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APACHE CO SUPERIOR COURT

1 DECONCINI McDONALD YETWIN & LACY, P.C.
2 2525 EAST BROADWAY BLVD., SUITE 200
3 TUCSON, AZ 85716-5300
4 (520) 322-5000

5 John C. Lacy (AZ # 2084)
6 jlacy@dmyl.com
7 Paul M. Tilley (AZ # 032041)
8 ptilley@dmyl.com
9 Attorneys for Claimant

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF APACHE**

12 IN THE GENERAL ADJUDICATION
13 OF ALL RIGHTS TO USE WATER IN
14 THE LITTLE COLORADO RIVER
15 SYSTEM AND SOURCE,

NO. CV 6417

**OBJECTION TO THE FINAL
HYDROGRAPHIC SURVEY REPORT
FOR THE HOPI RESERVATION**

(Assigned to The Honorable Mark H. Brain)

16 Claimant and Objector, Marilyn M. Coy, President of HP 2100, Inc., as General
17 Partner of Tante MMC LLLP ("Tante MMC"), Marilyn M. Coy as President and CEO of
18 Michelbach Livestock, Inc. ("Michelbach Livestock"), Marilyn M. Coy as a Partner in
19 Michelbach Investments Ltd. Partnership ("Michelbach Investments" and collectively
20 "Claimant"), by and through undersigned counsel, files the enclosed Statement of Objection
21 to the Final Hydrographic Survey Report for the Hopi Reservation ("Statement of
22 Objection"), and the attached Exhibits referenced in said Statement of Objection.

23 //

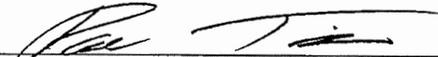
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26 //

1 DATED this 14th day of June, 2016.

2 DECONCINI MCDONALD YETWIN & LACY, P.C.

3
4 By: 

5 John C. Lacy
6 Paul M. Tilley
7 2525 E. Broadway Blvd., Suite 200
8 Tucson, AZ 85716-5300
9 Attorneys for Claimant

10 On this 14th day of June, 2016, I hereby certify that the **original** Objection and **two**
11 copies were filed with:

12 Clerk of the Superior Court
13 Apache County
14 70 West Third South
15 St. Johns, AZ 85936

16 On this 14th day of June, 2016, I further certify that a true and correct copy of this
17 Objection was sent by federal express to:

18 Joseph P. Mentor, Jr.
19 Bill Aloe
20 Mentor Law Group, PLLC
21 315 Fifth Avenue South, Suite 1000
22 Seattle, Washington 98104
23 *Counsel for the Hopi Tribe*

24 Vanessa Boyd Willard
25 Indian Resources Section, ENRD
26 United States Department of Justice
Denver Field Office
999 18th South Terrace, Suite 370
Denver, Colorado 80202
Counsel for the United States

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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE**

IN RE THE GENERAL
ADJUDICATION OF ALL RIGHTS
TO USE WATER IN THE LITTLE
COLORADO RIVER SYSTEM AND
SOURCE

NO. 6417

OBJECTION TO THE FINAL
HYDROGRAPHIC SURVEY REPORT
FOR THE HOPI RESERVATION
(Deadline to file: June 15, 2016)

OBJECTOR

Name Marilyn M. Coy, President of HP 2100, Inc. as General Partner of Tante MMC LLLP; Marilyn M. Coy as President and CEO of Michelbach Livestock, Inc.;
Marilyn M. Coy as a Partner in Michelbach Investments Ltd. Partnership

Address Marilyn M. Coy, c/o DeConcini McDonald Yetwin & Lacy, P.C., 2525 E.
Broadway Blvd, Suite 200, Tucson, AZ 85716

Telephone No. (520) 322 - 5000

Statement of Claimant No. 39 - 082267, 39 - 080829, 39 - 082268, 39 - 080830, 39 - 080828, and 39 - 080827.

STATEMENT OF OBJECTION

The water right attributes described in Chapter 5 of the Final Hopi Hydrographic Survey Report are listed below. I object to one or more of the proposed water right attributes for the factual and/or legal reasons stated below. A description of the evidence to support those reasons is also provided:

1. Type of Use

Claimant and Objector, Marilyn M. Coy, President of HP 2100, Inc. as General Partner of Tante MMC LLLP (“Tante MMC”), Marilyn M. Coy as President and CEO of Michelbach Livestock, Inc. (“Michelbach Livestock”), Marilyn M. Coy as a Partner in Michelbach Investments Ltd. Partnership (“Michelbach Investments” and collectively “Claimant”), files a general objection to the seven types of use outlined in Chapter 5, Section 5.1.3, in the Final Hopi Hydrographic Survey Report (“Hopi HSR”), claimed by the Hopi Tribe (“Hopi”) and the United States of America (“United States”). These

include: agricultural (irrigation); evaporation from irrigation storage; livestock and water storage for stock; mining; recreation; subsurface mineral rights; aesthetic, cultural and ecological flows. Claimant limits its objections to the seven (7) uses listed in Section 5.1.3, rather than the eleven (11) listed in Chapter 3 of the Hopi HSR, given that the Arizona Department of Water Resources (ADWR) only proposed water right attributes for those types of uses based on past and present uses. Should the additional future uses be at issue, Claimant reserves the right to object to such uses.

a. Tante MMC

Tante MMC's types of use, pursuant to the Statement of Claimant (SOC) 39 - 082267, and 39 - 080829, include domestic use and stockpond use for livestock and water storage for stock. SOC 39 - 082267, and 39 - 080829, attached as Exhibit A ("Exhibit A"). Both SOCS are associated with parcel number 300-33-002-A, located in Section 34, Township 23 North, Range 6 East, Gila and Salt River Meridian, Coconino County, Arizona. Evidence of such use dating back to at least the summer of 1894 is shown in the Homestead Proof, Testimony of Claimant, and Homestead Proof, Testimony of Witness, filed with the Homestead Patent for the applicable parcel. Homestead Entry File ("Homestead File"), attached as Exhibit B at 23-26 ("Exhibit B"). Both SOC's indicate a priority date of April 1, 1902. Exhibit A at 2, 5.

Tante MMC's surface water uses and claims are associated with what was a larger parcel subdivided in to three parcels. Tante MMC is not the sole claimant under SOC 39 - 082267 but Tante MMC files this general objection as to any interests it presently holds, or may later be found to hold, under SOC 39 - 082267. The well described in well

registration number 55-601209 is located on the parcel presently owned by Tante MMC. Tante MMC is the sole claimant under SOC 39-080829. The stockpond and dam referenced in both SOC's are located on Tante MMC's parcel.

b. Michelbach Livestock

Michelbach Livestock's types of use, pursuant to SOC 39 – 082268, include stockpond use for livestock and water storage in the O'Dell Tank. SOC 39 – 082268 attached as Exhibit D ("Exhibit D"). This SOC is associated with a parcel subject to Grazing Lease No. 05-894 entered into with the State of Arizona by and through the Arizona State Land Department (ASLD). Excerpt of Grazing Lease No. 05-894 attached as Exhibit E ("Exhibit E"). The O'Dell Tank is located on a parcel located in Section 2, Township 26 North, Range 6 East, Gila and Salt River Meridian, Coconino County, Arizona. This SOC indicates a claimed priority date of May 1930, however the SOC also states that the O'Dell Tank was constructed in 1910 and water was first stored in 1910. Exhibit D at 2. This SOC is registered in the name of the Albert Peter Michelbach, Marilyn M. Coy's father, but as the result of an oversight was not formally assigned to his heirs during the distribution of Mr. Michelbach's estate. The appropriate amendments will be filed once these errors are remedied.

c. Michelbach Investments

Michelbach Investments' types of use, pursuant to SOC 39 – 080830, 39 – 080828, and 39 - 080827, include stockpond use for livestock and water storage in the Pete Michelbach Dam ("Pete's Dam") and domestic use. SOC 39 – 080830, 39 – 080828, and 39 - 080827 attached as Exhibit F ("Exhibit F"). All of the SOC's are

associated with uses on parcel number 302 – 19 – 002, located in Section 28, Township 26 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona. SOC 39 – 080828 details the point of diversion from Indian Hole on a parcel adjacent to Michelbach Investments’ parcel located in Section 33, Township 26 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona. Exhibit F at 6-7. The SOCs for this parcel indicate a priority date of March 2, 1909 and May 10, 1910, respectively. Exhibit F at 2, 6, and 9. Notice of the appropriation for Pete’s Dam was posted on or about December 22, 1915. Water Location Notice attached as Exhibit G (“Exhibit G”).

These SOCs are also registered in the name of the Albert Peter Michelbach, Marilyn M. Coy’s father, but as the result of an oversight were not formally assigned to his heirs during the distribution of Mr. Michelbach’s estate. Further, the legal description for SOC 39 – 080830, detailing Pete’s Dam, incorrectly lists the dam as being in Section 28, Township 26 North, Range 8 East, Gila and Salt River Meridian, Coconino County, Arizona. Pete’s Dam is located in in Section 28, Township 26 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona. The appropriate amendments will be filed once these errors are remedied.

2. Legal Basis

Claimant objects to the legal basis referenced in Section 5.1.1 to the extent that it negatively implicates the legal basis for the claims it holds. Claimant’s objection is based on the dates of priority granted under the claims and SOCs filed pursuant to A.R.S. §§ 45-151, 45-182, 45-254, and 45-271, *et seq.*

Tante MMC's objection to this section, and the others outlined in the Hopi HSR and addressed in the sections that follow, is general in nature and intended to reserve any rights and claims held by Tante MMC that may be impacted by the claims of the Hopi Tribe, and the United States, outlined in the Hopi HSR. The parcel associated with Tante MMC's SOCs is located on or near the border of the adjudication area, as shown in the attached map of the parcel. *See* Exhibit C. Given the degree of uncertainty associated with the overall accuracy of the Little Colorado River watershed boundary line, and the reach and extent of that watershed boundary and the extent of any subflow zone, it is unclear whether Tante MMC's claims are directly implicated by those outlined in the Hopi HSR based on the data presently available to Tante MMC. If the Tante MMC claims are implicated by those outlined in the Hopi HSR, Tante MMC files this objection in order to preserve any rights and claims that Tante MMC may assert in order to protect the claims in Tante MMC's SOCs that may be impacted by those discussed in the Hopi HSR and assert and affirm the April 1, 1902, priority date for the claims noted in the SOCs.

