Saguaro National Park

Docket No: 31

RINCON CREEK INSTREAM FLOW

State Water Rights Documentation

03-12-2003: Fax - To Paul Christiansen from Sarah Craighead Cover Page

MAR.12.2003 8:44AM SAGUARO NATIONALPARK NO.978 P.1

SAGUARO NATIONAL PARK

3693 S. Old Spanish Trail -- Tucson, AZ 85730-5601

520-733-5100 Fax : 520-733-5183

Rincon Mountain Visitor Center
520- 733-5153

Tucson Mountain Visitor Center
520-733-5158

DATE : 3/12/03

TO: Paul Christiansen 970-225-9965

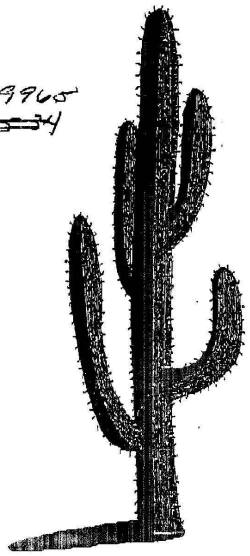
FROM: Sarah Craighead

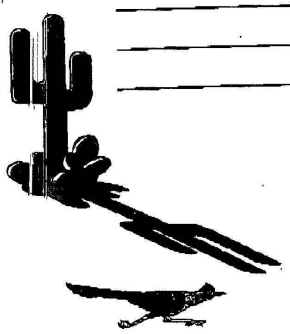
PHONE: 520-733-5101

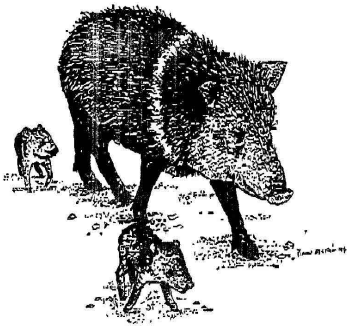
SUBJECT:

Number of Pages to follow: 13

Comments :







RECEIVED
MAR 0 8 2003
SAGUARO
NATIONAL PARK

Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004

FIRST NOTICE OF DEFICIENCY

APPLICATION FOR PERMIT TO APPROPRIATE NO. 33-96733 (INSTREAM FLOW MAINTENANCE)

Applicant Name: Saguaro National Park

Applicant Address: 3693 South Old Spanish Trail
Tucson, Arizona 85730
85730

The above referenced application is being returned for correction or completion. The following information must be provided before the application can be considered for further review and processing.

1. Item #2 – The source on the application is "Rincon Creek and Tributaries". Only one source may be claimed per application. Enclosed are additional Applications to Appropriate Public Water for your use.

2. Item #4 – The USGS gage date is not in agreement with the flows requested on the application. If a measuring point other than the USGS gage was used to determine the monthly flows, a legal location and the method used to measure flows must be provided. If the gage data is going to be used to support this application, the following monthly flows (in cfs) are all that can be substantiated:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total (acre-ft)
0.20	0.42	1.30	0.20	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	127.4

(Attached is additional information regarding gage data)

3. In Arizona, rights to the beneficial use of public, or appropriable, water are attached to the land at the place of use. The Department must see evidence of ownership of land on which the particular water right will be located. This document, which may include a **recorded deed or lease**, must show by map or describe by legal land notation the land involved.

Notice of Deficiency Prepared by Barbara L. Norton

Date Mailed March 4, 2003

To obtain additional information or assistance in completing this application, contact the above referenced individual at (602) 417-2442 or toll free (within Arizona only) 1-800-352-8488.

Per Arizona Administrative Code Rule R12-15-401(2), an applicant shall supply missing information within sixty (60) days of the date of the first Notice of Deficiency. The sixty (60) days will not include any time that the application is under review by the Department. If the application is not completed within that time period, the Department may deem the application withdrawn. The applicant may submit a written request for additional time to make corrections to the application. If the request is granted, a new date of priority will be established for the application per Arizona Revised Statute § 45-154. This date of priority will be the date the corrected application is received. **Therefore, if the information requested above is not received or a written request for additional time to make corrections to the application is not requested to the Department before May 2, 2003, this application will be deemed withdrawn. Fees will not be refunded.**

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3921
Telephone (602) 417-2442
Fax (602) 417-2424

RECEIVED SURFACE WATER DEC 10 2002

(For office use only)
Registry No: 33-96733
Date Filed: December 10, 2002

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA INSTREAM FLOW MAINTENANCE

1. Applicant Saguaro National Park Telephone 520-733-5123

   Address 3693 S. Old Spanish Trail City Tucson State AZ Zip 85730

2. Type of water source and name Public waters flowing in Rincon Creek and tributaries

   a tributary to Santa Cruz River within the Santa Cruz River watershed.
   (For office use only)

3. Describe the proposed use of the instream flow appropriation for wildlife (including fish) and/or recreation:

   Water will be used concurrently to protect recreational uses and wildlife including fish.

4. Amount of proposed instream flow appropriation (see item #9 for required attachments):

   a. Monthly instream flow requirement (cubic feet/second):

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2.90	6.60	8.24	0.90	0.07	0.05	0.02	0.89	0.17	0.08	0.05	0.39

   b. Total annual volume 1,210 acre feet/year

5. Location of proposed instream flow appropriation: County Pima

   Describe entire reach to be covered by this application, utilizing legal land parameters. Also attach a U.S.G.S. topographic quadrangle map(s) clearly showing the location of the entire reach or segment of the proposed instream flow appropriation.

   NW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W

   SW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W

   NW ¼ NE ¼, Section 16, Township 15 N/S Range 17 E/W

   ¼ NW ¼, Section 16, Township 15 N/S Range 17 E/W

   ¼ NE ¼, Section 17, Township 15 N/S Range 17 E/W

   N 1/2 ¼ NW ¼, Section 17, Township 15 N/S Range 17 E/W

Station: **RINCON CREEK NEAR TUCSON, ARIZ.**
Parameter: STREAM FLOW CFS
Year: 1952-2001
State: AZ
County: PIMA

ID: 09485000
Statistic: Mean
Latitude: 32:07:46
Longitude: 110:37:32
Elevation: 3120.00
Drainage Area: 44.80

Monthly Statistics

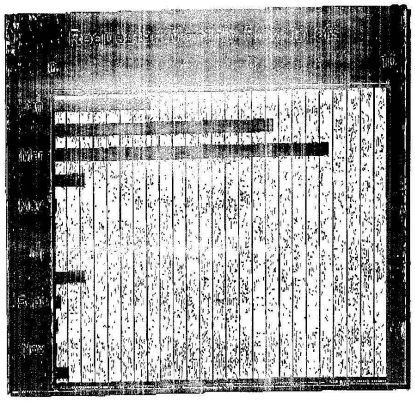
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
# Days	1065	960	1054	1020	1054	1020	1035	1009	990	1054	1020	1069	12350
Avg Day	17.22	13.50	12.26	3.00	0.155	0.056	2.11	10.06	3.04	2.62	2.25	9.19	6.29
Max Day	1400	868.0	327.0	73.00	5.80	2.90	260.0	634.0	276.0	396.0	354.0	977.0	1400
Min Day	0	0	0	0	0	0	0	0	0	0	0	0	0
# Months	34	34	34	34	34	34	32	32	33	34	34	34	32
SDev Month	46.79	23.80	18.52	5.22	0.352	0.265	2.99	15.41	5.33	8.50	8.09	24.04	7.84
Skew Month	4.25	1.78	1.96	1.90	4.27	5.65	3.47	1.99	2.01	3.92	4.77	4.20	1.95
Min Month	0	0	0	0	0	0	0	0	0	0	0	0	0.072
Max Month	247.1	75.23	74.39	17.96	1.95	1.48	12.61	63.96	19.15	42.68	44.40	129.8	33.39
Exceedances													
1%	317.3	181.2	144.9	47.20	2.69	2.00	57.20	199.9	75.50	55.98	67.40	251.3	112.0
5%	66.50	61.00	62.30	15.00	0.683	0.180	5.53	49.55	14.00	2.83	6.20	37.55	27.00
10%	32.00	28.00	35.00	10.00	0.420	0.040	0.110	21.00	3.10	0.400	1.50	16.00	11.00
20%	12.00	13.00	15.00	2.10	0.200	0	0	4.70	0.500	0.080	0.100	1.80	1.40
50%	0.200	0.420	1.30	0.200	0	0	0	0	0	0	0	0	0
80%	0	0	0	0	0	0	0	0	0	0	0	0	0
90%	0	0	0	0	0	0	0	0	0	0	0	0	0
95%	0	0	0	0	0	0	0	0	0	0	0	0	0
99%	0	0	0	0	0	0	0	0	0	0	0	0	0

Rincon Creek

Application

33-96733

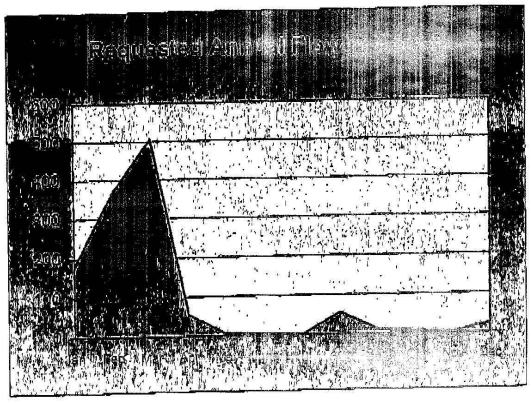
Month	# of Days	cfs	acre-ft	(value)
Jan	31	2.9	178.27	178.27
Feb	28	6.6	366.46	366.46
Mar	31	8.24	506.54	506.54
Apr	30	0.9	53.54	53.54
May	31	0.07	4.30	4.30
June	30	0.05	2.97	2.97
Jul	31	0.02	1.23	1.23
Aug	31	0.89	54.71	54.71
Sept	30	0.17	10.11	10.11
Oct	31	0.08	4.92	4.92
Nov	30	0.05	2.97	2.97
Dec	31	0.39	23.97	23.97
		total	1210.01	



(1ft^3/sec) (60sec/min) (60min/hour) (24hours/day) (28,30 or 31days/month) 7.48 gal/ft^3) (1 acre-ft/325,851gal) = Acre-Feet for Month

1cfs = 723.92 acre-ft/year = 1.983 acre-ft/day

Total Annual Volume in Acre-feet = 1210.0

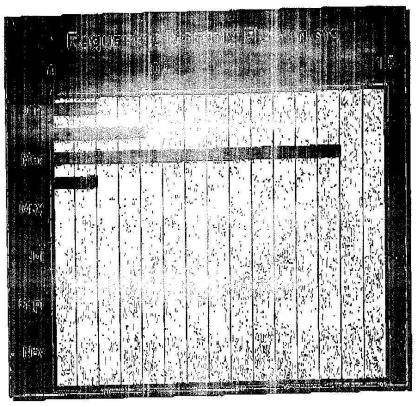


Rincon Creek

USGS Gage 09485000
1952-2001

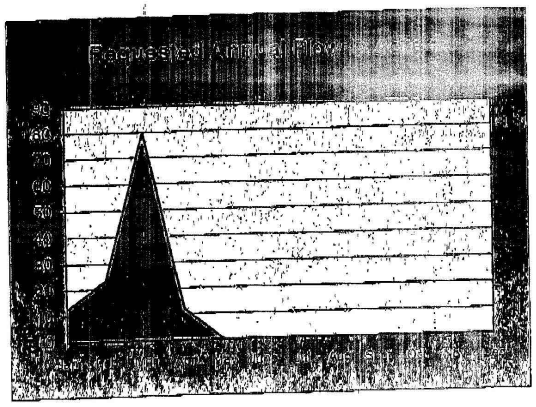
33-96733

Month	# of Days	cfs	acre-ft	(value)
Jan	31	0.2	12.29	12.29
Feb	28	0.42	23.32	23.32
Mar	31	1.3	79.91	79.91
Apr	30	0.2	11.90	11.90
May	31	0	0.00	0.00
June	30	0	0.00	0.00
Jul	31	0	0.00	0.00
Aug	31	0	0.00	0.00
Sept	30	0	0.00	0.00
Oct	31	0	0.00	0.00
Nov	30	0	0.00	0.00
Dec	31	0	0.00	0.00
		total	127.43	



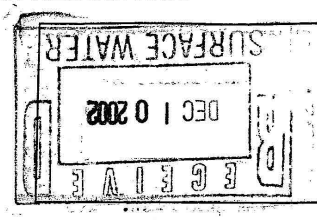
$(1ft^3/sec)$ (60sec/min) (60min/hour) (24hours/day) (28,30 or 31days/month) 7.48 gal/ft^3) (1 acre-ft/325,851gal) = Acre-Feet for Month

1cfs = 723.92 acre-ft/year = 1.983 acre-ft/day



Total Annual Volume in Acre-feet = 127.4

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3921
Telephone (602) 417-2442
Fax (602) 417-2424



(For office use only)
Registry No:_____
Date Filed:_____

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   SW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W

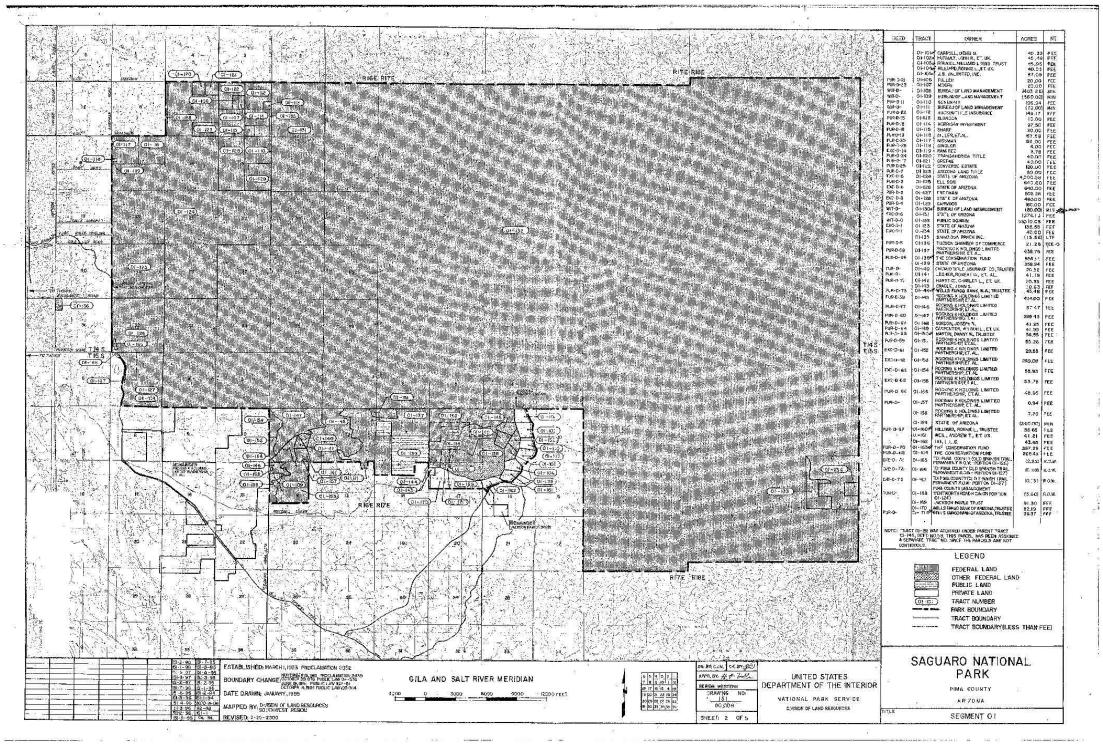
   NW ¼ NE ¼, Section 16, Township 15 N/S Range 17 E/W

   ____ ¼ NW ¼, Section 16, Township 15 N/S Range 17 E/W

   ____ ¼ NE ¼, Section 17, Township 15 N/S Range 17 E/W

   N 1/2 ¼ NW ¼, Section 17, Township 15 N/S Range 17 E/W

03-20-2003: Map of Saguaro NP



ARIZONA DEPARTMENT OF WATER RESOURCES
Surface Water Rights
3550 North Central Avenue, Phoenix, Arizona 85004
Telephone (602) 771-8500
Fax (602) 771-8688

JANET NAPOLITANO
GOVERNOR

HERB GUENTHER
DIRECTOR

April 18, 2007

National Park Service
Saguaro National Park
Sarah Craighead, Superintendent
3693 South Old Spanish Trail
Tucson, Arizona 85730

RE: Request for Approval of Extension of Time to Complete the Instream Flow Assessment for Application for Permit to Appropriate Public Water No.33-96733

Ms. Craighead:

The Arizona Department of Water Resources (Department) has approved the above referenced request.

