WATER-RIGHT DOCKET

Grand Canyon National Park

Docket No: 10

TOROWEEP VALLEY WASH.

Preliminary Docket Information

09-08-1976: water right/source docket information

WATER RESOURCES/WATER RIGHTS DATE: 8/1/73 (Aug 8, 1973)

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western Region AREA Grand Canyon National Park

SITE Toroweep Valley Wash

STATE Arizona COUNTY Mojave DOCKET NO WR #10

LOCATION SE 1/4, NE 1/4, and NE 1/4, SE 1/4, Sec.30, T33N, R7W

REGIONAL BASIN LOCAL BASIN

ACQUIRED BY Appropriation

APPLICATION R - 454 PERMIT R - 235 CERTIFICATE 3595

ACTION DUE PRIORITY Jan 24, 1934 RESERVATION December 22, 1932

QUANTITY 2.9 acre feet USE Stock and Wildlife Watering

STATUS Active SOURCE Stream

REMARKS Sketchy information in the docket indicates that the present reservoir in this location is a replacement for the one originally constructed under this permit.

Hydrologic Unit #15010002

NARRATIVE: On January 24, 1934, the National Park Service filed application R-454, to construct a reservoir and store for beneficial use the surplus flood waters of the Toroweep Valley Wash. This reservoir would create a large lake, which would not only hold the flood drainage in the wash, but provide water for domestic and wild animals in the area. Permit R-235 was granted for this project on August 10, 1934.

According to a note in the docket, this reservoir was constructed in 1934, but waswwashed out some years later. This docket, the note continues, concerns a smaller stock tank which was constructed in the same area in 1956.

The form for Proof of Appropriation states that the stock tank was completed August 30, 1956, and the water was completely put to beneficial use after that date.

On April 3, 1974, the Arizona State Land Department issued Certificate No. 3595 for rights to waters from Toroweap Valley Wash, to be stored in Toroweap Reservoir. The maximum allowable capacity of the reservoir was 2.09 acre-feet. This reservoir referred to in the certificate apparently is a stock tank located in the same general area. The maximum water use allowable by appropriation was 681,028 gallons per year for stockwatering and wildlife purposes.

By the Act of January 3, 1975 (88 Stat. 2089), Grand Canyon National Monument was consolidated into Grand Canyon National Park. As a result, the water right dockets related to the Monument were assigned GRCA water right numbers. The material previously contained in Grand Canyon National Monument WR #1 is now filed in a new docket - Grand Canyon National Park WR #10.

The Superintendent of Grand Canyon National Park, in a memo dated August 17, 1976, indicated that a small pond is created behind the remains of the washed-out dam after periods of rainfall. This pond is used as a water hole by wildlife.

Kevin Kidder
Sept. 8, 1976

The "small pond" created after a rainfall is nothing more than a small puddle. This source is now used only by wildlife.

Tim Kern
June 1978

Compiled by William N. Murray

Reviewed by W. Werrell

1 1

State Water Rights Documentation

MOHAVE COUNTY RECORDER
OFFICIAL RECEIPT
No. 72835
GRCA NM WR#1

May 10 1974

RECEIVED OF Ariz. State Land Dept.

Six DOLLARS

FOR [3] Act. of Water Rights @ 2.00

CHECK $ 6.00

CASH $

Gogie Wise
MOHAVE COUNTY RECORDER

Certificate Record No. 3595 Page No. 3595

STATE OF ARIZONA

WATER DISTRICT No. COUNTY OF Mojave GRCA NM WR#1

Certificate of Water Right

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That United States of America, United States Department of Interior, National Park Service, Region 3, GRAND CANYON NATIONAL PARK, of San Francisco, State of California has made proof to the satisfaction of the STATE LAND COMMISSIONER of Arizona of a right to the use of the waters of Toroweep Valley Wash, tributary Colorado River, stored in Toroweep Reservoir

for Stockwatering, including Wildlife under Application No. R-454, Permit No. R-235, of the State Land Commissioner, and that said right to the use of said waters has been perfected in accordance with the laws of Arizona, and made and entered of record in the Records of the State Land Commissioner at Phoenix, Arizona, in Volume 9, at page 3595 on the 3rd day of April, 1974; that the priority of the right hereby confirmed dates from January 24, 1974; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.09 acre feet as total capacity of reservoir, and the amount of water to be used for Stockwatering and Wildlife, shall be limited to 681,028 gallons per annum.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or if for other purposes, the place where such water is put to beneficial use, is as follows:

The point of diversion and place of use are at the reservoir within the NESE of Section 30, uns., Township 33 North, Range 7 West, Gila and Salt River Base and Meridian, Mohave County, Arizona.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, and subject to all prior existing rights.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness, the seal and signature of the STATE LAND COMMISSIONER affixed this

SEAL

G. 1. Bettwy
State Land Commissioner.

Attest: Tom Joe Melling

Recorded in State Record of Water Rights Certificates, Volume 9, Page 3595

Certificate of Water Right

STATE OF ARIZONA

to

Return:

United States of America
GRAND CANYON NATIONAL PARK
U.S. Dept. of the Interior
National Park Service, Western Region
Box 36063
450 Golden Gate Avenue
San Francisco, Ca 94102

INDEXED

'74-12804 PHOTO COPIED

Recorded at Request of Arizona State Land Dept

MAY 10 '74 -8 00 AM

in book 209 of Official Records, Page 68-69

Records of Mohave County, Arizona

By _____ Deputy Recorder

OFFICIAL RECORDS
SEAL
Joan McCall
Recorder
MOHAVE COUNTY, ARIZONA

2.00

05-08-1974: letter to recorder from arizona state land department regarding certificates of water right

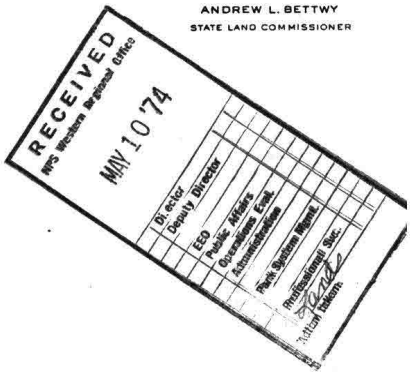
PSW

JACK WILLIAMS
GOVERNOR

Arizona
State Land Department

1624 WEST ADAMS
PHOENIX, ARIZONA 85007
602 - 271-4634

ANDREW L. BETTWY
STATE LAND COMMISSIONER



May 8, 1974 GRCA NM WR #1

Joan McCall, Recorder
MOHAVE COUNTY
Kingman, Arizona 86401

Dear Mrs. McCall:

The enclosed Certificates of Water Right are submitted to your office for recording.

Please mail the recorded certificates to the owners as follows:

Certificates No. 3593 and 3594 to:

Havasu Heights Ranch & Development Corporation
% Snowberger & Larson
Attorneys at Law
1712 United Bank Building1
Phoenix, Az 85012

√Certificate No. 3595 to:

United States of America
GRAND CANYON NATIONAL PARK
U. S. Department of the Interior
National Park Service, Western Region
Box 36063
450 Golden Gate Avenue
San Francisco, Ca 94102

For your convenience, we enclose addressed mailing stickers.

ND Enclosed also is our check No 173, dated May 8, 1974, in the amount of $6.00 covering the statutory recording fee of $2.00 per certificate (45-108B, ARS).

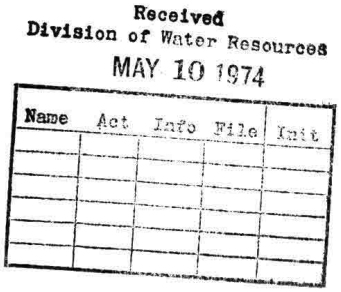
A receipt is respectfully requested.

Thank you for your cooperation.

Yours very truly,

Wm. Joe Melling, Director
Water Rights Division

WJM/kh
Encs-4


Received
Division of Water Resources
MAY 10 1974
Name
Act
Info
File
Xmit

04-11-1974: letter to nps from arizona state land department regarding paid copy in regard to l-454

JACK WILLIAMS
GOVERNOR

Arizona
State Land Department
1624 WEST ADAMS
PHOENIX, ARIZONA 85007
602 - 271-4634

ANDREW L. BETTWY
STATE LAND COMMISSIONER

April 11, 1974

Finance
National Parks Service, WRO
450 Golden Gate Ave., Box 36063
San Francisco, California 94102

RE: R-454

Gentlemen:

Enclosed please find your paid copy in regard to l-454. This receipt covers certification fees for a water right to the water stored in Toroweep Lake (Tank), source Toro Valley Wash, tributary of the Colorado River located in the NESE of Section 30, Township 33 North, Range 7 West (unsurveyed) Mohave County, Arizona.

At the completion of processing, you will receive the certificate.

Very truly yours,

Brian Kirby

Brian Kirby, Geologist
Water Rights Division

BK:jag

Enclosure

NPS - FINANCE
RECEIVED
APR 1 5 1974
WESTERN REGION

8381 • •0 • Ck Stn — 12.00

We are unable to identify these charges.
Please reference our applicable purchase
Order Number _____

Return to: Finance
National Park Service, WRO
450 Golden Gate Ave. Bx 36063
San Francisco, Calif. 94102

STATE OF ARIZONA
STATE LAND DEPARTMENT
TATE OFFICE BUILDING – PHOENIX, ARIZONA

RECEIPT--PAYEE

NSHIP	RANGE	KIND ENTRY	LEASE-REFERENCE NO.
		33	1-454

	RATE	ACRES	$ AMOUNT
			2 00
General Fund			10 00
Water Rights Division (SW)			
re Application No. R-454 - Certificate fees			
Check			

NPS - FINANCE RECEIVED MAR 1974 WESTERN REGION

PAID

CERTIFICATE OF PURCHASE UNPAID BALANCE $	BILLING PERIOD FROM MO. DAY YR.	TO MO. DAY YR.	DATE BILLED MO. DAY YR.	DATE DUE MO. DAY YR.	TOTAL ACRES	TOTAL AMOUNT $
			03 25 74			12 00

IF PAYMENT IS MADE ON OR BEFORE THIS DATE ⟶ PAY THIS AMOUNT

SEE OTHER SIDE FOR LAW PERTAINING TO PENALTY AND INTEREST – A. R. S. SEC. 37-288.

RENTAL AMOUNT SUBJECT TO PENALTY AND INTEREST IF NOT PAID ON OR BEFORE DATE DUE	($)	
5% PENALTY OF RENTAL AMOUNT	$	
TOTAL RENTAL AMOUNT PLUS PENALTY	($)	TOTAL PENALTY AND INTEREST
10% INTEREST PER ANNUM OF TOTAL AMOUNT AND PENALTY – NUMBER OF DAYS DELINQUENT ( )	$	$
TOTAL AMOUNT DUE INCLUDING PENALTY AND INTEREST		$
CASH RECEIVED		$
BALANCE DUE OR OVERPAYMENT		$

PENALTY AND INTEREST DISTRIBUTION	$

04-11-1974: receipt-payee I-454

03-11-1974: letter to arizona state land department from acting regional deputy director regarding application to appropriate public

Witucki
~~Assoc.Reg.Dir., PS~~
Actg Dep Reg.Dir.

L54(WR)PSW
GRCA NM/WR #1

March 11, 1974

Mr. Brian Kirby
Arizona State Land Department
1624 West Adams
Phoenix, Arizona 85007

Dear Mr. Kirby:

This is in response to your letter of February 8, regarding Application to Appropriate Public Waters, State of Arizona, Application R-454, which has been forwarded to this office for reply by our office in Santa Fe, New Mexico.

Please note that due to the realignment of the National Park Service regional boundaries, Grand Canyon National Park and Grand Canyon National Monument are now contained within the Western Region with headquarters in San Francisco at the above address. Hence any correspondence regarding this matter should be directed here versus Santa Fe, New Mexico.

Payment in the amount of $12.00 will be forwarded to your office by the U.S. Treasury Department under separate cover for the filing fee for certification of Application R-454.

Sincerely yours,

BY JAMES B. THOMPSON

James B. Thompson
Acting Regional Deputy Director

cc:
Supt., GRCA
bc:
WASO(MR) Attn: Mr. Vic Berte

(WR)PSW:GSWitucki:mpm 3/11/74

Standard Form 1034
7 GAO 5000
1034—114

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
U.S. Department of the Interior
National Park Service
Western Region (Bx 36063)
450 Golden Gate Avenue
San Francisco, Ca 94102

DATE VOUCHER PREPARED: March 11, 1974

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY

PAYEE'S NAME AND ADDRESS
Arizona State Land Department
1624 West Adams
Phoenix, Arizona 85007
(Attn: Mr. Brian Kirby, Geologist)

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT (1)
		Filing Fee for the Appropriation of Public Waters, State of Arizona, Application No. R-454.	1	$12.00	ea	$12.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below) TOTAL $12.00

PAYMENT:
☐ COMPLETE
☐ PARTIAL
☐ FINAL
☐ PROGRESS
☐ ADVANCE

APPROVED FOR = $

EXCHANGE RATE = $1.00

BY [2]

TITLE

DIFFERENCES

Amount verified; correct for

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

March 11, 1974 (Date) Gerard S. Witucki (Authorized Certifying Officer) [2] Chief, Water Resources (Title)

ACCOUNTING CLASSIFICATION

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES

CHECK NUMBER ON (Name of bank)

CASH $

DATE

PAYEE [3]

PER

TITLE

1 If prepaid, so state. If copy, so state and name of payee.
2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

02-08-1974: letter to nps from arizona state land department regarding application to appropriate public waters

JACK WILLIAMS
GOVERNOR

GRCA NM
WF#1

Arizona
State Land Department

1624 WEST ADAMS
PHOENIX, ARIZONA 85007
602 - 271-~~4634~~ 4629

ANDREW L. BETTWY
STATE LAND COMMISSIONER

RECEIVED
FEB 12 1974

		Action	Infor	Initial	Date
	D				
	DD				
	A				
	M				
K	PS	N			
	PA				
	OE				
	EC				
	Files				

February 8, 1974

Regional Director
National Park Service
P. O. Box 1728
Santa Fe, New Mexico

RE: Application to Appropriate Public Waters, State of Arizona
Application R-454

Dear Sir:

The above-referenced application has been processed to the point of certification. If you are still interested in having this reservoir certificated, please forward a check for $12.00 ($5.00 for reservoir, $5.00 for beneficial use, and $2.00 recordation fee).

In the event you are no longer interested in certification, please notify this department in order that we can cancel the application and remove it from our records.

Very truly yours,

Brian Kirby
Geologist
State Land Department

BK/jag

08-04-1961: letter to state land department from region three regarding application r-454, permit r-235, docket no. 1, toroweep res

L54

Region Three
Santa Fe, New Mexico
August 4, 1961

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

W O D C
AUG 7 '61
CHF
ADM
PERS
P & P
ARCH
ENGR
L.A.
SPEC
CONT
SFTY
ACTION TAKEN - DATE
None

State Land Department
State of Arizona
State Office Building
Phoenix 7, Arizona

Attention: Donald LeMaster
Water Division

Re: Application R-454, Permit R-235,
Docket No. 1, Toroweep Reservoir,
Grand Canyon National Monument,
Arizona

Dear Sir:

On October 25, 1960 the Acting Deputy State Land Commissioner granted an extension of time to August 8, 1961 for the subject application.

In this connection there is enclosed Proof of Appropriation of Water, Form No. 8-207, Application No. R-454, Permit R-235, Toroweep Valley Wash, tributary to the Colorado River, Grand Canyon National Monument.

The subject application was prepared from field work by Civil Engineer William E. Fields and the original linen tracing (Drawing No. NM-GC-7103) showing the construction and development is enclosed.

On July 10 Water Division Supervisor Donald LeMaster advised that a fee of $5.50 would be required with the filing of the map and Proof of Appropriation. We have enclosed Purchase Order No. RO 33-26 in the amount of $5.50. Please sign the acknowledgment copy (buff) in the space provided and return to this office.

Sincerely yours,

(SIGNED)

George W. Miller
Acting Regional Director

Enclosures

Copy to: Supt., Grand Canyon (2) w/o attachments
Director (2) w/o attachments
Chief, WODC (2) w/o attachments

Form S-207

STATE LAND DEPARTMENT

WATER DIVISION

Application No. R-454 Permit No. R-235 County Mojave

PROOF OF APPROPRIATION OF WATER

(See reverse side for suggestions)

1. Name and address United States of America U. S. Department of Interior, National Park Service, Grand Canyon National Park
2. Source of supply Toroweep Reservoir
   (If stored in reservoir give name of reservoir as well as name of watercourse)
   Tributary of Colorado River
3. Location of point of diversion NE¼SE¼ (Forty-acre tract) Sec. 30, Twp. 33 N., Rge. 7 W. G&SRB&M
4. Construction work began January 16, 1934 and was completed August 30, 1956*
5. Date water was completely applied to use 1956
6. Capacity of reservoir 2.09 acre feet
7. Quantity of water that has been applied to each use 2.09 acre feet for stock and wildlife watering. (In acre-feet per acre per annum or gallons per annum.)
8. During what months is the water beneficially used? January 1 - December 31
9. If the appropriation is for municipal, domestic or stock watering use describe the forty-acre tract in which the water is used. If for irrigation, in the column headed "Number of acres actually irrigated" fill in only the number of acres that have been irrigated and describe their location in the smallest units that will embrace them.

Township	Range	Section	Forty-acre Tract, or Other Legal Description	Number Acres Actually Irrigated
33 N.	7 W.	30	NE¼SE¼ (unsurveyed)	

*Original construction work was for a large size reservoir including a dam. This dam was constructed in 1934 but has since washed out. The smaller stock tank which is the basis for this final proof was constructed in 1956.

10

10. (a) If a dam has been constructed, give description: Height, [illegible] ft.; length on top, [illegible] ft.; length on bottom [illegible] ft.; material used and character of construction, [illegible]
[illegible]

(b) Give description of headgate: Width, ... ft.; depth, ... ft.; material used and character of construction, ...

(c) Size of canal: Width on top (at waterline) .... ft.; width on bottom, ... ft.; depth of water .... ft.; length .... ft.; grade, ... ft. fall per 1,000 ft. Actual capacity, ... sec.-ft. Give general description: ....

(d) Pipe line: Description of intake, ...

Length of pipe, ... ft.; diam. at intake, ... in.; diam. at .... ft. from intake, ... in.; diam. at place of use, ... in. Difference in elevation between intake and place of use, ... ft. Is grade uniform? .... Actual capacity of pipe line, ... sec.-ft. Give general description: .... (Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump, ...

Suction lift, ... ft.; discharge lift, ... ft. Type of motor used ....

Horse power rating, ... H. P. Actual capacity of pump, ... sec.-ft.

(f) Distribution works: .... (No.) .... (Tanks or Troughs) Material .... (State dimensions) .... and capacity of each

11. **Domestic Use.** State number of families and persons actually served, and described other domestic uses of water ....

12. **Stock Watering Use.** State kind of stock served Cows and horses State maximum, minimum and average number served per day during the months of the year water is used. Maximum 111 Minimum 9 Average 46 Also used by wildlife, chiefly by a large herd of deer.

13. If for municipal, power, mining or any other purpose than irrigation state the extent and method of such use ....

NOTHING HEREIN SHALL CONSTITUTE A WAIVER OF ANY OTHER RIGHTS WHICH THE UNITED STATES MAY HAVE TO THE SAME WATER.

AFFIDAVIT OF APPROPRIATOR

STATE OF ~~ARIZONA~~ NEW MEXICO
County of Santa Fe } ss.

I, George W. Miller, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of August, 19 61.

George W. Miller
Acting Regional Director
Region Three
National Park Service

Subscribed and sworn to before me this 3rd day of August, 19 61.

Louise S. Stutz
Notary Public.

(Notary Seal)

My commission expires My Commission expires November 15 1961

AFFIDAVIT OF WITNESSES

STATE OF ~~ARIZONA~~ NEW MEXICO
County of SANTA FE } ss.

We, Doris V. Fields, and William E. Fields of Santa Fe, New Mexico, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. R-235, that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Doris V. Fields

William E. Fields

Subscribed and sworn to before me this 3rd day of August, 19 61.

Louise S. Stutz
Notary Public.

(Notary Seal)

My commission expires My Commission expires November 15, 1961

Suggestions for Completing Proof of Appropriation of Water Form

This is the final report required of a holder of a permit to appropriate public waters. Upon approval of this report and the receipt of the proper fee the Department shall be ready to issue a Certificate of Water Right.

The Proof of Appropriation of Water is a series of statements of the appropriator, under oath, which are corrorborated by the affidavits of two witnesses. This form should be filled in carefully, in a manner that will describe completely the project as actually constructed, giving the number of stock being watered and the quantity of water used under stockwatering permits; giving, in case of irrigation, the number of acres of land actually irrigated and the quantity of water used; and giving the full extent of use under appropriations for whatever other purposes. The practice of merely copying this information from the permit is not proper and should not be followed.

