



WATER-RIGHT DOCKET

El Morro National Monument

Docket No: 1

DAVIS BROTHERS WELL.

Preliminary Docket Information

00-00-0000: el morro national monument docket no. 1 davis brothers well index land status and water right

EL MORRO NATIONAL MONUMENT

Docket No. 1

Davis Brothers Well

Index

PART I - Land Status

1. An Act - To provide for the addition of certain lands to El Morro National Monument --- Approved June 14, 1950.
2. Reports of Appraisal (3) of March 14, 1950.
3. Warranty Deed of May 28, 1951.

PART II - Water Right

1. Letter of January 27, 1950, to Regional Director from Superintendent, subject: Capacity of Well-----.
2. Estimate of water requirements prepared by Regional Engineer, March 31, 1950.
3. Letter of February 18, 1959, to Superintendent from Regional Chief of Lands, subject: Proposed Groundwater Studies--- with attached sketch.

Unit #3
Add Change

Status
Active Inactive

Water System
Primary Secondary

Type of Source
Lake River Spring Well

Legal Source
Surface Water Ground Water

Priority
year month day

Quantity Vested
cub.ft. gal acre ft. miner's in.

per
sec min day month year

Quantity Used
cub.ft. gal acre ft. miner's in.

per
sec min day month year

Use of Water
Primary Secondary

(00) None
(01) Wildlife
(02) Stockwater
(03) Irrigation

(05) Campground
(06) Domestic
(07) Public Supply
(08) Municipal

(09) Recreation
(10) Mining
(11) Power
(12) Fire Protection

(13) Other

Reservation Date
year month day

Date of Adjudication
year month day

Hydrologic Unit Number

NATIONAL PARK SERVICE
WATER RIGHTS DATA SHEETOrganization
Code 7410Docket
Classification F (R) A
Federal Reserved AlienDocket
Number 02

Source Number 02 of 03

Card #1 (1A) 1C
Add Change

Site ASHCROFT WELLS

Location 1 Township/Range --- T 9N R 14W Sec 00
NE 1/4 NW 1/4 SW 1/4 SE 1/4 of NE 1/4 NW 1/4 SW 1/4 SE 1/4 of NE 1/4 NW 1/4 SW 1/4 SE 1/4

2 Lat/Long --- Latitude 35 02 45 S Longitude 108 21 45 S
deg min sec deg min sec

3 Other ---

Card #2 (2A) 2C
Add ChangeSequence
Number State 35 County VALERIEAcquired by 1 2 3 4 5
Purchase Appropriation Riparian Reservation Other
(Explain in Remarks)Application
Number Cancellation
Date year month dayPermit
Number Cancellation
Date year month dayCertificate
Number Cancellation
Date year month day

Land History

WARRANTY DEED

PAUL DAVIS and JO ANN V. DAVIS, husband and wife, CLARENCE A. DAVIS and JESSIE C. DAVIS, husband and wife, and W. B. DAVIS and ALMA T. DAVIS, husband and wife, for consideration paid, grant, WITH WARRANTY COVENANTS to THE UNITED STATES OF AMERICA, the following described real estate in Valencia County, New Mexico:

Lots 1, 2, 3, 4,
The South half of North half, and
The South half of
Section 5, in
TOWNSHIP 9 North, Range 14 West, N.M.P.M.,
containing 640.80 acres,
according to the Government Survey thereof,

SUBJECT TO the Reservations and Conditions in the Patent for said lands, and
SUBJECT TO the Easement granted to County of Valencia for the Highway known as NMP 8-6 (2), by that certain instrument recorded in Volume 1 of Easements, Page 159 of the records of Valencia County, New Mexico.

WITNESS our hands and seals this 28th day of May, 1951.



Paul Davis (Seal)

Jo Ann V. Davis (Seal)

Clarence A. Davis (Seal)

Jessie C. Davis (Seal)

W. B. Davis (Seal)

Alma T. Davis (Seal)

STATE OF NEW MEXICO, }
COUNTY OF MCKINLEY } ss.

On this 28 day of May, 1951, before me personally appeared PAUL DAVIS and JO ANN V. DAVIS, husband and wife, CLARENCE A. DAVIS and JESSIE C. DAVIS, husband and wife, and W. B. DAVIS and ALMA T. DAVIS, husband and wife, to me, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and seal the day and year last above written.

Marlin Bond
Notary Public.

My commission expires March 26, 1954

STATE OF NEW MEXICO }
COUNTY OF VALENCIA } ss.
This instrument was filed for record on

AUG 28 1951

at 1:30 o'clock P. M.
Recorded in Vol. 41 of Records of
said County, folio 280
By Benny Lopez County Clerk
By San Jose Chama Deputy Rec.

COMPARED
INDEXED

COPY

Public Law 539 - 81st Congress

Chapter 232 - 2d Session

S. 227⁴

AN ACT

To provide for the addition of certain lands to El Morro National Monument, in the State of New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to procure, for the protection and preservation of El Morro National Monument, the following described land and interests in land:

New Mexico Principal Meridian

Township 9 north, range 14 west:

Section 5, lots 1, 2, 3, 4; south half northeast quarter, south half northwest quarter; southwest quarter; and southeast quarter, containing six hundred forty and eighty one-hundredths acres;

Section 6, lots 1, 2, 3, 4; north half northeast quarter; northeast quarter northwest quarter; south half southeast quarter and southeast quarter southwest quarter, containing three hundred ninety-seven and ninety-two one-hundredths acres.

Comprising in all an addition of one thousand thirty-eight and seventy-two one-hundredths acres.

Sec. 2. All property acquired pursuant to this Act shall become a part of the national monument upon the issuance of an appropriate order, or orders, by the Secretary of the Interior setting forth the revised boundaries of the monument, such order or orders to be effective upon publication in the Federal Register. Lands so added to the monument shall thereafter be subject to all laws and regulations applicable to the monument.

Approved June 14, 1950.

March 14, 1950

REPORT OF APPRAISAL: Made October 15, 1949.

LEGAL DESCRIPTION: All of Section 5,
Township 9 North, Range 14 West,
N.M.P.M., Valencia County, New
Mexico, 640.80 acres.

PURPORTED OWNER: Davis Bros.

CLASSIFICATION OF LAND: Grazing land.

NEIGHBORHOOD DATA: A sparsely settled Cattle and Sheep
country, with a little dry farming,
60 miles from Railroad and served
by secondary and poorer highways,
but within three miles of an
emergency landing field on
Trans-Continental Air Line.

DESCRIPTION OF IMPROVEMENTS:

- (1) Fenced on all four sides with
3 & 4 strands of barbed wire on
better than medium grade posts.
The information available is to
the effect that the owner of th
land is the owner of 1½ to 2
miles of the fence. He is
benefitted by all of it.
- (2) 225 foot drilled well in about
NW¼NE¼ of the Section, equipped
with 4" casing and sucker rod.
(Drilled in 1944 or 1945)
- (3) Enough trees to furnish shelter
as well as some beauty.

BEST USE: First, for the grazing of livestock,
and, second, for possible develop-
ment to take advantage of the
commercial opportunities offered
by reason of visitors coming to
the Monument.

VICINAGE SALES, ETC.: Within the past 18 months land in th
general area has sold at prices rang
ing from \$3.75 to \$6.00 per acre.

Page 2

MARKET VALUE ON DATE OF
APPRAISAL:

Land, considered
for its grazing
value, taking
into account
the water that
is available
to it \$2563.20

The additional value
that has accrued by
reason of the
proximity of the
tract to the El
Morro National
Monument, thus
affording the
owner the
possibility of
additional
revenue from
tourists and
others visiting
the Monument,
is worth \$ 801.00

Improvements:

Well, conditioned
that it can be
made to produce
between 5 and 10
gallons per
minute \$ 910.00

Fencing \$ 500.00

Total \$4774.20

Ira N. Sprecher

Ira N. Sprecher
Appraiser.

March 14, 1950

REPORT OF APPRAISAL:	Made October 15, 1949.
LEGAL DESCRIPTION:	N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 6, Township 9 North, Range 14 West, N.M.P.M., Valencia County, New Mexico, 80.00 acres.
PURPORTED OWNER:	McClusky.
CLASSIFICATION OF LAND:	Grazing land.
NEIGHBORHOOD DATA:	A sparsely settled Cattle and Sheep country, with a little dry farming, 60 miles from Railroad and served by secondary and poorer highways, but within three miles of an emergency landing field on Trans-Continental Air Line.
DESCRIPTION OF IMPROVEMENTS:	There are no improvements, but the tract is benefitted by the fence of others along its South line.
BEST USE:	First, for the grazing of livestock, and, second, for possible development to take advantage of the commercial opportunities offered by reason of visitors coming to the Monument.
VICINAGE SALES, ETC.:	Within the past 18 months land in the general area has sold at prices rang- ing from \$3.75 to \$6.00 per acre.
MARKET VALUE ON DATE OF APPRAISAL:	LAND---without a developed supply of water---considered for its grazing value alone \$300.00 The additional value that has accrued by reason of the proximity of the tract to the El Morro National Monument, thus affording the owner the possibility of additional revenue from tourists and others visiting the Monument, is worth <u>\$100.00</u> Total \$400.00

March 14, 1950

REPORT OF APPRAISAL:	Made October 15, 1949.
LEGAL DESCRIPTION:	Lot 1, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, Township 9 North, Range 14 West, N.M.P.M., Valencia County, New Mexico, 79.12 acres.
PURPORTED OWNER:	Dentleman.
CLASSIFICATION OF LAND:	Grazing Land.
NEIGHBORHOOD DATA:	A sparsely settled Cattle and Sheep country, with a little dry farming, 60 miles from Railroad and served by secondary and poorer highways, but within three miles of an emergency landing field on Trans-Continental Air Line.
DESCRIPTION OF IMPROVEMENTS:	There are no improvements.
BEST USE:	For grazing of livestock, but it has a small possible commercial value by reason of its proximity to the Monument.
VICINAGE SALES, ETC.:	Within the past 18 months land in the general area has sold at prices rang- ing from \$3.75 to \$6.00 per acre.
MARKET VALUE ON DATE OF APPRAISAL:	LAND---without a developed supply of water---con- sidered for its grazing value alone \$296.70 The additional value that has accrued by reason of the proximity of the tract to the El Morro National Monu- ment, thus affording the owner the small possibility of addi- tional revenue from tourists and others visiting the Monu- ment, is worth \$ 59.34 Total \$356.04 <i>Ira M. Sprecher</i> Ira M. Sprecher, Appraiser.

Supporting Hydro Data

DRAFT

Continued

Log of well No. 1.

No Well
Locations Provided
See Map/Drawing
308/80,002

Elevation: 7220

Well drilled: 7-21-1960.

Contractor: Cowley Brothers.

Drillers Log.

0 - 11.5	Top Soil, Blow Sand.
11.5 - 31.0	Malpais.
31.0 - 36.0	Red Volcanic Ash and Dust.
36.0 - 39.0	Malpais, Red ash and Dust.
39.0 - 124.0	Malpais (Lost Circulation at 80').
124.0 - 130.0	Red Bed ~~Shale~~ ~~Shale~~
130.0 - 165	Red Shale.

Remarks- Dry. Abandoned.

Log Well No 2.

Elevation: 7220 ft

Well drilled: 1-25-1960

Contractor: Cowley Brothers.

Drillers Log.

0 - 1. Blow Sand.

1 - 122 Malpais.

122 - 136 Red Bed.

Remarks. Abandoned (waste filled)

Log of well No. 3.

Elevation. 7200 ft
Well drilled. 7-26-1960
Contractor. Cowley Brothers.

Drillers Log.

0 - 15.	Blow Sand and clay.
15 - 31	Malpais.
31 - 54	Sand and clay.
54 - 115	Malpais
115 - 148	Red Sand
148 - 153	Red clay.
153 - 168	Sand.
168 - 182	Broken Rock.
182 - 185	Sandstone and Br Shale.

Remarks.

Dry bailed - abandoned bore filled

Log of Well No. 4.

Elevation: ~~7180~~ 7220 ft.

Well drilled: 8-8-1960

Contractor: Cowley Brothers.

Drillers Log:

0 - 188 Malpais (Lost Circulation 40 feet - encountered water and mud at 178 feet).
188 - 193 Red Bed (Many cavities in Malpais from 40 feet to 150 feet. Bailed 3 gpm.

Remarks: Bailer tank estimated at 3 gpm.

Log of well no 5.

Elevation : 7

Well drilled : 8-20-1960

Contractor : Cowley Brothers.

Drillers Log.

0 - 0.5 Top Soil .

0.5 - 146 Malpais .

146 - 157 Red Bed .

Remarks - Dry . Abandoned - back filled .

Log of Well No. 6.

Elevation:
Well drilled:
Contractor:

Drillers Log.

Remarks - Appraisal report by Dra. N. Sprecher dated
March 14, 1950. States the well is 225 feet deep and was
drilled in 1944 or 1945. Well reportedly will
produce 3 gpm.

Log of Well No. 7.

Elevation 7214'

Drilling started ~~12-8-38~~ Well drilled 12-22-38

Drilling completed ~~12-22-38~~

Contractor : Kelsey Drilling Company .

Driller's Log.

0 - 5 Soil

5 - 125 Sand fill

125 - 155 Gray Sandstone (Morrison formation)

155 - 243 Red sandy clay (Wingate formation) .
seepage of water at 200', 1 gal. per hour.

243 - 258 Red clay and gravel.

258 - 405 Red sandy clay

Remarks :

Identification of formation reported by H.E. Rothrock
and H.H. Hawkins in . "Report on the Geology of
El Morro National Monument with Special Reference
to Underground Water" - 1930(?).

Log well No. 8.

Elevation: 7200'.

~~Drilling started~~ unknown. well drilled on/about Dec. 1938.

~~Drilling completed~~ unknown.

Contractor: Kelsey Drilling Company.

Drillers Log:

0-15 Soil

15-138 Sand fill

138-148* Malpais*.

148-200 Sand fill seepage 15 gallons water per day at 200'.