The streamflow assessment report for Permit to Appropriate No. 33-96622 must be completed and sent to the Department on or before December 10, 2007. The licensing time frame for this application will continue to remain suspended and will not recommence until the date the required streamflow assessment is received by the Department.

If you have any questions, please contact me at (602) 771-8500.

Sincerely,

Creola Lasky

Creola Lasky
Supervisor, Surface Water

Certified Mail No. 7002 2030 0003 4794 6278

Paul Christensen
04/24/2007 04:14 PM
MDT

To: sarah_craighead@nps.gov
cc: Meg Weesner/SAGU/NPS@NPS, Don Swann/SAGU/NPS@NPS, Bill Hansen/FTCOLLINS/NPS@NPS
Subject: NPS Water Right Application --33-96733 -- Rincon Creek

Hi Sarah,

Thanks for faxing the April 18, 2007, letter from Creola Lasky, ADWR, regarding our previous request for an extension of time. As I recall, you had submitted the request for an extension last November.

The letter stated that the NPS must submit its supporting report (streamflow assessment) on or before December 10, 2007. We might or might not complete our report by this date.

So I called Ms. Lasky to see if the NPS may file another extension of time. She thought we could not, but that she would check on this. Ms. Lasky later spoke with Lisa Logan of ADWR and called me back. According to Ms. Lasky, Ms. Logan said the NPS may file another request for an extension.

If you have any questions, do contact me.

Paul

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 South Old Spanish Trail
Tucson AZ 85730

IN REPLY REFER TO:

L54

November 14, 2006

Ms. Lisa Logan
Arizona Department of Water Resources
3550 N. Central Avenue
Phoenix, AZ 85012

RE: Application for Permit to Appropriate Public Water No. 33-96733 (Rincon Creek)
Instream Flow Maintenance

Dear Ms. Logan,

The National Park Service (NPS) requests a second extension of time to submit the required report to support the above-referenced water-right application.

Progress has been made in gathering information to prepare the required report. The NPS installed three gages and a recorder on Rincon Creek in 2003. Stage and discharge measurements and water samples have been collected since then. In April 2004 seven shallow monitoring wells were constructed. Recorders were installed in three of the wells. Water level measurements and water samples have been collected since then. The extent and depth of water in stream channel pools has also been periodically measured.

In 2004, the NPS in cooperation with the Rincon Institute and the University of Arizona launched a cooperative investigation to collect and analyze hydrologic and biotic data to prepare reports describing the hydrogeology and the relationship between the occurrence of water and the viability of selected biota: (1) bottomland vegetation, (2) aquatic herpetofauna, and (3) aquatic macroinvertebrates.

In June 2006, the NPS began submitting finalized hydrologic data for Water Years 2003 through 2005 to its partners for their use in describing the hydrogeology and biota-water relationships. Data for Water Year 2006 will soon be made available. The partners began submitting draft reports for review in August 2006.

We do not expect to receive all final reports prepared by our partners until March 2007. Afterwards the NPS will begin preparing the report to support its water-right application.

We anticipate that the NPS's supporting report will be submitted to ADWR before January 2008. Thus, the NPS requests that it be granted an extension of time to December 10, 2007. If you have any questions, please contact Paul Christensen of the National Park Service's Water Resources Division at (970) 225-3534 or **paul_christensen@nps.gov.**

Sincerely,

Sarah Craighead

Sarah Craighead
Superintendent

CC: Kim Mitchell, ADWR, Phoenix, AZ
Paul Christensen, WRD, Fort Collins, CO
Peter Fahmy, WRD (SOL), Fort Collins, CO

TAKE PRIDE® IN AMERICA
It's Your Land, Lend A Hand

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

IN REPLY REFER TO:

December 20, 2004

L54 (2380)
SAGU

Arizona Department of Water Resources
Adjudication Section
PO Box 458
Phoenix, AZ 85001-0458

Re: Submission of Statement of Claimant for Water-Right Application for Rincon Creek

Dear Sir or Madam:

As requested, we submit the enclosed statement of claimant for Saguaro National Park's application for instream flow maintenance on Rincon Creek in Pima County. Attached to the statement are (1) a written description of the location of the stream reach and (2) a map showing the location of the stream reach. If you have any questions, please contact Paul Christensen of my staff at (970) 225-3534.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

(All w/enclosure)
cc: Sarah Craighead, SAGU, Tucson
Lee Leininger, DOJ, Denver
Peter Fahmy, SOL, Denver

bcc: Paul Christensen, WRB, Fort Collins

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]

UPPER SANTA CRUZ RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

For Departmental Use Only
File No. 39-
Date Filed:
WFN

1. **Claimant Name:** Saguaro National Park
   Claimant Address: 3693 S Old Spanish Trail City Tucson
   State: AZ Zip Code 85730 Telephone 520-733-5100

2. **Basis of Claim:**
   A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
   B. ☒ Appropriation Right acquired after June 12, 1919. Application No. 33-96733, 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:** 12 / 10 / 2002 (month/day/year)

4. **Use:**
   A. ☐ Municipal
   B. ☐ Commerical 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 Rincon Creek, tributary to Pantano Wash
   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 16,17 ,Township 15 N/S, Range 17 E/W
   See attached sheet for legal description

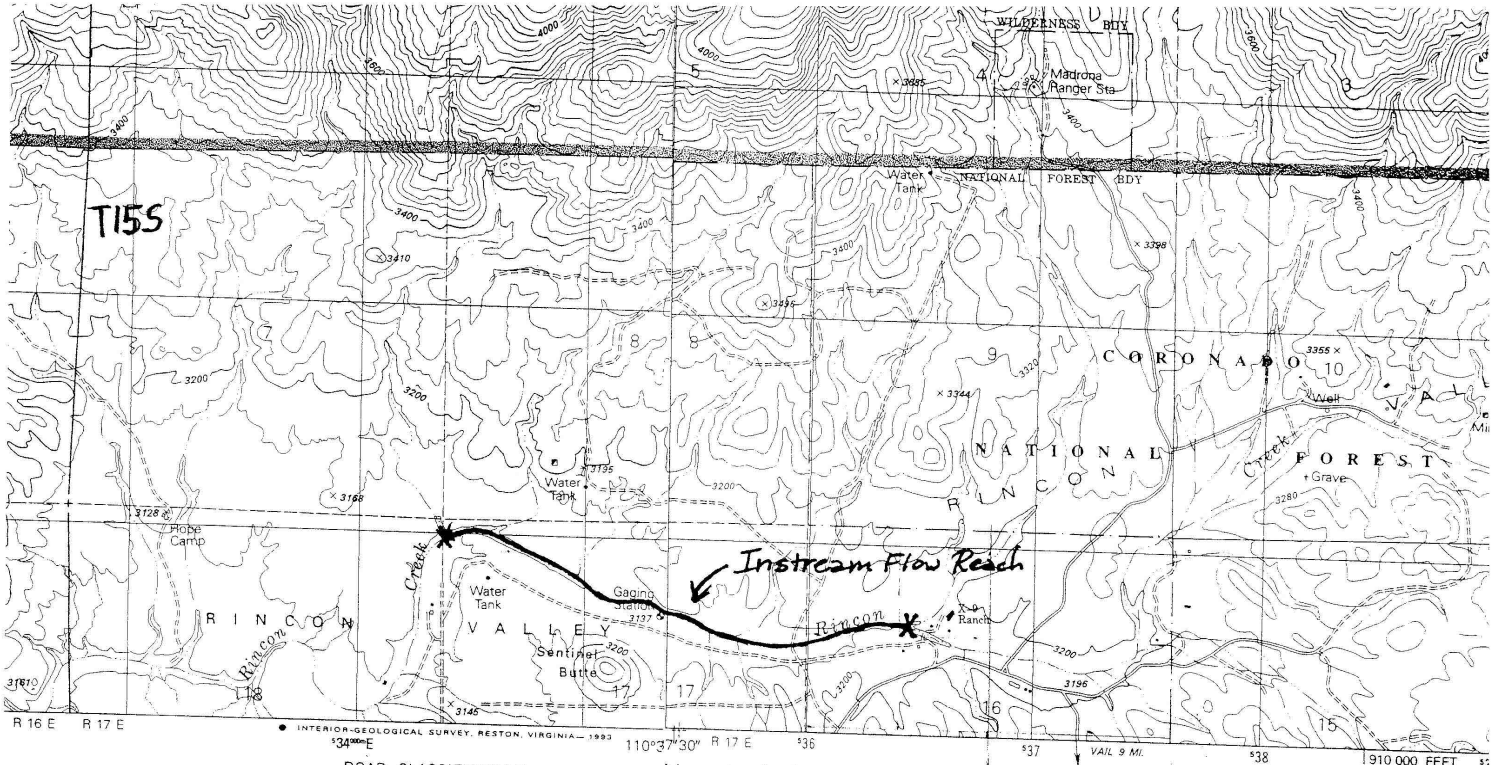
7. **If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe:** none

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: instream flow maintenance

[1] *See Instructions for explanation of uses in this category*

Place of use: Within the natural channel of Rincon Creek beginning in the Southeast quarter (SE¼)of the Northeast quarter (NE¼), section 16, Township 15 South, Range 17 East, Section 16, Township 15 South, Range 17 East, and ending in the Northwest quarter (NW¼) of the Northwest quarter (NW¼), Section 17, Township 15 South, Range 17 East, Gila and Salt River Base and Meridian, Pima County, Arizona

04-08-2004: Map of reach of concern



ROAD CLASSIFICATION

Primary highway, hard surface
Secondary highway, hard surface
Light-duty road, hard or improved surface
Unimproved road
Interstate Route
U. S. Route
State Route

TANQUE VERDE PEAK, ARIZ

32110-B6-TF-024

1981
MINOR REVISION 1993
DMA 3848 II NW-SERIES V898

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1975. Field checked 1976
Map edited 1981

Projection and 10,000-foot grid ticks: Arizona coordinate system, central zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid, zone 12
1927 North American Datum
To place on the predicted North American Datum 1983 move the projection lines 7 meters south and 61 meters east as shown by dashed corner ticks

Where omitted land lines have not been established

There may be private inholdings within the boundaries of the National or State reservations shown on this map

UTM GRID AND 1981 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

Application 33-96733
Revised location map
04/8/04

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 S. Old Spanish Trail
Tucson, Arizona 85730

IN REPLY REFER TO:

L54

April 8, 2004

Ms. Lisa Logan
Arizona Department of Water Resources
500 N. 3rd St.
Phoenix, AZ 86504

RE: Application for Permit to Appropriate Public Water No. 33-96733 (Rincon Creek) Instream Flow Maintenance

Dear Ms. Logan,

The NPS requests an extension of time to submit the required reports to support the above-referenced water-right application.

Three gages and a recorder have been installed since June 2003. Instantaneous discharge measurements have been taken since then.

The NPS in cooperation with the Rincon Institute and the University of Arizona plans to launch a cooperative investigation to collect and analyze water and biotic data to prepare a report describing the relationship between the occurrence of water and the viability of selected biota. The initiation of the cooperative investigation has been delayed by administrative matters. We, however, expect the investigations to begin soon and are scheduled for completion by June 2006. After the investigations are completed, the NPS will submit the reports.

The NPS requests that it be granted an extension to December 10, 2006, to submit the reports. If you have any questions, please contact Paul Christensen of the National Park Service's Water Resources Division at 970-225-3534 or paul_christensen@nps.gov.

Sincerely,

Sarah Craighead

Sarah Craighead, Superintendent
Saguaro National Park

cc: Kim Mitchell, ADWR, Phoenix, AZ
Paul Christensen, WRD, Fort Collins, CO
Peter Fahmy, WRD (SOL), Fort Collins, CO

TAKE PRIDE® IN AMERICA

SAGUARO NATIONAL PARK

3693 South Old Spanish Trail
Tucson AZ 85730-5601
PHONE: 520-733-5100
FAX: 520-733-5183

Tucson Mountain Visitor Center: 520-733-5158
Rincon Mountain Visitor Center: 520-733-5153

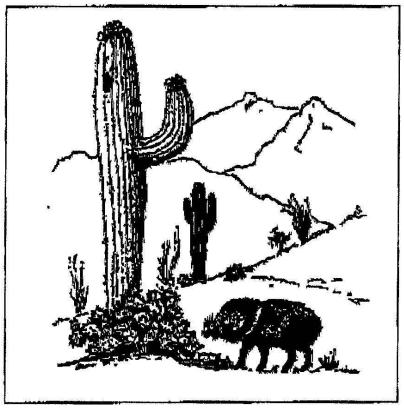
To: Paul Christiansen Date: 12/12/03
Phone Number: 970-225-3534 Fax Number: 970-225-3534 9965

From: Sarah Craighead Division:
Phone number: 520-733-5104

Number of Pages (Including cover sheet):

Subject: Saguaro

Remarks: Paul-
Do you want me to mail you the "Guides to Filing", It's about 40 pages long- too long to fax.
thanks!
sarah



ARIZONA DEPARTMENT OF WATER RESOURCES
Surface Water Rights
500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2450
Fax (602) 417-2426

JANET NAPOLITANO
GOVERNOR

HERB GUENTHER
DIRECTOR

December 8, 2003

Saguaro National Park
Attn: Sarah Craighead
3693 S. Old Spanish Trail
Tucson, Arizona 85730

RE: Application for Permit to Appropriate Public Water No. 33-96733 (Rincon Creek)
- Instream Flow Maintenance

Applicant:

As stated in the Application for a Permit to Appropriate Public Water - Instream Flow Maintenance, an applicant must develop a streamflow assessment that includes the following information: 1) substantiates the streamflow amounts requested in item 4 of the application are available at the rates specified and 2) quantifies the relationship between a claimed beneficial use(s) and requested streamflow rates. This assessment must be received by the Department no later than two years from the date the application was filed with the Department.

