WATER-RIGHT DOCKET

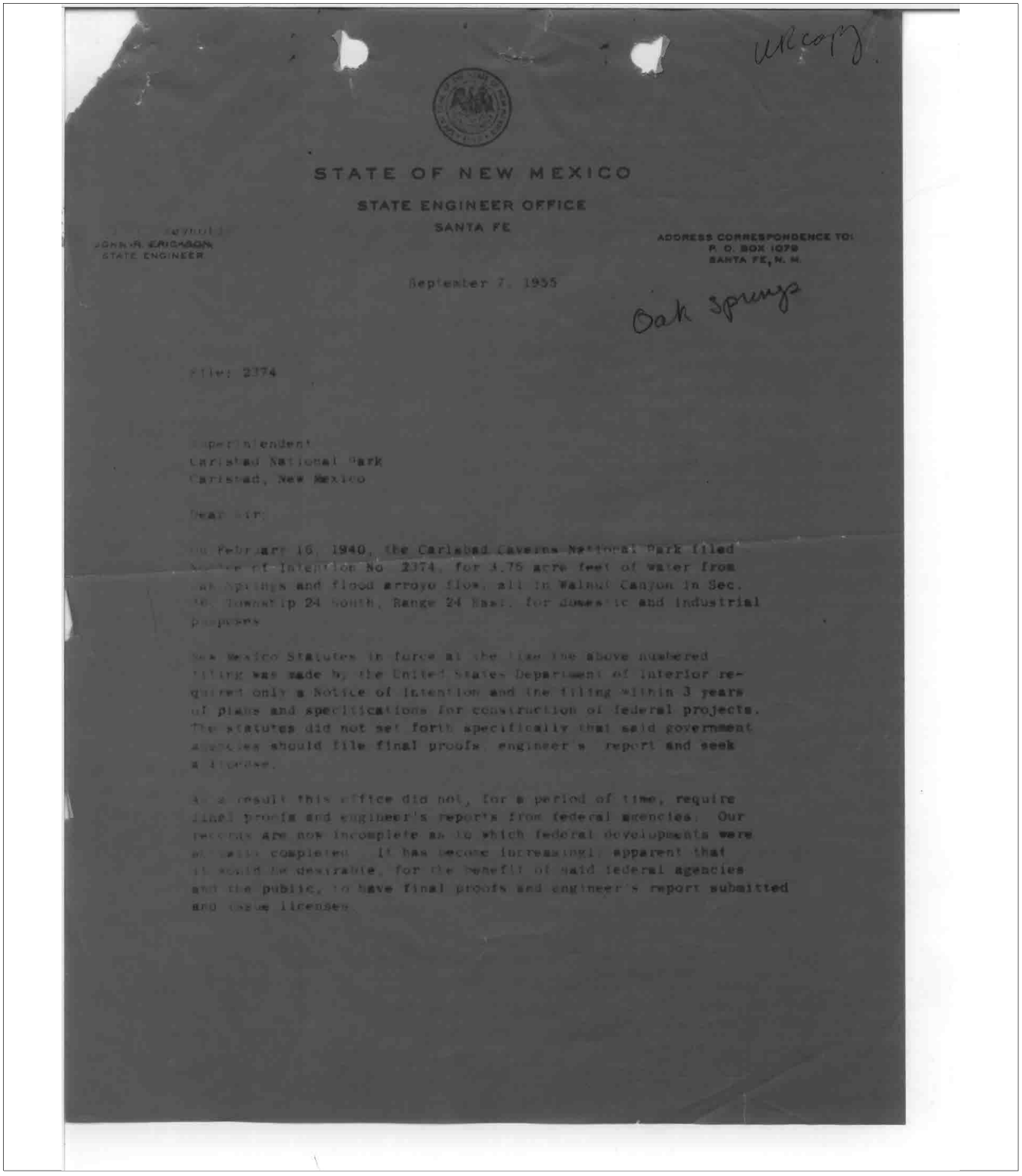
Carlsbad Caverns National Park

Docket No: 3

OAK SPRINGS (3) & FLOOD FLOWS

State Water Rights Documentation

09-07-1955: state letter to the superintendent; september 07, 1955



STATE OF NEW MEXICO

STATE ENGINEER OFFICE

SANTA FE

JOHN R. ERICKSON
STATE ENGINEER

ADDRESS CORRESPONDENCE TO:
P. O. BOX 1079
SANTA FE, N. M.

September 7, 1955

Oak Springs

File: 2374

Superintendent
Carlsbad National Park
Carlsbad, New Mexico

Dear Sir:

On February 16, 1940, the Carlsbad Caverns National Park filed Notice of Intention No. 2374, for 3.75 acre feet of water from Oak Springs and flood arroyo flow, all in Walnut Canyon in Sec. 16, Township 24 South, Range 24 East, for domestic and industrial purposes.

New Mexico Statutes in force at the time the above numbered filing was made by the United States Department of Interior required only a Notice of Intention and the filing within 3 years of plans and specifications for construction of federal projects. The statutes did not set forth specifically that said government agencies should file final proofs, engineer's report and seek a license.

As a result this office did not, for a period of time, require final proofs and engineer's reports from federal agencies. Our records are now incomplete as to which federal developments were actually completed. It has become increasingly apparent that it would be desirable, for the benefit of said federal agencies and the public, to have final proofs and engineer's report submitted and issue licenses.

09-07-1955: state letter to the superintendent, cont; september 12, 1955

A recent opinion of the Attorney General states that although the statute which waived formal application for permit by federal agencies and the present statute which waives formal application by the Bureau of Reclamation do not waive the requirement for final proofs and engineer s report and that it would be proper to require same.

We therefore, request that the above numbered application be completed or withdrawn. Please notify us of your intentions.

Very truly yours,

Earl M. Smith
Supervisor, District I

By:
W. B. Compton
Asst. Supervisor, District I

MH:fr

09-12-1955: memorandum re: notes if intention; september 12, 1955

W R Copy

L54

Carlsbad Caverns National Park
Carlsbad, New Mexico

September 12, 1955

OAK Springs

Memorandum

To: Regional Director, Region Three

From: Superintendent, Carlsbad Caverns National Park

Subject: Notice of Intention No. 2376, for 3.75 acre feet of water - Oak Springs

There is attached hereto a copy of a letter received from Mr. M. B. Compton, Assistant Supervisor, District I of the State Engineer's Office, Santa Fe, concerning Declaration of Intention of United States to Appropriate Unappropriated Waters from Oak Springs, dated February 16, 1940.

I find in the files, Declaration of Intention of United States to Appropriate Unappropriated Waters from Oak Springs dated March 9, 1940 signed by former Superintendent Boles. The complete file is attached for ready reference and a request is made for legal assistance in this matter.

You will note that Mr. Compton requests that this application by completed or withdrawn. I find that originally that Oak Springs was the source of water supply for this park. However, the present water supply from Rattlesnake Springs has been in continuous use since 1939 and we have not appropriated water from Oak Springs since then. It is questionable in my mind whether we should complete this application. I understand that in order to appropriate water for domestic and industrial use it has to be in continuous use.

Your advice and assistance in this matter will be appreciated.

A. Taylor Hoskins
Superintendent

Attachments 2

No. 2374

Dec Ltr. 1-21-59

Regional Attorney

RECD MAR 11 1940

DECLARATION OF
INTENTION OF UNITED STATES TO APPROPRIATE
UNAPPROPRIATED WATERS

File
March 11 1940
Office of State Engineer
Santa Fe, N. M.

The United States of America, through the Department of the Interior, National Park Service, which Service is authorized by the Act of Congress of August 25, 1916 (39 Stat. 535), as amended, and the Act of Congress of May 14, 1930 (46 Stat. 279), to construct works for the utilization of waters within the Carlsbad Caverns National Park in the State of New Mexico pursuant to Section 152, Chapter 151, New Mexico Statutes Annotated, 1929, providing as follows:

> Government projects-Appropriations for. Whenever the proper officers of the United States, authorized by law to construct works for the utilization of waters within the state, shall notify the state engineer that the United States intends to utilize certain specified waters, the waters so described, and unappropriated, and not covered by applications or affidavits duly filed or permits as required by law, at the date of such notice, shall not be subject to a further appropriation under the laws of the state for a period of three years from the date of said notice, within which time the proper officers of the United States shall file plans for the proposed work in the office of the state engineer for his information, and no adverse claim to the use of water required in connection with such plans, initiated subsequent to the date of such notice, shall be recognized under the laws of the state, except as to such amount of the water described in such notice as may be formally released in writing by an officer of the United States, thereunto duly authorized; Provided, that in case of failure to file plans of the proposed work within three years, as herein required, the water specified in the notice given by the United States to the state engineer shall become public waters, subject to general appropriations. (L. '07, Ch. 49, Sec. 40; Code '15, Sec. 5699.),

hereby gives notice that the United States of America intends to utilize the unappropriated waters described on the attached

NOTICE OF INTENTION TO MAKE FORMAL
APPLICATION FOR PERMIT
TO APPROPRIATE THE NATURAL PUBLIC WATERS OF THE STATE OF NEW MEXICO,

specifically the waters of Oak Springs and flood arroyo flow, all in Walnut Canyon, tributary to Black River; and accompanying map of Oak Springs Water System, NPS drawing No. [illegible] NPS drawing No. NP-CC-6976.

