Wupatki National Monument

Docket No: 2

HEISEER SPRING

Preliminary Docket Information

05-24-2001: Note to the File re: Heiser Spring Claim Forms

WUPA-0002
Heiser Spring

05/24/01

NOTE TO THE FILE

On May 24, 2001 Peter Fahmy, Bill Hansen, and Jim Harte met to discuss filing "36" forms (STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA) for Heiser and Peshlaki Springs. A claim that included a total annual use of 2.5 acre-feet for all beneficial uses combined was submitted for Heiser Spring in 1999 but the State returned the form asking the NPS to "correct the claims to include a quantity of use for each beneficial use being claimed". Present and future beneficial uses for Hesier Spring were discussed with WUPA staff who said that Heiser Spring was being rehabilitated back to a "natural" condition and the only possible beneficial uses in the future would be wildlife and recreation.

It was decided that the NPS will not file the "36" claim forms (attached) until the Little Colorado River Adjudication is finalized. The appropriate filing option will be agreed upon at that time.

Jim Harte
Hydrologist

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3903
Telephone (602) 417-2442
Fax (602) 417-2424

(For office use only)
Registry No:
Date Filed:

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA

1. Claimant USA, National Park Service Telephone 970-225-3500
   Address 1201 OakRidge Dr, Suite 250 City Fort Collins State CO Zip 80525
2. Type of water source and name Heiser Spring in Heiser Wash
   a tributary to Little Colorado River within the Kana a Wash watershed
   (for office use only)
3.

Type of Water Use(s) (e.g. irrigation, domestic, stock)	Annual Use (list use amount for each type)	Acres Irrigated (irrigation use only)	Specific Months of Use (if not for entire year)
Municipal, irrigation,	2.5 acre-feet	N/A	January thru December
Stock watering,	(total for all uses)	N/A	(for all uses)
recreation, wildlife			

4. Date the water was first used beneficially (month/day/year): /1892
5. Location of point of water diversion: County Coconino
   Lot ____ (if applicable), NW ¼ SE ¼ NW ¼, Section 32, Township 25 N/S~~X~~ Range 10 E~~X~~W
6. Location of place(s) of water use: County Coconino
   Lot ____ (if applicable), ____ ¼ SW ¼ NW ¼, Section 30, Township 25 N~~X~~S, Range 10 E~~X~~W
   Lot ____ (if applicable), ____ ¼ SE ¼ NW ¼, Section 32, Township 25 N/S~~X~~ Range 10 E~~X~~W
7. Legal basis for the claim (attach any documents being filed in support of claim): State law-initiation of diversion and application to beneficial use. Conveyed to U.S. by warranty deed dated Nov. 22, 1949 from CO Bar Livestock Company (see attached affidavit)

The information contained herein is true and correct to the best of my (our) knowledge.

STATE OF ARIZONA)
)
County of ____)

Signature(s)

SUBSCRIBED AND SWORN to before me this ____ day of ____, 19____.

My commission expires ____

Notary Public

INSTRUCTIONS

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA

This claim is for surface water which is defined by statute as "the waters of all sources, flowing in streams, canyons, ravines, or other natural channels, or in a definite underground channel, whether perennial or intermittent, flood, waste or surplus water, and of lakes, ponds and springs on the surface."

The following instructions are referenced by number to the questions on the claim.

1. Complete name of claimant, current mailing address, including zip code and telephone number. If the claimant is a corporation or business, include the name of the authorizing agent.

2. Give the name of the direct source of surface water and the type of source. If known, provide the name of the drainage, creek, etc. to which the source is a tributary.

3. Describe the claimed beneficial uses including the annual quantity of use (in gallons or acre-feet for each type of use), the irrigated acreage for any claimed irrigation use and the months the water is used. A quantity of use must be provided for each beneficial use or the claim will be returned for correction. Per Arizona Revised Statute § 45-181, beneficial use includes but is not limited to, use for domestic, municipal, recreation, wildlife, including fish, agricultural, mining, stockwatering, and power purposes.

4. The date of first beneficial use must be completed or the claim will be returned for correction.

5. Provide the legal land description for the location of the claimed point of diversion from the claimed source. This location must be described to the nearest 40 acre tract (¼,¼) or other appropriate description or the claim will be returned for correction.

6. Provide the legal land description for the location of the place(s) of use. This location must be described to the nearest 40 acre tract (¼,¼) or other appropriate description or the claim will be returned for correction.

7. Provide any information you may have pertaining to the legal basis of the claim. Documentation could include affidavits, homestead documents, a notice of location, notice of appropriation, photographs, etc.

General Instructions:

1. A separate form must be filed for each claimed right to use public water.

2. A $10.00 filing fee must accompany each claim.

3. The statement of claim is a sworn affidavit. The statement of claim must be signed by the claimant(s) and must be subscribed and sworn to.

4. **The filing of a statement of claim pursuant to this article which knowingly provides for an overstatement of a right either in quantity of water or times of use claimed constitutes a class 3 misdemeanor.**

WORKSH. .,.T TO ASSIST IN DETERMINING QUAN .ES OF USE

Beneficial Uses Include, but are not Limited to, Domestic, Municipal, Recreation, Wildlife, Including Fish, Agricultural, Mining, Stockwatering, and Power Purposes

Statement of Claim No. _____
(for office use only)

This worksheet and the attached Standard Water Use Quantities guide are provided as a means to help you calculate water use. Complete only those sections that apply to your use(s). Enter each total from this worksheet in section #3 of the Statement of Claim.

DOMESTIC

# of people using water	X Standard quantity	= Amount & measure
Total annual amount for domestic		

STOCKWATERING

# & type of head	X Standard quantity per head per day	X Number of days per year water is used	= Amount & measure
			GPA
			GPA
Total annual amount for stockwatering			GPA

WILDLIFE

# & type of head	X Standard quantity per head per day	X Number of days per year water is used	= Amount & measure
			GPA
			GPA
Total annual amount for wildlife			GPA

$$\frac{2232\ \text{head}}{} \times \frac{1\ \text{gal}}{\text{head}\cdot\text{d}} \times \frac{365\ \text{d}}{\text{yr}} \times \frac{1\ \text{AF}}{325{,}851\ \text{gal}} = 2.5\ \text{AFy}$$

STANDARD WATER USE QUANTITIES

DOMESTIC USE: 180 gallons/person/day

Domestic use can include irrigation of less than 0.5 acres of lawn and garden associated with a domicile.

STOCKWATERING USE:

Cattle/Horses	12 gallons/animal/day
Hogs	2.5 gallons/animal/day
Sheep	1.5 gallons/animal/day
Poultry	0.25 gallons/animal/day

WILDLIFE USE:

Elk	3 gallons/animal/day
Antelope/Deer	1 gallon/animal/day
Other	0.5 gallon/animal/day

If you require assistance determining quantity of use for a water use not listed, please contact the Surface Water Rights Unit at (602) 417-2442 or 1-800-352-8488 (within Arizona only).

Revised 2/99

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

May 15, 2000

L54 (2380)
WUPA/Water Rights
PEFO/Water Rights
SUCR/Water Rights
WACA/Water Rights

Ms. Lisa M. Jannusch
Arizona Department of Water Resources
Adjudications Division
500 North 3rd Street
Phoenix, Arizona 85004

Re: Statement Of Claimant Form For Other Uses Amendment - File No.s 39-89220, 39-89222, 39-91444, 39-91445, 39-91446, and 39-91447.

Dear Lisa:

Attached you will find completed (signed and notarized) water rights claim forms for Wupatki National Monument, Petrified Forest National Park, Sunset Crater National Monument, and Walnut Canyon National Monument. The information you requested in your letter of December 3, 1999 has been provided on the attached forms.

Thanks again for your help with these claims. If we can do anything else please contact Jim Harte at (970) 225-3538.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Attachments (6)

ARIZONA DEPARTMENT OF WATER RESOURCES
500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2442
Fax (602) 417-2401

December, 3, 1999

Charles W. Pettee
National Parks Service
Water Resource Division
1201 Oak Ridge Dr., Ste250
Fort Collins, Co 80525-5596

RE: STATEMENT OF CLAIMANT NO. 39

Dear: Claimant,

The Department of Water Resources has received your request to assign/amend a Statement of Claimant filed in the adjudication proceedings. The information you have supplied is **insufficient** to complete your request. **Please provide the information noted in bold below** so that we may continue to process your assignment or amendment.

Please complete the enclosed form(s) and return with all supporting documentation.

We cannot determine what Statement of Claimant is being referenced in your request. Please identify the file reference number (39-_____) of the Statement of Claimant you are assigning or amending.

All signatures must be acknowledged by a Notary Public.

Proof of ownership must be submitted with the original assignment form:
Copy of a RECORDED DEED, TAX VALUATION NOTICE, OR A TAX BILL.

Other:

Sincerely,

Lisa M. Jannusch

Lisa M. Jannusch
Administrative Assistant III
(602) 417-2442 / Toll-Free in Arizona 1-800-352-8488

10-13-1999: letter to the arizona dept. of water resources from the chief, water resources branch regarding the statement of claim

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

October 13, 1999

L54 (2380)
WUPA/Water Rights
PEFO/Water Rights
SUCR/Water Rights
WACA/Water Rights

Diane Hanna, Surface Water Rights
Arizona Department of Water Resources
Adjudications Division
500 North 3rd Street
Phoenix, Arizona 85004

Re: Statement Of Claim Of Right To Use Public Waters Of The State Of Arizona – Registry No.s (to be assigned)
Statement Of Claimant Form For Other Uses Amendment – File No.s 39-89220, 39-89222, 39-91444, 39-91445, 39-91446, and 39-91447.

Dear Diane:

Attached you will find completed (signed and notarized) water rights claim forms for Wupatki National Monument, Petrified Forest National Park, Sunset Crater National Monument, and Walnut Canyon National Monument.

Thanks for your help with this claims. If we can do anything else please contact Jim Harte at (970) 225-3538.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Enclosures (7)

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF APACHE COUNTY

File No. 39-_____
Date Filed: _____
WFN _____

1. **Claimant Name:** United States of America, c/o National Park Service (Wupatki NM)
Claimant Address: 1201 OakRidge Drive, Suite 250 City Fort Collins
State: Colorado Zip Code 80525 Telephone (970) 225-3500

2. **Basis of Claim:**
A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☒ Other, describe: (see File No. 39-91444)

3. **Claimed Priority Date:** ____/____/____(month/day/year)(see file No. 39-91444)

4. **Use:**
A. ☐ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☐ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see file No. 39-91444)

5. **Source of Water:** (see file No. 39-91444 with attachment)
A. ☐ Stream: name _____, tributary to _____
B. ☐ Spring: name _____, tributary to _____
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)(see file No. 39-91444)
_____ ¼, _____ ¼, _____ ¼, Section _____, Township _____N/S, Range _____E/W

7. **If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe:** _____

8. **Means of Diversion:**
A. ☐ Instream pump.
B. ☐ Gravity flow into a ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☒ Other, describe: (see file No. 39-91444)

[1] *See Instructions for explanation of uses in this category*

9. Means of Conveyance:

A. ☐ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____

B. ☒ Other, describe: (see file No. 39-91444)

10. Place of Use, If other than point of diversion: (attach additional sheet if required)

County Coconino

Legal Subdivision	Section	Township	Range
_____	_____	_____ N/S	_____ E/W
_____	_____	_____ N/S	_____ E/W

11. Claimed Right: (see file No. 39-91444)

A. Maximum Flow Rate: _____ ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 16.0 acre-feet per annum

C. Storage Right: _____ acre-feet

12. Attach photographs, maps or sketches necessary to show the point of diversion, storage resevoir(s) place(s) of use and means of conveyance.

13. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Charles Pettee

(Chuck Pettee, Branch Chief, Water Rights Branch, National Park Service)

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Additional contacts include:William Hansen(970) 225-3532 and Jim Harte (970) 225-3538.

15. Additional comments: Amends item II-A-4-C(page 4), to the attachment to claim No. 39-91444, regarding Wupatki National Monument. Amends ~~quantifiable~~ present and future administrative consumptive uses from 17 acre-feet per annum to 16 acre-feet per annum.

(attach additional sheet if required)

16. Mail form(s) to: Department of Water Resources, Adjudications Division, ~~15 South 15th Avenue,~~ Phoenix, ~~Arizona 85007.~~

ARIZONA DEPARTMENT OF WATER RESOURCES
ADJUDICATIONS DIVISION
500 NORTH 3RD STREET
PHOENIX, ARIZONA 85004

17. Notarized Statement:

I (We), Charles W. Pettee for the NPS the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

Charles Pettee

(seal)

Flora B. Romero

Notary Public

My Commission Expires
Flora B. Romero, Notary Public
State of Colorado
My Commission Expires 7/30/2002

or, _____

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF APACHE COUNTY

File No. 39-_____
Date Filed:_____
WFN_____

1. **Claimant Name:** United States of America c/o National Park Service (Wupatki NM)
Claimant Address: 1201 OakRidge Drive, Suite 250 City Fort Collins
State: Colorado Zip Code 80525 Telephone (970) 225-3500

2. **Basis of Claim:**
A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B. ☒ Appropriation Right acquired after June 12, 1919. Application No. (A-25-0) 32-1(718), Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☒ Other, describe: (see file No. 39-91445)

3. **Claimed Priority Date:** ____/____/1892 (month/day/year) (see Registry No. and attachment)

4. **Use:**
A. ☒ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☒ Stockwatering other than from a stockpond
E. ☒ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see file No. 39-91445 and attachment)

5. **Source of Water:**
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Heiser Spring in Heiser Wash, tributary to Little Colorado River
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

OCT 18

6. **Legal description of the Point of Diversion:** (attach additional sheet if required) (see file No. 39-91445)
NW ¼, SE ¼, NW ¼, Section 32, Township 25 N/S, Range 10 E/W

7. **If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe:** (see file No. 39-91445)

8. **Means of Diversion:**
A. ☐ Instream pump.
B. ☒ Gravity flow into a ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☐ Other, describe: _____

[1] *See Instructions for explanation of uses in this category*

9. Means of Conveyance:

A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____

B. ☐ Other, describe: _____

10. Place of Use, If other than point of diversion: (attach additional sheet if required)

County Coconino

Legal Subdivision	Section	Township	Range
(see file 39-91445)		____N/S	____E/W
		____N/S	____E/W

11. Claimed Right: (see file No.39-91445)

A. Maximum Flow Rate: _____ ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 2.5 acre-feet

C. Storage Right: _____ acre-feet

12. Attach photographs, maps or sketches necessary to show the point of diversion, storage resevoir(s) place(s) of use and means of conveyance.

13. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Charles W. Pettee

(Chuck Pettee, Branch Chief, Water Rights Branch, National Park Service)

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Additional contacts include: William Hansen (970) 225-3532 and Jim Harte (970) 225-3538

15. Additional comments: Amends item 3(file No. 39-91445): claimed priority Date, from August 23, 1942 to 1892. (See Registry No. with attached affidavit)

(attach additional sheet if required)

16. Mail form(s) to: Department of Water Resources, Adjudications Division, ~~15 South 15th Avenue,~~ Phoenix, ~~Arizona 85007.~~

ARIZONA DEPARTMENT OF WATER RESOURCES
ADJUDICATIONS DIVISION
500 NORTH 3RD STREET
PHOENIX, ARIZONA 85004

17. Notarized Statement:

I (We), Charles W. Pettee, for the NPS, the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

Charles W. Pettee

(seal)

Flora B. Romero

Notary Public

My Commission Expires
Flora B. Romero, Notary Public
State of Colorado
My Commission Expires 7/30/2002

or, _____
Authorized Personnel of the Department of Water Resources

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF APACHE COUNTY

File No. 39-91444
Date Filed:
WFN

1. Claimant Name: United States of America, c/o National Park Service (Wupatki NM)
Claimant Address: 1201 OakRidge Drive, Suite 250 City Fort Collins
State: Colorado Zip Code 80525 Telephone (970) 225-3500

2. Basis of Claim:
A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☒ Other, describe: (see File No. 39-91444)

3. Claimed Priority Date: ____/____/____(month/day/year)(see file No. 39-91444)

4. Use:
A. ☐ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☐ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see file No. 39-91444)

5. Source of Water: (see file No. 39-91444 with attachment)
A. ☐ Stream: name _____, tributary to _____
B. ☐ Spring: name _____, tributary to _____
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required)(see file No.39-91444)
_____ ¼, _____ ¼, _____ ¼, Section _____, Township _____N/S, Range _____E/W

7. If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe: _____

8. Means of Diversion:
A. ☐ Instream pump.
B. ☐ Gravity flow into a ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☒ Other, describe: (see file No. 39-91444)

[1] See Instructions for ...

9. **Means of Conveyance:**
   A. ☐ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: (see file No. 39-91444)

10. **Place of Use, if other than point of diversion:** (attach additional sheet if required)
   County Coconino

Legal Subdivision	Section	Township	Range
		____ N/S	____ E/W
		____ N/S	____ E/W

11. **Claimed Right:** (see file No. 39-91444)
   A. Maximum Flow Rate: _____ ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 53 acre-feet per annum
   C. Storage Right: _____ acre-feet

12. Attach photographs, maps or sketches necessary to show the point of diversion, storage resevoir(s) place(s) of use and means of conveyance.

13. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant _____
(Chuck Pettee, Branch Chief, Water Rights Branch, National Park Service)

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Additional contacts include:William Hansen(970) 225-3532 and Jim Harte (970) 225-3538.

15. **Additional comments:** Amends item II-A-4-C(page 4), to the attachment to claim No. 39-91444, regarding Wupatki National Monument. Amends ~~quantifiable~~ present and future administrative consumptive uses from 17 acre-feet per annum to 53 acre-feet per annum.

(attach additional sheet if required)

16. **Mail form(s) to:** Department of Water Resources, Adjudications Division, ~~15 South 15th Avenue, Phoenix, Arizona 85007.~~
ARIZONA DEPARTMENT OF WATER RESOURCES
ADJUDICATIONS DIVISION
500 NORTH 3RD STREET
PHOENIX, ARIZONA 85004

17. **Notarized Statement:**
I (We), Charles W. Pettee for K. NPS, the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

_____

(seal)

_____

My Commission Expires
Flora B. Romero, Notary Public
State of Colorado
My Commission Expires 7/30/2000

_____
Notary Public

or

AFFIDAVIT

I, James Babbitt, being duly sworn and more than eighteen years of age, do hereby state and affirm as follows:

1. I am the a DIRECTOR of the CO Bar Ranch, located N. OF FLAGSTAFF, AZ. I have been A DIRECTOR. since 1985.

2. Based on my own investigations about the history of water use on the CO Bar Ranch, I believe water from Peshlaki and Heiser Springs was first used for domestic and stockwatering purposes at the original homestead on the ranch in ~~1885~~ 1892.

3. I further believe that since ~~1885~~ 1892 water from Peshlaki and Heiser Springs has been continuously used for domestic and stockwatering purposes by CO Bar Ranch, the Navajo Nation, and the National Park Service.

James E. Babbitt
JAMES BABBITT
DIRECTOR of the CO Bar Ranch

Subscribed and sworn to before me in the State of Arizona, County of Coconino, this 9th day of April, 1998, by James Babbitt.

Marie A. Johnson
NOTARY PUBLIC 6-9-99

OCT 1 8

ARIZONA DEPARTMENT OF WATER RESOURCES
Surface Water Rights
500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2442
Fax (602) 417-2424

JANE DEE HULL
Governor

RITA P. PEARSON
Director

October 14, 1999

United States Department of Interior
National Park Service
Attn: Charles W. Pettee
1201 Oak Ridge Drive, Ste. 250
Fort Collins, Colorado 80525-5596

RE: Statements of Claim of Right

Mr. Pettee:

The statements of claim of right you recently submitted to the Department are being returned because additional information is required.

1. Per Arizona Revised Statute § 45-183 (A)(5), a statement of claim must include the purpose and extent of the uses being claimed. In the claims you submitted, the quantity for **each** use is not described. Please correct the claims to include a quantity of use for each beneficial use being claimed. Please complete the included worksheet for **each** claim to be submitted.

2. Per Arizona Revised Statute § 45-183 (A)(4), a statement of claim must include the legal description to the nearest forty-acre tract or by other appropriate description for the place of use and point of diversion. The places of use on the claims are not completed to the nearest forty-acre tract. Please correct the claims to show the quarter, quarter legal locations for **all** of the claimed places of use.

3. Per Arizona Revised Statutue § 45-183 (C), a statement of claim must include the $5.00 filing fee.

4. The statements of claim are are sworn affidavits which must be signed by the claimant and must be subscribed and sworn to.

Please call me at (602) 417-2442 if you require further information.

Sincerely,

Miros Gutierrez

Miros Gutierrez
Surface Water Rights Specialist

Enclosures

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3903
Telephone (602) 417-2442
Fax (602) 417-2424

(For office use only)

Registry No:_____

Date Filed:_____

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA

1. Claimant USA, National Park Service Telephone 970-225-3500

   Address 1201 OakRidge Dr. Suite 250 City Fort Collins State CO Zip 80525

2. Type of water source and name Heiser Spring in Heiser Wash

   a tributary to Little Colorado River within the Kana.a Wash watershed
   (for office use only)

3.

Type of Water Use(s) (e.g. irrigation, domestic, stock)	Annual Use (list use amount for each type)	Acres Irrigated (irrigation use only)	Specific Months of Use (if not for entire year)
Municipal, irrigation,	2.5 acre-feet	N/A	January thru December
Stock watering,	(total for all uses)	N/A	(for all uses)
recreation, wildlife			

4. Date the water was first used beneficially (month/day/year): /1892

5. Location of point of water diversion: County Coconino

   Lot _____ (if applicable), NW ¼ SE ¼ NW ¼, Section 32, Township 25 N/S, Range 10 E/W

6. Location of place(s) of water use: County Coconino

   Lot _____ (if applicable), _____ ¼ _____ ¼ _____ ¼, Section 30, Township 25 N/S, Range 10 E/W

   Lot _____ (if applicable), _____ ¼ _____ ¼ _____ ¼, Section 32, Township 25 N/S, Range 10 E/W

7. Legal basis for the claim (attach any documents being filed in support of claim): State law-initiation of diversion and application to beneficial use. Conveyed to U.S. by warranty deed dated Nov. 22, 1949 from CO Bar Livestock Company (see attached affidavit)

The information contained herein is true and correct to the best of my (our) knowledge.

STATE OF ARIZONA)
)
County of _____)

_____

_____
Signature(s)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19_____.

My commission expires _____

_____

INSTRUCTIONS

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA

This claim is for surface water which is defined by statute as "the waters of all sources, flowing in streams, canyons, ravines, or other natural channels, or in a definite underground channel, whether perennial or intermittent, flood, waste or surplus water, and of lakes, ponds and springs on the surface."

The following instructions are referenced by number to the questions on the claim.

1. Complete name of claimant, current mailing address, including zip code and telephone number. If the claimant is a corporation or business, include the name of the authorizing agent.

2. Give the name of the direct source of surface water and the type of source. If known, provide the name of the drainage, creek, etc. to which the source is a tributary.

3. Describe the claimed beneficial uses including the annual quantity of use (in gallons or acre-feet for each type of use), the irrigated acreage for any claimed irrigation use and the months the water is used. A quantity of use must be provided for each beneficial use or the claim will be returned for correction. Per Arizona Revised Statute § 45-181, beneficial use includes but is not limited to, use for domestic, municipal, recreation, wildlife, including fish, agricultural, mining, stockwatering, and power purposes.

4. The date of first beneficial use must be completed or the claim will be returned for correction.

5. Provide the legal land description for the location of the claimed point of diversion from the claimed source. This location must be described to the nearest 40 acre tract (¼,¼) or other appropriate description or the claim will be returned for correction.

6. Provide the legal land description for the location of the place(s) of use. This location must be described to the nearest 40 acre tract (¼,¼) or other appropriate description or the claim will be returned for correction.

7. Provide any information you may have pertaining to the legal basis of the claim. Documentation could include affidavits, homestead documents, a notice of location, notice of appropriation, photographs, etc.

General Instructions:

1. A separate form must be filed for each claimed right to use public water.

2. A $10.00 filing fee must accompany each claim.

3. The statement of claim is a sworn affidavit. The statement of claim must be signed by the claimant(s) and must be subscribed and sworn to.

4. **The filing of a statement of claim pursuant to this article which knowingly provides for an overstatement of a right either in quantity of water or times of use claimed constitutes a class 3 misdemeanor.**

WORKSHEET TO ASSIST IN DETERMINING QUANTITIES OF USE

Beneficial Uses Include, but are not Limited to, Domestic, Municipal, Recreation, Wildlife, Including Fish, Agricultural, Mining, Stockwatering, and Power Purposes

Statement of Claim No. _____
(for office use only)

This worksheet and the attached Standard Water Use Quantities guide are provided as a means to help you calculate water use. Complete only those sections that apply to your use(s). Enter each total from this worksheet in section #3 of the Statement of Claim.

DOMESTIC

# of people using water	X Standard quantity	= Amount & measure
Total annual amount for domestic		

STOCKWATERING

# & type of head	X Standard quantity per head per day	X Number of days per year water is used	= Amount & measure
			GPA
			GPA
Total annual amount for stockwatering			GPA

WILDLIFE

# & type of head	X Standard quantity per head per day	X Number of days per year water is used	= Amount & measure
			GPA
			GPA
Total annual amount for wildlife			GPA

STANDARD WATER USE QUANTITIES

DOMESTIC USE: **180 gallons/person/day**

Domestic use can include irrigation of less than 0.5 acres of lawn and garden associated with a domicile.

STOCKWATERING USE:

Cattle/Horses	**12 gallons/animal/day**
Hogs	**2.5 gallons/animal/day**
Sheep	**1.5 gallons/animal/day**
Poultry	**0.25 gallons/animal/day**

WILDLIFE USE:

Elk	**3 gallons/animal/day**
Antelope/Deer	**1 gallon/animal/day**
Other	**0.5 gallon/animal/day**

If you require assistance determining quantity of use for a water use not listed, please contact the Surface Water Rights Unit at (602) 417-2442 or 1-800-352-8488 (within Arizona only).

Revised 2/99

Wupatki NM

For Departmental Use Only

File No. 39- 91445

Date Filed: Nov 29, 1985

WFN

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: United States of America, c/o National Park Service
   Claimant Address: Southwest Regional Office, P.O.Box 728 City Santa Fe
   State: New Mexico Zip Code 87501 Telephone (505) 988-6412

2. Basis of Claim:
   - A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No.
   - B. ☒ Appropriation Right acquired after June 12, 1919. Application No. (A-25-0) 32-1 (718), Permit No., or Certificate of Water Right No.
   - C. ☐ Decreed water right. Principal litigants, court, date and case no.:
   - D. ☐ Right to withdraw groundwater.
   - E. ☒ Other, describe: Conveyed by Warranty Deed dated 22 Nov. 1949 from C O Bar Livestock Co.

3. Claimed Priority Date: Aug. 23, 1942 (month/day/year)

4. Use:
   - A. ☒ Municipal
   - B. ☐ Commercial or Industrial
   - C. ☐ Mining
   - D. ☒ Stockwatering other than from a stockpond
   - E. ☒ Recreation, Fish & Wildlife
   - F. ☐ Other, describe:

5. Source of Water:
   - A. ☐ Stream: name, tributary to
   - B. ☒ Spring: name Heiser Spg. in Heiser Wash, tributary to Little Colorado River
   - C. ☐ Lake or Reservoir: name, tributary to
   - D. ☐ Groundwater

6. Legal description of the Point of Diversion: (attach additional sheet if required)
   NW ¼, SE ¼, NW ¼, Section 32, Township 25 N/S, Range 10 E/W/ G&SRB&M

7. If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:
   Orchard irrigation, stock watering for approximately 100 head of livestock, wildlife watering site.

8. Means of Diversion:
   - A. ☐ Instream pump
   - B. ☒ Gravity flow into ditch, canal or pipeline.
   - C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No.
   - D. ☐ Other, describe

[1] *See Instructions for explanation of uses in this category*

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☐ Other, describe: _____

10. **Place of Use, if other than point of diversion:** (attach additional sheet if required)
County Coconino

Legal Subdivision	Section	Township	Range	
NE1/4 NW1/4 and NW1/4 NE1/4	32	25 N/S	10 E/W	G&SRB&M
SE1/4 NW1/4	30	25 N/S	10 E/W	G&SRB&M

11. **Claimed Right:**
   A. Maximum Flow Rate: _____ ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 2.5 acre-feet
   C. Storage Right: _____ acre-feet

12. **Attach** photographs, maps or sketches necessary to show the point of diversion, storage reservoir(s), place(s) of use and means of conveyance.

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Keith E. Miller, Assoc. Reg. Dir., Park Operations
Southwest Regional Office, National Park Service

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? _____

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

16. **Additional comments:** _____
(attach additional sheet if required)

17. **Notarized Statement:**
I (We), Keith E. Miller, on behalf of the National Park Service,
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

_____

(seal) _____

_____ _____
My Commission Expires: Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

WUPA
SUCR

SUPERIOR COURT OF APACHE COUNTY, ARIZONA

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR RESERVED AND APPROPRIATED WATER RIGHTS IN THE LITTLE COLORADO RIVER GENERAL ADJUDICATION

I. Name and Address of Applicant:

United States of America
c/o National Park Service
Southwest Regional Office
P. O. 728
Santa Fe, NM 87501

II. The United States of America claims reserved water rights on all or portions of the National Monuments described below to ". . . conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (16 U.S.C. 1). Specifically, the United States claims rights where applicable to maintain all streams, springs and seeps, lakes and all ground water at their natural flows, levels and conditions, except as required for administrative uses, and claims reserved water rights for present and future uses in the following reservations administered by the National Park Service.

A. Wupatki National Monument.

1) Purpose. - The Wupatki National Monument was reserved by Presidential Proclamation No. 1721 on Dec. 9, 1924 (43 Stat. 1977) (Exhibit WUPA #1) as authorized by "An Act for the Preservation of American Antiquities" approved June 8, 1906 (34 Stat. 225) (Exhibit WUPA #2). The proclamation charged the National Park Service with ". . . the supervision, management

and control of this Monument, as provided in the Act of Congress entitled, 'An Act to establish a National Park Service, and for other purposes,' approved August 25, 1916 (39 Stat. 535) . . ." (Exhibit WUPA #3). The purpose specifically identified in Presidential Proclamation No. 1721 is the proper protection of certain prehistoric ruins built by the ancestors of the Hopi Indians.

2) Sources - All surface and ground water sources including streams, springs, seeps, and confined and unconfined aquifers within the portions of Wupatki National Monument reserved from the Public Domain.

3) Dates of Priority - Those dates upon which the respective portions of the Wupatki National Monument were reserved from the Public Domain and administered by the National Park Service, to wit: those lands described by Presidential Proclamation No. 1721 (43 Stat. 1977) Dec. 9, 1924 (Exhibit WUPA #1) and Presidential Proclamation No. 2243 (50 Stat. 1841) July 9, 1937 (Exhibit WUPA #4); except those lands deleted by Presidential Proclamation No. 2454 (55 Stat. 1608) Jan. 22, 1941 (Exhibit WUPA #5) or those lands described in the above proclamations which have at some time passed from the Public Domain into other than Federal ownership. The above-described reserved lands are delineated in Exhibit WUPA #6.

4) Amount of Water Reserved.

a) Streams, springs and seeps (non-consumptive). To provide

the visitors with an interpretive experience appropriate to the environs of the ancestors of the Hopi Indians; and to sustain in as natural form as practicable such environs; the United States of America claims the right to maintain all streams, springs and seeps which occur within Wupatki National Monument at those levels of flow necessary to protect these environs subject to valid existing water rights having priority dates earlier than those listed in II.A.3 above except as provided in subparagraphs c) and d) below. The amount of water required is not quantified and is intended to include only that amount which is necessary to support the wildlife and vegetation which were integral components of the prehistoric Hopi culture.

The amount of water specifically claimed (quantity, flow rate, etc.) has not been determined as of this date. When data become available the United States of America will submit a supplemental claim quantifying its non-consumptive requirements for streams, springs and seeps.

b) Ground water (non-consumptive). Except as provided in subparagraphs c) and d) below, the United States of America claims the right to that amount of ground water required to maintain Wupatki National Monument for the purposes described in II.A.1). It is not possible to quantify or describe the amount of ground water that may be required. However, nothing in this claim shall be deemed to bar the

United States from bringing an action in any court of competent jurisdiction to protect Wupatki National Monument from ground water withdrawals detrimental to the purposes described in II.A.1).

c) Quantifiable present and future administrative uses (consumptive). The United States of America claims the right to divert and use 17.0 AF/annum from the Citadel Ruin well, the headquarters well, Wupatki spring (Exhibits WUPA #8, 9 and 10), and other surface and ground water sources for picnic areas, visitor centers, concessions and other visitor-use areas; park administration facilities, shop, maintenance and storage facilities, ranger stations, entrance stations, visitor contact stations, employee residences, and attendant facilities; lawns surrounding park buildings and structures and other public-use areas to offset heavy human impact; and waste water treatment facilities.

d) Non-quantifiable present and future administrative uses (consumptive). The United States of America claims the right to divert and use non-quantifiable amounts of water for, but not limited to, controlling and suppressing wildfire and structural fires; construction of roads and trails; and revegetation activities necessary to maintain (or return) watersheds at (or to) their natural condition.

,Permit No..... Application No.....

D R A F T

March 7, 1955

APPLICATION FOR A PERMIT

To Appropriate Public Waters of the State of Arizona

Filed.....at.....M.
(Applicant must not fill in the above blanks)

I, The United States of America, by Thomas J. Allen,
(Applicant's name as inserted here must agree with signature)
of The Interior Building, ~~County of~~ Washington, 25,
(Postoffice)
~~State of~~ District of Columbia, 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 Heiser Spring in Heiser
(Name of stream or name of reservoir and stream if water is diverted from reservoir)
Wash (normally dry channel), tributary of Little Colorado River

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

For Domestic use, 550,000 gallons per annum
(Municipal or Domestic) (Gallons per annum, or gallons per day)

For.....use,.....
(Irrigation) (Acre feet per acre per annum)

For Stock watering use, 110,000 gallons per annum
(Mining or Stock Watering) (Cubic feet per second, or gallons per annum)

For.....use,..... cubic feet per second.
(Power)

For.....use,.....

3. The point of diversion located N 54° 56' E 1647.74 feet from West ¼ Corner
(State bearing and distance or coordinate distances to section or quarter section corner)
Sec. 32, T. 25 N., R. 10 E., G&SRM

being within the SE¼NW¼, of Sec. 32, T. 25 N
(State 40-acre subdivision of U. S. Government survey or projection thereof) (No. N. or S.)
R. 10 E, G. & S. R. B. & M., in the County of Coconino.
(No. E. or W.)

(Note—Complete paragraph below for all proposed uses of water, except irrigation.)

