



WATER-RIGHT DOCKET

Tonto National Monument

Docket No: 1

CHOLLA SPRING NO. 1

Preliminary Docket Information

05-21-1979: information sheet for docket

		DATE: May 21, 1979	
DOCKET (FILE) TITLE _____			
REGION	Western	ANMA Tonto National Monument	
SITE Cholla Spring No. 1			
STATE	Arizona	COUNTY	Gila
		DOCKET NO	WR#1
LOCATION NW 1/4, SE 1/4 Sec. 34, T4N, R12E, G.&S.R.B.&M.			
REGIONAL BASIN	Colorado	LOCAL BASIN _____	
ACQUIRED BY Reservation			
APPLICATION	A-2601 (cancelled)	PERMIT	A-1829
		CERTIFICATE _____	
ACTION DUE	PRIORITY	RESERVATION	December 19, 1907
QUANTITY USED:	Unknown	USE	Irrigation
STATUS	Active	SOURCE	Surface Water
REMARKS Located in Hydrologic Basin Unit No. 15060103. Application and Permit were cancelled by the State of Arizona on October 29, 1974. See also "Grazing and Water Rights at Tonto National Monument" (April 1975).			
NARRATIVE:			
On December 4, 1942, Charles A. Richey, Superintendent of the Southwestern Monuments, applied to the State of Arizona for a permit to appropriate water from Cholla Spring, No. 1, a tributary of Cholla Canyon which in turn was tributary to Roosevelt Reservoir on the Salt River. (Note: Under Paragraph 21 of the application, it was stated the "the spring is tributary to the Roosevelt Reservoir but the surface flow does not leave the National Monument.) This application (No. A-2601) was for 7,200 gallons per day for domestic use to supply the employee's residences and the incidental irrigation thereto, to provide sanitary facilities at public comfort stations and campgrounds, for fire protection and for use at a utility area. In the same application, the superintendent also applied for 50,000 gallons per annum for stockwatering of 25 head of cattle from October 1 to March 31 each season. Under paragraph 20, he stated "Chester Cooper and Neil Lyall own adjacent grazing allotments nos. 60 and 66 and use water under federal permits which reserve the right of the United States to complete the appropriation in accordance with this application." In response to the application, the State granted permit No. A-1829 on February 17, 1943, but reduced the amounts to 5,000 gpd for domestic purposes and 40,000 gpd for stockwatering. Extensions of time within which to make full beneficial use of the water were granted to the NPS periodically. One such request for extension of time made by Mr. A. van V. Dunn, of NPS, on Jan. 31, 1955, noted that one of the sources in the monument (No. 2) had ceased flowing and that Cholla No. 1 was now supplying water as a substitute source, and in addition there were more residences supplied and increased storage capacity planned for the reservoirs. Later in 1957, he again applied for an extension of time, citing the extended drought in the Southwest as the factor preventing full beneficial use of the source. From a memo dated September 26, 1966, from the Superintendent, it appears that Cholla Spring No. 1 was the original water source for the monument and supplied all of its needs. It also supplied water to the cattle troughs for Cooper and Lyall. When a well was drilled in 1963 (The Headquarters Well), the water from this source was used only for stockwatering and minimal irrigation. In 1966, to prevent the waste of this spring water (Cholla No. 1), the water line to the residence area was rehabilitated and the water was then used additionally as a source for the Cooper water trough in the NE corner of the Monument and to irrigate the yards of all the residences in the Monument.			
LOCATION		NW 1/4 SE 1/4 34 4N 12E	
Compiled by _____		5/9/80 WBR	
Approved by _____		P. _____	

On August 21, 1973, the State sent an order to Show Cause to NPS for Application No. A-2601. The NPS obtained a one year extension of time, however, on October 29, 1974, the State cancelled this application and permit.

On February 4, 1975, the Superintendent of Tonto reported that the grazing permits would terminate on December 31, 1975, and would not be extended. The Monument plans to fence the area subsequent to this.

(As of the latest review of the docket, it is unknown whether or not the NPS has followed through on the preliminary plans to fence off the spring. (5/21/79)).

II. Appropriation Data

1. Application to Appropriate Public Water, #A 2601
2. Land Ownership Record.
3. Notice to Superintendent, Southwest National Monuments,
transmitting Permit #A-1829 granted by State Water
Commissioner.
4. Notice to State Water Commissioner of beginning of
construction; 2/1/44.
5. Requests for and extensions of time in which to complete
complete construction and prove beneficial use:
 - a. Request
 - b. Extension granted from 2/17/47 to 2/17/49
 - c. Request, 2/1/49
 - d. Extension granted from 2/17/49 to 2/17/51
 - e. Request, 1/18/51
 - f. Extension granted from 2/17/51 to 2/17/53
 - g. Request, 2/16/53
 - h. Extension granted from 2/17/53 to 2/17/55
 - i. Request, 1/31/55
 - j. Extension granted from 2/17/55 to 2/17/57
 - k. Request, 2/1/57
 - l. Extension granted from 2/17/57 to 2/17/62, (with
copy noting typographical error.)

*Memo of 2/24/59
from Reg. 3*

Tonto National Monument - Docket No. 1, Application A-2601

1. Drawing No. NM-TON-6975, Sheet 1 of 1.
2. Letter of February 17, 1943 to Charles A. Richie from J. C. Wanslee, State Water Commissioner.
3. Notice of Beginning of Construction dated February 12, 1944.
4. Order Granting Extension of Time dated February 11, 1947.
5. Order Granting Additional Extension of Time dated February 7, 1949.
6. Letter of February 1, 1949 to O. C. Williams, State Land Commissioner from A. van V. Dunn.
7. Order Granting Additional Extension of Time dated January 27, 1951.
8. Order Granting Additional Extension of Time dated January 27, 1951.
9. Letter of January 18, 1951 to W. W. Lane from A. van V. Dunn.
10. Letter of February 13, 1951 to Regional Director, Region Three from A. van V. Dunn.
11. Letter of February 23, 1951 to Superintendent, Tonto, from John H. Davis, General Superintendent.
12. Letter of February 16, 1953 to O. C. Williams from A. Van V. Dunn.

-2-

13. Order Granting Additional Extension of Time dated February 24, 1953.
14. Letter of March 4, 1953 to W. W. Lane from Dunn.
15. Letter of March 4, 1953 to Regional Director, Region Three from A. van V. Dunn.
16. Application for a Permit to Appropriate Public Waters of the State of Arizona.
17. Letter of February 18, 1957 to O. H. Lassen from Dunn.

STATEMENT OF CLAIMANT

(Leave Blank)

THE MATTER OF DETERMINATION OF)
 WATER RIGHTS TO THE USE OF)
 WATERS OF THE SALT RIVER AND ITS)
 TRIBUTARY WATERSHED ABOVE GRANITE)
 DAM, EXCLUDING THE VERDE RIVER)
 AND ITS TRIBUTARY WATERSHED.)

File No. _____
 Filed: _____ at _____ M
 (date) (time)

The State Land Department has enclosed with the accompanying Notice this form on which claimant shall present as required, the particulars of his claim of right to the subject waters. All applicable portions must be completed. A separate Statement of claimant must be submitted for each source or point of diversion of public water unless the waters are commingled prior to use. A map published by the United States Geological Survey or a map of equal standard shall be submitted with this Statement showing on the face of the map the particulars of point of diversion, place of use and other pertinent information.

Print or type. If more space is required, use explanatory at end of form, or attachment.)

Name of Claimant: National Park Service, U.S. Government, Department of Interior
 (Last) (First) (M.I.)
450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102-3491 (415) 556-8660
 (Address, City, State, Zip) (Telephone No.)

State the nature of the right or use on which claim is based: (indicate, and attach supporting documentation)

- A. Right to surface water initiated by beneficial use prior to June 12, 1919.
 Indicate registry number if previously submitted under Water Rights Registration Act _____.
- B. Court Decreed Water Right. Cite Title and Date of Case _____
 Cause No. _____ County _____.
- C. Application for Permit to Appropriate Water filed. State Land Department
 Application No. _____, Permit No. _____, Certificate of
 Water Right No. _____.
- D. Claim of Water Right for a Stockpond. State Land Department Application
 No. _____.
- E. X Other. Describe: Federal Reserve Water Right - Cholla Springs (Tonto Nat'l Mon.).
- A. Date of initiation of right: Dec. 19, 1907. (date of Presidential Proclamation
 (Month/Day/Year) establishing Tonto Nat'l Mon.)
- B. Date water first used for beneficial purposes: Dec. 19, 1907.
 (Month/Day/Year)

Purpose, annual amount and annual period of use: (See explanatory)

Purpose	Amount	Month/Day	Month/Day
Irrigation	_____ ac.ft./gallons	From _____ to _____	
Domestic	_____ ac.ft./gallons	From _____ to _____	
Stockwater	_____ ac.ft./gallons	From _____ to _____	
Municipal	_____ ac.ft./gallons	From _____ to _____	
Power	_____ ac.ft./gallons	From _____ to _____	
Mining	_____ ac.ft./gallons	From _____ to _____	
Recreation	_____ ac.ft./gallons	From _____ to _____	
Wildlife	<u>X</u> _____ ac.ft./gallons	From Jan. 1 to Dec. 31	
Other Uses	<u>X</u> _____ ac.ft./gallons	From Jan. 1 to Dec. 31	

A.(1) If for irrigation purposes, describe place of use: (also indicate on map)

Township (N/S) Range (E/W) Section Legal Subdivision No. of Acres

(2) If land reclaimed over period of years, indicate schedule and amount of land reclaimed first and each subsequent year(s): _____

- Character of so _____
- B. If for domest. purposes, number of persons _____, or families: _____.
- C. If for stockwater purposes, number and kind of stock watered: _____
- D. If for municipal purposes; population to be served, and estimate of future requirements: _____
- E. If for power purposes, describe type of plant and capacity: _____
- F. If for mining purposes, describe purpose of use, location and character of the mine(s) to be served: _____
- G. If for recreational purposes, describe: _____
- H. If for wildlife purposes, including fish, describe: Natural water supply for indigenous flora and fauna.
- I. If for other purposes, describe: 1) fire suppression, 2) historic - these sources were used by area inhabitants during the 13th Century.
6. A. Direct source of public water diverted: Cholla Spr. #1 tributary to Cave Cyn. on the Salt River watershed.
- B. Point of Diversion (indicate on map): SE 1/4 SE 1/4, Section 34, Township 4 (N/S), Range 12 (E/W), Gila and Salt River Base and Meridian, County Gila. Ownership National Park Service
- C. Place of use (indicate on map): see explanatory 1/4, Section 34, Township 4 (N/S), Range 12 (E/W), Gila and Salt River Base and Meridian, County Gila. Ownership _____
- 7.* State all other sources of water supply not described in Question 6 of this form.
- A. Type of Source: spring - Cholla Spring #2 (see explanatory)
- B. Location of Source (indicate on map): SW 1/4 SE 1/4, Section 34, Township 4 (N/S), Range 12 (E/W), Gila and Salt River Base and Meridian, County Gila. Ownership National Park Service.
- C. If other source is well, list following: (see following page)
- (1) Date well construction began: _____; Date well placed in use: _____ (Month/Day/Year)
- (2) Location (10 acre subdivision) (indicate on map): 1/4 1/4, Section 34, Township 4 (N/S), Range 12 (E/W), Gila and Salt River Base Meridian, County of Gila.
- (3) State Land Department Intent to Drill, File No. _____, or Application for Permit No. _____.
- (4) State whether free flowing or pump: _____. If pump, list type of pump and capacity: _____.
- (5) Casing depth _____ ft. Total well depth _____ ft. Diameter of casing _____ inches.
- (6) Depth to water: _____ ft. (Static Level)
- (7) Annual amount pumped, or otherwise extracted: _____ Ac.Ft./Gallons
- (8) State purpose of use: _____.
- (9) Indicate annual period of use: _____ to _____ (Month/Day) (Month/Day)
- 8.** Water storage reservoir and/or diverting works:
- A. Location (indicate on map): NE 1/4 SE 1/4, Section 34, Township 4 (N/S), Range 12 (E/W), Gila and Salt River Base and Meridian, County Gila. Ownership National Park Service.
- B. Name of storage reservoir and/or diverting works (if known): _____.
- C. Maximum capacity: 20,000 gals. Ac.Ft.
- D. Maximum depth of water: 7.5 ft.

* Continued on next page

7. State all other sources of water supply not described in Question 6 of this form.
- A. Type of Source: well - Headquarters Well
- B. Location of Source (indicate on map): 1/4 1/4, Section 34, Township 4 (N/S), Range 12 (E/W), Gila and Salt River Base and Meridian, County Gila. Ownership
- C. If other source is well, list following:
- (1) Date well construction began: Jan. 14, 1963; Date well placed in use: Feb. 4, 1963.
(Month/Day/Year)
 - (2) Location (10 acre subdivision) (indicate on map): SW 1/4 SE 1/4 NE 1/4, Section 34, Township 4 (N/S), Range 12 (E/W), Gila and Salt River Base Meridian, County of Gila
 - (3) State Land Department Intent to Drill, File No. , or Application for Permit No.
 - (4) State whether free flowing or pump: pump. If pump, list type of pump and capacity: submersible - less than 35 gallons/min
 - (5) Casing depth 145.6 ft. Total well depth 145.6 ft. Diameter of casing 6.0 inches.
 - (6) Depth to water: 10.5 ft. (Static Level)
 - (7) Annual amount pumped, or otherwise extracted: 950,000 ~~XXXXX~~/Gallons
 - (8) State purpose of use: domestic
 - (9) Indicate annual period of use: Jan. 1 to Dec. 31.
(Month/Day) (Month/Day)

7. State all other sources of water supply not described in Question 6 of this form.

- A. Type of Source:
- B. Location of Source (indicate on map): 1/4 1/4, Section , Township (N/S), Range (E/W), Gila and Salt River Base and Meridian, County . Ownership
- C. If other source is well, list following:
- (1) Date well construction began: ; Date well placed in use: .
(Month/Day/Year)
 - (2) Location (10 acre subdivision) (indicate on map): 1/4 1/4, Section , Township (N/S), Range (E/W), Gila and Salt River Base Meridian, County of
 - (3) State Land Department Intent to Drill, File No. , or Application for Permit No.
 - (4) State whether free flowing or pump: . If pump, list type of pump and capacity:
 - (5) Casing depth ft. Total well depth ft. Diameter of casing inches.
 - (6) Depth to water: ft. (Static Level)
 - (7) Annual amount pumped, or otherwise extracted: Ac.Ft./Gallons
 - (8) State purpose of use:
 - (9) Indicate annual period of use: to .
(Month/Day) (Month/Day)

- (1) Year construction began: unknown 4
- (2) Year construction completed: unknown
- (3) Date water first stored: unknown (Month/Year).

If dam, list following:

- (1) Construction material: _____
- (2) Maximum Length: Top _____ ft.; Bottom _____ ft.
- (3) Maximum Width: Top _____ ft.; Bottom _____ ft.
- (4) Maximum Height: _____ ft.

If diverting works, describe: _____

distribution works:

If ditch or canal:

- (1) Date construction began: _____
(Month/Day/Year)

Date construction completed: _____
(Month/Day/Year)

- (2) Length of ditch or canal to first place of use: _____ ft., total
length of ditch or canal: _____ ft.
- (3) Top width: _____ ft.; Bottom width: _____ ft.
- (4) Grade (slope) of ditch: _____
- (5) If ditch or canal owned and/or operated by an association or company or
such other entity, list name of association or company or such other
entity: _____

If pipeline:

- (1) Type: steel (i.e., aluminum, steel, etc.)
- (2) Diameter: 3/4 to 2 1/2 inches
- (3) Length of pipeline to first place of use: 1025 ft. and total length
of pipeline: 5500 ft.
- (4) Grade (slope) of pipeline: 7.3%

If other, describe: _____

enlargement(s) of storage reservoir and/or diverting and/or distributing works

Date begun: _____
(Month/Day/Year)

Date completed: _____
(Month/Day/Year)

Describe details of enlargement(s): _____

Dimensions of works as originally constructed and as enlarged: _____

Explanatory

Item 4. The National Park Service claims the entire flow from this source for the
indicated purposes. The volumetric flow from this source was 6.0 gpm on
Sept. 18, 1980. The estimated annual flow from this source is 2.5×10^5
gallons.

Item 6, part C. The source is used at the following locations: SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 35,
T4N, R12E for the irrigation of yards in the residential area; SE $\frac{1}{4}$, SW $\frac{1}{4}$,
Sec. 27, T4N, R12E for wildlife; SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 34, T4N, R12E for wildlife.
(continued on the next page)

Item 7. This spring (Cholla Spring #2) is not known to have produced since the
early 1960's and the prior volumetric flow is reported as low.

(if more space is required, attach separate sheet(s))

STATE OF ARIZONA)
County of _____)SS

VERIFICATION

(please print Claimant-Affiant's name)

(Claimant-Affiant representative's name)

being first duly sworn, deposes and says; That the affiant, or its duly authorized representative, possesses the knowledge and the authorization to execute this verification as to the correctness and truthfulness of the matters set forth in the "Statement of Claimant", except as to those matters alleged upon information and belief, and as to those matters believes them to be true and correct.

For Corporations, Partnerships,
Associations, etc. *

Claimant-affiant signature

Gerard S. Witucki
Claimant-affiant representative's
signature

Claimant-affiant signature

Gerard S. Witucki
Chief, Division of Water Resources

Attest:
Claimant-affiant representative's
signature

Subscribed and sworn to before me this
30th day of November, 1981.



Mary E. Meredith
Notary Public or authorized Employee of
the Arizona Water Commission

* United States Government
Department of the Interior
National Park Service
Western Regional Office

My Commission expires 3/26/85

STATE LAND DEPARTMENT OF THE STATE OF ARIZONA
BEFORE THE STATE LAND COMMISSIONER

IN THE MATTER OF APPLICATION)
TO APPROPRIATE WATER NO. **A-2601**)
PERMIT NO. **A-1829**)

Intro - WR#1

**Cholla Spring No. 1 Drain/Cholla
Canyon**

ORDER OF CANCELLATION

Applicant, Tonto National Monument

Upon the files and records of the Arizona State Land Department, the State Land Commissioner, being fully advised in the premises, hereby makes the following findings of fact:

1. That Application to Appropriate Water No. **A-2601** was filed with the Arizona State Land Department on **December 4, 1942**. That the said Applicant has not proceeded with due diligence to perfect said Application to Appropriate Water and was Ordered to Show Cause, if any there be, on or before **September 25, 1973**, why said application should not be cancelled.

2. That said Applicant has not shown cause nor did Applicant appear to show cause why Application to Appropriate Water No. **A-2601** should not be cancelled and it is in the best interest of the State to cancel said application due to Applicant's lack of diligence.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application to Appropriate Water No. **A-2601** heretofore filed by **Tonto National Monument, U.S. Department of the Interior, National Park Service, Western Region, P.O. Box 36063, San Francisco, California 94102**, Applicant(s) be and the same hereby is cancelled.

This Order is subject to appeal as in such cases is provided by the laws of the State of Arizona.

GIVEN under my hand and the official seal of the Arizona State Land Department this **29th** day of **October**, 19 **74**.

