Docket No: 1

HUBBARD EASEMENT. FARMER'S UNION DITCH.

Preliminary Docket Information

12-00-1966: water rights #1: hubbard easement

AZTEC RUINS NATIONAL MONUMENT

WATER RIGHTS #1

HUBBARD EASEMENT

Farmer's Union ditch is the water source for irrigation activities on Monument land. The ditch is separated from the Monument by the Hubbard property. This docket concerns an easement over that property for the diversion of irrigation water to the Monument.

Farmer's Union ditch is a public community ditch organized under the laws of New Mexico (see New Mexico statutes 75-14-01, etc.). According to N.P.S. land ownership records, the Monument owns a 1/16 of one share running space water right in the ditch.

The Monument has been diverting water by an old wooden flume leading to a ditch which curves across the Hubbard property. The easement herein is for an improved straight line underground pipe diversion from the Farmer's Union ditch to the Monument.

According to statute 75-14-25, a permit to change this diversion point is not necessary.

According to statute 75-14-5, when an irrigation ditch has been used for five continuous years it is conclusively presumed between the parties that a grant of a diversion easement was made by the owners of the land upon which the ditch was located. After such a five year period, the servient owner can alter the ditch only if such alteration does not interfere with its use by the dominant owner. While there is no need to assert this law-given right now, it should be noted if a dispute should ever arise.

By William Cruzen
LWSSC
December, 1966

I. WATER RIGHTS AND EASEMENTS

1. Irrigation System Location Map: NM-AR 7103

2. Utilities Layout Diagram: NM-AR 2042-A

3. N.P.S Land Ownership Record, tract #4, deed #4 (legal description indicates water right in Farmer's Union ditch).

4. N.P.S. Land Ownership Record, easement, deed #7.

5. May 22, 1958: Grant of permission to install head-gate given by Farmer's Irrigation District.

6. May 27, 1958: Grant of easement from Lloyd A. and Annie Mae Hubbard to U.S.A.
   a. Drawing NM-AR-7102, Pipe Line Easement, is attached.

7. May 28, 1958: Letter from Regional Director, Region Three, to Superintendent, Aztec Ruins, re certification that Hubbard owns property over which easement was granted.

4-8-48

IN THE FIRST JUDICIAL DISTRICT COURT OF NEW MEXICO,
WITHIN AND FOR SAN JUAN COUNTY.

THE ECHO DITCH COMPANY, et al,
Plaintiffs,
— vs —
THE McDERMOTT DITCH COMPANY, et al,
Defendants.

No. 01690.

JUDGMENT.

This cause coming on for hearing, in open Court, at the regular April 8, A. D., 1948, term of said court held at Aztec, San Juan County, New Mexico, on said date, upon the Referee's Report of George F. Bruington, Esquire, filed herein; and the Plaintiffs appearing herein by their attorneys G. W. R. Hoy and J. Murray Palmer, and none of the Defendants appearing herein either in person or by attorney; and the court having considered the Report of the said Referee, together with all and singular the pleadings and papers filed herein; and it appearing to the Court from the record herein,

That on October 13, 1937, the court appointed as its Referee in this cause George F. Bruington, Esquire, to hold hearings for the taking of evidence and the testimony of witnesses; to make Findings of Facts and Conclusions of Law concerning the water rights of each and every party Plaintiff and defendant herein, and all of the Unknown Claimants of water rights in this cause, and to Report the same unto the court, together with the evidence and testimony adduced before said Referee at such hearings; and,

That the said Referee by his said Report showing unto the Court that from time to time during the period intervening since the appointment of said Referee and the filing herein of his said Referee's Report, the said Referee held numerous and protracted hearings, at which was adduced a vast amount of testimony of a large number of witnesses, and much documentary evidence introduced, including the Hydrographic Survey and Report prepared and filed herein by the Honorable Thos. F. McClure, State Engineer of the State of New Mexico, a full, complete, and correct transcription of all of the testimony of said witnesses given before the said Referee, together with the original and certified copies of all documents introduced as evidence, and stipulations made in said hearings before said Referee, and the said Hydrographic Survey and Report of the said State Engineer; and,

From the testimony and evidence so adduced before the said Referee, as aforesaid, the said Referee has made Findings of Fact and Conclusion of Law thereon, all of which are set out fully in said Referee's Report filed herein; and that for convenience, clarity, brevity, and easier reference the said Report is divided into two (2) classes of findings, namely; 1. GENERAL FINDINGS, and 2. SPECIFIC FINDINGS; and it appearing to the court that for the purposes aforesaid the findings in this Decree should be and are classified as given in said Referee's Report, as aforesaid, to-wit:

1. GENERAL FINDINGS, which relate to the water of the Streams System of the San Juan River in the State of New Mexico, and which said General Findings apply to all of the ditches, diversions works, reservoirs, and other devices heretofore used for diverting and applying the waters of streams system of the San Juan River in the State of New Mexico, to beneficial uses in the State of New Mexico; and,

2. SPECIFIC FINDINGS, which relate to each specific community ditch and other ditches, and all and singular the water rights and waters diverted from said streams system and applied to beneficial uses together with the reservoirs, individual ditches, and all other structures and devices heretofore and now used for diverting and applying waters of the streams system of said San Juan River and its tributaries to beneficial uses in the State of New Mexico.

WHEREFORE, THE COURT DOTH FIND:

PART ONE.

GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW.

I.
INSTITUTION OF PROCEEDINGS

That Plaintiff's Complaint was filed in this cause on the 4th day of October, 1937, and that, thereafter on the 16th day of March, 1938, Plaintiffs filed herein their Amended Complaint; and that Summons in this cause was issued on the 4th day of October, 1937.

II.
APPEARANCE BY STATE OF NEW MEXICO.

That the State of New Mexico, by its duly authorized Interstate Stream Commission, appearing by the Honorable A. T. Hannett, Attorney for said Interstate Stream Commission, entered its appearance herein and filed herein its Petition of Intervention, which said Petition of Intervention was filed with the approval of this Court under the Order of this Court made and entered herein, and thereby the State of New Mexico submitted itself, and all and singular its rights to the waters of the streams system of the San Juan River, to the jurisdiction of this Court, for determination and adjudication by this Court.

III.
SERVICE OF PROCESS.

That personal service has been had in this cause upon all of the Defendants who reside in or have their place of abode in the State of New Mexico, and return of such service has been filed herein; and that personal service was had upon all of the Defendants who are not residents of the State of New Mexico, and whose places of residence and post office addresses are known, by mailing a copy of the summons issued in this cause to such Defendants, and return of such service filed herein; that service has been had in this cause, by publication, upon all of the Defendants who are not residents of the State of New Mexico, and all Defendants who are residents of the State of New Mexico or reside therein who could not be served in the State of New Mexico, or have secreted themselves, or whose whereabouts are unknown, or whose names, places of residence, whereabouts, and post office addresses could not be obtained after diligent search and inquiry; and that service has been had upon all Unknown Claimants who claim, or own, any water rights for any beneficial uses or purposes whatsoever to the water of the streams system of the said San Juan River in the State of New Mexico; and that such service by publication was made by publishing notice in the Times Hustler, a legal weekly newspaper published in said San Juan County, for four successive issues thereof, and proof of publication by publisher's affidavit has been filed herein.

IV.
SCOPE OF PROCEEDINGS.

That this cause is one brought for the purpose of determining and adjudicating the rights of all and singular the respective claimants and owners of the rights to divert, impound, and beneficially use the waters of the streams system of the San Juan River in the State of New Mexico; and the Court finds, for the purpose of this cause, that each party claimant to the respective ditches, canals, reservoirs, and the works and rights of way therefor, and the sita thereof all are as set out hereinafter in the Specific Findings of this Decree; and that the findings herein are not to be construed in any manner, as making any findings of fact determining the rights, title, or ownership of any persons or parties, in, to or against any of the lands hereinafter described, or any part or parcel thereof; that for the sole purpose of determining and adjudicating water rights in this Decree, the respective tracts of land, the respective ditches, canals, reservoirs, pipe lines, pumping plants and other diversion and distribution works with the rights-of-way therefor and the sites thereof, together with the water rights appurtenant thereto or exercised thereon or therethrough, are owned by the respective party or parties Plaintiff or Defendant as hereinafter named

and their successors in interest and set out in the specific portions of this Decree, but this Decree shall not be construed as having adjudicated, determined, or affected the title to any lands or rights in any property whatsoever other than the rights to the diversion and use of water as herein determined and established.

V.
PARTIES TO THIS ACTION.

That all of the lands for which water rights are herein found and decreed are situate within the State of New Mexico and within the territorial jurisdiction of this Court; that under all of said water rights are diverted and appropriated waters from the same streams system within New Mexico, to-wit: the San Juan River and its tributaries; that all and singular the owners of said lands and water rights or their predecessors in title and interest therein and thereto by due service of the process of this Court upon them, or by entry of appearance herein, are properly before this Court in this cause, and that the Court has full and complete jurisdiction of the subject matter of this cause and of the parties hereto.

VI.
APPROPRIATION FOR BENEFICIAL USE.

That each of the Plaintiffs and each of the Defendants, present owners of or their predecessors in interest and title to the respective tracts of lands in the specific portions of this Decree described, or shown by reference to the Hydrographic Survey Map Sheet upon which the same appear, diverted and appropriated waters of the San Juan River Streams System for the Irrigation of said lands, for domestic use and watering of livestock, on the date in said specific portions of this Decree set forth, and continuously thereafter has applied and does now apply the same to beneficial use.

VII.
NECESSITY FOR IRRIGATION.

That all of said lands are located in an arid or semi-arid region and cannot be successfully cultivated or made productive of crops without application of water from sources other than the natural rainfall or snow fall thereon.

VIII.
SAN JUAN RIVER.

That the San Juan River is a natural stream, of perennial flow, which rises in the State of Colorado and flows thence into and through the Counties of Rio Arriba and San Juan in the State of New Mexico, and leaves the State of New Mexico in said San Juan County; that the said San Juan River is a tributary of and constitutes a part of the streams system of the Colorado River; and that the waters of the said San Juan River, and its tributaries in the State of New Mexico, are public waters, and at all times hereinafter mentioned waters of said San Juan River and its tributaries have been public waters, and subject to application to beneficial use in the State of New Mexico for domestic purposes, for the irrigation of lands, for industrial uses, and for the watering of livestock.

IX.
STREAM SYSTEM.

That the Las Animas River is a stream of perennial flow which rises in the State of Colorado and runs thence into San Juan County, New Mexico, and empties into the said San Juan River at a point designated and shown on the plat in Volume III of the Report of the State Engineer filed herein; and that the Las Animas River constitutes a part of the streams system of the said San Juan River.

That the La Plata River is a stream of perennial flow which rises in the State of Colorado and flows thence southward into San Juan County, New Mexico, and empties into the said San Juan River at a point shown and designated on the plat in Volume III of the Report of the State Engineer filed herein; and that the said La Plata River constitutes a part of the streams system of the said San Juan River.

That the Navajo River is a stream of perennial flow, which rises in Rio Arriba County, New Mexico, and flows thence northward into the State of Colorado and empties into the San Juan River at a point designated in the plat in Volume III of the Report of the State Engineer filed herein; and that the said Navajo River constitutes a part of the streams system of the said San Juan River.

That the Seven Lakes Draw, the Kin Lazin Wash, and Indian Creek, all in McKinley County, New Mexico, and being streams of intermittent seasonal flow, drain into and constitute a part of the streams system of the said San Juan River.

That the Dulce Reservoir in Rio Arriba County, New Mexico is a storage reservoir impounding water for irrigation purposes from streams of intermittent seasonal flow and surface drainage water, within the drainage area of the said San Juan River; and that the said Dulce Reservoir and the seasonal streams flowing therein constitute a part of the drainage area and of the streams system of the said San Juan River.

That the San Bracito Arroyo is a stream of perennial flow which has its course rising in La Plata County, Colorado and flows thence into San Juan County, New Mexico, and through which certain water from the Horner-Heath Ditch in La Plata County, Colorado, is carried thence to what is known as the Miller place in said San Juan County.

That the Pine River is a stream of perennial flow which rises in the State of Colorado, and runs thence into the State of New Mexico, and empties into the said San Juan River in San Juan County, New Mexico; and that the said Pine River constitutes a part of the streams system of the said San Juan River.

That the Farmington Reservoir for the storage of municipal water for use in the Town of Farmington, New Mexico, impounds water from the said Las Animas River and the water so impounded for use in the said Town constitutes a part of the waters of the streams system of said San Juan River.

That all of the waters diverted from the aforesaid streams, and impounded in the aforesaid reservoirs, constitute a part of the water diverted and used from the streams system of the said San Juan River, and are public waters of the State of New Mexico, and were and are subject to appropriation for said beneficial uses.

X.
ABBREVIATIONS AND DEFINITIONS.

That the abbreviations for land descriptions and for quantity and rate of water discharge as shown in the Findings and Decree and in the State Engineer's Reports and Exhibits are recognized and defined as follows:

NW¼ for Northwest Quarter
SW¼ for Southwest Quarter
NE¼ for Northeast Quarter
SE¼ for Southeast Quarter
N, S, E, and W for North, South, East and West, respectively
N. M. P. M. for New Mexico Principal Meridian
Sec. for Section
T. or Twp. for Township
R. or Rng. or Rge. for Range
L. or Lt. for Lot
F. or Fr. for Fractional
C. F. or Cu. Ft. for Cubic Feet
CFS or Sec. Ft. for Cubic Feet of water per second of time
A. F. or Ac. Ft. for Acre feet of water (a quantity sufficient to cover one acre one foot deep)
Ac. Ft. per Ac. for Acre feet per acre (equal to depth of water in feet on the land).

That certain expressions used in the Findings and Decree and in the State Engineer's Report and Exhibits are hereby recognized and defined as follows:

"Water Allotted" the individual water user, as used in the Findings and Decree, is equivalent to "Farm delivery", which is the quantity of water in acre feet delivered to the lands of an individual water right owner.

"Maximum rate of diversion" is the maximum rate in cubic feet of water per second at which a ditch may divert from a stream to supply current demands for water allotted for beneficial use on the lands of the individual water users, and to cover reasonable seepage and evapo-transportation losses in transit thereto.

XI.
DUTY OF WATER.

Subject to the requirement and limitation of beneficial use, the maximum duty of water, appropriated and to be used for the irrigation of lands under rights adjudicated in this cause, is the amount which is specifically allotted in terms of acre feet to the respective ditches or diversion systems, all as respectively set out in that portion of these Findings which is designated "Specific Findings."

XII.
DIVERSION FOR STORAGE.

Except as otherwise provided in the Specific Provisions of this Decree, the owner of any right to divert and impound water for storage, within the limits of his priority, should be decreed to have the right to divert water for such storage at any and all times during the year up to the total amount he is entitled to divert and impound under his said right; Provided that such storage does not adversely affect the rights or uses of other water users.

XIII.
DIVERSION AND DELIVERY BY DITCHES.

When waters to be delivered to any water user or users from any main diversion or distributing system, operated and maintained by an irrigation district, community ditch or ditch corporation or association, are discharged therefrom into a ditch or lateral which is maintained by said user or users, such waters shall be measured at the point of discharge from said system and shall be discharged at such rates and in such computed quantities as will absorb all reasonable carriage losses and will deliver upon the lands the respective quantities which the lands and said water users are entitled to receive, as set forth in the specific portions of these findings. Said measurements and computations shall be made and regulated exclusively by the State Engineer as statutory watermaster, or by such agent acting under his orders and directions as he shall lawfully appoint and authorize in that behalf. In the event that any such ditch or lateral, into which waters are to be measured and discharged, is in such condition that, in the opinion of the State Engineer, such waters cannot be conducted therethrough to the lands to be irrigated without unreasonable loss and waste, and the State Engineer or his authorized agent may refuse to release waters to said ditch or lateral, until those in charge of the maintenance thereof shall have placed the ditch or lateral in a condition satisfactory to the State Engineer.

XIV.
RIGHTS OF DITCH OFFICIALS.

Nothing in this Decree contained shall be construed as affecting any lawfully elected Commissioner, Mayordomo, or Superintendent of any Community Ditch, constituted a corporation by the Laws of New Mexico, or as affecting the Directors of any Irrigation District organized under the laws of said State in the exercise of their respective powers and duties, as defined or contemplated by the laws of the State, concerning the management, control and distribution of waters diverted through any such community Ditch or Irrigation District; but this provision shall not be construed as permitting the diversion of any waters by any such Community Ditch or Irrigation District for any purposes other than beneficial use and without waste thereof.

XV.
RIGHTS DETERMINED.

That it is the intent and purpose of this Decree, and it shall be so construed, to fix and determine, not only the water rights of the Plaintiffs as against the water rights of each and every Defendant herein, but to also fix and determine the water rights of each and every Defendant herein as against the water rights of said Plaintiffs and of each, every, and all other Defendants inter se.

PART TWO.

SPECIFIC PORTION OF FINDINGS OF FACT, WITH SPECIFIC FINDINGS CONCERNING EACH WATER RIGHT ADJUDICATED HEREIN.

The Court finds that each and every of the persons, firms, corporations, irrigation districts and associations, hereinafter named or designated in this Specific Portion of its findings, has and holds the specific and vested right to divert and to beneficially use waters of the San Juan River Stream System in the State of New Mexico, with such priority, in such manner, by such means, through such irrigation or other canals and systems, in such amounts, at such times, for the irrigation of such lands in such acreages or for such other beneficial purposes as are respectively set out and described in and limited by the Specific Provisions of this report, which are as follows, to-wit:

(Note: For clarity and convenience the order in which the respective water rights are herein specifically treated, and follows, as nearly as may be, that used by the State Engineer in making his Hydrographic Survey and Report thereon, and as disclosed in Volumes II and III of his Report, which have been received in evidence in this cause.)

1. FINDINGS AS TO CERTAIN LA PLATA RIVER DITCHES.

The waters of the La Plata River in New Mexico, with the exception of small interests now before the Court, were adjudicated in San Juan County, New Mexico, in Cause No. 197, Decree dated the 22nd day of April, A. D., 1901, and in Cause No. 268, Decree dated the 26th day of November, 1910.

In said prior decrees said waters were adjudicated to the various ditches thru which the said waters were carried and were not decreed to be appurtenant to the lands upon which the same were used; nor were said lands described.

Since the dates of said decrees, waters have been transferred from ditch to ditch and in some instances, said waters are now used upon lands other than that upon which they were originally used.

Said prior decrees defined and numbered the priorities of the waters carried by the various ditches, some of which have been abandoned, the waters thereof being now carried thru other ditches.

The Court finds, That said prior decrees are valid and that the rights therein decreed are valid, subsisting rights now being used beneficially upon lands in the La Plata River valley in San Juan County, New Mexico; that no attempt should be made in this action to abrogate or in any way change said rights. The Court finds that said prior decrees should be supplemented by Decree in this action, in which the original priorities of use should be fully recognized, but which now designates and describes the lands to which the said waters are now appurtenant and upon which the same is now beneficially used, as is more particularly set out in the ownership forms hereto attached and made a part hereof;

That copies of the said prior Decrees are attached hereto and made a part hereof; but the Court finds that in the said Decree entered in said cause No. 197 the date of priority No. 1 was erroneously or through clerical error written into the Decree as "February 12, 1897", when in fact the date of said priority No. 1 was and is February 12, 1877, and the date of priority No. 2 is given in said Decree as "March, 1897", when in fact the date of said priority No. 2 was and is March 1877; and that the date of priority No. 3 is shown in the said Decree as dating from "June 1897", when in fact it was and is March 1877; and that the dates in said Decree, a copy of which is incorporated herein as a part hereof is corrected to show the aforesaid correct dates of priority No. 1, priority No. 2, and priority No. 3;

The Court finds that the waters of the La Plata River in San Juan County, New Mexico, are now distributed and used as follows:

THE THOMAS DITCH; Priority No. 5 for the use of 1.2 cubic feet of water per second of time and Priority No. 22 for the use of 2.0 cubic feet of water per second of time were transferred and are now being carried in the Hillside Ditch.

LA PLATA IRRIGATING DITCH: Priority No. 10 for the use of 6.28 cubic feet of water per second of time; 3.14 cubic feet of water for said Priority was transferred to The Cunningham Ditch and 3.14 cubic feet of said Priority was transferred to the La Plata Indian Ditch.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED,

PART TWO

SECTION 1.

MASTER SHEETS AND OWNERSHIP FORMS.

That for brevity, clarity, and convenience all of the ditches, both district ditches (Bloomfield Irrigation District), community ditches, and individual ditches each is given a Master Sheet herein, entitled "ADJUDICATED RIGHTS OF INDIVIDUAL CANALS, DITCHES, CARRIERS, AND RESERVOIRS, AND LAND OWNERS USING WATERS THEREUNDER OR THEREFROM IN CAUSE NO. 01690, DISTRICT COURT, SAN JUAN COUNTY, NEW MEXICO"; that grouped under each of said Master Sheet are all of the several water rights owned under such ditch on individual Ownership Forms, which forms give the name of the ditch under which the water was appropriated and is used, the name of the river or stream from which the water is diverted, the name of the land owner, the description of the land owned by him, the amount of water included in his water right, the page number in Volume II and the sheet number in Volume III of the State Engineer's Report filed herein, and other pertinent data relating to each of the said water rights.

SECTION II.

FALLOW LANDS.

The court finds that all of the lands shown in Volumes II and III of the Report of the Engineer filed herein under the designation of "Fallow" lands had been irrigated before said Hydrographic Survey was made and have been irrigated since said Hydrographic Survey was made, and should be classed as irrigated lands; that there is a valid subsisting water right appurtenant to said fallow lands and the same should be classed as irrigated lands and a sufficient amount of water allotted to said lands to irrigate the same as is allotted to the lands which are shown in said Volumes II and III as irrigated crop lands; that in any instance in which such water is not shown on the ownership forms in Part Three of this Judgment shall be added to the number of acres of irrigated lands shown on said ownership forms in equal amounts for each acre as is allotted and adjudged to other irrigated lands.

SECTION III.

CORRECTIONS.

That the Court retains jurisdiction of this cause for a period of two years from and after the date of entry of this Judgment, for the purpose of: correcting obvious errors, clerical or of fact; carrying out and enforcing the terms and provisions of this Judgment, and the administration of the distribution of water under the rights therein determined; bringing in any new parties, if any there be, whose water rights should have been, but through inadvertent omission, were not adjudicated herein, and adjudicating the water rights of said new parties herein; Provided, However, that no change or modification shall be made except after notice has been given to all parties who may be adversely affected thereby.

the shareholders of said ditch company, and their said predecessors in interest, appropriated and applied to beneficial uses for the aforesaid purposes on the said lands the amount of water shown on the said Ownership forms, and thereafter continuously have used and applied the same to the aforesaid beneficial uses on said lands, and continue now so to do; and that each of said landowners have and own a valid and subsisting water right to waters from said Animas River in the amount set out in Part Three of this Judgment on said respective Ownership Forms, with priority from 1891, for the uses and purposes aforesaid.

HALFORD DITCH.

That at all times hereinafter mentioned the Halford Ditch Company has been and now is a community ditch corporation, organized and existing under the laws of the Territory and State of New Mexico relating to community ditches;

That the shareholders of said community ditch company are the owner of all of the lands irrigated with water diverted from said Animas River and carried in and through the said Halford Ditch to the lands of the several respective shareholders of said ditch company; that a complete list of the shareholders of said ditch company, the land owned by each, the amount of land irrigated by each, the amount of water appropriated and beneficially used by each, and which each lawfully is entitled to receive for use on his said lands, all are more particularly shown on the Ownership Forms in Part Three of this Decree;

That the said shareholders in said community ditch company, and their predecessors in interest, in the year 1891 constructed, or caused to be constructed, the said Halford Ditch for the purpose of diverting water from said Animas River and carrying the same to and upon the said lands for the purpose of irrigating the same for the growth and production of crops thereon, for domestic uses, and for watering livestock thereon; and that in 1891 the shareholders of said ditch company, and their said predecessors in interest, appropriated and applied to beneficial uses for the aforesaid purposes on the said lands the amount of water shown on the said Ownership forms, and thereafter continuously have used and applied the same to the aforesaid beneficial uses on said lands, and continue now so to do; and that each of said landowners have and own a valid subsisting water right to waters from said Animas River in the amount set out in Part Three of this Judgment on said respective Ownership Forms, with priority from 1891, for the uses and purposes aforesaid.

FARMERS' DITCH.

That at all times hereinafter mentioned the Farmers' Ditch Company has been and now is a community ditch corporation, organized and existing under the laws of the Territory and State of New Mexico relating to community ditches;

That the shareholders of said community ditch company are the owner of all of the lands irrigated with water diverted from said Animas River and carried in and through the said Farmers' Ditch to the lands of the several respective shareholders of said ditch company; that a complete list of the shareholders of said ditch company, the land owned by each, the amount of land irrigated by each, the amount of water appropriated and beneficially used by each, and which each lawfully is entitled to receive for use on his said lands, all are more particularly shown on the Ownership Forms in Part Three of this Decree;

That the said shareholders in said community ditch company, and their predecessors in interest, in the year 1892 constructed, or caused to be constructed, the said Farmers' Ditch for the purpose of diverting water from said Animas River and carrying the same to and upon the said lands for the purpose of irrigating the same for the growth and production of crops thereon, for domestic uses, and for watering livestock thereon; and that in 1892 the shareholders of said ditch company, and their said predecessors in interest, appropriated and applied to beneficial uses for the aforesaid purposes on the said lands the amount of water shown on the said Ownership forms, and thereafter continuously have used and applied the same to the aforesaid beneficial uses on said lands, and continue now so to do; and that each of said landowners have and own a valid and subsisting water right to waters from said Animas River in the amount set out in Part Three of this Judgment on said respective Ownership Forms, with priority from 1892, for the uses and purposes aforesaid.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED,

PART THREE.

SECTION 1.

MASTER SHEETS AND OWNERSHIP FORMS
MADE A PART HEREOF.

That the said Master Sheets and Ownership Forms, compiled in the order consecutively, both as to ditches and as to individual ownerships under each respective ditch, as compiled in Volume II and Volume III of the State Engineer's Report filed herein, consisting of 377 pages with index thereto and entitled "ADJUDICATED RIGHTS OF INDIVIDUAL CANALS, DITCHES, CARRIERS, AND RESERVOIRS, AND LAND OWNERS USING WATERS THEREUNDER AND THEREFROM IN CAUSE NO. 01690, DISTRICT COURT, SAN JUAN COUNTY, NEW MEXICO," and hereinabove in this Judgment referred to, are made a part hereof, as if hereinabove written in this Judgment.

Done this 8th day of April, A. D. 1948, at the regular April 1948 term of court held at Aztec, San Juan County, New Mexico.

BY THE COURT

(Signed) David W. Carmody
DISTRICT JUDGE.

08-27-1958: land ownership record

Form NPS-L-1

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

LAND OWNERSHIP RECORD

State New Mexico

Tract No. Easement

County San Juan

Deed No. 7

Civil Subdivision

Area Easement only - no acres Deed # 1

Name of Park or Area Aztec Ruins National Monument

Area based on survey of National Park Service Date 1958

Section of Park or Area Outside Monument - Adjoins Northwest Corner

Legal Description: An easement across the real property hereinafter described for the installation of a 6-inch Transite cement asbestos pipe to convey water from the Farmers Ditch ditch to the northwest corner of Aztec Ruins National Monument, San Juan County, State of New Mexico, including the necessary ingress and egress to install, maintain and repair the same which pipeline shall be installed at least 3 feet below the surface of the ground, a distance of approximately 357 feet. The course and bearing of the above described easement and pipeline is as follows:

Beginning at the northwest corner of Aztec Ruins National Monument, thence east 16 feet to the true point of beginning. Thence N. 00° 53' E. a distance of 249 feet

(continued on back of sheet)

Method of Acquisition: Donation Appropriation or Source of funds:

Cost (if purchased) or estimated value: $1,000 (estimated)

Acquired from: Lloyd A. Hubbard and Annie Mae Hubbard by easement dated May 27, 1958, Recorded May 28, 1958, in Book 372, page 124.

Accepted by Secretary ( ) Opinion of Att'y. Gen.-title in U. S. ( ) waived date: August 27, 1958

Assistant Director

Physical Characteristics: agricultural - irrigated fruit orchard

Improvements on Land at time of Acquisition: Fruit orchard, open-ditch irrigation system

Existing or outstanding special use permits, reservations, rights, or rights of way: See Legal Description

Report Based on: Easement and related papers

Prepared by: L. Tindal (in part) date: January 1959

Map References: Land Status Atlas Sheet 1-A. Pipeline Easement Plat NM-AR-7102 and Map Irrigation System NM-AR/7103 included in deed assembly and is a part thereof.

Remarks:

31892

Legal Description (continued):

to Station 2+49; thence N. 10° 55' W. a distance of 108 feet to the south bank of the Farmers Union ditch, Station 3+57. Lying generally within the SE¼SW¼ of Sec. 4, T. 30 N., R. 11 W., N.M.P.M. A small portion of the above described line lies in the SW¼SW¼ of the above described Sec. 4, T. 30 N., R. 11 W.

The easement granted and described above is more particularly shown in detail on Drawing NM-AR-7102, Aztec Ruins National Monument, Pipe Line Easement, attached as part of this easement.

The easement herein granted is conditioned on the grantee herein so using the same as not to interfere with the use by grantors of the surface of said real property, any more than is reasonably necessary for the installation, maintenance and repair of said pipeline and the actual use thereof by grantee for the purposes aforesaid.

Neither this easement nor any interest therein shall be sold, assigned or transferred by grantees without the prior written consent of the grantors, their heirs or assigns.

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

Address Reply to the Division Indicated and Refer to Initials and Number

August 27, 1958

RJL-CFN
33-32-243-1

INTERIOR DEPT.
AUG 29 1958
SOLICITOR

Elmer F. Bennett, Esquire
Solicitor
Department of the Interior
Washington 25, D. C.

Dear Mr. Bennett:

This refers to the letter dated June 18, 1958, from your Department, requesting a waiver of the requirement for the approval of the title by the Attorney General, pursuant to the provisions of Rev. Stat. 355 (40 U.S.C. 255), covering the title to an easement for a pipeline across certain land in San Juan County, New Mexico, to be used in connection with the Aztec Ruins National Monument. This is to be acquired pursuant to authority contained in the Act of August 7, 1946 (60 Stat. 885, 16 U.S.C., sec. 17j-2).

The above-mentioned right of way is to be acquired by donation and your Department has obtained evidence of a search by the superintendent of the above-mentioned monument showing that the donors are the record owners of the property over which the easement is to be located and that the property is unencumbered.

In view of the these facts and the information contained in the letter of June 18, 1958, you are advised that the requirement for the approval of the title to the above-mentioned easement is hereby waived. The title papers are enclosed.

Respectfully,
For the Attorney General

Perry W. Morton

PERRY W. MORTON
Assistant Attorney General
Lands Division

4

05-28-1958: memorandum to regional director from superintendent regarding ownership of hubbard property

IN REPLY REFER TO:
L1425
Hubbard

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Aztec Ruins National Monument
Aztec, New Mexico

May 28, 1958

Memorandum

To: Regional Director, Region Three

From: Superintendent, Aztec Ruins

Subject: Statement Regarding Ownership of Hubbard Property, Aztec Ruins

This is to certify that on May 27, 1958, I made a search of the County Records of San Juan County, New Mexico. I find that Lloyd A. Hubbard is the record owner of the property immediately north of the northwest corner of Aztec Ruins National Monument as evidenced by a warranty deed dated January 21, 1949, recorded in Book 118, Pages 448 and 449.

I have also checked the County Records and as of May 27, 1958, there were no outstanding mortgages or liens of record.

Taxes for all years up to and including 1957 have been paid.

Albert G. Henson
Superintendent
Aztec Ruins National Monument

In triplicate

W.O.D.C.

STATE NEW MEXICO } ss.
County of San Juan }
I hereby certify that this instrument was filed for record on the 28 day of May 1958 at 3:45 o'clock P. M., and duly recorded in book 372 page 124 of the Records of said County.
Witness my hand and seal of office
Lloyd Dodd
Probate Clerk and ex-officio Recorder
By Bonnie Lane
Deputy

EASEMENT.

KNOW ALL MEN BY THESE PRESENT:

This easement made the 27TH of MAY, 1958, by and between Lloyd A. Hubbard and Annie Mae Hubbard, husband and wife, as grantors and the United States of America, Grantee,

WITNESSETH:

That as a donation for public purposes on the conditions hereinafter set forth the grantors herein do hereby grant to the United States of America, grantee herein, an easement across the real property hereinafter described for the installation of an 8-inch Transite cement asbestos pipe to convey water from the Farmers Union ditch to the northwest corner of Aztec Ruins National Monument, San Juan County, State of New Mexico, including the necessary ingress and egress to install, maintain and repair the same which pipe line shall be installed at least 3 feet below the surface of the ground, a distance of approximately 357 feet. The course and bearing of the above described easement and pipe line is as follows:

Beginning at the northwest corner of Aztec Ruins National Monument, thence east 16 feet to the true point of beginning. Thence N. 00° 53' E. a distance of 249 feet to Station 2+49; thence N. 10° 55' W. a distance of 108 feet to the south bank of the Farmers Union ditch, Station 3+57. Lying generally within the $SE\frac{1}{4}SW\frac{1}{4}$ of Sec. 4, T. 30 N., R 11 W., N.M.P.M. A small portion of the above described line lies in the $SW\frac{1}{4}SW\frac{1}{4}$ of the above described Sec. 4, T 30 N., R. 11 W.

The easement granted and described above is more particularly shown in detail on Drawing NM-AR-7102, Aztec Ruins National Monument, Pipe Line Easement, attached as part of this easement.

The easement herein granted is conditioned on the grantee herein so using the same as not to interfere with the use by grantors of the surface of said real property, any more than is reasonably necessary for the installation, maintenance and repair of said pipe line and the actual use thereof by grantee for the purposes aforesaid.

Neither this easement nor any interest therein shall be sold, assigned or transferred by grantees without the prior written consent of the grantors, their heirs or assigns.

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

Lloyd A Hubbard
Lloyd A. Hubbard

Annie Mae Hubbard
Annie Mae Hubbard

STATE OF NEW MEXICO)
) ss
COUNTY OF SAN JUAN)

The foregoing instrument was acknowledged before me this 27th day of MAY, 1958, by Lloyd A. Hubbard and Annie Mae Hubbard, husband and wife.

NOTARY PUBLIC

Fred Russell Jones
Notary Public

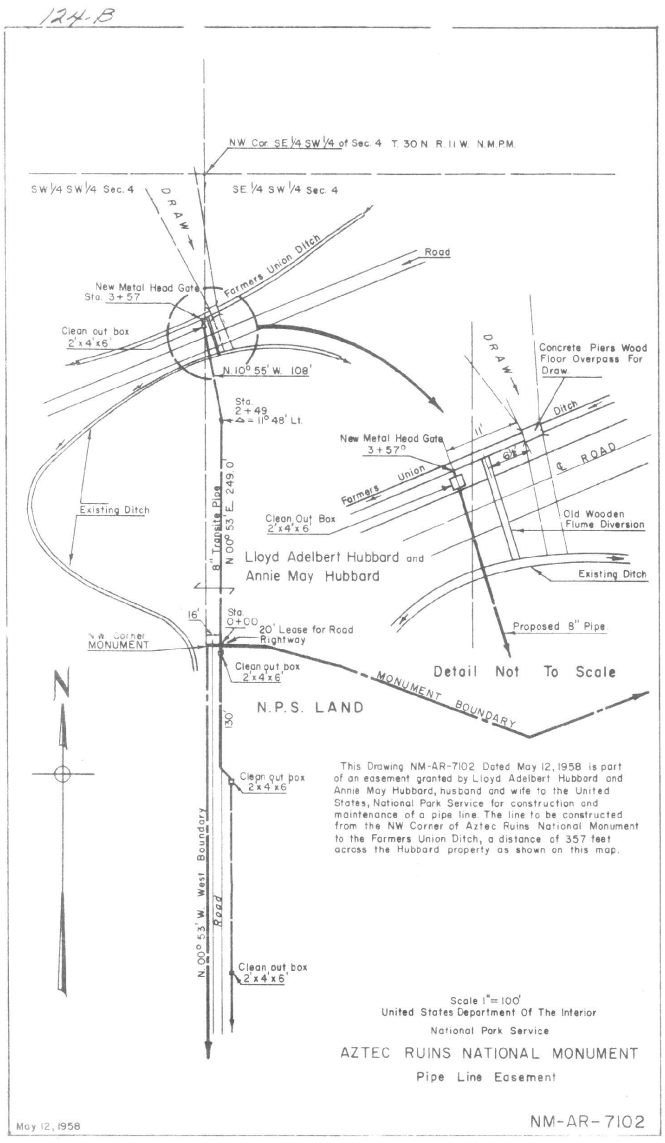
My Commission Expires:
Aug 13, 1961

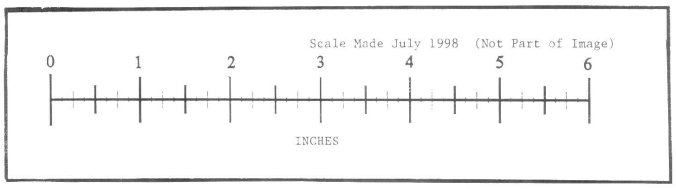
Aztec, New Mexico
May 22, 1958

The Board of Directors of the Farmers Irrigation District hereby grants to the Aztec Ruins National Monument permission to install a head-gate in the Farmers Irrigation District Ditch near the outlet from which they have previously received water.