4. The water will be used for domestic purposes in the SE¼NW¼ & NE¼NW¼
(40 or 10 acre subdivision)
of Sec. 30 and 32 and for stock watering in the NW¼NE¼
(40 or 10 acre subdivision)
of Sec. 32, T. 25N, R. 10E, G. & S. R. B. & M., Coconino County, Arizona.

DESCRIPTION OF WORKS

5. **Diversion Works:** (a) Diversion will be by gravity, the diverting dam to be -- feet in height (stream bed to overflow), -- long on top, and constructed of --
(Concrete, earch, brush, etc.)

(b) Description of headgate Water is collected in 6" tile at spring
(Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description 75 gpm pump with pump lift of 100 and 145 feet, driven by _____ hp _____ engine or motor
(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 Land Commissioner.

6. **Conduit System.** (a) Canal, ditch, flume: Width on top (at water line)..... (Cross out two not used) feet; width at bottom.....feet; depth of water.....feet; length.....feet; grade.....feet per 1,000 feet; materials of construction.....

(b) Pipe line: Diameter 2 inches; length 115 feet; grade 21.5 feet per 1,000 feet; total fall from intake to outlet 2½/ 2.5 feet; kind galvanized iron to 10,000 gal. concrete collecting tank. (Riveted steel, cement, wood stave, etc.)

NOTE—If different sizes or kinds of conduit are to be used, attach extra sheets with complete description, also show location of each clearly on map.

7. **Distributing Works.** ..... (No.) .....Material See attached sheet (Tanks or Troughs) (State dimensions and capacity of each)

8. **Cost and Construction Schedule.** The estimated cost of the proposed project is $ 67,700

It is proposed to begin construction within 1-yr. (Orig. system const. 1940) (Not over 1 year) after the approval of this application, to complete construction within 4 years (Not more than 5 years) thereafter and to completely apply the water to the proposed use within 5 years (State time in months or years) after the beginning of construction.

DESCRIPTION OF PROPOSED USE

9. **Domestic Use.** Domestic use is proposed as follows: for 5 employee residences, a 50-unit public campground, sanitary needs of 50,000 tourists per year, irrigation of gardens area, and as a supplemental supply at Wupatki Spring Area. (Describe the premises on which water is to be used, stating number of rooms in each house, number of acres to be irrigated 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 none 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.)

Tp.	Range	Sec.	SUBDIVISIONS	Number Acres To Be Irrigated

(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 own by..... (Name of owner) (If applicant is lessee, etc., so state)

(e) The irrigation season will begin about..... (Beginning date each season) and end about..... (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 kin of stock is it proposed to serve? Sheep and goats 15 milk goats

(b) What is the average number of stock it is proposed to serve? 50 sheep, part time 25 goats

(c) What is the maximum number of stock it is proposed to serve? 493 sheep

(d) The use of water will begin about Nov. 1 (Beginning date each season), and end about All year for milk goats March 31 for sheep (Closing date each season)

(DO NOT WRITE IN THIS SPACE)

6(b) (continued) Water will be pumped from 10,000 gallon collecting tank to 100,000 gallon distribution tank in NE¼SE¼ Sec. 31 through 2213 feet of 2½" pipe, and to 100,000 gallon distribution tank in SW¼NW¼ Sec. 30 through 13,200 feet of 2½" pipe.

7. Water is now distributed by gravity from 2800 gallon concrete collecting tank at site of proposed 10,000 gallon tank, to places of use in SE¼NW¼ Sec. 32 through 513 feet of 2" pipe and 330 feet of 1½" pipe.

Water will be distributed to same area through 5500 feet of 4" pipe from proposed 100,000 gallon reservoir to strategic fire hydrants, with 500 ft. of 3/4" laterals to buildings and campground to the buildings, and 2500 feet of 3/4" pipe to stock watering troughts, all in said Sec. 32.

For distribution in Sec. 30, see application for appropriation of Wupatki Spring.

20. The S½NW¼ and W½SW¼ Sec. 32, including Heiser Spring, was purchased from the CO Bar Live Stock Company by deed dated November 22, 1949, which was accepted by the United States on January 5, 1950. The water was used for stock watering and ranch purposes by said Company before the sale. Water has also been used by the goats and sheep of Indians living along the Little Colorado River since prehistoric times, and is now used for said purposes under grazing permit from the United States on approximately 10 sections of Monument land between the spring and Little Colorado River.

13. **Power Use.** (a) Th. maximum amount of water to be used rough the penstock is none cubic feet per second.

(b) Total amount of power to be developed (Second feet X fall ÷ 8.8) theoretical horsepower.

(c) Total fall to be utilized (Pressure head) feet.

(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 (40-acre subdivision) of Sec., T. (No. N. or S.), R. (No. E. or W.), G. & S. R. B. & M.

(f) Is water to be returned to any stream? (Yes or No) If so, name stream and describe location of point where returned. (Name of stream) in the (40-acre subdivision), Sec., T. (No. N. or S.), R. (No. E. or W.), G. & S. R. B. & M.

(b) 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 none (placer gold, lode gold, copper, etc.) known as the (Names of claims or name of group) located in (40-acre subdivision), Sec., T. (No. N. or S.), R. (No. E. or W.), G. & S. R. B. & M. 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 (Yes or No). If not, 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 Flagstaff

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.

None

– Assistant Director
~~National Park Service~~
Department of the Interior

Signature of Applicant.

ORDER OF CORRECTION

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

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 Land Commissioner on or before....., 19.....

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

Corrected application refiled

.....

.....
State Land Commissioner

Application No..... Permit No.....

PERMIT

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

This is to certify that I have examined the forgoing 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.....

.....

.....

.....

.....

The priority of date under this permit is.....

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

Complete application of the water to the proposed use shall be made on or before.....

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

.....
State Land Commissioner

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

May 15, 2000

L54 (2380)
WUPA/Water Rights
PEFO/Water Rights
SUCR/Water Rights
WACA/Water Rights

Ms. Lisa M. Jannusch
Arizona Department of Water Resources
Adjudications Division
500 North 3rd Street
Phoenix, Arizona 85004

Re: Statement Of Claimant Form For Other Uses Amendment - File No.s 39-89220, 39-89222, 39-91444, 39-91445, 39-91446, and 39-91447.

Dear Lisa:

Attached you will find completed (signed and notarized) water rights claim forms for Wupatki National Monument, Petrified Forest National Park, Sunset Crater National Monument, and Walnut Canyon National Monument. The information you requested in your letter of December 3, 1999 has been provided on the attached forms.

Thanks again for your help with these claims. If we can do anything else please contact Jim Harte at (970) 225-3538.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Attachments (6)

ARIZONA DEPARTMENT OF WATER RESOURCES
500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2442
Fax (602) 417-2401

December, 3, 1999

Charles W. Pettee
National Parks Service
Water Resource Division
1201 Oak Ridge Dr., Ste250
Fort Collins, Co 80525-5596

RE: STATEMENT OF CLAIMANT NO. 39

Dear: Claimant,

The Department of Water Resources has received your request to assign/amend a Statement of Claimant filed in the adjudication proceedings. The information you have supplied is **insufficient** to complete your request. **Please provide the information noted in bold below** so that we may continue to process your assignment or amendment.

Please complete the enclosed form(s) and return with all supporting documentation.

We cannot determine what Statement of Claimant is being referenced in your request. Please identify the file reference number (39-_____) of the Statement of Claimant you are assigning or amending.

All signatures must be acknowledged by a Notary Public.

Proof of ownership must be submitted with the original assignment form:
Copy of a RECORDED DEED, TAX VALUATION NOTICE, OR A TAX BILL.

Other:

Sincerely,

Lisa M. Jannusch

Lisa M. Jannusch
Administrative Assistant III
(602) 417-2442 / Toll-Free in Arizona 1-800-352-8488

10-13-1999: letter to diane hanna, surface water rights, arizona dept of water resources from charles w. pettee, chief, water rights

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

October 13, 1999

IN REPLY REFER TO:
L54 (2380)
WUPA/Water Rights
PEFO/Water Rights
SUCR/Water Rights
WACA/Water Rights

Diane Hanna, Surface Water Rights
Arizona Department of Water Resources
Adjudications Division
500 North 3rd Street
Phoenix, Arizona 85004

Re: Statement Of Claim Of Right To Use Public Waters Of The State Of Arizona – Registry No.s (to be assigned)
Statement Of Claimant Form For Other Uses Amendment – File No.s 39-89220, 39-89222, 39-91444, 39-91445, 39-91446, and 39-91447.

Dear Diane:

Attached you will find completed (signed and notarized) water rights claim forms for Wupatki National Monument, Petrified Forest National Park, Sunset Crater National Monument, and Walnut Canyon National Monument.

Thanks for your help with these claims. If we can do anything else please contact Jim Harte at (970) 225-3538.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Enclosures (7)

8

10-13-1999: letter to diane hanna, surface water rights, arizona dept of water resources from charles w. pettee, chief, water rights

RECEIVED
MAY 17 2000
SURFACE WATER MANAGEMENT

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF APACHE COUNTY

File No. 39-91444
Date Filed:
WFN:

1. Claimant Name: United States of America, c/o National Park Service (Wupatki NM)
Claimant Address: 1201 OakRidge Drive, Suite 250 City Fort Collins
State: Colorado Zip Code 80525 Telephone (970) 225-3500

2. Basis of Claim:
A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☒ Other, describe: (see File No. 39-91444)

3. Claimed Priority Date: ____/____/____(month/day/year) (see file No. 39-91444)

4. Use:
A. ☐ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☐ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see file No. 39-91444)

5. Source of Water: (see file No. 39-91444 with attachment)
A. ☐ Stream: name _____, tributary to _____
B. ☐ Spring: name _____, tributary to _____
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required) (see file No. 39-91444)
_____ ¼, _____ ¼, _____ ¼, Section _____, Township _____N/S, Range _____E/W

7. If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe: _____

8. Means of Diversion:
A. ☐ Instream pump.
B. ☐ Gravity flow into a ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☒ Other, describe: (see file No. 39-91444)

[1] See Instructions for explanation of uses in this category

10-13-1999: letter to diane hanna, surface water rights, arizona dept of water resources from charles w. pettee, chief, water rights

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF APACHE COUNTY

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Date Filed:
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C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☒ Other, describe: (see File No. 39-91444)

3. Claimed Priority Date: ____/____/____(month/day/year)(see file No. 39-91444)

4. Use:
A. ☐ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☐ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see file No. 39-91444)

5. Source of Water: (see file No. 39-91444 with attachment)
A. ☐ Stream: name _____, tributary to _____
B. ☐ Spring: name _____, tributary to _____
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required)(see file No. 39-91444)
_____ ¼, _____ ¼, _____ ¼, Section _____, Township _____N/S, Range _____E/W

7. If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe: _____

8. Means of Diversion:
A. ☐ Instream pump.
B. ☐ Gravity flow into a ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☒ Other, describe: (see file No. 39-91444)

[1] See Instructions for ...

10-13-1999: letter to diane hanna, surface water rights, arizona dept of water resources from charles w. pettee, chief, water rights

9. Means of Conveyance:

A. ☐ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____

B. ☒ Other, describe: (see file No. 39-91444)

10. Place of Use, If other than point of diversion: (attach additional sheet if required)

County Coconino

Legal Subdivision	Section	Township	Range
		____N/S	____E/W
		____N/S	____E/W

11. Claimed Right: (see file No. 39-91444)

A. Maximum Flow Rate: _____ ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 53 acre-feet per annum

C. Storage Right: _____ acre-feet

12. Attach photographs, maps or sketches necessary to show the point of diversion, storage resevoir(s) place(s) of use and means of conveyance.

13. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Charles Pettee

(Chuck Pettee, Branch Chief, Water Rights Branch, National Park Service)

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Additional contacts include:William Hansen(970) 225-3532 and Jim Harte (970) 225-3538.

15. Additional comments: Amends item II-A-4-C(page 4), to the attachment to claim No. 39-91444, regarding Wupatki National Monument. Amends ~~quantifiable~~ present and future administrative consumptive uses from 17 acre-feet per annum to 53 acre-feet per annum.

(attach additional sheet if required)

16. Mail form(s) to: Department of Water Resources, Adjudications Division, ~~15 South 15th Avenue,~~ Phoenix, ~~Arizona 85007.~~

ARIZONA DEPARTMENT OF WATER RESOURCES
ADJUDICATIONS DIVISION
500 NORTH 3RD STREET
PHOENIX, ARIZONA 85004

17. Notarized Statement:

I (We), Charles W. Pettee for the NPS the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

Charles Pettee

(seal)

Flora S. Romero

My Commission Expires
Flora B. Romero, Notary Public
State of Colorado

Notary Public

or

Land History

04-23-1954: memorandum to the chief of lands from the chief, water resources section regarding co bar grazing permit

STANDARD FORM NO. 64

WR File

Office Memorandum • UNITED STATES GOVERNMENT

TO : Chief of Lands

DATE: April 23, 1954

FROM : Chief, Water Resources Section

SUBJECT: CO Bar Grazing Permit, Wupatki

Your memo of April 23 to Mr. Cook suggests that several of us in the Service have ideas which might be profitably consolidated to suggest that the grazing area is shifting to the North.

1. Since the grazing privileges were granted for life, Babbitt Brothers have sold certain land and appurtenant Hiser Spring to the United States. The mere change of title does not affect the terms of the grazing privileges, but the fact that the purchase was to provide additional domestic water for the public does suggest that Babbitt Brothers should anticipate decreasing water supply for stock in that area. — No.

2. In line with such a decreasing water supply in the Heiser Spring area, Babbitt Brothers have drilled a new and successful well just north of the Monument.

Mr. Dunn This Spring was not used by Babbitts in connection with their cattle grazing. The Spring is grazing away from Sawmill area 20 miles or more

A. van V. Dunn
Chief, Water Resources Section

11-20-1953: memorandum to assistant secretary lewis from the director regarding grazing use

WR Copy

NOV 20 1953

Memorandum

To: Assistant Secretary Lewis

From: Director

Subject: Grazing Use, Wupatki, by CO Bar Cattle Company (John G. and Raymond G. Babbitt)

Senator Goldwater, in his letter to you of November 5, discussed the grazing use of Federal lands within Wupatki National Monument by the CO Bar Cattle Company and the desire of the Company for changes in the conditions of their grazing permit.

The first National Park Service term grazing permit was issued to the CO Bar Cattle Company in 1945 and term permits have been reissued since that time. The most recent permit was approved October 26, 1953, to continue until April 1958. Grazing has been permitted only during the winter months when snow is available for stock watering because there are no springs or water sources.

The wells and 18-mile pipe line mentioned by Senator Goldwater are located on lands outside and north of the Monument as shown on accompanying map No. NM-WUP-7001.

The permits issued by the National Park Service have authorized grazing of 600 head of cattle from November 15 through April 15 and the amount of the fee has been determined by the actual use. The earliest report that we have available is for the 1945 calendar year, and since then the Company has not grazed the authorized number of cattle during any calendar year. The lack of water is no doubt the reason for this reduced use.

The Monument Headquarters and the Wupatki Spring which now serves that area are in the southern part of the Monument in Section 30, T25N, R10E. That spring, with an average flow of only 1,100 gallons per day, has been the only source of supply for Park Headquarters since the area was developed.

The CO Bar Cattle Company formerly owned the portion of Section 32, T25N, R10E shown on the map and including the Heiser Spring with a flow of about 1,500 gallons per day. That

land was used, under permit or lease, as a CCC campsite in the mid 30's and the spring was developed to provide a safe water supply for the camp and stock watering facilities for the CO Bar Cattle Company as well as for the goats of nomadic Indians permitted to use the Monument. The land, and all appurtenances, were conveyed to the United States by deed of November 22, 1948, with the following statement:

> "Grantor hereby releases and relinquishes to said Grantee any and all right which the said Grantor may have to the use of the waters of Heiser Spring and any other sources of water situated on or appurtenant to, or used in connection with the said land."

It is planned to use the Heiser Spring waters as a much needed supplemental supply for the Monument Headquarters. No development of it has been made since 1950 because of lack of funds and some uncertainty as to the needs and rights of the Indians. In any case, Mr. Babbitt has divested himself of the necessary water to permit grazing in the southern part of the Monument.

The area on which the Company is permitted to graze amounts to approximately 15,000 of the 35,815 acres of land within the Monument. Observations of our field personnel indicate that only a part of the 15,000 acres is actually grazed. That portion lies along the north boundary where water is available across the property line.

In 1946, Mr. Babbitt's request for a 50-year grazing permit was denied by former Director Drury. National Park Service practice has been the issuance of term permits for 5- or 10-year periods in cases where life-tenure grazing privileges have been definitely established. Such terms enable the Service to review range conditions from time to time and to make adjustments in the number of stock permitted if detrimental effects are noted on the range. It also enables the Service to adjust fees received.

The National Park Service hopes to eliminate grazing from the national parks and monuments, but, to prevent undue hardship to cattlemen concerned, is permitting their operations to continue for their lifetimes in instances where such use has been the result of land acquisition commitments or those resulting from use prior to the establishment of the area as a national park or national monument.

We were glad to note that Mr. Babbitt has informed Senator Goldwater that good relationships have existed between the officials of his Company and of this Service.

(SGD) Conrad L. Wirth

Director

In duplicate

Attachment

Copy to: Regional Director, Region Three (5) } All with copy of portion
Mr. Dunn } of letter from Senator
Mr. Cook } Goldwater, 11/5, furnished us by Mr. Lewis' office

JBDodd/AvanVD:km

11-03-1953: letter to the assistant secretary from senator goldwater regarding grazing in wupatki

COPY

UNITED STATES SENATE

November 3, 1953

Mr. Orme Lewis
Assistant Secretary
Department of the Interior
Washington 25, D. C.

Dear Orme:

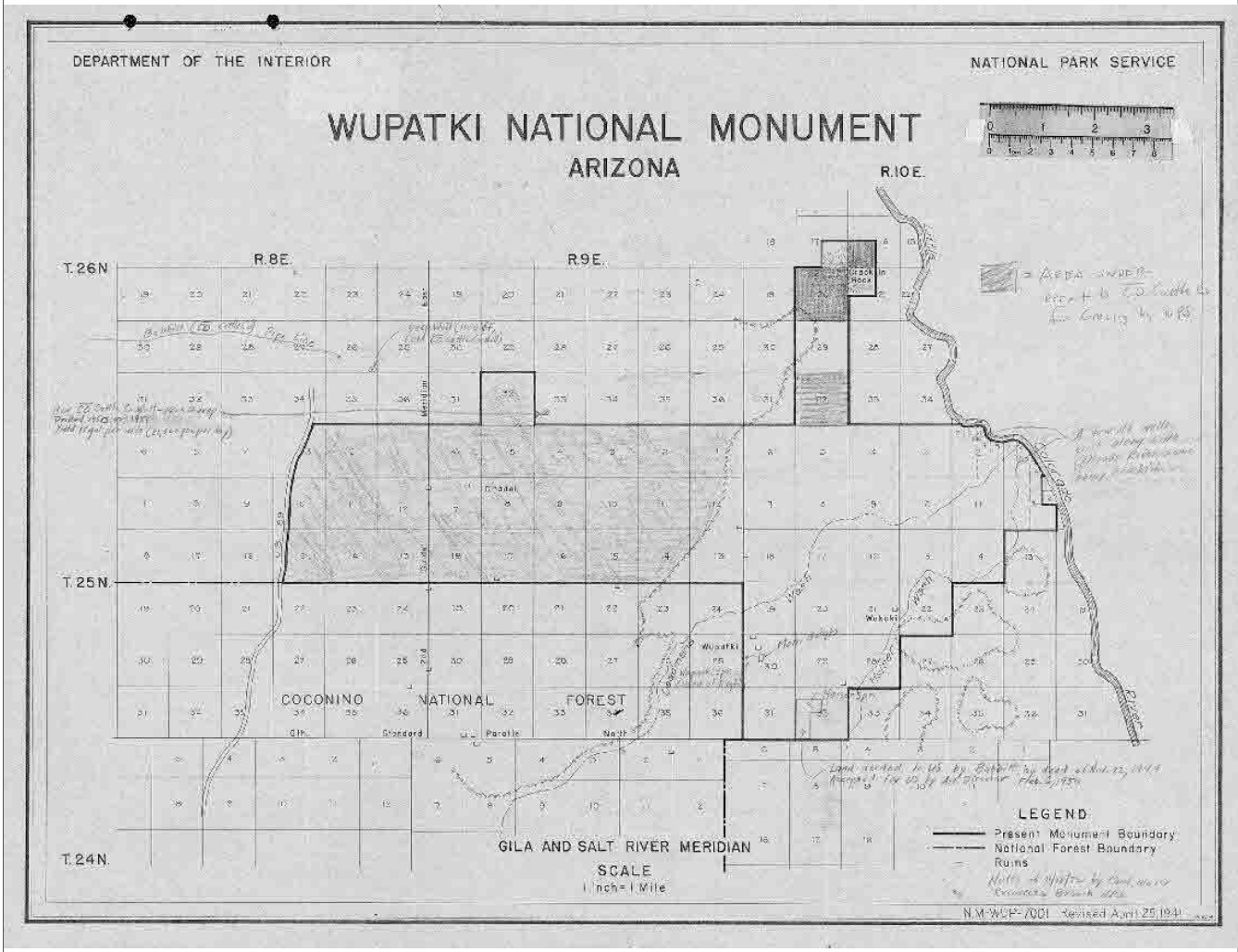
Another day, another letter. In my long dissertation to you yesterday, I forgot to mention a conversation I had with John Babbitt that will be of interest to you.

John, as you know, is one of the few remaining members of the Babbitt family and in such a position is active in the operation of the C-O Bar Cattle Company. They operate on about 30,000 acres of the 40,000 acres involved on Wupatki National Monument. They have their wells in and about 18 miles of pipeline. They have spent a lot of money on that leased government land up there and up to the present time there has been no trouble between the outfit and Interior.

The present leases are made for the lifetime of the Babbitt men and, because these men are getting to the age where they worry about how much longer they have to go, they want to know if these leases can be changed. I wish you would look into this matter and have the answer when you come out for your Christmas vacation, at which time I am sure John will call you, or better yet, you get in touch with him.

(penned) Signed by - Senator Goldwater

04-25-1941: township map gila and salt river meridian nm-wup 7001



09-12-1950: memorandum to the chief of land planning from the chief, water resources branch regarding the grazing of indian she

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

In reply refer to:
L3019 WUPA

September 12, 1950

Memorandum

To: Chief of Land Planning

From: Chief, Water Resources Branch

Subject: Grazing of Indian Sheep - Wupatki National Monument

The report of August 4 by Mr. Rateliff raises three questions:

1. Can the Indians be eliminated from the Monument on the death of those now using the area? This should be a controlling factor.

2. Who constitute each of the four families? The report lists eight people with sheep, but all have different names but the three Lees.

3. Are we to infer that only the Peshlaki family use Heiser Spring, since he is the only one said to be seen by the public? The recommendations in the report cannot be properly endorsed without knowing what water demand results. The total of 958 sheep, at 2½ gallons per head, need 2,395 gallons of water per day, which is well above the minimum flow of Heiser or Wupatki Spring.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

AvanVDunn:sh

NATIONAL PARK SERVICE
WASHINGTON OFFICE

Director Drury — COPY FOR WATER RESOURCES BRANCH FILES		
Associate Director Demaray	Assistant Director Tolson	Assistant Director Wirth
Chief of Planning and Construction Vint	1. Chief Counsel Price	Chief Historian Lee
3. Chief of Land Planning Richey	2. Chief Forester Coffman	Chief of Information Evison
Chief of Public Services Taylor	Chief Auditor Robinson	Chief Naturalist Doerr
Safety Engineer Ahern	Finance Officer Neilson	Chief of Recreational Planning Thompson
	Personnel Officer Miller	
	Chief of General Services Brown	

_____For draft of reply. _____For review. _____For surname. _____For signature.

_____For comment. _____To note. _____For action indicated below:

In response to Mr. Dunn's request; (1) I do not know of any reason why the Indian use could not be eliminated at Wupatki upon death of present members of the Indian families, if we wish to do so, and they remain in the area. However, there will probably be marriages and more children by then which may present problems and an administrative decision at that time. Generally, the wife of a Navajo Indian owns the sheep and goats and often a part of a flock belongs to the children who do most of the herding of flocks.

I wonder if you can answer Mr. Dunn's questions--believe they may have to be referred to Region III.

(Dictated by Mr. Richey)

Mr. Coffman - Mr. Richey - Mr. Ben Thompson:

There is no legal question involved in this memorandum. It has been correctly determined heretofore that the Indians are licensees and that they have no vested rights. It is a commitment made in 1937 which we have to interpret. Mr. Thompsons analysis of the proposed area recommended that the Indians be permitted to graze indefinitely. The reference to the lifetime of heads of families does not appear in the original documents of commitment. Any interpretation which fairly carries out the commitment will be unobjectionable.

Chief Counsel

/s/ Price

Date 9/14 Signature /s/ Richey

71522

08-04-1950: memorandum to the regional forester from forester ratcliff regarding a wupatki field trip

C O P Y

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

August 4, 1950

Memorandum

To: Regional Forester

From: Forester Ratcliff

Subject: Field trip - Wupatki National Monument

Mr. Balch and I arrived at Wupatki during the afternoon of July 18 and spent July 19 and part of July 20 checking into the Navaho Indian grazing use of the area in an attempt to work out a satisfactory solution to the problem.

Just prior to the war years, the Navaho families living in the Wupatki Basin moved out across the Little Colorado River for at least a portion of the year. This rest gave the forage a chance to recuperate to a small degree.

During the war this practice of moving was discontinued and has not been resumed as yet. The result has been excessive use of portions of the area, especially from Wupatki Ruin to Heiser Spring and for a distance of two miles or so toward the river. Practically all the grass has disappeared from the area and now the saltbush and Mormon tea(Ephedra spp.), which furnish the bulk of the forage, are thinning out and dying. This particular area will not stand continued heavy use without the destruction of the vegetative cover beyond a point where it will recover. This is also the area most generally seen by Monument visitors.

The Navaho system of trailing to water and back to the hogan every day for months has been as hard on the vegetative cover as the grazing of the plants themselves.

Superintendent Bowen, Mr. Balch, and I called upon Mr. Ed Stocks, at Tuba City. Mr. Stocks is in charge of the range management program on the portion of the Navaho Indian Reservation that borders on Wupatki. He informed us that all four Indian families now using Wupatki had grazing rights on the reservation in addition to their use of Wupatki lands but that they had not been using them.

The Navaho Tribal Council plans to set up a committee to study the present range allotments and make recommendations as to future use. This committee is to meet sometime within the next four to five months.

It was decided that no definite action would be taken until this committee meets, after which we can call a meeting of the Indians to discuss the settlement of their range use.

Superintendent Bowen and I recommend the following procedure:

Since the four families have grazing rights across the river which they are not now using, we should move them out of Wupatki for a six months' period, May 1 to October 31, and issue them a six months' permit for winter use in the area. This would give the Monument lands a rest during the growing season.

Our reasoning is this: At present these Indians have rights on the reservation they are not using. If they continue to let their use lapse, the Tribal Council is apt to take these rights away and say that they have been using Wupatki and should continue to do so. If this happens, we would be "stuck with them" for a very long time, and the area will not stand the continued heavy use it has been getting and the number of sheep units allowed each family at present furnishes a bare existence. The families listed are:

Clyde Peschlaki	145	sheep units
Emmett Lee	188	" "
Elva Lee	85	" "
Madge Lee	51	" "
Hal Smith	280	" "
Nez-Kai-Yazzi	119	" "
William Dixon	30	" "
Vera Standish	60	" "
Total	958	" "

Clyde Peschlaki, Emmett Lee, Hal Smith and Nex-Kai-Yazzi may be considered heads of the families. Another factor which complicates the matter is that when one of the girls marries her husband inherits part of her sheep, thus we would never be free of this use unless we recognize someone member of the family as the head. Then, if we issue the four men listed above six months' permits to graze in Wupatki Basin, it should be definitely understood that when they die their grazing use would terminate and not be passed down to the relatives and wives.

The other solution would be to terminate their use as soon as possible by forcing them to take up their use on the Navaho Reservation, which they have not been using.

In view of the fact the consensus is that these Indians were to have grazing privileges as long as they lived in the area, we suggest the issuance of a six months' permit, moving them out during the summer months.

It does not seem necessary to have Navahos in the area for the purpose of visitor contact. Only one family is ever seen by visitors and that is Clyde Peschlaki, who is not a typical Navaho due to the fact that he lives more like the Anglos and has appropriated practically all discarded materials around Wupatki, which he uses around his hogans. Also, visitors can see Navaho hogans and families all the way across Highway 66 to Flagstaff and Highway 99 through Cameron to Marble Bridge. The presence of Navahos at Wupatki adds very little to the atmosphere except overgrazed range and the smell of sheep where they water.

Water Developments Needed

The purchase of Heiser Spring also brings up another problem. The Indians have been using Heiser Spring for a watering place for years and all vegetation has long since vanished from the immediate vicinity of the spring. It is also planned to develop additional living quarters for Monument personnel near the present location of the old CCC camp. If we continue to allow the sheep to water there, it will be unsightly as well as unsanitary. I recommend that enough pipe be purchased to carry the water at least one-half mile and preferably three-quarters mile below the present watering place. This will eliminate the presence of sheep in the front door of the living quarters.

There is also a watering place in the arroyo immediately adjacent to the road below Wupatki Ruin, now used by Peschlaki. This is on a pipeline formerly used by the CCC. We recommend that this line be repaired and placed in a usable condition, piping the water further down the canyon to get the sheep away from Wupatki Ruin where they are gradually killing out the vegetation.

The original cost of these two pipelines would have to be borne by the National Park Service as the Indians have no money or means of purchasing pipe. However, the Indians should provide maintenance on the line and watering troughs after they are installed.

The range area used by the CO Bar Livestock Company appeared to be in good condition. Due to lack of watering facilities, the cattle do not obtain full use of the area. The Babbitts have recently drilled a new well just one-half mile north of the Monument

boundary which may affect the amount of use the area receives.

Heavy rains which came while we were there helped to rejuvenate badly overused range lands north and west of Wupatki.

Summarizing the recommendations as to Navaho Indian use of Wupatki Basin, they are:

(1) Issue six months' permits to Clyde Peschlaki, Hal Smith, Emmett Lee, and Nez-Kai-Yazzi as heads of the families. Such permits to be terminated when these men die, and not passed on to their wives and families.

(2) Move the Indians to the Navaho Reservation east of the Little Colorado River and force them to use their grazing rights on the reservation.

(3) Develop Heiser and Wupatki Springs, piping the water to a spot well away from public-use areas.

(SIGNED)

Harold M. Ratcliff
Forester

Copy to: Director
Supt., Wupatki

Approved for distribution /s/ P. P. Patraw — Aug 8 1950
Regional Director — Date

05-22-1950: memorandum to the director from the acting regional director regarding the grazing of sheep by navajo indians

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Region Three
Santa Fe, New Mexico

May 22, 1950

Memorandum

To: Director

From: Acting Regional Director

Subject: Grazing of sheep by Navaho Indians in Wupatki

We are pleased to receive the correspondence regarding the grazing and use of lands by the Navahos living at Wupatki, which was attached to Mr. Drury's memorandum of May 15. We will endeavor to work out a grazing program for the Navahos.

In reply to Mr. Drury's memorandum, we have the following comments.

Mr. Ratcliff made an investigation of Wupatki Basin July 24-26, 1946, and his report of July 30, 1946 covering this field trip should be in your files. We are forwarding another copy for your information in the event the other has been lost or misfiled. On October 1, 1946 we forwarded to you some photographs taken by Mr. Ratcliff in July showing forage conditions in Wupatki Basin at that time.

We will endeavor to maintain watering facilities for the Indians at Heiser Spring.

Copies of Mr. Drury's memorandum and attachments are being forwarded to Superintendent Bowen.

/s/ John M. Davis

John M. Davis
Acting Regional Director

Attachment

Copy to: Supt., Wupatki with attachments

07-30-1946: memorandum to the regional director from the nps regarding a field trip to wupatki

C O P Y

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

July 30, 1946.

MEMORANDUM for the Regional Director, Region Three.

The week of July 24-26 was spent at Wupatki National Monument checking forage and range conditions on that portion of the monument now used by the Navajo Indians living there.

General Conditions.

The condition of the range in this portion of the monument may be classed as generally fair to good. Soil types vary as much as vegetative types which makes an over-all estimate of carrying capacity rather hard to determine.

On portions of the area, especially in the heavy cinder areas there is little vegetation except shrubs, consisting largely of the following plants; ephedra, Apache plume, salt bush, rabbit bush, sand sagebrush, and some snakeweed. These shrubs, particularly ephedra and apache plume form large clumps where the cinders have formed small dunes. Other spots in the heavy cinder area have a good stand of grasses mixed with the shrubs.

The lower portions of the basin are formed of soils which do not support a vegetative cover dense enough to be of any value for grazing.

The past grazing use has been heavy in spots but the area shows very little actual overgrazing except in the vicinity of the Indian Hogans and watering places.

Carrying Capacity.

As stated in the above paragraph, due to soil types and topographic features an over-all estimate is rather difficult. Therefore, the area was divided into three main sections according to soils and vegetative cover. The accompanying map will show these divisions.

One area (A), consisting of approximately seven sections will average 7 acres per animal use month, or 230 sheep year-long; thirteen sections in the southeastern portion of the basin will average only 130 sheep year-long; and the remainder of the area is so sparsely covered that it is considered as waste land and of no value for grazing even though there is a small amount of forage in spots.

There are four Navajo families that are generally recognized as having lived on the area since the 1880's and have grazing privileges there. Sheep count records were obtained from the Indian Service at Tuba City and these will be checked against the actual number on the area. The Indian Service figures follow:

Name.	Permitted No.	Actual No.
Clyde Peshlacai	145 - Sheep Units. Not to exceed 5 horses.	185 Sheep & Goats. 5 Horses, or 65 sheep-units over his permit.
Hal Smith	280 - Sheep Units, Not to exceed 8 horses.	185 Sheep & Goats 8 Horses
Elva Lee	85 Sheep- Units, Not to exceed 2 horses.	88 Sheep & Goats 2 Horses
Madge Lee	51 Sheep Units Not to exceed 3 horses	35 Sheep & Goats 3 Horses
		Total 573 Sheep Units.

This total is 213 sheep units over the estimated carrying capacity of the range area. However, these figures will be checked again before any definite action is taken.

Recommendations.

Before considering what action should be taken it might be well to remember that dealing with the Navajo's is a rather slow process and it will take time to make adjustments and to get things organized along range conservation lines. We believe it can be done if the proper tact and diplomacy is used.

First, it will be necessary to limit the number of families using the area to those four who are generally recognized as having lived there for a long period of time. Then, it will be necessary to try and convince them that a reduction in sheep numbers is necessary and that they will be allowed only the number set down by the Navajo Service. It is doubtful if we could get them to reduce below that number.

If this reduction is made we believe the area will carry the sheep without danger of too heavy use, especially if the Indians can be persuaded to move to other lands for a portion of each year, thereby giving the forage plants a chance to recover during the growing season.

