

WATER RIGHTS AGREEMENT BETWEEN THE STATE OF IDAHO
AND THE UNITED STATES FOR THE
CRATERS OF THE MOON NATIONAL MONUMENT

The State of Idaho and the United States agree as follows:

1. Preamble

- 1.1 The State of Idaho, pursuant to Idaho Code § 42-1406A (1990), has commenced in the Fifth Judicial District Court of the State of Idaho in and for the County of Twin Falls a general adjudication of the rights to the use of the water from that portion of the Snake River Basin located within the State of Idaho.
- 1.2 Idaho Code § 42-1409(3) (1990) provides that a claimant of a water right reserved under federal law may submit a negotiated agreement between the State of Idaho and the claimant in lieu of a notice of claim.
- 1.3 Executive Order Nos. 85-9, 87-9, and 91-8 provide that it is in the interest of the State of Idaho to quantify federal reserved water rights through negotiations.
- 1.4 The State of Idaho and the United States desire to exercise the right to submit a negotiated agreement quantifying the rights of the United States to the use of water, pursuant to both federal and Idaho law, for the Craters of the Moon National Monument.

2. Definitions

2.1 The following definitions apply for the purpose of this Agreement:

- .1 "Acre foot" or "AF" means the amount of water necessary to cover one acre of land to a depth of one foot and is equivalent to 43,560 cubic feet or 325,851 gallons.
- .2 "Acre feet per year" or "AFY" means the number of acre feet of water used in a calendar year commencing January 1 and ending December 31.
- .3 "Annual diversion volume" means the maximum volume of water in AFY that can be diverted or stored by the holder of a water right.
- .4 "Annual volume of consumptive use" means the maximum volume of water in AFY that can be consumptively used by the holder of a water right.
- .5 "Aquifer" means a geologic formation, group of formations, or part of a formation or other body of earth material capable of transmitting water at a rate sufficient for water supply purposes.
- .6 "Basis of right" refers to the legal authority pursuant to which the water right is established or the document by which the right is evidenced.
- .7 "Consumptive use" means the amount of water that is used by any action or process and is not returned to the water system. For an instream flow right, the

term "natural consumption" shall mean consumption of water by natural processes.

.8 "Craters of the Moon National Monument" or "Monument" means all lands within the exterior boundaries of the area described on the boundary map which is attached hereto as Attachment I and incorporated herein by reference. The following proclamations, which are attached hereto as Attachment II and incorporated herein by reference, describe lands that are included or excluded from the Monument:

- .i Proclamation No. 1694, 43 Stat. 1947 (May 2, 1924), designated as Area A on Attachment I.
- .ii Proclamation No. 1843, 45 Stat. 2959 (July 23, 1928), designated as Area B on Attachment I.
- .iii Proclamation No. 1916, 46 Stat. 3029 (July 9, 1930), designated as Area C on Attachment I.
- .iv Proclamation No. 3506, 77 Stat. 960 (November 19, 1962), designated as Area D on Attachment I.
- .v Proclamation No. 2499, 55 Stat. 1660 (July 18, 1941), which excludes certain lands from this federal reservation.

.9 "Date of Priority" means the priority date assigned to the water right.

.10 "Director" means the Director of the Idaho Department of Water Resources or any successor.

- .11 "Diversion" means the removal of water from its natural course or location by means of a ditch, canal, flume, bypass, pipeline, conduit, well, pump, or other act of man, or the impoundment of water in a reservoir.
- .12 "Ground water" means any water contained in an aquifer.
- .13 "Idaho Department of Water Resources" or "IDWR" means, the executive agency of the State of Idaho created by Idaho Code § 42-1701 (1990), or any successor agency.
- .14 "Idaho Water Resource Board" means the Idaho State Water Resource Agency constituted in accordance with Idaho Const. art. XV, § 7, or any successor agency.
- .15 "Instream flow use" means the use of water for the maintenance of natural stream conditions.
- .16 "Monument commercial use" means the use of water for the maintenance and administration of the Monument, including visitor centers and other related facilities.
- .17 "Monument domestic use" means the use of water for homes, organization camps, and public campgrounds within the Monument for visitors and Monument personnel use.
- .18 "Monument irrigation use" means the application of water to the land surface or root zone of the soil for the purpose of producing a garden, lawn, or landscaping on Monument lands.

- .19 "Parties" means the United States and the State of Idaho.
- .20 "Perched ground water" means unconfined subsurface water separated from an underlying body of ground water by unsaturated material.
- .21 "Period of use" means the time of the year when water may be used for a particular purpose.
- .22 "Person" means an individual, a partnership, a trust, an estate, a corporation, a municipal corporation, the State of Idaho or any political subdivision, the United States, an Indian tribe, or any other public or private entity. Idaho Code § 42-1401A(8) (1990).
- .23 "Place of use" means the location where water is used.
- .24 "Point of diversion" means any location at which water is diverted from the water system.
- .25 "Purpose of use" means the nature of use of the water right.
- .26 "Right number" means the number assigned to each decreed water right for purposes of identification. The first two numerals of the right number indicate the IDWR's hydrologic basin number.
- .27 "Snake River Basin Adjudication" or "SRBA" means Civil Case No. 39576 filed in the Fifth Judicial District Court of the State of Idaho in and for Twin Falls County on June 17, 1987 entitled "In Re the General Adjudication of Rights to the Use of Water from the

Snake River Basin Water System," which was commenced pursuant to Idaho Code § 42-1406A (1990).

