



WATER-RIGHT DOCKET

El Morro National Monument

Docket No: 3

UNNAMED IMPOUNDMENT RESERVOIR

Preliminary Docket Information

04-17-1996: note to file; regarding siemens well; all information is in elmo docket no 2.

NOTE TO FILE:

RE: ELMO Water Right Dockets

NPS-WRB Personnel: Andrew Hautzinger

Date: April 17, 1996

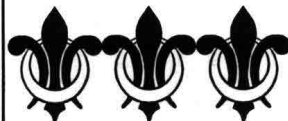
During review of the two dockets associated with ELMO, I repeatedly came across references to a *SIEMENS WELL*, which was associated with a potential land acquisition of property of the same name. I called the park, and spoke with a Ken Adams, the Maintenance Supervisor (505) 783-4226. I asked him what wells were currently in use, and what information could He provide on wells in the vicinity. Mr. Adams informed me that the park only uses one well now, and, he has no information about any other wells in the area. This one well appears to be the *ASHCROFT WELL*, based on the location Mr. Adams provided. The *ASHCROFT WELL* is covered by ELMO Docket No. 0002. ELMO Docket No. 0001 concerns a *DAVIS BROTHERS WELL* which, according to Mr. Adams, is no longer in use (indeed, he indicated no knowledge of this well). Similarly, the *SIEMENS WELL* is not in use, nor does Mr. Adams

have any knowledge of its existence; whether it, and the land associated with it, were ever acquired remains to be determined.

ACTION: Without further information, the creation of a new docket relating to the *SIEMENS WELL* is not warranted. All materials pertaining to the *SIEMENS WELL* has been incorporated into ELMO Docket No. 2.

A third docket was created. It relates to an unnamed reservoir which is discussed in documents dating form the mid-1930's to the early 1940's.

(To assist Mr. Adams, I am sending him extra copies of various maps & drawings, which plot some nine test well locations within the park, including the wells discussed above.)



Other Supporting Information



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

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

In reply refer to:
L54 ELMO

August 2, 1949

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Branch
Subject: Water rights, El Morro National Monument

We are enclosing three advance prints of drawing NM-EL-6975 which was prepared about 1942 with the idea of filing appropriative claim to the waters impounded in the catchment basin at El Morro National Monument. At the time there was some flood damage and I had assumed that the water system had not been reconstructed during the year. I am now advised by Mr. Richey that the system has been placed in operation.

Please make such corrections on the drawing as may be necessary to show the status of the water system. Also please provide us with a profile if available or advise of the approximate amount of water that is being or can be diverted and used by the existing water system.

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

Attachments 3

In duplicate

AvanVDunn:sh

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

October 8, 1942.

MEMORANDUM for the Regional Director, Region Three.

Supplementing our memorandum of September 18, which is in reply to Regional Engineer Lassiter's memorandum of September 7 requesting additional information concerning the El Morro water system, we are enclosing the following listed information which has been supplied by Custodian Baxter:

Print of Drawing No. NM-EM-6975, Map of the El Morro Pipe Line, with information pertaining to the location of the filtration system and water faucet marked in red.

Copy of Acting Custodian Baxter's memorandum of September 27, giving the precipitation at El Morro National Monument by months.

Copy of Acting Custodian Baxter's memorandum of September 27 concerning the location of the tap where water is furnished to ranchers at El Morro.

Copy of Acting Custodian Baxter's memorandum of September 27 giving total precipitation at El Morro by years (1938 to 1942, inclusive), and the total amount of water hauled from the area during the past several years.

Regional Engineer Lassiter is correct in his assumption that the run-off of the reservoir drainage area is high. This drainage area is entirely slick rock (sandstone), and is not covered by top soil. There are a few dwarfed trees in the area.

It is hoped that the enclosed information will be sufficient for your purposes. It does seem desirable, however, to withhold filing on the water at El Morro until the reservoir is cleaned out and the dam completed.

CHARLES A. RICHEY
Superintendent.

Enclosure 169.

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

Note, Baxter was made Custodian Oct. 1.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
EL MORRO NATIONAL MONUMENT
RAMAH, NEW MEXICO

September 27, 1942.

MEMORANDUM for the Superintendent,
Southwestern National Monuments.

This is a copy of the precipitation of this monument taken from
the weather reports.

