NOTICE OF IRRIGATION AUTHORITY

HARQUAHALA IRRIGATION
NON EXPANSION AREA

STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

This is to document that pursuant to the provisions of Title 45, Chapter 2, Arizona Revised Statues

JAMES DI PIETRO
430 LAKE COOK ROAD
DEERFIELD, ILLINOIS 60015

is entitled to irrigate 157.4 *acres of land. Groundwater may be used to irrigate only the acres of land described as follows:*

N½ NE¼; Lots 1, 5, 7, 16, 17, 18, 19, 20 and 21
of Eagle Tail Farms in W½ Sec 16 T1S R9W GSRB&M
excluding all dedicated rights of way

The use of groundwater on the above described land for irrigation purposes shall be in accordance with the laws of the State of Arizona and restrictions placed on use by the Director of the Department of Water Resources pursuant to Title 45, Chapter 2, Arizona Revised Statutes.

NOTICE NO. 60-201111

is affirmed this 2nd *day of* May, 1985

ARIZONA DEPARTMENT OF WATER RESOURCES

Wesley E. Steiner
Director

The Department of Water Resources must be notified if the above named person(s) changes his address or conveys ownership of the land to another person(s). (See reverse side.)

State of Arizona
DEPARTMENT OF WATER RESOURCES
99 E. Virginia Avenue, Phoenix, Arizona 85004

BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

August 12, 1982

Richard E. Meese
Secretary
Eagle Tail Farms
Real Estate Investment & Development
1327 North Dysart Road
Avondale, Arizona 85323

Dear Mr. Meese:

Your letter of July 13, 1982 requested grandfathered rights for lots in the Eagle Tail Farms Subdivision in the recently established Harquahala Irrigation Non-Expansion Area (INA). From the statements in your letter, the lots may be eligible to be irrigated. However, the law provides for grandfathered rights only in active management areas. In INAs, lands that were historically irrigated in the 5-year period immediately prior to the announcement that an INA might be established, are eligible to be irrigated. In the Harquahala INA, the 5-year period is January 6, 1976 to January 5, 1981. Additionally, 1982 amendments to the groundwater law allow lands for which a substantial capital investment was made prior to January 5, 1981 to be irrigated. That means investment in a water source and a distribution system and/or land preparation for irrigation. Your situation may qualify, although we will need to make a field inspection and you must furnish the Department with documentary evidence of recent and past expenditures.

As each lot owner proceeds to the point of being ready to install drip irrigation on his lot, or should a group of lot owners want to do so at the same time, the lots will have to be identified and supporting data of substantial capital investment filed with our Department. Those lot owners would then be informed by letter of their eligibility to irrigate. The reason for this kind of procedure is to process requests only where there are definite steps being taken to utilize the land. We do not plan on authorizing eligibility to irrigate on the basis of the possibility that at some time in the future the land may be irrigated.

Sincerely,

W. Don Maughan

W. Don Maughan
Deputy Director

cc: Verne Doyle

WDM/lh

Think Conservation!

Office of Director 255-1554
Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586

Meese & Associates

July 13, 1982

15 82

Mr. Don Maughan
Deputy Director
99 E. Virginia
Phoenix, Arizona 85004

RE: Eagle Tail Farms Subdivision

Dear Mr. Maughan,

The Arizona Department of Water Resources findings and order to establish the Harquahala Basin as a subsequent irrigation non-expansion area were received yesterday.

In accordance with the Arizona Department of Water Resources policy guidance memorandum # 2 of July 20, 1981 it is requested that Eagle Tail Farms Subdivision and the three adjoining lots (a total of 33 lots) be granted a grandfather right to provide drip irrigation to their property. A substantial capital investment has been made by the developer to provide water throughout the subdivision for domestic use and for drip irrigation.

Concurrently with creating the subdivision in 1972 a private non-profit co-op water company, Eagle Tail Farms Water Co., was formed and incorporated to provide water to the 30 lots within the subdivision and the 3 adjoining lots to the south. A water system was installed including development of a well, a 15,000 gallon holding tank, a 2,000 gallon pressure tank, accompanying electrical system and water m[illegible] throughout the subdivision in accordance with a water plan (job number 1125-50) approved by the Maricopa County Health Department on February 17, 1972. In June and July 1981 an additional $25,000 was spent by the developer to install individual connections and meter boxes to each lot within the subdivision and to make repairs to the original system. Drip irrigation has been in continueous use in the subdivision to provide water to a 20 acre orchard of Pistachio trees for more than seven years.

