Docket Number: 2

COW CREEK - POWER PLANT [RETIRED]

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 #:** 002 **Docket Title** Cow Creek - Power Plant [RETIRED]

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: Cow Creek

State: CA
County: Inyo

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

Application #: 009509 **Date:** _____
Permit #: 005380 **Date Issued:** _____
License / Certificate #: 004621 **Priority Date:** 2/17/1939
Ruling/Order/Decree #: _____ **Date Issued:** _____

Quantity: Rate: 0.446 Duty: _____
Units: ☒ cfs ☐ gpm ☐ afy ☐ other _____ Units: ☐ cfs ☐ gpm ☐ afy ☐ other _____

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

POD Name / Location: _____ ☐ Multiple PODs (see water right)
Qtr: SW Qtr: NE Sec: 35 T: 28 N R: 1 E PM: _____
Latitude: _____ Longitude: _____
UTM _____ , _____ Datum: _____

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

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

See Water Right/Source Docket Information dated August 29, 1978 in the preliminary section for narrative.

Docket retired in 1959.

Plan to produce power failed.

☐ Additional Page(s) Attached

WATER RESOURCES/WATER RIGHT

DATE: August 29, 1978

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Death Valley National Monument

SITE Cow Creek - Power Plant

STATE California COUNTY Inyo DOCKET NO WR #2

LOCATION SW¼ of NE¼, Sec. 35, T28N, R1E, SBM

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY

APPLICATION 9509 PERMIT 5380 CERTIFICATE

ACTION DUE PRIORITY February 17, 1939 RESERVATION 1933

QUANTITY 0.446 cfs USE Power

STATUS Inactive SOURCE Surface Water

REMARKS Hydrologic unit 18090203

NARRATIVE:

In 1939 Death Valley N.M. filed Application 9509 to appropriate 0.446 cfs from Cow Creek for power generation. The application involved the same diversion as first filed in DEVA WR #1. The system was to produce a theoretical generation of 32.27 h.p. and include a 100,000 gallon reservoir. A generator was built, but it never produced anywhere near the optimum amount of power for the Headquarters area.

In 1955 the point of diversion of DEVA WR #1 was changed to Nevares Springs. By 1959 no more power was being generated by the original system and the generator bearings had worn out. The power in the Headquarters area was being supplied by a diesel generator and there was no need to repair or relocate the system. The Monument withdrew the application in 1959 and Permit 5380 was cancelled by the State. The system is still inactive and there are no plans to rebuild it.

Compiled by T. Kern

Approved by W. Werrell

Page of

02 STATE

Death Valley National Park

COW CREEK - POWER PLANT [RETIRED]

State Water Rights Documentation

Edmund G. Brown
Governor

STATE OF CALIFORNIA

State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

1401 21st STREET
P. O. BOX 1552
SACRAMENTO 7, CALIFORNIA

L. K. HILL
EXECUTIVE OFFICER

SEP 17 '59

Application 9509, Permit 5380

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

Gentlemen:

In accordance with request dated August 26, 1959, received on August 31, 1959, Permit 5380, issued in the matter of Application 9509, has been revoked and canceled, without prejudice, upon the records of this office. A copy of the order revoking the permit is enclosed.

Your cooperation is appreciated.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

Enc.
Cert.

61

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 9509 PERMIT 5380 LICENSE

ORDER REVOKING PERMIT

On August 31, 1959, there was received from permittee a request that Permit 5380, issued in the matter of Application 9509, be revoked.

IT IS THEREFORE ORDERED that said permit be and the same is hereby revoked and canceled, without prejudice, upon the records of the State Water Rights Board.

WITNESS my hand and the seal of the State Water Rights Board this 17th day of September, 1959

L. K. Hill

L. K. Hill
Executive Officer

Docket 2 RS

9-17-1959: memo from Superintendent Death Valley to Regional Director, Region Four: Cancellation of Water right app.

→ file, Docket 2, DEVA

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

L 54

RECEIVED
NPS REGION FOUR OFC
SEP 1 - '59

August 27, 1959

	SURNAME
REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	Land BFing 9/8
RECREATION	
INTERP.	
LEGAL	

~~Spaulding~~ SS 9/17
✓ Whitworth

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Cancellation of Water Right Application 9509, Cow Creek Power, Docket 2

Attached is a copy of the request for revocation of permit 5380, application 9509 in the form that was left here at the time of the inspection by Mr. Chesler, an engineer from the State Water Rights Board, last April. Since this is the form supplied by the State we are submitting it rather than the letter as suggested by Mr. Dunn that was attached to Mr. Wosky's memorandum of August 13.

See memo of 9/17 to Supt.

No written report was received from the State following the inspection but we discussed this matter with Mr. Chesler at the time.

Fred W. Binnewies
Fred W. Binnewies
Superintendent

Attachment
In duplicate
cc Washington Office w/c attachment (2)
WODC " " "

59

08-26-1959: letter to request revocation of permit 5380 ; august 26, 1959

Application 9509

State Water Rights Board
1401 - 21st Street
Sacramento, California

Gentlemen:

The undersigned hereby requests revocation of Permit 5380 issued in the matter of water right Application 9509.

Very truly yours,
United States---Death Valley National Monument

By: _____
Permittee

Date 8 26 59

08-20-1959: memo from chief, water resources section to regional director region four ; august 20, 1959

(2)

L54-GRL

August 20, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Application 9509, 15381 and 5073, Dockets 2 and 9, and Alien Water Right 3, Death Valley

Attached are copies of letter of August 11 from Mr. L. K. Hill of the State Water Rights Board, and my reply. The latter is based in part on Mr. Wosky's memorandum of August 13 to the Superintendent concerning the Cow Creek power developments under Application 9509.

We, in Washington, cannot provide full support for a license to use all water of Emigrant Spring because we do not know how the storage at the spring and that at the checking station are operated, or whether either is now owned by the Hotel Company. It also appears that 7000 gallons of storage, or two days flow, is inadequate for maximum use from the limited supply, and we find no PCP for increased storage.

Accordingly, we suggest that you and the Superintendent prepare the best possible reply to Mr. Hill, to attempt to obtain a Federal license to use the total spring flow on days when rights under License 2430 are not exercised.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Death Valley, w/c attachments
Chief, WODC, w/c attachments

NO COPY MADE IN MAIL ROO

WESTERN OFFICE
DESIGN & CONSTRUCTION
AUG 24 1959 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
3 ENGINEER
LAND. ARCH.
1
2
ACTION TAKEN—DATE

08-20-1959: l54-orl to mr. l. k. hill executive officer from a. van v. dunn chief, water resources section ; august 20, 1959

L54-ORL

August 20, 1959

Mr. L. K. Hill, Executive Officer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Appl. 9509-Cow Creek Power, United States
Appl. 5073-Emigrant Spring, General Hotel Company
Appl. 15381-Emigrant Spring, United States Death Valley National Monument

Dear Mr. Hill:

Your letter of August 11 is being referred to our Regional Director in San Francisco for reply by him or the Superintendent of the Monument.

The Superintendent has already been instructed to request cancellation of Application 9509 if all power generation has terminated. Our records suggested that there might be continuing temporary use of one hydroelectric unit.

We believe that the pending license under Application 15381 should be for maximum use of the total flow of Emigrant Spring when the General Hotel Company is not fully exercising its rights. We also believe that the Company License No. 2430 under Application 5073 for the entire 700 gpd should be allowed to stand.

At the present time both claimants could apparently exercise their full rights on different days. Future conflicts will have to be prevented by recognition of the Company priority of June 28, 1926; Federal priority of June 18, 1953; and increased regulatory storage. Further details will have to be supplied by the Regional Director or Superintendent.

Sincerely yours,

[SGD.] A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Copy to: General Hotel Company
Stovepipe Wells Hotel
Death Valley, California
Regional Director, Region Four
Superintendent, Death Valley
Chief, WOR[illegible] (2)

56

L54

Edmund G. Brown
Governor

STATE OF CALIFORNIA

State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
W. P. ROWE, MEMBER
RALPH J. McGILL, MEMBER

L. K. HILL
EXECUTIVE OFFICER

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

August 11, 1959

Applications 5073, 9509, 15381

Mr. A. van V. Dunn
Chief, Water Resources Section
Department of the Interior
National Park Service
Washington 25, D. C.

Dear Mr. Dunn:

This will acknowledge your letter of June 30, 1959, in connection with water right Application 15381, Permit 9604. As you no doubt have been previously advised, we issue licenses for domestic use based on the daily average during the week of maximum use. This is true for the license held by General Hotel Company on Application 5073, as well as the proposed license on Application 15381. Since it appears the maximum output of the source is 3500 gallons per day it would not appear proper to issue license on Application 15381 for more than 2800 gallons per day unless a portion of the right of General Hotel Company has been lost and the amount named in that license reduced accordingly, or unless it can be shown that the General Hotel Company's right is fully exercised at a time other than during the time of maximum output of the source.

In view of the foregoing we will defer license action for an additional 60 days in order that you may have an opportunity to present detailed information as to the exercise of the right of General Hotel Company from this source. If information to this effect is not submitted within the 60-day period we will proceed with the issuance of the license in the amount of 2800 gallons per day.

If license is issued for 2800 gallons per day and in the future the source is further developed to increase the flow of water, it is suggested that a new application be filed to cover such additional use of water as may be found feasible.

DEVP
53

At the time of inspection of the project under Application 15381 on April 13, 1959, our engineer also checked regarding water right Application 9509, Permit 5380, which covers use of water from Nameless Outlet tributary to Cow Creek for hydroelectric power generation for use at the Death Valley Monument Headquarters. Our engineer's report indicates that use of water for this purpose has been abandoned since engine driven generators have replaced the hydroelectric plant.

In order to simplify the procedure necessary to clear our records, forms for your use in requesting revocation of Permit 5380 were left at the Monument Headquarters and were to be forwarded to you for your signature. Since we have not received the forms to date, please give this matter your early attention.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

cc: Mr. Fred W. Binnewies, Superintendent
Death Valley National Monument
Death Valley, California

General Hotel Company
c/o Baird and Holley
709 Rowan Building, 458 Spring Street
Los Angeles 13, California

DEVA Docket 2
Spaulding

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

November 7, 1958

Application 9509

RECEIVED
NPS REGION FOUR OFFICE
NOV 13 '58

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

Whitworth

Department of the Interior
National Park Service
Region Four
180 New Montgomery Street
San Francisco 5, California

Attention: Mr. George F. Whitworth
Acting Regional Chief of Operations

Re: L-54 - Application 9509, Permit 5380, Cow Creek
Death Valley National Monument

~~Spaulding~~ LSS 11/13

Gentlemen:

In response to your letter of October 28 in connection with water right Application 9509, Permit 5380, please be advised that the project covered by the permit has been listed for inspection by an engineer of this office during the forthcoming field season. It is probable that inspection will be made during early spring of 1959.

