



WATER-RIGHT DOCKET

Arches National Park

Docket No: 6

SALT WASH, TURNBOW HOMESTEAD.

Preliminary Docket Information

00-00-0000: water right record

WATER RIGHT RECORD

Park: ARCH

Docket Number:
Federal #6

IDENTIFICATION NO: ARCH 072422 AF06

DITCH/WATER SYSTEM: Turnbow Tract

SOURCE OF SUPPLY: Salt Wash

LOCATION:

WATER RIGHT:

Appropriator: United States of America, National Park Service

Application/Permit Number: No formal appropriation.

Certificate Record Number:

Date of Priority: September 10, 1948

Quantity of Water:

Purpose:

Irrigated Land Description:

SUMMARY OF STATUS: This land was acquired in 1948 from Emmet Elizondo. The vendor reserves the right to water stock on the land for 35 years. The right is 60 years old, so would be classed as a diligence right.

No special water system of stock watering facilities have been constructed.

ARCHES NATIONAL MONUMENT

Water Rights # 6

Turnbow Cabin

The United States is the owner of the Turnbow tract by conveyance from Elizondo, its former owner. The deed reserved to Elizondo a thirty-five year stock watering right along the 3/4 mile of Salt Wash, which runs through his property. This should mean that the United States is responsible for protecting Elizondo's legal right to take available water.

There has been no formal appropriation nor artificial diversion of Salt Wash water within the Turnbow tract. The water is protected by a diligence right based on more than sixty years use of the water for stock watering by stockmen in the area.

Thus, the water is now available to Elizondo, and is not subject to adverse appropriation unless its present use is not prosecuted during five years when water was available. An adverse appropriation could not be made by entering onto federal land, since permission to enter for such purpose is barred unless authorized by the Secretary of the Interior. And under the doctrine of Winters versus U.S., feeding water outside the Monument may not be appropriated if they infringe on present or future water needs within Arches Monument.

William Cruzen
LW SSC
December, 1966



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

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

MAR 23 1949

MEMORANDUM for the Regional Director, Region Three.

We enclose four copies of a letter of February 15 from the State Engineer of Utah with regard to water rights which may be appurtenant to the land acquired from Emmett and Lena Elizondo in Arches National Monument. We also enclose two copies of the letter of February 8, to which it is a reply, although copies were sent to you when written. Please have one copy of each of these letters inserted directly above Mr. Watson's letter of October 19, 1948, in Arches National Monument Deed 5 in your office and at the Monument.

The extra copies of Mr. Watson's letter of February 15 are to complete the letter files. The letter is a significant expression of his interpretation of the water laws, and should be considered in connection with the administration of NPS areas in Utah, as follows:

1. The State Engineer will not obligate himself to notify this Service of applications filed for the appropriation of water in NPS areas, as similar officials in other states do, and, therefore, this Service must be particularly alert to prevent such filings.
2. That the State Engineer will recognize conditions prescribed in land use permits, whether for grazing or other purposes, and, therefore, the instructions in Memorandum FO-563, or its possible future amendments, must be carefully observed to prevent the establishment of undesirable alien water rights on areas in Utah.
3. A history of water use should be prepared in connection with any land purchase in Utah, if the water has been used since prior to 1903 without recording.
4. That it is particularly important to continue water use initiated prior to 1903 without interruptions of more than 5 years at a time if it is likely that the water will be needed in the future. Since this Service has no plan to use the waters of Salt Wash at this time, as an example, the continued use by Mr. Elizondo offers an excellent way to preserve the diligence right for some future developments which are not yet contemplated. It would be well, therefore, to determine from Mr. Elizondo about how much stock has been watered in the past, how many people may have lived on the tract and used the water for domestic purposes, and the extent of past irrigation, if any. We should also be advised, from time to time, of the maximum similar use made by Mr. Elizondo during the 35 years that he retains an interest in the water.

(SIGNED)

AvVD:sh.

Enclosure 134.
In duplicate.

cc: Mr. Dunn.

Associate Director.

COPY

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

Ed. H. Watson
State Engineer

COPY

February 15, 1949

Mr. A. E. Demaray
Associate Director
National Park Service
Washington 25, D. C.

Dear Sir:

RE: GENERAL

It appears from your letter dated February 8, that you are the present owners of a tract of land with a stockwatering water right from one Elizondo and that the water right is not covered by an application in this office.

If the right is 60 years old, as you state, then it must have been initiated prior to 1903. If so, it would be classed as a diligence right, there being no court decree nor no record of the right whatsoever, although diligence rights are covered by decrees. The right, if established as stated, is still good, unless it has suffered a nonuse of five years when the water was available.

No one in the State of Utah owns any water. They only own a right to the use of it. When the use ceases, as stated, the right is lost. If the right becomes lost, there is no way that this office can prevent applicants from seeking to reappropriate it. If water is unappropriated, the State Engineer must, under ordinary circumstances, approve the application for its appropriation.

If you have entered a contract or an understanding with the original owners that they may use the water the same as heretofore, but only under limited conditions, then you will have protected the water right through such use, so long as it exists and to the extent of such use. This office cannot guarantee that applications will be rejected on the source if it should be shown that the water or any part of it is unappropriated. You should, therefore, be diligent in seeing that the water is used by your predecessor or by your own agency.

Yours very truly,

(Sgd) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

FWC/vm

COPY

COPY



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

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

Mr. Ed. H. Watson,
State Engineer,
Salt Lake City, Utah.

8 - FEB 1949

My dear Mr. Watson:

As a result of your letter of October 19, 1948, to A. van V. Dunn, Chief of our Water Resources Branch, we have made further investigation of the history of water use on the land in Arches National Monument which was recently conveyed to the United States by Emmett and Lena Elizondo. A copy of a memorandum report of October 31, 1948, from the Superintendent of that Monument is enclosed. Also enclosed is a print of our map of the Monument, NM-AR-7002, on which we have shown the tract formerly owned by Elizondo in red, and two tracts of State school land in orange.

With the acquisition of the Elizondo tract, the United States now owns all land in the Monument except the indicated school lands. Negotiations are in progress for the exchange of the school lands for Federal land outside the Monument, the consummation of which is doubtless only a matter of time.

As stated in Mr. Dunn's letter of October 15, 1948, Mr. Elizondo reserved certain stock-watering privileges on his former tract for 35 years, but such watering is only contemplated when his stock is being driven across the Monument, to or from his range to the north and east of the Monument, and no exclusive stock-watering was reserved. The attached memorandum indicates that such transitory stock-watering has continued for nearly 60 years and no special water system or other stock-watering facilities have been constructed. None are contemplated now. So far as we can determine, no water rights are recorded in your office or that of the County Recorder.

It seems to us, therefore, that the stock-watering use is of a public character for which no water right is required. If, on the other hand, a water right should accrue, the United States should claim title as a public trust. If you agree it is requested, therefore, that you accept this letter as a notice to that effect. As a precaution, we also request that you reject any applications for the appropriation of water for stock-watering within the Monument, if such should be filed hereafter, unless advised to the contrary by this Office.

Sincerely yours,

SIGNED

AvVD:sh.

