

#### 5.4 NON-INDIAN FEDERAL CLAIMS

This section describes one state agency and four federal agencies that have made claims for rights established under federal law. The major user reports describe the history and description of the federal reservation, analysis of the claim(s), and the results of DWR's investigations of the claimed water uses.

The agencies described in the section are:

<u>AGENCY</u>	<u>WATERSHED FILE REPORT NUMBER</u>	<u>PAGE</u>
Arizona State Land Department	113-12-36	375
Bureau of Land Management - Safford District	Various	376
Coronado National Forest - Powers Garden	115-9-10	380
Fort Huachuca Military Reservation	111-23-76	382
National Park Service - Coronado National Memorial	111-23-16	431
National Park Service - Saguaro National Monument	114-14-29	435

**CORONADO NATIONAL FOREST - Powers Garden (WFR #115-9-1)**

The Coronado National Forest has filed two statements of claimant (39-8034 and 39-8321) for a "reserved" right within the San Pedro River watershed. These claims are for the Powers Garden Administrative site located on Rattlesnake Creek approximately twenty miles south of Klondyke, Arizona. The site is located approximately four miles within the Galiuro Wilderness Area; access was not readily available at the time of the investigation.

**Legal Record**

Statement of claimant 39-8321 claims a federal reserved water right, but it does not state the basis for the claim. Statement of claimant 39-8034 was amended on April 27, 1989 to change the basis for the claim from a state law right to a federal reserved water right claim based on the reservation of land for the Coronado National Forest on September 26, 1910.

The water uses at Powers Garden have also been claimed under state law. Table 5-51 summarizes a portion of watershed file report number 115-9-1 where these claims are located.

TABLE 5-51

CORONADO NATIONAL FOREST  
POWERS GARDEN  
115-9-1  
SUMMARY OF CLAIMS FILED UNDER STATE LAW THAT CORRESPOND TO FEDERAL CLAIMS

STATEMENT OF CLAIMANT NUMBER	PREVIOUS FILING NUMBER	POTENTIAL WATER RIGHT NUMBER
39-4214 - Isley, Mike	36-82404 - Isley, Mike	DM1,SW3
	4A-2237 - Coronado National Forest (CWR #1284)	DM1,SW3

The two potential water rights (PWRs) in Table 5-51 (DM1 = Domestic use and SW3 = Powers Garden Spring) correspond to PWRs claimed under federal law.

#### Analysis of Claim

The National Forest has claimed current uses including fire fighting, periodic domestic and stockwatering, and occasional irrigation. Future uses are not stated in the claims. Table 5-52 compares the claimed information versus DWR's investigation findings for statements of claimant 39-8034 and 39-8321.

TABLE 5-52

CORONADO NATIONAL FOREST  
POWERS GARDEN  
115-9-1  
STATEMENTS OF CLAIMANT 39-8034 AND 39-8321  
COMPARISON OF CLAIMANT INFORMATION WITH DWR FINDINGS

STATEMENT OF CLAIMANT	CLAIMED INFORMATION						CLAIMED DATE OF FIRST USE	DWR FINDINGS				
	CLAIMED SOURCE	CLAIMED USE LOCATION	CLAIMED USE	NAME	CLAIMED ANNUAL	WATER USE NO.		USE TYPE	USE LOCATION	USE STATUS	MAP NUMBER	
39-8034	Spring	NESW 13 09S 19E	DM,SW	Powers Garden	0.49 Ac-ft	1910	SW3	DM,SW	SWNESW 13 09S 19E	Spring	115-09	
39-8321	Well	SESW 13 09S 19E	OT	Administration	0.56 Ac-ft	1959	DM1	DM	NESWNW 13 09S 19E	Verified	Unmapped	
	Dam	SESW 13 09S 19E	OT	Cow Camp Tank			SP18	SW	NESWNW 13 09S 19E	Verified	115-09	
	Spring	SESW 13 09S 19E	OT	Powers Garden Spring			SW3	SW	SWNESW 13 09S 19E	Spring	115-09	

KEY: DM = Domestic, OT = Other, SP = Stockpond, SW = Stockwatering

Statement of claimant 39-8034 claims a total current annual use of 0.49 acre-feet for domestic and stockwatering uses. Statement of claimant 39-8321 claims a current total annual use of 0.56 acre-feet. This total includes the claimed irrigation use. The irrigation was not field verified due to the inaccessibility of the area, and the aerial photographic evidence was inconclusive.