

PARKS

L58-LL

JAN 26 1971

Lambe 1/21
Fly 1/22

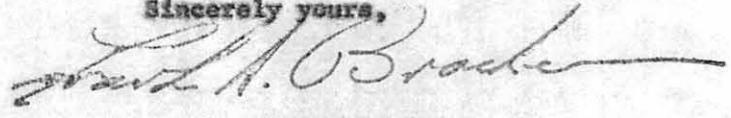
Hon. George P. Shultz
Director, Office of Management
and Budget
Washington, D. C.

Dear Mr. Shultz:

In accordance with Budget Circular A-19, there are enclosed for your information a copy of a letter this Department has sent to Senator Cranston and a copy of the draft bill and map that accompanied it.

The bill, which provides for the establishment of the Desert Pupfish National Monument in the States of California and Nevada, was prepared as a service to Senator Cranston.

Sincerely yours,



Legislative Counsel

Enclosures

A copy of the draft bill and map is attached to Senator Cranston's letter.

cc:
FW
DL-SOL Mr. Bracken
CL
Director, Southwest Region
LW-Mr. Griswold
LL-Mr. Lambe

FNP:JMLambe 1/13/71

NPS #3

PARKS

L58-LL

JAN 26 1971

Lambe 1/21
Thompson 1/22
Fly 1/22

Hon. Alan Cranston
United States Senate
Washington, D. C.

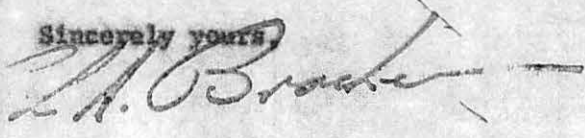
Dear Senator Cranston:

In accordance with the informal request on January 11 of Mr. Greenaway of your staff, there is enclosed a draft of a bill "To authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes."

The bill authorizes the Secretary of the Interior to establish the national monument within the boundary generally depicted on a certain map referred to in the bill, and to acquire lands, waters, and interests therein for the monument. It makes the Devil's Hole portion of Death Valley National Monument a part of the new Desert Pupfish National Monument, effective upon establishment of the latter by the Secretary. A copy of the map referred to in the bill is also enclosed.

This bill has been drafted as a service to you. Since it has not been cleared by the Office of Management and Budget, you will appreciate, I am sure, that we can make no commitment at this time concerning this Department's position on the bill.

Sincerely yours,



Legislative Counsel

Enclosures

- cc:
- BOB (2) detached
- FW
- DL-SOL Mr. Bracken
- CL
- Director, Southwest Region
- LW-Mr. Griswold
- LL-Mr. Lambe

FNP:JMLambe:dmw 1/13/71

A B I L L

To authorize the establishment of the Desert Pupfish National Monument in the States of California and Nevada, and for other purposes.

