WATER-RIGHT DOCKET

Tuzigoot National Monument

Docket No: 2

SHEA SPRINGS

State Water Rights Documentation

06-02-2011: Letter to Arizona Dept. of Water Resources from Kathy M. Davis regarding Amendments to Statement of Claimant 39

United States Department of the Interior
NATIONAL PARK SERVICE
Montezuma Castle and Tuzigoot National Monuments
Post Office Box 219
527 S. Main Street
Camp Verde, Arizona 86322

IN REPLY TO:
L54

June 2, 2011

Arizona Department of Water Resources
Adjudications Unit
PO Box 33589
Phoenix, AZ 85067-3589

RE: Amendments to Statement of Claimant 39-048002

In summer 2010, the National Park Service submitted to the Arizona Department of Water Resources an amendment to statement of claim of right to use public waters of Arizona no. 36-024560. The National Park Service hereby submits two new amendments to Statement of Claimant No. 39-048002 for Statement of Claim No. 36-024560, which reflect the changes made to the Statement of Claim.

If you have any questions, please contact me at 928-634-5564 or kathy_m_davis@nps.gov.

Sincerely,

Kathy M Davis

Kathy M. Davis
Superintendent, Montezuma Castle and Tuzigoot National Monuments

Enclosures (2)

cc: Bill Hansen, NPS, Fort Collins, CO (w/ copy of enclosures)

For Departmental Use Only

File no. 39- 048002
Date Filed: _____
WFN _____

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** U.S. National Park Service, Tuzigoot National Monument
Claimant Address: P.O. Box 219 City Camp Verde
State: Arizona Zip Code 86322 Telephone 928-576-5276x223

2. **Basis of Claim:**
   - A. ■ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-025460
   - B. □ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   - C. □ Decreed water right. Principal litigants, court, date and case no.: _____
   - D. □ Right to withdraw groundwater. Grandfathered Right No. _____
   - E. ■ Other, describe: See amendment to 36-025460 and its attachments; and previous amendment to 39-048002

3. **Claimed Priority Date:** _____/_____/ 1890 and/or 1896 (month/day/year)

4. **Use:**
   - A. □ Municipal
   - B. □ Commercial or Industrial
   - C. □ Mining Lake or Reservoir:
   - D. □ Stockwatering other than from a stock pond
   - E. ■ Recreation, Fish and Wildlife
   - F. □ Other, describe: _____

5. **Source of Water:**
   - A. □ Stream: name _____, tributary to _____
   - B. ■ Spring: name Shea Springs, tributary to Verde River
   - C. □ Lake or Reservoir: name _____, tributary to _____
   - D. □ Groundwater.

6. **Legal description of the Point of Diversion: (attach additional sheet if required)**
SW ¼, NE ¼, SW ¼, Section 15, Township 16 (N)/S, Range 3 (E)/W

7. **If there are Irrigation, Domestic or Other Uses also supplied from the point of diversion, describe:** Irrigation for wildlife use and wetlands

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: gravity flow into Tavasci Marsh

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

9. **Means of Conveyance:**
   A. □ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ■ Other, describe: gravity flow into Tavasci Marsh

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

Legal Subdivision	Section	Township	Range
See Attachment 1		N/S	E/W
		N/S	E/W

11. **Claimed Right:**
   A. Maximum Flow Rate: 500 □ cubic-feet per second ■ gallons per minute □ Arizona miner's inches
   B. Annual Volume of Water Use: 167 acre-feet
   C. Storage Right: _____ acre-feet

12. **Attach** photographs, maps or sketches necessary to show the point/s) of diversion, storage reservoir(s), means of conveyance and place/s) of use. See Attachment 2 for map

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

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Contact the Superintendent of Tuzigoot National Monument, 928-~~634-5564~~ 567-5276 x 223

15. **Additional comments:** Amendment for recreation at Tavasci Marsh which is fed by Shea Springs. Recreation use includes bird-watching, natural science and environmental education, etc. A separate amendment was submitted for irrigation. The claimed right (item no. 11) is for both irrigation and recreation.

(attach additional sheet if required)

16. **Mail form(s) to:**
AZ DEPT OF WATER RESOURCES
ADJUDICATIONS UNIT
PO BOX 33589
PHOENIX AZ 85067-3589

17. **Notarized Statement:**
I/We, National Park Service by Kathleen M. Davis
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

Kathleen M Davis 6/6/11
Superintendent, Tuzigoot National Monument

(seal)

8-27-2011
My Commission Expires:

OFFICIAL SEAL
JOYCE KIDNEY
NOTARY PUBLIC - STATE OF ARIZONA
YAVAPAI COUNTY
My Comm. Expires August 27, 2011

Joyce Kidney 6/6/2011
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

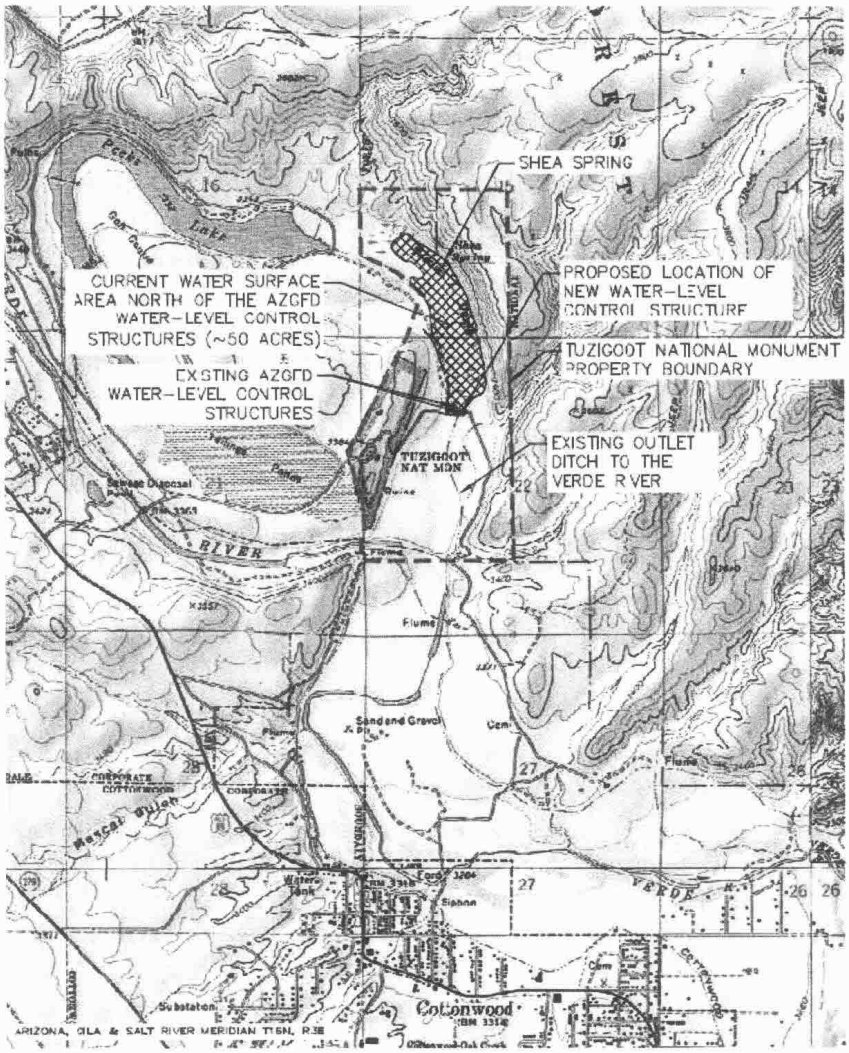
Statement of Claimant Form for Recreation Use
Amendment to Statement of Claimant 39-048002
Superior Court of Maricopa County
Attachment 1

Item 10. Place of Use, Annual Use and Claimed Priority Dates

¼	¼	¼	Section	Township	Range
SW	NE	SW	15	16N	03E
SW	NW	SW	15	16N	03E
SE	NW	SW	15	16N	03E
NE	SW	SW	15	16N	03E
SE	SW	SW	15	16N	03E
NW	SE	SW	15	16N	03E
SW	SE	SW	15	16N	03E
SE	SE	SW	15	16N	03E
NE	NE	NW	22	16N	03E
NW	NE	NW	22	16N	03E
SW	NE	NW	22	16N	03E
SE	NE	NW	22	16N	03E
NW	SE	NW	22	16N	03E

Statement of Claimant Form for Other Uses
Amendment to Statement of Claimant 39-048002
Superior Court of Maricopa County
Attachment 2

Item 12. Map showing point of diversion and places of use.



Prepared by Natural Channel Design

STATEMENT OF CLAIMANT FORM

FOR

IRRIGATION USE

CLAIM BEING AMENDED

NO. 39-048002

AMENDMENT

SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** U.S. National Park Service, Tuzigoot National Monument
   Claimant Address: P.O. Box 219 City Camp Verde
   State: Arizona Zip Code 86322 Telephone 928-567-5276x223

2. **Basis of Claim:**
   - A. ■ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-025460
   - B. □ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   - C. □ Decreed water right. Principal litigants, court, date and case no.: _____
   - D. □ Right to withdraw groundwater. Grandfathered Right No. _____
   - E. ■ Other, describe: See amendment to 36-025460 and its attachments; and previous amendment to 39-048002

3. **Source of Water:**
   - A. □ Stream: name _____, tributary to _____
   - B. ■ Spring: name Shea Springs, tributary to Verde River
   - C. □ Lake or Reservoir: name _____, tributary to _____
   - D. □ Groundwater.

4. **Legal description of the Point of Diversion: (attach additional sheet if required)**
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 (N)/S, Range 3 (E)/W

5. **If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:** Recreation (see item 13 for description)

6. **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: gravity flow into Tavasci Marsh

7. **Means of Conveyance:**
   - A. □ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   - B. ■ Other, describe: gravity flow into Tavasci Marsh

8. **Place(s) of Use, Annual Water Use and Claimed Priority Date(s):** (attach additional sheet if required)
County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment 1		N/S	E/W			
		N/S	E/W			
		N/S	E/W			

9. **Claimed Right:**

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ■ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 167 acre-feet

C. Storage Right: _____ acre-feet

10. **Attach** photographs, maps or sketches necessary to show the point/s) of diversion, storage reservoir(s), means of conveyance and place/s) of use. See Attachment 2 for map

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

12. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Contact the Superintendent of Tuzigoot National Monument, 928-~~634-5584~~ 567-5276x223

13. **Additional comments:** Amendment of irrigation for wildlife use and wetlands at Tavasci Marsh. Recreation use includes bird-watching, natural science and environmental education, etc. The claimed right (item no. 9) is for both irrigation and recreation. A separate amendment was filed for other uses (recreation).

(attach additional sheet if required)

14. **Mail form(s) to:** AZ DEPT OF WATER RESOURCES, ADJUDICATIONS UNIT PO BOX 33589 PHOENIX AZ 85067-3589

15. **Notarized Statement:**
I/We, National Park Service by Kathleen M Davis
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

Kathy M. Davis 6/6/11
Kathleen Superintendent, Tuzigoot National Monument

(seal)

8-27-2011
My Commission Expires:

Joyce Kidney 6/6/2011
Notary Public

OFFICIAL SEAL
JOYCE KIDNEY
NOTARY PUBLIC - STATE OF ARIZONA
YAVAPAI COUNTY
My Comm. Expires August 27, 2011

or, _____
Authorized Personnel of the Department of Water Resources

Statement of Claimant Form for Irrigation Use
Amendment to Statement of Claimant 39-048002
Superior Court of Maricopa County
Attachment 1

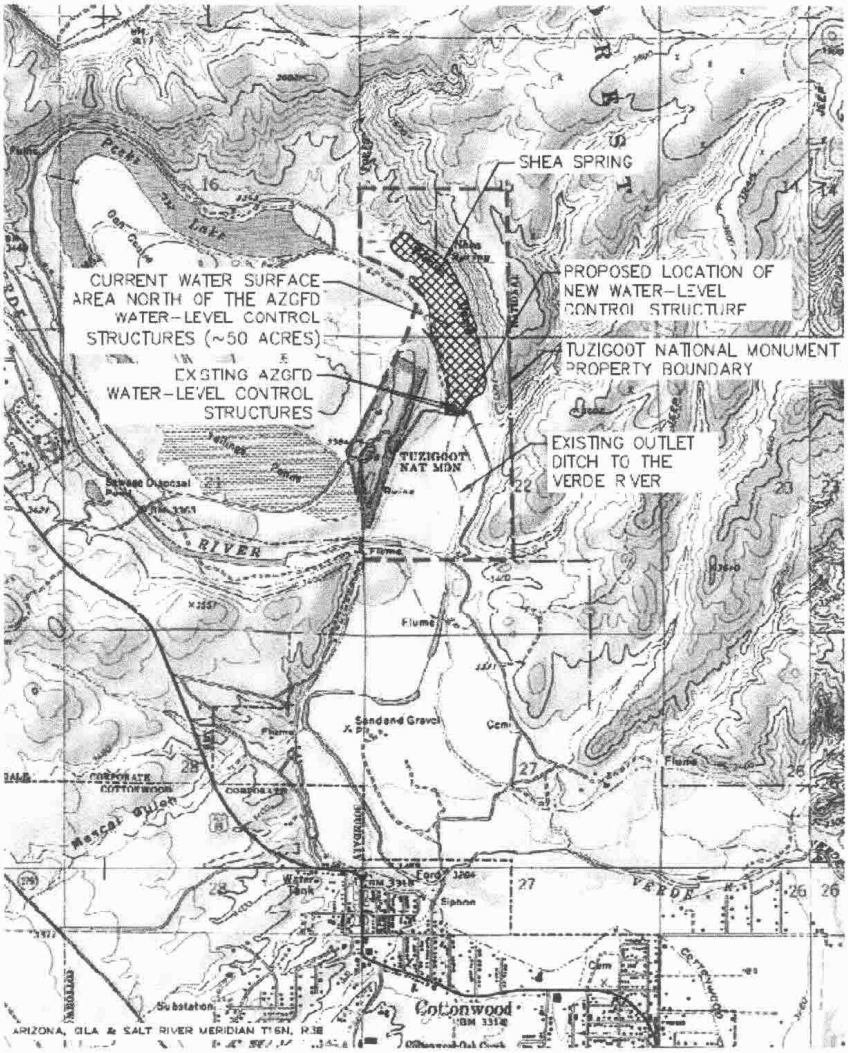
Item 8. Place of Use, Annual Use and Claimed Priority Dates

¼	¼	¼	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
SW	NE	SW	15	16N	03E	50	167	1890 and/or 1896
SW	NW	SW	15	16N	03E			
SE	NW	SW	15	16N	03E			
NE	SW	SW	15	16N	03E			
SE	SW	SW	15	16N	03E			
NW	SE	SW	15	16N	03E			
SW	SE	SW	15	16N	03E			
SE	SE	SW	15	16N	03E			
NE	NE	NW	22	16N	03E			
NW	NE	NW	22	16N	03E			
SW	NE	NW	22	16N	03E			
SE	NE	NW	22	16N	03E			
NW	SE	NW	22	16N	03E			

06-02-2011: Letter to Arizona Dept. of Water Resources from Kathy M. Davis regarding Amendments to Statement of Claimant 39

Statement of Claimant Form for Irrigation Use
Amendment to Statement of Claimant 39-048002
Superior Court of Maricopa County
Attachment 2

Item 10. Map showing point of diversion and places of use.



TUZIGOOT NATIONAL MONUMENT
PERMIT APPLICATION EXHIBIT

Prepared by Natural Channel Design

10-25-2010: Fax to Kathy Davis regarding ADWR response on Amendment for Statement of Claim of Right no.36-25460

National Park Service
Montezuma Castle and Tuzigoot National Monuments
P. O. Box 219
Camp Verde, AZ 86322
(928) 567-5276
(928) 567-3597 (FAX)

DATE: _____ TIME: _____

F 970-225-9965 Paul Christensen > WRD Sharon Kim F928-649-6198
TO: Bill Hansen Allen Haden F928-774-9023

FROM: Kathy Davis

SUBJECT: ADWR response on Amendment

NUMBER OF PAGES: 2

COMMENTS:

is this a green light so we can proceed with the EA and work ?

Kathy



Tuzigoot NM



Montezuma Castle NM

JANICE K. BREWER
Governor

HERBERT R. GUENTHER
Director

ARIZONA DEPARTMENT OF WATER RESOURCES

3550 North Central Avenue, Second Floor
PHOENIX, ARIZONA 85012-2105
Telephone (602) 771-8621
Fax (602) 771-8688

October 20, 2010

National Park Service
Attn: Kathy M. Davis
P.O. Box 219
Camp Verde, Arizona 86322

RE: Amendment for Statement of Claim of Right No. 36-25460.

Applicant:

The Arizona Department of Water Resources (Department) has received the above-referenced amendment. The amendment form has been incorporated into the Department's official file, and the Department's records have been revised to reflect the changes that were requested. This is not a determination by the Department of the truth and accuracy of the amended claim.

Please be aware that an amendment to a Statement of Claim may not be used to make changes in location, quantity, source, or use of water that have occurred after March 17, 1995. See Arizona Revised Statute (A.R.S.) § 45-182.D. In addition, if you intend to change a certain type of use to a new use that was initiated after March 17, 1995, you must obtain approval from the Director of the Department pursuant to A.R.S. § 45-156(B).

Please do not hesitate to contact me at (602) 771-8591or toll free (within Arizona only) at 1-800-352-8488 if you require further information or assistance.

Sincerely,

Elizabeth V. Logan

Elizabeth V. Logan, Manager
Permitting Unit, Surface Water Division

CC: Rodney Held, ADWR

United States Department of the Interior
NATIONAL PARK SERVICE
Montezuma Castle and Tuzigoot National Monuments
Post Office Box 219
527 S. Main Street
Camp Verde, Arizona 86322

IN REPLY TO:
L50

August 10, 2010

Arizona Department of Water Resources
Surface Water Rights
P.O. Box 33589
Phoenix, AZ 85067-3589

RE: Amendment to Statement of Claim of Right to Use Public Waters of the State of Arizona, No. 36-025460, Shea Springs and Tavasci Marsh

The National Park Service (NPS) submits the enclosed amendment for its claim to water from Shea Springs at Tuzigoot National Monument in Yavapai County. The NPS amends its claim to include two types of water uses: (1) irrigation for wildlife use and wetlands, and (2) recreation. The uses are associated with Tavasci Marsh. The annual use claimed for the two types of water use is 167 acre-feet per year. Research gives the NPS reason to amend the claimed priority date from 1911 to 1890 and/or 1896.

The NPS submits the amendment to allow for manipulation of water-level elevations in the marsh to restore and maintain desired native species, habitat, and vegetation diversity. The water levels will be manipulated by a water-level control structure. The NPS also seeks to provide certain recreational activities, such as bird watching, which has occurred since the 1970s.

If you have any questions or need additional information, please contact me 928-567-5276 ext. 223 or at kathy_m_davis@nps.gov.

Sincerely,

Kathy M. Davis

Kathy M. Davis
Superintendent, Tuzigoot National Monument

Cc: Evelyn Erlandsen, Arizona Water Protection Fund, Phoenix, AZ,
AWPF Grant No. 09-167WPF, Tavasci Marsh Wetland Restoration Project
Lee Leininger, U.S. Department of Justice, Denver, CO
Peter A. Fahmy, Office of the Solicitor, Fort Collins, CO
Paul Christensen, Water Resources Division, Fort Collins, CO
Allen Haden, Natural Channel Design, Flagstaff, AZ
Greg Kornrumph, Salt River Project, Phoenix, AZ
Craig Sommers, ERO Resources, Denver, CO

ARIZONA DEPARTMENT OF WATER RESOURCES
SURFACE WATER RIGHTS
MAIL TO: P.O. BOX 33589
PHOENIX, ARIZONA 85067-3589
3550 North Central Avenue
Phoenix, Arizona 85012-2105
Telephone (602) 771-8500
Fax (602) 771-8688

REGISTRY NO. OF ORIGINAL FILING 36-025460

DATE 09 Aug 2010

AMENDMENT
STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA

1. Claimant U.S. National Park Service, Tuzigoot National Monument Telephone 928-567-5276
   Address P.O. Box 219 City Camp Verde State AZ Zip 86322
2. Type of water source and name Shea Springs (also known as Goodwin, Taylor, or Big Springs)
   a tributary to Verde River within the _____ watershed
   (for office use only)
3.

Type of Water Use(s) (e.g., irrigation, domestic, stock) *See Attachment 1 for explanation.*	**Annual Use** (list use amount for each type) *See Attachment 2 for explanation.*	**Acres Irrigated** (irrigation use only)	**Specific Months of Use** (if not for entire year)
Irrigation for wildlife use and wetlands (Tavasci Marsh)	167 acre-feet	50 acres	
Recreation	Included in 167 acre-feet above	Included in 50 acres above	

4. Date the water was first used beneficially (month/day/year) 1890 and/or 1896
5. Location of point of water diversion: County Yavapai

   Lot _____ (if applicable), SW ¼ NE ¼ SW ¼, Section 15, Township 16 N, Range 03 E

6. Location of place(s) of water use: County Yavapai
   See Attachment 3. See map showing location in Attachment 4.
   Lot _____ (if applicable), _____¼ _____¼ _____¼, Section _____, Township _____N/S, Range _____E/W

   Lot _____ (if applicable), _____¼ _____¼ _____¼, Section _____, Township _____N/S, Range _____E/W

7. Legal basis for the claim (attach any documents being filed in support of claim): See Attachment 5.

The information contained herein is true and correct to the best of my (our) knowledge.

STATE OF ARIZONA)
)
County of Yavapai)

Kathleen M Davis
Signature
Superintendent, Tuzigoot National Monument

SUBSCRIBED AND SWORN to before me this 10th day of August, 2010.

My commission expires Feb 24, 2011

Elissa Jewell
Notary Public

OFFICIAL SEAL
ELISSA JEWELL
NOTARY PUBLIC - STATE OF ARIZONA
YAVAPAI COUNTY
My Comm. Expires Feb. 24, 2011

Attachment 1

Information Regarding Amendment
of Statement of Claim of Right to Use Public Waters of the State of Arizona
No. 36-025460

Item 3. Type of Water Use(s).

From 1911 to 2005, the land currently underlain by Tavasci Marsh was owned by Phelps Dodge Corporation (PDC) and its predecessors. Up to 1991, the land was leased out for agriculture, including cattle ranching and dairy farming. Ditches were constructed to drain much of the marsh and divert water from Shea Springs, so that more land might be used for agricultural purposes (irrigation). From about 1890 to 1911, land was also irrigated for agricultural purposes.

By the mid 1970s, the marsh had become known as "Tavasci Marsh." In the 1970s and 1980s, the marsh was also used for recreation by the public. Local elementary schools were allowed to take educational tours in the lower part of the marsh. Local high school students were allowed to hold annual graduation parties near the southern end of the marsh. The marsh area then became a place of ecological value. Birdwatchers trespassed into the marsh area, and a movement arose to protect and preserve the marsh.

In 1990, PDC entered into a cooperative agreement with the Arizona Game and Fish Department (AZGFD) to manage and restore Tavasci Marsh. AZGFD's primary objective was to protect, enhance, restore, and monitor the native biological diversity of Tavasci Marsh. The secondary objective was to provide educational and recreational uses of the marsh compatible with its sensitive nature. The AZGFD restoration project was completed in 1995 with the construction of two water-control structures used to manipulate stage levels and two observation decks and a small trail system to open the marsh (considered an important birding site by the Audubon Society) to birders and the general public. AZGFD then set out to restore the wetland to its historic size of an estimated eighty acres.

In the early 1990s, recreation also occurred at the marsh. Local school children routinely took weeklong environmental summer camps at Tavasci Marsh. The program provided students with an opportunity to learn how a marsh ecosystem operates through the collection of water samples, the observation of native flora and fauna, and the exploration of Shea Springs.

By the end of the 1990s, inadequate funding resulted in structures falling into disrepair (including the water-control structures). Beavers built an elaborate system of dams throughout the marsh, raising water levels some 18 inches above the top of the water control structures and resulting in an unintended expansion of the wetland.

Information in the paragraphs above was found in Will Stoutamire's draft report titled "Water in the Desert: a History of Arizona's Tavasci Marsh, 1865 to 2005" and dated July 8, 2010.

Tavasci Marsh today is characterized by a monoculture of cattails, with no transitional habitat/vegetation between wetland and upland areas. This habitat condition has resulted in a reduction in wildlife diversity.

In 2005, the United States of America (the National Park Service) acquired the lands underlying Tavasci Marsh from PDC. The National Park Service (NPS) seeks to manipulate water-level elevations in the marsh to restore and maintain desired native species, habitat, and vegetation diversity. It will do so by replacing existing water-level control structures that are in

disrepair with a new structure, which will be used to seasonally lower and raise marsh water levels for the benefit of marsh habitat and wildlife diversity. The NPS will reduce the size of the irrigation footprint to 50 acres to improve vegetation diversity and habitats within the existing wetlands. The NPS also seeks to provide certain recreational activities, such as bird watching.

