



WATER-RIGHT DOCKET

Tonto National Monument

Docket No: 2

CHOLLA SPRING NO. 2

Preliminary Docket Information

05-21-1979: docket - general information

DOCKET (FILE) TITLE		DATE: May 21, 1979
REGION	Western	ANMA Tonto National Monument
SITE	Cholla Spring No. 2	
STATE	Arizona	COUNTY Gila DOCKET NO WR #2
LOCATION	SW 1/4 NE 1/4 Section 34 T 4N R 12E	
REGIONAL BASIN	Colorado	LOCAL BASIN
ACQUIRED BY	Reservation	
APPLICATION	A-2602 (cancelled)	PERMIT A-1830(canceled) CERTIFICATE
ACTION DUE	PRIORITY	RESERVATION December 19, 1907
QUANTITY USED: -0-	USE None	
STATUS Inactive	SOURCE Surface Water	
REMARKS Located in Hydrologic Basin Unit No. 15060103. Application and Permit 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 Canyon, the point of diversion designated as Cholla Spring No. 2, tributary of Roosevelt Reservoir on the Salt River. (But see paragraph 21 in the application.) The application (No. A-2602) was for 2,500 gallons per day for domestic use at a public campground and 365,000 gallons per annum for stockwatering of 100 to 200 head of cattle (the water was piped to a 700 gallon trough, purported to be the Cooper trough). The State granted a permit on February 17, 1943 (No. A-1830) but reduced the amount to 2,000 gpd for domestic use allowing the full amount for stockwatering. A Notice of Beginning of Construction was filed on February 12, 1944, stating that "the sump and diversion works have been nearly completed and most materials to complete the project are on hand." Extensions of time within which to apply the full amount of water appropriated to beneficial use were granted to NPS as necessary. In on request for an extension of time made by the NPS in 1955, Mr. A. van V. Dunn noted a drought in the Southwest at that time and the increased visitor attendance at the Monument. He stated "It appears that Diversion 2 (Cholla Spring No. 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 stockwatering under Application No. A-2602 with water from Diversion 1 which is appropriated under Application No. A-2601." Later in 1957, he again cited the extended drought in the Southwest to obtain a more liberal extension of time. In 1962, a ground water study was requested by the Assistant Regional Director to be made by the District Geologist of the USGS. On March 12, 1962, Mr. Dennis and J. Akers of USGS made a survey of possible sources within the Monument. Mr. Dennis recommended a well be drilled at the site of Cholla Spring No. 2. This was done in 1963 (the Headquarters Well). It appears that Cholla Spring No. 2 has never been put to use since this date (and possibly as early as 1955 when it ceased to flow in quantity). On October 29, 1974, the State of Arizona cancelled Application No. A-2602 for failure to show completion of construction and application to beneficial use of the water from Cholla Spring No. 2.		
Compiled by _____		
Approved by _____		

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

Tonto National Monument - Docket No. 2, Application A-2602

1. Drawing No. NM-TON-6975, Sheet 1 of 1.
2. Notice of Beginning of Construction dated February 12, 1944.
3. Order Granting Extension of Time dated February 11, 1947.
4. Order Granting Additional Extension of Time dated February 7, 1949.
5. Letter of Mr. O. C. Williams from A. van V. Dunn dated February 1, 1949.
6. Letter of February 16, 1953 to O. C. Williams from A. van V. Dunn.
7. Order Granting Extension of Time dated February 24, 1953.
8. Memorandum of March 4, 1953 to Regional Director, Region Three from A. van V. Dunn.
9. Application for a Permit to Appropriate Waters of the State of Arizona.

*NOTE: See USGS REPORT FILE FOR Preliminary
GROUND WATER MEMORANDUM REPORT OF
APRIL '62 by DENNIS OF USGS*

*As built drawings of revised water system and
new well, including Well Log . NM-TON/3107B
reviewed in W.R. Oct 1963 and turned over to
D&C. Plan Files Question of whether this might
be filed for as same source as Springs with
same priority was not answerable at that time*



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

WESTERN REGION

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

L54 (WR) PSW

November 14, 1974

CHIR/WR Docket File #1

GRCA NM/WR Docket File #2

GRCA NP/WR Docket Files #3,
4, 5, 7 and 8

TONTO/WR Docket Files #1&2

Memorandum

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

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

Subject: Water Right Docket Material

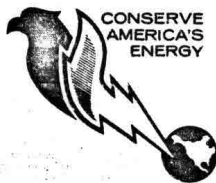
Enclosed for your docket files and information are State of Arizona orders of cancellation for various applications for diversion of water sources in Chiricahua National Monument, Grand Canyon National Monument, Grand Canyon National Park and Tonto National Monument. As you recall, we had been given 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

John H. Davis



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!

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

IN THE MATTER OF APPLICATION)
TO APPROPRIATE WATER NO. **A-2602**)
PERMIT NO. A-1830)

Lito - WR#2

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-2602** 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-2602** 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-2602** 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

Arthur H. Rittinger
STATE LAND COMMISSIONER *WFM*

64-74
BY CERTIFIED MAIL **569856**

STATE LAND DEPARTMENT OF THE STATE OF ARIZONA

BEFORE THE STATE LAND COMMISSIONER

IN THE MATTER OF)
APPLICATION NO. A-2602)
TO APPROPRIATE WATER)
Re: Cholla Canyon) ORDER TO SHOW CAUSE
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

Robert R. Pettigrew
STATE LAND COMMISSIONER *RRP*

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

Don Horne Milling
for the STATE LAND COMMISSIONER

BY CERTIFIED MAIL 570281



JACK WILLIAMS
GOVERNOR

Arizona
State Land Department

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



ANDREW L. BETTAY
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:

L54(WR)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-2023, Permit A-1987 for Lower Saddlehorse Springs in Grand Canyon National Monument.
- Application A-1765, Permit A-1093 for Roaring Springs.
- Application A-1880, 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-1881, Permit A-1195 for the Bright Angel
Creek hydroelectric system for Phantom Ranch.
Application A-1766, 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-2602)
TO APPROPRIATE WATER)
Re: Cholla Canyon)
Tonto National Monument, Applicant)
)
)
)

ORDER TO SHOW CAUSE

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

SEAL

Arthur H. Pettigrew
STATE LAND COMMISSIONER *afm*

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. McMillin
for the STATE LAND COMMISSIONER

BY CERTIFIED MAIL 570281

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.