200-370 White Sandstone (Morrison formation).

370-463 Red sandstone (Wingate formation).

463-473 Red beds.

Remarks.

*. Rothrock and Hawkins doubt the presence of malpais at this location.

Identification of formations reported by H.E. Rothrock and H.H. Hawkins in "Report on The Geology of El Morro National Monument with Special Reference to Underground Water" - 1938 (?)

log of well No. 9.

Elevation .

Well drilled :

Contractor .

Drillers Log .

0 - 5 Alluvium .

5 - 200 . Malpais .

200 - 248 Sand .

Remarks: Well produces 10gpm - 6" ID well Total casing .
from surface to .200 feet . Perforated casing from
160 - 200 feet .

Other Supporting Information

March 30, 1984

SWR Solicitor Sayle Margus called Tom Luche the week of March 19th to ask if we had any water rights outside the park (El Morio). A search of our files and a call to Gary Moore indicated that we did not - we passed this on to Margus.

No other action is necessary, as reported by Margus in our phone call of today.

Wm

NATIONAL PARK SERVICE
Water Resources Branch
Water Services Unit - Ft. Collins

OFFICE ROUTING SLIP
(Please initial after reviewing the
attached material then pass on to next
person on list.)

BARRETT _____

DEKKER-FIALA _____

HERRMANN _____

2. KETCHAM _____

LARSON _____

LUCKE *T.W.L. 3/29/84* _____

PAYNE _____

PERRY _____

REED _____

3. WERRELL _____

WITUCKI _____

Comments:

Bill/Dick -

*I think I took care of
this with Jack Nichols &
Solicitor Gayle Mangus,
but, could you check &
make sure!*

Thany
(TWL)



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

In Reply Refer To:
NPS.CW.0181

MAR 8 1984

Barbara
Received 29 MAR 1984

Water Resources Branch

Tom
*PLEASE MAKE
SURE WE
ASSIST AS
NECESSARY B*

Memorandum

To: Southwest Regional Director, National Park Service
From: Assistant Solicitor, Parks and Recreation
Subject: Zuni Tribe of New Mexico v. City of Gallup, U.S.D.C.,
N.M., C.A. No. 82-1235

This is to advise your office that the United States is now a plaintiff in the above-captioned action, which is a general stream adjudication of the rights to the use of surface water and groundwater in the Zuni River basin and certain aquifers that lie beneath the Zuni Indian Reservation in New Mexico. Principally, the United States will be asserting water rights on behalf of the Zuni Tribe. In addition, however, the El Morro National Monument has been identified as within the area of adjudication.

Accordingly, this is to request that you provide this office with a description of your assessment of the National Park Service water rights, including reserved water rights of El Morro National Monument, so that they may be asserted in the action. Also, you should ascertain if any other national park system areas are within the area of adjudication, and, if so, provide an assessment of water rights for those areas as well.

Your cooperation is appreciated. If we may be of further assistance, please call Lars Hanslin at 343-7957.

(Sgd.) David A. Watts

David A. Watts

cc:
Director, National Park Service
Field Solicitor, Santa Fe

15

7. EL MORRO NATIONAL MONUMENT

Authorize acquisition and addition of certain lands
to the Monument Act of June 14, 1950

[PUBLIC LAW 539—81ST CONGRESS]

[CHAPTER 232—2D SESSION]

[S. 2274]

AN ACT

To provide for the addition of certain lands to El Morro National Monument,
in the State of New Mexico, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That the Secretary
of the Interior is hereby authorized to procure, for the protection and
preservation of El Morro National Monument, the following-described
land and interests in land:*

NEW MEXICO PRINCIPAL MERIDIAN

Township 9 north, range 14 west:

Section 5, lots 1, 2, 3, 4; south half northeast quarter; south half
northwest quarter; southwest quarter; and southeast quarter, con-
taining six hundred forty and eighty one-hundredths acres:

Section 6, lots 1, 2, 3, 4; north half northeast quarter; northeast
quarter northwest quarter; south half southeast quarter and southeast
quarter southwest quarter, containing three hundred ninety-seven and
ninety-two one-hundredths acres.

Comprising in all an addition of one thousand thirty-eight and
seventy-two one-hundredths acres.

SEC. 2. All property acquired pursuant to this Act shall become
a part of the national monument upon the issuance of an appropriate
order, or orders, by the Secretary of the Interior setting forth the
revised boundaries of the monument, such order or orders to be effec-
tive upon publication in the Federal Register. Lands so added to the
monument shall thereafter be subject to all laws and regulations
applicable to the monument.

Approved June 14, 1950.

(64 Stat. 211)

WESTERN OFFICE
DESIGN & CONSTRUCTION
JUL 13 1976
CHIEF
ADMINISTRATIVE
PERSONNEL
PLANS & PERS.
SALES
ARCHITECT
ENGINEER
LAND
LAWYER
ACTION TAKEN
10/2/76

Copy to: ~~Superintendent~~, El Morro
Chief, WODC (2)

L54-OBL

April 21, 1959

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Proposed Groundwater Studies, Docket No. 1 (Davis Brothers Well), El Morro National Monument

Attached is your copy of the subject docket. Mr. Kell, in his memorandum of February 18 to the Superintendent asked for certain physical data on the well. Item 2 of "Description of Improvements" in first Report of Appraisal included in the Land Status portion of the docket answers a part of his inquiry.

No immediate water right application is needed. Other data will be added as it is developed.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: ~~Superintendent~~, El Morro, w/c attachment
~~Chief, WODC~~, w/c attachment

WESTERN OFFICE
DESIGN & CONSTRUCTION
APR 21 1959 A.M.

CHIEF	
ADMIN ASSIST.	
PERSONNEL	
PLANS & PROJ.	
SAFETY	
ARCHITECT	
ENGINEER	
LAND ARCH.	
ACTION TAKEN DATE	

5-5

7-12 - District Engineer

cc Kell/6

L-54

Region Three
Santa Fe, New Mexico

April 3, 1959

Memorandum

To: District Engineer, Ground Water Branch, U. S. Geological Survey, Albuquerque, New Mexico

From: Regional Chief of Lands, National Park Service, Santa Fe, New Mexico

Subject: Proposed Ground-Water Study, El Morro

Your memorandum of March 3 reached me in the Washington office and I have used it as a basis for estimates for the 1960 fiscal year.

I have also received information from Superintendent Irving McNeil that the existing well within our boundaries on Section 5 is 221 feet deep. Mr. McNeil has also supplied information regarding two other wells in the general vicinity. A copy of Superintendent McNeil's memorandum of February 22 is attached for your general information.

On March 30 we received a longhand letter from Mr. Robert L. Siemens (if we have interpreted his signature correctly). He states that the deep well drilled about three miles from Inscription Rock has turned out to be unfit for human use. He does not identify the owner and we can only assume that it is the Carter well, Item No. 3 of Mr. McNeil's memorandum of February 22.

Mr. Siemens reports he has a well 230 feet deep within a mile of the "rock" but he does not indicate the direction. According to him the well has been tested at 25 g.p.m.

Does your office have any information on a well approximately one mile from El Morro owned by Mr. Siemens and 230 feet deep. It is possible, if the water is of good quality, that we might purchase the well from Mr. Siemens, providing it is of adequate quality.

A typewritten copy of Mr. Siemens' letter of March 30 is attached.

Attachments

John E. Kell ^{RETURNED}
Regional Chief of Lands

Copy to: Director (2) ✓
Supt., El Morro
WDEC

C
O
P
Y

March 30, 1959
Box 521
Grants, New Mexico

Dear Sir:

A deep well drilled about three miles from the Inscription Rock at El Morro, New Mexico has turned out to be unfit for human use.

I understand the Rock is going to drill in search of water. If there is some doubt about the quantity of quality of water you might find. This is to let you know I have a well approximately one mile from the Rock. The well is 230 feet deep, has been tested to 25 gallons a minute, but judged much stronger.

If interested can be contacted at

Phone Atwater 7-4321
656 Sargent St.
Box 521, Grants, New Mexico.

Sincerely,

/s/ Robert L. Siemens

Robert L. Siemens



AIRMAIL

UNITED STATES
DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY
Ground Water Branch
P.O. Box 4217
Albuquerque, New Mexico
March 3, 1959

IN REPLY REFER TO:

To : Mr. John E. Kell, Regional Chief of Lands
Region Three, National Park Service
Santa Fe, New Mexico

C/o Director, National Park Service, Washington 25, D. C.

From : William E. Hale, District Engineer, GW,
U.S. Geological Survey, Albuquerque, New Mexico

Subject: Proposed ground-water study, El Morro National Monument

I am sorry that this is late, but Mr. West, who has some knowledge of the El Morro area, has been out of town.

A ground-water study at El Morro would include a geologic reconnaissance of the area, canvass of nearby wells, if any exist, and collection and analysis of water samples. The findings would be presented in a brief report, which would include suggestions for drilling.

The estimated cost of the study is \$700.00. We are not in a position to do the work before June 1959, and possibly will not be able to make the study before July or August 1959.

The ground-water situation at El Morro is complex. According to information now available, it may not be possible to obtain a supply of good water in the immediate vicinity of the monument. This should be kept in mind while planning your program.

SW/mwm

cc: Branch Area Chief, Denver
Chief, Ground Water Branch

Sam W. West
for William E. Hale
District Engineer

2



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
El Morro National Monument
El Morro, New Mexico

February 22, 1959

IN REPLY, REFER TO:
T-54 150 MO

RECEIVED	
MPS	1959
FEB 24 1959	
DATE	
ADVISOR	
ADMIN	
OPERATIONS	ch 2-24
INT	
RECREATION	
FORESTRY	
SOLICITOR	
FILES	3-25

Memorandum

To: Regional Director

From: Superintendent, El Morro

Subject: Proposed Ground-Water Studies, El Morro National Monument

Reference is made to John Kell's memorandum of February 18, 1959, regarding the above.

1. The depth of the well on Section 5, is 221 feet. You have the figures on the recent 48 hour test giving something like 1 gallon per minute. The earlier test, several years ago, which gives 3.3 gallons per minute was only an approximate 45 minute test.
2. Mr. Rice, on the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, drilled approximately 600 feet with a dry hole. He moved location and drilled approximately 200 feet and tapped a seep which gives him something like 200 to 400 gallons every 24 hours, and he cased this well. All this is reported. We have no actual figures.
3. Mr. Carter, located about three miles east of us, last week completed drilling a well to 1640 feet. He has not had the water tested as yet nor a complete bailing job. The water is a little salty but there is talk of 100 gallons per minute. This, apparently, is the water that Dr. Clay T. Smith (NMPT) and Mr. West (USGS) were pretty sure that we would find, but, fortunately, it was found 30 feet shallower than the rough estimate. It may be 2000 feet here.

I have maintained all along that we are going to have to go deep in order to get water, and that these other alternatives are mere stop gaps. What we want is permanent water and plenty of it, and Mr. Carter pretty well proves that we can get it as predicted by the above mentioned men. Neither of the above mentioned men has wanted to put his oral estimates in writing without further study which is perfectly understandable as they are professional geologists.

Irving McNeil, Jr.
Irving McNeil, Jr.
Superintendent

L54-OBL

March 16, 1959

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Section
Subject: Proposed Ground-Water Studies, El Morro National Monument

The memorandum of February 18 to the Superintendent from Mr. Kell, with Plat 7102-A, and the memorandum of February 5 to you from Mr. P. E. Smith, WODC, concerning well drilling at El Morro National Monument and Capulin Mountain National Monument, were not specifically discussed while Messrs. Kell and Fields were here from March 2-10. Mr. Fields did review the dockets in this Office.

El Morro Docket 1 has not been distributed because we have not had time to pull and duplicate records in the correspondence and land deed files. We will try to get one of the dockets with available information in the next month on such a matter. Meantime, the need for Geological Survey Study, or its scope is in doubt. Then, the well drilling needs, and methods of financing, are subject to the results of the review of docket and possible ground water studies.

SIGNED,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent
El Morro National
Monument
WODC

WESTERN OFFICE
DESIGN & CONSTRUCTION
MAR 18 1959 A.M.
CHIEF
ADMIN. ASSIST.
BUREAU CHIEF
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND ARCH.
ACTION TAKEN-DATE

cy made
W.R. Kelly
3
1/18/59
2/18/59
3/18/59

L-54

Region Three
Santa Fe, New Mexico

February 18, 1959

Memorandum

To: Superintendent, El Morro

From: Regional Chief of Lands

Subject: Proposed Ground-Water Studies, El Morro National Monument

In connection with the water supply system at El Morro National Monument, I have talked with District Engineer William E. Hale, USGS, Albuquerque, on February 17 requesting him for an estimate of the study required at El Morro.

This study should determine whether the Park Service should attempt to re-estimate the present well in Section 5 or if we should look for an entirely new source of supply.

I will be in the Washington Office the first week in March and at that time expect to firm up plans for all USGS studies to be made in the Region.

As a prerequisite do you have in your files any log of the well on the Davis Brothers' property and if not, can you furnish the depth. It is my remembrance that prior to our purchase of the property the well produced, under test, slightly over 3 g.p.m. Our files on the purchase of the Davis Brothers' tract have been sent to Denver, and we have no record here except the information from the NPS-L-1 sheet.

I would also like to supply the USGS with the information you may have regarding the depth and number of exploratory holes Mr. Rice drilled in the search for water in the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 6. If you remember or could supply the name and address of the driller, even though no water was encountered, this would be helpful.

We have attached a letter-sized print of MM-EL-7102-A showing the approximate location of the present well and the land currently owned by our Service.

JOHN E. KELL

Attachment

John E. Kell
Regional Chief of Lands

Copy to: Director (2) w/2 attachments
WODC with attachment

WRG
In reply refer to:
L54-L

APR 22 1958

Memorandum

El Morro

To: Solicitor

From: Assistant Director, National Park Service

Subject: The State of Arizona v. State of California, et al.,
United States of America, Intervener, State of Nevada,
Intervener, State of New Mexico and State of Utah,
Impleaded Parties, Original No. 10 in the Supreme Court
of the United States

Attached are five copies, one certified, of the (1) act of June 14, 1950 (64 Stat. 211), and (2) the Secretary's Order of January 25, 1952, as published in the Federal Register.