Michelbach Investments and Michelbach Livestock's objection to this section, and the others outlined in the Hopi HSR and addressed in the sections that follow, is also general in nature and intended to reserve any rights and claims that both entities may assert to preserve those claims impacted by the claims of the Hopi Tribe, and the United States, outlined in the Hopi HSR. Both Michelbach Livestock and Michelbach Investments assert rights in sources that are indicated as tributaries to the Little Colorado River. Exhibit D at 2; Exhibit F at 2, 6, and 9. The parcels associated with these claims

also lie within the Little Colorado River watershed. If the Michelbach Investments and Michelbach Livestock claims are implicated by those outlined in the Hopi HSR, and any findings regarding the reach and extent of an applicable subflow zone, both entities file this objection in order to preserve any rights and claims they may assert in order to protect those claims implicated by the Hopi HSR and where necessary to assert and affirm the priority dates noted in their SOC's. For Michelbach Investments, the claimed priority dates are March 2, 1909 and May 10, 1910, respectively. Exhibit F at 2, 6, and 9. Michelbach Livestock asserts a priority date of May 1930, but would draw attention to the fact that the O'Dell Tank was constructed in 1910 and water was first stored in 1910. Exhibit D at 2.

3. Water Sources

Claimant objects to the water sources referenced in Section 5.1.4 to the extent that the water sources, particularly any groundwater sources, may negatively impact the sources referenced in claimant's SOC's.

Tante MMC's claims are sourced in part from the Tondas Well, underground seepage, and the Rio de Flag, a tributary to the Little Colorado River. As previously noted, due to the proximity of Tante MMC's parcel to the watershed boundary, Tante MMC's objection to these attributes is general in nature and intended to preserve any rights and claims held by Tante MMC that may be negatively impacted by the claims in the Hopi HSR. Given the proximity of the Tante MMC parcel to the watershed boundary, it is unclear whether these sources are implicated by those sources noted in Section 5.1.4. *See* Exhibit C. Should the sources outlined in Section 5.1.4 negatively

impact the sources discussed in Tante MMC's SOCs, Tante MMC objects to these attributes to the extent of that impact.

Michelbach Investments' claims are sourced from the Michelbach Wash and seepage from an adjacent parcel, both of which are indicated as tributaries to the Little Colorado River. Exhibit F at 2, 6, and 9. Should the sources outlined in Section 5.1.4 negatively implicate the sources detailed in Michelbach Investments' SOCs, Michelbach Investments objects to these attributes to the extent of that impact.

Michelbach Livestock's' claims are sourced from the O'Dell Wash, a tributary to Cedar Wash and potentially the Little Colorado River. Exhibit D at 2. Should the sources outlined in Section 5.1.4 negatively implicate the sources detailed in Michelbach Livestock's' SOCs, Michelbach Livestock objects to these attributes to the extent of that impact.

4. Point of Diversion

Claimant issues a general objection to the points of diversion, referred to as locations of point sources, discussed in Section 5.1.5. As noted in the preceding sections, Claimant's objection to these attributes is general in nature and intended to reserve any rights and claims held by Claimant that may be impacted by the claims of the Hopi Tribe, and the United States, outlined in the Hopi HSR.

5. Place of Use

Claimant issues a general objection to the places of use discussed in Section 5.1.6. As noted in the preceding sections, Claimant's objection to these attributes is general in nature and intended to reserve any rights and claims held by Claimant that may be

impacted by the claims of the Hopi Tribe, and the United States, outlined in the Hopi HSR.

6. Date of Priority

Claimant issues a general objection to the priority dates discussed in Section 5.1.2. As noted in the preceding sections, Claimant's objection to these attributes is general in nature and intended to reserve any rights and claims held by Claimant that may be impacted by the claims of the Hopi Tribe, and the United States, outlined in the Hopi HSR. If the Claimant's claims are implicated by those discussed in the Hopi HSR, Claimant asserts that its claims hold a priority date senior to at least that of Moenkopi Island. The Tante MMC SOCs indicate an April 1, 1902, priority date senior to the June 14, 1934, priority date for Moenkopi Island found by the Special Master in his July 31, 2013 report. Hopi HSR at 5.1.2. Further, the Homestead File for Tante MMC's parcel indicates that use began in at least the summer of 1894. Exhibit B at 23-26.

Michelbach Investments asserts a priority date of March 2, 1909 and May 10, 1910, respectively, senior to that for Moenkopi Island. Exhibit F at 2, 6, and 9. Michelbach Livestock also asserts a priority date senior to that of Moenkopi Island of May 1930, but would draw attention to the fact that the O'Dell Tank was constructed in 1910 and water was first stored in 1910. Exhibit D at 2.

7. Quantity of Water Use

Claimant issues a general objection to the quantities of use discussed in Section 5.1.7 and outlined in table 5.1. As noted in the preceding sections, Claimant's objection to these attributes is general in nature and intended to reserve any rights and claims held

by Claimant that may be impacted by the claims of the Hopi Tribe, and the United States, outlined in the Hopi HSR.

VERIFICATION

STATE OF ARIZONA

County of Pima

I declare under penalty of perjury that I am a claimant or the duly authorized representative of a claimant. I have read the Statement of Objection and verify, swear, and affirm that the information contained is true based on my personal knowledge, or is believed to be true based on information and belief.

Signature of Objector or Representative

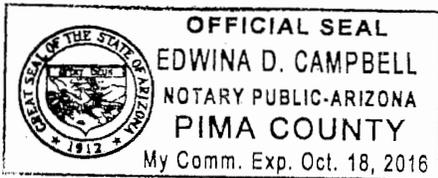
[Handwritten Signature]
Name

2525 E. Broadway Blvd, Suite 200, Tucson
Address AZ 85716

SUBSCRIBED AND SWORN TO before me this 14th day of JUNE, 2016.

SEAL

Edwina D. Campbell
Notary Public for the State of ARIZONA
My Commission Expires Oct. 18, 2016



CERTIFICATE OF SERVICE

On this 14th day of JUNE, 2016, I hereby certify that the **original** Objection and **two** copies were filed with:

Clerk of the Superior Court
Apache County
70 West Third South
St. Johns, AZ 85936

On this 14th day of JUNE, 2016, I further certify that a true and correct copy of this Objection was sent via Federal Express to:

Joseph P. Mentor, Jr.
Bill Aloe
Mentor Law Group, PLLC
315 Fifth Avenue South, Suite 1000
Seattle, Washington 98104
Counsel for the Hopi Tribe

Vanessa Boyd Willard
Indian Resources Section, ENRD
United States Department of Justice
Denver Field Office
999 18th South Terrace, Suite 370
Denver, Colorado 80202
Counsel for the United States

I:\files\docs\TANT02\160099\PLDG\1043109.DOCX

Exhibit A

For Departmental Use Only

STATEMENT OF CLAIMANT FORM FOR DOMESTIC USE



LITTLE COLORADO RIVER WATERSHED ADJUDICATION SUPERIOR COURT OF APACHE COUNTY

1 Claimant Name A P Michelbach MICHELBACh, Albert Peter
Claimant Address 823 W Aspen City Flagstaff
State Arizona Zip Code 86001 Telephone 774-6539

- 2 Basis of Claim
- A Appropriation Right acquired prior to June 12, 1919 1974 Water Rights Registration Act Registry No. 55-601209
 - B Appropriation Right acquired after June 12, 1919 Application No _____, Permit No _____, or Certificate of Water Right No _____
 - C Decreed water right Principal litigants, court, date and case no _____
 - D Right to withdraw groundwater
 - E Other, describe _____

3 Claimed Priority Date 4/01/1902 (month/day/year)

- 4 Source of Water
- A Stream name _____, tributary to _____
 - B Spring name _____, tributary to _____
 - C Lake or Reservoir name _____, tributary to _____
 - D Groundwater Tondas Well

5 Legal description of the Place of Use and the Point of Diversion (attach additional sheet if required)
County COCONINO, Section 34, Township 23 NS, Range 6 EW
Legal Subdivision (one of the following)
NE $\frac{1}{4}$, SW $\frac{1}{4}$, _____ $\frac{1}{4}$ of the Section, or
Assessor Book No _____, Map No _____, Parcel No _____, or
Subdivision Name _____ Block No _____ Lot No _____

6 If there are Irrigation, Stockpond or Other Uses supplied from the point of diversion, describe _____

- 7 Means of Diversion
- A Instream pump
 - B Gravity flow into ditch, canal or pipeline
 - C Well Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No A923-6) 34CW
 - D Other, describe _____

8 Number of persons 50 or dwellings _____ served by this use

9 Annual Volume Claimed 10 acre feet

10 It may be necessary for a representative from the Department of Water Resources to inspect the place of use and diversion Your signature following will grant permission to enter your property for the purpose of inspection Signature of Claimant *A. J. Michelbach*

11 Should it be necessary for a representative of the Department to contact you as the claimant or your representative are there any special instructions regarding time of day or address to aid in locating the specified person? none

12 Additional comments My uncle, G H Lohe, the original homesteader of this property, developed the water by 1902 and I purchased the property and developments from the estate of his widow

(attach additional sheet if required)

13 Attach Filing Fee to Form Mail form(s) and fee(s) to Department of Water Resources, P O Box 2920, Phoenix, AZ 85062

14 Notarized Statement I (We), *A. J. Michelbach* the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete

(seal)

My Commission Expires June 5, 1986
My Commission Expires

Patricia A. Rogers
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

A P MICHELBAUGH
 823 W ASPEN
 FLAGSTAFF AZ 86001

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

RECEIPT

KIND ENTRY	FILE REFERENCE NO
39	082267
	THRU
39	082268

FUND SOURCE	ACCOUNT NO			INT ACCT	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV				
					Filing fee for Statement of Claimant	20 00	40.00
					Little Colorado River Adjudication		
						WAITER PAYMENT	
						GUESTS 1	
						CHK NO 777	
						L-COLD 40.00	
						TAX 0.00	
						TOTL 40.00	
						ADJ.CHEK 40.00	
						\$ 69 A 11:52-	

12/27/83 jc

Check No. 777

TOTAL

\$

40.00

STATEMENT OF CLAIMANT FORM
FOR
STOCKPOND USE

For Departmental Use Only

File No. 39-080829
Date Filed: 12-30-81
WFN

LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: A.P. Michelbach
Claimant Address: 823 W. Aspen City Flagstaff
State: Arizona Zip Code 86001 Telephone 774-6539
2. Basis of Claim:
 - A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-45501
 - B. Appropriation Right acquired after June 12, 1919. Application No. _____
Permit No. _____, or Certificate of Water Right No. _____
 - C. Right acquired through the 1977 Stockponds Registration Act. Claim No. _____
 - D. Decreed water right. Principal litigants, court, date and case no.: _____
 - E. Other, describe: _____
3. Claimed Priority Date: 4/01/1902 (month/day/year)
4. Source of Water:
 - A. Stream, wash or arroyo: name Rio de Flag, tributary to Little Colorado River
 - B. Is water supplied from a source other than natural channel flow into the stockpond?
 Yes, No If yes, describe: underground seepage
5. Legal description of the location of the stockpond: (attach additional sheet if required)
NE 1/4, SW 1/4, _____, Section 34, Township 23 (N)S, Range 6 (E)W
6. If there are other uses supplied by the stockpond or its water source, describe:
none
7. Description of the Stockpond:
 - A. Name or other designation: Tondas Dam
 - B. Dam specifications:
 - 1) Date construction began, 1898, and ended 1902
 - 2) Height, 8 ft.
 - 3) Does dam have an outlet structure other than spillway? Yes No
 - C. Reservoir behind dam:
 - 1) Date water first stored: 4/01/1902 (month/day/year)
 - 2) Maximum length: 150 ft.
 - 3) Maximum width: 150 ft.
 - 4) Maximum depth of water at spillway crest: 10 ft.
 - 5) Maximum storage volume at spillway crest: one Acre-Feet

8. Number and kind of livestock or wildlife watered by this stockpond:
150 Head of cattle and 4 horses, for 7 months per year.