- .28 "Snake River Regional Aquifer," also known as the "Snake Plain Aquifer," refers to the aquifer underlying the Monument, which is composed of a heterogeneous body of permeable material which acts as a water-yielding hydrological unit of regional extent.
- .29 "Source" means the named or described source of water within the water system.
- .30 "Spring" means a concentrated discharge of subsurface water to the ground surface.
- .31 "Surface water" means any lake, spring, creek, stream, river, or other natural body of standing or moving water on the surface of the earth.
- .32 "United States" means the United States of America.
- .33 "Water Table" means the upper surface of a zone of saturation where the body of ground water is not confined by an overlying impermeable formation. Where an overlying impermeable confining formation exists, the aquifer in question has no water table.

3. Scope of Agreement

- 3.1 The purpose of this Agreement is to quantify all existing rights of the United States under state and federal law for present and future use of water for the Monument.

3.2 This Agreement relates to all waters on, under, adjacent to, or otherwise appurtenant to the Monument in the State of Idaho.

4. Parties and Authority

4.1 The Governor has authority to execute this Agreement pursuant to Idaho Constitution art. IV, § 5, and Idaho Code § 67-802 (1990).

4.2 The Idaho Attorney General, or any duly designated official of the Office of the Idaho Attorney General, has authority to execute this Agreement pursuant to the authority to settle litigation as provided for in Idaho Constitution, art. IV, § 1, and Idaho Code § 67-1401 (1990).

4.3 The Idaho Water Resource Board has authority to execute this Agreement pursuant to Idaho Code § 42-1734(3) (1990) and Executive Order Nos. 85-9, 87-9, and 91-8.

4.4 The United States Attorney General, or any duly designated official of the United States Department of Justice, has authority to execute this Agreement on behalf of the United States pursuant to the authority to settle litigation contained in 28 U.S.C. § 516-517 (1982).

4.5 The Secretary of the Interior, or any duly designated official of the United States Department of the Interior, has authority to execute this Agreement on behalf of the United States Department of Interior pursuant to 43 U.S. C. § 1457 (1982).

5. Water Rights of the United States for the Monument

5.1 The name and address of the claimant for all the water rights negotiated and settled by this Agreement is as follows:

United States of America
c/o National Park Service
Pacific Northwest Regional Office
83 South King Street, Suite 212
Seattle, WA 98121

5.2 Water Rights for Consumptive Use in Area A:

.1 Right No. 34-12383, also known as 36-15342.

.i Source: All surface water and ground water sources arising on, occurring on, or under, Area A as shown on Attachment I.

.ii Annual Diversion Volume: The maximum annual diversion volume for all consumptive use water rights set forth in this Agreement is 54.5 AFY, except as provided in Article 5.10 *infra*.

.iii Date of Priority: May 2, 1924.

.iv Points of Diversion: Any point within Area A as shown on Attachment I.

.v Purpose of Use: Monument commercial use, Monument domestic use, and Monument irrigation use.

.vi Period of Use: January 1 - December 31.

.vii Annual Volume of Consumptive Use: The maximum consumptive use for all consumptive use water rights set forth in this Agreement is 19.9 AFY.

The quantity consumed for fire suppression in accordance with Article 5.10, *infra*, is not limited by this Agreement.

- .viii Place of Use/Legal Description of Reservation:
Any place within the boundaries of the Monument.
- .ix Basis of Right: Reservation under Proclamation No. 1694.
- .x Comments: No diversions presently exist.

5.3 Water Rights for Non-consumptive Use in Area A:

- .1 Right No. 34-12384, also known as 36-15343.
 - .i Source: All surface water within Area A as shown on Attachment I.
 - .ii Amount of Water: Entire flow of each source in excess of amount diverted by Right No. 34-12383, also known as 36-15342 [Article 5.2.1].
 - .iii Date of Priority: May 2, 1924.
 - .iv Beginning and Ending Point of Instream Flow or Location of Each Source: Within Area A as shown on Attachment I.
 - .v Purpose of Use: Instream flow uses.
 - .vi Period of Use: January 1 - December 31.
 - .vii Annual Volume of Consumptive Use: None other than natural consumption.

- .viii Place of Use/Legal Description of Reservation:
Within Area A as shown on Attachment I.
- .ix Basis of Right: Reservation under Proclamation
No. 1694.
- .x Comments: None.

5.4 Water Rights for Consumptive Use in Area B:

- .1 Right No. 34-12385, also known as 36-15344.
 - .i Source: All surface water and ground water
sources arising on, occurring on, or under Area
B as shown on Attachment I, including but not
limited to Little Cottonwood Creek and its
tributaries.
 - .ii Annual Diversion Volume: The maximum annual
diversion volume for all consumptive use water
rights set forth in this Agreement is 54.5 AFY,
except as provided in Article 5.10, *infra*.
 - .iii Date of Priority: July 23, 1928
 - .iv Points of Diversion: Any point within Area B
as shown on Attachment I.
 - .v Purpose of Use: Monument commercial use,
Monument domestic use, and Monument irrigation
use.
 - .vi Period of Use: January 1- December 31
 - .vii Annual Volume of Consumptive Use: Included in
Right No. 34-12383, also known as 36-15342
[Article 5.2.1]. The quantity consumed for

fire suppression in accordance with Article 5.10 *infra* is not limited by this Agreement.