In the matter of the Zuni Indian Tribe water-rights settlement, the Arizona Department of Water Resources and settlement parties agreed to the characterization of the Zuni Indian Tribe's wetlands as "irrigation" or "irrigation and wetland" uses. These "wetlands" include (1) ponds, (2) surrounding wetlands, and (3) drainage channels back to the river. The three types of features are lined by riparian vegetation. The ponding of water for wetlands is considered a type of flood irrigation. This is the same method of irrigation that formerly occurred at Tavasci Marsh, that presently occurs at Tavasci Marsh (via existing beaver dams and two water-control structures now in disrepair), and that will occur at the restored marsh (via a new water-control structure).

The NPS amends claim no. 36-025460 for two types of water use that it intends to employ as part of the claim: (1) irrigation for wildlife use and wetlands, and (2) recreation.

Attachment 2

Information Regarding Amendment
of Statement of Claim of Right to Use Public Waters of the State of Arizona
No. 36-025460

Item 3. Annual Use.

The annual use was calculated using the estimate of annual evaporation from a free-water surface, local annual precipitation, and area of the marsh/wetland. Evaporation from a free-water surface approximately equals evaporation from a marsh or wetland.

According to Map 3 of Farnsworth and Thompson (1982), the annual evaporation from a free-water surface in the Tavasci Marsh area is about 53 inches. From 1977 through 2009, the mean annual precipitation at Tuzigoot (National Monument), where Tavasci Marsh is located, is 12.77 inches (Western Regional Climate Center, 2010). The mean annual precipitation is rounded to 13 inches for calculations. The marsh/wetland has a maximum area of about 50 acres. The following equation is used to calculate annual use.

$$U = \frac{E - P}{12} \times A$$

Where

U = use, acre-feet per year
E = evaporation from a free-water surface, inches per year
P = precipitation, inches per year
A = area of wetland/marsh, acres

An annual use of 166.67 acre-feet per year is calculated or about 167 acre-feet per year. The NPS amends claim no. 36-025460 to show its intended annual water use and irrigated acreage of part of the claim.

References Cited

Farnsworth, R.K., and Thompson, E.S., 1982, Evaporation atlas for the contiguous 48 United States: U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Washington, D.C., NOAA Technical Report NWS 33, June 1982, 26 p. with four maps.

Western Regional Climate Center, Historical Climate Information, Western U.S. Historical Summaries (individual stations), Arizona, Tuzigoot, Period of Record Data Tables, Monthly Tabular Data. Accessed 29 July 2010 at URL http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?az8904.

Attachment 3

Information Regarding Amendment
of Statement of Claim of Right to Use Public Waters of the State of Arizona
No. 36-025460

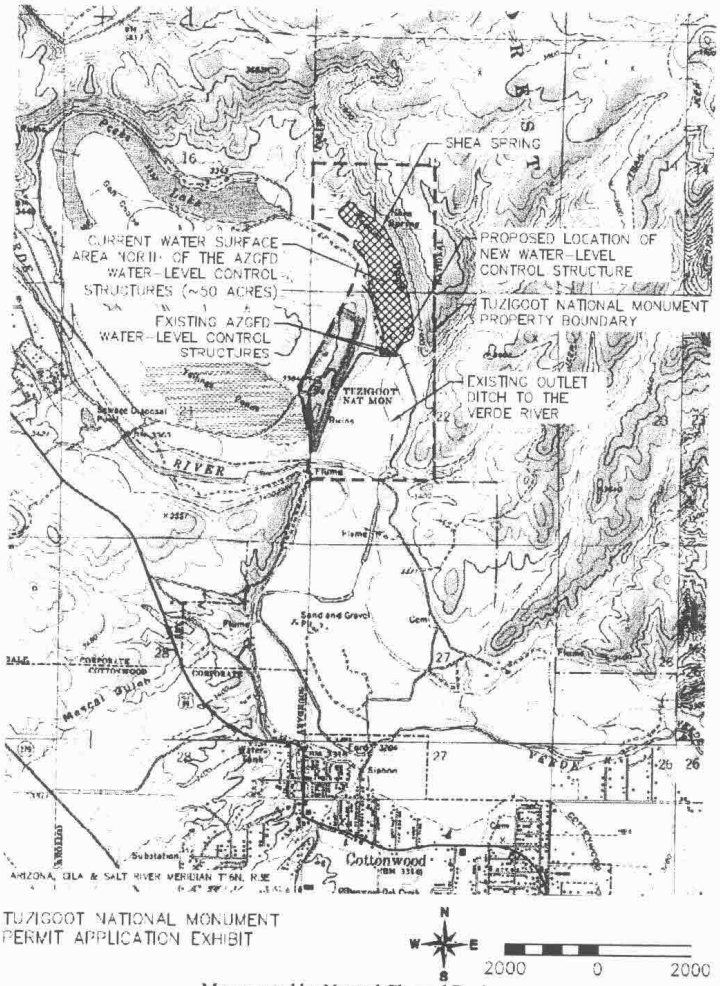
Item 6. Location of places of water use.

¼	¼	¼	Section	Township	Range
SW	NE	SW	15	16N	03E
SW	NW	SW	15	16N	03E
SE	NW	SW	15	16N	03E
NE	SW	SW	15	16N	03E
SE	SW	SW	15	16N	03E
NW	SE	SW	15	16N	03E
SW	SE	SW	15	16N	03E
SE	SE	SW	15	16N	03E
NE	NE	NW	22	16N	03E
NW	NE	NW	22	16N	03E
SW	NE	NW	22	16N	03E
SE	NE	NW	22	16N	03E
NW	SE	NW	22	16N	03E

Attachment 4

Information Regarding Amendment
of Statement of Claim of Right to Use Public Waters of the State of Arizona
No. 36-025460

Item 6. Maps showing location of places of water use.



Map created by Natural Channel Design.

Attachment 5

Information Regarding Amendment
of Statement of Claim of Right to Use Public Waters of the State of Arizona
No. 36-025460

Item 7. Legal basis for the claim.

On 06 Aug 2006, claim no. 36-025460 was assigned to the United States of America, National Park Service. In a general warranty deed (Yavapai County, Book 4311, p. 392), dated 15 Sep 2005, Phelps Dodge Corporation conveyed to the United States of America lands including those underlying Tavasci Marsh and Shea Spring as well as water rights. Phelps Dodge Corporation was the successor to the United Verde Copper Company. In a 30 Oct 1911warranty deed (Yavapai County, BB88, p. 556-557), Daniel J. and Margaret O'Shea conveyed to the United Verde Copper Company lands including Tavasci Marsh as well as rights to all water from Goodwin Springs (also known as Shea Springs).

On 05 Sep 1900, John Goodwin, Jr., and his wife, Margaret, deeded the land to Daniel O'Shea. In 1895, Messrs. Rich, Brewer, Shea and Keefe filed a notice of appropriation in Yavapai County (Yavapai County Millsite & Water Right Records, Book 3, page 1.) to irrigate lands located beneath the marsh. First cultivation began in 1896. Thomas Goodwin had a homestead deed (document no. 130), dated 31 Dec 1890, which included much of the original area underlain by Tavasci Marsh. Goodwin used water from Shea Springs to irrigate some land to grow crops. Irrigation of crops and marsh/wetlands has occurred historically in the marsh area since at least 1890.

Information above was found in National Park Service files and Will Stoutamire's draft report titled "Water in the Desert: a History of Arizona's Tavasci Marsh, 1865 to 2005" and dated July 8, 2010.

INSTRUCTIONS

AMENDING A STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE OF ARIZONA

Statements of claim of right received by the Department are presumed to be a correct statement of the facts contained therein. This amendment procedure is provided to allow a water user the opportunity to correct facts which were incorrectly presented in the original document. This amendment procedure is not intended to act as a vehicle for reporting changes in location, quantity, source, or use of water that have occurred since the date of first beneficial use stated on the original claim. For changes of this type, completion of a new statement of claim or request for change in use may be more appropriate. A change in holder of the claim would be accomplished through a request for assignment of the claim.

1. Complete only those portions of the statement of claim of right that are being amended from the original statement of claim. For example, if you are amending the date the water was first used, complete only item number 4.

2. Record the Registry number of the statement of claim that is being amended. This registry number is prefixed with 36.

3. The amendment to a statement of claim must be subscribed and sworn to.

4. There is no fee to amend a statement of claim.

Kathy M Davis/MOCA/NPS
12/08/2009 04:16 PM

To Paul Christensen/FTCOLLINS/NPS@NPS
cc Sharon Kim/MOCA/NPS@NPS, Dennis Casper/MOCA/NPS@NPS
bcc
Subject Fw: Tavasci Marsh - coordination with Surface Water Division

Hi Paul,

Wanted to show this email string to you for any comments. I'm in this week if you want to talk.

Kathy

Kathy M Davis, Superintendent, Montezuma Castle & Tuzigoot NMs Office 928-567-5276 x 223 Cell 928-821-3913 Fax 928-567-3597

----- Forwarded by Kathy M Davis/MOCA/NPS on 12/08/2009 04:15 PM -----



"Stephanie" <stephanie@naturalchanneldesign.com>
12/02/2009 06:34 AM

To "Elizabeth V. Logan" <evlogan@azwater.gov>, "'Evelyn J. Erlandsen'" <ejerlandsen@azwater.gov>, "Rodney Held" <rjheld@azwater.gov>
cc "'allen'" <allen@naturalchanneldesign.com>, "'George Cathey'" <george@naturalchanneldesign.com>, <Kathy_M_Davis@nps.gov>, <Dennis_Casper@nps.gov>, <Sharon_Kim@nps.gov>
Subject Tavasci Marsh - coordination with Surface Water Division

Hello Liza,
Hope that you had a nice Thanksgiving. Thanks again for your help in assisting with the Picture Canyon project. It is a tireless one, but will the outcome will be worth the trials presented.

We are working with the National Park Service in restoring and enhancing the degraded marsh. We are currently in the throws of our site assessment at Tavasci Marsh and Evelyn, AWPF, suggested that we coordinate with you regarding any surface water aspects of the design (see attached emails). A planned meeting with regional NPS staff and other resource specialists to develop treatment alternatives to improve habitat, is schedule for January 19-22. We would like to meet with you prior to that so that we clearly understand the existing water rights, what their use can be, and what avenues we may consider for meeting wetland restoration goals and surface water requirements.

Could you be available to come to the Verde Valley to meet with NPS and NCD staff? We will have resource maps and other inventory available and can go to the site as well. The available dates are January 11 or 15? It is our hope that Evelyn can attend as well.

Thanks for your attention,
Stephanie Yard, PE

Natural Channel Design, Inc
928-774-2336

From: Evelyn J. Erlandsen [mailto:ejerlandsen@azwater.gov]
Sent: Tuesday, October 06, 2009 2:10 PM
To: 'allen'
Cc: 'Stephanie'
Subject: Tavasci Marsh Update for AWPF Grant #09-167WPF

Task #1 Update:
I understand there are task #1 items that can't be obtained until the final design is drafted. However, just a reminder that there are items such as agreements with NPS that should be obtained prior to the final design. In addition, I'm attaching an email that was sent to Tom back during the application phase. It provides some preliminary information from our Surface Water Division, so I just wanted to pass that on to you in case you don't already have a copy of the email. You'll want to coordinate with our Surface Water Division, Lisa Logan when the final design is drafted. You may also want to submit to her an electronic copy of the designs to help expedite the review.

Site Assessment Plan:
I have reviewed and approved the Site Assessment Plan, dated September 2009.

Thanks, any questions, please let me know. Evelyn

Evelyn Erlandsen
Project Manager
Arizona Water Protection Fund
3550 N. Central Ave.
Phoenix, AZ 85012

phone: (602) 771-8532
fax: (602) 771-8680


SW Rights Email.htm

From: Evelyn J. Erlandsen
Sent: Friday, September 12, 2008 1:58 PM
To: 'Tom Moody'
Cc: 'Kendra Kordes'; Elizabeth V. Logan; Rodney J. Held
Subject: RE: FW:

Hi Tom and Kendra,

I obtained a copy of the water right 36-25460.0001 from our Surface Water Division. The right provides for 806.5 acre ft/year, have you approximated what your irrigation needs for the 9-acres of revegetation will be?

In addition, Lisa Logan, Manager of Surface Water Division, ADWR, mentioned some other items that are important and I wanted to pass on to you. Lisa said that the "point of use" of the water right (36-25460.00001) includes the 9-acre pilot project, but not the entire 110 acres. In addition, berms can't be constructed in the natural channel and the water can't be impounded. Lisa said this is important so that the applicant/water right holder makes sure they do not invalidate their water right claim. Depending on design, a surface water permit may be needed and it will be very important for you to work with our Surface Water Division, if funded, on insuring that the proposed project design is in line with the water right.

I'm not sure if NPS has other surface water rights to cover the entire area. However, if NPS does not have other water rights, Lisa mentioned two options would be to, 1. sever and transfer the existing right; this is a change in use and requires permission from downstream users, and can take at least 1 year to process; and the applicant needs to "prove up" the claim, i.e. prove they will use the water quantity allotted; or 2. file and apply for a new surface water right. Both of these options require preliminary designs.

This is just to provide you with a heads up on a preliminary review..... an official determination will need to come from our Surface Water Division when you consult with them as part of Task#1, if funded.

Thanks, Evelyn

Evelyn Erlandsen
Project Manager
Arizona Water Protection Fund
3550 N. Central Ave.
Phoenix, AZ 85012

phone: (602) 771-8532
fax: (602) 771-8680

From: Tom Moody [mailto:tom@naturalchanneldesign.com]
Sent: Thursday, September 11, 2008 5:17 PM
To: Evelyn J. Erlandsen
Cc: Kendra Kordes
Subject: Re: FW:

Evelyn:

Reasonable question. To our knowledge there is no formal conveyance structure between Shea spring and the 9-acre project area. The water simply moves through the marsh downhill to that point.
The "existing water control structures" identify the location of two structures in the lower part of the project area. These were installed by AZGF in the 1990's in an attempt to create deeper water within the project area. According to NPS staff, these have never worked properly either because they were installed too low and/or downstream beaver dams drowned them out. They do nothing to control water

entering the project area.

Your question is exactly the reason we included the conceptual design of the entire marsh as a task. The marsh is one entity, tied together by hydrology and topography. It is impossible (or at least unprofessional) to design restoration for one part of the marsh without consideration for the remainder. The project design must be consistent and integrated into the total marsh function. We will make the point that the conceptual design is simply a "value added" byproduct of the need to assess the entire marsh.

We have asked the exact question you posed and wish we knew the answer. As soon as we finish the topographic survey, we can all know!

At this time, all earthwork, revegetation, and other project activities are intended for the 9-acre. If there is a valid technical or ecological reason to extend the project boundaries, it would be done with the approval of the NPS and AWPF. Let me know if you have any other questions.

Best, Tom

Tom Moody, P.E.
Natural Channel Design, Inc.
206 S. Elden St.
Flagstaff, AZ 86001
928-774-2336 x15
928-774-9023 fax
www.naturalchanneldesign.com

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

April 26, 2007

L54 (2380)
TUZI/Water Rights

Arizona Department of Water Resources
Adjudication Section
P.O. Box 458
Phoenix, AZ 85001-0458

Re: Amendment to Statement of Claimant for Tuzigoot National Monument

An amended statement of claimant is attached for Tuzigoot National Monument in the Verde Valley. The amendment is for Statement of Claimant No. 39-48002 which was recently transferred from Phelps Dodge to the National Park Service.

If you have any questions, please contact Mr. Paul Christensen of my office at 970-225-3534 or paul_christensen@nps.gov .

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Enclosure

(All w/ enclosure)
cc: Kathy M. Davis, TUZI
Paul Christensen, NPS, Fort Collins
Peter Fahmy, NPS, Fort Collins

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

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

1. **Claimant Name:** Tuzigoot National Monument
Claimant Address: P.O. Box 219 City Camp Verde
State: ~~NM~~ AZ Zip Code 86322 Telephone 928-634-5564

2. **Basis of Claim:**
A. [X] Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
B. [ ] Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. [ ] Decreed water right. Principal litigants, court, date and case no. _____
D. [ ] Right to withdraw groundwater. Grandfathered Right No. _____
E. [X] Other, describe: ~~statement of claimant 39-48002; Yavapai County~~ Warranty Deed B88 556-557

3. **Claimed Priority Date:** ~~10/30/1911~~ prior to (month/day/year)

4. **Use:**
A. [ ] Municipal
B. [ ] Commerical or Industrial
C. [ ] Mining
D. [ ] Stockwatering other than from a stockpond
E. [X] Recreation, Fish & Wildlife
F. [ ] Other, describe: _____

5. **Source of Water:**
A. [ ] Stream: name _____, tributary to _____
B. [X] Spring: name Shea Springs, tributary to Verde River
C. [X] Lake or Reservoir: name ~~Tavasci~~ Marsh tributary to Verde River
D. [ ] Groundwater.

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
~~SW~~ S ½, ~~NE~~ NW ¼, ~~SW~~ SW ¼, Section ~~15~~ 15, Township ~~16~~ 16 (N)S, Range ~~3~~ 3 (E)W
Section 15, Township 16N, Range 3 E

7. **If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe:** _____

8. **Means of Diversion:**
A. [ ] Instream pump.
B. [ ] Gravity flow into a ditch, canal or pipeline.
C. [ ] Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. [X] Other, describe: Gravity flow into ~~Tavasci~~ Marsh

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

9. **Means of Conveyance:**
   A. [X] Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. [ ] Other, describe: _____

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

County	Legal Subdivision	Section	Township	Range
Yavapai	~~$NW\frac{1}{4}\ SW\frac{1}{4}$, $SW\frac{1}{4}\ SW\frac{1}{4}$, $SE\frac{1}{4}\ SW\frac{1}{4}$~~	~~15~~	~~16~~ (N/S)	~~E~~ (E/W)
	~~$NE\frac{1}{4}\ NW\frac{1}{4}$~~	~~22~~	~~16~~ (N/S)	~~E~~ (E/W)

11. **Claimed Right:**
   A. Maximum Flow Rate: ~~500~~ [ ] cubic-feet per second [X] gallons per minute [ ] Arizona miner's inches
   B. Annual Volume of Water Use: ~~806.5~~ acre-feet
   C. Storage Right: ~~112.5~~ acre-feet in Tavasei Marsh

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

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

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? ~~Please contact Chief, Water Rights Branch, National Park Service, 1201 Oakridge Dr. Ste. 250, Fort Collins, CO 80525 970-225-3505~~

15. **Additional comments:** ~~Statement of claimant No. 39-48002 was assigned to the US National Park Service from Phelps Dodge Corporation.~~

(attach additional sheet if required)

16. **Mail form(s) to:** AZ DEPT OF WATER RESOURCES, ADJUDICATION SECTION, PO BOX 458, PHOENIX, AZ 85001-0458

17. **Notarized Statement:**
I (We), Charles W. Pettee hereby certify under penalty of perjury, that the information contained the claimant(s) named in this document and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

(seal)

FLORA B. ROMERO NOTARY PUBLIC STATE OF COLORADO

State of ~~Arizona~~ Colorado County of Jefferson
Signed before me on this 30th day of April 2007 by
Notary Public Flora B. Romero

My Commission Expires
Flora B. Romero, Notary Public
State of Colorado
My Commission Expires 7/31/2010

or, _____
Authorized Personnel of the Department of Water Resources

ARIZONA DEPARTMENT OF WATER RESOURCES
Legal Division
3550 North Central Avenue, Phoenix, Arizona 85012-2105
Telephone (602) 771-8472
Fax (602) 771-8680

Janet Napolitano
Governor

Herbert R. Guenther
Director

January 22, 2007

National Park Lands Resource Program
ATTN: Wyoma Hampton
P.O. Box 728
Santa Fe, New Mexico 87504-0728

RE: Assignment of Statement of Claimant File #39-48002

Dear Ms. Hampton:

On July 20, 2006, the Arizona Department of Water Resources ("Department") received a request to assign statement of claimant file #39-48002 from Phelps Dodge Corp. to the USA National Park Service. The assignment has been completed and the records of the Department have been updated to reflect this change.

Enclosed please find a printout of a query that shows Phelps Dodge Corp. is no longer a party in the adjudication program and that the USA National Park Service is now the current party (or holder) of statement of claimant file #39-48002. If you have any questions regarding this query, please contact me at 602-771-8472.

Very truly yours,

Ana M. Marquez
Water Resource Specialist
Legal Division

/amm

Enclosure

Adjudication Query 1 1/22/2007

WS	FILE NO	NAME	NAME2	PARTY?
05	48002	PHELPS DODGE CORP	COPPER QUEEN BRANCH	N
05	48002	USA NATIONAL PARK SERVICE	INTERMOUNTAIN REGION	Y

ARIZONA DEPARTMENT OF WATER RESOURCES
Surface Water Rights
3550 North Central Avenue, Phoenix, Arizona 85012
Telephone (602) 771-8500
Fax (602) 771-8688

JANET NAPOLITANO
GOVERNOR

HERB GUENTHER
DIRECTOR

COPY

August 1, 2006

U.S. Department of Interior
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87504

RE: Assignment of Statement of Claim No. 36-25460.0001

From: Phelps Dodge Corporation
To: United States of America

Applicants:

The referenced assignment action has been completed as required by Arizona Revised Statutes §§ 45-163 and 45-164. The official records of the Arizona Department of Water Resources (Department) have been revised to indicate the name and address of the current holder of the referenced surface water filing.

The Department assumes your request for assignment on the Statement of Claim of Right is a request to change the name of the claimant only. The Department does not presume to either adjudicate the validity of the claim or determine who should hold the claim.

Check No. 003731 for $10.00 has been deposited. Thank you for your payment. The cancelled check is your receipt.

Sincerely,

Barbara L. Norton

Barbara L. Norton
Surface Water Rights Specialist

bln

phelps dodge Corporation One North Central Avenue, Phoenix, AZ 85004

March 14, 2006

Ms. Glenna Vigil
Chief, Land Resources Program Center
Intermountain Region
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Ms. Vigil:

Attached are Arizona Department of Water Resources (ADWR) forms for transferring the Shea Springs water right from Phelps Dodge to the National Park Service. I have completed and signed the Phelps Dodge portion of these application forms for your eventual submittal to ADWR. Two forms are attached for your signature and subsequent submittal to ADWR. These forms comprise:

1. Request for Assignment of Surface Water Applications and Claims and Reissuance of Permits and Certificates of Rights.

2. Statement of Claimant '39' Assignment (Gila River Adjudication)

A Warranty Deed documenting Phelps Dodge Corporation's (United Verde Copper Company) prior ownership of the property and water right claim is attached. Also attached is a separate Special Warranty Deed, documenting the property transfer from Phelps Dodge Corporation to the United States and a related Commitment of Title Insurance for the transferred Shea Springs property. Inclusion of these documents may help expedite the water rights assignment process at ADWR.

If you have any questions, please call me at 602-366-8084.

Sincerely,

Tim Gibson, Resource Analyst
Resource Management Department
Phelps Dodge Corporation

enclosures

cc: Jerry Sako, Phelps Dodge Safford (w/o attachments)
Delbert Molitor, Safford Field Office, Bureau of Land Management (w/o attachments)
Peter Fahmy, Office of the Regional Solicitor, United Stated Department of Interior (w/o attachments)
Cynthia Chandley, Ryley, Carlock and Applewhite (w/o attachments)

From ADWR Website 12/28/06

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N. Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses** also supplied from the point of diversion, describe:
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

RECEIVED

8. **Place(s) of Use, Annual Water Use and Claimed Priority Date(s):** (attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. **Claimed Right:**

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 806.5 acre-feet

C. Storage Right: _____ acre-feet

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

11. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. **Additional comments:** See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. **Notarized Statement:**

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(seal)

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

March 16, 1997
My Commission Expires:

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
THRU	
39	48007

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

WATER PAYMENT
GUESTS 1
CHK NO 10127
GILA 140.00
TAX 0.00
TOTL 140.00
ADJ.CHEK 140.00

3267 2 10133

CHECK 10127 10/7/85 im

TOTAL $ 140.00

JUDITH ALLEN, CLERK
BY _____ DEP.
FILED
95 SEP 13 AM 9:50

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

RECEIVED
SEP - 5 1995
ADJUDICATIONS

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses** also supplied from the point of diversion, describe:
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

8. **Place(s) of Use, Annual Water Use and Claimed Priority Date(s):** (Attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. **Claimed Right:**
   - A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   - B. Annual Volume of Water Use: 806.5 acre-feet
   - C. Storage Right: _____ acre-feet

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

11. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. **Additional comments:** See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. **Notarized Statement:**

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

March 16, 1997
My Commission Expires:

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses** also supplied from the point of diversion, describe:
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

8. **Place(s) of Use, Annual Water Use and Claimed Priority Date(s):** (attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. **Claimed Right:**
   - A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   - B. Annual Volume of Water Use: 806.5 acre-feet
   - C. Storage Right: _____ acre-feet

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

11. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. **Additional comments:** See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. **Notarized Statement:**

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(seal)

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

March 16, 1997
My Commission Expires:

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE

Filing Fee $5.00

(LEAVE BLANK)
Registry No. 36- 25460
Filed JUN 29 1979 (DATE) at 8:36 A.M. (TIME)

INSTRUCTIONS:

1. Submit Statement of Claim in duplicate.
2. Answer all questions fully.
3. File separate claim for each claimed right to appropriate and for each source of water.

1. Name of Claimant Phelps Dodge Corporation
(Print Last Name or Name of Co.) (First Name) (Middle Initial)

United Verde Branch, Jerome, Arizona 86331 634-2622
(Address, City, State, Zip) (Phone No.)