SEAL

Arbust. Peterson
STATE LAND COMMISSIONER *WJH*

BY CERTIFIED MAIL, 569856



United States Department of the Interior

NATIONAL PARK SERVICE

WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L54 (WR)PSW
CHIR/WR Docket File #1
GRCA NM/WR Docket File #2
GRCA NP/WR Docket Files #3,
4, 5, 7 and 8
TONTON/WR Docket Files #1&2

November 14, 1974

Memorandum

To: Superintendent, Chiricahua
Superintendent, Grand Canyon
Superintendent, Tonto

From: **ACTING**
Regional Director, Western Region

Subject: Water Right Docket Material

Enclosed for your docket files and information are State of Arizona orders of cancellation for various applications for diversion of water sources in Chiricahua National Monument, Grand Canyon National Monument, Grand Canyon National Park and Tonto National Monument. As you recall, we had been given an extension of time as a result of our letter of September 14, 1973, to the State Land Department of Arizona in which we discussed the status of our water use and the comity nature of our filings. This extension of time has lapsed and the State has administratively cancelled the applications, copies enclosed. These applications, however, have not been active and would not qualify for license according to Arizona State Law, in any case. All of these diversions are within the Park and are protected under the Reservation Doctrine when they are used.

*Does
Not
Apply to
Tonto*

Since we are essentially only appropriating water on a regular basis from Roaring Springs, any action taken on our part to acquire a State License on Roaring Springs might be construed by the State as an implied waiver (or abandonment) of our rights on the other points of diversion. The best course of action in this case is to allow the State to administer this unilateral action while we maintain our position of comity.

*Does
not
apply to
Tonto*

Enclosures



cc:
WASO, Water Resources, w/encls - Mr. Berte
Field Solicitor, San Francisco Office, w/o encls
General Superintendent, SOAR

Save Energy and You Serve America!



JACK WILLIAMS
GOVERNOR

Arizona
State Land Department

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



ANDREW L. BETTWEY
STATE LAND COMMISSIONER

September 27, 1973

Mr. Gustav W. Muehlenhaupt
Acting Regional Director
U. S. Department of the Interior
National Park Service
Western Region
Post Office Box 36063
San Francisco, California 94102

Dear Mr. Muehlenhaupt:

As per your request of September 14, 1973, find enclosed
an extension of time on the Commissioner's Order To Show
Cause on Application Nos. A-2823, A-1765, A-1880, A-3095,
A-2601, A-2602, A-1878, A-1799, A-1881 and A-1766 to and
including the 1st day of October, 1974.

Very truly yours,

Wm Joe Melling

Wm. Joe Melling, Director
Water Rights Division

WJM/jaw

Enclosures



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

LS4(JR)PSSW
Water Rights/General

September 14, 1973

State Land Commissioner
State Land Department of the
State of Arizona
1624 West Adams - 4th Floor
Phoenix, Arizona 85007

Dear Sir:

This is in response to your orders to show cause in regard to applications listed below. In accordance with the telephone conversation of August 29 between Mr. William Melling of your office and Mr. Gerard Witucki of this office, a request is hereby made for an extension of time regarding these applications.

In reviewing our files concerning these applications, we have determined that the water usages under the following permits continue to have regular and active use:

- Application A-2323, Permit A-1987 for Lower Saddlehorse Springs in Grand Canyon National Monument.
- Application A-1765, Permit A-1093 for Roaring Springs.
- Application A-1830, Permit A-1194 for Bright Angel Creek for South Rim of the Grand Canyon.
- Application A-3095, Permit A-2147 for Rio Puerco water system in Petrified Forest National Monument.
- Application A-2601, Permit A-1829 for Cholla Spring #1 in Tonto National Monument.
- Application A-2602, Permit A-1830 for Cholla Spring #2 in Tonto National Monument.

The following diversionary systems are in place, operable, and are being maintained on a standby basis for use during emergencies or while repairs are being made to the principal water-delivery systems:

- Application A-1878, Permit A-1192 for Bright Angel Creek
- Application A-1799, Permit A-1132 for the Bonita Canyon Springs water system at Chiricahua National Monument.

The systems to which the following permits refer have not been used regularly therefore; we have placed these water usages on our inactive list:

Application A-1331, Permit A-1195 for the Bright Angel
Creek hydroelectric system for Phantom Ranch.
Application A-1756, Permit A-1094 for Bright Angel
Creek for Phantom Ranch.

Substantial funds were expended in planning and construction for the projects related to these applications, and we believe that increasing Park visitation and expansion of facilities may someday require the implementation of these projects.

Sincerely,

SIGNED

Gustav W. Muchlenhaupt
Acting Regional Director

bc:

Ass't Regional Director, Arizona
Superintendent, GRCA
Superintendent, PEFO
Superintendent, TONTO NM
Superintendent, CHIRICAHUA NM
Field Solicitor, San Francisco
Field Solicitor, Arizona

(WR)PSSW:WMMurray:GSWitucki:mpm 9/14/73

STATE LAND DEPARTMENT OF THE STATE OF ARIZONA

BEFORE THE STATE LAND COMMISSIONER

IN THE MATTER OF)
APPLICATION NO. A-2601)
TO APPROPRIATE WATER)

Re: Cholla Spring No. 1 Drain/) ORDER TO SHOW CAUSE
Cholla Canyon)

Tonto National Monument, Applicant
)
)

The Arizona State Land Department, through its Water Rights Division, on lack of information that the above named applicant has complied with the requirements of ARS Section 45-150 relating to the completion of construction to appropriate surface waters, and further on the belief that the above named applicant has not complied with the requirements of Article I, Chapter IV, Rule 13 of the rules and regulations of the State Land Department governing surface waters, copy attached, HEREBY ORDERS that the above named applicant on or before 25th day of September, 19 73, personally or by verified writing appear and show cause why the State Land Department should not cancel the above numbered application to appropriate the certain waters herein described.

GIVEN under my hand and the Official Seal of the State Land Department this 21st day of August, 19 73.

ARIZONA STATE LAND DEPARTMENT

S E A L

Arthur R. Bettany
STATE LAND COMMISSIONER *wjm*

Upon the written request of applicant, and due cause having been shown the date set for hearing the Order to Show Cause set forth above is hereby advanced to the 1st day of October, 19 74.

ARIZONA STATE LAND DEPARTMENT

Wm. H. Melling
for the STATE LAND COMMISSIONER

BY CERTIFIED MAIL 570281

Received
Division of Water Resources
OCT 1 1973

Name	Act	Info	File	Init

ARTICLE I, CHAPTER IV, RULE 13

13. Proof of Appropriation of Water and Issuance of Certificate.

When an applicant and a holder of a permit has completed the appropriation of the water set forth in his application and permit, he shall file with the Department on a Water Rights Division form PROOF OF APPROPRIATION OF WATER. After a field inspection or such other investigation of the completed project by the Department has been made and the Department is satisfied therefrom that all the requirements of law and these Rules and Regulations have been met, a CERTIFICATE OF WATER RIGHT shall be issued to the applicant or his assignee of record in the State Land Department, Water Rights Division and will be subject to the provisions and conditions therein contained, and such other conditions as may be added thereto, and the provisions of law and these Rules and Regulations.

154-1

February 18, 1957

Mr. Obed M. Lassen
State Land Commissioner
State Land Department
Phoenix, Arizona

Re: Application A-2601, Permit A-1829
Tonto National Monument

Dear Mr. Lassen:

It is noted on your order of February 7, granting extensions of time in which to complete construction and make full beneficial use of water under the subject application, a typographical error in the order of 1955 designated the Permit as No. A-1892 instead of A-1829, and the error has been carried over to the order just granted.

A notation should be made to prevent continuation of the error in the future.

Very truly yours,

(S I G N E D)

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three
Superintendent, SNRM
Superintendent, Tonto
~~Chief, WODC~~

WESTERN OFFICE	
DESIGN & CONSTRUCTION	
FEB 20 1957 A.M.	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	
LAND. ARCH.	
<i>[Signature]</i>	
ACTION TAKEN—DATE	
<i>[Signature]</i>	

COPY

STATE LAND DEPARTMENT
State of Arizona
Phoenix, Arizona

February 7, 1957

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

Re: Applications Nos. A-2601 and A-2602
Permits Nos. A-1829 and A-1830

Cholla Spring No. 1 Drain and Cholla Canyon
Tonto National Monument

Dear Sir:

We enclose herewith Commissioner's Order granting an additional extension of time in the above captioned cases.

You will note the extension covers five years within which to complete construction work and one year thereafter within which to make complete application of water to beneficial use.

Very truly yours,

/s/ Kay Hammond

Kay Hammond
Surface Water Division

C O P Y

C O P Y

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

Application No. A-2601,
Permit No. A-1892,)
Cholla Spring No. 1 Drain;)
and)
Application No. A-2602,
Permit No. A-1830,)
Cholla Canyon)
UNITED STATES OF AMERICA)
TONTONATIONAL MONUMENT)

COMMISSIONER'S

ORDER

Granting
an
Additional Extension of Time

The United States of America, TONTONATIONAL MONUMENT, having requested an additional extension of time within which to complete construction work and within which to make complete application of water to beneficial use under the terms of Permits Nos. A-1892 and A-1830, granted pursuant to Applications Nos. A-2601 and A-2602, and the reasons submitted by Mr. A. van V. Dunn, Chief of the Water Resources Branch of the National Park Service, Washington, D. C., having been considered good and sufficient cause therefor, ^{SHOULD} ~~be granted~~ ^{READ A-1829}

IT IS ORDERED, That the United States of America, TONTONATIONAL MONUMENT, be and it is hereby granted an extension of time from February 17, 1957 to February 17, 1962, within which time to complete construction work; and from February 17, 1962 to February 17, 1963, within which time to make complete application of water to beneficial use under the terms of said Permits Nos. A-1829 and A-1830.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State Land Commissioner of the State of Arizona, this 7th day of February, A. D., 1957.

Obed M. Larson
State Land Commissioner



154-1
Hatch
W. H. H.
2/5/57

February 1, 1957

State Land Commissioner
State Land Department
Phoenix, Arizona

Attention: Water Division

Re: Applications A-2601 and A-2602
Permits A-1829 and A-1830
Tonto National Monument

Dear Sir:

Request is hereby made for as liberal extensions of time as possible in which to complete the water systems and make beneficial use of the water under the subject applications and permits.

Due to the extended drought in the Southwest, our primary concern is with the diminishing supply from the authorized sources while public attendance has increased from approximately 12,000 per year in 1946 to 29,798 in 1955 and 36,572 in 1956. Due to the unprecedented post war increases in attendance, the National Park Service is now embarked on a 10-year construction program, designated as MISSION 66, to plan for revised estimates of ultimate needs, and to construct facilities which will be needed by 1966 when the Park Service will be 50 years old.

We cannot make proof for certificates under the subject permits until the spring flows return to at least the quantities of 1942. This winter we are also considering whether the authorized sources can be made to serve the demand, which is largely in the three summer months, by continuing to increase winter storage, or whether to resort to another source of water supply.

It is essential that we preserve the rights and priorities under the subject permits until we can determine how far they can be made to serve our ultimate needs, and can complete modified developments to do so.

Very truly yours,

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three (2)
General Superintendent, SWNM (2) }
Superintendent, Tonto (2) } File in Dockets 1 and 2
Chief, WOEC (2) }

C E R T I F I C A T E

Pursuant to the provisions of the act of August 24, 1912, as amended (5 U. S. C., Sec. 488) I HEREBY CERTIFY that the annexed copies, from bottom upwards, of: (1) Drawing NM-TON-6975, Spring Diversion Tributary to Salt River for Tonto National Monument, including informal notations as changes in development plan since the original was filed with the State Water Commissioner; (2) Application No. A-2601 - Permit No. A-1829, in four pages; and (3) Order of February 17, 1955, granting an Additional Extension of Time to the United States of America

constitute a full, true and literal exemplification of the status of water rights under said Application A-2601 for Tonto National Monument, contained in the official records of the National Park Service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the National Park Service to be affixed, this day of August 10, 1956, A. D. 1956.

(SGD) Lemuel A. Garrison

Assistant Director
National Park Service

Copy to: Regional Director, Region Three
Western Office of Design and Construction
Superintendent, Tonto Docket #1

COPY

COPY



State Land Department

Phoenix, Arizona

February 21st
1955

*Proof
Dunn*

Re: Lp4-L



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

Re: Application No. A-2601, Permit No. A-1829 - Cholla
Spring No. 1 Drain; and
Application No. A-2602, Permit No. A-1830 - Cholla
Canyon - Tonto National Monument

Dear Mr. Dunn:

We enclose herewith Extension of Time of two years in the above captioned cases which we believe is the proper thing to do under the circumstances which you have outlined to us.

If we understand your explanation correctly, it is probable that within these two years you will make further additions and enlargements to the entire system in order to utilize all of the waters available from these two points. The present applications are for a certain flow of these springs and it is entirely proper for you to use all of the water available storing same to the extent necessary. It also seems probable that when the system is entirely completed, it will be somewhat different from that outlined in the original applications.

It is our suggestion, therefore, that if at the end of the two year period, you have completed the work anticipated, it would then be proper as suggested in your letter to submit a map showing the entire system as actually completed. An amended application however would not be necessary. Your final Proof of Appropriation of Water to Beneficial Use would describe the system as completed and the map would support this description.

We trust that this is satisfactory to you - and with best personal regards, I am

Very truly yours,

C. H. W. Smith
C. H. W. Smith, Engineer
Surface Water Division

CHWS/k
Encls. 2

107

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

IN THE MATTER

of

Application No. A-2601,
Permit No. A-1892,
Cholla Spring No. 1 Drain;
and
Application No. A-2602,
Permit No. A-1830
Cholla Canyon
UNITED STATES OF AMERICA
TONTON NATIONAL MONUMENT

COMMISSIONER'S

ORDER

Granting
An Additional
Extension of Time

The United States of America, TONTON NATIONAL MONUMENT, having requested an additional extension of time within which to complete construction work and within which to make complete application of water to beneficial use under the terms of Permits Nos. A-1829 and A-1830, granted pursuant to Application Nos. A-2601 and A-2602, and the reasons submitted by Mr. A. van V. Durn, Chief of the Water Resources Branch of the National Park Service, Washington, D. C., having been considered good and sufficient cause therefor,

IT IS ORDERED, That the United States, TONTON NATIONAL MONUMENT, be, and it is hereby, granted an extension of time from February 17, 1955 to February 17, 1957, within which to complete construction work; and from February 17, 1956 to February 17, 1958, within which time to make complete application of water to beneficial use under the terms of said Permits Nos. A-1829 and A-1830.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State Land Commissioner of the State of Arizona, this 17th day of February, A. D., 1955.


Roger L. Smith
State Land Commissioner

S E A L

In reply refer to:
L54-L

January 31, 1955

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

Applications A-2601 and 2602

Dear Mr. Ernst:

Request is hereby made for an extension of time, from February 17, 1955, to February 17, 1957, in which to complete the construction under Water Right Applications A-2601 and A-2602, Permits A-1829 and A-1830, at Tonto National Monument.

In connection with the further extension, several questions arise concerning possible steps to make final proof within the requested time. The Superintendent has pointed out that all available flow seems to be used at this time.

1. It appears that Diversion 2 on the map supporting the applications has either ceased flowing, or yields so little water that it is essential to supplement the supply for stock watering under Application A-2602, with water from Diversion 1 which is appropriated under Application A-2601. Waters from Diversion 1 also provide the domestic supply in areas authorized under Application A-2602 but not in Application A-2601. The pipeline has also been extended to a new site for part of the employees' residences and the utility area in the western portion of NW $\frac{1}{4}$ Sec. 35, a 7,000 gallon reservoir has been constructed in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34, and one 700 gallon stock tank has been replaced by a 10,000 gallon tank, but the proposed 20,000 gallon reservoir is scheduled for construction, or duplication, in said Sec. 35. We assume that an amended application and supporting map should be filed to change the place of water storage and use under existing priorities. We also wonder whether an increase in storage from 21,400 gallons to 37,700 gallons (or 57,700 gallons if both 20,000 gallon tanks are needed) is permissible under existing permits, to conserve the diminishing off-season flow for the summer tourist season.

2. Although there have been days when the authorized 9,500 gallons of water have been used for domestic purposes, such use has been from a spring flow of little more than

Office of Chief, Western Office Div. of Design and Const.
FEB 7 1955A.M.
Supr. Architect
Supr. Engineer <i>H. J. J.</i>
Supr. Landscape Arch.
Safety Engineer

2,000 gallons per day, plus storage. We have not been advised by the Superintendent as to the amount and timing of stock watering. The authorized 415,000 gallons per annum have been possible during the 255 days of negligible tourist travel, but it is doubtful whether the stockmen have attempted to maintain anticipated herds during the drought conditions of recent years.

The number of annual visitors at the Monument totalled 39,400 in 1953, with a slight drop in 1954, as compared with 16,200 in 1947 and 1948. There is clearly a potential need for further increases in the water supply in part to be supplied by off-season storage, and we hope partially by larger spring flow when the spring flows build up again. The question is whether you could now grant a final license for the authorized diversion, subject to availability of the flow, based on proof that such quantities have been used in part from storage during the drought.

This second, or last question, if answered in the affirmative might permit us to perfect a number of water rights which have been in permit form for a number of years.

Sincerely yours,

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Section

Copy to: Regional Director, Region Three (6) detached
Western Office of Design and Construction

C
O
P
Y

March 4, 1953

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

Subject: Applications A-2601 and A-2602
Permits A-1829 and A-1830
Tonto National Monument

Dear Mr. Lane:

We have just received the order granting extension of time in which to perfect rights under the above-designated applications and were somewhat surprised to find the stress given to Southwestern National Monuments. On review of the records we note that our applications were on behalf of the United States, and signed by the Superintendent of the Southwestern National Monuments, but that the name of the monument where the water is diverted and used appears only on the supporting map.

There are twenty-six national monuments under the general supervision of the Superintendent of the Southwestern National Monuments, of which Tonto is one. Accordingly, for better reference, it will be appreciated if you will make a notation on the applications that they are on behalf of the United States for Tonto National Monument so that future correspondence and orders will bear some reference to the area of use.

Sincerely yours,

/s/ A. van V. Dunn

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Regional Director, Region Three (3)

COPY

COPY

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF
ARIZONA

In the Matter

of

Application No. A-2601, Permit No. A-1892
Cholla Spring No. 1 Drain;

and

Application No. A-2602, Permit No. A-1830
Cholla Canyon

UNITED STATES OF AMERICA
SOUTHWESTERN NATIONAL MONUMENTS

ORDER

GRANTING

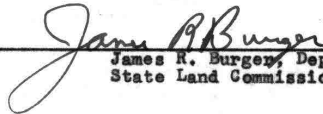
Additional

Extension of Time

The United States of America, SOUTHWESTERN NATIONAL MONUMENTS, having requested an additional extension of time within which to complete construction work and make complete application of water to beneficial use under the terms of Permits Nos. A-1829 and A-1830, granted pursuant to Applications Nos. A-2601 and A-2602, and the reasons submitted by A. van V. Dunn, Chief of the Water Resources Branch of the National Park Service, Washington, D. C., having been considered good and sufficient cause therefor,

IT IS ORDERED, That the United States of America, SOUTHWESTERN NATIONAL MONUMENTS, be, and it is hereby, granted an extension of time from February 17, 1953 to February 17, 1955, within which to complete construction work; and from February 17, 1954 to February 17, 1956, within which to make complete application of water to beneficial use under the terms of said Permits Nos. A-1829 and A-1830.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State Land Commissioner of the State of Arizona, this 24th day of February, A. D., 1953.


