



WATER-RIGHT DOCKET

Organ Pipe Cactus National Monument

Docket No: 2

DANIELL'S REPLACEMENT WELL

Preliminary Docket Information

10-11-1974: water right/source docket information

WATER RESOURCES/WATER RI .S		DATE: <u>October 11, 1974</u>
<u>WATER RIGHT/SOURCE DOCKET INFORMATION</u>		
REGION <u>Western</u>	AREA <u>Organ Pipe Cactus National Monument</u>	
SITE <u>Daniell's Replacement Well</u>		
STATE <u>Arizona</u>	COUNTY <u>Pima</u>	DOCKET NO <u>WR # 2</u>
LOCATION <u>SW 1/4, NE 1/4, T14S R7W Sec. 35 G4SRPM</u>		
REGIONAL BASIN <u>Gila River</u>	LOCAL BASIN <u>San Cristobal</u>	
ACQUIRED BY _____		
APPLICATION _____	PERMIT _____	CERTIFICATE _____
ACTION DUE _____	PRIORITY _____	RESERVATION <u>April 13, 1937</u>
QUANTITY _____	USE <u>Domestic</u>	
STATUS <u>Active</u>	SOURCE <u>Well</u>	
REMARKS <u>See AWR #6, Daniell's Well</u>		

NARRATIVE:

On August 15, 1953, the Acting Superintendent of Organ Pipe Cactus N.M. sent a memo to the Regional Director noting his recent discovery of a new well drilled by Henry Gray (On July 21, 1953) in the front yard of Mr. Henry Gray's residence. The Superintendent notified Mr. Gray that a special use permit was necessary to cover the drilling of a new well. Mr. Gray replied that the new well replaced the old Daniells Well which had been filled in by a flood of Growler Wash in 1951, and that he would not sign a permit for it. Mr. Supernaugh (Past Organ Pipe Superintendent) stated in a memo dated Sept. 6, 1953 to the Regional Director, that the new well and Mr. Gray's residence lie on park land. On November 3, 1953, the Acting Regional Director gave a brief summary of the history of the replacement well and recommended that Henry Gray be requested to accept a permit covering the new well, and in view of the unlikeliness of his accepting the permit, he should be notified that he was in violation of the grazing permit Special Condition No. 16.

On April 2, 1954, the Director of the N.P.S. wrote a letter to Arizona Senator Hayden, a long time advocate of the Gray Family's position in Organ Pipe, stating that due to the actions taken by the Grays breaching the terms of their grazing permit, the permit would be canceled unless they signed further permits relating to the new wells they had drilled.

On October 3, 1954, the Superintendent forwarded signed copies of the permit, signed by Mr. Gray, to the Regional Director (Permit No. 14-10-333-75).

Due to death of last Gray brother in 1976, the Monument now uses this well as the primary source of water for the ranger station. There is a windmill on the site, producing approximately 1-2 GPM.

Tim Kern
June 1978

Compiled by M. Ackerman
Approved by W. Werrell

Page 1 of 1

SUPERIOR COURT OF MARICOPA COUNTY, ARIZONA

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR
RESERVED AND APPROPRIATED WATER RIGHTS IN THE LOWER GILA RIVER GENERAL
ADJUDICATION.

I. Name and address of Applicant:

United States of America
c/o National Park Service
Western Regional Office
P.O. Box 36063
450 Golden Gate Avenue
San Francisco, CA 94102

II. The United States of America hereby claims water rights in those portions of the National Monuments described below which are encompassed by this adjudication. (Exhibits ORPI #1 and CAGR #1). The United States claims reserved rights under the legislation which designates or enlarges the areas known as Organ Pipe Cactus National Monument and Casa Grande National Monument. The United States further claims additional water rights under state law for whatever purposes might have been added by the designation of portions of Organ Pipe Cactus National Monument as wilderness areas.

A. Organ Pipe Cactus National Monument.

1. Purpose. To preserve objects of historic and scientific interest; to secure the benefits of an enduring resource of wilderness; and to provide for administration of and visitation to the monument (Exhibits ORPI #2, #3, #4, #5, and #6).

2. Sources. All surface and ground water sources including rivers, perennial and intermittent streams, springs, seeps, lakes, pools, tinajas, confined and unconfined aquifers and other natural sources of water on and under lands reserved from the public domain.

3. Locations of Current Diversions and Uses on Reserved Land.

a. Legal description of the current point(s) of diversion.

- 1) Acuna Well - (Registration No. 55-629118) NE 1/4 SE 1/4 SW 1/4, Section 1, T16S, R7W G&SRB&M.
- 2) Daniell's Replacement Well - (Registration No. 55-629121) SW 1/4 NE 1/4 NE 1/4, Section 35, T14S, R7W G&SRB&M.
- 3) Henry Gray Well - (Registration No. 55-629122) SE 1/4 NE 1/4 NE 1/4, Section 35, T14S, R7W G&SRB&M.

- 4) Alamo Well - (Registration No. 55-629154) SE 1/4 NW 1/4 NE 1/4, Section 6, T16S, R4W G&SRB&M.
- b. Legal description of the current place(s) of use. The legal descriptions listed in II.A.3.a. represent the places of use for the listed points of diversion.
 - c. Current purpose(s) of use. The current purposes of use are those identified in II.A.1. above.
 - d. Water requirements. See II.A.5. below.
4. Dates of Priority. (See Exhibit ORPI #1.) April 13, 1937, for lands reserved by Presidential Proclamation No. 2232 (Exhibit ORPI #2); and November 10, 1978, with respect to the additional purposes specified for the portions of the Monument described by the Act of that date (Exhibit ORPI #6).
5. Amount of Water Claimed.
 - a. Rivers, perennial and intermittent streams, springs, seeps, lakes, pools, tinajas, and ground water (non-consumptive). The United States of America claims, except as provided in subparagraphs b. and c. below, the right to that minimum amount of surface and ground water occurring on and under those portions of Organ Pipe Cactus National Monument reserved from the public domain necessary to fulfill the purposes described in II.A.1. above as follows. The government will (a) at the time of proof present evidence relating to the minimum amount of water necessary to fulfill such purposes, or (b) in the event recognized under state law, seek a decree of an unquantified reserved right, permitting a general right to enjoin other users of a junior priority that may adversely affect or injure the purposes of the reservation, or to enjoin users as otherwise permitted under state law.
 - b. Quantifiable present and future administrative uses (consumptive). The United States of America claims the right to divert and use 45 acre-feet per annum from surface and ground water sources for picnic areas, visitor centers, concessions and other visitor-use areas; park administration facilities, shop, maintenance and storage facilities, ranger stations, entrance stations, visitor contact stations, employee residences, and attendant facilities; lawns surrounding park buildings and structures and other public-use areas to offset heavy human impact; construction of roads and trails; revegetation activities; and waste water treatment facilities.

- c. Non-quantifiable present and future administrative uses (consumptive). The United States of America claims the right to use non-quantifiable amounts of water for controlling and suppressing wildfire and structural fires.
- B. Casa Grande National Monument.
 - 1. Purpose. To protect Casa Grande ruin; to protect, preserve, and care for the ruins of the ancient buildings and other prehistoric objects of interest; and provide for the administration of and visitation to the monument (Exhibits CAGR #2, #3, #4, #5, #6, and #7).
 - 2. Sources. All surface and ground water sources including intermittent streams, pools, confined and unconfined aquifers and other natural sources of water on lands reserved from the public domain.
 - 3. Locations of Current Diversions and Uses on Reserved Land.
 - a. Legal description of the current point(s) of diversion.

