



WATER-RIGHT DOCKET

Saguaro National Park

Docket No: 29

PORTMAN WASH

Preliminary Docket Information

05-13-1998: memorandum to chief; water rights unit from water rights specialist regarding transmittal of assignment package for c

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PHOENIX FIELD OFFICE
2015 West Deer Valley Road
Phoenix, Arizona 85027

May 13, 1998

Memorandum

To: Bill Hansen, Chief, Water Rights Unit, NPS

From: Lin Fehlmann, Water Rights Specialist, Phoenix Field Office, BLM

Subject: Transmittal of Assignment Package for Certificate of Water Right No. 500

Attached is the package for assigning and amending the one surface water right acquired by the Park in the Saguaro National Park Land Exchange. The contents include:

1. Draft letter from Saguaro NP to the Arizona Department of Water Resources (ADWR). Paula Nasiatka, Chief Ranger, will have this letter put in final and sent to ADWR. You, Chris Monson of Tucson Mountain Investors (TMI) and I should receive copies of this cover letter and the completed assignment form.
2. Copy of partially-completed assignment form; Saguaro NP will sign their section and send it to ADWR.
3. Copy of the General Warranty Deed showing the change in land ownership from TMI to Saguaro NP.
4. Assignment form, deed and map showing the change in land ownership from Joseph Portmann (original holder of the water right) to TMI.
5. Copies of the original application, permit and certificate for Portmann Wash.
6. Santa Cruz River Adjudication claim forms - for **YOU** to complete and send to ADWR once CWR 500 is assigned to the Park
7. Copy of BLM's inventory form, photos and Arizona Game & Fish Department (AG&FD) data on Barrell Springs Well, the windmill in Portmann Wash on existing Saguaro NP lands acquired by BLM years ago. I spoke with you about this well previously; the well registration is in AG&FD's name.

One of the good things that has come out of this exchange is the awareness by the Saguaro National Park staff that they need to be more responsible to make sure water rights get assigned when there are exchanges/acquisitions. It was good to work with you (even if it was only marginally) on this exchange. If you have any questions, give me a call at (602) 580-5650. By the way, are you involved in the Phelps Dodge exchange where the NPS is to acquire a parcel around the Tuzigoot National Monument near Camp Verde, AZ?

Lui D. Zellmann

Attachments

STATEMENT OF CLAIMANT FORM FOR OTHER USES¹ UPPER SANTA CRUZ RIVER WATERSHED SUPERIOR COURT OF MARICOPA COUNTY		For Departmental Use Only
1. Claimant Name: _____ Claimant Address: _____ City _____ State: _____ Zip Code _____ Telephone _____		File No. 39- _____ Date Filed: _____ WFN _____
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. _____, Permit No. _____, or Certificate of Water Right No. _____ C. ☐ Decreed water right. Principal litigants, court, date and case no. _____ D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____ E. ☐ Other, describe: _____		
3. Claimed Priority Date: ____/____/____ (month/day/year)		
4. Use: A. ☐ Municipal B. ☐ Commercial or Industrial C. ☐ Mining D. ☐ Stockwatering other than from a stockpond E. ☐ Recreation, Fish & Wildlife F. ☐ Other, describe: _____		
5. Source of Water: A. ☐ Stream: name _____, tributary to _____ B. ☐ Spring: name _____, tributary to _____ C. ☐ Lake or Reservoir: name _____, tributary to _____ D. ☐ Groundwater.		
6. Legal description of the Point of Diversion: (attach additional sheet if required) _____ 1/4, _____ 1/4, _____ 1/4, Section _____, Township _____ N/S, Range _____ E/W		
7. If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe: _____		
8. Means of Diversion: A. ☐ Instream pump. B. ☐ Gravity flow into a ditch, canal or pipeline. C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55- _____ D. ☐ Other, describe: _____		
¹ See Instructions for explanation of uses in this category		

Bill- Here's a copy
of ADWRs adjud. forms
for the Santa Cruz
watershed for you to complete
to claim CUR 500 in
the adjud.

Since the bene. uses of the
CUR will be domestic,
wildlife & recreation, both
of these forms will need
to be completed & sent to
Lisa Jannusch at ADWR
w/ a \$20 filing fee (only
one fee for both forms).

Any questions - call Lisa -
I've attached her card.

Lin



STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES

LISA M. JANNUSCH
ADMINISTRATIVE ASSISTANT III
ADMINISTRATIVE SUPPORT UNIT
SURFACE WATER MANAGEMENT DIVISION

PHONE (602) 417-2442
TOLL FREE 1-800-352-8488
FAX (602) 417-2424

500 NORTH THIRD STREET
PHOENIX, ARIZONA 85004-3903

9. Means of Conveyance:

- A. ☐ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
- B. ☐ Other, describe: _____

10. Place of Use, if other than point of diversion: (attach additional sheet if required)

County

Legal Subdivision

Section

Township

Range

___N/S

EW

__N/S

EW

11. Claimed Right:

- Claimed Right:** ☐ cubic-feet per second
A. Maximum Flow Rate: _____ ☐ gallons per minute
☐ Arizona miner's inches
B. Annual Volume of Water Use: _____ acre-feet
C. Storage Right: _____ acre-feet

12. Attach photographs, maps or sketches necessary to show the point of diversion, storage reservoir(s) place(s) of use and means of conveyance.

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

14. 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? _____

15. Additional comments: _____

(attach additional sheet if required)

16. **Attach Filing Fee to Form.** Mail form(s) and filing fee(s) to: Department of Water Resources, Adjudications Division, 15 South 15th Avenue, Phoenix, Arizona 85007. 500 N. Third Street, Phoenix AZ 85004-3903

17. Notarized Statement:

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

Notary Public

or,

Authorized Personnel of the Department of Water Resources

STATEMENT OF CLAIMANT FORM
FOR

DOMESTIC USE

**UPPER SANTA CRUZ RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY**

For Departmental Use Only

File No. 39- _____

Date Filed: _____

WFN _____

1. **Claimant Name:** _____
 Claimant Address: _____ City _____
 State: _____ Zip Code _____ Telephone _____

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. _____, Permit No. _____, or Certificate of Water Right No. _____
 - C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
 - D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
 - E. ☐ Other, describe: _____

3. **Claimed Priority Date:** ____/____/____ (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.