A few range improvements could be made which would allow for better distribution of the sheep over the area. There are possibilities of developing some small tanks or charcos in the clay hills bordering the cinder areas which would furnish water that is not now available and would tend to keep the sheep away from the immediate vicinity of the headquarters area. The only stock watering places now available are at the river, the Heiser Spring, and the overflow from the Wupatki spring near the present headquarters which is not dependable. Clyde Peshlacai has made a small tank on one of his areas which holds water for as long as five months.

It may also be possible to divide the area so that each family will have an equal amount of both good and poor range. This may take some fast talking to put it over but if the Navajo's can be gathered together and taken over the area all at the same time and some agreement reached by themselves it might work. At least it is worth a try. We expect to get at this particular job sometime during the coming winter.

The carrying capacity figures used in this report are conservative rather than liberal so that if reductions can be made the area will have a chance to recuperate and possibly carry more sheep than we estimate.

Harold M. Ratcliff

Harold M. Ratcliff,
Forester.

Approved for Distribution M. R. Tillotson
Regional Director.

cc. The Director.
Custodian, Wupatki.

Photographs are not available at this writing but will be submitted as a supplementary report.

05-15-1956: memorandum to the regional director from the director regarding the grazing of sheep by navajo indians

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

In reply refer to: WUPA

MAY 15 1956

Memorandum

To: Regional Director, Region Three

From: Director

Subject: Grazing of sheep by Navajo Indians in Wupatki

Since the receipt of Mr. Davis' memorandum of April 7 on this subject, Mr. Coffman has made a careful search through the Wupatki files in this Office. The only correspondence found that related to the Service policy regarding the Navajo Indians residing within the monument is the following:

Acting Director Demaray's letter of December 10, 1937, to Dr. H. S. Colton, Museum of Northern Arizona, Flagstaff, Ariz.

Mr. Demaray's letter of December 11, 1937, to the Superintendent, Southwestern National Monuments, Coolidge, Ariz.

Superintendent Frank Pinkley's letter of December 27, 1937 to the Director

Copies of these three letters are attached for your information and for Superintendent Bowen. While no mention of grazing is contained in these letters, the reference to the life and habits of these nomadic people would imply the inclusion of their custom of grazing small bands of sheep from which they obtain their wool for sale or for the weaving of blankets. Mr. Demaray confirms this interpretation of his letter.

The references to Hiser Spring throughout the correspondence relate to the value of that property in relation to the grazing of cattle and sheep by the Babbitts, but include no references to the use of the spring for watering the sheep of Indians.

In Mr. Ratcliff's memorandum of December 21, 1942, to you, the following paragraph appears on page 2:

> "While at Wupatki, Custodian David Jones and I looked over the area used by the Navajo Indians within the monument boundaries. This problem is one which requires more thorough study before recommendations can be made. It must be realized that dealing with the Navajo Indians will of necessity be slow and any changes can not be made in a short time."

We have been unable to locate any later report of the more thorough study. Was such a study made and was a resulting report prepared?

It seems to us that former Superintendents Brewer and Jones would be the best sources of information with respect to the policy which has been in effect since the enlargement of the monument in 1937.

The intent of the policy expressed in Mr. Demaray's letter of December 10, 1937, was that those Navajo families that were living within the monument at the time of the extension of the boundaries in 1937, should be permitted to continue to use the monument lands in their customary mode of living during the lifetime of the heads of these families, without formal permit, and most certainly without the privilege of establishing any "rights" or ownership, or grazing privileges that could be transferred or assigned. All grazing should be so conducted as to avoid injury to the range and no material increases should be permitted in the bands of sheep so grazed. The Service should prevent any abuses from the use of the range by the sheep of the Navajos, through insistence upon better management or by reductions, if necessary.

Since the Indians use these lands solely as licensees and without any established vested rights in the lands or watering facilities, it seems clear that the Service is under no legal obligations to maintain the facilities. Ordinarily, the Indians, as licensees, would be expected to maintain the watering or other facilities essential to the enjoyment of the

grazing privileges. In view of the limited resources of the Indians and their consequent inability to obtain materials for watering troughs, piping, and any other required material, it is likely that little, if any, maintenance would be done by them on the watering facilities at Hiser Spring. Moreover, in view of the nature, characteristics, and limited ability of the Indians who use these lands, there is little reason to expect that such limited maintenance as they might perform would be accomplished in a manner satisfactory to this Service.

In the circumstances, so long as the Indians are to be permitted to continue to enjoy grazing privileges as licensees, their status as mere licensees should be preserved and every precaution taken to forestall any possibility of the development by them of an independent, adverse claim to the waters of the spring. The accomplishment of these objectives, together with the knowledge that the watering facilities will be so maintained as not to impair monument values or interfere with future development, afford an adequate basis upon which this Service might properly maintain the watering facilities at Hiser Spring. We are hopeful that your Office or Superintendent Bowan can find the funds which will be needed from time to time to maintain the watering facilities. The present installation is relatively insignificant and we should be able to maintain it in a manner sufficient for our present needs and those of the Indians at a negligible cost.

(SGD) Newton B. Drury

Director

Attachments

In duplicate

Copy to: Forestry
Land Planning
Legal
Mr. Dunn

JDCoffman/AFR:km

12-10-1937: letter to dr. colton from the acting director regarding navajo indian residence in the wupatki n.m.

C
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P
COPY

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Washington

December 10, 1937

Dr. H. S. Colton,
Museum of Northern Arizona,
Flagstaff, Arizona

Dear Dr. Colton:

This will refer to your recent visit to the Washington office when you asked what provision would be made for, or what the status of, certain Navajo Indian families would be that occupy the area included in the Wupatki National Monument extension.

The primary purpose of the monument is to afford adequate protection for the extensive archeological ruins within the area. A secondary objective is that an antelope refuge might ultimately be established should certain developments make it possible to deal with grazing on monument lands within the area. However, there is no objection, administratively, to the continued residence for the duration of their lifetime of those families residing within the monument, so long as their presence is not inimical to the purposes for which it was established and extended. It seems advantageous from the standpoint of the visitor to this exceedingly interesting archeological area to have these Navajo residing therein. It affords him an opportunity to observe at close hand the daily life and habits of these Nomadic people, who have been in this immediate vicinity upwards of fifty years. Undoubtedly, in an area as remote as Wupatki the presence of inhabitants facilitates protection of the archeological sites and wildlife.

The National Park Service appreciates your continued interest in Wupatki National Monument and the native people residing within the area.

Sincerely yours,

/s/ A. E. Demaray

A. E. Demaray,
Acting Director

cc: Supt., Southwestern Monuments
Custodian, Wupatki Natl. Mon.
Museum Division

12-11-1937: letter to the superintendent from the acting director regarding the navajo residence in the park

C
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Y

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Washington

December 11, 1937

The Superintendent
Southwestern National Monuments
Coolidge, Arizona

Dear Sir:

Dr. Colton visited the Washington office recently and inquired as to the status of Navajos living on the new additon to Wupatki National Monument. Enclosed is our reply which we are sending through you to be sure that it is satisfactory. If you approve of this reply, please forward the letter to Dr. Colton at Flagstaff.

Sincerely yours,

/s/ A.E. Demaray

Acting Director

Enclosure: 1222345
HCB:glc

12-27-1937: letter to the director from the superintendent regarding navajo residence in wupatki

C
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P
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UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service
Headquarters, Southwestern Monuments
COOLIDGE, ARIZONA

December 27, 1937.

The Director
National Park Service
Washington, D. C.

Dear Mr. Director:

Reference is made to Mr. Demaray's letter of December 11 enclosing a letter addressed to Dr. Harold S. Colton, Director, Museum of Northern Arizona, explaining that the Service does not wish to interfere with Navajo life within the extended boundaries of Wupatki National Monument so far as Navajo occupation is not inimical to the purposes for which the monument was created. It is felt that Mr. Demaray has evinced in his letter to Dr. Colton a fine perception of the situation and a keen insight into the special problems which are met in the administration of the Southwestern Monuments. He is to be complimented and it is scarcely necessary to say that this office concurs in the position taken. The original letter to Dr. Colton was forwarded promptly upon its receipt.

Cordially,

/s/ Frank Pinkley

Frank Pinkley
Superintendent

cc: David J. Jones.

02-06-1950: memorandum to the regional director from the acting director regarding the acceptance of deed for co bar livestock cc

1/7/50

In reply refer to:
L2223 WUPA

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

FEB - 6 1950

Memorandum

To: Regional Director, Region Three

From: Acting Director

Subject: Acceptance of deed for C O Bar Live Stock Company land and water rights, acquired for Wupatki National Monument

The attached two copies of the Attorney General's final title opinion of January 5, 1950, show a valid title to the 160 acres of land containing the Heiser Spring and appurtenant water system acquired from the C O Bar Live Stock Company, for addition to Wupatki National Monument, to be vested in the United States, subject to certain easements and rights described in the opinion which have been administratively waived, and subject, also, to payment of the purchase price of $5,000. The requirement of the opinion with respect to the payment of the purchase price will be met within the next few days when action has been completed on the payment voucher submitted by the C O Bar Live Stock Company.

In order to complete the record of this acquisition, I have formally accepted the deed of conveyance as of January 5, 1950, under the authority contained in the act of August 7, 1946 (60 Stat. 885, 16 U.S.C., 1946 ed., sec. 17j-2), and pursuant to Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361), delegating authority to this Service to accept deeds on behalf of the United States. The deed of conveyance, the certificate of title, and other papers pertaining to the acquisition of this property will be placed among the National Park Service land records and will be designated as Wupatki National Monument Deed No. 4.

There are attached four copies of form NPS-L-1 covering this acquisition. Please have entered upon the form the physical characteristics, the improvements on the land at the time of acquisition, if any, any existing reservations, easements, or rights not presently shown, and return the original and one copy to this Office. The water system and spring should be noted, but reference to specific water rights should be omitted at this time.

(SGD) GREGORY A. TOLSON

Acting Director

AHollins:lt

Attachments 6

Copy to: Land Planning
✓ Development (Mr. Dunn) with copy of Attorney General's letter of January 5, 1950
Mr. Overly (for deed files)
Legal

01-05-1950: letter to the secretary of the interior from regarding the expansion of wupatki n.m.

RJL-TAH
33-3-164-1 jch

January 5, 1950

Honorable Oscar L. Chapman
Secretary of the Interior
Washington, D. C.

My dear Mr. Secretary:

A re-examination has been made of the title data relating to 160 acres of land, more or less, to be used as an addition to the Wupatke National Monument Project in Coconino County, Arizona. This land together with certain interests in water rights was conveyed to the United States of America under the provisions of existing legislation by the C. O. Bar Live Stock Company under deed dated November 22, 1949, filed for record on November 23, 1949, and recorded among the land records of the county in Book 14 of Deeds at page 495. The file number of this Department is 33-3-164-1.

The land is described in the aforesaid deed, which recites a consideration of $5,000.00.

The certificate of title, dated as of November 23, 1949, was prepared by the Northern Arizona Title Co., and is satisfactory.

The certificate, recorded deed, and accompanying data disclose valid title to be vested in the United States of America, subject to:

1. Easements for public roads, rights of way and utilities, if any, not shown of record.

2. Rights of third persons, if any, under reservations contained in the patents referred to at item 1, Schedule B of the certificate of title.

Your Department has advised that objections 1 and 2 will not interfere with the contemplated use of the land.

It is to be noted that the purchase price for the land has not been paid.

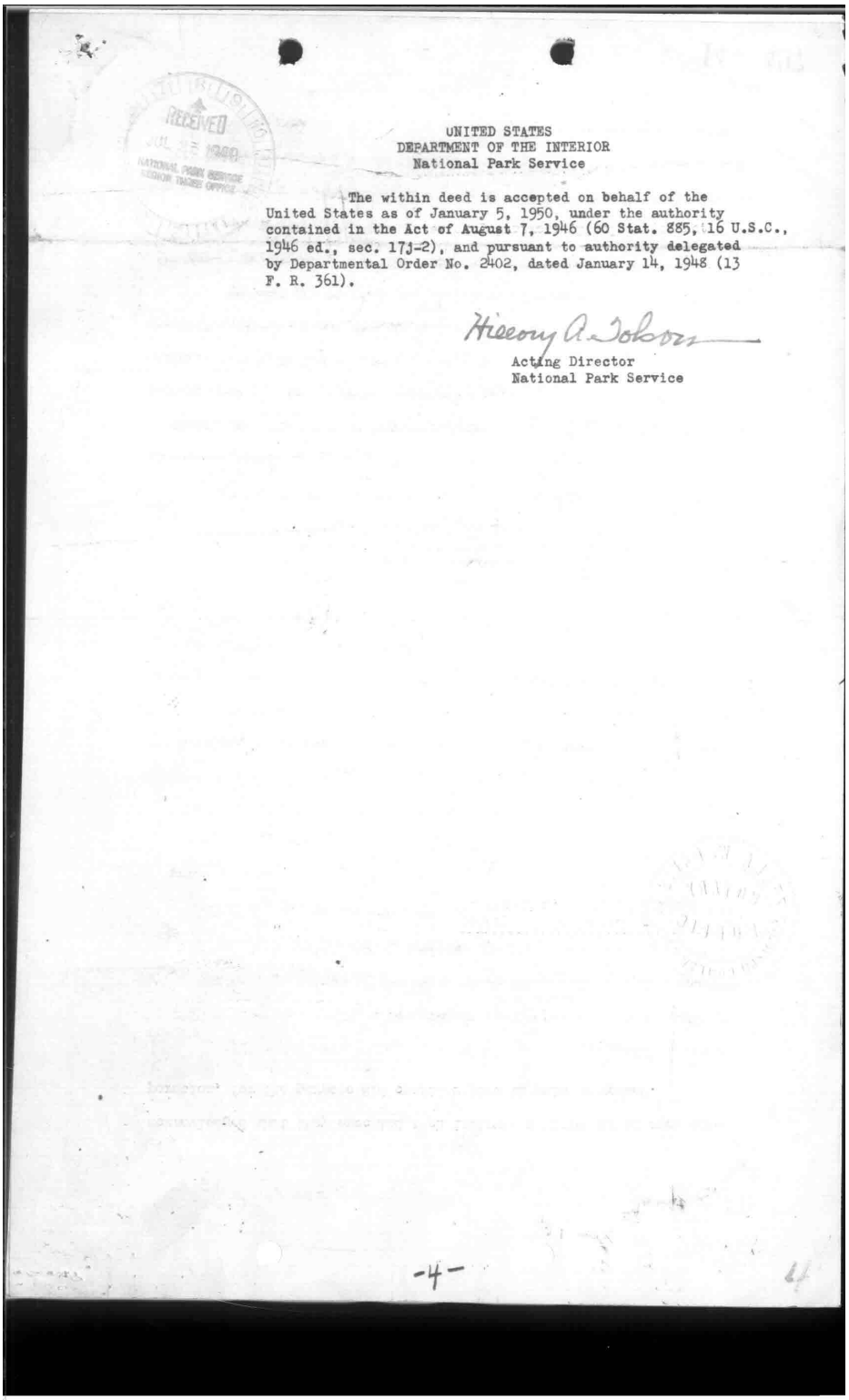
The certificate of title, deed and related papers are enclosed.

Sincerely yours,

s/J. Howard McGrath
Attorney General

Enclosure
No. 86027

01-05-1950: acceptance of deed



UNITED STATES
DEPARTMENT OF THE INTERIOR
National Park Service

The within deed is accepted on behalf of the United States as of January 5, 1950, under the authority contained in the Act of August 7, 1946 (60 Stat. 885, 16 U.S.C., 1946 ed., sec. 17j-2), and pursuant to authority delegated by Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361).

Hillory A. Tolson

Acting Director
National Park Service

-4-

11-22-1949: warranty deed

INDEXED 2731 Notarized

RECORDED AT REQUEST OF North. Ariz. Title Co.
November 23rd A. D. 1949 At 11:30 o'clock A.M
In Book 14 Official Rec Pages 495-497
Records of Coconino County, Ariz.
Mary Kelly County Recorder
By ____ Deputy

WARRANTY DEED

THIS DEED, made this 22nd day of November, 1949, between C O BAR LIVE STOCK COMPANY, a corporation, organized and existing under and by virtue of the laws of the State of Arizona, with its principal place of business at Flagstaff, Arizona, GRANTOR, and THE UNITED STATES OF AMERICA and its assigns, GRANTEE,

W I T N E S S E T H :

That Grantor, for and in consideration of the sum of Five Thousand and No/100 Dollars ($5,000.00), lawful money of the United States, has granted, bargained, sold, remised, conveyed, released and confirmed, and by these presents does grant, bargain, sell, remise, convey, release and confirm unto the Grantee all the following described real estate, situated, lying and being in the County of Coconino, State of Arizona, to-wit:

West Half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$),
South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$),
Section 32, Township 25 North, Range 10 East,
G. & S. R. B. & M., Coconino County, Arizona.

TOGETHER WITH ALL AND SINGULAR the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the premises above bargained and described, with the appurtenances, unto the Grantee, and its assigns, forever.

AND Grantor, for itself, its successors and assigns, does covenant and agree, to and with the Grantee, and its assigns, that at the time of the ensealing and delivery of these presents, it is well seized of the premises above conveyed, of a good, sure, perfect, absolute and indefea-

sible estate of inheritance in law and in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatsoever kind and nature; and the above bargained premises, in the quiet and peaceable possession of the Grantee, and its assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said Grantor shall and will warrant and forever defend; subject, however, to reservations contained in the United States patents to said lands.

Grantor hereby releases and relinquishes to said Grantee any and all right which the said Grantor may have to the use of the waters of Heiser Spring and any other sources of water situated on or appurtenant to, or used in connection with the said land.

IN WITNESS WHEREOF, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its Vice President and Secretary thereunto duly authorized.

C O BAR LIVE STOCK COMPANY

By _____
Its Vice President

A T T E S T:

_____
Its Secretary

STATE OF ARIZONA)
(ss.
County of Coconino)

On this, the 22nd day of November, 1949, before me, the undersigned, a Notary Public in and for the County of Coconino, State of Arizona, personally appeared John Babbitt, known to me to be the Vice President, and J. R. Babbitt, known to me to be the Secretary of the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and

2

11-22-1949: warranty deed, page 3cont

acknowledged that they executed such instrument on behalf of such corporation, for the purpose and consideration therein expressed.

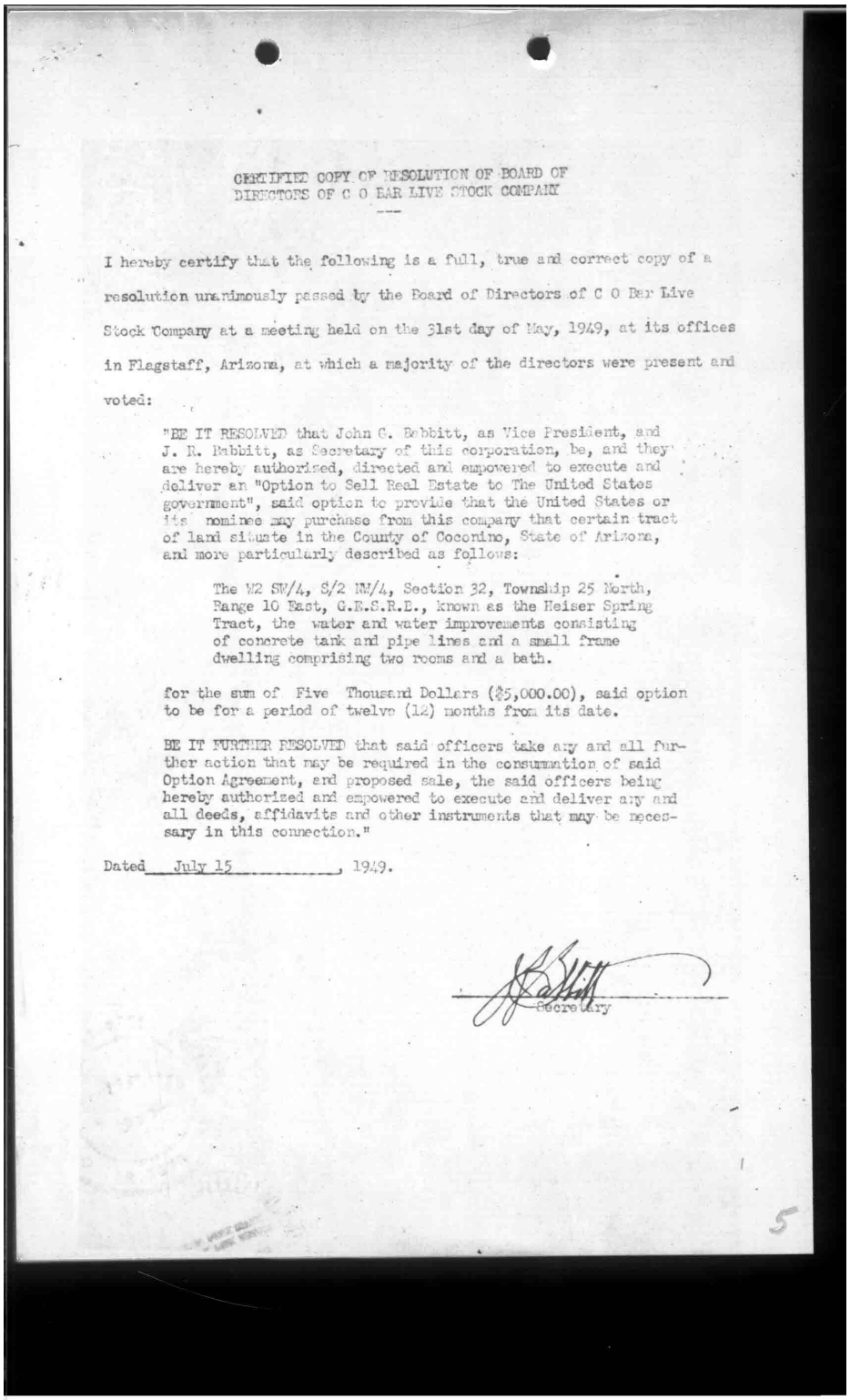
Zella W. Davis
Notary Public in and for the County of Coconino, State of Arizona.

My Commission expires November 5, 1950



14 497 3

07-15-1949: certified copy of resolution of board of directors of co bar live stock company



CERTIFIED COPY OF RESOLUTION OF BOARD OF DIRECTORS OF C O BAR LIVE STOCK COMPANY

I hereby certify that the following is a full, true and correct copy of a resolution unanimously passed by the Board of Directors of C O Bar Live Stock Company at a meeting held on the 31st day of May, 1949, at its offices in Flagstaff, Arizona, at which a majority of the directors were present and voted:

"BE IT RESOLVED that John C. Babbitt, as Vice President, and J. R. Babbitt, as Secretary of this corporation, be, and they are hereby authorized, directed and empowered to execute and deliver an "Option to Sell Real Estate to The United States government", said option to provide that the United States or its nominee may purchase from this company that certain tract of land situate in the County of Coconino, State of Arizona, and more particularly described as follows:

The W2 SW/4, S/2 NW/4, Section 32, Township 25 North, Range 10 East, G.E.S.R.B., known as the Heiser Spring Tract, the water and water improvements consisting of concrete tank and pipe lines and a small frame dwelling comprising two rooms and a bath.

for the sum of Five Thousand Dollars ($5,000.00), said option to be for a period of twelve (12) months from its date.

BE IT FURTHER RESOLVED that said officers take any and all further action that may be required in the consummation of said Option Agreement, and proposed sale, the said officers being hereby authorized and empowered to execute and deliver any and all deeds, affidavits and other instruments that may be necessary in this connection."

Dated July 15, 1949.

J. R. Babbitt
Secretary

5

01-27-1950: memorandum to mr. wilson from mr. price regarding payment of purchase of 180 acres from the co bar livestock com

In reply refer to: 1/30
L2223 WUPA

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

JAN 27 1950

Memorandum

To: Mr. Boilson

From: Mr. Price

Subject: Payment of purchase price for 160 acres of land acquired from the C O Bar Live Stock Company for addition to Wupatki National Monument

There is attached a voucher in the amount of $5,000 payable to the C O Bar Live Stock Company covering the purchase of 160 acres of land containing the Heiser Spring, and other water rights appurtenant thereto, being acquired pursuant to Contract No. I-160np-131, for addition to Wupatki National Park.

A final title opinion rendered by the Attorney General on January 5, 1950 (copy attached), recites that a valid title to this property is vested in the United States, subject to certain easements and rights which have been administratively waived and subject, also, to the payment of the purchase price. In order that this acquisition may be closed out, it is requested that the voucher be placed in line for payment.

Since this property has been acquired for the water rights which are appurtenant thereto, payment should be made from water rights funds (Appropriation Symbol: 14X1066).

(SIGNED)

Jackson E. Price
Chief Counsel

Attachments 4

Copy to: Mr. Wirth
Mr. Dunn
Mr. Price

AFRollins:hh

12-22-1949: letter to the attorney general from the director regarding title and deed for the purchase of additional land for wupatki

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

In reply refer to:
L9225 WUPA

DEC 22 1949

The Honorable
The Attorney General
Washington 25, D. C.

Sir:

There are enclosed a recorded deed, a certificate of title issued by the Northern Arizona Title Company, and other papers relating to 160 acres of land containing the Heiser Spring and appurtenant water system which are being acquired from the C. O. Bar Livestock Company for addition to Wupatki National Monument. This property was the subject of a preliminary title opinion rendered by you on October 4, 1949 (your reference: 33-8-156-1).

It appears that the objections and requirements of the preliminary title opinion have now been met with the exception of payment of the purchase price. The vendor has submitted the customary voucher form used by this Service in purchases of this character and the same is being held in this Office pending your approval of the title. Any easements for roads, highways, and public utilities not shown of record (objection 4), which may affect this land, will not interfere with the contemplated use of the property.

It is recommended that the title now be approved subject to objection 4, and subject also to payment of the purchase price. Upon receipt of your final title opinion, the voucher submitted by the vendor will promptly be placed in line for payment.

Very truly yours,

(SGD) Newton B. Drury

Newton B. Drury
Director

Enclosures 5

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

AFRollins:hw

10-28-1949: memorandum to the regional director from the assistant director regarding curative title data required for land being a

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

In reply refer to:
L2223 WUPA

OCT 28 1949

Memorandum

To: Regional Director, Region Three

From: Assistant Director

Subject: Curative title data required for land being acquired from C. O. Bar Livestock Company, Wupatki National Monument

The attached two copies of the Attorney General's preliminary title opinion of October 6 set forth certain minor requirements to be met before approval can be given to the 160 acres of land containing the Heiser Spring and appurtenant water system which are being acquired from the C. O. Bar Livestock Company pursuant to contract No. I-100mp-151 for addition to Wupatki National Monument.

The draft of deed, memorandum report of title prepared by the Northern Arizona Title Company, Superintendent Jones' report on possessory rights, dated July 14, 1949, and other papers, are returned and it is required that steps be taken to meet the requirements of the title opinion. The report on possessory rights should be continued to a date subsequent to the recordation of the deed of conveyance to the United States.

Attention is particularly invited to the requirement that a certificate of title be obtained showing the vesting of a valid title in the United States. This requirement results from the unwillingness of the Department of Justice to accept title insurance policies in land acquisitions by the United States. Accordingly, it will be necessary for the Northern Arizona Title Company or some other acceptable title company to issue a certificate of title to the United States, in lieu of the title insurance policy contemplated by the Company's memorandum report of title dated July 8, 1949. A form of certificate of title has been copied from the regulations of the Department of Justice and two copies are enclosed for the convenience of the title company in preparing the required certificate.

To facilitate payment of the purchase price, following approval of the title, we are attaching a partially completed voucher (Standard Form 1034) which should be completed and signed by the proper officer of the C. O. Bar Livestock Company and returned to us with the title papers.

(SGD) CONRAD L. WIRTH

Assistant Director

In duplicate
Attachments 11
AFRollins:ibl

Copy to: Mr. Dunn
Mr. Wirth
Mr. Price

09-09-1949: letter to the attorney general from the acting director regarding the addition of land to wupatki n.m.

W 6

In reply refer to: L7223 WPA

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

SEP - 9 1949

Wupatki 6

The Honorable

The Attorney General

Sir:

There are enclosed a draft of deed, memorandum report on title prepared by the Northern Arizona Title Company, and other data relating to the title to 160 acres of land in Coconino County, Arizona, containing the so-called Heiser Spring and appurtenant water system, which are being acquired from the C O Bar Livestock Company pursuant to Contract No. I-100sp-151 for addition to Wupatki National Monument.

Authority for the acquisition of this property is contained in the act of August 7, 1946 (60 Stat. 885, 16 U.S.C., 1946 ed., sec. 17j-2). Funds appropriated by the Interior Department Appropriation Acts for the fiscal years 1948 and 1949 (Appropriation Symbol: 14X1036 Water Rights) are available for payment of the purchase price of $5,000.

It is realized that a certificate of title, in the form approved by your Department, in lieu of a policy of title insurance will be required before this purchase can be closed. In the meantime, your opinion concerning the sufficiency of the title proposed to be acquired by the United States is requested.

Very truly yours,

(SGD) A. E. DEMARAY

A. E. Demaray
Acting Director

Posted 9/12 JWS

Enclosures 6

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

AFRollins:hw

lal

(27)

Wupatki National Monument 6

6. Land Status:

The negotiation of an option to purchase the Meiser Springs tract marks the culmination of twelve years of effort to acquire this property. The land is of negligible value to the Service but the water on it is essential to the further development of this area. Acquisition of this property will permit us to make definite Master Plans. The asking price falls within the appraised value and the negotiation now depends upon approval by the Director's Office.

The exchange of state owned lands which has been pending for six years still awaits final approval by the Bureau of Land Management. It is hoped that this exchange can be consummated in the near future, as it is now long overdue and is a source of embarrassment to the Service.



07-01-1949: memorandum to the superintendent from the regional director regarding the acqisition of the heiser springs property

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Region Three
Santa Fe, New Mexico

July 1, 1949.

MEMORANDUM for the Superintendent, Wupatki.

We have received authority from the Director's Office to proceed with the acquisition of the Heiser Springs property at Wupatki.

The option has been approved by Acting Director Tolson, June 23, 1949, and the agreement for purchase of the property has been assigned Contract No. I-100-NP-131.

Enclosed with this memorandum is a copy of Mr. Tolson's memorandum dated June 23 that covers the details of the approval of the option and the disposition of the option forms. We have attached one signed copy of the option and one conformed copy. The signed copy should be delivered to the C. O. Bar Livestock Company, and the conformed copy is for your files.

On pave two of Mr. Tolson's memorandum of June 23, he states that the vendor should be requested to furnish "an abstract or a certificate of title in a form approved by the Department of Justice." In the absence of an attorney in the Regional Office, we have contacted a representative of the U. S. Attorney's Office in Santa Fe, and he is of the opinion that no specific form is required by the Department of Justice, except that the abstract must show an unbroken chain of ownership including a statement that all taxes are paid or have not become a cloud on the title.

The abstract must be transmitted to the Director's Office for review and approval. In order to save time, it is suggested that a draft of the proposed deed be drawn by the Company conveying the land to the U. S. and its assigns so that the draft can be reviewed in the Director's Office for corrections and additions at the same time the abstract is reviewed.

Your attention is directed to the first paragraph, second page, of Mr. Tolson's memorandum of June 23, concerning a provision in the proposed deed for the release and relinquishment of any or all of the waters of Heiser Spring situated on or appurtenant to or used in connection with the land.

We have also enclosed four copies of Possessory Rights Report Form to be submitted when you return the title papers. Four copies of the Possessory Rights Report should be prepared and three returned to the Regional Office.

After the form of deed has been approved, if it is not convenient to have four copies of the deed made, photostat copies could be made in the Regional Office which we believe would serve the purpose and not impose additional paper work on the vendor.

(SIGNED)

P. P. Patraw,
Acting Regional Director.

Enclosure 753

cc: The Director.

JEK:eq

06-27-1949: letter to the audit division from the chief counsel regarding the sale of 160 acres of land from the co bar livestock com

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

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

JUN 27 1949

Audit Division,
General Accounting Office,
Washington 25, D. C.

Gentlemen:

There is enclosed a duplicate original of Contract No. I-13Sup-151 by which the C O Bar Livestock Company agrees to sell to the United States 160 acres of land, and the improvements thereon, to the United States for inclusion within the boundaries of Wupatki National Monument.

Sincerely yours,
(SIGNED)

Jackson E. Price,
Chief Counsel.

Enclosure 595.

cc: Regional Director, Region Three.
Supt., Wupatki National Monument.
Mr. Wirth
Mr. Neilson.
Mr. Price.

AFR:hw.

posted 6/28

06-23-1949: memorandum to the regional director from the nps regarding an appraisal of the heiser spring tract

WR Copy

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

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

JUN 23 1949

MEMORANDUM for the Regional Director, Region Three.

With Mr. Patraw's memorandum of April 1 there were transmitted duplicate copies of an appraisal of the so-called Heiser Spring tract in Wupatki National Monument, owned by the C. O. Bar Livestock Company, consisting of 160 acres of land and the Heiser Spring, and improvements consisting of a concrete water tank, pipe lines, and a small frame dwelling comprising two rooms and bath. This appraisal was made by Mr. Edward G. Groesbeck, Acting Forest Supervisor, Kaibab National Forest, Forest Service, Department of Agriculture. Mr. Groesbeck's report placed a value of $5,000 on those items of property which were appraised, and listed other undefined values which, if determined and included, would produce a greater value.

With Mr. Patraw's memorandum of June 3 there were transmitted three signed copies of a 12-months' option, signed by Mr. John G. Babbitt, Vice President of the C. O. Bar Livestock Company on June 1, offering to sell the Heiser Spring property which is described as the W½SW¼ and the S½NW¼ of Section 32, Township 25 North, Range 10 East, Gila and Salt River Meridian, to the United States for $5,000, the amount for which it had been previously appraised by Mr. Groesbeck.

The property is of value primarily because it includes all land surrounding Heiser Spring and the only water system by which the water of this spring is diverted and used. The acquisition of the property, therefore, will provide all that is needed to permit the United States to perfect rights in compliance with the state water laws, and thereby establish of record the right to use the water as a source of supply for the monument.

In the circumstances, I have today approved the option pursuant to authority delegated by Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361), and have caused the agreement for purchase of the property to be assigned contract No. I-100np-131.

One signed copy and two conformed copies of the approved option are attached. The signed copy should be delivered to the vendor. One conformed copy should be forwarded to the Superintendent and the other retained for your records. The two last named copies should be placed in the deed assemblies when they are prepared for water right records.

The vendor should be requested to furnish an abstract or certificate of title in the form approved by the Department of Justice, together with a draft of the deed proposed to be executed by the corporation in favor of the United States and its assigns conveying the land, together with the water system and other improvements thereon. The deed should be so drawn as to effect a complete release and relinquishment of any and all right which the corporation may have to the use of the waters of Heiser Spring and any other sources of water situated on or appurtenant to, or used in connection with the land. These documents should be accompanied by evidence disclosing that the corporation is in good standing and showing the authority of the corporation officials to contract for the sale of the land and to convey it to the United States. In view of the known prior use of the tract by Indians, it is desired that a possessory rights report be submitted with the title papers.

