

Record Group 79 (National Park Service), Entry 84: Correspondence and Subject Files, 1928-59, Bx 172, Folder: "Grazing, 1946-59." The US National Archives (NARA), College Park, Maryland. (Location: RG 79/570/81/33/4)

RECEIVED
Chief Clerk's Office
U.S. NATIONAL PARK SERVICE

January 1, 1959

1959 JAN 9 PM 1:19

SUMMARY OF LIVESTOCK GRAZING

CALENDAR YEAR 1958

REGION THREE

ORGAN PIPE CACTUS NATIONAL MONUMENT

PERMIT GRAZING

	Cook	<i>AK</i>
✓	Dodd	
	Moore	
	Newman	
	Collier	

James Cook

Bx 172

Permittee	Permit Number	Cattle		Horses		Sheep	
		No.	AUM's Fee used	No.	AUM's Fee used	No.	AUM's used
Bob Gray Henry Gray Robert L. Gray and Jack Gray	14-10-333-266	1050	12,600 \$865	25*	300 none	none	none
Papago Indian Agency	14-10-333-226	8	96 none	none	none	none	none
		1058	12,696 \$865	25	300 none	none	none

*Utility stock

PACK AND SADDLE STOCK GRAZING

None

James M. Eden
James M. Eden
Superintendent

Copy to Regional Director, Region Three

ORGAN PIPE CACTUS NATIONAL MONUMENT

January 1, 1958

SUMMARY OF LIVESTOCK GRAZING

CALENDAR YEAR 1957

REGION THREE

ORGAN PIPE CACTUS NATIONAL MONUMENT

PERMIT GRAZING

Permittee	Permit Number	Cattle			Horses			Sheep	
		No.	AUM's used	Fee	No.	AUM's used	Fee	No.	AUM's used
Bob Gray, Henry Gray, Robert L. Gray and Jack Gray	I-20-934 (old) 14-10-333- 266	1050	12,600	\$610	25*	300	none	none	none
Papago Indian Agency	14-10-333- 226	8	96	none	none	none	none	none	none
		1058	12,696	\$610	25	300	none	none	none

*Utility stock

PACK AND SADDLE STOCK GRAZING

None

James M. Eden
James M. Eden
Superintendent

Copy to Regional Director, Region Three

Region Three
Santa Fe, New Mexico

April 8, 1957

Memorandum

To: Regional Chief, Division of Recreation Resource Planning
From: Park Specialist
Subject: Report on Field Trip

"Organ Pipe Cactus"

"The purpose of the visit was to make a field study of the boundary in the southeast corner of the monument. Most of this area is now included in an old, informal agreement between the Southwestern National Monuments and the Indian Service permitting grazing by Papago cattle. No one appears to know the number of cattle in the area and Forester Cook had requested that the situation be looked over to determine if the boundaries should be changed to delete the area from the monument, or if an up-to-date grazing permit should be issued, or possibly terminate the present arrangement under which grazing is allowed.

"Messrs. Eden, Mullady, and myself were jointed by Mr. Ed Nygard, Range Conservationist of the Papago Agency, on the morning of the 27th. We proceeded to the vicinity of Menagers Lake, arriving about noon. The remainder of the day was spent in locating the monument boundary and making a reconnaissance of the area.

"After considerable searching we located the corner common to Sections 19, 20, 30, and 29, making it fairly easy to determine the east boundary of the monument. There was evidence that the boundary had been fenced at one time, but that the fence had later been removed. The grazing agreements calls only for the fencing of the gaps along the crest of the Ajos to prevent the cattle from drifting farther into the monument. Aside from seeing just a few head of cows, about the only evidence of grazing was the presence of several well-defined cattle trails. The vegetation in the area is quite lush with substantial numbers of Saguaro and Organ Pipe Cactus and good stands of Palo Verde and Ironwood along the washes. Saguaro and Organ Pipe reproduction appeared to be good and there was no evidence of grazing damage to the area.

"Although of no immediate use to the monument, we all agreed that the area should be retained as it does contain monument values and it might conceivably be needed for development in the distant future. The Indian Service appears to be entirely satisfied with the present arrangement on grazing and it was tentatively decided to draw up an up-to-date permit for the continuation of the present arrangement. Of course, if the boundary could be fenced and all grazing terminated without upsetting our present friendly relations with the Papago Indians and Agency, this would be the best solution. In the meantime, however, the area is not being damaged and there is no great urgency to the matter. A Boundary Status Report indicating that existing boundaries are satisfactory will be submitted by Mr. Eden."

FROM: Park Superintendent
 TO: Regional Chief, Division of Recreation Resource Planning
 MEMORANDUM

Organ Pipe Cactus National Monument

January 1, 1956

SUMMARY OF LIVESTOCK GRAZING

CALENDAR YEAR 1956

REGION III

ORGAN PIPE CACTUS NATIONAL MONUMENT

PERMIT GRAZING

Permittee	Permit Number	Cattle			Horses			Sheep
		No.	AUM's Used	Fee	No.	AUM's Used	Fee	None
Bob Gray, I - 20 Henry Gray, - 934 Robert L. Gray and Jack Gray		1050	12,600	\$610	25*	300	\$0	
		1050	12,600	\$610	25	300	\$0	

* Utility stock

PACK AND SADDLE STOCK GRAZING

*Does not have
 the Papago Indian use
 on the East side of
 the monument.*

None

(SIGNED)

James M. Eden
 Superintendent

In duplicate

Copy referred by Region Three Office

To: Director, WASO
 Jan. 8, 1957

Bx 172

	Cook	
	Dodd	
	Moore	
	Collier	
	Johnson	

Bx 172

We do not know if our proposal is feasible, but Superintendent Eden can determine this in his discussions with the officials of the Bureau. We will not object if it is determined that a revised cooperative agreement is the more practical manner of administering the grazing.

MAY 9-1958

Memorandum

(SGD) JACKSON R. PRICE, Jr.

To: Regional Director, Region Three

From: Assistant Director

Subject: Grazing Use by Papago Indians at Organ Pipe Cactus

Copy to: Forestry

We appreciate receiving the attachments to Superintendent Eden's memorandum of April 23. It was not generally known here that the Papago Indians have been using a portion of the Monument for grazing purposes. This use has not been reported in the annual grazing reports, and it would be desirable to include such use in future annual reports.

The dates of signature of the existing Field Agreement between the Southwestern National Monuments and the Papago Indian Reservation are not known, but it is noted that Mr. Miller transmitted executed copies of the Agreement on September 24, 1940. It is suggested that a new agreement be entered into as the original is now quite old and Organ Pipe Cactus is no longer under the Superintendent of Southwestern National Monuments.

An alternative to a cooperative agreement would be a Grazing Permit issued to either the Tribal Council or to an Indian Grazing Association. Such a permit could include many of the special conditions that are now covered in the permit issued to the Grays such as Nos. 1, 2, 3, 4, 5, 6, 7, 8 (reworded), 9 (reworded), 10, 13 (omit fees), 16, 17, 18, and 19. Other conditions that would be desirable are: maintenance of the fence on the Ajo Crest to be done by the permittees; that there be no grazing of sheep or goats; and that the permittees will cooperate in the prohibition of hunting on Monument lands.

We have suggested the alternative because it appears that more specific items would be covered than under an agreement. It also appears that better compliance with the terms could be expected, as the permit would be a business transaction between this Service and a group of interested Indians rather than an agreement between two Government agencies. You will note that the term "group" has been used and not "individuals." We do not favor, in this instance, the issuing of permits to individual Indians for the work of administering the grazing would be considerable.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
P.O. Box 30
Ajo, Arizona

We do not know if our proposal is feasible, but Superintendent Eden can determine this in his discussions with the officials of the Reservation. We will not object if it is determined that a revised cooperative agreement is the more practical manner of administering the grazing.

Jouison	
Cook	
Dodd	
Moore	

Bx 172

(SGD) JACKSON E. PRICE, 1956

Memorandum for the Director:

Memorandum for the Director to Mr. J. E. Price, Assistant Director of November 15

In duplicate

Copy to: Forestry

Subject: Grazing Agreement - Papago Indians

JBDodd:aec (5/8/56)

As requested during his April 16-17 visit to this area, copies of the following documents are attached for the use of Chief Forester Cook:

1. Superintendent Pinkley's memorandum of November 29, 1939 to the Director.
2. Field Agreement between Superintendent, SWNM and Superintendent, Papago Indian Reservation, Sells, Arizona.
3. Superintendent Hugh M. Miller's letter of September 24, 1940, which transmitted copies of the executed agreement to the Sells Indian Agency Office.

All of the attached documents deal with the grazing of domestic livestock on monument lands lying east of the Ajo Mountains.

/s/ JAMES M. EDEN

James M. Eden
Superintendent

Attachments (3)

Copy to: Regional Director, Region Three
w/copies of agreement and letters

906 I

COOLIDGE VISITORY
COOLIDGE VISITORY
HEVDOORVILLE'S SOUTHMEERLEH MONUMENTS
WILLIAMT BYKX ZEBALGE
WILLIAMT BYKX ZEBALGE

Bx 172

In 1935 the Manager Dam area was purchased by the Government for use of the Papago Indians and established the boundary of the Reservation as being the section line between Sections 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30 and 31 and 32 rather than the crest of the Ajo Mountains, which form a natural barrier except in a few places. (See attached map) Since the purchase of the Manager Dam area, the **FIELD AGREEMENT** of the Reservation was established as the Organ Pipe Cactus National Monument for the purpose of protecting the Organ Pipe Cactus and the resident wildlife. Part of the Organ Pipe Cactus National Monument lies on the east side of the crest of the Ajo Mountains. It has been agreed upon by the National Park Service to open this area for use by the Indians, providing that the Indians agree to the following conditions:

Southwestern National Monuments
Coolidge, Arizona

1. To fence any further portion of the crest of the Ajo Mountains to prevent the drifting of livestock onto the National Monument.
 2. That in accordance with Article No. 4 of the Organ Pipe Cactus National Monument, that there shall be no grazing of livestock on lands on that portion of the National Monument lying east of the crest of the Ajo Mountains.
- Superintendent**
Papago Indian Reservation
Sells, Arizona
3. That the Indians agree to the following conditions and will not exceed the authorized number of livestock as agreed upon by the two Services.
 4. That both Services will cooperate in preventing any hunting in that part of the National Monument lying east of the crest of the Ajo Mountains.

Relative to the work necessary to consummate the agreement on the use of National Monument lands for use by the Papago Indians.

Date _____

_____ Superintendent
Papago Indian Reservation

Date _____ (1940 7)

Hugh S. Miller, Superintendent
Southwestern National Monuments

Date _____

Ed. M. Zah, Regional Forester
U.S. Indian Service

In 1938 the Manager Dam area was purchased by the Government for use of the Papago Indians and established the boundary of the Reservation as being the section line between Sections 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30 and 31 and 32 rather than the crest of the Ajo Mountains, which form a natural barrier except in a few places. (See attached map) Since the purchase of the Manager Dam area, the land just west of the Reservation was established as the Organ Pipe Cactus National Monument for the purpose of protecting the Organ Pipe Cactus and the resident wildlife, Part of the Organ Pipe Cactus National Monument lies on the east side of the crest of the Ajo Mountains and it has been agreed upon by the National Park Service to open this area for use by the Indians, providing that the Indian Service will agree to the following provisions:

1. To fence any further portion of the crest of the Ajo Mountains to prevent the drifting of livestock onto the National Monument.
2. That in accordance with Ordinance No. 6 passed by the Papago Tribal Council, that there shall be no grazing of domestic sheep or goats on that portion of the National Monument lying east of the crest of the Ajo Mountains, which is a natural wildlife range.
3. That the number of stock on the above mentioned area will not exceed the estimated carrying capacity as agreed upon by the two Services.
4. That both Services will cooperate in prohibiting any hunting in that part of the National Monument lying east of the crest of the Ajo Mountains.

Date: _____

T.B. Hall, Superintendent
Papago Indian Reservation

Date: _____ (1940 ?)

(SIGNED)
Hugh S. Miller, Superintendent
Southwestern National Monuments

Date: _____

Wm. H. Zeh, Regional Forester
U.S. Indian Service

Bx 172

Organ Pipe Cactus National Monument

SUMMARY OF LIVESTOCK GRAZING

January 1, 1955

CALENDAR YEAR 1955

REGION III

Organ Pipe Cactus National Monument

PERMIT GRAZING

Permittee	Permit Number	Cattle			Horses			Sheep
		No.	AUM'S Used	Fee	No.	AUM'S Used	Fee	None
Bob Gray,	I-20-	1050	12,600	\$610	25*	300	\$0	
Henry Gray,	-934							
Robert L. Gray and Jack Gray								
		1050	12,600	\$610	25	300	\$0	

* Utility stock

12600
+ 300
12900

PACK AND SADDLE STOCK GRAZING

None

(SIGNED)

James M. Eden
Superintendent

Copy referred by Region Three Office

To: Director EO-0.

1-5-56

In duplicate



In reply refer to:
KL439-J

I hope that this answers the question but if further information is desired please let us know.

MAY 20 1955

	Cook	
	Dodd	
	Moore	
	Mauger	

Dr. E. R. Martell, Head
Department of Forestry
Purdue University
Lafayette, Indiana

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Dear Dr. Martell:

We have received your inquiry of May 2 concerning grazing at Organ Pipe Cactus National Monument.

You are correct in your understanding that it is National Park Service policy to attempt to reduce and eventually eliminate grazing of livestock on the public lands in national parks and monuments. However, there are many complications and problems which have to be overcome. Organ Pipe Cactus National Monument grazing has been one of the most difficult. The only permittee is a family who grazed (prior to establishment of the monument) on public lands for a great many years. This permittee has patented some land since the Monument was established which is evidently the tract to which you refer. This patent was granted reluctantly on the basis of proof made prior to the establishment of the Monument.

It is Service policy to recognize grazing privileges acquired prior to establishment of an area as a national park or monument unless provision can be made to extinguish such privileges through purchase, transfer, or other equitable means. In the case of Organ Pipe Cactus the permittee had no specific legal rights except that of long use on public domain lands, supported by the development of ground water thereon and the ownership of limited private land. However, those privileges were recognized. The problem was further complicated by lack of a fence along the Mexican border which allowed trespass livestock from Mexico to enter the Monument. That problem has now been overcome by construction of the International Boundary fence and patrol during the recent hoof and mouth disease epidemic.

