Docket Number: 21

TARANTULA SPRING (A016096)

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 #:** 021 **Docket Title** Tarantula Spring (A016096)

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: Tarantula Springs tributary to Trail Canyon

State: CA
County: Inyo

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

Application #: A016096 **Date:** _____
Permit #: 011421 **Date Issued:** 06/17/1958
License / Certificate #: 010845 **Priority Date:** 10/18/1954
Ruling/Order/Decree #: _____ **Date Issued:** _____

Quantity: Rate: 2.8 Duty: _____
Units: ☐ cfs ☐ gpm ☒ afy ☐ other _____ Units: ☐ cfs ☐ gpm ☐ afy ☐ other _____

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

POD Name / Location: _____ ☐ Multiple PODs (see water right)
Qtr: SW Qtr: NE Sec: 2 T: 19 S R: 45 E PM: _____
Latitude: 36.3147674 Longitude: -117.07255231
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 February 28, 1978 in the preliminary section for narrative.

☐ Additional Page(s) Attached

02-28-1978: water right/source docket information ; february 28, 1978

NPS RESOURCES/WATER RIGHTS

DATE: February 28, 1978

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western Region AREA Death Valley National Monument

SITE Tarantula Spring

STATE California COUNTY Inyo DOCKET NO WR #21

LOCATION SW¼, NE¼, Sec. 2, T 19 S, R 45 E, MDB&M

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Appropriation

APPLICATION 16096 PERMIT 11421 CERTIFICATE ~~11421~~ 010845

ACTION DUE PRIORITY October 18, 1954 RESERVATION 1933

QUANTITY 4350 gpd USE Wildlife Enhancement

STATUS Active SOURCE Surface Water

REMARKS

NARRATIVE:

Tarantula Spring was included within the boundaries of Death Valley N.M. upon its establishment in 1933. The U.S. Congress essentially opened the Monument to private mining activity by the Act of June 13, 1933 (48 Stat. 139), and between 1951 and 1952 a variety of mining claims were filed for the area around Tarantula Spring. There were two claims of note, that of Tony Ramos on February 29, 1952, and that of Alf Dahl, dating from October 20, 1952. Dahl and his brother, Ralph, opened up the Dor-Jean mining claim just below the Ramos claim. Ramos, in turn, transfered his interest in the February 29 claim to M.D. Nichols.

On October 18, 1954, the Monument filed Application 16096 with the State of California to appropriate 12 gpm from Tarantula Spring (actually an unnamed spring in the Tarantula Springs area) to supply Nichols' mining claim, as well as for recreational, domestic, and radiator use. The Dahls protested the application on the grounds that such an appropriation would destroy the Dahls' prior appropriation for their own mill. Title 30, Section 51, of the U.S. Code, as well as like California law, states that the possession of a mining claim draws to it the right to a reasonable use of the waters passing in a natural channel through or by a claim. By analogy, springflow would also be covered by these provisions. The Monument struck an agreement with Dahl where he would recieve an undivided ½ interest of the flow from the spring up to 12 gpm in return for withdrawing the protest.

Due to a decline in the demand for tungsten, Nichols suspended his mining activities in the area in 1958. The Monument continued appropriation of the spring for domestic, visitor, and recreational use. Eventually the spring was listed as primarily for wildlife propagation. An inspection of the area in February 1975 indicated that while the millsite had been inactive for some time, there was still heavy use of the spring by wildlife. A dam about 200 feet downstream from the spring was declared illegal by a representitive of the State Water Rights Division. Still in existance are two water storage tanks and a pipeline that conveys water part way to the millsite.

In August of 1978 the State of California issued License 11421 to the Monument for the use of 4350 gpd from the spring for resident and transient wildlife population in the area. The place of beneficial use of the water was changed to read the same as the point of diversion listed in Application 16096 and License 11421.

Compiled by T.Kern

Approved by W. Werrell

02 STATE

Death Valley National Park

TARANTULA SPRING (A016096)

State Water Rights Documentation

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2023 to September 30, 2024

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 01/23/2025

Application Number: A016096
License Number: 010845

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Preservation and Enhancement	0	01/01 to 12/31	

Purpose of Use
Data Not Available

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

Amount of Water Diverted	
Month	**Amount diverted or collected to storage**
2023	
October	0 Acre-Feet 0 Gallons
November	0 Acre-Feet 0 Gallons
December	0 Acre-Feet 0 Gallons
2024	
January	0 Acre-Feet 0 Gallons
February	0 Acre-Feet 0 Gallons
March	0 Acre-Feet 0 Gallons
April	0 Acre-Feet 0 Gallons
May	0 Acre-Feet 0 Gallons
June	0 Acre-Feet

Amount of Water Diverted	
Month	**Amount diverted or collected to storage**
	0 Gallons
July	0 Acre-Feet 0 Gallons
August	0 Acre-Feet 0 Gallons
September	0 Acre-Feet 0 Gallons
Total	0 Acre-Feet 0 Gallons
Comments	DECLARATION: THE UNITED STATES HOLDS BOTH STATE LAW-BASED WATER RIGHTS AND FEDERAL RESERVED RIGHTS, AND MAY MEET ITS WATER NEEDS BY USING EITHER OR BOTH TYPES OF RIGHT. THE UNITED STATES PROVIDES THIS INFORMATION TO THE STATE IN THE INTEREST OF COMITY AND WITH RESPECT TO THE STATE DESIRE TO UNDERSTAND WATER USES IN THE STATE; HOWEVER, BY PROVIDING THIS INFORMATION, THE UNITED STATES DOES NOT CONCEDE THAT THE STATE HAS THE POWER TO REGULATE THE RIGHTS OF THE UNITED STATES TO THE USE OF WATER. No longer used in support of licensed purposes. Beneficial use is for the enhancement of wetland/riparian ecosystems, wildlife, and recreation. Amount used is estimated based on historical practices. The National Park Service (NPS) considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. The NPS intends to determine whether a formal change in use is appropriate in the future.

Water Diversion Measurement	
Required to measure as of the date this report is submitted	No
Is diversion measured?	
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

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

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

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2022 to September 30, 2023

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 01/24/2024

Application Number: A016096
License Number: 010845

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Preservation and Enhancement	0	01/01 to 12/31	

Purpose of Use
Data Not Available

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

Amount of Water Diverted	
Month	**Amount diverted or collected to storage**
2022	
October	0 Acre-Feet 0 Gallons
November	0 Acre-Feet 0 Gallons
December	0 Acre-Feet 0 Gallons
2023	
January	0 Acre-Feet 0 Gallons
February	0 Acre-Feet 0 Gallons
March	0 Acre-Feet 0 Gallons
April	0 Acre-Feet 0 Gallons
May	0 Acre-Feet 0 Gallons
June	0 Acre-Feet

Amount of Water Diverted	
Month	**Amount diverted or collected to storage**
	0 Gallons
July	0 Acre-Feet 0 Gallons
August	0 Acre-Feet 0 Gallons
September	0 Acre-Feet 0 Gallons
Total	0 Acre-Feet 0 Gallons
Comments	DECLARATION: THE UNITED STATES HOLDS BOTH STATE LAW-BASED WATER RIGHTS AND FEDERAL RESERVED RIGHTS, AND MAY MEET ITS WATER NEEDS BY USING EITHER OR BOTH TYPES OF RIGHT. THE UNITED STATES PROVIDES THIS INFORMATION TO THE STATE IN THE INTEREST OF COMITY AND WITH RESPECT TO THE STATE DESIRE TO UNDERSTAND WATER USES IN THE STATE; HOWEVER, BY PROVIDING THIS INFORMATION, THE UNITED STATES DOES NOT CONCEDE THAT THE STATE HAS THE POWER TO REGULATE THE RIGHTS OF THE UNITED STATES TO THE USE OF WATER. No longer used in support of licensed purposes. Beneficial use is for the enhancement of wetland/riparian ecosystems, wildlife, and recreation. Amount used is estimated based on historical practices. The National Park Service (NPS) considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. The NPS intends to determine whether a formal change in use is appropriate in the future.

Water Diversion Measurement	
Required to measure as of the date this report is submitted	No
Is diversion measured?	
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

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

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

Contact Information of the Person Submitting the Form	
First Name	Krista
Last Name	Van Der Velde
Relation to Water Right	Company Representative
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

October 1, 2021 to September 30, 2022

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 08/29/2023

Application Number: A016096
License Number: 010845

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Preservation and Enhancement	0	01/01 to 12/31	

Purpose of Use
Data Not Available

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

Amount of Water Diverted	
Month	**Amount diverted or collected to storage**
2021	
October	0 Acre-Feet 0 Gallons
November	0 Acre-Feet 0 Gallons
December	0 Acre-Feet 0 Gallons
2022	
January	0 Acre-Feet 0 Gallons
February	0 Acre-Feet 0 Gallons
March	0 Acre-Feet 0 Gallons
April	0 Acre-Feet 0 Gallons
May	0 Acre-Feet 0 Gallons
June	0 Acre-Feet

Amount of Water Diverted	
Month	**Amount diverted or collected to storage**
	0 Gallons
July	0 Acre-Feet 0 Gallons
August	0 Acre-Feet 0 Gallons
September	0 Acre-Feet 0 Gallons
Total	0 Acre-Feet 0 Gallons
Comments	DECLARATION: THE UNITED STATES HOLDS BOTH STATE LAW-BASED WATER RIGHTS AND FEDERAL RESERVED RIGHTS, AND MAY MEET ITS WATER NEEDS BY USING EITHER OR BOTH TYPES OF RIGHT. THE UNITED STATES PROVIDES THIS INFORMATION TO THE STATE IN THE INTEREST OF COMITY AND WITH RESPECT TO THE STATE DESIRE TO UNDERSTAND WATER USES IN THE STATE; HOWEVER, BY PROVIDING THIS INFORMATION, THE UNITED STATES DOES NOT CONCEDE THAT THE STATE HAS THE POWER TO REGULATE THE RIGHTS OF THE UNITED STATES TO THE USE OF WATER. No longer used in support of licensed purposes. Beneficial use is for the enhancement of wetland/riparian ecosystems, wildlife, and recreation. Amount used is estimated based on historical practices. The National Park Service (NPS) considers state appropriative licenses to be federal property, and this change of type of use does not indicate an intent to abandon this license. The NPS intends to determine whether a formal change in use is appropriate in the future.

Water Diversion Measurement	
Required to measure as of the date this report is submitted	No
Is diversion measured?	
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

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

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

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR REPORTING PERIOD

January 1, 2021 to September 30, 2021

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 07/05/2022

Application Number: A016096
License Number: 010845

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Preservation and Enhancement	0	1/01 to 12/31	

Purpose of Use
Data Not Available

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

Amount of Water Diverted	
Month	**Amount diverted or collected to storage (Acre-Feet/Gallons)**
January	0 0
February	0 0
March	0 0
April	0 0
May	0 0
June	0 0
July	0 0
August	0 0
September	0 0

Total	0 0
Comments	The beneficial use of the spring flow is for the enhancement of aquatic ecosystems, riparian zones, wildlife, and recreation. Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Water Diversion Measurement	
Required to measure as of the date this report is submitted	No
Is diversion measured?	
An alternative compliance plan was submitted to the division of water rights on	
A request for additional time was submitted to the division of water rights on	

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

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

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2020

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 03/29/2021

Application Number: A016096
License Number: 010845

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Preservation and Enhancement	0	01/01 to 12/31	

Purpose of Use
Data Not Available

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

Amount of Water Diverted	
Month	**Amount diverted or collected to storage (Acre-Feet/Gallons)**
January	0 0
February	0 0
March	0 0
April	0 0
May	0 0
June	0 0
July	0 0
August	0 0
September	0 0
October	0 0

November	0 0
December	0 0
Total	0 0
Comments	Beneficial use of the spring flow was for the enhancement of aquatic ecosystems, wildlife habitat, and recreation. Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

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

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

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2019

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 03/29/2021

Application Number: A016096
License Number: 010845

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Preservation and Enhancement	0	01/01 to 12/31	

Purpose of Use
Data Not Available

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

Amount of Water Diverted	
Month	**Amount diverted or collected to storage (Acre-Feet/Gallons)**
January	0 0
February	0 0
March	0 0
April	0 0
May	0 0
June	0 0
July	0 0
August	0 0
September	0 0
October	0 0

November	0 0
December	0 0
Total	0 0
Comments	Beneficial use of the spring flow was for the enhancement of aquatic ecosystems, wildlife habitat, and recreation. Declaration: The United States holds both state law-based water rights and federal reserved rights, and may meet its water needs by using either or both types of right. The United States provides this information to the State in the interest of comity and with respect to the State desire to understand water uses in the State; however, by providing this information, the United States does not concede that the State has the power to regulate the rights of the United States to the use of water.

Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

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

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

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2018

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 11/06/2019

Application Number: A016096
License Number: 010845

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0	01/01 to 12/31	

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

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

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

4. Purpose of Use	
Recreational	Sight seeing and wildlife viewing
Fish and Wildlife Preservation and Enhancement	Supports wildlife habitat

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

5. Maximum Rate of Diversion	
Month	**Rate of Diversion (Gallons Per Day)**
January	0
February	0
March	0
April	0

May	0
June	0
July	0
August	0
September	0
October	0
November	0
December	0

6. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	0.237
February	0	0	0.222
March	0	0	0.237
April	0	0	0.23
May	0	0	0.237
June	0	0	0.23
July	0	0	0.237
August	0	0	0.237
September	0	0	0.23
October	0	0	0.237
November	0	0	0.23
December	0	0	0.237
Total	0	0	2.801
Type of Diversion	No Diversion		
Comments	Beneficial use of the spring flow was for the enhancement of aquatic ecosystems, wildlife habitat, and recreation.		

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

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	
6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2018	
6p. Amount (Acre-Feet) projected for 2019	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	No
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

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

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

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

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

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

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

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

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

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

Information on Certification and Signatory

Name of Person Signing and Certifying the Report	Richard Friese
Date of Signature	11/06/2019

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2017

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 02/14/2018

Application Number: A016096
Permit Number: 011421

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0	01/01 to 12/31	

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

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

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

4. Purpose of Use	
Recreational	sight seeing and wildlife viewing
Fish and Wildlife Preservation and Enhancement	supports wildlife habitat

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

5. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPD)**
January	0
February	0
March	0

April	0
May	0
June	0
July	0
August	0
September	0
October	0
November	0
December	0

6. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	0.237
February	0	0	0.222
March	0	0	0.237
April	0	0	0.22
May	0	0	0.237
June	0	0	0.22
July	0	0	0.237
August	0	0	0.237
September	0	0	0.22
October	0	0	0.237
November	0	0	0.22
December	0	0	0.237
Total	0	0	2.761
Type of Diversion	No Diversion		
Comments	Beneficial use of the spring flow was for the enhancement of aquatic ecosystems, wildlife habitat, and recreation.		

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

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	
6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2017	
6p. Amount (Acre-Feet) projected for 2018	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	No
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

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

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

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

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

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

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

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

Information on Certification and Signatory	
Name of Person Signing and Certifying the Report	Scott Williams
Date of Signature	02/14/2018

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2016

Primary Owner: U S NATIONAL PARK SERVICE
Primary Contact:

Date Submitted: 04/06/2017

Application Number: A016096
Permit Number: 011421

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0	01/01 to 12/31	

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

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

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

4. Purpose of Use	
Recreational	Sight seeing and wildlife viewing.
Fish and Wildlife Preservation and Enhancement	Supports wildlife habitat.

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

5. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPD)**
January	0
February	0
March	0

April	0
May	0
June	0
July	0
August	0
September	0
October	0
November	0
December	0

6. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	0.237
February	0	0	0.222
March	0	0	0.237
April	0	0	0.23
May	0	0	0.237
June	0	0	0.23
July	0	0	0.237
August	0	0	0.237
September	0	0	0.23
October	0	0	0.237
November	0	0	0.23
December	0	0	0.237
Total	0	0	2.801
Type of Diversion	No Diversion		
Comments	Beneficial use of the spring flow was for the enhancement of aquatic ecosystems, wildlife habitat, and recreation.		

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

Water Supply Contracts	
6h. Water supply contract	No
6i. Contract with	
6j. Other provider	
6k. Contract number	
6l. Source from which contract water was diverted	
6m. Point of diversion same as identified water right	
6n. Amount (Acre-Feet) authorized to divert under this contract	
6o. Amount (Acre-Feet) authorized to be diverted in 2016	
6p. Amount (Acre-Feet) projected for 2017	
6q. Exchange or settlement of prior rights	
6r. All monthly reported diversion claimed under the prior rights	
6s. Amount (Acre-Feet) of reported diversion solely under contract	

7. Water Diversion Measurement	
a. Required to measure as of the date this report is submitted	No
b. Is diversion measured?	No
c. An alternative compliance plan was submitted to the division of water rights on	
d. A request for additional time was submitted to the division of water rights on	

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

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

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

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

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

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

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2015

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

Date Submitted: 07/29/2016

Application Number: A016096
Permit Number: 011421

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0	01/01 to 12/31	

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

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

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

4. Purpose of Use	
Recreational	visitation, asthetics
Fish and Wildlife Preservation and Enhancement	wildlife

5. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	0.2333
February	0	0	0.2333
March	0	0	0.2333
April	0	0	0.2333
May	0	0	0.2333
June	0	0	0.2333

July	0	0	0.2333
August	0	0	0.2333
September	0	0	0.2333
October	0	0	0.2333
November	0	0	0.2333
December	0	0	0.2333
Total	0	0	2.7996
Type of Diversion	No Diversion		
Comments	There are no diversions for consumptive use.		

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

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

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

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

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

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

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

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

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

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

CALIFORNIA
Water Boards

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

February 19, 2016

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

Primary Owner: U S NATIONAL PARK SERVICE

Application ID: A016096 **License No.** 010845

First three Sources listed:	Counties:
TARANTULA SPRINGS	Inyo

Direct Diversion Rate: 4350.000 Gallons per Day **Collection to Storage Amount:** 0.000 AC-FT
4.88 afy

LICENSEE REPORTING FOR 2015

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

User ID (Water Right ID): **A016096**
Password (Reporting Identifier): **451526**

IMPORTANT: PLEASE NOTE BELOW

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

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

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

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

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

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

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

- See attached "Fact Sheet" for updates.

CONTACT INFORMATION

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

Sincerely,

Amanda Montgomery

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2014

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

Date Submitted: 07/01/2015

Application Number: A016096
Permit Number: 011421

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0	01/01 to 12/31	

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

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

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

4. Purpose of Use	
Recreational	Scenic, wildlife viewing
Fish and Wildlife Preservation and Enhancement	Aquatic and riparian habitat

5. Amount of Water Diverted and Used			
Month	**Amount directly diverted (Acre-Feet)**	**Amount diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0	0.233
February	0	0	0.233
March	0	0	0.233
April	0	0	0.233
May	0	0	0.233
June	0	0	0.233

July	0	0	0.233
August	0	0	0.233
September	0	0	0.233
October	0	0	0.233
November	0	0	0.233
December	0	0	0.233
Total	0	0	2.796
Comments	Springflow was beneficially used for the enhancement of aquatic and riparian ecosystems, wildlife habitat, and recreation.		

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

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

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (CFS)**
January	0
February	0
March	0
April	0
May	0
June	0
July	0
August	0
September	0
October	0
November	0
December	0

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

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

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

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

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

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

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

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

January 30, 2015

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

Primary Owner: U S National Park Service

Application ID: A016096 **License No.** 010845

First three Sources listed:	Counties:
TARANTULA SPRINGS	Inyo

Direct Diversion Rate: 4350.000 Gallons per Day **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2014

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

User ID (Water Right ID): **A016096**
Password (Reporting Identifier): **451526**

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

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

SPECIAL REPORTING FEATURES:

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

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

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

CONTACT INFORMATION

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

Sincerely,

Amanda Montgomery

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2013

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

Date Submitted: 05/14/2014

Application Number: A016096
Permit Number: 011421

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0	01/01 to 12/31	

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

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

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

4. Purpose of Use	
Recreational	Aesthetics.
Fish and Wildlife Preservation and Enhancement	Wildlife and wetland/riparian habitat.

5. Amount of Water Diverted and Used		
Month	**Amount directly diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0	0.233
February	0	0.233
March	0	0.233
April	0	0.233
May	0	0.233
June	0	0.233

July	0	0.233
August	0	0.233
September	0	0.233
October	0	0.233
November	0	0.233
December	0	0.233
Total	0	2.796
Comments	Beneficial use of the springflow was the enhancement of wetland/riparian ecosystems, wildlife, and recreation.	

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPM)**
January	0
February	0
March	0
April	0
May	0
June	0
July	0
August	0
September	0
October	0
November	0
December	0

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

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

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

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

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

Attachments		
File Name	**Description**	**Size**

No Attachments

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

[SUMMARY OF FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2012

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

Date Submitted: 05/08/2013

Application Number: A016096
Permit Number: 011421

Source(s) of Water	POD Parcel Number	County
TARANTULA SPRINGS		Inyo

MAX Direct Diversion Rate: 4350 GPD
MAX Collection to Storage: 0 AC-FT
Face Value: 2.8 AC-FT

Permitted Use(s)	Acres	Direct Diversion Season	Storage Season
Fish and Wildlife Protection and/or Enhancement	0	01/01 to 12/31	

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

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

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

4. Purpose of Use	
Fish and Wildlife Preservation and Enhancement	Support of fish and wildlife.

5. Amount of Water Diverted and Used		
Month	**Amount directly diverted or collected to storage (Acre-Feet)**	**Amount used (Acre-Feet)**
January	0.41	0.41
February	0.37	0.37
March	0.41	0.41
April	0.4	0.4
May	0.41	0.41
June	0.4	0.4
July	0.41	0.41

August	0.41	0.41
September	0.4	0.4
October	0.41	0.41
November	0.4	0.4
December	0.41	0.41
Total	4.84	4.84
Comments		

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPD)**
January	4350
February	4350
March	4350
April	4350
May	4350
June	4350
July	4350
August	4350
September	4350
October	4350
November	4350
December	4350

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

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

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

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

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

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

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

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2011

Primary Owner: U S NATIONAL PARK SERVICE
Application Number: A016096
License Number: 010845
Date Submitted: 2012-07-03

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

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

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

4. Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Amounts are estimates.

5. Amount of Water Diverted and Used

Month	Amount directly diverted or collected to storage (Gallons)	Amount used (Gallons)
January	0.0	0.0
February	0.0	0.0
March	0.0	0.0
April	0.0	0.0
May	0.0	0.0
June	0.0	0.0
July	0.0	0.0
August	0.0	0.0
September	0.0	0.0
October	0.0	0.0
November	0.0	0.0
December	0.0	0.0
Total	0	0

6. Maximum Rate of Diversion for each Month	
Month	**Maximum Rate of Diversion (GPD)**
January	0.0
February	0.0
March	0.0
April	0.0
May	0.0
June	0.0
July	0.0
August	0.0
September	0.0
October	0.0
November	0.0
December	0.0

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

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

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

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

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

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

Contact Information of the Person Submitting the Form	
First Name	Eric

Last Name	Lord
Relation to Water Right	Other
I read the above and agree	Yes

DEVA

CALIFORNIA Water Boards

Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for
Environmental Protection

State Water Resources Control Board

NOTICE TO WATER RIGHT LICENSEE

March 5, 2012

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

Contact Phone Number: (970) 225-3500

Primary Owner: U S NATIONAL PARK SERVICE

Application ID: A016096 **License No.** 010845

First three Sources listed:	Counties:
TARANTULA SPRINGS	Inyo

Direct Diversion Rate: 4350.000 Gallons per Day **Collection to Storage Amount:** 0.000 AC-FT

LICENSEE REPORTING FOR 2011

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

User ID (Water Right ID): **A016096**
Password (Reporting Identifier): **451526**

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

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

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

CHANGES FOR 2011 REPORTING:

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

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

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

CONTACT INFORMATION

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

Sincerely,

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

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2010

Primary Owner: U S NATIONAL PARK SERVICE
Application Number: A016096
License Number: 010845

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

Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Amounts are estimates.

Month	Amount directly diverted or collected to storage (Gallons)	Amount used (Gallons)
January	3000.0	3000.0
February	3000.0	3000.0
March	3000.0	3000.0
April	3000.0	3000.0
May	3000.0	3000.0
June	3000.0	3000.0
July	3000.0	3000.0
August	3000.0	3000.0
September	3000.0	3000.0
October	3000.0	3000.0
November	3000.0	3000.0
December	3000.0	3000.0
Total	36000	36000

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

July	
August	
September	
October	
November	
December	

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

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

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

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

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

Attachments	
File Name	Size
No Attachments	

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

Linda S. Adams
Acting Secretary for Environmental Protection

State Water Resources Control Board

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

Edmund G. Brown Jr.
Governor

NOTICE TO WATER RIGHT LICENSEE

Application ID: A016096 **License No.** 10845 **Reporting Cycle:** 3

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

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

Contact Phone: (970) 225-3500

Source(s): TARANTULA SPRINGS in Inyo County

Direct Diversion Rate: 4350 Gallons per Day **Collection To Storage Amount:** 0 AC-FT

ANNUAL LICENSEE REPORTING FOR 2010

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

Water Right ID: **A016096**
Password: **2W3T5Y**

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

CHANGES FOR 2010 REPORTING:

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

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

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

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

REQUIRED NOTIFICATION OF CHANGE IN OWNERSHIP

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

CONTACT INFORMATION

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

Sincerely,

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

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2009

Application Number: A016096
License Number: 010845

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

Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Amounts are estimates.

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	3000.0	3000.0
February	3000.0	3000.0
March	3000.0	3000.0
April	3000.0	3000.0
May	3000.0	3000.0
June	3000.0	3000.0
July	3000.0	3000.0
August	3000.0	3000.0
September	3000.0	3000.0
October	3000.0	3000.0
November	3000.0	3000.0
December	3000.0	3000.0
Total	36000	36000

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

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

Water Quality and Wastewater Reclamation	

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

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

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

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

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2008

Application Number: A016096
License Number: 010845

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

Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Amounts are estimates.

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	3000.0	3000.0
February	3000.0	3000.0
March	3000.0	3000.0
April	3000.0	3000.0
May	3000.0	3000.0
June	3000.0	3000.0
July	3000.0	3000.0
August	3000.0	3000.0
September	3000.0	3000.0
October	3000.0	3000.0
November	3000.0	3000.0
December	3000.0	3000.0
Total	36000	36000

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

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

Water Quality and Wastewater Reclamation

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

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

Additional Remarks

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

[FINAL SUBMITTED VERSION]

REPORT OF LICENSEE FOR 2007

Application Number: A016096
License Number: 010845

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

Purpose of Use	
Fish and Wildlife Protection and/or Enhancement	Amounts are estimates.

Month	Amount directly diverted or collected to storage (Gallons)	Amount beneficially used (Gallons)
January	3000.0	3000.0
February	3000.0	3000.0
March	3000.0	3000.0
April	3000.0	3000.0
May	3000.0	3000.0
June	3000.0	3000.0
July	3000.0	3000.0
August	3000.0	3000.0
September	3000.0	3000.0
October	3000.0	3000.0
November	3000.0	3000.0
December	3000.0	3000.0
Total	36000	36000

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

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

Water Quality and Wastewater Reclamation	

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

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

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

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

Return completed Report to:

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

A016096%L%2009

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

REPORT OF LICENSEE FOR 2007, 2008, 2009

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

APPLICATION NO: A016096

LICENSE NO: 010845
CONTACT PHONE NO: 970-225-3500

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

LICENSE SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed)	POD PARCEL NO	COUNTY LOCATION
TARANTULA SPRINGS		Inyo

MAX DIRECT DIVERSION RATE: 4,350 Gallons per Day
MAX COLLECTION TO STORAGE AMOUNT: 0 AC-FT
WATER RIGHT FACE VALUE: 2.8 AC-FT

LICENSED USE(S) OF WATER (First 4 uses displayed below	ACRES (AC)	DIRECT DIVERSION SEASON (month/day to month/day)	COLLECTION TO STORAGE SEASON (month/day to month/day)
Fish and Wildlife Protection and/or Enhancement	0.0	1/1 to 12/31	

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

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

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

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

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

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

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

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

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

✂ ----------

Please Detach This Portion

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

Water Right ID: A016096

Password: 2W3T5Y

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

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

Please Detach This Portion

✂ -

App ID No. A016096

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

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

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

CONSERVATION OF WATER: (Water Code section 1011)

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

____

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

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

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

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

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

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

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

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

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

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

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

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

Signature:______________________________ Date: ____________ Phone No.: (   ) ____________

LICENSEE (OR AGENT / DESIGNEE)

DLA 13

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

REPORT OF LICENSEE FOR 1998,1999,2000

Owner of Record:
U S NATIONAL PARK SERVICE ;

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

Application No.: A016096
Password: 04190110040172
License: 010845
Phone Number: (970)225-3500

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

Source Name (Display up to the first four sources)
TARANTULA SPRINGS

County Name (First POD)
Inyo

Purpose (Display up to the first four uses)	**Diverson Season** (MM/DD - MM/DD)	**Storage Season** (MM/DD - MM/DD)	**Acres** (AC)
Fish and Wildlife Protection and/or Enh	1 /1 - 12 / 31	0 / 0 - 0 / 0	0

Max DD Appl: 4350 GPD **Max Storage:** AC-FT

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

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

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

COMPLETE FOR DIRECT DIVERSION PROJECTS

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

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

COMPLETE FOR STORAGE PROJECTS

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

(Continues on reverse side)

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

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

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

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

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

CONSERVATION OF WATER

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

_____

_____

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

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

WATER QUALITY AND WASTEWATER RECLAMATION

19. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES [ ] NO [ ].
20. If credit toward use under this license through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used: 1998 _____(af/mg) 1999 _____(af/mg) 2000 _____(af/mg)

CONJUNCTIVE USE OF SURFACE WATER AND GROUNDWAtER

21. Are you now using groundwater in lieu of surface water? YES [ ] NO [ ]
22. If credit toward use under this license through substitution of groundwater in lieu of appropriated water is claimed under Section 1011.5 of the Water Code, please show the amounts of groundwater used:

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

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

_____

_____

_____

_____

_____

_____

_____

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

Date:_____Sign Here:_____

LICENSEE (OR AGENT OR DESIGNEE)

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

REPORT OF LICENSEE FOR 1987, 1988, 1989

OWNER OF RECORD:

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

APPLICATION: A016096

LICENSE: 010845

TELEPHONE NUMBER:
( ) -

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

SOURCE:

TARANTULA SPRINGS

COUNTY:

INYO

PURPOSE:

FISH & WILDLIFE

DIVERSION/STORAGE SEASON:

JAN 01 TO DEC 31

ACRES/HP:

.0 AC

AMOUNT: 4350.000 GPD

0.0 AC-FT

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

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

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

COMPLETE FOR DIRECT DIVERSION PROJECTS

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

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

COMPLETE FOR STORAGE PROJECTS

	1987	1988	1989
3. Did your reservoir spill this year?	N/A	N/A	N/A
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

USE (COMPLETE FOR ALL PROJECTS)

7. Acreage irrigated			
Crops grown			
8. Stockwatering – number of stock			
kind of stock			
9. Domestic – number of persons			
garden area, etc.			
10. Recreational – nature of use. picnicking	X	X	X
11. Industrial – nature of use			
12. Municipal – approximate population			
13. Power generation – K.W.			
14. Other			

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

REPORT OF LICENSEE FOR — PAGE 2

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

CONSERVATION OF WATER (WATER PURVEYORS)

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

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

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

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

CONSERVATION OF WATER (WATER USERS) N/A

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

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

WATER QUALITY AND WASTEWATER RECLAMATION N/A

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

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

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

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

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

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

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

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

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant o polluted water in place of the appropriated water to satisfy all or part of your water needs?

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

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

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

Date: 2/4/93 Sign Here: _____ Chief, Water Rights Branch
LICENSEE (OR AGENT OR DESIGNEE)

Docket # 21

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

REPORT OF LICENSEE FOR 1987, 1988, 1989

OWNER OF RECORD:

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

APPLICATION: A016096

LICENSE: 010845

TELEPHONE NUMBER:
( ) -

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

SOURCE:

TARANTULA SPRINGS

COUNTY:

INYO

PURPOSE:

FISH & WILDLIFE

DIVERSION/STORAGE SEASON:

JAN 01 TO DEC 31

OK

ACRES/HP:

.0 AC

AMOUNT: 4350.000 GPD 0.0 AC-FT

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

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

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

COMPLETE FOR DIRECT DIVERSION PROJECTS

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

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

COMPLETE FOR STORAGE PROJECTS

	1987	1988	1989
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

USE (COMPLETE FOR ALL PROJECTS)

7. Acreage irrigated			
Crops grown			
8. Stockwatering — number of stock			
kind of stock			
9. Domestic — number of persons			
garden area, etc.			
10. Recreational — nature of use: wildlife viewing	X	X	X
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other			

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

(REPORT CONTINUES ON REVERSE SIDE)

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

CONSERVATION OF WATER (WATER PURVEYORS)

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

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

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

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

CONSERVATION OF WATER (WATER USERS) N/A

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

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

WATER QUALITY AND WASTEWATER RECLAMATION N/A

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

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

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

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

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

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

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

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

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs?

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

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

_____

_____

_____

_____

_____

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

Date: _____ Sign Here: _____
LICENSEE (OR AGENT OR DESIGNEE)

File

United States Department of the Interior

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

December 12, 1995

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

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

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

Dear Mr. Wright:

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

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

Sincerely,

Owen R. Williams

Owen R. Williams
Chief, Water Rights Branch
Enclosures

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

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

REPORT OF LICENSEE FOR 1992, 1993, 1994

OWNER OF RECORD: U S DEATH VALLEY NATL MONUMENT

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

APPLICATION: A016096

LICENSE: 010845

TELEPHONE NUMBER: (970) 225 - 3500

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

SOURCE: TARANTULA SPRINGS

COUNTY: INYO

PURPOSE: WILDLIFE

DIVERSION/STORAGE SEASON: JAN 01 TO DEC 31 /

ACRES/HP: 0 AC

AMOUNT: 4350 GPD 0 AC-FT

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

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

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

COMPLETE FOR DIRECT DIVERSION PROJECTS

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

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1992	x	x	x	x	x	x	x	x	x	x	x	x	
1993	x	x	x	x	x	x	x	x	x	x	x	x	
1994	x	x	x	x	x	x	x	x	x	x	x	x	

COMPLETE FOR STORAGE PROJECTS

	1992	1993	1994
3. Did your reservoir spill this year?	n/a	n/a	n/a
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

3/94

(Continues on reverse side)
FOR0135R1

1994

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

7. Acreage irrigated.			
8. Stockwatering - number of stock.			
9. Domestic - number of persons.			
garden area, etc.			
10. Recreational - nature of use picknicking	x	x	x
11. Industrial - nature of use			
12. Municipal - approximate population			
13. Power generation - K.W.			
14. Other _____			

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

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

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

CONSERVATION OF WATER

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

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

WATER QUALITY AND WASTEWATER RECLAMATION

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

If credit toward use under this water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under Section 1010 of the Water Code, please show amounts of reduced diversion and amounts of reclaimed water used: 19___ _____(af/mg) 19___ _____(af/mg) 19___ _____(af/mg)

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

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

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

LICENSEE (OR AGENT OR DESIGNEE)

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO

February 3, 1993

Deva 21

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

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

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

Dear Mr. Wright:

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

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

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

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

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

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

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

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

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

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosures

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

STATE OF CALIFORNIA

PETE WILSON, *Governor*

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

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

916/657-2046

FAX: 916/657-2388

In Reply Refer
To:341:JHW:5073

AUGUST 25 1992

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

Dear Ms. Newberry:

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

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

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

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

Sincerely,

Jon H. Wright

Jon H. Wright
Associate WRC Engineer
Permit and License Unit

Enclosures

00-00-0000: report of licensee for 1984, 1985, 1986

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

REPORT OF LICENSEE FOR 1984, 1985, 1986

OWNER OF RECORD:

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

APPLICATION: A016096

LICENSE: 010845

TELEPHONE NUMBER:
( ) -

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

SOURCE:

TARANTULA SPRINGS — Located in North Branch of Middle Fork of Trail Canyon

COUNTY:

INYO

PURPOSE:	DIVERSION/STORAGE SEASON:	ACRES/HP:
FISH & WILDLIFE	JAN 01 TO DEC 31	.0 AC

AMOUNT: 4350.000 GPD 0.0 AC-FT

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

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

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

COMPLETE FOR DIRECT DIVERSION PROJECTS

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

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

COMPLETE FOR STORAGE PROJECTS	1984	1985	1986
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			
USE (COMPLETE FOR ALL PROJECTS)			
7. Acreage irrigated			
Crops grown			
8. Stockwatering — number of stock			
kind of stock			
9. Domestic — number of persons			
garden area, etc.			
10. Recreational — nature of use	Wildlife (bighorn) →	→	→
11. Industrial — nature of use			
12. Municipal — approximate population			
13. Power generation — K.W.			
14. Other			

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

(REPORT CONTINUES ON REVERSE SIDE)

REPORT OF LICENSEE FOR — PAGE 2

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

CONSERVATION OF WATER (WATER PURVEYORS)

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

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

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

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

CONSERVATION OF WATER (WATER USERS)

N/A

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

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

WATER QUALITY AND WASTEWATER RECLAMATION

N/A

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

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

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

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

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

N/A

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

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

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

29. What is present availability or current potential for using reclaimed water from a wastewater treatment plant or polluted water in place of the appropriated water to satisfy all or part of your water needs?

30. What is the current potential for reusing the appropriated water to satisfy part of your water needs?

31. If you produce reclaimed water, or polluted water, is there a potential for others to use it?

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

_____

_____

_____

_____

_____

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

Date: _____ Sign Here: Peter G. Rowlands Chief Resource Mgmt.
LICENSEE (AGENT OR DESIGNEE) Death Valley National Monument

00-00-0000: report of licensee for 1981, 1982, 1983

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

REPORT OF LICENSEE FOR 1981, 1982, 1983

OWNER OF RECORD:

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

APPLICATION: A016096

LICENSE: 010845

TELEPHONE NUMBER:
(415) 556 - 8660

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

SOURCE: TARANTULA SPRINGS

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

COUNTY: INYO

PURPOSE: FISH & WILDLIFE

DIVERSION/STORAGE SEASON: JAN 01 TO DEC 31

ACRES/HP: .0 AC

AMOUNT: 4350.000 GPD 0.0 AC-FT

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

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

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

COMPLETE FOR DIRECT DIVERSION PROJECTS

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

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

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

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

(REPORT CONTINUES ON REVERSE SIDE)

00-00-0000: report of licensee for 1978, 1979, 1980

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

REPORT OF LICENSEE FOR 1978, 1979, 1980

OWNER OF RECORD:

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

APPLICATION: A016096

LICENSE: 010845

TELEPHONE NUMBER:
(415) 556-8660

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

SOURCE:

TARANTULA SPRINGS

COUNTY:

INYO

PURPOSE:

DIVERSION/STORAGE SEASON:

ACRES/HP:

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

AMOUNT: 4350.000 GPD 0.0 AC-FT

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

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

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

COMPLETE FOR DIRECT DIVERSION PROJECTS

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

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

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

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

ate Water Resources Control Boar
DIVISION OF WATER RIGHTS
77 Cadillac Drive
Sacramento, Ca. 95825
(916) 920-6151

DEVA
WRE 21

REPORT OF LICENSEE FOR 1976, 1977 & 1978

OWNER OF RECORD:

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

(415)-556-8660
Area Code and Telephone Number

APPLICATION: 16096

If the information shown above is wrong, please correct.

SOURCE: TARANTULA SPRINGS

COUNTY: INYO

AMOUNT: 4350 GAL/DAY
PURPOSE: WILDLIFE ENHANCEMENT

LICENSE: 10845

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

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

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

THE PROJECT HAS BEEN ABANDONED, AND I REQUEST REVOCATION OF THE LICENSE: ☐ YES ☒ NO.

COMPLETE FOR DIRECT DIVERSION PROJECTS

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

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1976	X	X	X	X	X	X	X	X	X	X	X	X	
1977	X	X	X	X	X	X	X	X	X	X	X	X	
1978	X	X	X	X	X	X	X	X	X	X	X	X	

COMPLETE FOR STORAGE PROJECTS

	1976	1977	1978
3. Did your reservoir spill this year?			
4. If not, how many feet below spillway vertically was the water level at maximum storage?			
5. Have you emptied the reservoir?			
6. How many feet below spillway vertically was it drawn down at end of season?			

USE (COMPLETE FOR ALL PROJECTS)

	1976	1977	1978
7. Acreage irrigated			
Crops grown:			
8. Stockwatering - number of stock			
kind of stock			
9. Domestic - number of persons			
garden area, etc.			
10. Recreational - nature of use			
11. Industrial - nature of use			
12. Municipal - approximate population			
13. Power generation - K.W.			
14. Other Wildlife enhancement	X	X	X

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

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

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

Date: January 31, 1979 Sign Here: (Sgd) Gerard S. Witucki

Gerard S. Witucki
1978 Chief, Div. of Water Resources, National Park Service
LICENSEE

SWRCB-17 (6-78)

(REPORT CONTINUES ON REVERSE SIDE)

01-31-1979: license for diversion and use of water , january 31, 1979

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION ~~16096~~ PERMIT ~~11421~~ LICENSE 10845

THIS IS TO CERTIFY, *That* UNITED STATES - DEATH VALLEY NATIONAL MONUMENT C/O UNITED STATES NATIONAL PARK SERVICE, WESTERN REGION, DIVISION OF WATER RESOURCES, 450 GOLDEN GATE AVENUE, BOX 36063, SAN FRANCISCO, CALIFORNIA 94102

HAS *made proof as of* JANUARY 22, 1975 *(the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the water of* TARANTULA SPRINGS IN INYO COUNTY

tributary to TRAIL CANYON THENCE SALT CREEK THENCE DEATH VALLEY

for the purpose of WILDLIFE ENHANCEMENT USE *under Permit* 11421 *of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from* OCTOBER 18, 1954 *and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed* FOUR THOUSAND THREE HUNDRED FIFTY (4,350) GALLONS PER DAY, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 2.8 ACRE-FEET PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 76° 53' WEST 7,910 FEET FROM NE CORNER OF SECTION 1, T19S, R45E, MDB&M, BEING WITHIN SW1/4 OF NE1/4 OF SECTION 2, T19S, R45E, MDB&M.

A DESCRIPTION OF LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

AT TARANTULA SPRING AREA, BEING WITHIN SW1/4 OF NE1/4 OF SECTION 2, T19S, R45E, MDB&M.

IN ACCORDANCE WITH THE REQUIREMENTS OF FISH AND GAME CODE SECTION 5946, THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTION 5937 OF THE FISH AND GAME CODE.

40225-983 2-76 2,500 ① OSP

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: AUGUST 29 1978

STATE WATER RESOURCES CONTROL BOARD

R. L. Rosenberger

Chief, Division of Water Rights

State Water Resources Control Boa.
DIVISION OF WATER RIGHTS
77 Cadillac Drive Sacramento, CA 95825
~~(916) 322-9128~~ (916) 920-91[illegible]

WR#21

PROGRESS REPORT BY PERMITTEE FOR 1977

APPLICATION: 16096 **PERMIT:** 11421

OWNER OF RECORD: (415) 556-8660
Area Code and Telephone Number

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

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

SOURCE: TARANTULA SPRINGS

COUNTY: INYO

AMOUNT: ~~0.027 CU FT/SEC~~ 2.8 acre-ft/year
PURPOSE: ~~MINING, DOMESTIC & RECREATIONAL~~ Wildlife Propagation

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

TIME TO COMPLETE USE OF WATER EXPIRES ON 12-01-70

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

THE PROJECT HAS BEEN ABANDONED AND I REQUEST REVOCATION OF THIS PERMIT: YES ☐ NO ☒.

CONSTRUCTION WORK

1. Has construction work commenced? YES ☒ NO ☐. If YES, is construction completed? YES ☒ NO ☐.
2. If incomplete, describe briefly the work done, including cost:
3. If not completed, give estimated date of completion:
4. What percent of construction work remains to be done? Explain:

USE OF WATER

5. Has use of water commenced? YES ☒ NO ☐. Check appropriate box(es) below and explain how water was used.

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

(b) ☐ Stockwatering ____ Number of animals

(c) ☐ Industrial ____ Nature of Use

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

(e) ☐ Municipal ____ Approximate population

(f) ☐ Recreational ____ Boating, fishing, water contact sports

(g) ☐ Power generation ____ Installed horsepower capacity

(h) ☒ Other Wildlife Propagation

6. Amount of water used each month under this permit in gallons or acre-feet. (If not known, check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
x	x	x	x	x	x	x	x	x	x	x	x	4350 GPD

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? YES ☐ NO ☐. If "No", explain on revese side under "Remarks".
8. Has location of the intake, place of use, or type of use been changed? YES ☒ NO ☐. Explain on reverse side under "Remarks".
9. Did the source go dry? YES ☐ NO ☐. If so, during what months?

STORAGE PROJECTS ONLY

10. Did your reservoir spill this year? YES ☐ NO ☐. If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? YES ☐ NO ☐. If not, how many feet below spillway vertically was it drawn down at end of season?

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

Dated: May 30, 1978 at 450 Golden Gate, San Francisco, California 94102
(Location) (State)

Sign here: (Sgd) Gerard S. Witucki
National Park Service, Western Region
PERMITTEE

Gerard S. Witucki
Chief, Div. of Water Resourc[illegible]

SWRCB-15 (8-77) 1977

(REPORT CONTINUES ON REVERSE SIDE)

PROGRESS REPORT BY PERMITTEE FOR 1977—PAGE 2

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

MUNICIPAL, COMMUNITY, OR SUBDIVISION PROJECTS ONLY

11. How many service connections to date?_____ Total population served by the water system:_____
12. Estimated number of service connections under full use:_____
13. Are the connections individually metered? YES ☐ NO ☐.
14. Do you plan to meter the connections? YES ☐ NO ☐. When?_____
15. Sewage generated by those to whom you deliver water is disposed of by: Septic tanks and leach lines ☐; Seepage pits ☐; Central treatment plan ☐ operated by_____; Other ☐ (specify under "Remarks")_____

PURVEYORS OF WATER ONLY

16. Water service is provided to an area or subdivision including a recreational reservoir: YES ☐ NO ☐.
17. Name of area or subdivision so served:_____
18. State surface area of recreational reservoir(s) at maximum water level referred to in 16 and 17. Identify surface area(s) by name of dam or reservoir:_____

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

CONSERVATION OF WATER

19. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐; (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in "Remarks") ☐.
20. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.) where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in "Remarks") ☐.
21. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in "Remarks") ☐.
22. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (describe in "Remarks") ☐.

WATER QUALITY AND WASTEWATER RECLAMATION

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

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

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

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

27. Describe what steps you are taking, have been taking, or can take to reclaim or indirectly reuse the water being appropriated.

REMARKS

Please indicate the number of the item you are explaining:

8.) This source is now used for wildlife propagation and the place of use is now at the point of diversion, SW¼ of NE¼ of Section 2, T19S, R45E, MDB&M.

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

53943-983 8-77 2M ①◇OSP

00-00-0000: progress report by permittee for 1976

DEVA WR # 21

ate Water Resources Control Boar
DIVISION OF WATER RIGHTS
2125 – 19th Street, Sacramento, California 95818

PROGRESS REPORT BY PERMITTEE FOR 1976

OWNER OF RECORD: APPLICATION 16096

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

Telephone Number (Include Area Code)

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

SOURCE: TARANTULA SPRINGS

COUNTY: INYO

AMOUNT: 0.027 CU FT/SEC
PURPOSE: MINING, DOMESTIC & RECREATIONAL

12-01-70
TIME TO COMPLETE USE OF WATER EXPIRES THIS DATE

PERMIT: 11421

IMPORTANT! EVERY permit is issued subject to the conditions therein expressed. I have currently reviewed my permit: YES ☐ NO ☐. I am complying with the conditions under which my permit has been issued: YES ☐ NO ☐. Identify any non-compliance by permit term number under "remarks" on reverse side. This report is important in providing the record of use needed in establishing your water right. It should be filled out carefully and returned promptly to the

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS
2125 Nineteenth Street, Sacramento, California 95818

THE PROJECT HAS BEEN ABANDONED AND I REQUEST REVOCATION OF THIS PERMIT: YES ☐ NO ☐.

CONSTRUCTION WORK

1. Has construction work commenced? YES ☐ NO ☐. If YES, is construction completed? YES ☐ NO ☐.
2. If incomplete, describe briefly the work done, including cost:_____
3. If not completed, give estimated date of completion:_____
4. What percent of construction work remains to be done?_____ Explain:_____

USE OF WATER

5. Has use of water commenced? YES ☐ NO ☐ Check appropriate box(es) below and explain how water was used.

(a) ☐ Irrigation_____ (Total acres irrigated) _____ (Name of crops served and acreage of each)

(b) ☐ Stockwatering_____ (Number of animals)

(c) ☐ Industrial_____ (Nature of Use)

(d) ☐ Domestic_____ (Number of persons, area of garden, lawn, etc.)

(e) ☐ Municipal_____ (Approximate population)

(f) ☐ Recreational_____ (Boating, fishing, water contact sports)

(g) ☐ Power generation_____ (Installed horsepower capacity)

(h) ☐ Other_____

6. Amount of water used each month under this permit in gallons or acre-feet. (If not known, check months water was used.)

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

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? YES ☐ NO ☐ If "No", explain on reverse side under "remarks".
8. Has location of the intake, place of use, or type of use been changed? YES ☐ NO ☐. Explain on reverse side under "remarks".
9. Did the source go dry? YES ☐ NO ☐. If so, during what months?_____

STORAGE PROJECTS ONLY

10. Did your reservoir spill this year? YES ☐ NO ☐. If not, how many feet below spillway vertically was the water level at maximum storage?_____ Have you emptied the reservoir? YES ☐ NO ☐. If not, how many feet below spillway vertically was it drawn down at end of season?_____

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

Dated: _____ at _____ (Location) (State)

Sign here:_____
PERMITTEE

SWRCB-15 (6-76)

1976

(REPORT CONTINUES ON REVERSE SIDE)

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

MUNICIPAL, COMMUNITY, OR SUBDIVISION PROJECTS ONLY

11. How many service connections to date?_____ Total population served by the water system_____
12. Estimated number of service connections under full use:_____
13. Are the connections individually metered? YES ☐ NO ☐.
14. Do you plan to meter the connections? YES ☐ NO ☐. When?_____
15. Sewage generated by those to whom you deliver water is disposed of by: Septic tanks and leach lines ☐; Seepage pits ☐; Central treatment plan ☐ operated by_____; Other ☐ (specify under "remarks")_____

PURVEYORS OF WATER ONLY

16. Water service is provided to an area or subdivision including a recreational reservoir: YES ☐ NO ☐.
17. Name of area or subdivision so served:_____
18. State surface area of recreational reservoir(s) at maximum water level referred to in 16 and 17. Identify surface area(s) by name of dam or reservoir:_____

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

CONSERVATION OF WATER

19. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐; (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in remarks) ☐.
20. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.), where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in remarks) ☐.
21. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in remarks) ☐.
22. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (described in remarks) ☐.

WATER QUALITY AND WASTEWATER RECLAMATION

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

_____

_____

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

_____

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

_____

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

_____

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

_____

_____

REMARKS

Please designate by number the question you are answering:

_____

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

43428-983 6-76 2M ① ◊ OSP

State Water Resources Control Board
DIVISION OF WATER RIGHTS
2125 – 19th Street, Sacramento, California 95818

PROGRESS REPORT BY PERMITTEE FOR 1975

WRH 21

OWNER OF RECORD:

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

APPLICATION 16096

Telephone Number (Include Area Code)

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

SOURCE: TARANTULA SPRINGS

AMOUNT: 2.8 ac-ft/yr ~~0.027 cu ft/sec~~
PURPOSE: ~~MINING, DOMESTIC & RECREATIONAL~~ Wildlife Propogation

PERMIT: 11421 12-01-70

IMPORTANT! EVERY permit is issued subject to the conditions therein expressed. I have currently reviewed my permit: YES ☐ NO ☐. I am complying with the conditions under which my permit has been issued: YES ☐ NO ☐. Identify any non-compliance by permit term number under "remarks" on reverse side. This report is important in providing the record of use needed in establishing your water right. It should be filled out carefully and returned promptly to the

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS
2125 Nineteenth Street, Sacramento, California 95818

THE PROJECT HAS BEEN ABANDONED AND I REQUEST REVOCATION OF THIS PERMIT: YES ☐ NO ☐.

CONSTRUCTION WORK

1. Has construction work commenced? YES ☐ NO ☐. If YES, is construction completed? YES ☐ NO ☐.
2. If incomplete, describe briefly the work done, including cost:
3. If not completed, give estimated date of completion:
4. What percent of construction work remains to be done? Explain:

USE OF WATER

5. Has use of water commenced? YES ☒ NO ☐ Check appropriate box(es) below and explain how water was used.

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

(b) ☐ Stockwatering ____ (Number of animals)

(c) ☐ Industrial ____ (Nature of Use)

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

(e) ☐ Municipal ____ (Approximate population)

(f) ☐ Recreational ____ (Boating, fishing, water contact sports)

(g) ☐ Power generation ____ (Installed horsepower capacity)

(h) ☒ Other Wildlife Propogation

6. Amount of water used each month under this permit in gallons or acre-feet. (If not known, check months water was used.)

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
X	X	X	X	X	X	X	X	X	X	X	X	2.8 ac-ft

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? YES ☐ NO ☐ If "No", explain on reverse side under "remarks".
8. Has location of the intake, place of use, or type of use been changed? YES ☐ NO ☐. Explain on reverse side under "remarks".
9. Did the source go dry? YES ☐ NO ☐. If so, during what months?

STORAGE PROJECTS ONLY

10. Did your reservoir spill this year? YES ☐ NO ☐. If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? YES ☐ NO ☐. If not, how many feet below spillway vertically was it drawn down at end of season?