- .viii Place of Use/Legal Description of Reservation:
Any place within the boundaries of the Monument.
- .ix Basis of Right: Reservation under Proclamation No. 1843.
- .x Comments: The present diversions are from surface water and from a perched ground water aquifer.

5.5 Water Rights for Non-consumptive Use in Area B:

- .1 Right No. 34-12386.
 - .i Source: Little Cottonwood Creek
 - .ii Amount of Water: Entire flow of source in excess of amount diverted by Right No. 34-12385, also known as 36-15344 [Article 5.4.1].
 - .iii Date of Priority: July 23, 1928.
 - .iv Beginning and Ending Point of Instream Flow: Beginning in the headwaters of Little Cottonwood Creek in Section 21, and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, all in Township 2 North, Range 24 East, Boise Meridian, and wholly within the Monument's boundaries; and ending where the stream disappears, in the SW $\frac{1}{4}$

NE $\frac{1}{4}$ of unsurveyed Section 27, Township 2 North,
Range 24 East, Boise Meridian.

- .v Purpose of Use: Instream flow uses.
 - .vi Period of Use: January 1 - December 31.
 - .vii Annual Volume of Consumptive Use: None other than natural consumption.
 - .viii Place of Use/Legal Description of Reservation.
Within Area B as shown on Attachment I.
 - .ix Basis of Right: Reservation under Proclamation No. 1843.
 - .x Comments: None.
- .2 Right No. 34-12387.
- .i Source: Unnamed stream which is a tributary of Little Cottonwood Creek.
 - .ii Amount of Water: Entire flow of source in excess of amount diverted by Right No. 34-12385, also known as 36-15344 [Article 5.4.1].
 - .iii Date of Priority: July 23, 1928.
 - .iv Beginning and Ending Point of Instream Flow:
Beginning where the unnamed tributary crosses the exterior boundary of the Monument at approximately 1,300 feet west and 1,000 feet south of the Northeast Corner of Section 28 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), Township 2 North, Range 24 East, Boise Meridian; and ending at the stream's confluence with Little Cottonwood Creek in the

SE $\frac{1}{4}$ NW $\frac{1}{4}$ of unsurveyed Section 27, Township 2 North, Range 24 East, Boise Meridian.

- .v Purpose of Use: Instream flow uses.
- .vi Period of Use: January 1 - December 31
- .vii Annual Volume of Consumptive Use: None other than natural consumption.
- .viii Place of Use/Legal Description of Reservation: Within Area B as shown on Attachment I.
- .ix Basis of Right: Reservation under Proclamation No. 1843.
- .x Comments: None.

5.6 Water Rights for Consumptive Use in Area C:

.1 Right No. 34-12388.

- .i Source: All surface water and ground water sources arising on, occurring on, or under Area C as shown on Attachment I.
- .ii Annual Diversion Volume: The maximum annual diversion volume for all consumptive use water rights set forth in this Agreement is 54.5 AFY, except as provided in Article 5.10, *infra*.
- .iii Date of Priority: July 9, 1930.
- .iv Points of Diversion: Any point within Area C as shown on Attachment I.
- .v Purpose of Use: Monument commercial use, Monument domestic use, and Monument irrigation use.

- .vi Period of Use: January 1- December 31
- .vii Annual Volume of Consumptive Use: Included in Right No. 34-12383, also known as 36-15342 [Article 5.2.1]. The quantity consumed for fire suppression in accordance with Article 5.10 *infra* is not limited by this Agreement.
- .viii Place of Use/Legal Description of Reservation: Any place within the boundaries of the Monument.
- .ix Basis of Right: Reservation under Proclamation No. 1916.
- .x Comments: No diversions presently exist.

5.7 Water Rights for Non-consumptive Use in Area C:

- .1 Right No. 34-12389.
 - .i Source: Surface water within Area C as shown on Attachment I.
 - .ii Amount of Water: Entire flow of surface water in excess of amount diverted by Right No. 34-12388 [Article 5.6.1].
 - .iii Date of Priority: July 9, 1930.
 - .iv Beginning and Ending Point of Instream Flow or Location of Each Source: Within Area C as shown on Attachment I.
 - .v Purpose of Use: Instream flow uses.
 - .vi Period of Use: January 1 - December 31.

- .vii Annual Volume of Consumptive Use: None other than natural consumption.
- .viii Place of Use/Legal Description of Reservation: Within Area C as shown on Attachment I.
- .ix Basis of Right: Reservation under Proclamation No. 1916.
- .x Comments: None.

5.8 Water Rights for Consumptive Use in Area D:

.1 Right No. 36-15345.

- .i Source: All surface water and ground water sources arising on, occurring on, or under Area D as shown on Attachment I.
- .ii Annual Diversion Volume: The maximum annual diversion volume for all consumptive use water rights set forth in this Agreement is 54.5 AFY, except as provided in Article 5.10, *infra*.
- .iii Date of Priority: November 19, 1962.
- .iv Points of Diversion: Any point within Area D as shown on Attachment I.
- .v Purpose of Use: Monument commercial use, Monument domestic use, and Monument irrigation use.
- .vi Period of Use: January 1 - December 31
- .vii Annual Volume of Consumptive Use: Included in Right No. 34-12383, also known as 36-15342 [Article 5.2.1]. The quantity consumed for

fire suppression in accordance with Article 5.10 *infra* is not limited by this Agreement.

