

CERTIFICATE OF WATER RIGHT

Revised

Application No. 33-25882.0001

STATE OF ARIZONA

County of Pinal

(For conveyance of water rights perfected under Title 45,
Chapter 1, Article 5, Arizona Revised Statutes)

Arizona Department of Water Resources
Operations Division
15 South 15th Avenue
Phoenix, Arizona 85007

This is to Certify, That Decker Ranches, P.O. Box 325, Taylor, Arizona, 85939, by and for the Bureau of Land Management, Safford District Office,

(hereafter referred to as "transferee," whether one or more) has made proof to the satisfaction of the Arizona Department of Water Resources that the interest of Flying W Cattle Company, Inc., a corporation, Willcox, Arizona, by and for the State of Arizona,

in a right to the use of the water of Bull Canyon, a tributary of Aravaipa Creek, a tributary of the San Pedro River,

under Certificate of Water Right Number 25882.0000, issued pursuant to Title 45, Chapter 1, Article 5, Arizona Revised Statutes, for the purpose or uses of stockwatering,

with a date of priority of October 16, 1973, has been conveyed to transferee.

The amount of water to which transferee is entitled is limited to an amount beneficially used, but shall not exceed 131,400 gallons per annum for stockwatering.

The amount of water transferee is entitled to store is limited to 1.61 acre-feet stored in Booger Pasture Tank.

The land to which a right for an irrigation purpose is appurtenant, in whole or in part, or on which a right for other purposes shall be used and the point of diversion are described as being within the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 9, Township 6 South, Range 18 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.

The right to the use of the water whose conveyance to transferee is hereby acknowledged is restricted to the purpose and to the land described in this certificate and is subject to all prior existing water rights. If the right assigned was perfected under Title 45, Chapter 1, Article 5, Arizona Revised Statutes, the right is also subject to all water rights described in Section 45-272, Subsection B, Arizona Revised Statutes. Transferee takes the right subject to any forfeiture or abandonment of the water right, in whole or in part, by previous holders of the water right.

Certificate No. 25882.0001

is granted this 23rd day of April, 1993.

APR 23 1993



Rita P. Pearson, Director

The Department of Water Resources must be notified if a change of address is made by the above named person(s) or if ownership of the land or of the water right is conveyed to another person(s), A.R.S. §45-164.B.

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1581
Fax (602) 256-0506



FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

April 21, 1993

Mr. Del Molitor
Bureau of Land Management
Safford District Office
711 Fourteenth Avenue
Safford, Arizona 85546

Re: Revised Certificates of Water Right Nos. 3808 (App. No. R-1963.0001), 3809 (App. No. R-1964.0001), 3810 (App. No. R-1965.0001), 3811 (App. No. R-1966.0001), 25880 (App. No. 33-25880), 25881 (App. No. 33-25881) and 25882 (App. No. 33-25882.0001).

Dear Del:

The Director of the Department of Water Resources is pleased to forward the enclosed Revised Certificates of Water Right for your records. Copies of the Revised Certificates have been mailed to Decker Ranches, c/o Mr. L. Fred Decker.

The Revised Certificates is evidence of your water right. A duplicate copy of the Revised Certificates is maintained in the official records of this Department.

Your patience in complying with the requirements of the Public Water Code in perfecting these water rights is appreciated.

Yours truly,

Louise Hutchinson
Surface Water Rights Specialist
Operations Division

Enclosures

cc: L. Fred Decker

lh

Arizona Department of Water Resources
 15 South 15th Avenue
 Phoenix, Arizona 85007

APPLICATION FOR ASSIGNMENT OF WATER RIGHT

*For further reference see
 Lead File No. 42.*

Filed: _____
 (Date)

(Note: General and special instructions are on the reverse of this form.)

In accordance with Arizona Revised Statutes § 45-164.B, the undersigned parties hereby notify the Arizona Department of Water Resources of the assignment of the following water rights or claims, in whole, or in part:

<u>Fee</u>	<u>Registry Number</u>
	See Attached Addendum Heret
\$5.00 Application For Permit to Appropriate Public Water No.	33(A & R)- _____
\$5.00 Permit to Appropriate Public Water No.	33(A & R)- _____
\$5.00 Certificate of Water Right No.	33(A, R & BB)- _____
\$5.00 Statement of Claim of Right-Registration No.	36- _____
\$5.00 Claim for Stockpond Water Rights Application No.	38- _____
\$5.00 Stockpond Water Right Certificate No.	38- _____

(Note: Use attachment for additional listing of rights of claims)

SELLER(S)/ASSIGNOR(S)

BUYER(S)/ASSIGNEE(S)

Name Flying W Cattle Company
 (Print or Type)

Name Decker Ranches
 (Print or Type)

Address 151 South Haskell
Willcox, AZ 85643

Address P.O. Box 325
Taylor, AZ 85939

Phone No. (602) 384-4228

Phone No. (602) 536-9419

[Signature]
 SIGNATURE

J. Fred Decker
 Please Print or Type Name

[Signature]
 SIGNATURE

SEP 13 1991
 OPERATIONS DIV

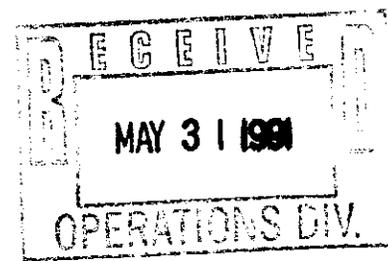
RECEIVED
 MAY 31 1991
 OPERATIONS DIV

ADDENDUM TO APPLICATION
FOR ASSIGNMENT
OF WATER RIGHTS

Assignor Flying W Cattle Co.

Assignee Decker Ranches

<u>Places of Use</u>	<u>Application #</u>	<u>Permit #</u>	<u>Certificate #</u>
NE SE 11 6S 18E	33-0025880	0025880	0025880
SE NE 96S 18E	33-0025882	0025882	0025882



P.O. 325
Taylor, Az 85939

Please issue to Decker Ranch only with no names SRP06534

CERTIFICATES OF WATER RIGHTS - DECKER RANCHES

L. FRED DECKER
~~NOT~~ FRED T DECKER

<u>CWR No.</u>	<u>Applic. No.</u>	<u>Place of Use</u>
42	R-68	NE $\frac{1}{4}$ Sec. 3 T6S R18E
658	R-489	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11 T6S R18E
667	R-511	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7 T6S R19E
3808	R-1963	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35 T5S R18E
3809	R-1964	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2 T6S R18E
3810	R-1965	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 T6S R18E
3811	R-1966	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6 T6S R19E
25880	33-25880	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11 T6S R18E
25881	33-25881	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T6S R18E
25882	33-25882	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9 T6S R18E

3/19/93



ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007

Telephone (602) 542-1581

Fax (602) 256-0506

FIFE SYMINGTON
GovernorRITA P. PEARSON
Director

(Please see 3/19/93 ltr. for encl. to ltrs)

March 26, 1993

Mr. David G. Decker
Decker Ranches
P.O. Box 12
Taylor, Arizona 85937

Re: Revised Certificates of Water Right - See Enclosure.

Dear Mr. Decker:

This letter supersedes a letter to you from the Department dated April 30, 1992. A copy of the letter is enclosed.

The Department of Water Resources is prepared to issue Revised Certificates of Water Rights. The certification fee for each issued Revised Certificate is \$25.00. Please remit your check in the amount of \$250 to the Department of Water Resources for the certification of the 10 Revised Certificates on the enclosed list.

Revised Certificates of Water Right Nos. 42, 658 and 667, highlighted in yellow, will be issued solely to Decker Ranches because the original certificate were issued to an individual. The remainder of the Revised Certificates will be issued to the Decker Ranches, by and for the Bureau of Land Management.

Please call me at the above telephone number if you have further questions regarding the Revised Certificates.

Yours truly,

Louise Hutchinson
Surface Water Rights Specialist
Operations Division

Enclosures

cc: Fred T. Decker

lh

(OVER)

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1581
Fax (602) 256-0506



FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

March 26, 1993

Mr. Fred T. Decker
Decker Ranches
P.O. Box 325
Snowflake, Arizona 85939

Re: Revised Certificates of Water Right - See Enclosure.

Dear Mr. Decker:

This letter supersedes a letter to David G. Decker from the Department dated April 30, 1992. A copy of the letter is enclosed.

The Department of Water Resources is prepared to issue Revised Certificates of Water Rights. The certification fee for each issued Revised Certificate is \$25.00. Please remit your check in the amount of \$250 to the Department of Water Resources for the certification of the 10 Revised Certificates on the enclosed list.

Revised Certificates of Water Right Nos. 42, 658 and 667, highlighted in yellow, will be issued solely to Decker Ranches because the original certificate were issued to an individual. The remainder of the Revised Certificates will be issued to the Decker Ranches, by and for the Bureau of Land Management.

Please call me at the above telephone number if you have further questions regarding the Revised Certificates.

Yours truly,

A handwritten signature in cursive script that reads "Louise Hutchinson".

Louise Hutchinson
Surface Water Rights Specialist
Operations Division

Enclosures

cc: David G. Decker

lh

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1581
Fax (602) 256-0506



FIFE SYMINGTON
Governor

RITA P. PEARSON
Director

March 19, 1993

Mr. David G. Decker
Decker Ranches
P.O. Box 325
Snowflake, Arizona 85939

Re: Revised Certificates of Water Right - See Enclosure.

Dear Mr. Decker:

This letter supersedes a letter to you from the Department dated April 30, 1992. A copy of the letter is enclosed.

The Department of Water Resources is prepared to issue Revised Certificates of Water Rights. The certification fee for each issued Revised Certificate is \$25.00. Please remit your check in the amount of \$250 to the Department of Water Resources for the certification of the 10 Revised Certificates on the enclosed list.

Revised Certificates of Water Right Nos. 42, 658 and 667, highlighted in yellow, will be issued solely to Decker Ranches because the original certificate were issued to an individual. The remainder of the Revised Certificates will be issued to the Decker Ranches, by and for the Bureau of Land Management.

Please call me at the above telephone number if you have further questions regarding the Revised Certificates.

Yours truly,

A handwritten signature in cursive script that reads "Louise Hutchinson".

Louise Hutchinson
Surface Water Rights Specialist
Operations Division

Enclosures

cc: BLM, Safford District Office

lh

REVISED CERTIFICATES OF WATER RIGHTS, DECKER RANCH

<u>CWR No.</u>	<u>Applic. No.</u>	<u>Place of Use</u>
42	R-68	NE $\frac{1}{4}$ Sec. 3 T6S R18E
658	R-489	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11 T6S R18E
667	R-511	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7 T6S R19E
3808	R-1963	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35 T5S R18E
3809	R-1964	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2 T6S R18E
3810	R-1965	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 T6S R18E
3811	R-1966	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6 T6S R19E
25880	33-25880	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11 T6S R18E
25881	33-25881	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T6S R18E
25882	33-25882	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9 T6S R18E

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
 Telephone (602) 542-1553
 Fax (602) 256-0506



April 30, 1992

Mr. David G. Decker
 Decker Ranches
 P.O. Box 325
 Snowflake, Arizona 85939

FIFE SYMINGTON
 Governor

Re: Issuance of Revised Certificates of Water Right; Completion of
 Assignment Action, Certificates of Water Right, Nos. 42, 658,
 667, 3808, 3809, 3810, 3811, 25880, 25881, and 25882

ELIZABETH ANN RIEKE
 Director

Dear Mr. Decker:

The original of certificated water rights number 3808, 3809, 3810, 3811, 25880, 25881, and 25882 were issued to either D.B. Sanford or the Flying W Ranch, respectively, by and for the State of Arizona. This specific designation of holder appears on the actual documents. The lands involved with these certificates were reconveyed from the State Trust to the Bureau of Land Management.

