

Certificate of Water Right

STATE OF ARIZONA

County of Pinal

Certificate No. 95771.0000

Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004

This is to Certify, that the Arizona Chapter of the Nature Conservancy, Tucson, Arizona, has made proof to the satisfaction of the Arizona Department of Water Resources of a right to the use of the waters flowing in Aravaipa Creek, a tributary of the San Pedro River, for recreation and wildlife, including fish, under Application and Permit Nos. 33-95771.0000. The right to the use of these waters was perfected in accordance with the laws of Arizona, and made and entered of record in the Records of the Department of Water Resources, Phoenix, Arizona, under Certificate No. 95771.0000; that the priority of the right confirmed is October 31, 1990; that the amount of water to which such right is entitled and confirmed, for the purposes previously stated, is limited to an amount actually beneficially used for these purposes, and shall not exceed an amount, as listed below, expressed as specific monthly flow rates and cumulative annual total as measured at the United States Geological Survey streamflow gage #9473000, located on Aravaipa Creek at the Northwest quarter (NW¼), Section 9, Township 7 South, near Mammoth,, Arizona. The specified flow rates (cubic-feet/second) measured at the gage site, expressed as a continuous monthly flow, are as follows:

<u>Month</u>	<u>Flow Rate (cfs)</u>	<u>Monthly Volume acre-feet/month</u>
January	15.0	922.5
February	16.0	888.0
March	19.0	1,168.0
April	16.0	952.0
May	16.0	952.0
June	9.3	553.3
July	14.0	861.0
August	14.0	861.0
September	13.0	773.5
October	12.0	738.0
November	14.0	833.0
December	15.0	<u>922.5</u>
Total Annual Volume		10,272.8 Acre-Feet

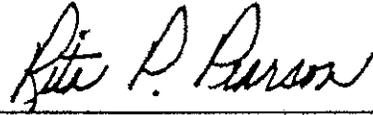
A description of the lands for this right, and to which the water is confirmed appurtenant to and put to beneficial use, is as follows: The beneficial use will occur instream along the meandering course of Aravaipa Creek, the instream use will begin at a point within the Northwest quarter of the Northwest quarter (NW¼NW¼), Section 3, Township 7 South, Range 17 East, continuing downstream to the ending point located within the Southwest quarter of the Northeast quarter (SW¼NE¼), Section 4, Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.

The right to the use of water confirmed is restricted to the places of use previously described. Water will not be diverted from the natural channel. There shall be no impoundments of public water, nor interference with the natural flow of Aravaipa Creek. There shall be no consumptive use of public waters or degradation of water quality, other than is caused by natural habitat (flora and fauna). There shall be no interference with nor detrimental effect upon prior vested water rights.

Witness, the seal and signature of the Director,
Department of Water Resources,
affixed this 29th day of May, 1996.



Donald J. Gross, P.E. (Attest)
Manager, Surface Water Section



Rita P. Pearson
Director

The Department of Water Resources shall be notified of any change of address for the above named person(s), or if ownership of the water right or of the land at the location of the water right is conveyed to another person(s), pursuant to Arizona Revised Statute § 45-164, (B).

INSTREAM FLOW CHECKLIST

NAME THE NATURE CONSERVANCY NO. 33-95771

APPLICANT	DATE	INIT.	ADWR - SURFACE WATER	DATE	INIT.
Preapplication Meeting			Preapplication Meeting		
Submit Application			Receive Application <input checked="" type="checkbox"/> Acpt'd <input type="checkbox"/> Complete <input type="checkbox"/> Rej'd	10/31/90	TRW
Post Public Notice	1/12/91	TRW	GIS Mapping		
Submit Affidavit of Posting			Prepare Notice of Intent	12/28/90	TRW
Protest (if any) Resolved			Receive Affidavit of Posting	2/26/91	TRW
Collect Data (Min. 1 Year)			Protest Received (>1)	2/28/91	TRW
Submit Study <input type="checkbox"/> Outline <input type="checkbox"/> Draft <input type="checkbox"/> Final			Protest Withdrawn (11)	8/3/91	TRW
Review/Comment Draft Permit			Draft Permit		
Submit Permit Fees			Sent to Applicant For Review		
Submit Proof & Affidavit			Sent to Hydro For Review		
Submit Minimum of 4 Years Streamflow Data			Permit Fees Requested	2/12/92	TRW
Submit Analysis of Streamflow Data & Documentation			Permit Fees Received		
Review/Comment Draft CWR			Final Permit Approved & Signed by Asst. Director	3/9/92	TRW
Submit CWR Fees			Permit Issued		
Continue Streamflow Measurement			Proof & Affidavit Received	6/24/95	TRW
ADWR - HYDRO	DATE	INIT.	Draft CWR		
Preapplication Meeting			Sent to Applicant For Review		
Site Visit			Sent to Hydro For Review		
Flow Measurement			CWR Fee Requested	1/21/96	TRW
Review Study <input type="checkbox"/> Outline <input type="checkbox"/> Draft <input type="checkbox"/> Final			CWR Fee Received	3/11/96	TRW
Review Data			Final CWR Approved & Signed by Asst. Director	5/29/96	TRW
Review Protests (if any)			CWR Issued	6/28/96	TRW
Approve for Permit			AZ GAME & FISH	DATE	INIT.
Review Draft Permit			Permit Approved		
Review Data for CWR					
Approve for CWR					
Review Draft CWR					

**ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS UNIT**

500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2470
Fax (602) 417-2422



June 28, 1996

The Nature Conservancy
Attn: Andy Laurenzi
300 East University Blvd., Ste. 230
Tucson, Arizona 85705

FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

RE: Certificate No. 95488.0000, 95489.0000, 95490.0000, 95771.0000

Certificate Holder:

The Director of the Department of Water Resources is pleased to forward the enclosed Certificates of Water Right for your records. A certificate is evidence of your right to use a given amount of public waters of the State for a certain beneficial use at the specified location. You may wish to record the certificates with your County Recorder for the county in which the water rights are located. A copy of each water right certificate is maintained in the official records of the Department.

Please note that the right to the use of water as evidenced by a certificate is not absolute; the basis, measure, and limit of any water right granted under provisions of the Public Water Code is the amount actually put to the stated beneficial use, but never more than the amount stated in the certificate. In addition, your water right is given a date of priority, the filing date of the original application, as a means of ranking the water right in relation to all other water rights within a specific watershed. Your water right is subject to prior-vested water rights. For purposes of management of the available water resource in times of scarcity, water rights senior in time to your water right could have "first call" on the available supply of public water; senior water rights could prohibit your use of the water resource until their water rights are satisfied.

The watershed in which your water right is located is undergoing a Superior Court judicial proceeding. This proceeding, called a "water rights adjudication," is a quantification and ranking of all water rights located within the watershed. To participate in the adjudication, you must file a claim with the superior court. If you have not yet taken action to join the court proceedings, you may wish to do so to protect your water right.

Questions concerning the nature of your water rights may be addressed to the Surface Water Sub-unit. Questions concerning the water rights adjudication proceedings may be addressed to the Department's Adjudication Division. The Department cannot give legal advice. If you are concerned about how the adjudication will affect your rights, you may wish to consult an attorney experienced in water rights matters.

Sincerely,

Don Gross, P.E.
Chief, Surface Water Section

Enclosure

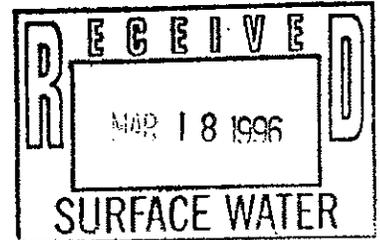
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FM00222

STATE OFFICE:
300 East University Blvd., Suite 230
Tucson, Arizona 85705
(520) 622-3861 Fax (520) 620-1799



PHOENIX OFFICE:
2255 North 44th Street, Suite 100
Phoenix, Arizona 85008
(602) 220-0490 Fax (602) 225-0541



March 11, 1996

Ms. Miros Gutierrez
Arizona Department of Water Resources
500 N. 3rd Street
Phoenix, AZ. 85004

Dear Ms. Gutierrez:

Please note the enclosed check for \$200.00 for the certification fees for Water Rights Nos: 95771.0000, 95488.0000, 95489.0000, 95490.0000 per your letter of January 31, 1996 and our subsequent phone conversation. You indicated that reference to Water Right No. 95488.0000 was inadvertently left off your letter.

If you have any questions please call me at 520-622-3861. Please send the certificates to my attention at the Tucson Office address above..

Sincerely,

A handwritten signature in cursive script that reads "Andy Laurenzi".

Andy Laurenzi

cc: Ed Brunson

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS UNIT
500 North 3rd Street, Phoenix, Arizona 85004
Telephone (602) 417-2470
Fax (602) 417-2422



January 31, 1996

FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

The Nature Conservancy
Attn: Andy Laurenzi
300 East University Blvd., Ste. 230
Tucson, Arizona 85705

Re: Issuance of Certificate of Water Right Nos. 95771.0000, 95489.0000 &
95490.0000

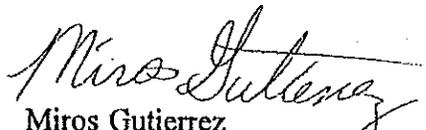
Mr. Laurenzi:

The Department of Water Resources is prepared to issue Certificates of Water Right for the referenced Permits. The certification fee for each issued Certificate is \$50.00.

Please remit your check to my attention in the amount of \$150.00 to the Department of Water Resources for the certification fees of the certificates.

If you have any questions, please call me at (602) 417-2470.

Yours truly,


Miros Gutierrez
Surface Water Rights Specialist

MG:hs

FM00224

ARIZONA DEPARTMENT OF WATER RESOURCES

HYDROLOGY DIVISION

M E M O R A N D U M

TO: Joe Stuart, Surface Water-Community Services
THRU: Drew Swieczkowski, Supervisory Hydrologist
FROM: Andy Kurtz, Hydrologist
DATE: January 10, 1996
RE: Issuance of CWRs for Aravaipa Creek

On January 9, 1996, Herb Dishlip has approved the four Nature Conservancy's and the one BLM instream flow permit to proceed to certificate status. Attached is a brief summary of the Aravaipa applications and justification. You may wish to have copies made for each of the applications.

Recently, Darlene and Miros prepared a draft CWR for each of the applications. They should be finalized and delivered for Herb's signature. I have not checked the drafts for correctness, except for the flow amounts.

I know there are other steps that must be completed in the "ISF process" before the CWRs will be issued. Upon completion of all tasks, Hydrology would appreciate a copy of the signed CWRs for our files.

APPROVAL FOR CWR ISSUANCE

YES

NO

Herb Dishlip

HP 4/8/96

.....
Greg Wallace

Yes 4/2/96

.....
Andy Kurtz

*yes
all five of them*

Comments:

Please return upon review

MEMORANDUM

Date: December 29, 1995
To: Herb Dishlip
Thru: Greg Wallace
From: Andy Kurtz
Re: Aravaipa Creek Instream Flow Claims
33-95771, 33-97488, 33-95489, 33-95490, 33-87114

Aravaipa Creek Review for Issuance of Certificates of Water Right

Aravaipa Creek The Arizona Nature Conservancy (TANC) & Bureau of Land Management (BLM)		
Permit #	Date of Application (Priority Date)	Date of Permit Issuance
33-95488, Reach B	October 31, 1990	May 29, 1992
33-95489, Reach C	October 31, 1990	May 29, 1992
33-95490, Reach D	October 31, 1990	May 29, 1992
33-95771, Reach A	October 30, 1990	March 9, 1992
33-87114	June 1, 1981	March 17, 1989

Introduction

Found in southeast Arizona is Aravaipa Creek, a perennial stream, tributary to the San Pedro River. For 17 miles the waters flow freely through a remote and scenic environment. The Aravaipa watershed extends over 541 square miles and crosses the boundaries of two counties, Pinal and Graham. Precipitation averages 16 inches annually.

The BLM and the TANC, among other environmental groups, have sought to preserve the Aravaipa Canyon and its environment. Numerous studies have been conducted and extensive data has been collected. Each study has provided a better understanding of the canyon's ecosystem.

The BLM began collecting stream flow data in the 1970s, continuing the effort to present. This

information has helped in the preparation of technical reports and support the BLM's claim of instream flows. Initially, the BLM installed and operated their permanent gage stations, collecting instreamflow data on a continuous basis. Due to numerous floods and the subsequent damage to the gages these streamflow monitor efforts were abandoned. Instead of maintaining and repairing gage stations, the BLM and TANC teamed efforts around 1989 to collect bi-monthly instantaneous streamflow data.

TANC has been collecting instantaneous streamflow data since the early 1980s at four monitor locations along the creek. Two monitor locations are located at the boundaries of the BLM's Aravaipa Wilderness area, one at the upstream end and the other at the downstream end. An additional monitor site is located upstream of the canyon proper, at the "old school house site." The fourth site incorporates the extensive streamflow measurements collected at the USGS stream gage station (#09473000) found on lower Aravaipa Creek, below the BLM wilderness. Interpretation of this data has proven very useful in establishing the current and historic streamflow characterization of Aravaipa Creek.

TANC has determined the median flows for each of the four measurement locations and has presented the results in support of the request for issuance of a CWR for each location. Attached is a flow summary sheet prepared by ADWR that compares requested, permitted, and median flows. All flows requested are less than the median flows available and fall within the optimal range of flows needed to support the existing fisheries.

Water Dependent Resources

Wildlife including Fish:

The applicants have previously provided information on Aravaipa Creek that identifies seven different species of fish, this includes the spokedace, Loach minnow, Sonoran sucker, roundtail chub, mountain sucker, longfin dace, and the speckled dace. Additional wildlife found along the creeks reaches account for 8 species of amphibian, 47 reptiles, 237 birds, and 46 different mammals.

Information has been provided by the applicants that defined the surface water needs of wildlife (specifically fish). An IFIM model was developed to evaluate the flow needs of Aravaipa's native fisheries, and in turn support the application for an instream flow appropriation. Stream transects were established at points along the reaches.

Data collected, interpreted, and evaluated at the transects included: determination of discharge; development of the streambed profile; areal distribution of depth, velocity, and substrate; water surface elevation; determination of river gradient; and the documentation (such as species variability) of other microhabitat features. Suitability Index (SI) Curves and the Weighted Useable Areas (WUA) versus Discharge relationships were evaluated. Attached are some of the optimum flow curves for specific species of fish found within the creek.

Recreation:

The presence of a perennial stream in a desert setting attracts people from all over Arizona, as well as the world (BLM, 1980). Heavy visitor activities include backpacking, photography, birding, swimming, among other interests according to a use survey conducted over a 12 month period in 1987-88, by the BLM. The survey also revealed that 51% of those that had visited the creek before have returned.

The applicants state that the presence of visibly flowing surface water is the dominant driving force for visitor attendance. Any diminishment in the surface flow would in turn reduce the amount of recreational usage.

Surface Water Flow

The waters of Aravaipa Creek, within the canyon, as well as near its entrance and exit are perennial. Farther upstream and downstream of the canyon proper, the creek trends from intermittent to ephemeral. Gage data recorded by the USGS since 1966 illustrate the dependability and availability of flow associated with the canyon. The median flows calculated range from 10 to 40 cfs, averaging 20 to 25 cfs.

Discussion and Miscellaneous Notes:

1. Recreation throughout the Aravaipa canyon and creek area continues to be a dominant use to date.
2. Optimum flows for fish appear to be consistently near about 10 to 20 cfs.
3. Instream flows available are consistently higher than those flows permitted or requested for certification.
4. Flows requested by the BLM differs from that of the TANC at the same monitor points, upstream and downstream boundaries of the wilderness area. This happened because the ISF permit of the BLM was issued before those of the TANC by three years. The methods of measurements and monitor locations between the BLM and the TANC were initially different, until around 1989 when the stream monitoring became a collaborative effort between both parties. It is suggested that the BLM certificated annual total should not exceed the value permitted: 10,840 AFA.
5. Three of TANC's permitted ISF annual totals, not monthly values, were issued in error. This appears to be due to simple math errors. The annual values to be Certificated should be as follows:

	annual permitted	corrected annual total for CWR
#33-95488	13,336 AFA	12,635 AFA
#33-95489	13,578 AFA	13,567 AFA
#33-95490	11,224 AFA	11,213 AFA

6. The special conditions of each of TANC's ISF permits have been adequately met.
7. The special conditions of the BLM's permit have not been completely met. This is due to the abandonment of the east and west gage sites as they were prone to extensive damage from floods. However, flow data was consistently being collected via use of a flow meter every two weeks or so.

