

WARING RANCH
Grand Canyon-Parashant National Monument
Littlefield vicinity
Mohave County
Arizona

HALS AZ-3
HALS AZ-3

WRITTEN HISTORICAL AND DESCRIPTIVE DATA

REDUCED COPIES OF MEASURED DRAWINGS

HISTORIC AMERICAN LANDSCAPES SURVEY
National Park Service
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240-0001

HISTORIC AMERICAN LANDSCAPES SURVEY

WARING RANCH

HALS AZ-3

- Location:** Grand Canyon-Parashant National Monument, Littlefield vicinity, Mohave County, Arizona
- Waring Ranch comprises seven sites scattered across the southern end of the Shivwits Plateau north of the Grand Canyon in the Arizona Strip. The ranch headquarters, Horse Valley, is 65 miles south of St. George, Utah, in township 31 north, range 11 west, section 6 (Gila and Salt River Meridian). Its geographic coordinates are latitude 36.118075, longitude -113.501831 (North American Datum of 1983). These coordinates represent the southwest corner of the Horse Valley ranch house.
- Present Owner:** Grand Canyon-Parashant National Monument
National Park Service
Department of the Interior
- Present Use:** Vacant; preserved as a cultural and natural site
- Significance:** For a century beginning in the 1870s, stock raising was the main economic activity of Anglo settlers in the remote and arid Arizona Strip, and it caused tremendous changes to the ecology of the region and the lifeways of the Native Americans who lived there. Waring Ranch represents the ways that cattle operations in the region were assembled and run by the generation of ranchers who, benefiting from changes in federal homesteading law, established themselves in the region in the 1910s and 1920s. The ranch comprises cabins, corrals, springs, natural water pockets, stock tanks, and fence lines spread across tens of thousands of acres on the Kelly Point plateau in northern Arizona. Beginning about 1925 and continuing into the 1950s, New York-born rancher Jonathan Deyo Waring homesteaded and purchased pockets of property around key water sources on this arid plateau in order to support the grazing of cattle on the surrounding public range. At the ranch's fullest extent, Waring held a federal grazing permit that allowed him use of more than 109,400 acres, based on his ownership of just 9,613 acres. This and his other grazing allotments in the region made Waring one of the largest stock owners on the Arizona Strip by the time he retired in the 1960s.
- Historian:** Michael R. Harrison, 2011

Project Information: Waring Ranch was documented by the Historic American Landscapes Survey of the Heritage Documentation Programs of the National Park Service. The principals involved were Richard O'Connor, Chief of Heritage Documentation Programs; Paul D. Dolinsky, Chief of the Historic American Landscapes Survey; and Jeff Bradybaugh, former Superintendent of Grand Canyon-Parashant National Monument. The documentation was produced during the summer of 2010 by project supervisor Christopher Stevens, landscape architect, with Anne E. Kidd, architect; Alexander Matsov, architect; and R. Benjamin Lawrence, landscape architect intern. The large-format photography was completed by James Rosenthal. Jet Lowe created the aerial photography. The historical reports were written by historian Michael R. Harrison in 2011.

**Related
Documentation:**

For detailed information on specific sites within Waring Ranch, see the following HALS documentation:

Horse Valley Ranch, HALS AZ-3-A
Pine Valley, HALS AZ-3-B
Green Springs, HALS AZ-3-C
Spencer Camp, HALS AZ-3-D
Shanley Camp, HALS AZ-3-E
Dinner Pocket, HALS AZ-3-F

For additional context on historic ranching and economic activity within the boundaries of Grand Canyon-Parashant National Monument, see:

Tassi Ranch and Springs, HALS AZ-2
Pine Ranch, HALS AZ-4
Grand Gulch Mine, HAER AZ-78

I. INTRODUCTION

The natural setting

The 8,000-square-mile northwestern corner of Arizona is separated from the rest of the state by the Colorado River. Known as the Arizona Strip, this remote region is characterized by long lines of steep cliffs alternating with flat plateaus. The westernmost plateau in the region is the Shivwits Plateau, about 12–18 miles across and about 68 miles long, which is bounded by the Grand Wash Cliffs to the west and the Hurricane Cliffs to the east. At its southern edge, the plateau dies into three narrow “peninsulas” bounded by various side canyons of the Grand Canyon. The largest of these is 18 miles long and between 1 and 5.5 miles wide and terminates at Kelly Point overlooking the Grand Canyon. Five of the seven line camps that make up Waring Ranch lie on this peninsula; the remaining two sit within two miles of its northern boundary.

The so-called Kelly Point peninsula or plateau is capped by Kaibab limestone under a layer of basalt from ancient volcanic flows.¹ The topography along the plateau is largely flat or gently rolling, with an average rim elevation of 6,000 feet, although south toward Kelly Point the land becomes more rough. Rancher J. D. Waring’s grazing rights covered the peninsula and extended down into neighboring Green Spring, Horse Spring, Twin Springs, and Surprise canyons, lending the ranch remote areas of extremely steep and rough terrain around the level plateau.

The Shivwits Plateau as a whole receives average annual precipitation of 10 to 15 inches. Most of this falls as snow in winter and rain in summer, while the spring and fall are generally dry. Summer highs average in the 90s F, while in winter the temperature can reach –10 degrees F. The arid land is inhospitable to agriculture but provided Anglo-European settlers a great deal of territory for cattle and sheep grazing.²

Waring Ranch sits within the Great Basin conifer woodland biotic community, which is characterized by open-spaced growth of Utah juniper (*Juniperus osteosperma*) and pinyon pine (*Pinus monophylla*) trees with an understory of shrubs and grasses. Ponderosa pine trees (*Pinus ponderosa*) are also present in abundance at the northernmost three line camps of the ranch – Horse Valley, Pine Valley, and Green Springs – but are completely absent at the more arid southernmost camp, Dinner Pocket. Both natural and man-made open meadows, interspersed through the woodlands, contain large amounts of big sagebrush (*Artemisia tridentata*) and rabbitbrush (*Chrysothamnus* spp.) – their proliferation a result of historic overgrazing – as well as grasses such as sideoats grama (*Bouteloua curtipendula*), western wheatgrass (*Elymus smithii*), needlegrass (*Hesperostipa comata*), slim tridens (*Tridens muticus*), and muhly (*Muhlenbergia* spp.) Wildflowers on the ranch include cliffrose (*Purshia* spp.).³

¹ Susan J. Wells, *The Shivwits Plateau Survey: Archeology at Lake Mead National Recreation Area*, Publications in Anthropology 56 (Western Archeological and Conservation Center, National Park Service, U.S. Department of the Interior, 1991), 18.

² *ibid.*, 20.

³ Patrick D. Nolan, *An Appraisal of the J.D. Waring Ranch located approximately 95 miles south of St. George, Utah*, 1966, 7, and Western Farm Management Company, *Appraisal Report of Waring Ranch*,

Component sites

Waring Ranch comprises seven line camps – with their associated cabins, corrals, stock tanks, and fence lines – plus at least eighteen other springs and reservoirs spread across tens of thousands of acres on the Kelly Point plateau in northern Arizona. Beginning about 1925 and continuing into the 1950s, J. D. Waring homesteaded and purchased pockets of property around key water sources on this arid plateau in order to support the grazing of cattle on the surrounding public range. At the ranch’s fullest extent, Waring held a federal grazing permit that allowed him use of more than 109,000 acres, based on his ownership of just 9,613 acres.