James R. Burger, Deputy
State Land Commissioner



C O P Y

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

In reply refer to:
154 TONT-L

February 16, 1953

Mr. O. C. Williams
State Land Commissioner
Phoenix, Arizona

Subject: Applications A-2601 and A-2602,
Permits A-1829 and A-1830

Dear Mr. Williams:

Request is hereby made for another extension of time in which to complete the water systems and make full beneficial use of the waters of Cholla Springs Nos. 1 and 2 at Tonto National Monument under the subject applications and permits.

The annual number of visitors to the Monument reached a total of 27,300 for the 1952 travel year, an increase of 48% from the 18,481 who visited the area in 1950 as reported in the last request for extension of time. This rapid increase in public use is greatly increasing the water demand, but has not yet resulted in full use of the authorized quantity of water. The more serious problem is to estimate the ultimate daily, weekly, and seasonal water demand, and to determine the extent of necessary regulatory storage, and distribution of public facilities.

Accordingly, we require more time in which to reconsider the final water system design, and to modify the existing system.

Sincerely yours,

/s/ A. van V. Dunn
Chief, Water Resources Branch

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

In the Matter

of

Application No. A-2601, Permit No. A-1829
Cholla Spring No. 1 Drain

and

Application No. A-2602, Permit No. A-1830
Cholla Canyon

UNITED STATES OF AMERICA,
SOUTHWESTERN NATIONAL MONUMENTS

ORDER

GRANTING

ADDITIONAL EXTENSION OF TIME

The United States of America, Southwestern National Monuments, having requested an additional extension of time within which to complete construction work and make complete application of water to beneficial use under the terms of Permits Nos. A-1829 and A-1830, granted pursuant to Applications Nos. A-2601 and A-2602, and the reasons submitted by A. van V. Dunn, Chief of the Water Resources Branch of the National Park Service, Washington, D. C., having been considered good and sufficient cause therefor,

IT IS ORDERED, That the United States of America, Southwestern National Monuments, be, and it is hereby, granted an extension of time from February 17, 1951, to February 17, 1953 within which to complete construction work; and from February 17, 1952, to February 17, 1954, within which to make complete application of water to beneficial use under the terms of said Permits Nos. A-1829 and A-1830.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State Land Commissioner of the State of Arizona, this 27th day of January, A. D., 1951.


Deputy State Land Commissioner



C O P Y

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

In reply refer to:
L54 TONT

January 18, 1951

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

Dear Mr. Lane:

By order of February 7, 1949, the United States was granted an extension of time until February 17, 1951, in which to complete construction of the water systems at Tonto National Monument under Application A-2601, Permit A-1829, and Application A-2602, Permit A-1830. The full use of the water was to be made by one year after completion of construction.

This is to request another extension of time in which to complete the two water systems and make full use of the quantity of water covered by the permits.

In both cases the water systems have been constructed to the extent needed to serve present needs, but the water consumption is increasing annually and has not yet reached the authorized amount. The construction program will be completed when justified by the water demand, which is increasing approximately in proportion to the annual number of visitors at the Monument as follows:

<u>Year</u>	<u>Visitors</u>	<u>Year</u>	<u>Visitors</u>
1939	4,432	1946	11,751
1940	5,250	1947	16,223
1941	9,423	1948	16,226
1942)		1949	17,289
to) (War years)		1950	18,481
1945)			

Sincerely yours,

/s/ A. van V. Dunn

A. van V. Dunn
Chief, Water Resources Branch

C O P Y

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

In the Matter

of

Application No. A-2601, Permit No. A-1829,
Cholla Spring No. 1 Drain;

and

Application No. A-2602, Permit No. A-1830,
Cholla Canyon, UNITED STATES OF AMERICA,
SOUTHWESTERN NATIONAL MONUMENTS

ORDER GRANTING

ADDITIONAL EXTENSION OF TIME

The United States of America, Southwestern National Monuments, having requested an additional extension of time within which to complete construction work and make complete application of water to beneficial use under the terms of Permits Nos. A-1829 and A-1830, granted pursuant to Applications Nos. A-2601 and A-2602, and the reasons submitted by the Director of the National Park Service, Washington, D. C., having been considered good and sufficient cause therefor,

IT IS ORDERED, That the United States of America, Southwestern National Monuments, be, and it hereby, granted an extension of time from February 17, 1949, to February 17, 1951 within which to complete construction work; and from February 17, 1950, to February 17, 1952, within which to make complete application of water to beneficial use under the terms of said Permits Nos. A-1829 and A-1830.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State Land Commissioner of the State of Arizona, this 7th day of February, A. D., 1949.

(SEAL)

(Sgd) O. C. Williams
STATE LAND COMMISSIONER



ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

C O P Y

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

February 1, 1949.

Mr. O. C. Williams,
State Land Commissioner,
Phoenix, Arizona.

My dear Mr. Williams:

Under your order, issued on February 11, 1947, the United States was granted an extension of time until February 17, 1949, in which to complete construction of two water systems to divert and use the waters of Cholla Springs Nos. 1 and 2 at Tonto National Monument, under Permits Nos. A-1829 and A-1830. The same order granted one additional year, until February 17, 1950, in which to make full beneficial use of the water.

Further extensions of time are requested in which to complete these water systems and make the full beneficial use of the water. The development has progressed to the stage where a large portion of the water is diverted and used in accordance with the afore-mentioned permits. However, it has not been possible to complete the water systems, and therefore to make use of all the water, because our national resources have had to be directed toward more urgent needs of the stabilization of the national economy and adjustments of our industrial and defense activities. The extension of time is requested, therefore, until construction can be completed with the least detriment to other more important public needs.

Sincerely yours,

A. van V. Dunn,
Chief, Water Resources Branch.

cc: Regional Director, Region Three (2).

BEFORE THE STATE LAND COMMISSIONER
OF THE STATE OF ARIZONA

In the Matter of

Application No. A-2601,
Permit No. A-1829,
Cholla Spring No. 1 Drain,
and

Application No. A-2602,
Permit No. A-1830,
Cholla Canyon,
UNITED STATES OF AMERICA,
SOUTHWESTERN NATIONAL MONUMENTS

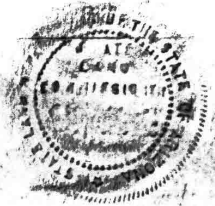
ORDER

GRANTING EXTENSION OF TIME

A. van V. Dunn, Chief, Water Division, National Park Service,
Chicago, Illinois, having requested an extension of time for the United
States of America, Southwestern National Monuments, to complete construc-
tion work and make complete application of water to beneficial use under
the terms of Permits Nos. A-1829 and A-1830, granted pursuant to Applica-
tions Nos. A-2601 and A-2602, and the reasons submitted being considered
good and sufficient cause therefor,

IT IS ORDERED, That the United States of America, Southwestern
National Monuments, be, and it is hereby granted an extension of time
from February 17, 1947 to February 17, 1949 within which to complete con-
struction work, and from February 17, 1948 to February 17, 1950 within
which to make complete application of water to beneficial use under the
terms of said Permits Nos. A-1829 and A-1830.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
Seal of the State Land Commissioner of
Arizona this 11th day of February, A. D.
1947.



J. C. Williams
STATE LAND COMMISSIONER

1 NOTICE OF BEGINNING OF CONSTRUCTION

I, The United States of America
by Chas. A. Richey, the permittee under Application No. A-2601,
Permit No. A-1829, issued by the State Water Commissioner of the State of Arizona for the
appropriation of the waters of Cholla Spring No. 1, Tributary of Roosevelt Reservoir on Salt
(Describe source of water supply) River
for Domestic and stock watering.
(State use of water)

in accordance with the terms of said permit, began the actual construction of the works described
therein prior to 1 day of July, 1942, being within the time fixed in said
permit for the beginning of construction work.

The pump and diversion works have been completed at Cholla Spring No. 1 and most
The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed up
materials are on hand to complete the project.
to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

In Witness Whereof, I have hereunto set my hand this 12 day of February, 1944.
Region Three, National Park Service,
(Present address) Santa Fe, N.M.
Fill out, detach, and mail to the State Water Commissioner, Phoenix, Arizona.

(Signature of applicant)

C
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NOTICE OF BEGINNING OF CONSTRUCTION

I, The United States of America, the permittee under
by Chas. A. Richey
Application No. A-2601, Permit No. A-1829, issued by the State
Water Commissioner of the State of Arizona for the appropriation
of the waters of Cholla Spring No. 1, Tributary of Roosevelt Reservoir
on Salt River for Domestic and stock watering in accordance with the
terms of said permit, began the actual construction of the works
prior to
described therein ~~XXXXXX~~ 1 day of July, 1942, being within the
time fixed in said permit for the beginning of construction work.
The sump and diversion works have been completed at Cholla Spring No. 1
and most materials are on hand to complete the project.

In Witness Whereof, I have hereunto set my hand this 12
day of February, 1944.

Region Three, National Park Service, Santa Fe, New Mexico.

/s/ Charles A. Richey

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

Feb 6-44

February 1, 1944.

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

Dear Mr. Wanslee:

This is to advise that in accordance with the requirements of water rights applications Nos. A-2601 and A-2602, at Tonto National Monument, construction has been started. The sump at diversion No. 1 is complete, and the sump at diversion No. 2 is nearing completion. All materials for completion of this sump are on hand and the job will be finished before February 17.

Sincerely yours,

CHARLES A. RICHEY

Charles A. Richey,
Assistant Regional Director

cc: Tonto
Van V Dunn, Region Four

Director

C O P Y

STATE WATER COMMISSIONER
STATE HOUSE
PHOENIX, ARIZONA

February 17, 1943

Mr. Charles A. Richie
Supt., Southwestern National Monuments
Santa Fe, New Mexico

Re: App. No. A-2601, Per. No. A-1829
Cholla Spring No. 1 Drain

App.No.A-2602, Per.No.A-1830
Cholla Canyon
Southwestern National Monuments

Dear Mr. Richie:

We enclose Permits No. A-1829 and A-1830 which were granted today in the above designated cases, together with our receipt No. 1385 for the \$20.00 recording fee for permits.

Your attention is directed to the dates set forth on the last page of each instrument, on or before which time notice should be given this office.

Sincerely yours,
/s/ Jesse C. Wanslee

JESSE C. WANSLEE
State Water Commissioner

JCW:F:B

RECORDED
COMPARED

Sheet 3

Permit No. A-1829Application No. A-2601

APPLICATION FOR A PERMIT

To Appropriate Public Waters of the State of Arizona

Filed December 4, 1942 at 9:00 A. M.
(Applicant must not fill in the above blanks.)

I, The United States of America, by Charles A. Richey, Superintendent of the South-
(Applicant's name as inserted here must agree with signature.) western National Monuments
of Coolidge, County of Pinal,
(Postoffice.)
State of Arizona, do hereby make application for a permit to appropriate the fol-
lowing described unappropriated waters of the State of Arizona.

1. The source of the proposed appropriation is Cholla Spring No. 1 Drain
(Name of stream or name of reservoir and stream if water is diverted from reservoir.)
Tributary of Cholla Canyon, tributary of Roosevelt Reservoir on Salt River

2. The amount of water which the applicant intends to apply to beneficial use is:

For Domestic use, 7,200 gallons per day
(Municipal or Domestic.) (Gallons per annum, or gallons per day.)
For Stock watering use, 50,000 gallons per annum
(Irrigation.) (Acre feet per acre per annum.)
(Mining or Stock Watering.) (Cubic feet per second, or gallons per annum.)
For Power use, _____ cubic feet per second
For _____ use, _____

3. The point of diversion is located S. 16° 36' 30" W. 3999 feet from the
(State bearing and distance or coordinate distances to section or quarter section corner.)
NE corner of Section 34, T. 4 N., R. 12 E., G. & S. R. B. & M., at Cholla Spring No. 1

being within the NE 1/4 Sec 34, of Sec. 34 (Uns), T. 4 N.,
(State 40-acre subdivision of U. S. Government survey or projection thereof.) (No. N. or S.)
R. 12 E., G. & S. R. B. & M., in the County of Gila.
(No. E. or W.)

(Note—Complete paragraph below for all proposed uses of water, except irrigation.)
4. The water will be used for domestic and stock watering in the NE 1/4 Sec 34
(40 or 10 acre subdivision.)
of Sec. 34 (Uns) and for _____ in the _____
(40 or 10 acre subdivision.)
of Sec. _____, T. 4 N., R. 12 E., G. & S. R. B. & M. Gila County, Arizona.

DESCRIPTION OF WORKS

5. Diversion Works: (a) Diversion will be by gravity, the diverting ~~dam~~ ^{works} to be _____
~~section height (stream bed to overflow)~~ along on top and constructed of masonry
(Concrete, earth, brush, etc.)
collecting sump at the spring, 11' x 3 1/4' x 2'
(b) Description of headgates 1" galvanized iron pipe extends into collecting sump
(Timber, concrete etc., number and size of openings.)
as intake.
(c) If water is to be pumped give general description _____
(Size and type of pump.)

(Size and type of engine or motor to be used, total head water is to be lifted, etc.)

Do not use this form in making application for a permit to construct a reservoir and store water. A special form for this purpose may be obtained from the State Water Commissioner.

13. **Power Use.** (a) The maximum amount of water to be used through the penstock is..... cubic feet per second.
- (b) Total amount of power to be developed..... theoretical horsepower.
(Second feet $\times$ fall $\div$ 8.8.)
- (c) Total fall to be utilized..... feet.
(Pressure head.)
- (d) The nature of the works by means of which the power is to be developed.....
(Turbine, Pelton wheel, hydraulic ram, etc.)
- (e) The works to be located, and the water to be released, in..... of Sec....., T....., R....., G. & S. R. B. & M.
(No. N. or S.) (No. E. or W.) (40-acre subdivision.)
- (f) Is water to be returned to any stream?..... If so, name stream and describe location of point where returned..... in the....., Sec....., T....., R....., G. & S. R. B. & M.
(Name of stream.) (40-acre subdivision.) (No. N. or S.) (No. E. or W.)
- (g) The use to which the power is to be applied is.....
(For distribution and sale or private use, etc.)
- (Give general description of locality where power will be used.)

14. **Mining Use.** The mines to be served are..... known as the.....
(Placer gold, lode gold, copper, etc.) (Names of claims or name of group.)
- located in....., Sec....., T....., R....., G. & S. R. B. & M.
(40-acre subdivision.) (No. N. or S.) (No. E. or W.)
- and owned by.....
- The method of utilizing the water is.....
- Will the water be polluted by chemicals or otherwise?.....
(Explain nature of pollution, if any.)
- What disposition is made of water after use?.....
(State if stored for reuse. If returned to a stream give name of stream and description of 40-acre tract to which returned.)

GENERAL

15. Are the maps required by the Rules and Regulations filed with Application?..... Yes..... If not, state specifically the time required for filing same.....
(Yes or No.)
16. The proposed point of diversion is on land of The United States of America.
(Insert name of owner, or state on Public Domain, National Forest, State Land, etc.)
17. The proposed conduit system is on land of The United States of America.
(Insert name of owner, or state on Public Domain, National Forest, State Land, etc.)
18. The land at the proposed place of use is owned by The United States of America.
19. Post office used by those living near the proposed point of diversion is Roosevelt, Arizona.
20. Of the applicant's knowledge, has the water described herein ever been appropriated, claimed or used by others?..... Yes..... If so, file a statement herewith furnishing names of former appropriators or users of the water, and supporting applicant's claim that the water is now subject to appropriation.
21. If the source of supply is a stream, state names and addresses of three water users from the stream below the proposed point of diversion; or, if there are no water users from stream below the proposed point of diversion, or if the source of supply is other than a stream, furnish the names and addresses of at least three residents of the vicinity familiar with the source of supply and the proposed use of water.

The spring is tributary to the Roosevelt Reservoir but the surface flow does not leave the national monument.

20 (Continued) Chester Cooper and Neil Lyall own adjacent grazing allotments Nos. 60 and 66 and use water under federal permits which reserve the right of the United States to complete the appropriation in accordance with this application.

UNITED STATES OF AMERICA
By /s/ Charles A. Richey.....
Signature of Applicant
Supt., Southwestern National Monuments

ORDER OF CORRECTION

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be corrected, completed and refiled in the office of the State Water Commissioner on or before....., 19.....

WITNESS my hand and seal of office this.....day of....., 19.....

State Water Commissioner

Application No. A-2601.....

COMPARED RECORDED
Permit No. A-1829.....

PERMIT

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

This is to certify that I have examined the foregoing application and do hereby approve the same, and grant to the applicant a permit to appropriate the water described therein subject to the following limitations and conditions:

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and shall not exceed Five Thousand (5,000) gallons per day for domestic use, and Forty Thousand (40,000) gallons per annum for stock watering purposes.

The priority of date under this permit is December 4, 1942.

Actual construction work shall begin on or before February 17, 1944, and shall be prosecuted with reasonable diligence and be completed on or before February 17, 1947.

Complete application of the water to the proposed use shall be made on or before February 17, 1948.

WITNESS my hand and seal of office this 17th day of February, 19 43.

/s/ Jesse C. Wanslee.
State Water Commissioner

Application No. A-2601.....
Permit No. A-1829.....

PERMIT
To Appropriate Public Waters of
the State of Arizona

District No.

This instrument was first received in the office of the State Water Commissioner at Phoenix, Arizona, on the 4th day of December, 19 42., at 9:00 o'clock A. M.

Returned to applicant for correction

Corrected application refiled

Approved
February 17, 1943.

Recorded in Book No. 13 of
Applications for Permit at page 2601

/s/ Jesse C. Wanslee
State Water Commissioner



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Ft. Collins, Colorado 80525
October 20, 1992



L54(479)
TONT/Water Rights

Memorandum

To: Superintendent, Tonto National Monument
Through: General Superintendent, Southern Arizona Group
From: Chief, Water Rights Branch
Subject: Review of Memorandum of Understanding between U.S. Forest Service, Tonto National Forest and National Park Service, Tonto National Monument

In our September 3, 1992, memorandum, concerning the above-titled Memorandum of Understanding (MOU), we referenced a discussion held with legal counsel regarding possible action to terminate the MOU. Enclosed, for your information, is a memorandum from the Office of the Solicitor which memorializes that discussion and provides a response to our request for legal advice concerning the issue of providing water from Cholla Spring under the terms of the MOU.

If we can be of further assistance in this matter, please contact Dan McGlothlin of my staff at (303) 493-1441.

Attachment

cc: WR - Kolipinski (w/attachment)
SOAR - Davis (w/o attachment)
479 - McGlothlin (w/o attachment)



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
PHOENIX FIELD OFFICE
One Renaissance Square
Two North Central Avenue
Suite 500
Phoenix, Arizona 85004

COMM. (602) 379-4756
(602) 379-4127
FTS: 261-4756
FAX: 261-4127

October 16, 1992

Memorandum

To: Water Rights Division, National Park Service
Attention: Dan McGlothlin

From: Field Solicitor, Phoenix

Subject: MOU between National Forest Service and Tonto National Monument

This responds to your request for advice dated July 17, 1992. Although we have verbally responded to your request, the purpose of this memorandum is to memorialize our advice to your office.

The issue you have presented involves a 1974 Memorandum of Understanding (MOU) between the Tonto National Forest in Arizona and the Tonto National Monument (NPS). Among other things, the MOU facilitated the use of water by the Forest Service (and its permittees) from Cholla Springs, located within the monument. Your memorandum explains that due to changed circumstances the Park Service now desires to terminate the MOU pursuant to section 8, which allows for termination upon 180 days' advance written notice. You have asked our advice on whether termination is an appropriate action from a legal perspective.