2. The purpose(s) and extent of use(s) Industrial and Wildlife
(Examples: Irrigation, Stockwater, Domestic)

3. The quantities of water used annually (500 g.p.m.) 806.5 acre ft from (Day) All year (Month)
(Gallons or Acre feet)

to _____ (Day) _____ (Month) each year

4. The date(s) the water was first used beneficially Prior to (Month) October (Day) 30, 1911 (Year)

5. The Name(s) of the water course(s) or Water Source(s) being claimed Shea Springs
(Source Name)

Tributary to Verde River on the Verde River (Leave Blank) Watershed

6. The point of diversion is within the NE ¼ SW ¼, Section 15,
of Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

7. The Place(s) of use is in the SE NE ¼ SW NW ¼, Section 15 22, of
Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

8. The legal basis for the claim Beneficial use from before warranty deed in Book 889 Deeds, page 556, 10-30-11, Daniel & Margarete O'Shea to United Verde Copper Co.
(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA)
) SS
County of Maricopa)

Keith J. Coke being first duly sworn on oath, deposes and states that the foregoing Statement of Claim is true and correct of his own knowledge except as to any matters stated therein to be on information and belief and as to all such matters so stated he believes the same to be true and correct.

Phelps Dodge Corporation
By Keith J. Coke
(CLAIMANT(S)) Agent

Subscribed and sworn to before me this 6th day of June, 1979.

My Commission Expires:
May 13, 1981.
(SEAL)

Michele Swerdlow
(NOTARY PUBLIC)

Filed in Water Rights Claim Registry No. 36-25460 of the State Land Department of June 29, 1979 at 8:36 a. M.

Brian Kirby
Adjudication Section

ARS 45-184 "FILING OF CLAIM WITH THE DEPARTMENT NOT DEEMED ADJUDICATION OF RIGHT"

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
THRU	
39	48007

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00
						WATER PAYMENT	
						REQUESTS 1	
						CHK NO 10127	
						DUE 140.00	
						TAX 0.00	
						TOTAL 140.00	
						RECEIVED 140.00	

CHECK 10127 10/7/85 im TOTAL $ 140.00

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses** also supplied from the point of diversion, describe:
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

8. **Place(s) of Use, Annual Water Use and Claimed Priority Date(s):** (attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. **Claimed Right:**

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 806.5 acre-feet

C. Storage Right: _____ acre-feet

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

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. Additional comments: See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. **Notarized Statement:**

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

March 16, 1997
My Commission Expires:

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE

Filing Fee $5.00

(LEAVE BLANK)
36- 25460
Registry No.
Filed JUN 29 1979 at 8:36 A.M.
(DATE) (TIME)

INSTRUCTIONS:

1. Submit Statement of Claim in duplicate.
2. Answer all questions fully.
3. File separate claim for each claimed right to appropriate and for each source of water.

1. Name of Claimant Phelps Dodge Corporation
(Print Last Name or Name of Co.) (First Name) (Middle Initial)

United Verde Branch, Jerome, Arizona 86331 634-2622
(Address, City, State, Zip) (Phone No.)

2. The purpose(s) and extent of use(s) Industrial and Wildlife
(Examples: Irrigation, Stockwater, Domestic)

3. The quantities of water used annually (500 g.p.m.) 806.5 acre ft from All year
(Gallons or Acre feet) (Day) (Month)

to _____ each year
(Day) (Month)

4. The date(s) the water was first used beneficially Prior to October 30, 1911
(Month) (Day) (Year)

5. The Name(s) of the water course(s) or Water Source(s) being claimed Shea Springs
(Source Name)

Tributary to Verde River on the Verde River Watershed
(Leave Blank)

6. The point of diversion is within the NE ¼ SW ¼, Section 15,
of Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

7. The Place(s) of use is in the SE NE ¼ SW NW ¼, Section 15 22, of
Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

8. The legal basis for the claim Beneficial use from before warranty deed in Book 889 Deeds, page 556, 10-30-11, Daniel & Margarete O'Shea to United Verde Copper Co.
(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA)
) SS
County of Maricopa)

Keith J. Coke being first duly sworn on oath, deposes and states that the foregoing Statement of Claim is true and correct of his own knowledge except as to any matters stated therein to be on information and belief and as to all such matters so stated he believes the same to be true and correct.

Phelps Dodge Corporation
By Keith J. Coke
(CLAIMANT(S)) Agent

Subscribed and sworn to before me this 6th day of June, 1979.

My Commission Expires:
May 13, 1981.
(SEAL)

Michele Swerdlow
(NOTARY PUBLIC)

Filed in Water Rights Claim Registry No. 36-25460 of the State Land Department of June 29, 1979 at 8:36 a. M.

Brian Kirby
Adjudication Section

ARS 45-184 "FILING OF CLAIM WITH THE DEPARTMENT NOT DEEMED ADJUDICATION OF RIGHT"

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
THRU	
39	48007

FUND SOURCE	ACCOUNT NO. AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

WATER PAYMENT
GUESTS 1
CHK NO 10127
GILA 140.00
TAX 0.00
TOTL 140.00
REMITTED 140.00

CHECK 10127 10/7/85 im

TOTAL $ 140.00

Shea Springs



STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

For Departmental Use Only
File No. 39-48002
Date Filed: 8-1-85
WFN

VERDE RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** Phelps Dodge Corporation
   Claimant Address: Copper Queen Branch, Drawer K City Bisbee
   State: Arizona Zip Code 85603 Telephone (602) 432-3621

2. **Basis of Claim:**
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater.
   E. ☐ Other, describe: _____

3. **Claimed Priority Date:** Prior to Oct. 30, 1911 (month/day/year)

4. **Use:**
   A. ☐ Municipal
   B. ☒ Commercial or Industrial
   C. ☐ Mining
   D. ☒ Stockwatering other than from a stockpond
   E. ☒ Recreation, Fish & Wildlife
   F. ☐ Other, describe: _____

5. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼ S ½, NE ¼ NW ¼, SW ¼ SW ¼, Section 15 15, Township 16 16 N/S, Range 3 3 E/W and

7. **If there are Irrigation, Domestic or Stockpond** uses also supplied from the Point of Diversion, describe:
   Shea Springs irrigates grazing land and crop land directly below the spring.

8. **Means of Diversion:**
   A. ☐ Instream pump
   B. ☒ Gravity flow into ditch, canal or pipeline.
   C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
   D. ☐ Other, describe _____

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

9. Means of Conveyance:
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land.

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

Legal Subdivision	Section	Township	Range
See Attachment 'A'		N/S	E/W
		N/S	E/W

11. Claimed Right:
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

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

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 8 a.m. to 5 p.m., Monday through Friday.

15. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

16. Additional comments: Beneficial use from before warranty deed in Book 889 Deeds, pages 556, 10-30-11, Daniel & Margarite O'Shea to United Verde Copper Co. Shea Spring refers to a number of small springs and one large spring.

(attach additional sheet if required)

17. Notarized Statement:
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

J H Ladd
General Superintendent, Copper Queen Branch

(seal)
My Commission Expires April 19, 1989
My Commission Expires:

Mary L. Orr
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT 'A'

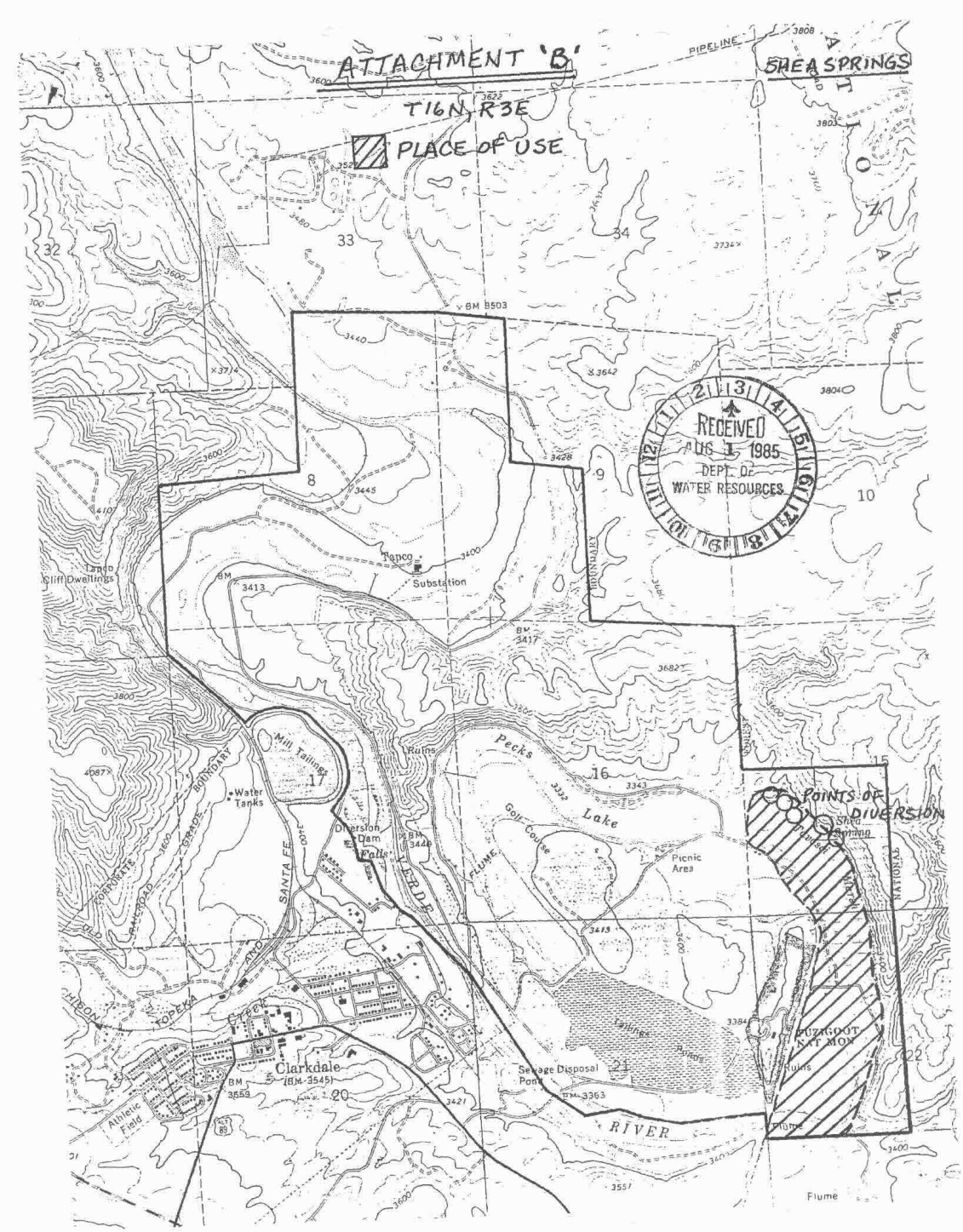
SHEA SPRINGS

Places of Use



Yavapai County

N½ SW¼	Section 22	T16N R3E
SE¼ SW¼	Section 15	T16N R3E
NE¼ NW¼	Section 22	T16N R3E
S½ NW¼	Section 22	T16N R3E


ATTACHMENT 'B'
T16N, R3E
PLACE OF USE
SHEA SPRINGS
PIPELINE
RECEIVED
AUG 1 1985
DEPT. OF
WATER RESOURCES
POINTS OF DIVERSION
Tanco
Substation
Lamo
Cliff Dwellings
Mill Tailings
Ruins
Water
Tanks
Diversion
Dam
Falls
Pecks
Lake
Golf Course
Picnic
Area
Clarkdale
Athletic
Field
Sewage Disposal
Pond
RIVER
Flume
PUZZGOOT
KATMON
Ruins
Flume
SANTA FE
TRACK
FLUME
BOUNDARY
TOPOCRATE
OLD
JAMES ROAD
TOPEKA
GIBSON
BM 3503
BM 3413
BM 3417
BM 3446
BM 3559
BM 3363
3440
3445
3428
3642
3682
3343
3332
3384
3421
3551
3804
3803
3808
3622
3600
3400
3200
32
33
34
8
9
10
15
16
17
20
21
22

48005 Shea Springs

For Departmental Use Only

File No. [redacted]
Date Filed [redacted]
WEN [redacted]

RECEIVED AUG 1 1985 DEPT. OF WATER RESOURCES

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

VERDE RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** Phelps Dodge Corporation
   Claimant Address: Copper Queen Branch, Drawer K City Bisbee
   State: Arizona Zip Code 85603 Telephone (602) 432-3621

2. **Basis of Claim:**
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater.
   E. ☐ Other, describe: _____

3. **Claimed Priority Date:** Prior to Oct. 30, 1911 (month/day/year)

4. **Use:**
   A. ☐ Municipal
   B. ☒ Commercial or Industrial
   C. ☐ Mining
   D. ☒ Stockwatering other than from a stockpond
   E. ☒ Recreation, Fish & Wildlife
   F. ☐ Other, describe: _____

Clerk of the Superior Court
Received From D.W.R.
JUL 27 1987
Date
Deputy Clerk

5. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼ S ½, NE ¼ NW ¼, SW ¼ SW ¼, Section 15 15, Township 16 16 N/S, Range 3 3 E/W and

7. **If there are Irrigation, Domestic or Stockpond** uses also supplied from the Point of Diversion, describe:
   Shea Springs irrigates grazing land and crop land directly below the spring.

8. **Means of Diversion:**
   A. ☐ Instream pump
   B. ☒ Gravity flow into ditch, canal or pipeline.
   C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
   D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land.

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

Legal Subdivision	Section	Township	Range
See Attachment 'A'		N/S	E/W
		N/S	E/W

11. **Claimed Right:**
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

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

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 8 a.m. to 5 p.m., Monday through Friday.

15. **Attach Filing Fee to Form.** Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

16. **Additional comments:** Beneficial use from before warranty deed in Book 889 Deeds, pages 556, 10-30-11, Daniel & Margarite O'Shea to United Verde Copper Co. Shea Spring refers to a number of small springs and one large spring.

(attach additional sheet if required)

17. **Notarized Statement:**
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

J H Cadd
General Superintendent, Copper Queen Branch

(seal)
My Commission Expires April 19, 1989
My Commission Expires: _____

Mary L. Orr
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT 'A'

SHEA SPRINGS

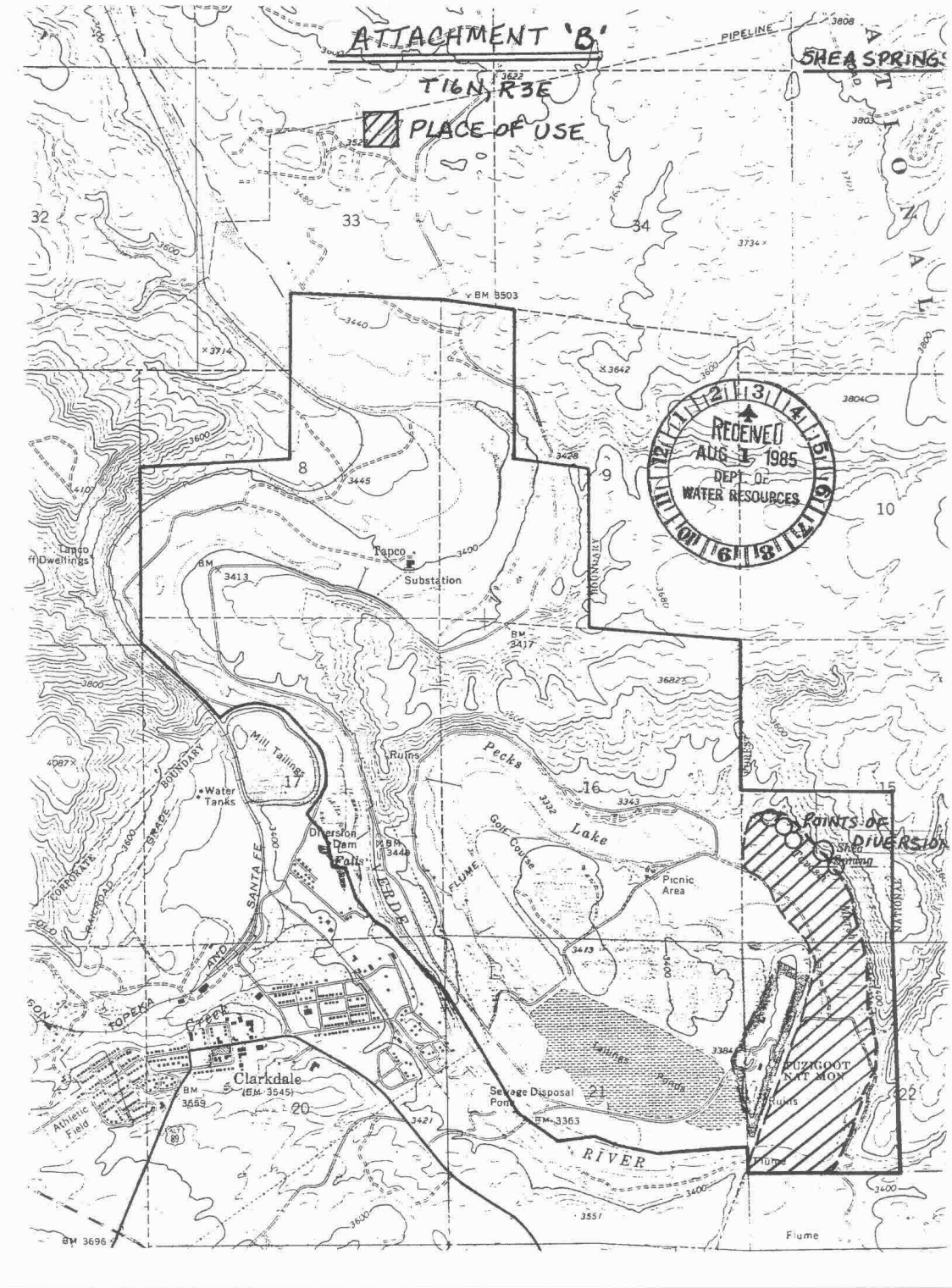
Places of Use



Yavapai County

N½ SW¼	Section 22	T16N R3E
SE¼ SW¼	Section 15	T16N R3E
NE¼ NW¼	Section 22	T16N R3E
S½ NW¼	Section 22	T16N R3E

12-28-2006: Statement of Claimant Form for Other Uses, No. 39-48002, cont



JUDITH ALLEN, CLERK
DEP

FILED
95 SEP 13 AM 9:50

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:**
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

RECEIVED
SEP - 5 1995
ADJUDICATIONS

3. **Claimed Priority Date:** Prior to 10/30/11 (month/day/year)

4. **Use:**
   A. ☒ Municipal
   B. ☒ Commercial or Industrial
   C. ☒ Mining
   D. ☒ Stockwatering other than from a stockpond
   E. ☒ Recreation, Fish & Wildlife
   F. ☐ Other, describe: _____

5. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

7. **If there are Irrigation, Domestic or Stockpond** uses also supplied from the Point of Diversion, describe:
   See Irrigation Use Amendment SOC #39-48002.

8. **Means of Diversion:**
   A. ☐ Instream pump
   B. ☒ Gravity flow into ditch, canal or pipeline.
   C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
   D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

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

Legal Subdivision	Section	Township	Range
See Attachment A		N/S	E/W
		N/S	E/W

11. **Claimed Right:**
    A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
    B. Annual Volume of Water Use: 806.5 acre-feet
    C. Storage Right: _____ acre-feet

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

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #14, below

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday; W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

15. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

16. **Additional comments:** Beneficial use from before warranty deed in Book 889 Deeds, Pages 556, 10/30/11 Daniel and Margarete O'Shea to United Verde Copper Co. Shea Springs refers to a number of small springs and one large spring. Total quantity includes both irrigation and other uses.

(attach additional sheet if required)

17. **Notarized Statement:**
    I (We), Phelps Dodge Corporation
    the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(seal)

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

March 16, 1997
My Commission Expires:

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
OTHER USES AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E
Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E
Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

T 16 N, R 2 E
Sec. 9; all
Sec. 12; S/2 S/2
Sec. 13; NW/4, N/2 NE/4
Sec. 14; N/2, SW/4
Sec. 15; S/2, NW/4
Sec. 16; all
Sec. 17; SW/4
Sec. 20; E/2 E/2
Sec. 21; all
Sec. 22; all
Sec. 26; W/2
Sec. 27; all
Sec. 28; E/2, E/2 W/2
Sec. 33; NE/4
Sec. 34; all
Sec. 35; W/2, SE/4, SE/4 NE/4
Sec. 36; W/2 W/2

T 15 N, R 2 E
Sec. 1; all
Sec. 2; E/2
Sec. 11; E/2 E/2
Sec. 12; W/2, W/2 NE/4
Sec. 13; W/2 W/2
Sec. 14; N/2 S/2, NE/4

WFR:tmp
5-16-95

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
	THRU
39	48007

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

WRITER PAYMENT
GUESTS 1
CHK NO 10127
GILS 140.00
TAX 0.00
TOTL 140.00
SOU.CHEK 140.00

CHECK 10127 10/7/85 im TOTAL $ 140.00

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED

NO. 39- 48002

1. **Claimant Name:** Phelps Dodge Corporation – Copper Queen Branch
Claimant Address: 36 W. Highway 92 City Bisbee
State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:**
A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☐ Other, describe: _____

RECEIVED
ADJUDICATION

3. **Claimed Priority Date:** Prior to 10/30/11 (month/day/year)

4. **Use:**
A. ☒ Municipal
B. ☒ Commercial or Industrial
C. ☒ Mining
D. ☒ Stockwatering other than from a stockpond
E. ☒ Recreation, Fish & Wildlife
F. ☐ Other, describe: _____

5. **Source of Water:**
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Shea Springs, tributary to Verde River
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and
S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

7. **If there are Irrigation, Domestic or Stockpond** uses also supplied from the Point of Diversion, describe:
See Irrigation Use Amendment SOC #39-48002.

8. **Means of Diversion:**
A. ☐ Instream pump
B. ☒ Gravity flow into ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

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

Legal Subdivision	Section	Township	Range
See Attachment A		N/S	E/W
		N/S	E/W

11. **Claimed Right:**
    A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
    B. Annual Volume of Water Use: 806.5 acre-feet
    C. Storage Right: _____ acre-feet

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

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #14, below

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

15. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

16. **Additional comments:** Beneficial use from before warranty deed in Book 889 Deeds, Pages 556, 10/30/11 Daniel and Margarete O'Shea to United Verde Copper Co. Shea Springs refers to a number of small springs and one large spring. Total quantity includes both irrigation and other uses.

(attach additional sheet if required)

17. **Notarized Statement:**
    I (We), Phelps Dodge Corporation
    the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997

March 16, 1997
My Commission Expires:

J R Snider
T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
OTHER USES AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E
Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E
Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

T 16 N, R 2 E
Sec. 9; all
Sec. 12; S/2 S/2
Sec. 13; NW/4, N/2 NE/4
Sec. 14; N/2, SW/4
Sec. 15; S/2, NW/4
Sec. 16; all
Sec. 17; SW/4
Sec. 20; E/2 E/2
Sec. 21; all
Sec. 22; all
Sec. 26; W/2
Sec. 27; all
Sec. 28; E/2, E/2 W/2
Sec. 33; NE/4
Sec. 34; all
Sec. 35; W/2, SE/4, SE/4 NE/4
Sec. 36; W/2 W/2

T 15 N, R 2 E
Sec. 1; all
Sec. 2; E/2
Sec. 11; E/2 E/2
Sec. 12; W/2, W/2 NE/4
Sec. 13; W/2 W/2
Sec. 14; N/2 S/2, NE/4

WFR:tmp
5-16-95

From ADWR Website 10/28/2006

FILED
95 SEP 13 AM 9:50

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002.4

RECEIVED
SEP -5 1995
ADJUDICATIONS

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
Claimant Address: 36 W. Highway 92 City Bisbee
State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:**
A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☐ Other, describe: _____

3. **Claimed Priority Date:** Prior to 10/30/11 (month/day/year)

4. **Use:**
A. ☒ Municipal
B. ☒ Commercial or Industrial
C. ☒ Mining
D. ☒ Stockwatering other than from a stockpond
E. ☒ Recreation, Fish & Wildlife
F. ☐ Other, describe: _____

5. **Source of Water:**
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Shea Springs, tributary to Verde River
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

7. **If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:**
See Irrigation Use Amendment SOC #39-48002.

8. **Means of Diversion:**
A. ☐ Instream pump
B. ☒ Gravity flow into ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

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

Legal Subdivision	Section	Township	Range
See Attachment A		N/S	E/W
		N/S	E/W

11. **Claimed Right:**
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #14, below

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

15. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

16. **Additional comments:** Beneficial use from before warranty deed in Book 889 Deeds, Pages 556, 10/30/11 Daniel and Margarete O'Shea to United Verde Copper Co. Shea Springs refers to a number of small springs and one large spring. Total quantity includes both irrigation and other uses.