Recommendations:

1. Issue CWRs for the four Nature Conservancy ISF applications.
2. Issue CWR for the BLM ISF application.

Review of the Evidence Presented in Support of Request for CWR

Reach A: Monitor Point: USGS Gage (#09473000)

Received: Proof of Appropriation
Affidavit of Appropriator
Analysis of gage data

The Arizona Chapter of the Nature Conservancy filed an instream flow claim October 30, 1991, on Aravaipa Creek. March 9, 1992, the Department issued an ISF permit for the specified instream flow claim. General and specific conditions to be complied with were incorporated within the permit. Eligibility for a Certificate of Water Right required that at a minimum TANC adhere to the specified conditions as shown below:

General Conditions of Each Issued ISF Permit:

1. There shall be no impoundments of the water of Aravaipa Creek nor interference within the natural flow of Aravaipa Creek.
2. There shall be no consumptive use of public waters other than is caused by natural habitat (flora and fauna).
3. There shall be no interference with nor detrimental effect upon vested water rights.
4. Water shall not be diverted from the natural channel.

Special Conditions of each Issued ISF Permit:

In order for each of the permits to be eligible for a CWR the following must have been completed on or before May 29, 1996:

1. Maintain or continue to maintain a record of flow at the stream gaging site.
2. Must submit a minimum of four years of streamflow data
3. Must submit an analysis of the data
4. Must submit a completed Proof of Appropriation
5. Must submit a completed Affidavit of Appropriation.

Reach B: West End BLM Wilderness Area
Reach C: East End BLM Wilderness Area
Reach D: Schoolhouse Area

Received:

Proof of Appropriation
Affidavit of Appropriator
Analysis of and copies of field data

The Arizona Chapter of the Nature Conservancy filed an instream flow claim October 31, 1991, on Aravaipa Creek. May 29, 1992, the Department issued an ISF permit for the specified instream flow claim. General and specific conditions to be complied with were incorporated within the permit. Eligibility for a Certificate of Water Right required that at a minimum TANC adhere to the specified conditions as shown below:

General Conditions of Each Issued ISF Permit:

1. There shall be no impoundments of the water of Aravaipa Creek nor interference within the natural flow of Aravaipa Creek.
2. There shall be no consumptive use of public waters other than is caused by natural habitat (flora and fauna).
3. There shall be no interference with nor detrimental effect upon vested water rights.
4. Water shall not be diverted from the natural channel.

Special Conditions of each Issued ISF Permit:

In order for each of the permits to be eligible for a CWR the following must have been completed on or before May 29, 1996:

1. Maintain or continue to maintain a record of flow at the stream monitor site.
2. Must submit a minimum of four years of streamflow data
3. Must submit an analysis of the data
4. Must submit a completed Proof of Appropriation
5. Must submit a completed Affidavit of Appropriation.

Bureau of Land Management, Aravaipa Canyon Wilderness Area

Received:

Proof of Appropriation
Affidavit of appropriation
Summary of flow data

*** Copies of flow data were previously supplied from the ANC

The Bureau of Land Management applied for an ISF permit on the reach of Aravaipa Creek that run through the wilderness area June 1, 1981. In 1989 an ISF permit was issued to the BLM. Associated with the permit were specific conditions that were to be complied with before the permit could proceed to a certificate. They are as follows:

General conditions of ISF permit:

1. There shall be no impoundments of the water of Aravaipa Creek nor interference within the natural flow of Aravaipa Creek.
2. There shall be no consumptive use of public waters other than is caused by natural habitat (flora and fauna).
3. There shall be no interference with nor detrimental effect upon vested water rights.
4. Water shall not be diverted from the natural channel.

Specific conditions of ISF permit:

The following must be completed not earlier than July 1, 1994 nor later than July 1, 1995.

- commencing immediately the Permittee shall:

1. maintain a record of instream use
2. measure the flow at the East Aravaipa gauging station where Aravaipa Creek enters the Aravaipa Wilderness Area
3. a minimum of two flow measurements shall be taken each month
4. routine gauging station maintenance shall be performed weekly.
5. a record of the instream flows shall be submitted to the Department.

Aravaipa Creek Requested Flows for Issuance of Certificate of Water Right (cfs)					
Month	#33-95490 TANC-D	#33-95489 TANC-C	#33-95488 TANC-B	#33-95771 TANC-A	#33-87114 BLM
October	15.0	18.0	13.4	12.0	15.0
November	15.0	18.0	15.7	14.0	10.0
December	17.0	20.0	17.2	15.0	20.0
January	16.0	19.0	20.4	15.0	20.0
February	18.0	21.0	21.9	16.0	25.0
March	18.0	22.0	19.7	19.0	20.0
April	16.0	19.0	13.1	16.0	10.0
May	14.0	18.0	18.0	13.0	10.0
June	14.0	17.0	15.2	9.3	9.0
July	14.0	17.0	18.0	14.0	10.0
August	15.0	18.0	19.0	14.0	20.0
September	14.0	18.0	18.0	13.0	11.0

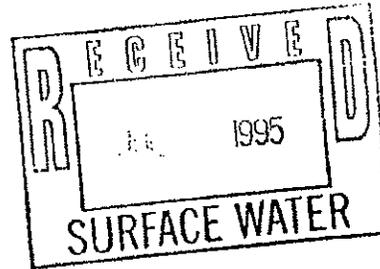
Aravaipa Canyon Annual Totals Requested for Certificate (acre-feet per year)					
Annual Totals	#33-95488	#33-95489	#33-95490	#33-95771	#33-87114
	11,213	13,567	12,635	10,273	10,840

STATE OFFICE:
300 East University Blvd., Suite 230
Tucson, Arizona 85705
(602) 622-3861 Fax (602) 620-1799



PHOENIX OFFICE:
2255 North 44th Street, Suite 100
Phoenix, Arizona 85008
(602) 220-0490 Fax (602) 225-0541

July 21, 1995



Mr. Joe Stuart
Arizona Department of Water Resources
500 N. 3rd Street
Phoenix, AZ 85004

Re: Certification of Permit Nos. 33-95488, 33-95489, 33-95490 and 33-95771, Aravaipa Creek.

Dear Mr. Stuart:

Please note the enclosed the Proof of Appropriation and Affidavit of Appropriator forms associated with the Arizona Chapter of The Nature Conservancy Permit Nos: 33-95488, 33-95489, 33-95490 and 33-95771. Data submitted in accord with Permit Nos. 33-95488, 33-95489 and 33-95490 include instantaneous streamflow data collected monthly for the last five years at the locations specified in the permits. Summary data presentation and field data sheets are included for each of the three measurement sites for a five year period beginning with the end of the streamflow data collection period presented in the Dr. Hardy justification report submitted to you on October 29, 1990. Permit No. 95771 includes a summary data presentation along with a diskfile of average daily mean streamflow data provided by the USGS for stream gage #9473000 for water years 1989-1994. These data clearly demonstrate the availability of water sufficient to meet our permitted amounts which are distributed monthly over the entire year.

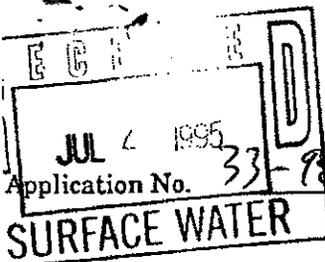
The field data sheets and diskfile data were sent directly to Mr. Tom Harbour along with the summary presentations. Please call or write me at the Tucson Office address listed above.

Sincerely,

A handwritten signature in cursive script that reads "Andy Laurenzi".

Andy Laurenzi
Director of Protection

cc: Tom Harbour
Ed Brunson, Aravaipa Canyon Preserve manager
Robert Wigington, Western Regional Water Rights Attorney
Meg Jensen, Gila Resource Area manager, BLM



Date Filed: 31-Oct-1990

Application No. 33-95771-0000 Permit No. 33-95771-0000 County Pinal

PROOF OF APPROPRIATION OF WATER

1. Name and address of permit holder: Arizona Chapter of The Nature Conservancy

2. Source of appropriable (surface) water supply: Aravaipa Creek
 tributary of San Pedro River

3. Location of point of diversion: N/A
 GLO Lot # _____, or _____ 1/4 _____ 1/4, Section _____, Township _____ N/S Range _____ E/W

4. Construction of works began on _____ and was completed on _____

5. Date water was completely applied to stated beneficial use: Instream use for recreation and wildlife, incl. fish has taken place at this location since pre-1900

6. Name, if any, and capacity of reservoir _____

7. Specify quantity of water that has been applied to each beneficial use: 10,277 af
 (acre-feet or gallons)

8. During what months is the water beneficially used? January-December

9. Describe the location where the water is used. If for irrigation, in the column headed "Acres actually irrigated" fill in only the number of acres that have actually been irrigated in that location in the smallest units that will identify them:

GLO Lot #	1/4	1/4	1/4	Section(s)	Township (N/S)	Range (E/W)	Acres Actually Irrigated
		NW	NW	3	7S	R17E	N/A
				downstream to a point on the stream located at:			
		SW	NE	4	7S	R17E	N/A

10. (a). If a dam has been constructed, give description: Height, at downstream face _____ ft:
length on top _____ ft.; length on bottom _____ ft.; material used and character of
construction _____
- (b). Give description of canal headgate: Width _____ ft.; depth _____ ft.; material used and
character of construction, _____
- (c). Size of canal: Width on top (at waterline) _____ ft.; width on bottom, _____ ft.;
depth of water _____ ft.; length _____ ft.; grade, _____ ft. fall per 1,000 ft.
Actual capacity, _____ sec.-ft. Give general description:

- (d). Pipe line: Description of intake, _____

Length of pipe, _____ ft.; diameter at intake, _____ in.; Difference in elevation between
intake and place of use, _____ ft. Actual capacity of pipe line, _____ cubic-feet/second
Give general description: _____
(material: steel, wrought, cast iron, wood stave, etc.)

- (e). Pumping plant: Give size and type of pump, _____
Type of motor used _____ Horse power rating, _____ H.P. Actual capacity
of pump, _____
- (f). Distribution works: _____ Material _____
(no.) (tanks or troughs)

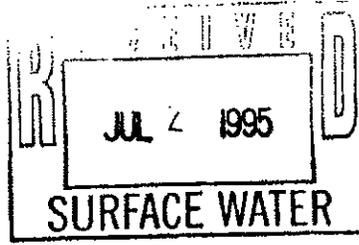
(dimensions and capacity of each)
11. Domestic Use. State number of families and persons actually served, and describe other domestic uses of water

12. Stockwatering Use. State kind of stock served _____
minimum and average number served per day during the months of the year water is used.
Maximum _____ Minimum _____ Average _____

13. If for any purpose other than irrigation, stockwater or domestic, state the extent and nature of such use _____
*Instream use for recreation and wildlife, including fish of Aravaipa Creek
of the aforementioned segment described in #9 above.*

ARAVAIPA CREEK USGS #9473000
 MEDIAN MONTHLY STREAM FLOWS

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1988												
1989	31	11	13	15	7	5	9.8	18	9.6	15	13	20
1990	17	20	18	15	12	9.45	28	31	14	9.9	16	17
1991	26	19	70	27	18	15	15	21	21	12	12	20
1992	32	45	37	29	28	22	19	29	22	20	23.5	29
1993	434	47	72	51.5	40	36	33	33	37.5	22	29	45
1994	30	42	31	24.5	19	13	13	23	19	31	33	32
MEDIAN	30.5	31	34	25.75	18.5	14	17	26	20	17.5	19.75	24.5



B:\ARAVWEST.WB2

SITE : ARAVAIPA CREEK - WEST END
 INSTREAM FLOW (CFS): RANDOM

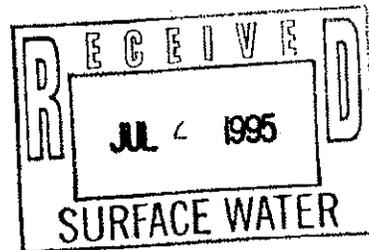
MONTH	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
YEAR												
1980-81			28.0			32.9	23.2		10.3	34.3		17.4
1981-82	13.7	16.4		24.5		23.8	23.8			8.0	17.9	16.1
1982-83	15.5	15.7				38.4	44.2	27.4	16.5	26.2	23.0	28.6
1983-84								37.1	31.7	41.5	43.4	34.3
1984-85	31.0	31.4	40.4	39.2	65.7	58.2	42.0	37.6	30.8		27.8	35.9
1985-86	35.2	29.8	43.5	26.9	34.3	41.1	29.4	27.2	22.9	21.3	23.8	24.8
1986-87	25.7	26.6	38.6	25.8	27.0	40.8	26.5	23.2	21.1	19.0	22.1	20.8
1987-88	21.7	26.6	34.0	25.5	28.6	22.3	21.0	18.6	16.3	43.9	20.8	16.9
1988-89	14.4	17.3	17.7	21.8	17.6	18.8	10.0		12.9	12.3	18.2	29.7
1989-90	12.4	15.4	14.1	15.5	22.1	17.4	14.8	10.4	9.4	27.6	31.4	17.7
1990-91	14.0	13.2	15.5	25.9	57.1	32.3	31.8	25.7	22.8	25.2	28.3	24.0
1991-92	22.2	29.6	27.7					39.4				
1992-93			15.5			62.2			45.1	42.7	41.4	45.8
1993-94	40.8	44.1	39.0	37.9	47.6	38.5	33.5	27.4	21.4	20.5	18.8	24.3
1994-95	34.2	32.5	40.4	44.0	43.9	43.5	35.3					
MEDIAN	22.0	26.6	31.0	25.9	34.3	38.4	27.9	27.3	21.2	25.7	23.4	24.3
MEAN	23.4	24.9	29.5	28.7	38.2	36.2	28.0	27.4	21.8	26.9	26.4	25.9
MAX	40.8	44.1	43.5	44.0	65.7	62.2	44.2	39.4	45.1	43.9	43.4	45.8
MIN	12.4	13.2	14.1	15.5	17.6	17.4	10.0	10.4	9.4	8.0	17.9	16.1
N	12	12	12	10	9	13	12	10	12	12	12	13

JUL 2 1995
 SURFACE WATER

A:\ARAVEAST.WB2

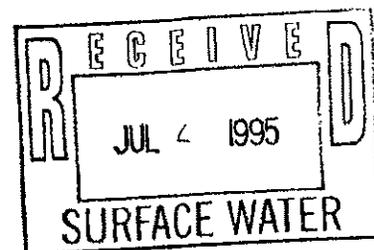
SITE : ARAVAIPA CREEK - EAST END
 INSTREAM FLOW (CFS): RANDOM

MONTH	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
YEAR												
1978-79						32.0	35.5	28.5	31.5	22.0	30.0	
1979-80											26.0	
1980-81	15.0		21.0			23.0			17.0	14.0		
1981-82	15.0		16.0	19.0	19.0	17.5	12.0	13.5	10.6	8.9	17.0	7.8
1982-83	11.5	9.2	12.5	13.5	21.0		22.0	17.0	18.0	24.5	23.5	21.0
1983-84	40.0	31.0	39.5	32.0	38.0		31.0	33.0	27.5	27.0	50.5	37.0
1984-85	30.0	30.0	38.0		57.5	42.0	39.0	37.0	31.0	30.0	34.0	28.5
1985-86	28.5	29.5	29.0	27.5	28.5	24.0	29.0	26.0	25.0	27.0	26.5	24.0
1986-87	30.5	27.0	27.0	26.5	26.0	31.0	25.0	23.0	22.0	21.0	23.0	22.0
1987-88	22.5	21.5	23.0	24.0	21.0		20.0	16.0	16.5	15.0		18.0
1988-89					9.4		19.0	12.2	10.9	12.5	18.5	13.0
1989-90		16.5	16.0	16.0	16.0	14.5	14.5	10.0	7.1	35.0		15.5
1990-91	14.0	15.0	11.0	17.0	20.0	21.0	27.5	21.0	17.0	17.3	21.9	19.4
1991-92	20.0	22.8	24.9	25.9	26.9	24.9	19.7	27.4	22.0	20.8	24.0	22.6
1992-93	21.6	23.1	23.9	93.2	100.4	42.3	24.8	20.1	27.9	26.7	28.3	32.6
1993-94	27.4	28.5	29.1	27.3	29.7	27.4	24.8	22.9	17.4	16.3	21.0	18.8
1994-95	18.0	19.8	24.3	31.2	30.0	28.5	27.4	24.4				
MEDIAN	21.6	22.9	24.1	26.2	26.4	26.1	24.8	22.9	18.0	21.0	24.0	21.0
MEAN	22.6	22.8	23.9	29.4	31.7	27.3	24.7	22.1	20.1	21.2	26.5	21.6
MAX	40.0	31.0	39.5	93.2	100.4	42.3	39.0	37.0	31.5	35.0	50.5	37.0
MIN	11.5	9.2	11.0	13.5	9.4	14.5	12.0	10.0	7.1	8.9	17.0	7.8
N	13	12	14	12	14	12	15	15	15	15	13	13

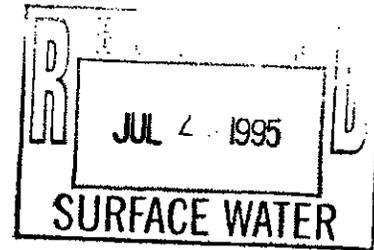


A:\ARAVSCHO.WB2

SITE : ARAVAIPA CREEK - OLD SCHOOL HOUSE INSTREAM FLOW (CFS): RANDOM												
MONTH	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
YEAR												
1984-85							35.0	30.0	29.0	27.0	27.0	26.0
1985-86	25.5	23.5	24.0	21.5	21.5	24.5	24.0	22.0	21.0	21.0	20.0	20.0
1986-87	24.5	21.0	33.0	21.5	21.5	23.0	21.0	18.5	19.5	19.0	19.0	19.0
1987-88	18.0	18.5	18.5	18.0	17.0		15.0	14.0	13.0	13.0		
1988-89		12.0										
1989-90		12.0		11.0	12.0	10.0	10.4	9.3	8.4			11.0
1990-91							19.0	19.6	18.0	18.6	18.2	18.3
1991-92	19.7	19.9	18.4	20.0	21.7	21.2	18.8	20.2	21.2	20.5	21.9	19.2
1992-93	17.2	17.3	18.7	39.3	61.0	30.7	19.5	16.4	22.1	20.5	19.8	25.4
1993-94	22.1	25.0	24.1	22.7	23.8	21.2	20.4	20.8	17.4	16.6	17.7	16.3
1994-95	15.4	16.7	20.6	23.0	23.4	25.5	24.2	23.6				
MEDIAN	19.7	18.5	20.6	21.5	21.6	23.0	20.0	19.9	19.5	19.8	19.8	19.1
MEAN	20.3	18.4	22.5	22.1	25.2	22.3	20.7	19.4	18.8	19.5	20.5	19.4
MAX	25.5	25.0	33.0	39.3	61.0	30.7	35.0	30.0	29.0	27.0	27.0	26.0
MIN	15.4	12.0	18.4	11.0	12.0	10.0	10.4	9.3	8.4	13.0	17.7	11.0
N	7	9	7	8	8	7	10	10	9	8	7	8



AFFIDAVIT OF APPROPRIATOR



STATE OF ARIZONA)
County of Pima) ss.

