DEPARTMENT OF THE INTERIOR

PROPOSED NATIONAL PARK

FILE NO. 12

RIO GRANDE

from 1912
IN THE SENATE OF THE UNITED STATES.

May 7, 1912.

Mr. Fall introduced the following bill; which was read twice and referred to the Committee on Public Lands.

A BILL

To create the Rio Grande National Park, in New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That all the lands embraced within the present boundary lines of the lands heretofore reserved by the United States, together with the lands purchased by condemnation proceedings or otherwise from private individuals under what is known as the Rio Grande project, in and near the Engle Storage Dam and Engle Reservoir, in the State of New Mexico, and lying principally in townships eight, nine, thirteen, and fourteen south, range two west, and townships eight, nine, ten, eleven, twelve, and fourteen south, range three west, and townships eleven, twelve, thirteen, and
fourteen south, range four west, are, subject to the pro-
visions of the Act of May thirty-first, nineteen hundred and
ten, being "An Act appropriating the receipts from the sale
and disposal of public lands in certain States and Territories
to the construction of irrigation works for the reclamation
of arid lands," and any amendments thereto, and subject to
the rules and regulations heretofore and hereafter adopted
and promulgated concerning the use of said lands for the
purpose and benefit of said Rio Grande project, hereby
reserved and withdrawn from settlement, occupancy, or dis-
posal under the laws of the United States and dedicated and
set apart as a public park or pleasure ground and fish and
game preserve for the benefit and enjoyment of the people
of the United States, under the name of the Rio Grande Na-
tional Park; and all persons who shall locate or settle upon
or occupy the same or any part thereof, except as under said
law of nineteen hundred and ten and said regulations, and
except as hereinafter provided, shall be considered trespassers
and removed therefrom.

Nothing contained herein, however, shall affect any
valid existing claim, location, or entry under the land laws
of the United States, or the rights of any such claimant,
locator, or entryman to the full use and benefit of his land.

SEC. 2. That the said park shall be under the exclusive
control of the Secretary of the Interior, whose duty it shall
be, as soon as practicable, to make and publish such rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary and proper for the care, protection, management, and improvement of the same, and for the care and protection of the fish and game within the boundaries thereof, and for the construction and maintenance of roads, bridges, trails, telephone lines, and the stocking of the same with fish and game; subject, however, to the prior use of said lands and park and the waters now thereupon and the waters hereafter to be stored and used thereupon and therefrom for the purposes of said Rio Grande project. The Secretary may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent, at any one place to any one person or company, for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed twenty years to persons who have heretofore erected or who he may hereafter authorize to erect summer homes or cottages. He may also designate a tract or tracts of land, to include all the hot or warm springs situate on the lands aforesaid, and may lease the same as hereinbefore provided, and may set aside a portion of the same for the use and occupancy of temporary or transient visitors who may choose to construct temporary camping places or tents there-
upon, and shall exact only a nominal rental or lease from such transients or temporary occupants for the use of such camping places and for the use of the waters of said hot springs.

SEC. 3. That the Secretary shall have the further power to issue permits for the use of pleasure and fishing boats upon the said Engle Reservoir, and for hunting and fishing, limiting, in his discretion, the term of said permits and the number, kind, and character of game and fish to be taken by any one person or party. He shall designate a custodian or warden, and such subordinate employees and officials as may, in his judgment, be necessary for carrying out the purposes of this Act, and the compensation of such officials and employees shall be paid from the proceeds of leases, licenses, and permits made or issued under the provisions hereof. The Secretary may lease or sell any buildings or structures now or hereafter erected upon said lands by the United States under such Rio Grande project when, in his discretion, the same may no longer be needed or necessary for the purposes of such project or for employees or officials under the provisions hereof.
The Commissioner
of the General Land Office.

Sir:

There is enclosed a copy of S. 6714, entitled

A Bill to create the Rio Grande National Park, in New Mexico,

and you are requested to have indicated on a map the boundaries of the lands described in the bill. You should also report the aggregate number of acres within said area which have been patented, and furnish the same information with reference to unperfected bona fide entries, patented mineral claims and mineral entries.

Very respectfully,

Chief Clerk and
Chief Executive Officer.

Enclosure.
IN REPLY PLEASE REFER TO

\[\text{[Signature]}\]

MEMORANDUM FOR DEPARTMENT

The records of the General Land Office do not disclose all the facts necessary to the compilation of the map and data called for. It is probable that the Reclamation can give the information needed for such a compilation.

\[\text{J.W. Written}\]

Chief Law Clerk.

\[\text{Reclamation May 15, 1912}\]
May 15, 1912.

The Director
of the Reclamation Service,

Sir:

There is enclosed a copy of S. 6714, entitled

A Bill to create the Rio Grande National Park,
in New Mexico,

and you are requested to have indicated on a map the boundaries of the lands described in the bill. You should also indicate the location of any lands set aside for any reclamation project, together with the number of acres reserved for each such project, and send map to the Department.

Very respectfully,

Chief Clerk and
Chief Executive Officer.

[Handwritten note: May 27, 1912]
DEPARTMENT OF THE INTERIOR
UNITED STATES RECLAMATION SERVICE
WASHINGTON, D. C. May 27, 1912.

The Honorable,
Secretary of the Interior.

Sir:

Referring to chief clerk's letter of May 15, enclosing a copy of S.6714, entitled "A Bill to create the Rio Grande National Park in New Mexico", and requesting a map to show certain boundaries described in the bill and others relating to the Rio Grande Project:

A map of the Engle Reservoir is enclosed herewith, which shows:

1. The general description given in the bill
2. Area withdrawn by the U.S. for Reclamation purposes
3. Area acquired by the U.S. for Reclamation purposes
4. Area to be acquired by the U.S. for Reclamation purposes

Very respectfully,

[Signature]
Director.
OFFICE OF THE DIRECTOR

The Honorable

The Secretary of the Interior.

