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111-24-CBB-2

For Department Use Only

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E

LEHNER
BOX 13
HEREFORD, AZ 85615

NOV 18 1990

Date Filed:_____

UNIFORM QUESTIONNAIRE

SAN PEDRO RIVER WATERSHED

INSTRUCTIONS

The number of the Statement of Claimant to which this Questionnaire pertains is on the upper right corner of this page. This questionnaire has been designed to be used by all small claimants, and so contains questions on a variety of subjects. It is not likely that all of these questions will apply to your claim. Therefore, answer only the questions which relate to your water use and claim, but it is important that you answer as many questions as you can. Answers must be complete and accurate to the best of your knowledge, and your answers must be verified by a notary public or an authorized employee of the Department of Water Resources.

Please fill out using a typewriter or by printing with a black pen. Should the space provided on this form not be sufficient, write "See attached sheet" and provide an attached sheet which gives the information.

The completed questionnaire must be submitted to the Department of Water Resources no later than 25 days after receipt of this questionnaire. If the questionnaire is not timely received, your claim may be subject to more extensive means of evidentiary discovery or your claim could be seriously jeopardized or dismissed.

Mail the completed questionnaire to:

ADJUDICATIONS DIVISION
ARIZONA DEPARTMENT OF WATER RESOURCES
15 SOUTH 15TH AVENUE
PHOENIX, ARIZONA 85007

1. **Claimant name:** Edward Lehner

Claimant Address: P. O. Box 13 City Hereford

State Arizona Zip Code 85615 Telephone 366-5554

Date claimant acquired property 1952

Names of prior owners: Arthur and Beatrice Thompson

2. **Basis of Claim:**

A. ☒ Appropriation right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____

B. ☐ Appropriation right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____

C. ☐ Decreed water right. Principal litigants, court, date, and case no. _____

D. ☒ Right to withdraw groundwater. Well Registration No. 608081

E. ☐ Other, describe: _____

3. **Date of earliest use of water source:** Prior 1900 (month/day/year)

Date when claimant first used water source: 1952 (month/day/year)

Periods when source has not been used: _____

4. **Legal description of the Point of Diversion:**

SE 1/4 SE 1/4 NE 1/4, Section 21 Township 23S North/South, Range 22E East/West

County: Cochise Assessor Book No. _____ Map No. _____ Parcel No. _____

Name of owner of location: Edward and Ethelyn Lehner

5. **Legal description of the Place of Use:**

SE 1/4 SE 1/4 NE 1/4, Section 21 Township 23S North/South, Range 22E East/West

County: Cochise Assessor Book No. _____ Map No. _____ Parcel No. _____

Name of owner of location: Edward and Ethelyn Lehner

6. **Source of water:**

A. ☐ Stream: name _____, tributary to _____

B. ☐ Spring: name _____, tributary to _____

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C. ☐ Lake or reservoir: name _____, tributary to _____

D. ☐ Water provider: name _____

Address: _____

_____

Date when service began: _____ (month/day/year)

E. ☐ Effluent: facility _____

Address of facility: _____

_____

Means of delivery: _____

F. ☒ Groundwater: name or designation of well River Well

Date of construction: Prior 190 (month/day/year) Total depth 300 feet

Current pump capacity. 45 gallons per minute Type of pump: _____

Amount of drawdown _____ feet

Depth to static water level, if known, for each of the past 10 years: 12

_____

_____

_____

Is source shared with other users? If so, describe the other uses and list all other users:

_____

_____

7. Use and Amount:

A. ☐ Domestic _____ acre-feet, from _____ to _____

Number of persons _____ or dwellings _____ served yearly.