A. E. Demaray,
Associate Director.

Enclosure 117.
cc: Regional Director, Region Three (2).
Mr. Dunn.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Arches NATIONAL MONUMENT

Moab, Utah

October 31, 19 48

MEMORANDUM for the Regional Director, Region Three:

Reference is made to Mr. Lassiter's memorandum of October 22nd with attached copies of Mr. Dunn's letters of October 15th to the Utah State Engineer and the Regional Director and copy of Deed No. 5, relating to water rights on the recently acquired Elizondo property.

I have made inquiries regarding the use of the water in the Salt Wash, which runs through said property, for stock watering purposes and have found that it has been consistently used as a headquarters and stock watering point by local stockmen for the past sixty years. Approximately twenty years ago, at the time of the survey of this land, it was owned by Marvin Turnbow, who perfected the rights to said land under the homesteading act. Prior to that time it was held under squatter's right by various parties.

There are no developments on this property for stock watering purposes. The stock make use of the natural flow for watering purposes.

(Sgd) Russell L. Mahan

(in dup.)

Russell L. Mahan
Superintendent

Arches

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
~~WASHINGTON, D. C.~~
CHICAGO, ILLINOIS
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

October 27, 1948.

MEMORANDUM for the Regional Director, Region Three.

We enclose two copies of a letter of October 19 from the State Engineer of Utah which indicates that no water right has been recorded with him, to cover the stock watering of Mr. Elizondo on the land covered by Deed 4 at Arches National Monument.

The copies of the State Engineer's letter should be filed in Arches Deed No. 5, directly above my statement in Part II, in your office and at the Monument. Your answers to questions in my memorandum of October 15 will be essential to proper definition of the water rights under these circumstances.

(SGD.) A. VAN V. DUNN,

Chief, Water Resources Branch.

Enclosure 352.
In duplicate.



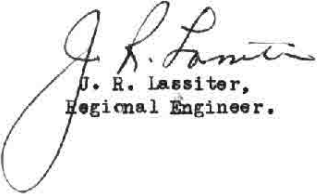
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

October 22, 1948.

MEMORANDUM for the Superintendent, Arches.

There are enclosed copy of Mr. Dunn's memorandum of October 15 to this office, copy of his letter of October 15 to the State Engineer of Utah, copy of Form L-1 of Deed No. 5, and copy of Deed No. 5, all relating to the water rights on the Elizondo property recently acquired for Arches National Monument.

Will you please advise us what you can ascertain as to the earliest water use and how that water is used by stock, or for any other purposes, on this property.



J. R. Lassiter,
Regional Engineer.

Enclosure 818.



THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

October 19, 1948

Ed. H. Watson
10/23

ED. H. WATSON
STATE ENGINEER

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

Dear Sir:

Re: GENERAL

This acknowledges receipt of your letter dated October 15, 1948 relative to water rights in the Arches National Monument. Please be advised that a search of the records of this office does not indicate there are any subsisting applications within the area. If the water right to which you refer belonging to Emmett and Lena Elizondo began after 1903 and there is no application in this office therefor, then there is no basis for the water right. Diligence rights must have been initiated before 1903 otherwise they must be covered by applications in this office.

You ask whether or not watering from natural pools without man-made developments establishes a water right. There is a question about this matter, this office taking the attitude that if an appropriation of water is made by means of an application in this office it must be supported by man-made development for drinking facilities.

Yours very truly,

Ed. H. Watson
ED. H. WATSON
State Engineer

✓
FWC/eb

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

October 15, 1948.

MEMORANDUM for the Regional Director, Region Two.

The accompanying skeleton Arches National Monument Deed 5, form L-1, and copy of letter to the State Engineer, all in duplicate, are being distributed for your information.

As the enclosures indicate, the water right status is not clear. The fact that the abstract does not show water rights recorded in the county is not conclusive that appropriations have not been made with the State Engineer. Testimony with the abstract shows that the stock watering has continued for more than 20 years, but not whether it has continued since before the present water code was adopted in 1919. It is not clear, therefore, whether an appropriative filing is needed, if one has not been made. There is some further question as to whether there are any stock watering facilities, to constitute a water system by which to prove development if we should now make an appropriation.

For these reasons, please advise us as to the earliest water use, and how water is provided for the stock, so far as that information may not be supplied in answer to our letter to the State Engineer.

(SGD.) A. VAN V. DUNN,

Chief, Water Resources Branch.

AvVD:sh.

Enclosure 344.
In duplicate.



Arches National Monument Deed 5

October 15, 1948.

The United States, by agreeing to reservation of stock watering privileges for 35 years, is obligated to provide water rights, or let vendor perfect water rights if necessary. This deed, when completed, will show title to water for stock watering. Such title will be established in the name of the United States, to conform to policy being followed by the National Park Service.

(SGD.) A. VAN V. DUNN.

Chief, Water Resources Branch.

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

October 15, 1948.

Mr. Ed. H. Watson,
State Engineer,
Salt Lake City, Utah.

My dear Mr. Watson:

The United States has recently purchased certain land in Arches National Monument, in Sections 7 and 8, T. 24 S., R. 22 E., S.L.M., from Bennett and Lena Elizondo. The vendor reserves the right to water stock on the land for 35 years, and testimony with the abstract indicates that such stock watering has continued for more than 20 years. So far as I know, at the moment, the stock merely drink from natural pools in Salt Wash.

Please advise if you have any records of water rights in the area described. We should also like to know whether an appropriative filing would be required if the "more than 20 years" proves to be since before the present water code was adopted in 1919. We should also like to know whether a water right can be established if the stock is watered at natural pools without man-made developments.

Sincerely yours,

(SGD.) A. VAN V. DUNN.
A. van V. Dunn,
Chief, Water Resources Branch.

cc: Regional Director, Region Three (2).



(2)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS
54

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 20, 1947.

MEMORANDUM for the Regional Director, Region Three.

This refers to your memorandum of March 5, enclosing copies of communications concerning the cancellation of Mr. Revoir's permit to water sheep at Arches National Monument.

We concur in Custodian Mahan's action in cancelling the permit; however, in the event that Mr. Revoir insists this water is necessary to his operations, we believe it might be well for the Custodian and the District Grazier to go over the allotment with him and see whether some solution might be worked out whereby it will not be necessary for him to use the spring in the Monument.

If this is not possible or if it is impracticable at the present time, it might be necessary to give Mr. Revoir permission to use the spring temporarily and limit his use to a definite period. It should also be stated that such use is permissible so long as it does not conflict with valid existing rights to the use of water as provided under the State laws, and it being understood that this permission does not constitute a right of access by which to perfect a water right nor authorize the permittee to establish such right to use said water, nor constitute a precedent for further permission to enter said land and use said water.

(SGD) HILLORY A. TOLSON

Acting Director.

AvVD:HMR:sh.

In duplicate.

cc: Mr. Dunn.



Messrs. Burney, Price, and Coffman.

March 12, 1947.

Mr. Dunn.

Cancellation of permit for Henry Revoir to water sheep in NW¹/₄ Sec. 6, T. 24 S., R. 22 E., G. & S. R. M. in Arches National Monument - Mr. Tillotson's memo of March 5 with enclosures.