Board of Directors F.I.D.,
By Jane M. Graves
Secty.

00-00-0000: map of easement





AZTEC RUINS N.M. D. 6

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 incumbrances of what kind and nature soever; and the above bargained premises, in the quiet and peaceable possession of the part Y of the second part, its legal representatives and assigns, against all and every person or persons lawfully claiming or to claim, the whole or any part thereof, the said part ies of the first part shall and will Warrant and Forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Dale S King [SEAL]

[SEAL]

John M Davis [SEAL]

John M. Davis, Chairman
Board of Directors
Southwestern Monuments Association [SEAL]

STATE OF NEW MEXICO,
County of Santa Fe } ss.

On this eleventh day of September, 19 47, before me personally appeared Dale S. King, Executive Secretary, Southwestern Monuments Association

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Witness my hand and seal the day and year last above written.

My commission expires 4-7-50. Imogene C Brooks
Notary Public.

WARRANTY DEED

TO

STATE OF NEW MEXICO,
County of Santa Fe } ss.

I hereby certify that this instrument was filed for record on the 1 day of November, A. D. 1947, at 11:31 o'clock A M., and was duly recorded in Book 120 of Records of Deeds and Conveyances, page 508 on this 1 day of November A. D. 19 47.

Linda Neal
Clerk and Ex-Officio Recorder.

By _____ Deputy.

VALLIANT PRINTING CO., ALBUQUERQUE—2279

2

STATE OF NEW MEXICO,
County of Santa Fe } ss.

On this eleventh day of September, 1947, before me personally appeared Dale S. King, Executive Secretary, Southwestern Monuments Association to me personally known, who being by me duly sworn, did say that he is Executive Secretary of the Southwestern Monuments Association a corporation organized under the laws of the State of New Mexico, and the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation, by authority of its board of directors and said Dale S. King acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and seal this the day and year first above written.

My commission expires 4-7-50 Imogene C Brooks Notary Public
Santa Fe County, New Mexico

WARRANTY DEED—10

Deed No. 6

THIS INDENTURE, Made this 1 day of [illegible], in the year of our Lord One Thousand Nine Hundred and [illegible] between

THE SOUTHWESTERN MONUMENTS ASSOCIATION

party, of the first part and

THE UNITED STATES OF AMERICA

party, of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One dollar ($1.00) and other valuable consideretions - - - - - - - - - - Dollars lawful money of the United States, to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold, remised, conveyed, released and confirmed, and by these presents does grant, bargain, sell, remise, convey, release and confirm unto the said party of the second part, its legal representatives and assigns forever all the following described lot or parcel of land and real estate, situate, lying and being in the County of San Juan and State of New Mexico, to-wit:

A tract of land described by metes and bounds, as follows:

Beginning at a point North 00 degrees 53' East 521.4 feet from the Southwest corner of the Southeast Quarter of the Southwest quarter (SE¼SW¼) of Section Four (4), Township Thirty (30) North of Range Eleven (11) West, N. M. P. M., the Northwest corner of the present Aztec Ruins National Monument;
THENCE North 00 degrees 53' East 278.2 feet;
THENCE East 60 feet;
THENCE South 75 degrees 08' East 85.13 feet;
THENCE South 68 degrees 52' East 236.76 feet;
THENCE SOUTH 70 degrees 20' West 20.33 feet;
THENCE South 64 degrees 46' West 385 feet, along the present Northerly boundary of Aztec Ruins National Monument to the point of beginning, containing 1.255 acres, more or less,
EXCEPTING an easement twenty feet (20') wide adjacent and parallel to the west boundary for public road use only, and not liable to upkeep or maintenance as a road by the party of the second part. This easement to become null and void if travel across it becomes a hazard or road use is abandoned.

No water rights included.

[illegible]

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

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part its legal representatives and assigns forever. And the said parties of the first part, for themselves, its legal representatives and assigns, does covenant and agree, to and with the said party of the second part, its legal representatives and assigns, that at the time of the ensealing and delivery of these presents they are well seized of the premises above conveyed, of a good, sure, perfect, absolute and indefeasible estate of inheritance in law and in fee simple and has good right, full power and lawful authority to grant, bargain, sell and convey

02-25-1948: memorandum to director from chief counsel and chief of lands regarding acceptance of deed

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

February 25, 1948.

MEMORANDUM

To: The Director.

From: Chief Counsel and Chief of Lands.

Subject: Acceptance of deed from Southwestern Monuments Association conveying land for addition to Aztec Ruins National Monument.

There are attached a recorded warranty deed executed by the Southwestern Monuments Association on September 11, 1947, an abstract of title, and other data covering 1.255 acres of land in San Juan County, New Mexico, being acquired as a donation for addition to Aztec Ruins National Monument under authority contained in the acts of June 5, 1920 (41 Stat. 917, 16 U. S. C. sec. 6), and August 21, 1935 (49 Stat. 666, 16 U. S. C. sec. 462).

The Solicitor has examined the title to the land and found it to be satisfactory, subject to compliance with certain requirements as set forth in his opinion M-34962, dated July 22, 1947. It appears that these requirements have since been met and that all that remains to complete the acquisition is your acceptance of the deed of conveyance. Accordingly, it is recommended that the deed be accepted by you on behalf of the United States pursuant to Departmental Order No. 2402, dated January 14, 1948 (13 F. R. 361), delegating authority to you to accept such deeds.

Following your acceptance of the deed a proposed proclamation adding the 1.255-acre tract to Aztec Ruins National Monument will be prepared for submission to the Department.

Harry K. Sanders
Acting Chief Counsel.

Charles A. Richey
Acting Chief of Lands.

Enclosure 275.

Date: 3-1-48

Deed accepted by

Director,
National Park Service.

3

02-25-1948: warranty deed

WARRANTY DEED--10

THIS INDENTURE, Made this 15 day of May, in the year of our Lord One Thousand Nine Hundred and forty seven between

CLYDE C. HUBBARD and RUTE HUBBARD, husband and wife,

parties, of the first part and

THE SOUTHWESTERN MONUMENTS ASSOCIATION,

party, of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of THREE HUNDRED ($300.00)---------- Dollars lawful money of the United States, to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold, remised, conveyed, released and confirmed, and by these presents do grant, bargain, sell, remise, convey, release and confirm unto the said party of the second part, its legal representatives and assigns forever, all the following described lot or parcel of land and real estate, situate, lying and being in the County of San Juan and State of New Mexico, to-wit:

A tract of land described by metes and bounds, as follows:

Beginning at a point North 00 degrees 53' East 521.4 feet from the Southwest corner of the Southeast Quarter of the Southwest Quarter (SE¼SW¼) of Section Four (4), Township Thirty (30) North of Range Eleven (11) West, N.M.P.M., the Northwest corner of the present Aztec Ruins National Monument:
THENCE North 00 degrees 53' East 278.2 feet;
THENCE East 60 feet;
THENCE South 75 degrees 08' East 85.15 feet;
THENCE South 68 degrees 52' East 236.76 feet;
THENCE South 70 degrees 20' West 20.33 feet;
THENCE South 64 degrees 46' West 385 feet, along the present Northerly boundary of Aztec Ruins National Monument to the point of beginning, containing 1.255 acres, more or less, EXCEPTING an easement twenty feet (20') wide adjacent and parallel to the west boundary for public road use only, and not liable to upkeep or maintenance as a road by the party of the second part. This easement to become null and void if travel across it becomes a hazard or road use is abandoned.

No water rights included.

DOCUMENTARY 5 CENTS 5 DOCUMENTARY 50 CENTS 50

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 the party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances:

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its legal representatives and assigns forever. And the said parties of the first part, for themselves and their heirs, executors and administrators, do covenant and agree, to and with the said party of the second part, its legal representatives and assigns, that at the time of the ensealing and delivery of these presents they are well seized of the premises above conveyed, of a good, sure, perfect, absolute and indefeasible estate of inheritance in law and in fee simple and have 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 incumbrances of what kind and nature soever; and the above bargained premises, in the quiet and peaceable possession of the party of the second part, its legal/~~xxxx~~ representatives and assigns, against all and every person or persons lawfully claiming or to claim, the whole or any part thereof, the said parties of the first part shall and will Warrant and Forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Clyde C Hubbard [SEAL]
Ruth Hubbard [SEAL]
[SEAL]
[SEAL]

STATE OF NEW MEXICO, County of San Juan } ss.

On this 15 day of May, 1947, before me personally appeared

CLYDE C. HUBBARD and RUTH HUBBARD, husband and wife

to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and seal the day and year last above written.

M. C. Palmer
Notary Public.

My commission expires January 20, 1951

WARRANTY DEED

TO

STATE OF NEW MEXICO, County of San Juan } ss.

I hereby certify that this instrument was filed for record on the 1 day of November, A. D. 1947, at 11:30 o'clock A. M., and was duly recorded in Book 120 of Records of Deeds and Conveyances, page 507 on this 1 day of November A. D. 1947.

Lucia Neal
Clerk and Ex-Officio Recorder.

By ____ Deputy.

VALLIANT PRINTING CO., ALBUQUERQUE, N.M.

STATE OF NEW MEXICO, County of ____ } ss.

On this ____ day of ____, before me personally appeared ____ to me personally known, who being by me duly sworn, did say that he is ____ of ____ a corporation organized under the laws of the State of ____, and the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its board of directors and said ____ acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and seal this the day and year first above written.

Notary Public
My commission expires ____ County, New Mexico

00-00-1944: general land office

APR 4 1944

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
DISTRICT LAND OFFICE

4/4/44

Santa Fe, N. M., April 1, 1944

A. van V. Dunn,
Hydraulic Engineer,
National Park Service,
601 Sheldon Building,
San Francisco 5, Calif.
Dear sir:

Referring to your letter of March 29th our records show that John A. Koontz on Nov. 28, 1890, made Desert Land Entry No. 333 for the S½SW¼, NE¼SW¼ Sec. 4, T. 30 N., R. 11 W., N.M.P.M., containing 120 acres upon which final proof was submitted and final certificate No. 17 was issued Nov. 30, 1891, and patent was issued to him July 25, 1893.

It further appears from the records that at a later date two small parcels out of the SE¼SW¼ said Sec. 4 were acquired and were reconveyed to the United States. The first of said tracts containing approximately 4.6 acres was by Proclamation dated January 24, 1923, reserved and set apart as a National Monument to be known as the Aztec Ruins National Monument. The second parcel containing approximately 12.6 acres was likewise by Proclamation dated July 2, 1928, reserved and set aside as an Addition to Aztec Ruins National Monument.

I am sending you copies of each of the above mentioned Proclamations with the accompanying maps.

As to that part of your letter referring to "water right" and other matters forming part of the proofs submitted by Koontz in support of his said Desert Land Entry you are informed that none of the papers constituting the entry or final proof are now in this office but all are on file in the General Land Office at Washington and therefore any inquiry relating to those papers must be sent to "The Commissioner, General Land Office, Washington 25, D. C." Of course any water right acquired under the Farmer's Ditch was acquired from the State and not the Federal government and, therefore, at least a part of the information you seem to require should be available in the office of the State Engineer at Santa Fe, N. M.

Very truly yours,

Lee F. Sanchez

Lee F. Sanchez Register

Aztec

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

March 29, 1944.

General Land Office,

Santa Fe, New Mexico.

Gentlemen:

Aztec Ruins National Monument consists of a part of the SE¼ SW¼ Section 4, T. 30 N., R. 11 W., N. M. P. M. It was originally patented by John A. Koontz or H. D. Abrams, and I believe the patent was designated as Desert Land Entry Certificate No. 17.

Will you please send us a copy of the map and proof relating to water rights which were submitted in compliance with the Desert Land Act. It is believed that the Farmer's Ditch Company, which was organized on September 14, 1892, constitutes one stage in the perfection of title to the Desert Land Entries including the above parcel of land. We are particularly interested in any records you may have to show the interests of the individual entrymen in the Ditch Company, and the number of second feet or miners inches which were represented by a share of stock, or, as they now say locally, "running space". We know that the Ditch Company was reorganized a few years ago and are making this request of you for the earlier historical data.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

FILE COPY

03-24-1944: memorandum to regional director from chief of lands regarding deeds one and four, reply

MAR 28 1944
FILING
3/29
FILE

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 24, 1944.

MEMORANDUM for the Regional Director, Region 4.

This refers to Mr. Dunn's memorandum of March 18 concerning Deeds Nos. 1 to 4 inclusive, Aztec Ruins National Monument.

The land embraced in Deed No. 1, 4.60 acres, in Deed No. 2, 12.60 acres, in Deed No. 3, 6.8 acres and in Deed No. 4, 1.80 acres is a part of a patent issued July 25, 1943, under the Desert Land Act and designated as Desert Land Entry Certificate No. 17. The abstracts indicate that the patent was issued "subject to any vested and accrued water rights for mining, etc--and mine rights--and there is reserved from the lands hereby granted a right of way thereon for ditches and canals constructed by authority of the United States."

There is nothing in the abstracts and title papers to indicate where the patentee filed the map or other document required by the General Land Office as proof of the water right. You are advised to communicate with the local land office for such information as you require in this connection.

Conrad L. Wirth

Conrad L. Wirth,
Chief of Lands.

In duplicate.



WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

March 18, 1944.

MEMORANDUM for the Director.

The land covered by Aztec Ruins Deeds 1 to 4 inclusive all seems to be part of one original patent, and seems to be the type of land which could have been entered under the Desert Land Act.

Will you please see if the abstract shows patent under the Desert Land Act and, if so, obtain a copy of the proof of water right and the map which constituted part of that proof before the General Land Office. This proof has particular significance at this time as a possible means of defining the original quantity of water involved in one share of stock in the Farmers Ditch Company, or of running space in the Ditch.

Because of the urgent need for data in connection with the pending adjudication of the Animas River it would be desirable to have the requested copies sent directly to this office. The original copies will be returned to you later, for incorporation in Deed 4 or 5 as the case may be.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

FILE COPY

January 11, 1944.

MEMORANDUM for file 660-5.7 -
From Investigation of Deeds November 1943 by Dunn

Aztec Ruins - Deed 1 - Same as Proclamation of Jan. 24, 1923. From abstract Abrams conveyed 1/16 of one share of running space in the Farmer's Ditch, a community ditch under State law, to the American Museum, together with right to convey above water to boundary of parcel covered by Deeds 1-4 by existing laterals or others which may be built. The American Museum reserved ditch space rights in laterals crossing land under Deed 1 and right to maintain them, but agreed to provide drainage ditch from Ditch 1 to other drainage. Other appurtenances conveyed.

Deed 2 - Same as Proclamation of July 2, 1928. Includes undefined appurtenances. Some question as to whether this deed included any interest in the 1/16 of one share of running space in Farmer's Ditch or not.

Deed 3 - No water mentioned.

Deed 4 - American Museum conveyed Tract 4 and 1/16 of one share of running space in ditch but did not mention R/W for laterals across Abrams land to west. Abrams had also reserved a 20' less R/W along west of land under Deed 4 which American Museum did not mention as reserved.

Oscar Dean

3 Copies mailed to Region 3, 1/19/44
for Region, Director, and Aztec Ruins

HF/ c.c 11/8/30 Deed 4

THIS INDENTURE, made this 18th day of November, 1930, between THE AMERICAN MUSEUM OF NATURAL HISTORY, a corporation organized and existing under and by virtue of the laws of the State of New York, party of the first part, and the UNITED STATES OF AMERICA, party of the second part, WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar ($1.00) in hand paid by the said party of the second part, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part, and to its successors and assigns forever, all and singular that certain tract, parcel and piece of real estate, with the buildings and improvements thereon, lying and being in the County of San Juan and State of New Mexico, and bounded and particularly described as follows, to wit:

BEGINNING at the Southwest corner of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 4, Township 30 North, Range 11 West, N.M.P.M. and running thence North 0° 53' East, 521.4 feet; thence, North 64° 46' East, 22.1 feet; thence, South along the west line of lands heretofore granted by The American Museum of Natural History to the United States of America to the distance of 179.1 feet; thence, East along the south side of the plot mentioned above to the distance of 240 feet; thence, South along the west line of said plot to the distance of 176.5 feet; thence, South 67° 1' west, 46 feet; thence South 7° 13' west, 158.4 feet; thence, North 88° 40' west, 200.6 feet to place of beginning, containing approximately 1.8 acres and being a fraction of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of said above mentioned Section, Township and Range.

Together with one sixteenth (1/16) of one share in running space in the Farmers Ditch, a community ditch existing under the laws of the State of New Mexico.

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Deed 4

Being so much of the lands granted to The American Museum of Natural History by H. D. Abrams and Rosa Abrams, his wife, by a certain deed dated April 26th, 1920 and filed for record with the Probate Clerk and ex-officio Recorder of the County of San Juan, State of New Mexico on April 26, 1920 and duly recorded in Book 56, page 264 of the Record of said County as have not heretofore been conveyed by said The American Museum of Natural History to the United States of America.

TOGETHER WITH all the right, title and interest of the said party of the first part, either in law or in equity, in, to or concerning the same;

TO HAVE AND TO HOLD all and singular the above described premises together with the appurtenances, unto the said party of the second part and to its successors and assigns forever.

IN WITNESS WHEREOF, the said THE AMERICAN MUSEUM OF NATURAL HISTORY has caused these presents to be signed and its seal to be hereunto affixed the day and year first above written.

THE AMERICAN MUSEUM OF NATURAL HISTORY

By Henry Fairfield Osborn
President

ATTEST:
Geo A Sherwood
Executive Secretary

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS

On this 18th day of November, 1930 before me appeared Henry Fairfield Osborn to me personally known, who, being by me duly sworn, did say that he is the President of The American Museum of Natural History, a corporation organized and existing under and by virtue of the laws of the State of New York, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf

3

10

Deed 4

of said corporation by authority of its Board of Trustees and said President acknowledged said instrument to be the free act and deed of said corporation.

Fred'k Smyth

NOTARY [illegible] 607

[illegible] 118

State of New York, County of New York, } ss.:

No. 46010 SERIES C Form 1

I, DANIEL E. FINN, Clerk of the County of New York, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, having a seal, DO HEREBY CERTIFY, That

Fred. W. Smyth

whose name is subscribed to the deposition or certificate of the proof or acknowledgment of the annexed instrument, and thereon written, was, at the time of taking such deposition, or proof and acknowledgment, a Notary Public in and for such County, duly commissioned and sworn, and authorized by the laws of said State, to take depositions and to administer oaths to be used in any Court of said State and for general purposes; and also to take acknowledgments and proofs of deeds, of conveyances for land, tenements or hereditaments in said State of New York. And further, that I am well acquainted with the handwriting of such Notary Public, and verily believe that the signature to said deposition or certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County, the 19 day of Nov 193 0

Daniel E. Finn

Clerk.

4

11

DEED N°4
1.8 A.

Dup. 20
4

CERTIFICATE OF ACCEPTANCE.

By virtue of and pursuant to the authority granted by the Act of Congress approved June 5, 1920 (41 Stat. 917), I, the undersigned, First Assistant Secretary of the Interior, hereby accept the attached deed dated November 18, 1930, wherein and whereby The American Museum of Natural History conveys to the United States certain land situated in San Juan County, New Mexico, as an addition to the Aztec Ruins National Monument.

In witness whereof, I, as said First Assistant Secretary, have hereto set my hand officially and have caused the seal of the Department to be affixed hereto and in attestation thereof this 21st day of April, 1931.

First Assistant Secretary of the Interior.

Jos. M. Dixon

M&R

E.C.D. Clerk

5

STATE OF NEW MEXICO }
County of San Juan } ss.

On this 31st day of Jamary 19 31, before me personally appeared Boyd Abrams, Orrin Abrams and Esther Abrams Andrews, heirs at law of Henry D.Abrams, deceased to me personally known to be the person s described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission expires ..... 19 ....

George F. Brumley
Notary Public

My Commission expires February 21, 1932

AZTEC RUINS N.M. D.3

Deed - Warranty

TO

STATE OF NEW MEXICO }
County of San Juan } ss.

I hereby certify that this instrument was filed for record on the 31st day of Jan. A. D. 1931 at 2:40 o'clock P.M and duly recorded in Book 87 Page 151 of the Records of said County

Peter E. Nanier
County Clerk.

Deputy.

1

1

WARRANTY DEED — Printed and for sale by the Independent, Aztec, N. M.

THIS INDENTURE, Made this 14th day of January

in the year of our Lord one thousand nine hundred and ~~xxxx~~ Thirty one between

Orrin. Abrams, Esther Abrams Andrews, Myron L. Abrams, Rosa M. Abrams

Boyd Abrams, Heirs of H.D. Abrams deceased, part ies of the first part, and

The United States of America.

, part y of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of

Fifteen hundred and No/100 ($1500.00) ---------- Dollars,

lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby confessed and acknowledged, ha ve granted, bargained, sold, remised, conveyed, released and confirmed, and by these presents do es grant, bargain, sell, remise, convey, release and confirm unto the said part y of the second part, its heirs and assigns forever all the following described lot or parcel s of land and real estate, situate, lying and being in the County of San Juan, State of New Mexico, to-wit:

Beginning at a point 200.6 feet South 88°40' East from the Southwest corner of the Southeast quarter (SE¼) of the Southwest quarter (SW¼) Section 4, Township 30 North, Range 11 West N.M.P.M. which is the place of beginning of this tract; thence North 7° 13' East 158.4 feet; thence North 67° 01' East 547.4 feet; thence North ~~xxx~~ 66° 25 ' East 282.5 feet; thence South 21° 40' East 538 feet; thence North 89° 03' West 981.6 feet; to place of beginningcontaining 6.8788 acres.

Together with all and singular, the lands, tenements, 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 the said part ies of the first part, either in law or equity of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD, the said premises, above bargained and described, with the appurtenances, unto the said part y of the second part, its heirs and assigns forever. And the said part ies of the first part, for their heirs, executors and administrators, doth covenant and agree, to and with the said part y of the second part, its heirs and assigns, that at the time of the ensealing and delivery of these presents they are well seized of the premises above conveyed as of a good, sure, perfect and indefeasable estate of inheritance, in law, in fee simple, and ha ve 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 incumbrances of what kind and nature soever;

and the above bargained premises in the quiet and peaceful possession of the part y of the second part, its heirs and assigns, against all and every persons lawfully claiming or to claim, the whole or any part thereof, the said part ies of the first part shall and will Warrant and Forever Defend.

IN WITNESS WHEREOF, the said part ies of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

Signed, Sealed and Delivered in Presence of

Orrin Abrams (SEAL)

Boyd Abrams (SEAL)

Myron L. Abrams (SEAL)

Rosa M. Abrams (SEAL)

Esther Abrams Andrews (SEAL)

2

00-00-0000: attatch to deed three

attch to Deed 3

STATE OF MICHIGAN

..... SS.

County of Jackson

On this 26th day of Jan in the year one thousand nine hundred and 31 before Adelaide S. Belches a Notary Public in and for the ..... County of Jackson, State of Michigan, residing therein, duly commissioned and sworn, personally appeared Byron L. Abrams known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the said County of Jackson the day and year in this certificate first above written.

Adelaide S. Belches

Notary Public in and for the said County of Jackson State of Michigan

My Commission Expires Apr 14, 1932

4

STATE OF CALIFORNIA, } ss.

County of Humboldt

On this 19th day of January in the year one thousand nine hundred and Thirty-one before me, A. Beer a Notary Public in and for the County of Humboldt, State of California, residing therein, duly commissioned and sworn, personally appeared Rosa M. Abrams known to me to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the said County of Humboldt the day and year in this certificate first above written.

A. Beer

My Commission expires January 11, 1934

3

Notary Public in and for the said County of Humboldt State of California.

Cowdery's Form No. 32—(Acknowledgment General)

Deed No 3

CERTIFICATE OF ACCEPTANCE.

By virtue of and pursuant to the Department of the Interior Appropriation Act for the fiscal year ending June 30, 1930, approved March 4, 1929, (45 Stat. 1600) authorizing the acquisition of lands and/or standing timber in the national parks and national monuments, I, the undersigned, as Assistant Secretary of the Interior, do hereby accept the attached deed of January 14, 1931, wherein and whereby Orrin Abrams, Boyd Abrams, Myron L. Abrams, Rosa M. Abrams, and Esther Abrams Andrews, convey to the United States of America certain land situated in the Aztec Ruins National Monument, New Mexico.

In witness whereof, I, as said Assistant Secretary, hereunto set my hand and have caused the seal of the Department of the Interior to be affixed hereto and in attestation hereof this 13th day of February, 1931.

Assistant Secretary of the Interior.

5

04-07-1928: origianl deed

THE AMERICAN MUSEUM OF
NATURAL HISTORY

-94-

UNITED STATES OF AMERICA

(Original)

D E E D

District of Columbia, ss.

HAWKINS, DELAFIELD & LONGFELLOW
ATTORNEYS AND COUNSELLORS-AT-LAW
20 EXCHANGE PLACE, NEW YORK

BANK FARMINGTON, N. MEX.

AZTEC RUINS N.M. D 2

MP/AH · 6c.c. 10/25/27. FED 2

THIS INDENTURE, made this 28th day of March 1928, between THE AMERICAN MUSEUM OF NATURAL HISTORY, a corporation organized and existing under and by virtue of the laws of the State of New York, party of the first part, and the UNITED STATES OF AMERICA, party of the second part,

WHEREAS, the said The American Museum of Natural History, for a good and valuable consideration executed and delivered to the party of the second part an Indenture dated the 7th day of April, 1927, conveying a certain tract, parcel, and piece of real estate situated in the County of San Juan, State of New Mexico, hereinafter more particularly described, which Indenture is recorded in the office of the Probate Clerk and ex-officio Recorder of the County of San Juan, State of New Mexico, in Book 71, page 437, of the Records of said County, and

WHEREAS, in said Indenture there was an error in the description of the premises thereby conveyed in that the fourteenth course in said description which should have read "N. 42° 45' W. 436.4 feet" by mistake was written "N. 72° 45' W. 436.4 feet", and

WHEREAS, the party of the first part now desires to correct said error in the description in said Indenture and confirm and perfect the title of the party of the second part,

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That the said party of the first part in consideration of the premises and of One Dollar to it paid by the party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part, and to its successors and assigns forever, all and singular that certain tract, parcel and piece of real estate lying and being in the County of

DEED 2

San Juan and State of New Mexico, and bounded and particularly described as follows, to wit:

Beginning 694.9 feet north and 376.25 feet east of the southwest corner of the southeast quarter of the southwest quarter of section four (4), township thirty (30) north, range eleven (11) west, N.M.P.M., and from said beginning point running

N. 70° 20' E. 405.3 feet, thence
N. 37° 41' E. 79.8 feet, thence
N. 47° 20' E. 157 feet, thence
N. 5° 00' E. 44 feet, thence
N. 41° 40' W. 45.3 feet, thence
N. 15° 40' W. 47 feet, thence
N. 71° 07' E. 38.7 feet, thence
S. 76° 26' E. 180 feet, thence
N. 77° 42' E. 227 feet, thence
S. 00° 24' W. 1163 feet, thence
N. 89° 24' W. 129.6 feet, thence
N. 21° 40' W. 538 feet, thence
S. 66° 25' W. 282.5 feet, thence
N. 42° 45' W. 436.4 feet, thence
N. 81° 23' W. 52.3 feet to place of

beginning, containing 12.6 acres more or less, all in the southeast quarter of the southwest quarter of section four (4), township thirty (30) north, range eleven (11) west, N.M.P.M.

TOGETHER WITH all the right, title and interest of the said party of the first part, either in law or in equity, in, to or concerning the same;

TO HAVE AND TO HOLD all and singular the above described premises together with the appurtenances, unto the said party of the second part and to its successors and assigns; SUBJECT, HOWEVER, to the reservation contained in an Indenture dated the first day of February, 1926, and recorded on the sixth day of January, 1927, in Book 71, page 376, of the Records of the County of San Juan, State of New Mexico, and in a correcting Indenture, dated the first day of November, 1927, and recorded on the 30th day of December, 1927, in Book 71, page 487, of the Records of the County of San Juan, State of New Mexico, wherein and whereby the above described premises were conveyed by Rosa M. Abrams, Boyd Abrams, Orrin Abrams, Myron Abrams and Esther Abrams Andrews, sole and only heirs

DEED 2

at law of Henry D. Abrams, deceased, parties of the first part, to The American Museum of Natural History, party of the second part therein, its successors and assigns, and wherein and whereby it was specifically reserved that the grantors in said Indentures, their heirs and assigns, should have the right to the use of the present drain or waste ditch and outlets located on the land therein granted, but the grantee in said Indentures should have the right to relocate and rebuild such drain or waste water ditches, or any of them, on and over said land, at the expense of the said grantee, provided that such new or relocated ditch or ditches provide proper drainage of waste and flood water (as the present ditches now do) from the remaining land now owned by the said grantors, but that there should be no obligation upon the grantee therein to maintain such ditches, except for its own use.

IN WITNESS WHEREOF, the said The American Museum of Natural History has caused these presents to be signed and its seal to be hereunto affixed the day and year first above written.

THE AMERICAN MUSEUM OF NATURAL HISTORY

By [signature] President.

ATTEST:

[signature] Executive Secretary

DEED 2

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

On this 28th day of March , 1928, before me appeared Henry Fairfield Osborn to me personally known, who, being by me duly sworn, did say that he is the President of The American Museum of Natural History, a corporation organized and existing under and by virtue of the laws of the State of New York, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Trustees and said President acknowledged said instrument to be the free act and deed of said corporation.

Fred. H. Smyth

State of New York, County of New York, } ss.: No. 80162 Form 1 SERIES B 1928

I, WILLIAM T. COLLINS, Clerk of the County of New York, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, having a seal, DO HEREBY CERTIFY, That

Fred. H. Smyth

whose name is subscribed to the deposition or certificate of the proof or acknowledgment of the annexed instrument, and thereon written, was, at the time of taking such deposition, or proof and acknowledgment, a Notary Public in and for such County, duly commissioned and sworn, and authorized by the laws of said State, to take depositions and to administer oaths to be used in any Court of said State and for general purposes; and also to take acknowledgments and proofs of deeds, of conveyances for land, tenements or hereditaments in said State of New York. And further, that I am well acquainted with the handwriting of such Notary Public, and verily believe that the signature to said deposition or certificate of proof or acknowledgment is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County, the 29 day of Mar 1928

William T. Collins
Clerk.

5

6

DEED N°2
12.6 A.

Deed #20

CERTIFICATE OF ACCEPTANCE

By virtue of and pursuant to the authority conferred by the Act of Congress approved June 8, 1906 (34 Stat. 225), I, the undersigned, as Assistant Secretary of the Interior, do hereby accept the attached deed dated March 28, 1928, wherein and whereby the American Museum of Natural History conveys to the United States of America subject to certain reservations, the land described therein adjoining the Aztec Ruins National Monument, New Mexico, and which is proposed as an addition to said monument.

In witness whereof, I, as said Assistant Secretary, hereunto set my hand officially, and have caused the seal of said Department to be affixed hereto and in attestation hereof this 20th day of June, 1928.

John H. Edwards
Assistant Secretary of the Interior

6

EJD:RG 3c. dic. 12-17-21

12/27/21

DEED # 1

THIS INDENTURE made this twenty-seventh day of December 192/, between the AMERICAN MUSEUM OF NATURAL HISTORY, a corporation organized and existing under and by virtue of the laws of the State of New York, party of the first part, and the UNITED STATES OF AMERICA, party of the second part, WITNESSETH

That the said party of the first part for and in consideration of the sum of One dollar in hand paid by the said party of the second part and other good and valuable considerations, the receipt of all of which is hereby acknowledged, has remised, released and quit claimed, and by these presents does remise, release and quit claim unto the said party of the second part, and to its successors and assigns forever, all and singular that certain tract, parcel and piece of real estate lying and being in the County of San Juan, and State of New Mexico, and bounded and particularly described as follows, to wit:

Beginning at a point 347 feet north from the south line of Section 4 and 20 feet east from the west side of the Southeast quarter of the southwest quarter, Section 4, Township 30 north, Range 11 west, N. M. P. M. and running thence

N. 0° 53' E., 179.1 feet, thence N. 64° 46' E., 385 feet, thence S. 81° 23' E., 52.3 feet, thence S. 42° 45' E., 436.4 feet, thence S. 67° 01' W., 501.4 feet, thence N. 0° 53' E., 176.5 feet, thence West 240 feet to place of beginning, containing 4.6 acres, all in the southeast quarter of the southwest quarter, Section 4, Township 30 north, Range 11 west.

TOGETHER WITH all the right, title and interest of the said party of the first part either in law or in equity in, to or concerning the same;

TO HAVE AND TO HOLD all and singular the above described premises together with the appurtenances, unto the

2

1

DEED # 1

said party of the second part and to its successors and assigns.

IN WITNESS WHEREOF the said American Museum of Natural History has caused these presents to be signed and its seal to be hereunto affixed the day and year first above written.

AMERICAN MUSEUM OF NATURAL HISTORY

By Henry Fairfield Osborn
President.

Attest:
Geo H Sherwood
Executive Secretary

STATE OF NEW YORK :
SS:
COUNTY OF NEW YORK :

On this twenty-second day of December 1921 before me appeared Henry Fairfield Osborn to me personally known, who being by me duly sworn, did say, that he is ——— President of American Museum of Natural History, a corporation organized and existing under and by virtue of the laws of the State of New York, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors, and said President - acknowledged said instrument to be the free act and deed of said corporation.

Fred H Smith
Notary Public #335
N.Y. Co

My commission expires March 31. 1923.

3

25

DEED N° 1
4.6 A.

Deed #1
Aztec Ruin

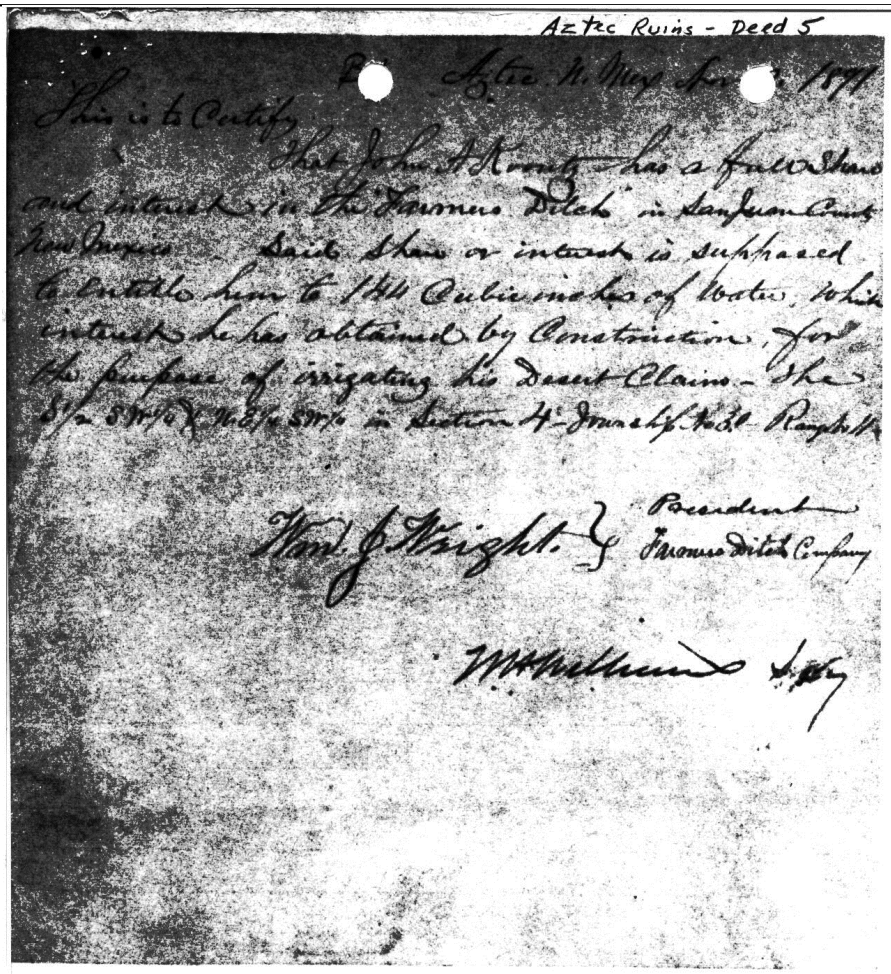
CERTIFICATE OF ACCEPTANCE.

