



WATER-RIGHT DOCKET

Organ Pipe Cactus National Monument

Docket No: 3

OROSCO REPLACEMENT WELL (POZO NUEVO)

Preliminary Docket Information

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

WATER RESOURCES/WATER RIGHTS

DATE: October 11, 1974

WATER RIGHT/SOURCE DOCKET INFORMATION

REGION Western AREA Organ Pipe Cactus National Monument
SITE Orosco Replacement Well (Pozo Nuevo)
STATE Arizona COUNTY Pima DOCKET NO WR #3
LOCATION NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 24, T16S R8W (C-16-B) 24 daa
REGIONAL BASIN Gila River LOCAL BASIN San Cristobal
ACQUIRED BY _____
APPLICATION _____ PERMIT _____ CERTIFICATE _____
ACTION DUE _____ PRIORITY _____ RESERVATION April 13, 1937
QUANTITY _____ USE _____
STATUS Active SOURCE WELL
REMARKS See "Review of Grazing Privileges in Organ Pipe"
(C-16-B) 24 daa

NARRATIVE:

According to a memo of January 25, 1953, by Bill Supernaugh, the Jose Juan or Orosco Well was dug about 1924 by Jose Juan Orosco and was used to water cattle which he was running in the Quitobaquito area. (Note: Henry and Bobby Gray report that the well was dug in 1908.) Henry Gray purchased the well from Jim Orosco in the fall of 1951. It was always a weak well, going dry in the drought seasons. Orosco drew water by hand windlass and poured it into a trough. Henry Gray placed a windmill on the well but Supernaugh believed this was not successful because of the drawdown caused by the faster pumping.

Merritt Barton, Regional Counsel for the N.P.S., in a letter of January 16, 1953, to Mr. Coker, attorney for the Gray family, pointed out that Henry Gray was intending to rework the Orosco Well and that the N.P.S. had notified him that any construction work would require a permit since the well was located on land within Organ Pipe Cactus N.M. Mr. Gray had evidenced an intent to go ahead without a permit on the advice of Mr. Coker. The Park Service was of the view that Arizona Law provided for condemnation private land when use of the land is necessary in order to gain access to or divert or carry away water to which another party has a right to. However, no state has this authority in regard to federal land. Thus even though Henry Gray may have had a valid water right, he had no right of access to develop it, nor could he obtain one except by permission of the Park Service.

On July 25, 1953, W. Supernaugh, in a memo to the Regional Director, stated that Henry Gray had set up a well drill rig over the Orosco Well. While attempting to deepen the dug well with a drilled bore, the drilling tools were lost and this drilling ceased. He then moved the rig 60 feet to the north and drilled a new well. Supernaugh felt this was a clear breach of the Gray's grazing permit and was cause for termination. However, Merritt Barton did not advocate this action but instead suggested a special use permit for the well be submitted to Henry Gray for his signature. It appeared that Henry was reluctant to sign on the basis that he thought he had a right to drill a substitute well without obtaining a permit.

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 copies of the permit signed by Mr. Gray to the Regional Director (Permit No. 14-10-333-76).

Compiled by M. Ackerman

Approved by W. Werrell

Page 1 of 1

8. Number of persons _____ or dwellings 1 served by this _____.

9. Annual Volume Claimed: less than 1 acre-feet

10. It may be necessary for a representative from the Department of Water Resources to inspect the place of use and diversion. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant John D. Cherry, Assoc. Reg. Dir., Res. Mgr. & Plng.
Western Regional Office, National Park Service

11. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Regular work day (415) 556-1036

12. Additional comments: _____

(attach additional sheet if required)

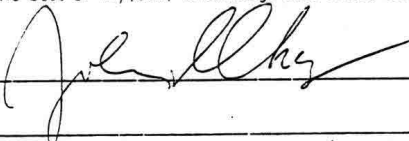
13. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

14. Notarized Statement:

I (~~we~~), John D. Cherry, on behalf of the National Park Service
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

March 26, 1989
My Commission Expires:


Mary E. Meredith
Notary Public



or, _____
Authorized Personnel of the Department of Water Resources



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 county, and does not concede that the
State has power to regulate the rights of
the United States to the use of water.

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

FOR OFFICE USE ONLY	
REGISTRATION NO. 55-	629152
FILE NO.	CV-6-8124 dea.
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 Avenue, 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, of Township 16 S N/S, Range 8 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) 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 170 feet
 - Diameter of casing 6 inches
 - Depth of casing 10 feet
 - Type of casing Iron
 - Maximum pump capacity (Windmill) gallons per minute.
 - Depth to water 96 feet below land surface.
 - Date well completed July (Month) 1953 (Year)
- The place(s) of use of water. If same as Item 3, check this box ☒

Organ Pipe Cactus -- Pozo Nuevo *
Attach additional sheet if necessary.
- DATE JUN 3 1982 SIGNATURE OF REGISTRANT (Sgd) Gerard S. Witucki

*This well replaces Jose Juan Orozco Well

GERARD S. WITUCKI
CHIEF, DIVISION OF WATER RESOURCES

Land History

QUIT-CLAIM DEED

THIS INDENTURE, Made the 13th day of August, 1952,
by and between JIM OROSCO and Mary Antonia OROSCO his wife,
GRANTORS, and HENRY GRAY, GRANTEE,