The generally flat topography of the plateau, combined with the precipitous cliffs bounding it, created an isolated ranch environment accessible only from the north. Ranchers before Waring had run cattle on this plateau. They exploited the few natural water sources that they found there and, of necessity, created new ones by constructing earthen reservoirs to collect surface runoff. These spring and stock-tank sites, improved with simple cabins for ranch hands to sleep in and corrals to rest horses or segregate cattle, became line camps for Waring’s operation.⁴ Miles of fencing radiated from each, organizing the plateau into large pasture areas for easier management of livestock. The development and whole pattern of the fence lines within Waring Ranch are not yet fully understood, but the dispersed line camps represent the types of modifications ranchers made to the desert environment of the southwest to adapt it to support livestock.⁵

A brief summary of the seven line camps appears below. Six of these are treated in greater detail in the separate HALS reports that are noted.

Horse Valley (located in Township 31 North, Range 11 West, Section 6, Gila and Salt River Meridian). See HALS AZ-3-A for a detailed description. Horse Valley lies 2.2 miles east-northeast of Mount Dellenbaugh along the road south from Lake Flat onto the Kelly Point plateau. J. D. Waring homesteaded the site in the mid 1920s, and it served as the

Mohave County, Arizona, for National Park Service, [1966], 15, both in Waring land files (L1425), Lake Mead National Recreation Area headquarters, Boulder City, Nev. (cited hereafter as LAME); Jeffrey H. Altschul and Helen C. Fairley, Man, Models and Management: An Overview of the Archaeology of the Arizona Strip and the Management of its Cultural Resources (U.S. Forest Service / Bureau of Land Management, 1989), 34; HALS field observations, June 2010.

⁴ Historian William Collins has noted that line camps were built “at widespread distances as places where ranch employees could reside while riding the fences, maintaining windmills, and [performing] other tasks necessary on the range. . . . In the era when the horse was the primary means of transportation, line camps were necessary because cowboys might need many days to travel the extent of a large ranch.” William S. Collins, *Cattle Ranching in Arizona, 1540–1950*, Multiple Property Documentation Form, National Register of Historic Places, 2003, F91.

⁵ Extensive discussion of the natural setting, spatial organization, and historical context of Waring Ranch appears in Shaun Provencher and Len Warner, *Cultural Landscapes Inventory for Waring Ranch, Grand Canyon-Parashant National Monument* (National Park Service, 2003).

headquarters for his cattle operation until the purchase of Wildcat Ranch in 1942. It was added to the National Register of Historic Places in 1984.

Pine Valley (T31N R11W N½ of S10). See HALS AZ-3-B. Although a federal survey made in 1922–23 shows a house, corral, and fences belonging to William Shanley at this site, 3.3 miles southeast of Horse Valley, the land was homesteaded by George Howard Pemberton on behalf of J. D. Waring beginning in 1926. Waring purchased Pemberton's 320-acre half section as soon as it was patented in 1931.

Green Springs (T31N R11W S9). See HALS AZ-3-C. Waring purchased 40 acres at this site, 2.7 miles southeast of Horse Valley, from G. W. Hail and George B. Veater, probably in the late 1930s, and the balance of it from the Santa Fe Pacific Railroad in 1953. Previously it had been owned by cattle baron Preston Nutter.

Penn's Pocket or Pockets, also known as Ambush Water Pocket (T31N R11W SW¼NW¼ of S22). This site was not field documented by HALS. Penn's Pocket lies about 2.2 miles by road southeast of Green Springs. It contains natural pools that collected rain water and runoff. A 1915 General Land Office report noted four pools: one 10' x 15', one 5' x 15', one 15' x 15', and one 25' x 25'.⁶ Historian Mike Belshaw described the site as

a basin, somewhat over an acre in extent, which has been gouged out of the volcanic rimrock by intermittent waters flowing down a wash. The floor of the basin is a succession of pools, several of which are quite large and which could hold water for extended periods. The site is named "pocket" rather than spring to reflect the fact that it is a catch basin for intermittent floods rather than a permanent flow.⁷

The origin of the site's name is obscure. It is also known as Ambush Water Pocket, a sobriquet created by Frederick Dellenbaugh in his 1902 book *The Romance of the Colorado River* due to his association of the site with the 1869 murders of William Dunn, Seneca Howland, and O. G. Howland, members of John Wesley Powell's first expedition down the Colorado River.⁸

Cattle baron Preston Nutter purchased rancher B. F. Saunder's claim to Penn's Pocket along with other water rights in 1896. In 1900, to secure his rights further, Nutter applied for title to 40 acres around Penn's Pocket through the process of forest lieu selection (see the narrative overview, below). The land was not patented until September 1926, but Nutter used it in the meantime to water his cattle, building a 75' x 90' corral there about 1915. Nutter's use of the site appears to have overlapped with that of William Shanley, who filed for rights to the water in the pocket in September 1922. Shanley quitclaimed his interest in improvements at Penn's Pocket to Waring in 1936; these included a corral,

⁶ Frederick L. Brown, *Paiutes, Mormons, and Mericats: A History of Grand Canyon-Parashant National Monument* (National Park Service Pacific West Region Office, July 2009) , 137.

⁷ Mike Belshaw and Ed Peplow, Jr., *Historic Resources Study, Lake Mead National Recreation Area, Nevada* (National Park Service report, Aug. 1980), 182.

⁸ Belshaw and Peplow, *Historic Resources Study*, 183.

fence, and his “one half interest in pipe and pump,” implying that Waring and Shanley had partnered to install a pump at the site at some previous time. G. W. Hail and George B. Veater purchased Penn’s Pocket from the Nutter Livestock Company after Nutter’s death in 1936, and subsequently sold it to Waring.⁹

Spencer Camp (T30N R11W S10). See HALS AZ-3-D. John Spencer received a stock-raising homestead patent for 640 acres on this site in 1933. Waring purchased the land from him at an unknown date, possibly in the 1930s. It lies 7.7 miles southeast of Horse Valley.

Shanley Camp (T30N R11W S15). See HALS AZ-3-E. Waring acquired the rights to William Shanley’s improvements at Shanley Camp, 9 miles southeast of Horse Valley, in 1936, although it is possible he had made use of the site earlier. He purchased ownership of the 640 acres surrounding the Shanley’s camp from the Santa Fe Pacific Railroad in 1951, which had received it from the federal government in 1929.

Dinner Pocket (T30N R11W N½ of S21). See HALS AZ-3-F. As at Shanley Camp, Waring acquired the rights to William Shanley’s improvements at Dinner Pocket in 1936, long before he was able to purchase ownership of the 320-acre site from the Santa Fe Pacific Railroad in 1951. The site is 9.4 miles away from Horse Valley.

In addition to the stock-watering improvements at the seven line camps, Waring Ranch contained eight additional springs and at least ten additional stock tanks. These were not field documented as part of this project, but brief histories are given here of the two most important subsidiary sites. The full list of waters for the ranch appears in Appendix I.