This letter is written to inform you that the licensing time frame for this application is hereby suspended and will not recommence until the date the required streamflow assessment is received by the Department. The file date of the above referenced application is December 10, 2002. Therefore, the streamflow assessment is due at the Department on or before December 10, 2004. Enclosed is a copy of the referenced application.

To assist you in preparing the streamflow assessment, enclosed is a Guide for Preparing a Narrative Justification for an ISF (Instream Flow) Water Right and a form that may be used for instream flow measurement notes. A more thorough document entitled "Guide to Filing Applications for Instream Flow Water Rights in Arizona" provides a discussion of numerous methodologies that can be used to assess instream flow requirements. This document should be reviewed to determine if a narrative justification is the appropriate methodology to use in assessing flow availability and instream flow needs for your claimed stream reach. Copies of the "Guide to Filing Applications for Instream Flow Water Rights in Arizona" are available through the Arizona Department of Water Resources, Hydrology Division.

DEC.12.2003 9:00AM SAGUARO NATIONALPARK NO.780 P.2

Please do not hesitate to contact me at (602) 417-2450 or Kim Mitchell in the Hydrology Division at (602) 417- 2448 if you require further information or assistance.

Sincerely,

Barbara L. Norton

Barbara L. Norton

Surface Water Rights Specialist

Enclosures

cc: Drew Swieczkowski, Section Manager, Hydrology Division

Certified Mail No. **7001 1940 0000 1285 1908**

ATTORNEYS
Ryley Carlock & Applewhite
A PROFESSIONAL ASSOCIATION

Cynthia M. Chandley
DIRECT LINE: 602/440-4851
DIRECT FAX: 602/257-6951
EMAIL: cchandley@rcalaw.com

November 11, 2003

RECEIVED
NOV 1 [illegible] 2003
SAGUARO
NATIONAL PARK

Margaret W. Weesner
Acting Superintendent
Saguaro National Park
United States Department of Interior
National Park Service
3693 South Old Spanish Trail
Tucson, Arizona 85730

Re: Application for Permit to Appropriate Public Waters No. 33-96733 (Rincon Creek) (NPS Reference Number L54 (SAGU))

Dear Ms. Weesner:

We have reviewed your response dated October 21, 2003 to the protest submitted on behalf of Phelps Dodge Corporation ("Phelps Dodge") regarding your Application for Permit to Appropriate Public Waters, Number 33-96733 ("the Application"). The Application seeks to obtain a permit from the Arizona Department of Water Resources ("ADWR") for an appropriative water right to instream flows in Rincon Creek. In your response, you requested that Phelps Dodge withdraw its protest to the Application.

Phelps Dodge does not intend to withdraw its protest, and, for the same reasons set forth in the protest, maintains that the Application is contrary to state law. Phelps Dodge disagrees with your position that the legal bases for the protest are not well-grounded. Your response refers to ADWR's decision in Arizona's Office of Administrative Hearings Case Number 02A-SW002-DWR. That administrative decision, which relates to a United States Forest Service application to appropriate instream flows in Cherry Creek, currently is the subject of a request for judicial review in the Superior Court of Arizona, Maricopa County. At this point, it is premature to treat ADWR's decision as precedent for the agency's authority to act on the Application.

A decision on the Application would be imprudent for the additional reason that "subflow" determinations continue to be litigated in Arizona's general stream adjudications. The Arizona Supreme Court adopted a test for determining whether wells are pumping non-appropriable groundwater or appropriable "subflow." See In re General Adjudication of All Rights to Use Water in the Gila River Sys. and Source, 198 Ariz. 330, 9 P.3d 1069 (2000). The application of this "subflow" test to particular water users is still uncertain. As a result, the

One North Central Avenue, Suite 1200, Phoenix, Arizona 85004-4417, Telephone 602-258-7701, Facsimile 602-257-9582, www.rcalaw.com

extent of groundwater rights and surface water rights in the vicinity of Rincon Creek cannot be determined. In light of this uncertainty, consideration of the Application should, at a minimum, be postponed. It would be contrary to "the interests and welfare of the public" for ADWR to approve additional surface water rights when their impact on existing water rights to surface water and groundwater is unknown. A.R.S. § 45-153(A).

Phelps Dodge respectfully disagrees with the position taken in your response and requests that the Application be withdrawn. Please feel free to contact me if you wish to discuss this further.

Sincerely,

Cynthia M. Chandley

c: Chuck Pettee, National Park Service, Water Rights Branch
Peter Fahmy, Department of the Interior, Office of the Solicitor
Rose Mae Nokes, Records, Arizona Department of Water Resources
Lawrence J. Corte, Esq., Phelps Dodge Corporation

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 S. Old Spanish Trail
Tucson, Arizona 85730

IN REPLY REFER TO:
L54 (SAGU)

October 23, 2003

Barbara L. Norton
Arizona Department of Water Resources
Surface Water Rights
500 North Third Street
Phoenix, AZ 85004

RE: Application for Permit to Appropriate Public Water No. 33-96733 – Instream Flow

Dear Ms. Norton,

The National Park Service (NPS) has completed the posting and publication of the above-mentioned application. The Affidavit of Posting and Publication (with attachments) and Notice of Application to Appropriate Public Water are attached as per your September 2, 2003, letter. As I understand, this information is to be submitted to you by November 1, 2003.

If you have any questions regarding this submission, please contact Paul Christensen of the NPS's Water Resources Division in Fort Collins, Colorado, at 970-225-3534.

Sincerely,

Margaret W Weesner

Margaret W. Weesner
Acting Superintendent

Enclosures

cc: Paul Christensen, NPS, Fort Collins (w/ copy of enclosures)
Peter Fahmy, Water Rights Attorney, Office of the Solicitor
Chuck Pettee, NPS, Fort Collins

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ARIZONA DEPARTMENT OF WATER RESOURCES
500 North Third Street
Phoenix, Arizona 85004

AFFIDAVIT OF POSTING AND PUBLICATION

STATE OF ARIZONA)
)ss.
County of Pima)

Application No. 33-96733

Margaret W. Weesner, being first duly sworn, state the following:
Acting Superintendent

1. One copy of the Notice associated with the above referenced application was posted at the point of diversion of water within twenty (20) days of the date of issuance of the notice and remained posted for three consecutive weeks.

2. An abbreviated notice associated with the above referenced application was published in the newspaper identified by the Department of Water Resources. The first publication was within twenty (20) days of the date of issuance of the notice and the notice was published once per week for three consecutive weeks.

3. Required Attachment: Affidavit of Publication from the appropriate newspaper.

Margaret W Weesner
Affiant

Subscribed and sworn to me this 23 day of October, 2003.

OFFICIAL SEAL
CLARA GAUNA
NOTARY PUBLIC - ARIZONA
PIMA COUNTY
My Comm. Expires May 13, 2006
Notary Seal

Clara Gauna
Notary Public

My commission expires May 13, 2006

Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATER (INSTREAM FLOW MAINTENANCE)

In the matter of application assigned number 33-96733. Saguaro National Park has filed an Application for Permit to Appropriate Public Water dated December 10, 2002. An instream flow right is a surface water right that remains in-situ, or "in-stream" and will not be physically diverted or consumptively used.

The application states:

1. Source of Water: Rincon Creek, a tributary to the Santa Cruz River, within the Santa Cruz River watershed.

2. Proposed uses and amount: 1,210 acre-feet per annum for recreation and wildlife, including fish.

3. Places of use: Within the natural channel of Rincon Creek beginning in the Southeast quarter of the Northwest quarter (SE¼NW¼), Section 16, Township 15 South, Range 17 East, and ending in the Northwest quarter of the Northwest quarter (NW¼NW¼), Section 17, Township 15 South, Range 17 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

SUBMITTED MAPS AVAILABLE AT THE DEPARTMENT OF WATER RESOURCES

Protests to the issuance of the Permit to Appropriate Public Water may be filed by any person who alleges that the proposed appropriation conflicts with vested water rights, is a menace to public safety, or is against the interests and welfare of the public. Protests must be submitted either in writing or on a form provided by the Department to the Arizona Department of Water Resources, Surface Water Rights, 500 North Third Street, Phoenix, Arizona 85004, within sixty (60) days of the date of issuance of the Notice. A copy of the stated protests must also be forwarded to the applicant.

The Notice is issued this 2nd day of September, 2003.

ARIZONA DEPARTMENT OF WATER RESOURCES

posted 9/11/03
removed 10/15/03

Applicant: Sarah Craighead, Superintendent
Saguaro National Park
3693 South Old Spanish Trail
Tucson, AZ 85730
(520) 733-5101

Arizona Daily Star
www.azstarnet.com

Tucson Citizen
www.tucsoncitizen.com

TUCSON'S NEWSPAPERS
www.tucson.com

NOTICE
The Department of Water Resources is in receipt of application 33-96733, an Application for Permit to Appropriate Public Water - Instream Flow.
Uses: 1.210 afa for recreation and wildlife, including fish.
Source: Rincon Creek
Places of use: beginning SE1/4NW1/4, Sec. 16, T.15S., R.17E. ending NW1/4NW1/4, Sec. 17, T.15S., R.17E.
Contact Louise Hutchinson at (602) 417-2442 regarding this application and your ability to participate in this process.
Publish September 10, 17, and 24, 2003
The Arizona Daily Star
Tucson Citizen

STATE OF ARIZONA
COUNTY OF PIMA

Janice Anderson, being first duly sworn, upon oath deposes and says:

That he/she is the agent of TUCSON NEWSPAPERS, publishers of THE ARIZONA DAILY STAR / TUCSON CITIZEN, newspapers of general circulation in the County of Pima, State of Arizona, published at Tucson, Arizona, and that the statement hereto attached is a true representation of the advertisement published in the said paper(s) 3 times on the following days:

Sep 10 2003 in class 918 T-Tucson Classifieds - Daily
Sep 17 2003 in class 918 T-Tucson Classifieds - Daily
Sep 24 2003 in class 918 T-Tucson Classifieds - Daily

Janice Anderson
Agent

Subscribed and sworn to before me this 24th day of September, A.D. 2003

VALERIE S. GONZALES
Notary Public – Arizona
Pima County
Expires 09/30/06

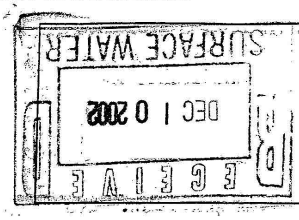
My Commission Expires

Notary Public Valerie S Gonzales

M267203983801

L54

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3921
Telephone (602) 417-2442
Fax (602) 417-2424



(For office use only)

Registry No:_____

Date Filed:_____

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA INSTREAM FLOW MAINTENANCE

1. Applicant Saguaro National Park Telephone 520-733-5123

   Address 3693 S. Old Spanish Trail City Tucson State AZ Zip 85730

2. Type of water source and name Public waters flowing in Rincon Creek and tributaries

   a tributary to Santa Cruz River within the _____ watershed.
   (For office use only)

3. Describe the proposed use of the instream flow appropriation for wildlife (including fish) and/or recreation:

   Water will be used concurrently to protect recreational uses and wildlife including fish.

4. Amount of proposed instream flow appropriation (see item #9 for required attachments):

   a. Monthly instream flow requirement (cubic feet/second):

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2.90	6.60	8.24	0.90	0.07	0.05	0.02	0.89	0.17	0.08	0.05	0.39

   b. Total annual volume 1,210 acre feet/year

5. Location of proposed instream flow appropriation: County Pima

   Describe entire reach to be covered by this application, utilizing legal land parameters. Also attach a U.S.G.S. topographic quadrangle map(s) clearly showing the location of the entire reach or segment of the proposed instream flow appropriation.

   NW ¼ SE ¼, Section 9, Township 15 N/(S) Range 17 (E)/W

   SW ¼ SE ¼, Section 9, Township 15 N/(S) Range 17 (E)/W

   NW ¼ NE ¼, Section 16, Township 15 N/(S) Range 17 (E)/W

   _____ ¼ NW ¼, Section 16, Township 15 N/(S) Range 17 (E)/W

   _____ ¼ NE ¼, Section 17, Township 15 N/(S) Range 17 (E)/W

   N 1/2 ~~¼~~ NW ¼, Section 17, Township 15 N/(S) Range 17 (E)/W

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 S. Old Spanish Trail
Tucson, Arizona 85730

IN REPLY REFER TO:
L54 (SAGU)

October 21, 2003

Ms. Cynthia M. Chandley
Ryley Carlock & Applewhite
1 North Central Avenue, Suite 1200
Phoenix, AZ 85004

Re: Protest to Application for Permit to Appropriate Public Waters No. 33-96733 – Instream Flow (Rincon Creek)

Dear Ms. Chandley:

On October 1, 2003, we received a copy of the protest you submitted on behalf of Phelps Dodge Corporation to the Arizona Department of Water Resources (ADWR) for the application referenced above. This letter is an attempt to resolve the issues that were raised in the protest to the application and to appeal to you to withdraw the protest.

Under the Arizona Revised Statutes, the grounds to protest an application must fall within three categories: (1) conflict with a prior vested right; (2) menace to public safety; and, (3) contrary to the public interest and welfare. Your letter stated that the grounds for objecting to the application were limited to your contention that approval of the application would be contrary to the public interest and welfare.

We respectfully disagree with your contention that approval of the application would be contrary to the public interest and welfare. On the contrary, we believe that the application furthers the goal stated in Governor Rose Mofford's executive order (EO 91-6: February 14, 1991) of preserving, maintaining, and restoring instream flows throughout the state of Arizona. Furthermore, we do not believe that instream flow water rights impede the transfer of the historic consumptive use of vested or existing water rights. Finally, for the reasons set forth in the "Decision of the Administrative Law Judge" in case no. 02A-SW002-DWR, we believe that legal arguments raised in the protest are not well-grounded. Therefore, we request that you withdraw the protest with a letter to the Arizona Department of Water Resources. If you have any questions or need clarification, please contact Mr. Peter Fahmy of the Solicitor's Office at (303) 231-5353, extension 222.

TAKE PRIDE® IN AMERICA

Sincerely yours,

Margaret W. Weesner

Margaret W. Weesner
Acting Superintendent
Saguaro National Park

cc: Chuck Pettee (Chief, NPS Water Rights Branch)
Peter Fahmy (Water Rights Attorney, Office of the Solicitor)

SAGUARO NATIONAL PARK

3693 South Old Spanish Trail
Tucson AZ 85730-5601
PHONE: 520-733-5100
FAX: 520-733-5183

Tucson Mountain Visitor Center: 520-733-5158
Rincon Mountain Visitor Center: 520-733-5153

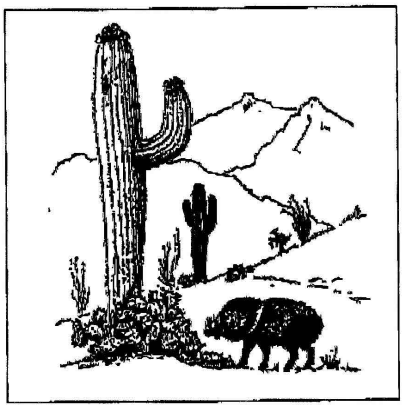
To: Paul Christiansen Date: 9/24/03
Phone Number: _____ Fax Number: ~~303-844-6884~~ 970-225-9965

From: Sarah Craighead Division: _____
Phone number: 520-733-5101

Number of Pages (Including cover sheet): 3 4

Subject: _____

Remarks: _____



ATTORNEYS
Ryley Carlock & Applewhite
A PROFESSIONAL ASSOCIATION

Cynthia M. Chandley
Direct Line: 602-440-4851
Direct Fax: 602-257-6951
E-mail: cchandley@rcalaw.com

September 22, 2003

Certified Mail/R.R.R.