As a result of your completed assignment and the land reconveyance, the Department of Water Resources is prepared to issue revised versions of the seven certificated water rights above. The revised certificates are to be issued to the Decker Ranches, by and for the Bureau of Land Management. A processing fee of \$25.00 is required for each of the seven revised certificates. The revised certificates will be issued upon receipt of the \$175.00 fee payment made out to the Department of Water Resources. We are returning herewith the three checks for fee payments previously requested.

Certificates of water right numbers 42, 658, and 667 were previously issued solely to J.T. Sanford. The certificates do not indicate the landowner as co-holder of the water right. Given the location of each of these three water rights, they appear to have been located on State Trust lands, until reconveyed to the Federal government.

The Department's Director has recently tasked the agency Legal Division to issue a formal policy statement regarding the situation of apparent lessees solely holding previously-issued water rights on leased lands. The concepts of personal property rights versus stewardship by the landowner of the resources of the land bear weight upon the resolution of whether or not a lessee is entitled to hold water rights on leased lands. The Director places a high priority on issuing a formal statement of policy in the near future.

Given this situation, I will refrain from issuing any revised certificates for certificates 42, 658, and 667 until such time as a formal statement of policy has been issued by the Director.

Yours truly,

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

Enclosures

JBS:lh

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
 Telephone (602) 542-1553
 Fax (602) 256-0506

April 30, 1992



FIFE SYMINGTON
 Governor

ELIZABETH ANN RIEKE
 Director

Mr. Ray A. Brady
 District Manager
 Bureau of Land Management
 Safford District Office
 425 E. 4th Street
 Safford, Arizona 85546

Re: Revised Certificates of Water Right, Decker Ranch

Dear Mr. Brady:

In response to your letter of March 27, 1992, with reference to the ten certificated water rights, the Department is prepared to issue seven revised certificates to the current lessee, by and for the Bureau of Land Management. These seven revised certificates are to be issued for certificates 3808, 3809, 3810, 3811, 25880, 25881, and 25882.

The seven referenced certificates were previously issued to Mr. Sanford, by and for the State of Arizona. Following established operational policy, these certificates, upon reconveyance of the land from the State of Arizona to the Federal government, are to be issued to the lessee, by and for BLM.

Three other certificates, 42, 658, and 667, were previously issued to the individual, without mention of the landowner. The Department assumes that the land was part of the State Trust at the time these water rights were certificated. However, the certificates were issued solely to the individual.

The Department's Legal Division has been tasked by the Director to issue a formal policy statement regarding this very situation in which a water right was awarded to an individual on leased property. Over the past several years, discussions concerning this issue have been fruitless. The seemingly conflicting ideas of property rights versus stewardship of the natural resource have affected whether or not a lessee is or is not entitled to holdership of the water right. The Director, however, has placed the resolution of this matter as a very high priority on her agenda. I do expect some formal decision within several weeks.

Given this situation, I will refrain from issuing any revised certificate for certificates 42, 658, and 667 until such time as I have a formal, recognized statement of policy from the Director.

Yours truly,

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

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
 Telephone (602) 542-1553
 Fax (602) 256-0506



FIFE SYMINGTON
 Governor

ELIZABETH ANN RIEKE
 Director

February 24, 1992

Mr. Delbert Molitar
 U.S. Bureau of Land Management
 Safford District Office
 425 East Fourth Street
 Safford, Arizona 85546

Re: Ten Revised Certificates of Water Right for Decker Ranches

Dear Mr. Molitar:

The Department of Water Resources is prepared to issue Revised Certificates of Water Right. According to information available to the Department, these water rights appear to be located on Bureau of Land Management lands reconveyed from the State of Arizona.

Information available to the Department indicates that the lessee of the land where the proposed appropriations are located is Decker Ranches. The following is a list of the Certificates of Water Right to be revised and the location of the place of use for each listed right:

<u>CWR No.</u>	<u>Applic. No.</u>	<u>Place of Use</u>	<u>County</u>
42	R-68	NE $\frac{1}{4}$ Sec. 3 T6S R18E	Pinal
658	R-489	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11 T6S R18E	Pinal
667	R-511	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7 T6S R19E	Graham
3808	R-1963	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35 T5S R18E	Pinal
3809	R-1964	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2 T6S R18E	Pinal
3810	R-1965	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2 T6S R18E	Pinal
3811	R-1966	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6 T6S R19E	Graham
25880	33-25880	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11 T6S R18E	Pinal
25881	33-25881	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T6S R18E	Graham
25882	33-25882	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9 T6S R18E	Pinal

Please confirm the name and address of the current lessee and verify all places of use shown in the list above. The Revised Certificates will be issued to lessee, by and for BLM, per Arizona Administrative Code Rule 12-15-301.

If you have any questions in this matter, please feel free to contact Louise Hutchinson in the Operations Division.

Yours truly,

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

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 256-0506



FIFE SYMINGTON
Governor

ELIZABETH ANN RIEKE
Director

February 6, 1992

Mr. David G. Decker
Decker Ranches
P.O. Box 325
Snowflake, Arizona 85939

Re: Request for Certification Fee for Certificates of Water Right Nos. 42 (Applic. No. R-68.0001), 658 (Applic. No. R-489.0001), 667 (Applic. No. R-511.0001), 3808 (Applic. No. R-1963.0001), 3809 (Applic. No. R-1964.0001), 3810 (Applic. No. R-1965.0001), 3811 (Applic. No. R-1966.0001), 33-25880.0001, 33-25881.0001 and 33-25882.0001.

Dear Mr. Decker:

Revised Certificates of Water Right may not be issued for the referenced certificates because the certification fees have not been paid.

The fees were previously requested on September 16, 1991. A copy of that request is enclosed for your reference.

If the Department does not receive payment for the required fees within thirty (30) days of the date of receipt of this letter, I will recommend that the referenced certificates be cancelled for failure to proceed with due diligence.

Please contact Louise Hutchinson if you have any questions regarding the certification fees.

Yours truly,

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

JBS:lh

Enclosure

Certified Mail No. 509 415 884

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
 Telephone (602) 542-1553
 Fax (602) 256-0506



FIFE SYMINGTON
 Governor

ELIZABETH ANN RIEKE
 Director

September 16, 1991

*Lead file is
 CWR 42*

Mr. David G. Decker
 Decker Ranches
 P.O. Box 325
 Snowflake, Arizona 85939

Re: Assignment (Conveyance) of Certificates of Water Right Nos. 42 (Applic. No. R-68.0001), 658 (Applic. No. R-489.0001), 667 (Applic. No. R-511.0001), 3808 (Applic. No. R-1963.0001), 3809, (Applic. No. R-1964.0001), 3810 (Applic. No. R-1965.0001), 3811 (Applic. No. R-1966.0001), 33-25880.0001, 33-25881.0001 and 33-25882.0001.

From: Flying W Cattle Company and Duard Sanford
 To: Decker Ranches

Dear Mr. Decker:

The referenced assignment action has been completed as required by Arizona Revised Statutes, 45-163 and -164. The official records of the Department have been revised to indicate the name and address of the current holder of the referenced certificates.

Enclosed please find a receipt for the previously submitted payment of the assignment processing fee.

The Department of Water Resources is prepared to issue Revised Certificates of Water Right for the ten referenced certificates. Enclosed for your files are copies of the original certificates. The certification fee requires a payment of \$25.00 for each Revised Certificate, which includes \$9.00 each for the recording fee. Please remit to the Department three separate checks made payable as follows:

\$116.00 payable to the Department of Water Resources;
 \$63.00 payable to the Pinal County Recorder;
 \$21.00 payable to the Graham County Recorder.

Please contact Louise Hutchinson in the Operations Division if you have further questions regarding the assignment process or the Revised Certificates.

Yours truly,

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

JBS:lh

Enclosures

cc: Bureau of Land Management
 Safford District Office

STATE OF ARIZONA

WATER DISTRICT NO.

COUNTY OF Pinal

Certificate of Water Right

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That *Flying W Cattle Company, Inc., a corporation,*
of Willcox *by and for the State of Arizona,*
State of Arizona *has made proof*

to the satisfaction of the DEPARTMENT OF WATER RESOURCES of Arizona of a right to the use of the waters of Bull Canyon, a tributary of Aravaipa Creek, a tributary of the San Pedro River,

for Stockwatering *under*
Application No. 33-25882 Permit No. 33-25882 of the DEPARTMENT OF WATER RESOURCES
and that said right to the use of said waters has been perfected in accordance with the laws of Arizona,
and made and entered of record in the Records of the Department of Water Resources at Phoenix, Arizona,
in Volume 12 at page 25882 on the 2nd day of December, 1986 ; that the priority of the
right hereby confirmed dates from October 16, 1973 *; that the amount of water to which such*
right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually bene-
ficially used for said purposes, and shall not exceed 131,400 gallons per annum for stockwatering;
the authorized storage capacity of the reservoir shall not exceed 1.61 acre feet.

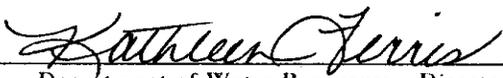
A description of the lands under such right, and to which the water hereby confirmed is appurtenant,
or if for other purposes, the place where such water is put to beneficial use, is as follows:

The point of diversion and place of use are located within the Southeast quarter (SE¼) of the Northeast quarter (NE¼), Section 9, Township 6 South, Range 18 East, Gila and Salt River Base and Meridian, Pinal County, Arizona. The reservoir is commonly known as Booger Pasture Tank.

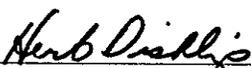
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, and subject to all prior existing rights.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness, *the seal and signature of the DEPARTMENT OF WATER RESOURCES*
affixed this 2nd day of
December, 1986.



Department of Water Resources Director
Kathleen Ferris

Attest: 

Deputy Director
Herb Dishlip

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004

BRUCE BABBITT, Governor
KATHLEEN FERRIS, Director

December 12, 1986

Flying W Cattle Company
Attn: Calvin W. Allred
P. O. Box 790
Willcox, Arizona 85644

RE: Certificate(s) of Water Right No. (33) 35880 and (33) 25882

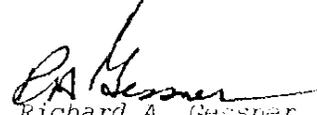
Dear Mr. Allred:

The Director of the Department of Water Resources is pleased to forward the enclosed Certificate(s) of Water Right for your records.

Please note that each Certificate of Water Right has been duly recorded with the County Recorder. A duplicate copy of each recorded Certificate issued is maintained in the official records of this Department.

Your patience in perfecting this water right under procedures required by law is appreciated.

Sincerely,



Richard A. Gessner
Chief, Operations Division

RAG:kw

Enclosure(s)

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
KATHLEEN FERRIS, Director

December 3, 1986

Katie Felix
Pinal County Recorder
P. O. Box 848
Florence, Arizona 85232

RE: Certificate of Water Right Nos. (33) 25880 and (33) 25882
Issued to: Flying W Cattle Company, Inc.

Dear Ms. Felix:

Enclosed is Check No. 1663 dated November 18, 1986 in the amount of \$6.00, which is submitted in payment of the recording fees pending in the referenced Certificates of Water Right which are also enclosed. Additionally, per Chapter 132 Arizona Revised Statutes 11-475.3.E., enclosed is a stamped, self-addressed envelope.

We request that the Certificates be recorded in accordance with ARS 45-152, annotate the documents on the reverse side in accordance with your procedures to include docket and page number, and return the Certificates to this Department. We shall immediately transmit the Certificates to the owner.