- .viii Place of Use/Legal Description of Reservation:
Any place within the boundaries of the Monument.
- .ix Basis of Right: Reservation under Proclamation No. 3506.
- .x Comments: No diversions presently exist.

5.9 Water Rights for Non-consumptive Use in Area D:

- .1 Right No. 36-15346.
 - .i Source: All surface water within Area D as shown on Attachment I.
 - .ii Amount of Water: Entire flow of surface water in excess of amount diverted by Right No. 36-15345 [Article 5.8.1].
 - .iii Date of Priority: November 19, 1962.
 - .iv Beginning and Ending Point of Instream Flow:
Within Area D as shown on Attachment I.
 - .v Purpose of Use: Instream flow uses.
 - .vi Period of Use: January 1 - December 31.
 - .vii Annual Volume of Consumptive Use: None other than natural consumption.
 - .viii Place of Use/Legal Description of Reservation:
Within Area D as shown on Attachment I.

.ix Basis of Right: Reservation under Proclamation
No. 3506.

.x Comments: None.

5.10 The United States may also divert water for fire suppression in accordance with the following paragraph to be included in the final decree in this matter:

"The use of water for fire suppression benefits the public. Water diverted for fire suppression may be taken randomly, without a definition of the specific elements of a recordable water right, and if so diverted for fire suppression, existing water rights shall not be diminished."

5.11 The rights described in this Agreement are Federal Reserved Water Rights with all the characteristics appertaining thereto. Non-use of all or any part of the Federal Reserved Water Rights shall not constitute a relinquishment, forfeiture or abandonment of the rights.

5.12 The United States shall not change any element of any Federal Reserved Water Right described in Article 5.

5.13 For purposes of this Agreement only, the surface water within the Monument boundaries and perched ground water underlying the Monument shall be treated as a self-contained water system. If the United States believes, however, that proposed or existing water uses or diversions outside the boundaries of the Monument will adversely affect or are adversely affecting the Monument's water

rights from surface water or perched ground water as defined in this Agreement, the United States may seek relief against those uses or diversions outside the boundaries of the Monument, except as provided in paragraph 5.14.

- 5.14 For purposes of this Agreement only, the United States disclaims any right to seek on behalf of the Monument the maintenance of any specific water table elevation in the Snake River Regional Aquifer.

6. Finality of Settlement Agreement

- 6.1 The parties understand that this Agreement will be submitted to the Director in lieu of a notice of claim in the Snake River Adjudication, that the Director will submit this Agreement and an abstract of this Agreement to the Fifth Judicial District Court of the State of Idaho in and for the County of Twin Falls as part of a Director's Report, and that state law allows other persons not a party to this Agreement to file objections to the approval of this Agreement by the District Court.
- 6.2 The United States agrees that License Nos. 34-2381 [old no. 28964] and 34-2254 [old no. 16711] will be superseded by the water rights identified herein, only upon completion of all judicial proceedings, including appeals if any, together with entry of a final decree containing the water rights set forth in this Agreement.

- 6.3 The parties agree to move the Court for adoption of a decree awarding the United States the water rights set forth in this Agreement, and to jointly support and defend this Agreement against any and all objections or other challenges that may arise in any phase of the SRBA, including any appeals, and in securing any necessary ratification of the Agreement. If the Court, after notice and hearing, fails to approve the terms of this Agreement, then this Agreement shall be null and void.
- 6.4 The United States' water rights for the Monument confirmed in Article 5 shall be final and conclusive as to all parties to the SRBA upon the completion of all judicial proceedings, including any appeals, relative to this Agreement.

7. Disclaimers and Reservation of Rights

- 7.1 Except for the United States' water rights recognized in Article 5, the United States hereby relinquishes forever any and all existing claims to water under federal and state law from any source for present and future use on the Monument.
- 7.2 This Agreement has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding.

7.3 Entry of judgment as set forth above has been consented to by the parties without trial or adjudication of fact or law herein and without the judgment constituting evidence or an admission by any party with respect to any issue, which is, will be, or could be litigated in any proceeding other than the SRBA. See McShan v. Omega Louis Brandt et Frere, S.A., 536 F.2d 516, 519 (2d Cir. 1976). Once this Agreement becomes effective as provided by Article 13.1, the water right described in Article 5 of this Agreement shall be binding upon all parties to the SRBA, whether signatory to the Agreement or not.

7.4 Nothing in this Agreement shall be so construed or interpreted:

- .1 To establish any standard to be used for the quantification of Federal Reserved Water Rights in any judicial or administrative proceeding;
- .2 To determine the relative rights inter sese of persons using water under the authority of state law or to authorize the taking of a water right which is vested under state or federal law;
- .3 To limit in any way the rights of the parties or any person to litigate any issue or question not resolved by this Agreement;
- .4 To restrict the acquisition or exercise of an appropriative right to the use of water under state law for the Monument, provided the water rights confirmed in the Agreement have been fully used at the

time the application is made, or are not physically available for use through reasonable diversion facilities.

.5 To restrict the power of the United States to reserve water in the future, in accordance with applicable law.

7.5 The parties are unable to agree upon who may administer the water rights set forth in this Agreement. Accordingly, this Agreement does not address or resolve this issue. Each party reserves the right to litigate the issue of administration, if and when the need arises.