It will not be necessary for you to submit the request for an additional extension of time beyond December 1 at this time. After the inspection of the project has been made, a request for an additional extension of time may be made if desired.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

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

Superintendent
Death Valley National Monument
Death Valley, California

10-28-1958: attached is our progress report for the year 1958 on the referenced appropriation ; october 28, 1958

L-54

LSS

~~Spaulding~~

~~McClellan~~

~~Manbey~~ BFM.

~~Whitworth~~

(later) ~~Johnston~~ GFW

FILE COPY

Region Four
180 New Montgomery Street
San Francisco 5, California

October 28, 1958

State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Application 9509, Permit 5380, Cow Creek
Death Valley National Monument (Docket 2)

Gentlemen:

Attached is our progress report for the year 1958 on the referenced appropriation.

We wish to make proof on the existing installation. We suggest, however, that inspection be deferred until receipt of a pending petition for change in point of diversion which we are preparing under related Application 9510, License 4621.

We have received a notice of expiration of time in which to complete construction work. Please inform us if, under the circumstances, we need to make a request for extension of time beyond December 1. We will hold the notice of expiration until your reply is received.

Sincerely yours,

G. F. WHITWORTH

George F. Whitworth
Acting Regional Chief of Operations

Attachment

Copy to: Director w/cy of attach.
Superintendent, Death Valley w/attach.
Chief WODC (2) w/cy of attach.

LSSpaulding:hat

B-561/82/01

Note: I personally question that this procedure is in the public interest. However, it may be consistent with present policy which is in a confused state. GFW.

43

Docket 2, Rights

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1958

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE North Canyon, Cow Creek, Main Cow Creek and tributaries APPLICATION 9509

PERMIT 5380

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this permit The United States of America for Death Valley National Monument

   MAILING 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 1966

4. State approximate cost of construction work on this project during the past 12 months None

   Describe briefly the portions of the project upon which the above amount was expended Inapplicable

5. What remains to be done to complete the project?

6. Has use of water commenced? Yes State amount used if known Not known

   If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

   (a) ☐ Irrigation ____ (Total acres irrigated) ____ (Name crops served and acreage of each)

   (b) ☐ Stock watering ____ (Number of animals)

   (c) ☐ Industrial ____ (Nature of use)

   (d) ☐ Domestic ____ (Number of persons; Area of garden, lawn, etc.)

   (e) ☐ Municipal ____ (Approximate population)

   (f) ☐ Mining ____ (Method of water use)

   (g) ☐ Recreational ____ (Nature of use)

   (h) ☒ Power 10.5 KW (Installed horsepower capacity)

   (i) ☐ Other ____

7. During what months was water used in 1957? All 12 months

   Do you expect to use it over a longer or different season in the future?

   If so, state other months of use

8. *Have you used as much water this year as you expect to use in any future year under this permit?* Yes

   If not, estimate year in which use will be full and complete

9. Has location of the intake or place of use been changed? Yes (See reverse)

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1957-58 collection season as you expect to store in any future collection season? Inapplicable How much of the stored water has been used?

    Have you emptied the reservoir? ____ If not, have you used all the water that you intend to use in any one season? ____ State acre-feet used if known

11. During which months was water collected in the reservoir? Inapplicable

United States of America
Sign Here ____ (Permittee)
By: George F. Whitworth
Acting Regional Chief of Operations

Date October 27, 1958

(OVER)

YEAR 1958

FORM 67

75361 4-58 3500 ① SPO

10-28-1958: progress report by permittee for the year 1958 cont. ; october 28, 1958

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.

The lower 2.5 KW hydro-electric plant is to be retained as standby power at swimming pool. A study is in progress to determine the need of moving the upper 7.5 KW plant from Cow Creek residential area to a point on the same water system to provide power for a recently constructed water cooling tower.

Under related Application 9510, License 4621 an application to change point of diversion is in preparation.

It is desired to make proof on the existing installation, however, we suggested that inspection be deferred until receipt of pending petition for change in point of diversion.

DO NOT WRITE IN THIS SPACE

Goodwin J. Knight
Governor

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

STATE OF CALIFORNIA

State Water Rights Board

L. K. HILL
EXECUTIVE OFFIC

1401 21ST STREET
P. O. BOX 1382
SACRAMENTO 7, CALIFORNIA

MAY 26 '58

Applications	Permits	
15381	9604	DV 9
10119	5755	6
9509	5380	2
10118	5754	5
10002	5739	4
10001	5738	3

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

Gentlemen:

Orders have been entered granting extensions of time until December 1, 1958 within which to complete construction work and application of water to the proposed use under the above numbered permits.

It is suggested that the enclosed copies of the orders be attached to your copies of the permits.

Very truly yours,

L. K. Hill
L. K. Hill
Executive Officer

Enc.
Cert.

Rec'd w/memo 6/2/58

25

05-26-1958: order granting extension of time within which to complete construction and use ; may 26, 1958

File EF L54 DEVA
Docket 2

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 9509 PERMIT 5580 LICENSE

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO COMPLETE CONSTRUCTION AND USE

Good cause having been shown therefor, it is ordered that an extension of time be and the same is hereby granted until December 1, 1958 within which to complete construction work and application of water to the proposed use under said permit.

WITNESS my hand and the seal of the State Water Rights Board this 26 th day of May, 1958

L. K. Hill

L. K. Hill
Executive Officer

FORM 100

12-12-1957: receipt for permit fee of $5.00 check ; december 12, 1957

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

Receipt No. 1421

Date Dedember 12, 1957 ($ 5.00)

Received Five and no/100---------- ($ 5.00)

☐ Cash ☐ Money Order ☒ Check *(Receipt contingent upon collection)*

United States-Death Valley National Monument
%A. Van V. Dunn
National Park Service
Dept. of Interior
Washington 25, D. C.

Re APPLICATION NO. 9509

☐ Deposit ☐ Balance ☒ Full

Recordation Fee	$	Application No.	$
Verification—Fee	$	Permit Fee	$ 5.00
Expense	$	Permit Extension Fee	$
	$	Petition Fee	$
☐ Uncleared Collections		Additional Fee on Charges	$
☐ Application		Certification Fee	$
☐ Proof of Claim		Copying—Comparing	$
☐ Adjudication Apportionment		Proof of Claim Fee	$
☐ Verification Advance		Adjudication Apportionment	$
☐ Other		Refund—Verification	$
		Other	$

STATE WATER RIGHTS BOARD

LESLIE C. JOPSON, *Chief Engineer*

By [signature] Title [signature]

FORM 300
47168 11-56 20M QUIN ⑥ SPO

10-29-1957: enclosure notice for progress reports by a. van v. dunn ; october 29, 1957

L54-L

10/29/1957

Mr. Harvey O. Banks, State Engineer
State Water Rights Board
1401 - 21st Street
P. O. Box 1592
Sacramento, California

Re: Applications 8423; 9509; 10,001; 10,002; 10,118; 10,119; and 15,381
Death Valley

Dear Mr. Banks:

Enclosed are the annual progress reports on developments under each of the designated water right applications; requests for extensions of time on all except Application 8423, for which such a request was filed last year; and a purchase order and voucher for $30.00 to cover the prescribed fees for the requests for extensions of time at $5.00 each. The voucher should be signed and returned to this office for payment.

In connection with the requests for extensions of time, also please refer to my letter of May 1 concerning most of the developments. The most urgent needs are for additional water in the area between Furnace Creek and Cow Creek, where extensive additional water using facilities have already been started, and where the water system developments have had to be deferred until further exploration of the underground sources is completed. To date we have not found the unused underground flow or source of that flow which is partially diverted by the Pacific Coast Borax Company on its Furnace Creek Inn tract, down stream. It is apparently necessary to explore more deeply to determine the full quantity of available water, which is less than, or deeper than, that found in 1941.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Enclosures 14

Copy to: Regional Director, Region Four
Superintendent, Death Valley
Field Solicitor McClellan (2)
Chief, WCDC (2)

29

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1957

This report is of importance to you in establishing your water right. It will be used as a basis for action by the State Water Rights Board. It should therefore be filled out carefully and returned promptly. See reverse side of this sheet.

SOURCE North Canyon, Cow Creek, Main Cow Creek, and tribs. APPLICATION 9509

PERMIT 5380

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this water right The United States of America for Death Valley National Monument

MAILING 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 1966

4. State approximate cost of construction work on this project during the past 12 months None

Describe briefly the portions of the project upon which the above amount was expended Inapplicable

5. What remains to be done to complete the project? Two temporary power units to be replaced by authorized single unit.

6. Has use of water commenced? Yes State amount used if known 0.446 sec.ft.

If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

(a) ☐ Irrigation ____ (Total acres irrigated) (Name crops served and acreage of each)

(b) ☐ Stock watering ____ (Number of animals)

(c) ☐ Industrial ____ (Nature of use)

(d) ☐ Domestic ____ (Number of persons; Area of garden, lawn, etc.)

(e) ☐ Municipal ____ (Approximate population)

(f) ☐ Mining ____ (Method of water use)

(g) ☐ Recreational ____ (Nature of use)

(h) ☒ Power 10.5KW (Installed horsepower capacity)

(i) ☐ Other ____

7. During what months was water used in 1957? All 12 months

Do you expect to use it over a longer or different season in the future? ____

If so, state other months of use ____

8. *Have you used as much water this year as you expect to use in any future year under this permit?* No (see reverse)

If not, estimate year in which use will be full and complete 1966

9. Has location of the intake or place of use been changed? No (See Reverse)

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1956-57 collection season as you expect to store in any future collection season? INAPPLICABLE How much of the stored water has been used? ____

Have you emptied the reservoir? ____ If not, have you used all the water that you intend to use in any one season? ____ State acre-feet used if known ____

11. During which months was water collected in the reservoir? Inapplicable

United States of America

Sign Here (SGD.) A. VAN V. DUNN

by A. van V. Dunn, Chief, Water Resources Sec.
National Park Service

Date October 23, 1957

(OVER)

YEAR 1957

FORM 67

54166 4-57 3500 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.