(attach additional sheet if required)

17. **Notarized Statement:**
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(seal)

March 16, 1997
My Commission Expires

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
OTHER USES AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E
Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E
Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

T 16 N, R 2 E
Sec. 9; all
Sec. 12; S/2 S/2
Sec. 13; NW/4, N/2 NE/4
Sec. 14; N/2, SW/4
Sec. 15; S/2, NW/4
Sec. 16; all
Sec. 17; SW/4
Sec. 20; E/2 E/2
Sec. 21; all
Sec. 22; all
Sec. 26; W/2
Sec. 27; all
Sec. 28; E/2, E/2 W/2
Sec. 33; NE/4
Sec. 34; all
Sec. 35; W/2, SE/4, SE/4 NE/4
Sec. 36; W/2 W/2

T 15 N, R 2 E
Sec. 1; all
Sec. 2; E/2
Sec. 11; E/2 E/2
Sec. 12; W/2, W/2 NE/4
Sec. 13; W/2 W/2
Sec. 14; N/2 S/2, NE/4

WFR:tmp
5-16-95

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
	THRU
39	48007

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

WAITER PAYMENT
GUESTS 1
CHK NO 10127
BILL 140.00
TAX 0.00
TOTL 140.00
RCVD/CHG

CHECK 10127 10/7/05 tr TOTAL $ 140.00

Shea Springs

For Departmental Use Only

File No. 39-[illegible]

Date Filed: 8/1/85

WEN

RECEIVED AUG 1 1985 DEPT. OF WATER RESOURCES

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

VERDE RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** Phelps Dodge Corporation
   Claimant Address: Copper Queen Branch, Drawer K City Bisbee
   State: Arizona Zip Code 85603 Telephone (602) 432-3621

2. **Basis of Claim:**
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater.
   E. ☐ Other, describe: _____

3. **Claimed Priority Date:** Prior to Oct.30, 1911 (month/day/year)

4. **Use:**
   A. ☐ Municipal
   B. ☒ Commercial or Industrial
   C. ☐ Mining
   D. ☒ Stockwatering other than from a stockpond
   E. ☒ Recreation, Fish & Wildlife
   F. ☐ Other, describe: _____

Clerk of the Superior Court
Received From D.W.R.
JUL 27 1987
Date
Deputy Clerk

5. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼ S ½, NE ¼ NW ¼, SW ¼ SW ¼, Section 15 15, Township 16 N/S 16 N, Range 3 E/W 3 E and

7. **If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:**
   Shea Springs irrigates grazing land and crop land directly below the spring.

8. **Means of Diversion:**
   A. ☐ Instream pump
   B. ☒ Gravity flow into ditch, canal or pipeline.
   C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
   D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land.

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

Legal Subdivision	Section	Township	Range
See Attachment 'A'		N/S	E/W
		N/S	E/W

11. **Claimed Right:**
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant J H Cadd, General Superintendent Copper Queen Branch

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 8 a.m. to 5 p.m., Monday through Friday.

15. **Attach Filing Fee to Form.** Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

16. **Additional comments:** Beneficial use from before warranty deed in Book 889 Deeds, pages 556, 10-30-11, Daniel & Margarite O'Shea to United Verde Copper Co. Shea Spring refers to a number of small springs and one large spring.

(attach additional sheet if required)

17. **Notarized Statement:**
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

J H Cadd
General Superintendent, Copper Queen Branch

(seal)
My Commission Expires April 19, 1989
My Commission Expires:

Mary L. Orr
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT 'A'

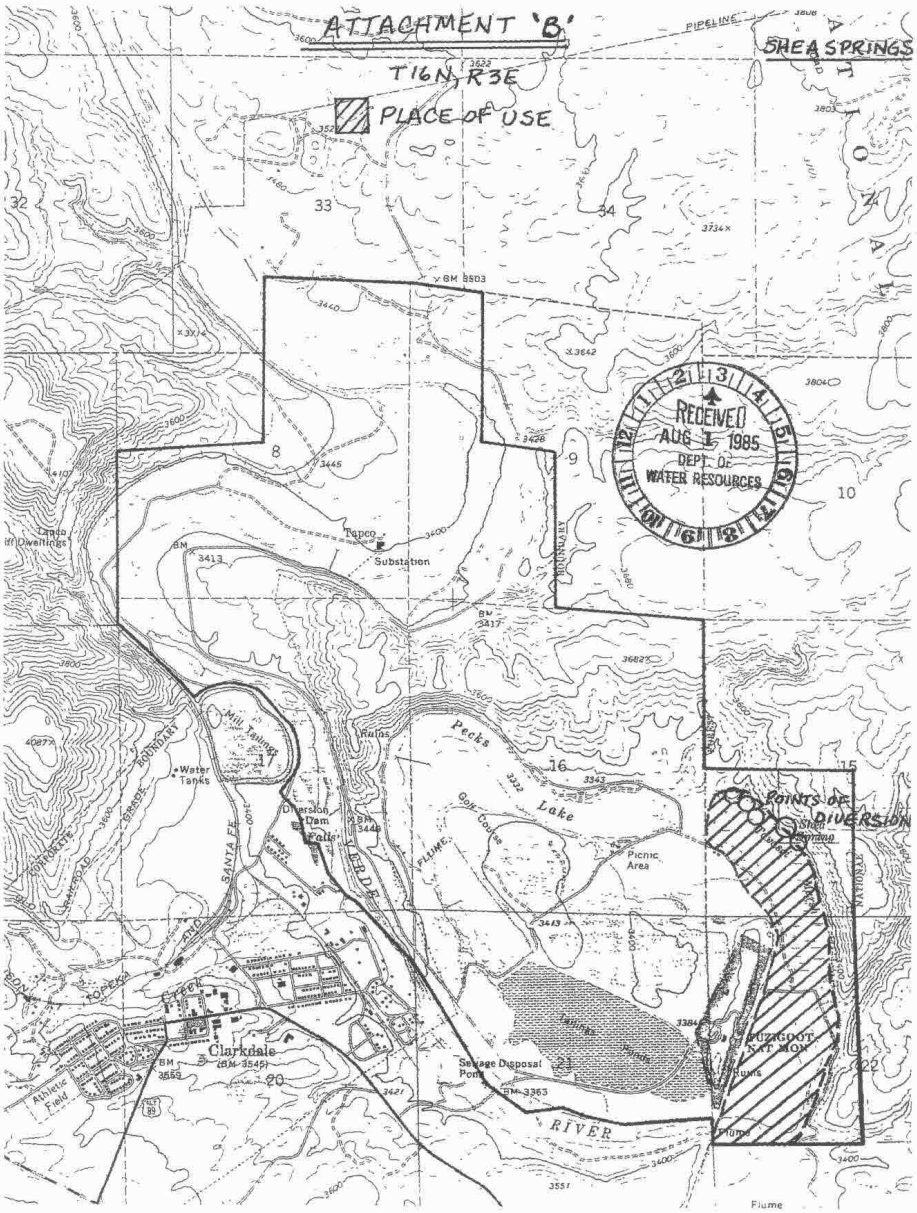
SHEA SPRINGS

Places of Use

RECEIVED
AUG 1 1985
DEPT. OF
WATER RESOURCES

Yavapai County

N½ SW¼	Section 22	T16N R3E
SE¼ SW¼	Section 15	T16N R3E
NE¼ NW¼	Section 22	T16N R3E
S½ NW¼	Section 22	T16N R3E


ATTACHMENT 'B'
T16N, R3E
PLACE OF USE
PIPELINE
SHEA SPRINGS
RECEIVED
AUG 1 1985
DEPT. OF
WATER RESOURCES
POINTS OF DIVERSION
Tapco
Substation
Lands of Dwellings
Mill Tailings
Ruins
Water Tanks
Diversion Dam
Falls
Peck's
Lake
Picnic Area
Golf Course
Flume
SANTA FE
BOUNDARY
Clarkdale
(BM 3545)
Athletic Field
Sewage Disposal Pond
BM 3363
RIVER
TUZIGOOT NAT MON
Ruins
Flume

ATTACHMENT A

PHELPS DODGE CORPORATION
OTHER USES AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E
Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E
Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

T 16 N, R 2 E
Sec. 9; all
Sec. 12; S/2 S/2
Sec. 13; NW/4, N/2 NE/4
Sec. 14; N/2, SW/4
Sec. 15; S/2, NW/4
Sec. 16; all
Sec. 17; SW/4
Sec. 20; E/2 E/2
Sec. 21; all
Sec. 22; all
Sec. 26; W/2
Sec. 27; all
Sec. 28; E/2, E/2 W/2
Sec. 33; NE/4
Sec. 34; all
Sec. 35; W/2, SE/4, SE/4 NE/4
Sec. 36; W/2 W/2

T 15 N, R 2 E
Sec. 1; all
Sec. 2; E/2
Sec. 11; E/2 E/2
Sec. 12; W/2, W/2 NE/4
Sec. 13; W/2 W/2
Sec. 14; N/2 S/2, NE/4

WFR:tmp
5-16-95

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
THRU	
39	48007

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

CHECK 10127 10/7/05 dw TOTAL $ 140.00

JUDITH ALLEN, CLERK
BY DEP.
FILED

95 SEP 13 AM 9:50

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

RECEIVED

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N. Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses** also supplied from the point of diversion, describe:
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (Attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. Claimed Right:

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 806.5 acre-feet

C. Storage Right: _____ acre-feet

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

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. Additional comments: See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. Mail form(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. Notarized Statement:

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(seal)

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

March 16, 1997
My Commission Expires:

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

JUDITH ALLEN, CLERK DEP.

FILED
95 SEP 13 AM 9:50

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
Claimant Address: 36 W. Highway 92 City Bisbee
State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:**
A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☐ Other, describe: _____

RECEIVED
5 10

3. **Claimed Priority Date:** Prior to 10/30/11 (month/day/year)

4. **Use:**
A. ☒ Municipal
B. ☒ Commercial or Industrial
C. ☒ Mining
D. ☒ Stockwatering other than from a stockpond
E. ☒ Recreation, Fish & Wildlife
F. ☐ Other, describe: _____

5. **Source of Water:**
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Shea Springs, tributary to Verde River
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

7. **If there are Irrigation, Domestic or Stockpond** uses also supplied from the Point of Diversion, describe:
See Irrigation Use Amendment SOC #39-48002.

8. **Means of Diversion:**
A. ☐ Instream pump
B. ☒ Gravity flow into ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is ow. .d and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

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

Legal Subdivision	Section	Township	Range
See Attachment A		N/S	E/W
		N/S	E/W

11. **Claimed Right:**
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection. Signature of Claimant Arrangements must be made with the person identified in Item #14, below

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

15. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

16. **Additional comments:** Beneficial use from before warranty deed in Book 889 Deeds, Pages 556, 10/30/11 Daniel and Margarete O'Shea to United Verde Copper Co. Shea Springs refers to a number of small springs and one large spring. Total quantity includes both irrigation and other uses.

(attach additional sheet if required)

17. **Notarized Statement:**
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997

March 16, 1997
My Commission Expires:

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

Land History

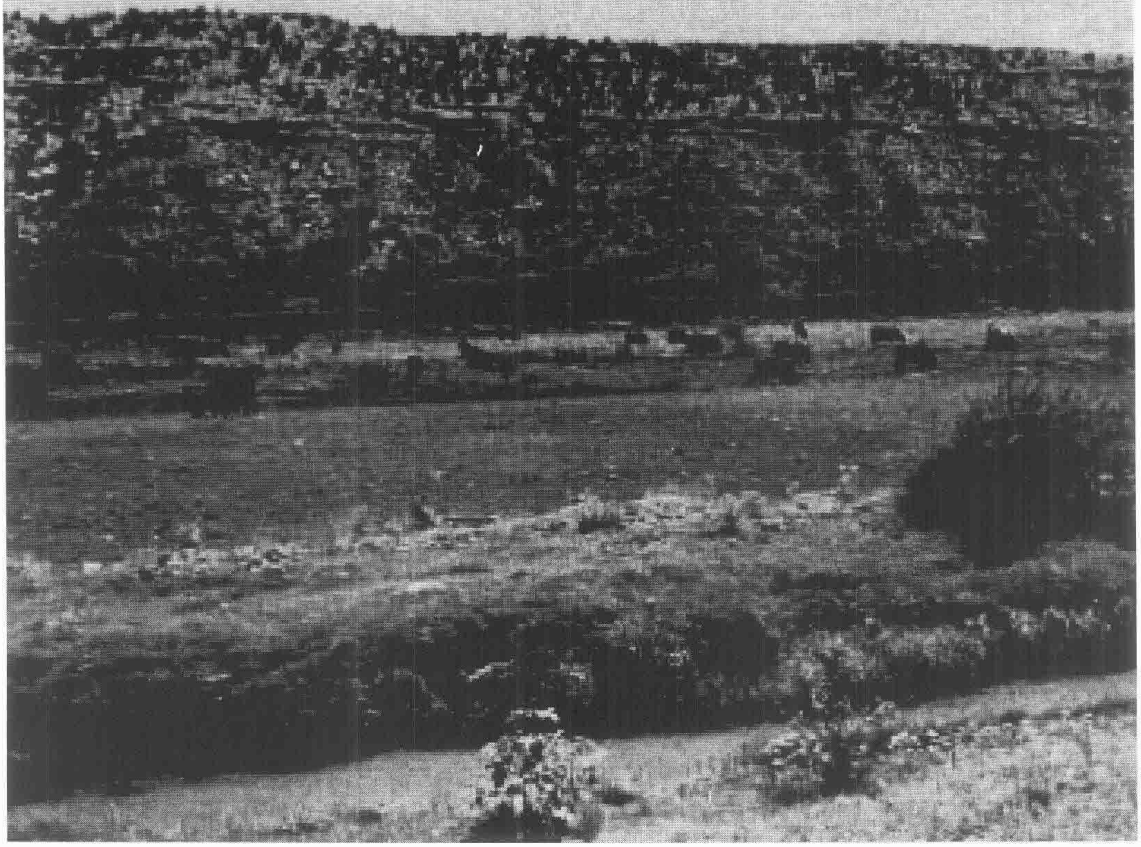
National Park Service
U.S. Department of the Interior

Cultural Resource Management
Intermountain Region

TUZIGOOT NATIONAL MONUMENT

Tavasci Marsh Special History Study

By William Stoutamire



National Park Service, Intermountain Cultural Resource Management
Professional Paper No. 77

Cover: Cattle grazing at Tavasci Marsh, ca. 1990. The Allen Ditch can be seen in the foreground. Courtesy of Tavasci Marsh, FMI.

Water in the Desert:
A History of Arizona's Tavasci Marsh, 1865 – 2005

By: William Stoutamire

Intermountain Cultural Resource Management
Professional Paper No. 77
National Park Service, Intermountain Region
Cultural Resource Management, Santa Fe
2011

Abstract:

Transferred to the National Park Service (NPS) in 2005, Tavasci Marsh is a unique riparian area within the Verde River watershed. However, decades of intensive land management and irrigation for the purposes of agricultural production and dairy farming greatly altered the once ecologically diverse marshland. With the intention of providing an historical context for NPS administrators at Tuzigoot National Monument, this report will convey the narrative history of settlement and farming at the marsh, from the arrival of the first Anglo-American settlers in the 1860s to the NPS's assumption of ownership in 2005. Through the study of historical photographs, maps, aerials, title records, manuscripts, and oral histories, this essay will attempt to determine the history of the marsh through an analysis of human impact and development.

In a landlocked region that is nationally renowned for its dry climate, sweltering summer heat, and low annual rainfall totals, Arizona seems to be an unnatural candidate for the existence of Tavasci Marsh, a rich riparian wetland. While such areas are relatively common along the lower Colorado River basin, central Arizona's Tavasci Marsh stands as the largest remaining wetland on the northern reaches of the Sonoran Desert. In the Southwest, where for centuries water has been the source of life, culture, and settlement, such a unique environ has historically lent itself to development and cultivation by local inhabitants. While the relationship of early American Indian peoples to the marsh is currently interpreted at Tuzigoot National Monument, there exists a general lack of understanding regarding its use in more recent times. Such knowledge is necessary for administrators from the National Park Service to effectively manage the property, and enhance its ecological and interpretive value for modern visitors.[1]

This is particularly important in light of recent realizations within the scientific community that such riparian habitats are much more of a rarity today than they were just one hundred and fifty years ago. According to L.A. Hawkins, a dentist in the Jerome mining community and one of the earliest white settlers of the Upper Verde Valley, in the 1860s the Verde River "bottom was from one half to one mile wide, and was covered with a dense forest of trees, with thick underbrush, which it was very difficult to even get through on foot, every half mile or mile there would be a beaver dam."[2] Decades of human manipulation of the landscape, from irrigation and cultivation to mining and grazing practices, have greatly altered the waterways, plants, and wildlife associated with this region, creating a new landscape that

[1] This paper does not speculate on the activities of prehistoric or historic American Indians in the marsh and its surrounding environs. Its sole focus is on the management of the property by Anglo settlers and their descendents in the last century and a half.
[2] "Tavasci Marsh," manuscript, n.d., Tavasci Marsh Collection, 525926160, Freeport-McMoran Copper & Gold, Inc., Phoenix, AZ [hereafter cited as Tavasci Marsh, FMI].

scarcely resembles its natural condition as observed by Hawkins and his generation. Contemporary ecologists report that more than 90% of Arizona's native wetlands, including all but two such habitats in the central portion of the state, have been destroyed or greatly altered by human development. It is this realization that guides modern movements for the preservation, restoration, and interpretation of one of Arizona's few existent riparian environments, Tavasci Marsh – its plants, its wildlife, and its human past.[3]

Severed from the Verde River nearly 10,000 years ago, Tavasci Marsh and neighboring Peck's Lake – a manmade recreational area that originally formed a natural extension of adjacent wetlands[4] – existed as a spring-fed oxbow ecosystem until the late nineteenth century. The subsequent development of a rich mining community in nearby Jerome, however, led to an influx of settlers into the region, many of whom recognized that the area's booming population would necessitate a steady supply of foodstuffs for local markets. Homesteading on the natural marshland, which provided good soils and a constant water supply, these individuals instituted a series of agricultural developments that continued unabated until the removal of the Tavasci family, for whom the marsh is now named, in 1991. In nearly one hundred and forty years of human activity on the marsh, irrigation, farming, and grazing practices have greatly altered the landscape of this riparian wetland, introducing new species of flora and fauna while simultaneously reducing or eliminating the presence of native vegetation and wildlife. An understanding of these changes will provide the necessary historical context for the National Park Service's planned restoration of the marsh.

[3] "The Importance of Tavasci Marsh: An Overview of Relevant Environmental and Economic Issues," (SWCA Environmental Consultants, Inc., February, 1990), 3, Tavasci Marsh, FMI; Jim Burton, "Wetlands Preservation," *Wildlife Views*, June 1990, 18, Tavasci Marsh, FMI.
[4] Amelia Ryan and Lorraine Parsons, "Tavasci Marsh Wetland Assessment: Wetland Vegetation Communities, Conditions, and Functions," (National Park Service, September 2009), 5.

I. Early Exploration and Settlement

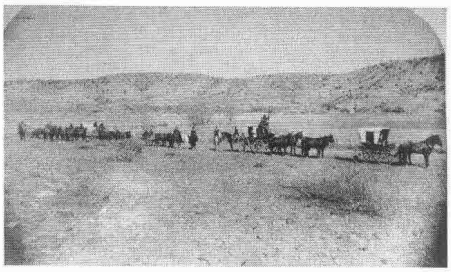


Image 1: A hunting party from Camp Verde, including the naturalist Edgar Mearns, on the approximate location of the Tavasci homestead, January, 1887. Courtesy of the Library of Congress, Washington, D.C.

The Anglo-American settlement of the Upper Verde Valley began in 1865, with the arrival of the first white pioneers from the territorial capital of Prescott, Arizona. Although in 1871, President Ulysses S. Grant designated the land forty miles upriver from Camp Verde and ten miles on either side – encompassing modern-day Tavasci Marsh – as a reservation for Yavapai and Apache peoples, this order was reversed four years later and the land was made open for settlement. According to historian Jack Cotter, "in the latter half of the 19th Century, cattlemen and farmers began drifting into the valley, and the 80s brought an influx of prospectors and miners to open up the copper veins in the hills to the west."[5] Led by Morris Andrew Ruffner, who first discovered and laid claim upon the copper ore deposits in the vicinity of present-day Jerome, Arizona, in 1876, these new migrants brought with them the desire to develop the agricultural promise of the valley for the purposes of creating sustainable mining communities in an area that was otherwise distant from modern modes of transportation, most notably the growing American railway system. Rather than bringing foodstuffs via horse drawn wagon from Prescott – a forty-mile journey that required traversing the pass over Mingus

[5] Jack Cotter, "Tuzigoot National Monument," *Arizona's National Monuments*, Popular Series No. 2, (Santa Fe: Southwestern Monuments Association, 1945), 6.

Mountain – these settlers sought instead to develop the floodplain of the perennial Verde River for agricultural production, while utilizing the nearby uplands for the grazing of cattle and other livestock. Even after the completion of the Atlantic and Pacific Railroad in northern Arizona in 1883, and the construction of a subsequent spur to the mines at Jerome, the continuing local production of foodstuffs proved vital to the growth and development of the region's mining communities.[6]

Employing their rights under the Homestead Act of 1862, these early settlers to the valley first claimed ownership to tracts of land along the banks of the Verde River, which provided them with a constant supply of fresh water for drinking and irrigation. Under the Act, individuals could apply for a "preemption claim" on one quarter section of land – equal to 160 acres – which, after a minimum of five years of constant usage, could be transferred into the direct ownership of the homesteader and his or her family. One stipulation of this act attempted to ensure that such properties were lived on and developed, stating that "such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever."[7] As such, it is likely – though not assured – that homesteaders in the Upper Verde Valley made use of their property, and resided therein, for at least five years prior to the recording of their claim with the General Land Office (G.L.O.) of the United States. Therefore, as Figure 1 indicates, the settlement of the marsh probably began simultaneously with the development of the first mining claims in Jerome in the late 1870s.

---

[6] "The United Verde Copper Company: A Series of Articles Describing the Organization, Operations, and Activities of this Company in the Jerome District of Arizona", *The Mining Congress Journal*, April 1930, 5; Russell Wahmann, "A Centennial Commemorative, United Verde Copper Company, 1882-1982," *The Journal of Arizona History*, Vol. 23, No. 3, Autumn 1982, 249-255.

[7] U.S. Congress, *An Act to Secure Homesteads to Actual Settlers on the Public Domain*, 37th Cong., 2d sess., May 20, 1862.

Indeed, one of the earliest maps of this region – created in 1877 by the Surveyor Generals Office in Tucson (Figure 2) – reveals the presence of a residence under the name of Ruffner in the approximate vicinity of the wetland and the eventual Tavasci homestead. According to the later recollections of L.A. Hawkins, this "Ruffner" refers to Morris Andrew Ruffner, Jerome's first and most well-known prospector. Of Ruffner, Hawkins writes, "there was a prospector 'squatted' on the land where my father decided to locate . . . a gentleman of the old school . . Mr. Ruffner had no use for the place . . . so my dad gave him $300.00 for his Squatters Right and he continued (Mr. Ruffner) to live with us, and rode up in the mountain prospecting daily."[8] This arrangement continued until 1876, when Ruffner discovered the "Eureka" cooper mine and staked a claim.

The first official homesteader to occupy this land, laying claim to the southernmost portion of Tuzigoot National Monument's recent land acquisition, arrived on the property in the mid-1870s and received her homestead deed on September 3, 1884. Harriet M. Hawkins and her husband, William Hawkins, both native Tennesseans, brought their six sons and two daughters to the Upper Verde Valley in 1876, where William and the eldest three boys engaged in farming along the banks of the Verde River. Following William's death in the early 1880s, Harriet filed and received her homestead claim, residing on the property for a number of years thereafter.[9] Although available records do not indicate the type of farming conducted or the detailed processes involved, early irrigation reports reveal that the Hawkins family irrigated thirty-seven acres of their property, on the western side of Tuzigoot hill, with water from the river for the growth of sustenance crops and other produce. Referred to as the Hawkins Ditch – or the Emory Hawkins Ditch, after ownership of the homestead passed to one of the younger sons in the 1890s

[8] L.A. Hawkins, manuscript, undated. Ruffner Collection. In possession of Mrs. Melissa Ruffner.
[9] The 1890 Census was destroyed by fire and thus it is not possible to determine who remained on the property at that time.

– this minor irrigation system was in continual use for more than two decades. Representative of the first significant Anglo-American attempt to irrigate and cultivate the riparian zone in the vicinity of the marsh, this original ditch was abandoned by the Hawkins family in 1896 and was later buried by the creation of the tailings pond in the early 1900s.[10]

Seven years after the Hawkins family provided sufficient evidence of residence and improvement to obtain their property on the Verde River, Talitha C. Wilber – the widow of Daniel E. Hawkins and wife of William Wilber – received a deed to the adjacent lands to the north (see Figure 1). A native Missourian, who likely married into the Hawkins family during their lengthy residence in that state, Talitha, her new husband, and their children farmed the land that now, in part, constitutes the Tuzigoot ruin and Tuzigoot National Monument museum. Similar to their neighbors and family to the south, the Wilbers likely engaged in subsistence agriculture and minor irrigation, utilizing the waters of the Verde River through the 1876 Hawkins Ditch and, potentially, the nearby marsh. Additionally, a 1905 U.S. Geological Survey map (Figure 3) indicates that both the Wilbers and Hawkins families established their residences at the base of Tuzigoot hill, on the eastern side. As a nearby stream exits the adjacent ridge in that vicinity, it is further likely that waters from this small stream were used for the irrigation of the settlers' croplands.[11]

In 1890, one year prior to the establishment of the Wilber homestead, Thomas Goodwin received a similar deed to the property to the north, including the land that constitutes the proper

[10] U.S. Bureau of the Census, 1880 U.S. Census, Population Schedule, District 28, Yavapai County, Arizona; Ryan and Parsons, "Tavasci Marsh Wetland Assessment, 5; Harriet M. Hawkins, homestead deed, September 3, 1884, Tavasci Marsh, FMI; O.A. Turney, "Water Supply and Irrigation on the Verde River and Tributaries," 1901, quoted in T.A. Hayden, *Irrigation on the Upper Verde River Watershed from Surface Waters*, 1940, 274; "Report of Fowler and Frankenberg to the Conference Committee of the Associated Canals: Verde River and Tributaries," 1896, quoted in Hayden, *Irrigation on the Upper Verde River*, 241.

