

INSTREAM FLOW CHECKLIST

NAME BLM (Safford)

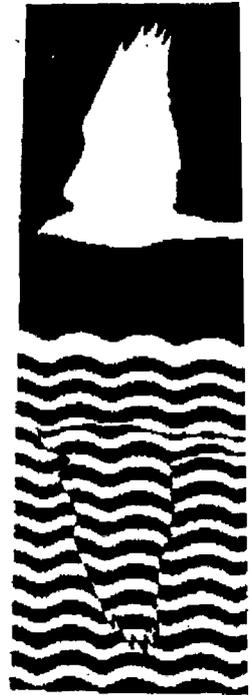
NO. 33-95780

APPLICANT	DATE	INIT.	ADWR - SURFACE WATER	DATE	INIT.
Preapplication Meeting			Preapplication Meeting	5/17/93	RW
Submit Application			Receive Application <input checked="" type="checkbox"/> Acpt'd <input type="checkbox"/> Complete <input type="checkbox"/> Rej'd	1/8/91	RW
Post Public Notice	1/28/91	RW	GIS Mapping	12/26/91	RW
Submit Affidavit of Posting			Prepare Notice of Intent	1/23/91	RW
Protest (if any) Resolved			Receive Affidavit of Posting	3/22/91	RW
Collect Data (Min. 1 Year)			Protest Received	2/1/91	RW
Submit Study <input type="checkbox"/> Outline <input type="checkbox"/> Draft <input type="checkbox"/> Final			Protest Withdrawn		
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		
Submit Analysis of Streamflow Data & Documentation	3-2-93		Permit Fees Received		
Review/Comment Draft CWR			Final Permit Approved & Signed by Asst. Director		
Submit CWR Fees			Permit Issued		
Continue Streamflow Measurement			Proof & Affidavit Received		
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		
Review Study <input type="checkbox"/> Outline <input type="checkbox"/> Draft <input type="checkbox"/> Final			CWR Fee Received		
Review Data			Final CWR Approved & Signed by Asst. Director		
Review Protests (if any)			CWR Issued		
Approve for Permit			AZ GAME & FISH	DATE	INIT.
Review Draft Permit			Permit Approved		
Review Data for CWR					
Approve for CWR					
Review Draft CWR					

United States Department of the Interior

San Pedro Riparian
National Conservation Area

Bureau of Land Management
Rural Route 1, Box 9853
Huachuca City, AZ 85616
(602) 457-2265



FACSIMILE TRANSMITTAL LETTER

DATE: 3-2-93

DELIVER TO: Tom Harbour - Andy Kutz

FAX NUMBER: 256 - 0506

FROM: BEN LOMEH BLM

NUMBER OF PAGES (including this one): 6

COMMENTS: Please review & comment.

IF FAX DOES NOT
TRANSMIT PROPERLY,
PLEASE CALL:
(602) 457-2265
FTS: 700-479-2200

Indicates changes from
original technical report.

Analysis Of Water Resources And Water-Dependent
Resources In Support Of Instream Flow Water Rights
San Pedro River, Arizona
(#33-95780)

Introduction:

On January 08, 1991, The Department of Interior, Bureau of Land Management (BLM) filed an application (#33-95780) with the Arizona Department of Water Resources (ADWR) to appropriate water within the upper reach of the San Pedro River from the International border to Palominas road for in-situ, or instream uses. (This reach was not covered by #33-90103, but lies directly upstream and is similar in flow regime, hydrogeological, physical, and biotic characteristics). The applied for stream segment flows for approximately 3.0 miles from T24S, R22E, Section 19 NE 1/4 NW 1/4 downstream to T24S, R22E, Section 04 NW 1/4 NE 1/4. The claimed amount was 5.1 cubic feet per second (CFS), 3,674 acre feet annually, to support the beneficial uses of fish, wildlife, recreation, and other amenities such as riparian habitat and aesthetics.

Beneficial
uses

Physical Setting:

Located in Southwestern Cochise County, Arizona, the San Pedro River is a tributary of the Gila River. The river begins in Mexico, about forty miles south of the International border, near the mining town of Cananea, Sonora. Within the United States, the watershed ranges from 9,466 feet in elevation at Miller Peak in the Huachuca mountains to 1,972 feet at the confluence with the Gila River. Stream flow on BLM-managed public land originates high on USFS-managed lands in the Huachuca, Mustang and Whetstone Mountains and in the Canelo Hills. This BLM application only covers the upper end of the San Pedro River which is within the San Pedro Riparian National Conservation Area, from the Palominas road south to the International border (Figure 1). This reach was not included with ISF #33-90103 only because these lands were acquired after the land grants (which were covered by ISF #33-90103 which had already been assigned to BLM). Nowhere along this reach is the stream impounded or significantly diverted, and remains essentially uncontrolled. The San Pedro is contained in the center of a wide grassland valley through most of its upper reaches but has entrenched moderately deep banks along lower reaches. Like the certificated portion of the San Pedro, this reach provides an abundance of riparian, wildlife, fish, hydrological, and recreational resource values. These resource values are directly tied to sustained surface flows and subflows in this river.

Water Resource Analysis:

The San Pedro watershed is a tributary watershed on the southern side of the Gila basin, with a total catchment area of 4,483 square miles. The upper San Pedro drains the northern slopes of the Canelo Hills, the southern and eastern flanks of the Huachuca Mountains, all of Mustang Mountains, and the eastern edge of the Whetstone Mountains. On public land the stream is contained laterally within the younger alluvium of the inner-valley floodplain and flows over sand and gravel in the channel. In most areas there appears to be significant sub-surface flow and alluvial storage. Streamflows are extremely variable from month to month and year to year. Generally the lowest flows are seen during early summer, before the onset of the summer monsoons and in early winter. Peak flows are associated with intense summer thunderstorms and large winter storm events. This variability in streamflow is necessary for the maintenance of the riparian resource values found along the San Pedro River.