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



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 Basin 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
Surgeon Water Division



BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF ARIZONA

Application No. A-2601,
Permit No. A-1892²⁹
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-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,

IT IS ORDERED, That the United States of America, TONTON NATIONAL 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. Lamm
State Land Commissioner

ЛТО И ДОКЛАДЫ 1 СЛ 5

RESEARCH

ԱՅԿԼ ՔԼՏՅԻՆ ԶՈՒՆԵՐ՝

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[illegible][illegible]

DOOR 241:

~~TOP SECRET~~

RECEIVED V-7950 AND V-7920

NO: UNCLASSIFIED V-5807 AND V-5805

ASSIGNMENT: METAL DICTIONARY

BRONX, N.Y.
State Long Department
State Long Commissioner.

1921

124-P 5/11/2

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 copy of Commissioner's Order (Arizona State Land Commissioner) of February 7, 1957, granting an Additional Extension of Time to the United States under Application A-2602, Permit 1830, constitutes a full, true, and literal exemplification of the revised 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 , A. D. 1957.

Assistant Director
National Park Service

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

COPY

COPY

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 NP-TON-6975, Spring Diversion tributary to Salt River for Tonto National Monument, as filed with State Water Commissioner in support of Applications A-2601 and A-2602; (2) Application No. A-2602 - Permit No. A-1830, 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-2602 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 Aug. 10, 1956 , A. D. 1956.

(SGD) Lemuel A. Garrison

Assistant Director
National Park Service

Copy to: Regional Director, Region Three
Superintendent, Tonto Docket #2
Western Office of Design and Construction

COPY

COPY

From W.R.D. 2 - Yanto

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
TONTO NATIONAL MONUMENT

COMMISSIONER'S

ORDER

Granting

An Additional

Extension of Time

The United States of America, TONTO 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. 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, TONTO 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 Ernst
State Land Commissioner

SEAL

15*

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 1955 A.M.
Super. Architect
Super. Engineer <i>11/2/54</i>
Super. 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 265 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

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF

A R I Z O N A

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.

/s/ James R. Burger
James R. Burger, Deputy
State Land Commissioner



C O P Y

BEFORE THE STATE LAND COMMISSIONER OF THE STATE OF

A R I Z O N A

In the Matter

of

Application No. A-2601, Permit No. A-1832
Cholla Spring No. 1 Drain;

and

Application No. A-2602, Permit No. A-1830
Cholla CanyonUNITED STATES OF AMERICA
SOUTHWESTERN NATIONAL MONUMENTSORDER
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, extended 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, 1952, to February 17, 1953, within which to complete construction work; and from February 17, 1952, to February 17, 1953, 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 5th day of February, A. D., 1953.

/s/ James R. Burger
James R. Burger, Deputy
State Land Commissioner





C O P Y

In reply refer to:
LSH TONT-1

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

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.

James H. P. Jones
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:
LSA 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

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.

AvVD:sh.

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

NOTICE OF BEGINNING OF CONSTRUCTION

Tonto Dam 4

I, The United States America, the permittee under Application No. A-2602,
 by Chas. A. Richey
 Permit No. A-1830, issued by the State Water Commissioner of the State of Arizona for the
 appropriation of the waters of Cholla Canyon, Tributary of Roosevelt Reservoir on Salt River

for Domestic & 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 sump and diversion works have been nearly completed and most materials to
The appropriator should state the manner of beginning construction work, number of men employed, the amount of work completed up
complete the project are on hand.
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, Santa Fe,
(Present address)

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

Charles A. Richey
(Signature of applicant)

RECORDED
COMPARED

2604

Permit No. A-1830Application No. A-2602

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 following described unappropriated waters of the State of Arizona.

1. The source of the proposed appropriation is Waxelass Spring in Cholla Canyon
(Name of stream or name of reservoir and stream if water is diverted from reservoir.)
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, 2,500 gallons per day
(Municipal or Domestic.) (Gallons per annum, or gallons per day.)
For Stock watering use, 365,000 gallons per annum
(Irrigation.) (Acre feet per acre per annum.)
For _____ use, _____
(Mining or Stock Watering.) (Cubic feet per second, or gallons per annum.)
For _____ use, _____ cubic feet per second
(Power.)

3. The point of diversion is located S. 18° 50' 30" W. 2472 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. 2

being within the SE 1 NE 1, 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 in the E. 1/4 N.E. 1/4
(40 or 10 acre subdivision.)
of Sec. 34 (UNS) and for stock watering in the SE 1 SE 1
(40 or 10 acre subdivision.)
of Sec. 27, 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 _____
~~cut in height (stream bed to overflow)~~ ^{long on top and constructed of masonry}
collecting sump at the spring, 11' x 3'6" x 2'.
(Concrete, earth, brush, etc.)

(b) Description of headgate 3/4" galvanized iron pipe extends into collecting sump
as intake.
(Timber, concrete etc., number and size of openings.)

(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.

111

cc-1

(b) Pipe line: Diameter 3/4 inches; length 3400 feet; grade 64.1 feet per 1,000 feet; total fall from intake to outlet 218.5 feet; kind galvanized iron
(Riveted steel, cement, wood-stave, etc.)