B. ☒ Irrigation 4½ acre-feet, from January 1 to December 31

Acres	Kind of Plants	Character of Soil	Year Irrigation Began	Years of No Irrigation
100	permanent pasture	sandy loam	Prior 1900	

C. ☒ Stockwatering other than from a stockpond 1/2 acre-feet

from January 1 to December 31

D. ☐ Stockpond: name _____

DAM specifications:

1) Date construction began: _____ and ended: _____

2) Height: _____ feet

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RESERVOIR behind dam:

1) Date water first stored: _____(month/day/year)

2) Maximum length: _____feet

3) Maximum width: _____feet

4) Maximum depth of water at spillway crest: _____feet

5) Maximum storage volume at spillway crest: _____acre-feet

6) Maximum storage volume when constructed: _____ acre-feet

7) Is reservoir located inside or outside a natural channel? _____

E. ☐ Commercial or industrial _____acre-feet, from _____ to _____

F. ☐ Mining _____acre-feet, from _____ to _____

G. ☐ Recreation _____acre-feet, from _____ to _____

H. ☐ Wildlife, including fish _____ acre-feet, from _____ to _____

I. ☐ Other _____acre-feet, from _____ to _____

Describe _____

List all prior uses and dates of prior use known to you: irrigation,stockwater

_____

_____

8. Additional Evidence Requested as Marked:

A. __ Provide a diagram or sketch of each impoundment showing measurements.

B. __ Provide a map, diagram, or sketch of the water delivery system on your property.

C. __ Provide the names and addresses of persons whose testimony would support your claim.

_____

_____

_____

9. Verification:

I(We) Edward Lehner, by his attorney, Wilford R. Richardson the claimant(s) answering this questionnaire, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct, and complete.

Wilford R. Richardson

(seal)

_____

10-23-90

My Commission Expires:

Janet S. Bugle

Notary Public

or, _____

Authorized Personnel of the Department of Water Resources

FCSPRNCA2092

W5

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIMANT

(Leave Blank)

IN THE MATTER OF DETERMINATION OF)
RELATIVE RIGHTS TO THE USE OF)
WATERS OF THE SAN PEDRO RIVER AND ITS)
TRIBUTARY WATERSHED, INC. ARAVAIPA CK.)

File No. 39-006021

Filed: 6-2-80 (date) at 11:00 AM (time)

The State Land Department has enclosed with the accompanying Notice this form on which claimant shall present as required, the particulars of his claim of right to the subject waters. All applicable portions must be completed. A separate Statement of Claimant must be submitted for each source or point of diversion of public water unless those waters are commingled prior to use. A map published by the United States Geological Survey or a map of equal standard shall be submitted with this Statement showing on the face of the map the particulars of point of diversion, place of use and other pertinent information.

(Print or type. If more space is required, use explanatory at end of form, or attachment.)

1. Name of Claimant: Lehner (Last) Edward (First) (M.I.)

P.O. Box 13 Hereford, AZ 85615 (Address, City, State, Zip) 366-5554 (Telephone No.)

2. State the nature of the right or use on which claim is based: (indicate, and attach supporting documentation)

A. ___ Right to surface water initiated by beneficial use prior to June 12, 1919. Indicate registry number if previously submitted under Water Rights Registration Act _____.

B. ___ Court Decreed Water Right. Cite Title and Date of Case _____ Cause No. _____ County _____.

C. ___ Application for Permit to Appropriate Water filed. State Land Department Application No. _____, Permit No. _____, Certificate of Water Right No. _____.

D. ___ Claim of Water Right for a Stockpond. State Land Department Application No. _____.

E. X Other. Describe: Private, percolating water

3. A. Date of initiation of right: Mid 1906 (Month/Day/Year).

B. Date water first used for beneficial purposes: Prior 1900 (Month/Day/Year).

4. Purpose, annual amount and annual period of use:

Purpose	Amount		Month/Day		Month/Day
Irrigation	4½	ac.ft./~~gallons~~	From Jan 1	to	Dec 31
Domestic		ac.ft./gallons	From	to	
Stockwater	½	ac.ft./~~gallons~~	From Jan 1	to	Dec 31
Municipal		ac.ft./gallons	From	to	
Power		ac.ft./gallons	From	to	
Mining		ac.ft./gallons	From	to	
Recreation		ac.ft./gallons	From	to	
Wildlife		ac.ft./gallons	From	to	
Other Uses		ac.ft./gallons	From	to	