00-00-0000: declaration of intention,

It is, therefore, requested that the waters so described be withheld from further appropriation and that the rights and interests of the United States in the premises be otherwise protected as contemplated by the Statutes above cited.

Dated this 9th day of March 1940.

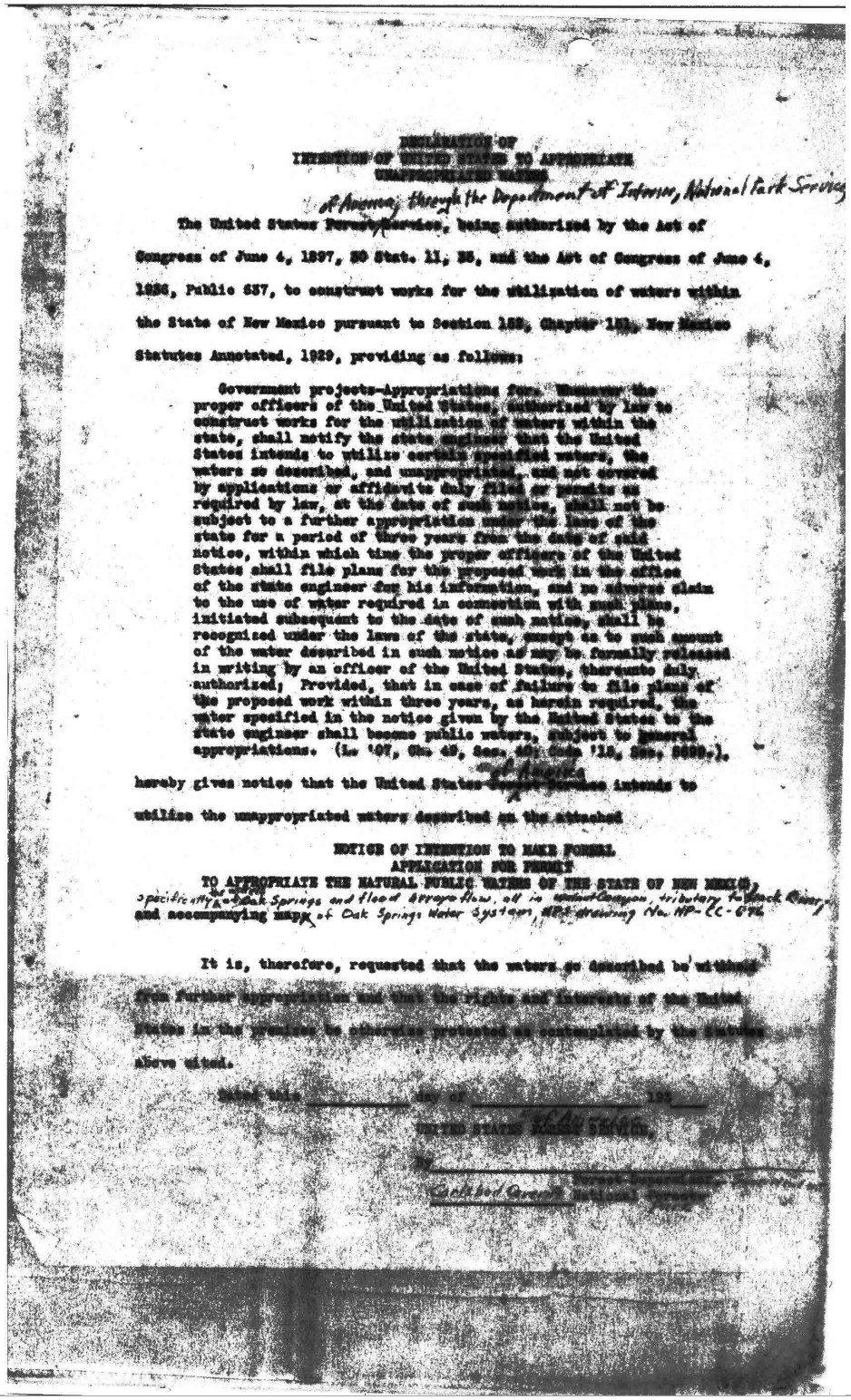
UNITED STATES OF AMERICA

By Thomas Boles

Superintendent,

Carlsbad Caverns National Park.

00-00-0000: declaration of intention



DECLARATION OF
INTENTION OF UNITED STATES TO APPROPRIATE
UNAPPROPRIATED WATERS

of America, through the Department of Interior, National Park Service

The United States Forest Service, being authorized by the Act of Congress of June 4, 1897, 30 Stat. 11, 35, and the Act of Congress of June 4, 1936, Public 557, to construct works for the utilization of waters within the State of New Mexico pursuant to Section 153, Chapter 151, New Mexico Statutes Annotated, 1929, providing as follows:

> Government projects-Appropriations for. Whenever the proper officers of the United States, authorized by law to construct works for the utilization of waters within the state, shall notify the state engineer that the United States intends to utilize certain specified waters, the waters so described, and unappropriated, and not covered by applications or affidavits duly filed or permits as required by law, at the date of such notice, shall not be subject to a further appropriation under the laws of the state for a period of three years from the date of said notice, within which time the proper officers of the United States shall file plans for the proposed work in the office of the state engineer for his information, and no adverse claim to the use of water required in connection with such plans, initiated subsequent to the date of such notice, shall be recognized under the laws of the state, except as to such amount of the water described in such notice as may be formally released in writing by an officer of the United States, thereunto duly authorized; Provided, that in case of failure to file plans of the proposed work within three years, as herein required, the water specified in the notice given by the United States to the state engineer shall become public waters, subject to general appropriations. (Laws '07, Chs 49, Sec. 48; Code '15, Sec. 3332.)

hereby gives notice that the United States Forest Service intends to utilize the unappropriated waters described on the attached

NOTICE OF INTENTION TO MAKE FORMAL
APPLICATION FOR PERMIT
TO APPROPRIATE THE NATURAL PUBLIC WATERS OF THE STATE OF NEW MEXICO,
specifically at Oak Springs and flood Appropriations, all in Mora County, tributary to Mora River, and accompanying maps of Oak Springs Water System, NPS drawing No. NP-LC-6026

It is, therefore, requested that the waters so described be withheld from further appropriation and that the rights and interests of the United States in the premises be otherwise protected as contemplated by the Statutes above cited.

Dated this _____ day of _____ 193__

UNITED STATES FOREST SERVICE,

By _____

Gilbert Gabriel

02-21-1940: letter to mr. roles; february 21, 1940

STATE OF NEW MEXICO

OFFICE OF

STATE ENGINEER.

SANTA FE

THOMAS M. McCLURE
STATE ENGINEER

February 21st, 1940.

Mr. Thomas Boles, Superintendent,
Carlsbad Cavern National Park,
Carlsbad, New Mexico.

Dear Mr. Boles:

We are in receipt of application and map regarding an appropriation of water from Oak Springs, and we are returning the voucher you sent us, together with a copy of Chapter 151, Section 152, New Mexico Statutes, etc., which explains U. S. Government procedure for acquisition of waters that have not been already appropriated.

There is also enclosed a copy of "Declaration of Notice of Intention" in use by the U. S. Forest Service, and other Federal Agencies, for the above mentioned purpose.

It is suggested that you copy the declaration, with necessary changes to show it as declaration of the department for whom you desire the appropriation, and after you have done so, then send same to us, and your application will be completed without any filing fees. If you follow the procedure as provided by law, under Chapter 151, Section 152, there are no fees to be paid, and also there is no subsequent filing procedure, such as the Proof of Completion of Works and the Proof of Application of Water to Beneficial Use, which is necessary for the completion of a regular application.

