHIN SW¼ OF NE¼ OF SECTION 36, T28N, R1E, SBB&M.

IT IS FURTHER ORDERED that permission be and the same is hereby granted to correct the description of the source under said Application 9510, Permit 5381, License 4621, to read as follows, to wit:

> SPRINGS (ALSO KNOWN AS NEVARES SPRINGS) LOCATED IN INYO COUNTY, TRIBUTARY TO NORTH CANYON COW CREEK AND COW CREEK THENCE SALT CREEK.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 4th day of May, 1959

L. K. Hill

L. K. Hill
Executive Officer

01-26-1959: memo of voucher in connection with app 9510, permit 5381, license 4621 ; january 26, 1959

Edmund G. Brown
Goodwin J. Knight
Governor

STATE OF CALIFORNIA

State Water Rights Board

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

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

L. K. HILL
EXECUTIVE OFFICER

RECEIVED
NPS REGION FOUR OFFICE
JAN 27 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.	B	1/27
RECREATION		
INTERP.		
LEGAL		

X Spaulding LSS 1/28

January 26, 1959

Application 9510

National Park Service
Region Four Office
180 New Montgomery Street
San Francisco 5, California

Gentlemen:

Enclosed herewith is your voucher signed as instructed to cover petition fee in connection with Application 9510, Permit 5381, License 4621, to appropriate from Main Cow Creek in Inyo County.

Further action in the matter will await receipt of the necessary fees.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.

NATIONAL PARK SERVICE
RECEIVED
JAN 27 1959
REGION FOUR OFFICE

86

01-15-1959: memo of petition fee ; january 15, 1959

File — L-54 Docket 1 Deva

LSS
~~Spaulding~~
Whitworth
Manbey
BFM

FILE COPY

Region Four
180 New Montgomery Street
San Francisco 5, California

January 15, 1959

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

Re: Application 9510

Gentlemen:

Enclosed are a purchase order and voucher for $10.00 to cover the filing fee for a petition to change the point of diversion under Application 9510, Permit 5381, License 4621, in Death Valley National Monument.

The petition was transmitted without fee January 2 by Superintendent Binnewies.

Please sign the voucher and return to this office for payment.

Very truly yours,

Bernard F. Manbey
Acting Regional Chief
of Operations

Attachments

Copy to: Supt., Death Valley

LSSpaulding:hat

cy this letter
filed in L-54

85

01-14-1959: memo of voucher ; january 14, 1959

Docket 1
Deva -

Edmund G. Brown
Goodwin J. Knight
Governor

STATE OF CALIFORNIA
State Water Rights Board

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

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

L. K. HILL
EXECUTIVE OFFICER

RECEIVED
NPS REGION FOUR OFFICE
JAN 15 '59

	SURNAME	DAT
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
✓ INTERP.	Bfm	1/15
LEGAL		

~~X Spaulding~~ LSS

P.O. & voucher for petition prepared 1/15
See Ltr to State Water Rights Bd. 1/15/59

January 14, 1959

Application 9510

National Park Service
Region Four Office
180 New Montgomery Street
San Francisco 5, California

Gentlemen:

Enclosed herewith is your voucher signed as instructed to cover application filing fee in connection with water right application to appropriate from unnamed springs (also known as Nevares Springs) tributary to Cow Creek, Death Valley National Monument in Inyo County.

The petition in connection with Application 9510 also requires a $10.00 filing fee as set forth by Chapter 254, Statutes of 1955. The $10.00 fee is necessary prior to placing the petition before the Board for consideration.

Further action in the matter will await receipt of the necessary fee.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.

84

01-02-1959: table of contents for application 9510, permit 5381, license 4621 ; january 02, 1959

Copy

Death Valley National Monument
Death Valley, California

January 2, 1959

State Water Rights Board
1401 21st Street
Sacramento, 7, California

Gentlemen:

Enclosed are the following documents:

1. Application to Appropriate Unappropriated Water (in duplicate)

2. Petition for change in point of diversion for Application 9510 Permit 5381 License 4621

3, Purchase Order 34-559 for $ 10.00 filing fee.

4. Voucher for $ 10.00 filing fee.

5. Drawing 6991, Cow Creek Water System (4 copies)

If the application if found to be in order please sign the Voucher and return for payment to:

Regional Director
National Park Service, Region Four
180 New Montgomery Street
San Francisco 5, California

Sincerely,

Fred W. Binnewies
Superintendent

Enclosures

cc: Regional Director, Region Four

01-02-1959: petition for change in point of division ; january 02, 1959

PETITION FOR CHANGE IN POINT OF DIVERSION

Application 9510 Permit 5381 License 4621

Division of Water Resources
401 Public Works Building
Sacramento, California

Gentlemen:

I hereby request permission to change the point of diversion described in the above numbered filing to a point described as follows and as shown on the map herewith submitted: N 69° 39' E. 3077 ft. from $E\frac{1}{4}$ Cor. of Sec. 35,

T 28 N, R 1 E, being within the $SW\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 36, T 28 N, R 1 E, SBB&M
(Give tie by bearing and distance or by coordinate distances from some government corner and the 40 acre subdivision in which the new point of diversion lies).
in the county of Inyo. For further details see accompanying application for the appropriation of the supplemental supply from same source.

GIVE REASON FOR PROPOSED CHANGE To eliminate seepage and transpiration losses across former private land between spring sources and old point of diversion.

WILL THE OLD POINT OF DIVERSION BE ABANDONED? Yes

WATER WILL BE USED FOR Domestic and recreational PURPOSES.

I have access to the proposed new point of diversion by virtue of Federal acquisition by condemnation - Civil No. 1016-ND in the U. S. District Court, Southern District of California, Northern Division. (See attached certified copies of (1) Decree of Declaration of Taking; and (2) Order for Possession.
(Ownership, lease, verbal or written agreement)

Are there any persons taking water from the stream between the old point of diversion and the new point of diversion?

No
(Answer "Yes" or "No")

Give names and addresses: None

All claim to additional available water at the source is covered by accompanying application for the appropriation of supplemental flow.

This change does not involve the introduction of any new source or any increase in the amount of the appropriation.

United States of America

by Fred W. Binnewies
(Signature)
Fred W. Binnewies, Superintendent
Death Valley National Monument

January 2, 1959
Date

Form 104
12-7-53

10-29-1958: memo on attachment of licensee report for 1956, 1957, and 1958 ; october 29, 1958

Docket 1,1 E.

L-54

Spaulding

Manbey

Whitworth

Region Four
180 New Montgomery Street
San Francisco 5, California

October 29, 1958

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

Re: Application 9510, License 4621, Cow Creek
Death Valley National Monument

Gentlemen:

Submitted herewith is Report of Licensee for the years 1956, 1957 and 1958 on the use of water under the referenced License.

Sincerely yours,

G. F. WHITWORTH

George F. Whitworth
Acting Regional Chief of Operations

Attachment

Copy to: Director
Superintendent, Death Valley

bc: Johnston

LSSpaulding:hat

initialled/signed copy in L-54

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
1401 21ST STREET
P. O. BOX 1592
SACRAMENTO

Report of Licensee for the Years 1956, 1957 and 1958

For the mutual benefit of licensee and the public a report is requested concerning the license noted below. With the information made available thereby this office will be in a position to readily advise licensee concerning new applications to appropriate from the same source or any other matters which might affect this appropriation. And if the report is carefully made it will enable this office to protect the owner of the license from any possibility of jeopardizing his rights under the license by reason of unauthorized changes in location of point of diversion or place of use, or otherwise. May we therefore have from you promptly a report upon the following matters? The reverse side of this sheet may be used if the spaces provided are inadequate.

THIS REPORT SHOULD COVER USE BY ALL RECORD HOLDERS OF THIS LICENSE

SOURCE North Canyon Cow Creek, etc. APPLICATION 9510

LICENSE 4621

1. Names of all present holders of this license The United States of America (Death Valley National Monument)
   Address National Park Service, Washington 25, D. C.
2. Was beneficial use of water made under this license in 1956? Yes. In 1957? Yes.
   In 1958? Yes. If no use of water was made in any one or more of the past three years please state the reason
3. Describe briefly the use of water made during the past three years by all users under the license, indicating (a) the purposes for which used, i.e., power, municipal, mining, industrial, recreational, irrigation, domestic, etc.; (b) the season (particular months) of use; and (c) the amount, if known, and the extent of use, i.e., if for irrigation, give number of acres irrigated, if for domestic use give number of persons served, etc.,

   1. Irrigation of 10 acres of which 1 acre is lawn and 9 acres are athel, tamerisk, cottonwood, mesquite and palms.
   2. Industrial - Utility area shops including air conditioning.
   3. Domestic - Permanent population of 50 - air conditioning of 21 residences.
      - Used by up to 100 campers during period of peak Monument visitation.
      - Used by visitors to Monument Headquarters (est.25,000 visitors annual
   4. Recreational - Swimming pool.

   Water was used during all 12 months of each year. Peak quantity of use was 260 GPM (.60 sec. ft.) (See reverse).
4. If either the location of point of diversion or place of use has been changed and the permission of this office has not yet been obtained, please describe nature of change Location of point of diversion has been changed to source of Cow Creek at Nevares Spring. A petition for change of point of diversion is in preparation and will be submitted by December 31, 1958.
5. If the project has been abandoned, please so state and license will be revoked

The United States of America
Licensee

Date October 29, 1958 (OVER) By: George F. Whitworth
Acting Regional Chief of Operations,
National Park Service Region Four

FORM 91 YEAR 1958 Rec'd 10/29/58 w/memo 75362 4-58 3M ① SPO

NOTE

This space may be used for amplification of statements on the reverse side or other matters pertinent to this license.

Water from same source is used for hydro-electric power under Application 9509, Permit 5330.

A supplemental application to appropriate water in excess of the licensed amount is in preparation for submission by December 31, 1958.

DO NOT WRITE IN THIS SPACE

GOODWIN J. KNIGHT
GOVERNOR

STATE OF CALIFORNIA

STATE WATER RIGHTS BOARD

APR 25 '57

HENRY HOLSINGER, CHAIRMAN
JOHN B. EVANS, MEMBER
W. P. ROWE, MEMBER

P.O. BOX 1592
SACRAMENTO 5, CALIFORNIA

ADDRESS ALL COMMUNICATIONS TO
LESLIE C. JOPSON
CHIEF ENGINEER

Application 9510 Permit 5381 License 4621

United States-Death Valley National Monument
c/o A. van V. Dunn, National Park Service
Department of Interior
Washington 25, D. C.

Gentlemen:

Herewith is a copy of license which is the final confirmation of the right by appropriation initiated by the filing of the above numbered application.

A copy of the license has been filed in the office of the County Recorder of Inyo County.

Very truly yours,

STATE WATER RIGHTS BOARD

By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer

Enc.
Cert.
S
76

04-24-1957: license for diversion and use of water; april 24, 1957

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 9510 PERMIT 5381 LICENSE 4621

THIS IS TO CERTIFY, *That* United States - Death Valley National Monument
c/o A. van V. Dunn, National Park Service
Department of Interior, Washington 25, D.C.

has made proof as of April 8, 1955 *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* Main Cow Creek and tributaries in Inyo County

tributary to Amargosa River

for the purpose of domestic and recreational use *under Permit* 5381 *of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from* February 17, 1939; *and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed* four hundred forty-six thousandths (0.446) cubic foot per second to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is *located* at any point along a line roughly parallel to and varying from one(1) to twenty-five (25) feet westerly from the east boundary of Section 35, T 28 N, R 1 E, SBB&M, between a point (a) which lies north seven degrees forty three minutes west (N 7° 43' W) one hundred seventy-nine (179) feet from east ¼ corner of said Section 35, and a point (b) which lies south zero degrees one minute east (S 0° 01' E) seven hundred eighty-eight (788) feet from east ¼ corner of said Section 35, being within SE¼ of NE¼ and NE¼ of SE¼ of said Section 35.

A description of the lands or the place where such water is put to beneficial use is as follows: Domestic and recreational use at Headquarters Death Valley National Monument, being within Sections 3 and 4, T 27 N, R 1 E, SBB&M, and Sections 33 and 34, T 28 N, R 1 E, SBB&M, as shown on map filed with State Water Rights Board.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: APR 24 1957

STATE WATER RIGHTS BOARD

By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer

LICENSE 4021
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO United States-Death Valley National Monument

DATED

40140 7-56 4M ① SPO

COPY

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

February 14, 1957

Applications 9509, 9510, 10001, 10002, 10118 and 10119

United States Department of the Interior
National Park Service
Washington 25, D. C.

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

Gentlemen:

Reference is made to your letter of January 9, 1957, in which you stated that orders had been received granting extensions of time until December 1, 1957 and that the accompanying letter stated that the time had been extended to December 1, 1959.

We regret to advise that the Boards decision was to limit the extension of time to 1 year and that the correct date for completion of construction and use is December 1, 1957.

Your request for reconsideration of the length of time granted by the extension order is noted and will be referred to the Board of consideration.

A review of records indicate that the files contain two copies of your 1955 progress report on Application 9509. One of the copies is enclosed for your records. Progress report forms for 1956 were not sent to you in connection with these two rights since an inspection of these projects was scheduled for the 1956 field season.

Application 9510 has been recommended for license action covering the full permit amount and season.

Very truly yours,

STATE WATER RIGHTS BOARD
LESLIE C. JOPSON, Chief Engineer

By /s/ L. C. Spencer
Supervising Hydraulic Engineer

Rec'd w/memo 2-20-57

53

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1954

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet for instructions and for space to submit additional information.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon Cow Creek etc

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who have an interest in the water right United States of America et Death Valley National Monument

   ADDRESS National Park Service, Washington 25, D. C.

2. Has the project been abandoned? No Has construction work commenced? Yes

3. Has all construction work been completed? No If not, give estimated date of completion About 1958

4. State approximate cost of construction work on this project during the past 12 months negligible maintenance

   Describe briefly the portions of the project upon which the above amount was expended cleaning out phreatophites and improving ditches and channel above diversion to reduce transit losses

5. What remains to be done to complete the project? improve diversion work, increase storage capacity

6. Has use of water commenced? Yes

   If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

   (a) [x] Irrigation 10 acres (Total acres irrigated) 1 acre lawns and 9 acres athel, tamerisk, mesquite, cotton-palms, etc. wood (Name crops served and acreage of each)

   (b) [ ] Power _____ (Installed capacity)

   (e) [ ] Mining _____ (Method of water use)

   (c) [x] Industrial utility area shops-21 air conditioning units (Nature of use)

   (f) [x] Recreational Swimming pool (Nature of use)

   (d) [x] Domestic population of 50 (Number of persons; Area of garden, lawn, etc.)

   (g) [ ] Stockwatering _____ (Number of animals)

   (h) [ ] Municipal _____ (Approximate population)

7. During what months was water used in 1954? All 12 months - heaviest October to May

   Do you expect to use it over a longer or different season in the future? Yes

   If so, state other months of use Will make more summer use

8. Have you used as much water this year as you expect to use under this permit? Yes

   If not, estimate year in which use will be full and complete Now making full use part time

9. Has location of the intake or place of use been changed? No, but it probably will be (see reverse)

IF PROJECT INVOLVES STORAGE ANSWER 10 & 11

10. Have you stored as much water in your reservoir as you expect to store? _____

    How much of the water has been used? Not applicable

    Have you emptied the reservoir? _____ If not, have you used all the water that you intend to use in any one season? _____

11. During which months was water collected in the reservoir? Not applicable

SIGN HERE _____ (Permittee)

Chief, Water Resources Sec., Natl. Park Service

Date Nov. 12, 1954

(OVER)

YEAR 1954

FORM 67

96898 5-54 4M ① SPO

INSTRUCTIONS

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

REMARKS

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the cause of failure to complete should be stated and an estimate given of additional time required.

With acquisition of Nevares tract and appurtenant riparian rights during 1951-1952, approximately 0.79 sec.ft. of water has become available to the United States, and appears to be fully used at times although permit authorizes diversion and use of only 0.446 sec.ft. The following estimate is indicated of probably maximum.

Water Use	8AM-5PM	5PM-11PM	11PM-8AM
Domestic (peak hour)	0.0025 s.f.	0.0077 s.f.	0.0050 s.f.
Air conditioning	0.0094 s.f.	0.0094 s.f.	0.0094 s.f.
Utility area demand	0.0016 s.f.	-0-	-0-
Irrigation above swimming pool & 7.5 KW power plant demand	0.1360 s.f.	-0- 0.2590 s.f.	-0-
3.0 KW power plant, swimming pool, and irrigation below	~~0.6405 s.f.~~ 0.7900 s.f.	~~0.5139 s.f.~~ 0.7900 s.f.	~~0.7756 s.f.~~ 0.7900 s.f.

For right for power see Application 9509.

It is recognized that the United States is using 0.344 s.f. of water in excess of appropriative rights on land which has never been patented. No application has been filed because it is planned to change point of diversion at the same time, and final plans have not been completed. All land between point of diversion and place of use is riparian to the stream and Federally owned, and water is lost and dissipated in sands before reaching private lower private land.

DO NOT WRITE IN THIS SPACE

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1953

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon Cow Creek, etc.

1. *Name* of present owner of permit United States of America (for Death Valley National Monument)

Address National Park Service, Washington 25, D. C.

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed
Diversion system must be extended to springs on recently acquired land on permanent basis, in order to eliminate seepage and transpiration losses in old Nevares ditches and the natural channels above present headworks.

5. If additional construction is required please indicate date when it will be complete About 2 years.

6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor
The ditch system has been improved with limited maintenance funds, to cope with increased demands resulting from failure of other springs which supplied part of water before the 1952 Bakersfield eqrthquakes. No formal construction program has been initated because of economy measures prescribed by the President and the Bureau of the Budget.

7. Has use of water commenced? Yes If so, describe use made during the past 12 months Somewhat
If permit is for irrigation, state acreage irrigated; if for domestic use, state number of persons served, etc.
more than 0.5 sec. ft. of water is now being diverted for use under this, and related Power Permit No. 5380. Since the 1952 earthquakes at Tehachepi and Bakersfield, this diversion serves all domestic needs at the Park Village and Headquarters, which were formerly supplied partially from appurtenant springs which (over)

8. During which months was water used? All 12 months

9. Will water be used during any other months No

10. Have you used as much water as you expect to use under this permit? Yes, but now propose to use more water than authorized.

If not, when will such use be full and complete?
If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

If project involves storage answer 12 and 13

12. Have you filled your reservoir and subsequently used the water? There is only regulatory storage for daily and weekly fluctuation in demand.

13. During which months was water collected in the reservoir?

UNITED STATES OF AMERICA
By: (SGD.) A. VAN V. DUNN
SIGN HERE Chief, Water Resources Branch, National Park Service
Permittee

Date October 16, 1953

(OVER)

YEAR 1953

FORM 67

82376 7-53 4M SPO

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

(from previous page) went dry as result of said quakes. The water is now used almost entirely for irrigation from May to October, and in addition, to supply the domestic needs of a population of 66 from October to May. The same water is also used for power generation under Permit 5380, and is passed through a swimming pool before being used for irrigation. At peak of public use of Monument, at Christmas, New Year's Day, and Easter, the water is also used at public camping facilities in old CCC Camp.

DO NOT WRITE IN THIS SPACE

06-11-1953: order granting extension of time within which to complete construction and use; permit 5381, application 9510

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

FILE
Death Valley Docket No. 1

ORDER

APPLICATION 9510 PERMIT 5381 LICENSE

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO COMPLETE CONSTRUCTION AND USE

WHEREAS good cause has been shown wherefore an extension of time should be allowed for the completion of construction work and the application of the water to complete beneficial use under Application 9510, Permit 5381,

NOW THEREFORE IT IS ORDERED that an extension of time be and the same is hereby granted until December 1, 1955, within which to complete construction work and apply the water to complete beneficial use under said application and permit.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 11th day of June, 1953.

A. D. Edmonston
State Engineer

FORM 100

73995 1-53 5M SPO

11-04-1952: progress report of 1952 ; november 04, 1952

D.V.
Docket 1

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1952

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon Cow Creek, etc.

1. *Name* of present owner of permit United States of America (for Death Valley National Monument)
   Address National Park Service, Washington 25, D.C.
2. Has the project been abandoned? No 3. Is construction *complete*? No
4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed
   Diversion system must be extended to springs on recently acquired land, in order to eliminate seepage and transpiration losses in old Nevares ditches and the natural channels above present head works.
5. If additional construction is required please indicate date when it will be complete About 2 years
6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor
   Condemnation of land at source of water supply settled at total cost of $40,000. Old ditches on condemned land were cleaned and connected to existing head works. Approximately 0.25 acre along road at headquarters area planted with palms, and placed under irrigation
7. Has use of water commenced? Yes If so, describe use made during the past 12 months Somewhat
   If permit is for irrigation, state acreage irrigated; if for domestic use, state number of persons served, etc.
   more than 0.5 sec. ft. of water is now being diverted for use under this, and related Power Permit No. 5380. Since the recent earthquakes at Tehachipi and Bakersfield, this diversion also serves domestic needs at the park village and headquarters, which were supplied from appurtenant springs which went dry as result (Over)
8. During which months was water used? All 12 months
9. Will water be used during any other months No

If project involves storage answer 10 and 11

10. Have you filled your reservoir and subsequently used the water? There is only regulatory storage for daily and weekly fluctuation in demand.
11. During which months was water collected in the reservoir?
12. Have you used as much water as you expect to use under this permit? Yes, but now propose to use more water than authorized.
    If not, when will such use be full and complete?
    If necessary, use the reverse side of this sheet to explain your answers in this paragraph.
13. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

United States of America

SIGN HERE By G. Vaux Lunn
Permittee
Chief, Water Resources Branch
National Park Service

Date November 4, 1952

(OVER)

YEAR 1952

FORM 67

65476 7-52 3M SPO

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

of said quake. The water is now used almost entirely for irrigation from May to October, and in addition, to supply the domestic needs of a population of 66 from October to May. The same water is also used for power generation under Permit 5380, and is passed through a swimming pool before being used for irrigation. At peak of public use of Monument, at Christman, New Year's Day, and Easter, the water is also used at public camping facilities in old CCC Camp.

DO NOT WRITE IN THIS SPACE

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1951

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon, Cow Creek, Main Cow Creek

1. *Name* of present owner of permit United States of America (for Death Valley National Monument).

   Address National Park Service, Washington 25, D. C.

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed
Water system is nominally complete, but full diversion cannot be made until water right controversy with Adolph Nevares is settled.

5. If additional construction is required please indicate date when it will be complete About 3 years.

6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor
No construction, but condemnation of the Nevares tract of private land was instituted in the U. S. District Court for the Northern Division of the Southern District of California on September 15, 1950, Case No. 1016-ND, in order to eliminate the conflicting riparian rights and their misuse. Declaration of taking was filed during 1951, with deposit of $35,000, and case is to be tried in court in December 1951

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** All available water at the boundary of the Nevares tract of private land was diverted and used for the designated purpose.
   If permit is for irrigation, state acreage irrigated; if for domestic use, state number of persons served, etc.

8. During which months was water used? All months.

9. Will water be used during any other months? No.

10. Have you used as much water as you expect to use under this permit? No.

    If not, when will such use be full and complete? About 5 years.
    If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

United States of America
Permittee
SIGN HERE By: (SGD) GORDON W. ROBERTSON
Acting Chief, Water Resources Branch,
National Park Service,
Department of the Interior.

Date October 12, 1951.

(OVER)

FORM 67

YEAR 1951

STATE PRINTING OFFICE

10-12-1951: progress report of 1951 ; october 12, 1951

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

DO NOT WRITE IN THIS SPACE

11-02-1950: progress report of 1950 ; november 02, 1950

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1950

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon Cow Creek, etc.

1. *Name* of present owner of permit United States of America (for Death Valley National Monument).

   Address National Park Service, Washington 25, D. C.

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed
   Water system is nominally complete, but full diversion cannot be made until water right controversy with Adolph Nevares is settled.

5. If additional construction is required please indicate date when it will be complete About 3 years.

6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor
   No construction, but condemnation of the Nevares tract of private land was instituted in the U. S. District Court for the Northern Division of the Southern District of California on September 15, 1950, Case No. 1016-ND, in order to eliminate the conflicting riparian rights and their misuse. Declaration of taking was filed during 1951, with deposit of $35,000, and case is to be tried in court in Dec 1951

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** All available water at the boundary of the Nevares tract of private land was diverted and used for the designated purpose.
   If permit is for irrigation, state acreage irrigated; if for domestic use, state number of persons served, etc.

8. During which months was water used? All months.

9. Will water be used during any other months No.

10. Have you used as much water as you expect to use under this permit? No.

    If not, when will such use be full and complete? About 5 years.

If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

Date November 2, 1950.

SIGN HERE By: (SGD.) A. VAN V. DUNN.
Permittee
Chief, Water Resources Branch
National Park Service,
Department of the Interior.

United States of America,

(OVER)

FORM 67

YEAR 1950

STATE PRINTING OFFICE

00-00-0000: note

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

DO NOT WRITE IN THIS SPACE

10-20-1949: progess report by permittee; october 20, 1949

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

Death Valley Head 6

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon Cow Creek, etc.

1. *Name* of present owner of permit United States of America (for Death Valley National Monument)

   Address National Park Service, Interior Building, Washington 25, D. C.

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed

The main water system is sufficiently complete to permit full use of water when the controversy with Adolph Nevares over water rights is eliminated.

5. If additional construction is required please indicate date when it will be complete About 5 years.

6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor

A revised appraisal of the Nevares property has been obtained, and funds have been provided for the acquisition thereof. Negotiations for purchase are now in progress. It is proposed to condemn if necessary.

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** All available
   If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.

water has been used beneficially, but much of the source of supply has been diverted on the Nevares tract to prevent its passing the headgates covered by this permit.

8. During which months was water used? All months.

9. Will water be used during any other months No.

10. Have you used as much water as you expect to use under this permit? No.

    If not, when will such use be full and complete? About 5 years.
    If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE By: United States of America,
(SGD.) A. VAN V. DUNN,
Permittee

Date October 20, 1949.

(OVER)

Chief, Water Resources Branch,
National Park Service,
Department of the Interior.

FORM 67

YEAR 1949

STATE PRINTING OFFICE

10-20-1949: note; october 20, 1949

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

DO NOT WRITE IN THIS SPACE

10-20-1949: progess report by permittee; october 20, 1949

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

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly. promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon Cow Creek, etc.

1. *Name* of present owner of permit United States of America, Department of the Interior, National Park Service. (Death Valley National Monument).

   Address National Park Service, Interior Building, Washington 25, D. C.

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed

It is necessary to obtain more satisfactory and permanent adjustment of relative interests of the United States and Adolph Nevares in waters of Cow Creek. Minor changes in water system design and operation may be needed after the controversy is settled.

5. If additional construction is required please indicate date when it will be complete 1 to 2 years.

6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor

None. Present activities consist of reappraisal of the Nevares property and definition of the relative interests of the United States and Mr. Nevares. Congressional appropriations have been made available for such Federal action as is now contemplated.

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months**
   If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.

All water available at the diversions has been used beneficially, but this is not equal to normal flow or Federal water claim.

8. During which months was water used? All months.

9. Will water be used during any other months No.

10. Have you used as much water as you expect to use under this permit? No.

    If not, when will such use be full and complete? 2 to 3 years.

    If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE United States of America,
Department of the Interior,
National Park Service.
By: (SGD.) A. VAN V. DUNN
Chief, Water Resources Branch.
Permittee

Date October 29, 1948.

(OVER)

FORM 67

YEAR 1948

STATE PRINTING OFFICE

00-00-0000: note

NOTE

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DO NOT WRITE IN THIS SPACE

01-06-1958: progress report by permittee; application 9510, permit 5381

Deed No 6.

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the Division of Water Resources. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE N. Canyon-Cow Cr., etc.

1. *Name* of present holder of permit United States of America, Department of the Interior, National Park Service. (Death Valley National Monument).

Address National Park Service, Interior Building, Washington 25, D. C.

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed

See explanation on reverse.

5. If additional construction is required please indicate date when it will be complete

5. Describe any construction work done **during the past 12 months** and state the estimated cost including labor

There has been no construction other than normal maintenance to permit the use of available water.

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** All available flow reaching the headworks has been diverted and used, as explained in Progress Reports for preceding years.

If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.

8. During which months was water used? All 12 months.

9. Will water be used during any other months No.

10. Have you used as much water as you expect to use under this permit? No.

If not, when will such use be full and complete? When agreement as to disposition of water is settled with owner of land above the diversion.

If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE By United States of America, Department of the Interior, National Park Service. (SGD.) A VAN V. DUNN Chief, Water Resources Branch. Permittee

Date January 6, 1948.

(OVER)

YEAR 1947

FORM 67

STATE PRINTING OFFICE

01-06-1948: note; january 06, 1948

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

The completion of this water system has been deferred in part as a war measure, and in part as a result of controversy with the owner of land on which the water originates. The allocation of water has been partially, but inadequately, controlled by court injunction against said lower water user. Enforcement of the injunction is complicated by the remote location of the U. S. Marshal (stationed in Los Angeles).

Further relief is planned but may involve financial recompense. The reserve of water right funds, for such purposes, was reduced to nearly zero during the war because of lack of new appropriations. Postwar appropriations for use in acquiring and perfecting water rights needed in all national parks and monuments have been made to date at the rate of only $15,000 per year, with the authorization to carry unexpended balances into future years until expended. The settlement of rights on Cow Creek, therefore, is being deferred until about 1949 or 1950, when the monetary reserve is expected to be adequate for the purpose.

DO NOT WRITE IN THIS SPACE

10-09-1946: progress report by permittee; october 09, 1946

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

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Engineer. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5581 SOURCE North Canyon Cow Creek, etc.

1. *Name* of present owner of permit United States of America, Department of the Interior, National Park Service. (Death Valley National Monument.)

Address Director, National Park Service, Merchandise Mart, Chicago 54, Illinois.

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed The major problem is to arrive at a permanent and equitable arrangement with the riparian water user above the Federal diversion. Additional storage is proposed as one of these measures.

5. If additional construction is required please indicate date when it will be complete After national housing shortage is alleviated.

6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor None. Construction is suspended under Directive No. 128 of the Office of War Mobilization and Reconversion. See letter of September 26, 1946, from A. van V. Dunn to State Engineer regarding effect of this directive on completion of Mariposa Water System, Yosemite National Park, Application 5729, Permit 3549.

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** All available water has been diverted and used, but the available supply is erratic, due to diversions below.

If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.

8. During which months was water used? All months.

9. Will water be used during any other months --

10. Have you used as much water as you expect to use under this permit? No.

If not, when will such use be full and complete? When agreement with higher water user can be arranged, and the system is modified to conform to that agreement.

If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE United States of America, Department of the Interior, National Park Service. (SGD.) A. VAN V. DUNN Chief, Water Rights Division. Permittee

Date October 9, 1946.

(OVER)

FORM 67

YEAR 1946

STATE PRINTING OFFICE

10-09-1946: note; october 09, 1946

NOTE

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DO NOT WRITE IN THIS SPACE

11-02-1945: progress report by permittee; november 02, 1945

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

File Death Valley

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the Division of Water Resources. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon Cow Creek, etc.

1. *Name* of present holder of permit United States of America, Department of the Interior, National Park Service. (Death Valley National Monument.)

Address Director, National Park Service, Merchandise Mart, Chicago 54, Illinois.

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed
Although some minor additional construction is needed, the major problem is to arrive at a permanent and equitable arrangement with the higher water user as to distribution of water.

5. If additional construction is required please indicate date when it will be complete Within next two years.

6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor
None, although maintenance work continued.

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** All available water was used, the available supply being inadequate for the combined power, irrigation, and domestic needs covered by Permits Nos. 5380 and 5381, even though the operating personnel has been somewhat reduced during the war.
If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.

8. During which months was water used? All months.

9. Will water be used during any other months No.

10. Have you used as much water as you expect to use under this permit? No.

If not, when will such use be full and complete? Full use is dependent on more permanent and satisfactory arrangements with conflicting use by higher appropriator, which it is hoped to complete during now for year. Court regulation is now based on an injunction.
If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE United States of America, Department of the Interior, National Park Service, (SGD.) A. VAN V. DUNN Chief, Water Rights Division. Permittee

Date November 2, 1945.

(OVER)

YEAR 1945

FORM 67 STATE PRINTING OFFICE

11-02-1945: note; november 02, 1945

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

DO NOT WRITE IN THIS SPACE

00-00-0000: enclosed are annual progress reports for 1994

CC - D.V. 11/1

NOV 1 1944

ROUTING

Waterhouse 11/1

FILE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO 54, ILL.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

October 27, 1944.

State Engineer,
Department of Public Works,
Sacramento 5, California.

Dear Sir:

We enclose the annual progress reports for 1944 covering Water Right Permits Nos. 5380, 5381, 5738, 5739, 5754, 5755, and 5891, for federal water use at Death Valley National Monument.

Yours very truly,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Rights Division.

Enclosure 418.
cc: Regional Director,
Region Four (2).

31

Copy to Death Valley - Head 6. Sent 11/1

FORM 67

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the Division of Water Resources. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon, Cow Creek, etc.

1. *Name* of present holder of permit United States of America, Department of the Interior, National Park Service

Address Death Valley National Monument, Death Valley, California

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed
Further improvements needed at diversion works to provide full diversion.

5. If additional construction is required please indicate date when it will be complete About 2 years after war.

5. Describe any construction work done **during the past 12 months** and state the estimated cost including labo
None, due to wartime labor and material restrictions.

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** All available
If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.
water has been used as the sole supply for the headquarters and utility area of Death Valley National Monument.

8. During which months was water used? All 12 months.

9. Will water be used during any other months --

10. Have you used as much water as you expect to use under this permit? No

If not, when will such use be full and complete? Soon after war.
If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

United States of America,
Department of the Interior,
National Park Service,

SIGN HERE (SGD.) A. VAN V. DUNN
Chief, Water Rights Division. Permittee

Date October 20, 1944.

(OVER)

YEAR 1944

STATE PRINTING OFFICE

10-20-1944: note; october 20, 1944

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

This permit is in suspended status. See letter from Hydraulic Engineer A. van V. Dunn, dated September 11, 1942, and reply of Deputy State Engineer Conkling, dated September 16, 1942.

DO NOT WRITE IN THIS SPACE

10-18-1943: progress report by permittee; october 18, 1943

FORM 67

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the Division of Water Resources. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE Surface and subsurface flow of North Canyon Cow Creek, Main Cow Creek and tributaries

1. *Name* of present holder of permit United States of America, Death Valley National Monument

   Address Death Valley, California

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed

There has been no change in status during the past year.

5. If additional construction is required please indicate date when it will be complete about 2 years after close of war.

5. Describe any construction work done during the past 12 months and state the estimated cost including labo

There was no further construction, but normal maintenance was done on the existing system.

7. Has use of water commenced? Yes If so, describe use made during the past 12 months
   If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.

The system is now in operation but at less than ultimate capacity due to incomplete status of diversion works, lack of some distribution laterals, and general lack of demand due to reduced Park Service operation during the war.

8. During which months was water used? All the year.

9. Will water be used during any other months --

10. Have you used as much water as you expect to use under this permit? No.

    If not, when will such use be full and complete? About 2 years after close of war.
    If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE /s/ A. van V. Dunn
Permittee

Date Oct. 18, 1943.

(OVER) Hydraulic Engineer, National Park Service.

YEAR 1943.

STATE PRINTING OFFICE

10-18-1943: note; october 18, 1943

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

For detailed explanation of suspension of activities see letter from Hydraulic Engineer A. van V. Dunn of September 11, 1942, and your reply to him of September 16, 1942, with regard to the following water rights:

Application 6729 - U.S. Yosemite National Park

Application 8969 - U.S. Pinnacles National Monument

Application 9083 - U.S. Pinnacles National Monument

Application 9509 - U.S. Death Valley National Monument

Application 9510 - U.S. Death Valley National Monument

Application 9712 - U.S. Lassen Volcanic National Park

Application 10001 - U.S. Death Valley National Monument

Application 10002 - U.S. Death Valley National Monument

Application 10118 - U.S. Death Valley National Monument

Application 10119 - U.S. Death Valley National Monument

Application 10276 - U.S. Death Valley National Monument

The water system covered by this permit had been completed to the point where it could be used when work was stopped because of the more urgent wartime needs of the United States. Because of the general curtailment of operations in the national parks and monuments, the limited appropriation is serving immediate needs.

DO NOT WRITE IN THIS SPACE

FORM 67

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the Division of Water Resources. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon, Cow Creek, etc. (Nevares)

1. *Name* of present holder of permit United States of America, Death Valley National Monument

Address Death Valley Junction, California

2. Has the project been abandoned? No 3. Is construction *complete*? No

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed No progress has been made on this water development due to the war requiring a suspension of activity. Please refer to Deputy State Engineer Conkling's letter of Sept. 16, 1942 addressed to Mr. A. Van V. Dunn, Hydraulic Engineer, U. S. Dept. of the Interior, National Park Service, Water Rights Section, 601 Sheldon Bldg., San Francisco.

5. If additional construction is required please indicate date when it will be complete

5. Describe any construction work done **during the past 12 months** and state the estimated cost including labo None

7. Has use of water commenced? No If so, describe use made **during the past 12 months**
If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.

8. During which months was water used?

9. Will water be used during any other months

10. Have you used as much water as you expect to use under this permit?

If not, when will such use be full and complete?
If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE
Permittee

Date Oct. 8, 1943.

(OVER)

YEAR

STATE PRINTING OFFICE

10-08-1943: note; october 08, 1943

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

DO NOT WRITE IN THIS SPACE

11-10-1942: 1942 progress reports have already been submitted for this year ; november 10, 1942

Culbert L. Olson
Governor of California

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC WORKS
Sacramento

November 10, 1942.

Applications 9509 and 9510

Mr. T. R. Goodwin, Superintendent
Death Valley National Monument
Death Valley, California

Dear Mr. Goodwin:

As it appears from your letter of November 6 that the Monument is not yet in a position to receive licenses in connection with its Applications 9509 and 9510, action in the matter will be suspended as set forth in our letter of September 16 addressed to Mr. Dunn.

The 1942 progress reports have already been submitted for this year. Future progress reports will be requested as usual.

Very truly yours,

EDWARD HYATT, STATE ENGINEER

BY (Sgd) Harold Conkling
Deputy State Engineer

WES:m
cc: A. van V. Dunn, Hydr. Engr.,
U.S. National Park Service
Water Rights Section
601 Sheldon Bldg., San Francisco

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11-06-1942: achnowlegement receipt of the forms for reporting completion ; november 06, 1942

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

DEATH VALLEY NATIONAL MONUMENT

CALIFORNIA

November 6, 1942.

State Engineer,
Division of Water Resources,
Department of Public Works,
Sacramento, California.

Re: Application 9509, Permit 5380, and
Application 9510, Permit 5381.

Dear Sir:

This will acknowledge receipt of the forms for reporting completion of the projects covered by the above applications and permits.

We have the system constructed and in use, but instead of a power plant at the designated point we have made temporary installations of two smaller units at different places. We are now debating whether to complete the original plan or amend the application and permit.

During construction, too, our upstream neighbor has repeatedly tampered with the natural flow of the stream so that our available supply varies from more than the specified quantity to zero at his pleasure. We have an injunction, have had some assistance from the United States Marshal, and are now employing the neighbor as a laborer in an attempt to improve relations. We have also added a 100,000 gallon reservoir near the diversion to offer a more reliable supply during periods of misregulated flow above, which should be included in the above mentioned amendment.

In compliance with a request by Hydraulic Engineer A. van V. Dunn of our San Francisco Office, Mr. Conkling granted a general suspension for the duration of the war. Use under the particular permits is full and beneficial because the whole quantity can be profitably used for irrigation. However, proof at this time would show far more irrigation and less preferred use because of the loss of the CCC camp and general reduction in monument personnel. It will probably be to our advantage to defer proof of use until after

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the war when we are better able to determine our relative normal demand for irrigation and other purposes -- a matter depending on whether CCC camps are reestablished or not.

This is, therefore, a request to keep these water rights in the status granted by Mr. Congkling. If you wish the usual progress reports in addition to this letter, please so advise Mr. Dunn at 601 Sheldon Building, San Francisco, in order that he may prepare them for my signature at once.

Yours very truly,

(SGD.) T.R. GOODWIN
T. R. Goodwin,
Superintendent.

cc: Director.
Region Four
Water Rights Section.

00-00-0000: progess report by permittee; 1942

FORM 67

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the Division of Water Resources. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE

1. *Name* of present holder of permit United States of America, Death Valley National Monument

   Address Death Valley Junction, Calif.

2. Has the project been abandoned? No 3. Is construction *complete*? Yes

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed

5. If additional construction is required please indicate date when it will be complete

6. Describe any construction work done **during the past 12 months** and state the estimated cost including labo

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** Domestic and recreational. This water is used for irrigating lawns, trees and shrubs in the residential and headquarters area. For swimming pool and fire protection purposes also.

   If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.

8. During which months was water used? Every month since July 1939 to date.

9. Will water be used during any other months Continuous

10. Have you used as much water as you expect to use under this permit? All water that has reached the intake system has been used at all times. The flow has varied from 200 G.P.M. to 40 G.P.M. depending on the prior use of Mr. Nevares, upon whose property the water originated.

    If not, when will such use be full and complete?

    If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE Superintendent, Permittee

Date (OVER) Death Valley National Monument.

YEAR 1942

STATE PRINTING OFFICE

00-00-0000: note; 1942

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

DO NOT WRITE IN THIS SPACE

COPY

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

September 16, 1942

Application 6729 - U. S. Yosemite National Park -
Applications 8969, 9083 - U. S. Pinnacles National Monument
Applications 9509, 9510 - U. S. Death Valley National Monument
Application 9712 - U. S. Lassen Volcanic National Park
Applications 10001, 10002, 10118, 10119, 10276 - U. S. Death Valley National Monument

Mr. A. van V. Dunn
Hydraulic Engineer
U. S. Department of the Interior
National Park Service
Water Rights Section
601 Sheldon Building
San Francisco, California

Dear Mr. Dunn:

In view of the statements made in your letter of September 11 action in connection with the above numbered approved applications will be temporarily suspended. However progress will be requested each year as usual.

Apparently there has been no filing in connection with the "Progress Gulch Water System for Sequoia National Park" as a search of our files fails to reveal that any applications have been filed for an appropriation from Progress Gulch or in the name of Sequoia National Park.

Yours very truly,

EDWARD HYATT, STATE ENGINEER

By /s/ Harold Conkling
Deputy State Engineer

cc: Frank A. Kittredge, Superintendent, Yosemite National Park, Calif.
U. S. Pinnacles Nat'l Monument, c/o W. I. Hawkins, Custodian, Pinnacles
U. S. Death Valley Nat'l Monument, c/o T. R. Goodwin, Supt., Death Valley
U. S. Lassen Volcanic National Park, Mineral, Calif.

24

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco, Calif.

September 11, 1942.

State Engineer,

Sacramento, California.

Dear Sir:

We have the following incomplete water rights in California, all in the name of the United States:

Application 6729, Permit 3549,
Mariposa Water System at Yosemite National Park, with further proof due Dec. 1, 1942.
(An extension of time has been requested).

Application 9083, Permit 5047,
Bear Gulch Headquarters Water System at Pinnacles National Monument, with further proof due Dec. 1, 1942.

Application 9509, Permit 5380,
Cow Creek Hydroelectric System at Death Valley National Monument, with further proof due Dec. 1, 1942.

Application 9510, Permit 5381,
Cow Creek Headquarters Water System at Death Valley National Monument, with further proof due Dec. 1, 1942.

Application 9712, Permit 5449,
Spring Supply for supplemental use at Headquarters of Lassen Volcanic National Park, with further proof due Dec. 1, 1942.

Application 10,001, Permit 5738,
Furnace Creek domestic and recreational water system for Death Valley National Monument, with further proof due Dec. 1, 1943.

23

Application 10,002, Permit 5739,
Furnace Creek irrigation system for Death Valley National Monument, with further proof due — Dec. 1, 1943.

Application 10,118, Permit 5754,
Furnace Creek irrigation system for Death Valley National Monument, with further proof due — Dec. 1, 1943.

Application 8969, Permit 4957,
Chalone Creek water system for Pinnacles National Monument, with further proof due — Dec. 1, 1944.

Application 10,119, Permit 5734,
Texas Springs Water System for Death Valley National Monument, with further proof due — Dec. 1, 1945.

Application 10,276, Permit 5891,
Wildrose Spring Water System for Death Valley National Monument, with further proof due — Dec. 1, 1945.

Application ----, Permit ----,
Progress Gulch Water System for Sequoia National Park, with application number and permit pending.

We wonder if it is possible to obtain a blanket extension of time for all these claims until two years after the close of the war. For over a year now, almost all Park Service construction funds have been impounded as a war measure. Where funds have been available we have found our priority too low to obtain necessary materials. CCC activity was all terminated on July 1 of this year and from about the time of the first draft the personnel in these camps has been so far below normal that little more than emergency maintenance has been possible with them.

Full beneficial use is also impossible. The abandonment of each CCC camp is a decrease of about 10,000 gpd in water demand. Much of the regular Park Service staff has joined the armed forces and moved their families out of the Park Service areas and all temporary crews are far below normal strength. Public attendance has also decreased to only about 50% of that for last year. Some consideration is being given to re-opening part of the CCC camps for use as Civilian Public Service camps, but the effect on water use is still uncertain.

We have tentative plans for unusually heavy construction projects at the close of the war to help stabilize the economic situation. Thus it is anticipated that the construction program and water use will soon reach their normal position on the trend of development, but due to possible delays in releasing or appropriating the first funds, the time that may be required to restore manufacturing facilities and reassemble labor crews, we feel that two years should be provided in which to report completion of projects.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Region Four.
Supt., Yosemite Nat. Park.
Supt., Sequoia Nat. Park.
Supt., Lassen Nat. Park.
Supt., Death Valley Nat. Mon.
Custodian, Pinnacles Nat. Mon.

09-16-1942: progress report by permittee ; september 16, 1942

FORM 67

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

RECEIVED
DIV. OF WATER RESOURCES
SACRAMENTO
1941 DEC 3 PM 4 47

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the Division of Water Resources. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9510 PERMIT 5381 SOURCE North Canyon, Cow Creek, etc.

1. *Name* of present holder of permit The United States of America, Death Valley National Monument
By T. R. Goodwin, Superintendent
Address Death Valley, California

2. Has the project been abandoned? No 3. Is construction *complete*? yes

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed

5. If additional construction is required please indicate date when it will be complete

6. Describe any construction work done during the past 12 months and state the estimated cost including labor
Cleaning of the south wash channel and the ditch from the upper springs or falls to the pipeline intake. Estimated cost of work, $1,118.00.

7. Has use of water commenced? yes If so, describe use made during the past 12 months complete
If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.
Change of water in 160,000 gallon swimming pool once a day; irrigation of lawns, shrubs, and shade trees in residential area and at the Monument headquarters area. The water is not being used for domestic purposes at this time because the water is not septic.

8. During which months was water used? July 1941 to date

9. Will water be used during any other months January 1 to December 31 each year.

10. Have you used as much water as you expect to use under this permit? yes
If not, when will such use be full and complete?
If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE T R Goodwin
Permittee

Date November 21, 1941

(OVER)

YEAR 1941

89381 4-41 2M STATE PRINTING OFFICE

D. COAST

FORM 67

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

PROGRESS REPORT BY PERMITTEE

This report is of importance to you in establishing your water right. It will be used as a basis for action by the Division of Water Resources. It should therefore be filled out carefully and returned promptly.

Please bear in mind that neither the filing of an application nor the approval thereof constitutes a water right. Beneficial use alone establishes the right. When you have used the greatest amount of water you ultimately expect to use, and use has been made over the full period of the year intended, an inspection will be made and license will be issued confirming your right to the water theretofore actually put to beneficial use.

If the time allowed in your permit within which to complete either construction or beneficial use has expired and additional time is required an extension may be allowed upon a showing of good cause, which showing should include a description of the further development proposed and indicate the probable date of completion. Lack of funds can not be accepted as good cause for failure to complete.

The reverse side of this sheet may be used if the spaces provided are inadequate.

APPLICATION 9509 9510 PERMIT 5380 5381 SOURCE North Canyon Cow Creek, Main Cow Creek & Tributaries ~~North Canyon Cow Creek, Main Cow Creek & Tributaries~~

1. *Name* of present holder of permit Death Valley National Monument

   Address Death Valley, California

2. Has the project been abandoned? No 3. Is construction *complete*? Yes

4. If construction is *incomplete* describe the additional works required in order to use the full quantity of water proposed
   100,000 Gal. Reservoir to be connected this winter.

5. If additional construction is required please indicate date when it will be complete

5. Describe any construction work done **during the past 12 months** and state the estimated cost including labo
   Investigation and test holes for purpose of trying to locate underground loss by diversion above $1000.00

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months**
   If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.
   From June, 1939 to February, 1940 used 90 Gals per minute. Diversion by property owner above reduced flow to 4 Gals. per minute, which is still in use.

8. During which months was water used? Since June, 1939

9. Will water be used during any other months Continually

10. Have you used as much water as you expect to use under this permit? No

    If not, when will such use be full and complete? Will require legal proceedings.

    If necessary, use the reverse side of this sheet to explain your answers in this paragraph.

11. Neither the intake nor the place of use described in the permit should be changed without petition. Appropriate blanks will be sent upon request.

SIGN HERE

Permittee

Date October 4, 1940

(OVER)

YEAR 1940

STATE PRINTING OFFICE

10-04-1940: note; october 04, 1940

NOTE

The space below may be used for describing in greater detail progress which has already been made toward completion of the project and plans for further development. Particularly if the time heretofore allowed for completion of either construction or use has expired and further time is needed, the causes of failure to complete should be stated and an estimate given of additional time required.

During construction in January, 1939 Adolf Nevares owner of property where water originates diverted the main upper spring to the north so that no water reached our diversion.

Water from two lower springs at the rate of 90 gallons per minute was entering the diversion on its completion in June, 1939 and this amount held constant until February, 1940 when Nevares diverted the lower two springs, cutting the overflow to 4 gallons per minute.

Temporary injunction was granted by U. S. District Court on Feb. 9, 1940 but it will require a damage suit for returning flow of water to its original channels.

DO NOT WRITE IN THIS SPACE

00-00-0000: blank permit entry form

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No._____

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions in addition to those enumerated in Chapter 586, Statutes 1913, as amended.

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before

5. Complete application of the water to the proposed use shall be made on or before

6. Progress reports shall be filed promptly by permittee on forms appropriate to the purpose which will be provided annually by the Division of Water Resources until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Witness my hand and the seal of the Department of Public Works of the State of California this day of 19

EDWARD HYATT
State Engineer

*By*_____
Deputy

99868 5-41 6M
STATE PRINTING OFFICE

00-00-0000: affidavit of posting notice ; , 1932

Form 8-D

AFFIDAVIT OF POSTING NOTICE

RECEIVED
DIV. OF WATER RESOURCES
1939 JUN 10 AM 10 32

In the Matter of Application 9510
Before the Division of Water Resources of the Department of Public Works of the State of California.

STATE OF CALIFORNIA
COUNTY OF Inyo } ss.

Thos. J. Williams, being first duly sworn, deposes and says:

That acting on behalf of the applicant
(Insert here "that he is the applicant" or "that acting on behalf of the applicant")

U.S. Death Valley National Monument
c/o J. R. Goodwin, Supt., in the matter of Application 9510 before the
(Name of applicant)

Division of Water Resources of the Department of Public Works of the State of California, he did
("and did" or "he did")

on the 6th day of June, 1939, post two notices of said application of which

the annexed notice is a full, true and correct copy.

That he posted one of said notices at the point of diversion
(Here describe how and where posted as accurately as possible)

described on attached notice.

and the other of said notices at the point of use described
(Here describe how and where posted as accurately as possible)

on attached notice

That each of said notices thus posted occupied a conspicuous place in the locality to be affected by said proposed appropriation.

Thos J Williams

Subscribed and sworn to before me this
7th day of June 1939
Raymond K Rundell
Notary Public in and for said County
MY COMMISSION EXPIRES MAR. 14, 1943

C3480 10-38 1M
STATE PRINTING OFFICE

DO NOT DETACH

Ck

COPY

Edward Hyatt, State Engineer
Chief of Division

Division of Water Resources
401 Public Works Building

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Frank W. Clark
Director

June 1, 1939.

Applications 9509 & 9510

U. S. Death Valley National Monument
c/o T. R. Goodwin, Supt.
Death Valley Junction, California

Gentlemen:

Receipt is acknowledged of your letter of May 16th together with amended applications and maps of above numbers. The applications are now in sufficient form for advertising, notices of which are enclosed.

Paragraph 4 of the supplement of each application has been amended as follows:

Instead of being within NE¼ of SE¼ and SE¼ of NE¼, respectively, of said Section 35 it has been changed to read SE¼ of NE¼ and NE¼ of SE¼ respectively of said Section 35 since point (a) is described first.

In Paragraph 18 of Application 9510, T. 29 N., has been changed to 28 N. which agrees with the map.

Very truly yours,

(Sgd.) Harold Conkling
Deputy in Charge of Water Rights.

Enc.
Reg.

02-17-1939: notice of application to appropriate water ; february 17, 1939

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application 9510

NOTICE IS HEREBY GIVEN, That U.S. Death Valley National Monument
c/o T. R. Goodwin, Supt.
Death Valley Junction, Calif.

has under the date of February 17, 1939 applied to the Division of Water Resources, Department of Public Works, State of California, for a permit to appropriate unappropriated *water, subject to existing rights.*

Description of Project

Water to be appropriated from Surface and subsurface flow of North Canyon Cow Creek, Main Cow Creek and tributaries all tributary to Amargosa River

County of Inyo

Amount applied for: 0.446 cubic foot per second

Diversion season named: January 1st to December 31st of each season

Water to be used for domestic and recreational purposes

Point of diversion within SE¼ of NE¼ and NE¼ of SE¼ of Section 35, T 28 N, R 1 E, S.B.B. & M.

Place of use described: Within Sections 33, 34, 35, T. 28 N, R 1 E. and Sections 3 and 4, T. 27 N., R. 1 E. S.B.B. & M. as shown on map filed with the Division of Water Resources

Relative to Protests

Blanks upon which to submit protests will be supplied free upon request by the Division of Water Resources.

Any person desiring to protest against the granting of such permit shall within 40 days from date hereof file with the Division of Water Resources, Sacramento, California, a written protest. Such protest shall clearly set forth the protestant's objections to the granting of the application and shall contain the following information:

(1) Statement of the injury which would result to protestant from such appropriation and use.

(2) The basis of protestant's water right.

(3) Protestant's past and present use of water both as to amount used and land irrigated, or use made of water if other than irrigation.

(4) The approximate location of protestant's land or place of use and point of diversion of the water.

A copy of the protest should be sent to the applicant and this office notified that the same has been done.

EDWARD HYATT
State Engineer

Dated: Sacramento, California
June 1, 1939

WEC:GG

30310 9-38 6M
CALIFORNIA STATE PRINTING OFFICE

06-01-1939: application to appropriate waters has been found to be in form for advertisement ; june 01, 1939

COPY

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Division of Water Resources
401 Public Works Building

Edward Hyatt, State Engineer
Chief of Division

June 1, 1939.

Application 9510

U. S. Death Valley National Monument
c/o T. R. Goodwin, Supt.
Death Valley Junction, California.

Gentlemen:

The application of yourselves

to appropriate the waters of North Canyon Cow Creek, Main Cow Creek and tributaries

has been found to be in form for advertisement, and there are enclosed herewith three copies of a notice which is being sent to local postmasters and to interested parties whose names are known to the Division of Water Resources.

You are directed to post this notice on or before June 16, 1939 in at least two conspicuous places in the locality to be affected by the proposed appropriation. In case of inability to post the notice within the time allowed kindly advise this office immediately and new notices of a later date can be forwarded. On or before July 11, 1939 you should file with this office proof of such posting. IT IS REQUIRED THAT PROOF OF POSTING SHALL CONSIST OF AN AFFIDAVIT EXECUTED ON THE ENCLOSED FORM ATTACHED TO A COPY OF THE NOTICE OF APPLICATION TO APPROPRIATE.

This notice is designed for the mutual protection of applicant and prior claimants. Although vested rights to the use of water from the source from which the appropriation is sought can not be lost, prejudiced or impaired by failure to protest against the application, prior claimants are given this notice so that they may protest if it is felt the proposed appropriation will result in injury to them.

If protests are filed you will be furnished with copies thereof and you are required to file with this office and with the protestant a brief but complete answer to each protest. There is no prescribed legal form which such answer must take but anything which you may do toward placing this office in possession of all the facts relative to the objections raised to your application will expedite action thereon.

Very truly yours

(Sgd) Harold Conkling
Deputy in Charge of Water Rights.

WEC:GG
Reg.
Enc.

3

02-28-1939: an extension of 60 days is granted ; february 28, 1939

COPY

Edward Hyatt, State Engineer
Chief of Division

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Frank W. Clark
Director

Division of Water Resources
401 Public Works Building

February 28, 1939.

Applications 9509 and 9510

U. S. Death Valley National Monument,
c/o T. R. Goodwin, Superintendent
Death Valley Junction,
California.

Gentlemen:

Responsive to request contained in your above numbered applications an extension of 60 days is allowed for filing maps in support thereof.

Very truly yours,

(Sgd) Harold Conkling
Deputy in Charge of Water Rights.

1

02-17-1939: application to appropriate unappropriated water ; february 17, 1939

COPY

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

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

Application No. 9510 Filed February 17, 1939 at 1:17 M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

AMENDED APPLICATION RECEIVED May 19, 1939

I, The United States of America, Death Valley National Monument by T. R. Goodwin, Superintendent
Name of applicant

of Death Valley Junction County of Inyo
Address

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS*:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Surface and subsurface flow of North Canyon Cow Creek, Main Cow Creek and tributaries
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Inyo County, tributary to the Amargosa River

2. The amount of water which applicant desires to appropriate under this application is as follows:

(*a*) For diversion to be directly applied to beneficial use 0.446 cubic feet per
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

second, to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(*b*) For diversion to be stored and later applied to beneficial use ____ acre-feet
1 acre-foot equals 325,851 gallons

per annum, to be collected between ____ and ____ of each season.
Beginning date Closing date

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. If amount under (*a*) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed.

3. The use to which the water is to be applied is ____
Domestic, irrigation, power, municipal, mining, industrial, recreational

domestic and recreational purposes.

4. The point of diversion is to be located See supplement
State bearing and distance or coordinate distances from section or quarter section corner

being within the ____
State 40-acre subdivision of U. S. Government survey or projection thereof

of Section ____, T. ____, R. ____, ____ B. & M., in the County of ____

5. The main conduit terminates in SW¼ of SW¼, of Sec. 34, T. 28N, R. 1 E., S.B. B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application can not be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(*a*) Diversion will be made by pumping from ____
Sump, offset well, unobstructed channel, etc.

(*b*) Diversion will be by gravity, by means of various ditches, sumps and buried perforated pipes, etc., between points a & b described in supplement to paragraph 4 hereof.
Concrete, earth, brush, etc.

(*c*) The storage dam will be ____ feet in height (stream bed to overflow level); ____ feet long on top; have a freeboard of ____ feet, and be constructed of ____
Concrete, earth, etc.

7. Storage Reservoir ____
Name

The storage reservoir will flood lands in ____
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of ____ acres, and a capacity of ____ acre-feet.

☞ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

FORM 1

8. **Conduit System** (describe main conduits only)

160 feet of ditch at power plant tail-race is included in pipeline length.

(a) ~~[illegible]~~, ditch, ~~[illegible]~~ ~~[illegible]~~
Cross out two not used

feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials

of construction _____
Earth, rock, timber, etc.

(b) Pipe line: Diameter 6 inches; length 10,525' to power house (see application for power); 1353' from power house to regulation reservoir feet; grade 40.51 feet per

(Grade given is that of first 904 ft. of length, which controls capacity.)

1,000 feet; total fall from intake to outlet 700.3 feet; kind steel
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 0.851 c.f.s.
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $15,000
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. **Construction work** ~~[illegible]~~ began October 1938

Construction work will be completed on or before 2 years after approval of this application

The water will be completely applied to the proposed use on or before 5 years after approval of this application

Description of Proposed Use

11. **Place of Use.** see supplement
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Does applicant own the land whereon use of water will be made? Yes
Yes or No

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Domestic Use.** Domestic use is proposed as follows: 250 employees & families. 2 CCC camps of 225 mean each. 3000 campers in public campgrounds. Miscellaneous use at Headquarters & operating shops, lawns & residences and Headquarters offices.
Describe nature of use which may include stock water and the irrigation of domestic gardens not exceeding one-half acre with each place of residence. State number and kind of stock to be watered, number of houses and people to be served.