Herb Guenther
Director
Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004-3903

RECEIVED
SEP 2 3 2003
SAGUARO
NATIONAL PARK

Re: Opposition of Phelps Dodge Corporation to Instream Flow Permit Application No. 33-96733 in Rincon Creek, a tributary to the Santa Cruz River

Dear Mr. Guenther:

Phelps Dodge Corporation ("Phelps Dodge") recently was notified of Saguaro National Park's December 10, 2002 application requesting an instream flow permit covering 1,210 acre-feet per year in Rincon Creek to support recreation and wildlife, including fish. Phelps Dodge opposes this application for the reasons stated below.

Saguaro National Park's application should be denied because approval of the application would be contrary to the public interest and welfare.[1/] Arizona's streams must continue to accommodate a growing demand for surface water. Key tools for effective water management, such as transferring existing appropriative rights,[2/] could be unavailable if ADWR legitimated instream flow uses. Saguaro National Park's proposed instream flow uses impede the public's use of an extremely scarce and valuable resource.

There are other risks to the public in ADWR's consideration of the Application and others like it. ADWR's treatment of requests for instream flow rights violates both constitutional guarantees of due process[3/] and statutory constraints on administrative agency action. The Arizona Legislature has not authorized permits for instream uses of surface water.[4/]

[1/] See A.R.S. § 45-153(A) ("[W]hen the application or the proposed use conflicts with vested rights, . . . or is against the interests and welfare of the public, the application shall be rejected.").

[2/] See, e.g., A.R.S. § 45-172(A)(2) (providing that "[v]ested or existing rights to the use of water shall not be affected, infringed upon nor interfered with" by a severance and transfer of water rights).

[3/] See Ariz. Const. art. 2, sec. 4.

[4/] A Court of Appeals decision regarding the State Game and Fish Department's efforts to stock fish in a private

One North Central Avenue, Suite 1200, Phoenix, Arizona 85004-4417, Telephone 602-258-7701, Facsimile 602-257-9582, www.rcalaw.com

SEP.24.2003 3:44PM SAGUARO NATIONAL PARK NO.140 P.2

Instream flow uses are not recognized as purposes for which surface water may be appropriated,[5/] even appropriations specifically for recreation or wildlife uses.[6/] Even if there were statutory authority for instream appropriations, ADWR never engaged in formal rulemaking to ensure that its procedures take into account all parties potentially affected by requests for instream flow rights. ADWR appears to follow procedures first described in "A Guide to Filing Applications for Instream Flow Water Rights in Arizona" in 1991, which has never been promulgated as a regulation in accordance with Arizona's Administrative Procedures Act,[7/] and which does not require ADWR to provide third parties with notice and an opportunity to be heard. ADWR's persistence in approving rights to instream flows without legislative authority diminishes Arizonans' water rights without notice or hearings and compounds the uncertainty that Arizona's general stream adjudications seek to resolve. For these reasons, Phelps Dodge protests this Application, as it has protested similar applications in the past.

Phelps Dodge requests that ADWR reject Saguaro National Park's application, or, alternatively, withhold decision on the Application and all others until the Arizona Legislature authorizes ADWR to act on requests for instream flow rights. Please contact me if you would like to discuss these matters in more detail.

Sincerely,

Cynthia M. Chandley
Attorney for Phelps Dodge Corporation

---

lake does not support an argument that the Arizona Legislature has authorized instream uses. See McClellan v. Jantzen, 26 Ariz. App. 223, 547 P.2d 494 (1976). When an owner of water rights in a lake objected to a state agency's application for an appropriative right, the court held that the state agency was not appropriating water simply by putting fish in the lake. See id. at 226, 547 P.2d at 497. No appropriative act, much less an appropriative right, was at issue for the court to discuss. The court nevertheless discussed Arizona's appropriation statutes and legislative intent regarding *in situ* appropriative rights. See id. at 225, 547 P.2d at 496. However, the Jantzen court's discussion is *dictum*, and not legal precedent to support ADWR's apparent conclusion that surface water may be appropriated without a diversion.

5/ See A.R.S. § 45-151(A) (setting forth bases for acquiring an appropriative right) and A.R.S. § 45-151(B) (providing for the construction of "necessary waterways" by which an appropriator may beneficially use water); see also A.R.S. § 45-141(B) ("Beneficial use shall be the basis, measure and limit to the use of water."); A.R.S. § 45-181(1) (defining beneficial use, with no reference to instream uses).

6/ See A.R.S. § 45-152(B)(6) (requiring that an application "for recreation or wildlife, including fish" identify "the area" where an applicant plans to use the appropriated water and describe "the specific purposes for which such area shall be used."). The most sensible reading of this provision is that water appropriated to support recreation or wildlife, including fish, must be used in some location other than the stream itself.

7/ See A.R.S. §§ 41-1001, et seq.

Ryley Carlock & Applewhite

cc: Saguaro National Park, 3693 S. Old Spanish Trail, Tucson, Arizona 85730
Arizona Department of Water Resources, Records Department
Lawrence J. Corte, Esq.
William F. Richardson

ARIZONA DEPARTMENT OF WATER RESOURCES
Surface Water Rights
500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2442
Fax (602) 417-2424

JANET NAPOLITANO
Governor

HERB GUENTHER
Director

September 29, 2003

RECEIVED
OCT 01 2003
SAGUARO
NATIONAL PARK

Saguaro National Park
Attn: Sarah
3693 S. Old Spanish Trail
Tucson, Arizona 85730

RE: Application for Permit to Appropriate Public Water No. 33-96733 (Rincon Creek)

Sarah:

Enclosed is a copy of a protest submitted by Phelps Dodge Corporation against the referenced application. Carefully review the issues brought forth. The Department requests that you respond **directly to the protesting party** within thirty (30) days from the date of this letter.

The Department of Water Resources urges both parties to make a sincere effort at resolving the protest. It is requested that both parties attempt to negotiate a resolution of the issues. The negotiation may include an agreement to modify the application.

The Department must be notified of any agreement reached through negotiation. Please send copies of all correspondence for inclusion in the official record.

If you have any questions, please call me at (602) 417-2442.

Sincerely,

Barbara L. Norton

Barbara L. Norton
Surface Water Rights Specialist

bln

Enclosure

OCT. 2.2003 11:03AM SAGUARO NATIONALPARK NO.203 P.2

SAGUARO NATIONAL PARK

3693 South Old Spanish Trail
Tucson AZ 85730-5601
PHONE: 520-733-5100
FAX: 520-733-5183

Tucson Mountain Visitor Center: 520-733-5158
Rincon Mountain Visitor Center: 520-733-5153

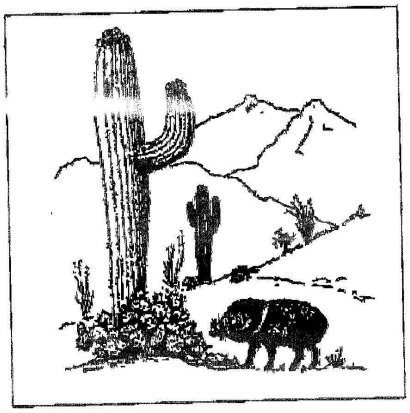
To: Paul Christiansen Date: 9/4/03
Phone Number: _____ Fax Number: 970-225-9965

From: Sarah Craideed Division: _____
Phone number: 520-733-5101

Number of Pages (Including cover sheet): 4

Subject: _____

Remarks: _____



SEP. 4.2003 9:07AM SAGUARO NATIONALPARK NO.923 P.1

ARIZONA DEPARTMENT OF WATER RESOURCES
Surface Water Rights
500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2442
Fax (602) 417-2424

JANET NAPOLITANO
Governor

HERB GUENTHER
Director

RECEIVED
SEP 08 2003
SAGUARO
NATIONAL PARK

September 2, 2003

Saguaro National Park
Attn: Sarah
3693 S. Old Spanish Trail
Tucson, Arizona 85730

RE: Application for Permit to Appropriate Public Water No. 33-96733 – Instream Flow

Sarah:

Enclosed is one copy of the Notice of Application to Appropriate Public Water, an abbreviated notice to be published by legal publication, and an Affidavit of Posting and Publication form for the referenced application.

The Notice of Application to Appropriate Public Water must be posted at the claimed point of diversion within twenty (20) days from the date of issuance appearing at the bottom thereof. The notice must remain posted continuously for 3 consecutive weeks. The abbreviated notice must be published as a legal publication once per week for 3 consecutive weeks with the first publication being within 20 days from the date of issuance of the notice. The notice must be published in:

Arizona Daily Star
P.O. Box 26807
Tucson, Arizona 85726-6807
(520) 573-4220

Applicants must return the Affidavit of Posting and Publication and the Notice of Application to Appropriate Public Water to the Department no later than 60 days after the date of issuance listed in the notice.

Please do not hesitate to contact me if you require further information or assistance.

Sincerely,

Barbara L. Norton

Barbara L. Norton
Surface Water Rights Specialist

Enlosures

Arizona Department of Water Resources
[illegible] Street
Phoenix, Arizona 85004

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATER (INSTREAM FLOW MAINTENANCE)

In the matter of application assigned number 33-96733. Saguaro National Park has filed an Application for Permit to Appropriate Public Water dated December 10, 2002. An instream flow right is a surface water right that remains in-situ, or "in-stream" and will not be physically diverted or consumptively used.

The application states:

1. Source of Water: Rincon Creek, a tributary to the Santa Cruz River, within the Santa Cruz River watershed.

2. Proposed uses and amount: 1,210 acre-feet per annum for recreation and wildlife, including fish.

3. Places of use: within the natural channel of Rincon Creek beginning in the Southeast quarter of the Northwest quarter (SE¼NW¼), Section 16, Township 15 South, Range 17 East, and ending in the Northwest quarter of the Northwest quarter (NW¼NW¼), Section 17, Township 15 South, Range 17 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

SUBMITTED MAPS AVAILABLE AT THE DEPARTMENT OF WATER RESOURCES

Protests to the issuance of the Permit to Appropriate Public Water may be filed by any person who alleges that the proposed appropriation conflicts with vested water rights, is a menace to public safety, or is against the interests and welfare of the public. Protests must be submitted either in writing or on a form provided by the Department to the Arizona Department of Water Resources, Surface Water Rights, 500 North Third Street, Phoenix, Arizona 85004, within sixty (60) days of the date of issuance of the Notice. A copy of the stated protests must also be forwarded to the applicant.

The Notice is issued this 2nd day of September, 2003.

ARIZONA DEPARTMENT OF WATER RESOURCES

NOTICE

The Department of Water Resources is in receipt of application 33-96733, an Application for Permit to Appropriate Public Water - Instream Flow.

Uses: [illegible] and wildlife, including fish.

Source: Rincon Creek

Places of use: beginning SE¼NW¼, Sec.16, T.15S., R.17E.
ending NW¼NW¼, Sec.17, T.15S., R.17E.

Contact Louise Hutchinson at (602) 417-2442 regarding this application and your ability to participate in this process.

SEP. 4.2003 9:09AM SAGUARO NATIONAL PARK NO.924 P.1

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 S. Old Spanish Trail
Tucson, Arizona 85730

IN REPLY REFER TO:
L54

June 9, 2003

Ms. Barbara L. Norton
Arizona Department of Water Resources
500 North Third Street
Phoenix, AZ 85004

RE: Application for Permit to Appropriate No. 33-96733 (Instream Flow Maintenance)

The National Park Service (NPS) received the Notice of Completeness, dated April 28, 2003, for the above-mentioned application. In "A Guide to Filing Applications for Instream Flow Water Rights in Arizona" dated November 1997, it is stated on page 4:

> Once an application is judged to be complete and correct an official public notice of the proposed appropriation will be drafted by ADWR. This public notice ... is to be posted by the applicant for 30 days in the locality to be affected by the proposed appropriation. An affidavit of posting notice must be submitted by the applicant after the period of public notice....

The NPS is anxious to proceed with posting of the public notice, so that it may proceed with resolving protests, if any, to the application. Thus, I inquire when this public notice will be made available to the NPS. As I understand, a notice will also be published in a local newspaper. It is unclear to me whether it is the responsibility of ADWR or the NPS to publish this notice in the local newspaper. Please let me know whose responsibility it is to publish the notice in the newspaper.

Your assistance is greatly appreciated. Should you have any questions, please contact Paul Christensen of the NPS's Water Resources Division at 970-225-3534.

Sincerely,

Sarah Craighead

Sarah Craighead
Superintendent, Saguaro National Park

cc: Paul Christensen, Water Resources Division, Fort Collins, CO

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 S. Old Spanish Trail
Tucson, Arizona 85730

IN REPLY REFER TO:
L54

June 9, 2003

Ms. Barbara L. Norton
Arizona Department of Water Resources
500 North Third Street
Phoenix, AZ 85004

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Your assistance is greatly appreciated. Should you have any questions, please contact Paul Christensen of the NPS's Water Resources Division at 970-225-3534.

Sincerely,

Sarah Craighead

Sarah Craighead
Superintendent, Saguaro National Park

cc: Paul Christensen, Water Resources Division, Fort Collins, CO

Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004

NOTICE OF COMPLETENESS

APPLICATION FOR PERMIT TO APPROPRIATE NO. 33-96733 (INSTREAM FLOW MAINTENANCE)

Applicant Name	Saguaro National Park
Applicant Address	3693 S. Old Spanish Trail Tucson, Arizona 85730

The applicant is hereby informed that the above referenced application has been determined to be complete and correct.

This terminates the administrative completeness review time frame and initiates the substantive review time frame as described by Arizona Revised Statutes § 41-1072.

Notice of Completeness Prepared by	Barbara L. Norton
Date Mailed	April 28 2003

ZONA DEPARTMENT OF WATER RESOURCES
RFACE WATER RIGHTS
AIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3921
Telephone (602) 417-2442
Fax (602) 417-2424

SURFACE WATER
DEC 10 2002
RECEIVED

(For office use only)
Registry No: 33-96733
Date Filed: December 10, 2002

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA INSTREAM FLOW MAINTENANCE

1. Applicant Saguaro National Park Telephone 520-733-5123
   Address 3693 S. Old Spanish Trail City Tucson State AZ Zip 85730

2. Type of water source and name Public waters flowing in Rincon Creek ~~and tributaries~~ SC ✓
   a tributary to Santa Cruz River within the Santa Cruz River watershed.
   (For office use only)

3. Describe the proposed use of the instream flow appropriation for wildlife (including fish) and/or recreation:
   Water will be used concurrently to protect recreational uses and wildlife including fish.

4. Amount of proposed instream flow appropriation (see item #9 for required attachments):

   a. Monthly instream flow requirement (cubic feet/second):

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2.90	6.60	8.24	0.90	0.07	0.05	0.02	0.89	0.17	0.08	0.05	0.39

   b. Total annual volume 1,210 acre feet/year

5. Location of proposed instream flow appropriation: County Pima

   Describe entire reach to be covered by this application, utilizing legal land parameters. Also attach a U.S.G.S. topographic quadrangle map(s) clearly showing the location of the entire reach or segment of the proposed instream flow appropriation.