We appreciate your kind attention to this matter and thank you in advance for annotating the Certificates on the reverse side.

Very truly yours,

Kathy Willman
Examiner Technician
Surface Water Section
Telephone (602) 255-1581

KW:hs

Enclosures

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004

BRUCE BABBITT, Governor
KATHLEEN FERRIS, Director

October 29, 1986

Flying W Cattle Company
Attn: Calvin W. Allred
P. O. Box 790
Willcox, Arizona 85644

RE: Permit to Appropriate Nos. 33-25880 and 33-25882

Dear Mr. Allred:

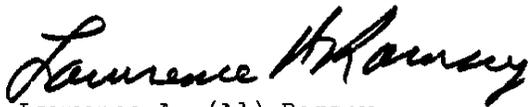
The Department of Water Resources will issue Certificates of Water Right for the referenced permits upon receipt of the certification fees.

Each certificate is \$25.00, which includes \$3.00 for the recording fee for each certificate. Please remit two separate checks as follows:

\$44.00 payable to the Department of Water Resources;

\$6.00 payable to the Pinal County Recorder.

Very truly yours,



Lawrence A. (Al) Ramsey
Section Manager
Surface Water/Adjudication

LAR:kw

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES

Suite 100
99 East Virginia Avenue
Phoenix, Arizona 85004

SRP06548



Application No. 33-25882 Permit No. 33-25882 County Pinal

PROOF OF APPROPRIATION OF WATER
(See reverse side for suggestions)

1. Name and address... Flying W Cattle Co. P.O. Box 790 Wilcox, ARIZ 85644
2. Source of supply... Booger Pasture Tank - Bull Canyon
(If stored in reservoir give name of reservoir as well as name of watercourse)
Tributary of... Aravaipa Canyon
3. Location of point of diversion... SE 1/4 NE 1/4 Sec. 9, Twp. 6 S, Rge. 18 E
(Forty-acre tract)
4. Construction work began... Prior to 10-16-73 and was completed... Prior to 10-16-73
5. Date water was completely applied to use... Prior to 10-16-73
6. Capacity of reservoir... ~~1.61~~ 1.61 acre feet
7. Quantity of water that has been applied to each use...
(In acre-feet)
131,400 G P A
per acre per annum or gallons per annum.)
8. During what months is the water beneficially used? ... JAN - Dec
9. If the appropriation is for municipal, domestic or stock watering use describe the forty-acre tract in which the water is used. If for irrigation, in the column headed "Number of acres actually irrigated" fill in only the number of acres that have been irrigated and describe their location in the smallest units that will embrace them.

Township	Range	Section	Forty-acre Tract, or Other Legal Description	Number Acres Actually Irrigated
<u>6S</u>	<u>18E</u>	<u>9</u>	<u>SE 1/4 NE 1/4</u>	

10. (a) If a dam has been constructed, give description: Height, 27.3 ft.; length on top, ft.; length on bottom.....ft.; material used and character of construction,.....
compacted earthen dam

(b) Give description of headgate: Width,.....ft.; depth,.....ft.; material used and character of construction,.....

(c) Size of canal: Width on top (at waterline).....ft.; width on bottom,.....ft.; depth of water.....ft.; length.....ft.; grade,.....ft. fall per 1,000 ft. Actual capacity,.....sec.-ft. Give general description:

(d) Pipe line: Description of intake,.....
Length of pipe,.....ft.; diam. at intake,.....in.; diam. at.....ft. from intake,..... in.; diam. at place of use,.....in. Difference in elevation between intake and place of use,ft. Is grade uniform?..... Actual capacity of pipe line,..... sec.-ft. Give general description:
(Material: Steel, wrought, cast iron, wood stave, etc.)

(e) Pumping plant: Give size and type of pump,
Suction lift,.....ft.; discharge lift,.....ft. Type of motor used.....
Horse power rating,.....H. P. Actual capacity of pump,.....sec.-ft.

(f) Distribution works:..... Material..... (State dimensions)
(No.) (Tanks or Troughs)
.....
and capacity of each

11. Domestic Use. State number of families and persons actually served, and described other domestic uses of water.....

12. Stock Watering Use. State kind of stock served Cattle State maximum, minimum and average number served per day during the months of the year water is used. Maximum 35 hd Minimum 10 hd Average 30 hd

13. If for municipal, power, mining or any other purpose than irrigation state the extent and method of such use.....

AFFIDAVIT OF APPROPRIATOR

STATE OF ARIZONA,
County of Cochise } ss.

I, Calvin W Alford, being first duly sworn,
depose and say that I have read the above and foregoing proof of appropriation of water; that I know
the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day
of October, 1986.

Calvin W Alford (Signature)

Subscribed and sworn to before me this 7th day of October, 1986.

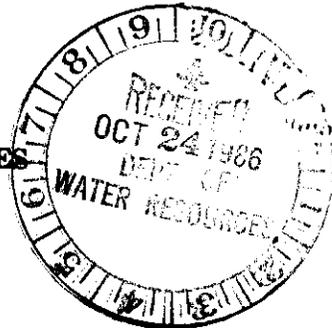
(Notary Seal)

Ray Horton (Signature) Notary Public.

My commission expires 6/2/90.

AFFIDAVIT OF WITNESSES

STATE OF ARIZONA,
County of Cochise } ss.



We, Eddie Lackner, and Frank E. Despain
of Willcox, AZ, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. 33-25882, that we and each of us have been
over and upon each tract described in said proof, and from such personal inspection have knowl-
edge that all necessary ditches, dams and other diversion and distributing works have been construct-
ed, and water used as stated therein; that we have carefully read such proof of appropriation, and
that each and every statement contained therein is true to the best of our knowledge and belief.

Eddie Lackner (Signature)
Frank E. Despain (Signature)

Subscribed and sworn to before me this 21st day of October, 1986.

(Notary Seal)

Ray Horton (Signature) Notary Public.

My commission expires 6/2/90.

State of Arizona

SRP06551

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
KATHLEEN FERRIS, Director

August 29, 1986

Flying W Cattle Company
P. O. Box 790
Willcox, Arizona 85643

RE: Permits to Appropriate No. 33-25880 and 33-25882

Dear Sirs:

A Certificate of Water Right cannot be issued for the referenced permit for the following reasons:

Proof of Appropriation of Water and Affidavit of Appropriator are overdue. These forms were due on or before March 27, 1986.

If you are no longer interested in perfecting this permit, please advise the Department of Water Resources in writing of your request.

Very truly yours,

A handwritten signature in cursive script that reads "Lawrence A. Ramsey".

Lawrence A. (Al) Ramsey
Section Manager
Surface Water/Adjudication

LAR:mmi
Enclosures

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

Date: April 1, 1985

Calvin W. Allred, Esq.
Flying W Cattle Company
P. O. Box 790
Willcox, Arizona 85643

RE: Permit to Appropriate Public Waters No. 33-25880 and 33-25882

Dear Mr. Allred:

Your application for an appropriative permit has been approved. The enclosed copy of the application shows the approved permit on the reverse side.

Enclosed is a form titled Proof of Appropriation of Water. This form must be completed and filed with the Department of Water Resources after the means of diversion or storage have been constructed and the appropriated water has been applied to the permitted beneficial use(s). This form must be notarized and supported by the affidavit of two witnesses.

The Proof of Appropriation of Water is an important document which should show the amount of water beneficially used. Please answer each applicable question completely, carefully and correctly after reviewing the terms of your permit, the application and any information which you have compiled regarding this water use(s). You may submit attachments with the Proof.

The information set forth in the Proof will be reviewed prior to the issuance of a Certificate of Water Right. This review may include a field examination of the appropriation.

Very truly yours,

A handwritten signature in cursive script that reads "George A. Schade, Jr.".

George A. Schade, Jr.
Branch Chief
Surface Water/Adjudications

GAS: kp

Enclosures

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

March 6, 1985

Calvin W. Allred, Esq.
Flying W Cattle Company
P. O. Box 790
Willcox, Arizona 85643

Dear Mr. Allred:

The Department of Water Resources is prepared to issue a permit for the following applications:

33-25880 Source: Pig Canyon

33-25882 Source: Bull Canyon

Please note that both permits will be held by the Flying W Cattle Company by and for the State of Arizona as originally requested by Mr. D. B. Sanford.

Upon receipt of the required fee of \$50.00 for each permit, we will issue the permits. Please submit permit fees in the amount of \$100.00.

Very truly yours,

A handwritten signature in cursive script, reading "George A. Schade, Jr.".

George A. Schade, Jr.
Branch Chief
Surface Water/Adjudications

GAS:kp

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

LAW OFFICES OF
WILLOUGHBY, EVANS, ALLRED & HOLLAND

STUART C. WILLOUGHBY (1923-1979)
J. R. EVANS III
CALVIN W. ALLRED
JAMES E. HOLLAND



20 SOUTH CURTIS AVENUE
P. O. BOX 790
MILLCOX, ARIZONA 85644
TELEPHONE [602] 384-2278

February 15, 1985

Ricky Curcio
Surface Water Section
Department of Water Resources
99 E. Virginia Avenue
Phoenix, Arizona 85004

Re: Applications for Permit to Appropriate Water
Nos. 33-25880 and 33-25882

Dear Ms. Curcio:

This is to acknowledge receipt of your letter dated February 4, 1985, with enclosures indicated therein.

On behalf of Flying W. Cattle Company, please be advised that you are hereby given permission to amend the applications as set forth in the letter of May 23, 1983. Attached is a copy of the letter of May 23, 1983 that I received recently from you.

If there is anything further that you need in order to proceed with this matter, please feel free to contact me.

Sincerely,

Calvin W. Allred

CWA/lm
Encl.

State of Arizona

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

February 4, 1985

Flying W. Cattle Company
Att: Calvin W. Allred
P. O. Box 790
Willcox, Arizona 85643

Re: Applications for Permit to Appropriate Water Nos. 33-25880 and 33-25882

Gentlemen:

Please respond to the attached copy of a letter mailed to you on August 11, 1983, or call George Schade at 255-1581 with reference to the above files; we would like to bring our records up to date.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Ricky Curcio". The signature is written in dark ink and is positioned above the typed name.

"Ricky" Curcio
Surface Water Section

enc.

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

State of Arizona

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

August 11, 1983

Flying W Cattle Company
Att: Calvin W. Allred
P. O. Box 790
Willcox, Arizona 85643

Re: Applications for Permit to Appropriate Water Nos. 33-25880 and 33-25882

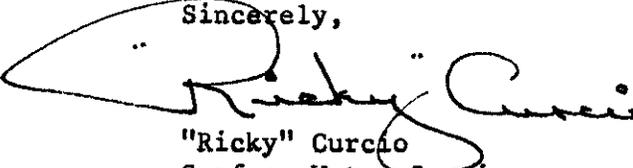
Gentlemen:

To date, this department has not had a response to our letter dated May 23, 1983 (copy enclosed). With that letter we had sent you copies of the referenced applications, while asking for permission to amend down the water requirements at No. 4, on both applications.

This is to advise that we can take no action on the referenced files until we hear from you. If you are no longer interested in bringing these files to Permit, and eventual certification, enclosed are two letters of withdrawal.

May we hear from you?

Sincerely,



"Ricky" Curcio
Surface Water Section

enc.

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

May 23, 1983

Flying W Cattle Company
Att: Calvin W. Allred
P. O. Box 790
Willcox, Arizona 85643

Re: Applications for Permit to Appropriate (Public) Water
Nos. 33-25880 and 33-25882 ✓

Dear Sir:

This Department has resolved the protest against the referenced applications by the Bureau of Indian Affairs.

