WATER-RIGHT DOCKET

Wupatki National Monument

Docket No: 4

BLACK FALLS TRADING POST WELL

State Water Rights Documentation

09-19-2002: Letter to AZ Dept of Water Resources regarding Withdrawal of Claim 39-91450

United States Department of the Interior

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

IN REPLY REFER TO:

September 19, 2002

L54 (2380
WUPA/Water Rights

Ms. Elizabeth Logan, Section Manager
Arizona Department of Water Resources
Water Rights and Adjudications Section
500 N. Third Street
Phoenix, AZ 85004

Re: Withdrawal of Claim 39-91450

Dear Ms. Logan:

The National Park Service has determined that water use from Black Falls Trading Post Well (Deadman Wash) in Wupatki National Monument was temporary in nature. The well was developed in 1963 by a contractor to provide water during construction of the Sunset Crater – Wupatki Loop Road. With this letter the NPS is hereby withdrawing claim 39-91450.

If you have any questions regarding our request please contact Bill Hansen, of my staff, at (970) 225-3532.

Sincerely,

Charles W. Pettee, Chief
Water Rights Branch

Cc: Henderson, Metzger – Flagstaff Area Office
Fahmy, Joca – SOL
Bartell – DoJ
Osterstock – Forest Service
Weldon – Salmon, Lewis & Weldon, P.L.C.
Staudenmaier – Ryley Carlock & Applewhite
Caster – Fennemore Craig, P.C.
Jerden – Tucson Electric Power Co.
Storey – Moyes Storey
Judge Nelson – Apache County Superior Court

United States Department of the Interior

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

IN REPLY REFER TO:

May 15, 2000

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

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

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

Dear Lisa:

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

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

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Attachments (6)

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

December, 3, 1999

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

RE: STATEMENT OF CLAIMANT NO. 39

Dear: Claimant,

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

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

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

All signatures must be acknowledged by a Notary Public.

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

Other:

Sincerely,

Lisa M. Jannusch

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

United States Department of the Interior

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

IN REPLY REFER TO:

September 30, 1999

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

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

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

Dear Ms. Hanna:

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

"Statement Of Claim Of Right To Use Public Waters Of The State Of Arizona" forms are filed for Peshlaki and Heiser Springs in Wupatki National Monument.

"Statement Of Claimant Form For Other Uses Amendment" forms are filed to amend the claimed priority dates for Peshlaki and Hesier Springs in Wupatki National Monument. Please note the "Registry Number" referred to in Items 2, 3, and 15 must be filled in after your office has processed the "Statement Of Claim" forms and assigned a Registry Number. Amended claims are also filed to amend the quantifiable present and future administrative consumptive uses for Petrified Forest National Park, Sunset Crater National Monument, and Wupatki National Monument, and to amend the boundary description for Walnut Canyon National Monument.

Please return signed and dated copies of the processed claim forms to our office. Contact

Jim Harte (970) 225-3538 with any questions you may have regarding these claims.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Enclosures

cc: Peter Fahmy
Andy Walch
Flagstaff Areas – Sam R. Henderson
PEFO – Michelle Hellickson

STATEMENT OF CLAIMANT FORM
FOR

OTHER USES[1]
AMENDMENT

SUPERIOR COURT OF APACHE COUNTY

File No. 39-_____
Date Filed:_____
WFN_____

1. Claimant Name: United States of America c/o National Park Service (Walnut Canyon NM)
Claimant Address: 1201 Oak Ridge Dr. Suite 250 City Fort Collins
State: Colorado Zip Code 80525-5596 Telephone 970-225-3500

2. Basis of Claim:
A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☒ Other, describe: (see file No. 39-89220)

3. Claimed Priority Date: ____/____/____(month/day/year) (see File No. 39-89220)-

4. Use:
A. ☐ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☐ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see file No. 39-89220)

5. Source of Water: (see file No. 39-89220)
A. ☐ Stream: name _____, tributary to _____
B. ☐ Spring: name _____, tributary to _____
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required) (see file No.39-89220)
_____ 1/4, _____ 1/4, _____ 1/4, Section _____ ,Township _____N/S, Range _____E/W

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

8. Means of Diversion:
A. ☐ Instream pump.
B. ☐ Gravity flow into a ditch, canal or pipeline.
C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55-629093
D. ☒ Other, describe: (see file No. 39-89220)

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

9. Means of Conveyance:

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

B. ☒ Other, describe: (see file No. 39-89220)

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

County Coconino County

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

11. Claimed Right: (see file No. 39-89220) ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches

A. Maximum Flow Rate: _____

B. Annual Volume of Water Use: 12 acre-feet per Annum

C. Storage Right: _____ acre-feet

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

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

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

15. Additional comments: Amends claim No.39-89220 to include Walnut Canyon National Monument boundary modification, Section 208,--P.L.104-333, 110 Stat. 4093, "Walnut Canyon National Monument Boundary Modification", November 12, 1996, published in the Federal Register and included as an attachment to this amendment.

(attach additional sheet if required)

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

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

17. Notarized Statement:

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

_____

(seal) _____

_____ _____
My Commission Expires Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

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

File No. 39-
Date Filed:
WFN

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

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

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

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

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

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

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

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

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

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

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

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

11. Claimed Right: (see file No. 39-91444) ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches
   A. Maximum Flow Rate: _____
   B. Annual Volume of Water Use: 16.0 acre-feet per annum
   C. Storage Right: _____ acre-feet

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

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

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

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

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

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

   _____
   _____
   (seal)
   _____
   My Commission Expires
   _____
   Notary Public

   or, _____
   Authorized Personnel of the Department of Water Resources

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

File No. 39-_____
Date Filed:_____
WFN_____

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

2. Basis of Claim:
A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☒ Other, describe: (see File No. 39-89222)

3. Claimed Priority Date: ____/____/____(month/day/year) (See File No. 39-89222)

4. Use:
A. ☐ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☐ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see File No. 39-89222)

5. Source of Water: (see File No. 39-89222)
A. ☐ Stream: name _____, tributary to _____
B. ☐ Spring: name _____, tributary to _____
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required) (See File No.39-89222)
_____ 1/4, _____ 1/4, _____ 1/4, Section _____ ,Township _____N/S, Range _____E/W

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

8. Means of Diversion:
A. ☐ Instream pump.
B. ☐ Gravity flow into a ditch, canal or pipeline.
C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55-(see Item 15)
D. ☒ Other, describe: (see File No. 39-89222)

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

9. Means of Conveyance:
   A. ☐ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: (See File No. 39-89222)

10. Place of Use, if other than point of diversion: (attach additional sheet if required) Petrified Forest National Park
    County Apache & Navajo
    Legal Subdivision _____ Section _____ Township _____ N/S Range _____ E/W
    _____ Section _____ Township _____ N/S Range _____ E/W

11. Claimed Right: (see File No. 39-89222) ☐ cubic-feet per second
    A. Maximum Flow Rate: _____ ☐ gallons per minute
    ☐ Arizona miner's inches
    B. Annual Volume of Water Use: 35.0 acre-feet per annum
    C. Storage Right: _____ acre-feet

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

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

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

15. Additional comments: Amends Item II-B-4-C (page 9), to attachment to claim No. 39-89222, regarding Petrified Forest National Park. Amends quantifiable, present and future administrative consumptive uses from 10 acre-feet per annum to 35 acre-feet per annum. 8.c.(continued) well registration No. 55-629113, 629091, 506605, 506603
    (attach additional sheet if required)

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

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

    _____
    (seal) _____
    _____ _____
    My Commission Expires Notary Public

    or, _____
    Authorized Personnel of the Department of Water Resources

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

File No. 39-
Date Filed:
WFN

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

2. Basis of Claim:
A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☒ Other, describe: (see File No. 39-91447)

3. Claimed Priority Date: ____/____/____(month/day/year) (see file No. 39-91447)

4. Use:
A. ☐ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☐ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see file No. 39-91447)

5. Source of Water: (see file No. 39-91447)
A. ☐ Stream: name _____, tributary to _____
B. ☐ Spring: name _____, tributary to _____
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required) (see file No.39-91447)
_____ 1/4, _____ 1/4, _____ 1/4, Section _____, Township _____N/S, Range _____E/W

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

8. Means of Diversion:
A. ☐ Instream pump.
B. ☐ Gravity flow into a ditch, canal or pipeline.
C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55- 649813
D. ☒ Other, describe: (see file No. 39-91447)

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

9. Means of Conveyance:

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

B. ☒ Other, describe: (see file No. 39-91447)

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

County Coconino

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

11. Claimed Right: (see file No. 39-91447) ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches

A. Maximum Flow Rate: _____

B. Annual Volume of Water Use: 32 acre-feet per annum

C. Storage Right: _____ acre-feet

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

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

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

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

15. Additional comments: Amends Item II-B-4-C(page 8), to the attachment to claim No. 39-91447, regarding Sunset Crater National Monument. Amends quantifiable present and future administrative consumptive uses from 20 acre-feet per annum to 32 acre-feet per annum.

Well #55-649813 replaces Well #A23-8(21-1)715 however #A23-8(21-1) 715 is available for (attach additional sheet if required) emergency use.

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

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

17. Notarized Statement:

I (We), _____

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

_____

(seal) _____

_____ _____

My Commission Expires Notary Public

or, _____

Authorized Personnel of the Department of Water Resources

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

File No. 39-
Date Filed:
WFN

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

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

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

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

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

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

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

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

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

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

10. Place of Use, if other than point of diversion: (attach additional sheet if required)
   County Coconino
   Legal Subdivision (see file 39-91445) | Section | Township | Range
   _____ | _____ | _____ N/S | _____ E/W
   _____ | _____ | _____ N/S | _____ E/W

11. Claimed Right: (see file No.39-91445)
   A. Maximum Flow Rate: _____ [ ] cubic-feet per second [ ] gallons per minute [ ] Arizona miner's inches
   B. Annual Volume of Water Use: 2.5 acre-feet
   C. Storage Right: _____ acre-feet

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

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

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

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

(attach additional sheet if required)

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

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

_____

(seal) _____

_____ _____
My Commission Expires Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

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

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

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

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

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

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

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

STATE OF ARIZONA)
)
County of) ss.

Signature(s)

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

My commission expires ____

Notary Public

INSTRUCTIONS

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

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

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

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

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

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

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

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

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

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

General Instructions:

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

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

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

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

AFFIDAVIT

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

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

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

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

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

Subscribed and sworn to before me in the State of Arizona, County of Coconino, this 31st day of August, 1998, by James Babbitt.

Marie O. Johnson
NOTARY PUBLIC
6-9-99

MARIE O. JOHNSON
NOTARY PUBLIC - ARIZONA
COCONINO COUNTY
My Comm. Expires June 9, 1999

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

File No. 39-
Date Filed:
WFN

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

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

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

4. Use:
A. ☒ Municipal
B. ☐ Commerical or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☒ Recreation, Fish & Wildlife
F. ☒ Other, describe: (see file No. 39-91446 and attachment)

5. Source of Water:
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Peshlaki(aka Cottonwood), tributary to N/A
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required)
NE ¼, SW ¼, SW ¼, Section 32, Township 25 N/S, Range 10 E/W

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

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

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

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

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

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

11. Claimed Right: (see file No. 39-91446) ☐ cubic-feet per second
   A. Maximum Flow Rate: _____ ☐ gallons per minute
   ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 0.5 acre-feet per annum
   C. Storage Right: _____ acre-feet

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

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

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

15. Additional comments: Amends item 3 (file No. 39-91446): claimed priority date, from December 31, 1983 to 1892. (see Registry No. with attached affidavit)
   (attach additional sheet if required)

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

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

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

   _____

   (seal) _____

   _____ _____
   My Commission Expires Notary Public

   or, _____
   Authorized Personnel of the Department of Water Resources

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

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

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

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

Type of Water Use(s) (e.g. irrigation, domestic, stock)	Annual Use (list use amount for each type)	Acres Irrigated (irrigation use only)	Specific Months of Use (if not for entire year)
Municipal, Recreation,	.5 acre-feet (total	N/A	January thru December
Fish and Wildlife	for all uses)	N/A	(for all uses)

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

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

STATE OF ARIZONA)
)
County of ____)

Signature(s)

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

My commission expires ____

Notary Public

INSTRUCTIONS

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

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

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

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

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

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

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

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

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

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

General Instructions:

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

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

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

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

AFFIDAVIT

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

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

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

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

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

Subscribed and sworn to before me in the State of Arizona, County of Coconino, this 27th day of April, 1998, by James Babbitt.

Marie D. Johnson
NOTARY PUBLIC 6-9-99

WALNUT CANYON NATIONAL MONUMENT

AREA: 40.00 Acres

DATE: June 29, 1998

INTEREST TO BE ACQUIRED: Fee

TRACT 01-117

Situated in the State of Arizona, County of Coconino, being more particularly described:

All of the NW¼ SE¼ of Section 31 of Township 21 North, Range 9 East of the Gila and Salt River Base and Meridian and containing 40.00 acres of land, more or less.