By virtue of and pursuant to the authority conferred by the Act of Congress approved July 8, 1906 (34 Stat., 225) entited "An Act For the preservation of American antiquities", I, the undersigned, as First Assistant Secretary of the Interior, do hereby accept the attached deed, wherein and whereby the American Museum of Natural History conveys to the United States of America the lands described therein, said lands being situated in San Juan County, New Mexico, and containing the so-called Aztec Ruin.

In witness whereof, I, as said First Assistant Secretary of the Interior, hereunto set my hand officially, and have caused the seal of said Department to be affixed hereto and in attestation hereof this 22nd day of January, 1923.

Edward C. Finney
First Assistant Secretary of the Interior.

4



Aztec Ruins - Deed 5

Aztec N. Mex. [illegible] 1891

This is to Certify

That John A Kenney has a full [illegible] and interest in the Farmers Ditch in San Juan County New Mexico. Said share or interest is supposed to entitle him to 1/40 Cubic inches of water, which interest he has obtained by Construction, for the purpose of irrigating his desert Claim. The S½ SW¼ & W½ SE¼ SW¼ in Section 4 Township 30 N Range 14 W

Wm J Wright President
Farmers Ditch Company

W A Hellums Secy

B 2

(4-373.)

The depositions of two witnesses, in this form, taken separately, required in each case.

FINAL PROOF UNDER THE DESERT-LAND ACT OF MARCH 3, 1877.

DEPOSITION OF WITNESS.

QUESTION 1.—State your name, age, residence, occupation, and post-office address.

ANSWER. Samuel A Smith Age 45 San Juan County N M Blacksmith Aztec N.M.

QUES. 2.—Are you acquainted with John A. Koontz, who made desert-land entry No. 333, on the 28 day of November, A. D. 1890, upon the S½ SW¼ NE¼ SW¼ Sec 4 Twp 30 N R 11, and how long have you known him?

ANS. Yes. Have known him about Six years.

QUES. 3.—Have you personal knowledge of this land? State its situation, the character of the soil, its proximity to water, and what natural streams, springs, or bodies of water are upon, or pass through, or adjoin it; and if any, is any part of the claim naturally irrigated by such stream or spring?

ANS. Yes. the nearest point about 40 rods west of the Animas River. Sandy loam. No streams Springs or bodies of water upon the land. no part naturally irrigated

QUES. 4.—Does the entryman own and control or have a clear right to water sufficient to properly and permanently irrigate all the land embraced in this entry?

ANS. Yes. he does.

QUES. 5.—State the source and volume of the water supply, how acquired, and how maintained.

ANS. From the Animas River. 144 Cubic inches of water acquired by Constructing the Ditch and Maintained by himself

QUES. 6.—Has water been conducted upon the land embraced in said entry so as to irrigate and reclaim the same from its former condition to such extent that it will produce an agricultural crop? If so, give the number, dimensions, and capacity of the main ditch or ditches, and also of all the ditches on each legal subdivision of the land which are used in irrigating the same.

ANS. Yes. the Main Ditch 7 feet wide and 2 feet deep. No other ditches on land except small laterals used for irrigating the land.

QUES. 7.—Have you seen water distributed through and by means of said ditches over all the land in each legal subdivision of said entry? State the dates when such distribution took place, the duration thereof, and the quantity of water per acre used.

ANS. Yes All that Can be Cultivated. in the months of June and July. Suffient to irrigate the land

QUES. 8.—If there are any high points or uneven surfaces which are practically not susceptible of irrigation, state definitely the nature, situation, and area thereof.

ANS. About 20 Acres. of Boulder hill Side situated in the NW Corner of S W¼ S W¼ and N E¼ S W¼ Sec 4 which Cannot be irrigated or Cultivated

B 3

QUES. 9.—Has any agricultural crop of any kind, including an increased growth of grass, been raised on the land as the result of such irrigation? If so, state the year when raised, the kind of crop, the quantity per acre, and the portion of the entry on which the same was raised?

ANS. Yes. in year 1891. Corn. Barley Potatoes orgetables dont know amount raised on about 18 acres a portion of which was on each forty acres.

QUES. 10.—If any lands adjacent to or in the vicinity of the land embraced in this entry are settled upon or occupied, and paying crops of any kind are or have been raised thereon without artificial irrigation, describe the same, and state year or years of cultivation, kind of crop, and quantity raised per acre, and if paying crops have been raised, were the lands naturally irrigated?

ANS. No Crops have been raised in this vicinity on any land without artificial irrigation

QUES. 11.—Has any coal or other minerals been discovered on said land, or is any coal or mineral known to be contained therein? Are there any indications of coal, salines, or minerals of any kind on this land? If so, describe what they are.

ANS. no. no.

QUES. 12.—Have you any interest, direct or indirect, in this entry or in the land covered thereby, or in the water supply used in its irrigation?

ANS. No. no.

Samuel A Smith

OFFICE AT Junction city N.M.,
November 30, 1891.

I hereby certify that the above testimony was taken and subscribed before me this day, and that the same was read to the witness in my presence before he signed his name thereto; that I believe the witness to be the person he represents himself to be, and that the land described is properly subject to entry under the Desert-Land Act.

J W Berry, Register.
Probate Clerk, Receiver.
in and for San Juan Co N.M.

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—CHAPTER 4.

SEC. 5392.—Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, wilfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

(4-283)

FINAL PROOF
UNDER
DESERT-LAND ACT,
March 3, 1877.

U. S. LAND OFFICE
AT

No.

DEPOSITION OF WITNESS.

For sale by Henry N. Copp, Washington, D. C.

(4-3373.) B 4

The depositions of two witnesses, in this form, taken separately, required in each case.

FINAL PROOF UNDER THE DESERT-LAND ACT OF MARCH 3, 1877.

DEPOSITION OF WITNESS.

QUESTION 1.—State your name, age, residence, occupation, and post-office address.

ANSWER. George W. Cox.-36 years.-Near Aztec.- farmer Aztec San Juan Co N.M.

QUES. 2.—Are you acquainted with John A. Koontz, who made desert land entry No. 933. , on the 28th day of November, A. D. 1890, upon the S½ SW¼ + NE¼ SW¼ Sec 4 Twp 30 N R 11 W. and how long have you known him?

ANS. I am.- About 9 years.

QUES. 3.—Have you personal knowledge of this land? State its situation, the character of the soil, its proximity to water, and what natural streams, springs, or bodies of water are upon, or pass through, or adjoin it; and if any, is any part of the claim naturally irrigated by such stream or spring?

ANS. Yes.- Situated about 40 rod west of Animas River Soil Sandy loam. No streams. Springs or bodies of water upon said land. and no part is naturally irrigated

QUES. 4.—Does the entryman own and control or have a clear right to water sufficient to properly and permanently irrigate all the land embraced in this entry?

ANS. He does.

QUES. 5.—State the source and volume of the water supply, how acquired, and how maintained.

ANS. From the Animas River 144 cubic inches Constructed by himself. Also kept in repair by himself

QUES. 6.—Has water been conducted upon the land embraced in said entry so as to irrigate and reclaim the same from its former condition to such extent that it will produce an agricultural crop? If so, give the number, dimensions, and capacity of the main ditch or ditches, and also of all the ditches on each legal subdivision of the land which are used in irrigating the same.

ANS. It has. One Main Ditch Capacity 14 Cubic feet of water. No other ditches except Laterals used for irrigating this land.

QUES. 7.—Have you seen water distributed through and by means of said ditches over all the land in each legal subdivision of said entry? State the dates when such distribution took place, the duration thereof, and the quantity of water per acre used.

ANS. Yes.- in June and July 1891. dont know quantity of water used. but Sufficient to irrigate the same.

QUES. 8.—If there are any high points or uneven surfaces which are practically not susceptible of irrigation, state definitely the nature, situation, and area thereof.

ANS. About 20 Acres which is Boulder hillsides the North west Corners of SW¼ of SW¼ and NE¼ SW¼ sec 4 Which Cannot be irrigated or Cultivated

B5

QUES. 9.—Has any agricultural crop of any kind, including an increased growth of grass, been raised on the land as the result of such irrigation? If so, state the year when raised, the kind of crop, the quantity per acre, and the portion of the entry on which the same was raised?

ANS. Yes.- six year 1891.- Corn. Barley Potatoes dont know the amount. On a portion of each 40 acres.

QUES. 10.—If any lands adjacent to or in the vicinity of the land embraced in this entry are settled upon or occupied, and paying crops of any kind are or have been raised thereon without artificial irrigation, describe the same, and state year or years of cultivation, kind of crop, and quantity raised per acre, and if paying crops have been raised, were the lands naturally irrigated?

ANS. No crops have been raised on any land in this Vicinity without Artificial irrigation

QUES. 11.—Has any coal or other minerals been discovered on said land, or is any coal or mineral known to be contained therein? Are there any indications of coal, salines, or minerals of any kind on this land? If so, describe what they are.

ANS. No.- No.

QUES. 12.—Have you any interest, direct or indirect, in this entry or in the land covered thereby, or in the water supply used in its irrigation?

ANS. No. No.-

George W. Cox

LAND OFFICE AT Junction City N.M.,
November 20, 1891.

I hereby certify that the above testimony was taken and subscribed before me this day, and that the same was read to the witness in my presence before he signed his name thereto; that I believe the witness to be the person he represents himself to be, and that the land described is properly subject to entry under the Desert-Land Act.

J. W. Berry, Register.
Robert Clerk, Receiver
in and for San Juan County N.M.

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—CHAPTER 4.

SEC. 5392.—Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, wilfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

(4-688.)

FINAL PROOF
UNDER
DESERT-LAND ACT,
March 3, 1877.
U. S. LAND OFFICE
AT
No.
DEPOSITION OF WITNESS.

For sale by Henry N. Copp, Washington, D. C.

B 6

(4–372.)

FINAL PROOF UNDER THE DESERT-LAND ACT OF MARCH 3, 1877.

DEPOSITION OF APPLICANT.

QUESTION 1.—State your name, age, occupation, residence, and post office address?

ANSWER. John A. Koontz.- Age 59 years.- farmer.- Aztec San Juan County New Mexico

QUES. 2.—Are you a *native-born* citizen of the United States, and if so, in what State or Territory were you born?*

ANS. Yes.- In the State of Pennsylvania

QUES. 3.—Give the number and date of the desert-land entry heretofore made by you, and describe the land embraced therein.

ANS. No 333.- date November 28 A.D. 1890. S½ SW¼ + NE¼ SW¼. Section 4 Twp 30 N Range 11 west

QUES. 4.—State its situation, the character of the soil, its proximity to water, and what natural streams, springs, or bodies of water are upon, or pass through, or adjoin it. And if any, do the streams or springs afford natural irrigation?

ANS. About 40 rods. west of the Animas River.- Sandy Loam. No natural Streams or Springs or bodies of water upon the land or pass through it

QUES. 5.—Do you own and control, or have you a clear right to the use of water sufficient to irrigate the whole of the land and for keeping the same permanently irrigated?

ANS. I have.-

QUES. 6.—State the source and volume of the water supply, how acquired by you, and how maintained, and at what cost.

ANS. From the Animas River.- 144 Cubic inches of water, being one Eleventh of the entire Ditch.- and by Constructing the same. by being prorated.- Cost of Construction $300.00

QUES. 7.—State from personal knowledge whether such water has been conducted during any one season upon all the land embraced in your entry, and if the same has been irrigated and reclaimed from its desert condition to such an extent that it will now produce an agricultural crop or a paying crop of hay.

ANS. Yes.- On All except 20 Acres. which is broken and Hills. And will now produce an Agricultural Crop

QUES. 8.—State also the number, dimensions, and carrying capacity of the main ditch or ditches, and also of all the ditches on each legal subdivision of the land which are used in irrigating the same; also the cost of the dams and ditches.

ANS. The Main Ditch has a carrying Capacity of 14 Cubic feet of water. No other ditches on the land except latterals used for irrigating the land.

QUES. 9.—State whether you have seen water distributed through and by means of said ditches over all the land in each legal subdivision of your entry with a view to the proper reclamation thereof, and if so, state the dates when each distribution was made and the quantity of water per acre used, and the time occupied in making the same, in each and every year.

ANS. Yes on a portion of each Subdivision. in the Months of June and July 1891. Amount of water Sufficient to irrigate the Same thoroughly

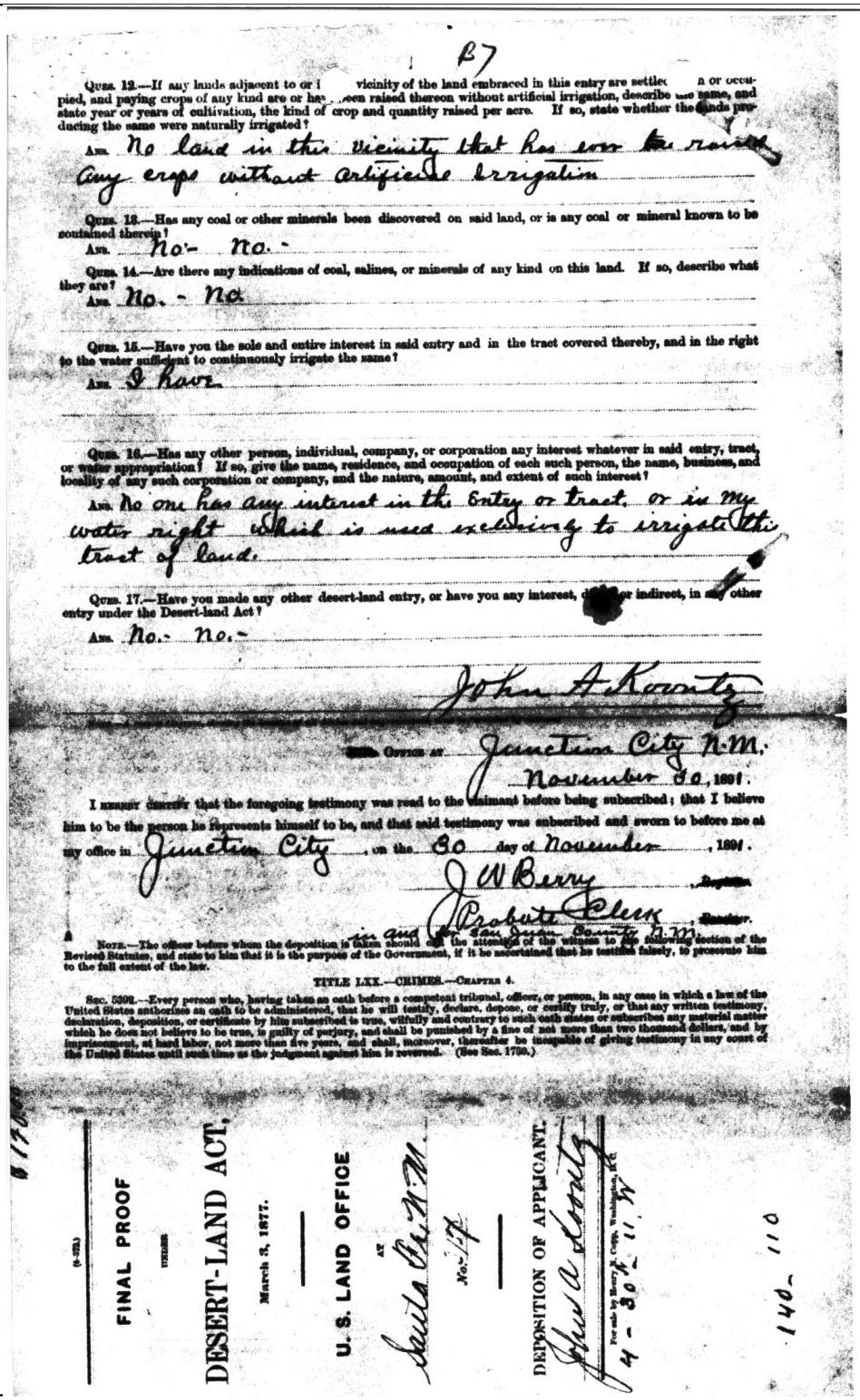
QUES. 10.—If there are any high points or uneven surfaces which are practically not susceptible of irrigation, state definitely the nature, situation, extent, and area of the same.

ANS. About 20 Acres. in the NW Corner of SW¼ of SW¼ and NW Corner of NE¼ SW¼ of Sec 4. Twp 30 N R 11 W. which is boulder Hills. not Susceptible of irrigation or Cultivation

QUES. 11.—Has any agricultural crop of any kind, including a marked increase in the growth of grass, been raised on the land as the result of such irrigation? If so, state the kind of crop and the quantity per acre, and describe the portion of the entry on which the same was raised?

ANS. Yes.- Barley.- Corn.- Potatoes and Vegetables. dont Know the quantity Eighteen Acres cultivated a portion on each 40 of Entry

* In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or naturalization, or a copy thereof certified by the officer taking this proof, must be filed with the case.)



87

Ques. 12.—If any lands adjacent to or in vicinity of the land embraced in this entry are settled or occupied, and paying crops of any kind are or have been raised thereon without artificial irrigation, describe the same, and state year or years of cultivation, the kind of crop and quantity raised per acre. If so, state whether the lands producing the same were naturally irrigated?

Ans. No land in this vicinity that has ever been raised any crops without artificial irrigation

Ques. 13.—Has any coal or other minerals been discovered on said land, or is any coal or mineral known to be contained therein?

Ans. No- no.-

Ques. 14.—Are there any indications of coal, salines, or minerals of any kind on this land. If so, describe what they are?

Ans. No. - no.

Ques. 15.—Have you the sole and entire interest in said entry and in the tract covered thereby, and in the right to the water sufficient to continuously irrigate the same?

Ans. I have.

Ques. 16.—Has any other person, individual, company, or corporation any interest whatever in said entry, tract, or water appropriation? If so, give the name, residence, and occupation of each such person, the name, business, and locality of any such corporation or company, and the nature, amount, and extent of such interest?

Ans. No one has any interest in the Entry or tract, or in my water right which is used exclusively to irrigate this tract of land.

Ques. 17.—Have you made any other desert-land entry, or have you any interest, direct or indirect, in any other entry under the Desert-land Act?

Ans. No.- no.-

John A Kountz

Subscribed and sworn to before me at my office at Junction City N.M., November 30, 1891.

I hereby certify that the foregoing testimony was read to the claimant before being subscribed; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Junction City, on the 30 day of November, 1891.

J W Berry, Register.

J Probate Clerk, Receiver.

Witness my hand and official seal this 30 day of November, 1891.

J W Berry
Probate Clerk
San Juan County N.M.

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—CHAPTER 4.

SEC. 5392.—Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, wilfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Rev. 1750.)

(No. 372.)

FINAL PROOF

DESERT-LAND ACT,

March 3, 1877.

U. S. LAND OFFICE

at Santa Fe N.M.

No. 17

DEPOSITION OF APPLICANT.

Filed 4-30-92

Form made by Berry & Copp, Washington, D.C.

140 110

Other Supporting Information

April 15, 1980

Hydraulic Engineer, Water Resources, OM, SWR

Aztec Ruins National Monument Water Rights

Ed Natay, Planner, PP, SWR

The United States is owner of 4.8 acre feet of irrigation water on 1.6 acres of the 1.8 acres of Tract 4 at Aztec Ruins National Monument.

The above right was donated to the United States of American Museum of Natural History on December 19, 1930. The above transaction is recorded in the Book of Deeds, DB-86, page 453, and is filed in the County Courthouse at Aztec.

In accordance with New Mexico Statutes Section 75-1-2 the water rights is appurtenant to lands of Tract #4 and was noted in the State Engineer's Report titled "Adjudicated Rights of Individual Corrals, Ditches, Carriers, and Reservoirs, and Land Owners Using Waters thereunder and therefrom in Cause No. 01690, District Court, San Juan County, New Mexico," dated April 8, 1948.

The existing visitor center and parking lot occupies approximately 0.2 acres which accounts for the difference between the total area of Tract No. 4 and the number of acres declared as suitable for irrigation.

Present plans call for expanding the existing parking lot within the irrigated area thereby reducing the area to be irrigated by 0.39 acres. The State Engineer has specified that the duty of water is 3 acre feet per year per acre. Accordingly, the United States must reduce its claim from 4.8 to 3.6 acre feet per year.

The way out is to expand the area to be irrigated further east along the southern boundary in order not to lose any water right.

bcc: Moore, OM

Name of Ditch: Farmer's. River: Las Animas.

Land Owner: Lenfesty, W. E. Acres Irrigated: 14.6. Water Allotted: 43.5 Acre Feet.

Engineer's Report: Vol. II Page 189. Vol. III Sheet No. 39. Testimony Vol. Page 611 I.

Land Description:

Beginning at the NW. corner of the E½NE¼ of Section 8, Twp. 30 N., R. 11 W., N. M. P. M., and thence running S. 120 rods, thence E. about 600 ft. to the Estes Arroya, thence along the W. bank of said Arroya in a northwesterly direction to the place of beginning.

Name of Ditch: Farmer's. River: Las Animas.

Land Owner: Abrams, J. O. Acres Irrigated: 47.9. Water Allotted: 142.7 Acre Feet.

Engineer's Report: Vol. II Page 187. Vol. III Sheet No. 39. Testimony Vol. Page 373 I.

Land Description:

The N½NW¼NW¼ of Section 9, and the SW¼ of Section 4, all in Twp. 30 N., Range 11 W., N. M. P. M. EXCEPTING: Beginning at the SW. corner of the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M., and running thence N. 0°53′ E. 521.4 ft., thence N. 64°46′ E. 407.1 ft., thence S. 81°23′ E. 52.3 ft., thence S. 42°45′ E. 436.4 ft., thence S. 67°01′ W. 547.4 ft., thence S. 7°13′ W. 158.4 ft., thence N. 88°40′ W. 200.6 ft. to the place of beginning. Containing 6.565 acres and being a fraction of the SE¼SW¼ of aforesaid Section, Township and Range. ALSO EXCEPTING: Beginning 694.9 ft. N. and 376.25 ft. E. of the SW. corner of the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M., and from said beginning point running N. 70°20′ E. 405.3 ft., thence N. 37°41′ E. 79.8 ft., thence N. 47°20′ E. 157 ft., thence N. 5°00′ E. 44 ft., thence N. 41°40′ W. 45.3 ft., thence N. 15°40′ W. 47 ft., thence N. 71°07′ E. 38.7 ft., thence S. 76°26′ E. 180 ft., thence N. 77°42′ E. 227 ft., thence S. 00°24′ W. 1163 ft., thence N. 89°24′ W. 129.6 ft., thence N. 21°40′ ft., thence N. 81°23′ W. 52.3 ft., to the place of beginning. ALSO EXCEPTING: The E½ N½NW¼NW¼ of Section 9, Twp. 30 N., R. 11 W., N. M. P. M. ALSO EXCEPTING: Beginning at a point 347 ft. N. from the S. line of Section 4 and 20 ft. N. from the W. side of the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M., and running thence N. 0°53′ E. 179.1 ft., thence N. 64°46′ E. 385 ft., thence S. 81°23′ E. 52.3 ft., thence S. 42°45′ E. 436.4 ft., thence S. 67°01′ W. 501.4 ft., thence N. 0°53′ E. 176.5 ft., thence W. 240 ft. to the place of beginning. Containing 4.6 acres, all in the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M.

Name of Ditch: Farmer's. River: Las Animas.

Land Owner: Randall, Oren F. Acres Irrigated: 11.2. Water Allotted: 33.4 Acre Feet.

Engineer's Report: Vol. II Page 188. Vol. III Sheet No. 39. Testimony Vol. Page 392 I.

Land Description:

Beginning at the NE. corner of the NW¼NE¼NW¼ of Section 9, Twp. 30 N., R. 11 W., N. M. P. M. (being the NE. corner of the C. L. Biscom tract), and running thence E. on the Section line 676 ft., thence S. 45°20′ E. 507 ft. to the Animas River, thence along the line of said river to a point 45½ rods E. of the SE. corner of the C. L. Biscom tract, thence W. to the said SE. corner of the C. L. Biscom tract, thence N. to 40 rods to the place of beginning. The S½SW¼NW¼ of Section 9, Twp. 30 N., Range 11 W., N. M. P. M. EXCEPTING: A strip of land 25 ft. in width across the W. and a strip 50 ft. in width along the N. bank of the Estes Arroya in the S. portion of said tract. ALSO EXCEPTING: A strip of land commencing at a point 330 ft. N. from the quarter corner between Section 8 and 9 of said Twp. and Range, thence E. on said Section line 660 ft., thence E. 660 ft., thence W. 660 ft. to the place of beginning. ALSO EXCEPTING: A strip of land 33 ft. in width across the S½SW¼NW¼ of said Section located according to the present location of the Eledge and Trew Mill Ditches. AND ALSO EXCEPTING: A strip 30 ft. in width Beginning at a point 10 chains E. of the SW. corner of the NW¼ of said Section and running in a northeasterly direction along the high bank of the Eledge Ditch to the E. line of said tract. AND ALSO EXCEPTING: A strip 20 ft. in width across the E. line of said described tract.

ALSO: A fractional part of the S½SW¼NW¼ of Sec. 9, Twp. 30 N., R. 11 W., N. M. P. M., described as follows: Commencing at a point 330 feet N. of the quarter corner between Sec. 8 and 9, thence N. on said Sec. line 330 ft., thence E. 660 ft., thence S. 330 ft., thence W. 660 ft. to place of beginning, containing 5 acres, more or less.

Name of Ditch: Farmer's. River: Las Animas.

Land Owner: National Park Service. Acres Irrigated: 1.6. Water Allotted: 4.8 Acre Feet.

Engineer's Report: Vol. II Page 187. Vol. III Sheet No. 39.

Land Description:

Beginning at the SW. corner of the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M., and running thence N. 0°53′ E. 521.4 ft., thence N. 64°46′ E. 22.1 ft., thence S. along the W. line of the land heretofore deeded to the United States of America, to the distance of 179.1 ft., thence E. along the S. side of said plot mentioned above to the distance of 240 ft., thence S. along the W. line of said plot to the distance of 176.5 ft., thence S. 67°1′ W. 46 ft., thence S. 7°13′ W. 158.4 ft., thence N. 88°40′ W. 200.6 ft., to the place of beginning. Containing 1.8 acres, and being a fraction of the SE¼SW¼ of aforesaid Section, Township and Range. Beginning 694.9 ft. N. and 376.25 ft. E. of the SW. corner of the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M., and from said beginning point running N. 70°20′ E. 405.3 ft., thence N. 37°41′ E. 79.8 ft., thence N. 47°20′ E. 157 ft., thence N. 5°00′ E. 44 ft., thence N. 41°40′ W. 45.3 ft., thence N. 15°40′ W. 47 ft., thence N. 71°07′ E. 38.7 ft., thence S. 76°26′ E. 180 ft., thence N. 77°42′ E. 227 ft., thence S. 00°24′ W. 1163 ft., thence N. 89°24′ W. 129.6 ft., thence N. 21°40′ W. 538 ft., thence S. 66°25′ W. 282.5 ft., thence N. 72°45′ W. 436.4 ft., thence N. 81°23′ W. 52.3 ft., to the place of beginning. Containing 12.6 acres. All in the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M. Beginning at a point 200.5 ft. S. 88°40′ E. from the SW. corner of the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M. which is the place of beginning of this tract, thence N. 7°13′ E. 158.4 ft., thence N. 67°01′ E. 547.4 ft., thence N. 66°25′ E. 282.5 ft., thence S. 21°40′ E. 538 ft., thence N. 89°03′ W. 981.6 ft. to the place of beginning.

AND ALSO: Beginning at the point 347 ft. N. from the S. line of Section 4, and 20 ft. E. from the W. side of the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M., and running thence N. 0°53′ E. 179.1 ft., thence N. 64°46′ E. 385 ft., thence S. 81°23′ E. 52.3 ft., thence S. 42°45′ E. 436.4 ft., thence S. 67°01′ W. 501.4 ft., thence N. 0°53′ E. 176.5 ft., and thence W. 240 ft., to the place of beginning. Containing 4.6 acres, all in the SE¼SW¼ of Section 4, Twp. 30 N., R. 11 W., N. M. P. M.

Name of Ditch: Farmer's. River: Las Animas.

Land Owner: Josey, E. P. Acres Irrigated: 1.0. Water Allotted: 3.0 Acre Feet.

Engineer's Report: Vol. II Page 187. Vol. III Sheet No. 39.

Land Description:

Beginning at the Southeast corner of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section 4, Township 30 N., Range 11 W., N. M. P. M., thence running North from said corner 208 feet along the subdivision line, thence West 218 feet, thence S. 208 ft. to the South boundary line of said subdivision, thence East 218 ft. to the place of beginning. Above tract contains one acre and a small fraction of an acre.

Remarks:

Shown as part of Abrams land in Engineer's Reports.

Name of Ditch: Farmer's. River: Las Animas.

Land Owner: Jackson, R. L. Acres Irrigated: 3.0. Water Allotted: 8.9 Acre Feet.

Engineer's Report: Vol. III Sheet No. 39. Testimony Vol. Page 419.

Land Description:

Commencing at a point 26 ft. E. and 14 ft. N. of the SW. corner of the SE¼NE¼ of Section 8, Township 30 N., Range 11 W., N. M. P. M., and running thence N. 646 ft., thence E. 600 ft., thence S. 660 ft., thence W. about 600 ft., to the point of beginning. Containing 9 acres, and being a part of the SW¼SE¼NE¼ of Section 8, said Township and Range.

Together with 1/24 of 1 share in the Farmer's Ditch.

Name of Ditch: Farmer's. River: Las Animas.

Land Owner: Townsend, Fred. Acres Irrigated: 30.8. Water Allotted: 91.8 Acre Feet.

Engineer's Report: Vol. II Page 189. Vol. III Sheet No. 39.

Land Description:

The SW¼NE¼ of Section 8, Township 30 N., Range 11 W., N. M. P. M.

00-00-0000: memorandum to superintendent from hydraulic engineer regarding water rights

W. Docket #1
File - Aztec

AUG -6 1974

L54

Memorandum

To: Superintendent, Aztec Ruins National Monument

From: Hydraulic Engineer, Water Resources, PSN-SWR

Subject: Water Right, General

PURPOSE: To follow-up on Hydraulic Engineer A. V. Van Dunn's memorandum to the Regional Director, Region Three, dated June 27, 1958, stating that the U. S. Government owned an additional 2.4 acre feet of water by virtue of acquiring title to Tract 5 (donation of Southwestern Monuments Association to U.S.).

FINDINGS OF FACT

1. A check on deed transferring title of Tract 5 from Clyde C. Hubbard and Ruth Hubbard, husband and wife, to the Southwestern Monuments Association on 15 May 1947, specifically expressed that no water rights were included in the transaction. The deed transferring title from Southwestern Monuments Association to U.S. could not be found.

2. Enclosed are specific portions of the water rights adjudication case in which the National Park Service was a party to..."The Echo Ditch Company, et al., Plaintiffs vs. The McDermott Ditch Company, et al., Defendants," Case No. 01690 on April 8, 1948, in the First Judicial District Court of New Mexico, San Juan County, which states that the National Park Service is owner of 4.8 acre feet of water per annum. The State Engineer's Report identified that the water, used for irrigation, was originally on 1.6 acres of land on what was Tract 4. The visitor center and parking lot occupies this area today. Priority date - 1892. Duty of water - 3 acre feet per acre being irrigated per year.

3. Aztec Ruins NM has been paying a yearly fee of $8 to the Farmers Ditch Company. The U. S. is current on its yearly fee.

4. The present area being irrigated is roughly 6 acres, most of which lies within Tract 3. The garden area is located between the residential section and visitor center. The garden, lawns, and trees are flood irrigated by dirt ditches.

5. No records are kept on the quantity of water used per annum.

PLAN TO ACCOMPLISH

1. Duplicate copies of the deed covering Tract 5 have been requested from our Deed's Office in WASO. Upon receipt a follow-up review will be made on the ownership of water rights.

2. A flow meter will be installed at the terminus of the 8" pipeline (connecting Farmers Ditch to the beginning of the U. S. irrigation system) to measure the total quantity of water used by NPS for irrigation per year. This measurement program could be accomplished in one year. General Superintendent White agrees with this plan. Water Resources funds will be used to purchase and install the meter. At the conclusion of this plan, the meter will be used elsewhere for similar purposes.

3. An updated survey showing the location of all ditches will be made. Plan - before the year is out.

(SIGNED)

Garland Moore

Enclosures

cc:
Chief of Maintenance, MRM-WASO, Attn: Vic Berte', w/c encl.
Gen. Supt., Navajo Lands Group, w/c encl.
Urban Rogers, w/c encl.
PSN-SWR, w/c encl.

GMoore:ba 8/6/74

WR Copy

In reply refer to:
L54-L

June 27, 1958

AIR MAIL

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Pipe Line Easement Across Hubbard Property, Aztec Ruins

The memoranda of June 11 and 19 have followed separate courses until today, as independent construction and water right matters. You are being advised by wire to proceed with the construction contract.

For better understanding of the nature of the easement and water right, please refer to Docket 1 and your land status records.

The bottom map and Final Proof under the Desert Land Act, of which copy is just above it, show that the main Farmers Ditch dates back to at least the proof for patent of S½ SW¼ and NE¼ SW¼ Sec. 4, in 1891, and there were undefined laterals to serve the land. The Monument is part of that Desert Land patent.

The next three drawings in the docket are part of the state records for the water right adjudication of 1938. Sheet 39, which should be the lowest in the group, shows the Monument as it existed before the addition by Proclamation of 1948. It also shows that all land to the north and west of the Monument belonged to J. O. Abrams. The two memoranda refer to Mr. Hubbard's deed of January 21, 1949, recorded at pages 448 and 449 of Book 118 of the county records, but do not supply the essential description of Mr. Hubbard's lands.

Sheet 39 of the state drawing also shows that there were two laterals from the Farmers Ditch, which took off of the main Ditch on the Abrams land near the center of SW¼ Sec. 4; one extending to the "M" in the word Monument, at the Monument Boundary; and the other following a southerly direction to, and along the westerly side of the Monument. The question, which does not appear to be too important, is whether the Hubbards own all non-Federal land which is traversed by both ditches, and was formerly owned by J. O. Abrams.

Drawings 7102 and 7103 indicate that the new pipe line is to be entirely on the SE¼ SW¼ Sec. 4. This includes all of the first

named lateral, and all of the second one except the headgate and a short portion of the ditch. It seems to me that the donated easement is only a confirmation of consent to change the location of part of the more westerly lateral which may have been an encumbrance on the land since 1891, and to change the conduit from a ditch to an 8 inch pipe. I have unofficial legal advice to the effect that the "Easement" may be so construed, but the need for having referred that instrument to the Department of Justice might have been eliminated if it had been in a form to describe the true nature of the changes.

Sheet 39 also shows the probable irrigation of a number of acres of former Abrams land from the westerly lateral, in both the SE¼ SW¼ and SW¼ SW¼ Sec. 4. When I visited the Monument I believe that spill from this lateral also crossed the road to another lateral serving the lands of H. M. Williams and Tatman Brothers. The Hubbards are now successors to at least part of the Abrams land. In replacing the ditch with pipe, there should be adequate capacity, necessary taps, and agreement to deliver water to any private land which can no longer be served by the westerly lateral.

I assume that the Hubbards may preserve the portion of the lateral to the north of the Monument, and construct a new extension to the west of the Monument, if they continue all former irrigation. In that case, the only question is whether the pipe, or any Hubbard lateral extension, should supply water to the other lateral on the south side of the road bordering the Williams-Tatman Brothers tract.

In this investigation I have just discovered the Monument enlargement of 1948, which seems to include 0.8 acres of land irrigated under the decreed rights. We do not have the copy of the Engineer's report covering that right, but the report on rights for 1.6 acres of irrigation in the Monument additions of 1923 and 1930 is near the top of the docket contents.

The United States has rights to 4.8 acre-feet of water for the 1.6 acres, and probably has rights to 2.4 acre-feet as an appurtenance to the Monument addition of 1948. This totals 7.2 acre-feet, or 2,346,127 gallons per year. This would give a uniform annual flow of 23,461 gallons per day. I have not checked the Monument topography, but assume that the pipe will have sufficient capacity to deliver the authorized water within the much shorter irrigation season.

The project does not involve a change in diversion from the river, or even a change in the main ditch location. However, for some years the Park Service has not irrigated all land designated

in the decree, and has irrigated some land up toward the Superintendent's residence without amending rights. Despite Mr. Kell's quotation from the State Engineer, I have assumed that we should amend the rights to describe the proper irrigated area. I believe that Mr. Kell should obtain the State Engineers further confirmation on this matter, and schedule a map of the irrigated area which will be developed under MISSION 66 if a change in place of use must be recorded.

