



WATER-RIGHT DOCKET

Tumacacori National Historical Park

Docket No: 1

MISSION DITCH. SURFACE WATER

Preliminary Docket Information

05-22-1979: docket information sheet

DATE: May 22, 1979

DOCKET (FILE) TITLE _____

REGION Western AREA Tumacacori National Monument

SITE Mission Ditch

STATE Arizona COUNTY Santa Cruz DOCKET NO. WR #1

LOCATION SW 1/4 Sec. 30, T 21S, R 13E

REGIONAL BASIN Colorado LOCAL BASIN Santa Cruz

ACQUIRED BY Original appropriative right was abandoned upon the drying up of the Santa Cruz River in 1938 due to ground water pumpage.

APPLICATION PERMIT CERTIFICATE

ACTION DUE PRIORITY pre-1919 RESERVATION

QUANTITY None USE None

STATUS Inactive SOURCE Surface Water

REMARKS Located in Hydrologic Basin Unit No. 15050301.

NARRATIVE:

President Theodore Roosevelt proclaimed Tumacacori National Monument on September 15, 1908 (Proclamation No. 821). Specifically, the proclamation set aside 10 acres of land upon which the Tumacacori Mission was located. This land had been owned by Carmen Mendez (homestead entry No. 3035) who had "relinquished" title to the U.S. for the purpose of establishing the monument.

The Superintendent of Tumacacori wrote a memo to the General Superintendent of the Southwest Monuments on January 4, 1953. In it he discussed the water rights at Tumacacori National Monument. He quoted two pages from bound copies of Southwestern National Monuments Monthly Reports (pages 202 and 499). The quoted sections are as follows:

March, 1938. Monthly Report

"Because of several deep water wells in the vicinity of the canal take off, the water level in this section of the valley has dropped so much that the usual flow in the Santa Cruz River has dried up entirely. This means that the flow of water that goes through the canal on the monument has ceased. All trees along the old canal may die before the summer rains come."

June, 1938. Monthly Report

"The old well on the monument is of no further use, even if it were needed. The old mission irrigation canal that runs through the monument is dry because the Santa Cruz River has completely dried up. It would seem that the government and the people in the valley who are suffering because of this drop in the water table would have recourse by law to certain rights, especially those living along the banks of the old mission canal."

The Superintendent stated that the "old well" was in use for monument needs until drilling of the then present well in 1937.

From the two reports cited above, it is apparent that the Mission Ditch was used historically to divert water from the Santa Cruz River to irrigate Mission land. As the surrounding area began the development of ground water for irrigation by the use of wells and pumps, the local ground water table dropped the extent

Compiled by _____

Approved by _____

P. _____

that the flow of the Santa Cruz River was no longer continuous. It appears that the landowners in the area, rather than seeking legal remedy, acquiesced and adopted the method of well pumpage to provide water for irrigation. In 1953, the land within the monument actually irrigated was slightly under one half acre. The water needs of the monument were supplied solely by a well at that time.

It was contemplated that the Park Service would ascertain what rights the monument actually had under the Old Mission Ditch rights. A search of the local records was planned.

On July 12, 1947, the Acting Custodian of Tumacacori N.M. wrote a memo regarding a well in the monument. The well was drilled 77 feet deep. The Well Log for the well stated that there was "plenty of water." The pump installed on the well had a capacity of 18.8 gpm and a 50 foot maximum lift. In July of 1943, Custodian Caywood estimated the pumping rate to be about 8 gpm. In 1947, Custodian Jackson estimated that they were pumping from a 64 foot depth.

On August 12, 1959, a replacement well was drilled to a depth of 152 feet. The water level in 1964 was 16 feet below ground level.

On June 23, 1975, Superintendent Sewell of Tumacacori N.M. reported that the annual water consumption within the monument was 1,450,000 gallons in 1969 and 1,517,000 gallons in 1974.

Note: Under Arizona law, Tumacacori Mission had established a valid water right merely by diverting and applying to beneficial use the water from the Santa Cruz River prior to 1919. Arizona does not recognize riparian rights. The effect of the abandonment of the Old Mission ditch in 1938 has on the old vested rights (now covered by Section 45-180 Arizona Revised Statutes) is unclear. Arizona law in regard to ground water is, in most areas, governed by the rule of reasonable use.

- Memo of 2/27/59
from Reg 3

Tumacacori National Monument - Docket No. 1

1. Drawing NM-TUM-7101.
2. Memorandum of January 4, 1953 to General Superintendent S. W. National Monuments from Superintendent, Tumacacori.