My chief objection to the permit was that it authorized the watering of stock although the United States does not have a water right for such appropriation. The correspondence indicates that there is insufficient vegetation to justify a permit to graze the area. The access cannot be incidental to use of the area as a stock drive because the spring is at the end of the drive, whence return is made over the same route. The permit is reported to have been granted originally on request of the Grazing Service, now the Bureau of Land Management, to provide water for an allotment in the adjacent grazing district.

It seems to me that the logical procedure would be for the Bureau of Land Management to give Mr. Revoir another grazing allotment and cancel use of the area now allotted to Mr. Revoir because of lack of water, at least until the Service ^{Bureau of Land Management} drills a well (if feasible) on the allotment, for the incidental water use.

As one alternate, I wonder if this Service and the Bureau of Land Management should not enter into an interbureau agreement by which the latter would be granted a revocable permit to use the quarter section in question for some period between 3 and 5 years, for stock watering purposes; Provided that the Grazing Service shall fence the area and so much of the Monument boundary as may be necessary to prevent stock trespass on the rest of the Monument; and Provided that ^{any} water rights ^{perfected} by the Bureau of Land Management and its permittees, ^{they} shall convey their interest in such rights to the National Park Service as another agency of the United States on termination of the agreement or permit.

As another alternate, a permit might be granted to Mr. Revoir to permit his sheep to water at the public spring, known as Freshwater Spring, on said quarter section so long as said stock watering did not conflict with the use for which the area was included in Arches National Monument, and does not conflict with valid rights to the use of water as provided under the State water laws; provided that permittee shall attempt to appropriate the waters of the spring or prevent the full enjoyment of the spring by the public; and provided permittee shall confine his stock to the one quarter section when within the Monument.

The last form of permit could also be modified to cover perfection of water rights by this Service, and to provide for proper cooperation by permittee in such work, at a higher permit fee.

We have just written to several of the State Engineers to determine how far they would accept grazing permits as access for perfection of rights for incidental water use. Therefore, I suggest that we defer granting any permit which may require perfection of water rights by permittee or this Service, until we obtain replies from the various States.

(SGD.) A. VAN V. DURN

Chief, Water Division.

AvVD:sh.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

January 28, 1947.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Seoyen's memorandum of December 30 regarding stock trespass and stock watering in Arches National Monument.

We concur in the Custodian's recommendation to cancel Mr. Revoir's permit, and we realize that this Service will have some unavoidable problems until the area is fenced, on the basis of principles explained in our memorandum of December 9, 1946.

In the case of the private land within the area, we should probably assume that the owner had a right of access at the time the Monument was established. The owner should be allowed to continue to use the route which was followed at that time. No permit is needed for that access, whether the ownership has changed or not.

However, the landowner, whether Mrs. Turnbow or Mr. Elizondo, can acquire no other access to the property without a permit, and a permit to one owner would not be automatically transferable to a new landowner. There is also a limit to the width of right-of-way which may have been used by the landowner at the time the Monument was established. The Custodian and landowner should attempt to arrive at an agreement as to a reasonable width of stock lane along the established route, and the latter should take reasonable precautions to confine his stock to that area. The established route probably does include certain water holes.

Such transient use of the water should not constitute access by which to establish a water right, and neither the landowner nor this Service should consider a claim for that purpose. The ultimate solution for this problem is for this Service to purchase the private land when funds are available, and this Office should be advised of any attempt by the landowner to establish greater claims or rights than he now has.

(SGD) J. D. COFFMAN

AvVD:sh.

Acting Director.

In duplicate.

cc: Mr. Dunn.



Mr. Sanders.

January 22, 1947.

Mr. Dunn.

Authority of Mr. Revoir to let his cattle water at springs in Arches National Monument.

I do not see why a permit should be granted to Mr. Revoir just because his act of trespass cannot be fully prevented without a fence.

Personally, I wonder why Mr. Revoir, instead of the United States, should not fence the point of entry. It is his responsibility to keep his cattle on his land or grazing allotment, rather than a Federal obligation to keep them off of the Monument.

To issue a permit constitutes a form of connivance which I do not think the issuing officer should have to practice. It also strengthens the permittee's temporary right of access as a basis for establishing a claim to water in accordance with the State water law.

When drafting the memorandum of December 9, 1946, I did not consider cancellation of an existing permit, but rather that existing permits would not be renewed and no new ones would be issued. To answer your question, I would not keep the permit in force until the area is fenced, but I am not sold on cancellation. We might require Mr. Revoir or the Bureau of Land Management to fence within the specified time, as a preliminary to prosecution which we hope to avoid.

(SGD.) A. VAN V. DUIN

AvVD:sh.

Chief, Water Division

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEWMEXICO

December 30, 1946.

MEMORANDUM for the Director.

There is enclosed a memorandum from Custodian Mahan, Arches National Monument, in response to our memorandum of December 14, concerning the permit of Mr. Emmet Elizondo and Henry Revoir for watering sheep in that area.

Since Mr. Elizondo has purchased the Turnbow property within the monument, it appears that we can not deny him access to the property for the purpose of watering his sheep. Therefore, we believe his permit to cross monument lands will be required.

We concur in the Custodian's recommendation to cancel Mr. Revoir's permit although we cannot stop his trespass until the area is fenced, without continuous patrol in that area.

(Sgd) E. T. Scoyen

E. T. Scoyen,
Acting Regional Director.

Enclosure 2871827.

cc: Arches NM.

cc: C - 10 - Final Opinions and Orders File.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Arches NATIONAL MONUMENT
Moab, Utah

December 20, 1946.

MEMORANDUM for the Regional Director, Region Three:

Please refer to Mr. Davis's memorandum to the Director dated December 16th, copy to this office with copy of Mr. Tolson's memorandum of December 8th, regarding permits issued to Bureau of Land Management permittees who range on lands adjoining Arches National Monument.

Upon receipt of these memorandums I contacted Mrs. Susie Turnbow regarding Elizondo's lease on the 160 acres of private land within the monument and was advised that same had been sold to Elizondo last spring. I visited the County Recorder's office and examined the deed and found that the transaction was completed on April 27, 1946, for a consideration of \$800.00. I had asked Mrs. Turnbow previously to let me know if Elizondo at any time exercised the option to buy, which was included in the lease, but she neglected to do this.

Regarding the permit of Henry Revoir for use of water at "Freshwater" spring for his herd of sheep. I would like to see the permit cancelled for I have found evidence of trespass by his herd in several grassy parks in the Devil's Garden section, but, as I have stated before, he will use the water regardless unless we maintain a continuous patrol, or fence that portion of the monument.

The only logical solution to our trespass problems is fencing and I certainly hope that funds can be made available in the not too distant future to get a start on this project, at least in the portions where trespass is the worst.

(Sgd) Russell L. Mahan

Russell L. Mahan
Custodian

(in dup.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Chicago 54, Illinois

December 9, 1946.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Davis' memorandum of November 6 concerning the permits issued to Messrs. Revoir and Elisondo to graze or water sheep in Arches National Monument.

In our memorandum of October 23, we suggested that such permits should relate to the use of the land rather than the water, because the United States has title to the land and not to the water. Of course it would be technically just as irrational to grant a permit to use land for grazing, if there is no feed, as to grant the use of water to which the United States does not have title. The only other use of the land would apparently be as a stock lane, which might be satisfactory if there were sufficient appearance of a thoroughfare.