5. **A. Legal description of the Point of Diversion:**
 County _____, Section _____, Township _____ N/S, Range _____ E/W
 Legal Subdivision: _____ 1/4, _____ 1/4, _____ 1/4, of the Section
B. Legal description of the Place of Use: (one of the following)
 County _____, Section _____, Township _____ N/S, Range _____ E/W
 Legal Subdivision: _____ 1/4, _____ 1/4, _____ 1/4, of the Section, or
 Parcel I.D. _____, 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 a ditch, canal or pipeline.
 - C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55- _____
 - D. ☐ Other, describe: _____

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

9. Annual Volume Claimed: _____ 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 _____

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: _____

(attach additional sheet if required)

13. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, Adjudications Division, ~~15 South 15th Avenue, Phoenix, Arizona 85007~~ 500 N. Third Street, Phoenix, AZ 85004-3903

14. Notarized Statement:

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 _____

Notary Public

or, _____
Authorized Personnel of the Department of Water Resources



IN REPLY REFER TO:

L14

United States Department of the Interior

NATIONAL PARK SERVICE

Saguaro National Park
3693 South Old Spanish Trail
Tucson, Arizona 85730

May 22, 1998

Ms. Gerry Wildeman, Supervisor
Surface Water Rights Unit
Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004-3903

Re: Assignment and Amendment of Certificate of Water Right (CWR) No. 500 (4A-921)
Portmann Wash

Dear Ms. Wildeman,

The Bureau of Land Management, National Park Service and Tucson Mountain Investors, Limited Liability Company, (L.L.C.) recently completed the Saguaro National Park land exchange. Please find enclosed the Request for Assignment form; the warranty deed showing the change in ownership from Tucson Mountain Investors, L.L.C. to Saguaro National Park; and maps showing the location of the acquired lands and Portmann Wash for the referenced assignment.

Also enclosed is an assignment form, deed and map showing the change in land ownership from Joseph Portmann to Tucson Mountain Investors, L.L.C.

Once this assignment has been processed, we wish to amend the beneficial uses of CWR 500, which are currently for domestic and stockwatering purposes. There is no livestock use in Section 10, T.13S., R.12E. We wish to remove stockwatering as a beneficial use, add wildlife and recreation, and reallocate the amounts of water as follows: 262,800 gallons per annum for domestic (based on 180 gallons per day for a family of four) and 284,700 gallons per annum divided equally for wildlife and recreation purposes (for a total of 547,500 gallons per annum, the amount of the original certificate).

Thank you for your attention in processing this assignment. We have enclosed a check to pay the for the \$10 assignment fee. If you should have any questions, please contact Paula Nasiatka at (520) 733-5110.

Sincerely,



Frank Walker
Superintendent

Enclosures

cc w/assignment form only:

Bill Hansen, NPS Water Rights Section, Ft Collins, CO
Lin Fehlmann, BLM, Phoenix Field Office
Chris Monson, Special Agent for Tucson Mountain Investors, L.L.C.

Arizona Department of Water Resources
500 North Third Street, Phoenix, Arizona 85004-3903
(602) 417-2442

REQUEST FOR ASSIGNMENT

Filed: _____
(Date)

(Note: General information and special instructions are found on the reverse side of this form.)

In accordance with Arizona Revised Statutes § 45-164.B, the undersigned parties hereby request the assignment of the following application, permit, certificate, or claim, in whole or in part:

<u>Fee (each filing)</u>		<u>Registry Number</u>
\$10.00	Application for Permit to Appropriate Public Water No. 33(A&R) -	_____
\$10.00	Permit to Appropriate Public Water No. 33(A&R) -	_____
\$10.00	Certificate of Water Right 33(A,R&BB) -	4A-921 (CWR 500)
\$10.00	Statement of Claim of Right-Registration No. 36 -	_____
\$10.00	Claim for Stockpond Water Rights Application No. 38 -	_____
\$10.00	Stockpond Water Right Certificate No. 38 -	_____

Please use attachment to list any additional filings.

SELLER(S)/ASSIGNOR(S)

Tucson Mountain Investors,
Name Limited Liability Company

Address 2200 East River Road, Suite 115
Tucson, Arizona 85718

Phone No. (520) 577-2611


SIGNATURE
Chris Monson, Special Agent for Tucson
Mountain Investors, L.L.C.

(Please print or type name of
representative or assignor)

May 12, 1998
(date signed)

BUYER(S)/ASSIGNEE(S)

Saguaro National Park
Name National Park Service, USDI

Address 3693 South Old Spanish Trail
Tucson, Arizona 85730

Phone No. (520) 733-5101


SIGNATURE
Frank Walker
Superintendent, Saguaro National Park

(Please print or type name of
representative or assignee)

May 19, 1998
(date signed)

Attachment Sheet			
Registry No.	Water Source or Tank	Landowner	Legal Description of Place of Use (Legal description consists of: Quarter, Quarter, Section, Township and Range)
1. 4A-921 (CWR 500)	Portmann Wash	Tucson Mountain Investors, L.L.C. to Saguaro National Park	T.13S., R.12E., Section 10 W $\frac{1}{2}$ SW $\frac{1}{4}$
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[Saguaro National Park letterhead]

DRAFT

for Saguaro NP
to finalize &
send to ADWR

(Date)

Ms. Gerry Wildeman, Supervisor
Surface Water Rights Unit
Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004-3903

Re: Assignment and Amendment of Certificate of Water Right (CWR) No. 500
(4A-92I) - Portmann Wash

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DRAFT

Thank you for your attention in processing this assignment. **[Add a sentence here on payment method for the \$10 assignment fee - check, money order, etc.]** If you should have any questions, please contact **[add contact name and telephone number]**.

Sincerely,

Frank Walker
Park Superintendent

Enclosures

cc w/assignment form only:

Bill Hansen, NPS Water Rights Section, Ft. Collins, CO
Lin Fehlmann, BLM, Phoenix Field Office
Chris Monson, Special Agent for Tucson Mountain Investors, L.L.C.

Addresses for the individuals that will be sent copies of the cover letter and completed assignment form:

Bill Hansen
Water Rights Section
National Park Service
1201 Oak Ridge Drive
Suite 250
Ft. Collins, CO 80525

Lin Fehlmann
Water Rights Specialist
Phoenix Field Office
Bureau of Land Management
2015 West Deer Valley Road
Phoenix, AZ 85027

Chris Monson, Special Agent
Tucson Mountain Investors, L.L.C.
2200 East River Road
Suite 115
Tucson, AZ 85718

Arizona Department of Water Resources
500 North Third Street, Phoenix, Arizona 85004-3903
(602) 417-2442

REQUEST FOR ASSIGNMENT

Filed: _____
(Date)

(Note: General information and special instructions are found on the reverse side of this form.)

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\$10.00	Permit to Appropriate Public Water No. 33(A&R) -	_____
\$10.00	Certificate of Water Right 33(A,R&BB) -	4A-921 (CWR 500)
\$10.00	Statement of Claim of Right-Registration No. 36 -	_____
\$10.00	Claim for Stockpond Water Rights Application No. 38 -	_____
\$10.00	Stockpond Water Right Certificate No. 38 -	_____

Please use attachment to list any additional filings.