In typing the deed, and the possessory rights report, please make enough copies for inclusion in assemblies of water rights records at your office, the monument, and the Water Resources Branch, as well as in the original deed file.

(SGD) HILLORY A. TOLSON
Acting Director.

In duplicate.
Enclosure 598.

Acceptance of option recommended.

Acting (SGD.) W. G. Carnes
Chief of Development.

(SGD) CHARLES A. RICHEY
Acting Chief, Land and Recreational Planning.

(SGD.) DONALD E. LEE
Acting Chief Counsel.

JMS:AvVD:AFR:DEL:lt

cc: Development (2)
Information.
Legal.
Lands.
Fiscal - Mr. Neilson (with copy of approved option).
Please obligate $5,000 from Appropriation 14x1056 Water Rights for this acquisition.

06-17-1949: letter to the chief counsel from the chief, water resources branch regarding the appraisal of the heiser spring tract

Chief Counsel, through Messrs. Vint and Wirth. June 17, 1949.

Mr. Dunn.

Appraisal and option to purchase Heiser Spring tract in Wupatki National Monument.

Mr. D. E. Lee has returned the draft of a memorandum for the Regional Director advising of the Director's approval of the option to purchase the Heiser Spring tract at Wupatki National Monument and instructing the Regional Director to submit a draft of the proposed deed and other instruments to indicate title and possessory rights of the vendor. He states that he hesitates to approve the memorandum because he does not see that the owner has any water rights and believes that the option should be modified to reflect the ownership of water.

While I do not fully understand the differentiation which Mr. Lee is making between the water right and "reflecting ownership of water," I believe he has the same idea that I had when I drafted the third paragraph, page 1, and the last paragraph on page 2, because the option refers to the conveyance of water which could only be accepted as technically true by very broad interpretation. I proposed to correct that feature in the deed and possessory rights report, and Mr. Lee now proposes to have the option modified to accomplish the same thing. In the interest of obligating some funds during the current fiscal year, I hope that a new option is not now required.

The C. O. Bar Livestock Company claims to own 160 acres of land more or less, and improvements consisting of a residence and a water system by which the flow of Heiser Spring is diverted and used at the residence and for stock watering purposes on the same tract between the spring and the residence. There is no recorded claim to the water so far as we know by members of the Livestock Company, the Indians who graze their sheep on the Monument, or by others.

The spring has a flow that varies from around 1500 gallons per day. This small quantity of water has probably never flowed off of the tract of land covered by the option. Of course the water may have percolated off of the tract after seeping back into the ground, but percolating waters of Arizona are not subject to appropriation. Therefore, the spring has the characteristics of what is commonly called a private spring by most of those dealing with water rights in Arizona or other states. By this, it is meant that the water is not available for use by any one except the owner of the tract or those granted access over the tract.

In my copy of the condensed Arizona Water Code, reference is made to springs as being subject to appropriation and that the water may be appropriated for stock watering purposes, even though the flow does not extend beyond the boundary of the land, as follows:

"Springs are subject to appropriation when, in their natural undeveloped state, the flow is sufficient for beneficial use; watering stock is a beneficial use, thus such a spring may be appropriated, though it does not flow beyond the boundaries of the land upon which it is located. Parker v. McIntyre, 47 Ariz. 484, 56 Pac. (2d) 1337."

From these considerations, I think the Livestock Company has valid property interests in the spring which may, or may not, be classed as perfected rights, as evidenced by ownership of the constructed water system or such uncontested past use as there may have been. Apparently the only ones who might have contested the use would have been the rather nomadic Indians with their herds of sheep who range across the Monument and adjacent land. Such of the latter interests as may exist were to be clarified in the possessory rights statement as I proposed after discussing the matter with Mr. Rollins.

Mr. Groesbeck has indicated, at least to my satisfaction, a full understanding of the water right situation and the value of the land as the result of the existence of the spring and the operating water system. He has appraised the property, including the land, water system, and the residence, at $5,000, based almost entirely on its use only during the grazing season of a part of the year.

He has omitted all value involved in the use of the property as a residence during the remainder of the year, a value which would be quite significant to the Company whose grazing interests also involve the use of much of the land just outside the Monument.

For these reasons, it is not entirely clear to me whether Mr. Lee, in calling attention to the fact that the land is not worth much without water, proposes to substitute an independent armchair appraisal from here, or merely to strengthen the definition of the property interests being acquired, by amendment of the option. Assuming that the latter is the case, and since the physical water itself is not property for sale as implied in the option, I am inclined to place a broad interpretation on the term and proceed to obtain a deed conveying what is available--namely, such rights to the use of water as are evidenced by the diversion through the existing water system and past use by the employees, lessees, and stock of the C. O. Bar Livestock Company.

(SGD.) A. VAN V. DUNN.

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

AvVD:sh.

cc: Mr. Wirth.
Mr. Vint.

06-17-1949: letter to the chief counsel from the chief, water resources branch regarding the appraisal of the heiser spring tract

Mr. Vint and Mr. Wirth. April 6, 1949.

Mr. Dunn.

Appraisal of Heiser Spring Property at Wupatki National Monument by Edward C. Groesbeck.

Mr. Overly brought in the attached appraisal of the Heiser Spring tract at Wupatki National Monument yesterday, requesting my opinion as to its adequacy to justify negotiations for purchase.

You will recall that on March 7 I checked with the Forest Service to determine the qualifications of Edward C. Groesbeck to make the appraisal and found that he was primarily the Timber Management Assistant of the Kaibab National Forest, and that Mr. Vernon B. Bostick of the same Forest was probably more familiar with range management of lands comparable with these.

In the present appraisal Mr. Groesbeck develops a value of $1,720 for water for 80 head of cattle for a 6-months winter grazing period and seems to imply that the derivation is standard practice on the Kaibab Forest, and therefore acceptable whether presented by Mr. Groesbeck or my suggested alternate, Mr. Bostick. Therefore, subject to such further statement of qualifications which the Director may require to accept Mr. Groesbeck's appraisal, I accept this increment of water value, noting, however, that the 80 head of cattle ranging within 2½ miles of the spring, as mentioned on page 2, would range over an area of slightly more than 18 sections rather than 8 sections.

At the bottom of page 3 and top of page 4, Mr. Groesbeck introduces an alternate appraisal of water bearing land based on Cree-Halfbreed Script purchases with a value of $1,590. I cannot quite follow the derivation, although it may be correct, and I would come out with a value of $1,035 in place of $1,590. Therefore, I tentatively accept the value of $1,720 in lieu of the $1,590, because I can see no potential flaw.

Mr. Groesbeck then develops a value of $1,200 for the water improvements and $1,667 for a residence on the Heiser Spring tract. The appraised values seem satisfactory. However, if I understood Mr. Jones correctly during my visit in 1947, the residence was constructed personally by a CCC foreman. There is also the suggestion that the pipe line to serve this residence may have been constructed by the same individual. Therefore, while accepting the appraisal, it is recommended that further verification be obtained as to whether these improvements are the property of the C. O. Bar Ranch or constitute a lien against the property, if they are not, in fact, part of the Federally owned CCC development.

Mr. Groesbeck then gives consideration to alternate plans to provide water for Wupatki National Monument, one being to pump water from the Little Colorado through a water system which would cost approximately $98,000, and the other to drill a well at a cost of $5,600. Either of these alternate water systems would presumably provide far more water than is available from Heiser Spring or, for that matter, all surface water supplies on the Heiser Spring tract plus the Wupatki Spring now used at the headquarters of the Monument. Therefore, the costs of these alternate developments are not comparable with the value of the limited supply obtained if the Heiser Spring tract is purchased.

Mr. Groesbeck then quotes Mr. Jones to the effect that the average flow of the spring is 2½ gallons per minute, and quotes the cost of water at Williams as 20 cents per thousand gallons, to obtain a potential capitalized value of the water of Heiser Spring as $5,200. As a matter of fact, Mr. Jones has only limited information on the flow of the spring, and the average may be anything between 1 and 2½ gallons per minute. However, it is quite evident that the spring would provide 12 gallons per head for 80 steers for a 6-months winter grazing season, and at least 600 gallons per day for domestic use at the residence if the residence were maintained because of the owner's interest in the winter range.

Also, we have reliable information to the effect that the Kldon Water and Pipe Line Users Association, which sells water to Walnut Canyon National Monument, has been paying 75 cents per thousand gallons to the City of Flagstaff since some time in 1947. Therefore, disregarding average flow, in the attached analysis which I made during this review I have shown that a total reliable water use of about 450,000 gallons can certainly be made and that, if purchased from the Town of Flagstaff at 75 cents per thousand gallons, the capitalized value would be approximately $6,800, or that the capitalized value of the portion of that water used for domestic purposes would be approximately $3,777. I believe the latter figure could be added to the stock watering value and the cost of the water system improvements and the dwelling to give the following total value of the Heiser Spring tract if the derivation of item 1 is acceptable and the title to the improvements is verified.

Land and water for 6 months winter range -	$1,720
Water improvements -	1,200
Dwelling improvements -	1,667
Capitalization value of domestic water use -	3,777
Total -	$8,364

On the basis of my review, I consider Mr. Groesbeck has contributed valuable methods for appraising the land for stock watering and grazing purposes, but that his total value of $5,000 is low because of the unfortunate use of several unit values such as the sale price of water at Williams which are too low.

Secondly, I concur in the recommendation that the Regional Director be instructed to negotiate for the purchase of the Heiser Spring property at approximately $5,000 and will go still further in stating that I think we can justify somewhat more than 5% over the $5,000 if the Director is willing to accept my modifications of the Groesbeck appraisal if necessary to justify such price. I also recommend that the purchase be made from Water Rights funds except to the extent that we might have to allocate $1,000 or $2,000 of Land Acquisition funds if all of my other water right acquisitions materialize during the balance of this fiscal year.

(SGD.) A. VAN V. DUNN.

Chief, Water Resources Branch.

AvVD:sh.

Attachment.

April 6, 1949.

Analysis of
Appraisal of Heiser Spring Property
Wupatki National Monument,
by Edward C. Groesbeck
Timber Management Assistant,
Kaibab National Forest.

by

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

1. Page 1, paragraph 6:

The 160-acre tract would probably only support 1 cow for 6 months. (This means that 1 section, or square mile, of land would support 4 cows for 6 months.)

2. Page 2, paragraph 3:

Heiser Spring estimated as capable of supporting stock grazing within radius of 2.5 miles. This radius describes an area of 19.7 square miles. (Groesbeck reference to 8 sections probably intended to read 18 sections. At 4 head per section, the gross area of 19.7 acres would support 78.6 cows for 6 months, which is justification for accepting his estimate of 80 head.)

Groesbeck accepts flow of 100 gpd as adequate for 10-15 head of cattle, giving water demand of 7 to 10 gallons per head. Coyote Spring flow of 100 gpd recognized in report, thus making at least 70 head dependent on flow of Heiser Spring. (Winter flow of Heiser Spring varies from 1,100 gpd to 1,375 gpd. Even if all 80 head depend on Heiser Spring for water, the winter supply would give 13.8 gallons per head, which is o.k.)

3. Page 3, paragraph 2:

Water worth $1,720 for winter stock watering. (This is o.k. from preceding check.)

4. Page 3, paragraph 4, and
Page 4, paragraph 1:

Cites 15 acres around spring worth $40 per acre and other 15 acres worth only $3.00 under Cree-Halfbreed Script, and then allows 30 acres at Heiser Spring at $40 and 130 acres at $3. (Fail to see why more than 15 acres should be worth $40 per acre by this method, giving total value of only $1,035 for tract instead of $1,590 as used in appraisal. However, value of $1,720 seems acceptable in lieu of either $1,035 or $1,590, if Groesbeck can support derivation item 3.)

5. Page 4, paragraph 2:

Cost of water system estimated at $2,010, and present value estimated at $1,200. (These are o.k., subject to verification of title.)

6. Page 5, paragraph 1:

Cost of residence estimated at $2,500 and present value at $1,667. (Langley considers this o.k.)

7. Page 5, paragraph 2:

Summary of values tabulated at $4,457. (I reserve judgment on first item, but am willing to accept alternate $1,720 to give summary value of $4,587.

8. Page 5, paragraphs 3 and 4:

Suggest spring as alternate to other possible, expensive water supplies. (The proposed wells or pumping plants are supposed to provide far more water than is available from Heiser Spring and other surface supplies on the Heiser Spring tract. Therefore, it is not sound to compare cost of Heiser Spring tract with total costs of these other possible supplies.)

9. Page 5, paragraph 4, and
Page 6, paragraph 1:

Quotes Superintendent Jones for average flow of 2.5 gallons per minute and uses $0.20 per 1,000 gallons charged by Williams to arrive at an average annual cost of $260 for 1,300,000 gallons of water, which would give a value of $5,200 when capitalized at 5%. (Superintendent Jones can only make a good guess as to average flow which is probably somewhere between 1 and 2.5 gpm. On the other hand, the Elden Water and Pipe Line Users Association has paid $0.75 per 1,000 gallons to Town of Flagstaff since 1947---a higher rate for relatively local water which might serve as alternate for Heiser Spring supply. To eliminate guess in average or total flow, it is fairly evident that following reliable supply is available.

Water for 80 steers for 6 months at 12 gph/d -	174,720 gal.
Domestic and residential use of 600 gpd for 12 months -	219,000 gal.
Total annual beneficial water use -	393,720 gal.
Water losses at 15% -	59,058 gal.
Probable total water needs per year -	452,778 gals.
Probable cost at Flagstaff at $0.75 per 1,000 gals. -	$339.58
Value capitalized at 5% -	$6,791.70
Capitalized value of water used for domestic use only -	$3,777.70

10. Page 6, paragraph 1:

Suggests hauling water. (It is doubtful if the land would be used if water were not available, except by the NPS or a concessioner. Therefore, the cost of hauling is a justification for purchase but not a value for appraisal purposes.

04-24-1947: letter to messrs. webber, burney, vint, richey, price from the chief, water resources branch regarding heiser spring

Messrs. Webber, Burney, Vint, Richey, Price. April 24, 1947.

Mr. Dunn.

Heiser Spring at Wupatki National Monument.

The attached memoranda, including that of April 18 from Mr. Scoyen, relate to the rental of the Heiser Spring tract at Wupatki. Although the purpose of leasing is to obtain the use of the spring water, it does not constitute much of a water right problem. If the apparent spring flow does not leave the property of the C. O. Bar Livestock Company, there would be no need to initiate an appropriative water right for the short term of the lease unless grazing is to be permitted on the area.

The basic question is whether the 600 gpd flow will satisfy the needs of this Service. If Mr. Webber visited the area on his recent trip, he should be able to answer that question.

The one question of interest to me is the market value of the property as expressed by the rental. I believe that most property is rented at an annual rate equal to about 10% of the purchase price. If the rental price is to be $15 per month, or $180 per year, the Company seems to be implying a sale value of $1,800. Before the wartime price rises, the Company was actually trying to sell at prices ranging from $3,500 to $10,000, while I was not willing to go above $1,044 (refer to my various comments, terminating with that of May 8, 1946, if you wish) unless water right values and a larger reliable spring flow were justified.

Assuming a prewar value of $1,044, the $1,800 value now would not be out of line. I wonder, therefore, why we cannot buy at $1,800 instead of rent at $180 per year.

(SGD.) A. VAN V. DUNN

AvVD:sh. Chief, Water Division.

04-18-1947: memorandum to the director from the acting regional director regarding the water supply problem at wupatki n.m.

C O P Y

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

April 18, 1947.

MEMORANDUM for the Director.

The matter of water supply for resident employee, domestic need and public visitor use at Wupatki National Monument is becoming an acute problem.

Our rights to the scant waters of Wupatki Spring are questionable and this source of supply cannot meet the summer demand. We have not found in our files any opinion favorable to obtaining potable water through drilling a well in the vicinity of the headquarters area.

Heiser Spring, approximately one and a half miles distant, which has a tested flow of 600 gallons to 1500 gallons per day, with the use of a storage reservoir, appears to be the one immediate source of supply available within appropriation limit.

Custodian Jones has approached the Flagstaff representative of the C O Bar Livestock Company, owner of the Heiser Spring property, relative to the Government obtaining a lease on the spring property and on the basis of his memorandum dated April 7 (copy enclosed) a form of lease has been prepared, copies of which are enclosed for your review and action.

From Mr. Jones' memorandum you will note that the lease of this property will also serve a secondary purpose by providing liveable quarters for the ranger assigned to assist the custodian.

The lease prepared has not been presented to the Livestock Company, awaiting your reaction and any changes you may wish to make. It should have early action if we are to receive any benefit this summer.

(Sgd) E. T. Scoyen,

E. T. Scoyen,
Acting Regional Director.

Enclosure 2920718.

cc: Custodian, Wupatki.

(See General files for copies of leases.)

04-07-1947: memorandum to the regional director from the custodian regarding the lease of the heiser spring tract

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Wupatki National Monument
Flagstaff, Arizona.

7 April 1947.

MEMORANDUM for the Regional Director, Region Three.

With reference to the proposed lease of the Heiser Springs property by the National Park Service the following information is furnished in accordance with your request of January 28.

It is felt that the lease should cover the entire flow of the Heiser Spring and the entire 160 acres.

Mr. John Babbitt has suggested that the lease cover a period of from three to five years. In our discussion of this matter Mr. Babbitt said that he had offered it for lease in the past at fifteen dollars per month and would make us the same offer.

On the 160 acres of land are at least two springs, Heiser being the most important and the only developed one. Two or three years ago a lessee put up a stock corral adjacent to the spring. There is a barracks and a one room shack which was constructed in 1939 by the CCC. Formerly there was a mess hall, but this was torn down during the war and put to use at Organ Pipe Cactus National Monument.

The small house built by Foreman Pinching in 1942 is the one desired for ranger quarters. It is a two room house with bath, frame structure on a rock masonry base. There is hot and cold running water, although the water has a strong taste of old pipe. There is a toilet and a cast cement bathtub with shower. This latter feature makes it unique. It is necessary to heat with an oil heater. Wiring is installed, although some fixtures will be necessary. Cooking will have to be done over a three burner gas plate, as this is the only type on hand.

To estimate the value of this house one encounters a problem. On the basis of existing prices this structure would cost probably $2500. Actually it was built from scrap material wit an actual cash outlay of no more than $100.00. If it were sold to an outsider, he would probably have to pay about $2000.00, but for the government I would try to get a reduction.

Rental value is estimated at five to six dollars per pay period. Enclosed is sketch map showing plan and dimension of the house and several photographs.

(Sgd) David J. Jones
David J. Jones
Custodian

06-14-1946: memorandum to the regional director from the nps regarding the purchase of the heiser spring tract

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

June 14, 1946.

MEMORANDUM for the Regional Director, Region Three.

On June 4, Messrs. Tolson, Price, Richey, Webber, and Dunn held a conference to consider the questions relating to the proposed purchase of the Heiser Spring tract at Wupatki National Monument. The proposal was revived during the winter as a result of former Custodian Van Cleave's memorandum of November 22 for you, and his discussions while in this Office in early March. During the past three months it has become evident that there will be no funds for such purchase during 1947, but it is also evident that the better part of a year will be needed to prepare an adequate justification for purchase when the funds do become available.

In an appraisal by Custodian Jones, submitted by Acting Superintendent Richey's memorandum of January 29, 1941, he stated that the flow of Heiser Spring had varied between 1,100 and 1,575 gallons per day during the two preceding years, except in the summer when it dropped to 600 gallons per day. Notwithstanding that statement, Mr. Jones made a revised appraisal on April 25, 1941, showing a value of $5,044, of which $2,500 was for a spring flow of 3,000 gallons per day. As the records now stand, we must obtain more reliable records of spring flow and adjust the appraisal to conform to those figures. Please ask the Regional Engineers, or someone under their direction, to measure the flow at least once a month during the next year, and keep a record with dates and quantities in order that both the minimum and mean flows may be computed.

The previously appraised value of $2,500 for 3,000 gallons per day amounts to about $580,000 per second-foot as compared with about $250,000 as the maximum price paid in southern California where water right values are at a maximum. It is fairly evident, therefore, that this Service cannot justify a water value comparable with Babbitt Bros.' asking price on the basis of other recorded sales. As an alternate, we suggest that estimates be prepared of the total cost of obtaining the same quantity of water from Heiser Spring and the next cheapest source. The difference will be the justifiable value of Heiser Spring. We enclose a sketch NM-WUP-6976 which has been prepared from our available data to show that the alternate sources would be wells along the Little Colorado, some source in the San Francisco Mountains, or water bought and hauled from Flagstaff or the railroad. The estimates should include all pipe lines, storage, pumping, and hauling costs over a 20-year period.



From our information, it appears that Heiser Spring may have a flow of only 600 gallons per day in the summer, that Wupatki Spring has a flow of only 500 gallons per day, and that the two springs are between one and one-half and two miles apart. There were 4,158 visitors at the Monument in 1941 who would have used between 15 and 35 gallons per capita if there had been adequate facilities. A ranger's family of three will require at least 250 gallons per day throughout the year. With this information, we are not entirely convinced of the adequacy of the two sources. There will have to be considerable storage capacity, and it may be desirable to use more than the flow of one spring at the main area of development. Your justification for purchase should be based on a plan to provide the necessary water at the proper place and time for the life of the system.

If the Heiser Spring tract is to be purchased with water rights funds, it is also necessary to have the plan covered by adequate water development plans in the master plan and project construction program, in accordance with memorandum RD-102 of February 16, 1945. The project construction program now includes only one water supply project, W-3, for the construction of a 20,000-gallon reservoir. These programs should be revised on the basis of plans and estimates which have just been suggested. In this connection, if the ranger uses 250 gallons per day, and most visitors come during the summer season, at least 68,000 gallons of the flow of 500 gallons per day are wasted unless that amount of storage is provided. We recommend, therefore, that project W-3 be amended to provide for a 75,000-gallon reservoir. We also recommend that the flow of Wupatki Spring be measured at the same time and in the same manner as Heiser Spring during the next year.

Mr. Jones also appraised the land at $0.50 per acre in 1940 and at $3.00 per acre in 1941, without an adequate explanation of the change. In fact, he explained that the land was submarginal in both appraisals. The total land value is negligible in either case, but the value used in future appraisals will have to be fully justified if it exceeds $0.50 per acre.

If Babbitt Bros. signed an option for $5,500, as explained in the memorandum of June 21, 1941, from Superintendent Miller, and that option has expired, it is not unreasonable for them to increase the price by 43% to $5,000 at this time. It would not be out of order to amend the Jones appraisal by the same amount if that appraisal were satisfactory. In the same manner, Mr. Lassiter will doubtless have a much higher value based on water system costs than he would have obtained with 1941 construction costs.

In our discussion it was suggested that those in your Office might feel some restraint in making an appraisal because of the comments made in Mr. Dunn's memorandum of November 18, 1940, and later. Mr. Dunn has not visited the area, and did not intend to have his analysis accepted as an appraisal but rather to offer helpful suggestions to make a field appraisal more convincing to those who would review them. We now need a sound justification for the purchase of the tract and the price which we will have to pay to obtain and make it usable.

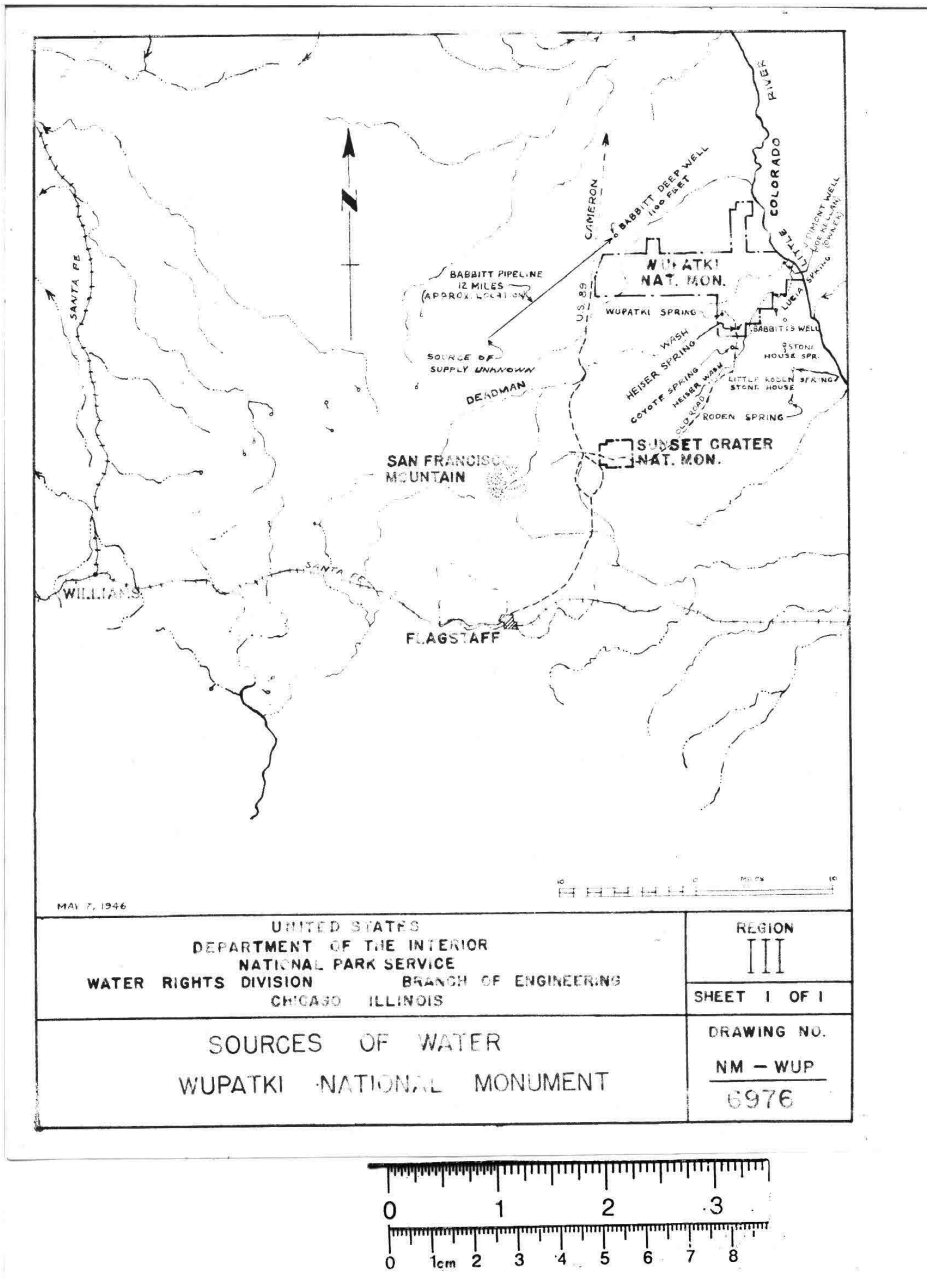
The justification for purchase and the appraisal, although related, are independent subjects for consideration and neither should reflect any attempt to reconcile one with the other.

(SGD) HILLORY A. TOLSON
Acting Director.

AvVD:sh.
Enclosure 614.
In duplicate.

cc: Mr. Vint, with sketch.
Mr. Dunn, with sketch.

05-07-1946: map of the sources of water in wupatki n.m.



May 8, 1946.

Technical Comment
on
Proposal to Buy Heiser Spring Area
Wupatki National Monument

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

This Service has been considering the purchase of the Heiser Spring tract in Wupatki National Monument since the fall of 1939. The plan seems to have started when the owners, Babbitt Bros., were reported to be negotiating for a sale to other private interests. The National Park Service was supposed to be interested in the particular tract because of the water, and to a certain extent because it wishes to eliminate the private land within the Monument.

Several attempts at appraisal by the Custodian have suggested that Babbitt Bros. were asking more than the tract was worth, as illustrated by the writer's analyses of the appraisals, and the added fact that several private interests have shown some interest in purchase but never completed the deals. Since 1943 this Service has considered a further plan to acquire the tract through a three-way trade of other Federal land, but Babbitt Bros. want land which is not open to entry. During the past few months this Service has considered the alternative of trading an outlying parcel of the Monument.

Early in March the Acting Chief of Lands and former Custodian Van Cleave called to discuss the matter with me, offered certain data, and requested that I try to make an appraisal to support a water value of $5,000 for the Heiser Spring in order that it could be purchased with water rights funds. The following comments are based on all data immediately available to the writer. They indicate that the water value is insufficient to justify purchase, although it might be used as a supplemental value in a land purchase, or trade, if there are other justifications for acquisition as a pure land matter.

By memorandum of September 28, 1939, Superintendent Pinkley advised that the Babbitt Bros. price had formerly been $10,000, but that they were then reported to be asking $7,500. Custodian Jones appraised the tract on September 8, 1940, at $2,444, giving considerable intangible value, and stating that the appraisal involved submarginal land. After my analyses, Mr. Jones prepared a revised appraisal, dated April 23, 1941, showing a value of $3,044, of which $2,500 was for water right to a spring with an estimated flow of 3,000 gallons

Not sent to field.
See Acting Director's memo of June 14, 1946.

per day. The later appraisal also indicated submarginal land, but Mr. Jones raised its value, without satisfactory explanation, from $80 for the 160 acres, as shown in the first appraisal, to $480 for the same area.

By letter of June 21, 1941, to Superintendent Miller, Mr. John G. Babbitt indicated that he had signed an option to sell the tract to the United States for $3,500, and that this was the lowest price he could consider. There was, therefore, a difference of $456 between the demand and Federal bid -- a matter of 15%. Apparently that option has now lapsed and Babbitt Bros. have again raised their price to $5,000, an increase of 43%, which is not entirely out of line with other postwar prices if there was a value of $3,500 in 1941.

It has been pointed out, however, that the Federal appraisal of $3,044 included $2,500 for rights to 3,000 gallons of water per day. By memorandum of November 4, 1940, Custodian Jones advised that Heiser Spring produced only 1,332 gallons per day during the preceding December, January, and February, and an adjacent seep produced about 200 gallons per day to bring the total to about 1,500 gallons per day. By memorandum of January 29, 1941, Acting Superintendent Richey submitted a revised appraisal by Mr. Jones to the Water Rights Division, in which Mr. Jones advised that the flow of Heiser Spring had varied between 1,100 and 1,375 gallons per day during the two preceding years--except in the summer when it dropped to 600 gallons per day.

On this basis, the water rights are not worth more than 11/30 of $2,500 as an annual average, and not more than 6/30 of $2,500 to this Service for the summer tourist season. To this Service, therefore, the evidence suggests that the appraisal should be reduced by $2,000 for low spring flow, from $3,044 to $1,044. If the land value was also inflated at $3 per acre and the original appraisal of $0.50 was nearer the truth, then the appraisal should be reduced by another $400 to a total of only $644. If we then accept the postwar rise in prices of 43%, the present value would be $921, or 20% of the $5,000 now being asked.

Messrs. Richey and Van Cleave pointed out that the price should be compared with the cost of obtaining other sources of water supply. By memorandum of October 9, 1940, Mr. Richey advised that the Wupatki Spring, which now constitutes the sole supply for the Monument development, had a flow of only 500 gallons per day. This is about enough for a ranger and his family, but the addition of 600 gallons per day from Heiser Spring, two miles away, will not permit any appreciable increase in public use. It would be about adequate for 40 people who might spend a couple of hours at the site, or it would be sufficient

for about 17 overnight campers. It would not be sufficient for even a small utility area where motor cars might be washed, or for any type of lodge development. In other words, neither spring is worth the probable cost of development and distribution.

Drawing NM-WUP-6976, Sources of Water, indicates the alternate sources of supply which might be provided. The well of J. Dimont, on Deadman's Wash near the Little Colorado River in the Monument, is reported to deliver 15 gallons per minute, or 21,600 gallons per day, from a depth of 800 feet and half a mile from the river. The depth and distance from the Little Colorado River suggest that this well may be drawing on the underground flow of the river and that a shallower well close to the river would also serve. Little is known about the size of the well or the pump capacity, but there is sufficient to suggest that this Service might sink one, or more, wells on its own land along the river and pump an adequate supply to the developed area 6 miles away.

In his memorandum of November 4, 1940, Mr. Jones advised that the river was little more than a series of pools at certain seasons of the year, but the existence of surface pools suggests considerable underground storage. With 1939 prices, a 3" pipe to deliver 25,000 gallons per day would cost approximately $25,000. A 2" pipe would be ample, and would cost only about half as much, but a more expensive pump would be required because of the increase in friction head from about 75 feet to 450 feet. The well and pump should cost between $2,500 and $10,000, depending on the depth. At the higher figure, the total cost of 25,000 gallons per day would be about $35,000. The pro rata cost of 600 gallons per day would be about $840. The cost of 1,100 gallons per day would be $1,540. The value of the Heiser Spring should then be between $840 and $1,540, less the cost of developing it.

In our recent discussion, Mr. Richey advised that the Babbitt Bros. well at the terminus of their 12-mile pipe line was 1,100 feet deep, and that the quantity and quality were unknown. From Mr. Jones' memorandum of November 4, 1940, it is also evident some of the other wells and springs shown on drawing NM-WUP-6976 are salty while others are potable. Before purchasing a spring the size of Heiser, or running 5 miles of pipe from the river, therefore, there is need for a complete geological analysis of the water-bearing veins in the area. It might be that a deep well could be drilled near the Wupatki headquarters and thus eliminate $25,000 of the cost of the aforedescribed water system.

From the discussion, too, it appears that Babbitt Bros. obtain a fairly suitable and adequate water supply from their 12-mile pipe line, diverting from some source on the slopes of the San Francisco

Mountains. We also gather that the Town of Flagstaff obtains its water from the same mountains. It is also understood the pipe line does not provide sufficient head, from its lower terminus at least, to permit extension across the intervening washes and ridges to the Monument. The available data are just sufficient to arouse curiosity as to the possibilities of bringing a gravity water supply to the Monument from the mountains. A complete report on such a system should be made before we consider paying five times the value for the inadequate supply from Heiser Spring.

Mr. Richey also suggested the value of a local spring would be greater because of the high price of hauling water as an alternate. He advised that the Flagstaff water supply was already inadequate for the demand and that those now hauling water from the railway siding at Flagstaff were paying from $2.20 to $2.90 per 1,000 gallons delivered to a distance of 25 miles. The distance from Flagstaff to Wupatki National Monument is approximately 50 miles. The cost of hauling water 50 miles is not necessarily twice the cost of hauling it 25 miles. Besides, the quantity of water to be hauled is important when comparing the total cost with the alternate cost of a pipe line.