5. A.(1) If for irrigation purposes, describe place of use: (also indicate on map)

Township (N/S)	Range (E/W)	Section	Legal Subdivision	No. of Acres.
23S	22E	21	NE¼	100

(2) If land reclaimed over period of years, indicate schedule and amount of land reclaimed first and each subsequent year(s): _____

FCSPRNCA2093

5. A.(3) Indicate kind of crops cultivated: _____

Character of soil: _____

B. If for domestic purposes, number of persons: _____, or families: _____

C. If for stockwater purposes, number and kind of stock watered: _____

D. If for municipal purposes, population to be served, and estimate of future requirements: _____

E. If for power purposes, describe type of plant and capacity: _____

F. If for mining purposes, describe purpose of use, location and character of the mine(s) to be served: _____

G. If for recreational purposes, describe: _____

H. If for wildlife purposes, including fish, describe: _____

I. If for other purposes, describe: _____

6. A. Direct source of public water diverted: _____ tributary to _____ on the _____ watershed.

B. Point of Diversion (indicate on map): _____ ¼ _____ ¼, Section _____ Township _____ (N/S), Range _____ (E/W), Gila and Salt River Base and Meridian, County _____. Ownership _____

C. Place of use (indicate on map): _____ ¼ _____ ¼, Section _____ Township _____ (N/S), Range _____ (E/W), Gila and Salt River Base and Meridian, County _____. Ownership _____

7. State all other sources of water supply not described in Question 6 of this form.

A. Type of Source: Artesian Well #7

B. Location of Source (indicate on map): SE ¼ NE ¼, Section 21 Township 23S (N/S), Range 22E (E/W), Gila and Salt River Base and Meridian, County Cochise. Ownership Edward Lehner

C. If other source is well, list following:

(1) Date well construction began: Prior 1900 (Month/Day/Year); Date well place in use. Pdrior 1900 (Month/Day/Year).

(2) Location (10 acre subdivision) (indicate on map): SE ¼ SE ¼ NE ¼ Section 21, Township 23S (N/S), Range 22E (E/W), Gila and Salt River Base Meridian, County of Cochise.

(3) State Land Department Intent to Drill, File No. _____, or Application for Permit No. _____.

(4) State whether free flowing or pump: _____. If pump, list type of pump and capacity: _____

(5) Casing depth _____ ft. Total well depth 300 ft. Diameter of casing 6 inches.

(6) Depth to water. 12 ft. (Static Level)

(7) Annual amount pumped, or otherwise extracted: 5 Ac.Ft./~~Gallons~~

(8) State purpose of use: Irrigation, stockwater

(9) Indicate annual period of use: Jan 1 (Month/Day) to Dec 31 (Month/Day)

8. Water storage reservoir and/or diverting works:

A. Location (indicate on map): _____ ¼ _____ ¼, Section _____, Township _____ (N/S), Range _____ (E/W), Gila and Salt River Baseand Meridian, County _____. Ownership _____

B. Name of storage reservoir and/or diverting works (if known): _____

C. Maximum capacity: _____ Ac.Ft.

D. Maximum depth of water: _____ ft.

8. E. (1) Year construction began: _____.

(2) Year construction completed _____.

(3) Date water first stored: _____(Month/Year).

F. If dam, list following:

(1) Construction material: _____

(2) Maximum Length: Top _____ft.; Bottom _____ft.

(3) Maximum Width: Top _____ft.; Bottom _____ft.

(4) Maximum Height: _____ft.

G. If diverting works, describe: _____

_____

9. Distribution works:

A. If ditch or canal:

(1) Date construction began: _____ (Month/Day/Year)

Date construction completed: _____ (Month/Day/Year)

(2) Length of ditch or canal to first place of use: _____ft., total length of ditch or canal: _____ft.

(3) Top width: _____ft.; Bottom width: _____ft.