Surface flows have been measured since 1932 at the USGS gage (#09470500) located at the Palominas bridge. The catchment area above this point is 741 square miles, (696 square miles, or 94% in Mexico). The Palominas gage (#09470500) is located only three miles downstream from the International border and is considered to be representative of the applied for stream segment. No tributaries or surface water diversion exist between the border and the gage. No geologic uplifting or restrictions are known to exist within this reach. Furthermore, flow measurements at the International border closely match those at the gaging site. Minor transmission losses indicate this is a losing reach as is most of the downstream certified reach. The Palominas reach has similar geomorphic, physical, hydrologic, and hydrogeologic characteristics to the lower segment, beneficial uses are the same as those covered by ISF #33-90103. Both reaches exhibit a similarly high degree of variance from month to month, and from year to year. The applied for reach also has the same vegetative communities as the lower certified reach, and supports the same fish and wildlife species. This reach exhibits the same meandering pattern, bank entrenchment, and is part of the same alluvial aquifer overlying the same regional aquifer as the lower certified reach. This reach also exhibits artesian conditions as does the lower portion of the certified reach. The measured values support our request for a mean monthly flow distributed over the year as described in table 1, (item #4 of application).

Water quality has been analyzed at this site quarterly and appears to be well within the standards for the applied beneficial uses.

Water Dependent Resources:

Riparian values of the San Pedro River are dependent on surface flow in the stream channel. The key to sustaining these water dependent resources is not only the presence of surface water but also the flow variation that serves to maintain the channel, restructure banks, and prepare suitable seed beds through the cycle of erosion and deposition. The presence of sufficient quantities of water and natural fluctuations in stream flow are inextricably linked to fish, wildlife, aesthetics, recreation, and to the maintenance of a healthy, dynamically balanced riparian ecosystem. Reductions in absolute quantity or in fluctuations of surface flow, caused by diversions or impoundments for competing uses of water, could drastically alter the natural ecological balance that has produced and sustained the rare riparian resource values found in this area. This could result in the severe deterioration or even loss of many significant resources that the BLM is mandated to protect. (Please reference Certificate ISF #33-90103 and Jackson, et. al., "ASSESSMENT OF WATER CONDITIONS AND MANAGEMENT OPPORTUNITIES IN SUPPORT OF RIPARIAN VALUES: -BLM San Pedro River Properties, Arizona, Project Completion Report", May 1987, pages 25-57).

Riparian Vegetation: The riparian plant community along this reach is the same as on the certified downstream reach of the San Pedro River. This riparian corridor is representative of what existed in many Arizona stream channels before extensive water diversions, impoundments and degradation of watershed condition altered the hydrologic processes responsible for maintaining these communities. An estimated 5% of the original riparian plant communities in Arizona are all that remain of a once rich and widespread habitat, (Warner R.E. 1979). This mixed broadleaf riparian plant community contains Fremont cottonwood (Populus fremontii), Goodding Willow (Salix gooddingii), Sycamore (Platanus wrightii), Velvet ash (Fraxinus pennsylvanica), Arizona walnut (Juglans major), Bonpland willow (Salix bonplandiana), Hackberry (Celtis reticulata), and a variety of shrubs, forbs and grasses. This habitat, rich in diversity, forms an oasis in the arid uplands that surround it. The importance of riparian vegetation in proper floodplain development, water quality maintenance, stream channel stability, fish and wildlife habitat, and recreation has received national recognition. The protection of surface water flow is absolutely critical for the health of this valuable resource. (Please reference Jackson et. al., pages 25-35 for more detail on water requirements for habitat maintenance).

Fish and Wildlife: The perennial and intermittent waters of the San Pedro River provide critical habitat for a variety of native fish and wildlife species. A community of two native fish species, Longfin dace (Agosia chrysoaster), and the Desert sucker (Pantosteus clarki) represents one of the few remaining native fish communities in the state. Most native fish communities have been decimated by the destruction of critical

habitat and the introduction of exotics that out compete the native species. Viable populations of native fish species such as the one found in San Pedro River are the best hope for sustaining the existence of native fish in Arizona. Our ability to protect this population depends on critical riparian and aquatic habitat generated by sustained surface flows. Many species of terrestrial wildlife also depend on the habitat generated by the water in the San Pedro River. Mule deer, white-tailed deer, javelina, mountain lion, coati, raccoon, black bear, numerous bird species as well as reptiles and amphibians all utilize this critical riparian habitat. The gray hawk (Buteo nitidus), which is a threatened species under Arizona state law, as well as other raptors such as the zone-tailed hawk (Buteo albonotatus) are dependent on riparian resources linked to surface water flow in this area. Turkey vultures (Cathartes aura) roost in the area's larger riparian trees. The black-bellied whistling duck (Dendrocygna autumnalis), a candidate for state threatened species listing is also found along the San Pedro. Sanborn's Long-nosed bat (Leptonycteris sanborni), an endangered species under federal law, and the Mexican long-tongued bat (Choeronycteris mexicana), a threatened species under federal law, depend on the riparian resources of this river. This critical riparian area supports a broad array of floral and faunal species, and is dependent on the one resource that distinguishes this stream from so many others in the southwest, "sustained surface water flows". Please reference Jackson et. al., pages 36-50 for more detail on water requirements for fishery resources, and page 51 for terrestrial wildlife.

what cultural sites exist there?

Recreation: The San Pedro watershed contains a wide variety of recreational opportunities. Camping, horseback riding, hiking, bird watching, and hunting are some of the activities that are popular in this area. This relatively pristine, free flowing desert stream set in a rural, Chihuahuan desert grassland offers visitors a look into Arizona's past, and provides opportunities for photography, picnicking, wading and water play, site seeing, visiting cultural and historic sites, and simply seeking solitude and personal replenishment in a natural environment. Again, the resource that makes all these recreational opportunities possible and makes this area special is the presence of uncontrolled streamflow. Recreational opportunities in the San Pedro Riparian National Conservation Area are based on water. Without the presence of water in the stream, recreational values would be dramatically reduced. (Please reference Jackson et. al. pages 51-56).

Conclusion:

Legal assurance that instream flows will be maintained in the San Pedro River is absolutely crucial to the protection of the natural resource values found in this riparian ecosystem as an

integral part of the San Pedro Riparian National Conservation Area. An instream flow water right appropriation of 5.1 CFS average, distributed over the months as described in (table 1) for in-situ non-consumptive uses would ensure an adequate water supply to support the threatened, endangered and candidate species as well as other crucial riparian resources mentioned above. The BLM water rights application (#33-95780) has been filed. The BLM has also filed a Statement Of Claimant (#39-14482). No existing water right would be harmed in any way by the granting of this water right. Downstream users would benefit from the additional legal protection of surface flows upstream from their point of diversion. No conflicts upstream of public land exist in land ownership, management, or water use. Therefore BLM requests that ADWR review the San Pedro River Palominas reach application (#33-95780) and case file and proceed toward issuing BLM the appropriate water right permit.