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

Dated: 24 JUN 1976 at ____ (Location) ____ (State)

Sign here: (SGD) GERARD S. WITUCKI
Chief, Division of Water Resources
PERMITTEE

SWRCB-15 (9-75) 1975

(REPORT CONTINUES ON REVERSE SIDE)

MUNICIPAL, COMMUNITY, OR SUBDIVISION PROJECTS ONLY

11. How many service connections to date?_____ Total population served by the water system_____
12. Estimated number of service connections under full use:_____
13. Are the connections individually metered? YES ☐ NO ☐.
14. Do you plan to meter the connections? YES ☐ NO ☐. When?_____
15. Sewage generated by those to whom you deliver water is disposed of by: Septic tanks and leach lines ☐; Seepage pits ☐; Central treatment plan ☐ operated by_____; Other ☐ (specify under "remarks")_____

PURVEYORS OF WATER ONLY

16. Water service is provided to an area or subdivision including a recreational reservoir: YES ☐ NO ☐.
17. Name of area or subdivision so served:_____
18. State surface area of recreational reservoir(s) at maximum water level referred to in 16 and 17. Identify surface area(s) by name of dam or reservoir:_____

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

CONSERVATION OF WATER

19. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐; (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in remarks) ☐.
20. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.), where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in remarks) ☐.
21. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in remarks) ☐.
22. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (described in remarks) ☐.

WATER QUALITY AND WASTEWATER RECLAMATION

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

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

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

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

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

REMARKS

Please designate by number the question you are answering:

This water source has been inspected by Mr. Wilbert Chung of your Los Angeles Office on Jan 22, 1975. In consonance with that inspection, request for License has been made.

Progress Report is submitted containing information as shown in the "Request for License."

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

35016-983 7-75 2M ① OSP

STATE OF CALIFORNIA - THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1015, 1416 NINTH STREET
SACRAMENTO, CALIFORNIA 95814

REQUEST FOR LICENSE

APPLICATION 16096 PERMIT 11421

SUBJECT TO APPROVAL BY THE STATE WATER RESOURCES CONTROL BOARD
UNITED STATES - DEATH VALLEY NATIONAL MONUMENT
C/O UNITED STATES NATIONAL PARK SERVICE, WESTERN REGION, DIVISION OF WATER RESOURCES,
450 GOLDEN GATE AVENUE, BOX 36063, SAN FRANCISCO, CALIFORNIA 94102

HAVING MADE PROOF AS OF January 22, 1975 (THE DATE OF INSPECTION)
HEREBY REQUEST LICENSE ACTION AS LISTED BELOW.

ACCORDING TO THE BEST KNOWLEDGE AND BELIEF OF THE UNDERSIGNED, A RIGHT HAS BEEN ESTABLISHED TO USE OF THE WATERS OF:
TARANTULA SPRINGS IN INYO COUNTY
TRIBUTARY TO NORTH BRANCH OF MIDDLE FORK TRAIL CANYON
FOR THE PURPOSE OF: MINING, DOMESTIC AND ~~XXXXXXXXXXXXXXXXXX~~ WILDLIFE PROPAGATION USES

UNDER PERMIT 11421 THE PRIORITY OF WHICH DATED FROM OCTOBER 18, 1954

BY BENEFICIAL USE IN THE AMOUNT OF: FOUR THOUSAND THREE HUNDRED AND FIFTY (4350) GALLONS PER DAY, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.
THE MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 2.8 ACRE-FEET PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:
(1) SOUTH 76° 53' WEST 7,910 FEET FROM NE CORNER OF SECTION 1, T19S, R45E, MDB&M, BEING WITHIN SW1/4 OF NE1/4 OF SECTION 2, T19S, R45E, MDB&M ~~AND (2) SOUTH 74° 22' WEST 7,015 FEET FROM NE CORNER OF SECTION 1, T19S, R45E, MDB&M, BEING WITHIN SW1/4 OF NE1/4 OF SECTION 2, T19S, R45E, MDB&M.~~

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS: DOMESTIC AND MINING USES:
SE¼
WITHIN ~~S1/2~~ OF NE1/4 OF SECTION 2 ~~AND N1/2 OF SECTION 1~~, T19S, R45E, MDB&M; ~~SE1/4 OF SE1/4 OF PROJECTED SECTION 36, T18S, R45E, MDB&M; SW1/4 OF SW1/4 OF PROJECTED SECTION 31, T18S, R46E, MDB&M;~~ AND NW1/4 OF NW1/4 OF PROJECTED SECTION 6, T19S, R46E, MDB&M.
WILDLIFE PROPAGATION USE: WITHIN SW¼ OF NE¼ OF SECTION 2, T19S, R45E, MDB&M.

This Request for License also constitutes a Petition to change the Character of Use and a petition for an extension of time to include the year of maximum use.
A $15 Fee is required.

CLAUSES REQUIRED PERMIT TERM 8.

IF ANY REDUCTION IN AMOUNT, SEASON OR LAND DESCRIPTION BECOMES NECESSARY WHEN THESE ROUGH CALCULATIONS ARE CHECKED, THE OWNER WILL BE NOTIFIED AND ALLOWED 30 DAYS WITHIN WHICH TO PROTEST SUCH CHANGE.

SIGNATURE (SGD) GERARD S. WITUCKI DATE APR 16 1975
PERMITTEE OR HIS REPRESENTATIVE

INSPECTED BY: W. J. Cheung

CHECKED BY:
SENIOR ENGINEER

WRCB 16A (5-73)

03-26-1975: progress report by permittee for 1974 ; march 26, 1975

STATE OF CALIFORNIA

THE RESOURCES AGENCY

ST... WATER RESOURCES CONTROL B...

DIVISION OF WATER RIGHTS

2125 Nineteenth Street, Sacramento, California 95818

PROGRESS REPORT BY PERMITTEE FOR 1974

OWNER OF RECORD **APPLICATION** 16096

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

Telephone Number (include Area Code)

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

SOURCE: TARANTULA SPRINGS

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

AMOUNT: 0.027 CU FT/SEC

PURPOSE: ~~MINING, DOMESTIC &~~ RECREATIONAL & wildlife

PERMIT: 11421

12-01-70

IMPORTANT! EVERY permit is issued subject to the conditions therein expressed. I have currently reviewed my permit: YES [X] NO [ ]. I am complying with the conditions under which my permit has been issued: YES [X] NO [ ]. Identify any non-compliance by permit term number under "remarks" on reverse side. This report is important in providing the record of use needed in establishing your water right. It should be filled out carefully and returned promptly to the *STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, 2125 Nineteenth Street, Sacramento, California 95818*

THE PROJECT HAS BEEN ABANDONED AND I REQUEST REVOCATION OF THIS PERMIT: YES [ ] NO [X].

CONSTRUCTION WORK

1. Has construction work commenced? YES [X] NO [ ]. If YES, is construction completed? YES [ ] NO [X].
2. If incomplete, describe briefly the work done, including cost: _____
3. If not completed, give estimated date of completion: unknown
4. What percent of construction work remains to be done to complete the project? completion of pipeline to millsite no — Explain: _____

USE OF WATER

5. Has use of water commenced? YES [X] NO [ ] Check appropriate box(es) below and explain how water was used. no mining

(a) [ ] Irrigation _____ Total acres irrigated — Name of crops served and acreage of each

(b) [ ] Stockwatering _____ Number of animals

(c) [X] Industrial milling operation — Nature of Use

(d) [X] Domestic 5 persons intermittently — Number of persons, area of garden, lawn, etc.

(e) [ ] Municipal _____ Approximate population

(f) [ ] Recreational _____ Method of water use

(g) [X] Recreational Camping, pickicking & exploring — Nature of use

(h) [ ] Power generation _____ Installed horsepower capacity

(i) [X] Other Wildlife propagation, prospectors, and automobile radiator water.

6. What quantity of water was used each month in 1974 under this permit in gallons or acre-feet? (If not known, check months water was used.)

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

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? YES [ ] NO [X] If "No", explain on reverse side under "remarks".
8. Has location of the intake, place of use, or type of use been changed? YES [ ] NO [XX]. Explain on reverse side under "remarks".
9. Did the source go dry? YES [ ] NO [X]. If so, during what months? _____

STORAGE PROJECTS ONLY

10. Did your reservoir spill this year? YES [ ] NO [ ]. If not, how many feet below spillway vertically was the water level at maximum storage? N/A Have you emptied the reservoir? YES [ ] NO [ ]. If not, how many feet below spillway vertically was it drawn down at end of season? _____

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

Dated: 3/26/75 at 450 Golden Gate Ave., San Francisco, Calif. 94102 (location) (state)

Sign here: (SGD) GERARD S. WITUCKI
Permittee

Gerard S. Witucki, Chief, Division of Water Resourc

1974

SWRCB 15(9/74)

(REPORT CONTINUES ON REVERSE SIDE)

MUNICIPAL, COMMUNITY, OR SUBDIVISION PROJECTS ONLY

11. How many service connections to date?_____ Total population served by the water system _____
12. Estimated number of service connections under full use: _____
13. Are the connections individually metered? YES ☐ NO ☐.
14. Do you plan to meter the connections? YES ☐ NO ☐ When? _____
15. Sewage generated by those to whom you deliver water is disposed of by: Septic tanks and leach lines ☐; Seepage pits ☐; Central treatment plant ☐ operated by _____; Other ☐ (specify under "remarks") _____

PURVEYORS OF WATER ONLY

16. Water service is provided to an area or subdivision including a recreational reservoir: YES ☐ NO ☐.
17. Name of area or subdivision so served: _____
18. State surface area of recreational reservoir(s) at maximum water level referred to in 16 and 17. Identify surface area(s) by name of dam or reservoir: _____

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

CONSERVATION OF WATER

19. What measures are you using or planning to reduce water losses in conveyance systems? (1) Seepage or leak detection program ☐; (2) Lining canals ☐; (3) Phreatophyte and aquatic vegetation control ☐; (4) Other (describe in "remarks") ☐;
20. What measures are used to encourage consumers to conserve water in agricultural use? (1) Program to encourage more efficient irrigation systems (sprinkler, drip, etc.), where applicable ☐; (2) Return flow systems on individual farms ☐; (3) Return flow system areawide ☐; (4) Water pricing to encourage reduced use ☐; (5) Charges for drainage of irrigated lands ☐; (6) Other (describe in "remarks") ☐;
21. What measures are used to encourage municipal and industrial consumers to conserve water? (1) Regulations to control wasteful use ☐; (2) Public education program on water conservation ☐; (3) Pricing to encourage reduced use ☐; (4) Assistance to industry in design of recycle systems ☐; (5) Other (describe in "remarks") ☐.
22. What records are maintained on water use and conservation? (1) Loss rate from conveyance system ☐; (2) Water use for major crops by each farm ☐; (3) Other (describe in "remarks") ☐,

WATER QUALITY AND WASTEWATER RECLAMATION

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

_____

_____

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

_____

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

_____

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

_____

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

_____

_____

REMARKS

Please designate by number the question you are answering:

_____

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

STATE OF CALIFORNIA—THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PROGRESS REPORT BY PERMITTEE FOR 1972

OWNER OF RECORD: APPLICATION 16096

WR21

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

TELEPHONE NUMBER

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

SOURCE: TARANTULA SPRINGS

AMOUNT: 0.027 CU FT/SEC
PURPOSE: MINING, DOMESTIC & RECREATIONAL

PERMIT 11421 EXPIRATION DATE: 12-01-70

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

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

CONSTRUCTION WORK

1. Has construction work commenced? YES
2. Has all construction work been completed? NO If not, describe briefly the portions of the project completed including cost of work done:
3. If not completed, give estimated date of completion UNKNOWN
4. What construction work remains to be done to complete the project? COMPLETION OF PIPELINE TO MILLSITE.

USE OF WATER

1. Has use of water commenced? YES It was used for:

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

(b) ☐ Stockwatering ____ Number of animals

(c) ☒ Industrial Milling operation Nature of use

(d) ☒ Domestic 5 persons intermittently Number of persons, area of garden, lawn, etc.

(e) ☐ Municipal ____ Approximate population

(f) ☐ Recreational ____ Method of water use

(g) ☒ Recreational Camping, picnicking & exploring Nature of use

(h) ☐ Power generation ____ Installed horsepower capacity

(i) ☒ Other Wildlife propagation, prospectors, and automobile radiator water.

2. Has use of water, both amount and season, been as great as you expect in any future year under this permit? NO
3. Has location of the intake, place of use or type of use been changed? NO
4. Did the source go dry? NO If so, during what months?
5. What quantity of water was used each month in 1972 under this permit in gallons or acre-feet? (If not known check months water was used.)

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

STORAGE PROJECTS ONLY

Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below spillway vertically was it drawn down at end of season?

REMARKS AN EXTENSION OF TIME REGARDING THIS PERMIT IS IN ORDER. PETITION FOR EXTENSION OF TIME IS ENCLOSED. (If more space is needed, use reverse side)

Date March 7, 1973 Sign Here

Permittee GERARD S. WITUCKI, CHIEF, DIVISION OF WATER RESOURCES, WESTERN REGION

1972

WRCB-15 (7-72)

65168-983 7-72 5,200 OSP

00-00-0000: petition for extension of time

STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

Application 16096 Permit 11421

To Water User:

Water Code Section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board, in considering requests for extension of time for said development, will review the facts presented herein to determine whether there is a showing of good cause upon which to grant a reasonable extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the Board may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

(1) Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.

(2) Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

(3) Revoking the permit for failure to proceed with due diligence in completing the project.

The time previously allowed within which to complete construction work and/or use of water has either expired or will expire shortly. Please indicate below the action which you desire taken on this permit:

1. The project has been abandoned and I request revocation of the permit. _____ Yes XX No

2. Full use of water has been made, both as to amount and as to season, and I request license be issued. _____ Yes XX No

3. The project is not yet complete and I request an extension of time. XXX Yes _____ No

If an extension is requested, the remainder of this form should be completed in detail.

PETITION FOR EXTENSION OF TIME*

If start of construction work has been delayed, complete Items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

_____

_____

2. Estimated date construction work will begin _____

3. Reasons why construction work was not begun within the time allowed by the permit _____

_____

* A fee of $5 must accompany this petition.

WRCB 20C (.2-70)

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing the appropriate items below. Statements must be restricted to construction or use of water under this permit only.

4. A ~~(1-year)~~//~~(2-year)~~, (3-year) extension of time is requested to complete construction work and/or beneficial use of water. (Indicate period of time required.)

5. How much water has been used? _____ AF/year .027 cfs

6. How many acres have been irrigated? _____

7. How many houses or people have been served water? _____

8. Extent of past use of water for any other purpose _____

9. What construction work has been completed during the last extension?

10. Approximate amount spent on project during last extension period.
$ _____

11. Estimated date construction work will be completed _____

12. Estimated year in which water will be fully used _____

13. Reasons why construction and/or use of water was not completed within time previously allowed: _____
SEE PROGRESS REPORT FOR PERMITTEE 1972

Date March 7, 1973 Signature Gerard S. Witucki

GERARD S. WITUCKI, CHIEF, DIVISION OF WATER RESOURCES, WESTERN REGION

00-00-0000: notification of existing water use

Name of N.P.S. Area Death Valley Nat. Mon.

N.P.S. Code Number 8130 W.R. # 21

Previous State identification #s _____

App. # 16096 Permit # 11421

UNITED STATES DEPARTMENT OF INTERIOR

NATIONAL PARK SERVICE

NOTIFICATION OF EXISTING WATER USE

TO THE STATE WATER RIGHTS BOARD OF THE STATE OF CALIFORNIA:

The UNITED STATES OF AMERICA, acting by and through the NATIONAL PARK SERVICE, UNITED STATES DEPARTMENT OF INTERIOR, hereby notifies you of the following existing water use on reserved land in California for National Park Service purposes:

(1) The source of the water used is Tarantula Springs (stream, lake, spring, or well; if unnamed so state), located in Inyo County, California.

(2) The amount of water used is as follows: (Complete only applicable items)

(a) For diversion and direct application to beneficial use:

.027 cubic feet per second, the diversion commencing Jan. 1 and ending Dec. 31 of each year.

(b) For diversion storage and later application to beneficial use:

---- acre-feet per annum, to be collected between _____ and _____ of each year.

(3) The use(s) to which the water is put is (are) the following:

Mining and Domestic
(domestic, irrigation, power, recreation, stockwatering, industrial, mining, fire control, wildlife, etc.)

(4) The place where the water is used is Within the Monument (commonly used name or local designation).

(5) The water use covered by this notification commenced in year 1954.

(6) If the water use covered by this notification is by a person or entity occupying National Park Service land under a special use permit: Yes

(a) The permittee is named ----- .

(b) The permit was issued for the purpose(s) of Mining and Domestic .

SAID PERMITTEE DOES NOT HAVE A WATER RIGHT UNDER CALIFORNIA LAW COVERING THIS USE.

(7) The foregoing diversion and use are made pursuant to a withdrawal and reservation of the affected land and resources thereon for National Park Service purposes. The effective date of said withdrawal and reservation is Feb. 11, 1933 .

A map, if available, showing points of diversion and use is attached.

The UNITED STATES OF AMERICA gives this notification to the STATE OF CALIFORNIA in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to use of the water.

DATED this 21 day of July , 19 72 .

UNITED STATES OF AMERICA

By Gerard S. Witucki

Gerard S. Witucki

Chief, Water Resources Division

STATE OF CALIFORNIA—THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PROGRESS REPORT BY PERMITTEE FOR 1972

16096

OWNER OF RECORD:

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

APPLICATION 16096

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

TELEPHONE NUMBER

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

SOURCE: TARANTULA SPRINGS

AMOUNT: 0.027 CU FT/SEC
PURPOSE: MINING, DOMESTIC & RECREATIONAL

PERMIT 11421 EXPIRATION DATE: 12-01-70

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

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

CONSTRUCTION WORK

1. Has construction work commenced? YES
2. Has all construction work been completed? NO If not, describe briefly the portions of the project completed including cost of work done:
3. If not completed, give estimated date of completion UNKNOWN
4. What construction work remains to be done to complete the project? COMPLETION OF PIPELINE TO MILLSITE.

USE OF WATER

1. Has use of water commenced? YES It was used for:

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

(b) ☐ Stockwatering ____ Number of animals

(c) ☒ Industrial Milling operation Nature of use

(d) ☒ Domestic 5 persons intermittently Number of persons, area of garden, lawn, etc.

(e) ☐ Municipal ____ Approximate population

(f) ☐ Recreational ____ Method of water use

(g) ☒ Recreational Camping, picnicking & exploring Nature of use

(h) ☐ Power generation ____ Installed horsepower capacity

(i) ☒ Other Wildlife propagation, prospectors, and automobile radiator water.

2. Has use of water, both amount and season, been as great as you expect in any future year under this permit? NO
3. Has location of the intake, place of use or type of use been changed? NO
4. Did the source go dry? NO If so, during what months?
5. What quantity of water was used each month in 1972 under this permit in gallons or acre-feet? (If not known check months water was used.)

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

STORAGE PROJECTS ONLY

Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below spillway vertically was it drawn down at end of season?

REMARKS AN EXTENSION OF TIME REGARDING THIS PERMIT IS IN ORDER. PETITION FOR EXTENSION OF TIME IS ENCLOSED. (If more space is needed, use reverse side)

Date March 7, 1973 Sign Here Gerard S. Witucki

Permittee GERARD S. WITUCKI, CHIEF, DIVISION OF WATER RESOURCES, WESTERN REGION

1972

WRCB-15 (7-72)

00-00-0000: petition for extension of time

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

STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

Application 16096 Permit 11421

To Water User:

Water Code Section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board, in considering requests for extension of time for said development, will review the facts presented herein to determine whether there is a showing of good cause upon which to grant a reasonable extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the Board may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

(1) Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.

(2) Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

(3) Revoking the permit for failure to proceed with due diligence in completing the project.

The time previously allowed within which to complete construction work and/or use of water has either expired or will expire shortly. Please indicate below the action which you desire taken on this permit:

1. The project has been abandoned and I request revocation of the permit. _____ Yes XX No

2. Full use of water has been made, both as to amount and as to season, and I request license be issued. _____ Yes XX No

3. The project is not yet complete and I request an extension of time. XXX Yes _____ No

If an extension is requested, the remainder of this form should be completed in detail.

PETITION FOR EXTENSION OF TIME*

If start of construction work has been delayed, complete Items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

_____

_____

2. Estimated date construction work will begin _____

3. Reasons why construction work was not begun within the time allowed by the permit _____

_____

* A fee of $5 must accompany this petition.

WRCB 20C (.2-70)

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

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing the appropriate items below. Statements must be restricted to construction or use of water under this permit only.

4. A ~~(1-year)~~/~~(2-year)~~, (3-year) extension of time is requested to complete construction work and/or beneficial use of water. (Indicate period of time required.)

5. How much water has been used? _____ AF/year .027 cfs

6. How many acres have been irrigated? _____

7. How many houses or people have been served water? _____

8. Extent of past use of water for any other purpose _____

9. What construction work has been completed during the last extension?

10. Approximate amount spent on project during last extension period.
$ _____

11. Estimated date construction work will be completed _____

12. Estimated year in which water will be fully used _____

13. Reasons why construction and/or use of water was not completed within time previously allowed: _____
SEE PROGRESS REPORT FOR PERMITTEE 1972

Date March 7, 1973 Signature Gerard S. Witucki

GERARD S. WITUCKI, CHIEF, DIVISION OF WATER RESOURCES, WESTERN REGION

STATE OF CALIFORNIA—THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PROGRESS REPORT BY PERMITTEE FOR 1970

OWNER OF RECORD: APPLICATION 16096

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

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

SOURCE: TARANTULA SPRINGS WR-21

AMOUNT: 0.027 CU FT/SEC
PURPOSE: MINING, DOMESTIC & RECREATIONAL

PERMIT 11421 EXPIRATION DATE: 12-01-70

This report is important in establishing your water right. It should be filled out carefully and returned promptly to the State Water Resources Control Board, Division of Water Rights, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

CONSTRUCTION WORK

1. Has construction work commenced? YES
2. Has all construction work been completed? NO If not, describe briefly the portions of the project completed including cost of work done:
3. If not completed, give estimated date of completion UNKNOWN
4. What construction work remains to be done to complete the project? COMPLETE PIPELINE TO MILLSITE

USE OF WATER

1. Has use of water commenced? YES It was used for:

(a) ☐ Irrigation ____ Total acres irrigated

(b) ☐ Stockwatering ____ Number of animals

(c) ☐ Industrial ____ Nature of use

(d) ☒ Domestic 5 PERSONS INTERMITTENTLY Number of persons, Area of garden, lawn, etc.

(e) ☐ Municipal ____ Approximate population

(f) ☒ Mining MILLING OPERATION Method of water use

(g) ☒ Recreational CAMPING, PICNICING, EXPLORING Nature of use

(h) ☐ Power generation ____ Installed horsepower capacity

(i) ☒ Other WILDLIFE PROPOGATION, PROSPECTORS, AUTO RADIATOR WATER.

2. Has use of water, both amount and season, been as great as you expect in any future year under this permit? NO
3. Has location of the intake, place of use or type of use been changed? NO
4. Did the source go dry? NO If so, during what months?
5. What quantity of water was used each month in 1970 under this permit in gallons or acre-feet? (If not known check months water was used.)

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

STORAGE PROJECTS ONLY

Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? ____ Have you emptied the reservoir? ____ If not, how many feet below spillway vertically was it drawn down at end of season? ____

REMARKS AN EXTENTION OF TIME REGARDING THIS PERMIT IS IN ORDER; PLEASE FORWARD THE NECESSARY FORMS FOR REQUESTING AN EXTENTION OF TIME . (If more space is needed, use reverse side)

(SGD) GERARD S. WITUCKI

Date DECEMBER 1, 1970

Sign Here GERARD S. WITUCKI, CHIEF, WATER RESOURCES SECTION, WESTERN SERVICE CENTER
Permittee

WRCB 15 (8-70)

1970

45870-983 8-70 5M ① OSP

STATE OF CALIFORNIA—THE RESOURCES AGENCY

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PROGRESS REPORT BY PERMITTEE FOR 1968

OWNER OF RECORD: APPLICATION 16096

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF 92328

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

SOURCE: TARANTULA SPRINGS

AMOUNT: 0.027 CU FT/SEC
PURPOSE: MINING, DOMESTIC & RECREATIONAL

PERMIT 11421

This report is important to you in establishing your water right. It should be filled out carefully and returned promptly to the State Water Resources Control Board, Division of Water Rights, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion Unknown
3. 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 spent None
4. What construction work remains to be done to complete the project? Complete pipeline to millsite
5. Has use of water commenced? Yes What was the maximum rate of diversion (if known)?
6. What quantity of water was used each month in 1968 under this permit in gallons or acre-feet? (If not known check months water was used.)

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

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? No
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months?
10. Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? Have you emptied the reservoir? N/A If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.

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

(b) ☐ Stockwatering ____ (Number of animals)

(c) ☐ Industrial ____ (Nature of use)

(d) ☒ Domestic 5 persons (intermittent use) (Number of persons, Area of garden, lawn, etc.)

(e) ☐ Municipal ____ (Approximate population)

(f) ☒ Mining Milling operation (Method of water use)

(g) ☒ Recreational Camping, picnicking, exploring (Nature of use)

(h) ☐ Power ____ (Installed horsepower capacity)

(i) ☒ Other Wildlife propagations, prospectors, auto radiator water

12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

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

Date December 31, 1968, Sign Here Robert J. Murphy Robert J. Murphy Permittee Superintendent

1968

WRCB 15 (8-68) 24115-983 8-68 5M ① OSP

12-31-1968: progress report by permittee for 1968 cont. ; december 31, 1968

REMARKS

02-08-1968: progress report by permittee for 1967 ; february 08, 1968

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PROGRESS REPORT BY PERMITTEE FOR 1967

OWNER OF RECORD: APPLICATION 16096

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF 92328

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

SOURCE: (1) TARANTULA SPRINGS (2)
(3) (4)
(5) (6)
(7) PERMIT 11421

AMOUNT: 0.027 CU FT/SEC PURPOSE: MINING, DOMESTIC & RECREATIONAL

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion Unknown
3. 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 spent None
4. What construction work remains to be done to complete the project? Complete pipeline to millsite
5. Has use of water commenced? Yes What was the maximum rate of diversion (if known)?
6. What quantity of water was used each month in 1967 under this permit in gallons or acre-feet? (If not known check months water was used.)

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

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? No
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months?
10. Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/a If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.

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

(b) ☐ Stockwatering ____ Number of animals

(c) ☐ Industrial ____ Nature of use

(d) ☒ Domestic 5 persons (intermittent use) Number of persons, Area of garden, lawn, etc.

(e) ☐ Municipal ____ Approximate population

(f) ☒ Mining milling operation Method of water use

(g) ☒ Recreational camping, picnicking, exploring Nature of use

(h) ☐ Power ____ Installed horsepower capacity

(i) ☒ Other wildlife propagations, prospectors, auto radiator water.

12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

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

Date February 8, 1968 Sign Here John W. Stratton, Superintendent Permittee

This report is of importance to you in establishing your water right as it will be used as a basis for action by the State Water Rights Board. It should be filled out carefully and returned promptly to the State Water Rights Board, Room 1140, Resources Building, 1416 Ninth Street, Sacramento, California 95814.

Rec'd w/ Fields' SSC memo 2-21-68

SWRB-15 (8-57) 1967

11-30-1967: order approving a new development schedule, november 30, 1967

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 16096 PERMIT 11421 LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 11421; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1970

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1970

DATED: NOV 3 0 1967

/S/ L. C. Spencer

L. C. SPENCER
CHIEF ENGINEER

06-13-1967: petition for extension of time ; june 13, 1967

PETITION FOR EXTENSION OF TIME

Application 16096 Permit 11421
Tarantula Spring

NOTE: A reasonable extension of time may be obtained upon a showing of good cause. Section 779 of the California Administrative Code, Title 23, Waters, provides that sickness, lack of finances or other conditions incident to the person and not to the enterprise will not generally 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 fee of $5 is required for each permit petitioned.

A. If construction work has not commenced within the time allowed under the permit, an extension of such commencement date may be petitioned by completing Items 1, 2 and 3.

1. Approximate total amount of money spent in connection with the project to date $_____. What was the money spent for?_____

2. Estimated date of commencement of construction_____

3. Reasons why construction was not begun within the time allowed by the permit_____

B. If construction work and/or use of water is proceeding but is not fully complete, an extension of time may be petitioned by completing Items 4, 5, 6, 7, 8, 9 and 10.

4. A (1-year), (2-year), (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired.) Extension to December 1, 1971, is requested.

5. Approximate total amount spent on project to date $ 5,800

6. Approximate amount spent during last extension period $ none

7. Approximate per cent of construction work complete to date unknown

8. Estimated date of completion of construction work unknown

9. Estimated year in which full use of water will be made unknown

10. Reasons why construction and/or use of water was not completed within time previously allowed: Miners had temporarily suspended operations due to poor market conditions but have now returned and are developing the water for full use.

Date June 13, 1967 Signature John W. Stratton

John W. Stratton, Superintendent
Death Valley National Monument

THIS COMPLETED PETITION MUST BE ACCOMPANIED BY A FEE OF $5

WRB
WC (2-65)

Docket 22 RS
Folder 2

ST. E OF CALIFORNIA—RESOURCES AG. .CY

STATE WATER RIGHTS BOARD

RESOURCES BUILDING, ROOM 1140
1416 NINTH STREET
SACRAMENTO, CALIFORNIA 95814

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1966

OWNER OF RECORD: APPLICATION 16096

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF 92328

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

SOURCE: (1) TARANTULA SPRINGS (2)
(3) (4)
(5) (6)
(7)

PERMIT 11421

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion Unknown
3. 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 spent None
4. What construction work remains to be done to complete the project? Complete pipeline to millsite
5. Has use of water commenced? Yes What was the maximum rate of diversion (if known)?
6. What quantity of water was used each month in 1966 under this permit in gallons or acre-feet? (If not known check months water was used.)

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

7. Has use of water, both amount and season, been as great as you expect in any future year under this permit? No
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months?
10. Did your reservoir spill this year? N/A If not, how many feet below spillway vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/A If not, how many feet below spillway vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.

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

(b) ☐ Stockwatering ____ (Number of animals)

(c) ☐ Industrial ____ (Nature of use)

(d) ☒ Domestic 5 persons (intermittent use) (Number of persons, Area of garden, lawn, etc.)

(e) ☐ Municipal ____ (Approximate population)

(f) ☒ Mining milling operation (Method of water use)

(g) ☒ Recreational camping, picnicking, exploring (Nature of use)

(h) ☐ Power ____ (Installed horsepower capacity)

(i) ☒ Other wildlife propagations, prospectors, auto radiator water.

12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

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

Homer P. Leach

Date December 15, 1966 Sign Here Homer P. Leach, Acting Superintendent (Permittee)

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

SWRB 15 (6-66) YEAR 1966 74197-957 7-66 5500 ① OSP

STATE OF CALIFORNIA—RESOURCES AGENCY

STATE WATER RIGHTS BOARD

RESOURCES BUILDING, ROOM 1140
1416 – 9TH STREET
SACRAMENTO, CALIFORNIA 95814

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1965

OWNER OF RECORD:

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF 92328

APPLICATION 16096

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

SOURCE: (1) TARANTULA SPRINGS (2)
(3) (4)
(5) (6)
(7)

PERMIT 11421

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. If the project is diligently completed a license will be issued to confirm the right developed by beneficial use.

1. Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion 1966
3. 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 spent
4. What construction work remains to be done to complete the project? Extend pipeline 1½ miles to millsite.
5. Has use of water commenced? Yes Amount (if known)
6. Has use of water, as to both amount and season, been as great as you expect in any future year under this permit? No
7. During what months was water used in 1965 under this permit? May-December
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months?
10. Did your reservoir spill this year? N/A If not, how many feet below crest vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/A If not, how many feet below crest vertically was it drawn down at end of season?
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.

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

(b) ☐ Stockwatering ____ Number of animals

(c) ☐ Industrial ____ Nature of use

(d) ☒ Domestic 5 persons (intermittent use) Number of persons, Area of garden, lawn, etc.

(e) ☐ Municipal ____ Approximate population

(f) ☒ Mining Milling operation Method of water use

(g) ☒ Recreational camping, picnicking, explorin Nature of use

(h) ☐ Power ____ Installed horsepower capacity

(i) ☒ Other wildlife propagations, prospectors Automobile radiator water.

12. The project has been abandoned and I request revocation of this permit. ☐ Yes ☒ No

REMARKS

Date December 13, 1965

Sign Here William N. Burgen, Acting Superintendent
Permittee
Death Valley National Monument

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

YEAR 1965

06-07-1965: gentlemen extensions of time has been approved ; june 07, 1965

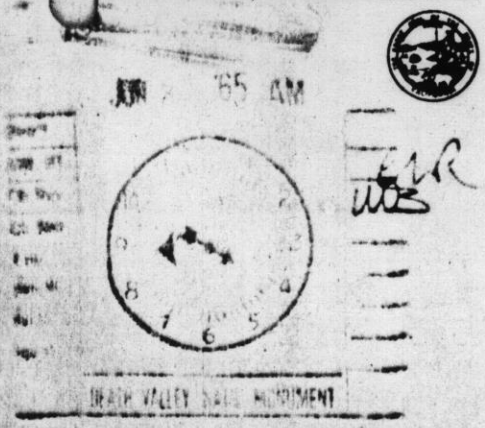
CALIFORNIA—RESOURCES AGENCY

EDMUND G. BROWN, Governor

...TE WATER RIGHTS BOARD
...OURCES BUILDING, ROOM 1140
...INTH AND O STREETS • SACRAMENTO 95814

...NT SILVERTHORNE, Chairman
...LPH J. McGILL, Member
... A. ALEXANDER, Member

V



JUN 7 1965

U. S. DEATH VALLEY NATIONAL MONUMENT
DEATH VALLEY
CALIFORNIA 92328

SUBJECT: APPLICATIONS 15539, 16096, 16138 AND 17839
PERMITS 11424, 11421, 11422 AND 11423

GENTLEMEN:

EXTENSIONS OF TIME UNDER THESE PERMITS HAVE BEEN APPROVED AS SHOWN ON THE ENCLOSED ORDERS.

PLEASE ATTACH THE ORDERS TO YOUR COPIES OF THE PERMITS.

SINCERELY,

L. K. Hill

L. K. HILL
EXECUTIVE OFFICER

ENCLOSURES

11424. covered Sp. Wash Sp
11422. Chuker Sp
11421 - unnamed (Travertine Sp)
11423 unnamed (Blue Cliff Sp)

Docket 21 LS

02-01-1965: extension petition ; february 01, 1965

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD

Application 16069 Permit 11421

EXTENSION PETITION

NOTE: A reasonable extension of time may be obtained upon a showing of good cause. Section 779 of the California Administrative Code, Title 23, Waters, provides that sickness, lack of finances or other conditions incident to the person and not to the enterprise will not generally 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 fee of $5 is required for each permit petitioned.

A. If construction work has not commenced within the time allowed under the permit, an extension of such commencement date may be petitioned by completing Items 1, 2 and 3.

1. Approximate total amount of money spent in connection with the project to date $_____. What was the money spent for?_____

2. Estimated date of commencement of construction_____

3. Reasons why construction was not begun within the time allowed by the permit_____

B. If construction work and/or use of water is proceeding but is not fully complete, an extension of time may be petitioned by completing Items 4, 5, 6, 7, 8, 9, and 10.

4. A ~~(1-year), (2-year),~~ (3-year) extension of time is requested for completion of construction work and/or beneficial use of water. (Indicate period of time desired).

5. Approximate total amount spent on project to date $ 5,800.

6. Approximate amount spent during last extension period $ 800.

7. Approximate per cent of construction work complete to date Unknown.

8. Estimated date of completion of construction work Unknown.

9. Estimated year in which full use of water will be made Unknown.

10. Reasons why construction and/or use of water was not completed within time previously allowed: Miners had temporarily suspended operations because of poor market but have returned to the area and are now gradually developing full use of the water.

DATE February 1, 1965

Signature John A. Aubuchon
John A. Aubuchon Superintendent

THIS COMPLETED PETITION MUST BE ACCOMPANIED BY A FEE OF $5

Form 67-H

01-05-1965: progress report by permittee for the year 1964 ; january 05, 1965

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1964

OWNER OF RECORD: APPLICATION 16096

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

Indicate Corrections Above If the Owner or Address Shown Are Incorrect

SOURCE: (1) TARANTULA SPRINGS (2)
(3) (4)
(5) (6)
(7)

PERMIT 11421

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. After use of water is complete, an inspection will be made and license issued for the amount of water actually put to use under the terms and conditions of the permit.

1. Has the project been abandoned? No Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion 1966
3. State approximate cost of construction work on this project during the past 12 months $800.
   Describe briefly the portions of the project upon which the above amount was expended Installation of a 1000 gallon tank and one mile of plastic pipe.
4. What construction work remains to be done to complete the project? Extend pipeline 1½ miles to millsite.
5. Has use of water commenced? yes
6. Has use of water, as to both amount and season, been as great as you expect in any future year under this permit? No
7. During what months was water used in 1964 under this permit? May-December
8. Has location of the intake or place of use been changed? No
9. Did the source go dry? No If so, during what months? N/A
10. Did your reservoir spill this year? N/A If not, how many feet below crest vertically was the water level at maximum storage? N/A Have you emptied the reservoir? N/A If not, how many feet below crest vertically was it drawn down at end of season? N/A
11. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.

(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 5 persons (occasional use) (intermittent use) (Number of persons; Area of garden, lawn, etc.)

(e) ☐ Municipal ____ (Approximate population)

(f) ☒ Mining Milling operation (Method of water use)

(g) ☒ Recreational camping; picnicking, exploring (Nature of use)

(h) ☐ Power ____ (Installed horsepower capacity)

(i) ☐ Other Wildlife propagations - Automobile radiator water; prospect

REMARKS ____

Date January 5, 1965 *Sign Here* William N. Durgen Acting Superintendent (Permittee)
Death Valley National Monument

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.

YEAR 1964

FORM 67

27980-957 8-64 5M ① OSP

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1963

OWNER OF RECORD: APPLICATION 16096

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

Indicate Corrections Above If the Owner or Address Shown Are Incorrect

SOURCE: (1) TARANTULA SPRINGS (2)
(3) (4)
(5) (6)
(7)

PERMIT 11421

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. After use of water is complete, an inspection will be made and license issued for the amount of water actually put to use under the terms and conditions of the permit.

1. Has the project been abandoned? No Has construction work commenced? Yes
2. Has all construction work been completed? No If not, give estimated date of completion 1965
3. 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
4. What construction work remains to be done to complete the project? Installation of collecting works and pipeline
5. Has use of water commenced? Yes
6. Has use of water, as to both amount and season, been as great as you expect in any future year under this permit? No
7. Has location of the intake or place of use been changed? No
8. Did the source go dry? No If so, during what months?
9. Did your reservoir spill this year? Not Applicable If not, how many feet below crest vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below crest vertically was it drawn down at end of season?
10. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.

(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 — 5 Persons (occasional use) — Number of persons; Area of garden, lawn, etc.
(e) ☐ Municipal — Approximate population
(f) ☒ Mining — Engine cooling, concentration tabl — Method of water use
(g) ☒ Recreational — Picnicking and Radiator water — Nature of use
(h) ☐ Power — Installed horsepower capacity
(i) ☐ Other

REMARKS Miners have temporarily suspended operations becuse of poor market. Monument visitors and prospectors continue to use the water all months of the year. Water systems will require replacement of portions of pipelines when mining use is resumed.

Date December 3, 1963 *Sign Here*

John A. Aubuchon Permittee Superintendent
Death Valley National Monument

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.

YEAR 1963

FORM 67

92398 7-63 4M ① SPO

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
1401 21ST STREET, P. O. BOX 592
SACRAMENTO

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1962

OWNER OF RECORD: APPLICATION 16096

U S DEATH VALLEY NATL MONUMENT
DEATH VALLEY, CALIF

Indicate Corrections Above If the Owner or Address Shown Are Incorrect

SOURCE: (1) TARANTULA SPRINGS (2)
(3) (4)
(5) (6)

PERMIT 11421

Neither the filing of an application nor issuance of a permit in approval thereof constitutes a water right. A water right is established only by beneficial use of water in accordance with the terms and conditions of the permit. This report provides a record of the development of your project. After use of water is complete, an inspection will be made and license issued for the amount of water actually put to use under the terms and conditions of the permit.

1. Has the project been abandoned? no Has construction work commenced? yes
2. Has all construction work been completed? no If not, give estimated date of completion 1965 (see remarks
3. 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
4. What construction work remains to be done to complete the project? Installation of collecting works and pipeline
5. Has use of water commenced? yes
6. Has use of water, as to both amount and season, been as great as you expect in any future year under this permit? no
7. Has location of the intake or place of use been changed? no
8. Did the source go dry? no If so, during what months?
9. Did your reservoir spill this year? not applicable If not, how many feet below crest vertically was the water level at maximum storage? Have you emptied the reservoir? If not, how many feet below crest vertically was it drawn down at end of season?
10. You should keep complete records of your use of water in your own files. Please supply information below concerning your use of water.

(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 — 5 persons (occasional use) — Number of persons; Area of garden, lawn, etc.

(e) ☐ Municipal — Approximate population

(f) ☒ Mining — Engine cooling, concentration tabl (none in 1962) — Method of water use

(g) ☒ Recreational — Monument Visitors, picnicking, and radiators. — Nature of use

(h) ☐ Power — Installed horsepower capacity

(i) ☐ Other

REMARKS Miners have temporarily suspended operations because of poor market. Monument visitors and prospectors continue to use the water all months of the year. Water systems will require replacement of portions of pipelines when mining use is resumed.

Date October 5, 1962

Sign Here by: UNITED STATES OF AMERICA
/s/ Willard W. Danielson
Acting Superintendent
Death Valley National Monument

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.

YEAR 1962

FORM 67

68113 7-62 4M ① SPO

10-05-1962: order granting extension of time within which to complete construction and use ; october 05, 1962

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 16096 PERMIT 11421 LICENSE _____

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

The State Water Rights Board having determined that good cause has been shown for an extension of time within which to complete construction work and application of water to the proposed use under Permit 11421, said Board having approved such extension and having directed that this order be issued;

NOW THEREFORE IT IS ORDERED that an extension of time be and the same is hereby granted until December 1, 1964, 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 23st day of May, 1962

L. K. Hill

L. K. Hill
Executive Officer

(9)

12-06-1961: notice of expiration ; december 06, 1961

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD

Application 16096 Permit 11421

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** No

(b) Have you used the water for as long a season as you intend to? ___ Yes **No** No

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** No

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 (~~1-year~~), (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 $ 500.
2. Approximate per cent of construction work complete to date 60
3. Estimated date of completion of construction work 1963
4. Estimated year in which full use of water will be made 1964
5. Reasons why construction and/or use of water was not completed within time previously allowed:

Miners have temporarily suspended operations because of poor market. Water continued to be used by Monument visitors and prospectors during all months of the year. Water systems will require replacement of portions of pipelines when mining use is resumed.

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

Date December 6, 1961

SIGNATURE Granville B. Liles

Granville B. Liles
Superintendent
Death Valley National Monument

Form 67F

12-06-1961: progress report by permittee for 1961 ; december 06, 1961

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1961

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 Unnamed spring (designated as Tarantula Spring area) APPLICATION 16096

PERMIT 11421

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

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

MAILING ADDRESS Superintendent, Death Valley National Monument Death Valley, California

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 See reverse

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 construction work remains to be done to complete the project? See reverse

6. Has use of water commenced? Yes State maximum rate of use if known Unknown

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 No residents during 1961 Number of persons Area of garden, lawn, etc.

(e) ☐ Municipal _____ Approximate population

(f) ☒ Mining Engine cooling, concentration table (none in 1961) Number of persons

(g) ☒ Recreational Monument visitors, picnicking and radiators. Nature of use

(h) ☐ Power _____ Installed horsepower capacity

(i) ☐ Other _____

7. During what months was water used in 1961? Irregular use by Monument visitors

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

If so, state other months of use all months

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

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

9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you filled in your reservoir during the 1960-61 collection season—if not, do you expect to fill it in any one future collection season? _____ How much of the stored water has been used? _____

Have you emptied the reservoir? _____ If not, have you drawn down the reservoir as far as you intend to use in any one season? _____ State acre-feet used if known _____

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

UNITED STATES OF AMERICA

Sign Here [signature]

By: Granville Davidson
Superintendent
Death Valley National Monument

Date December 6, 1961

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.

Miners have temporarily suspended operations because of poor market. Water continued to be used by Monument visitors and prospectors during all months of the year. Water systems will require replacement of portions of pipelines when mining use is resumed.

DO NOT WRITE IN THIS SPACE

12-02-1960: progress report by permittee for 1960 ; december 02, 1960

Regional Director

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1960

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 unnamed springs(designated as Tarantula spring Area) APPLICATION 16096

PERMIT 11421

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

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

MAILING ADDRESS Superintendent, Death Valley National Monument Death Valley, California

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 See reverse

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? See reverse

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

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 No residents during 1960 — Number of persons; Area of garden, lawn, etc.

(e) ☐ Municipal — Approximate population

(f) ☒ Mining engine cooling, concentration table (none in 1960) — Method of water use

(g) ☒ Recreational Monument visitors, picnicking & radiators — Nature of use

(h) ☐ Power — Installed horsepower capacity

(i) ☐ Other

7. During what months was water used in 1960? Irregular use by monument visitors

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

If so, state other months of use all months

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

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

9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1959-60 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?

UNITED STATES OF AMERICA

Sign Here Granville B. Liles
Permittee

Date Dec. 2 1960.

By: Granville B. Liles
Superintendent,
Death Valley National Monument

(OVER)

YEAR 1960

FORM 67

1927.5-60 3M 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.

Miners have temporarily suspended operations because of poor market. Water continued to be used by Monument visitors and prospectors during all months of the year. Water systems will require replacement of portions of pipelines when mining use is resumed.

DO NOT WRITE IN THIS SPACE

12-01-1959: progress report by permittee for 1959 ; december 01, 1959

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

PROGRESS REPORT BY PERMITTEE FOR THE YEAR 1959

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 unn springs APPLICATION 16096

PERMIT 11421

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

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

MAILING ADDRESS Regional Director, National Park Service
180 New Montgomery Street, San Francisco, California

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 See reverse

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? See reverse

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

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 2 residents in prior years None during 1959. (Number of persons; Area of garden, lawn, etc.)

(e) ☐ Municipal ____ (Approximate population)

(f) ☒ Mining engine cooling, concentration table. (Method of water use)

(g) ☒ Recreational Monument visitors, picnicking & radiators. (Nature of use)

(h) ☐ Power ____ (Installed horsepower capacity)

(i) ☐ Other ____

7. During what months was water used in 1959? All months

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

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

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

9. Has location of the intake or place of use been changed? No

IF PROJECT INVOLVES STORAGE ANSWER 10 AND 11

10. Have you stored as much water in your reservoir during the 1958-59 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? ____

UNITED STATES OF AMERICA
Sign Here (SGD) JOHN B. WOSKY
John B. Wosky Permittee
Regional Chief of Operations
National Park Service, Reg. Four

Date December 1, 1959

(OVER)

YEAR 1959

FORM 67

93948-C 3-59 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.

Miners have temporarily suspended operations because of poor market.
Water continued to be used by monument visitors and prospectors during
all months of the year. Water systems will require replacement of portions
of pipelines when mining use is resumed.

DO NOT WRITE IN THIS SPACE

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

D. 21 Portion

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 Unnamed springs (designated as Tarantula Spring Area) APPLICATION 16096

PERMIT 11421 .

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 December 31,1959

4. State approximate cost of construction work on this project during the past 12 months $5,000

   Describe briefly the portions of the project upon which the above amount was expended Construction of earth dam 20 ft. high and 40 ft. long. Installation of 2 iron tanks of 3000 gallon capacity.

5. What remains to be done to complete the project? Install pipe line to Dahl millsite.

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 2 persons (Number of persons; Area of garden, lawn, etc.)

   (e) ☐ Municipal ____ (Approximate population)

   (f) ☒ Mining Concentration table (Method of water use)

   (g) ☐ Recreational ____ (Nature of use)

   (h) ☐ Power ____ (Installed horsepower capacity)

   (i) ☐ Other ____

7. During what months was water used in 1957? January to July

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

   If so, state other months of use January to December

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

   If not, estimate year in which use will be full and complete 1960

9. Has location of the intake or place of use been changed? No

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? Yes How much of the stored water has been used? 200,000 gallons approximately.

    Have you emptied the reservoir? No If not, have you used all the water that you intend to use in any one season? No State acre-feet used if known Unknown

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

Sign Here Fred W. Brunewies
Permittee
Superintendent
Death Valley National Monument

Date October 27, 1958

(OVER)

YEAR 1958

FORM 67

78361 4-58 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.

Full use of water temporarily suspended due to decline in market for Tungsten and reduction of mining activity.

DO NOT WRITE IN THIS SPACE

Death Valley
Docket 21
Part IV

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

GOODWIN J. KNIGHT
GOVERNOR

STATE OF CALIFORNIA
State Water Rights Board

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

HENRY HOLSINGER, CHAIRMAN
JOHN B. EVANS, MEMBER
W. P. ROWE, MEMBER

LESLIE C. JOPSON
CHIEF ENGINEER

FEB 19 AM 9:11

February 13, 1958

COPY

Application 16096

United States
Death Valley National Monument
Death Valley, California

Gentlemen:

There are enclosed three copies of a notice of your application, two of which should be posted as indicated below and the third of which should be returned to this office with attached affidavit.

You are directed to post two copies of this notice on or before February 28, 1958 in at least two conspicuous places in the locality to be affected by the proposed appropriation. On or before March 25, 1958 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. In case of inability to post two copies of the notice or file proof of posting within the time allowed kindly advise this office immediately and copies of a new notice of a later date will be forwarded.

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 cannot 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

STATE WATER RIGHTS BOARD

LESLIE C. JOPSON, *Chief Engineer*

Cert.
Enc.

APC:de

STATE OF CALIFORNIA--STATE WATER RIGHTS BOARD
1401 21st Street
P. O. Box 1592
Sacramento, California

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application 16096

Notice Is Hereby Given, That United States -
Death Valley National Monument
Death Valley, California

has under the date of October 18, 1954, applied to the State Water Rights Board for a permit to appropriate unappropriated water, subject to vested rights.

This notice supersedes notice dated December 17, 1954.

Description of Project

Water to be appropriated from unnamed springs (designated as Tarantula Springs) tributary to North Branch of Middle Fork of Trail Canyon thence Salt Creek.

In the County of Inyo.

Amount applied for: 0.0267 cubic foot per second or approximately 17,280 gallons per day.

Diversion season named: January 1 to December 31 of each year.

Water to be used for domestic, recreational and mining purposes.

Points of diversion within SW¼ of NE¼ of Section 2, T19S, R45E, MDB&M.

Place of use described: S½ of NE¼ of Section 2, and N½ of Section 1, T19S, R45E; SE¼ of SE¼ of projected Section 36, T18S, R45E; SW¼ of SW¼ of projected Section 31, T18S, R46E and NW¼ of NW¼ of projected Section 6, T19S, R46E, MDB&M as shown on map filed with States Water Rights Board.

Water used for mining purposes will be released to Trail Canyon within and above SW¼ of SW¼ of projected Section 31, T18S, R46E and NW¼ of NW¼ of Section 6, T19S, R46E, MDB&M.

Relative to Protests

Blanks upon which to submit protests will be supplied free upon request.

Any person desiring to protest against the granting of such permit shall within 40 days from date hereof file with the State Water Rights Board, Sacramento, California, a written protest. Such protest shall clearly set forth the protestant's objections to the approval 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.

STATE WATER RIGHTS BOARD
By Leslie C. Jopson
Chief Engineer

Dated: Sacramento, California
February 13, 1958

Form 8-A

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

1956 NOV 5 PM 1 38

454

STATE OF CALIFORNIA

State Water Rights Board

PUBLIC WORKS BUILDING
P. O. BOX 1079
SACRAMENTO 5, CALIFORNIA

HENRY HOLSINGER, CHAIRMAN
JOHN B. EVANS, MEMBER
W. P. ROWE, MEMBER

Address all communications to
LESLIE C. JOPSON
CHIEF ENGINEER

October 30, 1956

Application 16096

Alf Dahl and Ralph S. Dahl
942 Hilldale Avenue
Los Angeles 46, California

Gentlemen:

This will acknowledge your letter of October 23 advising that in consideration of the agreement between yourselves and the Superintendent of Death Valley National Monument, you withdraw your opposition to the approval of Application 16096.

It is our understanding that Mr. Binnewies will file an amended application reflecting the conditions for the withdrawal of your protest.

Thank you for your cooperation in this matter.

Very truly yours,

STATE WATER RIGHTS BOARD
LESLIE C. JOPSON, Chief Engineer

By Original signed by
L. C. Spencer
Senior Hydraulic Engineer

cc:
Superintendent
Death Valley National Monument
Death Valley, California

Joseph E. Taylor
Assistant Regional Solicitor
U. S. Department of Interior
P. O. Box 4291 T & C
Sacramento 21, California

United States Department of Interior
National Park Service
Washington 25, D. C.
Attention: A. van V. Dunn, Chief
Water Resources Section

Honorable Charles Brown
Shoshone, California

COPY

10-30-1956: application to appropriate unappropriated water ; october 30, 1956

Docket 21
Part IV

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Amended
Application No. 16096 Filed October 18, 1954 at 2:20 P. M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

AMENDED APPLICATION RECEIVED AUGUST 26, 1957

I, United States of America by Fred W. Binnewies
Name of applicant

of Death Valley National Monument County of Inyo
Address

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS:*

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is unnamed springs (designated as Tarantula Spring Area)
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Inyo County, tributary to North Branch of Middle Fork of Trail Canyon thence Salt Creek in Death Valley

2. The amount of water which applicant desires to appropriate under this application is as follows:

(*a*) For diversion to be directly applied to beneficial use 0.027 cubic feet per
1 cubic foot per second equals 40 statute miner's inches or 646.317 gallons per day

second, to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(*b*) For diversion to be stored and later applied to beneficial use _____ acre-feet
1 acre-foot equals 325,851 gallons

per annum, to be collected between _____ and _____ of each season.
Beginning date Closing date

NOTE.—Answer (*a*) or (*b*) or both (*a*) and (*b*) as may be necessary. If amount under (*a*) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is mining, domestic and recreational
Domestic, irrigation, power, municipal, mining, industrial, recreational

_____ purposes.

4. The point of diversion is to be located (1) S 76°53' W 7910 feet; and (2) S 74°22' W 7015 feet
State bearing and distance or coordinate distances from section or quarter section corner

from NE corner Section 1, T19S, R45E, MDB&M

being within the SW¼ of NE¼
State 40-acre subdivision of public land survey or projection thereof

of Section 2, T. 19S, R. 45E, MD B. & M., in the County of Inyo

5. The main conduit terminates in NW¼ of NW¼ (projected) of Sec. 6, T. 19S, R. 46E, MD B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. **Intake or Headworks** (fill only those blanks which apply)

(*a*) Diversion will be made by pumping from _____
Sump, offset well, unobstructed channel, etc.