Another complication has been the series of drouth years which have plagued southern Arizona causing large losses of livestock and water shortages at the few water sources. The problem of water for livestock has greatly complicated proper distribution. It is quite possible that the evidences of heavy grazing which were noted may have been in the vicinity of waterholes. We recognize that this is a serious problem of adverse usage and hope eventually to solve it. Considerable study has recently been given to this matter.

I hope that this answers the question but if further information is desired please let us know.

Sincerely yours,

(SGD) THOMAS J. ALLEN

Thomas J. Allen
Assistant Director

Mr. Conrad L. Wirth, Director
LFCook/km 5/16/55
U. S. Department of the Interior

Copy to: Regional Director, Region Three (2) with copy Dr. Martell's

Dear Mr. Wirth:
Lands
Forestry

May 2 letter
do.
do.

A visitor to Organ Pipe Cactus National Monument has raised a question as to which a statement from you would be much appreciated. He was disturbed at the presence of livestock and evidence of heavy grazing on park property. On making local inquiries, he found that an impression exists among at least some people that a rancher had recently moved in and "homesteaded" land within the south border of the park.

While we do not believe this is possible, we would be glad to know what the situation is. It has been our understanding that grazing within the parks was being reduced as fast as rights ran out on in-holdings purchased to block out public land.

Sincerely yours,

/s/ E. R. MARTELL
E. R. Martell, Head

COPY

Department of Forestry

PURDUE UNIVERSITY
SCHOOL OF AGRICULTURE
LAFAYETTE, INDIANA

May 2, 1955

Mr. Conrad L. Wirth, Director
National Park Service
U. S. Department of the Interior
Washington, D. C.

Dear Mr. Wirth:

A visitor to Organ Pipe Cactus National Monument has raised a question on which a statement from you would be much appreciated. He was disturbed at the presence of livestock and evidence of heavy grazing on park property. On making local inquiries, he found that an impression exists among at least some people that a rancher had recently moved in and "homesteaded" land within the south border of the park.

While we do not believe this is possible, we would be glad to know what the situation is. It has been our understanding that grazing within the parks was being reduced as fast as rights ran out on in-holdings purchased to block out public land.

Sincerely yours,

/s/ E. R. MARTELL
E. R. Martell, Head

ORPI

Bx 172

IVANVILLE INDIAN

SCHOOL OF VORHAGEN

Organ Pipe Cactus National Monument
1955 JAN 17 AM 10:08

SUMMARY OF LIVESTOCK GRAZING 24 1954

CALENDAR YEAR 1954

REGION III

Organ Pipe Cactus National Monument

PERMIT GRAZING

✓ Cook	LFC
Dodd	
Moore	
Mauger	

Permitee	Permit Number	Cattle			Horses			Sheep		
		No.	AUM's Used	Fee	No.	AUM's Used	Fee	No.	AUM's Used	Fee
Bob Gray, Henry Gray, Robert L. Gray, Jack Gray	I-20p-934	1050	12,600	\$610	25*	300	\$0	--	----	---
		1050	12,600	\$610	25	300	\$0			

* Utility stock

PACK AND SADDLE STOCK GRAZING

None

(SGD) HENRY LANGLEY

James M. Eden
James M. Eden
Superintendent

In duplicate

Copy to: ✓ Mr. Cook
Mr. Dunn

AvDunn:let 8-18-54

ORPI

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
SUMMARY OF LIVESTOCK GRAZING

CALENDAR YEAR 1953

REGION III

Organ Pipe Cactus National Monument

PERMIT GRAZING

Permittee	Permit Number	Cattle			Horses			Sheep		
		No.	AUM's Used	Fee	No.	AUM's Used	Fee	No.	AUM's Used	Fee
Bob Gray, Henry Gray, Robert L. Gray, Jack Gray	I-20p-934	1050	12,600	\$610	25*	300	\$0	-	-	-
		1050	12,600	\$610	25	300	\$0	-	-	-

* Utility stock

PACK AND SADDLE STOCK GRAZING

None

12,600
+ 300
12,900 Total AUM

William R. Supernaugh
Superintendent



ORPI

Bx 172

JUN 3 1952

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

SUMMARY OF LIVESTOCK GRAZING
CALENDAR YEAR 1952
REGION III

Organ Pipe Cactus National Monument

PERMIT GRAZING

Subject: Proposed New Grazing Permit, Robert Louis Gray et al,

Permittee	Permit Number	Cattle			Horses			Sheep		
		No.	AUM's Used	Fee	No.	AUM's Used	Fee	No.	AUM's Used	Fee
Bob Gray, Henry Gray, Robert L. Gray, Jack Gray	I-20p-934	1050	12,600	\$610	25	9,125	0	-	-	-
Totals		1050	12,600	\$610	25	9,125	0	-	-	-

* Utility stock

PACK AND SADDLE STOCK GRAZING

Submitted by William R. Supernauth
Superintendent

Note

June 4, 1953

The data pertaining to horses is incorrect. He has shown

Grazing days instead of AUM's.

John

*365 x 25 = 9125
25 x 12 = 300*

Bx 172



DEPARTMENT OF THE INTERIOR

1950 season

GRAZING SUMMARY FOR REGION THREE

Organ Pipe Cactus

The entire area of the monument accessible to livestock is grazed by cattle under permit issued to the Gray family. The permitted number of cattle is 1,050 head for year long grazing.

The area has been overused in the past and is still fully used. The present permit is issued on a life time basis and no additional grazing is possible or practical at this time.

To: General Superintendent, Organ Pipe National Monument

From: Acting Regional Forester

Subject: Annual Report, Grazing of Organ Pipe National Monument, Cal. Organ Pipe Cactus

We have received the subject report and are forwarding the original to the Director with a copy of this memorandum. We have added the amount collected for grazing fees (\$150) to this report.

Harold M. Reddick
Acting Regional Forester

In Reply Refer to

Copy to: Director with attachment

Bx 1712

Grazing

Report 644

GRAZING OF DOMESTIC STOCK

Report for Calendar Year Ended December 31, 1961

Organ Pipe Cactus National Monument

Name of Permittee	Permit	Number of		Number of		Number of		Fee
		Cattle	Animal Use Months	Sheep and Goats	Animal Use Months	Mules and Horses	Animal Use Months	
Bob Gray, Henry Gray, Robert L. Gray, Jack Gray	I-20p- 954	1080	12,600	0	0	0	0	
Total		1080	12,600	0	0	0	0	\$490.00

RECEIVED
DEC 13 1951
NATIONAL PARK SERVICE

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

CHIEF	12/13
ASST. CHIEF	
SEC. ASST.	
AD. ASST.	
TRAINING	
RECORDS	
INSPECTION	
LABORATORY	
ADMIN.	

GRAZING OF PACK AND SADDLE STOCK

Report for Calendar Year Ended December 31, 1951

To: Regional Director, Region Three

From: Acting Director
Organ Pipe Cactus National Monument

*Not included in
Summary report for pack
and saddle stock grazing
2/1/52*

Subject: Federal Protest of Water Right Application
for Appropriation of Water at Organ Pipe Cactus National Monument
Submitted by Over Partnership and Mrs. Birdie Del Miller

Government Owned and Operated Stock		Grazing Permittee Owned Stock		Privately Owned Stock (Trail parties, Etc.)	
Number of Stock	Horse Grazing Days	Number of Stock	Horse Grazing Days	Number of Stock	Horse Grazing Days
0	0	25	9125	0	0

As the water right stocks, the Federal protests were based on limited and inaccurate information and were partially in error. In reply, Mr. Baker has made such factual statements that they are even less accurate, and he has submitted arguments against many claims and charges which have not been made by this Service.

Since the protest to the tract including the Bowling Well was granted subsequent to the filing of the protest, Robert Louis Gray has an undoubted right to the use of the water well, with no reliance on appropriation filing. The protest to the tract included in the protest to the Bowling Well is also based on the same facts and circumstances. The water right stocks are not subject to appropriation.

On the other hand, water has been used by persons, parties and firms, it may be shown that the water of Aqueduct and Hill-Blaine (or Hines) Springs are subject to appropriation by those having the necessary right of access. Our protests were in error in claiming that these waters were not subject to appropriation, but were correct in stating that the claimants did not have adequate



Bx 172

Report 6a4

GRAZING OF DOMESTIC STOCK

Report for Calendar Year Ended December 31, 1950

ORGAN PIPE CACTUS NATIONAL MONUMENT

Name of Permittee	Permit	Number of		Number of		Number of	
		Cattle	Animal Use Months	Sheep and Goats	Animal Use Months	Mules and Horses	Animal Use Months
Bob Gray, Henry Gray,	I-20p-934	1050	12,600	0	0	0	0
Robert L. Gray, Jack Gray.							
Total		1050	12,600	0	0	0	0

Fee-490.00

NATIONAL PARK SERVICE
WASHINGTON 25, D. C. Report 6a5

SEP 21 1950

✓	HOFFMAN H-40	C
✓	COOK	
✓	GOOD	
✓	WILKER	

Bx 172

GRAZING OF PACK AND SADDLE STOCK

To: Report for Calendar Year Ended December 31, 1950.

From: Acting Director Bureau

Subject: Grazing Permit No. 1-2009-934 of March 17, 1947, to
ORGAN PIPE CACTUS NATIONAL MONUMENT
Pipe Cactus National Monument

At the time the above-designated permit was issued, it recommended that it be amended to include the water right clauses provided in Department WO-553 reserving Federal right to perfect

Government Owned or Operated Stock		Grazing Permittee Owned Stock		Privately Owned Stock (Trail Parties, etc.)	
Number of Stock	Horse	Number of Stock	Horse	Number of Stock	Horse
	Grazing Days		Grazing Days		Grazing Days

During the past three years the Gray Brothers and Mrs. Virle Del Miller has filed Application No. 1-3061 and 1-3062 for the appropriation of well water, thus forcing us to file protests. In all cases they have gone so far as to claim springs as the source of supply which Mr. Supermarch claims do not exist.

In his memorandum of August 9, forwarded by Mr. Leachman's memorandum of August 16, Mr. Supermarch has called attention to the urgency for Federal water right filings to prevent such action. However, the waters, as ground waters, are not subject to appropriation, and since the yield of the wells is less than 100 gallons per minute they are not subject to the police power exercised under the recently passed Arizona Ground Water Law.

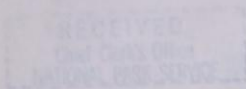
Accordingly, the only protection which the United States can provide and the only way that it can prevent the recurring necessity for filing protests is to include proper water right clauses in the grazing permits to the Gray partnership, or to cover the same idea in a letter. The simplest solution would be to cancel the existing permit and issue another or exactly the same terms except with the addition of the clause reserving Federal right to

Bx 172

GRAZING

L3019 OKAH

Report 6a4



1950 JAN 31 AM 9:18

GRAZING OF DOMESTIC STOCK

Report for Calendar Year Ended December 31, 1949.

Organ Pipe Cactus National Monument

Name of Permittee	Permit	Number of		Number of		Number of	
		Cattle	Animal	'Sheep and'	Animal	'Mules and'	Animal
		'Use Months'	Goats	'Use Months'	Horses	'Use Months'	
Bob Gray, Henry Gray,	I-20p-	1050	12,600	0	0	0	0
Robert L. Gray, Jack	934						
Gray							
Total		1050	12,600	0	0	0	0

Report 6a5

How

Bx 172

120 x 70

GRAZING OF PACK AND SADDLE STOCK

Report for Calendar Year Ended December 31, 1949.

ORGAN PIPE CACTUS NATIONAL MONUMENT

Government Owned or Operated Stock		Grazing Permittee Owned Stock		Privately Owned Stock (Trail Parties, etc.)	
Number of Stock	Horse Grazing Days	Number of Stock	Horse Grazing Days	Number of Stock	Horse Grazing Days
0	0	25	9125	0	0



Bx 172

Report 6a4

RECEIVED
Chief Clerk's Office
NATIONAL PARK SERVICE

1949 JAN 3 PM 2:31

GRAZING OF DOMESTIC STOCK

Report for Calendar Year Ended December 31, 1948.

ORGAN PIPE CACTUS NATIONAL MONUMENT

Name of Permittee	Permit Number	Number of		Number of		Number of	
		Cattle	Animal Use Months	Sheep and Goats	Animal Use Months	Mules and Horses	Animal Use Months
Bob Gray, Henry Gray, I-20p-	1050		12,600	0	0	0	0
Robert L. Gray, Jack Gray	934						
Total		1050	12,600	0	0	0	0

Rebilled for Calendar Year Ended December 31, 1948.

CHANGING OF STOCK AND SADDLE STOCK

Report 6a5

1949 JAN 3 PM 2:31

GRAZING OF PACK AND SADDLE STOCK

Report for Calendar Year Ended December 31, 1948.

ORGAN PIPE CACTUS NATIONAL MONUMENT

Government Owned or Operated Stock		Grazing Permittee Owned Stock		Privately Owned Stock (Trail Parties, etc.)	
Number of Stock	Horse Grazing Days	Number of Stock	Horse Grazing Days	Number of Stock	Horse Grazing Days
2	540	25	9125	0 25	0 9115

Report for Calendar Year Ending December 31, 1947

GRAZING OF STOCK AND WILDLIFE STOCK

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Chief Clerk's Office
NATIONAL PARK SERVICE
Caffman

Organ Pipe Cactus NATIONAL MONUMENT JAN 2 PM 9:46

Box 38, Ajo, Arizona,

December 25, 1947

GRAZING OF DOMESTIC STOCK

Report for Calendar Year Ending December 31, 1947.

Name of Permittee	Permit Number	Cattle	Animal Use Months	Sheep, Goats & Other	Use Months
Bob Gray					
Henry Gray					
Robert L. Gray					
Jack Gray	I-20p-934	806	9672	0	0

William R. Supernaugh
William R. Supernaugh
Custodian.