In summary, BLM considers this reach to be similar in hydrogeological and physical character to the downstream certified reach, (ISF #33-90103). Therefore this justification, (and water requirements for each beneficial use), are based on the indepth technical report previously submitted with ISF #33-90103, (Jackson, et. al., "ASSESSMENT OF WATER CONDITIONS AND MANAGEMENT OPPORTUNITIES IN SUPPORT OF RIPARIAN VALUES: BLM San Pedro River Properties, Arizona, Project Completion Report", May 1987).

Flow measurement data substantiate the requested flows for in-situ beneficial uses. Fish, wildlife, and recreation values all depend on sustained flows and the riparian environment within this designated National Conservation Area which BLM must protect under Congressional mandate. The critical factors used to arrive at these mean monthly flows include:

1. Maintenance of critical aquatic habitat for T&E fish and bird species.
2. Maintenance of the mixed broadleaf riparian forest for the associated wildlife habitat and critical hydrologic functions.
3. Maintenance of natural stream flows necessary for the free flowing stream that provides an attractive environment for recreationists.
4. Maintenance of sufficient surface water to ensure that the integrated ecosystem of the area is sustained.

ARIZONA DEPARTMENT OF WATER RESOURCES

500 North Third Street, Phoenix, Arizona 85004

Telephone (602) 417-2420

Fax (602) 417-2415

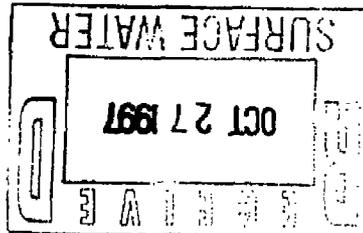


JANE DEE HULL
Governor

RITA P. PEARSON
Director

October 24, 1997

Mr. Jerry L. Haggard
Gust Rosenfeld, P.L.C.
201 North Central Avenue
Suite 3300
Phoenix, Arizona 85073-3300



RE: Your letter dated September 30, 1997; San Francisco Instream Flow Application

Dear Jerry:

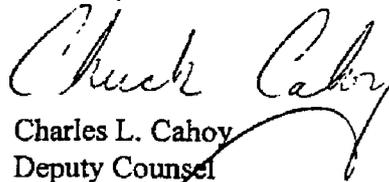
You have recently requested information from the Department on various aspects of the instream flow program. In your September 30 letter, you asked that Cynthia Chandley and Richard Mohr be notified of any actions on a specified list of instream flow applications, and in a telephone conversation with me, you asked for information on an instream flow application filed on the San Francisco River.

Regarding the request in your letter, the Department will place a copy of your letter in the file of each of the applications listed in the letter. You should be aware, however, that a permit to appropriate has already been issued on Application No. 33-96300, which was a United States Fish and Wildlife application to appropriate waters of the Bill Williams River.

Regarding the request for information on the San Francisco River application, I have been informed by staff that the application was filed by the BLM in 1985. The application was public noticed, and Phelps Dodge Corporation protested. To the best of our knowledge, BLM is currently preparing the study required of all instream flow applications, but no action has been taken on the application since 1993. Because your client is a protestant to the application, it will be involved in the final resolution of this application, should the report be filed and action be taken on the application.

If you have any further questions, please let me know.

Sincerely,


Charles L. Cahoy
Deputy Counsel

COPY

pc: v Gerry Wildeman

**GUST
ROSENFELD** P.L.C.
Attorneys Since 1921

201 N. CENTRAL AVE., SUITE 3300
PHOENIX, ARIZONA 85073-3300
TELEPHONE (602) 257-7422
FACSIMILE (602) 254-4878

ONE S. CHURCH AVE., SUITE 800
TUCSON, ARIZONA 85701-1620
TELEPHONE (520) 628-7070
FACSIMILE (520) 624-3849

Reply to the Phoenix Office

Jerry L. Haggard
(602) 257-7463

September 30, 1997

Arizona Department of Water Resources
500 North Third Street
Phoenix, AZ 85004-3903

Re: Instream Flow Appropriation Applications

From recent inquiries, Phelps Dodge Corporation became aware of certain applications to appropriate instream flows in various rivers in Arizona that could impact Phelps Dodge's present and future uses of its water rights. Phelps Dodge has not been provided with formal notice of those proceedings.

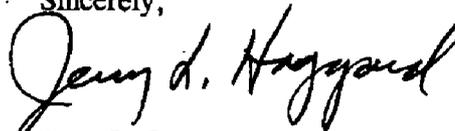
This is to request that Phelps Dodge be placed on the list of those who will receive formal notice of any actions to be taken on the applications identified in the enclosed list and to receive notice of any other instream flow applications that may be filed on the Little Colorado River, Verde River, San Pedro River or the Gila River or their tributaries. The following are the addresses to which such notices should be sent:

Cynthia M. Chandley, Esq.
Senior Counsel and Manager
Land and Water Resource Department
Phelps Dodge Corporation
2600 North Central Avenue
Phoenix, AZ 85004-3014

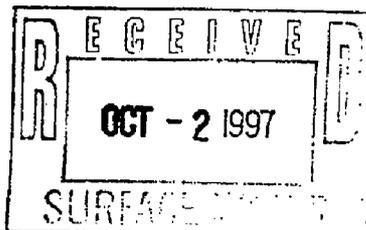
Richard N. Mohr
Supervisor
Environmental Services
Phelps Dodge Morenci, Inc.
4521 U.S. Highway 191
Morenci, AZ 85004-3014

Thank you for your assistance in these matters.