Sir:

On May 15 the Department referred copy of the bill S. 6714 entitled, "A Bill to create the Rio Grande National Park in New Mexico," with request for a map showing the location of the lands set aside. The map requested was forwarded to the Department on May 27.

In connection with this matter I desire to submit for the consideration of the Department a statement regarding the bill in question.

The bill proposes to create a National park which shall include practically the entire area withdrawn for the Engle Reservoir site forming part of the Rio Grande Project. It also proposes to add to the authority of the Secretary certain details with a view to permitting the use of these lands as a National Park at the same time providing that the land shall be subject to any rules and regulations adopted concerning the use of said lands for the Rio Grande Project.

The lands needed for the reservoir site are now withdrawn from all forms of entry, settlement, or occupation or have been acquired by purchase from former owners, excepting certain
tracts for which negotiations are now pending.

It is believed that the authority of the Secretary for the control, protection and use of lands withdrawn or acquired for reservoir sites covers practically all matters intended to be provided for in this bill.

The Department has held that the matter of leases for the occupation of land which under certain conditions could be used by others without interfering with the use of the lands for reservoir purposes, is entirely within the discretion of the Department, so also may the Secretary provide for the issue of permits for the use of pleasure and fishing boats upon the reservoir and for hunting and fishing therein.

The Secretary is authorized by existing law to sell any of the buildings or structures erected within this area for the use of the Rio Grande Project when the same are no longer necessary for operations under the Reclamation Act.

The need for this legislation is therefore not apparent and its tendency will be to introduce diverse authority in the control of the reservoir and the land needed for its protection and use, and will also tend to make the reservoir uses to some extent subordinate to its uses as a National Park.

By creating this as a National Park there is danger of losing sight of its primary importance for reservoir purposes, and it is to be feared that as a result complications may develop in regard to control of the reservoir.
3.

It may be stated that on account of the necessity in some years of drawing down the reservoir to a very low point there would be large areas of uncovered lands which would not be attractive as part of a National Park and that on account of the great changes in the elevation of the water its value for fishing and as a pleasure resort would be very much diminished.

It may also be stated that a large part of the area outside of the reservoir site which it is proposed to include in the National Park lies upon a private land grant and it would therefore be necessary to purchase the same before the United States could exercise any control over it. The land-grant areas are indicated on the accompanying map.

Several years must necessarily elapse before the construction work is completed and the reservoir ready for use. During that time many conditions may arise which cannot be foreseen and it is believed advisable to await the result of experience in these matters.

For these reasons it is believed that the Department should make an adverse report upon this bill if the matter is presented for its consideration.

Very respectfully,

[Signature]

Director.
June 18, 1912.

Mr. Reed Smoot,
Chairman, Senate Committee on Public Lands,
United States Senate.

Sir:

By your reference of May 10, 1912, I am in receipt for report of S. 6714, entitled "A Bill to create the Rio Grande National Park in New Mexico."

In response I enclose copy of a letter from the Director of the Reclamation Service, dated June 10, 1912, reporting on said bill. As will be seen therefrom he recites many administrative objections to the bill and says that in his judgment the bill should not be enacted.

In my last annual report in discussing national park matters, I said:

"Bills to create a Bureau of National Parks have heretofore been introduced in Congress, and in my judgment they should immediately receive careful consideration so that proper legislation for this purpose may be enacted."

This measure would provide the machinery for development of a definite and permanent policy in relation to the national parks and the determination of their boundaries, and in my judgment the measure under consideration can well be postponed until a national park service is provided by law and competent persons connected therewith can study the situation in this park and
determine whether or not the actual conditions warrant any change in the boundaries thereof, and I recommend that the bill be not favorably considered by the committee at this time.

Very respectfully,

(Signed) Walter L. Fisher.

[Signature]

Secretary.

Enclosure:
DEPARTMENT OF THE INTERIOR
WASHINGTON

ADDRESS ONLY
THE SECRETARY OF THE INTERIOR

June 19, 1912.

The Director

of the Reclamation Service.

Sir:

Referring to your adverse report of June 10, 1912, on

S. 5714, entitled -

A Bill to create the Rio Grande National Park,
in New Mexico,

there is enclosed for your information a copy of Department
letter of June 18, to Senator Smoot, Chairman of the Senate
Committee on Public Lands, transmitting a copy of your report,
and recommending that the bill be not favorably considered by
the Committee at this time.

Very respectfully,

Chief Clerk and
Chief Executive Officer.

Enclosure.
ALBERT B. FALL,
CHAIRMAN.

United States Senate,
COMMITTEE ON
EXPENDITURES IN THE DEPARTMENT OF COMMERCE AND LABOR.

Hon. Secretary of the Interior,
Washington, D.C.

Sir:

On May 7th I introduced in the Senate S. 6714 for the creation of the Rio Grande National Park in New Mexico. This bill was intended to create a national park of the reservation heretofore made in connection with the construction of the Rio Grande or Elephant Butte Reservoir in New Mexico. The bill provides for placing this park in charge of the Secretary of the Interior. Among other things as will be noted on line 20, page 3, there was to be included in the general project of the bill the care and etc. of the hot or warm springs situated upon the reserve lands. These hot springs are known as the Palomas Springs. The Springs have been heretofore very inaccessible owing to their location, but yet it has been the custom for two or three hundred years for the Spaniards and Mexicans and more recently for the Americans residing in New Mexico and Texas particularly, to go there and make camps taking in some instances their families and availing themselves of the use of the waters for medicinal and other purposes. For this reason the bill provided for only a nominal rental or lease from such people for the use of camping places, etc.
United States Senate,
WASHINGTON, D.C.