Bx 172



DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

ORGAN PIPE CACTUS..... NATIONAL MONUMENT

Box 38, Ajo, Arizona,

December 25, 1947

GRAZING OF PACK AND SADDLE STOCK

Report for Calendar Year Ending December 31, 1947.

Government owned or Operated Stock		Concessioner Owned Stock		Privately Owned Stock
Number of Stock	Horse Grazing Days	Number of stock	Horse Grazing Days	Number
2	240	25	9125	0

William R. Superbaugh
William R. Superbaugh,
Custodian.

Bx 172

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

November 15, 1946.

MEMORANDUM for the Files.

While in El Paso on October 30, I called at the office of the International Boundary and Water Commission in regard to the matter of fencing that section which forms the south boundary of Organ Pipe Cactus National Monument. Such matters are under the direct supervision of Mr. C. N. Ainsworth, Consulting Engineer. At the time of my visit Mr. Ainsworth was out of town and was not expected to return for a week or ten days. I therefore saw Mr. Lawrence M. Lawson, Boundary Commissioner, and explained to him our problem.

I pointed out that northwesterly from the southeast corner of the monument there are approximately 14 miles of old fencing originally built by cattlemen, which is in a very poor state of repair and should be completely rebuilt. Two miles of new fencing would be required to connect this section to be reconstructed with the eight miles of new fence which we built with Soil and Moisture funds to near Quitobaquito. Approximately seven more miles would then remain to be constructed to the west boundary of the monument.

Mr. Lawson explained that any funds which the Commission might now have for fencing could not be expended before the last quarter of the fiscal year. This confirms the statement made in Mr. Ainsworth's letter of September 10 to this office and is due presumably to Directive No. 128 of the Office of War Mobilization and Reconversion. He stated, however, that he would keep our needs in mind and do the best he could for us. In the past Mr. Lawson has always been most cooperative and I feel sure that we can depend upon him to construct this fence as early as their funds and conditions will permit. I suggest therefore that we hold the matter in abeyance at least until we see what the Boundary Commission is in a position to do, spending such funds as we may have available on fencing the west boundary of the monument northward from the Mexican line.

On my next visit to El Paso I intend to call again at the Boundary Commission with a view to discussing this matter with Mr. Ainsworth.

Overgrazing in connection with recent droughts in this area have resulted in a very critical situation. M. R. TILLOTSON, vegetative cover within Organ Pipe Cactus National Monument. If any semblance of natural

M. R. Tillotson,
Regional Director.

Bx 172

August 12, 1946

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

August 7, 1946.

Direct vegetation is to be removed from the area we must take steps to reduce this heavy growth. Our Forester, in charge of grazing, has just completed a study of this monument and has estimated that 1,000 head of trespass stock are present. Threat of introduced disease from Mexico is taking place.

Mr. L. M. Lawson,
International Boundary Commission,
United States and Mexico,
First National Bank Building,
El Paso, Texas.

Dear Sirs:

Reference is made to Consulting Engineer C. M. Ainsworth's letter of September 29, 1942 to the Regional Director, Region Three, National Park Service, Santa Fe, New Mexico, asking that we keep the Commission informed as to our fence construction program along the International Boundary within Organ Pipe Cactus National Monument, Arizona, in order that it might be correlated with your own work.

This is to advise that during 1946 fiscal year the National Park Service completed an additional five miles of drift fence at Organ Pipe Cactus National Monument on the International Boundary. This fence connects with the westerly end of our fence constructed in 1944, of which you were advised in our letter dated March 4, 1944. It runs in a westerly direction, parallel and 60 feet northerly of the International Boundary and ends at a point 60 feet northerly of International Boundary marker number 171.

The fence constructed is of steel line posts spaced twenty feet apart, and wood strain posts spaced 200 to 600 feet apart, depending on terrain, four barbed wires spaced 15", 10", 10", and 10" from the ground up, and two metal or wood stays between each post.

Your memorandum of September 29 also states that the Commission has had under construction during the past several years what is known as the Western Land Boundary Fence Project which contemplates the fencing of the greater portion of the border between El Paso, Texas and the Pacific. It is noted that you only got started on this project when it was halted until after the war.

Overgrazing in connection with recent drouths in this area have resulted in a very critical situation with respect to vegetative cover within Organ Pipe Cactus National Monument. If any semblance of natural

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desert vegetation is to be saved in this area we must take steps to reduce this heavy overgrazing now taking place. Our Forester, in charge of grazing, has just completed a study of this monument and has estimated that 1,000 head of trespass stock including the threat of introduced disease from Mexico is taking place.

We are very anxious to improve this situation by fencing of the boundary. Our funds for this important project are too limited to do more than the construction of a few short drift fences along critical areas, therefore we appeal for any assistance you can give through the Western Land Boundary Fence Project of the Commission. We would certainly like to see a fence of the standard you propose constructed the entire distance of the International Boundary between Organ Pipe Cactus National Monument, Arizona, and Mexico.

I am sure you are familiar with all existing fence in this vicinity, however, the most important needs, as far as we are concerned, are: first, approximately seven miles running in a westerly direction from International Marker number 171, and second, approximately fourteen miles running in an easterly direction from the Sonoyta Port of Entry to our east boundary, the Ajo Mountains. This latter fourteen miles now has a three wire drift fence which is down most of the way and beyond repair.

Considering this matter and the possibility of your resuming work on this project during this fiscal year, may I suggest that a member of my staff meet with you or a designated member of your staff at an early date and place to be designated by you to thoroughly discuss this matter. Possibly a cooperative project can be worked out on this problem in some way. Please let us hear from you at your earliest convenience regarding this matter.

Sincerely yours,

(SGD) E. T. Scoyen

E. T. Scoyen,

Acting Regional Director.

cc The Director
Custodian, Organ Pipe Cactus NM

Bx 172



DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

SMITH	✓
WALKER	✓

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

August 14, 1947.

AIRMAIL

MEMORANDUM for the Regional Director, Region Three.

We concur in the proposal for a cooperative fencing project at Organ Pipe Cactus National Monument, as outlined in your memorandum of August 5, with the following suggestions:

It is assumed that the International Boundary and Water Commission is anxious to advance as far and as quickly as possible towards solving the many problems stemming from unfenced sections of the International Boundary. We suggest, accordingly, that a much larger sum than the \$2,000, which is proposed to be furnished from the unexpended balances of last year's appropriations to the Commission, would be equitable and result in ultimate savings to the Government and be mutually beneficial.

It also appears that it would be fair and desirable to ask the Bureau of Animal Industry of the Department of Agriculture to contribute to the fencing, which it has been trying to secure for a long time, in the interests of its responsibilities regarding the hoof and mouth disease and the suppression of dourine. The copy we received of Mr. Scoyen's letter of June 26 to Dr. John C. Pace, B.A.I., El Centro, California, indicates that representatives of the Bureau of Animal Industry, in a conference with Custodian Supernaugh, were willing to furnish the costs of labor for a cooperative project of getting the international boundary fenced.

If these two agencies, with interests as vital as ours, cooperate to the fullest extent and each agrees to finance a fair share of the costs of the work, a better and more extensive job could undoubtedly be accomplished, perhaps one that would settle once and for all the troubles of trespass along the Organ Pipe Cactus boundary.

Procedure for the use of funds contributed by the International Boundary Commission or the Bureau of Animal Industry would be as follows:

Secure a work order from each Federal agency involved, stating the type of work to be performed, location, limitation on the amount



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of obligations to be incurred under the work order, and other pertinent conditions as may be mutually agreed upon. Open up an allotment account "300 Reimbursable Sales" for each agency involved, as explained in paragraph 9, Section 3, Chapter 2, of the Fiscal Management volume of our Administrative Manual. The account should bear a notation as to the limitation on obligations that may be incurred against the account of each agency. At the close of each month, 1080 vouchers should be sent to each agency to reimburse the Service for the costs incurred during the billing period.

The total amount of the contributions should be included and explained as Local Participation in Job Applications and Job Completion Records of our Soil and Moisture Conservation program.

So far as SSMC funds for 1948 are concerned, commitments should be limited to the unobligated balance of the approved present allocation to Organ Pipe Cactus National Monument plus any amount which might be recommended and approved for transfer from other allocations for SSMC work in Region Three.

If desirable, on the basis of information in this memorandum, work may be initiated pending the preparation and transmittal of a Job Application form.

(SFD) HILLORY A. TOLSON

CHG:KN:sh.

Acting Director.

In duplicate.

cc: Mr. Coffman.
Mr. Cahalane.
Mr. Neilson.
Mr. Gerner.

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION THREE

SANTA FE, NEW MEXICO

July 1, 1947.

✓	SMITH	
	WALKER	

cc routes to Tolson
Cahalane
Richey
Dunn

MEMORANDUM for the Regional Director, Region Three.

The following report covers the trip to Organ Pipe Cactus National Monument for the purpose of counting the Gray Cattle.

Naturalist Sullivan and I left Santa Fe on May 30, driving to Flagstaff, Arizona. On the 31st. we delivered a chevrolet pickup truck to Montezuma Castle NM. and after a quick trip to Montezuma Well, we left for Organ Pipe Cactus, driving through Tucson to pick up Ranger Steel, arriving at O.P.C. June 1, about 10 a.m.

We set up camp at Bates Well, the home ranch of Henry Gray, and the work started that night. National Park Service personnel participating in the work were, Ranger Paul Steel, White Sands NM., Ranger Ringenbach, O.P.C., Naturalist Sullivan and myself; Custodian Supernaugh assisted whenever the pressure of other duties would allow him to be there. Most of the time the Grays' had four men on the job and at times there were more depending upon the other work that required their attention.

The count was conducted as follows; the cattle were "trapped" or "caught" at each well and held in the corrals until it was thought that all cattle watering at that particular well had come in to water. The cattle were then counted and we moved to the next well. A total of seven wells were counted in this manner. Whenever it was thought that all cattle watering at any well had not come in, the Grays' estimated the number that should be using that particular well. We generally counted two nights at each well, but in some cases we took three nights in order to try and get a more complete count. As the cattle watered at night we, "worked" until about midnight or in some cases 1:00 to 2:00 a.m. to get all stock coming in. The wells where we actually counted in this manner were; Bates Well No. 1 and No.2, Walls Well (Miller Ranch), Alamo, Gaucharo, Dowling, and the Gray Ranch.

In LaBrea Valley and the Southwest corner west of Quitobaquito and Rincon or (Williams Spring), the wells are not fenced and we could not trap the cattle there. We tried counting as they came in to water, at Salt Well but after dark there were so many horses and burros coming around that we couldn't tell burros from cattle so we gave that idea up and rode the country visiting the regular watering places and the arroyos where the cattle usually hang out. After riding three days we saw a total of about 25 cattle, so we had to estimate the number running there. The cattle in this section are very wild and seldom seen unless a rider happens to come upon them suddenly.

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Bx 1772

The Grays' were very cooperative and the entire job went as smoothly as could be expected. During the count two separate camps were maintained, one for NPS personnel and one for the Grays'. There were plenty of men available at all times to carry on the work.

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

After spending 18 days with the Grays' and talking to Custodian Supernaugh, I have the following recommendations:

1. Complete the fence on the International Boundary as soon as possible and endeavor to eliminate the large number of burros and horses now in the La Abra Valley and the Southwestern portion of the monument. These animals not only interfere with the Grays' cattle at the watering places but also utilize a tremendous amount of forage that could be used by both cattle and wildlife.

Elimination of these animals would also allow a better management plan for the Grays as they cannot keep many cattle in this area at present due to their straying into Mexico and the large number of horses and burros keep them away from water.

2. A proposal has been submitted to make a new dam in the arroyo below the present Cement Tank, which is now silted full and of no use to anyone. Custodian Supernaugh and I discussed this proposal and we both feel that rather than construct another dam in this location, we could drill a well and place a windmill and trough there for less than the dam would cost and we would have water when it was needed.

3. Clean out the old Wildhorse Tank which is silting up.

In doing this we would not be opening any new areas to grazing and would improve existing watering facilities which would assist in our range distribution problem.

HAROLD M. RATCLIFF

Harold M. Ratcliff,
Forester.

(SGD) E. T. SCOYEN
Approved for Distribution _____ Date _____
Regional Director.

cc. The Director (2) ✓
Organ Pipe Cactus NM.

Bx 172

TO : Mr. Coffman. *goc*

DATE: March 19, 1947.

FROM : Mr. Dunn.

SUBJECT: Your paper on "The Grazing Problem of the National Park Service", to be presented at the Superintendents' Conference.

I have just obtained some information from several state water right control agencies which suggest that we might revise your paragraph on Water Rights after I receive the comments requested from several other states--about the end of this week. Subject to final exchange of views with you and Mr. Price, I suggest that the last paragraph, page 7, be revised as follows:

Where water development is necessary or desirable in connection with the use of park or monument range land under established grazing privileges, it is essential that the superintendent or custodian issue written authorization before such improvements are installed, and authorization should be granted only after the applicant provides a copy of a map of the area showing the approximate location of the proposed development and a description of features required for perfection of a water right. These data should be forwarded at once to the Director for action by the Water Division. Whether there are improved facilities, or the stock is allowed to water at natural streams and springs, a water right is required under the water laws of the 12 Desert Land States of the West, and it is the policy of this Service to perfect all such water rights in the name of the United States, as is usually done by the Forest Service, but in contrast to the procedure of the Grazing Service and Bureau of Land Management. The Water Division is now assembling data from the several states, and general instructions will be issued in the next few weeks with regard to policy and procedure to be followed when issuing permits.

As a further consideration, the cost of a water right usually runs about \$250 in fees, surveys, drafting and preparation of applications and proofs. It occurs to me, that one reason the Forest Service grazing fees may be higher than those of the Bureau of Land Management, is to cover perfection of rights by the Forest Service instead of the permittee. I think your suggested 5 or 10-year grazing permits might readily include annual sums to cover the cost of rights perfected by this Service, during the total life of the permit. This might add \$0.25 per head per year, to a permit for grazing 100 head of stock. *If this Service perfects the right to water both the permittees stock, and the wild life, the cost of permit could be divided between US and permittee by reducing portion covered in permit fee.*

G. O. Dunn
Chief, Water Division.

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ADMINISTRATIVE
ARCHIVES

TO : Messrs. ~~Burney~~ and Coffman.
FROM : Mr. Dunn.

