DEPARTMENT OF WATER RESOURCES
99 East Virginia Avenue
Phoenix, Arizona 85004

111-23-51
111-20-32
IH-241-91
Assigned to BLM
May 1986

APPLICATION FOR PERMIT TO APPROPRIATE WATER
STATE OF ARIZONA

Application No.	33-90103
Permit No.	
Filed:	8-12-85 (date) at 9:00A.M (time)

Examination Fee $25.00
Map (see Instructions)
APPLICATION MUST BE SUBMITTED IN DUPLICATE

To be filled in by Department of Water Resources

1. Name of Applicant: Huachuca Audubon Society, Chiracahua Sierra Club, and Defenders of Wildlife, c/o their attorney, Iori Potter, Sierra Club Legal Defense Fund, 820 16th St. Suite 514, Denver, CO 80202 (Address, City, State, Zip) (Phone No.) 303-892-6301

2. Indicate by an (x) on the proper line(s) the use(s) for which this application is being submitted:
Irrigation ___ Domestic ___ Stockwatering ___ Municipal ___ Power ___ Mining ___ Other Uses X.
(Instream flows for wildlife habitat protection pursuant to A.R.S. 45-141(A))

3. If for irrigation purposes, fill in the following: D.N.A.

Township (N/S)	Range (E/W)	Section	Legal Subdivision	No. of Acres

If for domestic purposes, number of persons _____, or families _____.
If for stockwatering purposes, number and kind of stock watered _____.
If for municipal purposes, name of municipality _____.
If for power purposes, type of plant, size and rated capacity _____.
If for mining, the water will be used in _____ mine.
If for other uses, describe wildlife habitat protection. ~~Members of the Applicant groups~~ visit the river corridor and surrounding lands for wildlife viewing, study, and recreation.

4. For each use applied for (use symbols) state amount of water required for each use:
Irrigation - (I), Domestic - (D), Stockwatering - (S), Municipal - (M), Power - (P), Mining - (Mi), Other uses - (O).
See attached page "A"

Symbol				Month/Day		
-	cfs/gpm or	ac. ft.	from		to	
-	cfs/gpm or	ac. ft.	from		to	
-	cfs/gpm or	ac. ft.	from		to	

5. The direct source of supply is San Pedro River
tributary to Gila River on the San Pedro watershed.
(leave blank)
There will be no diversion; entire appropriation is for use instream.

6. The point of diversion (locate on map) is within the ___ ¼ ___ ¼, Section ___, of Township ___ (N/S), Range ___ (E/W), G&SRB&M., in the County of _____.

7. The place of use (locate on map) is in the stream, from Hereford to a point approx. 8 miles south of Benson, ~~___ ¼ ___ ¼, Section ___, Township ___ (N/S), Range ___ (E/W), G&SRB&M.~~, in the County of Cochise.
For more detailed description, see attached page "B" and maps

8. Description of the proposed works by which the water is to be put to beneficial use none

9. If water is to be stored, give capacity of reservoir in acre feet D.N.A., height of dam D.N.A. ft., area inundated in acres D.N.A. Use explanatory sheet for capacity for each foot of depth.

10. Construction Schedule. It is proposed to begin construction within D.N.A. (not over 2 years) after approval of this application, to complete construction within D.N.A. (not more than 4 years) thereafter, and to completely apply the water to the proposed use within D.N.A. (not more than 5 years) after the beginning of construction.

11. Is the land owned by the applicant? Yes ___ No X. If "No" explain on page 2.

12. Is the water to be used supplementally with other water(s)? Yes ___ No X. If "Yes" identify other waters or water rights on page 2.

10-80-33

INPUT

SEP 27 1985

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INSTRUCTIONS:

.nap of the standard equal to the maps printed by the United States Geological Survey (Quad Sheets) r State Orthophoto base maps shall be submitted with the application.