9. Attach photographs, maps or sketches necessary to show the location of the stockpond(s) and any conveyance system and other point(s) of diversion.

10. It may be necessary for a representative from the Department of Water Resources to inspect the stockpond and diversion. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Albert Michelbach

11. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? none

12. Additional comments: My uncle, G.H. Lohe, the original homesteader of this property, developed the water by 1902 and I purchased the property and developments from the estate of his widow.

(attach additional sheet if required)

13. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

14. Notarized Statement: Albert Peter Michelbach
I (We), _____
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

My Commission Expires Sept. 11, 1985

My Commission Expires:

12-30-81 County of Maricopa

Manly J. Becker
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ARIZONA
DEPT. OF

DEC 30 P 2:27

WATER
RESOURCES

A P MICHELBACH
 823 W ASPEN
 FLAGSTAFF AZ 86001

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

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	080827
	THRU
39	080830

(4)

FUND SOURCE	ACCOUNT NO.			INT. ACCT.	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV.				
					Filing fee for Statement of Claimant	20.00	80.00
					Little Colorado River Adjudication		
						WRITER PAYMENT	
						GUESTS	4
						CHK NO	141
						L-COLO	80.00
						TAX	0.00
						TOTL	80.00
							80.00
					Check No. 141	# 6141 A	13:06

4/5/82 jc

TOTAL

\$ 80.00

DATE-TIME: 7*16-AM11:15

DEPARTMENT OF WATER RESOURCES
99 EAST VIRGINIA AVENUE
PHOENIX, ARIZONA 85004

REGISTRATION OF EXISTING WELLS

READ INSTRUCTIONS ON BACK OF THIS FORM BEFORE COMPLETING
PRINT OR TYPE - FILE IN DUPLICATE

05

REGISTRATION FEE (CHECK ONE)	
EXEMPT WELL (NO CHARGE)	<input checked="" type="checkbox"/>
NON-EXEMPT WELL - \$10.00	<input type="checkbox"/>

Corrected

FOR OFFICE USE ONLY	
REGISTRATION NO. 55-601209	
FILE NO. A(23-6)34 CA	
FILED 12-30-81 AT 8AM	
(DATE)	(TIME)
INA	
AMA	

1. Name of Registrant: A.P. Michelbach MICHELBAUGH, ALBERT PETER
823 W. Aspen Flagstaff, AZ 86001
 (Address) (City) (State) (Zip)

2. File and/or Control Number under previous groundwater law:
36-45501
 (File Number) (Control Number)

3. a. The well is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34
 of Township 23 N1S, Range 6E E/W, G & SRB & M, in the
 County of Coconino.
 b. If in a subdivision: Name of subdivision _____
 Lot No. _____, Address _____

4. The principal use(s) of water (Examples: irrigation - stockwater - domestic - municipal - industrial)
stockwater and domestic

5. If for irrigation use, number of acres irrigated from well _____.

6. Owner of land on which well is located. If same as Item 1, check this box

 (Address) (City) (State) (Zip)

7. Well data (If data not available, write N/A) **RECORDED**
 a. Depth of Well 20 ft. feet
 b. Diameter of casing none inches
 c. Depth of casing none feet
 d. Type of casing none
 e. Maximum pump capacity 5 gallons per minute.
 f. Depth to water 5 ft. feet below land surface.
 g. Date well completed May 10 1898
 (Month) (Day) (Year)

8. The place(s) of use of water. If same as Item 3, check this box
 _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____ Range _____
 _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____ Range _____

Attach additional sheet if necessary.

9. DATE 12-30-81 SIGNATURE OF REGISTRANT Albert Peter Michelbach

INSTRUCTIONS FOR COMPLETING REGISTRATION FORM

General Instructions

1. A person who owns an "Existing Well" shall register the well, pursuant to A.R.S. 45-593, by filing this form in duplicate with the Department of Water Resources not later than midnight June 14, 1982. The form must be completed and signed. Failure to do so will constitute a violation of A.R.S. 45-593, and may subject the well owner to injunction and/or civil penalties, pursuant to A.R.S. Title 45, Article 12.
2. An "Existing Well" means, (1) a well which was drilled on or before June 12, 1980 and which is not abandoned or sealed, or (2) a well which was not completed on or before June 12, 1980, but for which a Notice of Intention to Drill was on file with the Arizona Water Commission on or before June 12, 1980.
3. No registration fee is required for Exempt Wells. A registration fee must accompany registration forms for all Non-Exempt Wells.
4. An "Exempt Well" means a well having a pump with a maximum capacity of not more than 35 gallons per minute which is used to withdraw groundwater. An Exempt Well may include the non-commercial irrigation of not more than 1 acre of land.
5. A "Non-Exempt Well" means a well that is not an "Exempt Well".

INSTRUCTIONS FOR REGISTRATION QUESTIONS

1. The Registrant must be the owner of the well and may be an individual, public or private corporation, company, partnership, firm, association, society, estate, trust, any other private organization or enterprise, the United States, any state, territory or country or a governmental entity, political subdivision or municipal corporation organized under or subject to the constitution and laws of this State.
2. If you own an existing irrigation well drilled at any time, or any other type of well drilled on or after June 20, 1968, you should have an assigned control and/or file number. Write these numbers in item 2. If you do not know the number, please explain the reason on the form or on an attached sheet.
3.
 - a. Fill in the Section, Township and Range in all cases if it is available.
 - b. If the well is in a subdivision and you have this information, give the subdivision name, Lot Number, and Address.
4. Show all purposes for which the water is used.
5. If the well is used for irrigation, give the number of acres irrigated in 1980 from the well.
6. If the owner of the land is an individual, give the last name, first name, middle initial. If the owner of the land is a corporation, partnership, firm, etc., fill in the appropriate title.
7. Complete the section on Well Data with the most accurate information available to you. If the data is not available, write N/A in the blanks.
8. Give the legal description of the place of use of the water. If place of use is in a subdivision and legal description is not available, give the subdivision name, Lot Number and/or address on the blank line.
9. The person in whose name a well is registered shall notify the Department of any change in ownership and shall keep all information on the registration record current and accurate. A form entitled "Change of Well Information/Ownership" is available for this purpose. A blank form will be furnished with the returned duplicate copy of the registration form.

A(23-6) CA

CHANGE OF WELL INFORMATION

Registration No. 55- 601209

11-8-83^{dr} INPU

I request the following information be changed in Well File Number A(23-6)34ad

Item 3 well location is SE of the NE
in Sec 34 - 23N - 6E

Date Nov 8, 1983 AD Michelbach
Signature of Well Owner

STATEMENT OF CHANGE OF WELL OWNERSHIP

I, _____, state that I am (no longer) the
(new) owner of the well described below:

Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$

Registration #55- _____ File No. _____

Previous Owner _____ New Owner _____

Address _____ Address _____

City _____ State _____ Zip _____ City _____ State _____ Zip _____

NOTE: ARS 45-593 requires that the Department be notified of change of well ownership and that the well owner is required to keep the Department's Well Registration records current and accurate. Well data and ownership changes must be submitted within 30 days after changes take place.

NOTE: SAVE THIS FORM TO REPORT FUTURE
CHANGES IN OWNERSHIP OR WELL
DATA SUCH AS PUMP CAPACITY, ETC.

CHANGE OF WELL INFORMATION

A(23-6) 34 ca

Registration No. 55- 601209

I request the following information be changed in Well File Number A(23-6) 34 ad

Item 3 - well location should read:

NE 1/4 SW 1/4 of Section 34

Township 23 N Range 6 E INPUT 11-9-83 jc

Date 11-9, 1983 A. J. Michelbach
Signature of Well Owner

STATEMENT OF CHANGE OF WELL OWNERSHIP

I, _____, state that I am (no longer) the
(new) owner of the well described below:

Township _____ Range _____ Section _____, _____ 1/4 _____ 1/4 _____ 1/4

Registration #55- _____ File No. _____

Previous Owner _____ New Owner _____

Address _____ Address _____

City _____ State _____ Zip _____ City _____ State _____ Zip _____

NOTE: ARS 45-593 requires that the Department be notified of change of well ownership and that the well owner is required to keep the Department's Well Registration records current and accurate. Well data and ownership changes must be submitted within 30 days after changes take place.

NOTE: SAVE THIS FORM TO REPORT FUTURE
CHANGES IN OWNERSHIP OR WELL
DATA SUCH AS PUMP CAPACITY, ETC.

DNVXL-JUC-MAR 7 '16-AM11:15

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE
PUBLIC WATERS - STATE OF ARIZONA

Examination Fee \$5.00
Map (see instructions)
CLAIM MUST BE SUBMITTED IN DUPLICATE

To be filled in by
State Land Department

Registry No. 316-4551A1
Filed 5-23-77 at 11:40 A.M.
(Date) (Time)

- Name of Claimant JOHN BACH AA PI
¹⁰(Print Last Name or Name of Co.) ³¹(First Initial) ³²(Middle Initial)
823 West Aspen, Flagstaff, Arizona 86001 774-6539
(Address, City, State, Zip) (Phone No.)
- The waters claimed are used for irrigation
- The amount of water used annually is 135,000 gallons from 1 1
(Gallons or Acre Feet) (Day) (Month)
to 31 12 each year.
(Day) (Month)
- The date the water was first used beneficially was 10/4 10/4 1912
³⁷(Month) ³⁹(Day) ⁴¹(Year)
- The direct source of supply is TONDA SPRING 05081
⁴⁴(Source Name) ⁶⁵(Type of Watercourse)
Tributary to Rio de Flag on the 05081 Watershed.
⁶⁷Leave Blank
- The Point of Diversion (locate on map) is within the NE 1/4 SW 1/4, Section 34
¹⁰ ¹² ¹⁴
of Township 23 N, Range 6 E, G&SRB&M, in the County of Coconino
¹⁶ ²⁰ ²⁴
Number of Points of Diversion 11
²⁴
- The Place(s) of Use (locate on map) is in the NE 1/4 SW 1/4, Section 34,
¹⁰ ¹² ¹⁴
Township 23 N, Range 6 E, G&SRB&M, in the County of Coconino
(N/S) (E/W)
Acres irrigated 1 Number and Kind of Stock 0 2 0 1
²⁵ ³¹ (Number) ³⁵(Kind)
Number of Families 1 Other uses explain on line 14.
³⁶
- The water is diverted by Earth dam and reservoir to catch natural flow from
spring the maximum flow is 350 gallons daily.
- If water is stored, give capacity and name of Reservoir in Acre Feet 1 3
⁴¹ (Capacity)
Tonda Spring and Dam
(Name)
Height of Dam 5 ft., Area inundated in Acres .1
- The Claimed Right to Water was created by the following facts: Homesteaded by
G. H. Lohe in 1902 and purchased by me from widow of G. H. Lohe on
9/15/66

(Attach copies of any documents supporting Claim)

- The land on which the water is used is owned by PI

12. The water is supplemented by other water from the following supply _____

None

13. Is the water presently being used Yes _____ No. If no, date last used _____

14. _____

STATE LAND DEPARTMENT
MAY 23 AM 11:40

STATE OF ARIZONA)
County of _____) SS

_____ being first duly sworn on oath, deposes and states:
that the foregoing Statement of Claim is true and correct of _____ own knowledge except as to
any matters stated therein to be on information and belief and as to all such matters so stated
_____ believes the same to be true and correct.