SELLER(S)/ASSIGNOR(S)

Tucson Mountain Investors,
Name Limited Liability Company

Address 2200 East River Road, Suite 115
Tucson, Arizona 85718

Phone No. (520) 577-2611


SIGNATURE
Chris Monson, Special Agent for Tucson
Mountain Investors, L.L.C.

(Please print or type name of
representative or assignor)

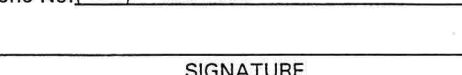
May 12, 1998
(date signed)

BUYER(S)/ASSIGNEE(S)

Saguaro National Park
Name National Park Service, USDI

Address 3693 South Old Spanish Trail
Tucson, Arizona 85730

Phone No. (520) 733-5101


SIGNATURE
Frank Walker
Superintendent, Saguaro National Park

(Please print or type name of
representative or assignee)

(date signed)

GENERAL INFORMATION: An assignment of surface water right filings conveys the holdership of the filing from one entity to another. The assignment action reflects a change in ownership of the land or lease, and requires evidence of land-ownership or lease change. This evidence may include a recorded deed, title, or such other official documentation from the appropriate State or Federal Agency holding title to the land, and must accompany the assignment form. A description of the land involved in the transaction must be included in the evidence of change of ownership or lease, and must be in the form of Section Subdivision ($\frac{1}{4}, \frac{1}{4}, \frac{1}{4}$), Section number, Township number and Range number.

The Department of Water Resources will only process for assignment those applications, permits, certificates or claims listed on the assignment request form or the attachment.

If a filing is to be divided among several assignees, an assignment form must be completed by each person; the total quantity of water for all portions combined cannot exceed the original filing or claim total.

The fee schedule shown on the front of this form is for each application, permit, certificate or claim. For example, if there are 7 filings to be assigned the fee is \$70.00.

The assignment must be signed by all assignee(s)/buyer(s) and assignor(s)/seller(s), or their authorized representatives, (representatives must submit proof of authority to act on behalf of the assignee or assignor). The current mailing address and telephone number for each party must be included on the form.

SPECIAL INSTRUCTIONS: A water right or claim for an irrigation use is appurtenant or attached to specific land. Indicate below the number of irrigated acres being assigned, whether this is a full or partial assignment of the original right or claim, and the location of the irrigated land: (Township, Range, Section, $\frac{1}{4}, \frac{1}{4}, \frac{1}{4}$)

Number of acres: N/A Full/Partial assignment

Location: _____
(Use attachment to list additional locations)

NOTE: The assignment request only changes the holder of record. If the assignment request involves Permits to Appropriate Public Water, Certificates of Water Right, or Certificates of Water Right for a stockpond, new documents will be prepared and issued according to law. The assignee(s) will be contacted at a later date regarding the issuance of these documents, if applicable.

Attachment Sheet			
Registry No.	Water Source or Tank	Landowner	Legal Description of Place of Use (legal description consists of: Quarter, Quarter, Section, Township and Range)
1. 4A-921 (CWR 500)	Portmann Wash	Tucson Mountain Investors, L.L.C. to Saguaro National Park	T.13S., R.12E., Section 10 W $\frac{1}{2}$ SW $\frac{1}{4}$
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Arizona Department of Water Resources
500 North Third Street, Phoenix, Arizona 85004-3903
(602) 417-2442

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(Date)

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\$10.00	Stockpond Water Right Certificate No. 38 -	_____

Please use attachment to list any additional filings.

SELLER(S)/ASSIGNOR(S)

Name Joseph Portmann

Address _____
Tucson, AZ 85702

Phone No. () Not Available

Not Available

SIGNATURE

(Please print or type name of
representative or assignor)

(date signed)

BUYER(S)/ASSIGNEE(S)

Tucson Mountain Investors, Limited
Name Liability Company

Address 2200 E. River Road, Suite 115
Tucson, AZ 85718

Phone No. (520) 577-2611

SIGNATURE

Chris Monson, Special Agent for Tucson
Mountain Investors, L.L.C.

(Please print or type name of
representative or assignee)

3/23/98

(date signed)

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Number of acres: _____ Full/Partial assignment

Location: _____
(Use attachment to list additional locations)

NOTE: The assignment request only changes the holder of record. If the assignment request involves Permits to Appropriate Public Water, Certificates of Water Right, or Certificates of Water Right for a stockpond, new documents will be prepared and issued according to law. The assignee(s) will be contacted at a later date regarding the issuance of these documents, if applicable.

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RECEIVED

Certificate Record No. 500

Page No. 500

1937 APR 16 AM 11:08

BUREAU OF LAND MGT.
PHOENIX, ARIZONA

STATE OF ARIZONA

WATER DISTRICT NO.

COUNTY OF PIMA

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That Joseph Portmannof Tucson, State of Arizona, has made proof
to the satisfaction of the STATE WATER COMMISSIONER of Arizona, of a right to the use of the waters ofthe Portmann Wash, a tributary of Santa Cruz River,for the purpose of Stockwatering and Domestic Useunder App. No. A-921, Permit No. A-778, of the State Water Commission, 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 recordin the Records of the State Water Commissioner at Phoenix, Arizona, in Volume 2, at page 500,on the 3d day of December, 1932; that the priority of the right hereby confirmed datesfrom February 20, 1929, 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 shallnot exceed Fifteen Hundred (1500) ~~and not more than~~ Gallons per dayA 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: Within the West
Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Ten (10), Town-
ship Thirteen (13) South, Range Twelve (12) East, G. & S. R. B. & M.,
in the County of Pima, State of Arizona.

1500 GPD = 547500 GPA 54 Use

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.Rights to the use of water for power purposes are limited to a period of forty years from the date of priority
of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the ex-
piration of the right for power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER COMMISSIONER affixed this

3d day of December, 1932By FRANK P. TROTT
State Water Commissioner.

(S E A L)

Portmann Wash
Appl 4A-921
Permit A-778
CUR 500Attest: ICIE L. HARRISON
Secretary.Recorded in State Record of Water Right Certificates, Volume 2, Page 500.