Should you, however, desire to proceed through the customary channels of appropriating water, then there would be a filing fee of $10.00 and a fee of $4.00 for the two negatives, if you desire them, but no storage fee.

Very truly yours,

Thomas M. McClure
State Engineer.

By: Earl M. Smith.
Engineer.

EMS:JT
encl.

NEW MEXICO STATUTES ANNOTATED
1929 COMPILATION

Chapter 151 - Section 152

Government projects-Appropriation for.

Whenever the proper officers of the United States, authorized by law to construct works for the utilization of waters within the state, shall notify the state engineer that the United States intends to utilize certain specified waters, the waters so described, and unappropriated, and not covered by applications or affidavits duly filed or permits as required by law, at the date of such notice, shall not be subject to a further appropriation under the laws of the state for a period of three years from the date of said notice, within which time the proper officers of the United States shall file plans for the proposed work in the office of the state engineer for his information, and no adverse claim to the use of water required in connection with such plans, initiated subsequent to the date of such notice, shall be recognized under the laws of the state, except as to such amount of the water described in such notice as may be formally released in writing by an officer of the United States, thereunto duly authorized; Provided, that in case of failure to file plans of the proposed work within three years, as herein required, the waters specified in the notice given by the United States to the state engineer shall become public waters, subject to general appropriations. (L. '07, Ch. 49, §40.)

00-00-0000: application for permit

READ INSTRUCTIONS ON BACK BEFORE FILLING IN THE BLANKS Not officially accepted.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEW MEXICO

(The Filing Maps Shall Accompany This Application)

No. _____ Surface Waters

1. Date of receipt of application _____

2. Name of Applicant The United States of America, by Thomas Boles, Supt., Carlsbad Caverns National Park

Post Office Address Carlsbad County of Eddy State of New Mexico.

3. If applicant is a corporation, give

(a) Date and place of organization of corporation _____

(b) The amount of capital stock, $_____ (c) The amount paid in, $_____

(d) The names and address of Directors _____

4. Quantity of unappropriated water claimed to be required for intended use 3.75 acre-feet per annum

(Important—See Note on Back)

(a) By Diversion 0.005 cu. ft. or/and (b) By Storage 0.775 acre feet

(c) Additional Information: The direct flow is combined for use at times of peak demand approximately 7-10 days apart. The storage of flood sewage flow is released as needed to augment the spring flow over periods of several years between the occurrence of such floods.

5. Periods of annual use 3.75 total ac. ft. to be from January 1 to December 31 (During Irrigation Season) at relatively uniform rate.

_____ ac. ft. per acre from _____ to _____ (During Winter—See Instructions)

6. Source of water-supply (a) Name of source: Oak Springs (3), and flood flow of Walnut Canyon, all in said Walnut Canyon

(b) Which is a tributary of Black River

or is situated in Sec. 36 T. 24 S R. 24 E, N.M.P.M.

7. Location of point of diversion or outlet from storage reservoir:

Bears See Sketch feet distant

from the _____ of Section _____, Township

_____ of Range _____

and is situate in the _____ quarter of the _____ quarter of Sec. _____

_____, Twp. _____ Range _____

8. To be used for Domestic and industrial purposes.

IRRIGATION AND DOMESTIC USE

(a) Number of acres to be irrigated _____

(b) In the following legal subdivision The water is pumped to a 50,000 gallon concrete distribution reservoir in the southeast corner of the NW¼ of NW¼ of said Section 36, which has been previously described as the point of domestic and industrial distribution under Application and Permit No. 6432, and where the water is commingled with that from Rattlesnake Spring and distributed and used for domestic and industrial purposes in the NW¼ Section 36, T 24 S, R 24 E; and in NW¼ Section 31, T 24 S, R 25 E of N.M.P.M., as described in Application No. 6432 for permit to change the place and method of use of part of the flow of Rattlesnake Spring. The return water is collected through a sewage disposal system in the central portion of said Section 31 in Black River Drainage.

MANUFACTURING, MINING AND POWER PURPOSES

(a) Quantity of water _____ sec. ft. to be used for _____

(b) Power to be generated _____ H. P.

(c) Conducted by _____ (Conduit)

feet in length from a point which bears _____ (Locate Point of Diversion or Intake)

to a point where water will be returned to stream undiminished in quantity whence the _____

_____ of Sec. _____ Township _____ Range _____ bears

(Locate Point of Return)

The diversion dam on spring constitutes the original water system for [illegible] The spring and seepage from the fault discharge into a seepage [illegible] approximately 15 feet long and 4 feet high, with negligible leakage, from which it flows [illegible]

10. Estimated cost of work $ 15,000.00.

11. Description of Diversion works: The spring and seepage from the fault discharge into a seepage [illegible] approximately 15 feet long and 4 feet high, with negligible leakage, from which it flows [illegible]

CANAL, DITCH OR CONDUIT

(a) See rider Size of headgate. Width _____ ft.; Height _____ ft. (b) Width of canal or ditch at bottom _____ ft.; Width at water line _____ ft.; Depth of Water _____ ft.; Grade of ditch is _____. The slopes of said canal or ditch are _____ to _____; Free Board is; _____ Size of conduit _____; Average grade per 1000 ft. of conduit is _____ feet; Capacity _____ sec. ft.; Length of main canal, ditch or conduit is _____ and crosses the following sections: _____

STORAGE WORKS

(a) Maximum height of dam 4 ft.; Length of dam on top 18 ft.; Maximum width of dam on top 2 inches ft.; Maximum width of dam on bottom _____ ft.; Character and composition of dam Timber sheeting, 2" thick built against two 12" x 12" horizontal sills.

Estimated cost of dam $ 100.00 Store capacity in elevations of multiples of five feet is 0

Approximately 0.004 acre-feet are impounded during storm in which diversion flume is in operation, but leaks through dam as average flow after dam.

REMARKS:

Two 125,000 gallon corrugated steel tanks 35 feet in diameter and 17.75 feet deep provide storage for emergency use, but since flume is diverting in excess of [illegible] 42,000 gallon tank, to be described.

12. Other reservoirs and canals, name or number, location, size and capacity of each as above _____

A 42,000 gallon corrugated reservoir, 34.67 feet in diameter and 12 feet deep, provides collecting and regulatory facilities for the entire diversion.

13. ~~The time required to begin construction~~ Construction completed. The time required to complete the work _____ months. The time required to fully apply the water to a beneficial use on the irrigable land herein described _____ months.

14. Reference _____ (Give name of bank and merchant reference)

I, Thos. Dolan, Supt., Capitol Reef National Park, do solemnly swear that the statements and answers to questions in this application are true to the best of my knowledge and belief.

NOTE:—Claimant SHALL, before signing, be sure that the above is filled out fully in accordance with the instructions on the back.

Claimant _____

Subscribed and sworn to before me this _____ day of _____ 19____

My Commission expires _____ Notary Public.

00-00-0000: approval of state engineer

APPROVAL OF STATE ENGINEER

The number of this permit is _____
Recorded in Book _____, Page _____
Date of receipt of Notice of Intention _____
Date of receipt of Formal Application _____
Date returned for correction _____
Date received corrected _____

Publication of Notice ordered: _____
Name of Paper _____
Affidavit of Publication filed _____
Date of Approval by State Engineer _____

APPROVAL

(a) For _____ acre feet delivered on the land.
(b) For _____ acre feet of storage.

REMARKS

The construction of the within described works to be commenced not later than _____

One-fifth of the work above specified to be completed on or before _____
The whole of said work to be completed on or before _____
The time for application to beneficial use shall not be later than _____
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of New Mexico, and hereby approve the same, subject to the foregoing proviso and conditions:

Witness my hand this _____ day of _____, 19____.

_____
State Engineer.

STATE OF NEW MEXICO, } ss.
Office of State Engineer }

EXTENSIONS

This is to certify that, after considering the merits of the application for an Extension of Time, filed in connection with the foregoing permit on the _____ day of _____, 19____.
I have issued the certificate for said extension this _____ day of _____, 19____.
extending the dates as follows:
The construction work _____
One-fifth of the work _____
The whole of said work _____
Application to beneficial use not later than _____

Witness my hand, this _____ day of _____, 19____.

_____
State Engineer.

STATE OF NEW MEXICO, } ss.
Office of State Engineer }

This is to certify that, after considering the merits of the application for an Extension of Time, filed in connection with the foregoing permit on the _____ day of _____, 19____.
I have issued the certificate for said extension this _____ day of _____, 19____.
extending the dates as follows:
The construction work _____
One-fifth of the work _____
The whole of said work _____
Application to beneficial use not later than _____

Witness my hand, this _____ day of _____
_____, 19____.