DATE: March 17, 1947.

SUBJECT: Water Development, Organ Pipe Cactus National Monument, (for stock watering) and the related general policy.

This general assembly of ideas of Branch and Division heads, initiated by Messrs. Coffman and Ratcliff, is commendable, and producing results. The subject, "Water Development", however, is broader than the treatment. It is suggested that the conclusions be limited to "Stock Watering Developments at Organ Pipe Cactus, and Example or Definition of National Park Service Policy."

There is a basic NPS policy to keep all artificial developments in a park or monument at a minimum, as implied in all attached comments, and the water right problems are kept at a minimum when strict adherence to that policy is maintained.

When a "tank", "charco", "impounding dam", "diversion and watering trough", or other development for stock watering purposes is provided in any national park or monument, its operation or use requires a water right in any state west of the 98th meridian except when provided in the original area of Yellowstone National Park. The water right is negotiable, has monetary value, and the earliest ones initiated must be satisfied before the later ones. Any access to use land for grazing constitutes access by which water right may be perfected by the permittee or the landowner, and the latter is preferable to this Service. A permit to graze implies a permit for incidental stock watering. This Service has already obtained Secretarial approval of a general policy to acquire or provide all water service for its NPS and concession needs as soon as practical. From these, and attached comments, the following are self evident:

1. The tanks built under the Soil and Moisture Program, at Organ Pipe Cactus, Grand Canyon, and Petrified Forest, in 1944, should have water rights perfected. The plans, locations, descriptions, and other data should be sent to the Water Division for that purpose at once.
2. To keep water right activities and costs at a minimum, the fewer developments made the better it will be. So far as practical, grazing should be limited to areas which can be served by a minimum of artificial watering facilities.

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ADMINISTRATIVE ARCHIVES

UNITED STATES GOVERNMENT
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20250
DATE: March 4, 1947.

FROM: Chief Forester.

SUBJECT: Water develop-
water develop-
3. If existing watering facilities have not been used for a number of years, old water rights may have lapsed through statutory recognition of abandonment. Therefore, no old watering tank, or other facility should be reconditioned or put into use without approval of the Water Division. To reopen some old facilities might restore some private rights whose lapse would be to the better advantage of this Service.

Attached is Mr. [Name] suggestion that additional watering places be developed in order to better advantage of this Service.
Your thoughts on this question in relation to the Gray cattle grazing, and also in connection with [Name] will be appreciated.

If any Service this subject or certain [Name] will be appreciated.

4. When it is necessary to grant permits for grazing, which of necessity imply the right to incidental stock watering, the permits should include conditions to reserve title to the water by the United States, and should specify who shall pay for perfecting new rights which may be needed.
5. All permits for grazing should clear through the Water Division for recording of water use, and all permits and plans for stock watering developments should be approved by the Water Division.

Attachment.

6. If the permittee has already perfected water rights, the renewal of the permit should be conditioned on transfer of the water right to the United States.

The suggestion has been made that rather than [Name] spots to heavier grazing we should improve existing watering places and develop new ones. This would probably result in the present overgrazing being continued around spots where it now exists, but such a program would prevent the destruction of other areas which are not now being used, thereby saving them for possible future tourist attractions.

P. V. Smith
Chief, Water Division.

Another reason for "going slow" on any large scale water development program, is the fact that fencing of the [Name] boundary fence - we will exclude large numbers of trespassing stock, thereby lessening the grazing load on the monument.

This should allow for better distribution of the Gray's cattle and it is possible that through such distribution and better handling of the present number of cattle we may not need additional watering places.

These arguments are submitted for your personal and possible assistance in reaching a decision on whether to develop more watering places, not only at D.P.C., but in other areas as well.

R. L. [Name]
Forester.

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ADMINISTRATIVE ARCHIVES

better advantage of this service.
Therefore some private rights whose value would be to the
the water division. To obtain some of facilities which
be reconstructed or put into use without approval of
there, no old water tank or other facility should
throughout satisfactory recognition of abandonment. There-
a number of years, old water rights may have passed
2. If existing water rights have not been used for

UNITED STATES GOVERNMENT

TO : Messrs. Richey, Russell, Cahalane, Vint, and DATE: March 4, 1947.
Dunn.
FROM : Chief Forester.

SUBJECT: Water development in Organ Pipe Cactus National Monument, and the policy of
water development in general.

Attached is Mr. H. M. Ratcliff's memorandum of February 25 relative to the
suggestion that additional water development in Organ Pipe Cactus NM might be de-
sirable in order to equalize the grazing of the Gray cattle so as to reduce overgrazing.

Your thoughts on this question in relation to the Gray cattle grazing, and also
in connection with water development in general within national parks and monuments
will be appreciated.

If any Service policy decisions have been registered in the past in regard to
this subject or certain phases of it, reference to such memoranda in the files will
be appreciated.

Jo Coffman
Chief Forester.

Attachment.

It also happens that these areas contain some of the best desert flora and

TO : Mr. Coffman.

DATE: February 25, 1947.

FROM : Mr. Ratcliff.

SUBJECT: Water development for Organ Pipe Cactus NM.

In planning a program of range management for Organ Pipe Cactus National Monument there has been considerable discussion of water development.

There are arguments on both sides of the question. In developing more watering places and improving some of the existing ones, we will be providing for wider distribution of the cattle and lessening the grazing impact around the present water holes. Of course, so long as the boundary between the U. S. and Mexico, remains unfenced we will have the problem of stock from Mexico entering and remaining for longer periods of time, which would off set the advantages of additional water supplies for the Gray's cattle. For this reason, Custodian Supernaugh and I have more or less agreed to forego any further water development until the fencing program has been completed to the point where trespassing livestock may be excluded.

Some of the arguments against further water development may also be considered. There are some portions of the Monument not heavily grazed at present, due to lack of water except during rainy spells.

It also happens that these areas contain some of the best desert flora and cacti reproduction. To open them to grazing through the development of watering places will be adding to the further destruction of the vegetation.

The suggestion has been made that rather than open some of these spots to heavier grazing we should improve existing watering places and not go into further development program. This would probably result in the present overgrazing being continued around spots where it now exists, but such a program would prevent the destruction of other areas which are not now being used, thereby saving them for possible future tourist attractions.

Another reason for "going slow" on any large scale water development program, is the fact that fencing of the international boundary ^{and completing the west boundary} - We will exclude large numbers of trespassing stock, thereby lessening the grazing load on the monument.

This should allow for better distribution of the Gray's cattle and it is possible that through such distribution and better handling of the present number of cattle we may not need additional watering places.

These arguments are submitted for your personal and possible assistance in reaching a decision on whether to develop more watering places, not only at O.P.C., but in other areas as well.

Ratcliff
Forester.

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ADMINISTRATIVE ARCHIVES

TO : Mr. Coffman.

DATE: March 6, 1947.

FROM : Richey.

SUBJECT:

I have reviewed with interest Mr. Ratcliff's memorandum of February 25, and yours of March 4, concerning the policy of water development at Organ Pipe Cactus National Monument and for the Service generally.

It has always been my understanding that the established Service policy is not to provide artificial watering places for wildlife or domestic stock in areas of the National Park System, and that such facilities will not be provided unless there is an unusual justification. I feel that this policy is sound and that any cases should be resolved on their individual merits. At Organ Pipe Cactus National Monument I have supported the stand that additional watering places should be provided within the monument to forestall additional damage to natural features by over-grazing. I feel that a few additional watering places could be constructed or additional water sources improved toward this end. I also feel that this could be done without opening up certain unusual natural areas to further damage. However, this would take additional careful study to make an absolute determination. I believe that Mr. Ratcliff and Custodian Supernaugh would be the men best fitted to determine this.

Richey
Acting Chief of Lands.

*Earthen tanks were constructed
under the CCC program for wildlife
in Grand Canyon N.P. One "charco"
was constructed in Organ Pipe Cactus
in 1944 under SMC.*

gsc.

and Petrified Forest N.M.
HC

Bx 172

ADMINISTRATIVE ARCHIVES

TO : Mr. Coffman

DATE: 3/13/47.

FROM : Carnes

SUBJECT:

Havent been to Organ Pipe, but as to the general question, it seems to me that the development of additional watering places for cattle will just multiply our problems, and spread the damage to additional areas. Such damage, to a considerable degree, is inevitable with such uses, and we might do well to confine them to as few locations as possible, and see to it that the locations are not in proximity to outstanding scenic or floral features, and as out of sight from the public as possible.

Carnes

UNITED STATES GOVERNMENT

TO

CHIEF CLERKS OFFICE
Mr. Coffman.

DATE: March 11, 1947.

FROM : Mr. Cahalane.

SUBJECT: Water development in Organ Pipe Cactus National Monument.

Except under highly unusual circumstances, artificial supplies of water are not developed in national parks and national monuments. I believe that this principle is sound and compatible with the basic law governing the National Park System.

Conditions in Organ Pipe Cactus National Monument have been greatly disturbed, and we might be justified in this instance in taking unusual steps to reduce the damage. There seems to be serious doubt, however, that additional water will be necessary, and that the advantages accruing from development of water will outweigh the drawbacks.

In view of this question, I believe that the Service should concentrate on other means of correcting unfavorable conditions at Organ Pipe.

Victor H. Cahalane
Biologist.

ARCHIVES

TO : Mr. Coffman, Through Mr. ^{Mr.} Gerner

DATE: November 20, 1947.

FROM : Mr. Gerner

SUBJECT: Confirmation of information just given by telephone regarding fencing ^{along} the International Boundary of Organ Pipe Cactus National Monument.

At Organ Pipe Cactus National Monument, fencing along the International Border is a vital requirement for our conservation and protection program. The requirement is to prevent unrestricted grazing, trampling and the creation of gutter-like trails by wildhorses, burros, cattle and sheep from Mexico which have caused destruction of vegetation and alarming stages of erosion.

With S&MC funds the NPS has engaged on fence construction projects 60 feet north of the boundary line as follows:

F.Y. 1944	2.6 miles completed
" 1946	5.6 " "
" 1948	7.5 planned & in process in cooperation with the International Boundary Commission.

These fences I understand are in the nature of drift fences, provisional protection only. It is believed that the 1948 project when completed will check most of the serious stock trespass, however existing old fences (constructed by stockmen) are badly in need of extensive repairs.

There are extensive reports over the course of years on the situation in the files. A couple of memos by Region 3 ~~the~~ of 8/7/46 and 11/15/46, which I had copied for my reference are attached for possible convenience and aid.

Gerner

Bx 172

ARCHIVES

Mr. Coffman:

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CHICAGO, ILLINOIS

In view of the varied comments on water development at Organ Pipe Cactus NM. I have the following suggestions.

Where the expenditures for water development would reach a figure of \$10,000 or so, for the sole benefit of one family of grazing permittees, I doubt the desirability of entering into such a large scale program. However, I do recommend that we clean out and fence the Rincon Spring in the Southwestern part of the area; reconstruct the Cement Tank, north of Robert Gray's ranch. (This is necessary because this tank is silted full and holds very little water and a new dam across the arroyo below the present one would probably furnish water a good part of the year). The possibility of cleaning out the Wildhorse Tank should be considered also. This would benefit existing watering places and would probably forestall any serious criticism from the Grays' or their attorney Mr. Coker, that we were not attempting to assist in carrying out a range program. This amount of work might also furnish the required amount of water until such time as the boundary is fenced and excess stock removed.

After this is done and the Grays' have an opportunity to distribute their cattle more evenly over the area, we can determine whether additional watering facilities are needed or ~~unnecessary~~ desirable.

In so far as water development generally, is concerned, I am of the opinion each case should be considered on its merit and all facts given their proper weight in determining our course of action. In some instances where a small expenditure of say \$400 - \$500 would suffice and local damage would be prevented, such as was the case at Dinosaur NM. when permission was granted Mr. R.F. Brown, and Mr. Doug Chew to build small stock watering tanks; we would probably be justified in either building them ourselves or granting permission for the permittee to build with the understanding the developments would become Government property upon completion.

cc: General Files.

/cc

Ratchiff.

Cost? Ratchiff will have to
examine on the ground
& make estimate.



Bx 172

December 10, 1946 This letter is attached hereto and marked as Exhibit A.

Honorable Hillary A. Tolson,
Acting Director,
National Park Service,
United States Department of the Interior,
Washington, D. C.

Dear Mr. Tolson:

Reference is made to the Organ Pipe Cactus National Monument, located south of Ajo, Arizona, and the Gray family who have a grazing permit thereon from the National Park Service, and particularly to your letter of July 31, 1946 addressed to the Honorable Carl Hayden, United States Senator from Arizona, and to the Special Report on Grazing damage dated July 2, 1946, prepared by Mr. Harold M. Ratcliff, a Forester of the Park Service.

Before discussing the Special Report, I believe it advisable to review the history of the Gray case up to the time of the Special Report.

In May of 1941, as attorney for the Gray family, I took the Gray case up with the Honorable Oscar Chapman, Assistant Secretary of Interior, in Washington. At his suggestion I wrote him a letter under date of June 19, 1941, outlining the history of the Gray family's residence and use of the public domain, in what is now the Organ Pipe Cactus National Monument, and their plight after its withdrawal by the President as a national monument. I requested that the Secretary of Interior, under the equities in their case, grant "administrative relief". A copy of this letter which relates the history of their settlement in the area is attached hereto and marked Exhibit A. This letter, together with letters from United States Senators Hayden and McFarland of Arizona, was presented to Mr. Chapman. Under date of September 9, 1941, Mr. Chapman, speaking for the Secretary of the Interior, denied our request for administrative relief. However, he closed his opinion with the following statement:

"The records of the National Park Service disclose that since January 1, 1939, annual permits have been granted Henry, Ralph, Robert, Robert Louis, and Jack Gray, as a copartnership, to graze approximately 550 head of stock on the lands within the Organ Pipe Cactus National Monument, and 'to maintain and continue such wells, water holes, horse trails, truck trails, and ranch steads as are now used by the Gray family in connection with its grazing operations within the monument.' It is believed that the granting of permission to make such use of the lands in question will prevent any hardship that may result from a denial of the alleged rights to acquire title thereto." (Under-scoring mine)

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December 10, 1946

Honorable Hilary A. Tolson

December 10, 1946

Later at the request of Senators Hayden and McFarland, the Honorable A. E. Demaray, Acting Director of the National Park Service, outlined the position and intent of the Park Service, in a letter to Senator Hayden under date of October 10, 1941. This letter is attached hereto and marked as Exhibit B.