[11] U.S. Bureau of the Census, 1880 U.S. Census, Population Schedule, District 28, Yavapai County, Arizona; U.S. Bureau of the Census, 1900 U.S. Census, Population Schedule, District 69, Yavapai County, Arizona; Talitha C. Wilber, homestead deed, November 23, 1891, Tavasci Marsh, FMI.

boundaries of what is today referred to as Tavasci Marsh (see Figure 1). A Scottish immigrant, Thomas and his father, John, raised beef cattle, likely including the native English Hereford or "white face," for the local markets, especially the growing town of Jerome. While their interactions with the marsh are largely unclear, the actions of later resident cattle ranchers – including the Tavascis – indicate that drier patches of land around the wetland were suitable for grazing livestock. In addition, early irrigation reports reveal that the Goodwins utilized the fresh water from a nearby spring – known today as Shea Springs – to water and cultivate four acres of their property, likely for either the growth of subsistence crops or livestock feed. John Tavasci, Sr. later stated that at least one drainage ditch, referred to as the Middle Ditch and running through the marsh itself, existed prior to his family's arrival on the property in 1928. Whether this canal, as well, was constructed by the Goodwins or later denizens remains unclear, however, as for unknown reasons the property quickly passed through the Goodwin family until, on September 5, 1900, John, Jr. and his wife, Margaret, deeded the land to a local Irish saloonkeeper and prospective rancher, Daniel O'Shea.[12]

A prominent citizen in Jerome, O'Shea was no stranger to the oxbow in the Upper Verde River, having previously been involved in the ownership and construction of the region's primary irrigation canal, which remained in use until 1991. Redirecting water from the Verde River via a diversion dam, this lengthy ditch system channeled the flows through Brewer's Tunnel, on the property of Hugh Brewer (see Figure 1), across a pipeline spanning over Pecks Lake, around the north and east sides of Tuzigoot hill, and back into the river to the south. At

[12] U.S. Bureau of the Census, 1880 U.S. Census, Population Schedule, District 28, Yavapai County, Arizona; Thomas Goodwin, homestead deed, December 31, 1890, Tavasci Marsh, FMI; John H. Ladd to Charles M. Holt, April 16, 1987, Tavasci Marsh, FMI; John Tavasci, Sr., interview by author, Clarkdale, AZ, April 1, 2010; "Chain of Title: Shea Home Ranch," Tavasci Marsh Collection, 162414354, Freeport-McMoran Copper & Gold, Inc., Phoenix, AZ [hereafter cited as Tavasci Marsh (2), FMI]; U.S. Bureau of the Census, 1900 U.S. Census, Population Schedule, District 70, Yavapai County, Arizona; "Report of Fowler and Frankenberg," quoted in Hayden, *Irrigation on the Upper Verde River*, 241.

various times referred to as the Tunnel, Allen, or Hawkins Ditch,[13] its completion in 1896 signaled the first successful cooperative endeavor between the homesteaders in this region and the nearby United Verde Copper Company (UVCC). According to O.A. Turney's irrigation report, dated 1901, two men by the names of Allen and Wood – representatives of Senator William A. Clark, the owner of the UVCC – worked directly with O'Shea, Emory Hawkins, and other area residents to plan and construct a watering system that could replace the much smaller and outdated 1876 Hawkins Ditch. By the early 1900s, the Allen Ditch effectively irrigated more than 300 acres of land, including 124 acres within the boundaries of Tuzigoot National Monument's recent acquisition. Ultimately, the completion of this system enabled settlers and the UVCC to enact rapid changes in the riparian basin, culminating in the creation of the Pecks Lake recreational area, the construction of a nine-hole golf course, and the formation, on the marsh, of Shea Home Ranch and the Clarkdale Dairy.[14]

Before examining this story further, however, it is first necessary to understand the general irrigation and land use practices that farmers and ranchers employed in this region around the turn of the twentieth century. In 1901, Turney described an ever-growing network of ditches and canals spiraling outward from the main sources of irrigation, like the Allen Ditch. At this time,

> their methods of applying water are the crudest, even under company ditches there are no headgates; every man taps the canal in a half a dozen places and keeps several small heads continually running on his alfalfa. Most crops are planted in the spring; there is little irrigation during the winter; the only winter irrigation in on alfalfa. Acreages are in the following order: Corn, hay, fruit, potatoes and garden produce.[15]

[13] To avoid confusion, I will hereafter refer to this irrigation system as the Allen Ditch, which is its most prevalent demarcation in maps and other historical documents.
[14] Hayden, *Irrigation on the Upper Verde River*, 101-102, 211; Turney, "Water Supply and Irrigation on the Verde River and Tributaries," quoted in Hayden, *Irrigation on the Upper Verde River*, 274.
[15] Turney, "Water Supply and Irrigation on the Verde River and Tributaries," quoted in Hayden, *Irrigation on the Upper Verde River*, 282-283.

While this statement applies more broadly to the Upper Verde Valley, it is likely that the Hawkins, Wilbers, Goodwins, and O'Sheas treated their newly created water source in a similar manner and raised similar crops. With booming markets in Jerome, Prescott, and Flagstaff outstripping supply, company ditches and ever more extensive irrigation for the purposes of maximizing production became the norm in this region in the early half of the 1900s.

As such, when O'Shea and his wife, Margaret, finally settled on the marsh in 1900, they immediately engaged in the production of dry goods for the markets in Jerome and Cottonwood and, according to John Tavasci, Sr., raised Hereford cattle. The Shea Home Ranch, as it came to be known, grew throughout the first decade of the twentieth century, both in size and production. On April 26, 1906, O'Shea purchased an additional 80 acres, incorporating the northern portion of Tuzigoot hill (see Figure 1). He also assisted in the development and maintenance of further irrigation and drainage systems in the marsh, which he then utilized for the betterment of his ranch. Indeed, Shea Springs – a collection of springs at the base of the ridgeline to the east of Tuzigoot National Monument – bears his surname as he was one of the earliest settlers to make beneficial use of its constant supply of fresh water for the purposes of creating irrigated croplands and pasture.[16] Likewise, the Warranty Deed from O'Shea's eventual sale of the property reveals that he owned a 29/96th share in the Tunnel Ditch and irrigation canal, which extended through the location of his residence near the southeastern tip of Peck's Lake (see Figure 3). It is clear, therefore, that Shea Home Ranch made extensive use of all available water

[16] This spring is also commonly referred to as Goodwin, Taylor, or Big Springs. The former title is an obvious allusion to Thomas Goodwin's residence on the marsh and use of the spring's water to irrigate four acres of land.

sources for the development of fertile, usable lands and, in all likelihood, began or continued the process of draining the marshland itself.[17]

Despite these successive developments, the period of independent ownership in the vicinity of the marsh ended abruptly in the early 1910s, when the UVCC expanded into the Verde River basin below the mines at Jerome. Purchased by Senator Clark, a Montana copper baron, in 1888, the UVCC grew rapidly under his ownership and, by 1910, began investigating potential regions for further growth and development. Needing a larger, more modern smelter facility in order to meet with increasing supplies of copper ore, Clark turned his attention to the establishment of a township that would later bear his name – Clarkdale. Ideally situated on the banks of the Verde River, with access to a constant water supply and the Verde Valley Railway, the Clarkdale Smelter and its accompanying mining town were considered vital to the UVCC's future success. Unfortunately for Clark, however, the area that his engineers had designated for development lay in the hands of private landholders, like the O'Sheas.[18]

Thus, in the early 1910s, the UVCC began to purchase independent ranches in the planned location of the Clarkdale town site and its immediate vicinity, obtaining approximately 2,000 acres of new property "for water rights and for a location to process copper ores mined near Jerome" by 1912.[19] For those individuals and families residing in the Upper Verde Valley riparian zone, this massive land acquisition resulted in a significant shift in ownership, management, and land use practices. Whereas farmers and ranchers in this region had, for more

[17] U.S. Bureau of the Census, 1920 U.S. Census, Population Schedule, District 108, Yavapai County, Arizona; U.S. Bureau of the Census, 1930 U.S. Census, Population Schedule, District 6, Yavapai County, Arizona; Summary of Shea Springs Water Right, Tavasci Marsh (2), FMI; Daniel J. O'Shea and Margaret O'Shea to United Verde Copper Company, warranty deed, October 30, 1911, Tavasci Marsh (2), FMI; Tavasci, Sr., interview by author.
[18] John E. Laning, "Historical Growth of the United Verde Smelting Plant at Clarkdale, Arizona," "The United Verde Copper Company: A Series of Articles Describing the Organization, Operations, and Activities of this Company in the Jerome District of Arizona", *The Mining Congress Journal*, April, 1930, 5; Ken C. Bennett to Michael O'Donnell, February 26, Tavasci Marsh (2), FMI.
[19] Ken C. Bennett to Michael O'Donnell, February 26, 1991, Tavasci Marsh (2), FMI.

than three decades, raised livestock and cultivated foodstuffs for the explicit purpose of selling their goods to local miners and their families, they had always done so freely and independently of the mining companies. For the next eighty years, the O'Sheas, the Tavascis, and their partners and neighbors would operate under the overarching management of the UVCC and its successors, with the latter claiming ultimate authority over all water rights, land use practices, and crop or livestock production.[20]

While the town of Clarkdale and its smelter would eventually be constructed on the western bank of the Verde River, the UVCC's purchase of the properties beyond the opposite eastern shore, including the marsh, served a three-fold purpose. For one, Senator Clark and his associates viewed Pecks Lake, the Tunnel Ditch, and the nearby wetland as providing an ideal landscape and set of pre-existing services for the creation of a large recreational area for miners and their families. In the 1910s, as part of the formation of a much larger network of social services for the booming communities in Jerome and Clarkdale, the UVCC constructed a nine-hole grass golf course in and around the lake. Complete with "natural" water hazards and an accompanying country club, the Verde Valley Golf Club utilized water from the Tunnel Ditch to maintain its greens and fairways. Likewise, new water management policies regarding Pecks Lake, including the supplemental diversion of water from the Verde River, grew the natural wetland into a lake of such size that it became a popular location for fishing, recreational boating, and even motorboat races. The occasional drainage of the lake from its southeastern outlet – near the O'Shea and, later, Tavasci homesteads – increased the need for a sufficient

[20] Tavasci, Sr., interview by author; John Tavasci, Sr., interview by Nancy Dallett, Clarkdale, AZ, November 14, 2007.

drainage system for the remaining marshlands, ultimately resulting in the creation of the Pecks Lake or Tavasci Ditch.[21]

A second reason for the UVCC's acquisition of the lands on the eastern bank of the Verde River pertains directly to the company's planned smelter facility on the adjacent shore. Completed in 1915, after three years of construction, the Clarkdale Smelter was a modern industrial structure for its time, greatly improving the efficiency of ore extraction and the production potential of the mines in Jerome. Nevertheless, its two towering smoke stacks constantly spewed pollution into the air, endangering nearby crops and livestock and threatening the stability of farming operations in the vicinity. While the smelter was still in operation, John Tavasci, Sr. later recalled, a strong westerly wind would, approximately once per year, carry fumes from the smelter across the marsh, killing his family's alfalfa crop and much of the wetland's native vegetation. Realizing this potential hazard, and cognizant of the legal suits that would inevitably follow from the destruction of private croplands, Clark and the UVCC purchased an extended buffer zone within the potential smoke cloud from the planned location of the smelter facility. On those lands, including the marsh, that were not developed for recreational purposes, farming and ranching continued, but on a leased basis that circumvented would-be lawsuits before they could arise.[22]

For those leased farmsteads that continued to operate in the years after the completion of the Clarkdale Smelter, like the Shea Home Ranch, local businessmen and associates of the UVCC formed a new management organization – the Upper Verde Farm and Orchard Company (UVFOC). Established in the summer of 1912 by Harry R. Brown, LeRoy Anderson, and Will

[21] Noel Pegues, "Recreation in the Verde District," *The Mining Congress Journal*, April, 1930, 108; Wahmann, "A Centennial Commemorative," 265. Hereinafter referred to as the Tavasci Ditch. This ditch runs from the Pecks Lake outlet structure to the Verde River.
[22] John E. Lanning, "Historical Growth of the United Verde Smelting Plant at Clarkdale, Arizona," *The Mining Congress Journal*, April, 1930, 58-59; Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.

L. Clark (of no relation to Senator Clark), the UVFOC was created "to own, lease, control, operate, manage, exchange, sell, purchase or otherwise acquire or otherwise dispose of farms, orchards, ranch lands, and to engage in all kinds of farming, ranching, raising of stock, fruit, and in general to do all things necessary to the proper conduct of fruit raising, ranching, and farming."[23] For sixteen years, the UVFOC directed the cultivation and livestock operations along the eastern bank of the Upper Verde River Valley, issuing leases to local farmers and ranchers and coordinating the sale of their foodstuffs to the markets in Jerome, Clarkdale, Cottonwood, and Prescott. By 1928, when the UVFOC reconveyed these properties to the UVCC, the company claimed ownership of approximately 2,500 acres of land to the east and northeast of the Clarkdale Smelter and its potentially destructive smoke cloud (see Figure 4).[24]

Unfortunately, as no leasing records exist from the operations of the UVFOC, it is difficult to reconstruct the human occupation of the recent NPS land acquisition during this period and, consequently, how exactly the marsh's inhabitants utilized their available resources in their ranching and farming endeavors. The clearest obtainable documentation pertains to Shea Home Ranch, which the UVCC acquired on October 11, 1911 and conveyed to the UVFOC in 1913. The O'Sheas continued to raise Hereford cattle and irrigate their pasturelands with the waters from Shea Springs and the Tunnel Ditch, though all of their existing water rights were deeded to the mining company. Given the spatial limitations of their property for grazing purposes, due to the presence of the 60-acre marsh, it is also likely that during this period the O'Sheas constructed and maintained the drainage channel that the Tavascis later referred to as the Middle Ditch. Spanning the western edge of the wetland, the O'Sheas intended for this deep canal to drain as much of the spring-fed marsh as possible, thereby increasing the grazing land

[23] *Prescott Journal Miner*, August 23, 1912.
[24] Upper Verde Farm and Orchard Company to United Verde Copper Company, warranty deed, February 18, 1929, Book 147, Pages 8-9, Tavasci Marsh, FMI.

available for their cattle herd. Incidentally, this ditch remained in use for this same purpose until the Tavasci family abandoned the property in 1991.[25]

One residual effect of the UVCC and UVFOC ownership and management of the marsh and the surrounding area in this period was the final consolidation of the property into what would become, in 1928, the Clarkdale Dairy.

[25] Summary of Shea Springs Water Right, Tavasci Marsh (2), FMI; Daniel J. O'Shea and Margaret O'Shea to United Verde Copper Company, warranty deed, October 30, 1911, Tavasci Marsh (2), FMI; "Chain of Title: Shea Home Ranch," Tavasci Marsh (2), FMI; Tavasci, Sr. interview by author.

II. The Clarkdale Dairy

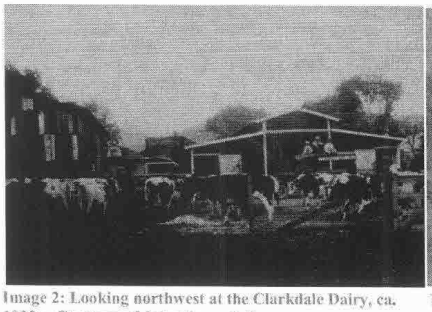


Image 2: Looking northwest at the Clarkdale Dairy, ca. 1930s. Courtesy of John Tavasci, Sr.

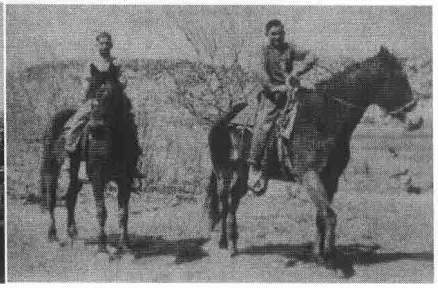


Image 3: Paul Tavasci, Jr. (left) and John Tavasci, Sr. (right). Courtesy of John Tavasci, Sr.

For thousands of immigrants to the American Southwest in the early 1900s, the region's rich mining deposits and constant demand for labor served as a veritable magnet for westward migration. Paul Tavasci, a native of northern Italy, was one of the hundreds of Italian immigrants attracted by Jerome's famous copper mines and the promise of a better, "American" life in the mining camps of the UVCC. With the assistance of his father-in-law, who gave him financial aid for his passage to Jerome, and his brother-in-law, whose employment at the mines enabled Paul to quickly find a job, Paul and his new wife, Mary, arrived in central Arizona in 1924. Residing in Jerome, Paul immediately began to work for the UVCC, using mule teams to haul latrines and human waste out from the extensive underground tunnel system before cleaning the portable restrooms with high-pressure hoses and returning them to the bowels of Mingus Mountain. By 1928, Paul, who never worked as an actual miner, and his young family had become important members of Jerome's Italian immigrant community, establishing friendships

with the families of Guido Marianni and Nat Rezzonico that, ultimately, formed the foundation of the Clarkdale Dairy partnership.[26]

About this same time, Charles W. Clark – the son and successor of the late Senator Clark, who died in 1925 – realized the need for a consolidated dairy operation to supply the UVCC mining communities in the Upper Verde Valley with fresh milk. Although smaller, individually run dairies existed in this region in the 1920s, including a minor venture in the approximate location of the present-day tailings pond, the UVCC desired to create a single undertaking, managed by a number of partners, which could serve as the de facto company dairy for the smelter and the mines. According to John Tavasci, Sr., Clark "believed in his own people" and desired to give them a monopoly on the delivery of milk and other dairy products to the markets in Clarkdale. Given the limitations of milk at this time – which, prior to pasteurization, required daily delivery and almost immediate consumption – such an operation would need to be located close to the centers of population but far enough away to provide sufficient range for the grazing of large numbers of cattle. In addition, the new dairy would require an available supply of fresh water and fields sufficient for the growth of alfalfa, corn, and other forms of ensilage and cattle feed. [27]

Having reacquired the former Shea Home Ranch, which had already proved to be adequate for the raising of livestock and included a large ranch house and pre-existing irrigation system, from the UVFOC in 1928, Clark settled on that property as the site for his new dairy. As an added benefit, the residence and outbuildings of the aforementioned small-market dairy operation to the west of Tuzigoot hill – now beneath the current tailings pond – could be utilized by the partners in the short term, while waiting for company workers to complete the

[26] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.
[27] Ibid.; Ibid.

construction of a more sufficient homestead and dairying facility at the original O'Shea home site. Thus, in 1928, with these plans in mind, the UVCC issued a ten-year lease to the Tavascis and their partners, enabling them to establish the Clarkdale Dairy on 250 acres centered around the marsh, while simultaneously granting the new dairymen grazing rights to four additional sections of land on the hills to the north and east.[28]

As relatively poor immigrant laborers, however, the Tavascis, Mariannis, and Rezonnicos lacked sufficient funds to create and foster a successful, large-scale dairy operation on their own, without further assistance from Clark and the UVCC. Indeed, while the marsh would eventually prove to be a suitable location for the prospering of the Clarkdale Dairy, it necessitated a significant amount of work before its productive value could be fully realized. For one, while the old O'Shea ranch house could sufficiently accommodate one family – the Tavascis – a full partnership, like the dairy, required a multi-family homestead, complete with individual residences, a milking house, and multiple barns, silos, and corrals. Realizing this fact, Clark provided the Tavascis and their partners with enough seed money for the construction of four or five additional homes, all of the associated outbuildings, and the necessary facilities for a modern-day dairy operation, as well as the purchase of the partnership's first sixty or seventy head of Holstein cattle. Although hastily built, these structures – including a large two-by-one lumber ranch home, hay and milking barns, numerous corrals, a twenty-foot tall concrete ensilage silo, and a storage tank for water piped from Shea Springs – formed the nucleus of the Clarkdale Dairy for the next three decades.[29]

In addition, despite the earlier cattle operations at Shea Home Ranch, the marsh and surrounding property remained in need of further development and irrigation in order to

[28] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.
[29] Ibid.; Ibid.

accommodate the potential expansion of the new dairy, which initially had a monopoly amongst the ever-growing UVCC mining communities in Clarkdale and Jerome. Thus, within the first few years of leasing the property, Paul Tavasci, his partners, and their hired Mexican-American laborers – including two families that lived on the homestead – worked to maintain and enlarge the area's pre-existing irrigation system. Using three pairs of mules and multiple work horses that the UVCC gave to the dairy following the installation of an underground railroad in the nearby mines, the dairymen and their employees performed annual repairs on their portion of the Tunnel Ditch, from the golf course to the Verde River, regularly removing nearly one foot of sediment and debris. They also expanded this irrigation system on the lands to the south of the wetland, thereby creating additional fields for pasture and the growth of crops. Throughout the duration of the cattle operations in the area, this system, regularly maintained, provided sufficient water for the irrigation of the fields of alfalfa, "Mexican June" corn, and sweet Sudan grass that constituted the herd's regular diet.[30]

Perhaps the greatest challenge that the Tavascis and their partners faced in their desire to expand the Clarkdale Dairy was the marsh itself, which, if left unchecked, would cover more than one hundred acres of prime pastureland. As John Tavasci, Sr., later recalled, "if I could have killed the swamp, I would have. There is no use denying it because it was just taking up our land."[31] Building upon the ditches that were first installed and maintained by earlier residents, most notably the O'Sheas, the dairymen and their employees created a three-tiered drainage system that joined at a point just south of the wetland's furthest extent, passed under a dirt road through a cast iron culvert provided by the UVCC in the 1930s, and discharged its contents into the Verde River (see Figure 5). Consisting of the aforementioned Tavasci Ditch

[30] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.
[31] Ibid.

and Middle Ditch, as well as the newly built Shea Springs Ditch – located at the base of the slope – this system effectively removed the majority of the wetland's water supply and reduced the size of the marsh to approximately fifteen acres. On the reclaimed land, which ultimately served as the pasture for those cattle ready to be milked – dry cattle grazed on the fields to the west and south of the homestead – the Tavascis and their partners planted Bermuda grass and constructed a series of bridges to prevent their livestock from walking on and destroying the sides of the canals. Of course, the presence of a nearby natural wetland, no matter how well drained, presented its own problems for roaming cattle, some of which ultimately perished after being trapped overnight in the muddy embankments.[32]

The control and management of water was not the only necessity for the continued growth and expansion of the operations at the Clarkdale Dairy, however, as the new tenants quickly found themselves in conflict with native flora and fauna, as well. While many local grasses proved to be excellent forage for the farm's Holstein cattle, others, most notably the pervasive and fast-growing cattail, remained ever-present nuisances to ranchers interested in maximizing their available grazing lands. As such, the Tavascis and their partners engaged in annual controlled burns of the cattail stands, sending enormous plumes of black smoke into the air and effectively controlling, but never eliminating, the plant's presence in the marsh. Additionally, the dairymen found their desire to expand their pasturelands, particularly in the southern portion of the property, impeded by dense growths of mesquite tress that, though not as invasive as cattails, cluttered the dairy's already patchy, hand-wrought, field system. Utilizing their mules and skiffs, as well as dynamite from the mines, the partners resolved this issue during

[32] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.

their first few years on the property, exploding dozens of mesquite trees and hauling the stumps out of the fields to be burned or otherwise disposed of elsewhere.[33]

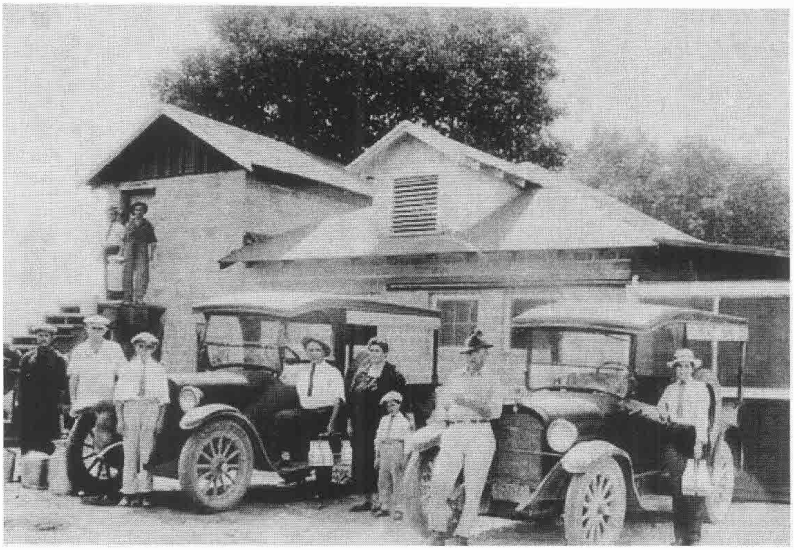
The ranchers interacted with the marsh's native animal life in a similar manner, finding some creatures to be impediments to their dairy's operation, while viewing others as potential sources of subsistence and even profit. In regards to the former, local beavers proved to be a constant annoyance, as their propensity for dam building in the irrigation and drainage ditches, as well as the marsh, constantly threatened to flood the nearby crops and pasturelands. In order to mitigate this issue, the Tavascis and their partners either hired trappers or simply shot the beavers that were found in the marsh and surrounding vicinity. By contrast, ducks and fish, which also inhabited the wetland, proved to be vital sources of food for the families living at the homestead – especially in the 1930s and 1940s, when the site was at its maximum capacity. Interestingly, the Tavascis and their partners employed the same technique to fishing as they did to the removal of native vegetation, finding dynamite from the UVCC mines to be just as effective at collecting dinner as it was at clearing mesquite trees from the fields. In recalling his childhood on the property, John Tavasci, Sr., later expanded upon this story, explaining that they would often collect enough fish with a few sticks of dynamite to fill a washtub in the rear of one of their mule-drawn wagons.[34]

In their quest for food and profit, the dairymen also introduced certain non-native animal species to the marsh environment, presuming that its unique and life-sustaining ecosystem could serve as a new habitat for other wetland species – most notably, bullfrogs. For a few years after the marriage of John Tavasci, Sr., in the early 1940s, his new father-in-law, Harvey Gazard, resided on the property and assisted in the operation of the dairy. An enterprising individual,

[33] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.
[34] Ibid.; Ibid.