_____
State Engineer.

00-00-0000: instructions for filling out form

INSTRUCTIONS AND EXPLANATIONS FOR FILLING OUT FORMAL APPLICATIONS

READ CAREFULLY

THIS BLANK TO BE MADE OUT IN DUPLICATE AND TYPEWRITTEN

NOTE:—For irrigation purposes, give the proposed appropriation in acre feet to be delivered on the land. Over 3 acre feet per acre is considered excessive.

The State Agricultural College, State College, N. Mex., or the U. S. Reclamation Service, Washington, D. C., will give you valuable information as to the duty of water for different crops raised in western states by irrigation.

Sec. 1. Do not fill in section one. This blank is left for the State Engineer.

Sec. 2. Fill in the name of the applicant and address.

Sec. 3. If applicant is a corporation, company or firm bill out blanks under section three. Give date of filing certificate of incorporation with the Corporation Commission.

Sec. 4. Quantity of water claimed should be given in acre feet to be delivered on the land and beneficially used. An amount of water sufficient to cover the ground 2 to 3 feet deep is generally considered plenty if beneficially used. The amount of water to be used wholly or partly by direct diversion shall be noted in the blank space after (a); the amount of water to be used wholly or partly by means of storage shall be noted in the blank space after (b); also under (c) give any information necessary to properly state the claim to water or to define the use of the works.

Sec. 5. The periods of annual use and the duty of water for each shall be noted. In case of irrigation projects when it is asked to use the total amount of water continuously, it will be necessary to **DESCRIBE FULLY TO WHAT USE THE WATER WILL BE PUT DURING THE WINTER MONTHS.**

Sec. 6. Each blank under this section shall be filled out.

Sec. 7. The point of diversion shall be indicated by course and distance as required as well as by sub-division, whether on unsurveyed land or not. If on unsurveyed lands, describe the location fully, and in addition project out the section and township lines from the nearest accepted government survey, and give the quarter section, township and range in which the diversion will probably fall. Show the projections properly indicated on the maps.

The point of diversion in a purely direct diversion proposition is the point where the water is taken directly out of the river, arroyo or water course, and is also the same in a storage proposition where the water is diverted from the stream to store in an outside reservoir, but where the reservoir is formed by a storage dam across the water course then the point of diversion is at the outlet of said reservoir.

Sec. 8. State all purposes for which the water is to be used. If for irrigation, state under (a) the total number of acres to be irrigated; under (b) the location of land to be irrigated. If for mining or power purposes, fill out blank sections for that purpose and give the appropriation in cubic feet per second. When same water is to be used for several purposes, fill out all blanks referring to the different purposes.

Sec. 9. Is for further description of the proposed works.

Sec. 10. Give estimated cost of total construction work.

Sec. 11. Describe works of diversion. Under storage works fill out all blank sections for such purposes. The estimated cost of dam or dams shall be figured as close as possible and filled in. If there is more than one reservoir give the required data for reservoir No. 2, etc., under Sec. 12.

Sec. 12. Is for other descriptions necessary to define the application.

Sec. 13. In your estimation give the time it will take to commence, complete and apply the water to a beneficial use after the application is approved.

Sec. 14. Is to give a reference of some bank and merchant.

Claimant shall sign affidavit to above statements before a Notary or other proper official qualified to administer oaths. Be sure he is legally qualified to take your oath.

If the application is to enlarge an old proposition or to amend a permit, fill out this blank only to cover the enlarged or amended portion, then state under Sec. 12 the required data to define the old works.

FEES—Should applicant ask in this blank for a greater amount of water either by storage or direct diversion than asked for in the notice, the additional fees required shall accompany.

Rider

7. The direct diversion is from three springs, designated as Oak Springs, and a fault between them in a water-bearing layer of sandstone on the south bank of Walnut Canyon, all in the NW¼ of NE¼ of Section 36, T 24 S, R 24 E, of the N.M.P.M., and from which the NE corner of said section bears:

1. From Diversion No. 1, at Spring No. 1, which is also the southeasterly terminal of the collecting lateral, N 78°29' E 1514 feet;
2. From Diversion No. 2, at Spring No. 2, N 79°18' E 1595 feet;
3. From Diversion No. 3, at Spring No. 3, which is also the northwesterly terminal of collecting lateral, N 80°58' E 1631 feet.

The flood flow diversion from Walnut Canyon is at a point on the north bank of the channel whence said NE corner bears N 82°37' E 1706 feet.

The water after commingling in storage and collecting tanks is pumped to distribution tank at the place of use from a point on the north bank of said Walnut Canyon, whence said NE corner bears N 84°39' E 1493 feet.

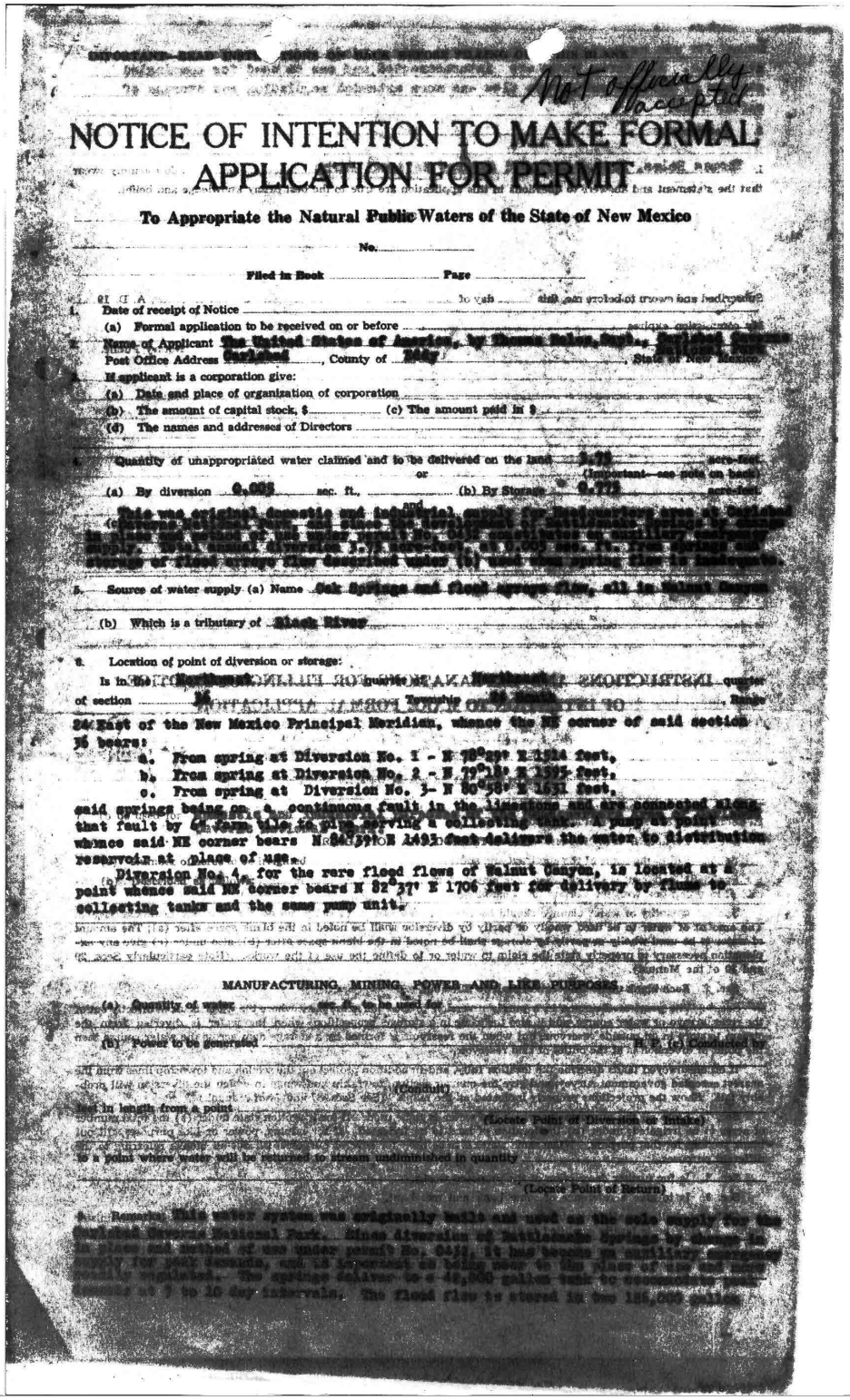
11. (a) Conduits:

A galvanized iron pipe, 2 inches in diameter with grade of 8.26 feet per 1000 feet and capacities 0.029 cubic feet per second, and length of 230 feet, delivers the spring flow to a 42,000 gallon corrugated iron tank whose overflow discharges directly into Walnut Canyon.