WITNESSETH:

That the GRANTORS, for and in consideration of the
sum of FIVE HUNDRED DOLLARS, to them in hand paid by the
GRANTEE, the receipt whereof is hereby confessed and acknow-
ledged, have released and quit-claimed, and by these presents
do release and quit-claim unto the GRANTEE, and to his heirs
and assigns forever, all the right, title, interest, claim
and demand which the GRANTORS have in and to:

That certain well known as Pozo Nuevo located on
the Pipe Organ Cactus National Monument and about
seven miles north of Quitobaquito and about one mile
north of Ciprano Well in Pima County, Arizona.

IN WITNESS WHEREOF, the GRANTORS have hereunto set
their hands the day and year first above written.

JIM OROSCO

X

HIS MARK

Mary Antonia OROSCO

X

HER MARK

Address Care Margaret Velasco
Gn Del AJO Arizona

WITNESS TO MARK:
MARGARET VELASCO
Margaret Velasco
General Delivery, AJO Arizona.

STATE OF ARIZONA)
) SS.
COUNTY OF PIMA)

ON THIS, the 26th day of August, 1952, before me the undersigned Notary Public, personally appeared JIM OROSCO and Mary Antonia OROSCO, husband and wife, known to me to be the persons who are GRANTORS in the foregoing instrument, and each of whom, being unable to sign their names, made their mark by signing "X" before me and the foregoing witness Margaret Velasco, and each of whom stated and acknowledged to me that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires: October 16, 1953

H. A. WARDENBURG
HAWARDENBURG NOTARY PUBLIC In and for
PIMA County, State of Arizona

38205

Fee \$1.75

State of Arizona)
County of Pima) ss.

I hereby certify that the within instrument was filed for record at request of H. A. Wardenburg
1952 Aug 30 AM 11:28 A.D.
BOOK 504 DOCKET
PAGE 449 & 450

Witness my hand and Official Seal
day and year above written.

ANNA SULLINGER, County Recorder
By Norma Y. Meindle,
Deputy

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

This permit consists

of 2 pages**CORRECTED COPY****SPECIAL USE PERMIT**

PERMIT NO. 14-10-333-467	EXPIRES 12/31/61
PREVIOUS PERMIT NO. 14-10-333-76	

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 north of Quitobaquito and east of the west boundary of Organ Pipe Cactus National Monument. The said well being approximately 60' north of the Orosco well. The Orosco well is described as roughly seven miles north of Quitobaquito and one mile north of Ciprano well in what will probably be, when surveyed, Section 8, T. 16 S., R. 7 W., G & S. R. M., Pima County, Arizona.**

for the purpose of **drilling a new well approximately 60' north of the existing Orosco well. This permit will cover the necessary windmill, pump, piping and stock watering trough at the site of the new well.**

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 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**

(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		NAME	
/s/ John R. Hay		/s/ Robert Louis Gray, Agent	
ADDRESS		ADDRESS	
Box 38, Ajo, Arizona		Box 1112, Ajo, Arizona	
NAME		NAME	
John T. Mullady			
ADDRESS		ADDRESS	
Box 38, Ajo, Arizona			

APPROVED! (If Approval is required by higher authority)

NAME	TITLE	DATE
/s/ Harthon L. Bill	Acting Regional Director	12/30/58

When 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.

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 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.

Form 10-114a
(Dec. 1956)C
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P
YUNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SPECIAL USE PERMIT CONTINUATION SHEET

CORRECTED COPY

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.)

COPY

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

This permit consists

of 2 pages

SPECIAL USE PERMIT

PERMIT NO. 14-10-333-76	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 north of Quitobaquito and east of the west boundary of Organ Pipe Cactus National Monument, the said well being approximately 60 feet north of the Orosco Well. The Orosco Well is described as roughly seven miles north of Quitobaquito and one mile north of Ciprano Well in what will probably be when surveyed Section 8, T. 16 S, R. 7 W., G. & S. R. M., Pima County, Arizona.

for the purpose of drilling a new well approximately 60 feet north of the existing Orosco Well. This permit will cover the necessary windmill, pump, piping and stock-watering trough at the site of the new well.

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 paid annually when the 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 (City), this 1st day of January, 19 58

/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		NAME	
<u>/s/ Chas. Rasmussen</u>		<u>/s/ Robert L. Gray</u>	
ADDRESS		ADDRESS	
<u>201 La Mina, Ajo, Arizona</u>		<u>P. O. Box 1112 Ajo, Arizona</u>	
NAME		NAME	
<u>/s/ B. J. Berry</u>			
ADDRESS		ADDRESS	
<u>Box 607, Ajo, Arizona</u>			

APPROVED: (If approval is required by higher authority)

NAME	TITLE	DATE
<u>/s/ Hugh M. Miller</u>	<u>Regional Director, Region Three</u>	<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.