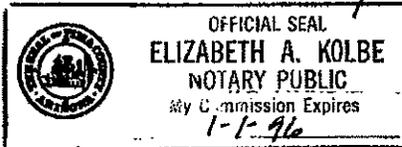
I, Andy Laurenzi, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of July, 1995.

Signature of Andy Laurenzi

Subscribed and sworn to me this 21st day of July, 1995.

[Notary Seal]



My commission expires January 1, 1996

AFFIDAVIT OF WITNESS

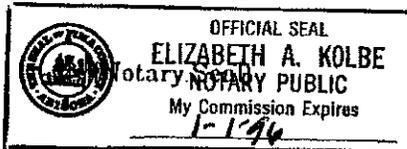
STATE OF ARIZONA)
County of PIMA) ss.

We, Ed Brunson, and Tom Collazo

of THE NATURE CONSERVANCY, being first duly sworn, and depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 33-95771.0000; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Signatures of Ed Brunson and Tom Collazo

Subscribed and sworn to me before this 16th day of August, 1995.



Signature of Elizabeth A. Kolbe, Notary Public

My Commission Expires January 1, 1996

Completing the Proof of Appropriation of Water Form

This is the final report required of a holder of a permit allowing appropriation of public waters. Upon arrival of this report and the receipt of the proper fee the Department shall be ready to issue a Certificate of Water Right.

The Proof of Appropriation of Water is a series of statements of the appropriator, under oath, which are corroborated by the affidavits of two witnesses. This form should be filled in carefully, in a manner that will describe completely the project as actually constructed, giving the number of stock being watered and the quantity of water used under stockwatering permits; giving, in case of irrigation, the number of acres of land actually irrigated and the quantity of water used; and giving the full extent of use under appropriations for whatever other purposes. The practice of merely copying this information from the permit is not proper and should not be followed.

The accompanying affidavits of appropriator and witness must be made before a Notary Public or other officer qualified to administer oaths.

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 542-3383



February 15, 1994

FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

Mr. Don Geldmacher
A.C. Star Route Box 4262
Winkelman, Arizona 85292

Re: Permit to Appropriate Public Water, No. 33-95771, Instream-Minimum-Flow
Appropriation request, Arizona Nature Conservancy

Dear Mr. Geldmacher:

I recently talked with Andy Laurenzi of the Nature Conservancy in response to my previous letter to them regarding your concern of the reach of the referenced appropriation request now encroaching on your property. I asked Mr. Laurenzi to contact you in an attempt to alleviate any concerns you had with regard to the description of the reach of the stream included in the permit. Mr. Laurenzi declined to contact you, but did assure me that the Nature Conservancy would only be concerned about the stream reach located on their property.

Please be advised that any final certificate will only describe the reach of stream that is located on the Nature Conservancy's property. If a reach of the stream has meandered on to property owned by you, that reach will not be described on the final certificate.

A copy of this letter will be placed in file in order to alert the staff at the time of issuance of the final certificate as to the description of the reach of the stream to be included in the certificate.

If you have any further questions regarding this matter, please contact this office.

Yours truly,

Joe B. Stuart
Manager, Surface Water Rights Section
Operations Division
Tel. (602) 542-1581

JBS:hs

c: Mr. Andy Laurenzi, The Nature Conservancy

FM00245

2/1/94

Joe B. Stuarb,
Manager, Surface Water Rights Section
Operations Division
ADWR
15 South 15th Ave
Phoenix, Az 85007

DEPARTMENT OF WR

FEB - 3 1994

OPERATIONS DIV.

Re: Permit to appropriate Public Water, No. 33-95771
Aravaipa Creek, Instream Minimum Flow

Dear Mr. Stuarb:

We received a copy of your January 13, 1994 letter addressed to Mr. Dan Campbell of the Original Nature Conservancy on January 15, 1994.

We have allowed a full two weeks to enable him to contact us as you requested. As of the date of this letter he has not been contacted.

We request that you again contact Mr. Campbell regarding this issue so that it may be resolved as soon as possible.

Thank you for your consideration of this request.

Sincerely yours,
Don & Bev Geldmacher

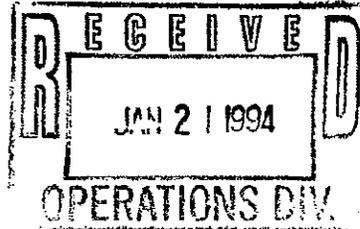
STATE OFFICE:
300 East University Blvd., Suite 230
Tucson, Arizona 85705
(602) 622-3861 Fax (602) 620-1799

The 
Nature
Conservancy.
Arizona Chapter

PHOENIX OFFICE:
2255 North 44th Street, Suite 100
Phoenix, Arizona 85008
(602) 220-0490 Fax (602) 225-0541

January 6, 1993

Mr. Lawrence A. Ramsey
Arizona Department of Water Resources
15 S. 15th Avenue
Phoenix, AZ 85007



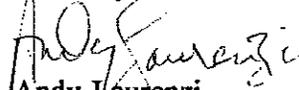
FILE
33-95771

Dear Mr. Ramsey:

In response to your letter dated November 26, 1993 regarding your receipt of correspondence from Mr. Geldmacher regarding ADWR water rights permit # 33-95771, be advised that the Conservancy continues to maintain the beneficial uses for which the permit was granted within that portion of the stream channel that occurs on our property. With respect to the Bureau of Reclamation proposal regarding a barrier dam on Aravaipa Creek, we would advise your speaking directly with them.

Thank you for providing us this opportunity. Please call or write if we can be of further assistance.

Sincerely,


Andy Laurenzi
Director of Protection

cc: Robert Wigington
Steve Weatherspoon

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 542-3383



DUPLICATE

January 13, 1994

DIANE SYMINGTON
Governor

RITA P. PEARSON
Director

Mr. Dan Campbell, State President
The Arizona Chapter of the Nature Conservancy
300 East University Boulevard, Suite 230
Tucson, Arizona 85705

Re: Permit to Appropriate Public Water, No. 33-95771,
Aravaipa Creek, Instream Minimum Flow

Dear Mr. Campbell:

I recently had a conversation with Dr. Don Geldmacher concerning the referenced Permit. Dr. Geldmacher has informed me that because of flood waters down Aravaipa Creek during the early part of 1993, the course of Aravaipa Creek altered onto his private lands within the reach of the stream described in the referenced permit.

I understand from Dr. Geldmacher that he had either given or in some other way conveyed to the Nature Conservancy either holdship or access to his property involved in part in the original reach of Aravaipa Creek as described in the referenced Permit. With this change in course of Aravaipa Creek, it would appear that Nature Conservancy no longer possesses, without interruption, the reach of stream course as described in the Permit; it would appear that the reach is now in two separate parts, intersected by a piece of private property. If this situation is as described by Dr. Geldmacher, there could be some question as to the current validity of the referenced Permit.

I am enclosing a copy of Dr. Geldmacher's recent letter to the Department regarding this matter, as well as a copy of the referenced permit and a copy of a letter Mr. Al Ramsey of this office wrote to Mr. Tom Collazo in November, 1993. I would appreciate your immediate attention to this matter and that you contact Dr. Geldmacher directly and inform me of your conversation and any resulting agreement reached or matters still left to be resolved.

Yours truly,

A handwritten signature in cursive script, appearing to read "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Section
Operations Division
Tel. (602) 542-1581

JBS:hs

c: Dr. Don Geldmacher

FM00248

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1581
Fax (602) 542-3383



FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

November 26, 1993

The Nature Conservancy
ATTN: Tom Callazo
300 East University Blvd.
Tucson, AZ 85705

RE: Permit N^o 33-95771.0000

Dear Mr. Callazo:

This is in response to a letter from Dr. Don Geldmacher, dated 11/15/93, to Mr. Joe B. Stuart of this Department and concerning the above referenced permit. Please be advised that Mr. Stuart is currently on an extended leave of absence and unable to directly respond to the concerns of Dr. Geldmacher as expressed in his letter.

In Mr. Stuart's absence, I am attempting to maintain the momentum of his duties and therefore request that you carefully review the attached copy of Dr. Geldmacher's letter and provide the Department with your response to his concerns. Upon the receipt of your response, the Department will provide Dr. Geldmacher a copy and will then attempt to assess the concerns of all parties.

After responses from all parties have been received and evaluated, and reviewed by Mr. Stuart and Mr. Dishlip, you and Dr. Geldmacher will be apprised of any resolution that is deemed appropriate.

Your cooperation in this matter is appreciated. If you have questions, please feel free to contact me at (602) 542-1581 or at the above address.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence A. Ramsey".

Lawrence A. Ramsey
Manager, Groundwater Section

LAR

cc: Dr. & Mrs. Don Geldmacher

FM100249

11/15/93

Joe B. Sturck
Section Manager
Surface Water Adjudication
15 South 15th Ave.
Phoenix, AZ 85007

Dear Mr. Sturck:

I had an opportunity during a recent field trip to our property by Mr. Dishlip to briefly discuss permit #33-95771 issued to The Nature Conservancy.

As he observed approximately 1/2 of the permitted reach channel and stream flow has returned to our fee lands (exhibit A) Additionally, there seems to be some interest on the part of The Bureau of Reclamation to construct a barrier dam on the lands (ours & theirs) adjacent to the reach within their ownership. (exhibit B)

For these reasons I request a review of this permit to appropriate public waters for instream flow #33-95771. Please advise me of the appropriate form to request this review.

Thank you for your consideration of this request.

Sincerely yours,
Don Geldmacher

cc. Herb Dishlip

NOV 19 1993

Topographical Map

EXHIBIT B

Preliminary Location -Subject to Revision-

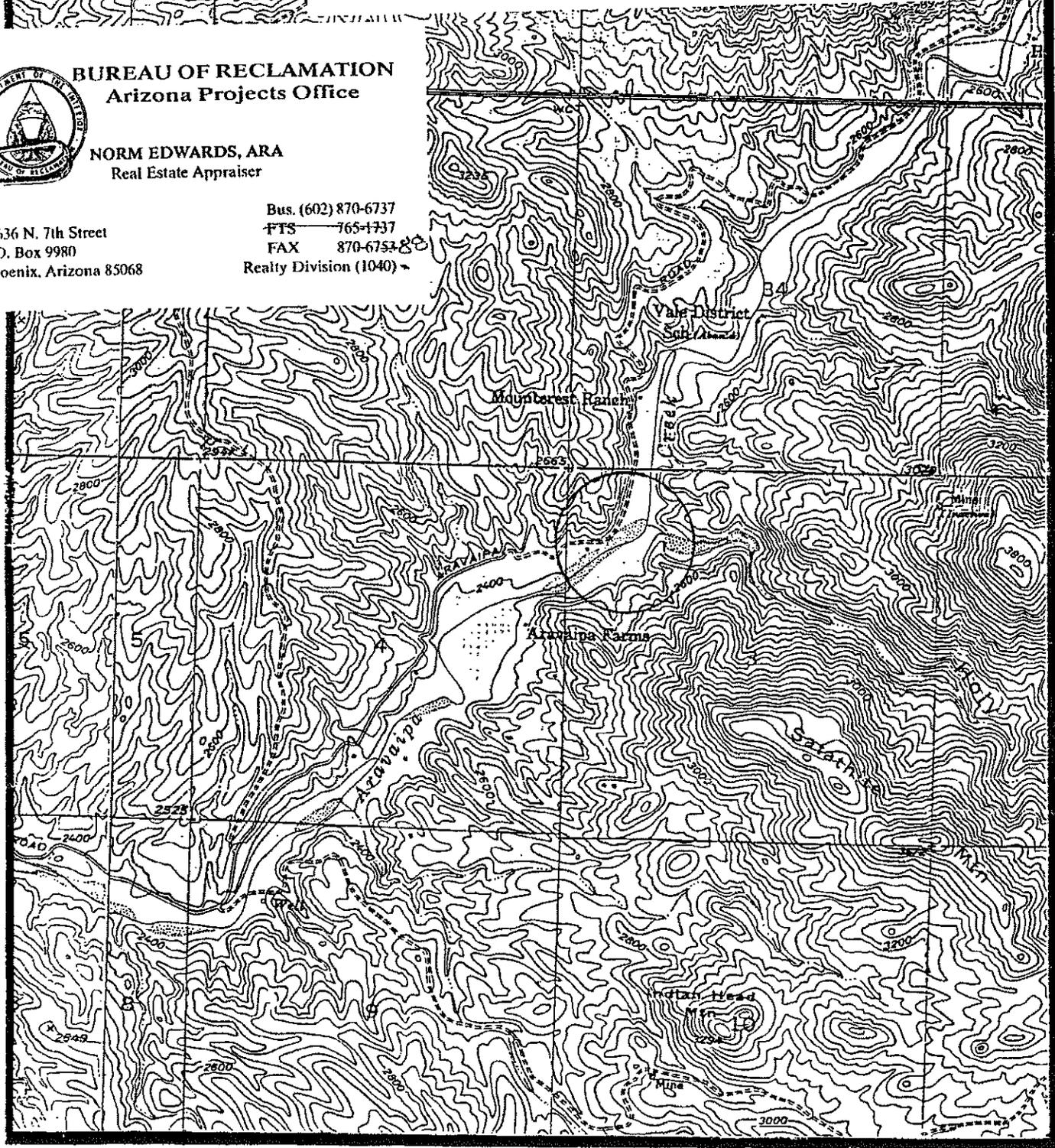


BUREAU OF RECLAMATION
Arizona Projects Office

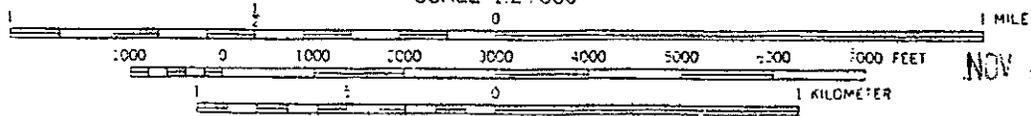
NORM EDWARDS, ARA
Real Estate Appraiser

636 N. 7th Street
O. Box 9980
Phoenix, Arizona 85068

Bus. (602) 870-6737
FTS 765-1737
FAX 870-6753
Realty Division (1040)



SCALE 1:24,000



CONTOUR INTERVAL 20 FEET
DATUM IS MEAN SEA LEVEL

FM00252

Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, Arizona 85007

PERMIT TO APPROPRIATE PUBLIC
WATER OF THE STATE OF ARIZONA

Application No. 33-95771.0000
Permit No. 33-95771.0000

This is to certify that pursuant to the provisions of Arizona Revised Statute 45-153, the Arizona Chapter of the Nature Conservancy, 300 East University Boulevard, Suite 230, Tucson Arizona, is granted an appropriative permit subject to the following terms:

1. Source: The public waters flowing in Aravaipa Creek, a tributary to the San Pedro River.
2. Types of use, and amounts: Recreation and wildlife including fish. The cumulative amount of use for both types of uses is expressed as an annual volume of flow of Aravaipa Creek as gaged below the specific reach as described in item 3. The appropriated flow is further described as a monthly median of mean daily flow as measured at the United States Geological Survey streamflow gage # 9473000. The flow rate appropriated, and cumulative total, is as follows:

<u>Month</u>	<u>Flow Rate (cubic-feet/second)</u>
October	12
November	14
December	15
January	15
February	16
March	19
April	16
May	13
June	9.3
July	14
August	14
September	13

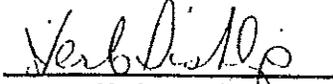
Volume (acre-feet/year) 10,277

3. Point of diversion and place of use: Water will not be diverted from the natural channel. The beneficial use will occur instream along the meandering course of the Aravaipa Creek. The instream use will begin at a point within the Northwest quarter of the Northwest quarter (NW¼NW¼), Section 3, Township 7 South, Range 17 East, continuing downstream along the meandering course of Aravaipa Creek and ending at a point within the Southwest quarter of the Northeast quarter (SW¼NE¼), Section 4, Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.