The affidavits must be made before a Notary Public or other officer qualified to administer oaths.

Excerpt from State Water Code: "At the time of submission of proof of appropriation . . . the department shall collect . . . two dollars for recording the water right certificate in the office of the county recorder, together with an additional fee of twelve cents for each acre of irrigated lands up to and including one hundred acres, and ten cents per acre for each in excess of one hundred acres . . . The minimum fee for any claimant in such instances shall be two dollars fifty cents. The department shall also collect a fee of five dollars for any other character of claim to water."

07-18-1961: letter to state land department from region three regarding receipt of form 'proof of appropriation of water'

WR Coley

Region Three
Santa Fe, New Mexico

Jul 20 [illegible] PM

L-54

JUL 18 1961

State Land Department
State of Arizona
State Office Building
Phoenix 7, Arizona

Attention: Donald LeMaster
Water Division

Dear Mr. LeMaster:

This will acknowledge receipt of your form "Proof of Appropriation of Water" to cover our Application No. R-454, Permit R-235, Toroweap Valley Wash, Grand Canyon National Monument.

Our engineer is currently in the field obtaining the necessary data to prepare proof of appropriation. As soon as he returns we will submit the required information together with the fee of $5.50 as outlined in your letter of July 10.

Sincerely yours,

(SIGNED)

George W. Miller
Assistant Regional Director

Copy to: Supt., Grand Canyon (2)
Director (2)
Chief, WODC (2)

07-07-1961: letter to state land commissioner from region three regarding extension of time in which to complete development wor

Region Three
Santa Fe, New Mexico

L-54
GRCN

JUL 7 1961

Obed M. Lassen
State Land Commissioner
State Land Department
State of Arizona
Capitol Annex Office Building
Phoenix, Arizona

Dear Mr. Lassen:

On October 25, 1960 you granted the National Park Service an extension of time in which to complete development work and to make complete application of water to beneficial use under the terms of Permit No. R-235 granted pursuant to Application No. R-454. This application covers Toroweap Reservoir, Grand Canyon National Monument.

This extension of time gave us until August 8, 1961 to complete the work and apply the water to beneficial use. We are now preparing this final proof and would like you to send us the necessary forms required for submission.

Sincerely yours,

(SIGNED)

George W. Miller
Acting Regional Director

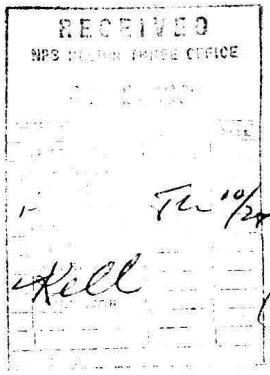
Copy to: Director (2)
Chief, WODC (2)
Supt., Grand Canyon National Park (2)

10-25-1960: letter to regional director, region three from state land department regarding application no. r-454, permit no. r-235

OFFICE OF
State Land Department
STATE OF ARIZONA
Phoenix, Arizona

OBED M. LASSEN
STATE LAND COMMISSIONER

L54 jcw



October 25, 1960

Mr. Thomas J. Allen
Regional Director, Region Three
National Park Service
P. O. Box 1728
Santa Fe, New Mexico

Re: Application No. R-454, Permit No. R-235
Toroweep Reservoir
Your Reference: L54-OBL

Dear Mr. Allen:

In compliance with the request of A. van V. Dunn, Chief, Water Resources Section, dated October 20, extension of time within which to complete the appropriation as above referred to is enclosed.

Very truly yours,

Don LeMaster
Donald LeMaster
Water Division

DLeM/jt
Enclosure

10-25-1960: before the state land commissioner of the state of arizona: in the matter of application no. r-454 permit no. r-235; com

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

IN THE MATTER of Application No. R-454 Permit No. R-235 Toroweep Valley Wash, Trib. of Colorado River, stored in Toroweep Lake United States Department of the Interior GRAND CANYON NATIONAL PARK	COMMISSIONER'S ORDER Granting an Extension of Time

The National Park Service, by A. van V. Dunn, Chief of the Water Resources Section, having requested an extension of time within to complete development work and within which to make complete application of water to beneficial use under the terms of Permit No. R-235, granted pursuant to Application No. R-454, and the reasons submitted being considered good and sufficient cause therefore,

IT IS ORDERED, That the National Park Service, Grand Canyon National Park, the Permittee in the above captioned case, be, and it is hereby granted, an extension of time to August 8, 1961 within which time to complete development work and apply the water to beneficial use under the terms of Permit No. R-235.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the State Land Commissioner of the State of Arizona, this 25th day of October, A. D. 1960.

Acting Deputy, State Land Commissioner

SEAL

10-06-1960: letter to nps from state land department regarding application no. r-454, permit no. r-235

OFFICE OF
State Land Department
STATE OF ARIZONA
Phoenix, Arizona

OBED M. LASSEN
STATE LAND COMMISSIONER

October 6, 1960

Mr. A. van V. Dunn, Chief
Water Resources Section
National Park Service
United States Department of the Interior
Washington 25, D. C.

Re: Application No. R-454, Permit No. R-235
Toroweep Valley Wash, trib. Colorado River
Docket 1

Dear Sir:

The application above numbered was filed in 1934 and a permit was issued in the same year. Various extensions of time have been granted; the last of which expired August 8, 1957.

I know not the reason for this project not having been completed, but it seems that twenty-six years is a mighty long time. This is notice that after thirty days from this date this permit shall be subject to cancellation.

Very truly yours,

Donald LeMaster
Water Division

DLeM/jt

Certified Mail No. 570673

10-20-1960: letter to state land commissioner from chief regarding app. r-454, per. r-235, toroweep reservoir

October 20, 1960

L54-OBL

State Land Commissioner
State Land Department
Phoenix, Arizona

Re: App. R-454, Per. R-235, Toroweep Reservoir, Grand Canyon National Monument

Dear Sir:

The letter of October 6 from Mr. Donald LeMaster, Water Division, is being referred to Mr. Thomas J. Allen, Regional Director, Region Three, National Park Service, P. O. Box 1728, Santa Fe, New Mexico, to whom authority has been delegated to handle the water right matters for the Parks and Monuments in Arizona and other southwestern states. Future communications should be addressed to him.

As testified in Arizona vs. California before the Special Master for the Supreme Court, on May 3, 1958, in San Francisco, the subject reservoir was constructed, and subsequently replaced by one of smaller capacity within the same flooded area; and was used in 1957 and 1958 to provide four acre-feet of water at that time for stock which is grazed in the area under Federal permit, and for the wildlife in the area. The replacement, or reconstruction, had been necessary because it was impractical to impound or maintain the 920 acre-feet.

Mr. LeMaster's letter is dated October 6, and was received here about a week later, and its copies will not reach the Regional Office for about another week. We agree that the application should be amended, and proof for certificate should be made in the first year that weather conditions and the permittee's resulting herd will permit. However, there is some question as to whether the proof can be made on past records or will require more up-to-date records.

Accordingly, an extension of time until at least August 8, 1961, is requested, in which to amend the claim and make proof if possible. This request is subject to further comments which the Regional Director may wish to offer. The order should be sent to the Regional Director in quadruplet, if possible, for distribution to the various offices of this Service which are involved.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

AvVDunn:lct

Copy to: Regional Director, Region Three
Superintendent, Grand Canyon
Chief, WODC (2)
Mr. Dunn - OBL

DETACHED

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

IN THE MATTER

of

Application No. R-454
Permit No. R-235

Toroweep Valley Wash, Trib. of Colorado River, stored in Toroweep Lake

United States Department of the Interior
GRAND CANYON NATIONAL PARK

COMMISSIONER'S

ORDER

Granting an Extension

of

Time

The National Park Service, by A. van V. Dunn, Chief of the Water Resources Section, having requested an extension of time within to complete development work and within which to make complete application of water to beneficial use under the terms of Permit No. R-235, granted pursuant to Application No. R-454, and the reasons submitted being considered good and sufficient cause therefor,

IT IS ORDERED, That the National Park Service, Grand Canyon National Park, the Permittee in the above captioned case, be, and it is hereby granted an extension of time from August 8, 1955 to August 8, 1957 within which time to complete development work and apply the water to beneficial use under the terms of Permit No. R-235.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the State Land Commissioner of the State of Arizona, this 9th day of August, A. D., 1955.

Roger Ernst
State Land Department

SEAL

Grand Canyon N.M. R-6-1.

16 ★

08-02-1955: letter to state land commissioner from chief water resources regarding extension of time in which to complete develop

NK Copy

In reply refer to:
L54-L

August 2, 1955

Mr. J. L. Ernst
State Land Commissioner
Water Division
State Land Department
Phoenix, Arizona

Dear Mr. Ernst:

Re: Application R-454, Permit R-235
Grand Canyon National Monument

Request is hereby made for another extension of time in which to complete development and use under the subject application and permit. While construction and partial use have been completed, the United States has not yet been able to maintain the reservoir long enough to make full use of the water because of difficulties with gophers.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three - File in Docket 1
Superintendent, Grand Canyon - File in Docket 1
Mr. Dunn

AvVDunn:lct

C O P Y

W. W. LANE
State Land Commissioner

Office of
STATE LAND DEPARTMENT
STATE OF ARIZONA
PHOENIX, ARIZONA

Water Division

March 24, 1950.

United States Department of Interior
National Park Service
Washington, 25, D. C.

Your Reference: L54 GRAM

Re: Application No. R-454
Permit No. R-235
Toroweep Valley Wash, stored in
Toroweep Lake
U. S. Department of Interior
Grand Canyon National Park

Gentlemen: Attention: Mr. Conrad L. Wirth, Acting Director

Reference is made to your letter dated March 16, 1950, setting forth your reasons for the need of an additional extension of time within which to complete the project under the above captioned permit.

The Commissioner has entered an Order in this case extending the time until August 8, 1954 for completion of the project; and to August 8, 1955 to apply the water to beneficial use. An executed copy of this Order is enclosed herewith for record in your files.

In our letter of March 4th, we enclosed a claim against the State of Arizona for a $2.00 recording fee for certificate of water right which we asked you to sign and return so that we might reimburse you for this unearned fee, as it is no longer our policy to accept fees for services until we are quite sure we are in position to perform the service. You will greatly accommodate us by signing the claim, returning it, and accepting reimbursement, as we are urged by the auditing department from year to year to clear these unearned fees from our suspense account. We have the alternative, after making an effort to repay a permittee, of transferring the fees to our general account, in which instance the fee becomes lost to the permittee and is no longer returnable. This method would then necessitate the payment of an additional fee should the permittee desire a Certificate of Water Right. May we hear from you regarding this?

Sincerely yours,

/s/ Tessie I. Duncan

Tessie I. Duncan
Secretary, Water Division
Bookkeeper,

d
Enclosure

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

- - - - - -

In the Matter
of
Application No. R-454
Permit No. R-235
Toroweep Valley Wash, stored in
Toroweep Lake
United States Department of the Interior
Grand Canyon National Park

ORDER

GRANTING EXTENSION OF TIME

The National Park Service, by its acting Director, Conrad L. Wirth, having requested an extension of time within which to complete construction work and make complete application of water to beneficial use under the terms of Permit No. R-235, granted pursuant to Application No. R-454, and the reasons submitted being considered good and sufficient cause therefor,

IT IS ORDERED, That The National Park Service, be, and it is hereby, granted an extension of time from August 8, 1944, to August 8, 1954, within which to complete construction work; and from August 8, 1944, to August 8, 1955, within which to make complete application of water to beneficial use under the terms of said Permit No. R-235.

Ths Order is made nunc pro tunc to serve as if made on August 8, 1944.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the State Land Commissioner of the State of Arizona, this 24th day of March, A. D., 1950.

James R. Bumgr

DEPUTY STATE LAND COMMISSIONER


NM #1

03-04-1950: state land department: proof of appropriation of water

Received with State Land Department's letter of
March 4, 1950. See Grand Canyon N. M. file.

Correspondence address; U.S.Dept. of Interior
National Park Service
Washington 25, D. C.

STATE LAND DEPARTMENT
(WATER DIVISION)

Application No. R-454 **Permit No.** R-235 **County** Coconino
Filed January 24, 1934 Granted August 10, 1934

PROOF OF APPROPRIATION OF WATER

1. Name and address United States Department of Interior, Grand Canyon National Park
2. Source of supply Flood drainage from Toroweep Valley Wash, stored in Toroweep Lake
   Tributary of Colorado River
3. Location of ~~point of diversion~~ dam and reservoir SE¼NE¼ & NE¼SE¼ (Forty-acre tract) Sec. 30, Tp. 33 N., Range 7 W.
4. Construction work began January 16, 1934 and was completed
5. State date water was completely applied to use
6. State purpose for which water is used Domestic (including animals and wildlife)
7. State quantity of water that has been applied to use Submerging 153 acres, with a maximum depth of 9 feet. No outlet. (Quantity of water in acre-feet per acre per annum, gallons per day or gallons per annum.)
8. During what months is the water beneficially used? Year round
9. The lands included in your permit must be described in the table below. In the column headed "No. of acres actually irrigated" fill in only the number of acres that have been irrigated in each of the described tracts. If the appropriation is for municipal, domestic, stock watering or other use describe the forty-acre tract or tracts in which the water is used.

Township	Range	Section	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

(Attach separate sheet if necessary)

10. (a) If a dam has been constructed, give description: Height, 11 ft.; length on top, 495 ft.; length on bottom 30 ft.; material used and character of construction, Earth of adobe characteristics. Back of dam backed by rubble wall. Face of dam protected by 10" paving of lava blocks. ~~Dykes "B" and "C" of simalar construction, but rubble wall~~ omitted.

(b) Give description of headgate: Width, ... ft.; depth, ... ft.; material used and character of construction, ...

(c) Size of canal: Width on top (at waterline) ..... ft.; width on bottom, ... ft.; depth of water, ... ft.; length ..... ft.; grade, ... ft.; fall per 1,000 ft. Actual capacity, ... sec.-ft. Give general description: .....

(d) Pipe line: Description of intake, ...

Length of pipe, ... ft.; size at intake, ... in.; size at ..... ft. from intake, ... in.; size at place of use, ... in. Difference in elevation between intake and place of use, ... ft. Is grade uniform? ..... Acutal capacity of pipe line, ... sec.-ft. Give general description: ..... (Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump, ...

Suction lift, ... ft.; discharge lift, ... ft. Type of motor used .....

Horse power rating, ... H. P. Actual capacity of pump, ... sec.-ft.

(f) Distribution works: ..... (No.) ..... Material ..... (Tanks or Troughs) ..... (State dimensions and capacity of each)

11. State character of soil .....

Kind of crops raised .....

12. Does the map filed with your application show correctly the point of diversion, area of land irrigated, or place of use? .....

13. If not, wherein is such map in error? .....

14. **Domestic Use.** State number of families and persons actually served, and describe other domestic uses of water Domestic (domestic animals and wild game .....

15 **Stock Watering Use.** State kind of stock served ..... State maximum, minimum and average number served per day during the months of the year water is used. Maximum ..... Minimum ..... Average .....

16. If for municipal, power, mining or any other purpose than irrigation state the extent and method of such use .....

AFFIDAVIT OF APPROPRIATOR

STATE OF ARIZONA,
County of ..... } ss.

I, United States Department of Interior, Grand Canyon National Park, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this ..... day of ....., 19.....

United States Department of Interior
Grand Canyon National Park

By .....

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

.....
Notary Public.

(Notarial Seal)

My commission expires .....

AFFIDAVIT OF WITNESSES

STATE OF ARIZONA,
County of ..... } ss.

We, ..., and .....

of ....., being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. R-235, that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

(Witness) .....

(Witness) .....

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

.....
Notary Public.

(Notarial Seal)

My commission expires .....

REPORT OF PERSON MAKING INSPECTION

I, ..., do hereby certify that I have made an inspection of the works described herein and in Permit No....., on the.....day of....., 19....., and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of.....

.....

(Quantity of water in acre-feet per acre per annum, gallons per day or gallons per annum,)

and I recommend the issuance of a water right certificate for this amount.

.....

(Name)

.....

(Title)

11-16-1942: letter to state water commissioner from nps regarding extensions of time for water right applications a-1878, a-1765,

Grand Canyon N. P.
X Grand Canyon N. M.
X Chiricahua N. M.

601 Sheldon Building

November 16, 1942.

Mr. Jesse C. Wanslee,
State Water Commissioner,
State House,
Phoenix, Arizona.

Dear Mr. Wanslee:

Reference is made to your letter of November 10, 1942, with regard to extensions of time for water right Applications A-1878, A-1765, A-1799, and R-454.

The order granting extension of time in the matter of Application No. A-1878, Permit A-1192, offers one immediate remedy. It does not, however, adapt procedure to the war conditions as we had hoped. We realize that your authority is limited, but request that you give the matter further consideration at your convenience.

The war has introduced three problems as illustrated in our letter of September 11, 1942, as follows:

1. Since late 1940, or early 1941, the United States has impounded most of its domestic construction funds to permit greater defense and war effort with a minimum of special taxation. Hence, only imperative additional National Park Service water systems will be attempted until the close of the war at a very indefinite date.

2. Water use has dropped, both because of depleted personnel in each park and monument and because public attendance dropped from 30% to 50% of the 1941 figure during 1942, and will doubtless be much less in 1943 because of traffic problems. Hence, if full beneficial use of water was not made in 1941 it will not be made until a year or two after the war.

11-16-1942: letter to state water commissioner from nps regarding extensions of time for water right applications a-1878, a-1765,

3. We still have some water systems in your State, as in all others, which are not covered by water rights. We also have plans to build others as soon as labor and materials can be obtained after the war, as a part of the national post war stabilization program, and these should be covered by application and permit before construction is started. As long as our personnel is not transferred to other activities we will continue to prepare the applications and file them to profit by such priority as will result. However, a filing now, except for existing systems, does not imply beginning of construction until 1944, 1945, or even 1946. We assume that priority will be as of the date you receive the application, but must you defer the granting of a permit until within a year of construction, or can you recognize diligence within a year after the labor returns from the war fronts?

In the latter case you will recall that only for Grand Canyon have we claimed municipal status which grants extended time in which to start construction under Section 3288 of your code. Most monuments have such small communities that such status would be debatable, but from the previous discussion you will note that the factors controlling development and use are the same. This might offer you some interpretation which might reduce the number of reports and extensions of time to the benefit of our mutually depleted offices.

Yours very truly,

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

cc: Director.
Region Three.
Supt., Grand Canyon.
Supt. S.W.Mons.

C O P Y

STATE WATER COMMISSIONER
STATE HOUSE
PHOENIX, ARIZONA

Jesse C. Wanslee
Commissioner

November 10, 1942

Mr. A. van V. Dunn
Hydraulic Engineer
Water Rights Section
National Park Service
U. S. Dept. of Interior
601 Sheldon Building
San Francisco, California

Re: Application No. A-1878
Permit No. A-1192
Bright Angel Creek
The United States of America
Grand Canyon National Park

Dear Sir:

We enclose a copy of Order Granting Extension of Time in the above designated case, original of which we keep on file in this office.

Mr. Wanslee, the Commissioner, who was scheduled to leave on official business immediately after signing the Order, has instructed me to advise you that the other permits you mention in your letter of September 11, 1942, which were granted pursuant to Application Nos. A-1765, A-1799, R-454, A-1880 and A-1881, are already protected under Orders Granting Extension of Time, and dates are set up on our tickler system to notify you in due time before such Orders expire.

The Commissioner also requests that I inform you that favorable consideration will be given further extensions in these cases should conditions outlined in your letter exist on the expiration date of the Orders, or should other problems arise to merit such extensions.

I trust that my interpretation of Mr. Wanslee's verbal instructions will be satisfactory to you and to him.

Very truly yours,

s/ Tessie L. Flynn

For
JESSE C WANSLEE
STATE WATER COMMISSIONER

09-11-1942: letter to state water commissioner from nps regarding incomplete water rights

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WATER RIGHTS SECTION
601 Sheldon Building
San Francisco, California

September 11, 1942.

Mr. Jesse C. Wanslee,
State Water Commissioner,
State House,
Phoenix, Arizona.

Dear Mr. Wanslee:

We have the following incomplete water rights in your State in the name of the United States:

Application A-1878, Permit A-1192,
Bright Angel Creek Diversion for Cottonwood Camp at Grand Canyon, requiring application of the water to beneficial use by Nov. 27, 1942.

Application A-1880, Permit A-1194,
Bright Angel Creek Diversion for Supplemental Municipal use at the Town of Grand Canyon, Arizona, requiring completion of construction by Nov. 27, 1942.