Casa Grande Ruins Water Supply Well - (Registration No. 55-629148) NW 1/4 NE 1/4 SW 1/4, Section 16, T5S, R8W G&SRB&M.
 - b. Legal description of the current place(s) of use. The legal descriptions listed in II.B.3.a. represent the places of use for the listed points of diversion.
 - c. Current purpose(s) of use. The current purposes of use are those identified in II.B.1. above.
 - d. Water requirements. See II.B.5. below.
 - 4. Dates of Priority. (See Exhibit CAGR #1.) June 22, 1892, for lands reserved by the Executive Order of that date (Exhibit CAGR #3); December 10, 1909, for lands reserved by the Presidential Proclamation of that date (Exhibit CAGR #7); and August 3, 1918, for lands reserved by the Presidential Proclamation of that date (Exhibit CAGR #4).
 - 5. Amount of Water Claimed.
 - a. Surface and ground water (non-consumptive). The United States of America claims, except as provided in subparagraphs b. and c. below, the right to that minimum amount of surface and ground water occurring on and under lands reserved from the public domain which is necessary to fulfill the purposes described in II.B.1. above. The United States' claim for water is in the alternative as follows. The government will (a) at the time of proof present evidence relating to the minimum amount of water necessary to fulfill such purposes, or (b) in the event

recognized under state law, seek a decree of an unquantified reserved right, permitting a general right to enjoin other users of a junior priority that may adversely affect or injure the purposes of the reservation, or to enjoin users as otherwise permitted under the state law.

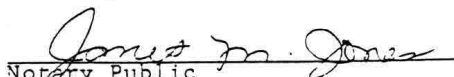
- b. Quantifiable present and future administrative uses (consumptive). The United States of America claims the right to divert and use 221 acre-feet per annum from surface and ground water sources for picnic areas, visitor centers, concessions and other visitor-use areas; park administration facilities, shop, maintenance and storage facilities, ranger stations, entrance stations, visitor contact stations, employee residences, and attendant facilities; lawns surrounding park buildings and structures and other public-use areas to offset heavy human impact; interpretive exhibits; construction of roads and trails; revegetation activities; and waste water treatment facilities.
- c. Non-quantifiable present and future administrative uses (consumptive). The United States of America claims the right to use non-quantifiable amounts of water for controlling and suppressing wildfire and structural fires.

III. Notarized Statement:

I, Patrick Barry, on behalf of the United States of America, National Park Service, the claimant named in this claim, do hereby certify under penalty of perjury, that I have read the information contained and statements made herein and to the best of my knowledge and belief they are true, correct and complete.


PATRICK BARRY
Attorney, Department of Justice

Subscribed and sworn to before me this 2nd day of November, 1987.


Notary Public

My Commission Expires:

11-12-87

IV. The United States of America claims water rights under Arizona State law for beneficial purposes in Organ Pipe Cactus National Monument as follows (see certificate attached):

Pozo Nuevo Well (Registration No. 55-629152)

EXHIBIT LIST

Exhibit ORPI #1	-	General Index Map.
Exhibit ORPI #2	-	Presidential Proclamation No. 2232, April 13, 1937.
Exhibit ORPI #3	-	Act of June 8, 1906.
Exhibit ORPI #4	-	Act of August 25, 1916.
Exhibit ORPI #5	-	Act of September 3, 1964.
Exhibit ORPI #6	-	Act of November 10, 1978.
Exhibit CAGR #1	-	General Index Map.
Exhibit CAGR #2	-	Act of March 2, 1889.
Exhibit CAGR #3	-	Executive Order of June 22, 1892.
Exhibit CAGR #4	-	Presidential Proclamation No. 1470, August 3, 1918.
Exhibit CAGR #5	-	Act of June 8, 1906.
Exhibit CAGR #6	-	Act of August 25, 1916.
Exhibit CAGR #7	-	Presidential Proclamation of December 10, 1909.



DEPARTMENT OF WATER RESOURCES
99 EAST VIRGINIA AVENUE
PHOENIX, ARIZONA 85004

REGISTRATION OF EXISTING WELLS

READ INSTRUCTIONS ON BACK OF THIS FORM BEFORE COMPLETING
PRINT OR TYPE - FILE IN DUPLICATE

Declaration: The United States gives this
irrigation to the State in the interest
of the State and does not concede that the
State has power to regulate the rights of
the United States to this use of water.

REGISTRATION FEE (CHECK ONE)	
EXEMPT WELL (NO CHARGE)	☒
NON-EXEMPT WELL - \$10.00	☐

FOR OFFICE USE ONLY	
REGISTRATION NO. 55-	629121
FILE NO.	C(14-7)35 acc
FILED 6-9-82	AT 1:30
(DATE)	(TIME)
INA	
AMA	

- Name of Registrant:
National Park Service, Western Region, Division of Water Resources
450 Golden Gate Ave., Box 36063, San Francisco, CA 94102
(Address) (City) (State) (Zip)
- File and/or Control Number under previous groundwater law:
(File Number) 35- (Control Number)
- The well is located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, of Township 14 S N/S, Range 7 W E/W, G & SRB & M, in the County of Pima.
 - If in a subdivision: Name of subdivision _____, Lot No. _____, Address _____.
- The principal use(s) of water (Examples: irrigation - stockwater - domestic - municipal - industrial)
Domestic, public supply, wildlife, ranch operations (historical)
- If for irrigation use, number of acres irrigated from well _____.
- Owner of land on which well is located. If same as Item 1, check this box ☒

(Address) (City) (State) (Zip)
- Well data (If data not available, write N/A)
 - Depth of Well 100 feet
 - Diameter of casing 8 inches
 - Depth of casing 60 feet
 - Type of casing N/A
 - Maximum pump capacity (windmill) gallons per minute.
 - Depth to water 31.4 feet below land surface.
 - Date well completed July 21, 1953
(Month) (Day) (Year)
- The place(s) of use of water. If same as Item 3, check this box ☒.

Organ Pipe Cactus National Monument - Daniell's Replacement Well
Attach additional sheet if necessary.
- DATE JUN 3 1982 SIGNATURE OF REGISTRANT _____
(Sgd) Gerard S. Witucki

GERARD S. WITUCKI
CHIEF, DIVISION OF WATER RESOURCES

Administrative Agreements

Form 10-114
(Rev. Dec. 1956)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

This permit consists

CORRECTED COPY

of _____ pages

SPECIAL USE PERMIT

PERMIT NO. 14-10-333-467	EXPIRES 12/31/61
PREVIOUS PERMIT NO.	

Organ Pipe Cactus National Monument**Robert Louis Gray, As Agent for the co-partnership of Henry Gray**

Robert Gray, Jack Gray and Robert Louis Gray, Ajo, Arizona is hereby authorized during the period from **January 1,** 19 **58**, to **December 31,** 19 **61**, to use the following-described land in the above-named area:

The land necessary for the drilling, maintenance and operation of a well located in the NE⁴ NE⁴ of Section 35, T. 14 S., R. 7 W., G. & S. R. M., Pima County, Organ Pipe Cactus National Monument. The well authorized is a replacement of that old well locally known as Daniell's well which was flooded by Growler Wash in 1951. The Daniell's well was located in the SE⁴ NE⁴ of Section 35, T. 14 S., R. 7 W., G. & S. R. M.

for the purpose of drilling and maintenance of a well in the NE⁴ NE⁴ of Section 35, T. 14 S., R. 7 W., G. & S. R. M. This well is to replace that old well locally known as the Daniell's well that was located in the SE⁴ NE⁴ of Section 35, T. 14 S., R. 7 W., which was flooded by Growler Wash in 1951.

subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of **ONE** Dollars (\$ **1.00**), in advance **annually** (Monthly, semi-annually, etc.), or as follows: **One dollar to be paid upon acceptance of this permit and one dollar (\$1.00) to be paid annually on January 1st each year thereafter.** payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to the National Park Service, or Cash.

Issued at **Ajo, Arizona** this **1st** day of **January** 19 **58**
/s/ **James M. Eden**
Superintendent

The undersigned hereby certifies that the permit is subject to the terms, conditions, obligations, and reservations, expressed or implied, therein.