First, although we of course defer to the judgment of the Superintendent as to whether there is any water "surplus to the needs of the monument" (MOU, section 4), we note that under the terms of the MOU the Park Service has the authority to terminate the agreement on any reasonable basis. Accordingly it is our judgment that the Superintendent may choose to terminate the agreement on the basis that the monument can no longer afford to share water with the Forest Service.

Second, beyond the practical reason of water availability, we question the underlying legal foundation for the 1974 MOU. Our concern arises from the fact that Cholla Springs is likely encompassed within the federal reserved water right which attaches to the monument. Given that assumption, the

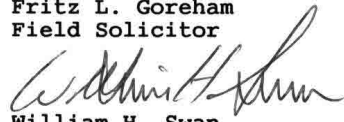
question is whether the Park Service has the administrative authority to authorize the use of such water by off-reservation users (although the MOU is with the Forest Service, the actual users are private permittees or lessees).

The precedents we have to rely on demonstrate that the Park Service may not have such authority absent permission from Congress. In the case of Grand Canyon National Park, Congress authorized in 1978 the delivery of water from within the park unit to a community outside of the reservation (92 Stat. 2495). That legislation indicates a Congressional view that the park's reserved water right may be legally confined to use within the park, unless Congress provides exceptional license to do otherwise with that federal property right.

Given this background, we suggest that the 1974 MOU may not be on solid legal ground. Accordingly, if there is a fundamental indication that there may not be sufficient water to share, we recommend that the MOU be terminated on the additional basis that the Park Service may not have the administrative authority to enter into such an agreement.

If we can be of further assistance in regard to this matter, please advise.

Fritz L. Goreham
Field Solicitor



William H. Swan
For the Field Solicitor

WHS:mo



United States Department of the Interior

NATIONAL PARK SERVICE

WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 353
FT. COLLINS, COLORADO 80521
September 4, 1992



IN REPLY REFER TO:

L54(479)
TONT/Water Rights

Memorandum

To: Superintendent, Tonto National Monument

Through: General Superintendent, Southern Arizona Group

From: Chief, Water Rights Branch

Subject: Review of Memorandum of Understanding between U.S. Forest Service, Tonto National Forest and National Park Service, Tonto National Monument

This responds to your June 4, 1992 request for an assessment of, and concurrence with, your recommendation to terminate the above-cited memorandum of understanding (MOU). The MOU, signed in 1976, allows for water from the Cholla Spring system within the Tonto National Monument (TONT), surplus to the needs of the monument, to be utilized for livestock watering on adjacent Forest Service-administered lands. This matter first came to our attention when we were contacted by Mike Stuckey, formerly with your staff, about an inquiry made by the Forest Service earlier this year into the possibility of providing water from Cholla Spring for livestock watering (Item 4, MOU).

In response to your request, we prepared an assessment of the situation for review by the Office of the Solicitor, Phoenix Field Office (see Attachment). As we stated in our assessment the MOU may be inconsistent with current NPS policy, even if water is surplus to the needs of the monument. Further, the NPS may not have the authority to provide water from within a park or monument for uses outside the park or monument without express authority from Congress. The enabling legislation for TONT does not expressly provide this authority.

As pointed out in your June 4 memorandum, the park's need for water has increased since the MOU was signed. Thus, due to current and anticipated needs for water from the Cholla Spring system, no surplus of water is available for livestock grazing on the Forest Service allotment adjacent to the park. Therefore, with respect to those provisions which relate to Cholla Spring, we concur with your



recommendation that the MOU should be terminated. You may wish to address the grazing-related provisions before determining whether termination of the entire MOU is necessary.

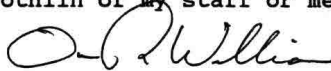
The termination procedure, outlined in Item 8, requires 180 day written notice by either party wishing to revoke the agreement. To address your specific concern regarding the access to Cholla Spring water, two alternatives for the MOU are proposed: (a) terminate the MOU in its entirety if all other provisions are no longer in effect or, (b) update the MOU to exclude those items which pertain to the provision of water. It is our belief that, since the Forest Service has never exercised Item 4 (according to your staff) and appears to have decided to not pursue further its recent interest in Cholla Spring, terminating at least this part of the MOU would be an appropriate option.

We also asked legal counsel to review language which may be used as the basis of a notice of termination with respect to the provision of water to the Forest Service. We received concurrence for our assessment and recommended actions from the Field Solicitor's Office on August 26, 1992 (telephone conversation with Swan to be followed by written concurrence). The following language is proposed for your consideration in a notice of termination:

"After consulting with legal counsel at the Office of the Field Solicitor, Phoenix, it is our view that the National Park Service may not have authority to supply water from within a park or monument to uses outside the park or monument without express authority from Congress. One reason for this conclusion is that where Congress has intended for this kind of action to occur, as with Grand Canyon National Park and the Town of Tusayan, it has provided express statutory authority (92 Stat. 2495). Without such authority in this case, we feel that we should not maintain this agreement due to the questionable authority to support it. Furthermore, even if NPS is authorized to provide water under Item 4 of the agreement, the NPS believes that there is no water surplus to the increasing needs of the monument."

Note: We added the term "increasing" to the last sentence above in reply to your comment to our July 17 memorandum to the Office of the Solicitor.

We hope this addresses your needs for protecting Cholla Spring for park purposes. If you have any further questions, please contact Dan McGlothlin of my staff or me at (303) 493-1441.



cc: WR - Kolipinski
SOAR - General Superintendent
479 - McGlothlin, Hansen, Issue File



United States Department of the Interior

NATIONAL PARK SERVICE

WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 353
FT. COLLINS, COLORADO 80521

July 17, 1992



IN REPLY REFER TO:

L54(479)

TONT/Water Rights

Memorandum

To: Office of the Solicitor, Phoenix Field Office
Attn: William Swan

From: *acting* Chief, Water Rights Branch

Subject: Review of Memorandum of Understanding between U.S. Forest Service, Tonto National Forest and National Park Service, Tonto National Monument

The Superintendent, Tonto National Monument (TONT) has requested that the Water Rights Branch assess a request by the Forest Service to provide "surplus" water for grazing from a spring located within the park. The Forest Service has requested access to Cholla Springs Drain #2 in accordance with Item 4 in the above-captioned Memorandum of Understanding (MOU). This provision of the MOU, allows Forest Service to install a pipeline from the spring to the park boundary to provide water for livestock outside the monument. The conditions surrounding the availability of water for this purpose have changed since 1974, when the MOU was executed, and the park is now interested in terminating the agreement. A copy of the MOU is attached (Attachment A) for your review.

Until this recent request, item 4 of the MOU was never exercised by the Forest Service. As a consequence of the expansion of Lake Roosevelt, livestock access to the shoreline is restricted and the Forest Service is trying to locate a new water source for use by livestock adjacent to the park. However, it is the Superintendent's opinion that there is not enough water in the Cholla Springs system, "surplus to the needs of the Monument", to accommodate the request for water under this agreement. In fact, water demands at the Monument are increasing annually, and Cholla Springs is being relied upon to provide water.

We have two concerns regarding access to a water source within the park under this MOU. First, the park has reported that spring flows tend to decline during periods of sustained drought. Given that the park is operating on a limited and increasingly unreliable supply, providing water to livestock outside the park would likely place park resources at risk and possibly limit the park's ability to provide necessary visitor services.



Second, Item 4 of the MOU appears in conflict with current NPS policy. As you recall, in the issue of Grand Canyon National Park providing water for the Town of Tusayan (see Hydrologist's Report, Water Resources Division, 1990 by Hansen, previously sent to you), the NPS is authorized under P.L. 91-383 to sell or lease water if the following conditions are met:

- (1) "The services provided by the applicant are of direct benefit to the park, or to the National Park Service, for the direct or indirect benefit of park visitors".
- (2) "It has been determined that the applicant has no reasonable alternatives to the use of park resources or services".
- (3) "Effects of use of the resource or service on the park's environment, administration, management and protection, and visitors have been examined and these effects have been determined to be acceptable. The environmental impacts of the use or service will be assessed and an environmental impact statement prepared if required according to NPS "Guidelines for Environmental Assessment and Statements".

We understand that these conditions, outlined in NPS Special Directive 78-2, dated March 30, 1978, are the current standards for implementing P.L. 91-383. While the MOU does not address the sale or lease of water, the standards of Special Directive 78-2 appear to may be applicable to this situation. Again, upon reviewing the standards set forth in the Special Directive 78-2, Section 4 of the MOU appears to be inconsistent with these requirements.

If we are correct, it appears that, either one of the following actions would seem appropriate: (a) terminate the MOU if all other provisions have been fulfilled or (b) modify the MOU to revoke Item 4, only. The Superintendent has proposed termination of the MOU, altogether. This will require written notification from the General Superintendent, NPS, Southern Arizona Group, to the Supervisor, Tonto National Forest providing 180 days advance notice of NPS's revocation of the agreement. In a discussion with Dan McGlothlin of my staff on March 10, 1992 on this issue, you indicated that Item 4 should be revoked and proposed that the following language be included in the notice.

"After consulting with legal counsel at the Office of the Field Solicitor, Phoenix, it is our view that the National Park Service may not have the authority to supply water form within a park or monument to uses outside the park or monument without express authority from Congress. One reason for this conclusion is that where Congress has intended for this kind

3

of action to occur, as with Grand Canyon National Park and the Town of Tusayan, it has provided express statutory authority (92 Stat. 2495). Without such authority in this case, we feel that we should not maintain this agreement due to the questionable authority to support it."

We propose to add the following to the above statement.

"Furthermore, even if NPS is authorized to provide water under Item 4 of the agreement, the NPS believes that there is no water surplus to the ^{increasing} needs of the monument".

Please review and comment on this analysis and confirm, if appropriate, of the above proposed termination language.

Please contact Dan McGlothlin or me at (303) 493-1441 if you have any questions.

Daniel J. McStall

cc: WR - Kolipinski
TONT - Superintendent
SOAR - General Superintendent
479 - McGlothlin

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service
Tonto National Monument
P.O. Box 707
Roosevelt, Arizona 85545

L54

January 14, 1992

Memorandum

To: Dan McGlaughlin Water Rights Division
From: Superintendent, Tonto
Subject: Water Access Request by the US Forest Service for
Purposes of Grazing

Enclosed are the documents that I found in our files to be the most important to this case. Also, I have summarized the events that have transpired to date so you can have a better idea of where we have been.

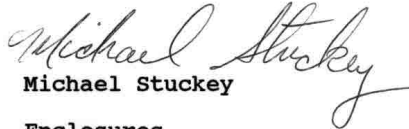
On January 3, 1992, Linny Warren, from the Tonto Basin District, Tonto National Forest, US Forest Service, called me to request access to water from Cholla Springs Drain #2, located on the monument. He said that according to a conversation in mid March, 1990, then Superintendent Carol Kruse, inferred that this water could be made available for use by local rancher, Dwight Cooper. Mr. Cooper would in turn, build a transportation system for the water to Forest Service land to provide year round water for use by his cattle.

With the implementation of Plan 6, the Forest Service will develop large campgrounds and recreation facilities on the lake side of State Hwy. 88 and no cattle will be permitted on that side of the highway. This request comes from the desire to provide ranchers with an alternative water source once the lake water is no longer available.

In the files on water and grazing, I found that this water has been a point of contention many times in the past and fences were moved and lines were adjusted to several different locations over the past 50 years.

When I asked Carol Kruse about this issue, she said that she did not give any impression of favoring the proposal. In fact, she had suggested that the concept would not be agreeable to the National Park Service. Nothing else was mentioned of the matter by the Forest Service till now.

Kathy Davis suggested that water related issues could be addressed in the Water Resources Division, Ft. Collins, Colorado. I called Bill Werrell (303) 221-5341 and he said that though he is familiar with the matter, he advised that I contact you, in the Water Rights Division. He also suggested that it may be of great benefit to meet with you while I am in Denver in early February.


Michael Stuckey

Enclosures

MEMORANDUM OF UNDERSTANDING

between

UNITED STATES FOREST SERVICE
TONGO NATIONAL FOREST

and

NATIONAL PARK SERVICE
TONGO NATIONAL MONUMENT

WHEREAS, Tonto National Monument, Gila County, Arizona, is located within the exterior boundaries of the Tonto National Forest, and the grazing administration therein has been the subject of a July 17, 1942 Memorandum of Agreement between the Forest Service and the National Park Service, and

WHEREAS, said agreement provided that the Forest Service issue permits for grazing within the unfenced boundaries of the Tonto National Monument, and

WHEREAS, there are presently existing two ten-year grazing permits known as the Roosevelt and Schoolhouse Allotments which include areas within the Monument, said permits to expire December 31, 1975, and

WHEREAS, said Memorandum of Agreement provides that it may be terminated at the end of any calendar year by either Service provided written notice is given at least sixty days in advance, and

WHEREAS, the National Park Service is desirous of terminating grazing within the Tonto National Monument and intends to fence the boundaries thereof for more efficient administration of the same,

THEREFORE, it is understood and agreed that:

1. This new Memorandum of Understanding shall constitute notice that the July 17, 1942 Memorandum of Agreement concerning grazing is terminated as of December 31, 1975.
2. That currently existing grazing permits will be allowed to continue until December 31, 1975, but the Forest Service will not issue or extend any grazing permits for any area within the exterior boundaries of the Tonto National Monument beyond the December 31, 1975 termination date.

3. That the entire Monument boundary can be fenced after December 31, 1975, except for a one hundred foot opening across the bottom of Cholla Canyon. Said opening is necessary to prevent the canyon from becoming a trap for stray cattle.
4. The water from Cholla Springs, surplus to the needs of the Monument, may be utilized for grazing under Forest Service supervision. The Forest Service can extend the existing water line to the park boundary and assume maintenance responsibility for the entire water line serving the stock trough beyond Park Service utilization.
5. It is further understood that any work proposed on or along the water line route must be approved in advance by the Superintendent, Tonto National Monument.
6. The runway fence and stock water trough located in Cholla Canyon will be removed by December 31, 1975.
7. Specific provisions of this agreement may be revised, added, or deleted at any future date and shall become effective upon documented acceptance by the District Ranger, Tonto Basin District, Tonto National Forest and the Superintendent, Tonto National Monument.
8. Said agreement shall be reviewed jointly and annually by the District Ranger, Tonto Basin District, Tonto National Forest and the Superintendent, Tonto National Monument, and shall remain in effect from year to year unless revoked by either party upon 180 days advance written notice.

United States Forest Service

Tonto National Forest

Date

9/16/74

By:

Fred J. Wirth

Fred J. Wirth

Supervisor, Tonto National Forest

National Park Service

Tonto National Monument

Date

7/14/74

By:

Glen E. Henderson

Glen E. Henderson
Superintendent

TONTO NATIONAL MONUMENT
P. O. Box 707
Roosevelt, Arizona 85545

August 26, 1974

L30

Memorandum

To: Regional Director, Western Region
Through: General Superintendent, SOAR
From: Superintendent, Tonto
Subject: Termination of Grazing

As requested, we are enclosing copies of the letters sent to Mr. Dwight H. Cooper and Mr. John E. Schulz, officially informing them of our intent to terminate all grazing on Monument land when their current grazing permits expire on December 31, 1975. As indicated in the Forest Service letter, this action will not reduce the animal unit months on either of the allotments.

A Memorandum of Agreement concerning fencing the park boundary, removal of existing fences, and continued utilization of water has been drafted and is in the process of being signed. When finalized, a copy will be forwarded for your records.

Glen E. Henderson

GEH/kh

TONTO NATIONAL MONUMENT
P. O. Box 707
Roosevelt, Arizona 85545

August 15, 1974

L30

Mr. John E. Schulze
P. O. Box 904
Miami, AZ 85539

Dear Mr. Schulze:

As you know, the termination of domestic livestock grazing on Tonto National Monument lands has been under consideration for some time. It is the policy of the National Park Service to eliminate grazing on parklands unless such grazing is desirable to preserve a historical scene. At Tonto National Monument, livestock grazing competes with wildlife and impedes nature's attempt to attain an ecological balance. Moreover, such grazing is not compatible with the proper care, management and protection of the many surface sites scattered throughout the Monument. Therefore, we have requested Mr. Fred J. Wirth, Forest Supervisor, Tonto National Forest, to exclude Monument lands from your grazing allotment when renewal permits are issued for the ten year term beginning January 1, 1976.

We wish to avoid imposing any hardship on you as a result of this action. Hopefully, the lead time provided by this notice will allow sufficient time to make adjustments in your grazing activity.

Please feel free to contact me should there be questions concerning this matter.

Sincerely yours,

Glen E. Henderson
Superintendent

GEN/kh
cc: USFS

Certified No. 318624



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR

ROOM 410, ARIZONA TITLE BUILDING ANNEX
135 NORTH 2ND AVENUE
PHOENIX, ARIZONA 85003

August 2, 1974

Memorandum

To: General Superintendent, Southern Arizona Group,
National Park Service

From: Field Solicitor

Subject: Grazing - Tonto National Monument

I have had the opportunity to examine the Tonto National Monument Superintendent's proposed draft of a Memorandum of Understanding with the Forest Service relative to the grazing situation on the Tonto National Monument. Enclosed for your consideration is a draft I have prepared which I feel more clearly sets forth the objectives and the positions of each agency.

If I can be of any further assistance in the matter, please advise.

William G. Lavell
Field Solicitor

Fritz L. Goreham
For the Field Solicitor

Enclosure



Let's Clean Up America For Our 200th Birthday

RECEIVED	
SOUTHERN AZ GROUP	
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Tonto National Monument
Grazing and Water Rights

Tonto National Monument was proclaimed on December 19, 1907, and transferred from the Forest Service, U.S. Department of Agriculture, on August 10, 1933. In 1941, the Monument was able to obtain funds to begin a program of fencing the boundaries of the Monument, however, there was substantial opposition to this by the local cattlemen. It appears that two cattlemen in particular had been using Cholla Springs for stockwatering prior to 1933 when the area was turned over to the NPS. Grazing had been allowed to continue by the NPS because money had not been available for fencing until 1941. The Forest Service, at that time, was of the opinion that portions of the Monument had never been withdrawn from their jurisdiction and so were under the joint jurisdiction of the NPS and the USFS. The Forest Service had given Chester Cooper, under Allotment No. 66, a grazing permit covering most of Tonto National Monument and he used overflow water from Tonto Seep in connection with this allotment. The Forest Service had also given a grazing permit to a Mr. Neil Lyall (under Allotment No. 60) who also used water from Tonto Seep as 400 acres of the Lyall Allotment was within Tonto N.M.

As mentioned in Charles A. Richey's Report of Inspection, dated Nov. 25, 1941, Mr. Cooper objected to the proposed fencing by the Monument because of the loss of the water source. It appeared that Mr. Cooper suggested an alternate source for his cattle from a mesquite thicket in another area of the Monument.

On December 6, 1941, Mr. Cooper, Mr. Alexander (District Ranger of Tonto National Forest), and Charles A. Richey (Assistant Superintendent of Southwestern Monuments) entered into a tentative agreement under which Mr. Cooper would make no further objection to fencing the Monument providing that water was piped from the Tonto Seep to the boundary of the Monument for his use.

On July 17, 1942, the USFS entered into an agreement with the NPS regarding the issuance of permits for grazing within the boundaries of the Monument. "Since grazing was previously permitted by the USFS and grazing in the Monument area was difficult to control as it constituted in a large part overflow grazing from the adjacent forest areas", the USFS was to continue to issue permits for grazing in the unfenced boundaries of the Monument. This agreement was terminable at the end of any calendar year.