WALNUT CANYON NATIONAL MONUMENT

AREA: 690.00 Acres

DATE: June 29, 1998

INTEREST TO BE ACQUIRED: Fee

TRACT NO. 01-115

Situated in the State of Arizona, County of Coconino, in a portion of Section 27, a portion of Section 33 and Section 34 of Township 21 North, Range 8 East of the Gila and Salt River Base and Meridian, being more particularly described:

All of Lot 1; Lot 2; the S½ SE¼; E½ of Lot 3; and the E½ SE¼ SW¼ of said Section 27 and containing 200.00 acres of land, more or less.

All of the E½ E½ SE¼; E½ W½ E½ SE¼; E½ of Lot 1; and E½ SE¼ NE¼ of said Section 33 and containing 50.00 acres of land, more or less.

All of the N½; N½ SW¼; and N½ S½ SW¼ of said Section 34 and containing 440.00 acres of land, more or less.

The above described parcel, known as Tract 01-115 of Walnut Canyon National Monument contains a total of 690.00 acres of land, more or less.

WALNUT CANYON NATIONAL MONUMENT

AREA: 547.00 ACRES

DATE: JUNE 29, 1998
REVISED DATE: SEPTEMBER 2, 1999

INTEREST TO BE ACQUIRED: FEE

TRACT 01-106 AND 01-116

Situated in the State of Arizona, County of Coconino, in a portion of Section 28, Section 29 and Section 30 of Township 21 North, Range 9 East of the Gila and Salt River Base and Meridian, being more particularly described:

The Northwest Quarter of Section 28;

Also, a parcel of land more particularly described as follows:

Beginning at the West 1/16 corner common to Section 31 and said Section 30 of Township 21 North, Range 9 East;

Thence, Northeasterly, on a straight line to the quarter corner common to said Section 29 and said Section 30;

Thence, Northeasterly, from said quarter corner on a straight line, to the Section corner common to the Section 20, Section 21, said Section 28 and said Section 29;

Thence, South, along the section line common with said Section 28 and said Section 29 to the quarter corner common with said sections;

Thence, Southwesterly, from said quarter corner to the section corner common to said Section 29, said Section 30, Section 31 and Section 32;

Thence, West, along the South line of said Section 30, to the point of beginning.

Excepting therefrom a 50.00 foot right-of-way designated as the Walnut Creek Reservoir Pipeline right-of-way in a Quitclaim Deed from The Atchison, Topeka and Santa Fe Railway Company to Warren Stanley Smith, et ux. as recorded in Docket No. 1259, page 512 of the deed records of Coconino County.

The above-described parcel, known as Tract 01-106 and 01-116 of Walnut Canyon National Monument contains a total of 547.00 acres of land, more or less.

JUL-27-1998 13:42 SANTA FE FIELD SOLICITOR 505 9886217 P.02/03

"(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall by administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a non-contiguous parcel.".

SEC. 207. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT. 16 USC 431 note.

The boundaries of the Wupatki National Monument, Arizona, are hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

SEC. 208. WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION. 16 USC 431 note.

(a) PURPOSE.—The purpose of this section is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this section referred to as the "national monument") to improve management of the national monument and associated resources.

(b) BOUNDARY MODIFICATION.—Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled "Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona", numbered 360/80,010, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

(c) ACQUISITION AND TRANSFER OF PROPERTY.—The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this section) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under subsection (b) is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

(d) ADMINISTRATION.—The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this title and the provisions of law generally applicable to units of the National Park Service, including "An Act to establish a National Park Service,

110 STAT. 4093
NOV. 12, 1996

NOV-27-1999 13:43 SANTA FE FIELD SOLICITOR 505 9886217 P.03/03

and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 209. BUTTE COUNTY, CALIFORNIA LAND CONVEYANCE.

(a) PURPOSE.—It is the purpose of this section to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

(b) DEFINITIONS.—For the purpose of this section:

(1) The term "affected lands" means those Federal lands located in the Plumas National Forest in Butte County, California, in sections 11, 12, 13, and 14, township 21 north, range 5 East, Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1992, and subsequent Forest Service land line location surveys, including all adjoining parcels where the property line as identified by the 1992 BLM dependent resurvey and National Forest boundary lines before such dependent resurvey are not coincident.

(2) The term "claimant" means an owner of real property in Butte County, California, whose real property adjoins Plumas National Forest lands described in paragraph (1), who claims to have been deprived by the United States of title to property as a result of previous erroneous surveys.

(3) The terms "Secretary" means the Secretary of Agriculture.

(c) CONVEYANCE OF LANDS.—Notwithstanding any other provision of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in and to affected lands as described in subsection (b)(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in subsection (d).

(d) NOTIFICATION.—Not later than 2 years after the date of enactment of this Act, claimants shall notify the Secretary, through the Forest Supervisor of the Plumas National Forest, in writing of their claim to affected lands. Such claim shall be accompanied by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(e) ISSUANCE OF DEED.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this section, the Secretary shall issue a quit claim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

(B) all new property lines established by such surveys have been monumented and marked; and

TOTAL P.03

the proposed projects will be implemented. He will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: August 17, 1998.

Monte Fujishin,

District Ranger.

[FR Doc. 98–22736 Filed 8–24–98; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

National Park Service

USDA, Forest Service, USDI, National Park Service; Notice of Transfer of Administrative Jurisdiction, Coconino National Forest and Walnut Canyon National Monument

SUMMARY: The Forest Service previously had administrative jurisdiction over 1,279 acres, more or less, as depicted on the map entitled, "Boundary Proposal—Walnut Canyon National Monument," numbered 360/80,010, and dated September 1994. The National Park Service formerly had administrative jurisdiction on 54 acres, more or less, as shown on the same map. Notice is hereby given that, pursuant to the provisions of Section 208 of Pub. L. 104–333, 110 Stat. 4093, administrative jurisdiction on the 1,279 acres is now in the National Park Service, and administrative jurisdiction on the 54 acres is now in the Forest Service. Both transfers are subject to prior existing rights and applicable laws and regulations. The specific lands and/or interests, subject to this notice, include both the surface and minerals on 1,279 acres, more or less, and 54 acres, more or less.

SUPPLEMENTARY INFORMATION: The maps and other documents associated with this transfer of lands and minerals may be reviewed at the Intermountain Land Resources Program Center, 1220 South St. Francis Drive, Santa Fe, New Mexico 87504, and at Walnut Canyon National Monument Headquarters, 6400 North Highway 89, Flagstaff, Arizona 86004. The same materials are available at the USDA, Forest Service, Regional Office, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102, and Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Arizona 86004.

Dated: May 5, 1998.

Eleanor Towns,

Regional Forester, USDA, Forest Service, Region 3.

Dated: July 17, 1998.

John E. Cook,

Regional Director; Intermountain Region, National Park Service.

[FR Doc. 98–22723 Filed 8–24–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Approval of Triangular Involving Commodities Covered by a U.S. Import Certificate.

Agency Form Number: None.

OMB Approval Number: 0694–0009.

Type of Request: Extension of a currently approved collection of information.

Burden: 1 hour.

Average Time Per Response: 30 minutes per response.

Number of Respondents: 1.

Needs and Uses: The triangular symbol will be stamped on the certificate as notification to the government of the exporting country that the U.S. importer is uncertain whether the items will be imported into the U.S. or knows that the items will not be imported into the U.S., but that, in any case, the items will not be delivered to any other destination except in accordance with the EAR. This procedure was developed in an effort to increase the effectiveness of controls over international trade in strategic commodities, ensuring that they will not be delivered to any other destination except in accordance with export control regulations.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Victoria Baecher-Wassmer (202) 395–5871.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Victoria Baecher-Wassmer, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20230.

Dated: August 18, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–22726 Filed 8–24–98; 8:45 a.m.]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 USC Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Northeast Region—Gear Identification Requirements.

Agency Form Number(s): None.

OMB Approval Number: None.

Type of Request: New collection.

Burden: 24,518 hours.

Number of Respondents: 3,253 (multiple requirements).

Avg. Hours Per Response: One minute to mark gear.

Needs and Uses: This collection is under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The regulations specify that federal permit holders using specified fishing gear be marked with the vessels official identification number, Federal permit number, tag number, or some other specified form of identification. The regulations further specify how the gear is to be marked (e.g., location and visibility). This information is used for enforcement purposes and for the identification of gear concerning damage loss or civil proceedings.

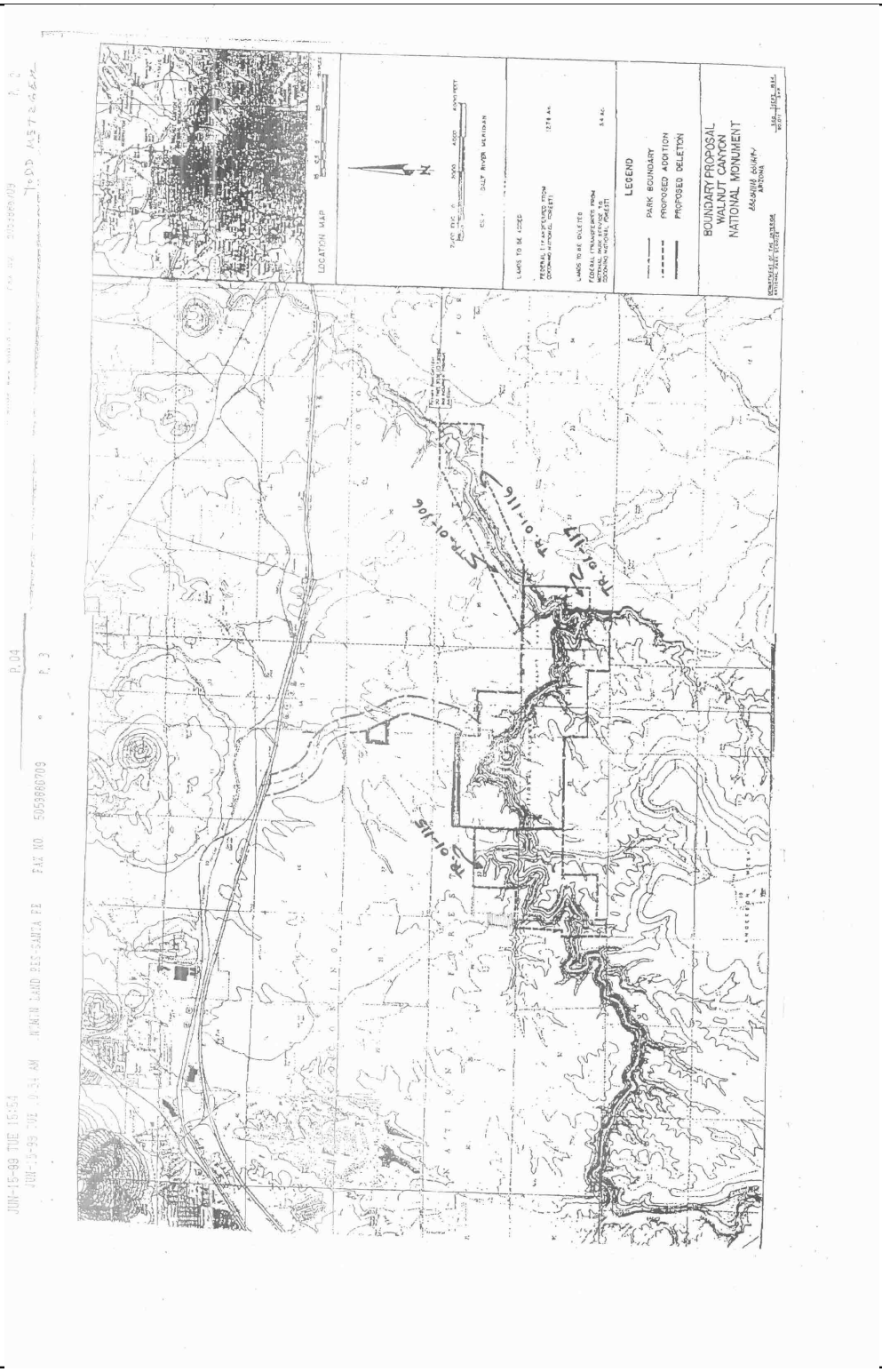
Affected Public: Businesses or other for-profit organization, individuals.

Frequency: Recordkeeping.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce,


LOCATION MAP
LEGEND
PARK BOUNDARY
PROPOSED ADDITION
PROPOSED DELETION
BOUNDARY PROPOSAL
WALNUT CANYON
NATIONAL MONUMENT
LANDS TO BE ADDED
LANDS TO BE DELETED
TR. 01-116
TR. 01-117
TR. 01-906
TR. 01-915

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

United States Department of the Interior

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

IN REPLY REFER TO:

October 13, 1999

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

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

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

Dear Diane:

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

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

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Enclosures (7)

8

RECEIVED
MAY 17 2000
SURFACE WATER MANAGEMENT

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

File No. 39-91444
Date Filed:
WFN

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

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

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

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

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

6. Legal description of the Point of Diversion: (attach additional sheet if required)(see file No.39-91444)
_____ 1/4, _____ 1/4, _____ 1/4, Section _____, Township _____N/S, Range _____E/W

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

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

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

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

File No. 39-91444
Date Filed:
WFN

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

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

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

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

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

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

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

[1] See Instructions for ...