W. M. Michelbach
CLAIMANT(S)

Subscribed and sworn to before me this _____ day of _____, 19____.

My Commission Expires:
_____, 19____.

S E A L

NOTARY PUBLIC

Filed in Water Rights Claim Registry No. 36-45501 of the State Land Department on
May 23, 1977 at 11:40 A.M.

ARS 45-184 "FILING OF CLAIM
WITH THE DEPARTMENT NOT DEEMED
49-74 ADJUDICATION OF RIGHT"

F. C. Ryan
F. C. Ryan, Director
Water Rights Division

Exhibit B

Dear Patron:

We regret that the enclosed photocopies are the best we were able to obtain using our normal reproduction process. This is caused primarily by the age and faded conditions of some of the documents from which these copies were made.

COMPLETE FILE ENCLOSED

BEST AVAILABLE COPY.



PATENT TRANSMITTED
APR 22 1902
TO REGISTER & RECEIVER.

Final Certificate No. 667
Homestead Application No. 1308

LAND OFFICE

Prescott, Arizona
Dec 7 1901
Sec. 23 N., Range 6 E.

Div. C, List No. 10

Approved *W. D. [Signature]* 1902
James D. Taylor Clerk
Division *C*

Patented *April 8 1902*
Recorded *11* page *449*

38-36

4-196.

HOMESTEAD.

Land Office at Prescott Arizona

Dec 7, 1901

FINAL CERTIFICATE
No. 667

APPLICATION
No. 1308

It is hereby certified That, pursuant to the provisions of Section No. 2291,
Revised Statutes of the United States, Barbara Loh, widow of Gottlieb E Loh deceased
has made payment in full for SW⁴

of Section No. 34, in Township No. 23 N, of
Range No. 6 E, of the Gila & Salt River Principal
Meridian Arizona territory, containing 160 acres.

Now, therefore, be it known, That on presentation of this certificate to the
COMMISSIONER OF THE GENERAL LAND OFFICE, the said Barbara Loh, widow of
Gottlieb E Loh deceased shall be entitled to a patent for the tract of land
above described.

Jedrick A. Fritz
Register

0-2

Patent to Barbara Loh
Gottlieb E Loh
Dec 7, 1901

4-140.

Final Receiver's Receipt No. 667

Application No. 1308

HOMESTEAD.

Receiver's Office, PRESCOTT, ARIZ.

DEC 7 - 1901, 1

Received of Gottlieb E Lohr the sum
of Twelve dollars no cents,
being the balance of payment required by law for the entry of

S 70 1/4

of Section 34 in Township 23 N of Range 6 E
containing 160 acres, under Section 2291 of the
Revised Statutes of the United States.



J. J. Manton
Receiver.

\$ 1 45 Testimony fee received. Number of written words, 645

Rate per 100 words 22 1/2 cents.

(4-138.)

Receiver's Duplicate Receipt No. 1308

Application No. 1308

HOMESTEAD.

Receiver's Office, Prescott, Ariz

Sept 14th, 1896

Received of Gottlieb E. Loh the sum
of Twenty Two - dollars _____ cents;

being the amount of fee and compensation of register and receiver for the
entry of SW 4 of Section 34 in
Township 23 N of Range 6 E, under

Section 2290, Revised Statutes of the United States.

Jacob [Signature]
Receiver.

NOTE—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract he can, at any time after fourteen months, pay for it with cash or land-warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

0-1

Territory of Arizona, }
County of Coconino. } SS.

This is to certify that Gottlieb E. Lohé died on or about the 14th. day of August, 1900; that Barbara Lohé, the applicant for title herein is the widow of the said Gottlieb E. Lohé, deceased, as appears of record in the office of the Clerk of the Probate Court of Coconino County, Arizona Territory; that the said Gottlieb E. Lohé, deceased, ~~was~~ made homestead entry No. 1308 in the Prescott Land Office on the 14th. day of September 1896 and that the records of said Probate Court show that there are no heirs to the estate of the said Gottlieb E. Lohé, deceased, except his widow, Barbara Lohé, the applicant herein, for title to said homestead entry.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Probate Court this 2nd. day of December, 1901.

M. H. Sawyer
Clerk.

CERTIFICATE OF CITIZENSHIP.

UNITED STATES of AMERICA,
Territory of Arizona, } SS. _____
County of Coconino. }

~~In the District Court of the Fourth Judicial District in and for the County of Coconino,
Territory of Arizona~~

BE IT REMEMBERED THAT, on the 14th. day of March
in the year of Our Lord one thousand nine hundred and ninety four
Gottlieb E. Lohe formerly of
the State of Prussia in the Empire
of Germany, now of Flagstaff
the Territory of Arizona, appeared in the District Court of the Fourth Judicial District, in and
for Coconino County, in the Territory of Arizona, (the said Court being a Court of Record, hav-
ing common law jurisdiction and a Clerk and seal), and applied to the said Court to be admitted
to become a citizen of the United States of America, pursuant to the provisions of the several
acts of Congress of the United States of America, for that purpose made and provided. And the
said applicant having thereupon produced to the Court such evidence, made such declaration and re-
nunciation, and taken such oaths as are by the said Acts required; thereupon it was ordered by the
said Court that the said applicant be admitted, and he was accordingly admitted by the said Court, to
be a citizen of the United States of America.

In testimony whereof, the seal of the said Court is hereunto
affixed; this Fourteenth day of
March in the year of Our Lord,
one thousand nine hundred and ninety four
and in the year of our independence the 118
Per Curiam.

{ Seal }

Oscar Gibson
Clerk.

Territory of Arizona, }
County of Coconino. } SS.

I, N.G. Layton, Clerk of the Probate Court in
and for the County of Coconino, Territory of Arizona, hereby cer-
tify that the above and foregoing is a true copy of the Certificate
of Citizenship of Gottlieb E. Lohe, as presented to me by Barbara
Lohe, widow of the said Gottlieb E. Lohe, and now on file in my
office.

In Witness Whereof, I have hereunto set my ~~hand~~ hand and
affixed the seal of the said Probate
Court, this 2nd. day of December, 1901.

N.G. Layton
Clerk.

(4-137.)

RECEIVER'S RECEIPT, No. 1308

APPLICATION, No. 1308

HOMESTEAD.

Receiver's Office, Prescott, Ariz

Sept 14 Th, 1896

Received of Gottlieb, E. Loh the sum
of Twenty Two dollars _____ cents;

being the amount of fee and compensation of Register and Receiver for the
entry of 80⁺

_____ of Section 34 in
Township 23N of Range 16E, under

Section No. 2290, Revised Statutes of the United States.

Jose Maitis
Receiver.

\$22

See note in red ink, which Registers and Receivers will read and EXPLAIN THOROUGHLY to person making application for lands where the affidavit is made before either of them.

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after fourteen months, pay for it with cash or land warrants, upon making proof of settlement and of residence and cultivation from date of filing affidavit to the time of payment.

Number paid embraced in a homestead, or other entry not consummated, may be closed in order to outbid the land and improve the premises, but for no other purpose. If after closing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the quantity of timber may be enumerated, and the person who cut it will be liable to pay for recovery of the value of said timber, and also a certain percentage under Section 2211 of the Revised Statutes.

I, C.A. Keller Clerk of the District Court of the Fourth Judicial District, in and for the County of Coconino, Territory of Arizona, do hereby certify that I have compared the foregoing copy of a *Certificate of Citizenship* and of the endorsements thereon, with the original now in the possession of Gottlieb H. Lohr, and that the same are correct transcripts therefrom, and of the whole of said original.

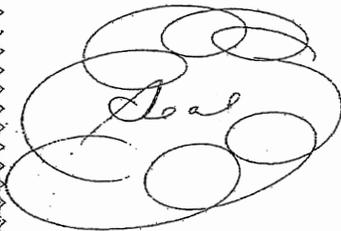
Witness my hand and seal of said Court a
affixed, this 11th day of Sept, 1896.

C. A. Keller Clerk.

CERTIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA, } ss.
Territory of Arizona, County of Coconino.

Be it remembered that, on the 14th day of March
in the year of Our Lord one thousand eight hundred and ninety four
Gattileo E. Lake formerly of
The State of Prussia in the Empire
of Germany, now of Flagstaff
the Territory of Arizona, appeared in the District Court of the Faunt Judicial
District, in and for Coconino County, in the Territory of Arizona, (the
said Court being a Court of Record, having common law jurisdiction and a Clerk and
seal), and applied to the said Court to be admitted to become a citizen of the United States
of America, pursuant to the provisions of the several acts of Congress of the United States
of America, for that purpose made and provided. And the said applicant having thereupon
produced to the Court such evidence, made such declaration and renunciation, and taken
such oaths as are by the said Acts required; thereupon it was ordered by the said Court that
the said applicant be admitted, and he was accordingly admitted by the said Court, to be a
citizen of the United States of America.



In testimony whereof, the seal of the said Court is here-
unto affixed, this Fauntland day of
March in the year of Our Lord
one thousand eight hundred and ninety four
and in the year of our independence the 118.

Per Curiam.

Oscar Gibson

Clerk,

ARMY of the UNITED STATES.