I wish to call to your attention, in particular, to the next to the last paragraph of Mr. Demaray's letter, which reads as follows:

"We appreciate your recognition of the fact that this Service can not issue a grazing permit that will run to the heirs of the permittees. Furthermore, there is no authority under which we can issue a lifetime permit in this instance. We feel, however, that there is no occasion for the Grays to become concerned. This Service appreciates the position of the local ranchers and will cooperate to the full extent of the law in the adjustment of grazing problems affecting them as they arise in the monument."

Prior to this time, I was called into active duty of the United States Army as a Reserve Officer and was not released until June of this year. Therefore, I had no occasion to represent the Grays until your letter and special report was received from Senator Hayden in August of this year.

According to your letter to Senator Hayden, permits have been issued each year from 1938 through 1941 for 550 head, and since 1941 for 1050 head. In your letter to Senator Hayden, based on the Special Report of Mr. Ratcliff, you propose to reduce the number to 550 head in January of 1947, although Mr. Ratcliff recommends the issuance of a permit to allow 714 head, or two head per section according to his computation. In this connection, it appears that Mr. Ratcliff's figure of 714 head, being based upon two head per section carrying capacity, is computed on the basis of 357 sections of 228,400 acres. However, the Executive Withdrawal Order, withdraws 330,690 acres of public lands, or approximately 516 sections. I have examined the tract books of the United States District Land Office in Phoenix and have failed to find any records of patented, homestead, or state lands which would reconcile the difference of more than 100,000 acres. Therefore, I believe that there has been some mistake in computation, and in accordance with Mr. Ratcliff's recommendation of two head per section the permitted amount of livestock should be, based on 516 sections, 1032 head of livestock, instead of 714 head.

I respectfully submit to you that the allowance of only 550 head carrying capacity on the entire monument will irreparably injure the Gray family and cause them to lose their life time investment. It must be remembered that four families must be supported out of their livestock operations in the Monument. They are not trespassers who have come on to the Monument since its establishment, but as shown by Exhibit A, they have resided there for a number of years, having established themselves there long before the establishment of the Monument, and who bought themselves in by buying the rights of others, in good faith, believing that they were actually buying something. In addition it is well to point out at this point, that one of the Gray brothers, Jack, has recently returned from the

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service of the United States Army, after having served therein for several years, and having been in the New Guinea, Philippine campaign, and the occupation of Japan.

In making this request of you to reconsider your decision to cut the present permit from 1050 head to 550 head, I feel that you, with a sense of justice and equity, will realize that four families cannot make a livelihood out of such a small operation, in particular when all of the records in the Department of the Interior show conclusively that the Gray family are not trespassers, but are good substantial American people, who in good faith, thought they were buying the means of an honorable and needed livelihood, in the days when the open public domain was without any control whatsoever, and when the purchase of a squatter's right was a legitimate recognized practice in the West.

However, I am not content with only appealing to your sense of justice and equity in this case. I feel that you should be presented with facts upon which you can base your reconsideration, and which will disclose to you that the Gray's operation within the Monument will not injure or destroy the Monument.

I have discussed the report of Mr. Ratcliff, in detail, with the Gray family, and instead of having them submit an affidavit in answer thereto, which they were willing to sign, (for the reason that as an attorney I do not believe in affidavits, or ex parte statements, but in a dispute on a question of fact believe that such matters should be thoroughly presented in a formal hearing,) I am submitting to you the answer of the Gray family to some of the charges made against them by Mr. Ratcliff in his Special Report:

1. Bob Gray, Sr. was informed by your Custodian Supernaugh, last year, that the present permit was to be for a period of five years, with a permitted 1050 head. Mr. Supernaugh explained the reason for this five year permit was because it was too much trouble to carry witnesses around with him to have them witness the signing of the permit. The Grays further state that they have never received a copy of the 1946 permit.
2. Custodian Supernaugh has never been present for any time at round-ups for the purpose of making a count, although he has been repeatedly invited by the Gray family; that when he would be present he would remain only an hour or so.
3. Custodian Supernaugh has never insisted on a count, nor has he kept any appointment to make an actual count, although the Gray family have always been ready and willing to make one.
4. Custodian Supernaugh, nor has the National Park Service, never offered the Grays any plan for range management.

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5. Neither Custodian Supernaugh or Mr. Ratcliff made any inspection of range conditions east and northeast of Bob Gray, Sr.'s home place, at the time of Mr. Ratcliff's inspection trip, which range is the best part of the Monument for grazing. That at present, in this area, especially in the large canyons, the feed is two feet high, which is enough to last approximately two years.
6. That Custodian Supernaugh has never visited or inspected this area, and has repeatedly admitted this fact to the Gray family.
7. That in April of this year, Custodian Supernaugh, directed Robert Louis Gray to stop the development of a well on his unpatented mining claim, located some 9 miles north of Dowling Well, and stated to him that it would require a special permit to develop the same. That the completion of this well would have avoided a lot of the losses complained of in Mr. Ratcliff's report, and would have provided a better distribution of the grazing, and feed for the cattle.
8. That neither Mr. Ratcliff or Custodian Supernaugh insisted that they move their cattle out of the Monument, at the time of their inspection; nor did they offer to the Gray family any range management plan or suggestion to aid them in avoiding such losses.
9. The Gray family denies that they lost 500 head of cattle, and state that most of their losses were calves.
10. That the drought conditions were not local but prevalent all over the State of Arizona; that it was impossible to move excess cattle because there was no place to move them; that it was impossible to buy enough feed to feed the cattle.
11. They admit that one McCriegt offered to buy their cattle but state that they could not afford to sell them for the price offered; that they were gambling on a rain which would save them. (Which did in August)
12. They deny having received any other legitimate offers from Ajo grocers and butchers, and can furnish affidavits from the only Ajo buyers to such effect.
13. They deny the burning of cholla cacti for feed purposes, and further state that cattle will not eat cholla because it makes them sick.
14. They deny the indiscriminate burning of cacti or the destruction of paloverde trees or any other trees.

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15. They allege that if they had sold all of their cattle as criticized in Mr. Ratcliff's report, that they would have depleted their breeding herd, and as a result been unable to replace them, except at unreasonable prices which they could not afford.

16. They state emphatically that at no time has Custodian Supernaugh, or any other National Park representative, encouraged them to develop any additional waters, for better distribution and to avoid congestion around areas such as Alamo Canyon, or offered any suggestion for the improvement of the conditions around Alamo Canyon by the piping of water from there, or the development of water in the near vicinity.

17. They allege emphatically that at present there is enough feed on the Monument to more than take care of their permitted number of 1060 cattle for the next two years.

18. They agree with Mr. Ratcliff that most of their overgrazing problems have been caused by Mexican trespass stock, over which they have no control, and which if allowed to continue, will not only cause them, but the Park Service, to suffer irreparable damage and injury.

While you will probably not agree with some of the statements made by the Gray family, after having discussed these points thoroughly with them, I am of the firm belief that they are telling the truth, and have always been ready and willing to cooperate.

In addition to discussing the Special Report with the Gray family, I was of the opinion that an independent appraisal of the area, by qualified range men, would be of benefit, not only to the Gray family, but to the Government. Accordingly, I was able to secure the services of Mr. C. F. Dierking, former Regional Grazier, Division of Grazing, Department of the Interior; Mr. Volney M. Douglas, a range forage consultant, who is retained by some of the largest livestock interests in the State of Arizona for expert advice on range management and forage problems; and Mr. Ran Bone, who is the chief range appraiser of the State Land Department of the State of Arizona, with years of range appraisal experience.

I requested these gentlemen to make an appraisal of the area in the light of all conditions and particularly in view of either agreeing or disagreeing with Mr. Ratcliff's Special Report. As a condition to their employment, they insisted that I, as well as the Gray family, would accept their report as final, without regard to the conclusions which they might reach, e.g., either agreeing or disagreeing with Mr. Ratcliff's recommendations and conclusions. This was agreed upon, and as a result, they have submitted a report to me, which in my opinion is fully justified from the facts, in which they recommend a carrying capacity of three head per section, together with other recommendations such as added development of water to prevent congestion, and elimination of trespass stock. This report is attached hereto and marked Exhibit C.

It will be admitted that their inspection tour consisted of only one day, but it is submitted that these men, being familiar with range conditions all over the State of Arizona, and being experts as range examiners, could by an inspection tour of one day, be able to arrive at a conclusion and opinion which cannot be refuted.

Furthermore, it is admitted, that their inspection was made at a time when range conditions were much more favorable than at the time the inspection was made by Mr. Ratoliff. However, these gentlemen have taken this into consideration, and have based their report and conclusions on facts other than a "wet" or favorable season. (Page 4 of Exhibit C)

These gentlemen who made the appraisal are ready and willing at any time to appear before a hearing, either before the Park Service, or in court, to back up their report.

Upon the verbal recommendation of the appraisers, and with complete agreement of the Gray family, a range management program was prepared. This plan is attached hereto as Exhibit D, and signed by me as the attorney for the Grays.

Under this plan, the appraisers feel, and I am of the same opinion, that most of the objections raised in Mr. Ratoliff's Special Report would be eliminated.

I wish to again reiterate, that according to the Gray family, the National Park Service, has never suggested, recommended or offered a range management program to them.

For the purpose of removing the objections of the Park Service to their use of Alamo Canyon, which is under lease to them, and which the Park Service desires to make into a public camp-ground, the Gray family have agreed to the plan which is embodied in Exhibit D.

Under this plan, as will be seen:

First, there will be a division of use in the range. Half of the range will rest one year while the other half is being used. This plan, of course, to be fully effective, must be based upon the premise that all trespass stock from Mexico is eliminated. This is a condition over which the Gray family has no control whatsoever.

Second, the Gray family, recognizing the desires of the Park Service to establish a public camp ground in Alamo Canyon, are willing to sublease their rights in this canyon, providing the Park Service will construct the necessary watering facilities within a radius of one mile from Alamo Canyon, and guarantee to maintain the same. This would eliminate the most serious objection to their use of this Canyon.

Third, the Gray family, believes that they should be allowed to develop more water in the central and eastern portion of their range, which would have the effect of eliminating the congestion around Alamo Canyon and other permanent waters.

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Fourth, the Gray family are ready and willing to appoint among their members a general manager and spokesman, who will be authorized to speak for the family, and with whom the Park Service can deal with instead of individuals, which is now necessary;

and appraisers, wherein they state that one range fire would cause more damage to the Monument than years of overgrazing.

Fifth, the Gray family is ready and willing to keep an up to date tally book, which will be open to inspection by the representatives of the Park Service at any time. Furthermore, they are ready and willing, as they have been in the past, and will in the future, to make annual counts of their cattle, at a time when it will be convenient to them and the Park Service. The Spring round-up is the time suggested.

I submit that the adoption of the recommendations of the appraisers, and the proposed range management program, will be beneficial both to the Gray family and the Park Service, and will in effect eliminate all objections which the Park Service has to the continued operations of the Gray family within the Monument.

I am of the opinion, and I believe that you will agree, that the Gray family should not be penalized at this time, when the production of beef means so much to the nation and the world, for conditions which have not been within their control, such as:

1. Trespass stock in large numbers from Mexico, over which the Grays are powerless to cope with;
2. The most severe drought conditions which have ever been inflicted upon the State of Arizona (I personally know of the case of a client of mine which lost over \$100,000 due to drought conditions whose operations are conducted in one of the best range areas in the State of Arizona).
3. The lack of any range management plan submitted to them by the Park Service or any other governmental agency which would have aided them in solving their perplexing range problems, and perhaps avoided the losses complained of.
4. The refusal on the part of the representatives of the Park Service to allow the Grays to develop any more waters which would eliminate the congestion complained of, and save the lives of cattle, by allowing greater distribution, and thus prevent conditions which are severely criticized and condemned by Mr. Ratcliff in his Special Report.
5. The failure to offer suggestions or plans by competent range advisors in the time of grave emergency, such as the past year, on the part of the Park Service, which would not only aid them, but provide a solution to the problems of the Park Service.

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December 10, 1946

One further item mentioned in the report of the appraisers I believe deserves attention. This is the concluding comment made by the appraisers, wherein they state that one range fire would cause more damage to the Monument than years of overgrazing.

It is a matter of common knowledge in this state, that range fires have swept over the Fort Huachuca area, which consists of the high plane or plateau area, without any trees or shrubbery except grass. Recognizing this constant hazard, the government has finally opened this country to grazing in order that the grasses could be kept eaten down and their potential incinerator possibilities would be destroyed. I am sure that you are well aware of the fire hazards that exist in your National Parks which are caused by the careless and negligent park visitor. If the Organ Pipe Cactus National Monument has the number of visitors which are claimed, I know that you are constantly aware of the hazard that exists. One careless cigarette or match by one of your visitors, at the right time, with the high wind velocities that exist in that area could, with one conflagration, destroy all for which the Monument was established, unless these grasses, such as exist today, were kept eaten away by the grazing of livestock.

I realize that this letter has run to lengthy proportions, but I believe that you should have all the facts before your final decision is made in the issuance of a permit for the coming year. In conclusion I therefore urge and request:

1. That you reconsider your decision to limit the number of livestock to be grazed by the Gray family to 550 head, and adopt the decision of three disinterested expert range examiners that the carrying capacity of the range is three head per section;
2. In the event that you should desire more evidence on the carrying capacity of the range, that you order a hearing, to be held in Arizona, to determine all of the issues involved in this case; and that in the meantime, you allow the present permit to continue, until such time as you have made your final determination from the evidence adduced at such hearings;
3. That in addition to authorizing a permit for the recommended three head per section, that you either adopt the proposed range management plan or submit one which will work to the interests of the Gray family and the Government.

I assure you, Sir, that the Gray family and I will be ready at all times to cooperate with you and the Park Service in carrying out the principles and plan above proposed.