Pleasant Valley (T32N R11W S½ of S29). An appraiser in 1966 described Pleasant Valley, about 1.7 miles northeast of Horse Valley, as “flat topography with one major drainageway running north to south through the middle. There is an open area along this drainageway which covers approximately 35 acres. The rest of the half section is covered with juniper with a few large ponderosa pine scattered around the edge of the open area. A dirt tank has been constructed on the drainageway in the northwestern corner of the parcel.” This stock tank was built by Thomas Gardner and his associate Press Lamb in October 1911. Inspecting the prospective reservoir site, Forest Service ranger Martin McAllister wrote, “This is a natural place to store water. After looking the proposition over I found that by making a 4 ft. high dam across the valley 14-1/2

⁹ General Land Office Acting Assistant Commissioner to C. W. Clarke and Preston Nutter, Sept. 17, 1926, Preston Nutter papers, box 49, folder 14, J. Willard Marriott Library Special Collections, University of Utah, Salt Lake City; Agreement between Preston Nutter Corp. and Nutter Livestock Co., sellers, and G. W. Hail and George B. Veater, buyers, June 8, 1937, Preston Nutter papers, box 23, folder 33; drafts of deed of sale by Nutter Livestock Co. to Veater and Hail, Oct. 2, 1937, Preston Nutter papers, box 23, folder 31; Serial Land Patent No. 986229, Sept. 28, 1926 [C. W. Clarke], , Records of the Bureau of Land Management (RG 49), National Archives and Records Administration, Washington, D.C. (cited hereafter as **NARA Land Entry Files**); Quitclaim deed from William Shanley to J. D. Waring, Mar. 27, 1936, Waring file, BLM Offices, St. George, Ut.; McAllister, *U.S. Forest Service Diaries*, 158 (entry for July 19, 1910); Belshaw and Peplow, *Historic Resources Study*, 116, 183, 186; Brown, *Paiutes, Mormons, and Mericats*, 137, 196.

ch[ains] long that the water would cover about 30 acres of ground about four feet deep on the average. [Told] Mr. Gardner that they had better put in a two foot dam which would cover about 20 acres.”¹⁰

By 1922, Jack Wiggins owned a house in the southwest quarter of this section, but it had disappeared by the 1960s. The 320-acre site was conveyed to the Santa Fe Pacific Railroad by the federal government in 1929, and Jonathan Waring purchased it from the railroad in 1953.¹¹

Kelly Spring (T29N R11W S23). Kelly Spring, located on the west side of the Kelly Point Plateau, 16.2 miles southeast of Horse Valley and about two-thirds of the way between Green Springs and Kelly Point, was claimed by rancher B. F. Saunders in the 1880s. He sold his interest in it to Preston Nutter in 1896. Federal surveyors who passed by in 1922–23 found no development here. In March 1929, 640 acres around the spring were conveyed to the Santa Fe Pacific Railroad Company by the federal government. Waring purchased the site from the railroad in December 1950 but had probably been using it earlier, as he told an interviewer in the early 1980s that he had bought Nutter’s improvements at Kelly Spring from Hail and Veater.¹² The section of public land immediately east of Kelly Spring contains two dirt stock tanks, known as Kelly Tanks. Although these have always lain on government land, they were supplied with water from Kelly Spring and formed part of Waring’s cattle operation. The tanks appear to have been built by William Shanley.¹³

II. NARRATIVE OVERVIEW

Ranching on the Arizona Strip

The land containing Waring Ranch was part of Mexico until 1848, then part of the New Mexico Territory after 1850 and the Arizona Territory after 1863. The Shivwits Plateau has

¹⁰ First quote from Western Farm Management Company, *Appraisal Report*, 11. Second quote from Martin L. McAllister, *U.S. Forest Service Diaries, February 5, 1907 to Monday, June 30, 1919*, transcribed by Gail Carbiener, USDA Forest Service, Intermountain Region, July 2008, 228–29 (entries for Oct. 15 & Oct. 16, 1911).

¹¹ U.S. Surveyor General’s Office, Survey Plat of Arizona, Mohave County, Township No. 32 North, Range No. 11 West, Gila and Salt River Meridian, approved Feb. 16, 1925, Bureau of Land Management, General Land Office Records, <http://www.glorerecords.blm.gov/>; Serial Land Patent No. 1024657, Mar. 20, 1927 [Santa Fe Pacific Railroad Co.], NARA Land Entry Files; Santa Fe Pacific Railroad Co., Release beginning “Whereas, by deed dated January 28, 1953,” LAME, folder “L1425, Lands, Waring, part 1 of 2”; Nolan, *Appraisal of the J.D. Waring Ranch*, 15.

¹² Serial Land Patent No. 1024657; Santa Fe Pacific Railroad Co., Release beginning “Whereas, by deed dated December 1, 1950,” LAME, folder “L1425, Lands, Waring, part 1 of 2”; Betty Accomazzo, ed., *Arizona National Ranch Histories of Living Pioneer Stockman* [sic], vol. 4 (Phoenix: Arizona National Livestock Show, 1982), 84.

¹³ Quitclaim deed from William Shanley to J. D. Waring, Mar. 27, 1936, Waring file, BLM Offices, St. George, Ut.

lain within the state of Arizona since 1912. The ranch lies today within the boundaries of Lake Mead National Recreation Area and Grand Canyon-Parashant National Monument, the former dating from October 1936 and the latter set aside in January 2000.¹⁴

Long before these political boundaries were drawn, Virgin Branch Basketmaker and Pueblo Indians flourished on the Arizona Strip from the sixth to the twelfth centuries. Southern Paiutes first appeared in the region about the middle of the thirteenth century, and direct evidence of their presence on the ranch land is extensive. A 1990 field survey of 1,469 acres around the various line camps counted thousands of artifacts at “pueblos, sites with masonry structures, sites with agricultural features, artifact scatters and lithic scatters.”¹⁵

Missionary and settlement activity in the 1860s by members of the Church of Jesus Christ of Latter-day Saints and the conflicts that resulted among the Mormons, the Paiutes, and the Navajo created the first extensive awareness of the Strip by non-native peoples. The published reports from John Wesley Powell’s topographical survey of the region (1871–73), as well as those produced by the Army Corps of Topographical Engineers (1871) and Clarence Dutton’s U.S. Geological Survey team (1879–81) further publicized the scenic and economic potential of the area.

Nevertheless, the Arizona Strip’s difficult and isolating terrain has always kept large-scale settlement in check. Brigham Young called his followers to go south from the Great Salt Lake Basin to establish farming communities, but there were few places on the Strip where arable land and sufficient water coincided to allow the kind of communal-irrigation-based town planning the Mormons preferred. As a result, the Strip was largely settled by individuals rather than the “church-organized colonies” that typified settlement in southern Utah, although many of these individuals maintained strong family and community connections to each other and to the Mormon town of St. George just past the Arizona-Utah line. Some pioneers farmed or started logging operations – particularly around Mount Trumbull, along Kanab Creek, and on the Kaibab Plateau in the Strip’s central and eastern reaches. But most settlers focused their endeavors on stock raising, because the region’s topography, climate, and vegetation supported little else.¹⁶

Despite becoming dotted over time with many mining and water-rights claims, the preponderance of the land on the Strip was public domain and generally open for anyone to use to graze animals. The first generation of Mormon settlers established the Canaan Cooperative Stock Company in 1870 and the St. George Sheep Herd Association, the grazing

¹⁴ Secretary of the Interior Harold Ickes signed the National Park Service / Bureau of Reclamation cooperative agreement that created Boulder Dam Recreation Area on Oct. 13, 1936. The area was renamed Lake Mead Recreation Area in August 1947, and Congress formally established it as part of the national park system on Oct. 8, 1964. President Bill Clinton created Grand Canyon-Parashant National Monument by presidential proclamation on Jan. 11, 2000.

¹⁵ Grand Canyon Wildlands Council, *An Inventory, Assessment, and Development of Recovery Priorities for Arizona Strip Springs, Seeps, and Natural Ponds: A Synthesis of Information*. (Report prepared for the Arizona Water Protection Fund, 2001), 14; Wells, *Shivwits Plateau Survey*, xiv.