These are to supplement the instruments under which El Morro National Monument has been established and enlarged, which were submitted to you with our memorandum of August 27, 1956, and forwarded to Mr. David R. Warner, Chief, Water Resources Section, Department of Justice, with the letter of August 31, 1956, from Mr. Fritz.

(SGD) JACKSON E. PRICE

Assistant Director

Attachments 10

Copy to: Regional Director, Region Three, w/c attachment
Superintendent, El Morro, w/c attachment
Chief, WODC, w/c attachment
Mr. Sanders, Solicitor's Office, w/c attachment
✓ Mr. Dunn

AvanVDunn:lt 4/18/58

C E R T I F I C A T E

Pursuant to the provisions of the act of August 24, 1912, as amended (5 U. S. C., Sec. 408), I HEREBY CERTIFY that the annexed constitutes a full, true, and literal exemplification of documents relating to El Morro National Monument:

1. Act of June 14, 1950 (64 Stat. 211), to provide for the addition of certain lands at El Morro National Monument, in the State of New Mexico, and for other purposes.

2. Order Revising the Boundaries of El Morro National Monument in the State of New Mexico, signed by the Secretary of the Interior on January 25, 1952, and published in the Federal Register of January 31, 1952.

*Revising
Boundary
to include
Pecos River
well, etc*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the National Park Service to be affixed, this APR 22 day of 1958, A. D. 1958.

JOHN J. JAMESON JR. PRINT

Assistant Director
National Park Service

Copy to: Regional Director, Region Three
Superintendent, El Morro
Chief, WOOC

Assistant Solicitor, National Parks
✓ Mr. Dunn

AvanVDunn:lt 4/18/58

C E R T I F I C A T E

Pursuant to the provisions of the act of August 24, 1912,
as amended (5 U. S. C., Sec. 488), I HEREBY CERTIFY that the annexed,
in the order listed, constitutes a full, true, and literal exemplification
of:

1. Proclamation No. 695 issued December 8, 1906,
establishing El Morro National Monument, as the same
appears in Vol. 34, United States Statutes at Large,
Page 3264.
2. Proclamation No. 1377 issued June 18, 1917,
reserving lands described therein to be added to El Morro
National Monument, as the same appears in Vol. 40, United
States Statutes at Large, Page 1673.

IN WITNESS WHEREOF, I have hereunto set my hand and
caused the seal of the National Park Service to be affixed, this 27th day
of *August*, A. D. 1956.

Assistant Director
National Park Service

Copy to: Regional Director, Region Three
Superintendent, El Morro
Western Office of Design and Construction
~~Western Office of Design and Construction~~
Acting Assistant Solicitor, Parks
J. M. Dunn

C O P Y

In reply refer to:
L54

El Morro

El Morro, New Mexico

January 22, 1957

Memorandum

To: General Superintendent
From: Superintendent, El Morro
Subject: Description of Water System

Our claims are so infinitesimally small that they are hardly worth worrying about in the case of Federal Intervention in Arizona v. California regarding the Lower Colorado River. However, here they are.

Existing

1. One dam, approximately 12 feet high by 50 feet long, in E $\frac{1}{2}$ of Section 6, T9N, R14W, which impounds nearly 200,000 gallons (0.61 acre feet) at capacity from runoff of the mesa top which is situated in the same section. There is no spring. The amount of the runoff, as it depends on the weather, is neither regular nor fixed.
2. A well in the NE $\frac{1}{4}$ of Section 5, T9N, R14W, 221 feet deep with a maximum capacity, under optimum conditions, of something like 2500 gallons per day (See my report entitled "Well Test" of 11/18/56).

Proposed

1. A well in the E $\frac{1}{2}$ of Section 6, T9N, R14W, to be an estimated 2000 feet deep and have a production ample to care for the needs of a minimum of 50,000 visitors per year.

(signed)
Irving McNeil, Jr.
Superintendent

L 54

El Morro

El Morro, New Mexico

October 15, 1956

Memorandum

To: General Superintendent
From: Superintendent, El Morro
Subject: Population Records for "ater Claims in Federal Intervention
in Arizona v. California

In order to make a more accurate report for this project, I have checked the employment records for the man days, since I have been here, very carefully and have divided the days into "Employee - man days" which indicates that those persons (including dependents) spent the nights here, and "Employee - DL Days" which indicates that the persons were only employed during the day and did not spend the night. "nr" indicates that there is no record in this office. The picnickers are estimated. The transients include the total number of visitors whether they took a trip around the Rock or only stopped for a few minutes - there are very few in the latter category.

The camper days are not twice these figures shown. The visitor is counted the first day he comes in as a visitor (transient in this case). If he camps overnight, he is counted as showing another visitor day - if we had a total of 10 visitors on each of two days and 4 camped overnight during the intervening night, we would have a total of visitor days for the two days of 24 and not 28. On just one of these 24 hour periods does he use more water than an ordinary visitor.

The additional and corrected data are attached.

Irving McNeil, Jr.

Irving McNeil, Jr.
Superintendent

Wick Davis
with 10 items of Nov. 6

Year	Employee		Campers	Picnickers	Transients
	Man Days	DL Days			
1946	1500	nr	nr	200	1576
1947	1600	nr	nr	200	1944
1948	1500	nr	nr	400	2252
1949	1000	nr	nr	600	3260
1950	1546	nr	89	600	4090
1951	1340	120	50	600	3881
1952	1340	120	53	600	4863
1953	350	165	559	600	4206
1954	910	127	945	600	5437
1955	970	143	286	700	5242

In reply refer to:
154

El Morro

El Morro, New Mexico

June 5, 1956

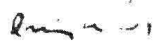
Memorandum

To: General Superintendent

From: Superintendent, El Morro

Subject: Federal Claims to Waters of the Lower Colorado River, to be
Presented in Federal Intervention in Suit between Arizona and
California

The information concerning the above, which was requested of this
Monument, is submitted on the attached sheets.


Irving McNeil, Jr.
Superintendent

El Morro National Monument

1. Annual metered water use for each year from 1946 to 1955, inclusive, by United States, concessioners and permittees. -- None.

2. Number of man days of Federal and concessioner population, including families, for the years 1946 to 1955, inclusive.

1946	--	1500
1947	--	1500
1948	--	1500
1949	--	1000
1950	--	1500
1951	--	1500
1952	--	1500
1953	--	1000
1954	--	1000
1955	--	1000

3. Number of camp unit days of use in campgrounds for same years.

1946	--	None
1947	--	None
1948	--	None
1949	--	None
1950	--	100
1951	--	50
1952	--	53
1953	--	359
1954	--	943
1955	--	286

4. Number of part day picnickers for same years.

1946	--	200
1947	--	200
1948	--	400
1949	--	600
1950	--	600
1951	--	600
1952	--	200
1953	--	600
1954	--	800
1955	--	700

5. Total number of overnight guest days of use in hotels and other concessioner accommodations for same years.

None

6. Approximate number of minor days of residence in each area for same years.

None

7. Approximate number of acres or square feet of land irrigated each year, by hose and by ditch, for the same years.

None

8. Approximate answers to items 1-7 for ultimate development

- a. Annual metered water use - none.
- b. Number of man days of Federal and concessioner population - 12,000.
- c. Number of camp unit days - None.
- d. Number of part day picnickers - 20,000.
- e. Total number of overnight guest days - None.
- f. Approximate number of minor days - 3,000.
- g. Approximate number of acres or square feet irrigated - None.

9. Approximate maximum flow in any stream - None.

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three Office
Santa Fe, New Mexico

September 1, 1950

Memorandum

To: Director
From: Administrative Officer
Subject: Funds for cost of title insurance to Davis Brothers Property,
El Morro National Monument

Mr. Ira N. Sprecher of the Mid-Valley Title Company, Inc., Gallup, New Mexico has been authorized to start work immediately on securing a sample deed and title insurance to the Davis Brothers Property, El Morro National Monument, as authorized in Mr. Demaray's memorandum of August 8, 1950.

Mr. Kell, in reporting the results of his visit to Gallup and El Morro during August 22-24, estimates the cost of obtaining the title insurance at approximately \$200. In Mr. Demaray's memorandum of August 8 we were advised that \$100 was being allotted from water rights funds for our use in purchasing the necessary title evidence. As soon as this allotment is received, it will be supplemented by the \$100 allotted on AA-7282, Dated November 8, 1949 to account 701, Appraisal of Property, El Morro, appropriation 14x1056 - Water Rights, which is still available for expenditure since the Davis Brothers assumed the cost of testing the well.

Only \$50 was expended from the \$100 allotted to Account 775, Appraisal of Property (El Morro), appropriation 14x8037--National Park Service, Donations. The balance is returned by the attached ACOW and Form 1669.

/s/ Luis A. Gastellum

Luis A. Gastellum
Administrative Officer

Attachments 2
cc El Morro

WRG
④

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

August 31, 1950

Memorandum

To: Acting Regional Chief, Land And Recreational Planning
From: John E. Kell, Park Planner
Subject: Acquisition of title evidence for Davis Brothers
property, El Morro

On August 22 I left Santa Fe for Gallup, New Mexico and El Morro to make arrangements for securing title evidence for the Davis Brothers property, which is Section 5 immediately east of El Morro National Monument. I consulted Superintendent McNeil and Mr. Ira E. Sprecher of the Mid-Valley Title Company, Inc. at Gallup. I explained to Mr. Sprecher that our Service needed a sample deed and certificate of title for the Davis Bros. property. Mr. Sprecher advised me that the sample deed could be obtained and that some type of title evidence could be secured, but it was his opinion after reviewing the certificate of title form that in New Mexico a title insurance policy would be used. Mr. Sprecher stated that the cost of the abstract would amount to between \$650 and \$700 and that the title insurance could be obtained for approximately \$200.

The cost of obtaining the title insurance is roughly \$100 for insurance fees and search of records which must be done by the Title Guarantee Company of Albuquerque, New Mexico. The remainder of the cost would be the work which Mr. Sprecher would have to do in order to assure the Title Guarantee Company of Albuquerque that the title to the Davis Bros. property was insurable. Additional work must be done by Mr. Sprecher because of the involved transactions for this particular piece of land.

Mr. Sprecher assured me that the title to the land is good and valid and that the abstract goes back to the original government patent for transaction between the Federal Government and the old Atlantic and Pacific Railroad Company. It has arrived at its present state by a long circuitous route, and the abstract was brought up to date in 1941. The cost of the abstract would be in taking out the sheets which apply to the Davis Bros. abstract and having them copied.

The majority of the work which Mr. Sprecher would have to do involves a contract with the Breeze Lumber Company for nine sections of railroad or checkerboard land. These nine section in turn were sold to Merlin Bond, et al. Bond in turn sold one section to the Davis Brothers. Mr. Sprecher must make the necessary arrangements with the First National Bank of Albuquerque to take the original transaction out of escrow and write the necessary deeds from Breeze Lumber Company to Merlin Bond, Merlin Bond to Davis Bros., Davis Bros. to the United States.

On the evening of August 24 I talked with Mr. William W. Becker of the Title Guarantee Company of Albuquerque. Mr. Becker informed me that his company is reinsured by a Kansas City company and that they had written title insurance for other government agencies.

On Tuesday, August 29, I went to Albuquerque and talked to Mr. Robinson of the Land Division, U. S. Department of Justice. Mr. Robinson reviewed the information I had regarding the purchase of the Davis Bros. property. He reviewed the policy which the Title Guarantee Company of Albuquerque issues, and he reviewed a portion of a letter which related to the transaction of the Buggeln property at Grand Canyon. It was Mr. Robinson's opinion that the policy which would be issued by the Title Guarantee Company of Albuquerque would be acceptable to the government.

On the basis of this information and on the basis of reviewing the acquisition with Mr. Patraw before I went to Albuquerque, it is my recommendation that we write Mr. Sprecher and advise him to start negotiations and title insurance and also ask him to prepare the sample deed. It was Mr. Sprecher's plan to draw the deed in final form and submit an unexecuted deed as a sample for review by the Washington Office and the Attorney General. When this "sample" deed had been reviewed and approved, he would then have the original deed properly executed.

(SGD.) JOHN E. KELL

John E. Kell
Park Planner

Copy to: Director in duplicate
Supt., El Morro
Fiscal Division

Approved for distribution:

SEP 1 1950

E. E. TILLOTSON

Date

Regional Director



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

Dunn
In reply refer to:
L2223 EIMO

AUG - 8 1950

Memorandum

To: Regional Director, Region Three
From: Acting Director
Subject: Approval of Option for Davis Brothers Property, El Morro National Monument

With his memorandum of May 17 Mr. Patraw transmitted three duplicate originals of an option expiring February 10, 1951, by which the Davis Brothers offer to sell to the United States for the sum of \$6,000 a section of land lying within the authorized boundaries of El Morro National Monument containing 640.81 acres, more or less. The acquisition of this land with water rights funds has been proposed because the drilled well on the property will furnish a proven source of water supply for Monument use. The purchase of the entire section is made necessary by the unwillingness of the vendors to dispose of a small area containing the well without selling the remaining land. This attitude on the part of the vendors is understandable since the well affords the only proven source of water supply to the entire section of land. The purchase of the entire section to obtain the water supply is unobjectionable, however, since the property will provide a better approach to the Monument and an area suitable for camp-ground development. Moreover, this land was authorized for addition to the Monument by the act of June 14, 1950 (Public Law 539, 81st Congress).

The option has been obtained as a result of our teletype to you of May 4, which authorized you to negotiate for the acquisition of the property at a purchase price of \$6,000, provided a new highway and a power line under construction so enhanced the value of the property as to warrant its purchase at that figure. As suggested in the teletype, Paragraph 5 of the customary option form has been revised to place an obligation upon the United States, rather than the vendors, to defray the cost of procuring title evidence and recording the deed of conveyance. This revision has been made in view of the insistence of the vendors that they receive a net amount of \$6,000 for the property.