EXPLANATORY

Question 11. A.R.S. 45-141(A) provides that "any person may appropriate" water. The term "person" includes a corporation under Arizona water law. A.R.S. 45-180(2), 45-251(2), 45-402(23). Applicants here are non-profit corporations whose corporate purposes include working to protect valuable wildlife habitat. Applicants seek to appropriate unappropriated water for wildlife, which is a beneficial use under A.R.S. 45-141(A). This will be an essentially non-consumptive use, with all water to remain in the stream except for minimal quantities consumed by wildlife. DWR approved a similar permit application by the Nature Conservancy for an instream flow for wildlife purposes in Ramsey Canyon. (Permits No. 33-78419 and 33-78421, 1983).

The undersigned hereby acknowledges that, even though he may have been assisted in the preparation of the above numbered application through the courtesy of employees of the Department of Water Resources all responsibility and risk of loss for the accuracy of the information contained herein, at the time of filing, rests with the applicant.

RECEIVED AUG 12 1985 DEPT. OF WATER RESOURCES

Signature of Applicant

Lori Potter
Attorney for Applicants Huachuca Audubon Society, Chiracahua Sierra Club, and Defenders of Wildlife
Sierra Club Legal Defense Fund
820 16th Street, Suite 514
Denver, Colorado 80202
303-892-6301

PERMIT

Application No. _____

Permit No. _____

STATE OF ARIZONA,)
) ss.
County of Maricopa)

This is to certify that I have examined the foregoing application and do hereby approve the same, and grant to the applicant a permit to appropriate the water and/or to construct the reservoir described therein subject to all prior existing rights as provided by law and to the following limitations and conditions:

The total capacity of the reservoir shall not exceed _____

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and shall not exceed _____

The priority date under this permit is _____.

Actual construction work shall begin on or before _____ and shall be prosecuted with reasonable diligence and be completed on or before _____. Complete application of the water to the proposed use shall be made on or before _____.

WITNESS my hand and seal of office this _____ day of _____, 19____.

SEAL

_____
for the Director

ARIZONA DEPARTMENT OF
WATER RESOURCES
99 East Virginia
Suite 100
Phoenix, Arizona 85004

OCT 1985
DEPARTMENT OF WATER RESOURCES

NOTICE OF APPLICATION TO APPROPRIATE WATER

(Per Rules and Regulations R12-5-502)

Application No. 33-90103

Notice is hereby given that on the 12th day of August, 19 85 Huachuca Audubon Society, Chiracahua Sierra Club, and Defenders of Wildlife, (Sierra Club Legal Defense Fund), 820 16th Street, Suite 514, Denver, Colorado 80202 filed Application No. 33-90103 with the Department of Water Resources of Arizona, for Permit to Appropriate Water of the State of Arizona.

DESCRIPTION OF PROJECT

Source of water supply San Pedro River

Proposed use and amount applied for recreation and wildlife, including fish (wildlife habitat protection). The proposed uses contemplate the maintenance of a continuous minimum instream flow.

Point of diversion within The application states that "there will be no diversion; entire appropriation is for use instream".

Place of using water The natural channel of the San Pedro River from the NW¼ NW¼, Section 22, Township 23 South, Range 22 East to the NE¼ NE¼, Section 11, Township 21 South, Range 21 East, and from the NE¼ NE¼, Section 11, Township 21 South, Range 21 East to the NE¼ NW¼, Section 21, Township 18 South, Range 21 East, Gila and Salt River Base and Meridian, Cochise County, Arizona. See map on reverse side of this Notice.

PROTEST

Any person desiring to protest against the granting of such permit shall within 60 days from the date of posting of this notice file with the Department of Water Resources at Phoenix, a signed statement in duplicate clearly setting forth the protestant's objections to the approval of the application, which statement shall contain the following information:

(1) Statement of the injury which would result to protestant from such appropriation and use.

(2) The basis of protestant's water right, and date of initiation of the right.

(3) Protestant's past and present use of water both as to amount used and land irrigated, or use made of water, if other than irrigation.

(4) A description of the protestant's land or place of use, and the point of diversion of the water.

(5) There may also be filed with such statement such maps and data as the protestant may care to submit in support of his protest.