Certificate No. 500
Issued 12/3/32

*Permit No. A-778

APPLICATION FOR A PERMIT

To Appropriate the Public Waters of the State of Arizona

I, Joseph Portmann
(Name of applicant)
of Tucson, County of Pima
(Postoffice)
State of Arizona, do hereby make application for a permit to appropriate the following described public waters of the State of Arizona, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is (Portmann Wash)
the bed of an unnamed water-course generally
(Name of stream)
dry, tributary of Santa Cruz River

2. The amount of water which the applicant intends to apply to beneficial use is to water from 800
to 1000 goats
~~cubic feet per second~~

3. The use to which the water is to be applied is watering stock and household, as I have
used this water since April 1, 1926, for my herd of about 800 goats.
(Irrigation, power, mining, manufacturing,
domestic supplies, etc.)

4. The point of diversion is located at points about 1/2 mile and 1 mile South of the
(Give distance and bearing to section corner)
N. E. Cor. of Sec. 9, Tp. 13 S. R. 12 E. on the bed of a water-course which meanders
(If unsurveyed land
it should be so stated and tied to some natural object)
along the Section line between Sec. 9 and 10 and 15, 1/2 mile S.E. of Pictured
Rocks, about 3-1/4 miles South of town of Cortaro, 14 miles N. W. Tucson.

being within the E. 1/2 of Sec. 9 & W. 1/2 of 10 & W. 1/2 of 15
(Give smallest legal subdivision) of Sec. 9, 10 & 15, Tp. 13 S.
(No. N. or S.)
R. 12 E., G. and S. R. B. & M., in the County of Pima
(No. E. or W.)

5. The None
(Main ditch, canal or pipe line)
to be
miles in length, terminating in the None
(Smallest legal subdivision) of Sec. None, Tp. None
(No. N. or S.)

R. None, G. and S. R. B. & M., the proposed location being shown throughout on the accompanying map.
(No. E. or W.)

6. The name of the ditch, canal or other works is Portmann Spring

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam None feet, length on top None feet, length at bottom None feet; material to be used and character of construction None
(Loose rock, concrete
masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate None
(Timber, concrete, etc., number and size of openings)

*A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions by addressing the State Water Commissioner, Phoenix, Arizona.

MUNICIPAL SUPPLY—

11. To supply the city of _____
 _____ County, having a present population of _____, and an
 (Name of)
 estimated population of _____ in 19 _____

(Answer questions 12, 13, 14 and 15, in all cases)

12. Estimated cost of proposed works, \$ 50.00 (cost of present improvements)
13. Construction work will begin on or before No further construction
14. Construction will be completed on or before _____
15. The water will be completely applied to the proposed use on or before is now and has been applied
to the purpose of watering about 800 goats since Apr. 1 1926

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Water Commissioner, accompany this application.

Joseph Portmann

(Name of applicant)

Signed in the presence of us as witnesses:

- (1) Leon L. Graham P.O. Box 1842, Tucson, Ariz.
 (Name) (Address of witness)
- (2) Elizardo A. Jacobs Jr. P.O. Box 937, Tucson, Ariz.
 (Name) (Address of witness)

Remarks:

The source of water supply is a spring or water hole which has only a slight flow during rainy seasons. Water stands below the surface at present and is being pumped into troughs with a hand pump. Water can be found by digging in the bed of the wash at various points for $\frac{1}{2}$ mile below the spring. Aside from tapping the flow at other points along this $\frac{1}{2}$ mile, no further construction work is contemplated.

STATE OF ARIZONA, } ss.
 County of Maricopa. }

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows: In answer to Q. 1, give a name to the stream. Answer questions 2, 5, 6, 7, 12, 13, 14 and 15.

In order to retain its priority, this application must be returned to the State Water Commissioner, with corrections, on or before May 24th, 19 29.

WITNESS my hand this 25th day of March, 19 29.

(SEAL)

FRANK P. TROTT

State Water Commissioner.

STATE OF ARIZONA, }
County of Maricopa. } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper officer, under direction of the Commissioner.....

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 1500 Gallons per Day ~~cubic feet per second~~ or its equivalent in case of rotation. The priority date of this permit is February 20, 1929.

Actual construction work shall begin on or before.....and shall thereafter be prosecuted with reasonable diligence and be completed on or before Application states construction work completed.

Complete application of the water to the proposed use shall be made on or before Application states this water already in use.

WITNESS my hand this 6th day of November, 1930

(SEAL)

FRANK P. TROTT

State Water Commissioner.

Application No. A-921

Permit No. A-778

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE
STATE OF ARIZONA.

Division No.....

District No.....

This instrument was first received in the office of the State Water Commissioner at Phoenix, Arizona, on the 20th day of February, 1929, at 9:00

o'clock A. M.

Returned to applicant for correction March 25, 1929

Corrected application received May 21, 1929

Approved November 6, 1930.

Recorded in Book No. 6 of Permits, at page.....

(SEAL)

FRANK P. TROTT

State Water Commissioner.

RECORDED BY: GMS
DEPUTY RECORDER
1970 ROOS



TFNTI
US DEPT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
222 N CENTRAL AVE
PHOENIX AZ 85004

DOCKET: 10758
PAGE: 2775
OF PAGES: 11
SEQUENCE: 19980350813
03/23/98
WTDEED 17:35
MAIL
AMOUNT PAID \$ 16.00

222 North Central Avenue
Phoenix, Arizona 85004-2208

50-27704

GENERAL WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: that for and in consideration of the exchange of certain lands and interests therein as authorized by section 206 of the Federal Land Policy and Management Act of 1976, as amended, (43 U.S.C. 1716), Tucson Mountain Investors, L.L.C., an Arizona limited liability company (hereinafter "Grantor"), does hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns (hereinafter "Grantee"), and pursuant to that certain agreement styled "Saguaro National Park Land Exchange Agreement between Tucson Mountain Investors, L.L.C., an Arizona Limited Liability Company, and RTDL Limited Partnership, an Arizona Limited Partnership, and United States Department of the Interior Bureau of Land Management," entered into on March 23, 1998, the following described real property situated in Pima County, Arizona, more specifically described as:

See Attached Exhibit "A"

AFFIDAVIT EXEMPT PER A.R.S. §42-1614, A-3

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever all right, title, and interest in the above-described real property in fee simple together with all improvements thereon subject to the following matters of record as set forth on Exhibit "B". Grantor covenants and warrants that it is lawfully seized and possessed of the real property aforesaid and has the full right, power, and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances except as previously set forth, and that it will forever defend the title to the real property conveyed herein against the lawful claims and demands of all persons whomsoever.

RECEIVED
BUREAU OF
LAND MANAGEMENT
Mar 30 9 30 AM '98
ARIZONA
STATE OFFICE
PHOENIX, ARIZONA

10758 2775

This conveyance to the United States of America and its assigns is for the use of the National Park Service, Department of the Interior.

IN WITNESS WHEREOF, this Deed is hereby executed by the Grantor this 23 day of March, 1998.