(4) Grade (slope) of ditch: _____

(5) If ditch or canal owned and/or operated by an association or company or such other entity, list name of association or company or such other entity: _____

B. If pipeline:

(1) Type: _____(i.e., aluminum, steel, etc.)

(2) Diameter: _____inches

(3) Length of pipeline to first place of use: _____ft. and total length of pipeline: _____ft.

(4) Grade (slope) of pipeline: _____

C. If other, describe: _____

_____

10. Enlargement(s) of storage reservoir and/or diverting and/or distributing works

A. Date begun: _____ (Month/Day/Year)

Date completed: _____ (Month/Day/Year)

B. Describe details of enlargement(s): _____

_____

C. Dimensions of works as originally constructed and as enlarged: _____

_____

Explanatory

It is claimants' position that the water right described in paragraph 7 of this application is privat, percolating water. Because of the present uncertainty caused by conflicting claims in recent litigation, claimant considers it prudent to file this claim and establish ownership to this water right, whether it should eventually be determined to be public or private, percolating water.

(continued on the next page)

(if more space is required, attach separate sheet(s)

STATE OF ARIZONA)
County of _____) SS
)

VERIFICATION

_____, _____
(please print Claimant-Affiant's name) (Claimant-Affiant representative's name)

being first duly sworn, deposes and says; That the affiant, or its duly authorized representative, possesses the knowledge and the authorization to execute this verification as to the correctness and truthfulness of the matters set forth in the "Statement of Claimant", except as to those matters alleged upon information and belief, and as to those matters believes them to be true and correct.

For Corporations, Partnerships, Associations, etc.

Claimant-affiant signature

Claimant-affiant representative's signature

Claimant-affiant signature

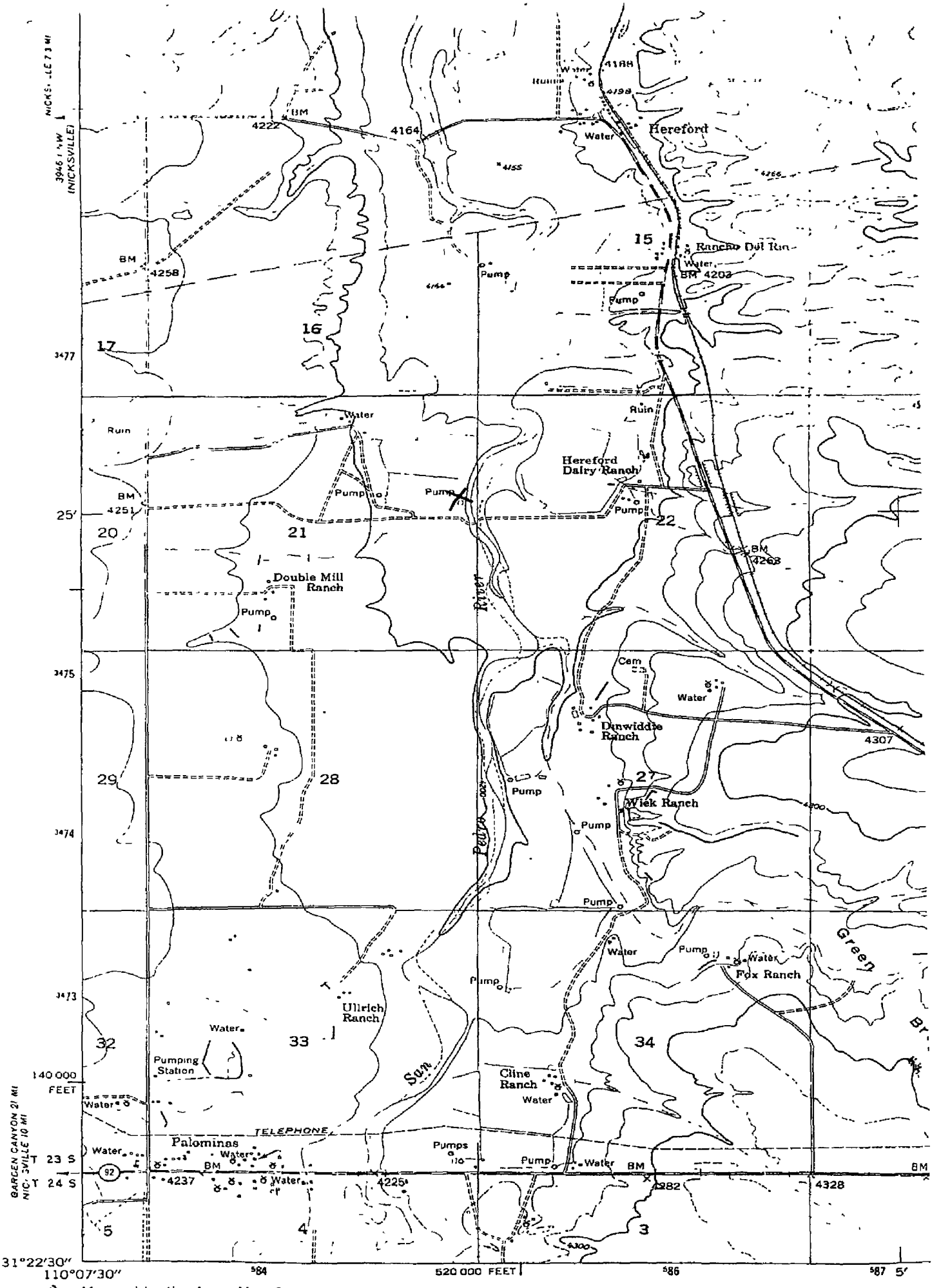
Attest: _____
Claimant-affiant representative's signature