The spring sources of the supply under Applications 9509 and 9510, on former Nevares Tract, are now being developed. When the work is completed it is planned to change points of diversion under both applications and to file application for appropriation of all water developed in excess of authorized 0.446 sec.ft. It is not yet determined whether more than authorized 0.446 sec.ft. will be used for power under Application 9509.

DO NOT WRITE IN THIS SPACE

10-23-1957: notice of expiration ; october 23, 1957

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD

Application 9509 Permit 5380

NOTICE OF EXPIRATION

The time within which to complete construction work and/or to place the water to full beneficial use under the above-numbered water right application and permit has expired or will expire shortly. The following alternatives are available:

1. If sufficient water has been diverted to satisfy your requirements, the amount used will be determined by inspection during the next field season with a view to the issuance of license which is the final confirmation of the water right initiated by the application. A right cannot be acquired for an amount of water or for a season of diversion in excess of that allowed in the permit. With respect to use of water under the terms and conditions of the permit:

(a) Have you used as much water heretofore as you expect to use in the future?

Yes	No
	x

(b) Have you used the water for as long a season as you intend to?

Yes	No
x	

2. If the project has been abandoned or if no progress has been made toward use of water the permit will be revoked upon request.

Should the permit be revoked?

Yes	No
	x

3. If construction work and/or use of water are proceeding with due diligence but not fully complete, a reasonable extension of time may be obtained upon a showing of good cause. Section 777 of the California Administrative Code, Title 23, Waters, provides that sickness, lack of finance or other conditions incident to the person and not to the enterprise will not be accepted as good cause for delay while weather conditions and conditions which are incident to the project itself may be accepted as good cause for delay.

A [redacted], (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired).

The following information should be supplied where an extension of time is requested:

1. Approximate total amount spent on project to date $56,918 in part chargeable to Application 9510.
2. Approximate per cent of construction work complete to date 25%.
3. Estimated date of completion of construction work 1966.
4. Estimated year in which full use of water will be made 1966.
5. Reasons why construction and/or use of water was not completed within time previously allowed:

This power development was originally constructed with two small units because of inability to maintain normal flow from Kevares Tract. Further development now depends on quantity of water which will be available after spring development at source on former Kevares Tract (now in progress) is complete, and on whether such hydro-electric development can be made to serve increased needs under MISSION 66 development plan.

REQUEST FOR EXTENSION MUST BE ACCOMPANIED BY A FEE OF $5.00

Date October 23, 1957

SIGNATURE United States of America
A. van V. Dunn
by A. van V. Dunn, Chief, Water Resources Section
National Park Service

Form 67F

5

12-01-1957: order granting extension of time to december 1, 1957 ; december 19, 1956

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 9509 PERMIT 5380 LICENSE

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO COMPLETE CONSTRUCTION AND USE

Good cause having been shown therefor, it is ordered that an extension of time be and the same is hereby granted until December 1, 1957 within which to complete construction work and application of water to the proposed use under said permit.

Witness the hand and seal of the State Water Rights Board this 19th day of December, 1956.

STATE WATER RIGHTS BOARD

By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer

C&U

12-19-1956: memo that an inspection of each project by an engineer is due before the extension is processed ; december 19, 1956

HARVEY O. BANKS, STATE ENGINEER
CHIEF OF DIVISION

FRANK B. DURKEE
DIRECTOR

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

ADDRESS REPLY TO
DIVISION OF WATER RESOURCES
P. O. BOX 1079
SACRAMENTO 5
PUBLIC WORKS BUILDING
1120 N STREET

February 1, 1956

Applications 6729, 9509, 10001, 10002
10118, 10119, 10276

Docket no 2.

Mr. A. van V. Dunn, Chief
Water Resources Section
National Park Service
Washington 25, D. C.

Recd w/memo 2/14/56 filed in covrds. folder

Dear Mr. Dunn:

Reference is made to the recent request by your office for an extension of time to complete construction work and full beneficial use of water under the following applications and permits:

Appl.	Permit			Docket No.
6729	3549	Yosemite N. P.	Raynor Creek	Yos. 1
9509	5380	Death Valley N. M.	Cow Creek	D.V. 2
10001	5738	"	Furnace Creek	D.V. 3
10002	5739	"	"	D.V. 4
10118	5754	"	"	D.V.
10119	5755	"	Texas Springs	D.V.
10276	5891	"	Wildrose Spring	D.V.

In view of the length of time that these filings have been in permit status it is believed that an inspection of each project by one of our engineers should be made before acting on the request for extension. Accordingly the applications have been listed for inspection during the coming field season. Ample advance notice of the date of inspection will be given to enable a local representative of the agency involved to be present.

Very truly yours,

HARVEY O. BANKS, STATE ENGINEER

By L. C. Jopson
L. C. Jopson
Assistant State Engineer

VL5u EVA

10-14-1956: form pertaining to an extension request ; october 14, 1956

Application 9509 Permit 5380

The time within which to complete the project under the above-numbered filing has expired or will expire shortly. You have the following alternatives:

1. If use of water is complete, both as to amount and as to season of use, so indicate and the project will be listed for license inspection. Is use of water complete? ____ Yes X No

2. If the project has been abandoned or if you have made no progress toward completion, so indicate and the permit will be revoked. Has project been abandoned? ____ Yes X No

3. If you are proceeding with due diligence but the project is not complete, you may request an extension of time. Section 1546 of the Water Code, added by Chapter 254, Statutes of 1955, now requires that all requests for extension of time be accompanied by a filing fee of $5.00. A request for extension of time can be requested by completing the remainder of this form.

____ 1 year
____ 2 years
X 3 years

is hereby requested for completion of construction work and/or completion of beneficial use of water.

Section 1398 of the Water Code provides that the period specified in the permit for beginning construction work, for completion of construction work, for application of the water to beneficial use, or any or all of these periods may, for good cause shown, be extended by the Department. Section 777 of the California Administrative Code provides that sickness, lack of finances, or other conditions incident to the person and not to the enterprise will not be accepted as good cause for delay, while weather conditions and conditions which are incident to the project itself may be accepted as good cause for delay.

1. Approximate total amount expended on project to date $ $5,000 (Power only).
2. Approximate per cent of project that has been completed 25%.
3. State estimated date of completion 1960.
4. Give reasons why project was not completed within time allowed:

Ultimate development has been suspended pending completion of enlarged water system to divert all water from springs on recently acquired Nevares Tract, and negotiations to determine whether commercial power could be obtained as substitute.

REQUEST FOR EXTENSION MUST BE ACCOMPANIED BY A FILING FEE OF $5.00

DATE OCT 14 1956

SIGNATURE Andrew Robertson
Acting Chief, Water Resources Sec., Natl. Park Ser.

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1955

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.

SOURCE North Canyon, Cow Cr., Main Cow Cr. and tributaries. APPLICATION 9509

PERMIT 5380

ANSWER ALL QUESTIONS—IF A QUESTION DOES NOT APPLY, SO STATE

1. Names of all parties who are owners of this water right United States of America at Death Valley National Monument

   MAILING 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 1960

4. State approximate cost of construction work on this project during the past 12 months None

   Describe briefly the portions of the project upon which the above amount was expended

5. What remains to be done to complete the project? Consolidation of two existing power units at lower site, and additional regulatory storage

6. Has use of water commenced? Yes State amount used if known

   If so, check (x) purposes for which it was used and indicate acreage, number of persons, etc., served.

   (a) ☐ Irrigation ____ Total acres irrigated — Name crops served and acreage of each

   (b) ☐ Stock watering ____ Number of animals

   (c) ☐ Industrial ____ Nature of use

   (d) ☐ Domestic ____ Number of persons; Area of garden, lawn, etc.

   (e) ☐ Mining ____ Method of water use

   (f) ☐ Recreational ____ Nature of use

   (g) ☒ Power 10.5 KW Installed horsepower capacity

   (h) ☐ Municipal ____ Approximate population

7. During what months was water used in 1955? All 12 months

   Do you expect to use it over a longer or different season in the future? No

   If so, state other months of use

8. *Have you used as much water this year as you expect to use in any future year under this permit?* Yes

   If not, estimate year in which use will be full and complete 1960 (See note on reverse)

9. Has location of the intake or place of use been changed? No (see note on reverse)

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1954-55 collection season as you expect to store in any future collection season? How much of the stored water has been used?

    Have you emptied the reservoir? If not, have you used all the water that you intend to use in any one season? State acre-feet used if known

11. During which months was water collected in the reservoir?

(SGD) GORDON W. ROBERTSON
Sign Here ____ Permittee

OCT 14 1955
Date

Acting Chief, Water Resources Sec., Natl. Park Ser.

(OVER)

YEAR 1955

FORM 67

22229 8-55 4M ① SPO

10-14-1955: progress report for 1955 cont ; october 14, 1955

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.

The purchase of Nevares tract, and appurtenant riparian water rights in 1951 and 1952 permits moving diversion to the source but no change has been made to date, although more water is now delivered to headgate as result of channel cleaning. Negotiations are now in progress to bring commercial power to the area within about three years, and revamping of existing power installation to provide standby and peak load facilities is being deferred until 1957-1960.

DO NOT WRITE IN THIS SPACE

11-12-1954: progress report for 1954 ; november 12, 1954

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

Docket 2

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 9509 PERMIT 5380 SOURCE North Canyon, Cow Cr, Main Cor Cr. and tribs.

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 at 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 1960

4. State approximate cost of construction work on this project during the past 12 months None

   Describe briefly the portions of the project upon which the above amount was expended

5. What remains to be done to complete the project? Consolidation of two existing power units at lower site, and additional regulatory storage

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) ☐ Irrigation ____ (Total acres irrigated) ____ (Name crops served and acreage of each)

   (b) ☒ Power 10.5KW (Installed capacity)

   (c) ☐ Industrial ____ (Nature of use)

   (d) ☐ Domestic ____ (Number of persons; Area of garden, lawn, etc.)