The amount for which application is made was determined by 110 g.p.d. per capita; 2 CCC camps, 12000 g.p.d. 3000 campers @ 25 g.p.d. Operation of shops 2000 gpd. Total 128,500 g.p.d.
Describe basis of quantity needed

13. **Irrigation Use.** The area to be irrigated is _____ acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres;

orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____
Beginning date — Closing date

The land to be irrigated has another / no other water right or source of water supply other than that herein applied for. The nature and amount of the additional supply referred to is _____

14. **Power Use.** The total fall to be utilized is _____ feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.
Second feet × fall ÷ 8.8

The use to which the power is to be applied is _____
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____
Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water will / will not be returned to _____ in _____ of
Name stream — State 40-acre subdivision

Sec. _____, T. _____, _____ B. & M.

02-17-1939: supplement to application 9510 ; february 17, 1939

DO NOT WRITE IN THIS SPACE

ATTACH EXTRA SHEETS HERE

Supplement to Application 9510

Par. 4 Any point along a line roughly parallel to and varying from 1 to 25 feet Westerly from the East boundary of Section 35 T 28 N. R 1 E. S.B.M. on Applicant's property between a point (a) on North Canyon Cow Creek located N 7° 43' W 179 feet from E¼ corner of said Section 35, and a point (b) on South branch of Main Cow Creek located S 0° 01' E 788 feet from E¼ corner of said Section 35, being within NE¼ of SE¼ and SE¼ of NE¼ respectively of said Section 35.

of diversion?

UNITED STATES OF AMERICA
DEATH VALLEY NATIONAL MONUMENT

[Signature of Applicant] By:

T. R. GOODWIN, Supt.

Part 11. A tabulation of areas served by application for appropriation of 0.446 sec.ft. of water for hydroelectric power and domestic and recreational use:

Headquarters-Utility Area

Section 4, T 27 N, R 1 E, S. B. M.

NW¼ NE¼	27.52 acres
NE¼ NE¼	11.57 acres

Section 3, T 27 N, R 1 E, S. B. M.

NW¼ NW¼	0.12 acres

Section 33, T 28 N, R 1 E, S. B. M.

SW¼ SE¼	13.93 acres
SE¼ SE¼	26.48 acres

Section 34, T 28 N, R 1 E, S. B. M.

SW¼ SW¼	7.25 acres

Park Village & Residential Areas

Section 34, T 28 N, R 1 E, S. B. M.

SE¼ NW¼	7.14 acres
NE¼ SW¼	3.11 acres
SW¼ NE¼	20.95 acres
NW¼ SE¼	3.17 acres
SE¼ NE¼	0.66 acres

New Residential Headquarters

Section 34, T 28 N, R 1 E, S. B. M.

SE¼ NE¼	0.89 acres
NE¼ SE¼	3.91 acres

Section 35, T 28 N, R 1 E, S. B. M.

SW¼ NW¼	0.06 acres
NW¼ SW¼	0.14 acres
	126.90 acres

of diversion?

UNITED STATES OF AMERICA
DEATH VALLEY NATIONAL MONUMENT

[SIGNATURE OF APPLICANT] By:

T. R. GOODWIN, Supt.

having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is _____ (Name of claim)

and the nature of the mines is _____ (Gold placer, quartz, etc.)

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____ (Cubic feet per second, gallons per minute. State basis of estimate)

The water will / will not be polluted by chemicals or otherwise _____ (Explain nature of pollution, if any)

and it will / will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of

Sec. _____, T. _____, R. _____, _____ B. & M.

17. **Industrial Use.** The nature of the use proposed is _____ (Describe nature and method of use)

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

18. **Recreational Use.** Water will be used for public swimming pool of 160,000 gallons capacity, changing water once a day, in SW¼ SW¼ Sec. 34, T 28 N, R 1 E, SBM; and irrigation of lawns and campground areas.

The amount for which application is made was determined by allowing for complete change of water in swimming pool each 24 hours. As domestic use will require rest of water, any irrigation of campgrounds and lawns will be from water available when park attendance and pool use are so light as to reduce rates of consumption in those uses.

General

19. Are the maps as required by the Rules and Regulations filed with Application? Yes (Yes or No). If not, state specifically the time required for filing same _____

20. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

21. What is the name of the post office most used by those living near the proposed point of diversion?

Death Valley Junction, California

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? _____

UNITED STATES OF AMERICA
DEATH VALLEY NATIONAL MONUMENT

[SIGNATURE OF APPLICANT] By: _____

T. R. GOODWIN, Supt.

11-01-1939: permit #5381 ; november 01, 1939

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 5381

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed **four hundred forty-six thousandths (0.446) cubic feet per second from January 1st to December 31st of each season.**

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before **November 1st, 1939** and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before **December 1st, 1942**

5. Complete application of the water to the proposed use shall be made on or before **December 1st, 1943**

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Engineer until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Witness my hand and the seal of the Department of Public Works of the State of California this **26th** *day of* **July** 19 **39**

A. D. EDMONSTON,
State Engineer

By **(Sgd) Harold Conkling** **(deputy)**
HARVEY O. BANKS
Assistant State Engineer

(SEAL)

3428-B 8-54 5M ① SPO

00-00-0000: application to appropriate unappropriated water

FORM 1 FILE IN DUPLICATE

[For full information concerning the filling out and filing of this form refer to Regulation 4 of Rules and Regulations of the Division of Water Resources Governing the Appropriation of Water]

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

Application No. _____ Filed _____ at _____ M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

This application involves in no way the right to construct a dam

I, The United States of America, Death Valley National Monument by T. R. Goodwin, Superintendent
Name of applicant

of Death Valley Junction County of Inyo
Post office

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO EXISTING RIGHTS:*

Source, Amount, Use and Location of Diversion Works

1. **The source** of the proposed appropriation is a nameless outlet of nameless springs
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Inyo County, tributary to Cow Creek which is tributary to Amargosa River.

2. **The amount of water** which applicant desires to appropriate under this application is as follows:

(*a*) For diversion to be directly applied to beneficial use without storage 0.146 cubic feet per second
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

to be diverted from January 1 to December 31 of each season.
Beginning date each season Closing date each season

(*b*) For diversion to be stored temporarily and later applied to beneficial use _____ acre-feet per annum
1 acre-foot equals 325,851 gallons

to be collected between only regulatory reservoirs and _____ of each season.
Beginning date each season Closing date each season

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. The amounts stated must be in definite terms of some established unit of measurement. Neither these amounts nor the season may be increased after application is filed.

3. **The use to which** the water is to be applied is _____
Domestic, irrigation, power, municipal, mining, industrial, recreational

recreational purposes.

4. **The point of diversion** is to be located S 28° 04' W 325 feet from
State bearing and distance or coordinate distances to section or quarter section corner

E¼ corner of section 35

being within the NE¼ of SE¼
State 40-acre subdivision of U. S. Government survey or projection thereof

of Section 35, Tp. 28N, R. 1E, S.B. M., in the County of Inyo
and with alternate points of diversion at two other natural outlets at boundary between Nevares and park property, as shown on map.

5. The main conduit terminates in _____, of Sec. _____, Tp. _____, R. _____, _____ M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application can not be approved for an amount grossly in excess of the estimated capacity of the diversion works

6. **Intake or Headworks** (fill only those blanks which apply)

(*a*) Diversion will be made by pumping: Capacity of plant _____ gallons per minute.

(*b*) Diversion will be by gravity, the diverting dam being 4 feet in height (stream bed to level of overflow); 150 feet long on top; and constructed of concrete
Concrete, earth, brush, etc.
as cutoff wall with its crest 1 foot below ground surface.

(*c*) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. **Storage Reservoir** _____ only small regulating tanks being used.
Name

The storage reservoir will flood lands in —
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet.

☞ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

8. **Conduit System** (describe main conduits only)

(*a*) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____ feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials of construction _____
Cross out two not used — Earth, rock, timber, etc.

(*b*) Pipe line: Diameter 6 inches; length 10,525' to power house(see application for power); 1353' from power house to regulating and distributing reservoir feet; grade 20.27 feet per 1,000 feet; total fall from intake to outlet 640.36 feet; kind steel
Riveted steel, cement, wood-stave, etc.

(Grade given is that of first 904 ft. of length, which controls capacity.)

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion works proposed is 0.851 sec.ft. but only 0.446 sec. ft are available.
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is _____
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work ~~will begin on or before~~ was begun October 1938

Construction work will be completed ~~on or before~~ within 2 years after approval of this application.

The water will be completely applied to the proposed use ~~on or before~~ within 5 years after approval of this application.

Description of Proposed Use

11. **Place of Use.** _____
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing all 40-acre tracts, describe area in a general way and show detail upon map. These blanks need not be filled in when municipal use is proposed.

Does applicant own the land whereon use of water will be made? _____
Yes or No

If applicant does not own land whereon use of water will be made, state what arrangements have been made with owner.

12. **Domestic Use.** Domestic use is proposed as follows: Domestic residential use by 250 employees and families, 2 CCC camps of 225 men each, 3000 campers in public campgrounds; miscellaneous use at Headquarters and operating shops; irrigation of small lawns at residences and Headquarters offices.
Describe nature of use which may include stock water and the irrigation of domestic gardens not exceeding one-half acre each in area connected with places of residence.

The amount for which application is made was determined by

Describe basis of quantity needed	
Domestic res. use @ 110 gpd per capita, including irrigation	27,500 gpd
2 CCC camps @ 12000 gpd each	24,000 gpd
3000 campers 25 gpd @	75,000 gpd
operation of shops 2000 gpd	2,000 gpd
	128,500 gpd

13. **Irrigation Use.** The area to be irrigated is _____ acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres; orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____
Beginning date each season — Closing date each season

The land to be irrigated has another / no other water right or source of water supply other than that herein applied for. The nature and amount of the additional supply referred to is _____

14. **Power Use.** The total fall to be utilized is _____ feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.
Second feet × fall ÷ 8.8

The use to which the power is to be applied is _____
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____
Turbine, Pelton wheel, etc.

The size of nozzle to be used is _____ inches.

The water will / will not be returned to _____ in _____ of
Name stream — State 40-acre subdivision

Sec. _____, Tp. _____, R. _____, _____ M.

Rider

A tabulation of areas served by application for appropriation of 0.446 sec. ft. of water for hydroelectric power and domestic and recreational use:

Headquarters-Utility Area

Section 4, T 27 W, R 1 E, S. B. M.

NW¼ NE¼	27.52 acres
NE¼ NE¼	11.57 acres

Section 3, T 27 N, R 1 E, S. B. M.

NW¼ NW¼	0.12 acres

Section 33, T 28 N, R 1 E, S. B. M.

SW¼ SE¼	13.93 acres
SE¼ SE¼	26.48 acres

Section 34, T 28 N, R 1 E, S. B. M.

SW¼ SW¼	7.25 acres

Park Village & Residential Areas

Section 34, T 28 N, R 1 E, S. B. M.

SE¼ NW¼	7.14 acres
NE¼ SW¼	3.11 acres
SW¼ NE¼	20.95 acres
NW¼ SE¼	3.17 acres
SE¼ NE¼	0.66 acres

New Residential Headquarters

Section 34, T 28 N, R 1 E, S. B. M.

SE¼ NE¼	0.89 acres
NE¼ SE¼	3.91 acres

Section 35, T 28 N, R 1 E, S. B. M.

SW¼ NW¼	0.06 acres
NW¼ SW¼	0.14 acres
	126.90 acres

DO NOT WRITE IN THIS SPACE

ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____ (Name city or cities, town or towns. Urban areas only) _____ having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is _____ (Name of claim) _____ and the nature of the mines is _____ (Gold placer, quartz, etc.)

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____ (Cubic feet per second, gallons per minute. State basis of estimate)

The water will / will not be polluted by chemicals or otherwise _____ (Explain nature of pollution, if any)

and it will / will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of Sec. _____, Tp. _____, R. _____, _____ M.

17. **Industrial Use.** The nature of the use proposed is _____ (Describe nature and method of use)

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

18. **Recreational Use.** Water will be used for public swimming pool of 160,000 gallon capacity, changing water once a day, in SW¼ SW¼ sec. 34, T 29 N, R 1 E, SBM; and for very light irrigation of campground areas.

The amount for which application is made was determined by allowing for complete change of water in swimming pool each 24 hours. As domestic use will require rest of water, any irrigation of campgrounds will be from water available when park attendance and pool use are so light as to reduce rates of consumption in these uses.

General

19. Are the maps as required by the Rules and Regulations filed with Application? No (Yes or No). If not, state specifically the time required for filing same 60 days

20. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, state what steps have been taken to secure right of access thereto _____

21. What is the name of the post office most used by those living near the proposed point of diversion? Death Valley National Monument, Death Valley Junction, California.

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? _____

THE UNITED STATES OF AMERICA,
DEATH VALLEY NATIONAL MONUMENT

[SIGNATURE OF APPLICANT] _____

By Joseph E. Taylor, Regional Attorney,
for T. R. Goodwin, Superintendent.

03 HISTORY

Death Valley National Park

MAIN COW CREEK (A009150)

Land History

03-17-1982: transmittal of a certified copy of a judgment ; march 17, 1982

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

In reply refer to:
L2223 DEAT-C

Mantey BLM
3/24

File in
Death Valley- WATER RIGHTS
Docket No. 1 (Pt. III)

MAR 17 1952

The Honorable
The Attorney General
Washington 25, D. C.

Sir:

By letter of March 3, 1952 (RJL:CMacM 33-5-1645), Assistant Attorney General Underhill transmitted a certified copy of a judgment entered on February 13, 1952, in the condemnation proceeding entitled United States of America v. 320 Acres of Land in the County of Inyo, State of California; Adolph Nevares, et al., Civil No. 1016-ND. The judgment fixing just compensation in accordance with a stipulation entered into by the parties to the proceeding, sets forth a deficiency totaling $5,000.

In accordance with Mr. Underhill's request the Treasury Department is being asked to forward to the Lands Division of the Department of Justice a check in the amount of $5,000, payable to the Clerk of the United States District Court for the Southern District of California, Northern Division.

Very truly yours,

(SGD.) CONRAD L. WIRTH

Conrad L. Wirth
Director

Copy to: Regional Director, Region Four (2)

40

03-03-1952: enclosed: a certified and two uncertified copies of deficiency judgment ; march 03, 1952

RJL:CMacM

33-5-1645

UNITED STATES
DEPARTMENT OF JUSTICE
WASHINGTON 25, D. C.

March 3, 1952

Mr. Conrad L. Wirth
Director
National Park Service
Department of the Interior
Washington 25, D. C.

Dear Mr. Wirth:

Enclosed are a certified and two uncertified copies of a deficiency judgment dated February 13, 1952, and the certificate of title covering the property included in the condemnation proceeding entitled United States of America v. 320 acres of land in the County of Inyo, State of California, Adolph Nevares, et al., Civil No. 1016-ND.

The above-mentioned judgment awarded the sum of $40,000.00 as the just compensation for the land. The sum of $35,000.00 was deposited into the registry of the court as the estimated compensation at the time of the filing of the declaration of taking leaving a deficiency in the amount of $5,000.00 to be satisfied.

Please take the necessary action to secure the issuance of a check in satisfaction of the above-mentioned deficiency at your earliest convenience.

Sincerely,

/s/ Wm. Amory Underhill

Wm. Amory Underhill
Assistant Attorney General

Enclosure No. 179667

02-15-1952: judgment docketed and entered feb 15 1952 ; february 13, 1952

FILED
FEB 13 1952
EDMUND L. SMITH, Clerk

By C.A. Simmons
Deputy Clerk

WALTER S. BINNS
United States Attorney
IRL D. BRETT
Special Assistant to
the Attorney General
LANDS DIVISION
Department of Justice
807 Federal Building
Los Angeles 12, Calif.

Attorneys for Plaintiff

JUDGMENT
DOCKETED AND ENTERED
FEB 15 1952
EDMUND L. SMITH, Clerk

By C. A. Simmons
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND IN THE COUNTY OF INYO, State of California; ADOLPH NEVARES, et al., Defendants.	No. 1016 - ND - Civil JUDGMENT PURSUANT TO STIPULATION

Plaintiff, UNITED STATES OF AMERICA, and defendant, ADOLPH NEVARES, through their respective counsel, having entered into a written Stipulation for Judgment which Stipulation has been approved by the Court and filed herein, and it appearing from said Stipulation that the parties hereto have stipulated that a Judgment may be entered herein,

IT IS ORDERED, ADJUDGED AND DECREED AS follows:

I

That the sum of $40,000, without interest, is the just compensation to be paid by plaintiff for the condemnation and taking of the interests hereinafter described in the real property hereinafter described.

II

That defendant, Adolph Nevares, was, on September 19, 1950, and at all times thereafter until the taking thereof by plaintiff, through the filing of a Declaration of Taking on May 4, 1951, the owner

02-15-1952: judgment docketed and entered feb 15 1952, cont ; february 13, 1952

in fee simple of that certain real property situate in the County of Inyo, State of California, more particularly described as follows:

West Half (W 1/2) of Northeast Quarter (NE 1/4), South Half (S 1/2) of Northwest Quarter (NW 1/4), North Half (N 1/2) of Southwest Quarter (SW 1/4), Northeast Quarter (NE 1/4) of Northwest Quarter (NW 1/4), and Northwest Quarter (NW 1/4) of Southeast Quarter (SE 1/4), all in Section 36, Township 28 North, Range 1 East, S.B.B.M., containing 320 acres, more or less, together with all improvements thereon and all water and water rights, riparian or otherwise, thereunto appertaining.

III

That on May 4, 1951 plaintiff filed a Declaration of Taking of the interests in said real property which are heretofore described in paragraph II, pursuant to Title 40, Section 258a, U.S.C., and deposited in the registry of this Court the estimate of the Solicitor of the Department of the Interior in behalf of the Secretary of the Interior of the United States, as the just compensation to be paid for the taking thereof, namely, the sum of $35,000, which sum, by stipulation of the parties hereto, was disbursed and paid to defendant, Adolph Nevares, on December 15, 1951.

That on May 4, 1951 there was vested in the United States of America the fee simple title in and to the lands, improvements, water and water rights heretofore described in paragraph II of this Judgment, subject to easements for roads, highways and public utilities, if any.

IV

That there is due and unpaid as taxes, which are a lien upon such real property and which taxes are due to the County of Inyo, State of California, the sum of $66.94.

V

That Judgment is hereby entered against the United States of

02-15-1952: judgment docketed and entered feb 15 1952, cont ; february 13, 1952

America for the sum of $40,000, without interest, and it is hereby directed that plaintiff deposit into the registry of this Court the deficiency of $5,000, without interest; that upon such deposit being made said deficiency of $5,000, without interest, be forthwith paid out of the funds on deposit in the registry of the Court, as follows:

a) To the County Tax Collector of the County of Inyo, State of California, the sum of $ 66.94 , in full satisfaction of unpaid taxes which are a lien upon the property described in paragraph II of this Judgment, being the taxes for the following period, to-wit: 1951-52 which said payment shall be for and in behalf of defendant, Adolph Nevares;

b) To defendant, Adolph Nevares, the balance in the sum of $4933.06 , without interest.

That the payment of said sum of $5,000, without interest, as heretofore provided and directed, shall constitute full settlement and satisfaction of this Judgment.

VI

This Court retains jurisdiction to enter such further orders and decrees as may be necessary and proper in the premises.

DATED: February 13 , 1952.

C. E. BEAUMONT
United States District Judge

Presented by:

WALTER S. BINNS, United States Attorney
IRL D. BRETT, Special Assistant to the Attorney General

By IRL D. BRETT
Attorneys for Plaintiff

APPROVED AS TO FORM UNDER RULE 8:

GUTHRIE, LONERGAN & JORDAN

By JOHN B. LONERGAN
Attorneys for Defendant

FEB 19 1952
A TRUE COPY.
ATTEST, ETC. (SEAL)
Edmund L. Smith, Clerk U. S. District Court, Southern District of California
/s/ I. L. Macbeth Deputy

02-13-1952: reference to letter of december 28, 1951 ; february 13, 1952

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
1512 Post Office Building
Los Angeles 12, California

January 4, 1952

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

Dear Mr. Allen:

With reference to your letter of December 28, 1951.

According to plat and tract books transferred to this office from Sacramento, all of township 28 North, Range 1 East, S.B.M., is withdrawn for Death Valley National Monument. Sections 33 and 34 are withdrawn for Public Water Reserve No. 13, Ex. Or. 12-1-13. Lots 37 and 38, Sec. 33, T. 28 N., R. 1 E., S.B.M., M.S. 2153, Mineral Patent dated Feb. 7, 1887, Henry Clay Mining Co.

Sections 2, 3 and 4, T. 27 N., R. 1 E., S.B.M., withdrawn for Death Valley National Monument. Lots 37 and 38, Sec. 3, M.S. 2153, Mineral Patent, Feb. 7, 1887, Henry Clay Mining Co. Lot 40, Sec. 3, M.S. 2194, Mineral Patent, Henry Clay Mining Co. Lot 40, Sec. 4, M.S. 2194, Mineral Patent, Feb. 7, 1887, Henry Clay Mining Co.

If any further information is required, please advise.

Very truly yours,

/s/ Paul B. Witmer

Paul B. Witmer,
Manager

/eb

COPY

OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D. C.

July 31, 1951

Honorable Oscar L. Chapman
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

I have examined the initial transcript in the condemnation proceeding entitled United States of America v. Adolph Nevares, et al., No. 1016-ND Civil, in the United States District Court for the Southern District of California concerning the acquisition of 320 acres of land in Inyo County, California, for use in connection with the Death Valley National Monument.

The land is more fully described in the decree on declaration of taking, a certified copy of which is enclosed.

The sum of $35,000.00 was deposited into the Registry of the Court on the filing of the declaration of taking as the estimated compensation.

From my examination of the above-mentioned documents I find that the condemnation proceeding has been regularly conducted to date and that a valid title to said land vested in the United States of America on May 4, 1951, pursuant to the provisions of an Act of Congress approved February 26, 1931 (46 Stat. 1421), with the right of possession as more fully stated in the certified copy of the order of possession which is also enclosed, subject, however, to easements for roads, highways and public utilities, if any.

Also enclosed is a certified copy of the third amended complaint in condemnation, together with the clerk's receipt showing the deposit of the estimated compensation into the Registry of the Court.

Sincerely yours,

/s/ J. Howard McGrath

Attorney General

COPY

Berkeley, Calif.,
Dec. 1, 1951.

Comments
by
A. van V. Dunn
Chief, Water Resources Branch
National Park Service
on
Appraisal Report on 320+ - Acre "Cow Creek" Ranch
Owned by Adolph Nevares
Death Valley National Monument
prepared by
Cloice D. Carll, M. A. I.
October 1951

1. It seems like a needless risk of Federal interests to designate the tract as a RANCH in the title. A ranch is usually considered as a tract of land which has been improved, and is operated to produce a profitable income. The Nevares tract does not seem to have been improved sufficiently, or operated consistently enough to merit the designation of RANCH.

2. The basic value of $50,000, which Mr. Carll has used, is psychologically to the disadvantage of the Federal interest because it is the price for which the defendant has offered to settle; and it could easily be raised or lowered 10%, to the advantage of the United States, on the basis that it has been quite arbitrarily selected from more asking prices than sale prices of none to similar, other tracts.

3. The basic price of $50,000 seems to be about 184% of the price per acre for which the Rocking K Dude Ranch was sold in July 1948, before that ranch was developed, as will be explained hereafter. It is also about 107% of the average land values described in the analysis of the asking prices for the Cuffe Resort Guest Ranch and Shreves Circle S Ranch, as will also be explained.

4. Most of the "comparable" market data relates to land with all utilities provided, but the Nevares tract lacks all utilities of types needed for the hypothetical development, and the appraisal is only discounted to the extent of providing 2 of the 5 utilities which would be needed. It is discounted by estimates of costs of a road and a sewage disposal plant, but makes no allowance for the lack of water system, electricity, and telephone. Suggestions will be offered hereafter.

5. While not apparently affecting the land value, water rights must be redefined as a result of the spring flow measurements by T. W. Robinson, Engineer, Ground Water Branch, U. S. Geological Survey, as covered by his report of November 1951, and explained hereafter.

6. The estimated cost of sewage disposal may be adequate, but does not reflect the uncertain, but possible additional cost which might be required under the Pollution Control Legislation which was enacted by the California Legislature in 1949; which would certainly dampen the enthusiasm of a prospective purchaser. This will be explained hereafter.

7. The appraisal does not seem to recognize sufficiently that the Nevares tract has been for sale at $50,000 since 1936, or before, but has not been sold. The former Superintendent of Sequoia National Park found that certain mining interests had obtained an option for a reported price of $50,000 in 1936, or before, but were allowing it to lapse. Said Superintendent attempted to interest the United States in an option at the same price, but could not obtain Budget Bureau or Congressional approval and appropriations for more than $10,000, or authorization from the Director of the National Park Service to negotiate at more than $15,000 as late as 1938. There have been rumors of other offers, including one that the Pacific Coast Borax Co. would bid up to $50,000 to prevent the development of a resort to compete with the Furnace Creek Inn and Ranch--a measure of the semi-monopolistic value of the Inn and Ranch, rather than a measure of the value of the Nevares tract.

Analysis of Unit Land Values
Reflected in Appraisal

A. Assessed valuation is presumed to be approximately 40% of market value in California. The Nevares tract is said to be assessed at $1400, which implies a market value of $3500, or an average of $10.95 for each of the 320 acres. The Furnace Creek Ranch is said to be assessed at $10,560, which implies a market value of $26,400, or $55.00 for each of the 480 acres. The Ranch is flat, irrigated, and on the main highway. The Nevares tract is mountainous, remote from the highway, and largely unfit for irrigation and cultivation, whether the assessor recognized the potentialities of the water resources or not. Although probably high for the greater area of wasteland, the assessed value of the Nevares tract may be accepted as the value of those portions of other tracts which are not adaptable to the development of the respective resorts, at $11.00 per acre.

B. The Cuffe Resort Guest Ranch is OFFERED at $80,000 for 168 acres with improvements, with no bids. The improved area is said to consist of 13 acres.

Total land offer, 168 acres at	$35,000.00
Less 155 acres at $11.00	1,705.00
Probable value of 13 acres	$33,295.00
Probable value per acre	2,560.00

A few lots are said to have been sold at $3,000 to $4,000, but size of lots was not given. In any case, the lots probably have utilities available.

C. The Shreves Circle S Ranch is OFFERED at $59,000 for 145 acres with improvements and no bids, about 72.5 acres said to be developed.

Total land offer, 145 acres at	$25,000.00
Less 72.5 acres at $11.00	797.50
Probable value of 72.5 developed acres	$24,202.50
Probable value per acre	335.00

D. The mean value of developed land, in cases B and C, is $1,448 per acre, utilities presumably being available in both cases.

E. The undeveloped land for the Rocking K Dude Ranch, consisting of 62 irrigated acres was actually sold for $50,000 in 1948. The unit price was $800.00 per acre.

Comparative Value of Nevares Tract

The Rocking K Dude Ranch is said to have been located on the headwaters of the Bishop Municipal water supply, just as the Nevares tract is located with relation to the Park Village water supply in Death Valley. It is flat and irrigated, as we might stretch a point and concede 30 acres of the Nevares tract to be. On this basis, the Nevares tract might be appraised at:

30 acres at $800	$24,000
290 acres at $11	3,190
Total	$27,190

By the unit values derived in cases B and C it is possible to get wide extremes which would not have the weight of actual sales. To use the mean, case D, the value with available utilities which do not exist on the Nevares tract, the latter would still have only the following value, from which deductions should be made for the cost of necessary utilities:

30 acres at $1448	$43,440
290 acres at $11	3,190
Total	$46,630

It seems more justifiable to use the $46,630 figure, based on some mathematical derivation, than the $50,000 value in the appraisal. This is particularly true when it is recognized that the $50,000 will place the appraiser on the defensive when trying to deduct estimated utility costs.

To all intents and purposes, the $27,190 value should need little correction for utility costs. However, it seems probable that some deductions might be in order, on the following basis:

1. The sewage disposal system may have to be more extensive because of the passage of Pollution Control Legislation in 1949--a year after comparable purchase in Case E.

2. To provide a 50-pound water pressure for fire protection at elevation of Nevares cabin it will be necessary to pump water to an adequate reservoir above the highest springs.

3. For an indefinite time it will probably be necessary to generate electric energy locally, while commercial power was probably available under Case E.

4. The commercial telephone line would have to be extended 5 or 6 miles from above the Furnace Creek Inn, and the Telephone Company would have to pay an annual fee for use of Federal land.

5. The approach road improvements might cost more than drives actually constructed under Case E.

Some Cost Estimates Supplied by NPS Regional Engineering Staff from Recent Contract Construction

1. Sewage Disposal

There is some difference of opinion as to how much treatment will be needed, and as to location, due to lack of tests and analyses of local conditions.

a.	An adequate septic tank will cost	$7,500
b.	Chlorinator	500
c.	Filter, or seepage beds of minimum need	2,000
	Cheapest installation	$10,000
d.	Alternate cost of filter, or oxidation ponds (in lieu of item c)	$15,000
e.	8" sewer line between local septic tank and filter beds, if latter had to be in another drainage, or remote from human residences (subject to Federal permit if on Federal land) 0 to 5 miles at $4.63 per foot	
f.	Trestle and 6" transite pipe to cross any deep gullies or canyons, probably 300 feet at each crossing, at $6.94 per foot.	

2. Water System

a.	100,000 gallon distribution reservoir	$25,000
b.	1700 feet of 6" C.I. pipe at $4.47	7,600
c.	Pump unit	1,500
	Total water system above springs	$34,100

3. 50 KW Power Plant — $16,000

4. Telephone Line

5 miles at $2,000 per mile — $10,000

5. Approach Road

1.5 miles of road grading at $1,500	$2,250
1.5 miles of light asphalt paving at $3,000	4,500
Total cost of fair, single lane	$6,750

Revised Statement Concerning Water Rights,
Based on Robinson Water Resources Investigation

Mr. Robinson found a total flow of 330 gallons per minute flowing on the Nevares tract, or 0.737 sec. ft.

Under Water Right Applications 9509 and 9510, the United States has appropriated 200 gal. per min., or 0.446 sec. ft.

Presently unappropriated surface flow of 130 gal. per min., or 0.291 sec. ft.

Of the 330 gal. per min which were measured on the tract, 116 gal. per min., or 35%, were lost by seepage, evaporation, and transpiration before the flow reached the tract boundary, where the flow was measured at 214 gal. per min., or 0.479 sec. ft.

It is also significant that the Federal claims, under Applications 9509 and 9510, were for 0.446 sec. ft.

These claims were based on the approximate flow measured about 1937 or 1938, when the Federal water system was designed and constructed, and apparently before any appreciable irrigation was started by Mr. Nevares. Furthermore, there is doubtless similar loss along some reaches of the ditch system, and at the springs, which was not measured, but which can now be estimated when the writer, or Mr. Robinson, has time to proportionate the areas of water-loving vegetation. This additional loss may be between 50 and 100 gal. per min., and like the measured loss, could be put to beneficial use by elimination of the non-beneficial consumption.

Two conclusions can be drawn:

1. The natural riparian flow onto the Federal land could probably be maintained while making consumptive use of a limited amount of water on the Nevares tract.

2. Perhaps as much as 130 gal. per min., or 187,000 gal. per day, might be appropriated, and transported to another drainage without detriment to the known riparian flow to the Federal land, with proper control of the present non-beneficial use of water by native vegetation.

Any acknowledgment of the preceding conclusions must not limit, or define, the extent of riparian rights, or suggest a waiver of Federal riparian rights. Mr. Lonergan is attempting to show that the United States has no riparian rights, or has abrogated them under the Desert Land Act of 1877. The United States claims that the issue was not determined in the case of Nevada vs. Wyoming. It also claims that the Desert Land Act applied to unreserved public domain, regardless of the intended treatment of riparian rights. However, Death Valley National Monument has been reserved, and set aside, and has the same status under Federal ownership that patented land has under private ownership. Consequently, since California recognizes the riparian doctrine, the United States should have riparian rights to the waters in the monument regardless of the doubts of the State Engineer.

06-15-1951: order for possession ; june 15, 1951

COPY

Book 7 Page 539

ERNEST A. TOLIN
United States Attorney
IRL D. BRETT
Special Assistant to
the Attorney General
LANDS DIVISION
Department of Justice
807 Federal Building
Los Angeles 12, Calif.

FILED

JUN 15 1951

EDMUND L. SMITH, Clerk

By Francis E. Cross
Deputy Clerk

(SEAL) A TRUE COPY
Attest, Etc., June 27, 1951
Edmund L. Smith, Clerk U. S. District Court
Southern District of California
By Charles A. Seitz, Deputy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

320 ACRES OF LAND IN THE COUNTY OF INYO, State of California; ADOLPH NEVARES, et al.,

Defandants.

No. 1016- ND - Civil

ORDER FOR POSSESSION.

Plaintiff having heretofore filed its Third Amended Complaint for Condemnation on May 4, 1951, and having on the same date filed a Declaration of Taking by the Solicitor of the Department of the Interior of the United States, and having deposited therewith the estimate of such Solicitor as to the just compensation to be paid for the hereinafter described property interests, to-wit, the sum of $35,000, and title in fee simple thereto having vested in plaintiff on May 4, 1951 pursuant to Title 40, Section 258a, U.S.C., and

Plaintiff having heretofore regularly noticed its application for immediate and exclusive possession of the rights so acquired, by giving notice in writing on May 31, 1951 to counsel of record for defendant Adolph Nevares, the record owner of said property, that it would apply for an order for such possession on June 11, 1951 in the courtroom of this Court in the Postoffice and Courthouse Building at Fresno, California, at 10:00 A.M., or as soon thereafter as its counsel could be heard,

IDB:vm
copy 6/19/51

and such application having come on regularly for hearing, plaintiff appearing thereat by its counsel, Irl D. Brett, Special Assistant to the Attorney General, and defendant Adolph Nevares having appeared by his counsel of record, John B. Lonergan, Esq., and evidence having been given by the testimony of T. R. Goodwin, Superintendent of Death Valley National Monument and by the certified copy of a communication dated April 27, 1951 from the Solicitor of the Department of the Interior to the Attorney General, that immédiate and exclusive possession of said property is required by the United States not later than June 21, 1951, for the purpose of securing a supply of water for fire protection of the Monument headquarters and for the sustaining of trees and plants adjacent thereto.

And the parties having stipulated that defendant Adolph Nevares may be permitted to store his personal effects in the cabin located upon such property and place a padlock thereon to which he alone shall have the key, providing that such personal effects are stored therein on or before June 20, 1951 and that he may continue to have the right of reasonable access for the purpose of entering into the cabin and examining or removing such personal effects, to and including December 31, 1951, but shall be required to remove such effects therefrom and fully and finally desist from entry upon such property for such purpose not later than December 31, 1951.

IT IS ORDERED that the United States of America, and those acting for and in its behalf, be let into the possession of the lands and property hereinafter described, exclusive to it except as hereinafter provided, on June 21, 1951.

IT IS FURTHER ORDERED that such right of exclusive possession shall be subject to the right of defendant Adolph Nevares to store such personal effects as he may desire to store, in the cabin which is located upon said property, with the right to lock the same with a padlock to which he alone shall have the keys, providing that such personal effects are stored therein on or before June 20, 1951, and subject to such other rights to enter thereon as he may have by law as a citizen.

IT IS FURTHER ORDERED that commencing on June 21, 1951 and to and including December 31, 1951, said Adolph Nevares shall have the right to enter upon said premises for the sole purpose of going to and from such cabin and entering therein for the purpose of inspecting or removing his said personal effects therefrom, and for no other purpose, and that on or before December 31, 1951, he shall fully and finally remove such personal effects from such property, and from and after January 1, 1952, he shall desist from entry upon such premises to any extent or for any purpose whatsoever except with the consent and approval of the United States of America, or except as otherwise allowed by law.

The real property above referred to is situated in the County of Inyo, State of California, within the exterior boundaries of Death Valley National Monument and is more particularly described as follows:

West half of the northeast quarter, south half of the northwest quarter, north half of the southwest quarter, northeast quarter of the northwest quarter, and northwest quarter of the southeast quarter, all in Section 36, Township 28 North, Range 1 East, S.B.B.& M., containing 320 acres, more or less, together with all improvements thereon and all water and water rights, riparian or otherwise, thereunto appertaining, subject to easements for roads, highways, and public utilities, if any.

DATED: June 15, 1951.

C. E. BEAUMONT
United States District Judge

Presented by:

ERNEST A. TOLIN, United States Attorney
IRL D. BRETT, Special Assistant to the Attorney General

By IRL D. BRETT
Attorneys for Plaintiff

APPROVED AS TO FORM UNDER RULE 7:

GUTHRIE, LONERGAN & JORDAN

By JOHN B. LONERGAN
Attorneys for Defendant, Adolph Nevares

Judgment entered JUN 18 1951

Book 7 Page 539

Edmund L. Smith, Clerk,
By C. A. Simmons
Deputy

05-16-1951: decree on declaration of taking ; may 16, 1951

COPY

ERNEST A. TOLIN
United States Attorney
IRL D. BRETT
Special Assistant to the
Attorney General
Department of Justice
Lands Division
807 Federal Building
Los Angeles 12, California
Telephone: MAdison 7411, Ext. 641

Attorneys for Plaintiff

FILED

May 16 1951

EDMUND L. SMITH, Clerk

By /s/ C. A. Simmons
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND, more or less, in the County of Inyo, State of California; ADOLPH NEVARES, et al., Defendants.	No. 1016-ND Civil DECREE ON DECLARATION OF TAKING

There having been filed and presented to the Court by plaintiff, UNITED STATES OF AMERICA, a Declaration of Taking in which title, to the extent hereinafter stated, in and to the real property, as more particularly hereinafter described, was vested in the plaintiff, and good cause appearing therefor, the Court finds and decrees:

I

That the plaintiff, UNITED STATES OF AMERICA, is entitled to acquire the property by eminent domain for use in connection with the Death Valley National Monument of the National Park Service, United States Department of the Interior, and for such other uses as may be authorized by Congress or by Executive Order.

II

That a Third Amended Complaint in Condemnation was filed herein at the request of the Secretary of the United States Department of the Interior, the authority empowered by law to acquire the land described in said Third Amended

IDB:LG
5/15/51

Complaint, and under the direction of the Attorney General of the United States.

III

That in the said Third Amended Complaint and in the Declaration of Taking is a statement showing the authority under which this proceeding was brought, and a statement as to the public uses for which said land is being taken, and the Secretary of the United States Department of the Interior is the person duly authorized and empowered to acquire the said land, and the Attorney General of the United States is the person authorized by law to direct the institution of this condemnation proceeding.

IV

That a legal description of the land sought to be taken is set out in paragraph SECOND of said Declaration of Taking; that a statement of the estate or interest in the said land is also shown in said Declaration of Taking; and drawings showing the land taken are attached to and made a part of said Declaration of Taking.

V

That a statement of the amount of money estimated by the Secretary of the United States Department of the Interior to be just compensation for the taking of said land, namely, $35,000.00, is shown by said Declaration of Taking, which said sum has been deposited in the Registry of this Court.

VI

That in the Declaration of Taking is a statement to the effect that the estimated ultimate award of damages for the taking of said property, in the opinion of the Secretary of the United States Department of the Interior, probably will be within any limits prescribed by Congress as the price to be paid therefor, and the Court having fully considered the Third Amended Complaint and the Declaration of Taking, and the statutes made and provided, is of the opinion that it is necessary, advantageous, and in the interest of the United States that the lands described hereinafter and the water rights be acquired by judicial proceedings, as authorized by the Act of August 1, 1888 (25 Stat. 357; 40 U.S.C., 1946 ed. Supp. III, Sec. 257) and acts supplementary thereto and amendatory thereof; and that the public uses for which said lands and water rights are taken are as follows:

The lands and water rights are necessary for the Death Valley National Monument, which contemplates the protection of the unusual features of scenic, scientific, and educational interest of the area; the conservation of the natural resources therein; the installation of public facilities therein; and the construction of roads, trails, water and utility systems, and other developments required to facilitate proper administration and use of the area for public purposes.

VII

That the said title is being acquired pursuant to and under the authority delegated by the Secretary of the Interior under Section 2 of Reorganization Plan No. 3 of 1950 (15 F.R. 3174) to the Solicitor of the Department of the Interior in Section 28 of Order No. 2509, as amended (15 F.R. 5058); the Act of Congress approved February 26, 1931 (46 Stat. 1421; 40 U.S.C. 1946 ed. Sec. 258a), and Acts supplementary thereto and amendatory thereof, and paragraph (g) of the Act of August 7, 1946 (60 Stat. 885; 16 U.S.C., 1946 ed., Sec. 17-j-2(g), and of the Interior Department Appropriation Act, 1951 (Chapter VII, Public Law 759, 81st Congress).

VIII

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

There is hereby vested in the Plaintiff, United States of America, the fee simple title to the lands hereinafter described as follows:

West half of the northeast quarter, south half of the northwest quarter, north half of the southwest quarter, northeast quarter of the northwest quarter, and northwest quarter of the southeast quarter, all in Section 36, Township 28 North, Range 1 east, S.B.B.M., containing 320 acres, more or less, together with all improvements thereon and all water and water rights, riparian or otherwise, thereunto appertaining.

IX

Nothing herein is to be considered as a determination by the Court that the estimated compensation deposited by plaintiff is or is not just compensa-

tion for the taking of the above described property by plaintiff.

X

The Court reserves jurisdiction to enter such further orders and decrees as may be necessary and proper in the premises.

DATED: May 16, 1951.

BEN HARRISON
Judge of United States District Court

Presented by:

ERNEST A. TOLIN
United States Attorney

IRL D. BRETT
Special Assistant to the
Attorney General

By Irl D. Brett

Irl D. Brett

Attorneys for Plaintiff
UNITED STATES OF AMERICA

Judgment entered May 17, 1951

Book 7 Page 309

Edmund L. Smith, Clerk.

By C. A. Simmons
Deputy.

(SEAL)

A TRUE COPY,
ATTEST, ETC.

Edmund L. Smith, Clerk U. S. District Court.
Southern District of California

By /s/ Francis E. Cross Deputy
7/2/51

05-04-1951: third amended complaint in condemnation ; may 04, 1951

ERNEST A. TOLIN
United States Attorney
IRL D. BRETT
Special Assistant to the
Attorney General
Department of Justice, Lands Division
807 Federal Building
Los Angeles 12, California
Telephone: MAdison 7411, Ext. 646

Attorneys for Plaintiff

F I L E D

MAY 4 - 1951

EDMUND L. SMITH, Clerk

By /s/ Wm A. White
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND in Inyo County, California; ADOLPH NEVARES; COUNTY OF INYO, a body pliitic and corporate; DOE ONE to DOE FIFTEEN, inclusive; DOE CORPORATION ONE to DOE CORPORATION TEN, inclusive, Defendants.	No. 1016-ND Civil THIRD AMENDED COMPLAINT IN CONDEMNATION

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by Ernest A. Tolin, United States Attorney, and Irl D. Brett, Special Assistant to the Attorney General of the United States, Department of Justice, Lands Division, as its attorneys, and files this its Third Amended Complaint, and alleges:

I

That this proceeding is commenced upon instructions of the Attorney General of the United States and at the request of the Secretary of the United States Department of the Interior.

II

That defendant, COUNTY OF INYO, is a body politic and corporate, situate in the State of California, and within the Southern District of California, Northern Division.

That defendants, ADOLPH NEVARES, and DOE ONE to DOE FIFTEEN, inclusive, are each residents within said Southern District of California, Northern Division.

IDB:LG
5/15/51

That defendants, DOE CORPORATION ONE to DOE CORPORATION TEN, inclusive, are each corporations organized and existing under the laws of one of the States of the United States, and each of them has a principal office for the transaction of business within said Southern District of California, Northern Division.

That the defendants sued as "Doe" or "Doe Corporation" are sued under fictitious names because the true names thereof are unknown to plaintiff at this time; that upon ascertaining such true names, plaintiff will ask leave of court to amend this Complaint by inserting said true names in lieu of the fictitious names herein used.

III

That Mastin C. White is the Solicitor of the Department of the Interior of the United States; that under section 2 of Reorganization Plan No. 3 of 1950 (15 F.R. 3174) and section 28 of Order No. 2509, as amended (15 F.R. 5058), the authority vested in the Secretary of the Interior of the United States under Title 40, section 257 U.S.C. was delegated to said Solicitor.

That on April 27, 1951, and in the exercise of such authority, said Solicitor determined that it is necessary for plaintiff to acquire the fee simple title to the lands and water rights hereinafter described for the Death Valley National Monument, which contemplates the protection of the unusual features of scenic, scientific, and educational interest of the area; the conservation of the natural resources therein; the installation of public facilities therein; and the construction of roads, trails, water and utility systems, and other developments required to facilitate proper administration and use of the area for public purposes.

IV

This is a suit of a civil nature and is brought by plaintiff under the authority of and pursuant to the Act of Congress approved August 1, 1888 (25 Stat. 357; 40 U.S.C. 1946 ed., Supp. III, sec. 257), and Acts supplementary thereto and amendatory thereof; of paragraph (g) of the Act of August 7, 1946 (60 Stat. 885; 16 U.S.C. 1946 ed., sec. 17j-2(g)), and of the Interior Department Appropriation Act, 1951 (Chapter VII, Public Law 759, 81st Congress).

V

That the land and water rights sought to be acquired are situate in the County of Inyo, State of California, within the exterior boundaries of the Death Valley National Monument and are more particularly described as follows:

West half of the northeast quarter, south half of the northwest quarter, north half of the southwest quarter, northeast quarter of the northwest quarter, and northwest quarter of the southeast quarter, all in Section 36, Township 28 North, Range 1 East, S. B. B. M., containing 320 acres, more or less, together with all improvements thereon and all water and water rights, riparian or otherwise, thereunto appertaining.

That the interest which the United States seeks to acquire therein is the full fee simple title, subject to easements for roads, highways, and public utilities, if any.

VI

That defendant ADOLPH NEVARES is the apparent and presumptive owner thereof; that all other defendants named herein have or claim to have some right, title, or interest in, or claim or lien upon, said property or some part or portion thereof.

VII

That plaintiff has attempted to set forth herein the interests or estates of all persons or corporations in the lands and water rights which are herein taken, so far as it has been able to ascertain the same, but plaintiff also makes parties hereto all other persons, firms, corporation, estates, and public and private legal entities of whatsoever nature, known or unknown, owning or claiming to own, or claiming to have any right, title, or interest in, or claim or lien upon, such lands and water rights, to the end that the United States may be vested with title therein in fee simple, subject to easements for roads, highways, and public utilities, if any.

VIII

That coincident with the filing of this Third Amended Complaint plaintiff has been directed to and is filing a Declaration of Taking executed by Mastin G.

White, Solicitor of the Department of the Interior of the United States of America on April 27, 1951, pursuant to the authority delegated to him by the Secretary of the Interior, as recited and alleged in paragraph III hereof, in which, pursuant to Title 40, section 258a, U.S.C., plaintiff is taking title to the lands and water rights described in paragraph V hereof to the extent of the full fee simple title thereto, subject to easements for roads, highways, and public utilities, if any; and plaintiff is coincidentally depositing in the Registry of this court the estimate of said official as to the just compensation for the taking thereof.

IX

That pursuant to the authority so delegated to him, as recited and alleged in paragraph III hereof, the Solicitor of the Department of the Interior of the United States determined that it is necessary for the protection of the property which has been so taken by the plaintiff from possible injury to certain springs and travertine-lined ditches now existing thereon and the protection and conservation of the quantity of water which has been and is now emanating from such springs, and in order to make a series of tests to determine the source and quantity of such water that plaintiff have and obtain immediate and exclusive possession of such property and the whole thereof.

WHEREFORE, plaintiff demands judgment:

1. That this Court ascertain and assess the value of the property herein sought to be taken and condemned, and fix and determine to whom the compensation therefor shall be paid;

2. Adjudge that the uses for which plaintiff takes and condemns such property are necessary publis uses of plaintiff and are authorized by law;

3. Vesting in the United States of America title in fee simple, subject to easements for roads, highways, and public utilities, if any, to the lands and water rights which are the subject of this action; adjudging that the right to just compensation for the taking thereof is vested in the persons entitled thereto as their respective interests are fixed and determined herein; and further adjudging that all liens or encumbrances held by any party herein against the condemned property be satisfied out of the award made in such judgment.

4. That plaintiff, by appropriate Order, be given the right of immediate and exclusive possession of such lands and water rights forthwith.

5. For such other and further relief as the Court deems meet and proper in the premises.

DATED: May 4, 1951.

Ernest A. Tolin,
United States Attorney

IRL D. BRETT,
Special Assistant to the
Attorney General

By Irl D. Brett
IRL D. BRETT

Attorneys for Plaintiff
UNITED STATES OF AMERICA

(SEAL)

A TRUE COPY,
ATTEST, ETC. May 16, 1951

Edmund L. Smith, Clerk U. S. District Court,
Southern District of California

By /s/ E. M. Enstrom, Jr. Deputy

COPY

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IRL D. BRETT
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807 Federal Building
Los Angeles 12, California
Telephone: Madison 8411, Ext. 641

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND, more or less, in Inyo County, California; ADOLPH NEVARES, et al., Defendants.	No. 1016-ND Civil CERTIFICATE OF CLERK

I, EDMUND L. SMITH, Clerk of the above entitled court, hereby certify that on May 4, 1951, I received from the United States of America, plaintiff herein, and deposited in the Registry of the above entitled court, check No. 12,212,471, of the Treasurer of the United States, dated April 30, 1951, in the sum of $35,000.00.

DATED: May 4, 1951.

EDMUND L. SMITH, Clerk
United States District Court
Southern District of California

By /s/ Charles A. Seitz
Deputy Clerk

IDB:LG

04-27-1951: in refer to: l2223 death ; april 27, 1951

COPY

In reply refer to:
L2223 DEAT

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

APR 27 1951

The Honorable
The Attorney General
Washington 25, D. C.

Sir:

I have determined that it is necessary, advantageous, and in the interest of the United States to take immediate possession and title to the land involved in the proceeding entitled United States of America v. 320 Acres of Land, More or Less, in the County of Inyo, State of California, Adolph Nevares et al., No. 1016-ND Civil, in the United States District Court for the Southern District of California, Northern Division. This is a proceeding to condemn certain land and water rights for Death Valley National Monument. (Your reference is: RJL-CMacM 33-5-1645.)

Accordingly, it is requested that you cause the enclosed declaration of taking to be filed in the pending proceeding pursuant to the act of February 26, 1931 (46 Stat. 1421; 40 U.S.C., 1946 ed., sec. 258a), to acquire the property described in the declaration in fee simple, subject to easements for roads, highways, and public utilities, if any. In view of the necessity for protecting from possible injury certain springs and travertine-lined ditches on the land and the desire to conduct a series of tests to determine the source and quantity of water emanating from these springs, it is requested that possession of the property be obtained as soon as possible after the declaration of taking is filed.

The Treasurer of the United States is being requested to forward to you a check in the amount of $35,000, payable to the Clerk of the United States District Court for the Southern District of California, Northern Division, for deposit in the registry of the court to cover the estimated amount of just compensation for the taking of the property.

This application for the filing of a declaration of taking in this proceeding, and the determination contained herein, are made in the exercise of authority delegated by the Secretary of the Interior under section 2 of Reorganization Plan No. 3 of 1950 (15 F. R. 3174), to the Solicitor of the Department of the Interior in section 28 of Order No. 2509, as amended (15 F. R. 5058).

Any additional information desired by the United States Attorney may be obtained from Mr. T. R. Goodwin, Superintendent, Death Valley National Monument, Death Valley, California.

Very truly yours,

(SGD) MASTIN G. WHITE

Mastin G. White
Solicitor

Enclosure

Copy to: Regional Director, Region Four, with copy of declaration of taking (2) (By NPS)
Land Planning (By NPS)
Mr. Dunn, with copy of declaration of taking (2) (By NPS)
Legal (By NPS)

00-00-0000: declaration of taking

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND, MORE OR LESS, IN THE COUNTY OF INYO, State of California; ADOLPH NEVARES; COUNTY OF INYO, a body politic and corporate; DOE ONE TO DOE FIFTEEN, inclusive; DOE CORPORATION ONE to DOE CORPORATION TEN, inclusive, Defendants.	No. 1016-ND Civil
In the matter of the acquisition by the United States of America of certain lands and water rights situate in the County of Inyo, State of California, for use in connection with the Death Valley National Monument of the National Park Service, United States Department of the Interior.	

DECLARATION OF TAKING

Pursuant to authority delegated by the Secretary of the Interior under section 2 of Reorganization Plan No. 3 of 1950 (15 F. R. 3174), to the Solicitor of the Department of the Interior in section 28 of Order No. 2509, as amended (15 F. R. 5058), I, Mastin G. White, Solicitor of the Department of the Interior, do hereby make and cause to be filed this Declaration of Taking under and in accordance with an act of Congress approved February 26, 1931 (46 Stat. 1421; 40 U.S.C., 1946 ed., sec. 258a), and acts supplementary thereto and amendatory thereof, and declare that:

FIRST: (a) The lands and water rights hereinafter described are taken pursuant to and under the authority of paragraph (g) of the act of August 7, 1946 (60 Stat. 885; 16 U.S.C., 1946 ed., sec. 17j-2(g)), and of the Interior Department Appropriation Act, 1951 (Chapter VII, Public Law 759, 81st Cong.).

(b) The lands and water rights hereinafter described have been selected by me for acquisition by the United States for use in connection with the Death Valley National Monument of the National Park Service, Department of the Interior, and are required for immediate use.

(c) In my opinion, it is necessary, advantageous, and in the interest of the United States that said lands and water rights be acquired by judicial proceedings, as authorized by the act of August 1, 1888 (25 Stat. 357; 40 U.S.C., 1946 ed., Supp. III, sec. 257), and acts supplementary thereto and amendatory thereof.

(d) The public uses for which said lands and water rights are taken are as follows:

The lands and water rights are necessary for the Death Valley National Monument, which contemplates the protection of the unusual features of scenic, scientific, and educational interest of the area; the conservation of the natural resources therein; the installation of public facilities therein; and the construction of roads, trails, water and utility systems, and other developments required to facilitate proper administration and use of the area for public purposes.

SECOND: Pursuant to law, I have selected for acquisition, for the purposes of the acts of Congress cited above, certain lands

and water rights located in the County of Inyo, State of California, described as follows:

> West half of the northeast quarter ($W\frac{1}{2}NE\frac{1}{4}$), south half of the northwest quarter ($S\frac{1}{2}NW\frac{1}{4}$), north half of the southwest quarter ($N\frac{1}{2}SW\frac{1}{4}$), northeast quarter of the northwest quarter ($NE\frac{1}{4}NW\frac{1}{4}$), and northwest quarter of the southeast quarter ($NW\frac{1}{4}SE\frac{1}{4}$), all in Section 36, Township 28 North, Range 1 East, S. B. B. M., containing 320 acres, more or less, together with all improvements thereon and all water and water rights, riparian or otherwise, thereunto appertaining.

A plat showing said lands, marked exhibit "A", is annexed hereto and made a part hereof.

THIRD: The estate taken for said public use is the full fee simple title to the lands and water rights hereinabove described, subject to easements for roads, highways, and public utilities, if any.

FOURTH: The sum estimated by me as just compensation for said lands, with all buildings and improvements thereon and all appurtenances thereunto belonging, is the total sum of thirty-five thousand dollars ($35,000), which sum I hereby deposit in the registry of this court for the use and benefit of the parties entitled thereto and more particularly set out herein. I am of the opinion that the ultimate award for said lands and water rights will probably be within the limits of allocations and allotments made and provided for the purposes of acquiring said lands and water rights.

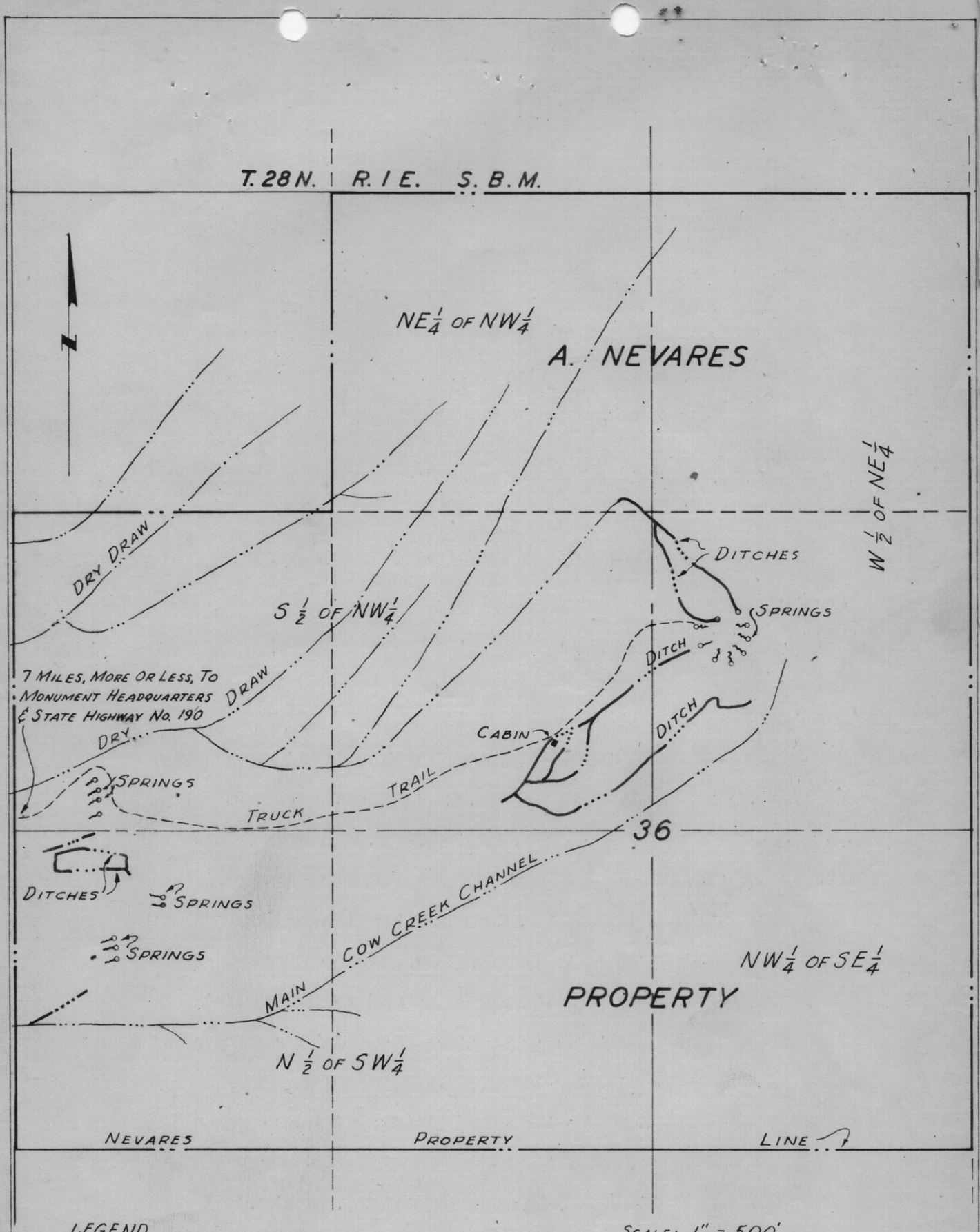
IN WITNESS WHEREOF, I have signed this Declaration of Taking and caused the seal of the Department of the Interior to be affixed hereto this 27th day of April , 1951, in the City of Washington, District of Columbia.

(SGD) MASTIN G. WHITE

Solicitor of the Department of the Interior of the United States of America

(SEAL)

00-00-0000: map depicting navares tract



LEGEND

- NATURAL DRAW OR DIRECTION OF DRAINAGE
- DITCH
- TRUCK TRAIL

SCALE: 1" = 500'

EXHIBIT "A"

MAP DEPICTING NAVARES TRACT DEATH VALLEY NATIONAL MONUMENT

U.S. v. 320 ACRES OF LAND, MORE OR LESS, IN THE COUNTY OF INYO, STATE OF CALIFORNIA, ADOLPH NEVARES, ET AL, CIVIL NO. 1016-ND, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, NORTHERN DIVISION.

NM-DV-6971

Form No. 680

No. 1016-ND-CIVIL

IN THE DISTRICT COURT

OF THE UNITED STATES

FOR THE

Southern District of California
Northern Division

UNITED STATES OF AMERICA

Plaintiff

vs.

320 ACRES OF LAND, MORE OR LESS, IN THE COUNTY OF INYO, State of California; ADOLPH NEVARES: COUNTY OF INYO, a body politic and corporate; DOE ONE TO DOE FIFTEEN, inclusive; DOE CORPORATION ONE TO DOE CORPORATION TEN, inclusive,

Defendants

Filed ....., 19.....