Other Supporting Information

TUMACACORI NATIONAL MONUMENT

Source I. Mission Ditch: NPS, Western Region, Water Right Docket #1

At one time, the Tumacacori Mission diverted water from the Santa Cruz River by means of an irrigation canal. Some time prior to 1938, the flow in the Santa Cruz River was reduced, due to the pumpage of ground water by local irrigators. As a result, flow in the irrigation ditch ceased. Ground water within the monument became the sole source of water within the monument from that time forward. (See Source II.)

In reply refer to:
LS4 TUMA-L

February 4, 1953

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Branch
Subject: Mission Ditch Rights, Tumacacori National Monument

Attached are three folders to set up a Docket No. 1 to cover the subject ditch rights for future reference in your office, the Southwestern National Monument Headquarters, and the Monument. Please put a copy of the map, and the memorandum of January 4 to the General Superintendent from Mr. Jackson, in each before distribution. These are the map, and one of the memoranda, forwarded to us by memorandum of January 29 from Mr. Cornell.

The assemblies are set up primarily to eliminate the future need for research such as has just been necessary. In addition, the information suggests that a right might be re-established if sufficient people in the community were to file a suit for damages resulting from over-pumping of the ground water above the headgate of the ditch. On the other hand, of course, Mr. Jackson implies that no such action is seriously contemplated at this time, and that the community has resigned itself to use of ground water.

To complete the records, when convenient, Mr. Barton or Mr. Kelly might make unofficial inquiry of the State Engineer to determine whether he has any record of old Mission Ditch rights, or action by the community to protect such rights since pumping first reduced the flow of the Santa Cruz River. We should also find out whether the river has been adjudicated, to establish rights similar to those covered by Aztec Ruins National Monument Docket No. 1.

I am deferring further study of the well rights for future action.

(TSGD.) A. VAN V. DUNN,

A. van V. Dunn
Chief, Water Resources Branch

In triplicate

Attachments 3



In reply refer to:
RST TUNA-1

February 4, 1953

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Branch
Subject: Mission Hatch Rights, Tamassee National Monument

Attached are three folders to set up a Docket No. 1 to cover the subject Hatch Rights for future reference in your office, the Southeastern National Monument Headquarters, and the Monument. Please put a copy of the map, and the memorandum of January 4 to the General Superintendent from Mr. Jackson, in each before distribution. These are the map, and one of the memoranda, forwarded to us by memorandum of January 29 from Mr. Corneli.

The assemblies are set up primarily to eliminate the future need for research such as has just been necessary. In addition, the information suggests that a right might be re-established if sufficient people in the community were to file a suit for damages resulting from over-pumping of the ground water above the headgate of the ditch. On the other hand, of course, Mr. Jackson implies that no such action is certainly contemplated at this time, and that the community has resigned itself to use of ground water.

To complete the records, when convenient, Mr. Barton or Mr. Kelly might make unofficial inquiry of the State Engineer to determine whether he has any record of old Mission Hatch rights, or action by the community to protect such rights since pumping first reduced the flow of the Santa Cruz River. We should also find out whether the river has been adjudicated, to establish rights similar to those covered by Antee Ruins National Monument Docket No. 1.

I am deferring further study of the well rights for future action.

(Sgd.) A. Van V. Dunn

A. van V. Dunn
Chief, Water Resources Branch



In triplicate
Attachments 3

In reply refer to:
LS: TUMA-L

Region Three
Santa Fe, New Mexico

January 29, 1953

Memorandum

To: Director
From: Acting Regional Director
Subject: Water Rights, Tumacacori

On December 15 we transmitted to General Superintendent Davis a copy of Mr. Dunn's memorandum of December 9 requesting a map and any information regarding the area at Tumacacori traversed by the Mission Ditch with diversion from the Santa Cruz River. In this connection we have attached a copy of Superintendent Jackson's memorandum of January 4 and a copy of Acting Superintendent Castellum's memorandum of January 7.

We have traced the map submitted with Mr. Jackson's memorandum and two blackline prints are attached.

Mr. Jackson has explained that the Mission Ditch has not been used for irrigation for several years and the well at the Monument currently supplies all of the water used on the Monument. According to Mr. Jackson's calculations there is probably less than one-half acre irrigated at the present time. Mr. Jackson has been unable to determine from a search of the records available whether or not the Tumacacori Mission area ever had irrigation rights from the Mission Ditch. Mr. Castellum believes that such flow of the Santa Cruz River is not sufficient to provide irrigation water and that the Superintendent not be required to devote any more time to this problem.

(SIGNED)

Harvey H. Cornell
Acting Regional Director

In duplicate ✓

Attachments 3 (incl. 2 prints of DWG. NM-TUM-7101)

Copy to: Gen. Supt., SWNM (2). With two prints.