Mr. Patraw's memorandum of September 30, 1949, demonstrated the inadequacy and unsatisfactory character of the open catchment cistern which is the source of supply for the present water system

at the Monument. Regional Engineer Lassiter's estimate of March 3, 1950, indicates that the future average daily requirement for water for the Monument will be 4,000 gallons per day. Accordingly, the approximately 4,800 gallons per day (approximately 3.33 gallons per minute) which the well on the Davis Brothers property will produce, as shown by actual pumping tests, should meet all requirements of the Monument for the foreseeable future. Mr. Lassiter's estimate of March 3, 1950, also analyzes the comparative costs of obtaining water from the well on the Davis property and developing a well and installing a pump on lands now within the Monument. This analysis indicates that a supply of water could be obtained from the Davis Brothers well by purchasing the land and installing the necessary pump and pipe line at a total cost of \$10,700 (allowing \$5,000 as the purchase price of the land), as compared with an estimated expenditure of \$19,100 to drill and develop a well on Monument land. There is also to be considered the possibility that the latter alternative would produce a dry hole, as have two previous attempts to develop water by drilling wells on Monument lands. It seems clear, therefore, that the purchase of the Davis Brothers property is justifiable for the known source of water supply which it contains, even without considering the additional advantages offered by a better approach to the Monument and an area which could be developed for campground purposes.

On the basis of an appraisal report submitted by Ira N. Sprecher, local appraiser, on March 14, 1950, it appears that at that time the Davis Brothers property was valued at \$4,774.20. This amount represented \$2,563.20 for the land (considered for its grazing value and taking into consideration the water available to it), an additional value of \$801 attributed to the land because of its proximity to the Monument and the resultant possibility of deriving added revenue from Monument visitors, \$500 for fencing, and \$910 for the well, provided it could be made to produce between 5 and 10 gallons per minute. As pointed out in our memorandum of April 19, the established yield of the well of only 3.33 gallons per minute would indicate a reduction of about \$400 from the \$910 valuation attributed to the well, or a net value of the entire property as of March 1950, amounting to about \$4,374.20.

When the property was appraised in March 1950, construction had not been begun on a proposed State highway which will cross the Davis Brothers property and, therefore, the appraiser could not consider

the additional value which an improved highway would afford. Accordingly, the appraiser reported that the property was 60 miles from a railroad and was served by secondary and poor roads. Since the appraisal was made the contractor for the State has started grading operations across the property. Cattle guards at the east and west boundaries have been constructed and a mile of volcanic cinder (or gravel as an alternative) surfaced road is being constructed across the property. A contract is also being, or has by this time been, negotiated which will extend Rural Electrification Administration power to the Monument and across the property under discussion. Your office expresses the view that the construction of the cattle guard, the mile of high standard road, and the assurance of electric power at an early date are ample to increase the value of the Davis Brothers property to their asking price of \$6,000.

We share your view that the best interests of the Service will be served by acquiring this property with water rights funds at the net price of \$6,000 asked by the owners. Accordingly, I have today approved the option under the authority contained in paragraph (g) of the act of August 7, 1946 (60 Stat. 885, 16 U.S.C., 1946 ed., sec. 17j-2), and pursuant to Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361), delegating authority to this Service to accept options and deeds. The approved option has been assigned Contract No. I-100mp-289.

Three conformed copies of the approved option are attached. One copy should be delivered to the vendors, one copy should be forwarded to the Superintendent, and the remaining copy retained for your records.

The vendors should be requested to submit for examination a draft of the deed by which this land will be conveyed by them to the United States of America and its assigns. In addition to describing the lands being conveyed, the deed should also convey all water rights situated on, appurtenant to, or used in connection with the land. Since it is incumbent upon the United States to obtain the necessary title evidence at its own expense in this instance, steps should now be taken by you to obtain such evidence, the same to be furnished in accordance with the attached copy of Department of Justice Regulations for the Preparation of Title Evidence in Land Acquisitions by the United States. As it has been indicated that an abstract of title would cost in the neighborhood of \$500 to \$700, preliminary and final certificates of title should be obtained, if

possible. The final certificate of title should follow the form set out at Page 24 of the Regulations cited. Four mimeographed copies of the certificate of title form are attached for your convenience. While the Department of Justice prefers certificates of title, that Department will accept policies of title insurance issued by approved title insurance companies if the title insurance policy contains a certification as to the title (see correspondence relating to title evidence for the Eva A. Buggeln Moss property, Grand Canyon) or, in the absence of a certification as to title, the title insurance policy is issued on the form prescribed by that Department, four copies of which are attached. Since Mr. Patraw's telegram of May 4 indicates that a certificate of title or a policy of title insurance can be obtained for approximately \$100, an allotment in that amount is being made to you from water rights funds for your use in purchasing the necessary title evidence.

Paragraph 4 of the approved option indicates that the Davis Brothers are purchasing this property under contract from Merlin Bond, et al., and that approximately \$400 are required to complete the purchase of the land covered by the approved option. Some arrangement will be necessary to vest complete title in the Davis Brothers before the sale of this land to the United States can be completed but this arrangement can be worked out at a later date. When submitting the draft of deed and title evidence, it is desired that this material be accompanied by the customary reports on possessory rights.

(SGD) A. E. DEMARAY

Acting Director

In duplicate

Attachments 4

Acceptance of option recommended:

(SGD) CHARLES A. RICHEY

Chief of Land Planning

(SGD.) HARRY K. SANDER

Acting Chief Counsel

Copy to: Land Planning

✓ Mr. Dunn

Legal

Mr. Neilson - with copy of approved option. Please issue an allotment advice in the amount of \$100 to cover the cost of procuring title evidence as indicated. Also, please obligate \$6,000 to cover the purchase of the property. Both the allotment and the obligation should be made from water rights funds (Appropriation Symbol: 14X1035).

Budget

AFRollins:lt

UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

Contract No. 1-100np-259

OPTION TO SELL REAL ESTATE
TO
THE UNITED STATES GOVERNMENT

THE UNDERSIGNED, hereinafter known as the vendor, in consideration of the examination and appraisal of the land hereinbelow described by the United States and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby agree for himself, herself, or themselves, or heirs, administrators, executors and assigns, as follows:

(1) That at any time within nine (9) months from the date of this instrument, if requested so to do by an authorized representative of the United States, the said vendor will sell and at his, her, their, or its own expense, convey, free of all encumbrances whatsoever, to the United States or its nominee by proper deed of conveyance with general warranty of title, under conditions hereinafter provided, all of that tract or tracts of land situate and lying in the County of Valencia, State of New Mexico, containing 640.81 acres, more or less, and more particularly described as follows:

TOWNSHIP 9 NORTH, RANGE 14 WEST:

**Section 5, lots 1, 2, 3, 4; south half of northeast quarter;
south half of northwest quarter; southwest quarter; and
southeast quarter.**

(2) That the price at which said land will be sold to the United States as hereinabove provided shall be \$6,000.00 six thousand dollars

(3) That in case the vendor is unable to show and establish title to the above-described lands satisfactory to the United States Government, then, and in that event, the vendor agrees that the United States may, in its discretion, institute condemnation proceedings for the acquisition of said lands and that the price hereinabove set forth is hereby agreed to by the vendor as to the value of the land to be acquired under said condemnation proceedings.

(4) That, at the date of this instrument, the title to said lands is clear, free and unencumbered, except that the Davis Brothers are purchasing under contract from Merlin Bond and wife, Joseph Bond, widower, James Bond and wife, and Lewis W. Clawson and wife, who in turn are purchasing under contract from V. Geo. E. Breece Lumber Co., New Mexico Corp. Deeds to complete the contract being in escrow in Albuquerque, New Mexico. 10 year contract on 8 other sections in one block sale. 5 years of contract paid, approximately \$400.00 due on each section to complete purchase.

which said vendor agrees to have released and has the full right, power, and authority to convey to the United States an unencumbered fee simple title to the aforesaid lands.

(5) That the United States will, after the exercise of this option, at its own expense, furnish an abstract of title which shall later be extended to include any instrument subsequently required to be recorded by the United States in connection with the title to said lands to show unencumbered fee simple title or a title certificate, and will also record the deed of conveyance and/or other necessary papers made pursuant to this instrument

(6) That during the period covered by this instrument the said vendor does hereby grant to the officers and accredited agents and representatives of the United States, at all proper times, unrestricted right and privilege to survey or enter said lands for all proper and lawful purposes in connection with the negotiations for the acquisition thereof.

(7) That when the United States of America acting through the Secretary of the Interior, or other authorized representative, shall have approved and signed this option for the purchase of the lands as herein provided then, in that event, this instrument shall constitute a contract of bargain and sale between the parties hereto.

(8) No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom. Nothing in this paragraph, however, shall invalidate this contract if made with a corporation for its general benefit.

In witness whereof the Davis Brothers have set their hands and seals to these presents on this 11th day of May, 19 50.

Signed, sealed and delivered
in the presence of:
(2 witnesses to each signature)

/s/ Robert L. Siemens

/s/ John A. Aubuchon

/s/ Paul Davis (SEAL)

/s/ Clarence A. Davis (SEAL)

/s/ W. B. Davis (SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

Approved AUG - 8 1950
(Date)

(SGD) A. E. DEMARAY

Secretary of the Interior
Acting Director, National Park Service

May 11, 1950
(SEAL) /s/ Edgar A. Bond
Notary Public

Commission Expires Mar. 25, 1954



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

In reply refer to:
L2223 ELMO

APR 19 1950

Memorandum

To: Regional Director, Region Three
From: Associate Director
Subject: Proposed acquisition of Davis Bros. property,
El Morro National Monument

The appraisal of this property dated March 14 by Mr. Sprecher is satisfactory with one exception—that he still bases the value of the well on a yield of between 5 and 10 gallons per minute, whereas the facts seem to substantiate only 3.33 gallons per minute. This might reduce the total value by about \$400, making the total value of the property only about \$4,334.20.

On the other hand, Mr. Lassiter seems conservative in his estimate of the comparative costs of providing an alternate source or using this well as the source of supply for El Morro National Monument. Accordingly, we recommend that you proceed with negotiations to acquire the property with water rights funds at \$5,000 or a little bit below. We realize that the purchase price might be somewhat in excess of the further revised appraisal, but this seems to be fully justified by the rather high cost of providing any alternate source. If you could get a price that is somewhat below \$5,000, there might be less complication in getting final clearance of the option.

(SGD.) A. E. DEMARAY

Associate Director

In duplicate

Copy to: Mr. Richey
→ Mr. Dunn

AvanVDunn:sh



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

CP
In reply refer to:
L2223 ELMO

Dunn
FEB 20 1950

Memorandum

To: Regional Director, Region Three
From: Associate Director
Subject: Appraisal of Davis Brothers property, El Morro National Monument

We are somewhat surprised to find that the test of the well on the Davis Brothers tract suggests a yield of only 3.33 gallons per minute, as suggested in the memorandum of February 9 to the Superintendent from Mr. Davis. This is considerably below the 5 to 10 gallons per minute estimated as the basis for Mr. Sprecher's original appraisal of the property. When the revised appraisal is submitted to us, we should also like to have a complete report on the test, showing lengths of periods of pumping, the draw-down of the well, and the length of time between tests and resulting build-up of water level.

The fact that there is a yield of only 3.33 gallons per minute, or about 0.0075 second-foot, is not necessarily a justification for dropping the plan to acquire the property with water rights funds, but it does mean that Mr. Sprecher will have to be considerably more careful with any appraisal if it is anticipated that a value of close to \$5,000 is needed to permit successful negotiations between Davis Brothers and the United States. Although the water is adequate to support a considerable herd of cattle if grazing conditions are also favorable, there is considerably less water than was originally anticipated for other use in connection with any public facilities.

With regard to the justification for purchase, it will also be necessary to show why this lesser water supply is likely to be the most desirable for the Monument uses. Of course, in this connection, the fact that the well is only from one-half to one-third as great as was anticipated may also be considered as a factor in connection with the estimated yield which might be obtained by further exploration and deep well drilling within the Monument. Probably

the yield of such well would be proportionately smaller than was originally anticipated. In any case, the well yield, which is 4,800 gallons per day, is doubtless adequate for any water demands of the Monument for some years to come, although it will probably be necessary to increase the anticipated storage capacity now contemplated on the domestic water system.

(SGD.) A. E. DEMARAY
Associate Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:sh

COPY

**DEPARTMENT OF THE INTERIOR
National Park Service
El Morro National Monument
El Morro, New Mexico**

January 27, 1950

Memorandum

To: The Regional Director
From: The Superintendent, El Morro National Monument
Subject: Capacity of well on Davis property adjacent to El Morro National Monument

On January 19 Paul and Clarence Davis of Ramah, New Mexico, owners of the Davis property proposed for acquisition to El Morro National Monument, set up a pump jack and started testing the capacity of their water well.

The pumping was quite successful to the extent of obtaining water at the rate of $6\frac{1}{2}$ gallons per minute during a period of 1 and $\frac{1}{2}$ hours. The test was discontinued due to the late hour and was resumed again on the 20th. The well was pumped again at a rate of flow of $6\frac{1}{2}$ gpm for a period of 1 $\frac{3}{4}$ hours, after which time the pump began to suck air. Tests were continued with the pump pulling all the water available, which after several tests established the gpm flowing into the well at a rate of 3.33. This rate of flow will produce 4795.2 gp day.

It is reasonable to suppose that the rate of flow into the well might increase at least a small amount. This was indicated by the fact that until the pump caught up with the water standing in the well, the water was clear. But when the pump removed the water as rapidly as it collected or ran into the well, the water was very murky. When this sediment has been pumped clear of the well indicating a clearing of the radial water lines an increase in the flow may be expected. These tests were witnessed by Paul and Clarence Davis, R. A. Ashcroft of El Morro, and myself.