....., *Clerk.*

By ....., *Deputy.*

7—754 U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: 320 acres of land belonging to adolph nevares

COPY

Lands Division,
Department of Justice,
807 Federal Building,
Los Angeles 12, California

IDB:LG
1016-ND Civil

April 25, 1951

The Attorney General
Department of Justice
Lands Division
Land Acquisition Section
Washington 25, D. C.

Sir:

Re: United States v. 320 ACRES OF LAND in Inyo County, California; ADOLPH NEVARES, et al.
No. 1016-ND Civil
Your reference: 33-5-1645

Supplementing my letter of April 23, 1951, District Judge Beaumont has now continued the hearing on the Demurrer to our Second Amended Complaint from Monday, May 7, 1951, at 10 a. m. to Monday, June 4, 1951, at 2 p. m., at Fresno, California.

Enclosed find two copies of the Government's Memorandum in opposition to such Demurrer and of the Notice of the Continuance.

Respectfully,

ERNEST A. TOLIN
United States Attorney

Enclosures

cc: Mr. A. van V. Dunn
Chief, Water Resources Branch
National Park Service
Department of the Interior
Washington 25, D. C.

(with one copy of enclosures)

04-25-1951: plaintiff's memorandum in opposition to defendant's demurrer ; april 25, 1951

COPY

ERNEST A. TOLIN
United States Attorney
IRL D. BRETT
Special Assistant to the
Attorney General
Department of Justice
Lands Division
807 Federal Building
Los Angeles 12, California
Telephone: Madison 7411, Ext. 641

Attorneys for Plaintiff

FILED

April 25 1951

EDMUND L. SMITH, Clerk

By /s/ Wm. A. White
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND in Inyo County, California; ADOLPH NEVARES, et al., Defendants.	No. 1016-ND Civil PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S DEMURRER TO SECOND AMENDED COMPLAINT

Preliminary Statement

It has been somewhat difficult for counsel for plaintiff to understand the exact nature of the attack which defendant Nevares seeks to make upon plaintiff's Second Amended Complaint. Said counsel have inquired of counsel for the demurring defendant for more particulars without success, and must, therefore, endeavor to deduce and specify what they believe to be the points intended to be raised.

Plaintiff, therefore, has concluded that the following are the legal positions intended to be taken by defendant in support of his Demurrer:

1. That because Death Valley National Monument was authorized to be created by a Proclamation of the President and because such Proclamation expressly excluded the lands of the defendant Nevares which were within the perimeter of the area designated by the Proclamation as the National Monument and because no additional Proclamation

has been issued enlarging the area or directing the acquisition of the Nevares lands, the determination by the Secretary of the Interior is invalid in that it conflicts with the existing Proclamation, and that the President of the United States, as the designated Agent of Congress, is the only one authorized to modify and enlarge the Monument area;

2. That since Congress has not specifically and expressly authorized the taking of the Nevares lands, the determination by the Secretary of the Interior that it shall be taken is invalid. We believe that both points are without force or effect.

ARGUMENT

I

The authority (power) of the United States to condemn and acquire lands and interests therein is plenary, an attribute of sovereignty.

Kohl v. United States,
91 U.S. 269, 371-374;
23 L. Ed. 449, 451-452

"The power of eminent domain is not dependent upon any specific grant; it is an attribute of sovereignty, limited and conditioned by the just compensation clause of the 5th amendment."

Hanson Lumber Co. v. United States,
261 U.S. 581, 587; 67 L. Ed. 809, 813

"The power of eminent domain is essential to a sovereign Government. If the United States has determined it has need for certain land for a public use that is within its sovereign powers, it must have the right to appropriate that land."

United States v. Carmack,
329 U. S. 230, 235;
91 L. Ed. 209, 214

II

Such power being plenary, a single exercise thereof in 1933 to select an area of land for a National Monument would not limit or defeat the power to subsequently modify and enlarge the area to be used for such public purpose.

We cite no authority because the foregoing conclusion is implicit from the nature of plenary power.

"Plenary: Full; entire; complete, unabridged."

49 C. J. 1034

III

The determination of what is needed and is to be acquired for public use is for Congress and is not a question for judicial determination in the absence of bad faith, and if the use is a public one.

> "The Court may determine in a proceeding of this kind the nature of the proposed use, that is, whether it is public or private (citing cases), but, in the absence of bad faith, and if the use is a public one, the necessity for the desired property as a part thereof or the expediency of appropriating it thereto, is not a question for judicial determination. It is one for the legislative branch of the Government * * * ."
>
> United States v. Threlkold, (C.A. 10) 72 F. (2d) 464, 465

> "The Government here contends that the officials designated by Congress have been authorized by Congress to use their best judgment in selecting Post Office sites. It contends also that if the officials so designated have used such judgment, in good faith, in selecting the proposed Park site * * * the Federal Works Administration has expressed authority to direct the condemnation of that site. We agree with those contentions.

* * * The judgment exercised by the designated officials in selecting this site * * * constituted an administrative and legislative decision not subject to judicial review on its merits."

United States v. Carmack,
329 U. S. 230, 242;
91 L. Ed. 209, 217, 218

"In the instant case, we deal with broad language employed to authorized officials to exercise the sovereign's power of eminent domain on behalf of the sovereign itself. This is a general authorization which carries with it the sovereign's full powers except such as are excluded expressly or by necessary implication."

United States v. Carmack,
329 U. S. 230, 243;
91 L. Ed. 209, 218

(Footnote 13)

IV

The authority thus vested in the Congress may be delegated to executive officers of the United States.

" * * * It * * * is not a question for judicial determination. It is one for the legislative branch of the Government, and its determination may be delegated."

United States v. Threlkold (C.A. 10),
72 F. (2d) 464, 465

"Such necessity may be determined by a direct legislative enactment, or its determination may be by the legislature delegated to some officer or board."

Kaw Valley Drainage District v. Metropolitan Water Co. (C. A. 5),
186 Fed. 315, 319. Cert. Den. 220, U.S. 615; 55 L. Ed. 610

"The legislative branch may delegate the determination of the question of necessity."

O'Neill ads United States (D. C. Colorado),
198 Fed. 677, 682

Note: Since the authority and power of the Congress is

plenary, and since its authority to delegate the authority to select the property to be acquired is likewise plenary, there can be no limitation upon its right to select as many delegates to exercise such plenary power as it may determine. Again, we cite no authority because the conclusion is implicit from the very nature of the power and authority.

V

While Congress did designate the President as the executive official to whom it delegated its authority to originally select the site to be converted into Death Valley National Monument, it has also delegated to other executive officers, in this case the Secretary of the Interior, the right to acquire water rights and lands within the boundaries of the Monument.

(a) By the Act of June 8, 1906, 34 Stat. 225, Chap. 3060, par. 2 (16 U.S.C., Sec. 1431), the President of the United States became the delegated agent of Congress to select areas which were to be set aside as National Monuments and the method to be pursued was designated as "by public Proclamation". The text of this section is annexed hereto as a part of the Appendix;

(b) Pursuant to such delegated authority, President Hoover on February 11, 1933, did proclaim a certain area, identified by an annexed diagram, to be established as Death Valley National Monument "subject to all valid existing rights". The text of such Proclamation (without reproduction of the diagram), which was published in Volume 47, Part 2, of the United States Statutes at Large, pages 2554 and 2555, is set forth in the Appendix hereto annexed. The Government concedes that the Nevares lands are within the perimeter of the area designated as the Death Valley National Monument and that the rights which the Government has here taken were valid existing rights which were excepted by the above quoted clause "subject to all valid existing rights".

(c) By a general section applicable to all eminent domain proceedings, to-wit, the Act of August 1, 1888, 25 Stat. 357, Chap. 728, Par. 1, as amended by the Act of March 3, 1911, 36 Stat. 1167, Chap. 231, Par. 291 (Title 40, Sec. 257 U.S.C.), it is provided:

> "In every case in which * * * any * * * officer of the Government has been or shall be authorized to procure real estate for the erection of a public building or for other public uses, he shall be authorized to acquire the same for the United States by condemnation, under judicial process, whenever, in his opinion, it is necessary or advantageous to the Government to do so. * * * " (Emphasis supplied)

In the Proclamation of the President, which established Death Valley National Monument, provision is made as follows:

> "The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this Monument * * * ".

Thus, the Secretary of the Interior is the officer under whose direction and control Death Valley National Monument was placed.

(d) In the Interior Department Appropriation Act, 1949, Public Law 841, 80th Congress, 62 Stat. 1140, the following authorization is given to the Secretary of the Interior to procure real estate for the public use in connection with the National Park Service (which includes Death Valley National Monument):

> "Investigation and purchase of water rights.
>
> For the investigation and establishment of water rights, including the acquisition thereof, or of lands or interests in lands, or rights of way for use and protection of water rights, necessary or essential in the administration and public use of areas under the jurisdiction of the National Park Service, to remain

available until expended, $15,000.00.

"Acquisition of lands:

For the acquisition of privately-owned lands or rights therein within the authorized boundaries of established areas under the jurisdiction of the National Park Service * * * $200,000.00, to remain available until expended, of which $150,000.00 shall be available only for lands within (certain designated areas not including Death Valley National Monument)."

(e) By the provisions of the Interior Department Appropriation Act, 1950, Public Law 350, 51st Congress, the following authorization is given to the Secretary of the Interior:

"Investigation and purchase of water rights:

For the investigation and establishment of water rights, including the acquisition thereof, or of lands or interests in lands, or rights of way for use and protection of water rights necessary or beneficial in the administration and public use of areas under the jurisdiction of the National Park Service * * * to remain available until expended, $15,000.00;

"Acquisition of Lands:

For the acquisition of privately-owned lands or interests therein, within the authorized boundaries of established areas under the jurisdiction of the National Park Service * * * $300,000.00, to remain available until expended."

If there is any doubt that the Secretary of the Interior is the delegated agent of Congress in connection with these Interior Department Appropriation Acts, we have only to note that under the heading of "National Park Service", from which the foregoing quoted material has been excerpted, there repeatedly appears statements such as the following:

In connection with the provisions for the acquisition of lands, the Act provides:

"And in addition, the Secretary is authorized to expend * * *."

In the four paragraphs next immediately following, the Act provides:

"And in addition, the Secretary is authorized to incur obligations and to enter into contracts."

In the paragraph next following, the Act provides:

"In the various Parks and Monuments as the Secretary may designate * * * ".

From the foregoing it clearly appears that the Congress has designated the Secretary of the Interior of the United States as the person invested with the authority to determine what water rights and what lands within the authorized boundaries of established areas under the jurisdiction of the National Park Service shall be acquired by the United States for public use as a part of such National Park Service. This is all of the authority required to enable the United States to condemn and acquire the rights which were sought herein.

United States v. Threlkold, supra, p. 465;
Hanson Lumber Co. v. United States,
261 U. S. 581, 585-586;
67 L. Ed. 809, 812

VI

The authority of an executive officer of the United States to cause and direct the United States to condemn and acquire real property may be evidenced and delegated by the making of an appropriation as well as by specific or express authorization identifying a particular property.

"The statutory authorization to procure real estate may be evidenced by the making of an appropriation as well as by specific authorization to acquire."

Polson Logging Co. v. United States (C.A. 9),
160 F. (2d) 712, 714

VII

While it is not clearly apparent from the authorities and argument submitted with defendant's Demurrer that it makes such contention, it may be that counsel is urging that because Congress has limited the amount of its appropriation, the authorization has failed. If such be his argument, the law does not support it.

Hanson Lumber Co. v. United States,
261 U. S. 581, 586-587;
67 L. Ed. 809, 813

Furthermore, the Interior Department Appropriation Act of 1950 removes the exception in the 1949 Act, which expressly required $150,000.00 of the appropriations for acquisitions of lands to be devoted to specified areas, not including Death Valley National Monument, and also increased the total appropriation from $200,000.00 to $300,000. Thus, the appropriations for water rights and for lands total $315,000. Certainly no limitation can be evidenced by such appropriation which will support the Demurrer.

It is therefore respectfully submitted that the Demurrer to the Second Amended Complaint should be overruled and that the defendant should be directed to answer within a specified time.

DATED: April 25, 1951.

Respectfully submitted,

ERNEST A. TOLIN
United States Attorney

IRL D. BRETT
Special Assistant to the
Attorney General

By Irl D. Brett

IRL D. BRETT

Attorneys for Plaintiff
UNITED STATES OF AMERICA

APPENDIX

U.S.C.A., Title 16, Sec. 431, p. 277:

NATIONAL MONUMENTS: RESERVATION OF LAND; RELINQUISHMENT OF PRIVATE CLAIMS.

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. June 8, 1908, c. 3060, sec. 2, 34 Stat. 225.

U.S. Stat. 72d Congress, 1931-1933, Vol.47, Part 2, page 2554:

DEATH VALLEY NATIONAL MONUMENT - CALIFORNIA

By the President of the United States of America

A PROCLAMATION

Whereas, it appears that the public interest would be promoted by including certain lands known as Death Valley, in California, within a national monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained:

NOW, THEREFORE, I, HERBERT HOOVER, President of the United States of America, by virtue of the power in me vested by section 2 of the act of Congress entitled "AN ACT For the preservation of American antiquities," approved June 8, 1906 (34 Stat. 225), do proclaim and establish the Death Valley National Monument and that, subject to all valid existing rights, the area indicated on the diagram hereto annexed and forming a part hereof be, and the same is hereby, included within the said national monument.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or to remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "AN ACT To establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535-536), and acts additional thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11th day of February, in the year of our Lord nineteen hundred and thirty-three, and of the (SEAL) Independence of the United States of America the one hundred and fifty-seventh.

HERBERT HOOVER

By the President:

HENRY L STIMSON

Secretary of State.

(No. 2028)

04-25-1951: affidavit of service by mail ; april 25, 1951

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND in Inyo County, California; ADOLPH NEVARES, et al., Defendants	No. 1016-ND Civil AFFIDAVIT OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) SS
County of Los Angeles)

LORETTA GRIFFIN, being first duly sworn, deposes and says:

That she is a citizen of the United States and a resident of Los Angeles County, California; that her business address is 807 Federal Building, Los Angeles, California; that she is over the age of eighteen years, and not a party to the above entitled action;

That on April 25, 1951, he deposited in the United States Mails in the Post Office at Temple and Main Streets, Los Angeles, California, in the above entitled actiom, in an envelope bearing the requisite postage, a copy of PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S DEMURRER TO SECOND AMENDED COMPLAINT,

addressed to JOHN B. LONERGAN, ESQ., and MESSRS. GUTHRIE, LONERGAN & JORDAN, Attorneys at Law, 506 Andreson Building, San Bernardino, California,

at which place there is a delivery service by United States Mail from said Post Office.

Loretta Griffin
LORETTA GRIFFIN

Subscribed and sworn to before me
this 25th day of April, 1951.

EDMUND L. SMITH, Clerk
United States District Court
Southern District of California

By Wm. A. White
Deputy

(SEAL)

Address Reply to
"The Attorney General"
and Refer to
Initials and Number

RJL:CMacM

33-5-1645

COPY

UNITED STATES
DEPARTMENT OF JUSTICE
WASHINGTON 25, D. C.

April 3, 1951

Newton B. Drury, Esquire
Director of National Park Service
Department of the Interior
Washington 25, D. C.

Dear Mr. Drury:

Enclosed for your information and files is a copy of a letter dated March 12, 1951, from the United States Attorney to this Department, together with a certified copy of the first amended complaint and a conformed copy of the second amended complaint, which have been filed in the condemnation proceeding entitled United States v. 320 acres of land in the County of Inyo, State of California, et al., Civil No. 1016-ND.

Sincerely,

/s/ A. Devitt Vanech

A. DEVITT BANECH
Assistant Attorney General

Enclosure
No. 82732

02-02-1951: supplements letter of feb 2nd and 8th ; march 12, 1951

COPY

Lands Division,
Department of Justice,
807 Federal Building,
Los Angeles 12, California

IDB:JW

No. 1016-ND

March 12, 1951.

The Attorney General
Lands Division
Land Acquisition Section
Department of Justice
Washington 25, D. C.

RE: U.S. v. 320 Acres of Land in the County of Inyo, etc., et al. No. 1016-ND
DEATH VALLEY NATIONAL MONUMENT
Your reference: 33-5-1645

Sir:

This supplements my letters of February 2nd and 8th, 1951, with the first of which I forwarded copies of the First Amended Complaint. Shortly thereafter the defendant Nevares filed a Demurrer to said First Amended Complaint which was based upon the fact that I had inadvertently failed to note that the excepting clause reading:

"(other than such as are presently owned by the United States)"

was also contained in paragraph III, page 2, lines 14 and 15 of the original Complaint, and was inadvertently repeated in paragraph III, page 2, line 14 of the First Amended Complaint.

I immediately prepared and submitted to counsel for the defendant a Second Amended Complaint which eliminated such phrase from paragraph III as well as from the description of the rights taken in paragraph V. I endeavored to obtain a stipulation that the Second Amended Complaint be filed in order to avoid the necessity of a trip to Fresno. Counsel for defendant delayed stipulating for some time but has finally executed the stipulation as of February 28, 1951 (although he did not mail it to me until today) and, based thereon, I have obtained the requisite order allowing the filing and have filed the Second Amended Complaint today. Enclosed find two plain copies thereof.

Lands Division,
Department of Justice,
807 Federal Building,
Los Angeles 12, California

In a conversation between Mr. Lonergan and Special Assistant Brett, Mr. Brett was informed that defendant would not stipulate to an order allowing Park Service officials and other Government agents, to enter upon the Nevares property for the purpose of taking motion pictures or for the purpose of testing and measuring the water supply and that such rights would have to be obtained through court order, if at all.

Mr. Lonergan also stated that Mr. William Penn Rowe, his water engineer and appraiser, would support an opinion of value of $100,000 as a result of his investigations and measurements of the water supply and that the lowest figure that Mr. Nevares would consider in settlement would be the sum of $50,000, conditioned that the decree would permit the compensation to be paid in five (5) yearly instalments. He stated that he recognized that such a provision could not be set forth in an ordinary eminent domain judgment but that he thought that it could be so provided in a compromise settlement judgment.

Mr. Lonergan further stated that his client might be interested in a contract arrangement whereby he would retain the title to his property but would contract to sell a fixed water supply to the Monument Station on an annual basis. He was requested to set forth the respective suggested offers in writing so that they could be submitted to you for consideration.

Respectfully,

ERNEST A. TOLIN
United States Attorney

03-12-1951: second amended complaint in condemnation ; march 12, 1951

COPY

ERNEST A. TOLIN
United States Attorney
IRL D. BRETT
Special Assistant to
the Attorney General
LANDS DIVISION
Department of Justice
807 Federal Building
Los Angeles 12, Calif.

Attorneys for Plaintiff

FILED: MARCH 12, 1951

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND IN THE COUNTY OF INYO, State of California; ADOLPH NEVARES: COUNTY OF INYO, a body politic and corporate; DOE ONE to DOE FIFTEEN, inclusive; DOE CORPORATION ONE to DOE CORPORATION TEN, inclusive; Defendants.	No. 1016 - ND - Civil SECOND AMENDED COMPLAINT IN CONDEMNATION

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by Ernest A. Tolin, United States Attorney, and Irl D. Brett, Special Assistant to the Attorney General, Lands Division, Department of Justice, as its attorneys, and leave having been first had and obtained, files this its Second Amended Complaint and alleges:

I

That this proceeding is commenced upon instructions of the Attorney General of the United States and at the request of the Secretary of the Interior.

II

That defendant, County of Inyo, is a body politic and corporate, situate in the State of California, and within the Southern District of California, Northern Division.

*IDB:JW 21951

That defendants, Adolph Nevares, and Doe One to Doe Fifteen, inclusive, are each residents within said Southern District of California, Northern Division.

That defendants, Doe Corporation One to Doe Corporation Ten, inclusive, are each corporations organized and existing under the laws of one of the states of the United States, and each of them has a principal office for the transaction of business within said Southern District of California, Northern Division.

That the defendants sued as "Doe" or "Doe Corporation" are sued under fictitious names because the true names thereof are unknown to plaintiff at this time; that upon ascertaining such true names plaintiff will ask leave of Court to amend this Complaint by inserting said true names in lieu of the fictitious names herein used.

III

That the Secretary of the Interior of the United States has determined that it is necessary for plaintiff to acquire the fee simple title to the lands and water rights hereinafter described, for addition to and to be incorporated in the Death Valley National Monument. That such purpose is a public use authorized by law and the acquisition thereof by plaintiff will be of the greatest public benefit and to the least private injury; that plaintiff is informed and believes, and upon such ground alleges, that none of such property has been heretofore appropriated for any public use; that if any part or portion thereof has been heretofore appropriated to a public use, the use for which it is herein sought to be condemned and appropriated is a more necessary and paramount public use.

IV

This is a suit of a civil nature and is brought by plaintiff under the authority of, and pursuant to, the Act of Congress approved August 1, 1888 (25 Stat. 357; 40 U.D.C. 257), as amended (40 U.S.C. 1946 Ed., Supp. III, sec. 257); Interior Department Appropriation Act, 1950 (Public Law 350, 81st Congress), Symbol and Title 14x1056 Water Rights,

National Park Service; and Interior Department Appropriation Act, 1949 (Public Law 841, 80th Congress, 62 Stat. 1140), Symbol and Title 14x1056 Water Rights, National Park Service.

V

That the land and water rights sought to be acquired are situate in the County of Inyo, State of California, within the exterior boundaries of the Death Valley National Monument and are more particularly described as follows:

West Half of the Northeast Quarter, South Half of the Northwest Quarter, North Half of the Southwest Quarter, Northeast Quarter of the Northwest Quarter, and Northwest Quarter of the Southeast Quarter, all in Section 36, Township 28 North, Range 1 East, S.B.B. & M., being 320 acres, more or less, in Inyo County, California, together with all improvements thereon and all water and water rights, riparian or otherwise, thereunto appertaining.

That the interest which the United States seeks to acquire therein is the full fee simple title.

VI

That Adolph Nevares is the apparent and presumptive owner thereof; that all other defendants named herein have or claim to have some right, title or interest in, or claim or lien upon, said property or some part or portion thereof.

VII

That plaintiff has attempted to set forth herein the interests or estates of all persons or corporations in the lands and water rights which are herein taken, so far as it has been able to ascertain the same, but plaintiff also makes parties hereto all other persons, firms, corporations, estates and public and private legal entities of whatsoever nature, known or unknown, owning or claiming to own, or claiming to have any right, title or interest in, or claim or lien upon, such lands and water rights, to the end that the United States may be vested with title therein in fee simple absolute.

WHEREFORE, plaintiff demands judgment:

1. That this Court ascertain and assess the value of the property herein sought to be taken and condemned, and fix and determine to whom the compensation therefore shall be paid;

2. Adjudge that the uses for which plaintiff takes and condemns such property are necessary public uses of plaintiff and are authorized by law and are prior and paramount to all other public uses to which such property may have been appropriated, if any;

3. Vesting in the United States of America title in fee simple absolute to the lands and water rights which are the subject of this action; adjudging that the right to just compensation for the taking thereof is vested in the persons entitled thereto as their respective interests are fixed and determined herein, and further adjudging that all liens or encumbrances held by any party herein against the condemned property be satisfied out of the award made in such judgment;

4. For such other and further relief as the Court deems meet and proper in the premises.

DATED: February 19, 1951.

ERNEST A. TOLIN
United States Attorney

IRL D. BRETT
Special Assistant to
the Attorney General

By IRL D. BRETT

Attorneys for Plaintiff

STIPULATION AND ORDER PERMITTING THE FILING

OF SECOND AMENDED COMPLAINT

IT IS STIPULATED that a copy of the above Second Amended Complaint has been served upon the undersigned and that the original may be filed.

DATED: February 28, 1951.

ERNEST A. TOLIN, United States Attorney
IRL D. BRETT, Special Assistant to the
Attorney General

By IRL D. BRETT

Attorneys for Plaintiff

GUTHRIE, LONERGAN & JORDAN

By JOHN B. LONERGAN

Attorneys for defendant,
Adolph Nevares

- - - - - - -

O R D E R

Good cause appearing therefor,

IT IS SO ORDERED this 12th day of ~~February~~ March, 1951.

PAUL J. McCORMICK
United States District Judge

02-02-1951: first amended complaint in condemnation ; february 02, 1951

COPY

ERNEST A. TOLIN
United States Attorney
IRL D. BRETT
Special Assistant to
the Attorney General
807 Federal Building
Los Angeles 12, Calif.
Madison 7411, Ext. 654

Attorneys for Plaintiff

FILED

FEB 2 1951

EDMUND L. SMITH, Clerk

By WM A. WHITE
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

* * *

UNITED STATES OF AMERICA, Plaintiff vs. 320 ACRES OF LAND, MORE OR LESS, IN THE COUNTY OF INYO, State of California; ADOLPH NEVARES; COUNTY OF INYO, a body politic and corporate; DOE ONE to DOE FIFTEEN, inclusive; DOE CORPORATION ONE to DOE CORPORATION TEN, inclusive; Defendants	No. 1016-ND Civil FIRST AMENDED COMPLAINT IN CONDEMNATION.

COMES NOW the plaintiff, United States of America, by Ernest A. Tolin, United States Attorney, and Irl D. Brett, Special Assistant to the Attorney General, Lands Division, Department of Justice, as its attorneys, and filing this its First Amended Complaint, alleges:

I

That this proceeding is commenced upon instructions of the Attorney General of the United States and at the request of the Secretary of the Interior.

II

That defendant, County of Inyo, is a body politic and corporate, situate in the State of California, and within the Southern District of California, Northern Division;

That defendants, Adolph Nevares, and Doe One to Doe Ten, inclusive,

IDB:T
2-2-51

are each residents within said Southern District of California, Northern Division;

That defendants, Doe Corporation One to Doe Corporation Ten, inclusive, are each corporations organized and existing under the laws of one of the states of the United States, and each of them has a principal office for the transaction of business within said Southern District of California, Northern Division.

That the defendants sued as "Doe" or "Doe Corporation" are sued under fictitious names because the true names thereof are unknown to plaintiff at this time; that upon ascertaining such true names plaintiff will ask leave of Court to amend this Complaint by inserting said true names in lieu of the fictitious names herein used.

III

That the Secretary of the Interior of the United States has determined that it is necessary for plaintiff to acquire the fee simple title to the lands and water rights (other than such as are presently owned by the United States), hereinafter described, for addition to and to be incorporated in the Death Valley National Monument. That such purpose is a public use authorized by law and the acquisition thereof by plaintiff will be of the greatest public benefit and to the least private injury; that plaintiff is informed and believes, and upon such ground alleges, that none of such property has been heretofore appropriated for any public use; that if any part orportion thereof has been heretofore appropriated to a public use, the use for which it is herein sought to be condemned and appropriated is a more necessary and paramount public use.

IV

This is a suit of a civil nature and is brought by plaintiff under the authority of, and pursuant to, the Act of Congress approved August 1, 1888 (25 Stat. 357; 40 U.S.C. 257), as amended (40 U.S.C. 1946 Ed., Supp. III, sec. 257); Interior Department Appropriation Act, 1950 (Public Law 350, 81st Congress), Symbol and Title 14x1056 Water Rights, National Park Service; and Interior Department Appropriation Act, 1949 (Public Law 841, 80th Congress, 62 Stat. 1140), Symbol and Title 14x1056 Water Rights, National Park Service.

V

That the land and the water rights sought to be acquired are situate in the County of Inyo, State of California, within the exterior boundaries of the Death Valley National Monument, and are more particularly described as follows:

West Half of the Northeast Quarter, South Half of the Northwest Quarter, North Half of the Southwest Quarter, Northeast Quarter of the Northwest Quarter, and Northwest Quarter of the Southeast Quarter, all in Section 36, Township 28 North, Range 1 East, S. B. B. & M., being 320 acres, more or less, in Inyo County, California, together with all improvements thereon and all water and water rights, riparian or otherwise, thereunto appertaining.

That the interest which the United States seeks to acquire therein is the full fee simple title.

VI

That Adolph Nevares is the apparent and presumptive owner thereof; that all other defendants named herein have, or claim to have some right, title or interest in, or claim or lien upon, said property or some part or portion thereof.

VII

That plaintiff has attempted to set forth herein the interests or estates of all persons or corporations in the lands and water rights which are herein taken, so far as it has been able to ascertain the same, but plaintiff also makes parties hereto all other persons, firms, corporations, estates and public and private legal entities of whatsoever nature, known or unknown, owning or claiming to own, or claiming to have any right, title or interest in, or claim or lien upon, such lands and water rights, to the end that the United States may be vested with title thereto in fee simple absolute.

WHEREFORE, plaintiff demands judgment:

1 - That this Court ascertain and assess the value of the property herein sought to be taken and condemned, and fix and determine to whom the compensation therefor shall be paid;

2 - Adjudge that the uses for which plaintiff takes and condemns such property are necessary public uses of plaintiff and are authorized by law and are prior and paramount to all other public uses to which such property may have been appropriated, if any;

3 - Vesting in the United States of America title in fee simple absolute to the lands and water rights which are the subject of this action; adjudging that the right to just compensation for the taking thereof is vested in the persons entitled thereto as their respective interests are fixed and determined herein, and further adjudging that all liens or encumbrances held by any party herein against the condemned property be satisfied out of the award made in such judgment;

4 - For such other and further relief as the Court deems meet and proper in the premises.

DATED: February 2, 1951.

ERNEST A. TOLIN
United States Attorney

IRL D. BRETT
Special Assistant to the
Attorney General

By
/s/ IRL D BRETT
IRL D. BRETT
Attorneys for Plaintiff

A TRUE COPY,
ATTEST, ETC.
Edmund L. Smith, Clerk U. S. District Court,
Southern District of California

By /s/ Francis E. Cross Deputy
FEB 17 1951

09-15-1950: complaint in condemnation ; september 15, 1950

COPY

ERNEST A. TOLIN
United States Attorney
IRL D. BRETT
Special Assistant to
the Attorney General
LANDS DIVISION
Department of Justice
807 Federal Building
Los Angeles 12, Calif.

Attorneys for Plaintiff

FILED

SEP 15 1950

EDMUND L. SMITH, Clerk
By Edw. F. Drew
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. 320 ACRES OF LAND, MORE OR LESS, IN THE COUNTY OF INYO, State of California; ADOLPH NEVARES; COUNTY OF INYO, a body politic and corporate; DOE ONE to DOE FIFTEEN, inclusive; DOE CORPORTATION ONE to DOE CORPORATION TEN, inclusive. Defendants.	No. 1016-ND Civil COMPLAINT IN CONDEMNATION

COMES NOW plaintiff, UNITED STATES OF AMERICA, by Ernest A. Tolin, United States Attorney and Irl D. Brett, Special Assistant to the Attorney General, Lands Division, Department of Justice, as its attorneys, and alleges:

I

That this proceeding is commenced upon instructions of the Attorney General of the United States and at the request of the Secretary of the Interior.

II

That defendant COUNTY OF INYO is a body politic and corporate, situate in the State of California and within the Southern District of California, Northern Division. That defendants ADOLPH NEVARES and DOE ONE to DOE TEN, inclusive, are each residents within said Southern Dis-

*IDB:JW 91550

trict of California, Northern Division; that defendants DOE CORPORATION ONE to DOE CORPORATION TEN, inclusive, are each corporations organized and existing under the laws of one of the states of the United States and each of them has a principal office for the transaction of business within said Southern District of California, Northern Division.

That defendants sued as "Doe" or "Doe Corporation" are sued under fictitious names because the true names thereof are unknown to plaintiff at this time; that upon ascertaining such true names plaintiff will ask leave of Court to amend this Complaint by inserting said true names in lieu of the fictitious names herein used.

III

That the Secretary of the Interior of the United States has determined that it is necessary for plaintiff to acquire the fee simple title to the lands and water rights (other than such as are presently owned by the United States), hereinafter described, for addition to and to be incorporated in Death Valley National Monument. That such purpose is a public use authorized by law and the acquisition thereof by plaintiff will be of the greatest public benefit and to the least private injury; that plaintiff is informed and believes, and upon such ground alleges, that none of such property has been heretofore appropriated for any public use; that if any part or portion thereof has been heretofore appropriated to a public use, the use for which it is herein sought to be condemned and appropriated is a more necessary and paramount public use.

IV

This is a suit of a civil nature and is brought by plaintiff under the authority of, and pursuant to, the Act of Congress approved August 1, 1888 (25 Stat. 357; 40 U.S.C. 257), as amended (40 U.S.C. 1946 Ed., Supp. III, sec. 257); Interior Department Appropriation Act, 1950 (Public Law 350, 81st Congress), Symbol and title, 14x1056 Water Rights, National Park Service; and Interior Department Appropriation Act, 1949 (Public Law 841, 80th Congress, 62 Stat. 1140), Symbol and title, 14x1056 Water Rights, National Park Service.

V

That the land and the water rights sought to be acquired are situate in the County of Inyo, State of California, within the exterior boundaries of Death Valley National Monument and are more particularly described as follows:

> West Half of the Northeast Quarter, South Half of the Northwest Quarter, North Half of the Southwest Quarter, Northeast Quarter of the Northwest Quarter, and Northwest Quarter of the Southeast Quarter, all in Section 36, Township 28 North, Range 1 East, S.B.B. & M., being 320 acres, more or less, in Inyo County, California, together with all improvements thereon and all water and water rights, riparian or otherwise, thereunto appertaining (other than such as are presently owned by the United States).

That the interest which the United States seeks to acquire therein is the full fee simple title.

VI

That Adolph Nevares is the apparent and presumptive owner thereof; that all other defendants named herein have or claim to have some right, title or interest in, or claim or lien upon, said property or some part or portion thereof.

VII

That plaintiff has attempted to set forth herein the interests or estates of all persons or corporations in the lands and water rights which are herein taken, so far as it has been able to ascertain the same, but plaintiff also makes parties hereto all other persons, firms, corportations, estates and public and private legal entitkes of whatsoever nature, known or unknown, owning or claiming to own, or claiming to have any right, title or interest in, or claim or lien upon, such lands and water rights, to the end that the United States may be vested with title therein in fee simple absolute.

WHEREFORE, plaintiff demands judgment:

1. That this Court ascertain and assess the value of the property herein sought to be taken and condemned, and fix and determine to whom the compensation therefor shall be paid;

2. Adjudge that the uses for which plaintiff takes and condemns such property are necessary public uses of plaintiff and are authorized by law and are prior and paramount to all other public uses to which such property may have been appropriated, if any;

3. Vesting in the United States of America title in fee simple absolute to the lands and water rights which are the subject of this action; adjudging that the right to just compensation for the taking thereof is vested in the persons entitled thereto as their respective interests are fixed and determined herein, and further adjudging that all liens or encumbrances held by any party herein against the condemned property be satisfied out of the award made in such judgment;

4. For such other and further relief as the Court deems meet and proper in the premises.

DATED: September 15, 1950.

ERNEST A. TOLIN
United States Attorney

IRL D. BRETT
Special Assistant to
the Attorney General

By IRL D. BRETT

Attorneys for Plaintiff

(SEAL)
A TRUE COPY., SEP 19 1950
ATTEST,ETC.
Edmund L. Smith, Clerk U.S. District Court,
Southern District of California

By /s/ I. L. Macbeth Deputy

UNITED STATES OF AMERICA,
STATE OF CALIFORNIA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, Under the provisions of an Act of the Congress of the United States, entitled "An Act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes," approved March third, eighteen hundred and fifty-three, there was granted to the State of California, ten sections of land for the reection of public buildings, seventy-two sections for a seminary of learning, and the sixteenth and thirty-sixth sections of each township in said State and lands selected in lieu thereof under the provisions of said Act and also under the provisions of subswquent Acts of said Congress of the United States; and whereas, the Legislature of the State of California has provided for the sale and conveyance of said lands by statutes enacted from time to time; and whereas, it appears by the certificate of the Register of the State Land Office, No. 12973, issued in accordance with the provisions of law, bearing date the first day of February 1911, that the tracts of land hereinafter described and being a part of the grant of the sexteenth and thirty-sixth sections and lands in lieu thereof, have been duly and properly located in accordance with law, that the laws in relation thereto have been complied with, that

payment in full has been made, and that Adolphus Nevares is entitled to receive a patent therefor;

NOW, THEREFORE, The State of California hereby grants to the said Adolphus Nevares and to his heirs and assigns forever, the said tracts of land located as aforesaid, and which are known and described as follows, to wit:

The west half of the northeast quarter, the south half of the northwest quarter, the northeast quarter of the northwest quarter and the north half of the southwest quarter of Section thirty-six (36), Township twenty-eight (28) north, Range one (1) east, San Bernardino Meridian, containing two hundred eighty (280) acres; together with all the privileges and appurtenances thereunto appertaining and belonging. To have and to hold the aforegranted premises to the said Adolphus Nevares and to his heirs and assigns, to his and their use and behoof forever.

IN TESTIMONY WHEREOF, I H I R A M W. J O H N S O N Governor of the State of California, have caused these Letters to be made Patent, and the Seal of the State of California to be hereunto affiged.

Given under my hand at the City of Sacramento, this, the 3rd day of February, in the year of our Lord one thousand nine hundred and eleven.

Hiram W. Johnson
Governor of State.

(STATE SEAL)

Attest: Frank C. Jordon
Secretary of State.

Countersigned: W. S. Kingsbury.

(Land Office Seal)

Register of State Land Office

Recorded at the request of A. Nervares
Mar 3, 1911. 5 minutes past 8 o' clock. A. M.
W. L. Hunter, Recorder.

03-03-1911: county records office; march 03, 1911

COUNTY RECORDER'S OFFICE

STATE OF CALIFORNIA }
COUNTY OF INYO } ss.

I, RICHARD F. OYLER, County Recorder of the County of Inyo, State of California, do hereby certify the foregoing to be a full, true and correct copy of Patent

as the same appears on record in my office in Volume 21 of Deeds at page 64 Records of Inyo County.

Witness my hand and seal of said County Recorder this 15th day of January 1951

Richard F. Oyler County Recorder

By Donald B. Bell, Deputy

03-03-1911: county records office; march 03, 1911

COUNTY RECORDER'S OFFICE

STATE OF CALIFORNIA }
COUNTY OF INYO } ss.

I, RICHARD F. OYLER, County Recorder of the County of Inyo, State of California, do hereby certify the foregoing to be a full, true and correct copy of Patent

as the same appears on record in my office in Volume 21 of Deeds at page 64 Records of Inyo County.

Witness my hand and seal of said County Recorder this 15th day of January 1951

Richard F. Oyler County Recorder
By Donald R. Bell, Deputy

50
40
12
102

02-10-1943: enclosure of a letter from feb 10 ; february 18, 1943

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

February 18, 1943

REM:WHW
90-1-2-86

Honorable Abe Fortas
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Fortas:

There is enclosed a copy of a letter dated February 10, 1943, from Irl D. Brett, Special Assistant to the Attorney General, reporting that Mr. Nevares is complying with the judgment entered in the case entitled United States v. Adolf Nevares, Civil No. 1092-Y in the United States District Court for the Southern District of California. This case involves the water supply for the Death Valley National Monument in California.

Since no further action in this case appears to be necessary this Department is closing its file.

Respectfully,
For the Attorney General

(Sgd) N orman M. Littell

NORMAN M. LITTELL
Assistant Attorney General

Enclosure
No. 449385

C O P Y

30

02-10-1943: requesting authorization to close adolph nevares file ; february 10, 1943

IDB:ML
40-D-82

February 10, 1943

The Attorney General
Lands Division, Trial Section
Department of Justice
Washington, D. C.

Re: United States v. Adolf Nevares,
Civil No. 1092-Y
Your Reference: REM-HP 90-1-2-86

Sir:

Supplementing my report of December 23rd and in reply to your inquiry of January 29th, 1943, I am informed by T. R. Goodwin, Superintendent of Death Valley National Monument, and Albert L. Johnson, Attorney, National Park Service, Water Rights Section, Department of the Interior, that Nevares is still employed by the Government and is giving full and complete cooperation in furtherance of Judge Yankwich's judgment in this proceeding.

Under the circumstances, I recommend that I be authorized to close my file and that due entry be made in your records that no further action is desired by the Department of the Interior as against this defendant in enforcement of the existing judgment.

Respectfully,

IRL D. BRETT
Special Assistant to
The Attorney General

COPY

29

COPY

December 28, 1942.

Mr. Irl D. Brett,
Special Assistant to the Attorney General,
Department of Justice,
Los Angeles, California.

Dear Mr. Brett:

We are in receipt of your letter of December 23, 1942, regarding case United States v. Adolph Nevares, Civil No. 1092-Y.

Confirming my previous letter on the subject, Mr. Nevares has been employed by us as a laborer for some time, and we are now proposing to place him in permanent status as an under-gardener. While we are not receiving as much water as we had last winter, the supply is gradually increasing due to the fact, as I suspected when employing Mr. Nevares, he would be able to give but little time to his own ranch which of course would be to our benefit. In the position in which we propose to place him, the success of his work will be very largely dependent on his ability to use sufficient water for irrigation, and it is my belief he will increase the supply of his own volition and thereby obviate the necessity of taking the matter into court.

Under the circumstances, I do not believe it would be advisable to take any action in the case until we are certain whether or not we will receive relief voluntarily from Mr. Nevares.

Yours very truly,

(SGD.) T. R. GOODWIN

T. R. Goodwin,
Superintendent.

TRG:CM

28

COPY

DEPARTMENT OF JUSTICE

IDB:IH

UNITED STATES ATTORNEY

40-D-82

SOUTHERN DISTRICT OF CALIFORNIA

LOS ANGELES

December 23, 1942

Mr. T. R. Goodwin, Superintendent
Death Valley National Monument,
California

Re: United States v. Adolf Nevares,
Civil No. 1092-Y.

Dear Sir:

My superiors in Washington have inquired as to whether or not present circumstances indicate the necessity of further action against Mr. Nevares, and have called upon me for a full report.

I will appreciate it if you will let me hear from you at an early date so that I may make such report. May I take this opportunity of wishing you the compliments of the Season; a very Merry Christmas, and a happy and more prosperous New Year.

Very truly yours,

(Sgd) Irl D. Brett

IRL D. BRETT
Special Assistant to
the Attorney General

27

COPY

REM-WHW

90-1-2-86

October 21, 1941

Honorable John J. Dempsey
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Dempsey:

There is enclosed a copy of a letter dated October 14, 1941 from the United States Attorney relative to the case entitled United States v. Adolf Nevares, No. 1092-Y Civil in the United States District Court for the Southern District of California. This case involves the water supply for the Death Valley National Monument, California. Also, there are enclosed copies of the following:

Affidavits of T. R. Goodwin and R. Neil Grunigen in support of motion for writ of assistance;

Writ of assistance;

Order for writ of assistance;

Letter dated September 27 from T. R. Goodwin, Superintendent.

In the event the execution of the writ of assistance is not effective in restoring the water supply to the national monument lands, the United States Attorney is being authorized to institute contempt proceedings against the defendant.

Respectfully,
For the Attorney General

J. EDWARD WILLIAMS
Acting Head, Lands Division

Enclosure
No. 553946

22

COPY

40-D-82

October 14, 1941

AIR MAIL

Attorney General
Lands Division
Department of Justice
Washington, D. C.

Re: Interference with Water Supply at
Death Valley National Monument

United States v. Adolf Nevares
No. 1092-Y
Your File: REM:WHW 90-1-2-86

Sir:

This is written in reply to your letter of October 9, 1941, concerning the above matter.

Reference is had to our letter of June 24, 1941, wherein you were advised of the filing of a Motion for Writ of Assistance and the noticing of the same for hearing on June 16, 1941, and that, thereafter, defendant after service of the moving papers indicated that he would voluntarily comply with the order of the court. This, however, defendant refused to do and thereafter the Motion was heard on September 8, 1941 and the Court made a minute order granting the Writ as prayed for. The formal order for Writ of Assistance was made and entered October 13, 1941, and the Writ issued on that date.

There are forwarded for your files, two copies of the Affidavits of T. R. Goodwin and R. Neil Grunigen, filed in support of the Motion, and two copies of the Order for Writ of Assistance and the Writ.

This office has been advised by letter of September 27, 1941 from the Superintendent of the National Park Service, Death Valley National Monument, California, that Nevares continues to obstruct and divert the flow of water and refuses cooperation. Two copies of this letter are also enclosed.

The Marshal has been given instructions to serve the Writ of Assistance and to carry out its terms and orders.

It is to be noted from the letter of Mr. Goodwin that defendant is endeavoring to make use of an excessive amount of water, claiming same to be necessary for domestic and irrigation uses, and within the terms of the Judgment of April 9, 1941.

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In the event the execution of the Writ of Assistance does not bring about the desired conditions, we will request an Order to Show Cause why defendant should not be punished for contempt, providing this procedure meets with your approval. In our opinion this procedure should serve to determine the reasonableness of the amount of water which the defendant is entitled to use for domestic and irrigation purposes.

In your letter of October 9, 1941, you inquire whether costs have been paid, and if Nevares possesses property subject to execution. An examination of the Judgement entered April 9, 1941 discloses that the Court made no provision for costs. While we take the view that under Rule 54(d) of the Federal Rules of Civil Procedure we are entitled to costs as of right, without regard to an express award in the Judgment, it appears that unfortunately no memorandum of costs, and application to tax costs, was filed within 5 days after the entry of Judgment, as required by local rules 40 and 41. It appears that failure to comply with these rules was occasioned by the departure from service in this office of the attorney handling this case.

We have considered the possibility of a Motion to Amend the Judgment to provide an award of costs nunc pro tunc, but have decided that the Court would consider this an attempted evasion of the rules. Any suggestions you might have in this regard would be appreciated.

Letters from members of the National Park Service indicate that Nevares has no assets which could be reached by execution other than the 320 acres of desert lands involved in the action.

We will keep you promptly advised of the execution of the Writ of Assistance and of all further developments.

Respectfully,

IRL D. BRETT
Special Attorney, Lands Division
Department of Justice

Encls.

COPY

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff v. ADOLF NEVARES, Defendant	No. 1092-Y AFFIDAVIT IN SUPPORT OF MOTION FOR WRIT OF ASSISTNCE.

FILED
JUN 5 1941
R. S. ZIMMERMAN, Clerk
By _____ Deputy Clerk.

State of California)
) ss
County of Inyo)

T. R. Goodwin, being first duly sworn, deposes and says:

That he is and at all times herein mentioned has been an employee of the U.S. Department of the Interior, National Park Service, and the Superintendent of the Death Valley National Monument; that he knows, and at all times herein mentioned has known Adolf Nevares, defendant in the above entitled action; that affiant has under his jurisdiction as such Superintendent the lands belonging to plaintiff involved herein and described in the judgment entered herein as the Death Valley National Monument; that affiant is now, and at all times mentioned herein has been familiar with the lands and boundaries thereof belonging to defendant and described in the judgment herein;

Affiant states that since the entry of the judgment in the above action on April 9, 1941, by the terms of which defendant was ordered to perform certain acts and to do certain things on his said land to restore the flow of certain water to plaintiff's said land, all as more fully set forth in said judgment, defendant has indicated that he will not fully comply with the terms of said order of court;

U. S. GOVERNMENT PRINTING OFFICE

Affiant states that on the 10th day of April, 1941, a measurement of the amount of water coming into plaintiff's intake on its said land was made under affiant's supervision; the amount of water coming into said intake on April 10, 1941, was 43 gallons per minute;

That on several occasions since the entry of the judgment of the court herein, defendant Nevares has stated emphatically that he did not intend to take the action ordered by the court with respect to turning the water of the main upper springs back over the Falls previously existing before diversion by defendant, or otherwise to restore to plaintiff's land the water diverted by defendant; and defendant Nevares, on or about the 10th day of May, 1941, stated that no court could tell him what he could do with the water on his own property;

Affiant further states that at no time has defendant Nevares ever allowed affiant, or any other employee of plaintiff, upon defendant's property for any but limited purposes, and particularly for the cleaning of the south springs channel; and that defendant Nevares has, since the order of the court, dug a number of new furrows at the north end of the point of intake of water by plaintiff so that the water flowing into the upper part of defendant's land has been dissipated and wasted; with consequent injury to plaintiff; and that defendant Nevares has continued, despite the order of the court herein, to run the water from the main upper springs on defendant's land northerly on a row of trees, referred to herein as "shade trees;" and that no more water is coming over the Falls westerly towards plaintiff's intake from the upper springs than came at the time the court made an inspection of the premises;

That on or about May 5, 1941, measurement was made of the water coming over the Falls at the upper springs by affiant and that it was determined that about 25 gallons per minute were coming over the Falls at that time; that from the entire volume of approximately

500 gallons of water defendant Nevares has been beneficially using about 50 gallons on his garden patches and that the entire balance of said water is being wasted;

That affiant states that defendant has told him at different times since the entry of theorder of the court that he will not permit plaintiff, or any of its employees, upon defendant's property for the purpose of restoring the flow of any water on plaintiff's land other than that from the south springs;

That the lower middle springs on defendant's land originally fed the swamp that gave plaintiff most of its water, and that said lower middle springs has been cut off entirely with a deep ditch so that the said swamp area has been dried up with the result that it is a mass of dead trees and deep dried grass, and no water from said source is going towards plaintiff's land; and that very little water in said lower middle springs is used by defendant for the purpose of irrigation;

Affiant further states that defendant Nevares has, during past years, acted in a violent manner on various occasions, and that unless process of the court issue herein, it will be impossible for plaintiff, or any of its employees to do the things and take the action on his land heretofore ordered by thecourt.

WHEREFORE, affiant prays that a Writ of Assistance issue from this court to secure peaceable entry and possession by plaintiff, and its employees, of such portions of defendant's land for the limited purposes necessary for compliance with the order of court heretofore entered herein.

T. R. Goodwin

Subscribed and sworn to before me
this 4th day of June 1941.

Raymond K. Rundell
Notary Public in and for said
County and State
My commission expires 3/14/43

7—1404

U. S. GOVERNMENT PRINTING OFFICE

06-00-1941: affidavit in support of motion for writ of assistance ; june, 1941

COPY

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ADOLF NEVARES,
Defendant.

No. 1092-Y

AFFIDAVIT IN SUPPORT OF MOTION FOR WRIT OF ASSISTANCE

FILED
June 5, 1941
R. S. ZIMMERMAN, Clerk
By _____ Deputy Clerk.

STATE OF CALIFORNIA)
) SS.
County of Los Angeles)

R. NEIL GRUNIGEN, being first duly sworn, deposes and says:

That he is and at all times herein mentioned has been an employee of the United States Department of the Interior, National Park Service, and employed at the Death Valley National Monument as transit man in connection with the development thereof; that he knows, and at all times herein mentioned has known Adolf Nevares, defendant in the above entitled action; that affiant is familiar with the lands belonging to plaintiff herein and described in the judgment entered herein as the Death Valley National Monument; that affiant is now, and at all times mentioned herein has been familiar with the lands and boundaries thereof belonging to defendant and described in the judgment herein;

Affiant states that since the entry of the judgment in the above action on April 9, 1941, by the terms of which defendant was ordered to perform certain acts and to do certain things on his said land to restore the flow of certain water to plaintiff's said land, all as more fully set forth in said judgment, defendant has indicated that he will not comply with the terms of said order of court;

That on or about the 10th day of May, 1941, employees of the plaintiff were allowed by defendant upon his said land for the limited

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U. S. GOVERNMENT PRINTING OFFICE

purpose of cleaning up the channel from the south springs thereon; that at that time there was only twenty (20) gallons of water coming into plaintiff's intake from the various springs and sources of supply on defendant's land; that as a result of the cleaning out of said south springs channel, the amount of water coming into plaintiff's intake was increased to thirty-three (33) gallons per minute; that water has not been obtained from any other source of supply on defendant's land and that no more water than thirty-three (33) gallons has so been obtained since May 10, 1941;

That on several occasions since the entry of the judgment of the court herein, defendant Nevares has stated emphatically that he did not intend to take the action ordered by the court with respect to turning the water of the main upper springs back over the Falls previously existing before diversion by defendant, or otherwise to restore to plaintiff's land the water diverted by defendant; and defendant Nevares, on or about the 10th day of May, 1941, stated that no court could tell him what he could do with the water on his own property;

Affiant further states that at no time has defendant Nevares ever allowed affiant, or any other employee of plaintiff, upon defendant's property for any but limited purposes, and particularly for the cleaning of the south springs channel; and that defendant Nevares has, since the order of the court, dug a number of new furrows at the north end of the point of intake of water by plaintiff so that the water flowing into the upper part of defendant's land has been dissipated and wasted, with consequent injury to plaintiff; and that defendant Nevares has continued, despite the order of the court herein, to run the water from the main upper springs on defendant's land northerly on a row of trees, referred to herein as "shade trees;" and that no more water is coming over the Falls westerly toward plaintiff's intake from the upper springs than came at the time the court made an inspection of the premises;

That defendant has stated to this affiant that the Judge could

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U. S. GOVERNMENT PRINTING OFFICE

not tell the defendant as to how and where he, the defendant, could plant "shade trees" and develop his property, and use water;

That on or about May 5, 1941, estimation was made of the water coming over the Falls at the upper springs by affiant and that it was estimated that about twenty-five (25) gallons per minute were coming over the Falls at that time; that from the entire volume of approximately five hundred (500) gallons of water defendant Nevares has been beneficially using about 50 gallons his garden patches and that the entire balance of said water is being wasted;

That affiant states that defendant has told him at different times since the entry of the order of the court that he will not permit plaintiff, or any of its employees, upon defendant's property for the purpose of restoring the flow of any water on plaintiff's land other than that from the south springs;

That when questioned on or about May 23, 1941, about the wastage of water by affiant, defendant stated that he had not had the time to clean the ditches running from the upper springs; affiant thereupon stated that the Government wished to clean these ditches and had a crew there ready to go to work; defendant thereupon stated that that could not be done by the Government and that he wished to clean out certain trees below the springs and that he would not have the time to do this until the fall of 1941, and that defendant stated that he did not have to clean out the ditches until the fall of 1941; that upon being told that the National Park Service had requested legal action and the assistance of the United States Marshal to enable the doing of the work ordered by the court, defendant stated in effect that things would have to take their course; that on May 22, 1941, defendant was informed by affiant that the Government wished to bring the water from the upper springs by means of ditches which would contain turnouts, making possible the use by defendant of any water that he desired, the Government to take the surplus water from said ditch; defendant said that this could not be done and that there was

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U. S. GOVERNMENT PRINTING OFFICE

a paragraph in the order of the court that he, the defendant, did not agree with;

That the lower middle springs on defendant's land originally fed the swamp that gave plaintiff most of its water, and that said lower middle springs has been cut off entirely with a deep ditch so that the said swamp area has been dried up with the result that it is a mass of dead trees and deep dried grass, and no water from said source is going towards plaintiff's land; and that very little water in said lower middle springs is used by defendant for the purpose of irrigation;

That unless plaintiff is allowed to clean out the channels by which the water on defendant's land may be carried on to plaintiff's land, as ordered by the court, in the immediate future, such work will be made impossible until the fall months of 1941, due to the excessive heat prevalent in Death Valley during the summer momths;

Affiant is informed and believes and, therefore, states that defendant Nevares has, during past years, acted in a violent manner on various occasions, and that unless process of the court issue herein, it will be impossible for plaintiff, or any of its employees to do the things and take the action on his land heretofore ordered by the court.

WHEREFORE, affiant prays that a Writ of Assistance issue from this court to secure peaceable entry and possession by plaintiff, and its employees, of such portions of defendant's land for the limited purposes necessaryfor compliance with the order of court heretofore entered herein.

R. Neil Grunigen

Subscribed and Sworn to before me
this 5th day of June, 1941.

R. S. Zimmerman, Clerk U.S.District Court
Southern District of California,

By Edmund L. Smith - Deputy.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

IN THE DISTRICT COURT OF THE UNITED STATES

SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. ADOLF NEVARES, Defendant.	No. 1092-Y WRIT OF ASSISTANCE

UNITED STATES DISTRICT COURT)
) ss:
SOUTHERN DISTRICT OF CALIFORNIA)

THE PRESIDENT OF THE UNITED STATES OF AMERICA

TO: THE MARSHAL OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA:

G R E E T I N G S

WHEREAS, on the 9th day of April, 1941, in a cause pending in the United States District Court for the Southern District of California, wherein the United States of America is plaintiff and Adolf Nevares is defendant, it was ORDERED, ADJUDGED AND DECREED, among other things, that the said defendant should, within thirty (30) days after April 9, 1941, restore the flow of the springs on the land owned by him and hereinafter more particularly described, to their natural and proper channels and remove such obstructions and fill up such ditches, holes and walls as have been constructed and dug upon defendant's land since February 17, 1939,

U. S. GOVERNMENT PRINTING OFFICE

which interfere with and prevent the flow of water from defendant's land to plaintiff's land in the amount which flowed prior to the diversions and activities of the defendant; such judgment further providing that in the event the defendant, within the aforementioned time, should fail to restore the aforementioned flow of the said water, plaintiff should have the right to make such restoration and for that purpose to enter upon lands of defendant and perform such labor and conduct such work as may be necessary to restore the aforementioned flow of the water from said springs into their natural and proper channels to the end that plaintiff may enjoy full and unrestricted use of the waters to which it is entitled as appropriator and riparian owner; said lands of defendant herein referred to being situated within the Southern District of California and are adjacent to lands of the United States known as "The Death Valley National Monument" and are more particularly described as follows:

The West one-half (W 1/2) of the Northeast one-quarter (NE 1/4), South one-half (S 1/2) of the Northwest one-quarter (NW 1/4), North one-half (N 1/2) of the Southwest one-quarter (SW 1/4), Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4), and the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4), all in Section 36, Township 28 North, Range 1 East, S.B.B.M., being 320 acres, more or less.

And, WHEREAS, the said defendant Adolf Nevares has failed and refused within the said period of thirty (30) days after April 9, 1941, and at all times since and does now fail and refuse to comply with the provisions and terms of the aforesaid judgment of April 9, 1941, and

WHEREAS, said defendant has refused to permit or allow said plaintiff or its duly authorized agents, servants or employees to enter upon said lands for the purpose of effectuating and carrying out the terms and provisions of said judgment,

NOW, THEREFORE, WE DO HEREBY COMMAND YOU, on receipt of this Writ, to enter the said lands of defendant and secure for plaintiff and

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U. S. GOVERNMENT PRINTING OFFICE

its duly authorized agents, servants and employees, peaceable entry upon and possession of such portions of said lands as are necessary to enable plaintiff and its duly authorized agents, servants and employees to effectuate, perform and carry out the terms and provisions of said judgment made and entered April 9, 1941, all as provided therein.

WITNESS, the Honorable LEON R. YANKWICH, Judge of the United States District Court for the Southern District of California,

(SEAL)

this 13 day of October, 1941, in the 166th year of the Independence of the United States of America.

R. S. ZIMMERMAN,
Clerk of the United States District Court for the Southern District of California

By J. M. Horn
DEPUTY

7—1404

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COPY

IN THE DISTRICT COURT OF THE UNITED STATES

SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. ADOLF NEVARES, Defendant.	No. 1092-Y ORDER FOR WRIT OF ASSISTANCE

The above entitled cause having duly and regularly come on for further hearing on September 8, 1941, upon the motion of plaintiff for an Order for Writ of Assistance, plaintiff being represented by Wm. Fleet Palmer, United States Attorney and Irl D. Brett and Francis C. Whelan, Special Attorneys, Lands Division, Department of Justice, defendant Adolf Nevares by A. L. Hickson, said defendant also being present in Court and giving oral testimony, and said motion being heard upon the affidavits of T. R. Goodwin and R. Neil Gurnigen, and oral and documentary evidence being received in support of and in opposition to said motion, and it appearing to the Court that defendant Nevares has failed and refused to comply with the provisions and terms of the judgment of this Court heretofore entered on April 9, 1941, and the Court being fully advised in the premises,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED in accordance with the aforesaid judgment of April 9, 1941, and pursuant to the said

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U. S. GOVERNMENT PRINTING OFFICE

09-27-1941: referring to the inquiry from special attorney frederick h. steinmetz ; september 27, 1941

motion of plaintiff, that a Writ of Assistance issue in the above motion, directed to the United States Marshal, ordering him to secure for plaintiff and its duly authorized agents, servants and employees, peaceable entry upon and possession of such portions of the land belonging to the defendant hereinafter particularly described and which are more particularly referred to in said judgment entered herein April 9, 1941, in order to enable said plaintiff and its duly authorized agents, servants and employees to effectuate, carry out and perform the terms and provisions of said judgment.

That the aforesaid lands are situated within the Southern District of California and are adjacent to lands of the United States known as "The Death Valley National Monument" and are more particularly described as follows:

> The West one-half (W 1/2) of the Northeast one-quarter (NE 1/4), South one-half (S 1/2) of the Northwest one-quarter (NW 1/4), North one-half (N 1/2) of the Southwest one-quarter (SW 1/4), Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4), and the Northwest one-quarter (NW 1/4) of the Southeast one-quarter (SE 1/4), all in Section 36, Township 28 North, Range 1 East, S.B.B.M., being 320 acres, more or less.