(*b*) Diversion will be by gravity, the diverting dam being See attachment 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.

FORM 1

8. **Conduit System** (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line)____ feet; width at bottom____ feet; depth of water____ feet; length____ feet; grade____ feet per 1,000 feet; materials of construction____
Cross out two not used
Earth, rock, timber, etc.

(b) Pipe line: Diameter Existing 1 inches; length from lower Div. 2 9500 feet; grade Upper 139 feet per 1,000 feet; total fall/lift from intake to outlet 1350 feet; kind plastic
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 0.34 cubic foot per second
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $7,500.00
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work ~~will begin~~ was begun on or before August 1, 1954

Construction work will be completed on or before December 31, 1959

The water will be completely applied to the proposed use on or before December 31, 1960

Description of Proposed Use

11. Place of Use. $S\frac{1}{2}$ $NE\frac{1}{4}$ Section 2 and $N\frac{1}{2}$ Section 1, T19S, R45E; $SE\frac{1}{4}$ $SE\frac{1}{4}$ unsurveyed Section 36, T18S, R45E; $SW\frac{1}{4}$ $SW\frac{1}{4}$ unsurveyed Section 31, T18S, R46E and $NW\frac{1}{4}$ $NW\frac{1}{4}$ unsurveyed Section 6, T19S, R46E, MDB&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 of all 40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant(s) own the land whereon use of water will be made? Yes (Yes or No) Jointly?____ (Yes or No)

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.
Subject to mining and millsite locations. This appropriation is largely for use of owners of existing & future mining & millsite claims in accordance with Title 36, Section 20.26 of Federal Regulations.

12. **Other Rights.** Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1. The designated place of use is partially encumered by mining and millsite				
2. locations of the miners and prospectors who use most of the water under permit				
3. which is hereby appropriated.				
4.				

Attach supplement at top of page 3 if necessary.

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____ (Beginning date) and end about____ (Closing date)

14. **Power Use.** The total fall to be utilized is____ feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is____ cubic feet per second.

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

The use to which the power is to be applied is____
For distribution and sale or private use, etc.

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

The size of the nozzle to be used is____ inches.

The water will / will not be returned to____ (Name stream) in____ (State 40-acre subdivision) of Sec.____, T.____, R.____, ____ B. & M.

10-18-1954: attachment; october 18, 1954

DO NOT WRITE IN THIS SPACE
ATTACH EXTRA SHEETS HERE

ATTACHMENT

Question 6b

Diversion 1

Diversion will be by gravity, the diverting dam being 20 feet in height (Stream bed to level of overflow); 40 feet long on top, and constructed of earth.

Diversion 2

Diversion will be by gravity, the diverting dam being approximately 5 feet in height and 20 feet long on top, and constructed of earth.

Diversion 1 is intended to pick up most of the available water. Diversion 2 is to recover any seepage, or spring flow found in the lower portion of spring area after diversion 1 has become fully effective.

Question 8b

The main pipeline, described in body of application, has been constructed from diversion to Nichols tank and mill. A second 1" plastic pipe, 1500 feet in length, with same controlling gradient and capacity is authorized. All, or part of the pipelines may be replaced by larger consolidated system with laterals to serve various interests.

Question 17

Not shown on map, a truck trail traverses the bottom of each branch of Trail Canyon, the through route from Trona Road, in upper Emigrant Canyon, to the floor of Death Valley being down North Fork to approximate site of Nichols Millsite, and thence down main Trail Canyon. Cars and other automotive equipment traversing those steep truck trails usually need radiator refills.

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 Nichols, High Noon Mills and other millsites (Name of claim) and the nature of the mines is tungsten and other ores. (Gold placer, quartz, etc.)

The method of utilizing the water is existing mill tables require 12 gallons per minute when operating 2 or more tables to operate to extent possible with regulatory storage.

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 not be returned to Trail Canyon in and above ~~x~~ SW¼ SW¼ (Name stream / State 40-acre subdivision) of Sec. 31, T. 18S, R. 46E, MD B. & M. and in NW¼ NW¼ Sec. 6, T19S, R46E, MDB&M.

17. **Other Uses.** The nature of the use proposed is domestic/ recreational (Industrial, recreational, domestic, stockwatering, fish culture, etc.)

State basis of determination of amount needed. Approximately 1800 gallons of water per day are used for domestic purposes of two established mining camps whose populations vary from 2 to 6, other temporary camps of additional prospectors, and those visitors to the Monument for recreational use who briefly visit the area for picnicking, camping and exploration of the mining activities, and for servicing automotive equipment and cars. (See Attachment) (Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type industrial use, and unit requirements.)

General

18. 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 _____

19. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

20. What is the name of the post office most used by those living near the proposed point of diversion?

Trona, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? M. D. Nichols' Estate, Trona, California; Alf and Ralph S. Dahl of 942 Hilldale Ave., Los Angeles 45, Calif; & W. T. Bennett, Trona, Calif., and other prospectors have & will use water under this application.

NOTE: Nothing in this application shall constitute a waiver of other rights which the United States may have to this water.

[SIGNATURE OF APPLICANT] /s/ Fred W. Binnewies
Superintendent, Death Valley National Monument
National Park Service, Department of the Interior

4

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 11421

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed twenty-seven thousandths (0.027) cubic foot per second to be diverted from January 1 to December 31 of each year.

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 September 1, 1958, 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 1, 1960.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1961.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

8. This permit is conditioned upon full compliance with Section 5937 of the California Fish and Game Code.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUN 17 1958

STATE WATER RIGHTS BOARD

L. K. Hill

L. K. Hill
Executive Officer

ATTACH EXTRA SHEETS HERE

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

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application 16096

NOTICE IS HEREBY GIVEN, THAT United States - Death Valley National Monument
Death Valley
California

has under the date of October 18, 1954, applied to the Department of Public Works, State Engineer, for a permit to appropriate unappropriated water, subject to vested rights.

Description of Project

Water to be appropriated from an unnamed spring tributary to Trail Canyon, thence Death Valley.

In the County of Inyo.

Amount applied for: 12 gallons per minute.

Diversion season named: January 1 to December 31 of each year.

Water to be used for mining purposes.

Point of diversion within SW¼ of NE¼ of Section 2, T 19 S, R 45 E, MDB&M.

Place of use described: SE¼ of NE¼ of Section 1, T 19 S, R 45 E, MDB&M, as shown on map filed with State Engineer.

Water will not be returned to any stream.

Relative to Protests

Blanks upon which to submit protests will be supplied free upon request.

Any person desiring to protest against the granting of such permit shall within 40 days from date hereof file with the Department of Public Works, State Engineer, Sacramento, California, a written protest. Such protest shall clearly set forth the protestant's objections to the approval 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.

DEPARTMENT OF PUBLIC WORKS
By A. D. EDMONSTON, *State Engineer*

Dated: Sacramento, California,
December 17 54
APC:gv

FORM 8-A

90475 12-53 3M ② SPO

FILE IN DUPLICATE

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

RECEIVED
DIV. OF WATER RESOURCES
SACRAMENTO

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

1954 OCT 18 PM 2 20

Application No. 16096 Filed October 18, 1954 at 2:20 P.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, United States of America - Death Valley National Monument
Name of applicant

of Death Valley County of Inyo
Address

State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS*:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is unnamed spring
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 Trail Canyon, thence Death Valley

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 12 gallons per minute
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

second, to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use _____ acre-feet
1 acre-foot equals 325,851 gallons

per annum, to be collected between _____ and _____ of each season.
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed.

3. The use to which the water is to be applied is mining
Domestic, irrigation, power, municipal, mining, industrial, recreational

_____ purposes.

4. The point of diversion is to be located S. 68° W, 7400 feet from NE corner of
State bearing and distance or coordinate distances from section or quarter section corner

Section 1, T 19 S, R 45 E, M.D.B.&M.

being within the SW¼ of NE¼
State 40-acre subdivision of U. S. Government survey or projection thereof

of Section 2, T. 19 S, R. 45 E, M.D. B. & M., in the County of Inyo

5. The main conduit terminates in SE¼ of NE¼, of Sec. 1, T. 19S, R. 45 E, M.D. B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application can not be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from collection pit 10 feet by 10 feet by 10 feet by 100 feet
Sump, pit, reservoir, tunnel, ditch, etc.

(b) Diversion will be by gravity, the diverting dam being _____ to

level of overflow); _____ feet long on top; and constructed of earth
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 1 inches; length 8000 feet; grade _____ feet per 1,000 feet; total fall from intake to outlet 800 feet; kind plastic

Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. **The estimated capacity** of the diversion conduit or pumping plant proposed is 12 G.P.M.

State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is $2,000.00

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 August 1, 1954

Construction work will be completed on or before January 1, 1955

The water will be completely applied to the proposed use on or before January 1, 1955

Description of Proposed Use

11. **Place of Use.** SE¼ of NE¼ of Section 1, T 19 S, R 45 E, M.D.B.&M. as shown on map filed with State Engineer

State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Does applicant own the land whereon use of water will be made? Yes

Yes or No

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. **Domestic Use.** Domestic use is proposed as follows: _____

Describe nature of use which may include stock water and the irrigation of domestic gardens not exceeding one-half acre with each place of residence. State number and kind of stock to be watered, number of houses and people to be served.

The amount for which application is made was determined by _____

Describe basis of quantity needed

13. **Irrigation Use.** The area to be irrigated is _____ acres.

State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres; orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____

Beginning date — Closing date

The land to be irrigated has another / no other water right or source of water supply other than that herein applied for. The nature and amount of the additional supply referred to is _____

14. **Power Use.** The total fall to be utilized is _____ feet.

Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

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

Second feet × fall ÷ 8.8

The use to which the power is to be applied is _____

For distribution and sale or private use, etc.

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

Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water will / will not be returned to _____ in _____ of

Name stream — State 40-acre subdivision

Sec. _____, T. _____, R. _____, _____ B. & M.

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No._____

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before

5. Complete application of the water to the proposed use shall be made on or before

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Engineer until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This permit is issued and permittee takes it **subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Witness my hand and the seal of the Department of Public Works of the State of California this day of 19

A. D. EDMONSTON,
State Engineer

*By*_____
HARVEY O. BANKS
Assistant State Engineer

90474 12-53 5M ① SPO

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 Chuckawalla 1 & 2; Trantula 1-5 incl., Scorpion 1,3 &4 (Name of claim) _____ and the nature of the mines is tungsten (Gold placer, quartz, etc.)

The method of utilizing the water is milling - concentration tables

It is estimated that the ultimate water requirement for this project will be 12 g.p.m. (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 any stream (Name stream) _____ in _____ (State 40-acre subdivision) of

Sec. _____, T. _____, R. _____, _____ B. & M.

17. **Industrial Use.** The nature of the use proposed is _____ (Describe nature and method of use)

_____

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

_____

18. **Recreational Use.** Water will be used for _____ (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 or Yes. If not, state specifically the time required for filing same _____

20. Does the applicant own the land at the proposed point of diversion? Yes (Yes or No). If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

_____

21. What is the name of the post office most used by those living near the proposed point of diversion?

Death Valley, California

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? none

_____

_____

_____

[SIGNATURE OF APPLICANT] Fred W. Binnewies
Superintendent

03 HISTORY

Death Valley National Park

TARANTULA SPRING (A016096)

Land History

10-12-1952: the name of this claim is dor - jean lode mining claim, october 12, 1952

COPY

TO WHOM IT MAY CONCERN: Please take Notice that:

(1) The name of this claim is DOR - JEAN Lode Mining Claim. Said claim is situated in the Wildrose Mining District. County of Inyo, State of California.

(2) The names of the locators of said claim are:

Alf Dahl Ingeborg Dahl

Said locator are citizens of the United States or _____ declared _____ intention ___ to become such.

(3) The said locator s do ____ hereby locate and claim 1500 linear feet of this vein or lode, together with surface ground extending 300 feet in width on each side of the middle of said vein or lode and more particularly described as follows:

Commencing at a monument where this notice is posted, which monument is at the point of discovery on said vein or lodge and on the center line of this location, we hereby claim 750 feet extending in a North erly direction along the course of said vein and 750 feet in a South erly direction. The general course of the vein or lode is North erly and South erly as near as can be determined from present developments.

The discovery monument is situated about 3200 feet from Sheephead Mining Access Road in T 185, R 45 E approximately North end of Claim Butts South Side of High Noon #5 and Diana A Claims

(4) The date of this locations is the 12 day of October 19 52.

(5) This notice is intended as an original notice of location and is posted on the claim and a true copy thereof is to be recorded with the County Recorder of this County.

12-06-1955: county recorder's office ; december 06, 1955

COUNTY RECORDER'S OFFICE

STATE OF CALIFORNIA }
COUNTY OF INYO } ss.

I, RICHARD F. OYLER, County Recorder of the County of Inyo, State of California, do hereby certify the foregoing to be a full, true and correct copy of Mining Location as the same appears on record in my office in Volume 65 of Mining Locations at page 364, Records of Inyo County.

Witness my hand and seal of said County Recorder this 6th day of December 1955

Richard F. Oyler County Recorder
Vernon Jr. Millet Deputy

10-12-1952: unreadable; october 12, 1952

VOL 65 PAGE 364

Notice of Location

LODE[1]

(See Sections 2801 - 2824, Inclusive, Public Resources Code)

TO WHOM IT MAY CONCERN: Please take notice that:

(1) The name of this claim is Dor - Jean Lode Mining Claim.

Said claim is situated in the Wildrose Mining District,

County of Inyo, State of California.

(2) The name s of the locator s of said claim are (is - are):

Alf Dahl & Ingeborg Dahl

Said locator are (is a - are) citizen s of the United States of America or _____ (has - have) declared _____ (his - their) intention ____ to become such.

(3) The said locator s do ____ hereby locate and claim 1500 (not to exceed 1500) linear feet of this vein or lode, together with surface ground extending 300 (not to exceed 300) feet in width on each side of the middle of said vein or lode and more particularly described as follows:

Commencing at a monument (post or monument) where this notice is posted, which monument (post or monument) is at the point of discovery on said vein or lode and on the center line of this location, we (I or we) hereby claim 750 feet extending in a North erly direction along the course of said vein and 750 feet in a South erly direction. The general course of the vein or lode is North erly and South erly as near as can be determined from present developments.

The discovery Monument (post or monument) is situated about 3200 feet from Sheephead Mining Access Road in T 18S R 45E (name some natural object or permanent monument and give direction) Approximately North End of Claim Butts South Side of High Moon #5 and Diana A Claims

(4) The date of this location is the 12 day of October, 1952

(5) This notice is intended as an original notice of location and is posted on this claim and a true copy thereof is to be recorded with the County Recorder of this County.

(6) All dips, variations, spurs, angles and all veins, ledges, or deposits within the lines of this claim, together with all water and timber and any other rights appurtenant, allowed by the laws of this State or of the United States of America are hereby claimed.

DATED: October 12, 1952

WITNESSES:[3]

LOCATORS:[4]

Alf Dahl

Ingeborg Dahl

Footnotes 1, 2, 3, and 4: See Reverse Side.

LOCATION NOTICE — LODE, CALIF. — WOLCOTTS FORM 1134 — REVISED SEPTEMBER 1950

10-12-1952; unreadable; october 12, 1952

STATEMENT OF THE MARKING OF THE BOUNDARIES AND OF PERFORMANCE OF DISCOVERY WORK

VOL 65 PAGE 365

NOTICE IS HEREBY GIVEN by the undersigned Locator___ of the within described Lode Mining Claim, in accordance with the provisions of Chapter 644 of the Statutes of 1941 which amend Section 2313 of the Public Resources Code of the State of California relating to mining claims, as follows:

(1) That there has been erected at the discovery point, at each corner and at the center of each end line of said claim, _____

(2) The Locator___ ha___ performed discovery work as required by Section 2304, Public Resources Code as follows:[6] _____

(3) That the discovery work indicated above has been completed within ninety (90) days from the date of location of said claim.[7]

DATED: _____, 19___

LOCATORS:

_____ _____

_____ _____

_____ _____

_____ _____

DO NOT RECORD

1 This form should not be used where a placer location notice, tunnel site location notice, or mill site location notice is required.

2 The post must be not less than four inches in diameter and the stone monument must be at least eighteen inches high.

3 Witnesses are optional and are not required.

4 Public Resources Code Section 2313 provides, in part, as follows: "Within 90 days after the posting of his notice of location upon a lode mining claim . . . the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the county recorder of the county in which such claim is situated. The county recorder shall receive a fee of one dollar ($1) for this service."

5 Insert herein the following words: "a post not less than four (4) inches in diameter" or "a stone monument, at least eighteen (18) inches high", as the case may be.

6 Section 2304, Public Resources Code, reads, in part, as follows: "(a) Within 90 days after the date of location of any lode mining . . . claim hereafter located, the locator or locators thereof shall sink a discovery shaft upon the claim to a depth of at least 10 feet from the lowest part of the rim of the shaft at the surface, or shall drive a tunnel, adit, or open cut upon the claim to at least 10 feet below the surface . . ."

7 A location of a lode mining claim is null and void unless such discovery work is duly performed and a true copy of location notice recorded within ninety (90) days from date of location.

No. _____

NOTICE OF LOCATION

Lode Claim

Statement of the Markings of the Boundaries and of Performance of Discovery Work

CLAIMANT

Alf Dahl

& Ingeborg Dahl

NO. _____ Mining Claim

_____ Mining District

_____, County _____

FILED _____, 19___

ORDER No. _____

When recorded, please mail this Instrument to

Alf Dahl

942 Hilldale Ave

Los Angeles 46, Calif.

NO. 157

FILED FOR RECORD AT THE REQUEST OF

Alf Dahl

5 MINUTES PAST 9 O'CLOCK A.M.

OCT 20 1952

VOL. 65 OF *Mining Locations*

PAGE _____, RECORDS OF INYO COUNTY, CALIF.

RICHARD F. OYLER, Recorder

BY Donald L. Bell

DEPUTY RECORDER

FEE 1.00 INDEXED _____ COMPARED _____

VOL 64 PAGE 280

This BLANK furnished FREE by San Bernardino County

FEE FOR RECORDING LOCATION NOTICES, $1.00 EACH, PAYABLE IN ADVANCE

Return to ~~Ted R. Carpenter~~, County Recorder, ~~San Bernardino~~ Ely 40, Calif.

LOCATION NOTICE

QUARTZ CLAIM

NOTICE IS HEREBY GIVEN: That the undersigned citizens of the United States, in compliance with the requirements of Chapter VI, Title 32, of the Revised Statutes of the United States, and the local customs, laws and regulations, have this day located and claimed fifteen hundred linear feet along the course of this lead, lode or vein of mineral-bearing quartz, and three hundred feet in width on each side of the middle of said lead, lode or vein together with all mineral deposits contained therein, and all timber growing within the limits of said claim, and all water and water privileges thereon or appurtenant thereto.

The general course of the vein is Easterly and Westerly

Situated in the Idail Canyon Mining District, County of ~~San Bernardino~~ Inyo, State of California, and more particularly described as follows, to-wit:

COMMENCING AT This claim joins the Blue Cliff Claim to the West and is appropimately two miles from the mouth of Woods canyon

This claim can be identified by its proximity to the following natural object or permanent monument, to-wit: Approximately ten miles from the floor of Death Valley

NOTICE IS ALSO GIVEN that the discovery work as required by law has been performed. Ten foot open cut.

The date of discovery of this lead, lode or vein is the 29th day of February, 1952

The date of the location of this lead, lode or vein is the 29th day of February, 1952

It is named and shall be known as the Blue Cliff #1 Claim.

WITNESS	LOCATOR
	H. H. Pike
	Leroy Ramos

265—5M—6-47

VOL 64 PAGE 281

QUARTZ CLAIM

Locator:

Please give mailing address below.

Name H. H. Pike

City San Bernardino

State Calif.

3330 F St.

Civil Code, State of California, Sec. No. 1426, LODE CLAIMS, HOW LOCATED. Any person, a citizen of the United States, or who has declared his intention to become such, who discovers a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposit, may locate upon such vein or lode, by defining the boundaries of the claim, in the manner hereinafter described, and by posting a notice of such location, at a point of discovery, which notice must contain:

First—The name of the lode or claim.

Second—The name of the locator or locators.

Third—The number of linear feet claimed in length along the course of the vein each way from point of discovery, with the width on each side of the center of the claim, and the general course of the vein or lode, as near as may be.

Fourth—The date of location.

Fifth—Such description of the claim by reference to some natural object, or permanent monument, as will identify the claim located.

Sec. 1426 B. Within 30 days after posting notice, the locator shall record a true copy thereof in the office of the County Recorder.

NOTICE

Act 529, provides that within 60 days after location each corner and the center of each end line shall be marked by a post not less than 4 inches in diameter or a stone monument not less than 18 inches high. Within 90 days a shaft 10 feet deep must be sunk or an adit or open cut made exposing the deposit 10 feet below the surface.

On placer locations of more than 20 acres the locator within 90 days must perform $1 worth of development work for each acre of the claim.

The "location work" must be done on relocations of old claims by doing new work or deepening the old workings.

GRUBSTAKE CONTRACTS

Another act introduced by Senator Wagy of Kern County, known as S. B. 878 was also passed by the legislature and has been signed by Governor Merriam providing that all grubstake contracts and prospecting agreements must be recorded in the office of the County Recorder of the county in which the contract is made. This also will take effect September 14th, 1935.

IMPORTANT AMENDMENT

Section 2313 of the Public Resources Code is hereby amended as follows:

Within ninety days after the posting of his notice of location upon a lode mining claim, placer claim, tunnel right or location, or mill site claim or location, the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the County Recorder of the county in which such claim is situated. The County Recorder shall receive a fee of one dollar ($1) for this service.

NO. 11

FILED FOR RECORD AT THE REQUEST OF H. H. Pike

15 MINUTES PAST 9 O'CLOCK A. M.

MAR - 3 1952

VOL. 64 OF Mining Locations

PAGE ..... RECORDS OF INYO COUNTY, CALIF.

RICHARD F. OYLER, Recorder

BY Marshal L. Doll DEPUTY RECORDER

FEE 1.00 INDEXED ..... COMPARED .....

VOL 64 PAGE 282

This BLANK furnished FREE by San Bernardino County
FEE FOR RECORDING LOCATION NOTICES, $1.00 EACH, PAYABLE IN ADVANCE
Return to ~~Ted R. Carpenter~~, County Recorder, ~~San Bernardino~~ Inyo, Calif.

LOCATION NOTICE
QUARTZ CLAIM

NOTICE IS HEREBY GIVEN: That the undersigned citizens of the United States, in compliance with the requirements of Chapter VI, Title 32, of the Revised Statutes of the United States, and the local customs, laws and regulations, have this day located and claimed fifteen hundred linear feet along the course of this lead, lode or vein of mineral-bearing quartz, and three hundred feet in width on each side of the middle of said lead, lode or vein together with all mineral deposits contained therein, and all timber growing within the limits of said claim, and all water and water privileges thereon or appurtenant thereto.

The general course of the vein is Easterly and Westerly

Situated in the Trail Canyon Mining District, County of ~~San Bernardino~~ INYO, State of California, and more particularly described as follows, to-wit:

COMMENCING AT This Claim joins the Blue Cliff claim to the South, and is parallel with it.

This claim can be identified by its proximity to the following natural object or permanent monument, to-wit: In Trail Canyon approximately ten miles from the floor of Death Valley

NOTICE IS ALSO GIVEN that the discovery work as required by law has been performed. Twelve foot open cut

The date of discovery of this lead, lode or vein is the 29th day of February, 1952

The date of the location of this lead, lode or vein is the 29th day of February, 1952

It is named and shall be known as the Blue Cliff #2 Claim

WITNESS	LOCATOR
	H. H. Pike Tony Ramos

265 15M 2-46

VOL 64 PAGE 283

QUARTZ CLAIM

LOCATOR:

Please give mailing address below.

Name H. H. Pike

City San Bernardino

State Calif.

3330 F St

Civil Code, State of California, Sec. No. 1426, LODE CLAIMS, HOW LOCATED. Any person, a citizen of the United States, or who has declared his intention to become such, who discovers a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposit, may locate upon such vein or lode, by defining the boundaries of the claim, in the manner hereinafter described, and by posting a notice of such location, at a point of discovery, which notice must contain:

First—The name of the lode or claim.

Second—The name of the locator or locators.

Third—The number of linear feet claimed in length along the course of the vein each way from point of discovery, with the width on each side of the center of the claim, and the general course of the vein or lode, as near as may be.

Fourth—The date of location.

Fifth—Such description of the claim by reference to some natural object, or permanent monument, as will identify the claim located.

Sec. 1426 B. Within 30 days after posting notice, the locator shall record a true copy thereof in the office of the County Recorder.

NOTICE

Act 529, provides that within 60 days after location each corner and the center of each end line shall be marked by a post not less than 4 inches in diameter or a stone monument not less than 18 inches high. Within 90 days a shaft 10 feet deep must be sunk or an adit or open cut made exposing the deposit 10 feet below the surface.

On placer locatons of more than 20 acres the locator within 90 days must perform $1 worth of development work for each acre of the claim.

The "location work" must be done on relocations of old claims by doing new work or deepening the old workings.

GRUBSTAKE CONTRACTS

Another act introduced by Senator Wagy of Kern County, known as S. B. 878 was also passed by the legislature and has been signed by Governor Merriam providing that all grubstake contracts and prospecting agreements must be recorded in the office of the County Recorder of the county in which the contract is made. This also will take effect September 14th, 1935.

New 1941

IMPORTANT AMENDMENT

Section 2313 of the Public Resources Code is hereby amended as follows:

Within ninety days after the posting of his notice of location upon a lode mining claim, placer claim, tunnel right or location, or mill site claim or location, the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the County Recorder of the county in which such claim is situated. The County Recorder shall receive a fee of one dollar ($1) for this service.

NO. 12

FILED FOR RECORD AT THE REQUEST OF

H. H. Pike

15 MINUTES PAST 9 O'CLOCK A. M.

MAR -3 1952

(64)

VOL. 64 OF Mining Locations

PAGE 283, RECORDS OF INYO COUNTY, CALIF.

RICHARD F. OYLER, Recorder

BY Leonard L. Ball

DEPUTY RECORDER

FEE 1.00 INDEXED ..... COMPARED .....

VOL 64 PAGE 284

This BLANK furnished FREE by San Bernardino County
FEE FOR RECORDING LOCATION NOTICES, $1.00 EACH, PAYABLE IN ADVANCE
Return to ~~Ted R. Carpenter~~, County Recorder, ~~San Bernardino~~ INYO, Calif.

LOCATION NOTICE

QUARTZ CLAIM

NOTICE IS HEREBY GIVEN: That the undersigned citizens of the United States, in compliance with the requirements of Chapter VI, Title 32, of the Revised Statutes of the United States, and the local customs, laws and regulations, have this day located and claimed fifteen hundred linear feet along the course of this lead, lode or vein of mineral-bearing quartz, and three hundred feet in width on each side of the middle of said lead, lode or vein together with all mineral deposits contained therein, and all timber growing within the limits of said claim, and all water and water privileges thereon or appurtenant thereto.

The general course of the vein is Easterly and Westerly

Situated in the Trail Canyon Mining District, County ~~of San Bernardino~~ INYO, State of California, and more particularly described as follows, to-wit:

COMMENCING AT This claim joins the Blue Cliff claim to the north and is parallel with it and extends Westerly from the canyon.

This claim can be identified by its proximity to the following natural object or permanent monument, to-wit:
In Trail Canyon approximately ten miles from the floor of Death Valley

NOTICE IS ALSO GIVEN that the discovery work as required by law has been performed.
Ten 70ft tunnel on the Vein

The date of discovery of this lead, lode or vein is the 29th day of February, 1952

The date of the location of this lead, lode or vein is the 29th day of February, 1952

It is named and shall be known as the Blue Cliff #3 Claim

WITNESS

LOCATOR
H. H. Pike
Tony Ramos

205 5M 2-46

02-29-1952: location notice quartz claim cont.; february 29, 1952

VOL 64 PAGE 283

QUARTZ CLAIM

LOCATOR:

Please give mailing address below.

Name H.H. Pike

City San Bernardino

State 3330 F.St. Calif.

Civil Code, State of California, Sec. No. 1426, LODE CLAIMS, HOW LOCATED. Any person, a citizen of the United States, or who has declared his intention to become such, who discovers a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposit, may locate upon such vein or lode, by defining the boundaries of the claim, in the manner hereinafter described, and by posting a notice of such location, at a point of discovery, which notice must contain:

First—The name of the lode or claim.

Second—The name of the locator or locators.

Third—The number of linear feet claimed in length along the course of the vein each way from point of discovery, with the width on each side of the center of the claim, and the general course of the vein or lode, as near as may be.

Fourth—The date of location.

Fifth—Such description of the claim by reference to some natural object, or permanent monument, as will identify the claim located.

Sec. 1426 B. Within 30 days after posting notice, the locator shall record a true copy thereof in the office of the County Recorder.

NOTICE

Act 529, provides that within 60 days after location each corner and the center of each end line shall be marked by a post not less than 4 inches in diameter or a stone monument not less than 18 inches high. Within 90 days a shaft 10 feet deep must be sunk or an adit or open cut made exposing the deposit 10 feet below the surface.

On placer locatons of more than 20 acres the locator within 90 days must perform $1 worth of development work for each acre of the claim.

The "location work" must be done on relocations of old claims by doing new work or deepening the old workings.

GRUBSTAKE CONTRACTS

Another act introduced by Senator Wagy of Kern County, known as S. B. 878 was also passed by the legislature and has been signed by Governor Merriam providing that all grubstake contracts and prospecting agreements must be recorded in the office of the County Recorder of the county in which the contract is made. This also will take effect September 14th, 1935.

New 1941

IMPORTANT AMENDMENT

Section 2313 of the Public Resources Code is hereby amended as follows:

Within ninety days after the posting of his notice of location upon a lode mining claim, placer claim, tunnel right or location, or mill site claim or location, the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the County Recorder of the county in which such claim is situated. The County Recorder shall receive a fee of one dollar ($1) for this service.

NO. 13

FILED FOR RECORD AT THE REQUEST OF H. H. Pike

15 MINUTES PAST 9 O'CLOCK A.M.

MAR - 3 1952

VOL 64 OF

PAGE ____, RECORDS OF INYO COUNTY, CALIF.

RICHARD F. OYLER, Recorder

BY Donald L. Bell

DEPUTY RECORDER

FEE 1.00 INDEXED ____ COMPARED ____

VOL 64 PAGE 286

This BLANK furnished FREE by San Bernardino County

FEE FOR RECORDING LOCATION NOTICES, $1.00 EACH, PAYABLE IN ADVANCE

Return to ~~Ted R. Carpenter~~, County Recorder, ~~San Bernardino~~, Calif.

INYO

LOCATION NOTICE

QUARTZ CLAIM

NOTICE IS HEREBY GIVEN: That the undersigned citizens of the United States, in compliance with the requirements of Chapter VI, Title 32, of the Revised Statutes of the United States, and the local customs, laws and regulations, have this day located and claimed fifteen hundred linear feet along the course of this lead, lode or vein of mineral-bearing quartz, and three hundred feet in width on each side of the middle of said lead, lode or vein together with all mineral deposits contained therein, and all timber growing within the limits of said claim, and all water and water privileges thereon or appurtenant thereto.

The general course of the vein is Easterly and Westerly Situated in the Trail Canyon Mining District, County of ~~San Bernardino~~, State of California, and more particularly described as follows, to-wit:

COMMENCING AT Inyo

This claim joins the Blue Cliff claim to the north and is parallel with it and extends easterly from the Canyon

This claim can be identified by its proximity to the following natural object or permanent monument, to-wit:

In Trail Canyon approximately ten miles from the floor of Death Valley

NOTICE IS ALSO GIVEN that the discovery work as required by law has been performed.

Ten foot open cut.

The date of discovery of this lead, lode or vein is the 29th day of February, 1952

The date of the location of this lead, lode or vein is the 29th day of February, 1952

It is named and shall be known as the Blue Cliff #4 Claim.

WITNESS	LOCATOR
	H. H. Pike
	Tony Ramos

265—5M—6-47

VOL 64 PAGE 287

QUARTZ CLAIM

Locator:

Please give mailing address below.

Name H. H. Pike

City San Bernardino

State Calif.

3330 F St

Civil Code, State of California, Sec. No. 1426, LODE CLAIMS, HOW LOCATED. Any person, a citizen of the United States, or who has declared his intention to become such, who discovers a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposit, may locate upon such vein or lode, by defining the boundaries of the claim, in the manner hereinafter described, and by posting a notice of such location, at a point of discovery, which notice must contain:

First—The name of the lode or claim.

Second—The name of the locator or locators.

Third—The number of linear feet claimed in length along the course of the vein each way from point of discovery, with the width on each side of the center of the claim, and the general course of the vein or lode, as near as may be.

Fourth—The date of location.

Fifth—Such description of the claim by reference to some natural object, or permanent monument, as will identify the claim located.

Sec. 1426 B. Within 30 days after posting notice, the locator shall record a true copy thereof in the office of the County Recorder.

NOTICE

Act 529, provides that within 60 days after location each corner and the center of each end line shall be marked by a post not less than 4 inches in diameter or a stone monument not less than 18 inches high. Within 90 days a shaft 10 feet deep must be sunk or an adit or open cut made exposing the deposit 10 feet below the surface.

On placer locations of more than 20 acres the locator within 90 days must perform $1 worth of development work for each acre of the claim.

The "location work" must be done on relocations of old claims by doing new work or deepening the old workings.

GRUBSTAKE CONTRACTS

Another act introduced by Senator Wagy of Kern County, known as S. B. 878 was also passed by the legislature and has been signed by Governor Merriam providing that all grubstake contracts and prospecting agreements must be recorded in the office of the County Recorder of the county in which the contract is made. This also will take effect September 14th, 1935.

IMPORTANT AMENDMENT

Section 2313 of the Public Resources Code is hereby amended as follows:

Within ninety days after the posting of his notice of location upon a lode mining claim, placer claim, tunnel right or location, or mill site claim or location, the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the County Recorder of the county in which such claim is situated. The County Recorder shall receive a fee of one dollar ($1) for this service.

14

NO. _____

FILED FOR RECORD AT THE REQUEST OF

H. H. Pike

15 MINUTES PAST 9 O'CLOCK A.M.

MAR - 3 1952

VOL. 64 OF Mining Locations

PAGE _____, RECORDS OF INYO COUNTY, CALIF.

RICHARD F. OYLER, Recorder

BY _____ DEPUTY RECORDER

100 _____ COMPARED _____

VOL 64 PAGE 541

NOTICE OF LOCATION
QUARTZ CLAIM

NOTICE IS HEREBY GIVEN that the undersigned hereby locates S and claims S the following described piece of mineral bearing ground as a quartz claim. From this discovery monument 200 feet in a Northerly direction and dense 1500 feet in a Easterly direction ~~and three hundred feet each side of the middle of the vein~~, and dense 600 ft. in a Southernly direction, dense 1500 ft. in a Westerly direction, & dense in 400 ft in a Northernly direction to back to place of beginning. This Claim is located about 9 miles up in Trail Ca

The general course of the vein or ledge is Esterly and Westerly

the size of the claim is 1500 feet long by 1600 feet wide.

This claim shall be known as the Horse Shoe No. 1

situated in the P.V. Mining District, County of Inyo Kern

State of California.

Located this 28 day of April, 1951.

LOCATOR M. Esterling

Witness Fred Santichi

Chalfant Press

NO. 105
FILED FOR RECORD AT THE REQUEST OF
Fred Santichi
5 MINUTES PAST 9 O'CLOCK A.M.
MAY 15 1952
VOL. 64 OF Mining Locations
PAGE ____, RECORDS OF INYO COUNTY, CALIF.
RICHARD F. OYLER, Recorder
BY Wanda K. Bell
DEPUTY RECORDER
FEE 1.00 INDEXED ____ COMPARED ____

STATEMENT OF MARKING BOUNDARIES AND PERFORMANCE OF REQUIRED DISCOVERY WORK

The undersigned, locator of the lode mining claim described in within notice of location, state;

That in accordance with Section 2302 of the Public Resources Code he defined the boundaries of the claim in the manner following:

That within sixty days after the location of the lode mining claim described in the within notice, to-wit: between the ____ day of ____, 19__, and the ____ day of ____, 19__, he erected at each corner of the claim and at the center of each end line, or the nearest accessible points, thereto

as required by section 2302 of the Public Resources Code:

That within ninety days after the date of the location of the lode mining claim described in the within notice, to-wit: between the 4-28-1951 day of ____, 19__, and the 8 day of August 1951 he performed the following discovery work in accordance with the requirements of Section 2304 of the Public Resources Code: Open Cut 10 ft long

Dated at Trail Canon this 8 day of August 1951

M. Esterling

04-28-1951: location notice quartz claim cont.; april 28, 1951

Notice is hereby given that we Ralph S. Dahl and James H. Hall Jr., proprietors of that certain vein or lode claim known as the High Noon mining claim have this 13th day of May 1952, Located five acres of non-Mineral land to be known as the High Noon mill site situate in the Panamint mining district, County of Inyo State of California, and described as follows. Commencing at a point from which is approximately 3/4 mile N.W. of the sheepshead mine. Thence westerly 726 ft thence southerly 300 ft. thence East 726 ft; Thence Northerly 300 ft to the point of beginning

The name of this mill site is the High Noon Mill.

Ralph S. Dahl
James H Hall Sc.

NO. 121
FILED FOR RECORD AT THE REQUEST OF
James Hall, Jr.
5 MINUTES PAST 9 O'CLOCK A. M.
MAY 19 1952
~~MAY 16 1952~~

VOL. 97 OF Official Records

PAGE ....., RECORDS OF INYO COUNTY, CALIF.
RICHARD F. OYLER, Recorder
BY Donald L. Bell
DEPUTY RECORDER
FEE 1.00 INDEXED ..... COMPARED .....

Copy

VOL 62 PAGE 237

Notice of Location

LODE[1]

(See Sections 2301 - 2324, Inclusive, Public Resources Code)

TO WHOM IT MAY CONCERN: Please take notice that:

(1) The name of this claim is Blue Cliff Lode Mining Claim.

Said claim is situated in the Trail Canyon Mining District,

County of Inyo, State of California.

(2) The name of the locator of said claim (is - are):

R.A Matley — H.D. Santschi

Robert A. Matley — H.H. Pike

Said locator is (is a - are) are citizens of the United States of America or (has - have) have declared (his - their) their intention to become such.

(3) The said locator do hereby locate and claim 1500 feet (not to exceed 1500) linear feet of this vein or lode, together with surface ground extending 300 feet (not to exceed 300) in width on each side of the middle of said vein or lode and more particularly described as follows:

Commencing at a monument (post or monument) where this notice is posted, which monument (post or monument) is at the point of discovery on said vein or lode and on the center line of this location, We (I or we) hereby claim 750 feet extending in a Westerly erly direction along the course of said vein and 750 hundred feet in a East erly direction. The general course of the vein or lode is East erly and West erly as near as can be determined from present developments.

The discovery (post or monument)[2] is situated about _____ feet from _____

(name some natural object or permanent monument and give direction)

This is a Re-location of The Sheephead Mining Claim.

(4) The date of this location is the 19 day of March, 1957.

(5) This notice is intended as an original notice of location and is posted on this claim and a true copy thereof is to be recorded with the County Recorder of this County.

(6) All dips, variations, spurs, angles and all veins, ledges, or deposits within the lines of this claim, together with all water and timber and any other rights appurtenant, allowed by the laws of this State or of the United States of America are hereby claimed.

DATED: March 19, 1957.

WITNESSES:[3]

LOCATORS:[4]

R.A. Matley

H.D. Santschi

Robert A. Matley

H.H. Pike

1 This form should not be used where a placer location notice, tunnel site location notice, or mill site location notice is required.

2 The post must be not less than four inches in diameter and the stone monument must be at least eighteen inches high.

3 Witnesses are optional and are not required.

4 Public Resources Code Section 2313 provides, in part, as follows: "Within 90 days after the posting of his notice of location upon a lode mining claim . . . the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the county recorder of the county in which such claim is situated. The county recorder shall receive a fee of one dollar ($1) for this service."

03-19-1951: location notice quartz claim cont.; march 19, 1951

VOL 62 PAGE 238 STATEMENT OF THE MARKING OF THE BOUNDARIES AND OF PERFORMANCE OF DISCOVERY WORK

NOTICE IS HEREBY GIVEN by the undersigned Locator s of the within described Lode Mining Claim, in accordance with the provisions of Chapter 644 of the Statutes of 1941 which amend Section 2313 of the Public Resources Code of the State of California relating to mining claims, as follows:

(1) That there has been erected at the discovery point, at each corner and at the center of each end line of said claim, Two foot Stone Monuments

(2) The Locator s have performed discovery work as required by Section 2304, Public Resources Code as follows:[2] Ten foot open cut.

(3) That the discovery work indicated above has been completed within ninety (90) days from the date of location of said claim.[3]

DATED: March 19, 1951.

LOCATORS:

R. A. Mattey — Box 369 Corona, Calif

H. D. Santichi

Robert A Mattey — Los Angeles, Calif.

H. H. Pike — 3330 Fst. San Bernardino, Cal.

1 Insert herein the following words: "a post not less than four (4) inches in diameter" or "a stone monument, at least eighteen (18) inches high", as the case may be.

2 Section 2304, Public Resources Code, reads, in part, as follows: "(a) Within 90 days after the date of location of any lode mining . . . claim hereafter located, the locator or locators thereof shall sink a discovery shaft upon the claim to a depth of at least 10 feet from the lowest part of the rim of the shaft at the surface, or shall drive a tunnel, adit, or open cut upon the claim to at least 10 feet below the surface . . ."

3 A location of a lode mining claim is null and void unless such discovery work is duly performed and a true copy of location notice recorded within ninety (90) days from date of location.

No.....

NOTICE OF LOCATION

Lode Claim

Statement of the Markings of the Boundaries and of Performance of Discovery Work

CLAIMANT

.....

.....

.....Mining Claim

.....Mining District

....., County.....

FILED....., 19....

ORDER No.....

When recorded, please mail this Instrument to

H. H. Pike

Hinkley Calif

NO. 165

FILED FOR RECORD AT THE REQUEST OF

H. H. Pike

35 MINUTES PAST 10 O'CLOCK A.M.

MAR 19 1951

VOL. 62 OF Mining Locations

PAGE ....., RECORDS OF INYO COUNTY, CALIF.

RICHARD F. OYLER, Recorder

BY Nellie Fories

DEPUTY RECORDER

Lodged ..... COMPARED

05 ADMIN

Death Valley National Park

TARANTULA SPRING (A016096)

Administrative Agreements

UNITED STATES
Department of the Interior
National Park Service

No. DEVA 1-69
Previous Permit
No. DEVA 1-65

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25, 1916 (39 Stat. 535) and the act of June 13, 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36 C.F.R. 7.26) Morning Glory Mines Inc. 9013 Atkinson Pl. NE Albuquerque, New Mexico 87112 (Field Office, Box 426, Trona, California 93562) is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan, which is hereby approved and made a part of this permit;

and to use 300 gallons ~~xxxxxxx~~ _____ ~~xxxxxx~~ per ~~annum~~ day for domestic
0.026 sec. ft. _____ ~~xxxxxx per annum~~ for milling
_____ sec. ft. _____ acre ft. per annum for _____

(strike out inapplicable unit)

purposes of the waters of Tarantula Spring area
(give names of sources)

under Water Right Application No. 16096, as said water right is designated by the State Water Rights Board of California, with subpriority No. 2, at no fee but subject to the special conditions on the following pages.
(California or Nevada)

Signed at Death Valley this 20th day of June, 1969,

Robert L. Murphy
Superintendent

The undersigned hereby accepts this permit subject to the terms, obligations, and reservations, expressed or implied therein.

Karl Pischel * Glenn H Kreider President
Address Box 652 Lone Pine Calif Address Morning Glory Mines Inc. Box 426 Trona, Calif.

Harry E. Finney
Address PO Box 919 Bexton Calif. Address _____

APPROVED: Regional Director, _____ Region, National Park Service.

_____

_____
(date)

* Sign name or names as written in body of permit; for copartnership permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director)
(This copy for the SSC-LW)

SPECIAL CONDITIONS

1. This permit is granted subject to assignment to the United States of all rights to the use of waters of the designated sources(s) by the permittee(s).

2. In the absence of recorded Federal water rights or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.

3. The United States reserves paramount rights, with subpriority No. 1 under the designated Water Right Application No. 16096, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument.

4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.

5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assigment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.

6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical, it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.

7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Engineer, for execution and transmittal to the State Engineer by the authorized Federal official.

8. All posting, and other actions prescribed by the State Water Rights Board shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.

9. The permittee(s) shall use all possible diligence in the construction of the water system and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file that annual or biennial reports required by the State Division of Water Resources, based on that information, with copy (copies) to the permittee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits, licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water claims or rights shall be made except by the Director, National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essentail to the preservation of a water right shall be removed without the prior approval of the Director, National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall constitute a forfeiture of the subpriority of water right granted; provided that if permittee(s) shall sustain his possessory right in the mining claim under the mining law, he may preserve his said subpriority by filing with the Superintendent prior to the end of each year of nonuse of a notice of intention to resume the use of said water system and the mining claim or millsite where the water is used.

15. The United States assumes no responsibility for the protection of the water system or other structures and equipment authorized pursuant to this permit. Furthermore, except for actionable damages resulting from the negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, the United States shall not be liable for any damages to the permittee(s') water system or other structures or equipment.

16. No structures, dumps, or other surface uses shall be located where they will lead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, public campgrounds, and other improvements and betterments over upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.

22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.

23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.

24. Permittee(s) shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.

26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.

27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument, as the representatives of the Director.

28. Neither members of, nor delgates to Congress, or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

30. No work will be undertaken to increase the rate of flow at the spring. Removal of overburden at the site and cleaning of the spring may be accomplished under this permit.

31. Permittee shall not construct or maintain fences or other works which may prevent access to water from the source hereunder by the public or wildlife.

32. A water trough or other facility will be provided for wildlife use and the brush cover left intact except removal as may be necessary to allow access to the spring.

10-276

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

COMPUTATION SHEET

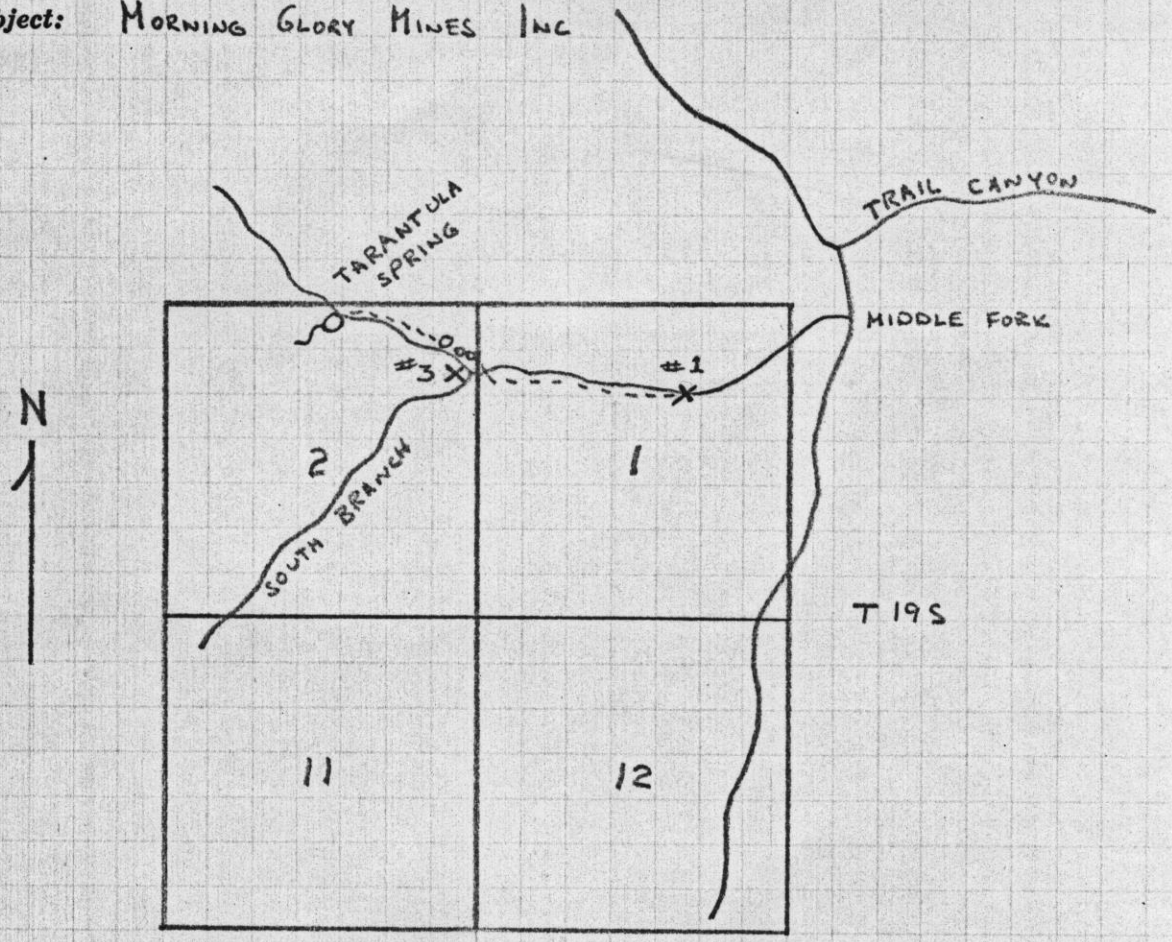
SHEET ____ OF ____

MADE BY ____

CHECKED BY ____ (INITIAL AND DATE)

GPO : 1965—O-761-379

Subject: MORNING GLORY MINES INC



X MILLSITE
O WATER TANK
--- PLASTIC PIPELINE

H.L. 5/20/69 NOT TO SCALE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

January 26, 1965

IN REPLY REFER TO:

L54

RECEIVED
NPS Western Regional Office
JAN 28 '65

	Surname	Date
Reg. Dir.		
Asst. R.D. (AD)		
Asst. R.D. (OP)		
Asst. R.D. (CA)		
Asst. to R.D. (PA)		
Sp. Asst. (Dev)		
Sp. Asst. to R.D.		
R. S. Advisor		

X Morris

Memorandum

To: Regional Director, Western Region

From: Superintendent, Death Valley

Subject: Permit for water use -- Siler, January 20, 1965

Permit DEVA-1-65 was issued for water applied for under Water Rights Application 16096 after it was determined that earlier permits had been abandoned. There has been no use for more than one year by the previous permittees, nor has there been any filing with the Superintendent, a notice of intention to resume the use of the previous water systems. Failure to use the water system for more than one year constitutes a forfeiture of the subpriority of the water right granted.

Reference is made in our files to permits 14-10-434-6 dated March 1, 1956 and DEVA-2-56 dated October 13, 1956; however, we can not find copies of these permits. Could you send us duplicates so we may enter them in Docket 21?

John A. Aubuchon

John A. Aubuchon

January 20, 1965

L54

Memorandum

To: Superintendent, Death Valley

From: Regional Chief, Division of Land and Water Rights, WesternRegion

Subject: Permit for water use

Before making distribution of permit DEVA 1-65 as requested in Acting Superintendent Burgen's memorandum of January 14, 1965, please advise as to the status of the earlier permits in Docket 21. We found permits 14-10-434-6 dated March 1, 1956, DEVA 1-56 and 2-56 dated October 13, 1956, but we found no indications that these permits were not any longer in force.

Since the newest permit is for the same amount of water applied for in Water Right Application 16096, we doubt that this permit would have been issued if the earlier permits were still in effect. We therefore would appreciate your comments noting whether these earlier permits have been cancelled, abandoned, or assigned by the permittee to his successors, and if available, send us copies of connective documentation so that the progress record may be placed in all the docket files.

(SGD) JAMES M. SILER

James M. Siler

Extra

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

January 14, 1965

IN REPLY REFER TO:
L54

RECEIVED
NPS Western Regional Office
JAN 18 '65

	Surname	Date
Reg. Dir.		
Asst. R.D. (AD)		
Asst. R.D. (OP)		
Asst. R.D. (CA)		
Asst. to R.D. (PA)		
Sp. Asst. (Dev)		
Sp. Asst. to R.D.		
R. S. Advisor		

X Morris

Memorandum

To: Regional Director, Western Region

From: Acting Superintendent, Death Valley

Subject: Permit For Water Use

Enclosed are four copies of Permit For Water Use No. DEVA-1-65 recently issued to Mr. K.E. Wilson in connection with mining operations.

We would appreciate your making the required distribution of the copies. We have retained one copy for our files and one for the permittee.

William N. Burgen

Enclosures 4

Docket 21

UNITED STATES
Department of the Interior
National Park Service

No. DEVA-1-65
Previous Permit
No. None

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25, 1916 (39 Stat. 535) and the act of June 13, 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36C.F.R. 20.26) K.E. Wilson of Death Valley, California is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan, which is hereby approved and made a part of this permit; and to use 300 Gallons ~~per day~~ for domestic

0.026 sec. ft. ~~or~~ _____ ~~acre ft.~~ per annum for milling

_____ sec. ft. _____ acre ft. per annum for _____
(strike out inapplicable unit)

purposes of the waters of Tarantula Spring Area
(give names of sources)

under water right Application No. 16096, as said water right is designated by the State Engineer of California, with subpriority No. 2, (California or Nevada)
at no fee but subject to the special conditions on the following pages.

Signed at Death Valley this 6th day of January, 1965.

William D. Berger
Acting Superintendent

The undersigned hereby accepts this permit subject to the terms, obligations and reservations, expressed or implied therein.

Morning Glory Mines * K.E. Wilson

Address Box 158 Death Valley Address Box 158 Death Valley.

_____ _____

Address _____ Address _____

APPROVED: Regional Director, Region _____ National Park Service.

_____

Date _____

*Sign name or names as written in body of permit; for copartnership permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director's water right docket)
(This copy for the Western Office of Design and Construction water right docket)

SPECIAL CONDITIONS

1. This permit is granted subject to assignment to the United States of all rights to the use of waters of the designated source(s) by the permittee(s).

2. In the absence of recorded Federal water rights or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.

3. The United States reserves paramount rights, with subpriority No. 1 under the designated water right Application No. 16096, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument.

4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.

5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assignment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.

6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical, it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.

7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Engineer, for execution and transmittal to the State Engineer by the authorized Federal official.

8. All posting, and other actions prescribed by the State Engineer shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.