8. Severability

8.1 This Agreement is not severable.

9. Successors

9.1 This Agreement shall bind and inure to the benefit of the respective successors of the parties.

10. Entire Agreement

10.1 This Agreement sets forth all the covenants, promises, provisions, agreements, conditions, and understandings between the parties and there are no covenants, provisions, promises, agreements, conditions, or understandings, either oral or written between them other than are herein set forth.

11. Effect of Headings

11.1 Headings appearing in this Agreement are inserted for convenience and reference and shall not be construed as interpretations of the text.

12. Multiple Originals

12.1 This Agreement is executed in quintuplicate. Each of the five (5) Agreements with an original signature of each party shall be an original.

13. Effective Date

13.1 This Agreement shall be effective when all of the following events have occurred:

.1 This Agreement is executed; and

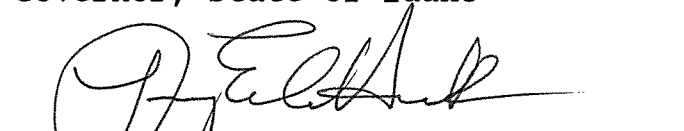
.2 The water rights described in Article 5 of this Agreement have been confirmed in a decree in the SRBA and such decree has become final and nonappealable.

The parties have executed this Agreement on the date following their respective signatures.



CECIL D. ANDRUS
Governor, State of Idaho

5-13-92
Date



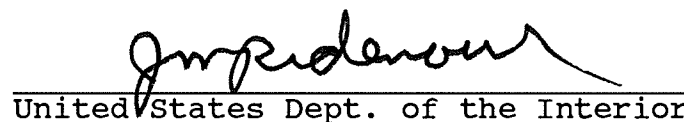
LARRY ECHOHAWK
Attorney General, State of Idaho

5-14-92
Date



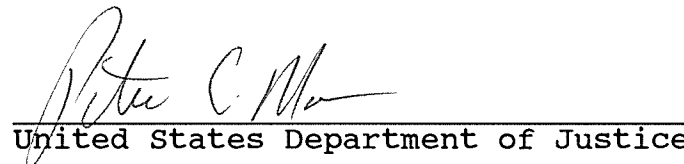
F. DAVE RYDALCH
Chair, Idaho Water Resource Board

1/16/1992
Date



United States Dept. of the Interior

1/24/92
Date



United States Department of Justice

1/17/92
Date

LOCATION AND DATE OF LAND RESERVATION

CRATERS OF THE MOON NATIONAL MONUMENT

ATTACHMENT I



LEGEND

Presidential Proclamation
No. 1694 dated May 2, 1924
(43 Stat. 1947)



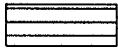
Area A

Presidential Proclamation
No. 1843 dated July 23, 1928
(45 Stat. 2969)



Area B

Presidential Proclamation
No. 1916 dated July 9, 1930
(46 Stat. 3027)



Area C

Presidential Proclamation
No. 3505 dated November 19, 1962
(77 Stat. 960)

