111-23-AAA-1

DWR file for
33-95394

Certificate of Water Right

STATE OF ARIZONA

County of Cochise

Certificate No. (33) 95394

FEE # 901223668
OFFICIAL RECORDS
COCHISE COUNTY
DATE HOUR
12/13/90 2
REQUEST OF
DEPT OF WATER RESOURCES
CHRISTINE RHODES-RECORDER
FEE : 3.00 PAGES : 2

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

SRP311

901223668

This is to Certify, That the United States on behalf of the United States and present and future permittees, lessees or allottees, c/o the Bureau of Land Management,

of Safford State of Arizona has made proof to the satisfaction of the DEPARTMENT OF WATER RESOURCES of Arizona of a right to the use of the waters of Fred's Lake, a tributary of the San Pedro River,

for Recreation and Wildlife, including Fish under
Application No. 33-95394 Permit No. 33-95394 of the

DEPARTMENT OF WATER RESOURCES and that said right to the use of said waters has been perfected in accordance with the laws of Arizona, and made and entered of record in the Records of the Department of Water Resources at Phoenix, Arizona, under Certificate No. (33) 95394 ; that the priority of the right hereby confirmed dates from April 16, 1990 ; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 97,755 gallons per annum for recreation and 521,362 gallons per annum for wildlife, including fish.

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

The point of diversion and place of use are located within the Southwest quarter (SW¼) of the Northeast quarter (NE¼) of the Northwest quarter (NW¼), Section 8, Township 22 South, Range 22 East, Gila and Salt River Base and Meridian, Cochise County, Arizona.

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

Witness, the seal and signature of the DEPARTMENT OF WATER RESOURCES affixed this 19th day of November, 1990.

JUNE 12, 1980

Deputy Director (Attest) Director
Herb Dishlip N.W. Plummer

ADWR-33-61-7/90

SRP312

901223668

ARIZONA DEPARTMENT OF WATER RESOURCES
15 South 15th Avenue
Phoenix, Arizona 85007

SEP 24 1990

APPLICATION NO. 33-95394 PERMIT NO. 33-95394 COUNTY Cochise

PROOF OF APPROPRIATION OF WATER

1. Name and address Bureau of Land Management, San Pedro Riparian NCA
RR 1 Box 9853, Huachuca City, AZ 85616
2. Source of supply Fred's Lake
Tributary of San Pedro River
3. Location of point of diversion NE ¼ NW ¼ (Forty-acre tract) Sec 8, Twp 22 N/S Rge 22 E/W
4. Construction of work began N/A and was completed N/A
5. Date water was completely applied to use Jan.1, 1978
6. Name, if any, and capacity of reservoir Fred's Lake, 2.0 Ac. ft.
7. Specify separately the quantity of water that has been applied to each use 97,755 G.P.A for recreation, (In acre feet or gallons) 521,362 G.P.A. for wildlife including fish.
8. During what months is the water beneficially used? Yearlong
9. Describe the Location where the water is used. If for irrigation, in the column headed "Acres actually irrigated" fill in only the number of acres that have acually been irrigated in that location in the smallest units that will identify them.

¼	¼	¼	Section(s)	Township (N/S)	Range (E/W)	Acres Actually Irrigated
SW	NE	NW	08	22S	22E	

DWR-33-1-21A 8/88 – IPS 3697

SRP313

10. (a) If a dam has been constructed, give description: Height, 0 ft.; length on top N/A ft.; length on bottom N/A ft.; material used and character of construction Excavated earth

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

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

(d) Pipe line: Description of intake, N/A _____

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

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

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

11. **Domestic Use.** State number of families and persons actually served, and describe other domestic uses of water N/A

12. **Stock Watering Use.** State kind of stock served N/A _____ minimum and average number served per day during the months of the year water is used.

Maximum _____ Minimum _____ Average _____

13. If for any purpose other than irrigation, stockwater or domestic, state the extent and nature of such use wildlife 0.01 AFA yearlong, fish 1.50 AFA - yearlong, recreation 0.30 - yearlong

AFFIDAVIT OF APPROPRIATOR

STATE OF ARIZONA, }
County of Cochise } ss.