Subscribed and sworn to before me this 20th day of December, 19 81.

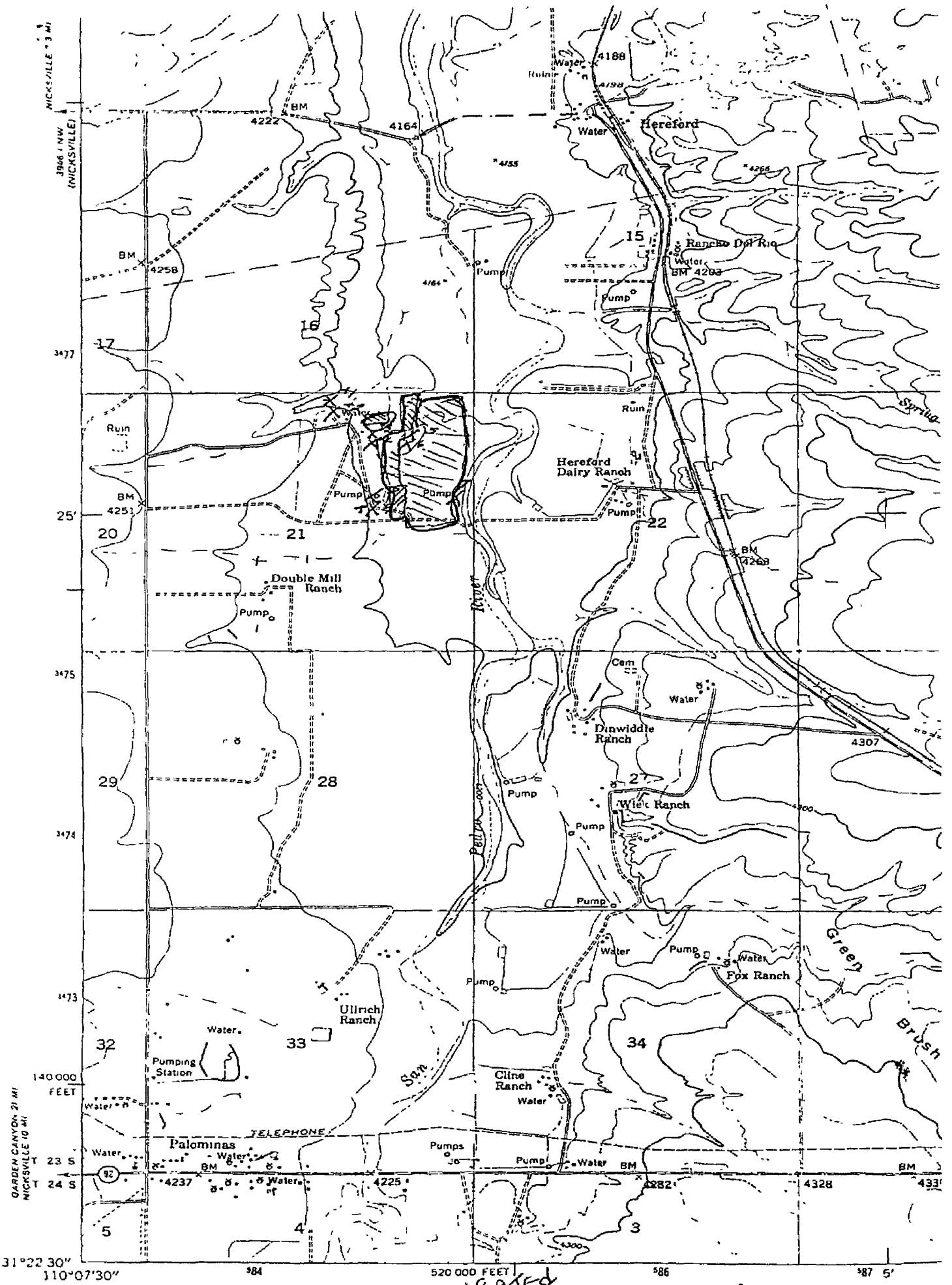
SEAL

Notary Public or authorized Officer of the State Land Department

My Commission expires 4/18/82



FCSPRNCA2097



Mapped by the Army Map Service
Published for civil use by the Geological Survey

IRRIGATED

Edward Lehner

FCSPRNCA2098

RICHARDSON & MORTENSEN ATTORNEYS AT LAW

WILFORD R. RICHARDSON
IRVAL L. MORTENSEN

516 MAIN STREET
SAFFORD, ARIZONA 85546
TELEPHONE 428-2700

May 30, 1980

Cochise County Court Clerk
Cochise County Courthouse
Bisbee, Arizona 85603

Dear Clerk:

We are submitting the enclosed Statement of Claimant form(s) for the following people along with a check for filing fees:

NAME	NO. CLAIMS	$ AM'T
Barney, Eldon	1	$20.00
Pomerene Water Users Assoc (E. Barney, Pres.)	1	20.00
Lehner, Edward	7	140.00
McCleve Ltd. Partnership	1	20.00
McCommas, James	5	100.00
Miller, Frank (& Marwood)	8	160.00
TOTALS:	23	$460.00

Sincerely,

RICHARDSON & MORTENSEN

By Rene Richardson /
Wilford R. Richardson

ch/enc.

FCSPRNCA2099

Edward F. Lehner
P.O. Box 13
Hereford, Arizona

STATE OF ARIZONA
ARIZONA WATER COMMISSION
WATER RIGHTS ADMINISTRATION
222 N CENTRAL AVE - SUITE 550
PHOENIX, ARIZONA 85004

RECEIPT – ORIGINAL

KIND ENTRY	FILE REFERENCE NO
39	006017
	THRU
39	006023

№ 5694

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
14	432	36		7	Adjudication Filing Fee (SNPD)	20.00	140.00

PAID

mgs 7-28-80 check #2295

DATE

~~WATER PAYMENT~~
GUESTS 7
CHK NO 2295
7@ 20.00
SN PEDRO 140.0
TAX 0.0
TOTL 140.0
ADJ.CHEK 140.0

~~# 1044 B~~ 9:

7-28-80

TOTAL $ 140.00

FCSPRNCA2100