9. The permittee(s) shall use all possible diligence in the construction of the water system and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file the annual or biennial reports required by the State Division of Water Resources, based on that information, with copy (copies) to the permittee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits, licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water calims or rights shall be made except by the Director, National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essential to the preservation of a water right shall be removed without the prior approval of the Director, National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall constitute a forfeiture of the subpriority of water right granted; provided that if permittee(s) shall sustain his possessory right in the mining claim under the mining law, he may preserve his said subpriority by filing with the Superintendent prior to the end of each year of nonuse of a notice of intention to resume the use of said water system and the mining claim or millsite where the water is used.

15. The United States assumes no responsibility for the protection of the water system or other structures and equipment authorized pursuant to this permit. Furthermore, except for actionable damages resulting from the negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, the United States shall not be liable for any damages to the permittee(s') water system or other structures or equipment.

16. No structures, dumps, or other surface uses shall be located where they will lead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, public campgrounds, and other improvements and betterments over upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.

22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.

23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.

24. Permittee(s) shall take adequate measures, as directred and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.

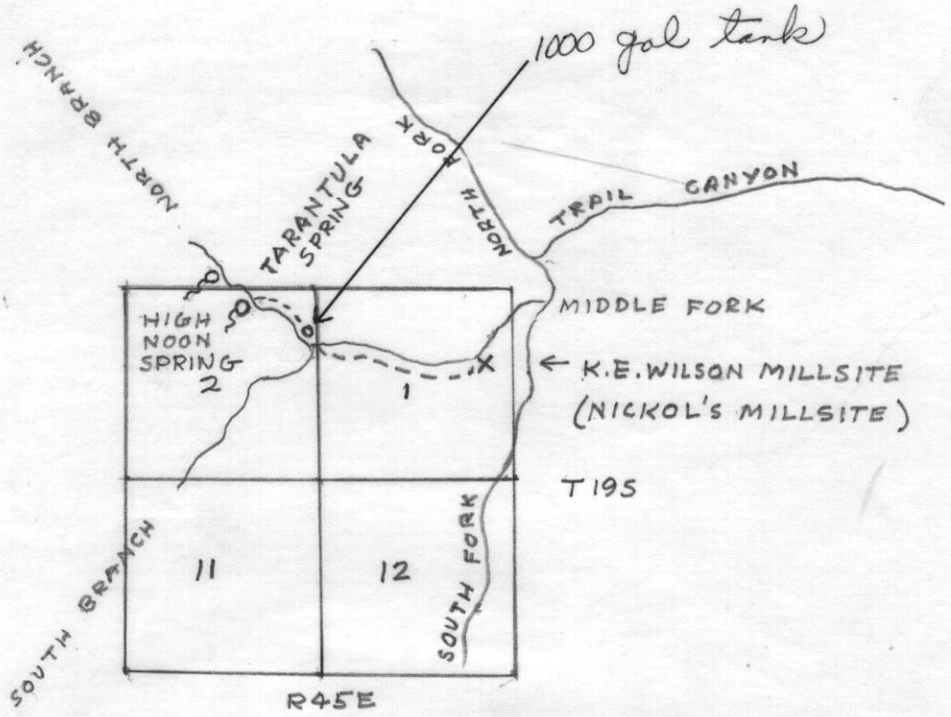
26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.

27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument, as the representatives of the Director.

28. Neither members of, nor delegates to Congress, or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

12-23-1964: scetch of tarantula and high noon spring water system ; december 23, 1964



TARANTULA AND
HIGH NOON SPRING
WATER SYSTEM

REDEVELOPMENT BY
K. E. WILSON, OLD
NICKOL'S MILLSITE
12/23/64

--- PROPOSED PLASTIC
PIPE LINE, APPROX.
1 1/2 MILES LONG.

02-15-1963: memorandum to superintendent regarding resumption of mining activities in trail canyon by k. e. wilson, death valley national monument ; february 15, 1963

L3023-RLW

Western Region
180 New Montgomery
San Francisco 5, California

Ketcham

Siler

February 15, 1963

Dock 21

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Lands, Western Region

Subject: Resumption of Mining Activities in Trail Canyon by K. E. Wilson, Death Valley National Monument

In accordance with Chief, Branch of Water Resources, Reed's memorandum of February 11, 1963 to the Regional Office with copy to you, we shall appreciate it if you will find the true location of the Silver Blossom Mine. An examination of the Emigrant Canyon Quadrangle indicates that Mr. Reed does not give the correct location in his memorandum.

Mr. Baines, who wrote the preliminary mining report, stated he would not know the best type of milling procedure until the milling and separation report was returned from Denver. This report should have been returned by this time, as it was thought that it would take only about 30 days and your transmittal memorandum is dated October 31, 1962. If flotation is contemplated now by Mr. Wilson, please ascertain his source and place of use of water. Mr. Reed states that if water is to be obtained from the Nichols Millsite, Docket No. 21, or any other millsite this Service should be informed as to whether Mr. Wilson and his unknown partner will become successors to Nichols or any others for this right.

(SGD) JAMES M. SILER

James M. Siler

RWKetcham:lsr 2/15/63

In reply refer to:
L 54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
NPS REGION FOUR OFFICE
FEB 14 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL	SM/in	2-14

February 11, 1957

Docket 21

(1) (2) ✓ Lands

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Use Permits for Messrs. Dahl and Nichols, Trail Canyon, Death Valley

This refers to Mr. Dunn's memorandum of February 6 by which was transmitted the water use permits for Messrs. Dahl and Nichols.

In the second paragraph it is stated that no comments have been received concerning the designation of subpriorities 2 and 2a, each equal to the other, that was referred to in Mr. Dunn's memorandum of December 4, 1956, to the Regional Director. It is our opinion that these terms merely designate the number of permits of equal priority. In other words, if there were five miners sharing water equally the water use permits could be designated subpriorities 2a, 2b, 2c, 2d, etc. Any unequal priority should probably be designated by numbers such as 2, 3, 4, etc. If you agree that this means of designation of equal priorities is satisfactory, we will proceed with distribution of the two permits.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

Note - Copy sent to W.O. with notation to the effect that copy was sent to Reg. Solicitor!

BF 2/21

COPY TO Reg. Sol. DATE 2-15-57
FOR YOUR ☒ INFORMATION ☐ ACTION -
REGION FOUR OFFICE INITIALS SM/in

L54-L

RECEIVED
NPS REGION FOUR OFFICE
FEB 11 '57

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION	Maubey	BFM 2/12
INTERP.		
LEGAL	SM	2-7

February 6, 1957

Memorandum

To: Superintendent, Death Valley

From: Chief, Water Resources Section

Subject: Water Use Permits for Messrs. Dahl and Nichols, Trail Canyon, Death Valley

Wrote Reg. Solicitor 2/12 BFM

In accordance with the memoranda of January 16 to you and the Director, respectively, there are attached the copies of the Permits for Water Use of October 13, 1956, which should go to the Dahls and the Nichols estate.

Mr. Maubey has not offered any comments from the Regional or Field Solicitor concerning the designation of subpriorities 2 and 2a, instead of just 2 in both cases, or subpriorities 2a and 2b each equal to the other, to which reference was made in our memorandum of December 4, 1956 to the Regional Director. Before sending the permits to the permittees, this question should be clarified by the Regional or Field Solicitor.

It also seems probable that the Nichols permit should go to his estate, as a measure of part of his assets, and that it should subsequently be assigned or reissued to the successors to Mr. Nichols, in accordance with condition No. 25, if they do not abandon his interests in the mine and millsite. Copies of the record of assignment should be supplied for the Water Right Docket No. 21, in whatever form the Regional Solicitor suggests.

(SIGNED)

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Regional Director, Region Four
Chief, WODC

In reply refer to:
L54 Dera
Docket 21
Manbey
BFM

January 16, 1957

Memorandum

To: Superintendent, Death Valley

From: Regional Chief of Lands, Region Four

Subject: Water Use Permits for Messrs. Dahl and Nichols, Trail Canyon, Death Valley NM

With reference to your memorandum of December 19, 1956, there are attached copies of the above permits intended for your water right dockets.

We have requested the Washington Office (see copy of memorandum attached) to forward the permittees' copies directly to you and have sent them the copies intended for their files.

B. F. Manbey
Regional Chief of Lands

Attachments 3

Copy to: The Director

/in

FILE COPY

01-16-1957: memorandum to director regarding water use permits for messrs. dahl and nichols, trail canyon, death valley ; january 16, 1957

In reply refer to:
L54 Dora
Docket 21 Manbey
BFM

January 16, 1957

Memorandum

To: The Director

From: Regional Chief of Lands, Region Four

Subject: Water Use Permits for Messrs. Dahl and Nichols, Trail Canyon, Death Valley NM

We are attaching copies of the above permits intended for the Director's water right dockets and request that you return the permittees' copies directly to Superintendent Binnewies.

FILE COPY

B. F. Manbey
Regional Chief of Lands

Attachments 2

Copy to: Supt., DEVA

/in

12-12-1956: memorandum to regional director, region four regarding water right, 16096, trail canyon ; december 12, 1956

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54-L

December 12, 1956

RECEIVED
NPS REGION FOUR OFFICE
DEC 14 '56

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.	BFn	12/14
LEGAL		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

McClellan was informed BFn 12/14

Subject: Water Right 16096, Trail Canyon

Wrote W.O. 12/17 BFn

This is to inform you that Mr. M. D. Nichols passed away yesterday at Lone Pine, California, after a short illness. Just what effect this may have on Water Right 16096 remains to be seen, and probably cannot be determined until after Mr. Nichols' estate is settled. We will keep you informed as soon as anything further develops.

We assume that Mr. Nichols' heirs will retain the sub-priority that was granted in the recent Water Use Permit that was issued to him and that it may be assigned if they decide to lease or sell the property.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

10-13-1956: permit for water use incidental to mining operations in death valley national monument ; october 13, 1956

Docket 21

United States
Department of the Interior
National Park Service

No. DEVA 2-56
Previous Permit
No. ___ ___ ___

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25, 1916 (39 Stat. 535) and the act of June 13 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36 C.F.R. 20.26) M. D. Nichols of Trona, California is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan which is hereby approved and made a part of this permit; and to use 150 gal. per day ~~sec.ft.~~ _____ ~~acre ft. per annum~~ for domestic

12 gpm ~~sec.ft.~~ or _____ ~~acre ft. per annum~~ for milling

_____ sec.ft. _____ acre ft. per annum for
(strike out inapplicable unit)

purposes of the waters of Tarantula Spring area, north fork of middle fork, Trail Canyon
(give names of sources)

under water right Application No. 16096, as said water right is designated by the State Engineer of California, with subpriority No. 2a,
(California or Nevada)

at no fee but subject to the special conditions on the following pages.

Signed at Death Valley, Calif. this 13 day of Oct. 1956.

_____
Superintendent

The undersigned hereby accepts this permit subject to the terms, obligations and reservations, expressed or implied therein.

_____ * (Sgd.) M. D. Nichols

Address _____ Address Trona, California

_____ _____

Address _____ Address _____

APPROVED: Regional Director, Region _____ National Park Service.

_____

Date _____

*Sign name or names as written in body of permit; for copartnership permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director's water right docket)
(This copy for the Western Office of Design and Construction water right docket)

SPECIAL CONDITIONS

1. ~~This permit is granted~~ subject to assignment to the United States of ~~all rights to the use of waters of the designated source(s) by the permittee(s).~~

2. In the absence of recorded Federal water rights or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.

3. The United States reserves paramount rights, with subpriority No. 1 under the designated water right Application No. 16096, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument.

4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.

5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assignment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.

6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.

7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Engineer, for execution and transmittal to the State Engineer by the authorized Federal official.

8. All posting, and other actions prescribed by the State Engineer, shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.

9. The permittee(s) shall use all possible diligence in the construction of the water system, and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file the annual or biennial reports required by the State Division of Water Resources, based on that information, with copy (copies) to the permitee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water claims or rights shall be made except by the Director National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essential to the preservation of a water right shall be removed without the prior approval of the Director National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall be cause for forfeiture of the subpriority of water right granted, provided that permittee(s) may preserve said subpriority by a filing with the Superintendent prior to the end of each year of nonuse, of a notice of intention to resume the use of said water system, and the mining claim or millsite where the water is used, within the time permitted under the mining laws.

15. In the event of claim jumping, the use of the water system herein authorized, the surface of the Federal land and the source of the water shall be regulated in accordance with a permit to be issued to said claim jumper, and neither the United States nor its agents, including the Director, National Park Service and Superintendent of Death Valley National Monument, shall be liable for damages to the permittee(s) water system or other structures and equipment unless permittee(s) has complied with the provisions of condition No. 14.

16. No structures, dumps, or other surface uses shall be located where they wil llead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service to establish trails, roads, public campgrounds, and other improvements and betterments over upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.

22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.

23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service in writing.

24. Permittee(s) shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.

26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.

27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument as the representatives of the Director.

28. Neither members of, nor delegates to Congress or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine and remove the same, making just compensation for any damage or injury occasioned thereby.

30. In the event that milling operations are being conducted at the same time as such operations are being conducted under Permit No. DEVA 1-56 then the use of water under this permit shall be limited to the period of 3½ days in any calendar week in which such simultaneous milling operations are conducted. The intent of this provision is to recognize equal sub-priorities under this permit and permit no. DEVA 1,56

Docket 21

United States
Department of the Interior
National Park Service

No. DEVA-1-56
Previous Permit
No. ___

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25, 1916 (39 Stat. 535) and the act of June 13 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36 C.F.R. 20.26) Alf and Ralph Dahl dBa High Noon Mining Co. of 942 Hilldale Ave, Los Angeles, Calif. is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan which is hereby approved and made a part of this permit; and to use 150 gal. per day ~~sec.ft.~~ _____ ~~acre ft. per annum~~ for domestic

12 gpm. ~~sec.ft.~~ or _____ ~~acre ft. per annum~~ for milling

_____ sec.ft. _____ acre ft. per annum for _____
(strike out inapplicable unit)

purposes of the waters of Tarantula spring area, north fork of middle fork Trail Canyon
(give names of sources)

under water right Application No. 16096, as said water right is designated by the State Engineer of California, with subpriority No. 2a __,
(California or Nevada)

at no fee but subject to the special conditions on the following pages.

Signed at Death Valley this 13 day of Oct, 1956.

_____
Superintendent

The undersigned hereby accepts this permit subject to the terms, obligations and reservations, expressed or implied therein.

/Sgd.) RALPH S. DAHL

Address 1249 Lincoln Blvd.

Santa Monica, Calif.

Address _____

* (Sgd.) ALF DAHL

Address 942 Hilldale Avenue

Los Angeles 46, Calif.

Address _____

APPROVED: Regional Director, Region _____ National Park Service.

_____

Date _____

*Sign name or names as written in body of permit; for copartnership permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director's water right docket)
(This copy for the Western Office of Design and Construction water right docket)

SPECIAL CONDITIONS

1. ~~This permit is granted subject to assignment to the United States of all rights to the use of waters of the designated source(s) by the permittee(s).~~

2. In the absence of recorded Federal water rights or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.

3. The United States reserves paramount rights, with subpriority No. 1 under the designated water right Application No. 16096, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument.

4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.

5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assignment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.

6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical, it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.

7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Engineer, for execution and transmittal to the State Engineer by the authorized Federal official.

8. All posting, and other actions prescribed by the State Engineer, shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.

9. The permittee(s) shall use all possible diligence in the construction of the water system and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file the annual or biennial reports required by the State Division of Water Resources, based on that information, with copy (copies) to the permitee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water claims or rights shall be made except by the Director National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essential to the preservation of a water right shall be removed without the prior approval of the Director National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall be cause for forfeiture of the subpriority of water right granted, provided that permittee(s) may preserve said subpriority by a filing with the Superintendent prior to the end of each year of nonuse, of a notice of intention to resume the use of said water system, and the mining claim or millsite where the water is used, within the time permitted under the mining laws.

15. In the event of claim jumping, the use of the water system herein authorized, the surface of the Federal land and the source of the water shall be regulated in accordance with a permit to be issued to said claim jumper, and neither the United States nor its agents, including the Director, National Park Service and Superintendent of Death Valley National Monument, shall be liable for damages to the permittee(s) water system or other structures and equipment unless permittee(s) has complied with the provisions of condition No. 14.

16. No structures, dumps, or other surface uses shall be located where they wil llead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, public campgrounds, and other improvements and betterments over, upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.

22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.

23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service in writing.

24. Permittee(s) shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.

26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.

27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument as the representatives of the Director.

28. Neither members of, nor delegates to Congress or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

30. In the event that milling operations are being conducted at the same time as such operations are being conducted under Permit No. DEVA 2-56 then the use of water under this permit shall be limited to the period of 3½ days in any calendar week in which such simultaneous milling operations are conducted. The intent of this provision is to recognize equal sub-priorities under this permit and permit no. DEVA 2-56

United States
Department of the Interior
National Park Service

No. DEVA 2-56
Previous Permit
No. ___

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25, 1916 (39 Stat. 535) and the act of June 13 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36 C.F.R. 20.26) M.D. Nichols of Trona, California is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan which is hereby approved and made a part of this permit; and to use 150 gal. per day ~~sec.ft.~~ _____ ~~acre ft. per annum~~ for domestic

12 gpm ~~sec.ft.~~ or _____ ~~acre ft. per annum~~ for milling

_____ sec.ft. _____ acre ft. per annum for
(strike out inapplicable unit)

purposes of the waters of Tarantula Spring area, north fork of middle fork, Trail Canyon
(give names of sources)

under water right Application No. 16096, as said water right is designated by the State Engineer of California, with subpriority No. 2__,
(California or Nevada)

at no fee but subject to the special conditions on the following pages.

Signed at Death Valley, Calif. this 13 day of Oct. 19 56 .

_____
Superintendent

The undersigned hereby accepts this permit subject to the terms, obligations and reservations, expressed or implied therein.

_____ * (Sgd.) M. D. Nichols

Address _____ Address Trona, California

_____ _____

Address _____ Address _____

APPROVED: Regional Director, Region _____ National Park Service.

_____

Date _____

*Sign name or names as written in body of permit; for copartnership permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director's water right docket)
(This copy for the Western Office of Design and Construction water right docket)

SPECIAL CONDITIONS

1. ~~This permit is granted subject to assignment to the United States of all rights to the use of waters of the designated source(s) by the permittee(s).~~

2. In the absence of recorded Federal water rights or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.

3. The United States reserves paramount rights, with subpriority No. 1 under the designated water right Application No. 26096, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument.

4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.

5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assignment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.

6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical, it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.

7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Engineer, for execution and transmittal to the State Engineer by the authorized Federal official.

8. All posting, and other actions prescribed by the State Engineer, shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.

9. The permittee(s) shall use all possible diligence in the construction of the water system and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file the annual or biennial reports required by the State Division of Water Resources, based on that information, with copy (copies) to the permitee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water claims or rights shall be made except by the Director National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essential to the preservation of a water right shall be removed without the prior approval of the Director National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall be cause for forfeiture of the subpriority of water right granted, provided that permittee(s) may preserve said subpriority by a filing with the Superintendent prior to the end of each year of nonuse, of a notice of intention to resume the use of said water system, and the mining claim or millsite where the water is used, within the time permitted under the mining laws.

15. In the event of claim jumping, the use of the water system herein authorized, the surface of the Federal land and the source of the water shall be regulated in accordance with a permit to be issued to said claim jumper, and neither the United States nor its agents, including the Director, National Park Service and Superintendent of Death Valley National Monument, shall be liable for damages to the permittee(s) water system or other structures and equipment unless permittee(s) has complied with the provisions of condition No. 14.

16. No structures, dumps, or other surface uses shall be located where they wil llead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service to establish trails, roads, public campgrounds, and other improvements and betterments over upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.

22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.

23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service in writing.

24. Permittee(s) shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.

26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.

27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument as the representatives of the Director.

28. Neither members of, nor delegates to Congress or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

30. In the event that milling operations are being conducted at the same time as such operations are being conducted under Permit No. DEVA 1-56 then the use of water under this permit shall be limited to the period of 3½ days in any calendar week in which such simultaneous milling operations are conducted. The intent of this provision is to recognize equal sub-priorities under this permit and permit no. DEVA 1,56

United States
Department of the Interior
National Park Service

No. 14-10-434-6
Previous Permit
No. 14-10-446-23

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25, 1916 (39 Stat. 535) and the act of June 13 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36 C.F.R. 20.26) M. D. Nichols of Trona, California is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan which is hereby approved and made a part of this permit; and to use 700 g.p.d. ~~sec.ft.~~ _____ acre ft. per annum for domestic

9000 g.p.d. ~~sec.ft.~~ or _____ acre ft. per annum for milling

_____ sec.ft. _____ acre ft. per annum for _____
(strike out inapplicable unit)

purposes of the waters of Nameless spring (locally known as Tarantula Spring area)
(give names of sources)

under water right Application No. 16096 ammended as said water right is designated by the State Engineer of California, with subpriority No. 2 __,
(California or Nevada)

at no fee but subject to the special conditions on the following pages.

Signed at Death Valley this 1st day of March 1956.

Fred W. Binnewies
Superintendent

The undersigned hereby accepts this permit subject to the terms, obligations and reservations, expressed or implied therein.

_____ * M. D. Nichols

Address _____ Address Trona calif

_____ _____

Address _____ Address _____

APPROVED: Regional Director, Region _____ National Park Service.

_____

Date Mar 17 1956

*Sign name or names as written in body of permit; for copartnership permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director's water right docket)
(This copy for the Western Office of Design and Construction water right docket)

SPECIAL CONDITIONS

1. This permit is granted subject to assignment to the United States of all rights to the use of waters of the designated source(s) by the permittee(s).

2. In the absence of recorded Federal water rights or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.

3. The United States reserves paramount rights, with subpriority No. 1 under the designated water right Application No. 16096 amended, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument.

4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.

5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assignment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.

6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical, it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.

7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Engineer, for execution and transmittal to the State Engineer by the authorized Federal official.

8. All posting, and other actions prescribed by the State Engineer, shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.

9. The permittee(s) shall use all possible diligence in the construction of the water system and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file the annual or biennial reports required by the State Division of Water Resources, based on that information, with copy (copies) to the permitee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water claims or rights shall be made except by the Director National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essential to the preservation of a water right shall be removed without the prior approval of the Director National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall be cause for forfeiture of the subpriority of water right granted, provided that permittee(s) may preserve said subpriority by a filing with the Superintendent prior to the end of each year of nonuse, of a notice of intention to resume the use of said water system, and the mining claim or millsite where the water is used, within the time permitted under the mining laws.

15. In the event of claim jumping, the use of the water system herein authorized, the surface of the Federal land and the source of the water shall be regulated in accordance with a permit to be issued to said claim jumper, and neither the United States nor its agents, including the Director, National Park Service and Superintendent of Death Valley National Monument, shall be liable for damages to the permittee(s) water system or other structures and equipment unless permittee(s) has complied with the provisions of condition No. 14.

16. No structures, dumps, or other surface uses shall be located where they wil llead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, public campgrounds, and other improvements and betterments over upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.

22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.

23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service in writing.

24. Permittee(s) shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.

26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.

27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument as the representatives of the Director.

28. Neither members of, nor delegates to Congress or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

71929 Interior - Duplicating Section, Washington, D. C. 472

30. Permittee may provide regulatory storage along his pipeline, but such storage shall not exceed 18,000 gallons, and such storage tanks or reservoirs shall be located at sites acceptable to the Superintendent which do not obstruct public roads or trails, or conflict with operations on mining and millsite claims traversed by said pipeline.

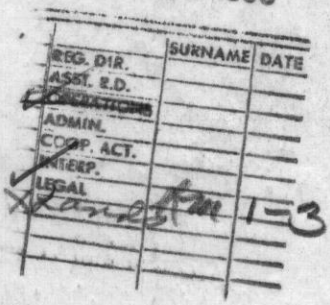
31. All pipe outlets and reservoirs shall be equipped with valve controls to prevent waste of water.

11-08-1955: memorandum to director regarding special use permit - m. d. nichols, death valley ; november 08, 1955

In reply refer to:
L30

RECEIVED
NPS, REGION FOUR OFFICE
NOV 14 1955

November 8, 1955



Memorandum

To: Director

From: Superintendent, Death Valley

Subject: Special Use Permit - M. D. Nichols, Death Valley

Attached is a copy of the permit for water use that it is proposed to issue to M. D. Nichols, covering the use of approximately 12 GPM for milling and domestic purposes. It will be appreciated if you will review this and return it with any suggestions that you may have for additional special privileges. We will then obtain the necessary signatures for completion of the permit.

(SGD) FRED W. BINNEWIES

Fred W. Binnewies
Superintendent

Attachment

Copy to Region IV w/attachment

11-16 cc to M. Graham

11-08-1955: permit for water use incidental to mining operations in death valley national monument ; november 08, 1955

United States
Department of the Interior
National Park Service

No. 14-10-434-6
Previous Permit
No. 14-10-446-23

PERMIT FOR WATER USE
incidental to mining operations in
DEATH VALLEY NATIONAL MONUMENT

Pursuant to the act of August 25, 1916 (39 Stat. 535) and the act of June 13 1933 (48 Stat. 139) and the regulations governing surface use thereunder (36 C.F.R. 20.26) M. D. Nichols of Trona, California is hereby authorized to use the surface of lands in Death Valley for the construction, maintenance, and operation of the water system described by the attached plan which is hereby approved and made a part of this permit; and to use .001 sec.ft. _____ acre ft. per annum for domestic

.026 sec.ft. or _____ acre ft. per annum for milling

_____ sec.ft. _____ acre ft. per annum for _____

(strike out inapplicable unit)

purposes of the waters of Tarantula Springs

(give names of sources)

under water right Application No. 16096, as said water right is designated by the State Engineer of California, with subpriority No. 2,

(California or Nevada)

at no fee but subject to the special conditions on the following pages.

Signed at Death Valley this 8th day of November, 1955.

_____
Superintendent

The undersigned hereby accepts this permit subject to the terms, obligations and reservations, expressed or implied therein.

_____ * _____

Address _____ Address _____

_____ _____

Address _____ Address _____

APPROVED: Regional Director, Region _____ National Park Service.

_____

Date _____

*Sign name or names as written in body of permit; for copartnership permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for the Permittee)
(This copy for the Superintendent's water right docket)
(This copy for the Director's water right docket)
(This copy for the Regional Director's water right docket)
(This copy for the Western Office of Design and Construction water right docket)

SPECIAL CONDITIONS

1. This permit is granted subject to assignment to the United States of all rights to the use of waters of the designated source(s) by the permittee(s).

2. In the absence of recorded Federal water rights, or those assigned herewith, the designated use of water is granted subject to the perfection of necessary Federal water rights in accordance with the applicable state water laws and provisions of this permit.

3. The United States reserves paramount rights, with subpriority No. 1 under the designated water right Application No. 16096, to such quantities of the designated source(s) as may be needed by the transient general public, for fire protection and other incidental administrative, maintenance and operating purposes; it being understood that subpriorities for major permanent water development and use by the United States and permittee(s) shall be in the order initiated unless a special reservation for Federal use is made a part of this instrument.

4. The United States reserves the rights to authorize other miners and prospectors to use water when available, from the same source, and under the same Federal water right, or such junior Federal rights as may be necessary, and permittee(s) agree(s) to joint land use and equitable consolidation of water systems by the United States or other permittee(s) as may be necessary for the most efficient and beneficial diversion and use of the water, subject to equitable proration of the cost of the consolidated water system, and provided that no permittee(s) shall be liable for the enlargement or modification of his water system if said water system is already sufficient for his needs.

5. The permittee(s) may assign his subpriority of use of the water of one or more springs covered by a single water right, but such assignment shall not be binding until a copy is recorded with the County Recorder and filed with the Director, National Park Service, and such assignment is subject to the granting or amendment of Surface Use Permits to the grantor and assignee.

6. Water use will be authorized under established Federal rights or those assigned as herein provided, when practical, it being the objective to establish adequate, permanent Federal rights in compliance with the state water laws for any Federally authorized uses on the surface of the land in Death Valley National Monument.

7. All necessary future applications for the appropriation of water, and other instruments relating to the perfection of water rights in accordance with the state water laws, which are needed in connection with water use by the permittee(s), shall be prepared by the permittee(s), on behalf of the United States in accordance with instructions to be supplied by the Director, National Park Service, and submitted to the Superintendent with a check or money order for prescribed statutory fees made payable to the State Engineer, for execution and transmittal to the State Engineer by the authorized Federal official.

8. All posting, and other actions prescribed by the State Engineer, shall be carried out by permittee(s) when and as directed by the Director, National Park Service; and permittee(s) shall supply check or money order made payable to proper recipient to cover prescribed state fees and advertising costs, provided that permittee(s) shall supply the Director, National Park Service, with 4 copies of a receipt if he or they, elect to pay in person by cash.

9. The permittee(s) shall use all possible diligence in the construction of the water system and perfection of rights, provided that the United States may assume, or participate in such responsibilities at the discretion of the Director, National Park Service, to protect other Federal or public interests.

10. The permittee(s) shall supply the Director, National Park Service with information on construction and its cost, and water use progress, during each preceding year if the rights are evidenced by permit or on the proper alternate years if rights are licensed during the first 2 weeks of September, and the Director, or his authorized representative, will file the annual or biennial reports required by the State Division of Water Resources, based on that information, with copy (copies) to the permitee(s).

11. The permittee(s) shall comply with the terms of Federal water rights as prescribed in copies of the applications, permits licenses and other instruments to be supplied by the Director, National Park Service.

12. No withdrawal or cancellation of Federal water claims or rights shall be made except by the Director National Park Service, or his authorized representative.

13. No portion of a water diversion and supply system which is essential to the preservation of a water right shall be removed without the prior approval of the Director, National Park Service, who shall be given 90 days notice of any intent to abandon the use of water and the right to arrange for Federal acquisition of permittee(s) interest in such structures at reasonable depreciated value within said 90 days.

14. Failure to use the water system herein authorized for more than one year shall be cause for forfeiture of the subpriority of water right granted, provided that permittee(s) may preserve said subpriority by a filing with the Superintendent prior to the end of each year of nonuse, of a notice of intention to resume the use of said water system, and the mining claim or millsite where the water is used, within the time permitted under the mining laws.

15. In the event of claim jumping, the use of the water system herein authorized, the surface of the Federal land and the source of the water shall be regulated in accordance with a permit to be issued to said claim jumper, and neither the United States nor its agents, including the Director, National Park Service and Superintendent of Death Valley National Monument, shall be liable for damages to the permittee(s) water system or other structures and equipment unless permittee(s) has complied with the provisions of condition No. 14.

16. No structures, dumps, or other surface uses shall be located where they wil llead to possible pollution of sources of water, interfere with traffic on established highways, or interfere with the proper enjoyment of established administrative, residential and public campground areas.

17. Permittee(s) shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the administration of the Monument.

18. Use by the permittee(s) of the land surface covered hereby is subject to the right of the Director, National Park Service to establish trails, roads, public campgrounds, and other improvements and betterments over, upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.

19. All buildings or other structures shall be erected under this permit only at sites indicated in attached drawing, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

20. Permittee(s) shall dispose of brush and other refuse as required by the Superintendent.

21. Permittee(s) shall pay the United States for any damage resulting from this use.

22. Permittee(s) and his (their) employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder and in the preservation of good order within the metes and bounds of the area.

23. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service in writing.

24. Permittee(s) shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

25. This permit may not be transferred or assigned without the consent of the Director, National Park Service in writing, but nothing herein shall deny the right of transfer or assignment, as appurtenances to the mining claim or millsite on approval of and proper recording with the Director National Park Service.

26. This permit may be terminated upon breach of any of the conditions herein, at the discretion of the Director of the National Park Service, on equitable reimbursement of the permittee(s) for his (their) investments, or modified as mutually agreed to by the permittee(s) and the Director, National Park Service.

27. The term "Director, National Park Service" as representative of the Secretary of the Interior, as used herein shall include the appropriate Regional Director, National Park Service, and Superintendent of Death Valley National Monument as the representatives of the Director.

28. Neither members of, nor delegates to Congress or resident commissioners, shall be admitted to any share or part of this permit or derive either directly or indirectly, any pecuniary benefit to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.

29. All uranium, thorium, and all other material determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material contained in whatever concentration, in deposit in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

07 OTHER

Death Valley National Park

TARANTULA SPRING (A016096)

Other Supporting Information

05-08-1978: letter to bill werrell in response to conversation with charles kearney on may 8, 1978 regarding petition for change and licensing of application 16096 ; may 26, 1978

STATE OF CALIFORNIA – RESOURCES AGENCY
EDMUND G. BROWN JR., *Governor*
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

In Reply Refer
to: 332 CSK 16096

MAY 26 1978

WR# 21

Rec'd May 30
jsw

U.S. National Park Service
c/o Bill Werrell
Western Region, Division of
Water Rights
P. O. Box 36063
San Francisco, CA 94102

PERMIT 11421 (APPLICATION 16096) DEATH VALLEY NATIONAL MONUMENT, TO APPROPRIATE WATER FROM TARANTULA SPRINGS TRIBUTARY TO THE NORTH BRANCH OF MIDDLE FORK TRAIL CANYON IN INYO COUNTY

This letter is in response to your conversation with Charles Kearney of my staff on May 8, 1978 regarding your petition for change and licensing of Application 16096.

As we noted, according to Title 23, California Administrative Code, Section 667.5, an application for exclusive fish and wildlife protection and enhancement purposes may be fulfilled only if the project includes water which is appropriated by storage and either retained in the reservoir or released downstream to support these purposes. A subsequent change in a permit or license must also adhere to Section 667.5.

You have indicated that the existing man-made dam below Tarantula Springs satisfies Title 23 requirements. It is apparent that this is substantiated, as Tarantula Springs flows in a downstream continuim to the dam where the dam provides water retention. Tarantula Springs, the water course and the retention dam supply water which is fully utilized by wildlife. Processing to complete the petitioned changes (1) change the purpose of use to wildlife propagation, and (2) change the place of use to Tarantula Springs with the SW¼ of NE¼ of Section 2, T19S, R45E, MDB&M, and ensuing issuance of a license, will continue and unless we receive a response within 15 days of the date of this letter, we will assume that you concur.

Please contact Charles Kearney at (916) 920-6151 if you have any questions.

Charles Kearney for

J. M. Page
Supervising Engineer

01-13-1978: letter to bill werrell regarding pursuant to telephone conversation with charles kearney ; january 13, 1978

STATE OF CALIFORNIA – RESOURCES AGENCY
EDMUND G. BROWN JR., *Governor*
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive, Sacramento, CA 95825
(916) 920-6151

In Reply Refer to: 332:CSK:16096

JANUARY 13 1978

U. S. National Park Service
c/o Bill Werrell
Western Region, Division of Water Rights
450 Golden Gate Avenue
P. O. Box 36063
San Francisco, CA 94102

APPLICATION 16096 (PERMIT 11421) OF DEATH VALLEY NATIONAL MONUMENT TO APPROPRIATE WATER FROM TARANTULA SPRINGS TRIBUTARY TO THE NORTH BRANCH OF MIDDLE FORK TRAIL CANYON IN INYO COUNTY

Pursuant to your telephone conversations with Charles Kearney of my staff on October 27, 1977 and December 7, 1977, I am confirming our planned course of action with respect to a proposed license on Permit 11421. According to the information revealed in your telephone conversations, the following pertinent facts were denoted. First, the mining operation, recreation, and domestic uses are no longer existent. Secondly, the amount of water designated for beneficial use of wildlife propagation should remain as 4350 gallons per day (gpd). The 4350 gpd is the full output of the spring. Since cessation of the mining and domestic uses, Tarantula Springs has been fully utilized by resident wildlife, as well as transient wildlife during the past year.

On the aforementioned basis, the State Water Resources Control Board will process a petition for change on Permit 11421 as a categorical exemption Class 4 in accordance with Title 14, California Administrative Code, Section 2714(c) (1). We propose to issue a license containing the following changes: (1) change the purpose of use to wildlife propagation, and (2) change the place of use to Tarantula Springs within the SW¼ of NE¼ of Section 2, T19S, R45E, MDB&M. If we do not receive a response within 20 days of the date of this letter, we will assume that you concur.

A copy of the License Request approved by Mr. Witucki April 16, 1975, on which the changes are shown, is enclosed.

01-13-1978: letter to bill werrell regarding pursuant to telephone conversation with charles kearney cont. ; january 13, 1978

If you have any questions, please contact Charles Kearney at (916) 920-6151.

J. M. Page
Supervising Engineer

Enclosure

04-16-1975: letter to mr. wilbert t. chung in response to your letter dated march 19, regarding various water sources within death valley ; april 16, 1975

[redacted]
~~Werrell~~ WW
~~Witucki~~

L54(WR)PSW
DEVA/WATER RIGHTS GEN April 16, 1975

Mr. Wilbert T. Chung
California State Water Resources
Control Board
Division of Water Rights
107 South Broadway
Los Angeles, California 90012

Dear Mr. Chung:

The following is in response to your letter dated March 19, regarding various water sources within Death Valley National Monument as listed below:

Permit Number	Application Number
4645	8423
5738	10001
5739	10002
5754	10118
11421	16096
11422	16138
11423	17839
11424	15539
11924	18489
14533	21646
15363	22366
15721	22979

Progress Report forms for all of the above have been received by our office and, in accordance with our recent telephone conversation, are enclosed for your appropriate action.

Request for License is hereby made for the following:

Permit Number	Application Number
4645	8423
11421	16096
11424	15539
14533	21646

Enclosed are the appropriate signed forms necessary for making such a request. Funds in the amount of $40.00 ($15.00 - Permit 11421; $10.00 - Permit 11424; and $15.00 - Permit 14533) will be forwarded to you by the U.S. Treasury under separate cover.

The remaining permits will be placed in our inactive files, pending renewed usage.

We are pleased that Mr. Werrell had the opportunity to examine these sources with you during your field inspection.

Your continued cooperation and assistance continues to be appreciated.

Sincerely yours,

(SGD) GERARD S. WITUCKI

Gerard S. Witucki

Enclosures
a/s

cc: copy of encls to each individual
water right docket file.

w Werrell
(WR)PSW:[redacted]:mpm 4/16/1975

STATE OF CALIFORNIA—RESOURCES AGENCY

Edmund G. Brown Jr.
~~RONALD REAGAN~~ Governor

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
LOS ANGELES OFFICE
107 SO. BROADWAY, ROOM 4022
LOS ANGELES 90012

March 19, 1975

Mr. Gerald S. Witucki, Chief
Water Resources Division
United States Department of the Interior
National Park Service
450 Golden Gate Ave., Box 36063
San Francisco, California 94102

Dear Mr. Witucki:

Your Reference: L54 (WR) PSW DEVA/WATER RIGHTS GEN

Permit 4645 (Application 8423)	Permit 11423 (Application 17839)
Permit 5738 (Application 10001)	Permit 11424 (Application 15539)
Permit 5739 (Application 10002)	Permit 11924 (Application 18489)
Permit 5754 (Application 10118)	Permit 14533 (Application 21646)
Permit 11421 (Application 16096)	Permit 15363 (Application 22366)
Permit 11422 (Application 16138)	Permit 15721 (Application 22979)

Various Springs and Washes in Death Valley National Monument

Bill Werrell from your division and I recently completed a field inspection of 12 Water Rights Permits issued to the U. S. Death Valley National Monument in Death Valley.

The purpose of the field inspection was to determine the extent of the use of water made under each permit and make recommendations as to the future status of these permits.

I have reviewed the information collected from the field inspection, personnel of the Death Valley National Monument, and other persons involved with the use of water from these sources. My recommendations regarding each of the 12 permits and the reasons for my recommendations are listed in the attached summary.

A Request for License form is enclosed for each of the four permits that I have recommended licensing action. If you have any questions regarding the findings on the Request for License, I will be glad to discuss them with you. If the findings are satisfactory, please sign the form on behalf of your division and return them to me. Please note that Permit 11424 require a petition fee of $10 and Permits 11421 and 14533 require a petition fee of $15.

SUMMARY

RECOMMENDED STATUS FOR PERMITS ISSUED TO THE DEATH VALLEY NATIONAL MONUMENT

Permit No.	Application No.	Source	Recommendation	Reason for Recommendation
4645	8423	Thorndike Spring	License: 400 gpd	Use of water at campground complete.
5738 5739 5754	10001) 10002) 10118)	Furnace Cr. Wash	Revoke	No evidence of any construction work done on project. Lack of diligence.
11421	16096	Tarantula Spring	License: 4350 gpd	Use of water complete for Mining, Domestic and Wildlife Propagation Uses.
11422	16138	Chucker Spr.	Revoke	No diversion system-appears abandoned. Lack of diligence.
11423	17839	Blue Cliff Spr.	Revoke	No Diversion system-appears abandoned. Lack of diligence.
11424	15539	Wee and Covered Spr.	License: 100 gpd	Use of water complete only for Wildlife Propagation Use.
11924	18489	Nevares Sprs.	Revoke	Source cannot supply an amount in excess of that can be already taken under Lic. No. 4621 (A. 9510) for 0.446 cfs (200 gpm) from the same source. The place and character of use same as License 4621.
14533	21646	Surprise Spr. Changed to: unnamed st.	License: 7300 gpd	Use of water completed.
15363	22366	Ibex Spr. No. 1	Revoke	Use of water does not exceed the amount allowed under Lic. No. 2910 for the same source.
15721	22979	Green Spr.	Revoke	No diversion system-lack of diligence.

The remaining 8 permits should be revoked. I cannot justify recommending an extension of time and still conform with the "Guidelines for Considerating Petitions for Extensions of Time". Forms for revoking these permits are also enclosed.

I hope that you concur with my recommendations.

Thank you for sending Bill Werrel to accompany me on these inspections. He was knowledgable, conscientious and of great assistance.

If I can be of any assistance, please donot hesitate to telephone me. Your prompt consideration to this matter will be appreciated.

Sincerly,

W. T. Chung

W. T. Chung

Enclosure

01-20-1975: memorandum to chief, division of water resources regarding field trip of january 20-24 ; february 25, 1975

United States Department of the Interior

NATIONAL PARK SERVICE

WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 36063

SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54 (WR) PSW
DEVA/WATER
RIGHTS GENERAL
WR # 1, 4, 21, 22, 24, 25,
31 and 34

February 25, 1975

Memorandum

To: Chief, Division of Water Resources, Western Region

From: Hydrologist, Division of Water Resources, Western Region

Subject: Field Trip of January 20-24, to Death Valley

Purpose of the trip: Trip made to coordinate on site examination of several water sources which are on file with the State of California, Division of Water Rights. The on site examinations were made with a representative of the State in order to determine the current use status of these sources. (State Division of Water Rights letter of February 19, 1974 suggests joint NPS, State examination -- trip postponed several times by State request).

Itinerary: Left San Francisco and arrived at the park on January 20, 1974. On site examinations conducted on January 21-23. Departed the park and returned to San Francisco on January 24.

Companions: None.

Accomplishments and or observations: Met with Mr. Wilbert T. Chung, representative for the State of California Water Rights Division, Los Angeles Office. Jointly visited with Superintendent Jim Thompson, Robert Mitcham, Mining and Minerals; Milo Bonifield, Maintenance Supervisor; Roger Weber, Administrative Officer; and Peter Sanchez, Resource Management Specialist. The following water sources were visted with Mr. Chung:

1. Well in Furnace Creek Wash - Permit #5739 (Water Right Docket #4). We were unable to locate any evidence of a well in this area. Well is shown as "test well" on NPS drawing of area. We concluded that upon completion of the well that all casing was removed and that subsequent sedimentation has obliterated the site. Permit requests 0.5 cfs for irrigation of 20 acres. In view of the above findings, Mr. Chung stated that the State may move to revoke the permit.

CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

Mr. Glen Miller of the U.S. Geological Survey was telephoned on the following day in regards to this source. It appears that the "well" is actually a 4' x 4' concrete box (such was located in the field during our inspection) which had an unknown number of drain lines which extend out under the adjacent wash. Mr. Miller was uncertain as to where the water was used - he believes that possibly the water is joined with that of Texas Spring and is used by NPS. Mr. Chung was informed of the above.

2. Naveras Spring - Permit #11024 (Water Right Docket #1). Spring collection box and adjoining area was inspected. A Hershey flow meter located in the pipeline was read and it was determined that 0.001 acre-feet of water was flowing per 85 seconds (0.51 cfs). Permit requests 0.25 cfs for domestic usage by 100 permanent and 50 seasonal employees. Mr. Chung noted that water was also utilized for irrigation of lawns, shrubs and trees. Mr. Chung requested past readings of the flow meter. Mr. Bonifield was asked about such data and it was learned that no readings had been made for the last several years - as suggested by Mr. Miller of the USGS. Independent discharge measurements by Mr. Miller indicated that the meter was inaccurate and, therefore, readings were unnecessary.

   During a phone conversation with Mr. Chung subsequent to the field trip, he stated that this permit should be revoked since NPS already has a license for 0.446 cfs (Application #9510, License #4621, Water Right Docket #1). This license is for water obtained by "French Drains" downstream, to the west, of property owned by Mr. Naveras (1939).

   It appears that since 1939 the park has bought Mr. Naveras' property and by Permit #11024 has changed the point of diversion and essentially raised the appropriated amount by 0.25 cfs.

   Mr. Bonifield was called to inquire of the present physical conditions of this water source. He stated that all of the water is now derived from the inspected springs and pipeline. Disuse of the "French Drain" system apparently dates back a number of years.

3. Surprise Spring - Permit #14533 (Water Right Docket #31). Difficulty was encountered in locating this spring due to : (a) the Grapevine Ranger Station is no longer at the site shown on the U.S. Geological Survey Topo Map, Tin Mountain, 1957. The station is presently

about one mile north of its old location, being situated on the west side of the highway in Section 14 - T 11 S, R 42 E, at approximately 2240 feet elevation, and (b) field map located spring in canyon on eastern edge of Section 18, T 11 S, R 43 E. This canyon was examined and found to contain no water source. The chlorinator house for the Ranger Station water supply is located in the SE-1/4, SE-1/4, SE-1/4 of Section 13, T 11 S, R 42 E. Evidence of a pipeline from the chlorination house extended in the direction of N 15 E up a canyon. About 3/4 of a mile up this canyon, a hundred feet or so of tall green grass, etc., was found indicating the presence of water. However, water from this point is apparently not piped to the Ranger Station because no pipeline could be found. It is believed that a pipeline of undetermined length extends up the canyon and terminates in a French Drain system somewhere between the chlorinator house and the grassy area. Permit requests 0.03 cfs for eight persons and lawn. At present the Ranger Station site has 13 persons.

4. Nameless Spring - Permit #4645 (Water Right Docket #24). This spring is known by park personnel as Thorndike Spring because water from this source is used at Thorndike Campground. Due to the high elevation and thus coldness, the pipeline is presently disconnected to allow free drainage and thus prevent water freezing damage. The discharge was volumetrically determined at one gpm. From inspection it appears that two French drains are situated along the streambed, being situated only a few feet apart - one appears to be upstream of the other. Permit requests 0.05 cfs for irrigation and domestic. The campground has four camp sites, no irrigation area was observed.

5. Green Spring - Permit #15721 (Water Right Docket #34). An inspection of the Nemo Silver Company millsite was made. At present the millsite is in all but total ruin. Only one building has a roof - the "mill" portion of the site is reduced to concrete foundation only. The two large water storage tanks are dry. There is no evidence of operation of any type at this location for an extended period of time. In view of the above, the disuse of Green Spring (and other springs up the canyon to the South) is obvious. No inspection of the spring sites was made.

   Note: Roy C. Troeger (license on Burro Spring AWR #34) requested the use of this spring in conjunction with Burro for his millsite. The monument allowed such a use with the permit filed in the name of the NPS.

6. Wee Spring, Covered Spring, Burnes Spring, and Chucker Spring - These water sources are contained in two Water Dockets. Wee, Covered and Burnes Springs are in Water Right Docket #22. This docket contains Wee Spring and Covered Spring (Application #15539, Permit #11424) and Burnes Spring (Application #13852, Permit #8536, License #6559A). Chucker Spring is in Water Right Docket #22A (Application #16138, Permit #11422). All of the above springs and the adjoining millsite were visited. The millsite, although in somewhat better physical condition than the Nemo millsite, was in disrepair and there was no evidence of recent work. All of the above water sources were developed to supply water for the millsite, development for all was by excavation along a streambed of small drainage and placement of a collection pipe in a French Drain type of construction. Pipes from each source conveyed water to the mill, these pipes are now in non-operating condition having been busted by freezing water, etc. Storage tanks at the mill contain no water and pipelines at that point are empty. The broken pipeline just below Wee Spring is flowing about 1/4 gpm. Flow, if any, from the other sources was not determined - but it is reasonable to assume that Covered Springs and Burnes Spring are producing about the same amount. Chucker Spring is situated in a larger drainage area and may be producing several times as much water as Wee Spring.

7. Blue Cliff Spring - Application #17839 (Water Right Docket #25). Two springs are listed by this permit. Upon inspection of the site no natural springs were found in the listed area however, two dams across the stream have been built. These dams are about 100 yards apart, the upper dam appears to have been about 5-6 feet high while the lower dam was about 20 feet high. Both dams have been breached and eroded and are incapable of retaining water. A pipeline from the dam area is in need of repair. There is no evidence of water usage for months. Mr. Chung stated that such dams are illegal.

8. Tarantula Spring - Application #160996 (Water Right Docket #21). Two springs are listed by this permit. Tartantula Spring is a natural spring with discharge of about three gpm. A pipeline from the millsite to the immediate spring area apparently ends in the wet soil below the spring - collecting water as a "French Drain." Tracks, droppings, etc., indicate heavy use of this spring by wildlife - including sheep and burrows. About 200 feet downstream of the spring a dam exists. This dam is

about 40 feet high and in good condition, but does not impound any water. Spring flow not intercepeted by the French Drain probably seeps through the porous material at the dam base. Mr. Chung stated that the dam was illegal and in his opinion was dangerous should it ever fill and break. The pipeline to the spring appears in working condition and conveys water at least part way to the millsite.

The water sources of both Blue Cliff and Tartantula were filed upon in order to acquire water for the Morning Glory Millsite and Campsite. The Millsite shows no evidence of operation for several months, but is in acceptable condition. The Campsite is also in acceptable condition, reading material was found which was dated January 1972.

Recommendations: State of California records, for each of the above water sources, indicate that the current status is one of Permit. In each case an extension of time has been requested and granted in order to complete neccessary work and thus to proceed to State License.

Conclusions: After review of the information obtained, Mr. Chung will prepare the appropriate papers and forward them to National Park Service, Water Resources Division. Water Resources will then review the proposed State action and will take any necessary steps to properly protect the NPS legal position while maintaining comity with the State.

William L. Werrell

William L. Werrell

Approved:

Gerard S. Witucki

Gerard S. Witucki
Chief, Division of Water Resources

02-19-1974: letter to control board regarding letter of february 19 wherein reference was made of permits of certain springs and washes in inyo county ; march 13, 1974

#20 3/30/74

United States Department of the Interior

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54(WR)PSW
DEVA/WATER RIGHTS GEN
WR#21

March 13, 1974

California State Water Resources
Control Board
Division of Water Rights
1416 Ninth Street
Room 1015
Sacramento, California 95814

Gentlemen:

This is in response to your letter of February 19, wherein you reference permits of certain springs and washes in Inyo County, Death Valley National Monument. Your letter specifically discusses status of water uses as reported for Permits 11422, 11423, and 11424 during the past three years. Permits 11422 (Application 16138) and Permit 11424 (Application 15539) are used jointly as a water system. Also in the same system is Permit 8536 (Application 13852), License 6559A. Water from these sources are used by (1) wild game, the use is constant and (2) a small mining operation in the area uses the water for domestic purposes. The duration of the mining activities is unpredictable because of the variables inherent to such operations e.g, size of ore deposit, fluctuations in price of ore and labor, etc. The result is a series of "opening" and "closing down" of mining operations; use and unuse of the water supply. No mining is presently being done and these permits are currently in our inactive file.

In the interest of comity, this office has supplied water use information to the State in regards to these permits over the past several years. Water usage reported has been based upon the reported mining status at the time the report was submitted. These same reports indicate no usage and subsequent reports contain water use data.

Permit 11423 (Application 17839) pertains to water located several miles away from the above permits, but of similar use. On March 11,

JOHNNY HORIZON 76
Let's Clean Up America For Our 200th Birthday

it was reported that this mining operation had been "reopened" several weeks ago. Thus this permit has been removed from our inactive file and placed in the active status.

When contacted by Mr. Wilbert Chung of your Los Angeles Office, we will notify the appropriate park personnel so as to provide the necessary assistance to the on-site examination of Permits 4645, 5738, 5739, 5754, 11421, 11924, 14533, 15363, and 15721.

Sincerely yours,

(SGD) JAMES B. THOMPSON

James B. Thompson
Acting Regional Director

cc:
Supt., DEVA w/cy of inc.
and cys for each
individual Water
Right Docket File
(WR #1,3,4,5,21,22,22A,
24,25,34, and AWR #7)

WASO(MR) w/cy of inc. and
cys for each individual
Water Right Docket File
(WR #1,3,4,5,21,22,22A,24,
25,34, and AWR #7)

02-19-1974: letter to mr. gerard s. witucki regarding the fact that no water is being used in permit 11423 and should be revoked , february 19, 1974

STATE OF CALIFORNIA—THE RESOURCES AGEN
RONALD REAGAN, Governor
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1015, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814

FEB 19, 1974

U. S. Death Valley National Monument
c/o U. S. National Park Service
Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

Attention: Mr. Gerard S. Witucki
Chief, Water Resources Section

Gentlemen:

WR #s

24-Permit 4645 (Application 8423) Permit 11423 (Application 17839)- 25
3-Permit 5738 (Application 10001) Permit 11424 (Application 15539)- 22
4-Permit 5739 (Application 10002) Permit 11924 (Application 18489)- 1
5-Permit 5754 (Application 10118) Permit 14533 (Application 21646)- 31
21-Permit 11421 (Application 16096) Permit 15363 (Application 22366) WR-7
22A-Permit 11422 (Application 16138) Permit 15721 (Application 22979) WR-34
Various Springs and Washes in Inyo County

In your letter of July 27, 1972, you indicated that water is not in use nor is use foreseen in the near future under Permits 11422 and 11424. In reviewing the permits we find also that no use of water is being made under Permit 11423 (Application 17839). In accordance with guidelines for considering petitions for extensions of time, a copy of which is enclosed for your information, it appears that Permit 11423 should be revoked. Although you indicated that water is not now being used under Permits 11422 and 11424, in your letter of July 27, 1972, the progress reports indicate intermittent use of water. It may be that this intermittent use of water should be considered a riparian use, and therefore it would be appropriate to revoke these two permits. Forms are enclosed for your use in requesting revocation of these three permits, if you concur.