Issued at Phoenix, Arizona

October 8, 19 85

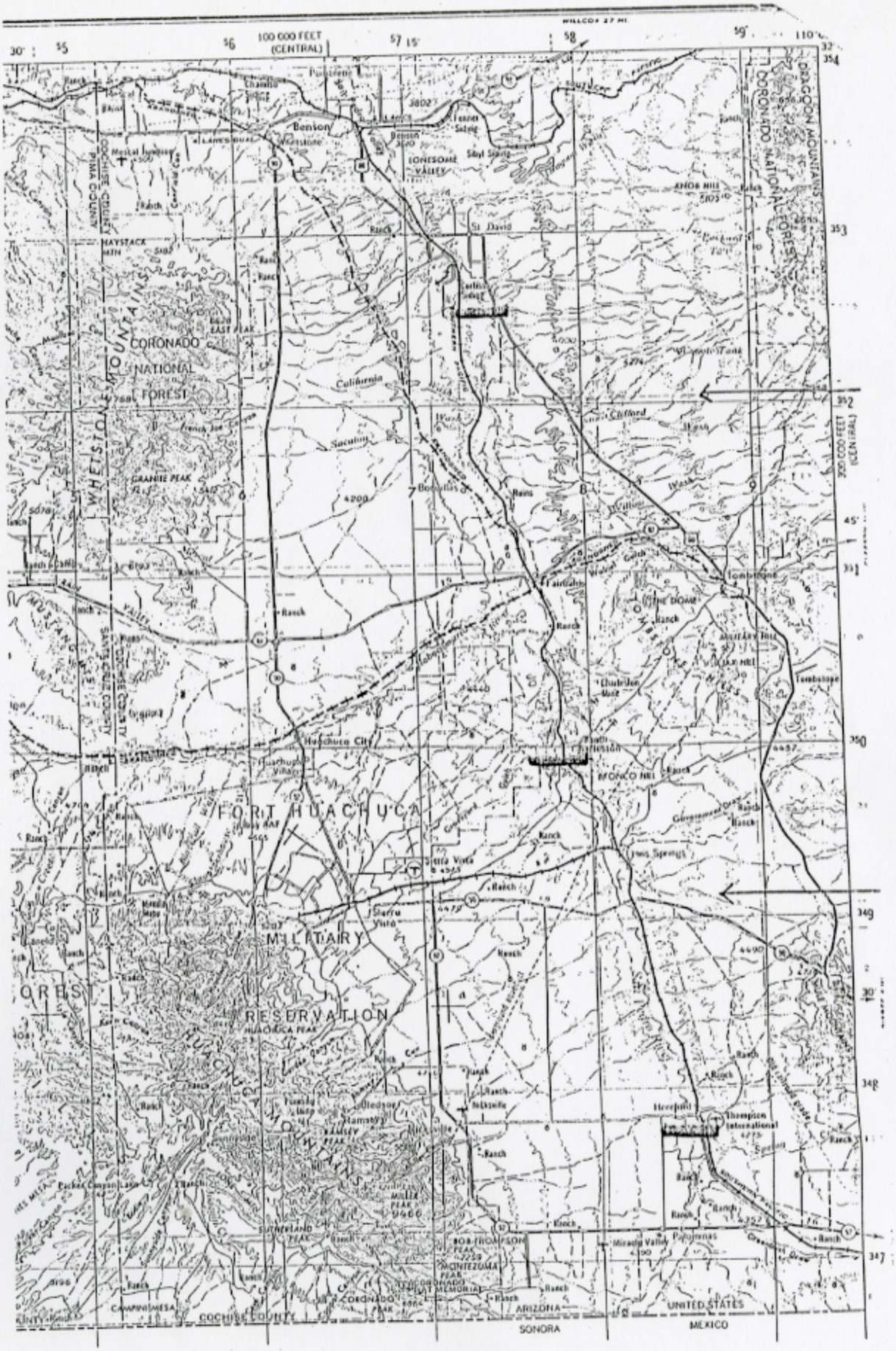
Date of Posting

Arizona Department of
Water Resources

kp

21-73

Huachuca Audubon Society, et al.



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