

APPLICATION FOR PERMIT TO APPROPRIATE WATER RIGHTS  
STATE OF ARIZONA

Application No. 33-90103  
Permit No. \_\_\_\_\_  
Filed: 8-12-85 at 9:00 AM  
(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"  
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 \_\_\_\_\_, 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 \_\_\_\_\_, of Township \_\_\_\_\_, 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.



Question 4 Permit Application

This application requests an appropriation of instream flows of water in one continuous stretch of the San Pedro river. Because flow data is available from two separate gaging stations within this stretch (Charleston and Tombstone), the application is broken down into two discrete segments which make up this stretch of the river: Hereford to Charleston (segment 1) and Charleston to a point 8 miles south of Benson (segment 2).

Segment 1 Amount

Symbol	Month/Day
0	4.19 cfs from 10/1 to 10/31
0	6.30 cfs from 11/1 to 11/30
0	8.65 cfs from 12/1 to 12/31
0	9.5 cfs from 1/1 to 3/31
0	6.15 cfs from 4/1 to 4/30
0	3.89 cfs from 5/1 to 5/31
0	5.73 cfs from 6/1 to 6/30
0	128 cfs from 7/1 to 7/31
0	92.6 cfs from 8/1 to 8/31
0	19.7 cfs from 9/1 to 9/30



Page "B"/Attachment to Permit Application of  
Huachuca Audubon Society et al.

Question 7 Permit Application

Segment one of use will be in the streambed from south of Hereford (NW 1/4 NW 1/4 Sec. 22, T. 23 S., R. 22 E.) to the Charleston gaging station (NE 1/4 NE 1/4 Sec. 11, T. 21 S., R. 21 E.)

Segment two of use will be in the streambed from the Charleston gaging station (NE 1/4 NE 1/4, Sec. 11, T. 21 S., R. 21 E.) to approximately 8 miles south of Benson (NE 1/4 of NW 1/4, Sec. 21, T. 18 S., R. 21 E.)



ASSIGNMENT

One Assignment and \$5.00 Fee to be Filed for Each Document

For valuable consideration, the undersigned hereby assigns and transfers subject to the conditions set out on the attached page,

- Application to Appropriate Public Waters No. 33-90103
- Permit to Appropriate No. \_\_\_\_\_
- Certificate of Water Right No. \_\_\_\_\_
- Water Rights Registration No. \_\_\_\_\_
- Registration of Stockpond No. \_\_\_\_\_

together with all rights evidenced therein to Bureau of Land Management,  
Arizona State Office, 3707 N. 7th Street, Phoenix, Arizona 85014  
Assignee  
Address

DATED this 22nd day of May, 1986.  
Lori Potter 1600 Broadway Street, Suite 1600  
Assignor Denver, Colorado 80202  
Address

Huachuca Audubon Society, c/o Lori Potter  
STATE OF COLORADO )  
County of Denver ) ss.

The foregoing assignment was acknowledged and signed before me this 22nd day of May, 1986, by Lori Potter.

My commission expires:  
January 29, 1990

Elizabeth Smith  
Notary Public

ACCEPTANCE

The undersigned hereby accepts the assignment of the document described herein and agrees to be bound by the terms and conditions thereof.

DATED this 27th day of May, 1986.  
D. Dean Bibles 3707 N. 7th St., Phoenix, AZ 85014  
Assignee Address

Bureau of Land Management, Arizona State Office  
STATE OF ARIZONA )  
County of MARICOPA ) ss.

The foregoing instrument was acknowledged and signed before me this 27th day of May, 1986, by D. Dean Bibles.

My commission expires:  
My Commission Expires Aug. 19, 1988

Barbara Jones  
Notary Public

APPROVAL

Approved by and filed with the Arizona Department of Water Resources this date  
May 28, 1986.