The flood arroyo flow is conveyed to two 126,000 gallon corrugated iron tanks in 30-inch semi-circular iron flume with length of 316 feet, grade of 6.64 feet per 1000 feet and capacity of 18.2 cubic feet per second, which is at least three times maximum flood flow. All flood flow in excess of flume capacity would spill back into Walnut Canyon at diversion. All overflow from tanks is discharged directly into Walnut Canyon.

The water is pumped from the previously described tanks to the 50,000 gallon concrete distribution reservoir described in changes under Permit No. 0432, by a Deming, horizontal, 2-cylinder pump of 25 g.p.m. capacity, driven by a Stover 2-cylinder, 9 horse-power gasoline engine. The pipe from pump to distribution reservoir is 2 inches in diameter, its length is 1803 feet, and the pump lift is 245 feet. At 25 g.p.m. the pipe velocity is satisfactory at 2.55 feet per second

00-00-0000: notice of intention to make formal application for permit



Not officially accepted

NOTICE OF INTENTION TO MAKE FORMAL APPLICATION FOR PERMIT

To Appropriate the Natural Public Waters of the State of New Mexico

No. _____

Filed in Book _____ Page _____

1. Date of receipt of Notice _____
   (a) Formal application to be received on or before _____
2. Name of Applicant The United States of America, by Thomas Salmon, Supt., _____
   Post Office Address Carlsbad, County of Eddy, State of New Mexico
3. If applicant is a corporation give:
   (a) Date and place of organization of corporation _____
   (b) The amount of capital stock, $ _____ (c) The amount paid in $ _____
   (d) The names and addresses of Directors _____
4. Quantity of unappropriated water claimed and to be delivered on the land 0.72 acre-feet (Equivalent—see note on back)
   or
   (a) By diversion 0.005 sec. ft., _____ (b) By Storage 0.72 acre-feet
   This was original domestic and [illegible] supply for Headquarters area at Carlsbad Caverns National Park. Since diversion at Rattlesnake Springs, [illegible] supply for park domestic, and is conveyed to Park area by pipeline. Present storage of flood waters also developed under [illegible]
5. Source of water supply (a) Name Oak Springs and flood sprague flow, all in _____
   (b) Which is a tributary of Black River
6. Location of point of diversion or storage:
   Is in the _____ quarter of section 36, Township 21 South, Range 24 East of the New Mexico Principal Meridian, whence the NE corner of said section 36 bears:
   a. From spring at Diversion No. 1 - N 78° 22' E 1214 feet,
   b. From spring at Diversion No. 2 - N 77° 18' E 1395 feet,
   c. From spring at Diversion No. 3- N 80° 58' E 1631 feet,
   said springs being on a continuous fault in the limestone, and are connected along that fault by [illegible] serving a collecting tank. A pump at point whence said NE corner bears N 84° 39' E 1493 feet delivers the water to distribution reservoir at place of use.
   Diversion No. 4, for the rare flood flows of Walnut Canyon, is located at a point whence said NE corner beard N 82° 37' E 1706 feet for delivery by flume to collecting tanks and the same pump unit.

MANUFACTURING, MINING, POWER AND LIKE PURPOSES

(a) Quantity of water _____ sec. ft. to be used for _____
(b) Power to be developed _____ H. P. to be produced by _____
(Describe)
_____ feet in length from a point _____
(Locate Point of Diversion on Intake)
to a point where water will be returned to stream undiminished in quantity _____
(Locate Point of Return)

8. Remarks: This water system was originally built and used as the sole supply for the Carlsbad Caverns National Park. Since diversion at Rattlesnake Springs, [illegible] of use under permit No. 0431, it has become an auxiliary supply for park domestic, and is conveyed as [illegible] to the place of [illegible] supply [illegible]. The springs deliver to a 40,000 gallon tank, to which [illegible] at 7 to 10 day intervals. The flood flow is stored in two 125,000 gallon

tanks for use as needed over the current year periods when flood waters are not available. All three tanks are interconnected and can be used for commingled storage of springs and arroyo flow and more extended regulation and storage of spring flow.

9. Reference .....

I, Thomas Boles, Supt., Carlsbad Caverns National Park, ..., do solemnly swear that the statement and answers to questions in this application are true to the best of my knowledge and belief.

Claimant .....

Subscribed and sworn to before me, this ..... day of ....., A. D. 19....

My commission expires .....

Notary Public.

INSTRUCTIONS AND EXPLANATIONS FOR FILLING OUT NOTICE OF INTENTION TO MAKE FORMAL APPLICATION

(See Arts. IV., V. and VI. of the Manual)

(Fees required by statute shall be deposited upon filing this notice)

THIS BLANK TO BE MADE OUT IN DUPLICATE

Note:—For irrigation purposes, this office prefers that the proposed appropriation be given in acre feet to be delivered on the land (See Sec. 29 and 30 of Manual.)

Sec. 1. Do not fill in section one. This blank is left for the State Engineer.

Sec. 2. Fill in the name of the applicant and address.

Sec. 3. If applicant is a corporation, company or firm, fill out blanks under section three. Give date of filing certificate of incorporation with the Corporation Commission.

Sec. 4. Quantity of water claimed should be given in acre feet to be delivered on the land and beneficially used. The amount of water to be used wholly or partly by diversion shall be noted in the blank space after (a); The amount of water to be used wholly or partly by storage shall be noted in the blank space after (b); also under (c) give any explanation necessary to properly state the claim to water or to define the use of the works. (Note particularly Secs. 29 and 30 of the Manual).

Sec. 5. Each blank under this section shall be filled out.

Sec. 6. The point of diversion in a purely diversion proposition is the point where the water is taken directly out of the river, arroyo or water course, and is also the same in a storage proposition when the water is diverted from the stream to store in an outside reservoir, but when the reservoir is formed by a storage dam across the water course then the point of diversion is at the outlet of said reservoir.

If on unsurveyed lands describe the location fully, and in addition project out the section and township lines from the nearest accepted government survey, and give the quarter section, township and range in which the diversion will probably fall. Show the projections properly indicated on the maps. (See Secs. 67 and 74 of Manual.)

Sec. 7. State all the purposes for which the water is to be used. If for irrigation state under (a) the total number of acres to be irrigated; under (b) the location of land to be irrigated. If for mining, power or like purposes, fill out blank sections for that purpose. When same water is to be used for several purposes, fill out all blanks referring to the different purposes.

Sec. 8. Is for further description of the proposed works.

Sec. 9. Is to give a reference of some bank and merchant.

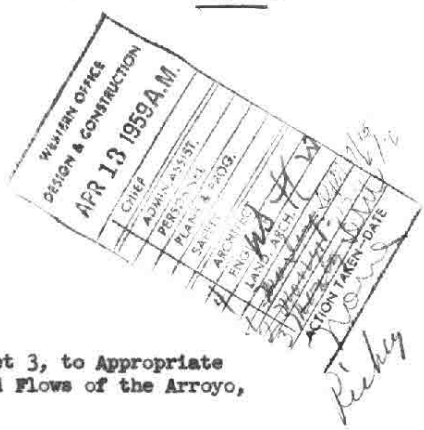
Claimant shall sign affidavits to above statements before a Notary or other proper official qualified to administer oaths. Be sure he is legally qualified to take your oath.

If the application is to enlarge [illegible] Sec. 29 of Manual.

Other Supporting Information

L54-OBL

DOCKET # 3



April 8, 1959

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Notice of Intention No. 2374, Docket 3, to Appropriate Waters of Oak Springs and the Flood Flows of the Arroyo, Carlsbad Caverns

The memorandum of March 26 from Mr. Carlson does not explain whether any answer was made to his attached letter of September 7, 1955, to the Superintendent. Although I have asked the same question before without obtaining a reply, I assume that no reply was made.

I explained to Messrs. Fields and Kell, when here in March, that I was reasonably certain that the reduced present spring flow is probably due to plant consumption or breaks in the concrete lip and collecting tile that I installed in 1929. (Having sent my file to you, my date may be in error.) I suggested that part of the collecting system should be opened, inspected, and repaired if necessary. I believe that it should be possible to maintain relatively fresh storage of from 188,000 to 252,000 gallons in the three tanks, if the collecting system were reconditioned and those tanks were cleaned. Two tanks could always be kept full while the stalest water in the third was being replaced. The one problem would be to provide either a new permanent, or portable pump system to deliver the water to the main distribution system if the Rattlesnake Springs system had to be shut down. These are suggestions which should be considered by your staff, the Superintendent, and WODC, before considering the alternative of abandoning the remaining water system and water rights under Declaration 2374.