¹⁶ Altschul and Fairley, *Man, Models and Management*, 162–66, 173, 177–182, 198–99.

activities of which centered on the Shivwits Plateau. Both of these operations made use of the waters at Green Springs and Penn's Pocket, which later became key sites within Waring Ranch. The St. George Sheep Herd Association, for instance, paid members of a local Indian band \$70 in 1877 "for their claim[,] interest in, and possession of, what is known as Penn's Pocket Ranch about two miles S.E. from Green Spring on the Shebits [*sic*, Shivwits] Mountains."¹⁷

The early sheep and cattle operations on the Strip quickly overgrazed the fragile land. As the quality of the range decreased, the pioneer operators gradually sold their water rights and improvements to outside cattlemen. The two leading men in this consolidation were Anthony Ivins, a Mormon who bought the Mohave Land and Cattle Company in 1890, and Benjamin F. Saunders, a non-Mormon from Salt Lake City who purchased the Canaan Cooperative's Parashant Ranch in 1883 and the balance of its holdings in 1895. Through these and other transactions, Saunders came to control a wide variety of water rights across the central portion of the western Strip, including rights at Green Springs, Penn's Pocket, and Kelly Spring that gave him control of grazing lands along the whole length of the Kelly Point peninsula.¹⁸

Preston Nutter

Saunders's and Ivins's dominance was soon eclipsed by a more ambitious outside rancher, Preston Nutter, who discovered the western Arizona Strip for himself in 1893 when, bound for a Utah leasehold, he wintered more than 4,000 cattle there. Nutter was born in Virginia about 1852 and came to the west as a teenager. He did some prospecting and freighting in his twenties and began running cattle extensively in Colorado and northern Utah during his thirties. He saw in the Strip an opportunity to expand his already considerable ranching interests into Arizona.¹⁹

To gain control of grazing land in the Strip, Nutter, in the words of historian Frederick Brown, "bought out his competitors, sued them in court, and simply had his men keep other cattlemen's stock away from water."²⁰ He also sought legal title from the government to public-domain lands containing water resources, an approach not tried by previous stockmen. Until the 1890s, claims to water on the open range of the Strip were generally based on occupation and use, not on clear titles and ownership. The public range belonged to the federal government, and only through mining claims and patents could land legally pass into private control. The mechanism of homesteading, although available to the ranchers, was practically impossible on the Strip due to the unsuitability of the arid land for farming. Saunders, Ivins, and their predecessors purchased water- and land-usage rights

¹⁷ Andrew Karl Larson, *"I was Called to Dixie": The Virgin River Basin, Unique Experiences in Mormon Pioneering* (Salt Lake City: Deseret News Press, 1961), 237; Brown, *Paiutes, Mormons, and Mericats*, 88, 90.

¹⁸ Larson, *"I was Called to Dixie,"* 245-47; Brown, *Paiutes, Mormons, and Mericats*, 92, 97-98.

¹⁹ Virginia N. Price and John T. Darby, "Preston Nutter: Utah Cattleman, 1886-1936," *Utah Historical Quarterly* 32, no. 3 (June 1963): 244.

²⁰ Brown, *Paiutes, Mormons, and Mericats*, 117.

from the Indians and sold improvements such as stock tanks, wells, cabins, and fences to each other, but they did not own the land.

Nutter exploited two legal mechanisms to gain title to land. The first involved the exchange of what was called “half-breed scrip.” The federal government over time had issued scrip (certificates of exchange) to certain Native Americans in lieu of their lands. Theoretically, Indians could use this scrip to claim public lands in exchange. Although not meant to be sold, this scrip often was, and speculators made extensive use of it to claim federal lands throughout the American west.²¹ Nutter used scrip to acquire land in the Strip, but he does not appear to have used this process to gain title to any of the lands that eventually formed part of Waring Ranch.

The other mechanism Nutter employed was forest lieu selection. After 1891, the federal government began setting aside land as forest reserves. The boundaries of these reserves frequently encompassed privately held parcels and active homesteading claims. Under provisions in the Sundry Civil Expenses Act of June 4, 1897 (often called the Forest Lieu Act), landowners or entrymen within federal forest reserves could transfer their lands back to the government “and select in lieu thereof” equivalent tracts of vacant public land open to settlement elsewhere.²² This process quickly became a speculators’ bonanza, and geographer C. Barron McIntosh has written that “The ‘in lieu’ provision was so mismanaged, fraudulent manipulation in forest reserve land so flagrant, and interpretations of the law favoring vested interests so obvious that this act . . . was repealed in 1905.”²³ Nevertheless, this brief window was enough time for Nutter to make forest lieu selections on the Arizona Strip.

In 1896, Nutter bought out Ivins’s Mohave Land and Cattle Company and bought Benjamin Saunders’s water rights, buildings, corrals, and fences on the Strip for \$3,000.²⁴ “I was of the opinion,” Nutter explained to the commissioner of the General Land Office in 1915,

that the titles I succeeded to, would not hold if tested and began to look around for something that would give me title. I went to Washington. I was acquainted with Judge John C. Bell who is a fine lawyer and was a Congressman for several terms from Colorado. He told me of the Lieu Selection Act passed by Congress in 1897; he further told me there was no question about Lieu Selection scrip holding any unsurveyed, unoccupied, non-mineral Government land. He sent his Secretary with me to introduce me to the scrip dealer – (I have forgotten his name). . . . he got the selections from Collins Land Company of Helena, Montana. . . . I located this scrip

²¹ Henry George, *Our Land and Land Policy, National and State* ([California]: n.p., 1871), 19; Thomas Donaldson, *The Public Domain: Its History, with Statistics* (Washington, D.C.: G.P.O., 1880), 289–90

²² Sundry Civil Expenses Act, June 4, 1897, 30 Stat. 36.

²³ C. Barron McIntosh, “Forest Lieu Selections in the Sand Hills of Nebraska,” *Annals of the Association of American Geographers*, 64, no. 1 (Mar. 1974): 88. The forest lieu process was repealed by the Act of March 3, 1905, 33 Stat. 1264.

²⁴ Preston Nutter to General Land Office Commissioner, May 24, 1915, Preston Nutter Papers, box 22, folder 1; Brown, *Paiutes, Mormons, and Mericats*, 98, 116.

on 21 springs in Mohave County, on the north side of the river in Northern Arizona. I bought every spring that was claimed by anyone that I located scrip on except two [which he subsequently traded for].²⁵

The trick here was that Nutter did not own any forest reserve lands, but through the dealer he acquired a power of attorney from C. W. Clarke, a California land speculator who owned land in California's Sierra Forest Reserve. In 1900, Clarke returned his California forest reserve land to the government, and Nutter used Clarke's resulting lieu selection rights to apply for title to thirteen 40-acre sites on the Shivwits Plateau, including two that contained the important water sources at Green Springs and Penn's Pocket.²⁶

All of Clarke and Nutter's lieu selections lay on unsurveyed land, which had to be officially surveyed before the government could convey it. The need to make surveys delayed Nutter's application for many years, as did a 1915 General Land Office (GLO) investigation into the validity of his selections.²⁷ By 1926, seven of the thirteen tracts had been surveyed, and Nutter asked that a patent be issued for just those seven. The GLO did this, and in September 1926 C. W. Clarke became owner of Parishont [Parashant], Andrews [Andrus], Oak Grove, Pine, Green, Penn's Pocket, and Mokiatic [Mociac] springs.²⁸

Clarke had died by this time, however. Nutter controlled the land as soon as it was patented through his power of attorney, and initially he did not bother to execute a deed transferring ownership from the deceased Clarke to himself. "It is well known that said Nutter follows the practice of not recording his deeds for the purpose of keeping the lands off the Assessment list and thus avoiding payment of taxes," a GLO investigator noted.²⁹ Nevertheless, complications arising from a competing claim by the Santa Fe Pacific Railroad Company on his land at Green Springs led him to transfer ownership from Clarke to himself in June 1928.³⁰

²⁵ Preston Nutter to General Land Office Commissioner, May 24, 1915.

²⁶ The thirteen sites Nutter applied for surrounded these springs: Wolf Hole, Link, Rattlesnake, Coin Bed, Garden, Hidden, Parishont, Andrews, Oak Grove, Pine, Green, Penn's Pocket, Cottonwood. The application for Cottonwood Spring was later fraudulently changed to Mokiatic Spring. Designation of Preston Nutter as attorney in fact for C. W. Clarke, Aug. 30, 1900, Preston Nutter papers, box 52, folder 18; Preston Nutter to General Land Office Commissioner, May 24, 1915, Preston Nutter papers, box 22, folder 1.