We are ready to request Permit fees but note that your water requirement (No. 4, both applications, copies enclosed) is rather high for the number of cattle entered at No. 3. We use the following formula:-

12 gallons per day, multiplied by number of cattle, multiplied by 365 days;

No. 33-25880: 12 X 40 = 480 X 365 (days in a year) = 175,200 gallons per annum.

No. 33-25882: 12 X 30 = 360 X 365 " " " " = 131,400 gallons per annum.

Please write us a letter giving us permission to amend your applications, as above.

Thank you for your cooperation. May we hear from you?

Sincerely,

"Ricky" Curcio
Surface Water Section

enclosures

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

March 29, 1983

Bureau of Indian Affairs
San Carlos Irrigation Project
P.O. Box 250
Coolidge, Arizona 85228

RE: Applications to Appropriate Nos. 33-25880 and 33-25882

Gentlemen:

On October 16, 1973, D.B. Sanford (now assigned to Flying W. Cattle Company) made applications to appropriate water from the San Pedro Watershed for stock-watering. The Bureau of Indian Affairs protested these applications. Each application requested less than one-half acre feet per annum.

This letter is to inform you that this Department of Water Resources has investigated the applications and found no indication that the proposed use will conflict with vested rights, be a menace to public safety, or be against the interest and welfare of the public. The Department is therefore proceeding to issue permits for the proposed use when applicable to do so. If the Bureau of Indian Affairs wishes to provide additional information supporting its protest, please notify us within thirty (30) days from the date of this letter.

The permits and certificates of water right, if later granted, will reflect that the use is subject to prior vested rights. Any future determination that the permitted use affects a vested right may require the applicant to cease or restrict the use of water.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Laurence Linser".

C. Laurence Linser, Chief
Water Rights Administration
and Planning

cc: Bureau of Indian Affairs
P.O. Box 7007
Phoenix, Arizona 85001

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

DEPARTMENT OF WATER RESOURCES
ADJUDICATIONS

MEMORANDUM

TO: Larry Linser
Steve Erb

FROM: Brian Kirby

DATE: March 29, 1983

SUBJECT: Applications to Appropriate Public Water
No. 33-25880 and No. 33-25882 (Flying W. Cattle Company)

The subject applications fall into the category of possible candidates for a permit:

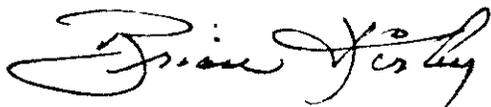
1. All applications are located on the San Pedro Watershed.
2. Bureau of Indian Affairs has protested all applications.
3. Bureau of Indian Affairs has indicated they would not attend a hearing on the subject applications.
4. Both applications are requesting less than one-half acre feet per annum.
5. Duplicate filings Yes No .
6. Applications have been have not been investigated.
7. Both applications are October 16, 1973 filings.
8. Downstream users affected not affected.

Note: (1) Duplicate filings:

33-25880 = SLD	38-88406	San Trap,	(1934)
	SLD 38-88407	Paisano Tank,	(1934)
33-25882 = SLD	38-88404	Twin Tank #2	(1936)
	38-88403		

- (2) Both applications need to have amount of use initialed.
33-25880 (capacity indicates 6.58; use is 146,000 gpa) capacity appears quite high.

Letter attached for your approval and signature.



State of Arizona

SRP06560

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

January 21, 1982

Mr. Calvin W. Allred
P.O. Box 790
Willcox, Arizona 85643

RE: Application(s) to Appropriate No. 33-25880 and 33-25882

Dear Mr. Allred:

I have been assigned to hear all protested applications to appropriate public waters of the State of Arizona on the San Pedro River Watershed.

You filed the above referenced application(s). I would like to be advised of the following matters:

1. Has this application been assigned or transferred to another party; if so, to whom and when?
2. Do you wish to proceed with this application?
3. Do you wish to withdraw and cancel this application?
4. Have you filed the required affidavit of posting notice?
5. Do you wish to amend this application; if so, describe the proposed amendments?

Please advise in writing of the above information or of any other information which you believe to be relevant. I would appreciate your response on or before Friday, March 5, 1982.

If you are in the Phoenix area, feel free to visit our office.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in cursive script that reads "George A. Schade, Jr.".

George A. Schade, Jr.
Hearing Officer

GAS:slm

Think Conservation!

Office of Director 255-1554

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

ASSIGNMENT OF APPLICATION TO APPROPRIATE WATER

(Assignment Fee - \$5.00)

For valuable consideration the undersigned hereby assign(s) and transfer(s)

Arizona Water Commission Application No. 33-25882 To Appropriate

Public Waters together with all rights evidenced therein to:

FLYING W CATTLE COMPANY

(assignee)

P.O. Box 790, Willcox, Arizona 85643

(address)

DATED this 2nd day of September, 1980.

Route 1 D. B. Sanford (assignor)

Box 1008

Safford, Arizona 85546 (address)

STATE OF ARIZONA)

County of Cochise)

ss

The foregoing assignment was acknowledged before me this 2nd day of

September, 1980, by D. B. Sanford.

(assignor)

My Commission Expires:

8-11, 1983.

Barbara J. Bahmut NOTARY PUBLIC

SEAL

ACCEPTANCE

The undersigned hereby accepts the assignment of said Application No. 33-25882 To Appropriate Public Waters by Flying W Cattle Company and hereby agrees to be bound by the terms thereof, and this assignment is accepted upon the conditions granted in the Application.

DATED this 2nd day of September, 1980.

FLYING W CATTLE COMPANY

By: Calvin W. Allred (assignee)

STATE OF ARIZONA)

County of COCHISE)

ss

The foregoing instrument was acknowledged before me this 2nd day of

September, 1980, by Calvin W. Allred.

My Commission Expires:

8-11, 1983.

Barbara J. Bahmut NOTARY PUBLIC

SEAL

APPROVAL

Approved and filed by the Arizona Department of Water Resources this 17th day of September, 1980.

[Signature] for the Deputy Director



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR

VALLEY BANK CENTER, SUITE 2080
201 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85073

October 11, 1979

Mr. George F. Senner, Jr.
Hearing Officer
Arizona Water Commission
222 N. Central Ave., Suite 550
Phoenix, AZ 85004

Re: Water Rights Applications on the Gila
River Watershed - D.B. Sanford, No. 33-25882;
Hearing Date-October 19, 1979

Dear Mr. Senner:

The San Carlos Irrigation Project has customarily protested water rights applications within the Gila River watershed. Such protests are based on the premise that the rights of the Project are superior to those claims of individuals who have recently applied for water rights within the watershed pursuant to state law.

Attached is a position statement which outlines the reasons why the Project opposes the above-referenced applications. We request that you make this letter and the position statement part of the permanent record as to the referenced applications.

Sincerely,

William G. Lavell
Field Solicitor

William H. Swan
For the Field Solicitor

Enclosure

cc: Water Right Applicant

POSITION STATEMENT
IN REGARD TO WATER RIGHTS APPLICATIONS
ON THE GILA RIVER WATERSHED

BY THE SAN CARLOS IRRIGATION PROJECT
BUREAU OF INDIAN AFFAIRS
U. S. DEPARTMENT OF THE INTERIOR

The purpose of this memorandum is to provide a general statement setting forth the position of the San Carlos Irrigation Project (Project) in regard to applications for water rights within the Gila River watershed pursuant to state law. Basically, it is the position of the Project that the protested applications should be denied in those cases where the diversion and use of water will affect the prior and paramount rights of the Project to the water of the Gila River, including its tributaries.

The Project is submitting this statement for the purpose of putting the State of Arizona and the individual applicants on notice of the Project's claim to Gila River water. The Project does not regard the hearings as adjudications of water rights, and it is clear that the state cannot exercise jurisdiction over the United States or its agencies in any water rights proceeding which is not a general, area-wide adjudication. 43 U.S.C. § 666; Colorado River Conservation District v. United States, 424 U.S. 800 (1976); Dugan v. Rank, 372 U.S. 609 (1963); Hurley v. Abbott, 259 F. Supp. 669 (1966); Park Center Water District, 84 I.D. 87 (1977). Since the application hearings are not adjudications, any participation by the United States, through the Project, is for the purpose of notice only and does not amount to a consent to jurisdiction or a bar to subsequent litigation over the federal claims. Cappaert v. United States, 426 U.S. 128 (1976).

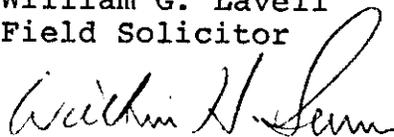
The rights of the San Carlos Irrigation Project to the waters of the Gila River are prior and paramount to the claims of individuals as reflected in the referenced applications. Moreover, the superior rights of the Project extend to all water sources within the Gila River watershed which contribute through any hydrological connection to the surface flow. Thus, it would be inappropriate and unlawful for the State of Arizona to authorize diversions and uses of water which will have a detrimental effect on the Project's

downstream rights. Such action by the State will simply lead to conflict, litigation and the unnecessary reliance of the applicants on clouded water rights claims.

Accordingly, it is the position of the San Carlos Irrigation Project that the State of Arizona should take notice of the prior and paramount rights of the Project to Gila River water. Since the Project's vested water rights are superior to recent applications for water rights within the Gila River watershed, those applications should be denied pursuant to 45 A.R.S. 143A.

Respectfully submitted,

William G. Lavell
Field Solicitor



William H. Swan
For the Field Solicitor

SRP06565

TO: As routed

DATE: February 7, 1974

FROM: Wm. Joe Melling

SUBJECT: Permit approval
re 33-25882

ROUTING ORDER		INITIALS	DATE ROUTED	ROUTING ORDER		INITIALS	DATE ROUTED
	COMMISSIONER			6	PLANNING & RESEARCH		
	CONTRACT AUDIT & REVIEW				RESOURCE INVENTORY		
	APPRAISAL				PLANNING SECTION		
	LEASING				SALES		
	CASE EXAMINATION			5	RESOURCE MGMT. SERVICES		
	ADMINISTRATIVE SERVICES			4	FORESTRY		
	ACCOUNTING			3	MINERAL		
	PUBLICATIONS				N.R.C.D.'S		
	PURCHASING			2	RANGE & HABITAT		
	SYSTEMS				PROTECTION		
	TITLE & RECORDS			1-7	WATER		

INITIALS ABOVE WITHOUT COMMENT SHALL INDICATE NO FACTS AVAILABLE OR NO CONTRIBUTION WITHIN DISCIPLINE OF ASSIGNMENT REGARDING ACTION PROPOSED.

FOR YOUR _____ Comments _____

COMMENTS: Pinal - D. B. Sanford, applicant

Bull Canyon/Booger Pasture Tank. SENE, Sec. 9, Twp. 6S Rge 18E Stockwater

WHEN IT RELATES TO A MATTER CALLING FOR FINAL ACTION BY THE DEPARTMENT, THIS SHEET SHALL BE KEPT AS A PERMANENT WORK PRODUCT RECORD BY THE DIVISION OF PERMANENT RECORD. WORK PRODUCT IS NOT PUBLIC RECORD.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
SAN CARLOS IRRIGATION PROJECTP. O. Box 456
Coolidge, Arizona 85228

PHONE: PARKWAY 3-5439

IN REPLY REFER TO:

December 13, 1973

Arizona State Land Commissioner
State Land Department
Water Division
Phoenix, Arizona 85007

Attention: W. J. Melling

Re: "Notice of Application
to Appropriate Water"
Application No. 33-25882

Dear Mr. Melling:

Thank you for furnishing us with the application to appropriate water No. 33-25882 and the opportunity to comment on it.

