

Dept. of Water Resources
99 East Virginia
Suite 100
Phoenix, Arizona 85004

05-441
Ash, A.

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

(LEAVE BLANK)
No. 38-88589
Filed 6-27-79 at 10:48 A
(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.

AMENDMENT TO FILE #38-21798

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.

STATE OF ARIZONA

I, STATE LAND DEPARTMENT of 1624 W. ADAMS
 (Name) (Street, P. O. Box, Rural Route)
PHOENIX ARIZONA 85007 255-3500
 (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 October 30, 1934
 (a) Name of stockpond Mesa Tank #1 (Mo., Day, Yr.)
2. State the capacity of the stockpond at spillway level on August 29, 1977:
.39 (Acre Feet).
3. What was sole purpose for which pond was constructed? STOCKWATERING AND WILDLIFE
4. What is current primary use? STOCKWATERING
5. What other uses are made of pond? Wildlife

(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 X No
 (a) If the answer is 'yes', attach explanation.
7. Has previous filing, claim or registration of this stockpond been made?
X Yes No; if 'yes', attach explanation giving date and file number.
8. State the date water was first used beneficially October 30, 1934
 (Month, Day, Year)
9. State the quantities of water used annually .46
 (Acre Feet)
 (a) What is average number of head using this water? 50 maximum no.?
 (b) Over what part of year?

10. State the name of water course or water source E. Pork McPeters Draw
 Tributary to Aravaipa Canyon on the San Pedro watershed.
 (Leave Blank)

11. The point of diversion is within NE 1/4, SE 1/4, Section 8 & 9, of
 Township 6S, Range 18E in the County of Pinal

12. The location of impounding dam is within NE 1/4, SE 1/4, Section 8 & 9, of
 Township 6S, Range 18E 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 3 ft. (Measured inside dam)
 (b) Length of dam 50 ft.
 (c) Surface area of water at spillway level _____ 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:
STATE OF ARIZONA, AS TRUSTEE
15. State the name of owner (s) of any land inundated when stockpond is filled to capacity:
NONE

Dept. of Water Resources
99 East Virginia
Suite 100
Phoenix, Arizona 85004

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X Yes No; if 'yes', attach explanation giving date and file number.
FILE #38-21798 SUBMITTED AT 10:48 AM, JUNE 27, 1979 and #39-6849 filed 9/30/80.
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STATE OF ARIZONA, AS TRUSTEE

15. State the name of owner (s) of any land inundated when stockpond is filled to capacity:
NONE

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 30TH day of JUNE, A.D., 1982.

[Signature]
(Claimant) ACTING STATE LAND COMMISSIONER

Subscribed and sworn to before me this 30th day of June, 1982

My Commission Expires:
MAR 20 1983
_____, 19____.
(Seal)

[Signature]
(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 $\frac{1}{4}$, $\frac{1}{4}$, 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 a ffixed this

State Land Commissioner

NOTICE TO APPLICANT AND TO:

City of Tucson, Attn: City Attorney, P. O. Box 27210, Tucson, Arizona 85726
San Carlos Irrigation & Drainage Dist., P. O. Box 218, Coolidge, Arizona 85228
San Carlos Irrigation Project, P. O. Box 456, Coolidge, Arizona 85228
A. T. Ash, P. O. Box 385, Winkelman, Arizona 85292
Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073

rh

Dept. of Water Resources
99 E. Virginia
Suite 100
Phoenix, Arizona 85004

NOTICE OF CLAIM OF WATER RIGHT
FOR A STOCKPOND

Notice is hereby given that on the 27 day of JUNE, 1979,
Az State Land Department, 1624 West Adams, Phoenix, AZ 85007 filed
Claim of Water Right for a Stockpond No. 38-88589 with the Dept. of
Water Resources pursuant to the provisions of Article 8, Chapter 1, Title 45 of
Arizona Revised Statutes.
The name of the stockpond is Mesa Tank #1 and it is
described as being located in the SW ¼ NW ¼ Section 9, 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 October 30, 1934.
2. Capacity of stockpond on August 29, 1977 was .39 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 Department of Water Resources, 99 E. Virginia, Suite 100, 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
November 26, 1982

Arizona Department of Water Resources

[Signature]

SAN PEDRO

- ✓ CITY OF TUCSON
- ✓ SAN CARLOS IRRIGATION & DRAINAGE DIST.
- ✓ SAN CARLOS PROJECT

36 26932 - *G. J. Ash*
P.O. Box 385
Winkelmann, Az 85292

38 19150 - *B.L.M.*
2400 Valley
Bank Center
Ahx, Az. 85073

(~~33~~) ↑

See Lead file 38-88245 for documentation

ASSIGNMENT (CONVEYANCE) OF WATER RIGHT

A.R.S. § 45-164.B.