Thank you for your assistance in this matter. Your staff has been most cooperative in providing information throughout the period of deliberation concerning the establishment of the irrigation non-expansion area.

Sincerely,

Richard E. Meese
Secretary for Eagle Tail Farms

Real Estate Investment and Development
1327 North Dysart Road, Avondale, Arizona 85323 • (602) 932-5700

Meese & Associates

June 20, 1983

RECEIVED
JUN 22 1983
DEPT. OF
WATER RESOURCES

Mr. Verne L. Doyle
Department of Water Resources
99 E. Virginia Avenue
Phoenix, Arizona 85004

Dear Mr. Doyle,

Thank you for reviewing my previous correspondence with the Department of Water Resources regarding Eagle Tail Farms. Eagle Tail Farms was subdivided into parcels which were sized to be mini farms 9+ acres in each lot. The concept when the subdivision was undertaken was to take approximately 320 acres which was being farmed, primarily in cotton, and convert it into small minifarms. By doing so it was possible to reduce water consuption by forming a non-profit cooperative water company using the existing irrigation well. The original turbine was removed and a smaller pump was installed along with a 15,000 gallon storage tank and a 2,000 gallon pressure tank. A water distribution system was installed which was designed to provide sufficient water to each parcel to permit both domestic use and drip irrigation for the minifarm concept. The original work of converting the well and installing the distribution pipe system was done in 1973 and 1974.

A copy of the bill from Bloomquist Pump Service in the amount of $9,472.30 is enclosed. The previous owner was unable to locate additional bills, however, enclosed is a copy of a letter which he sent to me in response to my inquiry, stating that an additional amount of approximately $20,000 was spent to install the distribution system. He also states that the purpose was to provide water for drip irrigation to each lot. Shortly after the system was completed 20 acres (2 lots) were planted in pistachio trees using the drip irrigation system.

The current owners Mr. and Mrs. DiPietro spent an additional $31,000 upgrading the system, installing individual feeder lines and meter boxes to each lot. Copies of lien waivers for completed work are enclosed.

Real Estate Investment and Development
1327 North Dysart Road, Avondale, Arizona 85323 • (602) 932-5700

As you can see the current subdivision is now and always has been designed and equipped to provide drip irrigation to the owners of the individual lots. This of course is an actual saving of water since the prior use had been cotton farming using ditch irrigation. Additionally, monies in excess of $60,000 have been spent to accomplish the development of the current water company and the distribution system, a significant capital expenditure. Finally the drip irrigation concept has been in continuous use in the subdivision for approximately 8 - 9 years irrigating 20 acres of pistachio trees.

It is requested that the Department of Water Resources issue a letter authorizing the use of drip irrigation throughout Eagle Tail Subdivision.

Sincerely,

Richard E. Meese

R.E. Meese

State of Arizona

DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004

Phoenix Active Management Area

BRUCE BABBITT, Governor
WESLEY E. STEINER, Director

September 7, 1983

CERTIFIED MAIL
No. P 362 588 168

Mr. Richard Meese
1327 North Dysart Road
Avondale, Arizona 85327

Dear Mr. Meese:

The Department of Water Resources has reviewed your letter request for irrigation based on the SUBSTANTIAL CAPITAL INVESTMENT PROVISION of the 1980 Arizona Groundwater Management Act as it pertains to an Irrigation Non-Expansion Area, A.R.S. § 45-437.B. Based on the investments made during the required period of January 6, 1976 through January 6, 1981, the Department has determined that 320 acres of land located in the North half of Section 16, Township 1 South, Range 9 West are eligible for irrigation. Consider this official correspondence as your authority to irrigate these acres.

If you have any questions or comments regarding this matter, please call the office of the Phoenix Active Management Area at 255-1512.

Sincerely,

Verne L. Doyle
Area Director

VLD:mr

CC: W. Don Maughan
Applicant File (Eagletail Farms)
C. Laurence Linser
Dennis Sundie
Frnanzoy, Corey & Assoc.