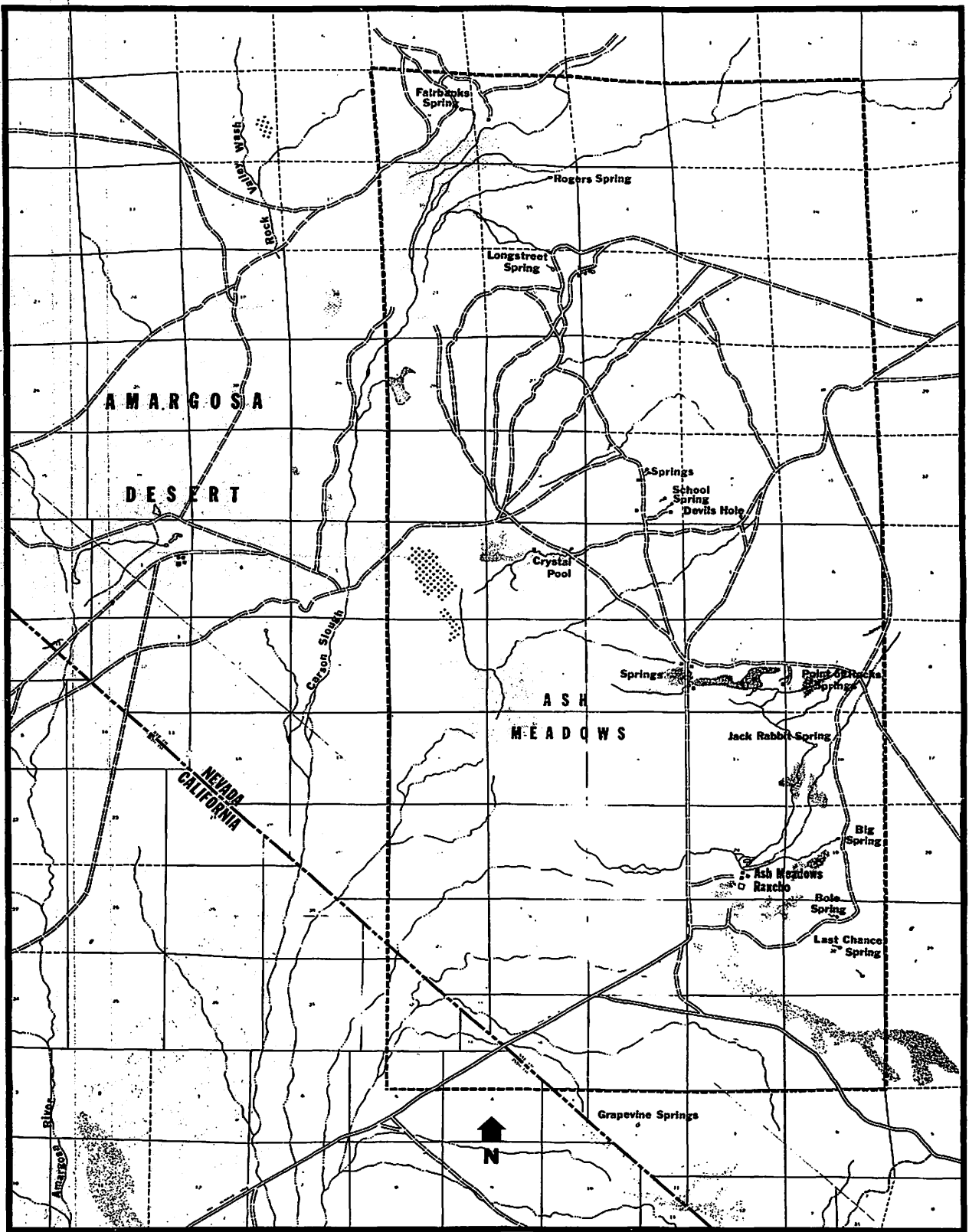
Be it enacted by the Senate and House of Representatives
of the United States of America in Congress assembled, That, in order to preserve and protect several species of desert pupfish and to interpret their evolution in areas of their natural environment for the benefit and education of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Desert Pupfish National Monument (hereinafter referred to as the "national monument") in the States of California and Nevada. The boundary of the national monument shall be as generally depicted on the drawing entitled "Desert Pupfish National Monument," numbered NM-DP-91,000, and dated January 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Sec. 2. Within the boundary of the national monument the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Lands, waters, and interests therein owned by the States of California or Nevada, or any political subdivision thereof, may be acquired only with the consent of such owner. When the Secretary

determines that lands, waters, and interests therein have been acquired sufficient to constitute an efficiently administrable unit for the purposes of this Act, he shall establish the national monument by publication of notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the lands, waters, and interests therein within the boundary of the national monument in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

Sec. 3. Effective upon establishment of the national monument pursuant to section 2, the Devil's Hole portion of Death Valley National Monument, which was added to the Death Valley National Monument by Proclamation No. 2961 of January 17, 1952 (66 Stat. c 18), is abolished, as such, and the lands, waters, and interests therein are made a part of the national monument established pursuant to this Act. Any funds available for the Devil's Hole portion of Death Valley National Monument on the date of such establishment shall be available for the purposes of the national monument established pursuant to this Act.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.