DATED: This _____day of_____, 1941.

_____

United States District Judge

7—1404

U. S. GOVERNMENT PRINTING OFFICE

September 27, 1941.

C
O
P
Y

Wm. Fleet Palmer
United States Attorney
Department of Justice
Los Angeles, California

Dear Sir:

Referring to the inquiry from Special Attorney Frederick H. Steinmetz dated September 23 as to the necessity of further action in the matter of the water supply of Death Valley National Monument originating on the lands of Adolf Nevares, I believe a new suit will be necessary to clarify our rights as opposed to the rights of the owner of the property. At the recent trial the Judge granted a writ of assistance and ordered the U. S. Marshal to see that the previous decision of the court was carried out. So far, we have no knowledge that the U. S. Marshal has visited the property and the water situation is worse than before the trial.

It appears that Mr. Nevares, after the decision of the court, felt it would be good business to try to show the Court that he needed practically the entire water supply himself and turned a great excess of water on his little garden patch and around the shack, thereby further reducing our supply.

After we cleaned his ditches in June the amount of water running into our intake held above 125 G.P.M. until August, when it dropped to an average of 83 G.P.M. until the day following the Court dicision. Immediately after his return to the property he cut our supply down to 50 G.P.M. which necessitated our shutting down both power plants.

Not having access to the property, we could only surmise the methods used to effect this reduction but from our side of the line we noted he was literally pouring water on his little garden patch. Eventually this land could absorb no more water and an excess began to flow across our line and into our open ditch with a consequent increase on this date, September 26, to 70 G.P.M. Further evidence of his attempt to prevent the water reaching us is shown in an increase of water in the south wash. This is purely underground water percolating through the soil from water used around his shack. All summer this has held constant at 15 G.P.M. Recently this has increased to 25 G.P.M.

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certain evidence of increased wasting of water in the upper end of this wash.

It is my opinion that first we should have the U. S. Marshal carry out the order of the Court and prevent use of water at points where the Court decision said it should not be used. We should then measure the water daily and, if we are not getting our fair share of the total available amount which is around 500 G.P.M., we then know he is deliberately wasting it as I doubt if he could prove a beneficial use of more than 100 G.P.M.

It will then be in order to bring another suti against this willful diversion and attempt to get an adjudication of what amount constitutes beneficial use on his property and demand he be restrained from using more than that amount. Your views on this subject are solicited as it is apparent that, though we have won two decisions against him, he still is going to attempt to prevent our getting the modest share of this water allowed us by the State and to again make uncertain the use of our power plants or the necessary irrigation water on the government land.

Sincerely,

T. R. Goodwin
Superintendent.

CC - Director
Regional Director

VC

COPY

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff v. ADOLF NEVARES, Defendant	No. 1092-Y AFFIDAVIT IN SUPPORT OF MOTION FOR WRIT OF ASSISTANCE.

State of California)
) ss
County of Inyo)

T. R. Goodwin, being first duly sworn, deposes and says:

That he is and at all times herein mentioned has been an employee of the U. S. Department of the Interior, National Park Service, and the Superintendent of the Death Valley National Monument; that he knows, and at all times herein mentioned has known Adolf Nevares, defendant in the above entitled action; that affiant has under his jurisdiction as such Superintendent the lands belonging to plaintiff involved herein and described in the judgment entered herein as the Death Valley National Monument; that affiant is now, and at all times mentioned herein has been familiar with the lands and boundaries thereof belonging to defendant and described in the judgment herein;

Affiant states that on June 4, 1941 he made a certain affidavit regarding the conditions as to the defendant's complete disregard of the judgment herein but that since that date certain other instances have taken place with further bearing on the case at issue and desires

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U. S. GOVERNMENT PRINTING OFFICE

to set forth in evidence in this affidavit those accounts and circumstances;

The affiant states that on June 9, 1941, a letter was written from the defendant's attorney, A. L. Hickson, which letter was dated June 6, 1941 and in which it was stated that Mr. Nevares would make no objection to going onto the Ranch and doing the things that were permitted by the Court's decree and "particularly to put the water back over the falls and permit it to run to the lower part of his ranch in its normal and accustomed channels." In compliance with this letter, affiant sent his engineer, foreman, and crew of CCC workers onto the properties of the defendant on June 10, 1941, the defendant being absent from the property at the time. A small amount of water was turned down from the ditches around the defendant's cabin in order to define the course of the old channels and work was immediately started in cleaning out and removing debris from the main channel. It was determined by engineer for the affiant that considerable loss of water could be saved both to the defendant and the Government of the United States by conveying the water in a pipe over the steep slope from a point known as the defendant's corral to the head of the defendant's lower garden patch and preparatory work was started and pipe provided by the Government. On June 12, 1941, defendant returned to his property and refused to have the water so conveyed in said pipe and finally pointed out to the engineer an old contour channel so completely overgrown that it could not even be found without assistance in which he said he wanted the water brought down. It was planned by the engineer and the affiant to put in a concrete junction box on the defendant's property at the point above the lower garden patch where all water from above could be concentrated and turned out as needed for irrigation of the defendant's property, the overflow to continue on to the property line. This

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U. S. GOVERNMENT PRINTING OFFICE

the defendant stated to the engineer he did not want but would permit cleaning of the old ditch from the boundary line of his property to the source of the water at the upper springs. This work was prosecuted under great difficulties through the tangled undergrowth of many years and the ditch was cleaned down to the natural travertine bottom and all water available from the middle group of springs in the marsh area concentrated in the ditch. On June 25, 1941, the work of ditch cleaning having proceeded clear to the upper springs, the defendant was notified by the engineer that we were ready to break the dike preventing the water from following its natural channel and to shut off ditch to the north-west irrigating the tree row described in the judgment herein. The defendant went to the point in question with the engineer and foreman but remonstrated against all the water being turned back into the channel over the falls stating that he needed a certain amount of water to irrigate mesquite trees and other underbrush on the top of the hill. The engineer turned the amount of water requested by the defendant into the said ditches and allowed the balance to follow its normal course over the so-called Nevares falls. The defendant followed down the ditch with the engineer and foreman and designated certain areas around his house where he wished water turned out for use for his irrigation and domestic purposes, and such volume of water was turned out as requested. Again at the lower garden patch another volume of water was turned out at the request of the defendant and the balance flowed to the property line and into the intakes of Death Valley National Monument. The affiant was present on this afternoon, June 25, 1941, at 3:30 P.M., and with the engineer measured the volume of water finally entering the Death Valley National Monument intake and found it to be two hundred and fourty-nine (249) gallons per minute after all the water that the defendant had stated he needed had been turned

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U. S. GOVERNMENT PRINTING OFFICE

out to him at points above the boundary on the defendant's property. Affiant further states that the defendant came onto the Government property at about the time this measurement was made and requested the affiant to go up the ditch with him, which was done. Defendant complained that the ditch was too deep and water could not be turned properly onto his lower garden patch through a certain ditch, although it was already flowing from a lower ditch in a very considerable volume. Affiant explained to defendant that if the junction box had been permitted water could have been turned in at this point and agreed to furnish a wooden flash gate junction box for reduction of the water and to clean and deepen the sub-ditch of the defendant so this turnout might be used as well as the one lower down. Defendant also requested placing of another junction box at a point above his corral so that he might turn water out at this point for a proposed alfalfa field and irrigating certain trees in this vicinity. This was also agreed upon. Defendant also requested a third junction box at a point on the hillside in the jungle, which he said he intended to clean off at some time, and it was agreed by the affiant to place such junction box at such time as the jungle had been cleared and the water could be used. Affiant further states that on June 26, 1941, the engineer and foreman attempted to go onto the defendant's property for the purpose of making some final cleanups and to arrange to leave a man to assist defendant in patrolling ditch and cleaning out new debris which might accumulate. Defendant then ordered all Government employees off of the property, and although he had stated that he had turned part of the water out and would return same, the measured volume in the ditch in question entering the Death Valley National Monument intakes was reduced to one hundred and eleven (111) gallons per minute, or a loss overnight of 138 gallons per minute which

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U. S. GOVERNMENT PRINTING OFFICE

defendant had turned out at places unknown to the affiant with the evident intention of reducing the volume of water which could be used by Death Valley National Monument. The affiant states as evidence of the operations of the defendant to control the water and prevent the excess unused portion from reaching the diversion of Death Valley National Monument, the measured flows into said intake since June 26, 1941 are as follows:

June 30, 1941 - 165 gallons per minute

July 1, 1941 - 106 gallons per minute

July 3, 1941 - 125 gallons per minute

All of these measurements were made while defendant was on his property and diverting the water to suit himself;

The affiant further states that from the evidence and observation of the actions of the defendant for the past four months it is his belief that it is not the intention of the defendant to permit any more water from reaching the lands of Death Valley National Monument than he can prevent by the many subterfuges of irrigating isolated desert trees, dry furrows in his garden patch, and even breaking the sides of the ditch, unless by action of the Court he is prevented from performing these operations;

Affiant further states that during the period in which employees of the Government had access to the property careful check and estimates of the water now flowing and which would be available were made and that such estimates show an actual flowing volume of four hundred and thirteen (413) gallons per minute, with the possibility of a small amount of development work increasing this volume by at least 110 gallons per minute or a total of five hundred and twenty-three (523) gallons per minute. Affiant states that there

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is on the defendant's property a small garden patch of perhaps one-half acre around his cabin and a few rows of shade trees and that in his lower garden patch there are about one dozen grape vines, ten or twelve fruit trees, and approximately twenty rows 100 feet long, some of which were planted to maize and never harvested, others to onions, radishes, and other small garden produce, none of which were ever matured in a sufficient quantity to provide any income for defendant. With the volume of water available, it will be possible for the defendant to irrigate all of said developments liberally with one hundred (100) gallons per minute; and if the balance were not deliberately wasted, there would be available from present sources over three hundred (300) gallons per minute for the use of Death Valley National Monument;

WHEREFORE, affiant prays that a Writ of Assistance issue from this court to restrain defendant from willful waste of water over and above the amount which he can beneficially use on the limited developments now in evidence on defendant's property and that defendant comply with the order of the court heretofore entered herein.

(Sgd) T. R. Goodwin

Subscribed and sworn to before me
this 10th day of July 1941.

(Sgd) Raymond K. Rundell
Notary Public in and for said
County and State
My Commission Expires 3/14/43

(SEAL)

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U. S. GOVERNMENT PRINTING OFFICE

The undersigned, owner of the property in Death Valley National Monument known as Nevares ranch, hereby authorizes the Superintendent of Death Valley National Monument or his authorized representative to enter my property in what is known as the south wash channel and to remove excessive growth of tules, grass, and other vegetation from the spring in the south wash which supplies the Death Valley National Monument south intake box and to clean the ditch channel from the spring to said intake box.

It is expressly understood that no physical alterations in the land itself or the banks of the wash will be attempted and no mesquite trees removed other than to prune back necessary overhanging branches and that any wood derived from such pruning shall be cut and stacked for use by the undersigned.

Adolf Nevares

May 9, 1941

See Goodwin's letter
May 10
filed 610, Part 2

04-24-1941: form letter on case united states v. adolph nevares ; april 24, 1941

MT

COPY

REM-WHW

90-1-2-86

April 24, 1941.

Honorable Alvin J. Wirtz
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Wirtz:

There are enclosed a copy of a letter dated April 18, 1941, from the United States Attorney, and copies of the findings of fact, conclusions of law, and judgment entered in the case entitled United States v. Adolf Nevares, No. 1092-Y Civil, in the United States District Court for the Southern District of California. This case involves the water supply for the Death Valley National Monument, California.

You will be advised of all further developments.

Respectfully,
For the Attorney General

NORMAN M. LITTELL
Assistant Attorney General

Enclosure
No. 297765

19

COPY

IDB:MdeB

40-D-82

April 18, 1941

The Attorney General
Lands Division
Condemnation Section
Department of Justice
Washington, D. C.

Re: United States v. Adolf Nevares, No. 1092-Y
Your reference: REM:WHW 90-1-2-86

Sir:

Pursuant to your directions of March 29, 1941, and supplementing our report of April 3, 1941, you are informed that Judge Yankwich signed the Findings of Fact and Conclusions of Law and the Judgment in the form proposed by use, as amended in accordance with your suggestions of March 29, judgment being entered on April 11, 1941, in Civil Order Book 5 at Page 194. At the same time the Court forwarded a memorandum to Special Attorney Brett and to Attorney Hickson, reading in part as follows:

> "Judge Yankwich desires me to inform counsel that he considered very carefully the objections presented, both to the old and new form of Findings and Judgment. He feel that while the objections embody the contention of the defendant at the trial and would be in line with the concession Mr. Hickson was willing to make after viewing the premises, they do not conform to his ruling by which he upheld the Government's claim to the full extent.
>
> "This statement is made so that counsel will know that, as Judge Yankwich indicated to Mr. Hickson over the telephone Wednesday, no hearing on the objections is necessary. It is not customary to have such a hearing unless the Court feels that some of the objections are well taken and call for the recasting of the proposed Findings."

Enclosed herewith find one copy each of the Findings and Judgment as finally signed and entered; one copy was forwarded to you with our letter of April 3.

We also enclose a copy of a Memorandum forwarded by Superintendent T. R. Goodwin of Death Valley National Monument to Associate Attorney Johnson of the National Park Service, which is self-explanatory. We have written to counsel for Mr. Nevares to confer with us for the purpose of arriving at a friendly agreement, if possible, but in the meantime would appreciate your further instructions.

Respectfully,

WM. FLEET PALMER,
United States Attorney

Encs.

18

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

IDB
VM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADOLF NEVARES,

Defendant.

No. 1092-Y

J U D G M E N T

This cause came on for further and final hearing at this term upon all the evidence of all the parties hereto and was argued by counsel, and thereupon, upon consideration thereof, the Court finds:

I.

That defendant, Adolf Nevares, is the owner of property within the jurisdiction of this Court adjacent to the lands of the United States known as "The Death Valley National Monument", under the Department of the Interior, the defendant's property being more particularly described as follows:

The West one-half (W ½) of the Northeast one-quarter (NE ¼), South one-half (S½) of the Northwest one-quarter (NW ¼), North one-half (N ½) of the Southwest one-quarter (SW ¼), Northeast one-quarter (NE ¼) of the Northwest one-quarter (NW ¼), and the Northwest one*quarter (NW ¼) of the Southeast one-quarter (SE ¼), all in Section 36, Township 28 North, Range 1 East, S.B.B.M., being 320 acres, more or less.

II.

That on the above described property of defendant exist certain natural springs from which waters have for many years flowed in definite surface and underground channels over the defendant's

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U. S. GOVERNMENT PRINTING OFFICE

property and on to and over the property of plaintiff.

III.

That on February 17, 1939, plaintiff filed with the State of California applications to appropriate 0.446 cubic feet per second of the unappropriated waters flowing in the aforementioned streams; that said applications, being numbered 9509 and 9510, were approved and permits granted on July 26, 1939; that in addition, plaintiff enjoyed riparian rights to the water flowing on to plaintiff's land.

IV.

That plaintiff developed and constructed on its property a system for the collection of the above mentioned water and for its piping to the residential area and to the headquarters of the National Monument and made beneficial use of said waters for recreational, domestic and power uses.

V.

That during and after the aforesaid construction work by plaintiff and the aforesaid applications for appropriation and permits therefor, the defendant deliberately and intentionally, and for the purpose of producing a diminution, diversion, dissipation and destruction of plaintiff's water rights and water supply, as it then existed, diverted, dissipated and wasted the waters flowing in said streams on defendant's land, which diversions caused a substantial reduction in the amount of water flowing from defendant's land on to plaintiff's land, with a result that plaintiff was deprived of a substantial part of the beneficial uses to which it was entitled as appropriator and riparian owner. That the defendant diverted a large stream of water from the main upper springs on defendant's property under the pretense of watering shade trees; that the watering of shade trees under this pretense is unreasonable, and that the diversion of water for this purpose was a deliberate diversion to deprive the plaintiff of water to which it is entitled as appropriator

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U. S. GOVERNMENT PRINTING OFFICE

and riparian owner; that the development of and diversion of water into the channel from the upper spring was a deliberate diversion in such manner that the entire flowage therein was wasted.

VI.

That the activities, actions and conduct of defendant in diverting, dissipating and wasting the aforementioned waters and digging collater al channels from the aforementioned springs and the piercing of the channels and beds of the streams on defendant's property has done irreparable injury to plaintiff, and will continue to do irreparable injury to plaintiff unless such actions are enjoined and the flow of water from the various springs on defendant's property is restored to its status before such diversions.

WHEREUPON, IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS, TO-WIT:

1. That the temporary injunction entered in this cause on the 9th day of September, 1940, be, and the same hereby is made permanent and perpetual against the said defendant.

2 . That the defendant shall, with thirty (30) days after ~~March 6,~~ April 9, 1941, the date of the Minute Order herein, restore the flow of the springs on the land owned by him to their natural and proper channels, and remove such obstructions and fill up such ditches, holes and wells as have been constructed and dug upon defendant's land since February 17, 1939, which interfere with and prevent the flow of water from defendant's land to plaintiff's land in the amount which flowed prior to the diversions and activities of the defendant; that in the event the defendant, within the aforementioned time shall fail to so restore the aforementioned flow of water, the plaintiff shall have the right to make such restoration and for that purpose to enter upon the lands of defendant and perform such labor and conduct such work as may be necessary to restore the aforementioned flow of the water from said springs into their natural and proper channels to the end

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that plaintiff may enjoy full and unrestricted use of the waters to which it is entitled as appropriator and riparian owner.

3. IT IS FURTHER ORDERED that in the event the activities of the defendant have made it impossible to restore the aforementioned flow of the springs on the land owned by him to their natural and proper channels, the defendant shall within thirty (30) days after ~~March 6,~~ April 9, 1941, take such further action as may be necessary to restore the flow of water from defendant's land to plaintiff's land in the amount which flowed prior to the activities of the defendant; that in the event the defendant within the aforementioned time shall fail to so restore the aforementioned flow of water, the plaintiff shall have the right to enter upon the lands of defendant and perform such labor and conduct such work as may be necessary to obtain the flow of water from defendant's land to plaintiff's land in the amount which flowed prior to the activities of the defendant.

(L.J.S. by direction)

DATED: This 9th day of April, 1941.

(Sgd.) Leon R. Yankwich
United States District Judge

Presented by:

WM. FLEET PALMER
United States Attorney

IRL D. BRETT
BATES BOOTH
Special Attorneys
Department of Justice

By (Sgd.) Irl D. Brett

Approved as to Form:

Attorney for Defendant

Judgment entered April 9, 1941

Docketed April 9, 1941

Book CO. 5 Page 194

R. S. Zimmerman, Clerk,

By(Sgd) Louis J. Somers,
Deputy.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

IDB:VM

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. ADOLF NEVARES, Defendant.	No. 1092-Y FINDINGS OF FACT AND CONCLUSIONS OF LAW

This cause having been tried by the Court without a jury, the Court hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

I.

That plaintiff is the owner of certain lands and properties within the Southern District of California known as the Death Valley National Monument, the administration of which is in the National Park Service of the United States Department of the Interior.

II.

That the defendant Adolf Nevares resides in the Southern District of California, and is the owner of property within the Southern District of California and within the jurisdiction of this Court and adjacent to said Death Valley National Monument, the defendant's property being more particularly described as follows:

West one-half (W $\frac{1}{2}$) of the Northeast one-quarter (NE $\frac{1}{4}$), South one half (S $\frac{1}{2}$) of the Northwest one-quarter (NW $\frac{1}{4}$), North one-half (N $\frac{1}{2}$) of the Southwest one-quarter (SW $\frac{1}{4}$), Northeast one-quarter (NE $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$), and the Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$),

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all in Section 36, Township 28 North, Range 1 East, S.B.B.M., being 320 acres, more or less.

III.

That on the above described property of defendant exist certain natural springs from which waters have for many years flowed in definite surface and underground channels over the defendant's property and on to plaintiff's property in the Main Cow Creek and tributaries, whence they flowed eventually into Salt Creek and the Amergosa River; that prior to 1939, the flow of water from the main upper springs on defendant's property averaged approximately 200 gallons per minute; that before the obstructions to the flow of the lower springs hereinafter described, a measurement was taken thereof and that the flow of the stream into plaintiff's property averaged 90 gallons per minute; that there was little change in volume of this flow in winter or summer or in dry or wet years; that the channels over which these waters flowed were so definite and established that travertine deposits had formed, making the bed of the streams watertight.

IV.

That on February 17, 1939, plaintiff filed with the Division of Water Resources, Department of Public Works, State of California, applications to appropriate 0.446 cubic feet per second of the unappropriated waters in the aforementioned creeks; that said application Number 9509 was for power use, and that said application Number 9510 was for domestic and recreational use; that said applications were approved and permits granted for such diversion on July 26, 1939; that in addition, plaintiff enjoyed riparian rights to the water flowing on its land.

V.

That beginning in the Fall of 1938, and from then on, plaintiff constructed on its property a series of intakes by which both surface and underground waters of the above described streams

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were conducted to a control collection chamber approximately five hundred feet below the point of diversion; that from this chamber a 6-inch pipeline was constructed to Park Village where a 7.5 KW hydro-electric generator was installed and powered by the water; that the water was then recollected and carried in a 6-inch pipeline to the Cow Creek Utility area where it powered a 2.5 KW hydro-electric plant; that from such plant the water was run into a swimming pool for recreational use; that from such swimming pool the water was distributed into a system of fire mains and a system of irrigation for the Cow Creek area; that all of the property mentioned herein over which the water was conducted, used or distributed, is the property of plaintiff; that the beneficial uses to which the appropriated water was thus put were to operate generators which provided all the illumination and power necessary to plaintiff's Death Valley National Monument for fire protection, to operate desert coolers in the summertime, to supply the swimming pool for recreational purposes, and to irrigate plaintiff's property.

VI.

That about the time of the commencement of the aforesaid construction by plaintiff and thereafter, the defendant deliberately and intentionally, and for the purpose of producing a diminution, diversion, dissipation and destruction of plaintiff's water rights and water supply, as it then existed, instituted operations and activities to divert, dissipate and destroy the flowage of the waters from said springs over defendant's land and over the above described well-established channels on to and through property of plaintiff; that defendant's first activities to obstruct such flowage occurred in the last months of 1938 and the early months of 1939; that during such time defendant diverted the flow of water at the main upper springs; that thereafter defendant instituted operations to sink, divert, dissipate and waste waters flowing from the various lower

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springs; that these obstructions, diversions and sinking operations resulted in a closing down of the plaintiff's aforesaid hydro-electric plants and deprivation to plaintiff of other beneficial uses to which such appropriated waters were being put; that such activities and operations of defendant have done plaintiff irreparable injury in thus completely depriving plaintiff of its rights under the aforesaid appropriation permit and as owner of the riparian rights, and will continue to do irreparable injury to plaintiff unless such actions are enjoined, and the flow of water from the various springs on defendant's property is restored to its status before such diversions.

CONCLUSIONS OF LAW

I.

That plaintiff has no plain, speedy, or adequate remedy at law for the injuries done and threatened to be done by the said defendant, and plaintiff will continue to suffer irreparable injury unless restoration be made of the water flow from said springs; that the uses to which defendant has put the water diverted from its natural and proper channels, excepting such water as required by defendant for domestic uses and to irrigate soil actually under cultivation, are not beneficial uses and that such diversions are unreasonable, and deliberately designed to divert such waters from the beneficial uses to which plaintiff is entitled to apply them.

II.

That plaintiff is entitled to a decree rendering the temporary injunction herein entered on the 9th day of September, 1940, permanent and perpetual against said defendant, and that plaintiff is entitled to a decree ordering defendant within thirty (30) days after the Minute Order herein, dated March 6, 1941, to restore the flow of the springs on the land owned by him to their natural and proper channels, and remove such obstructions and fill up such ditches,

U. S. GOVERNMENT PRINTING OFFICE

holes and wells as have been constructed and dug upon defendant's land since February 17, 1939, which interfere with and prevent the flow of water from defendant's land to plaintiff's land in the amount which flowed prior to the diversions and activities of the defendant; that in the event the defendant, within the aforementioned time shall fail to so restore the aforementioned flow of water, the plaintiff shall have the right to make such restoration and for that purpose to enter upon the lands of defendant and perform such labor and conduct such work as may be necessary to restore the aforementioned flow of the water from said springs into their natural and proper channels to the end that plaintiff may enjoy full and unrestricted use of the waters to which it is entitled as appropriator and riparian owner, and that in the event the activities of the defendant have made it impossible to restore the aforementioned flow of the springs on the land owned by him to their natural and proper channels, the defendant shall within thirty (30) days after March 6, 1941, take such further action as may be necessary to restore the flow of water from defendant's land to plaintiff's land in the amount which flowed prior to the activities of the defendant; that in the event the defendant within the aforementioned time shall fail to so restore the aforementioned flow of water, the plaintiff shall have the right to enter upon the lands of defendant and perform such labor and conduct such work as may be necessary to obtain the flow of water from defendant's land to plaintiff's land in the amount which flowed prior to the activities of the defendant.

DATED: This 9th day of April, 1941.

(Sgd.) Leon R. Yankwich
United States District Judge

Presented by:

WM. FLEET PALMER
United States Attorney
(Sgd.) Irl D. Brett
IRL D. BRETT
BATES BOOTH
Special Attorneys
Department of Justice

Approved as to Form:

Attorney for Defendant

7—1404

U. S. GOVERNMENT PRINTING OFFICE

COPY

DEPARTMENT OF JUSTICE

Refer To
BB:AH
40-D-82

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
LOS ANGELES

March 6, 1941.

Mr. Albert L. Johnson,
Associate Attorney,
National Parks Service,
601 Sheldon Building,
San Francisco, California.

Re: United States v. Adolf Nevares,
Docket No. 1092-Y Civil

Dear Sir:

Argument in the above entitled cause was held on Monday, March 10, 1941, and on this date the court has rendered judgment in favor of the plaintiff, granting all relief asked for except damages. A copy of the minute order is enclosed herewith.

You will be interested to know that the car in which the court and the rest of us were to return to Los Angeles is still on the desert today. We found it necessary to practically hitch hike back to the city. A newspaper account featuring this story will be in the Sunday or Monday Times and Examiner.

This office has advised the Department of Justice in Washington, and wishesyou to know, that we are sincerely appreciative of the splendid cooperation you and Superintendent Goodwin have given us in this whole matter, which contributed to its successful conclusion.

Yours very truly,

WM. FLEET PALMER,
United States Attorney.

By /s/ Bates Booth.
BATES BOOTH,
Special Attorney,
Department of Justice.

Enc.
cc: A. L. Goodwin,
Superintendent, Death Valley National Monument,
Death Valley, California.

COPY

REM - WHW PHS

March 14, 1941

Honorable A. J. Wirtz,
Under Secretary,
Department of the Interior,
Washington, D. C.

Dear Mr. Wirtz:

There are enclosed a copy of a letter dated March 6, 1941 from the United States Attorney and a copy of the minute order entered in the case entitled United States v. Adolf Nevares, No. 1092-Y Civil, in the United States District Court for the Southern District of California. This case involves the water supply for the Death Valley National Monument, California.

You will note that the Court will enter judgment for the plaintiff granting the relief requested with the exception of damages. You will be advised of all further developments.

Respectfully,
For the Attorney General

NORMAN M. LITTELL
Assistant Attorney General

Enclosure
No. 248552

17

COPY

BB:AH

40-D-82

March 6, 1941.

The Attorney General,
Department of Justice,
Washington, D. C.

Attention: Lands Division, Condemnation Section

Re: United States v. Adolf Nevares,
Docket No. 1092-Y Civil
Your file: REM:WHW 90-1-2-86

Sir:

At the hearing on the final injunction in the above entitled matter on March 4, 1941, testimony was taken in court for two days, at the end of which the court decided that it was necessary for it to view the premises. The court and all parties went to the premises in Death Valley on March 6, 1941.

On the morning of March 7th, further testimony was taken both for the government and defendant, and the court and all parties examined the water supply channels and diversions. On Friday afternoon the court and counsel started back for Los Angeles. The car broke down in the desert, and it was Saturday morning before the court staff and Mr. Booth, government counsel, were able to reach Los Angeles.

Argument was held on March 10th, and on this date the court issued a minute order finding in favor of the plaintiff and permanently enjoining the defendant to restore the flow of water in natural channels and ordering that on defendant's failure to do so the plaintiff should have the right to enter the premises for the necessary restorative work. Two copies of the minute order are enclosed herewith. The findings and judgment will be prepared promptly and filed.

We wish to express our appreciation for the splendid cooperation rendered in this suit by Mr. Johnson, Associate Attorney of the National Parks Service, and Mr. Goodwin, Superintendent of the Death Valley National Monument.

Respectfully,

WM. FLEET PALMER,
United States Attorney.

Encs.

16

COPY

IN THE DISTRICT COURT OF THE UNITED STATES

SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	No. 1092-Y
vs	)	MINUTE ORDER
ADOLF NEVARES,	)	
Defendant.	)	

This cause coming on to be heard upon the issues raised by the Complaint and the Answer thereto, and the evidence, oral and documentary, having been introduced, and the Court having viewed the premises, and the cause having been submitted to the Court for decision, and the Court having considered the evidence and the law and the arguments of counsel, now finds in favor of the plaintiff and orders a judgment ordering and decreeing that the defendant, his agents, attorneys, employees and assigns, and each of them and all persons acting or claiming to act on behalf of them be restrained and enjoined from diverting, dissipating, or wasting waters appropriated by plaintiff, and from cutting ditches across such streams or sinking holes in the bed of said streams in such manner as to divert said appropriated waters, and from interfering in any way with the free and unrestricted use and enjoyment by plaintiff of its rights as said appropriator and as owner of riparian rights.

It is further ordered that the defendant shall, within thirty days after date hereof, restore the flow of the springs on the lands owned by him to the channels they occupied on the date of the appropriation of the plaintiff. Failing to do so, the plaintiff shall have the right to make such restoration and, for that purpose, to enter upon the lands of the defendant and perform such labor and construct such work as may be necessary to restore the flow of the water from said springs to the previous channels.

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U. S. GOVERNMENT PRINTING OFFICE

In reaching this conclusion, the Court states as its view that, while the Court is satisfied from an inspection of the premises, that the limited garden operations are reasonable, the Court is of the view that the diversion of the water under the pretense of watering shade trees is an unreasonable use, there is not in contemplation any plan of development of the property which would call for shade trees at the particular place on an embankment where such trees could serve no useful purpose. The Court is satisfied that the alleged purpose was a deliberate diversion achieved at a time when the Government began to construct works so as to get full enjoyment as an appropriator and riparian owner of the surplus water flowing over the lands of the defendant. The channel of the upper spring was deliberately diverted in such a manner that the entire flow was wasted and irreparable injury has resulted. And the Court is of the view that further irreparable injury will result to the Government unless further diversion of the water is enjoined and the flow of the water from the springs restored to its prior status.

Notwithstanding this conclusion, in the hope of a more cooperative attitude on the part of the defendant in the future, in the joint employment of the water rights, the Court does not award any money damages to the Plaintiff.

Findings and Judgment to be prepared by counsel for the Plaintiff under Local Rule 8.

Dated this 6th day of March, 1941.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

COPY

REM-WHW ECM

90-1-2-86

December 30, 1940

Honorable A. J. Wirtz
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Wirtz:

There are enclosed for your information a copy of a letter dated December 23, 1940, from the United States Attorney and a copy of the answer to amended complaint filed in the case entitled United States v. Adolf Nevares, No. 1092-Y Civil, in the United States District Court for the Southern District of California. This case involves the water supply for the Death Valley National Monument, California.

You will be informed of all further developments.

Respectfully,
For the Attorney General,

NORMAN M. LITTELL,
Assistant Attorney General.

Enclosure
No. 225592

14

COPY

B
BB:Mde.

40-D-82

December 23, 1940

The Attorney General
Lands Division
Condemnation Section
Department of Justice
Washington, D. C.

Re: United States v. Adolf
Nevares, No. 1092-Y Civil
Your file: REM-WHW 90-1-2-86

Sir:

The Anended Complaint for Injunction, containing the changes suggested in your letter of December 5, 1940, was filed in the above-entitled matter, and we have this day been served with an answer, two copies of which are enclosed herewith.

Respectfully,

WM. FLEET PALMER,
United States Attorney

Encs.

13.

COPY

IN THE DISTRICT COURT OF THE UNITED STATES

IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CENTRAL DIVISION

-oOo-

UNITED STATES OF AMERICA, Plaintiff, vs. ADOLF NEVARES, Defendant.	No. 1092 -Y ANSWER OF ADOLF NEVARES TO AMENDED COMPLAINT FOR INJUNCTION

-oOo-

Comes now the defendant, Adolf Nevares and answering plaintiff's complaint filed herein admits, denies and alleges, as follows:

I.

Defendant reaffirms each and every part of his Answer heretofore filed to the original Complaint herein to which reference is hereby made and to be read at this time and place and made a part hereof as though the same were fully set forth herein.

II.

Answering paragraph III of plaintiff's Amended Complaint, this defendant denies each and every allegation contained therein and specifically denies that diversion of the water on his said land has not been made, done or suffered by this defendant since July 26, 1939 or at any time and denies that this defendant has committed any waste upon his said land and denies that there was ample water flowing onto the land of the plaintiff from the land of the defendant sufficient for the uses of the plaintiff as alleged in its said applications to appropriate certain amount of unappropriated water, and denies that this defendant has at any time interferred with, obstructed, dissipated or committed waste

7—1404

U. S. GOVERNMENT PRINTING OFFICE

against the water flowing on the land of this defendant and to which the plaintiff lays claim thereto by reason of its application as alleged in said original complaint. Denies that there were no waters flowing from the land of the defendant onto the land of the plaintiff both on August 2, 1940 and on September 9, 1940 but alleges that there was a certain amount of water flowing from the land of this defendant onto the land of the plaintiff as in its natural course which had been flowing intermittently at different times for many years last past but whether said waters were sufficient and adequate to meet the plaintiff's requirements, this defendant has no information or belief and basing his denial on the lack of information, denies that said waters were not adequate for the requirements of the plaintiff and denies that the Temporary Injunction heretofore granted in this cause, is not sufficient to meet the purposes needed and set forth in plaintiff's original complaint and denies that a permanent injunction conforming to the Temporary Injunction heretofore issued, would leave plaintiff without remedy or redress for its alleged injury and for the alleged diversion for said water.

WHEREFORE, this defendant prays that plaintiff take nothing by its alleged cause of action set forth in its amended complaint and that the prayer of the plaintiff be denied and that this defendant may go hence with its costs expended herein.

NICHOLS, COOPER & HICKSON
Attorneys for Defendant

7—1404

U. S. GOVERNMENT PRINTING OFFICE

11-27-1940: memo on enclosed information of letter dated november 27 1940 ; december 05, 1940

COPY

REM - WHW DBS

90-1-2-86

December 5, 1940.

Honorable A. J. Wirtz,
Under Secretary,
Department of the Interior,
Washington, D. C.

Dear Mr. Wirtz:

There are enclosed for your information a copy of a letter dated November 27, 1940, from the United States Attorney, and a copy of the amended complaint for injunction to be filed in the case entitled United States v. Adolf Nevares in the United States District Court for the Southern District of California.

You will be advised promptly of all further developments.

Respectfully,
For the Attorney General,

ROBT. E. MULRONEY,
Acting Head, Lands Division.

Enclosure
No. 20825

12

COPY

November 27, 1940.

The Attorney General
Lands Division
Department of Justice
Washington, D. C.

Re: United States v. Adolf Nevares
No. 1092-Y Civil
Your reference: REM:WHW 90-1-2-86

Sir:

This is to acknowledge receipt of your letters of November 19 and November 22, 1940, regarding the above entitled matter.

An amended complaint, incorporationg your instructions to seek a mandatory injunction and compensation damages, has been drawn, and two copies thereof are enclosed herewith for your consideration and approval before filing.

Respectfully,

WM. FLEET PALMER
United States Attorney

Enclosures-2

11

11-30-1940: amended complaint injunction ; november 30, 1940

2

REC'D NOV 30, 1940

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. ADOLF NEVARES, Defendant.	No. 1092-Y AMENDED COMPLAINT FOR INJUNCTION

Comes now the plaintiff, United States of America, through William Fleet Palmer, United States Attorney for the Southern District of California, and Irl D. Brett and Bates Booth, Special Attorneys, Department of Justice, and asks leave to amend the Complaint herein filed by adding to the allegations constituting the cause of action and amending the prayer thereof as follows:

I.

Plaintiff repleads all of the allegations contained in the original Complaint herein, to which reference is hereby made, and the same are hereby incorporated and referred to in this Amended Complaint and made a part hereof as though the same were again fully set forth.

II.

Plaintiff and defendant have engaged in conversations and negotiations with the view of reaching a settlement of the issues involved in the present action; that such conversations and negotiations have failed to form a basis for such settlement and that this amendment is filed upon direction of the Attorney General of the United States.

III.

Plaintiff alleges that on the date plaintiff filed with the Division of Water Resources of the State of Califor-

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BBT:MdeB

nia, applications to appropriate 0.446 cubic feet per second of the unappropriated waters flowing onto plaintiff's land from defendant's land, as more fully described and set forth in the original Complaint herein, such date being February 17, 1939, and on the date said applications were approved and permits granted for said appropriation on July 26, 1939, and at all times thereafter until the interference, diversion and waste committed by said defendant, as more fully described and set forth in said original Complaint, there was ample water flowing onto the land of plaintiff from the land of defendant from which plaintiff could appropriate such amounts of water as by permit allowed as aforesaid; that after said interference, obstruction, diversion, dissipation and waste by defendant, and until the present time, no water has flowed from the land of the defendant onto the land of plaintiff in any quantity adequate to the uses for which plaintiff obtained the aforesaid appropriations; that on the date the Court issued the Temporary Restraining Order and Order to Show Cause herein, to wit, August 2, 1940, and at the time the Court issued the Decree for Temporary Injunction herein, to wit, September 9, 1940, no waters were flowing from the land of defendant onto the land of plaintiff adequate to meet the requirements of plaintiff under said appropriations, and that such condition exists at the present date; that, therefore, the ordering and granting of a Final Decree of Injunction rendering permanent the Temporary Injunction herein enjoining defendant from further interference with the aforesaid water supply unless supplemented by the mandatory provisions hereinafter prayed for will not correct or remedy the condition of which plaintiff complains resulting from defendant's interference, diversion and waste of waters and will leave plaintiff without remedy or redress for the

7—1404

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destruction, diversion and waste by defendant of waters from which its appropriated water supply was obtained.

WHEREFORE, plaintiff makes this amended prayer for judgment as follows:

(1) That an order be made permanently enjoining said defendant, his agents, attorneys, employees, and assigns, and each of them, and all persons acting or claiming to act on his behalf, from diverting, dissipating or wasting waters appropriated by plaintiff, and from cutting ditches across creeks, streams, or channels on defendant's land, or sinking holes in the beds of said streams, creeks, or channels in such manner as to divert, waste and dissipate said appropriated waters, and from interfering with in any way or obstructing the free and unrestricted use and enjoyment by plaintiff of its rights as appropriator of said waters and as owner of riparian rights, excepting only so much of the waters from said streams, channels, and creeks as required by defendant for domestic use and for necessary irrigation of soil under cultivation as of February 17, 1939;

(2) That said defendant be ordered and required to remove such obstructions and ditches and fill up such holes and wells as have been constructed and dug upon defendant's land since the date of plaintiff's applications for appropriations as set forth in plaintiff's Complaint, and to restore the natural flowage of such water in the well-established channels described in said Complaint as existing on the aforesaid date of plaintiff's appropriations of said waters; or in the alternate and in case defendant within a reasonable time fails to restore the natural flowage of water in such channels, that defendant be ordered and required to permit plaintiff free and unrestricted access to land

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of defendant for such time as is required by plaintiff to remove the aforesaid obstructions and to develop and restore the said water supply in its natural channels as of the aforesaid date of plaintiff's appropriations;

(3) That plaintiff be granted judgment against defendant for compensatory damages in the amount of Two Thousand Five Hundred ($2,500.00) Dollars; and

(4) For such other and general relief as the Court shall deem proper in the premises, and for its costs of suit herein incurred.

DATED: This _____ day of December, 1940.

WM. FLEET PALMER,
United States Attorney

IRL D. BRETT
BATES BOOTH,
Special Attorneys,
Department of Justice.

By _____
BATES BOOTH

Attorneys for Plaintiff

GOOD CAUSE APPEARING THEREFOR, leave to file the above amended complaint is hereby granted.

_____
United States District Judge

DATED: , 1940

7—1404

U. S. GOVERNMENT PRINTING OFFICE

COPY

REM-WHW HH

October 31, 1940

Honorable A. J. Wirtz,
Under Secretary,
Department of the Interior,
Washington, D. C.

Dear Mr. Wirtz:

There is enclosed a copy of a letter dated October 24, 1940, from the United States Attorney relative to the case entitled United States v. Adolf Nevares, Civil No. 1092-Y, in the United States District Court for the Southern District of California. There are also enclosed copies of the following:

1. Answer of defendant Adolf Nevares
2. Affidavit of Walter Scott
3. Affidavit of Adolf Nevares
4. Affidavit of Henry Wood
5. Affidavit of Charles Landon
6. Affidavit of Felis Nevates

You will be advised promptly of all further developments.

Respectfully,
For the Attorney General,

ROBT. E. MULROONEY,
Acting Head, Lands Division.

Enclosure
No. 105637

9

COPY

40-D-82

October 24, 1940

The Attorney General
Lands Division,
Department of Justice
Washington, D. C.

In re: United States v. Adolf Nevares,
No. 1092-Y Civil

Sir:

Reference is made to your letter of October 18, 1940, referring to a possible compromise in the above entitled matter and also asking that copies of the five affidavits filed by defendant's attorney be forwarded to the Department.

On October 11, 1940, Mr. A. L. Hickson, attorney for the defendant, called at the office of Mr. Booth and proposed that in return for the defendant's permission to the National Park Service to go on the defendant's land and develop the available water supply, that the Park Service should construct certain improvements on the Nevares land. A swimming pool and some cabins were suggested as possible improvements.

Mr. Hickson was told that it would be impossible for the Park Service to construct such improvements on the defendant's land. Nevertheless the proposal was transmitted for whatever it was worth to the National Park Service. In reply thereto we have this day been advised by the Acting Regional Director of that Service that the limit of improvements which the Service could perform would be to build a ditch "clear across Mr. Nevares' land, with laterals, from the upper springs of the Monument boundary and in taking it to the lower springs, the Government is improving Mr. Nevares' property to the extent that he can then irrigate wherever needed." Such statement of the limit of improvements which the Park Service could perform has been transmitted to defendant's attorney. In case the defendant rejects the Government's offer a setting will be obtained for a hearing on the application for a final injunction.

Copies of the defendant's Answer and Affidavits in support thereof are forwarded herewith.

Respectfully,

WM. FLEET PALMER
United States Attorney

Encls.

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IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

- oOo-

UNITED STATES OF AMERICA, Plaintiff, vs. ADOLF NEVARES, Defendant.	No. 1092-Y Civil. ANSWER OF DEFENDANT, ADOLF NEVARES.

- oOo-

Comes now ADOLF NEVARES, defendant in the above-entitled action and answering the complaint for injunction filed by the plaintiff herein, admits, denies and alleges as follows:

I.

Admits that the plaintiff is the owner of certain lands and properties within the Southern District of California known as Death Valley National Monument.

II.

Admits that this defendant is the owner in fee simple of the following described property all lying within the Southern District of California and adjacent to said Death Valley National Monument, as follows:

Parcel No. 1 - West half of Northeast quarter, South half of Northwest quarter, North half of Southwest quarter, Northeast quarter of Northwest quarter, Section 36, Township 28 North, Range 1 East, S. B. B. & M., containing 280 acres;

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Parcel No. 2 - Northwest quarter of Southeast quarter, Section 36, Township 28 North, Range 1 East, S. B. B. & M., containing 40 acres;

all in the County of Inyo, State of California.

III.

Admits that on the above described property of this answering defendant there are certain natural springs from which certain waters have and generally flow but denies that said waters have flowed for many years in definite surface and underground channels over this defendant's property and onto the plaintiff's property and denies that there is a continuous flow of surface water onto the plaintiff's property in main Cow Creek and tributaries.

Admits that at certain times of the year the flow of the upper springs upon the defendant's property averaged approximately 200 gallons per minute but the exact amount of which is unknown to this defendant.

That this defendant has no information or belief relative to the fact that the flow of the alleged stream into plaintiff's property averaged 90 gallons per minute and basing his denial upon the lack of information and belief, denies that the flow of said stream into the plaintiff's property averaged 90 gallons per minute and denies that there is little change in volume of this flow in winter or summer, in dry or in wet years.

Denies that the channels over which these waters flowed were and are so definite and established that travertine deposits had formed, making the bed of the streams water-tight.

Denies that for many years prior to January, 1939, except for minor culinary use, this defendant made no beneficial uses of said waters but alleges the fact to be that this defendant came into possession of the above described real property in February of 1904 and has continuously, from said time until the

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present time made beneficial uses of the water flowing from said springs and thru said streams and on the land of this defendant and alleges the fact to be that defendant has, from time to time planted, cultivated and propagated vegetable gardens, alfalfa fields and planted numerous and sundry fruit and shade trees on said premises and did, in 1911, build a permanent home thereon and did, in 1938 and 1939, plant about one hundred grape cuttings and began the making of adobe bricks for the purpose of building a more substantial permanent residence thereon and that he has not only used said water for domestic purposes but at divers times used the water for watering his livestock, consisting of mules and burros and that he is expecting and planning to develop and exploit said property as a health and recreational center.

IV.

That this defendant has no information or belief relative to the facts alleged in Paragraph IV of plaintiff's complaint and basing his denial on the lack of information and belief, denies that the plaintiff has filed with the Division of Water Resources, Department of Public Works of the State of California, applications to appropriate .446 cubic feet per second of unappropriated waters in the aforesaid creeks.

V.

That this defendant has no information or belief as to the time when the plaintiff constructed on its property a series of intakes by which both surface and underground waters of the above described streams were conducted to a control chamber but alleges that it has come to his knowledge that the plaintiff has constructed a series of intakes within a few feet of the westerly boundary of this defendant's property and alleges the fact to be that plaintiff has by several means and methods, both upon its property and upon the property of this defendant, interfered

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U. S. GOVERNMENT PRINTING OFFICE

with the natural flow of the surface and underground waters and broken and damaged certain natural retaining stratas or dykes for the purpose of increasing the flow from the defendant's land onto the land of this plaintiff.

That this defendant has no information or belief as to the beneficial uses to which plaintiff alleges to have used said appropriated waters and basing his denial upon the lack of information and belief, denies that the appropriated waters was used to operate generators or provide illumination and power to the Death Valley National Monument and for fire protection and other alleged uses.

VI.

Denies that after the alleged approval of application and alleged permit to the plaintiff for the uses of said water and after the completion of the alleged construction work and after the diversion of the water by the plaintiff to the alleged beneficial uses, this defendant instituted operations and activities to divert, dissipate and destroy the flowage of the waters from said springs over the defendant's land and over the alleged well-established channel on to and thru the property of the plaintiff. Denies that the defendant's first activities to make further and extensive uses of said water occurred in the early months of 1939 but alleges the fact to be that this plaintiff, thru its agents, servants and employees, negotiated with this defendant for the purchase of his land, water and water rights by the Federal Government for the uses of the Death Valley National Monument and for a period of several months during the years of 1935, 1936 and 1937, this defendant was lulled into a sense of security as far as his water rights were concerned and assured by the said agents, servants and employees of the plaintiff that the land, water and water rights would be purchased by said plaintiff, to such an extent that he did not make any extensive

uses of said water on his said real property during the years of 1935, 1936 and 1937, except to occasionally visit said property and divert said water onto the property for the purposes of keeping alive certain shrubs, both natural and artificially planted by this defendant and that when defendant discovered and was convinced that the plaintiff was not intending to purchase and acquire his ranch and water rights, he thereupon returned to said property and began extensive improvements and planting of vineyards and trees upon said property and making extensive and beneficial use of said waters and that he began said improvements before the plaintiff filed its application for the appropriation of excess waters on or about February 17th, 1939.

Denies that this defendant diverted the flow of water at the point of origin and denies that he has completely dried up the Nevares Falls and denies that in January of 1940 this defendant moved the point of diversion from the point of Nevares Springs to the point on one channel within a few hundred feet of the easterly boundary line of plaintiff's property but alleges the fact to be that this defendant only diverted such water as was necessary for the proper irrigation and cultivation of the vineyard and vegetable garden then and there growing on said ranch and for the further and necessary irrigation of such trees as he had planted thereon.

Denies that this defendant pierced the travertine coating of the stream with a long bar and thus caused the dissipation and waste of said waters that might naturally run in said channel but alleges the fact to be that early in February of 1940 there was an unusually large storm or cloudburst and rain fell in such volume that it caused a flood in Cow Creek and that shortly after said flood had subsided, the surface or bed of said stream was broken or distrubed in such manner that any remaining surface water sank and disappeared in the bed of said stream near the

westerly boundary of the defendant's properties.

Denies that any activities or operations of this defendant have completely deprived the plaintiff of its rights under alleged appropriation permit and as alleged owner of riparian rights.

AS A FURTHER, SEPARATE AND DISTINCT ANSWER to plaintiff's complaint, this answering defendant alleges as follows:

I.

That the defendant is now and has been continuously since February, 1904, in possession of and owner of the land described as follows:

Parcel 1: West half of Northeast quarter, South half of Northwest quarter, North half of Southwest quarter, Northeast quarter of Northwest quarter, Section 36, Township 28 North, Range 1 East, S. B. B. & M., containing 280 acres;

Parcel 2: Northwest quarter of Southeast quarter, Section 36, Township 28 North, Range 1 East, S. B. B. & M., containing 40 acres;

all in County of Inyo, State of California.

II.

That he is the owner of said properties and water rights on said real property and from the time between 1904 and 1910 the defendant increased and developed the flow of water from said springs and has made beneficial use of all or a portion of said water for his own domestic use, irrigation purposes and the watering of livestock used by him on said ranch and that he did and has appropriated said water from said springs on said land prior to the time of the application by the plaintiff herein for the appropriation of excess water in 1939. That he is the owner of all of said water and has made the reasonable use of said water as his demands required from

required for the beneficial uses to be served on said premises

U. S. GOVERNMENT PRINTING OFFICE

and that he is lawfully entitled to use all of said water for beneficial uses on his said premises and that the plaintiff is entitled to use only such water as may not be needed for beneficial uses by this defendant and that may flow from the land of this defendant onto thepremises of the plaintiff.

WHEREFORE, defendant prays that plaintiff take nothing by its alleged cause of action and that this defendant be declared to be the owner of all of the waters developed and flowing from the springs and in the strems on, across and under the land of the defendant, except such excess waters as may flow off and from the land of this defendant onto the plaintiff's premises and that all the rights of this defendant in and to the waters flowing from the springs and on the surface and beneath the surface of the land of defendant, is prior and superior to any right that the plaintiff may claim in and to said waters and for such other and further relief which to the Court may seem just and equitable in the premises.

NICHOLS, COOPER & HICKSON

(Signed) By A. L. Hickson
Attorneys for Defendant.

412-19 First National Bldg.
Pomona, California

7—1404

U. S. GOVERNMENT PRINTING OFFICE

and that he is lawfully entitled to use all of said water for beneficial uses on his said premises and that the plaintiff is entitled to use only such water as may not be needed for beneficial uses by this defendant and that may flow from the land of this defendant onto thepremises of the plaintiff.

WHEREFORE, defendant prays that plaintiff take nothing by its alleged cause of action and that this defendant be declared to be the owner of all of the waters developed and flowing from the springs and in the strems on, across and under the land of the defendant, except such excess waters as may flow off and from the land of this defendant onto the plaintiff's premises and that all the rights of this defendant in and to the waters flowing from the springs and on the surface and beneath the surface of the land of defendant, is prior and superior to any right that the plaintiff may claim in and to said waters and for such other and further relief which to the Court may seem just and equitable in the premises.

NICHOLS, COOPER & HICKSON

(Signed) By A. L. Hickson
Attorneys for Defendant.

412-19 First National Bldg.
Pomona, California

7—1404

U. S. GOVERNMENT PRINTING OFFICE

STATE OF CALIFORNIA,)
County of Los Angeles,) SS.

ADOLF NEVARES, being by me first duly sworn, deposes and says: That he is the defendant in the foregoing and above entitled action; that he has read the foregoing ANSWER and knows the contents thereof; and that the same is true of his own knowledge, except as to the matters which are therein stated upon his information or belief, and as to those matters that he believes it to be true.

ADOLF NEVARES

Subscribed and Sworn to before me this 26th day of August, 1940.

ETHYL BALDWIN
Notary Public in and for above County and State.

(SEAL)

7—1404

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of water scott on behalf of defendant in order to show cause

C O P Y

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

-oOo-

UNITED STATES OF AMERICA, Plaintiff. -vs- ADOLF NEVARES, Defendant.	No. 1092-Y Civil AFFIDAVIT OF WATER SCOTT ON BEHALF OF DEFENDANT IN RE ORDER TO SHOW CAUSE

-oOo-

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

WALTER SCOTT, being first duly sworn, deposes and says; I am a citizen of the United States of America, of legal age and reside at Death Valley, California: that I have known Adolf Nevares for more than thirty-five years last past and am familiar with his ranch in Cow Creek Canyon immediately east of Death Valley; I had possession of the said ranch in about 1903 and I acquired it from one Watkins, and Nevares acquired it in about 1904; it has a good spring of water on it and I used the water for irrigating a few acres of alfalfa on the ranch and I know that Nevares has used the water more or less continuously since 1904 for irrigating his field of alfalfa, his vegetable garden, fruit and other trees there and watering his live stock when he had any there. He used the water beneficially for more than thirty years before any use was made of the underground waters to the west of the ranch by the Death Valley National Monument. ~~I know that Nevares has planned at different times to use the water for health purposes and for recreational purposes also, and I think it could be so used.~~

Subscribed and sworn to before me
Sept. 1, 1940

WALTER SCOTT

ETHYL BALDWIN
Notary Public in and for the
County of Los Angeles, State of California

7—1404

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of merit by defendant adolph nevares, resisting temporary injunction on behalf of the plaintiff

COPY

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

-oOo-

UNITED STATES OF AMERICA, Plaintiff. -vs- ADOLF NEVARES, Defendant.	No. 1092-Y Civil. AFFIDAVIT OF MERIT BY DEFENDANT, ADOLF NEVARES, RESISTING TEMPORARY INJUNCTION ON BEHALF OF PLAINTIFF.

-oOo-

STATE OF CALIFORNIA,)
(SS.
County of Los Angeles.)

ADOLF NEVARES, being first duly sworn, deposes and says:

I am a citizen of the United States of America, and reside on my ranch in Death Valley, California, which is hereinafter described, and part of the time reside at 452 "G" Street, San Bernardino, California.

I have been familiar with the country, terrane and geography of that Valley and its surrounding mountains and valleys for more than forty (40) years last past. I was employed by the Pacific Coast Borax Company at Death Valley for many years and also did prospecting work in Death Valley and surrounding mountains for some years prior to 1904, at which time I was still employed by the Pacific Coast Borax Company and was familiar with the real property which I later acquired from the State of California upon which was a fairly good water source. In the early part of 1904 the real property which I later acquired was abandoned by a squatter and I went onto the place and held it under squatter's right until later I purchased that property, together with adjacent property, from the State of California. I am now the owner, in fee simple, of the following described real property:

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U. S. GOVERNMENT PRINTING OFFICE

Parcel No. 1 - West half of Northeast quarter, South half of Northwest quarter, North half of Southwest quarter, Northeast quarter of Northwest quarter, Section 36, Township 28 North, Range 1 East, S. B. B. & M., containing 280 acres;

Parcel No. 2 - Northwest quarter of Southeast quarter, Section 36, Township 28 North, Range 1 East, S. B. B. & M., containing 40 acres;

all in the County of Inyo, State of California.

That I acquired Parcel No. 1 by deed from the State of California, dated February 1, 1911, and recorded on March 1, 1911, in Volume 21, Page 654, Records of Inyo County, and I purchased Parcel No. 2 from the State of California and the deed conveying same to me was dated June 21, 1913, and recorded July 7, 1913, in Volume 23, Page 586, et seq., Records of Inyo County, California.

When I went onto the land in February of 1904 I found a spring rather high on the mountain side giving forth rather warm water which flowed into more or less of an undetermined stream and also disappeared in the ground below. I spent much time in cleaning out and developing this spring and greatly increased the flow of water until, in the course of a few years, the flow was undoubtedly doubled from what it was originally when it was discovered by me. Some distance below the first spring a second spring was developed , and I cleaned out this water source and directed the water into ditches and, in about 1908, I had cleared sufficient land, with the aid of other parties, and had put in a crop of alfalfa, consisting of about three (3) acres, and had diverted and spread the water on the land adjacent to the springs, and for several seasons I not only used the water for domestic purposes and for livestock which I had on the ranch, but I used it for irrigating a small truck garden. I raised watermelons, cantaloupes, carrots, lettuce, tomatoes, onions and other vegetables, and one season, about

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U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of merit by defendant adolph nevares, resisting temporary injunction on behalf of the plaintiff

1912, I even took a load of melons to Keane's Wonder, a mining camp about twelve miles away. I planted cottonwood trees in about 1908 and they continued to grow for about five or six years but the burros destroyed most of them, but some are still alive and growing there now. I continued to live in a tent on the place and farmed the land from 1908 until 1918, at which time I was married and lived with my family there for a year or so during the most favorable seasons. In 1919 I sent my wife to Sawtelle, California, and I continued to live on the ranch, or in that vicinity, until 1920. In 1920 I moved to Sawtelle, California, and thereafter went out every year and remained a month or so, cleaned out the ditches and springs and pruned the trees and cleared off the foul growth, and kept the place in a presentable shape until about 1936. In 1911 I built a cabin on the place and continued to use that as a residence until about 1936 when, during my absence from the ranch, the doors and windows were so badly damaged by some parties that it was hardly habitable after that. Between 1933 and 1938 an Indian, by the name of Frank Kennedy, was granted permission by me to put in a crop, which he did about every year. I visited the ranch two or three times each year when he was there and stayed there a few days each trip, and helped clean out the ditches and diverted the water to the different places on the ranch for the purpose of keeping up the native shrubs and more or less of a meadow where we kept our mules.

From 1936 to 1938, inclusive, I had many interviews and much correspondence with Colonel White, Superintendent of Sequoia National Park and later Superintendent of Death Valley National Monument, and with T. R. Goodwin, Superintendent of Death Valley National Monument, concerning the purchase of my ranch by the Federal Government for the purpose of using the waters in Death Valley National Monument. I did not do much

7—1404

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of merit by defendant adolph nevares, resisting temporary injunction on behalf of the plaintiff

in the way of improvement during those years because I was convinced by their letters, which I have in my file, that it was only a matter of a few months until the Government would take over my land on a price agreeable to me, but in November of 1938 I came to the conclusion, from different communications received from the representatives of the Federal Government, that the Government would not purchase my ranch and water right, and therefore I then began to clean up the place and clean out the ditches and springs and foul growth and brush, and began, also, making adobe bricks to build me a permanent home. I cleared more land in 1939, and in February, 1940, planted about one hundred (100) muscat grape vines, six (6) or eight (8) fig trees, five (5) or six (6) apricot trees and some date palms; I also planted a vegetable garden of radishes, carrots, lettuce, onions, watermelons, cantaloupes, tomatoes and Kaffir corn.

There was usually a small stream flowing down Cow Creek Wash on the surface of my land toward Death Valley National Monument but the stream usually disappeared in the bed of the wash before it reached my westerly boundary line. In the summer time this flow was reduced almost to nothing, and in the early part of February, 1940, there was a flood or cloud-burst in that region causing a great flood of water to flow down Cow Creek Wash, and washed out the bed of the stream, and shortly thereafter the surface flow of the stream ceased before it reached my westerly boundary line.

About February 18, 1940, Superintendent Goodwin of Death Valley National Monument, was on my property "fanning" the waters out over the stream bed to encourage it to flow onto the land of the Government.

I have used the water from the springs and stream for household and domestic purposes and for irrigation continuously from 1904, and when my ranch was being used at its greatest

7—1404

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of merit by defendant adolph nevares, resisting temporary injunction on behalf of the plaintiff

production, I used most all the water available in the stream, and I have not wasted or diverted the water to useless purposes. I have appropriated all the water from the said stream, except at certain seasons or times when the water would flow on the surface toward the Death Valley National Monument. I am prepared and expect to further develop my ranch for farming and resort purposes and expect to make beneficial use of all the water available on my ranch for useful and beneficial use.