Aplication A-1881, Permit A-1195,
Bright Angel Creek Diversion for hydroelectric purposes at Phantom Ranch, Grand Canyon, requiring completion of construction by Nov. 27, 1942

Application A-1799, Permit A-1132,
Bonita Canyon Springs Diversion for Chiricahua National Monument, requiring some further construction and proof of use by Sept. 30, 1943.

Application R-454, Permit R-235,
Toroweep Wash Reservoir for Grand Canyon National Monument, requiring proof of beneficial use by Aug. 8, 1944.

Application A-1765, Permit A1093,
Roaring Springs Diversion for the Town of Kaibab Post Office, Arizona, in Grand Canyon National Park, requiring complete construction by Dec. 31, 1945.

We wonder if it is possible to obtain a blanket extension of time for all these claims until two years after the close of the war. For over a year now, almost all Park Service construction funds have been impounded as a war measure. Where funds have been available we have found our priority too low to obtain necessary materials. CCC activity was all terminated on July 1 of this year and from about the time of the first draft the personnel in these camps has been so far below normal that little more than emergency maintenance has been possible with them.

Full beneficial use is also impossible. The abandonment of each CCC camp is a decrease of about 10,000 gpd in water demand. Much of the regular Park Service staff has joined the armed forces and moved their families out of the Park Service areas and all temporary crews are far below normal strength. Public attendance has also decreased to only about 50% of that for last year. Some consideration is being given to re-opening part of the CCC camps for use as Civilian Public Service camps, but the effect on water use is still uncertain.

We have tentative plans for unusually heavy construction projects at the close of the war to help stabilize the economic situation. Thus it is anticipated that the construction program and water use will soon reach their normal position on the trend of development, but due to possible delays in releasing or appropriating the first funds, the time that may be required to restore manufacturing facilities and reassemble labor crews, we feel that two years should be provided in which to report completion of projects.

Yours very trully,

A. van V. Dunn,
Hydraulic Engineer.

cc: Director
Region Three
Supt., Grand Canyon Nat. Park
Supt., S.W.Monuments.

C O P Y

BEFORE THE STATE WATER COMMISSIONER OF ARIZONA

- - - - - - -

In the Matter)
of)
Application No. R-454)
Permit No. R-235)
Toroweep Valley Wash)
United States Department of Interior)
Grand Canyon National Park)

O R D E R

GRANTING EXTENSION OF TIME

The United States Department of Interior, Grand Canyon National Park, Grand Canyon, Arizona, having requested an additional extension of time within which to make complete application of water to beneficial use under the terms of Permit No. R-235 granted pursuant to Application No. R-454, and the reasons submitted by Permittee being considered good and sufficient cause therefor,

IT IS ORDERED, That Permittee, United States Department of Interior, Grand Canyon National Park, be, and it is hereby, granted an extension of time from August 8, 1942, to August 8, 1944 within which to make complete application of water to beneficial use under the terms of Permit No. R-235 granted pursuant to Application No. R-454.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of the Arizona State Water Commissioner this 6th day of July, A. D., 1942.

(Signed) Jesse C. Wanslee

STATE WATER COMMISSIONER

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA

JUL 6 1942
FILING
7/6
7/6
FILE

July 2, 1942.

Arizona State Water Commission,

Phoenix, Arizona.

Gentlemen:

Reference is made to our Water Right Application R-454, Permit No. 235, for Toroweap Lake in Grand Canyon National Monument, on which you granted an extension of time in which to apply the water to beneficial use until August 8, 1942, by order dated February 10, 1941. As indicated in our previous justification for an extension of time, the dam and dykes which we constructed to impound the runoff water have become so damaged through the progressive work of rodents that it is impossible to prove full use at this time. In consequence, we have issued grazing permits for a very limited number of stock during the past year.

The small appropriation available for the Monument during the past fiscal year precluded any possibility of repairing the reservoir, and, due to the war conditions, it does not seem as though it is going to be possible to do anything about it during this emergency period.

In view of our inability at this time to meet the requirements as outlined in the previous order granting an extension of time to August 8, 1942, we are requesting that you grant us a further extension with the limit one year after the close of the war.

Very truly yours,

Perry E. Brown

Perry E. Brown,
Acting Superintendent.

cc: The Director,
Regional Director, Region Three,
Regional Director, Region Four.

C O P Y

STATE WATER COMMISSIONER - STATE HOUSE

PHOENIX, ARIZONA

February 10, 1941.

Mr. Frank A. Kittredge
Superintendent
Grand Canyon National Park
Grand Canyon, Arizona

Re: App. R-454, Per. R-235
Toroweep Valley Wash.

Dear Mr. Kittredge:

Your letter of the 1st instant with Notice of Application of Water to Beneficial Use enclosed in the case of Application No. R-454, Permit No. R-235 is acknowledged.

We have filed the notice and letter of transmittal and have today entered a nunc pro tunc order extending the time in which to make complete application of the water to beneficial use to August 8, 1942. A copy of the order is enclosed herewith.

For some unaccountable reason we are not able to find in our files a copy of our letter of May 9, 1940, so have not been able to check your reference to our statement that Application No. R-454 has not been approved. This application was approved August 10, 1934 and Permit No. R-235 granted.

In the case of Application No. R-733, William J. Cunningham, the application has not been approved, and it is now in Mr. Cunningham's possession for correction, so Permit has not been granted. Mr. Cunningham cannot receive a Certificate of Water Right until permit is granted and he has thereafter completely applied the water to beneficial use.

Will you please mail us a copy of our letter of May 9, 1940.

The duplicate of Notice of Application of Water to Beneficial Use is returned for your file.

Sincerely yours,

/s/ Jesse C. Wanslee
State Water Commissioner

JCW:ETS:LC
Encs.

2/17/41 - 1 copy sent Director.
1 copy sent Reg. Director, Reg. III
1 copy to Mr. Mann.

C O P Y

C O P Y

BEFORE THE STATE WATER COMMISSIONER OF ARIZONA
* * * * * * * * * * *

In the Matter
-of-
Application No. R-454
Permit No. R-235
Toroweep Valley Wash
Grand Canyon National Park

O R D E R

GRANTING EXTENSION OF TIME

The Grand Canyon National Park of Grand Canyon, Arizona, by its Superintendent, Frank A. Kittredge, having requested an extension of time within which to make complete application of water to beneficial use under the terms of Permit No. R-235 granted pursuant to Application No. R-454, and the reasons submitted by permittee being considered good and sufficient cause therefor,

IT IS ORDERED, that Permittee, Grand Canyon National Park, be, and it is hereby granted an extension of time to August 8, 1942 within which to make complete application of water to beneficial use under the terms of Permit No. R-235 granted pursuant to Application No. R-454.

This order is made nunc pro tunc to serve as if made on August 9, 1936.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of the State Water Commissioner this 10th day of February, 1941.

(SEAL)

/s/ Jesse C Wanslee
STATE WATER COMMISSIONER

2/17/41 - 1 copy to Director.
1 Copy to Reg Director, Reg. III
1 Copy to Mr. Lemm

C O P Y

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Grand Canyon National Park
Grand Canyon, Arizona

Feb. 1, 1941.

Hon. Jesse C. Wanslee,
State Water Commissioner,
State Building,
Phoenix, Arizona.

Dear Mr. Wanslee:

Reference is made to our water right application No. R-454, reservoir permit No. R-235. Notice of completion was signed and sent to you on August 30, 1935, by former Superintendent Minor R. Tillotson. We find that no further action has been taken regarding the application of water to beneficial use. By letter of May 9, 1940, you advise that the application has not been approved. From the same letter it appears that the only other permit, also unapproved, is application No. R-733 by William J. Cunningham for diversion about 8 miles away and in another local drainage. We assume that final licenses are dependent on beneficial use.

We are submitting a notice of partial application of the water to beneficial use, and herewith request full reinstatement of the claim and an extension of time in which to complete a larger portion of the claim.

During 1936 the reservoir was full. Since that date the run-off has been inadequate. It is clear that an annual filling is not possible, but we wish to perfect a right to a reasonable average and wish a few more years in which to establish that value.

Permits for stock grazing are limited by the ability to provide water, and the condition of the range, which are both dependent on the precipitation. The present permits, subject to revision depending on these conditions, are as follows:

To Walter A. Kent for 40 horses and 40 head of cattle
from Oct. 1 to April 1.
To J. H. Schmutz for 123 head of cattle Dec. 15 to March 15.
To John Findlay for 89 head of cattle Dec. 15 to March 15.
To D. H. Morris for 16 head of cattle Dec. 15 to March 15.
To Charles A. McCormick for 57 horses and 57 head of cattle
for full year.

At the present time about 230 head are assigned to Tucket Point which is nominally allotted to sheep, under other permits, but all, and probably many more, may be assigned to the Toroweap Valley if further study shows such disposition to be possible.

A ranger's quarters are provided in the area, but the full extent of domestic use is dependent on the possible growth of grazing.

Yours very truly,

F. A. Kittredge,
Superintendent.

by C. M. Canel
Act. Supt.

COPY

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, United States Department of the Interior Grand Canyon Nat'l Park, by F.A.Kittredge, Supt., the holder of Application No. R-454, being Reservoir (Reservoir or enlargement) Permit No. R-435 (235), issued by the State Water Commissioner of the State of Arizona for the appropriation of 920 acre -~~second~~-feet of the waters of Toroweep Valley (Wash) flood drainage in accordance with the tenor of such permit and the limitations endorsed thereon by the State Water Commissioner, have completely applied the water to a beneficial use, on the Blank day of Blank, 19 Blank, being the time limitation as fixed in said permit or extended by the State Water Commissioner for the complete application of water to a beneficial use.

Remarks: Reservoir filled (920 AF) in 1936, but since that year precipitation has been inadequate. See attached letter for request for extension of time and explanations.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of February, 1941.

Grand Canyon, Arizona (Present address)

/s/ C. M. CARREL (Signature of applicant)
Acting Superintendent, Grand Canyon Nat'l Park, Ariz.

Fill out, detach, and mail to the State Water Commissioner, Phoenix, Arizona.

C O P Y

NOTICE OF COMPLETION OF CONSTRUCTION

United States Department of the Interior
I, Grand Canyon Nat'l Park, by M.R.Tillotson, Supt. the holder of

Application No. R-454, being Reservoir (Reservoir or enlargement) Permit No. R-235,
issued by the State Water Commissioner of the State of Arizona for the
appropriation of 920 acre ~~second~~-feet of the waters of Toroweep Valley
flood drainage in accordance with the tenor of such permit and the limitations endorsed thereon by the State Water Commissioner, have completed the construction of the works described therein the 15th day of June, 1935, being within the time limitation as fixed in said permit or extended by the State Water Commissioner for the completion of construction work.

Remarks:
If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of August, 1935.

Grand Canyon, Arizona
(Present address)

/s/ M. R. Tillotson
(Signature of applicant)
Superintendent,
Grand Canyon Nat'l Park, Ariz.

Fill out, detach, and mail to the State
Water Commissioner, Phoenix, Arizona.

C O P Y

NOTICE OF BEGINNING OF CONSTRUCTION

United States Department of the Interior,
I, Grand Canyon Nat'l Park, by M.R.Tillotson,Supt. the holder of Application No. R-454 , being Reservoir (Reservoir or enlargement) Permit No. R-235 , issued by the State Water Commissioner of the State of Arizona for the appropriation of 920 acre ~~second~~-feet of the waters of Toroweep Valley flood drainage in accordance with the tenor of such permit and the limitations endorsed thereon by the State Water Commissioner, began the actual construction of the works described therein on the 16, day of January , 19 34 , being within the time limitation as fixed in said permit for the beginning of construction work.

Engineering and surveys, 10-men and six teams employed.
The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount ofwork completed up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

Work 30% complete.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of August , 19 34 .

Grand Canyon National Park, Arizona.
(Present address)

/s/ M. R. Tillotson
(Signature of applicant)

Fill out,detach, and mail to the State Water Commissioner, Phoenix, Arizona.

01-24-1934: application for a permit to construct a reservoir and to store for beneficial use the unappropriated waters of the state c

COPY

RECEIVED
JAN. 24, 1934
4:20 P.M.
OFFICE OF
STATE WATER COMMISSIONER

*Reservoir Permit No. R-235

APPLICATION FOR A PERMIT TO CONSTRUCT A RESERVOIR AND TO STORE FOR BENEFICIAL USE THE UNAPPROPRIATED WATERS OF THE STATE OF ARIZONA

United States Department of the Interior, Grand Canyon National Park, by I, M.R. Tillotson, Superintendent of Grand Canyon National Park
(Name of Applicant)

of Grand Canyon (Postoffice) County of Coconino

State of Arizona do hereby make application for a permit to construct the following described reservoir and to store the unappropriated waters of the State of Arizona, subject to existing rights.

If the applicant is a corporation, give date and place of incorporation

1. The name of the proposed reservoir is Toroweep Lake

2. The name of the stream from which the reservoir is to be filled and the appropriation made is flood drainage from Toroweep Valley Wash, tributary of Colorado River

3. The amount of water to be stored is 920 acre feet.

4. The use to be made of the impounded water is domestic, domestic animals and wild game

5. The location of the proposed reservoir will be in Sec. 30 - T 33 N, R 7 W (Unsurveyed) G&SRM
(Give sections or townships to be submerged)

(a) State whether situated in channel of running stream and give character of material at outlet The reservoir will be located in the drainage channel. The natural outlet is through a narrow cleft in a lava reef.

(b) If not in channel of running stream, state how it is to be filled. If through a feed canal, give name and dimensions

6. The dam will be located in SE¼ of NE¼ and NE¼ of SE¼, Sec. 30,
(Smallest legal subdivision)

*A different form of application should be used for the appropriation of stored water to beneficial use. Such forms can be secured without charge, together with instructions, by addressing the State Water Commissioner, Phoenix, Arizona.

6

B-1

5-2

Tp. 33 N (No. N. or S.), R. 7W (No. E. or W.), G. and S. R. B. & M. It will be 11 feet in height, having a length on top of 495.0 feet; length on bottom 30.0 feet; width on top 10.0 feet; slope on front or water side 3 to 1 (Feet horizontal to 1 vertical); slope on back 2 to 1 (Feet horizontal to 1 vertical); height of dam above water line when full 2.0 feet.

7. The construction of dam, the material of which is to be built, and method of protection from waves are as follows: Dam to be constructed of local earth having marked adobe characteristics. Core wall to be puddled and remainder of dam brought up in 6" lifts, thoroughly dampened and compacted. Back of dam to be backed by rubble wall across present outlet through lava reef. Face of dam to be protected from wave action by 10" paving of lava blocks.

Dykes "B" and "C" to be of similar construction, but the rubble wall will be omitted.

8. The location of wasteways with dimensions are as follows: The wasteway will be at elevation 108.0, cut through the top of the ridge, approximately 600 ft. north of the dam. Bottom width to be 30.0 ft. Length approximately 100.0 ft.

9. The location of outlet from the proposed reservoir, with character of construction and dimensions, are as follows: No outlet.
(State whether through or around the proposed dam)

10. The area submerged by the proposed reservoir, when full, will be 153 acres, with a maximum depth of water of 9 feet, and approximate mean depth of water 5 feet.

11. The estimated cost of the proposed work is $ 3000.00

12. Construction work will begin on or before May 1, 1934

13. Construction work will be completed on or before May 1, 1935

Maps of the proposed reservoir and storage works, prepared in accordance with the rules of the Commissioner, accompany this application.

UNITED STATES DEPARTMENT OF THE INTERIOR,
GRAND CANYON NATIONAL PARK

BY /s/ M. R. Tillotson
(Name of Applicant)
M.R. Tillotson, Superintendent Grand Canyon National Park and Grand Canyon National Monument.
(Address)
Grand Canyon, Arizona.

Signed in the presence of us as witnesses:

(1) /s/ W. B. T. Wallace (Name), Phoenix, Arizona (Address of Witness)

(2) /s/ R. M. Rutledge (Name), Phoenix, Arizona (Address of Witness)

Remarks: The proposed reservoir is at the extreme lower end of Toroweep Valley, and only surplus flood waters will reach this point. The outlet spills directly over the brink of Grand Canyon Gorge. The storage of this water cannot in any way curtail the use of waters under existing appropriations.

STATE OF ARIZONA, }
County of Maricopa, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and returned the same for correction or completion, as follows: In answer to Q. 2 herein, enter the word "Wash" after the words "Toroweep Valley". Also enter the word "Wash" on the map.

In order to retain its priority, this application must be returned to the State Water Commissioner, with corrections, on or before September 9, 19 34.

WITNESS my hand this 10th day of July, 19 34.

/s/ Frank P. Trott
State Water Commissioner.

STATE OF ARIZONA,)
) ss.
County of Maricopa,)

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions:

Extended to 8/8/44

Actual construction work shall begin on or before August 9, 1935, and shall thereafter be prosecuted with reasonable diligence and be completed on or before August 9, 1936.

WITNESS my hand this 10th day of August, 19 34.

/s/ Frank P. Trott
State Water Commissioner.

f

B 3

Application No. B-454

Reservoir Permit No. R-235

PERMIT

To Construct a Reservoir and Store for Beneficial Use the Unappropriated Waters of the State of Arizona

Division No. ____ District No. ____

This instrument was first received in the office of the State Water Commissioner at Phoenix, Arizona,

on the 24th day of January,

19 34, at 4:20 o'clock P. M.

Returned to applicant for correction

July 10, 1934

Corrected application received

July 16, 1934

Approved

August 10, 1934

Recorded in Book No. 3 of Reservoirs.

/s/ Frank P. Trott
State Water Commissioner.

Other Supporting Information

08-17-1976: memorandum to regional director from superintendent regarding water resources at totweap ranger station

RWS

United States Department of the Interior

NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA 86023

RECEIVED
Western Regional Office
AUG 19 '76
Regional Director
Dep. Regional Dir.
Exec. Assistant
Administration
Operations
Res. Mgmt. Plan.
Prog. & Budget
EEO
Public Affairs
Mgt. Appraisal
Action Taken

IN REPLY REFER TO:

L54

AUG 17 1976

Memorandum

To: Regional Director, Western Region
Attention: Bill Werrell

From: Superintendent, Grand Canyon

Subject: Water Resources at Toroweap Ranger Station

Follow-up to your telephone conversation with Bruce Shaw, we are pleased to provide the following information relative to the present water supply at Toroweap Ranger Station and campgrounds:

The dam to Toroweap Lake was constructed in 1934. It was subsequently washed out a few days after construction and has never been reconstructed. Therefore, there is no longer an actual lake above the washed out dam; there is, however, upon the occasion of rainfall, a small, shallow puddle formed behind the remains of the dam. This puddle is used only by wildlife as a watering hole.

Saddle Horse Spring on the west side of Saddle Horse Canyon is no longer a viable spring. A second spring at the upper end of the canyon has a flow of about 100 gallons per day. Neither spring has ever been used as a source of water for either of the two campgrounds in the area. Thus, there is no pipeline from either of the springs to one or both of the campgrounds. There is no water supplied at either of the campgrounds. Campers are required to pack their own water.

The source of water for the Toroweap Ranger Station is a catch system composed of metal sheeting. Rain and other forms of precipitation are caught, drained and stored in two cisterns. On only a few occasions has this system not provided an adequate water supply to the Toroweap Ranger Station. During such occasions, water was trucked to the site.

We hope this information proves helpful. If we can be of additional assistance, please contact us.

Bruce W. Shaw

JOHNNY HORIZON '76

Let's Clean Up America For Our 200th Birthday

03-11-1974: memorandum to superintendent from regional director regarding certification with arizona state land department of wa

#8 3/15/74

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54(WR)PSW
GRCA NM/WR #1

March 11, 1974

Memorandum

To: Superintendent, Grand Canyon National Park

From: ACTING Regional Director, Western Region

Subject: Certification with Arizona State Land Department of Water Source (Grand Canyon NM, Water Right Docket File #1, Application #R-454)

The Arizona State Land Department has submitted a request for the amount of $12.00 for the certification of the Toroweep Reservoir, Grand Canyon National Monument, Application #R-454. This sum is being forwarded under separate cover by the enclosed letter in the interest of comity.

This submittal relates to the State approved Proof of Appropriation of Water dated August 3, 1961 which is contained in the GRCA NM Water Right Docket File #1 (Toroweep Valley Wash and Toroweep Reservior).

This action is in accordance with the telephone discussion between Mr. Reiner of your office and Mr. Witucki of the Regional Office.

(SGD) JAMES B. THOMPSON

Enclosures
(cy of ltr to State of Arizona and their inc.) Filed in Docket

bc:
WASO(MR) Attn: Mr. Vic Berte w/cy of inc. and reply Filed in Docket

10-13-1961: memorandum to superintendent from acting regional director regarding need for additional water

Region Three
Santa Fe, New Mexico

L54

OCT 13 1961

Memorandum

To: Superintendent, Grand Canyon

From: Acting Regional Director

Subject: Need for Additional Water at Grand Canyon National Monument

We have reviewed your memorandum of September 12 reporting the construction of a highway between Fredonia and Hurricane, Utah which will probably influence travel to Grand Canyon National Monument when completed.

