



National Park Service - Department of the Interior
Fort Collins - Denver - Washington

Fact Sheet

U.S. Department of the Interior National Park Service Natural Resource Information Division



Water Rights in National Parks

November 1996

Water--its quantity and timing--is a major determinant of the condition of resources in national parks. In addition to its importance to site characteristics and uses, water provides important transportation of life-sustaining nutrients to and among ecosystems in a park. The proliferation of proposals for water development near units of the National Park Service significantly threatens the water rights of the service and water-related resources.

In the western United States and increasingly in the East, the right to use water is administered under state law. Conflicts among water users are resolved through administrative means or litigation. States are moving rapidly to settle conflicts with federal water users by initiating and advancing water-rights adjudications.

Water-Rights Adjudications

Through the McCarran Amendment (43 U.S.C. Sec. 666.), the federal government gives consent to be joined in lawsuits for the adjudication of rights to the use of water of a river system or other source. As a result, the National Park Service is participating in 41 water-rights adjudications in seven states that involve 50 national park units. The National Park Service must participate in

adjudications if it wishes to avoid either the loss of water rights and water-dependent resources or the need to purchase expensive water rights.

In conjunction with the Department of Justice, the Park Service developed reasonable claims in each of the many adjudications in which claims were submitted. The protection for water rights and water-related resource attributes were negotiated in several instances to avoid costly litigation. Science-based studies and analytical techniques are applied in developing the evidence in support of the claims.

In Montana, the National Park Service and the state of Montana settled the issue of reserved water rights through negotiation of a *Water Rights Compact*, an instrument provided by state law.

Zion National Park in Utah claimed reserved water rights, including instream flows, in the Virgin River adjudication. The Department of Justice and the National Park Service settled the park's claimed federal reserved water rights by negotiating with the state of Utah and with local water-user groups.

The settlements in Montana and Utah not only defined the reserved water rights for the two parks but also

established procedures for the administration of those rights.

Water-Rights Administration

The Park Service is opposing, in state administrative proceedings, water development upstream/upgradient from parks that is expected to injure water-related resource attributes (e.g., loss of desert springs, diminished or altered stream flow, and so on).

The Las Vegas Valley Water District filed applications to appropriate about 800,000 acre-feet of groundwater in eastern and southern Nevada and 190,000 acre-feet of surface water in the Virgin River. The National Park Service, U. S. Bureau of Land Management, U. S. Fish and Wildlife Service, and Bureau of Indian Affairs protested the applications and worked together to prepare evidence for state hearings. Permits were approved by the state engineer for the Virgin River applications and are subject to the terms of settlement with these bureaus of the Department of the Interior. The remaining applications were put on hold while the state water district pursues other options such as obtaining additional Colorado River water. The preparations by the bureaus, therefore, were either terminated or put on hold.

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Applications for groundwater in southern Nevada near Death Valley National Park and Lake Mead National Recreation Area are on the increase. After protesting applications, the National Park Service negotiates with applicants to achieve agreements that protect the water rights and water resources of the service. If negotiations are not successful, the service seeks protection of its water rights and water-related resources in state administrative hearings.

The National Park Service is concerned that proposed groundwater development on the periphery of Grand Canyon National Park may reduce waterflows at springs along the South Rim and thereby infringe on water rights of the service. Monitoring of the springs was initiated in September 1994 to develop baseline data and detect potential changes in spring flows.

Water Quality in National Parks in the Eastern United States

The National Park Service is concerned that increasing groundwater withdrawals injure fragile ecological communities in park units in the East. For example, a proposed expansion of groundwater pumping prompted a series of studies at Cape Cod and Cape Hatteras national seashores to gain information on the effects of water withdrawal on wetlands and maritime forests. With the results from the studies, the service expects to determine sustainable levels of water withdrawal.

Use of Water in National Parks

The National Park Service is faced with an increasing number of requests for water for use by entities outside of parks. The sale or lease of water is guided by

policy of the National Park Service, which bars the service from providing water to an outside entity unless that entity provides essential visitor services, and a reasonable alternative water supply is not available, and providing water has no adverse environmental consequence for resources in the park. If an outside entity requests water from a park unit, the service is directed to follow the standards defined in Special Directive 78-2.

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