9. Means of Conveyance:

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

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

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

County Coconino

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

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

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

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

C. Storage Right: _____ acre-feet

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

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

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

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

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

(attach additional sheet if required)

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

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

17. Notarized Statement:

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

Charles Pettee

(seal)

Flora B. Romero

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

Notary Public

or

Land History

05-16-1968: memorandum to director from regional director regarding special use permit 14-10-0333-999, black falls trading post

Southwest Region
Santa Fe, New Mexico

L3035-RLR
Knee

MAY 16 1968

Memorandum

To: Director

From: Regional Director

Subject: Special Use Permit 14-10-0333-999, Black Falls Trading Post, Paul E. Knee, Wupatki National Monument

Mr. Lee's memorandum of April 25 enclosed copies of correspondence from Senator Barry Goldwater and Mr. Knee relating to the Black Falls Trading Post, Wupatki National Monument.

The Black Falls Trading Post occupies about 1 acre of land in the SE¼SE¼ of Section 2, T. 25 N., R. 10 E., Wupatki National Monument. It was formerly state land and under the terms of the original state lease the permittee had 90 days to remove the buildings after title to the land passed to the United States.

Soon after we acquired the title to the land because the Navajos desired service, our Service issued a special use permit for the continued occupancy of the land and trading post and there has been a succession of permittees over the years until Mr. Knee acquired interest in the trading post from Mr. Edward J. Bergman on or about January 1, 1957.

The first permit issued by this Service to Mr. Knee was in January, 1957, and covered a two-year period. This permit, which expired December 31, 1959, had no restrictions.

In July-September 1959, Superintendent Mahan began receiving complaints from local Navajos regarding the treatment they received at the trading post from Mr. Knee. There was alleged misplacement of Indian pawn which was not satisfactorily explained but our files indicate that no formal complaints against Mr. Knee were registered with either representatives of the Navajo Tribe or the Bureau of Indian Affairs until August 18, 1960, when Eugene Hinds, Supervisory Soil Conservationist, Leupp, Arizona advised the Superintendent, Tuba City Sub-agency, of alleged dissatisfaction. At that time several persons also registered complaints with Mr. Paul Jones, Chairman of the Navajo Tribed, Window Rock.

02-16-1965: memorandum to assistant to the secretary from acting assistant director regarding operation of black falls trading pos

W Copy
Encl
2/18

13035-SLW

FEB 16 1965

Memorandum

To: Assistant to the Secretary Orren Beaty, Jr.

From: ACTING ASSISTANT DIRECTOR

Subject: Operation of Black Falls Trading Post, Wupatki National Monument

This is in response to your communication of February 8 relating to Mr. Paul Knee's operation of the Black Falls Trading Post, Wupatki National Monument, Arizona.

Mr. Knee acquired his interest in the trading post in January 1957, and a special use permit to operate the facility was issued by the Service. As is the case with all permits issued by the National Park Service, the permit under which Mr. Knee has operated the trading post in the past conferred operating privileges only and vested no property interest in the land or improvements in the permittee. The permit provided that the permittee could remove any improvements owned by him within 90 days after termination of the permit; otherwise they would become the property of the United States.

Prior to Mr. Knee's operation of the facility in 1957 there is no record or recollection of any dissension or difficulty with neighboring Navajos or National Park Service officials in relation to the operation of the post. However, Paul Knee has been a source of dissension and discredit to this Service from the outset of his operation and management of the post because of his abusive behavior with the Navajos, poor upkeep of the premises, and frequent drunkenness. The sale of alcoholic beverages has never been allowed at the post, and our field people advise that Mr. Knee has sold it under the counter to the Indians. Unfortunately, that is a point which we cannot prove. Because of these difficulties Mr. Knee's permit was renewed in March 1960 with a restriction against the sale of alcoholic beverages. This permit expired on December 31, 1962, and Mr. Knee has made no effort to remove improvements, although notice to do so was given him. The post has not been operating since that time and is in a shambles. Since that time Mr. Knee has with regularity communicated with the Department and Members of Congress to have the intoxicating beverage restriction removed from the permit

before he will accept a renewal of it. We have refused to allow such sale as in the best interest of our administration of the National Monument and in concurrence with the wishes of the Navajo officials, as alcoholic beverages are not sold on the reservation a mile away.

The road leading to the trading post is a sparsely used, minimum type, graded natural material road. When visitors and Indians use the road it is necessary to maintain it by running a grader over it about four times a year. As in the past, the road presently is used primarily by the Navajos to cross the Little Colorado River to reach Highway 89 in the western part of the Monument. Mr. Dubois is quite right in stating that the road should be maintained for the convenience of the Navajos. This is precisely what we are doing now and plan to continue doing as the Service enjoys a very fine relationship with the Indians.

There are few ruins in the trading post area to attract visitors, and since prime ruins are located on better and more easily accessible roads elsewhere in the Monument, visitor demand for the use of the road is little and would be virtually nonexistent if the post were not there.

If visitor use of the road can be completely terminated and its use more or less restricted to Indians only, there would be less need for repair, and maintenance would amount to about two gradings a year instead of four.

The operation of the trading post is marginal at best, and profits cannot be realized without the sale of intoxicating beverages. No benefit derives from the continued operation of the trading post, and we believe its existence only serves as an affront to the integrity of the National Park Service. In the circumstances, we feel that we must maintain our position that the best interest of the United States and the visiting public would be served by the demolition of the Black Falls Trading Post. Mr. Knee's former attorney, Mr. Pomeroy, was so advised in this Department's letter of December 8, 1964.

The enclosures accompanying your note are returned.

(sgd) Thomas F. Flynn

Enclosures

cc: L M.
Regional Director, Southwest (2)
Land and Water Rights
Mr. Cover, Land and Water Rights
Mr. Reed

RGCover:HKS:ljc 2-12-65

10-22-1964: memorandum to superintendent, wupatki from regional director regarding data of establishment, black falls trading po

[redacted]

Southwest Region
Santa Fe, New Mexico
OCT 22 1964

L3035
Black Falls

Memorandum October 7, 1964

To: Superintendent, Wupatki

From: Regional Director

Subject: Data of Establishment, Black Falls Trading Post, Wupatki

Under separate cover we have mailed you a copy of my memorandum of October 22 transmitting a joint report on the Black Falls Trading Post prepared by Messrs. Kell and Williams of this office.

We have enclosed a copy of a letter of October 16 and a note of October 19 from Ned Benson relating to the establishment of Black Falls Trading Post. Our best evidence thus far indicates the trading post was established in 1940 or 1941 although Benson's note of October 19 suggests the trading post was built around 1938.

Mr. Pomeroy's letter of September 16 to Assistant Secretary Carver, second page, paragraph 1, says, "This building was originally built on Arizona State land and did not become a part of the National Monument until years after it was first built." It is imperative that we pin down, if possible, the month and year the trading post was built. As long as Emmett Kellam is near you at Cameron, we think you should immediately obtain the requested statement from Mr. Kellam so that we can make a proper reply to Mr. Pomeroy.

The area including the trading post was added to Wupatki National Monument by Proclamation No. 2245 of July 9, 1937. The state exchange as you know, was acquired by deed of December 18, 1948 and accepted May 9, 1949. The requested statement from Mr. Kellam should establish the date the trading post was built.

(SIGNED)

Daniel B. Beard

cc: Director (2) w/o enc. ✓

09-29-1964: memorandum to regional director, southwest region from superintendent, wupatki - sunset crater regarding black falls

COPY

Wupatki National Monument
Tuba Star Route
Flagstaff, Arizona 86001

L3035
Black Falls

September 29, 1964

Memorandum

To: Regional Director, Southwest Region

From: Superintendent, Wupatki-Sunset Crater

Subject: Black Falls Trading Post

Attached hereto is a list of items gleaned from old Monthly Narrative Reports by Archeologist Morris, many of which have a bearing on the establishment and operation of the Black Falls Trading Post.

This should answer some of the questions posed in Mr. Miller's memorandums of September 25th to the State Land Commissioner and the Bureau of Land Management.

Mr. Emmett Kellam, original operator of the Post is still in the country and we will try to contact him within the next week to supplement this information.

(SIGNED)

Russell L. Mahan

In duplicate

Enclosure

COPY

Mention of Black Falls in connection with filming of Navajoes

COPY

Following is a synopsis of material relating to Black Falls Trading Post found in Monthly Narrative Report from June, 1936 through December, 1955.

June 23, 1936 - About Navahoes

"Several Soil Conservation men have tole (sic) us that the Indians in Wupatki Basin are as primitive as any on the reservation. This is probably due to three things. . . (2) The great distance from the nearest trading store (40 miles);"

May 24, 1940

First mention of the Black Falls Irrigation Project

June 25, 1940

"The Navajo Service engineering crew completed their survey of the Black Falls dam site on the 18th. This project will not effect any of the lands within the Monument, but it has been suggested that our boundary along the Little Colorado be fenced to prevent Navajo sheep from straying across the river to this area.

July 24, 1940

Further mention of the Black Falls Irrigation Project

August 26, 1940

Further mention of the Black Falls Irrigation Project

September 25, 1940

Further mention of the Black Falls Irrigation Project

November 24, 1940

Further mention of the Black Falls Irrigation Project

April 24, 1941 - Administrative

"A trading post is being built on state owned lands within the boundaries near the Little Colorado river. Emmett Hallum, formerly with the Indian Service, is the owner and plans to do business with the Navajos employed on the Black Falls Irrigation Project. A camp for the Navajo has been established on the other side of the river and at present the irrigation ditches are being excavated."

COPY

August 28, 1941

Mention of Black Falls in connection with riding of Navajoes

November 25, 1941 - General

"Emmett Kellum, who owns the trading post on the monument near Black Falls, has purchased the one established by the Taylors on the reservation side of the Little Colorado. He is now running both of them to see which is the best business location. My guess is that he will maintain the one on the monument.

February 22, 1942

Further mention of the Black Falls Irrigation Project

June 25, 1942 - Black Falls Irrigation Project

"The floodwater irrigation project is being abondoned (sic) for the present due to the fact that additional CCC-ID funds are not available. The diversion dam is completed and the greater portion of the canal has been dug and a few headgates installed. However, there are no laterals and unless the individual Navajos want to dig their own laterals the area cannot be used for farming. Indian trader Kellum is somewhat concerned, as the families which would have furnished him a good business cannot settle along the river until the project is completed."

August 23, 1942 - Water System

Mentions work of E. Kellum in fixing Keiser Spring

December 24, 1942 - Nature Notes

English Sparrows found at Black Falls Trading Post.

April, 1943 - Weather

Rattlesnakes found at Black Falls Trading Post

April, 1943 - Proposed Projects

Re organization of a Navajo fire crew: "Emmett Kellum (sic) the trader at Black Falls has assured me full cooperation along the line, both in acting as interpreter and in taking active part in the program."

September, 1943 - Activities

Stock check and calf branding held at Black Falls

COPY

August 26, 1946 - Special Activities

"As a result of the Exchange of State land during the war, the Black Falls Trading Post was included on Monument lands. The problem of obtaining a lease from the NPS was investigated and at the Kellam's request inquiry was made regarding development of water. Permission to graxe (sic) sheep which they purchase from the Navajos and hold for transportation was refused."

December 27, 1947 - Christmas Party

"Primary sponsors were the Kellams of the Black Falls Trading Post..."

April 28, 1948 - Spring Development

Mention again of Emmett Kellam's work on Heiser Spring

August 25, 1949 - Navajoes

"Clyde Peshlacai has been taking care of the sheep purchased by Trader Emmett Kellam on lands to the south of us."

August 25, 1950 - Grazing

Annual Stock count occurred at Black Falls Trading Post

August, 1951 - Miscellaneous

"The trading post at Black Falls has been closed the latter part of the month while Mr. Kellam has been on a vacation in California."

October 28, 1951 - Inspections

Re visit of Mr. Baird, Bureau of Reclamation, and studies for proposed Coconino Dam: "He also visited Black Falls trading post to appraise the property as the water may back up around the vicinity of the post."

November 26, 1952 - Maintencance and General Work

" A new sign was made and installed indicating the road down to the Blackfalls Trading Post."

December 26, 1953 - Special Activities

"Trader Herb Huchreedy played host to the local Navajo families at a Christmas party held at the Black Falls trading Post December 20th.

COPY

Page four - Monthly Narrative Reports concerning Black Falls Trading Post.

October 27, 1954 - General

"The Black Falls Trading Post, on the Monument near the Little Colorado River, was recently put up for sale and may now have been sold. Mr. Edward J. Bergman of Flagstaff was in this morning to see about a Special Use Permit for its operation."

November 26, 1954 - Miscellaneous

"Special Use Permit No. 14-10-340-27, issued to Mr. Edward J. Bergman, for the operation of the Black Falls Trading post on Monument lands was received and all necessary action consumated during the month."