On the attached photostat of drawing NM-AR-7002 we have shown the private land and the land use permits. We note that the permit to Mr. Ed. Provonsa involves two sections of land on the opposite side of the river from the Monument, and wonder if the description should not agree with that issued to Mr. Pierre Etchemendy to give access from the existing road or trail to the Windows, to the land of the Grazing District in the south half of Section 31, T. 24 S., R. 21 E., and Section 36, T. 24 S., R. 22 E. If this is true, both permits are satisfactory in authorizing temporary land use for stock driveways.

The permit to Mr. Frank Paxton seems to involve the use of a corridor across the NE 1/4 of Section 24, T. 23 S., R. 20 E., since the privately owned land in Sections 24 and 25 seems to be to the south of the Park. In this case, too, a permit for a stock driveway seems applicable, but the present permit does not seem to cover sufficient ground to give access from Section 14 to the south halves of Sections 24 and 25.

The permits to Messrs. Henry Revoir and Emmet Elisondo seem to be for land use which cannot be described as for a stock lane. We wonder if a permit should have been issued for land use in either case. We are really only tolerating trespass from Section 31, T. 23 S., R. 22 E., by Mr. Revoir's stock, and from the Turnbow tract by

the stock of Mr. Elizondo, because the animals do not respect unfenced boundaries. We are granting 5 and 3 years, respectively, in which to provide fences to stop the trespass, and we do not wish to have Messrs. Revoir and Elizondo establish any claim or right to the waters on the Federal land. The tolerance should not continue without written understanding.

In the future, in such cases, or in lieu of renewing either permit, if such should be considered, we suggest that a written notice be given that the applicant has been trespassing and that further trespass will be tolerated only until an adequate fence can be provided, and that tolerance does not constitute right of access by which to establish any rights or claims to the water. The same notice should indicate who will provide the fence and the date by which it shall be installed.

We note that the stock does not normally use the spring on Section 6 except when water fails on Mr. Revoir's allotted grazing range to the north of the Monument. If the water on the Monument is so essential to the adjacent grazing allotment, we wonder if the Grazing Service should not alter the allotment to protect Monument interests. We assume that the water will be required by this Service when the road is constructed to that portion of the Monument.

We are returning to you with this memorandum the enclosures received with Mr. Davis' memorandum of November 6 which appear to have been intended for the Custodian of Arches National Monument and were inadvertently forwarded to this Office.

HILLCRY A. TOLSON

Acting Director.

AvVD:sh.

Enclosure 471.

In duplicate.

cc: Mr. Dunn.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE
SANTA FE, NEW MEXICO

November 6, 1946.

MEMORANDUM for the Director.

Reference is made to Mr. Tolson's memorandum of October 23, concerning the permits issued to Messrs. Revoir and Elizondo for watering sheep on lands within Arches National Monument.

At the time these permits were issued it was thought the men would not get enough actual grazing to charge the regular grazing fee. In Mr. Revoir's case, he was to use the water only at such times as there was not water available outside the monument and we understood the route over which his sheep would travel had no vegetative cover which could be grazed by the sheep.

However, if the men actually are getting sufficient grazing to warrant the issuance of a grazing permit, we will have the permits re-issued and a fee charged on the same basis as that charged by the Bureau of Land Management in the adjoining allotments.

John M. Davis,
Assistant Regional Director.

cc. Arches NM. with enclosure.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

October 23, 1946.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Acting Regional Director Mc Colm's memorandum of October 8 enclosing a copy of Custodian Mahan's memorandum of October 6 in regard to livestock watering and crossing permits in Arches National Monument.

We concur in the recommendation that Messrs. Elizondo and Revoir be permitted to water their sheep within the Monument under temporary permit until the area is fenced, but we do not think that a permit should be granted for such water use, or that a fee should be charged for such use as long as the United States does not have a right to use the water. The permits now in effect are for driving sheep across the Monument lands, while the use actually made is now probably grazing, which is usually concentrated near watering places. New permits should be substituted for the existing ones, either on their expiration or before, and the fees charged on the grazing basis.

All such permits should specify, as conditions 11 and 12, on form 10-114:

11. Any incidental water rights which may be required shall be perfected in the name of the United States, in accordance with regulations which the Director may prescribe.
12. Plans for any water systems, or other stock watering structures which may be requested under condition 3, shall include ties to section corners, and such data on hydraulic properties as may be needed for the preparation of an application for the appropriation of water by the United States.

On the basis that all driving, grazing, and watering of stock is intended to be for a very few years until fences can be provided to terminate the use under the permits, it does not seem desirable to file applications for water rights at this time.



We enclose a copy of a letter of June 7 from the State Engineer of Utah to Mr. Dunn which indicates that, although rights should be perfected for all stock watering, considerable water use, without rights, is tolerated as long as it is not protested by claimants who do have rights. There is little chance of protest in the area, but one would not be to our disadvantage, since it would tend to eliminate the grazing in that area. On the other hand, if your reference to fencing implies that stock driveways will be provided to the water on Federal land, this Service should perfect the necessary water rights for relatively permanent use.

In view of the circumstances, it will be necessary to base any fee which may be charged on the immediate land use as a stock driveway or grazing range rather than on water use.

(HST) *W. L. OLSOBY*
Acting Director.

Enclosure 530.

In duplicate.

cc: Mr. Dunn ✓
Mr. Coffman.

JDC:AvVD:MCB:sh:GAW:lh

C O P Y

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

Ed. H. Watson
State Engineer

June 7, 1946

A. Van V. Dunn
Chief, Water Rights Division
U. S. Department of the Interior
National Park Service
Chicago 54, Illinois

RE: GENERAL

Dear Mr. V. Dunn:

We have your letter of June 5, 1946, in which you inquire whether or not it is necessary, under the Utah statutes, for an individual to make a water filing for stock watering ponds with capacities of less than 10 acre feet. This will advise you that it is necessary in order for the appropriator of the water to obtain a legal right.

Section 100-5-14 U.C.A. 1943, to which you refer, relates primarily to existing reservoirs and was designed to compel the owners of existing reservoirs to register them with the office of the State Engineer. Section 100-5-5 U.C.A., 1943, governs the submission of plans and specifications of new dams. It requires that the specifications for the dam, 10 feet or more in height, or any dam less than 10 feet in height, which will impound more than 100 acre feet of water, be submitted to the State Engineer at least 30 days before construction begins. If the dam is less than 10 feet high and impounds less than 100 acre feet of water, it is not necessary to get advance approval of the plans.

It is, however, necessary, under other provisions of the statute, for the applicant to make an application to appropriate water for stock watering purposes. This is necessary even though the quantity of water involved be less than 1 acre foot. Undoubtedly there are small ponds being constructed over the state of which we have no knowledge and which have not been constructed in accordance with law. However, such individuals have no water right which would be legally recognized as against adverse claimant of the water.

I trust that the above will answer your inquiry and if you have anything further feel free to submit it.