It is also true that the boys from the C.C.C. Camp located just below my ranch in Death Valley were on my ranch at different times within the last year "fanning" out the water in the stream in order to encourage and direct it onto the land of the Death Valley Monument. It is also true that representatives of the Death Valley National Monument have been on my ranch at many times within the last year making surveys of the water courses and throwing up ridges and dykes to direct the water onto the property of the Death Valley National Monument, all of which was done without my consent.

That all the waters in the natural or underground streams flowing on, over or under the real property of this affiant, is used or shall be reasonably required for the beneficial use to be served as herein set forth and that if plaintiff is permitted or allowed to use the water to which it lay claim by reason of its alleged appropriation, this affiant will be deprived of the reasonable use of the water of the stream to which his land is riparian and to which he is lawfully entitled.

ADOLF NEVARES

Subscribed and Sworn to before me
this 26th day of August, 1940

ETHYL BALDWIN
Notary Public in and for above
County and State.

(SEAL)

7—1404

U. S. GOVERNMENT PRINTING OFFICE

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

-oOo-

UNITED STATES OF AMERICA, Plaintiff,	No. 1092-Y Civil
vs	AFFIDAVIT OF MERIT ON BEHALF OF DEFENDANT IN RE ORDER TO SHOW CAUSE.
ADOLF NEVARES, Defendant.	

STATE OF CALIFORNIA, (SS
County of Los Angeles.)

-oOo-

HENRY C. WOOD, being first duly sworn, deposes and says: That he is a citizen of the United States of America and resides at 4828 Rolando Boulevard, San Diego, California; that I have known Adolf Nevares, defendant in the above-entitled matter, for more than twenty years last past; that in February or March of 1923 I went with the said Adolf Nevares to his ranch in Death Valley and remained with him there for about three weeks. We spent all of the working hours in cleaning out the ditches and springs and diverting and directing the water to the different parts of the ranch. Nevares had some trees planted and used the water for irrigation as well as domestic purposes. I would judge that Nevares used about ninety per cent of the surface waters for his purposes and the stream or surplus water at no time continued as far west as the westerly boundary of the Nevares ranch. I was again at the ranch with Mr. Nevares in May of 1925 and stayed with him there for about three weeks and we worked all of the working hours on the springs and ditches removing dirt and trash and increased the flow of the water. We diverted and directed the water to irrigate the trees and plants and spread the water out to irrigate the native vegetation. We also cleaned up the ranch by removing the trash and growth and undesirable vegatation so as to permit the planting of crops and shrubs and trees. I know of my

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of merit on behalf of defendant in re order to show cause

own knowledge that thereafter Adolf Nevares spent some time every year on his Death Valley ranch and have talked with him after his return.

HENRY C. WOOD

Subscribed and Sworn to before me
this 15th day of August, 1940.

ETHYL BALDWIN
Notary Public in and for above
County and State.

(SEAL)

7—1404

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of merit in re order to show cause on behalf of defendant

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

-oOo-

UNITED STATES OF AMERICA, Plaintiff, -vs- ADOLF NEVARES, Defendant.	No. 1092-Y Civil. AFFIDAVIT OF MERIT IN RE ORDER TO SHOW CAUSE, ON BEHALF OF DEFENDANT.

-oOo-

STATE OF CALIFORNIA,)
(SS.
County of Los Angeles.)

CHARLES LANDON, being first duly sworn, deposes and says: That I am a citizen of the United States of America, of the age of fifty-nine (59) years, and reside at 452 "G" Street, San Bernardino, California; that I have personally known Adolf Nevares, defendant in the above-entitled matter, for more than forty (40) years last past; that in 1908 I went with the said A. Nevares to Death Valley where his ranch is now located and helped him clear the land and put in a crop of alfalfa consisting of about three acres and cleared out the upper springs on the property which later became his own by purchase from the State of California, and cleaned out the natural streams for the runaway waters increasing the flow about double. I continued to live there with him for about two years. He owned and kept four mules, his wagon and tools and household equipment on the ranch until I left in 1910. I helped irrigate the meadow or pasture where I understand a vineyard and gardens are now located. After the cleaning of the springs and ditches there was a considerable flow of water over what is now known as Nevares Falls, but I am unable to estimate the amount of the flow. I do know that the water diminished in the summer time and increased its flow in the winter time.

7—1404

U. S. GOVERNMENT PRINTING OFFICE

I know of my own knowledge that very little of the excess water flowed into the Cow Creek Wash and at no time did the surface water continue in the bed of Cow Creek Wash for any distance westerly from the meadow or what is now known as the vineyard on the Nevares ranch, and I do not believe that the surface water ever continued as far west as the westerly boundary of the Nevares ranch but that it disappeared and sank into the bed of the stream before it reached the westerly boundary of said ranch.

Subscribed and sworn to before me this 15th day of August, 1940.

ETHYL BALDWIN
Notary Public in and for the County of Los Angeles, State of California.

(SEAL)

CHARLES LANDON

7—1404

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of merit in re order to show cause on behalf of defendant

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

-oOo-

UNITED STATES OF AMERICA, Plaintiff, -vs- ADOLF NEVARES, Defendant.	No. 1092-Y Civil. AFFIDAVIT OF MERIT ON BEHALF OF DEFENDANT IN RE ORDER TO SHOW CAUSE.

-oOo-

STATE OF CALIFORNIA,)
(SS.
County of Los Angeles.)

FELIS NEVARES, being first duly sworn, deposes and says:

That I am a citizen of the United States of America, of the age of sixty-nine (69) years, and reside at 195 Rialto Avenue, San Bernardino, California; that I am a brother of Adolf Nevares, defendant in the above-entitled action; that between the years 1898 and 1925 I was employed by the Pacific Coast Borax Company in Death Valley, California, where my brother was likewise employed part of that time; I know that my brother, Adolf Nevares, in 1904, went out onto the land which he later purchased from the State of California, and I frequently stopped at his ranch thereafter until 1925, and I know of my own knowledge that he was more or less continuously on the ranch from 1904 to 1918 when he married, and from 1918 to 1936 he was on the ranch every year attending to it, and from 1936 to 1938 I know that he went out each year and stayed for a month or so. Prior to 1925 I saw a field of alfalfa of two or three acres growing on the ranch which was used as pasture for his mules. He also had a vegetable garden and trees and shrubs planted and growing on the place and on the occasion of each of my visits to the ranch I always found my brother working around the place and cleaning out the springs and ditches and diverting the water

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U. S. GOVERNMENT PRINTING OFFICE

to the different places on the ranch to keep the plants and trees growing. At no time have I ever seen any surface water running in Cow Creek Wash at a point more than a half a mile westerly from the upper springs and that there was never more than a mere stream of water running in the Wash and then it soon disappeared in the gravel bed.

Subscribed and sworn to before me)
(
this 15th day of August, 1940.)
(
ETHYL BALDWIN) FELIS NEVARES

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

(SEAL)

7—1404

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: decree for temporary injunction

COPY

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ADOLF NEVARES,
Defendant.

No. 1092-Y Civil

DECREE FOR TEMPORARY INJUNCTION

This matter having come on regularly for hearing upon the application of the attorney for Plaintiff in the above entitled Court before the Honorable Leon R. Yankwich, Judge of said Court, on September 9, 1940, and testimony in the form of written affidavits having been received, and counsel for the plaintiff and the defendant having been heard,

NOW, THEREFORE, GOOD CAUSE APPEARING THEREFOR, THE COURT FINDS:

(a) That the plaintiff is the owner of certain lands and properties within the Southern District of California known as the Death Valley National Monument;

(b) That defendant Adolf Nevares is a citizen of the United States residing in the Southern District of California and is the owner of certain property within the Southern District of California adjacent and contiguous to the aforesaid property of the plaintiff, the defendant's property being more particularly described as:

West 1/2 of the Northeast 1/4, South 1/2 of the Northwest 1/4, North 1/2 of the Southwest 1/4, Northeast 1/4 of the Northwest 1/4, and the Northwest 1/4 of the Southeast 1/4, all in Section 36, Township 28 North, Range 1 East, S.B.B.M., being 320 acres more or less;

(c) That on the above described property of the defendant exist certain natural springs from which waters have for many years

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U. S. GOVERNMENT PRINTING OFFICE

flowed in definite surface and underground channels over defendant's property and on and over plaintiff's property;

(d) That on February 17, 1939, the plaintiff filed with the Division of Water Resources of the State of California, applications to appropriate 0.446 cubic feet per second of the unappropriated waters of the aforementioned creeks flowing on and over plaintiff's property; that said applications were for power use and for domestic and recreational use; that said applications were approved and permits granted for such appropriations on July 26, 1939;

(e) That after approval of said applications and the granting of said permits for said appropriations, the plaintiff constructed on its property a series of intakes by which said waters were conducted to hydroelectric generators and that such waters were utilized for power, domestic and recreational uses for which appropriations had been granted;

(f) That after approval of the aforesaid applications and the issuance of said permits for appropriations of water, and after the completion of the aforesaid construction work and after the utilization of such waters as aforesaid, the defendant instituted operations and activities to divert, dissipate and waste the waters of the aforesaid creeks and to destroy and divert the flowage of said waters from said springs in natural channels onto and over the land of the plaintiff; that such activities and operations of the defendant have obstructed and deprived plaintiff ofits rights under the aforesaid appropriation permits and as owner of riparian rights, and will continue to so deprive plaintiff ofits rights unless restrained by this Court; that such obstructions and deprivations constitute immediate and irreparable harm and injury to plaintiff in the use and enjoyment of its rights to appropriated waters, and will continue to do so unless restrained by this Court;

(g) That plaintiff has no plain, speedy or adequate remedy at law for such deprivation of its rights.

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U. S. GOVERNMENT PRINTING OFFICE

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that a writ of temporary injunction be issued herein restraining and enjoining the defendant Adolf Nevares, his agents, attorneys, employees and assigns and each of them, and all persons acting or claiming to act on his behalf from diverting, dissipating or wasting waters appropriated by the plaintiff, and from cutting ditches across creeks, streams or channels on the defendant's land or sinking holes in the beds of said streams, creeks or channels in such manner as to divert, waste and dissipate said appropriated waters, and from interfering in any way with the free and unrestricted use and enjoyment by plaintiff of its rights as said appropriator and as owner of riparian rights, excepting only so much of the waters from said streams, channels and creeks as required by defendant for domestic use and for necessary irrigation of soil under cultivation as of the date of the Temporary Restraining Order herein; that such injunction remain in effect until the further order of this court.

DATED at Los Angeles, California, this _____ day of _____, 1940, at _____.m.

_____
United States District Judge.

Approved as to form as provided in Rule 8.

_____
Attorney for Defendant.

00-00-0000: affidavit of merit on behalf of defendant in re order to show cause

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

-oOo-

UNITED STATES OF AMERICA, Plaintiff,	No. 1092-Y Civil
vs	AFFIDAVIT OF MERIT ON BEHALF OF DEFENDANT IN RE ORDER TO SHOW CAUSE.
ADOLF NEVARES, Defendant.	

STATE OF CALIFORNIA, (SS
County of Los Angeles.)

-oOo-

HENRY C. WOOD, being first duly sworn, deposes and says: That he is a citizen of the United States of America and resides at 4828 Rolando Boulevard, San Diego, California; that I have known Adolf Nevares, defendant in the above-entitled matter, for more than twenty years last past; that in February or March of 1923 I went with the said Adolf Nevares to his ranch in Death Valley and remained with him there for about three weeks. We spent all of the working hours in cleaning out the ditches and springs and diverting and directing the water to the different parts of the ranch. Nevares had some trees planted and used the water for irrigation as well as domestic purposes. I would judge that Nevares used about ninety per cent of the surface waters for his purposes and the stream or surplus water at no time continued as far west as the westerly boundary of the Nevares ranch. I was again at the ranch with Mr. Nevares in May of 1925 and stayed with him there for about three weeks and we worked all of the working hours on the springs and ditches removing dirt and trash and increased the flow of the water. We diverted and directed the water to irrigate the trees and plants and spread the water out to irrigate the native vegetation. We also cleaned up the ranch by removing the trash and growth and undesirable vegatation so as to permit the planting of crops and shrubs and trees. I know of my

7—1404

U. S. GOVERNMENT PRINTING OFFICE

own knowledge that thereafter Adolf Nevares spent some time every year on his Death Valley ranch and have talked with him after his return.

HENRY C. WOOD

Subscribed and Sworn to before me
this 15th day of August, 1940.

ETHYL BALDWIN
Notary Public in and for above
County and State.

(SEAL)

7—1404

U. S. GOVERNMENT PRINTING OFFICE

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

-oOo-

UNITED STATES OF AMERICA, Plaintiff, -vs- ADOLF NEVARES, Defendant.	No. 1092-Y Civil. AFFIDAVIT OF MERIT IN RE ORDER TO SHOW CAUSE, ON BEHALF OF DEFENDANT.

-oOo-

STATE OF CALIFORNIA,)
(SS.
County of Los Angeles.)

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7—1404

U. S. GOVERNMENT PRINTING OFFICE

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Subscribed and sworn to before me this 15th day of August, 1940.

ETHYL BALDWIN
Notary Public in and for the County of Los Angeles, State of California.

(SEAL)

CHARLES LANDON

7—1404

U. S. GOVERNMENT PRINTING OFFICE

00-00-0000: affidavit of merit on behalf of defendant in re order to show cause

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION.

-oOo-

UNITED STATES OF AMERICA, Plaintiff, -vs- ADOLF NEVARES, Defendant.	No. 1092-Y Civil. AFFIDAVIT OF MERIT ON BEHALF OF DEFENDANT IN RE ORDER TO SHOW CAUSE.

-oOo-

STATE OF CALIFORNIA,)
(SS.
County of Los Angeles.)

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7—1404

U. S. GOVERNMENT PRINTING OFFICE

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Subscribed and sworn to before me)
(
this 15th day of August, 1940.)
(
ETHYL BALDWIN) FELIS NEVARES

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

(SEAL)

7—1404

U. S. GOVERNMENT PRINTING OFFICE

BB:MdeB

40-D-82

COPY

October 11, 1940

T. R. Goodwin, Superintendent
Death Valley National Monument
California

In re: United States vs. Adolf Nevares, No. 1092-Y Civil

Dear Sir:

A. L. Hickson, attorney for the defendant in the above-entitled action, called on the undersigned yesterday with an informal proposition for settlement.

He proposes that inasmuch as the defendant understands the Government has no money available with which to compensate Nevares for his property, that the Government should be willing to do certain things for the benefit of Nevares in return for permission to go on Nevares property to develop the water supply thereon. His proposal was that the Government construct a pipe line or ditch for its own use, and while developing this water supply for its use that the Government level off portions of Nevares' land, construct a swimming pool, and also some cabins.

I told Mr. Hickson that I would transmit the proposition to you and to the Regional Attorney of the National Park Service, but that I anticipated it would be impractical, if not impossible, for the Government to supply any materials for construction on Nevares' land; however, I transmit the proposal for whatever consideration you wish to give it. Please advise me what reactions you have, particularly if you think there is sufficient basis in the proposition for a

conference to be attended by you and the Regional Attorney with Mr. Hickson and the defendant Nevares.

Yours very truly,

WM. FLEET PALMER,
United States Attorney

BATES BOOTH
Special Attorney
Department of Justice

COPY

REM - WHW

October 2, 1940

90-1-2-86

MFL

Honorable A. J. Wirtz
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Wirtz:

There are enclosed a copy of a letter dated September 23, 1940, from the United States Attorney and a copy of the decree for temporary injunction entered in the case entitled United States v. Adolf Nevares, No. 1092-Y, Civil, in the United States District Court for the Southern District of California.

You will be advised promptly of all further developments.

Respectfully,
For theAttorney General

NORMAN M. LITTELL
Assistant Attorney General

Enclosure
No. 111300

6

09-23-1940: memo ; september 23, 1940

COPY

September 23, 1940

The Attorney General,
Lands Division,
Department of Justice,
Washington, D.C.

Re: United States v. Adolf Nevares,
Civil No. 1092-Y
Your file No. 610

Sir:

Reference is made to our letter of September 9, 1940 reporting that temporary injunction in the above-entitled matter had been ordered. The decree has now been filed and two copies thereof are enclosed herewith.

Respectfully,

WM. FLEET PALMER
United States Attorney

Encl.

5

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DEATH VALLEY NATIONAL MONUMENT
CALIFORNIA

September 6, 1940

William Fleet Palmer, Esq.
U. S. Attorney
Department of Justice
Los Angeles, California

My dear Mr. Palmer:

On my return from a month's leave I find the answer of Adolph Nevares on my desk with a letter from our Regional Attorney asking me to make notes on this answer and return same to you before the trial date of September 9. As it was too late to get this to you in time, I wired you today that I would bring it with me to Los Angeles on Monday. In reply to this answer I make the following comments:

III

The claim is made that water has not flowed for many years in definite surface and underground channels from the Nevares property on to the government land. Our own observations over seven years show that this flow has been practically uninterrupted and this is corroborated by old-time residents who say that the water has always ran down these channels as long as they could remember. Furthermore, test holes which we made in the wash bed to bedrock show alternate layers of travertine and gravel laid down over centuries by the warm water from these springs. This travertine could only have occurred by deposit from the spring water, as it is not present in run-off waters caused by local storms.

It is further claimed in this paragraph that the defendant from February, 1904 continuously made beneficial uses of the water for cultivation of vegetables, alfalfa, etc. During the seven years, of which I have personal knowledge, no attempt to grow any crop of any sort was made by Nevares until we started our water development, and, as a subterfuge to justify the diversion of the water, Nevares planted a couple of acres of grapes and vegetables, and a large number of tamarask trees which are of little value for firewood and of no value for shade as they are scattered all along the stream beds and a considerable distance from his cabin. It is a further fact that this planting of trees particularly is suffering from too much water and would have made a far better growth if he had irrigated at intervals of three or four days, rather than wasting the water continuously to keep it from getting to us.

He also states that he has used the water for domestic purposes and watering his livestock. I have never seen any livestock on the premises, with the exception of one or two wild burros which have drifted in from time to time.

IV.

Statement is made that he had no knowledge of our filing with the Division of Water Resources for appropriation of .446 cubic feet per second of unappropriated water. Official notices were posted along his boundary line and at other points as required by law and, as Mr. Nevares has spent a great portion of his time watching our development and walked by the sign upon which the notice was posted almost daily, it is hardly possible that he could not have seen this notice.

V.

The contention that he had no information as to the time when we made our diversion is equally false as, before stated, he made patrols two or three times along his boundary, talked to our foreman and the CCC boys working there, and watched every detail of the work that was going on.

He further states that we have entered upon his property and interfered with the natural surface flow of the water. This is entirely false, as no member of our force as far as I can determine ever interfered with the natural flow of the water on his property. At one time he or someone else put a dam across the natural flow of the water from the south spring so that it did not go into our intake. I personally saw this dam and met Mr. Nevares and asked him what it was done for. He denied any knowledge of it whatsoever and said that some of my people must have done it. Later, the water either broke through this dam or the dam was cut and it resumed its natural flow.

VI.

The denial that he took any steps to divert the water from us can easily be proven not to be a fact, as we have photographs of holes he had dug in the gravels to sink the water and also the diversion of the lower springs which supplied the swamp on to the small cultivated patch diverted all this water from crossing on to the government property.

He also states in this paragraph that a flood in February, 1940 broke the surface travertine and stopped the water from flowing on to us from the south spring. It is true that this flood, for

a period of a few hours, blocked our south intake with gravel and caused some scouring of the channel bed, but the water resumed its normal water flow after this time, in the same volume as previously to the storm, and it was not until holes were deliberately dug to the stream bed that the flow into the intake was stopped which was some time later.

I believe that these facts are sufficient but will discuss with you any further details on Monday morning.

Very truly yours,

T. R. Goodwin
Superintendent.

TRG:VG

COPY

OH

REM-WHW

90-1-2-86

August 9, 1940

Honorable A. J. Wirtz
Under Secretary
Department of the Interior
Washington, D. C.

Dear Mr. Wirtz:

There are enclosed for your information copies of a letter dated August 3, 1940, from the United States Attorney, the complaint for injunction with attached exhibits and affidavits and temporary restraining order and order to show cause filed in the case entitled United States v. Adolf Nevares, No. 1092-Y Civil, in the United States District Court for the Southern District of California.

You will be advised promptly of all further developments.

Respectfully,
For the Attorney General

NORMAN M. LITTELL
Assistant Attorney General

Enclosure
No. 102315

08-03-1940: memo on nevares case ; august 03, 1940

COPY

BB:MdeB

40-D-82

August 3, 1940

The Attorney General
Lands Division
Department of Justice
Washington, D. C.

Re: United States vs. Adolf Nevares
Your file: REM:WHW 90-1-2-86

Sir:

Reference is made to your letter of July 25, 1940, concerning the above-entitled matter. Enclosed please find two copies of complaint for injunction with attached exhibits and affidavits, and two copies of temporary restraining order and order to show cause filed August 1.

The restraining order was issued yesterday, August 2, and the hearing thereon set before Judge Leon R. Yankwich at 10:00 o'clock A.M., Monday, August 12, 1940.

Respectfully,

WM. FLEET PALMER,
United States Attorney

Encs.

08-02-1940: temporary restraining order and order to show cause; august 02, 1940

COPY

FILED
AUG 2 1940
R. S. ZIMMERMAN, Clerk
By _____ Deputy Clerk

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ADOLF NEVARES,
Defendant.

No. 1092-Y Civil

TEMPORARY RESTRAINING ORDER
AND
ORDER TO SHOW CAUSE

Upon reading the verified complaint on file herein and the affidavits of T. R. Goodwin, a citizen of the United States, Superintendent of the Death Valley National Monument of the National Park Service of the United States Department of the Interior, and Henry A. Jones, a citizen of the United States and employee of the United States in Death Valley National Monument, in support thereof, and it appearing therefrom that:

Defendant Adolf Nevares resides in the Southern District of California and within the jurisdiction of this Court;

And that plaintiff is the owner of certain properties known as the Death Valley National Monument in the Southern District of California and within the jurisdiction of this Court;

IT FURTHER EPPEARING that the defendant Adolf Nevares is the owner of the following described property within the Southern District of California and within the jurisdiction of this Court and adjacent to said Death Valley National Monument, defendant's property being more particularly described as follows:

West 1/2 of the Northeast 1/4, South 1/2 of the Northwest 1/4, North 1/2 of the Southwest 1/4, Northeast 1/4 of the Northwest 1/4, and the Northwest 1/4 of the Southeast 1/4, all in Section 36, Township 28 North, Range 1 East, S.B.B.M., being 320 acres more or less.

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IT FURTHER APPEARING that on the above-described property of defendant exist natural springs known as Nevares Springs from which the water, before the obstructions recited in said complaint and supporting affidavits, has for many years flowed in definite surface and underground channels over the defendant's property and on to plaintiff's property whence it flowed eventually into the Amergosa River; that such flow was constant in winter and summer, and that such channels were definite and well established; that for many years prior to 1939, except for minor culinary use, defendant made no beneficial use of such waters.

IT FURTHER APPEARING that on February 17,1939, plaintiff applied to the State of California for permits for appropriation of 0.446 cubic feet of water per second of unappropriated water flowing in said streams over plaintiff's land, and that said applications were approved and permits granted for such appropriations on July 26, 1939;

IT FURTHER APPEARING that after such appropriations and after plaintiff had completed construction work necessary to the beneficial uses for which such appropriation permits were granted, defendant instituted a series of actions and operations to divert said streams and dissipate and waste the waters thereof to the end that no waters would flow in the said definite channels on to the land of plaintiff; that plaintiff was and is thus deprived of the beneficial use and enjoyment of rights in said appropriated water granted by said permits and as owner of riparian rights;

IT FURTHER APPEARING that, unless restrained by this Court, defendant will continue such activities and operations in obstructing and depriving plaintiff of such appropriate and riparian rights, and that plaintiff will suffer irreparable and irremediable damage and injury in the deprivation of the beneficial uses and enjoyment of its rights as appropriator and owner of riparian rights in such waters;

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00-00-0000: temporary restraining order and order to show cause

IT FURTHER APPEARING that plaintiff has no plain, speedy, or adequate remedy at law for such deprivation of its rights, and that immediate and irreparable loss will result to plaintiff before application for preliminary injunction could be heard on notice to said defendant;

NOT, THEREFORE, IT IS HEREBY ORDERED that until the further order of this Court defendant Adolf Nevares, his officers, agents, attorneys, employees and assigns, and each of them, and all persons acting or claiming to act on behalf of them are hereby restrained and enjoined from diverting, dissipating, or wasting waters appropriated by plaintiff, and from cutting ditches across such streams or sinking holes in the bed of said streams in such manner as to divert said appropriated waters, and from interfering in any way with the free and unrestricted use and enjoyment by plaintiff of its rights as said appropriator and as owner of riparian rights.

AND IT IS FURTHER ORDERED that defendant be and appear before this Court in Courtroom No. 5 of the Honorable Leon R. Yankwich, United States District Judge, or any district judge sitting in the absence of Judge Yankwich, on the 12th day of August, 1940, at the hour of ten, A. M., or as soon thereafter as counsel may be heard, and then and there to show cause, if any he has, why an injunction should not be made herein enjoining and restraining said defendant, his officers, agents, employees and assigns, and each of them, and all

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persons acting or claiming to act in their behalf, in the same manner and to the same effect as set forth in this Temporary Restraining Order.

DATED: Los Angeles, California, this 2nd day of August, 1940, at 10:37.

PAUL J. McCORMICK
United States District Judge

Presented by:

WILLIAM FLEET PALMER
United States Attorney

IRL D. BRETT
BATES BOOTH
Special Attorneys, Dept. of Justice

By
BATES BOOTH

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00-00-0000: complaint for injunction

COPY

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. ADOLF NEVARES, Defendant.	No._____Civil COMPLAINT FOR INJUNCTION

COMES NOW the plaintiff United States of America through William Fleet Palmer, United States Attorney for the Southern District of California, and Irl D. Brett and Bates Booth, Special Attorneys, Department of Justice, and complains of the defendant Adolf Nevares, who resides within the Southern District of California and within the jurisdiction of this Court, and for cause of action alleges:

I

THAT plaintiff is the owner of certain lands and properties within the Southern District of California known as the Death Valley National Monument, the administration of which is in the National Park Service of the United States Department of the Interior; that this action is instituted at the request of the Secretary of the Interior and upon direction of the Attorney General of the United States.

II

THAT the defendant Adolf Nevares is the owner of property within the Southern District of California and within the jurisdiction of this Court and adjacent to said Death Valley National Monument, the defendant's property being more particularly described as follows:

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West 1/2 of the Northeast 1/4, South 1/2 of the Northwest 1/4, North 1/2 of the Southwest 1/4, Northeast 1/4 of the Northwest 1/4, and the Northwest 1/4 of the Southeast 1/4, all in Section 36, Township 28 North, Range 1 East, S.B.B.M., being 320 acres more or less.

III.

THAT on the above-described property of defendant exist certain natural springs from which waters have for many years flowed in definite surface and underground channels over the defendant's property and on to plaintiff's property in the Main Cow Creek and tributaries, whence they flowed eventually into Salt Creek and the Amergosa River; that prior to January, 1939, the flow of the main upper springs upon the defendant's property averaged approximately 200 gallons per minute; that before the obstructions to the flow of the lower springs hereinafter described, a measurement was taken thereof and that the flow of the stream into plaintiff's property averaged 90 gallons per minute; that there was little change in volume of this flow in winter or summer or in dry or wet years; that the channels over which these waters flowed were so definite and established that travertine deposits had formed, making the bed of the streams watertight; that for many years before January, 1939, except for minor culinary use, defendant made no beneficial use of said waters.

IV.

That on February 17, 1939, plaintiff filed with the Division of Water Resources, Department of Public Works, State of California, applications to appropriate 0.446 cubic feet per second of the unappropriated waters in the aforementioned creeks; that said application Number 9509 was for power use and that said application Number 9510 was for domestic and recreational use; that said applications were

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approved and permits granted for such diversion on July 26, 1939; that copies of said applications and said permits are attached hereto and marked Appendix "A".

V

THAT after approval of said application and the granting of said permit for said appropriation by the State of California, plaintiff constructed on its property a series of intakes by which both surface and underground waters of the above-described streams were conducted to a control collection chamber approximately five hundred feet below the point of diversion; that from this chamber a 6-inch pipeline was constructed to Park Village where a 7.5 KW hydro-electric generator was installed and powered by the water; that the water was then recollected and carried in a 6-inch pipeline to the Cow Creek Utility area where it powered a 2.5 KW hydro-electric plant; that from such plant the water was run into a swimming pool for recreational use; that from such swimming pool the water was distributed into a system of fire mains and a system of irrigation for the Cow Creek area; that all of the property mentioned herein over which the water was conducted, used or distributed is the property of plaintiff; that the beneficial uses to which the appropriated water was thus put were to operate generators which provided all the illumination and power necessary to plaintiff's Death Valley National Monument for fire protection, to operate desert coolers in the summertime, to supply the swimming pool for recreational purposes, and to irrigate plaintiff's property.

VI

THAT after the approval of aforesaid application and issuance of said permit for appropriation and after the completion of the above-described construction work and after

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the diversion of the water to aforesaid beneficial uses contemplated by such permit, the defendant instituted operations and activities to divert, dissipate and destroy the flowage of the waters from said springs over defendant's land and over the above-described well established channels on to and through property of plaintiff; that defendant's first activities to obstruct such flowage occurred in the early months of 1939; that during such time defendant diverted the flow of water at point of origin and completely dried up Nevares Falls a short distance below Nevares Springs; that in January of 1940 defendant moved his point of diversion from Nevares Springs to a point on one channel within a few hundred feet of the boundary of plaintiff's property; that adjacent to such point defendant planted approximately a half acre of ground with grape cuttings; that defendant cut a ditch across the stream at such point and diverted the water to spread over the area thus planted; that on another channel from said springs, defendant pierced the travertine coating of the stream with a long bar, thus sinking the water into the sub-surface gravel to a point where it was dissipated and wasted completely and did not return to its normal channel; that this latter sinking operation was located within fifty feet of plaintiff's intake and resulted in the disappearance of the entire stream of water in a distance of less than twenty-five feet; that these obstructions, diversions and sinking operations resulted in a closing down of the plaintiff's aforesaid hydro-electric plants and deprivation to plaintiff of other beneficial uses to which such appropriated waters were being put; that such activities and operations of defendant have thus completely deprived plaintiff of its rights under aforesaid appropriation permit and as owner of riparian rights,

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and will, unless restrained by this Court, result in immediate and irreparable harm and injury to plaintiff in that they will continue to preclude the use of appropriated water for such beneficial uses permitted by the State of California and described hereinbefore, and will completely deprive plaintiff of the use and enjoyment of property rights vested in plaintiff as such appropriator and as owner of riparian rights.

VII

THAT plaintiff has no plain, speedy, or adequate remedy at law for such deprivation of its rights, and that immediate and irreparable loss will result to plaintiff herein before application for a preliminary injunction could be heard upon notice to said defendant.

WHEREFORE plaintiff prays judgment as follows:

1. That an Order be issued by this Court requiring said defendant to be and appear before this Court on a day and hour to be fixed in said Order, then and there to show cause, if any he has, why he should not be enjoined and restrained from diverting or sinking said waters appropriated by plaintiff; and that, pending the hearing upon such Order to Show Cause, an order be made restraining said defendant, his agents, attorneys, employees and assigns, and each of them, and all persons acting or claiming to act on his behalf, from diverting or sinking said water appropriated by plaintiff by said approved application and permit, and from interfering or obstructing in any way with the free and unrestricted use and enjoyment by plaintiff of its rights as appropriator of said waters, and as owner of riparian rights.

2. That said defendant, his officers, agents, attorneys, employees and assigns be henceforth enjoined and restrained from

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diverting or sinking any part or portion of said water appropriated by plaintiff, and from interfering or obstructing in any way with the free and unrestricted use and enjoyment by plaintiff of its rights as appropriator of said waters and as owner of riparian rights.

3. For such other and general relief as the Court shall deem proper in the premises and for its costs of suit herein incurred.

DATED: July_____, 1940.

WILLIAM FLEET PALMER
United States Attorney

IRL D. BRETT
Special Attorney, Dept. of Justice

BATES BOOTH
Special Attorney, Dept. of Justice

By_____
BATES BOOTH

Attorneys for Plaintiff

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U. S. GOVERNMENT PRINTING : FFICE

00-00-0000: legal doc. recognizing t.r. goodwin as superintendent of death valley national monument

UNITED STATES OF AMERICA,)
STATE OF CALIFORNIA,) ss:
COUNTY OF)

T. R. GOODWIN, Superintendent, Death Valley National Monument, National Park Service, United States Department of the Interior, being first duly sworn, deposes:

That he is, and has been since 1933 Superintendent of the Death Valley National Monument and has personal knowledge of the matters contained within the foregoing complaint; that he has read said complaint and knows the contents thereof; that the same is true of his own knowledge except as to such matters as are therein stated upon information and belief, and that as to such matters he believes it to be true.

T. R. GOODWIN

SUBSCRIBED AND SWORN to before me this _____ day of _____, 1940.

NOTARY PUBLIC in and for the County of Riverside, State of California.
My Commission expires

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00-00-0000: points and authorities in support of complaint for injunction

COPY

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. ADOLF NEVARES, Defendant.	No. _____ Civil POINTS AND AUTHORITIES IN SUPPORT OF COMPLAINT FOR INJUNCTION

Section 17 of the Water Commission Act of June 16, 1913, as amended by Section 3 of the Act of May 23, 1925, (California Statutes, 1925, ch.339, Sec. 3):

"Any person, firm, association or corporation may apply for and secure from the state water commission, in conformity with this act and in conformity with reasonable rules and regulations adopted from time to time by the state water commission, a permit for any unappropriated water or for water which having been appropriated or used flows back into a stream, lake or other body of water within this state. And any application so made shall give to the applicant a priority of right as of the date of said application to such water or the use thereof until such application shall have been approved or rejected by said commission; Provided, that such priority shall continuously so long as the provisions of law and the rules and regulations of the water commission sahll be followed by the applicant. Upon the approval of any application by the commission, said approval shall give priority of right as of the date of said application and shall give the right to take and use the amount of water specified in said approval until the issuance by the state water commission of a license for the use of said amount of water, or until

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the said commission refuses to issue said license. But the approval of any application shall give the right to take and use water only to the extent and for the purpose allowed in said approval; Provided, that any defective application made in a bona fide attempt to conform to the rules and regulations of the state water commission and to the law shall secure to the applicant a priority of right as of the date of said application until he shall have been notified by said commission in what respect his application is defective. And said applicant shall be allowed sixty days after notice of such defect in which to file an amended and perfected application. If, within said sixty days, said applicant shall not file an amended and perfected application, said application shall be rejected and cancelled, unless for good cause shown the state water commission shall allow said applicant to file a further amended and perfected application; provided, also, that any priority of right secured under this section shall not be effective for more than thirty days after service of notice of such approval, personally or by registered mail, on the applicant, unless within said period of thirty days the fees due upon issuance of said approval or permit as provided in this act are paid to the state water commission, and unless said payment of fees shall have been made within said time the state water commission shall forthwith revoke said approval or permit and reject said application."

Vineland Irrigation District v. Azusa Irrigation Co.,
126 Cal. 486, 58 Pac. 1057 (1899)

1. Subsurface flowage may be subject of valid appropriation.

2. Injunction may be invoked to restrain change of surface diversion to defeat subsurface appropriation.

Facts: Injunction to restrain defendants from changing place and manner of diversion of subterranean flow to plaintiff's injury.

Defendant was prior appropriator of surface and subsurface of San Gabriel River. Plaintiff subsequently constructed tunnel for subsurface flow below defendant's, after which defendant who had previously been diverting surface flow below plaintiff's tunnel, changed to divert surface flow at same point as mouth of his tunnel, being above plaintiff's point of diversion, resulting in drying up of surface and consequent subsurface flow from which plaintiff derived water.

Held: Appropriation of subsurface flow without injury to prior surface rights is valid. Plaintiff was entitled to restrain defendant from changing diversion of surface flow from point below to point above plaintiff's tunnel so long as plaintiff's appropriation did not deny defendant's prior rights in surface flow.

However, lower court had found as fact that plaintiff's subsurface diversion was drawn from and weakened surface flow appropriated by defendant and granted defendant injunction, which on that finding was sustained.

Scott v. Fruit Growers' Supply Co., 202 Cal. 47,
258 Pac. 1095)1927)

Facts: Piute Creek flows into Susan River. Above and below this confluence plaintiffs have appropriation and riparian rights. Bagwell Springs flows into Piute Creek and during half of year constitute practically its only water source. These springs are on Long Ranch. For many years Long irrigated his ranch with this water after which it flowed into the Piute and thence was diverted to irrigate plaintiffs' ranches, thence into Susan and down.

Defendant had mill pond for which water was formerly ditched from Susan at point above confluence of Piute. Thus defendant had no rights in Bagwell or Piute waters. Defendant and Long built dam at Bagwell Springs and piped water directly to mill pond,

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circumventing plaintiffs entirely.

Plaintiff seeks to enjoin this diversion.

Held: Riparian proprietor of spring has no more right than other riparian proprietors through whose land stream flows. Defendant contends his first use of all of Bagwell Springs water gave him more than riparian rights, i.e., gave him prescriptive right. Court answers: (1.) Prior use of water is assumed to be exercise of riparian right, is not prescriptive unless lower appropriators are on notice that more than riparian right is claimed, and (2) Even if prescriptive right established, it extends only to land involved, not to other land to which water was diverted.

Long further claims he was appropriator of all of waters, which he admittedly was, to the extent necessary for irrigating Long ranch, but this does not make him owner of "corpus" of water. And appropriator may not change point of diversion to injury of others. Appropriators below were entitled to water after flowing from Long Ranch.

Injunction sustained.

Yuba River Power Co. v. Nevada Irrigation District, 207 Cal. 521, 279 Pac. 128 (1929)

Facts: Plaintiff has applications for Yuba River appropriations pending, the water is available, and plaintiff would put to beneficial use. Defendant is diverting water at point above plaintiff to plaintiff's detriment. Plaintiff seeks to quiet title.

Held: Property subject to protection under C.C.P. 738 authorizeig actions to quiet title includes every species of property right, inchoate or vested. Filing of application establishes a priority under Water Commission Act, Section 17 (St. 1913, p. 1022),

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which is such a property right. The granting of the permit is merely a confirmation of such right, the Water Commission having no discretion since the existence of available water and beneficial use are judicial, not ministerial questions.

Action to quiet title lies.

WM. FLEET PALMER
United States Attorney

IRL D. BRETT
Special Attorney
Department of Justice

BATES BOOTH
Special Attorney
Department of Justice

By _____
BATES BOOTH

Attorneys for Plaintiff

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00-00-0000: t.r. goodwin, being first duly sworn, deposes and says:comment=following descriptions entered by nick mazour on 9/25/98 7:09:09 pm mdt

STATE OF CALIFORNIA)
) SS.
COUNTY OF INYO)

T. R. GOODWIN, being first duly sworn, deposes and says:

That I am a citizen of the United States, and I have been a resident of Death Valley National Monument, California, for approximately seven years;

That for many years I have been well familiar with the water supplies which have their origin upon the Nevares property;

That this property consists of a tract of 320 acres situated principally upon the rugged desert foothills on the eastern side of Death Valley, but its east boundary lies well up on the rocky mountain-side of the Funeral Mountains;

That I have been Superintendent or Officer in Charge of Death Valley National Monument for over six years, and my duties as such have required close observation of the said Nevares property, and particularly with the water supply originating thereon in which the National Park Service is interested;

That the Nevares Ranch has terrain which is very rough and rugged, and the entire property is a series of dissected alluvial fans, with benches separated by eroded stream beds cut deeply between them;

That the main Cow Creek Wash is roughly triangular in shape and widens out to approximately 1500 feet at the west boundary of said property;

That the amount of arable land is small, there being no more than an acre tillable near the Nevares cabin. There is possibly 10 acres tillable farther west;

That the area is cut by two main earthquake faults running nearly north and south, and that water reaches the surface along both of these faults and breaks out in warm water springs;

That the upper springs are building a travertine hill 30 or 40 feet above the surrounding terrain, and water breaks out from the

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00-00-0000: t.r. goodwin, being first duly sworn, deposes and says: ", cont.

summit of this hill in numerous cracks in the travertine;

That measurements of the former flow show approximately 200 gallons a minute from this source;

That from the lower springs water breaks out from three main sources, which three springs feed the mesquite thicket which grows along the boundary between the Nevares property and the monument property;

That prior to January 1940 these springs were never developed by the owner, or put to beneficial use;

That no accurate measurement has been made of the flow of these three springs, but measurement of the waste water flowing across the boundary and into the National Park Service intake prior to diversion of this water by the property owner in January 1940 was 90 gallons per minute;

That for the period October 1933 to January 1939 no beneficial use was made of any of this water on the Nevares property, and it has built up travertine stream beds for itself and flowed in several channels down the wash bed and across the west property line to the monument property;

That test pits in the wash show that this flow has gone on for centuries, as there are alternate layers of travertine and cemented gravel to bedrock;

That in the fall of 1938 plans were made by the National Park Service to pick up the waste water from the property and put it to beneficial use for domestic, fire protection, irrigation, and power uses at the monument residence and utility areas;

That the State of California granted to the United States a permit to appropriate 200 gallons per minute, and that intakes were constructed across the wash just west of the Nevares property line;

That notice of appropriation was posted and no protest was made;

That as soon as work actually began on the Government project, said Nevares attempted to divert the water from the main springs into a

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deep wash to the north, that he succeeded in stopping the flow down the long-established channel, and carried this water approximately 1500 feet north, where the entire flow was absorbed in the deep gravels and did not appear on the surface again;

That waste water from the three lower springs was turned into the intake and through the newly constructed pipe line to Park Village in June 1939;

That the flow of 90 gallons per minute held up until February 1, 1940, operating continuously a 7½ KW hydroelectric plant to Park Village and a 2½ KW plant in the utility area;

That Nevares attempted to put small areas into cultivation by clearing a small patch near his cabin and a second patch of about 2 acres only a few hundred feet from his west property line;

That by a cross ditch he cut the flow of the two northerly springs on the lower fault line, and turned them into this small patch;

That to prevent any of this water from reaching monument intakes he made holes in the gravel with a long bar and sunk the water deep into the gravel;

That by constantly changing the location of this overflow he prevented it building a travertine plane to run down the intervening distance to our intake;

That the result immediately became apparent by cutting the flow into our ditches, and thirty days after diversion the entire flow had disappeared;

That the south or third spring ~~it~~ was difficult for said Nevares to interfere with on account of the dense jungle of mesquite, and also because there was no excuse for any purported agricultural development at our last spring, the third one. Said Nevares broke the travertine crust in several places within a hundred feet of our property line and sunk this water completely into the gravel, drying up the only remaining flow into our intakes;

That from the conversations I have had with said Nevares and the negotiations concerning possible sale or offer to sell his land

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and water to the National Park Service, and from said Nevares' actions over a period of years, and the fact that his first attempts to divert the water from us were a pure wastage of water in a different direction, and the later wasteful diversions of said Nevares were so openly and ostensibly an attempt to establish a purported agricultural usage for a small area, it is my firm conviction and belief that the whole of said Nevares' actions were purely and simply an attempt to force a sale on the Government of his lands and water.

In witness whereof I hereto set my hand this _____ day of July, 1940.

_____

Subscribed and sworn to before me,

this _____day of _____, 1940.

_____
NOTARY PUBLIC,
In and for the County of Inyo,
State of California.

My Commission expires_____

STATE OF CALIFORNIA)
) ss.
COUNTY OF INYO)

HENRY A. JONES, being first duly sworn, deposes and says:

That I am a citizen of the United States, and I have been a resident of the vicinity of Death Valley, California, for approximately twelve years.

For many years prior to 1934 I was familiar generally with the Nevares Ranch which is now within the exterior boundaries of Death Valley National Monument, and since the summer of 1934 upon many occasions, as an employee of the United States in Death Valley National Monument, my duties have required close observation of the said Nevares property, and particularly of the water supply originating thereon.

At the head or apex of the main Cow Creek Wash, which lies within the Nevares property, there are a compact series of openings in the surface of the earth, from which water flows. This series of openings, hereinafter referred to as the upper main springs have produced a regular flow of approximately 200 gallons of water per minute over a period of many years, and this source of water is not to my knowledge in any way influenced by precipitation or any other external form of water supply. Until January 1939 the overflow from the upper main springs flowed on the surface of the ground past Mr. Adolf Nevares' cabin and down the south side of the main Cow Creek Wash across the Nevares property line onto the national monument, and the water was finally absorbed in the gravels some distance inside the monument property.

At three other points in the main Cow Creek Wash on the Nevares property, less than a quarter of a mile east of the west boundary of that property, and considerably below the upper main springs, water breaks out at springs hereinafter referred to as the lower springs. One of these springs is located near the north side of the wash, and another near the center of the wash, both being approximately 1,000 feet east of the west boundary of the Nevares property. The third spring

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is located near the south side of the wash and approximately 500 feet east of the said west boundary. While no accurate measurement has been made of the flow at these lower springs, I know that in January of 1940 the combined overflow from these springs at the west boundary of the Nevares property was approximately 90 gallons per minute.

During the fall and winter of 1938-1939 I participated in the construction by the National Park Service of certain trenches and intake works located only a few feet west of the west boundary of the Nevares property. Those works extended across the entire bottom of the main Cow Creek Wash, and were constructed for the purpose of picking up the overflow water from the Nevares property. In January of 1939, shortly after this construction work began, Mr. Adolf Nevares, the owner of the Nevares property, diverted the waters of the upper main springs from their natural course so as to cause it to flow in a northerly direction for a distance of approximately 1500 feet, where the entire flow was absorbed in the deep gravels of a wash known as North Canyon Cow Creek, and did not again appear on the surface nor could it thereafter be collected in the underground intake works constructed across the main wash of Cow Creek. The water thus diverted by Mr. Nevares was not used in the cultivation of any crops nor was it, to my best knowledge, applied to any form of beneficial use, but on the other hand it was allowed to run to waste and to dissipate itself in the gravels of the North Wash without possibility of beneficial use.

Following the above described diversion of the water from the main upper springs, there remained waters from the lower springs in sufficient quantity to meet a part of the needs of the National Park Service. These waters were collected in the intake works above referred to, and were used as a supply for two small hydroelectric plants by the Park Service until early in February of 1940.

At the latter time I was assigned to investigate a failure of the water supply. Upon examination I found a new ditch on the Nevares property carrying water along the side of the north bank of the main

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wash so that the water flowing therein was taken around the north end of the Government's intake works. To collect this water I extended the intake works to the north. Upon completion of this intake extension the water was cut away from this ditch within the Nevares property.

In the course of my investigation, I further observed that a dam had been constructed across the natural channel near the south side of the main wash at a point on the Nevares property near the west boundary, and the water previously flowing in that channel had been turned into a series of holes in the wash, where it disappeared.

I also found that Mr. Nevares had cleared a small patch of land, roughly two acres, in the bottom of the main wash and only a few hundred feet east of the west boundary of his boundary. He constructed ditches upon this cleared patch, and I observed him almost daily engaged in fanning out the overflow from his ditches upon the gravels and using a bar or shovel to sink it into the gravels.

The result of the above described activities and construction was to prevent the water from reaching the Government's intake works. The water supply into these intakes fell rapidly and the streams theretofore running into the collection ditch dried up one by one until finally no water whatever in the main wash came across Mr. Nevares' boundary.

In witness whereof I hereto set my hand this _____day of July, 1940.

_____

Subscribed and sworn to before me,

this _____day of _____, 1940.

_____

NOTARY PUBLIC,
In and for the County of Inyo,
State of California.

My Commission expires _____

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U. S. GOVERNMENT PRINTING OFFICE

12-16-1907: notice of water appropriation; december 16, 1907

NOTICE OF WATER APPROPRIATION.

Notice is hereby given that the undersigned C.E.Barber and J.M.Hoover intends to claim and does hereby claim 500 (Five Hundred) inches, miner's measure under a four (4) inch pressure of the water flowing in the Cow Creek Springs County of Inyo State of California: Said water to be diverted at a point on the Creek bank of said location where this notice is posted, being a point where these Springs Start to flow. Including all Branches and Feeders to these Several Springs, said water is claimed for the purpose of Mining, Milling and Domestic Purposes and is intended to be used at a point 2 miles South West of this Notice said water is to be diverted by means of a Flume or Pipe and conducted from the point of diversion t.

The J. & C. Mill Site by means of Flume or Pipe.

Dated Dec. 7th 1907.

H.H.McCarthy
C.W.Johnson
Witness E.A.Stockton
M.J.Bell

C. E. Barber
J. M. Hoover
Appropriator.

Recorded at the request of C. E. Barber,

Dec 16 1907 15 minutes past 8 o'clock A. M.

W. L. Hunter, Recorder.

12-16-1907: hand written letter #823; december 16, 1907

Know all Men by these Presents: that we the undersigned citizens of the United States, over the age of twenty-one years, did on the 18th day of April 1905: locate and claim, and do by these amended certificate or notice of location, which is made without waiver of any rights acquired by said original location but for the purpose of correcting any defects in the same, do hereby locate and claim, and do hereby publish and declare as a legal notice to all the world that we have a valid and existing right of occupation, possession and enjoyment of all and singular that certain tract and parcel of land hereinafter described, for ditch, flume and mining purposes, and the use, appropriation and diversion of all of the waters of that certain natural stream and water course, and also the springs, tributaries and sources of said stream and water course commonly known as "Coon Creek;" Also known as "Coon Creek Springs" situated in Inyo County State of California on the Western slope of the "Funeral Range" of Mountains, more particularly described as follows, to-wit:

Said ditch is to be known as "The Coon Creek Mill and Power Ditch."

The head of said ditch will tap the waters of Coon Creek Springs by tributary ditches or pipe lines thereby diverting and concentrating the waters of said springs into a single channel at the lower Coon Creek Springs at a point indicated by the annexed plat, whereon a copy of this notice is posted upon the ground and thence pursuing the following proposed course, to-wit:

Commencing at the point whereon said copy of this notice is posted running thence south westerly down "Coon Creek" canon in the direction of Death Valley for a distance of two miles to a point indicated by a stone monument five feet in height in which a stake is set and inscribed "South Western Terminus of Coon Creek Mill and Power Ditch", following the course indicated by the annexed plat.

We claim the entire flow of the waters of said stream and also all waters that may be developed by excavations, cuts, tunnels, and pipe lines in and to the adjacent and tributary

Springs, amounting to a flow of 2,000 miners — or thereabouts, to be conveyed by said ditches flumes and pipe lines, aqueducts & other needful appliances for the conduit of the whole of said waters between the termini hereinbefore described, together with the exclusive right of way over the public lands between said points, and also the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

A true and correct plat of said proposed ditch is hereto ~~for~~ attached marked "Exhibit A", hereby referred to and made a part of this notice and certificate.

Witness our hands and seals this 22nd day of May A.D. 1905.

Locators. { Curtis Mann
Ed. Beaane
Tom Wilson

Posted on the ground and executed in duplicate this — day of May A.D. 1905.

State of Nevada } ss.
Esmeralda County }

On this 22nd day of May A.D. 1905, before me W.O. Voorhees, a Notary Public in and for said County acting for Nye County, personally appeared Curtis Mann, Ed. Beaane and Tom Wilson, to me known to be the persons who executed the foregoing instrument and who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein set forth.

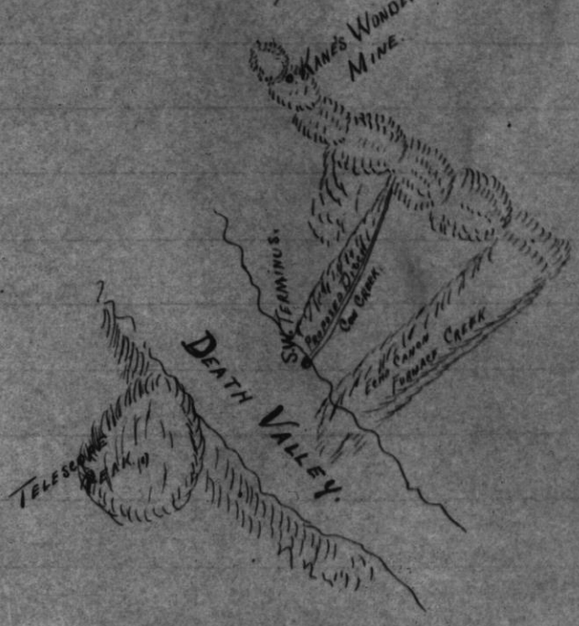
In Witness Whereof, I have hereunto set my hand and notarial seal the day and year in this certificate first above written.

W.O. Voorhees
Notary Public

Seal

05-00-1915: small map of death valley

"Exhibit A" — Plat.



Recorded at the Request of Ed. Benane May 31st 1915, 5 Minutes Past 7 o'clock A.M.

J. E. Mooney Recorder.

CA 23-1906: notice of location (handwritten), may 23, 1906

Notice of Location.

Notice is hereby given that the undersigned have this day located and claim the following described ground together with all water and water privileges thereon or appurtenant thereto, known as Cow Creek Springs for agricultural or Mining purposes, the exterior boundaries described as follows, to wit.

Commencing at this Initial monument and running South 1320 feet to monument thence west 2640 feet to a monument thence north 1320 feet to a monument, thence East 2640 feet to a monument or place of beginning. This claim shall be known as the Cow Creek Ranch. Situate thereto in the Death Valley Mining District, County of Inyo, State of California.

Located May 23, 1904. Locators.

M. M. Beatty

A Nevarics.

Recorded at the Request of M. M. Beatty, May 24 1904 at 8.45 A.M. In Vol. E. Page 138 of Death Valley Mining District.

Recorder John Roach

By A Nevarics.

Recorded at the Request of A Nevarics, June 15th 1904 at 11 minutes past 8 o'clock A.M.

J. E. Mooney

Recorder

00-00-0000: notice of water location

Notice of Water Location

Notice is hereby given that we the undersigned claim the waters flowing and to flow from the "Royer Hot Springs" so called near where this notice is posted at the head of "Cow Creek" in Inyo County State of California, the said Springs being about Four Miles Easterly from the Colemans Borax works in Death Valley, to the extent of Ten thousand Miners inches under a four inch pressure, that we intend to use the same, for Mining, Milling, irrigation of Lands, and domestic purposes, and particularly, for domestic purposes and the Milling of ore from the "Royer Mountain" and "Herbert" Silver Mines, and largely for the propulsion of Machinery, to be used in the Milling of ore from said Mines, and that we intend to divert said waters by Means of ditches, flumes, and pipes, to such places, as we require for the uses named above Dated on the ground, this 21st day of December A.D. 1889.

Witness } H.C. Royer Locator
Frank Bennett } R.S. Law Locator

Recorded at request of H Rhine January 11th A.D. 1890 at 20 Mins last 9 o'clock A.M.

P.H. Mack
Recorder

By H.C. Whipple Deputy

06 DATA

Death Valley National Park

MAIN COW CREEK (A009150)

Supporting Hydrologic Data

United States Department of the Interior

NATIONAL PARK SERVICE
DEATH VALLEY NATIONAL MONUMENT
DEATH VALLEY, CALIFORNIA 92328

IN REPLY REFER TO:

L54(479)

March 14, 1990

Memorandum

To: Chief, Water Rights Branch

From: Superintendent, DEVA

Subject: Protocol - DEVA's Water Monitoring Programs.

The Water Resources Division has provided immeasurable assistance to DEVA over the past two years. That assistance has resulted in the formal protests of a veritable host of recent water appropriation applications and both the design and installation of water monitoring programs. The programs are designed to provide essential baseline data and early detection of negative impact to ground water aquifers supplying the springs of DEVA thereby allowing for timely and effective NPS response.

The long term maintenance of the water monitoring programs is essential to the protection of DEVA's water resources and carries with it legal and professional responsibilities. While DEVA's Resources Management Division is fully prepared to assume the responsibility of the long term maintenance of the monitoring program, we believe the in depth data analysis and final reporting of the data is better suited for completion by the professional hydrology staff of WRD. We wish, therefore, to call upon the services of the WRD for such further assistance with the program.

Discussions with members of our respective staffs have concluded a preference of having all primary data storage, analysis and formal periodic report preparation by WRD. DEVA will maintain duplicate files as required and conduct some data analysis for its internal needs. The raw data supplied by DEVA will require conversion and analysis by the professional hydrologists of WRD. It is expected that WRD will provide the superintendent DEVA, State Engineer, Bond Gold, U.S.G.S with no less that quarterly reports of the spring flow and level data. Specialized reports addressing specific aspects of the program, response to selective inquiries or distribution of essential information derived from the analysis of the data will also be provided by WRD. It may be advisable to consider an annual publication of the data for public record in consideration of the significance of water issues to this region.

WRD, in addition to the Resources Management Division, DEVA, will provide the superintendent with recommendation for management action or decisions to be taken by the superintendent. We trust this protocol will be acceptable to you and your staff. If you visualize modification to these suggestions please provide us with your input. We look forward to a continued excellent working relationship between our respective staffs.

Sincerely,

Edwin L. Rothfuss
Superintendent

cc: Meiteck Kolpinski, WRO

00-00-0000: notes

Owen -

Is this something we should commit to or would it be better handled through contract.

Lets - discuss

Stan

Tan,
File w/ Deva / water Rights.

4/4/90

~~Stan,~~ FYI

Chuck
Dan } FYA & Follow up

Monitoring Plan Stuff

If/when $ from WR initiative come thru, we can contract this work out

J.A. should be able to handle all data reduction as it comes in.

12-15-1964: face sheet for completion report ; december 15,

(June 1962)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

FACE SHEET FOR COMPLETION REPORT

Work Order No.: B-16 DEVA
Fund Symbol: 14 x 1035

Park: Death Valley National Monument	Region: Western	Year Programmed: 1962
Location in Park: Cow Creek Elementary School	State(s): California	PCP No.: U99-100
		Master Plan No.: -
	County or Counties: Inyo	Master Plan Corrected By: -
[X] Contract and/or [X] Day Labor		As Built Drawings By: WODC
Work Order Title: Water and Electric Extension to School Construction of Water System and Sewer System Elementary School		Date Started: 5/62 Date Completed: 3/63

DESCRIPTION OF FIXED ASSETS (For completion by employee in charge of project)		TOTAL COSTS (For completion by FFO)
100.8 Utilities - Electric		
Install electric system 400 l.f. of aerial line	$3,775.20	33,884.31
100.8 Water System		
Water System, Elementary School Water supply line to serve school 854 l.f. 4" asbestos cement pipe 274 l.f. 4" welded steel pipe 150 l.f. 2" steel pipe and related appurtenances	$7,618.89	
100.8 Sewer System		
Sewer System, Elementary School 7000 gallon septic tank Distribution bos 5 Manholes, complete 2214 l.f. of vetrified clay sewer 36' x 60' seepage bed	$17,816.52	
JOURNAL VOUCHER NO. 34-9 DATE JAN 11 1965		
TOTAL		$ 33,884.31

DISTRIBUTION No.	1 To 7
1	WASO
2	WODC
1	Programs WR
1	Area
1	FFO-WR
2	Prop. Mgm.

THE FIXED ASSET DESCRIBED ABOVE HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AND AUTHORIZED CHANGES

Submitted By: Garland Moore — Title: Park Engineer — Date: Dec. 15,

Approved By: John A. Aubuchon — Title: Superintendent — Date: Dec. 15,

COSTS VERIFIED BY J. Katzky — Title: Operating Accountant — Date: 12/24/64

11360

NARRATIVE STATEMENT

This project is located near the Cow Creek utility area and serves the Death Valley Elementary School, the old administration building and restrooms, and the employees' trailer parking area.

Drawing numbers and titles are:

NM-DV-8052-B, Death Valley Elementary School.
NM-DV-3240, Water System and Sewer System.

The project was accomplished by contract and day labor. The contract portion included the construction of 854 linear feet of 4 inch water line, 2214 linear feet of 6 inch sewer line, 5 manholes, a 7,000 gallon septic tank, and distribution box with 36' x 60' seepage bed. The day labor portion included providing electrical service to the school, connection of the old administration building, restrooms and trailer area to the new sewer system upon completion of the contract portion, and temporary water and sewer service to the school during construction of the systems. The temporary services were removed after the new systems were put into use.

Bids for the contract portion were opened on August 9, 1962. There were seven bids and contract number 14-10-0434-1220 was awarded to the low bidder, Carson Frazzini, 2323 Holcomb Lane, Reno, Nevada, in the amount of $26,929.93. The contractor acknowledged receipt of the Notice to Proceed on September 4, 1962. By mutual agreement with the contractor, in a letter dated October 3, 1962, unit quantities were reduced as follows:

4 inch cast iron soil pipe reduced 18 linear feet.
6 inch vitrified clay sewer pipe reduced 136 linear feet.
4 inch welded steel pipe reduced 116 linear feet.

Change Order number 1 was formally prepared on January 7, 1963, and increased the scope of the work and provided six days to accomplish this work. This resulted in $391.00 additional compensation to the contractor.