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 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 14-10-333-76 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
16-114
(October 1952)
(Revised)

REVOCABLE SPECIAL USE PERMIT
ORGAN PIPE CACTUS NATIONAL MONUMENT

No. 14-10-333-76
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, 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 north of Quitobaquito and east of the
west boundary of Organ Pipe Cactus National Monument, the said well being approximately
60 feet north of the Orosco Well. The Orosco Well is described as roughly seven
miles north of Quitobaquito and one mile north of Ciprano Well in what will probably
be when surveyed Section 8, T. 16 S., R. 7 W., G.&S.R.M., Pima County, Arizona.

for the purpose of drilling anew well approximately 60 feet north of the existing Orosco
Well. This permit will cover the necessary windmill, pump, piping and stock-watering
trough at the site of the new well.

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 paid annually
when the 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 Mon., 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

Address Ajo, Arizona

//s/ Chas. Rasmussen

Address Ajo, Arizona

Acting

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

(SIGNED)

Hugh M. Miller

Date October 21, 1954

/s/ R. L. Gray

Robert Louis Gray, Agent

Address P. O. Box 1112

Ajo, Arizona

Address

*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.

XXXXXXXXXXXXXXXXXXXX
(Not to be used for Docket)

16-35968-8

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 term "Director, National Park Service" as used herein shall include the appropriate Regional Director.

U. S. GOVERNMENT PRINTING OFFICE 16-36908-3

15. The permittee shall provide the date 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 Supt. (Pump capacity and well dimensions are required for this.)

In reply refer to:
15019

July 24, 1954

Memorandum

To: Regional Director, Region Three
From: Superintendent, Organ Pipe Cactus
Subject: Grazing Permit I-209p-934 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 B. Superneugh
Superintendent



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:
L3019-L

Supt OPC

Water

APR - 2 1954

Memorandum

To: Regional Director, Region Three

From: *ACTING* Director

Subject: Grazing Permit I-20p-934, Organ Pipe Cactus National Monument

Attached are two copies of a letterwe aresending to Senator Hayden to advise him of the action you suggest in the draft of a proposed letter to Robert Louis Gray which you submitted by memorandum of March 2. The letter is approved, as drafted. Three revisions of the permits are recommended, as follows:

1. All references to the Daniell's Well be changed to refer to "that old well, locally known as Daniell's Well," in order that there may be no suggestion of private title.
2. A further condition No. 15 be added to provide that: 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.
3. " 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.)

(SND) THOMAS J. ALLEN
Regional Director

In duplicate

Attachments 2

Supporting Hydro Data

FORM GCS 1904-A

SITE NO. (C-16-8) 24dad u

Recorded by D. Clay

U.S. DEPT. OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
GROUND WATER SITE INVENTORY
SITE SCHEDULE

Date Nov 28, 1976

Check Case ☒ English ☐ Metric Units

GENERAL SITE DATA (U)

Site Ident No. 320100113020001 RG Number R-01 Transaction T-01 D M V
 Site Type 2- C D H I M P T Data 3- C U L M Reporting Agency U.S.G.S.
 Project No. 6- 6TD District 6- 04 State 7- 04 County PIMA S-O-I-R 8- 019
 Latitude 9- 320100 Longitude 10- 1130200 Lat Long Accuracy 11- S F T M
 Local Number 12- C-16-08 24DAD UNSHURY Land Use 13- SENESE 24 1165 R 08W G
 Location Map 14- AGUA DULCE MTS Scale 15- 62500
 Altitude 16- 1265 Method of Measurement 17- A L Accuracy 18- AD
 Topo Setting 19- D C E F H K L P R S T U V W Hydrologic Unit (DWDC) 20-
 Date of First Construction/Completion 21- / / Use of Site 22- A D E G H B M P R S T U V X Z
 Use of Water 24- A B C D E F H I M N P R S T U V Y Z
 Secondary Water Use 25- Tertiary Use of Water 26- Depth of Hole 27- 140 Depth of Well 28- Source of Depth Data 29-
 Water Level 30- 57.8 Date Measured 31- 10/18/1976 Source 32- A
 Method of Measurement 34- A C E G H L M R T V Z
 Site Status 37- D F G H B P R S Y V X Z
 Source of Geohydrologic Data 38- Pump Used 35- Measuring Point 266 Measuring Point Date 267- / /

OWNER IDENTIFICATION (1)

R-158 T-01 D M V Date of Ownership 159- 00/00/1964
 Name: Last 161- PARRA First 162- NUNEZ Middle Initial 163-

OTHER SITE IDENTIFICATION NUMBERS (1)

R-188 T-01 D M V Ident 190- Assigner 191-
 New Card Same R & T Ident 190- Assigner 191-

SITE VISIT DATA (1)

R-186 T-01 D M V Date of Visit 187- / / Name of Person 188-

FIELD WATER QUALITY MEASUREMENTS (1)

R-182 T-01 D M V Date 183- / / Geohydrologic Unit 185-
 N.W. Card Same R thru 189 Temperature 186- 0, 0, 0, 1, 0 Degrees C 187-
 Conductance 188- 0, 0, 0, 5, 5 μ Mhos 189-
 Other (STORET) Parameter 190- Value 191-
 Other (STORET) Parameter 192- Value 193-