4. There shall be no impoundments of public waters nor interference within the natural flow of Aravaipa Creek.
5. There shall be no consumptive use of public waters other than is caused by natural habitat (flora and fauna).
6. There shall be no interference with nor detrimental effect upon prior vested water rights as a result of the permitted beneficial use of public water.
7. The date of priority of the appropriation is October 30, 1990.
8. The Permittee shall, commencing immediately, maintain or continue to maintain a record of the flow of Aravaipa Creek at the aforesaid streamflow gaging location. In order to become a candidate for certification, the Permittee must submit a minimum of 4 years of streamflow data, an analysis of the data, a completed Proof of Appropriation, and a completed Affidavit of Appropriator to the Department of Water Resources on or before March 9, 1996.

Dated this 9th day of March, 1992.

ARIZONA DEPARTMENT OF WATER RESOURCES



Herb Dishlip
Deputy Director
Water Management

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 256-0506



FIFE SYMINGTON
Governor

ELIZABETH ANN RIEKE
Director

February 12, 1992

The Nature Conservancy
Attn: Tom Callazo
300 East University Blvd.
Suite 230
Tucson, Arizona 85705

Re: Application for Permit to Appropriate Public Water No. 33-95771.0000

Dear Mr. Callazo:

The Department of Water Resources is prepared to issue a permit for the above referenced application.

Per Arizona Administrative Code Rule 12-15-152 a fee in the amount of \$50.00 is required for the preparation and issuance of each permit. Please remit your check payable to the Department of Water Resources in the amount of \$50.00 for the permit.

Yours truly,

A handwritten signature in black ink, appearing to read "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:pr

FM00255

ARIZONA DEPARTMENT OF WATER RESOURCES
HYDROLOGY DIVISION

MEMORANDUM

TO: Joe Stuart, Operations Division
THRU: Greg Bushner, Section Manager, Surface Water/Recharge *AS*
FROM: Tom Harbour, Hydrology Division
DATE: February 5, 1992
SUBJECT: Hydrologic Review of Instream Flow Application 33-95771, filed by the Nature Conservancy for a Segment of Aravaipa Creek, Pinal County, Az.

Background

The Arizona Chapter of the Nature Conservancy filed the referenced application on October 31, 1991 for a 0.75 mile segment of Aravaipa Creek located in Sections 3 and 4, T6S, R17E. The stated beneficial use of the appropriation is for recreation, wildlife, and fish. Requested annual volume is 10,432.38 acre-feet per year distributed on a monthly basis in cubic feet per second of flow as follows:

O	N	D	J	F	M	A	M	J	J	A	S
12	14	15	15	16	19	16	13	12	14	14	13

An Instream Flow Incremental Methodology (IFIM) model was submitted to quantify the streamflow requirements for the native fishes and to justify the requested flow amount. Quantification of streamflow availability was accomplished using daily mean discharge data from the continuous recording U.S.G.S. streamgaging station at Aravaipa Creek near Mammoth, Arizona. This gaging station is approximately one mile downstream from the requested stream reach and has over 20 years of flow data.

Recommendation

The Hydrology Division recommends approval of the referenced instream flow application. The applicant has satisfied the minimum technical requirements, adequately assessed the availability of historic streamflow, and quantified the water requirements for fish, wildlife and recreation uses. Requested monthly flow rates do not appear to be excessive for the requested beneficial uses with the exception of June which exceeds the median monthly flow by 2.65 cfs. A permit issued to the applicant should be subject to the following limits and terms.

Uses:

Wildlife, including fish
Recreation

Amounts:

Maximum annual volume measured in acre-feet: 10,277

Monthly averages of mean daily flows measured in cubic feet per second at U.S.G.S. gaging station 09473000, Aravaipa Creek near Mammoth, Arizona, distributed as follows:

O	N	D	J	F	M	A	M	J	J	A	S
12	14	15	15	16	19	16	13	9.3	14	14	13

Also, I would appreciate a copy of the draft permit to review as a quality control measure. I think this would reduce the chance of potential errors on the final permit.

jw

cc: Greg Wallace, Hydrology Division
Dennis Kimberlin, Operations Division

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 258-0506



FIFE SYMINGTON
Governor

ELIZABETH ANN RIEKE
Director

August 3, 1991

Mr. Tom Collazo
Arizona Nature Conservancy
300 E. University Blvd., Suite 230
Tucson, Arizona 85705

Re: Application for Permit to Appropriate Public Water,
No. 33-95771, Aravaipa Creek, Instream Flow

Dear Mr. Collazo:

The two protests against the referenced application have been withdrawn.

The Hydrology Division is reviewing the application for sufficiency of information regarding the proposed appropriation. Until the review is completed and the file released, I cannot issue a permit for the appropriation.

If you have any questions regarding this matter, please contact me.

Yours truly,

A handwritten signature in cursive script that reads "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:asm

FM00258

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 256-0506



June 28, 1991

FIFE SYMINGTON
Governor

ELIZABETH ANN RIEKE
Director

Mr. Wilford Claridge
P.O. Box 183
Thatcher, AZ 85552

Re: Submitted protests, Applications for Permit to Appropriate Public Water,
No.s 33-95488, -95489, -95490, and -95771, Nature Conservancy, In-situ use,
Aravaipa Ck.

Dear Mr. Claridge:

Upon the request of Mr. Tom Collazo of the Arizona Chapter of the Nature Conservancy, I have reviewed your protests against the referenced applications. Included in the record is a letter from Mr. Collazo to you, dated April 12, 1991. In this letter, Mr. Collazo reiterates that the applications do not involve any impoundments of water nor any interference with the natural flow of Aravaipa Creek. He also states that there will be no consumptive use of the water other than that which is used by the natural habitat, that there will be no degradation of water quality caused by this appropriation, and most importantly to you, that there shall be no interference with vested water rights.

The Department of Water Resources feels that the referenced applications appear to present no threat or hindrance to your own use of water out of Aravaipa Creek, and that any vested water right you possess is protected under provisions of statute.

Unless I receive correspondence from you within 15 days of receipt of this letter stating some other objection to the Department permitting the referenced applications, I will consider the protest against the applications resolved.

Yours truly,

A handwritten signature in cursive script that reads "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:dl

cc: Mr. Tom Collazo

Certified Mail No. P-441-665-537

FM00259

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 256-0506

June 28, 1991



Dr. and Mrs. Donald Geldmacher
Holy Joe Ranch
AC Star Route Box 4262
Winkelman, AZ 85291

FIFE SYMINGTON
Governor

ELIZABETH ANN RIEKE
Director

RE: Submitted Protest, Application for Permit to Appropriate Public Water
No. 33-95771, Nature Conservancy, Aravaipa Creek

Dear Doctor and Mrs. Geldmacher:

I note in reviewing the referenced application that the Nature Conservancy has amended the legal-land description of the place of use of the in-situ appropriation in order to satisfy your concerns as to what land is involved. Apparently, a small portion of your private land may have been included as a place of use in the original application.

Because I see no further correspondence from you regarding this matter, I must assume that your concerns have been satisfied and that you see no further objection to the proposed appropriation. Therefore, unless I receive correspondence from you stating some other objection to the referenced application within 15 days of receipt of this letter, I will consider the protest resolved.

Yours truly,

A handwritten signature in cursive script that reads "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:dl

cc: Mr. Tom Collazo

Certified Mail #P-441-665-538

FM00260

U.S. OPERATIONS DIVISION

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery.

3. Article Addressed to: DR. & MRS. DONALD GELDMACHER HOLY JOE RANCH AC STAR ROUTE BOX 4262 WINKELMAN, AZ 85292	4. Article Number P-441-665-538
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature — Addressee <i>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent <i>[Signature]</i>	
7. Date of Delivery	

PS Form 3811, Feb. 1986 **DOMESTIC RETURN RECEIPT**

U.S. OPERATIONS DIVISION

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery.

3. Article Addressed to: MR. WILFORD CLARIDGE P.O. BOX 183 THATCHER, AZ 85552	4. Article Number P-441-665-537
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature — Addressee <i>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent <i>[Signature]</i>	
7. Date of Delivery 7-10-91	

PS Form 3811, Feb. 1986 **DOMESTIC RETURN RECEIPT**



Aravaipa Canyon Preserve

A.C. Star Route Box 4318, Winkelman, AZ 85292
(602) 357-6349

May 17, 1991

300201

Mr. Joe B. Stuart, Manager
Surface Water Rights Systems, Operations Division
Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, AZ 85007

Re: Applications for Permit to Appropriate Public Water
Nos. 33-95488, 33-95489, 33-95490 and 33-95771

Dear Mr. Stuart:

I am writing to provide you with an amended application and correspondence relating to protests to the above referenced water rights that were filed by Dr. and Mrs. Don Geldmacher and by Wilford Claridge.

In the case of the Geldmachers, they have indicated that they will withdraw their protest if we amend the legal description of the stream reach and place of use for Application No. 33-95771. The first attachment to this letter is a copy of the original application which has been amended to include the full legal description of the two parcels of Conservancy-owned land covered by this application. We are sending a copy to the Geldmachers as well in hopes that this amendment will satisfy their grounds for protest.

The next three attachments are the correspondence relating to Wilford Claridge's protest. We feel that our letter to Mr. Claridge of April 12, 1991, attempted to resolve the grounds for protest stated in his initial letter of February 27, 1991, to the Department of Water Resources. I received subsequently Mr. Claridge's Statement of Protestant dated May 12, 1991. As per our telephone conversation today, I am asking for your guidance and assistance on proceeding with attempts to resolve this protest.

Sincerely,

A handwritten signature in cursive script that reads "Tom Collazo".

Tom Collazo
Preserve Director

enc.: Amended Application No. 33-95771, Claridge letter (2/27/91), Collazo letter (4/12/91), Claridge Statement of Protestant (5/12/91).

FM00262

Aravaipa -- Holy Joe (A)



ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue
Phoenix, Arizona 85007

(Amended May 17, 1991)

APPLICATION FOR PERMIT TO APPROPRIATE
PUBLIC WATER OF THE STATE OF ARIZONA

NO. 33-95771

2 5 1991

FILED _____

1. Name Arizona Chapter of The Nature Conservancy Telephone (602) 622-3861

Address 300 E. University Blvd., #230 Tucson, Arizona 85705

2. Type of source and name, if any, Aravaipa Creek
a tributary of San Pedro River on the _____ watershed.
do not complete

3. Use of Water

A. Domestic
1. No. of Persons _____ 2. No. of Families _____

B. Municipal
1. Population to be served _____
2. Estimate of future population and water requirements _____

C. Irrigation
1. Location of the irrigated acreage
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ EW
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ EW

2. Number of acres to be irrigated _____

3. Describe type of crop to be irrigated _____

D. Stockwatering
1. Kind of stock _____ 2. No of stock _____

E. Power - Describe the nature of the works by which power is to be developed, pressure head, points of release of water and the uses to which the power will be applied. Attach documents as necessary.

F. Mining
1. Kind of mining claims _____
2. Methods of supplying and using water _____

G. Recreation
1. Character of area to be used Base flow a desert stream through or along a nature preserve for rare wildlife, native fish, and plants.

H. Wildlife
1. Kind of wildlife 7 native fish, 8 amphibian, 47 reptile, 237 bird and 46 mammal species, 20 of which are federally or state protected.
2. Character of area to be served Same as recreation.

I. Groundwater Recharge _____

J. Storage & Recovery _____

4. Amount of water Use	Amount	Measure	Months of Use
See Attachment 1.			

(Application No. 33-95771 amended May 17, 1991)

5. Legal description of point of diversion: County N/A
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range EW-G&SRB&M

6. Legal description of place of use: County See Attachment 1.
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range EW-G&SRB&M
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range EW-G&SRB&M

7. Description of method(s) by which water will be put to beneficial use: Water will be used instream without
artificial diversion or impoundment.

8. Storage of water

A. Name of reservoir N/A

B. Dam specifications: Height feet

May 17 1991

C. Reservoir behind dam

1. Maximum storage volume at spillway crest acre feet

2. Capacity for each foot in depth in cubic feet

9. Construction of works will begin within N/A after approval
of this application, will be completed within thereafter,
and the water will be applied to the proposed use(s) no later than .

10. Name of owner of the land Arizona Chapter of the Nature Conservancy

Does the applicant have legal access to the point of diversion and place(s) of use? Yes XX No

if no, explain

11. Is the water to be used supplementally with other water(s)? Yes No XX

If "Yes" identify other waters or water rights, and explain below:

12. Additional comments See Hardv. T.B.; Bartz. B.; and Carter, W.: Report on Instream Flow
Recommendations for the Fishes of Aravaipa Creek, Arizona. For The Nature
Conservancy, October, 1990.

13. Attach filing fee of \$25.00

14. Attach a United States Geological Survey quad map with point of diversion and place(s) of use clearly marked on map.

DATED this 29 day of October

 19 90

Applicant

(Application No. 33-95771 amended May 17, 1991)

ARAVAIPA -- HOLY JOE (A): ATTACHMENT 1

1) Legal Description of Reach and Place of Use.

Aravaipa Creek within NW 1/4 of Sec. 3 and NE 1/4 of Sec. 4, T6S R17E, G.S.R.B.M., Pinal County, Arizona. (Approx. .75 stream mile.) as it flows through Parcels B and C as described in Exhibit A.

2) Amount of water at USGS Gage.

a. Monthly Rate of Base Flow (cfs)

October	12	February	16	June	12
November	14	March	19	July	14
December	15	April	16	August	14
January	15	May	13	September	13

b. Maximum Annual Volume (af): 10,432.68

3) Conditions on Application

a. There shall be no impoundments of public waters nor interference with the natural flow of Aravaipa Creek.

b. There shall be no consumptive use of public waters other than caused by the natural habitat (flora and fauna).

c. There shall be no degradation of water quality by reason of applicant's use of these public waters other than as caused by the natural habitat.

d. There shall be no interference with nor detrimental effect upon prior vested rights as a result of the requested instream use.

MAY 20 1991

(Application No. 33-95771 amended May 17, 1991)

EXHIBIT "A"

That portion of the South Half of the Northeast Quarter of Section 4, Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

From the Northeast corner of said Section 4:

thence S 00-04-28 E, along the East line of Section 4, 1584.20 feet to the POINT OF BEGINNING;

thence continue S 00-04-28 E, along the East line of Section 4, 175.94 feet;

thence Westerly and Southwesterly, along the approximate Southerly bank of Aravaipa Creek, 1420 feet, more or less, to a point on the East line of the Southwest Quarter of the Northeast Quarter of Section 4, said point lying 350.00 feet North of the Southeast corner thereof;

thence S 46-52-35 W, 509.46 feet to a point on the South line of the Southwest Quarter of the Northeast Quarter of Section 4, said point lying 374.00 feet West of the Southeast corner thereof;

thence N 89-44-00 W, along the South line of the Southwest Quarter of the Northeast Quarter, 265.65 feet to a point on the Easterly right-of-way line of Aravaipa Road;

thence Northerly, along said Easterly right-of-way line, 67.70 feet;

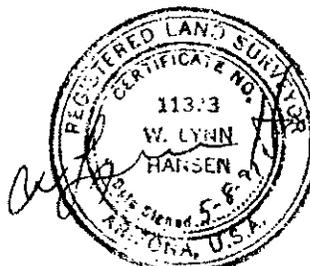
thence N 67-56-43 E, 198.43 feet;

thence N 32-49-36 E, 653.51 feet;

thence N 64-19-56 E, 216.59 feet;

thence N 87-36-34 E, 345.48 feet;

thence N 79-26-39 E, 915.37 feet to the POINT OF BEGINNING.



MAY 20 1991

May 7, 1991

FARCEL B

FM00266

(Application No. 33-95771 amended May 17, 1991)

EXHIBIT "A"

That portion of Lots 4 & 5 (the W1/2 of the NW1/4) of Section 3, Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

From the Northwest corner of said Section 3:

thence S 00-04-28 E, along the West line of Section 3, 1584.20 feet to the POINT OF BEGINNING, said point also lying S 00-04-28 E, 304.13 feet from the Northeast corner of the South Half of the Northeast Quarter of Section 4:

thence N 79-26-39 E, 173.31 feet:

thence N 55-41-52 E, 668.47 feet:

thence N 21-40-24 E, 391.20 feet:

thence N 15-15-14 E, 391.44 feet:

thence N 90-00-00 E, 191.96 feet:

thence S 01-08-59 W, 471.26 feet:

thence S 27-04-33 W, 764.13 feet:

thence S 71-11-13 W, 849.78 feet to a point on the West line of Section 3, said point lying 770.29 feet Northerly of the Southwest corner of Lot 5:

thence N 00-04-28 W, along the West line of Section 2, 275.94 feet to the POINT OF BEGINNING.