Assuming the rights are to be retained, I think they should be based on the Federal water right procedure in effect between 1929 and 1940, and the State Engineer should not attempt to force use to convert from a declared right with supporting map of the completed system (NP-CC-6976), to a right based on application, permit and license, to conform with the water law amendments of some date between 1945 and 1948. I have a letter of October 1942 instructing me to comply with the provisions for a Federal declaration.

The only possible weakness in the map, CC-6976, is that my engineer's statement of January 19, 1940, does not specifically say that the map of the water system is "as constructed". It is possible that the declared right could be made to satisfy the State Engineer if I were to submit a notarized statement to the effect that the map is of the system as constructed by me between January and April 1929, or such other dates as the files indicate.

Then, without commitments concerning the spring supply, you or the Superintendent could file a notice to the effect that the system and water claims have been abandoned as they relate to the dam and impoundment of flood flows in the arroyo. I do not think adequate flood flows are sufficiently frequent to be of practical use.

These comments should have the Field Solicitor's concurrence, and should start with an investigation of the collecting system at the springs, or a determination that even the restored spring flow of 1929-1930 is not worth the cost of storage and delivery to the designated place of use. If the latter were true, you might still wish to recondition part of the system to provide water for wildlife and a picnic area near the springs. In the latter case, part of the claim to spring flow might also be abandoned. (Part of this water is definitely used without development, to support the local vegetation.)

After all the facts and decisions are made, the matter might be discussed with the State Engineer before any instruments are filed. Please remember that you have to prove use under application, proof, license procedure, and it will be more advantageous to reduce claims under the declaration.

SIGNED
A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Carlsbad Caverns
Chief, WODC

L54-ORL

January 21, 1959

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Disposal of Real Property, Oak Springs Water Tanks, Federal Water Withdrawal 2374, Docket 3, Carlsbad Caverns

The memorandum of January 9 to the Superintendent from Mr. Bill is particularly disconcerting because it indicates that the status of the water right has been left unresolved for several years.

The declaration was filed March 11, 1940, under the law then in effect, with Drawing NP-CC-6976. The drawing was a plan of the completed system which had been constructed under my immediate supervision, as prepared under my immediate supervision. I think the water right procedure was complete, thereby, since the map was filed at the beginning of the prescribed three-year period.

Mr. Bill states that your docket is incomplete, but it should only contain said drawing, the copy of the filed declaration, and the copy of memorandum of April 12, 1940, to Director from Joseph E. Taylor, by which they were sent to you and the Superintendent.

To supplement the docket record, I am distributing the following, which should be filed at the bottom of contents of the folder:

1. Notice of Intention to make Formal Application for Permit.

2. Application for Permit.

3. Memorandum of January 22, 1940, by which they, and Drawing 6976, were sent to the Superintendent by Albert M. Johnson.

4. Copy of standard form of Declaration of Intention of United States to Appropriate Unappropriated Waters, on which my modification for subject claim is still shown.

5. Copy of Chapter 151-Section 152 of New Mexico Statutes Annotated, 1929 Compilation.

6. Letter of February 21, 1940, to Superintendent from State Engineer, returning items 1 and 2 and transmitting items 4 and 5.

Our letter files include copy of Letter of September 7, 1955, to the Superintendent from M. B. Compton, Assistant Supervisor (State), District I, requesting that the "application" be completed or withdrawn, and referring to "a recent opinion of the (State) Attorney General". This letter was forwarded to you with memorandum of September 12, 1955, from Mr. Hoskins, and the letter and memorandum were forwarded to the Director with Mr. Bowen's memorandum of January 30, 1956. Our reply was the memorandum of February 7, 1956, from Mr. Price, as Chief of Lands. These constitute my correspondence file since 1955 with the exception of my memorandum of December 13, 1957, to Chief, Division of Design and Construction concerning a memorandum from Mr. P. E. Smith with reference to the design of the new water system and standby supply from Oak Springs.

As stated in the memorandum of February 7, 1956, from Mr. Price, the amended State water laws of 1941 denied the further use of Federal withdrawals except by the Bureau of Reclamation. We do not have the citation or a copy of the State Attorney General's opinion to which Mr. Compton refers, but note that Mr. Compton appears to have reclassified "Declaration 2374" as an "application". We have no record of similar action by the State Engineer to whom the District Supervisor is responsible.

The statement on Drawing 6976 states that although the water system capacity is greater, the spring flow is only 0.005 sec.ft. (3231 gallons per day), and the dam in Upper Oak Creek, or arroyo, would only impound 0.014 acre-feet (45,619 gallons) which would leak away through the dam if not immediately diverted to the three steel tanks, and storage capacity was provided by one steel tank of 42,000 gallons for spring flow, and two steel tanks of 126,000 gallons, each, for the arroyo flow.

A letter of March 12, 1937, to Mr. Johnson from Mr. Boles states that the spring flow was "about 3,000 gpd". Mr. McColm's memorandum of December 6, 1938, to Mr. Taylor reported that the spring flow was recorded as 3,600 gallons per day in December 1932, and one

tank full was diverted from the dam in the arroyo in October 1932. I personally recall the telegram from Mr. Boles to Mr. Kittredge when the dam diversion was made in 1932 but it was the first proof of sufficient flood flow to impound and divert after I constructed the system between April 11 and June 9, 1930, except for certain features which were finished by Mr. Atwell.

I assume that the 1932 arroyo diversion totaled 126,000 gallons. There is no question about the full use of the spring flow until the Rattlesnake Springs supply was provided. The water system, as constructed by Messrs. Atwell and me cost $11,633.57, exclusive of freight, trucking, flume lumber, and a small part of the hardware.

I believe that the arroyo diversion has been abandoned but I cannot locate the memorandum from you or the Superintendent. On that basis the storage tanks should be considered only in connection with the spring flow. The three tanks have a combined capacity of 294,000 gallons at an average spring flow of 3,200 gpd, they can only be filled in 92 days. The water should be changed, or used, at least once or twice a year. Moreover, the total storage is only equal to about what can be pumped from Rattlesnake Springs in two days. I think that all three tanks are needed, and that two of them should be kept filled at all times, with the water in the third being changed in rotation.

I believe that this gives all the necessary information from which the Field Solicitor should be able to advise on further water right procedure, and enough from which WODC may advise as to water system disposition. My only comment is that proof for certificate would be more difficult than to preserve the right based on Declaration of 1940.

I am sending WODC a docket folder with the same Items 1-6, and the signed declaration, but suggest that you obtain a print of the drawing from the State Engineer.

(SIGNED)

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Carlsbad, w/c attachment
Chief, WODC, w/c Docket 3

WKDG
(ii)

L-54
X-D-5039

Region Three
Santa Fe, New Mexico

JAN 9 1959

Memorandum

To: Superintendent, Carlsbad Caverns

From: Assistant Regional Director

Subject: Disposal of Real Property, Oak Springs Water Tanks, Carlsbad Caverns

Mr. Linder's inquiry of December 17, 1958 and Mr. Carpenter's reply of December 22 dealt primarily with the disposal of three galvanized iron water tanks at Oak Springs.

The method of disposal as outlined by Mr. Carpenter is entirely proper and correct. However, there is another factor involved which we think you should seriously consider before you dispose of the tanks. The tanks are part of the original Oak Springs water supply system, Docket No. 3, Declaration of Intention 2374, Priority March 11, 1940. Our docket is incomplete, but we think you have a more complete docket at the Park as evidenced by Superintendent Hoskins' memorandum of September 12, 1955. On January 30, 1956 this office recommended writing to the State Engineer and withdrawing Declaration of Intention No. 2374. We have been unable to find subsequent correspondence to support a definite recommendation to the State Engineer.

In Mr. Bowen's memorandum of January 30, 1956, we pointed out there was no lapse for non-use, but the Service never proceeded far enough to perfect a right with the State Engineer's office to divert water from Oak Springs. We also pointed out at that time that, if our Service needed the water at some future date, we could make a new filing and, of course, acquire a priority as of the date of the filing.

Superintendent Hoskins has reported the water shortage of last year, and it is logical to expect the same or worse conditions will exist this season. The prevention of a repetition of last year's shortage, based on past experience, will undoubtedly be a long drawn out procedure.