<u>Month</u>	<u>Rain in Inches</u>	<u>Snow in Inches</u>
March 1938	1.72	13.00
April	.81	6.50
May	.46	3.50
June	1.03	
July	1.01	
August	1.91	
September	1.90	
October	.05	
November	.07	1.00
December	.63	3.00
Total 1938	<u>9.57</u>	<u>27.00</u>
January 1939	1.88	18.95
February	1.09	14.40
March	1.13	12.00
April	.75	
May	.05	
June	.01	
July	1.20	
August	.98	
September	1.31	
October	.82	
November	1.39	8.56
December	.66	7.50
Total 1939	<u>11.07</u>	<u>61.35</u>
January 1940	1.40	8.30
February	1.35	10.90
March	.96	7.85
April	1.05	6.80
May	.38	
June	.57	

	<u>Rain in Inches</u>	<u>Snow in Inches</u>
July ² 1940	2.91	
August	3.20	
September	2.17	
October	.96	.25
November	1.43	11.00
December	2.19	15.50
Total 1940	<u>18.57</u>	<u>60.60</u>
January 1941	1.74	22.80
February	1.66	14.50
March	2.01	12.60
April	2.15	10.80
May	1.49	
June	.64	
July	1.35	
August	2.15	
September	2.12	
October	1.22	7.00
November	.79	7.00
December	No record	No record
Total 1941	<u>17.32</u>	<u>74.70</u>
January 1942	.44	8.06
February	.70	16.00
March	.45	9.00
April	.43	3.50
May	.03	
June	0.00	
July	.93	
August	2.63	
September	.70 thru 9/27	
Total thru 9/27	<u>6.31</u>	<u>36.56</u>

(Sgd.) GEORGE W. BAXTER

Acting Custodian

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UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
EL MORRO NATIONAL MONUMENT
RAMAH, NEW MEXICO

September 27, 1942.

MEMORANDUM for the Superintendent,
Southwestern National Monuments.

In regard to the location of the place from which the water was taken by the ranchers here at El Morro, there is no outside hydrant in the near vicinity of the Custodian's Residence. If the plans called for one it was never installed.

The water was taken from a faucet inside the Custodian's residence, from the wash sink between the garage and the kitchen.

The barrels were filled by running a garden hose through the garage to the back yard.

I have marked the place on the print as nearly as I can locate it.

(Sgd.) GEORGE W. BAXTER

Acting Custodian.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
EL MORRO NATIONAL MONUMENT
RAMAH, NEW MEXICO

September 27, 1942.

MEMORANDUM for the Superintendent,
Southwestern National Monuments.

This report of the amount of rainfall here at El Morro was taken from the weather reports. These reports started with the month of March 1938. The following report will cover the period from March 1, 1938, up to and including September 27, 1942.

<u>Rainfall in Inches</u>		<u>Snow in Inches</u>
1938	9.59	27.00
1939	11.07	61.35
1940	18.57	60.60
1941	17.32	74.70
1942	7.04	36.11

There is no record here for the month of December 1941. It appears that Mr. Budlong was absent at that time and no record was made in the weather report book.

The report I made on August 4 of the amount of water hauled from this monument was a report of the total amount hauled covering the period from 1930 up to and including the present time, which would be 16 barrels for Mr. Adams and 8 barrels for Mr. Worthen. I cannot figure where the 36,500 gallons for Mr. Worthen comes from.

The only time any of the ranchers haul water from here is in an emergency. Adams has a pool very much like the one here at El Morro. Worthen has a good well operated by a windmill and only had to haul water because there was not enough wind to operate his pump.

I have not yet been able to contact Mr. Vogt for some of the information but will try to do so in the near future.

(Sgd.) GEORGE W. BAXTER

Acting Custodian.

601 Sheldon Building

April 13, 1942.

MEMORANDUM for the Regional Director, Region Three:

Reference is made to Mr. Richey's memorandum of March 20, 1942, regarding water use and rights at El Morro.

Mr. Johnson and I feel that this indicates sufficient change in conditions since our earlier investigation to justify perfecting a right in the name of the United States. We shall prepare the necessary application in the near future.

It happens, however, that if the public does haul water from this source every few years we may wish to recognize it in the application to prevent protest. On the other hand, if there has been no hauling by the public for the last four years their interests may be considered to have lapsed, thus reducing their grounds for protest. Hence we are now more interested in knowing the date of the last public use than the quantity. Also, in case we do have to recognize such public use we should like to know where they will obtain the water from the system shown on NN-EM-5311.

Hydraulic Engineer.

cc: Director.
Supt. S.W.Mon.
Act. Cust. Shriver.

AvVD:SH

RECEIVED

PARTIAL COPY
(Complete report in 660-05.7 Southwestern Monuments File)

NATIONAL PARK SERVICE
BRANCH OF LAND ACQUISITION AND REGULATION

REPORT ON
TRIP TO THE SOUTHWESTERN MONUMENTS

By

Albert L. Johnson,
Associate Attorney.