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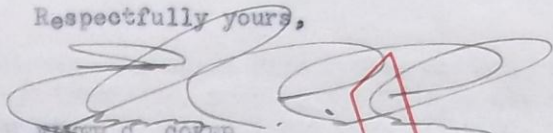
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Honorable Hillary A. Tolson

December 10, 1946

Thanking you for your indulgence in this matter, and trusting that your decision will be fair, just and equitable, I remain,

Respectfully yours,


ELMER C. COKER
Attorney for Bob Gray, Sr., Robert Louis
Gray, Jack Gray and Henry Gray

cc: Honorable Carl Hayden
Honorable E. W. McFarland

COPY

B-172



June 19, 1941

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

My dear Mr. Chapman:

You will recall that when I was in Washington recently, I discussed with you the unfortunate plight of the Gray family, who reside upon what is now known as the Organ Pipe Cactus National Monument, which was created by Executive Order of April 13, 1937. In writing you this letter on behalf of the Gray family, I do not wish it to be interpreted that I am in any way appealing or arguing matters of law on behalf of the Grays, but that my plea is for administrative relief and justice which the Department, in its discretion, may exercise for the promotion, maintenance and protection of the rights of innocent parties. In presenting the facts to you, I will present the facts as I see them, and will make each of the Gray cases separate, and if I am in error, the records of your department will correct me.

Bob Gray, Serial No. Phoenix 079216

About the year 1919, Bob Gray, together with his family, acquired, South of Ajo, on the Mexican border, the settlement claim of one Blankenship, all of the land in that general area at that time being unsurveyed, and subject to entry by the filing of a settlement claim, this being denied to Gray at that time because of the use of his homestead rights elsewhere. Bob Gray paid as a consideration for his holdings the sum of \$5,000.00, the principal holdings being the NW¹/₄SE¹/₄; Lots 1, 2, 3, and 4 of Section 13, Township 18 South, Range 5 West, and upon which land is located valuable improvements, consisting of a four room adobe residence, a two room plank bunk house, one grain house, windmill, pump, engine timber, dirt tank, troughs, pipe line, and four corrals. Bob Gray has continuously maintained his residence on this land since his acquisition thereof from Blankenship. It appears from the affidavits on record in your Department that Blankenship had continuously resided on this land since 1914. As evidence of title, Blankenship gave Gray a bill of sale. The plat of survey of the township in question was filed on April 3, 1934. On April 13, 1937, the township was reserved by Proclamation No. 2232 for the Organ Pipe Cactus National Monument. Some time in April, 1939, Bob Gray, desiring to obtain title to the lands in question, made application to purchase, filed under the Act of December 22, 1928, (45 Statutes 1069) commonly known as the Color of Title Act.

Exhibit A

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June 19, 1941

The region is low and sparsely watered, and it was necessary for the Gray family to develop wells which were then on the open public domain, and which they did in several instances, in the belief that the future would grant them the opportunity to protect their investment, no one having the slightest idea that the government would be interested in setting aside the land for any purpose.

Almost immediately after the survey, the Organ Pipe Cactus National Monument was made, and again through ignorance, nothing was done by Mr. Gray to protect his investment until after withdrawal had been effected. Of course the withdrawal was presumed to recognize any rights or interest which might have attached to the land, but unfortunately, although Mr. Gray has a claim right, as stated above, he probably has no legal claim, and a strict construction of the effect of the withdrawal will deny him his home of twenty years and his investment of a large sum of money. The Department, under a decision rendered on December 31, 1940, in effect has as a matter of law and by a strict interpretation of the withdrawal order, denied him his home of twenty years and destroyed his investment of many thousands of dollars and years of hard labor and sweat.

HENRY GRAY, Serial No. Phoenix 079938-
071341 (McDaniel)

As the Gray children reached their maturity, they branched out for themselves upon what was then the open public domain. Henry Davis Gray acquired the homestead of one J. T. McDaniel in July, 1935, and paid therefor a consideration of some \$2500.00. McDaniel had an intact homestead entry bearing Serial No. Phoenix 071341. Henry Gray resides on this homestead, which embraced the NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 14 South, Range 7 West. On June 30, 1940, after the purchase by Henry Gray, the entry of McDaniel was cancelled as a result of the adverse proceedings by the Commissioner of the General Land Office. On December 27, 1940, Henry Davis Gray filed his homestead application under Section 2289, Revised Statutes, under Serial No. Phoenix 079938, for the E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 35, embracing 160 acres. The entry was rejected by reason of the fact that the intervening executive withdrawal order for the Organ Pipe Cactus National Monument had cut off any rights which Gray might have. It is seen from these facts that the residence of Henry Gray was established after the general withdrawal order of November 26, 1934, but prior to the withdrawal order of April 13, 1937, establishing the Organ Pipe Cactus National Monument. As in the case of Bob Gray, Henry Davis Gray, through ignorance, and believing that he was acquiring good title, and for a valuable consideration, purchased and expended a large investment for something which in reality did not exist, if a rigid interpretation of the withdrawal orders is followed. If the Department is to follow strictly the law in this matter, in this particular case, of course the investment and years of hard labor of Henry Gray would be in vain. This is another case where the Department, if it strictly follows the law, would virtually confiscate and destroy the hard earned investment of a man who, in good faith, attempted to establish his home and earn a livelihood. On the other hand, the Department, through its exercise of discretion, could properly administer justice here by recognizing

Facts herein are similar to the facts stated in the case of Edward L. Girard,

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June 30X

SW $\frac{1}{4}$ NE $\frac{1}{4}$ →

June 19, 1941

the claim and casting aside any technical rules of construction and thereby protect this unfortunate individual in his investment and livelihood. Passing this particular case, I will point out that this matter is now on appeal to the Department from a decision rendered June 6, 1941, but we are disregarding such appeal on questions of law, and merely requesting the Department in its discretion to administer equitable justice.

Jack Gray, Serial No. Phoenix 079023:

On or about July 1, 1924, Jack Gray and his dad, Bob Gray, went upon the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, both in Township 18 South, Range 5 West, and put a portion of said land under cultivation. Jack built a house and two dirt tanks in connection with his cultivation of said land. The survey of this township was filed officially on April 3, 1934, and again the land was withdrawn in the Executive Withdrawal Order of April 26, 1934, and April 13, 1937, for the Organ Pipe Cactus National Monument. While it is maintained by Jack Gray that he maintained his residence there, the Commissioner of the General Land Office, on June 13, 1939, held that it is apparent that although he cultivated a part of the land involved, and placed certain improvements thereon, that he had not established and maintained such a bona fide residence on the land as to put him within the excepting clause of the withdrawal orders. I do not have the file before me regarding the residence of Jack Gray, but I believe that he maintained sufficient residence to show that he was acting in good faith and intended to eventually acquire title to the land involved. It will be seen from the records in your Department that of the three cases herein involved, Jack Gray has, as a matter of law, a better chance to perfect his title to this land than either his father or his brother; however, no appeal was taken upon the adverse decision rendered by the General Land Office, and this case, too, becomes a case for which the Department must administer justice in accordance with the dictates of its conscience and equity.

CONCLUSION

As stated in the opening paragraph of this letter, I do not in any manner attempt to argue questions of law with the Department, but am merely requesting that the Department cast aside the strict legal interpretations of the law and administer justice according to the dictates of its conscience and equity as presented by the facts in the cases herein. You, being a Western man, can understand how many of these people, through ignorance of the law, would fail to protect their rights, but who in good faith have attempted to establish and maintain their homes and their means of livelihood. An examination of the area involved, I believe, will disclose that the organ pipe cactus is not present upon any of the lands embraced within the homestead entries, and I believe the Department could probably, with due regard to the purpose of the National Monument, allow each of these individuals to realize upon their long hard years of labor and the investment of hard earned dollars, by allowing them to procure title to the lands involved. None of the Grays is asking the government to give him something for nothing. Each of them is willing to purchase this land from the government under any provision of applicable law. I believe that the case at bar and the facts herein are similar to the facts stated in the case of Edward R. Girard,

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Honorable Oscar Chapman

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June 19, 1941

55 Decisions of the Department of the Interior, page 306, and believe that the Department can probably protect these individuals by the ruling laid down therein, stated in the following language:

"It is clear that to deprive this appellant of his home and the land involved would be an act of extreme harshness, and the Department is unwilling to affirm the Commissioner's decision unless no other action is possible."

It is clear that the Department, in the rendition of this decision, does not strictly follow the law, but exercises its discretion and administers justice in accordance with the dictates of its conscience and equity. Perhaps the Girard case can be distinguished from the case at bar, but we feel that the principle of administrative discretion, as exercised in the Girard case, can be properly exercised by the Department in these cases.

I am herewith enclosing some photographs taken recently of the Bob Gray and Henry Gray premises.

I sincerely trust that in the interest of justice and equity that the Department can recognize the claims of these innocent people, and protect their hard and well earned investments to the end that they and their children may have a home and a means of livelihood so long as they shall desire.

With my kindest personal regards, I remain,

Respectfully yours,

ELMER C. COKER

ECC/mm

Encs.

Bx 172

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

ORGAN PIPE CACTUS NATIONAL MONUMENT
WASHINGTON
Report on Land Use Conditions

October 10, 1941

Hon. Carl Hayden,

of Phoenix, Arizona, Mr. Ben Bone joined Mr. C. F. Dinkley and Mr.

United States Senate.

Valley H. Douglas in Phoenix at 8:30 A.M. October 21, 1940, travelled

My dear Senator Hayden:

This will acknowledge your letter of September 26, enclosing Mr. Elmer C. Coker's letter of September 19 to you, regarding the issuance of a lifetime permit to Mr. Robert Gray and his sons, covering the use of Federal lands in the Organ Pipe Cactus National Monument.

This Service has issued annual permits to Henry, Ralph, Robert Louis, Robert and Jack Gray, as a co-partnership, to graze approximately 500 head of stock on Federal land, and to maintain and continue such wells, water holes, horse trails, truck trails, and ranch steads as were used by the Gray family in connection with its grazing operations within the monument. It is our intention to continue to issue permits, on an annual basis, during the lifetime of the Grays, or their survivors, so long as they do not dispose of their ranch interests by sale or, in the event of death of any of them, by will or the intestate laws of the State to other than the survivor or survivors of them.

We appreciate your recognition of the fact that this Service can not issue a grazing permit that will run to the heirs of the permittees. Furthermore, there is no authority under which we can issue a lifetime permit in this instance. We feel, however, that there is no occasion for the Grays to become concerned. This Service appreciates the position of the local ranchers and will cooperate to the full extent of the law in the adjustment of grazing problems affecting them as they arise in the monument.

Mr. Coker's letter is returned herewith in accordance with your request.

boundary of the Monument. From the highway it turned east for two miles

Sincerely yours,

toward Well's well and returned to the highway and thence south on the

A. E. Demaray (signed)

highway to the road leading to the party drove to the end

Acting Director.

of the road and walked up to the windmill and corral. It then returned

Enclosure 2369802

to the highway and proceeded south across the monument to the Mexican

border. Going east along the fenced border it inspected the livestock

Exhibit B

Bx 172

ORGAN PIPE CACTUS NATIONAL MONUMENT
Report on Land Use Conditions

In agreement with Elmer C. Coker, attorney for Gray family, of Phoenix, Arizona, Mr. Ran Bone joined Mr. C. F. Dierking and Mr. Volney M. Douglas in Phoenix at 6:30 A.M. October 21, 1946; travelled to Ajo and met the Gray brothers--Henry, Jack and Robert Louis, at 9:00 A.M. as previously arranged. The group then left for Organ Pipe Cactus National Monument for a general inspection of conditions and circumstances and for a specific appraisal of the carrying capacity of this area.

Data Available before Inspection.

The Special Report of the grazing damage to the Monument by Mr. Ratcliff, dated July 2, 1946.

Average rainfall at Ajo---9.48 inches.

Area approximately 357 sections, based on Mr. Ratcliff's computation.

Inspection Route

The party travelled south on the Organ Pipe Cactus National Monument Highway to the U. S. Immigration Station located at the north boundary of the Monument. From the highway it turned east for two miles toward Wall's well and returned to the highway and thence south on the highway to the road leading to Alamo Canyon. The party drove to the end of the road and walked up to the windmill and corrals. It then returned to the highway and proceeded south across the monument to the Mexican border. Going east along the fenced border it inspected the livestock

Exhibit C

Bx 172

facilities at Guacharo well and continued eastward to Bob Gray Senior's ranch home. It resumed travel and returning to the highway at the border turned west to Dowling well, through the Sonoyta Mountains and along the border west to Aquaquito Springs, thence north through the Agua Dulce Mountains, and on north around the west side of the Bates Mountains to Bates' well. The party continued through Growler Pass to Ajo, travelling in all some 80 miles within the boundaries of the Monument.

Description of Water Facilities Inspected

Alamo Canyon: Water was running freely in the open canyon. Windmill, storage tanks, trough, and corrals are located at this site, and will water 150-200 cattle.

Guacharo Well: Windmill, storage tank and trough provide a good livestock watering place, and will water 100-150 cattle.

Bob Gray Senior's Ranch Home: Mr. Gray and his wife are living and have lived here for a number of years. A good windmill, livestock water and corrals are located here, and will water 150-200 cattle.

Dowling Well: Windmill, storage, troughs, corrals and living quarters are located at this well, and will water 250-300 cattle.

Aquaquito Spring: This Spring is providing abundant water for livestock now and appears to be permanent, and will water 500 cattle.

Bates' Well: Living quarters are maintained here. Also two windmills, corrals, water facilities and a division fence, and will water 300-400 cattle.

In addition the Grays claim to have the following waters which were not visited.

Walls well: Located in the northeast corner of the Monument, estimated to water 150-200 cattle.

Salt Well: Located approximately 9 miles west of Dowling Well, estimated to water 150-200 cattle.

Bonita Well: Located approximately 6 miles northwest of Salt Well, estimated to water 200 cattle.

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Williams Spring: Located west of Aquaquito Spring, estimated to water at least 500 head of cattle.

Big cement tank: Located south of the Ajo Mountains, estimated to water 150 cattle in good years.