SEP 24 1990

I, Ben Lomeli (for BLM), being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of September, 19 90.

Ben Lomeli

9/10/90

Subscribed and sworn to before me this 17th day of September, 1990.

Sandra M. Phillips
Notary Public.

(Notary Seal)

My commission expires July 12, 1992

AFFIDAVIT OF WITNESS

STATE OF ARIZONA, }
County of Cochise } ss.

We, John M. Herron, and Michael H. Hoffman of U.S. Bureau of Land Management, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. 33-95394, that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

John M. Herron

Michael H Hoffman

Subscribed and sworn to before me this 17th day of September, 19 90.

Sandra M. Phillips
Notary Public.

(Notary Seal)

My commission expires July 12, 1992

DWR-33-1-21B-8/88

SRP315

ARIZONA DEPARTMENT OF WATER RESOURCES
15 South 15th Avenue
Phoenix, Arizona 85007

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA

NO. 33-95394

FILED 4-16-90

1. Name BLM - Safford District Telephone 602-428-4040
   Address 425 E 4th St. Safford, Az 85546
2. Type of source and name, if any, Fred's Lake,
   a tributary of San Pedro River on the SAN PEDRO watershed.
   do not complete
3. Use of Water

   A. Domestic
   1. No. of Persons N/A 2. No. of Families _____

   B. Municipal
   1. Population to be served N/A
   2. Estimate of future population and water requirements _____

   C. Irrigation
   1. Location of the irrigated acreage

   N/A ¼ ____ ¼ ____ ¼ Section ____ Township ____ N/S Range ____ E/W
   ____ ¼ ____ ¼ ____ ¼ Section ____ Township ____ N/S Range ____ E/W

   2. Number of acres to be irrigated _____
   3. Describe type of crop to be irrigated _____

   D. Stockwatering
   1. Kind of stock N/A 2. No of stock _____

   E. Power - Describe the nature of the works by which power is to be developed, pressure head, points of release of water and the uses to which the power will be applied. Attach documents as necessary. N/A

   F. Mining
   1. Kind of mining claims N/A
   2. Methods of supplying and using water _____

   G. Recreation
   1. Character of area to be used Pasture land adjacent to river riparian area

   H. Wildlife
   1. Kind of wildlife Deer, javalina, coyote, game and non-game birds, fish
   2. Character of area to be served Small pond stocked with fish adjacent to the river.

   I. Groundwater Recharge N/A

   J. Storage & Recovery N/A

4. Amount of water

Use	Amount	Measure	Months of Use
fish	1.50	Acre-feet	Year long
wildlife	0.10	Acre-feet	Year long
Recreation	0.30	Acre-feet	Year long

DWR-33-01A-(Rev. 9/88) — IPS 3700

SRP316

5296-47

5. Legal description of point of diversion: County Cochise
SW ¼ NE ¼ NW ¼ Section 8 Township 22 N/S Range 22 E/W-G&SRB&M

6. Legal description of place of use: County Cochise
SW ¼ NE ¼ NW ¼ Section 8 Township 22 N/S Range 22 E/W-G&SRB&M
_____ ¼ _____ ¼ _____ ¼ Section _____ Township _____ N/S Range _____ E/W-G&SRB&M

7. Description of method(s) by which water will be put to beneficial use: Pond was excavated during a gravel extraction operation approximately 11 years ago. Pond will be utilized for recreation purposes

8. Storage of water
   A. Name of reservoir Fred's Lake
   B. Dam specifications: Height 0 feet
   C. Reservoir behind dam
      1. Maximum storage volume at spillway crest 2.0 acre feet
      2. Capacity for each foot in depth in cubic feet _____

9. Construction of works will begin within excavated after approval of this application, will be completed within N/A thereafter, and the water will be applied to the proposed use(s) no later than immediately.

10. Name of owner of the land Bureau of Land Management
Does the applicant have legal access to the point of diversion and place(s) of use? Yes ✓ No _____
If no, explain _____

11. Is the water to be used supplementally with other water(s)? Yes ✓ No _____
If "Yes" identify other waters or water rights, and explain below:
San Pedro River

12. Additional comments _____
e

13. Attach filing fee of $25.00

14. Attach a United States Geological Survey quad map with point of diversion and place(s) of use clearly marked on map.

DATED this 6 day of March, 1990.