We have recognized for sometime that the water supply system was not adequate for future needs. We have programmed $2,000 for a USGS study in the 1963 fiscal year. It may be possible that this study could be moved up so that the field work could be accomplished before June 30, 1962. There is, as you know, a water right application A-2823, Docket No. 2, for lower Saddle Horse Spring. We are not certain of the quantity or quality of water from this source and assume you have determined it is not sufficient quantity or quality for the anticipated needs at the headquarters area.

We do not have sufficient information at the present to make a determination on the effect of Executive Order of April 17, 1918, establishing Public Water Reserve No. 34. It may be that we will need copies of the filings from Book 1, pages 275, 276 and 577 referred to in the second paragraph of your memorandum. We are referring a copy of your memorandum to Mr. Dunn in the Washington Office for his comments and will advise you more in detail after we receive a reply from the Washington Office.

(SIGNED) GRCA

James M. Carpenter
Acting Regional Director

Copy to: Director (2) w/incoming (1)

00-00-0000: memorandum to regional director from superintendent regarding need for additional water

Grand Canyon National Park
Grand Canyon, Arizona

L54

Memorandum

To: Regional Director, Region Three

From: Superintendent, Grand Canyon

Subject: Need for Additional Water at Grand Canyon National Monument

In view of the probable increased travel through the Arizona Strip Country, as a result of the highway presently under construction between Fredonia, Arizona and Hurricane, Utah, we believe that we should take a new look at our plans for Grand Canyon National Monument. Without a doubt we can expect a marked increase in visitation into that presently isolated area, and regardless of future development plans, the problem of water becomes immediately acute.

The District Ranger assigned to Grand Canyon National Monument advises that even now few visitors come equipped with even a minimum supply of water and he, of course, must furnish it out of his meager storage which is produced by a catchment and cistern. On several occasions during dry periods, he had to haul water from Big Spring, some 12 miles away. Any increased use or demand by visitors will immediately result in a critical situation.

The only permanent supply of any significance in that entire area is the aforementioned Big Spring which is located approximately one mile north of the northwest corner of the Monument and some 7-8 airline miles from Tuweep Ranger Station. We have attempted, as a preliminary step, to determine water and land rights of Big Spring; however, the lack of various written interpretations referred to in our files and the interpretation of rights presently exercised by one stockman, leaves the matter somewhat confused. We would appreciate a status review by the Solicitor and a determination of the possibility of our acquiring water from this source. Our research has disclosed: Big Spring or, as it is sometimes known, Whitmore Spring, is located in the E½NW¼, sec. 19, T. 34 N., R. 8 W. It was filed on in 1907 by Benjamin Blake, William B. Blake and Joseph Blake. By Executive Order (Public Water Reserve No. 34) dated April 17, 1916, all land within one-quarter mile of the Spring was withdrawn from settlement, location, sale or entry, and reserved

for public purposes; namely, during consideration by Congress of pending legislation which proposes to permanently withhold such lands for use by the general public in the watering of livestock. On May 20, 1916 the water was again filed on by Preston Nutter and on May 23, 1916, by John Findley. These latter filings are found in Book 1 of Water Rights and Mineral Sites, pp. 275, 276 and 577, Mohave County, Kingman, Arizona.

Apparently the only filing which was ever recognized by the State of Arizona was that of John Findley. He later sold to Henry Carrol, who in turn sold to Cleo Woods, Cedar City, Utah, the present holder. The 1907 filing must have reverted to the State and may have resulted from no beneficial use for the five-year period following the filing, and no recognition was apparently ever given the public water reserve by either the State or the subsequent claimants.

Mr. Woods has excluded other stockmen from the water and has, by a series of pipelines, diverted all but a mere trickle. He has not, however, prevented our District Ranger from hauling a small supply for domestic use.

It appears to us the key is the interpretation of the intent of the Executive Order. If it only involves lands surrounding the Spring, then the Findley-Carrol-Woods water right may be valid, regardless of the fact the Findley filing was recorded after the Order. In any event, Mr. Woods is not recognizing that portion of the Order which states, "for use by the general public in the watering of livestock," and it is quite probable he does not recognize any part of it. The question of rights as they affect stock-use may not be entirely relevant to our domestic or Park need. However, an understanding of present rights might avoid considerable litigation if we seek water from that source.

Other springs in the general area are either not potable, have insufficient flow, or are not considered because of location; therefore, we have not discussed their status. While the water problem in the Toroweap Valley portion of the Grand Canyon National Monument is not too critical at present, we believe that it is only a matter of a comparatively short time until we are faced with a decision which probably will involve Big Spring water rights. An early determination of the possibility of the National Park Service utilizing this source will undoubtedly affect our plans.

[Signed]

John S. McLaughlin
Superintendent

Copy to: District Ranger Riffey, GCNM

In duplicate

08-24-1961: memorandum to director from regional director regarding final proof of appropriation of totoweep reservoir, applicatio

Grand Canyon

WR 4/97
C1

Region Three
Santa Fe, New Mexico

L54
GRCM

AUG 24 1961

Memorandum

To: Director

From: Regional Director

Subject: Final Proof of Appropriation of Toroweep Reservoir, Application No. R-454, Permit No. R-235, Docket No. 1, Grand Canyon National Monument

During the week of July 8 to July 15 Civil Engineer Fields of this office did the field work in order to make final proof of appropriation at Toroweep Reservoir at Grand Canyon National Monument. This proof was required by the State Land Department prior to August 8.

The work consisted of measuring the reservoir, taking topography of it and the surrounding area to include all of the original lake bed, dikes and dam, reestablishing the base line which Engineer Ward Webber used in 1934 to lay out the original dike and dam, and making a tie to a brass cap section corner. This tie was to the southeast corner of Section 24, T. 33 N., R. 8 W.

Mr. Fields also measured the original dam, dikes and spillway, which were built subsequent to Mr. Webber's survey. This dam washed out during the flood in 1936.

On August 3 we forwarded Form S-207 to the Water Division of the State Land Department, Phoenix, Arizona. This form was supplied by the State Land Department and was completed according to their regulations. Also attached was a map, no. NM-GC-7103, which gave topography of the Reservoir, tie to the section corner, and also showed topography of the old dam and dikes. Plan and profile of the dikes and dam were included.

As soon as this proof of appropriation is approved by the State then we will place copies in our docket and send your office, WODC, and Superintendent, Grand Canyon National Park copies for insertion in their dockets, along with copies of the map.

Thomas C. Allen
Regional Director

In duplicate

Copy to: Supt., Grand Canyon (2)
Chief, WODC (2)

06-23-1961: memorandum to superintendent from regional director regarding amend and submit proof on water right, toroweap re

L-54

Region Three
Santa Fe, New Mexico

JUN 23 1961

W O D C
JUN 26 '61

	CHF
	ADM
	PERS
	P & P
	ARCH
2	ENG
	L. A.
	SPEC
	CONT
	SFTY
1	
3	

ACTION TAKEN - DATE

Memorandum

To: Superintendent, Grand Canyon National Park

From: Regional Director

Subject: Amend and Submit Proof on Water Right, Toroweap Reservoir, Docket #1, Grand Canyon National Monument, Grand Canyon National Park

On October 6, 1960 the State Land Office at Phoenix sent us a request to make final proof on the water right mentioned above in the subject. At that time our Washington Office requested an extension of time and it was granted until August 8, 1961. It will be necessary to make an amendment to the original certificate because it has been discovered that the number of acre feet of water which we requested to impound originally was much too large.

Civil Engineer Fields plans to be in your area the week of July 10-15 to make this proof. If at all possible he would like the assistance of the Park Engineer. If it meets with your approval Mr. Fields could meet with the representative you choose to send on the north rim on the afternoon of July 10.

(SIGNED)
Thomas J. Allen
Regional Director

Copy to: Director (2)
Chief, WODC (2)

11-01-1960: memorandum to director from assistant regional director regarding water right application r-454 permit no. r-235



L-54

Region Three
Santa Fe, New Mexico

NOV1 1960

Memorandum

To: Director

From: Assistant Regional Director

Subject: Water Right Application R-454, Permit No. R-235, Toroweep Reservoir, Grand Canyon National Monument

Attached is a copy of an order granting an extension of time to August 8, 1961 for the subject application, Toroweep Reservoir, Docket No. 1, Grand Canyon National Monument.

We prepared a confirming request to the State Land Commissioner as suggested by Mr. Dunn in the last paragraph of his memorandum of October 20. This was discussed with Superintendent McLaughlin during his visit to the Regional Office October 27 and 28. The extension of time based on Mr. Dunn's request arrived before our letter to the State Land Commissioner was mailed, and since the extension has been granted, there is now no reason to make an additional request.

A copy of the extension of time is attached for Mr. Dunn's docket and reproduced copies have been sent to the Superintendent and WODC for insertion in their Docket No. 1.

(SIGNED)

George W. Miller
Assistant Regional Director

In duplicate

Attachments

Copy to: Supt., Grand Canyon with attachments
Chief, WODC (2) with attachments

10-20-1960: memorandum to regional director from chief regarding water right application r-454, permit 235

W O D C
OCT 24 '60
P & .
ARCH
ENGR
L. A.
SPEC
CONT
SFTY
ACTION TAKEN - DATE

L54-OBL

October 20, 1960

Memorandum (AIR MAIL)

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Right Application R-454, Permit 235, Toroweep Wash Reservoir, Docket 1, Grand Canyon National Monument

Attached are copies of a letter of October 6 from the Water Division, State Land Department, and my reply.

The water claim for Arizona vs. California is included in Exhibit 2807, of which you have a copy. Some records of the application and past extensions of time are in the docket. There are also suggestions in the correspondence that Mrs. Persis Heaton's stock, and possibly that of other grazing permittees, is using the reservoir.

I suggest that you confirm my request for the extension of time at once, to the State Land Commissioner, requesting an additional year if desirable. You should then amend the water claim and make proof in accordance with the testimony in Arizona vs. California as soon as possible. The amended claim will require a map to replace 4978 which was filed with the original application.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Grand Canyon, w/c attachments - AIR MAIL
Chief, WODC (2), w/c attachments

October 20, 1960

L54-OBL

State Land Commissioner
State Land Department
Phoenix, Arizona

Re: App. R-454, Per. R-235, Toroweap Reservoir, Grand Canyon National Monument

Dear Sir:

The letter of October 6 from Mr. Donald LeMaster, Water Division, is being referred to Mr. Thomas J. Allen, Regional Director, Region Three, National Park Service, P. O. Box 1728, Santa Fe, New Mexico, to whom authority has been delegated to handle the water right matters for the Parks and Monuments in Arizona and other southwestern states. Future communications should be addressed to him.

As testified in Arizona vs. California before the Special Master for the Supreme Court, on May 3, 1958, in San Francisco, the subject reservoir was constructed, and subsequently replaced by one of smaller capacity within the same flooded area; and was used in 1957 and 1958 to provide four acre-feet of water at that time for stock which is grazed in the area under Federal permit, and for the wildlife in the area. The replacement, or reconstruction, had been necessary because it was impractical to impound or maintain the 920 acre-feet.

Mr. LeMaster's letter is dated October 6, and was received here about a week later, and its copies will not reach the Regional Office for about another week. We agree that the application should be amended, and proof for certificate should be made in the first year that weather conditions and the permittee's resulting herd will permit. However, there is some question as to whether the proof can be made on past records or will require more up-to-date records.

Accordingly, an extension of time until at least August 8, 1961, is requested, in which to amend the claim and make proof if possible. This request is subject to further comments which the Regional Director may wish to offer. The order should be sent to the Regional Director in quadruplet, if possible, for distribution to the various offices of this Service which are involved.

Sincerely yours,

A. van V. Dunn
Chief, Water Resources Section

Superintendent, Grand Canyon
Chief, WOBC (2)

4

10-20-1960: memorandum to regional director, region three from chief regarding water right application r-454, permit 235

WR Copy

L54-OBL

October 20, 1960

Memorandum (AIR MAIL)

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Right Application R-454, Permit 235, Toroweep Wash Reservoir, Docket 1, Grand Canyon National Monument

Attached are copies of a letter of October 6 from the Water Division, State Land Department, and my reply.

The water claim for Arizona vs. California is included in Exhibit 2807, of which you have a copy. Some records of the application and past extensions of time are in the docket. There are also suggestions in the correspondence that Mrs. Persis Heaton's stock, and possibly that of other grazing permittees, is using the reservoir.

I suggest that you confirm my request for the extension of time at once, to the State Land Commissioner, requesting an additional year if desirable. You should then amend the water claim and make proof in accordance with the testimony in Arizona vs. California as soon as possible. The amended claim will require a map to replace 4978 which was filed with the original application.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Grand Canyon, w/c attachments _ AIR MAIL
Chief, WODC (2), w/c attachments
Mr. Dunn - OBL

AvVDunn:let

10-20-1960: memorandum to regional director from chief regarding tuweep wash stock tank drawing nm-gc-8607

WRG

L54-L

July 8, 1957

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Tuweep Wash Stock Tank Drawing NM-GC-8607, for Arizona vs. California, Grand Canyon National Monument

This memorandum was largely completed from the print with copy of Mr. Kell's memorandum of June 11 to the Superintendent when Mr. Kell's memorandum of January 28 to us appeared on my desk from an unknown source. This will explain why comments have not been offered earlier. This memorandum will be confined to the Toroweap, or Tuweep stock tanks.

From the information it appears that the Tuweep Wash Tank, shown on Drawing NM-GC-8107, replaces the Toroweap Wash Reservoir covered by Application R-454, Permit R-235 (Docket 1). However, one of the last bits of information from Mr. Garrison, before he went to Yellowstone, was that a new dam had been constructed in the Toroweap Reservoir, to impound water as described in the statement with memorandum of December 31, 1956, from Mr. Langley. Please confirm that any second dam constructed while Mr. Garrison was at Grand Canyon has been destroyed and that the print with memorandum of January 28 from Mr. Kell is correct, if true. The next step is probably to amend Application R-454 to cover change in place of diversion, impoundment and use.

Attached, are a photostat negative and two prints, one colored, of said drawing, to illustrate this memorandum, designated as 8607-A, on which we have added the tabular and graphical areas and capacities, and shown part of a 40-acre subdivision line in Section 6. You will note that we question whether the particular Section 6 is in T 33 N or T 34 N, Section 6, T 34 N, R 7 W was part of land excluded from Monument in Proclamation of April 4, 1940.

For use in support of an amended water right application, the drawing will have to be on a 2' X 3' linen tracing with margins as prescribed in the State rules and regulations, and will have to show at least the entire 40-acre subdivision. There should be no blocks for clearance, review, or approval. The Drawing NM-GC-4978 may be sufficient to use as a model, although it does not appear to comply fully with instructions issued since 1933.

The Wash should also be shown and named. The branch of the Wash in Sec. 6, T 34 N, seems to flow easterly, while the two branches in Sec. 6, T 33 N, flow southerly. It is not clear whether the tank is in the draw or to one side, but I assume draw continues to the south beyond the east side, as I have indicated in color.

The point of diversion should be where the water leaves the Wash or natural drainage, and the tie should be to that point. The question is whether that point is approximately at the arrow head in center of entrance, or at some point to north at the beginning of "Channel-Dike".

We do not have a draftsman at this time. It would thus be desirable to have the tracing made either at the Park or Regional Office. It would be a wise move to let Mr. Kell's draftsman (or one in the Park) make this relatively simple drawing for training purposes, following the Rules and Regulations in the publication by the State Land Department. Prints could be referred to me for comments or instructions at any time.

I doubt if the water right amendment is urgent, but the application now on record will not agree with claim for Arizona vs. California. There is urgent need, however, to have the information in narrative form for that case, concerning both sites.

The claim for the Tapumek Tank (Tuweep) water right filing, and also for Arizona vs. California, seems to be for about 4.0 acre-feet impounded to an elevation of about 4609.5. For description of the structure, to answer the California Interrogatory, the tank is formed by excavation and construction of a surrounding dike, about 480 feet in length, and four feet in height. The water is diverted from the natural draw by a ditch which I assume to be about 6' wide, about 3' deep, and of a length not suggested by the data on the drawing, which should be supplied.

Please return one print at once, with clarification of township, and correction, or expansion of tentative description of tank, diverting channel and point of diversion, for Arizona vs. California.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 2

Copy to: Superintendent, Grand Canyon NM, with 1 map
Chief, WCDC
Mr. Dunn (2) - Monument and Arizona vs. California

AvVDunn:lct

06-11-1957: memorandum to superintendent from regional chief of lands regarding tuweep stock tank drawing nm-gc-8607

WR Copy
L-5h
GCNM — File 9

Region Three
Santa Fe, New Mexico

JUN 11 1957

Memorandum

To: Superintendent, Grand Canyon National Monument

From: Regional Chief of Lands

Subject: Tuweep Stock Tank Drawing NM-GC-8607, Grand Canyon National Monument

In accordance with the suggested corrections contained in Mr. Shevlin's memorandum of April 18, the requested corrections have been made.

We have attached three black line prints and the hard copy, as requested. Also attached is a film reproducible for future reproductions, if needed.

Copies are being mailed to Mr. Dunn and we would like to keep the linen original in this office until we are certain that no additional corrections need be made.

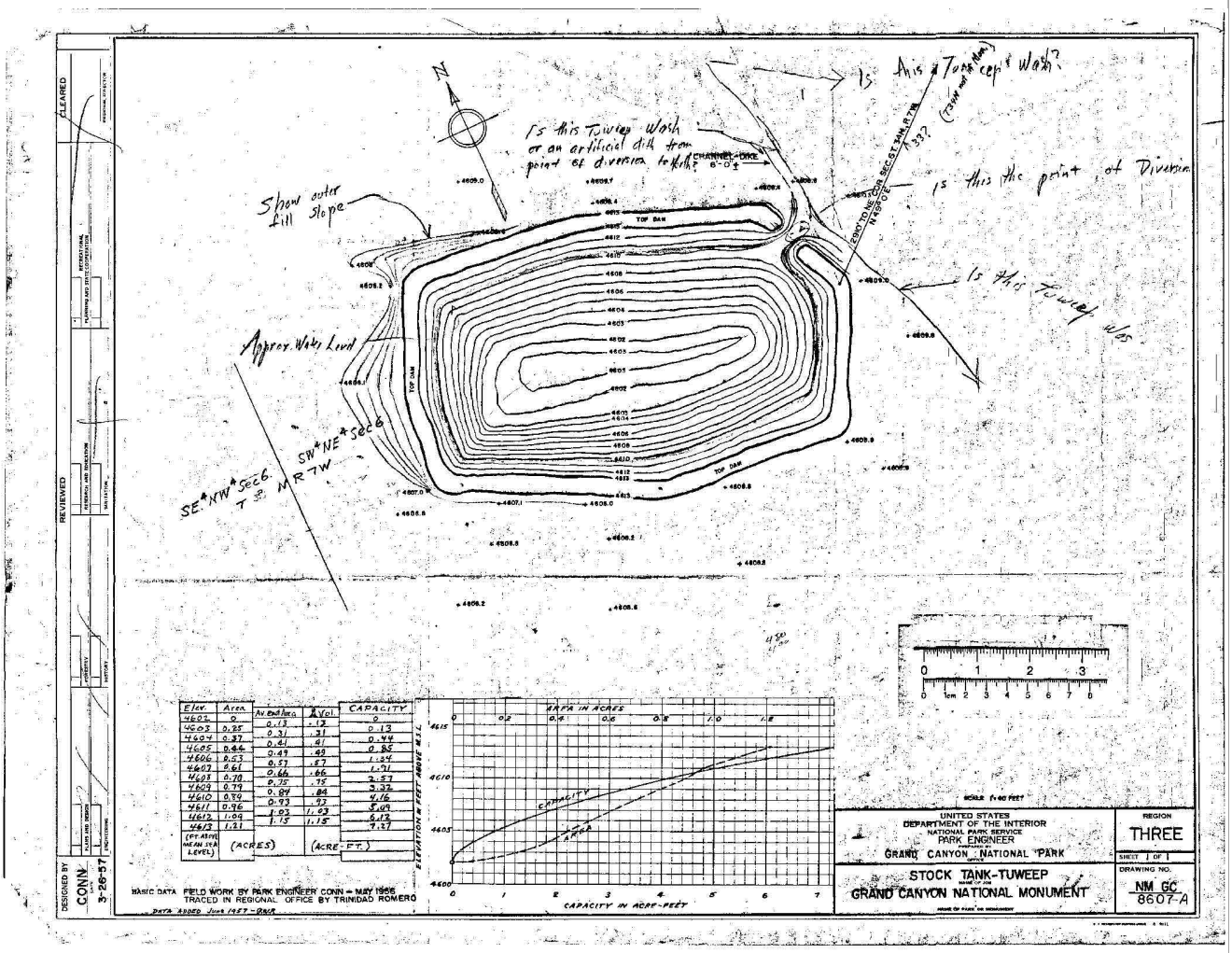
JOHN E. KELL

John E. Kell
Regional Chief of Lands

Attachments:
3 prints
Orig Hard Copy
Film Reproducible

Copy to: Director (2)
with two prints

06-00-1957: stock tank - tuweep



Elev.	Area	Av Endarea	ΔVol.	CAPACITY
4602	0	0.13	.13	0.13
4603	0.25	0.31	.31	0.44
4604	0.37	0.41	.41	0.85
4605	0.44	0.49	.49	1.34
4606	0.53	0.57	.57	1.91
4607	0.61	0.66	.66	2.57
4608	0.70	0.75	.75	3.32
4609	0.79	0.84	.84	4.16
4610	0.89	0.93	.93	5.09
4611	0.96	1.03	1.03	6.12
4612	1.09	1.15	1.15	7.27
4613	1.21			
(FT. ABOVE MEAN SEA LEVEL)	(ACRES)		(ACRE-FT.)	