PHOENIX AMA
SUBSTANTIAL CAPITAL INVESTMENT
Tier 5 Review Report

- Applicant Eagle Tail Farms
- Application C 78 INA Date of Report August 25, 1983
- Legal Description: N½ Section 16 T1S, R9W GSRB&M
  Legal Pertains to: Lots 1-30 and APN's 401-57-9G, 9D, 9E

DK

- Number of Acres Claimed 320
- Does Application Fall Within the Old Critical Groundwater Area?

  Yes _____ No XX

- Background Information (Narrative Form)

Eagle Tail Farms located in the Harquahala Valley INA was a cotton farm in the 1960's. In 1970 the land was subdivided into thirty 10 acre parcels for a mini-farm subdivision. In 1973 a conveyance system was installed to supply water to said parcels of land. A smaller pump was installed because it would be more economical to pump water and maintain since the subdivision was just starting. When the need for a larger capacity comes about, a larger pump will be installed.

In 1975 38 acres were sold to Mr. Ray Roberts. He planted 20 acres in pastachio trees and prepared the remaining 18 acres to be planted for the same purpose when finances allow. The orchard is drip irrigated and the current 95 gpm capacity of the well in conjunction with a 15000 gal storage tank and 2000 gal pressure tank has been more than sufficient to irrigate the orchard.

In 1982 the existing conveyance system was upgraded. Individual connections and meter boxes were installed to each lot within the subdivision.

An accompanied field visit was conducted on August 17, 1983 with the following results.

o SCI Investigation

Does the applicant indicate any capital investments within the time frame prescribed by law.

	Yes	No
1. Land Clearing or Leveling		X
2. Construction or Improvements of Irrigation Delivery System	X	
Installation of drip irrigation system to 38 acres cost approximately $2,850.00.		
3. Drilling, Deepening, Refurbishing of Wells	X	
Installation of new pump and well maintenance in the time frame of January 6, 1976 to January 5, 1981 total $6,775.08 (receipts).		
4. Fees for Leasing, Professional Services and Purchase of Supplies and Equipment Coincidental to These Improvements.		X
5. Fencing		X

6. Total Cost of Improvements

Actual (with receipts)	$ 6,775.08
Estimated	$ 2,850.00
Total	$ 9,625.08

o Other sources that support SCI Claim such as Land Sat or ASCS/SCS confirmation.

N/A

o General Narrative that summarizes the SCI investigation.

Since 1973 the applicant has shown a continuing development of said land to be a saleable mini-farm subdivision. Although the major portions of expenditures were made prior to and after (approximately $60,000.00) these were also monies spent within the prescribed time frame on the well. The well presently has a pump capacity of 95 gpm but has a maximum capacity of 3,000 gpm with a larger pump. Since current water needs do not require a large capacity pump, a smaller pump has been installed due to economic considerations.

When withdrawal needs exceed the present pump capacity a larger pump will be installed.

Due to significant expenditures and the degree of development of the applicant's land, the Phoenix Ama recommends that Eagle Tail Farms be granted an Irrigation Grandfathered Right on 320 acres under the Substantial Capital Investment Provision of the 1980 Groundwater Law.

o Field Report Submitted by Patterson /

o AMA Director Determination

- [x] Agree
- [ ] Disagree
- [ ] Other

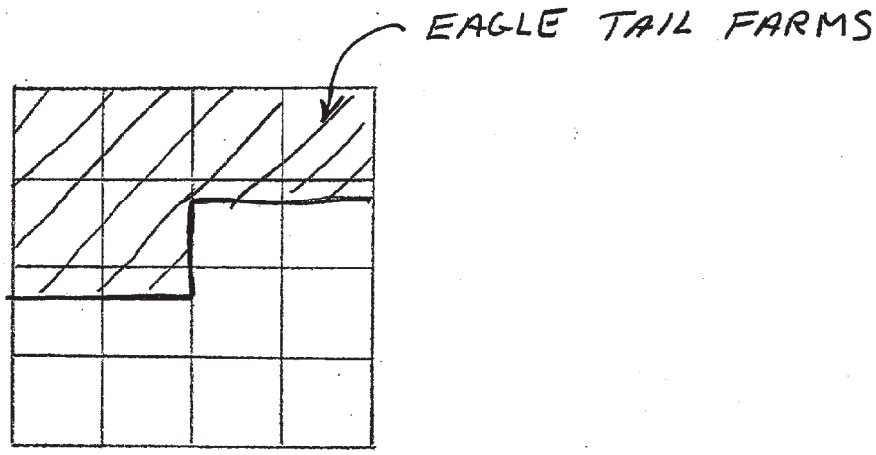
o Tier 5 Committee Determination

- [x] Agree for 320 acres — W. Wilson Maughan 9/6/83
- [ ] Disagree
- [ ] Other

6-29-83.