Gazard believed that bullfrogs could make a positive addition to the wetland ecosystem, and that of the surrounding riparian zone. As such, he purchased six pairs of large Louisiana bullfrogs and turned them loose at the marsh, hoping that they would provide a ready source of food and, when collected in excess, could be sold to the markets in Cottonwood and Clarkdale. While the frogs did ultimately serve both these functions, they unfortunately overpopulated the region, spreading first to Pecks Lake and then into the remainder of the Upper Verde Valley. The bullfrogs eventually became so prolific, John Tavasci, Jr., later recalled, that "you could go out on the lake with a flashlight at night and see eyes . . . sitting on a lily pad."[35]

Image 4: The Rezzonico family, and others, outside the Clarkdale Dairy Milk House during the ranch's period of peak production. Ca. 1930s. Courtesy of John Tavasci, Sr.



[35] Tavasci, Sr. interview by author.

During this time, another non-native species – the dairy's Holstein cattle – also expanded in terms of population and reach. Effective drainage practices and the removal of native vegetation, both of which significantly increased the amount of pastureland available for grazing, coincided with a growing regional population, leading the partners at the Clarkdale Dairy to triple the size of their herd, to nearly two hundred head of cattle, by 1946. This was further influenced by the implementation of better irrigation techniques and the use of modern fertilizers in the fields of alfalfa and corn, enabling the partners to produce more feed and, therefore, support a larger herd. Indeed, despite the Great Depression, World War II, and the emergence of privately owned competing dairy ventures in the Upper Verde Valley, the operations at the Clarkdale Dairy continued to thrive. Even the decline of the dairy's parent company, the UVCC, and its ensuing purchase by the Phelps Dodge Corporation (PDC) in 1935, did not significantly affect the progress and development of the ranching operation – although it did coincide with a new lease agreement and the transfer of Tuzigoot hill to the federal government for the purposes of establishing Tuzigoot National Monument in 1939. Throughout this period, the Clarkdale Dairy provided regular door-to-door deliveries of milk and other dairy products to miners and their families in Jerome, Clarkdale, and Cottonwood. By the end of the war, the operation had reached its maximum productive capacity.[36]

Unfortunately, a series of developments in the immediate postwar period – both at the marsh and in the surrounding mining communities – brought about a number of changes to the Clarkdale Dairy that, in due course, would lead to its decline and eventual closure. For one, the historic dairy partnership, which had provided the necessary manpower and resources for the management of the operation during its growth, dissolved in 1946 with at least one partner, Nat Rezzonico, moving to the vicinity of Prescott in order to establish the Prescott Dairy. While this

[36] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.

resulted in John, Sr., and his brother, Paul, Jr., purchasing shares in the partnership with their father, Paul, Sr., the diary's transition from a multi-family joint venture to a single-family operation presented new challenges given the business' size and the popular regional demand for its products. The issue of declining manpower became even more of a concern over the next few years, with the death of one of the dairy's most reliable ranch hands – a Spaniard, named Segundo Prada – and the subsequent firing of the operation's other hired laborers, who, John Sr., later claimed, proved to be difficult to work with and often unreliable.[37]

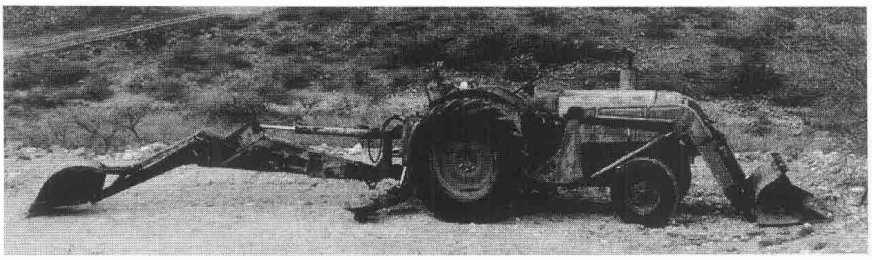
New technological developments in the dairy industry on a national scale, particularly as related to growing concerns over issues of health and sanitation, further compounded the difficulties facing the Tavascis as they sought to continue their work into the 1950s. According to John Tavasci, Sr., local doctors and the regional health department became increasingly disillusioned with the prospects of the area's dairy operations using open truck beds to deliver raw milk to the community, a practice that was standard at the Clarkdale Dairy since its establishment in the 1920s. The resultant regulations of this new movement forced expensive changes upon the Tavascis' operation, requiring the purchase and use of closed-container trucks, as well as modern pasteurization and homogenization equipment. Totaling more than $30,000 worth of expenses, these new directives placed a significant financial burden on the diary, ultimately making it difficult for the Tavascis' local milk sales to garner a profit. Even after expanding their door-to-door delivery of dairy products to the cities of Prescott and Flagstaff, the Tavascis found that, by the mid-1950s, insufficient revenue and increasing competition from larger corporate creameries negated any potential benefits of continuing their traditional operational model. For the next few years, until the closure of the dairy in 1958, the Tavascis

[37] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.

delivered their product and that of the other regional dairies, in bulk, to Phoenix's Carnation Milk Creamery.[38]

This is not to argue, however, that all of the technological advancements at the Clarkdale Dairy in this period promoted the eventual downfall of the operation. Indeed, the addition of a tractor, purchased by John, Sr., in 1954, provided needed mechanization to many of the regular activities at the marsh that had previously been performed by hand or with the assistance of a mule team – including the plowing of croplands, the clearing of pasture, and the annual maintenance of the irrigation and drainage ditches. This also led to the continued modernization of the farmstead itself, as the 1950s saw the installation of a gas pump and fifty-gallon underground storage tank at the farmstead, as well as two septic tanks. Nevertheless, this progress was soon met with yet another setback when, in the mid-1950s, a major fire destroyed the hay barn and milk house, neither of which the Tavascis rebuilt.[39]

Image 5: The Clarkdale Dairy tractor, currently in the possession of John Tavasci, Sr. Courtesy of Will Stoutamire.



[38] Ibid.; Ibid.
[39] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.

The final, and perhaps most significant, development that brought about the eventual demise of dairy farming at the marsh occurred in the surrounding mining communities, far beyond the control of the dairymen and their labors. In 1953, with the mines at Jerome producing declining amounts of usable copper ore, the executive management at PDC decided to cease operations. The closure of the mines, in turn, resulted in an immediate decrease in the population of the Upper Verde Valley, as miners, their families, and the community support structures that had been built around the region's copper industry all turned elsewhere for employment and opportunity in the mines of the Southwest. For the Tavascis and the Clarkdale Dairy – the success of which, the 1930s and 1940s, relied on the generous support of the UVCC and PDC – the population busts in Clarkdale and Jerome presented even further challenges to the dairy's continued profitability at the midpoint of the twentieth century. Compounding upon ongoing struggles with declining revenue, unreliable labor, and increased corporate competition, the closure of the mines forced the Tavascis to cease dairying in 1958 and sell their 280 head of Holstein cattle.[40]

[40] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.

III. From Dairy to Beef

Despite the termination of full-scale dairy operations at the marsh, the Tavascis continued to utilize their ranch, on lease from PDC, for the purposes of raising cattle until their departure from the property in 1991. Having sold their Holstein stock, the family now invested in 135 beef cattle and their calves – of the Hereford, Santa Gertrudis, and Angus varieties – for the purposes of turning the now-defunct dairy operation into a more recreational, part-time cattle ranch and hay farm. The first evidences of this changing business model began to emerge in the mid-1950s, during the decline of the Clarkdale Dairy, as John, Sr., his young family, and his brother, Paul, Jr., all moved off the property and into neighboring Clarkdale. Although they continued to remain involved in the management of the ranch, the brothers also began to pursue alternative employment options, with John, Sr., eventually owning and operating the Verde Valley's school bus transportation system. When Paul, Sr., passed away in 1966 and his widow, Mary, moved to Clarkdale, the population of the homestead declined even further and, in 1971, John, Sr., purchased his brother's remaining shares in the partnership. For the next two decades, only John, Jr., and a hired ranch hand – Tony Velazquez – lived on the property. Even then, both men resided there on a more irregular, part-time basis, living in two trailer homes following the burning of the main ranch house in the mid-1970s.[41]

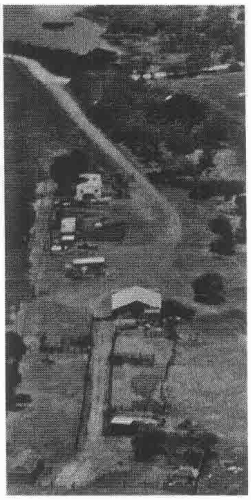


Image 6: The Tavasci Homestead, ca. 1970s. Courtesy of John Tavasci, Sr.

[41] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.

Although the population of the ranch declined in the latter half of the twentieth century, the Tavascis and their hired laborers continued to participate in the annual maintenance of the irrigation and drainage ditches, via backhoe, and sought to promote additional improvements upon the land. With less help readily available in this period, the Tavascis worked closely with Charles Van Gorder, of the Bridgeport Soil Conservation District, to develop a more sustainable and less labor-intensive land management plan for their property. First agreed upon in 1951, and carried out over the ensuing decade, this new strategy called for the leveling of 109 acres of otherwise patchy, hand-wrought farmland and the subsequent creation of permanent pastures. According to Van Gorder, such lands would "furnish a source of succulent food for livestock. They also build up poor soil and control erosion on steep slopes and provide added income for the farm . . . Permanent pastures have proven very beneficial for beef cattle as well as dairy cattle."[42]

As Figure 6 indicates, this plan resulted in the development and expansion of both sub-irrigated, fenced croplands to the southwest of the farmstead and at the base of Tuzigoot hill, as well as Bermuda and dry pasture on the marsh itself and in the fields to the south. The Soil Conservation District also widened and deepened the Tunnel Ditch, constructing new irrigation structures and flumes with the intention of providing a greater supply of water to more than one hundred acres of newly created fields. By replacing the native vegetation with ryegrass, orchard grass, tall fescue grass, and a variety of legumes, and instituting a system of rotational usage on the improved and fertilized permanent pastures, the Tavascis were thus able to significantly reduce the amount of manpower required to sustain their beef cattle operation. Indeed, by the 1970s, when Velazquez and John, Jr., were the sole residents of the homestead, the fields

[42] "Soil and Water Conservation Plan: Phelps-Dodge Corp. (Old Clarkdale Dairy, 1951)," Tavasci Marsh, FMI.

required only thrice-daily irrigation, thereby considerably decreasing the total effort necessary to maintain the pastures and care for the cattle.[43]

As the creation of permanent pastures enabled the Tavascis to manage their property and livestock on a smaller part-time, recreational basis, the period in which the family used their lease of the marsh to raise beef cattle was also characterized by increasing interactions between members of the surrounding community and the wetland riparian zone. In the late 1950s, for instance, the Tavascis permitted a Mexican-American family from Clarkdale – the Uribes – to construct a small shack on one acre of land in the southern fields, where, with John, Sr.'s, assistance, they grew corn, tomatoes, string beans, and sugar cane. According to John Tavasci, Jr., in recalling his childhood, although the Uribes never lived on the property, they became close friends with the Tavasci family – even providing children, like John, Jr., with occasional supplies of sugar cane. Likewise, in the 1970s and 1980s, the Tavascis permitted Clarkdale's elementary schools to conduct educational tours on the lower portion of the marsh and allowed local high school students to hold their annual graduation party – complete with music, drinks, and bonfires – at a small picnic area just beyond of the marsh's southernmost extent. Events like this served to increase the popularity of the region as a place of both recreational opportunity and significant ecological value, a two-fold community sentiment that became important to the preservation and restoration of the wetland in the 1990s.[44]

For the Tavascis, however, this growing public attachment to the marsh as a habitat worthy of conversation signaled a coming period of transition. With increasing instances of trespassing by birdwatchers from the nearby national monument, John, Jr., later stated, "that

[43] Ibid.; Tavasci, Sr. interview by author.
[44] Tavasci, Sr. interview by author; Tavasci, Sr., interview by Dallett.

started the protectionism or the interest in [the wetland] as a marshland to be preserved and that effort or that movement moved the rancher out and moved in the" environmentalist.[45]

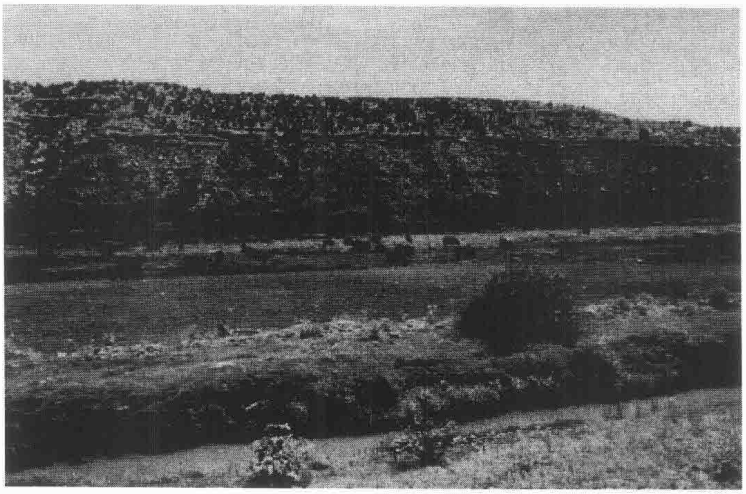


Image 7: Beef cattle grazing at Tavasci Marsh, ca. 1990. The Allen Ditch can be seen in the foreground. Courtesy of Tavasci Marsh, FMI.

[45] Ibid.

IV. Development, or Restoration?

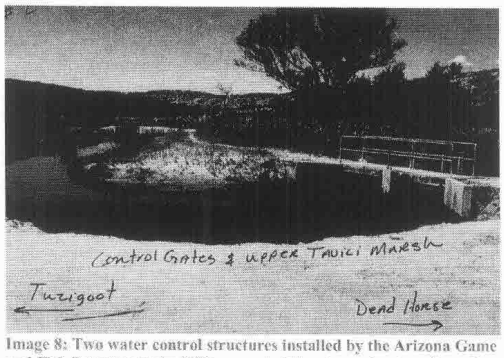


Image 8: Two water control structures installed by the Arizona Game and Fish Department in 1993, as part of the planned restoration of Tavasci Marsh. Courtesy of Tavasci Marsh, FMI.

Unbeknownst to the Tavascis, such debates over potential opportunities for the public use of the Pecks Lake/Tavasci Marsh[46] riparian zone had already begun within the real estate division of PDC, under the management of Ken C. Bennett, in the mid-1980s. For Bennett and other PDC executives, who planned to construct a large residential neighborhood – the Verde Valley Ranch – on the lands immediately to the west of Tavasci Marsh, the future of the wetland lay in either its full-scale development or its environmental restoration. Indeed, in 1986, following the removal of the property from a planned land exchange with the Bureau of Land Management, PDC contracted with the Tucson-based P&D Technologies for the creation of five conceptual development plans for Tavasci Marsh. Consisting of between 109 and 196 units, of varying sizes, each design was based around the understanding "that a predominantly retirement market will be attracted to the project, many of whom will prefer a more rural alternative to the more 'manicured' environment planned for the Verde Valley Ranch."[47] As such, each concept provided for the creation of small "natural" open spaces alongside the residential housing plots

[46] The phrase, "Tavasci Marsh," came into use by the mid-1970s, though the exact date is unclear.
[47] P&D Technologies, "Preliminary Development Options for: The Tavasci Marsh," 2, Tavasci Marsh, FMI.

and the plan's highlight feature – an equestrian facility, a resort hotel, a camping ground, or even an "Indian demonstration farm."[48]

While P&D Technologies' conceptual drawings remained confidential within PDC, it soon became clear to Bennett and his coworkers that the general public in the Upper Verde Valley desired to restore the marsh to its natural condition, and it would create a significant outcry if PDC's residential plans for the property were made known. In addition, pressure from the National Park Service's (NPS) John Thomas to restore the marsh and create trails for public access, as well as Bennett's realization that the entire site lay below the area's 100-year flood plain, further persuaded PDC to favor the restoration of the marsh. With this in mind, by the end of the 1980s, Bennett and his colleagues changed their perspective, now believing that the rehabilitation of the wetland's natural habitat would "significantly enhance the value of the adjacent lands, including the Verde Valley Ranch project."[49] On January 15, 1990, after multiple failures to establish partnerships with the NPS, the Nature Conservancy, and the Conservation Fund, PDC entered into a cooperative agreement with the Arizona Game and Fish Department (AGFD) for the management and restoration of Tavasci Marsh.[50]

Of course, in 1990, the most immediate impediment to the rehabilitation of the property by representatives of AGFD and PDC was the continued presence of the Tavascis' cattle ranch in the wetland and surrounding vicinity, as well as their regular drainage of waters from the lake, marsh, and spring into the Verde River. That year, as part of the aforementioned cooperative agreement, PDC canceled the Tavascis' grazing lease on the marsh itself, giving them sixty days

[48] Ibid., 3-5, Tavasci Marsh, FMI; John Thomas, et.al., to Ken C. Bennett, May 27, 1986, Tavasci Marsh, FMI; Jack Bestall, et.al. to Ken C. Bennett, April 8, 1988, Tavasci Marsh, FMI; Ken C. Bennett to Jack Bestall, May 13, 1988, Tavasci Marsh, FMI.
[49] "AZ Game and Fish AG and Topographic Map," n.d., Tavasci Marsh, FMI.
[50] John Thomas, et.al. to Ken C. Bennett, June 6, 1988, Tavasci Marsh, FMI; A. Scott Williams to Ken Bennett, February 28, 1989, Tavasci Marsh, FMI; Ken C. Bennett to Tom Macy, July 20, 1989, Tavasci Marsh, FMI; Ken C. Bennett to J.S. Whisler, et.al., July 15, 1991, Tavasci Marsh, FMI; "Agreement and Amendment of Agreement," January 15, 1990, Tavasci Marsh (2), FMI.

to remove their livestock before AGFD fenced in the property. Just one year later, seeking to remove the ranchers from the area altogether in order to further promote the land's restoration – or as Bennett phrased the issue, bring the Tavasci lease "in line with our current economic plan"[51] – PDC issued the family a new lease agreement, which raised John, Sr.'s, monthly rent from $75 to $500 and, as a result, ultimately went unsigned. By the summer of 1991, the property lay vacant of humans and livestock for the first time in decades and, in the mid-1990s, PDC contracted for the final demolition of the homestead and the abandonment of its well.[52]

With the Tavascis and their cattle now removed from the region, representatives of AGFD were finally able to move forward with their plans for the marsh's restoration. Their objectives were two-fold: "primarily to protect, enhance, restore, and monitor the native biological diversity of Tavasci Marsh" and "secondarily to provide educational and recreational uses of the marsh compatible with its sensitive nature."[53] Seizing upon the opportunities for financial assistance provided by President George Bush's wetlands restoration initiative, AGFD obtained $15,000 from the U.S. Fish and Wildlife Service's "Partners for Wildlife" Program for the purposes of constructing water control structures across the Tavasci and Shea Springs ditches, near their confluence at the southernmost extent of the natural marshland. Once completed, these weirs enabled the Department to effectively restore the wetland to its historic size, which contemporary environmental experts estimated to be approximately eighty acres.[54]

In addition, AGFD constructed an observation deck and a small trail system in order to open the marsh, now considered an important birding site by the Audubon Society, to birders and

[51] Ken C. Bennett to Mr. and Mrs. John Tavasci, Sr., April 5, 1991, Tavasci Marsh (2), FMI.
[52] Agreement and Amendment of Agreement, January 15, 1990, Tavasci Marsh (2), FMI; Ken C. Bennett to Mike Schern, April 8, 1991, Tavasci Marsh (2), FMI; Grazing Lease, 1991, Tavasci Marsh (2), FMI; Redline Markups and Contracts, Tavasci Marsh, FMI.
[53] "Tavasci Marsh Restoration: Final Environmental Assessment," June 24, 1993, Tavasci Marsh (2), FMI.
[54] K.C. Bennett to T. M. Foster, April 24, 1995, Tavasci Marsh (2), FMI; K.C. Bennett to S.A. Crozier, April 25, 1995, Tavasci Marsh (2), FMI.

the general public. While a lack of sufficient funds ultimately prevented the Department from completely fulfilling its recreational plans for the property – which called for one additional observation deck, more trails, a small parking area, and a visitor comfort station – its management of the wetland did initially enable greater access to one of Arizona's few remaining riparian marsh environments. In the early 1990s, for example, Nancy Burnett, a volunteer naturalist at Red Rock State Park, routinely brought local school children to weeklong environmental summer camps at Tavasci Marsh. According to Burnett, her program provided students with an opportunity to learn how a marsh ecosystem operates through the collection of water samples, the examination of native flora and fauna, and the exploration of Shea Springs. Unfortunately, however, with the completion of the AGFD restoration project in 1995, concerns over liability and potential damages – as well as the limited access provided to the site given its lack of sufficient financial support, parking and recreational facilities – forced PDC to curtail many such community-based activities.[55]

Indeed, by the end of the 1990s, AGFD's inadequate funds and staff, and the subsequent decline in permissible public access to Tavasci Marsh resulted in the property falling into disrepair, leading to the unintended expansion of the wetland. In particular, the local beaver population, which was historically controlled by the ranchers in the region, grew significantly in this period and constructed an elaborate system of dams throughout the marsh. This system quickly became so extensive that, in 1998, PDC's Mark Fitzgerald informed a member of the U.S. Environmental Protection Agency that the largest beaver dam "extends a few hundred feet across the marsh at the road crossing" and had raised water levels in the wetland to eighteen

[55] Nancy Burnett to Duane L. Shroufe, September 27, 1994, Tavasci Marsh (2), FMI; Nancy Burnett to John Zamar, September 28, 1994, Tavasci Marsh (2), FMI; J.H. Zamar to Nancy Burnett, November 8, 1994, Tavasci Marsh (2), FMI.

inches above the tops of the recently installed AGFD water control structures.[56] The uncontrolled expansion of the marsh also enabled the overgrowth of certain species of plants – most notably, cattails – into the former pasturelands and crop fields of the old Tavasci cattle operation.

[56] Mark J. Fitzgerald to Elizabeth Borowiec, June 26, 1998, Tavasci Marsh (2), FMI.

V. Conclusion

Thus, by the time Tuzigoot National Monument finally acquired Tavasci Marsh from PDC in 2005, after more than two decades of failed attempts to exchange for the property, human management had shaped a new landscape. From early irrigation practices for the purpose of raising subsistence crops to more recent attempts to drain and, eventually, restore the marsh itself, the story of human habitation at Tavasci Marsh has been one of constant interaction and contention between humanity and the surrounding environment. Through the progressive removal and regulation of native species to the introduction of non-native flora and fauna – from alfalfa and corn, to cattle and bullfrogs – the marsh as it exists today is vastly different from what J.A. Hawkins described in the early 1860s. Hopefully, with an understanding of the changes brought upon Tavasci Marsh in the past one hundred and fifty years, its new stewards, the National Park Service, will be able to effectively manage and interpret the property for future generations.

Bibliography

Cotter, Jack, "Tuzigoot National Monument," *Arizona's National Monuments*, Popular Series No. 2, Santa Fe: Southwestern Monuments Association, 1945.

Hayden, T.A., *Irrigation on the Upper Verde River Watershed from Surface Waters*, 1940.

Prescott Journal Miner.

Ruffner Collection, in possession of Mrs. Melissa Ruffner.

Ryan, Amelia and Lorraine Parsons, "Tavasci Marsh Wetland Assessment: Wetland Vegetation Communities, Conditions, and Functions," National Park Service, September 2009.

Tavasci Marsh Collection, 162414354, Freeport-McMoran Copper & Gold, Inc., Phoenix, AZ.