10-10-1955: memorandum to superintendent from chief regarding extension of time to complete toroweep wash reservoir, applicat

Dunn

WR Gh

In reply refer to:
L54-L

October 10, 1955

Memorandum

To: Superintendent, Grand Canyon

From: Chief, Water Resources Section

Subject: Extension of Time to Complete Toroweap Wash Reservoir, Application R-454, Permit R-235, Grand Canyon National Monument

Attached order of August 9 of Arizona State Land Commission grants until August 8, 1957 in which to complete construction (or reconstruction) of the subject reservoir, and should be filed at top of the docket of original instruments in your files. A copy of the order, with copy of this memorandum, is being sent to the Regional Office for insertion in their assembly of the docket.

As stated in the memorandum of August 2, forwarding copies of the application for this extension of time, it is essential that plans be completed at once for such water developments as are to be maintained or constructed in Toroweap Wash, both for wildlife and the Ranger Station. We should have the information within a year in order to complete the next report for extension or completion of construction.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Regional Director, Region Three, with copy of attachment
Western Office of Design and Construction, with copy of attachment
Mr. Dunn (Docket assembly will be forwarded)

AvVDunn:lct

08-02-1955: letter to state land commissioner from chief regarding application r-454, permit r-235

In reply refer to:
L54-L

August 2, 1955

Mr. J. L. Ernst
State Land Commissioner
Water Division
State Land Department
Phoenix, Arizona

Dear Mr. Ernst:

Re: Application R-454, Permit R-235
Grand Canyon National Monument

Request is hereby made for another extension of time in which to complete development and use under the subject application and permit. While construction and partial use have been completed, the United States has not yet been able to maintain the reservoir long enough to make full use of the water because of difficulties with gophers.

Sincerely yours,

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three - File in Docket 1
Superintendent, Grand Canyon - File in Docket 1
Mr. Dunn

AvVDunn:lct

09-19-1951: memorandum to director from regional engineer regarding water right features of s&mc spreader dams

WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR

In reply refer to:
D5415 GRAM

NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

September 19, 1951

Memorandum

To: Director

From: Regional Engineer

Subject: Water Right Features of S&MC Spreader Dams,
Grand Canyon National Monument

By memorandum dated August 3 on the above subject, I advised you that Mr. Balch would visit Grand Canyon National Monument late in August, at which time he would investigate the possibilities for construction of a pond downstream from the existing waterspreading structures and upstream from Tuweep Lake.

Mr. Balch's field report dated September 13, copy to you, may be of interest on the above subject matter. You will note that no satisfactory sites were found.

In connection with development of water for stock and wildlife, Mr. Drury's memorandum for the Regional Director, Region Three, dated July 26, 1950 on the subject "Reintroduction of Antelope, Grand Canyon National Monument" is closely related to the subject of this memorandum. The last paragraph of that memorandum reads as follows:

> "We feel that the antelope restoration project should be held in abeyance until the private land question is resolved. At that time, further consideration can be given to the wildlife program in the Monument."

(SIGNED)
J. R. Lassiter
Regional Engineer

In duplicate

Copy to: Supt., Grand Canyon (2)

08-03-1951: memorandum to director from regional engineer regarding water right features of s&mc spreader dams

WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
D5415 GRAM

Region Three
Santa Fe, New Mexico

August 3, 1951

Memorandum

To: Director

From: Regional Engineer

Subject: Water Right Features of S&MC Spreader Dams, Grand Canyon National Monument

Mr. Dunn's memorandum of July 19 on the above subject calls our attention to the possibility of combining the plans for S&MC and stock and wildlife watering developments, both as an economy measure and to expedite perfection of rights under the Toroweep Lake Application 5-454, Permit R-235. He suggested that to accomplish these results, some of the spreader dams would have to be modified to provide seasonal storage of water.

This means of providing a pond or reservoir in connection with the existing spreader dams and the transfer of water rights thereto is not practical. The drainage area above these diversion dams is a high sediment producer and any storage area in connection with these dams is and would be very shallow and spread out over a large surface area. These spreaders are designed to catch and hold and stabilize the sediment and to improve the vegetation within the spreading area.

Rather than to modify these existing structures, I recommend that consideration be given to construction of a pond downstream from them and upstream from Tuweep Lake. This vicinity is a poor spreading area; however, personnel in this office are of the opinion that a favorable site for a pond might be located. Such a site would be relatively free from the major sediment load of the drainage because of the upstream spreader dams.

Mr. Balch expects to visit this area the latter part of this month, at which time this matter will be considered further.

(SIGNED)
J. R. Lassiter
Regional Engineer

In duplicate

Copy to: Supt., Grand Canyon
in duplicate, with copy
of Mr. Dunn's memorandum of July 19

07-19-1951: memorandum to regional director from chief regarding water right features of s&mc spreader dams, and rights to stor

In reply refer to:
D5415 GRAM

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

July 19, 1951

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Water Right Features of S&MC Spreader Dams, and Rights to Store Water in Toroweap Lake under Application R-454, Permit R-235, Grand Canyon National Monument

Your conclusions, as expressed in the memorandum of July 10 from Mr. Miller, are correct, that no appropriation is needed in connection with the particular developments.

However, we have reopened the claims under Application R-454, Permit R-235, which are appurtenant to the old Toroweap Wash, as shown in the order of the Deputy State Land Commissioner of March 24, 1950, which has been sent to you for filing in Deed 9. The memorandum of June 19 from Mr. Robertson was to call your attention to the possibility of combining the plans for S&MC and stock and wildlife watering developments, both as an economy measure and to expedite perfection of rights under the aforesaid permit.

In order to accomplish these results, some of the spreader dams would have to be modified to provide seasonal storage for stock and wildlife watering, either now or when the spreaders have to be replaced. It may be, of course, that the sites for spreader dams are not suitable for watering tanks. However, one way to preserve and perfect the water rights would be to transfer portions to such reservoirs as might be formed by spreaders. We have until 1954 in which to decide on the water right matter, and this point should be kept in mind.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Copy to: Mr. Paul Miller

AvanVDunn:sh

WP Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR

In reply refer to:
D5415 GRAM

NATIONAL PARK SERVICE
Region Three
Santa Fe, New Mexico

July 10, 1951

Memorandum

To: Director

From: Assistant Regional Director

Subject: Water Right Features of S&MC Spreader Dam Project at Grand Canyon National Monument

By memorandum of June 19, Mr. Robertson further discusses the above subject both pro and con. He asks for further comments concerning the proposed water right considerations.

The S&MC spreader dams are on a drainage tributary to the old Tuweep (Toroweap) reservoir. Tuweep Lake is located in Section 30, T 33 N, R 8 W, which is a little over three miles south and below the lower spreader dam. The location of the spreader dams is shown on Drawing No. GC-NM-5301, which was transmitted to you with Mr. Cornell's memorandum of March 9 on this subject.

You state that there is no need for any water right if the ponds back of the spreader dams are all to be filled with sediment within two or three years without provision for replacement pondage. There is no provision for replacement pondage behind these dikes when they become filled with sediment. The last sentence of Mr. Conn's memorandum of March 9 on this subject which was also transmitted to you with Mr. Cornell's memorandum of the same date, states as follows concerning the matter of sedimentation:

> "These borrow pits should hold water three or four weeks after each rain, and should be completely filled with sediment in a period of three or four years."

Mr. Conn's above statement is the most accurate one that can be made at this time. Since their construction, these spreaders have functioned only two times which was last July. Sedimentation was very heavy during those flows and continued heavy sedimentation is expected behind these dams.

From your discussion of the above subject and my above comments, it appears that a water right will not be required for the

Grand Canyon National Monument spreader dams. Further, if a water right becomes necessary a portion of the water right on Tuweep Lake can be transferred to cover the water right capacity of these spreader dams.

(SIGNED)

Hugh M. Miller
Assistant Regional Director

In triplicate ✓

Copy to: Supt., Grand Canyon
with copy of incoming memorandum of June 19 (2)

06-19-1951: memorandum to regional director from chief regarding water right features of s&mc spreader dams

In reply refer to:
D5h15 GRAN

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

June 19, 1951

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Water Right Features of S&MC Spreader Dam Project at Grand Canyon National Monument

By memorandum of March 9, Mr. Cornell sent us a print of GC-MM-5301, and comments of the same date by Mr. Conn with regard to spreader dams which were constructed in Tuweep Valley in the spring of 1950. He requested information as to whether an appropriative water right should be established.

Please refer to Water Right Deed 9 and letter of March 24, 1950, from the Secretary of the Arizona Water Division, and to our memoranda of April 7 and 12, 1950, to you. We have rights to impound 920 acre-feet of water at the Toroweap Wash Reservoir with priority of January 24, 1934, under Permit R-235, which was abandoned and reinstated with extension of time until August 8, 1954, in which to determine the justification for reconstruction to provide water for antelope.

The Toroweap Reservoir would be largely an evaporation basin if restored to full capacity, and presumably will be reconstructed with reduced capacity. Therefore, if the S&MC spreader dams are on a drainage tributary to the old reservoir, it would be worth while to transfer part of the original capacity and water right capacity to any of the spreader dams which can be used for the same purpose, more or less permanently. On the other hand, there is no need for any water right if the ponds back of the spreader dams are all to be filled with sediment within two or three years without provision for replacement pondage. Your comments on these matters will be appreciated.

A. van V. Dunn
Chief, Water Resources Branch

By (Sgd) Gordon W. Robertson
Gordon W. Robertson
Acting Chief, Water Resources Branch

In duplicate

Copy to: Mr. Paul Miller

AvanVDunn:sh

C O P Y

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

In reply refer to:
L54 GRAM

April 25, 1950

Memorandum

To: Superintendent, Grand Canyon

From: Acting Regional Engineer

Subject: Water Right Application No. R-454, Permit No. R-235, Toroweep Valley Wash, Grand Canyon National Monument

There is attached a copy of Mr. Tolson's memorandum dated April 12, on the above subject, and State of Arizona voucher for reimbursement to be signed by you, covering a refund of the $2.00 unearned recording fee which was made by the park on September 20, 1935.

The procedure outlined by Mr. Tolson will be followed by you for record purposes.

(SIGNED)

John H. Diehl
Acting Regional Engineer

In duplicate

Attachments 3

Copy to: Director

04-12-1950: memorandum to regional director from assistant director regarding water right application no. r-454, permit no. r-235

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

In reply refer to:
L54 GRAN

APR 12 1950

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Water Right Application No. R-454, Permit No. R-235, Toroweap Valley Wash, Grand Canyon National Monument

Enclosed is copy of a letter of March 24 from Mrs. Duncan, Secretary of the Water Division, Arizona State Land Department, and Voucher for Purchases and Services Other Than Personal in the amount of $2.00 comprising a claim for reimbursement of unearned recording fee for Certificate of Water Right not issued.

In accordance with the request contained in our letter of March 16 to Mr. W. W. Lane, State Land Commissioner for the State of Arizona, an Order was entered by him in connection with the application referred to above, to extend the time until August 8, 1954, for completion of the project; and to August 8, 1955, to apply the water to beneficial use. An executed copy of this Order has been placed in our Water Right file for record purposes.

As it is no longer the policy of the State of Arizona to accept fees for service until such time as they are in a position to perform the service, it will be necessary for Superintendent Bryant to make application for refund of the $2.00 unearned recording fee which was paid by the park on September 20, 1935. At such time in the future when the Service is in a position to submit proof for the issuance of a certificate of water right, it will be issued by the State of Arizona upon payment of the recording fee.

The enclosed refund voucher should be executed by Superintendent Bryant and forwarded promptly to the Water Division of the State Land Department, Phoenix, Arizona, to effect refund of the $2.00 unearned recording fee which was submitted with the application for Certificate of Water Right referred to above. The refund when received should be deposited to the credit of miscellaneous receipts under Symbol No. 5590, Repayments, Lapsed Appropriations.

(SGD) HILLORY A. TOLSON
Assistant Director

Attachment
In duplicate

Copy to: Mr. Coffman (each with copy of
Mr. Doerr (Mrs. Duncan's letter
Mr. Price (of March 24
Mr. Dunn
Mr. Douglas BIDouglas:as

04-07-1950: memorandum to regional director from chief regarding extension of time in connection with water right application no.

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

In reply refer to:
L54 GRAN

April 7, 1950

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Branch

Subject: Extension of Time in Connection with Water Right Application No. R-454, Permit No. R-235, Grand Canyon National Monument

Enclosed are two copies of an order signed by the Deputy State Land Commissioner of Arizona granting an extension of time in which to make restoration or reconstruction of the above reservoir. A copy of the order should be inserted in each of the assemblies of Grand Canyon National Monument Deed 9 in your office and at the Monument.

This extension has been obtained pending your final decision with regard to the introduction of antelope in the same area. The original reservoir, as you know, was unable to hold water because of the activities of gophers. In addition, it was a long-time storage reservoir with excessive evaporation in proportion to the amount of water to be used by the stock grazing under special use permits.

If you find it desirable to restore this reservoir or to provide additional reservoirs in lieu of part of the original storage, for the benefit of potential antelope range, please supply us with plans and locations of all of the stock watering reservoirs or tanks so proposed at your earliest convenience. We will then see what action can be taken to distribute the original priority of rights under Permit R-235 to the facilities which may be provided for the antelope.

If you finally decide not to introduce the antelope and wish to abandon Toroweap Wash Reservoir as originally planned, we should also know that if possible before August 1954.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

Attachments 2

In duplicate

AvanVDunn:sh

03-22-1950: memorandum to director from regional engineer regarding water right application no. r-454, permit no. r-235

WR Copy

In reply refer to:
L54 GRAM

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Region Three
Santa Fe, New Mexico

March 22, 1950

Memorandum

To: Director

From: Regional Engineer

Subject: Water Right Application No. R-454, Permit No. R-235, Toroweap Valley Wash, Grand Canyon National Monument

In Mr. Wirth's memorandum of March 16 relative to the extension of time for the perfection of water rights under Water Right Application No. R-454, Grand Canyon National Monument, he inquires as to the status of the proposed permit for the Arizona State Game and Fish Commission to establish antelope on the Monument.

You are referred to your copy of Mr. Tillotson's letter of March 10 to Mr. Kimball, Director, Arizona State Game and Fish Commission, in which definite decision as to the matter is postponed for at least a year, until further study can be made of the problem.

In view of this it is suggested that an extension of time be obtained for proof of beneficial use of this water right. Done

(SIGNED)

J. R. Lassiter
Regional Engineer

In duplicate

Copy to: Supt., Grand Canyon with
copy of Mr. Wirth's
memorandum and attachments

03-16-1950: memorandum to regional director, region three from acting director regarding water right application no. r-454, permit

Extra

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

In reply refer to:
L54 GRAM

MAR 16 1950

Memorandum

To: Regional Director, Region Three

From: Acting Director

Subject: Water Right Application No. R-454, Permit No. R-235, Toroweep Valley Wash, Grand Canyon National Monument

Enclosed are two copies of a letter of March 4 from Mrs. Duncan, Secretary of the Water Division, Arizona State Land Department, with regard to the perfection of rights to the use of waters of Toroweep Lake, Grand Canyon National Monument, and two copies of our reply requesting an extension of time.

It has been a surprise to us to find that the $2.00 fee for final proof was paid in 1935, long before any proof could be made and of course long before the Water Rights Section of the Legal Division was established. If it becomes desirable to abandon the right as we have planned until recently, we shall take steps to reclaim this deposit.

We are requesting the extension of time entirely on the basis of your memorandum of October 21, 1949, and the reply of February 9 by Mr. Wirth, with regard to the re-establishment of antelope in Grand Canyon National Monument. If it is decided to grant the permit to the State Game and Fish Commission, we should be advised at once as to just what restoration may be made at Toroweep Lake or Reservoir and what other stock watering tanks may be contemplated.

It is our hope that if a smaller reservoir is provided at Toroweep Lake and additional tanks are provided, we may be able to transfer part of the rights under Permit No. R-235 with priority of 1935 to the latter. Such procedure is possible in most States, but we have not yet had occasion to attempt such action in connection with reservoirs in Arizona.

(Sgd) Conrad L. Wirth

Acting Director

Attachments 4

Copy to: Mr. Coffman (each with copy of
Mr. Doerr (Mrs. Duncan's letter of
Mr. Price (March 4 and copy of
Mr. Dunn (our reply

In duplicate

AvanVDunn:sh

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

In reply refer to:
L54 GRAM

MAR 16 1950

Mr. W. W. Lane
State Land Commissioner
Phoenix, Arizona

My dear Mr. Lane:

By letter of March 4, Mrs. Duncan, Secretary, Water Division, has called our attention to the proof that is due under Water Right Application No. R-454, Permit No. R-235, covering the Toroweep Lake Reservoir in Grand Canyon National Monument.

This reservoir was constructed in 1935 with a capacity of 920 acre-feet, to provide water for wildlife and a limited herd of stock which was grazing the Monument under special use permits. The reservoir was formed by the construction of earth dikes around a natural depression.

The capacity was determined to provide carry-over water for a number of years, due to the frequent cycles of a number of years with little or no precipitation. The result was that the design provided for considerable evaporation loss in order to have a relatively small amount of water for stock and wildlife at the close of a dry cycle. It happened, however, that the scarce water also attracted large colonies of gophers and it became increasingly difficult to prevent excessive seepage losses through their burrows. In addition, the National Park Service has embarked on a program to eliminate the grazing by degrees over a number of years. Accordingly, it was decided to abandon the project and use only such water as collected in the natural depression.

During the past six months, however, the State Game and Fish Commission has been negotiating with us with a view to introducing antelope in the area together with the provision of necessary watering tanks. The matter has not been settled, but this has reopened the question of restoring some artificial storage in the Toroweep Reservoir.

Even if the State Game and Fish Commission were to operate the antelope range, it would be the policy of this Service to have any necessary water rights perfected in the name of the United States. It would be advantageous to retain the priority already

established under Water Right Permit No. R-235. It will take considerable study to determine how far the established right could be used after the advisability of introducing antelope is determined.

Accordingly, it is requested that the United States be granted an extension of time in which to reconsider the water problem. A period of several years would be desirable.

Sincerely yours,

(SGD) CONRAD L. WIRTH

Conrad L. Wirth
Acting Director

Copy to: Regional Director, Region Three (2)
Mr. Coffman
Mr. Doerr
Mr. Price
Mr. Dunn

AvanVDunn:sh

W. W. Lane
State Land Commissioner

Office of
STATE LAND DEPARTMENT
STATE OF ARIZONA
PHOENIX, ARIZONA

Water Division

March 4, 1950

United States Department of Interior
National Park Service
Washington 25, D. C.

Re: Application No. R-454, Permit No. R-235,
Toroweap Valley Wash, stored in Toroweap Lake,
U. S. Department of Interior,
Grand Canyon National Park

Gentlemen:

Our records show that the former State Water Commissioner granted an extension of time in the above captioned permit until August 8, 1944, within which to make complete application of water to beneficial use.

At the time, Mr. Perry E. Brown, Acting Superintendent of the Park, felt that repairs on the reservoir could be completed within a year following the close of World War II.

In case the Park Service is ready to take Certificate of Water Right, we enclose form for filing Proof of Appropriation of Water partially filled out from our record of the permit in this case, which should be completed as indicated and returned to us following which the State Land Commissioner will issue a certificate.

The recording fee for certificate was paid in advance in this case on September 20, 1935, and we have carried this fee in our suspense fund all these years. Should, for good cause, the Park Service is not able to apply for certificate at this time, and desires a further extension of time by Order of the Commissioner, please so advise us.