   (e) ☐ Mining ____ (Method of water use)

   (f) ☐ Recreational ____ (Nature of use)

   (g) ☐ Stockwatering ____ (Number of animals)

   (h) ☐ Municipal ____ (Approximate population)

7. During what months was water used in 1954? All 12 months

   Do you expect to use it over a longer or different season in the future? No

   If so, state other months of 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 1960 (see note on reverse)

9. Has location of the intake or place of use been changed? No (see note on 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?

    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?

SIGN HERE ____ Permittee

Date Nov. 12, 1954 Chief, Water Resources Sec., Natl. Park Service

(OVER)

YEAR 1954

FORM 67

98898 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.

The purchase of Nevares tract, and appurtenant riparian water rights in 1951 and 1952 permits moving diversion to the source but no change has been made to date, although more water is now delivered to headgate as result of channel cleaning.

Negotiations are now in progress to bring commercial power to the area within about three years, and revamping of existing power installation to provide standby and peak load facilities is being deferred until 1957-1960.

DO NOT WRITE IN THIS SPACE

10-16-1953: progress report for 1953 ; october 16, 1953

STATE 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 9509 PERMIT 5330 SOURCE North Canyon, 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 works will be extended to source of supply on recently acquired Nevares tract, and new, larger power unit will be installed.
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 earthquakes. No formal construction program has been initiated 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**
   If permit is for irrigation, state acreage irrigated; if for domestic use, state number of persons served, etc.
   Full available power output used to supply resident employee population of 66 people. This inadequate power supply is supplemented by diesel driven power units as needed.
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 not in accordance with ultimate plans.
    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 fluctuations.
13. During which months was water collected in the reservoir?

UNITED STATES OF AMERICA
By: (SGD.) A. VAN V. DUNN
Chief, Water Resources Branch
National Park Service
SIGN HERE 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.

DO NOT WRITE IN THIS SPACE

06-11-1953: order granting extension of time until december 1, 1955 ; june 11, 1953

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

File - Death Valley Docket No.

ORDER

APPLICATION 9509 PERMIT 5380 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 9509, Permit 5380,

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

73998 1-53 SM SPO

11-04-1952: progress report 1952 ; november 04, 1952

DV
Docket 2

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 9509 PERMIT 5380 SOURCE North Canyon, et al

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 works will be extended to source of supply on recently acquired Nevares tract, and new, larger power unit will be installed.

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

Nevares tract purchased to obtain access to source of supply and to obtain riparian rights to the water. Ditches cleaned between springs and N.P.S. headworks. Upper of two temporary power units remodelled to increase output from 10 kw to about 11 kw.

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 domestic use, state number of persons served, etc.

Full available power output used to supply resident employee population of 66 people. This inadequate power supply is supplemented by diesel driven power units as needed.

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 fluctuations.

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 not in accordance with ultimate plans.

    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 Dunn
Chief, Water Resources Branch
National Park Service
Permittee

Date November 4, 1952

(OVER)

YEAR 1952

FORM 67

65476 7-52 3M SPO

11-04-1952: progress report 1952 cont ; november 04, 1952

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

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1951

Death Valley Docket No. 2

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 9509 PERMIT 5380 SOURCE North Canyon Cow Creek, Main Cow Creek, and Tributaries

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
Several small hydroelectric units must be replaced by the authorized single unit of larger capacity when water right controversy with Adolph Nevares is settled.

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
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 the 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,
By: (SGD) GORDON W. ROBERTSON
SIGN HERE
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 for 1951 cont ; 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 for 1950 ; november 02, 1950

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

File in Death Valley Deed 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 9509 PERMIT 5380 SOURCE North Canyon, Cow Cr., Main Cow Cr., and Tribs.

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
   Several small hydroelectric units must be replaced by the autherized single unit of larger capacity when water right controversy with Adolph Nevares is settled.
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
   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.
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.

SIGN HERE United States of America,
By: (SGD.) A. VAN V. DUNN
Permittee
Chief, Water Resources Branch,
National Park Service,
Department of the Interior.

Date November 2, 1950.

(OVER)

FORM 67

YEAR 1950

STATE PRINTING OFFICE

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

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

Death Valley Need 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 9509 PERMIT 5360 SOURCE North Canyon, Cow Cr., Main Cow Cr. and tribs.

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

Several small hydroelectric units must be replaced by authorized single unit 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
Chief, Water Resources Branch,
National Park Service,
Department of the Interior.

Date October 20, 1949.

(OVER)

YEAR 1949

FORM 67

STATE PRINTING OFFICE

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

10-29-1948: progress report for 1948 ; october 29, 1948

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 9509 PERMIT 5380 SOURCE North Canyon, Cow Creek, Main Cow Creek and tributaries.

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.

United States of America,
Department of the Interior,
National Park Service.

Date October 29, 1948.

SIGN HERE By (SGD.) A. VAN V. DUNN.
Chief, Water Resources Branch. Permittee

(OVER)

FORM 67

YEAR 1948

STATE PRINTING OFFICE

Original forwarded to State Engineer 10/29/48.

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

01-06-1948: progress report for 1947 ; january 06, 1948

Deed No 5

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 PERMIT 5380 SOURCES North Canyon, Cow Creek, N. Cow Cr. & tributaries.

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 See explanation on reverse.

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 United States of America,
Department of Interior,
National Park Service.
By (SGD.) A. VAN V. DUNN
Chief, Water Resources Branch
Permittee

Date January 6, 1948.

(OVER)

FORM 67 YEAR 1947 STATE PRINTING OFFICE

NOTE

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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 for 1946 ; 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. 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 9500 PERMIT 6580 SOURCE North Canyon, Cow Cr. Main Cow Cr. and tribs.

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
   Two small generator units must be replaced by one larger unit at designated place of use.
5. If additional construction is required please indicate date when it will be complete When national housing shortage is alleviated.
6. Describe any construction work done **during the past 12 months** and state the estimated cost including labor
   None. (System is in operation with 2 temporary generator units.) See letter of September 26, 1946, from A. van V. Dunn to State Engineer regarding effect of Directive No. 128 of Office of War Mobilization and Reconversion on construction of Mariposa Water System at Yosemite National Park (Application 6729, Permit 3549.).
7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** Water is used to operate 2 small generator units pending completion of the ultimate installation.
   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? When ultimate installation is completed.
    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
Permittee

Date October 9, 1946. Chief, Water Rights Division.

(OVER)

FORM 67

YEAR 1946

STATE PRINTING OFFICE

10-09-1946: progress report for 1946 cont ; october 09, 1946

NOTE

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DO NOT WRITE IN THIS SPACE

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

File DeathValley

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 PERMIT 5380 SOURCE North Canyon, Cow Cr., Main Cow Cr.

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

The two small temporary generator units must be replaced by one larger one.

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. Full use is dependent on more permanent and satisfactory arrangements with conflicting use by higher appropriator, which it is hoped to complete during next few years. Court regulation is now based on an injunction.

If not, when will such use be full and complete?

If necessary, turn the sheet to obtain room for your answers to the foregoing.

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
Permittee

Date November 2, 1945. Chief, Water Rights Division.

(OVER)

FORM 67 YEAR 1945 STATE PRINTING OFFICE

11-02-1945: progress report for 1945 cont ; 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

Copy to Death Valley - Head 5
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 9509 PERMIT 5380 SOURCE North Canyon, 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

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 because of wartime restrictions.

7. Has use of water commenced? Yes If so, describe use made **during the past 12 months** The system is now
   If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.
operating with 2 small generator units installed close to points of use until improvements can be made at diversion to provide full quantity of water for the proposed larger single unit.

8. During which months was water used? All months of 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.

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 27, 1944.

(OVER)

YEAR 1944

STATE PRINTING OFFICE

10-27-1944: progress report for 1944 cont ; october 27, 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

10-08-1943: progress report for 1943 ; october 08, 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 9509 PERMIT 5380 SOURCE North Canyon, 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 activities. 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 1943

STATE PRINTING OFFICE

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

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 PERMIT 5380 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
Hydraulic Engineer, National Park Service.

Date Oct. 18, 1943.

(OVER)

YEAR 1943.

STATE PRINTING OFFICE

NOTE

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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

EDWARD HYATT, STATE ENGINEER
CHIEF OF DIVISION

CULBERT L. OLSON
GOVERNOR OF CALIFORNIA

✓	SUPT.	FRANK W. CLARK Director
✓	S. P&R.	
✓	PLAT	
✓	ENGR	
	V. CLK.	
	WHSE.	
✓	S. CLK.	

STATE OF CALIFORNIA
Department of Public Works
SACRAMENTO

DIVISION OF WATER RESOURCES
401 PUBLIC WORKS BUILDING

RECEIVED
NOV 12 1942
DEATH VALLEY NATL. MON.

November 10, 1942

Applications 9509 and 9510

610 - Reserves

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 Harold Conkling
Deputy State Engineer

cc: A. van V. Dunn, Hydr. Engr.,
U.S. National Park Service
Water Rights Section
601 Sheldon Bldg., San Francisco

Docket 2 RS

Wa[illegible] Rights Section.

NOV 9 1942

ROUTING	Date
[illegible]	11/9/42
[illegible]	11/10
FILE	

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

DEATH VALLEY NATIONAL MONUMENT

CALIFORNIA

November 6, 1942. This is a duplicate

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

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. Conkling. 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: progress report for 1942 ; , 1942

COPY

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 PERMIT 5380 SOURCE

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*? 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** Generation
   If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.
   of electric power for home use at Park Village residential area and power for shop use at the Cow Creek utility area.

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 the 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.
    If not, when will such use be full and complete? depending on the prior use of Mr. Nevares, upon whose property the water originates.
    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
Death Valley National Monument

Date

(OVER)

YEAR 1942

STATE PRINTING OFFICE

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: temporary suspension of applications 6729, 8969, 9083, 9509, 9510, 9712, 10001, 10002, 10119, 10276 ; , 1942

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.

09-11-1942: we have the following incomplete water rights in california ; september 11, 1942

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.

9

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.

9

We have tentative plans for unusually heave 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.

11-00-1941: progress report of 1941 ; november, 1941

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 9509 PERMIT 5380 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**
If permit is for irrigation, state acreage irrigated; if for a subdivision state number of lots served, etc.
The water has been used to run the hydro-electric generators to supply light and power for the Monument administration area and employees residences.