On December 4, 1942, Mr. Richey filed two applications with the State of Arizona to appropriate water within the Monument. The first, Application No. A-2601, was to appropriate from Cholla Spring (No. 1 Drain) 7,200 gallons per day for domestic use and 50,000 gallons per

annum for stockwatering. The second, Application No. A-2602, was to appropriate from a spring in Cholla Canyon, 2,500 gallons per day for domestic use and 365,000 gallons per annum for stockwatering. Diversion 1, Application No. A-2601, was to provide a supply for a public campground of about 100 person capacity. In both applications, paragraph 20 was supplemented with a statement that "Chester Cooper and Neil Lyall own adjacent grazing allotments No. 60 and 66 and use water under federal permits which reserve the right of the USGS to complete the appropriation in accordance with this application."

The State on February 17, 1943 issued Permit No. A-1829 for Diversion 1 for 5,000 gpd for domestic use and 40,000 gpa for stockwatering and Permit No. A-1830 for Diversion 2 for 2,000 gpd for domestic use and 365,000 gpa for stockwatering. Notice of beginning of construction on both applications was filed by Richey on Feb. 12, 1944. Extensions of time within which to complete beneficial use were obtained as they became necessary subsequent to this date.

A drawing of the water system for the Monument, as constructed, (NM-TON-7101-A), shows a stock tank of 700 gallon capacity to provide water for Lyall's cattle and a trough to provide water for Cooper's cattle. It appears that actually Diversion 2 originally supplied water to the Cooper trough while Diversion 1 supplied most of the needs of the Monument.

On January 31, 1955, Mr. A. van V. Dunn, of the NPS, requested an additional extension of time from the state noting the problems facing the Monument in making final proof. It appeared that Diversion 2 had either ceased flowing or yielded so little water that Diversion 1 was being used as a substitute supply. He also described additional uses which had been made subsequent to the application and an increased storage capacity to offset the decreased spring flow caused by the drought in the Southwest at that time. On February 21, 1955, the State granted an extension of time and suggested the NPS submit a map when the system was completed showing the actual construction as made.

On February 12, 1962, George Miller, Assistant Regional Director, wrote to Mr. Dennis, the District Geologist for USGS, stating that although the existing water system had been adequate to that time, it was not sufficient to provide for future expansion. He requested a ground water study be made with the intent of drilling a well to supplement the current supply. He estimated that 10 to 15 gallons per minute would be required. On March 12, 1962, Mr. Dennis and J. Akers, both of USGS, made a survey of possible sources within the Monument. Mr. Dennis recommended drilling a well at the site of Diversion 2 in Cholla Canyon (the spring which, at that time, had ceased to be used by the Monument). Mr. A. van V. Dunn wrote to the Regional Director suggesting that Mr. Dennis be requested to obtain evidence which might suggest that the source of the well was the same as the source of either of the two Park Service diversions and in this way the NPS might be able to preserve for the well the priorities of the original applications.

A well was drilled in January of 1963 (commencing on the 14th) to a depth of 145 feet. This well, designated as the Headquarters Well, then supplied water to the visitor center and therresidences in the Monument.

On Sept. 26, 1966, the Superintendent of Tonto sent a memo to the Regional Director of the Southwest Region discussing the history of grazing and water use at Tonto. He stated that his files contained no record of a Special Use Permit or agreement with either Mr. Cooper or Mr. Schulze (Lyall's successor) for use of Monument land and water for the grazing of their cattle. He recommended that an agreement be reached with the cattlemen and the USFS so as to remedy the current problems the Monument was experiencing.

On November 2, 1966, Mr. Fields wrote in a memo to the Superintendent that no application had been filed with the State of Arizona for the well drilled in the Monument (nor were the previous applications amended). The reason no filing had been made was due to the interpretation of Arizona law at that time, which was that a filing was not necessary unless the well was expected to produce at least 100 gallons per minute.

On August 21, 1973, the State sent Orders to Show Cause to the NPS asking why the State should not cancel Applications A-2601 and A-2602 due to NPS failure to show completion of construction on the two applications. On Sept. 14, 1973, the Regional Director wrote to the State stating that these two sources continued to have "regular and active use" and requested an additional extension of time. The State granted this on Sept. 27, 1973. However, on October 29, 1974, the State cancelled both applications and permits.

On February 4, 1975, the Superintendent of Tonto reported to the Water Resources Division, Western Region of NPS, that the grazing permits would terminate on Dec. 31, 1975 and would not be extended. The Monument plans to fence the area subsequent to this.

Mike Ackerman
Legal clerk
Water Resources Division
April 1975

Mike:

Feb 4, 75

Called park and Santa Fe
in regards to Tonto NM,

Santa Fe has no file
but will ^{run} a search.

Park will look for allotments
and letters of 1941. Superintendent
says grazing right will terminate
on Dec 31, 1975 and will not
be extended. Park plans to
fence the area.

WW



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Tonto National Monument
P. O. Box 707
Roosevelt, Arizona 85545

September 26, 1966

IN REPLY REFER TO:

L3019
X L54

GEN'L

Memorandum

To: Regional Director, Southwest Region

From: Superintendent, Tonto

Subject: Grazing and Water Use - Tonto

This memorandum is long, detailed and has reference to more than one subject. However, the subjects are interrelated and any solution or action must consider each of them. The use of monument lands and water originating on monument land by adjacent ranchers is involved. The situations are of long standing and while our file is copious on some aspects it is devoid of material on others. Reference to the attached map will be an aid to understanding.

Spring No. 1 (to which Application No. A-2601, Permit No. A-1829 applies) was the original water source for the monument and supplied all needs. It also supplied water at the trough located approximately 600' south of the parking area, for stock belonging to Mr. Lyall (the Lyall interests are now owned by Mr. J. Schulze) and stock belonging to Mr. Chester Cooper. Water from this spring is piped into a 9,000 gallon reservoir approximately 400' below the spring. The stock watering tank is supplied by overflow only from this reservoir. After the well was completed in 1963 this water was used only for stock watering and irrigation of the center strip in the parking area. This was an unnecessary waste of good water. Consequently the old waterline to the residence area was rehabilitated in 1966 and this water is now also used to irrigate the yards of all residences and as the source of water for the Cooper water trough in the NE corner of the monument.

Spring No. 2 (to which Application No. A-2602, Permit No. A-1820 applies) originally supplied water only to the Cooper water trough in the NE corner of the monument. In 1963 a well was drilled at the site of this spring and water from this well supplied the visitor center, the residences, and the Cooper trough. It appeared to be an unnecessary expense to supply this water for stock use; consequently when the old residence waterline was rehabilitated the Cooper trough was connected to it in order to use otherwise wasted water from Spring No. 1.



RECEIVED NPS SOUTHWEST REGIONAL OFFICE SEP 30 1966			
Regional Director	Summers	Date	
3 <i>Conrad</i> <i>Adm. Serv. Div.</i> <i>Gen. Inv. Div.</i> <i>Resource Mgmt.</i>	<i>Ymr 10/17</i>		
1 <i>T. H. H.</i>	<i>Stn</i>		
2 <i>Schneider</i> <i>Int. Admin.</i>	<i>RBH</i> <i>423</i> <i>101</i>		

orig L 3019 Font
w/ attach

L54 Zont

Both ranchers, Cooper and Lyall, had been using these springs as a source of water for their stock for many years prior to 1933 when administration of the area was turned over to the National Park Service. Neither had applied for a water right. Both of our applications for water rights list stock watering as a beneficial use -- apparently, though not so stated on the applications, as trustee for Cooper and Lyall.

The waterlines to both of the stock troughs were built at the expense of the NPS, and have been maintained by the Service through the intervening years. However, our files contain no Special Use Permits nor Agreements of any kind with either Mr. Cooper or Mr. Schulze (Lyall).

The water trough south of the visitor center has not been utilized for a good many years by the stock of either Cooper or Schulze. The fencing of the stock runway in the canyon south of the visitor center was construction by the NPS. In this case also there is no record in the file of a Special Use Permit nor an Agreement as to who is responsible for maintenance.

The fences have not been maintained and serve no purpose since neither rancher has stock using this water trough. The trail to the Upper Ruins goes up this canyon beyond the entire length of this runway. The fences and gates (6 gates in less than $\frac{1}{2}$ mile) are a nuisance, unsightly and certainly opposed to the traditional concept of park values. The area, though small, is an oasis in this desert area and offers an excellent opportunity for a nature trail, picnic area, bird photography, etc. The fences are incompatible with any such use.

I have informally discussed the removal of the fences with Mr. Dwight Cooper (son of Chester Cooper and now the active manager of the ranch.) He is agreeable to our removing the fences and replacing them so as to exclude cattle from the canyon but in return for the loss of access to water he would ask for additional grazing lands on the monument. I have not discussed this with Mr. Schulze but I feel sure that his attitude would be the same.

Apparently the local USFS personnel at the time of Executive Order No. 6166, June 10, 1933 felt that the Forest Service retained an interest in monument lands. No action was instituted to eliminate grazing thereon, and when the NPS began to fence the monument boundary in 1941 a great deal of local opposition was aroused. The result of it all was that the fence was removed from the established legal boundary and placed as indicated on the attached map. An agreement was reached with the USFS to the effect that joint (USFS - NPS) grazing permits would be issued to Cooper and Lyall. Our file contains no such permit. The local District Ranger does not have a copy, and to the best of my knowledge neither does your office. The end

result is that the NPS has effective administration over less than one-half of the legally established area of the monument. This may be incongruous but represents no real loss to the Service in-as-much-as the area outside of the fence appears to have no archeological or other park values. (Good sized shelters or "caves" do exist in Deadman's Canyon. These contain no structures but were apparently used by Indians and have not been excavated to the best of my knowledge.) However, it does leave the Service with very little grazing area to "trade" for removal of the runway and exclusion of cattle from the canyon south of the visitor center. The only feasible area remaining is the approximately 34 acres (erroneously shown as 434) lying between State Highway 88 and the north boundary in the SW $\frac{1}{4}$ of Sec. 26.

For reference purposes perhaps the best summary of this situation written at the time was, "Report of Inspection, Tonto N.M. October 30, 1941" by Charles A. Richey, Assistant Superintendent, Southwestern Monuments. A copy is attached in case it is no longer in your file.

Our recommendations, in the present situation, are:

1. Investigation of the shelters in Deadman Canyon (at least a few test trenches) by competent personnel to determine whether or not they have any archeological value.
2. Do one of the following:
 - a. Reach an agreement with both Cooper and Schulze in regard to some sort of exchange for the removal of the runway and exclusion of their cattle from Cave Canyon within the monument.
 - b. Reach an agreement with the USFS to provide appropriate grazing land for the exchange.
 - c. Remove the water trough and rebuild one sufficiently far up the canyon to eliminate objectionable features. This would involve considerable expense (digging approximately 2000 feet of ditch, purchasing and installing pipe, pump, and some sort of control equipment). This would also greatly enhance the grazing rights of the ranchers and result in far greater use of our water.
3. Reach written agreements with Cooper and Schulze concerning water installations, fencing, and the maintenance of both.

4. Consider changing the monument boundary to include only that area over which the Service exercises effective control.

We will be interested in having your comments on the above.

J. M. Broadbent
J. M. Broadbent

In duplicate *(retained by AHS for SWAC)*
(1 copy)

Enclosures.

Drawing "Boundary & Fence Survey" NM-TON-7102 (2)
"Report of Inspection, Tonto N.M. October 30, 1941"
by Charles A. Richey, Assistant Superintendent
Southwestern Monuments

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service

Washington.

G
COOPERATION, R-3, Tonto
National Park Service,
Tonto National Monument

7/17/42

Mr. Newton Drury, Director
National Park Service
Department of the Interior
Washington, D. C.

Dear Mr. Drury

Reference is made to your letter of March 30, with which you enclosed a proposed memorandum of agreement between the Park Service and the Forest Service covering administration of grazing on the Tonto National Monument.

The form of agreement submitted with your letter differed in some respects from an agreement previously sent us by the Regional Forester at Albuquerque, New Mexico, which I understood had been prepared by the Supervisor of the Tonto National Forest in cooperation with the Acting Superintendent of Southwestern National Monuments. Your letter and agreement were therefore forwarded to the Regional Forester for his recommendation. Copy of the Regional Forester's reply, which was received only recently is enclosed, as I believe you will be interested in his views.

Signed copy of the memorandum of agreement which accompanied your letter of March 30 is returned herewith.

Sincerely yours,

(SGD) Earle H. Clapp, Acting Chief

By C. M. Granger.

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
SOUTHWESTERN REGION.

Post Office Building
Albuquerque, New Mexico.

G
COOPERATION-Tonto
National Park Service
(Tonto N.M.)

Chief
Forest Service
Washington, D. C.

Dear Sir:

Reference is made to Mr. Dutton's letters of April 8 and June 30.

On April 11, 1942 we requested the Forest Supervisor to let us have his comments on the Memorandum of Agreement submitted to your office for approval by Acting Director Demaray. I regret very much that we overlooked the fact that the Supervisor's reply had not been received and that we failed to reply to your letter. The Supervisor, however, has furnished us with a copy of his memorandum of April 14 which for some reason was never received in this office. A copy of that memorandum is enclosed for your information. There is also enclosed a copy of Acting Superintendent Charles A. Richey's letter of March 3 to Forest Supervisor Kirby, which is self-explanatory.

Apparently the Washington Office of the National Park Service preferred the form of agreement used in previous cases on the Coronado National Forest involving the Chiricahua and Saguaro National Monuments, which was identically the same except as to the last paragraph dealing with the termination of the agreement, rather than the modified form agreed to by the Forest Supervisor and the Acting Superintendent.

We agree with Supervisor Kirby that it would have simplified matters a great deal if the question of refunding the proportionate share of the grazing receipts to the Park Service should be eliminated since the amount involved is insignificant. If, however, the Park Service considers this necessary, no objection will be raised.

As to the second point raised by Supervisor Kirby regarding the statement that no new term permits covering lands within the Monument are to be initiated, this is also considered immaterial since we interpret this as allowing the Forest Service to continue the present term permits and to also renew same. It is our understanding that this statement refers to the issuance of entirely new term permits. With this understanding, we can see no reason why the agreement in the form as submitted should not be approved and it is so recommended.

Very truly yours,

FRANK C. W. POOLER, Regional Forester
By: (s) Morton M. Cheney, Acting

COPY

MEMORANDUM OF AGREEMENT

Between the National Park Service and the United States Forest Service relative to the issuance of permits for grazing within the boundaries of the Tonto National Monument located in Gila County, Arizona.

WHEREAS, grazing in the monument was formerly included in general permits issued by the Forest Service covering both forest and monument lands, and

WHEREAS, in the Act of August 25, 1916 (39 Stat. 535) establishing the National Park Service it is provided

S "****That in the supervision, management and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior****"

AND WHEREAS, grazing in the monument area not under fence is difficult to control as it constitutes in large part overflow grazing from the adjacent forest areas,

Therefore it is hereby agreed:

(1) That the Forest Service will continue to issue permits for grazing within the unfenced boundaries of the Tonto National Monument.

(2) That the National Park Service will receive its proportionate part of the grazing fees collected, said revenues to be divided between the two Bureaus in proportion to the amount of monument land involved as compared to the amount of forest land and according to the number of stock grazed thereon, and further, that no new term permits covering lands within the monument are to be initiated.

This agreement may be terminated at the end of any calendar year by either Department provided notice of desire to terminate is given to the other Department sixty days in advance.

UNITED STATES FOREST SERVICE

By (SGD) C. M. Granger
Acting Chief.

Date July 17, 1942

NATIONAL PARK SERVICE

By A. E. Demaray
Acting Director

Date April 3, 1942

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Tonto National Monument
Roosevelt, Arizona

December 6, 1941

TENTATIVE AGREEMENT

On December 5, 1941, Assistant Superintendent Richey and Custodian Peavy of the National Park Service met District Ranger Alexander of the Tonto National Forest and Mr. Chester Cooper at Tonto National Monument to consider the adjustment of water on Forest Service Allotment #66.

Mr. Cooper agreed that he would not make further objection to fencing at Tonto if the following things would be done by the National Park Service:

1. Adjust our fencing, about $\frac{1}{4}$ mile, so that water could be made available to his cattle at the present trough.
2. Eliminate the mesquite thicket in the SE $\frac{1}{4}$ of Sec. 27.
3. Pipe water from the present Tonto seep located above the bridge to the nearest location on the North West boundary of the Monument. The Park Service is to furnish all pipe except for the amount of \$50.000 which would be purchased by Mr. Cooper. Park Service to lay pipe on hand, furnish and place corrugated iron trough.
4. If Mr. Cooper can develop adequate water in the "Mesquite Thicket" the pipe line will eventually be abandoned.
5. Water and land outside of the fence enclosure is to be issued to permittee Cooper by a Special Use Permit by the two services, NPS and USFS, Form USFS C-15 (b).

It is clearly understood that the above proposed construction and adjustment cannot be approved by the National Park Service representatives present and will not be binding on the part of the National Park Service until approved by the Director of the National Park Service.

Signed:

/s/ John Peavy, Custodian, Tonto

/s/ Chester Cooper

/s/ A. L. Alexander

/s/ Charles A. Richey

Supporting Hydro Data

FORM NO. 9-1904-8

Spring NO. (A-4-12)34adc:

Recorded by William B. Reed
National Park ServU.S. DEPT. OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
GROUND WATER SITE INVENTORY
SPRING SCHEDULEDate 5/8/80Check One ☒ English ☐ Metric Units

GENERAL SPRING DATA (0)

Site Ident No 333845111064101 RG Number R-0 Transaction T-0 D M V
 Site-Type 2-0 Date Reliability 3-C field checked, unchecked, location not, minimal
 Project No. 5 District 6 State 7-04 County GILA Reporting Agency 4-N.P.S.
 Latitude 9-13:23.645 Longitude 10-11:11:06.41 Lat-Long Accuracy 11-S 0 T M
 Local Number 12-A-04-12-34 a d c 1 Net Loc. 13-SW 5 E NE 34 T 4 N R 12 E
 Location Map 14-WINDY HILL ARIZ Scale 15-24000
 Altitude 16-0720.0 Method of Measurement 17-A L Accuracy 18-20
 Topo Setting 19-D C E F H K L Ø P S T U V W Hydrologic Unit (OWDC) 20-15060103
 Use of Water 24-A B C D E F H I M N P R S T U Y
 Secondary Water Use 25 Tertiary Use of Water 26
 Source of Geohydrologic Data 36

This spring was reported dry.

OWNER IDENTIFICATION (1)

R-1581 T-0 D M V Date of Ownership 159-12/19/1907
 Name: Last 161-NATIONAL First 162-PARK SERV Middle Initial 163

OTHER SITE IDENTIFICATION NUMBERS (1)

R-189 T-A D M V Ident 190 Assigner 191
 New Card Same R & T Ident 190 Assigner 191

SITE VISIT DATA (1)

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

FIELD WATER QUALITY MEASUREMENTS (1)

R-192 T-A D M V Date 193 Geohydrologic Unit 195
 New Card Same R thru 195
 Temperature 196-00010 Degrees C 197
 Conductance 196-00095 µMhos 197
 Other (STORET) Parameter 196 Value 197
 Other (STORET) Parameter 196 Value 197

DISCHARGE DATA (1)

R-134 T-A D M V Entry No 135 Date 136
 Discharge 138 Source of Data 139
 Method of Measurement 140-C E F M Ø R U V W Z
 current, estimated, flume, totalling, orifice, reported, venturi, volumetric, weir, other

FOOT NOTES:

① Source of Data Codes:

S D Ø A R L G Z
 reporting, driller, owner, other gov't, other logs, geologist, other agency reported.

