May 2, 1990

ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Mofford, Governor
N. W. Plummer
Director

15 South 15th Avenue
Phoenix, Arizona 85007

Bureau of Land Management
Safford District
425 East 4th Street
Safford, Arizona 85546

RE: Application for Permit to Appropriate Public Water
No. 33-95394

Dear Sirs:

Enclosed please find a copy of a protest of the referenced application submitted by Douglas D. Mason on behalf of the San Carlos Irrigation and Drainage District.

The Department of Water Resources will not take any action towards the issuance of a permit until the protest has been resolved. You may wish to file a written response to the protest within thirty (30) days from the date of this letter. Should you elect to do this, please send the original and one copy to this Department and furnish a copy to the protestant.

Essentially, it is up to you to negotiate with the protestant for a resolution of the issues of protest. It has been our experience that sometimes a direct contact with the protestant, explaining in person the nature and extent of your application, will resolve the issues raised by the protestant. In this connection, we do not presume to advise you.

Your negotiation may include an agreement to modify your application. It is important that you send a copy of any correspondence, memorandum of telephone calls or meetings, or copies of agreements to the Department of Water Resources for inclusion in the referenced file.

Any modifications to the application or a withdrawal of the protest must be submitted to the Department of Water Resources in writing by the appropriate party.

Yours truly,

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

JBS:as

Enclosures

cc: San Carlos Irrigation and Drainage District

SAN CARLOS IRRIGATION AND DRAINAGE DISTRICT

BOARD OF DIRECTORS:

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P. O. BOX 218
COOLIDGE, ARIZONA 85228

DOUGLAS D. MASON
GENERAL MANAGER

HUGH A. FERGUSON
ASSISTANT MANAGER

TELEPHONE
(602) 723-5408

April 26, 1990

Arizona Department of
Water Resources
15 S. 15th Avenue
Phoenix AZ 85007

Re: Protest of San Carlos Irrigation and Drainage District to Notice of Application to Appropriate Water - No. 33-95394

Gentlemen:

Protest is hereby made on behalf of the San Carlos Irrigation and Drainage District, to the Notice of Application to Appropriate Water for Bureau of Land Management, Safford District, 425 East 4th Street, Safford, Arizona 85546 to appropriate water for Fred's Lake, a tributary of the San Pedro River.

This protest is made upon the grounds that the waters of the Gila River and its tributaries sufficient for the irrigation of all of the lands within the San Carlos Irrigation and Drainage District, together with all of the other lands within the San Carlos Federal Irrigation Project, have been appropriated and the rights thereto vested as of the various dates and in the amounts set forth and adjudicated in United States of America v. Gila Valley Irrigation District, et al., in Cause No. 59 Globe Equity in the United States District Court for the District of Arizona, commonly known as the Gila Decree, which was entered June 29, 1935. Further, the rights of the District's landowners and others, as a part of the San Carlos Federal Irrigation Project, to the use and storage of water from the Gila River have been secured pursuant to the Act of May 18, 1916,

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entitled the Indian Appropriation Act for the Fiscal Year Ending June 30, 1917, 39 Stat. L. 123-130; the Act of June 7, 1924, commonly known as the San Carlos Project Act, 43 Stat. 475-476; and the Landowners Agreement with the Secretary of the Interior; San Carlos Project: Act of June 7, 1924. In addition, if not otherwise covered hereinabove, the District's landowners and others claim the right to divert from the normal and flood waters, as well as the appropriable subflow waters of the Gila River, in an amount up to the diversionary capacity of the Florence-Casa Grande Canal at Ashurst-Hayden Dam and the pumping capacity of the Project's wells for use upon District and Project lands and storage in Picacho Reservoir; the diversionary capacity of the San Tan Canal at Sacaton Diversion Dam near Olberg for use on Project lands and the diversionary capacity of the Diversion Dam at Gila Crossing for use upon the decreed lands situated within the Gila River Indian Reservation.

All of the aforesaid waters of the Gila River and its tributaries, excepting those diverted at Gila Crossing, are stored and diverted by the San Carlos Federal Irrigation Project and placed to beneficial use principally for agricultural purposes upon approximately 50,000 acres of land within the San Carlos Irrigation and Drainage District situated in Pinal County, Arizona, and approximately 50,456 acres of land within the Gila River Indian Reservation in Pinal County, Arizona, which together comprise the San Carlos Federal Irrigation Project. That said water is stored in San Carlos Reservoir and in Picacho Reservoir and diverted for beneficial use from the Gila River at Ashurst-Hayden Diversion Dam situated in the northwest quarter (NW 1/4) of Section 8, Township 4 South, Range 11 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.

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Request is hereby made that in the event the Department does anything other than deny the subject Application that a formal hearing be held on the Application and that the San Carlos Irrigation and Drainage District be given due notice thereof and permitted to appear at such time and present such evidence as may be appropriate in support of our protest.

Sincerely,

Douglas D Mason

Douglas D. Mason
General Manager

DDM:mja

cc: Bureau of Land Management
Henry Dodge
Riney B. Salmon II

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