

Status of Water Rights
Yucca House National Monument
September 18, 1944

1. Yucca House National Monument deeded to the United States June 4, 1919, with reservation of all springs or other sources of water and right of access to convey water through one or more ditches or pipe lines, but granting the officers and employees of the United States and the traveling public the use of enough water for domestic purposes. (From the original deed.)
2. The area was fenced prior to the recorded inspections by National Park Service officials in 1925. (See various memoranda in correspondence files.)
3. New fence built by the Roving Ranger in 1942, apparently without formal survey. (See memorandum from Regional Archeologist, dated June 19, 1942.)
4. Acting Custodian Mahan, by memorandum of June 3, 1944, advises that the Aztec Spring, with flow of approximately 4 gpm (5,760 gpd, or 0.009 sec. ft.) lies approximately 178 feet outside the Monument to the north, and that there is a smaller spring near the center of the Monument with a flow of 1 gpm (1,440 gpd, or 0.0022 sec. ft.). The memorandum suggests that fence may not be on true boundary, and the same question is raised by former Superintendent Miller.
5. Personnel Officer Hugh Miller advises, in interview on September 17, 1944, that a ditch extended from one spring to the boundary of the Monument at the time of his visit on October 3, 1941, and delivered water for irrigation and other use on land of Ray Ismay. (The reported available spring flow of 0.0111 sec. ft. from both sources is hardly enough for ditch delivery.)
6. From Mr. Mahan's memorandum of June 3, 1944, Mr. Ismay was using the following water from the spring outside the fenced Monument at that time:

4 people for domestic purposes (allow 100 gpc/d)	400 gpd
500 sheep watered (allow 2.5 gpc/d)	1250 "
No irrigation	0 "
Total	1650 gpd.
7. Mr. Mahan also advised that there is a pipe from spring at center of Monument to an abandoned house east of the Monument, but that it was plugged.
8. There is no Master Plan for the Monument.

9. There is no Project Construction Program for the Monument.
10. There is no water use on the Monument at this time.
11. The Monument is classed as a "reserve area" with minimum of development and no encouragement of attendance. (See letter of Superintendent Frank Pinkley, dated Oct. 24, 1934, and subsequent correspondence.)
12. Monument, if not spring area, was cluttered with refuse including manure as late as 1935 which suggests that none of the water may be suitable for human consumption.
13. Original area of Van Kleeck tract, other than the Monument, has passed to Mr. Ray Ismay.
14. The state water code recognizes preferred right to the use of a spring by the landowner if the water from said spring does not flow off of the owner's land, but states that all water which will ultimately reach a stream is part of the stream flow and subject to appropriation.
15. An adjudication in Water District No. 32 was initiated in 1935, and is still in progress and open for the introduction of further claims, but the scope is limited to water for irrigation purposes. The United States has introduced some water claims. (See letter from E. D. Peters, Referee, dated June 28, 1944.)
16. It is concluded that this Service has no claim to adjudicate and the scope of the pending adjudication does not include water for domestic purposes of the type which might be provided later for the Monument.