Tavasci Marsh Collection, 525926160, Freeport-McMoran Copper & Gold, Inc., Phoenix, AZ

Tavasci, John, Sr., interview by author, Clarkdale, AZ, April 1, 2010.

Tavasci, John, Sr., interview by Nancy Dallett, Clarkdale, AZ, November 14, 2007.

"The United Verde Copper Company: A Series of Articles Describing the Organization, Operations, and Activities of this Company in the Jerome District of Arizona", *The Mining Congress Journal*, April 1930.

U.S. Bureau of the Census, 1880 U.S. Census, Population Schedule, District 28, Yavapai County, Arizona

U.S. Bureau of the Census, 1900 U.S. Census, Population Schedule, District 69, Yavapai County, Arizona

U.S. Bureau of the Census, 1920 U.S. Census, Population Schedule, District 108, Yavapai County, Arizona

U.S. Bureau of the Census, 1930 U.S. Census, Population Schedule, District 6, Yavapai County, Arizona

U.S. Congress, *An Act to Secure Homesteads to Actual Settlers on the Public Domain*, 37th Cong., 2d sess., May 20, 1862.

Wahmann, Russell, "A Centennial Commemorative, United Verde Copper Company, 1882-1982," *The Journal of Arizona History*, Vol. 23, No. 3, Autumn 1982.

Methodology:

As the National Park Service owns few records regarding the historical use of Tavasci Marsh, this project involved trips to multiple public and private repositories. Nancy Dallett, who is working on an administrative history of Tuzigoot National Monument, gave me access to her collections as a starting point for my own research. Other materials were gathered from Arizona State University's Hayden Library Arizona Collections, Ancestry.com, and from conversations with Prescott historian, Melissa Ruffner. Perhaps the greatest wealth of information, however, was found in the archives of Freeport-McMoran Copper & Gold, Inc., which houses the records of the UVCC and Phelps Dodge.

Contacts:

Hayden Library, Arizona Collection
(480) 965-4932

Melissa Ruffner, Prescott Historian
(928) 445-4567

Freeport-McMoran Copper & Gold, Inc.
Michelle Hughes, Archivist
(602) 366-8108

Appendix

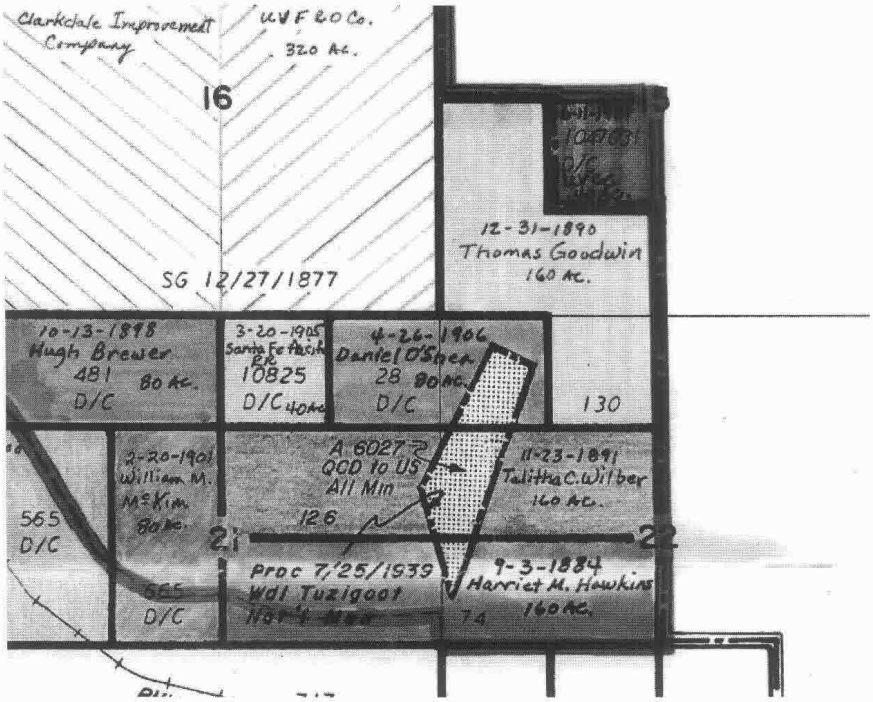


Figure 1: Map indicating original settlement of Tavasci Marsh. Courtesy of Tavasci Marsh, FMI.

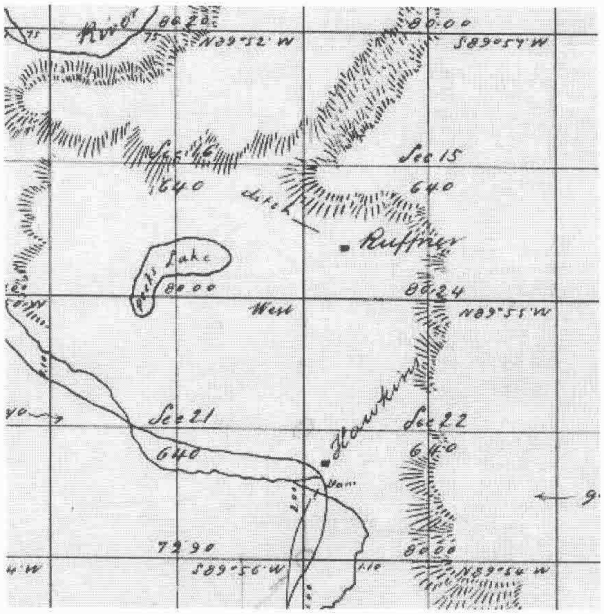


Figure 2: 1877 Map of the Surveyor Generals Office, Tucson, AZ. Courtesy of Northern Arizona University, Flagstaff, AZ.

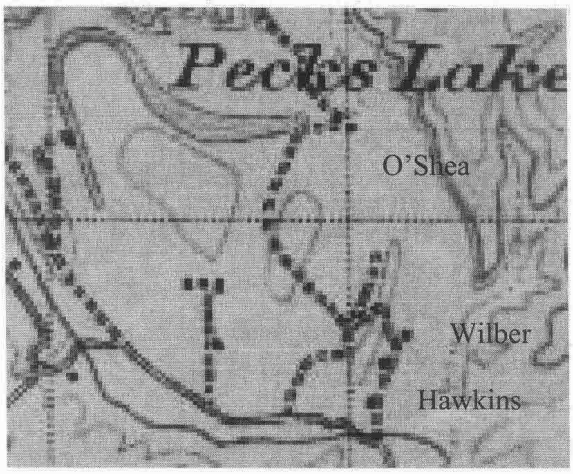


Figure 3: 1905 USGS Topographical Map,
Courtesy of Noble Science Library, Tempe, AZ.

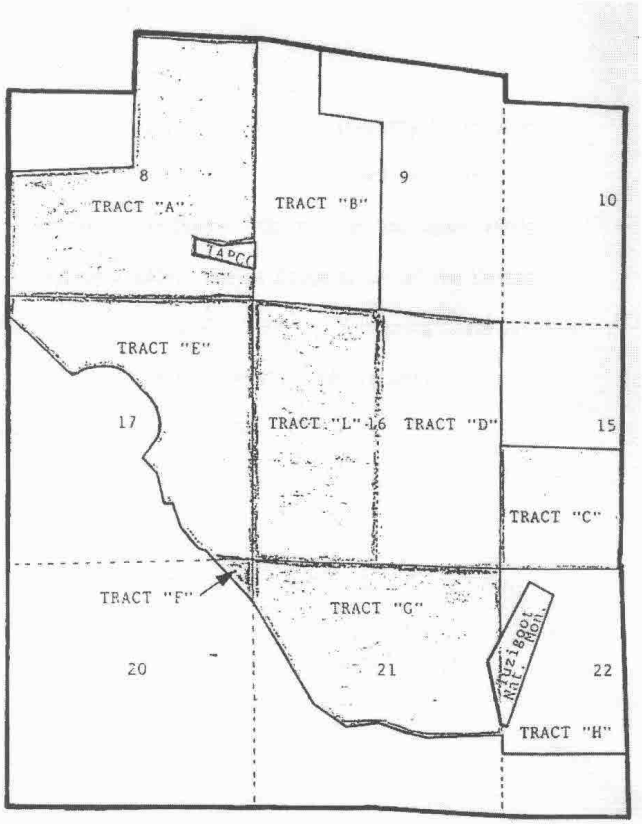


Figure 4: Map of the UVFOC Holdings, NPS Acquisition Highlighted. Courtesy of Tavasci Marsh, FMI.

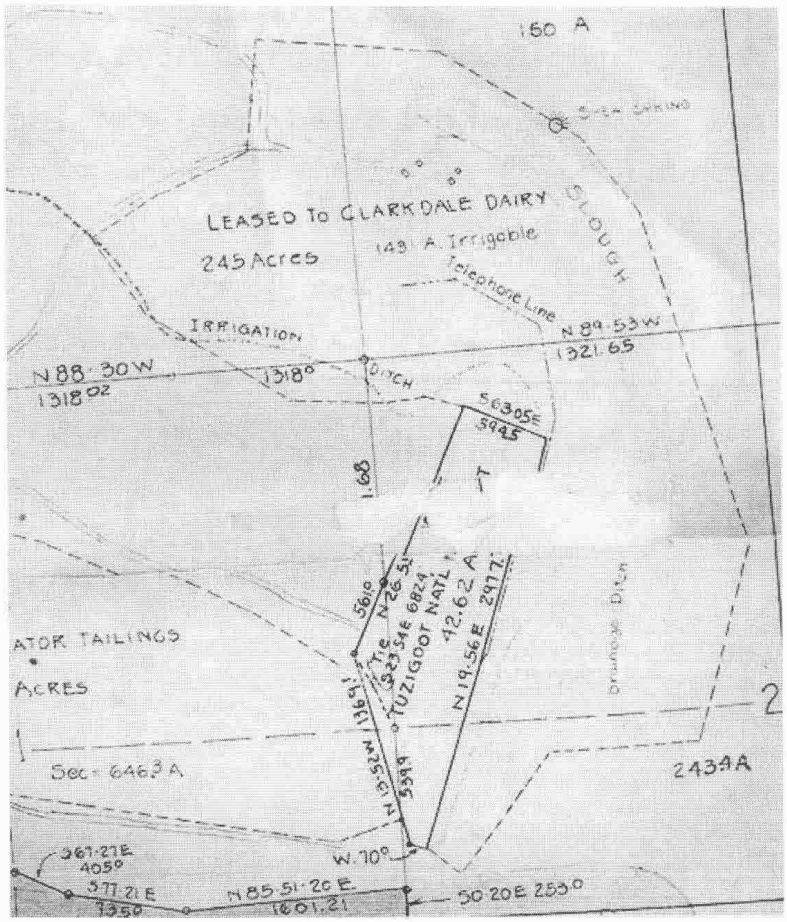


Figure 5: A 1949 Phelps Dodge boundary map, indicating the Clarkdale Dairy lease and related improvements. Courtesy of Tavasci Marsh (2), FMI.

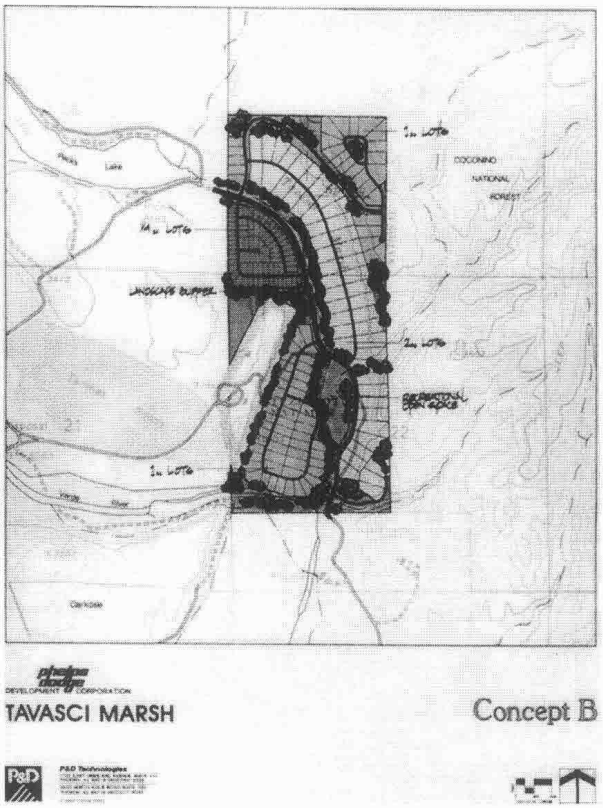


Figure 7: "Concept B," one of P&D Technology's development plans for Tavasci Marsh. Courtesy of Tavasci Marsh, FMI.

United States Department of the Interior
NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
Post Office Box 728
Santa Fe, New Mexico 87504-0728

In Reply Refer to:
L1425(IMSF-LR)
TUZI/01-108

SEP 28 2007

Memorandum

To: Water Resources Division, Fort Collins
Attention: Peter Fahmy

From: Chief, Land Resources Program Center, Intermountain Region

Subject: Documents relating to Tract 01-108, Tuzigoot National Monument

Enclosed for your information and use are the following documents related to the acquisition of Tract 01-108, Tuzigoot National Monument:

1. General Warranty Deed conveying fee title from Phelps Dodge Corporation, a New York corporation, to the United States of America.

2. Request for Assignment of Surface Water Applications and Claims and Assignment and Reissuance of Permits and Certificated Rights.

3. Statement of Claimant "39" Assignment.

4. Letter from Arizona Department of Water Resources acknowledging the Assignment of Statement of Claimant File#39-48002.

5. Copy of First American Title Insurance Company, Policy No. NCS-178391-PHX-1.

6. Copies of miscellaneous supporting documents.

If you require further assistance or have any questions, please contact me at 505-988-6755.

Glenna F. Vigil

Enclosures

cc:
Superintendent, Tuzigoot, w/items 2, 3, 4, 6

Full Screen Image Viewer

First Amer n Title Insurance Company
This is to certify that this is a true and
Exact copy of the original document.
By: Donna Seyton
Date/Time: Sept 15, 2005 1147am
Fee Number: Book 4311 pg 392
County: Yavapai

WHEN RECORDED, RETURN TO:
U.S. Department of the Interior
Bureau of Land Management
Attn: Lands and Minerals Adjudication (AZ933)
222 North Central Avenue
Phoenix, Arizona 85004-2208

GENERAL WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: that for and in consideration of the exchange of certain lands and interests therein as authorized by Section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716), **PHELPS DODGE CORPORATION**, a New York corporation (hereinafter "Grantor"), does hereby grant, bargain, sell and convey to the **UNITED STATES OF AMERICA** and its assigns (hereinafter "Grantee") the following described real property situated in Yavapai County, Arizona, more specifically described as:

See Attached Exhibit "A"

TOGETHER WITH all those rights, including water rights, appurtenant to the lands.

AFFIDAVIT EXEMPT PER A.R.S. §11-1134.A.3

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

The acquiring federal agency is the Department of the Interior, National Park Service.

IN WITNESS WHEREOF, this Deed is hereby executed by the Grantor this 25th day of August, 2005.

PHELPS DODGE CORPORATION,
a New York corporation

By: _____
S. David Colton, Senior Vice
President and General Counsel
"Grantor"

TUZIGOOT NATIONAL MONUMENT DEED NO. 4

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me this 25th day of August, 2005 by S. David Colton, the Senior Vice President and General Counsel of PHELPS DODGE CORPORATION, a New York corporation, for and on behalf of said corporation.

My commission expires:
June 14, 2006

Jacqueline Madison, Notary Public

OFFICIAL SEAL
Jacqueline Madison
Notary Public
Commission # 137280
Maricopa County, Arizona
My Commission Expires June 14, 2006

Exhibit "A"

TAVASCI MARSH PROPERTY

T. 16 N., R. 3 E.
That part of the Southwest quarter of Section 15, and that part of the Northwest quarter and the North half of the Southwest quarter Section 22, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 15, monumented with a 2½" aluminum pipe; thence North 01 degrees, 38 minutes, 17 seconds, West (measured), North 00 degrees, 36 minutes, 26 seconds, East (record), along the West line of the Southwest quarter of said Section 15, as shown on the Boundary Survey of the Proposed Tuzigoot National Monument, recorded in Book 2 of Land Surveys, page 192, Yavapai County Records, a distance of 1,475.00 feet to the TRUE POINT OF BEGINNING.

Thence continuing North 01 degrees, 38 minutes, 17 seconds, West, along said West line of the Southwest quarter of said Section 15, a distance of 1,196.12 feet to the West quarter corner of said Section 15, monumented with a United States Forest Service Aluminum Cap; thence North 88 degrees, 01 minutes, 21 seconds, East, along the East-West mid section line of said Section 15, a distance of 2,609.43 feet to the center quarter corner of said Section 15, monumented with a United States Forest Service Aluminum Cap; thence South 02 degrees, 20 minutes, 25 seconds, East, along the North-South mid section line of said Section 15, a distance of 2,659.29 feet to the South quarter corner of said Section 15, also being the North quarter corner of said Section 22, monumented with a GLO Brass Cap; thence South 03 degrees, 55 minutes, 01 seconds, East, along the North-South mid section line of said Section 22, a distance of 2,657.46 feet to the center quarter corner of said Section 22, monumented with an Aluminum Cap; thence South 03 degrees, 55 minutes, 08 seconds, East, continuing along the North-South mid section line of said Section 22, a distance of 1,323.01 feet to the Southeast corner of the North half of the Southwest quarter of said Section 22, monumented with a National Park Service Aluminum Cap; thence South 87 degrees, 09 minutes, 57 seconds, West, along the South line of said North half of the Southwest quarter of said Section 22, a distance of 2,667.13 feet to the Southwest corner of said North half of the Southwest quarter of said Section 22, monumented with a National Park Service Aluminum Cap in concrete; thence North 03 degrees, 33 minutes, 07 seconds, West, along the West line of the Southwest quarter of said Section 22, a distance of 795.91 feet to the Southwesterly boundary of the existing "Tuzigoot National Monument Boundary", monument with a ½" rebar;

Thence along said existing "Tuzigoot National Monument Boundary", the following courses;

Thence South 16 degrees, 15 minutes, 43 seconds, East, a distance of 169.85 feet to a GLO Brass Cap; thence North 87 degrees, 28 minutes, 58 seconds, East, a distance of 70.00 feet to a GLO Brass Cap; thence North 17 degrees, 32 minutes, 19 seconds, East, a distance of 2,977.54 feet to a GLO Brass Cap; thence North 65 degrees, 28 minutes, 39 seconds, West, a distance of 594.31 feet to a GLO Brass Cap; thence North 24 degrees, 32 minutes, 11 seconds, East, departing said existing "Tuzigoot National Monument Boundary" and along the Northeasterly prolongation of the Northwesterly boundary line of said existing "Tuzigoot National Monument Boundary", a distance of 1,133.00 feet to the beginning of a 2,850.00 foot radius non-tangent curve, whose center bears South 45 degrees, 29 minutes, 58 seconds, West; thence Northwesterly, along said curve, through a central angle of 28 degrees, 12 minutes, 28 seconds, a distance of 1,403.10 feet to the TRUE POINT OF BEGINNING.

The area described comprising 323.749 acres, more or less.

Exhibit "B"

TAVASCI MARSH PROPERTY

Reservations or Exceptions in Patents, or in Acts authorizing the issuance thereof.

Water rights, claims or title to water, whether or not shown by the public records.

The rights or claims of title, if any, by the State of Arizona to any portion of the property described in Exhibit "A" being located in the bed of any river or dry wash.

An easement for electric lines and incidental purposes in the document recorded as Book 348 of Official Records, Page 206 of Official Records.

All matters as set forth in Plat, recorded December 29, 1980 as Book 2 of Land Surveys, Pages 192 and 193.

The terms and provisions contained in the document entitled "Agreement and Amendment of Agreement" recorded May 9, 1990 as Book 2247 of Official Records, Page 709 of Official Records.

The terms and provisions contained in the document entitled "Easement Agreement" recorded June 21, 2000 as Book 3762 of Official Records, Page 247 of Official Records.

ARIZONA DEPARTMENT OF WATER RESOURCES
Legal Division
3550 North Central Avenue, Phoenix, Arizona 85012-2105
Telephone (602) 771-8472
Fax (602) 771-8680

Janet Napolitano
Governor

Herbert R. Guenther
Director

January 22, 2007

National Park Lands Resource Program
ATTN: Wyoma Hampton
P.O. Box 728
Santa Fe, New Mexico 87504-0728

RE: Assignment of Statement of Claimant File #39-48002

Dear Ms. Hampton:

On July 20, 2006, the Arizona Department of Water Resources ("Department") received a request to assign statement of claimant file #39-48002 from Phelps Dodge Corp. to the USA National Park Service. The assignment has been completed and the records of the Department have been updated to reflect this change.

Enclosed please find a printout of a query that shows Phelps Dodge Corp. is no longer a party in the adjudication program and that the USA National Park Service is now the current party (or holder) of statement of claimant file #39-48002. If you have any questions regarding this query, please contact me at 602-771-8472.

Very truly yours,

Ana M. Marquez
Water Resource Specialist
Legal Division

/amm

Enclosure

Adjudication Query 1

1/22/2007

WS	FILE NO	NAME	NAME2	PARTY?
05	48002	PHELPS DODGE CORP	COPPER QUEEN BRANCH	N
05	48002	USA NATIONAL PARK SERVICE	INTERMOUNTAIN REGION	Y

Arizona Department of Water Resources
Surface Water Rights
500 North Third Street, Phoenix, Arizona 85004-3903
(602) 417-2442
FAX (602) 417-2424

REQUEST FOR
ASSIGNMENT OF SURFACE WATER APPLICATIONS AND CLAIMS AND
ASSIGNMENT AND REISSUANCE OF PERMITS AND CERTIFICATED RIGHTS

1. **Registry number of right or claim being assigned** 36-025460
(Use attachment for 2 or more filings)

2. **Request for:** (check one box only)

☑ Total (complete) Assignment ☐ Partial Assignment

3. **If the request is for a partial assignment, the following information must be provided for use(s), quantity(s), and location(s) of the portion being assigned:**

Use _____ Quantity _____

Lot _____ (if applicable), ¼ _____ ¼ _____ ¼, Section _____, Township _____ N/S, Range _____ E/W

Use _____ Quantity _____

Lot _____ (if applicable), ¼ _____ ¼ _____ ¼, Section _____, Township _____ N/S, Range _____ E/W

Use _____ Quantity _____

Lot _____ (if applicable), ¼ _____ ¼ _____ ¼, Section _____, Township _____ N/S, Range _____ E/W

4. **SELLER(S)/ASSIGNORS**

Name Phelps Dodge Corporation
Address 1 N. Central Ave.
Phoenix, AZ 85004
Phone No. (602) 366- 8084

Tim Gibson
Signature

Tim Gibson
(Please print or type name of assignor or representative)

1/23/06
Date Signed

BUYER(S)/ASSIGNEES

Name Dept. of Interior National Park Service / LAS
Address P.O. Box 728
Santa Fe, N.M. 87504
Phone No. (505) 988- 6810

Glenna F. Vigil
Signature

Glenna F. Vigil - Chief Land Resources - IMLR
(Please print or type name of assignee or representative)

07/05/2006
Date Signed

Current mailing addresses and telephone numbers must be included.

ASSIGNMENTS WILL NOT BE PROCESSED WITHOUT FEE(S), PROOF OF OWNERSHIP (MAY INCLUDE CHAIN OF TITLE OF OWNERSHIP), ASSESSORS MAP OR ALLOTMENT MAP.

Revised 1/2003

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ASSIGNMENT

The Department of Water Resources will process requests for assignment of surface water applications, permits, certificates, or claims listed on the official form or its attachment only. An assignment conveys the ownership of the right or claim from one entity to another and in the case of permits and certificates results in re-issuance of the permit or certificate.

1. Fill in the registry number of the right or claim being assigned. If more than one right or claim is being assigned with this request, the attachment must be utilized. Write "see attachment" in this space to indicate that more than one right or claim is being assigned. Photocopy the attachment sheet as needed.

2. Indicate whether this request for assignment is for the entire right or claim or for a portion of a right or claim. If Total Assignment is indicated, the current holder will retain no portion of the right or claim following completion of the assignment. Partial Assignment would be selected if the current holder intends to retain some portion of the right.

   NOTE: A single Request for Assignment form cannot be utilized if a right or claim is being assigned (either in total or partial) to multiple parties. In this case, **a separate request for assignment must be completed for each buyer/assignee.** The total quantity of water being assigned to all parties cannot exceed the quantity of water listed in the original claim or right. Photocopy additional pages if needed.

3. This portion of the request for assignment **must** be completed for all partial assignments. Using the existing claim or right as a guide, complete the blanks to indicate the type of use being assigned, the quantity of use being assigned that is associated with that particular use, and the legal location of the place of use. If there are more than three uses associated with a right or claim, please provide the additional information in the same form either on the attachment or on a separate sheet of paper.

4. Requests for assignments that are not signed by both the buyer and seller will not be processed unless circumstances warrant. If the seller is not the current holder of the right or claim, **a chain of title of ownership must be provided.** Please indicate if property was in lieu of foreclosure and provide documentation.