7. Distributing Works. 1 Trough Material Concrete. About 700 gallon. To be replaced by one of 1500 gallon capacity. A 5000 gallon distribution reservoir is to be installed near spring with 2-inch pipe line to proposed campground.

8. **Cost and Construction Schedule.** The estimated cost of the proposed project is \$1500.....
It is proposed to begin construction within now partially completed.....after the approval of this
application, to complete construction within 2 years after war.....thereafter and to completely apply the
water to the proposed use. 3 years after war.....after the beginning of construction.
(State time in months or years)

9. Domestic Use. Domestic use is proposed as follows: For sanitary and culinary purposes at public campground of about 100 person capacity.
(Describe nature of use which may include the irrigation of gardens
not exceeding one-half acre, stating number of persons and number of domestic stock to be served, etc.)

10. **Municipal Use.** To supply the city of.....
having a present population of....., and an estimated population of.....in 19.....

11. **Irrigation Use.** (a) The land to be irrigated has an area of.....acres; is located in.....County, Arizona, and is particularly described by legal subdivisions as follows:

(Describe the subdivisions of the township or section the entire area of, which it is proposed to irrigate, by the largest possible legal subdivisions, in the table below, inserting the area in the acreage column. In cases of irregular shaped parcels use a separate line to describe each 40 acre subdivision in which they occur and insert only the area of such subdivision to be irrigated in the acreage column.)

[illegible]

(If more space is required, attach separate sheet.)

(b) What is the character of the soil?.....

(c) What quantity of water is necessary to raise proposed crops?.....
(Acre feet per acre per annum.)

(d) Land to be irrigated is owned by.....
(Name of owner.) (If applicant is lessee, etc., so state.)

(e) The irrigation season will begin about.....and end about.....
(Beginning date each season.) (Closing date each season.)

(f) Has the land to be irrigated any water right or source of water supply other than that herein applied for?..... Describe the nature and amount of any additional supply.....

12. **Stock Watering Use.** (a) What kind of stock is it proposed to serve? Cattle.
 (b) What is the average number of stock it is proposed to serve? 100.
 (c) What is the maximum number of stock it is proposed to serve? 200.
 (d) The use of water will begin about Jan. 1, and end about Dec. 31.
 (Beginning date each season.) (Closing date each season.)

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.....,

(40-acre subdivision.)

T....., R....., G. & S. R. B. & M.

(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream?..... If so, name stream and describe location

(Yes or No.)

of point where returned.....in the....., Sec....., T.....,

(Name of stream.)

(40-acre subdivision.)

(No. N. or S.)

R....., G. & S. R. B. & M.

(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

(Placer gold, lode gold, copper, etc.)

as the.....

(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,

(Yes or No.)

state specifically the time required for filing same.....

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 extend beyond 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.

113

00-3

cc 4

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-2602

RECORDED COMPARED
Permit No. A-1830

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 Two Thousand (2,000) gallons per day for domestic use, and Three Hundred Sixty Five Thousand (365,000) 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-2602
Permit No. A-1830

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 2602

/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

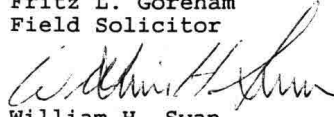
question is whether the Park Service has the administrative authority to authorize the use of such water by off-reservation users (although the MOU is with the Forest Service, the actual users are private permittees or lessees).

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

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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
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



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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.

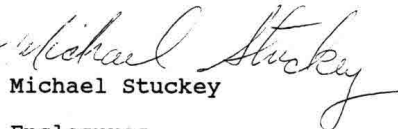
On January 3, 1992, Linny Warren, from the Tonto Basin District, Tonto National Forest, US Forest Service, called me to request access to water from Cholla Springs Drain #2, located on the monument. He said that according to a conversation in mid March, 1990, then Superintendent Carol Kruse, inferred 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

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 U.S. 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 the residences 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

MEMORANDUM OF UNDERSTANDING

between

UNITED STATES FOREST SERVICE
TONTON NATIONAL FOREST

and

NATIONAL PARK SERVICE
TONTON 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

8/14/74

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

GEH/kh
cc: USFS

Certified No. 318624

September 26, 1952

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 WODC 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.

SEP 26 1952

CHIEF
ADMIN. ASST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. APPL.

[Handwritten signature]

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-2501 and A-2502. 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 2501 and A 2502, 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. McCole, Richey and Fassiter. The

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

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 E. Clapp, Acting Chief

By C. M. Granger.

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
SOUTHWESTERN REGION.

Post Office Building
Albuquerque, New Mexico.

COOPERATION-Fonto
National Park Service
(Fonto 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 Damaray. 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 5 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

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 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

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

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.

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By: (s) Morton M. Cheney, Acting

JOPY

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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

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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

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

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Sincerely yours,

(SGD) Earle H. Clapp, Acting Chief

By C. M. Granger.

Supporting Hydro Data



D2621

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
TONTON NATIONAL MONUMENT
Roosevelt, Arizona
January 6, 1964

IN REPLY REFER TO:

NARRATIVE COMPLETION REPORT WELL TONT.
Contract # 14-10-0333-989

One bid for the well drilling project was received at the Southwest Regional Office and opened November 15, 1962. Contract No. 14-10-0333-989, in the amount of \$3,346.50, was awarded December 5, 1962, to Mr. Billy B. Burns, Route 1, Box 68A, Globe, Arizona. Notice to proceed, dated December 28, 1962, was received on January 14, 1963, and January 15, 1963 was recorded as the first day of the contract period. A contract period of sixty days was allowed for drilling each of one or as many as three exploratory holes and twenty days for casing and developing the selected bore into a producing water well.