Sincerely,



Jerry L. Haggard
For the Firm



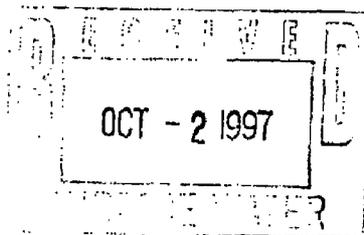
JH2:jsb
Enclosures

FCSPRNCA0558

INSTREAM FLOW APPLICATIONS
IMPACTING PHELPS DODGE CORPORATION

APPLICATION NO.	DATE	APPLICANT	RIVER
33-90250	10/21/85	BLM	Bonita Creek
33-90310	11/26/85	USFS	East Verde River
33-94379	12/14/88	BLM	Gila River
33-95780	1/8/91	BLM	San Pedro River
33-95789	4/1/91	BLM	San Pedro River
33-96126	8/6/91	BLM	San Pedro River
33-96127	8/7/91	BLM	San Pedro River
33-90113	7/29/85	USFS	Sycamore Creek
33-96509	3/15/96	USFS	Sycamore Creek
33-94374	12/2/88	USFS	Verde River
33-90251	10/21/85	BLM	San Francisco River
33-90107	7/29/85	USFS Coconino	East Clear Creek
33-94245	4/4/88	BLM - Yuma	Bill Williams River
33-96300	9/13/93	US Fish & Wildlife	Bill Williams River

232601



ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER ADMINISTRATION UNIT

MEMORANDUM

TO: Gerry Wildeman
FROM: Tom Wilmoth
THROUGH:
DATE: 1/07/97
SUBJECT: ISF 33-95780; BLM; San Pedro River

This appears to be order. A protest was filed on 2/1/91 by William Ullrich on the basis that the ISF would interfere with his well production. He has filed two 36s both of which claim "underground flow of San Pedro" [see 36-43058 and 43059]. It is the only protest filed. Joe Stuart sent a letter dated 2/13/91 with the standard phrasing explaining the nature of an ISF and asked whether Mr. Ullrich would like to continue the protest. No word has come since that letter. This may be a good candidate for issuance notwithstanding protest.

** Hydro's last action date was 9/13/91. Not sure what this was.*



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ARIZONA STATE OFFICE
3707 N. 7TH STREET
P.O. BOX 16563
PHOENIX, ARIZONA 85011

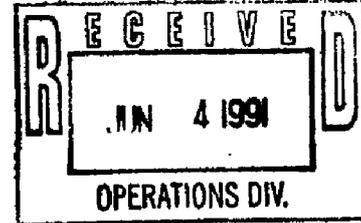


IN REPLY REFER TO:
7000 (932)

*FIVE
33-95780*

May 31, 1991

Mr. Joe Stewart
Department of Water Resources,
Operations Division
15 South 15th Street
Phoenix, Arizona 85007



Dear Mr. Stewart:

Enclosed is additional analysis of water and water-dependent resources in support of the Bureau of Land Management's application for an instream flow water right on the upper reach of the San Pedro River (Application #33-95780). The application was filed on January 8, 1991. This is the three mile segment of the San Pedro from the international border to Palominas Road (NE NW Section 19, T. 24 S., R. 22 E. through NE NW Section 4, T. 24 S., R. 22 E.). Please attach this material to that application. Thank you very much.

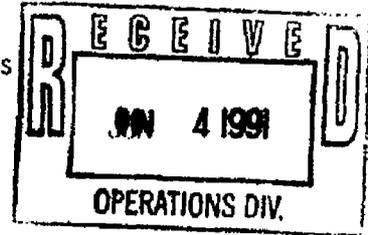
Sincerely,

John H. Stephenson

John H. Stephenson
Acting Deputy State Director
Lands & Renewable Resources

Enclosure

Analysis of Water Resources and Water-Dependent
Resources in Support of Instream Flow Water Rights
San Pedro River, Arizona
(#33-95780)



Introduction:

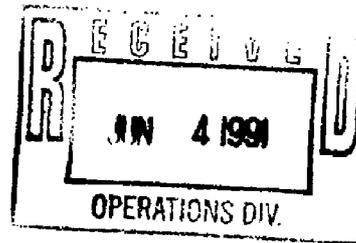
On January 8, 1991, The Department of Interior, Bureau of Land Management filed an application (#33-95780) with Arizona Department of Water Resources (ADWR) to appropriate water within the upper reach of the San Pedro River from the International border to Palominas road for in-situ, or instream uses. (This reach was not covered by #33-90103). The applied perennial stream segment flows for approximately 3.0 miles from T. 24 S., R. 22 E., Section 19 NE1/4 downstream to T. 24 S., R. 22 E., Section 04 NW1/4 NE1/4. The claimed amount was 5.1 cubic feet per second (cfs), 3,674 acre feet annually, to support the beneficial uses of fish, wildlife, recreation, and associated components such as riparian habitat and aesthetics.

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2

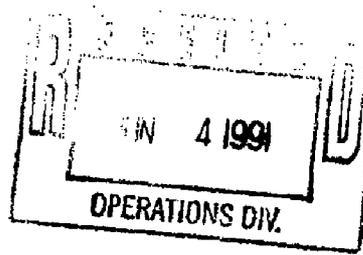
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Riparian Vegetation: The riparian plant community along the San Pedro River is representative of communities that existed in many Arizona stream channels before extensive water diversions, impoundments and activities degraded watershed conditions. Hydrologic processes responsible for maintaining these communities were altered. An estimated 5 percent of the original riparian plant communities in Arizona are all that remain of a once rich and widespread habitat, (Warner R.E. 1979). This mixed broadleaf riparian plant community contains Fremont cottonwood (*Populus fremontii*), Gooddingii Willow (*Salix Gooddingii*), Sycamore (*Platanus wrightii*), Vever ash (*Fraxinus pennsylvanica*), Arizona walnut (*Juglans major*), Bonpland willow (*Salix bonplandiana*), Hackberry (*Celtis reticulata*), and a variety of shrubs, forbs and grasses. This habitat, rich in diversity, forms an oasis in the surrounding arid uplands. The importance of riparian vegetation in proper floodplain development, water quality maintenance, stream channel stability, fish and wildlife habitat and recreation has received national recognition. The protection of surface water flow is absolutely critical for the health of this valuable resource.



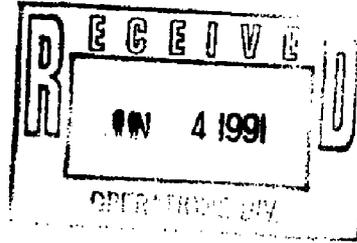
3

Fish and Wildlife: The perennial and intermittent waters of the San Pedro River provide critical habitat for a variety of native fish and wildlife species. A community of two native fish species, Longfin dace (*Agosia chrysogaster*), and the Desert sucker (*Pantosteus clarki*) represents one of the few remaining native fish communities in the state. Most native fish communities have been decimated by the destruction of critical habitat and the introduction of exotics that out-compete the native species. Viable populations of native fish species such as the one found in San Pedro River are the best hope for sustaining the existence of native fish in Arizona. Our ability to protect this population depends on critical riparian and aquatic habitat generated by sustained surface flows. Many species of terrestrial wildlife also depend on the habitat generated by the water in the San Pedro River. Mule deer, white-tailed deer, javelina, mountain lion, coati, raccoon, black bear, numerous bird species as well as reptiles and amphibians all utilize this critical riparian habitat. The gray hawk (*Buteo nitidus*), which is a threatened species under Arizona state law, as well as other raptors such as the zone-tailed hawk (*Buteo albonotatus*) are dependent on riparian resources linked to surface water flow in this area. Turkey vultures (*Cathartes aura*) roost in the area's larger riparian trees. The black-bellied whistling duck (*Dendrocygna autumnalis*), a candidate for state threatened species listing is also found along the San Pedro. Sanborn's Long-nosed bat (*Choeronycteris mexicana*), a threatened species under federal law, depend on the riparian resources of this river. This critical riparian area supports a broad array of floral and faunal species, and is dependent on the one resource that distinguishes this stream from so many others in the southwest: perennial surface water flows.