Copies of the easement and Drawing 7102, Consent of Farmers Irrigation District, and Mr. Henson's certifying memorandum of May 28, are being placed in our assembly of Docket 1. As you know, this is the District in which the U. S. has not agreed to become affiliated because of inadequate organization.

SIGNED
A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Aztec Ruins
Chief, WODC
Assistant Solicitor, Parks
Mr. P. Miller
Mr. Langley
Mr. Siler
Mr. Dunn

AvVDunn:let

06-23-1958: memorandum to regional director from chief engineer regarding easement for pipeline

COPY IN D5039-D

L-54

June 23, 1958

AIR MAIL

Memorandum

To: Regional Director, Region Three

From: Chief Engineer

Subject: Easement for Pipeline at Aztec Ruins, New Mexico

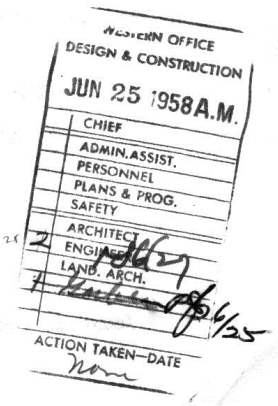
In reply to Superintendent Henson's memorandum of May 28 concerning the adequacy of the subject easement, there is attached a copy of Associate Solicitor Edwards letter to the Assistant Attorney General requesting a waiver of the requirement of title opinion by the Attorney General.

We will advise you by wire as soon as a reply is received. In the meantime contract award may have to be delayed.

SIGNED

Paul McG. Miller
Chief Engineer

Attachment
Copy to: Chief, WODC (2) air mail w/attachment
Supt., Aztec Ruins w/attachment



06-19-1958: memorandum to director from regional chief of land regarding pipe line easement across hubbard property

154
C/R L1425
Hubbard

Region Three
Santa Fe, New Mexico

June 19, 1958

Memorandum

To: Director

From: Regional Chief of Lands

Subject: Pipe Line Easement Across Hubbard Property, Aztec Ruins

On June 11 we transmitted a preliminary print of NM-AR-7103 and other papers in connection with the easement to your Office.

An inquiry was made by telephone to the State Engineer's office regarding their requirements, if any, as a result of our proposed change in point of diversion from the Farmers Irrigation District Ditch. They advised the State Engineer's office would consider this as a matter to be resolved between our Service and the Ditch Company, and the State Engineer's office would be concerned only if there were a change in the point of diversion where the main ditch (Farmers Irrigation District Ditch) diverts water from the Animas River.

For Mr. Dunn's possible use we have attached one photostatic copy of the following:

1. Easement of May 27, 1958, from the Hubbards.
2. Statement of May 22, 1958, from Farmers Irrigation District Ditch by Jane M. Graves, Secretary, F.I.D.
3. Statement regarding ownership, liens and taxes by Superintendent Henson, dated May 28, 1958.

Sufficient photostatic copies have been made for all water rights dockets and can be distributed when requested by Mr. Dunn. However, distribution will not be made until Mr. Dunn has reviewed the preliminary print of NM-AR-7103 and indicated the corrections needed, if any.

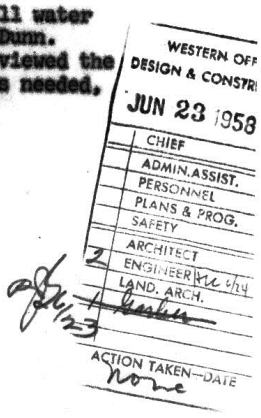
JOHN E. KELL

John E. Kell
Regional Chief of Lands

In duplicate

Attachment

Copy to: Supt., Aztec Ruins
Chief, WODC



F-58-2076.18

D5039

Unit

DIV. OF LANDS AND [illegible]

1

D&C Files
Records Files

Hon. Perry W. Morton
Assistant Attorney General
Department of Justice
Washington 25, D. C.

JUNE 18, 1958

Dear Mr. Morton:

There are enclosed a memorandum dated May 28, 1958 written by the Superintendent of Aztec Ruins National Monument, a document executed May 22, 1958 by the Secretary of the Board of Directors of the Farmers Irrigation District, Aztec, New Mexico and a recorded instrument whereby Lloyd A. Hubbard and Annie Mae Hubbard, husband and wife, donate an easement to the United States to lay a pipeline across certain land in San Juan County, New Mexico, to be used in connection with the National Monument. Authority for this acquisition is contained in subparagraph (g) of the act of August 7, 1946 (60 Stat. 885, 16 U.S.C., sec. 17j-2).

This right of way is being acquired for a water line to be constructed of eight-inch cement asbestos pipe laid three feet below the surface of the ground. The cost of the 357 feet of line which will be built on the Hubbard property is estimated at approximately $1,800.00.

As evidenced by his memorandum of May 28, 1958, Superintendent Henson has searched the county records and found that as of May 27, 1958 record title to the servient tenement was in Lloyd A. Hubbard, free and clear of outstanding mortgages and liens.

Accordingly, it is requested that, as provided in Section 355 of the Revised Statutes, as amended, the requirement of title opinion by the Attorney General be waived in this instance.

As bids for the construction of the pipeline are to be opened on June 26, it will be appreciated if a reply to this request may be received as soon as convenient.

Sincerely yours,

A. M. Edwards
Associate Solicitor
Territories, Wildlife and Parks

cc: Secy. files
Docket

Enclosures

Solicitor-Parks
Daily
Branch of Lands, NPS
Mr. O'Neil, NPS
Mr. A. Harpine
AHarpine:gt:6/18/58.

JUN [illegible] 1958

AZRU

copy in L1423 AZRU

06-11-1958: memorandum to director from regional chief of lands regarding pipe line easement on hubbard property

WODC

L1425
COPY IN C/R 154
Corr

JUN 11 1958

Region Three
Santa Fe, New Mexico

Air Mail

Memorandum

To: Director

From: Regional Chief of Lands

Subject: Pipe Line Easement Across Hubbard Property, Bid Opening June 26, Aztec Ruins National Monument

Attached is a preliminary print of NM-AR-7103, Irrigation System proposed for construction at Aztec Ruins National Monument. The open irrigation ditch will be replaced with a new metal headgate and 8" cement asbestos pipe as shown on the above drawing. Of the proposed project 357 feet will be outside the monument boundary across the Hubbard property.

In this connection we have attached the following:

1. Easement of May 27, 1958 from Lloyd A. Hubbard and Annie Mae Hubbard, husband and wife, as grantors. This easement deed was filed for record May 28, 1958 at 3:45 p.m., and thereafter recorded in Book 372, Page 124, of the records of San Juan County.

2. Authorization of May 22, 1958 for Aztec Ruins National Monument to install a head-gate in the Farmers Irrigation Districts Ditch near the outlet where we have previously received water. This authorization is signed by Jane H. Graves, Secretary, Board of Directors F.I.D.

3. Statement from Superintendent Albert G. Henson that Lloyd A. Hubbard is the record owner of the property as evidenced by Warranty Deed of January 21, 1949, recorded in Book 118, Pages 448 and 449. Superintendent Henson has also determined that as of May 27, 1958 there were no mortgages or liens of record and taxes up to and including 1957 have been paid.

4. Copy of Superintendent Henson's memorandum of transmittal dated June 6 explaining certain minor differences in names of the grantors and the ditch company.

WESTERN OFFICE
DESIGN & CONSTRUCTION
JUN 17 1958 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER 6/16/9
LAND. ARCH.
6/16/18
ACTION TAKEN—DATE
None

cy of 6/11 memo
to Horrock
OS

06-06-1958: memorandum to regional director from superintendent regarding signed easement

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

IN REPLY REFER TO:
L1425
Hubbard

Aztec Ruins National Monument
Aztec, New Mexico

Certified Mail

June 6, 1958

Memorandum

To: Regional Director, Region Three

From: Superintendent, Aztec Ruins

Subject: Pipe Line Easement across Hubbard Property, Aztec Ruins

Attached is the "easement" which has been signed by Mr. and Mrs. L. A. Hubbard, notarized and recorded. Also attached is a statement showing that the County records have been checked concerning the ownership of the land.

The easement was re-typed to change the names to conform with the Hubbard's legal signatures. (Lloyd Adelbert Hubbard was changed to Lloyd A. Hubbard and Annie May Hubbard was changed to Annie Mae Hubbard)

Also attached is a letter from the Farmers Irrigation District giving permission for the installation of a new headgate. As was mentioned over the phone, this is a different title than that shown in the easement, however, the land description will identify the ditch.

Albert G. Henson
Superintendent

Attachments (3)

03-20-1958: memorandum to regional director from superintendent regarding pipe line easement

D5039
X S7215

Aztec Ruins National Monument
Aztec, New Mexico

March 20, 1958

Memorandum

To: Regional Director

From: Superintendent, Aztec Ruins

Subject: Easement for Pipe Line for Irrigating Water

Reference is made to Item (c), Block 2 of PCP M-3-7. This provides for regrading and replacing approximately 850 ft. of tile irrigation line.

Water for irrigating the monument is drawn from the Farmer's Irrigation District Ditch through a tap shared with the tennant on land joining the monument and owned by L. A. Hubbard, 115 N. Wall, Farmington, New Mexico. We propose to bring the water through a 6 in. cement-asbestos pipe starting 300 feet north and 50 feet west of the NW corner of the monument and continuing to a point 15 feet west of the NW corner of the monument. From here, irrigating water is carried a distance of about 200 feet by open ditch until it enters the monument property. The pipe line would cross Mr. Hubbard's land for a distance of 300 feet and Mr. Hubbard has orally agreed to give an easement if we will restore the surface to its original condition. If the top of the pipe is buried 12 to 14 inches below the surface, I am sure it would be adequate since it will contain no water during freezing weather, and at this depth it will be out of the way of agricultural activities.

My questions concerning this project are these:

1. I assume we must have a written easement covering the pipe to be laid on Mr. Hubbard's land. How do we go about getting it?

2. May we have a Work Order covering the following:

300 feet cement-abbestos pipe of the type usually used in sewers @ $1.11 per foot	$ 330.00
300 feet trenching and backfill @ .40	120.00
1 metal headgate	32.00
14 feet corrugated metal pipe @ $1.85	26.00
1 clamp, 8"	2.00

2 Sacks cement @ $2.00	$ 4.00
100 Bd. Ft. lumber @ $80.00/M	8.00
10 man-days labor @ $15.00	150.00
Facilitating services & contingencies	28.00
	$ 700.00

Homer F. Hastings
Superintendent

06-14-1957: memorandum to superintendent from assistant regional director regarding utilities section, master plan outline

WR Copy

L-54

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE
1957 JUN 17 PM 2:26

DIV. OF
AND CONSTRUCTION
JUN 18 1957
Vint
Morrell
Miller
Sager
Sutton
JUN 14 1957
D&C Files
Records Files

Region Three
Santa Fe, New Mexico

Memorandum

To: Superintendent, Aztec Ruins

From: Assistant Regional Director

Subject: Utilities Section, Master Plan Outline, Aztec Ruins

By now you have received a copy of Mr. Dunn's memorandum of May 29 in relation to the Utilities Section, Master Plan Outline, Aztec Ruins.

This office no longer has any files as early as January 24, 1946. Mr. Dunn's analysis of the Farmers' Ditch, as per his report of August 6, 1945, and the existing contents of Docket No. 1, as pointed out by Mr. Dunn, leaves some doubt as to the basis for the amount of the assessment.

Within the next ten days, we shall obtain all the information we can from the State Engineer. We will also need, as soon as conveniently possible, some sort of a map on which the areas under irrigation have been shown. We are writing for a copy of Master Plan Drawing, Utility Layout, NM-AZT-2042-A, and as soon as this is received from WODC, it will be mailed to your office in order that you may show, if possible, the area now currently being irrigated.

(SIGNED)

Harthon L. Bill
Assistant Regional Director

Copy to: Director (2)
WODC
Act. Gen. Supt., SWNM

AZRU

L54-L

May 29, 1957

Memorandum

To: Regional Director, Region Three

From: Chief, Water Resources Section

Subject: Utilities Section, Master Plan Outline, Aztec Ruins

The April draft of subject outline, which has been received with memorandum of May 2 from Mr. Hall, WODC, indicates that there is an annual assessment of $8.00 in connection with the irrigation through the Farmers' Ditch.

Mr. Tolson's memorandum of January 24, 1946, my analysis of interests in the Farmers' Ditch of August 6, 1945, and the existing contents of Docket 1 leave some doubt as to the basis for the amount of the assessment. We should have either a stock certificate or a copy of enough of the decree to show the proportion 4.8 acres of Monument land bears to the total area irrigated by the ditch, and make copies for the dockets. As convenient, we shall appreciate information you may have obtained since 1946. You might also determine from the State Engineer what the cost of proper portions of the decree would be.

Also, as convenient, we should determine what areas of the Monument, by boundary traverse, are now, or will ultimately be irrigated, and whether the State Engineer considers it desirable to amend the description of the place of use. As I recall, we are not irrigating all of the decreed area, and are irrigating land not covered by the decree.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Superintendent, Aztec Ruins
Chief, WODC

WESTERN OFFICE
DESIGN & CONSTRUCTION
MAY 31 1957 A.M.
CHIEF
ADMIN. ASSIST.
PERSONNEL
PLANS & PROG.
SAFETY
ARCHITECT
ENGINEER
LAND ARCHT
ACTION TAKEN—DATE
None

Moved 6.12.57

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

In reply refer to:
L54 AZTC

November 30, 1951

Memorandum

To: Regional Director, Region Three

From: Acting Chief, Water Resources Branch

Subject: Water Right Docket No. 1, Aztec Ruins National Monument

In conformance with Mr. Tolson's memorandum of June 18 to the Regional Directors, relating to the new procedure in filing water right assemblies, there is attached original Aztec Ruins National Monument Water Right Docket No. 1, formerly Deed 5. This is to be retained in the files of the Superintendent as the official record of this water right. He should destroy his present assembly in order to avoid confusion, or place the contents in the correspondence files. The deed number on your own assembly should be changed to the new docket number before transmittal to the Superintendent.

(SGD) GORDON W. ROBERTSON

Gordon W. Robertson
Acting Chief, Water Resources Branch

In triplicate

Attachment

SEHicks:sh

11-30-1951: memorandum to regional director from associate director regarding master plan

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

In reply refer to:
D1615 AZTC

MAY 9 1950

Memorandum

To: Regional Director, Region Three

From: Associate Director

Subject: Master Plan, Aztec Ruins National Monument

The General Development Plan, NM-AZT-2100-B, submitted with your memorandum of April 3, shows the lateral of the Farmer's Ditch traversing the northern part of the west boundary of the area, and thence cutting diagonally across to the southeast boundary, whence it follows the south boundary easterly toward the river. This is correct and in accordance with the water rights. However, the original area under irrigation is the area now largely occupied by the parking area, office, lobby, and museum, and to be occupied by a storage and work shop.

On this basis, at least half of the original place of use covered by the water right is no longer irrigated. In order to preserve the water rights it would be desirable to construct a secondary lateral from somewhere near the drinking fountain easterly toward the employees' residential area, or from the ditch along the south boundary up through the residential area, to permit irrigating an area equal to that which has been converted to buildings and paved parking areas and sidewalks in the original place of use. It is suggested that some such plan might be added to drawing 2100-B when you have time to work out the details on the topographic map.

In introducing this new irrigation, you should also consider its effect on your conflicting problem of draining the ruins area. It is also suggested that the ditch as shown should be designated as a lateral of the Farmer's Ditch.

(SGD) A. E. DEMARAY

Associate Director

In duplicate

Copy to: Mr. Langley
Mr. Hall
Mr. Dunn

AvanVDunn:sh

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

February 18, 1947.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the report in the minutes of your staff meeting for October 29, 1946, that Mr. King and Dr. Reed had just obtained an option on approximately one acre of land just north of Aztec Ruins National Monument, which contains a great kiva mound.

In the pending adjudication of priority of rights to the diversion of water, in the case of the Independent Ditch Co. et al. vs. McDermott Ditch Co. et al., rights are being adjudicated for the irrigation of 3.4 acres between the north boundary of the Monument, and the old channel of the Animas River, from a lateral of the Farmers Ditch. A similar right to irrigate 7.8 acres between the old and new channel is also included. This is shown on sheet No. 39 of the hydrographic map which is being used in that adjudication, said map being the bottom one in the assembly of Aztec Ruins Deed No. 5.

If the option includes, or at least does not except, appurtenant water rights, and if the land includes an area which has been irrigated during part of the last 4 years, the United States might be able to purchase it with water rights funds during the present fiscal year. The water right could then be amended to permit irrigation on any part of the Monument except the 1.6 acres to which rights are already being adjudicated.

To make the purchase from water rights funds, it would be necessary to determine the acreage under irrigation, the value of the appurtenant water right, that there is a need for the water on the Monument area, that the major part of the option price is justified by the water right value, and that the Monument master plan actually contemplates the irrigation of an area equal to 1.6 acres plus the irrigated acreage of the tract to be purchased. To buy it with water rights funds, it is not necessary that the purchase involve land within the Monument, but it is essential that the proposed use of water by the amendment of the right be on an area within the Monument.

If the preceding conditions can be met, and you are interested in such procedure, please prepare a draft of an appraisal, unsigned, giving as much justification as herein described, including both land

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

and water values, and send it to us for review. Our purpose in reviewing would be to check the water right values. Therefore, you should give consideration to the support for such value, and your suggestions as to value, but you may leave the matter somewhat indefinite until we send you our comments.

Such purchase would have to be pushed to obligate the funds before June 30, if attempted.

(SGD) HILLORY A. TOLSON

Acting Director.

AvVD:sh.

In duplicate.

cc: Mr. Dunn.

08-06-1945: memorandum to regional director from acting director regarding interest in farmers' ditch

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO 54, ILL.

August 6, 1945.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

MEMORANDUM for the Regional Director, Region Three.

Two copies of Mr. Dunn's Analysis of Interest in the Farmers' Ditch, Aztec Ruins National Monument, are enclosed for your consideration. From Mr. Townsend's memoranda of July 1 we have obtained a fairly good idea of the Federal interest in the Ditch and Ditch Company, and feel that the Company will be in shape to place itself on a sound business basis as soon as the rights are decreed. Although the annual amount is not much, our present method and rate of payment for water does not seem satisfactory. It is suggested that Mr. Dunn's analysis be used as a basis for discussion with the officers of the Company and see if some adjustments cannot be worked out. If the United States is to be a party to the Company, the latter needs the suggested form of organization. If such organization is not attempted, the United States cannot be a party, but it will have to have a favorable reduction in the rate it pays for water.

AvVD:sh.

Enclosure 273.
In duplicate.

cc: Mr. Dunn.

Acting Director.

August 6, 1945.

Analysis of Interest in the Farmers' Ditch

Aztec Ruins National Monument

by

A. van V. Dunn
Chief, Water Rights Division

Reference is made to the memoranda of July 1 from Custodian Townsend to the Regional Director, Region Three, with regard to the division of interest in the Farmers' Ditch at Aztec Ruins National Monument. Mr. Townsend has submitted two lists, one prepared by the Secretary of the Ditch Company, and one as part of one of his memoranda, which is reported to be the list from the records of Mr. George F. Bruington, Master of Adjudication. I have prepared one list, which is enclosed, with all the data from each, and two columns which show the duty of water.

There are some indications of sale between the time the Company prepared its list and the time when the list was presented to the court. It is not clear which is later, and does not matter in the total. It is also evident that there are a few errors in one or both lists. For instance, has A. C. Scott 20.9 or 220.9 acres?

It is evident that Mr. Bruington proposes to allocate water on the basis of an annual acre-foot limitation, which is satisfactory. The duty is not consistent, but very close to 3.00 acre-feet per acre per annum. Tatman Brothers seem to be allowed a little over 3.00 acre-feet, which might be possible if there is some allowance for stock watering in addition to irrigation. For the most part the smallest land owners are allowed the full 3.00 acre-feet, including the United States, and we should be satisfied on that score. However, I wonder if there is any explanation for the small reduction for the larger land areas, or whether there is merely a case of poor multiplication.

Turning now to the Company record, the allocation of water seems to be based on shares of stock with some variations. The quantity for Ethel Bird is not given, but it must be roughly 1/8 second-foot on the basis of her land acreage. This would bring the total to 12.6727272727.... second-feet. Referring to the list in my analysis of May 13, 1944, the total shares of stock at various dates have been as follows:

	1892	9 stockholders had	11.75 shares
Dec. 28,	1895	15 stockholders had	12.50 shares
February 1,	1944	57 stockholders had	13.5992.. " (13 151/252)

There is some suggestion that an original share of stock was issued for approximately 100 acres. The extension of 1907 seems to have earned only one share of stock for 200 acres, or else the stock issued in 1895 was in anticipation of part of the extension. Be that as it may, as shown in my last column, the quantity of water, or share of stock, now varies from about 0.004 second-foot to 0.25 second-foot per acre. At 1.00 second-foot per 70 acres, which is reported to be accepted by the Company now, and will be accepted by Mr. Bruington if he follows the normal for the State, the allotment per acre should be 0.0142857142...

We know that the interest of the United States, as variously exchanged, includes 1/16 share, which would be enough water for about 4.6 acres if a share and a second-foot are the same. Actually, the water right was conveyed to the American Museum with all land now comprising the Monument, but the Museum held the right until it conveyed the last parcel of land with an area of only 1.8 acres. Part of the right was clearly intended for land which was conveyed earlier. It just happens that the whole area was conveyed to the United States. Parcel 4 might have gone to another person.

The point is that the quantity of water conveyed with a particular parcel of land was quite arbitrary. It follows that other vendors have probably done the same. The result is that a few people now hold more water right than they deserve for their acreage while others have less. Presumably that is one of the main reasons for the pending adjudication. As a further consideration, the United States, and its predecessors, have not placed the full 4.65234 acres under irrigation as was originally intended. Hence, instead of obtaining a decree to 13.957 acre-feet per annum, it is to be decreed only 4.8 acre-feet per annum. That cannot be challenged with the present evidence.

There is also sound reason to expect that the second-foot limitation may be cut from 1/16 second-foot (0.0625 second-foot) to 0.022857 second-foot, based on the allowance of 1.00 second-foot to 70 acres which was first quoted as the unit in Mr. Richey's memorandum of January 25, 1944, to the Custodian. However, the original duty was based on 1.00 second-foot to 40 acres as indicated by Mr. Townsend just before starting his tabulation in the memorandum of July 1, as follows:

1892 27.06 Sec.Ft. to 1082.4 acres is 1 Sec. Ft. to 40 acres.
1907 5.01 Sec.Ft. to 200.6 acres is 1 Sec. Ft. to 40.04 acres.

If the ditch has a capacity of 32.07 second-feet, it is possible that the court will allow the larger amount with the further limitation of 3.000 acre-feet per acre per annum.

On the basis of totals given by Mr. Townsend, the following interest can be determined as the share of the United States in the ditch and Ditch Company:

By Acreage:
1.6/1434.6 from company tabulation, is 0.10455876%
1.6/1287.2 from court tabulation, as copied by Townsend, is 0.12430080%

By Stock or Diversion:
1/16 / 12 888/1320 is 0.49809817%
1/16 / 13 151/252 is 0.45958564%

In his memorandum of February 1, 1944, Custodian Miller indicated to you that the total assessments by the Company, between 1931 and 1943, were $1,326.00, or $147.33 per year. Using the percentages given above, and in that order, the average water bill to the United States should have been: $0.15; $0.18; $0.73; or $0.68. The maximum for 1943 would have been: $0.26; $0.32; $1.28; or $1.19. At $18.00 per year, which the United States is now paying, it is paying at least 25 times as much as it needs to.

The following action seems to be needed:

1. The Company should prepare a complete tabulation of its stockholders to show names, acreages, and quantity of water to which they are entitled.

2. The Company should check with the Master of Adjudication to see that the two lists are in agreement, and both lists should be amended as necessary, on the basis of findings in the adjudication.

3. Shares of stock should be issued to all water users on the basis of the lists just suggested.

4. Assessment lists should be prepared annually to show all anticipated expenses, balance in account from preceding year, and the extra amount needed to operate during the following year, and the pro-rated assessment for each water user.

5. Bylaws should be passed, published, and distributed to water users.

6. The bylaws may include arrangements for the sale of water to those not owning stock, and should provide for anticipated increases in stock as more land is brought under irrigation.

7. The United States should cancel its contract for purchase of water, and accept its assessments as a stockholder.

In the above mentioned anticipated expenses there should be a fund for future replacement of structures and general overhauling of the ditch so that there will be no excessive assessment in any one or two years.

Farmer's Ditch Claims
Aztec Ruins National Monument

Claimant	Area		A.Ft.	Diversion		
	By Co.	By Custodian		A F/Yr/A	Sec. Feet	S.F./A (Co)
Abrams,J.C.		48.4	144.2	2.979		
Barton,L.H.	12.0	19.6	58.4	2.980	5/32	0.0130208
Bird.Ethel Mae	9.9				?	
Bird,Martha		15.5	15.8	2.981		
Bradstreet,Carolyn	33.7	33.3	99.2	2.979		
Brimhall,HM	17.6				1/12	0.0065480
Brown,Robt.C	18.0	19.4	28.0	2.979	5/16	0.01736
Brunner,Albert H.	17.7				21/160	0.007457
Calloway,J.R.		39.5	117.7	2.980		
Chaney,Mrs Myrtle		11.8	35.2	2.983		
Clark,J.F.&Mary A.		31.2	93.0	2.981		
Cornelius,T.		27.2	81.1	2.982		
Crandall,Mrs.Walter	0 2.2				1/22	0.0206611
Crane,Harefield	18.6				1/4	0.0134404
Cruse,L.T.		33.2	98.9	2.979		
Davis,Heber G.	17.2				3/16	0.0109011
Evans,Jay					9/16	0.0143862
Farmer Jim A.	16.5	16.5	49.2	2.982	1/4	0.0151515
First National Bank		49.9	148.7	2.980		
Frazier,John A.		11.0	32.8	2.982		
Galloway,Laben H.	34.0				1/4	0.0073529
Gilmore,T.W.		38.4	114.4	2.979		
Gower,Bailey E.	5.0	5.0	14.9	2.980	1/16	0.0125
Greswald,Fred	2.3				1/32	0.013587
Hall,A.J.	61.7				1/2	0.008103
Handcock,Clarence	56.6				5/8	0.011042
Hardesty.Dewey	20.5	20.5	61.1	2.980	1/8	0.006097
Harter,Bert	6.0				1/16	0.010416
Hartman,Joe S.	34.8	46.8	139.5	2.981	11/24	0.013705
Holser,H.F.	1.0				1/32	0.03125
Howe,Lizzie R.	29.6	29.6	88.2	2.980		
Hubbard, Clyde C.	48.9	47.9			11/24	0.009372
Huddleston,Lee	13.8				1/12	0.0060386
Jackson,H.L.	10.0				1/24	0.0041666
Jackson,R.L.		4.5	13.4	2.978		
Jaquez, E.	8.3				1/8	0.0150602
Jaquez, Luceono	16.0				3/16	0.0117187
Johnson,Elmer	15.7	15.7	46.8	2.981	1/4	0.0159235
Johnson,Mrs T.M.		17.6	52.4	2.977		
Josey,E.P.	1.0	1.0	3.0	3.000	1/16	0.0625
Kochis,M.S.		29.5	87.9	2.980		
Lawson,A.H.		2.5	7.4	2.960		
Keniston,G.H.		27.3	81.4	2.982		
Lee,G.H.	15.4				1/16	0.004058
Lenferty,W.E.	17.7	17.6	52.4	2.977		
Lewis, Amos	20.8				17/80	0.010216
Lewis,Virgil	35.0				5/16	0.008928
Lillywhite,Horace	49.9				11/24	0.009185
Martin,Mitchel	12.0				1/8	0.010416

McKinsey,Ethel R.		8.6	25.6	2.977		
McWilliams,Lyle	1.9				1/32	0.0164474
NATIONAL PARK SERVICE	1.6	1.6	4.8	3.000	1/16	0.0390625
Oliver,Wes.J.	81.5	81.5	242.9	2.980	13/24	0.0066462
Painter, N.D.		13.8	41.1	2.978		
Pepin,Wm.F.	19.6	19.6	58.4	2.980	1/8	0.0063776
Perkins, Fred P.	9.7				1/8	0.0128866
Probst,Fred A.	20.7	20.7	61.7	2.981	3/16	0.00905797
Randack,Jerry	29.6				1/8	0.0042222
Randall, Bessie	11.2				1/16	0.00558076
Randall,O.F.		11.2	33.4	2.982		
Ridemour,L.C.		1.9	5.7	3.000		
Riedhead,Lester	31.2				7/24	0.00934829
Ridgly,Elizabeth		2.2	6.6	3.000		
Roberts,Earl	21.3				3/16	0.0088028
Rowlett,R.		3.0	8.9	2.967		
Rucker,H.D.	38.4				1/4	0.0065104
Salisbury,Jack	33.9				43/120	0.0105703
Sandlien,N.C.		34.6	103.1	2.980		
Scherer.R.		25.0	74.5	2.980		
Scott,A.C.	220.9	220.9	62.3	2.981	1/2	0.02392344
Sherer,Alvin	10.0				2/20	0.010000
Shriver,J.L.		32.1	95.7	2.981		
Simons,Carl	20.0				5/22	0.0113636
Simmons,Guy	59.5	59.5	177.3	2.980	2/3	0.01120448
Smith,Lawrence		34.0	101.3	2.979		
Spencer,Clark		9.4	28.0	2.979		
Spencer,Watt	0.5	0.5	1.5	3.000	1/8	0.0500000
Spiller,D.E.	33.2				1/4	0.00753012
Sullivan,D.E.	32.2				21/40	0.01630435
Sutliffe,Mrs J.T. (Florence)	8.1	8.1	24.1	2.975	7/96	0.00900206
Sumarld,Jim	5.0				1/8	0.0250000
Tatman,Bros.		9.7	29.6	3.051		
Taylor,Mrs.M.D.		33.9	101.0	2.979		
Tharp,F.M.		20.9	62.3	2.980		
Thomas, J.M.		8.3	24.7	2.976		
Thomas, J.M.		28.4	84.6	2.979		
Townsend,Fred	15.4	30.8	91.8	2.981	7/48	0.009469696
Townsend,J.C.	39.5				1/3	0.0084388
Townsend,Oscar		39.1	116.5	2.980		
Utton,Clyde	13.5				3/16	0.01388888
Wallace,J.C.		18.6	55.4	2.978		
Williams,W.M.		29.2	87.0	2.979		
Willyard,Clyde H.	29.3				5/16	0.010665529
Watt,J.H.		22.0	65.6	2.982		
Brickler,A.S.		29.3	87.3	2.980		
Irving,Milton	39.5				1/40	0.00753012
Turney, Floyd		36.5	108.8			
	1434.6	1287.2	3836.5		12 723/1320 or 12.547727...	

07-01-1945: memorandum to regional director from custodian regarding information on the farmers' ditch company

WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
AZTEC RUINS NATIONAL MONUMENT
AZTEC, NEW MEXICO

July 1, 1945.

MEMORANDUM for the Regional Director,
Region Three, National Park Service.

In reply to Acting Chief Engineer A. W. Burney's memorandum of June 1, 1945, requesting information on the Farmers' Ditch Company Aztec, New Mexico, the following is indicated.

Both President and Secretary of the Ditch Company were contacted and the inclosed typewritten sheets, intriplicate, bearing the names of the 57 claimants, their amounts of water and acres irrigated represents the whole of the information they were able to offer.

Since this amount of information is incomplete, the County Assessor and County Clerk were interrogated to some length, without producing further desirable facts.

Mr. George F. Bruington, Master of Adjudication, was interviewed on two occasions and I have prepared in triplicate a copy of the information obtained from his files on the adjudication matters pertaining to the Farmers' Ditch Company.

Mr. Bruington suggests that should this information prove inadequate he will prepare a complete report(if secretarial assistance is available)for the sum of $25.00.

From these recent investigations it seems that Mr. Bruington alone, is able to supply the desired information.

Irving D. Townsend,
Custodian.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
AZTEC RUINS NATIONAL MONUMENT
AZTEC, NEW MEXICO

July 1, 1945.

MEMORANDUM for the Regional Director,
Region Three, National Park Service:

There follows a list of the 57 claimants in the Farmers' Ditch Company, Aztec New Mexico, the quantity of water claimed for each and the number of acres irrigated by each. The date of priority(first use) was unobtainable.

The Farmers' Ditch Company was established in 1892, number of acres irrigated 1, 082.4 and an amount of water equalling 27.06 cubic feet per second. ~ 1 sf to 40 acres

The Jones extension was established in 1907 with 200.6 acres and 5.01 cubic feet per second.

Claimants	Acre feet amt water claimed	number acres
Tharp, F.M.	62.3	20.9
Thomas, J.M.	24.7	8.3
Bird, Martha	15.8	5.3
Farmer, J.A.	49.2	16.5
Howe, Lizzie R.	88.2	29.6
Tatman Bros.	29.6	9.7
Brown, R.C.	28.0	9.4
Calloway, J.R.	117.7	39.5
McKinzey, Ethel R.	25.6	8.6
Williams, H.M.	87.0	29.2
Sutliff, Mrs. J.T.	24.1	8.1
Lawson, A.H.	7.4	2.5
Shriver, J.L.	95.7	32.1
Lenferty, W.B.	52.4	17.6
Josey, E. P.	3.0	1.0
Jackson, R.L.	13.4	4.5
National Park Service	4.8	1.6
Abrams, J.C.	144.2	48.4
Randall, O.F.	33.4	11.2
Hartman, J.S.	139.5	46.8
Townsend, Fred	91.8	30.8
Simmons, Guy	177.3	59.5
Frazier, John A.	32.8	11.0
Ridgly, Elizabeth	6.6	2.2
Oliver, W.J.	242.9	81.5
Gilmore, T.W.	114.4	38.4
Wallace, J.C.	55.4	18.6
Kochis, M.S.	87.9	29.5
Taylor, Mrs. M.D.	101.	33.9
Thomas, J.M.	84.6	28.4
Smith, Lawrence	101.3	34.0

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
AZTEC RUINS NATIONAL MONUMENT
AZTEC, NEW MEXICO

Claimants	Acre feet Amount water claimed	Number acres
Bradstreet, Carolyn(Estate)	99.2	33.3
Cruse, L.T.	98.9	33.2
Scott, A.C.	62.3	20.9
First Natl Bank	148.7	49.9
Gower, Bailey E.	14.9	5.0
Spencer, Clark	28.0	9.4
Cornelius, T.	81.1	27.2
Rowlett, R.	8.9	3.0
Johnson, Mrs. T.M.	52.4	17.6
Ridemour, L.C.	5.7	1.9
Turney, Floyd	108.8	36.5
Sandlien, N.C.(Jones Ext.)	103.1	34.6
Painter, N.D.	41.1	13.8
Clark, J.F. and Mary A.	93.0	31.2
Barton, L.H.	58.4	19.6
Keniston, G.H.	81.4	27.3
Chaney, Mrs. Myrtle	35.2	11.8
Pepin, W.F.	58.4	19.6
Probst, Fred A. (JOnes Ext.)	61.7	20.7
Scherer, R. "	74.5	25.0
Spencer, Wat "	1.5	.5
Hardesty, Dewey "	61.1	20.5
Brickler, A.S. "	87.3	29.3
Townsend, Oscar "	116.5	39.1
Johnson, Elmer "	46.8	15.7
Witt, J.H. "	65.6	22.0

Irving D. Townsend,
Custodian

Ex 207.4

The following is a list of the 57 claimants whose rights are being adjudicated, quantity of water claimed for each and number acres irrigated by each in the Farmers' Ditch:

	NAME	QUANTITY		sf/ac	ACRES
1	Barton, Leva M.	5/32	0.15625	0.013026	12.0
2	Bird, Ethel Mae	?			9.9
3	Brimhall, H. M.	1/12	0.083333...	0.004734	17.6
4	Brown, Robert C.	5/16	0.3125	0.01736	18.0
5	Brunner, Albert H.	21/160	0.13125	0.007457	17.6
6	Crandall, Mrs. Walter C.	1/22	0.045454545...	0.0206611	2.2
7	Crane, Harefield	1/4	0.25	0.013440	18.6
8	Davis Heber C.	3/16	0.1875	0.010904	17.2
9	Evans, Jay	9/16	0.5625	0.014396	39.1
10	Farmer, Jim	1/4	0.25	0.015151	16.5
11	Galloway, Laben H.	1/4	0.25	0.007352	34.0
12	Greswald, Fred	1/32	0.03125	0.013387	2.3
13	Gower, Dailey	1/16	0.06250	0.0125	5.0
14	Hardesty, Dewey	1/8	0.12500	0.006061	20.5
15	Harter, Bert	1/16	0.06250	0.0104166	6.0
16	Handcock, Clarence	5/8	0.6250	0.0110424	56.6
17	Hartman, Joe	11/24	0.45833	0.013705	34.8
18	Hall, A. J.	1/2	0.50000	0.008103	61.7
19	Holser, H. F.	1/32	0.03125	0.03125	1.0
20	Hubbard Clyde C.	11/24	0.45833	0.009374	48.9
21	Huddleston, Lee	1/12	0.08333	0.006036	13.8
22	Jackson, H. L.	1/24	0.0416666	0.004166	10.0
23	Jaquez, Lucsano	3/16	0.187500	0.011718	16.0
24	Jaquez, E.	1/8	0.125000	0.015060	8.3
25	Johnson, Elmer	1/4	0.25000	0.015923	15.7
26	Josey, E. P.	1/16	0.06250	0.0625	1.0
27	Lee, G.H.	1/16	0.06250	0.004058	15.4
28	Lewis, Amos	17/80	0.21250	0.010216	20.8
29	Lewis, Virgil	5/16	0.31250	0.008928	35.0
30	Lillywhite, Horace	11/24	0.458333	0.009185	49.9
31	Martin, Mitchel	1/8	0.125000	0.010416	12.0
32	McWilliams, Lyle	1/32	0.03125	0.016447	1.9
33	Oliver, Wes J.	13/24	0.541666	0.006641	81.5
34	Park Service	1/16	0.06250	0.003906	1.6
35	Perkins, Fred P.	1/8	0.12500	0.012886	9.7
36	Pepin, William	1/8	0.12500	0.006377	19.6
37	Probst, Fred	3/16	0.187500	0.009057	20.7
38	Randall, Bessie	1/16	0.06250	0.005580	11.2
39	Reidhead, Lester	7/24	0.291666	0.009348	31.2
40	Roberts, Earl	3/16	0.18750	0.008818	21.3
41	Randack, Jerry	1/8	0.125000	0.004229	29.6
42	Rucker, H. D.	1/4	0.25000	0.006510	38.4
43	Salisbury, Jack	43/120	0.358333	0.010570	33.9
44	Simons, Carl	5/22	0.227272	0.011363	20.0
45	Spiller, D. E.	1/4	0.25000	0.007530	33.2
44	Irwin, Milton	5/48	0.104166	0.013157	9.5
47	Sullivan, D. E.	21/40	0.525000	0.016304	32.2
48	Sutliffe, Florence	7/96	0.072916666	0.009002	8.1
49	Simmons, Guy	2/3	0.666666	0.011204	59.5
50	Scott, A. C.	1/2	0.50000	0.023923	20.9
51	Spencer, Mrs. Watt	1/8	0.1125	0.250000	.5
52	Sherer, Alvin	2/20	0.10000	0.01000	10.0
53	Sumurld, Jim	1/8	0.125	0.025000	5.0
54	Townsend, Fred	7/48	0.1458333	0.009469	15.4
55	Townsend, J. C.	1/3	0.3333333	0.008138	39.5
56	Utton, Clyde	3/16	0.1875000	0.012	15.5
57	Willyard, Clyde H.	5/16	0.3125000	0.010	29.7

Mrs. C. H. Willyard, Secretary, Farmers' Ditch Co.