DESERT PUPFISH NATIONAL MONUMENT

California - Nevada

BOUNDARY MAP



NM-DP-91,000, Jan.'71

REDUCED SIZE REPRODUCTION



~~ALH 23~~
CS-

RECEIVED
NATIONAL SERVICE
UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

Central Files
IN REPLY REFER TO:

48023.2816

~~Smith~~ (W)
MICK
SEP 11 1971
M
N

Memorandum

To: Chairman, Pupfish Task Force
From: Assistant Solicitor, Branch of Parks
Subject: United States v. Spring Meadows, Inc.
(U.S.D.C., Nev. Civil No. LV-1687--Stipulated Court Order

Following the initiation of the subject litigation filed by the United States on August 18, 1971, attorneys for the Defendants requested a meeting with representatives of the Department of Justice to discuss an interim settlement. As a result of this meeting, a stipulated agreement was entered into which provides for the stoppage of the pumping of wells 4, 5, and 6.

You will note that the stipulation provides that wells 4, 5, and 6 will not be pumped during 1971 and 1972 without 30 days notice to the United States. At the same time, the agreement would allow the United States to seek court action requiring the closing of additional wells should the need arise. In view of the fact that the court retains jurisdiction over the matter the United States is now in a position to immediately pursue to final adjudication the existing Court action upon receipt of 30 days notice to the opposing party.

In view of the novel legal issues raised by this case and because of the fact that the United States was seeking a preliminary injunction, which is only a temporary remedy, the Department of Justice determined this type of settlement to be in the best interests of the United States. Accordingly, they executed the attached stipulation on August 31, 1971.

In the interim, the Task Force will play an important role in the implementation of this agreement. Consideration should be given to the continuation of a water monitoring program which evaluates the impact of the closed wells on the recovery of the water level in Devil's Hole. In

addition, it will be necessary that the DRI study be re-evaluated to assure that the results derived will be of value in the future management of the water resources in the area. Witnesses who were prepared to testify at the court hearing should continue to be knowledgeable of the problems in order that they can testify at a future hearing should the need arise.

If there is need for further discussion between the Task Force and representatives of the Solicitor's Office we will be delighted to discuss the matter.

(Sgd.) David A. Watts

David A. Watts

cc:

Assistant Secretary for Fish and Wildlife and Parks
Director, National Park Service
Director, Bureau of Sport Fisheries and Wildlife
Director, Bureau of Land Management

1 BARR M. SCHOUWEILER
United States Attorney
2 ALAN B. ANDREWS
Assistant United States Attorney
3 300 Las Vegas Boulevard South
Las Vegas, Nevada 89101
4 385-6336

5 DONALD W. REDD
JOHN H. GERMERAAD
6 Attorneys, Department of Justice
Land and Natural Resources Division
7 Washington, D. C. 20530
(202) 739-4112, 739-2847
8

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.) Civil - LV 1687
14 SPRING MEADOWS, INC.;)
15 B. L. BARNETT, an individual;)
16 SPRING MEADOWS RANCH;)
JOHN AND JANE DOES, I through XX;)
17 and CORPORATIONS X, Y and Z,)
Defendants.)

18 STIPULATION FOR CONTINUANCE

19 The parties to this action hereby stipulate to the
20 following:

21 1. That defendants may continue pumping from wells
22 4, 5 and 6, as described and identified on Exhibit A, which
23 is attached hereto and made a part of this stipulation, on
24 an emergency basis for the sole purpose of salvaging existing
25 crops until September 9, 1971, provided, the defendants shall
26 not increase volume of water pumped from these wells above
27 the average rate for the wells over the last four weeks
28 preceding the filing of this action.