March 25, 1955 - Concessioner (Special Use Permittee)

"Mr. Edward Bergman, Black Falls Trading Post, requested permission to enlarge his store and submitted a rough plan of his proposed development. His request was forwarded to Globe, and permission received."

December 27, 1955 - Concessioner

"The Special Use permit, issued to Mr. Edward Bergman, for the operation of the Black Falls Trading Post, was renewed for three years, and fee received for the 1956 calendar year."

COPY

07-13-1964: letter regarding special use permit no. 14-10-0333-1116

L3035

Southwest Region
Santa Fe, New Mexico

AUG 27 1964

Sands Pic. file

REGISTERED MAIL
RETURN RECEIPT REQUESTED

JUL 13 1964

Mr. Tom Hagan
P.O. Box 5
Flagstaff, Arizona

Dear Mr. Hagan:

On July 29, 1963 our office issued Special Use Permit No. 14-10-0333-1116 covering approximately one acre of land in the SE¼SE¼ of Section 2, T. 25 N., R. 10 E., Wupatki National Monument, for the purpose of operating the Black Falls Trading Post which you purchased from Mr. Paul Knee in 1963. This permit expired December 31, 1963 and has not been renewed.

We have enclosed a copy of a letter dated August 21, 1964 addressed to Mr. Knee. Since the trading post has not been in operation for more than a year and since your permit expired December 31, 1963 we must consider that the trading post has been abandoned and steps will be taken to dispose of the improvements on the land in accordance with Special Condition No. 7 of the permit.

You will be granted a period of thirty (30) days from the date of receipt of this letter to remove any personal property you may have at the Black Falls Trading Post. If the personal property is not removed within a thirty (30) day period any personal property remaining on the premises will be considered abandoned. Title 36 CFR 1.24 prohibits the abandonment of any personal property in any park or monument.

Sincerely,

SIGNED

George V. Miller
Acting Regional Director

cc: Superintendent, Wupatki
Director (2) ✓

ENLARGING THE WUPATKI NATIONAL MONUMENT—ARIZONA

DEED 1
19,882.37 ACRES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION NO. 2243

WHEREAS certain land contiguous to the Wupatki National Monument, established by Proclamation of December 9, 1924 (43 Stat. 1977), have situated thereon prehistoric and archaeological ruins of historic and scientific interest; and

WHEREAS there are other lands contiguous to the said Monument which are necessary for the proper care, management, and protection of the prehistoric ruins situated on the lands now included in the aforesaid Monument and on the additional lands above referred to; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the Wupatki National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U.S.C., title 16, sec. 431), do proclaim that, subject to the withdrawal made by order of the Secretary of the Interior of July 9, 1934, in aid of the consolidations authorized by the act of June 14, 1934, ch. 521, 48 Stat. 960, and subject to all valid existing rights, the following-described lands in Arizona are hereby reserved and added to and made a part of the Wupatki National Monument:

WUPATKI N.M. D. 1

Gila and Salt River Meridian

T. 25 N., R. 8 E., sec. 1, E½ and SE¼;
secs. 2 and 11;
sec. 12, E½ and SE¼;
secs. 13 and 14;
All those parts of secs. 3, 10 and 15 lying east of the east line of the right of way of U. S. Highway No. 89;
T. 25 N., R. 9 E., secs. 1 to 4, inclusive;
sec. 5, E½;
sec. 7, E½;
secs. 8 to 18, inclusive;
T. 26 N., R. 9 E., sec. 32, E½;
T. 25 N., R. 10 E., sec. 1, lots 1 to 4, inclusive, E½ SW¼ and SE¼ SE¼;
sec. 2, lots 1 to 5, inclusive, S½NE¼ and S½;
secs. 3 to 12, and 14 to 22, inclusive;
secs. 28 and 29;
sec. 30, S½;
secs. 31 and 32;
T. 26 N., R. 10 E., sec. 16, SE¼;
sec. 17, SE¼;
sec. 20;
sec. 21, NE¼;
secs. 29 and 32, containing 33,631.20 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the Monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 9th day of July in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United States of America the one hundred and sixty-second.

Franklin D Roosevelt

By the President,

Cordell Hull

The Secretary of State.

00-00-0000: note about the source of document and its docket number

Gordon – Know anything about this?

Probably is a brand new source but Region seems to have everything well in hand. Will need a new docket when rights are filed – You might start a temp. docket?

EWR

Talked to Mike Maule Interesting story but no NSR problem

07-15-1963: memorandum to superintendent from acting regional director regarding black falls trading post operations

445-8-15-63
WR Copy
~~Four~~
~~Gen~~

Southwest Region
Santa Fe, New Mexico

L54
WUPA

JUL 15 1963

Memorandum

To: Superintendent, Wupatki

From: Acting Regional Director

Subject: Black Falls Trading Post Operations

Reference your memorandum of June 27 on the same subject.

In any negotiations concerning water rights in Arizona we should remember that the law of prior appropriation always applies. There are certain stipulations in Chapter 75, Article I, Arizona Code Annotated, dated 1939 which applies to application and perfection of water rights. The gist of these is that the water belongs to the public and is subject to appropriation and beneficial use by anyone who follows correct filing procedures. As of this time, because we have not filed on nor used the water in question, we do not now have a valid water right.

In your discussion with Mr. Hagan we think it advisable to call his attention to items 7 and 8 of the permit. We suggest in addition the following stipulation in the Special Use Permit: "The Permittee will be allowed to utilize a water source within the boundaries of Wupatki National Monument. The water right will be filed by the United States of America and nothing herein shall be construed to grant any right, title or interest in said water right to the permittee. Plans of the installation including pump, supply line and storage tanks will be approved by the National Park Service prior to the construction. Any structures and improvements placed upon any lands within the Monument for the purpose of transporting the water described above to the premises shall be subject to the right of the permittee to move the structures and improvements as set forth in condition No. 7 in this permit. Nothing herein constitutes a waiver of any right to any source of water which the United States of America may have." You should then caution Mr. Hagen that the water system cannot be constructed until approval of our right is received from the State Land Commission.

We feel that if this statement is incorporated in the Special Use Permit, the needs of Mr. Hagen will be satisfied and our rights to the water will be protected. As soon as possible this office will make the necessary filings to the State Land Commissioner so that the water right will be in the name of the United States of America and any beneficial use therefrom will be to our advantage.

If we can be of future assistance in this matter do not hesitate to call.

(SIGNED)

George W. Miller

cc: Director (2)

04-26-1958: memorandum to regional director, region three from acting chief of land planning regarding acquisition of land in wup

W 6

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

In reply refer to:
L2219 WUPA

APR 26 1958

Memorandum

To: Regional Director, Region Three

From: Acting Chief of Land Planning

Subject: Acquisition of land in Wupatki National Monument

There are attached three copies of form NPS-L-1 relating to an acquisition of land in Wupatki National Monument.

This land, 7,289.34 acres, was acquired in part by exchange under Section 8 of the Taylor Grazing Act and in part by Bureau of Land Management Clear Lists. Copies of the deed and various Clear Lists have been placed in the National Park Service files, and have been designated as Wupatki National Monument, Deed No. 5.

Will you please have entered upon the three copies of the form the estimated value, the physical characteristics, the improvements on the land at the time of acquisition, existing reservations, easements or rights, if any, and return the original to this Office.

(SGD) CHARLES A. RICHEY

Charles A. Richey
Acting Chief of Land Planning

Attachments 3

Copy to: Land Planning

JMSiler:lt

04-00-1950: land ownership record: deed no. 5

NATIONAL PARK SERVICE

LAND OWNERSHIP RECORD

State Arizona Tract No. ———

County Coconino Deed No. 5

Civil Subdivision ——— Area 7,289.34 acres Wupatki National Monument (Name of Park or Area)

Area based on survey of GLO Date 1903, 1911, 1911 Scattered (Section of Park or Area)

Legal Description: Gila and Salt River Meridian
T. 25 N., R. 8 E.
Sec. 2
Sec. 3, that portion lying east of U. S. Highway No. 89
Sec.10, that portion lying east of U. S. Highway No. 89
Sec.11
Sec.14
Sec.15, S½ SE¼ and those portions of N½ N½ and NE¼ SW¼ lying east of U. S. Highway No. 89
(continued on back of sheet)

Method of Acquisition: Exchange Appropriation or Source of funds: ———

Cost per acre or Estimated value: $0.75 per acre (assessed value of similar non-irrigated land in Coconino County)

Acquired from: State of Arizona by deed of December 18, 1948. Recorded in Deed Book 8, page 438, and by BLM Clear Lists Nos. 3, 222, 223, 226 and 227

Accepted by ( ) Opinion of Att'y. Gen.-title in U. S. ( ) date: May 9, 1949
Associate Director, BLM

Physical Characteristics: T.25N.,R.8E.,Sec.2(in part), Sec. 10, Sec. 32 (in part) and T.26N., R.8E.,Sec.32 suitable for cattle grazing. Balance is grassland with brush, low rolling hills, grazed by Navajo sheep.

Improvements on Land at time of Acquisition: T.25N.,R.10E.,Sec. 2(in part), Emmett Keller's Trading Post. Frame residence and stucco trading post, miscellaneous buildings and sheds. Total assessed valuation, Coconino County, $1241.00.

Existing or outstanding special use permits, reservations, rights, or rights of way: T.25N.,R.10E.,Sec. 2(in part), Sec. 10, Sec. 32 (in part) & T.26N.,R10E.,Sec.32 grazed by Navajo sheep without permit. Balance grazed by O'Sheel Westerco. under permit 1-33agr-14. T.25N., R.8E.,Sec.2(in part), Emmett Keller Trading Post. No other reservations known.

Report Based on: Copies of deed and various Clear Lists

Prepared by: James M. Siler (in part) date: April 1950

Map References: ———

Remarks: See Ratcliff's memo L3019 WUPA dated Oct.,7,'54 quoting Demaray's memo of December 10, 1937 that says Navajo's can continue to live in the Monument.

JEK 10/18/'54

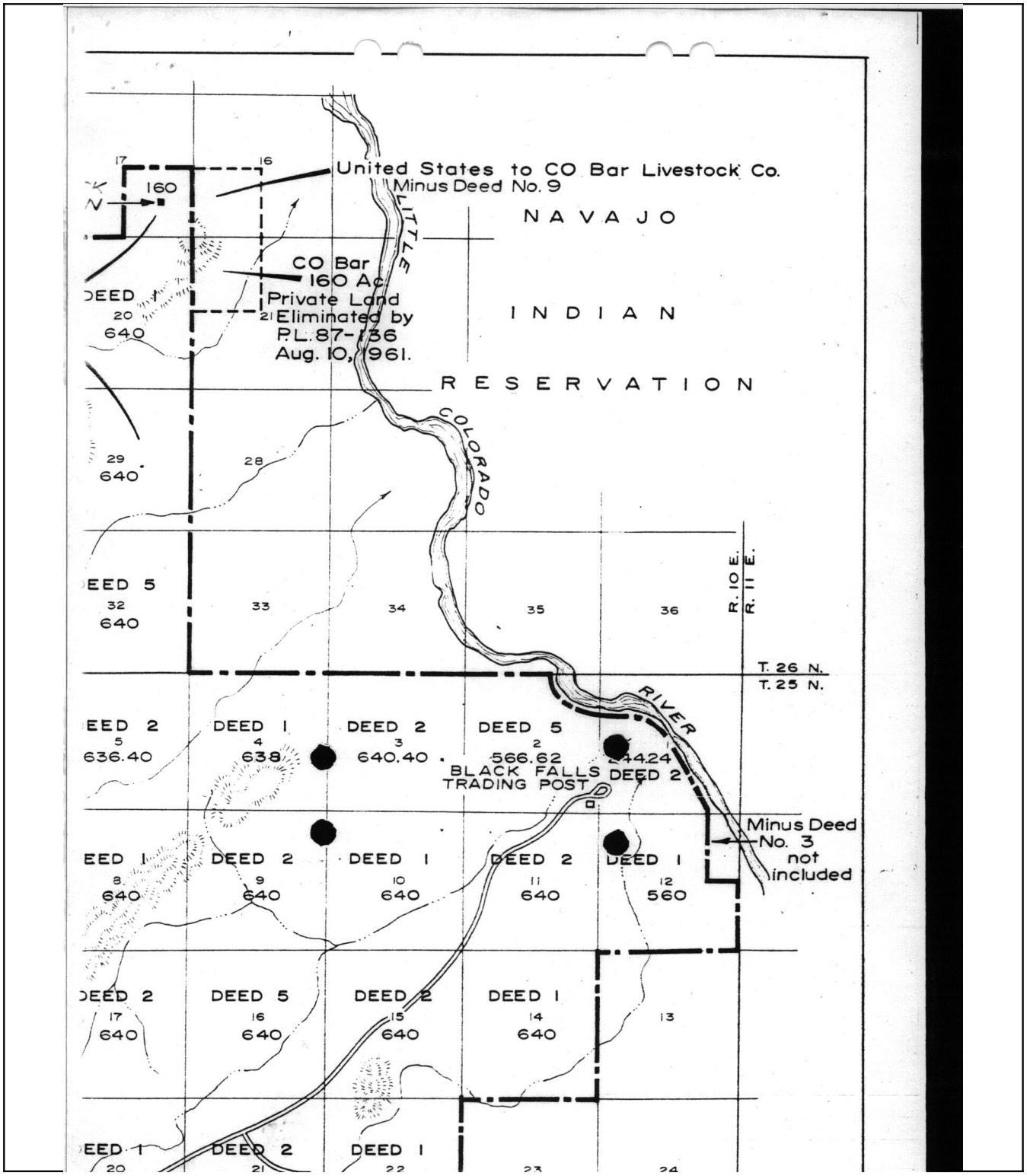
T. 25 N., R. 9 E.
Sec. 2
Sec. 16

T. 25 N., R. 10 E.
Sec. 2, Lots 1, 2, 3, 4 and 5, SE¼, S½ NW¼ and SW¼
Sec. 16
Sec. 32, E½, N½ NW¼, and E½ SW¼

T. 26 N., R. 9 E.
Sec. 32

T. 26 N., R. 10 E.
Sec. 32

04-00-1950: map showing location of deeds no. 1,2,5



Form NPS-L-2

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Sheet No. 1

SUMMARY SHEET OF LAND ACQUIRED

Wupatki National Monument
Name of Park or Area

Coconino
County

Arizona
State

Deed No.	Tract No.	Acres Acquired by: Transfer	Donation	Exchange	Purchase	Total	Purchase Price	Date Acquired	Funds	Rights Reserved yes or no
1		20,008.37				20,008.37		12/9/24		yes
2			7,275.32			7,275.32		7/24/37		yes
(Minus) 3		- 52.27				-52.27		1/22/41		
4					160.00	160.00	$5,000	1/5/50	Water Rts	no
5				7,289.34		7,289.34		5/9/49		yr