TO ALL WHOM IT MAY CONCERN:

KNOW YE, That Gottlieb E. Lohr a Private

Band of the Twentieth Regiment of Infantry who was enlisted the first day of September one thousand eight hundred and seventy-nine to serve Five Years is hereby discharged from the Army of the United States in consequence of

Expiration of Term of Service

Said Gottlieb E. Lohr was born in Prussia in the State of Germany is 31 years of age 5 feet 7 3/4 inches high brown complexion, hazel eyes, brown hair, and by occupation, when enlisted a Musician.

Given under my hand, at Fort Leavenworth Kans this thirty-first day of August in the year of our Lord one thousand eight hundred and eighty-four.

Sign

S. M. Brown
Major, 3rd Cavalry Commanding

CHARACTER.

No objections to his being reenlisted is known to exist

- Good -

*as per records
12th 20th Inf. comd. x.c. Leavenworth*

A. G. O. 4698

admitted to service of Lohr

ready to reenlist

I, C.A.Keller Clerk of the District Court of the Fourth Judicial D
District, in and for the County of Coconino, Territory of Arizona,
do hereby certify that I have compared the foregoing copy of a
Diversity from Academy of St. Union State of Georgia E. Loh
and of the endorsements thereon, with the original now in the
possession of Gottlieb W. Loh, and that the same are correct tran-
scripts therefrom, and of the whole of said original.

Witness my hand and seal of said Court
affixed, this 11th day of Sept, 1896.



Clerk.

[4-062].

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.
The non-mineral affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

UNITED STATES LAND OFFICE,

PRESCOTT, ARIZ.

Sept 14, 1896.

Gottlieb E. Lake

, being duly sworn according to law, deposes

and says that he is the identical Gottlieb E. Lake who is an applicant

for Government title to the S 1/4 of Section 34, Twp. 23 N. R. 6 E.

that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes, and that his post-office address is

Flagstaff, Coconino County, Arizona

Gottlieb E. Lake

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by _____), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in Flagstaff, Arizona within the Prescott land district, on this Eleventh day of September, 1896.

W. B. Keller

Clerk District Court

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See § 1750).

4-063.

HOMESTEAD AFFIDAVIT.

U. S. Land Office at PRESCOTT, ARIZ.

Sept 14, 1896,

Gottlieb E. Lake, of Flagstaff, Arizona

having filed my application No. 1308, for an entry under section 2283, Revised Statutes of the

United States, do solemnly swear that I am not the proprietor of more than one hundred and sixty acres of

land in any State or Territory; that I am a naturalized Citizen of the United States
the head of a family and over the age of twenty-
one year.

that my said application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that I am not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and that I have not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which I might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except myself, and further, that since August 30, 1890, I have not entered under the land laws of the United States, or filed upon, a quantity of land, agricultural in character, and not mineral, which, with the tracts now applied for, would make more than three hundred and twenty acres, except

and that I have not heretofore made any entry under the homestead laws, except _____

(Sign plainly with full christian name.) Gottlieb E. Lake

Sworn to and subscribed before me this 11th day of September, 1896, at my office at Flagstaff in Cocconino County, Arizona

C. A. Stever
Chief District Court

* Here insert statement that affiant is a citizen of the United States, or that he has filed his declaration of intention to become such, and that he is the head of a family, or is over twenty-one years of age, as the case may be. It should be stated whether applicant is *native-born* or not, and if not, a certified copy of his certificate of naturalization, or declaration of intention, as the case may be, must be furnished. (See page 43, circular of January 1, 1889.)

[4-089.]

HOMESTEAD AFFIDAVIT

Under Section 2294, Revised Statutes, for settlers who cannot appear at the District Land Office.

Office of the Clerk of the Court

For Coconino County,

September 11th 1896

I, Gottlieb E. Lake, of Flagstaff, Arizona
having filed my Homestead Application No. 1308, do solemnly swear that I am over
the age of twenty-one years, a head of a
family, and a naturalized citizen of the
United States

that said application No. 1308 is made for the purpose of actual settlement and cultivation;
that said entry is made for my exclusive use and benefit, and not directly or indirectly for the use or benefit
of any other person or persons whomsoever; that I am

now residing on the land I desire to enter, and that I have made a *bona fide* improvement and settlement
thereon; that said settlement was commenced the 1st of May 1895.

that my improvements consist of One Dwelling House 14x16 feet of lumber, one Barn
16x18 of logs, Fencing around thirty five acres,

and that the value of the same is \$ 1450 00; that owing to distress

I am unable to appear at the District Land Office to make this affidavit, and that I have never before made
a homestead entry, except _____

Gottlieb E. Lake

Sworn to and subscribed before me this 11th day of September, 1896

and I identify applicant, or applicant has been satisfactorily identified by _____

_____ to be the identical person that he represents himself to be.

L. A. Keller

Clerk of the Court for County of Coconino
Arizona Territory

NOTE.—The claimant must fill up the blank places above, showing whether he is the head of a family or over twenty-one years of age; whether a native citizen, or has declared his intention to become a citizen; whether he and his family, or some member thereof, is residing on the land, giving the date of actual settlement, describing the dwelling-house and improvements, and stating the value of the same, and stating reason for not appearing at the District Land Office. If claimant ever before made a homestead entry, describe the same: if not, draw a line over the word "except."

[4-007.]

HOMESTEAD.

APPLICATION

No. 1308

Land Office at PRESCOTT, ARIZ.

Sept 14, 1896,

I, Gottlieb E. Lohr, of Flagstaff Arizona

do hereby apply to enter, under Section 2289,

Revised Statutes of the United States, the 1st

of Section 3rd, in Township 23 East of

Range 6 E, containing 160 acres.

Gottlieb E. Lohr

Land Office at PRESCOTT, ARIZ.

Sept 14, 1896,

I, H. O. Ross, REGISTER OF THE LAND OFFICE,

do hereby certify that the above application is for Surveyed Lands of the class which the applicant is legally entitled to enter under Section 2289, Revised Statutes of the United States, and that there is no prior valid adverse right to the same.

H. O. Ross

Register.

[4-007]

No. 308

HOMESTEAD APPLICATION.

Gottlieb S. Johnson
Flagstaff, Ariz.
Sept 14, 1896,

Sec. 34, Town 23, Range 68

For sale by EXAM N. CORR, Washington, D. C.

38-26

[4-348.]

No. 1.—HOMESTEAD.

Land Office at _____

I, Barbara Lohr ^{of G. E. Lohr, deceased} widow, of Flagstaff, Arizona, 18
who made Homestead Application No. 1308 for the
S. W. 1/4 Sec 34 - T. 23. N. R. 6 E.

do hereby give notice of my intention to make final proof to establish my
claim to the land above described, and that I expect to prove my residence
and cultivation before the Clerk of the Probate Court
at Flagstaff, Arizona, on December 29, 1901
by two of the following witnesses:

Geo. Hochderffer, of Flagstaff, Arizona
F. J. Hochderffer, of " "
Fredrick Vach, of " "
Gas. Will. Freudenburger, of " "

Barbara Lohr
(Signature of Claimant)
Widow of G. E. Lohr, deceased

Land Office at Prescott, Arizona
Dec 26/1901, 18

Notice of the above application will be published in the Cocouimus Sun
printed at Flagstaff, Arizona
which I hereby designate as the newspaper published nearest the land described
in said application.

David A. Tuttle
Register.

NOTICE TO CLAIMANT.—Give time and place of proving up, and name and title of the officer before whom proof is to be made; also give names and post-office addresses of four neighbors, two of whom must appear as your witnesses.

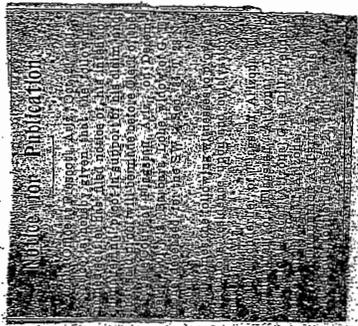
PROOF OF PUBLICATION.

TERRITORY OF ARIZONA, } ss.
COUNTY OF COCONINO.

C. M. Gunniston

being duly sworn, deposes and says: That he is the
Publisher of THE COCONINO SUN, a newspaper
published at Flagstaff, Coconino County, Arizona; that the *Notice of*
Publication a copy of which is hereunto attached,
was first published in said newspaper in its issue dated the *26th*
day of *October*, 1901, and was published in each weekly
issue of said newspaper for *3* days or *6* consecutive weeks
thereafter, the full period of *30* days, the last publication thereof
being in the issue dated the *30th* day of *November*, 1901.
C. M. Gunniston

Subscribed and sworn to before me this *2nd*
day of *December*, 1901
M. G. Layton
Clerk of Probate Court



True and

Notice for Publication.

Land Office at Prescott, Ariz., Oct. 26, 1901.
Notice is hereby given that the following-
named settler has filed notice of, his intention
to make final proof in support of his claim, and
that said proof will be made before Clerk of the
Probate Court at Flagstaff, Ariz., on Decem-
ber 2, 1901, viz., Barbara Lohe, widow of G. E.
Lohe, deceased, for the SW 1/4 Sec. 34, T. 23 N.
R. 6 E.

He names the following witnesses to prove his
continuous residence upon and cultivation of
said land, viz:

- Geo. Hochderfer, of Flagstaff, Arizona; F. J.
Hochderfer, of Flagstaff, Arizona; Ludwig
Wagner, of Flagstaff, Arizona; Gus Dill Freuden-
berger, of Flagstaff, Arizona.

BRANDRIK A. TRITUM Jr., Register.

This publication October 26, 1901.

145

[4-062].

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.
The non-mineral affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

UNITED STATES LAND OFFICE,

Flagstaff Arizona
Dec. 2 - 1901, '18

Barbara Lake, being duly sworn according to law, deposes and says that he is the identical widow of Bartlett E. Lake deceased who is an applicant for Government title to the S 1/4 of Sec 24 T 23 N R 6 E. Lake and Salt River Meridian - in Arizona Territory.

that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes, and that his post-office address is

Flagstaff Coconino County, Arizona Territory;
Barbara Lake

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by _____), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in Flagstaff Arizona within the Prescott land district, on this Second day of December, 1901, '18.

W. H. Rayton
Judge and Ex-officio Clerk of the Probate Court

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See § 1750.)

4-227.

CERTIFICATE AS TO POSTING OF NOTICE.

Department of the Interior,

UNITED STATES LAND OFFICE,

At Prescott, Ariz.

Dec 7, 1901

I, Frederick A. Trittle Jr., Register, do hereby

certify that a notice, a printed copy of which is hereto attached, was by me posted in a conspicuous place in my office for a period of thirty days, I having first posted said notice on the 26 day of Oct, 1901

Notice for Publication.

Land Office at Prescott, Ariz., Oct. 26, 1901. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before Clerk of the Probate Court at Flagstaff, Ariz., on December 2, 1901, viz., Barbara Lohe, widow of G. E. Lohe, deceased, for the SW 1/4 Sec. 34, T. 23 N., R. 6 E.