²⁷ Brown, 124.

²⁸ General Land Office Acting Assistant Commissioner to C. W. Clarke and Preston Nutter, Sept. 17, 1926, Preston Nutter papers, box 49, folder 14; General Land Office Assistant Commissioner to C. W. Clarke and John Sturzenegger, Jan. 15, 1927, Preston Nutter papers, box 49, folder 16; F. J. Safley, "Report on Forest Lieu Selection 013384 and H. E. 038113," June 1928, Preston Nutter papers, box 52, folder 15; Answer of Preston Nutter in US vs. Preston Nutter et al., case E-167 Prescott, U.S. District Court for the District of Arizona, 1934, p. 4, Preston Nutter papers, box 52, folder 24; Serial Land Patent No. 986229.

²⁹ J. Arthur Moore to GLO Commissioner, Mar. 5, 1929, Preston Nutter papers, box 52, folder 16.

³⁰ Indenture between C. W. Clarke and Preston Nutter, June [], 1928; J. Arthur Moore to United States Attorney, May 28, 1929; both Preston Nutter papers, box 52, folder 17.

As a GLO investigator noted in 1928,

[Nutter] is looked upon as being a man who is ruthless in obtaining his ends and in acquiring lands on which springs or water holes exist, or which may be attempted to be acquired by others and which may conflict with his interests. This does not mean that he is considered to be dishonest in particular, but rather that he is 'foxy' and shrewd in everything pertaining to his cattle business. It is well known that he does not wish others to acquire any rights to lands in the 'Arizona Strip' upon which there may exist a spring or water hole, nor does he like to see land acquired by anyone under the homestead laws³¹

Homesteaders

Nutter's purchases from Saunders and Ivins, his scrip and forest-lieu transactions, and other deals he made with smaller ranchers put many base water sources on the Shivwits Plateau under his control and made him the dominant rancher on the western Strip and in the heart of what is today Grand Canyon-Parashant National Monument.³² Despite the scope of his operation, Nutter was not able to displace all other ranchers in the area, and such men as Wallace Mathis and his sons, John Sturzenegger, Jonathan Waring, and members of the Esplin and Bundy families established and maintained stock operations of their own on the Shivwits in the first decades of the twentieth century. They did this by holding out against Nutter's intimidations and by taking advantage of changes in federal homesteading law.

In 1908, much of the Strip was added to the Dixie National Forest, but in 1916 the Parashant Division was removed from the forest, under the argument that most of it comprised grazing lands.³³ During this period, Congress passed the Enlarged Homestead Act of 1909, reduced the time needed to prove a homestead entry from five years to three in 1912, and passed the Stock-Raising Homestead Act of 1916, all of which made it easier to homestead arid, infertile lands of the type found on the Strip.³⁴ The removal of the Parashant Division from the forest reserve opened a large expanse of land to homestead entry for the first time, and many of the small stockmen who had been competing with Nutter soon made homestead claims.

In 1934, another federal law changed the regulatory landscape of ranching in the American west. The consolidation of water rights and grazing land that took place in the 1890s did little to alleviate overgrazing, which led to severe erosion, vegetation change, and declining

³¹ F. J. Safley, "Report on Forest Lieu Selection 013384 and H. E. 038113," June 1928, Preston Nutter Papers, box 52, folder 15.

³² According to one obituary, by the time of his death Nutter controlled over 40,000 acres in Utah and 10,000 in the Arizona Strip. "Masonic funeral scheduled for last great cattle kind," *Salt Lake Telegram*, Jan. 28, 1936.

³³ Belshaw and Peplow, *Historic Resources Study*, 81-83; Brown, *Paiutes, Mormons, and Mericats*, 151-52.

³⁴ Enlarged Homestead Act, Feb. 19, 1909, 35 Stat. 639; Act to amend the homestead laws, June 6, 1912, 37 Stat. 123; Stock-Raising Homestead Act, Dec. 29, 1916, 39 Stat. 862.

productivity throughout the west. The passage of the Taylor Grazing Act in 1934 substantially addressed this problem for the first time. This act segregated the public domain into defined districts and established a system of permits that limited the number of animals owners could graze on the public range. In Arizona and Nevada, the size of ranchers' allotments was based on private water holdings rather than land ownership: if one did not control a source of water, one could not graze livestock.³⁵ The Department of the Interior's Division of Grazing, later called the Grazing Service, administered these allotments. In 1946, it combined with the General Land Office to become the present Bureau of Land Management (BLM). Implementation of the Grazing Act greatly reduced cattle and sheep numbers on the Arizona Strip. In 1936, 131 ranchers worked 10,523 head of cattle on 71,224 acres of privately held grazing land in the Mohave County portion of the Arizona Strip; this was a substantial reduction from the estimated 25,000 head Preston Nutter alone ran on the western Strip in 1901.³⁶

Jonathan Waring and his ranch

Jonathan Deyo "Slim" Waring (1892-1982) was one of the smaller ranchers who stood up to Nutter and took advantage of the new homestead laws to secure his foothold on the Strip. Waring was born in New Platz, New York, the second child of Samuel Waring, a cider and vinegar maker, and his wife Cornelia.³⁷ He came to Arizona in 1912 with a friend to whom the dry climate had been recommended for health reasons. They started in Phoenix, and over the next few years Waring worked as a stage driver, a miner and oiler at the Vulture Mine near Wickenburg, and as a hand at a ranch near Quartzsite. In the summer of 1916, he and two fellows went to the Arizona Strip to try rounding up mustangs. This did not pay out, and Waring found employment instead as a driver and ranch hand, working for or with Preston Nutter, Gordon L. "George" Weston, and William Shanley.³⁸

During the 1890s, Preston Nutter had had a fence built across the width of the Kelly Point plateau to contain his cattle, and Shanley and Waring worked in 1917 to brand maverick cattle south of this fence. Nutter would have regarded these mavericks as his, and gossip on the Strip long held that Nutter used his influence to get Waring drafted into the army as a

³⁵ "This rule effectively eliminated all grazing by transient sheep herders on the Arizona Strip. It also precluded use of the range by many of the newly established homesteaders in the region, since very few of the recent arrivals had managed to secure land with permanent water." Altschul and Fairley, *Man, Models and Management*, 211.

³⁶ The 71,224 acres of private grazing land was just a small percentage of the almost 3.3 million total acres of land, much of it public domain, within the Mohave County portion of the Arizona Strip in 1936; Collins, *Cattle Ranching in Arizona, 1540-1950*, E73; Nutter cattle number from Altschul and Fairley, *Man, Models and Management*, 193-95.

³⁷ Thirteenth Census of the United States, 1910, New Paltz Ward 1, Ulster, New York, Enumeration District 152, page 12A (microfilm series T624, roll 1084), National Archives and Records Administration.