TOGETHER WITH an exclusive easement for ingress and egress over the South 325.00 feet of the North 505.00 of the East 200.00 feet of Lot 4, EXCEPT any portion thereof lying within the above described parcel.

ALSO TOGETHER WITH a 20 foot wide non-exclusive easement for ingress and egress running from Aravaipa Road, through the North-easterly portion of Lot 4, and connecting to the West line of Lot 3, as described in Docket _____, Page _____, records of the Pinal County Recorder.

December 29, 1988

03-07-17.NW
Parcel C
11.51 acres

FM00267



Aravaipa Canyon Preserve

A.C. Star Route Box 4318, Winkelman, AZ 85292
(602) 357-6349

April 12, 1991

Wilford Claridge
P.O. Box 183
Thatcher, AZ 85552

Re: Applications for Permit to Appropriate Public Water
Nos. 33-95488, 33-95489, 33-95490 and 33-95771

Dear Wilford:

I am writing in response to your letter of February 27, 1991, to the Arizona Department of Water Resources protesting The Nature Conservancy's applications for instream flow water permits for Aravaipa Creek.

On each of the four applications that we submitted to DWR we listed several conditions which did not appear on the posting notices which you may have seen at the Klondyke Post Office and on our property. These conditions are:

- a. There shall be no impoundments of public waters nor interference with the natural flow of Aravaipa Creek.
- b. There shall be no consumptive use of public waters other than caused by the natural habitat (flora and fauna).
- c. There shall be no degradation of water quality by reason of applicant's use of these public waters other than as caused by the natural habitat.
- d. There shall be no interference with nor detrimental effect upon prior vested rights as a result of the requested instream use.

We believe that the last of these conditions addresses the concerns expressed in your letter of protest. If approved, these permits will carry a 1990 priority date, which is junior to the dates listed for your water rights in the DWR's recently published "Preliminary Hydrographic Survey Report for the San Pedro River Watershed." We understand that all water rights are subject to the General Adjudication of the Gila River System, but these instream permits will not affect your adjudicated senior water rights.

FM00268

Page Two

I hope that this additional information will satisfy your concerns about our applications, and that you will agree to withdraw your protest. Please let me know if you need any further information.

Sincerely,


Tom Collazo

cc: Joe B. Stuart, Arizona Department of Water Resources

MAY 20 1991

FM00269

Wilford Claridge
P.O. Box 183
Thatcher, AZ 85552

February 27, 1991

Arizona Dept. of Water Resources
15 S. 15th Ave.
Phoenix, AZ 85007

Dear Sirs:

It has come to our attention that the Nature Conservancy has applied for a "water right" on Aravaipa Creek. As a user of the water in Aravaipa canyon, both above and below the head water of the natural flow in the canyon, I have concerns regarding this application. As I use water for irrigation and other incidental uses I would protest any permit to the Nature Conservancy that would change in any way my rights to use. This protest would include any changes to either the amount of use, or changes in the way water is diverted.

Water is presently used to irrigate alfalfa and pasture crops. This water use has been granted for a substantial length of time and protected by a water decree.

I would like to include in this protest any permit that would effect the use of water above the Nature Conservancy, whether it be wells, water stored in tanks and ponds, or water used for stock watering purposes and/or irrigation.

I greatly appreciate your immediate response and attention to this matter. If any further information is needed to substantiate the credence to this protest please contact me.

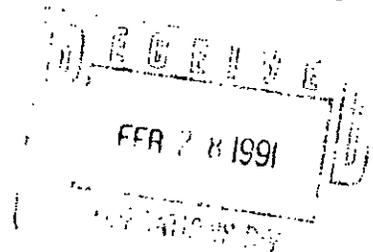
Thank you.

Yours truly,

Wilford Claridge

Wilford Claridge

cc: The Nature Conservancy



MAY 20 1991

Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, Arizona 85007

Date filed: _____

STATEMENT OF PROTESTANT

In the matter of the application of _____) APPLICATION _____
(Applicant name) _____)
or
(Source) _____) CLAIM _____

.....

This statement must be completed and filed with the Arizona Department of Water Resources, Operations Division, within 60 days from the date of issuance of the official notice.

.....

1. State quantity of water now used by you for each and every purpose:

Domestic _____ gallons per annum.
Irrigation 500 acre-feet per annum.
Stockwatering 20,000 gallons per annum.
_____ per annum.
(other uses)

MAY 20 1991

2. Do you own the lands for which water is claimed by you? yes
If not, explain the nature of your occupancy _____

3. Give the legal description of lands upon which or where the water is used SW $\frac{1}{4}$ NW $\frac{1}{4}$ section 27,
Township 6 South, Range 27 East, Gila and Salt River Meridian

4. State the name and type of your water source Aravaipa Creek surface flow

5. State the date the water right or claim herein referred to was initiated and the registry number of the water right or claim January 1, 1867 Registry #36-68497

6. If water is produced by means of wells, state the number of wells, the registry number of each well, and the location of each well by describing the ten-acre legal subdivision or lot within which each well is located _____

7. If water is obtained by means of surface diversion, state the location and nature of the diversion works SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, Township 6 South, Range 19 E, Gila and Salt River Meridian.
Diversion is by a 5 to 6 foot Diversion dam across the creek, diverting the flow
into irrigation ditch.

8. If the water is used for irrigation, state the number of acres you irrigated 40

9. State the quantity of water you actually used each year for the past five years. If for irrigation, in acre-feet, and if for any other purpose, in gallons 500 acre feet and 20,000 gal

10. If the water is used for stockwatering, state the kind of stock served and the average number served per day Cattle and Horses 0-100

11. If water is used for any other purpose, state the use made and describe the manner of using the water Water has been used for domestic use in the past



GROUNDS FOR PROTEST

Any ruling which would restrict the present usage of the instream flow of the Aravaipa Creek would be most strenuously objectionable. The concern I have is that the Conservancy wants to eliminate my diversion of Aravaipa Creek water. My Water rights have been established and continuous for over a hundred years, and are essential to economical stability and continued cultivation of the farm, which is essential to the continued operation of the Cattle ranch, which is my sole livelihood.

My predecessors and I have always worked harmoniously within the canyon to protect the creek and the land, and have only taken what was needed.

- The facts are:
1. I have priority upon the water by usage and by filing in accordance with the requirements of State Land Department.
 2. There has been no change in stream flow, nor has my usage changed nor intent to use change since the filing with the state.
 3. Any alteration or restriction on my usage of the stream flow would be counter to the intent and laws of the State of Arizona as I understand them.
 4. To issue such a right to the Nature Conservancy would be counterproductive and punitive to the present water users located within the Arivaipa Canyon environs. I fail to see the benefit to the Public of the State of Arizona that would come from the granting of such a water permit/appropriation.

MAY 20 1991

Date signed 5/12/91

Michael L. Clain
Signature of Protestants,
or representative



Aravaipa Canyon Preserve

A.C. Star Route Box 4318, Winkelman, AZ 85292
(602) 357-6349

May 17, 1991

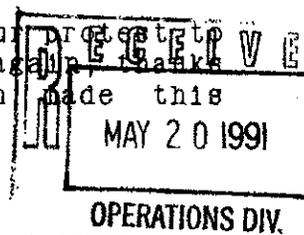
Dr. and Mrs. Don Geldmacher
Holy Joe Ranch
AC Star Rt. Box 4262
Winkelman, AZ 85292

Re: Application for Permit to Appropriate Public Water No. 33-95771

Dear Don and Bev:

Enclosed please find a copy of the amended application for this instream flow permit, which includes the legal descriptions for the two parcels now owned by The Nature Conservancy at Holy Joe. The amended application has been submitted to the Department of Water Resources, and the new description for Parcel B is being recorded with Pinal County as well.

We hope that this action satisfies the grounds for your protest of this application. Thanks for your concern, and, once again, thank you for your generous gift to the Conservancy which made this application possible.



Sincerely,

TOM COLLAZO

cc: Joe B. Stuart, Arizona Department of Water Resources
(Amended application sent under separate cover)



Aravaipa Canyon Preserve

A.C. Star Route Box 4318, Winkelman, AZ 85292
(602) 357-6349

April 12, 1991

Dr. Donald and Mrs. Beverly Geldmacher
Holy Joe Ranch
AC Star Rt. Box 4262
Winkelman, AZ 85292

Re: Application for Permit to Appropriate Public Water No. 33-95771

Dear Don and Bev:

I am writing in response to your protest filed February 28, 1991, with the Arizona Department of Water Resources to the above referenced instream flow permit application. In that protest and in our subsequent conversation, you indicated that you would be willing to withdraw the protest if we would amend the application to include the full legal description of the two parcels of land owned by The Nature Conservancy at Holy Joe.

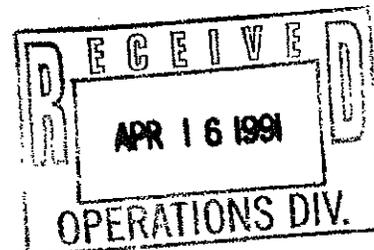
When we executed with you the reconveyance of donated properties in January 1989, the new Conservancy parcel located in Section 4, T. 7 S., R. 17 E., never received its own separate legal description, but was described as an exclusion to the adjacent area that was deeded back to you. Therefore, I have asked surveyor Linn Hansen to draw up a new legal description for this parcel.

As soon as we receive the legal description, we will submit an amended application to DWR which we trust will satisfy your protest. We will send a copy of the amended application for your approval as well.

Thanks for bringing this matter to our attention.

Sincerely,

Tom Collazo



cc.: Joe B. Stuart, Arizona Department of Water Resources

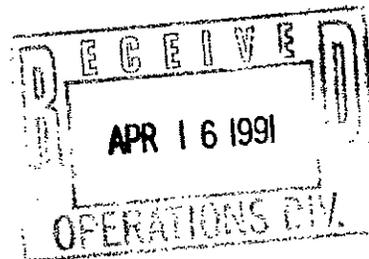
FM00274



Aravaipa Canyon Preserve

A.C. Star Route Box 4318, Winkelman, AZ 85292
(602) 357-6349

April 12, 1991



Wilford Claridge
P.O. Box 183
Thatcher, AZ 85552

Re: Applications for Permit to Appropriate Public Water
Nos. 33-95488, 33-95489, 33-95490 and 33-95771

Dear Wilford:

I am writing in response to your letter of February 27, 1991, to the Arizona Department of Water Resources protesting The Nature Conservancy's applications for instream flow water permits for Aravaipa Creek.

On each of the four applications that we submitted to DWR we listed several conditions which did not appear on the posting notices which you may have seen at the Klondyke Post Office and on our property. These conditions are:

- a. There shall be no impoundments of public waters nor interference with the natural flow of Aravaipa Creek.
- b. There shall be no consumptive use of public waters other than caused by the natural habitat (flora and fauna).
- c. There shall be no degradation of water quality by reason of applicant's use of these public waters other than as caused by the natural habitat.
- d. There shall be no interference with nor detrimental effect upon prior vested rights as a result of the requested instream use.

We believe that the last of these conditions addresses the concerns expressed in your letter of protest. If approved, these permits will carry a 1990 priority date, which is junior to the dates listed for your water rights in the DWR's recently published "Preliminary Hydrographic Survey Report for the San Pedro River Watershed." We understand that all water rights are subject to the General Adjudication of the Gila River System, but these instream permits will not affect your adjudicated senior water rights.

FM00275

Page Two

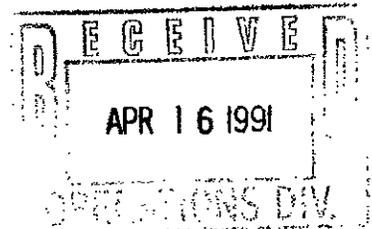
I hope that this additional information will satisfy your concerns about our applications, and that you will agree to withdraw your protest. Please let me know if you need any further information.

Sincerely,



Tom Collazo

cc: Joe B. Stuart, Arizona Department of Water Resources



FM00276

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 256-0506



March 15, 1991

Arizona Chapter of the Nature Conservancy
Aravaipa Canyon Preserve
Attn: Mr. Thomas P. Collazo, Preserve Director
A. C. Star Route Box 4318
Winkelman, Arizona 85292

FIFE SYMINGTON
Governor

N.W. PLUMMER
Director

Re: Application for Permit to Appropriate Public Water
No. 33-95771..

Dear Mr. Collazo:

Enclosed please find a copy of a Statement of Protestant submitted by Mr. Wilford Claridge and Attorneys for Dr. & Mrs. Geldmacher, against the referenced application. Carefully review the issues brought forth by the protestant. The Department requests that you respond directly to the Protestant within thirty (30) days from the date of this letter. You are also requested to send a copy of your response to the Department for inclusion in the official record.

The Department of Water Resources urges both parties to make a sincere effort at resolving the protest. Essentially, both parties must negotiate for a resolution of the issues. The negotiation may include an agreement to modify the application.

The Department will consider intervention in this matter if no resolution is forthcoming. In that event, the administrative actions taken by the Department will be based, in part, on the information contained in the Application the issues brought forth in the protest, and any information contained in correspondence pertaining to this matter.

The Department must be notified of any agreement reached through negotiation requiring modification of the original application. The Department requests copies of any correspondence for inclusion in the official record. Conversely, a request for withdrawal of the application must also be submitted to the Department.

Yours truly,

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:asm

Enclosure

FM00277

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007

Telephone (602) 542-1553

Fax (602) 256-0506



March 14, 1991

FIFE SYMINGTON
Governor

N.W. PLUMMER
Director

Mr. Wilford Claridge
P. O. Box 183
Thatcher, Arizona 85552

Re: Application for a Permit to Appropriate Public Water
No. 33-95771.

Dear Mr. Claridge:

Enclosed please find your recently submitted written protest against the referenced application. The Department requests that you complete the enclosed form, titled "Statement of Protestant" and return it to the Department to the attention of the Operations Division.

The information you provide to the Department by completing the form will allow us an opportunity to more clearly understand your basis for protesting the referenced application and for you to describe what water resources you use that might be affected. A space is provided on the back of the form under the heading "Grounds for Protest" for you to further explain your protest or explain a protest based upon a belief that the pending application would not be in the best public interest, or would constitute a hazard to public safety. The protestant must send a copy of the completed Statement of Protestant to the applicant.

Please be aware that the Department will examine your protest on the basis of the information you provide. Also be aware that the Department makes a decision as to whether your protest is valid or not based upon all facts pertinent to this matter.

Yours truly,

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:asm

Enclosures

FM00278

Wilford Claridge
P.O. Box 183
Thatcher, AZ 85552

February 27, 1991

Arizona Dept. of Water Resources
15 S. 15th Ave.
Phoenix, AZ 85007

Dear Sirs:

It has come to our attention that the Nature Conservancy has applied for a "water right" on Aravaipa Creek. As a user of the water in Aravaipa canyon, both above and below the head water of the natural flow in the canyon, I have concerns regarding this application. As I use water for irrigation and other incidental uses I would protest any permit to the Nature Conservancy that would change in any way my rights to use. This protest would include any changes to either the amount of use, or changes in the way water is diverted.

Water is presently used to irrigate alfalfa and pasture crops. This water use has been granted for a substantial length of time and protected by a water decree.

I would like to include in this protest any permit that would effect the use of water above the Nature Conservancy, whether it be wells, water stored in tanks and ponds, or water used for stock watering purposes and/or irrigation.

I greatly appreciate your immediate response and attention to this matter. If any further information is needed to substantiate the credence to this protest please contact me.

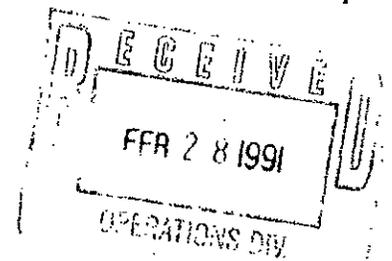
Thank you.

Yours truly,

Wilford Claridge

Wilford Claridge

cc: The Nature Conservancy



RECEIVED FEB 26 1991

Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, Arizona 85007

Date filed: FEBRUARY 26, 1991

STATEMENT OF PROTESTANT

In the matter of the application of)	APPLICATION	<u>33-95771</u>
(Applicant name) <u>THE NATURE CONSERVANCY</u>)		or
(Source) <u>ARIVAIPA CREEK</u>)	CLAIM	<u></u>

.....

This statement must be completed and filed with the Arizona Department of Water Resources, Operations Division, within 60 days from the date of issuance of the official notice.

.....