NAME		* PERMITTEE (SIGNATURE)	
NAME	John R. Hay	NAME	/s/ Robert Louis Gray, Agent
ADDRESS	Box 38, Ajo, Arizona	ADDRESS	Box 1112, Ajo, Arizona
NAME	John T. Mullady	NAME	
ADDRESS	Box 38, Ajo, Arizona	ADDRESS	
APPROVED (if approval is required by higher authority)		DATE	
/s/ Harthon L. Bill		12/30/58	
TITLE		DATE	
Acting Regional Director		12/30/58	

When made or made as a member of a partnership, the officer should sign as "members of firm"; for corporation, the officer authorized to execute the permit should sign with the authority of each signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

PAGE 1

CONDITIONS OF THIS PERMIT

1. **Regulations.**—The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with the regulations of the Secretary of the Interior, or other authorized officer of the Government, governing the area.

2. **Definition.**—The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director.

3. **Rights of the Director.**—Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing. If it is necessary to exercise such right, every effort will be made by the National Park Service to refrain from unduly interfering or preventing use of the land by the permittee for the purpose intended under this permit.

4. **Nondiscrimination.**—If use of the land covered by the permit will involve the employment by the permittee of a person or persons, the permittee agrees to observe the following nondiscrimination provisions in connection with the use to which the lands covered by this permit may be devoted:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the non-discrimination clause.

The contractor further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials. (Executive Order 10557; September 3, 1954.)

5. **Damages.**—The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.

6. **Construction.**—No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

7. **Removal of structures and improvements.**—Upon the expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove all such structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

8. **Water Rights.**—The United States reserves the rights to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

9. **Disposal of refuse.**—The permittee shall dispose of brush and other refuse as required by the Superintendent.

10. **Timber cutting.**—No timber may be cut or destroyed without first obtaining a permit therefor from the Director, National Park Service.

11. **Fire prevention and suppression.**—The permittee and his employees shall take all reasonable precautions to prevent forest, brush, grass, and structural fires and also shall assist the Superintendent in extinguishing such fires in the vicinity of any tract which may be used hereunder.

12. **Soil erosion.**—The permittee shall take adequate measures, as directed and approved by the Superintendent to restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

13. **Benefit.**—Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided however*, That nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

14. **Assignment.**—This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

15. **Revocation.**—This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

Form 10-114a
(Rev. 1956)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SPECIAL USE PERMIT CONTINUATION SHEET

AREA	PERMIT NO.	PAGE NO.
Organ Pipe Cactus National Monument, Ajo, Arizona	14-10-333-467	2

16. The permittee shall provide the data called for on attached "Record of Well" form within 30 days, as it relates to name of well digger, dates, between which well was dug, the log of the digging.
17. Permittee shall run a pump test for at least eight hours, or until the well is dry, whichever is less, using the installed pump, and shall report the drawdown during pumping, and the rate at which the well refills thereafter, at time convenient to, and under the supervision of the superintendent. (Pump capacity and well dimensions are required for this.)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

This permit consists

of 2 pages

SPECIAL USE PERMIT

PERMIT NO. 14-10-333-75	EXPIRES 1961
PREVIOUS PERMIT NO.	

Organ Pipe Cactus National Monument

Robert Louis Gray, as agent for the co-partnership of Henry Gray, Robert Gray, Jack Gray, and Robert Louis Gray, Ajo, Arizona is hereby authorized during the period from January 1, 19 58, to December 31, 19 61, to use the following-described land in the above-named area: The land necessary for the drilling, maintenance, and operation of a well located in the NE 1/4 of Section 35, T. 14 S., R. 7 W., G. & S. R. M., Pima County, Organ Pipe Cactus National Monument. The well authorized is a replacement of that old well locally known as Daniell's Well which was flooded by Growler Wash in 1951. The Daniell's Well was located in the SE 1/4 NE 1/4 of Section 35, T. 14 S., R. 7 W., G. & S. R. M.

for the purpose of drilling and maintenance of a well in the NE 1/4 of Section 35, T. 14 S., R. 7 W., G. & S. R. M. This well is to replace that old well locally known as the Daniell's Well that was located in the SE 1/4 NE 1/4 of Section 35, T. 14 S., R. 7 W., which was flooded by Growler Wash in 1951.

subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of One Dollars (\$ 1.00), in advance annually (Monthly, semiannually, etc.), or as follows: One dollar to be paid upon acceptance of this permit and one dollar (\$1.00) to be paid annually when fees for Grazing Permit 14-10-333-266 are collected. payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to the National Park Service, or Cash.

Issued at Ajo, Arizona, this 1st day of January, 19 58
(City)
/s/ James M. Eden
Superintendent.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

TWO WITNESSES TO SIGNATURES		* PERMITTEE (SIGNATURE)	
NAME <u>/s/ Chas. Rasmussen</u>	NAME <u>/s/ Robert Louis Gray, Agent</u>	NAME <u>/s/ Robert Louis Gray, Agent</u>	NAME <u>Box 1112 Ajo, Arizona</u>
ADDRESS <u>201 La Mina, Ajo, Arizona</u>	ADDRESS <u>Box 1112 Ajo, Arizona</u>	ADDRESS <u>Box 1112 Ajo, Arizona</u>	ADDRESS <u>Box 1112 Ajo, Arizona</u>
NAME <u>/s/ B. J. Berry</u>	NAME <u>Box 1112 Ajo, Arizona</u>	NAME <u>Box 1112 Ajo, Arizona</u>	NAME <u>Box 1112 Ajo, Arizona</u>
ADDRESS <u>Box 607, Ajo, Arizona</u>	ADDRESS <u>Box 607, Ajo, Arizona</u>	ADDRESS <u>Box 607, Ajo, Arizona</u>	ADDRESS <u>Box 607, Ajo, Arizona</u>
APPROVED: (If approval is required by higher authority)			
NAME <u>/s/ Hugh M. Miller</u>	TITLE <u>Regional Director, Reg. Three</u>	DATE <u>1/16/58</u>	

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

CONDITIONS OF THIS PERMIT

1. **Regulations.**—The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with the regulations of the Secretary of the Interior, or other authorized officer of the Government, governing the area.

2. **Definition.**—The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director.

3. **Rights of the Director.**—Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing. If it is necessary to exercise such right, every effort will be made by the National Park Service to refrain from unduly interfering or preventing use of the land by the permittee for the purpose intended under this permit.

4. **Nondiscrimination.**—If use of the land covered by the permit will involve the employment by the permittee of a person or persons, the permittee agrees to observe the following nondiscrimination provisions in connection with the use to which the lands covered by this permit may be devoted:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The contractor further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials. (Executive Order 10557; September 3, 1954.)

5. **Damages.**—The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.

6. **Construction.**—No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

7. **Removal of structures and improvements.**—Upon the expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove all such structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

8. **Water Rights.**—The United States reserves the rights to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

9. **Disposal of refuse.**—The permittee shall dispose of brush and other refuse as required by the Superintendent.

10. **Timber cutting.**—No timber may be cut or destroyed without first obtaining a permit therefor from the Director, National Park Service.

11. **Fire prevention and suppression.**—The permittee and his employees shall take all reasonable precautions to prevent forest, brush, grass, and structural fires and also shall assist the Superintendent in extinguishing such fires in the vicinity of any tract which may be used hereunder.

12. **Soil erosion.**—The permittee shall take adequate measures, as directed and approved by the Superintendent to restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

13. **Benefit.**—Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided however*, That nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

14. **Assignment.**—This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

15. **Revocation.**—This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

CONTINUATION SHEET

Organ Pipe Cactus National Monument, Ajo, Arizona 14-10-333-75 2

16. The permittee shall provide the data called for on attached "Record of Well" form within 30 days, as it relates to name of well digger, dates between which well was dug, the log of the digging.

17. Permittee shall run a pump test for at least eight hours, or until the well is dry, whichever is less, using the installed pump, and shall report the drawdown during pumping, and the rate at which the well refills thereafter, at time convenient to, and under the supervision of the Superintendent. (Pump capacity and well dimensions are required for this.)