Recreation: The San Pedro watershed contains a wide variety of recreational opportunities. Camping, horseback riding, hiking, bird watching, and hunting are some of the activities that are popular in this area. This relatively pristine, free flowing desert stream set in a rural, Chihuahuan desert grassland offers visitors a look into Arizona's past. The appeal of this area to nearly all recreational users is the presence of uncontrolled streamflow.

Conclusion:

Legal assurance that instream flows will be maintained in the San Pedro River is absolutely crucial to the protection of the natural resource values found in this riparian ecosystem as an integral part of the San Pedro Riparian National Conservation Area. An instream flow water right appropriation of 5.1 cubic feet per second average distributed over the months as described in (table 1) for in-situ non-consumptive uses would ensure an adequate water supply to support the threatened, endangered and candidate species as well as other crucial riparian resources mentioned above. The Bureau of Land Management water rights application (#33-95780) has been filed.



Moreover loss of water due to transpiration of healthy, native streamside vegetation appears to be exaggerated. Results of studies attempting to quantify the "consumptive use" of riparian vegetation by transpiration are contradictory and uncertain. Anticipated gains in water yield by removal of riparian vegetation are often not achieved (U.S. Geological Survey Professional Paper 491-G, 1987). No existing water right would be harmed in any way by the granting of this water right. Downstream users would benefit from the additional legal protection of surface flows upstream from the additional legal protection of surface flows upstream from their point of diversion. No conflicts upstream of public land exist in land ownership, management, or water use. Therefore, the Bureau of Land Management requests that Arizona Department of Water Resources review the San Pedro River application (#33-95780) and case file and proceed toward issuing the Bureau of Land Management the appropriate water right permit.

In summary, flow measurement data substantiates the requested flows for in-situ beneficial users. Fish, wildlife, and recreation values all depend on sustained flows and the riparian environment within this designated National Conservation Area which the Bureau of Land Management must protect under Congressional mandate. The critical factors used to arrive at these mean monthly flows include:

1. Maintenance of critical aquatic habitat for Threatened and Endangered fish and bird species.
2. Maintenance of the mixed broadleaf riparian forest for the associated wildlife habitat and critical hydrologic functions.
3. Maintenance of natural stream flows necessary for the free flowing stream that provides an attractive, functioning riparian area for recreational use.
4. Maintenance of sufficient surface water to ensure that the integrated ecosystem of the area is sustained.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
SAFFORD DISTRICT OFFICE
425 E. 4TH STREET
SAFFORD, ARIZONA 85546
(602) 428-4040

IN REPLY REFER TO:
7250
(043)

March 21, 1991

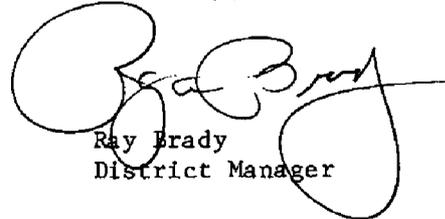
Mr. Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division
Arizona Department of Water Resources
15 S. 15th Avenue
Phoenix, Arizona 85007

Dear Mr. Stuart:

Enclosed is the Affidavit of Posting Notice for the Application for Permit to Appropriate Public Water, No. 33-95780. The notice was posted for 30 consecutive days. A copy of the posting notice is also enclosed.

If there are questions about this affidavit or the posting notice, please contact Delbert Molitor, District Hydrologist.

Sincerely,



Ray Brady
District Manager

Enclosures: (2)

MAR 22 1991



ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue
Phoenix, Arizona 85007

AFFIDAVIT OF POSTING NOTICE

STATE OF ARIZONA

APPLICATION TO APPROPRIATE

County of Cochise

)
) ss.
)

NO. 33-95780

Ben Lomeli, 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. 33-95780, a copy of which is hereto attached, were posted on the 28th day of January, 19 91, at:

1. Sierra Vista Public Library

2. Sierra Vista Post Office

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 28th day of February, 19 91.

Ben Lomeli
Affiant

Subscribed and sworn to before me this 15 day of March, 19 91.

Sandra M. Phillips
Notary Public

My commission expires:

July 12, 1992

MAR 22 1991

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATER

On the 8th day of January, 19 91, Bureau of Land Management,
San Pedro Riparian NCA, Box 9853, Rural Route 1, Huachuca City, Arizona 85616,

filed an Application for a Permit to Appropriate Public Water, No. 33-95780.

The application states:

1. Source of water: San Pedro River, a tributary of the Gila River.
2. Purposed use and amount: 3,674 acre feet per annum for recreation and wildlife; the proposed use will maintain a continuous minimum instream flow to meet the needs of endangered and threatened wildlife.
3. Point of diversion: There will be no physical diversion from the natural channel of the San Pedro River.
4. Place(s) of use: The proposed use will occur instream along the meandering course of the San Pedro River beginning in the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 4, Township 24 South, Range 22 East and continues through (continued on the reverse side)
5. Description of dam and reservoir: N/A.

Other: *****More detailed information available at the Department of Water Resources*****

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 23rd day of January, 19 91

MAR 22 1991 Arizona Department of Water Resources

4. Places of use continued:

the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all within Section 4 and continues through to the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 9 and continues through to the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 8 and continues through to the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), both within Section 9 and continues through to the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), the Northeast quarter (NE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all within Section 8 and continues through to the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all within Section 17 and continues through to the Northeast quarter (NE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all within Section 18 and ends within the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 19, Township 24 South, Range 22 East, Gila and Salt River Base and Meridian, Cochise County, Arizona.