The contractor was cooperative, but slow in getting started, which resulted in 10 days overrun of the contract time. The completion date was December 10, 1962. A final inspection was made on December 20, 1962, and the work was accepted. The contractor was assessed 10 days liquidated damages for a total of $500.00.

The work was accomplished in accordance with the plans and specifications and resulted in satisfactory utilities.

Form 10-174
(Rev. 8-56)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPLETION REPORT OF CONSTRUCTION PROJECT

REGION	AREA	COUNTY	STATE
Four	Death Valley National Monument	Inyo	California

PROJECT OR JOB TITLE: Construction of Pipeline - Nevares Springs to Existing Tank
PCP NO.: U-26-3

LOCATION IN AREA: Cow Creek
MASTER PLAN NO.: NM-DV-2041-A
BUILDING NO.: None

WORKING DRAWING NO. AND TITLE: NM-DV-3130 Pipeline Nevares Creek to 8 x 10 Tank

APPROPRIATION TITLE AND SYMBOL: 14X1037 Construction
WORK ORDER NO.: 332.1 (1957 fiscal year)

CONTRACT NO.: 14-10-434-4
DATE WORK STARTED: October 28, 1957
DATE WORK COMPLETED: January 13, 1958

NAME OF CONTRACTOR: Indian Wells Construction Company
ADDRESS: 337 Ridgecrest Boulevard, Ridgecrest, California

COST ANALYSIS

CONSTRUCTION ITEMS	QTY.	UNIT COST IN PLACE	TOTAL COST IN PLACE
1. 8" Diameter Asbestos Cement Pipe Installed	3340 LF	3.95	$ 13,193.00
2. 6" Diameter Asbestos Cement Pipe Installed	1127.5 LF	3.50	3,946.25
3. Concrete Collection Box Installed	1 Each	1,720.00	1,720.00
4. 6" Diameter Drain Tile for Spring Underdrains Installed	276 LF	3.00	828.00
5. Filter Material for Spring Enclosure in Place	236 CY	16.00	3,776.00
6. 8" Low Pressure Meter Completely Installed	1 Each	595.00	595.00
Change Order No. 1			350.00
		TOTAL	$ 24,408.25

FISCAL CLEARANCE Roland V. Johnson
Roland V. Johnson
Regional Accountant
Date MAY 7 1958

FISCAL CLEARANCE

See ltr 10/15/59 to Reg 4

SUMMARY OF EXPENDITURES

PERSONAL SERVICES	EQUIPMENT	MATERIALS AND SUPPLIES
	Total Project Cost $24,652.25	

OTHER: Total Contract Cost $24,408.25 Facilitating Services $244.00

ORIGINAL CONTRACT AMOUNT	CHANGE ORDERS FIRST	SECOND	THIRD
$ 23,557	$ 350		
FINAL CONTRACT AMOUNT	FOURTH	FIFTH	SIXTH
$ 24,408			

THIS PROJECT OR JOB HAS BEEN COMPLETED IN ACCORDANCE WITH APPROVED DRAWINGS, SPECIFICATIONS, AUTHORIZED CHANGES

SUBMITTED BY (Name and title): Louis Hinenburg, Project Supervisor, WODC — DATE: April 25, 1958

APPROVED BY (Name and title): Fred W. Binnewies, Superintendent — DATE: May 1, 1958

(ATTACH NARRATIVE STATEMENT, PHOTOGRAPHS, AND "AS BUILT" DRAWINGS TO THIS FORM)

GPO 914176

D.V

NARRATIVE STATEMENT

Scope

This project was accomplished in order to remove the possibility of contamination as a source of pollution by migrant and area animal life known to use Nevares Springs as watering place. Numerous samples of water submitted for bacteriological examination indicated the presence of B coliforms. Some illnesses among Park Village residents were attributed to the presence in drinking water of B coli organisms. The project included the enclosure of springs from surface contamination and a pipeline to an existing 8 x 10 concrete masonry tank.

Project Accomplishments - 1957 Construction Season

Accomplished under this project was the excavation of eleven springs and the placing therein of select material and underground vitrified clay open joint pipe as underdrains through which to conduct water. These were connected to three transite mains leading to a central reinforced concrete collection box, which was provided with drain and overflow lines and slide gate and thence the water was conducted through underground transite pipeline to an existing 8 x 10 tank. There had previously been provided a 6 inch dipped and wrapped steel pipe which led to the Park Village from this tank as a water main and the chief source of water for the residential area.

The first day of the contract operations was October 28, 1957.

Centerline and offset cut stakes were in place when the contractor arrived on the site.

Clearing and Trenching Operations

A path was bulldozed along the proposed pipeline. All brush was removed in this area. Trenching operations began at Station 32+49 and proceeded in both directions as long as trench was stable. No sheeting was required between Stations 1+17 and 38+41. 40% Gelmanite (Dynamite) was used to blast when rock conditions warranted.

Throughout the springs area, hand trenching was required because of poor ground conditions, which in addition required continuous sheeting in some areas.

Trenching for drain line was then accomplished.

Pipelaying and Miscellaneous

8" transite pipe was placed from 1+17 to 32+49 in prepared trench and 6" transite was placed from 32+49 to 38+41, the latter station being the north wall of the 8 x 10 tank. No connection was made into this tank at this time.

D.V

An 8" transite drain line was then placed with adequate connections to be made to collection box.

The reinforced concrete collection box was placed in two lifts with provisions for "keying" top lift into lower portion of box. Short lengths of 6" transite were placed in this form as stub-outs as were galvanized steps and frame for slide gate. An improvised means of locking slide gate handle in open, half open and closed positions was provided by the Monument.

A pressure test was performed on pipeline from Station 1+17 to 38+41 after required concrete anchors were poured and trench partially backfilled between couplings. This test surpassed all expectations. Infiltration into line for all intents and purposes was zero gallons.

All openings from collection box were plugged and seepage test was made. No appreciable drop in water level was noted and box was then passed for water tightness.

The problem of maintaining water service to the Monument and working the spring area had previously been resolved.

Springs Nos. 2, 3 and 4 were mucked out and underdrains placed on a bed of select sand and gravel and covered, then connection was made to transite main which in turn was connected to prepared stubout from box. Drums of prepared HTH slurry were prepared and pumped into spring lines. The main line from 1+17 to 38+40 was also chlorinated (disinfected) at this time. Contractor performed this operation on Saturday and solution remained in pipes for 36 hours. This solution was then wasted into a dry wash to the south of 8 x 10 tank. In the meanwhile the Monument was supplied from the remaining 8 springs. The pipe at 8 x 10 tank was holed through the wall and a changeover was made in water supply to the Monument after clear unchlorinated water was obtained. Water from the 8 springs was bypassed and springs 2, 3 and 4 fed the Monument with water. There was no interruption in water supply in the changeover.

The remaining springs were then prepared and after disinfection were permitted to flow into main line.

All construction trenches and spring areas were backfilled and dressed. A change order had been prepared for replacing decayed wood cover of 8 x 10 tank with a reinforced concrete deck with manhole entrance. The deck was now emplaced and project was complete.

Completion of project was realized on January 13, 1958.

The Contracting Officer made inspection on January 14, 1958, and accepted the project, since the "new" water had been flowing for one month.

Underruns and Overruns

Bid Items:

1 - 8" diameter Cement Asbestos Pipe
Per Addendum No. 3, paragraph 2a — Underrun - 192 L. F.

2 - 6" diameter Cement Asbestos Pipe — Overrun - 1.5 L. F.

4 - 6" diameter Drain Tile for Spring Underdrains — Overrun - 66 L. F.
Computation from drawings total 276 L. F. for this item.

5 - Filter Material for Spring Enclosure — Overrun - 66 C. Y.
This overrun was necessary in order to drain springs area and not simply each spring. Had drainage not been provided 11 low spots for rain water catchments would have resulted.

Change Orders

Change Order No. 1 was provided to replace badly decayed wood deck on 8 x 10 tank with reinforced concrete cover with manhole.

General

Contractor was ordered to proceed October 16, 1957.

Contractor began operations October 28, 1957.

Late start was due to miscellaneous reasons, mainly an epidemic form of respiratory illness (Asiatic Flu) which was prevalent in this area.

Four days of adverse weather further delayed work.

Change Order No. 1 granted 7 days of additional time for completion.

The Contractor applied for and received a 30 day extension in contract time due to rock conditions which required blasting over long stretches of trench.

New contract termination date due to Change Order No. 1 and 30 day extension - January 20, 1958.

Contract was completed on January 13, 1958.

D.V.

The Contractor at no additional expense to the government performed the following work:

1. Water Meter Box, in lieu of cast iron extension roadway box, in order to permit servicing of 8" Low Pressure Meter and removal for inspection and servicing.

2. Galvanized Iron Vent Line at Station 1+20 in order to permit line draining without vacuum when slide gate was closed.

3. Encasement in concrete of drain line from 8 x 10 tank which was severely eroded.

4. Screened opening in drain line from collection box.

5. Screened opening at end of overflow line.

Limits of Project

3340 Lineal Feet of 8" diameter Transite Pipe

1127.5 Lineal Feet of 6" diameter Transite Pipe

1 Collection Box of reinforced concrete

276 Lineal Feet of Vitrified Clay Tile Pipe for Spring Underdrains

236 Cubic Yards of Select Filter Material requiring hauling, screening and segregated stockpiling. A monument provided borrow pit was used.

1 Low Pressure Meter (Sparling)

Note: The Park Village is now provided with an unpolluted, uncontaminated source of water so necessary to efficient National Park Service operation.

may be disposed 5/6/60

10-23
(May 1929)

6—7410

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

---------- NATIONAL PARK

FILE NO.

DEATH VALLEY NATIONAL MONUMENT

FINAL CONSTRUCTION REPORT

ON

WATER SYSTEMS

PWA APPROPRIATION, ACCOUNT

NO. OP-752-05-194(c)

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.

ARNO B. CAMMERER,
Director.

By: T. R. Goodwin
Superintendent

January 14, 1941

U. S. GOVERNMENT PRINTING OFFICE: 1933 6—7410

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DEATH VALLEY NATIONAL MONUMENT
CALIFORNIA

January 14, 1941

FINAL CONSTRUCTION REPORT ON WATER SYSTEMS
PWA Appropriation, Account No. OP-752-05-194(c)

INTRODUCTION

This project covers the purchase and installation of water pipe to several buildings and utilities throughout the Monument.

APPROPRIATION

In October, 1938, a Public Works Administration appropriation bearing symbol OP-752-05-194(c) was authorized. This appropriation through its subsequent changes in outline of work resulted in the following:

194(c) installation	$9818.70
194(cc) equipment	134.42
Total	9953.12

Local Indian day labor was used for some of this work but CCC enrollees made most installations.

PLANS

Administration Building water line, Drawing NM-DV-5362, was approved by the Regional Director November 30, 1938. 601 feet of 1½" galvanized iron water pipe was used for this installation.

Grapevine Ranger Station water line, Drawing NM-DV-5353, was approved by the Regional Director November 30, 1938. 1095 feet of 1" galvanized water pipe was used in this installation.

Water Line, Residences Mesa Addition, Cow Creek, Drawing NM-DV-5361, was approved by the Regional Director December 1, 1938. 671 feet of 2" galvanized iron water pipe was placed as a main with 3/4" laterals feeding each house.

Water Line, Comfort Station, Texas Spring, Drawing NM-DV-5355, was approved November 30, 1938. 233 feet of 2" galvanized pipe was placed from the main to supply the new comfort station.

Water Line, Indian Village Trading Post, Drawing NM-DV-5360, was approved by the Regional Director November 30, 1938. 331 feet of 1" galvanized water pipe was installed to supply this new addition to the Indian Village.

Fire Mains, Cow Creek Utility Area, Drawing 5363, was approved by the Regional Director November 30, 1938. 1836 feet of 4" standard iron pipe, dipped and wrapped, was placed in the utility area. This line had 1½" risers and valves so connected as to serve as fire hydrants.

Water Line, Nevares Spring, Drawing 5364, was approved by the Regional Director February 4, 1939. The source of supply is a few feet west of the Nevares property line in the main Cow Creek Wash. From this intake to the Cow Creek Residential area, a 6" spiral welded pipe, dipped and wrapped, 20 feet joints, connected with Dayton couplings, was placed. At the residential area this 6" line is directly connected to a 9 K.V.A. water powered electric generator. The water after passing through the generator is again collected in the same size and type of pipe line and carried on to the utility area where it is directly connected to a 2 K.V.A. water powered generator. The water then flows into the swimming pool and is used for irrigation and fire protection.

CONSTRUCTION

Construction was started on some of these projects in October, 1938, and completed in August, 1939.

Some Indian labor was used but most installations were made with CCC enrollees.

Respectfully submitted,

R. Neil Gruniger
Transitman

RNG:AW

10-174
(May 1929)

Death Valley National Monument ~~PARK~~

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CONSTRUCTION UNIT COST REPORT

PERIOD ENDED _____

PROJECT Public Works Water Systems ACCOUNT NO. ~~CP-752-05-194(e)~~ DAY LABOR — CONTRACT

CONTRACT NO. _____ DATE OF APPROVAL _____ CONTRACT COMPLETION DATE _____

SYMBOL	CONSTRUCTION COST UNITS Name	Type	WORK DONE THIS PERIOD Sta. to Sta.		PERCENT COMPLETE	ANALYSIS OF COSTS Labor	Mat.&Sup.	Indirect Charges	Contract* Payments	Prorated Overhead (2)	Totals this Period	Totals Prev. Report	Total Costs To Date	QUANTITIES Units	This Month	Totals to Date	UNIT COSTS	TOTAL ESTIMATED Quantity	Cost
	Water lines to:																		
	Administration Bldg.						76.67						76.67	Lin.Ft.		601	.1276		
	Grapevine Ranger St.						120.73						120.73	Lin.Ft.		1095	.1102		
	Residences, Mesa						150.64						150.64	Lin.Ft.		671	.2244		
	Comfort Sta. Texas Spring					40.00	51.82						91.82	Lin.Ft.		233	.394		
	Fire Mains, Utility Area					100.00	1312.17						1412.17	Lin.Ft.		1836	.769		
	Water development																		
	Nevares Spring						7924.46						7924.46	Lin.Ft.		12102	.6546		
	Indian Village						42.21						42.21	Lin.Ft.		331	.1275		
	Equipment						134.42						134.42						
	Construction Cost Total					140.00	9813.12						9953.12						
	Construction Engineering (Field Headquarters)												1421.88						
	Survey (Field Headquarters)																		
	Total Cost of Project to Date												11375.00						
	Less Retained Percentage (Contract)																		
	Expenditures to Date																		

Estimated Cost
Engineering (Estimate)
Estimated Total Cost

REMARKS: This appropriation was for several small water systems installations and extention throughout the Monument. The largest was the Nevares Spring development at Cow Creek Headquarters. This line was a 6" spiral welded pipe 12102 feet in length for a hydroelectric development and fire protection.

R. Neil Grunigen
RESIDENT ENGINEER

T. R. Goodwin
SUPERINTENDENT

*Contract payments will include the "RETAINED PERCENTAGE"

SUMMARY OF EXPENDITURES TO DATE

ELEMENTS OF COST	This Month	Previous	Totals to Date
Labor			~~140.00~~
Materials & Supplies			~~9813.12~~
Indirect Charges			
Contract Payments			
Prorated Overhead			
Total Construct'n Costs			~~9953.12~~
Construction Engineering			~~1421.88~~
Surveys			
Cost of Project to Date			~~11375.00~~
Less Retent			
Expenditures to Date			
Total Allotment			~~11379.88~~
Balance returned to Treasury			~~4.88~~

01-14-1941: construction unit cost report; january 14, 1941

INSTRUCTIONS FOR PREPARING CONSTRUCTION UNIT COST REPORT (FORM 10-174)

This form will be prepared by the engineer or other person in charge of the project for each construction project.

The unit cost accounts will be entered on the form in the same order as listed in paragraph 4.

The following is an explanation of the preparation of the form:

(*a*) In the column headed "Symbol" enter the symbols of the unit cost accounts.

(*b*) In the column headed "Construction Cost Units" enter the name of the accounts.

(*c*) In the column headed "Type" enter the types of work involved, such as character of clearing (heavy, medium, light), excavation (common, solid rock, etc.).

(*d*) In the column headed "Work Done" enter the inclusive stations or sections.

(*e*) In the column headed "Per Cent Complete" enter the approximate percentage computed upon the basis of the total cost to date and the total estimated cost.

(*f*) In the "Cost" columns headed "Labor," "Material and Supplies," "Indirect Charges," and "Prorated Overhead Z" post these elements of cost as shown on Form 10-202. (See par. 7, this section.)

(*g*) In the column headed "Prorated Overhead" enter in reverse on the line for Account Z the totals of the elements of costs for Account Z. Then distribute this amount in the same column to the various unit cost accounts on the basis of the value of work performed.

(*h*) These "Cost" columns are then cross added to get the "Total this Period." The "Totals, Previous Report," will be posted from the "Totals to Date" column of the previous month.

(*i*) In case contracts are let for a part of the project, payments for such contracts as shown on Form 10-202 plus the retent will be posted in the column headed "Contract Payments" on the lines for the appropriate unit cost accounts. These three columns will be cross added and posted in "Total Costs to Date." All cost columns will be down added and posted on the last line. This line will then be cross added as a check upon the accuracy of the computations.

(*j*) In the "Quantities" column enter in column headed "Units" the units of measure, such as cubic yards, etc.

(*k*) In the column headed "This Month" enter number of such units for the month, and in column headed "Totals to Date" enter the total units to date.

(*l*) In the column headed "Unit Costs" enter the average price per unit, which will be determined by dividing the quantities shown in "Totals to Date" into the "Total Costs to Date."

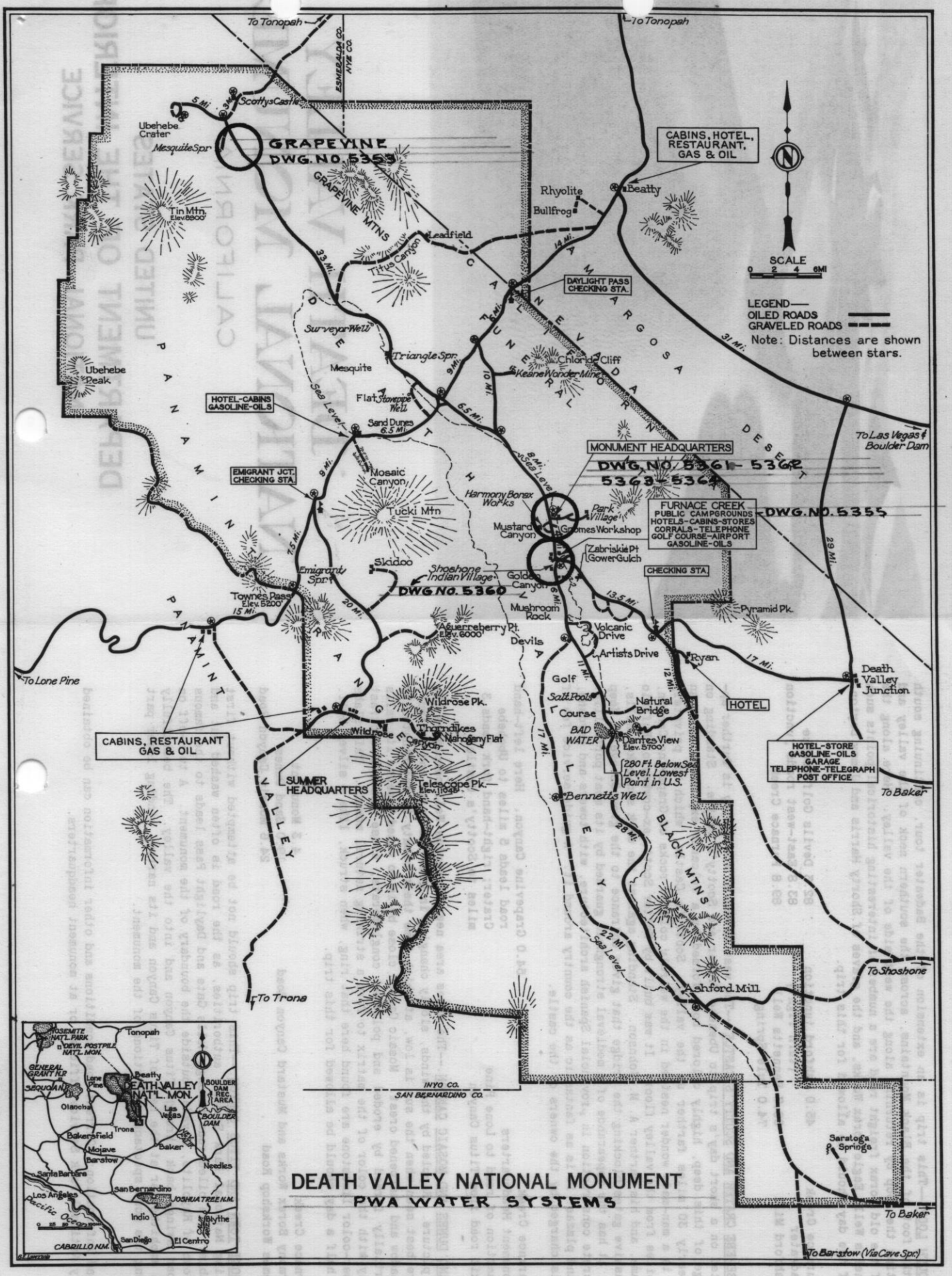
(*m*) In the last two columns enter the estimated total quantities and the estimated total cost of doing the work as computed prior to starting work upon the project. The total amount in the column headed "Cost" represents the amount for which the allotment was set up when initiating the project. The amounts for "Construction Engineering" and "Surveys" will be added by the Field Headquarters Office.

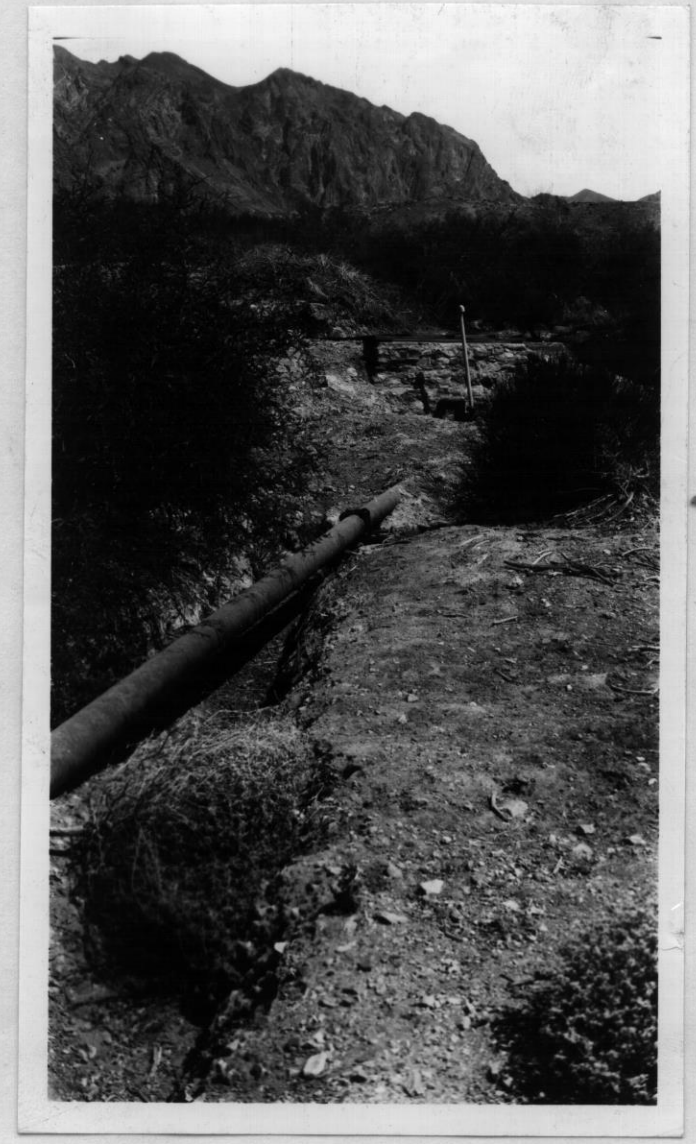
(*n*) Under "Retained Percentage (contract)" show the total retent to date.

(*o*) Under "Remarks" give a short narrative report of the nature of the work performed.

(*p*) The "Summary of Expenditures to Date" will be used for a recapitulation of the report.

U. S. GOVERNMENT PRINTING OFFICE: 1929 6-7881


To Tonopah
To Tonopah
ESMERALDA CO.
NYE CO.
Scotty's Castle
5 Mi.
3 Mi.
Ubehebe Crater
Mesquite Spr.
GRAPEVINE
DWG. NO. 5353
GRAPEVINE MTNS
Tin Mtn. Elev. 8800'
Titus Canyon
Leadfield
33 Mi.
Rhyolite
Bullfrog
Beatty
14 Mi.
CABINS, HOTEL, RESTAURANT, GAS & OIL
DAYLIGHT PASS CHECKING STA.
SCALE
0 2 4 8MI
LEGEND—
OILED ROADS
GRAVELED ROADS
Note: Distances are shown between stars.
31 Mi.
Surveyor Well
Triangle Spr.
9 Mi.
10 Mi.
Chloride Cliff
Keane Wonder Mine
Mesquite
Ubehebe Peak
Sea Level
Flat
Stovepipe Well
Sand Dunes 6.5 Mi.
6.5 Mi.
HOTEL-CABINS GASOLINE-OILS
To Las Vegas & Boulder Dam
MONUMENT HEADQUARTERS
DWG. NO. 5361-5362
5363-5364
EMIGRANT JCT. CHECKING STA.
9 Mi.
Mosaic Canyon
Tucki Mtn
8 Mi.
Sea Level
Harmony Borax Works
Park Village
Mustard Canyon
Gromes Workshop
FURNACE CREEK
PUBLIC CAMPGROUNDS
HOTELS-CABINS-STORES
CORRALS-TELEPHONE
GOLF COURSE-AIRPORT
GASOLINE-OILS
DWG. NO. 5355
7.5 Mi.
Emigrant Spr.
Skidoo
Shoshone Indian Village
DWG. NO. 5360
Zabriskie Pt.
Gower Gulch
CHECKING STA.
29 Mi.
Golden Canyon
6 Mi.
13.5 Mi.
Townes Pass Elev. 5220'
15 Mi.
20 Mi.
Mushroom Rock
Pyramid Pk.
Aguereberry Pt. Elev. 6000'
Devils
Volcanic Drive
Artists Drive
Ryan
17 Mi.
Death Valley Junction
To Lone Pine
11 Mi.
12 Mi.
Golf
Salt Pools
Course
Natural Bridge
Wildrose Pk.
Thorndikes
Mahogany Flat
Wildrose Canyon
BAD WATER
Dantes View Elev. 5700'
HOTEL
17 Mi.
CABINS, RESTAURANT GAS & OIL
280 Ft. Below Sea Level. Lowest Point in U.S.
HOTEL-STORE GASOLINE-OILS GARAGE TELEPHONE-TELEGRAPH POST OFFICE
SUMMER HEADQUARTERS
Telescope Pk. Elev. 11,049'
Bennetts Well
To Baker
28 Mi.
22 Mi.
Sea Level
To Shoshone
To Trona
Ashford Mill
INYO CO.
SAN BERNARDINO CO.
Saratoga Springs
To Baker
To Barstow (Via Cave Spr.)
DEATH VALLEY NATIONAL MONUMENT
PWA WATER SYSTEMS
Tonopah
YOSEMITE NAT'L. PARK
DEVIL POSTPILE NAT'L. MON.
GENERAL GRANT N.P.
SEQUOIA N.P.
Lone Pine
Beatty
DEATH VALLEY NAT'L. MON.
BOULDER DAM REC. AREA
Olancha
Las Vegas
BOULDER DAM
Trona
Bakersfield
Mojave
Baker
Barstow
Needles
Santa Barbara
San Bernardino
JOSHUA TREE N.M.
Los Angeles
Pacific Ocean
Indio
Blythe
San Diego
El Centro
CABRILLO N.M.



Junction Box and 6" Spiral
Welded Pipe at intake at
West Boundary Line of Nevares Property

08-00-1934: final report, august, 1934

Nevada
Waters & Sewer
Special Rep
AUG 11 1934
KITTREDGE
BURNEY
EQUIPMENT
ACCOUNTS
Webb
LANDSCAPE
VII
ROAD LIBRARY
JOT
ARM
FILE

10-23
(May, 1929)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

---------- NATIONAL PARK
DEATH VALLEY NATIONAL MONUMENT
CALIFORNIA

May be Destroyed 5/6/60

FILE NO.

FINAL REPORT

CONSTRUCTION OF WATER SUPPLY

MAIN COW CREEK CAMP

AND

PARK VILLAGE.

PUBLIC WORKS PROJECT

F.P. 87

by T.R. Goodwin
Associate Engineer.

August 1934

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.

HORACE M. ALBRIGHT,
Director.

U. S. GOVERNMENT PRINTING OFFICE: 1929 6—7410

F.A. Kittredge, Chief Eng.
National Park Service,
409 Underwood Bldg.
San Francisco, Calif.

08-23-1934: project completed; august 23, 1934

FILE COPY

August 23, 1934.

The Director
National Park Service
Washington, D.C.

Dear Mr. Director:

There is transmitted herewith Final Construction Report on Construction of Water Supply--Main Cow Creek Camp And Park Village--Public Works Project F.P.87--Death Valley National Monument.

As the project has been completed and the attached Cost Form indicates that the allotment has been entirely expended we recommend that the Superintendent be given authority to close out the account.

The cost data shown on the Unit Cost Report Form was obtained from the records in the Superintendent's office.

Very truly yours,

A. W. Burney
Acting Chief Engineer.

CC - Supt. White

Encl.

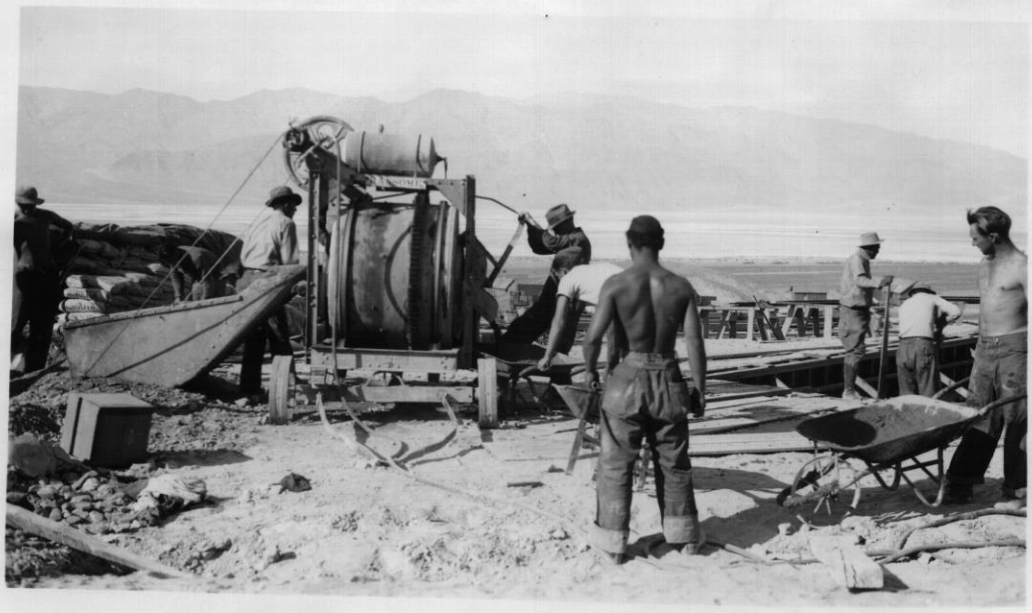
AWB:RG

Location of pipe line for water supply.

Reinforcing in concrete reservoir.

00-00-0000: pictures of area

RESERVOIR UNDER CONSTRUCTION.



Exploration for water supply
for campground development.

Another view of concrete reservoir
construction. Pouring the walls.

00-00-0000: pictures of area

Cross cutting the wash
for water collection.

United States
DEPARTMENT OF THE INTERIOR
National Park Service
Death Valley National Monument
California

May 4, 1934.

REPORT OF CONSTRUCTION OF WATER SUPPLY AT COW CREEK CAMP AND PARK VILLAGE PUBLIC WORKS PROJECT F.P. 87

INTRODUCTION.

Investigations previous to deciding on location for CCC camps in Death Valley, showed that the copious water supply at upper Cow Creek, reappeared at various points along the lower edge of the mesa. Indications were so good above the three spurs on which the camp was located, that that site was chosen, as it would require sufficient water for approximately 500 men.

A good spring was located in the canyon to the north of this site, which gave evidence of a sufficient supply for a number of families. The original development of the main camp water was done while building the camp. A good spring was walled up and piped to two 2000 gallon redwood tanks and from these to the respective camps. Ordinarily there was sufficient flow for the needs of the camp except at evening bath hour, when it was usually necessary for the camps to draw on the supply alternately. There was not enough at any time for fire protection, and it was felt that it was a vital necessity to develop and store a considerably increased supply.

As this site was determined upon as the future utility and administrative area for the Monument, it was fitting that such a permanent improvement was naturally a national park service obligation. Tests made showed many small springs, but the writer felt that a larger and surer supply should be found in the gravel bed of the main wash north and east of the camp site. Heavy arrow weed and mesquite at the break of the wash grade seemed to fix this particular point as the most likely, and test holes bore out this assumption.

CONSTRUCTION.

The entire wash bed was trenched to the level of the flowing water, and it was determined that the major part of the flow was near the center of the wash. Excavation by hand became difficult as there was a continual slippage of the mass of gravel above. Shoring of this bank and lagging of the trench itself had to be resorted to in order to get sufficiently below the water surface to collect it.

A collector was designed and built, composed of a 20 foot

section of four inch pipe, well perforated and covered with two sizes of copper mesh screening. This collector was placed well below the water level at right angles to the wash and the entire trench backfilled with coarse rock and gravel. A good spring had been developed in a side canyon about 100 feet from the trench. This was piped down and allowed to percolate through the rock backfill to augment the main supply.

It required about 1000 feet of pipe line to carry the water to the reservoir site. This was carried along the hillside in a 4" steel pipe asphalt dipped. A relief drain was placed at a low siphon dip in the line. During the excavation of the pipe line trench so many springs were developed as to make digging difficult, but no attempt was m ade at this time to collect any of this water.

The reservoir was designed for a maximum storage of 22,000 gallons, but the final location of the overflow pipe gave it an actual working capacity of 18,500 gallons. A bench sufficiently high above the camp site to give ample head, was selected for the site. After excavation so much water was encountered that it became necessary to locate a cut-off tile drain of 6" vitrified bell and spigot tile on the uphill side of the site. The trench was excavated 4 feet below the reservoir floor level and after placing the tile, was backfilled with coarse rock. In a short time the site dried up sufficiently for pouring the floor.

Outside dimensions of the rectangular reservoir were 40' x 24' x 4'. The walls and floor were six inches in thickness. Both the floor and walls were thoroughly reinforced to the reinforcement so designed, and placed as to make a complete tie between the walls and floor, and at the corners. The construction joint between the floor and footings for the walls was asphalt filled. An excellent job was obtained and no cracks or leakage developed whatsoever.

When the concrete had been properly cured, the entire structure was backfilled with tamped and puddled earth, and a galvanized iron roof placed over it, with end louvres for ventilation. In addition to the water supply from the main, the old camp supply was diverted from the redwood tank into the reservoir by means of an independent 2" galvanized pipe line. At the present time about 100,000 gallons per day is passing through the reservoir, most of which goes into the overflow, and is carried down a waste ditch. This supply would be valuable for a swimming pool and for irrigation.

At Park Village numerous running springs were located but it was decided at this time to develop only one which gave promise of sufficient capacity. This spring discharged from a limestone seam near the top of a high spur, south and east of the camp site itself. The spring was excavated to form a basin containing about 500 gallons, which was walled with field stone, grouted when it reached the ground level, and covered with a tight redwood roof. A 4" main and 6" overflow was placed in the wall, and the main reduced after approximately 40 feet to 2" diameter galvanized pipe, and again to 1½" diameter galvanized pipe. 400' of 2" and 400' of 1½" pipe were used to serve seven tent houses, the comfort station and the three dwellings. The supply is in the neighborhood of 20,000 gallons daily. In

addition to the amount used for domestic purposes, six or seven drip food coolers, and three small pools, have been running constantly, and much additional water for hose irrigation. The waste is carried in small ditches for irrigating trees and shrubberies, but there is still a considerable overflow running down the old waste channel.

CONCLUSION.

The main Cow Creek water supply is at present ample for use and possible future contingencies, but there is alwasy the possibility of a lowering water table in the wash bottom, reducing the supply or cutting it off entirely. There should be a diversion dam placed across this wash, and anchored into bed rock, or other substantial foundation material. Such a dam need not be high enough to reach the surface of the wash, in fact this would be undesirable and inadvisable on account of surface floods, but it would serve to cut off and raise the underground flow sufficient to assure a plentiful supply to the collector pipe at all times.

COST DATA.

Form 10174 is attached, showing expenditures in labor, indirect and supplies on these projects.

10-174
(May 1929)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CONSTRUCTION UNIT COST REPORT

DEATH VALLEY NATIONAL MONUMENT ~~PARK~~ — PERIOD ENDED MAY 31, 1934.

PROJECT DEATH VALLEY WATER SUPPLY — ACCOUNT NO. F.P. 87 — DAY LABOR — ~~CONTRACT~~

CONTRACT NO. _____ DATE OF APPROVAL _____ CONTRACT COMPLETION DATE _____

SYMBOL	CONSTRUCTION COST UNITS Name	Type	WORK DONE THIS PERIOD Sta. to Sta.		PERCENT COMPLETE	ANALYSIS OF COSTS Labor	Mat.&Sup.	Indirect Charges	Contract* Payments	Prorated Overhead (2)	Totals this Period	Totals Prev. Report	Total Costs To Date	QUANTITIES Units	This Month	Totals to Date	UNIT COSTS	TOTAL ESTIMATED Quantity	Cost
	Park Valley Water System; 500 gallon walled spring, 400 ft. 2" and 400 ft. 1-1/2" galv.steel line					15.00	233.00	5.25					253.25	System		1	253.25		
	Utility Area Water System; 22,000 gal. reinforced concrete reservoir, 1000 ft. 4" dipped asphalt steel line, and collecting system					106.50	2184.30	320.30					2611.10	System		1	2611.10		
	Construction Cost Total					121.50	2417.30	325.55					2864.35						
	Construction Engineering (Field Headquarters)																Estimated Cost		
	Survey (Field Headquarters)																Engineering (Estimate)		
	Total Cost of Project to Date												2864.35				Estimated Total Cost		
	Less Retained Percentage (Contract)																		
	Expenditures to Date												2864.35						

REMARKS: Indirect consists almost entirely of freight charges which are very high on the private line into Death Valley Junction.

T. R. GOODWIN
RESIDENT ENGINEER

JOHN R. WHITE
Acting SUPERINTENDENT

*Contract payments will include the "RETAINED PERCENTAGE"

SUMMARY OF EXPENDITURES TO DATE

ELEMENTS OF COST	This Month	Previous	Totals to Date
Labor			~~121.50~~
Materials & Supplies			~~2417.30~~
Indirect Charges			~~325.55~~
Contract Payments			
Prorated Overhead			
Total Construct'n Costs			~~2864.35~~
Construction Engineering			
Surveys			
Cost of Project to Date			~~2864.35~~
Less Retent			
Expenditures to Date			~~2864.35~~
Total Allotment			
Balance			

6-7881

05-04-1934 construction unit cost report ; may 04, 1934

07 OTHER

Death Valley National Park

MAIN COW CREEK (A009150)

Other Supporting Information

Denise Newberry DN
Alice Johns
Owen Williams
Dan B. Kimball
1/21

DEVA

January 21, 1993

L54(479)
WR/Water Rights

Memorandum

To: Regional Director, Western Region

From: Acting Chief, Water Resources Division

Subject: Trip Report for Travel by Denise Newberry to Death Valley National Monument, November 30 - December 3, 1992

The attached trip report by Denise Newberry concerns her travel to Death Valley National Monument (DEVA). The purpose of the trip was to assess how licensed water rights may need to be corrected or changed to reflect current park uses and to update water rights records for licensed water rights at DEVA. This information will be used by the Water Rights Branch to (1) prepare Reports of Licensee for DEVA that will be submitted to the California State Water Resources Control Board (SWRCB), (2) request Orders of Correction for licensed water rights, and (3) file applications to change the point of diversion, place, or type of use.

If you have any questions, please feel free to call Denise at (303) 225-3525.

William Jackson

Attachment

cc: DEVA - Superintendent, Essington
WR - Kolipinski
479 - Johns

FNP:DNEWBERRY:bb:(303)225-3500:01/21/93:B:\DEVA

January 20, 1993

L54(479)
WR/Water Rights

Memorandum

To: Acting Chief, Water Resources Division

Through: Chief, Water Rights Branch

From: Water Rights Specialist, Water Rights Branch

Subject: Trip Report for Travel by Denise Newberry to Death Valley National Monument, November 30 - December 3, 1992

PURPOSE: The purpose of the trip was to assess how licensed water rights may need to be corrected or changed to reflect current park uses and to update water rights records for licensed water rights at Death Valley National Monument (DEVA). This information will be used by the Water Rights Branch to (1) prepare Reports of Licensee for DEVA that will be submitted to the California State Water Resources Control Board (SWRCB), (2) request Orders of Correction for licensed water rights, and (3) file applications to change the point of diversion, place, or type of use.

ITINERARY: Departed Fort Collins, Colorado and arrived at DEVA on November 30, 1992. Departed DEVA and returned to Fort Collins on December 3, 1992.

CONTACTS: Mel Essington, Mining Engineer, DEVA
John Stark, Engineering Technician, DEVA
Nancy Ward, Secretary, Resources Management, DEVA

DISCUSSION: Upon arrival, I went to the Resources Management office at DEVA to familiarize myself with water rights records and park staff scheduling. Essington gave me an orientation to DEVA water rights history and locating water rights records at DEVA.

On the morning of December 1, 1992, Essington and I field-checked the following: Texas, Main Cow Creek (Nevares) and Travertine Springs. In the afternoon of December 1, 1992, I familiarized myself with the park water rights records.

On December 2, 1992, Essington and I field-checked Burns and Surprise Springs and spent the day going over Reports of Licensee that will be submitted to the SWRCB.

On the morning of December 3, 1992, Essington and I field-checked Wildrose, Emigrant, Burns Creek and Unnamed Spring (Thorndyke Spring), and I returned to Fort Collins that evening.

ACTION ITEMS:

1. Complete and submit Reports of Licensee to the SWRCB, for the following:

Wildrose Spring	License 4897	Application A012076
Mesquite Spring	License 7578	Application A019538
Ranger Spring	License 7577	Application A019482
Goldbelt Spring	License 6740	Application A018433
Tarantula Springs	License 10845	Application A016096
Saratoga Spring	License 6343	Application A008183
Unnamed Stream	License 10780	Application A021646
Covered Spring	License 10781	Application A015539

Responsible Party: Newberry. Target Date: January 29, 1993.

2. Submit a written request to the SWRCB to process Orders of Correction, for the following:

Main Cow Creek (Nevares Spring)	License 4621	Application A009510
Unnamed Spring (Thorndyke Spring)	License 10580	Application A008423
Unnamed Source (Texas Spring)	License 7854	Application A010119
Lower Emigrant	License 6110	Application A015381
Lower Spring	License 2430	Application A005073
Burns Creek	License 6559A	Application A013852A

Responsible Party: Newberry. Target Date: January 29, 1993.

3. File copies of completed Reports of Licensee in the Water Rights Branch dockets. Responsible Party: Newberry. Target Date: January 29, 1993.

Denise Newberry

ROBERTS
FIELDS
GRAY
KORNELIS

MAY 10 1968

L54 LWSSC

DEVA – Dockets Nos. 22, 21

Memorandum

To: Chief, Division of Land and Water Rights, WASO
Attention: Chief, Branch of Water Resources

From: Chief, Office of Land and Water Rights, SSC

Subject: Water Rights - Death Valley

In your memorandum of November 1, 1967, on the above subject, you posed certain questions which we will answer in order.

We were told on the telephone by the California State Water Rights Office that annual use reports may be sent in early, especially as the exact amount of use is unknown and does not change materially from year to year. Wildlife use is recognized by the State as a beneficial use and this is declared by other Federal Agencies.

The park personnel inform us that the Main Cow Creek report is correct. The water from that source has been removed from the system and its only use is wildlife. It may be used rarely by an individual to fill a canteen, but this is not documented. The waters are not commingled presently with those of Permit No. 11924, so the peak-use flow amount noted in 1964 does not apply. Burns Spring use is for wildlife also.

It is possible to file on all the springs in Death Valley, using wildlife as a beneficial use, if the water is contained by some means. However, the Field Solicitor informs us this is not necessary because of a regulation in Title 36, Code of Federal Regulations (Revised as of January 1, 1967), Paragraph 7.26(b). This section states that any diversion, impoundment, appropriation, transmission, or other use of water on or across monument lands shall be approved by an authorized officer or employee of the National Park Service. He feels this regulation is sufficient to prevent undue exploitation of water resources by anyone.

We do feel that an inventory of all these springs will be helpful and this is being established as a part of our overall appraisal program.

(Sgd) THOMAS KORNELIS

cc:
Regional Director, Western
JWRoberts:ge 5/10/68

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

IN REPLY REFER TO:
L54-OLW

November 1, 1967

RECEIVED
San Francisco Planning and Service Center
Office of Land and Water Rights
NATIONAL PARK SERVICE
NOV 6 1967

ACT.	INFO.		INITIALS	DATE
		CHIEF		
		ASS'T. CHIEF		
		S A. ASST.		
		SUPV. AP R		
✓		SUP. Hyd. Eng		
		DOCKET		
		FILE		

Memorandum

To: Chief, Office of Land and Water Rights, SSC
Attention: Mr. Fields

From: Chief, Branch of Water Resources

Subject: Reports of licensees, Death Valley

Please refer to Mr. Fields' memorandum of October 18 and the enclosed reports for Burns Spring, Wildrose Spring, and Main Cow Creek for 1965, 1966, and 1967. Inasmuch as 1967 is not over yet, are these reports premature?

However, the main concern is the report for Main Cow Creek which indicates that water was used only for wildlife during the reporting period. License 4621 appropriates 0.446 c.f.s. for domestic and recreational use with no proviso concerning wildlife. Permit 11924, which is supplemental to License 4621, does contain provisos that Section 5937 of the State Fish and Game Code applies and no fences shall be constructed to prevent use by the public or wildlife. The annual progress report for 1966 under Permit 11924 makes no statement about wildlife use. Thus, the reporting for these two appropriations may be mixed up.

Further, the progress reports state that the waters of the two appropriations are commingled and the 1964 report states that maximum use was 0.54 c.f.s., exceeding either appropriation. If this peak amount was reached in 1965, 1966, or 1967 obviously all the water under License 4621 could not have been used for wildlife.

The report of licensee for Burro Spring indicates wildlife use only, but this was also indicated on the report for 1962, 1963, and 1964 without apparent question by the State. It is not known here whether the State recognizes wildlife use as a beneficial use and, therefore, a valid method of keeping the water right in good standing. If you are not certain of this, it might be worthwhile to present this specific question to the State. If wildlife use is recognized by the State, perhaps a program of filing on all springs in Death Valley should be considered as a means of preventing undue exploitation of

these sources to the detriment of the wildlife in the monument. I believe the California Fish and Game Commission has been quite influential in getting the State to require permittees to make provisions for wildlife needs and may be a source of information and advice.

It is suggested that the reports on Main Cow Creek and Burro Spring be reexamined with these points in mind, and any needed corrective action be taken. Perhaps, consultation with the Field Solicitor is in order.

E. W. Reed

E. W. Reed

cc:
Superintendent, Death Valley

10-18-1967: enclosure of reports licensee ; october 18, 1967

gwR
Roberts

Fields 1/27

L54 LWSSC October 18, 1967

DEVA — Gen'l

State Water Rights Board
Room 1140, Resources Building
1416 Ninth Street
Sacramento, California 95814

Gentlemen:

Enclosed are the "Reports of Licensee for 1965, 1966 and 1967" for the following springs within the Death Valley National Monument:

Spring	Application Number	License Number	
Burns Spring	13852	6559A	Docket # 22
Wildrose Spring	10276	4697	" # 7
Main Cow Creek	9510	4621	" " 1

Sincerely yours,

William E. Fields
Supervisory Hydraulic Engineer

Enclosures

cc: Chief, Branch of Water Resources-WASO

JRoberts/vb/10/18/67

10-09-1967: 2 copies of subject reports enclosed ; october 09, 1967

Q 28

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Death Valley National Monument
Death Valley, California 92328

IN REPLY REFER TO:

L54
(SSC)SLW

October 9, 1967

RECEIVED
San Francisco Planning and Service Center
Office of Land and Water Rights
NATIONAL PARK SERVICE
OCT 13 1967

ACT.	INFO.		INITIALS	DATE
		CHIEF		
		ASS'T. CHIEF		
		STAFF ASST.		
		SUPV. AP. R.		
✓		SUP. Hyd. Eng.		
		DOCKET		
		FILE		

Memorandum

To: Supervisory Hydraulic Engineer, DC SSC

From: Superintendent, Death Valley

Subject: Report of Licensee for 1965, 1966 and 1967 for:
Docket #22 Application #13852, License 6559A, Burns Spring
Docket #7 Application #10276, License 4897, Wildrose Spring
Docket #1 Application #9510, License 4621, Main Cow Creek

Enclosed are two copies each of the subject reports. Please duplicate and make the required distribution to the State Water Rights Board and other docket holders.

John W. Stratton

Enclosures

02-21-1968: copy of each annual progress reports ; february 21, 1968

February 21, 1968

JWR
~~ROBERTS~~

154 LWSSC - DEVA - AWR-9, 22a, 21, 25, 31, 1, 22

FIELDS

GRAY

State Water Rights Board
Room 1140, Resources Building
1416 Ninth Street
Sacramento, California 95814

Gentlemen:

Enclosed is one copy each of the annual progress report by permittee for the following applications:

Name	Application No.	Permit No.
Ibex Spring No. 1	22366	15363
Chucker Spring	16138	11422
Tarantula Springs	16096	11421
Blue Cliff Springs	17839	11423
Surprise Spring	21646	14533
~~Nevares Springs~~	18489	11924
Covered Spring	15539	11424

Sincerely yours,

(Sgd.)
William E. Fields
Supervisory Hydraulic Engineer

Enclosure
JWROBERTS:ge

cc: Chief, Branch of Water Resources, WASO w/o enc
Regional Director, WR w/o enc
Superintendent, Death Valley w/o enc

148

ROBERTS

KORNELI

L54 LWSSC January 19, 1968

DEVA - Dockets 5, 3, 4, 21, 22, 24, 1, 25, 31

Memorandum

To: Chief, Division of Land and Water Rights, WASO
Attention: Chief, Branch of Water Resources

From: Acting Supervisory Hydraulic Engineer, SSC

Subject: State Water Rights Board - Orders for Application in Death Valley

Attached for placing in your dockets is one copy each of Order approving development schedules for the following:

Application	Permit	Water Docket
10118	5754	5
10002	5739	3
10001	5738	4
16096	11421	21
16138	11422	22
8423	4645	24
15539	11424	22
18489	11924	1
17839	11423	25
21646	14533	31

The Superintendent has retained one copy of each for his dockets and by this memorandum, we are placing copies in our dockets.

(Sgd.) James W. Roberts

Enclosures

cc: Regional Director, WRO w/o enc
Supt., Death Valley w/o enc

JWRoberts:mlk

147

January 20, 1965

L54

Memorandum

To: Superintendent, Death Valley

From: Hydraulic Engineer, Division of Land and Water Rights, Western Region

Subject: Water Rights Progress Reports by Permittee for the year 1964

Of the reports accompanying the memorandum of January 8, 1965 from Acting Superintendent Burgen, those for applications 18489 (docket 1), 19482 (docket 27) and 19538 (docket 28) are being forwarded to the State Water Rights Board. Copies are being sent to each of the docket holders, and your retained copies should be added to your dockets.

The permits for the remaining applications, 16069 (docket 21),16138 and 15539 (docket 22), and 17839 (docket 25) have expired December 1, 1964. As a matter of convenience, the extension petitions should be filed with the progress reports. Prepare the enclosed extension petition forms in duplicate; keep the copies and send us the originals. We make additional copies, distribution and pay the fees. We will hold these reports until receiving the petitions.

The reports should reflect the water uses described in the original applications unless these uses have changed, in which case the State must be notified on still another special form. We doubted that such changes have occurred, so we made minor additions to the reports to make this clearer. Copies of the amended reports are included and should replace those in your files.

Manuel Morris

Enclosures

EF

136

06-01-1959: request of revocation of the subject application ; june 01, 1959

L-54

WESTERN OFFICE
DESIGN & CONSTRUCTION
JUN 3 1959
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN
None

June 1, 1959

Memorandum

To: Director

From: Acting Assistant Regional Director, Region Four

Subject: Water Right Application 9509, Cow Creek Power, Docket 1, Death Valley

Attached is a copy of Superintendent Binnewies' memorandum of May 15 reporting that the State Water Rights Board has suggested that we request revocation of the subject application.

We believe the application should either be cancelled or amended for smaller installation. The 7.5 Kw plant at the residential area has been dismantled, the old power house bypassed by the new water system.

The smaller plant at the swimming pool is, we understand, still in place but used only infrequently.

We would like to have Mr. Dunn's advice on this matter.

John B. Wosky
Acting Assistant Regional Director

Attachment

Copy to: Supt., Death Valley
Chief, WODC (w/attachment)

05-18-1959: ordering status change ; may 18, 1959

File DEVA Docket 1

L-54

LSS
~~Spaulding~~
Whitworth
Wosky

May 18, 1959

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Change in Points of Diversion and Correction of Description, Cow Creek Water Source, Application 9510, Docket 1, Death Valley

Please let us know if you received a copy of the order making the subject change directly from the State Water Rights Board.

Mr. Dunn raised this question by memorandum of May 11.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Copy to: Director

LSSpaulding:hat

94

06-04-1959: ordering status change ; june 04, 1959

file DEVA, Docket 1

L54-OBL

RECEIVED
NPS REGION FOUR OFFICE
JUN - 5 '59

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

X Spaulding LSS 6/9

June 4, 1959

Memorandum

To: Superintendent, Death Valley

From: Chief, Water Resources Section

Subject: Order Granting Change in Point of Diversion and Correction of Description of Cow Creek Water Source, Application 9510, License 4621, Part IV, Docket 1

Attached is the subject order of May 4 which was sent to us by the Executive Officer of the State Water Rights Board. This order is being sent to you as a result of your memorandum of May 25 to the Regional Director. It should be filed at top of the contents of Part IV of the docket.

Copies were sent to Region Four and WODC with my memorandum of May 11, for similar filing.

[redacted]

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: ✓ Regional Director, Region Four
Chief, WODC (2)

97

IN REPLY REFER TO:
L54-CRL

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

June 4, 1959

RECEIVED
NPS REGION FOUR OFFICE
JUN - 5'59

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

LSS 2/2/60

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Rights Procedure

Please refer to my memorandum of May 11 to you, the memorandum of May 25 to you from Mr. Binnewies, and my memorandum to the Superintendent, transmitting the order granting change in point of diversion and correction of description of Cow Creek water source, under Application 9510, Certificate 4621, Part IV, Docket 1, Death Valley.

copy made for DEVA Docket 1

The State Engineer was advised, some years ago, that NPS water right applications and resulting permits and certificates should be issued or received by the Director. I subsequently requested that notices for posting or advertising should be sent directly to the Superintendent to speed up those actions. The State Engineer, or the Executive Office of the State Water Rights Board, expressed a desire to have applications signed by a California Representative of the U.S., when we were considering the form of water use permits for Death Valley. We replied that this procedure would be adopted under recently delegated authority, as the proper organization was provided.

Since Mr. Binnewies signed and filed the petition for the subject order, and that order was sent to us, it is evident that this office should advise the State Water Rights Board of the desired procedure now that your office is organized with Mr. Spaulding assigned to handle water right matters. We shall appreciate your suggestions for our proposed letter to the Board.

We can advise that all applications will be signed by the Superintendents and resulting permits, licenses, etc., should be returned to them. This will place the responsibility on the Superintendents to keep you (and this office) advised of actions, and to forward most records to you for duplicating and docket assembly and distribution. Some Superintendents do not have the personnel or equipment to do much of the work.

96.

I also believe that a more direct control by your office, and often by this office are desirable. I frequently learn of new requirements in connection with one water right which I pass on to one or more Regional Directors, or to a number of Superintendents. You will also find cases where such regional coordination is essential, and where inter-regional coordination through this office is desirable.

Your comments should be applicable for letters to the water rights offices in all states with areas under your jurisdiction.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region One
Regional Director, Region Two
Regional Director, Region Three
Regional Director, Region Five

Copy

UNITED STATES

DEPARTMENT OF THE INTERIOR

National Park Service

May 15, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 9509, Cow Creek Power

The State Water Rights Board has suggested that we should request revocation of water right application 9509 covering power use at Cow Creek since the generator is no longer in use. It is very doubtful that the water wheel will ever be used again, since it has only 7.5 KW capacity, although some thought has been given to installing a smaller unit at the water tower if necessary to provide a fan for greater cooling. In view of this possibility we would appreciate your comments as to whether to request the revocation or not.

Fred W. Binnewies
Superintendent

In duplicate

73

file DEVA Docket 1 left side

IN REPLY REFER TO:
L54 OBL

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

May 11, 1959

RECEIVED
NPS REGION FOUR OFFICE
MAY 15 '59

	SURNAME	DAT
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.	B Fin 5/18	
RECREATION		
WILDLIFE		
LEGAL		
X Spaulding	255 5/18	

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Change in Points of Diversion and Correction of Description of Cow Creek Water Source, Application 9510, License 4621, Docket 1, Death Valley

See memo of 5/18 to Supt. Deva

Attached order of May 4, granting the subject changes, should be filed in Part IV of Docket 1. A similar copy is being sent to WODC. I am filing copy of attached letter of transmittal in our correspondence file.

I am somewhat mystified by receipt of a copy of the order, with seal, on petition which was signed on January 2, and filed by Mr. Binnewies. I assume that he has received the original copy of the order, but no such distribution is shown on letter of transmittal. Our copy of the order was sent by certified mail, which also implies that it may be the only copy issued to the Park Service.

If Mr. Binnewies did not receive a copy of the order directly from the State Water Rights Board, I shall send him the one we received, on request.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Death Valley
Chief, WODC, w/c 2 attachments

92

04-27-1959: directions to go with drawing nm-dv-2207 ; april 27, 1959

file DEVA Docket 1

IN REPLY REFER TO:
L54-OBL

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

RECEIVED
NPS REGION FOUR OFFICE
APR 30 '59

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

April 27, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Drawing NM-DV-2207, Topography, Cow Creek, Water Right Docket 1, Death Valley

has copy ~~X Spaulding~~ ✓ ~~Landt~~ LSS 5/1 BFM 5/5

The subject drawing (one copy) as submitted with Mr. Wosky's memorandum of April 13, is said to be the base for water right study, and of value for master planning and utility planning. I suggest the following additions before it is used for either purpose. Two prints should then be sent to this office, for Water Resources Section and Design and Construction.

this work is in progress no reply needed at this time L.S.S.

1. Township and range lines should be numbered.

2. The boundary of former Nevares tract should be shown as former "patented" land, condemned by U.S., with citations from Part II of docket. As School Section 36, we cannot give patent number. However, the U.S. has riparian rights to use springs on that tract, on basis of prior private ownership.

3. Former points of diversion under Application 9509 and 9510 should be shown.

4. The present points of diversion under 9509 and 10; and new application, when number is assigned, should be shown.

5. The spring area, described in the new application, or a greater fenced area, should be shown as reserved for domestic water supply, and drawing should also show springs reserved for wildlife, in Section 36.

6. Some of the springs in Section 3, which are not diverted for domestic use, should also be shown for wildlife, if true.

7. While I have never shown them on my Cow Creek drawings, part of the Winters and Ancient Lake mining claims of the Borax Company are in Sections 3 and 4 and SW corner

30

of Sec. 33. I think they should be shown to the extent they appear on the drawing, as existing private land. See my Drawings 6982, 6884 and 6985 (see my 1941 appraisal). I believe you or WODC and have my tracing of 6984. Drawing 6985 is the oversized photostat copy of topographic map with mining claims projected, and 6982, in two sheets, was Company plat of its claims.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

L-Spaulding

L-54

TO : Regional Chief of Operations, Region Four DATE: March 24, 1959

FROM : Linn S. Spaulding, Hydraulic Engineer

SUBJECT: Water for Wildlife and Water Rights, Death Valley

In reference to Assistant Director Price's memorandum of March 11, water is provided for wildlife at the two areas in question.