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 31, 1941

(OVER)

YEAR 1941

99351 4-41 2M STATE PRINTING OFFICE

B. GUIST

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 PERMIT 5380 SOURCE North Canyon Cow Creek, Main Cow Creek & Tributaries

APPLICATION 9510 PERMIT 5381 SOURCE 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 _____

STATE PRINTING OFFICE

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

08-30-1939: to harold conkiling deputy in charge of water rights, from: e. w. kramer regional director ; august 30, 1939

FEDERAL POWER COMMISSION,
SAN FRANCISCO REGIONAL OFFICE,
PHELAN BUILDING,
SAN FRANCISCO, CALIFORNIA

August 30, 1939

Mr. Harold Conkling,
Deputy in Charge of Water Rights,
Division of Water Resources,
Department of Public Works,
Sacramento, California.

Dear Mr. Conkling:

Further reference is made to your letter of July 14, 1939, regarding application 9509 of U. S. Death Valley National Monument to appropriate surface and subsurface flows of North Canyon Cow Creek, Main Cow Creek and tributaries for power purposes, and to our reply of July 17, 1939, in which it was stated that there are no regulations of the Federal Power Commission with which the applicant need comply.

It is not necessary for a branch of the Federal government to file application with the Federal Power Commission to develop water power for its own use on lands entirely under its own jurisdiction.

I have just received a letter dated August 26, 1939, from Mr. Joseph E. Taylor, Regional Attorney, National Park Service, 601 Sheldon Building, San Francisco, California, in regard to the matter. I hope that this will clear the matter before your office insofar as the Federal Power Commission is concerned.

Very truly yours,

(Sgd) E. W. Kramer

E. W. Kramer,
Regional Director.

cc - Mr. Taylor, Regional Attorney, Nat. Park Service

5

07-14-1939: to: e. w. kramer regional director, from harold conkling deputy in charge of water rights ; july 14, 1939

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

July 14, 1939

Application 9509

Mr. E. W. Kramer
Regional Director
Federal Power Commission
Phelan Building
San Francisco, California

Dear Sir:

Reference is made to our notice of June 1, 1939, concerning the above numbered application of U. S. Death Valley National Monument to appropriate from surface and subsurface flow of North Canyon Cow Creek, Main Cow Creek and tributaries for power purposes. We are now ready to act in this matter if the project is clear before your office. Will you therefore please advise as to the present status of the matter before the Federal Power Commission.

Very truly yours,

WEC:MP

HAROLD CONKLING
Deputy inCharge of Water Rights

cc U. S. Death Valley National Monument
c/o T. R. Goodwin, Superintendent
Death Valley Junction, California

05-16-1939: receipt is acknowledged of your letter of may 16th ; june 01, 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

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.

8-D

AFFIDAVIT OF POSTING NOTICE

RECEIVED
1939 JUN 10 AM 10 32
DIV. OF WATER RESOURCES
SACRAMENTO

In the Matter of Application 9509
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 T. R. Goodwin, Supt.
(Name of applicant)
, in the matter of Application 9509 before the

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

43480 10-38 1M
STATE PRINTING OFFICE

DO NOT DETACH

ok

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 9509

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 & 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.

06-01-1939: notice of application to appropriate water ; june 01, 1939

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
SACRAMENTO

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application 9509

NOTICE IS HEREBY GIVEN, That U. S. Death Valley National Monument
c/o T. R. Goodwin, Supt.
Death Valley Junction, California,

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 power 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 NW¼ of SW¼ of Section 34, T 28 N, R 1 E, S.B.B. & M.

Water will be returned to Cow Creek drainage after use for recreational and domestic purposes under Application 9510

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, 19 39

WEC:GG

30319 9-36 5M
CALIFORNIA STATE PRINTING OFFICE

05-19-1939: application to appropriate unappropriated water ; may 19, 1939

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. 9509 Filed February 17, 1939 at 1:17 P.M.
(Applicant must not fill in the above blanks)

AMENDED APPLICATION RECEIVED May 19, 1939

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

This application involves in no way the right to construct a dam

The United States of America, Death Valley National Monument

I, 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 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 without storage 0.446 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 (Beginning date each season) to December 31 (Closing date each season) of each season.

(*b*) For diversion to be stored temporarily and later applied to beneficial use _____ acre-feet (1 acre-foot equals 325,851 gallons) per annum, to be collected between _____ (Beginning date each season) and _____ (Closing date each season) of 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 power
Irrigation, power, municipal, mining, industrial, recreational, domestic. Recreational use may be deemed to include all uses incidental to a resort such as domestic, boating, fish culture, etc.
purposes.

NOTE.—A separate application must be made for each use except that incidental domestic use may be included with any other use.

4. **The point of diversion** is to be located See supplement
State bearing and distance or coordinate distances to section or quarter section corner

being within the _____
State 40-acre subdivision of U. S. Government survey or projection thereof

of Section _____, Tp. _____, R. _____, _____ M., in the County of _____

5. **The main conduit** terminates in NW¼ of SW¼, of Sec. 34, Tp. 28 N., R. 1 E., S.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: Capacity of plant _____ gallons per minute.

(*b*) Diversion will be by gravity, the diverting dam being by means of various ditches, sumps and buried perforated pipes, etc., between points a & b described in supplement to paragraph 4 hereof. ~~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** _____
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 feet; grade 40.51 feet per 1,000 feet; total fall from intake to outlet 700.3 feet; kind steel to recreation distribution reservoir;
Riveted steel, cement, wood-stave, etc.
(grade given is that of first 904 feet 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 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** ~~will begin within~~ was begun October 1938 ~~x months after approval of this application~~

Construction work will be completed within 2 years after approval of this application.

The water will be completely applied to the proposed use within 5 years after approval of this application.

Description of Proposed Use

11. **Place of Use.** Power house in NW¼ of SW¼ Section 34, T 28 N, R 1 E, S.B.M.
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
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.** [If incidental to one of the major uses described in Paragraphs 13, 14, 15, 16, 17 or 18 domestic use may be included in the same application with any one thereof, and Paragraph 12 should be filled out. If the domestic use is not incidental to some major use a separate application is required.]

Domestic use is proposed as follows: ____
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 estimate of quantity needed

13. **Irrigation Use.** (See marginal note.) 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.

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.** (See marginal note.) The total fall to be utilized is 638.9 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 0.446 cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is 32.27 horsepower.
Second feet × fall ÷ 8.8

The use to which the power is to be applied is to provide light and power for the monument administration area, employees residences and public campgrounds.
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is Pelton Wheel
Turbine, Pelton wheel, hydraulic ram, etc.

The water will / ~~will not~~ be returned to Cow Creek drainage after use in recreational and domestic system of
Name stream — State 40-acre subdivision
covered by a separate application and said ultimate return is in Sec. 3 & 4 33 & 34, Tp. 27 N 28 N, R. 1 E 1 E, S.B. M.

NOTE.—An application may not be approved for an amount greater than can be applied to beneficial use during the irrigation season specified herein.

OF PARAGRAPHS 13, 14, 15, 16, 17 and 18

, power, municipal, mining, industrial and recreational uses.
r use may be included on the same application.

05-19-1939: application to appropriate unappropriated water cont. ; may 19, 1939

Supplement to Application 9509

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 SE¼ of NE¼ and NE¼ of SE¼ respectively of said Section 35.

05-19-1939 application to appropriate unappropriated water cont. ; may 19, 1939

DO NOT FILL IN MORE THAN ONE

Applications must be filed upon separate blanks for irrigation
Domestic use when incidental to some other maj

DO NOT WRITE IN THIS SPACE

ATTACH EXTRA SHEETS HERE

15. Municipal Use. (See marginal note.) 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. (See marginal note.) The name of the mining property to be served is _____ (Name of claim) and the nature of the mines is _____ (Gold placer, lead 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. (See marginal note.) 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. (See marginal note.) Water will be used for _____ (Describe nature and method of use)

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

_____

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, 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, Sup't.

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 5380

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 four hundred forty-six thousandths (0.446) cubic foot 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 appropriate to the purpose which will be provided annually by the Division of Water Resources until license is issued.

Witness my hand and the seal of the Department of Public Works of the State of California this 26th *day of* July, *19* 39.

EDWARD HYATT
State Engineer

(SEAL)

By /s/ Harold Conkling
Deputy

54968 2-38 6M.
STATE PRINTING OFFICE

02-28-1939: responsive to request contained in your above numbered applications an extension of 60 days ; 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.

00-00-0000: application to appropriate unappropriated water ; , 1939

FORM 1 COPY 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 Amergosa 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 0.446 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 season.
Beginning date each season Closing date each season

(*b*) For diversion to be stored temporarily 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 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

power purposes.

4. **The point of diversion** is to be located S 28° 04' W 325 feet from E¼ corner of
State bearing and distance or coordinate distances to section or quarter section corner

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 NW¼ of SW¼, of Sec. 34, Tp. 28N, R. 1E, S.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: 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 as a cutoff wall with its crest 1 ft. below ground surface
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.

00-00-0000: application to appropriate unappropriated water cont. ; , 1939

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 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 at first 904 feet 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 $15,000.

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.** at power house in NW¼ of SW¼ of SW¼ Section 34, T 28 N, R 1 E, S.B.M.

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

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: _____

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

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 640.36 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 0.446 cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is 32.45 horsepower.

Second feet × fall ÷ 8.8

The use to which the power is to be applied is to provide light and power for the monument administration area, employees residences and public campgrounds

For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is Pelton Wheel

Turbine, Pelton wheel, etc.

The size of nozzle to be used is _____ inches.

The water will ~~will not~~ be returned to Cow Creek drainage in _____ of

Name stream — State 40-acre subdivision

Sec. 3 & 4, 33 & 34, Tp. 27N 28 N, R. 1E 1E, S. B. M.

00-00-0000: application to appropriate unappropriated water cont. ; , 1939

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 _____ (Describe nature and method of use)

The amount for which application is made was determined by _____ (Describe basis of estimate of quantity needed)

_____

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? _____

_____

_____

_____

[SIGNATURE OF APPLICANT] UNITED STATES OF AMERICA
DEATH VALLEY NATIONAL MONUMENT
By Joseph E. Taylor, Regional Attorney,
for T. R. Goodwin, Superintendent.