1. State quantity of water now used by you for each and every purpose:

Domestic	<u>325851</u>	gallons per annum.
Irrigation and	<u>1850</u>	acre-feet per annum.
Field Restoration		
Stockwatering	<u>400000</u>	gallons per annum.
<u></u>		per annum.
(other uses)		

FFR 2 8 1991

2. Do you own the lands for which water is claimed by you? YES

If not, explain the nature of your occupancy _____

3. Give the legal description of lands upon which or where the water is used _____

SEE ATTACHED

4. State the name and type of your water source ARIVAIPA CREEK (Surface Water)

5. State the date the water right or claim herein referred to was initiated and the registry number of the water right or claim DECEMBER 1990

6. If water is produced by means of wells, state the number of wells, the registry number of each well, and the location of each well by describing the ten-acre legal subdivision or lot within which each well is located _____

7. If water is obtained by means of surface diversion, state the location and nature of the diversion works _____

See File Numbers 36-0032525, 36-0100139, 36-0100141 through 36-0100144,

and 39-0011526 and 39-0011527 and amendments thereto.

EXHIBIT

The South Half of the South Half of Lot 2, the South Half of the South Half of Lot 3, all of Lot 4, and all of Lot 5, of Section 3; AND Lot 1 and the South Half of the Northeast Quarter of Section 4; all in Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPTING THEREFROM the following described 3 parcels:

PARCEL 1. BEGINNING at a point on the North line of said Section 3, said point lying N 89-41-25 E, 943.39 feet from the Northwest corner of said Section 3 and also lying on the Easterly right-of-way line of Aravaipa Road;

thence continue N 89-41-25 E, along the North line of Section 3, 227.32 feet;

thence S 00-44-35 E, 137.00 feet;

thence S 89-41-25 W, parallel with the North line of Section 3, 229.03 feet to a point on the Easterly right-of-way line of Aravaipa Road;

thence N 00-01-33 W, along the Easterly right-of-way line of Aravaipa Road, 137.00 feet to the POINT OF BEGINNING. ("PARCEL NO. 2" as conveyed to Richardson by deed recorded in Docket 664, Page 202, records of the Pinal County Recorder)

PARCEL 2. That portion of Lots 4 & 5 of said Section 3, described as follows:

From the Northwest corner of Section 3:

thence S 00-04-28 E, along the West line of Section 3, 1584.20 feet to the POINT OF BEGINNING, said point also lying S 00-04-28 E, 304.13 feet from the Northeast corner of the South Half of the Northeast Quarter of Section 4;

thence N 79-25-37 E, 173.31 feet;

thence N 55-41-52 E, 669.47 feet;

thence N 21-40-24 E, 391.20 feet;

thence N 15-13-14 E, 391.44 feet;

thence N 90-00-00 E, 191.96 feet;

thence S 01-08-59 W, 471.24 feet;

thence S 27-04-33 W, 764.13 feet;

FEB 28 1991

thence S 71-11-19 W. 349.78 feet to a point on the West line of Section 3, said point lying 730.19 feet Northerly of the Southwest corner of Lot 5;

thence N 00-04-28 W. along the West line of Section 3, 275.94 feet to the POINT OF BEGINNING.

PARCEL 3. BEGINNING at a point in the South line of the Northeast Quarter of said Section 4, lying S 89-44-00 E. 692.55 feet from the Southwest corner of said Northeast Quarter;

thence N 10-09-39 W. along the Easterly right-of-way line of Aravaipa Road, 7.47 feet to a point of curvature;

thence Northerly, along the Easterly right-of-way line of Aravaipa Road, along a curve concave to the East having a radius of 443.73 feet, a distance of 60.23 feet to a point of tangency;

thence, departing from said Easterly right-of-way line, N 67-56-43 E. 198.43 feet;

thence N 32-49-36 E, 653.51 feet;

thence N 64-19-56 E, 216.59 feet;

thence N 87-36-34 E, 345.48 feet;

thence N 79-26-39 E, 915.37 feet to a point on the East line of Section 4, lying S 00-04-28 E. 304.13 feet from the Northeast corner of the South Half of said Northeast Quarter;

thence S 00-04-28 E. along the East line of Section 4, 975.94 feet to the Southeast corner of the Northeast Quarter;

thence N 89-44-00 W, along the South line of the Northeast Quarter, 1971.85 feet to the POINT OF BEGINNING.

FEB 28 1991

December 29, 1980

03-04-07-17
Holy Joe Ranch
172 +- acres

FM00283

EXHIBIT

1. An irregular parcel in the Northeast quarter of Section 4, Township 7 South, Range 17 East, G.&S.R.B.&M., Pinal County, Arizona, more particularly described as follows: That parcel of land in said Northeast quarter of Section 4 which lies South and East of the South and East right-of-way line of Aravaipa Road EXCEPTING THEREFROM Parcels I, II and III, described with particularity as follows:

EXCEPTED PARCEL I

That part of the Southeast quarter of the Northeast quarter of said Section 4 previously conveyed to EDWARD LAZENBY by Deed recorded in the Office of the Pinal County Recorder at Book 25, Page 528 of Deeds.

EXCEPTED PARCEL II

That portion of the South Half of the Southwest Quarter of the Northeast Quarter of Section 4, Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

From the Southwest corner of the Northeast Quarter of said Section 4;

Thence South 89° 44' 00" East, along the mid-section line, 957.76 feet to the POINT OF BEGINNING;

Thence North 46° 53' 06" East, 509.54 feet to a point on the East line of the Southwest Quarter of the Northeast Quarter;

Thence South 00° 20' 03" East, along the East line of the Southwest Quarter of the Northeast Quarter, 350.00 feet to the Southeast corner thereof;

Thence North 89° 44' 00" West, along the mid-section line, 374.00 feet to the POINT OF BEGINNING, containing an area of 1.50 acres, more or less.

EXCEPTED PARCEL III

That portion of the North Half of the Southeast Quarter of the Northeast Quarter of Section 4, Township 7 South, Range 17 East, Gila

FEB 28 1991

and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

From the Northeast corner of said Section 4;

Thence South 89° 51' 20" West, 1344.54 feet to the Northwest corner of Northeast Quarter of the Northeast Quarter;

Thence South 00° 21' 15" East, 1275.54 feet to the Northwest corner of the Southeast Quarter of the Northeast Quarter;

Thence South 66° 00' 32" East, 578.92 feet to the POINT OF BEGINNING;

Thence EAST, 20.00 feet;

Thence SOUTH, 20.00 feet;

Thence WEST, 20.00 feet;

Thence NORTH, 20.00 feet to the POINT OF BEGINNING.

The foregoing parcel is centered over an existing hand-dug well.

2. Grantors further grant one-half (1/2) of the flow of the appurtenant water rights from Aravaipa Creek, constituting 100 miner's inches, as is evidenced by the recording at Book 3 Miscellaneous, page 408 of the records of the Pinal County Recorder; reserving to themselves the remaining one-half (1/2) interest in said water rights, constituting an additional 100 miner's inches. Grantors further grant to Grantee an undivided one-half (1/2) interest to the use of, and an undivided one-half (1/2) interest in the responsibility for the maintenance and upkeep of, the intake works and conveyance system located in Lot 4 of Section 3, Township 7 South, Range 17 East, G.&S.R.B.&M. historically utilized for beneficially using said water right.

3. Grantors reserve to themselves a perpetual easement for utilities extending to and from Excepted Parcel III to property being retained by Grantors, said easement also to be used for the purpose of maintaining and operating the well located upon Excepted Parcel III; currently used by Grantors for the purposes of supplying Grantors with water for domestic and stock watering purposes.

4. Grantors hereby further reserve unto themselves, their successors and assigns, a perpetual non-exclusive easement over that portion of the South Half of the Southwest Quarter of the Northeast Quarter of Section 4, Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

From the Southwest corner of said South Half;

Thence South 89°44' 00" East, along the mid-section line, 692.55 feet to a point of the Easterly right-of-way line of Aravaipa Road and the POINT OF BEGINNING;

Thence North 10° 09' 39" West, along the Easterly right-of-way line of Aravaipa Road, 7.47 feet to a point of curvature;

Thence Northerly, along the Easterly right-of-way line of Aravaipa Road, along a curve to the Right having a radius of 443.73 feet, a distance of 60.23 feet to a point of tangency;

Thence North 02° 23' 02" West, along said Easterly right-of-way line, 109.72 feet to a point of curvature;

Thence Northerly, along said Easterly right-of-way line, along a curve to the Left having a radius of 369.51 feet and a central angle of 9 degrees, 39 minutes, and 47 seconds, a distance of 62.32 feet to a point of reverse curvature;

Thence Northerly, along said Easterly right-of-way line, along a curve to the Right having a radius of 1210.39 feet and a central angle of 00 degrees, 33 minutes, and 34 seconds, a distance of 11.82 feet;

Thence South 89° 44' 00" East, 553.59 feet;

Thence South 46° 53' 06" West, 363.98 feet to a point on the East and West mid-section line of Section 4;

Thence North 89° 44' 00" West, along the mid-section line, 265.21 feet to the POINT OF BEGINNING.

The retained easement is to be used for ingress and egress from the Aravaipa Road to and from the dominant estate, being that certain Excepted Parcel II as is described in Paragraph I of this Exhibit "A". The easement reserved hereby may be used by the Grantee without any further acts or approvals by Grantors. The Grantors assume no liability in connection with the use of such easement by Grantee, its successors or assigns.

FEB 28 1991

An irregular parcel in the Northeast Quarter of Section 4, Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: That parcel of land in said Northeast Quarter of Section 4, which lies South and East of the South and East right-of-way line of Aravaipa Road, EXCEPTING THEREFROM all that portion of said Northeast Quarter lying Southerly and Easterly of the following described line:

BEGINNING at a point in the South line of the Northeast Quarter of Section 4, lying S 89-44-00 E, 692.55 feet from the Southwest corner of said Northeast Quarter;

thence N 10-09-39 W, along the Easterly right-of-way line of Aravaipa Road, 7.47 feet to a point of curvature;

thence Northerly, along the Easterly right-of-way line of Aravaipa Road, along a curve concave to the East having a radius of 443.73 feet, a distance of 60.23 feet to a point of tangency;

thence, departing from said Easterly right-of-way line, N 57-55-43 E, 198.43 feet;

thence N 32-49-36 E, 653.51 feet;

thence N 64-19-56 E, 216.59 feet;

thence N 87-36-34 E, 345.48 feet;

thence N 79-26-39 E, 915.37 feet to a point on the East line of Section 4, lying S 00-04-28 E, 304.13 feet from the Northeast corner of the South Half of said Northeast Quarter, said point being the point of TERMINATION of the herein described line.

FEB 28 1991

FM00287

EXHIBIT

That portion of Lots 4 & 5 (the W1/2 of the NW1/4) of Section 3, Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

From the Northwest corner of said Section 3;

thence S 00-04-28 E, along the West line of Section 3, 1584.20 feet to the POINT OF BEGINNING, said point also lying S 00-04-28 E, 304.13 feet from the Northeast corner of the South Half of the Northeast Quarter of Section 4;

thence N 79-26-39 E, 173.31 feet;

thence N 55-41-52 E, 668.47 feet;

thence N 21-40-24 E, 391.20 feet;

thence N 15-15-14 E, 391.44 feet;

thence N 90-00-00 E, 191.96 feet;

thence S 01-08-59 W, 471.26 feet;

thence S 27-04-33 W, 764.13 feet;

thence S 71-11-13 W, 849.78 feet to a point on the West line of Section 3, said point lying 770.29 feet Northerly of the Southwest corner of Lot 5;

thence N 00-04-28 W, along the West line of Section 3, 275.94 feet to the POINT OF BEGINNING.

TOGETHER WITH an exclusive easement for ingress and egress over the South 325.00 feet of the North 505.00 of the East 200.00 feet of Lot 4, EXCEPT any portion thereof lying within the above described parcel.

ALSO TOGETHER WITH a 20 foot wide non-exclusive easement for ingress and egress running from Aravaipa Road, through the North-easterly portion of Lot 4, and connecting to the West line of Lot 3, as described in Docket _____ : Page _____ records of the Pinal County Recorder.

December 29, 1988

FEB 28 1991

03-07-17.NW
Parcel C
11.81 acres

#2

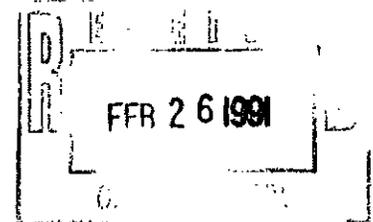
FM00288



Aravaipa Canyon Preserve

A.C. Star Route Box 4318, Winkelman, AZ 85292
(602) 357-6349

February 22, 1991



Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, AZ 85007

RE: Application for Permit to Appropriate Public Water
Nos. 33-95488, 33-95489, 33-95490 and 33-95771

Dear Mr. Stuart:

Enclosed are the signed and notarized Affidavits of Posting Notice and copies of the Notice of Application to Appropriate Public Water for the four above-referenced applications. In addition to each notice being posted along the road adjacent to its respective stream segment, all four notices were posted at both the Klondyke and Winkelman post offices. The enclosed photographs show each posting location.

Please advise if any additional information is necessary for processing these applications.

Sincerely,

A handwritten signature in cursive script that reads "Thomas P. Collazo".

Thomas P. Collazo
Preserve Director

Enclosures

cc: Mark Heitlinger, Robert Wigington



ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue
Phoenix, Arizona 85007

AFFIDAVIT OF POSTING NOTICE

STATE OF ARIZONA

APPLICATION TO APPROPRIATE

County of Pinal)
) ss.
)

NO. 33-95771

Thomas P. Collazo, being first duly sworn, states that two copies of the Notice of Application for a Permit to Appropriate Public Water of the State of Arizona No. 33-95771, a copy of which is hereto attached, were posted on the 12th day of January, 19 91, at:
1. U.S. Post Office, Winkelman, AZ

2. Along Aravaipa Canyon Road in the Northwest Quarter of the Northwest Quarter of Section 3, Township 7 South, Range 17 East, G.S.R.B.M., Pinal County, Arizona.

Each of the notices was posted in a conspicuous place in the locality to be affected by the proposed appropriation of water and remained posted for thirty consecutive days ending on the 15th day of February, 19 91.

Thomas P. Collazo
Affiant

Subscribed and sworn to before me this 22 day of February, 19 91.

Theodore Ch...
Notary Public

My commission expires:

Nov 09, 1993

RECEIVED
FEB 26 1991

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATER

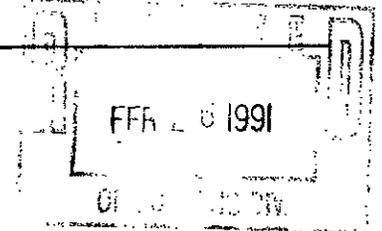
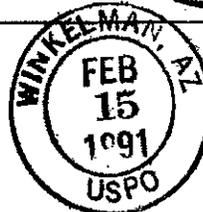
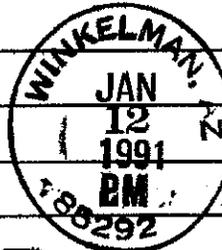
On the 31st day of October, 19 90, Arizona Chapter of The Nature Conservancy,
300 East University Boulevard, Suite 230, Tucson, Arizona 85705

filed an Application for a Permit to Appropriate Public Water, No. 33-95771.

The application states:

1. Source of water: Aravaipa Creek, a tributary of the San Pedro River.
2. Purposed use and amount: 10,432.68 acre-feet per annum for recreation and wildlife.
Insitu use based on a cubic feet per second monthly flow.
3. Point of diversion: See reverse side.
4. Place(s) of use: See reverse side.
5. Description of dam and reservoir: N/A.

Other: ***SEE MAP ON REVERSE SIDE***



Any person whose prior vested appropriable water rights may be affected by this proposed appropriation, may, within sixty (60) days of the issuance of the Notice, file a Statement of Protestant against this application. The protest form may be obtained from the Arizona Department of Water Resources, Operations Division, 15 South 15th Avenue, Phoenix, Arizona 85007.

The Statement of Protestant must be completed according to instructions found on the form and filed with the Department. The protestant must also send a copy of the completed Statement to the applicant.