TUCSON MOUNTAIN INVESTORS,
L. L. C., an Arizona limited liability company

By: Southwest Holdings, Ltd., an Arizona
corporation

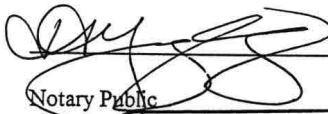
By: _____

Its: Special Agent

10758 2776

State of Arizona)
) ss.
County of Pima)

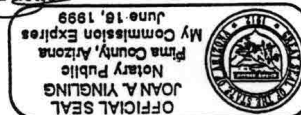
This instrument was acknowledged before me this 23rd day of March,
1998 by Chris Monson, the special agent of Southwest Holdings,
Ltd., an Arizona corporation, on behalf of TUCSON MOUNTAIN INVESTORS, L.L.C.



Notary Public

My commission expires:

6-16-99



10758 2777



CELLA BARR
ASSOCIATES
4911 EAST BROADWAY
TUCSON, ARIZONA 85711
TEL (520) 750-7474
FAX (520) 750-7470

CBA File No. 107096-03-0931
February 13, 1998
MAM0178D.DOC (1)

EXHIBIT "A"

All that portion of Sections 10 and 11 of Township 13 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

BEGINNING at the South quarter corner of said Section 10;

THENCE South $89^{\circ}29'53''$ West along the South line of Section 10 a distance of 2,643.26 feet to the Southwest corner of said Section 10;

THENCE North $00^{\circ}16'16''$ East along the West line of Section 10 a distance of 2,636.83 feet to the West quarter corner of said Section 10;

THENCE North $89^{\circ}45'10''$ East along the South line of the Northwest one-quarter of said Section 10 a distance of 659.09 feet to the Southwest corner of the East half of the Southwest one-quarter of said Northwest one-quarter;

THENCE North $00^{\circ}11'50''$ East along the West line of said East half a distance of 1,316.09 feet to the Northwest corner of said East half;

THENCE South $89^{\circ}40'37''$ West along the North line of the Southwest one-quarter of the Northwest one-quarter of said Section 10 a distance of 19.06 feet to the Southeast corner of that parcel as recorded in Docket 6497 at page 292, records of Pima County, Arizona;

THENCE North $00^{\circ}10'19''$ East along the East line of said parcel a distance of 383.11 feet;

THENCE South $60^{\circ}43'10''$ East 775.50 feet to the Southwest corner of the Northeast one-quarter of the Northwest one-quarter of said Section 10;

THENCE North $89^{\circ}40'37''$ East along the South line of said Northeast one-quarter a distance of 1,317.02 feet to the Southeast corner of the Northeast one-quarter of the Northwest one-quarter of said Section 10;

THENCE continue North $89^{\circ}40'37''$ East 484.82 feet;

THENCE North $17^{\circ}57'44''$ East 987.47 feet;

OFFICES IN ARIZONA
CALIFORNIA & NEVADA

ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE • WATER RESOURCES • SURVEYING

10758 2778



CB File No. 107096-03-0931
February 13, 1998
MAM0178D.DOC (2)

THENCE North 32°59'47" East 418.35 feet to the South right-of-way line of Belmont Road (previously known as Greenwood Road) as shown in Book 3 of Road Maps at Page 124 on file in the office of the County Engineer, Pima County, Arizona;

THENCE North 89°46'53" East along said South right-of-way line a distance of 1,574.84 feet to the East line of said Section 10;

THENCE North 89°45'56" East along said South right-of-way line a distance of 2,355.25 feet to the West line of that parcel as recorded in Book 309 of Deeds at Page 419, records of Pima County, Arizona, as said West line is shown in Book 13 of Records of Surveys at Page 2, records of said Pima County;

THENCE South 11°48'03" West (South 11°43' West record) along said West line a distance of 830.69 feet to the Southwest corner of said parcel as it is shown in Book 13 of Records of Surveys at Page 2, records of said Pima County;

THENCE South 05°01'07" East 1,249.91 feet;

THENCE South 52°57'04" West 2,064.46 feet;

THENCE South 30°40'32" West 350.80 feet;

THENCE South 30°19'40" East 138.01 feet to the North right-of-way line of Abington Road as recorded in Docket 973 at Page 505, records of Pima County, Arizona;

THENCE South 59°40'20" West (South 59°29' West record) along said North right-of-way line 32.60 feet to a point on the arc of a non-tangent curve concave to the North, a radial line of said curve through said point having a bearing of South 30°40'15" East;

THENCE Westerly along said right-of-way line, along the arc of said curve, to the right, having a radius of 1,607.02 feet, with a chord of South 69°42'17" West 573.85 feet, and a central angle of 20°45'05" for an arc distance of 582.03 feet to a non-tangent line;

THENCE South 80°20'29" West (South 80°18' West record) along said right-of-way line 365.62 feet to a point on the arc of a non-tangent curve concave to the North, a radial line of said curve through said point having a bearing of South 09°38'44" East;

10758 2779



CBA-File No. 107096-03-0931

February 13, 1998

MAM0178D.DOC (3)

THENCE Westerly along said right-of-way line, along the arc of said curve, to the right, having a radius of 3,514.07 feet, with a chord of South 85°11'31" West 592.67 feet, and a central angle of 09°40'29" for an arc distance of 593.38 feet to a non-tangent line;

THENCE North 89°57'27" West (West record) along said right-of-way line 568.61 feet to a point lying 30.00 feet Northerly of the Point of Ending of said Abington Road;

THENCE South 00°02'33" West through said Point of Ending a distance of 60.00 feet to a point lying 30.00 feet southerly of said Point of Ending, said point being on the North line of that parcel as recorded in Docket 6744 at Page 143, records of Pima County, Arizona;

THENCE North 89°57'27" West along said North line 191.89 feet to a 1/4" open pipe representing the Northwest corner of said parcel;

THENCE South 00°00'08" East along the West line of said parcel 711.67 feet (712.60 feet record) to a 1/4" open pipe on the South line of said Section 10 representing the Southwest corner of said parcel;

THENCE North 89°59'54" West along said South line 600.47 feet (601.00 feet record per said Docket 6744 at Page 143) to the POINT OF BEGINNING.

Containing 632.7800 acres or 27,563.897 square feet, more or less.

Prepared by:

Mark Alden Machen, LS



10758 2780

EXHIBIT "B"

Order No. 50000277-DY - D

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company. Rights are reserved to include additional exceptions and/or requirements with respect to any matters arising subsequent to the effective date hereof and prior to the recordation date of the transaction to be insured herein, but any such matters shall be dealt with prior to recordation hereunder.