The application is from D.B. Sanford, Willcox, Arizona for a permit to construct a reservoir and store water for beneficial use. The source of water supply is Bull Canyon, tributary Aravaipa Canyon, tributary San Pedro River, the proposed use and amount applied for is stockwatering, 109,500 gallons per annum, total capacity of reservoir 2.217 acre feet. Point of diversion is within SENE, Section 9 Township 6 South, Range 18 East, Gila and Salt River Base and Meridian, Pinal County, Arizona, place of using water is the same.

Bull canyon, tributary Aravaipa Canyon, tributary of the San Pedro River which is a tributary of the Gila River, which have been diverted and put to use on the Indian and non-Indian lands of the San Carlos Project. (Ref. Globe Equity No. 59, dated June 29, 1935) The Globe Equity states the early priorities of the Project and the diminishing flows of the Gila River has resulted in losses of water of these early rights.

The San Carlos Project feels that the additional appropriation of water from any of the tributaries of the Gila River will be detrimental to the water rights of the Indian and non-Indian water users of the Project.

Sincerely yours,

Walter G. Parks
Acting Project Engineer

June 6, 1980

D. B. Sanford
Klondyke Rural Station
Willcox, Arizona 85643

RE: Applications fo Appropriate Water and/or to
Construct a Reservoir and Store Water for
Beneficial Use No(s). 33-25880 and 33-25882

Dear Mr. Sanford:

On April 29, 1980, a letter was sent to you regarding the above referenced applications, asking if you still wanted to proceed with these applications (protested by the San Carlos Irrigation Project), or have the same cancelled. To date, we have received no response from you.

If we do not receive a reply from you by June 20, 1980, an Order of Cancellation will be executed.

Again, thanking you in advance for your prompt attention to this matter.

Sincerely,

George F. Senner, Jr.
Chief Hearing Officer

br

MAIL ROOM MAIL NO. 4093442

D.B.Sanford
Klondyke Rural Station
Willcox, Arizona 85643
Jan. 1 1974

Arizona State Land Dept.
Phoenix, Arizona.

Dear Mr. Mellings:

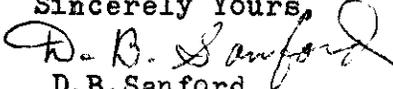
In reply to Protest made by Walter G. Parks, Project Engineer of San Carlos Irrigation Project Regarding my applications for the following, Application No. 33-25880 Pig Canyon/NoName reservoir and application No. 33-25882- Bull Canyon/Booger Pasture Tank.

While I can see Mr. Park's point of view, as cattlemen we are entitled to our just portion of water, as we have been here just as long as the farmers of The San Carlos Irrigation Project. Also I feel that the Beef industry is just as important as any other industry for furnishing food to the human race.

Our livelihood depends upon water just the same as the Farmers under the San Carlos Irrigation Project does.

Please consider all of this when you make your decision for my pending applications.

The waters I am asking for are vital for the survival of this industry.

Sincerely Yours,

D.B. Sanford

November 1, 1973

Mr. D. B. Sanford
 Klondyke Rural Station
 Willcox, AZ 85643

Re: Application No. 33-25880, Pig Canyon/No Name Tank
 Application No. 33-25881, ? /Paisano Tank
 Application No. 33-25882, Bull Canyon/Booger Pasture Tank

Dear Mr. Sanford:

We must return these applications for completion as follows:

Re: 33-25880:

- Par. 3 How many head of stock?
- Par. 4 a) How much water are you requesting? How many gallons will your stock require for twelve months, three months, six months?
 b) Will your stock use this water from January 1 through December 31? If so, ^{state} stated. If not, name the months they will use the water.
- Par. 6 Give township. Is it North (N) or South (S)?
- Par. 7 Is it six North or six South?

Please give your grazing lease number. On the back page of your grazing lease you will note a number of Supplemental conditions, among being the attached excerpt (N). In accordance with this provision, please add to Par. 1 the phrase "by and for the State of Arizona."

Please add this phrase to all three applications.

You did not sign your applications. Please sign them.

Re: 33-25881:

Complete Pars. 3, 4, 6 and 7 as requested in Application No. 33-25880. Also complete Par. 5 What is the name of the source of water stored in Paisano Tank? Its tributary?

State Land Department
November 1, 1973
Page 2

Re: Application No. 33-25882:

Complete Pars. 3, 4, 6 and 7 as requested in Application No. 33-25880.

Are the duplicates also completed?

You are advised that in accordance with the provisions of Arizona Revised Statutes, Sec. 45-144, concerning return of defective applications, for corrections, your applications will retain their present priority date of returned to this Department, corrected, within sixty (60) days from date of return.

Very truly yours,

Wm. Joe Helling, Director
Water Rights Division

WJH/ahsd

January 7, 1974

Walter G. Parks
Acting Project Engineer
San Carlos Irrigation Project
Bureau of Indian Affairs, USDI
P. O. Box 456
Coolidge, Arizona 85228

Re: Application No. 33-25880, Pig Canyon/No Name Tank
Application No. 33-25882, Bull Canyon/Booger Pasture Tank

Dear Mr. Parks:

Enclosed is copy of Reply by D. B. Sanford to your protest to the approval and granting of permits in the above subject applications.

All interested parties will be advised of any further action taken in this matter.

Yours very truly,

Wm. Joe Melling, Director
Water Rights Division

WJM/kh

Enclosure

cc: D. B. Sanford
Klondyke Rural Station
Willcox, Az 85643

D.B.Sanford
Klondyke Rural Station
Willcox, Arizona 85643
Jan.1 1974

SRP06572

Arizona State Land Dept.
Phoenix, Arizona.

Dear Mr.Mellings:

In reply to Protest made by Walter G.Parks, Project Engineer of San Carlos Irrigation Project Regarding my applications for the following, Application No.33-25880 Pig Canyon/NoName reservoir and application No.33-25882- Bull Canyon/Booger Pasture Tank.

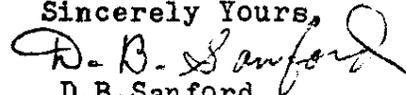
While I can see Mr.Park's point of view ,as cattlemen we are entitled to our just portion of water,as we have been here just as long as the farmers of The San Carlos Irrigation Project.Also I feel that the Beef industry is just as important as any other industry for furnishing food to the human race.

Our livelyhood depends upon water just the same as the Farmers under the San Carlos Irrigation Project does.

Please consider all of this when you make your decision for my pending applications.

The waters I am asking for are vital for the survival of this industry.

Sincerely Yours,


D.B.Sanford

December 17, 1973

D. B. Sanford
Klondyke Rural Station
Willcox, Arizona 85643

Re: Application No. 33-25882 - Bull Canyon/Booger Pasture Tank

Dear Mr. Sanford:

There is enclosed copy of Protest, by Walter G. Parks, Acting Project Engineer, San Carlos Irrigation Project, BIA, Coolidge, Arizona, to the approval and granting of a permit in the above subject application.

You are advised that you have thirty (30) days from this date within which to make such reply to this protest as you may desire.

If reply is made, please submit it in duplicate. Thank you.

Yours very truly,

Wm. Joe Melling, Director
Water Rights Division

WJM/kh

Enc.

cc: Walter G. Parks, Acting Project Engineer, San Carlos
Irrigation Project, Coolidge, Az.



ARIZONA STATE LAND DEPARTMENT

SRP06574

1624 WEST ADAMS

PHOENIX, ARIZONA 85007

JACK WILLIAMS
Governor

ANDREW L. BETTWY
Commissioner
271-4621

November 28, 1973

D. B. Sanford
Klondyke Rural Station
Willcox, Az 85643

Re: Application No.
33-25882
Bull Canyon/Booger
Pasture Tank

Accounting
271-4624

Dear Mr. Sanford

Commercial
271-4626

Enclosed are:

- 1) two copies of notice of the pendency of the above application;
- 2) post card for informing this Department of the posting of notices;
- 3) an affidavit of posting and continuous posting of notices with copy of notice attached.

Forestry
774-1425
Flagstaff

Records &
Processing
271-4634

The two notices must be posted within twenty days from the date of issuance appearing at the bottom thereof and remain posted until the expiration of thirty days from date of posting. In no event should the notices be posted in inconspicuous places, and they must remain continuously posted from the date of posting until the expiration of the posting period. We suggest that one notice be posted at or near the post office where those who reside in the locality of the proposed appropriation receive mail.

Mineral
Oil & Gas
271-4628

Sales
271-4634

The post card must be filled out and mailed the day the notices are posted.

Soil Conservation
271-4625

AT THE CONCLUSION OF THE NOTICE PERIOD, the affidavit of posting with copy of notice attached must be filled out, signed and sworn to before some officer qualified to administer oaths in the State of Arizona and immediately mailed to the Water Division, State Land Department, in Phoenix.

Water Control
271-4629

Prompt attention to posting the notices and returning the affidavit of posting at the end of the period of notice will facilitate the approval of the application.

IMPORTANT: Before posting the enclosed notice, insert the date of posting on the bottom of the Notice. This should correspond with the date given on the post card.

Very truly yours,
Director
Water Rights Division

Enclosure

November 29, 1973

Coolidge Examiner
P. O. Box 128
Coolidge, Arizona 85228

Gentlemen:

Andrew L. Bettwy, State Land Commissioner, Phoenix, Arizona, submits the following item. It is hoped you will find it newsworthy.

D. B. Sanford, Willcox, Arizona, has filed with Commissioner Bettwy three applications for permits to construct reservoirs and store water for beneficial use.

The sources of water supply are: 1) Pig Canyon; 2) John's Canyon; 3) Bull Canyon, all three sources being tributaries of Aravaipa Canyon on the San Pedro River watershed.

The total capacities of the reservoirs are: 1) No Name Tank - 6.58 acre feet; 2) Paisano Tank - 3.19 acre feet; 3) Booger Pasture Tank, 2.217 acre feet.

These waters will be used for stockwatering purposes and the amounts requested from each source is as follows: 1) 146,000 gallons per annum; 2) 300,000 gallons per annum; 3) 109,500 gallons per annum.

The points of diversion and places of use are on State land within the 1) NESE of Section 11; 2) the SESE of Section 1; 3) the SENE of Section 9, all in Township 6 South, Range 18 East, Gila and Salt River Base and Meridian, Pinal County, Arizona.

Yours very truly,

Wm. Joe Melling, Director
Water Rights Division

WJM/kh

November 1, 1973

Mr. D. D. Sanford
 Klondyke Rural Station
 Wilcox, AZ 85643

Re: Application No. 33-25880, Pig Canyon/No Name Tank
 Application No. 33-25881, ? /Paisano Tank
 Application No. 33-25882, Bull Canyon/Dooger Pasture Tank

Dear Mr. Sanford:

We must return these applications for completion as follows:

Re: 33-25880:

- Par. 3 How many head of stock?
 Par. 4 a) How much water are you requesting? How many gallons will your stock require for twelve months, three months, six months?
 b) Will your stock use this water from January 1 through December 31? If so, ^{so} stated. If not, name the months they will use the water.
 Par. 6 Give township. Is it North (N) or South (S)?
 Par. 7 Is it six North or six South?

Please give your grazing lease number. On the back page of your grazing lease you will note a number of Supplemental conditions, among being the attached excerpt (N). In accordance with this provision, please add to Par. 1 the phrase "by and for the State of Arizona."

Please add this phrase to all three applications.

You did not sign your applications. Please sign them.

Re: 33-25881:

Complete Pars. 3, 4, 6 and 7 as requested in Application No. 33-25880. Also complete Par. 5 What is the name of the source of water stored in Paisano Tank? Its tributary?