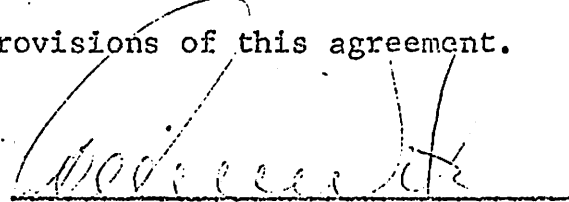
29 2. For the balance of 1971, commencing on September 9,
30 1971, defendants will discontinue all pumping from wells 4,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

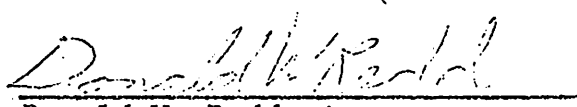
6. All hearings, pleadings and motions will be continued and held in abeyance without prejudice to either party until such time as a final settlement is entered into or the agreement is terminated under the provisions of paragraph 7 of this agreement.

7. This agreement may be terminated upon 30 days notice to opposing counsel by either party.

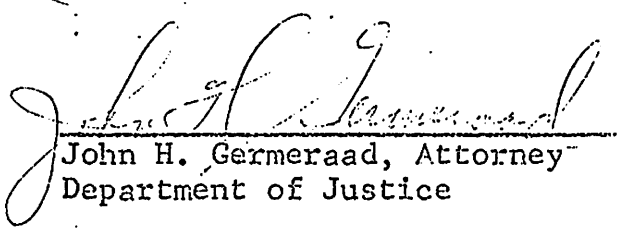
WHEREFORE: It is respectfully requested that the hearing set for September 2, 1971, on a preliminary injunction and all other proceedings in this matter be continued and held in abeyance without prejudice to any party until this agreement is terminated under the provisions of this agreement.



Thomas R. C. Wilson II
Attorney for Defendants
Spring Meadows, Inc.
B. L. Barnett
Francis Leo Cappaert
Marilyn I. Cappaert



Donald W. Redd, Attorney
Department of Justice



John H. Germeraad, Attorney
Department of Justice

Attorneys for Plaintiff

ORDER FOR CONTINUANCE

Upon presentation and consideration of the foregoing Stipulation for Continuance, it is hereby ordered and directed that the hearing on the Motion for Preliminary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

5 and 6 and will not increase pumping from other wells above the average rate for those wells for the four weeks preceding the filing of this action and will not drill any wells in the vicinity of wells 4, 5 and 6, which would be a substitute source.

3. That all scientific data including ground water hydrology and studies concerning the Devil's Hole pupfish, water level in Devil's Hole and in wells 4, 5 and 6 and other wells that may be in hydrologic continuity with these wells will be freely exchanged upon request by either party to this action.

4. As in accordance with past practice, access will continue to be given by both parties to land under their control for observation and obtaining data as to water levels, fish population and condition, etc., provided that notice is given to the other party in advance that access is desired and that a representative of the party having control over the land in question is permitted to accompany the individual making the observation and/or taking data.

5. Pumping of wells 4, 5 and 6, will not resume during the calendar year of 1972, except upon mutual agreement of both parties. The lands presently irrigated by water from wells 4, 5 and 6 will not be irrigated by increased pumping from other wells of defendants where such increased pumping of other wells will adversely affect Devil's Hole. Before the pumping of any well of defendants is increased, two weeks notice shall be given to the United States and opportunity provided to install measuring equipment to determine whether such increase does adversely affect Devil's Hole.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Injunction set for September 2, 1971, and all other proceedings in this matter are continued and will be held in abeyance until further order from the Court.

Dated this _____ day of September, 1971.

United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

EXHIBIT A

Wells No. 4, No. 5, and No. 6 of the defendants,
Spring Meadows, Inc., et al, may be described as having
the following locations:

<u>Well No.</u>	<u>Location</u>
Well No. 4	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T18S, R51E
Well No. 5	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T18S, R51E
Well No. 6	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, T18S, R50E