He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz.:

Geo. Hochderffer, of Flagstaff, Arizona; F. J. Hochderffer, of Flagstaff, Arizona; Ludwig Veit, of Flagstaff, Arizona; Gus Dill Freudenberger, of Flagstaff, Arizona.

FREDERICK A. TRITTLE Jr., Register. First publication October 26, 1901.

Frederick A. Trittle Jr., Register.

Notice for Publication.

Land Office at Prescott, Ariz., Oct. 26, 1901. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before Clerk of the Probate Court at Flagstaff, Ariz., on December 2, 1901, viz., Barbara Lohe, widow of G. E. Lohe, deceased, for the SW 1/4 Sec. 34, T. 23 N., R. 6 E.

He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz.:

Geo. Hochderffer, of Flagstaff, Arizona; F. J. Hochderffer, of Flagstaff, Arizona; Ludwig Veit, of Flagstaff, Arizona; Gus Dill Freudenberger, of Flagstaff, Arizona.

FREDERICK A. TRITTLE Jr., Register. First publication October 26, 1901.

(4-369.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

F. J. Hochdorffer, being called as witness in support of the Homestead entry of B. E. Sade, deceased widow of B. E. Sade, testifies as follows:

Question 1.—What is your name, age, and post-office address?

Answer. F. J. Hochdorffer - age 62 years - Flagstaff, Arizona

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. Yes

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Farming and grazing land

Ques. 5.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

Ans. B. E. Sade settled on land in Summer of 1886—to the best of my knowledge

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. Claimant and family lived on land during Summer seasons—while planting and raising crops

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. Absent during winter months—on account of snow and bad weather

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. Cultivated 25 or 30 acres—Raised crops every season/annum

Ques. 9.—What improvements are on the land and what is their value?

Ans. House, outhouses, stable, well—Fence around 160 acres or thereabouts

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes).

Ans. None—More valuable for agriculture than mining

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not to my knowledge

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. (1) no (2) I do

(Sign plainly with full christian name.)

F. J. Hochdorffer

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this 2d day of December 1901, at my office at

Flagstaff, in Cocconino County, Arizona

[SEE NOTE ON FOURTH PAGE.]

N. G. Hayton

Judge and ex-officio clerk of the Probate Court

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's fiscal affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

(2-369.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Geo Hochdorffer, being called as witness in support of the Homestead entry of Robert Fide, who deceased for Section 34 & 23 T. 26 E., testifies as follows:

Question 1.—What is your name, age, and post-office address?

Answer. Geo Hochdorffer - age 37 years - Flagstaff Arizona

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. I am

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Farming and Grazing

Ques. 5.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

Ans. R. F. Fide settled on land in Summer of 1894 and established residence

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. A widow - who with her husband R. F. Fide - lived on land continuously, except winter months.

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. Been absent during winter months only - on account of snow and could do nothing on land in winter

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. Cultivated about 40 or 50 acres - Raised crops every season since settlement

Ques. 9.—What improvements are on the land and what is their value?

Ans. House - Stable - three outbuildings - well - fence around about 100 acres - Value - about \$1000.00

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes)

Ans. None - more valuable for agricultural than mineral purposes

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not to my knowledge

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. (1) No (2) I do

(Sign plainly with full christian name.)

Geo Hochdorffer

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this 24 day of December, 1901, at my office at Flagstaff in Cocconino County, Arizona

[SEE NOTE ON FOURTH PAGE.]

W. S. Layton

Judge and Ex-officio Clerk of the Probate Court

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

(4-369.)

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Barbara Loh, widow of E. Loh, being called as a witness in his own behalf in support of homestead entry, No. 1308, for S. R. 34 T. 23. N. R. 6 E. testifies as follows:

Ques. 1.—What is your name, age, and post-office address?
Ans. Barbara Loh—widow of Gottlieb E. Loh, deceased, age 36—Plymouth Ct.

Ques. 2.—Are you a native born citizen of the United States, and if so, in what State or Territory were you born?
Ans. Gottlieb E. Loh was a naturalized citizen of the United States

Ques. 3.—Are you the identical person who made homestead entry, No. 1308, at the Prescott land office on the 14th day of September, 1894, and what is the true description of the land now claimed by you?

Ans. Gottlieb E. Loh was the identical person who made Homestead entry no. 1308—True description of land is S. R. 34 T. 23 N. R. 6 E.

Ques. 4.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. House built and residence established in summer of 1894
The same house—14x16—one room, one window, one door, stable, outbuildings—well—Fence around 100 acres—Value \$1000.00

Ques. 5.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. Widow no children—Lived on land continuously on land since settled and kept winter seasons—

Ques. 6.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. Been absent during winter months only—on account of hard and bad weather—

Ques. 7.—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon?

Ans. Cultivated 1/2 acres—Raised crops every season since settlement

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. No,

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. Farming and grazing land—Most valuable for farming

Ques. 10.—Are there any indications of coal, salines, or minerals, of any kind, on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. None—More valuable for agriculture than mineral purposes

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. No

Ques. 12.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans. No

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Ans. No

Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral,) made by you since August 30, 1890.

Ans.

(Sign plainly with full christian name.)

Barbara Loh

* (In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five-year) homestead cases.)

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed and was sworn to before me this 2d day of December, 1901, at my office at Flagstaff, Cocconino County, Arizona

[SEE NOTE BELOW.]

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX—CRIMES.—Chapter 4.

SEC. 5392.—Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, wilfully, and contrary to such oath, states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See § 1730.)

(6-566)

HOMESTEAD PROOF.

LAND OFFICE AT

Prescott, Arizona

Original Application No. 1308

Final Certificate No. 667

Approved:

Stanh A. J. [Signature], Registrar.

[Signature], Receiver.

Stanh A. J. [Signature]
Receiver
Flagstaff, Arizona
Dec 6-1901

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

SECTION _____ OF THE REVISED STATUTES OF THE UNITED STATES.

I, Barker Lode ^{B. Lode deems} owner of _____, having made a Homestead entry of the SW 1/4 Section No. 34 in Township No. 23 N of Range No. 6 E, subject to entry at Prescott, Arizona under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. _____ of the Revised Statutes of the United States; and for that purpose do solemnly swear that Barker Lode was a naturalized citizen a citizen of the United States; that I have made actual settlement upon and have cultivated and resided upon said land since the 1st day of May, 1887 to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States, except _____

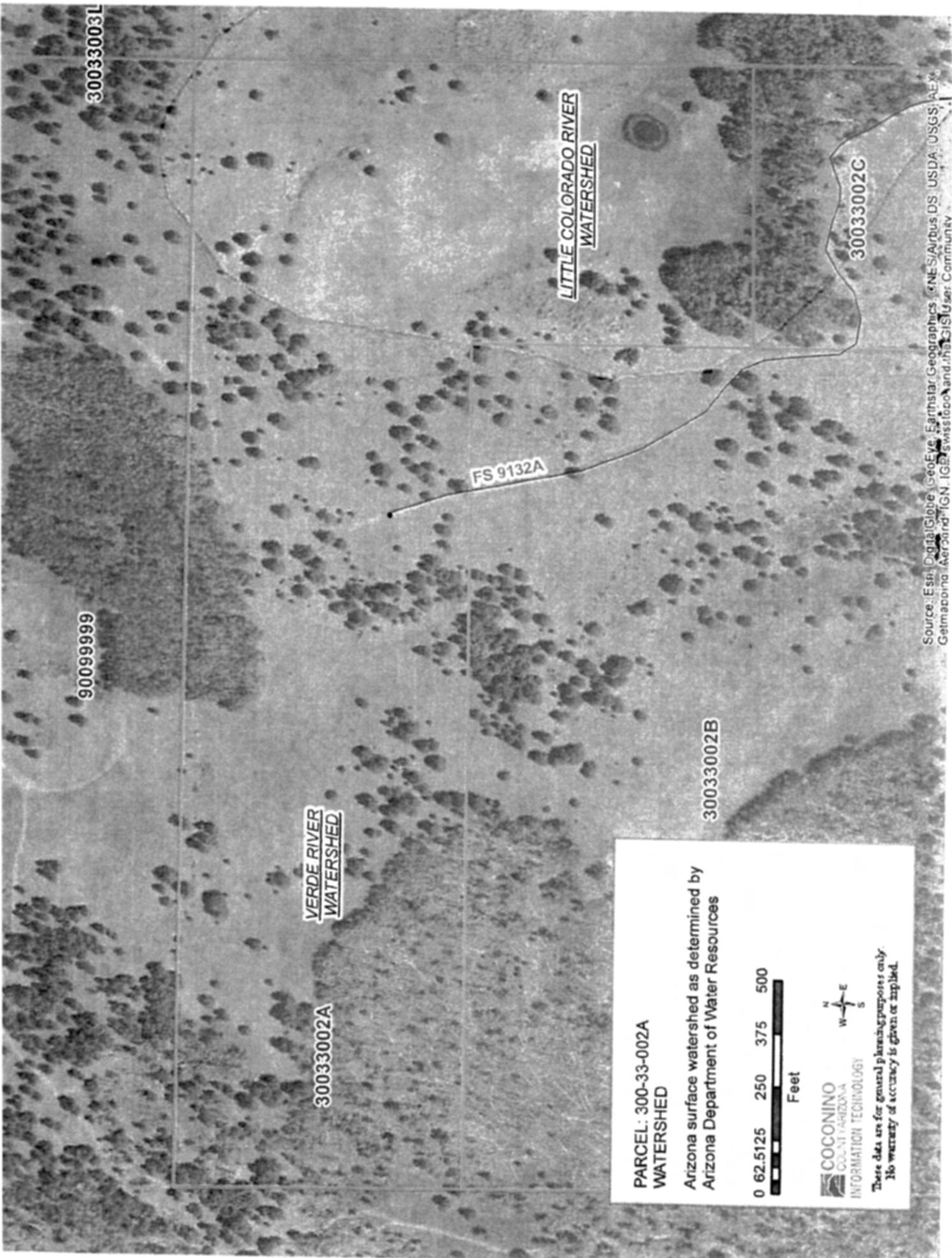
(Sign plainly with full christian name.)