Mr. Dunn's memorandum of December 13, 1957 addressed to Chief, Western Office of Design and Construction and copies transmitted to you December 20, 1957 by Mr. Vint indicate an eventual need of the Oak Springs system as a stand-by supply.

Please review your files and definitely determine you have no use for the Oak Springs stand-by tanks before you take steps to dispose of them. We shall consult with Field Solicitor Barton, who is currently on annual leave and will return January 12, about the legal aspects of the possibility of reactivating the Oak Springs application. We seriously question that the tanks should be disposed of even though they have not been a part of the water system in use for several years.

SIGNED

Harthon L. Bill
Assistant Regional Director

Copy to: Director (2)
Chief, WODC

12-00-0000: memorandum re: possible withdrawal of federal declaration of intention

WRCh 12.

L54-L

February 7, 1956

Memorandum

To: Regional Director, Region Three

From: Chief of Lands

Subject: Possible Withdrawal of Federal Declaration of Intention No. 2374 for Appropriation of 3.75 Acre-feet of Waters of Oak Springs, Docket 3, Carlsbad Caverns

Mr. Dunn has informally discussed the memorandum of January 30 from Mr. Bowen with a representative of the Solicitor's Office and both believe that we should have more information before considering withdrawal of the Declaration.

It was suggested that the Solicitor would like to have Mr. Barton's views. Mr. Dunn also suggested that the following points may be significant:

1. The Oak Springs were the sole source of supply for the Park and those extracting guano until 1935 when the Rattlesnake Springs system was completed. The existing Oak Springs diversion works and storage in the canyon were constructed under Mr. Dunn's supervision in the spring of 1930.

2. Declaration No. 2374 and supporting map were filed on February 16, 1940, to comply with state water laws at time when no further proof was required. In the session laws of 1941 the State Legislature limited Federal withdrawals without proof to those made by the Bureau of Reclamation.

3. The amendment of purchased rights to waters of Rattlesnake Springs were also made under Federal Declaration of December 30, 1931, supported by maps filed in 1936 with Engineer's Report of Completion of Construction, but not of beneficial use on May 28, 1937, before the National Park Service was denied the right of Federal Declaration by the revised state laws of 1941. Although the United States claims a resulting right to divert 0.2 sec.ft. of water from Rattlesnake Springs to Park Headquarters, the system probably has inadequate capacity to deliver 0.2 sec.ft., and there certainly has been no complete use of 0.2 sec.ft. on which to base proof.

4. The United States also has rights to use 0.3 sec.ft. under purchased right to Rattlesnake Springs within the land also acquired in the purchase and that right was amended by application of December 20, 1941, proof of April 5, 1943, and engineer's inspection of May 13, 1943. The authorized use under this right has been jeopardized since at least 1950 when the New Mexico Department of Game and Fish was granted Special Use Permit No. I-6up-66 to authorize flooding of part of the irrigated area with duck ponds.

5. Items 2, 3 and 4 suggested that no declaration or right should be withdrawn or cancelled until it is assured that the precedent will not be detrimental to the basis of other right. The Washington Office records do not show the condition of the Oak Springs water system, whether the metal flume and tanks, pump unit and pipeline are intact and usable. There are records that the Rattlesnake Spring system needs enlargement and possible replacement. We are likely to lose part of rights to the 0.3 sec.ft. through nonuse, too, if it is not made available to Park; and the friction head in existing 32,500 feet of 4-inch pipe would be increased from 323.5 feet to 1763 feet, and velocity from 2.3 feet to 5.75 feet per second, not counting static pump lift of 815 feet, if the entire 0.5 sec.ft. instead of 0.2 sec.ft. were pumped through it. This suggests that a larger, or two 4-inch pipes may be needed in the next few years, and the Oak Springs system may be needed during part of the period of reconstruction of the Rattlesnake Springs system.

6. Declared Rights No. 2374 to Oak Springs can be kept active by periodic use. The pipeline is only 1803 feet long, 2 inches in diameter, with pump lift of 245 feet. The spring flow is only 0.005 sec.ft. (32,300 gpd), but it could be made to serve winter needs at relatively little cost even if entire pump system were replaced, provided collection and storage facilities were usable. The collection and storage facilities cost $11,633 in 1930, suggesting that their replacement might now cost nearly $25,000.

7. This is second request of representative of State Engineer for this Service to withdraw claims under a Declared Right, the other being the claims to Dog Canyon Spring at White Sand. Nearly all water rights established by this Service during the past 20 years are now jeopardized by inability to obtain funds to complete or maintain developments to permit full use of water. We have similar

problems in areas in Nevada and Utah. Situations are equally serious in Arizona, California and Washington but the state officials are less exacting.

8. The unused seepage from Oak Springs contributes to the groundwater in the Black River Extension of the critical Carlsbad Groundwater Basin. It is possible that well owners in the Basin could establish rights senior to those which this Service might establish by application after withdrawing the Declared Right.

From Mr. Dunn's comments, we believe that all angles of the broad problem should be considered before taking any final action in the suggested withdrawal of Declared Right 2374.

(SGD) JACKSON E. PRICE
Jackson E. Price
Chief of Lands

Copy to: Superintendent, Carlsbad Caverns
Acting Assistant Solicitor Golden
Associate Director
Mr. Dunn

AvVDunn:lct 2-6-56

WR Copy

L54

Region Three
Santa Fe, New Mexico

January 30, 1956

Memorandum

To: Director

From: Regional Chief, Division of Cooperative Activities

Subject: Withdrawal of Notice of Intention No. 2374 for 3.75 Acre Feet of Water, Oak Springs, Carlsbad Caverns

A copy of a letter of September 7, 1955 from Mr. M. B. Compton of the State Engineer's Office to the Superintendent, Carlsbad Caverns, and a copy of Superintendent Hoskins' memorandum of September 12, 1955 regarding Oak Springs (Docket No. 3) are attached for your information.

Mr. Hoskins reports that water from Oak Springs has not been used since the completion of Rattlesnake Springs System. There is not involved any question of lapse for non-use; we simply never proceeded far enough to perfect a right to divert water from Oak Springs.

The Oak Springs supply is so located that the water could not be used by another party without first obtaining a right-of-way across park land. If our Service needed the water at some future date we could make a new filing and a priority as of that date would be satisfactory.

It is our recommendation to write the State Engineer and withdraw Declaration of Intention No. 2374.

William L. Bowen, Regional Chief
Division of Cooperative Activities

In duplicate

Attachments 2, in duplicate
Copy to: Supt., Carlsbad Caverns returning
Area's Docket No. 3

09-12-1955: memorandum re: notice of intention; september 12, 1955

In reply refer to:
L54

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

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Carlsbad Caverns National Park
Carlsbad, New Mexico

September 12, 1955

Memorandum

To: Regional Director, Region Three

From: Superintendent, Carlsbad Caverns National Park

Subject: Notice of Intention No. 2374, for 3.75 acre feet of water - Oak Springs

There is attached hereto a copy of a letter received from Mr. M. B. Compton, Assistant Supervisor, District I of the State Engineer's Office, Santa Fe, concerning Declaration of Intention of United States to Appropriate Unappropriated Waters from Oak Springs, dated February 16, 1940.

I find in the files, Declaration of Intention of United States to Appropriate Unappropriated Waters from Oak Springs dated March 9, 1940 signed by former Superintendent Boles. The complete file is attached for ready reference and a request is made for legal assistance in this matter.

You will note that Mr. Compton requests that this application by completed or withdrawn. I find that originally that Oak Springs was the source of water supply for this park. However the present water supply from Rattlesnake Springs has been in continuous use since 1939 and we have not appropriated water from Oak Springs since then. It is questionable in my mind whether we should complete this application. I understand that in order to appropriate water for domestic and industrial use it has to be in continuous use.

Your advice and assistance in this matter will be appreciated.

(SIGNED)
R. Taylor Hoskins
Superintendent

Attachments 2

CHC rd

COPY OF A
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Y

STATE OF NEW MEXICO
State Engineer Office
Santa Fe

September 7, 1955

File: 2374

Superintendent
Carlsbad National Park
Carlsbad, New Mexico

Dear Sir:

On February 16, 1940, the Carlsbad Caverns National Park filed Notice of Intention No. 2374, for 3.75 acre feet of water from Oak Springs and flood arroyo flow, all in Walnut Canyon in Sec. 36, Township 24 South, Range 24 East for domestic and industrial purposes.