³⁸ Western Farm Management Company, *Appraisal Report*, 21; Belshaw and Peplow, *Historic Resources Study*, 115, 176; Accomazzo, *Arizona National Ranch Histories*, 81-86.

result.³⁹ There is no proof that this was the case, but Waring did register for selective service at the Grand Gulch Mine in June 1917 and was soon drafted into the army. His enlistment began April 26, 1918, at Kingman, Arizona, and he served as a saddler in a supply company attached to the 355th Infantry in France. He spent six months in the Army of Occupation before being honorably discharged at Camp Upton, New York, on May 29, 1919.⁴⁰

Either just before or just after the war, Waring purchased Press Lamb's improvements at the southern end of Penn Valley, about 3 miles northwest of Yellow John Mountain and 2-3/4 miles north of Lake Flat, and he settled there after his return to Arizona. A federal surveyor noted in 1922 that Waring had a house, well, corral, and fences in Penn Valley. He later conveyed his improvements to partner Gordon L. "George" Weston, who filed a homestead entry on the surrounding land in 1927 and received a patent for 153 acres there in 1932.⁴¹

In 1925, Waring moved to a log cabin he had purchased at Horse Valley, 5 miles almost due south of Penn Valley.⁴² He constructed a second log cabin there in 1927 or 1928 and lived there year-round except when away looking after his cattle. He received a stock-raising homestead patent for 628.36 acres at Horse Valley on September 18, 1928.⁴³

At the same time Waring was proving up his homestead claim in Horse Valley, he colluded with George Howard Pemberton to acquire a second homestead in Pine Valley, 3-1/2 miles away. Pemberton applied for 320 acres in Pine Valley and filled all necessary proofs in 1931, but as soon as the government patented the land to him, he sold it to Waring. Homesteading land for another person was illegal, and a General Land Office investigation the next year determined that Pemberton had probably made false statements in his application and

³⁹ David Spencer "Spence" Esplin, interview by Milton Hokanson, Feb. 7, 2005, Grand Canyon-Parashant National Monument Oral History Collection, Val A. Browning Library Special Collections, Dixie State College, St. George, Utah (cited hereafter as **DSC**); Belshaw and Peplow, *Historic Resources Study*, 93, 115, 176, 181-82. Nutter's fence ran through sections 22 and 26 of township 31 north, range 11 west.

⁴⁰ Registration card for Jonathan Deyo Waring, June 5, 1917, World War I Selective Service System Draft Registration Cards, 1917-18 (microfilm series M1509, roll 1522646), National Archives and Records Administration; Land Entry Patent No. 1019371, Sept. 18, 1928 [Jonathan D. Waring], NARA Land Entry Files.

⁴¹ Waring's Penn Valley cabin was located in section 7 of township 32 north, range 11 west; General Land Office survey field notes, Book 3641, p. 50, quoted here from a summary document located in the Waring Ranch files, Grand Canyon-Parashant National Monument headquarters, St. George, Utah (hereafter cited as **PARA**). Land Entry Patent No. 1056185, July 26, 1932 [Gordon L. Weston], NARA Land Entry Files; Belshaw and Peplow, *Historic Resources Study*, 115; Accomazzo, *Arizona National Ranch Histories*, 83.

⁴² U.S. Surveyor General's Office, Survey plat of Arizona, Mohave County, Township No. 31 North, Range No. 11 West, Gila and Salt River Meridian, approved Feb. 16, 1925, Bureau of Land Management, General Land Office Records. Field notes on T31N R11W are from the BLM's General Land Office records, Book 3643, pp. 57-58, quoted from a summary document in PARA.

⁴³ Land Entry Patent No. 1019371.

proofs. No legal action was taken, however, and Waring continued in possession of the Pine Valley site.⁴⁴

Waring had a hand in improving and working other ranching sites on the southern Shivwits during the 1920s and 1930s. Through buying others' improvements, filing for water rights, and buying tracts of land containing water as they came available, Waring gradually built up control of the grazing rights to the entire Kelly Point plateau. In 1936, Waring received from William Shanley all the latter's rights to improvements (some of which they had made together) at Horse Valley, Pine Valley, Penn's Pocket, Shanley Tank, Dinner Pocket, Kelley Spring, Kelly Tank, and other places.⁴⁵ It was probably around this time that he also purchased John Spencer's tract, with cabin and stock tank, in the middle of the plateau. Then, about 1938, Waring purchased 40 acres at Penn's Pocket and 40 acres at Green Springs from G. W. Hail of St. George and George B. Veater of Salt Lake City, who, in 1937, had purchased the late Preston Nutter's Strip holdings.⁴⁶

The final additions to Waring's property on the point came in the early 1950s, when he was able to purchase five tracts – Kelly Spring, Dinner Pocket, Shanley Camp, the balance of Green Springs, and Pleasant Valley, constituting several thousand acres – from the Santa Fe Pacific Railroad, which, as successor to the Atlantic and Pacific Railroad Company, had received an extensive grant of land in the region from the federal government in 1929. Some of this new land provided Waring a stock of marketable timber, which he began having cut and milled at Green Springs about 1952.⁴⁷

Waring met Mary Vanderwalker (1911–2001), a Fredonia, Arizona, high-school home-economics teacher, in 1938 and they were married the next year.⁴⁸ Three years later, he purchased Wildcat Ranch, 10 miles from Horse Valley, and the Waring's made this their primary residence and his new headquarters.⁴⁹

⁴⁴ Land Entry Patent No. 1044610, Mar. 6, 1931 [George Howard Pemberton], NARA Land Entry Files.

⁴⁵ The other water-source improvements conveyed from Shanley to Waring at this time were at Amos, Pack Rat, New Water, Willow, Horse, Cottonwood, and Suicide springs, plus Shanley Spring at Snyder Mine; Quitclaim deed from William Shanley to J. D. Waring, Mar. 27, 1936, Waring file, BLM Offices, St. George, Ut.

⁴⁶ Hale and Veater's 1937 purchase comprised about 7,000 acres, about twenty water sources, and a few thousand cattle. Agreement between Preston Nutter Corp. and Nutter Livestock Co., sellers, and G. W. Hail and George B. Veater, buyers, June 8, 1937, Preston Nutter papers, box 23, folder 33; Deed-of-sale draft by Nutter Livestock Co. to Veater and Hail, dated Oct. 2, 1937, are in Preston Nutter papers, box 23, folder 31.

⁴⁷ Spence Esplin interview; Western Farm Management Company, *Appraisal Report*, 16; L. J. Mitchell, memo, "Conference with Slim Waring – Land Exchange," June 28, 1957, LAME, folder "L1425, Lands, Waring, part 1 of 2." Three releases related to Waring's purchases of land from the Santa Fe Pacific Railroad Co. appear in the same folder.

⁴⁸ Accomazzo, *Arizona National Ranch Histories*, 85. Mary Waring continued to teach until 1947, when she stopped to help Slim as a "full-time cook and cowboy."

⁴⁹ Waring purchased Wildcat from Jack Wiggins. The property comprised 640 acres proved up by Wiggins in 1933 (T33N R12W W½ of S15 & S½ of S10; Land Entry Patent No. 1064948, July 6, 1933

By the mid 1960s, Waring was the largest private landowner on the Strip, with 13,000 acres and three grazing allotments, Home Ranch, Wildcat, and Parashant Well. The first of these covered his operations on the Kelly Point plateau, and it included 9,612.54 acres of deeded property within a 109,390-acre grazing allotment.⁵⁰ The Home Ranch grazing rights included all of Kelly Point as well as adjoining Horse Spring and Green Spring canyons, plus the western portions of Surprise and Twin Springs canyons. The allotment's northwestern boundary was defined by a line running approximately from Mount Dellenbaugh to Yellow Mountain.⁵¹

Waring told appraiser Patrick Nolan in 1966 that "there is no set operation for the ranch; rather, when grass and water are exceptional, the range is heavily stocked for a relatively short time. Normally, a cow-calf operation prevails." He allowed his cattle to graze at will and did no feeding, "except for the usual meal and salt in strategic locations." He drove his cattle to St. George for shipment, and that year sold about 965 head from his two ranches. Nolan reported that "Representative weights were 782 pounds for 2 to 2-1/2 year old white face Herefords; 586 pounds for white face Hereford yearlings; 646 pounds for white face Hereford long yearlings; and 826 pounds for some mixed stock. Some cattle were inspected by your appraiser; they were noted to be in good condition and exceptionally fat. Prices received for the cattle ran as much as \$24.00 per hundred weight. Reportedly, the calf crop is about 80%."⁵²

Waring hired Norris "Doc" Brown, another area rancher, to run the Home Ranch allotment from 1949 to 1955. About 1957, he hired Fernard LeMoynes "Buster" Esplin as foreman at Wildcat. Using the money they had earned from ranching, the Warings began to travel. In general, the Warings lived at Horse Valley or Wildcat during the warmer months. In the winter, they rented places in Fredonia, Arizona, or St. George, Utah. In 1966 or 1967, they retired to Flagstaff, Arizona, leaving their ranch operations to Buster Esplin.⁵³

[Jackson Wiggins], NARA Land Entry Files) and 640 acres proved up by Edward Johnson in 1929 (T33N R12W S22; Land Entry Patent No. 1030034, Aug. 13, 1929 [Edward Johnson], NARA Land Entry Files). Johnson sold his land to Preston Nutter, on whose behalf he may have homesteaded it. It later passed to Hale and Veater in 1937 and then to Wiggins. Belshaw and Peplow, *Historic Resources Study*, 84, 114-15, 177.