1. **Regulations, conditions and restrictions governing use of ground water pursuant to Arizona Revised Statutes 45-101 et. Seq.**

Note: Item No. 1 shall merge with title upon recordation of Deed, vesting title into the United States of America.

2. **Property taxes, which are a lien not yet due and payable, including any personal property taxes and any assessments collected with taxes to be levied for the year 1998.**

3. **Reservations, exceptions and provisions contained in the patent from the United States of America, and in the acts authorizing the issuance thereof, recorded**

March 9, 1933, Book 168, Page 452, of Deeds

Reservations, exceptions and provisions contained in the patent from the United States of America, and in the acts authorizing the issuance thereof, recorded

March 30, 1931, Book 154, Page 62, of Deeds

Note: Item No. 3 shall merge with title upon recordation of Deed, vesting title into the United States of America.

4. **Water rights, claims or title to water, whether or not disclosed by the public records.**

10758 2781

Order No. 50000277-DY - D

5. **Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.**

Granted to: Tucson Gas Electric Light & Power Co.
Purpose: electric facilities and appurtenances and to permit the attachment of wires and fixtures of any other company and rights incident thereto
Recorded: July 21, 1942, Book 77, Page 14, of Misc. Records
Affects: A strip 10 feet wide in Section 11/with other property, East of and along the East boundary line of the El Paso Natural Gas Co.'s right-of-way as then established.

6. **Covenants, conditions and restrictions** (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in the document

Recorded: October 28, 1947, in Docket 25, Page 597

Amendment of said covenants, conditions and restrictions

Recorded: July 15, 1950, in Docket 266, Page 549

Together with the effects (if any) of that certain instrument to make null and void a portion of said CCR's affecting land described in Docket 6206, at Page 831 in Section 11; by instrument recorded in Docket 6206, at Page 837.

Thereafter having been amended by Judgment under Court Case No. 237051, recorded December 19, 1991 in Docket 9189, at Page 712.

7. Any matters arising from said land lying within the boundaries of a "Game Refuge", made reference by instrument recorded September 23, 1938 in Book 65 of Miscellaneous Records, at Page 90 and by various Deeds appurtenant to Sections 10 and 11 shown of record.

8. **Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.**

Granted to: Mountain State Telephone and Telegraph Co.
Purpose: communication facilities and the right to permit the attachment of wires of any other company and rights incident thereto
Recorded: August 21, 1940, Book 71, Page 121, of Misc. Records
Affects: A pole line parallel to and 5 feet West of the West boundary of El Paso Natural Gas Co.'s right-of-way

10758 2782

Order No. 50000277-DY - D

9. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Tucson Gas Electric Light & Power Co.
Purpose: electric facilities and appurtenances and to permit the attachment of wires and fixtures of any other company and rights incident thereto
Recorded: September 19, 1945, Book 91, Page 369, of Misc. Records
Affects: Undefined area of the SE1/4 of the SE1/4 of Section 10 and of the SW1/4 of Section 11

10. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Western Gas Co.
Purpose: to operate a pipeline and appurtenances and a telephone and telegraph line in connection therewith and a 30-foot roadway and rights incident thereto
Recorded: September 18, 1933, Book 50, Page 620, of Misc. Records
Affects: All of Section 11/with other properties

Together with additional pipeline set forth in Book 74 of Miscellaneous Records, at Page 301.

Thereafter assigned and conveyed to El Paso Natural Gas Co., as recorded in Book 190 of Deeds, at Page 544.

Affects: Sections 2, 3, 11, 13, 14 & 24 of T13S,R12E/with other properties.

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Tucson Gas Electric Light & Power Co.
Purpose: electric facilities and appurtenances and to permit the attachment of wires and fixtures of any other company and rights incident thereto
Recorded: June 26, 1946, Book 102, Page 142, of Misc. Records
Affects: Undefined area of the NW1/4 of Section 11

10758 2783

Order No. 50000277-DY - D

12. Any obligations imposed upon said land by its inclusion within the following named district.

District: Logan hills Water Company Franchise under an unrecorded Certificate of Convenience and Necessity issued by the Arizona Corporation Commission, filed in 1959 under Decision No 32-006 as granted to Charles A. Logan; thereafter assigned unto Kaye L. Dunbar and wife in 1968 under Decision No. 39-536; thereafter amended in 1985 under Decision No. 54-365 (deleting a portion of the NW1/4 of the SW1/4 of Section 2); thereafter assigned unto Wolfswinkel Group, Inc., an Arizona corporation in 1988 under Decision No. 56-091; thereafter amended in 1993 under Decision No. 58-143 (deleting a portion of the NE1/4 of the SW1/4 of Section 2); and as amended and/or assigned by any other unrecorded Order/(s) on file therewith said Corporation Commission. Said Water Co. having been disclosed of record by Docket 3269, at Page 111.

13. Possible rights that may be claimed by Pima County, Arizona in and to any portion of said land to be insured, held in "fee title" by said Pima County arising from the fact that the physical location of Abington Roadway may differ from the recorded location - (physical) as set forth by Surveyor of this transaction and (recorded) as set forth by the Deed to Pima County recorded in Docket 973, at Page 505.

NOTE: Additional requirements may be called for in order to remove this item from Schedule B, hereto.

14. An Easement for ingress, egress and utilities and rights incident thereto, as created by Deed recorded in Docket 6500, at Page 215, and instruments recorded subsequent thereto.
15. An Easement for ingress, egress and utilities and rights incident thereto, as created by Deed recorded in Docket 6503, at Page 200. and instrument/(s) recorded subsequent thereto.
16. A non-exclusive easement for ingress, egress, and utilities and rights incident thereto, recorded in Docket 6497, at Page 292; and thereafter as amended by Docket 9684, at Page 326; and recorded in Docket 7226, at Page 1432; in Docket 7435, at Page 453; in Docket 7999, at Page 2106; and in Docket 7999, at Page 2109, and any other appurtenant instruments recorded therewith.
17. Terms, conditions, easements, and any obligations arising under that certain "Grant of Right-of-Way", recorded December 21, 1981 in Docket 6681, at Page 738. (for the benefit of NW1/4 NW1/4 and SE1/4 NW1/4 of Section 10/ across a portion of the E. 30 feet of Section 4-T13S-R12E)

10758 2784

Order No. 50000277-DY - D

18. An Easement for roadways and utilities and rights incident thereto, as granted in Docket 6681, at Page 743 and in Docket 6681, at Page 746.
19. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document.

Reserved by: L. G. Lefler, Inc., an Arizona corporation (dba) DEFCO Construction
Purpose: Ingress, Egress and Utilities
Recorded: May 31, 1984, in Docket 7294, Page 524
Affects: the N. 20 feet of E1/2 SW1/4 NW1/4 of Section 10
20. Any adverse claim to any portion of said land which has been created by artificial means or which is accretion, alluvion, dereliction or avulsion with particular reference to that portion of the subject property lying within: a wash/riverbed.