Description of the Vegetation

The vegetation is principally desert browse and annual vegetation. The Organ Pipe Cactus seem to be quite localized. Annual vegetation is comprised of Indian wheat, Arizona fescue, six weeks gramas, filaree, trefoils and many other semi-desert annuals. Hoe grass, desert galleta, needle grass and Rothrocks gram are noticeable perennial grasses. The browse is comprised of paloverde, ironwood, mesquite, catsclaw, lyciums, coffee berry and salt brush, range ratany, and several common desert cacti.

Comments

The excess cattle losses occurred in the worst drought of the past 21 years, according to Mr. Rateliff's report. Livestock losses were not confined to the Monument. Losses were general over the state and occurred even on the adjoining Indian reservation which operated under a grazing management program. Average rainfall at Ajo is 9.48 inches. According to Mr. Rateliff the rainfall at Ajo in 1945 was 4.02 inches, and for the first six months of 1946 the rainfall was .62 inches.

Throughout the trip there was no observation of signs of chopping or burning of paloverde, cholla or other types of vegetation.

Our observations indicate that damage to the area has resulted from the grazing of excess stock, in trespass, above the carrying capacity of the range. However, there should be no permanent damage from the grazing of an average of three head per section.

From Dowling Well west to Aquaquito Springs, past signs of trespass livestock in large numbers are very evident, trails being well

Bx 172

worn up each ridge coming from Mexico. Trespass livestock are still present though in less numbers. The improved trespass situation results from completion of some seven miles of fence west of Sonoyta Mountains.

Reproduction of Organ Pipe, sahuaro and old man cacti appears to have been practically eliminated for the past fifty years or more. It is our opinion that the recommended carrying capacity of three head per section will not be detrimental to this reproduction.

Most of the forage of this semi-desert range keeps for months. It is, therefore, practical to reserve sufficient feed to last through the following season. Thus it is possible to adjust livestock numbers before feed runs short in dry seasons.

Admittedly our inspection was made following a heavy August rain storm which produced an abundance of annuals. However, our determination of three head carrying capacity per section is not based upon these favorable conditions prevailing at the time of the inspection, but is based upon a long time average for its production for this type of range.

The carrying capacity of a range is based upon the available feed, and forty-five pounds of feed per acre is all the feed used by the foraging of three animal units per section. There is, at present, a dense stand of winter annuals over the entire area. The average production of these annuals with the rainfall of the area produce this much feed alone. In addition there is an average of 5 to 100 trees and shrubs to the acre which produce an additional forty-five pounds or more of available browse on a sustained basis. This amount of feed is double

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the amount needed to meet our recommended carrying capacity of three head per section, and did not take into consideration the tree beans which is a considerable item, nor does it allow for the feed produced from the perennial grasses which are very important, nor does it allow for the approximately five percent of the land that is flooded with each rain and often produces more feed than mentioned above.

Note: The second and fourth recommendations of Mr. H. M. Ratcliff in his Special Report on the Organ Pipe Cactus National Monument, dated July 2, 1946, do not conform entirely to each other. His second recommendation is a carrying capacity of two head per section. His fourth recommendation is termination of the permit to protect the area from complete destruction.

The carrying capacity is set to maintain, not to destroy, vegetation. The usual open range grazing land practice is often destructive because of competitive grazing. Good grazing land practices are now accepted as necessary on any range to maintain vegetation and stabilize the soil.

Conclusions

The average carrying capacity of the area is estimated to be three head per section, after seeing typical samples of the area.

The number of cattle recommended can be grazed without detriment to the scenic value of the area.

Added water and livestock facilities should be permitted in areas of no special tourist attraction. This would remove some of the objections of the Park Service at present waters.

All trespass livestock should be eliminated to prevent further overgrazing.

The annual vegetation is subject to severe drying and furnishes excessive fuel for frequent lightning fires during the summer thunder

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storms unless properly grazed. One of these fires is more destructive to trees, shrubs and cacti than years of overgrazing.

Dated at Phoenix, Arizona, this 30th day of November, 1946.

TO WHOM IT MAY CONCERN:

Handling livestock was my principal occupation in the country of my home until I was employed in 1918 as a range manager with a string of horses and mules.

Ran Bone
Ran Bone

1929-1932: part time range technician on the Arizona Experimental Range until graduated from the University of Arizona Range Management.

C. F. Dierking
C. F. Dierking

1932-1934: part time range technician on the Arizona Experimental Range until graduated from the University of Arizona Range Management.

Volney M. Douglas
Volney M. Douglas

COPIES

Bx 172

PROPOSED GRAZING LAND MANAGEMENT PLAN

ORGAN PIPE CACTUS NATIONAL MONUMENT

In order to meet the objections of the National Park Service the Gray family submits to the National Park Service the following proposed Range Management Plan for their operations in the Organ Pipe National Monument which is based upon the recommended carrying capacity of three head per section made by Mr. C. F. Dierking, Mr. Ran Bone and Mr. Volney Douglas, in their appraisal report:

Location and Area

The monument is located south of Ajo, Arizona, and adjoins the Mexican border. The withdrawn area is 330,690 acres.

Vegetation

Browse is abundant, and consists of mesquite, ironwood, palo-verde, catsclaw, coffee berry, chamise, purple sage, salt bush, range ratany, calliandria and squaw bush.

Cattle eat not the bitter sprouts but mostly the mature leaves as they turn brown in preparation for falling as they are sweeter and contain more food value at this time. They also trim the mistletoe from the small trees preventing it from killing the small trees before they become well established.

Winter annuals are also abundant, and consist of indian wheat in particular. This plant grows seed that is good feed, the seed sticks tightly in small heads on the plant. The plant is an annual and ripens in the spring, but the seed remains in clumps available to the livestock throughout the year. This carbohydrate and fatty feed is an ideal complement to the browse. Both feeds can be reserved for long periods without serious loss in pasturing

Exhibit D

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value, permitting a 12 months rotation of deferment and pasturing on good advantage to vegetation and livestock.

Water Facilities

(A)

Alamo Canyon: Water runs freely in the open canyon during years of normal precipitation. Windmill, storage tanks, trough, and corrals are located at this site, and will water 150-200 cattle.

Guacharo Well: Windmill, storage tank and trough provide a good livestock watering place, and will water 100-150 cattle.

Bob Gray Senior's Ranch Home: Mr. Gray and his wife are living and have lived here for a number of years. A good windmill, livestock water and corrals are located here, and will water 150-200 cattle.

Dowling Well: Windmill, storage, troughs, corrals and living quarters are located at this well, and will water 250-300 cattle.

Aquaquito Spring: This spring is providing abundant water for livestock now and appears to be permanent, and will water 500 cattle.

Bates' Well: Living quarters are maintained here. Also two windmills, corrals, water facilities and a division fence, and will water 300-400 cattle.

Walls Well: Located in the northeast corner of the Monument, estimated to water 150-200 cattle.

Salt Well: Located approximately 9 miles west of Dowling Well, estimated to water 150-200 cattle.

Bonita Well: Located approximately 6 miles northwest of Salt Well, estimated to water 200 cattle.

Williams Springs: Located west of Aquaquito Spring, estimated to water at least 500 head of cattle.

Big cement tank: Located south of the Ajo Mountains, estimated to water 150 cattle in good years.

(B)

Developing of additional water in the central portion of the range and northeast of Bob Gray's home place should be permitted.

Topography

The size of the area, together with the rather rugged mountains,

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through the central area make it possible to shift cattle from the east or to the west in alternate years, for a pasture program.

Proposed Grazing and Range Management Plan

I. Elimination of Trespass Stock

Exclude trespass. The United States Government and the National Park Service should fence the remainder of the International Boundary on the southwest part of the Monument and they should establish a fair standard fence throughout the present fenced boundary. Then the Park Service and the Customs Service should arrange to remove the livestock belonging to Mexico, as this is an International affair. Also, because the area of trespass is the area of most value as cacti exhibit, being of lower elevation, warmer climate and dryer conditions of less rainfall and geologically dryer soils than other areas of the Monument, and because damage to reproduction of the desirable types of cacti, has most noticeably been damaged here. The Government should remove the Mexican livestock because the Mexican nationals have used this land several generations and feel that the ranchers in the United States should not disturb their livestock.

The National Park Service should set regulations concerning the occasional trespass from all sides, including the adjoining Indian reservation. The regulation should require owners to notify the permittees of removal of trespass or remove trespass at time of usual round up, so that permitted stock will not be unduly damaged.

II. Grazing of Livestock

Because of the type of vegetation and climate the livestock can be moved at the time of the late spring round up to either the east or the west side of the range, to be left here for twelve months, and at the same time next year can be moved to the opposite side of the range. This grazing program will insure reserve feed ahead permitting adjusting of numbers during

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drought before feed runs out, it will give the vegetation one year of none, or at most light, use every other year, because of the time of year most suitable to moving it will offer the best protection against fires.

III. Use of Alamo Canyon

In order to relieve congestion around the Alamo Canyon Spring and well, which is under lease to the Gray family, the Gray family will agree to sublease, without prejudice to their rights, said Canyon Spring and well to the National Park Service if the National Park Service will agree to construct and guarantee to maintain a pipe line and watering facilities at some point within a radius of one mile from said Alamo Spring and well. This will allow the National Park Service to establish a camp ground, the use of which would not be affected by the congestion complained of by large numbers of cattle watering there as under the present circumstances, and would eliminate the main cause of complaint registered by Mr. Ratcliff in his report of July 2, 1946, in regard to the grazing of cattle in this area.

In addition the plan proposed in Paragraph II, above, would withdraw the stock from this area in alternate years.

IV. Count of Cattle, Tally Book and Manager

The Gray family is ready and willing, as they have been in the past, to make an annual count of their cattle at a time when it will be convenient to them and the Park Service, and it is recommended that the spring round-up be designated as the time for such count. They further

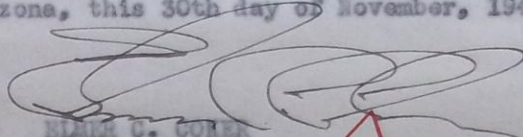
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have more authority to require it with effect the past biographical sketches
none of us were there, and each of them have a number of the kind of
character which they have and it is very hard to determine the best of

propose to keep a tally book for the inspection of the National Park
Service representatives, and to appoint from among their members a
manager or spokesman for the family.

Dated at Phoenix, Arizona, this 30th day of November, 1946.



ELMER C. COHEN
Attorney for Robert Gray, Sr., Robert Louis
Gray, Jack Gray, and Henry Gray

Y

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DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

REGION THREE

SANTA FE, NEW MEXICO

July 2, 1946.

MEMORANDUM for the Regional Director, Region Three.

June 20 to 29 was spent in a field investigation at Organ Pipe Cactus National Monument checking range and forage conditions and the loss of cattle by the Gray's.

General Conditions.

The drought conditions in Arizona are the worst in 21 years according to the Weather Bureau at Phoenix. The rainfall from June 1945 to May 1946 was 3.62 inches at Phoenix compared to a 51 year average of 7.49 inches. At Organ Pipe Cactus NM, the rainfall for 1945 was 4.02 inches compared to .62 in. for this year to date.

Vegetation on the monument is dry and there was very little evidence of grass anywhere we went. The mesquite bean crop was also very light and while the saguaros had a good fruit crop they did not fill out due to the drought and will not furnish the usual amount of food.

The wells are still holding up, with the exception of the well in Alamo Canyon which is still pumping but will no doubt go dry if it does not rain within a reasonably short time.

Condition of Livestock.

This can best be stated by a description of the losses incurred by the Gray's during the past three months when cattle deaths were first brought to our attention. The cattle are very poor and weak. Some of them are nothing more than a pile of bones with a hide draped over them. Once they get down they usually die right there.

Losses are estimated at 500 head, which is very conservative and as they continue to die it will run higher before conditions get better. Henry Gray kept count of the death loss at Bates Well until his man had to leave and he couldn't do all the work and keep up with the number that had died. He stopped counting at 300 head, and since they have been dying there for three months, his count should be accurate, Custodian Supernauth and I counted 77 carcasses within a short distance of the wells. Our count of dead cattle at all wells was 156 but we did not cover the ground thoroughly enough to get them all and we estimated the loss at each well to be 10% and it will run higher at Bates and the Miller Ranch. Bob Gray Sr., told us if it didn't rain within 30 days they would lose 60% of their stock and from what we saw he probably is not far wrong.

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The cattle are traveling up to 20 miles to water, consequently they stay out as long as they can and when they do get to water they fill up and hunt shade where they lie down and many of them never get up. The cattle seem to die close to water while horses will travel back and die several miles from water. Mr. Lusher of the Indian Service confirmed this statement by saying they had found that the cattle usually died within a mile of the water holes.

Henry Gray is the only one of the permittees who has made much of an effort to save his stock. He is hauling water for a distance of eight miles west of Bates Well to a small bunch of cattle that do not appear to be in such bad shape. He has cut several paloverde trees in this immediate vicinity to furnish feed for the stock. I counted at least eight trees mutilated in this manner. (see photo.). In other sections of the monument, around Gaucharo Well and the Miller Ranch, they Grays have burned cholla cactus to furnish some food for the stock. After the spines have been burned off the cattle eat all edible portions down to the stalk.

Another item which should be brought out is the fact that the Gray's have had opportunities to sell their stock but have refused to do so. One Grocer in Ajo, who buys for his meat counter all the time, told us that last fall while the cattle were still in good condition he offered Henry \$100 per head for 100 head of cattle and he refused to sell. We also know of a buyer who offered to buy the cattle last February when they first started to die. He offered to furnish hay and pay .06¢ per. lb. for the Cows and .11¢ for the steers. Gray's refused to deal with him. On June 25, Custodian Supernaugh and I heard this same buyer make the second offer to Henry Gray at Bates Well. He said he would furnish hay and feed the stock until they were strong enough to be hauled and he would buy every one he could get on his truck. Henry, still wanted to 'think it over'.

At the current price of \$37.50 for cattle in that condition, this loss represents a financial loss to the Grays' of \$ 18,750.00 and we know they could have had at least that much in the bank in place of having the cattle dead.

Range Conditions.