C H O L L A S P R I N G # 2

OTHER SPRING DATA (1)

R = 171 * T = ① D M * Spring's Name 172 = CHOLLA 2

Type of Spring 173 = A B C D E F G H J K L P Q R S T Z *
artesian, perched, contact, depression, perched, fracture, geyser, perched, artesian, fracture, perched, perched seepage, tubular, other
 contact depression tubular depression seepage depression fracture seepage filtration cave

Permanence 174 = E G I P R S Z * Sphere of Discharge 175 = A W *
sub & flow, geyser, intermittent, perennial, precip., seasonal, other Subaerial, Subaqueous

Improvements 176 = B C G H L N P R T Z * Number of Openings 177 = *
boxed, concrete, gallery, spring, lined, none, pond, pipe, trough, other
 basin basin house

Flow Variability 178 = * Basis for Variability 179 = A B C D E Z *
one year, 1-5 years, over 5 years, over year, less than, other
 continuous continuous continuous intermittent A-D

GEOHYDROLOGIC UNIT DESCRIPTIONS (1)

R = 90 * T = A D M *
add, delete, modify

Unit Identifier 93 = * Lithology 96 = * Lithologic Modifier 97 = *

WATER QUALITY DATA COLLECTION NETWORK PARTICIPATION (1)

R = 114 * T = A D M * Begin Year 115 # * End Year 116 = * Source Agency 117 = *
add, delete, modify

Frequency of Collection ② 118 = * Type of Analyses 120 = A B C D E F G H J K L M Z *
physical, common, trace, pesticides, nutrients, sanitary, codes, codes, codes, codes, all or, other
 chemical elements B&D B&E B&F B&G C,D&E most

Network Site 257 = *

WATER PUMPAGE/WITHDRAWAL DATA COLLECTION NETWORK PARTICIPATION (1)

R = 127 * T = A D M * Begin Year 128 # * End Year 129 = * Source Agency 130 = *
add, delete, modify

Frequency of Collection ② 131 = * Method of Collection 133 = C E M U Z * Network Site 259 = *
calculated, estimated, metered, unknown, other

OTHER DATA AVAILABLE (1)

R = 180 * T = A D M * Type of Date 181 # * Loc 182 = C D Z * For: 261 = F M P Z *
add, delete, modify
cooperator, district, other files, machine, published, other
 readable

New Card Same R & T Type of Date 181 # * Loc 182 = C D Z * For: 261 = F M P Z *

PERTINENT REMARKS (1)

R = 183 * T = A * 185 = *
New Card Same R & T

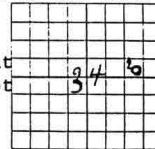
185 = *
 185 = *
 185 = *

FOOT NOTES:

② Frequency of Collection Codes

A B C D F I M Q S W Z
annual, bi-monthly, continuous, daily, semi, intermittent, monthly, one time, quarter, semi, weekly, other
 monthly only annual annual

This spring ceased to maintain a significant flow during a regional drought of the 1960's. By March of 1962, this spring was no longer used as part of the then existing water system for the Monument. In January of 1963 a well was drilled at this site to become part of the water system of the Monument in that the system at that time was not sufficient to meet the then future needs of the Monument. This spring is not known to have flowed since the drilling of the above well. Per phone conversation with Richard Tackett, Chief of Maintenance, Tonto National Monument, in May of 1980, it was reported that he has not seen any evidence of flow or prior existence of flow at this site.



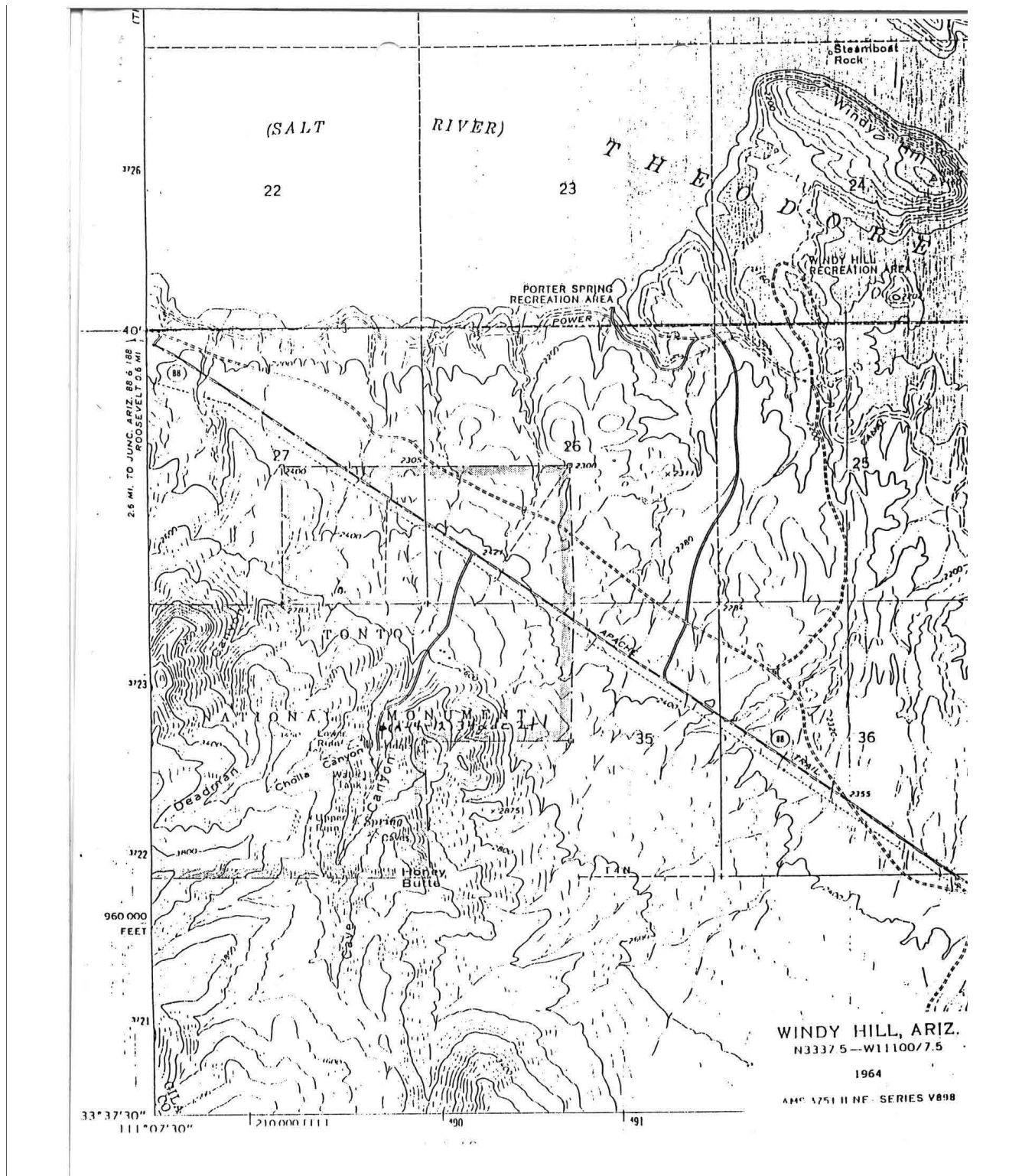
W. Reed

(Please see attached update sheet)

Tonto Cholla Spring #2
(A-4-12) 34 adc 1
Update Sheet

An unsuccessful search for signs of this once flowing spring was conducted on September 18, 1980 by William B. Reed of Water Resources and Richard Tackett, Chief of Maintenance, Tonto National Monument. The location of this spring is shown as slightly downstream of the present well site on the As Constructed Drawing (NM-TON-7101-A) for the then Water System of the park. The land surface around the well has been altered by filling and leveling either during construction of road or during well and pumphouse construction. Therefore, although a local depression was found in the area near the well site and slightly downstream, it could not be determined if this depression was the spring site or the result of construction and its dynamic effects upon down slope topography.

W. Reed
9/24/80



Other Supporting Information

154

~~TONT~~/Water Rgts Gen.
~~GOBO~~/Water Rgts Gen.
SAGU/Water Rgts Gen.
CHIR/Water Rgts Gen.
(WR)RW

June 19, 1980

~~Reed~~ 6/19

~~Witucki~~ 6/19

~~Albright~~ 6/19

~~Albright~~ 6/20

~~Davis~~

~~Reg. Dir.~~

Draft Reviewed by:

Coda

Memorandum

To: Field Solicitor, San Francisco
From: ACTING
Regional Director, Western Region

Subject: Assistance requested concerning the Arizona Water Commission
adjudication of the San Pedro and the Salt River Basins

As was discussed between Mr. Jim Coda of your staff and the staff of the Division of Water Resources, enclosed are copies of the incoming and proposed responses to the Arizona Water Commission. We request your advice as to these submittals.

Further, as requested by your Office and confirmed by Mr. Steve Carroll of Justice, Washington Office, enclosed are pertinent legislation for each of the parks involved in the adjudication of these watersheds.

(SGD) JOHN H. DAVIS

Enclosures

cc: General Supt., SOAR w/encls.

(WR)RW:Reed:Witucki:ms 6/19/80

note: Each Water Rights Gen. has the information that deals with that park and TONT has incoming plus all pertinent legislation.

DRAFT

Arizona Water Commission
222 North Central Avenue, Suite 850
Phoenix, Arizona 85004

RE: In Re the Salt River System and Source Adjudication

Dear Sirs:

This is in response to your March 31, 1980, notice and your June 2, 1980, letter reminding us of the closing date of June 30, 1980, for filing a statement of claimant for the adjudication proceedings on the Salt River above Granite Reef Dam, excluding the Verde River System. Within this watershed the National Park Service has only one park: Tonto National Monument.

We have utilized your Statement of Claimant forms to the extent feasible without further extensive field investigation. The following data on estimated water use in Tonto National Monument are submitted:

	<u>Total Use</u>	<u>Consumptive Use</u>
Tonto National Monument	1140.7 thousand gal./year	912.5 thousand gal./year

L54-PN(H)

SEP 5 1973

Memorandum

To: Regional Director, Western Region
Attention: Mr. Gerard S. Witucki

From: Chief, Division of Water Resources

Subject: Orders to show cause for Water Right Applications A-3095 and A-2601, Petrified Forest and Tonto

The enclosed notice for Cholla Spring No. 1 Drain at Tonto National Monument and for Rio Puerco at Petrified Forest National Park are referred to you for appropriate action. It appears to us that the water right applications were filed as a matter of comity, although not so designated, and compliance with substantive requirements of the State would be in conflict with the reserved rights doctrine.

It is our recommendation that the State be advised of the comity nature of the filings. The Field Solicitor may have additional recommendations.

Please have the receipt cards executed and returned to the State of Arizona.

(Sgd) MANUEL MORRIS

Manuel Morris

Enclosures

13207-1

23019
L-54

September 23, 1957

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Section
Subject: Cooper's Request for Land Development, Tonto

As a result of the memorandum of September 13 to you from Mr. Kell, we are sending copies of the following instruments in duplicate to you, the Superintendent and WOEC for addition to Tonto Dockets 1 and 2.

1. Tentative Agreement of December 6, 1941.
2. Agreement between the U. S. Forest Service and National Park Service, signed for former on July 17, 1942, and for the latter on April 3, 1942.
3. Undated letter to Forest Service, Washington, from Acting Regional Forester Morton M. Cheney.
4. Letter of July 17, 1942, to the Director from Acting Chief, Forest Service.

No special use permits have been found in the Washington Office, but the general files before 1949 are in Archives. My Water Resource files go back to February 2, 1937, but did not become active until 1941 when it was decided to prepare and file Applications A-2601 and A-2602. A letter of November 27, 1941, from the State Water Commissioner indicates that there had been no appropriation of the water in Section 34 in Tonto since the adoption of the water code on June 12, 1919, but that there might be county filings. Presumably, you have copies of the reports of inspection by Mr. Richey of October 30 and November 25, 1941, which I could duplicate.

Water Right Applications A-2601 and A-2602, Dockets 1 and 2, were not protested, after filing on December 4, 1942, but your attention is called to the commitments in answer to question 20, which are backed by correspondence from Messrs. McColm, Richey and Lassiter. The

WESTERN OFFICE	
DESIGN & CONSTRUCT	
SEP 26 1957A.	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	<i>2</i>
LAND. ARCH.	<i>2</i>
ACTION TAKEN—DATE	
<i>None</i>	

evidence suggests that the Cooper interests are based on his allotment 66 and the Lyle interests are based on his allotment 60. These are in turn covered by the agreement with the Forest Service, and the commitments in the water right applications. The fence locations on Drawing 6975, which supports the applications, may also have a bearing, but nothing points to authority for the requested developments.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachments 6

Copy to: Superintendent, Tonto, with 6 attachments
Chief, WDC, with 6 attachments

COPY

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service

Washington.

6
COOPERATION, A-3, Tonto
National Park Service,
Tonto National Monument

7/17/42

Mr. Norton Drury, Director
National Park Service
Department of the Interior
Washington, D. C.

Dear Mr. Drury

Reference is made to your letter of March 30, with which you enclosed a proposed memorandum of agreement between the Park Service and the Forest Service covering administration of grazing on the Tonto National Monument.

The form of agreement submitted with your letter differed in some respects from an agreement previously sent us by the Regional Forester at Albuquerque, New Mexico, which I understood had been prepared by the Supervisor of the Tonto National Forest in cooperation with the Acting Superintendent of Southwestern National Monuments. Your letter and agreement were therefore forwarded to the Regional Forester for his recommendation. Copy of the Regional Forester's reply, which was received only recently is enclosed, as I believe you will be interested in his views.

Signed copy of the memorandum of agreement which accompanied your letter of March 30 is returned herewith.

Sincerely yours,

(SGD) Earle H. Clapp, Acting Chief

By C. M. Granger.

COPY

**UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
SOUTHWESTERN REGION.**

**Post Office Building
Albuquerque, New Mexico.**

**G
COOPERATION-Tonto
National Park Service
(Tonto N.M.)**

**Chief
Forest Service
Washington, D. C.**

Dear Sir:

Reference is made to Mr. Dutton's letters of April 8 and June 30.

On April 11, 1942 we requested the Forest Supervisor to let us have his comments on the Memorandum of Agreement submitted to your office for approval by Acting Director Demaray. I regret very much that we overlooked the fact that the Supervisor's reply had not been received and that we failed to reply to your letter. The Supervisor, however, has furnished us with a copy of his memorandum of April 14 which for some reason was never received in this office. A copy of that memorandum is enclosed for your information. There is also enclosed a copy of Acting Superintendent Charles A. Richey's letter of March 3 to Forest Supervisor Kirby, which is self-explanatory.

Apparently the Washington Office of the National Park Service preferred the form of agreement used in previous cases on the Coronado National Forest involving the Chiricahua and Saguaro National Monuments, which was identically the same except as to the last paragraph dealing with the termination of the agreement, rather than the modified form agreed to by the Forest Supervisor and the Acting Superintendent.

We agree with Supervisor Kirby that it would have simplified matters a great deal if the question of refunding the proportionate share of the grazing receipts to the Park Service should be eliminated since the amount involved is insignificant. If, however, the Park Service considers this necessary, no objection will be raised.

As to the second point raised by Supervisor Kirby regarding the statement that no new term permits covering lands within the Monument are to be initiated, this is also considered immaterial since we interpret this as allowing the Forest Service to continue the present term permits and to also renew same. It is our understanding that this statement refers to the issuance of entirely new term permits. With this understanding, we can see no reason why the agreement in the form as submitted should not be approved and it is so recommended.

Very truly yours,

**FRANK C. W. FOGLER, Regional Forester
By: (s) Morton M. Cheney, Acting**

1071

MEMORANDUM OF AGREEMENT

Between the National Park Service and the United States Forest Service relative to the issuance of permits for grazing within the boundaries of the Tonto National Monument located in Gila County, Arizona.

WHEREAS, grazing in the monument was formerly included in general permits issued by the Forest Service covering both forest and monument lands, and

WHEREAS, in the Act of August 25, 1916 (39 Stat. 535) establishing the National Park Service it is provided

"**That in the supervision, management and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as maybe requested by the Secretary of the Interior**"

AND WHEREAS, grazing in the monument area not under fence is difficult to control as it constitutes in large part overflow grazing from the adjacent forest areas,

Therefore it is hereby agreed:

- (1) That the Forest Service will continue to issue permits for grazing within the unfenced boundaries of the Tonto National Monument.
- (2) That the National Park Service will receive its proportionate part of the grazing fees collected, said revenues to be divided between the two Bureaus in proportion to the amount of monument land involved as compared to the amount of forest land and according to the number of stock grazed thereon, and further, that no new term permits covering lands within the monument are to be initiated.

This agreement may be terminated at the end of any calendar year by either Department provided notice of desire to terminate is given to the other Department sixty days in advance.

UNITED STATES FOREST SERVICE

By (SGD) C. M. Granger
Acting Chief.

Date July 17, 1942

NATIONAL PARK SERVICE

By A. E. Demaray
Acting Director

Date April 3, 1942

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Tonto National Monument
Roosevelt, Arizona

December 6, 1941

TENTATIVE AGREEMENT

On December 5, 1941, Assistant Superintendent Richey and Custodian Peavy of the National Park Service met District Ranger Alexander of the Tonto National Forest and Mr. Chester Cooper at Tonto National Monument to consider the adjustment of water on Forest Service Allotment #66.

Mr. Cooper agreed that he would not make further objection to fencing at Tonto if the following things would be done by the National Park Service:

1. Adjust our fencing, about $\frac{1}{2}$ mile, so that water could be made available to his cattle at the present trough.
2. Eliminate the mesquite thicket in the SE $\frac{1}{4}$ of Sec. 27.
3. Pipe water from the present Tonto seep located above the bridge to the nearest location on the North West boundary of the Monument. The Park Service is to furnish all pipe except for the amount of \$50.000 which would be purchased by Mr. Cooper. Park Service to lay pipe on hand, furnish and place corrugated iron trough.
4. If Mr. Cooper can develop adequate water in the "Mesquite Thicket" the pipe line will eventually be abandoned.
5. Water and land outside of the fence enclosure is to be issued to permittee Cooper by a Special Use Permit by the two services, NPS and USFS, Form USFS C-15 (b).

It is clearly understood that the above proposed construction and adjustment cannot be approved by the National Park Service representatives present and will not be binding on the part of the National Park Service until approved by the Director of the National Park Service.

Signed:

/s/ John Peavy, Custodian, Tonto

/s/ Chester Cooper

/s/ A. L. Alexander

/s/ Charles A. Richey

154-1

NO COPY MADE IN MAIL ROOM

July 31, 1957

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Tonto Water System for Arizona vs. California

WESTERN OFFICE
DESIGN & CONSTR.
AUG 5 1957
CHIEF
ADMINISTRATIVE
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PLANS & SPEC.
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ACTION TAKEN

The memorandum of July 24 from Mr. Kell does not make it clear whether either or both of diversions 1 and 2 have been removed or not. We will assume that they are still in place for descriptions for the subject case. There were also no length and height of concrete dam at new diversion. We shall tentatively say only "a small dam" but should have size, at least on the drawing.