State Land Department
November 1, 1973
Page 2

Re: Application No. 33-25882:

Complete Pars. 3, 4, 6 and 7 as requested in Application No. 33-25880.

Are the duplicates also completed?

You are advised that in accordance with the provisions of Arizona Revised Statutes, Sec. 45-144, concerning return of defective applications, for corrections, your applications will retain their present priority date of returned to this Department, corrected, within sixty (60) days from date of return.

Very truly yours,

Wm. Joe Melling, Director
Water Rights Division

WJM/kh:md

D. B. Sanford
Klondyke Rural Station
Willcox, Arizona 85643
Oct. 18-1973

SRP06578

State Land Dept.
Water Rights Division

Dear Sir:-

At your request I am mailing you a check in amount of \$9.00.

This to appropriate the Waters of Bull Canyon, Paisano Canyon, and Pig Canyon to be stored in Booger Pasture Tank, Paisano Tank, and no name Tank.

Sincerely yours,
D. B. Sanford

1 SENNER: This hearing will come to order. This is the Hearing
2 Officer. We have waited for D. B. Stanford, in appli-
3 cations 33-25880 and 33-25882, to appear for the hearing
4 which was set for 10:30. It is now approximately 12:30
5 and the applicant has failed to appear. It be my recommen-
6 dation that this application, unless we can find a good excuse
7 for nonappearance, be dismissed for lack of prosecution.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Attendance Record

10/19/79 SRP06580

Sierra Vista

10:30 AM

D. B. Sanford 33-25890
33-25882

	Name		
1	George Sanner	H.O. AWC	222 N. Central Pkwy
2	Brian Jolley		AWC

3

4

ARIZONA WATER COMMISSION
BEFORE THE STATE WATER ENGINEER

IN THE MATTER OF THE APPLICATION TO)
APPROPRIATE WATER AND/OR TO CONSTRUCT)
A RESERVOIR AND STORE WATER FOR)
BENEFICIAL USE NO.(S): 33-25880 and)
33-25882)
APPLICANT(S): D. B. Sanford)

SOURCE: Tributaries of San Pedro)
River Watershed)

ORDER FOR HEARING

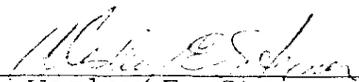
PROTESTANT(S): U.S. Dept. of Interior,)
Bureau of Indian)
Affairs, San Carlos)
Irrigation Project)

The Arizona Water Commission, through a Hearing Officer, appointed by the State Water Engineer, will hold a public hearing at 10:30 o'clock A.M., in the fore noon, on Friday, the 19th day of October, 19 79, or as soon thereafter, as the cause may be heard, in Room #1 of the Sierra Vista Community Center, 2400 Tacoma, in the City of Sierra Vista, Arizona, to hear evidence, per Section 45-143, Arizona Revised Statutes, regarding the above entitled application, as follows:

- a. Does the proposed appropriation conflict with vested rights?
- b. Would such use and/or construction be a menace to public safety?
- c. Would approval of the application be against the interest and welfare of the public?

GIVEN under my hand and the Official Seal of the Arizona Water Commission this 17th day of August, 19 79.

S E A L


Wesley E. Steiner
State Water Engineer

NOTICE

The proceedings will be recorded by means of a tape recorder. Any party who wants a Court reported transcript of the proceedings may have a court reporter present to report the proceedings. Any expense of a court reporter shall be the sole responsibility of the party requesting his attendance.

Copies of the foregoing Order
D.B. Sanford, mailed this 20th
day of August, 1979, to the
following:

D. B. Sanford
Klondyke Rural Station
Willcox, AZ 85643

Certified Mail #PO1 4073280

Project Engineer
U.S. Dept. of the Interior
Bureau of Indian Affairs
San Carlos Irrigation Project
P.O. Box 456
Coolidge, AZ 85228

Certified Mail #PO1 4073260


Jane D. Furst
222 N. Central, Suite 550
Phoenix, Arizona 85004

AFFIDAVIT OF POSTING NOTICE

IN THE MATTER of APPLICATION

STATE OF ARIZONA

No. ~~33-25882~~ BEFORE THE STATE

County of Graham } ss.

LAND COMMISSIONER OF ARIZONA.

F. B. Sanford, being first duly sworn, deposes and says that two copies of the notice of Application No. ~~33-25882~~ before the State Land Commissioner of Arizona for Permit to.....
.....Construct a Reservoir and Store Water for Beneficial Use.....
a true copy of which is hereto attached, were posted either by himself or in his presence on the 3rd day of December, 1973

That one of said notices was posted..... on bulletin inside store building and near window of Post office inside.
(Describe how and where posted as accurately as possible)

and the other of said notices was posted..... Same Place
(Describe how and where posted as accurately as possible)

That each of said notices thus posted occupied a conspicuous place in the locality to be affected by the proposed appropriation of water, and remained so posted from the date of posting to the..... 7th day of January, 1974

F. B. Sanford

Subscribed and sworn to before me this..... 7th day of January, 1974

Rita Q. Ramsey
Notary Public.

My commission expires..... My Commission Expires Oct 2, 1977

WATER DIVISION
STATE LAND DEPARTMENT
PHOENIX, ARIZONA

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application No. 33-25882.....

Notice is hereby given that on the 16th day of October, 1973
D. E. Sanford - Willcox, Arizona filed
Application No. 33-25882, with the State Land Commissioner of Arizona, for permit to
Construct a Reservoir and Store Water for Beneficial Use

DESCRIPTION OF PROJECT

Bull Canyon, tributary Aravaipa Canyon, tributary
Source of water supply San Pedro River, stored in Booger Pasture Tank
Proposed use and amount applied for Stockwatering - 109,500 gallons per annum
Total capacity of Reservoir - 2.217 acre feet
Point of diversion within SENE, Section 9, Township 6 South, Range 18 East,
Gila and Salt River Base and Meridian, Pinal County, Arizona
Place of using water SENE, Section 9, Township 6 South, Range 18 East
Gila and Salt River Base and Meridian, Pinal County, Arizona
Remarks:

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 Water Division, State Land Department, at Phoenix, Arizona, 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

November 28, 1973
Date of Posting 12-3-73

Andrew L. Bettwy
State Land Commissioner

Application No. 33-25882
D, B. Sanford

STATE WATER COMMISSIONER
Phoenix, Arizona

Dear Sir:

This is to advise you that two notices of the above designated application were posted in conspicuous places where they can be readily observed and read by residents of the locality affected by the proposed appropriation of water on the 3 day of June, 1973.

Very truly yours,

D. B. Sanford

6-73

WATER DIVISION
STATE LAND DEPARTMENT
PHOENIX, ARIZONA

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application No. 33-25882

Notice is hereby given that on the 16th day of October, 1973
D. B. Sanford - Willcox, Arizona filed
Application No. 33-25882, with the State Land Commissioner of Arizona, for permit to
Construct a Reservoir and Store Water for Beneficial Use

DESCRIPTION OF PROJECT

Bull Canyon, tributary Aravaipa Canyon, tributary
Source of water supply San Pedro River, stored in Booger Pasture Tank
Proposed use and amount applied for Stockwatering - 109,500 gallons per annum
Total capacity of Reservoir - 2,217 acre feet
Point of diversion within SENE, Section 9, Township 6 South, Range 18 East,
Gila and Salt River Base and Meridian, Pinal County, Arizona
Place of using water SENE, Section 9, Township 6 South, Range 18 East
Gila and Salt River Base and Meridian, Pinal County, Arizona

Remarks:

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 Water Division, State Land Department, at Phoenix, Arizona, 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

November 28, 1973

Date of Posting 12-3-73

Andrew L. Bettwy
State Land Commissioner

DATE: October 15, 1979
HEARING OFFICER EXHIBIT "A"

To: George F. Seaver, Jr
BK 10/15/79

From: Field Investigator(s)
Paul G. Selvent Paul W. Selvent

Date of Investigation: September 25, 1979

Reason(s) for Field Investigation and/or examination:
Crated Application to appropriate
Public Waters

Subject: Applicant(s) D.B. Sanford
Application No.: 33-25882 Bonger Pasture Tanks

- Location:
- (1) Field point of diversion: D(6-18)9AD
 - (2) Application point of diversion: D(6-18)9AD
 - (3) Physical Location: 1 1/2 miles ESE of Winkelman,
Ariz
 - (4) Quad: Brandenburg Mtn., Ariz
 - (5) Watershed: San Pedro

Data: Use for which application is being submitted:
() Irrigation, () Domestic, (X) Stockwatering,
() Mining, () Municipal, () Power, () Other.

Measurements: None: Very Inaccessible Area

Description of Proposed Works: _____

Wells:

(1) Location: _____
 Type _____
 Depth _____ Casing _____
 Flow Rate _____ Date _____
 Approx. distance from stream, wash, etc. _____

(2) Location: _____
 Type _____
 Depth _____ Casing _____
 Flow Rate _____ Date _____
 Approx. distance from stream, wash, etc. _____

Protestants claimed vested right record: _____

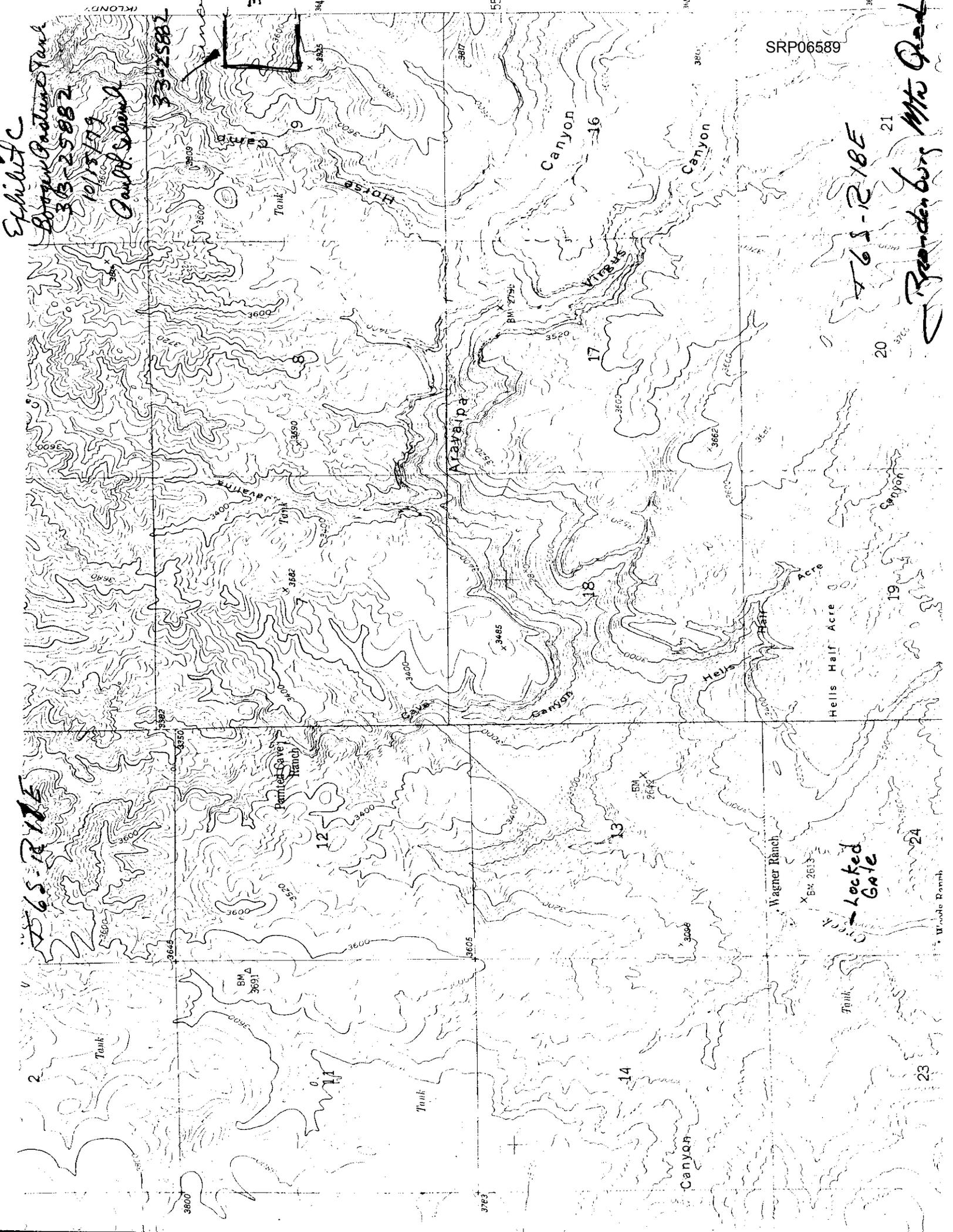
Remarks: Very Inaccessible Area. Area surrounding
Tank is very restricted area. West and South - BLM
Primitive area; North and east - San Carlos Indian
Reservation is many locked gates. Access only
by horseback to Tank.