25749

LANDS

Form 10-114
(Rev. Oct. 1958)

This permit consists of 3 pages

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

PERMIT NO.	EXPIRES
14-10-0333-884	12/31/63

PREVIOUS PERMIT NO.
14-10-0333-589

SPECIAL USE PERMIT

Ira F. Kelley and (Area)

of Phoenix, Arizona, is hereby authorized

during the period from May 15, 19 62, to December 31, 19 63,

to use the following-described land in the above-named area:

A tract of land approximately one acre in size located in the SE¼SE¼ of Section 2, T. 25 N., R. 10 E., Gila and Salt River Meridian Wupatki National Monument. This is the same area known as the Black Point Trading Post.

for the purpose of operating a trading post primarily to serve the Navajo Indians and the use of the area for the incidental purchasing of livestock from the Navajo Indians

subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of Twenty-Five Dollars ($ 25.00), in advance (Monthly, semiannually, etc.), or as follows: $25.00 upon execution of permit for the balance of the 1962 calendar year; $25.00 on January 1, 1963.

Payment to be made on basis of year or fraction thereof for which permit will be granted.

payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to the National Park Service, or Cash.

Issued at Flagstaff, Arizona (City), this 2nd day of May, 19 62.

Superintendent.

Russell L. Dunaban

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

TWO WITNESSES TO SIGNATURES	PERMITTEE (SIGNATURE)
NAME	NAME
ADDRESS	ADDRESS Ira F. Kelley, Partner
NAME	NAME Roy Schubert, Partner
ADDRESS	ADDRESS 3646 W. Coolidge, Phoenix, Arizona

APPROVED: (If approval is required by higher authority)

NAME	TITLE	DATE
CONDITIONS OF THIS PERMIT		

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

(This copy for Final Opinions and Orders File of Park)

CONDITIONS OF THIS PERMIT

1. **Regulations.**—The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with the regulations of the Secretary of the Interior, or other authorized officer of the Government, governing the area.

2. **Definition.**—The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director.

3. **Rights of the Director.**—Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing. If it is necessary to exercise such right, every effort will be made by the National Park Service to refrain from unduly interfering or preventing use of the land by the permittee for the purpose intended under this permit.

4. **Nondiscrimination.**—If use of the land covered by the permit will involve the employment by the permittee of a person or persons, the permittee agrees to observe the following nondiscrimination provisions in connection with the use to which the lands covered by this permit may be devoted:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The contractor further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials. (Executive Order 10557, September 3, 1954.)

5. **Damages.**—The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.

6. **Construction.**—No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

7. **Removal of structures and improvements.**—Upon the expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove all such structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

8. **Water Rights.**—The United States reserves the rights to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

9. **Disposal of refuse.**—The permittee shall dispose of brush and other refuse as required by the Superintendent.

10. **Timber cutting.**—No timber may be cut or destroyed without first obtaining a permit therefor from the Director, National Park Service.

11. **Fire prevention and suppression.**—The permittee and his employees shall take all reasonable precautions to prevent forest, brush, grass, and structural fires and also shall assist the Superintendent in extinguishing such fires in the vicinity of any tract which may be used hereunder.

12. **Soil erosion.**—The permittee shall take adequate measures, as directed and approved by the Superintendent to restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

13. **Benefit.**—Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided however*, That nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

14. **Assignment.**—This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

15. **Revocation.**—This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

PERMIT NO.	EXPIRES

PAGE 2

SPECIAL USE PERMIT

U. S. GOVERNMENT PRINTING OFFICE: 1956 16—35968-5

00-00-0000: special use permit: permit no. 14-10-0333-884 - cancelled

Form 10-275
(Rev. 5/61)

U. S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SUPPLEMENTAL GENERAL PROVISIONS (Contracts)

The following provisions supersede Section 18 of Standard Form 32 "NON-DISCRIMINATION IN EMPLOYMENT". "In connection with the performance of work under this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's non-compliance with the non-discrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(7) The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for non-compliance; PROVIDED, HOWEVER, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

Permit No. 14-10-0333-884

XXX 2-A

Ira P. Kelley, Partner
215 West Vista, Phoenix, Ariz.
and
Roy Schubert, Partner
3646 West Coolidge, Phoenix, Ariz

The following provision is substituted for paragraphs 3 and 4 of the Terms and Conditions on the back of the October 1957 editions of Standard Form 33:

LATE BIDS AND MODIFICATIONS OR WITHDRAWALS

"Bids and modifications or withdrawals thereof received at the office designated in the invitation for bids after the exact time set for opening of bids will not be considered unless they are received before award and (a) submitted by mail (or by telegraph, if authorized) and (b) it is determined by the Government that late receipt was due solely to either (1) delay in the mails (or by the telegraph company, if telegraphic bids are authorized) for which the bidder was not responsible, or (2) mishandling by Government after receipt at the Government installation. However, a modification which is received from an otherwise successful bidder and which makes the terms of the bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted."

FEDERAL, STATE, AND LOCAL TAXES

(a) As used throughout this clause, the term "tax inclusive date" means the date of negotiated contracts and the date set for the opening of bids for contracts entered into through formal advertising. As to additional supplies or services procured by modification to this contract, the term"tax inclusive date" means the date of such modification.

(b) Except as may be otherwise provided in this contract, the contract price includes all Federal, State, and local taxas and duties in effect and applicable to this contract on the tax inclusive date, except taxes from which the Government, the Contractor, or the transactions or property covered by this contract are then exempt. Unless specifically excluded, duties are included in the contract price.

(c) (1) If the Contractor is required to pay or bear the burden (i) of any tax or duty, which either was not to be included in the contract price pursuant to the requirements of paragraph (b), or was specifically excluded from the contract price by a provision of this contract; or (ii) of an increase in rate of any tax or duty, whether or not such tax or duty was excluded from the contract price; or of any interest or penalty thereon, the contract price shall be correspondingly increased: PROVIDED, That the Contractor warrants in writing that no amount for such tax, duty or rate increase was included in the contract price as a contingency reserve or otherwise: AND PROVIDED FURTHER, That liability for such tax, duty, rate increase, interest, or penalty was not incurred through the fault or negligence of the Contractor or its failure to follow instructions of the Contracting Officer.

(2) If the Contractor is not required to pay or bear the burden, or obtains a refund or drawback, in whole or in part, of any tax, duty, interest, or penalty which (i) was to be included in the contract price pursuant to the requirements of paragraph (b), (ii) was included in the contract price, or (iii) was the basis of an increase in the contract price, the contract price shall be correspondingly decreased or the amount of such relief, refund, or drawback shall be paid to the Government, as directed by the Contracting Officer. The contract price also shall be correspondingly decreased if the Contractor through its fault or negligence or its failure to follow instructions of the Contracting Officer, is required to pay or bear the burden, or does not obtain a refund or drawback of any such tax, duty, interest, or penalty. Interest paid or credited to the Contractor incident to a refund of taxes shall inure to the benefit of the Government to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government for such taxes.

(3) Invoices or vouchers covering any adjustment of the contract price pursuant to this paragraph (c) shall set forth the amount thereof as a separate item and shall identify the particular tax involved.

00-00-0000: supplemental general provisions. permit no. 14-10-0333-884 page 2 cont.

Form 10-124a
(Dec. 1956)

ED STATES DEPARTMENT OF THE INTEF
NATIONAL PARK SERVICE

SPECIAL USE PERMIT CONTINUATION SHEET

AREA	PERMIT NO.	PAGE NO.
WUPATKI NATIONAL MONUMENT	14-10-0333-884	3

16. Trade in annuities or gratuities prohibited. Traders are forbidden to buy, trade for, or have in their possession any annuity or other goods of any description which have been purchased or furnished by the Government for the use or welfare of the Indians.

17. The sale of tobacco to any Indian under 18 years of age is prohibited.

18. The sale or furnishing of any alcoholic beverage to the Indians will be cause for revocation of this permit.

19. The traders will not keep for sale, or sell, give away or use any opium, chloral, cocaine, peyote or mescal bean, hashish or Indian hemp or marihuana, or any compound containing either ingredient, and for violation hereof the traders' permit shall be revoked.

20. Gambling, by dice, cards or in anyway whatever, is strictly prohibited.

21. Credit given Indians will be at the traders' own risk, and no assistance will be given by the Government in the collection of debts against Indians.

22. The traders must not pay Indians in tokens, tickets, store orders, or anything else of that character. Payment must be made in money, or in credit if the Indian is indebted to the traders.

23. The traders shall not deal in objects of antiquity removed from any historic or prehistoric ruin or monument on land owned or controlled by the Government.

24. Any livestock purchased from the Indians will be kept in the existing corral on the premises until removed to market.

25. This permit does not authorize the construction of any new corrals or holding pens on the area covered by this permit.

26. No grazing is authorized on monument lands.

27. This permit expires December 31, 1963. At that time, provided the operation has been conducted in a satisfactory manner, a new permit for an additional period of two years will be considered.

Ira F. Kelley, 215 West Vista
Phoenix
and
Roy Schubert, 3646 W. Coolidge
Phoenix, Arizona Partners

U. S. GOVERNMENT PRINTING OFFICE 16—78101-1

THE HYDROGEOLOGY OF SUNSET CRATER AND WUPATKI NATIONAL MONUMENTS, COCONINO COUNTY, ARIZONA

WUPATKI NATIONAL MONUMENT
CLASSIFICATION
ACCESSION NO. 999
LIBRARY

A Thesis

Presented to

the Faculty of the Graduate School

Northern Arizona University

In Partial Fulfillment

of the Requirements for the Degree

Master of Science

by

Paul K. Christensen

February, 1982

Chapter 6

GROUNDWATER NEAR THE LITTLE COLORADO RIVER

Groundwater occurs in the alluvium, volcanics and Moenkopi Formation along the course of the Little Colorado River at the eastern boundary of Wupatki National Monument. At present, the groundwater in the area is not exploited.

Geology

Five geologic units occur along the river: alluvium, a basalt flow of Merriam-age, gravel terraces, Chinle Formation and Moenkopi Formation. Alluvium occurs in both the lower portions of Deadman and Kana'a Washes as well as along the course of the river. Alluvium in the upper portion of Deadman Wash has been dissected in places down to the Moenkopi sandstones and is no more than 15 feet thick. The alluvium consists of reddish-brown pebbly sand, sand, silt and clay. Basaltic pyroclastics are common. The depth of the dissection decreased downstream to a dashed line drawn in Figure 18 in the NE¼ of section 11. Aggradation occurs beyond the line towards the Little Colorado River.

