

Disc file copy
33-90103



APPLICATION FOR PERMIT TO APPROPRIATE
STATE OF ARIZONA

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

Symbol See attached page "A"

Symbol	cf/gpm or	ac. ft. from	Month/Day
_____	_____	_____ to _____	_____ to _____
_____	_____	_____ to _____	_____ to _____
_____	_____	_____ to _____	_____ 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 _____, Section _____, of Township _____, Range _____, G&SRB&M., in the County of _____ (N/S) (E/W)

7. The place of use (locate on map) is in the _____, Section _____, south of Benson, Range _____, G&SRB&M., in the County of Cochise. (N/S) (E/W)

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

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.

INPUT

SEP 21 1985

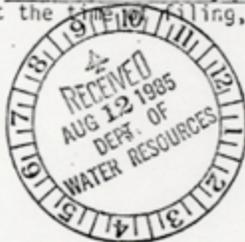
INSTRUCTIONS:

A map of the standard equal to the maps printed by the United States Geological Survey (Quad Sheets) or 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 signing, rests with the applicant.



Lori Potter

Signature of Applicant

Lori Potter
Attorney for Applicants Huachuca Audubon Society,
Chiricahua Sierra Club, and Defenders of Wildlife

PERMIT Sierra Club Legal Defense Fund
820 16th Street, Suite 514
Denver, Colorado 80202
303-892-6301

Application No. _____

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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_____.

S E A L

_____ for the Director