Haraguahala

97



SECTION 16
T 1S, R9W

ELIGIBLE FOR AGRICULTURE 0

1976-1981 COMPOSITE

LANDSAT SHOWS NO CROPPING HISTORY IN SECTION 16 IN THE 1976-1981 PERIOD.

DEPARTMENT OF WATER RESOURCES
PHOENIX ACTIVE MANAGEMENT AREA
255-1512

MEMORANDUM

TO: Verne L. Doyle

FROM: Jerry Patterson

DATE: August 18, 1983

SUBJ: Field investigation with Eagle Tail Farms representative for Substantial Capital Investment claim.

1. I met with Mr. Meese on August 17, 1983, a representative for Eagle Tail Farms property in the North ½ Section 16 T1S R9W GSRB&M.

   Mr. Meese stated that the land had been cropped with cotton in the 1960's and that in 1973 the owner of the land installed a 6" main with 2" secondary lines to supply the thirty 10 acre parcels that the land has been subdivided into for a mini-farm subdivision. Since the installation of this conveyance system virtually no other improvements were made to subjugate said land for agricultural use, except for pump repair after 1981.

   In 1975 Eagle Tail Farms sold 38 acres in the SW portion of the property to Mr. Ray B. Roberts, 210 North 8th Street, Buckeye, Arizona 86325 (386-3024), of which 20 acres were planted in pastachio trees. The remaining 18 acres has been prepared to plant more pastachio trees. Mr. Roberts has set his orchard up with a drip system.

   There is one well that will supply the mini-farm subdivision and it has a present output of 95 gpm, although Mr. Meese stated that it has a 3000 gpm maximum capacity with a larger pump. At the well site there is a 15,000 gallon storage tank and 2000 gallon pressure tank that are in working order.

   I discussed with Mr. Meese that the receipts sent to Department of Water Resources for a Substantial Capital Investment claim were not in the specified time frame of January 1976 to January 1981 and that to comply with the Substantial Capital Investment provision that Department of Water Resources would have to have receipts in the specified time frame. Mr. Meese said he would obtain receipts for the Department of Water Resources to support Eagle Tail Farms Substantial Capital Investment claim.

2. Before the Department of Water Resources can recommend whether or not Eagle Tail Farms can legally irrigate said land their organization must submit valid substantiation of capital investments within the specified time frame.

JP/pc

111 DCR

File #60-201 ~~229~~

HARQUAHALA IRRIGATION NON-EXPANSION AREA (INA)
RECORD OF IRRIGATION HISTORY

RECEIVED
NOV 13 1984
WATER RESOURCES

1. OWNERS NAME(s)

D. Pietro — James
Last Name — First — Middle or Initial

Last Name — First — Middle or Initial

430 Lake Cook Rd — Deerfield — ILL — 60015
Mailing Address — City — State — Zip

2. Legal description of land which was irrigated at any time between January 1, 1976 and January 1, 1981.

See file 60-201

Lots 1, 5, 7, 11, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29 and 30 of Eagle Tail Farms according to the Map of Record in Book 103 of Maps, page 30, in the office of the Recorder of Maricopa County, State of Az.

3. Total number of irrigated acres described in Item #2 NONE in 1984

4. Describe the location of each private well used to irrigate the land. Indicate the well registration number and as accurately as possible the year the well was drilled. In addition, please indicate whether or not you own the well.

¼	¼	¼	Sec.	Twp	Rge	Regist. No.	Year	Ownership Yes	Ownership No
NW	NW	SW	16	1S	9W	55-~~C~~(1-9)16CBB	1952	X	
						55-_____			
						55-_____			

5. Have approved measuring devices been installed on the well(s) in Item 4? ____ Yes X No will be installed prior to Jan 1985
If so, please indicate measuring device type.

6. Is the land served by an Irrigation District or Agricultural Improvement District? ____ Yes X No
If so, give name of District served by Eagle Tail Farms Coop Water Company

7. Is groundwater the sole source of water for irrigation? X Yes ____ No.

8. If other sources are utilized, please indicate what they are: i.e. surface water, effluent etc. NONE

9. On the attached grid, draw a map of the irrigated land as described in Item 2 and Indicate the location of the wells described in Item 4.