30 head of Cattle @ 129 gpd = 131,400 gallons
@ 109 gpd = 109,500 gallons

* check application

Photo Identification: See Exhibit "B" / _____

Map Identification: See Exhibit "C" Brandenburg Mtn, Ariz



SRP06589

Epilith C
Boyer Ranch
33-25882
10/15/19
Carl H. Slom

33-25882

65-1218E

65-1218E

Boyer Ranch
Mts. Grand

Locked Gate

Woods Ranch

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

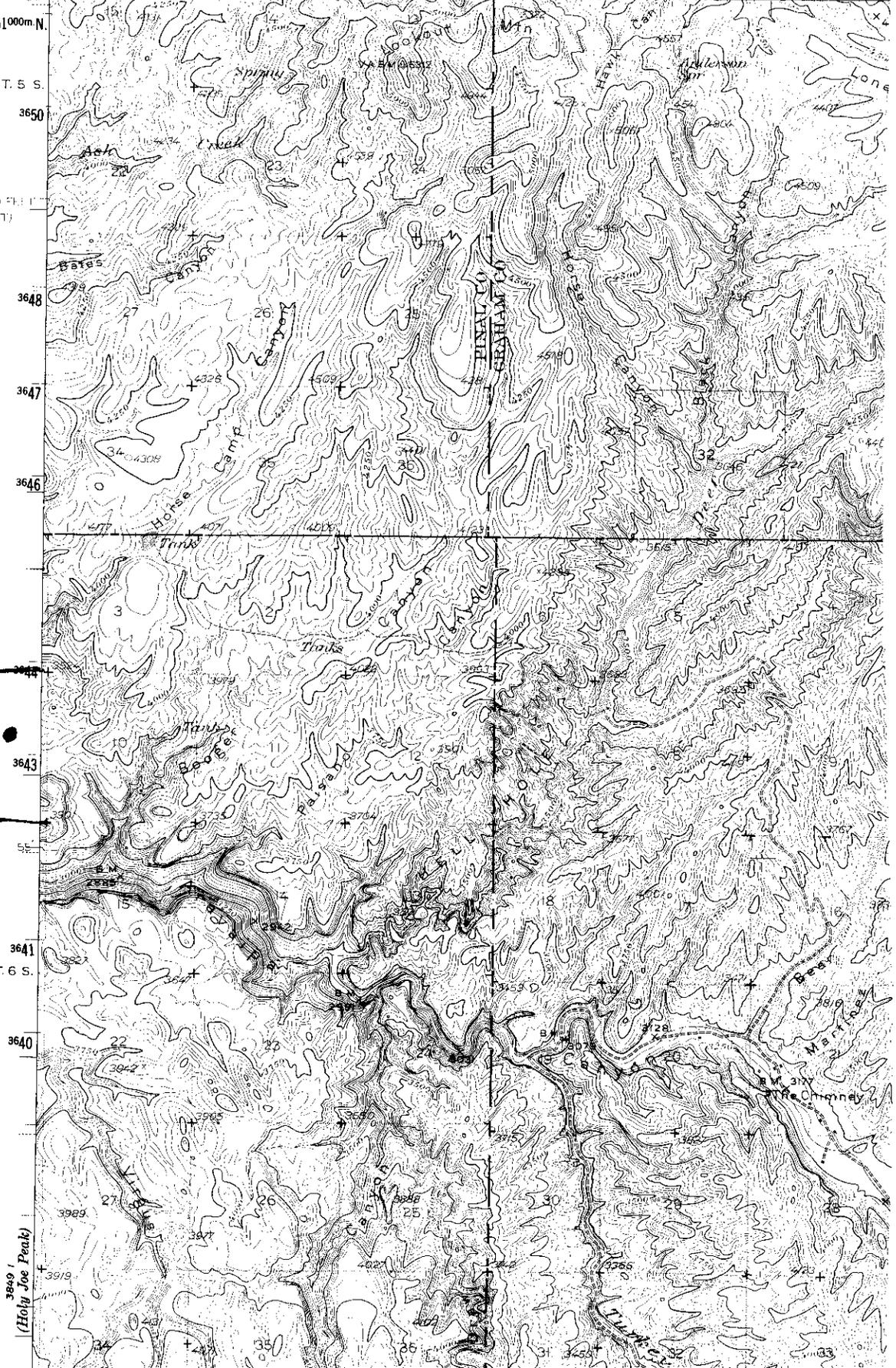
33-25882 - D. B. Sanford

Booger Pasture Tank

Booger Pasture Tank

3850' (11,000 ft)

1 0' 10" R. 18 E. T. 5 S. 3651000m N. 549000m E. 550 551 552 553 554 555 F



3850' (Holy Joe Peak)

DIARD SANFORD - BOOGER PASTURE TANK

LENGTH OF DAM - 165'
 EMERGENCY SPILLWAY WIDTH - 18'
 TOP WIDTH AVERAGES - 15'
 TOP OF DAM @ LOWEST POINT - 100.0
 EMERGENCY SPILLWAY ELEV. - 95.7
 BOTTOM OF POND ELEV. - 92.7
 TOE OF DAM DOWNSTREAM... - 94.0
 UPSTREAM SLOPE - 3:1
 DOWNSTREAM SLOPE - 1.3:1
 POND CAPACITY -

0.0	6.0	15.0	15.0	6.0	6.0	0.0			
							0.0	1720.0	1720
									20
									3600

0.0

0.0	6.0	15.0	15.0	6.0	6.0	0.0			
							0.0	1720.0	3440
									100
									36000

= 1720.0 1720 20 3600
 = 1720.0 3440 100 36000

0.0 1720.0 20 3600

TOTAL CUBIC FEET = 105,200.0

x 7.481

TOTAL GALLONS = 782,079.2

.785
x 3.07

TOTAL ACRE FEET = 2.217

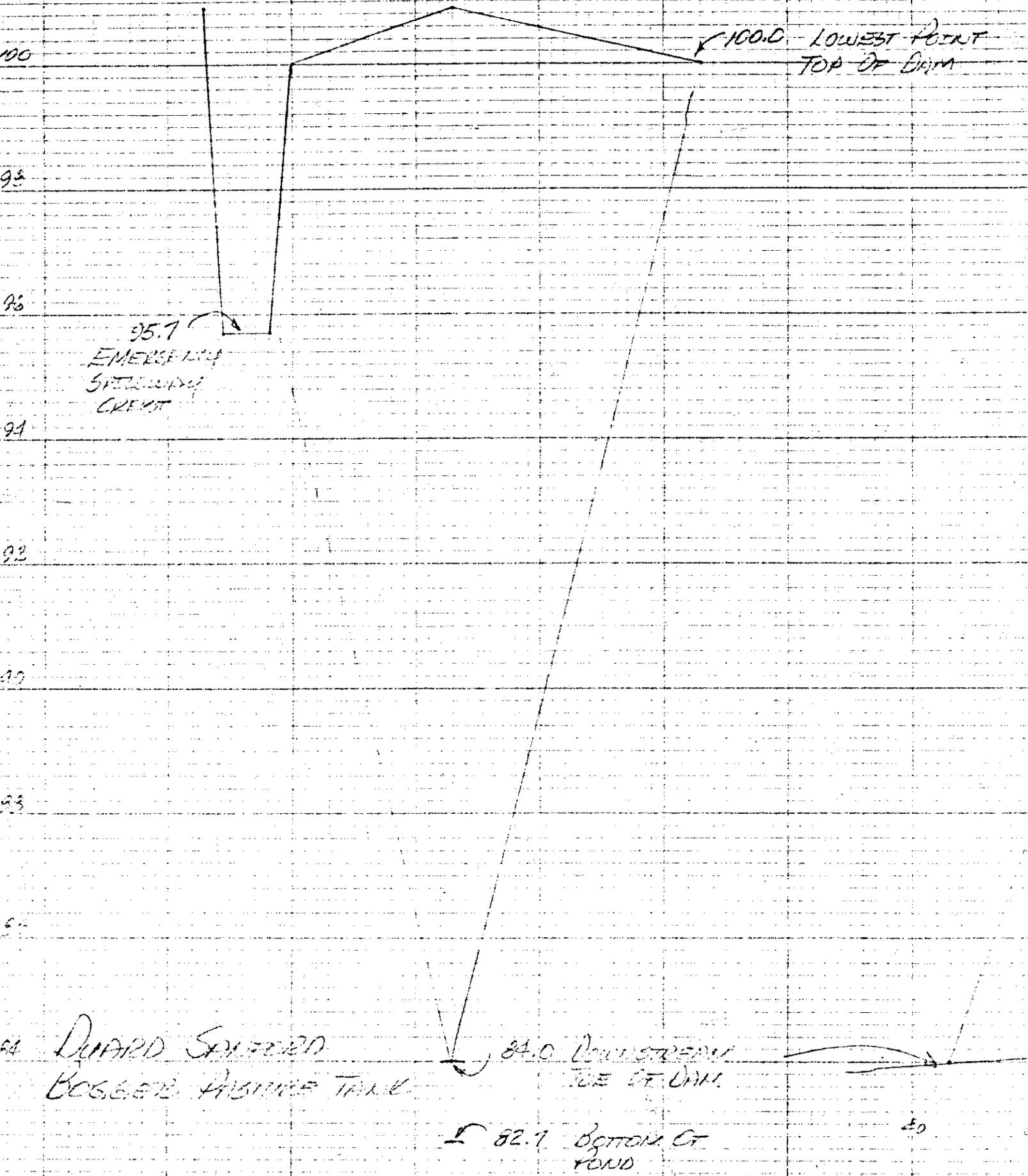
STORAGE BELOW
THE EMERGENCY
SPILLWAY CREST

0+00

1+00

2+00

SRP06592



DWARD SPITZBERG
BOGGER PICTURE TAKE

82.7 BOTTOM OF POND

50

100.9 TOP OF DAM

95.7 EMERGENCY
SPILLWAY
CREST

20 10 0 10 20 30 40 50

CROSS SECTION
STA 0165

Booger Pasture Tank

D. B. Sanford

Capacity of Reservoir for each foot of Depth

13 feet When full	722,039.2 Gallons of Water		
12 "	481,138	"	"
11 "	288,852	"	"
10 "	162,870	"	"
9 "	87,046	"	"
8 "	45,649	"	"
7 "	29,752	"	"
6 "	19,873	"	"
5 "	12,981	"	"
4 "	7,887	"	"
3 "	4,055	"	"
2 "	2,056	"	"
1 "	662	"	"

Booger Pasture Tank

D. B. Sanford

Capacity of Reservoir for each foot of Depth

13 feet when full	722,039.2	Gallons of Water
12 "	481,138	" " "
11 "	288,852	" " "
10 "	162,870	" " "
9 "	87,046	" " "
8 "	45,647	" " "
7 "	29,752	" " "
6 "	19,873	" " "
5 "	12,981	" " "
4 "	7,887	" " "
3 "	4,055	" " "
2 "	2,056	" " "
1 "	662	" " "

WATER DIVISION
STATE LAND DEPARTMENT
 PHOENIX, ARIZONA

NOTICE OF APPLICATION TO APPROPRIATE WATER

Application No. 33-25882.....