It appears that use of water has been made under the remaining nine permits and that in most or all of the cases licensing action is indicated. We are therefore scheduling Permits 4645, 5738, 5739, 5754, 11421, 11924, 14533, 15363, and 15721 for inspection for the purpose of issuing a license for the amount of water beneficially used. If the inspection generates information which would provide justification for an extension of time under the guidelines, we will

02-19-1974: letter to mr. gerard s. witucki regarding the fact that no water is being used in permit 11423 and should be revoked cont. , february 19, 1974

proceed to recommend to the State Water Resources Control Board that an extension of time be granted to complete use of water.

Within a few weeks you can anticipate receiving a communication from Mr. Wilbert Chung, of our Los Angeles Office, requesting information on whom he should contact at each project site for communication regarding the inspection.

Whether or not you concur with the proposed licensing action, please provide the information needed to make a proper inspection of each project. Thereafter we will be in a better position to communicate with you about the projects.

We are pleased that the Park Service intends to continue to cooperate with the State Division of Water Rights as indicated in your letter. Your cooperation is sincerely appreciated.

Sincerely,

R. L. Rosenberger

R. L. Rosenberger, Acting Chief
Division of Water Rights

Enclosures

cc: Mr. Wilbert T. Chung
State Water Resources Control Board
Division of Water Rights
107 South Broadway, Room 9038
Los Angeles, CA 90012

07-27-1972: To: Mr. K. L. Woodward; From: Gerard S. Witucki; Subject: Notification of Existing Water Use

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54(WR)ASW
DEVA/Water Rights

July 27, 1972

Mr. K. L. Woodward
Chief, Division of Water Rights
State Water Resources Control Board
Room 1015, Resources Building
1416 Ninth Street
Sacramento, California 95814

Dear Mr. Woodward:

In accordance with your letter of May 16, 1972, the National Park Service will continue to inform the State Division of Water Rights concerning National Park Service water requirements. We have reviewed the twelve permits listed in your letter and have discussed each case with appropriate field personnel to determine the current status of each. We intend to make every effort to cooperate with the State to develop a system that will be mutually satisfactory to the Park Service policy objectives and the concerns of the State.

To this end we are submitting a Notification of Existing Water Use for ten of the twelve permits listed in your May 16 correspondence. The following seven permits continue to have regular use:

Permit #	Application #	N.P.S. Water Right #
4645	8423	24
11421	16096	21
14533	21646	31
11423	17839	25
15721	22979	34
15363	22366	AWR 9
11924	18489	1

Three of the permits, as noted in your letter, have not been active for some time. However, this water is now being used and the following permits have been placed in our active files:

Permit #	Application #	N.P.S. Water Right #
5738	10001	3
5739	10002	4
5754	10118	5

The remaining two permits have been used regularly in past years but are not now in use nor do we foresee use in the near future. These permits shall be placed on inactive status in the Park Service's records.

Permit #	Application #	N.P.S. Water Right #
11424	15539	22
11422	16138	22-A

The Park Service intends to continue to give consideration to the State Division of Water Rights regarding difficulties which might arise in conjunction with the information contained within these reports of existing use.

We continue to appreciate your assistance in these matters.

Sincerely yours,

(SGD) GERARD S. WITUCKI

Gerard S. Witucki
Chief, Water Resources Division

Enclosures

cc:
PN, WASO w/encls
Supt., Death Valley NM, w/encls

(WR)AS, Mr. Wallis
(WR)ASW, Water Resources File
(WR) Chron

(WR)FNP:JMMize:mpm 7/27/72

07-03-1972: message record of paul fodor, ranger ; july 03, 1972

Subject:

DEVA - Water Dockets

NATIONAL PARK SERVICE

Western Regional Office

MESSAGE RECORD

Date July 3, 1972

Routed for: ☒ Information ☐ Action

☐ Incoming Call

☒ Outgoing Call

To: Chief, Water Resources Division

Name and Title Paul Fodor, Ranger

Representing DEVA - Works with Water Rights Dockets

Telephone No. 714 786-2331

Address Death Valley National Park

NPS Personnel in on Call James M. Mize, Legal Assistant, Water Rights

Conversation: Information requested regarding current status of twelve DEVA Water Rights dockets. The following list was verified by Paul Fodor utilizing latest information available:

PERMIT #	APPLICATION #	N.P.S. W.R. #	N.P.S. USE	USES
4645	8423	24	Yes	Camping and Picnicking
11421	16096	21	No	Mining and Domestic
14533	21646	31	Yes	Domestic
11423	17839	25	No	Mining
15721	22979	34	No	Mining
15363	22366	AWR 9	Some	Mining and some radiator Water
11924	18489	1	Yes	Domestic, Recreation, Irrig.
5738	10001	3	Yes	Headquarters Facility
5739	10002	4	Yes	" "
5754	10118	5	Yes	" "
11424	15539	22	No	None
11422	16138	22-A	No	None

Follow-up Action to be Taken: Consult with Regional Solicitor re: operating procedure for water rights in communications with State Dept. of Water Rights. Reply to State Department of Water Rights letter of May 16 re: status of these permits.

Follow-up Action Taken: July 20, 1972 consultation with Regional Solicitor, Mihan, who approved a draft of response to May 16, 1972 letter from State Department of Water Rights.

Death Valley - Downstream face of dam at Tarantula Spring

Picture taken in January 1975

Death Valley - Millsite at

Tarantula Spring
Picture taken in January 1975

Death Valley - Tarantula Spring
Tank Truck
Picture taken in January 1975

Death Valley - Tarantula Spring
Storage tanks
Picture taken in January 1975

Death Valley - Tarantula Spring
Flow estimated at 2 to 3 gpm
Picture taken in January 1975

Death Valley - Looking down canyon
from dam at Tarantula Spring
Picture taken in January 1975

Death Valley - Tarantula Spring
Point of Discharge looking from top
of dam
Picture taken in January 1975

Death Valley - Upstream face of
dam looking from Tarantula Spring
Picture taken in January 1975

TE OF CALIFORNIA—THE RESOURCES AGENCY RONALD REAGAN, Governor

TE WATER RESOURCES CONTROL BOARD
VISION OF WATER RIGHTS
OM 1015, RESOURCES BUILDING
6 NINTH STREET • SACRAMENTO 95814

Witucki

May 16, 1972

RECEIVED
WATER RESOURCES SECTION
MAY 19 1972

ACT.	INFO.	INITIALS	DATE
		WITUCKI, G.	
		BARNETT, D.	
		[illegible]	
		CHAVEZ, D.	
		KENNEDY, M.	
		GOLD, S.	
		FILE	

REMARKS

U. S. Death Valley National Monument
c/o U. S. National Park Service
Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

Attention: Mr. Gerard S. Witucki, Chief
Water Resources Section

Gentlemen:

Permits 15363, 4645, 5754, 5738, 5739, 11424, 11422, 11421, 11924, 11423, 14533 and 15721 (Applications 22366, 8423, 10118, 10001, 10002, 15539, 16138, 16096, 18489, 17839, 21646 and 22979) Various Springs and Washes in Inyo County

The time to complete use of water under all but one of the subject permits expired December 1, 1970. The time to complete use of water under the one permit--15721--expires December 1, 1972.

In your letter of February 17, 1971 confirming a meeting of January 26, 1971, you stated, "In accordance with the understanding reached at the meeting, it is understood no action would be undertaken by the State in view of the recent modification of the State Water Code, particularly in regards to the Point Reyes National Seashore.... Further, as agreed, in the future, we will pattern our procedures somewhat after those used by the Forest Service in the State of California."

Prior to the above-mentioned meeting, on December 1, 1970 you submitted progress reports for the above permits in which you requested necessary forms for petitioning an extension of time. The forms were mailed to you on January 4, 1971. These petitions have not been received. Also, we have not received your 1971 progress reports.

We assume that you are in the process of determining which of the above permits should be revoked and replaced by reports of water use, either patterned after those used by the Forest Service or using our "Statement of Water Diversion and Use" forms, and which of the permits should be kept in good standing. Copies of our "Statement of Water Diversion and Use" forms are enclosed. Simply reporting on use of water is not a substitute for applying for a water right permit if the land involved was formerly in private ownership and your use is not riparian in nature.

According to the California State Water Resources Control Board's "Guidelines for Considering Petitions for Extensions of Time" (a copy of which is enclosed), and the latest information in our files, it appears that Permits 5738, 5739 and 5754

05-16-1972: letter to mr. gerard s. witucki regarding the time to complete use of water cont. ; may 16, 1972

should be revoked because construction has not been started. It appears that Permits 4645, 11421, 11422, 11423, 11424, 14533 and 15363 should be inspected to confirm the amount of use for licensing purposes unless an extension of time can be justified. Use of water under Permit 11924 appears to have been increasing according to progress reports on file. If you want an extension of time under this permit, you will need to submit a petition.

Please advise what course of action you propose to take.

Sincerely,

K. L. Woodward

K. L. Woodward, Chief
Division of Water Rights

Enclosures

STATE OF CALIFORNIA—THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1140, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814

January 4, 1971

U. S. Death Valley National Monument
c/o U. S. National Park Service
Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

Attention: Mr. Gerard S. Witucki, Chief
Water Resources Section

Gentlemen:

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

Enclosed is a form to petition for an extension of time to complete the projects authorized by the subject permits. During the 1971 season, an engineer from our staff will inspect the projects and at that time, subsequent action will be discussed with your representative with respect to an extension of time.

Sincerely,

J. M. Page

J. M. Page, Supervisor
Central Region

Enclosure

07-27-1972: letter to mr. woodward explaining that the nps will inform state division of water rights concerning national park service water requirements ; july 27, 1972

United States Department of the Interior

NATIONAL PARK SERVICE

WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54(WR)ASW
DEVA/Water Rights

July 27, 1972

Mr. K. L. Woodward
Chief, Division of Water Rights
State Water Resources Control Board
Room 1015, Resources Building
1416 Ninth Street
Sacramento, California 95814

Dear Mr. Woodward:

In accordance with your letter of May 16, 1972, the National Park Service will continue to inform the State Division of Water Rights concerning National Park Service water requirements. We have reviewed the twelve permits listed in your letter and have discussed each case with appropriate field personnel to determine the current status of each. We intend to make every effort to cooperate with the State to develop a system that will be mutually satisfactory to the Park Service policy objectives and the concerns of the State.

To this end we are submitting a Notification of Existing Water Use for ten of the twelve permits listed in your May 16 correspondence. The following seven permits continue to have regular use:

Permit #	Application #	N.P.S. Water Right #
4645	8423	24
11421	16096	21
14533	21646	31
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15721	22979	34
15363	22366	AWR 9
11924	18489	1

Three of the permits, as noted in your letter, have not been active for some time. However, this water is now being used and the following permits have been placed in our active files:

Permit #	Application #	N.P.S. Water Right #
5738	10001	3
5739	10002	4
5754	10118	5

The remaining two permits have been used regularly in past years but are not now in use nor do we foresee use in the near future. These permits shall be placed on inactive status in the Park Service's records.

Permit #	Application #	N.P.S. Water Right #
11424	15539	22
11422	16138	22-A

The Park Service intends to continue to give consideration to the State Division of Water Rights regarding difficulties which might arise in conjunction with the information contained within these reports of existing use.

We continue to appreciate your assistance in these matters.

Sincerely yours,

(SGD) GERARD S. WITUCKI

Gerard S. Witucki
Chief, Water Resources Division

Enclosures

cc:
PN, WASO w/encls
Supt., Death Valley NM, w/encls

TE OF CALIFORNIA—THE RESOURCES AGENCY RONALD REAGAN, Governor

TE WATER RESOURCES CONTROL BOARD
VISION OF WATER RIGHTS
M 1015, RESOURCES BUILDING
NINTH STREET • SACRAMENTO 95814

Witucki

May 16, 1972

RECEIVED
WATER RESOURCES SECTION
MAY 19 1972

ACT.	INFO.		INITIALS	DATE
		VOTAW, C.		
		BARNETT, D.		
		[illegible]		
		CHAVEZ, D.		
		KENNEDY, M.		
		GOLD, S.		
		FILE		

REMARKS

U. S. Death Valley National Monument
c/o U. S. National Park Service
Office of Land and Water Rights
450 Golden Gate Avenue, Box 36063
San Francisco, CA 94102

Attention: Mr. Gerard S. Witucki, Chief
Water Resources Section

Gentlemen:

Permits 15363, 4645, 5754, 5738, 5739, 11424, 11422, 11421, 11924, 11423, 14533 and 15721 (Applications 22366, 8423, 10118, 10001, 10002, 15539, 16138, 16096, 18489, 17839, 21646 and 22979) Various Springs and Washes in Inyo County

The time to complete use of water under all but one of the subject permits expired December 1, 1970. The time to complete use of water under the one permit--15721--expires December 1, 1972.

In your letter of February 17, 1971 confirming a meeting of January 26, 1971, you stated, "In accordance with the understanding reached at the meeting, it is understood no action would be undertaken by the State in view of the recent modification of the State Water Code, particularly in regards to the Point Reyes National Seashore.... Further, as agreed, in the future, we will pattern our procedures somewhat after those used by the Forest Service in the State of California."

Prior to the above-mentioned meeting, on December 1, 1970 you submitted progress reports for the above permits in which you requested necessary forms for petitioning an extension of time. The forms were mailed to you on January 4, 1971. These petitions have not been received. Also, we have not received your 1971 progress reports.

We assume that you are in the process of determining which of the above permits should be revoked and replaced by reports of water use, either patterned after those used by the Forest Service or using our "Statement of Water Diversion and Use" forms, and which of the permits should be kept in good standing. Copies of our "Statement of Water Diversion and Use" forms are enclosed. Simply reporting on use of water is not a substitute for applying for a water right permit if the land involved was formerly in private ownership and your use is not riparian in nature.

According to the California State Water Resources Control Board's "Guidelines for Considering Petitions for Extensions of Time" (a copy of which is enclosed), and the latest information in our files, it appears that Permits 5738, 5739 and 5754

should be revoked because construction has not been started. It appears that Permits 4645, 11421, 11422, 11423, 11424, 14533 and 15363 should be inspected to confirm the amount of use for licensing purposes unless an extension of time can be justified. Use of water under Permit 11924 appears to have been increasing according to progress reports on file. If you want an extension of time under this permit, you will need to submit a petition.

Please advise what course of action you propose to take.

Sincerely,

K. L. Woodward

K. L. Woodward, Chief
Division of Water Rights

Enclosures

07-21-1972: notification of existing water use ; july 21, 1972

Name of N.P.S. Area Death Valley Nat. Mon.

N.P.S. Code Number 8130 W.R. # 21

Previous State identification #s

App. # 16096 Permit # 11421

UNITED STATES DEPARTMENT OF INTERIOR

NATIONAL PARK SERVICE

NOTIFICATION OF EXISTING WATER USE

TO THE STATE WATER RIGHTS BOARD OF THE STATE OF CALIFORNIA:

The UNITED STATES OF AMERICA, acting by and through the NATIONAL PARK SERVICE, UNITED STATES DEPARTMENT OF INTERIOR, hereby notifies you of the following existing water use on reserved land in California for National Park Service purposes:

(1) The source of the water used is Tarantula Springs (stream, lake, spring, or well; if unnamed so state), located in Inyo County, California.

(2) The amount of water used is as follows: (Complete only applicable items)

(a) For diversion and direct application to beneficial use:

.027 cubic feet per second, the diversion commencing Jan. 1 and ending Dec. 31 of each year.

(b) For diversion storage and later application to beneficial use:

---- acre-feet per annum, to be collected between _____ and _____ of each year.

(3) The use(s) to which the water is put is (are) the following:

Mining and Domestic
(domestic, irrigation, power, recreation, stockwatering, industrial, mining, fire control, wildlife, etc.)

(4) The place where the water is used is Within the Monument (commonly used name or local designation).

(5) The water use covered by this notification commenced in year 1954.

(6) If the water use covered by this notification is by a person or entity occupying National Park Service land under a special use permit: Yes

(a) The permittee is named ----- .

(b) The permit was issued for the purpose(s) of Mining and Domestic .

SAID PERMITTEE DOES NOT HAVE A WATER RIGHT UNDER CALIFORNIA LAW COVERING THIS USE.

(7) The foregoing diversion and use are made pursuant to a withdrawal and reservation of the affected land and resources thereon for National Park Service purposes. The effective date of said withdrawal and reservation is Feb. 11, 1933 .

A map, if available, showing points of diversion and use is attached.

The UNITED STATES OF AMERICA gives this notification to the STATE OF CALIFORNIA in the interest of comity, and does not concede that the State has power to regulate the rights of the United States to use of the water.

DATED this 21 day of July , 19 72 .

UNITED STATES OF AMERICA

By Gerard S. Witucki

Gerard S. Witucki

Chief, Water Resources Division

07-03-1967: memorandum to assistant director of operation waso regarding petitions for extension of time for water rights dockets - death valley ; july 03, 1967

Roberts
Kornelis

L54 LWSSC July 3, 1967

DEVA - Dockets 1,3,4,5, 21,22,22A,24,25, 31

Memorandum

To: Assistant Director of Operations, WASO
Attention: Chief, Branch of Water Resources

From: Supervisory Hydraulic Engineer, SSC

Subject: Petitions for Extension of Time for Water Rights Dockets - Death Valley National Monument

Enclosed are copies of the Petitions for Extensions of Time for filing in your respective dockets for the following applications:

Application No.	Permit No.	Name	Docket No.
8423	4645	Unamed Spring (Thorndike)	24
10001	5738	Furnace Creek Wash	3
10002	5739	Furnace Creek Wash	4
10118	5754	Furnace Creek Wash	5
15539	11424	Covered Spring & Wee Spring	22
16096	11421	Tarantula Spring	21
16138	11422	Chucker Spring	22a
17839	11423	Blue Cliff Spring	25
18489	11924	Nevares Spring	1
21646	14533	Surprise Spring	31

These permits were conbined at one time to facilitate future processing. They were sent to the State of Califom ia on June 16, 1967.

Copies of the Notice of Expiration for the four permits that were expiring, are also enclosed for your dockets.

Applications No.	Permit No.	Name	Docket No.
8423	4645	Nameless Spring near Wildrose	24
10001	5738	Furnace Creek Wash	3
10002	5739	Furnace Creek Wash	4
10118	5754	Furnace Creek Wash.	5

W. E. Fields

cc: Supt., Death Valley NM w/enc
JRoberts:mlk

02-10-1965: receipt for permit extension fee ; february 10, 1965

Resources Bldg.
Room 1140 • 9th & O Sts.

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
BOX BOX 3592
SACRAMENTO 7, CALIFORNIA

Receipt No. 19544

Date February 10, 1965 ($ 5.00)

Received ($)

[x] Cash [ ] Money Order [ ] Check *(Receipt contingent upon collection)*

U.S. Dept. of Interior
National Park Service - Western Region
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

ATTN; Manuel Morris

Re APPLICATION NO. 16096

[ ] Deposit [ ] Balance [x] Full

Recordation Fee	$	Application No.	$
Verification—Fee	$	Permit Fee	$
Expense	$	Permit Extension Fee	$5.00
	$	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 Betty L. Rathbun
Title

FORM 300
47168 11-56 20M QUIN ⑥ SPO

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

January 20, 1965

JAN 27 '65 AM
Supt.
Asst. Off.
Ch Ranger
Ch Natl.
Eng.
Prof Asst.
Asst's.
Sec'y
DEATH VALLEY

IN REPLY REFER TO:
L54

Memorandum

To: Superintendent, Death Valley

From: Hydraulic Engineer, Division of Land and Water Rights, Western Region

Subject: Water Rights Progress Reports by Permittee for the year 1964

Of the reports accompanying the memorandum of January 8, 1965 from Acting Superintendent Burgen, those for applications 18489 (docket 1), 19482 (docket 27) and 19538 (docket 28) are being forwarded to the State Water Rights Board. Copies are being sent to each of the docket holders, and your retained copies should be added to your dockets.

The permits for the remaining applications, 16069 (docket 21), 16138 and 15539 (docket 22), and 17839 (docket 25) have expired December 1, 1964. As a matter of convenience, the extension petitions should be filed with the progress reports. Prepare the enclosed extension petition forms in duplicate; keep the copies and send us the originals. We make additional copies, distribution and pay the fees. We will hold these reports until receiving the petitions.

The reports should reflect the water uses described in the original applications unless these uses have changed, in which case the State must be notified on still another special form. We doubted that such changes have occurred, so we made minor additions to the reports to make this clearer. Copies of the amended reports are included and should replace those in your files.

Manuel Morris

Enclosures

Docket 21 LS

02-14-1962: receipt for permit extension fee ; february 14, 1962

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

Receipt Nº 15215

Date Feb. 14, 1962 ($ 5.00)

Received _____ ($ _____)

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

U. S. Death Valley National Monument
Death Valley, California

Re APPLICATION 16096

☐ Deposit ☐ Balance ☒ Full

Recordation Fee	$	Application No.	$
Verification—Fee	$	Permit Fee	$
Expense	$	Permit Extension Fee	$ 5.00
	$	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 Elaine Garrett
Title

FORM 300
47100 11-56 20M QUIN ® SPO

Form DI-1
(Rev. 4-56)

UNITED STATES
DEPARTMENT OF THE INTERIOR
REQUISITION

21-22-25-24

Requisition Number
Copies

Date
December 14, 1961

To
Procurement

Bureau or Office

Appropriation and Allotment or Project No.
Acct. No. 143.2

Charge shipping costs to

Vendor
State Water Rights Board
Box 1592
Sacramento 7, California

Deliver to
National Park Service
Region Four
180 New Montgomery
San Francisco 5, California

ITEM OR FORM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1 WR 24	Filing Fee for extension of Application 8423 Unnamed (Thorndyke) Spring	1	Fee		5.00
2 ✓	Filing Fee for extension of Application 15539, Covered and Wee Springs	1	Fee		5.00
3 ✓ 21	Filing Fee for extension of Application 16096 Unnamed (Tarantula) Spring	1	Fee		5.00
4 ✓	Filing Fee for extension of Application 16138 Chucker Spring	1	Fee		5.00
5 ✓	Filing Fee for extension of Application 17839 Unnamed (Blue Cliff) Spring	1	Fee		5.00
	TOTAL				25.00

FOR USE WHEN ADDITIONAL APPROVAL IS REQUIRED

Bureau Officer

(Signature) (Date)

Title

Requisitioned by (signature)
Manuel Morris

Title
Hydraulic Engineer

Approved by (signature)
George F. Whitworth

Title Regional Engineer

Prepare in single space typing. Use double space between items. Fill out top of requisition completely, showing complete shipping instructions and appropriation if different from that to which requisition is chargeable.

U. S. GOVERNMENT PRINTING OFFICE : 1958 O—483052

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
November 27, 1959

NPS REGION FOUR OFFICE
30'59

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

Docket 21
L 54

LSS 12/1 forms mailed to State 12/1 & 12/2

Memorandum

To: Regional Director, Region Four

From: Acting Superintendent, Death Valley

Subject: Water Rights Progress Reports, Death Valley

In response to Mr. Wosky's memorandum of November 24, we are listing below the information requested in his memorandum of October 29. We regret the delay in furnishing this information.

The proposal to change the mailing address of the Water Rights from Washington to the Regional Office is certainly agreeable with us.

Furnace Creek Group: Applications 10,001; 10,002; 10,118; 10,119 - Dockets 3,4,5,6.

Your information concerning this group is correct, but no money has yet been spent for the last item: Construction of Pipeline-Corner of 90 acre tract to site of Visitor Center. Originally planned for day labor, this item is now included in the recently awarded contract for construction of water system improvements for Visitor Center area.

Trail Canyon Group: Applications 17,839 and 16,096 - Dockets 25 and 21.

The status of these springs is about the same, as last year, but the pipeline from Blue Cliff Spring to the road has been out all this year, with the result that there has been no use of the spring. The Tarantula Spring report, application number 16,096, should be revised to correspond with the report of last year for Blue Cliff Spring. Visitor use is light, but continues throughout the year, rather than from April to November. Actual use by visitors and prospectors would probably average about 20 gallons per week throughout the year.

Emigrant Canyon Group: Applications 13,852, 15,539, and 16,138 - Docket 22.

The Greenes were in residence at their millsite from January to May. Water from Burns, Covered and Wee Springs was used by the Greenes through May and by caretakers at Detloff's Mill occasionally for the rest of the year. Water is still being used for irrigation, but we are not sure that any other use can be shown next Spring. However, we hope to use the complete flow during road construction in that area.

At the time of inspection on April 11, 1959, by Mr. Chesler of the State Water Rights Board, and District Ranger Matt Ryan, Chucker Spring appeared to be dry. No work was done on it and there was no use of water.

Thorndike Spring: Application 8423 - Docket 24.
Monthly travel, Mahogany Flat Road

	Travel	Visitor Day Use
Nov.	Closed-Snow-15 days	
	210	63
Dec.	20	6
Jan.	CLOSED * SNOW	
Feb.	" "	
Mar.	140	43
Apr.	750	225
May	200	61
June	270	82
July	540	164
Aug.	120	36
Sept.	160	49
Oct.	260	80
	2670	809 (No. 1 - Oct 31)

Number of people in the campground on peak day 83 .

Spring flow - Approximately 1 quart per minute.

Work done - Spring cleaning and pipeline maintenance - 40 man hours @ 2.60 = $105.00

We plan to perform some work on this spring during next Summer with maintenance funds in an attempt to increase the flow and improve the collection system.

Saratoga Spring: Applications 8183 and 10171 - Docket 17.

Your suggestion to request licensing now on the basis of present visitor use plus some irrigation use by natural seepage and some reserved for wildlife is probably the practical step to take at this time. It will probably be some time before any funds will be available for development at this Spring. A considerable amount of water is used by campers and prospectors throughout the year, but it amounts to a very small percentage of the total flow. ✓

Willard W. Danielson
Willard W. Danielson
Acting Superintendent

In duplicate

10-20-1958: memorandum to regional director, region four regarding water right amended applications 16096, 17839, 16138, 15539 ; october 20, 1958

L54-L

(2)

October 20, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Amended Application 16096, Permit 11421, Part IV, Docket 21, Death Valley
Application 17839, Permit 11423, Part II, Docket 25, Death Valley
Application 16138, Permit 11422, Part V, Docket 22, Death Valley
Application 15539, Permit 11424, Part III, Docket 22, Death Valley

Attached is a copy of letter of August 29 to the Superintendent from Mr. Hill, State Water Rights Board, transmitting the subject applications with estensions to cover the indicated permits. The applications were submitted to the Water Rights Board in duplicate, and the extra copy has been returned directly to this office with copy of the latter.

WESTERN D
DESIGN & CONS
OCT 22 19
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DA

In forwarding the applications to the Superintendent for signature, with memoranda of June 17 and 19, 1957, we assumed that it would ultimately be necessary for the Superintendent to forward the original applications, as extended to permit form, to this office in order that we could complete the copies for the dockets in your office, WODC, and here. From his memorandum of September 15 this does not appear necessary. The Superintendent should file the instruments in the subject dockets as indicated.

With the two memoranda of June 17, 1957, we distributed interim copies of amended Application 16096 and Application 17839, and docket folders as needed. Those applications were supported by the file maps. For some reason, our own copies of those interim applications do not agree exactly with the approved copies which Mr. Hill has sent to us. Accordingly, we are sending you, WODC and the Superintendent photostat copies of the approved application-permits. Assuming they are the same as the originals which Mr. Binnewies has received, they should be substituted for the interim copies which you have in your dockets. Mr. Binnewies should compare his photostats with the originals and confirm that they are identical, or forward the originals for photostating.

NO COPY MADE IN MAIL ROOM

If I have photostated the proper copies, Mr. Binnewies should present his copies to the Greenes; Ramos, et al., and the heirs of Mr. Nichols.

[SIGNED]

A. van V. Dunn
Chief, Water Resources Section

Attachments 4

Copy to: Superintendent, Death Valley, w/c attachments
Chief, WODC, w/c attachments and letter of August 29

09-15-1958: memorandum to chief, water resources section regarding water right applications and permits ; september 15, 1958

WOOC.

L 54

(4)

September 15, 1958

21

Memorandum

To: Chief, Water Resources Section

From: Superintendent, Death Valley National Monument

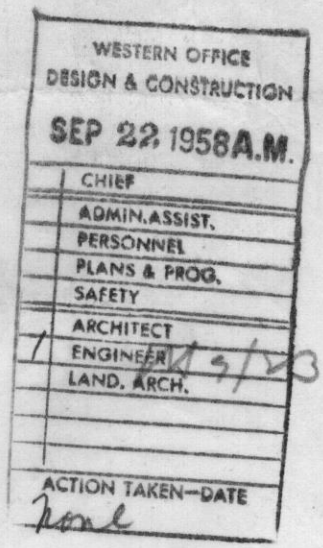
Subject: Water Right Applications and Permits

We have received from the California State Water Rights Board and placed on file here the following approved applications: No. 16096, Tarantula Spring Area, Permit No. 11421; No. 16138, Chucker Spring, Permit No. 11422; No. 17839, Blue Cliff Spring Area, Permit No. 11423; and No. 15539, Covered Spring and Wee Spring, Permit No. 11424.

Fred W. Binnewies
Superintendent

In duplicate

Copy to Regional Director, Region Four
Chief, WODC



c o p y

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

Sacramento, 7, California

August 29, 1958

APPLICATIONS 16096, 16138, 17839, 15539
PERMITS 11421 11422 11423 11424

United States- Death Valley National Monument
Death Valley, California

Attention: Mr. Fred W. Binneweis, Superintendent

Gentlemen:

Endorsed on the reverse side of the above numbered applications you will find permits which have been issued in approval thereof. As prescribed by law the permits fix definite time schedules within which to begin construction, complete construction, and make full beneficial use. Extensions of time can be allowed only upon a showing of good cause and you will observe the permits prescribe that unless development proceeds promptly and is presented diligently to completion the permits may be revoked.

Annual reports of progress will be required upon forms which will be provided for the purpose, and if and when uses are reported full and complete an inspection of the projects will be made by an engineer of this office. Following the inspection licenses will be issued to conform the rights to the amounts of water found at the time of inspection to have been beneficially used in accordance with the terms and conditions of the permits. After that time there can be no further increase in the uses under these rights.

The forms for your first progress reports will be mailed to you on or about October 1, 1958.

Very truly yours,

(sgd) L. K. Hill
Executive Officer

c o p y

07-14-1958: memorandum to superintendent regarding fees for filing applications 16096, 16138, 17839, and 15539, dockets 21, 22, and 25 ; july 14, 1958

file left side dockets 21, 22 & 25

L-Spaulding
Whitworth
McClellan
Manbey
Johnston
Persons

FILE COPY

Region Four
180 New Montgomery Street
San Francisco 5, California

July 14, 1958

Memorandum

To: Superintendent, Death Valley National Monument

From: Regional Chief of Operations, Region Four

Subject: Fees for Filing Applications 16096, 16138, 17839 and 15539, Dockets 21, 22 and 25, Death Valley

Please submit a voucher for $20.00 to the State Water Rights Board as requested by Mr. Hill's letter of June 17. This matter is discussed in Mr. Price's memorandum of June 30. Note that payment is due July 17.

The payment should be charged to our Account 347.

We are in agreement with the last paragraph of Mr. Price's memorandum suggesting that the reference to payment by the permittees be deleted from Condition 7 of future Water Use Permits.

(SGD) FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Copy to: Director

bc: Roland Johnston

LSpaulding:hat

06-30-1958: memorandum to regional director regarding fees for filing applications 16096, 16138, 17839, and 15539 ; june 30, 1958

file left side Dockets 21, 22 & 25

IN REPLY REFER TO:
L54-1

RECEIVED
NPS REGION FOUR OFFICE
JUL - 7 '58

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

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

AIR MAIL

JUN 30 1958

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Fees for Filing Applications 16096, 16138, 17839 and 15539; Dockets 21, 22 and 25, Death Valley

X {Whitworth

see memo to Supt, Death Valley 7/14

As a result of the attached copy of letter of June 17 to the Superintendent, Mr. Binnewies should submit a voucher for the requested $20.00 by July 17. He should also be reimbursed from your Water Rights Account 347 if the payment is made from his Federal funds. This special procedure is necessary because of the following unusual situation.

We have been using a 1952 condensed water code that was supplied by the State Engineer. Mr. Dunn has now compared Sec. 1525 with the same numbered section of Chapter 254 of the 1955 statutes, and finds that the filing fee has been increased from $5.00 to $10.00. Both editions of the water laws prescribe that the fee shall accompany the application.

Condition No. 7 of the Permits for Water Use, which have been issued to M. D. Nichols and the Dahls (Docket 21), the Greenes (Docket 22), and Tony Ramos (Docket 25), prescribes that the permittees shall prepare all future applications and submit them to the Superintendent with a check or money order for the statutory fee, made payable to the State Engineer. The underlining does not appear in the permit form.

We assume that Mr. Binnewies obtained $5.00 fees and submitted them with Applications 16096, 16138 and 17839; and that the Greenes paid the $5.00 fee for Application 15539 when they filed it in 1953, before they assigned it to the United States. The permits which Mr. Hill is now ready to issue are on federally amended Applications 16096, 16138 and 15538, and the Application 17839, which have all been filed by the United States since 1955. In the meantime, Mr. Nichols has died, and we do not know the disposition of his estate, and the Greenes would probably be reluctant to pay an additional fee which may have been due to our failure to obtain the revised water laws.

We have authority to pay filing fees. We also believe that all of the subject permittees should be treated alike in this case. The permittees have also been subjected to considerable inconvenience. Accordingly, we recommend that the present Federal payment be made without bothering the permittees further. We also believe that the reference to payment of the small filing fees might be deleted from Condition 7 before additional permits are issued.

Assistant Director

Attachment

Copy to: Superintendent, Death Valley _- AIR MAIL
Chief, WODC, w/c attachment

06-17-1958: letter to fred w. binnewies, superintendent regarding applications 16096, 16138, 17839 and 15539 have been approved and a minimum fee of $5.00 will be required for each application ; june 17, 1958

file - left side Dockets 21, 22 & 25

COPY

State of California
STATE WATER RIGHTS BOARD
1401 - 21st Street
P. O. Box 1592
Sacramento, California

June 17, 1958
See Dunn's memo
L54 of June 30
~~Spaulding~~
HS 4/14

see memo
to Supt Death
Valley
7/14

Applications 16096, 16138, 17839 and 15539

United States - Death Valley National Monument
Death Valley, California

Attention: Fred W. Binnewies, Superintendent

Gentlemen:

The above-numbered applications have been approved and in accordance with Chapter 254, Statutes of 1955, a minimum fee of $5.00 will be required for each application.

The water code requires that the fees must be received in this office within 30 days after service of notice of issuance of permits, personally or by registered mail. This letter is being sent by regular mail and is not intended as notice of issuance of permits within the purview of the water code, but is to informally advise you of the approval in order to prevent the running of the 50 day period of time.

Kindly send such vouchers or other forms as may be appropriate and the permits will be forwarded upon receipt of the check for the necessary fees.

Very truly yours,

/s/ L. K. Hill

L. K. Hill
Executive fficer

02-21-1958: memorandum to regional director regarding water right applications 16096, docket 21; 16138 docket 22; and 17839, docket 25, death valley , february 21, 1958

L54-L

WESTERN OFFICE
DESIGN & CONSTRUCTION
FEB 24 1958 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
2 ENGINEER
LAND, ARCH.
ACTION TAKEN—DATE

February 21, 1958

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Applications 16096, Docket 21; 16138 Docket 22; and 17839, Docket 25, Death Valley

With complete distribution of this memorandum, we are sending you and WODC copies of the notices of appropriation under the subject applications, and of the form letters of instructions for posting, which the State Water Rights Board sent to the Superintendent on February 13. I am filing copies, and indicated thereon, in Part IV, Docket 21; Part V, Docket 22; and Part II, Docket 25. If the Superintendent does not have an extra copy, or cannot salvage one of the posted notices after March 25, photostat copies should be supplied.

Each office should enter Application No. "17839" at the proper place on the tab of Docket 25. I have done it by hand, in ink.

It is noted that the applications have been cleared by the State Water Rights Board, and submitted for posting without our comments on Mr. Whitworth's memorandum of December 27, 1957, and his attached copy of December 2, 1957, from the Board. It was my intention to imply only regulatory storage in the answers to question 2 of Amended Application 16096, and in Application 17839. I usually state specifically that we do only claim regulatory storage, but the magnitude of the storage proposed by the miners in the two cases seemed rather large for regulation in proportion to the available flow. Any modification of the statement which Mr. Spencer may have made with, or without, the approval of Mr. Binnewies or Mr. Spaulding will probably be satisfactory. When the approved application and permit are granted, we should be sure to make the same corrections on the copies of the applications in our respective dockets.

This will also acknowledge Mr. Binnewies' reply of February 12 to my inquiry of February 2 concerning the concern of Mr. Carl L. Hubbs over "the appropriation of 0.035 sec.ft. of the waters of Salt Creek". I frankly forgot the claim to Blue Cliff

Spring, now assigned Application No. 17839, when writing. However, it is well to have obtained confirmation that there are no unauthorized appropriations being made.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Death Valley, no attachments
Chief, WODC, w/c attachments

12-27-1957: memorandum to director regarding water right applications 16096 (docket 21) and 17839 (docket 25), trail canyon, death valley national monument ; december 27, 1957

21

154

Spaulding
Whitworth
Manbey
(later) Johnston

December 27, 1957

Memorandum

To: Director

From: Acting Regional Chief of Operations, Region Four

Subject: Water Right Applications 16096 (Docket 21) and 17839 (Docket 25), Trail Canyon, Death Valley National Monument

Attached are copies of a memorandum from Superintendent Binnewies dated December 17 and of a letter to Mr. Binnewies from Mr. Jopson dated November 29. These memoranda refer to the elimination of storage provisions in subject applications.

Mr. Spaulding says the ability of the dams to hold water is practically nil and believes the dams are of little use either for regulation or storage. Further refinement of the applications seems not worthwhile provided they are acceptable to the State Water Rights Board.

George F. Whitworth
Acting Regional Chief of Operations

Attachment

Copy to: Supt, Death Valley

LSSpaulding:gm

12-17-1957: memorandum to regional director, region four regarding water right applications 16096 and 17839 ; december 17, 1957

L54
Docket 21

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

RECEIVED
NPS REGION FOUR OFFICE
DEC 20 '57

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

December 17, 1957

Memorandum

file in each
Docket 21 Docket 25

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Water Right Applications 16096 and 17839

X ~~Spaulding~~ LSS 12/27
✓ Lands FM 12/20

Attached is a copy of a letter which was recently received from the State Water Rights Board suggesting amendments to Water Right Applications 16096 and 17839.

According to the definition of storage of water it would appear that in both of these applications the small dams that have been constructed would constitute regulation of the flow rather than the storage. Therefore, we have corrected the applications to eliminate Sections 2(b) and 7 and are returning them for further processing. It is now assumed that the applications are in good order and that no further action will be required before they are approved.

Fred W. Binnewies
Fred W. Binnewies
Superintendent

Attachment

In duplicate

file in Docket 21

December 2, 1957

Applications 16096, 17839

United States of America
Death Valley Monument
Death Valley, California

Attention: Mr. Fred W. Binnewies
Superintendent

Gentlemen:

Your amended Application 16096 and Application 17839 have been examined and the following amendments are suggested.

Storage is defined as collection of water during periods of high stream flow (usually winter and spring flow) which is held over and used during periods of deficient stream flow (usually late summer and fall flow). If water is collected in tanks or reservoirs in order that a supply may be available for use at a rate other than that which may be conveniently drawn from the original source, it is considered to be regulation.

Application 16096 - Your amended application proposes storage in addition to the direct flow described in the original application. After an application has been accepted for filing, the amount of water applied for cannot be increased. Therefore, it will be necessary to delete the 0.015 acre foot described in Paragraph 2(b). This would not appear to be adverse to your interests as it appears that this reservoir was intended for regulation rather than storage, and accordingly the amount named for direct diversion would cover the appropriation.

Application 17839 - In Paragraph 2(b) you state that 25 acre-feet will be diverted and stored. However, in the attachment under "Question 7" you stated that the diversion dams will only provide a potential storage capacity of approximately 3 acre-feet. It

12-02-1957: letter to fred w. binnewies regarding amended application 16096 and 17839 have been examined cont. ; december 02, 1957

would accordingly appear that the amount to be seasonally stored would not exceed 3 acre-feet and that the remaining amount would be covered by direct diversion. Will you please reduce the storage amount to the reservoir capacity or provide us with a reservoir operation schedule showing how it is proposed to seasonally store an amount in excess of the reservoir capacities.

We are returning one copy of the above applications for amendment. When the above items have been clarified, please return them to us for further action.

Very truly yours,

STATE WATER RIGHTS BOARD
LESLIE C. JOPSON, Chief Engineer

By_____
L. C. Spencer
Supervising Hydraulic Engineer

02-15-1955: letter to mr. leslie c. jopson regarding application 16096 which was returned with your letter of february 15, 1955 ; august 07, 1957

Region Four Office

In reply refer to:

L54 DEVIL Docket 21

RECEIVED
NPS REGION FOUR OFFICE
AUG 12 '57

	SURNAME	DATE
REGR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
LEGAL	Whitworth	
	Lands Spaulding	

Death Valley National Monument
Death Valley, California

August 7, 1957

Mr. Leslie C. Jopson, Chief Engineer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Amendment of Application 16096 and
New Application for Blue Cliff Spring
Trail Canyon
Death Valley National Monument

Dear Mr. Jopson:

Returned herewith is Application 16096 which was returned with your letter of February 15, 1955. Also enclosed in duplicate are an Amended Application 16096 for the appropriation of waters of the Tarantula Spring Area, and a new Application for the appropriation of waters of the Blue Cliff Spring Area, in Trail Canyon. Both applications are supported by the same map, our Drawing NM-DV-6965 of which we submit four prints. Also enclosed are copies of the Permits for Water Use which have been issued to Mr. Nichols; the Dahls; and Tony Ramos.

We also enclose a purchase order and voucher to cover the $5.00 fee for filing the new application. We assume that the fee paid for filing the original Application 16096 will be sufficient for the amended application. The voucher will be corrected before submission for payment if you sign and forward it with a statement of correct charges. You will note that the voucher is to be forwarded to our Washington Office for payment.

The drawing shows the existing water systems. Certain potential extensions to make water from either source available throughout Trail Canyon from the sources to the road junctions in the SW¼ SW¼ Sec. 31, T 18 S, R 46 E, MDB&M, are also claimed in the written applications. Due to a number of circumstances, it has been necessary to make both applications broad enough to cover uses which can only be partially shown on the map at this time, but we should like to establish the basic rights for the authorized uses, and complete details at the time of proof for certificate.

Mr. Nichols has died and the disposition of his estate, including the main pipeline under Amended Application 16096 has not been determined. At the time of his death, the Dahls proposed to locate their mill in the NE¼ Sec. 2, but they may select another site through arrangements with Mr. Nichols' heirs.

The Blue Cliff development is now complete to the mill of Ramos, Pike and Santschi, and Mr. Bennett hauls his water to a camp near the junction of the north and south branches of the Middle Fork of Trail Canyon. The application is broad enough to permit him to extend the pipeline if desirable. Because of the extensive activity in the area, it is also possible that the limited waters under the two applications may ultimately be commingled in a consolidated water system to serve all needs.

In the letter of February 15, 1955, to the Chief of Lands from Mr. Jopson, it was suggested that recreational use might all be classified as domestic. We agree that this may be true. We also question whether the major use of the water for processing the ore should be classed as mining or a subsequent industrial use. We have claimed and described all uses but have no objection to your reclassification provided uses for each designated purpose will be recognized in final proof for certificates.

Sincerely yours,

Fred W. Binnewies
Superintendent

Enclosures

Copy to: Regional Director, Region Four (3) ✓
Western Office of Design and Construction
Director (2)

07-25-1957: memorandum to regional director regarding amended water right application 16096, docket no. 21 death valley national monument (nichols and dahl) ; july 25, 1957

IN REPLY REFER TO:
L54-L

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

July 25, 1957

RECEIVED
NPS REGION FOUR OFFICE
JUL 29 '57

SURNAME
REG. DIR.
ASST. R.D.
OPERATIONS
RECREATION
INTERP.

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Amended Water Right Application 16096, Docket No. 21
Death Valley National Monument (Nichols and Dahl)

Mr. Burke's memorandum of July 9, with memorandum of July 19 from Mr. Manbey, indicates that Amended Application 16096 can be corrected by the Superintendent. With copy of this memorandum he is requested to erase 43 and type in 36, as the reference to Title of Federal Regulations in second line of second paragraph under Question 11. The Amended Application should then be mailed to the State Water Rights Board in accordance with our memorandum of June 17 to the Superintendent.

A. van V. Dunn
Chief, Water Resources Section

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

JUN 17 [illegible]

15-1-1
RECEIVED
NPS REGIONAL FIELD OFFICE
JUN 21 '57

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

Memorandum

To: Superintendent, Death Valley

From: Chief, Water Resources Section

Subject: Federal Water Claims, Trail Canyon, Dockets 21 and 25, Death Valley

Attached are original Application 16096 and a print of the map which apparently accompanied it when filed with the State Engineer. These should be returned to the State Water Rights Board with the following additional attachments:

1. Original and one copy of Amended Application 16096.

2. Original drawing and photostat copy of map to support Amended Application 16096.

3. Original and one copy of new application for the appropriation of water in Blue Cliff Spring Area.

4. Two photostat copies of same drawing, with addition in upper left corner for number of new application.

5. One copy of Permit for Water Use issued to the Dahls on October 13, 1956.

6. One copy of Permit for Water Use issued to Mr. Nichols on October 13, 1956.

7. One copy of Permit for Water Use issued to Tony Ramos on March 1, 1957.

8. Voucher and Purchase Order No. 99-1025 to cover fee for filing the new application for appropriation of water of Blue Cliff Springs.

You should sign both copies of both applications and then forward all of the above instruments to the State Water Rights Board, whose new address is:

Mr. Leslie C. Jopson, Chief Engineer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California.

However, we are sending two extra copies of the applications and supporting maps to the Regional Office for review by the Regional and Field Solicitor. We should like to have the applications filed as soon as possible but we suggest, hereby, that the Regional Director, obtain the approval of the Regional Solicitor before you sign and mail them.

Also enclosed is draft of a proposed letter of transmittal, which expresses my ideas, but may not represent up-to-date facts. It should be used only as a guide, with your corrections and any further comments the Regional Solicitor may care to make.

By separate memoranda, we are distributing folders for Docket 25, with temporary photostat of the application for the appropriation of water of Blue Cliff Spring Area, and a temporary photostat of Amended Application 16096, with supporting map, to be filed in Part IV of Docket 21.

Attached are one photostat copy of application for appropriation of water of Blue Cliff Spring Area and two photostat cbpies of Amended Application 16096. These may be presented to Ramos, Dahl and the Nichols Estate after the originals are sent to the State, with the explanation that they are interim copies.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Regional Director, Region Four, w/c draft of letter to State Engineer
Chief, WODC " " " " " "
Field Solicitor McClellan, w/c of applications and draft of letter of State Engineer (2)

07-25-1957: letter to mr. jopson regarding amendment of application 16096 and new application for blue cliff spring, trail canyon, july 25, 1957

DRAFT

Mr. Leslie C. Jopson, Chief Engineer
State Water Rights Board
P. O. Box 1592
Sacramento 7, California

Re: Amendment of Application 16096 and
New Application for Blue Cliff Spring,
Trail Canyon
Death Valley National Monument

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Sincerely yours,
Superintendent
Death Valley National Monument

Requested distribution:

Copy to: Regional Director, Region Four (3)
Western Office of Design and Construction
Director (2)

L54-L

Docket 21

June 12, 1957

Mr. Leslie C. Jopson, Chief Engineer
State Water Rights Board
1401 21st Street
P. O. Box 1492
Sacramento 7, California

Re: Applications 13852, 15539 and 16138, Emigrant Canyon } DOCKET 22
also
Application 16096, Trail Canyon } DOCKET 21
Death Valley National Monument

Dear Mr. Jopson:

This will acknowledge the letter of June 7 from Mr. Spencer concerning Applications 16096 and 16138.

With the forms for Petitions for Correction of Descriptions which you forwarded with your letter of May 8, we have sent the following instruments to the Superintendent for signing and forwarding to you with certain supporting records:

Emigrant Canyon

1. Petition to Correct Description of Point of Diversion from Burns Spring under Application 13852.

2. Petition to Correct Description of Points of Diversion from Covered and Wee Springs under Application 15539.

3. Amended Application 16138 for appropriation of water of Chuckar Spring.

Trail Canyon

4. Amended Application 16096 for the appropriation of water in Tarantula Spring Area.

5. New application for appropriation of water in Blue Cliff Spring Area.

The petition for correction of description of diversion from Burns Spring under Application 13852 indicates the need for similar corrections of descriptions of other diversions under Applications 13852, 13851 and 15558, which are owned by Detloff and Dobbins. However, either due to erroneous original surveys, or to different

identity of springs by the applicants and by the Geological Survey in preparing the Emigrant Quadrangle of 1952, we are suggesting that the petition be limited to Burns Spring until the matter is clarified.

Technically, the petitions move developments as described in the original applications to their proper geographical positions. Through the petition and amended Application 16138, it will be evident that the use of the water of Burns Spring has also been changed from the place shown in Application 13852 to the place where water is used under Application 15539 and Amended Application 16138. Moreover, the United States wishes to preserve priorities of appropriation in proper relation to prior and subsequent mining and millsite locations. To preserve the priority of Application 13852 for successorship use of Burns Spring, there appears to be a need for an actual amendment of Application 13852 either now or at the time of proof for certificate. We should like to know whether this matter can be deferred, and covered in the proof.

Because of limited drafting assistance at this time we have used your township plats and the USGS Quadrangle for one copy of each map, and a photostat for the second. It will be satisfactory to return the photostats with the permits if you wish original drawings in your files.

We have supplied the Superintendent with voucher and purchase order for the one new application, and assume no further fee is needed for filing Amended Applications 16096 and 16138. Please advise at once if the assumption is incorrect.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four, w/c of letters of 5/8 and 6/7
Superintendent, Death Valley " " " " " "
Field Solicitor McClellan (2) " " " " " "

06-07-1957: letter to a. van v. dunn, chief regarding your file l 54-l ; june 07, 1957

COPY

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD
1401 - 21st. Street
P.. O. Box 1592
Sacramento, California

June 7, 1957

Applications 16096 and 16138

U. S. Department of the Interior
National Park Service
Washington 25, D. C.

Attention: A. van V. Dunn, Chief
Water Resources Section

Re: Your File L 54-L

Gentlemen:

Reference is made to your letter of November 30, 1956, in connection with water rights Applications 16096 and 16138 filed in the name of Death Valley National Monument.

We have received a copy of water use Permit No. Deva 2, 1956, issued to M. D. Nichols of Trona, California. Inasmuch as this permit has been issued it would appear that Applications 16096 and 16138 should now be completed and forwarded to us so that they may be advertised in accordance with the provisions of the Water Code.

Very truly yours,

STATE WATER RIGHTS BOARD
LESLIE C. JOPSON, CHIEF ENGINEER

By: L. C. Spencer
Supervising Hydraulic Engineer

02-25-1957: memorandum to director regarding federal water rights and permissive use, trail canyon, application 16096, docket no. 21 ; february 25, 1957

BFM
~~Manbey~~
~~Maier~~
cc

In reply refer to
L54 Dera

February 25, 1957

Memorandum

To: Director

From: Acting Regional Director, Region Four

Subject: Federal water rights and Permissive Use, Trail Canyon, Application 16096, Docket No. 21, Death Valley NM

Attached is copy of Superintendent Binnewies' memorandum of February 12. It will be seen that Mr. Binnewies says he has reviewed the copy of Mr. Dunn's memorandum of February 6 to the Regional Director on the above subject, and he expresses the view that Application 16096 should be retained at 12 GPM rather than attempt to increase it to 24 GPM, as recommended by the Regional Solicitor under date of November 30, 1956. Mr. Binnewies gives his reasons for taking this point of view.

We shall appreciate your general comments in this connection.

(SGD) HERBERT MAIER

Herbert Maier
Acting Regional Director

Attachment

Copy to Regional Solicitor, Sacramento
w/copy incoming
Death Valley

Mr. McClellan

BFManbey/jd

FILE COPY

IN REPLY REFER TO:
L54-L

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

RECEIVED
NPS REGION FOUR OFFICE
FEB 11 '57

REG. DIR.	
ASST. R.D.	
OPERATIONS	
ADMIN.	
EDUCATION	
LEGAL	

February 6, 1957

Docket 21

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Federal Water Rights and Permissive Water Use, Trail Canyon, Death Valley

Drawing NMDB-2090, and the draft of Permit for Water Use for Tony Ramos, which were received with a copy of the Superintendent's memorandum of January 18 to you, supply all the data necessary to amend Application 16096 and complete the new application for the appropriation of water used by Mr. Ramos, et al., However, there cannot be strict compliance with the suggestions in the memorandum of November 30, 1956, to you from the Regional Solicitor. There are also a few points that should be agreed upon due to the death of Mr. Nichols, and apparent misunderstanding of the difference between the quantity of water to be appropriated during a 24-hour day and that to be used during 8 to 12 hours of the day.

Copies of this memorandum and two prints of the attached map are being sent directly to the Regional Solicitor and the Superintendent. It is requested that they offer final confirmation or corrections through you so that we are all in agreement, using one print of the map if necessary.

The final map to support the applications is being prepared on another print of the State form, but lettering relocated and given various weights, to provide space for the Dahl Millsite from Drawing 2090, and to make the two claims more distinct. This form and scale is such that undesirable detail do not have to be shown. We are preparing the map.

Despite Mr. Nichols' death we are showing his pipeline and millsite on the assumption that his heirs still have title to the millsite and half interest in subpriority No. 2 under the Federal water rights evidenced by amended Application 16096 which we are about to file. There will also be a 5-year period, or longer with extensions of time, in which the successors to Mr. Nichols may exercise their interest in subpriority No. 2 in accordance with condition 25 of the Nichols Permit for Water Use, or another miner may take over the abandoned millsite without successorship interests, and reactivate any water use either under subpriority No. 2 or subpriority No. 3 as he and the Dahls may agree.