February 13, 1991

Mr. William P. Ullrich
P.O. Box 7
Hereford, Arizona 85615-0007

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

Re: Submitted Statement of Protestant,
Application for Permit to Appropriate Public Water No. 33-95780

15 South 15th Avenue
Phoenix, Arizona 85007

Mr. Ullrich:

In my previous letter to you, which I understand was not dated, I had requested that you tell which application you were protesting. You gave me all the information on your well or wells, but did not answer my question as to which particular pending application you were protesting.

I will try to explain as simply as possible, for your benefit, what our operating procedure is for this particular matter. The Department, as part of it's responsibility, process submitted applications to appropriate public water. Part of the processing involves notifying individuals who already have water rights or claims of record with the Department as to the potential appropriation, which may or may not affect their water use. This notification is done simply as a courtesy by the Department. There is no requirement under law that we notify any prior-vested water right holder or claimant of any pending application.

My staff has determined by an examination of the official record that you were sent, as a courtesy, notification that the Bureau of Land Mngement had filed an application to appropriate public water, no. 33-95780. This application involves the registration, and if possible, the eventual certification, of the water used by the natural habitat and wildlife located within what is referred to as the San Pedro Riparian National Conservation Area. This type of application, as is clearly shown on the copy of the notice you also received, is not for the diversion of any water out of the stream. Rather, this application attempts to preserve, or set aside, enough of the natural flow of the stream to preserve the riparian (streamside) habitat. I would assume you would understand that this water use has been occurring for many, many years, and does not involve any new appropriation of public water.

You may wish to reconsider whether you want to continue your protest of this application. I will await your reply.

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

Joe B. Stuart
Manager, Surface Water Rights Systems
Operations Division

JBS:je

WILLIAM P. ULLRICH
INDUSTRIAL DESIGN ENGINEER
P. O. BOX 7
HEREFORD, ARIZONA 85615-0007

Feb. 8, 1991

Mr. Joe B. Stuart
Manager, Surface Water Rights Systems
Ariz. Department of Water Resources
15 South 15th Ave.
Phoenix, Az. 85007

Dear Mr. Stuart:

Please see your letter to me undated. Re;
Application of Claim number, please refer to line
5 for the claim number as ISSUED BY YOUR OFFICE.

Since you asked for the well registration
number ISSUED BY YOUR OFFICE which I gave you on
line 6, you may correctly assume that it is in fact
a well.

Since this is a domestic well, you may assume
the water will be used to flush the toilet, wash
the laundry and dishes, to take baths also to
irrigate a small garden and the front lawn.

I believe that if this water right were taken
away from us the above functions could not be
properly accomplished.

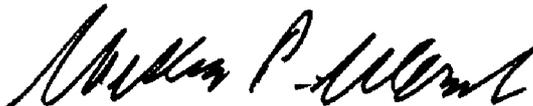
My protest is that the proposed appropriation
will negate my longstanding water rights (if your
information supplied to me and the media is correct)

and we will be thirsty.

How more specific can I be ?

Are you REALLY a taxpayer paid Manager, Surface
Water Rights Systems ?

Yours sincerely



P.S. Your letter was mailed Feb. 6, 1991

It would help if you would date your correspondence

Date filed: 1/30/91

STATEMENT OF PROTESTANT

FEB - 1 1991

In the matter of the application of)
(Applicant name) WM. P. ULLRICH)
(Source) WATERSHED PILE NO)
111-24-CDC-039)

APPLICATION OPERATIONS DIV.
or
CLAIM EXISTING

.....
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 AS REQ. gallons per annum. PUMP CAPY 90 GPM
Irrigation AS REQ. acre-feet per annum.
Stockwatering 0 gallons per annum.
0 per annum. 36-43058
(other uses)

FEB 1 2 1991
OPERATIONS DIV.

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

3. Give the legal description of lands upon which or where the water is used SEE ATTACHED MAP

4. State the name and type of your water source _____

5. State the date the water right or claim herein referred to was initiated and the registry number of the water right or claim D 23021033 AAA 051-D 2/15/77

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 # 695270 NE 1/4 SEC 33, T23S R22E

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

8. If the water is used for irrigation, state the number of acres you irrigated 6
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 AS REQ, WHEN REQ.
10. If the water is used for stockwatering, state the kind of stock served and the average number served per day NA
11. If water is used for any other purpose, state the use made and describe the manner of using the water NA

.....

GROUNDS FOR PROTEST

THIS EXISTING CLAIM FOR WATER USED
CONSISTANTLY SINCE 1946.