Yours very truly,

(Sgd) Ed. H. Watson

Ed. H. Watson
STATE ENGINEER

EC/le

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SOUTHWESTERN NATIONAL MONUMENTS
COOLIDGE, ARIZONA

JUL 2 1942	
100-118	Date
<i>[Handwritten signature]</i>	
7/2	
FILE	

ADDRESS REPLY TO
THE SUPERINTENDENT

June 29, 1942.

MEMORANDUM for the Water Rights Division, Region Four.

Thank you for Mr. Dunn's memorandum of June 26 supplying information concerning water use by Mr. and Mrs. Turnbow at Arches National Monument.

A short time ago we requested Custodian Schmidt to make an investigation of any water development in the vicinity of the Turnbow patent. The following information was contained in his memorandum of June 23:

"This is to advise you of the following pertinent facts:

- "1. Both springs, known as Freshwater, are in section 6, T. 24 S., R. 21 E, and are not on the Turnbow patent, which is located in sections 7 and 8, T. 24 S., R. 21 E. Mr. Turnbow never developed these springs, although he had transported some tin pipe to his cabin, and may have intended to pipe this water to his cabin at some future date. I have learned from reliable local people that he transported this pipe to his cabin approximately 10 years ago, and all talk about piping the spring water to his cabin appeared to be "just talk."
- "2. The small seep or spring located approximately 300 yards northeast of the Turnbow cabin is in section 5, T. 24 S., R. 21 E., and is located about 100 yards off the Turnbow patent. Mr. Turnbow did just enough improvement work at this spring to insure adequate water for culinary use at the cabin. It was never piped to his property, but was dug out to make a larger and more accessible flow.
- "3. Mr. Wolff, the original settler on this homestead, used these same springs, but never made an attempt to develop them. He did, however, take water from Salt Wash for irrigation purposes, and succeeded in growing a small crop of hay, a few fruit trees, etc., until floodwaters in Salt Wash entered his irrigation ditches, and washed away all of the good top soil from the farming land."

The above information corroborates that contained in Mr. Dunn's memorandum, and indicates that the Turnbows have no water rights to springs they have used in the past.


Acting Superintendent.

cc: The Director.
Regional Director, Region Three.
Custodian, Arches N. M.

601 Sheldon Building

June 26, 1942.

MEMORANDUM for the Superintendent,
Southwestern National Monuments:

Reference is made to our memorandum of June 15, 1942, with regard to water use by Mr. and Mrs. Turnbow at Arches National Monument.

On inquiry we have received the attached letter from the State Engineer at Salt Lake. Assuming that no water was used before 1903 they have no water rights. You are in a position, therefore, to refuse access to any springs not on their own land so that they cannot perfect water rights on the federal land.

AvVD:SH

Hydraulic Engineer.

Attachment.

cc: Director, with attachment.
Region Three, with attachment.
Custodian, Arches N.M., with attachment,
(through Supt., S.W. Monuments).

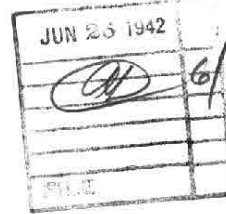
FILE COPY



THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

June 24, 1942

ED. H. WATSON
STATE ENGINEER



Mr. A. van V. Dunn,
Hydraulic Engineer
National Park Service
601 Shelton Building
San Francisco, California

Dear Sir: REL: GENERAL

In reply to your letter dated June 15,
relative to water rights of record in this office
in Secs. 7 and 8, T. 24 S., R. 22 E., SLB&M.

Our records do not show any applications
to appropriate water in the above numbered
sections. If any rights exist in T. 24 S., R.
22 E. they were initiated prior to the creation
of the State Engineer's Office in 1903.

Yours very truly,

Ed H Watson

Ed. H. Watson
STATE ENGINEER

RER/vm

*Copies to Director, Region Three, Supt, S.W. Mon;
and Custodian, Arches Nat Mon, (through Supt, S.W. Mon) 6/26/42*

601 Sheldon Building

June 15, 1942.

State Engineer,
Salt Lake City, Utah.

Dear Sir:

Will you please advise us if any water right has been initiated in Sections 7 or 8, T. 24 S., R. 22 E., S.L.M. We should also like to know the quantity of water involved and the application number or other means of identification. If there is such a right it will probably be in the name of J. M. Turnbow or his widow, Susie Turnbow, who occupy Homestead Entry No. 058762 in these sections within Arches National Monument.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

FILE COPY

601 Sheldon Building

June 15, 1942.

MEMORANDUM for the Superintendent,
Southwestern National Monuments:

Reference is made to Mr. Richey's memorandum of June 11, 1942, with regard to the homestead of J. M. and Susie Turnbow at Arches National Monument.

We are writing to the State Engineer to determine whether a water right has been initiated by Mr. or Mrs. Turnbow, and we shall advise you of what we learn.

We do not know what available water sources there are on the homestead, or on federal land adjacent. Whatever they are Mrs. Turnbow has every right to develop those sources on her land, but has no right to develop those on federal land without first obtaining a permit from the National Park Service. As a result, we should like to be kept posted as to what water development she has made or may attempt to make in the future. We suggest, however, that you do not discuss the matter of water with her at all unless she starts it. Any information you can give us now should be from observation.

AvVD:SH

Hydraulic Engineer.

cc: Director.
Regional Director, Region Three.
Custodian, Arches Nat. Mon.,
(through Supt., S.W.Monuments).

FILE COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SOUTHWESTERN NATIONAL MONUMENTS
COOLIDGE, ARIZONA

ADDRESS REPLY TO
THE SUPERINTENDENT

JUN 13 1942	
100-116	Date
6/13	6/15
FILE	
June 11, 1942.	

MEMORANDUM for the Water Rights Section, Region Four.

Reference is made to Regional Attorney Johnson's memorandum of May 19, referring to our memorandum of April 24 concerning the water situation at Arches National Monument, and requesting information concerning any private lands within the exterior boundaries of Arches National Monument.

Homestead Entry No. 058762, Salt Lake City, made by James M. Turnbow, deceased, on lands which are now located within the boundaries of Arches National Monument has been pending for some time. Upon receipt of your memorandum of May 19, we made inquiry of Custodian Schmidt concerning the status of this homestead entry. The following information was received from Mr. Schmidt by memorandum of June 5:

"This will advise that Mrs. Susie Turnbow, wife of the deceased J. M. Turnbow was granted patent on 160 acres described in prior correspondence. This parcel of land is located in the Delicate Arch section of the monument. Patent was issued Mrs. Turnbow on March 2, 1942. This office has never been notified of this transaction by the General Land Office, but has learned through local officials of the Grazing Service that the patent was issued on the date mentioned above."

*Seems as
if there
should
be more
cooperation
between different
bureaus of the same Dept.*

The parcel of land referred to is as follows: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 7, SW $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 8, T. 24 S., R. 22 E., S. L. M.

Charles A. Lichy
Acting Superintendent

cc: The Director.
Regional Director, Region Three.
Custodian, Arches N. M.