   ~~NW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W~~ SC ✓
   ~~SW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W~~ SC ✓
   ~~NW ¼ NE ¼, Section 16, Township 15 N/S Range 17 E/W~~ SC ✓
   NE ¼ NW ¼, Section 16, Township 15 N/S Range 17 E/W
   NW ¼ NE ¼, Section 17, Township 15 N/S Range 17 E/W
   N 1/2 ¼ NW ¼, Section 17, Township 15 N/S Range 17 E/W

   Per conversation btw Hansen & Barb Norton on 6/10/03 @ 0930 MST - Barb initialed change and is working on Notice by 6/15/03.
   WRH

6. Owner of land on which the proposed instream flow appropriation is located National Park Service/ Saguaro National Park - See attached land status map.

Private_____ State_____ BLM_____ National Forest_____ Other X

Does the applicant have legal access to the proposed stream segment? Yes X No_____

If "No," explain in item 8 below.

7. Is the water to be used supplementally with other water(s)? Yes_____ No X If "Yes," identify other waters or water rights, and explain _____

8. Additional comments or explanations National Park Service reserves the right to amend this application at a later date; Deeds ~~can be provided at a later date upon request~~ are attached SC ✓. Study substantiating streamflow amounts to be submitted by December 10, 2004. Revised location map attached

9. **REQUIRED ATTACHMENTS:**

Examination Fee: $50.00 if the amount of use is less than 50 acre-feet, $75.00 if the amount of use is 50 acre-feet or more as authorized by Arizona Administrative Code Rule R12-15-151.

U.S.G.S. Topographical Quadrangle map or equivalent, or copy thereof, clearly showing the proposed stream segment.

Copy of the deed showing land ownership, or if owned by other than applicant, provide copies of all leases, grazing permits, allotments, etc., or a letter from the landowner authorizing the proposed appropriation.

Streamflow Study: Applicant must develop a study that 1) substantiates that the streamflow amounts requested in item #4 are available at the rates specified, and 2) quantifies the relationship between a claimed beneficial use(s) and requested streamflow rates. The study should be submitted at the time of filing this application, but must be submitted no later than two years after the filing date.

Submit the completed application, with the examination fee and any supporting or required documents to: Arizona Department of Water Resources, Surface Water Rights, P.O. Box 458, Phoenix, Arizona 85001-0458.

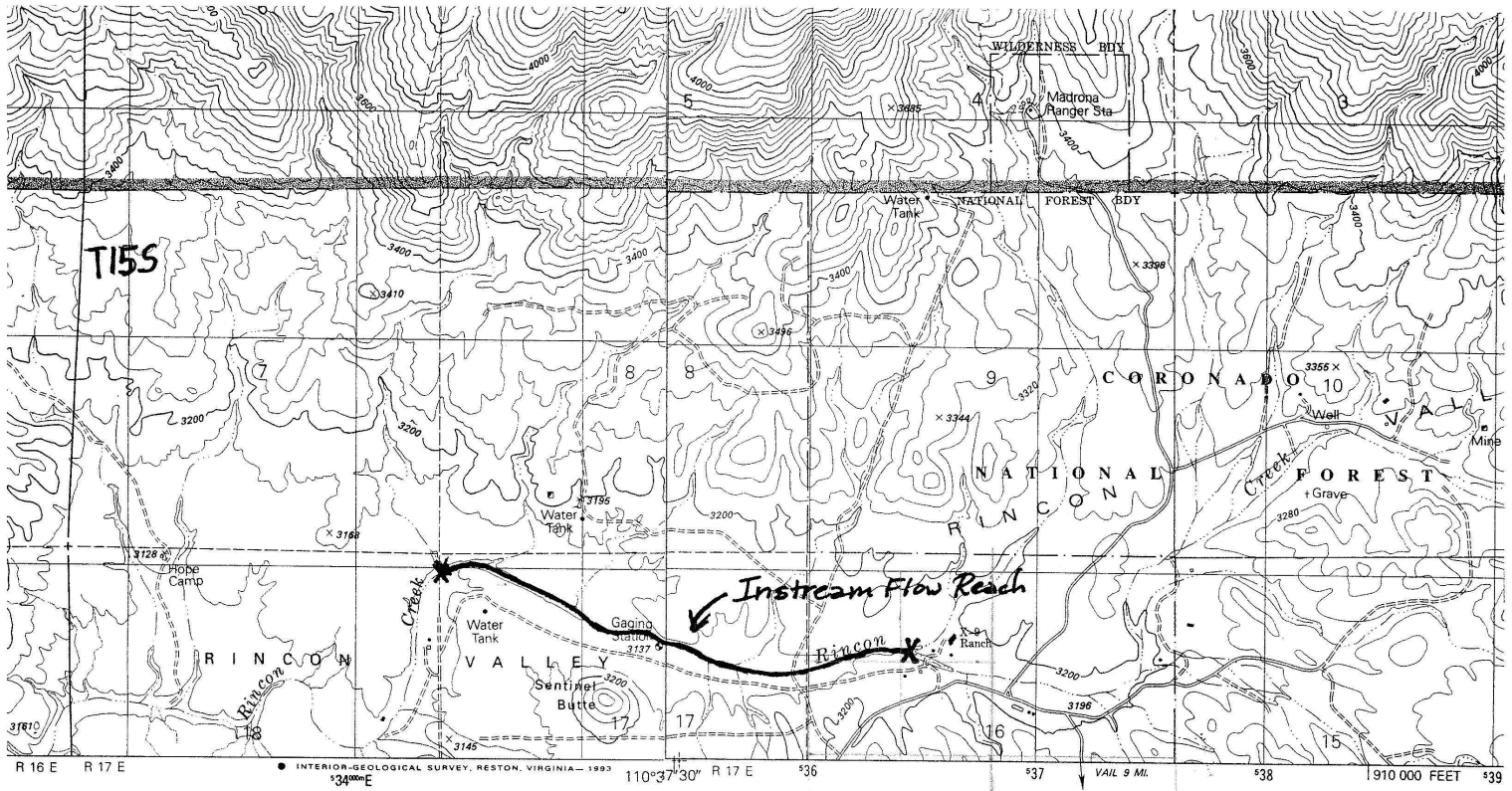
Sarah Craphead 12/9/02

Signature of Applicant/Representative (if representative, include authorization) Date

Superintendent, Saguaro National Park

WR (Rev 2/99)

12-10-2002: Application for Water: Permit# , Application# 33-96733, License#



INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA—1993

ROAD CLASSIFICATION

Primary highway, hard surface
Secondary highway, hard surface
Light-duty road, hard or improved surface
Unimproved road
Interstate Route
U. S. Route
State Route

TANQUE VERDE PEAK, ARIZ

32110-B6-TF-024

1981
MINOR REVISION 1993
DMA 3848 II NW-SERIES V898

Mapped, edited, and published by the Geological Survey

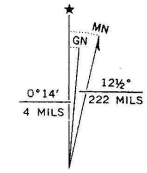
Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1975. Field checked 1976
Map edited 1981

Projection and 10,000-foot grid ticks: Arizona coordinate system, central zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid, zone 12
1927 North American Datum
To place on the predicted North American Datum 1983 move the projection lines 7 meters south and 61 meters east as shown by dashed corner ticks

Where omitted land lines have not been established

There may be private inholdings within the boundaries of the National or State reservations shown on this map



UTM GRID AND 1981 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

Application 33-96733
Revised location map
04/8/04

United States Department of the Interior

NATIONAL PARK SERVICE
Saguaro National Park
3693 S. Old Spanish Trail
Tucson, Arizona 85730

IN REPLY REFER TO:

L54

April 15, 2003

Barbara L. Norton
Arizona Department of Water Resources
500 North Third Street
Phoenix, AZ 85004

RE: Application for Permit to Appropriate No. 33-96733 (Instream Flow Maintenance)

Dear Ms. Norton,

The National Park Service (NPS) has received the "First Notice of Deficiency" regarding the above-mentioned application and dated March 4, 2003. Our response to each of the three items listed in the Notice follows.

1. Source of Water. The NPS understands that only one source may be claimed per application. I have corrected the application (attached) accordingly, crossing out references to tributaries and three locations of proposed instream flow appropriation. My initials follow each correction. A revised location map is also attached.

2. Monthly Streamflow Requirements. The NPS chooses to employ **incremental methods** to justify the requirements. Thus the NPS is initiating studies to develop the information needed to justify requirements. Results of the studies will be submitted to your office by December 10, 2004 as per requirements.

3. Land Ownership. As per your request, copies of deeds showing NPS ownership to the land at the place of use are attached.

If you have any questions or need additional information, please contact Paul Christensen of the NPS's Water Resources Division at 970-225-3534.

Sincerely,

Sarah Craighead

Sarah Craighead
Superintendent

cc: Paul Christensen, Water Resources Division, Fort Collins, CO (w/attachments)

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3921
Telephone (602) 417-2442
Fax (602) 417-2424

SURFACE WATER
DEC 10 2002
AM 9 3

(For office use only)
Registry No: 33-96733
Date Filed: December 10, 2002

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA INSTREAM FLOW MAINTENANCE

1. Applicant Saguaro National Park Telephone 520-733-5123

   Address 3693 S. Old Spanish Trail City Tucson State AZ Zip 85730

2. Type of water source and name Public waters flowing in Rincon Creek ~~and tributaries~~ SC

   a tributary to Santa Cruz River within the Santa Cruz River watershed.
   (For office use only)

3. Describe the proposed use of the instream flow appropriation for wildlife (including fish) and/or recreation:

   Water will be used concurrently to protect recreational uses and wildlife including fish.

4. Amount of proposed instream flow appropriation (see item #9 for required attachments):

   a. Monthly instream flow requirement (cubic feet/second):

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2.90	6.60	8.24	0.90	0.07	0.05	0.02	0.89	0.17	0.08	0.05	0.39

   b. Total annual volume 1,210 acre feet/year

5. Location of proposed instream flow appropriation: County Pima

   Describe entire reach to be covered by this application, utilizing legal land parameters. Also attach a U.S.G.S. topographic quadrangle map(s) clearly showing the location of the entire reach or segment of the proposed instream flow appropriation.

   ~~NW~~ ¼ ~~SE~~ ¼, Section ~~9~~, Township ~~15~~ N/S, Range ~~17~~ E/W SC

   ~~SW~~ ¼ ~~SE~~ ¼, Section ~~9~~, Township ~~15~~ N/S, Range ~~17~~ E/W SC

   ~~NW~~ ¼ ~~NE~~ ¼, Section ~~16~~, Township ~~15~~ N/S, Range ~~17~~ E/W SC

   ____ ¼ NW ¼, Section 16, Township 15 N/S, Range 17 E/W

   ____ ¼ NE ¼, Section 17, Township 15 N/S, Range 17 E/W

   N 1/2 ~~¼~~ NW ¼, Section 17, Township 15 N/S, Range 17 E/W

6. Owner of land on which the proposed instream flow appropriation is located National Park Service/ Saguaro National Park - See attached land status map.

   Private_____ State_____ BLM_____ National Forest_____ Other X

   Does the applicant have legal access to the proposed stream segment? Yes X No_____

   If "No," explain in item 8 below.

7. Is the water to be used supplementally with other water(s)? Yes_____ No X If "Yes," identify other waters or water rights, and explain _____

8. Additional comments or explanations National Park Service reserves the right to amend this application at a later date; Deeds can be provided at a later date upon request.

9. **REQUIRED ATTACHMENTS:**

   Examination Fee: $50.00 if the amount of use is less than 50 acre-feet, $75.00 if the amount of use is 50 acre-feet or more as authorized by Arizona Administrative Code Rule R12-15-151.

   U.S.G.S. Topographical Quadrangle map or equivalent, or copy thereof, clearly showing the proposed stream segment.

   Copy of the deed showing land ownership, or if owned by other than applicant, provide copies of all leases, grazing permits, allotments, etc., or a letter from the landowner authorizing the proposed appropriation.

   Streamflow Study: Applicant must develop a study that 1) substantiates that the streamflow amounts requested in item #4 are available at the rates specified, and 2) quantifies the relationship between a claimed beneficial use(s) and requested streamflow rates. The study should be submitted at the time of filing this application, but must be submitted no later than two years after the filing date.

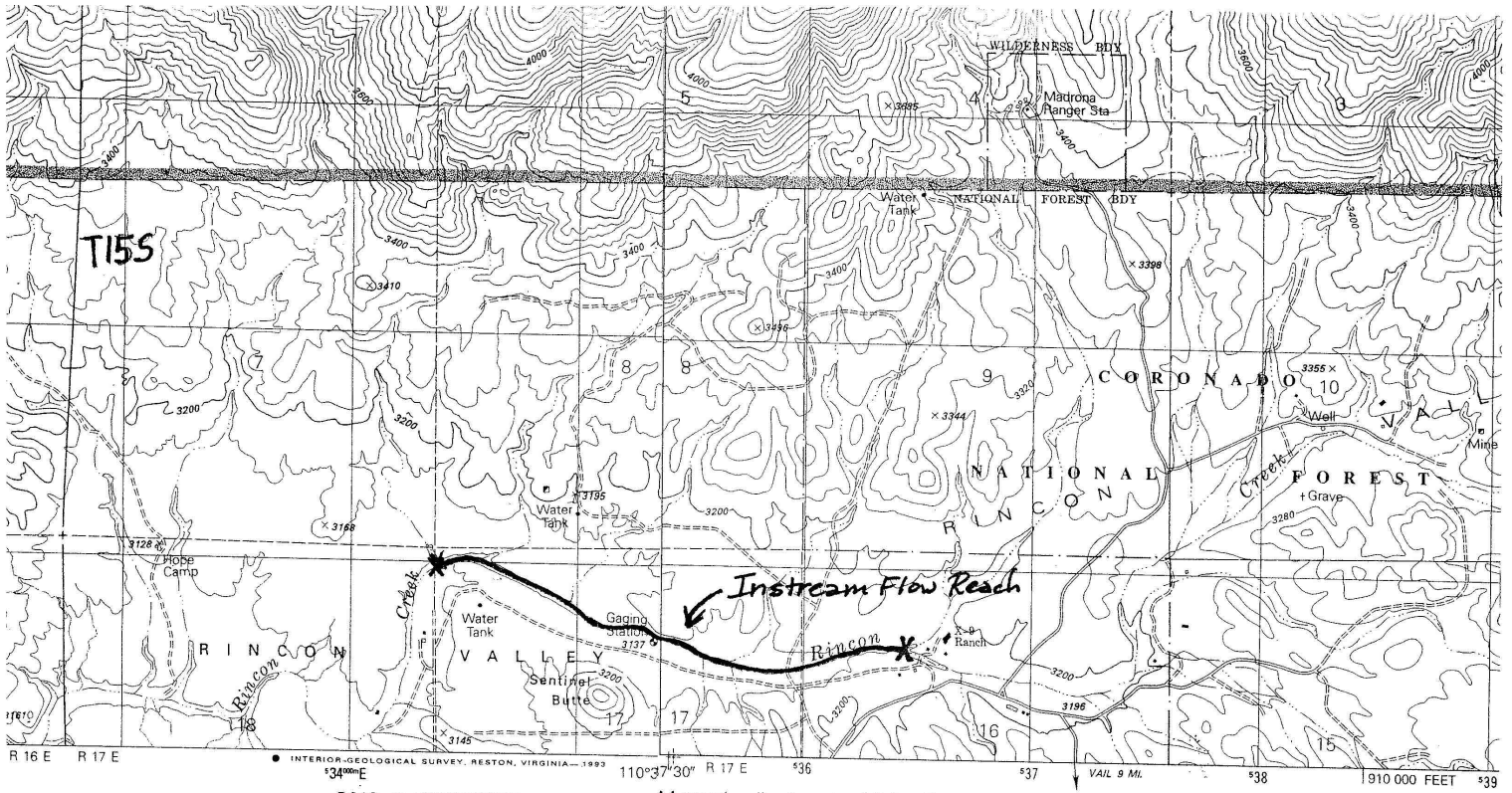
Submit the completed application, with the examination fee and any supporting or required documents to: Arizona Department of Water Resources, Surface Water Rights, P.O. Box 458, Phoenix, Arizona 85001-0458.