Provided you are still in need of additional extension of time, we would appreciate your signing and executing the enclosed claim against the State of Arizona in the amount of $2.00 and return to us so that we may put it through the State Auditor's office for reimbursement to the Park Service of an unearned fee.

It has been our policy for some years not to accept fees until we are ready to earn them, and this old permit is one among four other permits representing a $2.00 advanced and unearned fee which we would like to stop carrying on our books from year to year. Then when the Park Service is ready to submit proof toward the issuance of a certificate we will for the fee.

Trusting we may hear from you at an early date regarding this matter,

Sincerely yours,

/s/ Tessie I. Duncan

Tessie I. Duncan
Secretary, Water Division
State Land Department of Arizona

d
Enclosures
cc to: Superintendent, Grand Canyon National Park, Grand Canyon, Arizona

02-09-1950: memorandum to regional director from assistant director regarding re-establishment of antelope

CARVER
In reply refer to:
4664 GRAN

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

FEB - 9 1950

Memorandum

To: Regional Director, Region Three

From: Assistant Director

601

Subject: Re-establishment of antelope in Grand Canyon National Monument

Your memorandum of October 21, 1949, and accompanying draft of proposed cooperative agreement between the Superintendent, Grand Canyon National Park, and the Arizona State Game and Fish Commission providing for restoration by the Commission of the Toroweap dam and reservoir in Grand Canyon National Monument as a water supply for wildlife, particularly the American pronghorn, have been carefully reviewed in this Office.

No citation of authority for the proposed agreement is contained in the draft submitted, nor are we able to supply such a citation. Regardless of the apparent absence of any specific legal authority for a cooperative agreement of this character, however, we believe that the matter more properly should be made the subject of a special use permit authorizing the State Game and Fish Commission to repair the dam without cost to the United States. No charge should, of course, be made for such a permit. The permit may contain such special conditions as may be deemed appropriate in the circumstances, although we see no need to include the statements of policy contained in the draft of cooperative agreement. If desired, the Service's policies with reference to future administration of the area could be made a matter of record in correspondence with the Commission relating to the permit.

Before proceeding with the issuance of the permit, we think you should secure specific engineering data regarding the cost of restoring the dam and the annual expense of maintaining the reservoir, if you have not already done so. Presumably, the Commission would have no objection to submitting its engineering plans to the Service before work is initiated. This probably should be made a special condition of the permit.

Although in his memorandum of October 14 Acting Superintendent Garrison states that Water Right Permit No. R-235 has lapsed, we are inclined to believe that a better description of the situation is that the water right is not in good standing but could be reinstated and amended, if necessary, to cover the contemplated development. At the proper time, the Water Resources Branch, Development Division, will take appropriate steps to reinstate or adjust the water rights originally covered by Permit No. R-235. The special use permit to be issued to the Commission should include a provision relating to the perfection of water rights.

With regard to grazing in the Monument, we assume that full consideration has been given to the effect of the re-introduction of antelope in the Monument in relation to the grazing of domestic stock now under permit, but we would like to have your and Superintendent Bryant's comments on this subject. In any event, it is believed that we should concentrate on the acquisition of private lands in Toroweap Valley at the earliest possible date. This is, of course, essential to the whole Monument program.

While we realize that it may be somewhat late to comment upon the over-all feasibility of the proposed plan, we feel that we would be remiss if we did not give you, even at this late date, the benefit of our considered views in this regard. The following comments therefore are offered in the hope that they may be of some help in working out a solution of the problem that will not jeopardize our good relations with the Arizona game authorities and at the same time enable us to carry out established policies with regard to preservation of Monument values.

There was no indication in the draft of agreement as to the number of antelope that will be restocked. In a memorandum of October 26, 1948, Superintendent Bryant mentioned 25 as a possibility. Size of the plant is extremely important. Some guarantee of the adequacy of the stocking should be given.

Distribution of water is a highly important factor to antelope. Water is very necessary to their welfare. The one tank in Toroweap Valley will not be sufficient in all likelihood. No one can predict what areas the antelope will prefer after release. They may shun the region near Toroweap Lake.

The range over much of Soroweap has not improved materially since being severely over-grazed. Its condition as described in recent Soil and Moisture Conservation reports is not favorable to maintaining antelope.

An extensive tank or "lake" is definitely a man-made intrusion in this area. A water supply adequate for antelope would be small and inconspicuous and probably could be tolerated. An artificial lake for waterfowl will be conspicuous and out of keeping with the surroundings as well as difficult to maintain. Furthermore, the cost in landscape disturbance if not in money seems too much to pay for the attraction and maintenance of a wildlife aggregation which is out of place in this arid environment.

It is unfortunate that this program could not have been studied more adequately earlier in its evolution.

(SGD) CONRAD L. WIRTH

Assistant Director

In duplicate

Copy to: Mr. Doerr
Mr. Coffman
Mr. Vint (Mr. Dunn)
Mr. Price

HKSanders:hh

11-01-1949: letter to chief engineer and acting chief of development from nps regarding re-establishment of antelope

In reply refer to:
W4664 GRAM

Mr. Sanders, through Chief Engineer and Acting Chief of Development

November 1, 1949

Mr. Dunn

Re-establishment of antelope, Grand Canyon National Monument, and use of Toroweap Wash Reservoir for which the United States initiated water rights January 24, 1934.

You ask if I have any suggestions on the subject of the proposed agreement between the Arizona State Game and Fish Commission and the National Park Service. Most of the agreement, relating to management and prohibition of fishing, and such features, seems largely superfluous in connection with Federal administration of its own reservation, but I should really reserve any comments thereon until after Messrs. Doerr and Cahalane give their comments.

The agreement does seem to constitute a potential permit under which the State Game and Fish Commission could reconstruct the Toroweap Reservoir and obligates the United States to continue to maintain and operate it after completion. The only reason that the original reservoir is no longer in operation is that gophers and floods caused damage with which the United States could not cope with its limited maintenance funds. We should have a more specific engineering report from the Region on what is involved in the construction and maintenance before the Director concurs in the recommended cooperative agreement.

Subject to verification by Mr. Cahalane, it is my understanding that antelope require almost no water. As a further matter of sanitary engineering, it will be desirable to maintain fish in the reservoir as scavengers and for mosquito control. Whether it would be necessary to stock the reservoir would depend on the number of fish-eating birds which use the reservoir as a feeding and resting place.

In connection with the former point, the original reservoir impounded 920 acre-feet, of which a relatively small amount was needed for the watering of stock and existing wildlife. A far greater quantity of the water was consumed or lost through the evaporation and seepage until gophers introduced deliberate drainage problems. Therefore, I have always considered that the design of the reservoir was inefficient, if not wasteful of water, and should be completely modified if it was ever reconstructed. Therefore, I think this Service is more in need of construction plans and permit if the State is to consider reconstruction, rather than an over-all entanglement in the administration of the area, where the situation is already complicated by the existence of adjacent private land, private water rights, and stock grazing and watering activities.

In his reference material of October 14, Mr. Garrison points out that the Federal water rights under Permit No. R-235 have lapsed. Because of the peculiar situation in which Arizona is fighting to

claim the maximum of the water tributary to the Colorado River, I am inclined to believe that a better description is that the water right is not in good standing. I think it can be reinstated and amended if necessary, to cover any development contemplated by the agreement.

From these observations, I recommend that the matter be referred to the proper Divisions for definition of any grazing interests and the determination of how much wildlife is dependent on water at what is left of the Toroweap Lake or Reservoir. The Water Resources Branch will then reinstate or adjust the rights originally covered by Permit R-235.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

AvanVDunn:sh

C O P Y

GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA

June 26, 1946.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Acting Regional Director Scoyen's memorandum of June 4, with enclosure carbon copy of a memorandum dated May 24 from Acting Director Miller, pertaining to an excerpt from our monthly report for April relative to Grand Canyon National Monument.

The reference to the run-off into Toroweap Lake was merely informational, and was not intended to imply that utilization was being made of the abandoned Water Right Permit No. 235. Damage to the improvements constructed under this Permit has been so extensive that no water, other than was originally impounded in a small area, can be caught and held. Until such time when funds may become available for necessary repairs and improvements no beneficial use can be proved, the project should be abandoned.

As to the "Valley Tank" reference, I might explain that this is an old tank, constructed several years ago, in Section 12 - T 33 N - R 8 W; and was merely mentioned to indicate available water for grazing permittees and our own stock. It impounds run-off water only and is periodically dry.

The "Heaton Tanks" mentioned in our report as having been started in March, are being constructed by the permittee with the permission of this office, to impound run-off water to serve grazing stock under permit. One is located in Section 12 - T 34 N - R 7 W, and the other is on the south line of Section 17 - 7 34 N - R 6 W. It would not seem that a water rights filing is required, and it was our request that fencing be constructed to preclude use of the water after grazing permit time had expired.

The development of Saddle Horse Spring is a Service project to provide water for our own stock when Toroweap Lake bed dries up. The only improvements made to date have been to clean around the spring to provide an intake for the one-inch pipe line which has been laid from the spring to the existing stock trail, a distance of 300 feet. A small pump and gas engine were installed to lift the water about sixty feet into four 55-gallon water barrels.

We have requested our Custodian to secure more detailed information concerning the spring, as there seems to be a question as to whether or not it has a continual flow, and therefore subject to appropriation and the filing of water right application.

As soon as this information is available, we shall advise you.

H. C. Bryant,
Superintendent.

CC: Custodian - GCNM

Mr. Van Dunn

JUN 10 1944

C
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UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Grand Canyon National Park
Grand Canyon, Arizona

June 6, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Hydraulic Engineer Dunn's memorandum of June 1 to you (copy of which was air mailed to this office) concerning posting of notices of appropriating water.

On February 27, 1937, former Superintendent Tillotson wrote the Director (a copy of which was sent Attorney Taylor) in substance that the posting of notices was not required "except in unusual cases involving the appropriation of large quantities of water and where there was likely to be controversy." This is substantiated by a letter from former State Water Commissioner Stewart under date of February 17, 1937.

No posting or advertising has been done by this park in connection with any Water Rights Applications.

(sgd.) John M. Davis
John M. Davis,
Assistant Superintendent.

06-05-1941: memorandum to superintendent from associate attorney regarding recently enacted amendment to the arizona water

601 Sheldon Building

June 5, 1941

MEMORANDUM for Superintendent Kittridge,
Grand Canyon National Park:

In response to your inquiry of May 27 concerning the purport of the recently enacted amendment to the Arizona Water Code known as Senate Bill No. 55, will state that you are correct in being of the opinion that it does not affect our present filings. It accomplishes the purpose for which we were striving in 1936 and 1937 under Superintendent Tillotson. In other words, we can now file for water rights for fish and wildlife purposes and use some of the designated natural reservoirs mentioned in our preliminary water rights survey of Grand Canyon.

I believe the Water Commissioner and the Water Rights Section will both be gratified to make use of the new law to enable us to make further water right filings for the protection of wildlife there.

[redacted]

Associate Attorney

cc: Regional Director, Region Three
Director

AJ:as

FILE COPY

05-24-1946: memorandum to regional director from nps regarding superintendent's monthly narrative report

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

May 24, 1946.

MEMORANDUM for the Regional Director, Region Three.

In the Superintendent's Monthly Narrative Report for April for Grand Canyon National Monument, we note the following statement:

> "During the heaviest of the showers on April 2, some water ran in Tuweap Lake, but the valley tank failed to catch any; however, the tank has enough water for the next month and a half for the Monument stock ... The Heatons began construction of the tanks on Toroweap Point on the 27th of March and April 2 ... No fencing of the tanks has been done to date ... Pipe was laid from Saddle Horse Spring to the head of the trail where it can now be connected to a stock tank."

We are surprised to find any particular reference to the Tuweap or Toroweap Lake. Our reply of January 18, 1944, to your memorandum of December 28, 1943, approved your recommendation that the remains of the dam be abandoned. We have accordingly considered that the whole development, including the water rights under Permit No. 235, Deed No. 9, has been abandoned. If there is any plan to impound water for wildlife at this site, it will be necessary to reinstate the permit, and this Office should be so advised.

We should also like to have a more detailed explanation as to the recent construction of tanks by the Heatons. It is assumed that these tanks are on Federal land and that they are being built in connection with one of the grazing permits. However, we are not aware of any permit authorizing fencing and we believe that any water developments which are made should be kept open to all stock and wildlife in the area. We also believe that any water rights relating to permittees' stock watering should be perfected by the United States. Particularly since we have abandoned claims to Toroweap Lake, we should not permit private monopolistic control of any other water in the vicinity.

Saddle Horse Spring is subject to appropriation under the Arizona water law. Assuming that the pipe line and tank are being constructed by this Service, the plans should be submitted to this Office so that an application may be filed for a water right. If, for any reason, the diversion is being made by the Heatons, or other stockmen, the preceding statements regarding the tanks on Toroweap Point would

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

apply. If this Service is to file the water right application, the plan must show a tie from a section corner to point of diversion. If a section corner tie cannot be made easily, a tie to some prominent landmark would be acceptable. We should also know the size, and control grade of the pipe line, size and type of stock tank, and approximate number of head of stock and wildlife to be watered. The spring flow will also be helpful if available.

(SGD) HUGH M. MILLER

AyVD:sh. Acting Director.

In duplicate.

cc: Mr. Dunn.

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

May 4, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Davis' memoranda of April 21 returning your copy of Grand Canyon National Monument Deed 9 to this office and advising you that another extension of time must be requested by August 8 because of inability to make repairs.

We enclose your copy of said deed which is now identical with that in our files here. Its loss, therefore, would merely mean that one more assembly would have to be typed up. However, clipped to the left-hand page of the folder are two letters which I suggest you return to your letter file, and a map which is destined for the Director's or Park assembly.

Apparently Mr. Davis does not seem to have understood that the original assembly in the Park files, with State Water Commissioner's signatures on permit, and orders granting extension of time, should be sent to Chicago in exchange for the carbon copies now in that file. However, now that it is so near the time we are supposed to move to Chicago, it is suggested that the exchange be deferred until July when I can attend to the work there.

Mr. Davis also seems to have overlooked the fact that this water claim is supposed to have been abandoned. The Chief Counsel has not indicated which of the two methods of abandonment outlined in my memorandum of February 16 we should follow, but if no advice is received I suggest we do nothing until a notice is received from the State Engineer. We can then reply that the Service has decided to abandon the claim. That notice and the reply should then be duplicated and inserted in Deed 9 (4 copies all told).

We enclose two extra copies of letters of September 11 and November 10, 1942, for the Director's and Park copies of deed.

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 433.

✓

03-28-1946: memorandum to engineer from nps regarding new voucher for your signature, covering the charges of $5.00 for bluep

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 28, 1946.

Mr. C. H. W. Smith,
Engineer, Water Division,
State Land Department,
Phoenix, Arizona.

My dear Mr. Smith:

As requested in your letter of March 19, we enclose a new voucher for your signature, covering the charges of $5.00 for blueprints of maps accompanying water right Applications R-102, R-103, R-693, R-773, R-860, R-862, A-2673, and A-2674.

Application R-454 was filed before this Service established a Water Rights Division and apparently before the State Water Commissioner required that the tracing be filed with the application. We have the tracing in our regional office files as you suggest.

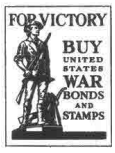
I wish to thank you for the additional information which you supplied where tracings were not available for prints. This information is adequate for the present purposes, but I wonder if it would be possible to obtain photostats of the paper drawings at a later date if necessary.

Sincerely yours,

(SGD.) A. VAN V. DUNN

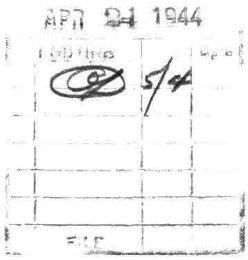
A. van V. Dunn,
Chief, Water Rights Division.

AvVD:sh.
Enclosure 401.



04-21-1944: memorandum to regional director from nps regarding water right application r-454

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA



April 21, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Associate Director Scoyen's memorandum of March 13, pertaining to Water Right Application R-454, Toroweap Wash Reservoir, Grand Canyon National Monument, with enclosure of Region Three's folder on this project.

As requested, a thorough check of our file in this matter has been made and the only document not contained in your file is the "Notice of Complete Application of Water to a Beneficial Use", a copy of which has been inserted. This notice was submitted with our letter of February 1, 1941 to the State Water Commissioner in support of a request for a further extension of time in which to complete the project. This request was granted on July 6, 1942, extending the time to August 8, 1944.

Due to our inability to make the necessary repairs until after the war, a further extension of time should be requested before the expiration date of our present "Order", August 8, 1944.

Your folder is today being transmitted to Mr. Dunn with a copy of this memorandum.

(SGD.) JOHN M. DAVIS

John M. Davis,
Acting Superintendent.

cc: Hydraulic Engineer Dunn, Region Four.



03-13-1944: memorandum to superintendent from nps regarding water right application r-454, permit r-235, covering the toroweep

MAR 16 1944

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

March 13, 1944.

MEMORANDUM for the Superintendent,
Grand Canyon National Park.

Enclosed is copy of memorandum of February 16 from Hydraulic Engineer Dunn, relating to Water Right Application R-454, Permit R-235, covering the Toroweep Wash Reservoir, Grand Canyon National Monument. Also enclosed is Form L-1, relating to the above, for your files.

As suggested by Mr. Dunn, the folder he speaks of is loaned to you. It has been added to in this office by the inclusion of a print of drawing NM-GC-4978 and copies of some missing memoranda from our files. An extra copy of the map is enclosed for your use, and with a copy of this memorandum, a print is being forwarded to the Director.

It is requested that if possible you complete the folder by insertion of the copies of the missing instruments shown by Mr. Dunn on the yellow half sheet of paper in the folder, and any others as mentioned in Mr. Dunn's penultimate paragraph. For uniformity of records, you should make up a copy of the folder as then constituted.

The enclosed folder should then be returned to Mr. Dunn for his final check. He can then state what originals of instruments should be exchanged between the Director's Office and the Park and what other procedure if any may be required, especially if the Director's Office has by then cleared up points one and two of Mr. Dunn's memorandum.

(SGD) E. T. SCOYEN
E. T. Scoyen,
Associate Regional Director.

Enclosure 2878855
cc: Director w/Encl.
Hyd.Engr. Dunn, Reg. Four

02-16-1944: memorandum to regional director from nps regarding grca deed 9, water right application r-454, permit r-235

601 Sheldon Building

February 16, 1944.

MEMORANDUM for the Regional Director, Region Three.

We enclose a partial assembly of Grand Canyon National Monument Deed 9, Water Right Application R-454, Permit R-235, covering the Toroweap Wash Reservoir, and also the copies of Form L-1 relating thereto for the files of the Director, Region and Park.

The right is to be allowed to lapse in accordance with Mr. Moskey's memorandum of January 18, 1944. It is therefore proper to complete the instrument and drop the matter. A copy of this memorandum, however, should go to the Director for clarification of two points:

1. Does the Chief Counsel recommend that we make a formal declaration of abandonment now, or wait until forced to do so after August.

2. Should we keep the instrument as a dead "Deed" or segregate it as an abandoned right and index it on some form other than L-1. It would be easy enough to cancel the deed now, in this case, and make the same number available for future land or water right acquisition, but there are other cases of the same type which will arise where cancellation would leave gaps in the deed series of numbers. One right at Lassen may be abandoned during the next five years, but certainly not now. One has already been allowed to lapse at Grand Canyon.

The enclosed assembly is in the form that Region Four has adopted, folder and all. It is an exact copy of that in the Director's office (when completed) except that the latter is merely stapled together and inserted loose in a slightly different type of folder. This method, however, is not required if you prefer another which will keep the record as a unit.

It is requested that you obtain prints of drawing NM-GC-4978 for the Director, Park and your own files as you have this tracing. Then attempt to complete the rest of the data from your letter file as indicated. The Park should send you the originals of the same instruments to forward to the Director.

FILE COPY

The Director is supposed to return similar copies of the instruments for the Park, but we may have to make some extra copies because I am not sure that the Director's file is complete even excepting the map. I could not determine just what should be in this or other deeds while in Chicago because I did not have our copy as a model and there are no two water rights which develop exactly the same.

You will note, too, that I am still a little in the dark as to progress reports because some precede the creation of this Section, and some of our suggested copies were never dated and noted as signed when transmitted by the Park. It is suggested that you lend the unclosed assembly to the Park when you get it as complete as possible, and ask Mr. Bryant to use it as a guide but add any additional instruments which show development which I may have overlooked.

The final objective is to have identical assemblies in Chicago, your office, the Park, and this office, with permits and orders actually signed by the State Water Commissioner in the Director's assembly. The method of routing suggested here is not the best to assure identity and it may be that all data will want to be returned here for final check, but by circulating the model we will be able to understand each other better when assembling later deeds. It does also indicate what is wanted for all Grand Canyon National Park rights except that there are also licenses for some of them.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

Enclosure 355.