S. of I.--E.

I am informed that your Department has had the matter of the permanent withdrawal of these lands surrounding the Springs under consideration and that recently there has been some suggestion of restoring these lands to the public domain. I am also informed that recently a chief of the Field Division in New Mexico has made an investigation of the government land at Palomas Springs and that he found the settlement at the springs and conditions very unsanitary. I desire to say to you that while the Senators from New Mexico are very strongly opposed to the general proposition of withdrawal of public lands in New Mexico by executive order, both Mr. Catron and myself would favor such an order withdrawing these lands, at least for the present, from settlement, provided it is understood that such withdrawal will not operate to prevent the use of the waters by the people of New Mexico as they have been accustomed to use them for the last two or three centuries.

Shortly after introducing this bill I called your attention to it by a written communication and then in hopes that its provisions might meet with your approval and that you might assist by your recommendation to the Committee in securing its passage.

Very respectfully,

[Signature]
August 23, 1912.

Dear Sir:

I have your letter of August 8, directing my attention to S. 6714, a bill which proposes to reserve from settlement, occupancy, or disposal under the laws of the United States, under the name of the Rio Grande National Park, all the lands heretofore reserved under the provisions of the Reclamation Act in connection with the Rio Grande Reclamation project.

With regard to your request for the further withdrawal of these lands you say—

"That while the Senators from New Mexico are very strongly opposed to the general proposition of withdrawal of public lands in New Mexico by executive order, both Mr. Catron and myself would favor such an order withdrawing these lands, at least for the present, from settlement, provided it is understood that such withdrawal will not operate to prevent the use of the waters by the people of New Mexico as they have been accustomed to use them for the last two or three centuries."

I am pleased to observe in your statement your recognition of a substantial principle concerning which you have heretofore expressed considerable doubt, and I am, more over, pleased to advise you that, in my opinion, executive withdrawals already made will render unnecessary any further withdrawals in protecting the public in the use and benefit of the Palomas Springs and the prevention of their private exploitation.
The bill (S. 6714), upon which a report of the Department was submitted to the Committee on Public Lands of the Senate under date of June 13, 1912, is similar to H. R. 3020, Sixty-second Congress, and H. R. 10274, Sixty-first Congress, the latter having been introduced by Hon. W. H. Andrews, Delegate from the Territory of New Mexico, on May 28, 1909, who had previously called the attention of the Department to these springs and recommended that they be declared a National Monument. Acting upon his suggestion, the Department under date of February 29, 1908, temporarily withdrew from entry, pending investigation as to the character of the hot springs, the NW$\frac{1}{4}$, Sec. 32, all of Sec. 33, the NW$\frac{1}{4}$ of Sec. 34, T. 13 N., R. 4 W., the NW$\frac{1}{4}$ of Sec. 3, NE$\frac{1}{4}$ of Sec. 4, and NE$\frac{1}{4}$ of Sec. 5, T. 14 S., R. 4 W. A special agent of the General Land Office was directed to make investigation and under date of January 19, 1909, submitted a report as to the character of the springs and the use which had been made of them and recommended that the springs be set apart from entry and upon proper application, leased or disposed of to private parties. Numerous applications for the leasing of these lands have been received but applicants have been advised that there was no law authorizing the same.

Under date of April 20, 1909, the Commissioner of the General Land Office, in a letter to the Hon. W. H. Andrews, stated
that his office knew of no existing law under which the lands could be permanently withdrawn, but advised him that if a bill authorizing such withdrawal were introduced in Congress, disposition of the lands would be suspended pending consideration of the bill.

On May 28, 1909, Mr. Andrews introduced in the House of Representatives H. R. 10274, sixty-first Congress, first session, entitled "A bill reserving from entry, location, or sale, Lots 1 and 2 in Sec. 13, T. 13 S., R. 4 W., New Mexico Prime Meridian, in Sierra County, New Mexico, and for other purposes." This Department made report to Congress on said bill on January 8, 1910, and suggested certain amendments thereto. The bill did not become a law, but H. R. 3020, sixty-second Congress, is identical therewith.

Under date of July 27, 1912, a report was submitted to the Commissioner of the General Land Office setting forth the value and use of the springs in question for medicinal purposes. The special agent recommended, in addition to Lots 1 and 2, Sec. 33, that there should also be withdrawn for approaches and camping grounds, the N:\SW\(2\) Sec. 33, and SW\(\frac{1}{4}\) Sec. 34, said township and range. These lands are all shown to be vacant on the records of the General Land Office, but were included in first-form withdrawal precluding all forms of disposition.
under the Reclamation Act of June 17, 1902 (32 Stat., 388),
by departmental order of March 26, 1908, and are also included
in coal land withdrawal New Mexico No. 1 by Executive order of
July 9, 1910. Lots 1 and 2, Sec. 33, said township, were with-
drawn May 1, 1911, by the General Land Office until March 5,
1913, in aid of pending legislation.

Yours very truly,

[Signature]

Secretary

Hon. Albert B. Fall,
United States Senate.
Hon. Albert B. Fall,  
United States Senate. REWRITTEN IN THE  
SIR:  
Secretary's Office.  

I have the honor to acknowledge the receipt of your letter of the 8th instant, directing the attention of this office to S. 6714, sixty-second Congress, second session, introduced by you May 7, 1912, and entitled "A Bill To create the Rio Grande National Park in New Mexico."

This bill proposes to reserve and withdraw from settlement, occupancy, or disposal under the laws of the United States under the name of the Rio Grande National Park, all the lands heretofore reserved under the provisions of the Reclamation Act of June 17, 1902 (32 Stat., 388) in connection with the Rio Grande Reclamation Project and embraces many townships. The reservation proposed by the bill would include Lots 1 and 2, Sec. 33, T. 13 S., R. 4 W., N. M. P. M., on which are located what are known as the Palomas Hot Springs and contains a provision on page 3, line 20, authorizing the Secretary of the Interior to designate a tract or tracts including such springs and to lease the same under certain conditions for limited periods of time. It is also provided that the
'set aside a portion of the same for the use and occupancy of temporary or transient visitors, who may choose to construct temporary camping places or tents thereupon and shall exact only a nominal rental or lease from such transients or temporary occupants.'