FOOTNOTES:

① Source of Data Codes:

S D B A R L O Z
 reporting, director, owner, other, gov't, other, logs, geologist, other, agency, reporting

(C-16-8) 24dad u

R-72	T	A	D	M		Construction Entry No.	55 R			
RSE model modify										
Top of Hole Segment Before LSD										
73 F	*	*	*	*	*	Bottom of that Segment before LSD	73 F	*	*	*
73 R	*	*	*	*	*	74 F	*	*	*	*
73 B	*	*	*	*	*	74 R	*	*	*	*
73 S	*	*	*	*	*	74 B	*	*	*	*
73 E	*	*	*	*	*	74 S	*	*	*	*
73 P	*	*	*	*	*	74 E	*	*	*	*
						Characteristics of Hole Segment				
						75 F	*	*	*	*
						75 R	*	*	*	*
						75 B	*	*	*	*
						75 S	*	*	*	*
						75 E	*	*	*	*
						75 P	*	*	*	*

To record the Extra Hole Segments
Enter in 7 & Field 5

[illegible]

R-#2#				T-A D M				Construction Entry No. 55#				New Card for Each Open Section With Same R, T and Field 59																			
SUD. (Paving) Mobility								(Outgoing Data)				(Typings Data)				(Outgoing Data)															
Top of Section Below LSD								53#								53#								53#							
Bottom of Section Below LSD								54#								54#								54#							
Type of Openings								55#								55#								55#							
Type of Material								56#								56#								56#							
Elevation at Open Section								57#								57#								57#							
Width at Opening								58#								58#								58#							
Length of Opening								59#								59#								59#							

④ Source of Data Codes:

S D B A R L G Z
 founding, Driller, owner, Other gun's, Other logs, geologist, Other

(5) Casing Material Codes

B	C	G	I	M	P	R	S	T	U	W	Z
brick, concrete, gels, wrought, other, PVC or, rock or, steel, tile, coated, wood, other											

⌘ Types of Opening Codes

F	L	M	P	R	S	T	W	X	Z
fracture	lowered	mesh	perforated	was	screen	sand	walled	open	other
	multimed		perforated	wound	(unknown)	point		hole	

Q: Type of Material Codes for Open Sections

B	C	G	I	M	P	R	S	T	Z
brass or bronze	concrete	galv.	wrought	other	PVC or other	stainless steel	steel	tie, other	

GEOMORPHOLOGIC UNIT DESCRIPTIONS (1)

R-90 T-A D M Entry No. 256 # Depth to Top 91 Depth to Bottom 92

Unit Identifier 93 Lithology 96 Lithology Modifier 97

AQUIFER DATA (2)

R-94 T-A D M Geohydrologic Unit Entry No. 256 #

Date 95 # / / Water Level 126 # % Water Contributed 122 #

GEOMORPHOLOGIC UNIT DESCRIPTIONS (3)

R-90 T-A D M Entry No. 256 # Depth to Top 91 Depth to Bottom 92

Unit Identifier 93 Lithology 96 Lithology Modifier 97

AQUIFER DATA (2)

R-94 T-A D M Geohydrologic Unit Entry No. 256 #

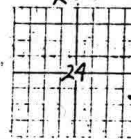
Date 95 # / / Water Level 126 # % Water Contributed 122 #

PERTINENT REMARKS

R-183 T-A 185 #

No. Core Same (1&1) 185 #

NOTES:



(c-16-8) 24dad

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

NATIONAL PARK SERVICE

Well No. (C-16-8) 24 daa 2

WELL SCHEDULE

U. S. DEPT. OF THE INTERIOR

GEOLOGICAL SURVEY

WATER RESOURCES DIVISION

MASTER CARD

Record by W. Werrell Source of data Field Date Feb 11, 74 Preliminary Map: Granite Mtn 4 SE, 7 1/2'

State Arizona County Pima Sequential number: 10

Latitude: 32 01 02 N Longitude: 113 02 00

Lat-long accuracy: 1 T. 16 R. 8 Sec. 24 NE NE SE SE PM

Local well number: C-16-08 24 DAA 2 Other number: Pozo Nuevo Well

Local use: POZO NUEVO WELL Owner or name: National Park Service

Ownership: (C) 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, Dom, Irr, Med, Ind, P S, Rec, (S) Stock, (T) Instit, Unused, Repressure, Recharge, Desal-P S, Desal-other, Other S

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

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

Hyd. lab. data: 73

Qual. water data: type: Specific conductance 74 K

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

Aperture cards: 78 79

Log data: 78 79

WELL-DESCRIPTION CARD

SAME AS ON MASTER CARD Depth well: 170 ft Meas. 170 Driller 6

Depth cased: 10 ft Casing type: 10 Diam. 6 in

Finish: (C) porous concrete, (F) gravel w. (H) gravel w. (S) horiz. open perf., screen, sd. pt., shored, (X) other X

Method: (A) air bored, (B) cable dug, (C) hyd jetted, (D) air reverse trenching, (E) driven, (F) drive rot., (G) percussion, (H) rotary, (I) wash, (J) other C