GENERAL INSTRUCTIONS

You must attach to this assignment form a duly recorded deed or other documentation which evidences change of ownership of the land to which the water right is appurtenant or attached.

The fee for each assignment of water right must accompany this assignment form. Two or more water rights may be assigned on this form only if the assignors/sellers are identical on all water rights and the assignees/buyers are identical on all water rights. If a water right is subdivided into two or more separate water rights, an assignment form must be completed for each of the water rights.

This assignment form must be signed by all assignee(s)/buyer(s) and all assignor(s)/seller(s), and the current address and phone number of each party must be furnished. If there are more than two assignees or assignors, the name, address, phone number and signature of each additional assignee or assignor should be attached on a separate sheet.

In accordance with A.R.S. §45-164.B., the undersigned parties hereby notify the Arizona Department of Water Resources of the assignment (conveyance) of the following water rights, in whole, or in part.

(Present Assignment Fee for Each Water Right Assigned Includes Reissue Fee for Permit or Certificate)

\$5.00	Application 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-	4730
\$5.00	Claim for Stockpond Application No.	38-	(See Attachment)
\$5.00	Stockpond Certificate No.	38-	_____

Legal land description to which water right is appurtenant: (See Attachment)
_____ 1/4 _____ 1/4 _____ 1/4 Section _____ Township _____ N/S Range _____ E/W
(For further detailed description should be attached on a separate sheet)

SPECIAL INSTRUCTIONS

An appropriative water right for an irrigation use is appurtenant to specific acres of land. If one or more irrigation water rights are being assigned, indicate the number of acres to which the rights are appurtenant and the legal description of the land to which the rights are appurtenant. (Note: the number of acres involved and the legal description are indicated on the original application, permit or certificate.)

Number of Acres: All _____ Partial _____
(Circle all OR partial and enter number of acres)

SELLER(S)/ASSIGNOR(S)

Name Arizona State Land Department
(PRINT OR TYPE)
Address 1616 W. Adams Street
Phoenix, AZ 85007

Phone No. (602) 542-3500

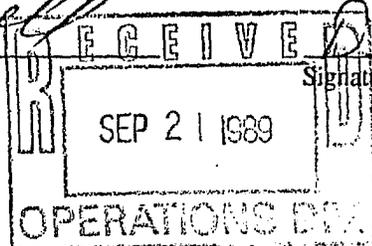
Signature _____

BUYER(S)/ASSIGNEE(S)

Name Bureau of Land Management
(PRINT OR TYPE)
Address 425 E. 4th Street
Safford, AZ 85456

Phone No. (602) 428-4040

Signature _____



Claim of Water Right

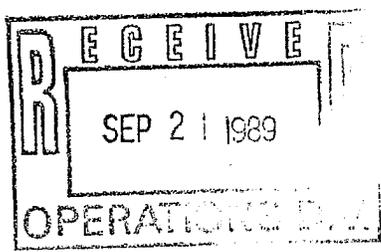
Deed of Reconveyance

38-88245 /	38-88515 /	38-88830 /
88396 /	88516 /	88831 /
88399 /	88517 /	
88400 /	88518 /	
88402 /	88525 /	
88403 /	88526 /	
88404 /	88527 /	
88405 /	88532 /	
88406 /	88538 /	
88407 /	88539 /	
88416 /	88540 /	
88417 /	88545 /	
88418 /	88548 /	
88421 /	88551 /	
88423 /	88559 /	
88425 /	88561 /	
88426 /	88583 /	
88434 /	88584 /	
88436 /	88585 /	
88437 /	88586 /	
88439 /	88587 /	
88440 /	88589 /	
88441 /	88703 /	
88442 /	88705 /	
88443 /	88761 /	
88445 /	88770 /	
88458 /	88771 /	
88459 /	88772 /	
88513 /	88774 /	
88514 /	88775 /	
88472 /		
88719 /		
88721 /		
88724 /		
88523 /		

96-93117

96-93118

96-95054





ARIZONA
DEPARTMENT
OF WATER
RESOURCES

Rose Moffatt, C.
N. W. Plummer
Director

January 10, 1990

Bureau of Land Management
Attn: Mr. Delbert C. Molitor
425 E. 4th Street
Safford, Arizona 85456

15 South 1st
Phoenix, Arizona

Re: Assignment (Conveyance) of Water Right: SEE ATTACHED.