END OF EXCEPTIONS

10758 2785

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: DSC
DEPUTY RECORDER
1212 R02D
TFNTI
ROBERT A FORTUNO FC



DOCKET: 10430
PAGE: 1957
NO. OF PAGES: 3
SEQUENCE: 96200572
11/27/96
DEEDBN 15:17:00

2200 E RIVER RD #115
TUCSON AZ 85716

MAIL
AMOUNT PAID \$ 13.00

104302

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, the undersigned WESTSTAR LOAN SERVICING CORPORATION, an Arizona corporation, successor to CSC Financial Services, Inc., an Arizona corporation as Trustee, the Grantor herein does hereby convey to

TUCSON MOUNTAIN INVESTORS, L.L.C., an Arizona limited liability company

the Grantee, the following real property situated in Pima County, Arizona, together with all rights and privileges appurtenant thereto, to wit:

See attached Exhibit "A"

Exempt from Affidavit of Value pursuant to A.R.S. Sec. 42-1514(B)(8)

Trustee named herein states that pursuant to the provisions of ARS 33-404, an Affidavit has been recorded in the office of the County Recorder in the above county in Docket/Book 10284 Page 1920, document (fee) # 96071979.

Subject to taxes and assessments, conditions, covenants, easements, encumbrances, exceptions, reservations, restrictions, roadways, rights, and rights of way of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of the Grantor herein and no other, subject to the matters above set forth; and further states that an acceptance of the terms of the tenants in common provision hereof in the handwriting of the Grantee appears in the contract.

Dated this 19th day of November 1996

BENEFICIARY'S APPROVAL

Southwest Holdings, Ltd., an
Arizona corporation

BY: Richard Fitzgerald
Richard Fitzgerald, President

Weststar Loan Servicing Corporation, an Arizona corporation, successor to CSC Financial Services, Inc., an Arizona corporation, as Trustee, and not personally and in no other capacity

BY: Connie Cooper
Assistant Vice President

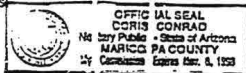
STATE OF ARIZONA

ss.

County of Maricopa

Before me this 19th day of November 1996, personally appeared Connie Cooper who acknowledged herself to be an Assistant Vice President of the Weststar Loan Servicing Corporation and that she as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation as Trustee, by herself as such officer, and not otherwise.

My commission expires



Coris Conrad
Notary Public

GE-2-437 (04/95)

10430 1957

7

Oct. 28, 1996 2:52PM WESTSTAR LOAN SERVICING CORP

No. 5075 P. 2/8

Schedule "B"

PARCEL NO. 1:

All of Section 10, Township 13 South, Range 12 East of the Gila and Salt River Base and Meridian, Pima County, Arizona;

EXCEPT therefrom, the following described property:

Beginning at a point on the South line of said Section 10, a distance of 601 feet East of the South quarter corner of said Section 10; thence easterly along the South line of said section, 1056 feet to a point; thence at right angles to said South line, 712.6 feet; thence westerly parallel to and 712.6 feet distant from said South line, a distance of 1056 feet; thence southerly at right angles to South line of said Section 10, a distance of 712 feet, more or less, to the Point of Beginning. And except that part conveyed to Pima County, Arizona by Deed recorded in Book 973 of Dockets at page 505.

EXCEPT therefrom, the Northwest quarter of Section 10, Township 13 South, Range 12 East of the Gila and Salt River Base and Meridian, Pima County, Arizona.

PARCEL 2:

All of Section 11, Township 13 South, Range 12 East of the Gila and Salt River Base and Meridian, Pima County, Arizona;

EXCEPT those portions previously conveyed by Trustee as Grantor; and
EXCEPT the following described parcels:

Parcel A:

Beginning at the Northeast corner of said Section 11; thence South 89 54' West along the northerly boundary of said Section 11, a distance of 394.69 feet; thence South 16 31' West, a distance of 31.36 feet to the True Point of Beginning; thence South 89 54' West parallel to and 30 feet southerly of the northerly boundary of said Section 11, a distance of 527.73 feet; thence South 10 59' West, a distance of 393.99 feet; thence North 89 54' East, a distance of 485.32 feet; thence North 16 51' East, a distance of 404.00 feet to the True Point of Beginning;

Parcel B:

Beginning at the quarter section corner common to Sections 2 and 11 of said Township and Range; thence South 89 36' West along the Section line common to said Sections 2 and 11, a distance of 283.34 feet to a point; thence South 11 41' West, a distance of 861.19 feet to a point; thence South 67 32' East a distance of 369.39 feet to a point; thence North 79 14' East a distance of 460.17 feet to a point; thence North 24 12' East a distance of 988.61 feet to a point in the northerly boundary of said Section 11; thence South 89 54' West along the Section line common to said Sections 2 and 11, a distance of 740.31 feet to the True Point of Beginning;

Except the northerly 30 feet thereof;

10430 1956

Oct. 20. 1959 2.3214

Parcel C:

Beginning at a point which is the Northeast corner of said Section 11, thence South 0 09' 30" East, along the East line of said Section 11, a distance of 30.00 feet to the South Right-of-Way line of Belmont Road, said point being the True Point of Beginning; thence South 0 09' 30" East along the East line of said Section 11, a distance of 386.45 feet to a point; thence South 89 54' West, a distance of 520.04 feet to a point; thence North 16 51' East, a distance of 404.00 feet to a point on the South Right-of-Way line of Belmont Road; thence North 89 54' East along the South Right-of-Way line of Belmont Road, a distance of 401.87 feet to the True Point of Beginning;

Parcel D:

And Except that part conveyed to Pima County, Arizona, by Deed recorded in Book 973 of Dockets at page 505.

Further Excepting from Parcels No. 1 and No. 2, the following described property, to-wit:

All that portion and parcel of land situated in Sections 10 and 11, in Township 13 South, Range 12 East of the Gila and Salt River Base and Meridian, Pima County, Arizona, particularly described as follows:

Beginning at the Southeast corner of said Section 10; thence West and along and on the South boundary line of said Section 10, a distance of 385.00 feet to a point; thence North 0 25' West and parallel to the East boundary of said Section 10, a distance of 808.10 feet to a point on the South Right-of-Way line of Abington Road; thence North 80 18' East along the South Right-of-Way line of Abington Road, a distance of 95.00 feet to a point; thence along the South Right-of-Way line of Abington Road and around a 3 27' curve to the left, a distance of 604.32 feet to a point; thence North 59 29' East along the South Right-of-Way line of Abington Road a distance of 29.00 feet to a point; thence South 0 28' East and parallel to the West boundary of said Section 11, a distance of 1044.00 feet to a point; thence South 89 45' West and on and along the South boundary line of said Section, a distance of 300.00 feet more or less, to the Point of Beginning, excepting therefore, the South 30.00 feet of that portion lying in said Section 11 which said 30.00 feet is a part of Sunset Road West; and embracing an area of 13.93 acres, more or less.

