



Guide to Roger D. Foley Papers on United States v. Cappaert

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Summary Information

Repository:	University of Nevada, Las Vegas. University Libraries. Special Collections and Archives.
Creator:	Foley, Roger Drummond, 1917-1996
Title:	Roger D. Foley Papers on United States v. Cappaert
ID:	MS-00020
Date [bulk]:	1972-1976
Date [inclusive]:	1972-1992
Physical Description:	1.80 Cubic Feet (4 boxes)
Physical Description:	1.60 Linear Feet
Language of the Material:	English
Abstract:	The Roger D. Foley Papers on United States v. Cappaert are comprised of materials collected by District Judge Roger D. Foley while performing his duties as judge in <i>United States v. Francis Leo Cappaert, et al.</i> from 1972 to 1976. The collection includes transcripts of the case, exhibits, and copies of motions filed with the Court in regards to this case, which centered on the protection of the Devils Hole pupfish in Nevada.

Preferred Citation

Roger D. Foley Papers on United States v. Cappaert, 1972-1992. MS-00020. Special Collections and Archives, University Libraries, University of Nevada, Las Vegas. Las Vegas, Nevada.

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Historical Background

United States v. Francis Leo Cappaert, et al. (1976) was an influential ruling that protected the Devils Hole pupfish (*Cyprinodon diabolis*), which is only found in Devils Hole in Death Valley National Park in Nevada. In 1968 Francis and Marilyn Cappaert petitioned the Nevada State Engineer to increase the amount of water they drew from the wells on their ranch. Originally, the Cappaerts drew from these wells for domestic purposes, but later their ranching business needed more water. The petition was granted, which resulted in a decreased water level in Devils Hole and threatened the survival of its rare pupfish. The National Parks Service filed a protest with

the State Engineer, but the Cappaerts were allowed to continue pumping water from the wells. The U.S. government filed a suit against the defendants' ranch, the Spring Meadows Ranch, in August 1971 to protect the pupfish and the water in which they lived. District Judge Foley issued a temporary injunction against pumping water in August 1971 to protect the pupfish and the water in which they lived for the duration of the trial. The Cappaerts tried to fight this injunction in the Ninth District Court of Appeals in January 1976 and lost. On July 08, 1976, the District Court ruled that the Cappaerts were required to regulate their water use to maintain a water level in Devils Hole sufficient enough for the Devils Hole pupfish to thrive.

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Scope and Contents Note

The Roger D. Foley Papers on United States v. Cappaert were collected by Judge Roger D. Foley as he heard and deliberated the case between 1972 and 1976. The collection primarily focuses on materials produced about or for the water rights trial by both the plaintiffs and the defense, including motions filed with the court and transcripts of the testimony.

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Arrangement

Materials remain in original order.

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Administrative Information

Access Note

Collection is open for research.

Publication Rights

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Acquisition Note

Materials were donated by Judge Roger D. Foley in 1992; accession number 92-2.

Processing Note

Materials were processed by Special Collections Staff. In 2015, as part of a legacy finding aid conversion project, Franklin Howard revised and enhanced the collection description to bring it into compliance with current professional standards.

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Names and Subjects

- Death Valley (Calif. and Nev.)
- Desert Pupfish
- Devils Hole (Nev.)
- Water conservation
- Environmentalism
- Water rights
- Nevada

Collection Inventory

Title/Description	Containers	
Court Reporter's transcript, 1972 July	box 01	folder 01
Court Reporter's transcript, 1973 May 17	box 01	folder 02
Court Reporter's transcript, 1973 June 01-02	box 01	folder 03
Court Reporter's transcript, 1974 May 09	box 01	folder 04
Court Reporter's transcript (pgs. 1-207), 1976 December 09-10	box 01	folder 05
Court Reporter's transcript (pgs. 208-385), 1976 December 09-10	box 01	folder 06
Case Files, pages 1-121, 1971 August-1972 June	box 02	folder 01
Case Files, pages 122-207, 1972 June-July		

	box 02	folder 02
Case Files, pages 208-282, 1972 July-August	box 02	folder 03
Case Files, pages 283-352, 1972 September	box 02	folder 04
Case Files, pages 353-438, undated	box 02	folder 05
Case Files, pages 439-538, 1972 September-October	box 02	folder 06
Case Files, pages 539-692, 1973 January-June	box 02	folder 07
Case Files, pages 693-834, 1973 June-September	box 02	folder 08
Case Files, pages 131-227 , 1975 September-1976 June	box 03	folder 01
Case Files, pages 228-367, 1976 June-November	box 03	folder 02
Case Files, pages 368-481, 1976 November-December	box 03	folder 03
Case Files, pages 482-596, 1976 December-1977 August	box 03	folder 04
Case Files, pages 597-850, 1977 September-1978 July	box 03	folder 05
Case Files, pages 851-979, 1973 October-1974 March	box 03	folder 06
Case Files, pages 980-1054, 1974 March-December	box 03	folder 07
Deposition of James E. Deacon, 1976 November 26	box 04	folder 01
Deposition of James E. Deacon, 1976 November 24	box 04	folder 02
Deposition of James E. Deacon, 1976 November 23	box 04	folder 03
Defense Exhibits, 1972-1973	box 04	folder 04
Exhibit "A", 1972	box 04	folder 05
U.S. Department of the Interior Geological Survey report "Effect of Irrigation on Desert Pupfish Ash Meadows, NV", 1974	box 04	folder 06
Francis Cappaert vs. U.S. Case #74-1107 Decisions, 1976 January-June		

box 04 folder
07

Miscellaneous, 1992

box 04 folder
08

Case Files, Pages 1055-1102 and unnumbered pages, 1974 May

box 04 folder
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Case Files, Pages 001-130, 1974 June-1975 August

box 04 folder
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