State - Utah - - -

LAND OWNERSHIP RECORD

Tract No. _____

City Grand _____

Deed No. 5

Civil Subdivision _____

Area ----- acres ----- Archea National Monument

Arches National Monument

Name of Park or Area

Area based on ^{recprds}~~survey~~ of Water Resources Branch

Turnbow Homestead
Section of Park or Area

Legal Description:

Method of Acquisition: Purchase and appropriation

Appropriation or Source of funds: _____

Cost (if purchased) or estimated value: _____

Acquired from: Ernest & Lena Elizondo and State of Utah

Accepted by Secretary (____)

Opinion of Att'y. Gen.—title in U. S. (___)

date: Sea Arches N.M. Deed 4.

Physical Characteristics:

Improvements on Land at time of Acquisition:

Existing or outstanding special use permits, reservations, rights, or rights of way:

Report Based on:

Prepared by: A. van V. Dunn, Chief, Water Resources Branch

date: 10/15/48

Up References:

Remarks: Status of water rights acquired with land covered by Deed 4 are not fully defined at this date.

Form 7-PS, L-1 UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

State Utah Act No. 1
County Grand Deed No. 4
Civil Subdivision _____ Area 160.00 acres Arches National Monument
Name of Park or Area
Area based on survey of G. L. O. Date 1932 Delicate Arch
Section of Park or Area

Legal Description: The East Half of the Northeast Quarter (NE 1/4) and the Northeast Quarter of the Southeast Quarter (NE 1/4) of Section 7, and the Southwest Quarter of the Northeast Quarter (SW 1/4) of Section 8, Township 24 South, Range 22 East, Salt Lake Meridian, containing 160 acres.

Method of Acquisition: Purchase Appropriation or Source of Funds: Interior 1948
Cost (if purchased) or estimated value: \$1,000.00

Acquired from: Emmett Elizondo et ux by deed of May 25, 1948. Recorded in Deed Book 37.
Assistant Director
Accepted by Secretary () Opinion of Atty. Gen. title in U. S. () date: SEP 10 1948

Physical Characteristics: The land comprising this 160 acres consists of slick-rock and sand flat covered with black brush and some grass. The Salt Wash, which has a flow of water the full year, flows across this land from north to south, for approximately 3/4 mile.

Improvements on Land at time of Acquisition: A log cabin, 12' x 14' with one window. One small roofed dugout in poor state of repair. A large pole corral with cross panel. Cabin contains board floor with pole and dirt roof in poor condition.

Existing or outstanding special use permits, reservations, rights, or rights of way: (a) That for a period of 35 years from the date of this conveyance, the grantor, his heirs, devisees, administrators, and executors, as the case may be, shall have and enjoy, without payment of any fee or other (continued on back of sheet)

Report Based on: Deed and related papers.

Prepared by: James M. Siler (in part) date: September 1948

Map References: Land Status Atlas Sheet No. 6.

Remarks:

Existing permits, reservations, etc. (continued):

charge, the right of access to the lands herein conveyed for the purpose of using the water in the Salt Wash running through the property for watering his sheep herd or such other livestock as he may own or control. It is understood and agreed that the permission herein provided for shall entitle the grantor to water his sheep or other livestock herd along the Salt Wash for the full distance which said wash traverses the lands herein conveyed, a distance of approximately $3\frac{3}{4}$ miles. It is further understood and agreed that this privilege is to be exercised generally during the period from December 1, to May 1, of each year, but it may also be exercised at such other times as may be reasonable and necessary upon approval in advance by the Custodian or other officer in charge of Arches National Monument.

(b) That the grantor, without payment of any fee or other charge, shall be permitted to erect a suitable storehouse or grain bin upon the land herein conveyed for the storage of stock feed and supplies for camp use; provided, however, that the site for the erection of such storehouse or grain bin, and the construction plans therefor, shall be approved in writing by the Custodian or other officer in charge of Arches National Monument before construction shall be undertaken. It is understood and agreed that title to the storehouse or grain bin to be erected on the land shall remain in the grantor, who shall be permitted to remove the same at any time during the 35-year period stipulated in paragraph "(a)" above. In the event the structure herein authorized to be erected shall not have been removed within three (3) months following the expiration of the 35-year period so stipulated, the same shall be the property of the United States. In the event of removal or abandonment of the structure by the grantor, it is agreed that the site thereof shall be restored to its original condition at the expense of the grantor.

(c) That the grantor, without payment of any fee or other charge, and during the 35-year period herein stipulated, shall be permitted to drive his sheep or other livestock herd across Arches National Monument lands, using the so-called Slick Rock trail, northwest of Delicate Arch, for the purpose of reaching the lands herein conveyed in order to water the grantor's stock. A second stock driveway running from the east through Cash Valley shall also be permitted for the purpose stated. The stock driveways herein permitted are substantially those used in the past by the grantor but it is understood and agreed that in the enjoyment of the privileges herein provided for, both driveways shall not be less than $1\frac{1}{4}$ mile, nor more than $1\frac{1}{2}$ mile, in width and that the boundaries of the said driveways may be fixed and made more definite by the Custodian or other officer in charge of Arches National Monument. It is further understood and agreed that the grantor will exercise due care in the enjoyment of the privileges hereby authorized to guard against injury or damage to the lands and other property of the United States and will not permit his sheep or other livestock herd to stray from the stock driveways or the watering places provided for herein.

(d) The privileges herein provided for shall not be assignable.



WARRANTY DEED

EMMETT ELIZONDO and LENA ELIZONDO, husband and wife ----- grantors
 of Westwater, County of Grand, State of Utah, hereby
 CONVEY and WARRANT to THE UNITED STATES OF AMERICA-----

----- grantee
 of United States of America ----- for the sum of
 ONE THOUSAND and no/100 (\$1,000.00) ----- DOLLARS,
 the following described tract of land in Grand County,
 State of Utah:

The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) and the Northeast Quarter
 of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, and the Southwest Quarter
 of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, Township 24 South, Range
 22 East, Salt Lake Meridian, containing 160 acres.

This deed is made and accepted by the United States subject to the following
 express conditions:

(a) That for a period of 35 years from the date of this conveyance, the
 grantor, his heirs, devisees, administrators, and executors, as the case may be,
 shall have and enjoy, without payment of any fee or other charge, the right of
 access to the lands herein conveyed for the purpose of using the water in the
 Salt Wash running through the property for watering his sheep herd or such other
 livestock as he may own or control. It is understood and agreed that the permis-
 sion herein provided for shall entitle the grantor to water his sheep or other
 livestock herd along the Salt Wash for the full distance which said wash traverses
 the lands herein conveyed, a distance of approximately $\frac{3}{4}$ miles. It is further
 understood and agreed that this privilege is to be exercised generally during the
 period from December 1, to May 1, of each year, but it may also be exercised at
 such other times as may be reasonable and necessary upon approval in advance by
 the Custodian or other officer in charge of Arches National Monument.
 (Continued on reverse.)

WITNESS, the hands of said grantor, this 26th day of
 March, May, A. D. 1948.

Signed in the Presence of

James Earl Worthington
Russell L. Mahan

Emmett Elizondo
Lena Elizondo

STATE OF *Colorado*
 County of *Montrose* ss.

On the 26th day of March, May, A. D. 1948
 personally appeared before me Emmett Elizondo and Lena Elizondo, husband and wife,
 the signer of the within instrument, who duly acknowledged to me that they executed the
 same.