Date Drilled: July 1953 Pump intake setting: 9.53 ft

Driller: Bobby Gray & Henry Gray name Gray address Gray

Lift: (A) air, bucket, cent, jet, (B) multiple, (C) multiple, (D) none, (E) piston, (F) rot, submerg, turb, other P Deep D Shallow 20

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

Descrip. MP Top of casing; 1.0 ft below LSD, Alt. MP 1255

Alt. LSD: 1255 Accuracy: USGS topo - 10' contours 3

Water Level: 95.9 ft above MP; 96 ft below LSD Accuracy: Steel tape 3

Date mess: Feb 11, 74 Yield: 2.74 gpm Method determined 3

Drawdown: 3 ft Accuracy: 3 Pumping period 3 hrs

QUALITY OF WATER DATA: Iron ppm 5 Sulfate ppm 5 Chloride ppm 5 Hard. ppm 5

Sp. Conduct 1800 K x 10⁵ Temp. 95 °F Date sampled Feb 11, 74 2.74

Taste, color, etc.

Well No.

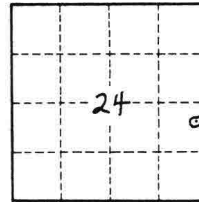
(C-16-8) 24 daa 2

Well No. (C-16-8) 24 daa 2Latitude-longitude 32.01.02^N 113.02.00
d m s d m s

HYDROGEOLOGIC CARD

SAME AS ON MASTER CARD		Physiographic Province: <u>Basin & Range</u> <u>2.2</u>		Section: <u>Sonoran</u>	
Drainage Basin: <u>Gila River - Texas</u>		Subbasin: <u>San Cristobal</u>			
Topo of well site: <u>(T)</u>		(D) (C) (E) (P) (H) (K) (L)			
offshore, pediment, hillside, terrace, undulating, valley flat					
MAJOR AQUIFER:		system: _____ series: _____		aquifer, formation, group: _____	
Lithology: _____		Origin: _____		Aquifer Thickness: _____ ft	
Length of well open to: _____ ft		Depth to top of: _____ ft			
MINOR AQUIFER:		system: _____ series: _____		aquifer, formation, group: _____	
Lithology: _____		Origin: _____		Aquifer Thickness: _____ ft	
Length of well open to: _____ ft		Depth to top of: _____ ft			
Intervals Screened:					
Depth to consolidated rock: _____ ft		Source of data: _____			
Depth to basement: _____ ft		Source of data: _____			
Surficial material: _____		Infiltration characteristics: _____			
Coefficient Trans: _____ gpd/ft		Coefficient Storage: _____			
Coefficient Perm: _____ gpd/ft ²		Spec cap: _____		Number of geologic cards: _____	

Bobby Gray drilled this well with a rented cable tool rig as a replacement for the Jose Juan Well. He gave this well the Spanish name "Pozo Nuevo" which translates to "New Well" in English. A 5 ft. by 30 ft concrete trough is present at the site. Township and Range location determined by projection.



Well No.

(C-16-8) 24 daa 2

B70 Nussio

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

check
(c-16-7) 18adc

WELL SCHEDULE

Date 3-6, 1956 Field No. _____
Recorded by Jose Juan Office No. _____
Source of Data U.S. Park Serv. R. 965.

1. Location: State ARZ. County Yuma
Map _____
_____ 1/4 sec. _____ T 16 N 7 R 7 W

2. Owner: U.S. Park Serv. Address _____
Tenant _____ Address _____
Driller Joe O. Ochoa Address _____

3. Topography _____

4. Elevation _____ ft. above _____ below _____

5. Type: Dug, drilled, driven, bored, jetted _____ 19 _____

6. Depth: Rept. 40 ft. Meas. _____ ft.

7. Casing: Diam. _____ in. to _____ in. Type _____
Depth _____ ft. Finish _____

8. Chief Aquifer _____ From _____ ft. to _____ ft.
Others _____

9. Water Level _____ ft. rept. _____ 19 _____ above _____ below _____
_____ which is _____ ft. above _____ below _____ surfaces

10. Pump: Type C Capacity _____ G.M. _____
Power: Kind W Horsepower _____

11. Yield: Flow _____ G.M., Pump _____ G.M., Meas., Rept. Est. _____
Drawdown _____ ft. after _____ hours pumping _____ G.M.

12. Use: Dom. Stock, PS., RR., Ind., Irr., Obs. _____
Adequacy, permanence _____

13. Quality: _____ Temp. _____ °F
Taste, odor, color _____ Sample No. _____
Unfit for _____ Yes

14. Remarks: (Log, Analysis, etc.) See log of well in file
for details of construction
and analysis of water

Other Supporting Information

CHAVEZ

WITUCKI

GRAY

RITCHIE

L54 LWSSC

ORPI/Dockets

Nos. 2 & 3

15 JUL 1969

Memorandum

To: Regional Director, Southwest Region

From: Chief, Office of Land and Water Rights, SSC

Subject: WR Dockets Nos. 2 and 3 - Organ Pipe Cactus

In reviewing water right docket materials for Organ Pipe Cactus, Supervisory Hydrologist G. Witucki has certain questions concerning the Daniels Well, WR Docket No. 2 and the Orosco Well, WR Docket No. 3.