New Mexico Statutes in force at the time the above numbered filing was made by the United States Department of Interior required only a Notice of Intention and the filing within 3 years of plans and specifications for construction of federal projects. The Statutes did not set forth specifically that said government agencies should file final proofs, engineer's report and seek a license.

As a result this office did not, for a period of time, require final proofs and engineer's reports from federal agencies. Our records are now incomplete as to which federal developments were actually completed. It has become increasingly apparent that it would be desirable, for the benefit of said federal agencies and the public, to have final proofs and engineer's report submitted and issue licenses.

A recent opinion of the Attorney General states that although the statute which waived formal application for permit by federal agencies and the present statute which waives formal application by the Bureau of Reclamation do not waive the requirement for final proofs and engineer's report and that it would be proper to require same.

We therefore, request that the above numbered application be completed or withdrawn. Please notify us of your intentions.

Very truly yours,

Earl M. Smith
Supervisor, District I

By: /s/ M. B. Compton
M. B. Compton
Asst. Supervisor, District I

MCF:fr

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

October 18, 1945.

MEMORANDUM for the Regional Director, Region Three.

Carlsbad Caverns National Park Deed 10, covering the appropriation of the waters of Oak Springs, consists of the following, listed from the bottom upwards:

1. Map - Drawing NP-CC-6976.

2. Declaration of Intention to Appropriate Unappropriated Waters, dated March 9, 1940, signed by Superintendent Boles per A. J. H. and filed March 11, 1940.

3. Memorandum of April 12, 1940, from Regional Attorney Taylor for the Director, explaining this method of perfecting a water right.

Since you and Mr. Boles are each supposed to have the necessary copies, we enclose the folders and suggest that you make the assemblies accordingly. We will supply duplicate copies of anything that is missing upon request from you.

This method of perfecting a water right by the United States is no longer available to this Service. Under the revised statutes of 1941 this declaratory type was limited to those rights thereafter perfected by the Bureau of Reclamation for its major reclamation projects. However, rights perfected by other agencies by declaration before 1941 are in good standing.

A. Wood Dunn
Chief, Water Rights Division.

Enclosure 340.
In duplicate.



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

April 12, 1940

Memorandum for the Director:

For the completion of your files relating to the appropriation of the waters of Oak Springs for the Oak Springs Water System in Carlsbad Caverns National Park, we are herewith forwarding a copy of the Declaration of Intention of United States to Appropriate Unappropriated Waters, No. 2374. Also enclosed is a print of drawing CC-6976 which was filed with the State Engineer to accompany said Declaration of Intention and accepted for filing by the State Engineer on March 11, 1940.

By way of explanation, ~~we~~ you are advised that the title of the map was prepared to designate the Branch of Land Acquisition and Regulation prior to the time that I discussed such titles with Assistant Chief Counsel Donald E. Lee, and therefore the change in the title to show preparation by the Office of the Chief Counsel, Water Rights Section, had not been placed in effect, but will show on future drawings.

This method of filing by way of initiation of a new right was followed under the provisions of New Mexico Statutes (1929 Compilation), Chapter 151, Section 152, which in effect authorizes a withdrawal of waters which becomes final upon the filing of the plans covering the water system.

(Sgd) Joseph E. Taylor.
Regional Attorney.

Enclosure 1835913.

cc: Regional Director, Region III, with
copies of Declaration and print.
Superintendent, Carlsbad Caverns N. P., with print.

ILE COPY

601 Sheldon Building
January 22, 1940

Memorandum for Superintendent Boles,
Carlsbad Caverns National Park:

We enclose the following instruments pertaining to your Oak Springs water system:

1. Notice of Intention to Make Formal Application for Permit, in duplicate.

2. Application for Permit, in duplicate.

3. Tracing of drawing NP-CC-6976, Oak Springs Water System.

4. Print of said drawing NP-CC-6976.

5. Copy of memorandum to me from Hydraulic Engineer A. van V. Dunn, dated January 19, 1940.

These have been prepared from our available park maps, some additional data recently supplied by the Regional Director, and Mr. Dunn's records of the reconstruction in 1930. Your attention is particularly called to the two uncertain points in his memorandum. If either of these conditions differs from those shown in the instruments, please return all papers and maps and correct data for revision.

If, on the other hand, all the facts seem correct as shown, please execute the originals of the Notice, Application, and the tracing, and forward to the State Engineer with a voucher in the amount of $24.00, requesting a negative of the tracing when it has been accepted and assigned an application number. You may bill us for this negative, which should be forwarded to us when you receive it.

The duplicate copies of Application and Permit and print of the map are for your records, and a print of the negative will be sent to you when we get it.

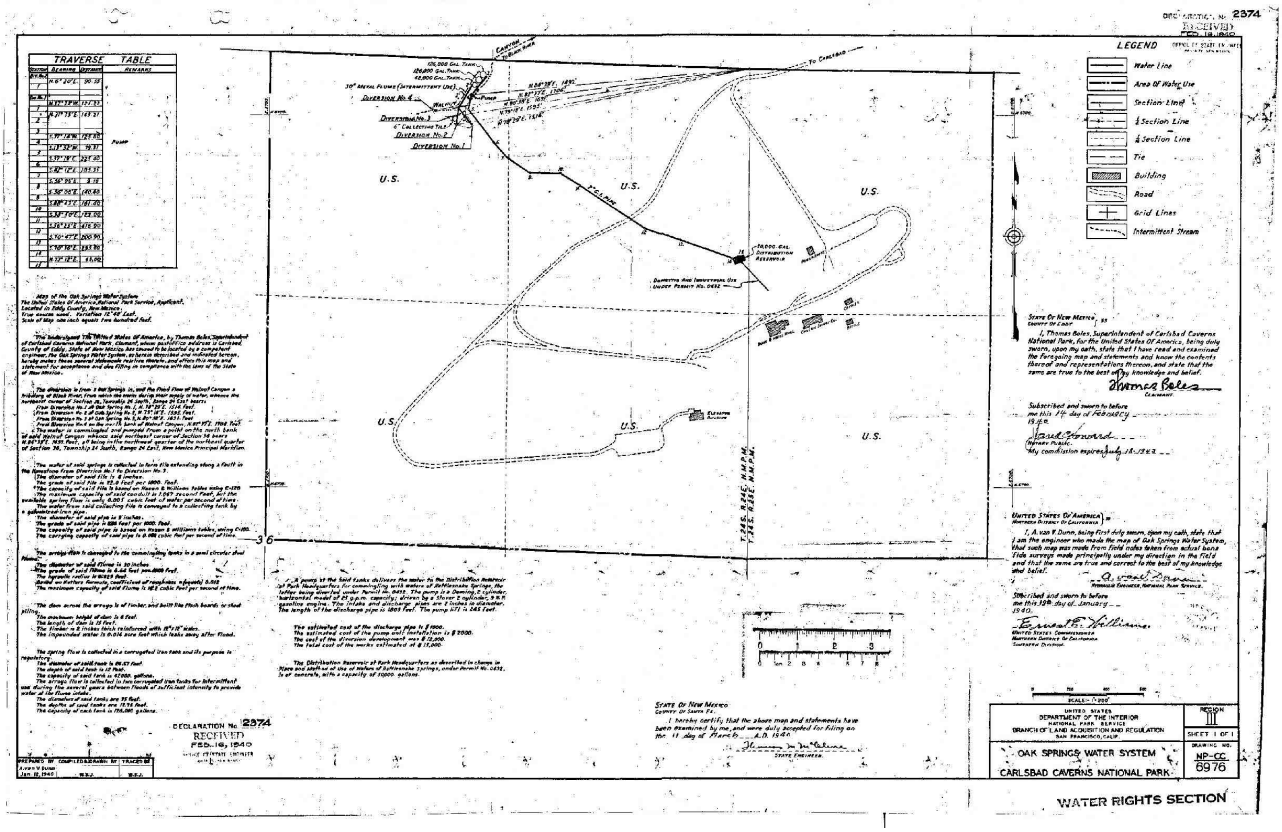
Should any of the instruments be returned to you by the State Engineer for corrections, please return them, with the letter requesting the corrections to us.

Albert L. Johnson,
Acting Regional Attorney.

AvVD:SH

Enclosure 1782750

cc: Regional Director, Region III: We enclose print of map and copy of Mr. Dunn's memorandum of Jan. 19, but are holding your copy of the application and notice until advised of acceptance or need for corrections.



Docket Information

Number of Documents in Docket 33

Documents Dated from 1/22/1940 to 4/8/1959

Docket Compiled: 2/10/2011