Carrie Bryant
Notary Public

My commission expires *Jan 17, 1957* Residing in *Montrose Colorado*

Deed No. 4

(b) That the grantor, without payment of any fee or other charge, shall be permitted to erect a suitable storehouse or grain bin upon the land herein conveyed for the storage of stock feed and supplies for camp use; provided, however, that the site for the erection of such storehouse or grain bin, and the construction plans therefor, shall be approved in writing by the Custodian or other officer in charge of Arches National Monument before construction shall be undertaken. It is understood and agreed that title to the storehouse or grain bin to be erected on the land shall remain in the grantor, who shall be permitted to remove the same at any time during the 35-year period stipulated in paragraph "(a)" above. In the event the structure herein authorized to be erected shall not have been removed within three (3) months following the expiration of the 35-year period so stipulated, the same shall be the property of the United States. In the event of removal or abandonment of the structure by the grantor, it is agreed that the site thereof shall be restored to its original condition at the expense of the grantor.

(c) That the grantor, without payment of any fee or other charge, and during the 35-year period herein stipulated, shall be permitted to drive his sheep or other livestock herd across Arches National Monument lands, using the so-called Slick Rock trail, northwest of Delicate Arch, for the purpose of reaching the lands herein conveyed in order to water the grantor's stock. A second stock driveway running from the east through Cash Valley shall also be permitted for the purpose stated. The stock driveways herein permitted are substantially those used in the past by the grantor but it is understood and agreed that in the enjoyment of the privileges herein provided for, both driveways shall not be less than 1/4 mile, nor more than 1/2 mile, in width and that the boundaries of the said driveways may be fixed and made more definite by the Custodian or other officer in charge of Arches National Monument. It is further understood and agreed that the grantor will exercise due care in the enjoyment of the privileges hereby authorized to guard against injury or damage to the lands and other property of the United States and will not permit his sheep or other livestock herd to stray from the stock driveways or the watering places provided for herein.

(d) The privileges herein provided for shall not be assignable.

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service
Washington

SEP 10 1948

The within deed is hereby accepted on behalf of the United States under authority contained in the Interior Department Appropriation Act, 1948 (Public Law 247, 80th Congress), and pursuant to Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361).

J. B. Kemanay
Acting Director.

Deed No. 2048-14
State of Utah
County of Garfield
I hereby certify that this
instrument was filed for record
in my office on Sept 10 1948
at 9 o'clock PM of said day.
Deputy Register
[Signature]
Register
[Signature]
Deputy
[Signature]
Index
[Signature]
Filed
[Signature]
Proved
[Signature]
Index
[Signature]
Deputy
[Signature]
Index
[Signature]

Form NPS-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Hamilton

reopened 1948

Tract Record and Valuation Data
of Land to be Acquired

State Utah Tract No. _____

County Grand Deed No. _____

Civil Subdivision T 24 S. R 22 E. S 1 SLM Arches National Monument Delicate Arch
Name of Park or Area Section of Park or Area

RECORD OF OWNERSHIP

Conveyed to: (Name and address)	Date	Acres	Deed Book	Page	Remarks
James M. Turnbow Homestead Entry 058762	3-22-42	160	Patent		
Sadie Turnbow, wife of J.M. Turnbow, Deceased			Issued		

CLASSIFICATION AND VALUE OF LAND

Classification	Area acres	Year	Tax Valuation		Basis	50 % Total Tax	Appraisals		
			Value	Tax Rate			1	2	3
	5.00	1944	\$480.00	24.1	\$11.57	\$5.00			
	155.00					77.50			
Total	160.00		\$480.00	24.1	\$11.57	\$82.50			

KIND AND VALUE OF IMPROVEMENTS

Dwelling & out buildings	\$150.00	24.1	\$3.61	30.00	
Fences				5.00	
Total improvements	\$150.00	24.1	\$3.61	35.00	
Total Land and Improvements	\$630.00	24.1	\$15.18	\$117.50	

RECORD OF APPRAISALS

Name and address of Appraiser	Title	Date
1 Henry O. Schmidt	Custodian Arches National Monument	Jan. 16, 1940
2		
3		

If tract is required in Project Construction Program (PCP), give reference number _____

Will additional personnel, development and/or equipment be needed to administer this tract: No If so, state briefly: _____

Form 3
Page 1

Legal Description: E¹/₂ of the NE¹/₄, NE¹/₄ of the SE¹/₄ Section 7
SW¹/₄ of the NW¹/₄, Section 8
Township 24 South, Range 22 East, 51M

Liens: None

Description of existing or outstanding rights, rights of way or reservations, if any: None

Should they be acquired with the land () or are they administratively acceptable: None

Description of improvements: A log cabin, 12' x 14' with board floor, pole and dirt roof, contain-
ing one window, a stove, table, chair, and cupboard, habitable, on August 6, 1941, two small
dug-outs for storage purposes; in poor state of repair; a large corral with cross panel, one
small piece of fence in a canyon on the north end of the entry, and about one quarter mile of
poles without wire on the west side of the entry stretching across Salt Wash formerly used
as a drift fence.

Special Features: None

Justification for acquisition: The Turnbow property is the only piece of privately-owned land within
Arches National Monument and is located near the center of the area. It is necessary to
pass over this land to reach the delicate/arch portion of the monument, which is one of
the most spectacular, natural features and will eventually receive heavy visitation. This
land has considerable nuisance value as well as causing trespass problem as it is occasion-

Priority in purchase program: No. 1

Remarks: The 160 acres described is comprised of rocks and sand flat, little brush or
grass. A spring (fresh water) rises in one corner of the 160, but the
headwaters of the spring are on monument lands. It is doubtful if Mr. Turnbow
will ever exercise the easement rights he holds. Mr. Turnbow died in February,
1940. It is doubtful that his widow, Susie Turnbow, of Utah, will ever do any-
thing with the property except held it for a speculative sale.

Administrative Agreements

10-928
(July 1950)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CROSS REFERENCE