From the two memoranda we have now received from Mr. Kell, it appears that the "10,000 gallon reservoir" is actually constructed to overflow when filled to 9,900 gallons, and this capacity is maintained with the flow from 6 A.M. to midnight. The total available flow, therefore, is approximately 13,200 gpd, or 0.0204 sec.ft., with an annual total of 4.04 acre-feet. We have claimed an ultimate use of 7.67 acre-feet for the case, which is probably about what will be possible during periods of long time average flow.

The immediate use seems to be about 9,900 gpd, and the rest goes to waste by overflow from the 10,000 gallon tank. The two water rights authorize the use of 9,700 gpd for domestic purposes. They also authorize the use of 415,000 gallons per year for stock watering, but there is not even enough stock watering storage to permit it.

My first observation is that considerably more storage is needed to make use of all available flow at this time. The second observation is that domestic use may now be made of more than the authorized 9,700 gpd, in part by using water authorized for stock which does not now need it, and in part by diversions in excess of the authorization. I think we should file a supplemental water right application as soon as practical. There appear to be close to a million gallons of water going to waste per year, even during this drought period.

In addition, although diversion 2 is no longer suitable, it seems possible that the same water can be obtained higher up one of the draws. If no water ever develops in the westerly wash, it may already have been corralled at diversion 1 and the new diversion. For that reason, diversion 2 should not be considered as abandoned permanently.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Tonto
Chief, WRDC

Region Three
Santa Fe, New Mexico

JUL 24 1957

L-54

WESTERN OFFICE	
DESIGN & CONSTRUCTION	
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CHIEF	
ADMIN. ASSIST.	
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Memorandum

NO COPY MADE IN MAIL ROOM

To: Director

From: Regional Chief of Lands

Subject: Tonto Water System, As Constructed Drawing, Tonto

This will acknowledge Mr. Dunn's memorandum of July 11 advising that only two of the three prints intended for your office were received. We have attached two additional prints for Mr. Dunn's use.

The description of the new diversion works is as follows:

A sump was excavated in the stream bed to a depth of 3'. A 32" diameter by 36" length of galvanized culvert with a 3/4" coupling welded into the side was placed vertically in the sump. The lower approximately 12" of the culvert section was perforated with 1/2" holes. Immediately down-stream from the sump a dam was constructed of concrete and rock with its base somewhat below the bottom of the earth of the culvert. This dam deflects or impounds water into the culvert from which it flows by gravity to the existing system. The pick-up loads of coarse sand were used for back fill and filtering purposes around the culvert.

The pipe leading from the new collection system to the tie-in with the present system is a 3/4" pipe line as shown in the lower left hand corner of the preliminary drawing.

According to the best information in this office, there were no tile laterals installed above the corrugated pipe.

The 10,000 gallon storage reservoir is square and constructed of concrete. According to Plan NM-RN-2036 the inside diameter of the tank is 14'0" x 14'0" and the net water storage depth is 6'9".

At the present time, both the Lyall Tank and the Cooper Trough do have float valves to control the water supply. These were not clearly shown or labeled on the preliminary print transmitted with my memorandum of July 5, but will be shown when the drawing is completed. There are 3/4" shut-off valves on both lines leading to the Lyall Storage Tank and the Cooper Trough. In operation, the valve on the Cooper Trough is usually open, the valve to the Lyall Stock Tank

is manually opened and closed in order to fill the tank. If this valve is left open, the float valve cuts off the supply when the tank is full. This is the spot where I attempted to explain in the 4th paragraph of my memorandum of July 5 where Superintendent Oakes plans to install a line from the over-flow of the 10,000 gallon storage reservoir to the Iyall Stock Tank in the anticipation that most of the time the over-flow from the 10,000 gallon storage which is now lost would keep the Iyall Stock Tank full.

A copy of the preliminary print attached to Mr. Dunn's memorandum of July 11 has been mailed to the Superintendent for confirmation of the red pencil details before additional corrections are made.

JOHN E. KELL

John E. Kell
Regional Chief of Lands

In duplicate

Copy to: Supt., Tonto
WDC

154-1

July 11, 1957

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Tonto Water System, As Constructed Drawing, Tonto

Only two of the three prints of the subject drawing were received with the memorandum of July 5 from Mr. Kell. We have filed one print and the carbon of Mr. Kell's memorandum in our assembly of Docket 1. By returning the other print with this memorandum, there is none for the files of Division of Design and Construction.

The first thing we need, in a hurry, for Arizona vs. California, is a description of the new diversion works. The 1" pipe line has apparently been extended about 125 feet beyond diversion 1. Is the water collected by tile laterals? If so, we should have the diameter and total length of such pipe. If, on the other hand, the water is collected in a tunnel or a well about the "new" spring, we should have diameter, length or depth, and material of which it may be walled up. There should also be length, and height of any dam which may have been constructed in a tunnel.

I have shown a proposed 20,000 gallon reservoir and 1½" and 4" pipe near the new residential and utility area. This is from a proposed plan on Master Plan Drawing 2039-B, which Mr. Kell sent us about January 11, 1955. Some additional storage seems to be needed if there is now part-time overflow from the 10,000 gallon tank. The 10,000 gallon reservoir was to have been of concrete, according to Application A-2601, in Docket 1. We should have confirmation that concrete was used, and advice as to whether the 20,000 gallon tank is still proposed, and to be of concrete. It would be desirable to have internal length, width, and depth of each reservoir.

State Engineer Smith is probably correct in stating that no new filing is needed. In fact, we may be able to claim all water under Application A-2601, Docket 1, and abandon Application A-2602, Docket 2, but we should defer any action until spring flows are about average, after several years of average or better precipitation.

Collectively, the two applications cover the appropriation and use of a flow of at least 6.75 gallons per minute, and can support

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ACTION TAKEN—DATE	

a flow of 7.5 gallons per minute, if available. We can amend one or both applications at the time of proof, to cover 1, 2, or even 3 or 4 diversions in a Cholla Spring area. The only need for a supplemental application would result from the diversion of more than 7.5 gallons per minute.

We should tentatively consider that the water of Spring No. 2 has been partially intercepted at Spring No. 1 or the new diversion, and that all the water is from one basic source. We should also consider that the total flow has been subnormal during the past decade. We should also consider whether part of the former flow at Spring No. 2 originated in the wash to the west of the parking area; and could be diverted there rather than at Spring No. 2, where it would be less subject to contamination.

As long as storage capacity in the 10,000 gallon reservoir, Lyall tank, and copper trough, is limited, there is no objection to overflow at those facilities. Ultimately, however, there should be a float valve on the line to each reservoir.

Presumably the 10,000 gallon and proposed 20,000 gallon reservoirs have been considered ample for regulation of summer flow for domestic purposes. However, the two water right applications cover the use of 50,000 gallons and 365,000 gallons of water, respectively, for stock watering. If the total spring area flow proves to be only 6.75 gallons per minute, or less, the stock water will ultimately have to be stored in the winter, in tanks with a combined capacity of about 415,000 gallons. I strongly recommend further consideration of ultimate storage needs.

In conclusion, we need to take no further action on water rights at this time unless divertable flow now exceeds 7.5 gallons per minute. We should have a report on what total flow is diverted (including new diversion) on some date in July or the first half of August. We should also meter diversions each July and August to watch trends. For Arizona vs. California please supply descriptions of all three diversion works, even if description of works at diversion 2 is as of several years ago. We will describe the system for said case with that data.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

Copy to: Superintendent, Tonto
✓ Chief, WDC

Handwritten: 154-L
7/26
Signature: [illegible]

February 15, 1957

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Section
Subject: Extensions of Time, Water Right Applications A-2601 and 2602,
Dockets 1 and 2, Tonto

With copies of this memorandum we are distributing copies of the order granting extension of time in duplicate and one copy of Mrs. Hammond's letter of transmittal to you, SWNM and WODC, and the originals of the orders to the Superintendent, Tonto. One copy of the order should be filed in each of the two docket assemblies.

You will note that we were successful in obtaining a more liberal extension of time than in the past, with both the drought and MISSION 66 for justification. During the next five years we should obtain two to four measurements of the spring flow, at both sources when possible, at approximately the same date each year, including one at peak of tourist season. We should also obtain measurements of the water use per day at the peak of the season, with data on number of residents, number of visitors, number of stock watered, and acreage irrigated. In years when the available supply is inadequate for desired use, it will be desirable to have the data on population and irrigable acreage even though the measured water use is meaningless for water right proof or water supply planning.

(111111)

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Tonto, w/c attachments
✓ Superintendent, SWNM, w/c attachments
Chief, WODC, w/c attachments



multitasking

With copies of this memorandum we are distributing copies to the order granting extension of time in this case and one copy to Mrs. Hammond's father of transmittal to her. WILLIAM AND SON, the originals of the orders of the Department, June 20, 1900, and one of the order should be filed in each of the two cases mentioned.

For water right good or water supply situation. The first average over the season was 1.5 million gallons. It will be desirable to have the available water supply is inadequate. In years when the available water supply is inadequate, number of residents, number of visitors, number of stock watered, and the water use per day at the peak of the season, with data on one at peak or tourist season. We should also obtain measurements when possible, at approximately the same date each year, indicating obtain two or four measurements of the spring flow, or both summer and winter. During the next five years we should liberal estimation of time taken in the past, with both the trough and low water. We will note that we were unsuccessful in obtaining a gainable in obtaining

A. van V. Dunn
Chief, Water Resources Section

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Copy to:
 Chief, WDC, w/ attachments
 Superintendent, WDC, w/ attachments
 Superintendent, Togo, w/ attachments



August 16, 1956

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Extension of Time Under Application A-1766 (Docket 4)
Grand Canyon National Park and Records for Arizona v.
California.

With copies of this memorandum to the Superintendent and the Western Office of Design and Construction, we are distributing copies of the order granting extension of time under Application A-1766, which should be filed at top of contents of each of your assemblies of Grand Canyon National Park Docket No. 4.

Also attached are copies of the letter of August 14, to David R. Warner, Chief, Water Resources Section, Department of Justice from the Deputy Solicitor, and copies of the certificate and memorandum transmitting copies of the Extension of Time to the Solicitor. These should be filed with your other records concerning the case of Arizona v. California.

It has been our attempt to send copies of all correspondence relating to NPS claims in the case of Arizona v. California to each Superintendent, where claims for his area are involved. We did not receive enough copies of the letter of August 14 from Mr. Fritz to supply the Superintendent at Tonto. We are sending a copy of this memorandum to him, to advise that Application A-2601 and A-2602 were transmitted by that memorandum. If convenient you might duplicate a copy for him.

(SIGNED)

A. van V. Dunn
Chief, Water Resources Section

Attachments 4

Copy to: Superintendent, Grand Canyon NP, with 4 attachments
Western Office of Design and Construction, with 4 attachments
Superintendent, Tonto

COPY

COPY

August 10, 1956

Memorandum

To: Solicitor

From: Acting Assistant Director

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

Attached are the certified copies of Application A-2601 - Permit A-1829 and Application A-2602 - Permit A-1830, and four similar but uncertified copies are being delivered directly to Mr. Amschel.

As certified, the Washington Office copy of map supporting Application A-2601 includes some informal notations which have been added from time to time by the Chief of our Water Resources Section, concerning amendments which will be needed before proof is made for final certificate. The map supporting Application A-2602 is the same drawing, as actually filed with both applications.

Due to the drought in the southwest, the flow of both springs has been subnormal for a number of years. There has been little or no flow from Cholla Spring No. 2. It is also reasonably certain that no water from either spring would reach the Salt River at Roosevelt Reservoir as surface flow during the drought, even if there were no diversion and consumptive use of it.

(SGD) Lemuel A. Garrison

Acting Assistant Director

In triplicate

Attachments 10

Copy to: Regional Director, Region Three
Superintendent, Tonto
Western Office of Design and Construction

COPY

COPY

In reply refer to:
154-L

February 1, 1955

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Section

Subject: Water Right Applications A-2601 and A-2602, Dockets 1 and 2,
Yonto National Monument

Office of Chief, Western Office Div. of Design and Const.	
FEB 7 1955 A.M.	
Supr. Architect	
Supr. Engineer	<i>W. J. W.</i>
Supr. Landscape Arch.	
Safety Engineer	
<i>see memo 154-L to Chief & C 2-21-55</i>	

The attached copies of our letter to the State Land Commissioner of Arizona, requesting an extension of time, are supplied to permit filing of one in each of the designated dockets, in your office, the Southwest National Monument Headquarters, and at the Monument. We find that we also have two copies of each of the applications, and should like to know whether one of the field offices, or the Western Office of Design and Construction, to which copies of this correspondence are being sent, lacks and would like to have another assembly of each docket.

The letter answers part of the questions raised by Mr. Davis and in the memorandum of January 11 from Mr. Hall. We should like to perfect any rights as soon as possible, but it would be inadvisable to restrict the right to flows of a drought period if there is evidence of increasing water demand.

Whether we make proof during the next two years or not, the developments seems to have advanced to the stage to require an amended application and map. The changes indicated in the letter are based on a comparison of Drawing 6975 in the dockets, and 2039B in the master plan. It is not entirely clear whether some developments shown, or proposed, on 6975 are abandoned or not. We enclose a print of the drawing with the request that you return it with all changes added and explained.

My reference to the possible abandonment of Diversion 2 is based on the fact that the master plan shows a septic tank about 300 feet west of that Diversion, on the opposite side of the road.

If proof is to be made, we should obtain more data on actual water use. We should have records of attendance on some of the peak days of the past few years and the population of permanent and seasonal residents. The visitors should be classified as overnight campers, picnickers and those who just drop by, so far as possible. We should

know about how many evaporation or excelsior type air conditioners are in use in the summer, and the superintendent's estimate of daily water use at the utility area. We should also know about how much stock is being watered at the 10,000 gallon tank, and at the 700 gallon tank in Sec. 27, as well as the normal dates when stock watering begins and ends, each year.

Metering of water use would be helpful, both on the diversion pipes, and on the supply to public comfort stations. In both cases, there should be attendance figures for the period of metering.

We have a laboratory meter which has dials reading to 9,999 (I believe), which can be set back to zero at will, and which has couplings and hose to permit installation at unions on the smaller pipe sizes. It will record 20,000 or 30,000 gallons, of course, if observed during an initial day to learn the number of times the dials return to zero. It can also be installed on a shunt line to measure a percentage of flow too great for direct reading.

This meter could be shipped to Tonto for use this summer, and left in your custody subject to the rare occasions on which I might need it elsewhere, if you wish.

(SGD) A. VAN V. DUNN,

A. van V. Dunn
Chief, Water Resources Section

In triplicate

Attachments 7

Copy to: ~~Western~~ Office of Design and Construction

L-54 TONT-L



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

IN REPLY REFER TO:
L-54 TONT-L

December 17, 1951

Memorandum

To: Regional Director, Region Three
From: Acting Chief, Water Resources Branch
Subject: Water Right Dockets Nos. 1 and 2, Tonto National Monument

In conformance with Mr. Tolson's memorandum of June 18 to the Regional Directors, Regions One, Two, Three, and Four, relating to the new procedure in numbering and filing water right assemblies, there are attached Tonto National Monument Water Right Dockets Nos. 1 and 2, formerly Deeds 3 and 4, which have been heretofore held in the files of the Washington Office. These are henceforth to be retained by the Superintendent as the official records of these water rights, and his present assemblies should be destroyed in order to avoid the confusion of maintaining two identical assemblies of the same docket. The deed numbers on your own assemblies should be changed to the new docket numbers before transmittal to the Superintendent.

(SGD) Gordon W. Robertson

Gordon W. Robertson
Acting Chief, Water Resources Branch

In triplicate

Attachments 2

Copy referred to Supt. Tonto, January 29, 1952

Please comply with Mr. Robertson's instructions for change in numbering and filing procedure for former Deeds 3 and 4, now Water Rights Dockets Nos. 1 and 2. However, instead of destroying your present assemblies, please forward them to General Superintendent Davis for his files.

M. J. Mc.

Land Division
Region Three Office

Copy to: General Supt., SWNM

COPY

COPY

Peavy ✓
Tonto

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

REPORT OF INSPECTION

TONTO NATIONAL MONUMENT

By Charles A. Richey, Assistant Superintendent
November 25, 1941

Departed Gila Bend at 8:30 a.m., November 25, in passenger auto 2951, speedometer 38845, arriving Tonto National Monument at 1:10 p.m. Departed Tonto National Monument at 9 p.m., arriving Headquarters at 1:20 a.m., November 26, speedometer 39142.

Since no further word had been received from District Ranger Alexander of Roosevelt, Arizona, pertaining to Forest Service cooperation relative to adjustment of water use and grazing permits in connection with the proposed fencing at Tonto, and as objections had been raised by the Gila County Cattle Growers' Association and referred to this office during my absence, negotiations concerning this matter were withheld by Acting Superintendent McCole until my return to Headquarters.

Custodian Peavy and Soil and Moisture Foreman Mullenau were contacted upon my arrival at Tonto, and the above-mentioned problems in connection with the fencing, outlined in my field report of October 30, were reviewed. An attempt was made to contact Mr. Chester Cooper, grazing permittee on Allotment No. 66, but it was found that he was in the northern part of the state elk hunting. The proposed fencing was discussed with his nephew who is working on the job at Tonto. Several attempts were made to contact District Ranger Alexander at Roosevelt; however, he was away at a meeting, and although the undersigned remained at Tonto until late in the evening, he had not returned before my departure.

Objection to the proposed fencing at Tonto, which is now well under way, approximately two miles being completed, has been raised by the Gila County Cattle Growers' Association. After discussing this matter with Mr. Peavy and Mr. Mullenau, it is evident that this objection is to the general fencing of any additional Government lands to exclude grazing, and has little or no bearing to the present problem over Allotment No. 66 now assigned to Chester Cooper.

Custodian Peavy of Tonto National Monument attended the Gila County Cattle Growers' Association meeting at Globe, Arizona, on November 10. At this meeting, it was understood from Mr. Peavy, Mr. Cooper aired his grievances concerning the proposed fencing, and stated that his main objection to the fencing was loss of water, and no further objection would be expressed if water could be made available to him from Tonto National Monument. The resolution of the Cattle Growers' Association did not mention Mr. Cooper's objection, but condemned the fencing project as a nonessential one in view of the national emergency. After the meeting, it is understood, Mr. Cooper advised Mr. Peavy that his main objection was as stated in the meeting, and that the resolution of the Cattle Growers' Association was not instigated by him. It is further understood that the Horrell brothers live about 9 miles from Tonto National Monument in the direction of Globe, Arizona, and that Mr. Earl E. Horrell's brother, who lives close by, is president of the State Cattle Growers' Association. Mr. Earl Horrell is the secretary of the Gila County Cattle Growers' Association.

Approximately two miles of the fencing at Tonto National Monument has been completed. This includes the resetting of the drift fence along the boundary line in Sections 35 and 26, along the east monument line. Fencing has been started on the north boundary and has progressed farther than previously recommended by the undersigned. Approximately one-half mile has been placed past the mesquite thicket in Section 27, which is the area desired by Mr. Cooper for development of water for Allotment No. 66. The construction of fencing on the north side happened inadvertently since the boundary in this section was not where we anticipated, and could not be determined until it was surveyed. Fencing in this section was stopped temporarily, and Mr. Mullenaux advised to continue on the west and south boundary of Section 34. Fencing in this location will have little relationship to Allotment No. 66 and will have no bearing on the availability of water.

