SRP06961

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

CLAIM OF WATER RIGHT FOR A STOCKPOND; APPLICATION FOR CERTIFICATION
(Chapter 69 Laws 1977)

(LEAVE BLANK)
No. 38 19225
Filed JUN 25 1979 at 8:00a. M
(Date) (Time)

FILING FEE $10.00
INSTRUCTIONS:
1. **File a separate claim for each stockpond.**
2. **Submit in duplicate; typewrite or print in ink.**
3. **Complete each blank with required information.**

NOTE: The law provides that a claim which does not contain the required information or which is not accompanied by the required filing fee shall not be accepted by the Department but shall be returned to the sender.

I, U.S. Dept. of the Interior Bureau of Land Management - Resources **of** 2400 Valley Bank Center
(Name) (Street, P.O. Box, Rural Route)
Phoenix Arizona 85073 261-3141
(City) (State) (Zip Code) (Phone No.)

do hereby claim a water right for the stockpond herein described and do hereby make application for certification of such right.

1. **State the date of completion of construction of the stockpond** 9 18 63 (Mo., Day, Yr.)
   (a) **Name of stockpond** Adobe Reservoir.
2. **State the capacity of the stockpond at spillway level on August 29, 1977:** 1 **(Acre Feet).**
3. **What was sole purpose for which pond was constructed?** Livestock and Wildlife watering AIS
4. **What is current primary use?** Livestock, Wildlife
5. **What other uses are made of pond?** _____
   (Give percentage of each "other" use to total use.)
6. **Was stockpond subject to litigation or to a protest of record to the Land Department prior to August 29, 1977?** _____ **Yes** No **No.**
   (a) **If the answer is 'yes', attach explanation.**
7. **Has previous filing, claim or registration of this stockpond been made?**
   _____ **Yes** X **No; if 'yes', attach explanation giving date and file number,**
   Date: _____ File No. _____ Name: _____
8. **State the date water was first used beneficially** Same as No. 1 **(Month, Day, Year)**
9. **State the quantities of water used annually** All **(Acre Feet)**
   (a) **What is average number of head using this water?** 31 **maximum no.?** 31
   (b) **Over what part of year?** All
10. **State the name of water course or water source** Unnamed
    Tributary to Parsons Canyon **on the** San Pedro River **(Leave Blank)** **watershed.**
11. **The point of diversion is within** same as 12 ¼, _____ ¼, **Section** _____, **of Township** _____, **Range** _____ **in the County of** _____.
12. **The location of impounding dam is within** SW ¼, SE ¼, **Section** 24, **of Township** 6 S, **Range** 18 E **in the County of** Pinal.
    (If site of number 11 differs from number 12 attach explanatory plat or map)
13. **The dimensions of the impounding dam and reservoir are:**
    (a) **Height of dam to spillway** 9 **ft. (Measured inside dam)**
    (b) **Length of dam** 75 **ft.**
    (c) **Surface area of water at spillway level** 0.15 **acres. Shape? (Circle One)**
    square, rectangle, circle, half-circle, (egg-shaped), triangle.
14. State the name of owner of land on which dam is located: United States
15. State the name of owner(s) of any land inundated when stockpond is filled to capacity.

4528-1

The United States does not, by the filing of this application, waive its claim to water originating on public lands of the United States, nor its claim that it has a right to use such water without the filing of this application, This filing and the accompanying payment of filing fees is made under protest.

I hereby certify under the penalty of perjury, that the information contained and statements herein made are, to the best of my knowledge and belief, true, correct and complete.

Dated this 8 day of June, A.D., 19 79.

Guy E Bauer
(Claimant)

Subscribed and sworn to before me this 8 day of June, 19 79

My Commission Expires:

My Commission Expires Apr. 18, 1983
, 19 .
(Seal)

Clarence F. Hoagland
(Notary Public)

STATE OF ARIZONA

CERTIFICATE OF WATER RIGHT

to a

STOCKPOND

Number

THIS IS TO CERTIFY, that

of State of pursuant to the provisions of Title 45, Chapter 1, Article 8, ARS, has registered a claim of water right for a stockpond and has made application for certification of that right and that it appears to the STATE LAND COMMISSIONER that the material facts stated in the claim are true and entitle the claimant to a water right for a stockpond with capacity not to exceed acre feet; that date of priority based on date of construction is ; that location is in ¼, ¼, Section , Township , Range , Gila and Salt River Base and Meridian, County, Arizona; that source of water is .

The water right for the stockpond herein certified is subject to all prior existing rights as provided by Section 45-402, B, Arizona Revised Statutes.