Barker Lode

I, W. L. Hayton, of Flagstaff, Arizona do hereby certify that the above affidavit was subscribed and sworn to before me this 2d day of December, 1901, at my office at Flagstaff, in Cocconino County, Arizona

W. L. Hayton
Judge and officio Clerk of the Probate Court

Exhibit C



30033003L

90099999

VERDE RIVER
WATERSHED

30033002A

FS 9132A

LITTLE COLORADO RIVER
WATERSHED

30033002B

30033002C

PARCEL: 300-33-002A
WATERSHED

Arizona surface watershed as determined by
Arizona Department of Water Resources



These data are for general planning purposes only.
No warranty of accuracy is given or implied.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero
Getmapping, Aermap, IGN, IGS, Swisstopo, and the GIS User Community

Exhibit D

STATEMENT OF CLAIMANT FORM
FOR
STOCKPOND USE

For Departmental Use Only

File No. 39 082268
Date Filed 12-27-83
WFN

LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

1 Claimant Name A P Michelbach MICHELBACh, ALBERT PETER
Claimant Address 823 W Aspen City Flagstaff
State Arizona Zip Code 86001 Telephone 774-6539

2 Basis of Claim

- A Appropriation Right acquired prior to June 12, 1919 1974 Water Rights Registration Act Registry No _____
- B Appropriation Right acquired after June 12, 1919 Application No 33-45496, Permit No _____, or Certificate of Water Right No _____
- C Right acquired through the 1977 Stockponds Registration Act Claim No _____
- D Decreed water right Principal litigants, court, date and case no _____
- E Other, describe _____

3 Claimed Priority Date 5/1930 (month/day/year)

4 Source of Water

- A Stream, wash or arroyo name O'Dell Wash, tributary to Cedar Wash (Little Colorado River)
- B Is water supplied from a source other than natural channel flow into the stockpond?
 Yes, No If yes, describe _____

5 Legal description of the location of the stockpond (attach additional sheet if required)

NW 1/4, SW 1/4, _____ 1/4, Section 2, Township 26 N, Range 6 E W

6 If there are other uses supplied by the stockpond or its water source, describe
none

7 Description of the Stockpond

- A Name or other designation O'Dell Tank
- B Dam specifications
- 1) Date construction began, 1910, and ended 1910
 - 2) Height, 8 ft
 - 3) Does dam have an outlet structure other than spillway? Yes No
- C Reservoir behind dam
- 1) Date water first stored 1910 (month/day/year)
 - 2) Maximum length 200 ft
 - 3) Maximum width 200 ft
 - 4) Maximum depth of water at spillway crest 8 ft
 - 5) Maximum storage volume at spillway crest 1 1/2 Acre Feet

- 8 Number and kind of livestock or wildlife watered by this stockpond
60 head cattle, 4 horses, for 7 months per year
- 9 Attach photographs, maps or sketches necessary to show the location of the stockpond(s) and any conveyance system and other point(s) of diversion
- 10 It may be necessary for a representative from the Department of Water Resources to inspect the stockpond and diversion. Your signature following will grant permission to enter your property for the purpose of inspection. Signature of Claimant *A.P. Michelbach*
- 11 Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? none
- 12 Additional comments Original water rights purchased from Campbell and Frances Sheep Company in 1930
- (attach additional sheet if required)

13 Attach Filing Fee to Form Mail form(s) and fee(s) to Department of Water Resources, P O Box 2920, Phoenix, AZ 85062

14 Notarized Statement
 I (We), *A.P. Michelbach*
 the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete

(seal)
 My Commission Expires June 5, 1986
 My Commission Expires

Patricia A. Rogers
 Notary Public

or, _____
 Authorized Personnel of the Department of Water Resources

A P MICHELBAUGH
 823 W ASPEN
 FLAGSTAFF AZ 86001

STATE OF ARIZONA
 DEPARTMENT OF WATER RESOURCES
 WATER RIGHTS ADMINISTRATION
 99 E-ST VIRGINIA
 PHOENIX ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO
39	082267
	THRU
39	082268

(2)

FUND SOURCE	ACCOUNT NO			INT ACCT	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV				
					Filing fee for Statement of Claimant	20 00	40.00
					Little Colorado River Adjudication		
						WRITEP PAYMENT	
						GUESTS 1	
						CHK NO 777	
						L-COLO 40.00	
						TAX 0.00	
						TOTL 40.00	
						ADJ.CHEF 40.00	
						= 69 R 11:52-	

12/27/83 jc

Check No. 777

TOTAL

\$ 40.00

Exhibit E

**STATE LAND DEPARTMENT
STATE OF ARIZONA**

GRAZING LEASE

Lease No. 05-894

THIS GRAZING LEASE is entered into by and between the State of Arizona "Lessor" by and through the Arizona State Land Department and

MICHELBACH LIVESTOCK, INC.

as "Lessee". In consideration of the payment of rent and of performance by the parties of each of the provisions set forth herein, the parties agree as follows:

**ARTICLE 1
SUBJECT LAND**

1.1 Lessor hereby leases to Lessee for the term, at the rent, and in accordance with the provisions set forth herein, the Subject Land described in Appendix A attached hereto ("Subject Land") for the uses and purposes specified in Article 4.

1.2 Lessee makes use of Subject Land "as is" and Lessor makes no express or implied warranties as to the physical condition of the Subject Land.

**ARTICLE 2
TERM**

2.1 The term of this Lease commences on December 31, 2013, and ends on December 30, 2023, unless terminated earlier as provided in this Lease.

**ARTICLE 3
RENT**

3.1 Lessee shall pay rent to Lessor for the use and occupancy of the Subject Land during the term of this Lease without offset or deduction and without notice or demand, as established, on an annual basis.

16.2 Lessor reserves the right to execute leases, permits, or sales agreements covering the Subject Land for the purpose of entering upon and prospecting for, and the extraction of such reserved materials.

16.3 Lessor reserves the right to grant rights of way, easements and sites over, across, under or upon the Subject Land for public highways, railroads, utility lines, pipelines, irrigation works, flood control, drainage works, logging and other purposes.

16.4 Lessor reserves the right to relinquish to the United States land needed for irrigation works in connection with a government reclamation project and to grant or dispose of rights of way and sites for canals, reservoirs, dams, power or irrigation plants or works, railroads, tramways, transmission lines or any other purpose or use on or over the Subject Land.

16.5 In the event of such relinquishment, grants or disposal, the Lessee waives all right to any compensation whatsoever as against the Lessor except as may be allowed under the provisions of Article 17, and as limited therein.

ARTICLE 17 CONDEMNATION AND EMINENT DOMAIN

17.1 If at any time during the duration of this Lease the whole or any part of the Subject Land shall be taken for any quasi-public or public purpose by any person, private or public corporation, or any governmental agency having authority to exercise the power of condemnation or eminent domain pursuant to any law, this Lease shall expire on the date when the leased property is taken or acquired as to the leased property so taken or acquired. Except as set forth below, the rights of Lessee and Lessor to compensation for such taking shall be as provided by law. The Lessee shall have no compensable right or interest in the real property being condemned or interest in the unexpired term of this Lease or any renewal except as provided by law and in any event no interest greater than 10 percent of the total award for the land. The Lessor shall be entitled to and shall receive any and all awards for severance damages to remaining proceedings concerning the Subject Land. Lessee shall have the right to (1) prorated reimbursement for prepaid rent, (2) any and all awards for payments made for any authorized improvements which are taken, and (3) severance damages for any damage to Lessee's remaining ranch operation resulting from the taking.

ARTICLE 18 WATER RIGHTS

✓
18.1 The Lessee shall be entitled to the use on the Subject Land of groundwater as defined in A.R.S. § 45-101, or any successor statute, for purposes consistent with this Lease. If the Lessee shall develop any groundwater on the Subject Land, he shall not acquire any rights with respect to the groundwater, except the right to use such water in accordance with applicable law, on the Subject Land during the term of this Lease.

18.2 If the Lessee uses, on the Subject Land, groundwater from a source not on the Subject Land, that use alone shall not (1) cause such water or any rights with respect to that water to be appurtenant to the Subject Land, or (2) affect in any way the Lessee's rights with respect to the water.

18.3 The rights of the Lessor and the Lessee concerning the application for an establishment of any rights with respect to surface water as defined in A.R.S. § 45-101, or any successor statute, shall be governed by the laws of the State of Arizona.

18.4 Nothing in the provisions of this Lease shall affect the validity of any rights established by or for the Lessor or Lessee with respect to surface water, as defined in A.R.S. § 45-101, prior to the Commencement Date of this Lease.

18.5 The application for and establishment by the Lessor or Lessee (as agent of the State of Arizona) of any water rights shall be for the State of Arizona; such rights shall attach to and become appurtenant to the Subject Land.

18.6 Notwithstanding Paragraph 18.5 above, the Lessee, as agent of the State of Arizona, shall be entitled to any certificate of water right, issued pursuant to the Stockpond Registration Act, A.R.S. § 45-271 through 45-276 (as it may be amended) relating to a stockpond constructed as an authorized improvement on the Subject Land. Any such certificate and the rights it evidences and represents shall be appurtenant to the Subject Land and shall pass to any successor lessee; or, if the land is not leased but is retained by the State of Arizona, then to the State of Arizona; or if the land is sold, then to the purchaser.

18.7 The Lessee shall promptly notify the Lessor in writing of any initial filings made by the Lessee with any governmental agency or court concerning the establishment or adjudication of any claim to a water right relating to the Subject Land. Upon request of the Lessor, the Lessee shall furnish copies of any document filed with the agency or court.

ARTICLE 19 DEFAULT AND CANCELLATION

19.1 Violation by Lessee of any provision of this Lease shall be a default hereunder entitling Lessor to any and all remedies it may have under Arizona law.

19.2 Upon any such default, the Lease may be canceled pursuant to A.R.S. § 37-289 or any successor statute.

19.3 This contract is subject to cancellation pursuant to A.R.S. § 38-511.

Attachment Sheet

Registry No.	Water Source or Tank	Landowner	Legal Description of Place of Use (quarter, quarter, section, township and range)
1. 33-45496	ODell Tank	ASLD	NW SW Sec 2 26N 6E
2. Permit 45496	ODell Tank	ASLD	NW SW Sec 2 26N 6E
3. Cert. 45496	ODell Tank	ASLD	NW SW Sec 2 26N 6E
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

Exhibit F

For Departmental Use Only

STATEMENT OF CLAIMANT FORM FOR STOCKPOND USE

File No. 39	080830
Date Filed	12-31-81
WFN	

LITTLE COLORADO RIVER WATERSHED ADJUDICATION SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: A. P. Michelbach
 Claimant Address: 823 W. Aspen City Flagstaff
 State: AZ Zip Code 86001 Telephone 774-6539

2. Basis of Claim:

- A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act
 Registry No. 36-45503
- B. Appropriation Right acquired after June 12, 1919. Application No. _____,
 Permit No. _____, or Certificate of Water Right No. _____
- C. Right acquired through the 1977 Stockponds Registration Act. Claim No. _____
- D. Decreed water right. Principal litigants, court, date and case no.: _____
- E. Other, describe: _____

3. Claimed Priority Date: 03/02/1909 (month/day/year)

4. Source of Water:

- A. Stream, wash or arroyo: name Michelbach wash, tributary to Little Colorado River
- B. Is water supplied from a source other than natural channel flow into the stockpond?
 Yes, No If yes, describe: _____

5. Legal description of the location of the stockpond: (attach additional sheet if required)

NW 1/4, SE 1/4, 1/4, Section 28, Township 26N N/S, Range 8E E/W

6. If there are other uses supplied by the stockpond or its water source, describe: none

7. Description of the Stockpond:

- A. Name or other designation: Pete Michelbach Dam
- B. Dam specifications:
 - 1) Date construction began, 1909, and ended 1909
 - 2) Height, 6 ft.
 - 3) Does dam have an outlet structure other than spillway? Yes No
- C. Reservoir behind dam:
 - 1) Date water first stored: 03/02/1909 (month/day/year)
 - 2) Maximum length: 200 ft.
 - 3) Maximum width: 100 ft.
 - 4) Maximum depth of water at spillway crest: 8 ft.
 - 5) Maximum storage volume at spillway crest: 2.91 Acre-Feet

8. Number and kind of livestock or wildlife watered by this stockpond:

60 head of cattle, 4 horses, for 12 months per year.