Dear Mr. Molitor:

The recent assignment action as referenced above has been accomplished.

Thank you for complying with Arizona Revised Statutes §45-163 and §45-164.

Very truly yours,

A handwritten signature in cursive script that reads "Joan Erdman".

Joan Erdman
Surface Water Section
Telephone (602) 542-1581

JE:je

Enclosure

Claim of Water Right

Deed of Reconveyance

38-88245 /	38-88515 /
88396 /	88516 /
88399 /	88517 /
88400 /	88518 /
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88436 /	88585 /
88437 /	88586 /
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88442 /	88705 /
88443 /	88761 /
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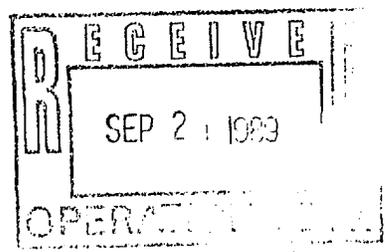
38-88830 /
88831 /

36-~~4730~~ 4730

96-93117

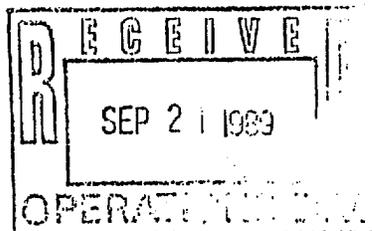
96-93118

96-95054



Claim of Water RightDeed of Reconveyance

38-88245.0001	38-88515.0001	38-88830.0001	96-93117
88396.0001	88516.0001	88831.0001	
88399.0001	88517.0001		
88400.0001	88518.0001		
88402.0001	88525.0001		
88403.0001	88526.0001	36- 38 4730.0001	
88404.0001	88527.0001		
88405.0001	88532.0001		
88406.0001	88538.0001		
88407.0001	88539.0001		
88416.0001	88540.0001		
88417.0001	88545.0001		
88418.0001	88548.0001		
88421.0001	88551.0001		
88423.0001	88559.0001		
88425.0001	88561.0001		
88426.0001	88583.0001		
88434.0001	88584.0001		
88436.0001	88585.0001		
88437.0001	88586.0001		
88439.0001	88587.0001		
88440.0001	88589.0001		
88441.0001	88703.0001		
88442.0001	88705.0001		
88443.0001	88761.0001		
88445.0001	88770.0001		
88458.0001	88771.0001		
88459.0001	88772.0001		
88513.0001	88774.0001		
88514.0001	88775.0001		
88472.0001			
88719.0001			96-93118
88721.0001			
88724.0001			
88523.0001			96-95054





BRUCE BABBITT
GOVERNOR

Arizona
State Land Department

1624 WEST ADAMS
PHOENIX, ARIZONA 85007



OFFICE OF
STATE LAND COMMISSIONER

May 18, 1983



Richard Gessner
Department of Water
Resources
99 East Virginia Street
Phoenix, Arizona 85004

Re: 38-88589, 38-88383

Dear Mr. Gessner:

The State Land Department wishes to amend the following applications for certificate Water Right for Stockponds.

38-88589

Location: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 6 South
Range 18 East, Pinal County.

38-88383

Capacity of stockpond is 0.98 ac.ft.

Thank you for your attention in this matter.

Sincerely,

Robert K. Lane
Robert K. Lane
Commissioner

RKL:jh/sm

State of Arizona

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004

BRUCE BABBITT, Governor
WESLEY E. STEINER, DirectorDate: April 12, 1983

San Carlos Irrigation Project
 Attn: Ralph Esquerra
 Bureau of Indian Affairs
 P. O. Box 456
 Coolidge, Arizona 85228

Re: Claims of Water Right for Stockpond(s) Nos. 38-88556 thru 38-88565(Inc)
38-88576 thru 38-88595(Inc); 38-88612

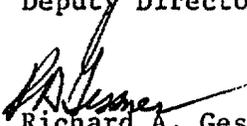
Dear Mr. Esquerra:

This is to acknowledge receipt of your letter dated January 4, 1983 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,
 Deputy Director

By:  Richard A. Gessner
 Chief, Operations Branch

WDM:RG: rh

cc: State Land Department

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.