Lawrence Ramsey  
F. Director

This Assignment is conditioned upon the following terms:

(1) Assignors Huachuca Audubon Society, Sierra Club, and Defenders of Wildlife shall remain parties to this proceeding with intervenor status, and shall be served with copies of all filings, pleadings, notices, and decisions;

(2) As intervenors in the proceeding, Assignors shall retain a joint interest in the Application until such time as DWR issues BLM a decreed water right. At such time, Assignee BLM shall be the sole owner of said water right;

(3) Should Assignee Bureau of Land Management move to dismiss this application, this application shall revert to Assignors;

(4) Assignee Bureau of Land Management shall promptly move to protect this application in the ongoing general adjudication for the Gila River basin, and shall serve Assignors with notice of such legal action; and

(5) Should Assignee abandon the water right which is decreed as a result of this Application, the water right shall revert to Assignors.

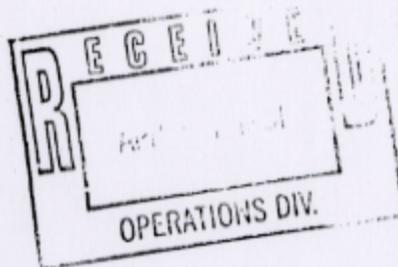
6. Location of Proposed Places of Use: County: Cochise

San Pedro River Streambed. Two Segments:

Segment 1: From the international border at NENW Section 19, T. 24 S., R. 22 E. through NENE section 4, T. 24 S., R. 22 E.;

Segment 2: From a point approximately 2 miles south of Hereford, Arizona at SWSW section 22 (south section line), T. 23 S., R. 22 E. through NWNW section 21, T. 18 S., R. 21 E. (approximately 7 miles south of the city of Benson, Arizona.

Segments are marked on the attached maps.



Attachment C

ATTACHMENT 1

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

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 - 4 1991

OPERATIONS DIV.

5. Location of proposed point of diversion: County: N/A  
GLO Lot# \_\_\_\_\_, or \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 of Section, \_\_\_\_\_ Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W

6. Location of proposed place(s) of use: County: See Attachment C  
Assessor Book, Map, and Parcel #: \_\_\_\_\_  
GLO Lot# \_\_\_\_\_, or \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, of Section, \_\_\_\_\_ Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W

7. Describe how the appropriated water is to be developed and put to the stated beneficial use: No development will occur. Beneficial use will be instream, high flow

8. Storage of water: N/A  
A. Name of reservoir: \_\_\_\_\_ B. Dam height at downstream face: \_\_\_\_\_ feet  
C. Maximum storage at spillway crest: \_\_\_\_\_ acre-feet. D. Capacity for each foot in depth in cubic feet: \_\_\_\_\_

9. Construction of facility or diversion works: Number of months or years to begin construction after issuance of permit: N/A; Number of months or years to complete project \_\_\_\_\_; and number of months or years to put the water to the proposed beneficial use: \_\_\_\_\_  
If the facility or diversion is already in place and the appropriated water has already been put to the stated beneficial use, give the date of first beneficial use: \_\_\_\_\_

10. Owner of land on which the appropriation is located: United States Department of Interior, Bureau of Land Management  
A. Indicate land ownership: Private \_\_\_\_\_, State \_\_\_\_\_, BLM X, National Forest \_\_\_\_\_, Other \_\_\_\_\_  
B. Does the applicant have legal access to both the proposed diversion point and place(s) of use?  
Yes X No \_\_\_\_\_ If "No", explain in item 12 below.  
C. If the land is held by lease, give the lease or allotment number: N/A. For proposed appropriations located on BLM or Forest Service lands, the applicant must obtain a letter of authorization for the proposed appropriation and submit the letter to the Department with the application.

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

12. Additional comments or explanations: Applicant seeks to appropriate unappropriated water for wildlife, including fish, and recreational purposes which are beneficial under A.R.S. 45-141(A). This application is for non-consumptive uses that occur within the streambed except for incidental wildlife use.