10430 1959

**ACTION BY CONSENT IN LIEU OF A MEETING
OF THE BOARD OF DIRECTORS OF
SOUTHWEST HOLDINGS, LTD.**

The undersigned, being all of the Directors of Southwest Holdings, Ltd., an Arizona corporation (the "Company"), acting without notice of a meeting, hereby waive notice and the holding of such meeting, and hereby consent to, adopt, and vote in favor of the following actions, decisions, and resolutions, which shall have the same force and effect as if such actions, decisions, and resolutions had been taken or made at a meeting, and which shall be effective as of the date hereof.

Whereas, the Company is a Member of Tucson Mountain Investors, L.L.C., an Arizona limited liability company ("TMI"), and TMI is the owner of the real property (the "Property") legally described in the proposed agreement attached hereto as Exhibit A (the "Agreement"), which provides for the exchange of the Property; and

Whereas, under paragraph 6.1(a) of TMI's Operating Agreement, "all actions and decisions of [TMI] shall be taken and made by the majority vote of the Members" and "majority vote of the Members" means "the vote of those Members owning a majority of the Interests in [TMI]"; and

Whereas, the Company owns a majority of the Interests in TMI;

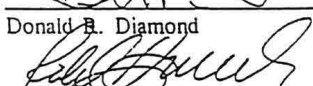
Resolved, that the Company hereby votes its Interest in TMI in favor of approving the execution and performance of the Agreement and the transaction provided for therein; and

Resolved further, that Chris Monson is hereby appointed a special agent of the Company and TMI to conduct the transaction provided for in the Agreement, and is specifically authorized and directed to perform the following acts for and on behalf of TMI and the Company (in its capacity as a Member of TMI): (i) execute and deliver the Agreement; (ii) execute, acknowledge, and deliver all other documents and instruments that may be necessary or required to convey the Property and otherwise close and perform the Agreement in accordance with its terms; and (iii) do and perform all other acts that may be necessary or required to close and perform the Agreement in accordance with its terms.

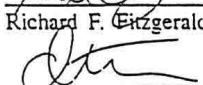
Dated and effective as of May 7, 1997.



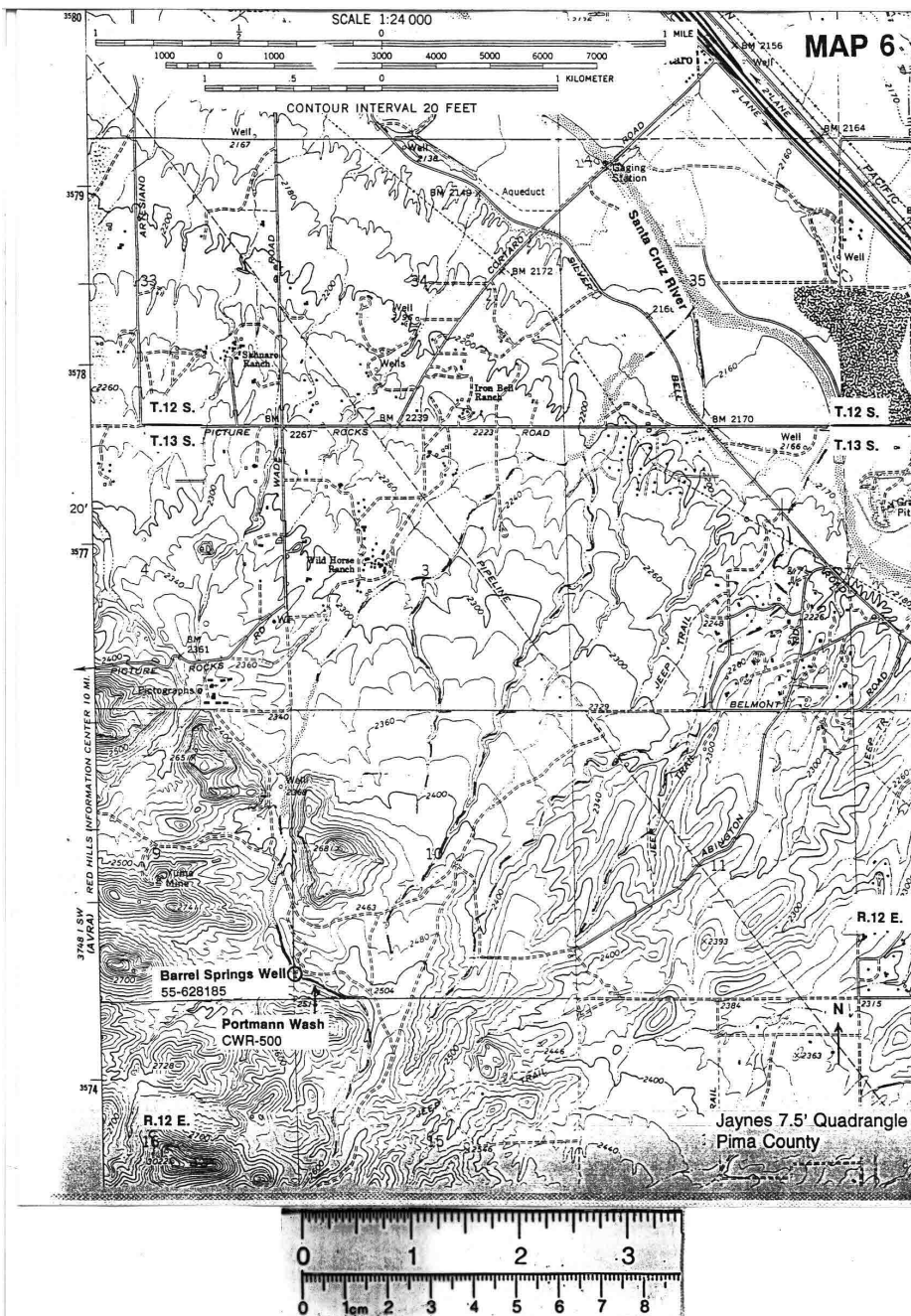
Donald B. Diamond



Richard F. Fitzgerald



David Goldstein



Docket Information

Number of Documents in Docket 41

Documents Dated from 3/25/1929 to 5/22/1998

Docket Compiled: 6/16/2011