Well yield 4800 gpd
6.6 gpm = 0.00147 AF/day
/s/ **JOHN A. AUBUCHON**

**John A. Aubuchon
Superintendent**

COPY

Estimate of Water Requirements
for
El Morro National Monument

To make an estimate as to the future water requirements it is necessary to make a prediction as to future travel to the monument. In making such a prediction past visitation must be considered and proper allowance made for the influence of current and proposed improvements to the roads serving the monument on travel to the area.

The maximum daily visitation so far recorded as 156 on August 21, 1949. With the completion of the present road construction contract from Ice Cave to the monument and completion of the road from Gallup to the monument, 13 miles of which are up for construction immediately, it is conservative to estimate a maximum daily visitation of about 600 with a monthly total of 8,000 to 10,000.

The length of stay at the monument will average about two hours. On this basis the consumption of water should average about ten gallons per person. For the larger month total, this would require 100,000 gallons per month, or 3,500 gallons per day. To this must be added 500 gallons per day to supply the family of the Superintendent and the seasonal employees who will be required to serve the visitors. Thus, the average daily requirement will be 4,000 gallons per day.

To take care of the peak days when 600 visitors may be expected it will be necessary to provide a storage reservoir. This reservoir should be of 50,000 gallons capacity. Such a reservoir will take care of several peak days in succession, and will make water available for fire protection.

Although it might be possible to obtain water from a well within the present boundaries of the monument, two previous attempts resulted in dry holes. Mr. Rothrock in his report of February 1940 estimated that there was a good chance to obtain water from the Shinarump formation at a depth of 1550 to 1650 feet.

The cost of developing such a well and installing a pump is estimated as follows:

1600 feet, estimated depth:

0 - 400	400 feet	@	\$4	\$ 1,600
400 - 1000	600 feet	@	7	4,200
1000 - 1600	600 feet	@	10	6,000
casing	1600 feet	@	3	4,800
pump with 1600-foot drop pipe				2,500
				<u>\$19,100</u>

The comparative cost of obtaining water from the well on the Davis property is estimated as follows:

Cost of land with well	\$ 5,000
Pump with 225-foot drop pipe	1,200
3,000 feet, 2" pipeline @\$1.50	4,500
	<u>\$10,700</u>

A comparison of these figures shows that we can obtain a satisfactory water supply for \$10,700 by purchasing the Davis property with a well on it. To develop our own supply will cost at least \$19,100 with the risk of spending \$16,600 on a dry hole.

Due to the unsatisfactory water now available from collection sump at the base of the cliff, it is recommended that the well on the Davis tract be acquired. This well produces 4,800 gallons per day which should provide all of the requirements of the monument for the foreseeable future.

Prepared by Regional Engineer, March 31, 1950

COPY

Public Law 539 - 81st Congress

Chapter 232 - 2d Session

S. 2274

AN ACT

To provide for the addition of certain lands to El Morro National Monument, in the State of New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to procure, for the protection and preservation of El Morro National Monument, the following described land and interests in land:

New Mexico Principal Meridian

Township 9 north, range 14 west:

Section 5, lots 1, 2, 3, 4; south half northeast quarter, south half northwest quarter; southwest quarter; and southeast quarter, containing six hundred forty and eighty one-hundredths acres;

Section 6, lots 1, 2, 3, 4; north half northeast quarter; northeast quarter northwest quarter; south half southeast quarter and southeast quarter southwest quarter, containing three hundred ninety-seven and ninety-two one-hundredths acres.

Comprising in all an addition of one thousand thirty-eight and seventy-two one-hundredths acres.

Sec. 2. All property acquired pursuant to this Act shall become a part of the national monument upon the issuance of an appropriate order, or orders, by the Secretary of the Interior setting forth the revised boundaries of the monument, such order or orders to be effective upon publication in the Federal Register. Lands so added to the monument shall thereafter be subject to all laws and regulations applicable to the monument.

Approved June 14, 1950.



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

In reply refer to:
L2223 BLMO

Memorandum

JAN 18 1950

To: Regional Director, Region Three
From: Associate Director
Subject: Appraisal of land and water values on Davis Brothers tract adjacent to El Morro National Monument

The appraisal of the Davis Brothers tract, Section 5, Township 9 North, Range 14 West, N.M.P.M., Valencia County, adjacent to El Morro National Monument, which was submitted with a memorandum of November 30 from Mr. Patraw, should be referred to the appraiser, Mr. Sprecher, for clarification and amendment.

It is not acceptable to include \$801 as "additional value that has accrued by reason of the protection it can afford to the El Morro holdings." Since only the United States could realize the added value for the purpose of affording protection to the Monument, it is not a proper element of the market value and the item should be eliminated from the appraisal. On the other hand, if Mr. Sprecher meant that the land has such added value by reason of possible commercial use by any prospective purchaser, such as serving the tourists attracted to the Monument, it is a proper element of the market value and the appraisal should be clarified accordingly. This defect also appears in the appraisals of the other properties in the vicinity of El Morro National Monument.

Since we are now planning to make the purchase with water rights funds, the appraisal should be amplified to segregate the values of water and water-using improvements. The reconsideration of these points does not imply, however, that the appraisal is defective in the usual sense. First, it will be necessary to amend the item of \$1,410 for improvements, by assigning separate values to the well and the fence.

Second, it would be desirable, although not essential, to analyze the valuation of \$2,563.20 for the land as grazing range to show a comparison between the value of similar land without a known source of ground water, and the value of land, such as the property in question, which has a known source of ground water. If such

differences are not recognized in the locality, or if the analysis cannot practically be made, it may be omitted.

It is satisfactory for Mr. Sprecher to make his appraisal conditional on the subsequent determination that the well will yield between 5 and 10 gallons per minute. It will also be satisfactory for you to negotiate an option with Davis Brothers on the basis of the appraisal when the latter is approved. However, it will not be possible to justify the purchase for water supply purposes until the yield of the well is determined. Accordingly, we urge that the pump test be made at the earliest possible time, particularly since the same information may permit Mr. Sprecher to prepare a much more satisfactory appraisal. If the \$100 previously allotted for the purpose is insufficient, please advise us.

In addition to the appraisal and the pump test, it will be necessary to provide a better justification for purchase as a source of water supply for the Monument, if water rights funds are to be used. This justification should show that the well will yield sufficient water for anticipated needs, and that the cost of acquiring the tract and piping the water from the well to the Monument is less than the cost of locating a water-bearing aquifer, and drilling a well on the Monument and nearer to the place of use. The broad statements in item 3 of the memorandum of November 30 from Mr. Patraw should be replaced with comparative engineering estimates of the costs of providing water from the Davis Brothers well or from the Shinarump conglomerate on the Monument.

(SCD) A. E. DEMARAY

Associate Director

In duplicate

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Region Three
Santa Fe, New Mexico

*Man Latta
8-1-49 file.* *WR Copy*
In reply refer to:
L54 EIMO

November 16, 1949

Memorandum

To: Director
From: Regional Engineer
Subject: Water Rights at El Morro National Monument

Reference is made to Mr. Demaray's memorandum of October 18, relative to water rights on the Rincon at El Morro National Monument.

There is enclosed print of Drawing No. NM-EM-5316, which shows the topography of the peel and the work that was done to re-inforce the old dam which was partially destroyed by a rock fall in April, 1943. On the topographic map of the peel you will note a low masonry dam above the existing dam. This is assumed to be one of the earlier dams but we have no information as to when or by whom it was built. In the field notes there is a stadia shot at elevation 7238.7 with the note "in channel at North face of masonry dam 1.9 feet high". This is followed by another shot at elevation 40.7 with the notation "top of masonry dam near North end". Later on there is an elevation of 39.4 with the description "bottom of reservoir near South end of masonry dam which is 1.1 feet high". Evidently, the old dam was at an elevation of approximately 41 feet but we have no idea whether any of it had been removed when the elevation of the peel was raised by us. The work which we did in 1943 merely strengthened the existing dam and did not change the water level.

Section 6 has been surveyed and the four corners were found when the topographic survey of the monument was made.

J. R. Lassiter
Regional Engineer

In duplicate

Attachment

Copy to: Superintendent, El Morro

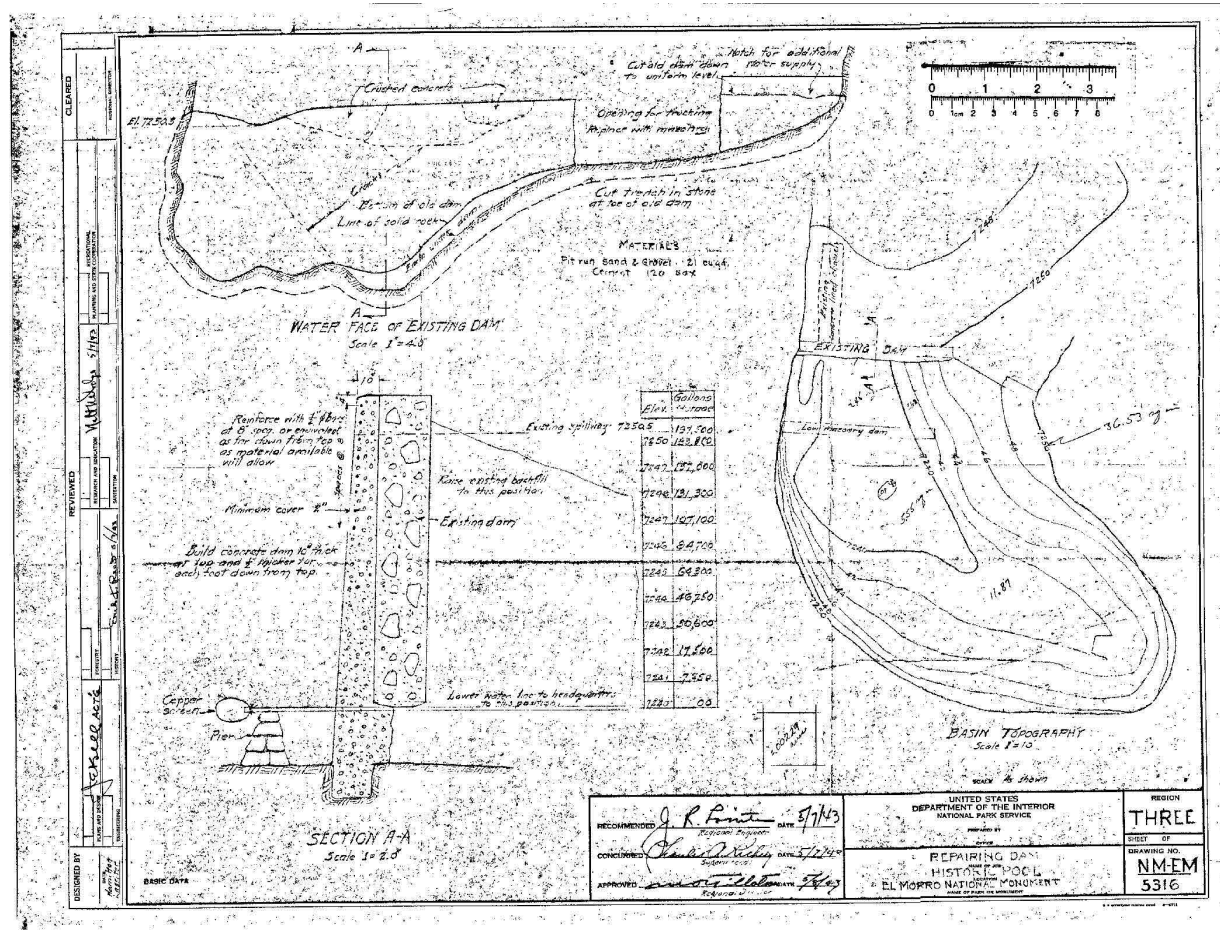
EXISTING DAM - EL MORRO

Contour	sq. in.	mean	Cu. ft.	^{by 43560} Acres	^{x 7.} gallons
7250	36.53				
		70.35	7035.	.16150	52,621.80
7248	33.82				
		62.48	6248.	.14343	46,735.04
7246	28.66				
		51.02	5102.	.11712	38,162.96
7244	22.36				
		37.85	3785.	.08689	28,311.80
7242	15.49				
		23.49	2349.	.05392	17,570.52
7240	8.00				
		8.09	809.	.01857	6,051.30
7238	.09				
		<u>total</u>	25,328	.58143	<u>189,453.42</u>

LOW MASONRY DAM

7242	11.87				
		17.42	1742.	.03999	13,030.16
7240	5.55				
		5.64	564.	.01294	4,218.72
7238	.09				
		<u>total</u>	2306	.05293	<u>17,248.88</u>

189453.42
 - 17248.88
 172204.54 gal.
 difference





ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

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

In reply refer to:
L2223 ELMO

Q

00-24-19-8

Memorandum

To: Regional Director, Region Three
From: Assistant Director
Subject: Appraisal of land and water right values of Davis Brothers' tract adjacent to El Morro National Monument

This refers to the memorandum of September 30 from Mr. Patraw, in which he quotes a memorandum from the Superintendent of El Morro to show that Davis Brothers have exclusive ground water rights on their land, that the source of water supply for the Monument is not too favorable, that two wells have been drilled on the Monument without obtaining adequate water supply, and describing the water system. The Superintendent makes a point of the unsanitary condition resulting when dead animals and debris fall or wash into the exposed 200,000-gallon reservoir, which is presumably the same as the cistern, or catch basin serving as the source of supply, and also variously said to have a capacity of 150,000 and 300,000 gallons. He also mentions the extent to which visitors throw cigarettes and other materials into the same cistern.

Mr. Patraw expresses the opinion, supported by the comments from Mr. Aubuchon, that the Davis property will afford the necessary water supply, and is therefore eligible for appraisal and acquisition with water rights funds. He requests an allotment of \$100 for the necessary pump tests and appraisals. An allotment advice is being issued in the amount of \$100 for the investigation of the wells and appraisal of the land and water interests of Davis Brothers from water rights funds. It is entirely fitting and proper to make this investigation with water rights funds.

Before we can consider the purchase of the property from the same funds, however, it will be necessary to provide an adequate engineering justification based on the need for water, the inadequacy of the existing supply, and the extent to which the Davis Brothers' wells can provide the supply. We are aware that, quoting from Mr.