Along the course of the Little Colorado River near the mouth of the Little Colorado River, the river has cut through about 15 feet of alluvium. The alluvium there consists of light brown pebbly sand and sand. Deadman Wash has no defined course near the river. Sediment is dropped before reaching the river. The alluvium near the river in Deadman Wash is covered by a thin veneer of windblown sand. Two small outcrops of Moenkopi on the east side of the river channel, across the

02-00-1982: hydrogeology of the sunset crater and wupatki national monuments, page 3cont

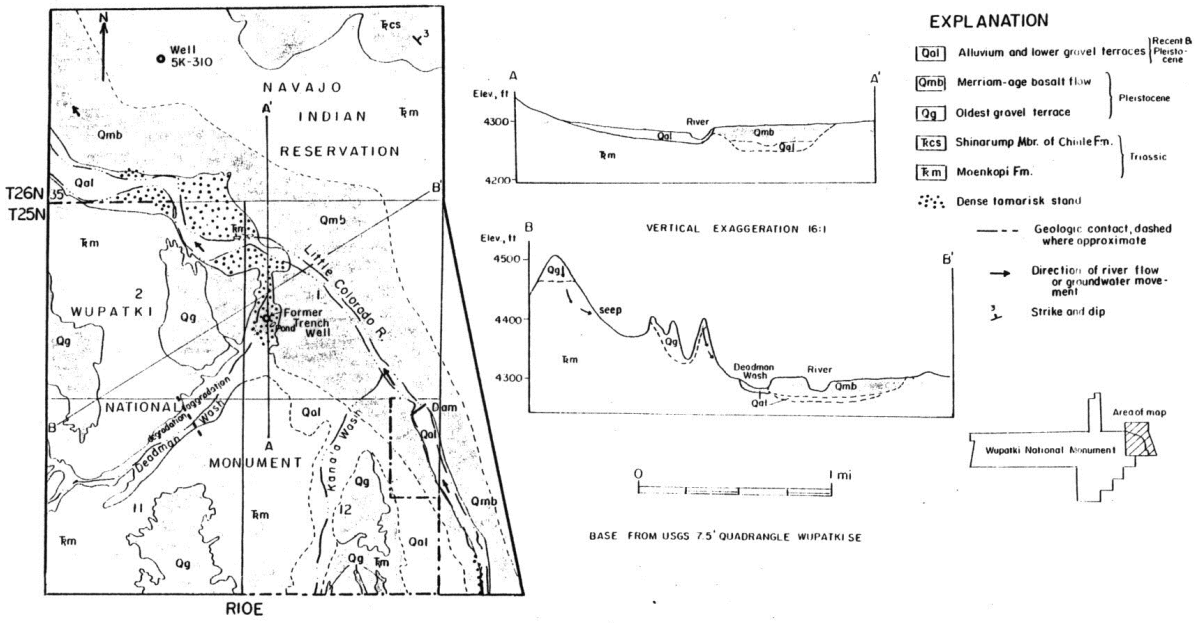


Figure 18. Geology of the Eastern End of Wupatki National Monument.

mouth of Deadman Wash, suggest that the alluvium deposited after the basalt flow is less than 25 to 30 feet thick.

Basalt of Merriam-age flowed down an older channel of the river, possibly covering alluvium in the channel. The flow is over 20 feet thick. The river has eroded a new channel around and on the flow. A discontinuous veneer of eolian and fluvial silt and sand covers the flow.

Quaternary gravel deposits (terraces) occur at three levels. The highest terrace lies approximately 100 to 150 feet above the river and caps mesas along the river. The terrace is perhaps more than 50 feet thick in places and consists of pebbly sands and gravels. The top of these terraces are often characterized by desert pavement. The higher gravels are composed of a variety of rock types including petrified wood. The two younger terraces are located at elevations between 10 to 20 feet, and 40 to 50 feet above the river. The terraces are poorly exposed, spotty and often covered by slopewash, making contacts hard to distinguish. In Deadman Wash the higher of the two terraces occurs in small scattered remnants. The terraces are mapped as alluvium near the river, and are composed of sand and gravel. These gravels are dominated by Kaibab Formation and basaltic rocks.

The Shinarump Member of the Chinle Formation is exposed east of the river. The Moenkopi Formation is exposed over most of the area. All three members of the formation are present.

Groundwater Hydrology

During the construction of a portion of the Sunset-Crater-Wupatki Loop Road in 1963, the contractor dug a narrow trench well (A-25-10)1cb 10 to 12 feet deep and 145 feet long in the alluvium in Deadman Wash.

Water was pumped from the trench into a pond. Between 30,000 and 40,000 gallons of water were removed from the trench each working day for a month, giving a total use of less than 4 A-ft.

Tamarisks have overrun the area near the mouth of Deadman Wash and other areas near the river (Figure 18). The phreatophytes denote the presence of water near the surface. The tamarisks were not observed growing along the river in the basalt, but in alluvium. The dense stands mapped require groundwater to be within about 20 feet of the surface (Horton and Campbell, 1974). Where tamarisks are scattered, the plants derive water from floods and rainfall. The tamarisks dominate the area around the location of the trench well. A pond is located near the destroyed trench well and it bears water much of the year. Tamarisks consume up to five feet of water a year in dense stands (Horton and Campbell, 1974).

The fracturing of partially solidified lava in the last stages of movement, shrinkage cracking and rubble at the base of the flow account for most of the effective porosity of a basalt flow (Davis and DeWiest, 1966, p. 333). Large quantities of water could be exploited from beneath and at the base of the flow.

The Moenkopi Formation acts as an aquitard, deterring the movement of water downwards out of the alluvium and basalt. Water infiltrates through the river channel into the volcanics and alluvium. Surface water flowing down the washes disappears into the alluvium. Discharge occurs through the migration of water downstream in the alluvium and volcanics, through leakage into the Moenkopi Formation and through evapotranspiration.

Well 5K-310 produces water from the Moenkopi Formation and has a total depth of 193 feet. The aquifer in the Moenkopi, according to the drilling log, is a seven-foot thick, coarse, gravelly sand 163 feet beneath the surface. The driller pumped the well at a discharge rate of 12 gpm. Static water level lies 35 feet beneath surface level. The aquifer is perched and artesian. The well is not used and was drilled in 1940 as part of an irrigation project on the Navajo Reservation. A dam built on the river in the early 1940's for irrigation rapidly filled up with sediment. The project has been abandoned.

Notable seeps occur in the Moqui Member of the Moenkopi Formation beneath the highest gravel terraces. The seeps are denoted by the presence of water-loving shrubs, by a white residue of salts on the surface and by moist exposed rock or soil. The lower terraces are not known to yield water to seeps and phreatophytes.

Flow in the Little Colorado River, which is the primary source of recharge for the alluvial and volcanic aquifer along the river, fluctuates greatly. Heaviest flows occur in winter due to snowmelts or heavy rainfall in the summer. The river bed is often dry, but does contain some small ponds that cattle utilize as a water source.

Water Chemistry

The water from the trench well is of the Ca-Na-SO_4 type (Table 9). The high sulfate content is attributable to the occurrence of the gypsiferous Moqui Member which is exposed along the course of the Little Colorado River. The water is of very poor quality and very hard.

Water from well 3K-310 is of the Na-SO_4-Cl type (Figure 5) and has a total dissolved solid content of 4,200 ppm. Waters high in dissolved

Table 9. Chemical Constituents in the Groundwater of the Alluvium in Deadman Wash near the Confluence with the Little Colorado River.

Constituent	Concentration, ppm
SiO_2	27
Fe	0.43
Ca	436
Mg	61
Na	364
K	11
HCO_3	198
CO_3	0
SO_4	1,610
Cl	208
F	0.7
NO_3	2.3
Total Dissolved Solids	2,820
Carbonate Hardness	1,340
Non-Carbonate Hardness	1,180

solids used in irrigation leave most of the soluble material behind and the excess salts will render the land unfarmable in time (Walton, 1970, p. 459).

11-20-1963: memorandum to director from assistant regional director regarding shallow well, black falls trading post

663-11-26-63

W Rec'd 11/26/63

Southwest Region
Santa Fe, New Mexico

Memorandum NOV 20 1963

To: Director

From: Assistant Regional Director, Resource Planning

Subject: Shallow Well, Black Falls Trading Post, Wupatki

During the month of July, Hydraulic Engineer William E. Fields traveled to Wupatki to check and survey the location of a new water source discovered near Black Falls Trading Post in the subject area. The well was located by a road contractor and utilized as a water source during the construction of the road from Wupatki to Sunset Crater.

Subsequent to his return, Mr. Fields received an analysis of the water which indicates that it is a very poor water source for domestic use. It is especially high in sulfate content.

Disposition of this source is not known at this time; however, a special use permit has been issued which would allow the proprietor of Black Falls Trading Post to utilize this water for domestic purposes.

Consequently we have started a new docket and have inserted the chemical analysis of the water and a copy of Mr. Fields trip report. We have not filed with the State of Arizona Land Office for this source but as soon as its ultimate use is decided we will make a filing with that office.

By copy of this memorandum we are sending the new dockets to WODC and the Superintendent, Wupatki, for their files.

(SIGNED)

Leslie P. Arnberger

In duplicate

Enclosure

cc: WODC (2), w/enc.
Superintendent, Wupatki, w/enc.

09-24-1963: analytical statement

FORM 9-1367 (9-1960)
U. S. DEPT. OF INTERIOR
GEOLOGICAL SURVEY

ANALYTICAL STATEMENT. GW

COUNTY Coconino (Ariz) 79783

NPS

LA. 52456

Location Wupatki National Monument, Ariz. SE¼ sec.1 T25N R10E

Source (type of well) Dug

Owner U.S.Gov't. - Wupatki Nat'l. Mon., Flagstaff, Ariz.

Date dug May 1963 cased to ft

Depth 10'-12' Diam

WBF Moencopi sandstone

Water level ft

Sampled after pumping 2 months

Yield ? GPM (meas or est) pumping 2-1/2" stream.

Pt of coll Pump disch.

Appearance Clear

Temp (°F) ? Use Dom., Ps

Collector Norman W. Salisbury, Supervisory Park Ranger

Chemist Kim Ong

Date completed Sept. 24, 1963

Checked by E. F. Williams

Date transmitted OCT - 5 1963 4 NPS TAGW

Date of collection Aug. 13, 1963

Ignition Loss Color 0

Dissolved Solids:

Residue at 180°C 2,940

Calculated (Sum) 2,820

Tons per Acre Foot 3.84

Hardness as $CaCO_3$ 1,340

Non-carbonate Hardness 1,180

% Na 37 SAR 4.3 pH 7.4

Specific Conductance (micromhos at 25°C) 3,400

	epm	ppm
SiO_2		27
Fe		0.00
Fe(total)		0.43
Ca	21.76	436
Mg	5.04	61
Na	15.83	364
K	0.28	11
	42.91	
Na+K		
HCO_3	3.25	198
CO_3	0.00	0
SO_4	33.52	1,610
Cl	5.87	208
F	0.04	0.7
NO_3	0.04	2.3
	42.72	B 0.22

Provisional records, subject to revision.

Other Supporting Information

00-00-0000: memorandum to stan ponce from walter rusinek regarding water rights status at wupatki and sunset crater

Memorandum

To: Stan Ponce

From: Walter Rusinek

Subject: Water rights status at Wupatki and Sunset Crater National Monuments

Sunset Crater National Monument

In 1985, we filed claims for water rights in SUCR as part of the general adjudication of the Little Colorado River system in Arizona. The case is currentIy before the Apache County Superior Court. The claims filed were:

1.) Reserved rights -- non-quantifiable claim for non-consumptive use of all water within the Monument above reserved consumptive claims. Use is any water use necessary to fulfill the puposes of the Monument, and to provide for fire protection, watershed protection or reclamation, road construction and other administrative needs. Claim includes instream flows.

2.) Reserved rights -- present and future consumptive use of 20 AFY from unnamed surface and groundwater sources for administrative and other Park purposes.

3.) State appropriative rights:

a.) Headquarters Well #1 -- 65 AFY, priority March 7, 1965 for municipal and emergency uses.

b.) Headquarters Well #2 -- 65 AFY, priority December 1, 1979 for municipal uses.

Well #2 replaces well #1 which remains to provide an emergency back-up water system. Well #2 is registered under Arizona law, #649813, filed June 14, 1982.

c.) Black Falls Trading Post Well -- 90 gpm, priority June 12, 1963 for municipal and recreational, fish and wildlife uses.

Wupatki National Monument

A claim was also filed for WUPA water rights in the Little Colorado River adjudication. These claims include:

1.) Reserved rights -- non-quantifiable claim for all non-consumptive use of water within the Monument above reserved consumptive claims. Use is any use necessary to fulfill the purposes of the Monument, and to provide for fire protection, watershed reclamation or protection, road construction or other administrative needs. Claim includes instream flow.

2.) Reserved rights -- present and future consumptive use of 17 AFY from Citadel Ruin well, headquarters well, Wupatki Springs and other surface and groundwater sources for administrative and other Park purposes.

3.) State appropriative rights:

   a.) Heiser Spring -- 2.5 AFY, priority August 23, 1942 for irrigation, stock watering, fish and wildlife, recreation and municipal uses.

   b.) Peshlaki (Cottonwood) Spring -- 0.5 AFY, priority December 31, 1983 for recreation, fish and wildlife, and municipal uses.

4.) The docket contains draft copies of applications to appropriate water in Arizona for both Heiser and Wupatki springs dated March 7, 1955. It does not appear the applications were ever filed.

5.) Citadel Ruin Well and Headquarters Well both are registered under Arizona law, filing date June 14, 1982. Citadel Ruin well is # 649814, maximum capacity 17.6 gpm; Headquarters Well is # 649816, maximum capacity 16 gpm.