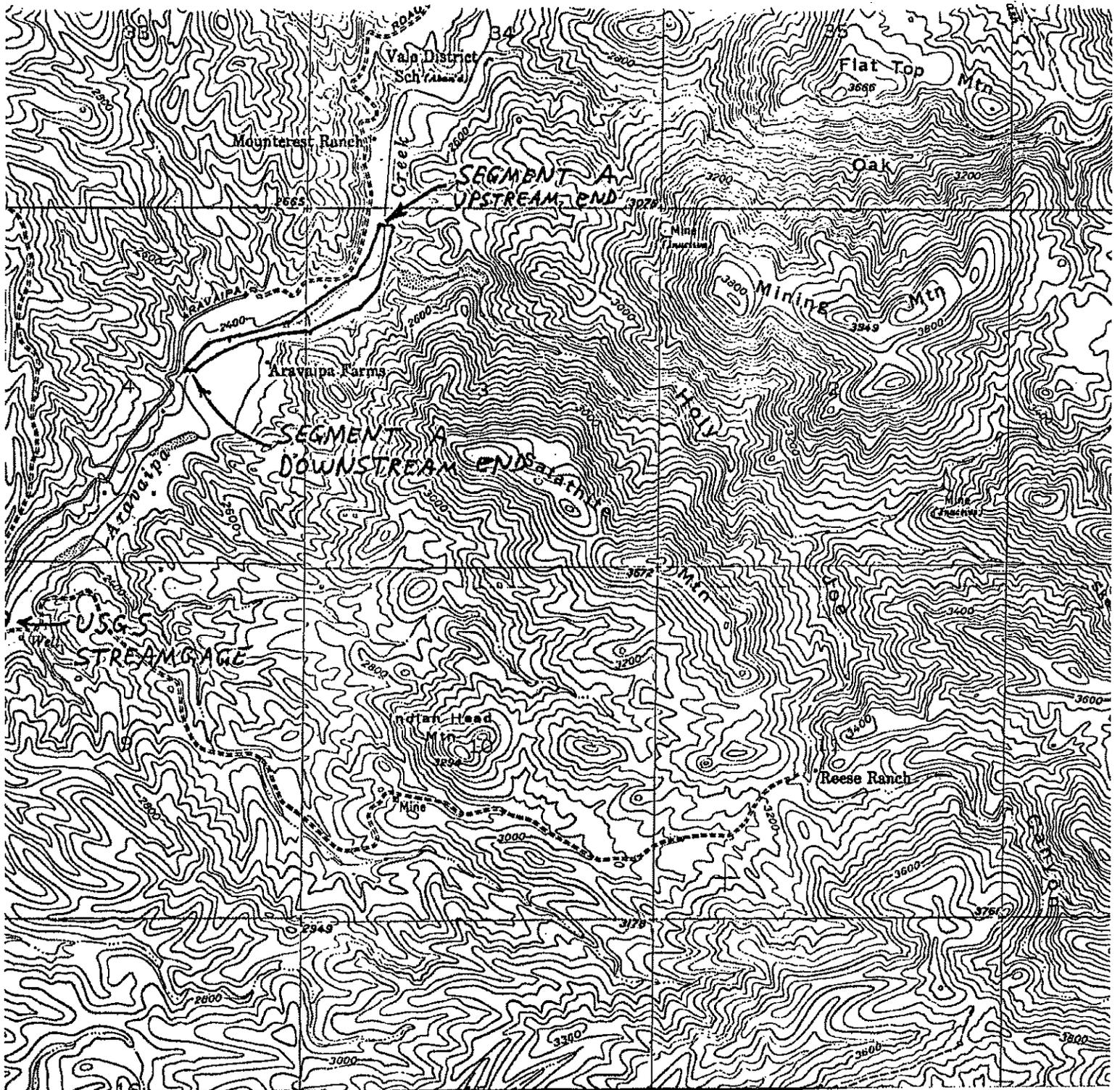
Inquiries concerning the proposed appropriation may be directed to the Operations Division at (602) 542-1581.

Issued this 28 day of December, 19 90.

Arizona Department of Water Resources

- 3. Point of diversion and:
- 4. Place(s) of use:

Water will not be diverted out of the natural channel; use will occur instream along the meandering channel of Aravaipa Creek at a point beginning in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 3 and continuing through the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), Section 3; the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 4, and ending at a point within the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 4, all within Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.





December 28, 1990

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

San Manuel Miner
P. O. Box 465
San Manuel, Arizona 85631

15 South 15th Avenue
Phoenix, Arizona 85007

Re: Application for Permit to Appropriate Public Water
Nos. 33-95488 and 33-95771

Dear Editor:

The Department of Water Resources submits the following material which you may find of interest.

Enclosed are one or more copies of the notices required to be posted by the applicant, seeking a permit to appropriate public waters of the State of Arizona.

Yours truly,

A handwritten signature in cursive script, reading 'Joe B. Stuart'.

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:as

Enclosures

FM00293



December 28, 1990

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

Mark Heitlinger, Director of Stewardship
The Arizona Nature Conservancy
300 East University Blvd., Suite 230
Tucson, Arizona 85705

15 South 15th Avenue
Phoenix, Arizona 85007

Re: Application for Permit to Appropriate Public Water
Nos. 33-95488, 33-95489, 33-95490 and 33-95771

Dear Mr. Heitlinger:

Enclosed are two copies of the Notice of Application to Appropriate Public Water and an Affidavit of Posting Notice for the referenced applications.

The Notices must be posted within twenty days (20) from the date of issuance appearing at the bottom thereof. The Notices must be posted in two conspicuous public places, and must remain posted continuously for thirty (30) days. The Department suggests one Notice be posted at the post office nearest the locality of the proposed appropriation and the other Notice be posted at the site of the proposed appropriation.

At the conclusion of the thirty-day posting period, the Affidavits of Posting Notice, with one copy of the Notice attached, must be completed, notarized and filed with the Department of Water Resources.

Yours truly,

A handwritten signature in cursive script, appearing to read "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:as

Enclosures

FM00294

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATER

On the 31st day of October, 19 90, Arizona Chapter of The Nature Conservancy,
300 East University Boulevard, Suite 230, Tucson, Arizona 85705

filed an Application for a Permit to appropriate Public Water, No. 33-95771.

The application states:

1. Source of water: Aravaipa Creek, a tributary of the San Pedro River.
2. Purposed use and amount: 10,432.68 acre-feet per annum for recreation and wildlife.
In situ use based on a cubic feet per second monthly flow.
3. Point of diversion: See reverse side.
4. Place(s) of use: See reverse side.
5. Description of dam and reservoir: N/A.

Other: *****SEE MAP ON REVERSE SIDE*****

Any person whose prior vested appropriable water rights may be affected by this proposed appropriation, may, within sixty (60) days of the issuance of the Notice, file a Statement of Protest against this application. The protest form may be obtained from the Arizona Department of Water Resources, Operations Division, 15 South 15th Avenue, Phoenix, Arizona 85007.

The Statement of Protest must be completed according to instructions found on the form and filed with the Department. The protestant must also send a copy of the completed Statement to the applicant.

Inquiries concerning the proposed appropriation may be directed to the Operations Division at (602) 542-1581.

Issued this 28 day of December, 19 90

Arizona Department of Water Resources

3. Point of diversion and:

4. Place(s) of use:

Water will not be diverted out of the natural channel; use will occur instream along the meandering channel of Aravaipa Creek at a point beginning in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 3 and continuing through the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), Section 3; the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 4, and ending at a point within the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 4, all within Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.

Two copies to applicant and to:

City of Tucson, P.O. Box 27210, Tucson, AZ. 85726

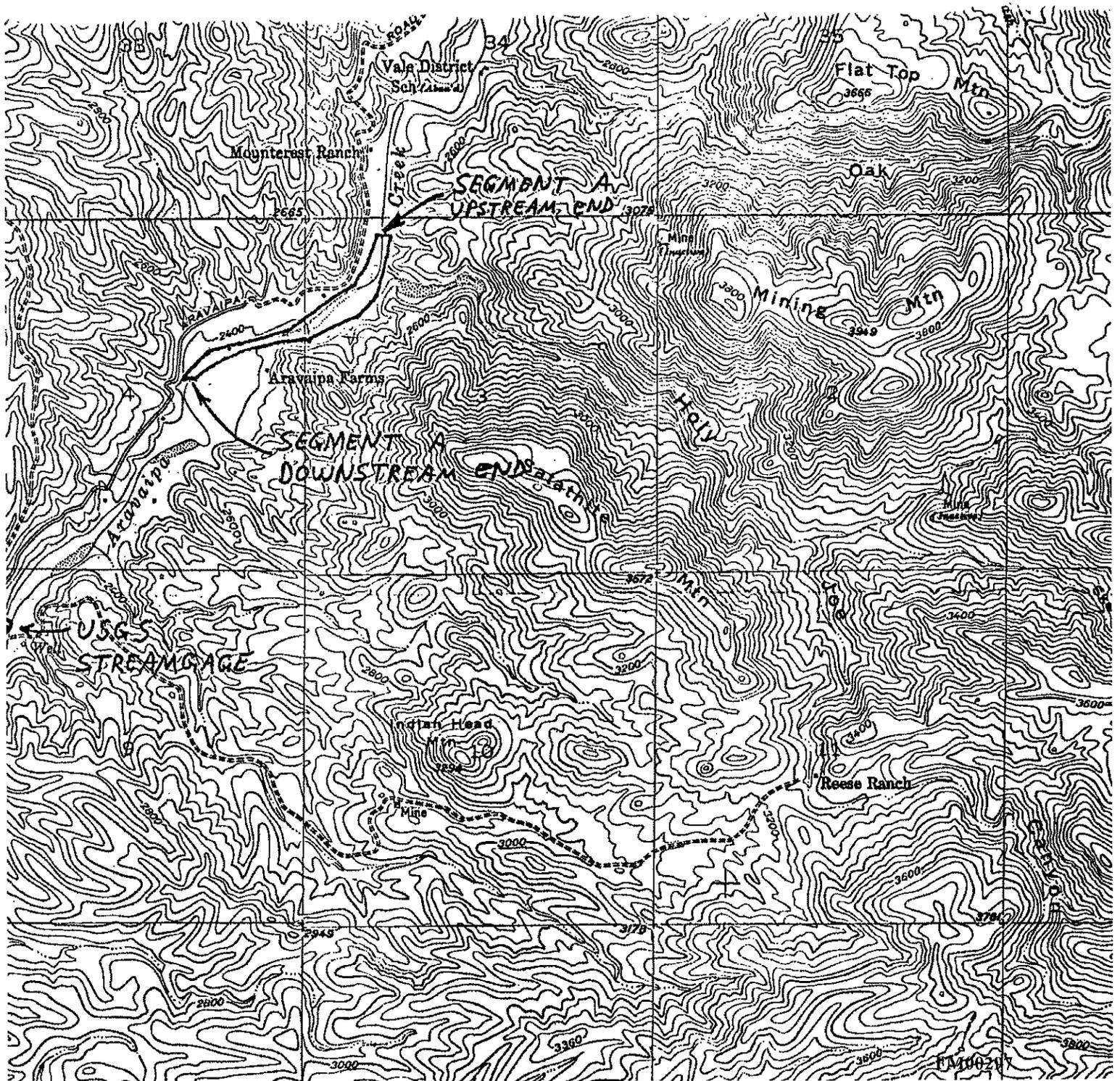
San Carlos Irrig. Project, P.O. Box 250, Coolidge, AZ. 85228

San Carlos Irrig. & Drainage Dist., P.O. Box 218, Coolidge, AZ. 85228

Donald Geldmacher, AC Star Route 4262, Winkelman, AZ. 85292

3. Point of diversion and:
4. Place(s) of use:

Water will not be diverted out of the natural channel; use will occur instream along the meandering channel of Aravaipa Creek at a point beginning in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 3 and continuing through the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), Section 3; the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 4, and ending at a point within the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), Section 4, all within Township 7 South, Range 17 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.





Aravaipa Canyon Preserve

A.C. Star Route Box 4318, Winkelman, AZ 85292
(602) 357-6349

December 3, 1990

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Arizona Department of Water Resources
15 South 15th Avenue
Phoenix, AZ 85007

RE: Application for Permit to Appropriate Public Water
Nos. 33-95488 and 33-95771

Dear Mr. Stuart:

The above referenced applications are enclosed for resubmittal with the corrections discussed in your letter of November 9, 1990, to Mark Heitlinger.

On application No. 33-95488, the map has been redrawn to better conform to the legal land description provided in the application. At the present time, there exist differing versions of the exact boundaries near our downstream property terminus. However, all appear to agree that Conservancy ownership extends at least to where Aravaipa Creek leaves the Northeast quarter of the Southwest quarter of Section 26, Township 6 South, Range 17 East. The lines indicating property ownership in this vicinity are approximate. Please let us know if any additional information is needed.

On the returned application for the Holy Joe Segment (A), the file number at the top of the first page has a "38" prefix. I assume that "33" is the correct filing prefix.

Thank you for your careful consideration of these applications.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Collazo".

Tom Collazo
Preserve Director
Aravaipa Canyon Preserve

cc: Mark Heitlinger, Robert Wigington



ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue
Phoenix, Arizona 85007

APPLICATION FOR PERMIT TO APPROPRIATE
PUBLIC WATER OF THE STATE OF ARIZONA

OCT 31 1990

NO. 32-95771

FILED 10-31-1996

1. Name Arizona Chapter of The Nature Conservancy Telephone (602) 622-3861

Address 300 E. University Blvd., #230 Tucson, Arizona 85705

2. Type of source and name, if any, Aravaipa Creek
a tributary of San Pedro River on the San Pedro watershed.
do not complete

3. Use of Water

A. Domestic
1. No. of Persons _____ 2. No. of Families _____

DEC 5

B. Municipal
1. Population to be served _____
2. Estimate of future population and water requirements _____

C. Irrigation
1. Location of the irrigated acreage
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ EW
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ EW

2. Number of acres to be irrigated _____
3. Describe type of crop to be irrigated _____

D. Stockwatering
1. Kind of stock _____ 2. No of stock _____

E. Power - Describe the nature of the works by which power is to be developed, pressure head, points of release of water and the uses to which the power will be applied. Attach documents as necessary.

F. Mining
1. Kind of mining claims _____
2. Methods of supplying and using water _____

G. Recreation
1. Character of area to be used Base flow a desert stream through or along a nature preserve for rare wildlife, native fish, and plants.

H. Wildlife
1. Kind of wildlife 7 native fish, 8 amphibian, 47 reptile, 237 bird and 46 mammal species, 20 of which are federally or state protected.
2. Character of area to be served Same as recreation.

I. Groundwater Recharge _____

J. Storage & Recovery _____

4. Amount of water Use	Amount	Measure	Months of Use
See Attachment 1.	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Legal description of point of diversion: County N/A
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range EW-G&SRB&M

6. Legal description of place of use: County See Attachment 1.
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range EW-G&SRB&M
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range EW-G&SRB&M

7. Description of method(s) by which water will be put to beneficial use: Water will be used instream without
artificial diversion or impoundment.

8. Storage of water

A. Name of reservoir N/A

B. Dam specifications: Height feet

DEC - 5 1990

NOV 21 1990

C. Reservoir behind dam

- 1. Maximum storage volume at spillway crest acre feet
- 2. Capacity for each foot in depth in cubic feet

9. Construction of works will begin within N/A after approval
of this application, will be completed within thereafter,
and the water will be applied to the proposed use(s) no later than .

10. Name of owner of the land Arizona Chapter of the Nature Conservancy

Does the applicant have legal access to the point of diversion and place(s) of use? Yes XX No
if no, explain

11. Is the water to be used supplementally with other water(s)? Yes No XX

If "Yes" identify other waters or water rights, and explain below:

12. Additional comments See Hardy, T.B.; Bartz, B.; and Carter, W.: Report on Instream Flow
Recommendations for the Fishes of Aravaipa Creek, Arizona. For The Nature
Conservancy, October, 1990.

13. Attach filing fee of \$25.00

14. Attach a United States Geological Survey quad map with point of diversion and place(s) of use clearly marked on map.

DATED this 29 day of October 1990

Applicant

ARAVAIPA -- HOLY JOE (A): ATTACHMENT 1

1) Legal Description of Reach and Place of Use.

Aravaipa Creek within NW 1/4 of Sec. 3 and NE 1/4 of Sec. 4, T7S R17E, G.S.R.B.M., Pinal County, Arizona. (Approx. 0.75 stream mile.)

2) Amount of water at USGS Gage.

a. Monthly Rate of Base Flow (cfs)

October	12	February	16	June	12
November	14	March	19	July	14
December	15	April	16	August	14
January	15	May	13	September	13

b. Maximum Annual Volume (af): 10,432.68

3) Conditions on Application

- a. There shall be no impoundments of public waters nor interference with the natural flow of Aravaipa Creek.
- b. There shall be no consumptive use of public waters other than caused by the natural habitat (flora and fauna).
- c. There shall be no degradation of water quality by reason of applicant's use of these public waters other than as caused by the natural habitat.
- d. There shall be no interference with nor detrimental effect upon prior vested rights as a result of the requested instream use.

DEC - 5 1970



November 9, 1990

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

15 South 15th Avenue
Phoenix, Arizona 85007

Mark Heitlinger, Director of Stewardship
The Arizona Nature Conservancy
300 East University Boulevard, Suite 230
Tucson, Arizona 85705

RE: Application for Permit to Appropriate Public Water
Nos. 33-95488 and 33-95771

Dear Mr. Heitlinger:

The referenced applications are being returned to you. The following information must be provided before the applications can be considered for final review:

Application No. 33-95488

The legal land description marked on your map for the ending point of Arivaipa Creek (west end, segment B), appears to be the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), Section 26, Township 6 South, Range 17 East. The location stated on attachment 1 of your application for the ending point of the referenced segment of Arivaipa Creek is the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), Section 26, Township 6 South, Range 17 East. The locations marked on your map must agree with the legal descriptions provided in your application.

Application No. 33-95771

The legal land descriptions marked on your map for Arivaipa Creek (segment A), appear to be Sections 3 and 4 of Township 7 South, Range 17 East. The locations stated on attachment 1 of your application for the referenced segment of Arivaipa Creek are Sections 3 and 4 of Township 6 South, Range 17 East. The locations marked on your map agree with the legal descriptions provided in your application.