Sarah Craphead 12/9/02

Signature of Applicant/Representative (if representative, include authorization) Date

Superintendent, Saguaro National Park

DWR (Rev 2/99)



ROAD CLASSIFICATION

Primary highway, hard surface — Light-duty road, hard or improved surface

Secondary highway, hard surface — Unimproved road

Interstate Route · U. S. Route · State Route

TANQUE VERDE PEAK, ARIZ

32110-B6-TF-024

1981
MINOR REVISION 1993
DMA 3848 II NW–SERIES V898

Mapped, edited, and published by the Geological Survey

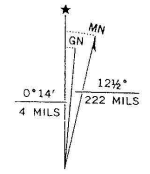
Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1975. Field checked 1976
Map edited 1981

Projection and 10,000-foot grid ticks: Arizona coordinate system, central zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid, zone 12
1927 North American Datum
To place on the predicted North American Datum 1983 move the projection lines 7 meters south and 61 meters east as shown by dashed corner ticks

Where omitted land lines have not been established

There may be private inholdings within the boundaries of the National or State reservations shown on this map



UTM GRID AND 1981 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

Application 33-96733
Revised location map
04/8/04

04-08-2004: Map of Instream FLow Reach for Application 33-96733 for amended application# 33-96733

RECEIVED
MAR 0 8 2003
SAGUARO
NATIONAL PARK

Arizona Department of Water Resources
500 North Third Street
Phoenix, Arizona 85004

FIRST NOTICE OF DEFICIENCY

APPLICATION FOR PERMIT TO APPROPRIATE NO. 33-96733 (INSTREAM FLOW MAINTENANCE)

Applicant Name: Saguaro National Park

Applicant Address: 3693 South Old Spanish Trail
Tucson, Arizona 85730
85730

The above referenced application is being returned for correction or completion. The following information must be provided before the application can be considered for further review and processing.

1. Item #2 – The source on the application is "Rincon Creek and Tributaries". Only one source may be claimed per application. Enclosed are additional Applications to Appropriate Public Water for your use.

2. Item #4 – The USGS gage date is not in agreement with the flows requested on the application. If a measuring point other than the USGS gage was used to determine the monthly flows, a legal location and the method used to measure flows must be provided. If the gage data is going to be used to support this application, the following monthly flows (in cfs) are all that can be substantiated:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total (acre-ft)
0.20	0.42	1.30	0.20	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	127.4

(Attached is additional information regarding gage data)

3. In Arizona, rights to the beneficial use of public, or appropriable, water are attached to the land at the place of use. The Department must see evidence of ownership of land on which the particular water right will be located. This document, which may include a **recorded deed or lease**, must show by map or describe by legal land notation the land involved.

Notice of Deficiency Prepared by Barbara L. Norton

Date Mailed March 4, 2003

To obtain additional information or assistance in completing this application, contact the above referenced individual at (602) 417-2442 or toll free (within Arizona only) 1-800-352-8488.

Per Arizona Administrative Code Rule R12-15-401(2), an applicant shall supply missing information within sixty (60) days of the date of the first Notice of Deficiency. The sixty (60) days will not include any time that the application is under review by the Department. If the application is not completed within that time period, the Department may deem the application withdrawn. The applicant may submit a written request for additional time to make corrections to the application. If the request is granted, a new date of priority will be established for the application per Arizona Revised Statute § 45-154. This date of priority will be the date the corrected application is received. **Therefore, if the information requested above is not received or a written request for additional time to make corrections to the application is not requested to the Department before May 2, 2003, this application will be deemed withdrawn. Fees will not be refunded.**

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3921
Telephone (602) 417-2442
Fax (602) 417-2424

RECEIVED DEC 10 2002 SURFACE WATER

(For office use only)
Registry No: 33-96733
Date Filed: December 10, 2002

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA INSTREAM FLOW MAINTENANCE

1. Applicant Saguaro National Park Telephone 520-733-5123
   Address 3693 S. Old Spanish Trail City Tucson State AZ Zip 85730
2. Type of water source and name Public waters flowing in Rincon Creek and tributaries
   a tributary to Santa Cruz River within the Santa Cruz River watershed.
   (For office use only)
3. Describe the proposed use of the instream flow appropriation for wildlife (including fish) and/or recreation:
   Water will be used concurrently to protect recreational uses and wildlife including fish.
4. Amount of proposed instream flow appropriation (see item #9 for required attachments):
   a. Monthly instream flow requirement (cubic feet/second):

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2.90	6.60	8.24	0.90	0.07	0.05	0.02	0.89	0.17	0.08	0.05	0.39

   b. Total annual volume 1,210 acre feet/year
5. Location of proposed instream flow appropriation: County Pima

   Describe entire reach to be covered by this application, utilizing legal land parameters. Also attach a U.S.G.S. topographic quadrangle map(s) clearly showing the location of the entire reach or segment of the proposed instream flow appropriation.

   NW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W
   SW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W
   NW ¼ NE ¼, Section 16, Township 15 N/S Range 17 E/W
   ¼ NW ¼, Section 16, Township 15 N/S Range 17 E/W
   ¼ NE ¼, Section 17, Township 15 N/S Range 17 E/W
   N 1/2 ¼ NW ¼, Section 17, Township 15 N/S Range 17 E/W

Station: RINCON CREEK NEAR TUCSON, ARIZ.
Parameter: STREAM FLOW CFS
Year: 1952-2001
State: AZ
County: PIMA

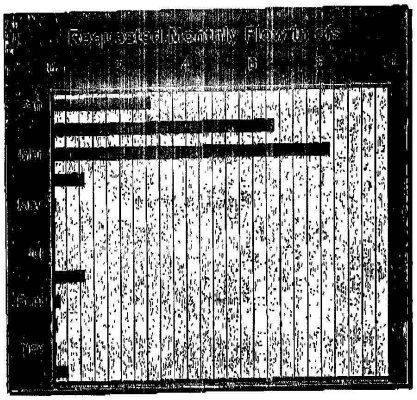
ID: 09485000
Statistic: Mean
Latitude: 32:07:46
Longitude: 110:37:32
Elevation: 3120.00
Drainage Area: 44.80

Monthly Statistics

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
# Days	1085	980	1084	1020	1054	1020	1035	1009	990	1054	1020	1069	12360
Avg Day	17.22	13.50	12.26	3.00	0.155	0.056	2.11	10.06	3.04	2.62	2.25	9.19	6.29
Max Day	1400	868.0	327.0	73.00	5.80	2.90	260.0	634.0	276.0	396.0	354.0	977.0	1400
Min Day	0	0	0	0	0	0	0	0	0	0	0	0	0
# Months	34	34	34	34	34	34	32	32	33	34	34	34	32
SDev Month	46.79	23.30	18.52	5.22	0.352	0.255	2.99	15.41	5.33	5.50	5.09	24.04	7.84
Skew Month	4.25	1.78	1.96	1.90	4.27	5.65	3.47	1.99	2.01	3.92	4.77	4.20	1.95
Min Month	0	0	0	0	0	0	0	0	0	0	0	0	0.072
Max Month	247.1	75.23	74.39	17.96	1.95	1.48	12.61	63.96	19.15	42.58	44.40	129.8	33.39
Exceedances													
1%	317.3	181.2	144.9	47.20	2.69	2.00	57.20	199.9	75.50	55.98	67.40	251.3	112.0
5%	66.50	61.00	62.30	15.00	0.683	0.180	5.53	49.55	14.00	2.83	6.20	37.55	27.00
10%	32.00	28.00	35.00	10.00	0.420	0.040	0.110	21.00	3.10	0.400	1.50	16.00	11.00
20%	12.00	13.00	15.00	2.10	0.200	0	0	4.70	0.500	0.080	0.100	1.80	1.40
50%	0.200	0.420	1.30	0.200	0	0	0	0	0	0	0	0	0
80%	0	0	0	0	0	0	0	0	0	0	0	0	0
90%	0	0	0	0	0	0	0	0	0	0	0	0	0
95%	0	0	0	0	0	0	0	0	0	0	0	0	0
99%	0	0	0	0	0	0	0	0	0	0	0	0	0

Rincon Creek Application 33-96733

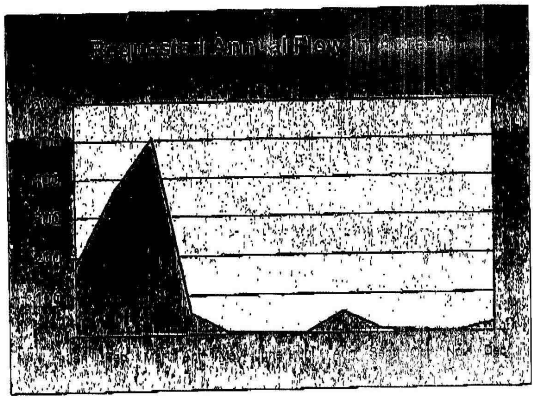
Month	# of Days	cfs	acre-ft	(value)
Jan	31	2.9	178.27	178.27
Feb	28	6.6	366.46	366.46
Mar	31	8.24	506.54	506.54
Apr	30	0.9	53.54	53.54
May	31	0.07	4.30	4.30
June	30	0.05	2.97	2.97
Jul	31	0.02	1.23	1.23
Aug	31	0.89	54.71	54.71
Sept	30	0.17	10.11	10.11
Oct	31	0.08	4.92	4.92
Nov	30	0.05	2.97	2.97
Dec	31	0.39	23.97	23.97
		total	1210.01	



(1ft^3/sec) (60sec/min) (60min/hour) (24hours/day) (28,30 or 31days/month) 7.48 gal/ft^3) (1 acre-ft/325,851gal) = Acre-Feet for Month

1cfs = 723.92 acre-ft/year = 1.983 acre-ft/day

Total Annual Volume in Acre-feet = 1210.0

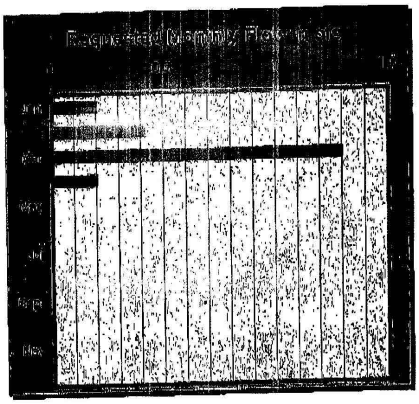


33-96733

Rincon Creek

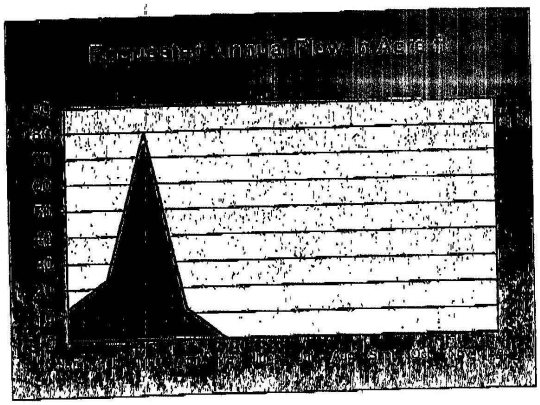
USGS Gage 09485000
1952-2001

Month	# of Days	cfs	acre-ft	(value)
Jan	31	0.2	12.29	12.29
Feb	28	0.42	23.32	23.32
Mar	31	1.3	79.91	79.91
Apr	30	0.2	11.90	11.90
May	31	0	0.00	0.00
June	30	0	0.00	0.00
Jul	31	0	0.00	0.00
Aug	31	0	0.00	0.00
Sept	30	0	0.00	0.00
Oct	31	0	0.00	0.00
Nov	30	0	0.00	0.00
Dec	31	0	0.00	0.00
		total	127.43	



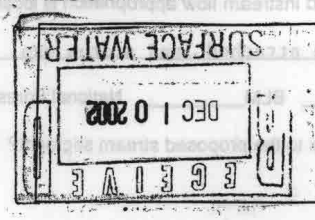
(1ft^3/sec) (60sec/min) (60min/hour) (24hours/day) (28,30 or 31days/month) 7.48 gal/ft^3) (1 acre-ft/325,851gal) = Acre-Feet for Month

1cfs = 723.92 acre-ft/year = 1.983 acre-ft/day



Total Annual Volume in Acre-feet = 127.4

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 458
PHOENIX, ARIZONA 85001-0458
500 North Third Street
Phoenix, Arizona 85004-3921
Telephone (602) 417-2442
Fax (602) 417-2424



(For office use only)

Registry No:_____

Date Filed:_____

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER OF THE STATE OF ARIZONA INSTREAM FLOW MAINTENANCE

1. Applicant Saguaro National Park Telephone 520-733-5123

   Address 3693 S. Old Spanish Trail City Tucson State AZ Zip 85730

2. Type of water source and name Public waters flowing in Rincon Creek and tributaries

   a tributary to Santa Cruz River within the _____ watershed.
   (For office use only)

3. Describe the proposed use of the instream flow appropriation for wildlife (including fish) and/or recreation:

   Water will be used concurrently to protect recreational uses and wildlife including fish.

4. Amount of proposed instream flow appropriation (see item #9 for required attachments):

   a. Monthly instream flow requirement (cubic feet/second):

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2.90	6.60	8.24	0.90	0.07	0.05	0.02	0.89	0.17	0.08	0.05	0.39

   b. Total annual volume 1,210 acre feet/year

5. Location of proposed instream flow appropriation: County Pima

   Describe entire reach to be covered by this application, utilizing legal land parameters. Also attach a U.S.G.S. topographic quadrangle map(s) clearly showing the location of the entire reach or segment of the proposed instream flow appropriation.

   NW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W

   SW ¼ SE ¼, Section 9, Township 15 N/S Range 17 E/W

   NW ¼ NE ¼, Section 16, Township 15 N/S Range 17 E/W

   ____ ¼ NW ¼, Section 16, Township 15 N/S Range 17 E/W

   ____ ¼ NE ¼, Section 17, Township 15 N/S Range 17 E/W

   N 1/2 ¼ NW ¼, Section 17, Township 15 N/S Range 17 E/W

6. Owner of land on which the proposed instream flow appropriation is located National Park Service/ Saguaro National Park - See attached land status map.