The attention of this Department was called to these springs by Hon. W. H. Andrews, delegate from the Territory of New Mexico, under date of March 23, 1908, who transmitted a letter from Mr. Robert Martin, of Engle, New Mexico, recommending that these springs be declared a National Monument.

Acting upon this suggestion the General Land Office under date of February 29, 1908, temporarily withdrew from entry, pending investigation as to character of the hot springs, the [\( \text{Fr} \) Sec. 32, all of Sec. 33, the \( \text{W} \frac{1}{2} \) of Sec. 34, T. 13 N., R. 4 W., the \( \text{NW} \frac{1}{4} \) of Sec. 3, \( \text{N} \frac{1}{2} \) of Sec. 4, and \( \text{NE} \frac{1}{4} \) of Sec. 5, T. 14 S., R. 4 W. A special agent of the General Land Office was directed to make investigation and under date of January 19, 1909, submitted a report as to the character of the springs and the use which had been made of them and recommended that the springs be set apart from entry and upon proper application, leased or disposed of to private parties. Numerous applications for the leasing of these lands have been addressed to the General Land Office, but the applicants have been advised that there was no law authorizing the same.
Under date of April 10, 1909, the Commissioner of the General Land Office, in a letter to Mr. W. E. Andrews, set forth the facts and stated that his office knew of no existing law under which the lands could be permanently withdrawn, but advised him that if a bill authorizing such withdrawal were introduced in Congress, disposition of the lands would be suspended pending consideration of the bill.

On May 28, 1909, Mr. Andrews introduced in the House of Representatives H. R. 10274, sixty-first Congress, first session, entitled "A Bill Reserving from entry, location, or sale, Lots 1 and 2 in Sec. 13, T. 13 S., R. 4 W., New Mexico Prime Meridian, in Sierra County, New Mexico, and for other purposes." This Department made report to Congress on said bill on January 8, 1910, and suggested certain amendments thereto. The bill did not become a law, but H. R. 3020, sixty-second Congress, is identical therewith.

Under date of July 27, 1912, a report was submitted to the Commissioner of the General Land Office setting forth the value and use of the springs in question for medicinal purposes. The special agent recommended, in addition to Lots 1 and 2, Sec. 33, that there should also be withdrawn for approaches and camping grounds, the N ½ SW ½, N ½ SE ½, Sec. 33, and SW ½, Sec. 34, said township and range. These lands are all shown to be vacant.
on the records of the General Land Office, but were included
in first-form withdrawals, pending all plans of disposition
under the Reclamation Act of June 27, 1902 (32 Stat. 395) by
departmental order of March 26, 1908, and are also included in
coal land withdrawal New Mexico No. 1 by Executive order of
July 9, 1910. Lots 1 and 2, Sec. 38, said township, were with-
drawn May 1, 1911, by the General Land Office until March 5, 1913,
in aid of H. Re. 3089:

The permanent reservation of the lands containing the Palomas
Hot Springs and lands necessary for approaches thereto, or for
camping grounds, is deemed advisable by the Department and the
provisions of S. 6714, providing for leasing or renting lands so
reserved for limited periods under the authority of this Depart-
ment, would undoubtedly tend to the best possible development
of the springs.

There is inclosed herewith a diagram showing the Rio Grande
Reclamation Project and there has been indicated on such diagram
the lands which would be reserved under S. 6714. It is to be
noted that while only parts of one or two sections of land are
needed in connection with the Palomas Hot Springs, this bill in-
cludes many townships already withdrawn under the Reclamation Act
and included within the Rio Grande Reclamation Project now under
process of construction. Nearly ten million of dollars have been
expended and will be expended on this project, which involves the reclamation of approximately 155,000 acres of land in the United States. The land to be reclaimed is intended to be disposed of under the Homestead Law of the United States and the provisions of the Reclamation Act, the Homestead entries returning to the Government the proportionate cost per acre of constructing, operating, and maintaining the irrigation system. Large areas of land which would be affected by the proposed legislation have been withdrawn under the Reclamation Act in connection with this project for construction purposes and are needed for reservoir or other purposes. The inclusion of these lands in a National park might lead to a conflict of authority and seriously interfere with the control of the reservoir and other lands which are needed in connection with the reclamation project. Attention is also directed to the fact that all lands within approximately one-quarter mile of the high water mark of the proposed reservoir were reserved for the protection of native birds by Executive Proclamation of February 25, 1909. This reservation is known as the Rio Grande Reservation and is under the jurisdiction of the Department of Agriculture, subject to Reclamation Service uses.

This Department is therefore of the opinion that the passage of the bill in its present form is not advisable.

Very respectfully,

Secretary.
THEO. N. ESPE, CHIEF:
recommending further
upon his letter of
July 27, 1912, re
Palomas Springs.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

Santa Fe, N. M., September 26, 1912.

Honorable Commissioner,
General Land Office,
Washington, D. C.

Sir:

Under date of July 27, 1912, I made report and recom-
mandation upon certain lands in T. 13 and 14 S., R. 4 W.,
New Mexico, urging that certain parts of Secs. 33 and 34,
T. 15 S., R. 4 W., be withdrawn for the use of Palomas Hot
Springs situate thereon. The conditions at the springs
were set out in the said report. Since the date of the
said report I have been informed that the sanitary con-
ditions at the settlement mentioned in the report have
become very bad and that because thereof certain fevers
have become prevalent. In view of the nature of the settle-
ment there are no means for enforcing any rules or regu-
lations upon sanitary measures, nor for other measures.