⁵⁰ The 109,390-acre Home Ranch grazing allotment comprised 7,620 acres of federal land (7.0%), 90,180 acres of BLM-managed federal open range (82.4%), 1,760 acres of state land (1.6%), and 9,830 acres of private land, 9,612.54 of which (8.8%) was owned by Waring and his wife. Nolan, *Appraisal of the J.D. Waring Ranch*, 5-6; Charles A. Richey, memo, "Waring Lands, Shivwits Area," Apr. 5, 1963, LAME, folder "L1425, Lands, Waring, part 1 of 2."

⁵¹ Maps of Waring's Home Ranch grazing allotment and deeded properties appear in Nolan, *Appraisal of the J.D. Waring Ranch*, 9, and at the end of Western Farm Management Company, *Appraisal Report*.

⁵² Nolan, *Appraisal of the J.D. Waring Ranch*, 6-7.

⁵³ After Waring died, Esplin bought Wildcat Ranch and other Waring lands, which eventually passed to his son, Terry. Maud (Wood)Brown, interview by Milton Hokanson, Feb. 10, 2006, DSC; Kelton Hafen, interview by Milton Hokanson, Feb. 13, 2006, DSC; Spence Esplin interview; Leslie

Lake Mead National Recreation Area

As the Warings reduced their active involvement in ranching, the National Park Service (NPS) approached them about acquiring a substantial portion of their property. The background for this lay in the creation, in 1936, of Boulder Canyon Recreation area, a 1.5-million-acre preserve set up by the NPS and the Bureau of Reclamation to regulate visitor activity around Lake Mead, the new reservoir then forming behind the recently completed Boulder (later Hoover) Dam. The area was renamed Lake Mead National Recreation Area in 1947 and formally established in statute by Congress in 1964. Its boundaries included two-thirds of Waring's Arizona Strip property and encompassed all of his Home Ranch line camps. The creation of the recreation area did not alter Waring's property or grazing rights, and the NPS recognized that he might in his retirement subdivide and sell off his lands, potentially leading to numerous private developments within the recreation area that would be costly for the government to acquire separately later.

The NPS first approached Waring in 1957, and the two parties explored both purchase and land-exchange possibilities, as well as the likelihood that Waring would be able to retain his grazing rights on Kelly Point during his lifetime even if he conveyed his land to the government. These discussions culminated in 1963 with the Warings making an application with the Bureau of Land Management to exchange 9,000 acres on the Shivwits for 14,000 acres of federally-owned land near Las Vegas, Nevada. Unfortunately, BLM officials denied this application in January 1964, partly because the values of the lands involved did not constitute an equal exchange, and partly because of political complications that emerged around privatizing federal lands in the vicinity of Las Vegas.⁵⁴

As Las Vegas newspaperman Jude Wanniski explained to his readers,

The problems inherent in a land swap of this kind are enormous, primarily because of the difficulty in equalizing land values. Waring's ranch, for instance, is assessed at about \$1 an acre for tax purposes – simply because it is a ranch and not residential property.

Who is to determine the appraised value? Waring's land is productive, provides him with an income, costs almost nothing in taxes, and contains timber stands, private hunting preserves, water and permits on 100,000 acres of federal grazing lands. The Clark County land in question is unproductive, speculatively priced, highly taxed and expensive to hold.⁵⁵

Peterson, memo to Mary Waring, Nov. 12, 1992, LAME; Lake Mead NRA Cultural Resources Specialist, memo to Waring Ranch 106 files, Jan. 11, 1993, LAME.

⁵⁴ L. J. Mitchell, memo, "Conference with Slim Waring – Land Exchange," June 28, 1957; J. R. Penny to Jonathan D. & Mary V. Waring, Jan. 15, 1964; Charles A. Richey, memo to NPS director, Feb. 17, 1964, all in LAME, folder "L1425, Lands, Waring, part 1 of 2."

⁵⁵ Jude Wanniski, "An imaginary land grab inflames the county dads," *Las Vegas Review Journal*, Feb. 12, 1964.

“Waring, now 72, gets gold star plaudits for his honesty, integrity and patriotism from every federal agent who’s ever had dealings with him,” Wanniski also noted. “He’s now ready to retire and wants his land – all of it – to go into recreation use.”⁵⁶ The staff at Lake Mead NRA made extensive efforts through 1964 to secure a reconsideration of Waring’s application. Superintendent Charles Richey wrote an official at the Bureau of Land Management,

The Waring Lands are the most essential lands not under our control needed in connection with the proper development of the Shivwits Plateau locale of the Recreation Area. The Area as a whole is very similar to the North Rim of Grand Canyon National Park. While we have not had an urgent need for the lands until now, the planning for the Bridge Canyon Dam is going ahead rapidly and the Bureau of Reclamation is proposing a bridge site at Bridge Canyon which would open up the Shivwits Plateau completely to visitor use. We want to acquire the lands before it becomes obvious to speculators that these privately owned lands will have tremendous value for developments, because of their strategic location within the Recreation Area.⁵⁷

The effort with the BLM was unsuccessful, but a workaround was provided by the law Congress passed in October 1964 that formally established Lake Mead NRA as part of the National Park system. Previously, the Taylor Grazing Act of 1934 provided the only mechanism for the exchange of Waring’s lands, but, under the new act, the Secretary of the Interior was authorized to exchange any land under his jurisdiction for private lands within Lake Mead NRA so long as the lands were approximately equal in value.⁵⁸ In 1967 and 1968, Waring exchanged 2,732 acres to the government under these provisions, and the government purchased the remaining 6,881 acres it wanted for \$250,000.

The purchase and exchange comprised five transactions:

- March 11, 1967. First purchase: 4,080.00 acres for \$160,000, including Green Springs, Pine Valley, Penn’s Pocket, Shanley Camp, Spencer Camp, Dinner Pocket, and Kelly Tank.
- June 27, 1967. Second purchase: 2,800.80 acres for \$90,000, including Pleasant Valley.
- August 7, 1967. First exchange: 1,863.38 acres.
- March 11, 1968. Second exchange: 868.36 acres, including Horse Valley.
- November 13, 1968. The Warings quitclaimed their rights to all waters, buildings, roads, and other improvements within the Home Ranch and its grazing allotment to the government. Waring reserved a lifetime first option on the grazing use of the land, to the extent that the government continued to permit grazing on it.⁵⁹

⁵⁶ *ibid.*

⁵⁷ Charles A. Richey to J. Russell Penny, July 8, 1963, LAME, folder “L1425, Lands, Waring, part 1 of 2.” The Bridge Canyon Dam was never built.

⁵⁸ Public Law 88-639, Oct. 8, 1964, 78 Stat. 1039.