LSA-1

February 21, 1958

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Section
Subject: Water Right Dockets, Organ Pipe Cactus

Attached are Special Use Permits 14-10-333-76 for the Gresco Well replacement which should be filed in Docket 3, and 14-10-333-75 for the Daniells Well replacement which should be filed in Docket 2.

Also attached is a new Docket 6 for the Hooker Well, which includes only Special Use Permit 14-10-333-85. We do not yet have much history of this well. Hence the docket tab is incomplete. The main thing is to provide for records as they are obtained.

Reference to the recent condemnation will be supplied for the Hooker and Gresco replacement well dockets when I get to it.

A. van V. Dunn
Chief, Water Resources Section

Attachments 3

Copy to: Superintendent, Organ Pipe Cactus, with 3 attachments
Chief, WODC, with 2 attachments

14-10-333-76
14-10-333-75
14-10-333-85

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
10-114
(October 1952)
(Revised)

REVOCABLE

SPECIAL USE PERMIT

ORGAN PIPE CACTUS NATIONAL MONUMENT

No. 14-10-333-75

Year 1954

Previous Permit

Robert Louis Gray, as agent for the co-partnership of Henry Gray
Robert Gray, Jack Gray and Robert Louis Gray, Ajo, Arizona

No. _____

is hereby authorized during the period from August 1, 1953, to December 31, 1957, to use the following-described land in the above-named area: The land necessary for the drilling, maintenance and operation of a well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 14 S., R. 7 W., G.&S.R.M., Pima County, Organ Pipe Cactus National Monument. The well authorized is a replacement of that old well locally known as Daniell's Well which was flooded by Growler Wash in 1951. The Daniell's Well was located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 14 S., R. 7 W., G. & S.R.M.

for the purpose of drilling and maintenance of a well in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 14 S., R. 7 W., G.&S.R.M. This well to replace that old well locally known as the Daniell's Well that was located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 14 S., R. 7 W., which was flooded by Growler Wash in 1951.

subject to the conditions on the reverse hereof and to the payment to the Government of the United States

annually of the sum of One dollars (\$ 1.00 /), in advance, or as follows; One Dollar to be paid upon acceptance of this permit and one dollar (\$1.00) to be paid annually when fees for Grazing Permit I-20p-934 are collected. payment to be made to the Superintendent by express or postal money order, certified check, or draft payable to Treasurer, United States.

Signed at Organ Pipe Cactus Nat'l Monument, this 2nd day of October, 1954

/s/ James M. Eden

Superintendent.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Two witnesses to signatures:

/s/ B. J. Berry

/s/ R. L. Gray

Robert Louis Gray, Agent

Address Ajo, Arizona

Address P. O. Box 1112

/s/ Chas. Rasmussen

Ajo, Arizona

Address Ajo, Arizona

Address

APPROVED: Regional Director, Region Three, National Park Service.

SIGNED

Hugh M. Miller

Date October 21, 1954

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

For Docket

SPECIAL CONDITIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent and shall comply with the regulations of the Secretary of the Interior governing the area.
2. Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing.
3. The United States reserves the right to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.
4. No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.
5. Permittee shall dispose of brush and other refuse as required by the Superintendent.
6. Permittee shall pay the United States for any damage resulting from this use.
7. Permittee and his employees shall take all reasonable precautions to prevent forest fires and also shall assist the Superintendent to extinguish forest fires in the vicinity of any tract which may be used hereunder, and in the preservation of good order within the metes and bounds of the area.
8. No timber may be cut or destroyed without first obtaining permit therefor from the Director, National Park Service, in writing.
9. This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.
10. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.
11. Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided*, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the general benefit of such corporation.
12. All uranium, thorium, and all other material determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this permit are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.
13. Permittee shall take adequate measures, as directed and approved by the Superintendent, to arrest and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.
14. Upon expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove all such structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.
15. The permittee shall provide the data called for on attached "Record of Well" form within 30 days, as it relates to name of well digger, dates between which well was dug, the log of the digging.
16. Permittee shall run a pump test for at least eight hours, or until the well is dry, whichever is less, using the installed pump, and shall report the drawdown during pumping, and the rate at which the well refills thereafter, at time convenient to, and under the supervision of the Superintendent. (Pump capacity and well dimensions are required for this.)



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

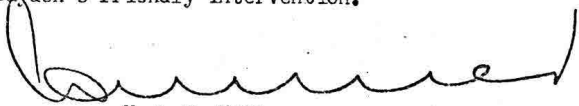
In reply refer to:
L3019

July 15, 1954

Memorandum

To: Superintendent, Organ Pipe Cactus
From: Assistant Regional Director
Subject: Grazing Permit I-209p-934 and Related Water Use of
Gray Partnership

Since our memorandum of April 23 and your letter of April 30 to the Grays, on the subject matter, we have had no word from you regarding progress in obtaining signatures on permits, etc. Will you please report promptly what further action, if any, you have taken in this matter. We need a careful report from you indicating that we have taken all steps which could reasonably be expected of us to reach an amicable settlement with the Grays in the light of Senator Hayden's friendly intervention.



Hugh M. Miller
Assistant Regional Director

In reply refer to:
12913

July 24, 1954

Memorandum

To: Regional Director, Region Three
From: Superintendent, Organ Pipe Cactus
Subject: Grazing Permit I-209p-034 and Related Water Use of
Gray Partnership

A complete report of the negotiations to get the Gray Partnership to comply with regulations is given below.

Before the drilling of the new wells by Henry Gray, he was given friendly warning that he would require a permit before drilling started. He was told that we saw no reason why such a permit would not be allowed and I talked this over with Forester Bateliff by radio and he confirmed that a permit would be issued upon request. I orally notified Henry Gray that all he had to do was write the request that the permit be issued. No request was received.

He then had a driller set up on the old well and start work on it. This was allowed since we saw no objection to work on an existing well. When this hole caved and he wanted to again move over to a new location, he was again warned of the required permit. He then went ahead and drilled anyway. When he was found working on the well, he was notified orally and by letter that he had broken the regulations.

I have requested that he make an application and offered to assist him in this, but he has never made any application through this office.

I have asked them what they have done about the permit and being rather odd to deal with, they have clammed up and given no answer. We have made no demands on them or interfered in any way with their operations other than not allowing the use of the new wells.

When their permit fees were due, Bob Gray requested extra time for payment and that was granted so that he did not pay the permit fee until the last of June.

We feel that everything has been done possible to assist them but they have refused to co-operate.

William W. Supernough
Superintendent

Supporting Hydro Data

FORM NO 9-1904-A

SITE

(c-14-7) 3522c

Recorded by D. Clay R. WestphalU.S. DEPT. OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
GROUND WATER SITE INVENTORY
SITE SCHEDULEDate Nov 15 1976

GENERAL SITE DATA (I)

Check One ☒ English ☐ Metric Units

Site Ident No 321009112570201 RG Number R-01 Transaction T-01 U M V

Site Type 2- C D H I M P T Reliability 3- 0 U L M Reporting Agency 4- USGS

Project No. 5- GTO District 6- 041 State 7- 041 County (or town) PIMA 8- 019

Latitude 9- 32 10 09 Longitude 10- 11 25 70 Lat Long Accuracy 11- 5 0 T M

Local Number 12- C-1A-07 35BAC Net Loc 13- SWENE 35 T 1 AS R 07 W 6

Location Map 14- KIMB PEAR Scale 15- 62500

Altitude 16- 1360 Method of Measurement 17- A L Accuracy 18- 40

Topo Setting 19- D C E F H K L B P S T U W Hydrologic Unit (OWDC) 20-

Date of First Construction/Completion 21- / / Use of Site 23- A D E G H B M P R S T U X Z