Notice is hereby given that on the 16th.....day of October....., 1973
D. B. Sanford - Willcox, Arizona..... filed
 Application No. 33-25882., with the State Land Commissioner of Arizona, for permit to.....
Construct a Reservoir and Store Water for Beneficial Use.....

DESCRIPTION OF PROJECT

Bull Canyon, tributary Aravaipa Canyon, tributary
 Source of water supply San Pedro River, stored in Booger Pasture Tank.....
 Proposed use and amount applied for Stockwatering - 109,500 gallons per annum.....
Total capacity of Reservoir - 2,217 acre feet.....
 Point of diversion within SENE, Section 9, Township 6 South, Range 18 East,.....
Gila and Salt River Base and Meridian, Pinal County, Arizona.....
 Place of using water SENE, Section 9, Township 6 South, Range 18 East.....
Gila and Salt River Base and Meridian, Pinal County, Arizona

Remarks: Notices to applicant and to:

San Carlos Irrigation Project, % Marvin D. Young, Project Engineer, P. O. Box 456, Coolidge, Az 85228; San Carlos Irrigation & Drainage District, P. O. Box 218, Coolidge, Az 85228 (% Norris M. Soma, Dist. Mgr.)
Wesley E. Steiner, State Water Engineer, State Water Commission, 222 N. Central Ave., Suite 800, Phoenix, Az 85004; James T. Sanford, Klondyke Rural Station, Willcox, Az 85643 **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 Water Division, State Land Department, at Phoenix, Arizona, 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

November 28....., 1973.

Date of Posting

Andrew L. Bettwy
 State Land Commissioner

APPLICATION FOR PERMIT TO APPROPRIATE WATER
STATE OF ARIZONA

Application No. <u>33-25882</u>
Permit No. <u>33-25882</u>
Filed: <u>10-16-73</u> at <u>10 A M</u>
(date) (time)

Examination Fee \$3.00
Map (see Instructions)
APPLICATION MUST BE SUBMITTED IN DUPLICATE

To be filled in by
State Land Department

ASSIGNED: Flying W Cattle Company
by and for the State of Arizona

- Name of Applicant: -D.B. Sanford
-Klondyke Rural Station--Willcox, Arizona 85643-- None
P. O. Box 790 (Address, City, State, Zip) (Phone No.)
Willcox, AZ 85643
- Indicate by an (x) on the proper line(s) the use(s) for which this application is being submitted:
Irrigation ___ Domestic ___ Stockwatering X Municipal ___ Power ___ Mining ___ Other Uses ___
- If for irrigation purposes, fill in the following:

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 30 kind of cattle
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 _____
- 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	per 2-15-85 letter	Month/Day
<u>S</u>	<u>-722,039</u> cfs/gpm or <u>131,400</u> GPA ac. ft. from <u>Jan 1</u> to <u>Dec 31</u>	
<u>S</u>	<u>-180,509</u> cfs/gpm or _____ ac. ft. from <u>Jan 1</u> to <u>May 1</u>	
	<u>-366,019.4</u> cfs/gpm or _____ ac. ft. from <u>Jan 1</u> to <u>July 1</u>	
- The direct source of supply is Bull Canyon
tributary to Aravaipa Canyon on the San Pedro River watershed.
Reservoir name Booger Pasture Tank (leave blank)
- The point of diversion (locate on map) is within the SE 1/4 NE 1/4, Section 9, of Township 6 S
Range 18 E, G&SRB&M., in the County of Pinal. (N/S)
(E/W)
- The place of use (locate on map) is in the SE 1/4 NE 1/4, Section 9, of Township 6 S
Range 18 E, G&SRB&M., in the County of Pinal. (N/S)
(E/W)
- Description of the proposed works by which the water is to be put to beneficial use
Earth, Sand and rock dam
2.217
- If water is to be stored, give capacity of reservoir in acre feet 27.3, height of dam 27.3 ft., area inundated in acres 2/3. Use explanatory sheet for capacity for each foot of depth.
- Construction Schedule. It is proposed to begin construction within completed after approval of this application, to complete construction within completed thereafter, and to completely apply the water to the proposed use within in use after the beginning of construction.
(not over 2 years)
(not more than 4 years)
(not more than 5 years)
- Is the land owned by the applicant? Yes ___ No X. If "No" explain on page 2.
- 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.

APPLICATION FOR PERMIT TO APPROPRIATE WATER
STATE OF ARIZONA

Application No. 33-25882
Permit No. _____
Filed: _____ at _____ M
(date) (time)

Examination Fee \$3.00
Map (see Instructions)
APPLICATION MUST BE SUBMITTED IN DUPLICATE

To be filled in by
State Land Department

1. Name of Applicant: D.B. Sanford
Klondyke Rural Station, Wilcox, Arizona 85643 None
(Address, City, State, Zip) (Phone No.)

2. Indicate by an (x) on the proper line(s) the use(s) for which this application is being submitted:
Irrigation ___ Domestic ___ Stockwatering x Municipal ___ Power ___ Mining ___ Other Uses ___

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

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 _____

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 _____ cfs/gpm or _____ ac. ft. from _____ to _____
Month/Day _____
_____ cfs/gpm or _____ ac. ft. from _____ to _____
_____ cfs/gpm or _____ ac. ft. from _____ to _____

5. The direct source of supply is Bull Canyon
tributary to Aravaipa Canyon on the _____ watershed.
Reservoir name Booger Pasture Tank (leave blank)

6. The point of diversion (locate on map) is within the SE 1/4 NE 1/4, Section 9, of Township 6,
Range 18E, G&SRB&M., in the County of Pinal (N/S)
(E/W)

7. The place of use (locate on map) is in the SE 1/4 NE 1/4, Section 9, of Township 6,
Range 18E, G&SRB&M., in the County of Pinal (N/S)
(E/W)

8. Description of the proposed works by which the water is to be put to beneficial use
Earth, Sand and rock dam

9. If water is to be stored, give capacity of reservoir in acre feet 2.217, height of dam
27.3 ft., area inundated in acres 2/3. Use explanatory sheet for capacity for each
foot of depth.

10. Construction Schedule. It is proposed to begin construction within completed after ap-
(not over 2 years)
proval of this application, to complete construction within completed thereafter, and
(not more than 4 years)
to completely apply the water to the proposed use within in use now after the beginning
of construction. (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" identi-
fy other waters or water rights on page 2.

RECEIPTNo **4746**

STATE OF ARIZONA
 DEPARTMENT OF WATER RESOURCES
 OPERATIONS DIVISION
 15 SOUTH 15TH AVENUE
 PHOENIX, ARIZONA 85007
 (602) 542-1581

Mr. L. Fred Decker
 Decker Ranches
 P.O. Box 325
 Taylor, Arizona 85939

ENTRY CODE 33's

FILE NO.

THRU

ITEM DESCRIPTION	RATE	AMOUNT
Certification Fees for Ten (10) Revised Certifi-	25.00	250.00
cates of Water Right Nos. 42 (R-68.0004), 658		
(R-489.0001), 667 (R-511.0001), 3808 (R-1963.0001),		
3809 (R-1964.0001), 3810 (R-1965.0001), 3811		
(R-1966.0001) 25880 (33-25880.0001), 25881		
(33-25881.0001) and 25882 (33-25882.0001).		

CHECK NO. 3205 FEE ACCOUNT NO. _____ TOTAL \$ 250.00CHIT NO. _____ RECEIVED BY lh DATE 4/21/93

RECEIPT

Mr. David G. Decker
 Decker Ranches
 P.O. Box 325
 Snowflake, Arizona 85939

STATE OF ARIZONA
 DEPARTMENT OF WATER RESOURCES
 OPERATIONS DIVISION
 15 SOUTH 15TH AVENUE
 PHOENIX, ARIZONA 85007
 (602) 542-1581

ENTRY CODE 33

FILE NO. _____ THRU _____

ITEM DESCRIPTION	RATE	AMOUNT
Assignment (Conveyance) of Certificates of Water Right	5.00	50.00
Nos. 42 (Applic. No. ^{R-} _A 68.0001), 658 (Applic. No. ^{R-} _A 489.0001),		
667 (Applic. No. ^{R-} _A 511.0001), 3808 (Applic. No. ^{R-} _A 1963.0001),		
3809 (Applic. No. ^{R-} _A 1964.0001), 3810 (Applic. No. ^{R-} _A 1965.0001)		
3811 (Applic. No. ^{R-} _A 1966.0001), 33-25880.0001, 33-25881.0001		
and 33-25882.0001.		
FROM: Flying W Cattle Company and Duard Sanford		
TO: Decker Ranches		

PAID
 TOTAL \$ 50.00

CHECK NO. 4068 FEE ACCOUNT NO. _____

CHIT NO. _____ RECEIVED BY lh DATE 9/13/91

Lead File is CWR 42

Flying W Cattle Company
 By Calvin W. Allred
 Willoughby, Evans & Allred
 P. O. Box 790
 Willcox, Arizona 85643

STATE OF ARIZONA
 ARIZONA WATER COMMISSION
 WATER RIGHTS ADMINISTRATION
 222 N. CENTRAL AVE - SUITE 550
 PHOENIX, ARIZONA 85004

RECEIPT - PAYEE

No 5806

KIND ENTRY	FILE REFERENCE NO.
33	25880 AND
	JRRR
33	25882

FUND SOURCE	ACCOUNT NO.			INT. ACCT.	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV.				
					Assignment of Application to Appropriates	5.00	\$10.00
					Public Waters		
					From: D. D. Sanford, Route 1, Box 1008 Safford, Arizona 85546		
					To: Flying W Cattle Company By Calvin W. Allred, President Willoughby, Evans & Allred P. O. Box 790 Willcox, Arizona 85643		



9-17-80
 Check No. 252

TOTAL \$ 10.00

ec

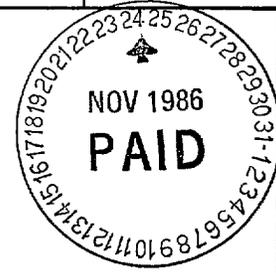
Flying W Cattle Co., Inc.
 P. O. Box 790
 Willcox, AZ 85643

STATE OF ARIZONA
 DEPARTMENT OF WATER RESOURCES
 WATER RIGHTS ADMINISTRATION
 99 EAST VIRGINIA
 PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
33	25880
----- THRU -----	
33	25882

FUND SOURCE	ACCOUNT NO.			INT. ACCT.	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV.				
					(2) Certificates of Water Right	22.00	44.00
					(Also received Ck #1663 dated 11-18-86 in the amount of \$6.00 made payable to the Pinal County Recorder)		



Ck #1662 dated 11-18-86 (11-25-86,kw)

TOTAL \$ 44.00