1/70 = 0.014285714

12 723/1320 = 12.547727272

1434.6

07-01-1945: memorandum to regional director from acting chief engineer regarding water claims to ditch

Aztec

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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

June 1, 1945.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Scoyen's memorandum of April 26 advising that the State Engineer does not have the data which we should like to obtain with regard to water claims for the Farmers Ditch at Aztec Ruins National Monument, and suggesting that we obtain such information from the Master of Adjudication, Mr. George F. Bruington. As an alternate, it is possible that the County Recorder may have the desired information.

We should like to obtain a list of the 57 claimants whose rights are being adjudicated, the quantity of water claimed for each, the number of acres irrigated by each, and the date of priority (first use) by each claimant. In some cases the claimant may have several quantities of water with different dates of priority due to differences in the dates when certain areas of land were first placed under cultivation and irrigation.

It is believed that the County Recorder will permit the Custodian to make a copy of any list he has, since it is a public record, or that the County Recorder might make the list at a nominal fee which can be billed to the Water Rights funds.

In requesting the information, the Custodian should assure the County Recorder that we have no desire for advance information with regard to the decree and point out that the claimed quantities will serve our purposes. If the County Recorder does not feel authorized to give such detail he might give the total number of claimants, quantity of water, and acreage irrigated on: (1) September 14, 1892; (2) December 28, 1895; (3) April 9, 1908; (4) when the United States acquired its interest in November 1930; and (6) present time or total being adjudicated.

The County Recorder could also be told that we wish this information because we are trying to define the proportionate interest of the United States in the Ditch Company and that the Company records are too meager. We are trying to determine the carrying capacity of the ditch at the various dates and not the legal rights to such diversions which Mr. Bruington will determine in the adjudication.

(SGD) A. W. BURNEY
Acting Chief Engineer.

In duplicate.

Mr. Townsend, will you try to get this information for Chicago Office. Tom 6/6.



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

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

April 13, 1945.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Richey's memorandum of March 31 with enclosures, relating to the Farmers Ditch Company and its charges for delivering water to Aztec Ruins National Monument in compliance with the water right of the United States.

The data supplied by the officers of the Farmers Ditch Company is helpful, but still inadequate. Referring to Custodian Miller's memorandum of February 1, 1944, it will be noted that there were 57 people owning 13-151/152 shares of stock on that date, and the proposed decree was to grant 1 second-foot to 70 acres. In order not to bother the Company or Master of Adjudication further at this time, I wonder if the State Engineer can supply a complete list of the water claimants and the irrigated area, in acres, owned by each. If such list now includes more than the 57 of a year ago I should also like to know which are the new share owners and whether they have introduced more area or acquired parts of the shares listed by Mr. Miller. If such a list has to be copied it might also be well to give the date of claimed priority of each share.

If the State Engineer has to type a copy of such list, the charge may be paid from water rights funds. In that case you should send us a signed voucher, chargeable to account 142/51056. Also, if such typing is required it will save retyping to make carbons to provide four complete copies to include in the water right assemblies.

(SGD.) A. VAN V. DUNN

Chief, Water Rights Division.

In duplicate.



C O P Y

Flora Vista, New Mexico,
March 23, 1945.

National Park Service,
Aztec Ruins National Monument,
Aztec, New Mexico.
Irving D. Townsend, Custodian

Dear Mr. Townsend:

In reply to your letter of February 21, 1945 in which you requested information concerning the Farmers' Ditch Co., we offer the following information:

1. In the minutes of the meeting of the Farmers' Ditch Co. April 12, 1907, we quote the following: "The Farmers' Ditch Co. met in special session at the residence of H. Mosley for the purpose of adopting a system of measuring water. After a long discussion it was voted to have measuring boxes eight (8) feet long placed in the laterals near the main ditch, the width of a box for full share to be measured through an opening with a depth of four (4) inch pressure."

To show that Mr. Abrams had an interest in the Company at a meeting of December 6, 1909, we quote the following: "On vote by shares the following were found to have received a majority of votes - J. S. Hartman, H. D. Abrams, and Monroe Fields." Mr. Abrams served as secretary during 1909, 1910, 1911, 1912.

2. On page 105 of ledger 3, 1927-1929, we quote the following: "H. D. Abrams estate transferred to American Museum 1/16 share of water and 1.6 acres".

a. We are unable to secure any information that 1/16 of a share is measured by 3.2 second-feet, or an interest represented by 0.2 second-foot of ditch capacity.

b. We are also unable to secure any information that the United States has a right to irrigate 1.6 acres at 1 second-foot to seventy acres or at an average rate approximately 0.0224 second-feet. We have no record that one share of stock under the reorganization of 1928 is 1/70 second foot (which is the water for one acre of land), instead of 3.2 second-feet determined by the orfice measurement.

The Farmers' Ditch Co. has a contract with the National Park Service giving them a flat rate of $1.50 per month. This should protect them from unreasonable assessments.

Signed:
Clyde H. Willyard, Chairman.
Wes Oliver
Guy Simmons
Garnet M. Willyard, Sec'y.

02-21-1945: letter to secretary, farmers ditch company from nps regarding information pertaining to the records

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Aztec Ruins National Monument
Aztec, New Mexico

February 21, 1945.

Mrs. Clyde Willyard, Secretary,
Farmers Ditch Company,
Flora Vista, New Mexico.

Dear Mrs. Willyard:

As a share holder in the Farmers Ditch Company we should like to have the following information pertaining to the records and operation of the Company, to complete our files.

1. A copy or summary of the records establishing the Company to show that a share was defined as the flow through an orfice 40 inches long, 4 inches high and under a 4 inch head, and showing Mr. Abrams, or his successor, actually had an interest in the Company.

2. A clarification of the two measures of a share, as indicated below, and a specification of the unit to be used for determining assessments.

   a. The United States has 1/16 of a share measured by 3.2 second-feet, or an interest represented by 0.2 second-foot of ditch capacity.

   b. The United States, on the other hand, will have a right to irrigate 1.6 acres at 1 seconnd-foot to 70 acres, or at an average rate of approximately 0.0224 second-feet. One share of stock under the reorganization of 1928 is 1/70 second-foot (which is the water forone acre of land), instead of 3.2 second-feet determined by the orfice measurement.

3. Since the Company is not incorporated, and does not seem to have rules, regulations and by-laws, we should like to have a statement of the protection the small shareholder has against unreasonable assessments, or obligations to do more than operate and maintain the ditch. Note that annual assessments between 1931 and 1943 varied from $72 to $258 per share, on the basis of a share measured by 3.2 second-feet of ditch capacity.

It would be appreciated if the Company Officials as well as the Secretary would sign the reply to this inquiry. Where no published records are available copies of resolutions and minutes of meetings would be desirable.

Very truly yours,

/s/ IRVING D. TOWNSEND
Irving D. Townsend,
Custodian.

02-21-1945: letter to secretary, farmers ditch company from nps regarding information pertaining to the records

February 21, 1945.

Mrs. Clyde Willyard, Secretary,
Farmers Ditch Company,
Flora Vista,
New Mexico.

Dear Mrs. Willyard:

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1. A copy or summary of the records establishing the Company to show that a share was defined as the flow through an orfice 40 inches long, 4 inches high and under a 4 inch head, and showing Mr. Abrams, or his successor, actually had an interest in the Company.

2. A clarification of the two measures of a share, as indicated below, and a specification of the unit to be used for determining assessments.

a. The United States has 1/16 of a share measured by 3.2 second-feet, or an interest represented by 0.2 second-foot of ditch capacity.

b. The United States, on the other hand, will have a right to irrigate 1.6 acres at 1 second-foot to 70 acres, or at an average rate of approximately 0.0224 second-feet. One share of stock under the reorganization of 1928 is 1/70 second-foot(wich is the water for one acre of land), instead of 3.2 second-feet determined by the orfice measurement.

3. Since the Company is not incorporated, and does not seem to have rules, regulations and by-laws, we should like to have a statement of the protection the small shareholder has against unreasonable assessments, or obligations to do more than operate and maintain the ditch. Note that annual assessments between 1931 and 1943 varied from $72 to $258 per share, on the basis of a share measured by 3.2 second feet of ditch capacity.

It would be appreciated if the Company Officials as well as the Secretary would sign the reply to this inquiry. Where no published records are available copies of resolutions and minutes of meetings would be desirable.

Very truly yours,

Irving D. Townsend,
Custodian.

02-21-1945: memorandum to regional director from acting director regarding master plan for irrigation of neighboring lands

December 12, 1944.

MEMORANDUM for the Regional Director, Region Three.

The master plan for Aztec Ruins National Monument places considerable stress on the sub-irrigation resulting from irrigation of neighboring farm lands. In past correspondence with the Water Rights Division, those in your Office have been emphatic in stating that no surface irrigation is needed on the Monument, except on the 1.6 acres for which rights are now being adjudicated.

Under Project Construction Program No. M-6, active plans are now being made to construct 2,100 feet of drainage system at a depth of 20 feet to lower the water table. In accordance with my memorandum of December 4, we have allotted $8,000 for the work. If this project is successful, the sub-irrigation will no longer exist as described in the master plan. It seems probable that the surface irrigation requirements and related water rights may need reconsideration to protect the vegetation and to permit modification of the water rights before the adjudication of the Farmers Ditch is closed, if possible. Water table observation should be started before the new construction alters the condition. Three or four shallow wells should suffice if properly located.

(SGD) Hillory A. Tolson

Acting Director.

AvVD:sh.
In duplicate.
cc: Mr. Dunn.

11-24-1944: memorandum to director from acting regional director regarding percolating water in the ruins of azru

RECEIVED
NOV 27 1944

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

Name	Date
Taylor	4/27

November 24, 1944.

MEMORANDUM for the Director.

Reference is made to Mr. Van v. Dunn's memorandum of October 21 relative to the percolating water in the ruins of Aztec Ruins National Monument.

There has been more underground water to contend with this year than usual. The plain source of this water is the irrigation ditch north of the ruins and the increase in underground water this year is accounted for by the extra thorough cleaning which was given the ditch last fall according to the reports of the former custodian. According to the man living back of the ruins, the ditch was given the same cleaning as costumary.

This same man who forms the fields just north of the ruins stated that he had only irrigated the fields three times the past summer. Apparently, there is no attempt to increase the use of water due to the adjudication proceedings.

E. T. Scoyen

E. T. Scoyen,
Acting Regional Director.

Name	Date
Tolson	11/27
Taylor	

RECEIVED
NOV 27 1944
SANTA FE, NEW MEXICO

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

November 24, 1944.

MEMORANDUM for the Director.

Reference is made to Mr. Tolson's memorandum of October 17 relative to the adjudication of water rights on the Las Animas River and its effects on Aztec Ruins National Monument.

The master of adjudication, Mr. Bruington, has not yet filed his findings with the court and indicated that it may be 6 months or more before his findings are presented. When they are completed, we will try to obtain a copy for your information.

With regard to the rate of delivery that we may expect for the 1.6 acres at the monument, we know that it is the universal practice throughout New Mexico to deliver the water at as high a rate as possible so that the area irrigated is given a thorough flooding which results in a smaller loss by evaporation and by percolating from the ditches. Therefore, it is anticipated the decree will not set forth a uniform delivery rate as you have apparently anticipated.

The ditch serving the monument also carries water for the irrigation of part of the apple orchard south of the monument. It was with this in mind the 4-inch tile line was proposed to replace the open ditch across part of the monument and since that size was selected on the basis of the amount of water which has been flowing in the ditch in the past, it is assumed that it will still be adequate to furnish our needs and those of the orchard owner.

E. T. Scoyen

E. T. Scoyen,
Acting Regional Director.

October 23, 1944.

MEMORANDUM for the Chief Engineer.

Reference is made to Mr. Tillotson's memorandum of October 16 enclosing a copy of a memorandum of October 6 from Mr. Lassiter with regard to flooding of the ruins at Aztec Ruins National Monument and inquiring as to the availability of approximately $5,000 to supplement the funds already available to provide adequate drainage.

As a result of the minutes of the Regional Director's staff meeting of September 25 discussing the same subject, I wrote to the Regional Director last Saturday to determine whether flooding could have resulted from excessive irrigation which might be made by some neighboring farmers to prove up on additional quantities of water during the pending adjudication of rights for the Farmers Ditch. In the memorandum, which I prepared for Mr. Tolson's signature as of October 17, attention was called to the need for a more concise definition of the interest of the United States in the Farmers Ditch and Ditch Company, but that it was a little previous to start negotiations for that until the questions of water needs at the Monument were determined. It is unfortunate that the problem of flooding arises before the other matters are settled.

The Farmers Ditch flows by the north side of the Monument at approximately 600 feet from the northwest corner in which the ruins are located. A lateral extends from the ditch to the same northwest corner and thence traverses the westerly and southerly sides of the monument to serve the water needs of the Monument. There is also a pond on the Abrams tract just north of the central portion of the north line of the Monument area. The main Farmers Ditch at 600 feet distance seemed to be almost entirely in fill or to be restricted by a levee rather than a cut bank on the side nearest the Monument, as I recall it in my past visits. All of these factors lead me to believe that there is a great deal of seepage toward the Monument area.

You have added a note to Mr. Tillotson's memorandum asking if Federal interest in the ditch would provide authority to spend Government money on it. The Monument is part of a larger original patent granted under the Desert Land Act, and the patent was granted on the basis of proof that the owner had an interest in the Farmers Ditch and Ditch Company to provide necessary water for irrigation. A portion of that interest was conveyed to the United States as an appurtenance to Tract No. 4 of the Monument. However, this Service has paid for its water on the basis of a customer of the Ditch Company rather than as a member of the Company itself, paying at least double the average assessment levied against the other members of the Company for the water it obtained.

This whole problem of Federal interest cannot be properly settled until the rest of the study relating to similar interests in the Fort Laramie Ditch and the Virgin River Water Users Association at Zion are also determined. Therefore, it does not seem desirable to consider immediate action relating to treatment of the ditch to reduce seepage. However, any water user with an interest in any ditch has a right to enlarge that ditch to convey more water when he wishes to obtain a right for a supplemental water supply. Paving a ditch increases the capacity and therefore should come within the rights to provide additional flow even though the use might be for reduction of seepage.

In the Water Works Engineering for August 23, 1944, on page 979 there is an article by Leo T. Parker relating to the nuisance resulting from land flooded by water from the neighboring property. There seems to be no reference to either of the two laws relating to nuisance applicable in New Mexico. It is therefore assumed that English common law would apply, which would require that no one concentrate the water or alter its flow as it passes from one piece of property to another in such a way that it differs from the natural conditions before any development was made. This would imply that there might be some grounds for claiming a damage against the Farmers Ditch Company. However, the United States may be one member of the Ditch Company, and the Ditch very definitely has been in existence for over 40 years without such complaint.

It would be my recommendation that any permanent solution be deferred until the Office of the Chief Counsel can determine our greater problem of Federal interest in private ditch companies and that a temporary solution similar to that recommended by Mr. Lassiter be followed for the moment. However, with this particular season of irrigation nearly over, it is wondered if a much cheaper drainage or pumping system could not be provided until late in the winter or early next spring when the other problems are settled.

(SGD.) A. VAN V. DUNN

AvVD:sh. Hydraulic Engineer.

10-21-1944: memorandum to regional director from chief, water rights division regarding adjudication of water rights

CHICAGO 54, ILLINOIS

October 21, 1944.

MEMORANDUM for the Regional Director, Region Three.

There have been several references, including that in the minutes of your staff meeting of September 25, with regard to percolating water in the ruins of Aztec Ruins National Monument.

It is not clear whether this is a more extreme case this year than usual, but we know that the water rights in the vicinity are being adjudicated and that there is a temptation on the part of the various water users at such times to use all the water they can in establishing proof of use. It would be interesting to know whether there has been more extensive irrigation of the land adjacent to the Monument this year than usual. It might also be interesting to know whether any such increase in irrigation complies with the anticipated decree of water rights for those areas.

The interest of the Water Rights Division is limited to the information as it indicates administration of the water rights in the Farmers Ditch a nd its lateral to serve the Monument. However, the same information might be helpful as indicating a change in conditions to be recognized in any design of additional drainage facilities around the ruins.

(SGD.) A. VAN V. DUNN

Chief, Water Rights Division.

AvVD:sh.

In duplicate.

54

October 17, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to the correspondence since March 1944, relating to the adjudication of water rights on the Las Animas River and the interests of the National Park Service in the Farmers Ditch at Aztec Ruins National Monument.

Should the United States take a more active part in the adjudication in the State court? Is the United States bound by a decree which may be rendered on the basis of the claim which has been presented for water use at Aztec Ruins without the knowledge of the United States?

The United States can accept the decree, if it grants satisfactory rights. It seems probable that Mr. Bruington, Master of Adjudication, has presented his findings or that a decree may have been rendered during the past three months.

It will be appreciated if you will obtain for us a copy of the general and special findings and possible decree relating to rights in the Farmers Ditch. From the correspondence, it appears that the State Engineer may have a copy and can provide photostats. If not, a copy can probably be obtained from the Clerk of the Court. The cost of this copy can be charged to Account 143/51056.

The correspondence suggests that the Court will grant adequate water for the 1.6 acres which have previously been irrigated. It will be of particular interest to this Service to know what restrictions may have been placed on the rate of delivery. It seems to have been the past practice to deliver water to the Monument about every fifth day. If the irrigation season was 180 days in length, the rate should have been 0.06734 sec. ft. Should the decree now call for a uniform delivery the rate would be reduced to 0.01347 sec. ft.

Either rate will be small and far less than the ditch capacity conveyed with the deed to tract 4. Either suggested rate will be impractical for delivery by the existing 700 feet of earth lateral, unless the water is included with that for other areas of neighboring farms. Project Construction Program form M-3 provides for the construction of a 4-inch tile lateral to replace the lateral ditch and to be buried 12" to 15". With a flat grade and danger of surface roots entering at joints, it seems possible that more water is anticipated than a decree for 4.8 acre-feet will provide. The design will merit further consideration.

By memorandum of February 18, Mr. Richey stated that your Office is indifferent to the suggestion to irrigate more than the 1.6 acres covered by the claim which has been presented to the Court. However, this designated area does not include the residential area. This means that, if no further claim is introduced, it will be necessary to rely on water pumped from the well to irrigate it. With more irrigated area there would also be a greater acre-foot limitation and potential rate of delivery. The greater the area and quantity of water, the greater would be the flexibility of operation. Please reconsider the matter, and advise what the ultimate irrigation needs will be. Please also revise PCP-M-3 to provide an adequate and durable conduit for the desired quantity of water.

Much of the original water claim has lapsed under the four-year Statute of Limitations. Any claim for more area which we may file now will be for a junior right. However, with the expanding use of the Farmers Ditch, there are other junior rights, and we should obtain as early a priority as possible. A conditional right of the present date might be far more valuable than a claim introduced in just a few more years, particularly if some other claimants are now obtaining conditional rights.

The correspondence suggests the need for some adjustment of the arrangements with the Farmers Ditch Company. We do not see, however, that we can define such needs properly until we know more about the decreed rights and possible changes in the development plan for the area. It is suggested, therefore, that negotiations with the Company be deferred at this time.

(SGD) Hillory A. Tolson

Acting Director.

AvVD:HT:sh.

In duplicate.

cc: Mr. Dunn.

Chief Counsel Jackson E. Price. July 24, 1944.

Hydraulic Engineer A. van V. Dunn.

Adjudication of Las Animas River at Aztec, New Mexico, and National Park Service interests in Farmers Ditch at Aztec Ruins National Monument.

In conference with Messrs. Sanders and Vetter it was agreed that I should find out from the Indian Service why that bureau is not participating in the adjudication in the state court in the case of Independent Ditch Company et al. vs. McDermott Ditch Company et al. which includes the claims for the Farmers Ditch with the interest of the United States at Aztec Ruins.

Mr. Ernest R. Moose of the Indian Service advises that the matter of federal participation in the adjudication was not referred to the Attorney General as previously reported to me.

The adjudication was initiated by Mr. G. W. R. Hoy.

District Counsel Humphreys of the Indian Service recommended against participation by that bureau and the opinion was approved by Chief Clerk Dotson, Acting Commissioner on Dec. 31, 1937. Mr. Humphreys based his decision on the fact that Indian rights do not have to be adjudicated in the several states -- an opinion I believe we all accept.

Congressman Dempsey brought the matter up later and on January 11, 1939, the Commissioner advised him of Mr. Humphreys' opinion, citing the Winters case. The reply was not approved by the Department.

To restate our own problem, this Service did not know of the adjudication until late last fall, and the Master of Adjudication is supposed to be rendering his decree sometime after last June 1. I do not know whether it has been rendered yet. This Service has a claim for water to irrigate 1.6 acres of the Monument land, introduced by the Farmers Ditch Company. The relation of this Service to the Ditch Company -- another problem -- is not yet determined.

The first question is whether the United States wishes to let a right be decreed to it without formal representation in the adjudication. So far as I have been able to determine the United States is not bound by the adjudication unless it wishes to enter. It has not entered formally, but has it become bound by the action of the Ditch Company since it did not ask to have its claim omitted? If it is bound by the adjudication what action should it take at this time?

(SGD.) A VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

FILE COPY

ltr to Cust Mahan
Aztec.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS 54

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

July 11, 1944.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Dear Mr. Allen:

Reference is made to your letters of July 1 with regard to the pending adjudications of San Juan River and Farmers Ditch rights near Aztec Ruins National Monument; and to the adjudication of rights in District 32, Colorado, which relate to the interests at Yucca House National Monument.

Both matters have been referred to the Chief Counsel of this Service. We will advise you later with regard to procedure.

As a result of our discussion on June 24 it is evident, however, that the present procedure should continue in the case of the San Juan adjudication, allowing the Farmers Ditch Company to adjudicate the rights for this Service. It seems quite certain to me that this Service will obtain all rights to which it is entitled and the only problem will be that of the federal position in the Ditch Company which should not involve you.

In the case of the adjudication in District 32 the data we have assembled indicates that the United States is already a party to the proceedings, but that neither this Service nor Mr. Van Kluck, from whom the Monument obtains water, has presented a claim. There is a question of the relative interests of Mr. Van Kluck and this Service to decide here, before we give further consideration to the adjudication of the rights of either.

Sincerely yours,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

cc: Region Three, in duplicate.



06-02-1944: memorandum to director from hydraulic engineer regarding water rights under desert land entry no. 333

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

June 2, 1944.

MEMORANDUM for the Director.

Reference is made to Mr. Mullady's memorandum of May 25 with regard to water rights under Desert Land Entry No. 333 at Aztec Ruins National Monument.

All available data requested in my memorandum of April 25 was received with Mr. Wirth's memorandum of May 6. My best interpretation of the testimony relating to water rights was presented in the Farmer's Ditch Analysis sent to you by memorandum of May 13.

Due to conflicting evidence the analysis may not be clear to all. The time is now so short I suggest we defer the matter until my arrival in Chicago, with one exception. I think the court will probably give the United States all water rights to which it is entitled. I do not think the federal interest in ditch capacity, as deeded to the American Museum of Natural History or this Service, is properly defined or protected in present contracts with the Ditch Company. The question is whether we can adjust such matters after the decree is rendered or whether the United States should attempt to have the adjudication left open until we define our position. The decree may have been signed during the past few days, for all I know.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

FILE COPY

Aztec Ruins

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.
601 Shelden Building

May 13, 1944.

MEMORANDUM for the Director.

We return, herewith, photostats of the Proof of Water Right in the matter of the patent of Desert Land Entry 333 by John A. Koontz at Aztec, New Mexico, which were sent by Mr. Wirth with a memorandum of May 6. These should be attached to the other instruments being assembled as Aztec Ruins National Monument Deed 5 to cover the irrigation water right now being adjudicated. Prints are also being distributed to Region Three and Aztec Ruins for the same purpose.

The blueprint of the Plat of the Farmer's Ditch by H. B. Hawkins and dated November 1892, which Mr. Wirth also sent, as received from the General Land Office, is not of a quality for further reproduction if other prints can be obtained from the General Land Office or the Clerk of San Juan County. It is suggested that three additional prints be obtained for the Region, Monument and your files.

In the following analysis I show that the proof was not entirely consistent, but I am able to arrive at satisfactory conclusions. I am no longer particularly concerned with the adjudication although I am very anxious to see that the decree recognizes rotational irrigation by those of the claimants with rights too small for practical, continuous application.

On the other hand there seems to be room for a great deal of improvement in the definition of the interest of the United States in the Farmer's Ditch Company. The one who drew up the original deed from Mr. Abrams to the American Museum of Natural History did not seem to consider the relative areas under irrigation on the tracts resulting to each, nor the practical importance of having conduit capacity in excess of the duty of water. In the second place, the contract between the Ditch Company and this Service seems to have no relation to the relative equity of this Service and the other share owners. From Mr. Miller's information it seems, too, as though there had been no attempt to reallocate obligations as individual farmers capitalized on excess ditch capacity and diversion. The latter, together with the Company reorganization in 1928, leave one wondering if there is a real definition of rights and obligations.

It is usual for a court to allow a year or so for protest of adjudications, and I assume that the United States does not have to accept

the present adjudication in any case, if it does not care to do so. I think, therefore, since we have not had proper notice of the case we should wait for a copy of the decree before we do more about the water rights. Meantime we should negotiate with the Company for proper definition of federal interest in the Ditch and arrange post war development projects to provide the best water service under the terms of a new contract with the Company.

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 444.

cc Region Three) with prints and
Aztec Ruins) copy of analysis.

May 13, 1944.

Aztec Ruins National Monument

Farmers Ditch Analysis

By

A. van V. Dunn
Hydraulic Engineer

Ditch size

Claimed by Surveyor H. B. Hawkins - T=10'; d=3; Fall=2.41 ft. per mile
Claimed by Witness Samuel A. Smith- T=7'; d=2; Fall not given

Ditch capacity

Claimed by H. B. Hawkins - 6480 cu. in. per sec. = 3.75 sec. ft.
Claimed by Geo. W. Cox - 14.00 sec. ft.
Computed by A.v.V.Dunn with: T=7';d=2'; as 1½:1; n=0.025
F 2.41 per mile = 0.00045, and assume same side slope for another foot of depth.
use b=2'; T=8'; d=2'; A=10.0; r=1.09; v=1.24; Q=12.40 sec. ft.
b=2'; T=10.4'; d=2.8'; A=17.36; r=1.44; v=1.54; Q=26.73 sec. ft.

Number of shares of original stock

Listed on Hawkins map of Farmers Ditch -	11.75 shares
Claimed by John A. Koontz -	11.00 shares
From Farmers Ditch Co. records, per Thos. C. Miller memo 2/1/44:	
9 stockholders in 1892 with	11.75 shares
15 stockholders on Dec. 28, 1895 with	12.5 shares
57 stockholders on Feb. 1, 1944 with 13-151/252 =	13.6 shares

Value of one share

1. From Miller 2/1/44 & Dunn 2/11/44 one share in 1907 was flow through 4"x40" orifice under 4" head, or 160 miners inches = 3.2 sec.ft. (N.M. stat.)
2. 14/11.75 sec. ft. = 1.19 sec.ft.
3. 12.4/11.75 sec. ft. = 1.055 sec.ft.
4. 26.73/11.75 sec.ft. = 2.275 sec.ft.
5. Witness & Koontz testify he had 2 shares or 144 inches = 1.44 sec. ft.
6. 14/12.5 sec. ft. = 1.12 sec. ft.
7. 12.4/12.5 sec. ft. = approx. 1.00 sec. ft.
8. After 1928 reorganization 1/70 sec. ft. = 0.014 sec. ft.

Duty of water

Koontz & witnesses testified to 144 miners inches to 18 acres = 0.16 sec. ft. per acre

Normal duty for 3 acre ft. per acre per annum as now being adjudicated, 1 sec. ft. per 70 acres = 0.014 sec.ft. per acre

Irrigated area

Koontz Desert Land Entry No. 333 consisted of 120 acres

Koontz only irrigated 18 acres

From Hydrographic Map by State Engineer the portion of Koontz tract below Farmers Ditch is only 72.7 acres

Land Transfers

Koontz sold unknown irrigated area to Abrams with 0.5 share of right

Abrams sold 1.6 acres of irrigated area to American Museum of Natural History with 1/16 share

The United States has obtained 8.9% of original irrigated area but only 3.15% of original right

Adjudication values

The present adjudication is scheduled to allocate 3 acre feet per acre per annum with rate of delivery not yet reported. The United States will obtain 4.8 acre feet per annum which will permit the following deliveries:

1.0 sec. ft. for 2.425 days

0.1 sec. ft. every 15 days

0.033 sec. ft. every 5th day of year (21,544 gallons every 5th day)

0.0066 sec. ft. every day of year (4,309 gallons per day)

Conclusions and Suggestions

1. The pending decree, at 4.8 acre feet per annum for 1.6 acres of irrigated land, will give Aztec Ruins National Monument all the water to which it is entitled by present development.

2. The decree is to fix rate of application to land, thus recognizing a right to more water at point of diversion or at turn-out to monument lateral. This Service should be able to obtain rights to its share of the transit losses later to the extent that it substitutes pipe for ditches.

3. With the present practise of irrigating about every fifth day, this Service is entitled to only 0.033 sec. ft. for 24 hours or 0.10 sec. ft. for 8 hours. This is a very small quantity to convey by ditch, even for the quarter mile of lateral if Mr. Abrams has not kept the lateral in use during the intervening 4 days.

4. It is evident that the decree should permit broad adjustments between share holders to permit practical irrigation with small quantities of water but the details should be left to adjustment between landowners and the Ditch Company.

5. At the time Mr. Abrams conveyed 1/16 share to the American Museum of Natural History, said shares represented ditch capacity of approximately 1.00 or 1.44 sec. ft. The United States should, therefore, be able to arrange with the Ditch Company for any rate of delivery up to 0.0625 sec. ft. without difficulty, and perhaps 0.09 sec. ft.

6. In accordance with proof for the Koontz patent this Service should claim a right to a ditch capacity of 1/16 of 1.44 sec. ft. or 0.09 sec. ft. plus allowance for transit losses in the lateral. At 10% loss in the lateral, this Service should attempt to define its share in the main Farmers Ditch as 0.1 sec. ft. (Note that the difference between item 5 and 6 is well within the fluctuating ditch depth from 2' to 3' cited in early testimony.)

7. This Service should now arrange to install a pipe of 0.1 sec. ft. capacity from the main ditch to the monument, with proper PCP and listing in the post war program. (The right of way seems to be amply covered by deed, but right to insert independent headgate in main Ditch may require further arrangement with Farmers Ditch Company.)

8. By the reorganization of 1928 one share of stock was defined as 1/70 sec. ft. (0.014 sec. ft.), presumably delivered to the land uniformly throughout the year. If the share of this Service is to be defined in the new unit the 1/16 of one original share will become 4.71 new shares.

9. From Mr. Miller's memorandum of February 1 the average annual assessment per original share is $147.33, and the monument share would be $9.21. Under the reorganized definition of a share the unit becomes closely allied to the irrigated acreage. Of the original Koontz assessment for two shares the United States could be assessed: 3.15% by ditch capacity=$9.21
8.9% by irrigated area= 26.22

This means that if Abrams and this Service are to be assessed on the basis of rights to be defined by the adjudication, Mr. Abrams should convey a larger share of the Ditch capacity to the United States.

10. If Mr. Abrams will cede ditch capacity proportionate to relative area irrigated, with average annual reallocation of $17.01 in assessments, the monument could apply water at the rate of 0.276 sec. ft. instead of the 0.1 sec. ft. suggested in item 6, with much more practical operation.

11. The present contract for water (I-20p-38) with charges of $1.50 per month, is double that which should be assessed on basis of present federally owned ditch capacity and only 69% of what should be charged with equitable distribution of interest.

Acting Custodian,
Aztec ins National Monument.

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

April 25, 1944.

MEMORANDUM for the Director.

Reference is made to Mr. Richey's memorandum of April 20 with copy of Acting Custodian Mahan's memorandum of April 18, regarding Azted water rights.

If the testimony must all be in within sixty days it is time to make some form of appraisal of the National Park Service claim.

1. The claim for 4.8 acre feet of water to irrigate 1.6 acres of land is satisfactory and all that can be supported in court. So long as the pending decree does not limit rate of diversion and delivery there is no reason to protest proceedings.

2. The Farmer's Ditch Company has acted as agent for all landowners under its Ditch, and no federal agency has presented any other independent claims now that those of the Indian Service have been withdrawn. As a result this Service should limit all further dealings to contact and advice to the Ditch Company except as it may care to be an observer.

3. This Service should obtain a certified copy of the claim presented by the Ditch Company. We have the part describing the federal land and do not care about the land of neighbors, but we should obtain the preamble and final statements if there were such.

4. We will also want a certified copy of the decree giving all general conditions and the specific decree to the United States. (It would be highly desirable to see the draft before it is signed if the Company has a chance for such review, but we do not need a permanent copy of such draft.)

5. Regardless of proceedings we still need the water right testimony and map from the proof on Mr. Abrams' desert land patent which has been requested through your office. (It would be much safer to have it within the next three or four weeks.)

6. The federal right to running space in the Ditch is still indeterminate until we obtain item 5. If the pending decree limits rate of diversion this Service may lose rights which were actually conveyed as real estate. If we do not define the running space in second feet before the decree is rendered we can still attempt

to enforce it as a lien on the rights of the other successors to Abrams. We can also attempt to obtain relief from the Ditch Company, or we can demand a reopening of the adjudication on the ground that the court did not properly recognize the deeds. Any of these is only suggested in case we are not satisfied with the decree but it might be well for the Chief Counsel to advise now how serious he would consider the loss of the right.