00-00-0000: application to appropriate unappropriated water cont. ; , 1939

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

07 OTHER

Death Valley National Park

COW CREEK - POWER PLANT [RETIRED]

Other Supporting Information

06-14-1961: report of survey report number dv-34-5 ; june 14, 1961

DI-103
(Approved April 1942) Docket #2

UNITED STATES
DEPARTMENT OF THE INTERIOR

Report No. DV-34-5

National Park Service
(Service)

June 14, 1961
(Date)

L54

REPORT OF SURVEY

To Members of Board of Survey:

Death Valley Nat'l Monument
(Location)

You are requested to convene as soon as possible
for the purpose of surveying the unserviceable (or) lost, stolen, damaged property listed below.

Charles V. May
(Administrative Officer)

Item No.	Property No.	Articles	Quantity	Value	Disposition* A	B	C	D	E
		Water Rights for power purposes at Cow Creek Headquarters, Deed No. 5, Inyo County, State of California A conditional right to divert 0.446 sec. ft. of water for power purposes. Water Rights application 9509 Permit No. 5380		$1000.00	X To remove from Fixed Property Record				

W O D C
JUN 22 '61
CHF
ADM
PERS
P & P
ARCH
ENGR
L. A.
SPEC
CONT
SFTY
ACTION TAKEN - DATE
None

*To be filled in by Board:
(A) Continued in service.
(B) To be destroyed.
(C) Advertised for sale. See Executive Order No. 6166, June 10, 1933
(D) For issue to Indians on receipts.
(E) Use for repairs.

16—28828-1

(Over)

(TO BE COMPLE[illegible] ON SURVEY OF LOST, STOLEN, OR DA[illegible]GED PROPERTY)

DATE AND CIRCUMSTANCES: June 14, 1961, water no longer used for power.

FINDINGS: It is found that Water Rights application No. 9509 is revoked as it is not needed for power.

RECOMMENDATIONS:* Due to the abandoned use of water rights for power purposes it is recommended that cost of Water Rights Easement be removed from fixed property record, (Regional memorandum L 54, dated February 3, 1961).

Emmett R. Liebe
(Approving Officer)

Date 6/16/61 Title Superintendent

Date recorded _____ _____
(Prop. Section) (Accts. Section)

Board Members	Date of Appointment
Robert A. Fleming, Chrm	7/1/60
Hugh Bozarth	7/1/60
Harry Deeter	7/1/60

(TO BE COMPLETED ON SURVEY OF UNSERVICEABLE PROPERTY)

WE CERTIFY that the property listed on the first page of this report has been inspected by us and recommend disposition be made thereof as indicated. We further certify that items recommended for destruction have been destroyed in our presence.

_____
(Approving Officer)

Date _____ Title _____

Date recorded _____ _____
(Prop. Section) (Accts. Section)

Board Members	Date of Appointment

*Should include recommendation for collection from responsible employee(s) or release from liability.
NOTE.—Sheets of paper, properly captioned, may be used and securely attached to report where space is not sufficient.

U. S. GOVERNMENT PRINTING OFFICE 16—28828-1

08-13-1959: cancellation of water right app. 9509 ; august 13, 1959

L-54

~~Spaulding~~ LSS

~~McClellan~~ DM.

Whitworth

~~Manbey~~ BF

Wosky JBW

FILE COPY

August 13, 1959

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Cancellation of Water Right Application 9509,
Cow Creek Power, Docket 2, Death Valley

We note you have received a copy of Mr. Dunn's memorandum of August 11 transmitting a draft of a letter to the State cancelling the subject application.

There is nothing in our file to suggest that the letter of cancellation should not be submitted in the form supplied by Mr. Dunn. In regard to Mr. Dunn's comments concerning a possible request for extension of time, our files show that none was submitted.

Mr. Hill's letter of November 7, 1958 stated that it would not be necessary to submit a request for extension of time beyond December 1, 1958 pending inspection for license as requested by our letter of October 28, 1958 to the State.

We have no record of the State's inspection other than your letter of May 15 reporting that the State suggested that we request revocation of the water right application. Please send a copy of any report you may have received from the State concerning the inspection to this office for reproduction and distribution to the several dockets.

We recommend that you prepare and submit the letter of cancellation to the State over your signature in the form of Mr. Dunn's draft.

(SGD) JOHN B. WOSKY
John B. Wosky
Regional Chief of Operations

Copy to: Director (2)
Chief, WODC (2)

LSSpaulding:hat

55

IN REPLY REFER TO:
L54-OBL

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

RECEIVED
NPS REGION FOUR OFFICE
AUG 13 '59

	SURNAME	DATE
REG. DIR.		
✓ ASST. R.D.	Maier	8/13
OPERATIONS		
ADMIN.		
RECREATION		
✓ WHITWORTH		
LEGAL		

✓ Rumsey BFM 8/14
X Spaulding LSS 10/13

AUG 11 1959

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Cancellation of Water Right Application 9509, Permit 5380, Cow Creek Hydroelectric Development, Docket 2, Death Valley National Monument

see memo to Supt Death Valley 8/13/59

The attached draft of letter to Mr. L. K. Hill, Executive Officer, California State Water Rights Board, has been drafted on the basis of information in Mr. Maier's memorandum of July 28 and the attachment of July 21 from Mr. Binnewies.

We request that you or the Superintendent sign and send the letter in its final form because we are not sure that we know the exact status. In addition to the following, Mr. Binnewies may have discussed the matter during the State inspection last winter.

Our docket shows that the last extension of time of May 26, 1958, was until December 1, 1958. Mr. Whitworth signed the annual progress report for 1958 on October 27, 1958. We have no record of any request for extension of time, which should have been submitted at the same time to support the statement in the progress report that the 2.5 KW unit would be retained. Any lack of request may have been explained during the State inspection. If the request for extension of time was submitted, copies should be provided for the docket assemblies.

In addition, we do not understand whether the 7.5 KW unit would be converted to a pump or installed for generation of power at the site of the cooling system. If it is to be used for the further generation of electricity, we should obtain the extension of time and amend Application 9509 to cover new point of diversion and place of use, and not withdraw the application.

Your suggestion of converting the nonconsumptive power right under Application 9509 to one for consumptive use for domestic purposes would not be possible under the water laws even if there

were the water and desire to do so. We also believe that the water is fully appropriated for all intended uses except power under Application 9510, Certificate 4621, and Application 18489.

Jackson F. Price
Assistant Director

Attachment

Copy to: Superintendent, Death Valley) with copy of draft of
Chief, WODC (2)) letter to Mr. Hill

00-00-0000: request is hereby made for withdrawal and cancellation of app 9509, permit5380

Mr. L. K. Hill, Executive Officer
State Water Rights Board
Post Office Box 1592
Sacramento 7, California

Re: Application 9509, Permit 5380
Cow Creek Power Development
Death Valley National Monument

Dear Mr. Hill:

Request is hereby made for withdrawal and cancellation of Application 9509, Permit 5380, for the use of Cow Creek water for power purposes.

This power development is no longer justified with the installation of adequate diesel electric generation and the cost that would be involved in adapting the old hydroelectric units to the new conditions resulting from changes in head and quantity of water under related Application 9510, License 4621, and Application 18489.

Regional Director (or Superintendent)

Copy to: Superintendent (or Regional Director)
Director (2)
Chief, WODC

55

07-28-1959: water right application 9509, cow creek power ; july 28, 1959

L54

July 28, 1959

Memorandum

To: Director

From: Assistant Regional Director, Region Four

Subject: Water Right Application 9509, Cow Creek Power
Docket 2, Death Valley

Attached is a copy of Superintendent Binnewies' memorandum of July 21 commenting on future hydro power use.

In view of the fact that there is now no hydro power use at Cow Creek, that there is no foreseeable hydro use and that diesel generated power is close to all present and future development, we recommend that the subject application be cancelled.

We believe there is no reason to convert the application to domestic use because License 4621 (.446 cfs) and supplemental application 18,489(.254 cfs) will appropriate for domestic and recreational use all the flow of the main Nevares Springs.

Herbert Maier
Assistant Regional Director

Attachment

Copy to: Superintendent, Death Valley
Chief, WODC

WESTERN OFFICE
DESIGN & CONSTRUCTION
JUL 29 1959 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE
None

52

Sites Deva Docket 2

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

L 54

RECEIVED
NPS REGION FOUR OFFICE
JUL 23 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
✓ WERP Isworth		
LEGAL		

x Spaulding LSS 7/29
✓ Manley

July 21, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 9509
Cow Creek Power, Docket 2

see memo of 7/28 to Dir.

In response to Mr. Wosky's memorandum of June 29 we believe that no more hydroelectric power will be generated for the Cow Creek headquarters. A recent inspection of the small hydro-plant that was being retained as a standby for the radio system revealed that the bearings are worn-out and the pelton wheel is in very poor shape. We do not believe that it would be worthwhile to repair it and with reasonably dependable power from the present plant, there is little reason to retain the hydro-plant.

The possibility has been considered of installing the larger 7½ KW water wheel generator at the cooling tower for the water system if it was necessary to provide a large fan for more effective cooling. The tower is working reasonably well during hot weather without additional air circulation and it is our opinion now that it will not be necessary. Even if it was the power line for the apartment house is less than one-half mile from the cooling tower and it probably would be more economical to run the power line to that location than to install the water wheel.

In view of the complete conversion to diesel-generated power at this time it is suggested that the water right that was obtained for Cow Creek power should be converted to domestic use.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

In duplicate

51

06-29-1959: to provide an answer to the alternatives suggested by mr. dunn's memo. ; june 29, 1959

file DEVA Docket 2

L-54

June 29, 1959

LSS
~~Spaulding~~
Whitworth
Manbey
Wosky

FILE COPY

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 9509
Cow Creek Power, Docket 2, Death Valley

To provide an answer to the alternatives suggested by Mr. Dunn's memorandum of June 22, we would like to have your estimate of the date on which all hydroelectric use, including standby or a plant at the cooling tower, will be replaced by diesel generated or commercial power.

(SGD) JOHN B. WOSKY

John B. Wosky
Regional Chief of Operations

Copy to: Director
Chief, WODC (2)

LSSpaulding:hat

50

06-22-1959: I do not see how the application can be cancelled as long. ; june 22, 1959

File DEVA Docket 2

IN REPLY REFER TO:
L54-OBL

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

RECEIVED
REGION FOUR OFFICE
JUN 24 '59

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
[illegible]	Wirth	
LEGAL		

June 22, 1959

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

x Spaulding
✓ Manley 6/25/59

Subject: Water Right Application 9509, Cow Creek Power, Docket 2, Death Valley

See memo to Supt. DEVA 6/9/59

The memoranda of May 15 and June 1 from Messrs. Binnewies and Wosky, respectively, will have to be answered on the basis of existing conditions and development plans.