Delbert Molina
Applicant

SRP317

ARIZONA DEPARTMENT OF WATER RESOURCES
15 South 15th Avenue
Phoenix, Arizona 85007

PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA

NO. 33-95394

This is to certify the pursuant to the provisions of Arizona Revised Statutes Section 45-153,
The United States on behalf of the United States and present and future lessees, permittees and allottees, c/o Bureau of Land Management, Safford District, 425 East 4th Street, Safford, Arizona 85546,
is granted an appropriative permit subject to the following terms:

1. Source Fred's Lake, a tributary of the San Pedro River.

2. Use, amount and period of use: 97,755 gallons per annum for recreation and 521,362 gallons per annum for wildlife, including fish.

3. Legal description of point of diversion: County Cochise
NE ¼ NW ¼, Section 8, Township 22 South N/S, Range 22 East E/W

4. Legal description of place(s) of use: County Cochise
NE ¼ NW ¼, Section 8, Township 22 South N/S, Range 22 East E/W
____ ¼ ____ ¼, Section ____, Township ____ N/S, Range ____ E/W
____ ¼ ____ ¼, Section ____, Township ____ N/S, Range ____ E/W

5. Authorized storage capacity of reservoir 2.0 acre feet, to be stored in Fred's Lake.

6. Date of priority April 16, 1990

7. Construction of works shall begin on or before COMPLETED,
shall be completed on or before COMPLETED, and the water
shall be applied to beneficial use on or before August 20, 1991.

8. Other

Dated this 20 day of August, 19 90.