7. It looks as though the rights were to be similar to those in the Fort Laramie Ditch with diversion rights held by the Ditch Company but ultimate title vested in appurtenance to the land. It would be helpful now if, from his copy of the memorandum, the Regional Director would ask the State Engineer whether independent certificates are to be issued to each Ditch Company or landowner, or whether a single recorded decree, as in Colorado, is all that is normally provided.

(SGD.) A. VAN V. DUNN
A. van V. Dunn,
Hydraulic Engineer.

cc: Region Three.
Acting Custodian,
Aztec Ruins National Monument.

04-18-1944: memorandum to regional director from acting custodian regarding farmers' ditch adjudication

Mr. Dunn

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
AZTEC RUINS NATIONAL MONUMENT
AZTEC, NEW MEXICO

April 18, 1944

MEMORANDUM for the Regional Director, Region Three:

Reference is made to Mr. A. van V. Dunn's memorandum of April 10th, copy of which was sent us with copy of Mr. Maxwell's memorandum of April 13th to the Regional Director, Region Four, regarding the Farmer's Ditch adjudication.

I contacted Mr. George Bruington, Master of Adjudication, and received the following information in answer to the questions in Mr. van V. Dunn's memorandum:

1. Who are the interested federal agencies and did they get better notification than this Service? - The Indian Service at Ignacio, Colorado was the only other Government agency involved in any of the adjudication proceedings, as far as the master could determine. They entered claim on certain waters near Ignacio, but had some misunderstanding, and have withdrawn. No other federal agency is interested in the Farmer's Ditch adjudication.
2. How long, if at all, can claimants have to present testimony? - Mr. Bruington advised me that he would try to file his report within the next 60 days and that testimony would be received up to that time.
3. Is the Ditch Company or are the individual land owners the active claimants? - The individual land owners are the active claimants, as the water is being adjudicated to the land. The San Juan Hydrographic Survey Map of 1938 is being used as a basis for the adjudication.

Russell L. Mahan

Russell L. Mahan
Acting Custodian

(in trip.)

Aztec R.

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

April 10, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Richey's memorandum of April 5 with enclosure from Mr. Mahan relating to the adjudication of water rights of the San Juan River for Aztec Ruins National Monument.

It is evident that any further information we may obtain regarding the early value of a share of stock in the Farmer's Ditch Company will come from the proof submitted for patenting of the land under the Desert Land Act by John A. Koontz. This has been requested of the Commissioner of the General Land Office through the Director.

The next question is one of federal policy, which has been referred to the Chief Counsel by my memorandum of March 24. We need the answers to the legal questions before we can do much more. It seems to me that there are a few facts that the State Engineer may be able to supply to help in that determination, namely: Who are the other interested federal agencies; did they get better notification of the adjudication than this Service; and how long, if at all, can claimants have to present testimony? It is also important to know whether the Ditch Company or the individual land owners are the active claimants (is the Ditch Company representing all stockholders or leaving the matter to each individual).

You might expedite matters by making these further inquiries of the State Engineer, but you can wait and see if the Chief Counsel requests them if you prefer.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

Indian Service, Ignacio, Colo., that have withdrawn
will they file appeal within 60 days?
Individual Land Owners

04-05-1944: memorandum to regional director from assistant regional director regarding previous memorandum

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

APR 10 1944
ROUTING | Date
R 4/10/44

April 5, 1944.
FILE

MEMORANDUM for the Regional Director,
Region Four.

I am enclosing a copy of Acting Custodian Mahan's memorandum of April 3, regarding water rights at Aztec Ruins National Monument. I believe Mr. Mahan's memorandum is self-explanatory, and I know that he is having considerable difficulty in obtaining all of the data which you have requested, because of the inadequate files of the Farmers Ditch Company. This problem was discussed with Custodian Miller, when he was in the office recently, and he assured us that certain information is just not available.

With regard to paragraph 7 in your former memorandum, we have advised the State Engineer that the designation of the owner should be changed, and he has assured us that this will be taken care of.

Charles A. Richey
Charles A. Richey,
Assistant Regional Director.

Enclosure 2873319.

cc: Acting Custodian,
Aztec Ruins National Monument.

04-03-1944: memorandum to regional director from hydraulic engineer regarding adjudication proceedings on the farmer's ditch

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
AZTEC RUINS NATIONAL MONUMENT
AZTEC, NEW MEXICO

April 3, 1944

MEMORANDUM for the Regional Director, Region Three:

Please refer to Mr. A. Van V. Dunn's memorandum to you, of March 15th, regarding adjudication proceedings on the Farmer's Ditch.

A copy of this memorandum was evidently given to Custodian Miller while he was at Regional Office and paragraphs 4 and 7 were marked for action by him. He did not have time to take care of this matter and turned the job over to me.

Paragraph 4 requests a copy of of the pertinent part of the statement of claim for the Farmer's Ditch, covering date of construction, point of diversion, hydraulic properties, carrying capacity, cost and name of owner and statement relating to the lateral serving the Abrams land and Aztec Ruins. It is not clear to me whether this statement of claim is one that was supposed to be presented to the Master of Adjudication at the time proceedings were started or whether it refers to some previous claim, probably at the time of completion of the said Farmer's Ditch. I have talked to the Secretary of the ditch company and he states that there has been no claim filed, as far as he knows. It must be borne in mind that the Farmer's Ditch Company is not a large concern, with highly paid Secretary and that the records are far from being complete, those from 1933 to 1936 inclusive were never turned over to the present Secretary, and are evidently lost, so you can see the problem we are up against in trying to get all the information required by Mr. A. Van V. Dunn. I have checked over the books, with the Secretary, getting information regarding the number of shares and the amount of water that each shareholder is entitled to, and again the information I was able to gather was very vague, as you know. I intend to try to borrow the old records and check them thoroughly so that nothing will be overlooked in trying to get the information required.

Regarding paragraph 7, I have advised the Secretary of the company to change the designation of the owner to the United States of America, Department of the Interior, National Park Service, as requested. It seems that we will also have to contact the Master of Adjudication so that his records will be changed accordingly, or will these instructions come to him from the State Engineer, who I take it you have advised regarding change of designation.

I have hesitated contacting Mr. Bruington, Master of Adjudication, after reading your memorandum of March 17th to the Regional

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

April 5, 1944.

MEMORANDUM for the Director.

In accordance with Mr. Wirth's memorandum of March 24 with regard to proof under Desert Land Entry No. 333, Certificate No. 17 relating to the land and water rights of John A. Koontz at Aztec Ruins National Monument, we wrote to the Register of the General Land Office in Santa Fe. We are advised that the proofs we desire were transferred to the Commissioner's office in Washington when the patent was granted.

The enclosed letter, if satisfactory, may be dated and submitted by you. For future reference please advise whether we, as a field office, have authority to make such requests direct to the Commissioner.

AvVD:sh

Encl. 409.

A. van V. Dunn,
Hydraulic Engineer.

FILE COPY

00-00-0000: letter to commissioner from nps regarding request of photostat negatives

CHICAGO 54, ILLINOIS

Commissioner,
General Land Office,
Washington 25, D. C.

Dear Sir:

Will you please send photostat negatives of the map and other proof relating to the water right required in the patenting of S½ SW¼ and NE¼ SW¼ Sec. 4, T. 30 N., R. 11 W., N.M.P.M., by John A. Koontz under Desert Land Entry No. 333, Certificate No. 17, to A. van V. Dunn, Hydraulic Engineer, Region Four, National Park Service, 601 Sheldon Building, San Francisco 5, California. We are particularly interested in any information in the proof which may show the interest of Mr. Koontz in the Farmer's Ditch, and which may indicate the value of a share of stock in miners inches or second feet at the time the Farmer's Ditch Company was originally formed.

Yours very truly,

FILE COPY

April 3, 1944

MEMORANDUM for the Regional Director, Region Three:

Please refer to Mr. A. Van V. Dunn's memorandum to you, of March 15th, regarding adjudication proceedings on the Farmer's Ditch.

A copy of this memorandum was evidently given to Custodian Miller while he was at Regional Office and paragraphs 4 and 7 were marked for action by him. He did not have time to take care of this matter and turned the job over to me.

Paragraph 4 requests a copy of of the pertinent part of the statement of claim for the Farmer's Ditch, covering date of construction, point of diversion, hydraulic properties, carrying capacity, cost and name of owner and statement relating to the lateral serving the Abrams land and Aztec Ruins. It is not clear to me whether this statement of claim is one that was supposed to be presented to the Master of Adjudication at the time proceedings were started or whether it refers to some previous claim, probably at the time of completion of the said Farmer's Ditch. I have talked to the Secretary of the ditch company and he states that there has been no claim filed, as far as he knows. It must be borne in mind that the Farmer's Ditch Company is not a large concern, with highly paid Secretary and that the records are far from being complete, those from 1933 to 1936 inclusive were never turned over to the present Secretary, and are evidently lost, so you can see the problem we are up against in trying to get all the information required by Mr. A. Van V. Dunn. I have checked over the books, with the Secretary, getting information regarding the number of shares and the amount of water that each shareholder is entitled to, and again the information I was able to gather was very vague, as you know. I intend to try to borrow the old records and check them thoroughly so that nothing will be overlooked in trying to get the information required.

Regarding paragraph 7, I have advised the Secretary of the company to change the designation of the owner to the United States of America, Department of the Interior, National Park Service, as requested. It seems that we will also have to contact the Master of Adjudication so that his records will be changed accordingly, or will these instructions come to him from the State Engineer, who I take it you have advised regarding change of designation.

I have hesitated contacting Mr. Bruington, Master of Adjudication, after reading your memorandum of March 17th to the Regional

Director, Region Four and will do nothing further regarding the change of designation of his records and the claim until I receive your answer to this memorandum.

The regular quarterly payment for maintenance costs as per contract I-20p-88 is now due and payable and I am enclosing certified invoice in triplicate for your action.

Russell L. Mahan
Acting Custodian

(in dup.)

03-28-1944: memorandum to regional director from hydraulic engineer regarding farmer's ditch

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

March 28, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to your memorandum of March 24 transmitting Van Dyke negative of Sheet No. 37 of the San Juan River hydrographic survey.

Much to my surprise this sheet also shows the continuation of the Farmer's Ditch into Sheet No. 36. Instead of asking for another Van Dyke of Sheet No. 36 we better specify any additional sheets including No. 36 to reach the point of diversion of the Farmer's Ditch. One reason for having a map of the whole ditch is to have the point of diversion located; another is to give some idea of the property in which this Service has an interest through its 1/16 share of the original running space therein; and finally, in making up the deed to cover this water right when finally decreed we should have a map that shows the continuous route of the water from diversion to place of use.

AvVD:sh

A. van V. Dunn,
Hydraulic Engineer.

FILE COPY

Custo[illegible], Aztec Ruins.

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

March 24, 1944.

MEMORANDUM for the Director.

Reference is made to Mr. Tillotson's memorandum of March 17 to this office with regard to the adjudication of the San Juan River and water rights in the Farmer's Ditch at Aztec Ruins National Monument.

The last paragraph is important. Two federal agencies are watching as "observers", and their representatives are riling up the Master of Adjudication. One agency at least, this Service, was not notified of the adjudication and has not presented its claim. The other, by being a mere "observer" too, indicates that the United States is not a party to the adjudication.

The question resulting from these circumstances is whether the United States is to:

a. Permit an antagonized referee to determine its equity without representation, or

b. Enter the adjudication and demand time to claim, or

c. Enter the adjudication and request change of venue, or

d. Remain out of case and settle its own interests in federal court later.

I think it is fear of the latter that makes the Master of Adjudication take the attitude he seems to have, and appear to push through the first.

Referring next to item 1 under the first paragraph, the United States acquired 1/16 of one share of running space in the Farmer's Ditch, based on the quantity of water, or ditch capacity, covered by one share at the time the Ditch Company was originally organized. The only answer to my question as to the capacity covered by one share, to date, is in paragraph 3 of Mr. Miller's memorandum to the Regional Director, Region Three, of February 1. As stated in my memorandum of February 11 to Mr. Miller, the definition by measuring device gives a capacity of 3.2 sec. ft. per share and 0.2 sec. ft. per 1/16 of one share. The best way to check this value is through the proof of water right given for patenting of the land if the patent was granted under the Desert Land Act. Hence, my recent and urgent request for that information from the General Land Office through your office.

Later reorganization of the Ditch Company defined a new share of stock as 1/70 sec. ft. (0.014 sec. ft.). There had been no adjudication at that time, nor was one in progress. Unless there are records in the minutes of the reorganization to the contrary, we can only assume that each stockholder received enough shares of the new stock to equal the interest covered by his original stock. Each original stockholder was entitled to approximately 230 shares of the new stock. There should be 14 shares of the new stock for the owner of the original 1/16 share.

If the American Museum of Natural History did not convey the equivalent of 14 shares of new stock to the United States it could only be because each original stockholder surrendered part of his stock to new members of the company at the time of reorganization. From the Secretary of the Ditch Company we should obtain enough of the minutes of those meetings to show what exchange of value was made in the conversion of stock. It would help define the federal interest if some one in Region Three would obtain that information from the company or give us the name and address of the secretary for direct correspondence.

Referring now to the penultimate paragraph of Mr. Tillotson's memorandum, the irrigated area of the monument is 1.6 acres, and the locally recognized duty of water is 3 acre-feet per acre per annum. From past correspondence we cannot challenge that information nor disagree with the findings and proposed decree of the Master of Adjudication, Mr. Bruington.

So far, however, there has been no information as to whether the adjudication is defining rate of diversion and use as well as annual acre-foot limitation. If only the limit of 4.8 acre-feet per year is to be decreed, and that much is awarded, this Service can sit by as an observer so far as practical considerations are concerned. However, if a rate of delivery is to be determined federal interest is much greater. It does not seem unreasonable to demand the rate based on apparent ditch capacity defined by the original 1/16 of one share of running space -- apparently approximately 0.2 sec. ft. If this rate proves to be the value covered by the deed, and the court should reduce it, the court will be allocating federal property to others in a state court, and without the consent of the United States and in spite of the fact that the United States has not become a formal party to the adjudication.

Mr. Miller advises that he irrigates four or five days a month. If he irrigates five days per month and eight months per year, he can only run 0.06 sec. ft. of water while irrigating. From past observation I should say that he usually ran between 0.5 and 1.0 sec. ft. when I have been at the Monument. It follows that past irrigation has probably been ten to twenty times as great as the amount to be authorized in the present adjudication, and as a practical matter he cannot use the rate of 0.06 sec. ft.

The bulk of Mr. Tillotson's penultimate paragraph relates to charges for water. Whether this Service should pay on the basis of service or as an assessment on stock is a matter of law and administrative policy. The Chief Counsel has stated that the United States cannot become a stockholder in a

private company and yet the United States did acquire tract 4 and 1/16 of one share of running space in the Farmer's Ditch. The pending adjudication will attach a right to the land. (Right to divert 4.8 acre-feet of water per annum at the headgate, convey it by the Ditch, and apply it on the Monument area.) Shares of stock are relatively permanent. Rental of ditch capacity would be only for the life of the contract. If the proper solution of thisproblem can be made by the proper officials they will also be solving the problem relating to the Fort Laramie Ditch. It is not an engineering problem.

It does seem pertinent to point out the ambiguity in the information we have on the rate of payment, and its effect on the definition of a share of stock in the Ditch Company:

1. On page 2 of his memorandum of February 1 Mr. Miller gives the annual assessments per share of stock with an average of $147.33 for the nine years beginning in 1931. Since 1928 one share of stock has covered 1/70 sec. ft. or the water to irrigate one acre. Sheet 39 of the Hydrographic Survey of the San Juan River shows that most of the stockholders now have approximately 40 acres of land. This implies that the average rancher is paying approximately $5,893.20 per year for water. What is more, he is paying $147.33 for the water for each acre. He could not derive any more income from the land than that needed to pay his water bill. There is something wrong with the information which has been submitted.

2. I have previously derived a value of 3.2 sec. ft. for one of the original shares of stock, right or wrong. An assessment of $147.33 for one of these shares amounts to $46.41 per sec. ft., or $0.663 for the water for one acre per year (3.0 acre-feet per year). This is about one-third of what is paid in much of California, but the crops are also probably only approximately one-third as remunerative around Aztec Ruins.

3. Under case 1, the United States should be paying $235.73 per year or $19.69 per month for water. It is hardly to be expected that the Ditch Company would only charge $9.21 per year. Under case 2 the United States should only pay $1.06 per year or about $0.09 per month.

4. It hasalready been pointed out that somewhere between 10 and 20 times the normal duty of water has been used on the Monument. The mean is 15. At $0.09 per month, as just derived, the United States should pay $1.35 per month for 15 times the water to which it will probably obtain a decree. This suggests that the Ditch Company has been charging for the estimated water actually used, at the rate per share of stock and recognizing that the use, and converted value of the old stock, were approximately equal to 15 shares of the new stock.

5. When a decree is rendered for 4.8 acre-feet per year for the Monument, the water charge should be only approximately $1.35 per year based as an assessment on shares of stock, instead of $9.21.

The charge for water should not be given much thought until other questions are answered. First, the Attorney General should determine the position of the United States in the pending adjudication. Second, we must define the federal interest in the Ditch, or ditch capacity to which it is entitled, and whether that title is properly recognized by the court in rate of water delivery. Third, we must reconsider payments on the basis of the answers to the first two questions.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

cc: Region Three.
Custodian, Aztec Ruins.

03-17-1944: memorandum to regional director from nps regarding information regarding the custodian

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

MAR 22 1944
ROUTING
3/23
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March 17, 1944.

MEMORANDUM for the Regional Director,
Region Four.

Reference is made to Mr. Dunn's memoranda of February 11 and 26, Custodian Miller's memorandum of March 6 and other correspondence regarding the adjudication proceedings on the Farmer's Ditch Company water right at Aztec Ruins National Monument. In response to some of the questions in your memorandum of February 11, the following information is submitted:

1. The United States acquired by deed 1/16 of one share of running water in the farmer's ditch. This 1/16 of one share is a part of the 1/2 share originally sold by Mr. Koontz to Mr. Abrams on April 9, 1908. The transaction was not for two shares as suggested in your memorandum.

2. Mr. Miller has been informed by the Master of Adjudication that the water will be allotted in accordance with the number of acres under cultivation, and not the amount of shares or fraction thereof owned by the individual, regardless of the shares described in any deed dated prior to the pending court action.

3. Answered above.

4. The 20' strip on the west side of Tract 4 is occupied by a thoroughfare, established by usage many years ago, and no water is needed or desired on this strip.

The water to be allotted to the 1.6 acres, described on page 39 of the current Court Record of Adjudication, which is shown on the map that was sent you, is believed to be adequate to take care of irrigation for years to come. The $1.50 charge per month seems reasonable, and the current contract with the Farmer's Ditch Company for water on that basis relieves our Service of all maintenance on the ditch. Should we cancel this contract and become partners with the farmers in the Ditch Company, we would be expected to pay our share of the maintenance cost, which would, undoubtedly, average considerably more than $1.50 per month, providing it was necessary to make alterations and major repairs as stated by their Director.

Custodian Miller has made a careful investigation of the conditions; he has talked with Mr. Bruington, referee for the adjudication proceedings, the Directors and Secretary of the Farmer's Ditch Company, and many local people. Mr. Bruington was the attorney for the Ackerly Estate, which owned some land in Chaco Canyon National Monument. We recently won our case, and Mr. Bruington's personal feeling toward our Service is slightly strained. Furthermore, he is not too friendly toward another Government bureau which is putting pressure on the adjudication proceedings as observers. Considering all of these various angles, it would seem that the less pressure that is brought on the pending court actions, the better off our Service will be, and that it might be well to "sit on the sidelines" and accept

the amount of water which will irrigate the 1.6 acres which we believe will be allotted us when the adjudication proceedings are settled.

M. R. Tillotson,
Regional Director.

cc: Director
Custodian, Aztec Ruins National Monument.

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

March 15, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Scoyen's memorandum of March 9 transmitting print of Sheet 39 of the Hydrographic Survey of the San Juan River.

To make the record complete we should also have Sheet 37 of this survey to show the rest of the Farmers Ditch with its diversion location. It did not occur to me, however, that this map was in the form which would be supplied at the statutory rate of $1.00 per print. In getting the other sheet we might do better to buy a negative at the statutory fee of $2.00 and make our own prints.

For the moment, it is suggested that we fold this map as we have been doing for other deeds, attach the copy of description of the land of the National Park Service which was distributed with my memorandum to the Custodian of February 12, and insert them in folders for Deed 5, made up like that just submitted with Arches Deed 3, except that "Water Right Application, Permit", etc., should be changed to "Decreed Water Right No. ...". We cannot indicate priority at this time, however.

For this deed, we should also obtain a copy of the pertinent part of the statement of claim for the Farmers Ditch. This would consist of the general statement regarding date of construction, point of diversion, hydraulic properties, carrying capacity, cost, and name of owner. We are not concerned with the individual statements relating to all use, but we should also have the part of the statement relating to the lateral serving the land of J. O. Abrams and Aztec Ruins.

The fee for this is evidently $1.00 for the first 100 words and $0.15 for each additional 100 words. Perhaps, however, we could borrow the copy which the Ditch Company must have, and copy it here more cheaply. We will also want a certified copy of the same portions of the decree when it is rendered.

In looking over the map you will note that the lane along the west of the Monument is shaded, indicating non-irrigation. This supports my analysis as item 4, page 2 of my memorandum of February 11, to explain why irrigation of only 1.6 acres of the 1.8 acre tract 4 is considered.

Referring to the aforesaid Land Description, you will note that the owner is designated as National Park Service. Even though we have not yet presented any testimony or obtained authority to participate we should be able to request the Ditch Company or State Engineer to correct this to read United States of America, Department of the Interior, National Park Service, so that the decree will award title to the United States of America and its assigns. (See item f, page 16, of Regulations for the Preparation of Title Evidence in Land Acquisitions by the United States, dated Feb. 1, 1940. The title for a water right should be nominally the same as that for a parcel of land although we have been omitting assigns and giving Department and Bureau following the United States of America to date.)

In general, I feel that the United States is obtaining proper consideration in the adjudication from the data I have, but I still want to know about the rate of delivery and application, their relation to the original 1/16 of one share of running space, and the effect of the later definition of a share of stock as the water for one acre of land. I hope Mr. Miller is not transferred until he obtains that information.

Finally, I am concerned about the adjudication of this federal right without direct representation or testimony. A copy of this memorandum should be forwarded to the Director for reference and instruction regarding deed assembly. Therefore, in transmittal it is requested that you stress the need for legal consideration of our participation in the adjudication. It seems just as wrong to me for our claim to have been introduced without our knowledge as it would be for us to file a claim ourselves without consent of the Attorney General.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

03-09-1944: memorandum to regional director from associate regional director regarding voucher

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

MAR 14 1944

ROUTING	Date
	3/15

March 9, 1944.

FILE

MEMORANDUM for the Regional Director, Region Four.

As requested in Hydraulic Engineer Dunn's memorandum of February 29, we are enclosing a print of Sheet 39 of the Hydrographic Survey of the San Juan River prepared by the State Engineer. In the center of this sheet is located Aztec Ruins National Monument. The survey indicates that 23.5 acres of the monument is dry or without irrigation and that 1.6 acres is irrigated as a garden. This should form a part of Aztec Ruins Deed No. 5 which will later be assembled to cover the National Park Service water rights in the Farmer Ditch.

We are also enclosing a voucher in the amount of $4.00 covering these prints which were obtained from the State Engineer's Office. It is requested that you complete this voucher and place it in line for payment.

E. T. Scoyen

E. T. Scoyen,
Associate Regional Director.

Enclosure 2878850.

cc: The Director, with print.
Cust., Aztec Ruins, with print.

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

February 26, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to your memorandum of February 18, 1944, with regard to water rights and water problems at Aztec Ruins National Monument.

As stated in my memorandum of February 11, 1944, the chance of obtaining a decreed right to irrigate the picnic area with a suitable priority seems quite doubtful, at least until we have Mr. Miller's reply to that memorandum. Therefore, it is gratifying to have you discourage the introduction of a new claim for it. If plans change later it will probably be more satisfactory to buy rights now being adjudicated from some of the Monument neighbors even though the cost may be more.

On the other hand, it does seem important to preserve any interests acquired with the deed to tract 4. The water right is the right to irrigate the land irrigated at the time of conveyance or the largest area irrigated within the preceding four years. The interest also included running space in the ditch in excess of the apparent water right. Even if the water right is small, the larger capacity is important to permit practical use of the right. If properly established it will permit the Custodian to irrigate at about ten times the average rate during one-tenth of the time, three times the rate during one-third of the time, or any other rotational basis that proves most practical. Also, if the decree is to define acre feet limitations with no mention of the rate of application, the rate will be defined by the ditch capacity owned by the United States. It is this definition that we are most interested in clarifying before the adjudication is closed.

Note, too, that the United States has no authority in the court until the Attorney General decides to participate. The National Park Service has neither requested nor received authority to participate. Hence, unless Mr. Miller finds that some other agency has taken the United States into the adjudication, any discussion Mr. Miller has with the master of adjudication is that of an observer. He can, however, negotiate with the officers of the Ditch Company to the extent of authority granted by the Director, and we can influence the court through the Ditch Company in that manner if we desire to do so. I am not sure that this Service needs to do even that, however, until Mr. Miller replies to the memorandum of February 11, 1944.

AvVD:sh

A. van V. Dunn,
Hydraulic Engineer.

FILE COPY

02-25-1944: letter to hydraulic engineer from attorney general regarding statement

FEB 28 1944

DEPARTMENT OF JUSTICE

2/28

332 Postoffice Building,

Denver, Colorado, February 25, 1944.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

Independent Ditch Co., et al. v. McDermott Ditch Co., et al., New Mexico-- Water Rights, Aztec Ruins National Monument.

Dear Sir:

I acknowledge receipt of your letter of February 18. I received a letter today from the Attorney General. The second paragraph of that letter is as follows:

"Please inform the Department when you receive a reply from Mr. Peters. If you learn that a proceeding is pending, please inform Mr. Dunn that he should submit information regarding the interests of the United States to his superior officers so that they may determine whether to request the Attorney General to appear in the action."

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

02-18-1944: letter to assistant attorney general from nps regarding water rights on animas river

601 Sheldon Building

February 18, 1944.

Mr. Worth Allen,
Special Assistant to the Attorney General,
332 Postoffice Building,
Denver, Colorado.

Dear Mr. Allen:

Reference is made to your letter of February 14, 1944, with regard to Water Rights on Animas River, National Park Service -- case of Independent Ditch Co. et al vs. McDermott Ditch Co. et al.

The adjudication is in New Mexico, presumably in San Juan County where Aztec Ruins National Monument is located. The Master of Adjudication is George F. Bruington. The adjudication is in progress.

The United States (National Park Service) acquired the land which is now Aztec Ruins National Monument by donation from the American Museum of Natural History, together with 1/16 of one share of running space in the Farmers Ditch -- a community affair whose company is unincorporated -- which is a party to the adjudication. We only learned of the adjudication by accident a month or so ago and found that our interest was defined as the irrigation of 1.6 acres.

Since learning of the case we have been attempting to learn the status of the adjudication, the definition of our own claims, and the extent to which the United States may be involved by claims other than those of the National Park Service. My letter to you was to see how much of the information you might have.

The enclosed memorandum of February 11 was sent to three of our offices on the basis of what I had learned by that time. It may be a little difficult to follow without copies of the rest of the correspondence but it will indicate that we are trying to get a foundation on which to start. I am well aware of our lack of authority to go to court now unless some other federal agency has already done so, and it apparently has not done so if you would represent the United States in New Mexico and do not know about the case. I am not sure, yet, that we have any more to claim if we were to participate but I do not like to see the case closed until we check up.

FILE COPY

If we decide to enter the adjudication the matter will be referred to the Attorney General through the Director and Chief Counsel of the National Park Service. However, it may be to our mutual advantage to keep each other posted on anything we learn until theprocedure is worked out, particularly if the New Mexico case comes under your jurisdiction.

For your information the Water Rights Section is to be transferred to the Director's office in Chicago on July 1 according to present plans. Also, Attorney Johnson has been transferred to the War Department, as a result, and the Section now to be transferred consists only of a stenographer, draftsman and myself. Until the transfer is made, I have legal counsel only by remote control from the Office of Chief Counsel in Chicago. This, together with the death of the Chief Counsel, George A. Moskey, last Saturday slows up that action which is dependent on legal advice.

Sincerely yours,

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

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

NATIONAL PARK SERVICE RECEIVED FEB 21 1944 FILE AND RETURN

FEB 24 1944
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FILE

February 18, 1944.

MEMORANDUM for the Regional Director,
Region Four.

Reference is made to our copy of Mr. Dunn's memorandum of February 11 to Custodian Miller regarding water rights problems at Aztec Ruins National Monument.

In reply to the second paragraph, question four, second page of the memorandum, we wish to advise that we are enclosing two prints of the master plan sheet showing the developed areas, including the proposed location of the picnic area.

This office is indifferent to the suggestion to obtain sufficient water to irrigate 6.6 acres just in order to irrigate a proposed picnic area. To date, the area has had very little use by picnickers. We do not intend to encourage that type of usage, and it appears doubtful if there ever will be any heavy picnic demands. The Regional Branch of Plans and Designs has indicated that they would be willing to elmininate that proposal from the next issue of the master plan, and, should the picnic area be developed, they are not planning to use irrigation.

This office will not oppose any action to obtain sufficient water to irrigate the 6.6 acres, but we doubt that beneficial use of that quantity of water could be justified on a need to irrigate a picnic area.

Charles A. Richey
Assistant Regional Director.

cc: Director's Office,
Custodian, Aztec Ruins National Monument.

Enclosure No. 2873105.

02-11-1944: memorandum to custodian miller from hydraulic engineer regarding interest in farmers ditch

Regional Director, Region III

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

AIR MAIL.

February 11, 1944.

MEMORANDUM for Custodian Miller,
Aztec Ruins National Monument.

Reference is made to Mr. Richey's memoranda of February 1, 3 and 4, 1944, with enclosures from you, relating to the National Park Service interest in the Farmers' Ditch at Aztec Ruins National Monument.

It seems quite evident that the United States should file its own statement of claim for adjudication. It is not clear, however, whether the individual owners of stock in the Farmers' Ditch Company can file independent claims or whether such claims are consolidated in a greater one for the company. In the latter case, any further claim the United States might wish to make would constitute an amendment of the company claim by the time it reached the court.

Whether we file a federal claim or not, we should certainly know more than we do now about the relative rights and claims of the United States before we allow the case to be closed. Therefore, will you please find out from Mr. George F. Bruington, Master of Adjudication, whether the case is still open for filing new claims or amending old ones. If his answer is no, we should know what the probable reaction would be to a federal petition to reopen the case on the grounds that the United States was not properly advised of the adjudication or properly represented therein. We should also find out from him if the United States has any other claims before the court.

There are also several points relating to our potential claim which are not fully clarified. You may be able to get some of these from Mr. Bruington and some from the Ditch Company.

1. By deed the United States has acquired 1/16 of one share of running space in the ditch as one share was defined at the time. Mr. Koontz sold two shares to Mr. Abrams on April 9, 1908. From your memorandum of February 1, I gather that a share at that time was the water flowing through an opening 40" long and 4" high under a 4" head, or 160 miners' inches as defined in New Mexico. This converts to 3.2 sec. ft. of water. Therefore, the National Park Service has a right to run 0.2 sec. ft. of water through the ditch if it has the water to run. Does the Company agree?

2. The National Park Service has the right to divert any part of the 0.2 sec. ft. at the head-gate of the Farmers' Ditch, and run it through said Ditch,

which it, or its predecessors in interest have run before. However, the priority of right to any portion of the 0.2 sec. ft. depends on the date when that quantity was diverted and first used on the land within what is now Aztec Ruins National Monument. The present adjudication is to determine the maximum quantities which were used at various dates.

The first problem is to determine the maximum diversion and use prior to March 19, 1907 - the vested right when the water code was adopted. For this we have to find out what area of the present monument was irrigated prior to that date. Some old-timer should go out and help you mark out and measure that area.

The second problem is to determine any additional area of the monument which has been irrigated since March 19, 1907, and the date it was first irrigated. Then we wish to know whether Koontz, Abrams, the American Museum of Natural History, or the Farmers' Ditch Company ever filed a claim for such irrigation with the State Engineer. We should also find out from Mr. Bruington whether he is recognizing and adjudicating claims to water initiated since March 19, 1907 but not filed with the State Engineer, if such claims are now filed with the court.

3. It seems to me that one share of stock in the Company, or running space in the Ditch, prior to reorganization of the Company in 1928 was 3.2 sec. ft. and since that date has been 1/70 sec. ft. or 0.014 sec. ft. Was there a formal exchange of 224 shares of the new stock for one of the old when the Company was reorganized? The National Park Service seems to be entitled to 14 shares of new stock as it reflects ditch capacity regardless of the water rights it may perfect.

4. Is there still a lane in the 20 ft. strip along the west side of tract 4? This strip was reserved as a right of way in the conveyance to the American Museum of Natural History but not in the deed to the Unites States. Whether expressed in the deed to the United States or not, the right of way is still reserved because the American Museum of Natural History never obtained it to convey further. Its area is approximately 0.24 acre. Therefore, although tract 4 has an area of 1.8 acres, more or less, only approximately 1.6 acres can be occupied by the United States, and only the 1.6 acres is subject to irrigation.

From your memoranda you seem to want to irrigate a 5 acre campground in addition to the 1.6 acres in tract 4. If we can file a federal claim now, with or without a petition from the Attorney General, we can file a claim for a total of 6.6 acres of irrigation on the monument, but I need a print of the master plan sheet showing the campground, to prepare the claim. I guess I better have a print of the master plan sheet showing all developed areas and existing water systems. (The Regional Office will probably answer this paragraph.)

This claim will have to be conditional until the laterals are built and planting and irrigation are started. It will also establish a right with very low priority so you may not be allowed any water except in flood seasons. How-

over, if we prepare a federal claim or have the Company amend its claim, we can make the whole right appurtenant to the whole 6.5 acres, or to the whole monument, so that you can at least use the quantity of water allowed under the early priority wherever you wish. This is one thing I wish to do and leads to my desire to file or amend claims to properly represent the National Park Service interest.

Mr. Richey does not seem to feel that the 19.5 acre-feet of water resulting from a right to irrigate 6.5 acres would all be needed. At the same time I think we should try to get the additional right since it will not cost any more in the adjudication. However, the next step will be to determine by trial whether the adjudicated right will serve the needs adequately. If not, we will have to buy more right from the members of the company at some later date.

Your copy of page 39 of the court record will be returned as soon as copied. Further discussion of payments and contracts is deferred until we hear from the Director.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

cc: The Director (Air Mail)
Regional Director, Region Three (Air Mail) ✓
Worth Allen - 2/18/44

02-14-1944: letter from the special assistant to the attorney general regarding water rights on animas river

DEPARTMENT OF JUSTICE

2/17

332 Postoffice Building,

Denver, Colorado, February 14, 1944.

Mr. A. van V. Dunn,
Hydraulic Engineer, National Park Service,
601 Sheldon Building,
San Francisco, California.

Water Rights on Animas River,
National Park Service.

Dear Mr. Dunn:

Your letter of February 11, has just been delivered. I am not familiar with the case to which you referred, and have had no notice of any adjudication of water rights on the Animas River. I am not even sure from your letter whether the case is pending in Colorado or in New Mexico, since the junction of the Animas and the San Juan is in New Mexico. If it is pending in Colorado, it must be in Water District No. 30, and the case undoubtedly would be in the District Court in Durango.

I have written a letter to Mr. E. D. Peters, Judge O'Rourke's reporter, and referee in water cases, asking whether the case is pending in the District Court in Durango, and, if so, what the nature thereof is.

Not infrequently water rights of two or more persons are determined in a suit in equity which does not extend to the adjudication of all rights in the district. Such a case is limited to the rights of the plaintiff or plaintiffs, and to those of the defendant or defendants named in the complaint.

As soon as I have gotten the information desired I shall pass the same on to you and to the Attorney General. I am not authorized to proceed in any case unless I have specific authority from the Attorney General.

With kind regards, I remain

Very truly yours,

Worth Allen,
Special Assistant to
the Attorney General.

WA/ELM

02-12-1944: memorandum for the custodian from hydraulic engineer regarding matter of independent ditch vs. mcdermott ditch

F ion Three

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WATER RIGHTS SECTION
SAN FRANCISCO, CALIF.
601 Sheldon Building

Lassiter
Ellis
7/17

February 12, 1944.

MEMORANDUM for the Custodian,
Aztec Ruins National Monument.

We return herewith your copy of Sheet 39, Vol. III of the record in the matter of case of the Independent Ditch Co. et al vs. McDermott Ditch Co. et al.