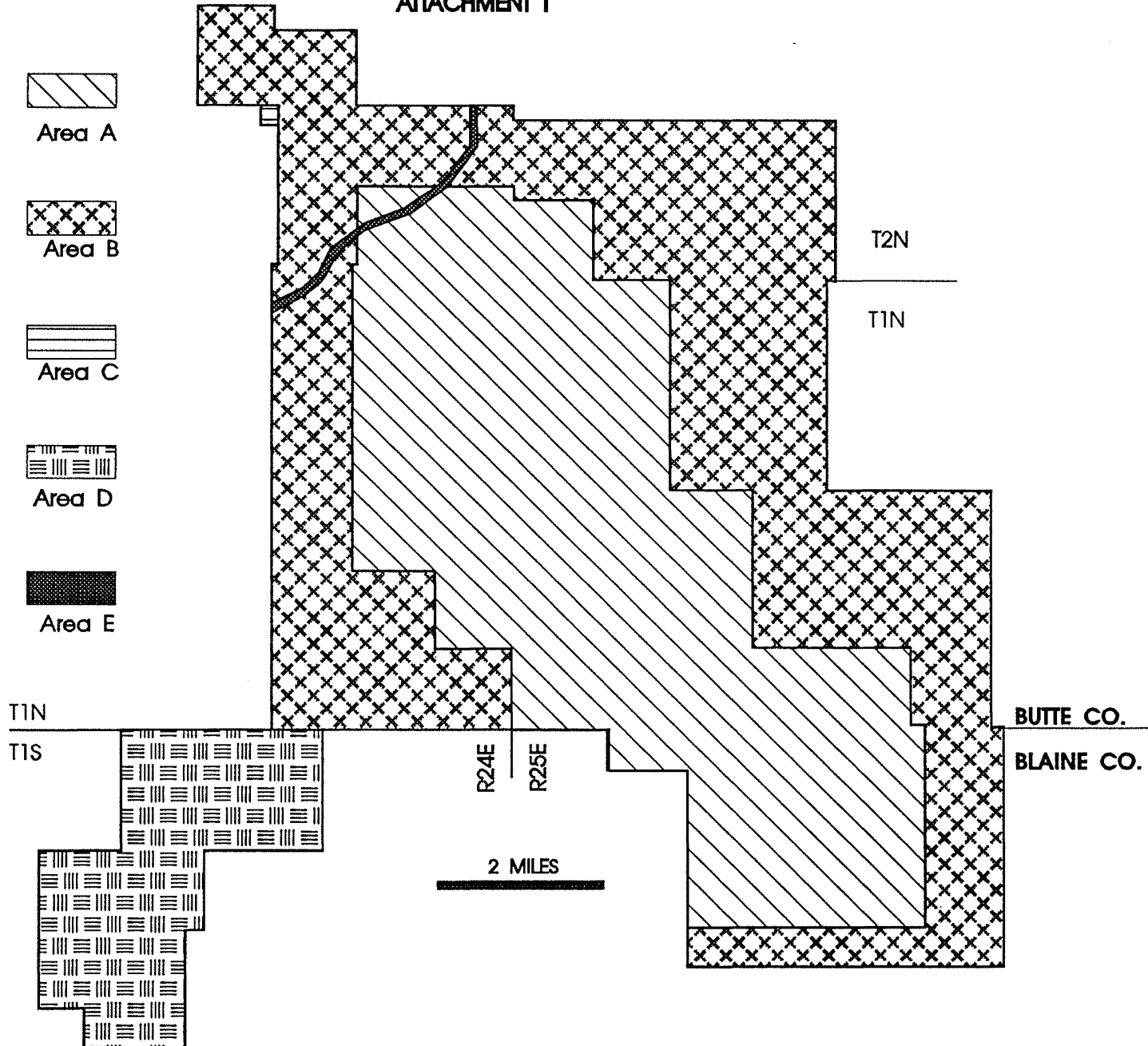


Area D

Presidential Proclamation
No. 2499 dated July 18, 1941
(55 Stat. 1660)



Area E



ATTACHMENT II

Presidential Proclamations

Craters of the Moon National Monument

- A. Presidential Proclamation No. 1694 dated May 2, 1924
(43 Stat. 1947)
- B. Presidential Proclamation No. 1843 dated July 23, 1928
(45 Stat. 2959)
- C. Presidential Proclamation No. 1916 dated July 9, 1930
(46 Stat. 3029)
- D. Presidential Proclamation No. 3506 dated November 19, 1962
(77 Stat. 960)
- E. Presidential Proclamation No. 2499 dated July 18, 1941
(55 Stat. 1660)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 1694—May 2, 1924—3 Stat. 1947]

WHEREAS, there is located in townships one south, one and two north, ranges twenty-four and twenty-five east of the Boise Meridian, in Butte and Blaine Counties, Idaho, an area which contains a remarkable fissure eruption together with its associated volcanic cones, craters, rifts, lava flows, caves, natural bridges, and other phenomena characteristic of volcanic action which are of unusual scientific value and general interest; and

WHEREAS, this area contains many curious and unusual phenomena of great educational value and has a weird and scenic landscape peculiar to itself; and

WHEREAS, it appears that the public interest would be promoted by reserving these volcanic features as a National Monument, together with as much land as may be needed for the protection thereof.

NOW, THEREFORE, I, Calvin Coolidge, President of the United States of America, by authority of the power in me vested by section two of the act of Congress entitled, "An Act for the preservation of American antiquities," approved June eighth, nineteen hundred and six (34 Stat., 225) do proclaim that there is hereby reserved from all forms of appropriation under the public land laws, subject to all valid existing claims, and set apart as a National Monument all that piece or parcel of land in the Counties of Butte and Blaine, State of Idaho, shown as the Craters of the Moon National Monument upon the diagram hereto annexed and made a part hereof.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

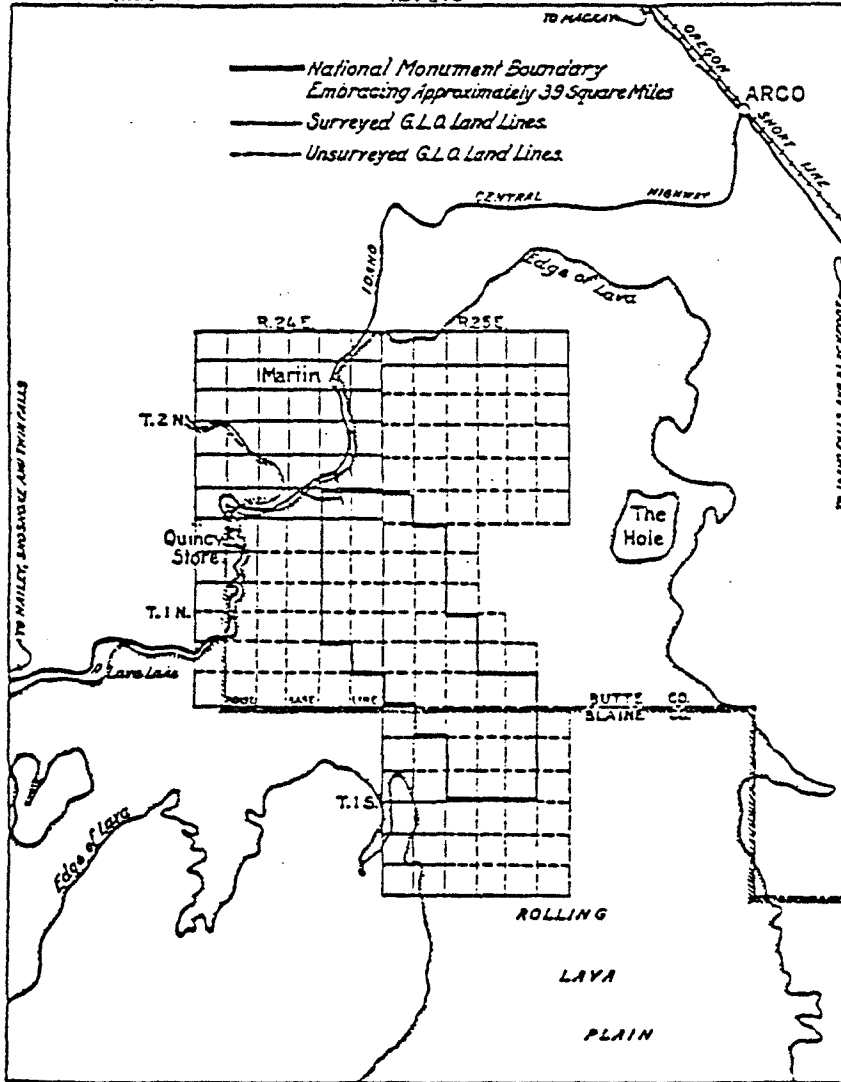
The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this Monument as provided in the act of Congress entitled, "An Act to establish a National Park Service and for other purposes," approved August twenty-fifth, nineteen hundred and sixteen (39 Stat., 335) and Acts additional thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the City of Washington this 2d day of May in the year of our Lord one thousand nine hundred and twenty-four and of the [SEAL] Independence of the United States of America the one hundred and forty-eighth.