Date signed 1/25/91

William P. Hill
Signature of Protestant,
or representative



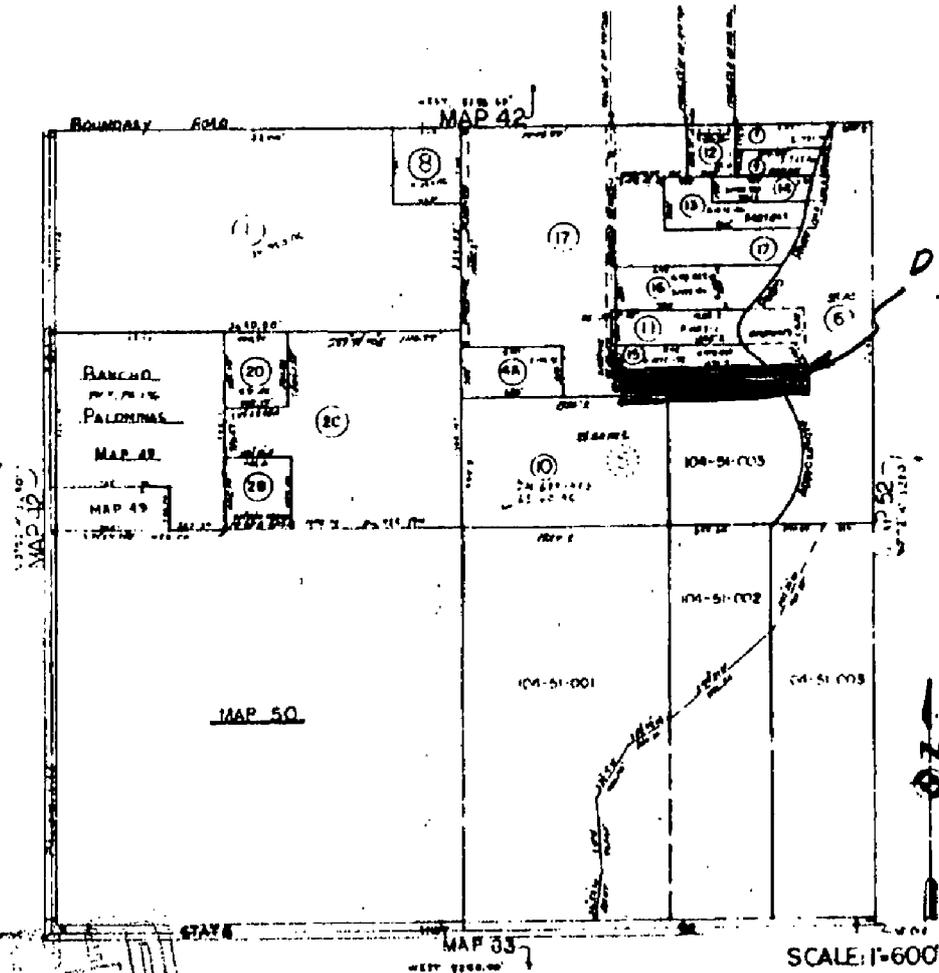
FFB - 1 1991

SEC. 33

TN.23

RG.22

BOOK 104
MAP 48



DESCRIBED PROPERTY

FFB 1 2 1991

COUNTY ASSESSOR'S MAP



January 24, 1991

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

15 South 15th Avenue
Phoenix, Arizona 85007

Bureau of Land Management
Arizona State Office
Attn: Phillip Moreland
3707 N. 7th St.
Phoenix, Arizona 85011

Re: Application for Permit to Appropriate Water No. 33-95775 ⁸⁰ *g.c.*

Dear Mr. Moreland:

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

The Notices must be posted within twenty (20) days 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 Affidavit of Posting of Notice, with one copy of the Notice attached, must be completed, notarized and filed with the Department.

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:mg

Enclosures



January 24, 1991

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

Brewery Gulch Gazette
Copper Queen Plaza
Bisbee Official City
P.O. Drawer 48
Bisbee, Arizona 85603

15 South 15th Avenue
Phoenix, Arizona 85007

Re: Application for Permit to Appropriate Water No. 33-95780

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 that reads "Joe B. Stuart".

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

JBS: je

Enclosure



January 24, 1991

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

The Daily Dispatch
Douglas Official City
530 11th St.
P.O. Box H
Douglas, Arizona 85607

15 South 15th Avenue
Phoenix, Arizona 85007

Re: Application for Permit to Appropriate Water No. 33-95780

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 water 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:je

Enclosures

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATER

On the 8th day of January, 19 91, Bureau of Land Management,
San Pedro Riparian NCA, Box 9853, Rural Route I, Huachuca City, Arizona 85616,

filed an Application for a Permit to Appropriate Public Water, No. 33-95780.

The application states:

1. Source of water: San Pedro River, a tributary of the Gila River.
2. Purposed use and amount: 3,674 acre feet per annum for recreation and wildlife; the proposed use will maintain a continuous minimum instream flow to meet the needs of endangered and threatened wildlife.
3. Point of diversion: There will be no physical diversion from the natural channel of the San Pedro River.
4. Place(s) of use: The proposed use will occur instream along the meandering course of the San Pedro River beginning in the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 4, Township 24 South, Range 22 East and continues through (continued on the reverse side)
5. Description of dam and reservoir: N/A.

Other: *****More detailed information available at the Department of Water Resources*****

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 23rd day of January, 19 91

Arizona Department of Water Resources

4. Places of use continued:

the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all within Section 4 and continues through to the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 9 and continues through to the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 8 and continues through to the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), both within Section 9 and continues through to the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$), the Northeast quarter (NE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all within Section 8 and continues through to the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all within Section 17 and continues through to the Northeast quarter (NE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$), the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all within Section 18 and ends within the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 19, Township 24 South, Range 22 East, Gila and Salt River Base and Meridian, Cochise County, Arizona.

One copy sent to the applicant and one to:

J. R. Bond, P. O. Box 1 Highway 92, Hereford, Arizona 85615
W. P. Ulrich, R.R. 1 Box 146, Hereford, Arizona 85615



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ARIZONA STATE OFFICE
3707 N. 7TH STREET
P.O. BOX 16563
PHOENIX, ARIZONA 85011



IN REPLY REFER TO:
7250 (932)

January 4, 1991

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

JAN 11 1991

OPERATIONS DIV

Dear Mr. Stuart:

Enclosed is the "33" form for the Bureau of Land Management's (BLM) application for permit to appropriate instream flow on the upper reach of the San Pedro River (international border to Palominas). The legal description and map are enclosed. A more detailed analysis of the water and water-dependent resources in support of the application will be filed separately.

Also enclosed is the analysis in support of the water and water-dependent resources for the previously filed application #33-95487 for instream flow in the Babocomari River. We appreciate any effort to move this application to permit prior to the HSR deadline, although we recognize that the time remaining is limited. Please deduct the \$25.00 filing fee from the BLM Safford District fee credit account # FC-3.

Thank you very much for your consideration of these applications. If there are any questions on them, please contact Jim Renthal at (602) 640-5512.

Sincerely,

Phillip D. Moreland
Acting Deputy State Director
Lands and Renewable Resources

Enclosures



ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue
Phoenix, Arizona 85007

JAN 9 1991

NO. 33-95780

FILED January 8, 1991

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

1. Name Bureau of Land Management-San Pedro Riparian NCA Telephone 602 457-2265

Address Box 9853 RR#1 Huachuca City, AZ 85616

2. Type of source and name, if any, San Pedro River

a tributary of Gila River on the San Pedro watershed. do not complete

3. Use of Water

A. Domestic 1. No. of Persons N/A 2. No. of Families

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

C. Irrigation 1. Location of the irrigated acreage N/A 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 N/A 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. N/A

F. Mining 1. Kind of mining claims N/A

2. Methods of supplying and using water

G. Recreation 1. Character of area to be used Riparian corridor, used for bird/wildlife watching, camping, hiking etc.

H. Wildlife 1. Kind of wildlife Deer, Havelina, State-listed threatened birds, Fish, Reptiles, Game Birds, Water-Fowl 2. Character of area to be served Cottonwood-Willow Riparian corridor flanked by Mesquite within agricultural valley bottom lands and chihuahuan desert up lands.