WITNESS, the seal and signature of the STATE LAND COMMISSIONER affixed this

RECEIVED JUN 25 1979 ARIZONA WATER COMMISSION

State Land Commissioner

20-77

Arizona Water Commission
222 N. Central Ave., Suite 800
Phoenix, Arizona 85004

NOTICE OF CLAIM OF WATER RIGHT FOR A STOCKPOND

Notice is hereby given that on the 25 day of June, 1979, US DEPT. OF THE INTERIOR - BUREAU OF LAND MANAGEMENT - RESOURCES 2400 Valley Bank Center, Phoenix, AZ 85073 filed Claim of Water Right for a Stockpond No. 38-19225 with the Arizona Water Commission pursuant to the provisions of Article 8, Chapter 1, Title 45 of Arizona Revised Statutes.

The name of the stockpond is Adafo Reservoir and it is described as being located in the SW ¼ SE ¼ Section 24, Township 6S, Range 18E, G&SRB&M, Pinal County, Arizona.

MATERIAL FACTS OF CLAIM
(as certified by claimant)

1. Date of construction of the stockpond 9-18-63.
2. Capacity of stockpond on August 29, 1977 was 1 acre-feet.
3. The stockpond was constructed and is used for the sole purpose of watering livestock or wildlife, including fish.
4. The pond is not used primarily for fishing or culturing of fish.
5. The stockpond was not the subject of water rights litigation or protest to the Commission prior to August 29, 1977.

PROTEST

Any person affected may, within sixty (60) days of the issuance of this Notice, file a written protest to the claim with the Arizona Water Commission, 222 N. Central Ave., Suite 800, Phoenix, Arizona 85004. The protesting person shall send a copy of the protest to the Claimant.

By law, the grounds for protest are that the claim contains a misstatement of one or more of the MATERIAL FACTS set out above.

The protest shall be in writing and shall state:

1. The name and address of the protesting party;
2. The location of the protesting party's point of diversion of water with respect to the claimant's stockpond;
3. The grounds for protest;
4. That a copy of the protest has been mailed or delivered to the Claimant.

Issued at Phoenix, Arizona

May 1, 19 80

Arizona Water Commission

Arizona Water Commission
222 N. Central Ave., Suite 800
Phoenix, Arizona 85004

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Issued at Phoenix, Arizona

Arizona Water Commission

May 1, 19 80

E. G. Salazar, Klondyke Rural Station, Willcox, AZ 85643
City of Tucson, Attn: City Attorney, P.O. Box 15547, Tucson, AZ 85703
San Carlos Irrig. & Drainage Dist., Attn: N.M. Soma, Dist. Mgr., PO Box 218, Coolidge, AZ 85228
27-80 San Carlos Irrig. Project, Attn: W.P. Hauff, Proj. Eng., BIA, PO Box 456, Coolidge, AZ 85228

SRP06965

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
SAN CARLOS IRRIGATION PROJECT
P.O. Box 456
Coolidge, Arizona 85228

IN REPLY REFER TO:

June 4, 1980

Arizona Water Commission
222 N. Central Avenue, Suite 300
Phoenix, Arizona 85004

Reference is made to Notice of Claim of Water Rights of Stockpond for US Dept. of the Interior - Bureau of Land Management - Resources, 2400 Valley Bank Center, Phoenix, AZ 85073, Stockpond No.'s 38-19150 38-19155, 38-19156, 38-19157, 38-19158, 38-19159, 38-19169, 38-19199, 38-19206, 38-19220, 38-19221, 38-19224, 38-19225, 38-19226, 38-19227, 38-19259, 38-19377, 38-19399, 38-22630, 38-22695, 38-22698, 38-22723, 38-22808, 38-23186 and 38-23187.

If these applications are approved it would deprive the Indian and non-Indian water users of the San Carlos Irrigation Project, Bureau of Indian Affairs, water that has been used on certain of the Indian lands since time immemorial and on the non-Indian lands since as early as 1863. This is evidenced by the United States District Court in the Decree entered June 29, 1935 known as Globe Equity No. 59 (Gila Decree).

Waters of the Gila River and its tributaries have long been over appropriated and in most water years the irrigation water is in extremely short supply and much of the Project lands must remain idle because of the insufficient water supply.

It is believed that the approval of this application would result in the diminution of water of the Gila River and thus the rights of the San Carlos Irrigation Project water users would be adversely affected.

Waters of the Gila River and its tributaries are delivered directly to Project lands located in Townships 4, 5, 6 and 7 South, and Ranges 4, 5, 6, 7, 8, 9 and 10 East, and to reservation lands lying in Townships 1 and 2 South, Ranges 1 and 2 East. All such waters are delivered to the

described lands to the extent of all such waters available. All deliveries are for irrigation purposes. The points of diversion are located in the NW¼ of Sec. 8, T4S, R11E (Ashurst Hayden Dam), near the SW Corner of Section 7, T4S, R7E, (Oldberg Dam); in Section 25, T2S, R2E, (Upper Gila Crossing Dam); and in Section 16, T2S, R2E (Lower Gila Crossing Dam).