110 Sutter Street,
San Francisco, Calif.,
June 1, 1937,
Revised as of Aug. 1, 1937.

In accordance with our conferences of May 1 and May 8, 1937, I visited the headquarters of the Southwestern Monuments at Coolidge, Arizona, for the purpose of interviewing the Superintendent, and, in compliance with his request, going into a general discussion of the water rights situation in the Southwestern Monuments, and with particular reference to our correspondence in the matter of acquisition of water rights at White Sands, Montezuma Castle, Chiricahua, and Saguaro.

* * * * *

El Morro National Monument, New Mexico

On this monument there is not a spring. The ranchers since time immemorial have used certain water for their stock, which water is derived from the top of a cliff, evidently being stored rain water. There is a suggestion that a well should be developed. There is no running water nor source of supply from stream channels.

This office has previously concurred with the Custodian's recommendation that no steps be taken here. See page 32 of our Report on Status of Water Rights Acquisition in National Parks and Monuments, dated May 12, 1937.

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U. S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
El Morro National Monument
Ramah, New Mexico

REC'D 100 7 1937

March 29, 1937.

Mr. Frank Pinkley, Superintendent,
Southwestern Monuments,
Coolidge, Arizona.

Dear Boss:

I have Hugh's letter of the 18th, relative to water rights at El Morro National Monument.

Today I have seen Mr. E. Z. Vogt, former Custodian of this Monument, who is visiting his Ramah home during the week. Mr. Vogt has given me the information given in the following paragraph. I have not seen the reservoir when empty, so prefer to use his data, rather than hazard a guess.

The "rincon" here has been a public watering place since earliest days of history, having been in use as such since the middle of the sixteenth century. Mr. Vogt knows of no claims that have been filed on the water, since natives have always considered the water public property. Some years ago a dam was built, the cement bought by the government, the labor paid for in part by the government, the remaining labor being furnished, gratis, by natives living nearby, who obtained water from this pool. At the present time this water constitutes one of the very few sources of supply for people living as much as twenty-five miles distant. It is estimated that the reservoir, when full, holds in the neighborhood of 300,000 gallons. This reservoir is merely a catch basin, fed by drainage from the rock above it. It is not spring-fed. Until wells are developed in the vicinity, this constitutes almost the only source of water for human needs here. *in / acc. fed*

I understand that at one time an attempt was made to deny people living nearby the use of this water, and that in Ramah people even gathered with rifles, determined to have water at any cost. I am told that only a hurried change in policy prevented actual trouble. It is strongly recommended that no attempt be made to stop the use of this water by people living in the vicinity until such time as these people can afford to develop wells upon their property. The welfare of a National Monument is to a great extent dependent upon the local attitude, and, whatever legal rights the Government may have to the sole use of this water, it is thought that it would be most unwise for the Park Service to insist upon sole rights to this water at this time.

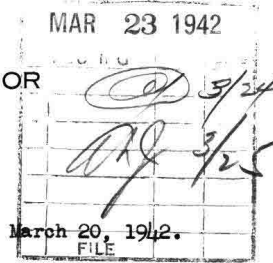
Sincerely yours,

(Sgd) ROBERT R. BUDLONG,
CUSTODIAN

Copy made & letter 4/10/37

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

ADDRESS REPLY TO
THE SUPERINTENDENT



MEMORANDUM for Hydraulic Engineer Dunn, Region Four.

By memorandum, dated March 14, Regional Engineer Lassiter requested that I respond direct to you in reply to paragraph five of your memorandum of March 11, for the Regional Director, Region Three, concerning fencing and water use from the open reservoir at El Morro National Monument.

The entire monument was fenced in 1933-34 under the CWA program, and a pipe line was constructed from the water line to the vicinity of the old ranger's cabin. Some criticism was experienced by this Service when the area was fenced; however, local people continued to use the water, at the end of the pipe line, during periods when most of the other sources in the vicinity were exhausted.

During extreme drought periods the reservoir dries up so that only a small amount of unusable stagnant water remains in the reservoir. During these periods it is necessary for the National Park Service, as well as local people in the vicinity, to haul water from other sources.

After the new custodian's residence was constructed, the pipe line was extended from the old ranger's residence to the new residence. This necessitated construction of a new road to the headquarters location, and the old road to the ranger's residence was closed. This required that any water hauled from the monument had to be taken from the end of the pipe line at the new residence.

It was my understanding from former Custodian Budlong that practically all hauling of water from El Morro had been stopped. This, no doubt, resulted from extended periods of drought, during the last few years, during which time water was not available at the open reservoir at El Morro for any use.

Since information is not available concerning the amount of water used by local people during the last few years, data is being requested from the field and will be sent to you as soon as it is obtained.

Mail service to El Morro is very slow at this season of the year because of the condition of the roads, and some delay is anticipated in obtaining the additional information.