As already mentioned there is little or no forage left on the ground, the mesquite bean crop was not as good as usual. Destruction of vegetation by cattle continues to become more and more noticeable each time I visit the area. The lack of ground cover around Gaucharo and Dowling Wells increases each season and the area immediately around the wells is nothing but a dust bowl. Around Bates Well there just isn't any vegetation within reach of livestock. This is the heaviest overgrazed area in the monument and extends for distances of 2 to 4 miles on all sides of the well.

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More cattle water at these two wells than any other one watering place in the monument and the result is complete loss of ground cover. Cattle trails leading into this area parallel each other for miles and some of them are worn to 12 inches in depth.

The area immediately adjacent to Alamo Canyon is badly overgrazed as reported in other reports from the same area. Paloverde and Ironwood trees are broken down by grazing cattle and other shrubbery is fast disappearing. Yet Jack Gray says the area is not overstocked and cattle are a part of the scenery.

At the present time the road into this well is the only one which can be safely traveled by monument visitors desiring to get off the main highways and see some of the mountains. It is very embarrassing to the Custodian to send people into this area due to the broken and destroyed vegetative cover to say nothing of the dust, manure, and number of dead cattle that must be passed in getting into this area which has been designated on the master plan as a public campground. The destruction of vegetation during the past three years has ruined this area as a public use spot. All efforts to get the Grays cooperation in keeping stock out of this area have been unsuccessful.

Trespassing Stock.

The problem of trespass stock from Mexico, consisting of horses, burros, and some cattle, continues to be one of our most pressing problems. This is especially true in the La Abra Valley and the southwestern corner of the monument west of Quitobaquito Spring. Just prior to my arrival in the monument, Henry Gray counted 200 head of horses watering at one of his wells. This use precludes any use by cattle so the well was shut down due to a broken plunger rod and probably will not be fixed until some later date. Estimates of numbers of this trespass stock varies with the seasons but both horse and burro sign was plentiful and it is estimated that there are about 1,000 head of such stock in the area.

We have continually strived to obtain funds for fencing the International Boundary as well as the western boundary of the monument to prevent this stock from entering. During the past two seasons we have completed some 7.6 miles of fence west of the Sonoyta Mountains. There are about 15 miles of old fence along the border between the highway and the Ajo Mountains, which was allegedly built by Robt. Gray Sr. This fence is in bad repair and should be re-constructed as it is only a three wire fence and not up to standards required in such a structure. This should be rebuilt as it would keep about 50 to 100 horses from entering the area used by Mr. Gray and also would aid in keeping down the number of horses entering the United States from Mexico, which might carry durine into this country. Most of the durine picked up by the veterinarians is coming from Mexican stock in this general vicinity.

Custodian Supernaugh and I believe that until we have corrected this situation in relation to trespass stock, the Grays have a legitimate complaint about this stock using forage that would be used by their cattle.

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At the present time Mr. M. G. McCreight, President of the Double Seven Corporation, is attempting to obtain permission to trap and remove these burros and horses. This would relieve the situation a great deal if we can work it out. He is attempting to deal with the Gray's, as their stock will be involved in any operation to remove the excess burros and horses. Mr. McCreight would cooperate with us in any way to remove this stock and desires a special use permit allowing him to haul the stock from the monument. He will clear with the Mexican Customs officials regarding any branded stock or stock with durine.

Summary.

During the week I was in the area, Custodian Supernaugh and I visited some of the watering places and observed conditions on the Papago Indian Reservation immediately adjacent to the national monument. While the Indians have lost some stock their losses have not been nearly so heavy as the Grays', and the Indians are also selling both horses and cattle.

Before listing recommendations for future management it might be well to briefly review our experiences with the Gray family as it effects the monument.

At the time the monument was established the Gray's were told they could run as many cattle as they had at that time, for an indefinite period at a nominal fee of \$10.00 per year. They were issued a permit for 550 head which was supposed to be the number they were running at that time and they paid for this number until 1943 when their permit was increased due to their insistence they had more than 550 cattle in 1938.

Early in 1942, Custodian Supernaugh tried to obtain an estimate or count of the exact number they did have but he was not too successful, tax records did not show dependable information and the Gray's themselves do not keep records of any kind. The attempt to count the cattle on the range in May of 1942 showed a total estimated figure of 1673, or three times the number they were paying for and had been permitted to run.

In 1943 they were issued a permit for 1050 head of cattle, and were told they would have to dispose of the excess stock but whether they did or not is something we have never been able to determine. They have never cooperated with us in making a count and attempting to cut down their numbers, in fact Henry objected strongly to the excess stock clause in the permit as he felt it was too binding on them and they maintain they are not able to make a count.

If they had actually cut their herds to 1050 in 1943 and they estimated their death loss that year at 700 head of cattle, they still would have had 350 head with which to make a new start. Since none of the years from 1943 to 1946 have been favorable from the standpoint of rainfall, I cannot see how they could build up their herds again to the point where they can sustain a loss such as they now are taking and have any stock at all left with which to make a new start when the weather does become favorable. It appears they have been overstocked and there have been just too many cattle for the available feed.

The cutting of paloverde and burning of cactus indicates their total disregard for National Park Service regulations and policy in regards to destruction of park values and living up to the terms of their permit.

They have made no effort to clean up their corrals or area adjoining their so-called ranches and the carcasses of dead cattle can be seen at every watering place. To monument visitors familiar with our policies the destruction of vegetation and loss of cattle presents a very sorry picture.

The Grays own no land within the monument boundaries and base their grazing preference on squatter's rights which they have not kept up and therefore have no legal rights insofar as land ownership is concerned. They lease the Alamo Well and the Miller Ranch (at Walls Well) from Mrs. Birdie Miller of Ajo. The only things they actually own are the houses, windmills and some fences where they live. They have leases on two State sections within the monument. Jack Gray tried to homestead some land within the monument but was turned down. Robert Louis Gray is now trying to homestead land at Dowling Well but so far has not been able to make the grade.

Recommendations are summarized as follows:

1. As soon as the stock is in condition to count we should insist on a count being made. They have never cooperated with us in this project and have never given us even an estimate of the actual number of cattle they own. We did not attempt to handle the stock at this time as they are too thin and are very 'spooky' and run at the slightest disturbance.

2. We made a thorough re-study of carrying capacities on the desert type of range and checked our estimates with Mr. Lusher of the Indian Service. Our former estimate made in 1942 was 3 head per section on a year-long basis, we have decided that the average should be no more than 2 head per section. Of course there are times when moisture conditions are favorable the range would stand more stocking but if it is lightly stocked there will be some forage left for use during dry years. This forage often lasts two years between rainy seasons.

This estimate will allow 714 head of cattle instead of the 1050 they now have permitted. We also realize that any change in stocking or attempt to control the grazing will result in lengthy letters to the Arizona Senators but the damage to vegetative cover by livestock is increasing annually and unless it is soon checked the area will be irreparably damaged. It is time to restrict this use regardless of promises or obligations to the Grays.

3. If possible, we should get the Gray Family together for a meeting to discuss the better management of their cattle. This should be done sometime before their permit is renewed for 1947. The meeting should include Custodian Supernaugh, Mr. Tillotson, Mr. Davis, and myself. We have been unable to get them all together at one time and trying to work out things by talking to each one individually apparently does not work out.

4. Every effort should be made to purchase their holdings and terminate this permit as soon as possible if we are to protect the area from complete destruction.

5. The entire southern and western boundary should be fenced as soon as we can obtain funds to complete this project. Henry Gray has objected to our fencing this western boundary because it would cut his range and keep cattle from water. However, he has not been able to secure either an allotment or grazing permit from the Grazing Service on lands west of the monument. Therefore we believe the entire boundary should be fenced to prevent the entrance of outside stock.

Harold M. Ratcliff.

Harold M. Ratcliff,
Forester.

Approved for distribution

W. M. Tillotson
Regional Director.

cc. The Director (2)
Organ Pipe Cactus NM.

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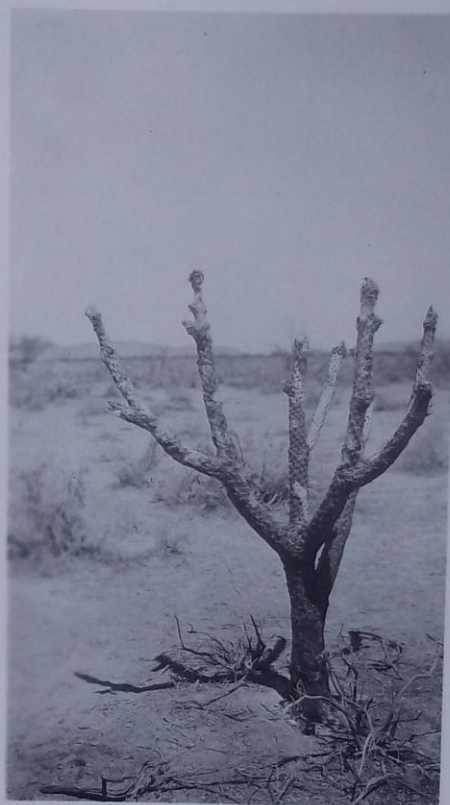
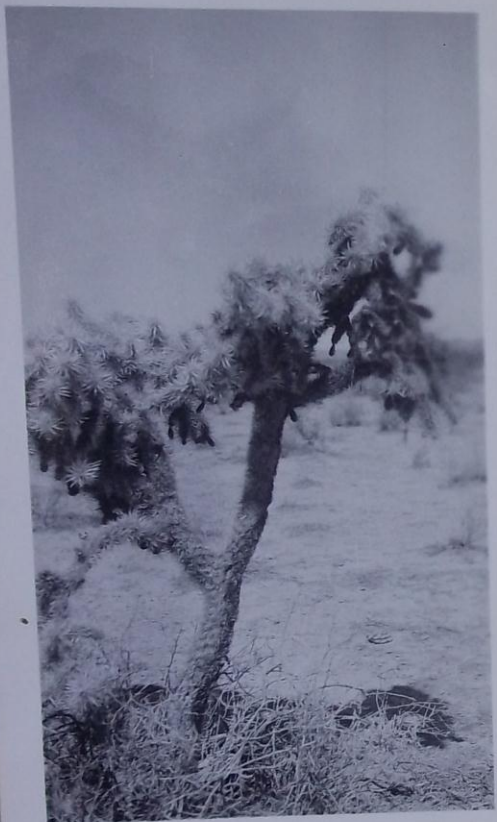
Palo Verde trees near Alamo Canyon - Broken down by Cattle.
Palo Verdes this size and smaller just don't have a chance.
This damage is increasing even at distances 8 to 10 miles
from water and also along the main highway.

Bx 172

Bx 172



Branches containing heavy growth of mistletoe have been cut from these paloverde trees in the monument west of Bates Well in order to furnish food for starving cattle.



The Cholla Cactus on the left is untouched. The Gray's have been burning these cacti and after the spines are gone the cattle eat all edible portions of the plant as illustrated by the photo on the right.

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Gray - feeding



On the road to Bates Well -- About four miles from the Well.
Note dead mesquite bushes due to past overgrazing and complete
lack of ground cover.



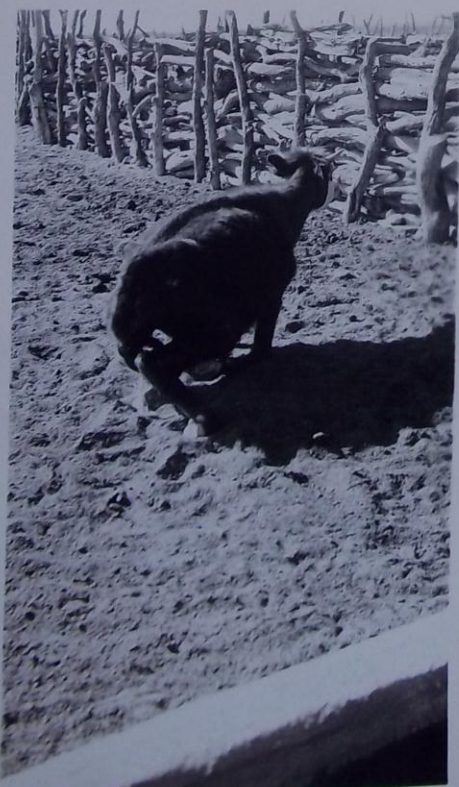
On road to Bates Well -- About two miles from Well.
Note parallel cattle trails, the area is full of them
some of which are 12 inches in depth.

Bx 172

SSS - Greenburg



Lack of ground cover and cattle trails leading to the Gaucharo Well near the Border. Destruction here has doubled over the past year. We found 9 dead cattle near this well.



Weak cow at Guacharo Well.
When we came up she tried to run but fell down and was unable to rise.

Bx 172



Dead cattle at Bates Well. We counted 77 carcasses within a short distance of these wells. Over 300 have died there within the last three months.

Bx 172



Showing condition of cattle still able to get to water.
Most of them fill up on water, lie down in the shade and
being unable to get up again die right there.
The cow in the right hand picture was so 'spooky' I had
to hide behind the fence before she would come in to drink.

Bx 172

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

JAN 4 - 1946

Organ Pipe Cactus NATIONAL MONUMENT

Ajo, Arizona

JAN 4 1946

December 25,

45.
19

GRAZING OF DOMESTIC STOCK

Grazing of Stock and Land
Report for the Calendar year ending December 31, 1945.

Name of Permittee	Permit number	Number of		Number of	
		Cattle	A.U.M.'s.	Sheep	Horses
Henry Gray, Robert L. Gray, Jack Gray, and Robert Gray. (co-partnership)	I-20p-934	1050	12,600	0	0
Total		1050	12,600	0	0

William R. Supernaugh,
Custodian.

Director ✓

B-172

December 31, 1945

10
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Ajo, Arizona

JAN 4 1946

NATIONAL MONUMENT

NATIONAL PARK SERVICE

DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Organ Pipe Cactus

NATIONAL MONUMENT

Ajo, Arizona

JAN 4 1946

December 25,

45.
19

Grazing of Pack and Saddle Stock
Report for Calendar year ending December 31, 1945.

Government owned or operated stock		Concessioner owned stock		Privately owned stock (Grazing permittee)	
Number of stock	Horse grazing days	Number of stock	Horse grazing days	Number of stock	Horse grazing days
2	740	0	0	26	9590

Director

William R. Supernaugh,
Custodian.

Bx 172