CALVIN COOLIDGE

By the President:
CHARLES E. HUGHES,
Secretary of State.



CRATERS OF THE MOON NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 1843—July 23, 1923—45 Stat. 2959]

WHEREAS, it appears that the public interest would be promoted by adding to the Craters of the Moon National Monument in the State of Idaho, certain adjoining lands for the purpose of including within said monument certain springs for water supply and additional features of scientific interest located thereon.

NOW, THEREFORE, I, Calvin Coolidge, President of the United States of America, by authority of the power in me vested by section two of the act of Congress entitled, "An Act for the Preservation of American antiquities", approved June eighth, nineteen hundred and six (34 Stat., 225), do proclaim that Sections sixteen, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, and thirty-four in Township two North, Range twenty-four East; Unsurveyed Sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-two, thirty-three and thirty-four in Township two North, Range twenty-five East; Unsurveyed Sections three, ten, fifteen, twenty-two, twenty-six, twenty-seven, thirty-four, thirty-five and thirty-six in Township ten, fifteen, sixteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and thirty-six in Township one North, Range twenty-five East; Unsurveyed Sections one, twelve, thirteen and the north half of Sections twenty-one, twenty-two, twenty-three and twenty-four in Township one South, Range twenty-five East; all Boise Meridian, Idaho; are hereby reserved from all forms of appropriation under the public land laws, subject to all valid existing claims, and set apart as an addition to the Craters of the Moon National Monument and that the boundaries of the said National Monument are now as shown on the diagram hereto annexed and made a part hereof.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

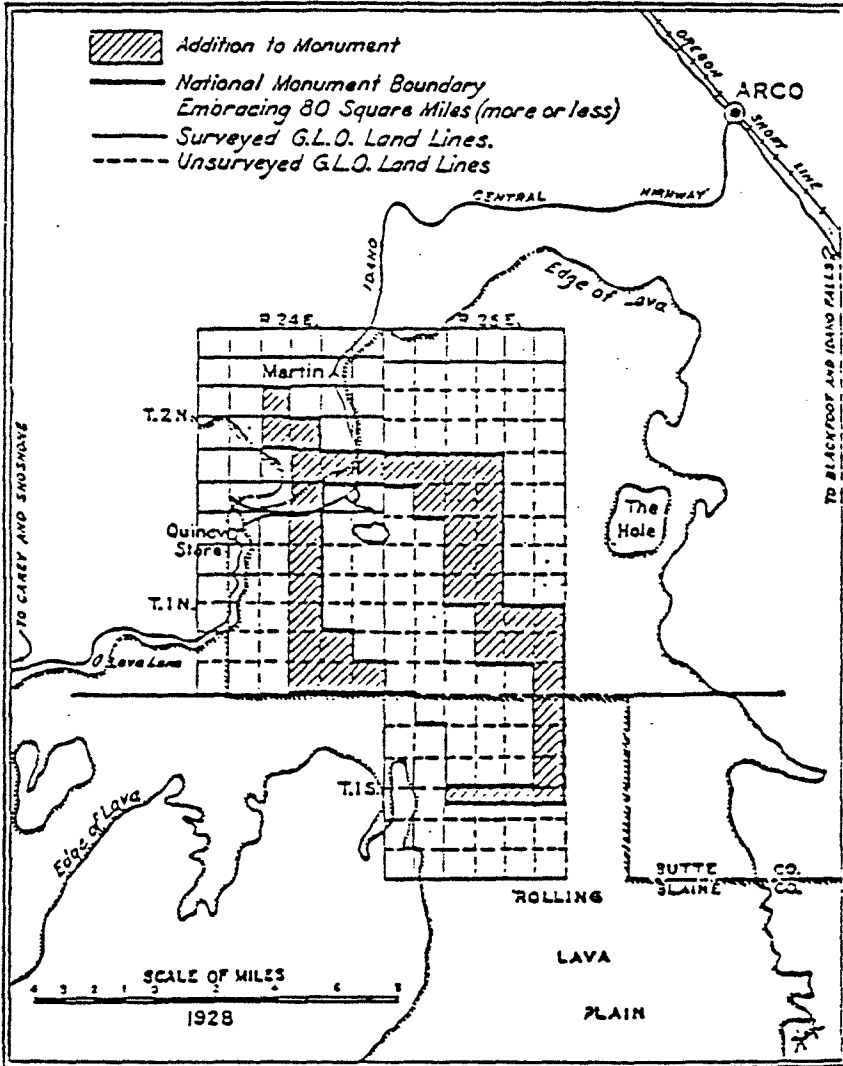
The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this Monument as provided in the Act of Congress entitled "An Act to establish a National Park Service and for other purposes," approved August twenty-fifth, nineteen hundred and sixteen (39 Stat., 535) and Acts additional thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 23 day of July in the year of our Lord one thousand nine hundred and twenty-eight and of the [SEAL] Independence of the United States of America the one hundred and fifty-third.