According to our Docket No. 2, a Special Use Permit was issued to Robert Louis Gray by the Service for the drilling of a well within the boundaries of Organ Pipe Cactus for the purpose of replacing the Daniels Well which was flooded by Growler Wash in 1951. WR Docket No. 3 involved a similar situation in which a Special Use Permit was issued to the same Robert Louis Gray for the drilling of a well to replace the Orosco Well similarly flooded in 1951.

We would like to request information from the park as to the present status of these dockets, i.e., were the wells ever drilled; if so, their locations and any other pertinent information or materials concerning this matter.

(Sgd) JOHN E. RITCHIE

cc:

Chief, Div. Water Resources, WASO

Attn: Supervisory Hydraulic Engr

Chief, DCSSC

In reply
LS4-L

Chief	
Asst. Chief	
Supv. Architect	
Supv. Engineer	
Supv. Landscape Arch.	
Safety Engineer	

May 26, 1955

Memorandum

To: Regional Director, Region Three

From: Acting Chief of Lands

Subject: Daniell's Well Replacement, Docket 2, and Oroscow Well Replacement, Docket 3, by Gray Partnership, Organ Pipe Cactus National Monument

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.

The Dockets now contain only the Special Use Permits No. 14-10-333-75 and 14-10-333-76, which have been issued to the Gray Partnership. The permits provide for well records by last November, of which we have received no copies, which should be added.

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.

You will note that I propose to claim that the replacement has the vested priority of 1915, when the Daniell's well was dug, and not the 1950 priority when the Grays had to accept by filing an application instead of a declaration under a grandfather's clause.

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

A. van V. Dunn
Acting Chief of Lands

Attachment

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:
13012-L

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Unauthorized Well Drilling by Henry Gray in Section 35,
and Adjacent to Orosco 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.

(SCT) J. ALLEN
Assistant Director

In quadruplicate



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L3019 CRPI

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

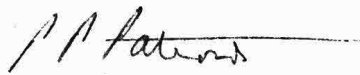
There are attached copies of my memorandums of this date to the Director, regarding two wells that have been drilled by Henry Gray. Since they cover two different locations in the monument, we have written two memorandums.

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 ORPI

Region Three
Santa Fe, New Mexico

November 3, 1953

Memorandum

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

Mr. Allen's memorandum of October 20 refers to our request that Mr. Gray accept a special use permit for the drilling and maintenance of the new well which he has drilled approximately 60 feet from the Orosco Well, on unsurveyed land, in the western part of the monument. It is desirable that the problem relating to this well be considered separately from another well which Mr. Gray drilled immediately afterward, situated near his residence in Section 35, T. 14 S., R. 7 W., G&SR&M. This is the subject of a separate memorandum.

So far as we know, Mr. Gray has not signed a permit. His latest statement was to the effect that he needed more time to consult his attorney. It may be that Mr. Gray is waiting for action by the State Land Commissioner on the applications by the Gray Partnership for water rights on the several wells used by the Grays, which applications are now before the State Land Commissioner for decision on the applications and protests. So far as we know, no one has filed an application for a water right on the new well or the Orosco Well which was abandoned. It seems more probable that Mr. Gray is considering taking the position that, in view of his quitclaim deed from Jim Orosco, he could drill a substitute well when the Orosco Well failed, without any permit. We have taken the view that, regardless of the title to the Orosco Well, a new well substituted for it would amount to a trespass. That could be made an issue for a Federal court. In this connection, Mr. Coker, the attorney for the Grays, has stated that he does not accept the view of this Department that at least since 1901 a water right does not carry with it the right to use Federal lands for access to and use of the water. He has stated his view that it is an open question which he expects to be litigated.

If and when the condemnation of the Orosco interests, including the Orosco Well, is undertaken, Henry Gray (or the Gray

Partnership) is expected to be made a party, so that any interest be derived from the quitclaim deed will be taken from him. The new substitute well should be made the subject of a stipulation in the condemnation proceedings. It will then be included in the interest taken, or stipulated as separate and requiring a permit for its further maintenance.

We do not think we should put pressure on the State Land Commissioner to make an early decision on the applications and protests now pending before him. Until the final decision in Bristor v. Cheatham, 255 p. 2d 173, decided March 14, 1953, the Commissioner could not be certain regarding the Arizona law of percolating ground waters. The Legislature was then still in session, and there was talk of immediate legislation on the subject. Since then, Mr. Lane has been seriously ill, and the Land Commissioner's office undoubtedly been hampered in its activities. We think we can afford to wait a while longer before suggesting to the Commissioner our desire for an early decision. Technically, the applications have no direct adverse effect until one or more of them is granted.

While it would be desirable to have as much legal guidance as we can get, we doubt whether we could formulate specific questions for presentation to the Solicitor at this time. It is our experience that the Solicitor definitely prefers specific questions carefully formulated, rather than requests for general advice and guidance. A question regarding the asserted right to drill and maintain the new well without a permit could, of course, be readily formulated and referred to the Solicitor.