NATIONAL PARK SERVICE
RECEIVED
FEB 11 1957
REGION FOUR OFFICE

The death of Mr. Nichols suggests that personal names should not be used for Federal pipelines. It is proposed to designate the Nichols pipeline as "Tarantula Pipeline No. 1", any independent Dahl pipeline from the same diversion as "Tarantula Pipeline No. 2", and the Ramos pipeline as "Blue Cliff No. 1". The three independent pipelines will be designated in the two applications, but the two Tarantula pipelines can be combined, and others from the same diversion or additional laterals can be added before proof for final license is made within the five year period or its extension.

The Regional Solicitor specified on November 30, 1956, that the Federal claim to waters from the Tarantula Spring area be increased from 12 gpm to 24 gpm to provide for the possibility that Nichols and the Dahls might develop the latter amount at the diversion area although five or six gpm is all that is now available. Under the State laws and regulations, Application 16096, with priority of October 18, 1954, is limited to 12 gpm even when amended. Any additional quantity of water must be appropriated by a supplemental application which will have the priority of the date of filing. The supplemental application can be prepared and filed, but present records of flow indicate that 12 gpm is double the apparent supply, and the supplemental application would constitute an excessive claim, in conflict with the spirit of the water laws if filed at this time.

In addition, Nichols, the Dahls, and Ramos, et al., and possibly the Regional Solicitor and Superintendent, do not seem to have differentiated between the rate of appropriation or diversion, and the rate of use. Mr. Nichols has definitely indicated that his mill table, like that of the Greenes, required 12 gpm when in operation, but he operated with a 24 hour appropriation or diversion of 5 gpm, storing water for 14 or 16 hours to supplement the direct diversion of 5 gpm during the 8 or 10 hours when he applied 12 gpm to the mill table. In final proof for licenses, the right would be limited to the 5 gpm. The proposed Permit for Water Use for Tony Ramos also authorizes the use of 0.035 sec.ft. or 15.7 gpm although he is evidently only able to divert about 8 gpm during this dry period with his present diversion developments.

Because of the drought and low standard of diversion works at both spring areas, it is probably satisfactory to claim appropriations of double the present flow, which happens to be the work hour rate of use, but it would be excessive to claim 4 times the present flow of the Tarantula Spring area by a supplemental application until there is more evidence that the 12 gpm is not more than the complete appropriation of the source.

The proposed Permit for Water Use for Tony Ramos, which was submitted with the memorandum of January 18 is satisfactory if the "per annum" is deleted as well as the "acre-feet" in the alternative unit of

measurement of the authorized quantity of water. It will then be consistent with the Permits already issued to Nichols and the Dahls. As explained in the preceding discussion, of course, all three permits will authorize full operation of the mills on a 24hour basis throughout the year, to the extent the water can be obtained. A more realistic authorization to use the water for a specified number of hours per day would eliminate the false suggestion that any subsequent permit to the U. S. Tungsten Company on the South Branch, or to Bennett on the North Branch of Middle Fork was giving away of the water of the earlier permittees.

The earliest possible reply to this memorandum will permit us to complete the Trail Canyon water right problems.

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: William J. Burke, Regional Solicitor, w/c attachments (2)
Superintendent, Death Valley, w/c attachments (2)
Field Solicitor McClellan, w/c attachments

00-00-0000: division of water resources - water plan map

Amended *Application* 16096

Permit

License

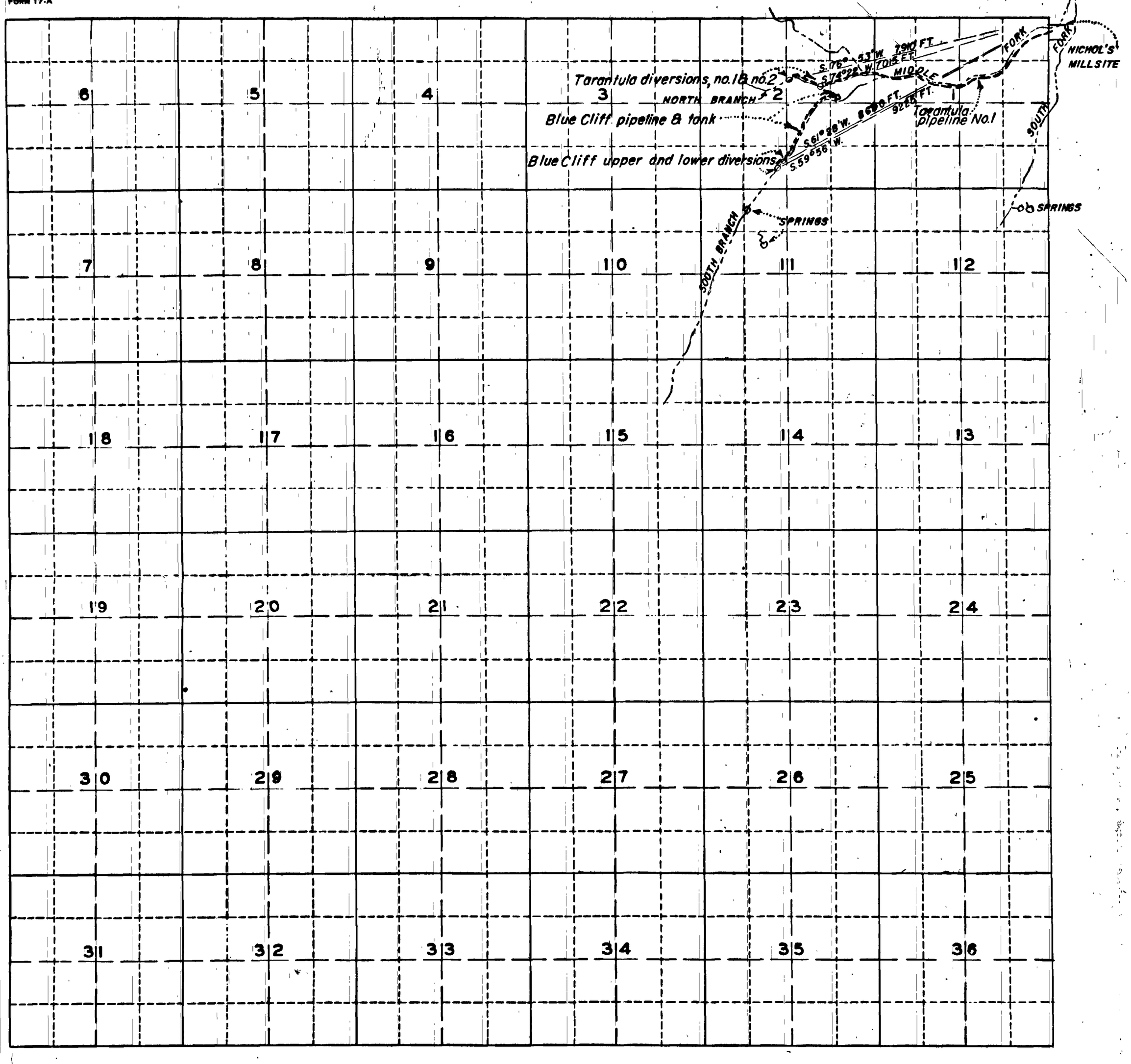
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
SACRAMENTO 5

Applicant United States of America *Sec.* 2 *Township* 19 S. *Range* 45 E., M. D. *Meridian*

Mapped by Linn S. Spaulding & Gordon W. Robertson *County* Inyo

NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or does not involve storage in a reservoir having a capacity in excess of 200 acre-feet. For amounts less or reservoirs smaller than those above stated the average applicant can prepare a very satisfactory map without the aid of a surveyor by observing instructions on the reverse side of this plat.

FORM 17-A



12-20-1956: memorandum to regional director regarding amendment of water right application 16096, m. d. nichols ; december 20, 1956

In reply refer to:
L 54 Deva
Docket #21

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

December 20, 1956

RECEIVED
NPS REGION FOUR OFFICE
DEC 26 '56

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
RECREATION		
INTERP.		
LEGAL		1-18

✓Lands BFm 1/18

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Amendment of Water Right Application 16096, M. D. Nichols, Death Valley

An attempt is being made to consolidate the comments and questions contained in a number of memorandums relating to this subject, and to furnish sufficient information so that Water Right No. 16096 may be amended and filed with the State Water Rights Board.

The memoranda referred to include Mr. Dunn's comments of November 1 that were attached to the memorandum of November 9 from Mr. Price to the Regional Director, Mr. Burke's memorandum of November 30 to the Regional Director, and Mr. Dunn's memorandum of December 4 to the Regional Director. The following items relate to the draft of amended Application 16096 as furnished by both Mr. Dunn and Mr. Burke.

Item 2: The amount of water applied for should be 12 gpm (.0267 cu. ft.) at this time since it is problematical that 24 gpm can be developed. The 12 gpm is sufficient to operate one concentration table at each of Dahl's and Nichol's millsites, and they would only increase the number of tables if additional water up to 24 gpm can be developed. We think that in such an event an additional application should then be filed.

Item 5: The description for the termination of the main conduit in the NW$\frac{1}{4}$ NW$\frac{1}{4}$ of Sec. 6, T 19 S, R 46 E, MDB&M, is all right for Nichols' millsite, and Dahl's millsite should be described as being in the SE$\frac{1}{4}$ NE$\frac{1}{4}$ of Sec. 2, T 19 S, R 45 E, MDB&M.

Item 6(b): The diversion dam is located 20 feet below the spring and is 20 feet high by 40 feet long. It is constructed of earth fill.

COPY TO Director DATE 1-18-57
FOR YOUR ☐ INFORMATION ☐ ACTION
REGION FOUR OFFICE INITIALS SM

1-18-57
cc to Reg Sol

Item 7: The storage capacity of the dam is 337,500 gallons based on average dimensions of 20'x30'x75'. The estimate of 7 million gallons by Mr. Nichols far exceeded the actual capacity as determined by measurements. It is planned that the intake will be by siphon and there will be no pipe through the dam. In addition to the storage at the dam, steel tanks of 10,000 capacity are located at Nichols' mill-site, and the Dahls plan on installing 6,000 gallon tanks. There are no pressure reduction or storage tanks along the pipeline since the plastic hose has been found to be capable of withstanding the pressure as long as it flows freely and is not allowed to back up.

Item 8(b): There has been no change in the Nichols pipeline and the description as shown in the draft furnished by Mr. Dunn is O.K. The Dahls plan on using 1" plastic pipe approximately 1500' long. The exact location of their mill has not yet been determined but this amount of pipe will be very close to that actually used. So far as present plans have progressed, only 1" plastic pipe will be used and any diversion will not pass through storage tanks near the dam.

Item 9: The estimated cost of the diversion works should be changed to $6,500 rather than the $6,000 as suggested in my brief comments of November 16. This takes into consideration only the water diversion works and does not include the short access road that was constructed by Mr. Dahl, since the main purpose of that road was access to the mining claims. The fact that it also gives access to the upper diversion is only incidental.

Item 12: Since water is hauled from another location for drinking and cooking there is little domestic use other than a shower, laundry, etc. It is not anticipated that there will be more than 12 persons combined at both millsites and in all probability none of them will be women. It is therefore believed that 500 gpd is adequate for all domestic and recreational use. Neither the Dahls nor Nichols plan to install flush toilets, or to provide other equipment that would increase the domestic use.

It will be appreciated if copies of the water use permits can be prepared in the Washington Office at the same time that the amended application is prepared. When the permits were drafted we failed to prepare extra copies for the State Water Rights Board and we believe that all of the forms should go in together.

The simplified drawing should also be prepared as suggested in the last paragraph of Mr. Dunn's comments of November 1.

Mr. Dunn also asked about the use of plastic pipe by other miners. So far as we know, Mr. Nichols is the only one who has used plastic pipe and he has only used the 1" size. It is easy to install and has proven quite satisfactory so far, and we understand that the Dahls also plan on using it.

We believe that this information should be sufficient so that the final draft of the amended Application 16096 can be prepared.

It is probably understood that the plans of miners are frequently subject to change but these comments are based on the best information available at this time. The only thing that is lacking is the exact location of Dahls' millsite which will probably not be determined until next spring. It undoubtedly will be located within the 40 acre subdivision as stated, and we trust that this will be a close enough description for the purpose of the application.

Mr. Ramos has informed us repeatedly that he has no interest in the water that is being appropriated under this application even though it is on his claim and, therefore, we believe that the entire matter should be treated strictly as an appropriative right with no reference to possible riparian rights. We also trust that the recent death of Mr. Nichols will not cause further delay in filing the application. No information has been received as to the disposition of his property.

If any further information is needed please let us know and we will try to furnish it immediately, so that this long-drawn out problem can be brought to a conclusion.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

11-09-1956: memorandum to regional director, region four regarding water rights in trail canyon, including application 16096, docket 21 ; november 09, 1956

IN REPLY REFER TO:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
NOV 14 1956

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

NOV 9 1956

	SIGNATURE	DATE
✓		
✓		
✓		
✓		
✓		

McClellan wrote → Taylor 11/20 B/n

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights in Trail Canyon, including Application 16096, Docket 21, Death Valley

By air mail of October 25, we concurred in the proposal to have Field Solicitor Joseph E. Taylor inspect mining developments at Death Valley and discuss claims with the miners. By subsequent air mail memorandum of October 29, we advised that Mr. Taylor should defer the trip, or at least the report, until receipt of this memorandum. We have now received a copy of the memorandum of October 17 to you from Mr. Binnewies, with his report on the discussion which Mr. Taylor has already had with Messrs. Alf and Ralph S. Dahl, and M. D. Nichols on October 13. We have not received any report from Mr. Taylor or the Regional Solicitor, and assume and hope it will be deferred until this memorandum arrives.

Attached in duplicate are copies of drafts of proposed Amended Application 16096 for the appropriation of water from the Tarantula Spring area, an application for the appropriation of water from the Blue Cliff Spring area, and a revised draft of 10/24/56 of a proposed application for the appropriation of waters of "Indian Wells". Also attached are Mr. Dunn's comments on each application, comments on mining and millsite claim boundaries and riparian rights being confined to the comments on the application for appropriation of waters of Blue Cliff Spring area. Five prints of Drawing NM-DV-6965, which was prepared to support the first two applications, are also attached.

Copies of the three applications are also being sent to the Superintendent, with one copy of his original draft of his application of 10/19 for the appropriation of waters of Indian Wells and the check of Dennis Conder. Two copies of the three applications and comments are also attached for Mr. McClellan although he has already been supplied with copies, for revision and return with requested data and Mr. Taylor's report, or a supplement to any report he may have prepared.

The three proposed applications require revision or completion with more data from the Monument, as indicated in Mr. Dunn's comments, if all are to be filed. There also appears to be some question as to whether a Federal application should be filed for waters of Blue Cliff Spring area. Mr. Dunn is also concerned over the possibility that excessive

survey work may be demanded to pinpoint mining claims which may not define riparian rights of the owners, in other areas of the Monument as well as in Trail Canyon.

We believe that all water right applications should be prepared in the final form in this office. Accordingly, we request that you and the Regional Solicitor supply comments and supplemental data by which to complete those applications which the Regional Solicitor and Mr. Taylor recommend. The applications will be sent to the Superintendent for signature and forwarding to the State Water Rights Board.

Jackson E. Price
Assistant Director

Attachments

Copy to: Superintendent, Death Valley, w/c drafts of 3 applications, check of Dennis Conder, original application, designated as draft of 10/19/56
Field Solicitor McClellan (2), w/c drafts of 3 applications
Western Office of Design and Construction, w/c drafts of 3 applications

11-06-1956: memorandum to the director regarding water right application 16096 (california) -- death valley national monument -- protest of alf and ralph s. dahl (high noon mining co.) ; november 06, 1956

In reply refer to:
L54

McMillan
Manbey
Maier

November 6, 1956

Memorandum

To: The Director

From: Acting Regional Director, Region Four

Subject: Water Right Application 16096 (California)--Death Valley National Monument--Protest of Alf and Ralph S. Dahl (High Noon Mining Co.)

The proposed conference at Death Valley National Monument, at which were present Assistant Regional Solicitor Taylor, Superintendent Binnewies, Messrs. Nichols, Ralph S. Dahl and Alf Dahl, took place on October 13.

We are now in receipt of reports on the conference from the Superintendent and Mr. Taylor, copies attached, as follows:

Supt. Binnewies' memorandum of October 15, with copies of Permits for Water Use to Alf and Ralph Dahl dba High Noon Mining Co., and M. D. Nichols.

Assistant Regional Solicitor Taylor's memorandum of October 18.

We are also attaching a copy of Superintendent Binnewies' memorandum of October 19, subject, Amendment of Water Right Application 16096, Trail Canyon.

Lastly, there is attached copy of Regional Solicitor Burke's memorandum of November 2 to the Field Solicitor, San Francisco in the matter, together with copies of the attachments mentioned: the letter dated October 23 whereby the Dahls withdrew their protest to application 16096, and letter dated October 29 to the Dahls from the State Water Rights Board. Mr. Burke's memorandum was written prior to receipt by him of a copy of Mr. Price's memorandum of October 29, subject, Water Rights in Trail Canyon, including Application 16096, Docket 21, Death Valley.

FILE COPY

Concerning copies of proposed Amended Application 16096 and application to appropriate water in the Blue Cliff Spring Area, while we did not receive copies for the Region Four files we have had access to Field Solicitor McClellan's copy forwarded with your memorandum of February 29.

Herbert Maier
Acting Regional Director

Attachments 4

Copy to: Regional Solicitor
With copies of Superintendent's memoranda of October 15 and 19
Supt., Death Valley
With copy of Mr. Burke's memorandum of November 2 and attachments

SMcClellan:in

21

November 1, 1956

Comments on the Following Death Valley Matters:

1. Superintendent's memorandum of September 17 concerning water right status of Nichols and Dahl, as it relates to mining and millsite locations.

2. Superintendent's memorandum of October 17 with report on discussion of October 13 with Field Solicitor Joseph E. Taylor, and Messrs. Alf and Ralf S. Dahl and M. D. Nichols, as latter relates to mining and millsite locations and riparian rights.

3. Proposed application for the appropriation of water of Blue Cliff Spring Area for Ramos, Pike and Santschi.

by
A. van V. Dunn
Chief, Water Resources Section

The subject memoranda of September 17 and October 17 have been received subsequent to mailing our air mail memoranda of October 24 and 25, concerning the investigation of Field Solicitor Joseph E. Taylor. These comments constitute a revision of the statement proposed on October 24 and 25.

Paragraph 2 of the memorandum of September 17 indicates that monument numbered "10" on Drawing NMDV-2074 is a corner, and not the center (of east end) of Blue Cliff Mining Claim, and orients all Blue Cliff claims more nearly east and west; and that such re-orientation creates more conflict with the Dahls' Dor Jean mining claim and Mr. Dahl has agreed to relocate his claim to eliminate at least part of the conflict. The changed identity of monument "10" may also alter the relation between the points of diversion in the Blue Cliff Spring area, and the other mining claims of Ramos, Pike and Santschi, which are shown on Drawings 2074-A and 6965, which have been prepared and distributed by this office.

Drawing 6965 is the map supporting past drafts of the subject application and Amended Application 16096, and must now be revised when necessary data is obtained. As stated in separate comments on Application 16096, the Superintendent's limited report on Mr. Taylor's investigations suggests that a simplified map may be adequate to support that application, and a map with the land status, such as 2074, 2074-A, or 6965 for the proposed application to appropriate water of the Blue Cliff Spring area, and for administrative purposes.

There has been no attempt to map all four corner monuments of all claims. Technically, there is no justification for doing so until an application is made for patent. At that time, the BLM would make the survey and would adjust corners to obtain parallelograms 1500 feet long and 600 feet along the ends. The two ends have to be parallel but do not have to be at right angles to the sides. The long sides of the claim are parallel to the course of the strike of the vein or lode. As a result of different strikes, lode claims may overlap.

There appears to be a general attempt on the part of all miners to disregard their strikes and try to locate claims to include surface spring. According to page 15 of Legal Guide for California Prospectors and Miners, California Division of Mines, October 1952, of which Mr. McClellan did have a copy, side lines which prove to be across the strike may become end lines of undersized claims when surveyed for patent.

The last two paragraphs, from the original draft of these comments, appear to be what Mr. Taylor had in mind when quoted by Mr. Binnewies as saying that he thought an artificial situation had developed, and that the possible overlap of claims of the Dahl claims and those of Ramos, Pike and Santschi, were no concern of the Government at this time.

The group of Blue Cliff claims, with the possible exception of Blue Cliff No. 1, have been said to be parallel, and to abut on sides and ends. This type of blocks of claims which establish a homogeneous area, at times with one or more claims on independent alignment as Blue Cliff No. 1 is shown on Drawing 6965, is common. The basis of such conditions is not clear to the writer, however, unless there has been a determination of parallel strikes of the veins on all claims. There has been no survey or proof for patent in the area under consideration. Therefore, the boundaries of the claims are at least debatable.

On Drawings 2074-A and 6965, it has also been shown that monuments have not been located with enough surveying accuracy to define abutting boundaries of claims. In fact, the monuments, as previously identified, do not even define the ends of some claims as straight lines.

If, as the State Water Rights Board claims, riparian rights attach when a miner first locates his claim by monuments which are subject to change, and recording in the county, there will be uncertainty as to whether he has riparian rights in many cases until a BLM survey is made for patent. The final answer can only be obtained by BLM survey for patent, and if patent becomes imminent, this Service has not yet obtained legal clarification as to how and what terms are to go in a patent to cover the Secretary's regulation of Surface Use under the act of June 13, 1933. It would also be a terrific administrative cost if all mining and millsite claims that included water had to be officially surveyed to define riparian rights.

It seems essential to determine whether the Ramos diversions are on one or more of the Blue Cliff claims, because they appear to be on the debatable ends. It may also be necessary to determine whether the proposed Dahl mill will be on one of the Blue Cliff groups of mining claims. The question is whether these matters can be determined with sufficient accuracy by Park Service survey of monuments which are first identified by the claimants where they are not properly marked or posted. Due to the new identity of monument 10 on Drawing 2074, there may also be more question as to whether the mine and mill of Ramos, Pike and Santschi are entirely within the claims defined by existing monuments. It is hoped that no more survey will be made at the start than is needed to settle these points or provide the justification for official BLM surveys and determination of the validity of any mining claim which may conflict with the millsite location of the Dahls.

Several legal questions arise which Mr. Taylor may, or may not, have noticed:

1. It is evident that the upper Blue Cliff Spring area diversion is on either the Blue Cliff No. 1 claim or unclaimed Federal land, while the place of use is probably on the Blue Cliff or Blue Cliff No. 2. Are riparian rights limited to diversion and use on a single claim, or on a group of claims which provide homogeneous title to the land along the canyon from diversion to place of use?

2. Do the Dahls need a separate millsite claim or a special use permit from the Park Service if they obtain permission to place their mill on a Blue Cliff claim of Ramos, Pike and Dahl?

3. If proper identity places the Nichols dam on Blue Cliff No. 3 and the Dahls obtain permission to place their mill on Blue Cliff No. 3 or No. 4, and the two claims abut and include all of North Branch of Middle Fork of Trail Canyon, what is to prevent them from exercising riparian rights of Ramos, Pike and Santschi by agreement, except the desire of the latter to stay out of a feud and a gentleman's agreement between Dahl and Nichols?

4. If Ramos, Pike and Santschi are found to be exercising riparian rights, is the United States justified in revising the proposed application for the appropriation of the water of the Blue Cliff Spring area on the basis of data still needed, and in filing it with the State Water Rights Board?

From data now in the Washington Office it is not clear whether the U. S. Tungsten Company has mining claims to create potential riparian rights to the Indian Wells or Springs similar to those of Ramos, Pike and Santschi. There is also insufficient data on the mining and millsite claims of Thad C. and Jo E. Greene to determine whether they have potential riparian rights to any of the sources of water they are using under Applications 13852, 15539 and 16138, the latter by the United States.

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November 1, 1956

Comments on Proposed Federal Application
to
Appropriate Water of Indian Wells for Use by
U. S. Tungsten Company at Death Valley
by
A. van V. Dunn
Chief, Water Resources Section

A draft of the subject application, in duplicate, was sent to the Washington Office with a personal check of Dennis __? Conder to cover the $5.00 filing fee, and the Superintendent's memorandum of October 19, in which the latter requested that it be forwarded to the State Division of Water Resources, now the State Water Rights Board. We have also received the Superintendent's memorandum of October 17, with copy of his report on the discussion of October 13 which he and Field Solicitor Joseph E. Taylor had with Messrs. Alf and Ralf S. Dahl and M. D. Nichols.

The report on the discussion of October 13 does not indicate the extent to which Mr. Taylor considered the water right interests of Ramos, Pike, Santschi, and the U. S. Tungsten Company. However, the application must be revised and completed before filing. Accordingly, I have designated the incoming application as draft of 10/19/56 and prepared as much of a revised application as is possible with available data, as draft of 10/24/56. The latter draft needs additional data from the Monument, and should have the Regional Soliciter's approval before being prepared in final form and filed with the State Water Rights Board.

The draft of 10/24 is on an obsolete form, making it necessary to renumber some questions.

On the map supporting the draft of 10/24, the Trail Canyon drainage is projected from both the Emigrant Quadrangle of Geological Survey, and the BLM Township Plat of 1935, in the area under consideration. The Geological Survey data takes precedence except at points where the drainage crosses a section line, and only one channel will be shown on the map supporting the final application.

The draft of 10/19 designates the source as "Indian Wells", (question 1), but indicates that water is pumped from "unobstructed channel" (question 6(a)). Assuming there is no artesian well (which should be capped), the source is probably a spring whether diverted in a tunnel or on the surface. If the source is a well, in fact, there is a question as to whether to file an appropriative application at all. The nature of the source should be clarified by the Superintendent in order to determine whether an application should be filed.

By hydrological definition the source is tributary, as designated in the draft of 10/24, if the water would be natural flow on the surface

or seep through the top soils, either at the designated area, or further downstream, with at least an intermittent contribution to the flow or seepage in the South Branch of Middle Fork of Trail Canyon.

At 5 gpm (question 2(a)), there appears to be a spring flow approximately equal to that found at several of the springs in Trail and Emigrant Canyons, for which appropriative water right applications have been filed or are now proposed.

From my past discussions with Nichols, Greene and James H. Bennett, of Bennett and Barginski (not W. T. Bennett), most of the miners seem to have mills which require 12 gpm when in operation, and to operate with diversions of about 5 gpm and with regulatory storage of water during about 16 hours per day for use during the other 8 hours. This matter should be clarified in question 2(b) or 7. I have suggested an answer in question 7 of draft of 10/24 which should be checked and possibly corrected.

Question 3 of 10/19 draft specifies mining and recreational use while questions 16 and 17 describe domestic and mining. The draft of 10/24 tentatively covers all three uses. The very limited use by the recreational visitors can probably be classed as domestic.

The State Rules and Regulations require that diversion must be tied to section corner by bearing and distance if within 2 miles of said corner, or to another survey or some natural object or permanent monument if more than 2 miles from a corner. There should be a corner of Section 10 within 0.75 mile to the northeast, and probably within 0.25 mile to the southeast, to which to make a tie for answer to question 4.

The map supporting draft of 10/19 shows Indian Wells on hillside, to west of natural channel. While this may be true, it seems more probable that springs are diverted in the channel, in SE¼ SE¼ Sec. 10, or NE¼ NE¼ Sec. 15, perhaps at end of intermittent flow shown on Emigrant Quadrangle.

Question 5 of the 10/19 draft, and supporting map, both indicate terminus in unsurveyed land, the latter showing it in unsurveyed Sec. 34, T 18 S, R 45 E. Question 8(b) and supporting map also indicate that pipeline is only ½ mile long, from a spring or well which is evidently in E½ SE¼ Sec. 10 or NE¼ NE¼ Sec. 15. The length of pipe fixes place of use somewhere in E½ E½ of surveyed Sec. 10, T 19 S, R 45 E, as answer to both questions 5 and 11. The place of use shown on supporting map would require at least 2 miles of pipe and place the area above North Branch of Middle Fork.

In order to clarify and comply with points covered in the last three paragraphs it will be necessary to obtain a tie from one or more section corners to the point of diversion and to the mill, and to be advised whether the point of diversion, and spring, or well, are in the canyon bottom or a lateral tributary.

In order to supply these data for a final map and complete application with the least survey, it may be accepted that the Geological Survey was correct in stating that the topography on the Emigrant Quadrangle of 1935 is probably correct to within 20 feet. The sections are projected thereon in accordance with the BLM township plat from the actual location ties to only a few corners, and the line between Secs. 3 and 10 on one side and 2 and 11 on the other, may not be as straight, and due north-south as shown. Ties and land subdivisions for the water right application and supporting map need be only sufficiently accurate to identify the point of diversion and area of use, and differentiate them from other existing or potential claims. One transit tie should probably be made for orientation, but the rest of the information could probably be obtained by pacing or careful spotting with relation to natural drainage unless conflicting riparian claims are involved.

The answers to questions 6 and 7 of draft of 10/19 are inadequate because they raise questions. A flow of 5 gpm is inadequate for pumping except from some impounding pool, which is not described. It is also doubtful if the U. S. Tungsten Company has a 5 gpm pump operating 24 hours per day. It is also doubtful that gravity diversion by 1" pipe could be maintained without a small pool. Gravity diversion might be from a natural pool, however. The headworks should be described to eliminate questions of impracticability.

Question 8 calls for pump lift, or the flattest controlling grade of the pipeline, if diversion is by gravity. Neither is given in draft of 10/19. If the available flow is measured, and all is diverted by gravity by the 1" pipe, the grade has to be at least 32.5 ft. per 1000 ft., which would be a satisfactory answer.

The estimated capacity of 5 gpm, question 9 of 10/19 draft is pretty low for any pump diversion. Either the grade, question 8(b), or pipe delivery, question 9, should be measured. Conditions seem to require storage at diversion and place of use, and 10 to 15 gpm pump, if water is to be pumped.

Some cost estimate must be given in question 9.

The draft of 10/19 was received without attached list of claims mentioned in question 16. The entire list of claims may be proper in answer to question 16, but for question 11 the developed area should be confined to one or more claims, and one or more 40 acre subdivisions of the section where the camp and millsite are located.

There are probably no other rights to list in question 12 of new application form, but the question is whether the U. S. Tungsten Company has other appropriative rights or riparian claims to the water for the same use. Even a half mile of meandering pipe could place the diversion

and use within one mining claim, 1500 ft. long and 600 ft. along each of the two parallel ends, in that mountaineous area. Presumably the proper location of diversion point and mill location will show them to be too far apart to be on one claim, and will permit adequate definition of pipe alignment from the contours on Emigrant Quadrangle, but the pipe alignment should be supplied if it does not follow a contour or the natural drainage.

For answer to question 19, the Regional or Field Solicitor may wish to consider the claim this Service has previously made in similar cases: That the United States does own the land at point of diversion (and at place of use) with encumbering mining claim locations. The Water Resources Section has been guided in the past by legal advice that the United States retains basic title until the land is formally patented. This question is also covered in comments on proposed amendment of Application 16096.

In answer to question 21, it will probably be impractical to determine whether the water at Indian Wells actually contributes to the flow diverted by Ramos et al. for the Blue Cliff claim, but the United States and Ramos et al. should be notified of the application.

The closing statement on the draft of 10/24 is particularly important if there is a chance that there has been a previous mining claim or millsite location which included Indian Wells, to which the U. S. Tungsten Company, does not have successorship title. If the United States now has title to all land between diversion and place of use, with encumberances, and riparian rights accrued to the original mining claim or millsite location, the United States may have riparian rights as well as possible sovereign rights, which have not been determined.

These comments are based on the assumption that this application, like Amended Application 16096, can be filed without regard to conflicting riparian rights, and that exact definition of boundaries of related mining and millsite claims are not needed. The additional requirements which may be needed if there are related or conflicting riparian rights, are covered in comments on proposed application for the appropriation of waters of Blue Cliff Spring area for Ramos, Pike and Santschi.

A copy of a related permit for water use should accompany data for final draft of proposed application.

10-23-1956: letter to alf and ralph dahl acknowledging their letter of october 23 ; october 30, 1956

Copy

State of California
State Water Rights Board
Public Works Building
P.O. Box 1079
Sacramento 5, California

October 30,1956

Application 16096

Alf Dahl and Ralph S. Dahl
942 Hilldale Avenue
Los Angeles 46, California

Gentlement:

This will acknowledge your letter of October 23 advising that in consideration of the agreement between yourselves and the Superintendent of Death Valley National Monument you withdraw your opposition to the approval of Application 16096.

It is our understanding that Mr. Binnewies will file an amended application reflecting the conditions for the withdrawal of your protest.

Thank you for your cooperation in this matter.

Very truly yours,

State Water Rights Board
Leslie G. Jopson, Chief Engineer

By Original signed by
L.C. Spencer
Senior Hydraulic Engineer

cc: Superintendent
Death Valley National
Monument
Death Valley, California

Josepth E. Taylor
Assistant Regional Solicitor
U.S. Department of Interior
P. O. Box 4291- T&C
Sacramento 21, California

United States Department of
Interior
National Park Service
Washington 25, D.C.
Attention: A.van V. Dunn, Chief
Water Resources
Section

Honorable Charles Brown
Shoahone, California

10-29-1956: memorandum to regional director regarding water rights in trail canyon, including application 16096 ; october 29, 1956

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

IN REPLY REFER TO:
I54-I
RECEIVED
NPS, REGION FOUR OFFICE
OCT 30 1956

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		10/30
OPERATIONS		10-31
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL	SMin	11-6
	BFm	11/7

OCT 29 1956

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights in Trail Canyon, including Application 16096, Docket 21, Death Valley

By AIR MAIL of October 25 on the same subject, we concurred in the proposal to have Field Solicitor Taylor interview the various claimants to water in Trail and Emigrant Canyons. Subsequently we have received the copy of the Superintendent's memorandum to you of September 17, which advised that he would appreciate the interviews, and that Mr. Dahl would be in the Monument during the first two weeks of October, which have now passed.

Mr. Binnewies also indicated that one or more mining claim corner monuments have been incorrectly identified. By memorandum of October 19 to us, he has also forwarded a proposed application for the Federal appropriation of "Indian Wells" in the drainage tributary to the headgates of the development by Ramos, Pike and Santschi. In reviewing the records in connection with these new features some doubt has also arisen as to whether copies of proposed Amended Application 16096 and an application to appropriate water in the Blue Cliff Spring Area for Ramos et al. were attached to the Case History forwarded with our memorandum of February 29.

Accordingly, we suggest that Mr. Taylor defer his trip until receipt of our comments on the new features, if not too late, or that he and the Regional Solicitor defer their report until such comments are received.

Jackson E. Price
Assistant Director

Copy to: Superintendent, Death Valley
Field Solicitor McClellan (2)
Western Office of Design and Construction

L54-L

WESTERN OFFICE
DESIGN & CONSTRUCTIO
OCT 29 1956A.
CHIEF
ADMIN.ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DA

AIR MAIL

OCT 25 1956

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Rights in Trail Canyon, including Application 16096, Docket 21, Death Valley

This refers to Mr. Maier's memorandum of August 17, and two dated September 6 and 7 from Mr. Johnston, concerning the subject water rights. We have also received other correspondence concerning the interests of the Greenes, and Application 16184 for the appropriation of supplemental water at the Big Stump Area of Kings Canyon relating to the problem present in these various cases.

We believe it will be desirable, as you propose, to have Field Solicitor Taylor interview the various water claimants at Death Valley and conduct an on-the-ground examination as described in Mr. Johnston's memorandum of September 7. As of possible use to Mr. Taylor, attention is called to a copy of Mr. Dunn's self-explanatory memorandum of September 18 to me commenting upon Applications 16096, 16138 and 16184 pertaining to appropriations of waters at Death Valley and Kings Canyon which has been forwarded with a separate memorandum by regular mail.

Mr. Dunn is concerned that the Dahls may further upset the natural spring flow, or destroy it completely, by more road construction and packing the ground around it in an attempt to install a mill on the Dor-Jean mining claim to assert riparian use not made before. Mr. Dunn also believes that an appropriative right is needed for use of water by Mr. Nichols, whether it is established by amendment of Federal Application 16096, or a different appropriation by Mr. Nichols.

Mr. Dunn has considered Mr. Burke's memorandum of August 19 and he is of the belief that there are relatively few cases in which this Service has established or will establish appropriative rights to water in Death Valley before a miner establishes a riparian right by mining or millsite operations or locations. Due to our limited proposed development plans, such a course does not seem to be administratively feasible considering the number of water sources that exist.

Mr. Dunn found, for example, in his investigation of title to the Gold Bottom (Journigan) Millsite three successive and independent chains of title. There is no water on Gold Bottom Millsite, but there may be many other old mining and millsite locations to which riparian rights accrued, which were abandoned and reverted to the U. S. before parts of them were claimed in new, independent locations such as those of the Dahls. A similar situation may exist with reference to nearly every water source in Death Valley as there may have been many locations which were abandoned with no chain of title to the present claimants. The Superintendent may have found similar cases in the inventory of mining claims he has been making.

The above facts, Mr. Burke's comments, and the viewpoint of the State Engineer's Office that riparian rights pass to the United States if the land is reacquired after they accrue, suggests the possible need for an extensive water rights investigation project before either the miners or this Service can be sure of their water rights.

With the above comments and study on the ground, Mr. Taylor will undoubtedly be able after his trip to Death Valley to make specific suggestions, including the question of possible revision of our water use permits.

(SGD) JACKSON E. PRICE

Assistant Director

Copy to: Superintendent, Death Valley
Field Solicitor McClellan (2)
Western Office of Design and Construction

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

RECEIVED
REGION FOUR OFFICE
OCT 22 1956

October 19, 1956

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
INTERP.		
✓ LEGAL		
✓ Lands		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Amendment of Water Right Application 16096, Trail Canyon

On the basis of the meeting held October 13 with Messrs. M. D. Nichols, Alf Dahl and Ralph S. Dahl, attended by Assistant Regional Solicitor Joe Taylor, a number of previous questions have been cleared and we believe that it is now possible to file the amended water right application, #16096, that was drafted by Mr. Dunn December 1, 1955.

1. First and foremost is the agreement by the Dahls to remove the protest against Application 16096. This should be accomplished within a few days or as soon as they return to Los Angeles.

2. The Description of Diversion Works should be changed to include an earth dam 25 feet high and 40 feet across the top that has a potential storage capacity of an estimated 800,000 gallons. (This was erroneously reported by Mr. Nichols as having a capacity of 7,000,000 gallons.)

3. The former pressure reducing and storage tanks have been moved to Nichols' mill site and have a capacity of 10,000 gallons. Dahl intends to install a 6,000 gallon tank at his mill site. The pipe line to Nichols' mill site remains the same but Dahls' will have to be determined. On the best information available at this time Dahls' pipe line will parallel Nichols for approximately 1,000 feet on the assumption that Dahls' mill will be placed on the Ramos claim below the lower spring.

4. It is estimated that 150 gallons per day will be used for domestic purposes since the water is unfit for drinking.

5. M. D. Nichols' address is: Box 397, Trona, California

11-20-56
cc to Mr Taylor

6. Drawing DVNM-2074, Mining Claims and Water Sources, Trail Canyon, will have to be corrected so far as the orientation of the Blue Cliff claims owned by Tony Ramos are concerned, but the other information is correct. From more recent information, which included the location of the center monument for the Blue Cliff No. 4 claim - 150 feet south of the upper group of springs it now appears that all of the Tarantula Spring area is on the Ramos claims. He continues to have no plans to use them and no protest of Application 16096 is expected.

7. On the basis of the successful negotiation of the Nichols-Dahl controversy we think that it is timely to go ahead with the filing for the Ramos appropriation in the south branch of the middle fork of Trail Canyon. Mr. Dunn has prepared the application but it was held pending the outcome of the negotiations.

Please let us know if any other information is needed in order to complete this long drawn out problem and we will furnish it promptly.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

In duplicate

Copy to Director

10-22-1956: memorandum to regional director regarding meeting with m. d. nichols and alf and ralph s. dahl on water right application 16096 ; october 22, 1956

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

October 17, 1956

RECEIVED
NPS, REGION FOUR OFFICE
OCT 22 1956

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
✓ OPERATIONS	FJ	10-24
ADMIN.		
COOP. ACT.		
INTERP.		
✓ LEGAL	RM	10/23
✓ Lands	BFM	10/23
✓ Whitworth		

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Meeting with M. D. Nichols and Alf and Ralph S. Dahl on Water Right Application 16096

No action seems necessary copy went to W.O. BFM
cc sent to Taylor BFM 10/23

Attached is a summary of the meeting that was held October 13 with Messrs. Nichols and Alf and Ralph S. Dahl for the purpose of settling the dispute that has arisen relative to the use of water from the Tarantula Spring area in Trail Canyon, under Water Right Application 16096.

Assistant Regional Solicitor Joe Taylor directed most of the discussions and contributed a great deal to the success of the meeting.

Fred W. Binnewies
Fred W. Binnewies
Superintendent

Attachment

Copy to Director
Mr. Taylor

Summary of Meeting with Messrs. Alf Dahl, Ralph S. Dahl, and M. D. Nichols on Water Use Under Application 16096, October 13, 1956

Those present at the meeting were Assistant Solicitor Joe Taylor, Alf Dahl, Ralph Dahl, M. D. Nichols, and Fred W. Binnewies.

The meeting was opened by Mr. Taylor who stated that the purpose in getting together was to try to settle the dispute that had arisen with regard to the use of water for mining purposes from a group of springs in the north branch of the middle fork of Trail Canyon. He explained that he thought that an artificial situation had developed and that with reasonable men who were willing to cooperate a practical solution could be arrived at.

There was then a general discussion of the amount of water that was available, and the amount that was needed for milling and domestic purposes by both Nichols and Dahl. It was agreed that the minimum amount of water available at the spring was about 6 GPM, and that that could reasonably be expected to increase with cooler weather.

Mr. Nichols, who has an operating mill consisting of one concentration table, stated that he requires from 8 to 12 GPM - depending on the quality of the ore. High grade ore does not take the amount of water that low grade does. Under present conditions Mr. Nichols can run his mill 8 hours and store sufficient water during the remaining 16 hours to run another 8 hours. There will, in fact, be a surplus of some 2700 gallons over a 24 hour period.

Mr. Dahl stated that their plans are to go ahead and develop some ore and then to install a mill that will require the same amount of water.

Both parties thought that there was sufficient water for both if it could be shared. They agreed that it would not be likely that both would want to mill at the same time and that by providing sufficient storage the water could be accumulated against need. Mr. Nichols now has storage capacity of about 10,000 gallons and the Dahls plan to put in about 6,000 gallons of storage.

Mr. Taylor stated that the determination of the amount of water to be used should be based on projected development for the next three years. Both Nichols and Dahl thought that they would need 12 gallons per minute by that time and that that amount could be developed at the springs with some additional improvement.

It was agreed that the water would be shared equally with equal priority, and in the event that both wanted to mill at the same time they would be entitled to use the water for 3½ days, each, out of any calendar week.

A discussion then arose as to the cost of the diversion works and Mr. Taylor stated that this was not something to be decided by the government but that it was between Nichols and Dahl. Mr. Nichols had constructed a dam below the upper springs at a cost of about $1,700 that has a capacity of about 7,000,000 gallons. This was to be considered part of Nichols' water system, and the Dahls could not draw water from it without Nichols' permission. The Dahls then agreed to pay half of the cost, less $600 for the construction of a section of road to the dam. They also agreed to share any future expense, and in return will be permitted to draw water from the dam.

On the basis of these agreements, Mr. Taylor asked the Dahls if they would be willing to remove their protest of Application 16096 and this they readily agreed to do. They will write to the Division of Water Resources within the next few days and take care of this matter. It was explained to them that this is necessary so that an amended application can be filed and passed on.

The form of the Water Use Permit was discussed and the special condition referring to the 3½ days of use in a calendar week was agreed on. Mr. Nichols had to leave but the permit for Dahls was prepared and signed while they were here. The plan for attachment to the permit will be prepared as soon as a mill site location for the Dahls is decided on.

In the afternoon the matter of the Dahl mill site was discussed. It was pointed out to them that on the basis of recent information it has been determined that Drawing DVNM 2074 is in error as to the orientation of claims owned by Tony Ramos, and that actually the Dahls' mill site and about half of their Dor Jean claim are on the Ramos claims. Mr. Taylor stated that this, also, is of no concern to the government at this time but must be straightened out between the Dahls and Ramos. The Dahls agreed to try to get permission from Mr. Ramos to put their mill on his claim below the lower spring and near their present cabin, which is also on the Ramos claim. The Superintendent said that if Mr. Ramos' consent was obtained in writing that a special use permit would then be issued authorizing the construction of the mill, and the water line to it.

The main points accomplished are as follows:

1. Share and use of water between Nichols and Dahl
2. Share of expenses for water diversion
3. Issuance of water use permits
4. Tentative location of Dahl mill site
5. Removal of protest to Application 16096

Fred W. Binnewies
Superintendent

Attachment

Copy to Director, w/attachment
Mr. Taylor, Region Four, w/attachment

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

RECEIVED
NPS, REGION FOUR OFFICE
OCT 19 1956

October 15, 1956

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS		
ADMIN.		
COOP. ACT.		
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Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Water Right Application 16096 (Docket 21) M.D. Nichols, and Alf and Ralph Dahl, Death Valley

What we hope will prove to have been a very successful meeting was held with Mr. M. D. Nichols and Alf and Ralph Dahl on Saturday, October 13, for the purpose of discussing the water right controversy that has arisen between them. The success of the meeting was due largely to the efforts of Assistant Regional Solicitor Joe Taylor, who directed most of the discussions.

It was agreed that Mr. Nichols and the Dahls would share the available water from the Tarantula Spring area equally, with equal priority. It was further agreed that in the event that both Nichols and the Dahls want to mill ore at the same time that they will be entitled to use the water only 3½ days a week each, and this was made a special consideration of the water use permit. The amount of water granted to each party in the attached permits is based on projected use and development over the next three years. There is at present a flow of an estimated minimum of 6 gpm that will increase to probably 8 or 10 during cooler weather. It seems reasonable to expect that with some additional improvement the flow may be increased to 12 gpm or more.

On the basis of the agreements reached and the issuance of the water use permits the Dahls agreed to remove their protest against Water Right Application 16096 immediately. It is believed, therefor, that an amended application can now be filed to show the water source as the Tarantula Spring area, and a more complete description of the diversion works and pipelines will be made the subject of a separate memorandum.

There still remains, however, the selection of a millsite by the Dahls. The site that they prefer is on a mining claim owned by Tony Ramos and they are going to open negotiations with him for permission to erect the mill. As soon as the location is decided on a special use permit will be issued that will include a written statement from Tony Ramos so that

permits loose in file Docket 21

there will be no question of trespass by the Dahls. Just as soon as the mill location is decided we will prepare the plan called for in the water use permit for attachment to it, but in order that there will not be further delay it was thought best to submit the permit as agreed on at this time.

As a sidelight to the meeting the parties concerned agreed to the sharing of all expenses on the present and future diversion works. Mr. Taylor pointed out that this is a matter in which we do not have any direct interest but it indicates the willingness of Nichols and the Dahls to work out an acceptable solution.

We wish to take this opportunity to thank Mr. Taylor for his generous assistance that contributed a great deal to reaching an amicable agreement.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

Attachments 2
Water Use Permit DEVA-1-56 (5)
Water Use Permit DEVA-2-56 (5)

09-07-1956: memorandum to director regarding water right status of nichols, dahl, and greene ; september 07, 1956

In reply refer to BF
L54 Manbey
Johnston

Alien W.R. 34

September 7, 1956

Memorandum

(21)

To: Director

From: Regional Chief of Operations, Region Four

Subject: Water Right Status of Nichols, Dahl, and Greene - Death Valley National Monument

Attached is copy of Superintendent Binnewies' memorandum of August 28 on the above subject. We would appreciate your general comments on these remarks of Mr. Binnewies. It should be pointed out that we feel these several questions regarding the water rights under Application 16096 reveal that it will be very necessary for a representative of the Regional Solicitor's Office to be present when this conference is held with Messrs. Nichols and Dahl in the Death Valley National Monument.

We therefore intend to request that Field Solicitor Taylor from the Regional Solicitor's Office be present at this meeting. Mr. Taylor has recently been designated to handle legal aspects of water rights matters for the National Park Service. As you are aware, he has had long experience in our particular type of problems and is well aware of our policies. We think he would be particularly helpful in the very involved situations in Death Valley, but an on-the-ground examination seems essential in this case.

Since Mr. Taylor will not be available until October we are requesting Superintendent Binnewies to arrange that meeting for the early part of October.

Sgd. FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Attachment

Copy to Death Valley

Mr. McClellan

BFManbey/jd

FILE COPY

09-06-1956: memorandum to director regarding special regulations as they may affect water right status of nichols, dahl, and greene ; september 06, 1956

In reply refer to
L54

BFM
Manbey
Johnston

September 6, 1956

Memorandum

ALIEN Water Right 34 (21)

To: Director

From: Regional Chief of Operations, Region Four

Subject: Special regulations as they may affect water right status of Nichols, Dahl, and Greene - Death Valley National Monument

Attached is copy of Superintendent Binnewies' memorandum of August 28 on the above subject. It will be seen that Mr. Binnewies makes particular reference to the comments of Regional Solicitor Burke in his memoranda of July 15 and July 20 regarding the above mentioned parties. In Mr. Burke's memorandum he had made particular mention of the need for revision of the special regulations governing surplus use in this area, and Mr. Binnewies is commenting on some of these suggestions.

Reference is made to Mr. Binnewies' suggestion regarding the use in the Death Valley mining regulations of a similar clause to that used in the Organ Pipe Cactus National Monument regulations. His reference should have read 43 CFR Sec 185.331. It seems quite doubtful that such a regulation could be made applicable to Death Valley National Monument by reason of the two different acts which permitted mining in these respective areas. Your general comments will be appreciated.

Sgd. FRED T. JOHNSTON

Fred T. Johnston
Regional Chief of Operations

Attachment

Copy to Death Valley

Mr. McClellan

BFManbey/jd

FILE COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

August 28, 1956

RECEIVED
NPS, REGION FOUR OFFICE
AUG 31 1956

21

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REG. DIR.		
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OPERATIONS		
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COOP. ACT.		
INTERP.		
LEGAL		

Discussed with SM 9/5 BFm

Landy BFm 9/6

Wrote W.O. 9/6 BFm

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Water Rights, Application 16096, M. D. Nichols and Alf Dahl, Death Valley WR 34

We are going ahead with plans to hold a meeting with Messrs. Nichols and Dahl as proposed in our memorandum of June 25 in order to reach an agreement on sharing the water - over which there is a controversy. If agreeable with both parties, the meeting will be held the latter part of September or early in October. In order to be sure of our ground we would like to have the following questions answered.

1. Dahl's Dor Jean mining claim was filed in 1952 and presumably includes the upper set of springs in question. Does the fact that his claim included the springs give him riparian rights to all of the water even though he had made little or no use of it prior to the time that Nichols filed the application for appropriation in 1954? It hardly seems right that a miner by merely filing a mining claim can tie up a spring and prevent use by other miners when he apparently is not going to make use of it.

2. The special regulations state that there shall be no development within 1/4 mile of a spring or water hole without written permission. Mr. Dahl now wants to place a mill on the Dor Jean claim about 200 feet from the springs, which would eliminate this source of water from use by wildlife. Can we, if it seems advisable, deny him a permit to construct the mill within a quarter of a mile of the spring?

3. Mr. Nichols has an active mine and has been shipping ore for three or four years, while Mr. Dahl has, in effect, only done discovery work. Mr. Nichols, in order to keep his mill going, has done some development work on both the upper and lower springs pending the outcome of the water right application.

If it is held that Mr. Dahl is entitled to all of the water from the upper springs on the Dor Jean claim. and an agreement on sharing the water cannot be reached, does Mr. Nichols have any recourse to recover all or part of his expenses? We assume that he does not but would like to have this verified.

4. In paragraph 2 on page 2 of Regional Solicitor Burke's memorandum of May 3, 1956, to the Solicitor it is stated "if we assume a situation where the character of the water supply is such as to permit the assertion of a riparian right". In the case in question the water comes from a series of small springs on the Dor Jean claim and there is no surface flow on down the channel during normal times. We assume that this is water on which riparian rights can be asserted, provided it is not transported off of the claim, but would appreciate verification.

These questions have not yet been raised but may come up during discussion. We intend to do everything that we can to reach a satisfactory agreement between Messrs. Nichols and Dahl and have reason to believe that it can be done. This seems to be the best way of resolving a rather knotty problem.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L 54 Docket #34
Deva

August 28, 1956

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NPS, REGION FOUR OFFICE
AUG 31 1956

21

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REG. DIR.		
ASST. R.D.		
OPERATIONS		
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INTERP.		
LEGAL		

Discussed with SM 9/5 BFm
Wrote W.O 9/6 BFm

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley

Subject: Special Regulations

We have read with a great deal of interest the comments in Regional Solicitor Burke's memoranda of July 15 and 20 concerning the water right status of Nichols, Dahl, and Greene. In a number of places Mr. Burke indicates that there is a need for revision of the special regulations governing surface use and we would like to comment on the following points:

1. The fact that riparian rights attached to mining claims have created somewhat of a problem so far as the Nichols-Dahl situation is concerned, and could conceivably result in additional complications in the future. It is noted in the special regulations for Organ Pipe Cactus National Monument, Sec. 185.33o:

> "Lands containing springs, wells, water holes, other sources of water supply, monument headquarters, and recreation areas are not subject to location."

If such a regulation could be included in the special regulations for Death Valley it is believed that it would eliminate possible conflict due to riparian rights and give the United States better control of the water sources. It would insure that water would be available for wildlife and other monument purposes since use would have to be by appropriation in the name of the United States, followed by the granting of a special use permit.

2. The fact that mining claims can be patented is a problem that has bothered us for some time. Conceivably, the United States may have to repurchase land that it now owns if the owner of a mining claim should obtain a patent. This does not happen very often but it is a possibility. It is therefor suggested that a statement similar to Sec. 185.331 of the Organ Pipe Cactus National Monument regulations be added to the Death Valley special regulations. This section states:

43 CFR Sec 185-337

"Applications for patents and final certificates issued thereon for mining claims located under the act should be noted 'Organ Pipe Cactus National Monument Lands,' and all patents issued for such claims will convey title to the minerals only, and contain appropriate reference to the act and these regulations."

Death Valley should be substituted for Organ Pipe Cactus National Monument.