01-18-1944: memorandum to regional director from remains of the impounding dam regarding

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

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

January 18, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to your memorandum of December 28, 1943 regarding the remains of the impounding dam in Toroweep Wash, Grand Canyon National Monument.

We approve your recommendations that the remains of the Dam be abandoned. Under present conditions, it appears that the material not washed out should be allowed to remain undisturbed. The remaining portions of the Dam, however, present a rather unnatural feature, and we should like to reserve judgment on final disposition. It is possible that under the postwar program, sufficient resources in funds and man-power might be available to undertake an obliteration project and at the same time protect the surrounding area.

(SGD) C. A. Moskey
Acting Director.

In duplicate.
cc: Mr. Van V. Dunn.

12-17-1943: memorandum to regional director from nps regarding impounding dam in grca

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

December 17, 1943.

MEMORANDUM for the Regional Director, Region Three.

Hydraulic Engineer A. van V. Dunn advises that the Toroweap Wash impounding dam in Grand Canyon National Monument must be reconditioned or abandoned. There is no proposal in the Project Construction Program for this item, and it is requested that you get in touch with Mr. Dunn to determine his opinion in regard to water rights and then take appropriate action to include a proposal in the program, unless it is decided to abandon the dam in question. Please advise this Office of the action taken.

(Sgd) Hillory A. Tolson
Acting Director.

cc: Mr. Burney.
Mr. A. van V. Dunn.
Mr. Vint.
In duplicate.

11-05-1943: memorandum to mr. moskey from nps regarding dam at toroweep wash

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Chicago 54, Illinois

November 5, 1943.

MEMORANDUM for Mr. Moskey.

In looking through the files for water right instruments, I have found a letter from Mr. Richey to the Director of July 8 with regard to the dam at Toroweap Wash in Grand Canyon National Monument.

As written, the memorandum seemed to be a matter for the Branch of Lands and Fish and Wildlife Service. It does not seem to have reached either the Branch of Engineering or your office. We have a water right application covering this Toroweap Wash, and have been unable to perfect it; first, because the dam would not hold water, and now, because it is washed out.

We have until 1944 to prove up under the present extension of time. We can probably obtain another extension of time, but the claim even lapsed before the Water Rights Section was created, and we reinstated.

The original dam was supposed to impound 920 acre feet of water, far more than we could ever use. If the National Park Service is to use any water there, we need a right and to perfect this right every effort should be made to complete a dam. Since this cannot be done until after the war, a decision should be reached as to the height of the reconstructed dam, quantity of water which should be impounded, and a plan prepared to define what part of the original claim we wish to preserve.

A. van V. Dunn,
Hydraulic Engineer.

cc: Mr. Wirth.
Mr. Cahalane.
Mr. Dunn.

JUN 23 1943
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June 23, 1943.

MEMORANDUM for the Regional Director, Region Three,
National Park Service.

Attached is a copy of a letter of November 19, 1942, from Hydraulic Engineer Dunn of the Water Rights Section, Region Four Headquarters. We can find no indication that action has been taken on the subject of the impounding reservoir in Toroweap Wash, Grand Canyon National Monument.

The condition of this very large impounding dam is said to be poor, and some action on it would seem to be in order when funds and labor become available. Probably this will not be possible until the end of the national emergency. At that time the National Park Service will continue its policy of eliminating grazing of domestic stock from the monument. It would appear, therefore, that complete elimination of the dam and return of the earth material to nearby borrow pits and excavations in the floor of the reservoir would be in order.

It is suggested that this matter be taken under consideration by Mr. Ratcliff and Superintendent Bryant.

(SGD) V. H. Cahalane

Victor H. Cahalane,
In Charge,
National Park Wildlife.

Enclosure 2541866.
cc: Regional Director, Region Four. (NPS)

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.

C O P Y

November 19, 1942.

MEMORANDUM for the Director.

We had a visit yesterday from Harold Ratcliff, Ecologist, on his way through from Lava Beds to Joshua Tree, during which he outlined some of his work, more for my interest as an old acquaintance than for business reasons. However, it was discovered that his activities will be extremely beneficial to the water rights problem in many cases.

As an example, it was discovered that he is scheduled to make a study of the grazing problem at Grand Canyon National Monument some time in the relatively near future. In this monument we have a water right application covering the Toroweap Wash impounding reservoir. This reservoir was formed by the construction of two dams to catch flood waters in a dry draw. Since construction, gophers have damaged the dam to the point where no water is impounded other than that which was originally impounded in the natural depression before the dams were constructed, and the water right application cannot be converted to a final license until the dams are repaired. The quantity of water impounded would be some 900 acre-feet if the dam were in good order. Only a few acre-feet are impounded and retained under the present conditions.

The impounded water is primarily for stock watering. If the fully capacity were impounded there would be nearly 300,000,000 gallons, and with cattle and horses drinking somewhere between 10 and 12 gallons per head per day, and sheep drinking only $2\frac{1}{2}$, there would be water for a gigantic herd in the vicinity even if half the water were lost by evaporation during the summer. Also the permits for this area at the time involve watering of only about 100 head of cattle, though this seems to be somewhat variable from year to year.

Using this case as an example of the general problem, it would be extremely desirable if Mr. Ratcliff would determine exactly how many head of cattle can be watered from this reservoir on the basis of radius of range from the reservoir, including therein the number of head so grazed on the basis not only of range area radiating from

the reservoir, but also the number of acres required per head per year; in other words, answering his own problem of how much stock could be allowed to graze within the proper radius of the reservoir under permit. The dams then should be repaired to impound at least enough water for this stock and the water to cover natural evaporation and seepage, and it might be appreciably less than the original 930 acre-feet. The next problem would be to reconstruct the design of the dams and repair them, perhaps by lowering the crest elevations and thickening the dikes so that gophers would be less able to burrow clear through.

We must make some form of report on the progress of repairs or request an extension of time by August 8, 1944, and will probably ask for an extension of time because of war conditions. However, during the period between now and the end of the war, the final design and the ultimate demand for stock watering should be determined in order that we can decide whether to reduce the claim originally filed so as to permit final proof of full beneficial use at the first opportunity. Also, if the full use or, in other words, the approval of extensive grazing, is only to be for the duration of the war, the dams should be repaired and the full use made and approved during the war in order to obtain the license.

This is cited as a typical example, but the same problem will probably arise in many other areas such as Organ Pipe Cactus and other areas, particularly in the Southwestern States, and where permits are granted to graze stock the Park Service should also have the water rights to permit stock watering.

(Sgd.) A. VAN V. DUNN

Hydraulic Engineer.

cc: Region Two.
Region Three.
Region Four.
Supt., Grand Canyon.
Supt., S.W.Monuments.

06-01-1943: memorandum to superintendent from nps regarding water development at toroweep lake

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

JUN 4 1943
ROUTING | Date
6/4
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June 1, 1943.

FILE

MEMORANDUM for Superintendent Bryant,
Grand Canyon National Park.

Reference is made to the enclosed memorandum from Mr. Dunn, dated May 24, concerning the water development at Toroweap Lake in Grand Canyon National Monument.

The second paragraph of Mr. Dunn's memorandum is rather misleading, in that he has made a slight misinterpretation of the number of cattle that would be grazed in the valley. The entire 112 head would be in the valley for a three months period but only 45 head would normally water at Toroweap Lake as the remainder usually water at the tank in the upper end of the valley. This would affect the number of antelope that could be placed in the area, but would not affect the number of cattle using water at Toroweap Lake.

The suggestion of an alternate plan of storage tanks and float valves appears to be too costly for value received. The next suggestion might be to enlarge the present tank in the old lake bed to hold a larger supply of water rather than an expensive water storage development for the area.

Chas. A. Richey
Acting Regional Director.

Enclosure - 2857724
cc.- Regional Director, Region Four,
(Attention Mr. Dunn.)

601 Sheldon Building

May 24, 1943.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Ratcliff's memorandum of May 17, 1943, with regard to grazing in Toroweap Wash at Grand Canyon National Monument.

If I understand the explanation, the valley can support about 112 head of cattle which would require 1120 gallons of water a day. Since only 45 head are grazed, the equivalent of 67 head can be replaced by antelope.

Cattle require about 10 gallons of water per day. I assume that antelope, like sheep and goats, need only about 3 gallons per day. I am not sure whether antelope need proportionately less feed as well as water, but if they do or can go further for water, the area can support 45 head of cattle for 3 months and 300 head of antelope a year, all with a daily water demand of 1120 gallons.

Drawing NM-GC-4978 shows the original capacity of Toroweap Lake, after the dams were built, as 920 acre feet. With an evaporation of 5 feet per year this loss would be about 590 acre feet, leaving 330 acre feet for stock and game watering. This 330 acre feet converts to 107,811,000 gallons. This is 264 times the 408,800 gallons needed by cattle and antelope.

On the other hand, if the lake did not refill for a year or two the evaporation would leave the stock with no water at times. I have suggested the repair of the lake to impound the full capacity and Mr. Ratcliff now suggests it. However, from this analysis the whole idea of the lake as a watering tank seems very poor. There is too much evaporation in proportion to consumption.

As an alternate, the lake bottom might be used as a collecting basin, repairing or cutting off the "sinks" as Mr. Ratcliff suggests. Then pipe the water down the draw below dam A on aforesaid drawing to a point where covered wood stave or steel tanks of one or two million gallon capacity could be filled by gravity. These tanks, with relatively little evaporation, could be connected with small watering troughs with float valve control.

This system would conserve water. It would also assure adequate replenishment more often than now. At the same time, I am not so concerned with the type of development as with having a development plan by July 1944 when I have to decide what to do about renewal of the water right permit.

FILE COPY

A copy of this memorandum is enclosed for the consideration of the the Superintendent.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

cc: Supt., Grand Canyon.

DATE 5/24/10 Reg III

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

MAY 20 1943
ROUTING | Date
5/20
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May 17, 1943.

MEMORANDUM for the Regional Director, Region Four.

This is in reference to Mr. Dunn's request for information regarding the water requirements at Toroweap (Tuweep) Lake in the Grand Canyon National Monument, in connection with the grazing of livestock.

The lower end of Toroweap Valley has been fenced to provide a proposed antelope range and the only livestock grazing in the valley is that which is allowed in connection with the five sections of privately-owned land in the valley below the game fence. The carrying capacity of the valley has been set at 112 cattle for a three months period, December 15 to March 15, which is the number the private lands will support. Of this number, approximately 45 head is all that normally use the lower end of the valley in the vicinity of the lake. These cattle now water at a small "tank" constructed in the bottom of the old lake bed.

The cattle normally range within a radius of 3 to 4 miles from water and since the area is used in the winter months the cattle would probably use from eight to ten gallons of water per day, or an average of 450 gallons a day would be consumed by them exclusive of evaporation.

Wildlife use of the area is not high at present, there being a few head of deer which drift into the area from the surrounding higher elevations during the winter months.

If the range improves in vegetative cover so that antelope may be placed in the valley, there would be a need for yearlong water supply at this old lake bed for their use in addition to that of the cattle which are there only during the winter.

Repairs to the old lake would consist of repairing the dam and constructing a good spillway around the end of the dam through a shelf of lava rock and filling in or building new dikes at the southwestern end of the lake where "sinkholes" have developed which would cause the lake to lose a great deal of water. These repairs would enable us to provide a yearlong water supply at the lake.

It is hoped this information is what Mr. Dunn wanted and that it will be of use to him in estimating water storage requirements at Tuweep Lake.

Harold M. Ratcliff.

Harold M. Ratcliff,
Ecologist.

cc: Supt., Grand Canyon NP.

11-25-1942: memorandum to regional director from nps regarding answers the questions of beginning of construction for extensio

Mr. Dunn.

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION
SAN FRANCISCO, CALIF.

601 Sheldon Building

November 25, 1942.

MEMORANDUM for the Regional Director, Region Three.

A copy of the State Water Commissioner's letter of November 19, in reply to mine of November 16, with regard to extensions of time, is enclosed. This is a very fine explanation, although he seems to have confused Toroweap Wash Lake with some Jacobs Lake. It certainly answers the questions of beginning of construction which I did not ask directly.

It would appear that all that is needed is a frank gesture to retain priorities for systems that have not been started. His letter of November 10 now seems to have the following meaning:

Application A-1678, Grand Canyon National Park -
Extension of time granted as stated because ditch has previously been reported constructed.

Application A-1765, Grand Canyon National Park -
Protected until 1945 when further extension of time must be requested. System has been reported complete for present capacity.

Application A-1799, Chiricahua National Monument -
Already reported largely complete. Must request extension of time next September.

Application R-454, Grand Canyon National Monument -
Must request extension of time in August 1944, but it will be granted since the dam is built whether it holds water or not.

Applications A-1880 and A-1881, Grand Canyon National Park -
Seem to have been accepted as under construction due to some previous misunderstanding, otherwise they would have lapsed. Why no extension is needed this Friday is not

clear, but I suggest we wait for him to notify us of further needed action or until construction is ready to start. We may lose some priority, but can do nothing if construction is not started. The line from Bright Angel Creek to Garden Creek is too great a project and the diversion point is subject to such change by erosion that it would be better to sacrifice the priority than sham work.

(Sgd.) M. Paul V. DUNN

Hydraulic Engineer.

AwVD:SH
Enclosure 2122078.

cc: Director.
Supt., Grand Canyon.
Supt., S.W.Monuments.

06-29-1942: memorandum to superintendent from nps regarding water right application no. r-454, permit no. 235, for toroweap lak

June 29, 1942.

MEMORANDUM for the Superintendent,
Grand Canyon National Park.

Reference is made to your memorandum of June 23, 1942, with regard to Water Right Application No. R-454, Permit No. 235, for Toroweap Lake at Grand Canyon National Monument. We suggest that you send a letter to the State Water Commissioner with the following general content (if true), and request that you also send copies to the Director, Regional Director, and this office:

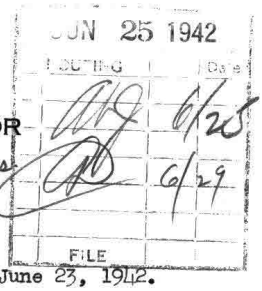
> Reference is made to Water Right Application R-454, Permit R-235, on which you granted an extension of time in which to apply the water to beneficial use until August 8, 1942, by order dated February 10, 1941.
>
> We have been having considerable difficulty with rodents which burrow into the dikes and cause leaks. Due to the defense effort early in the past fiscal year and to the war effort since December the monument funds have been too restricted to permit proper maintenance of the impounding Toroweap Reservoir. We have been unable to provide full storage and have issued grazing permits for greatly reduced herds during the past winter in consequence.
>
> At the same time we and local stockmen are extremely interested in restoring full capacity at the first opportunity. May we request a further extension of time, therefore, preferably until one year after the close of the war.

AvVD:SH

Hydraulic Engineer.

06-23-1942: memorandum to regional director from nps regarding extension of time to repair dam for application no. r-454, permit

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA



June 23, 1942.

MEMORANDUM for the Regional Director, Region Four.

Attention: Hydraulic Engineer.

Reference is made to your memorandum of June 18 concerning Application No. R-454, Permit No. R-235, for Grand Canyon National Monument.

Toroweap Lake, according to latest reports from there, has approximately one and one-half acre feet of water impounded. This no doubt is about all that it will hold without extensive repairs to the dam. Our limited appropriation for the Monument precludes any possibility, for the duration, of making these repairs.

At present we have in effect grazing permits for sixty head of stock to water for a ninty-day period.

It would seem to me that we should request a two-year extension to prove full beneficial use and perhaps by that time sufficient funds will be made available with which to do the necessary repair work to the dam and other places of erosion.

H. C. Bryant

Superintendent.

601 Sheldon Building

June 18, 1942.

MEMORANDUM for the Superintendent,
Grand Canyon National Park.

Reference is made to our memorandum of March 11, 1942, with regard to the impounding reservoir for water on Application No. R-454, Permit No. R-235, for Grand Canyon National Monument.

We were very fortunate a year ago in obtaining a reinstatement of this water right under its original priority, and it will be rather unfortunate if we allow it to lapse again this year.

We should therefore like to know whether any further repair and improvement has been made during the past year, and under any circumstances approximately how many acre-feet of water actually were impounded during the past flood season, as well as what stock has been grazed there during the past year or will be this summer to use the water. As the water right will lapse on August 6, we shall have to file such instruments as we see fit during the next month.

AvVD:SH

Hydraulic Engineer.

CC: Director.
Region Three.

FILE COPY

601 Sheldon Building

March 11, 1942.

MEMORANDUM for the Superintendent,
Grand Canyon National Park:

Reference is made to Water Right Application No. R-454, Permit No. R-235, Grand Canyon National Monument, which we reinstated last year and for which proof of beneficial use is due this August.

You will recall that the levees or dam forming this reservoir had been damaged by gophers or other rodents so that it did not hold its full quantity of water, and I further suggested last year that perhaps only a very small amount of water was beneficially used or needed.

This is merely to remind you that if we wish to request a further extension of time there should be some work done on the levees this summer and a certain amount of stock should be run in the area under your existing permits to make use of the water. We should then have a record of the amount of water impounded and the number of head of stock using it during the year, in order to prepare our request early in July or in order to report completion and full application of the water in the quantity of water which is desirable to have in the final license. This quantity of water may be less than the originally intended pond capacity if you feel it is not worth the investment to repair the whole structure.

AvVD:SH

Hydraulic Engineer.

cc: Director.
Region Three.

FILE COPY

July 23, 1941.

MEMORANDUM for the Director:

Reference is made to our memoranda for Superintendent Kittredge of January 29 and February 17, 1941, and to State Water Commissioner Wanslee's letters of May 9, 1940, and February 10, 1941, to the Superintendent of Grand Canyon National Park, and order granting extension of time, all relating to Water Right Application R-454, Permit No. R-235, for diversion from Toroweep Wash at Grand Canyon National Monument. Copies of all these papers have been sent to you.

By reference to our files we find that we have failed to furnish you with copies of the application itself, and of the notices of beginning and completion of construction and of partial application to a beneficial use. These papers are being forwarded to you herewith, and complete the files on this appropriation to date.

You will note by the order granting extension of time that we now have until August 8, 1942, to make complete application of this water to beneficial use. We wish to call your attention to the fact that this extension is also a reinstatement, since the application had lapsed. Now, the dam is said to be badly damaged by gophers so that it does not hold the full quantity of water.

It is probable that further extension of time will be hard to obtain. Hence, if any projects and funds for dam repair can be provided between now and August 8, 1942, every priority should be allowed in order to preserve as much of the right as possible.

Enclosure 2136755.

Hydraulic Engineer.

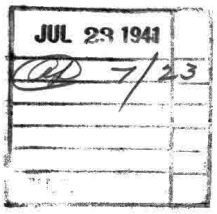
cc: Regional Director, Reg. III,
with enclosures.
Supt., Grand Canyon Nat. Park.

AvVD:SH

FILE COPY

07-19-1941: letter to nps from nps regarding notice of complete application of water to a beneficial use, water rights permit no. r-2

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA



July 19, 1941.

A. Van V. Dunn,
Hydraulic Engineer,
Region IV Headquarters,
601 Sheldon Building,
San Francisco, California.

Dear Sir:

Transmitted herewith, as per your request of July 14, 1941, a completed copy of "Notice of Complete Application of Water to a Beneficial Use, Water Rights Permit No. R-235 for the diversion from Toroweep Wash at Grand Canyon National Monument.

H. C. Bryant

H. C. BRYANT,
Superintendent.

Encls:

July 14, 1941.

MEMORANDUM for Superintendent Kittredge,
Grand Canyon National Park:

Further reference is made to Water Right Permit No. R-235 for diversions from Toroweep Wash at Grand Canyon National Monument, and to our request of July 2 that you loan to us the Notice of Application of Water to Beneficial Use which was returned to you by the State Water Commissioner on February 10. With Acting Superintendent Lloyd's memorandum of July 9 he furnished us with a copy of the order granting extension of time which was previously submitted to us with your memorandum of February 11, and neglected to forward a copy of the Notice of Application.

A typewritten copy of the desired notice is enclosed, with the request that you insert on the blank lines the dates and signatures which were added to the paper in your office before forwarding it to the State Water Commissioner, in order that we may have a true copy of the paper contained in your files. After completing this notice, please return it to us, and we will complete the copies for the Director and Regional Director which are being held awaiting transmittal.

The copy of order granting extension of time is being returned, as we already have sufficient copies thereof.

SH

Hydraulic Engineer.

Enclosure 2136749.

FILE COPY

July 2, 1941.

MEMORANDUM for Superintendent Kittredge,
Grand Canyon National Park:

Reference is made to your letter to the State Water Commissioner of June 28 regarding possible appropriation of waters for wildlife, including fish.