Private_____ State_____ BLM_____ National Forest_____ Other X

Does the applicant have legal access to the proposed stream segment? Yes X No_____

If "No," explain in item 8 below.

7. Is the water to be used supplementally with other water(s)? Yes_____ No X If "Yes," identify other waters or water rights, and explain _____

8. Additional comments or explanations National Park Service reserves the right to amend this application at a later date; Deeds can be provided at a later date upon request.

9. **REQUIRED ATTACHMENTS:**

Examination Fee: $50.00 if the amount of use is less than 50 acre-feet, $75.00 if the amount of use is 50 acre-feet or more as authorized by Arizona Administrative Code Rule R12-15-151.

U.S.G.S. Topographical Quadrangle map or equivalent, or copy thereof, clearly showing the proposed stream segment.

Copy of the deed showing land ownership, or if owned by other than applicant, provide copies of all leases, grazing permits, allotments, etc., or a letter from the landowner authorizing the proposed appropriation.

Streamflow Study: Applicant must develop a study that 1) substantiates that the streamflow amounts requested in item #4 are available at the rates specified, and 2) quantifies the relationship between a claimed beneficial use(s) and requested streamflow rates. The study should be submitted at the time of filing this application, but must be submitted no later than two years after the filing date.

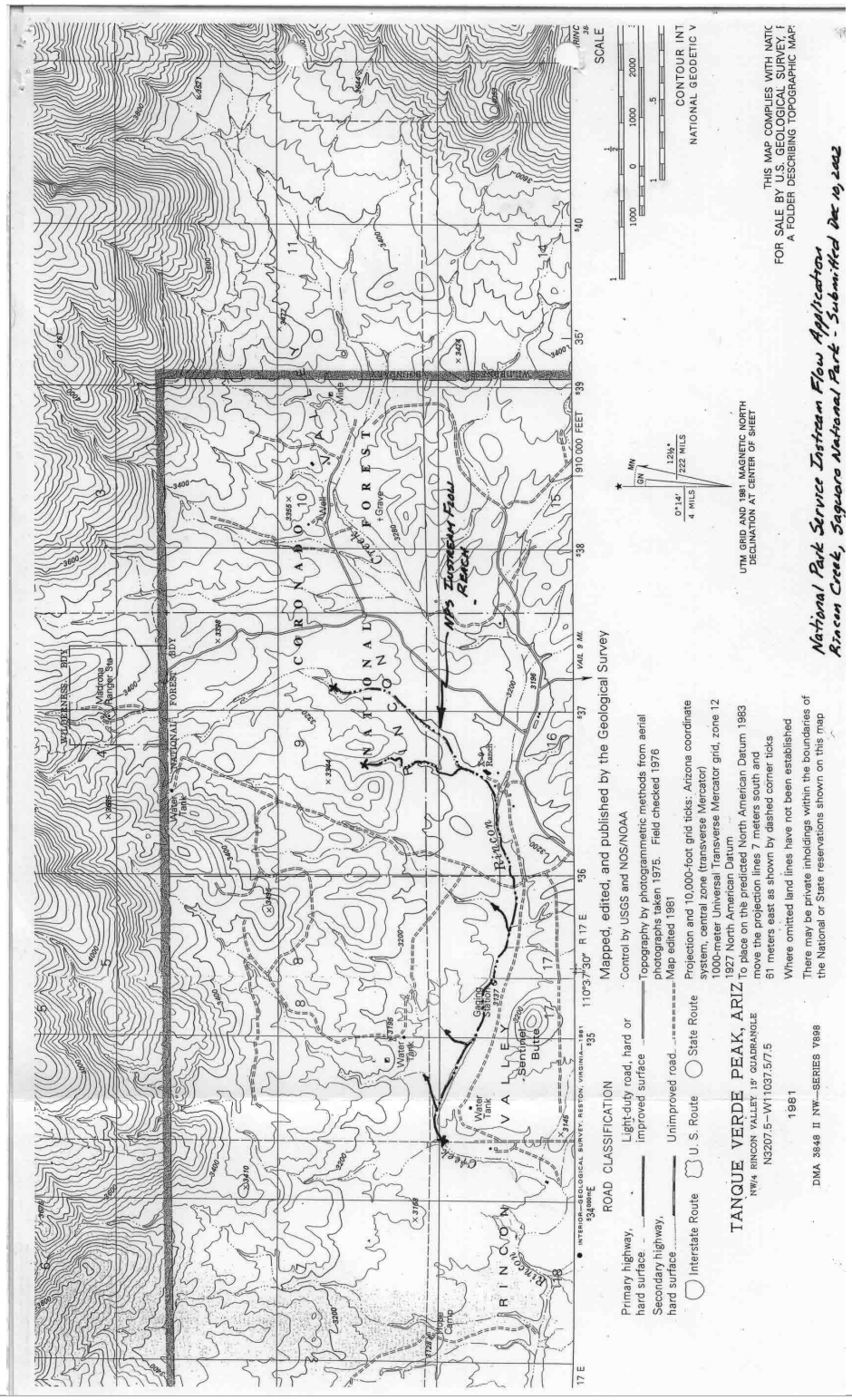
Submit the completed application, with the examination fee and any supporting or required documents to: Arizona Department of Water Resources, Surface Water Rights, P.O. Box 458, Phoenix, Arizona 85001-0458.

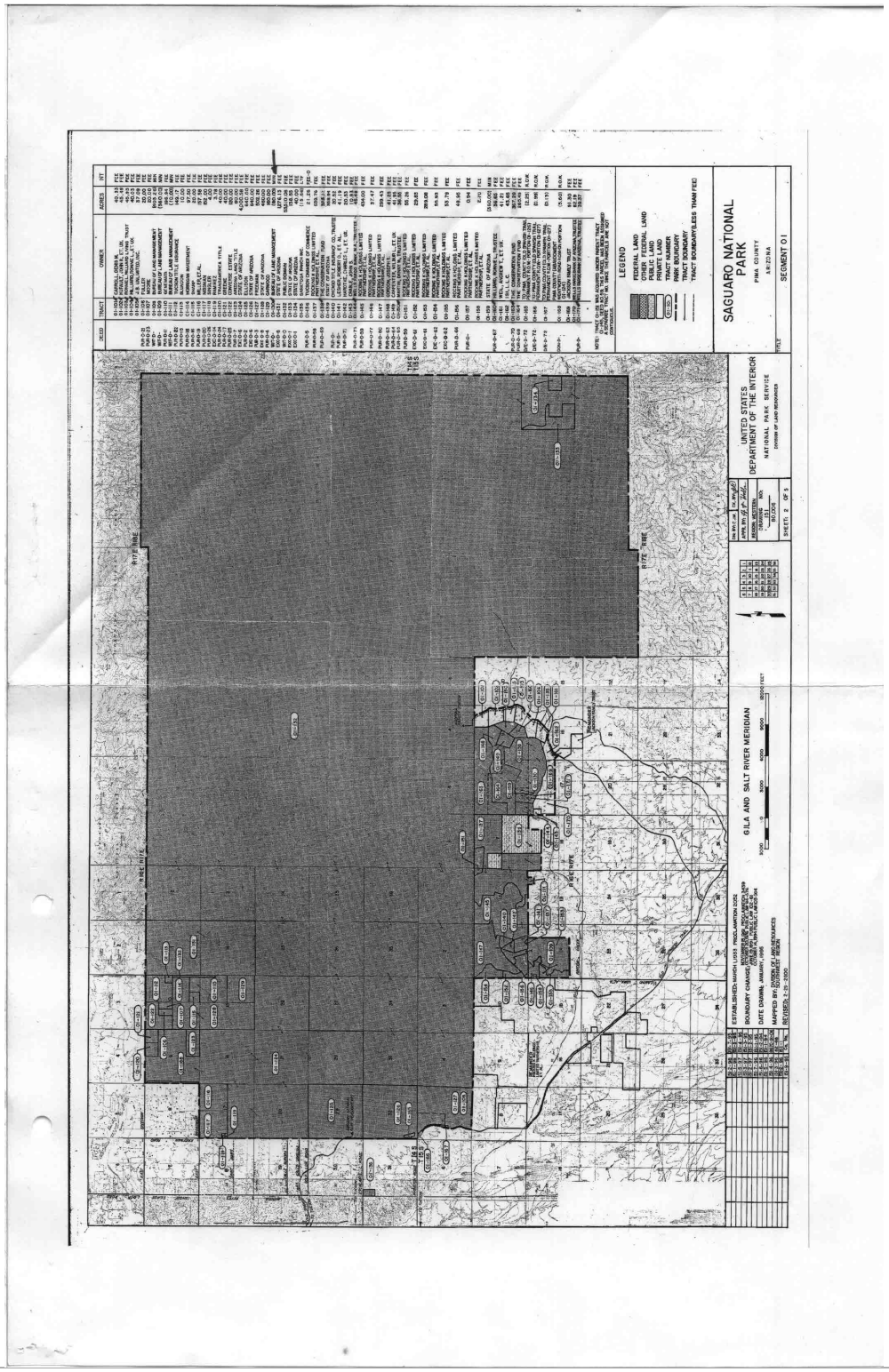
Sarah Craphead 12/9/02

Signature of Applicant/Representative (if representative, include authorization) Date

Superintendent, Saguaro National Park

DWR (Rev 2/99)


TANQUE VERDE PEAK, ARIZ
NW/4 RINCON VALLEY 15' QUADRANGLE
N3207.5—W11037.5/7.5
1961
DMA 3648 II NW—SERIES V898
INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1981
ROAD CLASSIFICATION
Primary highway, hard surface
Secondary highway, hard surface
Light-duty road, hard or improved surface
Unimproved road
U.S. Route
State Route
Interstate Route
Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA
Topography by photogrammetric methods from aerial photographs taken 1975. Field checked 1976
Map edited 1981
Projection and 10,000-foot grid ticks: Arizona coordinate system, central zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid, zone 12
1927 North American Datum
To place on the predicted North American Datum 1983 move the projection lines 7 meters south and 81 meters east as shown by dashed corner ticks
Where omitted land lines have not been established
There may be private inholdings within the boundaries of the National or State reservations shown on this map
UTM GRID AND 1981 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET
SCALE
CONTOUR INT
NATIONAL GEODETIC V
THIS MAP COMPLIES WITH NATIC
FOR SALE BY U.S. GEOLOGICAL SURVEY, I
A FOLDER DESCRIBING TOPOGRAPHIC MAP
National Park Service Instream Flow Application
Rincon Creek, Saguaro National Park - Submitted Dec 19, 2002


SAGUARO NATIONAL PARK
PIMA COUNTY
AS-2134-A
SEGMENT 01
SHEET 2 OF 5
UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LEGEND
FEDERAL LAND
PUBLIC LAND
PRIVATE LAND
PARK BOUNDARY
TRACT BOUNDARY
TRACT BOUNDARY(LESS THAN FEE)
GILA AND SALT RIVER MERIDIAN
RINCON CREEK
RYE MINE

SURFACE WATER ADMINISTRATION
CHECK DEPOSIT REQUEST/RECEIPT

SUBMITTED BY Miros Gutierrez DATE 12-10-02

APPLICANT USDI, National Park Service CHECK NO. 007180

REGISTRY NO. _____ CHECK AMT. 75.00

CREDIT CARD ☐

ACTION	NUMBER	FEE	TOTAL DUE
APPLIC FOR PERMIT TO APPROPRIATE 33 (A & R)	1	75.00	75.00
PERMIT TO APPROPRIATE 33 (A & R)			
CLAIM FOR STOCKPOND APPLICATION 38			
STATEMENT OF CLAIM OF RIGHT 36			
CERTIFICATE OF WATER RIGHT 33 (A, R & BB)			
STOCKPOND WATER RIGHT CERTIFICATE 38			
APPLICATION FOR T/S 33 (A, R & BB), 36			
ASSIGNMT - APPLIC FOR PERMIT 33 (A & R)			
ASSIGNMT - PERMIT TO APPROP 33 (A & R)			
ASSIGNMT - CERTIFICATE OF WATER RIGHT 33 (A & R)			
ASSIGNMT - STATEMENT OF CLAIM OF RIGHT 36			
ASSIGNMT - CLAIM FOR STOCKPOND WATER RIGHT 38			
ASSIGNMT -STOCKPOND WATER RIGHT CERT. 38			

$_____ REFUND DUE
$_____ AMOUNT UNDERPAID

ADDITIONAL REMARKS:

Document Number

Doc Type	Init. Org.	Sequence Number
TD	8670D	0040

Account Number

Resp. Org.	Project No.	PWE
86710001	SZ	M

Object Class	Social Security Number
252Z	

TRAVEL				
TYPE	ADV #	D	P	M

U.S. Department of the Interior
National Park Service

1-2 / 210

DATE Dec 9 2002 8670 — 007180

NOT GOOD AFTER 60 DAYS FROM DATE

PAY TO THE ORDER OF AZ Department of Water Resources $ 75.00

Seventy-five and no/100 DOLLARS

NOT GOOD FOR MORE THAN $2500 NOT REDEEMABLE FOR CASH BY DRAWER

JPMorgan
JPMorgan Chase Bank
55 Water Street
New York, NY 10041

S. Jewell Schultz
SIGNATURE

⑈86?000?180⑈ ⑆021000021⑆ ?53⑈220156⑈

Land History

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: DJC
DEPUTY RECORDER
4444 RO2C

TFNTI
NATIONAL PARK SERVICE
P O BOX 728
SANTA FE NM 85704

DOCKET: 11129
PAGE: 1357
NO. OF PAGES: 4
SEQUENCE: 19991750562
09/10/1999
WTDEED 15:38

MAIL

AMOUNT PAID $ 13.00

Deed prepared by and
to be returned to the
National Park Service
Intermountain Region
Land Resources Program Center
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Saguaro National Park
Tract 01-171

EXEMPT (ARS11-1134A3)

S0003466DY

SPECIAL WARRANTY DEED

WELLS FARGO BANK, N.A., f.k.a., First Interstate Bank, f.k.a., First National Bank of Arizona, NBA, an Arizona Corporation, as Trustee of the X9 Ranch Trust dated November 30, 1976, GRANTOR, for and in consideration of the sum of THREE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS ($315,000.00), cash in hand paid to it by the UNITED STATES OF AMERICA, GRANTEE, and receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto the said GRANTEE, and unto its assigns forever, the following described lands lying in the County of Pima and State of Arizona, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, title, claim or demand whatsoever of the GRANTOR.

TOGETHER WITH the buildings and improvements thereon and all rights and appurtenances thereto.

SUBJECT TO: (1) Existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches, and canals; (2) Any oil, gas or mineral rights of record reserved to or outstanding in third parties.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GRANTEE, and unto its assigns forever; and GRANTOR does hereby bind itself, its successors and assigns, to WARRANT title to said property only as it applies to the acts of the GRANTOR herein.

The GRANTOR further remises, releases, and forever quitclaims to the UNITED STATES OF AMERICA and its assigns, all right, title, and interest which the GRANTOR may have in and to water rights, banks, beds, and waters of any stream or river bordering or traversing the said land to be conveyed and also all interest in and to any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land, and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of the Interior, National Park Service.