⁵⁹ Copies of the relevant warranty and exchange deeds for the purchase and exchange transactions are in LAME, folder “L1425, J. D. Waring (2 of 2) 4-6-66.” The same folder contains a copy of the quitclaim deed, Nov. 13, 1968, recorded in Mohave County Recorder Book 272, pp. 315-16.

The nine line camps and other sites associated with Waring's Home Ranch remain federal property under the administration of the National Park Service.

PART III. SOURCES OF INFORMATION

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B. Maps

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D. Newspapers

Salt Lake Telegram

Las Vegas Review Journal

**APPENDIX I:
Waters, water rights, and certifications quitclaimed by J. D. and Mary Waring to the
federal government, November 13, 1968⁶⁰**

T32N R11W (surveyed)

Section 19, SW¹/₄, Pleasant Valley dirt tank. Certification #240.

T31N R11W (surveyed)

Section 6, NE¹/₄, Horse Valley dirt tank. Base water property.

Section 9, SE¹/₄NE¹/₄, Green Spring. Certification #1554 in 1949.

Section 10, NE¹/₄, Pine Valley dirt tank. Base water property.

Section 19, SW¹/₄, Peter's Pockets. Base water property.

Section 22, SW¹/₄NW¹/₄, Penn's Pocket Spring. Base water property.

Section 34, SW¹/₄, dirt tank.

T31N R12W (surveyed)

Section 13, SW¹/₄, Suicide dirt tank.

T30N R11W (surveyed)

Section 7, SE¹/₄, dirt tank.

Section 10, W¹/₂, Spencer dirt tank. Base water property.

Section 15, SW¹/₄, Shanley dirt tank and spring. Certification #239 in 1928.

Section 16, Dinner Pocket dirt tank and spring.

Section 18, Cottonwood Spring. Certification #1483 in 1948 locates in Section 24,
T30N R12 W. Base water property.

Section 20, NW¹/₄, Dinner Pocket. Base water property.

Section 20, SW¹/₄, Horse Spring. Base water property.

Section 21, N¹/₂, Dinner Pocket dirt tank.

T30N R12W (unsurveyed)

Section 12, NW¹/₄SW¹/₄, Suicide Spring. Certification #1480 in 1948 locates in Section
1. Base water property.

T29N R10W (partially surveyed)

Section 28, SE¹/₄, Shanley tank and spring at Snyder mine. Base water property.

T29N R11W (partially surveyed)

Section 5, Deer Flat dirt tank.

Section 15, dirt tank.

Section 23, Kelly Spring. Certification #1482 in 1948. Base water property.

Section 24, E¹/₂, Kelly dirt tank.

Section 25, NW¹/₄, dirt tank.

⁶⁰ Quitclaim deed, Nov. 13, 1968, recorded in Mohave County Recorder Book 272, pp. 315-16, copy in LAME, folder "L1425, J. D. Waring (2 of 2) 4-6-66."

T29N R12W (unsurveyed)

Section 2, NE¹/₄SE¹/₄, Amos Spring. Certification #265 in 1928 locates in Section 1, NE¹/₄SW¹/₄. Base water property.

Section 13, Pack Rat Spring. Certification #1479 in 1948 locates in Section 24, NE¹/₄NE¹/₄SW¹/₄. Base water property.

Section 20, Willow Spring. Certification #1481 locates in NW¹/₄SE¹/₄. This spring may actually be located in NE¹/₄NE¹/₄ of Section 21. Base water property.

Section 27, SW¹/₄NE¹/₄, Pack Rat Spring, according to Bureau of Land Management. Base water property.

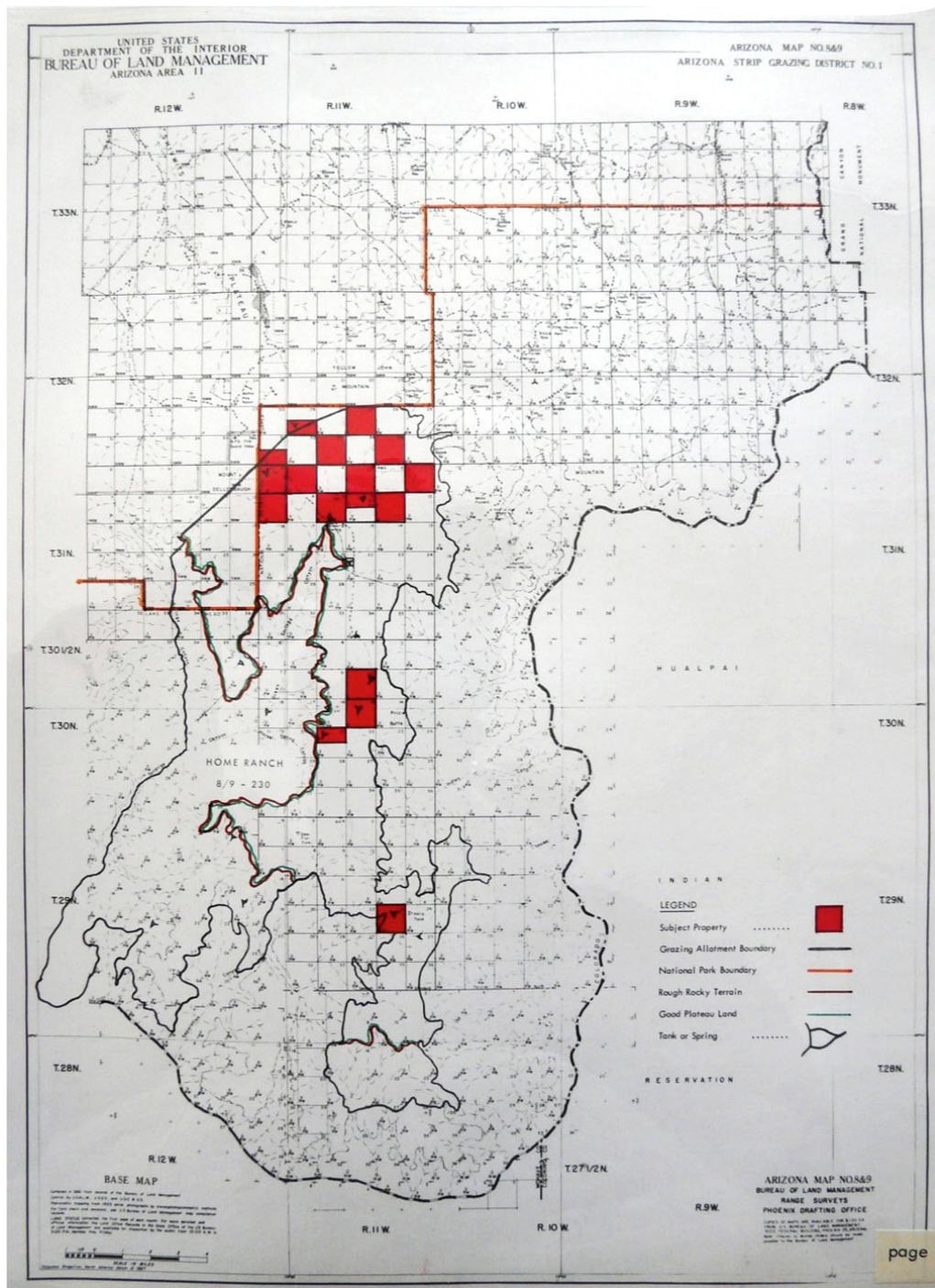


Fig. 1. Map of J. D. Waring's Home Ranch grazing allotment (solid boundary) on the Kelly Point plateau. Shaded squares represent the parcels that Waring sold and exchanged to the federal government in 1967 and 1968. From Patrick D. Nolan, *An Appraisal of the J.D. Waring Ranch located approximately 95 miles south of St. George, Utah, 1966*, copy in Waring land files (L1425), Lake Mead National Recreation Area headquarters, Boulder City, Nevada.