11-29-1963: memorandum to director from assistant regional director, resource planning, regarding shallow well, black falls tradin

W O D C
NOV 29 1963
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P & P
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ENGR
L. A.
SPEC
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SFTY
HABS
ACTION TAKEN DATE

Southwest Region
Santa Fe, New Mexico

Memorandum

To: Director

From: Assistant Regional Director, Resource Planning

Subject: Shallow Well, Black Falls Trading Post, Wupatki

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By copy of this memorandum we are sending the new dockets to WODC and the Superintendent, Wupatki, for their files.

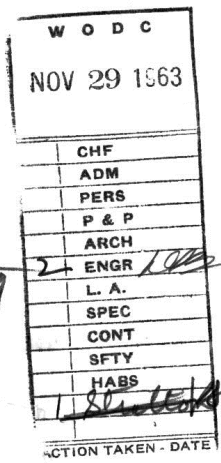
Leslie P. Arnberger

In duplicate

Enclosure

cc: WODC (2), w/enc.
Superintendent, Wupatki, w/enc.

11-27-1963: memorandum to regional director from chief, wrb regarding dockets 3 & 4



November 27, 1963

15h-RLW

Memorandum

To: Regional Director, Southwest Region

From: Chief, Branch of Water Resources

Subject: Dockets numbered 3 and 4, Wupatki

We are in receipt of a docket labled Docket No. 4 for the subject area. The folders intended for the Superintendent and WDC were inadvertently included and are forwarded by copy of this memorandum to them.

A review of past correspondence seems to indicate that no Docket No. 3 was distributed, though Mr. Dunn's last memorandum on the subject left it to field personnel to decide whether headquarter's well data should be so docketed or added as a partitioned section of Docket No. 1. We have no record of having received a folder for a Docket No. 3. If one exists of it we would like to receive a complete copy and to assure that ours and field copies agree we would also appreciate a copy of the table of contents of Docket No. 1 as it now exists.

SIGNED

E. W. Reed

Superintendent, Wupatki, w/c Docket No. 4
Chief, WDC (2), w/c Docket No. 4

08-21-1963: memorandum to regional director from superintendent regarding water supply, black falls

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Wupatki National Monument
Tuba Star Route
Flagstaff, Arizona

IN REPLY REFER TO:

L54

August 21, 1963

RECEIVED
NPS SOUTHWEST REGIONAL OFFICE
AUG 26 1963

	Surname	Date
Regional Director		
Cons., Interp.		8/23
Administration		
Planning		8/26
Public Affairs		
Program Coord.		
Operations		8/30
Concessions		
Natural History		
Hist & Archaeology		
Ranger Services		

#4

Memorandum

To: Regional Director

From: Superintendent, Wupatki-Sunset Crater

Subject: Water Supply, Black Falls.

WEG acctg 8/27 ~~Keller~~

~~Keller~~ WEG 8/27

Reference is made to Acting Regional Director Miller's memorandum of August 16th requesting additional information regarding the source of water found on Monument lands by a sub-contractor working with the Copper State Construction Company on the construction of a portion of the Wupatki-Sunset Crater loop road.

We will start from the beginning as far as the discovery of the water source is concerned. On April 26, 1963, bids were opened on the construction of the Coconino County portion, 4.75 miles, of the Wupatki-Sunset Crater Loop Road. The contract was awarded to the Copper State Construction Company of Phoenix, Arizona, with work to be supervised by the Arizona State Highway Department.

On May 5th we were approached by a Mr. R.N. Cochran of Flagstaff, Arizona, who stated he was going to sub-contract the furnishing and hauling of water and wanted to haul water from the Little Colorado River. He requested permission to use Monument roads for said water haul. There was water in evidence in one spot in the riverbed about ½ mile south of the Black Falls Trading Post. Mr. Cochran requested permission to excavate a test trench on Monument land just away from the riverbed figuring that the water would percolate into this trench and he would not be bothered by high water in the riverbed in case of storm. This is an isolated and out of the way portion of the monument, and was the site Max Dunlap used in obtaining water for the Wupatki road contract accomplished in the fall of 1961. He was given permission to do this trenching with the understanding that the site be bought back to normal at the completion of the job. He was not successful in finding water at this site and the test was abandoned. Shortly thereafter the job superintendent, Mr. Don Burton, advised us that Cochran had evidently given up and they were looking for another sub-contractor on the water.

L54 corfa

The next word we had regarding the water requirements for this job was when we were approached by representatives of the Navajo Tribe for permission to transport well pulling and pumping equipment to reactivate a well on the Navajo Reservation to furnish water for the contractor. Mr. Cochran had found this old well about three miles north and east of Black Falls and had made arrangements with the Tribe to buy water from them. The superintendent visited the well on May 20th with Robert Best, State Highway engineer on the job. There was no activity at the well site as they had to change pumps. They put this well in operation sometime before May 31st and were hauling water for the job to storage tanks on the project right-of-way and it was our understanding that they had their water problems solved. On June 13th we learned that Mr. Cochran had been prospecting for water north of the Black Falls Trading Post on Monument land and had discovered a source of water at that point. I investigated this activity on June 14th and found that he had bulldozed a road north of the post to the river and had found an excellent source of water, all of this having been done without the permission of this superintendent. He had started hauling water from this source on June 11th or 12th. I met Mr. Cochran and Mr. Hayes, foreman for the contractor, and discussed the matter. The damage had been done and I asked Mr. Hayes if the well on the reservation was furnishing enough water for the job and he stated that it was not. This road is going to greatly benefit both Wupatki and Sunset Crater and they were given permission to use this source of water with the understanding that the scar caused by their activity would be eliminated upon completion of the job. This agreement was reached in discussion with a representative of the prime contractor, the sub-contractor and the superintendent. Mr. Cochran was also given permission to dig a storage reservoir at the site. The site of this source of water is completely surrounded by a heavy growth of Tamarisk and is not noticeable from the post or road to the reservation and is not in an area that will probably ever be used by visitors. Nothing was said by this superintendent about payment for this water as it was figured that they found an excellent supply of water for the Government, one that we would probably never have found for ourselves, and we might as well let them use it. As far as Service requirements are concerned, can see no use we will have for this source in the immediate future with the exception of serving the trading post but it will be a good standby source in case our well should go dry, or our requirements should get extremely heavy.

We realize that we did not make a written report on this matter but the site was visited in company with Mr. Moran on June 19th and we assumed that he would report same to the proper parties in your office and we would then get instructions as to how to proceed.

Mr. Miller refers to our telephone conversation of July when we asked for permission for the new operator of Black Falls Trading Post to use a newly discovered source of water to serve the post. He states that permission was requested "to tap this small spring or seep with a small pipe to supply water to the trading post." We are positive that we mentioned nothing regarding the size of this supply and would certainly not call it a small spring or seep after having visited the site several times and witnessed the pump throwing a continuous $2\frac{1}{2}$" diameter stream into the storage reservoir. The previous operator had at one time talked about trying to develop a small seep he had discovered about 1 mile south and west of the post but nothing was ever started on this project.

In a recent discussion with this sub-contractor, he advised us that he was pumping on an average of 70,000 gallons per day from this source and he was sure that with proper development it would be capable of producing from 150,000 to 170,000 gallons per day. The prime contractors representative advised us that they have used approximately 3,600,000 gallons of water to date, the biggest percentage of which came from this source, and that the total contract calls for approximately 4,700,000 gallons of water for the project.

This superintendent did not realize that it was such an urgent matter in proving up on water rights as long as this was included within the boundaries and on Government land. We did,however, check the land records and assumed that this was on land acquired from the Santa Fe Railroad Company and could find no evidence of water or mineral rights being retained by the previous owner.

Hope that this information will help to clarify this matter.

Russell L. Mahan

In duplicate

Southwest Region
Santa Fe, New Mexico

L54

August 16, 1963

#4

Memorandum

To: Superintendent, Wupatki

From: Acting Regional Director

Subject: Water Supply, Trading Post

There has just come across my desk a report from Engineer Fields in regards to the water supply located near the Black Falls Trading Post on which we plan to file with the State Engineer.

Not too long ago when the trading post was being considered for new ownership, you telephoned me in regard to permitting the new owner to tap this small spring or seep with a small pipe to supply water to the trading post. This permission was granted with the understanding that the water, if any, would be filed on in the name of the United States.

It appears from the report as submitted by Engineer Fields that this office was not furnished all of the necessary information pertaining to this water supply and therefore we would like to have further information from you as to your part in permitting the road contractor to excavate for this water and for the construction of a holding tank.

Based on Mr. Field's report, a copy of which was forwarded to you, the contractor has pumped anywhere from 30,000 to 85,000 gallons of water per day with no evident drawdown of the supply.

Will you please advise us whether you permitted the contractor to excavate for the water supply and the construction of the pond. If not, when was the availability of this water called to your attention? What are your plans now for covering the use of this water? What effect is the supply going to have on the Trading Post operations? And further, was there any reason as to why this office should not have been notified immediately following the discovery of this evident tremendous water source.

L54
wupa

All of us realize the importance of water in and around the Wupatki area and believe that detailed action on your part should have been taken to keep us informed so that proper precaution to protect the rights of the Federal Government could have been initiated promptly.

(SIGNED)

George W. Miller
Acting Regional Director

GWMiller:apz

COPY

L-54
WUPA

Assistant Regional Director, Resource Planning

August 7, 1963

Hydraulic Engineer

Trip to Wupatki to Locate Water Source for Filing With State Engineer

I departed from Santa Fe at 2:30 P.M. July 16. I arrived at Wupatki at noon, July 17 after stopping at Walnut Canyon National Monument to deliver some right-of-way documents. I was accompanied by Clyde Arquero.

After orientation by the Superintendent we proceeded to the water source. Contrary to advance information which I had, this was not a spring or surface source, but a shallow well or underground source. It lies near the Little Colorado River behind an impervious lava dike. This dike serves as an underground dam and holds the underground drainage back as a lake.

This source was developed on our land by a road contractor. He dug a narrow trench about 10-12 feet deep and 145 feet long. Adjacent to this, a large holding tank was constructed. From the trench the water is pumped through a 2 1/2" pipe to the pond. Estimated rate of flow while I was there was 80-90 g.p.m. From talking to the tank truck drivers I found that they have pumped from 30,000 to 85,000 gallons of water a day from this source for at least a month.

I took pictures of the installation and then proceeded with the survey location

We found the Southwest section corner of Section 1, but that afternoon we looked all over section 1 and found no other corners. Consequently we searched until dark and because of rain and heavy cloudiness, I could not take a sun shot. That night, after the sky cleared, I took a bearing reading from the Star Polaris. Using this bearing I was able to locate the south one-quarter corner of section 2 and then was able to tie the water source with both bearing and distance to the section corner common to sections 1, 2, 11 and 12. This tie from the source to the section corner is S. 19° 49' W., 2,263.7 feet.

We departed from Wupatki at 2:30 on July 18 and after staying overnight in Gallup we arrived in Santa Fe on Friday afternoon.

(Signed)
William E. Fields

cc: Assistant Regional Director Miller
Assistant Regional Director Carpenter
Regional Chief of Lands Kell
Superintendent, Wupatki

WEFields:jfr 8/7/63 COPY

06-17-1963: memorandum to regional director from superintendent regarding black falls trading post operations

Wupatki National Monument
Tuba Star Route
Flagstaff, Arizona

L54 July 17, 1963

#4

Memorandum

To: Regional Director, Southwest Region

From: Superintendent, Wupatki-Sunset Crater

Subject: Black Falls Trading Post Operations

Reference is made to Acting Regional Director Miller's memorandum of July 15th regarding the subject operation.

We are making up the new special use permit for Mr. Hagan and the stipulation suggested regarding water development will be incorporated.

In order to assist in the filing with the State Land Commissioner the following is a land description of the approximate location of said water:

SW¼ NW¼ Section 1, T 25 N, R 10 E

Russell L. Mahan

In duplicate

Orig L3035 wupa
Black Falls Tr Post

L54 wupa

06-15-1963: memorandum to superintendent from acting regional director regarding black falls trading post operations

Discussed & cleared with Gayle Manges of the Solicitor's office
Gunderson

Southwest Region
Santa Fe, New Mexico

L54
WUPA

#4

JUL 15 1963

Memorandum

To: Superintendent, Wupatki

From: Acting Regional Director

Subject: Black Falls Trading Post Operations

Reference your memorandum of June 27 on the same subject.

In any negotiations concerning water rights in Arizona we should remember that the law of prior appropriation always applies. There are certain stipulations in Chapter 75, Article I, Arizona Code Annotated, dated 1939 which applies to application and perfection of water rights. The gist of these is that the water belongs to the public and is subject to appropriation and beneficial use by anyone who follows correct filing procedures. As of this time, because we have not filed on nor used the water in question, we do not now have a valid water right.