If authority exists for such a regulation we believe that it would clarify the problem of patented mining claims. Such a regulation should eliminate the necessity for an additional one in support of a reservation of rights-of-way for all lawful purposes incidental to the administration of the monument, as suggested in the last paragraph of Mr. Burke's memorandum of July 20.

If these regulations are considered to be advisable it will be appreciated if Mr. McClellan would draft the language for them for our guidance in the preparation for publication in the Federal Register. Any suggestions you may have for other revisions of the special regulations should be included in the same time.

Fred W. Binnewies

Fred W. Binnewies
Superintendent

differential law act
applicable to this monument

08-17-1956: memorandum to director regarding federal water right application 16096 (docket 21) and status of riparian rights of owners of unpatented mining claims ; august 17, 1956

BFM

In reply refer to ~~Manbey~~ ~~Maier~~ L94

McClellan

August 17, 1956

Memorandum

To: Director

From: Assistant Regional Director, Region Four

Subject: Federal Water Right Application 16096 (Docket 21) and Status of Riparian Rights of owners of Unpatented Mining Claims - Death Valley

This has reference particularly to Acting Assistant Langley's memorandum of June 14 on the above subject. In that memorandum it was indicated that Mr. Dunn felt that the matter required "further consideration by the Regional Solicitor" with the latter's appropriate suggestions.

On June 19 copy of Mr. Langley's memorandum was sent to Regional Solicitor Burke requesting his comments. There is now attached copy of Mr. Burke's reply of July 19.

We concur in the recommendation that field negotiations be undertaken, and that the State be requested to defer consideration of the application and protest until after the meeting has been held.

Attachment

Herbert Maier
Assistant Regional Director

Copy to Death Valley
w/copy Burke's memo 7/19
Mr. McClellan

BFManbey/jd

FILE COPY

06-14-1956: memorandum to regional director regarding federal water right application 16096 (docket 21) and status of riparian rights of owners of unpatented mining claims ; june 14, 1956

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

IN REPLY REFER TO:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
JUN 19 1956

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ASST. R.D.		
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JUN 14 1956

Memorandum

To: Regional Director, Region Four

From: ACTING Assistant Director

SM. wrote Reg. Solicitor 6/19

Subject: Federal Water Right Application 16096 (Docket 21) and Status of Riparian Rights of Owners of Unpatented Mining Claims, Death Valley

Attached are copies of the memorandum of May 3 from the Regional Solicitor, and memorandum of May 31 of which a copy was forwarded to us by the Associate Solicitor, and Mr. Edward's acknowledgment of the Regional Solicitor's memorandum. Copies of this memorandum are being sent to the Associate Solicitor, Superintendent, Western Office of Design and Construction and two copies are attached for the Field Solicitor, with copies of the incoming for all but the Associate Solicitor.

Mr. Burke's memorandum is largely a confirmation of a situation as we understood it when we first requested legal advice. We hoped that the State Engineer was taking more positive steps to have the state water laws amended to protect Federal appropriative rights against potential nullification by progressive assertion of riparian rights by private interests in Death Valley and all other parks and monuments in the state.

Mr. Dunn offers the following comments, which seem to need further consideration by the Regional Solicitor, with suggestions for us:

1. The existing regulations, Sec. 20.26, permit a miner to include any land in Death Valley in a mining claim or millsite location, and only limit his surface use in designated areas, such as campgrounds; within a quarter of a mile of a spring or water hole, or smallest legal subdivision of a section; and within 200 feet of a public road. He can locate a mining claim or millsite to include any spring or water hole, and thereby acquire a riparian right. Two or more miners can at times locate mining claims which overlap on the spring or water hole, which might give each a riparian right. As long as the United States can only establish rights under the appropriative procedure, we appear to have gone too far in prescribing that the water rights for mining purposes shall be perfected in the name of the United States.

2. All springs and points of diversion, shown on Drawing NM-DV-6965, are in the bottoms of the canyons, the water either being underground flow down the flood channels, which are represented by lines of dash and three dots, or being water percolating below ground into the channels from the side. There is no surface flow except after a storm, and the only evidence of water is the existence of vegetation above the surface until man excavates and brings the water to the surface.

3. A millsite can only be located on nonmineral land, but any miner can locate a millsite to include a spring or water hole which is not on mineral land, thus establishing riparian rights.

4. The Dahl's High Noon Millsite is probably on mineral land and the Dahl protest of original Application 16096 is based on riparian rights on that millsite. If the Dahls do not withdraw the existing protest, the validity of the millsite should probably be challenged.

5. Point of Diversion 1, apparently on the Dor-Jean mining claim, is subject to a protest which the Dahls have not yet made. The point of diversion was picked above a stretch of canyon bottom where the Dahls had restricted underground spring or stream flow by construction of a section of road. This Service should probably take the following action before completing and filing amended Water Right Application 16096:

a. Locate the markers of the four corners, and point of discovery of Dor-Jean mining claim, by ties to Point of Diversion 1.

b. Make Dahls remove road fill from canyon bottom above Point of Diversion 2.

c. Have Nichols locate and construct new diversion point between Diversions 1 and 2, where it will not be on Dor-Jean or a Blue Cliff mining claim, but there is nothing to prevent future mining claim, if there is mineral, to include new point of diversion.

6. Although Mr. Burke suggests that purpose of use under Application 16096 should be limited to "mining and milling (along with domestic)", thus eliminating recreational and industrial, there is a question of intended purposes, and of definitions, to consider:

a. No water is used for mining in Death Valley, if such use is defined as hydraulic sluicing and jetting to extract ore or mineral from the ground. (None of the spring sources are adequate for such use.)

b. Water for milling, to separate the mineralized ore from the lighter nonmineral rock, may be a mining or an industrial use under state definition, and we have not determined which is proper.

c. Federal use under such claims as Application 16096 would include deliveries to miners for use on nonriparian land, human consumption by the public, water for dust laying in campgrounds, and water for car radiators, which seems to be best covered by domestic and recreational.

7. It is certain that appropriative rights must be established for the water used on the Nichols Millsite, and on the millsite of Thad and Joe Greene in another area, but there is some question now, why they should be denied their own rights to water any more than Ramos on the Blue Cliff, or Dahl on the Dor-Jean, just because the former must rely on appropriative rights while the latter can rely on riparian rights. The difference is important, now, because the Greenes, and also Detloff and Dobbins, have already established their own appropriative rights to some sources, which this Service is now attempting to acquire.

8. The United States can provide for water for its needs from miner's water systems by conditions in permits for water system construction on the surface, whether the rights are federally or privately owned.

9. This Service should be sure of its procedure before starting any negotiated settlements with Messrs. Dahl and Ramos.

From Mr. Dunn's comments, the question is whether Sec. 20.26 of the regulations should be amended at once, or whether the United States should not take more positive, immediate action, to establish a basis for Federal rights which are not subject to prior satisfaction of riparian rights which are to be exercised in the future.

Henry Langley

ACTING Assistant Director

Attachments 3

Copy to: Superintendent, Death Valley, with three attachments
Western Office of Design and Construction, with three attachments

05-27-1956: memorandum to regional director regarding federal water right application 16096 (docket 21) and status of riparian rights of owners of unpatented mining claims cont. ; may 27, 1956

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

IN REPLY REFER TO:
L54-L

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NPS, REGION FOUR OFFICE
APR - 3 1956

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REG. DIR.		
ASST. R.D.		
OPERATIONS		
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March 27, 1956

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Federal Water Right Application 16096 (Docket 21) and Status of Riparian Rights of Owners of Unpatented Mining Claims, Death Valley

The memorandum of March 15 to the Regional Solicitor from Mr. McClellan includes a sketch which is nominally in agreement with Drawing NM-DV-6965, which was forwarded with our memorandum of February 29. The exact limits of some mining claims do not agree. Drawing 6965 purposely shows some conflicts and failures to obtain contact. In some cases more markers should be identified by surveys of Park Engineer to define limits of claims, if such refinement becomes necessary. In other cases, official BLM surveys for patent would be necessary to adjust faulty measurements by the miner. I hope that the question of jurisdiction over patents does not have to confuse the issue at this time. I am reasonably confident that all springs which Messrs. Dahl and Nichols claim, will be found to be on some mining or millsite claim. I think Drawing 6965 should be used in lieu of sketches, in any case, and that the Superintendent should supply corrections with engineering survey notes for documentation if corrections are desired.

In his last paragraph Mr. McClellan also seems to suggest that Messrs. Dahl and Nichols might file water right applications as agents of the United States. The State Engineer has already questioned the authority of a permittee to sign on behalf of the United States. The matter was discussed here, and it was decided, unofficially, that all water claims on behalf of the United States, for permittee use, would be signed by authorized Federal officials. If the Regional and Field Solicitors want permittees to sign water right applications in the name of the United States, there is the new question of form of authorization which will be acceptable to the Department and the State Engineer.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley

02-29-1956: memorandum to regional director regarding federal water right application 16096 (docket 21) and status of riparian rights of owners of unpatented mining claims cont. ; february 29, 1956

IN REPLY REFER TO:
L54-L

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

RECEIVED
NPS, REGION FOUR OFFICE
MAR 6 - 1956

FEB 29 1956

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ASST. R.D.		
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Memorandum

To: Regional Director, Region Four

From: ACTING Assistant Director

Subject: Federal Water Right Application 16096 (Docket 21) and Status of Riparian Rights of Owners of Unpatented Mining Claims, Death Valley

Attached are three copies of a memorandum of February 6 from the Acting Assistant Solicitor, Parks, and the "Case History of Federal Water Right Application 16096 and Possible Conflicts With Riparian Rights, Trail Canyon", which we are submitting with the request for the Solicitor's opinion. Your copies of the new applications are being held with the originals, and you already have copies of the protest in the Docket. It is planned, therefore, that the two complete copies of the "Case History of Federal Water Right Application 16096 and Possible Conflicts With Riparian Rights, Trail Canyon" are for Mr. McClellan and the Regional Solicitor. ← given to S.M. 3/8 BFM

We hope to forward the new applications for signature and filing by Mr. Binnewies as soon as we obtain the Solicitor's clearance.

Jackson E. Price
Assistant Director

ACTING

In triplicate

Attachments 6

Copy to: Superintendent, Death Valley, with copy of attachment
Western Office of Design and Construction, with copy of attachment

02-29-1956: memorandum to acting assistant solicitor regarding status of riparian rights of owners of unpatented mining claims ; february 29, 1956

Feb. 29, 1956

Memorandum

To: Acting Assistant Solicitor, National Parks

From: ACTING Assistant Director, National Park Service

Subject: Status of Riparian Rights of Owners of Unpatented Mining Claims, Death Valley

In accordance with the memorandum of February 6 from the Acting Assistant Solicitor, Parks, we submit a "Case History of Federal Water Right Application 16096 and Possible Conflicts With Riparian Rights, Trail Canyon", and request an opinion as to whether riparian rights attach to the mining claims on which spring water is being appropriated by the United States in accordance with the state water laws.

We are also advising our Regional Office that the matter is being referred to you, but we believe that the Regional Solicitor may have taken the matter up with attorneys for the State Division of Water Resources, as a result of Mr. McClellan's memorandum of November 7, 1955, to the Acting Regional Solicitor.

The specific question is complicated by its relation to Federal appropriative water right No. 16096 which has been protested, and the effect the answer may have on the mining regulations. We assume that it is proper to file the amended Application 16096 and the supplemental application for the appropriation of water from the Blue Cliff Spring Area in order to try to have the protest of the former application withdrawn. We shall appreciate your immediate suggestions in that matter because of the pressure by the Division of Water Resources to have the matter settled.

ACTING Assistant Director

Attachment
Copy to: Regional Director, Region Four (3) detached
Superintendent, Death Valley "
Western Office of Design and Construction "

02-02-1956: memorandum to superintendent regarding proposed federal water rights, amended application 16096, tarantula spring area and proposed application for ramos use, blue cliff spring area, trail canyon ; february 02, 1956

L54-L

February 2, 1956

Memorandum

To: Superintendent, Death Valley

From: Chief, Water Resources Section

Subject: Proposed Federal Water Rights, Amended Application 16096, Tarantula Spring Area and Proposed Application for Ramos Use, Blue Cliff Spring Area, Trail Canyon, Docket 21, Death Valley

In preparing the final drafts of the subject applications, which will be ready as soon as drawing is completed and prints are made, I am not following some of the suggestions in your memorandum of December 9, 1955, for the following reasons: ← No copy here 2/8/56 Hea

1. In answer to Question 16, Amended Application 16096, I am retaining potential return flow in SW¼ SW¼ Section 31 in the event that water might be piped to junction of road to Aguereberry Point, but am indicating present return flow all in NW¼ NW¼ Section 6 or above.

2. We cannot show any diversion point in Section 11, in answer to Question 4 of application for Blue Cliff Spring Area. Mr. Spaulding found NE Corner Section 1 as established by 1934 survey and his traverse table is assumed to be based on reasonably true azimuths even if it was not to Geodetic standards. Any variation from sections projected on Emigrant Canyon Quadrangle indicates that Geological Survey township projection is only approximate. As stated in parenthesis, in answer to Question 4 of amended application 16096, the original Nichols' diversion was erroneously described about 900 feet too far south, probably by scaling on Quadrangle. Mr. Spaulding found both diversions in Section 2, as result of actual traverse.

3. In same application we will designate potential return flow in Section 31, T 18 S, R 46 E, and indicate present return flow in SE¼ NE¼ Section 2, T 19 S, R 45 E as you suggest.

4. I am adding W. T. Bennett, Trona, to list of potential water users under both water rights. Presumably, Mr. Bennett has hauled water from Ramos system, under the subpriority we will grant to Ramos, and the U.S. has not had to take cognizance

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ADMIN. ASSIST.
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1 ENGINEER
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ACTION TAKEN—
None

of Bennett water use. However, Mr. Bennett may request, and be granted a water use permit to tap or enlarge pipeline of either Nichols or Ramos, with subpriority that may then be available, and with permission of Nichols or Ramos. In such case, the water right applications will not have to be amended or supplemented unless more water is developed at the source than is claimed in the application.

Mr. Dahl, and not Mr. Ramos will be designated as protestant in letter to State Engineer when transmitting applications.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four
Field Solicitor McClellan (2)
Western Office of Design and Construction

02-02-1956: memorandum to regional director regarding mining claims of alf dahl et al., in trail canyon ; february 02, 1956

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

IN REPLY REFER TO:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
FEB 6 - 1956

February 2, 1956

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Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Mining Claims of Alf Dahl et al., in Trail Canyon, Death Valley

With copies of this memorandum, we are distributing copies of the Location Notice of the Dor-Jean mining claim which should be filed at top of contents of Part I-Land Status, in Death Valley Docket No. 21, in your office, the Monument and Western Office of Design and Construction. We have been unable to make legible reproductions of the copy sent by the County Recorder, and have therefore attached typed copies.

The information only adds to the confusion of mining claims. We know that the Blue Cliff and Sheepshead claims are nominally the same. It also appears that the marker which Mr. Spaulding found to the west of Mr. Nichols' diversion is approximately the proper distance to the west of the Sheepshead access road, which we assume to be the road to the Ramos development, to be the point of discovery on the center line of Dor-Jean mining claim. We also know that the Dor-Jean abuts on the High Noon 5 and Dana A claims to the northerly, but do not have data from which to locate the northerly or southerly lines of the Dor-Jean to determine whether it overlaps the Blue Cliff No. 3.

These details are not of sufficient significance to merit further investigation at this time. We will complete the Federal claims to waters in Trail Canyon on the basis of what we have, including the memorandum of December 9, 1955, from Mr. Binnewies.

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Death Valley, with copy of attachment
WODC, with copy of attachment
Field Solicitor McClellan (2), with two attachments

12-06-1955: memorandum to regional director regarding proposed permit for water use no. 14-10-434-6, to be issued to m. d. nichols under federal water rights to be established ; december 06, 1955

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Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

L54-L

DEC -6 1955

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Proposed Permit for Water Use No. 14-10-434-6, to be Issued to M. D. Nichols Under Federal Water Rights to be Established Under Application No. 16096 (Docket 21), Death Valley

Copies of the subject permit were sent to you and this office with a memorandum of November 8 from Mr. Binnewies. In the same mail we received a copy of the memorandum of November 7 to the Acting Regional Solicitor from Mr. McClellan, which indicates that the draft was prepared without prior resolution of the question of riparian rights, apparently on the basis of our memorandum of September 20, but with some variations and possibly with no further comments from you or the Acting Regional Solicitor. It also appears that our suggestions of September 20 should be modified on the basis of later information which we have received.

We recommend that the permit be issued with the following changes and additions, while awaiting the resolution of the status of riparian rights:

1. Technically, the authorized 0.027 sec.ft. of water is 12.12 gallon per minute and in excess of maximum allowable claim under Application No. 16096 for 12 gallons. This was 256.0% of measured flow by Messrs. Spaulding and Dunn on August 29, 1955. Mr. Nichols also advised Messrs. Binnewies, Dunn and Spaulding that he diverted available flow of 4.742 gpm, or 6828 gallons per day to storage and used it on his mill table at 12 gpm for about 8 hours per day. The measured flow would permit him to use 14.226 gpm on the table for 8 hours, or to use 12 gpm for 9 hours and 30 minutes per day. The pipe will carry about 12 gallons per minute, and Mr. Nichols may increase the available flow, but we are confronted with the prospect that Mr. Dahl may have to be granted use of part of the water in accordance with special condition 4.

Assuming that Mr. Nichols will not operate more than 12 hours per day, and his use is based on capacity of present mill, we suggest that he be authorized to use 700 gpd for domestic purposes, and 9000 gpd for milling purposes. He can have his permit amended later if he develops more

spring flow, presents firm plans for larger mill or lighting facilities for longer work hours, before Dahl or other miners obtain subpriority 3 to rest of flow. The "sec. ft." and "acre-ft per annum" should be crossed out when stating quantities in gallons per day.

2. The source of the water should be designated at Tarantula Spring area as stated in Mr. Dunn's recommendation 2 in memorandum of September 20, to agree with proposed amendment of Application No. 16096, if that name is desired. However, we are already on record as specifying a nameless spring in original Application No. 16096 and the map supporting that Application shows that Mr. Nichols has Trantula 1, 2, 3, 4 and 5 mining claims. In the amended water right application, we will designate nameless springs locally known as Tarantula Spring Area in North Branch of Middle Fork of Trail Canyon, tributary to Salt Creek, Death Valley. We assume that Mr. Nichols' new road is in North Fork of Trail Canyon. In addition, Mr. Ramos is using the spring area in South Branch of the Middle, or Main, Fork of Trail Canyon.

3. In citing Federal water rights the reference should be to Application No. 16096-Amended. The recorded Application designates the old diversion point at a point in the South Branch, and inadequate distance to reach the present point of diversion.

4. Special condition 3, should also indicate Federal subpriority 1 under Application No. 16096-Amended.

5. Condition 29 should be deleted as Mr. Binnewies has done.

6. There should be new conditions 30 and 31, approximately as follows:

> "30. Permittee may provide regulatory storage along his pipeline, but such storage shall not exceed 18,000 gallons, and such storage tanks or reservoirs shall be located at sites acceptable to the Superintendent which do not obstruct public roads or trails, or conflict with operations on mining and millsite claims traversed by said pipeline.
>
> "31. All pipe outlets and reservoirs shall be equipped with valve controls to prevent waste of water."

12-06-1955: memorandum to regional director regarding proposed permit for water use no. 14-10-434-6, to be issued to m. d. nichols under federal water rights to be established cont. ; december 06, 1955

7. Although Mr. Dunn recommended (No. 13) in our memorandum of September 20, that no reference be made to riparian rights, we believe the Field or Acting Regional Solicitor may wish to consider the matter and impose another condition 32 to cover the eventuality that Messrs. Dahl or Ramos might establish conflicting riparian rights. The letter of September 17 to the Division of Water Resources from Mr. Dahl, which we forwarded with memorandum of October 4, indicates that Mr. Nichols may now be diverting on the Dor Jean claim, whose location is only said to be at end of road extension of May 1955. We do not even know whether the Dor Jean claim was located before or after water right application was filed on October 18, 1954, but are ordering copy of the notice from the County Recorder.

A revision of Drawing No. 2074, showing all known facts, and copies of the mining location notices of Mr. Ramos and his associates will be forwarded with another memorandum concerning amendment of Water Right Application No. 16096.

We are returning our copy of the Permit to the Superintendent as requested in his memorandum of November 8.

(SGD) THOMAS J. ALLEN

Assistant Director

Copy to: Field Solicitor McClellan (2)
Superintendent, Death Valley, with attachment
Western Office of Design and Construction

12-02-1955: memorandum to regional director regarding proposed federal water rights, trail canyon ; december 02, 1955

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

IN REPLY REFER TO:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE

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	BFM	12/9

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Proposed Federal Water Rights, Trail Canyon, Death Valley

Attached are drafts of your copies of Amended Application 16096 and a new application for appropriation of water used by Ramos and his associates, to which are attached prints of Drawing 2074A and comments by Mr. Dunn. Two copies of each are also attached for Mr. McClellan and the Acting Regional Solicitor, and we are sending copies directly to the Superintendent.

The instruments should have careful review as to both factual and legal statements, and comments should be offered as soon as possible to permit us to complete and file the applications.

Thomas J. Allen
Assistant Director

Attachments 9

Copy to: Superintendent, with copies of attachments

12-8 cc to Mr. Bennett

12-01-1955: comments of proposed amendment of water right application 16096 application for federal appropriation for ramos, et al. by chief, water resources section ; december 01, 1955

December 1, 1955

Comments on Proposed Amendment
of
Water Right Application 16096
Application for Federal Appropriation for Ramos, et al.
by
Chief, Water Resources Section

Attached drafts for Amended Application 16096, a new application for the appropriation of water used in the South Branch of Trail Canyon by Ramos and Associates, and Drawing 2074A, are for study and comments before the final forms are prepared.

Drawing 2074A is a reproduction of Drawing 2074 with additions added in the Washington Office. It includes more data than will be shown on the map to accompany the final application, primarily for the information of those reviewing the drafts of the applications.

In the first place, it is noted that the diversions which have been made by Mr. Nichols are on a north branch of Trail Canyon which is not shown as a water course on the Emigrant Quadrangle of the Geological Survey maps. The point of diversion in Application 16096 was described, in error, on the South Branch of the Canyon which is shown on the Quadrangle, and is the water course from which Mr. Ramos and his associates obtain their water. The correction of the description of the point of diversion constitutes the first amendment of Application 16096.

We have shown a rectilinear spring area 200 feet wide, extending from circled 6 to circled 8 as the corrected source of water for proposed Amended Application 16096, and given a tie to Mr. Nichols' present diversion at circled 15 as the specific new point of diversion. It is also proposed to claim a supplemental point of diversion at circled 6, to pick up any flow which there may still be after Mr. Nichols completes his initial diversion structures at the higher point. The amended application will provide for one or more diversion pipes from the two points of diversion, at the discretion of the miners and superintendent.

We have also prepared a new application for Federal appropriation of waters of the South Branch to serve Mr. Ramos under a "Permit for Water Use" if the plan is approved by the Acting Regional Solicitor, and the Permit can be negotiated. This application will also claim water from a spring area as outlined, with two points of diversion at circled 13 and 14.

Amended Application 16096 will be limited to the original claim to 12 gallons per minute in order to retain the priority of October 18, 1954. No more than 4.75 gpm have been measured at the diversion to date

and there is only wishfull suggestion that more than 12 gpm will ever be obtained. A supplemental application will be prepared and filed for diversions in excess of 12 gpm, with priority of the date of such filing, if more water is obtained in future developments by Messrs. Nichols and Dahl. Final proof for license will be limited to portion of 12 gpm actually developed.

The new application for the diversions by the Ramos system may be for any quantity of water. Although Mr. Spaulding did not measure all water at lower intake, and only found 8 gpm above upper intake, and 3 gpm diverted at that point, we have claimed 0.05 sec.ft., or 22 gpm, to cover possible increases.

One drawing will be used to support both water claims, in order to clarify relative interests. It will show approximate locations of the mining and millsite claims now on record, but the applications will designate considerably more area of proposed use to cover other potential developments before final proof is made for license.

We have shown some possible modifications of mining claims in ink, after discussion with the Assistant Chief Cadastral Engineer of BLM. If the claims are ever surveyed for patent, they must conform generally with written descriptions but stay within boundaries described by monuments on the ground. Ends must be parallel, but do not have to be at right angles to the sides.

The Blue Cliff claim might be limited to two monuments found by Mr. Spaulding (line d), shortening the length to east of point of discovery, and giving both ends parallel, diagonal slant from the side lines. Blue Cliff No. 1 would then have decidedly slanting ends if the east end were to abut on the west end of Blue Cliff. Apparently the Ramos water tank is on the triangle of land which may, or may not be included in Blue Cliff No. 1, in any survey for patent.

The Horseshoe claim might terminate at line f, and might be defined along Axis line h. It should be noted that this claim was not located by those filing on the Blue Cliff claims although Mr. Santschi was a witness. For this reason, the Horseshoe claim may conflict with, rather than fit into, the pattern of the Blue Cliff claims.

Blue Cliff Nos. 3 and 4 may abut along line i, and their other ends might then be along lines j and k. The ends might, or might not be at right angles to the sides.

We have shown a hypothetical location for the Dor Jean claim, pending reply to our request to County Recorder for copy of notice, assuming that the cairn west of circled 8 is point of discovery at center of claim generally parallel to the canyon. The requested location notice may not permit better definition without the location of more monuments by survey, but such refinement may not be needed.

We have projected Mr. Nichols' Scorpion claims 1, 3 and 4 from the map with original Application 16096, and are only approximate and subject to variations similar to the possible descriptions of the other claims.

We have also projected Mr. Nichols original plan for a millsite in $SW\frac{1}{4}$ $SW\frac{1}{4}$ Sec. 36, T 18 S, R 46 E, from sketch supplied while Mr. Goodwin was Superintendent. We do not actually have copy of a location notice for either site. Neither do we know whether Mr. Nichols has filed a notice of the location he has partially developed. We should at least have records of the limits of the developed millsite, but they may not be essential because we are providing for water use on more land in the vicinity than is claimed by Mr. Nichols. The old site is no longer important unless Mr. Nichols asserts it later to gain riparian rights to the spring.

We have circled a very approximate site of the prospecting with bulldozer, by miner of unknown name, when the area was inspected in August. The miner doubtless has a location of which we are not aware, unless he is M. Erterling or his successor, and in the Horseshoe claim that was located by M. Erterling.

The proceding details of mining and millsite descriptions are offered to show the limits of our information and the extent that miners and the United States might, or might not claim riparian use. There appears to be only one potential riparian use, from the lower diversion in the North Branch on the High Noon Millsite by the Dahls. Since the used portion of that millsite is on mining claims, its validity is questionable as being on mineral land. Ramos and his associates, and Mr. Nichols, do not even have possessory title to the land where their diversions are made, while the Dahls might claim such title. In addition, Ramos and his associates have made no attempt to exercise any riparian rights to waters of the North Branch which they may have claimed as a basis for protest of Application 16096 or the diversions by Dahl and Nichols.

The applications, as drafted, should not be protested by any of the miners, and should lead them to withdraw protests they have filed against original Application 16096, except to the extent they may wish to try to assert riparian rights. Accordingly, the only question to resolve before the attached applications are filed in final form are: (1) whether the riparian rights attach to the unpatented mining claims; and (2) the basis for Federal rights which will not be inferior to private riparian rights.

The drafts of the written applications include some question marks indicating inadequate, or hypothetical descriptions of the water systems which should be corrected by the Superintendent or Mr. Spaulding. They may also give incorrect addresses under question 22.

They also provide for considerable regulatory storage despite the fact that Mr. Nichols is reported to have eliminated much of what he had in August. Regulatory storage will be needed if the full flow of 24 hours is to be used by one or more permittees during normal working hourse. It may be, however, that Ramos and Nichols can each operate with little more than natural flow. In that case, it should be the financial responsibility of subsequent junior permittees to provide the storage needed for them to use the night or week-end flow during the normal work days and hours. However, each permittee should be encouraged to provide reasonable storage to permit efficient use of reasonable quantities of water instead of trying to "hog it all" at most favorable times.

It follows, as explained in connection with proposed permit to Mr. Nichols, that water use should be granted on the basis of daily quantity used rather than the rate of diversion or rate of release from storage per minute.

A. van V. Dunn
Chief, Water Resources Section

IN REPLY REFER TO:
L54-L

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

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December 1, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Mining and Water Claims, Trail Canyon, Docket 21, Death Valley

Attached are three sets of the location notices of the Blue Cliff, Blue Cliff 1, Blue Cliff 2, Blue Cliff 3, Blue Cliff 4, Horseshoe, and High Noon mining and millsite claims for you, Mr. McClellan, and the Acting Regional Solicitor. Your copies should be filed above the map, in Part I of Docket 21, covering the Nichols water use. Copies are also being sent directly to the Superintendent and Western Office of Design and Construction for addition to their docket assemblies.

We have retained the copies which were received from the County Recorder, which are only slightly more legible, in order that we may make more copies for future docket assemblies to cover the diversions of water in the South Branch of Trail Creek by Ramos and Associates.

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Death Valley, with copy of attachment
Western Office of Design and Construction, with copy of attachment

12-7-55 copy sent Reg. Sol., Sacramento

11-23-1955: memorandum to regional director regarding water rights for use of m. d. nichols, et al, application 16096 ; november 23, 1955

IN REPLY REFER TO:

L54-L

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

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November 23, 1955

Any Comment?

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Rights for Use of M. D. Nichols, et al., Application 16096, Docket 21, Death Valley

With copies of this memorandum we are distributing assemblies of Docket 21 with partial contents and an outline. We have sent you three prints of Drawing NM-DV-2074 (Part I-A) by separate memorandum of November 14, for consideration and use by the Field and Regional Solicitors, in considering the protests of Application 16096 and our instructions of September 20 for the preparation of a Permit for Water Use for Mr. Nichols.

The docket was ready for distribution on November 15, when we received a copy of the memorandum of November 7 to the Acting Regional Solicitor from Mr. McClellan; the memorandum of November 8 to us from Mr. Binnewies, forwarding draft of Permit for Water Use No. 14-10-434-6; and the copies of mining location notices we ordered from the County Records by letter of November 4. We have held it with the idea of making additions before release, but now believe that it will be better to follow with two memoranda relating to application 16096, its proposed amendment, and the protests of Dahl, and Ramos; and to the Permit.

A. van V. Dunn

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, with copy of attachment
Western Office of Design and Construction, with copy of attachment

11-14-1955: memorandum to regional director regarding water use permit for m. d. nichols and federal water right application no. 16096 ; november 14, 1955

In reply refer to:
L54-L

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NPS, REGION FOUR OFFICE
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UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

November 14, 1955

File in Docket No. 21
Death Valley

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Use Permit for M. D. Nichols and Federal Water Right Application No. 16096, Docket 21, Death Valley

Attached are three prints of NM-DV-2074 which has been prepared by Mr. Spaulding in accordance with the memorandum of September 20 to you from Mr. Langley, and received with memorandum of October 25 from Mr. Binnewies. Reference is also made to the memorandum of October 4 to you from Mr. Price and his letter of the same date to the State Engineer, his memorandum of October 10 to you, my memorandum of October 31 to you, and my letter of November 4 to the County Recorder. In the last letter, I ordered copies of the location notices because the cairn on the drawing suggest that the mining claims may not fit together as precisely as reported to Mr. Spaulding by Mr. Ramos.

Two of the prints are for Mr. McClellan and the Regional Solicitor, and one is for their submission to the State Engineer if desirable. Copies for you, the Western Office of Design and Construction and the Superintendent will be forwarded in docket folders within a day or so. I have shown possible alternative locations for four of the mining claims, in orange, on one of the prints, based on the use of more of the cairns. I have not shown the alternatives on the other prints because the requested copies of location notices may make further changes necessary.

Not shown on the drawing, the Nichols pipeline follows the general course of road (double line) circled 15 to about the middle of the road loop near traverse circled 1, and the Ramos pipeline follows indicated wash bottom from circled 14 to near circled 11. circled

The first question we have requested the Regional Solicitor to answer is whether riparian water rights attach to the mining claims at the present time, since no request for survey or patent has been filed with the BLM. If the Regional Solicitor and State Engineer can agree that Ramos, et al., have no riparian rights, that basis for the Ramos protest of Application No. 16096 can be over-ruled, and the actual location of the claims will not matter.

11-21-55 copy to Sacramento
w/2 prints
[illegible]

The drawing does confirm that Mr. Dahl's High Noon Millsite is located largely on Mr. Ramos' Blue Cliff No. 3 mining claim in any case. If the mining claim has valid status based on mineral discovery, the millsite is probably on mineral land and void.

The drawing also shows that Mr. Dahl's shower at circled 7 is not on his millsite. I assume that the Solicitor's representatives will agree that the shower and pipeline to the pool at circled 15 were in trespass since no land use or water use permits were requested or granted. (At the time of my visit in August there was not enough shower or pipeline to serve as evidence of claim.)

The drawing also shows that Messrs. Dahl, Ramos and Nichols all need water use permits under Sec. 20.26 to use land at circled points 13, 14 and 15, and the land required for pipelines from those points to the mining or millsite claims. Only Mr. Nichols has requested such a permit.

Finally, Mr. Gianelli of the State Engineer's Office advised by letter of October 4, of which copies were distributed with Mr. Robertson's memorandum of October 14, that no one but the United States has filed applications for the appropriation of water in the area under consideration. On this basis, it appears to me that neither Ramos or Dahl has a valid right to water, unless riparian rights are recognized, which would be injured by the diversions under Federal Application No. 16096, and they are prohibited from establishing such rights by said Sec. 20.26 of the regulations.

It is hoped that the drawing, and this review of the records will be sufficient to permit the Regional and Field Attorneys to clear the instruction to Mr. Binnewies for issuing water use permits, and to recommend what further action is necessary to eliminate the protest of Application No. 16096 and prevent protest of the Federal water right application which must still be filed for the Ramos water use.

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Field Solicitor McClellan, Region Four (2)
Superintendent, Death Valley
Western Office of Design and Construction

Case History
of
Federal Water Right Application 16096
and
Possible Conflicts With Riparian Rights
Trail Canyon, Death Valley

On November 14, 1955, this office received a copy of a memorandum of November 7, 1955, to the Acting Regional Solicitor, Sacramento, from Field Solicitor McClellan, concerning Federal Water Right Application 16096 and the related riparian rights of owners of nonpatented mining claims at Death Valley. Our copy indicated that a copy was also sent directly to the Solicitor.

Mr. McClellan indicated that he recalled discussing the matter when he and Mr. Dunn were in the Regional Solicitor's Office in August, but did not believe that the National Park Service had formally referred the matter to them for their views. Accordingly, we prepared a memorandum to the Regional Director of this Service to request the Regional or Field Solicitor's views, and routed it through the Acting Assistant Solicitor, Parks, and have had it returned without surnaming by the Assistant Solicitor, with a memorandum of February 6 which instructs us to refer the matter to you and revise the memorandum for the Regional Director to so indicate.

Attached herewith is a print of Drawing NM-DV-6965 which shows the approximate locations of several blocks of unpatented mining claims in Trail Canyon, Death Valley, which are owned by Bennett, Dahl, Nichols, Ramos, and the associates of some of them, and the existing and possible extensions of water systems diverting from the Tarantula and Blue Cliff spring areas.

In accordance with the Federal regulations, 36 C.F.R. 20.26 and the state water laws, the National Park Service filed Application 16096 with the State Engineer on October 18, 1954, for the Federal appropriation of water at one point in the Tarantula Spring Area, the point shown on Drawing 6965 to be erroneously described in the drainage of the Blue Cliff Spring Area. The erroneous description was not discovered until supplemental surveys were made this last fall, and has no bearing on the case, but Application 16096 was protested by Alf and Ralph S. Dahl as a conflict with their claims to water for the High Noon Millsite.

Also attached are a copy of Amended Application 16096 for the appropriation of waters of the Tarantula Spring Area, and a new application for the appropriation of waters of the Blue Cliff Spring Area which we are ready to mail to the Superintendent of Death Valley for signature and filing with the State Engineer. Each application is to be filed with print of supporting Drawing 6965. Presumably, the Dahls will withdraw their protest of original Application 16096, and all of aforesaid

miners are being granted water use permits in accordance with the mining regulations, under the Federal water rights to be established by the two water right applications.

Also attached, is a copy of the Dahl protest of Application 16096, dated January 3, 1955. The first significant statement is that 10 gallons of water per minute have been developed. Engineers of this Service have subsequently measured the flow and found no more than 5 gpm; and have talked with Mr. Nichols and others, and have found that all mills which they inspected require about 12 gpm when operating, but that milling is only carried on part of each day, and that part of the water is reclaimed and used again. The water development in each case has been in the form of storage during the hours when mill was not used. However, the new Federal water right applications provide for possible actual diversion of 12 gpm from Tarantula, and about 16 gpm from Blue Cliff Spring Areas if that much can be obtained hereafter.

The second point is that the Dahls refer to the old mill and plans to install a new, larger mill. Actually, they had no mill in August 1955, and had actually constructed, and then removed, a primitive shower in lieu of a new mill between August 1953 and August 1955.

The third point is the reference to the extension of the road by the Dahls, in the second paragraph of page 2 of the protest. This extension, with the oral permission of the Superintendent, but without engineering supervision, reduced the flow to the original point of diversion, and led Mr. Nichols to extend his pipe to a new diversion he provided above, which is designated as diversion No. 1 on the drawing. The more proper procedure would have been to force the Dahls to reconstruct the road to restore the normal flow at old diversion which is designated as diversion No. 2 on the drawing.

The fourth point is that the Dahls do not indicate the basis of their rights to use water. They have filed no application with the State Engineer. As of August 1955, they had also made no application for a Federal water use permit under the mining regulations. We do have a copy of a letter of September 17, 1955, to Mr. Gianelli of the State Division of Water Resources from Alf Dahl, which starts with the following paragraph:

> "In reply to your letter of September 8, 1955, reference is made to your letter of May 1, 1954, wherein you advise us that 'According to state law it may not be necessary to file for water rights for use on a vlid mining claim whereon the water originates.' Accordingly we did not file to appropriate water, thinking we would have water when needed."

T This reference to riparian rights did not come to the attention of the National Park Service until after the conferences in Sacramento

in August, but this office did receive a copy of a memorandum of July 19, 1955, to our Regional Director from the Superintendent which included the following:

> 1. The (Tarantula) springs are located on land claimed by both Tony Ramos and Alf Dahl. Ramos' claims were filed in 1951 and Dahl's in 1952, but there is conflict as to location.
>
> 2. Tony Ramos gave M. D. Nichols permission to use and file on the springs under the impression that he (Ramos) had riparian rights. We would appreciate advice as to whether or not riparian rights do exist in this case - but are assuming that they do not.

This item 2 in the Superintendent's memorandum of July 19, 1955, was the first reference to a miner's claim to riparian rights on an unpatented mining or millsite claim, and from item 1, appears to be based on use since before amendment of the mining regulations. It was Mr. Dunn's opinion, supported in a general way by Solicitor's representatives with whom he talked, that marking a mining claim and filing a location notice in the County Recorder's Office is a warning to other miners but not a step toward acquiring Federal patent title, and that riparian water rights do not attach at least until the miner applies to the BLM for survey and patent. Drawing 6965 shows certain markers which the Park Engineer found on the ground, which do not define claims with all end and side contact which is claimed by the locators in their county filed notices. Each claim may have different boundaries if it is officially surveyed and patented, and some might not have the riparian spring interests which are now suggested.

Messrs. Dunn and McClellan called on Acting Regional Solicitor Graham and W. R. Gianelli, Supervising Hydraulic Engineer, State Division of Water Resources, on August 23, 1955. With the Superintendent's memorandum of July 19, 1955, in mind, Mr. Dunn asked each, in separate conferences:

> Whether riparian rights attached to land which a miner claims on the basis of location notice, before the miner makes formal application to the Bureau of Land Management for survey and patent.

Mr. Gianelli realized at once that the State Division of Water Resources restricted Federal rights to those based on appropriation, and that any established appropriative right could be reduced to zero by any miner who included the source in a subsequent mining or millsite claim, and asserted superior riparian rights to the water on the basis of the ownership of that unpatented claim. In connection with Federal Application 16184 for supplemental appropriation of water at the Big Stump area of

Kings Canyon, which had also just been discussed, a number of owners of patented land below that Park have challenged the right of the United States to make further use of water in the Park, for which the Division of Water Resources requires appropriative rights, on the basis of their undefined conflicting uses under the riparian doctrine.

Mr. Gianelli phoned the Departmental Attorney, who stated that he realized that the state position denied the United States any firm rights, and that the state position would probably have to be modified. We hope that the Acting Regional Solicitor, and the attorneys for the Division of Water Resources can clarify the basis on which firm Federal water rights can be established, whether other claimants to riparian rights have patented or only possessory title to the land.

Mr. McClellan's memorandum of November 7, 1955, correctly states that the matter must be resolved in order that the special regulations (36 C.F.R. 20.26) may be appropriately applied to the respective rights of Messrs. Dahl, Nichols and Ramos. However, the need for specific reconsideration of the regulations depends on the answer to the general question. Meantime, the Superintendent submitted a draft of a water use permit to M. D. Nichols with memorandum of November 8, 1955, which was returned with a memorandum of December 6, 1955, from the Assistant Director which recommended its issuance with certain changes. There are possibilities that the Regional Solicitor and attorney for the State Division of Water Resources have come to some conclusions, separately or in conference, and that water use permits may have been issued to M. D. Nichols and others.

Finally, the State Division of Water Resources has been pressing for the resolution of the problem as it relates to claims in Trail Canyon, and to similar claims of Detloff and Green in Emigrant Canyon. The Trail Canyon interests are nearest resolution, and it is hoped that the Federal rights, and the application of the mining regulations can be settled at once, in order to serve as precedent and model for the others. However, the United States is attempting the impossible if it attempts to establish paramont rights to water by appropriation, and to regulate their use on the surface of the land under the applicable mining laws and regulations, if the miner has the superior riparian rights under the state laws.

In reply refer to:
L54-L

October 31, 1955

Memorandum

To: Regional Director, Region Four

21

From: Chief, Water Resources Section

Subject: Protest of Water Right Application 16096 by Alf and Ralph S. Dahl, Death Valley

Attached copy of letter of October 24 from Mr. Jopson of the State Engineer's Office is to complete your records. The basic questions are whether the Dahls have a valid millsite location although located on what appears to be mineral land included in the mining claims of Mr. Ramos, and whether any of the claimants have riparian rights based on mining and millsite locations. The correspondence goes back to early September and includes instructions for preparation of a Water Use Permit for Mr. M. D. Nichols, and a request for certain survey data from Mr. Spaulding.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Death Valley, with copy of attachment
Mr. McClellan, Region Four Office, with copy of attachment
Western Office of Design and Construction, with copy of attachment

Office of
Chief, Western Office
Div. of Design and Const.
NOV 4 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

06-03-1955: memorandum to regional director regarding water right interests of thad c. greene, docket 22; art detloff, alien water right 34; and m. d. nichols ; june 03, 1955

Office
Chief, Weste[illegible]ice
Div. of Design and Const.
JUN 7 1955 A.M.
Supv. Architect
Supv. Engineer MS 6/15
Supv. Landscape Arch.
Safety Engineer

In reply refer to:
L54-L

(1)

June 3, 1955

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Section

Subject: Water Right Interests of Thad C. Greene, Docket 22; Art Detloff, Alien Water Right 34; and M. D. Nichols, Docket 21, Death Valley

This will acknowledge the memorandum of May 23 from Mr. Manbey, with attached two copies of the Progress Reports for 1953 and 1954 on the water rights under Application 13852. These reports complete the records for Burns Spring, but not for the other springs under the same application. However, it is suggested that no attempt be made to obtain Mr. Detloff's report for 1954 until we clarify the following matters.

The status of rights covered by Dockets 21 and 22, and Alien Water Right 34, is extremely confusing to us because we cannot get all records together. We should like to have the information requested in the memoranda of April 20, concerning the Greene millsite and water use, May 4, concerning the Nichols millsite and water use, and May 13, concerning the Detloff interests, before taking further action. First preference should be given to the Greene and Nichols problems so that we can clear up the Federal water rights which have already been initiated under Applications 16096 and 16138.

Mr. Binnewies should have engineering assistance to comply with the three requests. You or he also have the drafts of applications for the appropriation of waters of Wild Rose Springs 1 and 2 and the source of water for the Wild Rose Headquarters water system, which are awaiting engineering review. There is also the problem of interests in Mesquite Spring for the Federal Campground and Gold Hill Millsite of Mr. Thompson. There is more engineering work than should be attempted as incidental to other projects, and it can be properly charged to water right expenses, for which funds are available.

Particularly if it will expedite matters, please have Mr. Spaulding, or the Western Office of Design and Construction, consider the possible need for a temporary survey crew and other special

21
22

expenses, and submit an estimate, with breakdown by water systems and needs before and after June 30, depending on which handles the matter. I estimate that such work should not cost over $1,000 or $1,500 even if a special crew were supplied from San Francisco. A project of that magnitude can be organized while awaiting allotment of funds, if practical to start before the end of the month, but we should have advance notice of appreciably larger estimates. Payments would be from Appropriation 14X1035, Account 347, so we can plan without waiting for 1956 appropriations.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Death Valley
Western Office of Design and Construction

05-04-1955: memorandum to superintendent regarding water right application 16096, docket 21 ; may 04, 1955

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
MAY 17 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

1 -

May 4, 1955

Memorandum

To: Superintendent, Death Valley

From: Chief, Water Resources Section

Subject: Water Right Application 16096, Docket 21, Death Valley

Attached are two copies of a letter we are sending to the State Engineer on the basis of your memorandum of April 19.

A water right application or permit can be amended at any time to change the place or purpose of use, if the change does not adversely affect other water claimants. As you state, however, the claimed quantity of water cannot be increased under a priority established by the first filing. Application 16096 is limited to the diversion and use of 12 gpm with a priority of October 18, 1954, but we can introduce domestic use, and we can use the water on any of the millsite locations in the canyon.

As you will notice in the letter to Mr. Edmonston, I have found more potential misstatements by the Dahls than you mentioned, but they may refer to missing records rather than constitute false claims. It is up to the Dahls to substantiate their claims, by request from you or the State Engineer. However, we should like to have you or Mr. Peterson explain whether there was, or is, an old pipeline from the spring to either the Dahl or Ramos millsite. Two copies of this correspondence are being sent to you and the Region with the idea that you will write to the Dahls and the Region will send a copy to Mr. Peterson for such comments as he can offer on conditions when he was at the spring.

It is evident that we should not settle the water right matters until we clarify the claims of the Dahls. We should then designate an adequate place of use to cover use at all millsites whether the use at alternative sites is made by Nichols, Dahl and Ramos or their successors. It is also possible that we should acquire title and amend an earlier claim of the Dahls rather than Application 16096. The supporting map only shows the sites of the Dahl and Ramos mills from the records we have received, and I hope that you or the State Engineer can obtain the location notices by which the entire location area can be projected.

It is also evident that no subpriority can be granted to the Nichols or the Dahls until the latter establish their valid claims. Although the removal of an old pipeline in late 1953 or early 1954 may be construed as abandonment of the Dahl water claims, if such is the case, this Service is in no position to do more than suggest abandonment. If the spring nearer the Dahl millsite has a flow of the 24 gpm which they claim at times, there is justification for believing the claim that the remote spring was abandoned when the pipe was removed. On the other hand, it might be that the Dahls, like Mr. Nichols, used a plastic pipe which was removed to prevent deterioration in the sun when not in use. Removal under such conditions would not constitute abandonment if the diversion works and mill were left in place at the two ends of the pipeline route.

These matters should be considered in deciding whether Mr. Dahl should have a water use permit with a subpriority senior to that of Mr. Nichols. Moreover, as a result of the protest, Mr. Nichols may wish to work out an agreement with the Dahls as to how they divide the water, or share a mill. It seems doubtful that Mr. Nichols would care to haul his ore to the additional elevation for processing, but he and the Dahls may find it desirable to increase the storage at the spring to permit more independent use of both mills.

Both interests seems to be willing to cooperate and Mr. Nichols has now indicated that his mill is small enough to operate with the limited water supply and probably leave a certain amount of surplus water. It is very essential now, that the Dahls and Messrs. Ramos, Pike and Sanchez indicate the sizes of their mills, the alternate sources of water and the available supply from those sources.

In requesting the additional information, I hope it is clear that I believe that the claimants should produce required information with a minimum of work on your part. This Service has devoted a great deal of time to details in working out the procedure but past actions should not be accepted as a suggestion that the United States will do what is supposed to be required of the prospectors.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Copy to: Regional Director, Region Four (2)

In reply refer to:
L54-L

May 4, 1955

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
Department of Public Works
P. O. Box 1079
Sacramento 5, California

Re: Application 16096, Death Valley

Dear Mr. Edmonston:

The Superintendent of Death Valley has now forwarded the carbon copy of Application 16096, the protest of January 3 by Alf and Ralph S. Dahl, and information which was requested in the letter of January 18 to you from Mr. Price. The assembled information introduces several new questions.

In his letter of January 11 to Superintendent Binnewies, Mr. Jopson asked whether the Federal Regulations (36 CFR 20.26) were applicable to mining claims and millsites located between June 13, 1933, and December 23, 1953. This matter has been clarified by revised regulations which were published on page 1889 of the Federal Register of March 29. Any new development which is subject to limitations or control under the regulations is subject to the terms of the regulation regardless of the date of the location.

The protestants claim that they developed the spring, which is on their Dor Jean mining claim, and increased the flow from about 3 gpm to 10 gpm. The Federal claim to 12 gpm is based on the subsequent determination by Mr. M. D. Nichols, applicant for a water use permit, that there was between 10 and 12 gpm. Apparently, this is the present yield.

The protestants also claim that they "are granted sufficient water for their needs prior to any diversion to either interest". The reference to a grant implies a possible application and state permit of which we are not aware. A purchase order and voucher are enclosed to cover the cost of a copy to be made by the Atlas Blue Print Company if such instruments exist, but the order should be returned for cancellation if there is no permit. If there are claims to several springs in the vicinity, we should like copies of all.

It also occurs to us that the protestants may claim a riparian interest if the spring is on the Dor Jean mining claim. Whether such a claim is intended by the Dahls or not, we should like to know what riparian status, if any, you recognize on unpatented mining locations or other valid entries on Federal land. You have, as you know, asserted, on advice of your attorneys, that no Federal riparian rights accrue until the Federal land has been patented or reacquired by the United States. This position, to which our attorneys have not indicated definite agreement, is based on the assumption that the United States abrogated the riparian doctrine in the Act of 1866 or Desert Land Act of 1877. The point at the moment is that since the United States has basic title to a mining or millsite claim until it is patented, a difficult situation might arise if an entryman could assert riparian rights on such Federal land while the United States, as the basic owner, could not.

We are also advised that Mr. Nichols has been unable to find county records of some of the mining and millsite locations claimed by Dahl, Ramos, Pike and Sanchez. Whether through your office or that of the Superintendent, to whom copies of this letter are being sent, it will be advisable for all water claimants to supply the Superintendent with copies of their mining and millsite location notices.

By memorandum of March 18, 1954, our engineer, who made certain investigations and surveys in connection with the application of Mr. Nichols, stated that the subject spring "is located about 1500'-2000' up canyon from a small mill operated by a man named Dahl. Mr. Nichols' proposed developments could possibly interfere with Mr. Dahl's water source which is located in the same canyon about 300 feet up canyon from his mill".

This report suggests the lack of pipe connection between the subject spring and the Dahl mill 9 months prior to the protest of January 3, 1955. Mr. Dahl claims that he used the water last in 1953. Without going into the questions of lapse or abandonment in such a short period, the fact still remains that Mr. Dahl, like Mr. Nichols, will have to obtain a water use permit before restoring any former pipeline which had been removed by March 1954. Under the terms of such a permit, the Dahls will be expected to assign any valid existing water rights to the waters of either spring to the United States.

This leads to the question of whether Application 16096 should be amended to cover use at all of the mining developments of Nichols; Dahl; and Ramos, Pike and Sanchez; or whether the suggested earlier rights of the last four should be amended to authorize use at the Nichols millsite when acquired by the United States.

This, in turn, indicates the value of the Dahl protest. It will be necessary for all claimants to show their valid basis of sub-priority to be authorized in the water use permits, to the satisfaction of the Superintendent.

Mr. Nichols has indicated that he has planned to use a 15 ton mill, which presumably requires about the 72 tons of water resulting from a flow of 12 gpm, but some of the flow will be surplus if water is reclaimed for reuse at the mill, and if he does not operate the mill daily. The Dahls do not indicate the size of their mill, but suggest that there will not be continuous use. They also suggest a willingness to share in one concentration table.

The National Park Service will be agreeable to any equitable arrangements between the claimants which will permit the maximum use of the limited water supply. The Federal title to the water rights is for the purpose of preventing exclusive control of surplus water which may be needed by others. For this reason, we are deferring further action on Application 16096 until we have a reply to this letter.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four (2) detached
Superintendent, Death Valley (2) detached

03-28-1955: memorandum to superintendent regarding water right applications 16096, docket 21, and 16138, docket 22, death valley ; march 28, 1955

In reply refer to:
L54

~~Manbey~~
BFM

March 28, 1955

Memorandum

To: Superintendent, Death Valley National Monument

From: Regional Chief of Lands

Subject: Water Right Applications 16096, Docket 21, and 16138, Docket 22, Death Valley

We are attaching, for your attention, a copy of Mr. Allen's memorandum of March 18 in this matter, together with a copy of his reply of March 18 to Mr. Jopson's letter of March 11. (Mr. Jopson's letter indicates that you were sent a copy.)

Mr. Allen requests:

"Please send us Applications 16096 and 16138 with the additional data specified in letter of January 18 to the State Engineer and requested in the memorandum of January 18 to the Superintendent. Also forward the copy of Mr. Dahl's protest, if one was sent to you."

FILE COPY

We do not appear to have the applications here, nor copy of Mr. Dahl's protest, so request that you send them to this Office for transmittal to the Washington Office, together with the data requested by the letter of January 18 to the State Engineer and in Mr. Price's memorandum of January 18 to you.

Particular attention is called to Mr. Allen's request that no further commitments be made to the State Engineer or Mr. Dahl until the Washington Office has an opportunity to review the case.

In connection with Application 16096 (Nichols), with which Mr. Price's letter of January 18 to the State Engineer is primarily concerned, we call your attention to Mr. Jopson's reply of February 15 (copy of which was sent you by Mr. Jopson), and Mr. Dunn's reply of March 1 (copy attached.)