Emigrant Spring

A spigot is provided at the roadside immediately below the spring for use by the traveling public and by miners. A catch basin receives water from the spigot making it available for birds and small animals. At times this is the only surface water available for several miles as the other springs mentioned in Mr. Price's letter often show no surface flow.

Cow Creek - Nevares Spring

Mr. Price's letter is correct in that lesser springs to the south have been excluded from our application and left undisturbed for wildlife. In addition, one spring on the south edge of the main group was excluded from the collection works constructed in 1957. Water from this spring, 380 feet SE of the collection box, issues from an old 4-inch pipe at 22 GPM.

At present, then, our works at both Nevares and Emigrant Springs do meet the State's proposed condition that "permittee shall not construct or maintain fences or other works which may prevent access to water from the source hereunder by the public or wildlife."

I can see no great hardship to the operation of any of the Death Valley systems to have the condition included in permits and I do see advantages in having the condition apply to applications for mining use.

Linn Spaulding

Linn Spaulding
Hydraulic Engineer

Copy to: Mr. Whitworth

LSSpaulding:hat

L54 CBL

MAR 11 1959

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: New State Policy Concerning Water for Wildlife in California, and Effect on Rights to Springs, including Application 15,381, Death Valley

Attached are copies of a letter of February 6 from Mr. L. K. Hill, Executive Officer of the State Water Rights Board, with copies of three letters sent to other water claimants, and our reply. Although our reply was not requested within 10 or 15 days, we believe our reply is desirable to defer any limitation on the amount of water from Lower Emigrant and Pioneer Springs which may be used at the Emigrant Checking Station and Stovepipe Wells Hotel.

We suggest that you or the Superintendent supplement our reply, if possible, with a better explanation of water which may be available for wildlife nearer these springs, and any provision which may have been made for wildlife at the Lower Emigrant Spring diversion. We are particularly pleased to see California adopting the Washington policy, but believe that it will be more practical to allocate springs than part of the limited flow of all springs to wildlife in Death Valley.

(SGD) JACKSON E. PRICE

Assistant Director

Attachments 4

Copy to: Superintendent, Death Valley, w/c attachments
Chief, WODC, w/c attachments

WESTERN OFFICE DESIGN & CONSTRUCTION
MAR 13 1959 A.M.
ACTION TAKEN-DATE

88

L54-OEL

MAR 1959
3-11-59

Mr. L. K. Hill
Executive Officer
State Water Rights Board
1401 21st Street
P. O. Box 1592
Sacramento 7, California

Re: Application 10,001; 10,002; 10,118; 10,119; and 15,381 - Death Valley

Dear Mr. Hill:

We are particularly interested and in sympathy with the policy adopted by the Board, as described in your letter of February 6 to Mr. Dunn to approve water permits with a special condition there on to assure the public and wildlife of access to water.

The same policy you mention is observed in developing and using water in National Parks and Monuments, which have been established in part to preserve the fish and wildlife therein and to assure enjoyment of such areas by the visiting public. There have even been cases in which water has been appropriated for wildlife needs in states which recognize such needs as a beneficial use. In other cases, we have included similar needs in a claim to water for recreational purposes on the basis that recreational use of a park or monument includes the observation and protection of wildlife in its natural state.

However, there are times when a water system can be provided with wildlife watering facilities, and others in which we find it more practical to allocate adjacent sources to the respective human and wildlife needs. This is particularly true in the case of the limited spring flows in Death Valley, and we believe that state regulations might interfere with the park or monument administration in compliance with the laws under which they have been established.

Lower Emigrant and Pioneer Springs have been appropriated for human use under Federal Application 15,381. Rights to the waters of Lower Emigrant Spring have also been established for human use by the General Hotel Company under License 2430. These are only two of a number of small springs within a mile or so, of which some are unappropriated, and others have been appropriated under Application 13,581; 13,582; 15,539; and 16,138. In granting the use of water to miners and prospectors under those of the rights which

88

are federally owned, by water use permits, a priority No. 1 is reserved to the United States for incidental public needs. If the Park Service decides that human use of the water is jeopardizing wildlife needs, it will exercise the rights under the first priority to provide watering facilities for both the public and wildlife.

For these reasons, we do not believe that Application 15,371, Permit 9604, should be limited to reservations of water for wildlife. However, we are referring your letter to our Regional Director, Region Four, in San Francisco, for details as to water available for wildlife in the vicinity.

The Superintendent of Death Valley has also submitted a petition to change the point of diversion from Cow Creek under Application 9510, License 4621, and an application for the appropriation of a supplemental supply from the same source, both of January 2. The accompanying drawing NM-DV-6991 shows that a number of lesser springs to the south of the new diversion have been excluded from the spring area. The Superintendent specifically recommended their exclusion to provide water for mountain sheep which frequent the area, and we naturally do not wish those sheep to disturb the domestic supply, to the extent it can be prevented by fencing the designated spring area.

Docket 1

We should hate to have the petition and permit for the supplemental appropriation granted subject to reservation of all the other springs for wildlife without more study by our ecologists. However, we also believe that these rights should be perfected with no reservation of water from the specific sources for wildlife.

We believe that these examples will show the need for special consideration of wildlife needs in Federal applications for the appropriation of water in the National Parks and Monuments. We shall be pleased to include a statement in future applications to describe the wildlife facilities which are being reserved or provided.

Sincerely yours,

(SGD) JACKSON E. PRICE

Assistant Director

Copy to: Regional Director, Region Four
Superintendent, Death Valley
Chief, WODC

88

COPY

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

February 6, 1959

Applications 10001, 10002, 10118, 10119, 15381

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

Dear Mr. Dunn:

Receipt is acknowledged of your letter of January 21, 1959, supplying additional information as to the plans of the Park Service in its water supply development in the Death Valley National Monument. It is noted that you urge that extension of time under the permit on Application 15381 be considered rather than license action to allow more complete use to be made from one of the sources named therein, and that you also urge reconsideration of the proposed one year extensions on the permits on the other four applications.

In reviewing the file of Application 15381 further question has been raised as to whether the development at Lower Emigrant Spring and at Pioneer Spring will completely control the water supply in those areas so that it would be unavailable as a source of water for local animal and bird life or for human consumption at the source. In this regard the State WaterRights Board has adopted a policy requiring all applicants seeking permits to appropriate from springs in the desert areas of the State to give assurance that the develop ment will not prevent such use at the source of the water supply. Recent permits issued by the Board have been conitioned for this purpose.

It is appreciated that Application 15381 has already been permitted and that insertion of a condition of this type at this time would be improper without the consent of the permittee. How ever, we would like to know your position in regard to the matter and to have you consider complying with this policy of the Board even though it is not a part of the permit. Enclosed are copies of letters recently addressed to various applicants prior to permit action on their applications suggesting a wording for a permit condition for this purpose. No objection has been received from any of the applicants, and the condition has been included in the permits that have been issued.

88

COPY COPY

Your plans in this regard and your views in regard to applying the policy to applications of the National Park Service in desert areas of California will be appreciated.

Yours very truly,

/s/ L. K. Hill

L. K. Hill
Executive Officer

Enc.

cc. Senator C. Brown

RR

COPY

May 10, 1957

Applications 17247, 17248, 17249, 17250
17251, 17252, 17253, 17254

Mr. J. A. Crawford
c/o Mr. W. R. Clardy
714 West Olympic Boulevard Room 610
Los Angeles 15, California

Dear Mr. Crawford

The State Water Rights Board has considered your above numbered applications and is prepared to grant them subject to the following special conditions:

"Permitee shall not construct or main tain fences or other works which may prevent access to water from the source hereunder by the public or wildlife."

Unless we are advised to the contrary within ten days it will be assumed that you have no objection to this special condition, and we will proceed with the issuance of the permits accordingly.

Very truly yours

STATE WATER RIGHTS BOARD

By /s/ Leslie C. Jopson

Leslie C. Jopson
Chief Engineer

88

COPY

December 10, 1958

Applications 18108, 18109, 18110,
18111, 18112, 18133, 18134

Harry S. and Edith C. Knight
Route 3, Box 361
Yuma, Arizona

Dear Mr. and Mrs. Knight:

The State Water Rights Board has considered your above numbered applications and is prepared to grant them subject to the following special conditions.

"Permittee shall not construct or maintain fences or other works which may prevent access to water from the source hereunder by the public or wildlife".

Unless we are advised to the contrary within 10 days, it will be assumed that you have no objection to the special condition, and we will proceed with the issuance of the permits accordingly.

Very truly yours,

/s/ L. K. Hill

L. K. Hill
Executive Officer

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COPY

January 12, 1959

Applications 18299, 19300

U. S. Bureau of Land Management
2730 L. Street
Bakersfield, California

Gentlemen:

The State Water Rights Board has considered your above numbered applications and is prepared to grant them subject to the following special condition:

"Permittee shall not construct or maintain fences or other works which may prevent access to water from the source hereunder by the public or wildlife".

Unless we are advised to the contrary within 10 days, it will be assumed that you have no objection to the special condition, and we will proceed with the issuance of the permits accordingly.

Very truly yours,

/s/ L. K. Hill

L. K. Hill
Executive Officer

88

01-05-1959: water right application and amendment ; january 05, 1959

Docket 1

L-54

Spaulding LSS

Menbey BF

Johnston FJ

FILE COPY

January 5, 1959

Memorandum

To: Director

From: Regional Chief of Operations, Region Four

Subject: Water Right Application and Amendment,
Cow Creek, Dockets 1 and 2, Death Valley

We received notification from Superintendent Binnewies that the application, petition and accompanying maps transmitted with Mr. Dunn's memorandum of November 18, were mailed to the State Water Rights Board January 2, 1959.

Fred T. Johnston
Regional Chief of Operations

LSSpaulding:hat

83

01-02-1959: list of enclosed documents ; january 02, 1959

File DEVA Docket 1
make copy for Docket 2

L 54

Spaulding 2/5

Death Valley National Monument
Death Valley, California

January 2, 1959

State Water Rights Board
1401 21st Street
Sacramento 7, California

Gentlemen:

Enclosed are the following documents:

1. Application to Appropriate Unappropriated Water (in duplicate)

2. Petition for change in point of diversion for Application 9510 Permit 5381 License 4621

3. Purchase Order 34-559 for $10.00 filing fee.

4. Voucher for $10.00 filing fee

5. Drawing 6991, Cow Creek Water System (4 copies)

If the application is found to be in order please sign the Voucher and return for payment to:

Regional Director
National Park Service, Region Four
180 New Montgomery Street
San Francisco 5, California

Sincerely,

Fred W. Binnewies
Superintendent

Enclosures

cc Regional Director, Region Four

NATIONAL PARK SERVICE
RECEIVED
JAN 5 1959
REGION FOUR OFFICE

82

12-23-1958: water right amendment ; december 23, 1958

WODC

L-54

December 23, 1958

WESTERN OFFICE
DESIGN & CONSTRUC
DEC 24 1958
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE

Memorandum

To: Superintendent, Death Valley

From: Acting Regional Chief of Operations, Region Four

Subject: Water Right Amendment, Cow Creek, Docket 1, Death Valley

Attached are the following:

1. Original and one speco copy of petition to change the point of diversion under Application 9510, Permit 5381, License 4621.

2. Original, one carbon and one speco copy of application for the appropriation of 0.254 sec. feet of water from Nevares Springs as supplemental supply.

3. Six prints of Drawing 6991 to attach to copies of petition and application.

4. Original and one copy each of Purchase Order and voucher for $10.00 to cover the fee for filing the application.

5. One print of profile of new Cow Creek Water System.

This material was sent by Mr. Dunn with his memorandum of November 18, of which you have a copy. We reviewed the petition and application and made minor corrections to the latter as follows:

Paragraph 8 (b) "transite" was changed to "feet" (A portion of the pipeline is steel);

Supplement - Para. 7 - last sentence "or steel" was added after "concrete" (The new reservoir is steel).

If the petition and application appear satisfactory the original petition and original and carbon copy of the application should be signed, dated and forwarded to the State Water Rights Board with four prints of the drawing and original of the voucher and Purchase Order for $10.00 to cover the fee for filing the petition. The voucher should be signed by the State and returned to us for payment.

81

The other copies should be filed in Docket 1 according to Mr. Dunn's instructions of November 18.

Please let us know the date you sign and mail the petition and application and any changes made.

George F. Whitworth
Acting Regional Chief of Operations

Attachments (as listed)

Copy to: Director
Chief, WODC w/attachments

81

IN REPLY REFER TO:
L54-OBL

RECEIVED
NPS REGION FOUR OFFICE
NOV 24 '58

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

November 18, 1958

SURNAME	DAT
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
[illegible]	
INTERP.	
LEGAL	

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Amendments, Cow Creek, Docket 1, Death Valley

~~Spaulding~~ LSS 12/23

See memo of 12/23 to Supt.

Attached are the following:

1. Original and three apeco copies of petition to change the point of diversion under Application 9510, Permit 5381, License 4621.

2. Original, one carbon, and three apeco copies of application for the appropriation of 0.254 sec.ft. of water from the same source as supplemental supply.

3. Ten prints of Drawing 6991 to attach to the various copies of the petition and application.

4. Four prints of profile of the new Cow Creek water system.

5. Copy of letter of November 7 from State Water Rights Board concerning proof of related power rights under Application 9509, Docket 2.

If the petition and application appear satisfactory, the original petition and original and carbon copy of the application should be signed and forwarded to State Water Rights Board with four prints of drawing and voucher and purchase order for $10.00 to cover the fee for filing the application. There appears to be no fee for filing the petition.

The apeco copies of the petition and application, and prints of drawing, are for the docket assemblies in your office, the Monument and WODC, in the form in which the original is signed and mailed by the Superintendent. The petition and one drawing should be filed in Part IV of Docket, and the application and one print should be filed in Part V, although the drawing might be omitted from Part IV if you consider the docket too bulky.

80

Three prints of the profile should also be filed with the map in Part V of the docket. The state does not require a profile although an extra is included for such possible disposition.

We should be advised when Mr. Binnewies signs and mails the petition and application. We should also be advised of any changes which may be made before or after the two instruments are filed.

Since the state requires payment of the fee before issuing the permit, if is necessary to sign for receipt before the permit is granted. We have been advised that this is in order if the purchase order and voucher are worded as follows:

> Fee prescribed by Sec. 1525 of the California Water Code, as amended by Chapter 254 of the 1955 Statutes, for filing application for the appropriation of waters of Cow Creek, Death Valley National Monument $10.00

This fee is typical of a number of small costs which you will have during the year which are chargeable to General Ledger Account 102.4 for Death Valley. Your Regional expenditures under Work Order 4-WR-59 are chargeable to General Ledger Account 134.1, and must be prorated at the end of the year. Since you have Work Order 15-WR-59 for water right expenses at Death Valley under General Ledger Account 102.4, and we do not care whether the expense is for Cow Creek or the test well if properly charged to the Monument capital investment, I would be inclined to prepare the purchase order and voucher for payment under 15-WR-59. That work order can be amended when necessary to cover other direct costs for Death Valley water rights, with the $12,000 total increased.

The letter from Mr. Hill indicates that inspection for license under Application 9509, Docket 2, will be made in the spring. There is also the possibility that the State Water Rights Board will demand an application for the appropriation of water from spring area No. 2. I would have prepared the latter for filing at this time if I had had more data on headworks and pipe gradient. Instead, I am sending the tracing of Drawing 6991, under separate cover. You may wish to amend it and make new prints to provide further data needed for either the proof for the power right, or the potential application.

You will note that I have numbered springs at the Nevares Area from 1 upwards, those in spring area No. 2 in the 20 series, and assigned 30 to the spring at the residential area. This will clarify the locations, and permit the introduction of more springs if necessary at a latter date.

A. van V. Dunn
Chief, Water Resources Section

Attachments 22
Copy to: Superintendent, Death Valley and Chief, WODC

10-29-1958: letter to the superintendent ; october 29, 1958

L-54

October 29, 1958

Memorandum

To: Superintendent, Death Valley

From: Acting Regional Chief of Operations, Region Four

Subject: Water Right Application 4910, Docket 1, Cow Creek
Death Valley National Monument

Attached for filing in Docket 1 is a copy of Report of Licensee for the Years 1956, 1957 and 1958. Instructions for submission of this report were contained in Mr. Dunn's memorandum of October 7.

By copy of this memorandum copies of the report are being distributed for dockets in the Washington Office and at WODC. A copy of the cover letter of October 29, submitting the report to the State Water Rights Board, is attached.

Note that the reported water use exceeds the licensed authorization but that we indicate the Park Service will submit a supplemental application. We also reported that the point of diversion has been changed for which the Service is preparing a petition. We assume that Mr. Dunn, according to his memorandum of October 8, will submit the two instruments.

G. F. WHITWORTH

George F. Whitworth
Acting Regional Chief of Operations

Attachments

Copy to: Director w/attach.
Chief, WODC (2) w/attach.

NO COPY MADE IN MAIL ROOM

WESTERN OFFICE
DESIGN & CONSTRUCTION
OCT 31 1958 A.M.

	CHIEF
	ADMIN. ASSIST.
	PERSONNEL
	PLANS & PROG.
	SAFETY
	ARCHITECT
2	ENGINEER
	LAND ARCH.
1	
	ACTION TAKEN—DATE

78

File - Docket 1 [illegible] - make copy for Dock 2

IN REPLY REFER TO:
L54-L

RECEIVED
NPS REGION FOUR OFFICE
OCT 13 '58

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

October 8, 1958

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

Memorandum (AIR MAIL)

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Cow Creek Water Rights, Dockets 1 and 2, Death Valley

The memorandum of September 19 from Mr. Whitworth, concerning data for amendments and a supplement to the subject rights has come to my attention just after sending you the forms for annual progress reports.

I believe I can complete the petition for amendment of rights under Application 9510, License 4621, Docket 1, and the supplemental application for the additional water for domestic purposes early in November. I will have to await the return of our draftsman, Mr. Berte, who is now on his honeymoon.

The progress reports and request for proof on the power right, Docket 2, should be based on probable filing of those instruments by the Superintendent, by early December. The report and proof on the power right, or the withdrawal of that Application 9509, will depend on whether the existing power unit can and will be used for some time yet.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC

cy filed in Docket 2 77

10-07-1958: 5 copies of forms are attached for the superintendents ; october 07, 1958

File Dect 1 DEVA
make copies for DEVA Dockets 2,25
PINN Docket 2
YOSE Docket 2

IN REPLY REFER TO:
L54-L

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

RECEIVED
NPS REGION FOUR OFFICE
OCT 13 '58

	SURNAME	DAT
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.	Penny	10/13
RECREATION		
INTERP.		
LEGAL		

October 7, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Reports { DEVA - Dockets 1, 2, 7, 24 & 25 (Cow Creek — wildhorse — former Thorndike — Blue Cliff Springs)
PINN Docket 2 Bear Gulch
YOSE " 2 Bishop Creek

~~Spaulding~~ 1/55 3/26
Whitworth

The five copies of forms for the following reports are attached for preparation by Mr. Spaulding, or the Superintendents if necessary, following the general nature of statements in the earlier reports which are now in the dockets. The original should be sent to the State Water Rights Board, and the four copies should be distributed for the dockets in your office, the area, WODC and here. A fee of $5.00, payable and reimbursed under Work Order 4-WR-59, is needed with each request for extension of time where the annual report is accompanied by a notice of expiration. Incidently, the total fees for rights in each area should be noted for the annual breakdown for capitalization.

see memo from Dunn of oct 8

DEATH VALLEY

Application 8423, Docket 24, former Thorndike claim. Annual Progress Report - no fee. Last year's report should be amplified if you can report any planning with cost, or even increase in visitor or NPS use.

see letter to State Water Rights 12/3/58

Application 9509, Docket 2, Cow Creek Power. Annual Progress Report - no fee, and notice of expiration - fee needed if extension of time is requested. I suggest that the annual report be submitted, stating on reverse that it is desired to make proof on the existing installation but that it is suggested that inspection be deferred until receipt of pending petition for change in point of diversion under related Application 9510, License 4621, and new application for appropriation of supplemental water being developed at that new point of diversion. This should be supplemented with cover letter requesting same proof of suggested date, and inquiring as to whether the form to request extension of time beyond December 1 is needed. Hold that notice of expiration until reply is received. I am in no position to prepare the report and request because we have no reply to my memorandum of August 29. In addition, I am not sure how the power unit is functioning under the greater head if no pressure reducer has been provided.

See Supt. memo of Oct 21

76

DEATH VALLEY

Application 9510, License 4621, Docket 1, Cow Creek Domestic. Triennial report of licensee - no fee. The only reports of license which come to my mind at this time are those in Part II of Docket 1, Kings Canyon National Park for the Big Stump Water System - the last being for 1956. The two situations are similar in that water use exceeds the licensed authorization, and our admission of the fact in connection with the Big Stump right led to filing of an application for the supplemental water, which has been protested. We have prepared the drafts of petition to change point of diversion, and application for the appropriation, as submitted to you for certain assistance with my memorandum of August 29. I cannot see any basis for protest of the proposed petition and application. I recommend that the changes be admitted in the report, but cannot prepare the report because I do not know exactly what has been done on the ground, or how soon I will receive the information requested in August. I suggest that you indicate that the two instruments will be submitted by about December 31, if you can fully answer my August memorandum within the next six or eight weeks.

Dunn expects to complete (1) petition for amendment of rights and (2) supplemental application - see his memo of Oct 8

Application 10276, License 4897, Docket 7, Wildrose Spring. Triennial report of licensee - no fee. There should be no difficulty in preparation by someone familiar with present status of system and water use.

Application 17839, Docket 25, Blue Cliff Spring use of 0.035 s.f. by Ramos, et al. Annual Progress Report - no fee. At about 15.7 gpm, with mills requiring about 12.0 gpm, there should be no difficulty in report if there has been mining operation. There would be no complication if it is necessary to report that Ramos, like Detloff, suspended operations because of poor market, provided it can also be reported that there has been some activity at the camp between October 1, 1957 and October 1, 1958.

See Ltr to State Water Rights Board 12/4/58

PINNACLES

Application 9083, License 3820, Docket 2, Bear Gulch Sources. Triennial report of licensee - no fee. Similar report of 1955 only needs some references to more up-to-date visitor counts. If number of visitors has been lower it may be desirable to explain any modernization of facilities which has increased per capita water use.

See ltr to State Water Rights Board 12/9/58

YOSEMITE

Application 11947, Docket 2, Bishop Creek. Annual Report and notice of expiration. Fee needed only if extension of time is requested. One of the most important water right projects which I have scheduled for Region Four for a number of years has been the preparation of claims to water used in Yosemite, with the dates of first use of each source, in order that we can decide, with the Solicitor's suggestion, whether

See memo to Dir 3/5/59

76

YOSEMITE

to file applications or assert some other basis of right in each case. I suggested that we start with floor of the valley some years ago, but there has been no apparent attempt, yet, to obtain funds, now by work order, hire or detail necessary local personnel, and prepare statements of claim in form suitable for applications, and the supporting maps. Mr. Preston's memorandum of January 31, 1957, indicates that the authorized 0.01 sec.ft. under Application 11947 might cover most of use from Chinquapin Water System, if transferred by petition. I think such petition, with statement that it does not constitute waiver of any other rights to same Indian Creek source, might be less subject to protest than a new application, and be valuable even if it does not cover earliest priority. For that reason I recommend progress report explanation that point of diversion has been changed, and request for extension of time to prepare petition. This might be discussed with Mr. McClellan, and the request should give some indication of when petition for change can be expected.

Some of the forms have been received in insufficient quantities and others in sets of six. I have made erasures, and modified some of the extra forms to complete necessary sets of five. Please be sure that the modified forms are used for NPS copies, and not sent to Water Rights Board.

I am preparing reports and requests for extensions of time for Furnace Creek and Texas Spring water, for which I have as much data as you. I am also preparing similar report and request for extension of time for the Emigrant and Pioneer Springs. With increasing attendance and low precipitation during most of the past 14 years, as shown in the memorandum of July 16 from Mr. Binnewies, I would hate to abandon Pioneer Spring and have miners enter the picture if it can serve even limited future needs. It should be remembered that Mrs. Putnam has a senior right to part of the water now used.

A. van V. Dunn
Chief, Water Resources Section

Attachments 35

Copy to: Chief, WODC
Superintendent, Death Valley
Superintendent, Pinnacles
Superintendent, Yosemite

09-22-1958: reference to whitworth's memorandum ; september 22, 1958

IN REPLY REFER TO:

L-54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN OFFICE, DESIGN AND CONSTRUCTION
1000 GEARY STREET, SAN FRANCISCO 9, CALIFORNIA

September 22, 1958

RECEIVED
NPS REGION FOUR OFFICE
SEP 22 '58

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.	Brinkerhoff	9/23
RECREATION		
INTERP.		
LEGAL		

cc Whitworth 9/23

Memorandum

To: Regional Director, Region Four

From: Supervisory Engineer, WODC

Subject: Cow Creek Water Rights, Dockets 1 and 2, Death Valley National Monument

Reference is made to Acting Regional Chief of Operations Whitworth's memorandum of September 8 and to Chief A. van V. Dunn's (Water Resources Section) memorandum of August 29, subject as above. Our Project Supervisor Hinenburg is at Death Valley and undoubtedly assisted in the preparation of a memorandum by Superintendent Binnewies to your office dated September 12. Other than the information supplied by the last noted memorandum, we would have no further comment on the water rights application.

P. E. Smith
Supervisory Engineer

In duplicate

Copy to: Supt., Death Valley
Proj. Supv. Hinenburg at Death Valley

75

154

WATER
Docket

September 19, 1958

cy made Steinberg

WESTERN O
DESIGN & CONS
SEP 23 19
CHIEF
ADMIN.ASSI
PERSONNEL
PLANS & PR
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN

Memorandum

To: Director

From: Acting Regional Chief of Operations, Region Four

Subject: Cow Creek Water Rights, Dockets 1 and 2, Death Valley

Attached are a copy of Superintendent Binnewies' memorandum of September 12, a marked print of drawing 6991 and an inventory of irrigated vegetation relating to a draft of an application for appropriation of additional water of the Cow Creek Springs. Mr. Dunn had requested by memorandum of August 29 that we assemble and forward comments and corrections. Also attached are copies of Order for Possession and Decree on Declaration of Taking relative to the Nevares case which were attached to our copy of Mr. Dunn's August 29 memorandum. These may have been sent by mistake.

Our comments are as follows in the order of Mr. Dunn's questions:

1. See Mr. Binnewies' memorandum.

2. We agree that the use of "C" of no greater than 100 in the Hazen table is satisfactory in view of the likelihood that travertine will deposit in the asbestos cement pipe reducing the smoothness and diameter.

3. The 100,000 gallon reservoir above the residential area is probably all that will ever be needed. This quantity will provide 2 standard fire streams of 250 gpm each for more than 3 hours even with interruption of the inflow. With continuous inflow of 268 gpm three standard fire streams could be employed for the 3 hour period. Although not considered in MISSION 66 it may be that in the future a reservoir at an elevation suitable for fire protection of the utility area would be desirable. The present reservoirs have adequate capacity but the head is such that a fire pump is needed to increase the pressure.

4. See Mr. Binnewies' memorandum. When Mr. Spaulding last inspected the 4-inch line in 1956 it was delivering no water. He believes the lower springs mentioned by Mr. Binnewies at one time were connected to a third line either 2-inch or 3-inch in size and is also now out of service.

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5. We have added to Mr. Binnewies' cost figures as follows:

Land Purchase		$40,000
Water Resources Study		1,500
Construction, recently completed or in progress		
Spring enclosure & pipe (1957) per completion report	$24,400	
Distribution system - residential (1958)	18,500	
Reservoir, 100,000 gal. (1958)	25,000	
Cooling tower (1958)	2,000	
		69,900
Total cost to date		$111,400
Proposed Construction, MISSION 66		
Pipeline, replacement	60,600	
Distribution system -Utility area	25,500	
		86,100
Total Cost		$197,500

6. Data on the system from Spring Area 2 were taken by Engineer Spaulding in March 1958 and is contained together with sketches in Death Valley field book No. 98.

Flow into reservoir..... 6.4 gallons per minute
Pipeline is 2-inch wrapped steel
Spring is located at rock outcrop (fault?) in bottom of wash.
Collection is from about 6 springs leading into a 3' x 6' vault

Secondary spring on a sidehill northwest of above described spring has dried up and no water is flowing in branch line.

7. In addition to the data in Mr. Binnewies' memorandum Landscape Architect Laura Wilson, WODC, supplied the following:

Drawing NM-DV-3800 showing the planting plan, open ditch irrigation and sprinkler system for Cow Creek residences is in progress

It is estimated lawn sprinkling for 20 houses and one apartment building will require 27,000 gallons per day.

11,000 lineal feet of open ditch will be constructed to irrigate trees and shrubs for 20 houses.

Twenty five percent of the houses will have small pools.

Planting boxes next to houses will require hand sprinkling.

In addition to the final comments of Mr. Binnewies' memorandum we add that the position of the lower hydro-electric plant on drawing NM-DV-6991 appears correct.

G. F. WHITWORTH

George F. Whitworth
Acting Regional Chief of Operations

Attachments (3)

Copy to: Supt., Death Valley w/copy of inventory
Chief, WODC (2) w/2 copies of inventory

03-05-1958: inventory of irrigated vegetation ; march 05, 1958

Chief, WODC

INVENTORY OF IRRIGATED VEGETATION
Cow Creek Utility Area
as of March 5, 1958

Death Valley Field Book No. 98, page 18

LOCATION	LAWN Bermuda Grass sq. ft.	TREES & SHRUBS, each: Tamarisk 1"-6" dia.	Tamarisk 6"-24" dia.	Mesquite	Palm	Palo Verde	Oleander	Ditch lin. ft.	WATER USE at time of count: GPM	Distance water ran in ditch lin. ft.
Around office (within 100')	5000	-	12	9	9	2		-		
Bordering road west of office	-	35	-	11	25	-	6	1070	50	690
Bordering road south of office	-	12	34	-	1	-	5	400	4.3	about 50'
East of office	-	20	18	1	-	1	-	400		
Around swimming pool	6000	7	40	20	4	-	-	-		
Pool overflow to Route 190	-	26	53	43	1	-	-	3000	not measured	plus many volunteers, [illegible] 2200 [illegible]
Total	11,000	100	157	84	40	3	11	4870	54	[illegible]

IN REPLY REFER TO:

L 54-L

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

September 12, 1958

RECEIVED
NPS REGION FOUR OFFICE
SEP 18 '58

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

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Cow Creek Water Rights, Dockets 1 and 2

Mr. Dunn's memorandum of August 29, 1958, requested comments to certain questions relating to the draft of an application to appropriate 0.254 second feet of water of the Cow Creek springs. The following information is supplied in the order of Mr. Dunn's questions:

1. A 100,000 gallon steel reservoir was constructed at location No. 1 on plan 6991. It is nearly ready for use and should be placed in operation by September 22, 1958. The bottom of the reservoir is at elevation 402.7 feet.

2. No comment.

3. A 100,000 gallon steel reservoir has been constructed. See 1.

4. The 4" line from the residential area to the regulating reservoir above the utility area is not now in use except for lower portion from two springs near H in headquarters on plan 6991.

5. Costs for question 9 are as follows:

Nevares Spring improvement including 6" and 8" transite pipe	$23,557
Water distribution system - residential area	18,515
100,000 gallon steel reservoir	25,000
Wooden cooling tower	2,000
Land Purchase	40,000
Water resources study	1,500

6. Additional data on spring area No. 2 is not readily available and will require survey to determine elevations.

memo to Director 9/19

73

7.	Present residents	57
	Probable population	100
	Acreage of irrigation	8
	Total houses	25
	Trailers, seasonal	12

On plan 6991 a dotted circle is drawn around the utility area with "Out?". This area is to be retained and enlarged in the future.

Item 1 on the application should state "Nevares Springs" - - - - tributary to "North Canyon Cow Creek and Cow Creek thence to Salt Creek".

Item 7 should state that the existing concrete reservoir has a capacity of 20,000 gallons. Fire reservoir (swimming pool) has a capacity of 120,000 gallons.

We believe that this is all of the information necessary to complete the application.

Fred W. Binnewies
Superintendent

In duplicate

Copy to WODC

73

IN REPLY REFER TO:

L-54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

September 8, 1958

(1)

Memorandum

To: Chief, WODC

From: Acting Regional Chief of Operations, Region Four

Subject: Cow Creek Water Rights, Dockets 1 and 2, Death Valley

Please supply your comments and corrections, if any, on the Cow Creek water applications as requested in Mr. Dunn's memorandum of August 29, a copy of which was addressed to you.

George F. Whitworth
Acting Regional Chief of Operations

Attachment
(Cy memo to Supt. Death Valley)

ACTION

WESTERN OFFICE
DESIGN & CONSTRUCTION
SEP 10 1958 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
2 ENGINEER
LAND. ARCH.
1
ACTION TAKEN—DATE
Memo 9/22

72

L-54

September 8, 1958

Memorandum

To: Superintendent, Death Valley

From: ACTING Regional Chief of Operations, Region Four

Subject: Cow Creek Water Rights, Dockets 1 and 2, Death Valley

By memorandum of August 29, Mr. Dunn transmitted a new application and a petition for change of an existing application for water of Nevares Springs. The memorandum indicates copies were sent direct to you.

Mr. Dunn asked that we assemble and forward your and WODC's comments and corrections. Accordingly, would you please check the material for completeness and correctness and supply answers to the specific questions.

G. F. WHITWORTH

George F. Whitworth
Acting Regional Chief of Operations

Copy to: Chief, WODC

08-29-1958: cow creek water rights ; august 29, 1958

file

IN REPLY REFER TO:
L54-L

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

RECEIVED
NPS REGION FOUR OFFICE
SEP 2 - '58

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

August 29, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Cow Creek Water Rights, Dockets 1 and 2, Death Valley

X Spaulding LSS 9/5
✓ Landt B/m
✓ Whitworth 9/9

With copies of this memorandum we are sending you, the Superintendent, WODC and Field Solicitor McClellan copies of the following:

✓ 1. Draft of Application to Appropriate 0.254 sec.ft. of water of the Cow Creek Springs as supplemental supply for Monument Headquarters and Park Village.

see memos of 9/8 to Supt. & to WODC request comments.

✓ 2. Petition to Change Point of Diversion under Application 9510, Permit 5381, License 4621.

✓ 3. Drawing NM-DV-6991, Water System Enlargement, Cow Creek.

✓ 4. Profile Cow Creek Water System of July 1958.

I am also sending you an extra print of Drawing 6991.

Please assemble your comments and corrections, and those of the Superintendent, and WODC, and forward your consolidated recommendations for completing items 1, 2 and 3, using one print of the drawing for illustration, if necessary. The following matters need special consideration:

1. The location of the proposed regulatory storage reservoir should be more specific. The profile is offered to show the limits we have found by various conditions in the records of this office.

2. I have computed gradients and pressures using C of 100 in Hazen tables, to be conservative, but you may wish to use another value and resulting diversion capacity and reservoir location.

3. I wonder whether one 50,000 gallon reservoir is all that we should consider.

4. We have shown two parallel pipes between Park Village and the area of swimming pool and old CCC reservoir, due to either relocation or misunderstanding of available records.

70

5. The cost estimate in question 9 is supposed to cover ultimate value for acquisition of Nevares Tract and water system enlargement, but not cost of old system. It is only an estimate, of course, but should be close. It should be the cost of system to, and including 50,000 gallon reservoir, and part of the cost for present pipeline shown as one item for line to the reservoir site, and one for that below--chiefly for our future use.

6. To answer question 12, better description of existing CCC water system from Spring Area 2 should be given in application and supporting map.

7. For an answer to question 17 we should have total number of residents, probable population, and acreage of irrigation, to support claim to approximately 0.7 sec.ft. of water. The claim to 0.0254 sec.ft., plus the licensed right to 0.446 sec.ft., is 0.7 sec.ft. This is slightly in excess of measured diversions to date. The amount will be reduced at the time of licensing, based on maximum flow and use between now and then.

I have only shown the lower existing hydroelectric plant--I hope at the proper place. I propose to prepare & request proof for licensing under Application 9509, Docket 2, when we file the attached application and petition, probably including a petition for correction in point of diversion, place of use, and size of unit. We seem to have all information except the exact location, which I think is further from the swimming pool, and closer to the road loop in the utility area. This was proposed in the memorandum of June 26 from Mr. Johnston.

Only one copy of this is attached for Mr. McClellan because I do not see any issue that will require Regional Solicitor's consideration in this routine matter.

A. van V. Dunn
Chief, Water Resources Section

Attachments 5

Copy to: Superintendent, Death Valley, w/c 4 attachments
Chief, WODC, w/c 4 attachments
Field Solicitor McClellan, w/c 4 attachments

transmitted Draft with Dunn's memo of Aug 29, 1958

DRAFT

PETITION FOR CHANGE IN POINT OF DIVERSION

Application 9510 Permit 5381 License 4621

Division of Water Resources
401 Public Works Building
Sacramento, California

Gentlemen:

I hereby request permission to change the point of diversion described in the above numbered filing to a point described as follows and as shown on the map herewith submitted: N 69° 39' E. 3077 ft. from E¼ Cor. of Sec. 35, T 28 N, R 1 E, being within the SW¼ NW¼ of Sec. 36, T 28 N, R 1 E, SBB&M

(Give tie by bearing and distance or by coordinate distances from some government corner and the 40 acre subdivision in which the new point of diversion lies).

in the county of Inyo. For further details see accompanying application for the appropriation of the supplemental supply from same source.

GIVE REASON FOR PROPOSED CHANGE To eliminate seepage and transpiration losses across former private land between spring sources and old point of diversion.

WILL THE OLD POINT OF DIVERSION BE ABANDONED? Yes

WATER WILL BE USED FOR Domestic and recreational PURPOSES.

I have access to the proposed new point of diversion by virtue of Federal acquisition by condemnation - Civil No. 1016-ND in the U. S. District Court, Southern District of California, Northern Division. (See attached certified copies of (1) Decree of Declaration of Taking; and (2) Order for Possession

(Ownership, lease, verbal or written agreement)

Are there any persons taking water from the stream between the old point of diversion and the new point of diversion?

No
(Answer "Yes" or "No")

Give names and addresses: None

All claim to additional available water at the source is covered by accompanying application for the appropriation of supplemental flow.

This change does not involve the introduction of any new source or any increase in the amount of the appropriation.

United States of America

by
(Signature)

Fred W. Binnewies, Superintendent
Death Valley National Monument

Date

Form 104
12-7-53

08-29-1958: application to appropriate unappropriated water; application 9510, permit 5381, license 4621

Draft - transmitted with Penn's memo of Aug 29, 195[illegible]

DRAFT

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

DRAFT

Application No. ..... Filed ..... at ..... M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, The U.S. of America, by Fred W. Binnewies, Superintendent, Death Valley National Monument
Name of applicant

of Death Valley County of Inyo
Address

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS:*

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Springs
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Inyo County, tributary to North Canyon Cow Creek & Cow Creek thence to Amargosa River

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 0.254 cubic feet per
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

second, to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use ..... acre-feet
1 acre-foot equals 325,851 gallons

per annum, to be collected between ..... and ..... of each season.
Beginning date Closing date

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. If amount under (*a*) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is Supplemental, domestic and recreational
Domestic, irrigation, power, municipal, mining, industrial, recreational

(Also see App. 9510, Per. 5381, Lic. 4621) purposes.

4. The point of diversion is to be located N 69° 39' E. 3077 ft. from E¼ Cor. Sec. 35, T 28 N,
State bearing and distance or coordinate distances from section or quarter section corner

R 1 E, SBB&M (See attached spring area description)

being within the SW¼ NE¼
State 40-acre subdivision of public land survey or projection thereof

of Section 36, T. 28 N, R. 1 E, SB B. & M., in the County of Inyo

5. The main conduit terminates in SW¼ SW¼ of Sec. 34, T. 28 N, R. 1 E, SB B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from .....
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being ..... feet in height (stream bed to level of overflow); ..... feet long on top; and constructed of .....
Concrete, earth, brush, etc.

(c) The storage dam will be ..... feet in height (stream bed to overflow level); ..... feet long on top; have a freeboard of ..... feet, and be constructed of .....
Concrete, earth, etc.

7. Storage Reservoir See attachment
Name

The storage reservoir will flood lands in .....
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of ..... acres, and a capacity of ..... acre-feet.

In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

FORM 1

8. **Conduit System** (describe main conduits only)

(a) **Canal, ditch, flume:** Width on top (at water line) _____ feet; width at bottom _____ feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials of construction _____

Cross out two not used

Earth, rock, timber, etc.

(b) **Pipe line:** Diameter 8 inches; length 3,340 feet; grade 19.30 feet per 1,000 feet; total fall from intake to outlet 890.7 feet; kind Transite

(Grade given is that of first 312 ft. of length, which controls capacity.)

Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is at least 2.0 sec.ft.

State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $91,500 (See attachment)

Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work ~~will begin~~ began on ~~or before~~ October 28, 1957 (this enlargement)

~~was~~

Construction work will be completed ~~on~~ before 1965

The water will be completely applied to the proposed use on or before 1966

Description of Proposed Use

11. **Place of Use.** See attachment

State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant(s) own the land whereon use of water will be made? Yes (Yes or No) Jointly? No (Yes or No)

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Other Rights.** Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1. Riparian Claim	1933	?	All Year	Spring Area No. 2
2. (For spring area No. 2, see accompanying map. Water supply developed by and for				
3. CCC camp and now used as supplemental supply for Monument Headquarters.)				
4.				

Attach supplement at top of page 3 if necessary.

13. **Irrigation Use.** The area to be irrigated is small patches around houses, offices & along road acres.

State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres; orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about January 1 (Beginning date) and end about December 31 (Closing date)

14. **Power Use.** The total fall to be utilized is _____ feet.

Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.

Second feet × fall ÷ 8.8

The use to which the power is to be applied is _____

For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____

Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water will / will not be returned to _____ (Name stream) in _____ (State 40-acre subdivision) of Sec. _____, T. _____, R. _____, B. & M.

08-29-1958: application to appropriate unappropriated water, attachment ; august 29, 1958

ATTACHMENT

Question 4. Water is collected in a Spring Area #1, described as: Beginning at said point of diversion, N 69° 39" E 3077 ft. from E¼ Cor. Sec. 35, thence North 240 ft; East 200 ft; South 400 ft; West 200 ft; and North 160 ft. to point of beginning.

Question 6(b) Water is collected by approximately 600 feet of 6 inch drain tile and asbestos cement pipe which radiates from a concrete collecting sump, 7 ft. X 5 ft., in plan and 8 ft. deep at point of diversion.

Question 7. There is only regulatory storage, of which part has heretofore been provided by swimming pool for incidental irrigation of lower portion of area of use, and part has been provided by _____ gal. concrete reservoir formerly for CCC camp. Under this application it is proposed to install one or more 500,000 gallon concrete (?) regulatory reservoirs.

Question 9.

Land Purchase	$40,000
Water resources study to define water values	1,500
1957 Construction	25,000 ?
Proposed 50,000 gallon reservoir	17,500 ?
Cooling Tower	7,500
TOTAL	$91,500

Question 11 - Place of Use

T 27 N, R 1 E, SBB&M - Sec. 4 - $N\frac{1}{2}$ $NE\frac{1}{4}$
Sec. 3 - $NW\frac{1}{4}$ $NW\frac{1}{4}$
T 28 N, R 1 E, SBB&M Sec. 33 - $SE\frac{1}{4}$
Sec. 34 - $SW\frac{1}{4}$; $N\frac{1}{2}$ $SE\frac{1}{4}$; and $S\frac{1}{2}$ $N\frac{1}{2}$

08-29-1958: extra attachments ; august 29, 1958

DO NOT WRITE IN THIS SPACE
ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving None
Name city or cities, town or towns. Urban areas only
having a present population of

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is None
Name of claim
and the nature of the mines is
Gold placer, quartz, etc.

The method of utilizing the water is

It is estimated that the ultimate water requirement for this project will be
Cubic feet per second, gallons per minute. State basis of estimate

The water will / will not be polluted by chemicals or otherwise
Explain nature of pollution, if any

and it will / will not be returned to
Name stream
in
State 40-acre subdivision
of Sec. , T. , R. , B. & M.

17. **Other Uses.** The nature of the use proposed is
Industrial, recreational, domestic, stockwatering, fish culture, etc.

State basis of determination of amount needed. (Data to be supplied by Superintendent and
Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type
Mr. Spaulding.)
industrial use, and unit requirements.

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes-NM-DV-6991
Yes or No
. If not, state specifically the time required for filing same -

19. Does the applicant own the land at the proposed point of diversion? Yes
Yes or No
. If not, give name and address of owner and state what steps have been taken to secure right of access thereto

20. What is the name of the post office most used by those living near the proposed point of diversion?

Death Valley, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? None

NOTE: Nothing herein shall constitute a waiver of any other right which the United States may have to the same water.

United States of America

[SIGNATURE OF APPLICANT] by

Fred W. Binnevies, Superintendent
Death Valley National Monument

00-00-0000: permit application

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No._____

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed **two hundred fifty four thousands (0.254) cubic feet per second from January 1 to December 31 of each season.**

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before _____ and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before _____

5. Complete application of the water to the proposed use shall be made on or before _____

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

STATE WATER RIGHTS BOARD

40138 7-56 4M ① SPO

IN REPLY REFER TO:
L54-L Docket 1

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

February 26, 1958

RECEIVED
NPS REGION FOUR OFFICE
MAR-3'58

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

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Cow Creek Water System and Spring Flows (Docket 1)
Death Valley

The memorandum of February 21 from Mr. Johnston has been received while I have reviewed a loaned, and as yet unapproved copy of Mr. Kunkel's report on the groundwater resources between Furnace Creek and Cow Creek.

We shall give further consideration to supplemental claims to the waters of the Nevares Springs on the basis of information we have now received from both sources. We shall appreciate the confirmation you have requested from the Superintendent, but it is suggested that further field investigation and measurements of undeveloped sources be made only when convenient. No claims to waters from these sources will be made until after we drill and pump a test well as recommended in the Kunkel report. That test well will be the subject of separate correspondence in a few days.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC

no reply needed - well is out for a while at least - additional spring measurements will be covered in a later memo.
JSS 3/26

68

02-27-1958: cow creek water system; february 27, 1958

L-54-L Deva #1

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NPS REGION FOUR OFFICE
FEB 27 58

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.	DFm	2/27
LEGAL		

February 25, 1958

Memorandum

To: The Director

From: Superintendent, Death Valley

Subject: Cow Creek Water System

X Spaulding 155 3/26 no reply noted

This refers to the Regional Chief of Operations, Region Four, memorandum of February 21 which furnishes answers to Mr. Dunn's memorandum of February 12.

The analysis of need for water contained in the 4th paragraph is correct and in accordance with present estimates. It is considered highly important to leave some of the smaller springs in the Nevares area for the use of wildlife. This is an important location for bighorn sheep, particularly in dry seasons, as was learned last August when 28 sheep watered there for over a month. It is interesting to note that the sheep seem to prefer the small springs and rarely visited the larger ones.

The 286 gallons per minute now available from the main springs should be adequate for future needs particularly if a storage reservoir is installed that will allow better regulation of the flow.

Fred W. Binnewies
Superintendent

In duplicate

cc Region Four

67

02-21-1958: cow creek water system and spring flows ; february 21, 1958

WODC

In reply refer to:
L-54

February 21, 1958

Memorandum

To: Director

From: Regional Chief of Operations, Region Four

Subject: Cow Creek Water System and Spring Flows (Docket 1)
Death Valley

This is a reply to Mr. Dunn's memorandum of February 12 in which he asked for more complete answers to earlier correspondence.

Mr. Spaulding did not have time during his January visit to Death Valley to measure the flow at point F or from Spring Area No. 3. However, at present none of the water from these lower springs enters the 6' x 10' tank. Wasting this water prevents possible contamination from the open springs and ditches. Much of the water from Spring Area No. 4 does not now remain in the ditch as far as point F but if so retained, Mr. Spaulding estimates the flow would be about 15 gallons per minute. Above point G the pipelines have been removed and the water from Spring Area No. 3 flows down the South Wash. Measurement at both these spring areas can be made during Mr. Spauldings proposed visit to Death Valley in March.

Incidentally, the Parshall flume has been removed to Furnace Creek Wash and was never on the main pipeline but was on the ditch which carried the overlfow from the 6' x 10' tank. During January 1958 the overflow ditch carried 100 to 150 gallons per minute as measured by Mr. Hinenberg, Project Engineer for WODC. It is not known whether the overflow indicates the capacity of the 6-inch pipeline has been exceeded or merely that present use requires less than the full flow.

It is not contemplated under MISSION 66 to make further diversions at any of the lesser Nevares Springs. It does not seem practical to construct the spring enclosures, closed conduits and junction vaults necessary to protect the water from contamination

WESTERN OFFICE
DESIGN & CONSTRUCTION
FEB 24 1958 A.M
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
L. Hinenberg
ACTION TAKEN—DATE
none

LH 2/25

660

02-12-1958: cow creek water system and spring flows ; february 12, 1958

IN REPLY REFER TO:
L54-L

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

RECEIVED
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FEB 18 '58

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
[illegible]		
RECREATION		
[illegible]		
LEGAL		

X Spaulding ASS 2-21 reply prepared to Director

February 12, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Cow Creek Water System and Spring Flows (Docket 1), Death Valley

The January 17 water measurements by Mr. Spaulding, and forwarding memorandum of January 22 from Mr. Johnston, clarify matters materially, but do not fully answer my memorandum of October 17, 1957.

The new water system seems to have picked up most of the water at the diversion works, and about 80% to 85% of all water available on the Nevares tract. There seem to be about 43 gpm at point 12 and 10 gpm at point 14 which might be added to the 283 gpm which is diverted through the meter at point 1. The rest of the flows may be independent, but are more likely to be contributary to, or waste from the flows measured at points 12 and 14.

The unanswered question is how much water was entering the tank at the confluence of conduits from points F & G along the west boundary of the Nevares tract. If the Parshall flume is on the main pipeline from that tank to headquarters, contemporaneous measurements should be made by the Parshall flume and Sparling meter, if the conduits from F & G to the tank are still in use. This information could be obtained by the Superintendent in lieu of measurements at point 20, and a guess as to gains and losses along the South Wash.

We should also be advised as to whether the present water system is all that is contemplated, or whether it is planned to make further diversions at points 12, 14, 20 and 21.

We plan to prepare the application for appropriation of water in excess of 0.446 sec.ft., the petition to change point of diversion under License 4621 (Docket 1), and the supporting map in this office, as soon as we obtain a reply to this memorandum and the Kunkel report on his 1956-57 study. Our reasons are: (1) that it is an unfinished project I have been handling; and (2) Mr. Victor Berte has entered on duty as a cartographic draftsman and is available for that part of the work while Mr. Spaulding's program and organization is still in the formative stage. However, since the two offices

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are now beginning to function on the same matter, we should keep each other posted on what we are doing, to prevent duplication while I try to clear the desk of old, pending projects. A monthly memorandum on projects under way, will be profitable.

A. van V. Dunn

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley

01-22-1958: cow creek water system ; january 22, 1958

In reply refer to:
L-54

January 22, 1958

Memorandum

To: Director

From: Regional Chief of Operations, Region Four

Subject: Cow Creek Water System, Docket 1, Death Valley

Attached are data to aid in the estimation of the total quantity of water available from Nevares Springs, This information supplements our reply of October 22 to Mr. Dunn's memorandum of October 17.

Water measurements made by Mr. Spaulding in Death Valley January 17 are tabulated on an enclosed list. Points at which measurements were made are shown on a print of drawing NMDV 6970.

The collection works and pipeline just completed carry 283 gallons per minute from the main Nevares Springs. Lower springs continue to flow, indicating that they are independent of losses from the main ditch. Further measurements are required to determine the total quantity available in addition to the main springs.

Sgd. FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Attachments

Copy to: Superintendent, Death Valley w/attachments
Chief, WODC w/list of measurements only

WESTERN OFFICE
DESIGN & CONSTRUCTION
JAN 23 958 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
2 ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE
None

64

NEVARES SPRINGS - WATER MEASUREMENT

Date: Pipeline from main spring put in operation about 12/27/57.

Date of Measurements: January 17, 1958

Measurements made by: L. Spaulding, Hydraulic Engineer

Method of Measurement: Timed flow into 5 gal. or 1 gal. can, except as noted.

Point	Location	Quantity Gal.per Min.	Remarks
1.	Pipeline Meter (Sparling #38848)	283	Meter Rdg. 28.575 Acre Ft.
2.	Old main ditch near Collection Box	dry	
3.	North ditch	dry	
4.	Main spring No. 2 (enclosed)	-	Moisture on surface of ground
5.	Main Springs (enclosed) 18' SW of post No.6	-	Moisture on surface of ground
6.	Main Springs (enclosed) 20' N. of Post No.9	-	Standing water
7.	Main Springs (enclosed) 40' SW of post No. 9	1/3	(large wet surface (standing and flowing ((water.
8.	Main Springs - overflow from Collection Box	None	
9.	Spring (4" pipe el. 912.9)	22	
10.	Stream West fork near point 'B'	20	4" pipe not found
11.	Stream East fork near point 'B'	12	20' below Spring
12.	Stream (80' below 10 & 11)	43	
13.	Stream (about 150' east of Mon. 86 and about 300' downstream from 12)	35	(Spring at el. 866.9 not found)
14.	Spring foot of Nevares Falls	10	
15.	Ditch at Nevares House (point 'A')	None	
16.	Ditch near corral (Point 'C')	None	

Point	Location	Quantity Gal. per Min.	Remarks
17.	Spring above ditch near Point 'D'	10	Rough measurement by inspection - this water turned out of ditch
18.	Ditch at screen box near spring at el. 722.2	2	Rough estimate
19.	Ditch near Vinyard (garden)	4	Rough estimate
20.	Springs in South Wash, Spring Area No.3		Not inspected but reported to be still flowing
21.	Spring Area No. 2		Not inspected but reported to be still flowing

L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
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OCT 25'57

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

October 23, 1957

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Cow Creek Water System Docket 1

The copy of Mr. Dunn's memorandum of October 17, 1957, has been reviewed and we believe that Mr. Spaulding has all of the information necessary to make a reply. However, if there is any additional data or checking on the ground that we can help with please let us know.

Spaulding reply to Dunn's memo of 10/17 sent Oct 22 no additional data req'd. immediately fSS 10/28

Fred W. Binnewies
Superintendent

In duplicate

63

10-23-1957: cow creek water system ; october 23, 1957

WESTERN OFFICE
DESIGN & CONSTRUCTION
OCT 23 1957 A.M.
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE

In reply refer to:
L-54

October 22, 1957

Memorandum

To: Director

From: Acting Regional Chief of Operations, Region Four

Subject: Cow Creek Water System - Docket 1, Death Valley

We received two prints of drawing NMDV 6970 attached to Mr. Dunn's memorandum of October 17.

In answer to Mr. Dunn's first question, Mr. Spaulding says the new pipeline does constitute a complete change in point of diversion as described by Application 9510. The plan to install diversion works west of the former Nevares Tract has been abandoned.

The flow of 0.59 to 0.61 sec. ft. reported by Mr. Kunkel probably was the flow from the Springs within the 200 X 500 ft., spring area. Prior to the time of Mr. Kunkel's study the Parshall flume had been moved from the location shown on drawing NMDV 6970 to the main ditch near Spring Area No. 1.

The new system is to divert only the 0.61 sec. ft., from the upper diversion. The overall plan contemplates conveying the flow from the lower diversions in a separate pipe line to prevent contamination of domestic water. This later diversion will be for irrigation only.

We will wait for Mr. Kunkel's report before further action on the petition, new application and preparation of file map.

G. F. WHITWORTH
George F. Whitworth
Acting Regional Chief of Operations

Copy to: Superintendent, Death Valley
Chief, WODC
Mr. Manbey

62

10-17-1957: cow creek water system ; october 17, 1957

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

IN REPLY REFER TO:
I-54-I

RECEIVED
NPS REGION FOUR OFFICE
OCT 21 '57

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

OCT 17 1957

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Cow Creek Water System, Docket 1, Death Valley

X Spaulding 10/22
answered 10/22
1 copy of Dwg NMDV 6970 retained
2nd copy of dwg to be filed on left side of docket 1. Spaulding

Attached are two prints of our Drawing DV-6970 which was prepared for Mr. T. R. Robinson's water resources investigation of 1951. I have shown the new pipeline from Drawing DV-3130, and a 200 ft. x 500 ft. spring area which includes those springs now being developed.

Drawing 6970 was a reasonably careful topographic survey and I think it should be used as the base. Drawing 3130 shows the new pipeline from the 6'x10'x? tank to the proposed "collecting tank" as I have shown it. The northerly collecting line to Spring 2 also agrees on both drawings but that projection to the southerly line, with deflection of 48-30, and thence a 45 degree deflection to Spring 8A disagrees as shown, but the difference is inconsequential. I suggest that we accept spring locations from DV-6970 and make necessary modifications of the alignment of pipe to make it fit.

DV-6970 indicates that the new pipeline is only diverting part of the springs in the designated spring area, as shown between Spring 2 and Spring 8A. There are, or were in 1951, two springs to the southwest of Spring 8A, within the spring area, which are not connected to the pipeline. There were, in 1951, a number of other springs in part in greater Spring Area 1, but particularly in Spring Areas 2 and 3, which are not connected to the new pipeline.

The first question is whether the new pipeline constitutes a complete change in point of diversion, or merely the introduction of a supplemental point of diversion in Spring Area 1. This depends on whether the old diversions just west of the Nevares Tract are being preserved or not.

In his letter of July 18 to me, Mr. Kunkel reported that the flow of the Nevares Springs varied between 0.61 sec.ft. on November 30, 1956, and 0.59 sec.ft. on December 14, 1956. The question arises as to whether those were the total flows to the 6'x10' tank and Parshall flume shown on DV-6970, or only the flow

from developed springs in the 200 ft. x 500 ft. spring area at Spring Area 1. We should obtain the total flow at the Parshall 5 flume or tank and the flow diverted by the new system at the same time.

Without fully analyzing the broken profile it appears that the controlling gradient is from 1 plus 17.5 to 4 plus 65 with a fall of 20 feet per 1,000 fet, which gives the 8 inch pipe a 6 capacity of about one and three quarters second feet--about three times the available flow if 0.61 sec.ft. originate at the new diversion, but the capacity may decrease with travertine build up.

It is particularly important to know whether the new system is to divert only 0.61 sec.ft. from the upper diversion and leave some residual flow, largely from Spring Areas 2 and 3. It is 7 also important to know what the ultimate demand is to be for the Cow Creek area, and what--if any--residual flow may be available to supplement Texas Springs-Furnace Creek diversions for the museum, campground and Indian Village.

As recorded in Docket 1, the Park Service now has a licensed right to only 0.446 sec.ft. of the water, diverted along the west line of the Nevares Tract. If all, or any part of the 0.446 sec.ft. is to be diverted at the collecting tank, which is 8 N69-39E3077.0 ft. from the $W\frac{1}{4}$ Corner Section 36, we will have to file a petition similar to those we filed for Burns, Covered and Wee Spring. In addition, a new water right application is in order for the supplemental diversion of all water in excess of 0.446 sec.ft.--apparently 0.164 sec.ft.

If all water is being corralled by the new water system, I favor designating the point of diversion at point N69-39E3077.0 ft. from $W\frac{1}{4}$ Section 36, T 28 N, R 1 E, SBB&M, where water is collected through radiating pipes from springs in a spring area beginning at 9 the point of diversion, thence N 300 ft, E 200 ft, S 500 ft, W 200 ft, and N 200 ft, to POB.

Before any petition or application is filed, there should be full consideration of the points raised in this memorandum, and the possibilities of further development and appropriation which they suggest. We should certainly wait for Mr. Kunkel's report before deciding on the nature of amended claims, but Mr. Spaulding should give the matter some consideration as soon as possible. 10 Drawing DV-6970 could be completed as the new file map by inking in the water system as projected from DV-3130, and any other proposed developments, but it will probably be better to keep it as the map for which it was intended, and to trace a new and simpler one from it.

The second print is for use with the reply to this memorandum, which should inciate which springs have disappeared, and which Nevares ditches are being abandoned.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Death Valley, with one attachment
Chief, WODC, with one attachment

L. C. Merriam, Regional Director
National Park Service
IN REPLY REFER TO:
New Montgomery St.
San Francisco, Calif.

#1

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
Water Resources Division
Ground Water Branch
221 Redondo Avenue
Long Beach 3, California

July 18, 1957

Mr. A. van V. Dunn, Chief
Water Resources Section
National Park Service
Washington 25, D. C.

Re: Water-resources investigation,
Death Valley National Monument

Through: Acting District Geologist,
Sacramento, Calif.