We shall be glad to hear what reply you receive. May we request, however, that before further steps are taken by you, we be provided with more specific information regarding the water systems you mention. We have a rather extensive list of impounding reservoirs for wildlife purposes, which was submitted to us in 1935 or 1936, and some of these now become subject to filing to legalize appropriation, even though they were not subject to such appropriation at that date. However, before the filings can be made it is necessary to prepare a map of each and fill out the application forms similar to the types used in connection with the Bright Angel Creek, Clear Creek, Indian Gardens, and other diversions for which we have already made appropriations. Considerable work will be involved.

An important case in this connection is the dam in Grand Canyon National Monument for which we recently reinstated Permit No. R-235. In this case we are now at liberty to prove up on beneficial use far in excess of the quantity discussed in earlier correspondence because we can now water deer and other wildlife, as well as the cattle, mules, and burros in the vicinity. Therefore, we may wish to reconsider our total claim, or even file supplemental claim for water in this reservoir, provided only, however, that you intend to repair the dam in such a way that the water is made available.

Further, in the case of some of the impounding reservoirs in the park itself, it occurs to us that they may have been allowed to deteriorate or fill completely since 1936 when it was found that we could not appropriate water for them. In these cases, we should be advised of the change in status since Superintendent Tillotson

FILE COPY

prepared the original list, and whether it is planned to abandon any of them or whether it would pay to enlarge them. There is one reservoir in particular several miles south and west of your Headquarters Area which has already been under discussion as conflicting with private stock watering use just outside of the park. This one should be given very careful consideration, and probably should be one of the first for which to appropriate water.

In looking over the list, with your letter of June 28, we notice that you have supplied the Water Commissioner with the flow of numerous springs, including Cliff Dwelling which is already in the stage of being appropriated for 11,000 gallons a day for domestic and municipal use rather than for wildlife purposes. At the time we made the appropriation we were advised by the park that this was all the water that was available from the spring. Your present record shows 720 gallons an hour, or 17,280 gallons a day, and it is assumed that all is probably pumped to the North Rim when available during the summer season. In other words, should we file a new claim for the additional 6,300 gallons a day available, for municipal and domestic use by the operator, or is some of the water desirable for a fish pond at or near the point of diversion?

It is my own personal opinion that many of these springs, especially one like the Basin with a flow of only 32 gallons per hour, do not flow to points where they reach any natural surface stream tributary to the Colorado River, and further, that you will not make any physical development at the area other perhaps than to clean out a small hole in which a pool may form for the use of wildlife. Such a development is not an appropriation of water in that it does not involve construction of a recognized form of water system. It would therefore be better probably not to mention such little improvement as is done to the Water Commissioner, whose records are available to others below.

The Kanabownits Spring and also the Robber's Park Spring, on the other hand, involve appreciable flows of water. If they form natural channels of surface flow which can be drunk by the wildlife and may even provide natural fish life, such use in itself is not necessarily an appropriation of water, and will continue whether appropriations are made or not. However, the flows are sufficiently great to justify possible construction of impounding reservoirs or other improvements for more extensive use, including perhaps fish rearing ponds or even domestic use. If such improvements are contemplated, we must definitely should file applications. However,

before such applications can be made, we shall need plans of the contemplated or constructed systems, their ties to your park co-ordinate grid, and data on the type of use and date of first use if it is already begun.

In any case, the number of springs you have listed comprise a rather extensive program of preparation of water right applications if all are initiated. This will require considerable time, even if the data is available, and we, like the other branches of the Park Service, are, if anything, short of personnel at this time. Therefore, it will be necessary to determine the urgency of any particular case and make the necessary filings in the order of such priority along with those of other parks and monuments.

AvVD:SH

Hydraulic Engineer.

cc: Director.
Reg. Director, Reg. III.

February 17, 1941.

Memorandum for Superintendent Kittredge,
Grand Canyon National Park:

Reference is made to your memorandum of February 11, 1941, regarding Application R-454, Permit R-235 for the reservoir at Toroweep Wash at Grand Canyon National Monument.

In case there is any question as to the letter of which State Water Commissioner Wanslee wishes a copy, I enclose two copies as it is filed in our records. He probably failed to find his own copy because the particular correspondence was in connection with a general water right search and not applied to the particular one by the United States.

I believe we are extremely fortunate in obtaining the extension of time "nunc pro tunc", as this reinstates the right with no loss of the original priority. I believe there are two reasons for this liberal action:

1. There has been no later application by others which would be injured by the action.

2. The State of Arizona is extremely anxious to establish rights to a maximum use of the Colorado River within its boundaries before the inter-state problems are finally settled.

Now, I understand that the dam is now in rather poor condition as a result of attack by burrowing animals. I think a few days work by one or two men filling in the holes would be very advantageous. We should also keep a fairly close record of the elevation of water surface in the reservoir from now until June 30, 1942. You should also encourage the grazing of as much stock near the reservoir between now and June 30, 1942, as is possible within the terms of permits to and agreements with the stockmen. This is all on the assumption that you wish to perfect rights to as nearly the full reservoir capacity as possible.

FILE COPY

Finally, your attention is called to Mr. Demaray's letter to Senator Hayden of August 7, 1940, and the summary of the Chas. A. McCormick grazing allotment case, dated July 15, 1940. These grazing permits are closely related to the water rights in Toroweap Wash Reservoir, and we should have your ideas regarding potential liberalization of permits as a means of increasing water demand. In other words, at 12 gallons per head per day, and assuming that reservoir evaporation is 60 inches per year, just how much of the reservoir capacity is it administratively desirable to cover by perfected water rights, and how much hold-over (from one year to the next) storage is it practical to consider?

Encl. 2136705.

Hydraulic Engineer.

AvVD:SH

cc: Director
Reg. Director, Reg. III
) with copies of Mr. Wanslee's letters of 5/9/40 and 2/10/41, and order dated 2/10/41 granting extension of time.

January 29, 1941.

Memorandum for Superintendent Kittredge,
Grand Canyon National Park:

Reference is made to your memorandum of December 21, 1940, to Hydraulic Engineer A. van V. Dunn regarding water right application No. R-454 for Grand Canyon National Monument.

Mr. Dunn has prepared the attached Notice of Complete Application of Water to a Beneficial Use and letter of transmittal for you to execute and forward to the State Water Commissioner. The letter is self-explanatory and seems to offer the logical procedure. Even if some priority is lost by reinstatement (if the permit has lapsed), it will have little effect on the value of the right, since there seem to be no other appropriators of the particular supply.

Mr. Dunn also advises that he does not consider an amendment needed in the case of the area flooded because unsurveyed areas are always subject to variations when finally sectionalized. He does feel, however, that a gauge should be installed at the lowest point in the reservoir, and read at least monthly during periods of stock watering for the next few years. With the present topographic map of the reservoir such a gauge should show depth of water from which to compute variations in the amount of impounded water. We should also know the approximate number of head of stock using the reservoir during the period of each fluctuation.

Please refer all correspondence you receive from Mr. Wanslee to us for suggestions and copying. It seems quite possible that the request will be granted without protest, but if not the reply will doubtless offer leads to suggest our next action.

We herewith return your copies of the application and correspondence.

Enclosure 2136602.

Associate Attorney.

AvVD:SH
cc: Director.
Reg. Director, Reg. III.

FILE COPY

12-21-1940: memorandum to hydraulic engineer from nps regarding application for a permit to construct a reservoir and to store f

RD 12/23

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZONA

December 21, 1940.

DEC 23 1940

Ans. 12/29/41 AvV D.
FILE

Memorandum for Hydraulic Engineer A. van V. Dunn:

Reference is made to your memorandum of November 25, relative to water right application No. R-454, permit no. R-235 for Grand Canyon National Monument.

There is attached our original "Application for a permit to construct a reservoir and to store for beneficial use the unappropriated waters of the State of Arizona", filed January 24, 1934 with the State Water Commissioner; "Notice of Completion and Beginning of Construction" and receipt for recording fee. Also a letter from State Water Commissioner Trott under date of August 13, 1934, and reply of Superintendent Tillotson of August 22. When these have served your purpose kindly return them to this office.

Also there is attached a blueprint showing relative positions of improvements and ties from the N.W. cor. of Sec. 30 - T 33 N - R 7 W. Please note that the revised projection throws the dam entirely in the N.E. of the S.E. of Sec. 30, while the application and records show it part in the N.E. of the S.E. and part in the S.E. of the N.E. However, this is in unsurveyed domain and either description might be correct.

Your third paragraph, as numbered, is answered as follows:

(1) Data on annual rainfall is only general and the Ranger Station has been vacant for several years.

(2) (a) The reservoir was filled in the first season after completion, summer of 1936, and was damaged by excessive run-off and gopher burrows in 1937.

(b) Has been dry since, except temporary storage of small amounts of water following rain storms.

(c) No data.

(d) No data.

(e) At the present time seasonal permits are in effect as issued by the Park for 192 head of domestic live stock (154 cattle, 40 horses); no wild animals being reported in the area.

(f) From October 1 to April 1, Mr. Walter A. Kent is permitted to range 40 head of horses and 40 head of cattle. From December 15 to March 15, other owners are permitted to range (as of present record) 112 head of cattle.

(g) The rate of evaporation is high, due to the nature of the terrain. No positive data available.

Information furnished by our Rangers indicates that there are no wild horses, burros or other wildlife in the area, and the present demand is for water for the permitted live stock during the limited period named.

The rating of 10 gallons per day to the number of head of live stock, i.e. 192 head at 10 gallons per day per head for 90 days, does not apparently require a storage reservoir of over 1/2 acre feet, neglecting seepage and evaporation factors.

The wild horse range area is north west of the Monument and there are no wild horses in the Park.

As you are more familiar with the fundamentals in connection with these matters, it would seem that we can leave it up to you to prepare the required forms and data necessary to complete this filing.

Please return the enclosures at your earliest convenience.

F. A. Kittredge,
Superintendent.

By Gordon P. Cox
Gordon P. Cox,
Acting Superintendent.

601 Sheldon Building
November 25, 1940

Memorandum for Superintendent Kittredge,
Grand Canyon National Park:

Reference is made to Acting Superintendent Lloyd's memorandum of November 20, 1940, regarding water right application No. R-454, permit No. R-235, for Grand Canyon National Monument.

Apparently there are three reasons why the permit may not have been approved:

1. Notice of Complete Application of Water to Beneficial Use was not submitted.

2. Proof of Appropriation of Water was not submitted.

3. Actual use was not recognized by the State as beneficial use.

The permit has probably lapsed if federal applications are treated in the normal way, but it might be that we could obtain a more lenient consideration. If not, we can still perfect the right, but with a priority of the present date, if we can establish a beneficial use acceptable to the State Water Commissioner. Before taking any further action, we should make a more thorough study of the claim.

I enclose the following forms which are used in the perfection of a water right:

1. Application for a Permit (old and new forms stapled together.)

2. Application for a Permit to Construct a Reservoir and to Store for Beneficial Use the Unappropriated Waters of the State of Arizona.

FILE COPY

3. Sheet including:

   a. Notice of Beginning of Construction (at bottom).

   b. Notice of Completion of Construction.

   c. Notice of Complete Application of Water to Beneficial Use (at top).

4. Proof of Appropriation of Water.

Will you please fill in those forms which you have already submitted, showing original and amended wording. (A pencil copy is sufficient if legible.) Also fill out the additional forms still needed, so far as you can; preferably in another color, or otherwise indicating that the data has not been sent to the State Water Commissioner.

The watering of wild life and propagation of game fish are not recognized as beneficial use. For this reason, although we will be largely interested in the wild life, we must prove that full use is made at times for domestic purposes and domestic stock watering. I should like a map, tied to drawing NM-GC-4978, Proposed Storage Reservoir, at Toroweep Lake (Dry), showing any cabins, corrals, barns, and related pipe lines which are dependent on this water supply. A sketch, to approximate scale, will help if no formal map exists, but I wish to know whether it is accurate or only approximate.

The apparent water demand will be low without the recognition of wild life use, but we may be able to justify the storage, by recognizing that much of that storage is essential to cover losses. I can get general data here on evaporation and precipitation, but should like to have the following specific information:

1. Annual rainfall records at your nearest gauge for as near twenty years back as possible. none

2. Known dates at which the reservoir has been:

   a. Full. summer 1936

   b. Dry. most of time since 1934 except temp small amounts

   c. Average depth of water at close of rainy season. no data

   d. Average depth of water at end of dry season. no data

e. Approximate head of animals using water, including domestic and wild, broken down by types.

f. How much cattle is watered by agreements?

g. Any estimate you care to give of rate of evaporation in the area.

I assume that the monument, like the park, includes wild burros and horses. Engineer Stewart, while State Water Commissioner, suggested that we should keep a mule or two at impounding reservoirs where wild life is the chief beneficiary if we wish to claim beneficial use. Hence, though we should differentiate the number of wild and domesticated between ourselves, I should like to have special consideration of such wild burros and horses as may use this reservoir.

I do not know just how we shall word any reference to the wild horses to prevent false implications of illegal grazing, but I think it can be done if there are not too many in proportion to the domestic stock in the combined park and monument. Incidentally, these animals were not considered some years ago when we abandoned filings on ten impounding reservoirs in the park. We might also reconsider any of these ten reservoirs which do serve the wild horses or burros, but there is no hurry for that as I believe we would have to have more survey ties before preparing filings. You might let me know at your leisure, though, just which of these ponds are in the wild horse range area.

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 1943971.

AvVD:SH

cc: Region III.
Reg. Atty. Taylor.

REC'D NOV 22, 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
GRAND CANYON NATIONAL PARK
GRAND CANYON, ARIZ.

November 20, 1940.

I have written for more details 11/25/40

11/25

Memorandum for Hydraulic Engineer Dunn,
Region Four, National Park Service:--

Reference is made to your memorandum of October 3, 1940, relative to water right application No. R-454, permit No. R-235, covering the appropriation of waters of Toroweap Lake in Grand Canyon National Monument.

First, answering the questions contained in your third paragraph, please be advised that the application is for 920 acre feet, and date for final completion is August 9, 1936, and of actual completion of construction was on June 15, 1935.

The following is a transcript of correspondence, as taken from our files, and should bring you up to date on this filing:

1 - Standard Form of Application, State of Arizona, filed by M. R. Tillotson under date of January 24, 1934. To store flood waters from Toroweap Valley in Toroweap Lake, 920 acre feet, for domestic, domestic animals, wild game. Located in Sec. 30, T 33 N, R 7 W, unsurveyed. Dam to be 11' high, 495' at top, 30' at bottom, 10' wide on top. Front slope (water side) 3 to 1, slope on back 3 to 1, top of dam to be 2' above the water line when full.

2 - Letter of Frank P. Trott, Water Commissioner, July 10, 1934, to M. R. Tillotson, Re: R-454. Revision of wording to designate "Toroweap Valley" by adding the word "wash." Permit will be immediately granted in the case" following remittance of recording fee. Voucher sent July 14, 1934. Copy of corrected application as of January 24, 1934, in the file.

3 - Permit No. R-235, dated August 13, 1934, transmitted with letter of Frank P. Trott, Water Commissioner, by Isie L. Harrison, Secretary. Received August 13, 1934. Carbon copy of letter of M. R. Tillotson by J. V. Lloyd, August 22, 1934, notified State Water Commission of transmittal of "Notice of Beginning of Construction."

4 - September 11, 1934, acknowledgement of receipt of notice, etc. "You are not required to file anything further until all construction work has been completed. * * * *"

5 - March 15, 1935, letter from M. R. Tillotson to State Water Commission, refers to permit No. R-235; which states that work should begin on or before May 1, 1934, and be completed on or before May 1, 1935. Such construction work was actually commenced January 16, 1934. Funds were insufficient and

work suspended. It was, therefore, impossible to complete by May 1, 1935. Work to be resumed as soon as weather will permit, and should be completed by August 1, 1935. Asks for amended date for completion.

6 - May 3, 1935, Edwin T. Stewart to M. R. Tillotson, calls attention to information that permittee has "until August 9, 1935, to begin construction work and until August 9, 1936 to complete."

7 - August 30, 1935, M. R. Tillotson to State Water Commissioner, advises that construction of reservoir under permit No. R-325, "was completed on June 15, 1935, and official notice of completion is enclosed herewith."

8 - September 9, 1935, to M. R. Tillotson from Edwin T. Stewart, State Water Commissioner, acknowledging receipt of notice of completion. Encloses form for Proof of Appropriation to be executed and filed with fee of $3.50, (September 11, 1935). This was mailed to State Water Commissioner with voucher for amount as shown by carbon copy of memorandum in file.

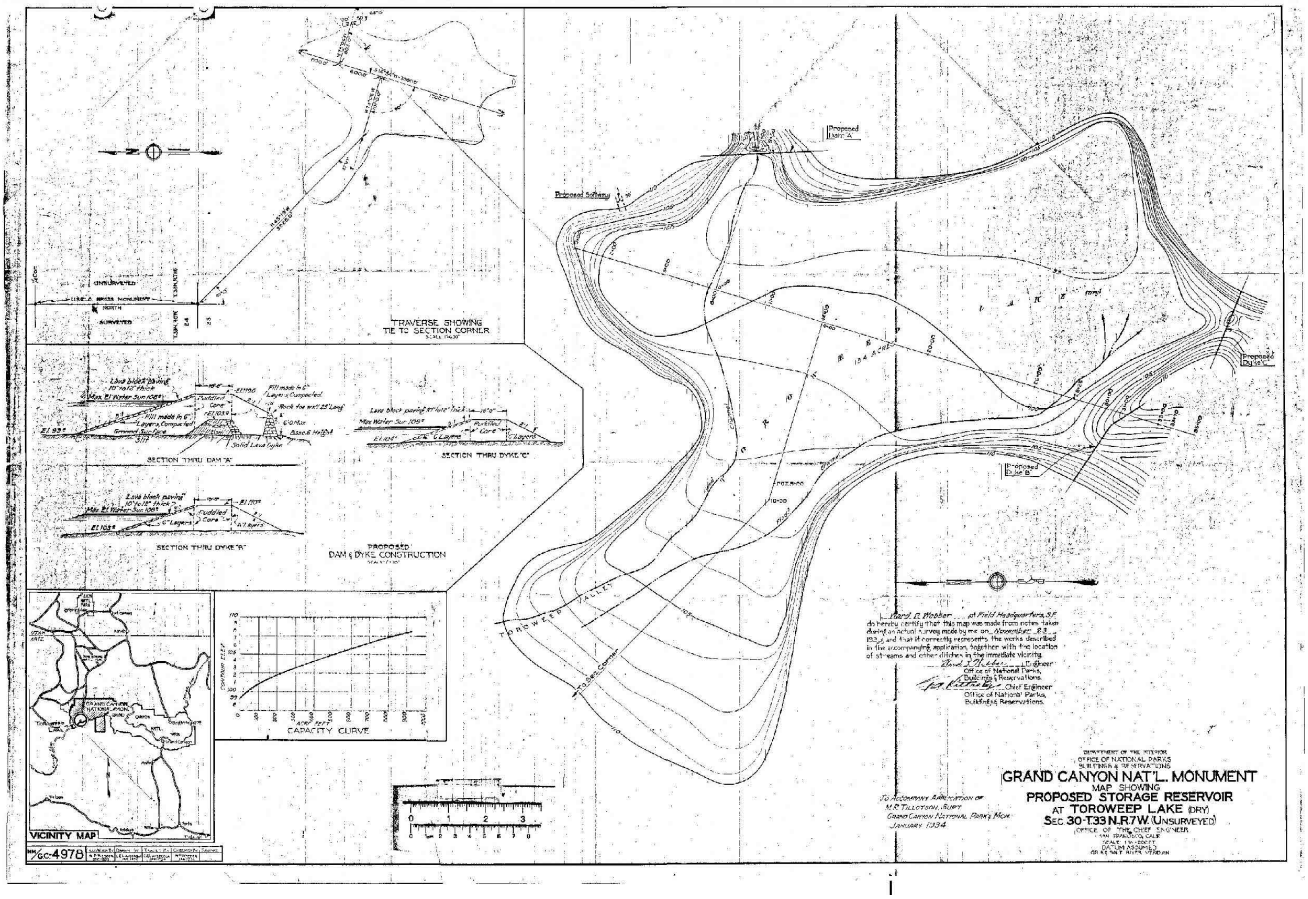
We do not find any subsequent copies of memoranda or correspondence on this subject.

From the foregoing it would seem that the Park has completed all required procedure in connection with this application, and we do not understand why the Commissioner should list it as not approved.

F. A. KITTREDGE,
Superintendent.

By - J. V. Lloyd,
Acting Superintendent.

cc-Regional III Director



Docket Information

Number of Documents in Docket 129

Documents Dated from 1/15/1934 to 9/8/1976

Docket Compiled: 3/28/2011