Mr. Price's letter of January 18 to the State Engineer had, as its concluding paragraph, the following:

"If you agree that the Application 16096 should be returned please do so through Mr. Binnewies at the Monument in order that he may forward it to us with as much of the additional information as possible."

Mr. Jopson's letter of February 15 to Mr. Price states:

"We see no objection in showing on the supporting maps the locations of the mines and claims where ores are being mined insofar as it may be practicable to do so. We are forwarding Application 16096 and the supporting maps to the Superintendent of Death Valley National Monument for any amendments that he believes necessary."

As to Application 16138 (Greene), Mr. Jopson's letter of December 28 to Mr. Dunn states:

"Application 16138 and map have been returned to the applicant for more information. We therefore cannot have copies made at this time but will advise you at the time they are completed."

and in his memorandum of January 6 to you (which forwarded a copy of Mr. Jopson's letter of December 28) Mr. Dunn stated that in connection with application 16138 and supporting map you should make any required changes which require knowledge of local conditions, and then forward them to Mr. Dunn with a copy of the state engineer's letter (presumably the letter which returned Application 16138 and map and requested more information).

We believe that you now have copies of all pertinent correspondence in this matter and hope that you will be in a position to secure the information requested by Mr. Allen in his memorandum of March 18 and by Mr. Price in his memorandum of January 18 to you and letter of January 18 to the State Engineer.

We are also attaching a copy of our memorandum of this date to the Washington Office in answer to Mr. Allen's question having to do with proposed revision of the mining regulations.

B. F. Manbey
Regional Chief of Lands

Attachments 4

Copy to: The Director

BFManbey:in

In reply refer to:
L54

Manbey
BFm

March 28, 1955

Memorandum

To: The Director

From: Regional Chief of Lands, Region Four

Subject: Water Right Applications 16096, Docket 21, and 16138, Docket 22, Death Valley

Receipt is acknowledged of Assistant Director Allen's memorandum of March 18 in this matter. We are attaching copy of our memorandum of today's date to the Superintendent, Death Valley National Monument, requesting his attention to the various aspects of the water rights requirements in connection with Applications 16096 and 16138.

With reference to the last paragraph of Mr. Allen's memorandum inquiring as to how the proposed revision of the mining regulations were brought into the case, it will be noted that in his letter of January 11 to the Superintendent, Mr. Jopson, in commenting on the status of the mill site claim of the Dahls, refers to Mr. Allen's memorandum of December 6 to the Regional Director, Region Four, (file L3023-1) copy of which was sent to him from the Washington Office, and quotes therefrom. There has been no correspondence on this phase of the subject originating in this Office.

B. F. Manbey
Regional Chief of Lands

Attachment 1

Copy to: Supt., Death Valley

BFManbey:in

FILE COPY

03-18-1955: memorandum to regional director regarding water right applications 16096, docket 21, and 16138, docket 22, death valley ; march 18, 1955

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

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
MAR 22 1955

MAR 18 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	3-22
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
Lands	BFM	3/28

IN. has seen BFM

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Water Right Applications 16096, Docket 21, and 16138, Docket 22, Death Valley

Attached are copies of a letter of March 11 from Mr. Jopson of the State Engineer's Office, which arrived simultaneously with the copies of his letter of January 11 to the Superintendent and the memorandum of January 31 to you from Mr. Binnewies, and our reply to Mr. Jopson.

The protest of Application 16096, by Mr. Dahl, is essential to clearing up of Federal title to rights to the use of the spring. Please send us Applications 16096 and 16138 with the additional data specified in letter of January 18 to the State Engineer and requested in the memorandum of January 18 to the Superintendent. Also forward the copy of Mr. Dahl's protest, if one was sent to you. Please do not make further commitments to the State Engineer or Mr. Dahl until we have an opportunity to review the case.

We shall also appreciate an explanation of how the proposed revision of the mining regulations has been brought into the case before they are published. While Mr. Binnewies may be wise in deferring the Permit for Water Use until the regulations are revised, we do not see why the water right application cannot be treated independently.

Assistant Director

In duplicate

Attachments 3

Copy to: Western Office of Design and Construction, with attachments

03-01-1955: letter to a. van v. dunn acknowledging his letter of march 1, 1955 in connection with the above numbered applications 16096, 16138 ; march 11, 1955

March 11, 1955

L54-L

Applications 16096, 16138

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 March 1, 1955, in connection with the above numbered applications. We also wish to acknowledge Mr. Binnewies' letter of February 9 returning the unposted notices of Application 16096.

It is our understanding that further action on Application 16096 will be suspended until the proposed revision of federal regulations in connection with surface use of land within Death Valley National Monument has been adopted. If and when a revision of Application 16096 is prepared, the uses of water described therein should be in conformity with our rules and regulations as nearly as possible.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

Original signed by
L. C. Jopson

By_____
L. C. Jopson
Principal Hydraulic Engineer

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

03-01-1955: letter to mr. edmonston regarding applications 16096 and 16138 appropriation of water at death valley ; march 01, 1955

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
MAR - 4 1955

	SURNAME	DATE
REG. DIR.		
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OPERATIONS		
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✓ LEGAL	[illegible]	3-16
✓ Lands	BFM	3/16

March 1, 1955

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
Department of Public Works
P. O. Box 1079
Sacramento 5, California

Re: Applications 16096 and 16138
Appropriation of Water at Death Valley

Dear Mr. Edmonston:

The comments in the letter of February 15 from Mr. Jopson are greatly appreciated.

We are aware of the need for a supplemental, or new application for the, appropriation of any water in excess of that claimed in Application 16096, if it proves desirable to increase the quantity. We did not cover that possibility in the letter of January 18 from Mr. Price because the first questions seem to be whether there is more water, whether the pipe has more capacity, and whether the diverted capacity will be adequate for the intended needs.

We agree that the place of water use is limited to the area actually served directly from the water system. The details given in the comments on questions 12, 16 and 18 of the application, at the top of page 4 of the letter from Mr. Price, were to indicate that there might be corrections when we obtain a plan of the pipeline.

Mr. Jopson's comments suggest, however, that we should have a better understanding of what constitute domestic and recreational water uses. Many states limit domestic use to the water for one residence, the irrigation of a half acre of lawn and kitchen garden, and the watering of a horse or cow. The State Engineer of New Mexico has stated that the use of water from a common pipeline at two residences constitutes commercial or industrial use even if there is no charge for the water. For those reasons, I have been careful not to rely on the domestic classification alone, when water is to serve more than one employee's residence or ranger's quarters. In some cases, we have designated domestic and commercial or industrial purposes. The industrial also covers many of the water uses at a utility area with machine shop, blacksmith shop, car washing and servicing.

Recreation has a different meaning to nearly every individual and recreational water use is accordingly, ambiguous. Unless a state water code offers a definition, we have included the use of water to maintain a swimming pool and artificial ponds used for boating and fishing; for drinking, culinary, and sanitary purposes in a public campground or at a public comfort station; water used to lay dust or for extremely limited watering of a few shrubs in such campgrounds or at comfort stations, and at the stores, lodges and museums. Since artificial ponds have been constructed in only the former Recreational Demonstration Areas, and the natural lakes and streams in a national park or monument are not subject to appropriation, practically all water uses which we class as recreational may fall under what Mr. Jopson referred to as domestic but would not be so classified in New Mexico.

In this connection, although not applicable to the subject water claims, we have also been permitted to class all water use in some parks and monuments in Arizona, Washington, and Utah as municipal. This classification would be proper at the winter and summer headquarters of Death Valley, for instance, where we have small villages. Municipal purposes, where proper, if acceptable in California, would permit anticipation of longer periods of increasing growth of the tourist population and administrative personnel needed to care for it.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four (2)
Western Office of Design and Construction

01-18-1955: letter to jackson e. price, regarding receipt is acknowledged of your letter of january 18 , february 15, 1955

A. D. EDMONSTON, STATE ENGINEER
CHIEF OF DIVISION

GOODWIN J. KNIGHT
GOVERNOR OF CALIFORNIA

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

March 21

February 15, 1955

Applications 16096 and 16138

Jackson E. Price, Chief of Lands
Department of the Interior
National Park Service
Washington 25, D. C.

COPY

Dear Mr. Price:

Receipt is acknowledged of your letter of January 18, in connection with the above numbered water right applications to appropriate from various springs within Death Valley National Monument.

We are pleased to note that the comments contained in your letter are in very substantial agreement with our Rules and Regulations. In amplification and clarification of certain of the points, we will set forth this Division's thoughts in the matter.

It is noted that the National Park Service desires the source of the appropriation proposed under each application be designated either by name or number in order that each spring may be differentiated from the other springs. This procedure would be in accordance with our present policy in designating unnamed sources of water supply and it is our thought that each unnamed spring could be set forth in paragraph 1 of our application blanks as "unnamed spring No.____."

It appears that due to the lack of flow records of the unnamed spring under Application 16096, the National Park Service may possibly contemplate amendment of Paragraph 2(b) of the application to cover the actual flow of the spring in order that a right greater than the amount named in the application (12 gpm) may be perfected. In this connection, attention is directed to Section 658 of our Rules and Regulations which limits the right pursuant to an application to the amount and season of diversion named in the application when first filed with this office, and Section 670 (b) which requires that the amount of water to be appropriated shall be set forth

01-18-1955: letter to jackson e. price, regarding receipt is acknowledged of your letter of january 18 cont. , february 15, 1955

in Paragraph 2 of the application, be stated in definite terms such as gallons per minute, cubic feet per second, or acre-feet per annum. In view of the foregoing, the amount named in Application 16096 cannot be increased, However, the National Park Service at a future date can file a new application with this office for an amount of water over the amount presently named in Paragraph 2(a) of Application 16096, if such water can be developed, or file a new application for the entire amount to be appropriated.

There is no bar to including domestic use or recreational use in addition to the mining use already indicated in Paragraph 3 of Application 16069. However, in this connection, your attention is directed to Article 3 of our Rules and Regulations which defines uses of water under an application. In accordance therewith, it would appear probable that recreational use which you propose under Application 16096 may be a domestic use, for drinking, culinary, or sanitary purposes. Please check this matter prior to amending Paragraph 3 of the application.

The entries which this office requires in Paragraph 6 and 8 of the application are respectively a description of the works at the point of diversion and a description of the main conduit system to be used in conveying water from the point of diversion to the place of use in sufficient detail so that we will be able to make a reasonable estimate of the capacity of the system. This office has no objection to any changes that may be later made to the diversion works and conduit system in order that a more efficient method of diversion may be effected, provided that the capacity of system remains adequate to divert the amount sought under the application.

The dates set forth in the completion schedule under Paragraph 10 of the application are primarily for the purpose of indicating to this office that the applicant is contemplating proceeding with the construction work and applying the water to beneficial use as proposed under the application within a reasonable time.

It would appear proper to include in the place of use all the 40-acre subdivisions of the public land survey wherein water will be extracted from the pipe line for domestic and mining purposes; however, it would not appear proper to include any subdivisions to which water must be delivered by tanks, bags, etc.

We see no objection in showing on the supporting maps the locations of the mines and claims where ores are being mined insofar as it may be practicable to do so. We are forwarding Application 16096 and the supporting maps to the Superintendent of Death Valley National Monument for any amendments that he believes necessary. After you have had an opportunity to review the application, and upon your approval thereof, please return it to this office for further action.

Very truly yours,

A.D. EDMONSTON, STATE ENGINEER

Original signed by
L. C. Jopson

By_____
L. C. Jopson
Principal Hydraulic Engineer

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

01-31-1955: memorandum to regional director regarding water right application no. 16096, m. d. nichols ; january 31, 1955

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L54

January 31, 1955

RECEIVED
NPS, REGION FOUR OFFICE

FEB 7 - 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	2-7
ADMIN.		
COOP. ACT.		
INTERP.		
✓ LEGAL	in	3-11
X Lands	BFM	3/11

Memorandum

To: Regional Director, Region Four

From: Superintendent, Death Valley NM

Subject: Water Right Application No. 16096, M. D. Nichols

Attached is a copy of a letter from Mr. Jopson, California Department of Public Works, on a protest that has been filed by Alf and Ralph S. Dahl against the water right application of Mr. M. D. Nichols in Trail Canyon.

It is noted that he believes it advisable to suspend further action on the application until the proposed revision of regulations has been adopted.

Can you let us know if the proposed revision will be completed in the near future, and if not, what action should be taken on the water right application.

Fred W. Binnewies
Fred W. Binnewies
Superintendent

Attachment

New regulations now being issued and will be made over the signature of Supt. Binnewies. We are writing him and have already informed him orally
BFM 3/11

WO has copy
see allen memo 3-18-55

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
JAN 24 1955

JAN 18 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Otwell	1-24
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
Lands	BFM	1/29

Sent cc W.O DC BFM 1/29

Memorandum

To: Superintendent, Death Valley National Monument

From: Chief of Lands

Subject: Water Right Applications 16096 and 16138, Docket 21 and Docket 22, Death Valley

Attached are two copies of our letter to the State Engineer which are self-explanatory. You may wish to refer the second copy to Mr. Nichols to obtain part of the information.

In the proposed amendment of Application 16096, we can add the other mills, and probably do not need to show entire mine and millsite locations; and the roads, if you will show the pipeline location and related structures when the application is returned. You should also show the location, existing or desirable, where spigots should be installed to serve the public.

For domestic and recreational use, Mr. Nichols should advise of the maximum population he intends to have at his camp, and you and he should estimate how many people may pass the designated spigots, including one at his millsite if the road is left as it is, and if extended to the Aguereberry Point Road.

We now have a copy of Application 16096 from which to make all necessary duplicates if the unamended application should become a permanent part of the docket. However, we are holding the docket folders, and the one copy of the application, until we have the suggestions of the State Engineer.

(SGD) JACKSON E. PRICE

Jackson E. Price
Chief of Lands

Attachments 2

Copy to: Regional Director, Region Four (2)

01-18-1955: letter to a. d. edmonston regarding water right applications 16096 and 16138 ; january 18, 1955

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE

JAN 24 1955

JAN 18 1955

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	Hurd	1-24
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
Hilton		2-2
Lands	B/m	1/31
Jackson		2-7-55

Mr. A. D. Edmonston
State Engineer
Division of Water Resources
Department of Public Works
P. O. Box 1079
Sacramento 5, California

Re: Water Right Applications 16096 & 16138
Death Valley National Monument

Docket 21

Dear Mr. Edmonston:

The photostat copy of Application 16096 and supporting map have been received today from the Atlas Blue Print Company, in accordance with our Purchase Order 99-275, which was sent through you with our letter of December 16, 1954. We have also been advised by the letter of December 28, 1954 from Mr. Jopson, that copy of Application 16138 could not be reproduced because it had been returned to applicant for more information.

see Dunn memo 1-6

Application 16138 appears to be for the Federal appropriation of water to be used in a large part for the mining purposes of Thad C. and Jo L. Greene. We have written to the Superintendent, suggesting that he forward it through this office with the information you requested. We can then make any further changes which may be necessary and forward it to you. If you set a deadline for the return of the application to you, it is requested that a slight extension of time may be desirable, but we doubt if the slight loss of priority will be significant if you lack authority to grant an extension of time.

Application 16096 has been initiated at this time primarily to provide water for the millsite of M. D. Nichols in Trail Canyon; but it is also filed in order to establish rights under the State laws for the public use of water by passing prospectors and the recreational Monument visitors. It will also be desirable to define the right in a form compatible with the related "Permit for Water Use". A copy of the form for that permit was sent to you with a copy of our memorandum of December 6, 1954, to the Regional Director, Region Four, concerning "Surface Use Permits Under the Mining Laws in Effect in Death Valley National Monument".

file
L3023
Dewa

The two fundamental changes which we should like to make are: (1) to expand the use under paragraph 3 of the application to cover incidental public use by the transient prospectors and the

recreational visitors to the Monument; and (2) to increase the claimed quantity of water under paragraph 2(a) of the application to cover that incidental use and possible use by owners of mines and millsites near the source, to be described hereafter, if such an increase is justified by available spring flow. The following analysis of the application includes other desirable changes which are more to fix a pattern and facilitate the related Water Use Permits which are to be issued. The entire analysis is included in this letter to you to gain any comments you wish to offer. A copy is also being sent to the Monument Superintendent where much of the detail is more important in the preparation of similar applications which are to follow. It should be noted that Application 16096 was prepared before the Water Use Permit form was available for guidance.

Although the Superintendent has indicated that there are no other claimants to the water below the nameless spring, we also have a report and sketch on a part of the USGS quadrangle, which was prepared by the engineer assigned to the area about a year ago, which indicates the spring is about 1000 feet to the west, and 240 feet above Dahl's Mill, and the mine and mill of Ramos, Pike, and Sanchez. The engineer reported that Mr. Dahl had another source of water supply, and the other mine and mill are in another branch of the canyon, and probably have a separate source of supply. We also note that the roads and proposed pipeline are not shown on the supporting map.

We should like to make the following changes in the application, referring to the paragraphs as numbered on the application form, or to reserve the right to make indicated amendments before time for proof.

1. The nameless spring should either be named, or designated nameless spring no.____, of a series which appear to exist in the Trail Canyon drainage, to differentiate from another spring apparently used.

2.(a) For lack of records of spring flow, the claim may be left at 12 gpm, but we believe the flow and actual diversion will be less, and that the 12 gpm represent the draft from the collection pit described in 6(a). If the flow is in excess of 12 gpm (0.0268 sec.ft.), the Federal claim should be for the actual spring flow so that greater rights may be perfected under the initial priority if the use develops. It is requested that the application be held in suspense, without publication, until we determine the approximate spring flow. We believe that the loss of priority, if necessary, will not be significant.

2.(b) Since storage described in 6(a) is 299,000 gallons, or less, and the diversion of 12 gpm, or 17,280 gpd, has been claimed, it appears that only regulatory storage of the flow of 17 days, or less, is contemplated. There appears to be no reason to claim storage.

3. The use should be amended to cover domestic, recreational and mining.

4. No change.

5. No change.

6. (a, b, & c.) It appears that the collecting pit is to be just below the spring, where it can be fed by natural infiltration from the source of flow. If so, the pipe described in 8(b) is the diversion pipe and limits the rate of diversion. However, the actual diversion may be to the pit by ditch tunnel, or underground collecting pipe of greater capacity, and the 1" pipe would then be part of the distribution system. This distinction, together with actual spring flow, will determine whether the system to be provided by Mr. Nichols does, or does not, provide surplus appropriated water for purposes other than his own.

7. No comment.

8.(b) The plastic 1" pipe falls 100 feet per 1000 if all below the hydraulic gradient. From Williams and Hazen tables (1933 edition), the pipe will deliver 12 gpm if the 1" plastic pipe has coefficient 'c' of about 131.7. The National Park Service and Mr. Nichols should both know the coefficient of the particular pipe, and whether that pipe will all be below the hydraulic gradient or have a limiting grade of less than 100 feet per 1000 of the upper end. This information may have some effect on the quantity of water involved in the claim and right, and in the practicability of the mill development. For further use in connection with other potential water uses, and for proof to obtain the final license, we should also know how much water will actually be required per minute, hour, or day for mill operation, and for presumed domestic purposes of the mill operators.

10. It appears that the development has probably been completed between August 1, 1954 and January 1, 1955. It may be necessary to treat this construction as an initial stage, with some enlargements or additions to be made later.

11. The place of use should be amended to include all 40-acre subdivisions along the pipeline, particularly those traversed by both pipeline and roads or truck trails, and possible the sites of the mills mentioned in the fourth paragraph of this letter. The Superintendent may be able to be somewhat more restrictive if he eliminates 40-acre tracts which are definitely unsuited to roadside water service.

12., 16. and 18. Presumably the pipeline, not shown on the map, will cross the Dahl millsite, Scorpion mining location 1 or 2, and terminate at the Nichols millsite. It will probably follow existing roads and truck trails which are open to the public to a large extent. The domestic and recreational uses will probably be made only at those areas, the water having been technically used if it is put in truck tanks, water bags, or car radiators at those sites, and hauled to other places for final consumption. Presumably all ore from the Chuckawalla 1 and 2, Trantula 1-5, and Scorpion 1, 3 and 4 mines will be hauled to the Nichols Millsite for processing. In connection with the Gold Bottom Millsite (Water Right Applications 13851, and 13852, among others), Mr. Bennett advised that it required five tons of water to float one ton of tungsten ore, which limits the mill capacity to 14.4 tons of ore per day through the 1" pipe, or to 20 tons on a 5-day schedule if the equalizing storage is placed at the lower end of the pipeline, and no water is reused. These considerations suggest that paragraphs 12 and 16 should include estimates of population to be served, the mill capacity and probable reuse of water, and clarification of water use at the mines.

13., 14., 15., and 17. No comment.

19. The map, as filed, does not show the mines and millsites mentioned in paragraph 4 of this letter, the collecting pit, pipeline, possible tanks for salvaging water at the Nichols millsite, the roads and truck trails, possible roadside spigots, or where the water using camps are to be located, if provided with lateral pipe service.

20. and 21. No comment.

22. Since the United States is the claimant, Mr. M. D. Nichols might be designated as joint user under permit. While it may not be necessary to indicate Messrs. Dahl, Ramos, Pike, and Sanchez as claimants, they should certainly be properly notified of the appropriation as a measure toward quieting any adverse claims, and to determine whether Mr. Nichols is to have subpriority no. 2.

From these observations, we believe that the application and supporting map should be returned for corrections. If the corrections do not involve an increase in the quantity of water, we presume that an amended application can be filed without loss of priority. If more water is involved, it may be desirable to file a new application. Since other potential claimants, such as Mr. Dahl, cannot initiate

rights or claims not already established except subject to terms of a Water Use Permit which can limit such uses to a subpriority junior to that of Mr. Nichols we do not believe the State priority is significant.

If you agree that the Application 16096 should be returned please do so through Mr. Binnewies at the Monument in order that he may forward it to us with as much of the additional information as possible.

Sincerely yours,

(SGD) JACKSON E. PRICE

Jackson E. Price
Chief of Lands

Copy to: Superintendent, Death Valley (2) (detached)
Regional Director Region Four

01-03-1955: letter to superintendent explaining this office has received a protest from alf and ralph s. dahl dated january 3, 1955 , january 11, 1955

RECEIVED
NPS, REGION FOUR OFFICE
FEB 7 - 1955

COPY

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

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO

January 11, 1955

Application 16096

Superintendent
Death Valley National Monument
Death Valley, California

Dear Sir:

This office has received a protest from Alf and Ralph S. Dahl dated January 3, 1955, against Application 16096 of Death Valley National Monument to appropriate from Trail Canyon. It is noted that a copy of the protest has been served upon the applicant.

Under ordinary circumstances the protest would appear valid and would warrant careful consideration before proceeding with the application. However there seems to be an uncertainty as to the status of the mill site claim of the protestants in view of the recently adopted Federal Regulations (36 C.F.R. 20.26) governing surface use of restricted areas of Death Valley National Monument. We note from the memorandum dated December 6, 1954, to Regional Director, Region 4, from Assistant Director Thomas J. Allen that while the above mentioned regulations apply to all mining claims located after June 13, 1933, it does not adequately define the control of surface use of locations made between that date and December 23, 1953, (we assume that the prostestants' location wasmade between those dates) and that the matter will be clarified by a proposed further revision of the regulations.

Unless our understanding of the matter is incorrect, it is believed advisable to suspend further action on Application 16096 until the proposed revision of the regulations has been adopted.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

By L. C. Jopson
L. C. Jopson
Prinicipal Hydraulic Engineer

cc: Alf and Ralph S. Dahl
942 Hilldale Avenue
Los Angeles 46, Calif.

01-06-1955: memorandum to superintendent regarding applications 16096 and 16138 of greene and nichols--death valley ; january 06, 1955

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
JAN 10 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

January 6, 1955

AIR MAIL

Memorandum

To: Superintendent, Death Valley

From: Chief Water Resources Section

Subject: Applications 16096 and 16138 of Greene and Nichols--Death Valley National Monument

Attached is a copy of letter of December 28 from Mr. Jopson of the State Division of Public Works.

It appears satisfactory and that publication and posting of application 16096 can be deferred until we receive copy of application, and then published in present form unless we suggest changes to require new notice.

In connection with application 16138 and supporting map, you, or Mr. Nichols, should make any required changes which require knowledge of local conditions, preferably in pencil, and then forward them with a copy of state engineer's letter to us. We can then make those corrections and any further changes in permanent form and forward them to State Engineer.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Regional Director, Region Four, with copy of letter of Dec. 28, 1954
Western Office of Design & Construction, with copy of letter of Dec. 28, 1954

21
22

C
O
P
Y

STATE OF CALIFORNIA
Department of Public Works
Sacramento

December 28, 1954

Applications 16096 and 16138

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

Dear Mr. Dunn:

In accordance with your request of December 16, 1954, Application 16096 of the United States of America - Death Valley National Monument for use of water by Thad C. and Jo L. Greene, has been sent to the Atlas Blue Print Company of this city with instructions to prepare copies thereof and to foward the copies to you.

Notice of Application 16096 was released on December 17, 1954. In event you find it necessary to make any changes in the application which will cause the notice to be incorrect, a new notice of a later date will be prepared.

Application 16138 and map have been returned to the applicant for more information. We therefore cannot have copies made at this time but will advise you at the time they are completed.

Very truly yours,

A. D. EDMONSTON, STATE ENGINEER

BY L. C. Jopson
L. C. Jopson
Principal Hydraulic Engineer

cc: Atlas Blue Print Co.
916 14th Street
Sacramento, California

RECEIVED WITH MEMO OF 1/6/55

21
22

In reply refer to:
L54-L

December 7, 1954

RECEIVED
NPS, REGION FOUR OFFICE
DEC 10 1954

	NAME	DATE
REG. DIR.		
ASST. R.D.		
✓ PERSONNEL	Johnston	12-10
ADMIN.		
K. & F. ACT.		
INTERP.		
✓ LEGAL	[illegible]	12-13
✓ Lands	BFM	12/10

Memorandum

To: Director

From: Superintendent, Death Valley NM

Subject: Water Right Application of M. D. Nichols

Following the receipt of Mr. Dunn's memorandum of November 16 a search was made for the copy of the water right application of M. D. Nichols that was not received by you with our memorandum of November 4 but failed to find it here. It must have become detached from the memorandum somewhere in the mails.

It is suggested that since a copy of the supporting map is also needed that both that and a copy of the application be requested from the State Engineer in accordance with the fourth paragraph of Mr. Dunn's memorandum.

We have also learned that the application filed by Thad and Jo Greene was sent to the State Engineer before we could have it returned to us for review. You may also want to request copies of this application and supporting map since we have received no copies of either document.

Fred W. Binnewies
Superintendent

Copy to Region Four

11-22-1954: memorandum to superintendent regarding water right application of m. d. nichols ; november 22, 1954

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
NOV 22 1954

NOV 16 1954

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	[illegible]	11-22
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL		
[illegible]	BFM	11/23

Memorandum

To: Superintendent, Death Valley National Monument

From: Chief, Water Resources Section

Subject: Water Right Application of M. D. Nichols

Your memorandum of November 4 was inadvertently sent to the Regional Director and forwarded, but we have not yet received the copy of the application and the $5.00 receipt. A copy of the memorandum is being sent to the Regional Director, and you are both requested to search for the missing instruments.

The enclosed copy of memorandum RD-102 is the basis for water right procedure during the past ten years and is subject to change during the winter as a result of the reorganization. For the time being, however, the outlined procedure should be followed as closely as possible, as explained in memorandum FO-104-54 of November 8.

It is not surprising that there have been irregularities. Order No. 10, delegating authority, was not properly qualified. In addition, I found the water right files at Death Valley is a very disorderly condition on one of my recent visits and only arranged the portions necessary to put the dockets and alien water right assemblies in as good order as possible. We frequently send instruments to add to the dockets or alien water rights, and I found that a large amount of filing had been neglected as of 1952 or 1953. The loose memoranda should be reviewed with care before any portion is destroyed or sent to Archives.

It is probable that the State Engineer will make a charge for a copy of the map supporting Mr. Nichols' application. The amount will be small, but it is a proper charge against the water resources funds of this office if billed to us under Appropriation 1451033, Appropriation Account 140.3, Cost Account 143.02. If further copies of instruments are needed from the State Engineer, it will simplify matters for you to advise us to place the order.

If the application and map need corrections prescribed by the State Engineer, he will probably return the original application and map to have this Service make the changes. This would eliminate the need for a purchased copy if you forward the originals, a copy of State Engineer's letter, and your comments to this office for review and duplication for the various alien water right assemblies to be made.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

Enclosure

Copy to: Regional Director, Region Four, no attachments

11-10-1954: memorandum to director regarding application 16096 for appropriation of water by m. d. nichols ; november 10, 1954

In reply refer to:
L54-L

November 10, 1954

Air Mail

RECEIVED
NPS, REGION FOUR OFFICE
NOV 22 1954

	SURNAME	DATE
REG. DIR.		
ASST. R.D.		
OPERATIONS	[illegible]	11-22
ADMIN.		
COOP. ACT.		
INTERP.		
LEGAL	[illegible]	11/23

Memorandum

To: Director

From: Superintendent, Death Valley NM

Subject: Application 16096 for Appropriation of Water by M. D. Nichols

The information requested by Mr. Prices' memorandum of November 5 was submitted with our memorandum of November 4 that was in answer to a memorandum on the same subject from Mr. Dunn.

We are writing to the State Engineer in an attempt to secure the supporting map that was filed with the application and will forward it as soon as it is received.

A request similar to Mr. Nichols but for an entirely different spring has been made by Thad C. and Jo L. Greene, and we have written to them to hold the application until it is reviewed in the Washington Office. The necessary information will be forwarded as soon as it can be obrained from Mr. and Mrs. Greene.

It is regretted that we did not follow the correct procedure in this instance, and you may be assured that it will not happen again.

Fred W. Binnewies
Superintendent

Copy to Region Four

11-09-1954: memorandum to superintendent regarding application 16096 for appropriation of water by m. d. nichols ; november 09, 1954

In reply refer to:
L54-L

RECEIVED
NPS, REGION FOUR OFFICE
NOV - 9 1954

Air Mail

NOV - 5 1954

	SURNAME	DATE
REG. DIR.		
ASST. R.D. OPERATIONS	Hurst	11-9
ADMIN.		
COOP. ACT.		
INTERP.		
✓ LEGAL	[illegible]	11-10
	Lands	BFM 11/23

Memorandum

To: Superintendent, Death Valley National Monument

From: Chief of Lands

Subject: Application 16096 for Appropriation of Water by M. D. Nichols

The letter of October 22 to you from Mr. Dianelli indicates that you and Mr. Nichols have prepared and filed the subject application. It is our belief that the signing of Federal water claims should be continued to be performed in this Office for the present. All water right applications now being prepared by the miners and prospectors should be forwarded to this Office for review and action by this Service, with such comments as you wish to offer. A general memorandum designed to clarify this procedure in the light of Delegation of Authority Order No. 10 of May 17, will be sent out in the near future.

Please send us a copy of Application 16096 and the supporting map at once, and do not post or advertise the notice when it is supplied by the State Engineer until we advise that the application is satisfactory. It will be necessary to expedite clearance or amendment because the notice must be posted and probably published within 15 days after it is issued by the State Engineer to comply with the state water laws.

Failure to comply with the statutory time limit may result in loss of some priority which is probably not important in this case. We believe that it is essential to have this first application prepared by a miner or prospector correct, to set the pattern and serve as a guide for future use.

(SGD) JACKSON E. PRICE

Jackson E. Price
Chief of Lands

Copy to: Regional Director, Region Four

10-26-1954: memorandum to superintendent regarding water right application m. d. nichols ; october 26, 1954

In reply refer
L54-L

October 26, 1954

Memorandum

To: Superintendent, Death Valley National Monument

From: Chief, Water Resources Section

Subject: Water Right Application of M. D. Nichols, Death Valley

We have received a copy of the letter of October 1 to Mr. Nichols from W. R. Gianelli, State Supervising Hydraulic Engineer, concerning the subject water right application, which indicates that a copy was also sent to you. We have not received a copy of the application and supporting map.

There are a number of irregularities in the procedure followed by Messrs. Nichols and Gianelli and insufficient copies of the application. Although the application should be signed in this office under present NPS procedure, we can authorize you to sign if the application is proper in other respects, but we wish to review it before anyone signs.

We suggest that you forward one complete copy of the application and supporting map for our review, preferably the original, together with your comments. Any minor editing by us can be made on the other copy when it is returned to you. If major changes are needed, we will rewrite the application.

(SIGNED)
A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Four

NATIONAL PARK SERVICE
RECEIVED
OCT 29 1954
REGION FOUR OFFICE

08 MAPMISC

Death Valley National Park

TARANTULA SPRING (A016096)

Maps and Miscellaneous Information

02-00-1956: middletrail canyon– water system

MIDDLE TRAIL CANYON WATER SYSTEM

DEATH VALLEY NATIONAL MONUMENT

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BRANCH OF LANDS — WATER RESOURCES SECTION
WASHINGTON, D.C.

REGION IV

SHEET 1 of 1

NM — DV
6965

SCALE 1 IN = 400 FT.

200 0 200 400 600 800 FEET

Notes

Monuments marked thus × have been identified, and those shown thus ⁙ are unidentified.

Blue Cliff and Horse shoe claims are described as abutting, however a gap exists because identified "end" monuments were found where shown

SOURCES OF DATA:
DVNM/2074
G.L.O. Plat dated April 10, 1935

T18S
T19S
R45E
R46E
MDM

N 89°55' E
N 89°55' E
WEST 5,276.70 Ft.
S 89°42' W 5,285.28 Ft.
S 0°06' W 5,303.76 Ft.
5,280 Ft. NORTH

TO AGUEREBERRY POINT

(NORTH FORK) MIDDLE TRAIL CANYON

(SOUTH FORK) MIDDLE TRAIL CANYON

(MIDDLE FORK)

MILL
TANK
SPRING
Former Nichols' Millsite (abandoned)

NICHOLS' Millsite
NORTH 466.7 Ft.
EAST 466.7 Ft.
466.7 Ft.

High Noon No. 5 & Diana "A" Mining Claims

Dor-Jean Mining Claim

High Noon Millsite

Approx Location, Mining Claim of W.T. Bennett

Horse shoe Mining Claim

Scorpion Group of Mining Claims

Blue Cliff Group of Mining Claims

S 76°55' W 7910 Ft.
S 74°22' W 7015 Ft.
S 68°00' W 7400 Ft.
S 61°28' W 6590 Ft.
S 59°56' W 9285 Ft.

N 8°32'E, 100 Ft.
DISCOVERY
N 81°28' W, 1080'±
S 8°32'W, 200 Ft.
S 81°28' E, 1080'±
N 8°32'E, 100 Ft.
Pt of beginning, Tarantula Spring Area
Diversion No.1 Elev 4800± (U.S.G.S.)
Diversion No.2 Elev 4640± (U.S.G.S.)
North Branch Water System
1" PLASTIC
Proposed Cross-connection (1150' of 1" PLASTIC)
Claim Center
end
end
PIPE ENDS AT GAMOS ELEV 4480± (U.S.G.S.)
TANK
11,000' of 1 1/2" STEEL
Point of diversion claimed in original application No. 16096 (should bear S 74°22'W, 7015 ft)
3000' of 1" PLASTIC
South Branch Water System
3000' of 1" PLASTIC PIPE
Pt of Beginning Blue Cliff Spring Area
N 33°27' W, 100 Ft.
S 36°33' W, 785.81 Ft.
N 53°27' W, 700.8 Ft.
N 36°33' E, 200 Ft.
S 53°27' E, 200 Ft.
S 36°33' E, 738.8 Ft.
Lower Diversion (2) Pipe Intake Elev. 4880± (U.S.G.S.)
Upper Diversion, (1) Pipe Intake Elev. 5040± (U.S.G.S.)

GWR FEB 1956

T 18 S
R 45 E | R 46 E
S 36 | S 33
S 1 | S 6
T 19 S

To Death Valley

1-inch plastic pipe - follows wash from this point to Nicols' mill

HIGH NOON MILLSITE

TC'B

TC'A

66.5'

BLUE CLIFF NO. 3

BLUE CLIFF NO. 2

BLUE CLIFF NO. 1

BLUE CLIFF NO.

HORSE SHOE

Pipe from this point to Ramos' camp following wash

Orange Claim locations added by Dunn
See memo dtd Nov. 14, 1955
Dunn to Reg. Dir. 4
JJJ 10/29/57

LEGEND

- Traverse Station - wood hub
- NPS Brass Cap set in concrete
- Rock Cairn
- ① Nicols' Mill
- ② Rock Cairn with Location Notice Blue Cliff No. 3
- ③ Rock Cairn with Location Notice High Noon Millsite
- ④ Dahl's Cabin
- ⑤ Site of Dahl's Mill
- ⑥ Dam & small pond
- ⑦ Remains of shower platform
- ⑧ Upper end spring area
- ⑨ Rock Cairn with Location Notice Horse Shoe
- ⑩ Rock Cairn, said to be E end of Blue Cliff No. 1
- ⑪ Ramos' Mill
- ⑫ Rock Cairn said to be center of Blue Cliff No. 1
- ⑬ Lower pipe intake
- ⑭ Upper pipe intake
- ⑮ Nicols' pipe intake

TRAVERSE

Station	Distance feet	Bearing
Township Cor.		
1	452	S 22° 30 E
2	835	S 30° 52' W
3	891	S 50° 08 W
4	643	S 45° 27' W
5	1109	N 86° 55 W
6	971	N 79° 07 W
7	817	N 77° 24' W
8	650	N 61° 47' W
9	847	S 44° 27' W
A	442	S 62° 58' W
B	795	N 57° 20' W
C	746	S 75° 51' W
9		
10	531	S 36° 13' W
11	858	S 70° 31' W
12	513	S 84° 41' W
13	1504	S 20° 36 W

SCALE 1" = 400'

ORIENTATION REVIEWED

OPERATIONS REGION

WASHINGTON

INTERP. REGION

WASHINGTON

COOP. ACTV. REGION

WASHINGTON

DES. & CONST. STERN
A.
E.
L.A.

WASHINGTON
A.
E.
L.A.

OTHER

PREPARED
DESIGNED L. SPAULDING
DRAWN
CHECKED

REVISED | DATE | INITIAL

REGION FOUR
PCP
SHEET 1 OF 1
DRAWING NO. DVRM 8074
DATE OCT 20, '58

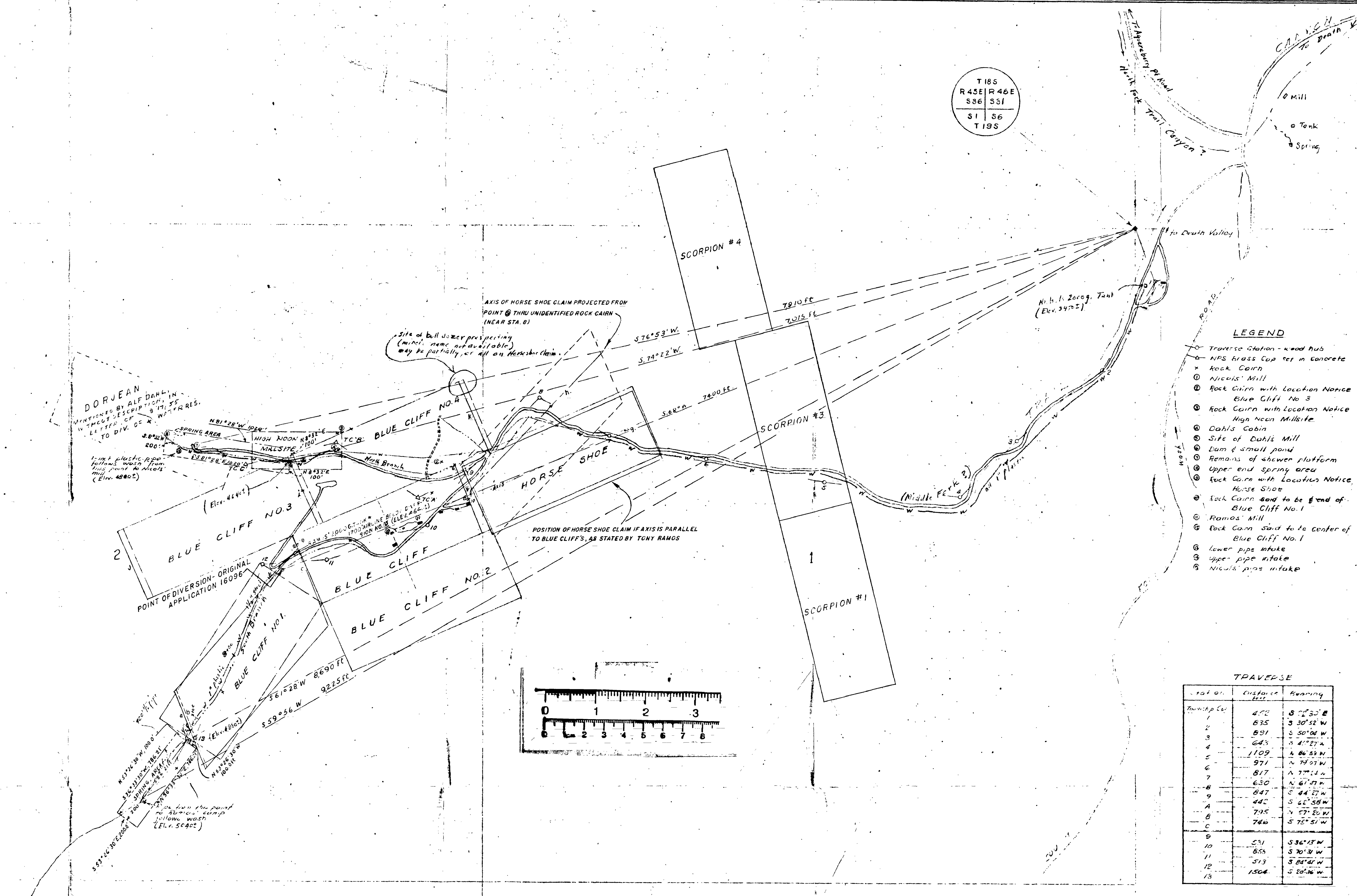
RECOMMENDED ____ DATE
APPROVED ____

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ENGINEERING DIVISION
PREPARED BY FIELD OFFICE

MINING CLAIMS & WATER SOURCES
TITLE OF DRAWING
TRAIL CANYON
LOCATION WITHIN AREA
DEATH VALLEY NATIONAL MONUMENT
NAME OF AREA

BASIC DATA 1. Field Work - October 1955
Field Book: Death Valley No. 77
2. Location of Blue Cliff group based on oral data from Pete Ramos

10-00-1958: mining claims and water resources



TRAVERSE

Station	Distance feet	Bearing
Township Cor.	452	S ?2°30' E
1	835	S 30°52' W
2	891	S 50°04' W
3	643	S 4?°27' W
4	1109	N 86°53' W
5	971	N 79°07' W
6	817	N 77°14' W
7	630	N 61°47' W
8	847	S 44°27' W
9	442	S 62°58' W
A	795	N 57°20' W
B	746	S 75°51' W
C		
9	531	S 36°13' W
10	855	S 70°31' W
11	513	S 84°41' W
12	1504	S 20°36' W
13		

SCALE 1" = 400'

REVIEWED
OPERATIONS REGION
WASHINGTON
INTERP. REGION
WASHINGTON
COOP. ACTV. REGION
WASHINGTON
DES. & CONST. STERN
A.
E.
L.A.
WASHINGTON
A.
E.
L.A.
OTHER
PREPARED
DESIGNED L. SPAULDING
DRAWN
CHECKED
REVISED DATE INITIAL

RECOMMENDED DATE
APPROVED

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ENGINEERING DIVISION
PREPARED BY FIELD OFFICE

MINING CLAIMS & WATER SOURCES
TITLE OF DRAWING
TRAIL CANYON
LOCATION WITHIN AREA
DEATH VALLEY NATIONAL MONUMENT
NAME OF AREA

REGION FOUR
PCP
SHEET 1 OF 1
DRAWING NO. DVNM 2074-A
DATE OCT 20 '55

BASIC DATA 1. Field Work - October 1955
Field Book: Death Valley No 77
2. Location of Blue Cliff ... based on oral data from Pete Ramos

10-18-1954: division of water resources - water plan map

10-18-54

Application 16096

Permit

License

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

Applicant UNITED STATES OF AMERICA
DEATH VALLEY NATIONAL MONUMENT

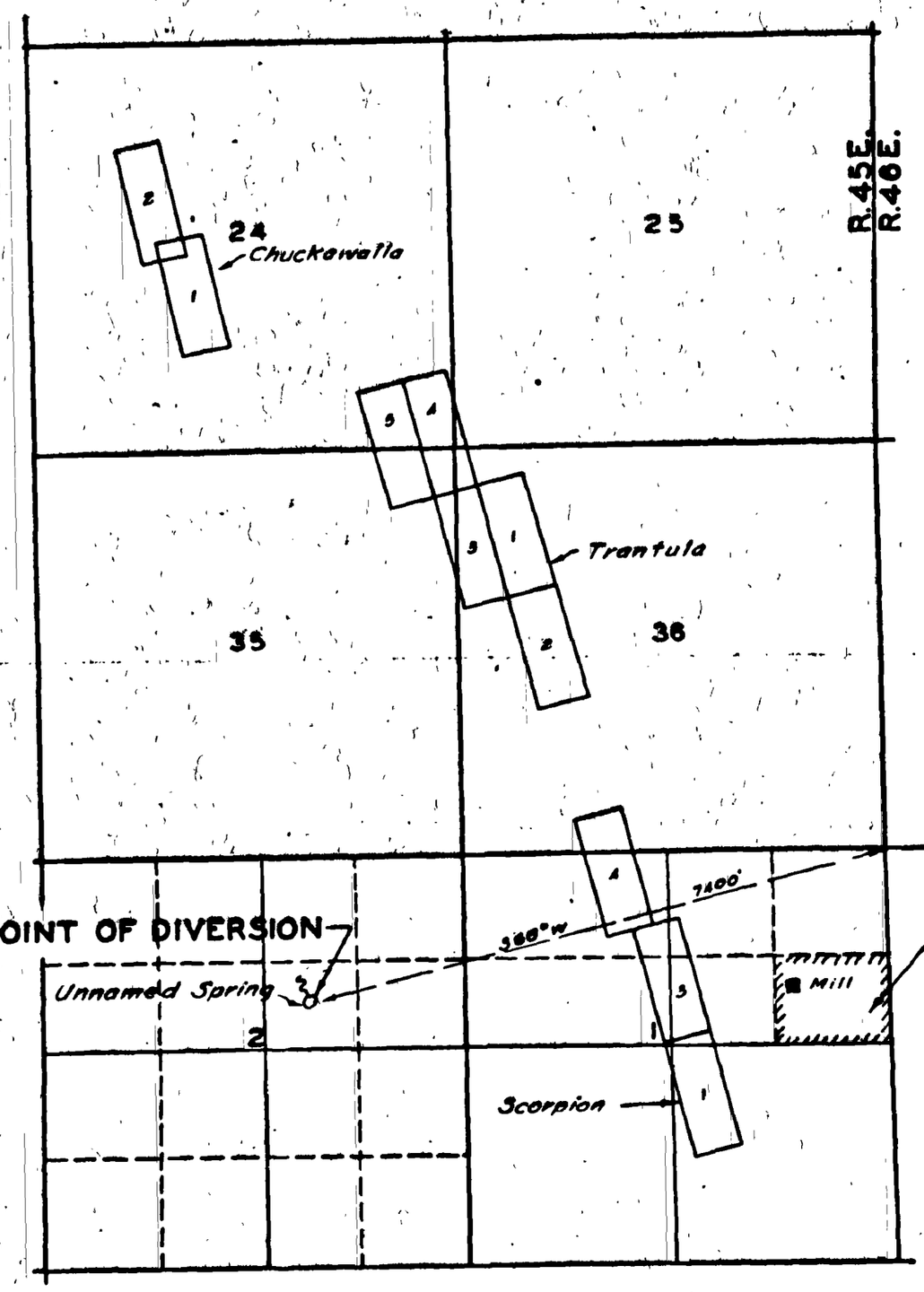
Sec. 2 Township 19S Range 45E, M.D.B. & Meridian

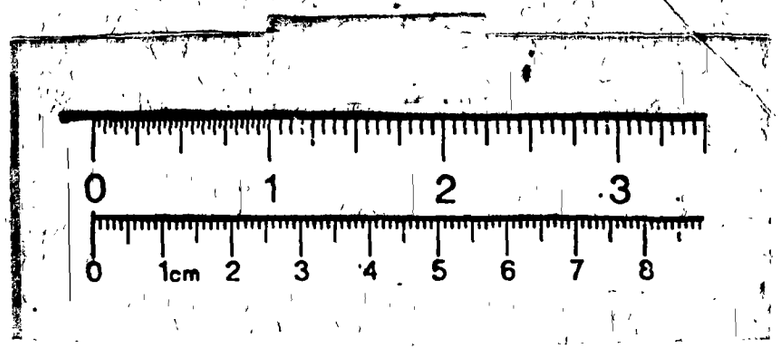
Mapped by

County INYO

NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or two hundred acre-feet per annum for storage.

Form 17 C





528
2645
7400
1320

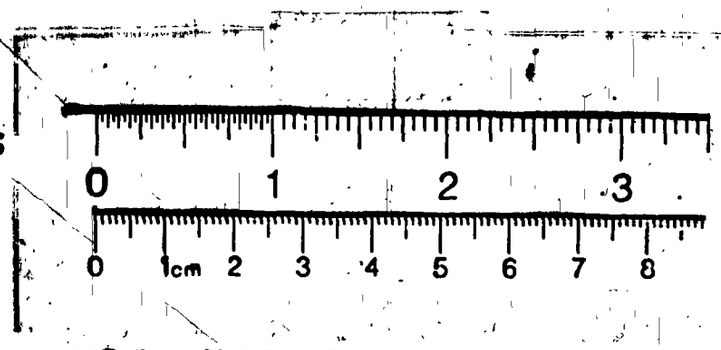
10-18-54

Amended Application 18096

Permit

License

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



Applicant United States of America
for Death Valley National Monument

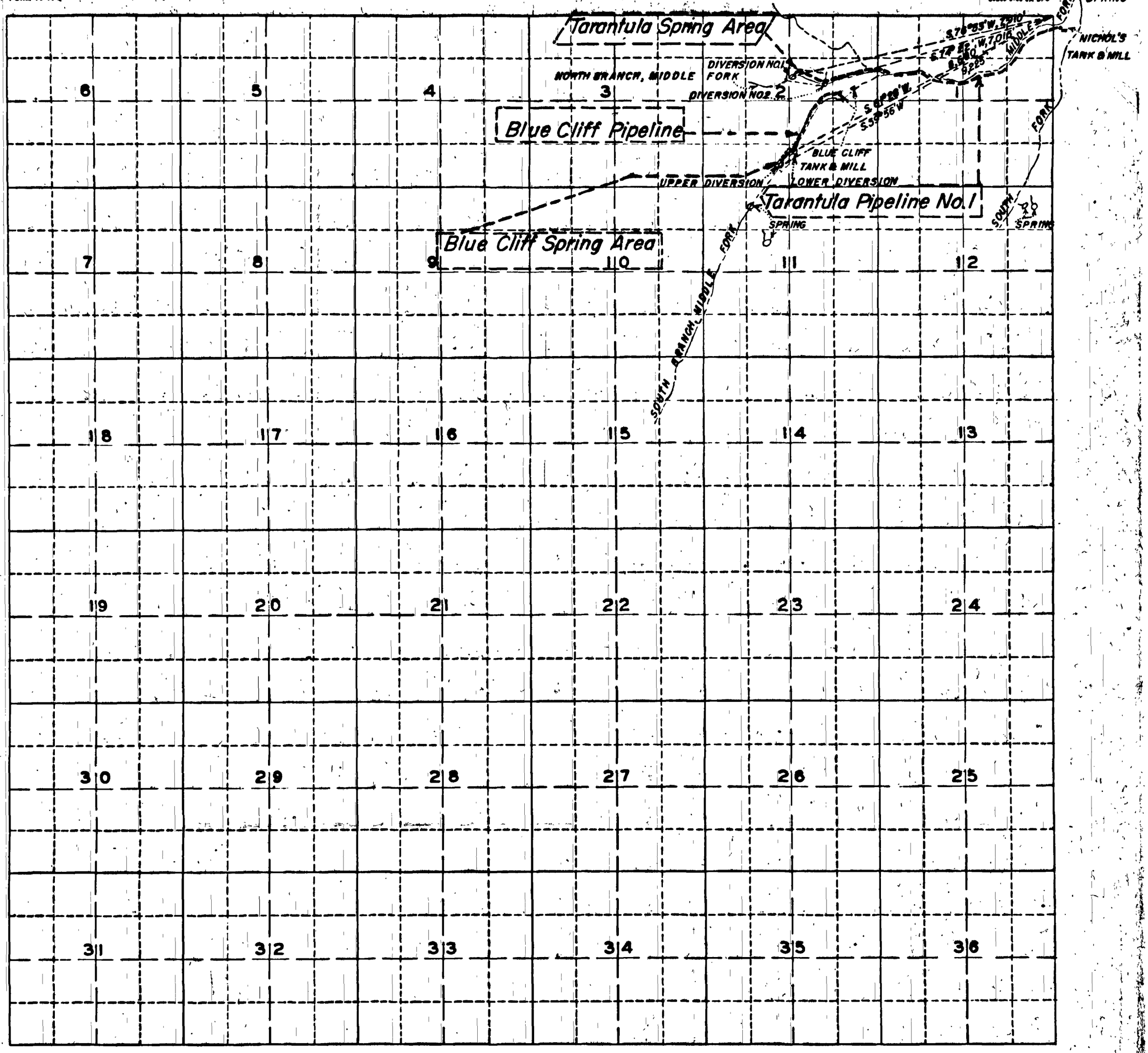
Mapped by Linn S. Spaulding & Gordon W. Robertson

Sec. 2 Township 19 S. Range 43 E., M.D.B.&M. Meridian

County Inyo

NOTE.—Maps are to be drawn on this plat only when total amount of water to be diverted does not exceed three cubic feet per second for direct diversion or does not involve storage in a reservoir having a capacity in excess of 200 acre-feet. For amounts less or reservoirs smaller than those above stated the average applicant can prepare a very satisfactory map without the aid of a surveyor by observing instructions on the reverse side of this plat.

Form 17-A



Docket Information

Number of Documents in Docket : 326

Documents Dated from : 03-19-1951 to 02-24-2025

Docket Compiled: 6/12/2025