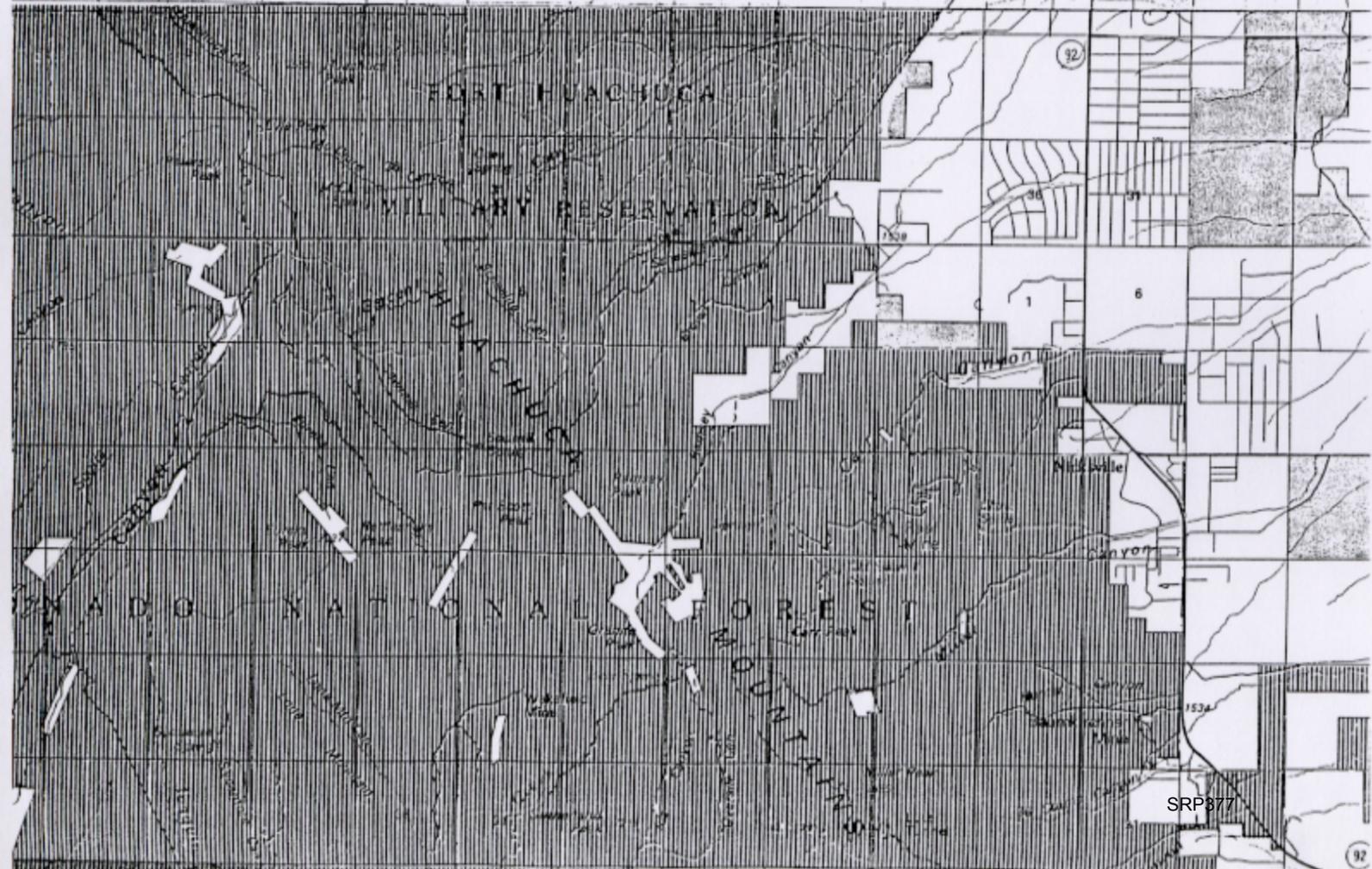
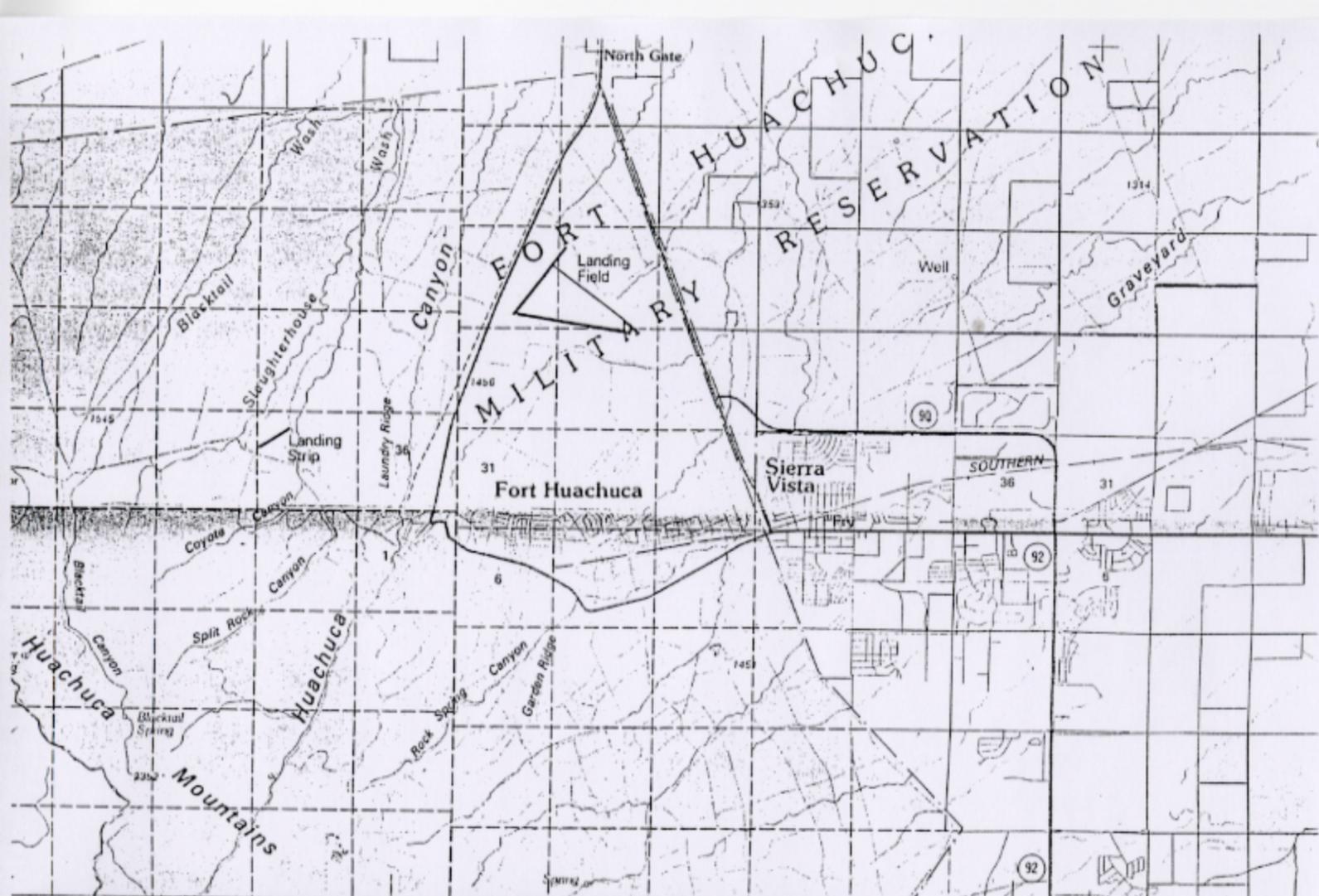
13. Attach examination fee of \$25.00. Also attach a United States Geological Survey topographic quadrangle map, or copy thereof, clearly showing the proposed point of diversion, any conveyance system, and the place(s) of use.