In discussing the proposed fencing with Mr. Cooper's nephew, it was understood that his uncle would have no further objection to the fencing at Tonto if water could be made available from the mesquite thicket in Section 27. This will require some adjustment of our fence, probably leaving 100 acres outside of the enclosure. He was advised that the National Park Service was willing to cooperate in working out a solution for the water, but had been waiting to find out what cooperation the Forest Service would make.

Custodian Peavy was directed, however, to contact Mr. Cooper, upon his return, to determine if the proposal to cooperate in supplying water was agreeable to him, and advise us promptly. If not, then what solution of this problem would be acceptable to him. In the meantime the completion

of the boundary fence at the earliest practicable date seems desirable. Some adjustment of the fence in the above-mentioned one-quarter section may be necessary, but this part is being left until the last, and negotiations should be completed before we get to this section.

It is believed that the above solution can be worked out to overcome the present objection to present grazing permittees. This will require purchasing some additional $3/4$ -inch pipe, probably 180 feet, and exclusion of about 100 acres from the fence enclosure. It is believed that this is the most agreeable solution that can be worked out and will not exclude land which is valuable for monument purposes. This solution will not meet objections of the Gila County Cattle Growers' Association however; their main objective is to the fencing of any additional land to exclude grazing.

The water, and monument land excluded from the boundary fence for the Cooper allotment No. 66, and Lyall Allotment No. 60, can be taken care of by joint Special Use permit issued by the two Services. In this no rights to the water will accrue to the permittees.

Assistant Superintendent.

Peavy
Tonto

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

REPORT OF INSPECTION
TONTO NATIONAL MONUMENT

By Charles A. Richey, Assistant Superintendent
October 30, 1941

Departed Headquarters, Coolidge, Arizona, in passenger auto No. 2951 at 9:30 a.m., October 30, speedometer 36373; arrived Tonto National Monument at 12:15 p.m. Departed 4:20 p.m., speedometer 36479, arriving Headquarters 7:40 p.m., speedometer 36567. No per diem claimed.

At the monument the undersigned met Custodian Peavy and Soil and Moisture Foreman Mullenau. Main purpose of this trip was to straighten out certain difficulties in connection with water and grazing use of the monument area, which had been precipitated by the approved Soil and Moisture Conservation job to fence the boundaries. All materials had been purchased by the Region Three Headquarters for this job, and Foreman Mullenau assigned to the area, before concern over the fencing was registered by local cattle interests.

Grazing at Tonto National Monument

Grazing at Tonto National Monument, within the Tonto National Forest, has no doubt continued since this area was taken over from the Forest Service along with other national monuments turned over by general Presidential proclamation, dated June 10, 1933. This continued through sufferance since funds were not available for fencing, and as permanent personnel was not allowed for this area until Mr. Peavy's assignment there several years ago. No opposition to fencing the monument was anticipated until Regional Conservationist Maxwell contacted this office on October 8. At this time it was learned from Mr. Maxwell, and later by letter from Custodian Peavy of the same date, that considerable opposition to fencing the monument would be forthcoming from cattle interests in that section of Arizona. Mr. Peavy's correspondence indicated that the Forest Service still considered Section 24, the original portion of the monument, under the joint jurisdiction of the National Park Service and their Service, since this land had never been withdrawn from the U. S. Forest Service. It was also learned from Mr. Maxwell that a Forest Service drift fence passed across the southeast section of the monument, and it was recommended by him, and concurred in by Superintendent Miller, that

this section of drift fence be used in lieu of a boundary fence for this part of the monument. After discussing this matter with Mr. Maxwell it seemed desirable to contact Forest Supervisor Kirby of the Tonto National Forest Office in Phoenix, Arizona, to determine the status of grazing permits in the vicinity of Tonto National Monument, and see if a solution to the fencing problem at the monument could be worked out which would be agreeable to this Service and cattle interests in the vicinity. Superintendent Miller was away at the time and, upon his return, the grazing situation at Tonto was presented to him. Since he planned to be at the opening of the Organ Pipe Cactus Ajo-Sonoyta road bids in Phoenix on October 14, he agreed to discuss this matter with Mr. Kirby at that time. Mr. Miller contacted Mr. Kirby who suggested that details of the proposed matter be discussed with Senior District Ranger Albert L. Alexander, Roosevelt, Arizona. Arrangements were made by letter with Mr. Alexander, and the undersigned contacted him, accompanied by Custodian Peavy, on October 30.

Request was made to review grazing permits for the vicinity of Tonto National Monument. The following information concerning permits is presented:

Chester Cooper has Allotment No. 66 which includes 11,851 surface acres, 1,013 of which are unusable land. The permit includes most of Tonto National Monument, and area north and west adjacent thereto. This permit is based on 11.5 surface acres per cow. Mr. Cooper is now grazing 166 head of cattle which makes approximately 1 head to 69 acres of land. Pro-rated part for Tonto National Monument would be 16 to 17 head. Mr. Cooper uses the overflow water from Tonto seep in connection with this grazing allotment. The water and grazing is authorized by Forest Service special permit in which no rights of use go to the permittee. It was understood from District Ranger Alexander that, under the Forest Service special permit system, the permittee furnished necessary materials and developed water for use in connection with a permit, but acquired no rights to the water. The surplus water from the Tonto seep is also used by Permittee Lyall on Allotment No. 60. At the present time there is a Forest Service drift fence which runs diagonally from northeast to southwest across portions of Sections 34 and 26. Approximately 400 acres of the Lyall allotment is on Tonto National Monument southeast of this fence. The tank which collects the surplus water from Tonto seep is located in Section 34, subdivided by the Forest Service drift fence. This was the fence which Regional Soil Conservationist Maxwell recommended be left in place, if it was reasonably close to the monument boundary, and our fence tied to it. When it was found that it excluded approximately 400 acres from the proposed monument area, it was recommended to District Ranger Alexander that we reset the portions of this fence along the monument boundaries in Sections 35 and 26. Mr. Alexander was agreeable to this solution, and Mr. Mullenbaux was instructed to start along this portion of the project as it did not affect the water use for Chester Cooper's allotment No. 66.

It was also felt that this would give us time to work out a solution on the remainder of the fencing. This would leave the drift fence in place across the SE $\frac{1}{4}$ of Section 34 and still allow the use of surplus water from the Tonto seep to the Lyall allotment No. 60. This area of the monument in the SE $\frac{1}{4}$ of Section 34 is extremely rough and little used for grazing. It does allow access to water from the higher portions of Allotment No. 60 which is extremely desirable from the permittee's standpoint. While this solution is not entirely desirable from the Service point of view, this section of the monument is rough and rocky and it would be very expensive to refence. It is doubtful whether the cost of refencing would be offset by the value of including a few additional acres of land within the monument fence enclosure.

The monument extension by Presidential proclamation of April 1, 1937, included the SE $\frac{1}{4}$ of Section 27 along with other lands. This portion of the monument includes a mesquite thicket in which, it was understood, from District Ranger Alexander, that Mr. Cooper had previously planned to establish his ranch headquarters. It was also understood that Mr. Cooper believed he could develop water at this thicket, and that he would probably be agreeable to the fencing if we would exclude this portion of the monument from the proposed fence enclosure, and allow him to develop water in this area. It was also understood that the U. S. Forest Service, in the past, has been desirous of obtaining the site of Mr. Cooper's present ranch as a district ranger headquarters. It was brought out in the discussion that we have approximately 600 feet of used 1-inch pipe, surplus to our needs at Tonto National Monument, which might be used in piping water from the mesquite thicket to the monument boundary. Mr. Alexander stated that he believed that Mr. Cooper would be willing to furnish and install the additional necessary pipe to furnish water from the mesquite thicket for Allotment No. 60. It was later found that but 420 feet of pipe are available. Taking the water as far as the monument boundary in Section 27 is not desirable from the permittee's standpoint, since it requires movement of cattle too far from the higher country in his allotment, and it is doubtful whether he will be agreeable to this solution unless a portion of the area in the SE $\frac{1}{4}$ of Section 27 is excluded from the boundary fence.

It was understood from Mr. Alexander that the U. S. Forest Service still considered Section 34, the original portion of Tonto National Monument, under the joint jurisdiction of the U. S. Forest Service and this Service. He stated that the land for the monument addition under Presidential proclamation of April 1, 1937, had been withdrawn, but that the original monument area, Section 34, had never been withdrawn from the Tonto National Forest. From this standpoint, it appears that the U. S. Forest Service issued grazing permits over Tonto National Monument in good faith. It was pointed out to Mr. Alexander, however, that if this section was under joint control, our Service should have been so advised, since we acknowledged grazing at Tonto only through sufferance, and that

permits should have been under the joint jurisdiction of the two Services if the above assumption was correct. Mr. Alexander showed me a letter from the Acting Supervisor of the Tonto National Forest, dated in the early part of this year, in which he advised Mr. Alexander that Section 34 was still under the joint jurisdiction of the two Services. It was explained to Mr. Alexander that the Supervisor's office must be misinformed, since Tonto National Monument was turned over to the National Park Service by general Presidential proclamation along with all other national monuments then administered by the Forest Service, and no additional land withdrawal was required. At the time of this withdrawal, Tonto National Monument consisted of only Section 34. While Mr. Alexander did not so state, it was evident from special permits and grazing allotment maps that Tonto National Monument is included in Forest Service grazing allotments No. 60 and 66, and that these allotments should have been under the joint jurisdiction of this Service and the U. S. Forest Service, since they considered Section 34 under the joint jurisdiction of the two Services. This matter, to the knowledge of the undersigned, has never been brought to the attention of this Service. The portion of the grazing allotment which should have been given to the National Park Service should be for approximately 17 head of stock for Allotment No. 66 and 6 or 7 head for Allotment No. 60. It is believed that these grazing permits have been issued by the Forest Service over the entire period that Tonto National Monument has been administered by this Service, and no portion of the fees for grazing have been turned over to us.

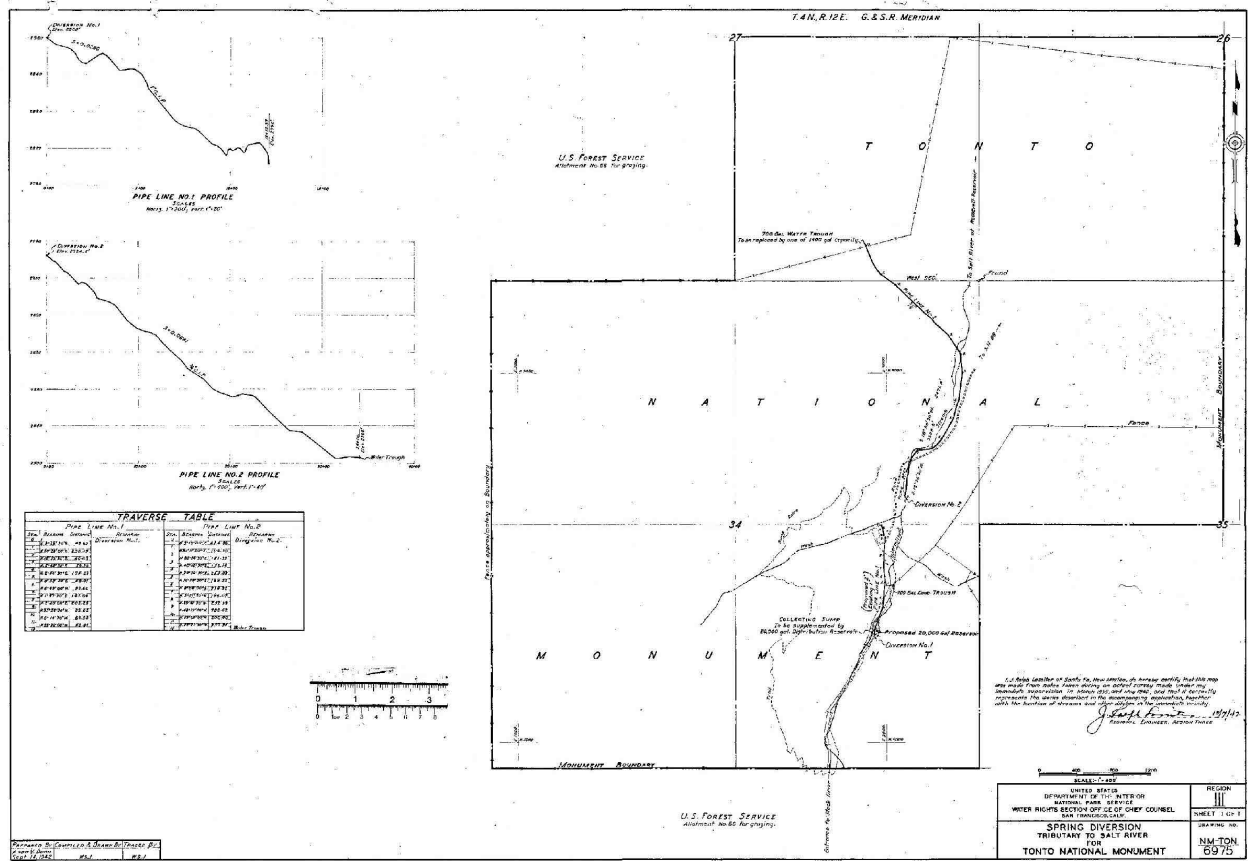
After a summary of the grazing situation with Mr. Alexander and Mr. Peavy, it was pointed out to Mr. Alexander that adjustment of the grazing problem at Tonto appeared to be more of a Forest Service problem, than a Park problem, since they had derived all of the benefits from grazing in this area. He was advised that the Park Service would be willing to cooperate in adjusting the water problem at Tonto; however, it was felt that the U. S. Forest Service should cooperate in making adjustments to Mr. Cooper on Allotment No. 66, and that the National Park Service would advise of their cooperation as soon as we received a definite proposal from the Forest Service. It was also pointed out that this Service was felt to be above criticism relative to the fencing at Tonto, since the fencing was started to overcome a grazing problem in which erosion was resulting, and since we were not familiar with the past actions of the Forest Service in permitting grazing on National Park Service administered lands. Mr. Alexander acknowledged these facts and agreed to present the problem to Supervisor Kirby of the Tonto National Forest Office. It was suggested to Mr. Alexander that the U. S. Forest Service compensate Allotment No. 66, with other grazing lands, for the portion excluded from grazing by the proposed boundary fence, and that the U. S. Forest Service cooperate in making water available beyond the monument boundaries. Mr. Alexander acknowledged the Forest Service's responsibility, but stated that he believed there was little possibility of the cooperation suggested.

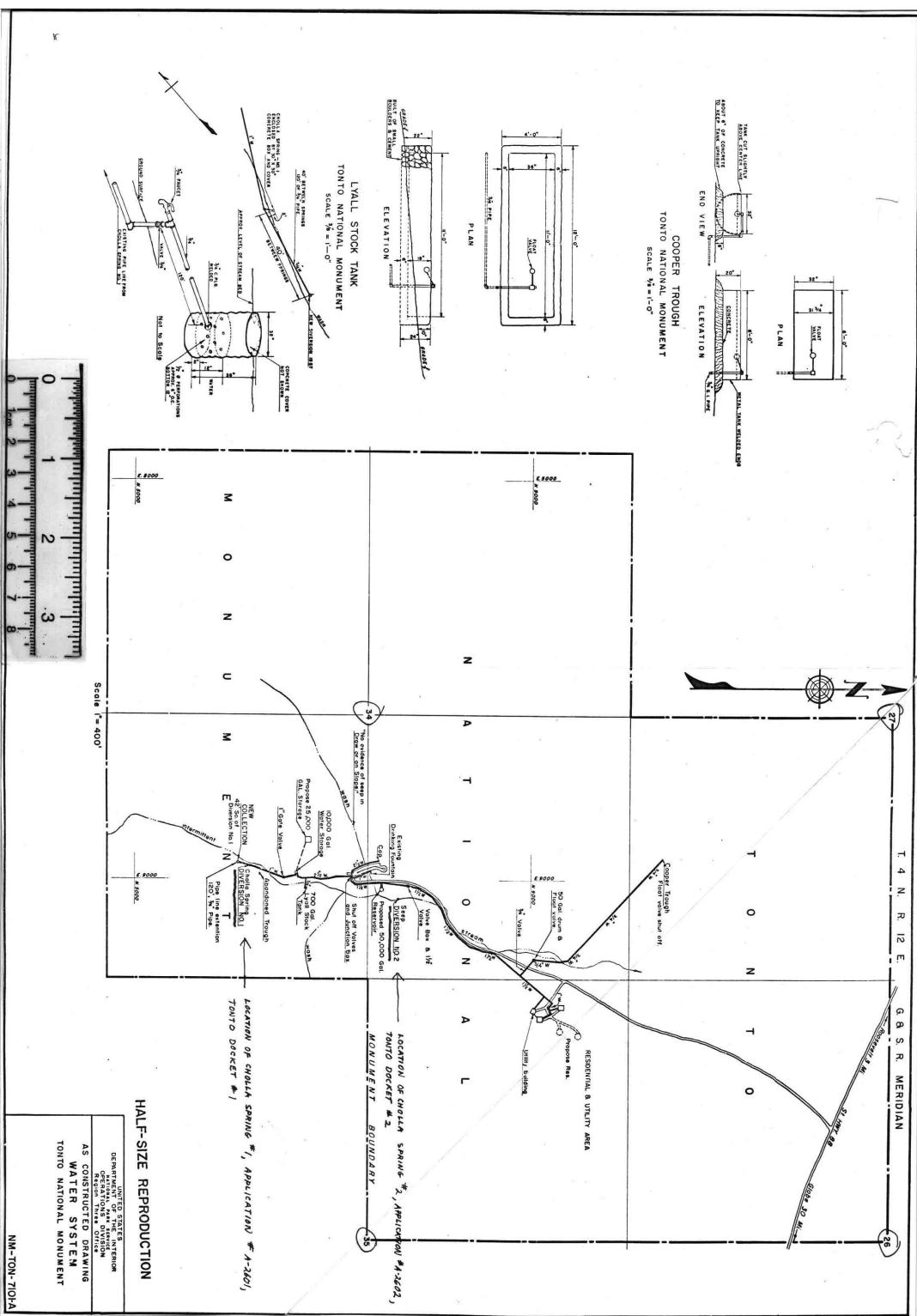
It was understood that there is a large area on the opposite side of Roosevelt Lake, which is now withdrawn from grazing by the Forest Service, and which Mr. Cooper would like to have allotted for his use. It was understood that if this land was made available for Mr. Cooper's use that he would be willing to withdraw from Allotment No. 66. Mr. Alexander agreed to advise us as soon as the above matters had been presented to the Supervisor's office.

An attempt was made to contact Mr. Chester Cooper who holds Allotment No. 66. Mr. Cooper was away, but Mr. Peavy was requested to contact him, at an early date, and advise that this Service was willing to cooperate in making water available to his allotment, but were waiting for advice from the U. S. Forest Service concerning their possible cooperation, since these allotments had been handled by them without the knowledge of this office.

In the meantime, fencing materials and crew were on hand, and Mr. Mallensaux was directed to start resetting the present drift fence along the southeast portion of the monument to the monument boundary. This would have no effect on the present grazing allotments and gives an opportunity to work out the details of water use on Cooper's Allotment No. 66.

Assistant Superintendent.





Docket Information

Number of Documents in Docket 108

Documents Dated from 10/30/1941 to 10/20/1992

Docket Compiled: 6/21/2011