Aubuchon, "the other sources of water supply for El Morro are not too favorable," but that is hardly the type of statement to use as a definite justification for either abandoning the old sources of water supply or acquiring those available from wells on the Davis property.

(S&S) Samuel L. Wilkell

Assistant Director

In duplicate

Copy to: Lands
 Budget (for allotment)
 Mr. Dunn

Avan:FAK:sh



ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

WASHINGTON

25, D. C.

In reply refer to:
L2223 ELMO

Mr. Dunn

Let's let the matter drop.

October 25, 1949 K

Memorandum

To: Regional Director, Region Three
From: Chief Engineer
Subject: Sanitary features of water supply El Morro National Monument

By a separate memorandum the Assistant Director has advised that we are allocating \$100 of water rights funds for use in connection with the appraisal of the Davis tract, as requested by memorandum of September 30 from Mr. Patraw. We hope that in the further justification for purchase it will not be necessary to make the same statements with regard to the unsanitary condition of the pool from which the water is now obtained, true as the fact may be.

They haven't the help.

We realize that the situation is difficult. This pool of impounded water is of historic interest and the adjacent inscriptions are the records of early visitors who used said water. It is natural, therefore, that the public wishes to visit the pool and the slopes above on which the water is caught. Unless the public is carefully supervised, there will doubtless be those thoughtless individuals who will contribute to the pollution of the water supply.

We have recently provided a filter and chlorination plant to eliminate possible sickness resulting from drinking this water, but this does not eliminate the unsightly and uninviting features of a poorly kept pool, even though the unsightly debris may accumulate during only a matter of hours between ranger patrols. We believe, therefore, that every effort should be made to reduce and regulate the visitor travel adjacent to and above the catch basin until such time as another water supply can be provided.

How

Frank A. Kittredge
Chief Engineer

In duplicate



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

In reply refer to:
LSA ELMO

25, D. C.

Memorandum

OBT 18 1949

To: Regional Director, Region Three
From: Associate Director
Subject: Federal rights to use of water impounded in rincon at
El Morro National Monument

This refers to the memorandum of August 23 from Mr. Lassiter, concerning the above indicated subject. After supplying certain information, he raises the question of whether an appropriative filing is needed, particularly if the Davis tract is purchased and the well thereon is used as the future source of supply for the Monument.

There has always been some question as to the need for a Federal filing. The pool never seems to have contained more than about 300,000 gallons, or about 0.923 acre-feet, and stockmen are not required to appropriate the waters of a "tank" unless it impounds 10 acre-feet or more. In addition, only "natural" waters flowing in streams and water courses (surface and artesian) are subject to appropriation. Technically, the waters precipitated on the rocks above do not reach a defined water course until they are confined in the rincon or niche in the rock, and they do not flow until they are released from the pool.

On the other hand, the waters which were impounded in the original basin are said to have been used since the sixteenth century. The inscriptions on the adjacent rocks are evidence of those who visited the area in early days to obtain water, and the Monument was established to preserve the historical records and some semblance of the pool and its use. Local ranchers still use the water from time to time, and have threatened to fight any attempt to deny them the right to the water. (See Mr. Budlong's letter of March 29, 1937, to Mr. Pinkley, and Mr. Baxter's memorandum of August 4, 1942, for the Superintendent of the Southwestern National Monuments.)

Also, according to Mr. Budlong's letter and the master plan, the natural dike or dam at the outlet of the rincon has been supplemented by man-made dams from time to time. Spaniards and Indians may have built some early dams. Mr. Budlong reports that

the first improvement after establishment of the Monument was made with materials supplied by the United States and labor supplied by the local ranchers. Between 1937 and 1941 the National Park Service seems to have raised the height of the dam again, to increase the capacity from about 150,000 gallons to about 300,000 gallons. This dam seems to have been washed out, and a new one constructed when the filter was constructed, some time after 1942. We have not been advised of the height of the latest dam, or the resulting reservoir capacity.

We believe that the United States should recognize the public nature of the original catchment, and that any increase in capacity prior to 1937 should be allotted to the United States and the local ranchers in proportion to the materials and labor contributed, with the benefit of doubt giving weight to public interest. On the other hand, any increased capacity provided by this Service since 1937, to the extent that the water has been, or will be, beneficially used at the Monument headquarters and residential area, should be recorded as a Federal claim to the water for domestic and recreational purposes, as distinguished from a reservation for public convenience. The same claim should indicate that the establishment of the Monument has been nominally equivalent to the creation of a public water reserve to prevent private appropriation and exploitation of all impounded water.

On this basis, since so much of the record has now been assembled, we propose to complete a water right filing as an added measure of protection. However, we still have only general statements as to the various elevations of original pool, subsequent dams, and resulting capacities. We wonder if an actual topographic survey has been made in connection with the construction of any of the dams. If so, we should like to have a copy of the plat and your historical comments on various water levels. If no survey has been made, we can allot 1950 fiscal year water rights funds for such survey if you expect to have a crew in the vicinity for other purposes.

In addition, we should like to know whether the Monument boundary, or Section 6, has ever been established on the ground. That is, we wish to know if our tie to the southeast corner of the Monument is to an established corner, or not, or what other corners may be established for such purposes.

(SGD) A. E. DEMARAY

Associate Director

In duplicate

Copy to: Mr. Dunn
AvanVDunn:sh

C O P Y

In reply refer to:
L2223 ELMO

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

September 30, 1949

Memorandum

To: Director

From: Associate Regional Director

Subject: Appraisals of Land, El Morro National Monument

This is to report the progress and action taken on the land acquisition program at El Morro National Monument in accordance with Mr. Demaray's memorandum of July 26,

We have attached a black-line print of a letter-size map that shows the proposed boundary extension as recommended by this office and approved by Mr. Tolson, June 3, 1947.

Superintendent Aubuchon is making the necessary contacts in Gallup to secure an appraisal of the land. It is our intention to have the appraisal made of all of the properties within the proposed boundary extension. These properties would be section 5 owned by the Davis brothers, the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ owned by Mr. McClusky in Section 6, and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 6 owned by Mrs. Dentleman. Mr. Aubuchon has been in touch with Mr. McClusky who has an option to purchase approximately one-half of the Dentleman property. The Dentleman property cannot be sold until current divorce proceedings have been settled. This court action may take as long as two years; however, Mr. McClusky feels that he will be able to acquire a portion, if not all, of the Dentleman property. He has indicated to the Superintendent that he would not be willing to sell either his property or the portion which he hopes to acquire from Mrs. Dentleman. However, unless you disagree, we plan to have Mr. Aubuchon have both these tracts appraised at this time even though it appears there might be little possibility of securing an option for the property. We further plan to have an appraisal made of the Indian allotment tract which comprises Lots 2, 3, and 4 and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, as well as the property owned by Mr. Barnes which is the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 6. We expect that all of the appraisals can be made by one person and we have established a tentative priority of appraisal

as follows:

- 1 - Davis brothers
- 2 - McClusky
- 3 - Dentleman
- 4 - Barnes
- 5 - Rafael (Indian allotment land)

We believe that the \$100. allotted to this office from donated funds will be sufficient to have the appraisals made in Section 6. If we read Mr. Demaray's memorandum of July 6 correctly, an additional amount could be allotted for appraisals of the Davis brothers' tract which is Section 5. Information received from the Superintendent, which we believe would enable us to use Water Rights funds, is quoted as follows:

"It appears that the Davis brothers of Ramah, New Mexico, have exclusive ground water rights to all water found and developed on their property. The community has never shared in using the water developed by the Davis brothers.

"The other sources of water supply for El Morro are not too favorable. There is a well at the C.A.A. emergency landing field, about four miles distant, which would undoubtedly furnish enough water. This water would have to be piped to the Monument, involving easements to cross private property and the laying of pipe at a sufficient depth to insure against freezing.

"Two wells have been drilled on the Monument but with no success. One of the local well drillers has offered to set his rig over the old hole for \$100. and start cleaning out the well at one dollar a foot. One well is reported to be 400 feet deep. Additional cost of drilling would depend upon the depth involved and material through which the hole would pass. Four dollars a foot minimum fee is charged any time the drilling passes through lava formation. The present rate for well drilling seems to be two dollars a foot for the first 100 feet with an additional one dollar a foot for each 100 feet thereafter. It is possible that one of the presently dry wells on the Monument could be adequately deepened and water obtained. The uncertainty involved however, indicates that purchase of a known quantity of water would be much more satisfactory."

Mr. Aubuchon further advises the inadequacies of the present water supply as follows:

"The present water system at El Morro consists of a catchment cistern, not covered, fed by melting snow and rain from approximately 3 acres of mesa top drainage. The annual precipitation in this area is roughly 14 inches. This quantity of water is sufficient for present needs if there is the proper amount of moisture each year. The storage capacity of the pool is slightly less than 200,000 gallons. This water is being used at present to operate the two residences and a public comfort station. There is also an established usage by the local ranchers and farmers. This usage was begun prior to 1900. It has been a public watering hole since 1540 A.D.

"There are over 2000 visitors a year to the area and a large proportion of these take the trail over the Rock and through the area draining into the cistern. There are no comfort station facilities on the mesa and no control can be exercised to eliminate contamination of the drainage area. Hard rains wash drowned rats, chipmunks, small birds and all kinds of debris into the pool. Thoughtless visitors throw cigarettes and other material into the cistern. The water system was thoroughly cleaned the last of June, 1949, but dysentery is a very common complaint of those using the water constantly.

"Public announcement by the State Highway Engineer on August 17, 1949, indicates that the long awaited improvement in the state highway is soon to take place. The improved road will bring many more visitors to El Morro, demanding greater use of the presently over-taxed and inadequate water supply."

If you concur that Water Rights funds should be spent for the appraisal of the Davis brothers' property, then we would like to have an additional allotment of \$100. for this purpose. There is a well driller in the vicinity of the monument at the present time who would move his rig over the Davis brothers' well for a sum of \$50. It would probably cost an additional \$25. minimum to run a 24-hour test on the well. We believe that the appraisal can be made for approximately \$25. Unless you advise to the contrary, we plan to secure an option from the Davis brothers and run a test on the Davis brothers' well after the option has been secured. Funds for the test would come from the extra \$100. Water Rights funds which we have requested above.

/s/ P. P. Patraw
P. P. Patraw
Associate Regional Director

Attachment



In reply refer to:
12223 ELMO

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

JUL 26 1949

Memorandum

To: Regional Director, Region Three
From: Acting Director
Subject: Acquisition of the Davis Brothers' property adjacent
to the east boundary of El Morro National Monument

This refers to Mr. Davis' memorandum of July 9 advising that the subject property could be purchased for \$4,500 and that the well on this property is urgently needed to supplement the Monument's water supply.

This subject was discussed briefly with Director Drury before he left on his western trip and he approved getting in touch with Senator Clinton Anderson to determine whether he would be agreeable to introducing legislation to acquire this and other properties to round out the national monument in accordance with the approved boundary status report.

Mr. Richey has been in touch with Senator Anderson and his administrative assistant, Mr. Claude Wood, and as a result, S. 2274, "To provide for the addition of certain lands to El Morro National Monument, in the State of New Mexico, and for other purposes," was introduced on July 18, 1949. We have not yet been able to obtain a copy of S. 2274, but we are enclosing a copy of the draft of bill as submitted to the Senator.

In our discussions it was pointed out that the proposed boundary extension had been approved by this Service for a number of years, but that until recently the addition of the desired lands had not been urgent since the road between Gallup and Grants had not been improved. It was further indicated that the possibility of early construction of this road has been increasing land values in the vicinity of El Morro, and that we are concerned lest undesirable developments be constructed in the environs of the Monument. We also mentioned that we would like to make appraisals of the properties most likely to be developed, and to get options on them for sufficient period of time to allow for consideration and passage of the bill.

Mr. Anderson stated that he would introduce the bill at this time to afford a basis for us to secure the appraisals and options but that he would not push it this session because of the accumulation of bills requiring action now before the Senate Committee on Interior and Insular Affairs. He also mentioned that he and Mr. Wood planned to be in New Mexico this summer and would look into the situation. We suggested that he let us know in advance so that we could make any necessary arrangements and apprise the Superintendent of his visit.

The bill as drafted merely gives the National Park Service the authority to acquire lands for addition to the Monument and it is contemplated that they will be purchased with applicable water rights and regular land acquisition funds. It was explained to Mr. Anderson that we did not plan to acquire all of the property immediately, but that it would be secured as available and through negotiation.

We are particularly concerned about the acquisition of the ~~NW1/4~~ and the ~~NE1/4~~ of Section 6, which, according to our records, are owned, respectively, by Mrs. Dentlemen and Mrs. McClusky. These properties appear to be those most likely to be subject to undesirable development if a new road is constructed in the El Morro vicinity. We are allotting \$100 of donated funds to your office so that appraisals can be made of these two properties. We should like to have you do this immediately and to negotiate options for one year's time, if possible, to purchase the property within the appraised value. If the \$100 is not sufficient for this purpose, please let us know, and an additional amount will be made available. Any funds from the donation account not expended should be returned to this office.

We have made inquiry of the Indian Service concerning the Navajo allotment at the southwest corner of the proposed extension. Enclosed is a copy of Mr. H. M. Critchfield's self-explanatory letter of July 8 to Mr. Allen G. Harper, Superintendent of the Navajo Service, concerning acquisition of the allotment by this Service.

We should like to take advantage of the desire of the Davis Brothers to sell their land adjoining El Morro at this time without awaiting passage of S. 2274. Since the land is not within the established boundaries of the Monument, our regular land acquisition funds cannot be used to defray the cost of obtaining an appraisal to serve as a basis for negotiations until S. 2274 is passed.