Attendance at Wupatki National Monument was 4,153 in 1941. With the present plans of development, their maximum water needs should not have exceeded 35 gallons per capita, or a total of 145,355. A ranger and his family should not require more than 250 gallons per day or 91,250 gallons for the year. The total demand that year, therefore, would have been about 236,605 gallons. The Wupatki Spring, with a flow of only 500 gallons per day, would provide 182,500 gallons if storage were adequate, and the amount to haul would not exceed 54,105 gallons. Even at $5 per 1,000 gallons, the hauling charge would have been only $270.53 for the year.

Actually, the public demand will probably be nearer 15 gallons per capita under proposed developments, so that the total demand for the year would have been only 153,545 gallons. Of this, the ranger would have been able to supply his 91,250 gallons from daily flow with a 250-gallon regulatory tank, and seasonal storage of about 62,295 gallons should have been provided for the public. All of this could have been provided from the flow of the Wupatki Spring. The need for hauling water, or providing an additional supply depends on more extensive accommodations than are planned, or on at least a 30% increase in attendance, and it will not be necessary to haul 54,000 gallons per year until the 1941 attendance is doubled.

The first need for the area, therefore, seems to be a reservoir of about 75,000-gallon capacity, at a cost of approximately $6,000. When an annual hauling charge of $270.53 is reached, it will be

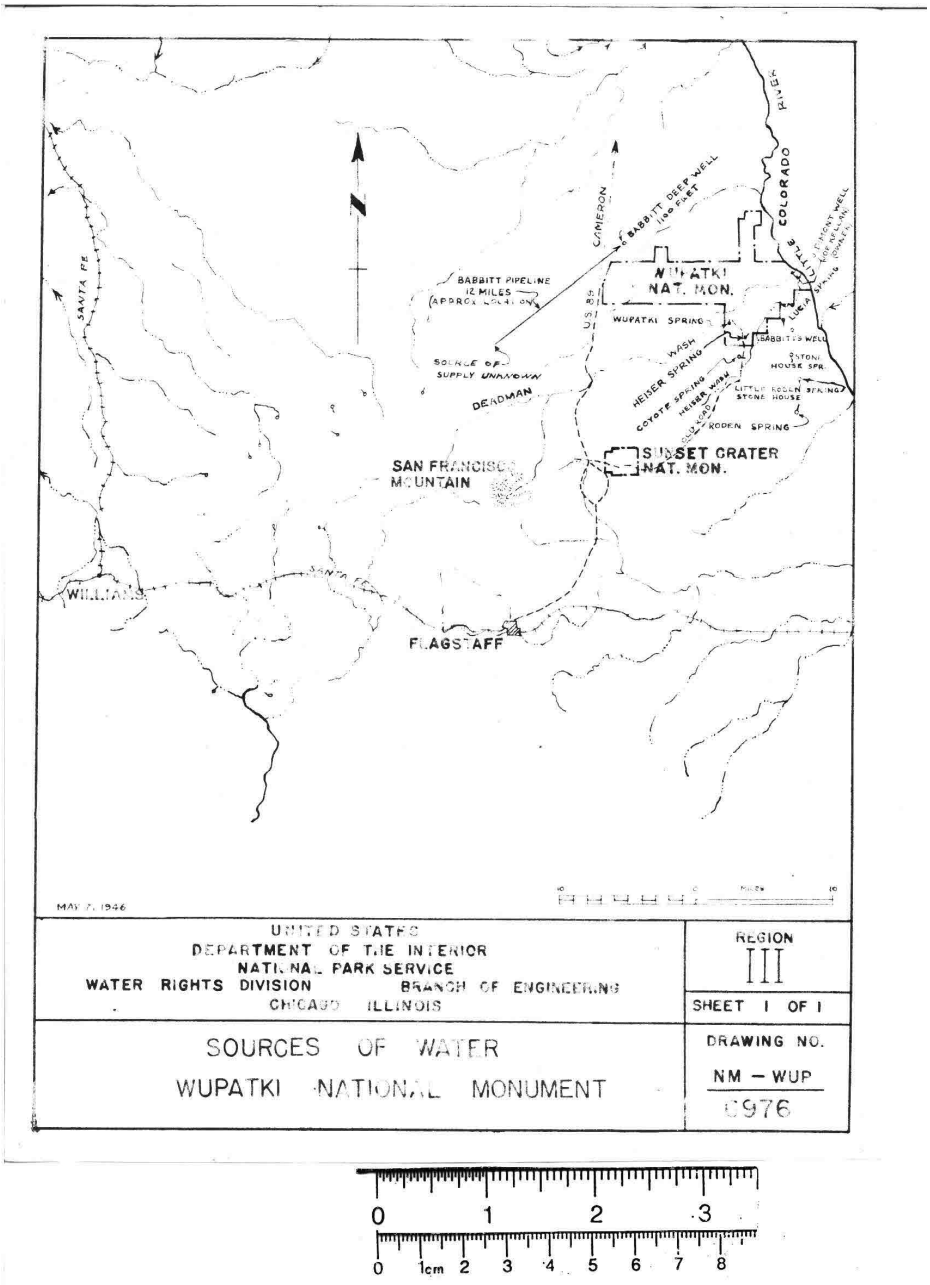
economical to substitute a local water system costing approximately $5,410.60. This cost should include water rights, spring or well development, pipe and pump, and any land which may be needed. It is to be expected that the well, or spring development, piping, and pump will cost at least $2,500. It follows that not more than $3,000 should be paid for land and water rights of the type Babbitt Bros. have to offer.

From this discussion, it seems evident that the Heiser Spring is not now needed for water supply, and it is certainly premature to buy it for that purpose at any inflated price. The first problem is to make an adequate study of the potential water need and alternate sources of supply, and prepare a justification and estimate of the cost of the necessary development. The acquisition of land or a spring should be included in such considerations only if they are real factors. Otherwise, they become a land problem. The immediate need for the Heiser Spring tract is not apparent except to eliminate the private land within the Monument.

G. O. and Dean

Chief, Water Rights Division.

05-07-1946: map of the sources of water in wupatki n.m.



04-17-1941: memorandum to the regional attorney from the regional director regarding the appraisal of the wupatki water system

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

RCVD. APR 19 1941

April 17, 1941.

Memorandum for Regional Attorney Joseph E. Taylor:

I am afraid Mr. Dunn is undoing some of my work in the Southwestern Monuments by again questioning Custodian Jones' appraisal on the Wupatki water system by asking Assistant Attorney Sroaf to contact him with a view to an amended appraisal. From my conversations with Custodian David J. Jones over a period of a day and a half, I cannot see very well how he could add anything to the last appraisal he has made without more technical knowledge of such a subject as Mr. Dunn possesses.

In going over the matter with Superintendent Hugh Miller previous to my visit to Wupatki, it was deemed advisable by both of us to disregard the detailed analysis at long range by a technician like Mr. Dunn, and also the rather illogical figures of Custodian Jones which attempted to establish a speculative value. In Mr. Miller's opinion and my own, we certainly need that water of Heiser Springs. The supply from Wupatki Spring is quite inadequate even when they have a stub camp of 25 boys of the CCC in the monument. It is even inadequate when they have an influx of holiday visitors. The roads are extremely bad at this time, and a slight improvement of the road would entail an influx of visitors from either Highway 66 or from the Grand Canyon area. That influx of visitors will be coming to the monument and to Sunset Crater adjoining in a very short time, as the roads are about to be improved.

The Heiser Spring has ample flow to supply the visitors to the two monuments who will come in the future on the same road. The Heiser Spring is undeveloped and practically abandoned now, and of course if we took cognizance of the constitutional provisions of Arizona or California with regard to the beneficial use of water the owners of this worthless land should be paid nothing for the water which they are not using, but inasmuch as those owners are likely to sell to one of several parties the water together with the half section of land on which it is situated for $7500, the asking price, I think it would be very wise on the part of the Government to acquire this water at the highest appraisal we can

maintain, which should be somewhere between $4,000 and $5,000. The owners of this land happen to be Babbitt Brothers who are the largest taxpayers in the county and own more land than anybody else there -- own practically the whole town of Flagstaff with nearly all the business therein contained.

Although they have donated the use of some of their land for use of CCC camps, I don't suppose they can be persuaded to donate anything that they could sell to other parties for several thousand dollars, because water is at a premium there for stock raising and sheep herding. It is unlikely also that they would be very much interested in an attempt to jew them down to a trifling figure such as might be suggested from some of Dunn's appraisal figures. We do not even dare mention to them or allow any discussion to take place in one of their hotel lobbies as to the possibility of the Government buying this water.

It is probable that Hugh Miller, coming from a great distance like the southern part of Arizona, would be the best party to negotiate an option with them. We have a like problem at Organ Pipe Cactus National Monument, of which I will write you more anon.

Albert G. Ruhe
Associate Attorney.

Encl.

04-12-1941: memorandum to the regional director from the hydraulic engineer regarding the wupatki water problem

C O P Y

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

April 12, 1941.

MEMORANDUM for the Regional Director, Region Three.

During my visit the past day, I have discussed the Wupatki water problem with Associate Engineer Hamilton and Assistant Attorney Sroaf pointing out that Custodian Jones has made several appraisals of the Heiser Springs and in each case setting the value slightly above the amount justified in his descriptive matter, as far as I could determine as one who had not actually seen the area. As far as I can determine a definite justification has been developed for a price of about $1300 or $1400 and the actual value may be as high as $2000 if slightly more justification were properly developed. The last value given by Mr. Jones was above that--somewhere in the neighborhood of $2500.

The Water Rights Section has funds for the purchase of the springs if satisfactory appraisal and contract can be arranged, and it would be nice if we could do so within the current fiscal year. I understand that Mr. Sroaf will be at Walnut Canyon National Monument about April 17, and I wonder if he could not stop in and assist in the preparation of the final appraisal for Wupatki National Monument if it is not yet completed and perhaps explain a little more in detail than I have been able to do in writing the objection of the Director and Solicitor to the introduction of "speculative value" which is not backed by sound real value.

A. van V. Dunn,
Hydraulic Engineer.

cc: Superintendent Miller.
Regional Attorney, Region Four.

02-05-1941: memorandum to the superintendent from the director regarding wupatki water supply

February 5, 1941.

Memorandum for Superintendent Miller,
Southwestern National Monuments:

We have been having considerable correspondence with the Custodian of Wupatki National Monument and yourself, as you know, with reference to the various appraisals made by him and Mr. Dunn for the acquisition of a water supply at that monument. I note from the latest Southwestern Monuments report this statement concerning the water at Wupatki which is quoted from Custodian David J. Jones:

> "While Heiser Spring is considered to be the most constant flowing source of water in this region, it should produce from 1200-1400 gallons per day during the winter. This fall it did not increase from the normal summer output and at present it is producing only 750 gallons per day. The cause for this might be the spotty summer rains or defect in the catchment basin; this will be investigated when time permits. Wupatki Spring, on the other hand, is flowing better than ever."

On account of the expected early inquiry from our Washington Office as to the disposition of the remaining funds for acquisition of water rights during the current fiscal year, we desire the determination of the Wupatki appraisal at the earliest possible date. If we can agree on that appraisal and forward it to Washington this month, we may have our funds obligated there prior to the determination of what we will need in California and elsewhere.

If it is necessary to come to some conclusions with you immediately, the writer can make a trip to Coolidge and confer with you this month. Neither Mr. Dunn nor myself have been in the Southwest for the last three years, and there are several other problems there with reference to water rights on which you may wish to confer with us. There is still the determination of what you are going to do with reference to the Organ Pipe Cactus water supply, the present status of Montezuma Castle application, the Saguaro situation, and one or two others. Will you let us know as soon as possible your opinion on these matters?

cc: Director.
Reg. Director, Reg. III.
Custodian, Wupatki Nat. Mon.
Reg. Atty. Taylor.
Associate Attorney.

FILE COPY

ALJ:SH

01-29-1941: memorandum to the associate attorney from the acting superintendent regarding the heiser spring tract

1/31/41

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

January 29, 1941

Memorandum for Associate Attorney Johnson:

There is enclosed a signed copy of the revised appraisal of the Heiser Spring tract, Wupatki National Monument, which has been prepared by Custodian Jones. As requested in your memorandum of January 4, a copy of Mr. Jones' appraisal of September 8, 1940, is enclosed for your file.

Charles A. Richey
Acting Superintendent

Encl.
cc: Custodian Jones
The Director
Regional Director, Region III
Regional Attorney Taylor

00-00-0000: appraisal sheet

APPRAISAL SHEET

Date.....

Present Owner CO Bar Livestock Company, Flagstaff, Arizona

Tract No. 1 Acres 160

Location W½ of SW¼ and S½ of NW¼. Section 32, T. 25 N., R. 10 E., G. & S. R. M.

A. Land

1. Cleared

(a) Under cultivation ..... Acres @ $..... per Ac. $.....

(b) Uncultivated ..... Acres @ $..... per Ac. .....

2. Uncleared Land

(a) Timber Land ..... Acres @ $..... per Ac. .....

(b) Brush and cut over Land 160 Acres @ $ 0.50 per Ac. 80.00

Total Value of Land $ 80.00

B. Improvements - Present value

1. Dwelling or dwellings $.....

2. Outbuildings .....

3. Fences 64.00

4. Other tangible values 2781.00

Total value of improvements $ 2845.00

Total value of land 80.00

Total value of property 2925.00

Remarks Other tangible values are:

Summer water supply	$600.00
Winter water supply	341.00
Damage to 3680 acres of adjacent land by severance of essential water supply	1840.00

Prepared by David J. Jones
David J. Jones
Custodian

90607

Heiser's Springs Tract

Location

The tract under consideration consists of 160 acres which is on the southern boundary of Wupatki National Monument about 1½ miles SE of Wupatki Ruin. Locally it is known as Heiser's Spring or Ranch.

Status

The land is owned by the CO Bar Livestock Company of which Mr. John Babbitt of Flagstaff, Arizona, is the land manager. Records of the County Recorder indicated that land was patented by Charles W. Heiser in 1912. After a series of transfers it became the property of the present owners in 1923. In 1938 it was mortgaged by the owners to the Arizona Livestock Production Credit Association along with other lands for $89,200.00. This mortgage was due on November 9, 1939, but there is no indication in the county records that it has been released.

Description

The land is situated at the base of Woodhouse Mesa where the rolling grasslands break down into the eroded edge of the Painted Desert. Black cinders from the eruption of Sunset Crater have been piled by the winds to form a heavy mantle over the Moencopi sandstone and the red clay soils. The resultant vegetation is a scattered growth of Apache Plume, Joint fir, Saltbush, Rabbit brush, and Buckwheat.

Formerly there was a ranch house and corrals, but these were destroyed before the area was included in Wupatki National Monument. The CO Bar Livestock Company grazed cattle in this region until 1935, using the water from Heiser's Spring. During this period the water was piped to several large metal tanks, but in 1936 the owners removed the pipeline and the spring became nothing more than a puddle. Today the only vestige of the past improvements is 1½ miles of juniper fence posts, along ½ mile of which is two strands of barbed wire in poor condition. Whereas in the past this property was assessed at $576, today its assessed valuation is the same as that of any other grazing lands- 75¢ per acre. In 1939 the spring was leased free of charge by the National Park Service and a 1200 gallon concrete tank was constructed to store the water for a nearby CCC Side Camp.

There are two springs on the tract. Heiser's Spring is the more important of the two and is the best and most constant flowing source of water in the region. Although somewhat above normal in hardness, it is very satisfactory for drinking purposes. During the past year it has produced from 1100 to 1375 gallons per 24 hours, except during the summer when it decreased to 600 gpd for three months.

The small spring or seep in the southern part of the tract was apparently utilized in the past, but whatever improvements were made have been removed. While it is not possible to check the flow, it is estimated that it would furnish about 200 gpd during the winter months and decrease to practically nothing in the summer.

This tract has been appraised from the following standpoints: grazing value, commercial possibilities, and severance value, each of which are presented in the order given.

Grazing values

From a grazing standpoint the tract of land, including the springs and the remaining fence, are appraised as follows:

160 acres at 50¢	$80.00
Fence, 1½ miles	64.00
Heiser's Spring and seep	341.00
Severance or damage value of additional adjacent 3680 acres	1840.00
Total	$2325.00

The land is not particularly suitable for grazing purposes, but it has been used in the past because water was available and this is a country of very little water. Within the vicinity of the spring reliable estimates indicate a range capacity of not more than 6¼ head of cattle per section per year. Better grazing lands with a year long capacity of at least 15 head per section are more than two miles away from the spring. The land is suitable for winter use only, say for the months of December, January, and February.

There are several limitations to the extent of grazing possible in the area under consideration and its immediate vicinity. (1) Range capacity is determined more by the amount of water available than the amount of vegetation. Even in the winter the combined flows of Heiser and the seep would not produce more than 1500 gallons per day, which allows a herd of not more than 150 head of cattle. (2) The cattle would naturally tend to feed toward the better grazing lands and thus would gradually increase the distance they had to walk from water to feed. This is not conducive to fattening. (3) In the cinder covered areas the balance of nature is easily upset by intensive use. The Forest Service has found that it takes the vegetation much longer to "come back" in the cinder areas than where there is a more consolidated soil.

Probably the owners used water not only from Heiser's Spring, but from the nearby Coyote Spring as well. The latter has been known to flow at least 1200 gpd in January, and Mr. Bert Babbitt, who has the water rights, states that its flow is comparable to that of Heiser. By making use of water from Coyote Spring it would be possible to double the size of one's herd. On the basis of a statement by Mr. Babbitt

that herds of less than 250 head are not profitable, this appraisal is based on the assumption that any interested stockman would buy Coyote Spring as well, and enough land to feed all stock watering at both springs.

Since Coyote Spring could also be included with other springs to the east, there is no reason to have to buy it to acquire the Heiser Spring, but in either case the acquisition of one of the springs will prevent all further grazing on at least 6 sections (3840 acres). The value of the 160 acre Heiser Ranch thus becomes the value of that land with improvements, the full stock watering value of the spring and seep, and severance or damage value to an additional 3680 acres which can no longer be grazed because of lack of essential water. This severance value is here assumed at the value of the land if purchased with the springs, or 50 cents per acre.

Basis for the Appraisal of the Land for Grazing Purposes

A value of from 50¢ to 75¢ per acre can be set on the lands on the basis of sales of similar lands and appraisals of like lands by other agencies. For this particular 160 acres a value of 50¢ per acre was chosen, by comparison with the following:

(1) The A. T. and S. F. Railroad is reported to have sold similar lands of higher grazing value for 75¢ to $1.25 per acre in the vicinity of Holbrook and Kingman, Arizona.

(2) Forest lands nearby which support more than three times as many cattle are valued at $1.50 per acre. Appraisals of the cinder covered areas by the Forest Service have estimated the value of such land at 50¢ per acre.

(3) Similar State lands are reported to have a grazing fee of $17 per section per year. Capitalizing this figure at 4% to 6% establishes a value of from 45¢ to 60¢ per acre.

(4) Several competent local men who are conversant with cattle raising have expressed the following opinion: That even if one paid only fifty cents per acre for the land and could graze only 6¼ head per year per section, it would take a mighty long time to get a return on the investment.

Basis for the Appraisal of Developments

As has been noted already the only remains of the former developments is 1½ miles of fence of which only a half mile has barbed wire. A value of $64 was set by comparison with other local appraisals of similar fence.

Basis for the Appraisal of Heiser Spring and Seep from Grazing Viewpoint

The value of Heiser Spring and the seep for grazing purposes is placed at $800.

One method used by the Forest Service for obtaining an indication of the value of a spring under these circumstances is as follows: It has been established that one cannot profitably have an investment in any one year of more than $58 to $70 per head. Thus the total investment in any given range can be determined. In this case it would not be profitable to make an investment of more than ¼ of $70, as the range is used for only three months. By deducting the value of the lands grazed by the cattle from the total investment one arrives at a valuation of the 160 acres of land, the springs, and any developments that are necessary. Note: the yearlong grazing capacity of the lands is estimated at 6¼ head per section, but for a three month period the capacity per section would be 25 head. Thus it would require 6 sections for the herd on which a value of 50¢ per acre has been set.

0.25 x $70 x 150 head equals $2625 (total investment)
$320 x 6 sections equals---- $1920 (value of lands grazed -- includes 160 acres)
$2625 minus $1920 equals---- $ 705 (value of springs and developments)

The valuation arrived at can be divided as follows:

$64 (value of existing fence)
$300 (water tanks and spring connections needed for grazing)
$341 (value of springs)
$705

The value of tanks does not now exist and must be deducted from purchase value. It is then necessary to add the $80 for the 160 acres of land being purchased and severance value to the other 3680 acres or $1840, bringing total appraisal to $2325.

It is considered that $341 represents the minimum value of the spring from a grazing standpoint and for a maximum it is not unlikely to be valued at $2000. A cattleman will pay what seems to be a very unreasonable price for a spring merely to control the range so as to take advantage of free public domain and to eliminate the need for fencing. It is reported that a local cattleman paid $5000 for a similar spring near Prescott, Arizona, not because he needed water but to control the range.

Commercial Value

The commercial values of the Heiser Springs tract are purely potential, but nevertheless very real.

Wupatki, along with Sunset Crater National Monument, is situated to the east of U.S. Highway 89 between Grand Canyon National Park and U.S. Highway 66. These two areas have an interesting story in common. Sunset Crater erupted in the 9th century A.D. and covered more than 800 square miles with fine volcanic cinder. The cinder made farming possible on a large scale for the first time and resulted in a prehistoric Indian land rush. Wupatki is one of the most spectacular and easily accessible ruins in northern Arizona. During the summer season of 1940, 1952 persons visited the Monument, as compared to an estimated 10,000 at Sunset Crater. When the proposed loop-road from Highway 89 to Wupatki, connecting with Sunset Crater and back out to the highway again is completed, it is not unreasonable to assume that 5000 to 10,000 persons will visit the Monument.

When travel is accelerated through the development of roads, there will arise the problem of providing facilities for these people. There will not be sufficient water at Wupatki to provide even an overnight camp, as Wupatki Spring decreases in flow to 350 to 450 gpd during the heavy travel season. The only place where sufficient water is available is at Heiser Spring.

It is thought that the requirements on the part of visitors will be somewhat as follows: Eating facilities, a campground with space for trailers, and possibly a few overnight cabins. Wupatki National Monument is situated with regard to Grand Canyon and towns on Highway 66 in such a manner that there is a concentration of visitors at noon and in the late afternoon or early evening. It is thought that the development of roads will not change the hours of visitor concentration. Already visitors inquire about meals and accommodations. At present they are available only at Cameron and Flagstaff, Arizona, both of which are forty miles away.

Several individuals have approached the owners in the past few years with the idea of buying the property and establishing a small trading post in connection with accommodations. It was their idea to eke a living from the Navajo Indians until Wupatki National Monument was developed. Since the establishment of a trading post about fifteen miles east and another about the same distance to the west it would not be profitable to have a trading post at Heiser. However, when the anticipated monument attendance materializes, a resort at Heiser Spring would have many advantages over the more remote trading posts now existing.

By memorandum to Superintendent Miller of November 15, 1940, Hydraulic Engineer A. van V. Dunn indicated that an investment of $11,200 for such a resort could be estimated to produce a profit sufficient to set an additional value of $600 in the spring if the resort were operated by the same man who ran stock in winter. This estimated value seems to be conservatively low as this use has been considered by several in the past few years who have at least temporarily abandoned plans to buy, chiefly because of the high price of $7500 previously asked for the tract and the uncertain immediate profit while relying so largely on Indian trade. That is, these potential buyers would probably be interested if offered the tract at the estimated value.

Value to the National Park Service

(1) Heiser's Spring supplies an adequate source of domestic water for use at Wupatki Ruin, if Wupatki Spring should fail or not prove adequate for future needs. While there is no indication that Wupatki Spring will fail, it is quite erratic in its flow. In 1932 it was necessary for the archeological expedition working on Wupatki Ruin to haul water from Heiser's Spring.

(2) It is a possible location for the development of facilities for visitors that cannot be provided at Wupatki Ruin when travel is accelerated through the development of roads. It is to the Park Service advantage to acquire it to permit supervised development and prevent objectionable types of private development.

David J. Jones
Custodian

09-08-1940: appraisal sheet

69691

APPRAISAL SHEET

Date September 8, 1940

Present Owner CO Bar Livestock Company, Flagstaff, Arizona

Tract No. 1 Acres 160

Location Gila and Salt River Meridian; W½ of SW¼ and S½ of NW¼, S32, T25N, R10E

A. Land

1. Cleared

(a) Under cultivation ..... Acres @ $..... per Ac. $.....

(b) Uncultivated ..... Acres @ $..... per Ac. .....

2. Uncleared Land

(a) Timber Land ..... Acres @ $..... per Ac. .....

(b) Brush and cut over land 160 Acres @ $ .50 per Ac. $80.00

Total Value of Land $ 80.00

B. Improvements - Present value

1. Dwelling or dwellings $.....

2. Outbuildings .....

3. Fences $64.00

4. Other tangible values $2300

Total value of improvements $ 2364.00

Total value of land 80.00

Total value of property $2444.00

Remarks See attached fly sheets.

Prepared by David J. Jones

David J. Jones, Custodian

00-00-0000: summary of appraisal of heiser's spring property

Summary of

Appraisal of Heiser's Spring Property

On the basis of the data included in the following report the property under consideration has been appraised at the following prices:

160 acres of grazing land at 50¢@----------	$80.00
Developments (fence)----------	$64.00
Heiser's Spring and Seep	
Grazing value----------	$800.00
Commercial value----------	$1000.00
Nuisance value----------	$500.00
	$2444.00

Heiser's Springs Tract

Location

The tract under consideration consists of 160 acres which is on the southern boundary of Wupatki National Monument about 1½ miles SE of Wupatki Ruin. Locally it is known as Heiser's Spring or Ranch.

Status

The land is owned by the CO Bar Livestock Company of which Mr. John Babbitt of Flagstaff, Arizona, is the land manager. Records of the County Recorder indicated that land was patented by Charles W. Heiser in 1912. After a series of transfers it became the property of the present owners in 1923. In 1938 it was mortgaged by the owners to the Arizona Livestock Production Credit Association along with other lands for $89,200.00. This mortgage was due on November 9, 1939, but there is no indication in the county records that it has been released.

Description

The land is situated at the base of Woodhouse Mesa where the rolling grasslands break down into the eroded edge of the Painted Desert. Black cinders from the eruption of Sunset Crater have been piled by the winds to form a heavy mantle over the Moencopi sandstone and the red clay soils. The resultant vegetation is a scattered growth of Apache Plume, Joint fir, Saltbush, Rabbit brush, and Buckwheat.

Formerly there was a ranch house and corrals, but these were destroyed before the area was included in Wupatki National Monument. The CO Bar Livestock Company grazed cattle in this region until 1935, using the water from Heiser's Spring. During this period the water was piped to several large metal tanks, but in 1936 the owners removed the pipeline and the spring became nothing more than a puddle. Today the only vestige of the past improvements is 1½ miles of juniper fence posts, along ½ mile of which is two strands of barbed wire in poor condition. Whereas in the past this property was assessed at $576, today its assessed valuation is the same as that of any other grazing lands- 75¢ per acre. In 1939 the spring was leased free of charge by the National Park Service and a 1200 gallon concrete tank was constructed to store the water for a nearby CCC Side Camp.

There are two springs on the tract. Heiser's Spring is the more important of the two and is the best and most constant flowing source of water in the region. Although somewhat above normal in hardness, it is very satisfactory for drinking purposes. During the past year it has produced from 1100 to 1375 gallons per 24 hours, except during the summer when it decreased to 600 gpd for three months.

The small spring or seep in the southern part of the tract was apparently utilized in the past, but whatever improvements were made have been removed. While it is not possible to check the flow, it is estimated that it would furnish about 200 gpd during the winter months and decrease to practically nothing in the summer.

This tract has been appraised from the following standpoints: grazing value, commercial possibilities, and ~~nuisance value~~ severence valbe, each of which are presented in the order given.

Grazing values

From a grazing standpoint the tract of land, including the springs and the remaining fence are appraiseed as follows:

160 acres at 50¢@ ----------	$80.00
fence, 1½ miles----------	64.00
Heiser's spring and seep-------~~800.00~~ 341	
severence or damage value of additional adjacent 368 acres ~~$944.00~~ 1840	
total	$2325

The land is not particularly suitable for grazing purposes, but it has been used in the past because water was available and this is a country of very little water. Within the vicinity of the spring reliable estimates indicate a range capacity of not more than 6¼ head of cattle per section per year. Better grazing lands with a yearlong capacity of at least 15 head per section are more than two miles away from the spring. The land is suitable for winter use only, say for the months of December, January, and February.

There are several limitations to the extent of grazing possible in the area under consideration and its immediate vicinity. 1) Range capacity is determined more by the amount of water available than the amount of vegetation. Even in the winter the combined flows of Heiser and the seep would not produce more than 1500 gallons per day, which allows a herd of not more than 150 head of cattle. 2) The cattle would naturally tend to feed toward the better grazing lands and thus would gradually increase the distance they had to walk from water to feed. This is not conducive to fattening. 3) In the cinder covered areas the balance of nature is easily upset by intensive use. The Forest Service has found that it takes the vegetation much longer to "come back" in the cinder areas than where there is a more consolidated soil.

Probably the owners used water not only from Heiser's Spring, but from the nearby Coyote Spring as well. The latter has been known to flow at least 1200 gpd in January, and Mr. Bert Babbitt, who has the water rights, states that its flow is comparable to that of Heiser. By making use of water from Coyote Spring it would be possible to double the size of one's herd. ~~However, this is incidental to the appraisal~~ of Heiser, except that it is considered that a person cannot make profit running a herd smaller than 250 head. To evaluate this with regard to Heiser is an impossibility insofar as the appraiser is concerned. Since

it is considered to be negligible under the circumstances, it has not been considered.

Further evidence that the land is of poor quality for grazing is the fact that it has not been used by the owners for the past four years. In explanation Mr. John Babbitt once stated that they had found that the cattle did not put on weight after the first month or so, and it did not pay to move them in for such a short period of time. It is probably that they will not use this land again, except under unusual circumstances, as they recently completed a 17 mile pipeline from Cedar Ranch to better grazing lands north of the Monument.

Basis for the Appraisal of the Land for Grazing Purposes

A value of from 50¢ to 75¢ per acre can be set on the lands on the basis of sales of similar lands and appraisals of like lands by other agencies. For this particular 160 acres a value of 50¢ per acre was chosen, by comparison with the following:

1) The A.T. and S.F. Railroad is reported to have sold similar lands of higher grazing value for 75¢ to $1.25 per acre in the vicinity of Holorook and Kingman, Arizona.

2)Forest lands nearby which support more than three times as many cattle are valued at $1.50 per acre. Appraisals of the cinder covered areas by the Forest Service have estimated the value of such land at 50¢ per acre.

3) Similar state lands are reported to have a grazing fee of $17 per section per year. Capitalizing this figure at 4% to 6% establishes a value of from 45¢ to 60¢ per acre.

4) Several competent local men who are conversant with cattle raising have expressed the following opinion: That even if one paid only fifty cents per acre for the land and could graze only 6¼ head per year per section, it would take a mighty long time to get a return on the investment.

Basis for the Appraisal of Developments

As has been noted already the only remains of the former developments is 1½ miles of fence of which only a half mile has barbed wire. A value of $64 was set by comparison with other local appraisals of similar fence.

Basis for the Appraisal of Heiser Spring and Seep from Grazing Viewpoint

The value of Heiser Spring and the seep for grazing purposes is placed at $800.

One method used by the Forest Service for obtaining an indication of the value of a spring under these circumstances is as follows: It has been established that one cannot profitably have an investment in any one year of more than $58 to $70 per head. Thus the total investment in any given range can be determined. In this case it would not be profitable to make an investment of more than ¼ of $70, as the range is used for only three months. By deducting the value of the lands grazed by the cattle from the total investment one arrives at a valuation of the 160 acres of land, the springs, and any developments that are necessary. Note: the yearlong grazing capacity of the lands is estimated at 6¼ head per section, but for a three month period the capacity per section would be 25 head. Thus it would require 6 sections for the herd on which a value of 50¢ per acre has been set.

0.25 x $70 x 150 head equals $2625 (total investment)
$320 x 6 sections equals---- $1920 (value of lands grazed)
$2625 minus $1920 equals---- $ 705 (value of ~~160 acres~~, springs and developments)

The valuation arrived at can be divided as follows:

~~$80 (value of 160 acres at 50¢)~~
$64 (value of existing fence)
$300 (water tanks and springs connections needed for grazing)
341 ~~$261~~ (value of springs)
~~$705~~

The above method of appraach is not intended to be absolute, since one cannot analyze all of the factors involved by mathematics. It is, however, an indication of the fact that it is only because of the spring that this land is used for grazing. The value of the water is not to be underestimated, but the owners have emphasized this point far beyond its actual value. They have made the statement that it is the only water available which is a misstatement.

It is considered that ~~$261~~ 341 represents the minimum value of the spring from a grazing standpoint and for a maximum it is not unlikely to be valued at $2000. A cattleman will pay what seems to be a very unreasonable price for a spring merely to control the range so as to take advantage of free public domain and to eliminate the need for fencing. It is reported that a local cattleman paid $5000 for a similar spring near Prescott, Arizona, not because he needed water but to control the range.

Commercial Value

The commercial values of the Heiser Springs tract are purely potential, but nevertheless very real.

Wupatki, along with Sunset Crater National Monument, is situated to the east of U.S. Highway 89 between Grand Canyon National Park and U.S. Highway 66. These two areas have an interesting story in common. Sunset Crater erupted in the 9th century A.D. and covered more than 800 square miles with fine volcanic cinder. The cinder made farming possible on a large scale for the first time and resulted in a prehistoric Indian land rush. Wupatki is one of the most spectacular and easily accessible ruins in northern Arizona. During the summer season of 1940,1952 persons visited the Monument, as compared to an estimated 10,000 at Sunset Crater. When the proposed loop-road from Highway 89 to Wupatki, connecting with Sunset Crater and back out to the highway again is completed, it is not unreasonable to assume that 5000 to 10,000 persons will visit the Monument.

When travel is accelerated through the development of roads, there will arise the problem of providing facilites for these people. There will not be sufficient water at Wupatki to provide even an overnight camp, as Wupatki Spring decreases in flow to 350 to 450 gpd during the heavy travel season. The only place where sufficient water is available is at Heiser Spring.

It is thought that the requirements on the part of visitors will be somewhat as follows: eating facilities, a campground with space for trailers, and possibly a few overnight cabins. Wupatki National Monument is situated with regard to Grand Canyon and towns on Highway 66 in such a manner that there is a concentration of visitors at noon and in the late afternoon or early evening. It is thought that the development of roads will not change the hours of visitor concentration. Already visitors inquire about meals and accomodations. At present they are available only at Cameron and Flagstaff, Arizona, both of which are forty miles away.

Several individuals have approached the owners in the past few years with the idea of buying the property and establishing a small trading post in connection with accomodations. It was their idea to eke a living from the Navajo Indians until Wupatki National Monument was developed. Since the establishment of a trading post about fifteen miles east and another about the same distance to the west it would not be profitable to have a trading post at Heiser. However, the only reason one was not established there long ago was that the owners asked $7500 for the property.

