

United States
Department of
Agriculture

Forest
Service

Verde Ranger
District

Box 670
Camp Verde, AZ 86322-0670
Phone: (520)567-4121
FAX: (520)567-1179

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MAY 30 REC'D

AFTER 12:00 p.m.

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O'Clock, M

Reply To: 5470

Date: May 20, 1997

MAY 30 1997

Verde Ditch Company
P.O. Box 2345
Camp Verde, AZ 86322

NORBERT G. WEDEPOHL, Clerk
By ~~APRIL C. PATTON~~
Deputy

Gentlemen:

This letter documents the conversations between John Reddell, John Teague, Richard Mabery, and myself on April 28, 1997, at the site of the newly constructed concrete lining for the Verde Ditch at the Clear Creek River Access Site. Also present during that meeting were Wes Girard, Charlotte Sasonkin, and Elaine Massis with the Forest Service.

Congratulations on the engineering success of the concrete ditch that you just constructed. The ditch water was flowing very well and steady with only a couple of inches of fall from the upper end of the ditch lining to the lower end of the lining. I am sure that you are also proud of the work.

I also want to thank you for your cooperation on meeting my agreements with the State Historic Preservation Officer during the construction of this concrete ditch lining.

The primary need I had in meeting with you was to get my question answered about your willingness to complete the stabilization of the archeologic resources on the site adjacent to the concrete ditch lining. In this context, I asked John Reddell, John Teague, and Richard Mabery if the Verde Ditch Company was going to complete the stabilization of the site. They stated that the ditch company intended to finish the stabilization, but that you could do very little, if anything, until next December. All available funds for this year were spent on the concrete lining and retaining wall at the Clear Creek River Access Site. Mr. Mabery mentioned the remote possibility that your insurance carrier might provide funds to stabilize the site as damage to personal property of the United States, but this was only a remote possibility before December.

I commented that I was very nervous about letting this much time expire before stabilizing the site, and would get back to you if this would be acceptable to the State Historic Preservation Officer for reasonable and prudent protection of these resources. Even if the SHPO grants approval, the Forest Service may need to do some temporary protection of the site to prevent further erosion and bank sluffing thereby further damaging the archeologic resources on site.

During this meeting, we advised you that we recommend that your archeologist do a detailed drawing of the face of the cutbank and the surface of the site to begin the process of documentation that will be necessary before the backfill can be placed against the face of the cutbank. This will have to be done before submitting your reclamation and stabilization plan to the State Historic Preservation Officer.

We also spent some time during the April 28, meeting discussing the methods you propose to use to stabilize the site, and for the most part, they seem to be acceptable. You mentioned that dirt ramps would be constructed in the ditch, and backfill behind the retaining wall with material that will need to be brought in from off site. I committed to helping you find that material. You also proposed to backfill from the top of the retaining wall to the top of the cut slope and compact that material with a roller compactor mounted on a backhoe. There was considerable discussion about the need and method to install filter cloth barrier between the natural hillside containing the archeologic site and the fill material. This seems to be the biggest area of disagreement and we will enlist the input of other restoration and stabilization archeologists to determine the most appropriate methods of safeguarding the remaining archeologic resources at the site.

If your memories of our conversation differ from the comments in this letter, please notify me so the record of that meeting is kept accurate.

In addition to this conversation about the concrete lining for the ditch and the stabilization of the archeologic site, you also asked about access to the sump which you cleaned out last year to ensure water to the pump inflow pipe. I granted you permission to access the pump to guarantee water to the ditch users and we have since removed sufficient erosion control structures from the access route to the pump inlet to allow you to clean out the sump and inflow pipe again.

The irrigation ditch, I have been told, was constructed prior to the establishment of National Forest system lands and I understand that your attorney has advised you that a Special Use Permit from the federal government is not needed to maintain these rights. Attorneys from the Office of General Council have advised me that supplemental structures built after the original ditch was constructed and after the public lands were reserved to National Forest status will require a Special Use Permit. They advised me that you will need a Special Use Permit from the federal government to continue to maintain and operate your pump at the Clear Creek River Access Site. This permit will specify conditions and standards for the use of the roads to access the pump, the inflow to the pump, the operation of the pump such as cleanout needs, and any conditions for digging in the river bottom needed to provide water to the pump. Please contact Wes Girard of this office to initiate the necessary paperwork for the completion of this permit. If you have any questions, please call me at 567-4121.

Sincerely,



THOMAS D. BONOMO
District Ranger

cc: Mike King, Forest Supervisor, Prescott National Forest
cc: Mary Ann Joca
cc: Bud Shaver
cc: Richard Mabery
✓cc: Judge Richard Anderson

Enclosure For Your Information

Re: Verde Ditch Company/U.S. Forest Service Date: 5/27/97 Our file no.: _____

The following information is enclosed:

Copy of 5/20/97 letter to the Verde
Ditch Company from Thomas D. Bonomo,
District Ranger, U.S. Forest Service,
which Mr. Bonomo requested be forwarded to the Court.

This information is:

- Pursuant to your request
 Pursuant to our conversation
 Just to keep you informed
of the progress of this
matter. File if desired.

***Please contact us if you
have questions, comments
or desire more information.***

To: [The Honorable Richard Anderson]
Yavapai County Superior Court, Div. 1
3505 W. Highway 260
Camp Verde, Arizona 86322]

L. RICHARD MABERY, P.C.
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