Since the first well drilled was successful, the contract expiration date was April 4, 1963.

The drill rig was moved in on January 11. Drilling commenced January 14, under the direction of P. Eldon Dennis of the U. S. Geological Survey Office, Tucson, Arizona and the hole was drilled to 10 feet by that evening. The next day the well was drilled to the 25 foot level and temporary casing was extended that far. All the above footage was through surface debris, boulders, and canyon fill material. A small flow or stratum of water was encountered at the 23 foot level and a gallon of this water was collected for chemical analysis. Between the 30 foot and 35 foot levels, a 6 inch layer of clay was encountered and according to Tom Weaver, the drill rig operator, the flow of water doubled.

From the surface, down to the 35 foot level, singer boulders, (one 3 feet through) and some layers or seams of loose rock, were encountered. From the 35 foot level to the 75-80 foot level, the drilling was through a cemented gravel formation. At the 80-85 foot level, another layer of broken rock was encountered, which became more solid as the drilling continued. At 125 feet, definite evidence of diabase began to show up and the drilling was discontinued at a depth of 145 feet.

A bail test of 15 minutes duration was made on January 21. Two hundred thirty four gallons of water were drawn from the well at that time with full recovery made in 45 minutes. An additional bail test was made by P. Eldon Dennis, U. S. Geological Survey Office, Tucson, on January 28. At that time, 954 gallons of water were drawn from the well. (Mr. Dennis will report on the recovery of this bailing test as he took and kept notes.)

In all, 26 formation samples were taken on the well, one at 10 feet, one at 20 feet, and every 5 feet from 25 to 145 feet. These were shown to Mr. Dennis on January 28 and following his tests and examination, the sample tests were discarded.

The well was cased with new 6 inch I.D. 0.28 inch thick pipe, with the casing extending from the bottom of the well to 4 feet 5 inches above ground. Concrete was placed all around the top of the casing to a depth of 5 feet below ground level and at the suggestion of Mr. Dennis, the permanent casing was packed with 5 cubic yards of clean river-bed, screened $\frac{1}{4}$ to $\frac{1}{2}$ inch, rock and pebbles all the way from the bottom to the 20 foot level. From the 20 foot level, which was above the perforations, to 5 feet below the surface some 3 cubic yards of hand sized rock and crushed gravel were placed around the casing which filled a good sized cavity between the 10 and 20 foot levels. The packing was discontinued at the 5 foot level. The casing was perforated prior to being placed in the well. The perforations were cut with a $\frac{3}{8}$ inch tip burning torch and were 12 inches long, front and back, for the first foot, 12 inches long on the two sides for the next foot and they alternated back and forth in this fashion from the bottom to the 25 foot level.

The pumping test began at 8:00 A.M. on February 5 and continued until 8:00 A.M. February 7, with but one interruption, due to a breakdown of the generator the morning of February 6. Mr. Fields of the Regional Office has the notes on this test.

P. Eldon Dennis of the U. S. Geological Survey, Tucson, was most helpful with advice and suggestions pertaining to the well, the drilling and on what to look for in the way of formations as the drilling progressed, all of which was very much appreciated.

Change Order No. 1 changed relative lengths of perforated and unperforated casing.

Work was completed February 8, 1963. This contract did not provide a usable system, but it did establish a source of water supply, which was the intent of the contract.



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
TONTO NATIONAL MONUMENT
Roosevelt, Arizona
January 6, 1964

D2621

IN REPLY REFER TO:

COMPLETION REPORT UTILITY PROJECT TONT.
Contract # 14-10-0333-1008

Eight bids for the combined utilities project were opened at the Southwest Regional Office February 28, 1963, ranging from \$58,348.99 to \$113,275.00. The low bid, tendered by Mr. J. D. McCarty dba Navajo Sanitation & Construction Company, Showlow, Arizona, was accepted, and Contract No. 14-10-0333-1008 was awarded to him March 14, 1963. Notice to proceed was mailed March 29, 1963 and receipt was acknowledged April 1, 1963. April 2, 1963 was the first day of the 150 day contract period, and August 29, 1963 was the expiration date of the original contract. The contract covered construction of water storage and distribution systems for Headquarters and Residential Areas, sewage disposal system for Residential Area, and conduit and ground cable for future underground power for the future Visitor Center.

Five change orders increased the contract amount by \$12,634.20 to a revised total of \$70,983.19, and added 55 days to the time for contract performance, changing contract expiration date to October 23, 1963.

Change Order No. 1 is described in Section 2A of this report, Headquarters Sewer System. The items #1 thru #5 shown in the Final Estimate as "not included in the contract bid schedule" are a part of the cost of this change.

Change Order No. 2 effected a change in the well pump and controls. The full cost of this change is a water system cost.

Change Order No. 3 provided for the installation and connection of a diesel engine driven generator to furnish 60 cycle power for the water system needs until the Salt River Project shall furnish 60 cycle power.

Change Order No. 4 directed the extension of the Headquarters Area water main and the relocation of one fire hydrant and one hose house. Since the relocation was done without charge, the total cost, \$626.56, of this change is a water systems charge.

Change Order No. 5 effected the lowering of the well pump, together with changes of control and gauge settings. The entire \$304.00 cost of this change is a water systems charge.

1. Water System. This portion of the contract completed the water supply, storage and main distribution system for headquarters and the residential-utility area. Included in the contract were provisions to automatically control the well and transfer pumps, make connections to existing utility and residential water lines, install power lines, provide for chlorination, and to provide and install hose houses and fire fighting equipment.

la. Headquarters. A 25,000 gallon steel reservoir was placed on the hillside south of the parking area. This reservoir was situated out of sight from the parking area, and at sufficient height - 100 feet above the parking area - to provide adequate pressure to the buildings and lines it served.