Submit the completed application, with examination fee, to the Arizona Department of Water Resources, Operations Division, 15 South 15th Avenue, Phoenix, Arizona, 85007.

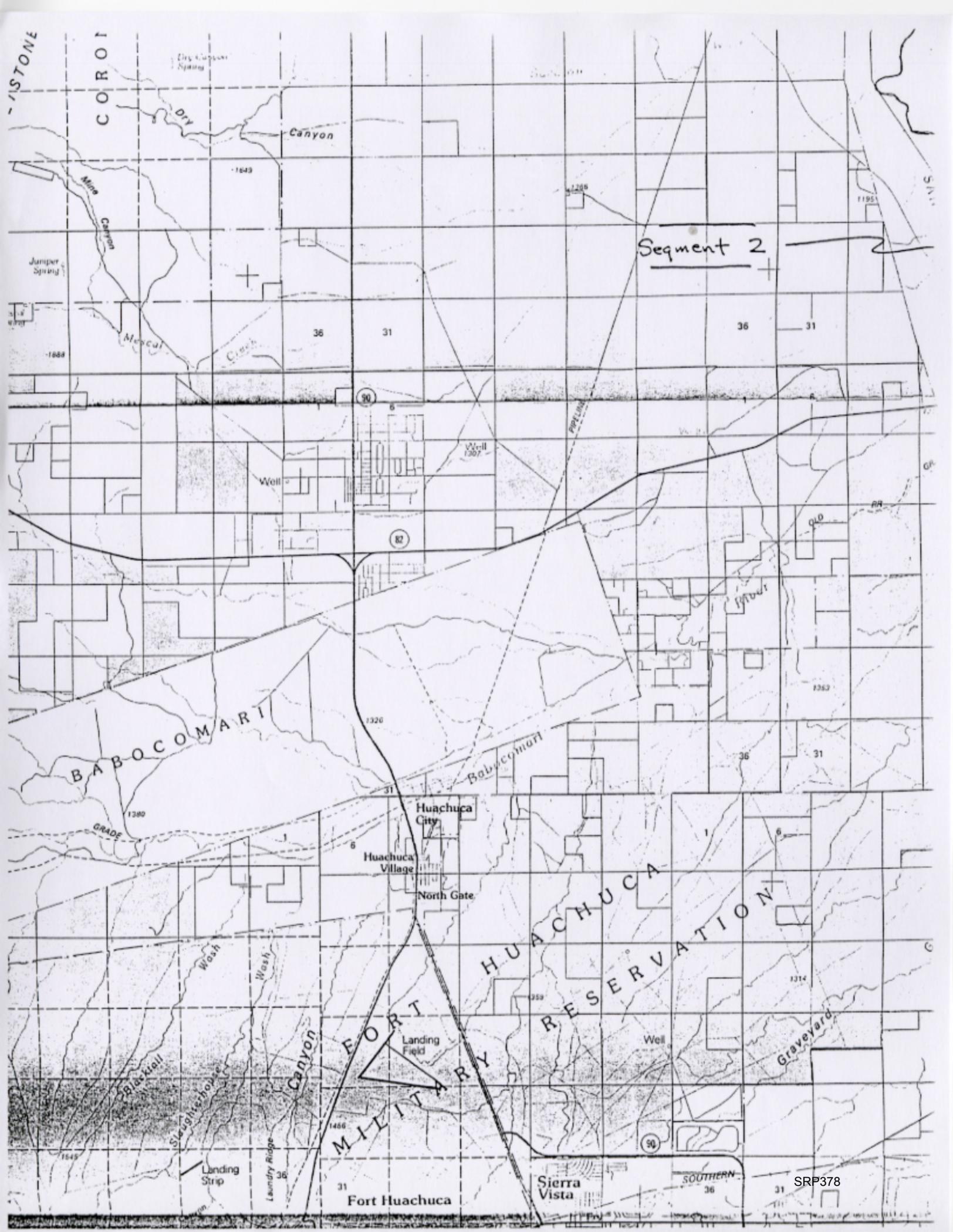
\_\_\_\_\_ date \_\_\_\_\_ Signature of Applicant, or Representative SRP375

BLM INSTREAM FLOW APPL  
 (Flood Flow)  
 SEGMENTS 1(S  
 and 2 (n





SRP877



Segment 2

SRP378