If the pending applications are denied, and the applicants appeal to the State courts, we will then have need for the Solicitor's participation. If it is desired to begin action to restrain further trespass by means of unauthorized wells, that will require reference to the Attorney General through the Solicitor. However, we are not averse to any reference to the Solicitor which may seem advisable.

P. F. Patraw
Acting Regional Director

Copy to: Supt., Organ Pipe Cactus, with copy of
Asst. Director Allen's memorandum of
October 20

In reply refer to:
L3019 CRPI

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 Grosco 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 300 feet west of Bates Well, which is in Section 36 and on state-owned land.

Grading Permit I-20NP-034, approved by Mr. Tillotson on January 31, 1952, authorized 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-3066 (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. & 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 Supernough 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".

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 Grosco 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-934 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 C. ADAMS

Assistant Director

In duplicate

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 21, 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: Supt., Organ Pipe Cactus

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 Quinn 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 C. Monson
Acting Superintendent

From Mr. Barton's memorandum —
The new well was drilled in the front yard of Henry Gray's residence in Growler Pass. The well was drilled at about the same time as the other well. The well was replaced a well that had been filled in by the Growler Wash and that he would not sign a permit for it.

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

reply refer to:
L3019

August 4, 1953

Memorandum

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

Your memorandum of July 25 reports that Henry Gray has moved approximately 60 feet north of the Orosco Well and drilled a new well without a permit.

You also point out that this is a breach of special condition No. 16 which under special condition No. 5 is cause for termination of the permit. We agree with you regarding the desirability of eliminating all grazing from the monument, but in view of past history regarding the land use at Organ Pipe Cactus by the Gray family we do not think we should take such action without approval of the Director. We find no provision in the grazing permit under which a penalty consisting of reduction in number of stock, can be assessed for breach of conditions.

We are sending to the Director copies of this memorandum, your memorandum of July 25 to the Regional Director, and a copy of your letter of July 25 to Henry Gray. It is our recommendation that you advise Mr. Gray that the new well must be covered by a special use permit and deliver the attached permit to Robert Louis Gray for signature. If he accepts the permit, that action will indicate a willingness to comply with the conditions of the grazing permit. If he refuses to accept the permit, then we will advise the Director and recommend to him a course of action to follow.

We have prepared the permit to cover only the new well. We should have preferred to include the Orosco Well, but since the Grays claim an independent right in the latter well by reason of their quit-claim deed from Jim Orosco, we believe we should avoid any basis for argument on that matter.


Merritt Barton

Acting Assistant Regional Director

Attachment

Copy to: Director. With 3 attachments.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

ORGAN PIPE CACTUS NATIONAL MONUMENT

AJO, ARIZONA

July 25, 1953

Memorandum

To: Regional Director

From: Superintendent

Subject: Unauthorized drilling of well by Henry Gray

On inspection of the Grosco Well, July 25th, 1953, I found that Henry Gray had moved from cleaning the original well and had drilled a new hole about 60 feet to the north.

Mr. Gray was notified in writing on October 7, 1952 that he could not drill on a new site without a permit. He then had a well drill set up over the old well, which caved in and caused trouble. I again explained to him that he required a permit for another location.

The well rig has been setting on the old well until the early part of this month. Between inspection trips it was found he had drilled the new well.

Henry Gray was contacted this morning and has been advised by me to make no more improvements as I could not allow the use of this unauthorized development.

This is a clear breach of section 16 of the Grazing permit which, under section 5, is cause for termination of the permit. I feel that this notice should be given them and if we can not close them out we should make a penalty by reduction of the permit.

Attached is notice in writing to Henry Gray to cease development and stating the action which can be taken.

William R. Supernough
Superintendent

Barton

OPC

CLARK AND COKER
ATTORNEYS AT LAW
BANK OF DOUGLAS BUILDING
PHOENIX, ARIZONA

WALLACE W. CLARK
ELMER C. COKER

TELEPHONE
ALPINE 4-8441

February 4, 1953

Mr. Merritt Barton
Regional Counsel
Region Three
National Park Service
United States Department of the Interior
Santa Fe, New Mexico

Dear Mr. Barton:

Re: Organ Pipe Cactus National Monument -
Gray Family

Your letter of January 16 reached our office on January 19 and on the same day, Louis Gray called me with reference to the Jose Juan Orosco Well. However, on that same day, I had to leave town for about a week and since that time have been up and down with the "flu".

Henry Gray has obtained from Jim Orosco and his wife, a Quit-Claim Deed to that certain well known as Pozo Nuevo, which is also known as the Jose Juan Orosco Well. After Henry Gray had obtained the Quit-Claim Deed from Jim Orosco, he called me and stated that the well needed cleaning out and that he had a rig in the vicinity which, I believe, he was using on the Bates Well and wondered if it would be in violation of the permit from the Park Service to use the rig for the purpose of cleaning his well out. I informed him that I did not believe there would be any objections on your part toward maintenance work on the well. When Louis called me on January 19, however, he informed me that when they started cleaning out the well with the rig, they evidently hit some rock formation and were about to move the rig over about 35 feet for the purpose of drilling a replacement well. However, having your letter of January 16 before me, I advised him that he should not proceed any further with the well-drilling operations until I had answered your letter.