9. Attach photographs, maps or sketches necessary to show the location of the stockpond(s) and any conveyance system and other point(s) of diversion.

10. It may be necessary for a representative from the Department of Water Resources to inspect the stockpond and diversion. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant *Albert Peter Michelbach*

11. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person?

12. Additional comments: Water location # 181 filed by my father Peter Michelbach on March 2, 1909. Land deeded to me and owned by me at present time.

(attach additional sheet if required)

13. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

14. Notarized Statement:

I (We), *Albert Peter Michelbach* the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

My Commission Expires Sept. 11, 1985
My Commission Expires:

12-30-81 County of Maricopa

Mandy J. Becka
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ARIZONA
DEPT. OF

DEC 30 P 2:27

WATER
RESOURCES

December 27, 1983

Department of Water Resources
PO Box 2920
Phoenix, AZ 85062

To Whom It May Concern:

RE: Statement of Claim of Right to Use Public Waters -
State of Arizona
Registry No. 36-45503

Statement of Claimant Form for Stockpond Use
File No. 39-80830

On the Statement of Claimant Form for Stockpond Use, file number
39-80830, line number 7, Description of the Stockpond, section A,
"Name or other designation:", the designation should read

"Pete's Dam"

rather than "Pete Michelbach Dam".

Sincerely,



A. P. Michelbach

A P MICHELBACH
 823 W ASPEN
 FLAGSTAFF AZ 86001

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

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	080827
	THRU
39	080830

(4)

FUND SOURCE	ACCOUNT NO.			INT. ACCT.	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV.				
					Filing fee for Statement of Claimant	20.00	80.00
					Little Colorado River Adjudication		
						WRITER PAYMENT	
						GUESTS 4	
						CHK NO 141	
						L-COLO 80.00	
						TAX 0.00	
						TOTL 80.00	80.00
					Check No. 141	# 6141 A	13:06

4/5/82 jc

TOTAL

\$ 80.00

STATEMENT OF CLAIMANT FORM
FOR
STOCKPOND USE

For Departmental Use Only

File No. 39: 080828
Date Filed: 12-30-81
WEN

LITTLE COLORADO RIVER WATERSHED ADJUDICATION
SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: A.P. Michelbach
Claimant Address: 823 W. Aspen City Flagstaff
State: AZ Zip Code 86001 Telephone 774-6539
2. Basis of Claim:
A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-45502
B. Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. Right acquired through the 1977 Stockponds Registration Act. Claim No. _____
D. Decreed water right. Principal litigants, court, date and case no.: _____
E. Other, describe: _____
3. Claimed Priority Date: May 10, 1910 (month/day/year)
4. Source of Water:
A. Stream, wash or arroyo: name seep, tributary to Cedar Wash
B. Is water supplied from a source other than natural channel flow into the stockpond?
 Yes, No If yes, describe: _____
5. Legal description of the location of the stockpond: (attach additional sheet if required)
NE ¼, NE ¼, ¼, Section 33, Township 26N/S, Range 7E E/W
6. If there are other uses supplied by the stockpond or its water source, describe:
domestic
7. Description of the Stockpond:
A. Name or other designation: Indian Hole
B. Dam specifications:
1) Date construction began, 1910, and ended 1913
2) Height, burm ft.
3) Does dam have an outlet structure other than spillway? Yes No
C. Reservoir behind dam:
1) Date water first stored: May 13, 1910 (month/day/year)
2) Maximum length: 15 ft.
3) Maximum width: 10 ft.
4) Maximum depth of water at spillway crest: 4 ft.
5) Maximum storage volume at spillway crest: 1/10 Acre-Feet

8. Number and kind of livestock or wildlife watered by this stockpond:
20 head of cattle 2 horses _____, for 6 months per year.

9. Attach photographs, maps or sketches necessary to show the location of the stockpond(s) and any conveyance system and other point(s) of diversion.

10. It may be necessary for a representative from the Department of Water Resources to inspect the stockpond and diversion. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Albert Peter Meckelbach

11. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? _____

12. Additional comments: This seep is adjacent to my deeded property.

(attach additional sheet if required)

13. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

14. Notarized Statement:
I (We), Albert Peter Meckelbach
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)
My Commission Expires Sept. 11, 1985
My Commission Expires:

12-30-81 County of Maricopa
Manly J. Beaker
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ARIZONA
DEPT. OF

DEC 30 P2:27

WATER
RESOURCES

A P MICHELBACH
 823 W ASPEN
 FLAGSTAFF AZ 86001

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

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	080827
	THRU
39	080830

(4)

FUND SOURCE	ACCOUNT NO.			INT. ACCT.	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV.				
					Filing fee for Statement of Claimant	20.00	80.00
					Little Colorado River Adjudication		
						WAITER PAYMENT	
						GUESTS 4	
						CHK NO 141	
						L-COLO 80.00	
						TAX 0.00	
						TOTL 80.00	
					Check No. 141	# 6141 A	13:06

4/5/82 jc

TOTAL

\$ 80.00

For Departmental Use Only

STATEMENT OF CLAIMANT FORM FOR DOMESTIC USE

File No. 39-	<u>080827</u>
Date Filed:	<u>12-30-81</u>
WFN	

LITTLE COLORADO RIVER WATERSHED ADJUDICATION SUPERIOR COURT OF APACHE COUNTY

1. Claimant Name: A. P. Michelbach
 Claimant Address: 823 W. Aspen City Flagstaff
 State: AZ Zip Code 86001 Telephone 774-6539

2. Basis of Claim:
- A. Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-45502
 - B. Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
 - C. Decreed water right. Principal litigants, court, date and case no.: _____
 - D. Right to withdraw groundwater.
 - E. Other, describe: _____

3. Claimed Priority Date: May 10, 1910 (month/day/year)

4. Source of Water:
- A. Stream: name _____, tributary to Cedar Wash
 - B. Spring: name _____, tributary to _____
 - C. Lake or Reservoir: name _____, tributary to _____
 - D. Groundwater

5. Legal description of the Place of Use and the Point of Diversion: (attach additional sheet if required)
 County Coconino, Section 33, Township 26N N/S, Range 7E E/W
 Legal Subdivision: (one of the following)
NE 1/4, NE 1/4 of the Section; or
 Assessor Book No. _____, Map No. _____, Parcel No. _____; or
 Subdivision Name _____ Block No. _____ Lot No. _____

6. If there are Irrigation, Stockpond or Other Uses supplied from the point of diversion, describe: _____
stockpond

7. Means of Diversion:
- A. Instream pump.
 - B. Gravity flow into ditch, canal or pipeline.
 - C. Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
 - D. Other, describe seepage

8. Number of persons 4 or dwellings 1 served by this use.

9. Annual Volume Claimed: 1 1/2 acre-feet

10. It may be necessary for a representative from the Department of Water Resources to inspect the place of use and diversion. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant W.P. Michelbach

11. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? _____

12. Additional comments: This seep is adjacent to my deeded property

(attach additional sheet if required)

13. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

14. Notarized Statement:
I (We), Albert Peter Michelbach
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

(seal)

My Commission Expires Sept. 11, 1985

My Commission Expires:

12-30-81 County of Maricopa
Marilyn Beebe
Notary Public
DEC 30 12:27

or, _____
Authorized Personnel of the Department of Water Resources

A P MICHELBACH
 823 W ASPEN
 FLAGSTAFF AZ 86001

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

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	080827
	THRU
39	080830

(4)

FUND SOURCE	ACCOUNT NO.			INT. ACCT.	ITEM DESCRIPTION	RATE	\$ AMOUNT
	AGENCY	CHAPTER	DIV.				
					Filing fee for Statement of Claimant	20.00	80.00
					Little Colorado River Adjudication		
						WAITER PAYMENT	
						GUESTS 4	
						CHK NO 141	
						L-COLD 80.00	
						TAX 0.00	
						TOTL 80.00	
						80.00	
					Check No. 141	# 6141 A	13:06

4/5/82 jc

TOTAL

\$ 80.00

Exhibit G

Peter Damm
#2

1253

Water Location Notice

Notice is hereby given; that the undersigned has appropriated for beneficial purposes; to wit: for the watering of Livestock, Irrigation, Agricultural, Domestic and all other useful and beneficial purposes, all the unappropriated surface, subsurface and flood waters, that are used flowing or that, may at any time hereafter flow or percolate, or exude from any and all lands subsurrounding, the surface of which is hereinafter described, to wit: the location of the hereinafter mentioned and described surface reservoir.

That, for the purpose of conveying all of said water it is the intention of the undersigned to construct and maintain a canal by reservoir, a dam, and other means, now named in such, which is also located and situated as Peter Damm, and which, said, is described as being situated about one mile below the said Peter Damm and subject, on and over half mile West of Lower Bad Wash, in the County of Coconino, State of Arizona, on unappropriated unoccupied public lands belonging to the United States of America. This water location and appropriation is taken under the provisions of Chapter One, Title 2, of the Revised Statutes of Arizona, 1913, and of all laws supplemental thereto, and a true and correct copy of the same is prepared in duplicate, one copy of which is to be posted at the place above described, and the said land to be irrigated and maintained the said canal, or reservoir and the other is to be filed for record in the office of the County Recorder of Coconino County, State of Arizona, as required by law, and the county in which the said above described location is situated.

I having made the first and prior appropriation, do always claim the first and better right to the said above described water appropriated. Dated this 22nd day of December, A.D. 1915.
State of Arizona } S.S. Peter Michlback
County of Coconino }

This instrument, was acknowledged before
me on the 22nd day of December, A.D. 1915, by P. C. [unclear]
[unclear] Dan J. [unclear]
[unclear] County [unclear]

Register
Seal

Recorded at my office, of [unclear] [unclear]
December 22, A.D. 1915 at 11 o'clock A.M.
Dan J. [unclear]
[unclear] County [unclear]