Acting Superintendent.

cc: Region Three.

Actg. Cust. Shriver, w/encl. 546.

601 Sheldon Building

March 11, 1942.

MEMORANDUM for the Regional Director, Region Three:

Reference is made to Mr. Hamilton's memorandum of December 16, 1941, regarding the water system construction at El Morro National Monument.

We have the following correspondence on the supply in question:

Mr. Budlong to Mr. Pinkley.....March 29, 1937
Mr. Pinkley to Mr. Joseph E. Taylor..April 5, 1937
My memo to Mr. Joseph E. Taylor.....April 9, 1937
Mr. Taylor to Mr. Pinkley.....April 10, 1937

Since these predate regionalization, you may not have them.
Please advise if you wish copies.

The information indicated that the reservoir in question had been a public supply since the seventeenth century and a National Park Service attempt to fence the area had been protested locally. The conclusion reached was that no exclusive claim for the water would be filed by the United States, at least until conditions changed.

Conditions have changed with the construction of the pipe line. We wonder if they have been changed further by fencing the area -- that is, has the area been fenced yet? Also, how many times have neighbors hauled water from the catch basin? Are neighbors still dependent on this supply at certain seasons of the year?

In the five years since 1937 we have found methods of filing National Park Service claims with recognition of other rights, and we have even filed on water in Death Valley in the name of, and for the chief use of the United States to insure perpetual public use and prevent private exploitation. We also have your case at Tonto, where we are going to file as soon as possible with some reservation of public rights on non-fenced areas.

FILE

**It is quite possible that we should file now at El Morro,
but before doing so we should like to have answers to the ques-
tions in paragraph 5.**

AvVD:SH

Hydraulic Engineer.

cc: Director.

Supt. S.W.Monuments.

**Custodian, El Morro Nat. Mon.,
through Supt. S.W.Monuments.**

7/9/37

Mr. Dunn -

What is physical
set-up? Is there
any access to this
water other than upon
Government land?

J.G.J.

1. Water does not flow off mesa except in floods.
2. Wagons drive on to mesa with custodian's permission to fill barrels.
3. Director has approved this access when water is needed.
4. See my memo of February.

R.D.

April 9, 1937.

MEMORANDUM TO MR. TAYLOR:

Reviewing the correspondence regarding El Morro National Monument, I am not sure that I agree with Mr. Budlong.

No doubt the water-hole has been used for many years, and is more or less a public supply for the area. At the same time, the Government did build a dam and increase the storage of the reservoir, or, as I believe, actually constructed a new storage reservoir after the old facilities had completely disappeared except for a few sticks and stones. The labor supplied by local individuals, according to Mr. Vogt, was actually a donation at his request, in the interest of the monument presumably.

On this basis, I wonder why the Government should be sufficiently interested to invest in the cement for the storage reservoir, unless it deliberately intended to provide water for its use. As such, the storage should be appropriated in order that they can have title to what they have built. The Government is not in the habit of building something and giving it away, as the policy suggested by Mr. Budlong would be.

There is also a plan to sink a well at some time in the future which, so far as I can determine, will provide water which is not subject to appropriation. Perhaps the monument will be protected when it has this supply, but in the meantime I see little or no reason why the neighboring ranchers could not demand all of the storage water that the Government has provided, unless a filing is made. Of course with the State procedure in investigating and interviewing interested parties, this may lead to quite a controversy with the surrounding ranchers, and it might be well to start negotiations and arrive at some agreement before filing is actually made.



A. van V. Dunn,
Associate Engineer.

FILE COPY

April 10, 1937.

Mr. Frank Pinkley,
Superintendent,
Southwestern Monuments,
Coolidge, Arizona.

Dear Mr. Pinkley:

We wish to acknowledge and thank you for your letter of April 5, enclosing therewith copy of a letter from Mr. Budlong, Custodian of El Morro National Monument.

We have been able to learn a good deal of the history in connection with this El Morro reservoir from the files of the Chief Engineer and from your own correspondence, and from our review of this information we wish to signify our agreement with Mr. Budlong to the effect that no attempt should be made to stop the use of this water by people living in the vicinity. We not only feel that there should be no attempt to stop the use of the water, but we likewise feel that no purpose can be served by making any formal application to appropriate the water, even if such course of action should be taken upon agreement with the private interests to allow them continued access.

Accordingly, unless the picture is considerably changed at some time in the future, we will take no action whatever with regard to water filings in this monument.

Sincerely yours,

Joseph E. Taylor,
Attorney.

JET:SH

CC: Director - with copy of letter
from Mr. Budlong.

Docket Information

Number of Documents in Docket 17
Documents Dated from 3/29/1937 to 4/17/1996
Docket Compiled: 4/14/2011