I do not have too much information concerning the depth of this well, but I understood it was located and has



CLARK AND COKER
ATTORNEYS AT LAW

been in constant use by the Orosco Family and the Gray Family since long prior to 1919 and that it, undoubtedly, being located within the well-defined banks and bed of the stream, taps the underground flow of the stream. More detailed information concerning the date the well was drilled or dug and the location thereof, I can obtain if you so desire. Although the Gray Family has used the water of this well for many years, they did not include it as one of the waters upon which they claim ownership in their filings with the State Water Commissioner, State Land Department, State of Arizona, due to the fact that at the time they made their other filings they did not have any title to the well from the Orosco Family.

With reference to the first paragraph of Page Two of your letter, I frankly cannot agree with your conclusion as to the law, assuming that the waters of this well are appropriable under the laws of the State of Arizona, due to the fact that such construction of the Desert Land Act would defeat the very purpose that Congress had in mind in the passage of said Act granting to the states, control over the waters upon public lands to the states. In other words, if your construction is correct under the Desert Land Act and under the laws of the State of Arizona, no one could appropriate any water upon public lands because it would necessarily follow that they would have to use a portion of the public lands to construct their diversion works. Even a spring would require a portion of the public land for the purpose of construction of appropriation and diversion works. However, this is a matter that you and I will have to battle out some time -- perhaps in the courts.

When you were in the office here in December, I mentioned that I was writing the Rules and Regulations of the State Land Department, among which were the Rules and Regulations governing the appropriation of waters for the Water Division of the State Land Department. I am herewith enclosing two copies of the same for your information. You will notice that the Rules and Regulations governing sub-surface or ground waters is very short and applies only to the filing of applications on forms prescribed. Our purpose in not going into detail on the Rules and Regulations on this subject is due to the fact that the Supreme Court of Arizona has still not rendered an opinion on the rehearing in the Bristol case (Bristol vs. Cheatham, 240 Pac. 2d. P.185) and the Legislature now in session evidently is not going to pass any legislation this session until the Supreme Court so rules.

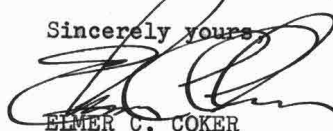


CLARK AND COKER
ATTORNEYS AT LAW

For your information, I am enclosing a conformed copy of the Quit-Claim Deed referred to herein.

Assuring you that I am always more than willing to cooperate with you, not only in the Gray family matter, but in other matters, and that it was not my intention or the Gray Family's intention to violate any provisions of their permit by cleaning out the Jose Juan Orosco Well, I am

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'E. C. Coker', written over a horizontal line.

ELMER C. COKER

ECC/fp
enclosures



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 Grosco 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 Grosco, 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 these 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, Sec. 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, 243 U. S. 300. 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, 285 U. S. 423 at 434. Utah Light and Traction Co. v. United States (C. C. A. 8th, 1915), 225 Fed. 343.

Do 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 Earton
Regional Counsel



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

January 25, 1953

Memorandum

To: General Superintendent, Southwestern Nat'l Monuments
From: Superintendent, Organ Pipe Cactus
Subject: Information on Jose Juan Well

We are unable to gather very much information on the early history of the well known as the Jose Juan well.

From reports I can gather it was dug about 1924 by Jose Juan Orozco and was used by him to water cattle which he was running in the Quitovaquito area.

I believe that Henry Gray purchased this well from Jim Orozco in the fall of 1931, however, I understand he just recently recorded this bill of conveyance.

This has always been a weak well, going dry in the drought seasons. During the time of Orozco use, the water was drawn by a hand windlass and poured into a trough. Henry Gray placed a windmill on the well but I do not believe this has been successful because of the draw down by the faster pumping.

William A. Supernaugh
Superintendent

Region Three
Santa Fe, New Mexico

January 16, 1953

Memorandum

To: Acting District Engineer
Ground Water Branch
Geological Survey

From: Assistant Regional Director

Subject: Request for Information on Jose Juan Orosco Well,
Organ Pipe Cactus National Monument

At the request of this Service, Mr. D. R. Coates made a survey of ground water in Organ Pipe Cactus National Monument in June, 1952. His report includes several wells and springs which are the subject of pending applications filed by the Gray partnership, who graze livestock within the monument area under permit from this Service.

The report does not mention the Jose Juan Orosco well, since it was not included in our request. However, Mr. Coates' letter of June 23 to us states that the well was included in his study. Since his report was written a minor controversy has arisen with the Grays over land use in the vicinity of that well.

Please furnish any data which Mr. Coates collected regarding the well in question. We should especially like to know the approximate date it was dug, and by whom, also the amount of water it produced at any time, and who used the water and for what purpose. If there is any data on this well in the Kirk Bryan report, believed to be Water Supply Paper No. 499, please include a resume of the information. We do not have a copy of the Bryan report.

(SIGNED)

P. P. Patraw
Assistant Regional Director

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



Maps and Miscellaneous Information

Number of Documents in Docket	51		
Documents Dated from	8/13/1952	to	3/26/1989
Docket Compiled:	6/3/2011		