By letter dated September 16, 1912, signed by the
Assistant Secretary, I was appointed Superintendent of the
National Monuments in New Mexico which are not within the
National Forests. It occurs to me now that if the lands
in question could be included in a National Monument there
would be sufficient authority immediately to prescribe rules and regulations for the conduct of those visiting or camping or otherwise remaining at the springs, in addition to appoint a custodian with full authority to enforce such rules and regulations, etc. Such a custodian, competent in all respects, could be found at the springs, and his services could be gotten without emolument.

I make the above suggestions for what they may be worth.

Very respectfully,

[Signature]

Chief of Field Division.
Referred for attention of the Chief Clerk.

Owen

10/1/12
November 9, 1912.

The Chief Clerk:

Pursuant to your request I have considered the letter of Mr. Espey, Chief of Field Division, recommending that certain lands in New Mexico in which are situated the Palomas Hot Springs be withdrawn as a national monument under the provisions of the Act approved June 8, 1906, entitled "An Act for the preservation of American antiquities," (34 Stat., 225).

It is provided:

"That the President of the United States is hereby authorized in his discretion to declare by public proclamation historic landmarks, historic and pre-historic structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the government of the United States, to be national monuments," etc.

Taking the context of the Act together with its title, it is clear that it was not the purpose of the Congress to authorize the President to withdraw lands adapted merely for some particular commercial use and chiefly valuable therefore. In one sense any land is a matter of scientific interest. Mineral lands are unquestionably objects of scientific interest; so are agricultural lands, or desert lands, or timber lands, but it was not the intent of the lawmakers to authorize the withdrawal of the classes of lands above mentioned.

I am therefore of opinion that the lands mentioned
by Mr. Espey are not subject to withdrawal and reservation as a national monument under the provisions of the afore-
said Act.

Respectfully,

[Signature]

Acting Chief Law Clerk.
IN REPLY PLEASE REFER TO "A"

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON, D.C.

November 14, 1912.

Memorandum for Mr. Gove.

You will recall our conversation relative to the attached report of Chief of Field Division of the General Land Office, Theodore N. Espe, recommending the reservation for National Monument purposes of the public lands upon which are located the Palomas Hot Springs, New Mexico, together with some adjacent tracts for administrative purposes. Before taking this matter up with the Reclamation Service, as suggested by you, the tracts mentioned lying within a large withdrawal for reclamation purposes, I laid the matter before the Law Board of this Bureau, with request for a report as to the propriety of creating a National Monument under the provisions of the act of June 2, 1906. The attached opinion of the Acting Chief Law Clerk, that the lands in question are not subject to withdrawal and reservation as a National Monument under the provisions of the law referred to, suggests a reference of the papers to you for consideration in connection with the recommendation of Senator Fall relative to
proposed National Park legislation in which he is interested. I think, however, that the additional tracts to the east and north of the two lots already withdrawn should also be withdrawn pending legislation until March 5th, next, the same as lots 1 and 2, in Section 33, because I think Mr. Espe's recommendation for administrative purposes, that any reservation should embrace this additional territory, is a good one.

I inclose form providing for such withdrawal.

[Signature]

Chief Clerk.
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 31, 1913.

MEMO.

Lots 1 and 2, Sec. 33, T. 13 S., R. 4 W., N. M. P. M., in Sierra County, N. M., withdrawn May 1, 1911, by the General Land Office until March 5, 1913, in the aid of pending legislation are included in first form withdrawal precluding all forms of disposition under the Reclamation Act of June 17, 1912, by departmental order of March 26, 1908, and are also included in coal land withdrawal, New Mexico No. 1, by Executive Order of July 9, 1910. If no action is taken on pending legislation during this Congress, there appears to be no reason why the Land Office withdrawal of May 1, 1911, should be extended as the lands involved are already covered by orders above described.
Department of the Interior,
General Land Office,
Washington.

Dec. 2, 1908. R. S.

Towns:

[Handwritten note: File awaiting action.]

[Handwritten note: File of 1907.]

[Handwritten note: On December 14, 1913.]

[Handwritten note: Please call my attention.]

[Handwritten note: Miss.]

[Handwritten note: Mr.]
63d CONGRESS,
2d Session.

S. 4185.

IN THE SENATE OF THE UNITED STATES.

JANUARY 26, 1914.

Mr. FALI introduced the following bill; which was read twice and referred to the Committee on Public Lands.

A BILL

To create the Rio Grande National Park in New Mexico.