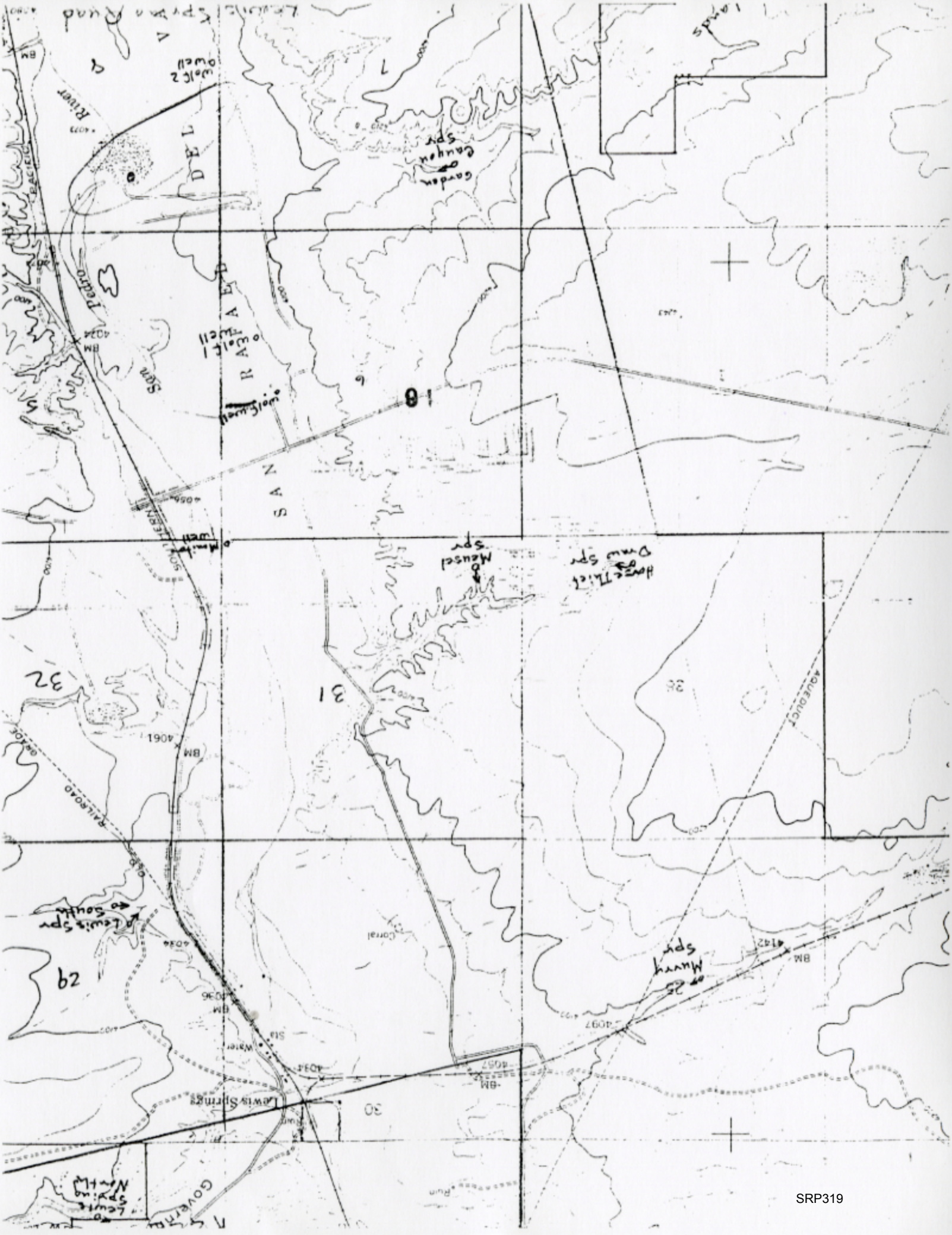
ARIZONA DEPARTMENT OF WATER RESOURCES

Herb Dishlip

Herb Dishlip
Deputy Director

DWR-33-37A-8/88(Rev.) -IPS3702

SRP318


SRP319

ARIZONA DEPARTMENT OF WATER RESOURCES
15 South 15th Avenue
Phoenix, Arizona 85007

AFFIDAVIT OF POSTING NOTICE

STATE OF ARIZONA)
) ss.
County of Cochise)

APPLICATION TO APPROPRIATE NO. 33-95394

Ben Lomeli, being first duly sworn, states that two copies of the Notice of Application for a Permit to Appropriate Public Water of the State of Arizona No. 33-95394, a copy of which is hereto attached, were posted on the 4 day of May, 19 90, at:

1. Sierra Vista Public Library's Bulletin Board

2. Sierra Vista Post Office Bulletin Board

Each of the notices was posted in a conspicuous place in the locality to be affected by the proposed appropriation of water and remained posted for thirty consecutive days ending on the 5 day of June, 19 90.

Ben Lomeli
Affiant

Subscribed and sworn to before me this 8 day of June, 19 90.

Sandra M. Phillips
Notary Public

My commission expires:
July 12, 1992

RECEIVED
JUN 27 1990
OPERATIONS DIV.

DWR 33-08-8/88

SRP320

ARIZONA DEPARTMENT OF WATER RESOURCES
15 South 15th Avenue
Phoenix, Arizona 85007

NOTICE OF APPLICATION TO APPROPRIATE WATER

On the 16th day of April, 1990, Bureau of Land Management, Safford District, 425 East 4th Street, Safford, Arizona 85546

filed Application for a Permit to Appropriate Public Water of the State of Arizona No. 33-95394. The application states:

1. Source of water Fred's Lake, a tributary of the San Pedro River.

2. Proposed use and amount 97,755 gallons per annum for recreation and 521,362 gallons per annum for wildlife, including fish.

3. Point of diversion SW¼ NE¼ NW¼, Section 8, Township 22 South, Range 22 East, Gila and Salt River Base and Meridian, Cochise County, Arizona.

4. Place(s) of use Same as the point of diversion.

5. Description of dam and reservoir 2.0 acre feet, to be stored in Fred's Lake.

Other: ***SEE MAP ON REVERSE SIDE***

Any person whose water rights may be affected may, within sixty days of the issuance of this Notice, file a written protest to the application with the Arizona Department of Water Resources, 15 South 15th Avenue, Phoenix, Arizona 85007. The protesting party shall send a copy of the protest to the applicant. The protest shall state:

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

Issued this 23rd day of April, 1990.

RECEIVED JUN 2 1990 OPERATIONS

SRP321