Any valuation placed on potential commercial possibilities under such conditions is highly speculative. However, I do not consider it unreasonable to set a valuation of $1000 for this purpose.

An analysis of the commercial value of the property was suggested by Hydraulic Engineer van Dunn of the Region IV Office. It is based on the assumption one would gross $60 per day during the 100 day summer season and would close in the wintertime. With an investment of $11,200 and annual expenses not exceeding $2,364 he placed a summer value of $600 on the spring, but stated that it could exceed $2000.

Nuisance Value

It is felt that the Heiser tract has a nuisance value of $500 to $3000, but for the present let $500 suffice. It is the most important private property within the Monument. If it is used for grazing purposes, cattle or sheep are continually straying onto the Monument. As a likely location for commercial development, it could become exceedingly embarassing to the National Park Service.

Value to the National Park Service

1) Heiser's Spring supplies an adequate source of domestic water for use at Wupatki Ruin, if Wupatki Spring should fail or not prove adequate for future needs. While there is no indication that Wupatki Spring will fail, it is quite erratic in its flow. In 1932 it was necessary for the archeological expedition working on Wupatki Ruin to haul water from Heiser's Spring.

2) It is a possible location for the development of facilities for visitors that cannot be provided at Wupatki Ruin when travel is accelerated through the development of roads.

3) It is a source of water for the sheep of the Navajo families living on the Monument, and toward whom the Service feels an obligation.

In closing it might be well to mention that the values established may seem rather high. It might also be pointed out that several misconceptions have been corrected, one being that the land in question has a value of $7500. Since there is so much opposition to the acquisition of more land by federal bureaus on the part of the citizens of Coconino county, it is thought that this property cannot be obtained for less than $2444. However, to wait until this opposition dies-if it ever does- defeats our purpose, as the value of the property increases with further development of Wupatki National Monument.

David J. Jones
Custodian

01-04-1941: memorandum to the superintendent from an associate attorney regarding the heiser spring appraisal

601 Sheldon Building
January 4, 1941

Memorandum for Superintendent Miller,
Southwestern Monuments:

We are returning the two copies we have of Mr. Jones' appraisal of the Heiser Spring tract at Wupatki, together with a copy of a memorandum to me from Mr. Dunn under date of January 3.

From a reading of Mr. Dunn's enclosed memorandum I cannot see how we can concur in an obligation of water rights funds for the acquisition of this water right based on indefinite values or speculative or nuisance values. If Mr. Jones' justification can be further reinforced by some severance or damage value, we will concur in appraisal and purchase values suggested by Mr. Dunn's memorandum. Otherwise Mr. Dunn and I both think that Mr. Dunn's earlier appraisal of $1400 is about the limit of our justification. As he explains in the enclosed memorandum, the "speculative value", if kept to $600 or less, is not speculation, but the measure of a real summer use which is acceptable; and by Mr. Jones' reference to a nuisance value he suggested the potential damage to the vendors of other grazing lands by the severance of water, which is also worthy of consideration. Mr. Dunn is, of course, only trying to help Mr. Jones by suggesting other acceptable values to raise the appraisal and is not sure that a damage value exists.

We suggest that Mr. Jones amend his appraisal to eliminate all speculative and nuisance considerations, and using only such portions of Mr. Dunn's draft as he wishes. This need not be returned to us again for approval, but we shall wish a copy for our file. We shall also wish a copy of the first two justifications which we are returning, when Mr. Jones has completed his final draft.

Associate Attorney.

Enclosure 1943985.
AvVD-ALJ:SH
cc: Director
Reg.Director, Reg. III
Custodian, Wupatki Nat. Mon.
Reg. Atty. Taylor

with drawing NM-WVP-6975

5 Copies of Mr. Dunn's appraisal and drawing No. NM-WVP-6975 mailed with this memorandum.

FILE COPY

APPRAISAL SHEET

Date.....

Present Owner CO Bar Livestock Company, Flagstaff, Arizona

Tract No. 1 Acres 160

Location W½ of SW¼ and S½ of NW¼, Section 32, T. 25 N., R. 10 E., G. & S. R. M.

A. Land

1. Cleared

(a) Under cultivation ..... Acres @ $..... per Ac. $.....

(b) Uncultivated ..... Acres @ $..... per Ac. .....

2. Uncleared Land

(a) Timber Land ..... Acres @ $..... per Ac. .....

(b) Brush and cut over Land 160 Acres @ $ 0.50 per Ac. 80.00

Total Value of Land $ 80.00

B. Improvements - Present value

1. Dwelling or dwellings $.....

2. Outbuildings .....

3. Fences 64.00

4. Other tangible values 2781.00

Total value of improvements $ 2845.00

Total value of land 80.00

Total value of property 2925.00

Remarks Other tangible values are:

Summer water supply	$600.00
Winter water supply	341.00
Damage to 3680 acres of adjacent land by severance of essential water supply	1840.00

Prepared by David J. Jones
Custodian

90607

Heiser's Springs Tract

Location

The tract under consideration consists of 160 acres which is on the southern boundary of Wupatki National Monument about 1½ miles SE of Wupatki Ruin. Locally it is known as Heiser's Spring or Ranch.

Status

The land is owned by the CO Bar Livestock Company of which Mr. John Babbitt of Flagstaff, Arizona, is the land manager. Records of the County Recorder indicated that land was patented by Charles W. Heiser in 1912. After a series of transfers it became the property of the present owners in 1923. In 1938 it was mortgaged by the owners to the Arizona Livestock Production Credit Association along with other lands for $89,200.00. This mortgage was due on November 9, 1939, but there is no indication in the county records that it has been released.

Description

The land is situated at the base of Woodhouse Mesa where the rolling grasslands break down into the eroded edge of the Painted Desert. Black cinders from the eruption of Sunset Crater have been piled by the winds to form a heavy mantle over the Moenkopi sandstone and the red clay soils. The resultant vegetation is a scattered growth of Apache Plume, Joint fir, Saltbush, Rabbit brush, and Buckwheat.

Formerly there was a ranch house and corrals, but these were destroyed before the area was included in Wupatki National Monument. The CO Bar Livestock Company grazed cattle in this region until 1935, using the water from Heiser's Spring. During this period the water was piped to several large metal tanks, but in 1936 the owners removed the pipeline and the spring became nothing more than a puddle. Today the only vestige of the past improvements is 1½ miles of juniper fence posts, along ½ mile of which is two strands of barbed wire in poor condition. Whereas in the past this property was assessed at $576, today its assessed valuation is the same as that of any other grazing lands- 75¢ per acre. In 1939 the spring was leased free of charge by the National Park Service and a 1200 gallon concrete tank was constructed to store the water for a nearby CCC Side Camp.

There are two springs on the tract. Heiser's Spring is the more important of the two and is the best and most constant flowing source of water in the region. Although somewhat above normal in hardness, it is very satisfactory for drinking purposes. During the past year it has produced from 1100 to 1375 gallons per 24 hours, except during the summer when it decreased to 600 gpd for three months.

The small spring or seep in the southern part of the tract was apparently utilized in the past, but whatever improvements were made have been removed. While it is not possible to check the flow, it is estimated that it would furnish about 200 gpd during the winter months and decrease to practically nothing in the summer.

This tract has been appraised from the following standpoints: grazing value, commercial possibilities, and severance value, each of which are presented in the order given.

Grazing values

From a grazing standpoint the tract of land, including the springs and the remaining fence, are appraised as follows:

160 acres at 50¢	$80.00
Fence, 1½ miles	64.00
Heiser's Spring and seep	341.00
Severance or damage value of additional adjacent 3680 acres	1840.00
Total	$2325.00

The land is not particularly suitable for grazing purposes, but it has been used in the past because water was available and this is a country of very little water. Within the vicinity of the spring reliable estimates indicate a range capacity of not more than 6½ head of cattle per section per year. Better grazing lands with a year long capacity of at least 15 head per section are more than two miles away from the spring. The land is suitable for winter use only, say for the months of December, January, and February.

There are several limitations to the extent of grazing possible in the area under consideration and its immediate vicinity. (1) Range capacity is determined more by the amount of water available than the amount of vegetation. Even in the winter the combined flows of Heiser and the seep would not produce more than 1500 gallons per day, which allows a herd of not more than 150 head of cattle. (2) The cattle would naturally tend to feed toward the better grazing lands and thus would gradually increase the distance they had to walk from water to feed. This is not conducive to fattening. (3) In the cinder covered areas the balance of nature is easily upset by intensive use. The Forest Service has found that it takes the vegetation much longer to "come back" in the cinder areas than where there is a more consolidated soil.

Probably the owners used water not only from Heiser's Spring, but from the nearby Coyote Spring as well. The latter has been known to flow at least 1200 gpd in January, and Mr. Bert Babbitt, who has the water rights, states that its flow is comparable to that of Heiser. By making use of water from Coyote Spring it would be possible to double the size of one's herd. On the basis of a statement by Mr. Babbitt

that herds of less than 250 head are not profitable, this appraisal is based on the assumption that any interested stockman would buy Coyote Spring as well, and enough land to feed all stock watering at both springs.

Since Coyote Spring could also be included with other springs to the east, there is no reason to have to buy it to acquire the Heiser Spring, but in either case the acquisition of one of the springs will prevent all further grazing on at least 6 sections (3840 acres). The value of the 160 acre Heiser Ranch thus becomes the value of that land with improvements, the full stock watering value of the spring and seep, and severance or damage value to an additional 3680 acres which can no longer be grazed because of lack of essential water. This severance value is here assumed at the value of the land if purchased with the springs, or 50 cents per acre.

Basis for the Appraisal of the Land for Grazing Purposes

A value of from 50¢ to 75¢ per acre can be set on the lands on the basis of sales of similar lands and appraisals of like lands by other agencies. For this particular 160 acres a value of 50¢ per acre was chosen, by comparison with the following:

(1) The A. T. and S. F. Railroad is reported to have sold similar lands of higher grazing value for 75¢ to $1.25 per acre in the vicinity of Holbrook and Kingman, Arizona.

(2) Forest lands nearby which support more than three times as many cattle are valued at $1.50 per acre. Appraisals of the cinder covered areas by the Forest Service have estimated the value of such land at 50¢ per acre.

(3) Similar State lands are reported to have a grazing fee of $17 per section per year. Capitalizing this figure at 4% to 6% establishes a value of from 45¢ to 60¢ per acre.

(4) Several competent local men who are conversant with cattle raising have expressed the following opinion: That even if one paid only fifty cents per acre for the land and could graze only 6½ head per year per section, it would take a mighty long time to get a return on the investment.

Basis for the Appraisal of Developments

As has been noted already the only remains of the former developments is 1½ miles of fence of which only a half mile has barbed wire. A value of $64 was set by comparison with other local appraisals of similar fence.

Basis for the Appraisal of Heiser Spring and Seep from Grazing Viewpoint

The value of Heiser Spring and the seep for grazing purposes is placed at $800.

One method used by the Forest Service for obtaining an indication of the value of a spring under these circumstances is as follows: It has been established that one cannot profitably have an investment in any one year of more than $58 to $70 per head. Thus the total investment in any given range can be determined. In this case it would not be profitable to make an investment of more than ¼ of $70, as the range is used for only three months. By deducting the value of the lands grazed by the cattle from the total investment one arrives at a valuation of the 160 acres of land, the springs, and any developments that are necessary. Note: the yearlong grazing capacity of the lands is estimated at 6½ head per section, but for a three month period the capacity per section would be 25 head. Thus it would require 6 sections for the herd on which a value of 50¢ per acre has been set.

0.25 x $70 x 150 head equals $2625 (total investment)
$320 x 6 sections equals---- $1920 (value of lands grazed -- includes 160 acres)
$2625 minus $1920 equals---- $ 705 (value of springs and developments)

The valuation arrived at can be divided as follows:

$64 (value of existing fence)
$300 (water tanks and spring connections needed for grazing)
$341 (value of springs)
$705

The value of tanks does not now exist and must be deducted from purchase value. It is then necessary to add the $80 for the 160 acres of land being purchased and severance value to the other 3680 acres or $1840, bringing total appraisal to $2325.

It is considered that $341 represents the minimum value of the spring from a grazing standpoint and for a maximum it is not unlikely to be valued at $2000. A cattleman will pay what seems to be a very unreasonable price for a spring merely to control the range so as to take advantage of free public domain and to eliminate the need for fencing. It is reported that a local cattleman paid $5000 for a similar spring near Prescott, Arizona, not because he needed water but to control the range.

Commercial Value

The commercial values of the Heiser Springs tract are purely potential, but nevertheless very real.

Wupatki, along with Sunset Crater National Monument, is situated to the east of U.S. Highway 89 between Grand Canyon National Park and U.S. Highway 66. These two areas have an interesting story in common. Sunset Crater erupted in the 9th century A.D. and covered more than 800 square miles with fine volcanic cinder. The cinder made farming possible on a large scale for the first time and resulted in a prehistoric Indian land rush. Wupatki is one of the most spectacular and easily accessible ruins in northern Arizona. During the summer season of 1940, 1952 persons visited the Monument, as compared to an estimated 10,000 at Sunset Crater. When the proposed loop-road from Highway 89 to Wupatki, connecting with Sunset Crater and back out to the highway again is completed, it is not unreasonable to assume that 5000 to 10,000 persons will visit the Monument.

When travel is accelerated through the development of roads, there will arise the problem of providing facilities for these people. There will not be sufficient water at Wupatki to provide even an overnight camp, as Wupatki Spring decreases in flow to 350 to 450 gpd during the heavy travel season. The only place where sufficient water is available is at Heiser Spring.

It is thought that the requirements on the part of visitors will be somewhat as follows: Eating facilities, a campground with space for trailers, and possibly a few overnight cabins. Wupatki National Monument is situated with regard to Grand Canyon and towns on Highway 66 in such a manner that there is a concentration of visitors at noon and in the late afternoon or early evening. It is thought that the development of roads will not change the hours of visitor concentration. Already visitors inquire about meals and accommodations. At present they are available only at Cameron and Flagstaff, Arizona, both of which are forty miles away.

Several individuals have approached the owners in the past few years with the idea of buying the property and establishing a small trading post in connection with accommodations. It was their idea to eke a living from the Navajo Indians until Wupatki National Monument was developed. Since the establishment of a trading post about fifteen miles east and another about the same distance to the west it would not be profitable to have a trading post at Heiser. However, when the anticipated monument attendance materializes, a resort at Heiser Spring would have many advantages over the more remote trading posts now existing.

By memorandum to Superintendent Miller of November 15, 1940, Hydraulic Engineer A. van V. Dunn indicated that an investment of $11,200 for such a resort could be estimated to produce a profit sufficient to set an additional value of $600 in the spring if the resort were operated by the same man who ran stock in winter. This estimated value seems to be conservatively low as this use has been considered by several in the past few years who have at least temporarily abandoned plans to buy, chiefly because of the high price of $7500 previously asked for the tract and the uncertain immediate profit while relying so largely on Indian trade. That is, these potential buyers would probably be interested if offered the tract at the estimated value.

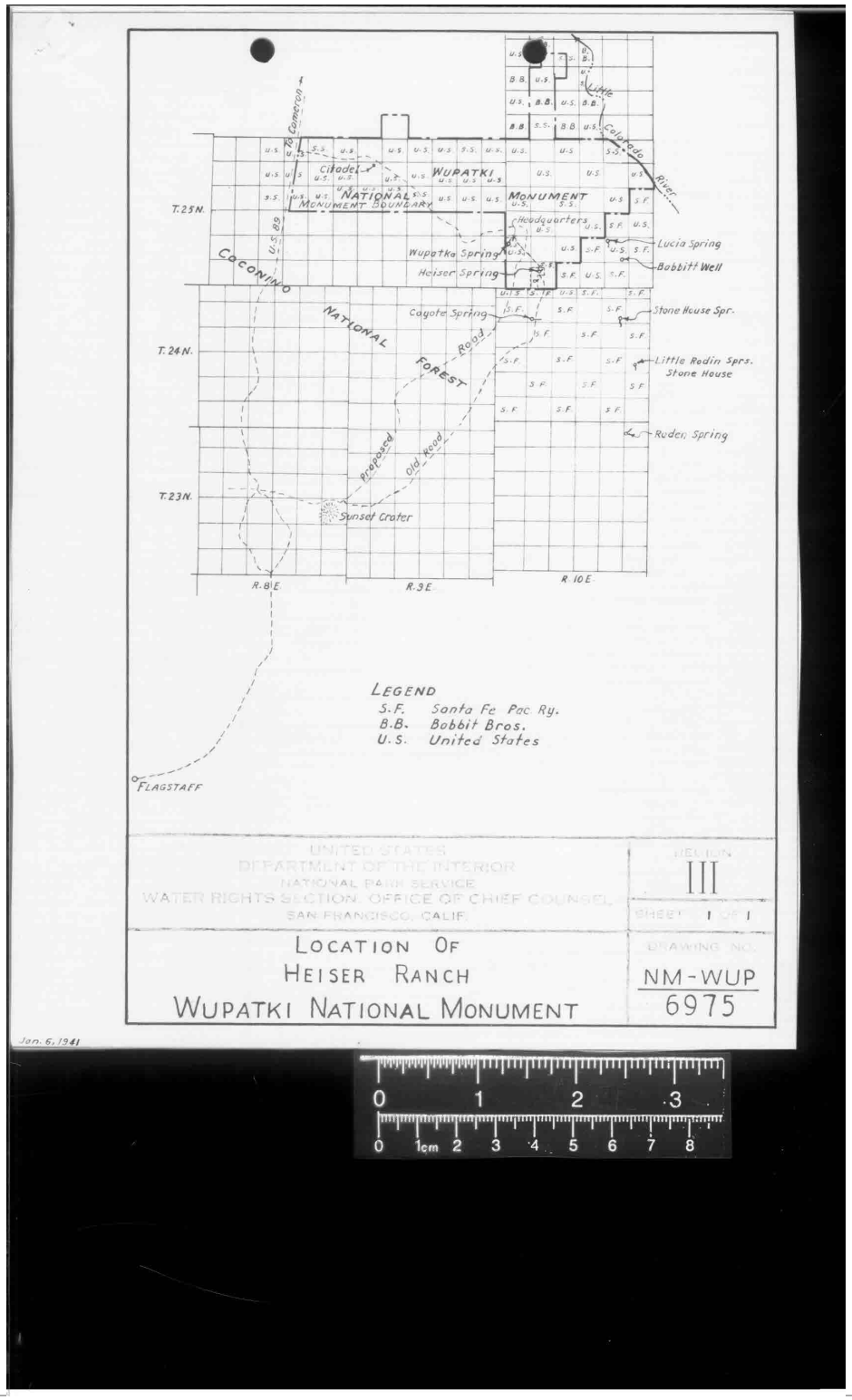
Value to the National Park Service

(1) Heiser's Spring supplies an adequate source of domestic water for use at Wupatki Ruin, if Wupatki Spring should fail or not prove adequate for future needs. While there is no indication that Wupatki Spring will fail, it is quite erratic in its flow. In 1932 it was necessary for the archeological expedition working on Wupatki Ruin to haul water from Heiser's Spring.

(2) It is a possible location for the development of facilities for visitors that cannot be provided at Wupatki Ruin when travel is accelerated through the development of roads. It is to the Park Service advantage to acquire it to permit supervised development and prevent objectionable types of private development.

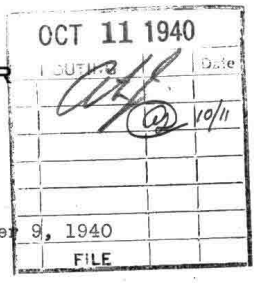
David J. Jones
Custodian

01-06-1941: map of the location of heiser ranch and surrounding springs



10-09-1940: memorandum to associate attorney, region iv from acting superintendent regarding drawing nm/wup-2100, plan of the

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



Hold for answer until we hear from my memo re Jones appraisal

October 9, 1940

Memorandum for Mr. Albert L. Johnson, Associate Attorney,
Region IV:

As requested in your letter of October 3, we are enclosing one print of Drawing NM/WUP-2100, Plan of the Monument, Wupatki National Monument, with the Heiser Spring property marked in red.

The original and one copy of Mr. Jones' appraisal of September 8, of this property was sent to Hydraulic Engineer Dunn with our memorandum of September 27, which should be available to you.

There has been no definite plan made as to the development of the Heiser Springs. The Wupatki spring which is now used as the source of domestic water at Wupatki produces about 500 gallons a day. Under increased travel conditions this will not be adequate. It is proposed to purchase the Heiser Springs property to augment the present supply when it is needed. The Heiser Springs produce about 3,000 gallons of water per day. This would be connected to the monument water reservoir (5,000 gallon capacity) by a 1½" water line. It is not known without an engineering survey whether this supply could be made by gravity or whether a pump would be necessary to push the water to the reservoir.

This property has been of considerable concern to us because of the possible developments by private interests of a store or trading post at this location. We would like to keep out any commercial development.

We are requesting the Engineering Division of the Region III Office, by a copy of this memorandum, to supply you with a copy of Drawing No. NM/WUP-4943, which is a base map of the monument and the adjacent territory, and also to mark on the map the proposed water development for Heiser Springs.

Charles A. Richey
Acting Superintendent

cc: Region III
Custodian Jones

Wupatki N. M.

PARTIAL COPY
(Complete report in 660-05.7 Southwestern Monuments File)

NATIONAL PARK SERVICE
BRANCH OF LAND ACQUISITION AND REGULATION

REPORT ON

TRIP TO THE SOUTHWESTERN MONUMENTS

By

Albert L. Johnson,
Associate Attorney.

110 Sutter Street,
San Francisco, Calif.,
June 1, 1937,
Revised as of Aug. 1, 1937.

In accordance with our conferences of May 1 and May 8, 1937, I visited the headquarters of the Southwestern Monuments at Coolidge, Arizona, for the purpose of interviewing the Superintendent, and, in compliance with his request, going into a general discussion of the water rights situation in the Southwestern Monuments, and with particular reference to our correspondence in the matter of acquisition of water rights at White Sands, Montezuma Castle, Chiricahua, and Saguaro.

* * * * * * * * *

Wupatki National Monument, Arizona

There is only one spring on this monument, and no surface waters. No storm waters could be collected. Pipe line has been conveying water off the monument to a United States section leased to Babbitt. There is an undeveloped spring off the monument on forest land. This monument was created in 1924, the pipe line put in in 1927 without the authority of any one. This was constructed by Babbitt Bros. Sheep Company, or Babbitt Bros. or Babbitt Bros. Ranches. They have several corporations under different names, but always using Babbitt in the name.

No portion of the Babbitt Bros. pipe line has been removed as yet, according to our infomation. This proposition and Superintendent Pinkley's proposal have been referred to Washington to determine. We reiterate our recommendation on page 37 of our Status of Water Rights Report of May 12, 1937, that it would be well to have the pipe removed, regardless of its ownership, in order to cut off use for the time being by outside parties.

Wupatki N.M

PARTIAL
COPY

(Complete report in 660-05.7 Southwestern Monuments File)

NATIONAL PARK SERVICE
BRANCH OF LAND ACQUISITION AND REGULATION
WATER RIGHTS SECTION

REPORT ON

TRIP TO THE SOUTHWESTERN MONUMENTS

By

Albert L. Johnson,
Associate Attorney.

110 Sutter St.,
San Francisco, Calif.,
June 1, 1937.

In accordance with our conferences of May 1 and May 8, 1937, I started for the headquarters of the Southwestern Monuments at Coolidge, Arizona, on May 10, arriving there at 5:15 P. M. on May 12. Being unable to reach Mr. Pinkley, the Superintendent, on the telephone that evening, but talking with Hugh Miller, Assistant Superintendent of the Southwestern Monuments, I made an appointment to see Mr. Miller the following day to go over the situation with reference to all the land and water problems about which Mr. Pinkley had written us or about which we wished to be informed.

I conferred with Hugh Miller from 8:30 A. M. to 5:30 P. M. on May 13, and Mr. Miller took me to Mr. Pinkley's residence for about one hour of that time to consult the Superintendent as to two or three of the monuments and several questions on which Mr. Miller was not informed. On most matters Mr. Miller was thoroughly conversant with all facts.

* * * * * * * * * * *

Wupatki

There is only one spring on this monument, and no surface waters. No storm waters could be collected. Pipe line has been conveying water off the monument to a United States section leased to Babbitt. There is an undeveloped spring off the monument on forest land. This monument was created in 1924, the pipe line put in in 1927 without the authority of any one. This was constructed by Babbitt Bros. Sheep Company, or Babbitt Bros. or Babbitt Bros. Ranchos. They have several corporations under different names, but always using Babbitt in the name.

Other Supporting Information

01-28-1957: memorandum to director from regional chief of lands regarding claims for intervention in arizona vs. calfornia, wupatk

L-54

Region Three
Santa Fe, New Mexico

Memorandum

JAN 28 1957

To: Director

From: Regional Chief of Lands

Subject: Claims for Intervention in Arizona vs. California, Wupatki

Attached is one black line print of drawing NM-WUP-2100-C, part of the master plan, Wupatki National Monument.

In accordance with Mr. Dunn's request of December 13, 1956, Heiser and Wupatki Springs have been shown and the approximate location of the CO Bar Cattle Company well in Section 29, T 26 N, R 10 E.

Acting Superintendent Castellum, in transmitting the map, advises that Indian families water their sheep at Heiser Spring and the Little Colorado River. They also use natural pot holes, which have not been shown, when water is available.

(SIGNED)
John E. Kell
Regional Chief of Lands

In duplicate ✓

W/O → Attachment

Copy to: General Supt., SWNM (2)

Water System Descriptions, Arizona vs. Calif.
Wupatki Nat. Mon. Dockets #1 & #2

① Wupatki Spring - Water Right Docket #1
In the NW¼NW¼ sec 30, T25N R10E G&SRB&M, a 1,000 gal pump sump collects the spring water from seeps of Wupatki Spring in the normally dry Deadmans Wash Tributary to the Little Colo. River. From the ~~where~~ sump it is pumped by a 10 gpm pump through 1½" pipe 1200 ft to a 3,000 gal. reservoir which serves the combination residence and headquarters through 270 ft of 2" ~~supply~~ service pipe in the SE¼NW¼ sec 30.

② Heiser Spring - Water Right Docket #2
In the SE¼NW¼ Sec 32 T25N R10E, the flow of Heiser spring is diverted (a.) through 70ft of 2in pipe into a galvanized tank reservoir for an adjacent stockwatering trough used by local (squatter) Indians in a fenced stock yard and (b.) through ~~255~~ 560 ft of 2" pipe to a residence and ~~Hydrants~~.

Plans for future Hdqts area are contingent upon Sunset Crater G.W. Study

11-10-1939: memorandum to regional director from regional chief of lands and civil engineer regarding trip to heiseer spring and w

Dockets 142, 1

Region Three
Santa Fe, New Mexico

November 10, 1939

WESTERN C
DESIGN & CONS
NOV 10 19
CHIEF
ADMIN. ASSIS
PERSONNEL
PLANS & PROC
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN—DA
None

Memorandum

To: Regional Director
Through: Regional Chief of Operations

From: Regional Chief of Lands and Civil Engineer

Subject: Trip to Heiser Springs and Wupatki Springs, Wupatki National Monument

While enroute to Grand Canyon National Park to assist in the study of the water supply for the South Rim we stopped at Wupatki National Monument to get some information to complete the water dockets at Heiser Spring (Docket No. 2) and Wupatki Springs (Docket No. 1).

We had made an unscheduled stop at Walnut Canyon (subject of another memorandum) on the morning of October 20 and arrived at Wupatki at 1:05 p.m. Superintendent Nahon then took us to Heiser Spring.

This spring is a seep which is collected in a concrete collecting box and runs through a two-inch pipe to a concrete storage reservoir with a capacity of 1,620 gallons. From here there is a two-inch pipe to one residence and a three-fourths inch pipe to the other residence. The two storage buildings and three trailer houses are fed by a one and one-half inch pipe. The overflow runs out through a two-inch pipe into an L shaped trough and a cylindrical tank as shown on Drawing No. NM-WUP-6077. The estimated flow of the overflow at the time of our inspection was 3 g.p.m.

We had a map of this area but we did not have ground elevations at the various residences and buildings. We shot these elevations and returned to Wupatki Springs. This spring which is near the headquarters area was not flowing when we were there. The pump from this spring has been removed and no use is contemplated of this spring at present except in an emergency.

To get the necessary information for the Wupatki Springs docket and the new well will require additional field work of from two to three days. Therefore, since we had an appointment with this water study group at Grand Canyon, we decided that Civil Engineer Fields would return at a later date and complete the field work for Wupatki Springs.

We left the Monument at 3:10 p.m. for Grand Canyon.

(SIGNED)

John E. Hall
Regional Chief of Lands

(SIGNED)

William E. Fields
Civil Engineer

Copy to: Director (2)
Supt., Wupatki
Chief, VCDC (2)

Approved for distribution

NOV 12 1959

(SIGNED)

Date:

Thomas J. Allen, Regional Director

08-21-1959: memorandum to regional director, region three from chief, water resources section regarding water rights, heiseer ad

154-GRL

WESTERN OFFI
DESIGN & CONSTRI
AUG 26 1959
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN
None

August 21, 1959

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Rights, Heiser and Wupatki Springs, Dockets 1 and 2; and Proposed Claim for New Well, Proposed Docket 3, Wupatki

The attached tracings of Drawings 6977 and 6978 should be completed by Mr. Fields, if the two springs are to be used. I believe that the title of my position under the engineer's statement can be erased if Mr. Fields or the Regional Engineer wishes to sign them. The 1954 work date might also be changed, but the preferred alternative is to add a notation of 1959 revision.

Water right applications should be completed in accordance with previous correspondence if there is to be continued use of the springs. Heiser Spring will definitely be used for stock and wildlife watering, if nothing else. I assume that Wupatki Spring will also provide wildlife watering facilities.

Drawing 6978 should also be the model for a water right map for the new well. The drawing with Mr. Kell's memorandum of June 5 to the Regional Chief of Operations is nominally the same as the drawing of January 1954, which was approved by the Regional Director on February 1, 1954, with the engineer's statement by George J. Johnston, which was the basis for Drawing 6978. The only significant difference is that the scale of 1954 drawing was 200 feet to the inch, and the drawing with Mr. Kell's memorandum of June 5 is 100 feet to the inch. We do not need the larger scale, and I do not see why so much drafting time is devoted to duplication of equally good maps. Also, the tie on any file map should be the single, closing course rather than the detailed traverse which is shown on the regional drawings. Mr. Johnston's drawing of 1954 was redrawn as 6978 because the form of title did not agree with my previous instructions from the State, it included undesirable approval block, and I believe it was of wrong size (I have cut off part for filing). Coordinate grids are acceptable, if available.

We do not, of course, have to file an application for the appropriation of the well water at this time unless there is to be greater use than I anticipate. However, we should assemble records as a Docket 3, as soon as the information is obtained. Mr. Kell included draw down-recovery curves with his memorandum of June 5, but we are most interested in the well log and pump test records which do not seem to have been supplied.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Attachment

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

08-14-1959: letter to u.s. dept. of the interior, geological survey from russel mahan, superintendent regarding ground water investi

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

554

WUPATKI NATIONAL MONUMENT
Flagstaff, Arizona
August 14, 1959

Mr. Oliver J. Cosner
U. S. Dept. of the Interior
Geological Survey
Tucson, Arizona

Dear Sir:

Reference is made to your report of July, 1955 on Ground Water Investigations at Wupatki and Sunset Crater National Monuments.

It looks like the Service is going to forego the drilling of a deep well at Sunset Crater and making a major development there. We are interested in the "perched water" referred to in your report with the possibility of developing a flow of 5 to 10 gallons for a small development. We are now investigating the possibility of such a source in the vicinity of Jack Smith Spring, approximately 2 miles West of U. S. 89 and the Sunset Crater Entrance Road, and a reported old source of water used by a lumber camp at the northwest corner of the Bonito Lava Flow. Also note on the map accompanying your report an unused well on the west side of Bonita Park along the Sunset Crater Entrance Road which we will check into. If you should be travelling through this section we will appreciate an opportunity to discuss this matter with you.

95' Moencopi
220' Kaibab
780
579 Cococino
904

You might be interested in the fact that the well has been completed at Wupatki National Monument in the headquarters area. Total depth of well 904 ft. Struck water at 801 ft. in Coconino Sandstone. Went through 95 ft. Moencopi, 220 ft. Kaibab and 579 into the Coconino. Struck Coconino at 325 ft. Water of fair quality. Static water level 780 ft. Twenty four hour pump test at 50 gal. per min., showed a draw down of 45 ft. with recovery in 17 minutes.

Very truly yours,

Russell L. Mahan
Superintendent

cc: Regional Director
Chief, WODC

WESTERN OFF
DESIGN & CONSTR
AUG 13 1959
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH.
ACTION TAKEN
Done

09-26-1958: memorandum to regional director, region three from chief, water resources section regarding water development and

L54-L

WESTERN OF
DESIGN & CONST
SEP 29 19
CHIEF
ADMIN. ASSI
PERSONNEL
PLANS & PR
SAFETY
ARCHITECT
ENGINEER
LAND. ARCH
ACTION TAKE
None

September 26, 1958

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Development and Water Rights, Wupatki

I have just learned that Perry Brothers Drilling Company, Flagstaff, was awarded a contract to start well drilling at Wupatki within 15 days at bid price of $13,153. Assuming that the Company is licensed it will have to comply with state water laws which are given in your copy of Arizona Administrative Procedure Act, Title 25, Land Department, 1953, beginning at page 178. We should have four copies of all filings with the State Land Department, and particularly the log and record of pump test, for a water right docket.

My tentative calculations, which provide for no irrigation, indicate that maximum August pumping to supply about 6,340 gpd in 1956 would have been about 13 gpm if all water were pumped in 8-hour work day. I also estimate that with about 100,000 annual visitors sometime between 1966 and 1975, the peak day water demand will be about 22,360 gallons, which could be pumped at 47 gpm during 8 hours.

Rule 2, page 178, specifies filing of notice of intention to drill if there is an intent to pump at more than 100 gpm. Apparently there is no need for filing the notice unless there is planned irrigation to at least double the demand, even if negligible storage is to be provided. However, we should have the statement as to the pumping rates, annual and daily water demands, and the basis of the design as WODC is planning them.

This leaves the unresolved question as to what use is to be made of the waters of the two springs. The answer may depend on the results of the well drilling, but an answer should be supplied so that we may proceed with water right applications, of which drafts are in the various assemblies of Dockets 1 and 2. Heiser Spring, at least, is approximately a mile from the Superintendent's present residence and the presumed wellsite and is used by the Indians and their goats as well as temporarily serving a CCC building which has been used as an employee's residence, and by visitors. Our records show the following available supplies:

Source	Daily Flow	Average Flow	Annual Flow
Heiser Spring	600-3,000 gpd	1,100 gpd	401,500 gals.
Wupatki Spring	150-1,500 gpd	600 gpd	219,000 gals.
Total		1,700 gpd	620,500 gals.