Dear Mr. Dunn:

This is in reply to your letter L54-L of July 2, 1957. In general, the field studies of the Furnace Creek Wash area as outlined in our letter of December 8, 1955, to Mr. Binnewies essentially have been completed and the report for the Park Service is in preparation. Except for continuing periodic measurements of the discharge of the springs in the Furnace Creek Wash area, no additional field studies are contemplated at this time.

In reply to your specific questions:

Question 1. "What is the depth of the Borax Company well?"

The Pacific Coast Borax Company does not have a well in Furnace Creek Wash. However, in 1935 the Pacific Coast Borax Company dug a well in Furnace Creek Wash near Furnace Creek Inn. Reportedly the well was 16 feet deep, the depth to water was 11½ feet below land surface, and it was pumped at 157 gpm. Prior to 1948 (exact date uncertain) the well was destroyed, and the Pacific Coast Borax Company drilled a long tunnel that ends near or under Furnace Creek Wash. At the end of the tunnel a concrete bulkhead was constructed and about a dozen sand points were driven beyond the end of the tunnel. The length and depth below the wash of these sand points are uncertain. The combined discharge of the sand points has been measured as follows:

Nov. 28, 1956	0.33 sec. ft.	Mar. 28, 1957	0.28 sec. ft.
Feb. 18, 1957	.45	June 4	.26
Mar. 1	.33		

07-18-1957: uhmmm can't tell what the image is; july 18, 1957

The Park Service well in the SE¼SW¼ sec. 23, T. 27 N., R. 1 W., has been measured by the Geological Survey. This well, dug in Furnace Creek Wash, is 19 feet deep. The depth to water below land surface was measured as follows:

Nov. 27, 1956	15.09 feet	Apr. 3, 1957	15.54 feet
Feb. 28, 1957	15.71	June 20	dry at 19 feet
Mar. 7	15.57		

Question 2. "At what depth is the tile in the same area?"

The Borax Company buried tile is about 1 mile above Furnace Creek Inn and about 1/4 mile above the Park Service well. The tile is buried and the Borax Company records do not indicate its depth or exact position, however, the depth of the tile is reported to be 10 to 15 feet below land surface.

Question 3. "Do you agree with me that these diversion works probably intercept a small portion of total flow in the cross sections of the wash at the well site?"

It is not possible that these works intercept the total flow of Furnace Creek Wash. However, it is impossible to answer questions regarding the quantity of flow without determining the following: (1) The cross-sectional area of Furnace Creek Wash, (2) the hydraulic gradient, and (3) the transmissibility and/or permeability of the water-bearing deposits. These determinations were beyond the scope of the original investigation and their determination would involve test drilling and test pumping in Furnace Creek Wash. Based on information from other similar areas, however, it can be expected that the thickness of unconsolidated deposits in the wash at the position of the trench may be several tens of feet.

Question 4. "From you or the Superintendent, I should also like to know as closely as possible what is the total flow of the Navares Springs?"

The flow of Navares Springs was measured as follows:

Nov. 29, 1956	0.60 sec. ft.	Dec. 14, 1956	0.59 sec. ft.
Nov. 30	.61	Jan. 21, 1957	.60

Average .6 sec. ft. or about 270 gpm.

Mr. T. W. Robinson in his study of 1951 indicated that the flow of Navares Springs was at least 236 gpm and possibly as much as 330 gpm. The detailed analysis of this area will be part of our final report to the Park Service.

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Your observations concerning the estimated flows at Texas Spring, Travertine Spring, and Furnace Creek in 1941 were received at this office with much interest. It should be pointed out, however, that differences in measurements and estimates made in 1941 and 1957 probably are due predominantly to differences in choice of measuring sites, methods of measurements, and climatic conditions that may affect the flow. Therefore, the conclusion that there has been an increase in flow in the well area and a decrease in the surface diversions probably is not warranted. A sufficient period of accurate records is not available to determine whether significant changes in the flow from the several sources are occurring or whether the overall flow is decreasing, increasing, or remaining the same on an annual basis.

It is hoped that the above discussion and information will be of value to you in your planning. If you have further questions concerning the Furnace Creek area, we will be glad to assist you insofar as possible.

Sincerely yours,

Fred Kunkel
Geologist in Charge

FK/lm
cc: Regional Director, NPS
HQ Death Valley National Monument
Chief, GWB, Washington, D. C.
District Geologist, GS, Sacramento

07-02-1957: water resources investigation ; july 02, 1957

Docket #11
154-L Dese

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JUL -3 57

AIR MAIL

July 2, 1957

Mr. Fred Kunkel, Geologist in Charge
Ground Water Branch
Water Resources Division
Geological Survey
321 Redondo Avenue
Long Beach 3, California

DFm 10/3

Re: Water Resources Investigation
Death Valley National Monument

Dear Mr. Kunkel:

Correspondence from Superintendent Binnewies and our Region Four Office in San Francisco suggest the need for immediate clarification of where we stand on the subject investigation. Copies of this letter are being sent to the Superintendent, Regional Director Merriam, and your Washington Office. Similar distribution should be made of your reply.

It has been assumed that you are proceeding with an investigation that follows the general outline in your letter of December 8, 1955, to Mr. Binnewies, but you may have limited quantitative analysis of the Navares Springs because the 1957 budget was fixed at $5,500 instead of $6,000. There also seems to have been inadequate trenching in Furnace Creek to obtain the results I anticipated, for both the selection of a source for a Federal water supply and the resolution of relative rights of the United States and the Borax Company. The question is what more can be done to permit you to supply the additional information while still on the work.

The Superintendent reports that the trench does not cross the entire Wash, that it may only intercept seepage from water following back filled trenches in which Borax Company conduits are placed, and that it has not intercepted the main flow tributary to the Borax Company well at the Inn. To the extent that you have answers:

1. What is the depth of Borax Company well?

2. At what depth is tile in the same area?

3. Do you agree with me that these diversion works probably intercept a small portion of total flow in the cross-section of the Wash at the well site?

59

07-18-1957: letter concerning the digging of well ; july 18, 1957

It is my belief that the trench should at least be extended to full width of the Wash, even though it is necessary to go under the Company conduits. I also wonder if it is not necessary to go deeper. I do not think we will know how much water is available until we intercept the source of all flow to the well, feeding the well with intercepted water while the investigation is being made.

From you or the Superintendent, I should also like to know as closely as possible what the total flow of the Navares Springs is. The measurements of 1951 by Mr. Robinson are subject to revision if the Park Service has successfully captured the flow at the source on the top of the hill.

From independent measurements and estimates in 1941 by the late J. B. Lippincott and me, the following comments on your letter of April 9 to Mr. Merriam may be of interest. You determined the total diversions from Texas Spring, Travertine Spring and Furnace Creek to be 4.4 sec.ft. I arrived at 5.14 sec.ft. and Mr. Lippincott obtained 4.98 sec.ft. You have doubtless obtained more refinement since we were only checking against estimates of beneficial use. Mr. Lippincott measured Texas Spring at 0.54 sec.ft. in late summer, and I found only 0.4 sec.ft. in May. We both accepted Mr. Gower's statement that about 1.0 sec.ft. was being obtained from the well area, and you give 1.7 sec.ft. Since the Company improved the surface diversions at Travertine Spring and in Furnace Creek about 1952 or 1953, it is surprising that you find more of the water coming from the well area and less apparently coming from the surface diversions. It does help support our respective estimates of 1941 that there were probably several sec.ft. of water flowing to waste past the well area, of which part may now be diverted to compensate for reduced available surface flows.

Yours very truly,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four
Superintendent, Death Valley
Chief, WCBC

53

IN REPLY REFER TO:
L54-L

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

May 7, 1957

RECEIVED
NPS REGION FOUR OFFICE
MAY 13 '57

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

(1) 5/12
(2) XLands

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Cow Creek Water Rights, Application 9510, Docket 1, Death Valley

Attached are your copies of License 4621 and Mr. Jopson's letter of April 25 advising that the license has been recorded in Inyo County. These instruments should be filed at the top of the contents of Part IV of Docket 1. Also, please insert the license No. 4621 in the space provided on the margin of the docket folder.

The original instruments are being sent to the Superintendent and copies are being sent to WODC for similar filing.

As I construe the situation, the United States is now diverting all, or most of the flow of the Nevares Springs to the west line of Section 36 under riparian rights which had accrued when the Nevares tract was patented. The United States is also diverting 0.446 sec.ft. of that flow under License 4621 along a collecting ditch which is from 1 to 25 feet west of Sec. 36, on unpatented Sec. 35 for domestic and recreational use. There is no legal status to any direct connection between riparian developments on Sec. 36, and the old diversion system from 1 to 25 feet west of Sec. 36. To the extent that the riparian development on Sec. 36 may make more than 0.446 sec.ft. of water available to the diversion under License 4621, there is also no appropriative right to use the excess water for domestic and recreational purposes.

The use of the same 0.446 sec.ft. for power purposes under Application 9509 is still in permit form. Proof is due December 7, 1957, unless we obtain additional extension of time. Application 9509 provides for one hydro-electric plant which has not been constructed, and does not cover the two small hydro-electric plants now in use.

The last MISSION 66 utility plans, which are now obsolete because of change in site of Visitor Center, provided for piping part of Cow Creek water to a reservoir where it would be commingled with waters of Texas Spring and Furnace Creek for use in the general area including the Indian Village, new Visitor Center, and Public Campground. The plans are subject to change as a result of moving the Visitor Center and as a result of the water resources study now being made by Mr. Kunkel. No further water right action will be taken, except to try to preserve permits under Applications 10,001; 10,002; 10,118; and 10,119, until the development plans are completed.

A. van V. Dunn
Chief, Water Resources Section

Attachment

58

02-29-1956: memorandum regarding request to state engineer for extension of time to complete water system , february 29, 1956

In reply refer to:
L 54

February 29, 1956

Memorandum

To: Superintendent, Death Valley

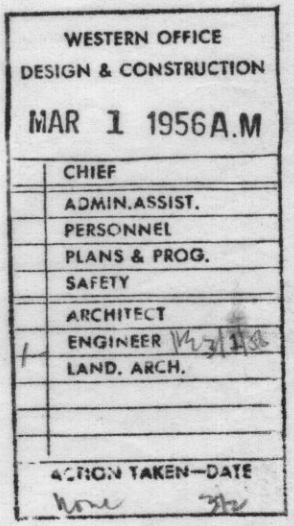
From: Acting Regional Chief of Operations, Region Four

Subject: Request to State Engineer for Extension of Time in Which to Complete Water System at Death Valley

You have received copies of Mr. Dunn's memorandum of Feburary 14 and attached correspondence on the above subject. Please review carefully the subject correspondence, and at your convenience let us have your comments. We in turn will forward the information to the Washington Office with any comments which we may have that will be helpful in their discussions with the state representative.

E. M Hilton
Acting Regional Chief
of Operations

Copy to: Chief, WODC ✓



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L54-L

WESTERN OFI
DESIGN & CONSTI
FEB 25 195
CHIEF
ADMIN.ASSIST
PERSONNEL
PLANS & PRO
SAFETY
ARCHITECT
3 ENGINEER
LAND. ARCH.
ACTION TAKEN
Memo 3/4/57

(5)

February 20, 1957

Memorandum

To: Regional Director, Region Four (1)

From: Chief, Water Resources Section

Subject: Water Right Applications 9509; 9510; 10,001; 10,002; 10,118 and 10,119; Dockets 1 to 6, Death Valley

Attached letter of February 14 does not indicate that further extensions of time cannot be obtained for the permits under the subject applications, but we will have to be particularly careful about how we handle the matter this next September. It also seems to explain why forms were not received for reports on rights to be licensed as a result of 1956 inspections, which was last covered by memorandum of February 11 from Mr. Johnston.

In the first place Mr. Spencer has returned a copy of our 1955 report under Application 9509, of which we have a copy, and has returned no duplicate of the report on Application 9510, which we lack. It will be appreciated if you, the Superintendent and WODC will check their respective assemblies of Dockets 1 for the 1955 report we lack, and Docket 2 for a lack of the report which seems to have been missent to the State. The Superintendent and WODC should reply through you, and if no 1955 report on Application 9510 can be found, we shall appreciate a photostat copy of both sides of your copy.

The pending license on Application 9510 will authorize the domestic and irrigation use of 0.446 sec.ft. of Cow Creek water at the old Headquarters area. There has been no application to use the rest of that flow and the U.S. now has only the riparian rights of use on the formerly patented Nevares tract. For all practical purposes these rights are both safe for two years after the date of the license under Application 9510. During that time we should obtain plans for the new system to serve the new Headquarters, and file amended and supplemental applications as needed.

Further extensions under Application 9509 for the power use may be hard to obtain unless there is evidence of completing the system. The alternative is to make proof on the water use now made through existing hydroelectric units, or amend the application if supplemental power is to be developed along the conduit which appears to be planned, or even under construction, to convey Cow Creek water to the new Headquarters area. The ultimate plans for power should be supplied during the summer so that we may decide what water right action to take.

Another extension of time under Applications 10,001; 10,002; 10,118; and 10,119 can probably be justified on the basis of work done during 1957 and the first two months of 1958 F.Y. However, we should obtain plans of the new system from Cow Creek, Texas Spring (PCBCo. tunnel) and Furnace Creek or the test well to be drilled shortly, by about mid-August, with indications of approximate parts to be completed by about mid-September. The accomplished work should include the site of test well, and alternative points of diversion in Furnace Creek drainage if they have been selected by then. The well or alternative points of diversion should be tied to some corner shown on the two sheet of Drawing NM-DB-6967 which supported the grant of easements to the Borax Company. Accomplishments should also include reference to issued invitations for bids, bids, and contracts awarded for construction which has not started. Particular emphasis should be given to construction or planning for the supply line from Furnace Creek or the test well, but we should also have information on the storage and distribution system.

It is assumed that plans will not be sufficiently advanced to permit completion of amended applications and file them by the October 1 deadline. For that reason the requested plans can be photostats of working drawings. Ideally, a single sheet key drawing with elevations, and brief descriptions of reservoir elevations and locations, pipe sizes, pump and motor capacities, will suffice if they permit us to describe the project.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Death Valley, w/c attachment
Chief, WODC, w/c attachment

54

06-20-1959: memorandum on the cow creek water system ; june 20, 1959

Office of
Chie[illegible]ern Office
Div. of [illegible]sign and Const.
JUN 1955 27 A.M.
Supv. Architect
Supv. Engineer 6/26/27
Supv. Landscape Arch.
Safety Engineer

L54-L

June 20, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Cow Creek Water System, Docket 1, Death Valley

C/R Docket 2.

We are distributing new folders for Docket 1 to you and the Superintendent, with copies of this memorandum, and supplying the Western Office of Design and Construction with a condensed assembly. The changes are being made to shift the historical water claims to the bottom and to provide for expansion.

The acquisition of the Nevares property included riparian rights to use of the water on that land. It did not confer any rights to use of water in excess of 0.446 sec.ft. at the Park Village. Application 9510 authorizes the use of 0.446 sec.ft. at Park Village. As soon as a plan for use of all spring flow can be completed, a supplemental Water Right Application should be prepared and filed for Part V of docket.

Docket 2, Application 9509, relates to use of much of the same 0.446 sec.ft. for power. The plans for use of supplemental water supply should include plans of power use, whether for more or less than 0.446 sec.ft., so we may amend that application and file supplemental claim if necessary.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Death Valley, with attachment
Western Office of Design and Construction, with attachment

51

In reply refer to:
L54-L

(7)

Office of
Chief, Western Office
Div. of Design and Const.
NOV 22 1954 A.M.
Supv. Architect.....
Supv. Engineer. 1 —
Supv. Landscape Arch.....
Safety Engineer.....

November 17, 1954

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Annual Reports on Water Rights (Dockets 1, 2, 3, 4, 5, 6, 7 and 9) Death Valley

Attached are the copies of annual reports for insertion in the indicated dockets at your office and Death Valley

By reference to the letter transmitting the originals to the State Engineer, copy of which is attached, of which copies are also being distributed, you will note that I have invited a field inspection of the Cow Creek Domestic and Lower Emigrant Spring water systems with a view to possible proof for final licenses. Mr. Binnewies can supply the details of water use at Cow Creek from past correspondence when the representative of the State Engineer calls. I am more doubtful that satisfactory proof can be made on the Emigrant Spring diversion, but it will do no harm to have the matter considered. In both cases, Mr. Binnewies should tell the State representative that we do not want proof at this time if such proof would be for less than the authorized quantity of water.

In connection with the use of water from Emigrant Spring, the ranger residence should require about 250 gpd. A flush toilet uses 3-5 gallons at a time. I guess that a car with a boiling radiator may have from ½ gallon to full tank used, depending on conditions. Barrels and water bags have standard capacities. It seems quite possible that the required 4,300 gallons per day may have been used at the Easter season of most years when the spring flow was adequate.

It is hoped that no serious inspection of Furnace Creek be made. If such is necessary, Mr. Binnewies should be prepared to explain that we are working out water claims of the U. S. and Company in a friendly manner, one step has been the clarification of rights-of-way for the Borax Company during the past year. He can also point out, if necessary, that the Company recognizes a Federal claim to water based on the test well and filings, but

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ultimate point of diversion and respective water claims have not been worked out. He might also explain that the Company is getting rights-of-way subject to reservation of Federal rights to divert at same sources, and that both parties have agreed that related water rights are not to be settled or affected by the grant of easements to which no riparian rights shall attach.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments

Copy to: Western Office of Design and Construction

08-23-1954: memorandum on the perfection of rights to waters of cow creek ; august 23, 1954

In reply refer to: L54-L

Office of
Chief, Western Office
Div. of Design and Const.
AUG 25 1954 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

August 23, 1954

Memorandum

To: Superintendent, Death Valley

From: Acting Chief of Operations

Subject: Perfection of Rights to Waters of Cow Creek, Dockets 1 and 2, Death Valley

Attached is copy of Mr. Dunn's August 4 memorandum on the above subject. We have been holding this with the expectation that this office could look into the situation and have some concrete background information that would assist this office and yours but various matters have interfered. The delay is regretted.

In the meantime it is suggested that you study Mr. Dunn's memorandum and give us the benefit of your observations. You will note that the correct sizes of the two hydro-plants are desired and the amount of water used. We shall also appreciate your estimates of water demands.

Additional information and analyses of requirements may be accomplished after Mr. Spaulding is released this fall for work in your area. The Design and Construction office has informed us that Mr. Spaulding's work at Grand Teton will be concluded about September 15.

E. M. Hilton
Acting Chief of Operations

Copy to: Western Office
Division of Design and Construction
w/copy of Mr. Dunn's memorandum 8/4/54

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

In reply refer to:
L54-L

August 4, 1954

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Perfection of Rights to Waters of Cow Creek,
Dockets 1 and 2, Death Valley National Monument

The memorandum of June 10 from Mr. Crowley indicates that we need a revision of the drawings in the Dockets to be able to determine exactly how much water is being used beneficially in the Cow Creek area below the Nevares Tract. The tracing can be made up in your office, or the Park Engineer can sketch in the data on a print of the existing tracing and forward it to this office for completion.

I am reasonably certain that final proof on the authorized 0.446 sec.ft. under Permit 5381 (Docket 1) can be made; and that final proof on about 0.333 sec.ft. under Permit 5380 (Docket 2) can be made, and is all that can ever be made. However, we do not want the State Engineer to reject the proof as he did some years ago on the claims to Texas Springs. Hence, we should be sure of our ground.

We should have a revised plan of the pipeline showing location of diversions, the locations of the reservoir, laterals to and location of power plants with capacities, the pipeline to the swimming pool, the pipeline laterals for domestic purposes, and pipe outlets for irrigation. This plan should show where water is used for two or more purposes such as power and thence to irrigation. There should be enough elevations, or profiles, with the pipe diameters to permit determination of capacities.

There have been so many different reports on the sizes of the two hydro-plants that we do not even know which are correct, or how much water they use. If they are 3KW near swimming pool and 7.5KW at residential area, they should require about 0.0735 sec.ft. and 0.259 sec.ft., or a total of 0.3325 sec.ft. Permit No. 5380, Docket No. 2, calls for the use of 0.446 sec.ft. through one plant at lower site. If commercial power is brought in, the proposed installation will probably never be constructed, and we might as well revise the claim and make proof on about 0.333 sec.ft. However, the two units are not usually operated at once, so their conflict with other water demands must be considered separately.

NATIONAL PARK SERVICE
RECEIVED
AUG 9 1954
REGION FOUR OFFICE

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If Drawing 6976, in Docket 1, is nominally correct, all water not used for consumptive purposes, should be flowing through the swimming pool. If three changes of water per day are required to meet Public Health Service standards, there is a recreational demand under Permit 5381, Docket 1, for 0.738 sec.ft., but only 0.0446 sec.ft. is being delivered even when 0.0735 sec.ft. passes through the small power plant just above it. With considerably more than the authorized 0.446 sec.ft. of water now available on the Nevares Tract, and a pipe capacity of 0.85 sec.ft., there is a lot of domestic use, or waste, to explain. It should be possible to deliver the entire 350 gpm which was being diverted on December 23, 1953, according to Mr. Goodwin's Report, except for the water supplied to the domestic and irrigation water systems.

On the basis of Mr. Crowley's memorandum, the consumptive water demands appear to be as follows:

Irrigation (8-hr irrigation day)	0.3720 sec.ft.
Utility demand	0.0016 sec.ft.
21 Excelsior type air conditioners	0.0094 sec.ft.
Domestic water demand (from my memo of April 26 and daily peak of double the average)	0.0077 sec.ft.
Total	0.3907 sec.ft.

To all intents and purposes, the power demand and preceding tabulation of domestic, industrial and irrigation demands are non-competitive as to hours of the day, and approximately equal. Close to half of the irrigation water could also be used in the swimming pool before being applied to the land.

There is an inconsistency in that I understood that the water used by the upper power plant (night demand) was released to irrigation, while Mr. Binnewies now reports that all irrigation is during an 8-hour shift, presumably during the daylight hours. Some further details as to hourly variations in demand would be helpful to correct the following estimate of maximum demands; assuming 0.79 sec.ft. diverted:

Water Use	8AM-5PM	5PM-11PM	11PM-8AM
Domestic demand (peak hour)	0.0025 s.f.	0.0077 s.f.	0.0050 s.f.
Air conditioners	0.0094 s.f.	0.0094 s.f.	0.0094 s.f.
Utility demand	0.0016 s.f.	0.0000 s.f.	0.0000 s.f.
Irrigation releases above swimming pool ($\frac{1}{2}$ of total ?)	0.1360 s.f.	0.0000 s.f.	0.0000 s.f.
Total Consumptive Use	0.1495 s.f.	0.0171 s.f.	0.0144 s.f.
Residual for Swimming Pool	0.6405 s.f.	0.7729 s.f.	0.7756 s.f.

It is my opinion that we should file an application for a supplemental right to all spring flow in excess of the authorized

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0.446 sec.ft., for domestic, recreational and irrigation purposes, using a revised drawing, and that we should request proof on the authorized 0.446 sec.ft. using the same drawing and a more refined tabulation like the one preceeding. First, however, we must find out why there is not at least 0.64 sec.ft. of water flowing through the swimming pool.

A. van V. Dunn
Chief, Water Resources Section

In duplicate

In reply refer to:
L54-L

June 10, 1954

(1)

IRE 4/10
CROWLEY

Memorandum

To: Director

From: Supervising Highway Engineer

Subject: Perfection of Rights to Waters of Cow Creek, Dockets 1 and 2, Death Valley National Monument

With reference to Mr. Dunn's subject memorandum of April 26, we give the following replies secured in part from Superintendent Binnewies when he was here recently.

The daily irrigation schedule is eight hours.

The utility demand is estimated at 1000 gallons per day.

The Public Health Service swimming pool standards would require three changes per day which would be the total Navarez Springs flow. At present the inflow to the pool is estimated to be 20 gallons per minute.

The 21 excelsior type coolers are used four months a year (or seven months if all are to live in the Valley the year around) and demand 12 gallons of water each per hour.

One drawing shows a 7 KW plant on the 6" line with a nozzle elevation of 188.67. Intake elevation 617. Another plan shows the elevation of the lower power site as 18.30. Mr. Binnewies gives the plant sizes as 3 KW and 7½ KW.

This office has in mind redrawing the master plan for the Cow Creek area when time permits. This will doubtless involve proposals which will increase the demand for water.

There will probably be a park engineer covering Joshua Tree and Death Valley in the fall, when any additional information required can be secured.

(SGN) H. L. CROWLEY

H. L. Crowley
Supervising Highway Engineer

Copy to: Death Valley
Regional Office

HLCrowley/ad

FILE COPY

47

In reply refer to:
L54-L

May 5, 1954

Crowley 5/4
~~Hill~~

Memorandum

To: Superintendent, Death Valley

From: Assistant Regional Director, Region Four

Subject: Perfection of Rights to Waters of Cow Creek, Dockets 1 and 2, Death Valley National Monument

Attached is an April 26 memorandum by Mr. Dunn on the subject. Please review this carefully so that we may review the matter with you the first opportunity you have to visit the Regional Office.

(SGD) SANFORD HILL

Sanford Hill
Assistant Regional Director

FILE COPY

Attachment

Copy to: Director

Design & Construction

HLCrowley:mb

46

04-15-1954: memorandum on cow creek sent to the director regarding plant materials ; april 15, 1954

D+C

In reply refer to: L54-L

Westley
Kuehl
Crowley
Manbey
McClellan
Hill

April 15, 1954

Memorandum

(1)

To: Director

From: Assistant Regional Director, Region Four

Subject: Rights to Waters of Cow Creek, Dockets 1 and 2, Death Valley National Monument

In compliance with the request made in Mr. Dunn's memorandum of February 9, Mr. Westley has made the following tabulation of plant materials, including lawns, trees and shrubs at the Cow Creek Headquarters, Utility and Residential Areas, which receive irrigation water directly from the Nevares spring. In addition to this tabulation there are some trees (principally Mesquite) in the wash northerly and easterly of the Residential Area which probably receive water indirectly by sub-surface seepage from this source. None of the trees growing along the ditches on the former Nevares property has been included, although sustaining this plant life might be considered beneficial to future development of the area.

Plant Material	No.	Ave. Caliper	Ave. Spread	Ave. Sq. Footage	Total Sq. Footage
Lawns (Bermuda Grass)	11	-	-	-	41,450 sq. ft.
Athel (Tamarix aphylla)	443	8"	30'	706.9	313,157 " "
Tamarisk (Tamarix gallica - deciduous)	46	4"	15'	176.7	8,128 " "
Mesquite (Prosopis pubescens and P. glandulosa)	245	6"	20'	314.2	76,979 " "
Cottonwood (Populus fremonti)	29	8"	30'	706.9	20,500 " "
Palo Verde (Parkinsonia aculeata & cercidium floridium)	25	4"	15'	176.7	4,418 " "
Palms (Washingtonia filifera & Phoenix dactylifera)	103	12"	10'	78.5	8,090 " "
Miscellaneous (Salix, Chilopsis linearis, Beleperone, etc.)	8	2"	6'	28.3	226 " "
Total Trees and Shrubs	910				472,948 sq. ft.

It is estimated that the total area under irrigation from Nevares water is 10.9 acres.

45

Assuming there are vast differences in the water requirements of different species we can only consider this as an estimate. (For instance Palms, with relatively small foliage spread, probably transpire water at a tremendously greater rate than does Athel and Tamarisk.) At Furnace Creek Ranch the palms are flooded three days a week, whereas care is exercised to limit watering of Athel trees to prevent their blowing over.

A better analysis of water usage might be made if we knew the rate of transpiration for each species in relation to temperature and humidity. As this information is not readily available we are assuming the average use of all these plants to be about three-acre feet per annum for the spread of the tree or lawn. From this we estimate present usage for irrigation at approximately 33-acre feet.

It appears inevitable that Cow Creek will be the eventual year round headquarters for the major portion of the monument staff. At such time as this takes place the water requirements for landscape treatment, trees, shrubs, lawns, etc., will be greatly accelerated. At present the lawn areas of approximately one acre are about the maximum that can be cared for by a single caretaker during the summer months. However, when the area is staffed year round, there will be an incentive and desire for nearly every resident to have lawns and other plantings to temper the excessive desert heat by evaporation, transpiration and increased humidity. These plantings will probably require several times the amount of water now used for this purpose.

With increased use of air conditioning equipment in offices, shops and residences, the present domestic water demand of 2,500 gallons per day, and Unility Area demand of 1,000 gallons per day, listed in Mr. Dunn's memorandum, will be greatly exceeded.

We hope this information will be helpful to Mr. Dunn in arriving at our water use requirements from the Nevares spring.

(SGD) SANFORD HILL

Sanford Hill
Assistant Regional Director

Copy to: Acting Supt., Death Valley

VJWestley:fa

02-09-1954: memorandum on the rights to waters of cow creek; attached february 9 memo ; march 04, 1954

Hill

In reply refer to:
154

CROWLEY
HOHL
PETERSON
MANBEY

March 4, 1954

Memorandum

To: Superintendent, Death Valley

From: Regional Engineer, Region Four

Subject: Rights to Waters of Cow Creek, Dockets 1 and 2,
Death Valley National Monument

Relative to the attached copy of a February 9 memorandum from Mr. Dunn on the subject, we are not certain as to the visit of an engineer to Death Valley because of the reorganization. We should, therefore, appreciate your endeavoring to supply the information requested by Mr. Dunn, in order to show beneficial use of the water.

(SGD) H. L. CROWLEY

H. L. Crowley
Regional Engineer

Attachment

HLCrowley:rw

Region Four.

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

In reply refer to:
L2223 DEAT

Manbey BFm 2/9
McClellan Ltr 2/14

February 5, 1951

Air Mail

Subject: U. S. v. 320 Acres of Land in the County of Inyo, etc., et al., No. 1016-ND Civil

Mr. Irl D. Brett
Special Assistant to the Attorney General
807 Federal Building
Los Angeles 12, California

Dear Mr. Brett:

Enclosed is a copy of a letter of January 29 to Mr. John B. Lonergan from the State Engineer of California in reply to an apparent request to have the Federal water right applications for the appropriation of the waters of Cow Creek in Death Valley cancelled. The protest is decidedly belated, since none was filed on behalf of Mr. Nevares in 1939.

It is gratifying to note that the State Engineer will take no action during the pending condemnation. The only grounds for cancellation would be lack of unappropriated water, as stated in Section 1d of the Water Commission Act, of which my copy was printed in 1941. In this connection, it is significant that Section 11 of the act fixes 10 years of nonuse of water as the evidence of lapse of rights.

The State Department of Public Works also issues a little pamphlet, Rules, Regulations and Information Pertaining to Appropriation of Water in California, which may be obtained free on request to the State Engineer, Public Works Building, P. O. Box 1079, Sacramento 5, California. My copy of that pamphlet, dated 1946, includes considerable information in Title 23 - Waters, and on pages 1-a to 7-a following page 48 of the general regulations is "General Information Pertaining to Appropriation of Water." One section is devoted to "Loss of Appropriative Rights." In both cases are included certain citations.

I believe that you should obtain copies of both the Rules and Regulations and the Water Commission Act from the State Engineer if you have not done so, as they offer much of the information which I have considered in deciding that Mr. Nevares has relatively limited water rights.

NATIONAL PARK SERVICE
RECEIVED
FEB 9 1951
REGION FOUR OFFICE

33

In connection with the general problem of property values, attention is also called to Section 20 of the Water Commission Act, in which one paragraph is devoted to the value of water rights, and states that they are limited to the actual amount paid to the State insofar as they relate to rights initiated under the water code by appropriation since 1913.

In the particular case, of course it really means that the value of Mr. Nevares' property is limited to the land values and improvements plus the fee he may have paid for the county water right filing and his costs incurred in connection with the injunction proceedings of a decade ago.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

Enclosure

Copy to: Regional Director, Region Four (2) with 2 copies of State Engineer's letter of January 29

COPY

Earl Warren
Governor of California

A. D. Edmonston, State Engineer
Chief of Division

C. H. Purcell
Director

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

Address reply to
Division of Water Resources
Public Works Building
P. O. Box 1079
Sacramento 5

January 29, 1951

Applications 9509 - 9510

Guthrie, Lonergan & Jordan
Attorneys at Law
506 Andreson Building
San Bernardino, California

Attention: John B. Lonergan

Gentlemen:

Your letters of January 17 are at hand objecting on behalf of Adolph Nevares to the issuance of licenses and requesting a public hearing in the matter of Applications 9509 and 9510 of the United States-Death Valley National Monument.

It is our understanding that condemnation proceedings against Mr. Nevares' property within the Death Valley National Monument were instituted in the United States District Court for the Northern Division of the Southern District of California on September 15, 1950, Case No. 1016-ND. It is the policy of the Division to defer action on an application when pending litigation may involve the rights applied for. For that reason it is not believed that we can act upon your request until the condemnation proceedings are completed.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By JAN 29 '51 H.S.
Harrison Smitherum
Supervising Hydraulic Engineer.

KLW:NHM

cc: Death Valley National Monument
c/o A. van V. Dunn
National Park Service
Department of Interior
Washington 25, D. C.

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKDS
Sacramento

November 23, 1940

Applications 9509 and 9510
Permits 5380 and 5381

Mr. T. R. Goodwin, Superintendent
Death Valley National Monument
Death Valley Junction, California

COPY

Dear Mr. Goodwin:

Upon my return to the office I looked up the filings of the Death Valley National Monument before the Division and I find that apparently the case to which you referred on my recent visit is the one of Adolf Nevares.

It appears from an examination of your Application 9509 and 9510, which were filed on Cow Creek and tributaries, that Leroy B. Lorenz, an attorney of 433 South Spring Street, Los Angeles, wrote to this office on May 9, 1939, advising that a client of his was "interested in a parcel of land, comprising 1/2 of sec. 36, adjoining on the east the land now affected by applications." The applications referred to by Mr. Lorenz are 9509 and 9510, which numbers appeared at the head of his letter. Mr. Lorenz was advised on May 12, 1939, that while his client might have certain riparian rights to the stream as it passed through his land he could not be heard to complain against a lower diverter "for the reason that he would be in a position both legally and physically, to take any water to which he has a rightful claim before the same would become available to the downstream applicant." Mr. Lorenz replied by post card on May 15 thanking the Division of the "helpful letter under date 13, in answer to my recent inquiry." When the applications were advertised on June 1 following a notice was sent to Mr. Lorenz but nothing further was heard from him.

On June 8 Mr. A. Nevares of Furnace Creek Ranch inquired concerning the applications and asked for copies thereof. Copies of the notices of advertisement were sent to him with protest blanks and instructions relative to protests and hearings. On June 21 Mr. Nevares replied and a copy of his letter is enclosed. The first sentence of his letter is significant inasmuch as it appears that he recognized the fact that he had no basis for objections against the appropriation of water from a flowing stream. In answer to this last letter Mr. Nevares was advised on June 27 that if his lands were above the diversion points of applicant, as indicated, no protest would lie against the applicantions. It will

also be noted in Mr. Nevares letter that he indicated a belief that the water possibly takes on the character of percolating underground water, in which event it would be a common benefit to the overlying lands. On June 27 he was informed that the maps recently submitted by the applicant indicated that the water would be taken on the applicants' own land and that it would therefore be difficult for him to state a cause of action against the applications for the reason that he would be in a position to take the water before it reached the applicant's diversion points. In this connection it should be noted that the applicant has submitted maps in considerable detail which show the applicant's diversion system just below the protestant's lands. In fact the applicant appeared to be very careful that no trespass was made on Mr. Nevares' lands. You no doubt have these maps in your files. They may be referred to under your drawing No. NM-DV 6975. Nothing further was ever heard from Mr. Nevares on this subject.

Permits were issued on these applications in due course, one for domestic and recreational purposes to serve the Park lands and headquarters and one for a small power plant of 33 theoretical horsepower for use at the Park headquarters. On October 14 last progress reports showing construction and use of water for the year 1940 were received and the following statement is quoted from the reverse side of these progress reports:

> "During construction in January, 1939 Adolf Nevares owner of property where water originated diverted the main upper spring to the north so that no water reached our diversion.
>
> "Water from two lower springs at the rate of 90 gallons per minute was entering the diversion on its completion in June, 1939 and this amount held constant until February, 1940 when Nevares diverted the lower two springs, cutting the overflow to 4 gallons per minute.
>
> "Temporary injunction was granted by U.S. District Court on Feb. 9, 1940 but it will require a damage suit for returning flow of water to its original channels."

Inasmuch as the case is apparently before the U.S. District Court this office could not appropriately at this time interfere in any manner and for this reason nothing was done about it when the reports were received. It has always been the practice of the Division where a case is before a court to refrain from action in any manner unless requested by the court for information.

There is enclosed a copy of our Rules and Regulations relative to appropriation of water in which attention is directed to passages beginning at page 29 under the heading "Disputes Over the Use of Water." If in your belief the Division could be of assistance to you along any of the lines therein indicated we will be pleased to respond to your inquiry. Participation by the Division would necessarily be with the consent of the court, or if the case is dismissed by the court the Division might then take it up if mutually agreeable to the respective parties.

Sincerely yours,

(Sgd.) Edward Hyatt
STATE ENGINEER

CC: Mr. Martin Blote
Associate Hydraulic Engineer
Furnace Creek Inn
Death Valley Junction
California

COPY

Furnace Creek ranch

Death Valley, California

June 21, 1938.

State of California Department Works
Division of Water Resources
P. O.Box 1079
Sacramento, California

Dear Sir:

Please accept thanks for the information as mailed me by your favor June 8. I note Regulation 11 affords no sound basis for filing protest on water passing over. However as there are no direct stream and such might be deemed from a percolating standpoint seeming that is the apparent nature of the flow of water on which Applications 9509-9510 as per U. S. Death Valley National Monument would apply. Assuming that there might be a question of a contaminating point of view in that event would you deem a filing in order as a precaution to ward future controversy since I note nothing in the water regulation 11. I will appreciate very much if you can advise me along this line. That may prove of mutual interest and protection to all concerned. Thanking you kindly for any inconvenience I may cause you.

Yours very truly

A. Nevares

and to combine the flow with the main supply. However, it is recognized that should irrigation demand increase, a separate system system carrying the lower spring flow is feasible. The separate system would make use of the existing 6-inch conduit from the 6' x 10' tank to the residential area after a paralleling 8-inch line has been constructed for the main supply. This development will probably not be needed before 1966.

By copy of this memorandum, we ask the Superintendent to confirm this analysis of Monument needs.

In preparing the application for excess water Mr. Dunn will want to know that a more prolonged reading of the Sparling Meter by Mr. Hinenberg shows the flow from the main springs to be 286 gallons per minute instead of the 283 GPM calculated by Mr. Spaulding by timing the passage of only 0.001 acre feet on the meter. Also, he will want to know if the existing 6-inch line is so constricted that wastage from the 6' x 10' tank is unavoidable. Mr. Spaulding will investigate this on his trip to Death Valley.

(SGD) FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Copy to:Superintendent, Death Valley
Chief, WODC

66

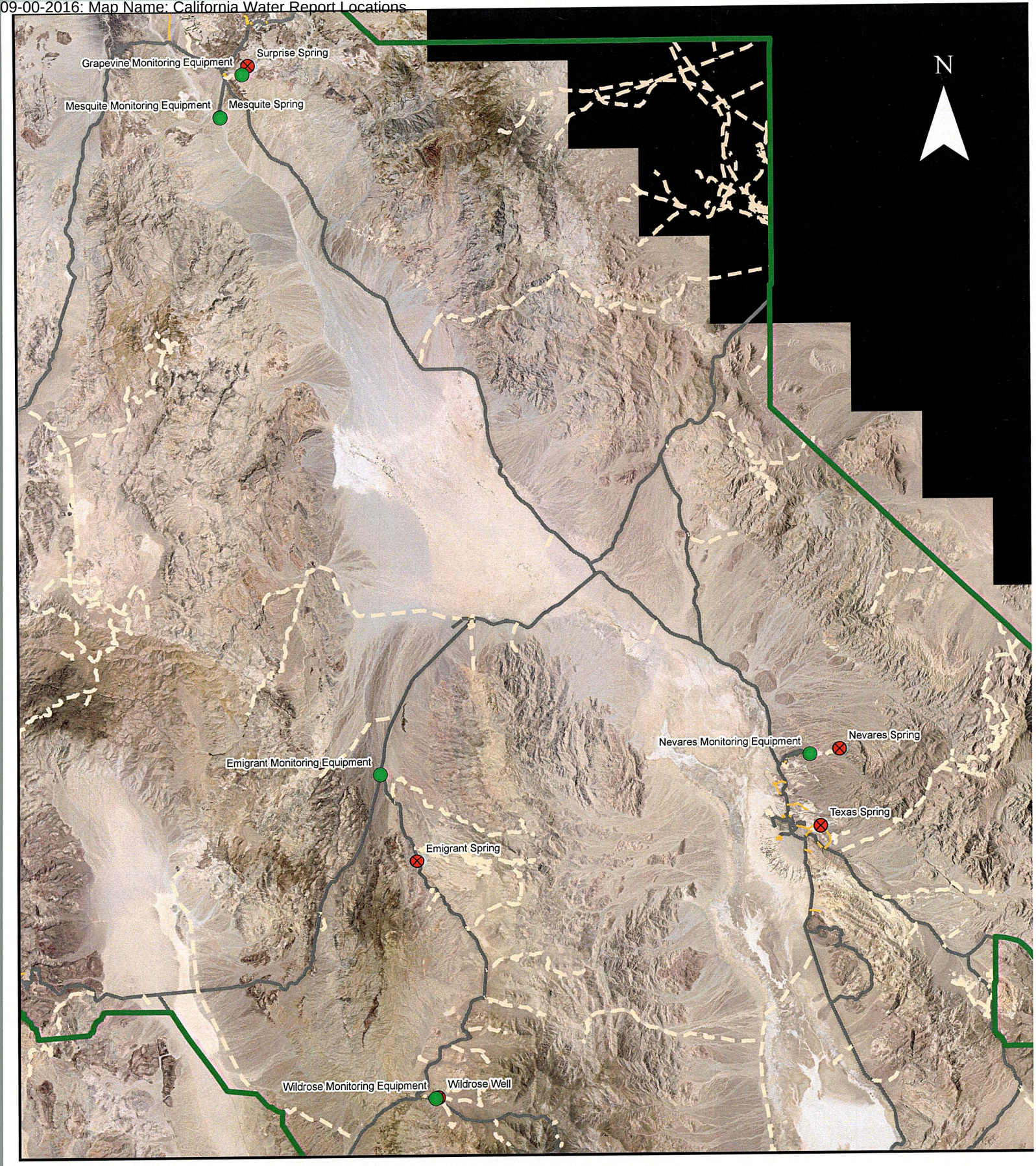
08 MAPMISC

Death Valley National Park

MAIN COW CREEK (A009150)

Maps and Miscellaneous Information

09-00-2016: Map Name: California Water Report Locations



Legend

- Water Monitoring Stations
- CA Report Locations
- DEVA_Boundary

DEVA Roads

STATUS

- Paved
- Service
- Trail

Miles

0 2.5 5 10 15 20

California Water Report Locations

Sept. 2016

00-00-0000 cow creek water system enlargement

PARK VILLAGE

NORTH CANYON COW CREEK

COW CREEK

33

34

35

36

STATE RT. 190

HEADQUARTERS

MON. HDQTS.

REGULATING RESERVOIR

not to be relocated

Hydro-Electric Plant

SWIMMING POOL

To be retained & enlarged

SPRING AREA NO. 2

dry - no flow in 1956 or 1958

TO FURNACE CR.

MAIN COW CREEK CHANNEL

Reservoir Site No. 1

Reservoir Site No. 2

Reservoir Site No. 3

Is 4" Line Still Independent of 6" line And in use?

4" line is independent of 6" line but is not in use. upper end has probably been destroyed by 1958 construction

PIPE LINE

PIPE

4" PIPE

PIPE LINE EXTENSION UNDER THIS APPLICATION

STATE SCHOOL LAND
ACQUIRED BY ADOLPH NEVARES BY CERTIFICATES 12973 & 13760
CONDEMNED BY U.S. (CIVIL NO. 1016-ND U.S. DISTRICT COURT, SOUTHERN DISTRICT
DEC. OF TAKING DATED MAY 4, 1951

NOTE: SEE INSET FOR ENLARGEMENT OF SPRING AREA NO. 1

NEW POINT OF DIVERSION BY THIS APPLICATION

N 69° 39' E 3077 FT.

¼ COR.

N 20° 58' E 387'

INSPECTION PIT

SPRINGS

DITCH

OLD POINT OF DIVERSION

T28N R1E S.B.B.&M.
T27N R1E S.B.B.&M.

EAST 200 FT.

NORTH 240 FT.

SOUTH 400 FT.

NORTH 160 FT.

WEST 200 FT.

SPRING NO. 2 BOTTOM ELEV. 939.1' DEPTH OF WATER 2.0'

NOTE: ALL UNDERDRAINS SHALL BE 6" DIA. DRAIN TILE AND THE COLLECTOR LINES SHALL BE 6" ASBESTOS CEMENT PIPE.

SPRING NO. 3 BOTTOM ELEV. 936.3'

SPRING NO. 4 BOTTOM ELEV. 935.2' DEPTH OF WATER 0.7'

SPRING NO. 1 BOTTOM ELEV. 935.1' DEPTH OF WATER 0.3'

SPRING NO. 5 BOTTOM ELEV. 934.1' DEPTH OF WATER 0.7'

SPRING NO. 6 BOTTOM ELEV. 934.0' DEPTH OF WATER 0.2'

SPRING NO. 8 BOTTOM ELEV. 937.5' DEPTH OF WATER 0.2'

SPRING NO. 7 BOTTOM ELEV. 934.3' DEPTH OF WATER 0.1'

SPRING NO. 9 BOTTOM ELEV. 937.0'

SPRING NO. 8A BOTTOM ELEV. 938.6' DEPTH OF WATER 0.1'

SPRING NO. 10 BOTTOM ELEV. DEPTH OF WATER 0.1'

SCALE: 1" = 50 FT.

ENLARGED SPRING AREA NO. 1

NEW POINT OF DIVERSION BY THIS APPLICATION
TIE FROM E ¼ COR. SEC. 35 N. 69° 39' E. 3077 FT. TO NEW POINT OF DIVERSION.

LEGEND

- PIPE LINE
- SECTION LINE
- ¼ SECTION LINE
- 1/16 SECTION LINE
- TIE
- STREAMS AND WASHES
- BUILDINGS
- ROADS
- SPRINGS
- FORMER PATENTED LAND
- DITCH SYSTEM

0 1 2 3
0 1cm 2 3 4 5 6 7 8

0 800 1600 2400
SCALE: 1" = 800 FT.

Transmitted with Dunn's memo of Aug 29, 1958

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LANDS BRANCH, WATER RESOURCES SECTION
WASHINGTON, D.C.

REGION IV
SHEET 1 OF 1

CHECKED BY A. VAN V. DUNN

COW CREEK
WATER SYSTEM ENLARGEMENT
DEATH VALLEY NATIONAL MONUMENT
INYO COUNTY, CALIFORNIA

DRAWING NO. NM-DV 6991

DRAWN BY V.A.B.
DATE: JUNE 1958

05-03-1940: navares property and related cow creek water system

U. S.

E. 15000. N. 10000.

E. 15000. N. 10000.

U. S. A. NEVARES U. S.

U. S. U. S.

U. S. U. S.

U. S.

00-00-0000: navares tract

T. 28 N., R. 1 E., S.B.B.M. INYO COUNTY CALIFORNIA

LEGEND

- Ditch
- Wash
- Draw
- Spring
- Road
- Hedge
- Areas Supporting Vegetation
- Marsh
- Buildings
- Property Line
- 1/4 Section Line
- 1/16 Section Line
- 100 Contour Line
- Pipe Line
- Old Ditch Bench
- Survey Stations
- Grid Lines
- Point At Which Water Was Measured

ALTERNATING BARREN RIDGES AND DRAWS (NO WATER OR VEGETATION)

BARREN ROCK

SPRING (DATA SITE) ELEV. 933.4

SPRINGS

SPRING ELEV. 942.9

HEAD OF MAIN DITCH

SPRINGS

SPRINGS

SPRING AREA NO. 1

DITCH

SPRING ELEV. 958.1

SPRING ELEV. 972.4

SPRING

SPRING ELEV. 878.4

SPRING

4" PIPE ELEV. 894.0

MOUNTAIN (BARREN ROCK)

MIGHT PROVIDE RESERVOIR SITE FOR GRAVITY DISTRIBUTION TO MOST OF TRACT.

WEIR

SPRINGS

SPRINGS

SPRINGS

SPRING AREA NO. 2

SPRING ELEV. 904.2

SPRINGS

DRAW

MESQUITE TULES

SPRING AREA NO. 4

DITCH

SPRING ELEV. 1151.5

SPRING ELEV. 1220.9

SPRING ELEV. 1215.4

SPRINGS

SPRING ELEV. 1265.5

SPRING ELEV. 1255.5

SPRING ELEV. 1245.6

SPRING ELEV. 1424.

SPRING AREA NO. 3

SPRING ELEV. 1253.

SPRING ELEV. 1261.

WATER TROUGH

CORRAL

IRRIGATED FIELD

CHECK & TURNOUT WEIR SITE

DITCH

SOUTH

WASH

CHANNEL BED

36

1/4 COR

GARDEN TULES

GARDEN

BRUSH

6'X10' TANK O. OUTLET ELEV. 658.3

6'X10' SETTLING TANK 12'X4'X4' TANK

PARSHALL FLUME

TO MONUMENT HEADQUARTERS AND EMPLOYEES RESIDENTIAL AREA (PARK VILLAGE)

FEDERAL WATER RIGHT APPROPRIATION UNDER STATE PERMITS NOS. 8380 AND 8381 WITH PRIORITY OF AUG. 17, 1939.

OUTLET 4" PIPE ELEV. 661.5

INSTALLED BY NATIONAL PARK SERVICE WITH CONSENT OF ADOLPH NEVARES.

4' X 7' CONC. SETTLING TANK ELEV. 670.6

INLET 4" PIPE ELEV. 674.0

SPRINGS

SPRING ELEV. 1253.

SPRING ELEV. 1261.

ALTERNATING BARREN RIDGES AND DRAWS (NO WATER OR VEGETATION)

BARREN RIDGES AND DRAWS (NO WATER OR VEGETATION)

0 1 2 3

0 1cm 2 3 4 5 6 7 8

SURVEYED OCTOBER 1951 BY NATIONAL PARK SERVICE, TO ACCOMPANY WATER RESOURCES INVESTIGATION BY T. W. ROBINSON, DISTRICT ENGINEER, U.S. GEOLOGICAL SURVEY.

SCALE: 1" = 200'

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LANDS DIVISION, WATER RESOURCES BRANCH
WASHINGTON

REGION IV

SHEET 1 OF 1

NEVARES TRACT
DEATH VALLEY NATIONAL MONUMENT
CALIFORNIA

DRAWING NO. NM-DV 6970

T.28N. R.1E. SAN BERNARDINO MERIDIAN

E.15000. N.10000.

33 34 35 36

NORTH CANYON COW CREEK

"COW" CREEK

MAIN COW CREEK CHANNEL

Navarez Property Line

Spring

"A", North Extremity of Diversion, S. 1°26'E. 965' To "B"

"B" N.0°01'W. 788' To E¼ Cor. Sec. 35. South Extremity of Diversion

S.0°07'E.

Navarez Property Line

E.15000. N.5000.

HEADQUARTERS 8" W

PROPOSED EXTENSION 8" W LINE.

PIPE 6"

Ditch

COMMINGLING TANK

Jct. Underground and Surface Lines

Power House 133+69.55

Regulating Reservoir 144+38.69

Swimming Pool

EXISTING POTABLE 2" PIPE LINE W

Sprs.

Spr.

7.14 Acres

3.11 Acres

3.17 Acres

0.66 Acres

0.89 Acres

3.91 Acres

0.06 Acres

0.14 Acres

15.93 Acres

16.48 Acres

7.25 Acres

0.12 Acres

11.57 Acres

27.52 Acres

70.95 Acres

116+05.00

120+88.13

129+48.71

133+69.55

134+85

137+78.28

139+50.26

141+03.69

142+96.24

144+38.69

147+24.43

150+32.85

154+97.54

159+81.61

160+68.03

164+97.97

170+88.13

172+25.22

174+41.37

175+62.37

"A"

"B"

Excess Head to be compensated to permit simultaneous operation with other Diversions.

COMMINGLING TANK ELEV. 657.2'

CONTROLLING GRADE 40.51 Ft. PER 1000 Ft.

HEADQUARTERS COW CREEK PIPE LINE.

POWER HOUSE 133+69.25 ELEV. 18.3'

RESERVOIR 146+38.09 ELEV. -42.1

Ditch

600 400 200 0

40+00 80+00 120+00

Total Fall 638.9 Ft.

Total Fall 700.3 Ft.

PROFILES

SCALES:- HORIZ. 1"=800'
VERT. 1"=80'

LEGEND

- Water Line
- Section Line
- ¼ Section Line
- 1/16 Section Line
- Tie
- Streams and Washes
- Buildings
- Roads
- Grid Lines
- Spring
- Private Land Boundary
- Area of recreational use
- Marsh

0 1 2 3

0 1cm 2 3 4 5 6 7 8

0 500 1000 1500

SCALE:- 1"=500'

I, Robert D. Waterhouse, Region IV, National Park Service, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision during 1938 and Jan. 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.

Robert D Waterhouse
REGIONAL ENGINEER NATIONAL PARK SERVICE.

PREPARED BY	COMPILED & DRAWN BY	TRACED BY
A. van V. Dunn April 21, 1939	W.S.J.	W.S.J.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BRANCH OF LAND ACQUISITION AND REGULATION
SAN FRANCISCO, CALIF.

REGION IV

SHEET 1 OF 1

DRAWING NO. NM-DV 6975

HEADQUARTERS
COW CREEK PIPE LINE
DEATH VALLEY NATIONAL MONUMENT

Survey No 2153

PLAT

of the Claim of the

Henry Clay Mining Co.

upon the

Winter's Borate Deposit Mine

DEATH VALLEY BORAX & SALT MINING DISTRICT,

Inyo County,
California.

Containing an area of 1152.50 acres.

Scale, 30 chs. to the inch
— Variation 15°31' East.

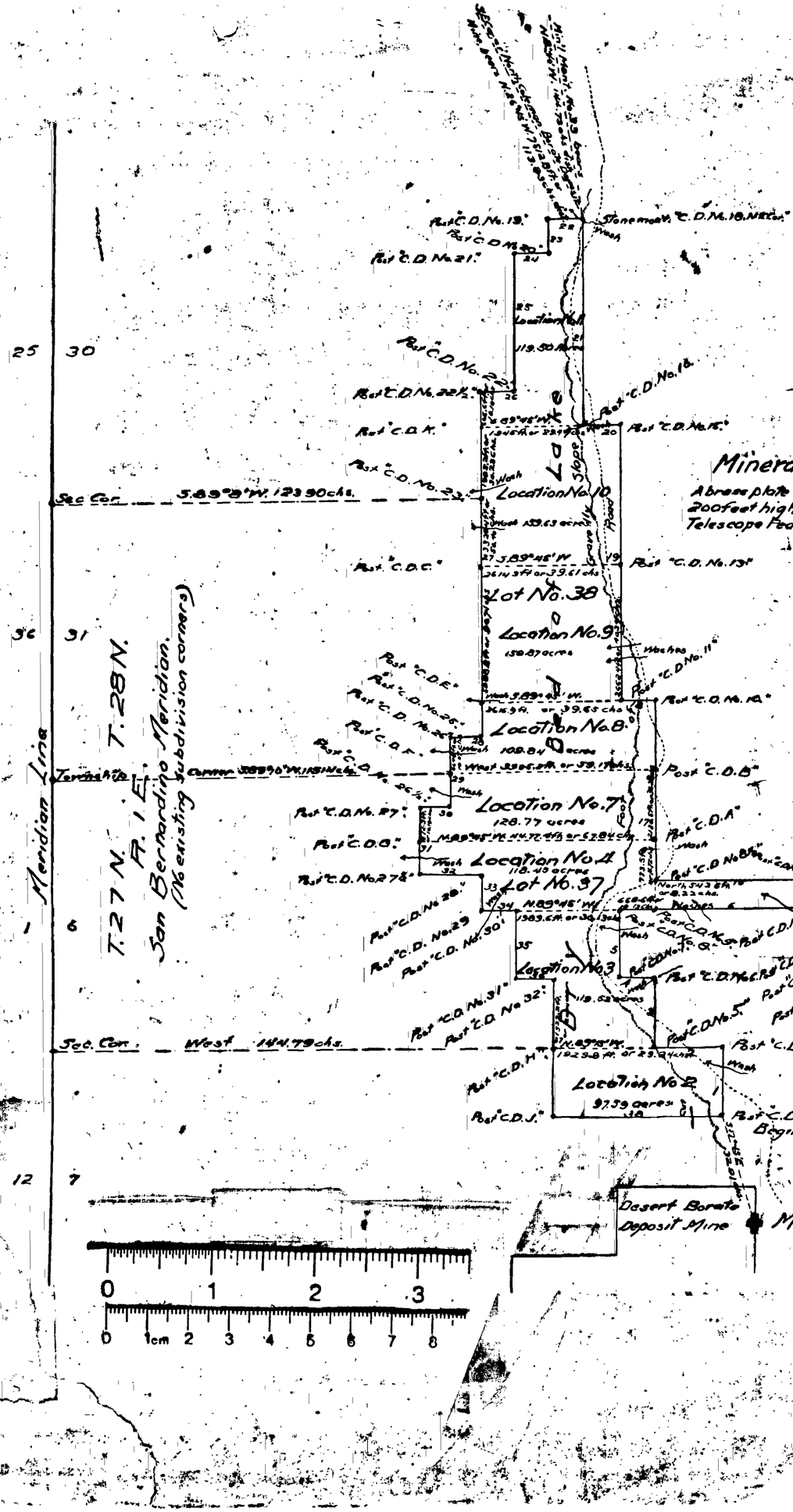
Surveyed by
J.J. McGillivray
U.S. Deputy Mineral Surveyor.
April 1883

Boundaries.

No.	Courses	Feet	Chains	No.	Course	Feet	Chains
1	North	1320.	20.00	20	West	664.6	10.07
2	S.88°30'W.	1327.9	20.12	21	North	4002.8	60.65
3	N.0°30'W.	1338.5	20.29	22	West	666.6	10.10
4	West	670.6	10.16	23	South	667.9	10.12
5	North	1336.6	20.26	24	West	631.	9.56
6	East	3981.1	60.32	25	South	2672.3	40.49
7	S.0°30'W.	725.3	10.99	26	West	651.4	9.87
8	S.88°30'E.	656.7	9.95	27	South	6646.8	100.74
9	South	662.6	10.04	28	West	630.3	9.55
10	East	1329.2	8.67	29	South	1333.9	20.21
11	N.5°15'E.	9587	9.98	30	West	577.5	8.75
12	N.89°15'E	1382.	20.94	31	South	1333.9	20.21
13	North	1398.5	21.19	32	East	1166.8	17.68
14	West	2730.4	41.37	33	South	670.6	10.16
15	South	132.	2.00	34	East	660.7	10.01
16	West	3318.5	50.28	35	South	1331.2	20.17
17	North	3470.9	52.58	36	East	730.	11.06
18	West	663.9	10.05	37	South	2683.1	40.65
19	North	5325.3	80.69	38	N.89°30'E	3248.8	49.24

Mineral Monument No. 34, Inyo County.

A brass plate etc, as per instructions of October 1st 1880, on S.E. slope of a butte 200 feet high, on the East side of Death Valley Winter's Peak bears N.67°40'E. Telescope Peak bears S 29°40'W. Mineral Monument No. 33 bears N.3-24W 42.67 chs dist.



DEPARTMENT OF THE INTERIOR.
GENERAL LAND OFFICE.
Washington, D. C. Nov. 17 1909.
I hereby certify that this is a true copy of the plat of official survey of the lands to which it relates, on file in this office.

S. W. Shepard
Recorder, General Land Office.

The original field-notes of the survey of the claim of the Henry Clay Mining Co. upon the Winter's Borate Deposit Mine from which this plat has been made, have been examined and approved, and are on file in this office; and I hereby certify that they furnish such an accurate description of said mining claim as will, if incorporated into a patent, serve fully to identify the premises; and that such reference is made therein to natural objects and permanent monuments as will perpetuate and fix the locus thereof. I further certify that the value of the labor and improvements placed thereon by the applicant or its grantors is not less than five hundred dollars, and that said improvements consist of collection of borate material and construction of roads, as appears by the report of the deputy surveyor and the testimony of two disinterested witnesses, and I further certify that this is a correct plat of said mining claim made in conformity with said original field-notes of the survey thereof.

U.S. Surveyor General's Office, San Francisco, Cal., September 29th 1883.

W. H. Brown.
U.S. Surveyor General for California.

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Docket Information

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