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:

January 4, 1983

Richard A. Gessner
Chief, Records Section
Department of Water Resources
99 E. Virginia, Suite 100
Phoenix, Arizona 85004

Dear Mr. Gessner:

Reference is made to the Notice of Claim of Water Right for a Stockpond filed by Arizona State Land Department, 1624 West Adams, Phoenix, AZ 85007, stockpond nos. 38-88500 thru 38-88504, 38-88506 thru 38-888523, 38-88527 thru 38-88531, 38-88533 thru 38-88537, 38-88539, 38-88542 thru 38-88544, 38-88546, 38-88556 thru 38-88565, 38-88576 thru 38-88595, and 38-88612.

If these claims 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 1868. This is evidenced by the United States District Court in the Decree entered June 29, 1935 known as Globe Equity No. 59 (Gila Decree).

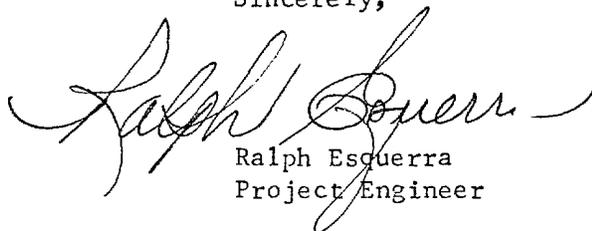
- Waters of the Gila River and its tributaries have long been over appropriated and in most water years the irrigation water is in extremely short supply and much of the Project lands must remain idle because of the insufficient water supply.

It is believed that the approval of these claims 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

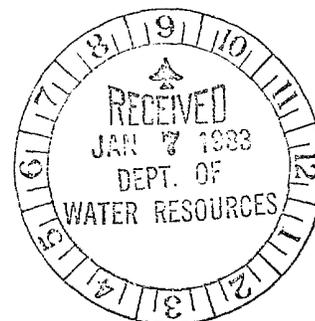
described lands to the extent of all such water available. All deliveries are for irrigation purposes. The points of diversion are located in the NW $\frac{1}{4}$ of Sec. 8, T4S, R11E (Ashurst Hayden Dam), near the SW Corner of Section 7, T4S, R7E, (Oldberg Dam); in Section 25, T2S, R2E, (Upper Gila Crossing Dam); and in Section 16, T2S, R2E, (Lower Gila Crossing Dam).

Sincerely,



Ralph Esquerro
Project Engineer

cc: Arizona State Land Department
1624 West Adams
Phoenix, AZ 85007



Bureau of Land Management
 425 E. 4th Street
 Safford, Arizona 85456

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

Attn: Delbert C. Molitor

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
see	below
	THRU

FCA-3

ACCOUNT NO.				INT. ACCT.	ITEM DESCRIPTION	RATE	\$ AMOUNT
FUND SOURCE	AGENCY	CHAPTER	DIV.				
					Assignment(Conveyance) of Water Right		
					Statement of Claim of Right# 36 -4730	5.00	
					Stockpond Applications (67) @\$5.00ea.	335.00	
					SEE ATTACHED		

1/9/90 JE
 Bill BLM \$340.00

TOTAL \$ 340.00

Arizona State Land Department
 Att: Water Rights Division
 1624 West Adams Street
 Phoenix, Arizona 85007

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

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
38	88136
	THRU
38	88776

FUND SOURCE	ACCOUNT NO.			INT. ACCT.	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV.				
					Six Hundred Forty (640) Applications for	\$10.00	\$6,400.00
					Certifications of Stockponds.		
							WRITER PAYMENT
							GUESTS 640
							CHK NO 506079
							640@ 10.00
							38 6400.00
							TAX 0.00
							TOTL 6400.00
							GEN.CHEK 6400.00
					Warrant No. 21 506079 dated 6-30-82		

(7-21-82)

TOTAL

523-A 13:30
\$ 6,400.00

ec