Use of Water 24- A B C D E F H I M N P R S T U Y Z

Secondary Water Use 25- Tertiary Use of Water 26- Depth of Hole 27- Depth of Well 28- Source of Depth Data 29-

Water Level 30- Date Measured 31- / / Source 32-

Method of Measurement 34- A C E G H L M R S T V Z

Site Status 37- D F G H B P R S T V X Z

Source of Geohydrologic Data 38- Pump Used 35- Measuring Point 266- Measuring Point Date 267- / /

OWNER IDENTIFICATION (I)

R-158 T-01 D M Date of Ownership 159- 0010011963

Name: Last 161- RATES First 162- Middle Initial 163-

OTHER SITE IDENTIFICATION NUMBERS (I)

R-188 T-01 D M Ident 190- Assigner 191-

New Card Same R & T Ident 190- Assigner 191-

SITE VISIT DATA (I)

R-186 T-01 D M Date of Visit 187- 11 15 1976 Name of Person 188- CLAY D

FIELD WATER QUALITY MEASUREMENTS (I)

R-182 T-01 D M Date 183- / / Geohydrologic Unit 185-

New Card Same R & T 184-

Temperature 186- 0 0 0 1 0 Degree C 187-

Conductance 188- 0 0 0 9 5 μ Mhos 189-

Other (STORET) Parameter 190- Value 191-

Other (STORET) Parameter 192- Value 193-

FOOT NOTES:

① Source of Data Codes:

S D P A R L G Z

reporting, driller, owner, other person's, other agency

not, geologist, other reported,

(c-14-7) 3522c

U.S. GEOLOGICAL SURVEY FORM 101 (Rev. 1-64)

1. **GENERAL INFORMATION**

Project No. **60-1** Title **AD M** Date of Construction **60-1** Month **1** Day **1** Year **1960** Source of Data **60-1** Field No. **60-1**

Name of Construction **60-1**

Kind of Construction **60-1** A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Location **60-1** C F G H I J K L M N O P Q R S T U V W X Y Z

Bottom of Section **60-1** Method of Construction **60-1** A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Special Treatment **71-1** C D E F G H I J K L M N O P Q R S T U V W X Y Z

2. **DIMENSIONS OF THE HOLE CONSTRUCTED (2)**

Construction Entry No. **60-1**

Top of Hole Segment Below LSD **72-1** Bottom of Hole Segment Below LSD **74-1** Diameter of Hole Segment **75-1**

3. **CASING DATA (2)**

Construction Entry No. **60-1**

Top of Casing Segment Below LSD **77-1** Bottom of Casing Segment Below LSD **78-1** Diameter of Casing Segment **79-1** Casing Material **80-1** Thickness of Casing **81-1**

4. **OPENING SCHEDULE (2)**

Construction Entry No. **60-1**

Top of Section Below LSD **83-1** Bottom of Section Below LSD **84-1** Diameter of Section **85-1** Type of Material **86-1** Weight of Opening **87-1** Length of Opening **88-1**

5. **FOOT NOTES:**

(1) Source of Data Codes: **S D B A R L G Z**

(2) Type of Material Codes for Open Sections: **F L M P R S T W X Z**

(3) Casing Material Codes: **B C G I M P R S T U W Z**

(4) Type of Material Codes for Open Sections: **B C G I M P R S T Z**

1. **ENTRY DATA**

Entry No. 1478 Date 148- / /

Discharge 150- Source of Data 1-1-1

2. **MAJOR PUMP DATA (1)**

Serial No. of Pump 48- Name of Pump 20- Pump Company 51- Pump Rating 53- Pump Capacity 268- Production of Pump 54- Additional Lift 250- Ratio Pump Capacity 268-

3. **MINOR PUMP DATA (2)**

Serial No. of Pump 48- Name of Pump 20- Pump Company 51- Pump Rating 53- Pump Capacity 268- Production of Pump 54- Additional Lift 250- Ratio Pump Capacity 268-

4. **AVAILABLE LOG DATA (1)**

Log No. 188- Log Type 188- Log Depth 200- Log Date 201- Log Source of Data 202-

5. **WATER QUALITY DATA COLLECTION (1)**

Log No. 114- Log Type 114- Log Depth 200- Log Date 201- Log Source of Data 202-

6. **WATER LEVEL DATA COLLECTION (1)**

Log No. 121- Log Type 121- Log Depth 200- Log Date 201- Log Source of Data 202-

7. **WATER QUALITY AND WATER LEVEL DATA COLLECTION (1)**

Log No. 122- Log Type 122- Log Depth 200- Log Date 201- Log Source of Data 202-

8. **OTHER DATA AVAILABLE (1)**

Log No. 180- Log Type 180- Log Depth 200- Log Date 201- Log Source of Data 202-

9. **LOG NOTES**

1. Source of Log Codes

2. Type of Log Codes

3. Frequency of Collection Codes

4. Type of Quality Analysis Codes

L. S. GOVERNMENT PRINTING OFFICE : 1975 O - 579-019

(C-11-7) 35222

PERMANENT REFERENCE
Do Not Discard
FORM 9-1642B
(DEC 68)

NATIONAL PARK SERVICE

Well No. (C-14-7) 35 aac

WELL SCHEDULE

U. S. DEPT. OF THE INTERIOR

GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

MASTER CARD

Record by W. Werrall Source of data Field Date July 13, 73 Preliminary Map: Growler Pass NW, 7 1/2

State Ariz County 04 Pima 10

Latitude: 32 10 10 N Longitude: 112 57 02 Sequential number: 1

Lat-long accuracy: 14 R 7 Sec 35 SW NE NE G & SR PM

Local well number: G-114-07 35 AAC Other number: Daniells Replacement

Local use: DANIELLS REPACE Owner or name: National Park Service

Ownership: County, (F) Fed Gov't, (M) City, Corp or Co, Private, State Agency, Water Dist F

Use of water: (A) Air cond, Bottling, Comm, Dewater, Power, Fire, (H) Irr, Med, Ind, P S, Rec, (S) Stock, Instat, Unused, Recharge, Desal-P S, Desal-other, Other H

Use of well: (A) Anode, Drain, Seismic, Heat Res, Obs, Oil-gas, Recharge, Test, Unused, (W) Withdraw, Waste, Destroyed W

DATA AVAILABLE: Well data 70 Freq. W/L meas.: 71 Field aquifer char. 72

Hyd. Tab. data: 73

Qual. water data: type: Specific conductance 74 K

Freq. sampling: 75 Pumpage inventory: yes 76 no 77 period: 78

Aperture cards: 79

Log data: 78 79

WELL-DESCRIPTION CARD

SAME AS ON MASTER CARD Depth well: 100 ft Meas. 100 accuracy 24 6

Depth cased: 60 ft Casing type: 60 Diam. 8 in 29 8

Finish: porous gravel w. gravel w. horiz. open perf., screen, sd. pt., shored, (X) open hole 31 X

Method: (A) air bored, (C) cable, (D) dug, hyd jetted, (P) air reverse trenching, driven, wash, other 32 C

Drilled: July 1953 9 5 3 Pump intake setting: 36 ft 38

Driller: Mr Taylor address 39

Lift (type): (A) air, bucket, cent, jet, (L) multiple, multiple, none, (P) piston, (R) rot, submerg, turb, other P Deep D Shallow 40

Power (type): nat, diesel, elec, gas, gasoline, hand, gas, wind, H.P. 6 Trans. or meter no. 41