Be it enacted by the Senate and House of Representa-
1 2 tives of the United States of America in Congress assembled,
That all the lands embraced within the present boundary
lines of the lands heretofore reserved by the United States,
together with the lands purchased by condemnation pro-
ceedings or otherwise from private individuals under what
is known as the Rio Grande project, in and near the Engle
Storage Dam and Engle Reservoir, in the State of New
Mexico, and lying principally in townships eight, nine,
thirteen, and fourteen south, range two west, and town-
ships eight, nine, ten, eleven, twelve, and fourteen south,
range three west, and townships eleven, twelve, thirteen,
and fourteen south, range four west, are, subject to the
provisions of the Act of May thirty-first, nineteen hundred
and ten, being "An Act appropriating the receipts from
the sale and disposal of public lands in certain States
and Territories to the construction of irrigation works for
the reclamation of arid lands," and any amendments
thereto, and subject to the rules and regulations here-
tofores and hereafter adopted and promulgated concern-
ing the use of said lands for the purpose and benefit of
said Rio Grande project, hereby reserved and withdrawn
from settlement, occupancy, or disposal under the laws
of the United States and dedicated and set apart as a
public park or pleasure ground and fish and game pre-
servé for the benefit and enjoyment of the people of the
United States under the name of the Rio Grande National
Park; and all persons who shall locate or settle upon or
occupy the same or any part thereof, except as under said
law of nineteen hundred and ten and said regulations, and
except as hereinafter provided, shall be considered tresp-
ssers and removed therefrom. Nothing contained herein,
however, shall affect any valid existing claim, location, or
entry under the land laws of the United States or the rights
of any such claimant, locator, or entryman to the full use
and benefit of his land.
SEC. 2. That the said park shall be under the exclusive
control of the Secretary of the Interior, whose duty it shall
be, as soon as practicable, to make and publish such rules
and regulations not inconsistent with the laws of the United
States as he may deem necessary and proper for the care,
protection, management, and improvement of the same, and
for the care and protection of the fish and game within the
boundaries thereof, and for the construction and maintain-
ance of roads, bridges, trails, telephone lines, and the stock-
ing of the same with fish and game; subject, however, to the
prior use of said lands and park and the waters now there-
upon and therefrom for the purposes of said Rio Grande
project. The Secretary may, in his discretion, execute
leases to parcels of ground not exceeding ten acres in
extent, at any one place to any one person or company, for
not to exceed twenty years, when such ground is necessary
for the erection of buildings for the accommodation of visi-
tors, and to parcels of ground not exceeding one acre in
extent and for not to exceed twenty years to persons who
have hertofore erected or who he may hereafter authorize
to erect summer homes or cottages. He may also designate
a tract or tracts of land, to include all the hot or warm
springs situate on the lands aforesaid, and may lease the
same as hereinbefore provided, and may set aside a portion
of the same for the use and occupancy of temporary or
transient visitors who may choose to construct temporary camping places or tents thereupon, and shall exact only a nominal rental or lease from such transients or temporary occupants for the use of such camping places and for the use of the waters of said hot springs.

SEC. 3. That the Secretary shall have the further power to issue permits for the use of pleasure and fishing boats upon the said Engle Reservoir, and for hunting and fishing, limiting, in his discretion, the term of said permits and the number, kind, and character of game and fish to be taken by any one person or party. He shall designate a custodian or warden, and such subordinate employees and officials as may, in his judgment, be necessary for carrying out the purposes of this Act, and the compensation of such officials and employees shall be paid from the proceeds of leases, licenses, and permits made or issued under the provisions hereof. The Secretary may lease or sell any buildings or structures now or hereafter erected upon said lands by the United States under such Rio Grande project when, in his discretion, the same may no longer be needed or necessary for the purposes of such project or for employees or officials under the provisions hereof.
United States Senate,
COMMITTEE ON PUBLIC LANDS.

Washington, JAN. 27, 1914

TO THE HONORABLE SECRETARY
OF THE INTERIOR,

Sir: I am directed by the Senate Committee on Public Lands to transmit to you Senate Bill No. 185 for information as to the law and the facts in relation thereto, and for such suggestions as your Department may see fit to offer.

Very Respectfully,

[Signature]

CLERY

Ans'd FEB. 26, 1914

[Stamps and signatures]
DEPARTMENT OF THE INTERIOR
WASHINGTON

January 29, 1914.

The Director
of the Reclamation Service.

Sir:

There is enclosed for immediate report and return of the papers S. 4185, 63d Congress, 2d Session, entitled —

A Bill To create the Rio Grande National Park in New Mexico.

In connection therewith your attention is invited to your report of June 10, 1912, on a similar bill, S. 6714, 62d Congress, 2d Session, in which you recommended that adverse report be made by the Department should said bill, S. 6714, be presented for its consideration.

Respectfully,

(Signed) Adolph C. Miller

Assistant to the Secretary.

Inc. 10111.
Mr. Adolph C. Miller,
Assistant to the Secretary.

Dear Mr. Miller:

Your letter of January 29, 1914, transmitting copy of Bill S 4185, 63d Congress, 2d Session, has been received, with request for report.

The bill is entitled: "A Bill to create the Rio Grande National Park in New Mexico."

You call attention to former report of this office under date of June 10, 1912, upon a similar bill, upon which adverse recommendation was made.

The views of this office upon that subject have not changed and it does not seem advisable to permit such conflict of authority and purposes as will result if this bill were passed.

It will be three or four years before the dam is finished, and during the construction period the conflict of authority would be particularly embarrassing.

As stated in letter of June 10, 1912, the operation of this reservoir is likely to produce unsightly conditions, as the water will be drawn down every year, exposing the muddy bottom; and in some years it will be drawn very low so that a large part of the reservoir site will be uncovered and be
very unattractive.

On account of the large fluctuations in water level, the location would not be desirable for fishing or other outing purposes. Furthermore the scenery is not attractive, and the absence of trees would apparently cause this site to be of little value as a National Park.

Attention was called in the letter of June 10, 1912, to the fact that a large portion of the land proposed to be included in the park, in fact nearly all of it except that which is covered by the reservoir site, is included in a private land grant; and it is believed that this land can not be purchased except at a large price.

For the reasons stated, this office would not recommend that a National Park be established to include the Elephant Butte reservoir.

Cordially yours,

[Signature]

Chief Counsel.
Hon. Henry L. Myers,
Chairman, Committee on Public Lands,
United States Senate,
Washington, D. C.

My dear Senator:

By your reference of January 27, 1914, the Department is in receipt for report of S. 4185, 63d Congress, 2d Session, entitled "A Bill To create the Rio Grande National Park in New Mexico."

In response I inclose herewith a copy of a letter from the Director of the Reclamation Service, dated June 10, 1912, reporting on S. 6714, 62d Congress, 2d Session, which is identical with the bill under consideration; also a copy of a report from the Chief Counsel of the Reclamation Service, dated February 26, 1914, reporting on S. 4185.

As will be seen from these reports the Reclamation Service recites many administrative objections to the bills, and says that in the judgment of that service they should not be enacted.

In the annual report of this Department for the fiscal year ended June 30, 1911, the Secretary of the Interior in discussing national park matters said:
Bills to create a Bureau of National Parks have heretofore been introduced in Congress, and in my judgment they should immediately receive careful consideration so that proper legislation for this purpose may be enacted.