DATED this 8th Day of November, 1984

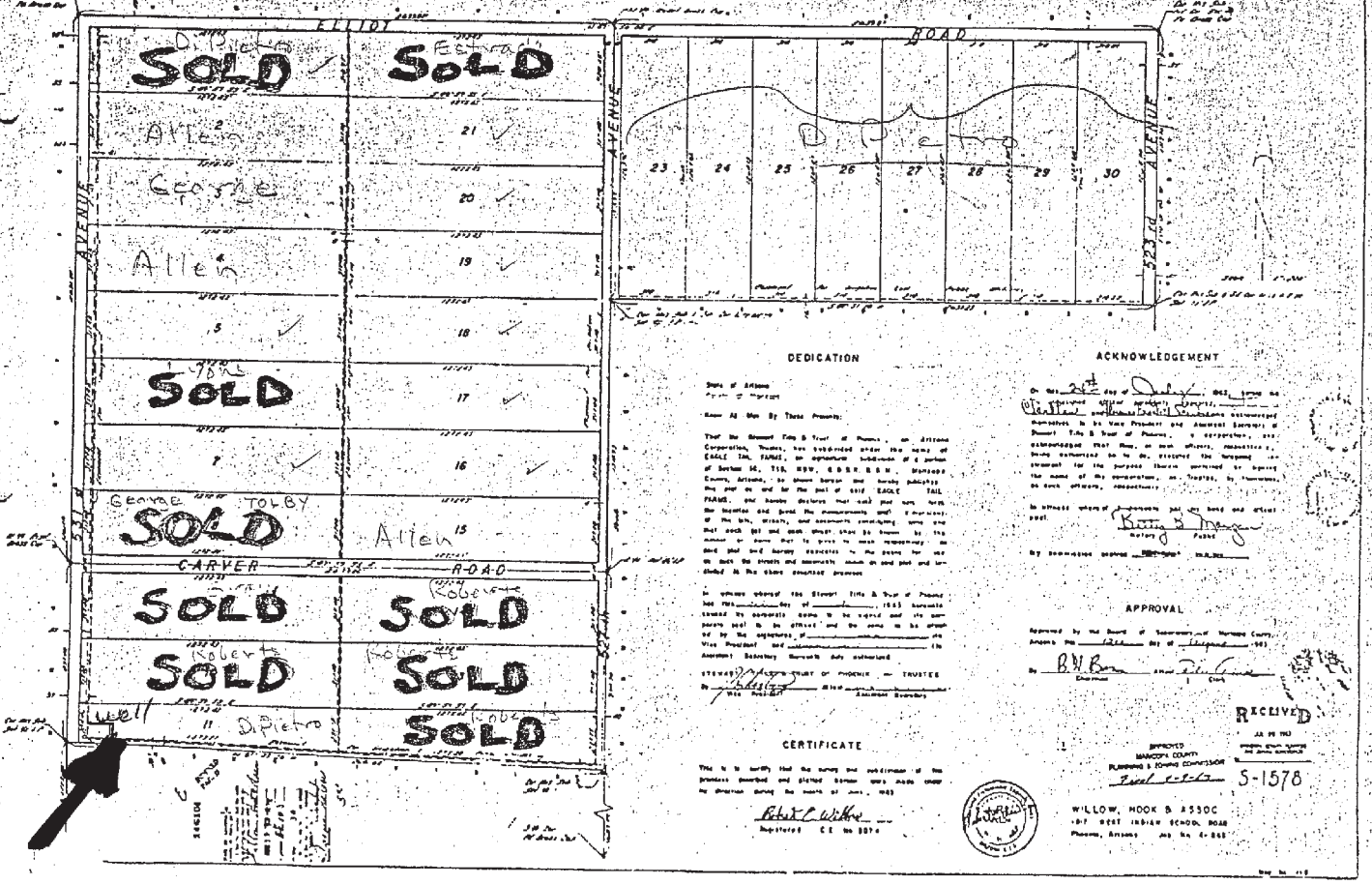
932-5700
Telephone Number

Richard E. Nelson
Signature
Secretary for Eagle Tail Farms Water Co

EAGLE TAIL FARMS

103-30

AN AGRICULTURAL SUBDIVISION OF A PORTION OF SECTION 15, T1S, R9W, G&SR B&M
MARICOPA COUNTY, ARIZONA



DEDICATION

State of Arizona
County of Maricopa

Know All Men By These Presents:

That the Stewart Title & Trust of Phoenix, an Arizona Corporation, Trustee, has subdivided under the name of EAGLE TAIL FARMS, an agricultural subdivision of a portion of Section 15, T1S, R9W, G&SR B&M, Maricopa County, Arizona, as shown hereon and hereby publishes this plat as and for the plat of said EAGLE TAIL FARMS, and hereby declares that said plat sets forth the location and gives the dimensions and of the lots, streets, and easements constituting same and that each lot and each street shall be known by the number or name that is given to each respectively on said plat and hereby dedicates to the public for use as such the streets and easements shown on said plat and included in the above described premises.

In witness whereof the Stewart Title & Trust of Phoenix has this _____ day of _____, 1963 hereunto caused its corporate name to be signed and its corporate seal to be affixed and the same to be attested by the signatures of _____ its Vice President and _____ its Assistant Secretary thereunto duly authorized.

STEWART TITLE & TRUST OF PHOENIX — TRUSTEE
By _____ Vice President
Attest _____ Assistant Secretary

CERTIFICATE

This is to certify that the survey and subdivision of the premises described and platted hereon was made under my direction during the month of June, 1963.

Robert C. Wilke
Registered C.E. No. 5574

ACKNOWLEDGEMENT

On this 24th day of July, 1963 before me personally appeared _____ and _____ acknowledged themselves to be Vice President and Assistant Secretary of Stewart Title & Trust of Phoenix, a corporation, and acknowledged that they, as such officers, respectively, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation, as Trustee, by themselves as such officers, respectively.

In witness whereof I hereunto set my hand and official seal.

Betty B. Morgan
Notary Public

My commission expires _____

APPROVAL

Approved by the Board of Supervisors of Maricopa County, Arizona this 12th day of August, 1963.

By B.H. Bo[illegible] Chairman and [illegible] Clerk

RECEIVED
JUL 29 1963

APPROVED
MARICOPA COUNTY
PLANNING & ZONING COMMISSION
[illegible]

S-1578

WILLOW, HOOK & ASSOC
1817 WEST INDIAN SCHOOL ROAD
Phoenix, Arizona

Douglas C. Nelson P.C.
ATTORNEY AT LAW
SUITE 516 LUHRS BUILDING
11 WEST JEFFERSON
PHOENIX, ARIZONA 85003
(602) 258-8401

August 23, 1983

State of Arizona
Department of Water Resources
Attn: Mr. Jerry Patterson
99 East Virginia Avenue
Phoenix, Arizona 85004

Re: Irrigation Grandfathered Right No. C78-111663
C.L. Lindberg

Dear Mr. Patterson:

In connection with the above Application for Irrigation Grandfathered Right, please find enclosed an Affidavit of Mr. Carl L. Lindberg.

If you have any questions regarding the enclosure or other matters relating to this Affidavit, we would appreciate your contacting us. Thank you.

Sincerely,

Doug C. Nelson

Douglas C. Nelson, P.C.

RECEIVED
AUG 24 1983
DEPT. OF
WATER RESOURCES

DCN/pg

Enclosure

c: Mr. Carl L. Lindberg

R.I.H.#	Legal Owner	APN	S	T	R	Ac
60-201111	Di Pietro, James & Genevieve 430 Lake Cook Road Deerfield, Illinois 60015	401-57-100	16	1S	9W	
		401-57-104A				
		401-57-104B				
		401-57-106				
		401-57-115				
		401-57-116				
		401-57-117				
		401-57-118				
		401-57-119				
		401-57-120				
		401-157-122-129				
201220	Allen, Douglas M. & Mary Lou Tr 451 N. Litchfield Rd Litchfield Park, Az 85340	401-57-101	16	1S	9W	
201221	George, Marshall A 405 Prospect Apt 103 Seattle, WA 98109	401-57-102A	"	"	"	4.637
201222	McFarland, Gene & Dolly 2505 4th Street Charleston, IL 61920	401-57-102B	"	"	"	4.637
201223	Allen, Douglas M. & Mary Lou Tr. 451 N. Litchfield Rd Litchfield Park, Az 85340	401-57-103				