It is noted that you wish its return "For Submission". If you mean you are returning it to its owner this is satisfactory, but it should not be formally presented to the court as a federal claim. The description of the land is correct, but we do not want to indicate federal agreement to the limit of 4.8 acre feet, or to lack of testimony at this time, at least without advice from the Chief Counsel.

(SGD) A. VAN V. DUNN

Enclosure 105.

A. van V. Dunn,
Hydraulic Engineer.

cc: The Director.
Region Three.

C O P Y

STATE OF NEW MEXICO, IN THE DISTRICT COURT, COUNTY OF SAN JUAN, CAUSE NO. 01690.
INDEPENDENT DITCH CO. ET AL, VS. McDERMOTT DITCH CO., ET AL.

Name of Ditch: Farmer's River: Las Animas Water Allotted:4.8 Acre
Land Owner: National Park Service Acres Irrigated: 1.6 feet.
Engineer's Report: Vol. II, Page 187 Vol III Sheet No. 39.Testimony Vol. Page: None

Land Description:

Beginning at the SW corner of the SE¼SW¼ of Section 4, Twp.30 N., R.11 W., N.M.P.M., and running thence N 0° 53' E 521.4 ft., thence N 64° 46' E 22.1 ft., thence S along the W line of the land heretofore deeded to the United States of America, to the distance of 179.1 ft., thence E along the S side of said plot mentioned above to the distance of 240 ft., thence S along the W line of said plot to the distance of 176.5 ft., thence S 67° 1' W 46 ft., thence S 7° 13' W 158.4 ft., thence N 88° 40' W 200.6 ft., to the place of beginning. Containing 1.8 acres, and being a fraction of the SE¼SW¼ of aforesaid Section, Township, and Range. Beginning 694.9 ft. N and 376.25 ft. E of the SW corner of the SE¼SW¼ of Section 4, Twp., 30 N, R 11 W., N.M.P.M., and from said beginning point running N 70° 20' E 405.3 ft., thence N 37° 41' E 79.8 ft., thence N 47° 20' E 157 ft., thence N 5° 00' E 44 ft., thence N 41° 40' W 45.3 ft., thence N 15° 40' W 47 ft., thence N 71° 07' E 38.7 ft., thence S 76° 26' E 180 ft., thence N 77° 42' E 227 ft., thence S 00° 24' W 1163 ft., thence N 89° 24' W 129.6 ft., thence N 21° 40' W 538 ft., thence S 66° 25' W 282.5 ft., thence N 72° 45' W 436.4 ft., thence N 81° 23' W 52.3 ft., to the place of beginning. Containing 12.6 acres. All in the SE¼ SW¼ of Sec. 4, Twp. 30 N, R 11 W., N.M.P.M. Beginning at a point 200.5 ft. S 88° 40' E from the SW corner of the SE¼SW¼ of Section 4, Twp. 30 N., R 11 W., N.M.P.M., which is the place of beginning of this tract, thence N 7° 13' E 158.4 ft., thence N 67° 01' E 547.4 ft., thence N 66° 25' E 282.5 ft., thence S 21° 40' E 538 ft., thence N 89° 03' W 981.6 ft. to the place of beginning.

AND ALSO: Beginning at the point 347 ft. N from the S line of Section 4, and 20 ft. E from the W side of the SE¼SW¼ of Section 4, Twp. 30 N., R 11 W., N.M.P.M., and running thence N 0° 53' E 179.1 ft., thence N 64° 46' E 385 ft., thence S 81° 23' E 52.3 ft., thence S 42° 45' E 436.4 ft., thence S 67° 01' W 501.4 ft., thence N 0° 53' E 176.5 ft., and thence W 240 ft., to the place of beginning. Containing 4.6 acres, all in the SE¼ SW¼ of Section 4, Twp. 30, N., R 11 W., N.M.P.M.

Please return to Aztec Ruins National Monument for submission when investigation is completed.

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

FEB 7 1944
ROUTING | Date

February 3, 1944.

MEMORANDUM for the Regional Director,
Region Four.

Reference is made to Mr. Dunn's memorandum of January 18 and other correspondence regarding water rights at Aztec Ruins National Monument.

We are enclosing a copy of a self-explanatory memorandum of February 1 from Custodian Miller regarding this matter. It is regretable that all the data requested by Mr. Dunn is not available but between Mr. Miller and personnel in this office an extensive search has been completed. The following comments are offered as a supplement to Custodian Miller's memorandum.

With reference to answer to question No. 4, Page 2, Custodian Miller's memorandum, the term "Farmers Ditch Company, Inc." mentioned in my memorandum was taken from a communication in the State Engineers Office. A later search failed to reveal any further evidence that the Farmers Ditch is incorporated. If so, it would appear that the Secretary and members of the Company would know about it. Therefore, we assume that the term "Farmers Ditch Company, Inc." is a misnomer.

We are enclosing a copy of Contract I-20p-88. According to the data submitted by Mr. Miller it would appear that we are paying about twice as much for water, or maintenance costs, as the other members of the ditch company.

It is our belief that the 4.8 acre feet of water for 1.8 acres being allowed under the adjudication proceeding is ample for our use on either or both tracts No. 3 and 4.

Charles A. Richey
Charles A. Richey,
Assistant Regional Director

cc: The Director
Aztec Ruins

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
AZTEC RUINS NATIONAL MONUMENT
AZTEC, NEW MEXICO

2/10

February 1, 1944

MEMORANDUM for the Regional Director, Region Three:

Reference is made to Mr. Richey's memorandum of January 25th, with attached memorandum from Mr. A. Van V. Dunn dated January 19th, regarding the Farmer's Ditch Company and adjudication proceedings now under way.

We have checked with the Secretary of the Ditch Company, Mr. George F. Bruington, Master of Adjudication, and several old timers, trying to get the information required by Mr. Van V. Dunn. The books of the Ditch Company give very little information so, all in all, the information we can furnish is very vague.

Regarding the shares of water in the ditch company. The original recording in 1892 listed 9 share holders with a total of 11.75 shares. The records of the company on December 28, 1895, at the time of the adoption of by laws for the company, there were 15 share holders with a total of 12½ shares. In checking the present share holders it was found that there were 57 with a total of 13-151/252 shares. The difference seems to be due to additional land being placed under cultivation and the owner performing certain allotted work on the ditch in order to acquire a water right. There is no evidence of a cash value having been placed on a share of water but according to the records of April 12, 1907 the following measuring device was described; "Measuring boxes to be installed in laterals to be 40" wide. Fractional shares in proportion. Water to be measured through an opening with a 4" depth, under 4" pressure".

Under the adjudication we are being allowed 4.8 acre feet of water for the 1.6 (should be 1.8) acres included in Tract 4, Aztec Ruins map, or on the basis of 3 acre feet of water per acre. As we explained to you in our memorandum of January 29th, little, if any of Tract 4 is irrigated due to developments on this tract, but all of the irrigated land lies in Tract 5, which is estimated to be approximately 5 acres. The San Juan Hydrographic Survey map of 1938, which is used as a basis for adjudication, shows Tract 4 as garden land and the balance of the land in the Monument is classed as dry land. This map is the only one that we have been able to locate which shows any laterals and the only one shown is the one now in use by both C.C.C. Hubbard, the present owner of the Abrams land, and the Monument. Our time of use extends from about May to November and we usually water the trees between headquarters and the Custodian's residence, as well as the lawn at the residence, about

once each month and have a head of water in the ditch for about 4 or 5 days during this time.

The answers to the six questions on Page 3 of Mr. Van V. Dunn's memorandum are as follows;

1. The water rights are being adjudicated to the land.
2. Our investigation shows no evidence of certificates having been issued for shares of stock. Also answers No. 3.
4. The Ditch Company records and the County records show no evidence of incorporation and Mr. Bruington has advised us that it is a community ditch. Mr. Richey's memorandum refers to the Farmer's Ditch Company, Inc., when speaking of water rights issued in 1928 and it may be that you can find something on this in the State offices.
5. No corporate value on the company and no cash value on a share of stock.
6. The following is an incomplete record of annual assessments per share:

1931	$132.00	
1932	84.00	These amounts are total of cash and
1937	228.00	labor assessments.
1938	228.00	
1939	72.00	On this basis the average annual
1940	84.00	assessment on 1/16 share of stock
1941	120.00	would have been approximately
1942	120.00	$9.21
1943	258.00	
	$1326.00	
av	147.33	

147.33
9 | 1326
9
45
36
63

Regarding the payment of $1.50 per month to the company for irrigation water, it seems that a contract, I-20p-88, was drawn up between the company and the United States on February 13, 1931, and covers the payment of this amount for maintenance costs on the 1/16 share of water held by the Government. The following was found in the company records of December 1, 1930; " "Motion made to allow the Government a flat rate of $1.50 per month on 1/16 share now held by the American Museum, if they decide to take that interest over". We do not have a copy of the above mentioned contract but there should be one in the files at Regional office. The payments on the above contract have been made quarterly and the last payment included October, November and December, 1943. It is on a 12 months basis, the Government paying $18.00 per year. This charge evidently was not for water used but was to cover the Government's share of the maintenance of the ditch.

It is understood that at the last meeting of the company there was some discussion regarding changing the basis for yearly assessments from shares to acres of irrigated land, and this being the case, it would seem that it should be to our interest to disregard the share value and put in a claim for the number of acres of irrigable land in the area, so that if water is required for further developments at some future date, we will have that water right under the adjudication now being carried on.

Thomas D. Miller
Custodian.

(in dup.)

Standard Form No. 40
Approved by the President
March 1, 1929

IRRIGATION WATER CONTRACT FOR ~~TELEPHONE~~ SERVICE

THE UNITED STATES OF AMERICA

Contract No. I-20p-88
Dated 2-13, 19 31
Tel. No. ____

For the Fiscal Year Ending June 30, 1938, and thereafter until further notice.

For Dept. of the Interior - National Park Service, SOUTHWESTERN MONUMENTS (Department or agency) (Bureau or office) COOLIDGE, ARIZONA (Address)

Farmers Ditch Company (Name of contractor) Aztec, New Mexico (Address)

DESCRIPTION OF SERVICE	NONRECURRING CHARGE	RATE PER MONTH	
		Per unit	Total rate
The Farmers Ditch Company of Aztec, New Mexico, agrees to furnish an amount of water, delivered to the Monument, in such quantities as 1/16 of one share in the Farmers Ditch Company is entitled to, according to the rules and by-laws now existing in the said Farmers Ditch Company at a flat rate of $1.50 per month. It is hereby understood and agreed by both parties concerned, that the flat monthly rate of $1.50 will be all charges made for the water and service in connection herewith, under this contract, regardless of quantity delivered, and that there will be no assessments at any time for any purpose. The water will be delivered when available, when request is made therefor by the Custodian, Aztec Ruins National Monument. The water delivery ditch will be maintained by the Government within the present boundaries of the Monument, and by the Company outside the present monument boundaries. Both parties to this contract reserve the right to terminate it upon giving written notice of not less than 30 days in advance of proposed termination.			
TOTAL,			

Information for directory listings: Aztec Ruins National Monument, Aztec, New Mexico

(When affecting existing service, fill in these spaces)

Supplements Contract No. I-20p-86, dated 2-13-1931, under Telephone No. ____

The UNITED STATES OF AMERICA, by the undersigned, its duly authorized agent, requests, and the contractor agrees to furnish, the service above specified and toll service in connection therewith, subject to the following terms and conditions:

TERMS AND CONDITIONS

This contract is subject to all rates, charges, rules, practices, or requirements which may be lawfully established. Recognition is given to the fact that the United States Government fiscal year ends on June 30. The United States may, at its option, renew this contract from year to year and the whole or any part thereof may be terminated, subject to any charges applicable thereto, at any time upon ten days' written notice by either party to the other. Payment hereunder shall be contingent upon the availability of appropriations therefor, and shall not be made in advance of service rendered.

The United States, and all officers and agents thereof, shall be held harmless by the contractor from and against all demands of any nature or kind for or on account of the use of any patented article, combination, or process which may affect the services rendered, including any telephone facilities furnished and used by the United States under this contract.

The contractor shall not employ any person undergoing sentence of imprisonment at hard labor.

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Executed this 13th day of June, 1937.

THE UNITED STATES OF AMERICA,

By /s/ Frank Pinkley,
Frank Pinkley, Superintendent
Title Southwestern Monuments

Farmers Ditch
(To be entered by ~~Telephone~~ Company)

FARMERS DITCH COMPANY
(Name of contractor)

Service begun ____, 19____

Exchange ____

By Leva M. Barton

Telephone No. ____

Title Sec.

(SEE INSTRUCTIONS ON REVERSE)

10—1897

INSTRUCTIONS

1. General.

(*a*) This form will be used, with the exception of the Army, Navy, and Coast Guard, in ordering telephone service within the United States except in the District of Columbia.

(*b*) Original of form and copies as required will be prepared and executed on behalf of the United States. If form covers orders in connection with existing service, such as additions, discontinuances, changes, etc., the number and date of the existing contract which the new form supplements or affects and the existing telephone number will be entered in the spaces provided.

(*c*) The telephone company receiving the form will, upon completion of the work involved, fill in spaces indicated and return all copies, signed by its authorized agent, with the exception of one copy which the telephone company will retain for its files.

2. Exchange Service.

(*a*) Every quantity of exchange service with which a specific charge is associated by the contractor shall appear as a separate item in the contract.

(*b*) The wording of each item shall fully identify the service quantity for which a charge is made. Contracts including unit quantities shall specify the number of units of each kind and the charge per unit.

(*c*) Each contract charge shall be so specified as to clearly show whether it is a monthly charge, or a nonrecurring charge such as a service connection, installation or other flat charge.

(*d*) Where any supplementary addition to, discontinuance of, or change in any existing service is required by the subscriber, the additional, discontinued or changed item or items shall be covered by a supplemental agreement executed on a separate Standard Form No. 40.

3. Abbreviated Wording.

In making the contract, the words used to identify service to be rendered may be abbreviated, but—

(*a*) Service quantities which according to the tariffs of the contractor are subject to different individual charges shall not be consolidated into one item, and

(*b*) No specification necessary to full identification and checking of any charge shall be omitted.

4. Toll Service.

Charges for toll service shall not be set forth in this contract, but such charges shall be quoted at any time on request of the subscriber or any representative thereof, so as to indicate clearly in each case—

(1) Type of call to be handled.
(2) Initial rate and period.
(3) Overtime rate and period.
(4) Hours, if limited, within which the quoted rates apply.

No error in any such quotations shall affect the billing and payment of the correct charges for any service rendered.

5. Authority for Changes in Charges and General Changes.

If changes are approved or ordered by any legally constituted authority having jurisdiction, or otherwise lawfully established by the contractor, which affect the charges for exchange service, or any of the terms of an existing contract or of these instructions, the subscriber shall be notified thereof by the contractor promptly in writing, stating the telephone involved, the authority for the change, the date effective, the charge or provision of the contract or instructions affected, and the new charge or requirement. This notification should be in duplicate.

U. S. GOVERNMENT PRINTING OFFICE: 1938 10—1897

Standard Form No. 1036—Revised
Form approved by
Comptroller General, U. S.
November 12, 1937
Gen. Reg. No. 51, Sup. No. 6

STATEMENT AND CERTIFICATE OF AWARD

No. _____ (Contract)

Date July 1st., 1937

Dept. of the Interior-National Park Service; Hdqrs., Southwestern Monuments, Coolidge, Arizona
(Department or establishment) (Bureau or office) (Location)

METHOD OF OR ABSENCE OF ADVERTISING

(Section 3709 of the Revised Statutes)

1. After advertising in newspapers.
2. (*a*) After advertising by circular letters sent to _____ dealers.
   (*b*) And by notices posted in public places.

(If notices were not posted in addition to advertising by circular letters sent to dealers, explanation of such omission must be made. The notation on the certificate below must be "2 (*a*) (*b*)" or "2 (*a*)," depending on whether or not notices were posted.)

3. Without advertising, under an exigency of the service which existed prior to the order and would not admit of the delay incident to advertising.
4. Without advertising in accordance with _____
5. Without advertising, it being impracticable to secure competition because of Irrigation water not offered by any other utility company at Aztec, New Mexico
(Here state circumstances under which the securing of competition was impracticable)

AWARD OF CONTRACT

A. To lowest bidder as to price (Expenditures).
B. To other than the lowest bidder as to price (Expenditures).
C. To highest bidder as to price (Receipts).
D. To other than the highest bidder as to price (Receipts).

CERTIFICATE

I CERTIFY that the foregoing statement is true and correct; that the agreement was made in consequence of No. 5 of the method of or absence of advertising and in accordance with award of contract lettered _____, as shown above; that the total number of bids received is _____, and that where lower bids (expenditure contracts) or higher bids (receipt contracts) as to price were received a statement of reasons for their rejection, together with an abstract of bids received, including all lower than that accepted in case of expenditure contracts and all higher in case of receipt contracts, is given below or on the reverse hereof or on a separate sheet attached hereto; that the articles or services covered by the agreement (expenditure) are necessary for the public service, and that the prices charged are just and reasonable.

No bids were called for because there is only one Irrigation Company offering irrigation water that could serve Aztec Ruins National Monument, Aztec, New Mexico. Contract covers the delivery of irrigation water from Farmers Ditch Company irrigation ditch.

/s/ Frank Pinkley
Frank (Signature of contracting officer)

Frank Pinkley
Superintendent (Title)
Southwestern Monuments

NOTE.—This statement and certificate will be used to support all agreements, both formal contracts and less formal agreements of whatever character, involving the expenditure or receipt of public funds. It must be executed and signed by the contracting officer (unless the award is made by or is subject to approval by an officer other than the contracting officer, when execution and signature may be made by such officer).

U. S. GOVERNMENT PRINTING OFFICE 10—1958

02-01-1944: memorandum to regional director from assistant regional director regarding water rights problems

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

FEB 7 1944

ROUTING	Date
Hzy	
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FILE	

February 1, 1944.

MEMORANDUM for the Regional Director,
Region Four.

We are enclosing a copy of Custodian Miller's memorandum of January 29 regarding water rights problems at Aztec Ruins National Monument, and a copy of a land description mentioning our interests there, which should be returned to Mr. Miller as requested in his note at the bottom of the page.

It is the opinion of this office that we will not need additional water to irrigate the land in tract No. 3, which includes the proposed picinc area. It is our general belief that the irrigation water for the 1.6 acres (1.8) is all that will be needed.

We will appreciate your advice in this matter and suggest that you instruct Custodian Miller direct, with copy of your memorandum to this office.

Charles A. Richey,
Assistant Regional Director.

cc: Aztec Ruins

01-29-1944: memorandum to regional director, region three from custodian regarding farmers ditch company

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
AZTEC RUINS NATIONAL MONUMENT
AZTEC, NEW MEXICO

2/10

Januray 29, 1944

MEMORANDUM for the Regional Director, Region Three:

Reference is made to Mr. Richey's memorandum of January 25th, with attached memorandum from Mr. Van V. Dunn, regarding the Farmer's Ditch Company and adjudication proceedings which are now under way.

We have been checking up on this and trying to assemble the information requested by Mr. Van Dunn and in the process of the investigation have discovered a fact which in our minds needs immediate action, so we are herewith stating the facts and will await your instructions.

In November 1930 there was recorded, a deed from the American Museum to the United States, covering 1.8 acres of land and including the one sixteenth share of water in the Farmer's Ditch Company, the only mention of water rights in any of the deeds that we have traced. This 1.8 acres, shown as Tract 4 on the map of Aztec Ruins National Monument, contains all of the headquarters developments and very little, if any, of this tract is under irrigation. However, on Tract 3, we have about 5 acres of land that is under irrigation, or can be with little effort, and it is a portion of this area that is shown on the Master Plan as "Picnic Area" and evidently is planned for future development and which we believe should be considered in the adjudication, which is based on the number of acres of irrigable land and not on shares of water. You will note, from the attached copy of the proceedings given to us by Mr. George F. Bruington, Master of Adjudication, that we are being considered on the basis of 1.6 (should be 1.8) acres of irrigated land, none of which is under irrigation, but based on the acreage shown on the deed at the time of transfer to the Government.

Will you please give this matter your immediate consideration and advise us as soon as possible.

Thomas R. Miller
Custodian.

(in dup.)
Attachment

0.2 = R/W for Lane

Water Rights ✓

FILE COPY

601 Sheldon Building

January 31, 1944.

MEMORANDUM for the Regional Director,
Region Three.

Reference is made to your memorandum of January 25, 1944, transmitting a copy of my memorandum of January 19 to Custodian Miller, both relating to water rights at Aztec Ruins and the pending adjudication of rights in the Farmers' Ditch.

There seems to be some need for quick action on the part of this Service if we are to retain the full federal interest in the rights and ditch capacity. It is not clear from your memorandum whether that and mine of January 19 have been sent to the Director or not, but since it seems quite certain that Attorney Johnson will be transferred to the War Department within the next two weeks, it is requested that they, and a copy of this memorandum be so routed. A copy of your memorandum is returned for the Director, if so needed. From now on the Water Rights Section will have to obtain its legal counsel from Chicago.

I was not aware of the reorganization of the Farmers' Ditch Company, Inc. With this information, it becomes extremely important to know what relation an original share of stock bears to the present stock. Your memorandum defines the total claim for the ditch as 100 second feet. Assuming that the total diversion was approximately the same prior to reorganization, and that there were only 11.75 shares at that time, the original shares may have represented approximately 10 second feet each.

Each share of original stock certainly represented more than the 1/70 second feet which the new stock represents because the whole 11.75 shares, at 1/70 second feet each, would have been only 0.164 second feet, and could not have been carried far in the ditch without disappearing in seepage.

In the original company, John A. Koontz obtained 2 shares of stock. He sold 0.5 share to H.D. Abrams on April 9, 1906, according to Custodian Miller's memorandum of January 7, 1944. The monument was created in 1923, and Mr. Abrams conveyed 1/16 share of stock to the American Museum of Natural History in that, or an earlier year. The American Museum sold the land to the National Park Service in 4 tracts, and did not convey the 1/16 share of stock until it sold tract 4. This conveyance constituted 1/16 share of the original stock regardless of how it was later modified by reorganization of the Ditch Company.

By my memorandum of January 19, it was shown that the National Park Service might have a claim to 0.69 second feet. Accepting the same duty as that expressed

by 1 share of reorganized stock being worth 1/70 second feet, or enough to irrigate one acre, it developed that this Service might have enough water to irrigate 45.3 acres. However, the map you sent indicated that only approximately one acre of monument is actually under irrigation.

By deed, the United States was entitled to nearly 0.69 second feet.
By use, it is entitled to approximately 1/70 second feet or 0.014 second feet.

However, if we have to construe the reorganization as reducing NPS rights to 1/16 of 1/70 second feet, to which I do not agree, the right would now be only 0.0009 second feet.

The latter would allow the monument the use of only 581 gallons per day. This would not permit the irrigation of more than a few flower pots, and would explain why the Service had been buying water. As soon as the questions in my two memoranda are answered, we shall probably be able to show that any payments since tract 4 was acquired, should have covered only proportionate maintenance and operation of the Farmers' Ditch, and the United States should now be obtaining a right to 0.014 second feet, or 9,048 gallons per day in the adjudication of rights to irrigate one acre. We may have lost any further rights by failure to irrigate tracts 1, 2 or 3 in the past - the reason my third paragraph, page 2, of memorandum of January 19, 1944.

Any error this Service may have made in procedure seems to have resulted in failure to note the change in status after acquisition of tract 4, failure of someone in the American Museum of Natural History to protect its rights at the time of reorganization of the Farmers' Ditch Company, Inc., in 1928, and possible lack of development on tracts 1-4 between 1923 and 1928, when no part of the water right was conveyed to the United States with tracts for which it may have been intended.

The Chief Counsel will wish to refer to the abstract with Deed 1, the whole of Deed 4, and the information requested from the monument, in deciding what rights this Service has, is losing, or may preserve.

/s/ A. van V. Dunn
(SGD.) A. VAN V. DUNN
A. van V. Dunn,
Hydraulic Engineer.

AVD:rw

01-25-1944: memorandum to custodian from assistant regional director regarding previous communication

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

January 25, 1944.

MEMORANDUM for the Custodian,
Aztec Ruins National Monument.

We are enclosing a copy of Mr. A. Van V. Dunn's memorandum of January 19, relative to water rights at your monument. Most of the information requested in Mr. Dunn's memorandum is not available in this office so we are again requesting that you try to obtain these data locally.

With reference to the paragraph beginning at the bottom of page 1, there is not any definite information regarding this question in the State Engineer's office. His map indicates that 1.6 acres are irrigated from this ditch, but nothing as to whether our interest is included in a 2-share, 0.5-share, or one-sixteenth share claim.

Regarding the negative, print or photostat mentioned in the next paragraph on page 2, there is nothing in the State Engineer's office or files that would be helpful. We suggest that you try to obtain this from the Farmers' Ditch Association.

Page 3 beginning end of first line, "For this reason" etc. There is nothing on this in the State Engineer's Office. Perhaps you can obtain from the Association, what quantity of water is claimed per share in the adjudication. Please advise as to when the ditch was last used, how frequently it is used, and your suggestions for future development and use.

The following comments are offered regarding topics 1 to 6 inclusive on page 3:

No. 1. The State Engineer advised that the adjudication proceedings are well under way, but that he doesn't know if the water will be allotted to the Farmers' Ditch Association as to various land owners. Neither does he know if we are included in the adjudication proceedings. He suggested that since we had not been advised regarding the proceedings that this Service's interests were either inadvertently overlooked or omitted because we are a Federal Agency, probably the latter. He suggested that you obtain the details from Mr. George F. Bruington, Master on Adjudication at Aztec.

In looking over the water right of the Farmers' Ditch Company, Incorporated, issued in 1928, mention is made of 1/70 cu. ft. per second as being the amount of water per share. Mr. Dunn mentions a quantity per share of 11 second feet. His figures must have been based on the original organization which we believe was acquired and reorganized by the present Farmers' Ditch Company, Inc. Will

you please look into this and try to find out if our 1/16 share applies to the original 11.75 shares or to the present 7,000 or more shares of the Farmers' Ditch Company.

We were unable to find anything on questions 2 to 6, page 3.

With reference to the $1.50 per month that we pay the Farmers' Ditch Company, our records show that this charge is for irrigation water. Is that correct?

Charles A. Richey
Charles A. Richey,
Assistant Regional Director.

Enclosure 2889180.

cc: Mr. Dunn, Region Four.

01-19-1944: memorandum to regional director, region three from hydraulic engineer regarding investigation of deeds

W-1 to Aztec Ruins.

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

January 19, 1944.

MEMORANDUM for the Regional Director, Region Three.

Reference is made to Mr. Richey's memoranda of January 10 and 14, 1944, transmitting Mr. Miller's memorandum of January 7 and a map of the four land tracts at Aztec Ruins, and all relating to the National Park Service interest in the Farmers Ditch and appurtenant water rights at that monument. The attached notes on my investigation of the deeds to the land tracts are enclosed to bring the record up to date.

There are 50 miner's inches to one second foot in New Mexico. From Mr. Miller's memorandum I deduce that the Farmers Ditch has a capacity of 129.6 second feet. One share of stock entitles the owner to a "running space" of a hair under 11.03 second feet, and the National Park Service, with one-sixteenth of one share, is entitled to 0.69 second foot of "running space", or ditch capacity. This is all based on the assumption that all interest in the ditch company is still limited to 11.75 shares of stock.

Rights to divert water seem to date from September 14, 1892, when the stock was recorded, or earlier. This constitutes a vested right when the appropriative water code was adopted on March 19, 1907. These rights come under the jurisdiction of the State Engineer when the stream is adjudicated. They are limited to the amount of beneficial use prior to March 19, 1907. They may be "Declared" by the owner any time prior to adjudication of the stream. (See page 16 of the Manual of Rules and Regulations, revised April 1941.) The exact quantity of water in a vested right is not determined until declared or adjudicated.

According to Mr. Miller, the stream is now being adjudicated, regardless of whether the Company or any of the landowners ever declared their rights or not. The National Park Service is interested in the adjudication of its interest. Immediate investigation should be made of the testimony which may have been introduced relating to the rights covered by the two shares of stock of John A. Koonts, the 0.5 share conveyed to H. D. Abrams, and the one-sixteenth share conveyed to the United States through the American Museum of Natural History.

Call "Phase answer RM"

We wish to know whether water is claimed for the land under the ditch lateral in the SW corner of SE¼ SW¼ Section 4, T. 30 N., R. 11 W., N.M.P.M. (approximately one acre). If no claim has been made we should find out whether we still have time to present our claim. If it looks as though we

were being left out we shall have to refer the information we obtain to the Chief Counsel or Mr. Johnson. We should obtain a copy of the statement of claim relating to the National Park Service interest whether it is included in a 2-share, 0.5-share, or one-sixteenth share claim.

We should also have a negative, good print or photostat of any map that has been filed in connection with the Koontz shares or any part of them. This Section can order it if advised whom to address and what the cost will be, or you can obtain it and bill this Section. First contact should probably be the State Engineer but the case may be in a district court.

We should also find out whether there was ever any other lateral from the ditch serving any other part of the monument area, when it was last used, and why it was abandoned. This will require field investigation and discussion with "old timers".

If the only part of the monument irrigated is the acre on tract 4, the actual beneficial use will be limited to about 0.0143 second foot, on the basis of one second foot to 70 acres, unless a higher duty is granted for some reason. It would also be entitled to divert some additional quantity to cover transit losses in the ditch (seepage and evaporation).

The right will probably be limited, further, to between 3 and 5 acre feet per year. If one second foot of water were allowed to flow to Lot 4 for from 1.5 to 2.5 days, the full annual quota would be delivered. The National Park Service right will be so small that it will not be practical to deliver it uniformly over a 100 day summer season. This suggests that the present practise of alternating days with other stockholders is a good thing and should be recognized in the decree as an approved procedure.

The ditch lateral to the monument, as I recall it, is small, but it should carry close to a second foot of water. If it is shared by H. D. Abrams and the National Park Service, and is not capable of carrying the rights covered by 0.5 share there is a chance that some rights are based on use other than irrigation. If the rights are proportions of the ditch capacity, the 0.5 share would amount to 5.515 second feet and the one-sixteenth share to 0.69 second foot, as previously stated. On the other hand, reasonable irrigation of one acre in lot 4 justifies only 0.0143 second foot and if that is one-sixteenth share, as sold, the 0.5 share would only constitute 0.1144 second foot. The whole of the 2 Koontz shares would only be 0.4576 second foot, which the usual plow furrow lateral will carry; and the original 11.75 shares would amount to only 2.6884 second feet.

There were actually over 50 second feet in the Farmers Ditch when I inspected, which suggests that only a small part of the one-sixteenth share

conveyed to the United States is being used on the Monument. For this reason it is very important to determine what quantity of water is claimed per share in the adjudication, when it may have been used last, and how the National Park Service can adjust its master plan of development to use it in the future (if it can hold it through the adjudication).

Mr. Miller suggests the installation of a 6-inch tile conduit to replace the lateral as a means of increasing capacity. The United States, or any stockholder, has the right to substitute pipe for lateral, or to enlarge the lateral, to provide capacity equal to the water right. Pipe would certainly reduce transit losses. However, there does not seem to be appreciable justification for increasing capacity until the water rights are defined.

The Farmers Ditch Company is apparently very similar to the Fort Laramie Ditch Company at Fort Laramie. The Chief Counsel has tentatively decided that the United States cannot be a member of such a private company. Since its reorganization a year or two ago, one of the other stockholders has held the National Park Service stock in the latter Ditch Company while considerable thought has been given to the question of payment if the Monument is to continue to use capacity as a means of enjoying its water rights. On the basis of the investigation still in progress the following questions still need determination with regard to the Farmers Ditch:

1. Are the water rights being adjudicated to the land or to the Company as a public utility?
2. Are the shares of stock evidenced by certificates? no
3. If answer to No. 2 is yes, has the original Koonts certificate ever been turned in and reissued in accordance with conveyances to Abrams, American Museum of Natural History and the United States? no
4. Has the Company any articles of incorporation of which we may have a copy? 12/1/1895 no
5. What is the corporate value of the company or value of a share of stock? none
6. If there is a record, we should like a tabulation of the annual assessments, year by year, in order to determine potential future liability.

Referring back to Mr. Johnson's report on a trip to the Southwestern National Monuments, dated June 1, 1937, and revised August 1, 1937, I find that Aztec Ruins was paying $1.50 per month to the farmers for enough water

to irrigate trees. I have forgotten the date lot 4 was acquired by the United States, but if the United States has a vested water right and one-sixteenth of one share of running space in the Farmers Ditch I do not see why it should now pay for water. It should only pay assessments for maintenance of the ditch, which should be less than $1.50 per month if that charge continued throughout the year.

We should know whether the payment is still made, and whether made or not we should like to know how many months a year and for what water quantity it was paid in the past.

By memorandum of October 28, 1943, the Director requested information regarding utilities serving National Park Service areas, but located on private land outside these areas. Clearly the National Park Service interest in the Farmers Ditch and lateral constitute one such utility.

Copies of this memorandum are enclosed for the Director and Aztec Ruins, together with copies of Mr. Miller's memorandum. Because of the multitude of problems, many of which are so closely related to those in other regions, it seems highly desirable to forward the Director's copy at once -- before all data and recommendations are compiled and formulated. Meantime, there should be no delay in checking up on the pending adjudication.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

Attachment.

January 11, 1944.

MEMORANDUM for file 660-5.7 -
From Investigation of Deeds November 1943 by Dunn

Aztec Ruins - Deed 1 - Same as Proclamation of Jan. 24, 1923. From abstract Abrams conveyed 1/16 of one share of running space in the Farmer's Ditch, a community ditch under State law, to the American Museum, together with right to convey above water to boundary of parcel covered by Deeds 1-4 by existing laterals or others which may be built. The American Museum reserved ditch space rights in laterals crossing land under Deed 1 and right to maintain them, but agreed to provide drainage ditch from Ditch 1 to other drainage. Other appurtenances conveyed.

Deed 2 - Same as Proclamation of July 2, 1928. Includes undefined appurtenances. Some question as to whether this deed included any interest in the 1/16 of one share of running space in Farmer's Ditch or not.

Deed 3 - No water mentioned.

Deed 4 - American Museum conveyed Tract 4 and 1/16 of one share of running space in ditch but did not mention R/W for laterals across Abrams land to west. Abrams had also reserved a 20' less R/W along west of land under Deed 4 which American Museum did not mention as reserved.

(SGD.) A. VAN V. DUNN

01-07-1944: memorandom to regional director from custodian regarding land deed to tract 4

January 7, 1944

MEMORANDUM for the Regional Director.

Reference is made to Mr. Richey's memorandum of January 4, and copy of Mr. A. Van V. Dunn's memorandum of December 14, 1943, regarding the land deed to tract 4, at this monument which included one -sixteenth of one share of water in the Farmers Ditch.

I have checked the County Records regarding the Farmers Ditch and find the following information which might answer the most part of Mr. Dunn's memorandum. On the 14th. day of September 1892, 11 3/4 shares of water was recorded and the ditch was to be known as the Farmers Ditch. The ditch ten feet wide and three feet deep with a carrying capicity of 6,480 cubic inches of water per second of time. The survey was made by Mr. H. B. Hawkins, Surveyor. The original share holders who signed the record on the above date were; James Scott, 1, share. D. D. Dawson 1,share. G. E. Smack 1, share. William J. Wright 3 /4 of one share. John A. Koontz 2, shares. J. C. Ampson 1, share. Joseph Eldredge $\frac{1}{2}$,share. C. W. Cox 3, shares. J. W. Amy $\frac{1}{2}$, share.

On April 9, 1908, John A. Koontz and wife deeded to H. D. Abrams a parcel of land and $\frac{1}{2}$ of one share of water in the Farmers Ditch. All the land in this National Monument was at one time a part of the Abrams ranch. The National Park Service owns 1/16 of one share of water which is adequate to irrigate the land. However some difficulty is experienced at times because we have an neighbor who uses the same lateral and it is a case of waiting turns to use the water. This could be eliminated by the installation of $\frac{1}{4}$ mile of six inch tile underground from the ditch to the monument boundary. It is believed that an easement could be secured for this line from the present owner.

The Farmers Ditch Company is an organization with three Directors and one Secretary and is supported by the share holders. Adjudication proceedings are now under way.

Custodian.

please copies

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
AZTEC RUINS NATIONAL MONUMENT
AZTEC, NEW MEXICO

January 7, 1944

MEMORANDUM for the Regional Director.

Reference is made to Mr. Richey's memorandum of January 4, and copy of Mr. A. Van V. Dunn's memorandum of December 14, 1943, regarding the land deed to tract 4, at this monument which included one -sixteenth of one share of water in the Farmers Ditch.