A possible solution to the problem of obtaining an appraisal is found in our so-called Point of Order Act of August 7, 1946 (60 Stat. 885). Paragraph (g) of this act authorizes the use of National Park Service appropriations for "Investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of the national parks and monuments." Since the Davis property contains a well having a flow of between five and ten gallons per minute, yielding daily between 7,000 and 14,000 gallons of water, water rights funds can be used in accordance with this authority to investigate and appraise this property as a possible source of a supplemental water supply for the Monument if you are reasonably satisfied that Davis Brothers have a proprietary interest in the well and the use of the waters thereof. If Davis Brothers are believed to have such an interest, steps should be taken immediately to investigate the well and the surrounding lands comprising the Davis property with a view toward developing complete information concerning the nature and extent of the rights of the Davis Brothers in the well and the value of these rights and the land to which they may be appurtenant. Payment of the cost of the investigation and appraisal of this property will be made by this Office from water rights funds (Appropriation 14x1056).

The desired investigation should be made by a competent man and should develop full and complete information regarding this property as a potential source of water supply and should take into consideration any other sources of water supply which might more readily be developed to serve the needs of the Monument.

From past correspondence we note that the existing source of water supply for the Monument, consisting of a combined spring and natural precipitation catchment, is used both by the Service and many neighboring farmers and stockmen. The question arises, therefore, whether the well on the Davis property has not also served various ranchers, and whether Davis Brothers could convey exclusive rights to ground waters on the property to the United States. This point should be looked into carefully and if it is found that exclusive rights are not owned by Davis Brothers the proportionate water use as between Davis Brothers and the other ranchers should be established. It is probable that no record of a claim to the use of the well waters will be found. In the absence of a recorded claim, the rights would be measured by the extent of beneficial, uncontested water use. There is some likelihood that court action would be required to extinguish conflicting claims to the waters of the well. This possibility should be fully explored and reported on in detail.

The investigation should disclose whether the well on the Davis property is the only potential source of ground water available as a supplemental supply for the Monument within a reasonable distance of the developed area and should consider as an alternate the feasibility of drilling a well within the Monument boundaries which would reach the same or some other adequate source of ground water.

In addition to the information to be developed with respect to the well and surrounding lands comprising the Davis property, we should be furnished a detailed report on the quantity of water being obtained from the catchment within the Monument, the probable needs of the Monument within the next 10 or 15 years, and the priority under which the additional water system would be developed to use the well on the Davis tract if that source were ultimately obtained.

Upon receipt of the report on the investigation and a detailed appraisal of the water and land values involved, we shall then be in a position to determine whether the Davis property can qualify for purchase with water rights funds.

(SGD) A. E. DEMARAY

Acting Director.

Enclosures 2

In duplicate

Copy to: Mr. Wirth
Mr. Vint
Mr. Dunn ✓
Mr. Price
Mr. Neilson (2)

CARichey:AvanVD:jed

Mr. West RW

7/21/49
4:00 PM

Butley, Rollins, Sanders and I
just discussed this and the
draft of memo you sent.

Rollins is now trying to
revamp my memo to present
type of appraisal to obtain
so we can pay for it out
of Water Right funds.

Hence, please sign this
memo off for file.

Lynn


STANDARD FORM NO. 64

In reply refer to:
L2223 ELMO

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Vint *TW*

DATE: July 20, 1949

FROM : Mr. Dunn

SUBJECT: Proposal to appraise Davis Tract adjacent to El Morro National Monument with water rights funds

Mr. Richey has proposed that water rights funds be used for appraisal of the Davis tract because the area is not in the Monument and land funds cannot, therefore, be used. The tract, 640 acres, includes a well 225 feet deep, which yields between 5 and 10 gallons per minute (7,200-14,400 gallons per day).

The present source of water supply for the Monument is a combined spring and natural precipitation catchment. We proposed to perfect rights to this spring about 1942, but deferred action because the diversion was so damaged by storms that it was questionable whether to restore it or not. Mr. Richey now advises that it was restored but the Regional Director has not so advised or provided the plans by which to prepare a final water right filing.

Another complication arising in 1942 was that various local people were hauling water from the Monument, and they and their predecessors seem to have hauled water from that source for many, many years. There was a question in my mind (never settled) as to how many neighboring residents might have valid interests in the original spring and catchment development, to prevent a simple perfection of exclusive rights for the more recent use by the National Park Service. The question now arises as to how far Davis Brothers could convey exclusive interest in the well.

It should be noted that the yield of the well is relatively small and that only a part might be available for Monument purposes. In addition, ground water is not normally appropriated in New Mexico--in fact, may not be subject to appropriation--and therefore there is considerable question as to the actual rights of either the landowner or his neighbors who may come to haul part of the water when necessary.

From these considerations, I think it is somewhat farfetched to try to appraise the Davis Tract with water rights funds unless it is planned to buy the Davis Tract in order to gain the right to the use of certain waters, and in that connection there is a basic problem as to how far the well will provide the water for which those rights would be acquired.

Incidentally, if the acquisition of the land is essential to the acquisition of more water for the Monument, it is not necessary to have the tract included within the Monument before its purchase with water rights funds.

As a further consideration, I think I have shown that any appraisal of the Davis Tract, if it involves water right values, is going to be quite complex. It is going to be essential to define the extent of exclusive interest in the waters of the well and the right of access as an encumbrance on the ground, both by white and Indian neighbors, and this Service will also wish to know definitely how much of the water supply for the Monument is being provided by the present catchment basin and how much more is needed from another source. Finally, there is the question as to whether it is really essential to acquire the Davis Tract to gain this well, or if it might not be more desirable to drill a competing well inside of the existing Monument boundary for Monument purposes.

I have no objections to financing the appraisal with water rights funds if a legitimate justification can be presented, but I am opposed to any attempt to appraise or to acquire the Davis Tract on the pretense of providing a water supply unless that objective is actually obtained. We have had too many cases where enthusiastic superintendents have offered strong arguments for land acquisition for water rights and we have proceeded accordingly, only to have the water use abandoned or indefinitely deferred as soon as the land was acquired for other purposes.

As I see it, in order of logic and justification, the proper funds to use for the appraisal and purchase are, first, land acquisition; second, physical improvements as a part of right of way and diversion works for supplemental water supply; and third, only by a broad stretch of imagination, water rights funds, if it can be shown that the acquisition will result in an exclusive title or right to the use of a definite quantity of the waters of the well.



A. van V. Dunn
Chief, Water Resources Branch

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

SEP 21 1942
RECEIVED
9/21/42
9/21
September 18, 1942.
Vogt - what happens now?

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Regional Engineer Lassiter's memorandum of September 7 enclosing copies of Hydraulic Engineer Dunn's memorandum of August 31 together with advance prints of Drawing No. MM-MM-6975, showing the water system at El Morro National Monument, and requesting additional information in response to certain points brought out in Mr. Dunn's memorandum.

This information has been forwarded to Acting Custodian Baxter of El Morro National Monument for additional information as we do not have all of this data in our files. It is believed that former Custodian Evon Z. Vogt will be the only person familiar with the spillway elevation of the former dam. We are requesting that Mr. Baxter check with Mr. Vogt to see if this elevation can be established.

Copies of previous correspondence directed to your office informed you that the dam at El Morro was completely destroyed by a rockslide on August 10, and most of the reservoir filled with rock and dirt from the slide. This office has requested \$8,000 of emergency funds to clean out the reservoir and construct a temporary clay core earthen dam. Final advice relative to the allotment of funds has not been received.

In view of the above information we believe that the Water Rights Division will not wish to file application to appropriate water for the monument until we have assurance that the dam will be constructed, and more information is available concerning the final nature of the dam and reservoir after construction.

CHARLES A. RICHEY
Superintendent.

cc: Water Rights Division, Region Four.
Acting Custodian, El Morro N. M.

Mr. Dunn.

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

August 31, 1942.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the water system and water use at El Morro National Monument.

We enclose an advance print of drawing NM-EM-6975 which we propose to file with our application to appropriate water for that monument. You will note that we show three locations for the sand filter which we have obtained from your drawings NM-EM-5911, 5913A, and 5913B. Please advise which is the proper alignment and location.

We also find that we are not entirely clear on the location of hydrants at which ranchers obtain their water. Please advise if we have made the correct assumption as shown on the map.

We should also like to know the crest elevation of the dam at the catch basin in order to complete the profile and hydraulic gradient. We also wonder if you have a plan of the catch basin giving the present and original dam elevations and some topography from which to prepare area and capacity curves for that catch basin.

It is our intention to claim full right to all water impounded between the original and present dam elevations. Hence, even if you do not have enough data for capacity curves we should like to know the approximate capacities at the two aforesaid crest elevations.

From past correspondence we find that the drainage behind the catch basin is about 3 acres. We assume that average annual precipitation in the area is about 8 or 9 inches. On this basis the total available precipitation would be only about 735,000 gallons per year. At 40% run-off only one filling of the catch basin would be possible. Is that correct, or is the water-shed so barren that nearly all water reaches the catch basin?

We also note that the catch basin has a surface area of about 8750 square feet, and with your reported 300,000 gallon capacity

the average depth would be only 4.6 feet. Evaporation must be between 5 and 8 feet in that area so that very little water may be retained long enough to be used. We should appreciate your estimates or explanation. One explanation we see is that most of the 735,000 gallons may reach the reservoir and that storms may be so scattered that the 435,000 gallons in excess of catch basin capacity serves to balance evaporation.

In that connection have you any plans to replace the catch basin with a covered tank? A million gallon tank with cover would not only reduce evaporation but would also eliminate much of your need for filtering and chemical treatment. If such a plan is even remotely possible we should provide for it in the application. We can claim a million gallon tank even though a smaller one is finally installed.

From Mr. Baxter's memorandum of August 4 we conclude that Adams and Worthen each use about 50 gallons per day or a total of 36,500 gallons a year if hauling consistently throughout the year. If the Park Service has raised the dam 3 feet the new water it has stored for its use should be about 180,000 gallons although, except for evaporation, the Adams-Worthen use would leave 263,500 gallons.

A net NFE storage of 180,000 would provide an average use of only 500 gallons per day. However, since 35% of NFE water consumption usually comes in the peak month it would provide for annual needs based on a peak monthly consumption in July or August of 1660 gallons per day. On the other hand, if all precipitation were captured and stored with a minimum of evaporation we could claim about double the storage and rate of consumption. Please express your desires.

We have given the diversion tie to a monument corner as that is defined in the Proclamation. The question is whether an actual GLO monument has been set at that corner. If none has been set, have you the ties from this fence corner to a section corner, or how did you determine the boundary? Incidentally, we have based our tie on scaled coordinates. This is close enough, but if you wish to send the true coordinates of the monument or section corner and the point of intake it would be better to use true values.

Finally, the name of the Superintendent of the Southwestern Monuments will have to be changed in the statement. Please advise

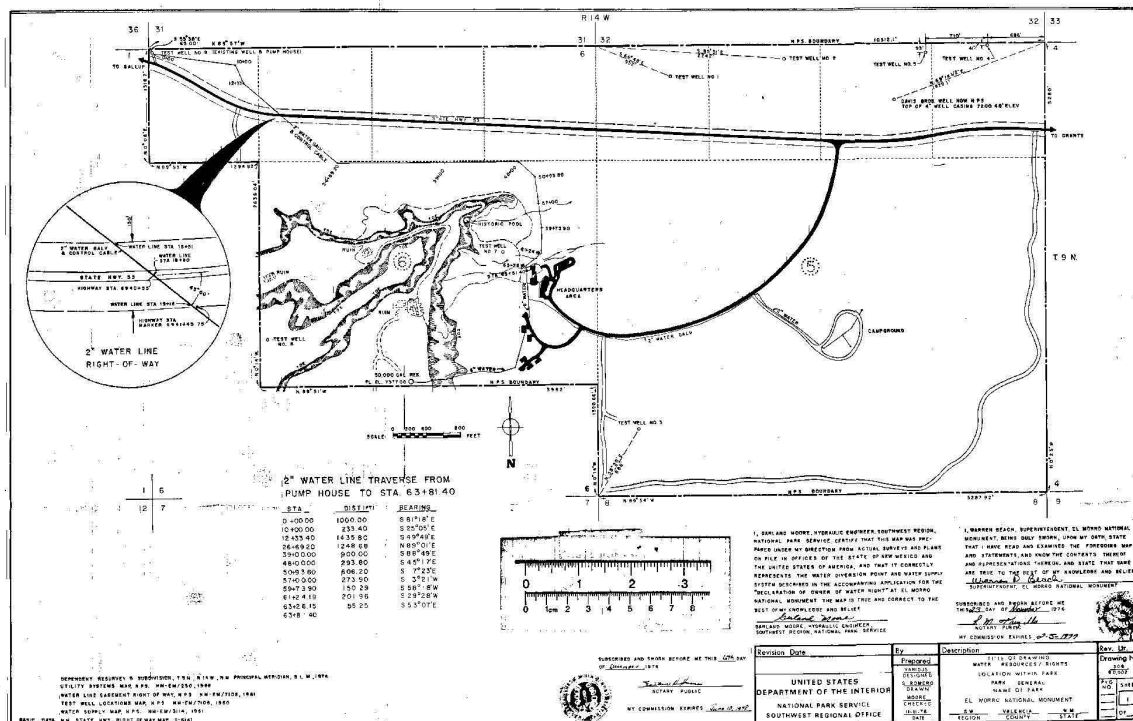
whose name will be proper. We will also wish to know where he will execute the statement, and before whom. He can do it before any notary in New Mexico or before a U. S. Commissioner, but if he uses a notary in Arizona we have to add another statement for execution by the proper State official to vouch for the notary. You will recall that your regional staff has used the New Mexico Secretary of State in similar cases for a statement relating to another State.