C
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P
Y

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
Southwestern National Monuments
Gila Pueblo, P. O. Box 1562
Globe, Arizona

January 7, 1953

Memorandum

To: Regional Director
From: Acting General Superintendent
Subject: Water Rights - Tumacacori

Attached are two copies of a report made by Superintendent Jackson on January 4 concerning Park Service use of the old mission ditch. Mr. Jackson's report is self-explanatory and requires no further elaboration.

We suggest, however, that in view of the fact that it is not possible to restore the flow of the water on the Santa Cruz River so we could get irrigation water from the ditch, we not require the superintendent to devote any more time to this problem, except as might be required to protect our rights to drill for water in connection with any underground water code that might be established by the State of Arizona.

/s/ LUIS A. GASTELLUM
Luis A. Gastellum
Acting General Superintendent

Attachment

Copy to: Supt., Tumacacori

P. S. -- Only one copy of Mr. Jackson's sketch map was received. If it can be duplicated, we would appreciate having a copy returned for our files.

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

January 4, 1953

Memorandum

To: General Superintendent, SW National Monuments
From: Superintendent, Tumacacori
Subject: Water Rights, Tumacacori National Monument

Mr. Dunn's memo of December 9, 1952 (154 TUMA-L) to the Regional Director, was transmitted by Mr. McColm's memo of December 15, 1952. The request was for information as to Park Service use of water from the old mission ditch, any information we might have on status of water rights, and for a map of this area with irrigated areas outlined so that acreage could be measured. The requested material follows.

We have no records of Park Service use of water from the mission ditch, although we have conducted a thorough search. Monthly narrative reports on this area extend back, in part, to the year 1932, and these have also been examined. All references we find to Park Service water use here are to well water.

Two quotes from bound copies of Southwestern National Monuments Monthly Reports, pages 202 and 499, are given below, because of their reference to the mission ditch (the canal):

"Because of several deep water wells in the vicinity of the canal take off, the water level in this section of the valley has dropped so much that the usual flow in the Santa Cruz River has dried up entirely. This means that the flow of water that goes through the canal on the monument has ceased. All trees along the old canal may die before the summer rains come."

March, 1938, monthly report.

"The old well on the monument is of no further use, even if it were needed. The old mission irrigation canal that runs through the monument is dry because the Santa Cruz River has completely dried up. It would seem that the government and the people in the valley who are suffering because of this drop in the water table would have recourse by law to certain riparian rights, especially those living along the banks of the old mission irrigation canal."

June, 1938, monthly report.

The old well mentioned above was in use for monument water needs until drilling of the present well in 1937.

From local persons we get information that 1938 was the last year

water ran in the mission ditch, confirming the March 1938 reference given above. When I came to Tumacacori in October of 1945 it was readily apparent the mission ditch hadn't carried river water for several years; the ditch was dry, and several portions between here and the intake point about a mile south of here had been completely obliterated in land levelling processes to allow modern farming. Part of the ditch on private land north of the monument had also been destroyed in modern farming attempts.

All farming in this neighborhood has been done for a number of years by using large pumps and wells. Since before I came to this area the river at the old intake point and opposite here has been dry the year round, except for periods of a few days at a stretch during rainy periods, and when breaks had occurred in pump-fed ditches at the edges of fields. It can be accurately stated that nobody uses the mission ditch, or has for a number of years.

If information is desired as to whether or not the Park Service ever had any water rights to the flow of the mission ditch, we shall have to institute search in county or state records.

Our well currently provides all water used on the monument. The attached sketch map indicates, in red hatching, the extent of our irrigation activities. The additional land recently placed under irrigation here is the planting island on the west side of the parking area, which consists of about 7,680 square feet. Total land irrigated in Tumacacori National Monument consists of slightly under one half acre.

If further information is desired, please advise.

Earl Jackson
Superintendent

In triplicate, with one sketch map.

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In reply refer to:
LS: TUMA-L

Region Three
Santa Fe, New Mexico

December 15, 1952

Dunn
Dunn
Files
Dunn
2/8

Memorandum

To: General Superintendent, SWNM
From: Regional Chief, Land and Recreation Planning
Subject: Water Rights, Tumacacori National Monument

There is attached a copy of Mr. Dunn's memorandum of December 9 requesting a map and any information that you may have concerning the area at Tumacacori which is traversed by the Mission Ditch with diversion from the Santa Cruz River. Mr. Dunn would like to have the data in order to complete the Service's water rights records for the Monument.

(SIGNED)

Milton J. McGinn
Regional Chief of Land
and Recreation Planning

Attachment

In duplicate

Copy to: Director (2) ✓

In reply refer to:
LS: TUMA-1

December 9, 1952

Memorandum

To: Regional Director, Region Three
From: Chief, Water Resources Branch
Subject: Water Rights, Tumacacori National Monument

In preparing the memorandum of November 28 for the Director, on the subject of "Water Right Interests of National Park Service in Lower Colorado River Basin," I discovered, or was reminded for the first time in years, that the area is traversed by the Mission Ditch, with diversion from the Santa Cruz River. We seem to have no records of Park Service use of water from the Ditch, and shall appreciate any information you can give thereon. We should also know who else uses the Ditch, and what you may have learned about the status of water rights. If there is any suggestion that this Service has, or has had, an interest, we will take over from the information you supply, to complete the records, and a docket or alien water right assembly for the Monument.