Application 9509, Permit 5380, authorizes the use of 0.446 sec.ft. of water for the generation of 32.27 HP, theoretical, or 28.39 HP at 80% efficiency, with a power house at 133 + 69.25 as shown on filed map NM-DV-6975, and the diversion at the old Nevares property line. I must have provided for nominal domestic consumption at the residential area because the 32.27 HP is less than 35.49 HP which could be developed (theoretical) if all water reached Station 133 + 69.25.

I do not see how the application can be cancelled as long as some power is being developed, but the application should be amended as follows:

1. Point of diversion changed. The permit and order under Application 9510, Docket 1, may be sufficient by reference.

2. Change place of use to sites of any of the power plants to be retained. The 7.5 HP plant is apparently abandoned, but there is the smaller plant near the swimming pool.

3. Correct head on basis of new point of diversion and place of power generation.

4. Reduce the quantity of water claimed to what is actually used by the unit near the swimming pool, or will be used by an enlarged plant, but not to exceed 0.446 sec.ft.

5. Correct theoretical horsepower to conform with items 1 - 4.

49

If the existing unit is all that is contemplated, proof could be made for license as soon as said amended application and supporting map are filed and granted revised permit. Proof would have to be deferred, of course, if a larger unit is to be installed.

If there is reasonable certainty that all hydroelectric power will be replaced by commercial or diesel supply, I should determine whether the State Water Rights Board will continue to grant extensions of time on the amended application and permit until the change is made. Also determine whether the cost of extension, or proof and license will be cheaper, based on the estimated time until the hydroelectric plant is to be completely abandoned. The SWRB might grant a single extension of time, without amendment of application and permit, if the unit is to be abandoned in the next few years. Mr. Spaulding should take this matter up with Mr. Hill of the State Water Rights Board.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC (2)

06-01-1959: attached is a copy of superintendent binnewies memo. ; june 01, 1959

DEVA Docket #2
Spaulding

L-54

~~Spaulding~~ LSS
McClellan
~~Manbey~~
Wosky JBW 5/7

June 1, 1959

Memorandum

To: Director

From: Acting Assistant Regional Director, Region Four

Subject: Water Right Application 9509, Cow Creek Power, Docket ~~1~~ 2, 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.

(SGD) JOHN B. WOSKY

John B. Wosky
Acting Assistant Regional Director

Attachment

Copy to: Supt., Death Valley
Chief, WODC (w/attachment)

LSSpaulding:hat

FILE COPY

48

05-15-1959: superintendent fred w. binnewies memo to regional director, region four ; may 15, 1959

file DEVA docket X 2

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

May 15, 1959

RECEIVED
NPS REGION FOUR OFFICE
MAY 19'59
L 54

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
✓ OPERATIONS	[illegible]	5-19
ADMIN.		
RECREATION		
INTERP.		
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Application 9509, Cow Creek Power

~~X Speed letter~~ ccs 6/1 See memo to Dir. 6/1

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
Fred W. Binnewies
Superintendent

In duplicate

47

01-05-1959: memo from regional chief of operations fred t. johnston, to director ; january 05, 1959

WR Docket 2

L-54

January 5, 1959

Spaulding

Manbey

Johnston

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

cy in Docket #1

46

file - Docket 2 left side

IN REPLY REFER TO:

file L 54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

October 21, 1958

RECEIVED
NPS REGION FOUR OFFICE
OCT 23 '58

	SURNAME	DAT
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN	BTm	10/23
RECREATION		
~~INTERP~~	LSS	10/27
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

copy NOT needed LSS

Subject: Cow Creek Water Rights, Dockets 1 and 2, Death Valley

see memo To State Water Right Board 10/28

The last paragraph of Mr. Dunn's memorandum of October 8 commented on the report and proof on the power right Application 9509. The existing power unit is not now in operation and it is very doubtful if it will be used in the future. However, we have thought that it may be necessary to install a small pelton wheel unit at the water cooling tower in order to provide power for a fan if there is not sufficient natural ventilation for the cooling tower. This cannot be determined until the tower has been in operation for some time but we think that it would be desirable to retain the power right for the time being.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

In duplicate

copy to Docket 1 file

42

L54-L

(1)

October 8, 1958

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.

(SIGNED)

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Chief, WODC

WESTERN OFFICE
DESIGN & CONSTRUCTION
OCT 13 1958 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
2 ENGINEER
LAND. ARCH.
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ACTION TAKEN—DATE

10/13 10/14 10/13

10/13

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D.C.

WR#2

IN REPLY REFER TO:

October 7, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Report (DEVA Docket 1, 2, 7, 24, 25
(PINN Docket 2, Bear Gulch
(YOSE Docket 2, Bishop Creek

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 orginal should be sent to the State Water Rights Board, and the four orginal 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 fee for rights in each area should be noted for the annual breakdown for capitalization.

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.

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.

DEATH VALLEY

Application 9510, License 4621, Docket 1, Cow Creek Domestic. Triennial report of Licensee - no fee. The only report of license which come to my mind at this time are those in Part II of Docket 1, Kings Canyons National Park for the Big Stump Water System - the last being for 1956. The two situations are similar in that water use exceed 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.

Application 10276, License 4897, Docket 7, Wildrose Spring, Triennial reports 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 marked, provided it can also be reported that there has been some activity at the camp between October 1,1957 and October 1, 1958.

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.

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 rights projects which I have scheduled for Region Four for a number of years has been thr 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

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 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 sufficient quantities and other 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. Putman has a senior right to part of the water now used.

/s/ A. van V. Dunn
A. van V. Dunn
Chief, Water Resources Section

Attachement 35

Copy to: Chief, WODC
Superintendent, Death Valley
Superintendent, Pinnacles
Superintendent, Yosemite

09-22-1958: memo from supervisory engineer, wodc to regional director ; september 22, 1958

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN OFFICE, DESIGN AND CONSTRUCTION
1000 Geary Street, San Francisco, California

IN REPLY REFER TO:

Copy

September 22, 1958

Memorandum

To: Regional Director, Region Four

From: Supervisory Engineer, WODC

Subject: Cow Creek Water Rights, Docket I 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 to further comment on the water rights application.

/s/ P.E. Smith
Supervisory Engineer

In duplicate

Copy to: Supt. Death Valley
Proj. Supv. Hinenburg at Death Valley

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ADMIN. ASSI
PERSONNEL
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ACTION TAKEN

September 12, 1958 (1)

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.

NO COPY MADE IN MAIL ROOM

7. Present residents	97
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 WOIC

IN REPLY REFER TO:

L-54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

September 8, 1958

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)

WESTERN OFFICE
DESIGN & CONSTRUCTION
SEP 10 1958 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DATE
ACTION

09-08-1958: memo from regional chief of operations to superintendent ; september 08, 1958

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

35

08-29-1958: memo from chief, water resources section to regional director ; august 29, 1958

L54-L

(1)

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

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CHIEF
ADMIN. ASST.
PERSONNEL
PLANS & PRO
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION
None

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.

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.

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.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 5

Copy to: Superintendent, Death Valley, w/c 4 attachments
Chief, WCBC, w/c 4 attachments
Field Solicitor McClellan, w/c 4 attachments

06-26-1958: memo from regional chief of ops to director dealing with mr. dunns memo on comments , june 26, 1958

L54

~~Spaulding~~ LSS
Whitworth
Manbey DFM
McClellan
Johnston FJ.

Region Four
180 New Montgomery Street
San Francisco 5, California

June 26, 1958

FILE COPY

Memorandum

To: Director

From: Regional Chief of Operations, Region Four

Subject: Water Right Application 9509, Docket 2,
Cow Creek Power - Death Valley

By memorandum of June 2, Mr. Dunn asked our comments on a suggestion that proof for the final license under Application 9509 be made on present installations.

We believe there is no reason to continue requesting extensions of time for the hydro-power application. Present plans call for the obliteration of the residential area power house containing the larger of the two hydroelectric plants. The Pelton wheel has already been removed to make room for moving the Diesel sets. Final proof for license, if made, would have to be for the smaller hydro plant, which we understand is now used occasionally for lighting near the swimming pool. With the completion of the enlarged Diesel generating plant, continued maintenance of even the smaller hydro set will probably become impractical.

We, therefore, suggest that either final proof for license be made at this time on present use or that the hydro-power application be abandoned.

(SGD) FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Copy to: Supt., Death Valley
Chief, WODC

LSSpaulding/eb

33

L54-L
This - corr
Attachments to Dockets

(5)

June 2, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Extensions of Time, Water Rights, Death Valley

The attached copies of orders granting extensions of time until December 1, 1958, are for addition to the Death Valley dockets, which are indicated:

Application 9509, Permit 5380	Docket 2, Cow Creek Power
Application 10,001, Permit 5738	Docket 3, Furnace Creek
Application 10,002, Permit 5339	Docket 4, Furnace Creek
Application 10,118, Permit 5754	Docket 5, Furnace Creek
Application 10,119, Permit 5755	Docket 6, Texas Spring
Application 15,381, Permit 9604	Docket 9, Emigrant Spring

filed in dockets.

The originals are being sent to the Superintendent and copies are being sent to WODC.

Copies of the letter of transmittal of May 26 are also being distributed, and show that the extensions of time have been granted without comment. The correspondence will also show that we had to supply considerable extra support for our requests for extension of time, in order to prevent licensing of less than the authorized or available water, or the cancellation of permits.

We are now preparing an application to change the point of diversion under Applications 9509 and 9510, and a supplemental application for the appropriation of waters of Cow Creek in excess of the authorized 0.446 sec.ft. These may be sufficient to justify another extension of time under Application 9509 if we wish to provide hydro-electric capacity to use 0.446 sec.ft. or more. However, Mr. Binnewies or Mr. Spaulding suggested during my visit of mid-May that most additional electricity would probably be produced with a diesel until commercial power is available, and that proof for license under Application 9509 might be made on the present installations. Please supply your suggestions as soon as possible.