Arches
660-05.7
File No. _____

_____, May 9, _____, 19-50

From: Regional Director, Region Three
To : Director _____

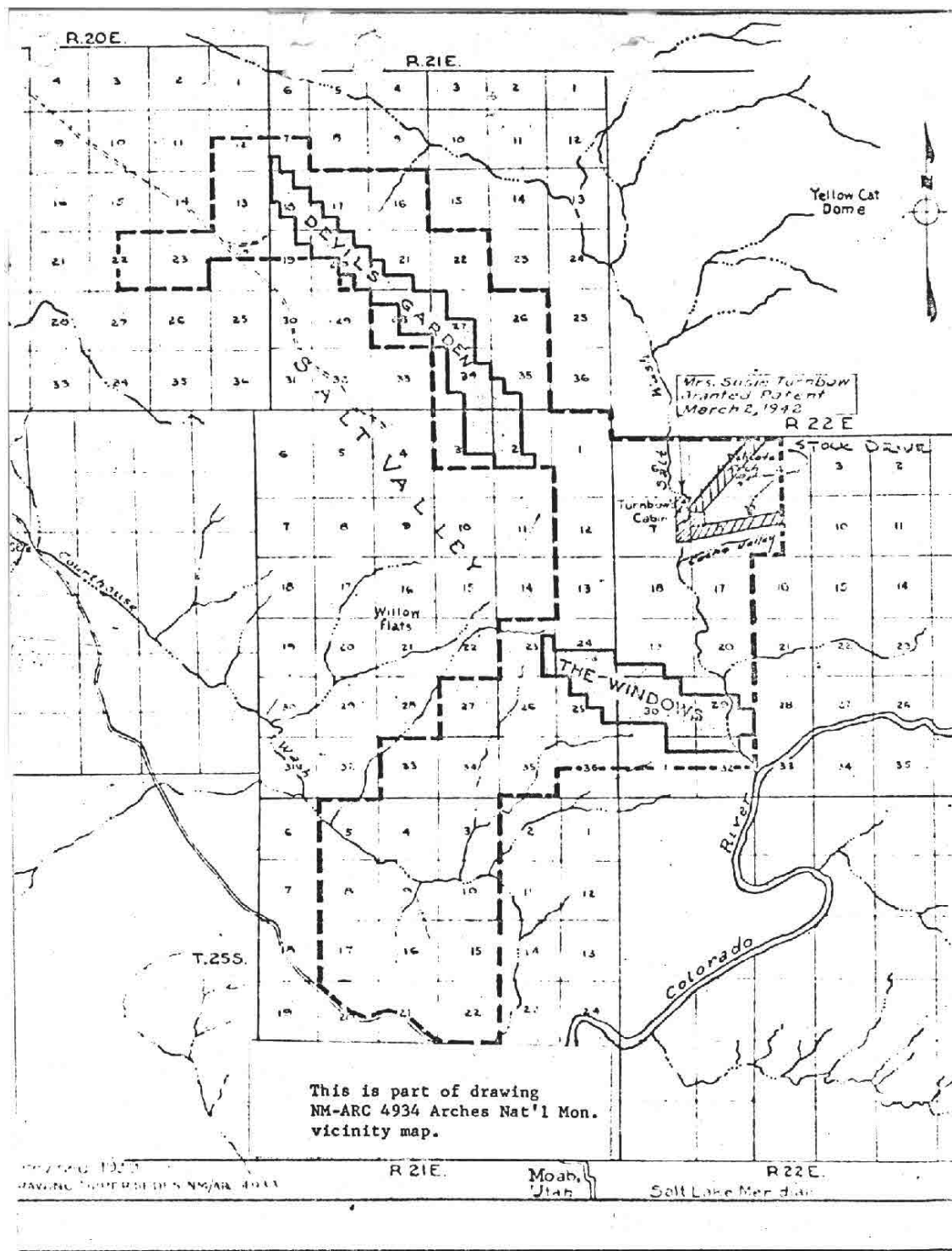
SUBJECT Livestock watering, Arches National Monument _____

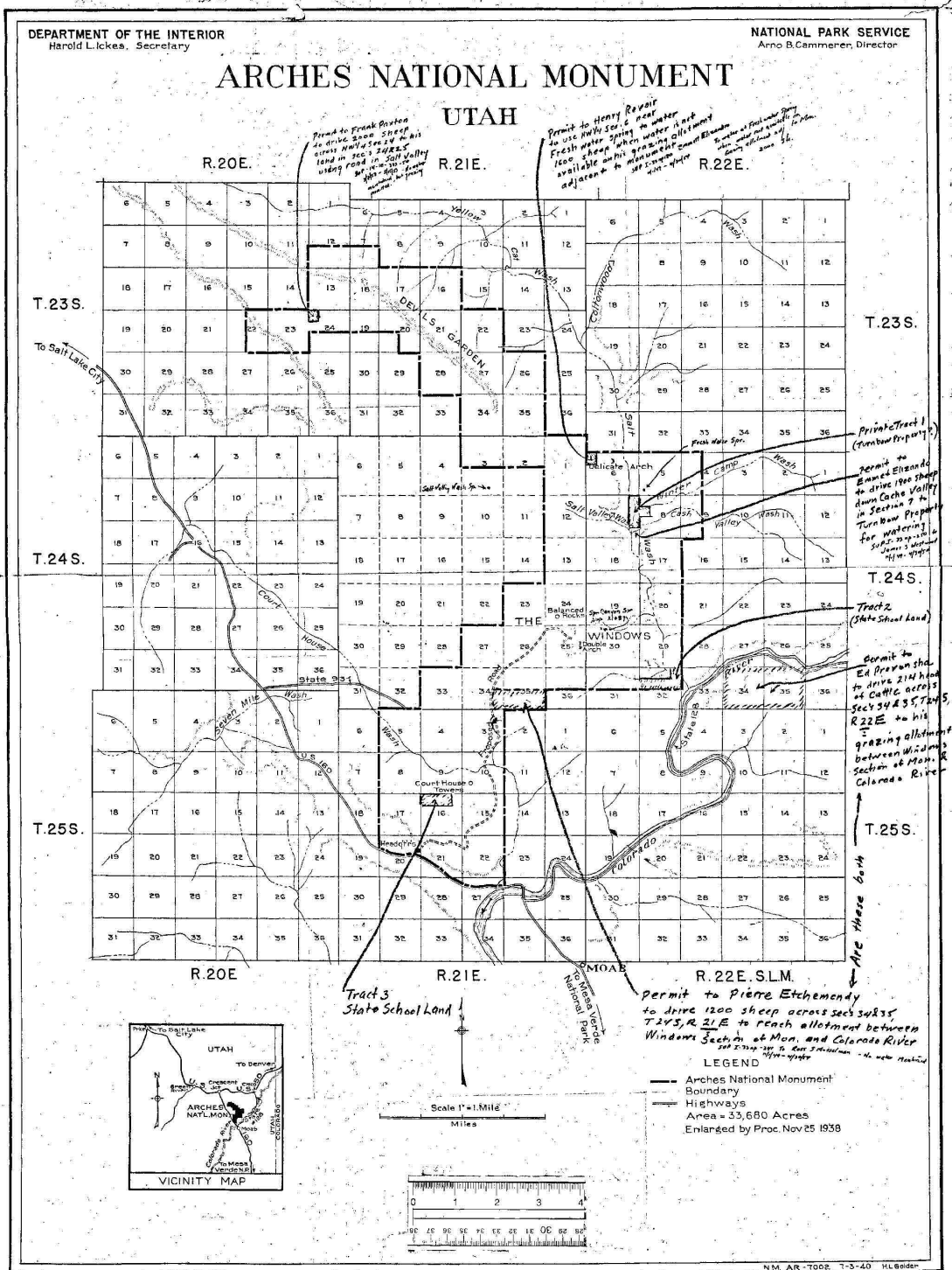
Mr. Tillotson's memo of May 9, 1950, with attached memo to
the Regional Forester from Forester Ratcliff and attached Memorandum
of Agreement. _____

ORIGINAL LETTER FILED _____ L3019 ARCH-General Files.

U.S. GOVERNMENT PRINTING OFFICE 6-9037

Maps and Miscellaneous Information





Docket Information

Number of Documents in Docket 42

Documents Dated from 7/3/1940 to 12/15/1966

Docket Compiled: 1/31/2011