From the 25,000 gallon reservoir, 1089 feet of 6 inch asbestos cement pipe was laid with minimum cover of 3 feet with the pipe bedded in decomposed granite prior to backfilling.

Connections were made to existing water lines. There was also a connection made between the new 6 inch asbestos cement pipe and the 1½ inch pipe in the old water system to permit pumping water from the 50 M reservoir in the residential system to the 25,000 gallon reservoir in this system.

In order to provide fire protection to the proposed visitor center, two ½ inch fire hydrants were placed on the 6 inch main near this site. Also provided were two hose houses, each containing 200 feet of fire hose, spanner and hydrant wrenches and one nozzle.

Prior to putting this system in use, the reservoir and lines were flushed with a strong solution of chlorine held in the lines for 24 hours.

lb. Residential Water System. A 50 M reservoir, 20 X 40 X 10 feet, was placed partially in an excavation and following construction, the exposed four sides were backfilled on a 1½ to 1 slope and the top covered with native material to a depth of 12 inches.

In order to distribute the water to and through the residential area, 2549 feet of 4 inch asbestos cement pipe was laid in trenches with a minimum cover of 3 feet. The pipe was bedded in 12 inches of decomposed granite and then the trench was backfilled.

A pump was installed at the site of the 50M reservoir to be used to transfer water from this reservoir to the 25 M reservoir serving the headquarters area. This pump is controlled by a high and low level float switch installed in the 25 M reservoir which permits keeping this reservoir relatively full at all times without any waste of water.

By the installation of a high and low level float switch which activates the well pump, the water in the 50M reservoir can be controlled and maintained at the desired level. This switch is presently set to start the pump when the water level in the 50M reservoir drops approximately one foot from the full mark.

To activate the float switch in the 25M reservoir, 1750 feet of 2 conductor No. 16 teleseal cable was laid from the 50M reservoir to the 25 M reservoir.

To provide for future electrical service to the well pump, 500 feet of 2" conduit was placed in the trench which extended between the site for the proposed visitor center and the 50M reservoir.

Fire protection for present and future buildings in the residential-utility area was provided by the installation of five 4 inch fire hydrants and 4 fire hose houses; each of these containing 200 feet of 1½ inch fire hose, spanner wrench, hydrant wrench and nozzle.

A submersible pump capable of delivering 5-10 gpm to the 50 M reservoir was placed in the well near the reservoir. This pump is protected by a low level cutoff switch in the well.

Housing for the well, transfer pump and other pumping equipment was provided by an 8 X 11 foot block pump house.

Due to 25 cycle power presently provided by the Salt River Project, it was necessary to provide 60 cycle power to the well and transfer pump and to the chlorinator. This was done by obtaining a surplus 60 cycle generator and tying it into the system. (Eventually we anticipate 60 cycle power from the Salt River Project.) Change Order No. 3, in the amount of \$220.00, connected this generator unit into the system.

A complete usable water system was provided.

2. Sewer Systems. This phase of the contract provided new sewer systems for the headquarters and the residential-utility areas of the monument.

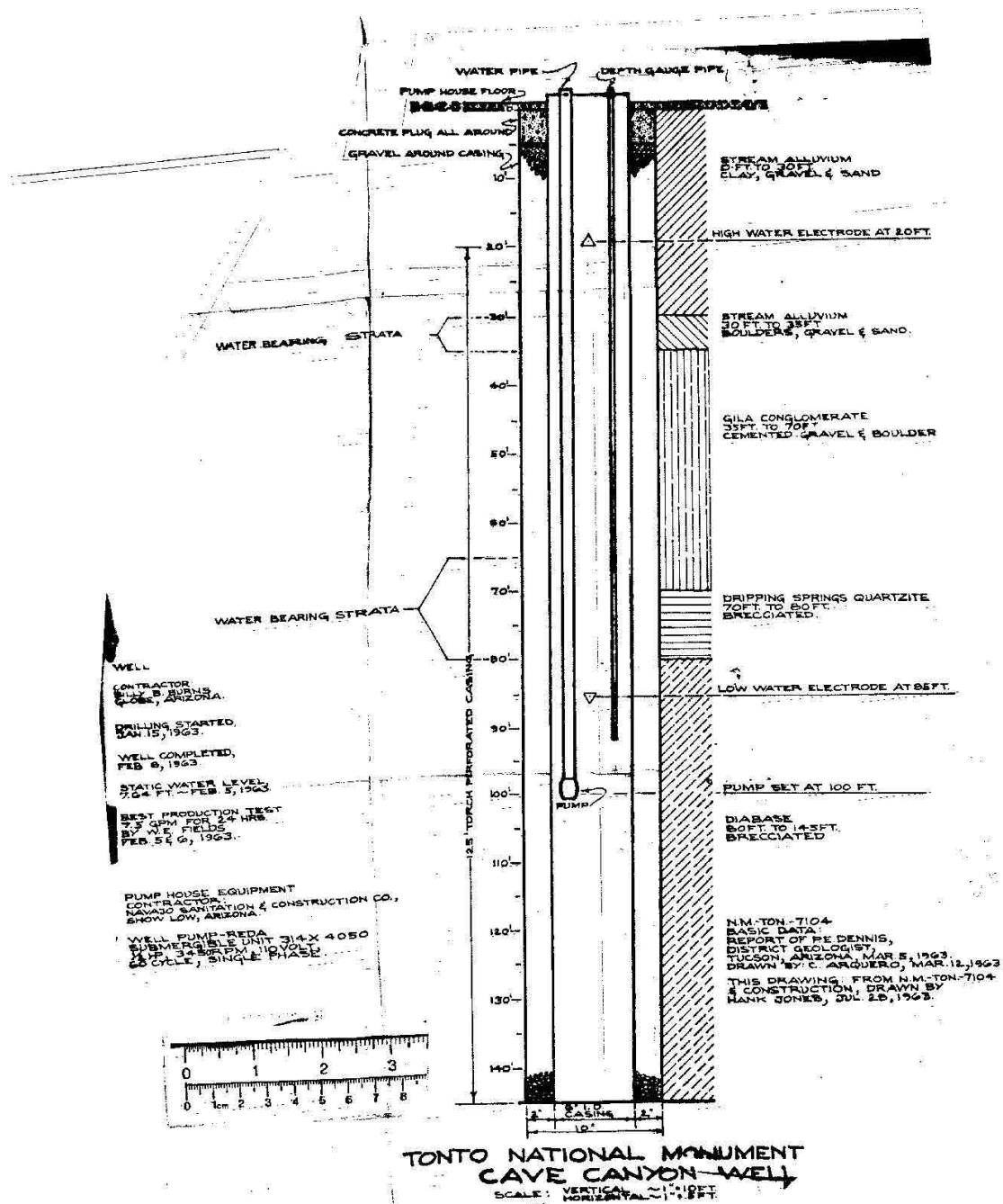
2a. Headquarters Sewer System. With the development of the well at the site of spring diversion No. 2, there was the possibility of the contamination from the existing septic tank and disposal field serving the public rest rooms, entering the underground water supply. Change Order No. 1 was prepared and a new disposal system for these restrooms was designed and built. This system consisted of a septic tank, leaching field and connecting lines and manholes.