Descrip. MP Top of boards on casing; 1.0 ft above below LSD, Alt. MP 42

Alt. LSD: 1350 1 3 5 0 Accuracy: USGS Topo - 10' Contours 3

Water Level 31.4 ft above below MP; Ft. below LSD 31 Accuracy: Measured 32 A

Date Oct 18, 62 0 6 2 Yield: 33 gpm 34 Method determined 35

Drawdown: 36 ft 37 Accuracy: 38 Pumping period 39 hrs 40

QUALITY OF WATER DATA: Iron ppm 41 Sulfate ppm 42 Chloride ppm 43 Hard. ppm 44

Sp. Conduct 530 K x 10 4 Temp. 108 °F 1 0 8 Date sampled July 13, 73 7 7 3

Taste, color, et 45

Well No. (C-14-7) 35 aac

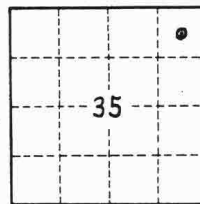
Well No. (C-14-7) 35 aacLatitude-longitude 32.10.10 ^N 112.57.02 _S
d m s d m s

HYDROGEOLOGIC CARD

SAME AS ON MASTER CARD		Physiographic Province: <u>Basin & Range</u>		Section: <u>2:2</u>	
Desert <u>B</u>		Drainage Basin: <u>Gila River - Texas</u>		Subbasin: <u>San Cristobal</u>	
Topo of well site: <u>(T)</u>		(D) depression, stream channel, dunes, flat, hilltop, sink, swamp, (C) (E) (P) (H) (K) (L) (U) (V) offshore, pediment, hillside, terrace, undulating, valley flat		27 <u>T</u>	
MAJOR AQUIFER:		system _____ series _____		aquifer, formation, group _____	
Lithology: _____		Origin: _____		Aquifer Thickness: _____ ft	
Length of well open to: _____ ft		Depth to top of: _____ ft		_____ ft	
MINOR AQUIFER:		system _____ series _____		aquifer, formation, group _____	
Lithology: _____		Origin: _____		Aquifer Thickness: _____ ft	
Length of well open to: _____ ft		Depth to top of: _____ ft		_____ ft	
Intervals Screened:					
Depth to consolidated rock: _____ ft		Source of data: _____		64 _____	
Depth to basement: _____ ft		Source of data: _____		69 _____	
Surficial material: _____		Infiltration characteristics: _____		72 _____	
Coefficient Trans: _____ gpd/ft		Coefficient Storage: _____		76 _____	
Coefficient Perm: _____ gpd/ft ²		Spec cap: _____ gpm/ft		Number of geologic cards: _____	

The date "7-21-53" is marked in the concrete base.

Mr. Henry Gray, lifetime resident of the area who has lived in the nearby house for many years, reports that he had this well drilled after "Daniells Well" was destroyed by a flood - thus the well is known as "Daniells Replacement Well".

Well No. (C-14-7) 35 aac

Other Supporting Information

Daniell's Replacement Well Supplemental Report

The special use permit (Permit No. 14-10-333-⁴⁶⁶~~45~~) issued by the Park Service to R. Gray for this source expired on Dec. 31, 1961. There is no evidence of a renewal of this permit. The NPS, as of May, 1976, was not using water from this source.

Kevin Kiddor

June 9, 1976

Water currently being used for ranger residence.

May 1978

Memorandum

From: Acting Chief of Lands

We are distributing the subject dockets with copies of this memorandum to you, the Monument and Western Office of Design and Construction. The water of the wells are not now subject to appropriation, but the records should be assembled for a possible declaration of vested interests when, or if, an Arizona groundwater law is passed.

It will also be desirable to incorporate existing Alien Water Right No. 7 covering the Gray Water Right Application A-3066, and the pertinent portions of pages 15-17 of my report of August 1, 1951, on water claims in the Monument, in Docket 2. It is noted, however, that the special use permit does not include assignment of the claims under Application A-3066. We also have no ruling by the State Land Commissioner on that, or the other Gray applications, and I am not certain whether Application A-3066 applies to the original well or the replacement. It will be helpful to have Mr. Barton explain the entire situation, and either make another attempt to settle the Federal protest of the applications with the Land Commissioner or explain the present status so we may write to him.

The rest of the assembly for Docket 3 can not be outlined yet. I have not identified the old Orosco well in historical records, and we do not know what interests may be awarded to Orosco in proposed condemnation.

A. van V. Dunn
Acting Chief of Lands

Copy to: Superintendent, Organ Pipe, with attachment
Western Office of Design and Construction, with attachment



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Region Three
Santa Fe, New Mexico

In reply refer to:
L3019

December 14, 1953

Memorandum

To: Superintendent, Organ Pipe Cactus
From: Acting Regional Director
Subject: Unauthorized Well Drilling by Henry Gray, Organ Pipe Cactus

There are attached two copies of Mr. Allen's memorandum of November 25 in reply to my two memoranda of November 3 on the same subject.

It is suggested that one copy be placed in your correspondence file and one copy in the appropriate water rights docket.


P. P. Patraw
Acting Regional Director

In duplicate

Attachments 2

In reply refer to:
13619-L

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Unauthorized Well Drilling by Henry Gray in Section 35,
and Adjacent to Oroseo Well, Organ Pipe Cactus

Although Mr. Patraw has submitted two memoranda of November 3 on different phases of these problems, this one reply in quadruplicate is offered to reduce stenographic service. No complete recommendations can be made until the State Land Commissioner renders his decision on the Federal protest of the applications of the Gray family for the appropriation of water, and until Mr. Gray gives a final reply to your request for his signature on special use permits covering the new wells.

Mr. Dunn calls attention to the fact that the Arizona Ground Water Code of 1948 takes cognizance of replacement wells in Section 9, without so describing them, by authorizing new wells in critical areas for the irrigation of the same area formerly irrigated from another well. Under Section 9 of S. B. 66 of the Twentieth Legislature, Second Regular Session, which was not passed, replacement and supplemental wells in closed basins were to be permitted. The quantity of water from either a replacement or supplemental well would be limited to the amount previously pumped for the same lands. Utah water laws make liberal allowance for the drilling of replacement wells within 200 feet of the original. The last paragraph of Section 8 of the Arizona Ground Water Code of 1948 provides that: "Except as provided in this Act no permit shall be issued to any person other than the owner of the land on which the proposed (irrigation) well is to be located"

The Code of 1948 relates primarily to irrigation wells in critical ground water areas, but the principles suggest the following:

1. The new wells at both sites are replacement wells and all rights or restrictions on the original wells automatically attach to the new ones.

2. The State of Arizona would probably refuse to authorize the new wells on Federal reserved lands without the consent of the United States.

3. The drilling of the two wells without prior written consent of the Superintendent is a violation of the authorization and Condition 16 of Grazing Permit I-20p-93h which is now in force and has been signed by Robert L. Gray for the partnership.

Mr. Dunn does not believe that the well in Section 35, near the Bates Well, would necessarily have to be within the well defined surface channel of Crowler Wash to intercept the underground flow of that wash. The depth of well, distance from the channel, and the existence or lack of impervious dikes or strata between the channel or old well, and well point in the new well, would determine whether both wells draw from the same source. These matters cannot be fully determined without geological and hydrological studies.

RECEIVED
(30) Assistant Director

In quadruplicate



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L3019 GRPI

Region Three
Santa Fe, New Mexico

November 3, 1953

Memorandum

To: Superintendent, Organ Pipe Cactus
From: Acting Regional Director
Subject: Unauthorized Well Drilling, Henry Gray, Organ Pipe Cactus

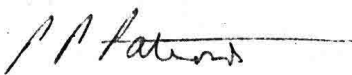
There are attached copies of my memorandums of this date to the Director, regarding two wells that have been drilled by Henry Gray. Since they cover two different locations in the monument, we have written two memorandums.

In the case of the Henry Gray residence and well we believe that the residence would fall under the "Ranchstead" mentioned in the Grazing Permit No. I-20NP-934, approved by Mr. Tillotson January 31, 1952. However, it is our interpretation that the drilling of a new well, even to replace one in existence at the time the Grazing Permit was signed, is a violation of Special Condition 16 of the Grazing Permit.

We should have in our files a report regarding the size of the plot Mr. Gray occupies as the "ranchstead", the size and location of the house, and the position of the present well, in relation to the one that was filled in by Growler Wash. We would also like to know when Henry Gray first started to use monument lands for residence purposes.