Since presenting our testimony in Arizona vs. California, it has become important that we file applications for the appropriation of all claimed water as rapidly as possible, where filings are needed, and to have the data available for groundwater appropriation if the water laws are amended to require it. Applications for the appropriation of Heiser and Wupatki Springs should have been made before this. In fact, it would have been easier to make proof and obtain licenses before the supplemental supply becomes available.

Whether the plans for the new water system call for pumping in excess of 100 gpm or not, we should obtain the log and pump test records, and other data for which provision is made on the Record of Well form, with which you have been provided. The driller's reports to the state will be better if they are made and cover the same data.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Wupatki
Chief, WODC

C
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Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Wupatki NATIONAL MONUMENT
Flagstaff, Arizona

In reply refer to:
L54-L

May 26, 1956

Memorandum

To: Regional Director

From: Superintendent, Wupatki

Subject: Federal Claims to Water of the Lower Colorado River

The following information is offered in reply to your memorandum of May 18 (L54-L). All water used at Wupatki National Monument is ground water.

1. Annual metered water use. None of the water used at Wupatki is metered. However, water from Wupatki and Heiser Springs is completely used. Total production of these springs averages 460,500 gals. per year.

2. Man days of Federal and Permittee population.

	Federal	Permittee	Total
1946	7	24	31
47	7	24	31
48	8	24	32
49	8	24	32
1950	6	24	30
51	6	24	30
52	6	20	26
53	6	20	26
54	6	20	26
1955	11	24	35

3. Number of camp unit days. Not applicable.

4. Number of part day picnickers. Not applicable.

5. Number of overnight guests. Not applicable.

6. Number of miner days of residence. Not applicable.

7. Acres of irrigated land. Residential garden plots would give an average total of .1 acres.

8. Approximate answers to items 1 - 7 for ultimate development.
Limited water supply available doesn't permit much expansion. Present plans call for a reduction of Federal man days of population at Wupatki.

9. There are no flowing streams in Wupatki National Monument.

(Signed) JOHN O. COOK

John O. Cook
Superintendent

Copy to: General Superintendent

ZAB

01-04-1956: memorandum to general superintendent, southwestern national monuments from chief, western office, division of des

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

In reply refer to:
L 54

January 4, 1956

Memorandum with Attachments

To: General Superintendent, Southwestern National Monuments

From: Chief, Western Office, Division of Design and Construction

Subject: Engineering Data - Water Development - Wupatki

Please refer to your letter of December 20 relating to the subject. The information regarding the length of water lines, elevation of reservoirs and locations in relation to the Section, Township and Range obtained from Mr. Moffitt's notes are as follows:

Length of Water Lines:

Concrete Tank (Heiser Springs) to Reservoir . . 3,695.6 ft.
Reservoir to Water Tank . . . . . .10,933.8 ft.

Elevation:

Concrete Tank . . . . . 4,848 ft.
Reservoir . . . . . 5,127 ft.
Water Tank. . . . . 4,954 ft.

Location:

Concrete Tank - 936.9' west, 1059' north of the SE corner of the NW quarter of Section 32; T25; R.10E.

Reservoir - 1803.5' west, 2.3' south of the NE corner of the SE quarter of Section 31; T25; R.10E.

Water Tank - 1227.2' west, 932.8' north of the SE corner of the NE quarter of Section 30; T25; R.10E.

Mr. Moffitt's notes do not show a measured distance from Station Z "3" to Station 0/00. A distance of 289.0' was scaled from Drawing NM-WUP-5313. A sketch showing the locations in relation to Township and Range is attached; also a copy of Mr. Moffitt's notes is attached.

Sanford Hill
Chief, Western Office
Division of Design and Construction

In duplicate

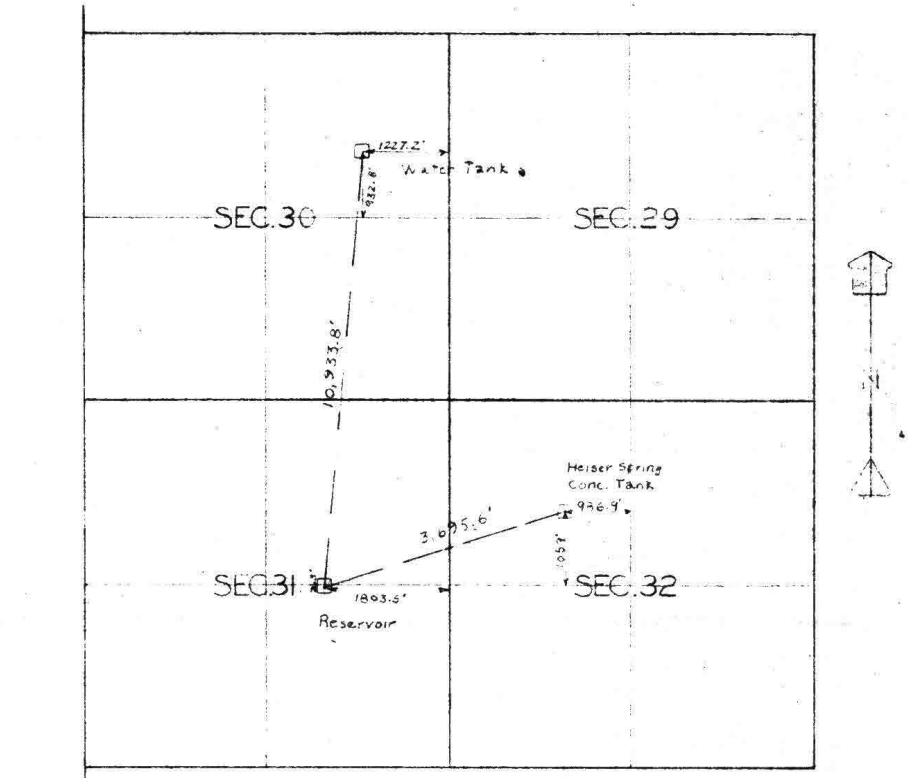
Attachments

Copy to: Supt., Wupatki NM
Reg.Dir., Region Three

Copy sent Supt. Wupatki - 1-25-56
to Regional Landscape Office for P.C.P.

01-04-1956: memorandum to general superintendent, southwestern national monuments from chief, western office, division of des

01-04-1956: memorandum to general superintendent, southwestern national monuments from chief, western office, division of des

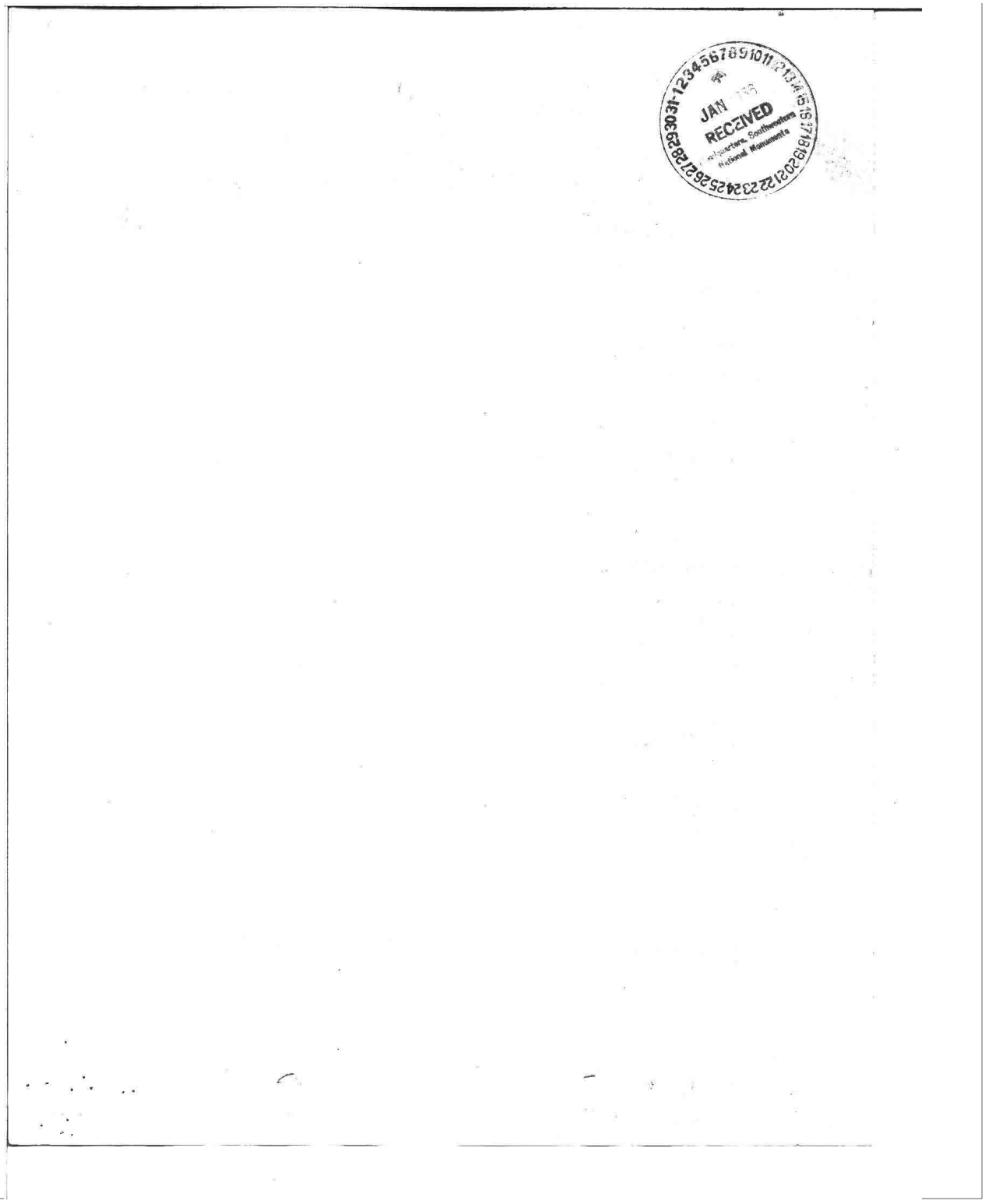


R.9E. T25;R.10E. G&SRM

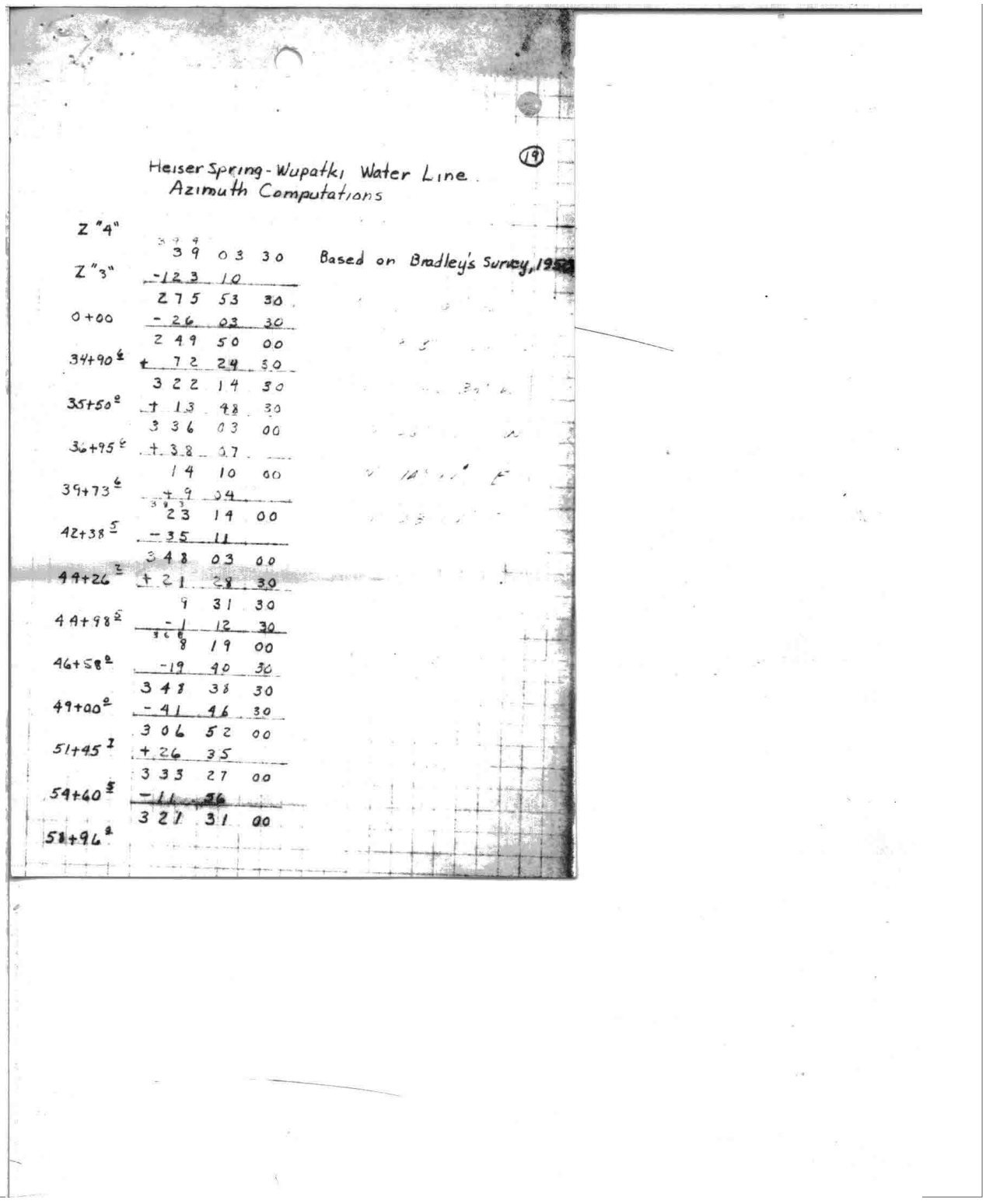
HEISER SPRG.	ELEV.	4848 FT.
RESERVOIR		5127 FT.
WATER TANK		4954 FT.

WUPATKI N.M.
REGION III

01-04-1956: memorandum to general superintendent, southwestern national monuments from chief, western office, division of des



01-04-1956: computations of heiser spring, water line



(19)

Heiser Spring - Wupatki Water Line.
Azimuth Computations

Z "4"		
	39 03 30	Based on Bradley's Survey, 1952
Z "3"	-123 10	
	275 53 30	
0+00	- 26 03 30	
	249 50 00	
34+90 ℄	+ 72 24 30	
	322 14 30	
35+50 ℄	+ 13 48 30	
	336 03 00	
36+95 ℄	+ 38 07	
	14 10 00	
39+73 ℄	+ 9 04	
	23 14 00	
42+38 ℄	- 35 11	
	348 03 00	
44+26 ℄	+ 21 28 30	
	9 31 30	
44+98 ℄	- 1 12 30	
	8 19 00	
46+58 ℄	-19 40 30	
	348 38 30	
49+00 ℄	- 41 46 30	
	306 52 00	
51+45 ℄	+ 26 35	
	333 27 00	
54+60 ℄	- 11 56	
	321 31 00	
58+96 ℄		

(20)

Heiser Spring - Wupatki Water Line
Azimuth Computations

54+60 S		
	321 31 00	
58+96 E	+46 01 30	
	7 32 30	
61+80 W	-2 59	
	4 33 30	
64+04 E	-4 47 30	
	359 46 00	
71+03 N	+10 45 30	
	10 31 30	
73+98 E	-6 08	
	4 23 30	
75+52 E	-25 16	
	339 07 30	
76+80 S F =232+53 E B	+3 40	
	342 47 30	
231+02 E	-15 13 30	
	327 34 00	
229+50 S	-27 55 30	
	299 38 30	
226+92 N	+100 24	
	40 02 30	
224+57 W	-9 35 30	
	30 27 00	
222+56 N	-15 30	
	14 57 00	
221+23 E	-12 12	
	2 45 00	
219+31 W		

(21)

Heiser Spring - Wupatki Water Line
Azimuth Computations

221+23 P.C.				
		2	45	00
219+31 P.I.		-14	32	30
		348	12	30
216+32 P.I.		-4	49	
		348	23	30
214+45 P.I.		-8	36	
		334	47	30
213+36 P.I.		-9	26	30
		325	21	00
211+32 P.I.		+12	22	30
		337	43	30
210+33 P.I.		-5	59	
		331	44	30
207+72 P.I.		-11	54	30
		319	50	00
205+80 P.I.		-26	00	30
		293	49	30
203+98 P.I.		+17	17	30
		311	07	00
200+00 P.T.		+140	40	30
		91	47	30

End of line near Wupatki Water storage tank.

F. Cor.

(22)

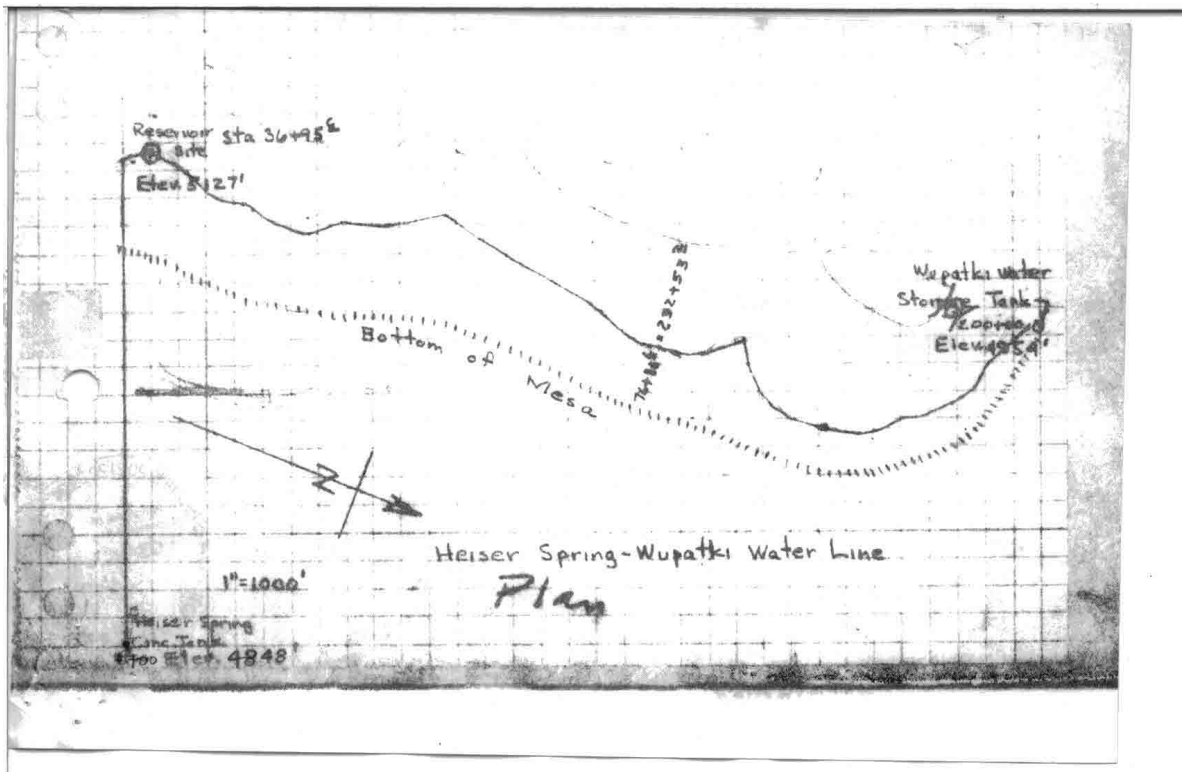
Heiser Spring-Wupatki Water Line
Check on Azimuth Computations

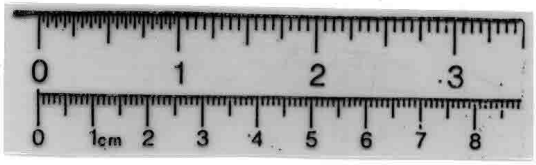
+			-		
72	24	30	123	10	00
13	48	30	26	03	30
38	07		35	11	
9	04		1	12	30
21	28	30	19	40	30
26	35		41	46	30
46	01	30	11	56	
10	45	30	2	59	
140	40	30	4	47	30
17	17	30	6	08	
12	22	30	25	16	
100	24		26	00	30
	3	40	11	54	30
512	39	00	5	59	
-459	55	00	9	26	30
+52	44	00	8	36	
			4	49	
			14	32	30
			12	12	
			15	30	
			9	35	30
			27	55	30
			15	13	30
			459	55	00

Z "4" - Z "3" = 39 03 30

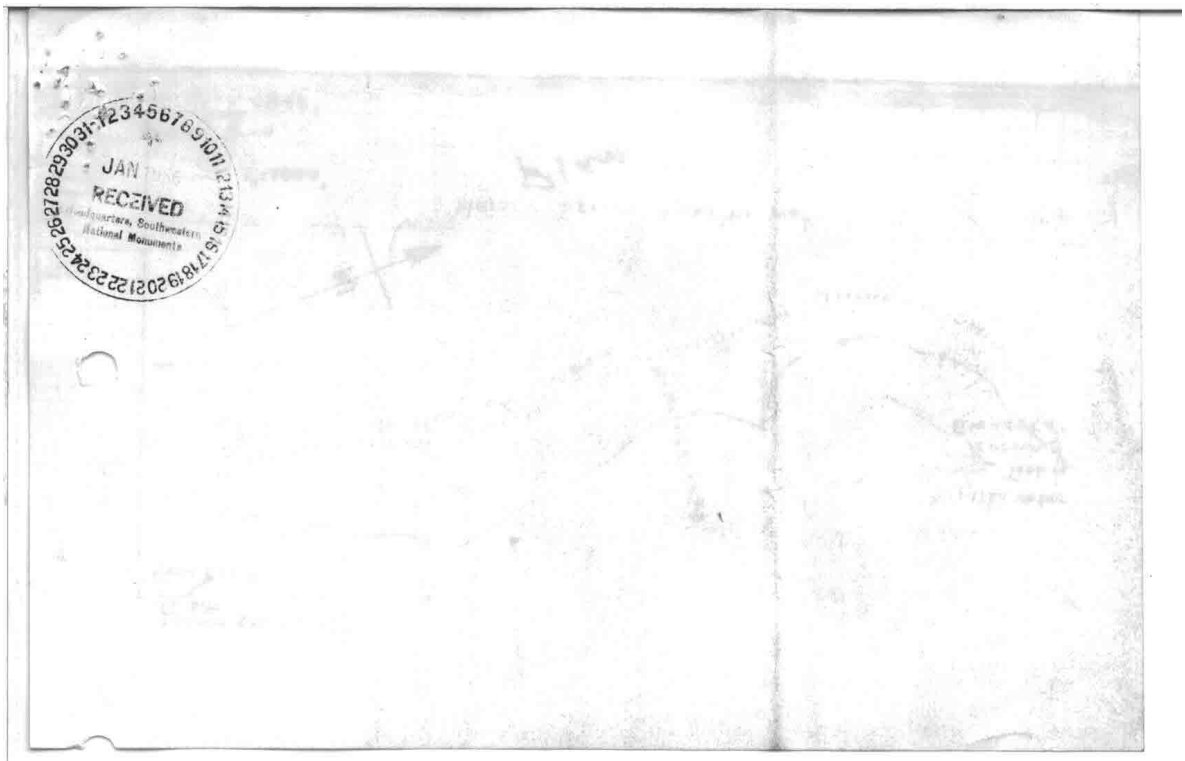
200°00' - F. Cor. 91 47 30 check

01-04-1956: computations of heiser spring, water line, page 5cont





01-04-1956: computations of heiser spring, water line, page 6cont



12-20-1955: memorandum to chief, western office, division of design and construction from general superintendent regarding engi

UNITED STATES
DEPARTMENT OF THE INTERIOR
SOUTHWESTERN NATIONAL MONUMENTS
NATIONAL PARK SERVICE
Box 1562
GLOBE, ARIZONA

In reply refer to:
L54

December 20, 1955

Office of
Chief, Western Office
Div. of Design and Const.
DEC 23 1955 A.M.
Supv. Architect
Supv. Engineer 12-14
Supv. Landscape Arch.
Safety Engineer
See Memo to Daniel dated SWR 1/4/56

Memorandum

To: Chief, Western Office, Division of Design and Construction

From: General Superintendent

Subject: Engineering Data - Water Development - Wupatki

In order to complete data for the filing of water rights applications on Wupatki and Heiser Springs for future development, it is necessary to have the engineering data secured last season by Mr. Moffitt and his crew.

The data we specifically need is length of water lines, elevation of storage reservoirs and location in relation to Section, Township and Range of these developments.

We would appreciate any assistance you can give us in completing this data for Mr. Dunn's information.

John M. Davis
General Superintendent

Copy to: Supt. Wupatki
Regional Director
(in duplicate)

05-13-1955: memorandum to regional director, region three from chief, water resources section regarding water rights, heiser and

WR Copy

In reply refer to:
L54-L

May 13, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Rights, Heiser and Wupatki Springs, Dockets 1 and 2, Wupatki National Monument

Mr. Castellum is correct in his memorandum of April 8, which Mr. Canfield forwarded on April 29, that the master plan should be the basis for a water right application. However, we have operating water systems, based on past developments, without appropriative water rights, and a water right permit can be amended as to any details except the quantity of water at any time before the proof is made for final license or certificate.

Unless the suggested new master plan is to be completed and approved in the very near future, it will be to the advantage of both this Service and the State to complete and file the claims to the waters of Heiser and Wupatki Springs on the basis of the existing systems and designated areas of use large enough to cover alternative areas of future development. I strongly recommend that the drafts of the applications and maps be completed in accordance with my memorandum of April 8, and showing the alternative future plans of development, and returned to us.

The pipeline location between the two areas should be shown along the general course to be followed, based on topography, but need not have the accuracy of an engineering survey since both springs are already tied to section corners. We will also have to show its diameter adequate for proposed pump capacity. The 100,000 gallon reservoir should be shown within the proper 10 acre subdivision and within 5 or 10 feet of the proper elevation to define the pump lift within reasonable limits. The distribution pressure at developed areas is significant for fire protection but is not important in the water claim.

Since we are dealing with total spring flows of only about 750,000 gallons per year, with relatively low flow in the tourist season, I recommend that the water claim provide for 500,000 gallons of storage even though only 100,000 gallons may be included in the

immediate master plans and construction program. We can always make proof on less than the initial claims. On that basis, the plan should show alternate reservoir sites, if any, such as that at Heiser Spring which Mr. Castellum would delete from the plans.

It is also more important to show that the sheep watering may be any where within 2500 feet down the draw, than to limit areas of use by reducing the pipe length at this time.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Copy to: Western Office of Design and Construction
Mr. Langley
Mr. P. Miller
Mr. Dunn

AvVDunn:lct

05-08-1955: memorandum to regional director, region three from chief, water resources section regarding water rights, heiser and

WR Copy

In reply refer to:
L54-L

March 8, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Rights, Heiser and Wupatki Springs, Dockets 1 and 2, Wupatki National Monument

In the attempt to prepare applications for the appropriation of Heiser and Wupatki Springs, we have found the information inadequate to describe either the existing or proposed system. With a copy to the Western Office of Design and Construction, we are submitting two copies of preliminary drafts of the two proposed applications. None of these drafts merits filing, and it is assumed that one or two copies will be returned for use in preparing the final claims.

The two drawings, NM-WUP-6977 and 6978, as prepared from the engineering plans, are nominally complete to show existing developments at the two areas except for the lack of elevations.

To cover future local use, we lack the locations of proposed campground and the additional residences and utility area, and the stock watering tanks. We also lack the traverse of the pipeline proposed to provide a supplemental supply for the Wupatki area from Heiser Spring as prescribed in PCP-U-9, and appear to need clarification of the plans.

PCP-U-3-4 appears to call for a 100,000 gallon tank at the existing site of the 1,000 gallon sump at Wupatki Spring, and there is no proposal to increase the 3,000 gallons of storage near the headquarters. This means that all winter storage will be provided at the spring and pumped to the 3,000 gallon distribution reservoir as needed. The existing 10gpm pump would be inadequate to maintain an adequate flow for fire protection. Moreover, the 3,000 gallon reservoir is only about 35 feet higher than the ground at the residence (by scaling from limited topography) and there is only a 2" distribution pipe.

Drawing NM-WUP-5313, as revised June 19, 1952, provides for a new distribution reservoir at the Heiser Spring area at 2333.1 feet from Z-0, or 2213 feet from pipeline take-off shown on Drawing 6977, but we have no capacity, elevation, or specific location for that reservoir. We have tentatively specified a 100,000 gallon tank in the application, but that is probably inadequate to impound the off-season spring flow.

PCP-U-9 provides for 13,200 feet of 2½ inch pipe from Heiser Spring to the Wupatki area with a pump lift of 100 feet, which is to point between apparent elevation of Wupatki Spring and the 3,000 gallon reservoir above the Superintendent's residence. This suggests that the high point in the line may be at proposed reservoir 2333.1 ft. from Z-0 in Heiser Spring area, whence water would flow to 100,000 gallon tank at Wupatki Spring by gravity, to be pumped back to the 3,000 gallon reservoir as needed. The pump size on this line is not specified, and we have tentatively suggested 75 gpm to permit daily pumping in a reasonable number of hours.

PCP-U-9 only provides for 3,000 feet of 4" distribution pipe, which is not enough if the reservoir is to be 2333.1 feet SW from Z-0, and the Heiser Spring area development is to extend into NE¼NW¼ Sec. 32, to a campground. We have provided for 5,500 feet of 4" pipe at Heiser Spring and 300 feet of 4" pipe at Wupatki Spring area.

PCP-U-7 calls for new 10,000 gallon sump at Heiser Spring, which appears to be adequate to store the peak spring flow for three days.

PCP-U-6 calls for 2,500 feet of 3/4" pipe down Heiser Wash to new watering troughs for the sheep and goats of the Indians. We have indicated the approximate alignment and lower terminus from drainage shown on a photograph I took some years ago. The length is probably correct as long as water is taken from the existing collecting sump, but may be lengthened or shortened if water is ultimately taken from the proposed distribution system.

This outline constitutes the limit of information I have been able to assemble, and it needs thorough review. Question 8, on both applications, should also be checked as to both costs and construction schedule. The cost is supposed to include past expenditures and future construction. As far as I can see, the water system will be the same for the two areas whether all water is obtained from the two springs, or part is to be obtained from a well or the Flagstaff water supply through the system of one of the water users associations. Hence we should be able to describe the system in detail except for the pipeline between the two sources. An approximation for the latter should be shown on the insert on Drawing 6977.

I have based the water claims on average annual spring flows of 1,500 gpd from Heiser and 900 gpd from Wapatki, and then segregated an estimated allowance for sheep and goats from the former. We actually seem to know more about maximum and minimum flows than we do about averages, and the indicated averages are intentionally slightly higher than those reported by you for that reason. With reported minimum flows of 1,000 gpd and 80 gpd, I question whether present applications provide for enough storage.

The records of this Office also refer to plans to accommodate a maximum of 5,000 visitors per month and 50,000 visitors per year. It is quite probable that the 50,000 visitors per year may be all that can be accommodated with modern water facilities and the available spring flow, but I am attaching a graphical representation of the annual attendance for 1953 and 1954. Monthly attendance already exceeds the estimated by 50% and annual attendance jumped from 35% to 73% of the estimate in the last year.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 5

Copy to: Western Office of Design and Construction With attachments
Mr. Vint, with copy of table and graph
Mr. Langley " " " " "
Mr. Dunn

AvVDunn:lct

05-08-1955: memorandum to regional director, region three from chief, water resources section regarding photographs of wupatki

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
MAR 14 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

March 8, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Photographs of Wupatki and Heiser Springs, Wupatki

With copies of this memorandum, we are placing prints of the four photographs I took in 1947 in the Wupatki files in this Office, sending one set to the Western Office of Design and Construction, and attaching one set of prints and the four films numbered WUP-47-D-1 to 4. We are also supplying two extra sets of sheets with titles. The logical place for films is at the area, and the photographs may have more value elsewhere.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

In triplicate

Attachments 2

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



WUP-47-D-1 - Trench at Wupatki Spring Diversion



WUP-47-D-2 - Diversion at Heiser Spring



WUP-47-D-3 - Pond and CCC Barracks at
Heiser Spring - Heiser Wash
drains to left of Barracks - July 1947



WUP-47-D-4 - CCC Barracks from Heiser Spring
July 1947

notes assembled 3/4/55

Heiser

5000 visitors per month at 25 gal. = 125,000 gal per month
= 4,170 gpd in 30 day month
= 4,080 gpd in 31 day month

5000 visitors per month at 10 gal = 50,000 gal per month
= 1,665 gal per day (30 day mo)
= 1,615 gpd (31 day mo)

5000 visitors per month at 7 gal = 35,000
= 1165 gpd (30 day mo)
1130 gpd (31 day month)

= Reliable flow
Min flow 600 gpd.
Max flow 3600 gpd

3/5/54 phone

Wupatki

#1 U-3-4 (Drawing 2101B does not show it) 18,800
100,000 gal. Con. Res.
dated Approval April 1952

[redacted]

Heiser

U-6 (drawing 2100B does not show it) ₮ 14,00
2500' of 3/4" from Spring down wash for 3 bands of Sheep

#3 U-7 - 2/18/53
10,000 gal. conc. Res. ₮ 7000
800' of 1½" pipe

#2 U-9 · 3/15/54 ₮ 35,300
Pump House (Pump size not given) (pump lift 100'
13,200 ft of 2½" pipe (evidently E Wupatki area) or between
3000' 4" dist pipe evidently of " (with fire plugs
500' 3/4" dist pipe " " "
PCP says water to be pumped from Sec 32 to Sec. 30
to Zuni Picnic a Combi proved

1953 Developed and Rec for 50,000 visitors per year

Existing. Temp Employees 1-2 for 1 week
no concession employees

Permanent Supt + Wife (Wofatki Res.) (6 Room + bath
Ranger + Wife (Heiser trailer) 4 room + bath
Maintenanceman + wife in CCC Shack (2 room + bath
,
Ad. Bldg 2-Rooms
Quonset Hut 2 Rooms (1-2 Temp Emp ?)