CALVIN COOLIDGE.

By the President:
FRANK B. KELLOGG,
Secretary of State.



CRATERS OF THE MOON NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

[No. 1916—July 9, 1930—46 Stat. 3029]

WHEREAS lot 1, section 28, township 2 north, range 24 east, Boise meridian, Idaho, is bounded on the north and east by the Craters of the Moon National Monument; and

WHEREAS said lot 1, section 28, contains a spring which is needed to furnish the said monument with an adequate water supply; and

WHEREAS said lot 1, section 28, is vacant unappropriated public land of the United States;

NOW, THEREFORE, I, Herbert Hoover, President of the United States of America, do proclaim that the lands hereinafter described shall be, and are hereby, added to and included within the Craters of the Moon National Monument, and as part of said monument shall be, and are hereby, made subject to the provisions of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a national park service, and for other purposes" and all acts supplementary thereto and amendatory thereof and all other laws and rules and regulations applicable to, and extending over, the said monument:

BOISE MERIDIAN

In township 2 north, range 24 east, lot 1, section 28.

Nothing herein shall affect any existing valid claim, location, or entry on said lands made under the land laws of the United States whether for homestead, mineral, right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 9th day of July, in the year of our Lord nineteen hundred and thirty, and of the Independence of

[SEAL] the United States of America the one hundred and fifty-fifth.

HERBERT HOOVER.

By the President:

HENRY L. STIMSON,
Secretary of State.

Proclamation 3506
ADDITION TO THE CRATERS OF THE MOON NATIONAL
MONUMENT, IDAHO

November 19, 1962

By the President of the United States of America
A Proclamation

43 Stat. 1947.

WHEREAS the Craters of the Moon National Monument, Idaho, established by Proclamation No. 1694 of May 2, 1924, was reserved and set apart as an area that contains a remarkable fissure eruption together with its associated volcanic cones, craters, rifts, lava flows, caves, natural bridges, and other phenomena characteristic of volcanic action that are of unusual scientific value; and

WHEREAS it appears that it would be in the public interest to add to the Craters of the Moon National Monument a 150-acre kipuka, a term of Hawaiian origin for an island of vegetation completely surrounded by lava, that is scientifically valuable for ecological studies because it contains a mature, native sagebrush-grassland association which has been undisturbed by man or domestic livestock; and to add to the monument the intervening lands between the kipuka and the present monument boundaries:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), and subject to valid existing rights do proclaim that the following-described lands are hereby added to and reserved as a part of the Craters of the Moon National Monument:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 24 E.
sec. 3, W- $\frac{1}{2}$
All of section 4, 5, 8, 9, 17, 18 and 19
sec. 10, W- $\frac{1}{2}$
sec. 20, W- $\frac{1}{2}$ and W- $\frac{1}{4}$ E- $\frac{1}{2}$
sec. 20, NW- $\frac{1}{4}$ and W- $\frac{1}{2}$ NE- $\frac{1}{4}$
sec. 30, NE- $\frac{1}{4}$;
comprising 5,260 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy or remove any of the features or objects of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of November in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

[No. 2499—July 18, 1941—55 Stat. 1660]

WHEREAS it appears that certain public land which is now a part of the Craters of the Moon National Monument in the State of Idaho, established by proclamation of May 2, 1924, 43 Stat. 1947, and enlarged by proclamations of July 23, 1928, 45 Stat. 2959, and July 9, 1930, 46 Stat. 3029, is not necessary for the proper care and management of the objects of scientific interest situated on the lands within the said monument; and

WHEREAS it appears that such land is needed for the construction of Idaho State Highway No. 22, by the State of Idaho:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225, U. S. C., title 16, sec. 431, do proclaim that a strip of land situated in section 3, Township 1 North, Range 24 East, and sections 25, 34, 35 and 36, Township 2 North, Range 24 East, Boise Meridian, Butte County, Idaho, as shown on a map prepared by the Department of Public Works, Bureau of Highways, State of Idaho, on file in the General Land Office, Department of the Interior, bearing the title

"FAP 123-E(1)

Map showing right-of-way across

Craters of the Moon National

Monument—Butte County—Idaho

February 1941 — Scale 1"=400'

is hereby excluded from the Craters of the Moon National Monument.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 18th day of July in the year of our Lord nineteen hundred and forty-one, and of the Independence [SEAL] of the United States the one hundred sixty-sixth.

By the President:

SUMNER WELLES

Acting Secretary of State.

FRANKLIN D. ROOSEVELT.