In your discussion with Mr. Hagan we think it advisable to call his attention to items 7 and 8 of the permit. We suggest in addition the following stipulation in the Special Use Permit: "The Permittee will be allowed to utilize a water source within the boundaries of Wupatki National Monument. The water right will be filed by the United States of America and nothing herein shall be construed to grant any right, title or interest in said water right to the permittee. Plans of the installation including pump, supply line and storage tanks will be approved by the National Park Service prior to the construction. Any structures and improvements placed upon any lands within the Monument for the purpose of transporting the water described above to the premises shall be subject to the right of the permittee to move the structures and improvements as set forth in condition No. 7 in this permit. Nothing herein constitutes a waiver of any right to any source of water which the United States of America may have." You should then caution Mr. Hagen that the water system cannot be constructed until approval of our right is received from the State Land Commission.

Copy (V) L3035 wupa
Black Falls

L 54 wupa

We feel that if this statement is incorporated in the Special Use Permit, the needs of Mr. Hagen will be satisfied and our rights to the water will be protected. As soon as possible this office will make the necessary filings to the State Land Commissioner so that the water right will be in the name of the United States of America and any beneficial use therefrom will be to our advantage.

If we can be of future assistance in this matter do not hesitate to call.

(SIGNED)

George W. Miller

cc: Director (2)

WEFields:dv 7/12/63

06-27-1963: memorandum to regional director from superintendent regarding black falls trading post operations

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Wupatki National Monument
Tuba Star Route
Flagstaff, Arizona

IN REPLY REFER TO:

June 27, 1963

RECEIVED
NPS SOUTH
JUL 1-1963

	Initials	Date
Regional Director		7/3
Administration		
Resource Planning		7/2
Program Coord.		
Operations		
Concessions		
Natural History		
Hist & Archaeology		
Ranger Services		
Files		

#4

Memorandum

To: Regional Director, Southwest Region

From: Superintendent, Wupatki-Sunset Crater

Subject: Black Falls Trading Post Operations

Paul Knee has again come up with a prospective buyer who has evinced an interest in purchasing Knee's rights in the post and the operation of same. He is Mr. Tom Hagen, who has been buying stock on various parts of the Navajo Reservation. His home is Yuma, Arizona. The stipulation regarding the sale of liquor does not bother him, as it did Knee, but he would want permission to develop a source of water which has been found about ½ mile north of the site of the post. This would entail installation of a pump, supply lines and a storage tank at the post. This would be accomplished by the permittee.

Can foresee no complications in the matter as long as the water rights stipulation is embodied in the conditions of the permit and it would certainly improve the living conditions for the permittee.

The matter was discussed with him on June 18th and he was supposed to have returned on the week-end of June 22nd but did not show up. Will take no steps to check on his qualifications until he returns for further talks but would like to have your reaction to this matter of water development as this is bound to come up regardless of who operates this post.

Russell L. Mahan

In duplicate

Filing of water and right would have to be in name of U.S. No objection to change of operators if agreeable to BIA.

L 3035 Wupa
Orig. Black Falls
L 54 Wupa
~~L 3035 Wupa~~

12-27-1973: memorandum to superintendent from hydraulic engineer regarding well schedule - test pumping data, citadel well

Southwest Region
P. O. Box 728
Santa Fe, New Mexico 87501

L54

DEC 27 1973

Memorandum

To: Superintendent, Wupatki/Sunset Crater NM

From: Hydraulic Engineer, Water Resources, SWRO

Subject: Well Schedule - Test Pumping Data, Citadel Well, Wupatki NM

Enclosed is subject received from USGS, Flagstaff, to be added to Water Right Docket #4. Analysis of the pump data is complicated by the presence of a nearby fault zone and several severe storms which occurred during the test. As a result, the time drawdown cuve has numerous changes of slope which are difficult to interpret.

Recovery data also indicates various permeabilities with the aquifer. The early part of the curve indicates an apparent transmissivity of 2,430 gallons per day per foot. The later portion with an apparent transmissivity of 1,250 gallons per day per foot is probably reflective of aquifer conditions. The well can produce at least 50 gpm from a pump setting of 1,700 feet BTC.

WATER AND DRIVING DO MIX

(SIGNED)
Garland Moore

GM:ba
Enclosures
cc:
Chief of Maintenance, MRM-WASO
Gen. Supt., Navajo Lands Group
Associate Regional Director, M-SWR
PSM-SWR

COPY

L-54
WUPA

Assistant Regional Director, Resource Planning

August 7, 1963

Hydraulic Engineer

Trip to Wupatki to Locate Water Source for Filing With State Engineer

I departed from Santa Fe at 2:30 P.M. July 16. I arrived at Wupatki at noon, July 17 after stopping at Walnut Canyon National Monument to deliver some right-of-way documents. I was accompanied by Clyde Arquero.

After orientation by the Superintendent we proceeded to the water source. Contrary to advance informatinn which I had, this was not a spring or surface source, but a shallow well or underground source. It lies near the Little Colorado River behind an impervious lava dike. This dike serves as an underground dam and holds the underground drainage back as a lake.

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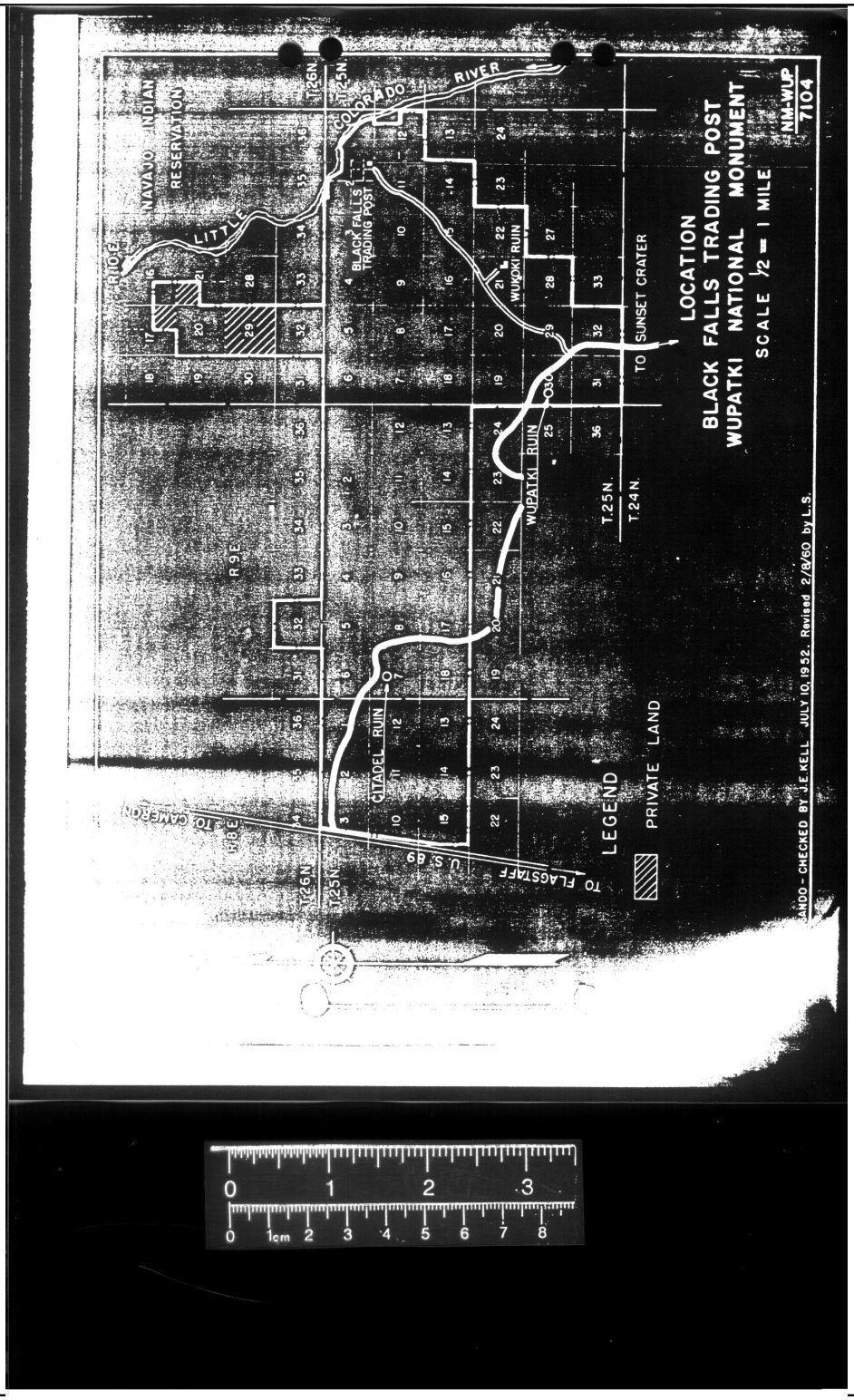
(Signed)
William E. Fields

cc: Assistant Regional Director Miller
Assistant Regional Director Carpenter
Regional Chief of Lands Kell
Superintendent, Wupatki

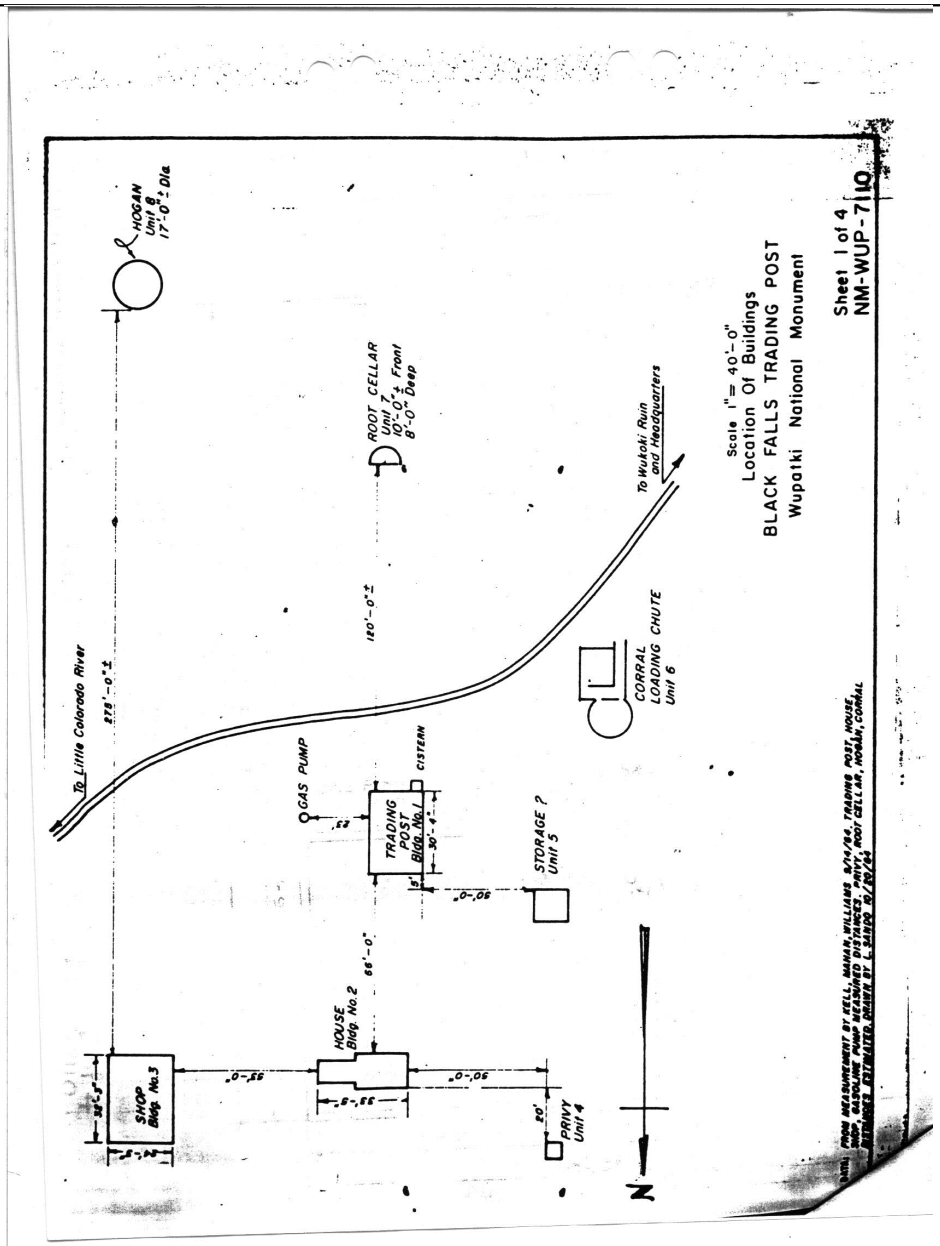
WEFields:jfr 8/7/63

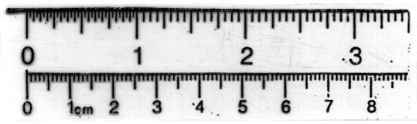
COPY

08-07-1963: map showing location of rock fall trading post



08-07-1963: map showing location of building in black falls trading post





Docket Information

Number of Documents in Docket 88

Documents Dated from 4/15/1950 to 9/19/2002

Docket Compiled: 6/9/2016