The septic tank, with a capacity of 5,000 gallons, was constructed of reinforced concrete. It was situated along the curve of the entrance road at the twin culverts, some 350 feet down canyon from the well and below the dike which dams the underground stream which was tapped by the well.

Six hundred forty five (645) feet of 6 inch cast iron sewer pipe was used to connect the restrooms to the septic tank. Four manholes were placed on this line; 200 feet of 4 inch drain tile was placed in the leaching field serving the septic tank of this system.

After this new system was placed in use, the old 2,000 gallon septic tank and corresponding leaching field were removed and the surrounding area sanitized and disinfected with a strong chlorine solution. Also sanitized and obliterated at this time was a summa which had been provided for the original septic tank.

A usable system was provided.



Other Supporting Information

TONTO DOCKET #2

NOTE:

The Park Service made application to the State of Arizona to appropriate water from Cholla Spring #2, within Tonto NM in 1942. This application (#A-2602), was recieved and a permit (A-1830) granted subject to proof of beneficial use and construction. Five extensions were granted, the last of which expired in 1963 without any action being taken.

Subsequently, a new well was drilled on the site of Cholla Spring #2, covered by this docket. No application was made for this well under the apparently false assumption that none was required. This well has been made the subject of Docket #3.

What action is desired to bring these dockets up to date?



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

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.


Manuel Morris

Enclosures

WASO

LS4-SSCLW

Superintendent, Tonto

November 2, 1966

Hydraulic Engineer, SSC, Santa Fe

Water Rights, Tonto

Your memorandum of September 16 was forwarded to me as it deals with matters which are now handled in the Service Center.

You are correct in stating that no application was filed when the shallow well was drilled in your area.

The interpretation of Arizona law at that time was that if a well was not expected to produce at least 100 gallons per minute then no application was required.

I personally do not agree with that interpretation and feel that applications and permits should be obtained on all wells and surface sources.

One of the major projects scheduled for this office during this fiscal year will be the updating and reevaluation of all water rights in the state of Arizona. At that time we will bring all of your dockets and water records up to date through the Water Commissioner and make the proper filings.

WILLIAM E. FIELDS

William E. Fields
Hydraulic Engineer

cc: Regional Director, SWR
Supervisory Hydraulic Engineer, SSC ✓

L54

September 16, 1966



RECEIVED
NPS SOUTHWEST REGIONAL OFFICE
SEP 27 1964
1 - James 9/21
FIELD

What is the story?
Southwest Region

[illegible]

- Fields

Subject: Water Rights

Are our dockets incomplete by simple lack of copies or by failure to obtain the necessary documents?

27 Broadbent
J. M. Broadbent

Anything pertaining to Permit A-1830 belongs here in Docket #2. Could this well be the same one in Docket ~~2~~ 3?

254 Zent

May 14, 1962

L54-M

Memorandum

To: Regional Director, Region Three
From: Chief, Branch of Water Resources

Subject: USGS Groundwater Report for Tonto National Monument

We acknowledge receipt of the subject memorandum report which was enclosed with your memorandum of May 3.

It may be appropriate as you suggest to file the subject report in Water Right Docket No. 2 but since the report is primarily a preliminary groundwater report, we are filing our copy in our USGS area report files, with cross reference in the docket.

We wonder whether the lower spring referred to by Mr. Dannis, USGS, is the spring that has been used only sparingly in recent years because of reduced flow and pollution. If so, will the well be any less subject to pollution?

SIGNED

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

Copy to: Superintendent, Tonto
Chief, WODC (2)

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Region Three
Santa Fe, New Mexico

MAY 3 - 1962

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MAY - 7 '62

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Memorandum

To: Director

From: Regional Director

Subject: Ground Water Report for Tonto National Monument

Enclosed is a copy of a memorandum report dated March 28 from the District Geologist, Ground Water Branch, U. S. Geological Survey, Tucson, Arizona. This report was prepared at our request in preparation for the proposed drilling of a test well at the Monument during the 1963 fiscal year.

This report contains geological information and certain recommendations which we feel will be of aid in preparation of the specifications.

We have placed a copy of this report in our water rights docket No. 2, Tonto National Monument and by copies of this memorandum are sending it to WODC and the Superintendent, Tonto, for insertion in their dockets.