I. Groundwater Recharge N/A

J. Storage & Recovery N/A

Table with 4 columns: Amount of water Use, Amount, Measure, Months of Use. Rows include Instream Flow (5.08 Average CFS Yearlong) and Instream FLOW (3,674 Acre Feet/Annum yearlong).

5. Legal description of point of diversion: County N/A Cochise
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ EW-G&SRB&M

6. Legal description of place of use: County See Attachment Cochise
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ EW-G&SRB&M
_____ 1/4 _____ 1/4 _____ 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: Instream flow to provide for maintenance
of Riparian habitat, protection of native fish and wildlife within the National
Conservation Area through reach not covered by 33-90103.

8. Storage of water
A. Name of reservoir N/A
B. Dam specifications: Height N/A feet
C. Reservoir behind dam
1. Maximum storage volume at spillway crest N/A 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 N/A thereafter,
and the water will be applied to the proposed use(s) no later than effective date of application

10. Name of owner of the land Same as applicant
Does the applicant have legal access to the point of diversion and place(s) of use? Yes No _____
if no, explain _____

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

12. Additional comments This reach of the San Pedro is within lands in the Palominas area which
were the latest aquisition by BLM and the latest inclusions to the NCA. The
application is for instream flow maintenance within BLM's NCA from the inter-
national Border to the Palominas bridge (Hwy 92)

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 9 day of November, 19 90
Ben Loneli for BLM
Applicant

ATTACHMENT 1

4. Volume Of Water Use By Month In Cubic Feet Per Second:

(sought after)

Gaging

Station	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
Palominas	7.9	8.6	6.3	2.5	1.2	0.6	7.0	7.0	7.0	3.7	3.6	5.5	5.08

(Or 3,674 Acre-feet Per Annum).

6. Place Of Use:

T24S R22E Section 4, NENE, NWNE, SWNE, SENW, NESW, SWSW, SWSE; Section 8, NENE, SENE, NWSE, SWSE, SESW; Section 9, NWNW, SWNW; Section 17, NENW, NWNW, SWNW, NWSW; Section 18, NESW, SESW, NESE, NWSE, SWSE; Section 19, NENW.

JAN 1991

PALOMINAS DIV

3/15/06

REG #	NAME	ADDRESS	STATUS	FILE	SOURCE	LEGAL	
1	33-95780.0	BLM SAFFORD	BOX 9853 RR1 HUACHUCA CITY, AZ 85816	ACTIVE - INSTREAM FLOW	Jan 08, 1991	SAN PEDRO RIVER	NE NE 4 24S 22E
2							
3							NE NE 8 24S 22E
4							
5							NE NW 17 24S 22E
6							NE NW 19 24S 22E
7							NE SE 18 24S 22E
8							NE SW 18 24S 22E
9							NE SW 4 24S 22E
10							
11							NW NE 4 24S 22E
12							
13							NW NW 17 24S 22E
14							NW NW 9 24S 22E
15							NW SE 18 24S 22E
16							NW SE 8 24S 22E
17							NW SW 17 24S 22E
18							SE NE 8 24S 22E
19							
20							SE NW 4 24S 22E
21							
22							SE SW 18 24S 22E
23							SE SW 8 24S 22E
24							
25							SW NE 4 24S 22E
26							
27							SW NW 17 24S 22E
28							SW NW 9 24S 22E
29							SW SE 18 24S 22E
30							SW SE 4 24S 22E
31							
32							SW SE 8 24S 22E
33							SW SW 4 24S 22E
34							



proudly presents
THE GOLD ROOM • LOOKOUT LOUNGE

CORRECT NAME
AND ADDRESS:

W. P. ULLRICH
P.O. BOX 7
HEREFORD, AZ
85615

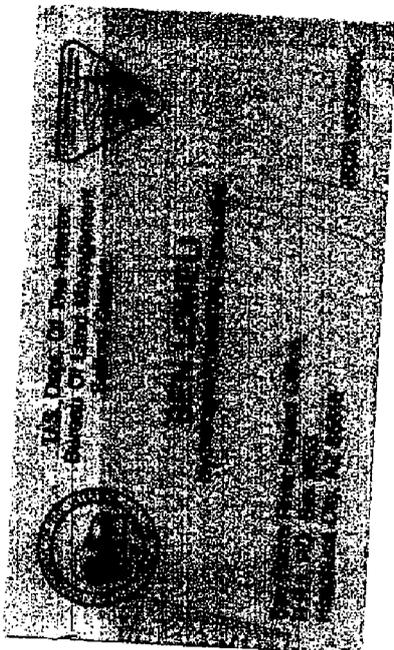
Tom,
Call Ben Homeli
BHM, in regards to
the Palominas ^{ISF} applica-
tion.

WESTWARD LOOK RESORT
245 East Ina Road, Tucson, AZ 85704
(602) 297-1151
(800) 722-2500 FAX (602) 297-9023

San Pedro Watershed

33-83139 } J R Bond
33-83138 } PO Box 1 Highway 92
33-83140 } Hereford, AZ 85615

36-43059 } W P ULLRICH
36-43058 } RR 1 Box 146
Hereford, AZ
85615



Ann,

7/19/92

TOM HARBOUR MAY HAVE ALREADY
REVIEWED THIS APPLICATION.
HOWEVER, CONTACT GREG BUSHNER
TO VERIFY.

THE DEPARTMENT IS DETERMINING WHICH
ISF APPLICATIONS TO PERMIT FIRST,
YOU MAY WANT TO TALK TO GREG
ABOUT WHICH APPLICATIONS ARE
LIKELY CANDIDATES.

Joe

THIS IS NOT A BILL

BUREAU OF LAND MANAGEMENT
 ARIZONA STATE OFFICE
 Attn: Phillip D. Moreland
 3707 North 7th Street
 P. O. Box 16563
 Phoenix, Arizona 85007

FCA #3

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

R E C E I P T

KIND ENTRY 33
 FILE REFERENCE NO. 33-95780 THRU _____

ITEM DESCRIPTION	RATE	AMOUNT
(1) One Examination Fee for Application for Permit to		
Appropriate Water No. 33-95780		
Bill: Bureau of Land Management (FCA 3) \$25.00 per Fee		
Credit Account established pursuant to R12-15-152.		

CHECK NO _____ RECEIVED BY _____ DATE _____ TOTAL \$ _____

JAN - 8 1991

OPERATIONS DIV.

GARDEN CANYON ST 4
NICKSVILLE TO 20.

31°22'30"