Henry A. Dodge
Acting Project Engineer

cc:
U.S. Dept. of the Interior
Bureau of Land Management - Resources
2400 Valley Bank Center
Phoenix, AZ 85073

SRP06967

KEL FOX, CH.
JOHN L. LEIBER, V. CH.
WESLEY E. STEINER
EXECUTIVE DIRECTOR
AND
STATE WATER ENGINEER
VICKIE MOONEY
SECRETARY

MEMBERS
PETER F. BIANCO
MARYBETH CARLILE
GLEN G. CURTIS
W. N. JACK SHAWVER
J. C. WETZLER
EXOFFICIO MEMBERS
JOE T. FALLINI
MARSHALL HUMPHREY

BRUCE BABBITT, GOVERNOR

Arizona Water Commission

222 NORTH CENTRAL AVENUE, SUITE 850
Phoenix, Arizona 85004
TELEPHONE (602) 258-7561

June 19,1980

Mr. Henry A. Dodge
Acting Project Engineer
Bureau of Indian Affairs
San Carlos Irrigation Project
P. O. Box 456
Coolidge, Arizona 85228

Re: The 119 stockponds referred to in your letters of June 4, 1980

Dear Mr. Dodge:

This is to acknowledge receipt of your letters dated June 4, 1980 referencing the above mentioned claims and to inform you that your response has been made of record in the related files.

Please note that your response does not meet the criteria for protest as set forth in each Notice of Claim of Water Right for a Stockpond, copies of which you have received.

Sincerely,

W. Don Maughan,
Assistant State Water Engineer

BY: Robert D Smith
Richard A. Gessner,
Chief, Records Section

WDM:RAG:mw

TO AVOID PAYMENT OF PENALTY AND INTEREST THIS PAYMENT MUST BE IN THE OFFICE OF THE STATE LAND DEPARTMENT ON OR BEFORE THE DUE DATE. DATE OF POSTAL STAMP NOT ACCEPTED AS DATE OF PAYMENT.

STATE OF ARIZONA
STATE LAND DEPARTMENT
1624 WEST ADAMS – 4th FLOOR – PHOENIX, ARIZONA 85007

OFFICE COPY

U.S. Dept. of the Interior
Bureau of Land Management - Resources
2400 Valley Bank Center
Phoenix, Arizona 85073

SECTION	TOWNSHIP	RANGE

44928

KIND ENTRY	LEASE-REFERENCE NO.
38	19114 00

	ACCOUNT NO. GRANT FUND	SUB	CARRYING CAPACITY	BILLING DESCRIPTION	RATE	ACRES	$	AMOUNT
14	310	50		Filing fee for Claim of Water Right			3	000 00
				for Stockponds				
				Water Rights Division (SW)				
				38-19114 thru 38-19413 (300 filings)			1	CK
							6	CK C 500.00+
							6	CK C 5.00+
				34,531,969; 34,531,968;			6	CK C 500.00+
				Check #34,531,973; 34,531,972;34,531,971;34,531,970.			6	CK C 500.00+
							6	CK C 5.00-
							6	CK C 500.00+
							6	CK C 500.00+
							6	CK C 500.00+
							3	000 00
								3000.00+

CERTIFICATE OF PURCHASE UNPAID BALANCE $	BILLING PERIOD FROM MO.	DAY	YR	TO MO.	DAY	YR	DATE BILLED MO.	DAY	YR.	DATE DUE MO.	DAY	YR.	TOTAL ACRES	TOTAL AMOUNT $
							06	25	79					

3272

IF PAYMENT IS MADE ON OR BEFORE THIS DATE [redacted] 79 PAY THIS AMOUNT

SEE OTHER SIDE FOR LAW PERTAINING TO PENALTY AND INTEREST – A. R.S. SEC. 37-288.

RENTAL AMOUNT SUBJECT TO PENALTY AND INTEREST IF NOT PAID ON OR BEFORE DATE DUE ($)

5% PENALTY OF RENTAL AMOUNT - - - - - - - - - - - - $

TOTAL RENTAL AMOUNT PLUS PENALTY - - - - - - - - ($) TOTAL PENALTY AND INTEREST

10% INTEREST PER ANNUM OF RENTAL AMOUNT AND PENALTY – NUMBER OF DAYS DELINQUENT ( ) $ $

TOTAL AMOUNT DUE INCLUDING PENALTY AND INTEREST - - - - - - - - - - - - $

CASH RECEIVED $

BALANCE DUE OR OVERPAYMENT $

PENALTY AND INTEREST DISTRIBUTION			$		

mw

Tucson

San Carlos Project

San Carlos Irrig & Drain Dist

38-61134 - E. B. Salazar
Klondyke Rural Sta.
Willcox, Az 85643

(4)