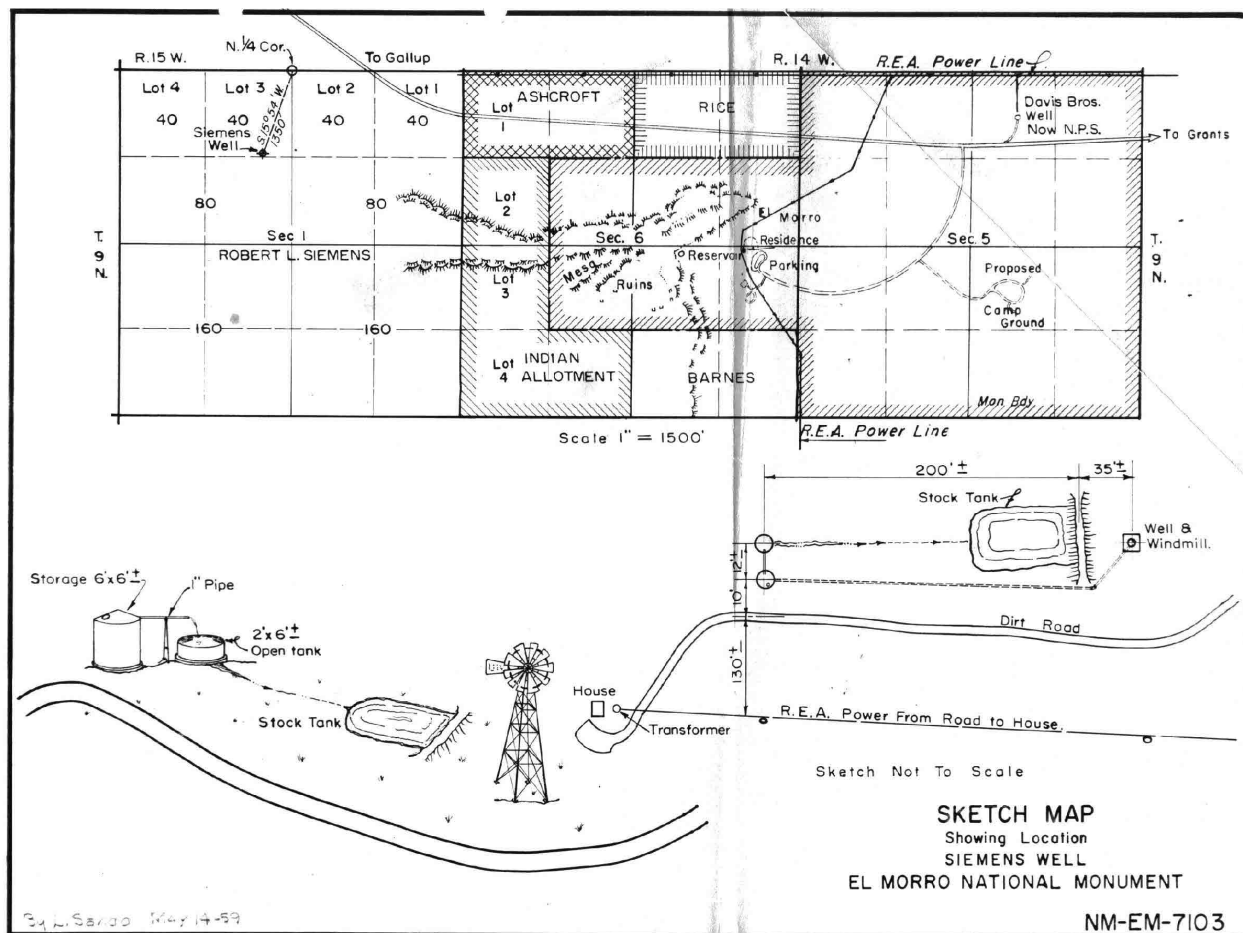
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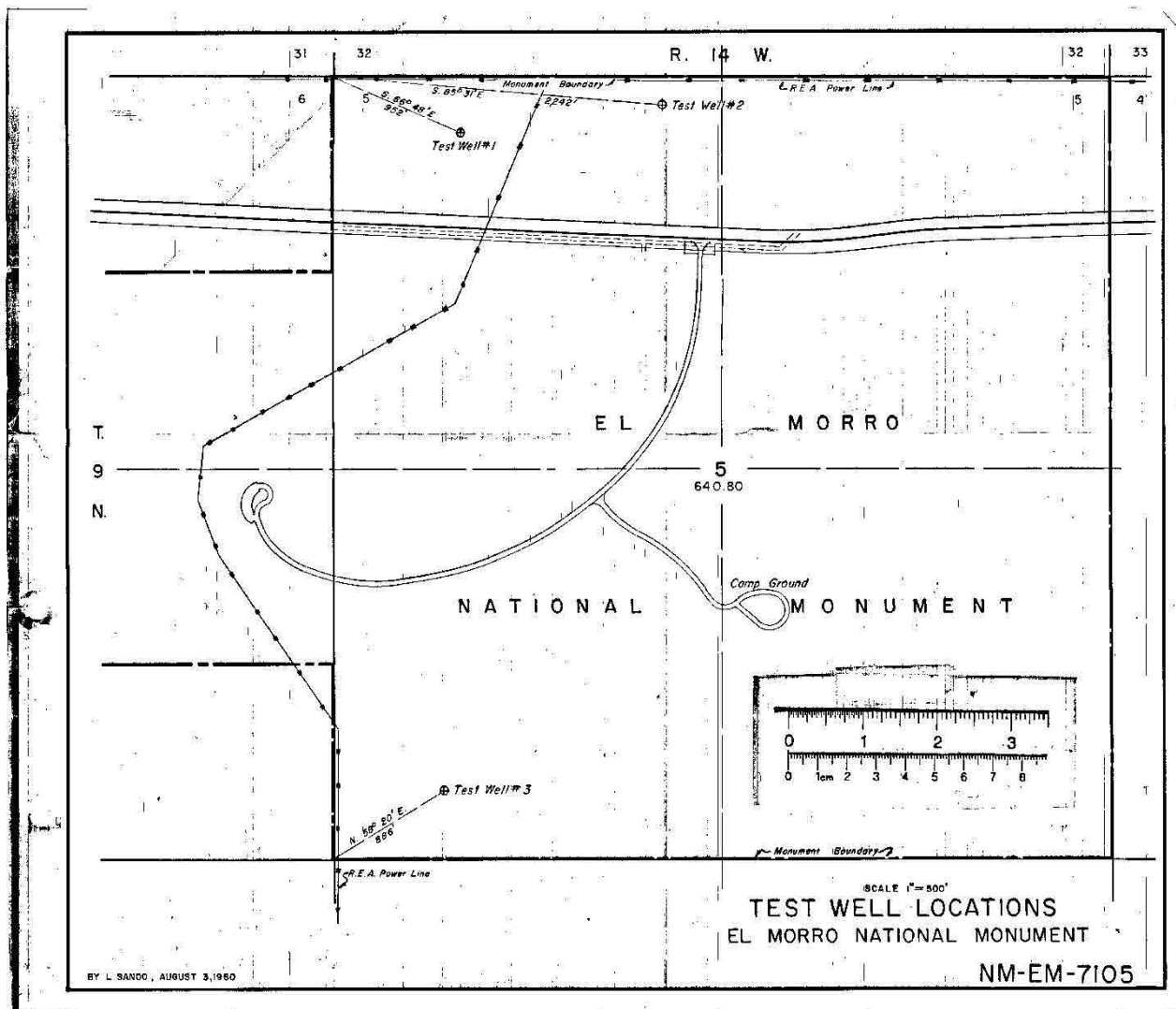
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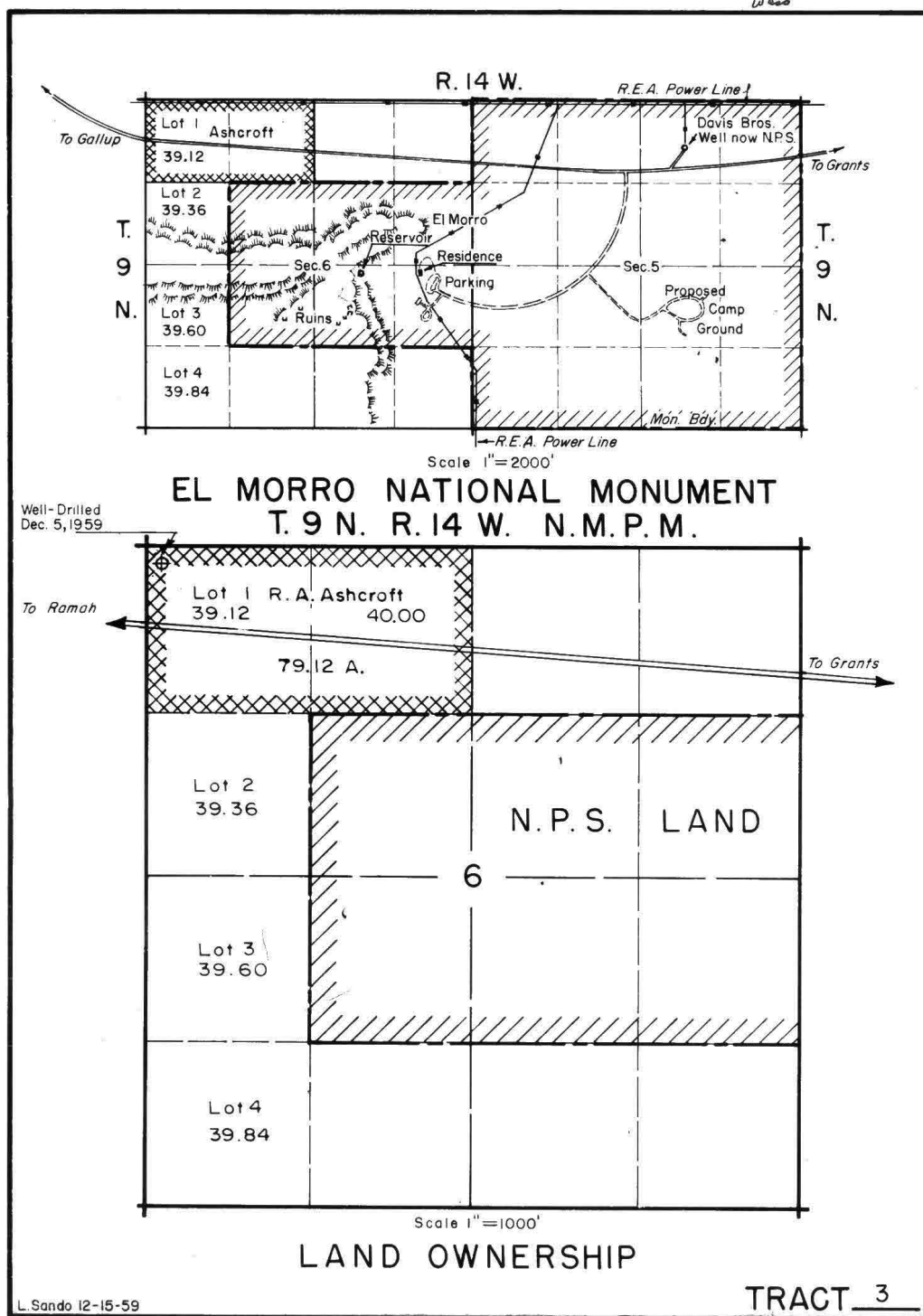
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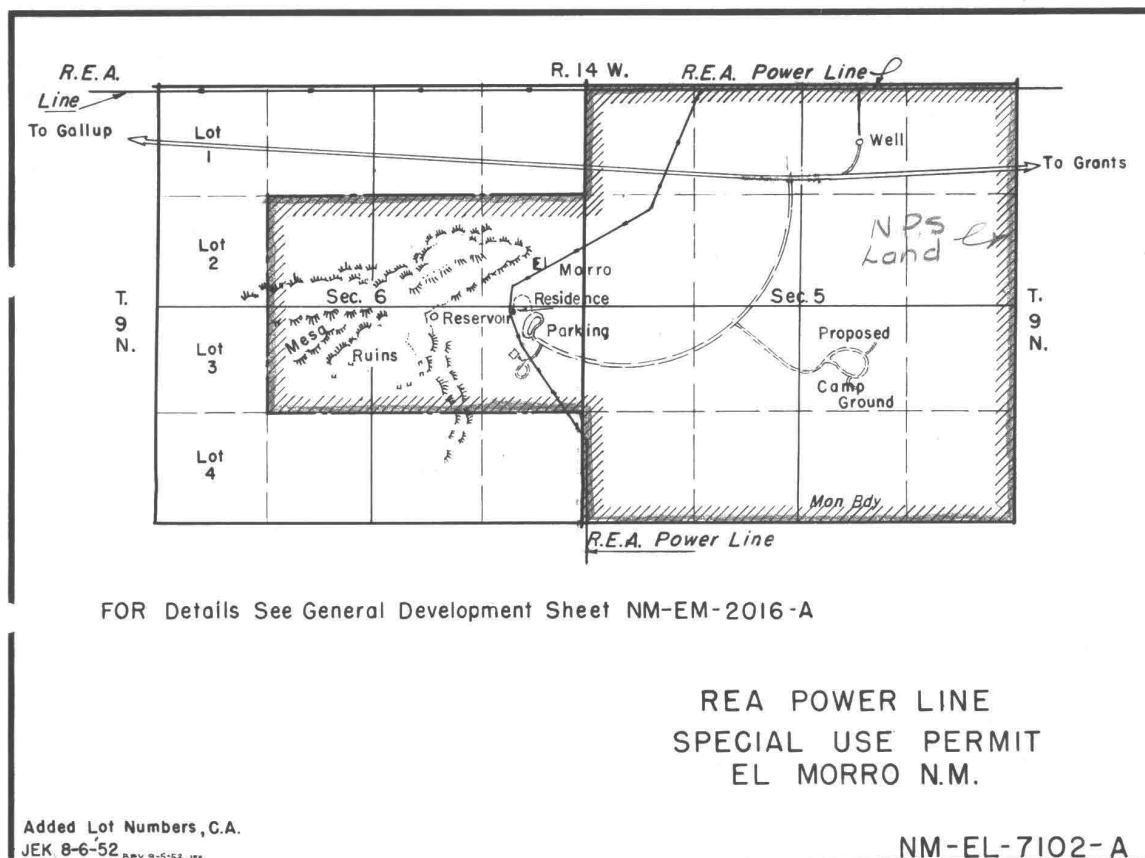
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Docket Information

Number of Documents in Docket 88

Documents Dated from 8/31/1942 to 3/30/1984

Docket Compiled: 3/10/2011