An application shall not lose priority of filing because of defects if the application is corrected, completed and refiled with the Department of Water Resources within sixty days after its return to the applicant, or within such further time as the Director of Water Resources may, by an order of record, allow. If the application is not refiled within sixty days from the date of this letter, a new date of priority will be established.

Yours truly,

A handwritten signature in cursive script that reads "Joe B. Stuart".

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Telephone (602) 542-1581

JBS:as

Enclosures

FM00302



ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue
Phoenix, Arizona 85007

APPLICATION FOR PERMIT TO APPROPRIATE
PUBLIC WATER OF THE STATE OF ARIZONA

31 1990

NO. 33-95771

FILED 10-31-1990

1. Name Arizona Chapter of The Nature Conservancy Telephone (602) 622-3861
Address 300 E. University Blvd., #230 Tucson, Arizona 85705

2. Type of source and name, if any, Aravaipa Creek
a tributary of San Pedro River on the San Pedro watershed.
do not complete

3. Use of Water

A. Domestic
1. No. of Persons _____ 2. No. of Families _____

B. Municipal
1. Population to be served _____
2. Estimate of future population and water requirements _____

C. Irrigation
1. Location of the irrigated acreage
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ E/W
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ E/W

2. Number of acres to be irrigated _____

3. Describe type of crop to be irrigated _____

D. Stockwatering
1. Kind of stock _____ 2. No of stock _____

E. Power - Describe the nature of the works by which power is to be developed, pressure head, points of release of water and the uses to which the power will be applied. Attach documents as necessary.

F. Mining
1. Kind of mining claims _____
2. Methods of supplying and using water _____

G. Recreation Base flow a desert stream through or along a nature preserve
1. Character of area to be used for rare wildlife, native fish, and plants.

H. Wildlife 7 native fish, 8 amphibian, 47 reptile, 237 bird and 46 mammal species,
1. Kind of wildlife 20 of which are federally or state protected.
2. Character of area to be served Same as recreation.

I. Groundwater Recharge _____

J. Storage & Recovery _____

4. Amount of water Use	Amount	Measure	Months of Use
See Attachment 1.	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Legal description of point of diversion: County N/A
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range E/W-G&SRB&M

6. Legal description of place of use: County See Attachment 1.
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range E/W-G&SRB&M
 $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ Section Township N/S Range E/W-G&SRB&M

7. Description of method(s) by which water will be put to beneficial use: Water will be used instream without
artificial diversion or impoundment.

8. Storage of water
A. Name of reservoir N/A
B. Dam specifications: Height feet 100
C. Reservoir behind dam
1. Maximum storage volume at spillway crest acre feet 11
2. Capacity for each foot in depth in cubic feet

9. Construction of works will begin within N/A after approval
of this application, will be completed within thereafter,
and the water will be applied to the proposed use(s) no later than

10. Name of owner of the land Arizona Chapter of the Nature Conservancy
Does the applicant have legal access to the point of diversion and place(s) of use? Yes XX No
if no, explain

11. Is the water to be used supplementally with other water(s)? Yes No XX
If "Yes" identify other waters or water rights, and explain below:

12. Additional comments See Hardy, T.B.; Bartz, B.; and Carrer, W.: Report on Instream Flow
Recommendations for the Fishes of Aravaipa Creek, Arizona. For The Nature
Conservancy, October, 1990.

13. Attach filing fee of \$25.00
14. Attach a United States Geological Survey quad map with point of diversion and place(s) of use clearly marked on map.
DATED this 29 day of October, 1990

Orlando Hill
Applicant

ARAVAIPA -- HOLY JOE (A): ATTACHMENT 1

1) Legal Description of Reach and Place of Use.

Aravaipa Creek within NW 1/4 of Sec. 3 and NE 1/4 of Sec. 4, T6S R17E, G.S.R.B.M., Pinal County, Arizona. (Approx. .75 stream mile.)

2) Amount of water at USGS Gage.

a. Monthly Rate of Base Flow (cfs)

October	12	February	16	June	12
November	14	March	19	July	14
December	15	April	16	August	14
January	15	May	13	September	13

b. Maximum Annual Volume (af): 10,432.68

3) Conditions on Application

a. There shall be no impoundments of public waters nor interference with the natural flow of Aravaipa Creek.

b. There shall be no consumptive use of public waters other than caused by the natural habitat (flora and fauna).

c. There shall be no degradation of water quality by reason of applicant's use of these public waters other than as caused by the natural habitat.

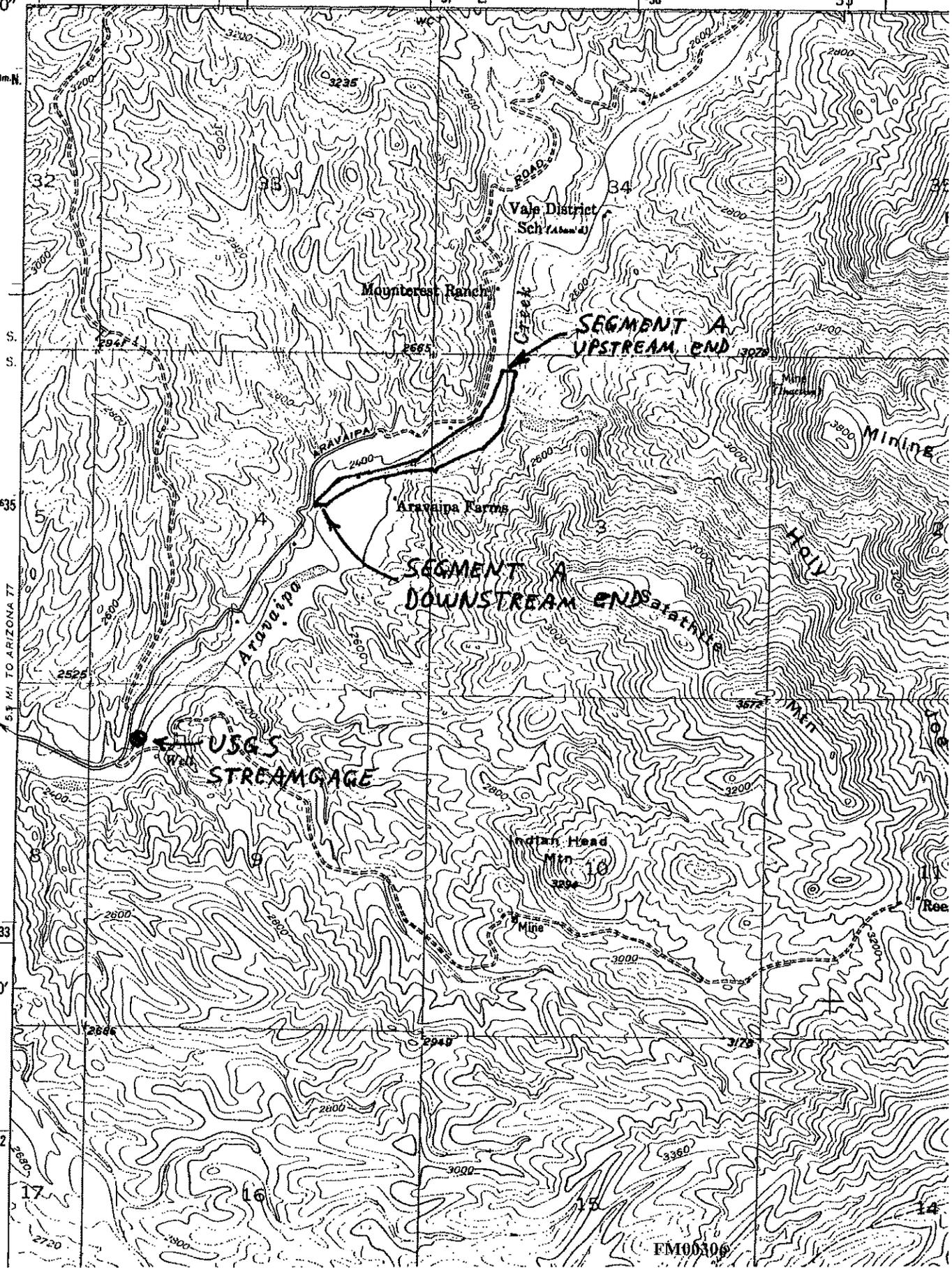
d. There shall be no interference with nor detrimental effect upon prior vested rights as a result of the requested instream use.

3891 NW
(SADDLE MTN)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

110°37'30" 537000m.E 538 35'
32°52'30"

3637000m.N
T. 6 S.
T. 7 S.
3635
5.3 MI TO ARIZONA 77
3633
50'
3632
17



FM06306

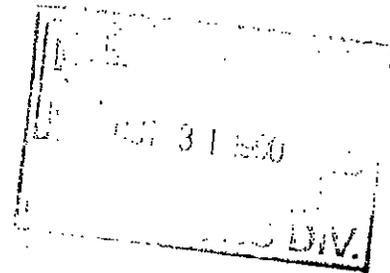


The Arizona Nature Conservancy

300 East University Boulevard, Suite 230, Tucson, Arizona 85705
(602) 622-3861 FAX (602) 620-1799

October 29, 1990

Mr. Joe B. Stuart, Section Manager
Surface Water/Adjudication
15 South 15th Avenue
Phoenix, Arizona 85007



RE: Applications for Instream Water Rights on Aravaipa Creek

Dear Mr. Stuart,

Please accept for posting the enclosed applications for instream base flow water rights on four segments of Aravaipa Creek that run through or abut property that is part of The Nature Conservancy's Aravaipa Creek Preserve. Two of the segments are upstream from the stream segment in the BLM Wilderness Area, for which instream permit #33-87114 was issued on March 19, 1989, and two are downstream.

The enclosed applications are largely based on the instream habitat needs of the native fish which occupy each of the segments as detailed in the enclosed report by Dr. Thomas B. Hardy. The instream base flows will also be beneficially used for recreation, not only for hikers bound for the BLM Wilderness Area who traverse Conservancy-owned property adjacent to some of the segments or who traverse the stream segments themselves, but also for participants in Conservancy-sponsored field trips on property adjacent to or within each segment. The beneficial use for native fish and recreation within the Conservancy segments as well as the requested base flow amounts, are similar to those permitted to the BLM for the wilderness reach. The base flow will also be beneficial to the riparian vegetation along the Conservancy segments and to a great variety of large and small wildlife.

As indicated in the Hardy report, the amounts sought to be permitted as base flow do not exceed the medians of daily measurements taken during each month of the year, or of correlations from such measurements. The requested amounts therefore necessarily exclude some higher, less frequent flows that may be used beneficially to provide more optimum instream fish habitat, to more fully sustain riparian vegetation, to provide natural flood, scouring or channel maintenance flows, or to provide greater levels of aesthetic appreciation or recreation. The Nature Conservancy may seek water rights for such other instream beneficial uses in subsequent and separate applications with more junior priority dates.

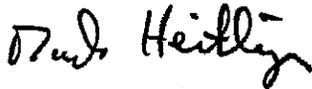
FM00307

Mr. Joe B. Stuart
page 2
October 24, 1990

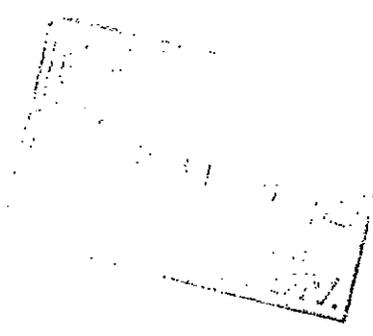
The applications for the Upper East End and Upper West End segments seek to permit flow amounts measured at points upstream from the downstream termini of these reaches. The requested flow amounts therefore exclude any gain from the point of measurement to the downstream termini. If The Nature Conservancy is able to measure or other wise determine the magnitude of the gain, it may seek to increase the base flow water right at the downstream termini of these segments by the amount of such gain, but again in separate and junior applications.

We have attached a check for \$25.00 to each of the applications for the filing fees and USGS quad maps showing each segment and point of measurement. We would very much appreciate your prompt posting of these applications so that any protests can be resolved and the permits considered in the adjudication of the San Pedro River Basin.

Very truly yours,



Mark Heitlinger
Director of Stewardship



11 SAN PEDRO WATERSHED

City of Tucson, P.O. Box 27210,
Tucson, AZ 85726

San Carlos Irrigation Project,
P.O. Box 250, Coolidge, AZ 85228
San Carlos Irrig. & Drainage Dist.,
P.O. Box 218, Coolidge, AZ 85228

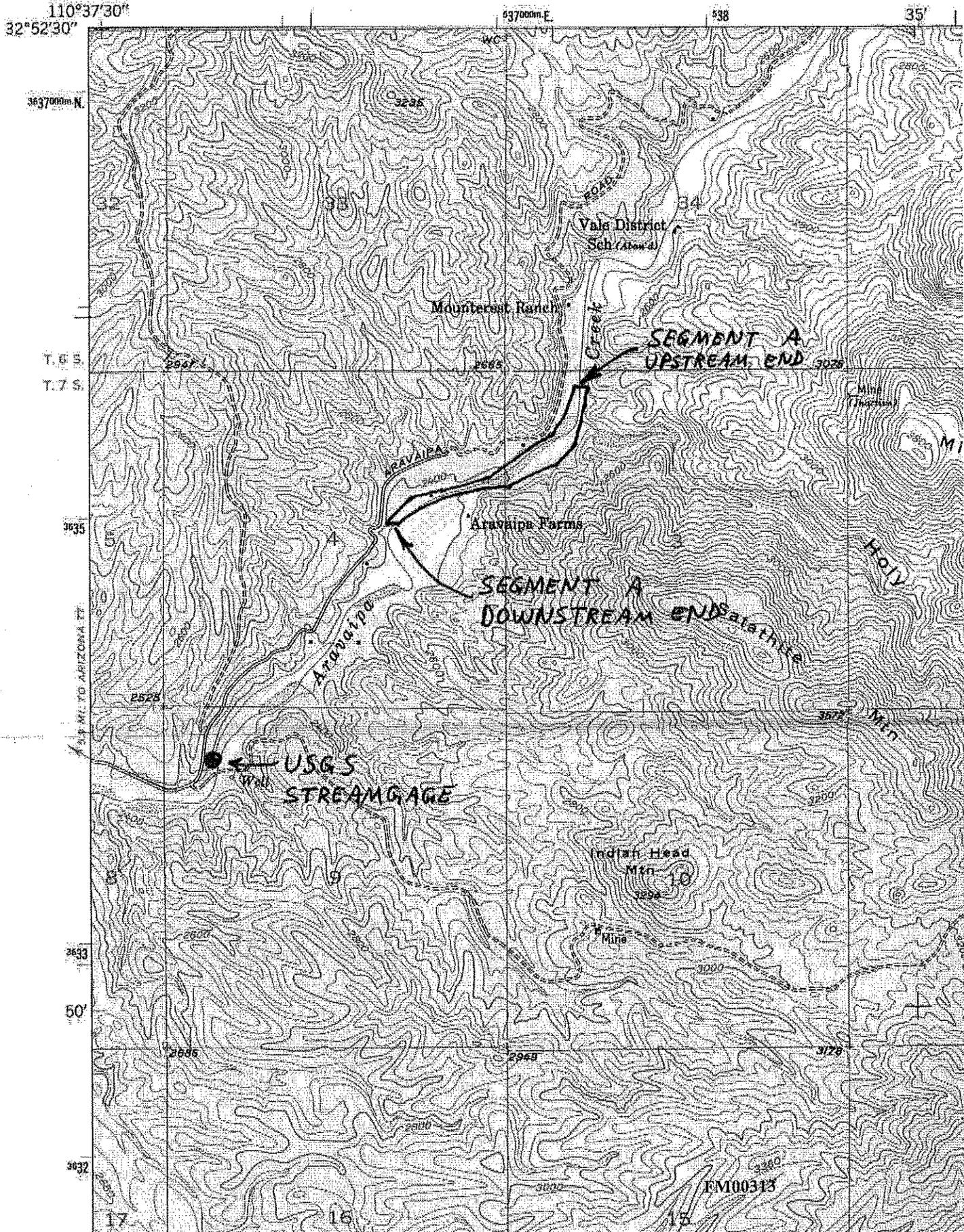
36-100139 } Donald Geldmacher
36-100142 } AC Star Rt 4262
36-100143 } Winkelman, AZ
85292

SURFACE WATER RIGHTS - (Louise)

	NAME	REG #	STATUS	FILE	PRIORITY	LEGAL	DIV	MAP
1	NATURE CONSERVANCY	33-95771.0	ACTIVE - INSTREAM FLOW	Oct 31, 1990	Oct 31, 1990	NW NW 3 7S 17E	POU	3684
2						SW NW 3 7S 17E	POU	3684
3						SW NE 4 7S 17E	POU	3684
4						SE NE 4 7S 17E	POU	3684
5	Count:	1					4	

3637000 N
110°37'30" W
SADDLE MTN

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



FM100313