WESTERN OFFICE DESIGN & CONSTRUCTION
JUN 4 1958
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER 6/3
LAND. ARCH.
2 [illegible] 6/5
ACTION TAKEN—DATE
None

9

Another request for extensions of time will have to be made for water developments under Applications 10,001; 10,002; and 10,118. I have about all the information there is to offer in support, except as to flows. Mr. Spaulding should supply the records of measurements between now and September 1 on the trench diversion and those from the well points at Inn Tract. It would also help to have some records of the measurements for the same month, say August, for each year available for diversions from the well points. However, the latter records should not be obtained if they are likely to result in difficulties with the Death Valley Hotel Company.

It might be possible to make proof for licensing rights under Application 10,119 if we had accurate records of sufficient people using the campground for a week or week end this past winter. However, Mr. Kunkel weakens such proof by letter indicating that the Park Service was only using about 0.04 of the authorized 0.078 sec.ft. when he measured it. One way to justify a further extension of time is to construct a lateral from the Texas Spring Campground water system to the new museum site, and so report to me by September, if such lateral could take off at any convenient point on the line extending to the Indian Village.

The rights under Application 15381 are for only 0.0067 sec.ft. or 4330 gallons per day, by diversion, and 0.3 acre-foot or 97,755 gallons of storage. We seem to have only 7,000 gallons of storage capacity, and we shall possibly need some more even though not 100,000 gallons. To support another extension of time we should have counted the number of visitors using the comfort stations on one or more peak visitor days last winter (a laborer could be paid from Account 347 to sit and count for a few days). It is too late to do that before December 1 of this year, but should be scheduled next year. As an alternative by about September 1, I should like:

1. Either the count or best estimate of the number who stopped at the ranger station and probably used the facilities either to fill their car radiators or for personal reasons.

2. The area covered by all vegetation which is now irrigated by hose, with name of vegetation. The area of a tamerisk, or other bush or tree should be figured on the assumption that root system spreads over about the same area as the branches.

3. About how much water is used for dust laying per day. The state recognizes about 7.5 to 10.0 gallons per 100 square feet of surface.

32

4. About how many gallons per day do miners haul away?

5. Although chargeable to Putnam interests and not the Federal rights, the number of gallons per day that are hauled to Stove Pipe Wells Hotel.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Death Valley, w/c attachments
Chief, WODC, w/c attachments

WRH #2

Docket 2

Spaulding

11-13-57

Data for Progress Report

Application 9509

Permit 5380

Nevares Spring - Power

1956 - Hydro-electric power said to be impractical ~~for~~ by WODC

Spring 1956 - ~~Power~~ Diesel power plants replaced and distribution system rehabilitated

Spring 1956 - use of hydro plants at ~~east~~ Park Village discontinued

Spring 1957 - ~~Pelton wh~~ Generator driven by Pelton Wheel at Village power plant removed from foundation to permit moving diesel sets in & out. Hydro generator not replaced.

1956 - 195, - Hydro plant at Swimming Pool used occasionally for lighting evening social events.

Application 9509 cont

Fall 1957 - 8" line laid from Navares Spring to old intake box.

XEROX COPY

10
Docket 2

L 54 Furnace Creek
L 54 Emigrant

June 16, 1958

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Extension of Time, Water Rights

Please refer to Mr. Dunn's memorandum of June 2, 1958, to the Regional Director, Region Four, a copy of which was furnished this office. In the last paragraph of page 2, Mr. Dunn requests that certain information be obtained at Emigrant Ranger Station to support another extension of time. The information is identical with that supplied in our memorandum of May 17, 1957, and since there has been no appreciable change in water use we wish to inquire if it is necessary to make another check. Any such check made before September 1 would show a decrease in use by visitors and a corresponding increase in irrigation need but all available water is being put to beneficial use.

We are not adverse to making the check again but thought that the information already supplied might suffice.

Fred W. Binnewies
Superintendent

In duplicate

cc File (2)
cc
FWB:ekm

10-23-1957: attached are a copy of our letter of transmittal to the state water rights board , october 23, 1957

L54-L

OCT 29 1957

(4)

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Applications 8423 (Docket 24); 9509 (Docket 2); 10,001 (Docket 3); 10,002 (Docket 4); 10,118 (Docket 5); 10,119 (Docket 6); and 15,381 (Docket 9), Death Valley

Attached are a copy of our letter of transmittal to the State Water Rights Board, and your copies of our annual reports and requests for extensions of time as therein listed. The reports and requests for extensions of time should be filed in the dockets indicated above. Copies are being sent to the Superintendent and WCBC for similar disposition.

It is my intention to notify the California Water Rights Board, Oregon State Engineer, and Washington Supervisor of the Division of Water Resources to send the forms for future reports to your office as soon as Mr. Spaulding becomes familiar with what each state requires and what I have done to date. He is in a much better position to assemble the data. He should review the applications and reports in all dockets, and start a follow-up record of when the next action is due under rights in all dockets for each area in the Region. The filing fees are small, and are paid from Account 347, from which his salary and other expenses are now paid.

Some of the reports may be based on obsolete data in this office. If I have omitted any construction during the past year, I should be advised in case more argument becomes necessary to obtain extensions of time, and should also be listed on a temporary attachment in the docket for inclusion in the next annual report.

In connection with the Furnace Creek applications, I have said as little as possible about conflicting interests of the Borax Company. There seems to be general agreement among those with whom I have talked that the Park Service will not wish to assert Federal claims superior to those which the Company can actually support by past beneficial use, as suggested by Mr. Burke. However, there are no official directives at this time, and I do not know what negotiations, if any, we may have with the Company.

WESTERN OF
DESIGN & CONST.
OCT 31 195
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN

30

10-23-1957: attached are a copy of our letter of transmittal to the state water rights board cont. ; october 23, 1957

The copy of letter of October 16 to Mr. Worts from Mr. Johnston has arrived while I was preparing the reports. The one omitted point is that Messrs. Worts and Kunkel should not be restricted in recommendations by the existence of conduit easements of the Borax Company. We are looking for undiverted water wherever it may be. I am quite certain we should extend the 120 foot trench to each side of the wash. I am not sure whether Mr. Kunkel will also recommend deeper exploration, by trench or wells, but consider it quite possible.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Death Valley
Chief, WOR (2)
Field Solicitor McClellan (2)

WR#2

L54-L

WESTERN O
DESIGN & CONS
FEB 25 19
CHIEF
ADMIN.ASSI
PERSONNEL
PLANS & PR
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH
ACTION TAKE

February 20, 1957

Memorandum

To: Regional Director, Region Four

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

26

11-17-1954: memo informing of attached copies of annual reports ; november 17, 1954

WRH2

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
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

21

ultimate point of diversion and respective water claims have not been worked out. We 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

In reply refer to:
L54-L

WR#2

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

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

19

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 (½ 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

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

WR#2

June 10, 1954

Memorandum

CROWLEY

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 Navares 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.

(SGD) H. L. CROWLEY

H. L. Crowley
Supervising Highway Engineer

Copy to: Death Valley
Regional Office

HLCrowley/ad

FILE COPY

18

05-05-1954: memo from assistant regional director to superintendent , may 05, 1954

In reply refer to:
L54-L

WR#2

May 5, 1954

Crowley 5/4

Hill

Memorandum

(1)

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

Attachment

Copy to: Director

Design & Construction

HLCrowley:mb

RECEIVED

17

D+C

In reply . . to: 154-L WR#2

Westley
Kuehl
Crowley
Manbey
McClellan
Hill

April 15, 1954

Memorandum

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.

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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 Utility 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.

DSGD SANFORD HILL

Sanford Hill
Assistant Regional Director

Copy to: Acting Supt., Death Valley

VJWestley:fa

16

Hell

In reply refer to:
154

WR#2

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

15

Office of
Chief, Western Office
Div. of Design and Const.
JUN 1955 27 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

L54-L

WR#2

June 20, 1953

C/R Docket 2.

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Cow Creek Water System. Docket 1. Death Valley

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

22

11-02-1946: memo from chief water resources branch to regional director ; november 02, 1946

WR#2

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

NOV 8 19
ROUTING | DATE
~~McClelland~~ 11-12
~~Manley~~ 11/12
~~Hunt~~ 11/15

November 2, 1946.

File in Deeds

MEMORANDUM for the Regional Director, Region Four.

We enclose two copies each of the annual Progress Report by Permittee, in connection with Applications 9509, 9510, 10001, 10002, 10118, 10119, and 10276. One of each should be filed in Death Valley Water Right Deeds Nos. 5, 6, 7, 8, 9, 10, and 11, respectively, at your office and at the Monument.

You will note that progress is reported as negligible, and without details. It will be helpful in the future if some form of report can be sent to us in August or September, to help in justifying the failure to complete the systems and make full use of water.

A. Grant Dunn
Chief, Water Resources Branch.

Enclosure 356.
In duplicate.

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

08 MAPMISC

Death Valley National Park

COW CREEK - POWER PLANT [RETIRED]

Maps and Miscellaneous Information

T.28N. R.1E. SAN BERNARDINO MERIDIAN

33 34 35 36 3 4

E 5000 N 10000 E 10000 N 10000 N 5000 E 10000

NORTH CANYON COW CREEK

COW CREEK

MAIN COW CREEK CHANNEL

Navarez Property Line

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.

HEADQUARTERS 4" W

PIPE

PROPOSED EXTENSION LINE

COMMINGLING TANK

Ditch 4'x6'

6" Jct. Underground and Surface Lines

Power House 133+69.35

Ditch

Spr.

Hydroplant 11 KW Elev. about —86

Regulating Reservoir 146+38.05

Swimming Pool

EXISTING PORTABLE 2" PIPE LINE

5 Sprs.

Spr.

Spr.

Spr.

Spr.

Spr.

0.66 Acres

0.89 Acres

0.08 Acres

0.14 Acres

0.12 Acres

7.14 Acres

3.11 Acres

3.17 Acres

3.91 Acres

10.95 Acres

13.93 Acres

26.48 Acres

2.25 Acres

17.93 Acres

27.52 Acres

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. = 43.1

Ditch

TOTAL FALL 638.9 Ft.

TOTAL FALL 700.3 Ft.

PROFILES

SCALES:- HORIZ. 1"=800' VERT. 1"=80'

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.

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'

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

HEADQUARTERS
COW CREEK PIPE LINE
DEATH VALLEY NATIONAL MONUMENT

DRAWING NO. NM-DV 6975

Appl. entries 7509 Power 7570 Recreational

Docket Information

Number of Documents in Docket : 131

Documents Dated from : 02-28-1939 to 8-29-1978

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