[SIGNED]

Thomas J. Allen
Regional Director

In duplicate

Enclosure

Copy to: Chief, WODC (2) w/enclosure
Supt., Tonto, w/enclosure

611



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
Ground Water Branch
P. O. Box 4070
Tucson, Arizona

IN REPLY REFER TO		
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MAR 30 1962		
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L54
TONT

March 28, 1962

Memorandum

To: Assistant Regional Director, Region Three, National
Park Service, P. O. Box 1728, Santa Fe, N. Mex.

From: District Geologist, GW, Tucson, Arizona

Subject: PROGRAMS AND PLANS—Ground water at Tonto
National Monument

We have made a preliminary investigation of the occurrence of ground water in and near the Tonto National Monument. Ground water occurs in the shallow alluvium and in the brecciated bedrock of the Dripping Springs Quartzite in Cholla Canyon and in the deep alluvium northward beyond the mouth of the canyon. The present supply comes from springs located in fault zones of the bedrock and possibly from some storage in the shallow alluvium, and additional development at both spring locations would increase the water supply. The ground-water reservoirs that feed the springs probably can be developed also by wells especially at the lower spring. If sufficient water cannot be developed from the brecciated zones of the Dripping Springs Quartzite and the shallow alluvium in Cholla Canyon, deep wells are possible in the alluvium northward beyond the mouth of the canyon.

It is suggested that a test well of not less than 10 or 12 inches in diameter be drilled at the site of the lower spring and near the proposed site for the 50,000 gallon reservoir. The required depth probably will be between 75 and 200 feet. A large-diameter hole is suggested because a small-diameter hole might be difficult or impossible to put down through boulders and coarse breccia. There is a good possibility that this hole can be developed as a supply well of capacity sufficient for the needs of the Monument. If properly located the well will tap the water stored in the shallow alluvium and that

L54 Tont

stored in an extensive breccia zone in the bedrock developed at the intersection of two faults. The specifications should be written to provide for prices per foot of drilling the first 100 feet and a separate price for any footage greater than 100 feet and not to exceed 200 feet. Also, separate prices for drilling alluvial materials and hard rock probably should be provided.

I believe we can be of assistance to you in reviewing your specifications and in selecting the exact site for the test hole.

I am sorry I missed seeing John Kell when he was in my office but I believe this memorandum answers most of his questions. Phil Johnson is trying to get the information he wanted about wells in the Tucson Mountain Park.

P. Eldon Dennis

P. Eldon Dennis

cc - W. R. Oaks, Claypool, Ariz.

L54-42

April 19, 1962

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Handwritten notes and signatures:
- "city" and "act" written across the top section.
- "3/4/62" written next to the HABS row.
- "file" and "Wright" written in the ACTION TAKEN section.

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Branch
Subject: Water Supply, Tonto National Monument

From the information in the Superintendent's memorandum of March 13 and your cover memorandum of March 22 to WODC, I think Mr. Dennis should be requested to consider any evidence obtained during drilling and pump testing which might suggest that the sources of the well and either or both springs are the same. It may not be important, but the existing rights might be amended to preserve the original priority if the ground-water is the same source, and of a type subject to appropriation under the Arizona Water Laws.

SIGNED

A. van V. Dunn
Chief, Water Resources Branch

Copy to: Superintendent, Tonto
/Chief, WODC (2)

Handwritten initials: KJ

W O D C

APR 23 1962

154
D27

TONTO NATIONAL MONUMENT
Roosevelt, Arizona

April 19, 1962

Memorandum

To: P. Eldon Dennis, District Geologist
Ground Water Branch
U. S. Geological Survey

From: Superintendent, Tonto National Monument

Subject: Domestic Wells, USFS Roosevelt and Schultz Ranch

At long last here is the information on the two subject wells which we looked at when you were here March 12. No drilling logs were kept on either well, but Mr. Thompson, USFS at Roosevelt had extensive notes of the well at his station and he gave me the meager information on the Schultz well from memory.

USFS well at Roosevelt:

Depth: 901.8 ft.
Casing: 6" - 901.8 ft. (well cased full depth due to sloughing.)
First Water: 100 ft. (small flow.)
Next Water: 985 ft.
Water stands in well at 100 ft.
Material drilled through: First 100' similar to that showing on surface; from 100' to bottom, sloughy clay.
Foot valve: at 845' level.
GPM use: First filling, 10,000 gal. pumped in 2+ days, or 55 hours.
Present delivery at tank: 3 GPM.
GPM delivered during test:

	Gallons	Water Level	Draw Down
Start		285'	
1st hour	686	385'	100-100
2nd hour	560	460'	75-175
3rd hour	532	510'	50-225
4th hour	504	525'	15-240

Schultz well, very little information.

Depth - 150'; First Water - 100'; Type of Material -
Clay; Depth of foot valve - 120'; Delivery - 5-10 GPM.

SIGNED

Wiffler R. Oakes
Superintendent

Copy to: Regional Director, R/3
WODC

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

IN REPLY REFER TO:

L54
TONT

MAR 22 1962 1

Memorandum

To: Chief Engineer, Western Office of Design and Construction
From: Regional Director
Subject: Water Supply, Tonto National Monument

In your memoranda of March 8 and 9 concerning the above subject you requested information of any type that we might have concerning the tentative location the U. S. Geological Survey may have selected for the test well and possible water supply source. Enclosed for your information is a map of Tonto showing in red the approximate proposed site for the well at a place called Cholla Spring No. 2. Also enclosed is a copy of a memorandum dated March 13 from the Superintendent, Tonto explaining in more detail about the U.S.G.S. trip to Tonto.

By copies of this memorandum we are sending a copy of the map and the memorandum to our Washington Office.