There is now pending before the Senate Committee on Public Lands S. 826, to establish a national park service, and a similar bill, H. R. 104, is before the House Committee on Public Lands. If either of these measures were enacted into law machinery would be provided for the development of a permanent and definite policy in relation to the national parks and the administration of their boundaries, and in the judgment of the Department the measure under consideration can be well postponed until a national park service is provided by law and competent persons connected therewith can study the situation in this proposed park and determine whether actual conditions warrant any change in the boundaries thereof, and it is recommended that the bill be not favorably considered by the Committee at this time.

A report practically identical herewith was made on June 18, 1912, on S. 6714.

Cordially yours,

(Signed) Adolph C. Miller

Assistant to the Secretary.

Inc. 10161.
64TH CONGRESS,  
1st Session. 

S. 2508. 

IN THE SENATE OF THE UNITED STATES. 

DECEMBER 16, 1915. 

Mr. FALL introduced the following bill; which was read twice and referred to the Committee on Public Lands. 

A BILL 

To create the Rio Grande National Park in New Mexico. 

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled, 

That all the lands embraced within the present boundary 
lines of the lands heretofore reserved by the United States, 
together with the lands purchased by condemnation pro-
ceedings or otherwise from private individuals under what 
is known as the Rio Grande project, in and near the Engle 
Storage Dam and Engle Reservoir, in the State of New 
Mexico, and lying principally in townships eight, nine, 
thirteen, and fourteen south, range two west, and town-
ships eight, nine, ten, eleven, twelve, and fourteen south, 
range three west, and townships eleven, twelve, thirteen, 
and fourteen south, range four west, are, subject to the 
provisions of the Act of May thirty-first, nineteen hundred 
and ten, being "An Act appropriating the receipts from
the sale and disposal of public lands in certain States and districts to the construction of irrigation works for the reclamation of arid lands,” and any amendments thereto, and subject to the rules and regulations heretofore and hereafter adopted and promulgated concerning the use of said lands for the purpose and benefit of said Rio Grande project, hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park or pleasure ground and fish and game preserve for the benefit and enjoyment of the people of the United States under the name of the Rio Grande National Park; and all persons who shall locate or settle upon or occupy the same or any part thereof, except as under said law of nineteen hundred and ten and said regulations, and except as hereinafter provided, shall be considered trespassers and removed therefrom. Nothing contained herein, however, shall affect any valid existing claim, location, or entry under the land laws of the United States or the rights of any such claimant, locator, or entryman to the full use and benefit of his land.

SEC. 2. That the said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary and proper for the care,
protection, management, and improvement of the same, and
for the care and protection of the fish and game within the
boundaries thereof, and for the construction and mainte-
nance of roads, bridges, trails, telephone lines, and the stock-
ing of the same with fish and game; subject, however, to the
prior use of said lands and park and the waters now there-
upon and therefrom for the purposes of said Rio Grande
project. The Secretary may, in his discretion, execute
leases to parcels of ground not exceeding ten acres in
extent, at any one place to any one person or company, for
not to exceed twenty years, when such ground is necessary
for the erection of buildings for the accommodation of visi-
tors, and to parcels of ground not exceeding one acre in
extent and for not to exceed twenty years to persons who
have heretofore erected or who he may hereafter authorize
to erect summer homes or cottages. He may also designate
a tract or tracts of land, to include all the hot or warm
springs situate on the lands aforesaid, and may lease the
same as hereinbefore provided, and may set aside a portion
of the same for the use and occupancy of temporary or
transient visitors who may choose to construct temporary
camping places or tents thereupon, and shall exact only a
nominal rental or lease from said transients or temporary
occupants for the use of such camping places and for the
use of the waters of said hot springs.
Sec. 3. That the Secretary shall have the further power to issue permits for the use of pleasure and fishing boats upon the said Engle Reservoir, and for hunting and fishing, limiting, in his discretion, the term of said permits and the number, kind, and character of game and fish to be taken by any one person or party. He shall designate a custodian or warden, and such subordinate employees and officials as may, in his judgment, be necessary for carrying out the purposes of this Act, and the compensation of such officials and employees shall be paid from the proceeds of leases, licenses, and permits made or issued under the provisions hereof. The Secretary may lease or sell any buildings or structures now or hereafter erected upon said lands by the United States under such Rio Grande project when, in his discretion, the same may no longer be needed or necessary for the purposes of such project or for employees or officials under the provisions hereof.
Sir:

I am directed by the Senate Committee on Public Lands to transmit to you Senate Bill No. 2508 for information as to the law and the facts in relation thereto, and for such suggestions as your Department may see fit to offer.

Very respectfully,

Clerk.

Honorable Secretary of the Interior,
Washington, D. C.
DEPARTMENT OF THE INTERIOR
WASHINGTON
DEC 24 1915

My dear Senator:

Receipt is acknowledged of letter dated December 22d, by the Clerk to the Committee on Public Lands, requesting report on Senate Bill 2508 for the creation of the Rio Grande National Park in New Mexico. This matter is being given careful consideration by the Department and report will be submitted at the earliest practicable date.

Cordially yours,

(Sgd.) BO SWEENEY,
Assistant Secretary.

Hon. H. L. Myers,
Chairman, Committee on Public Lands,
United States Senate.
DEPARTMENT OF THE INTERIOR
WASHINGTON

JAN 18 1916

The Director and Chief Engineer,
Reclamation Service.

My dear Mr. Director:

I enclose herewith Senate Bill No. 2508
(64th Cong., 1st session) "To create the Rio Grande National Park
in New Mexico," and have to request an expression of your views
as to the advisability of the enactment into law of the bill.