IN WITNESS WHEREOF, the said GRANTOR, through its duly appointed officer, has hereunto set hand and seal this 9 day of September, 1999.

(SEAL)

WELLS FARGO BANK, N.A., f.k.a., First Interstate Bank, f.k.a., First National Bank of Arizona, NBA, as Trustee of the X9 Ranch Trust dated November 30, 1976

Attest:

_____

By: _____
DVORA M. KOTSCHEDOFF
Assistant Vice President

By: _____
RICK SCHREIBER
Assistant Vice President

ACKNOWLEDGMENT

State of Arizona)
) ss.
County of Maricopa)

Before me, the undersigned authority, on this day personally appeared DVORA M. KOTSCHEDOFF, Assistant Vice President, and RICK SCHREIBER, Assistant Vice President of Wells Fargo Bank N.A., f.k.a., First Interstate Bank, f.k.a., First National Bank of Arizona, NBA, as Trustee of the X9 Ranch Trust dated November 30, 1976, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal on this 9 day of September, 1999

My Commission Expires:

OFFICIAL SEAL
ESTHER M. KREKORIAN
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Aug 2, 2003

Notary Public

BENEFICIARY DISCLOSURE:

Katherine J. Agnew
351 Hospital Rd
Newport Beach, CA 92663

William B. Jackson
5408 Forestlake West
Longview, TX 75605

Anne J, Miller
38373 Cherrywood Drive
Murrieta, CA 92562

Jane Jackson Signani
Via Anagnina 281
00040 Morena
Rome, Italy

SAGUARO NATIONAL MONUMENT

DATE: JANUARY 12, 1998

AREA: 39.37 ACRES±

INTEREST TO BE ACQUIRED: FEE

TRACT NO. 01-171

Situated in the State of Arizona, County of Pima, in a portion of the SW¼ of Section 8 and a portion of the NW¼ of Section 17, of Township 15 South, Range 17 East, of the Gila and Salt River meridian, being more particularly described:

All of Lot 59 of the X9 RANCH, PHASE III, Subdivision as depicted on a plat of survey recorded in book 1, page 39 of the Record of Surveys of Pima County and containing 39.37 acres of land, more or less.

Together with a non-exclusive easement for Road purposes and a non-exclusive easement for ingress, egress, and utility purposes as granted by Declaration(s) of Easements recorded in Docket 5674, Page(s) 943, 947, and 953; and recorded in Docket 6554, Page 374, of Pima County records. And Also a public right-of-way and underground utilities as set forth by State Right-of-Way No. 16-94229 recorded in Docket 8912, Page 884, of Pima County records.

EXHIBT "A"

F. ANN RODRIGUEZ RECORDER
RECORDED BY: HE
DEPUTY RECORDER
2057 R02E

TFNTI
NATIONAL PARK SERVICES
PO BOX 728
SANTA FE NM 87504

DOCKET: 10789
PAGE: 213
NO. OF PAGES: 3
SEQUENCE: 19980660054
05/05/98
WTDEED 08:47

MAIL

AMOUNT PAID $ 10.00

Deed prepared by and
to be returned to the
National Park Service
Intermountain Land Resources Program Center
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Saguaro National Park
Tract 01-144

EXEMPT (ARS42-1614A3)

125690-06

SPECIAL WARRANTY DEED

WELLS FARGO BANK, N.A., f.k.a., FIRST INTERSTATE BANK, f.k.a., FIRST NATIONAL BANK OF ARIZONA, NBA, as Trustee of the X9 RANCH TRUST, dated November 30, 1976, GRANTOR, for and in consideration of the sum of THREE HUNDRED FORTY-ONE THOUSAND AND NO/100 DOLLARS ($341,000.00), cash in hand paid to it by the UNITED STATES OF AMERICA, GRANTEE, and receipt of which sum is hereby acknowledged, has GRANTED, SOLD, AND CONVEYED, and by these presents does hereby GRANT, SELL, AND CONVEY unto the said GRANTEE, and unto its assigns forever, the following described lands lying in the County of Pima and State of Arizona, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, title, claim, or demand whatsoever of the GRANTOR.

TOGETHER WITH the buildings and improvements thereon and all rights and appurtenances thereto.

SUBJECT TO: (1) Existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches, and canals; (2) Any oil, gas, or mineral rights of record outstanding in third parties; all recorded in the records of Pima County, Arizona.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GRANTEE, and unto its assigns forever; and GRANTOR does hereby bind itself, its successors and assigns, to WARRANT title to said property, only as it applies to the acts of the GRANTOR herein.

The GRANTOR further remises, releases, and forever quitclaims to the UNITED STATES OF AMERICA and its assigns, all right, title, and interest which the GRANTOR may have in and to water rights, banks, beds, and waters of any stream or river bordering or traversing the said land to be conveyed and also all interest in and to any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land, and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of the Interior, National Park Service.

IN WITNESS WHEREOF, the said GRANTOR, through its duly appointed officer, has hereunto set hand and seal this 27th day of April, 1998.

(SEAL)

Attest:

WELLS FARGO BANK, N.A.,
Trustee of the X9 Ranch Trust,
dated November 30, 1976

By: _____
Dvora Kotschedoff
Assistant Vice President

By: _____
Rick Schreiber
Assistant Vice President

ACKNOWLEDGMENT

State of ARIZONA)
) ss.
County of MARICOPA)

Before me, the undersigned authority, on this day personally appeared DVORA KOTSCHEDOFF and RICK SCHREIBER, Assistant Vice Presidents of WELLS FARGO BANK, N.A., as Trustee of the X9 RANCH TRUST, dated NOVEMBER 30, 1976, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal on this 27th day of April, 1998.

My Commission Expires:
December 25, 2000

(Seal)

Notary Public

OFFICIAL SEAL
LAVINA M. PATRICK
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires December 25, 2000

SAGUARO NATIONAL MONUMENT

DATE: NOVEMBER 14, 1997

REVISED: JANUARY 12, 1998

AREA: 45.48 ACRES±

INTEREST TO BE ACQUIRED: FEE

TRACT NO. 01-144

Situated in the State of Arizona, County of Pima, in a portion of the SW¼ of Section 8 and a portion of the NW¼ of Section 17, of Township 15 South, Range 17 East, of the Gila and Salt River meridian, being more particularly described:

All of Lot 56 of the X9 RANCH, PHASE III, Subdivision as depicted on a plat of survey recorded in book 1, page 39 of the Record of Surveys of Pima County and containing 45.48 acres of land, more or less.

EXHIBIT "A"

F. ANN RODRIGU' , RECORDER
RECORDED BY: LMD
DEPUTY RECORDER
1963 RO2E
TFNTI
NATIONAL PARK SERVICE
PO BOX 728
SANTA FE NM 87504

DOCKET: 10658
PAGE: 753
NO. OF PAGES: 5
SEQUENCE: 97174677
10/24/97
WTDEED 13:57:00
MAIL
AMOUNT PAID $ 10.00

Deed prepared by and
to be returned to the
National Park Service
Southwest Land Resources Program Center
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Saguaro National Park
Tract 01-138

EXEMPT (ARS42-1614A3)

WARRANTY DEED

THE CONSERVATION FUND, A MARYLAND NONPROFIT CORPORATION, GRANTOR, for and in consideration of the sum of TWO MILLION FIVE HUNDRED TWO THOUSAND AND NO/100 DOLLARS ($2,502,000.00), cash in hand paid to it by the UNITED STATES OF AMERICA, GRANTEE, and receipt of which sum is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto the said GRANTEE, and unto its assigns forever, the following described lands lying in the County of Pima and State of Arizona, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, title, claim or demand whatsoever of the GRANTOR.

TOGETHER WITH the buildings and improvements thereon and all rights, and appurtenances thereto.

SUBJECT TO: (1) Any oil, gas or mineral rights of record reserved to or outstanding in third parties; (2) Existing easements of record for public roads and highways, public utilities, railroads, pipelines, ditches, and canals; (3) Reservations contained in Patents from the State of Arizona, recorded in Book 146, Page 565, (all of Sec. 16); Docket 9785, Page 2119; (S1/2 and S1/2NW1/4 and SW1/4NE1/4 Sec.8); Docket 9785, Page 2114; (N1/2NE1/4 Sec. 17); (4) Water rights, claims or title to water, whether or not shown on the public records; (5) Road use agreement recorded in Docket 10658, Pages 731-747, and easements for road purposes and/or ingress, egress and utilities and rights incident thereto as set forth in instruments recorded in Docket 1926, Page 271; Docket 5674, Pages 947 and 953; Docket 9817, Page 465; Docket 9743, Page 1721; (6) Any existing easements, roadways, washes and/or riverbeds and any other conditions and/or well sites disclosed on Map in Book 1 of Record of Surveys, at Page(s) 37, 38, 39 and 40; (7) Terms and conditions arising under that certain State of Arizona, Right-of-Way #16-94229, recorded in Docket 8912, Page 884, granted to The Henry W. Jackson Family Trust (for benefit of lands in Sections 8, 9, 15, 16 and N1/2 Sec. 17 and pnt. of Sec 22 of T15S R17E); (8) Any matters arising by reason of said land lying within the boundaries of the Rincon Water Company Water

District/Association, made reference by Assignment of Water Rights recorded in Docket 8187, Page 3001 and re-recorded in Docket 8209, Page 1805 and in Docket 8187, Page 2996 and re-recorded in Docket 8209, Page 1811; but not limited thereto; (9) Declaration of Roadway Easement recorded in Docket 9752, Page 1416; (Parcels 45 through 48, 50, 51, 63-67 and 75); (10) Easement for road purposes lying within a portion of Section(s) 9, 16 and 17 as disclosed by Request to Name Street or Easement in Docket 9902, Page 443; and (11) Any matters arising under that certain unrecorded Gatehouse Agreement of October, 1981 and as amended on October 1, 1990; all in the records of Pima County, Arizona.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said GRANTEE, and unto its assigns forever; and GRANTOR does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said GRANTEE, and unto its assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The GRANTOR further remises, releases, and forever quitclaims to the UNITED STATES OF AMERICA and its assigns, all right, title, and interest which the GRANTOR may have in and to water rights, banks, beds, and waters of any stream or river bordering or traversing the said land to be conveyed and also all interest in and to any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land, and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of the Interior, National Park Service.

IN WITNESS WHEREOF, the said GRANTOR, through its duly appointed officer, has hereunto set hand and seal this 21st day of October 1997.

[SEAL]

Attest:

THE CONSERVATION FUND, a Maryland Nonprofit Corporation

By

ACKNOWLEDGMENT

Commonwealth
~~State~~ of Virginia)
) ss
County of Arlington)

Before me, the undersigned authority, on this day personally appeared RICHARD L. ERDMANN, VICE PRESIDENT of THE CONSERVATION FUND, a Maryland Nonprofit Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal on this 21st day of October, 1997.

My Commission Expires:

3/31/98
(SEAL)

Notary Public

10658 755

Order No. 50001730-DY - D

EXHIBIT "ONE"

TRACT No. 01-138

ALL of Lots/Parcels Lots 50, 65 and 66, and a portion of Lots 44, 45, 51, 52, 53, 54, 60, 62, 63, and 64, as depicted on the plat of X9 Ranch, Phase III recorded in the office of the County Recorder of Pima county, Arizona, in Book 1 of Surveys, at Page 39, and a portion of Lots 67 and 68, as depicted on the plat of X9 Ranch, Phase IV recorded in the office of the County Recorder of Pima County, Arizona, in Book 1 of Surveys, at Page 40; lying within a portion Section 8 and/or Section 9, and a portion of the Northwest quarter of Section 16, and a portion of the North half of Section 17 of Township 15 South, Range 17 East, Gila and Salt River Base and Meridian, Pima County, Arizona, being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 8;

THENCE South 01°13'55" West, a distance of 3,993.65 feet along the West line of said Section 8, to the Southwest corner of Lot 55 of said X9 Ranch, Phase III;

THENCE South 89°33'17" East, a distance of 2,080.98 feet along the South line of said Lot 55, to the Southeast corner thereof, and said point being the POINT OF BEGINNING, a point on the west line of said Lot 53;

THENCE North 02°22'51" West, a distance of 151.02 feet along a portion of the West line of said Lot 53 and Lot 54;

THENCE South 82°21'04" East, a distance of 1,337.69 feet;

THENCE South 57°31'36" East, a distance of 1,140.00 feet;

THENCE North 20°33'59" East, a distance of 1,829.03 feet;

THENCE North 89°17'00" East, a distance of 1,640.69 feet, to a point on the East line of said Lot 45;

THENCE South 25°48'19" West, a distance of 574.15 feet along the East line of said Lot 45, to the Southeast corner thereof, said corner being the Northwest corner of said Lot 50;

THENCE South 60°26'32" East, a distance of 1,190.00 feet along the North line of said Lot 50, to the Northeast corner thereof;

THENCE South 04°59'29" East, a distance of 1,149.36 feet along the East line of said Lot 50, to the Southeast corner thereof, said corner being the Northeast corner of said Lot 66;

THENCE South 06°20'25" West, a distance of 860.26 feet along the East line of said Lot 66, to the Southeast corner thereof said corner being the Northeast corner of said Lot 68;

continued.....

Legal description continued - Page 2

THENCE South 30°49'40" West, a distance of 722.01 feet along a portion of the East line of said Lot 68;

THENCE South 80°23'05" West, a distance of 863.68 feet;

THENCE South 73°17'00" West, a distance of 894.68 feet;

THENCE South 73°17'00" West, a distance of 334.16 feet, to a point on the East line of said Lot 63;

THENCE South 88°15'13" West, a distance of 231.97 feet;

THENCE North 80°33'21" West, a distance of 524.75 feet;

THENCE North 60°01'41" WEst, a distance of 238.04 feet;

THENCE North 73°04'49" West, a distance of 321.96 feet;

THENCE North 57°48'36" West, a distance of 120.56 feet;

THENCE North 57°48'36" West, a distance of 203.15 feet;

THENCE North 82°25'06" West, a distance of 225.34 feet;

THENCE North 68°08'24" West, a distance of 134.40 feet;

THENCE North 51°55'50" West, a distance of 371.39 feet;

THENCE South 69°04'26" West, a distance of 256.18 feet;

THENCE North 76°33'50" West, a distance of 247.57 feet;

THENCE North 59°46'22" West, a distance of 189.67 feet;

THENCE North 62°42'20" West, a distance of 441.92 feet, to a point on the West line of said Lot 60;

THENCE North 13°12'57" East, a distance of 1,284.62 feet along the West line of said Lot 60, to the Northwest corner thereof, said corner being the Southwest corner of said Lot 53;

THENCE North 02°22'51" West, a distance of 841.09 feet along a portion of the West line of said Lot 53, to the POINT OF BEGINNING.

TOGETHER WITH a non-exclusive easement for road purposes and an easement for ingress/egress and utilities as granted by Declaration(s) of Easement recorded in Docket 5674, Page(s) 943, 947 and 953 and recorded in Docket 6554, Page 374 of Pima County records AND ALSO a public right-of-way and underground utilities as set forth by State Right-of-Way #16-94229, recorded in Docket 8912, Page 884.

Docket Information

Number of Documents in Docket 73

Documents Dated from 9/10/1999 to 4/18/2007

Docket Compiled: 6/17/2011