Thomas J. Allen
Thomas J. Allen
Regional Director

In duplicate

Enclosures

Copy to: Director (2) w/enclosures
Supt., Tonto w/o enclosures

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ASST. DIR.	
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INSP.	
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IN REPLY REFER TO:

D5015

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

TONTO NATIONAL MONUMENT
Roosevelt, Arizona

March 13, 1962

Memorandum

To: Regional Director, Region Three

From: Superintendent, Tonto

Subject: Water Supply, Tonto

Please be advised that on March 12, P. Eldon Dennis, District Geologist, J. P. Akero, Geologist and Nasser-Eddin, Geologist of the Water Resources Division, U. S. Geological Survey were at Tonto.

Accompanied by the Superintendent, these gentlemen made a survey of possible water sources for the Monument. After looking over the area Mr. Dennis recommended that we put down an exploratory well at the site of Cholla Spring #2. (The presently unused spring south of the twin culverts and east of the parking area.) According to Mr. Dennis the geology of this area indicated quite a large underground basin and water storage, much more than is indicated at the site of our present water supply, Cholla Spring #1.

Mr. Dennis will submit a report of this survey to you. He did say that water in the area of Cholla Spring #2 should not be too far below the surface. Drilling will likely encounter loose rubble and solid rocks. The well should be down to the bottom of the sump, 200-300 ft. He also stated that he would like to, and would plan on being present during the drilling in order to have first hand knowledge of the operation and to keep, as she said, "an eye on things."

Should I prepare a PCP for this work?

Wiffles R. Oakes
Wiffles R. Oakes
Superintendent.

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Region Three
Santa Fe, New Mexico

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MAR 6 - 1962 4

Memorandum

To: District Geologist, Ground Water Branch, U. S. Geological Survey, P. O. Box 4070, Tucson, Arizona

From: Assistant Regional Director, Region Three, National Park Service, P. O. Box 1728, Santa Fe, New Mexico

Subject: Supervision of Test Well Drilling, Tonto National Monument

This will acknowledge receipt of your letter of February 21, wherein you state that it will not be necessary to have a preliminary study of ground water conditions at Tonto National Monument prior to drilling a test well and that you can give us the help we need in locating test-hole sites, reviewing drilling specifications, etc. this fiscal year without charge.

We certainly appreciate this offer and you can be sure we will avail ourselves of these services.

Our present plans are to drill the test well(s) sometime early in the 1963 fiscal year. We have programmed \$1200 in our 1963 fiscal year budget to reimburse your office for supervision of test drilling. The only information we would need prior to that time is the estimated depth of the test holes.

We will keep you advised of the progress of this project.

(SIGNED)

George W. Miller
Assistant Regional Director

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

W O D C

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Region Three
Santa Fe, New Mexico

FEB 12 1962

154
TONT

Mr. P. Eldon Dennis
District Geologist
Ground Water Branch
P. O. Box 4870
Tucson, Arizona

Dear Mr. Dennis:

Enclosed is a corrected blackline print of Drawing NM-TON-7101 showing the existing water system at Tonto National Monument. The source of supply is a spring which supplies a gravity flow to a 10,000-gallon concrete storage tank. This system has thus far proved adequate although it is not sufficient for our future expansion. Our proposed expansion includes two storage tanks, one 25,000 gallon and one 50,000 gallon capacity as shown on the enclosed drawing.

This is a formal request for an estimate of a ground water study at Tonto National Monument with the intention of drilling a well preferably within the exterior boundaries of the Monument to supplement the current supply. It is estimated that 10 to 15 gallons per minute should be required.

When we have your estimate we will make arrangements to finance the project this fiscal year providing you could make the necessary study between now and June 30. We would plan a test well as soon as possible after July 1.

Sincerely yours,

~~SIGNED~~

George W. Miller
Assistant Regional Director

Attachment

Copy to: Director (2) w/o attachment
Chief, WODC (2) w/o attachment
Supt., Tonto w/o attachment

W O D C
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154-L

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

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, WDC

WESTERN OFFICE	
DESIGN & CONSTRUCTION	
AUG 5 1957	
CHIEF	
ADMIN. ASST.	
PERSONNEL	
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FIELD ASST.	
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Region Three
Santa Fe, New Mexico

JUL 24 1957

WESTERN OFFICE
DESIGN & CONSTRUCTION

JUL 26 1957 A.M.

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ADMIN. ASST.	
PERSONNEL	
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ARCHITECT	
ENGR. ARCHT.	<i>12/7/57</i>
LAND ARCHT.	<i>12/7/57</i>
ACTION TAKEN-DATE	<i>June</i>

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. Two 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-TON-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 Lyall 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 Lyall 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-L

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

154-L

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, SWRM and WDC, 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.

(11111111)

A. van V. Dunn
Chief, Water Resources Section

Attachments

Copy to: Superintendent, Tonto, w/c attachments
Superintendent, SWRM, w/c attachments
Chief, WDC, w/c attachments

WESTERN OFFICE	
DESIGN & CONSTRUCTION	
FEB 20 1957 A.M.	
CHIEF	
ADMIN. ASSIST.	
PERSONNEL	
PLANS & PROG.	
SAFETY	
ARCHITECT	
ENGINEER	
LAND. ARCH.	
1 Encl. Info	
ACTION TAKEN—DATE	
None	

In reply refer to:
L54-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,
Tonto National Monument

Docket 1
2

Office of Chief, Western Office Div. of Design and Const.
FEB 7 1955 A.M.
Supv. Architect
Supv. Engineer <i>Dr. W.</i>
Supv. Landscape Arch.
Safety Engineer
<i>Rec'd memo</i> <i>L54-L to</i> <i>Chg. W. R. C.</i> <i>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. Kell. 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

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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



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

C O P Y

C O P Y