Our memorandum to the Director suggests that we should attempt to get Mr. Gray to sign a Special Use Permit for the well, even though we believe it is unlikely that he will sign such a permit. If he refuses to sign the permit then he should be notified that he is in violation of Special Condition No. 16. We have recommended to the Director that the case now pending before the State Land Commissioner not be reopened.

Mr. Bradley will be in the monument about the first week in November, and, if necessary, he can assist in locating the tract of land occupied by Henry Gray, the location of the old and new wells, with a tie to a known section corner so that the tract occupied by Mr. Gray for residence purposes can be located to the nearest 40-acre subdivision.


P. P. Patraw
Acting Regional Director

Attachments 2
Copy to: Director

In reply refer to:
L3019 OMPI

Region Three
Santa Fe, New Mexico

November 3, 1953

Memorandum

To: Director
From: Acting Regional Director
Subject: Unauthorized Well Drilling by Henry Gray, Section 35,
Organ Pipe Cactus National Monument

Mr. Allen's memorandum of August 20 refers to Mr. Barton's memorandum of August 4, transmitting a draft of a Special Use Permit to the Superintendent, Organ Pipe Cactus for signature by Robert Lewis Gray, representing the Gray family. This correspondence concerned the new well which replaced the Orocco Well.

On August 15 Acting Superintendent Henson advised that the permit was taken to Robert Louis Gray on August 6 but that he wished to discuss it with the rest of the Gray family before the permit was signed.

On August 14 Mr. Henson stopped at the residence of Henry Gray in Crowler Pass. Mr. Gray advised Mr. Henson that he wished to discuss the permit with his attorney before signing it. On that visit to Mr. Gray's residence on August 14 it was noticed that a new well has been drilled in Mr. Gray's front yard. This well, according to Mr. Gray, is a replacement for the Daniell's Well which was flooded and filled in by Crowler Wash in 1951.

The new well and the residence occupied by Henry Gray are located in Section 35, T. 14 S., R. 7 W., C. & S.R.M., which is monument land. The residential area is about 800 feet west of Bates Well, which is in Section 36 and on state-owned land.

Grading Permit I-20MP-934, approved by Mr. Tillotson on January 31, 1952, authorizes Robert Louis Gray as agent for the Gray partnership to "maintain and use wells, water holes, truck trails and ranchsteads now in existence on Federal lands in said monument,...." but "subject to the conditions hereafter specified." We were not then aware that the Henry Gray residence was on monument land. However,

the inclusion of "ranchsteads now in existence on Federal lands in said monument" would appear to grant permission for the maintenance and use of the residence, without regard to our awareness of its location. If you agree with this conclusion, it will follow that no new special use permit is required for that residence. However, we believe Henry Gray and the Gray partnership should be informed that the residence is on monument land and is included in the existing grazing permit.

We do not believe a new well could be drilled under the ranchstead provision, but all new wells drilled after the date of the permit (January 31, 1952) would require special use permits in accordance with Special Condition 16 of the permit. We think that no authorization can be claimed by the Grays, based on the theory of substitution for a former well which has failed or been destroyed by natural forces.

Under Application A-3056 (Alien Water Right No. 7) Henry Gray filed on Crowler Wash at Daniell's Well Spring for the purpose of stock watering in the SE $\frac{1}{4}$ of Section 35 and for domestic use in the same 40-acre subdivision of Section 35, T. 14 S., R. 7 W., G.A.S.R.M. Under Item 21 of the general conditions of the application the statement is made that "The well is located within the well-defined banks of Crowler Wash. There is no drawdown in the well even though subject to constant pumping."

"The use of this well as a means of diversion is not an admission that the waters are percolating waters and, therefore not subject to appropriation, but accomplishes the same effect as if a dam were constructed at this point to appropriate and store the waters of Crowler Wash."

According to the sketch map submitted by Superintendent Supermaugh with his memorandum of September 6, the new well drilled by Henry Gray is in the NE $\frac{1}{4}$ of Section 35, and we presume it is not now within "the well defined banks of Crowler Wash."

We believe that the new well is an admission of abandonment of the original well which was claimed to have the same effect "as if a dam were constructed at this point to appropriate and store the waters of Crowler Wash".

The four preceding paragraphs suggest the question of what should be done in view of the discrepancy between the pending Application No. A-3066 and the new well for which, presumably, Henry Gray expects to obtain a water right under the pending application. We recommend that the case now pending before the State Land Commissioner not be reopened. Mr. Smith, the Water Engineer of the State Land Commissioner's office, will undoubtedly visit the sites of all wells and springs which are involved in the applications. In any event, the theory of substitution, which is apparently held by the Grays, can be tested in some other proceeding.

With regard to the permit for the well, we recommend that Henry Gray be requested to accept such a permit. It is highly unlikely that he will do so, but we should then notify him that he is in violation of Special Condition 16 of the grazing permit.

A copy of Mr. Henson's memorandum of August 15, Mr. McCole's memorandum of August 24, and Mr. Supernaugh's memorandum of September 6 are attached for your files.

P. P. Patraw
Acting Regional Director

In duplicate

Attachments 3
Copy to: ~~Sup.~~, Organ Pipe Cactus

In reply refer to:
L3019

OCT 20 1958

Memorandum

To: Regional Director, Region Three
From: Assistant Director
Subject: Unauthorized Well Drilling by Henry Gray, Organ Pipe
Cactus National Monument

The memorandum of August 4 to the Superintendent from Mr. Barton transmitted a special use permit for the signature of Mr. Gray, and advised that the Director's suggestion for handling the new well adjacent to the Oroscu Well would be requested.

Our copy of the memorandum has been in circulation so long without a reply that the first question is whether Mr. Gray has signed the permit.

It seems probable to us that Mr. Gray will not sign as long as the State Land Commissioner has not acted on the Federal protest of the claims to the waters of the other wells being used by the members of the Gray Partnership. We have no constructive suggestions to offer until that matter is settled, either.

We should attempt to obtain a ruling on the protests. If you can determine that action will be taken soon, we should wait. If the Commissioner is deferring action, either due to his illness, or in the hope that the case will be referred to a Federal court, we should probably obtain the Solicitor's suggestions as to a Federal suit. With the changing definition of Federal interests in water through legislation and policy statements, it may be desirable to refer the matter to the Solicitor anyway.

As an alternative, we could cancel the grazing permit of the Gray Partnership on the grounds that permittees are not complying with regulations. The new well is a definite violation of condition 16 of Permit I-20p-224 and the first deliberate violation we have had. The rest of the controversy over rights to old wells has arisen because of the inadequate provisions in the permit.

(SGD) THOMAS J. ARNOLD

Assistant Director

In duplicate

In reply refer to:
154

September 6, 1953

Memorandum

To: Regional Director
From: Superintendent, Organ Pipe Cactus
Subject: Unauthorized Drilling of Well by Henry Gray

The location of the new well recently dug by Henry Gray is T. 14 S., R. 7 W., Sec. 35, G&SRM.

The new well, Mr. Gray's residence and the Daniell's well all lie in section 35 which is federal monument land. The new well is a replacement well for Daniell's well which was flooded and filled by the Crowler Wash in 1951.

Bates Well lies about 800 feet east of Gray's residence in section 36 which is state land.

William R. Supernaugh
Superintendent

August 15, 1953

Memorandum

To: Regional Director, Region Three
From: Acting Superintendent, Organ Pipe Cactus
Subject: Unauthorized Drilling of Wells by Henry Gray

Mr. Barton's memorandum of August 4 and the Special Use Permit for the drilling of the new well were received. The Permit was taken to Mr. Robert Louis Gray on August 6, but he wanted to talk it over with the rest of the Grays so did not sign it at that time.

Yesterday, while checking fences in the north end of the monument, I stopped at Henry Gray's residence in Growler Pass to find out if they were going to sign it. He said he wanted to talk it over with his Attorney first.