I have checked the County Records regarding the Farmers Ditch and find the following information which might answer the most part of Mr. Dunn's memorandum. On the 14th. day of September 1892, 11 3/4 shares of water was recorded and the ditch was to be known as the Farmers Ditch. The ditch ten feet wide and three feet deep with a carrying capicity of 6,480 cubic inches of water per second of time. The survey was made by Mr. H. B. Hawkins, Surveyor. The original share holders who signed the record on the above date were; James Scott, 1, share. D. D. Dawson 1,share. G. E. Smack 1, share. William J. Wright 3 /4 of one share. John A. Koontz 2, shares. J. C. Ampson 1, share. Joseph Eldredge ½,share. C. W. Cox 3, shares. J. W. Amy ½, share.

On April 9, 1908, John A. Koontz and wife deeded to H. D. Abrams a parcel of land and ½ of one share of water in the Farmers Ditch. All the land in this National Monument was at one time a part of the Abrams ranch. The National Park Service owns 1/16 of one share of water which is adequate to irrigate the land. However some difficulty is experienced at times because we have an neighbor who uses the same lateral and it is a case of waiting turns to use the water. This could be eliminated by the installation of ¼ mile of six inch tile underground from the ditch to the monument boundary. It is believed that an easement could be secured for this line from the present owner.

The Farmers Ditch Company is an organization with three Directors and one Secretary and is supported by the share holders. Adjudication proceedings are now under way.

Thomas C. Miller
Custodian.

2 Copies mailed Region Three 1/19/44 for distribution to Director and Aztec Ruins.

01-04-1944: memorandom to the custodian from assistant regional director regarding questions about previous letter

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

January 4, 1944.

MEMORANDUM to the Custodian,
Aztec Ruins National Monument.

I am enclosing a copy of a memorandum from Hydraulic Engineer Dunn regarding our water right for your monument. I believe Mr. Dunn's memorandum is self-explanatory, but I am unable to find in our files data ralative to all his questions. Therefore will you kindly help out by furnishing us as much of the data as possible.

Trips to Farmington and to your neighbors, who use the ditch, will undoubtedly be necessary. You are authorized to use the Government car and gasoline for that purpose. If longer trips should be necessary please advise and I will issue a travel order accordingly.

I suspect that the most of these data will be available to you either locally or at Farmington. It is doubtful that the State Engineer will have any records. Should it seem advisable to contact that office I can do so personally. Since our deed includes one-sixteenth of one share of running space in the ditch we do not believe that the filing for a water right is necessary.

Charles A. Richey

Charles A. Richey,
Assistant Regional Director.

c

12-14-1943: memorandom to regional director, region three from hydraulic engineer regarding land deed to tract 4

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION

SAN FRANCISCO, C[illegible]

601 Sheldon Building

December 14, 1943.

MEMORANDUM for the Regional Director, Region Three.

In going over the land deeds in the Director's Office I find that the deed to tract 4 at Aztec Ruins National Monument included one-sixteenth of one share of running space in the Farmers Ditch and access by lateral to the monument area.

Water rights in New Mexico are appurtenant to the land. Therefore, it seems probable that the instrument in question gives the Park Service a water right vested in use since some time soon after 1893. To define it better, we should know how much water constitutes one share in the Farmers Ditch, or how much water is diverted by the ditch and the number of shares there are in the Ditch. We should also like to know what form of organization exists to operate the ditch, and whether a water claim was ever filed with the County Recorder or State Engineer.

It seems probable that the best start is to talk with the other Ditch owners and check the county records under the names of Koontz, Abrams and other Ditch owners. It seems quite probable that the State Engineer will have no record. Also, it may be better not to discuss the matter with the State Engineer except as a last recourse, as we may then have to rush through some records of conveyance before it is convenient.

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

FILE COPY

April 14, 1937.

Mr. Frank Pinkley,
Superintendent,
Southwestern Monuments,
Coolidge, Arizona.

Dear Mr. Pinkley:

On March 8 we wrote to you, inquiring about Aztec Ruins National Monument, to which inquiry we have not yet received an answer. The same letter was answered with reference to El Morro and other matters.

In this letter we stated that we would like for our files an explanation of the irrigation system at Aztec Ruins, and particularly the quantity of water used, and any agreement that may exist between the monument and Mr. Abrams or Mr. Kohl. We also asked if you had a map of the irrigation system which you might give or loan us.

Will you see if the Custodian of that monument can furnish us with the information desired?

Sincerely yours,

Joseph E. Taylor,
Attorney.

By

Albert L. Johnson,
Associate Attorney.

ALJ:SH

04-05-1937: letter to acting supervisor from custodian regarding government contract no. i-20p-88

REC'D APR 15 1937

U. S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Aztec Ruins National Monument
Aztec, New Mexico

C
O
P
Y

April 5, 1937.

Mr. Hugh M. Miller,
Acting Superintendent,
Southwestern Monuments,
Coolidge, Arizona.

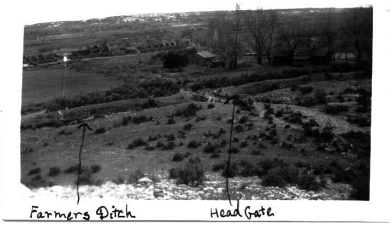
Dear Hugh:

In response to your letter of March 18, with reference to an explanation of the irrigation system here in this Monument, you are advised that a map of that system is out of the question here around Aztec. However, I have prepared a rough sketch with photograph attached and I am enclosing them for your information.

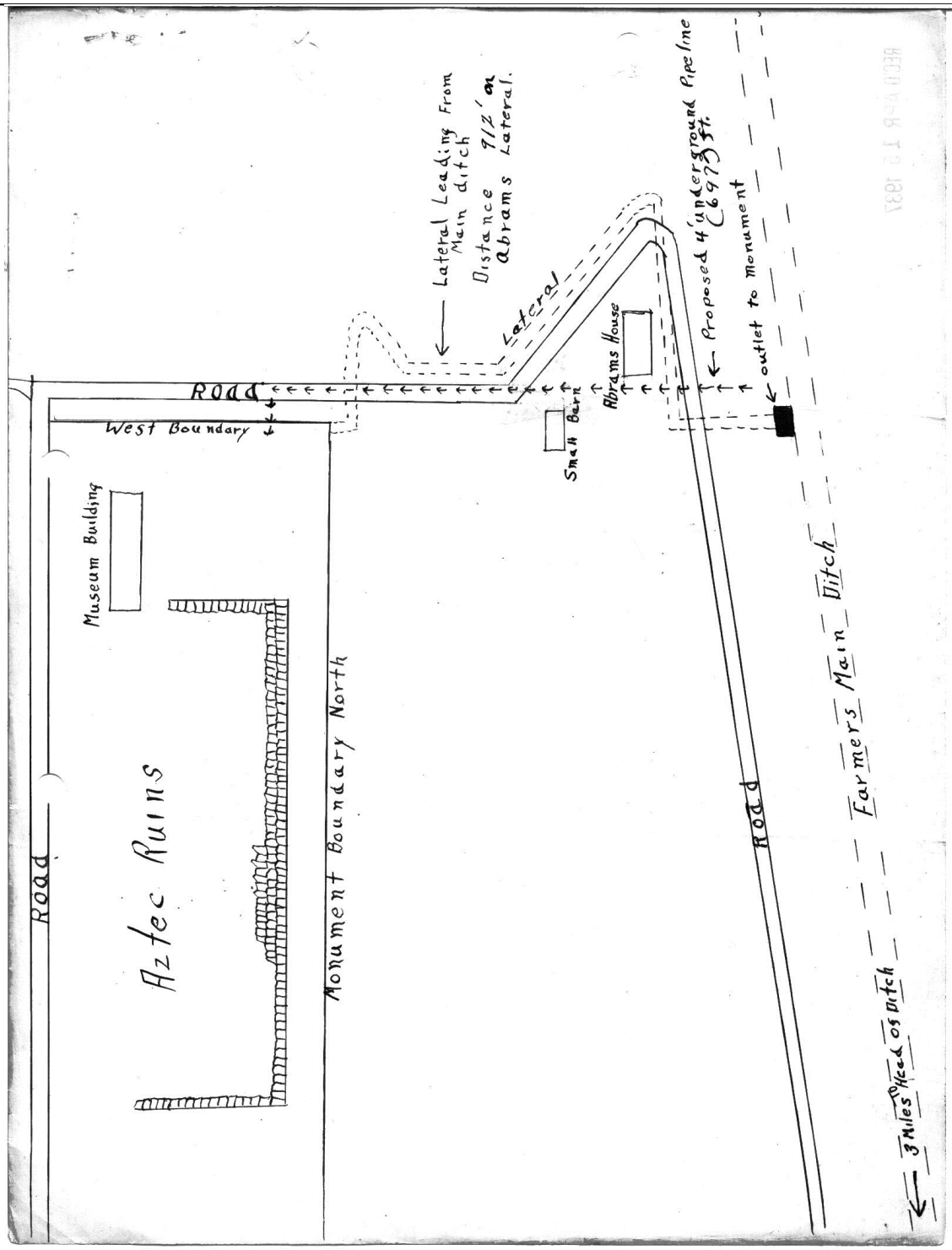
Government Contract No. I-20p-88 with Farmers Ditch Company dated February 13, 1931, calls for 1/16 of a share of water, which is plenty water for this Monument. However, I was informed by Custodian Faris that it was his opinion that the only satisfactory way of using this water would be to put in an underground pipe line from the Farmers Ditch to the Monument boundary. This could be done at small expense, as the distance is short. This being my first season here in this Monument it would be hard to give you even an opinion of the water system until I have tried it out. Hoping that you can get the information that you wanted from this map and photograph, I am,

Very truly yours,

(Sgd) T. C. MILLER,
Custodian

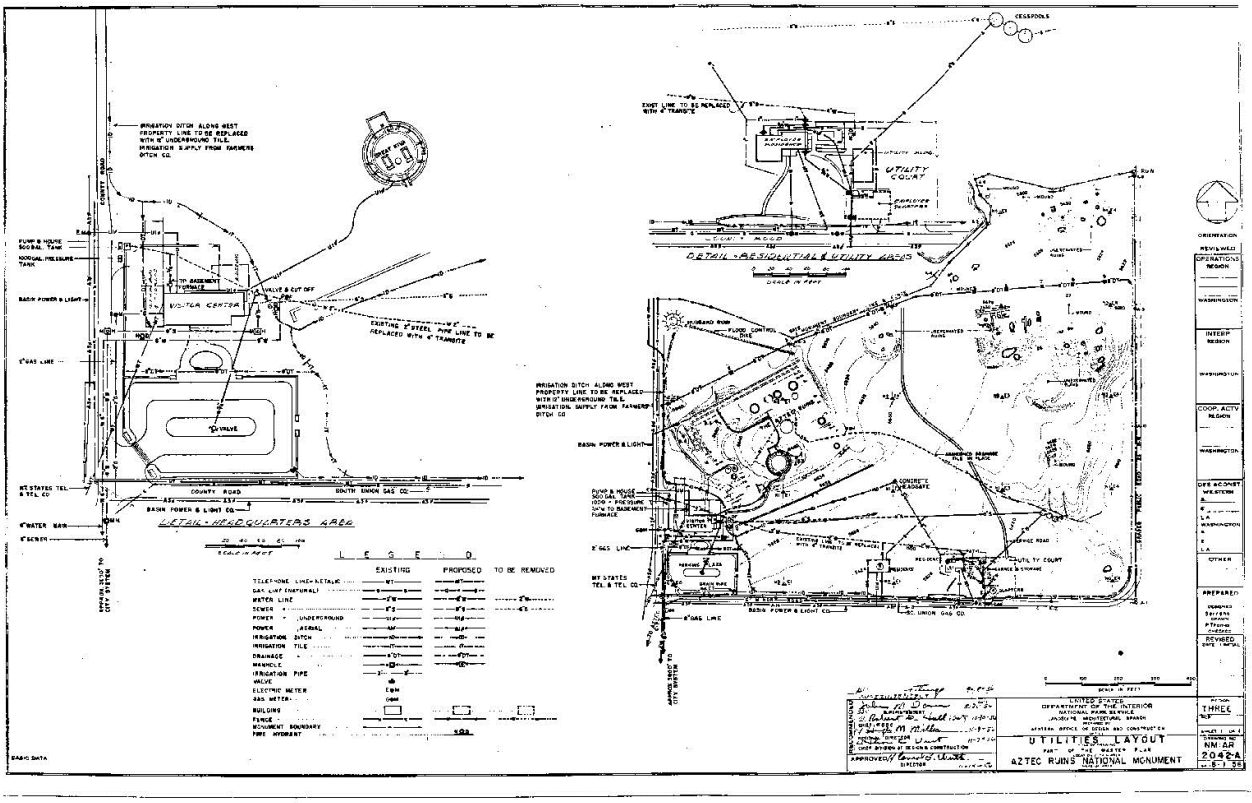


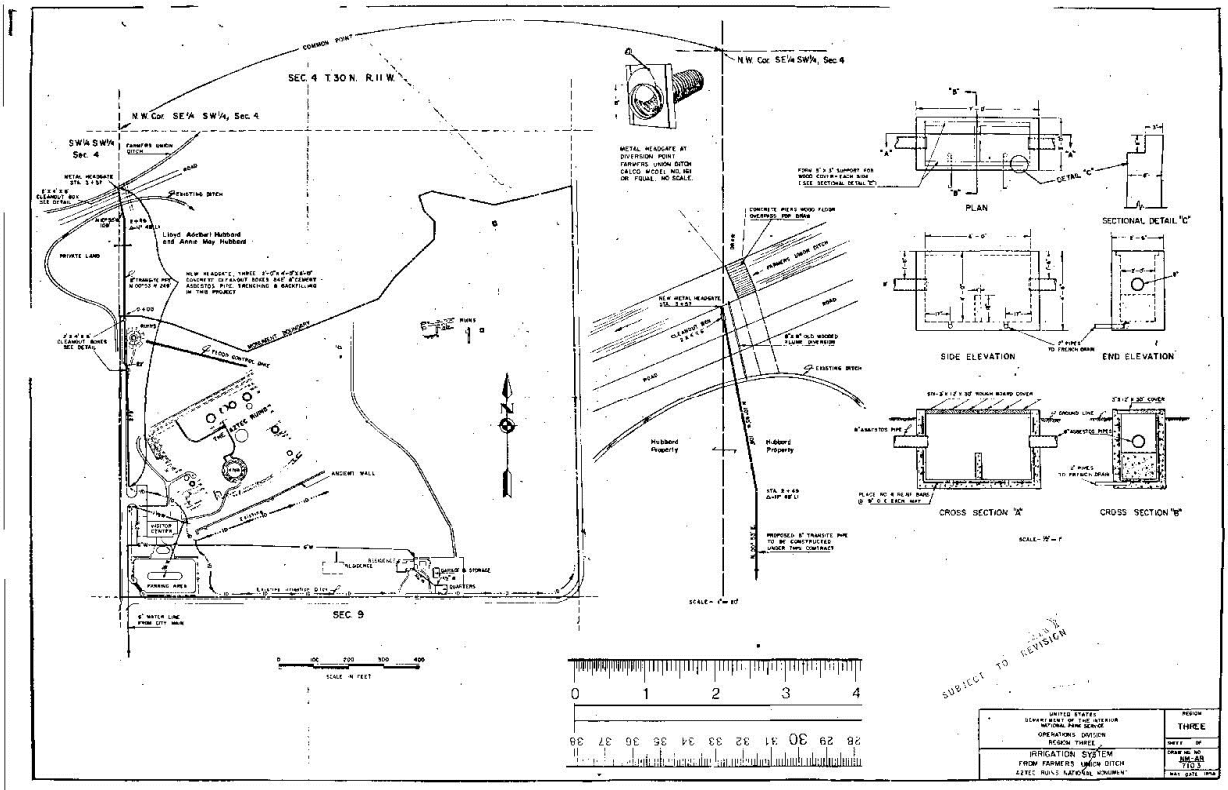
04-05-1937: sketch map of area

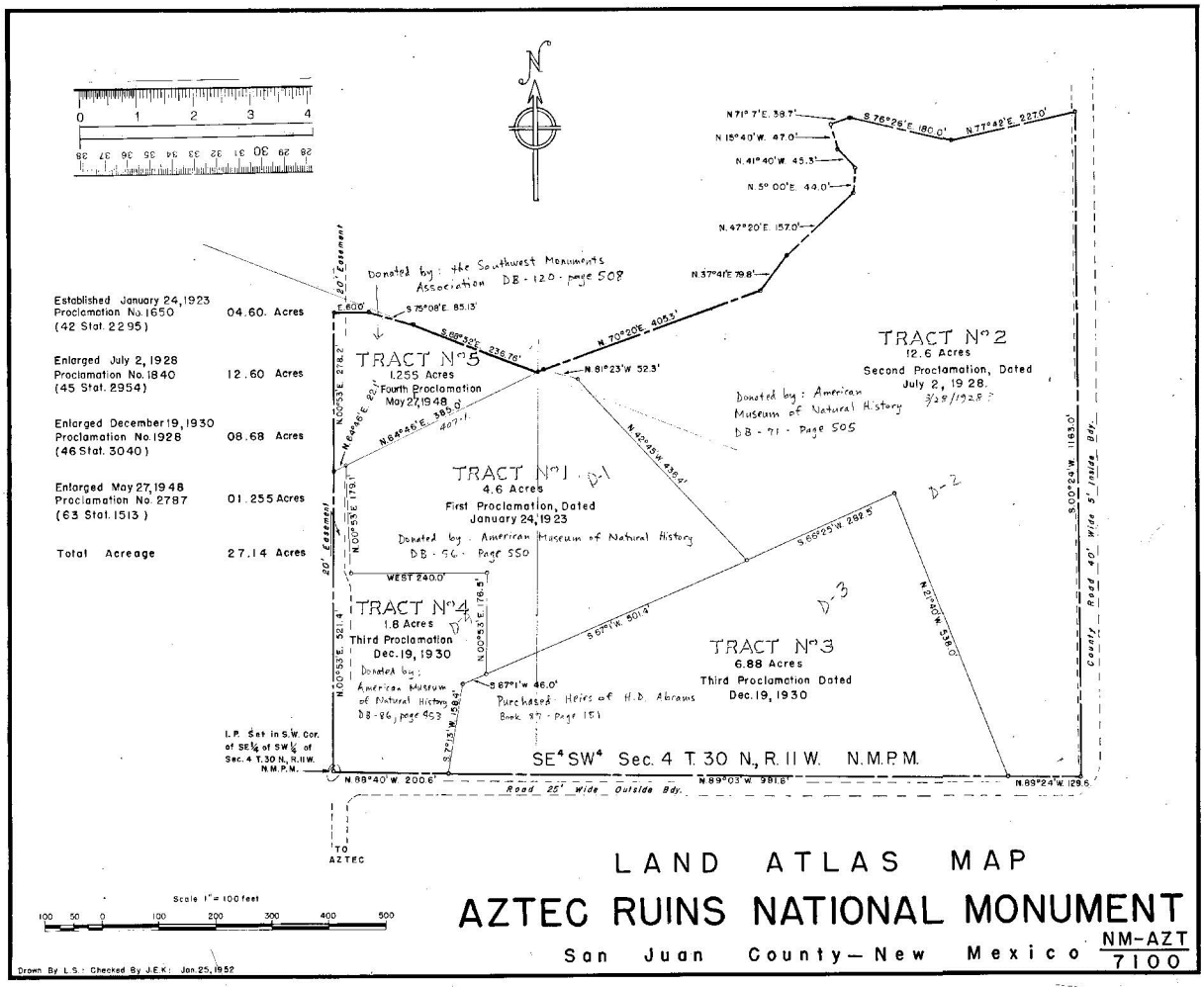


Maps and Miscellaneous Information

00-00-0000: map of utilities layout




SEC. 4 T.30 N. R.11 W.
N.W. Cor. SE¼ SW¼, Sec. 4
SW¼ SW¼ Sec. 4
Lloyd Adelbert Hubbard and Anne May Hubbard
PRIVATE LAND
EXISTING DITCH
ANCIENT WALL
VISITOR CENTER
RESIDENCE
PARKING AREA
SEC. 9
Hubbard Property
PLAN
SECTIONAL DETAIL "C"
SIDE ELEVATION
END ELEVATION
CROSS SECTION "A"
CROSS SECTION "B"
SUBJECT TO REVISION
OPERATIONS DIVISION
REGION THREE
IRRIGATION SYSTEM
FROM FARMERS UNION DITCH
AZTEC RUINS NATIONAL MONUMENT
THREE



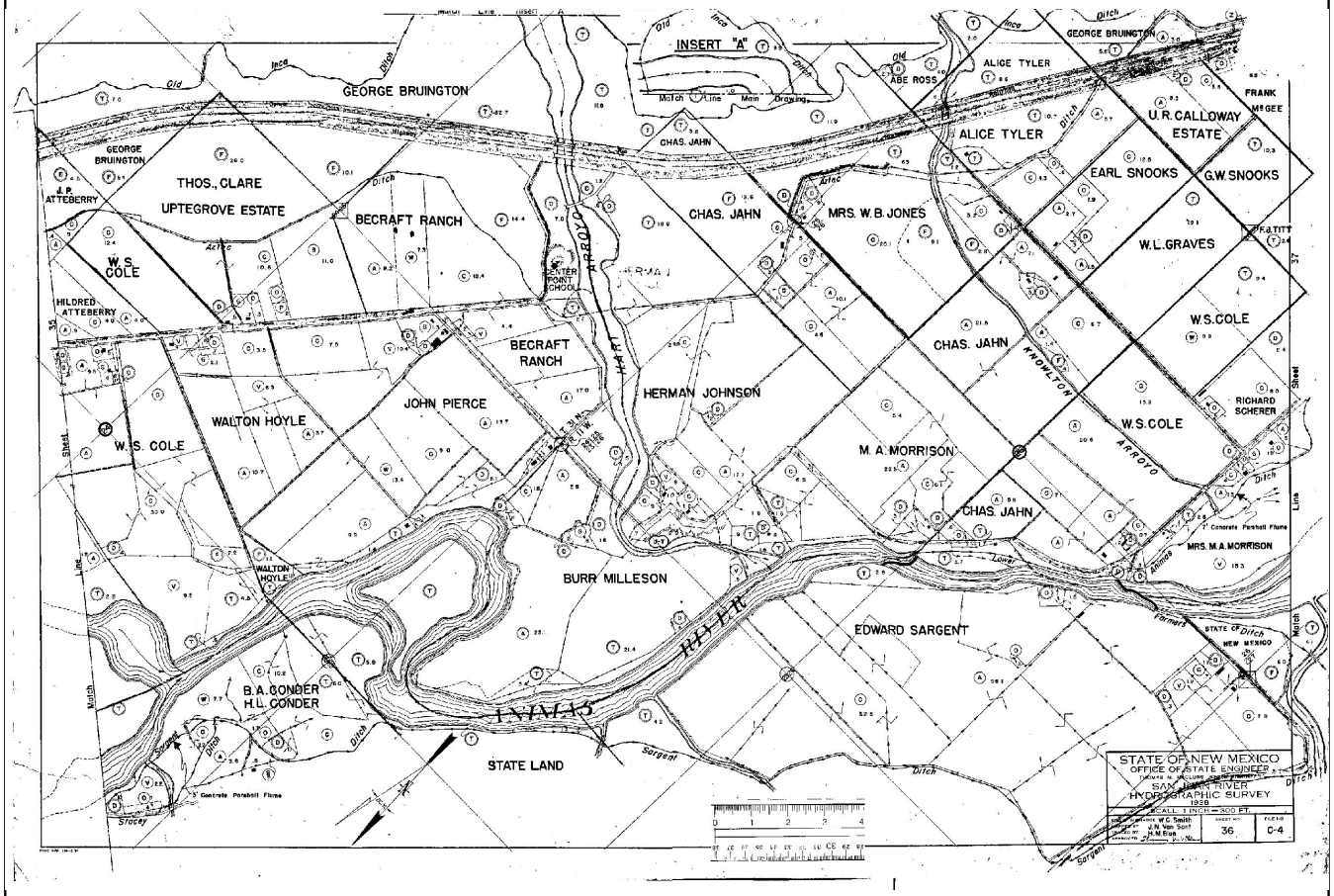
LAND ATLAS MAP

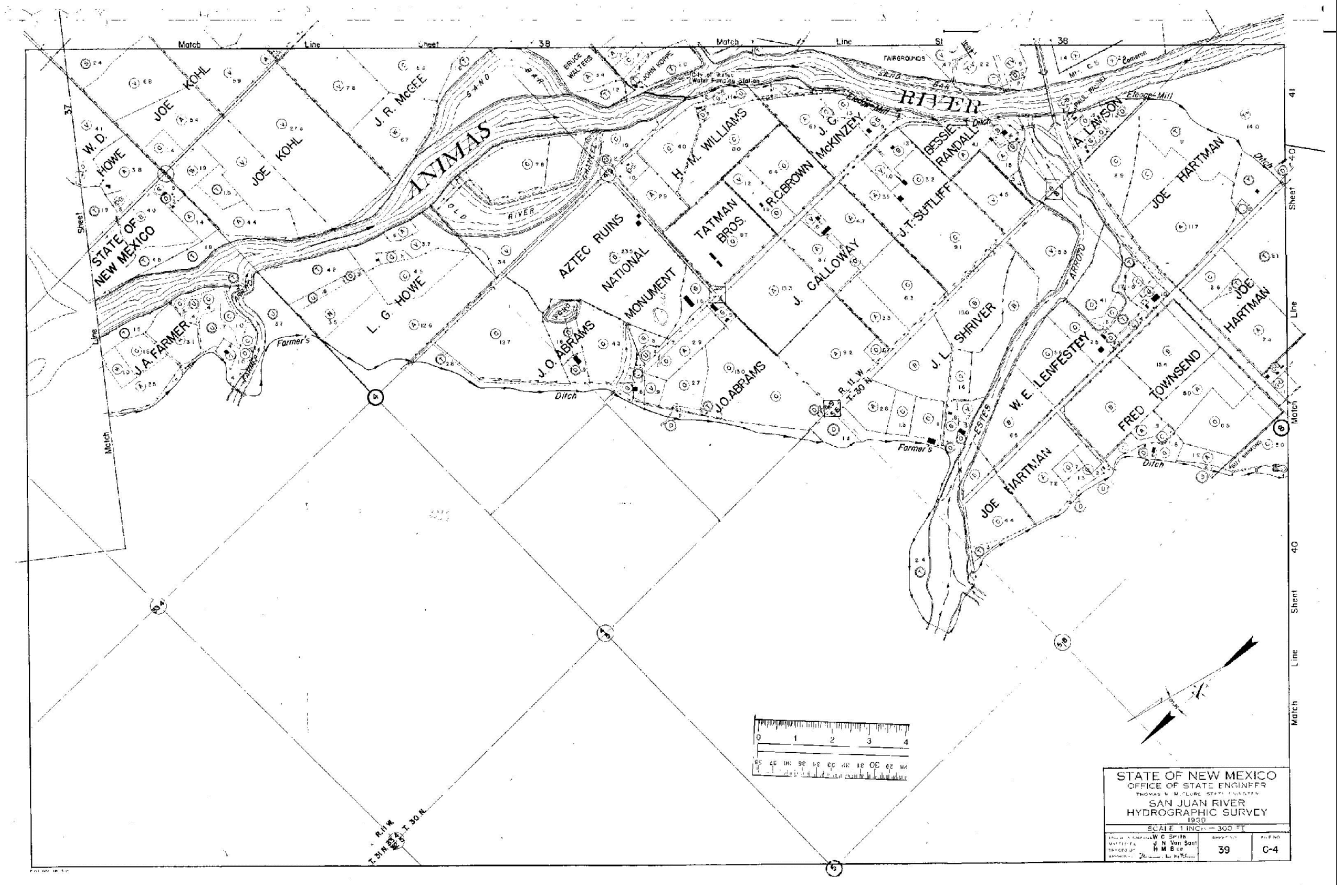
AZTEC RUINS NATIONAL MONUMENT

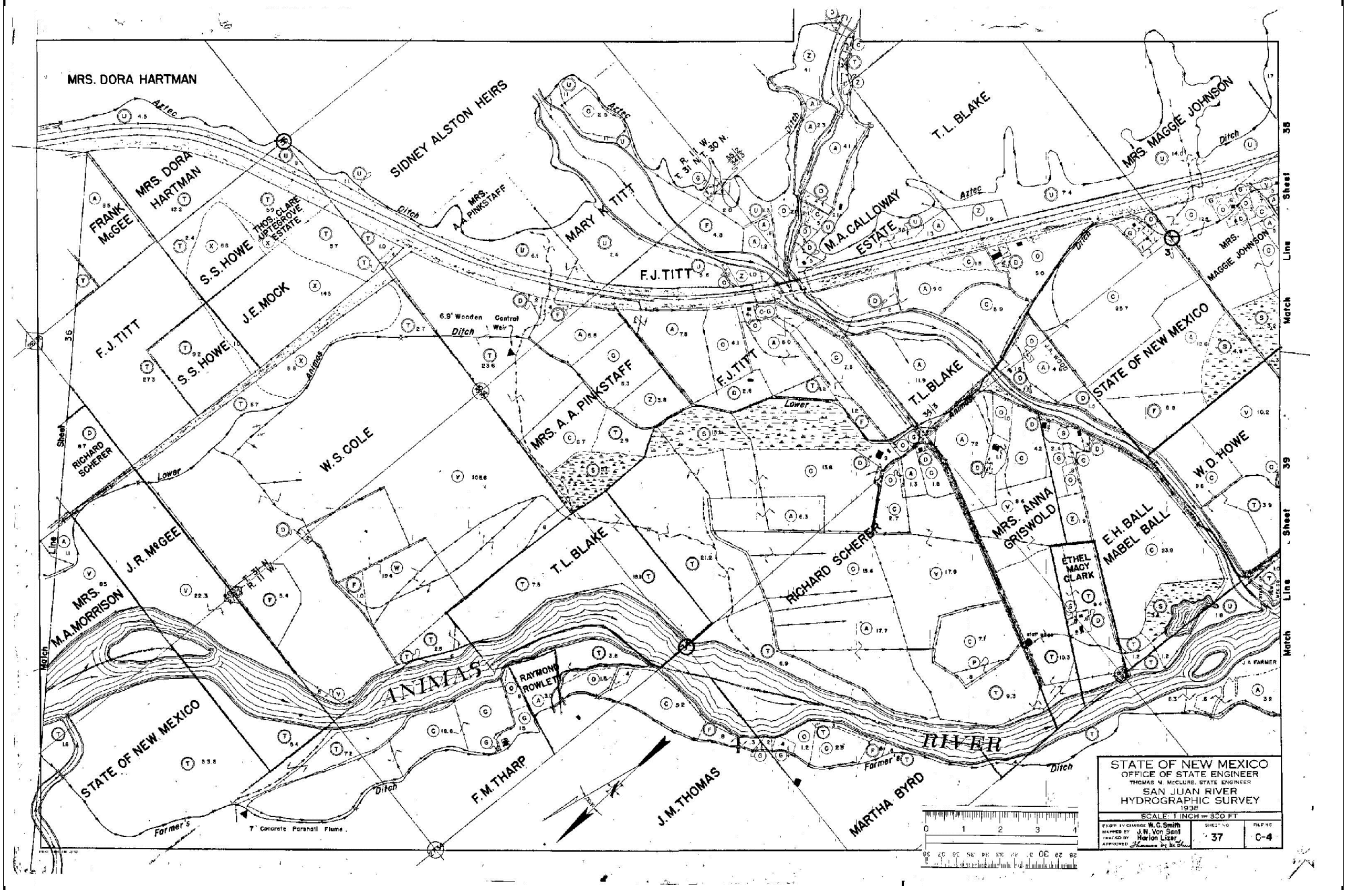
San Juan County — New Mexico

NM-AZT 7100

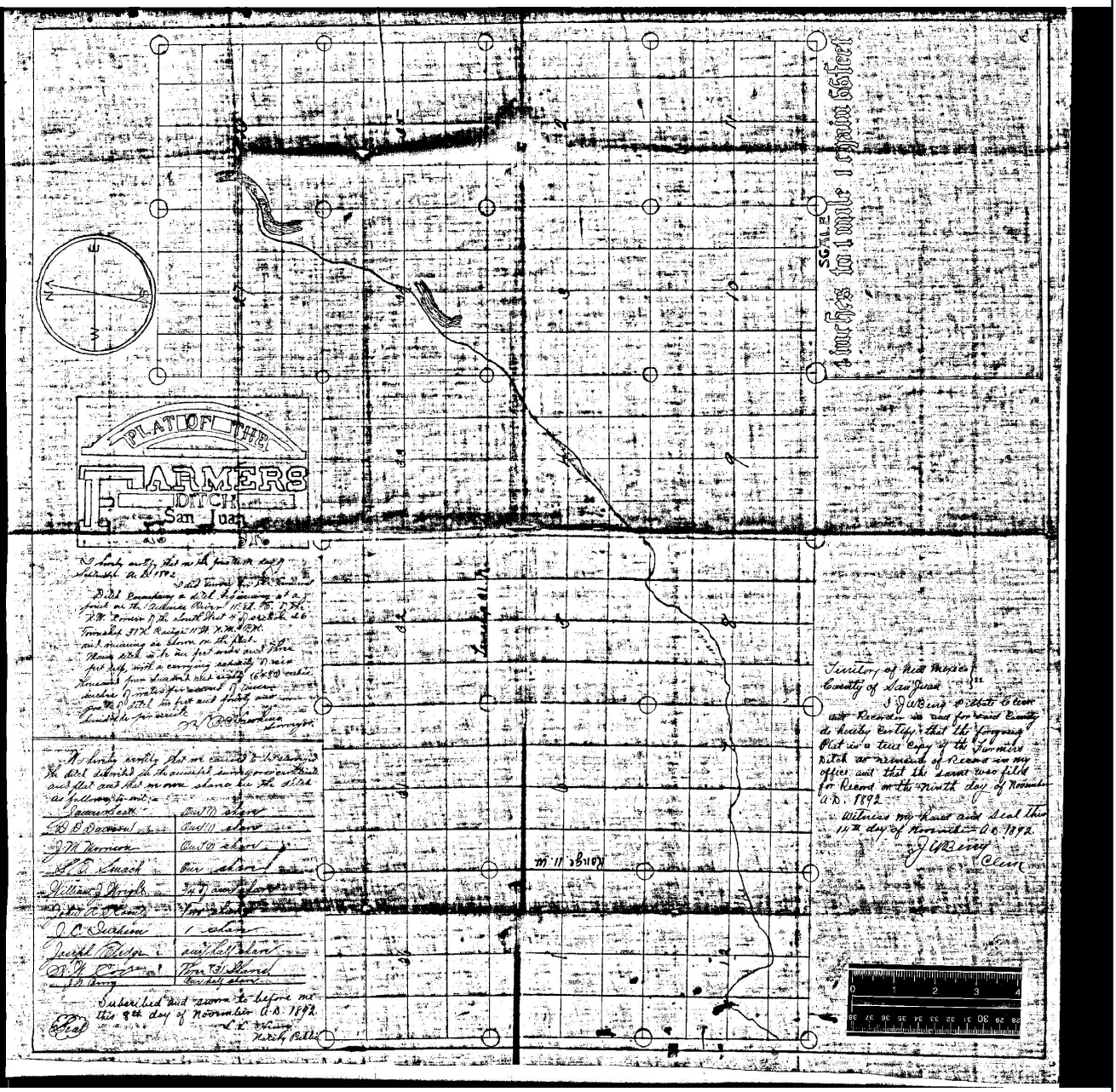
00-00-0000: map of san juan river: hydrographic survey




ANIMAS
RIVER
OLD RIVER
AZTEC RUINS NATIONAL MONUMENT
STATE OF NEW MEXICO
J. A. FARMER
L. G. HOWE
W. D. HOWE
JOE KOHL
J. R. McGEE
H. M. WILLIAMS
TATMAN BROS.
F. C. BROWN
J. C. McKINZEY
BESSIE RANDALL
J. T. SUTLIFF
J. CALLOWAY
J. L. SHRIVER
W. E. LENFESTEY
A. LAWSON
JOE HARTMAN
FRED TOWNSEND
J. O. ABRAMS
Farmer's Ditch
STATE OF NEW MEXICO
OFFICE OF STATE ENGINEER
SAN JUAN RIVER
HYDROGRAPHIC SURVEY
1930
SCALE 1 INCH = 300 FT.
39
C-4


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OFFICE OF STATE ENGINEER
SAN JUAN RIVER
HYDROGRAPHIC SURVEY
SCALE: 1 INCH = 320 FT
SHEET 37
MAP C-4

11-08-1892: plot of the farmers ditch



Docket Information

Number of Documents in Docket 168

Documents Dated from 3/3/1877 to 12/15/1966

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