Proposed 1 Hqt Office at Heiser
3 - 2 Room + bath Res. at Heiser
2 - 3 Room + bath Res. at Heiser
1 - 3 Room at Rec. (Heal water)
Warehouse
Shop
Storage Shed

90% of travel March - Nov. 1 (1952
campers usually in their trailers + only small % of Total visitors (1952

1954 Water Demand Estimate with adequate facilities

6 Permanent residents at 50gpc/d — 109,500 gal

36,589 visitors at 7 gpc = 255,633 gal

34693 v. at 5 gpc = 173,465

1826 v. at 35 gpc = 63,910

36 519 v. at Total = 237,375 gal — 240,000 gal

Shop (Utility area) 1000 gp for 250 days — 250,000 gal

Sheep & Goats 493 at 2.5 gpd for 120/10 days — 14,784 gal

Horses 18 at 12 gpd for 120/10 days — 2,592 gal

Milk goats 25 at 10 gpd for 365 days — 91,250 gal

708,126

stock watering 108,626

7

From Correspondence:

Heiser

Flow 1200 gpd - name 9/27/40
3000 gpd " Richey 10/9/40
1500 gpd gauged 1392 in Dec-Feb 200 - spillway = 29 cfm 11/4/40
Gaging only 12-31

3 springs
1 Heiser flow 1100-1375 during 40 ample coo in summer
2 smaller & southern pool/ total flow is 200 gpd

Joan Affidavit 4/1/42

Flow consistently 3000 gpd some affidavit 8/27/40 except in prolonged drought.

av flow 3/41-3/42 was 2.5 gpm = 3600 gpd
av. flow 10/32-10/40 0.8 gpm = 1152 gpd.

2 Lizenter 4/26/42

600 gph Typhoon Pump Flow {not from Dow insp. 7/22/48}

Wupatki

Flow 500 gpd Richey 10/9/40

Flow 150 gpd summer
1200 gpd winter

1933 Development Outline →

high	3000 gpd	high	1000 gpd
low	1000 gpd	low	80 gpd
av.	1500 gpd	modified av.	600 gpd
annual total	550,000 gallons		220,000 gal.

03-08-1955: memorandum to regional director, region three from chief, water resources section regarding water rights, heiser and

In reply refer to:
L54-L

Office of
Chief, Western Office
Div. of Design and Const.
MAR 14 1955 A.M.
Supv. Architect
Supv. Engineer
Supv. Landscape Arch.
Safety Engineer

March 8, 1955

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Water Rights, Heiser and Wupatki Springs, Dockets 1 and 2, Wupatki National Monument

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SIGNED

A. van V. Dunn
Chief, Water Resources Section

In duplicate

Attachments 5

Copy to: Western Office of Design and Construction With attachments

Wupatki Attendance

	1953		1954		
	Visitors	V.D.	Visitors	V.D.	% of Total
Jan.	410	410	536	536	1.4
Feb.	553	553	516	516	1.4
Mar.	507	507	614	614	1.7
Apr.	1,432	1,432	1,597	1,597	4.4
May	1,255	1,255	1,511	1,511	4.1
June	2,384	2,384	6,350	6,350	17.4
July	3,034	3,034	7 248	7,248	19.9
Aug.	3,398	3,398	7,722	7,722	21.2
Sept.	2,391	2,391	4,548	4,548	12.4
Oct.	1,267	1,267	2,565	2,565	7.0
Nov.	644	644	1,785	1,785	4.9
Dec.	475	475	1,527	1,527	4.2
	17,750		36,519		100.0

COPY COPY

Wupatki National Monument
Flagstaff, Arizona

Dec. 21, 1952

Memorandum

To: General Superintendent

From: Superintendent, Wupatki

Subject: Interest of National Park Service in waters of Lower Colorado River.

I have reviewed the memorandum concerning the water of the Lower Colorado River and have the following comment to make for Wupatki:

In the memorandum, spring flow is listed at about 4500 gallons per day. After averaging the past year this figure should be changed to about 1800 gallons per day. Our springs especially Heiser are going down rather fast compared to past years. I think the figure of about 8.0 acre feet for eventual water use is right as if we put in flush toilets as planned that will boost the water usage way up over what it is now.

Frederick R. Brueck
Superintendent

L54 WUPA-L

Wupatki National Monument
Flagstaff, Arizona

June 16, 1952

Memorandum

To: General Superintendent

From: Superintendent, Wupatki

Subject: Wupatki Water Right Docket No. 2 (Heiser Spring)

Following is the information you requested to complete the Statement of A. van V. Dunn relating to Heiser Spring on May 15. It has been necessary for me to change the wording slightly and also your drawing No. Wup-5515 as the figures are not correct in accordance with the water system as it is now.

With the Company permission, the United States constructed a CCC camp on the patented land in 1940, and used the same water for domestic purposes at that camp. The pipe line, and some of the buildings are still in existence. The water systems consist of the following:

1. A spring well at the source of supply, through a 2 inch pipe to a concrete tank, 6' by 9' x 4' deep. The overflow from this tank runs through a 2 inch pipe to several stock watering troughs and into an artificial pond 85 feet by 10 feet in area and about 2 feet deep. The pond is dry now and holds little water so I would say there is no acre feet of water impounded.

2. A 1½ inch pipe is the main line from the concrete tank to the old CCC development.

On the plan this is marked as a 1" pipe. Also on the plan you have a 3' by 3' settling box which is now where the concrete tank is. There is no galvanized tank at the source of supply as marked on the map. The water at the source of supply is housed in a small concrete box with a lid on that can be removed. On the plan the pipe going to the two residences is as follows; The 3/4" hydrant is right but where the line takes off the main line there is 180' of 2 inch pipe and then it is reduced down to 3/4" pipe into the house and temporary house trailer. This was necessary in order to increse the pressure slightly as the tank and house are almost on the same level. I am sending the drawing along with this letter and will make a few notations so you can note the differences. Will you please return it when it has been corrected.

All of the development at Heiser was done by the CCC as the cattle company just had a galv. tank at the spring source for watering stock.

Frederick R. Brueck
Superintendent

May 15, 1952

Statement of A. van V. Dunn
Relating to Heiser Spring

The Heiser Spring, with a fairly reliable flow of 1,100 gallons per day but fluctuations between 600 and 3,000 gallons per day, has been on patented land for a considerable time, and has been used by the sheep of the local Indians and the cattle of the C O Bar Live Stock Company even during the time the Company owned the land.

With the Company permission, the United States constructed a CCC camp on the patented land in _____, and used the same water for domestic purposes at that camp. The pipe line, and some of the buildings are still in existence. The water systems consist of the following:

1. Collecting ditches and a spring well at the source of supply, with ___ inch pipe to an artificial pond ___ feet by ____ feet in area, ____ feet deep, and impounding _____ acre-feet of water.

2. A ____ inch pipe from the same spring well to the CCC development.

No water claim has been filed by any water users. The title, subject to rights of the Indians, was acquired by the United States by warranty deed of which a copy is filed in Part I of this docket.

(SGD.) A. VAN V. DUNN

A. van V. Dunn
Chief, Water Resources Branch

08-19-1948: memorandum to regional director, region three from chief, landscape branch, development division regarding approva

WR Copy

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

ADDRESS:
THE DIRECTOR, NATIONAL PARK SERVICE

August 19, 1948.

MEMORANDUM for the Regional Director, Region Three.

The master plan drawings and development outlines for Wupatki and Sunset Crater National Monuments, submitted with your memorandum of June 28, have been reviewed and approved with the exception of the proposed water system. Mr. Vint signed the drawings on July 26 and Mr. Demaray signed the drawings and development outlines as Acting Director on August 17.

Mr. Jones' signature was affixed to the drawings in accordance with your memorandum of July 22.

In reviewing the proposed water system, there appears to be a great deal of conjecture on the source and system for water. It would be preferable in an instance of this kind to frankly state what is known and that the problem will require further study. Comments from the Water Rights Branch are attached.

Aside from this one element, the text of the outline is especially well prepared and covers all phases of the existing and proposed development, interpretation and operation of the monuments. An excellent job has also been done in preparation of the drawings.

ROBERT G. HALL

Robert G. Hall,
Chief, Landscape Branch,
Development Division.

In duplicate.

Enclosure 862.

cc: Mr. Dunn.

08-19-1948: memorandum to regional director, region three from chief, landscape branch, development division regarding approva

August 19, 1948.

For Memorandum of Comments on Master Plan for
Wupatki and Sunset Crater National Monuments

We recommend that the Master Plan of water developments for both areas be revised even though that means its temporary omission. There is some inconsistency or lack of adequate explanation. The statements now in the development outline, when considered with other information in this Office, also suggest that it is premature to attempt a final plan at this time.

If, as stated, the Master Plan is based on an anticipated annual attendance of about 50,000 people at Wupatki and at Sunset Crater, the indicated water systems are too small as described in the Master Plan, and in the Project Construction Program. We may assume that a large part of the visitors would use the comfort stations at each area, and create an annual water demand of at least 500,000 gallons in each area. The suggested employee population, if largely married and each having at least one child, would create a demand for another 500,000 gallons per year.

The combined flow of Wupatki and Heiser Springs is apparently about 750,000 gallons per year. This is only 75% of the potential demand for that area. Then there is only provision for 105,000 gallons of storage, with the further explanation that wet season spring flow must be carried over to the dry season when 90% of the demand will occur.

It is noted that additional water may be obtained from wells or infiltration galleries on the Little Colorado, and that a well might be practical near the Citadel area. The Forestry section also suggests the use of existing wells and springs near the trading post for fire protection. These are all possibilities rather than plans. Many existing wells near the Trading Post have been abandoned because their water is unsuited for use. The rest are covered by the valid claims of others, many of the claimants being Indians with special immunity from the State water laws. In addition, the proposed Coconino Dam Project of the Bureau of Reclamation, on the Little Colorado, might improve the physical conditions for obtaining water from that source, while complicating the water right problem.

On the other hand, there are a few good wells along the highway between Wupatki and Lee's Ferry, as at Cameron, and one oil prospector hit water at a depth of about 1,300 feet, a year ago, in the same

general area. It is possible, therefore, that a well near the Citadel may be practical, but it should not be suggested as a plan without more geological study and test boring.

The project construction program for Sunset Crater included precipitation catchment on roofs of still unconstructed buildings, as a 4-year-old proposal. The Master Plan makes no mention of that, but does suggest a possible supply from the extension of the pipe line of the Doney Park Water Users Association, or springs on the San Francisco Peaks, 8 to 15 miles away.

As stated in the Master Plan for Wupatki, Babbitt Bros. have constructed a long pipe line to bring water to the north boundary of the Monument from the San Francisco Peaks. The Doney Park Water Users Association and the City of Flagstaff, obtain their water from the limited flow on the same peaks; and the Mt. Elden Water and Pipe Line Users Association, to which the pipe line of Walnut Canyon National Monument is attached, buys its water from the City of Flagstaff. The City, of course, also pumps water from a lake below, but it has become so concerned over its limited supply that it is reported to have spent considerable time and money on water supply studies in the past year or two.

It seems proper, at this time, to consider whether it might not be desirable for this Service to provide a consolidated water system to serve Sunset Crater, Walnut Canyon and Wupatki National Monuments; whether to acquire water rights and make our own diversion, or to buy water from the City of Flagstaff, or as now, from one or both of the Water Users Association; and whether there is a suitable gravity supply from San Francisco Peaks, a possibility of deep wells, or a suitable quality of water along the Little Colorado River.

Apparently, the total water demand at the three Monuments, to conform to present Master Plans for other visitor accommodations, will be about 2,500,000 gallons per year, or the equivalent of a uniform flow of about 0.025 second-foot if adequate seasonal storage were provided. The use would be spread from Sec. 26, T. 21 N., R. 8 E., to Sec. 7, T. 25 N., R. 9 E., and Sec. 30, T. 25 N., R. 10 E., G. & S. R. M., an air line distance of about 30 miles. These suggest that a consolidated water system might involve 50 or 60 miles of pipe, but the diameter would not have to be large, and the cost would not be unreasonable or much more than may be spent otherwise for experimentation and piecemeal construction.

(Sgd.) Dunn

07-16-1946: memorandum to regional director, region three from acting chief engineer regarding flow of wupatki and heiser spring

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

July 16, 1946.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the memorandum of June 26 from Mr. Lassiter, enclosing records of the flow of Wupatki and Heiser Springs at Wupatki National Monument.

As Mr. Lassiter states, Heiser Spring had an average flow of approximately 2.5 gallons per minute from March 1941 to March 1942, but it had a flow of only about 0.8 gallon per minute between October 1939 and October 1940. The present summer is reported to be much drier than any of the last 20 years. If Custodian Jones will supply the records for the present year, as planned, we will be able to estimate the average 20-year cycle with the aid of more complete records on adjacent streams.

In the meantime, we feel that even 2 dry years, such as 1939-1940 and 1945-1946, within 10 years, with the low flow of the former, is a good indication of the limited supply to expect, and the need for considerable carry-over storage or additional sources of supply for the ultimate Monument development. We suggest, therefore, that all available sources of supply be observed this summer, both for design and appraisal purposes.

(SGD) WARD P. WEBBER

AvVD:sh. Acting Chief Engineer.

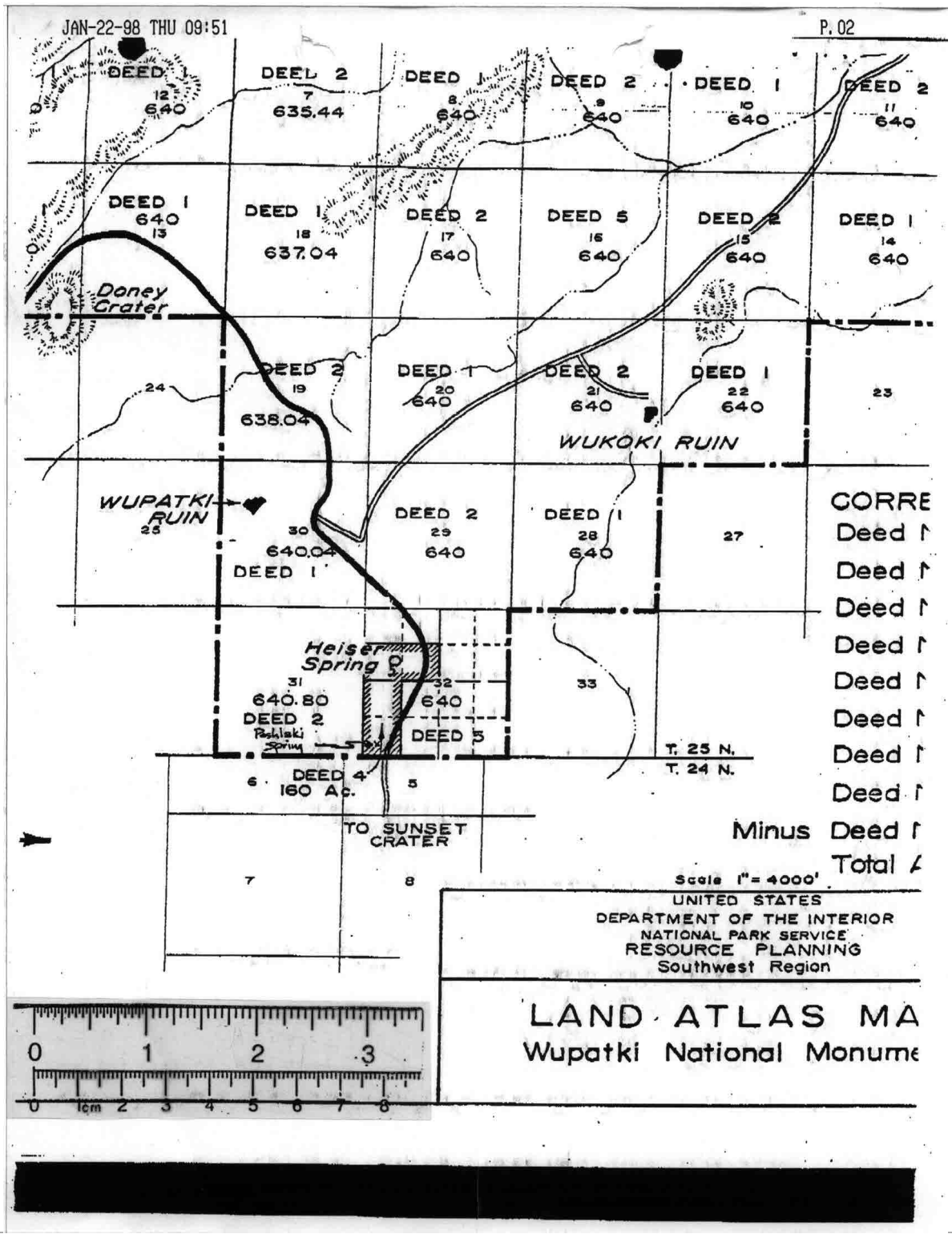
In duplicate.

cc: Mr. Dunn.

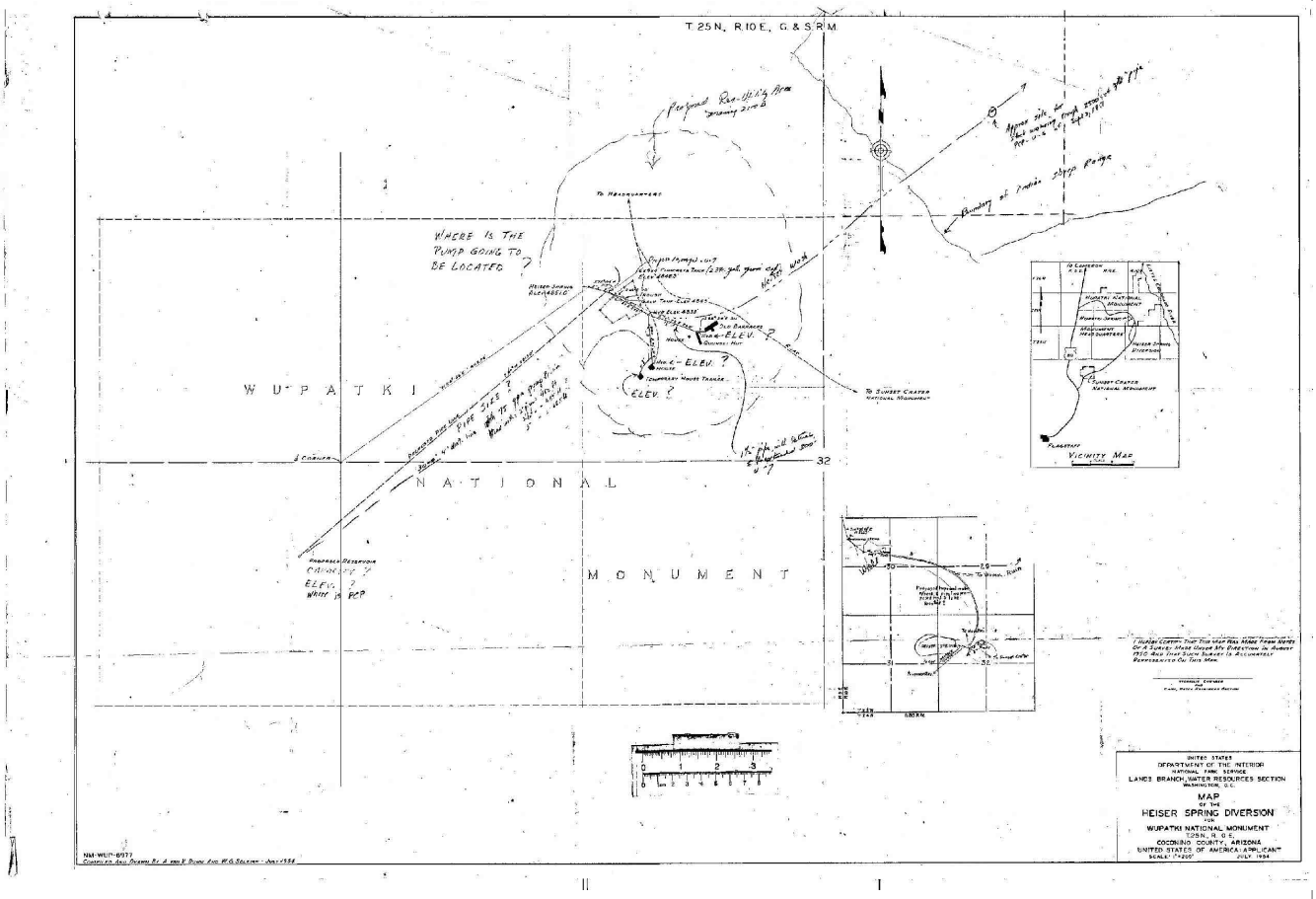


Maps and Miscellaneous Information

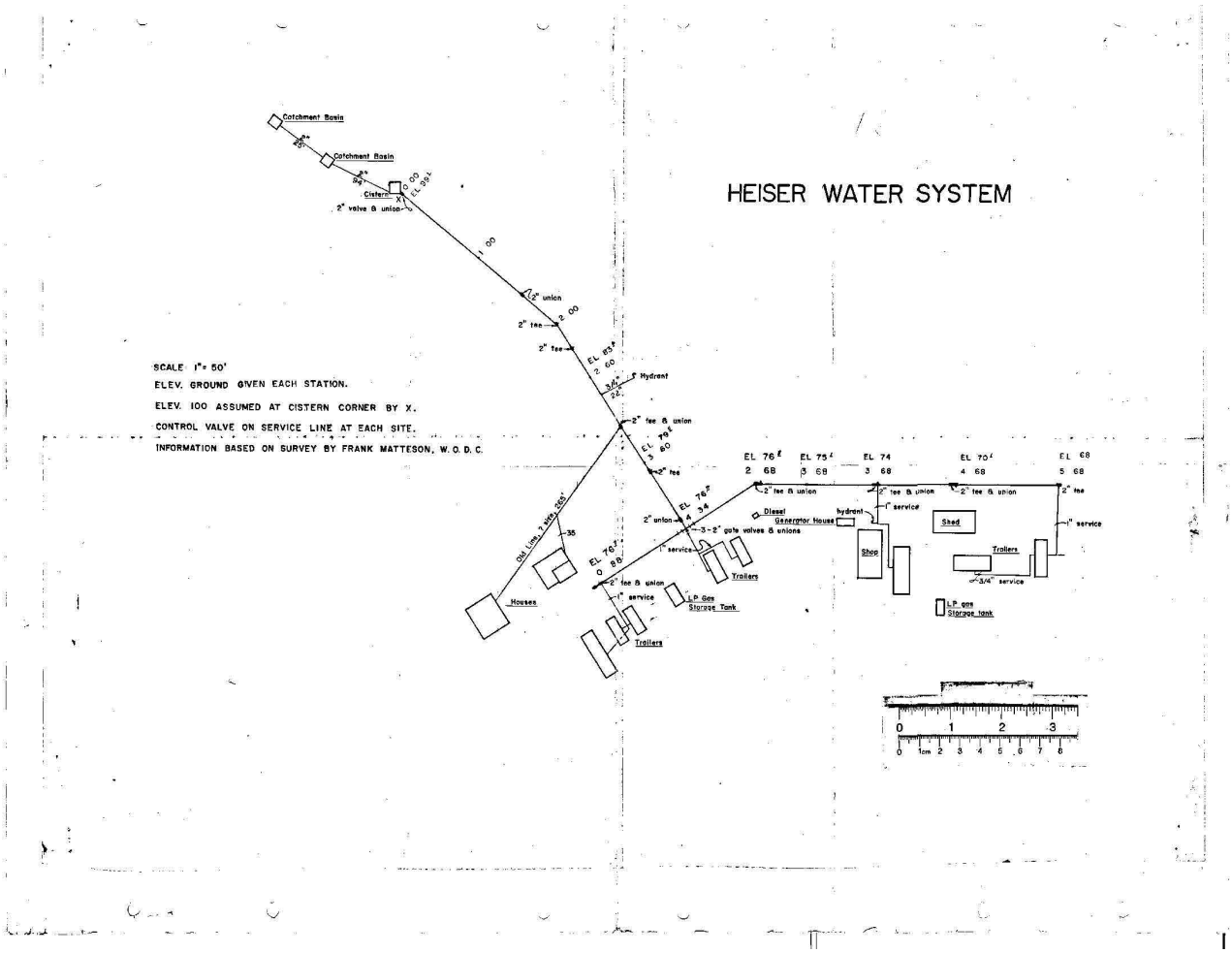
07-16-1946: land atlas map, wupatki national monument



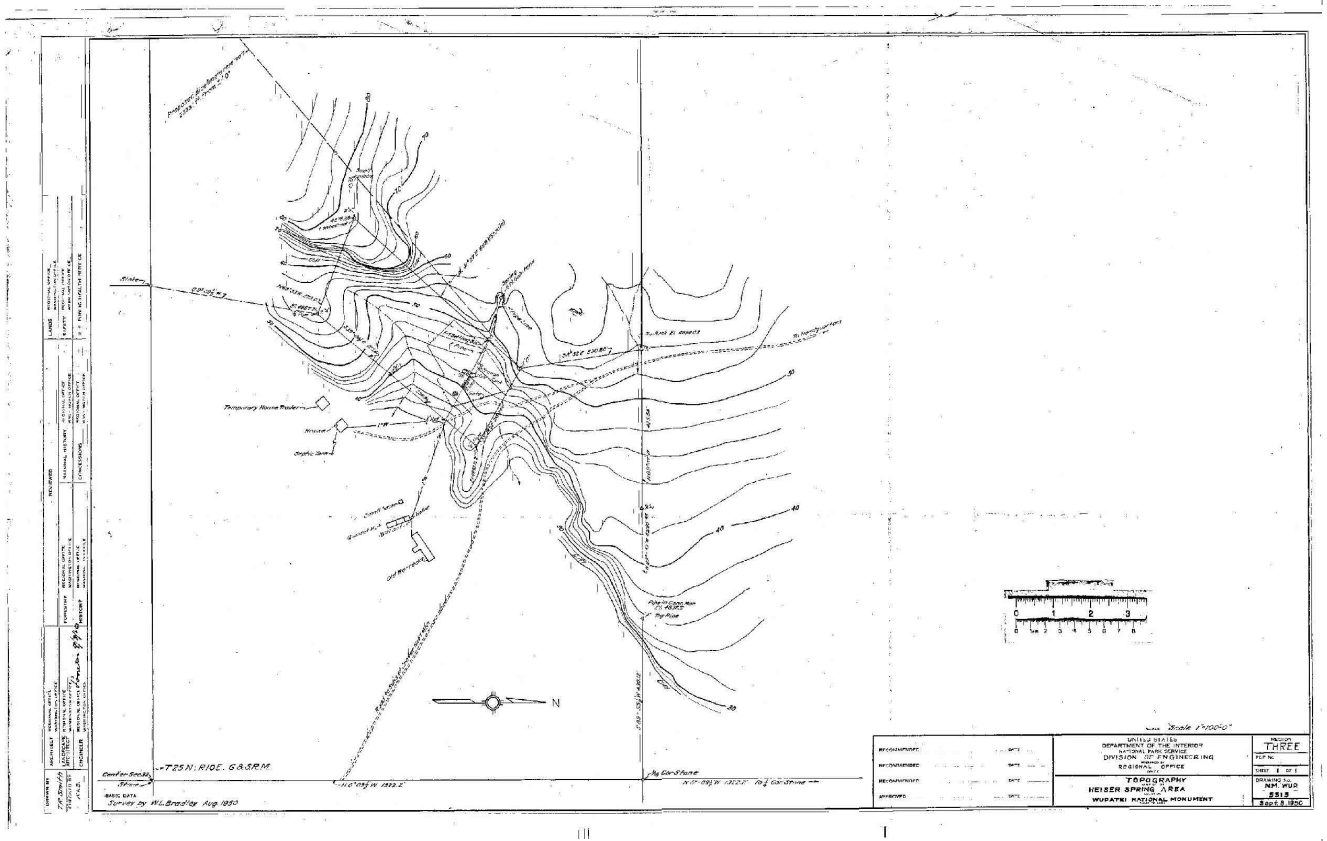
07-00-1954: map heiser spring diversion nm-wup 6977



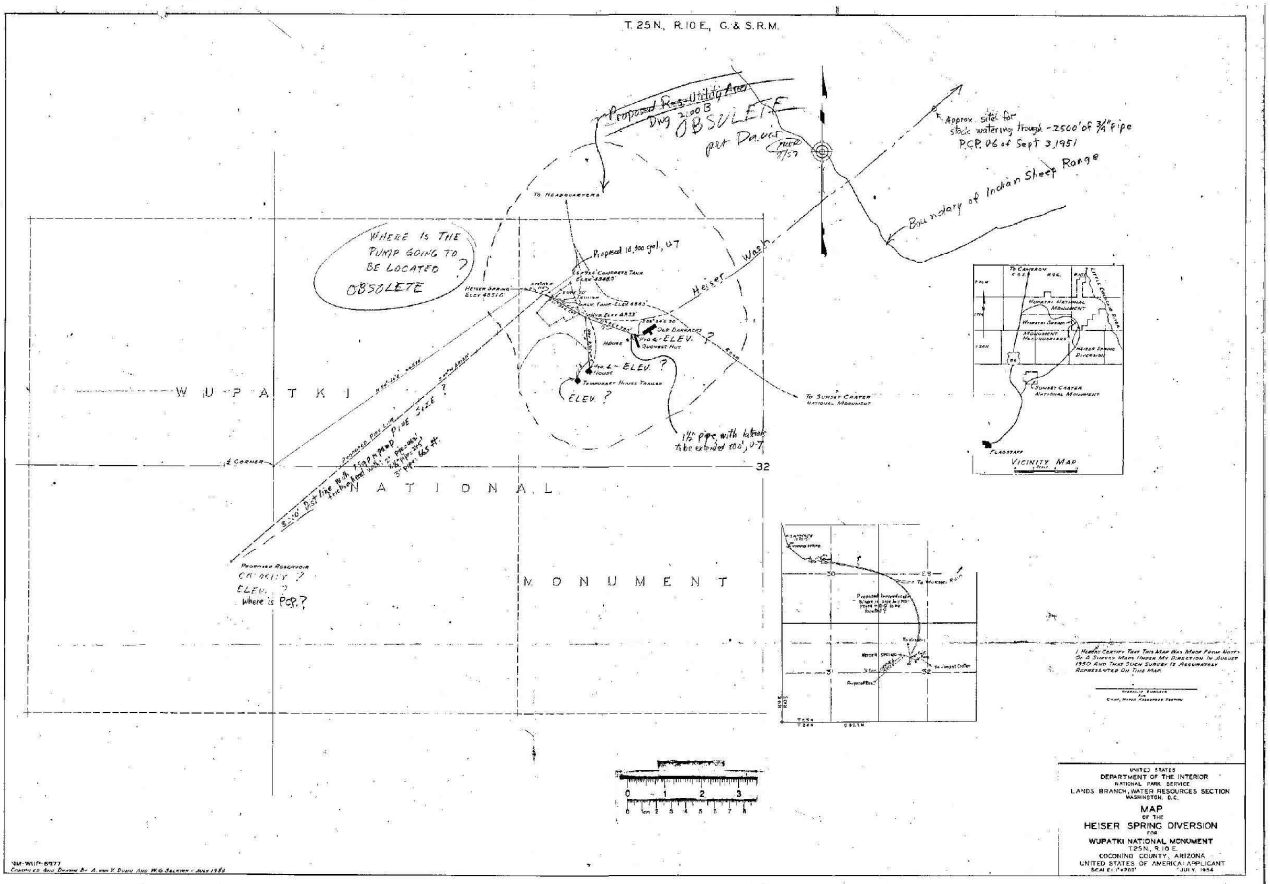
00-00-0000: map heiser water system

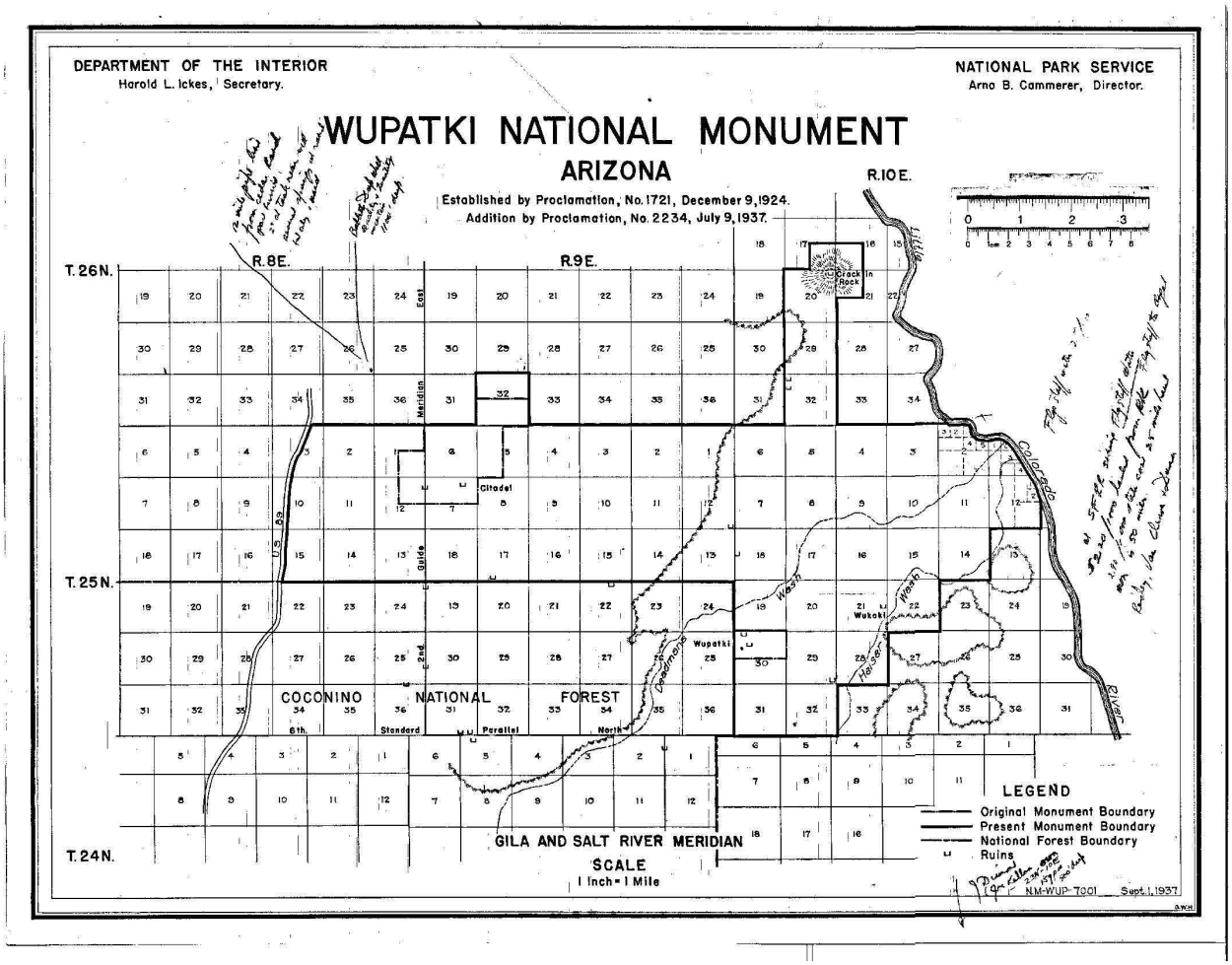


09-08-1950: topographic map heiser spring area nm-wup 5313



07-00-1954: map heiser spring diversion nm-wup 6977





Docket Information

Number of Documents in Docket 181

Documents Dated from 6/1/1937 to 5/15/2000

Docket Compiled: 7/28/2011