While there, Maintenanceman Guilan pointed out that there was a new well in Henry Gray's front yard. I don't know when it was drilled, but assume it was at about the same time as the other well.

I told Mr. Gray that a Special Use Permit was necessary to cover development work of that kind. He said that this new well replaced a well that had been filled in by the Growler Wash and that he would not sign a permit for it.

At the time, I thought perhaps the new well was in the school section and that was the reason he would not sign a permit. However, as close as I can tell from the files, the well and his residence are both outside the school section on monument land.

I will attempt to find out more about the well over the weekend.

Albert G. Henson
Acting Superintendent

*Radio message Mr. Gordon — That
Bill [unclear] has him [unclear] [unclear]
and [unclear] [unclear] will consider
[unclear] [unclear] separately.*

Region Three
Santa Fe, New Mexico

January 16, 1953

Mr. Elmer Coker
Clark and Coker
Attorneys at Law
Bank of Douglas Building
Phoenix, Arizona

Dear Mr. Coker:

Some time ago the Superintendent of Organ Pipe Cactus National Monument informed this office that Henry Gray, who is understood to be acting in behalf of the Gray partnership, was about to do some work at the well known as the Jose Juan Oroscos Well, located some eight miles north and a little east of Quitobaquito, on monument land. Mr. Gray was informed that any construction work would require a permit from the National Park Service for the use of the Government land. He has evidenced a determination to go ahead without a permit, and has stated that you advised him he does not need any permit. It may be that this controversy can be resolved if each party will clarify his position. As you know from your dealings with the National Park Service, it is our policy to state our position with the utmost frankness with regard to any matter in controversy. It also is our policy to reexamine any position taken when it appears that such position may be in error.

Our position in this matter is not based on any interpretation of Arizona water rights law. We do not claim any independent Federal title to the water. We do not rely on any principle of riparian rights, but consider that the vesting of water rights as property interests is solely the result of the operation of the law of Arizona.

We are willing to assume, for the purposes of this discussion, that Jose Juan Oroscos, or some predecessor, acquired a vested water right in the waters of the well in question, and that such right was duly conveyed to the Grays. It is understood, of course, that we reserve the right to contend otherwise whenever those questions become important.

Simply stated, our position is that the owner of a water right does not thereby obtain any right to the use of Government land, no matter how essential such land use may be in order to make use of the water. The easement or license for the use of Government land must rest upon a separate grant. Where use of private land is necessary in order to gain access to, or divert and carry away, water to which another has a right under State law, the law of Arizona provides a right of condemnation of the necessary right of access. Arizona Code Annotated, 1929, Secs. 75-140; Secs. 27-901 to 27-904. However, it is elementary that no State has any such authority with reference to the lands of the United States. Utah Power and Light Co. v. United States, 245 U. S. 388. The ownership of the water does not include any right to use Government land in aid of the appropriation of the water. Arizona v. California, 283 U. S. 423 at 424. Utah Light and Traction Co. v. United States (C. C. A. 8th, 1915), 230 Fed. 345.

We think that setting up a drilling rig, or any other machinery for reaching the water in the well in question or bringing the water to the surface, is a use of the soil, which is land. It may be that the water right is valueless unless the water can be reached and brought to the surface, but necessity does not imply a grant where the lands of the United States are involved.

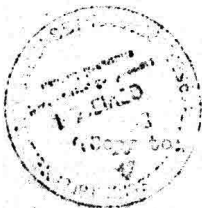
We should be pleased to have a statement of your views on the matter. It will assist in giving full consideration to your viewpoint if you will include some information which does not appear in our files, including the approximate date the well was dug, who dug it and who used the water, the date and nature of the conveyance to the Grays, and the name of their grantor.

Pending our further clarification of the matter, it is suggested that the Grays be advised to take no further action.

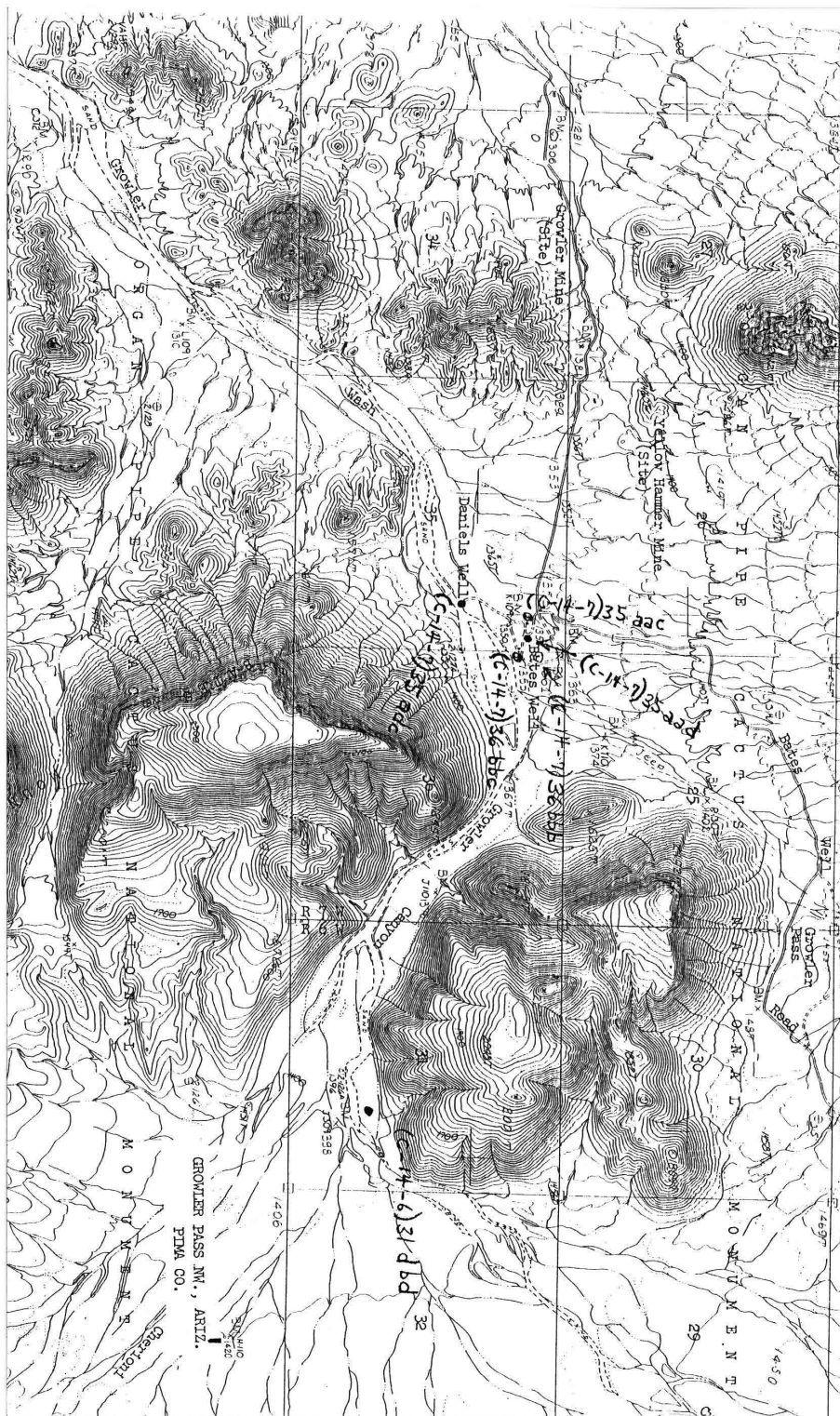
Sincerely yours,

SIGNED

Merritt Barton
Regional Counsel



Copy to: Director
Gen. Supt., Southwestern
National Monuments (2)



Docket Information

Number of Documents in Docket 39

Documents Dated from 1/16/1953 to 11/2/1987

Docket Compiled: 6/3/2011