In this connection your attention is invited to the report
of your office, dated January 10, 1912, on a similar bill, Senate
6714 (63d Cong., 2d session), and your report of February 24, 1914
on Senate Bill 6718 (65d Cong., 2d session) making adverse reports
thereon.

In making your report I have to request, if practicable, a
map showing the metes and bounds of the lands proposed to be set
aside for park purposes in the bill be supplied.

Cordially yours,

(Sgd) STEPHEN T. MATHER

Assistant to the Secretary.

Inclosure 2572.
The Secretary of the Interior.

Dear Mr. Secretary:

Your letter of January 18, enclosing copy of S. 2508 "To create the Rio Grande National Park in New Mexico", has been received, and in response to your request, the following is submitted as an expression of views regarding the advisability of its enactment.

As indicated in your letter, former reports were made by this office upon bills substantially to the same effect under dates of January 10, 1912 and February 24, 1914, relating to S. 6714, 62nd Congress, 2nd Session, and S. 4185, 63rd Congress, 2nd Session respectively.

In accordance with your request there is herewith submitted a map showing the lands referred to in the bill.

In the former reports of this office, it was stated that it would be inadvisable to pass such a bill before the dam is finished. The dam is now practically completed and the advisability of the action proposed can now be considered on the basis of what will probably be the permanent conditions.

The purpose of the bill is stated in lines 9, 10 and 11, page 2 as the establishment of a "public park or pleasure ground and fish and game preserve for the benefit and enjoyment of the people
of the United States."

A reference to the accompanying map will show that there is but a small amount of land within the proposed park outside of the high-water line of the reservoir. It is also a fact that there is scarcely any vegetation upon this land and that the exposed land within high water line will frequently present an unsightly appearance because the level of the water in the reservoir will fluctuate during the year and leave uncovered during the middle and latter part of every summer mud-covered areas of considerable extent because the use of the water for irrigation will cause a recession of the water line.

It is also a fact that some of the lands in the valley of the Rio Grande are quicksand and before the construction of the reservoir caused the death of numbers of cattle. There is no scenery of special interest and but little to attract the tourist to this place except during the comparatively short period when the water in the reservoir is high and rising.

The bill provides for the sale of any buildings or structures erected upon said lands by the United States but is not clear as to the disposition of the money obtained, because the Act provides for disposition of the proceeds of leases, licenses and permits, but no provision is made regarding the moneys received from the sale of buildings or structures.
As to the structures now erected upon the land in question, much money has been invested and the proceeds of the sale of such structures might be an appreciable amount. As the cost of such structures is to be repaid by the water-users under the project, they should receive the benefit of any proceeds from such sales; so likewise should they receive the proceeds from the leases, licenses and permits for structures which have been included in the cost of the project and also for lands acquired by condemnation or purchase for which large sums have been spent.

The Department has heretofore made leases for the occupancy of buildings and grounds in similar cases under its general authority, and specific authority from Congress for this purpose does not seem to be necessary.

While this Service is generally in favor of the establishment of National Parks in the vicinity of irrigation works, the present bill does not seem to be required because it brings into the proposed park very little land outside the area actually occupied by the reservoir itself and also because the surroundings are not such as to attract the tourist or pleasure seeker from a distance.

In regard to the details of the bill, the following is submitted in case it should be considered for passage.

The description of the lands to be incorporated in the park is somewhat unusual as it specifies all lands heretofore reserved
by the United States and all lands purchased within certain townships. The print herewith enclosed shows the location of the lands so specified.

In line 11, p. 1, T. 15 S. is skipped, which would eliminate an important portion of the reservoir so that 15 should be inserted in line 11 in order to complete the description, and include T. 13 S. R. 3 W. The map also shows that T. 7 S. R. 2 W. should be included.

In lines 14 and 15, p. 1, the Reclamation Act is referred to as of date May 31, 1910, whereas it should be June 17, 1902. The same error occurs in line 14, page 2.

Lines 5 to 8, inclusive, on page 3, make the use of these lands for a park subject to the prior use of said lands and the waters now thereon for the purpose of the Rio Grande Project. The use of the word "prior" does not give the idea which should be conveyed, and it is suggested that the word "dominant" be inserted in place thereof.

The reference to the waters as now thereon is also unsatisfactory. It is suggested, therefore, that the clause be amended to read as follows:

"subject, however, to the dominant use of said lands and park and the stored and flowing waters thereon for the purposes of said Rio Grande Project."

In line 15, p. 3 it is suggested that the word "who" be changed to "whom", as it is evidently a misprint.

Upon full consideration of the matter, the passage of such a
bill as this, does not seem to be necessary either for the interests of the project or of the public in general.

Very truly yours,

[Signature]
Acting Director.

enc. 14895
DEPARTMENT OF THE INTERIOR
WASHINGTON
FEB -8 1916

Hon. Henry L. Myers,
Chairman, Committee on Public Lands,
United States Senate.

My dear Senator:

Your letter has been received enclosing, with request for report thereon, Senate 2508, "A Bill to create the Rio Grande National Park in New Mexico."

In response thereto I enclose herewith copy of a letter dated January 29, 1916 from the Acting Director of the Reclamation Service, to whom the bill was referred, calling attention to adverse reports heretofore made on similar bills pending in the 62nd and 63rd Congresses, to certain defects in the bill under consideration, and stating, among other things, that "while this Service is generally in favor of the establishment of National Parks in the vicinity of irrigation works, the present bill does not seem to be required because it brings into the proposed park very little land outside the area actually occupied by the reservoir itself and also because the surroundings are not such as to attract the tourist or pleasure-seeker from a distance. * * * Upon full consideration of the matter the passage of such a bill as this does not seem to be necessary either for the interests of the project or the public in general."

I concur in the conclusions of the Acting Director and have
to recommend that the bill be not favorably considered at this time.

Cordially yours,

(Sgd.) FRANKLIN K. LANE
Secretary

Inclosure 2202.