We also note, from the Superintendent's October report, that some additional land has been placed under irrigation from the well water system. When convenient, we should like to have a map of the area with the irrigated areas outlined so that we can measure acreage. If there is irrigation from both the well and the ditch, the areas irrigated from each source should be shown separately.

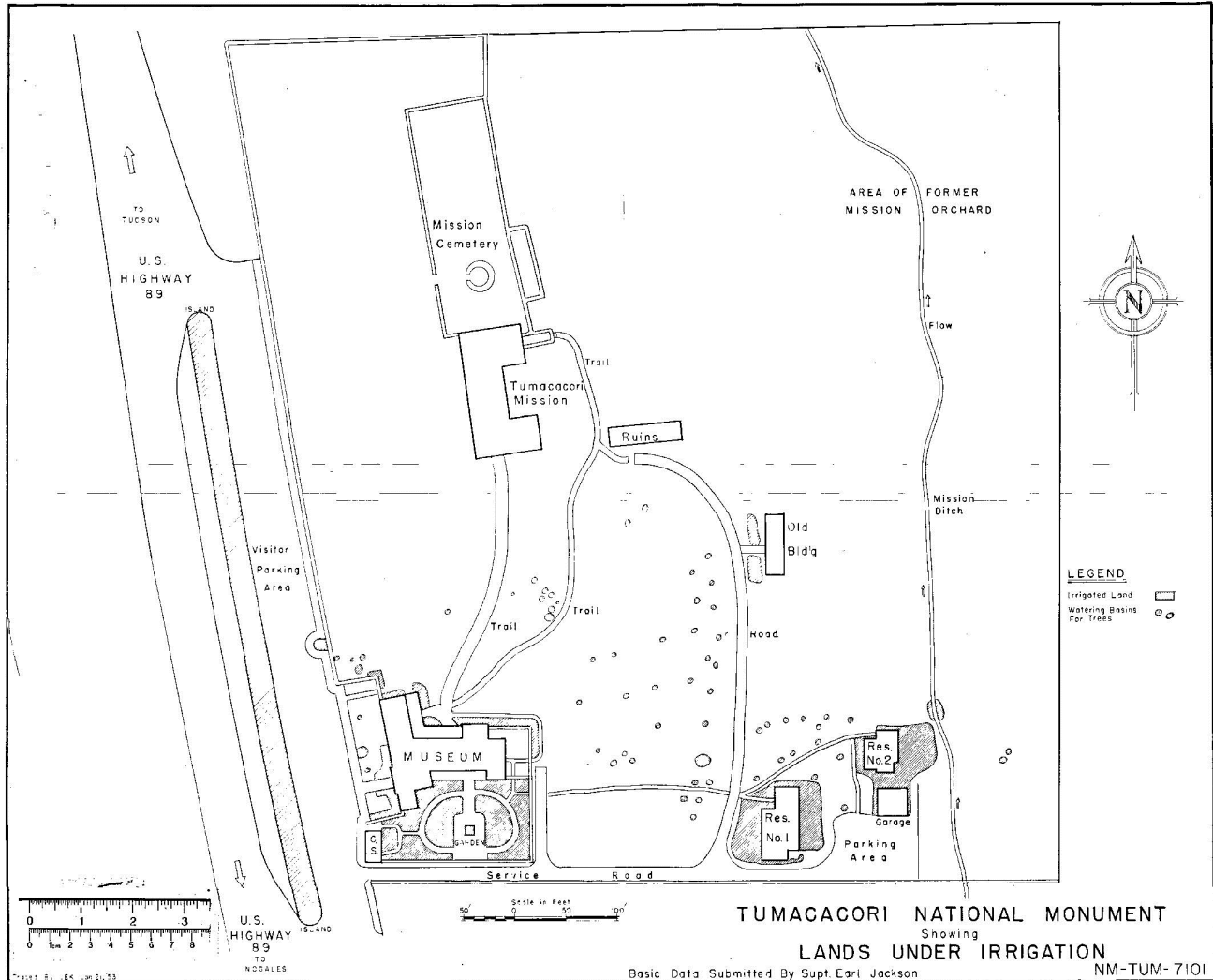
(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

In triplicate

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Maps and Miscellaneous Information



Docket Information

Number of Documents in Docket 13

Documents Dated from 12/9/1952 to 5/22/1979

Docket Compiled: 6/9/2016