5. **REQUIRED ATTACHMENTS:**

☑ **Fees (per claim or right being assigned) as authorized by AAC Rule R12-15-151:**

$10.00	Application for Permit to Appropriate (prefixes 33, 3R, or 4A) Application for Stockpond Certificate (prefix 38) Statement of Claim of Right (prefix 36)
$20.00	Permit to Appropriate (prefixes 33, 3R, or 4A) Stockpond Water Right Certificate (prefix 38)
$35.00	Certificate of Water Right (application prefixes 33, 3R, or 4A)

☑ **Copy of recorded deed** showing land ownership in the name of the buyer. If the seller is not the current holder of the right or claim, **a chain of title of ownership must be provided.** If land is owned by other than buyer, a copy of all pertinent leases or grazing permits must be included.

☑ **Copy of assessors map or allotment map** with places of use identified.

For partial assignments more detailed land ownership information may be requested.

Revised 1/2003

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE

(LEAVE BLANK)
36- 25460
Registry No.
Filed JUN 29 1979 at 8:36 A.M.
(DATE) (TIME)

Filing Fee $5.00

INSTRUCTIONS:

1. Submit Statement of Claim in duplicate.
2. Answer all questions fully.
3. File separate claim for each claimed right to appropriate and for each source of water.

1. Name of Claimant Phelps Dodge Corporation
(Print Last Name or Name of Co.) (First Name) (Middle Initial)

United Verde Branch, Jerome, Arizona 86331 634-2622
(Address, City, State, Zip) (Phone No.)

2. The purpose(s) and extent of use(s) Industrial and Wildlife
(Examples: Irrigation, Stockwater, Domestic)

3. The quantities of water used annually (500 g.p.m.) 806.5 acre ft from All year
(Gallons or Acre feet) (Day) (Month)

to _____ each year
(Day) (Month)

4. The date(s) the water was first used beneficially Prior to October 30, 1911
(Month) (Day) (Year)

5. The Name(s) of the water course(s) or Water Source(s) being claimed Shea Springs
(Source Name)

Tributary to Verde River on the Verde River Watershed
(Leave Blank)

6. The point of diversion is within the NE ¼ SW ¼, Section 15,
of Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

7. The Place(s) of use is in the SE NE ¼ SW NW ¼, Section 15 22, of
Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

8. The legal basis for the claim Beneficial use from before warranty deed in Book 889 Deeds, page 556, 10-30-11, Daniel & Margarete O'Shea to United Verde Copper Co.
(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA)
) SS
County of Maricopa)

Keith J. Coke being first duly sworn on oath, deposes and states that the foregoing Statement of Claim is true and correct of his own knowledge except as to any matters stated therein to be on information and belief and as to all such matters so stated he believes the same to be true and correct.

Phelps Dodge Corporation
By Keith J. Coke
(CLAIMANT(S)) Agent

Subscribed and sworn to before me this 6th day of June, 1979.

My Commission Expires:
May 13, 1981.
(SEAL)

Michele Swerdlow
(NOTARY PUBLIC)

Filed in Water Rights Claim Registry No. 36-25460 of the State Land Department of June 29, 1979 at 8:36 a. M.

Brian Kirby
Adjudication Section

ARS 45-184 "FILING OF CLAIM WITH THE DEPARTMENT NOT DEEMED ADJUDICATION OF RIGHT"

TO AVOID PAYMENT OF PENALTY AND INTEREST THIS PAYMENT MUST BE IN THE OFFICE OF THE STATE LAND DEPARTMENT ON OR BEFORE THE DUE DATE. DATE OF POSTAL STAMP NOT ACCEPTED AS DATE OF PAYMENT

STATE OF ARIZONA
STATE LAND DEPARTMENT
1624 WEST ADAMS – 4th FLOOR – PHOENIX, ARIZONA 85007

OFFICE COPY

Evans, Kitchel & Jenckes, P.C.
363 No. 1st Ave.
Phoenix, Ariz. 85003

SECTION | TOWNSHIP | RANGE: .46376

KIND ENTRY: 36 | LEASE-REFERENCE NO.: ~~75757~~ 25434 00

ACCOUNT NO. GRANT FUND	CARRYING CAPACITY	BILLING DESCRIPTION	RATE	ACRES	$ AMOUNT
14 310 50		Statement of Claim of Right			
		to Use Public Water			
		Filing Fee			
		40 Filings @ 5.00 EACH			200 00
		96-# 25434 THRU 36-25473		1	CK
			3944		CK C 200.00+ 200.00+T
		Check # 16258 (200.00)		6 29 79	

CERTIFICATE OF PURCHASE UNPAID BALANCE: $

BILLING PERIOD: FROM MO. DAY YR. TO MO. DAY YR.

DATE BILLED: MO. 6 DAY 29 YR. 79

DATE DUE: MO. DAY YR.

TOTAL ACRES:

TOTAL AMOUNT: $ 200 00

IF PAYMENT IS MADE ON OR BEFORE THIS DATE → PAY THIS AMOUNT

SEE OTHER SIDE FOR LAW PERTAINING TO PENALTY AND INTEREST – A. R. S. SEC. 37-288.

RENTAL AMOUNT SUBJECT TO PENALTY AND INTEREST IF NOT PAID ON OR BEFORE DATE DUE ($)

5% PENALTY OF RENTAL AMOUNT ($)

TOTAL RENTAL AMOUNT PLUS PENALTY ($) TOTAL PENALTY AND INTEREST

10% INTEREST PER ANNUM OF RENTAL AMOUNT AND PENALTY – NUMBER OF DAYS DELINQUENT ( ) $

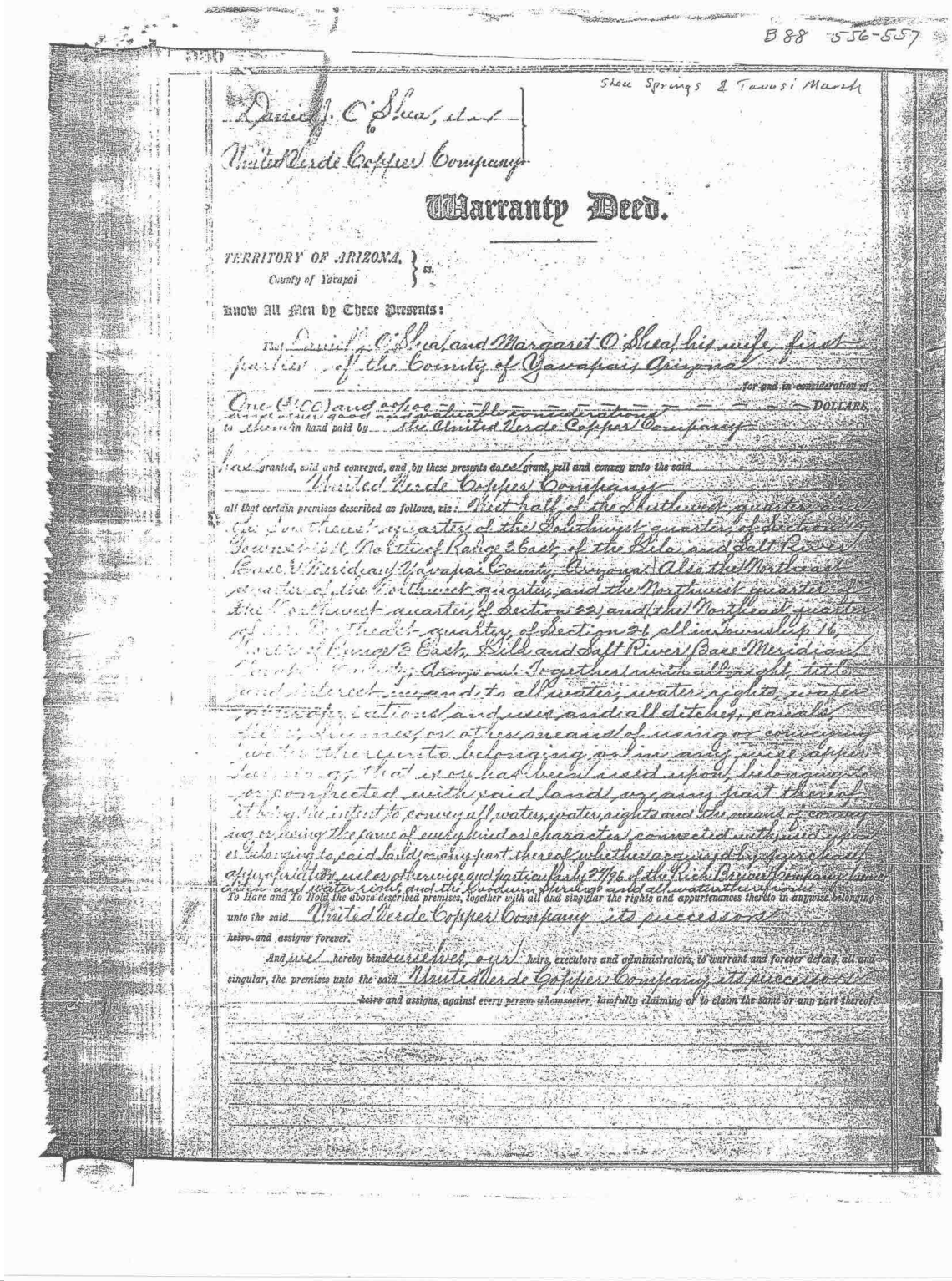
TOTAL AMOUNT DUE INCLUDING PENALTY AND INTEREST $

CASH RECEIVED $

BALANCE DUE OR OVERPAYMENT $

PENALTY AND INTEREST DISTRIBUTION $

Paid



B 88 556-557

Show Springs & Tavasi March

David J. C'Shea, et ux
to
United Verde Copper Company

Warranty Deed.

TERRITORY OF ARIZONA,
County of Yavapai } ss.

Know All Men by These Presents:

That David J. C'Shea and Margaret O'Shea his wife, first parties of the County of Yavapai, Arizona

for and in consideration of

One (1.00) and no/100 ~~valuable consideration~~ DOLLARS,

to them in hand paid by the United Verde Copper Company

the receipt whereof is hereby acknowledged, ~~have~~ granted, sold and conveyed, and by these presents do~~es~~ grant, sell and convey unto the said

United Verde Copper Company

all that certain premises described as follows, viz: West half of the Northwest quarter and the Southwest quarter of the Southwest quarter of Section 19, Township 16 North of Range 3 East, of the Gila and Salt River Base & Meridian, Yavapai County, Arizona; Also the Northeast quarter of the Northwest quarter, and the Northwest quarter of the Northwest quarter, of Section 22, and the Northeast quarter of the Northeast quarter of Section 21, all in Township 16 North of Range 3 East, Gila and Salt River Base Meridian, Yavapai County, Arizona; Together with all right, title and interest in and to all waters, water rights, water appropriations and uses, and all ditches, canals, flumes, pipes or other means of using or conveying water thereunto belonging or in any wise appertaining, or that may have been used upon, belonging to or connected with said land, or any part thereof. It being the intent to convey all waters, water rights and the means of conveying or using the same of every kind or character connected with said land or belonging to said land or any part thereof whether adjudicated by decree of appropriation, rules of the engineer and particularly 27/96 of the Rich Gulch Company, Limited, or not, and water right, and the Goodwin Spring and all water thereunto

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 United Verde Copper Company its successors

~~heirs~~ and assigns forever.

And ~~we~~ I hereby bind ~~ourselves, our~~ myself, my heirs, executors and administrators, to warrant and forever defend, all and singular, the premises unto the said United Verde Copper Company its successors

~~heirs~~ and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

Witness our hands, this 30th day of October, A. D. 1911

Signed, Sealed and Delivered in the presence of

Daniel J. O'Shea
Margaret O'Shea

TERRITORY OF ARIZONA,
County of Yavapai } ss.

Before me LeRoy Anderson, a Notary Public in and for the County of Yavapai, Territory of Arizona, on this day personally appeared Daniel J. O'Shea 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 purpose and consideration therein expressed.

Given under my hand and seal of office this 30th day of October A. D. 1911

(Notarial Seal)

My commission expires July 28 1915

LeRoy Anderson Notary Public.

(My Commission expires July 28 1915)

TERRITORY OF ARIZONA,
County of Yavapai } ss.

Before me LeRoy Anderson a Notary Public in and for the County of Yavapai, Territory of Arizona, on this day personally appeared Margaret O'Shea wife of said Daniel J. O'Shea known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 30th day of October A. D. 1911

(Notarial Seal)

My commission expires July 28, 1915

LeRoy Anderson
Notary Public.

(My Commission expires July 28, 1915)

Filed and recorded at request of LeRoy Anderson

October 31, A. D. 1911 at 11 o'clock A.M., Book 88 of Deeds, pages 556-557, Records of Yavapai County, Arizona.

SEAL

J. C. Bradbury, County Recorder.
By H. V. Bishop, Deputy Recorder.

STATEMENT OF CLAIMANT
"39"

ASSIGNMENT

Gila River Adjudication
SUPERIOR COURT OF MARICOPA COUNTY

By court order, a statement of claimant must be assigned whenever there is a change in ownership of land for which the claim for a water right was made, or there is a change in ownership of the water right that is either not appurtenant to land or that has been transferred from one parcel of land to another. This form is to be used to assign statements of claimant ("39s") filed in the general adjudication of the Gila River System and Source, which includes the Salt River, San Pedro River, Upper Gila River, Verde River, Agua Fria River, Lower Gila River and Upper Santa Cruz River watersheds. After the assignment is completed, the new owner will be substituted as a party in the Gila River adjudication.

General Instructions

Each side of this form must be completed, signed by each buyer and seller, and notarized. The name, address and phone number for each buyer and seller must also be provided. If necessary, additional copies of this form may be attached.

A copy of a legal document that establishes that a change of ownership has occurred must be submitted with this form. This requirement may be satisfied by providing either a copy of a duly recorded deed, a copy of the county assessor's tax parcel notice, or other similar document.

More than one statement of claimant may be assigned on a single form if the assignors (sellers) and assignees (buyers) are identical. Otherwise, a separate form must be submitted. For example, if the ownership of the land or the water right is subdivided and conveyed to different buyers, then a separate form must be completed for each of the different buyers.

After this form is completed, please submit it to the **Arizona Department of Water Resources, Attention: Adjudications, 500 North 3rd Street, Phoenix, AZ 85004.** The Department will record the assignment and forward this form to the Superior Court of Maricopa County. If you have any questions regarding this form, please contact the Arizona Department of Water Resources at (602) 417-2442 or (800) 352-8488.

ASSIGNMENT

The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following statements of claimant:

39-48002 filed in the Verde River watershed.

39-_____ filed in the _____ watershed.

39-_____ filed in the _____ watershed.

Rev. 7/00

39-_____ filed in the _____ watershed.

39-_____ filed in the _____ watershed.

Type of legal document enclosed to establish a change of ownership:

☒ Recorded Deed (date, file number, county) _____

☐ Tax Parcel Notice (date, county) _____

☐ Other (date, description) _____

ASSIGNOR (seller):

Phelps Dodge Corporation
Name (printed or typed)

1, N. Central Ave.
Address

Phoenix AZ 85004

(602) 366-8084
Telephone

Tim Dial
Signature

STATE OF ARIZONA)
)
County of Maricopa)

The foregoing instrument was acknowledged and signed before me this 25th day of January, 2006, by Tim Gibson.

Leslie Nielsen
Notary Public

My commission expires: 9-30-08

LESLIE NIELSEN
Notary Public - Arizona
Maricopa County
My Comm. Expires Sep 30, 2008

ASSIGNEE (buyer):

Dept. of Interior, National Park Service/USA
Name (printed or typed)

P.O. Box 728
Address

Santa Fe, N.M, 87504

(505) 988-6810
Telephone

Glenna F. Vigil
Signature Glenna F. Vigil, Chief Land Resources-IMLR

STATE OF ~~ARIZONA~~ New Mexico)
)
County of Santa Fe)

The foregoing instrument was acknowledged and signed before me this 6th day of July, 2006, by Glenna F. Vigil.

Notary Public

My commission expires: 5.13.08

OFFICIAL SEAL
GABRIELA PINA
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: May 13, 2008

Rev. 7/00

First American Title Insurance Company
This is to certify that this is a true and
Exact copy of the original document.
By: Donna Sexton
Date/Time: Sept 15, 2005 1147am
Fee Number: Book 4311 pg 392
County: Yavapai

WHEN RECORDED, RETURN TO:
U.S. Department of the Interior
Bureau of Land Management
Attn: Lands and Minerals Adjudication (AZ933)
222 North Central Avenue
Phoenix, Arizona 85004-2208

GENERAL WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: that for and in consideration of the exchange of certain lands and interests therein as authorized by Section 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716), **PHELPS DODGE CORPORATION**, a New York corporation (hereinafter "Grantor"), does hereby grant, bargain, sell and convey to the **UNITED STATES OF AMERICA** and its assigns (hereinafter "Grantee") the following described real property situated in Yavapai County, Arizona, more specifically described as:

See Attached Exhibit "A"

TOGETHER WITH all those rights, including water rights, appurtenant to the lands.

AFFIDAVIT EXEMPT PER A.R.S. §11-1134.A.3

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

The acquiring federal agency is the Department of the Interior, National Park Service.

IN WITNESS WHEREOF, this Deed is hereby executed by the Grantor this 25th day of August, 2005.

PHELPS DODGE CORPORATION,
a New York corporation

By: _____
S. David Colton, Senior Vice
President and General Counsel
"Grantor"

TUZIGOOT NATIONAL MONUMENT DEED NO. 4

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me this 25th day of August, 2005 by S. David Colton, the Senior Vice President and General Counsel of PHELPS DODGE CORPORATION, a New York corporation, for and on behalf of said corporation.

My commission expires:
June 14, 2006

Jacqueline Madison, Notary Public

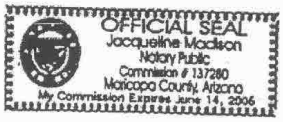


Exhibit "A"

TAVASCI MARSH PROPERTY

T. 16 N., R. 3 E.
That part of the Southwest quarter of Section 15, and that part of the Northwest quarter and the North half of the Southwest quarter Section 22, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 15, monumented with a 2½" aluminum pipe; thence North 01 degrees, 38 minutes, 17 seconds, West (measured), North 00 degrees, 36 minutes, 26 seconds, East (record), along the West line of the Southwest quarter of said Section 15, as shown on the Boundary Survey of the Proposed Tuzigoot National Monument, recorded in Book 2 of Land Surveys, page 192, Yavapai County Records, a distance of 1,475.00 feet to the TRUE POINT OF BEGINNING.

Thence continuing North 01 degrees, 38 minutes, 17 seconds, West, along said West line of the Southwest quarter of said Section 15, a distance of 1,196.12 feet to the West quarter corner of said Section 15, monumented with a United States Forest Service Aluminum Cap; thence North 88 degrees, 01 minutes, 21 seconds, East, along the East-West mid section line of said Section 15, a distance of 2,609.43 feet to the center quarter corner of said Section 15, monumented with a United States Forest Service Aluminum Cap; thence South 02 degrees, 20 minutes, 25 seconds, East, along the North-South mid section line of said Section 15, a distance of 2,659.29 feet to the South quarter corner of said Section 15, also being the North quarter corner of said Section 22, monumented with a GLO Brass Cap; thence South 03 degrees, 55 minutes, 01 seconds, East, along the North-South mid section line of said Section 22, a distance of 2,657.46 feet to the center quarter corner of said Section 22, monumented with an Aluminum Cap; thence South 03 degrees, 55 minutes, 08 seconds, East, continuing along the North-South mid section line of said Section 22, a distance of 1,323.01 feet to the Southeast corner of the North half of the Southwest quarter of said Section 22, monumented with a National Park Service Aluminum Cap; thence South 87 degrees, 09 minutes, 57 seconds, West, along the South line of said North half of the Southwest quarter of said Section 22, a distance of 2,667.13 feet to the Southwest corner of said North half of the Southwest quarter of said Section 22, monumented with a National Park Service Aluminum Cap in concrete; thence North 03 degrees, 33 minutes, 07 seconds, West, along the West line of the Southwest quarter of said Section 22, a distance of 795.91 feet to the Southwesterly boundary of the existing "Tuzigoot National Monument Boundary", monument with a ½" rebar;

Thence along said existing "Tuzigoot National Monument Boundary", the following courses;

Thence South 16 degrees, 15 minutes, 43 seconds, East, a distance of 169.85 feet to a GLO Brass Cap; thence North 87 degrees, 28 minutes, 58 seconds, East, a distance of 70.00 feet to a GLO Brass Cap; thence North 17 degrees, 32 minutes, 19 seconds, East, a distance of 2,977.54 feet to a GLO Brass Cap; thence North 65 degrees, 28 minutes, 39 seconds, West, a distance of 594.31 feet to a GLO Brass Cap; thence North 24 degrees, 32 minutes, 11 seconds, East, departing said existing "Tuzigoot National Monument Boundary" and along the Northeasterly prolongation of the Northwesterly boundary line of said existing "Tuzigoot National Monument Boundary", a distance of 1,133.00 feet to the beginning of a 2,850.00 foot radius non-tangent curve, whose center bears South 45 degrees, 29 minutes, 58 seconds, West; thence Northwesterly, along said curve, through a central angle of 28 degrees, 12 minutes, 28 seconds, a distance of 1,403.10 feet to the TRUE POINT OF BEGINNING.

The area described comprising 323.749 acres, more or less.

Exhibit "B"

TAVASCI MARSH PROPERTY

Reservations or Exceptions in Patents, or in Acts authorizing the issuance thereof.

Water rights, claims or title to water, whether or not shown by the public records.

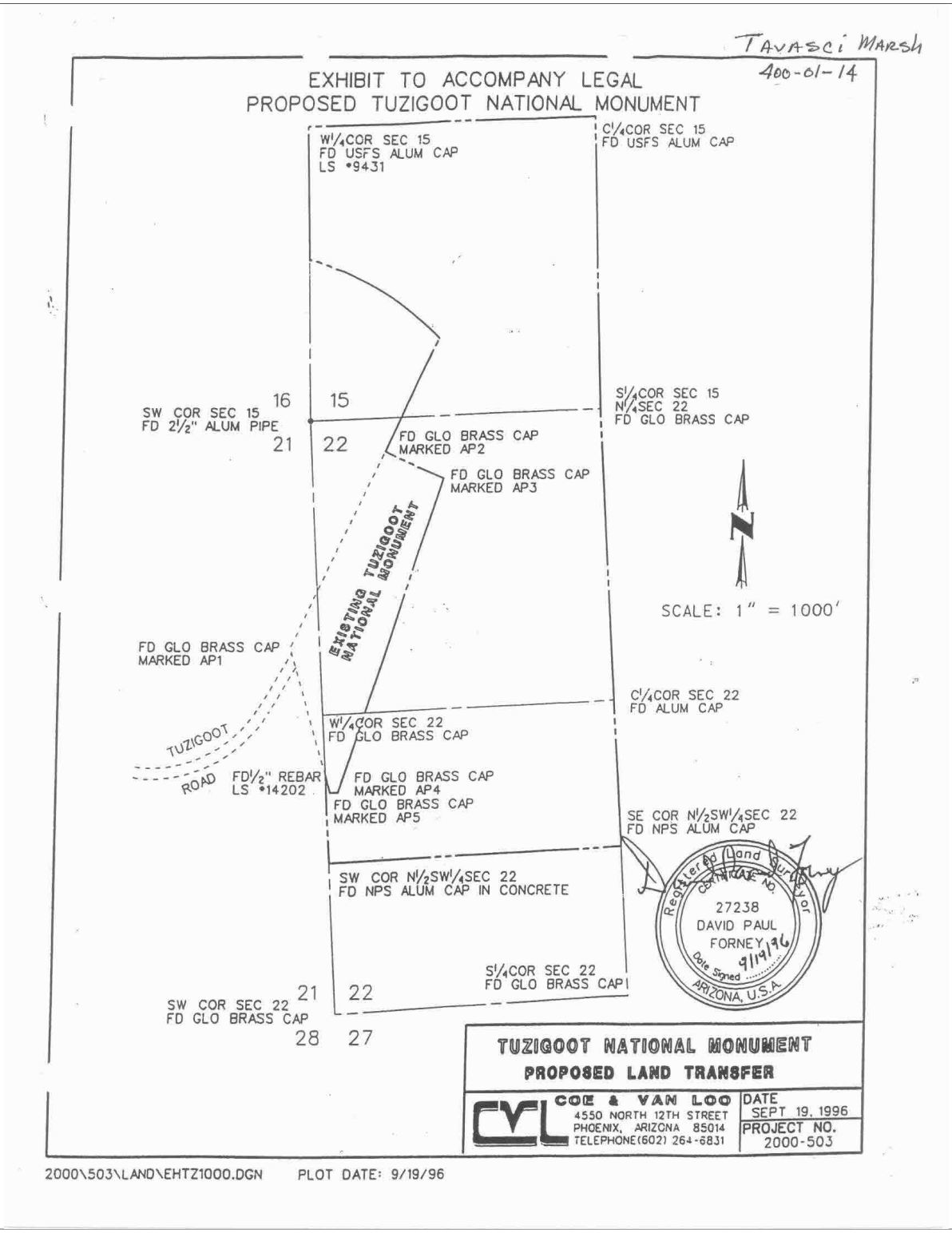
The rights or claims of title, if any, by the State of Arizona to any portion of the property described in Exhibit "A" being located in the bed of any river or dry wash.

An easement for electric lines and incidental purposes in the document recorded as Book 348 of Official Records, Page 206 of Official Records.

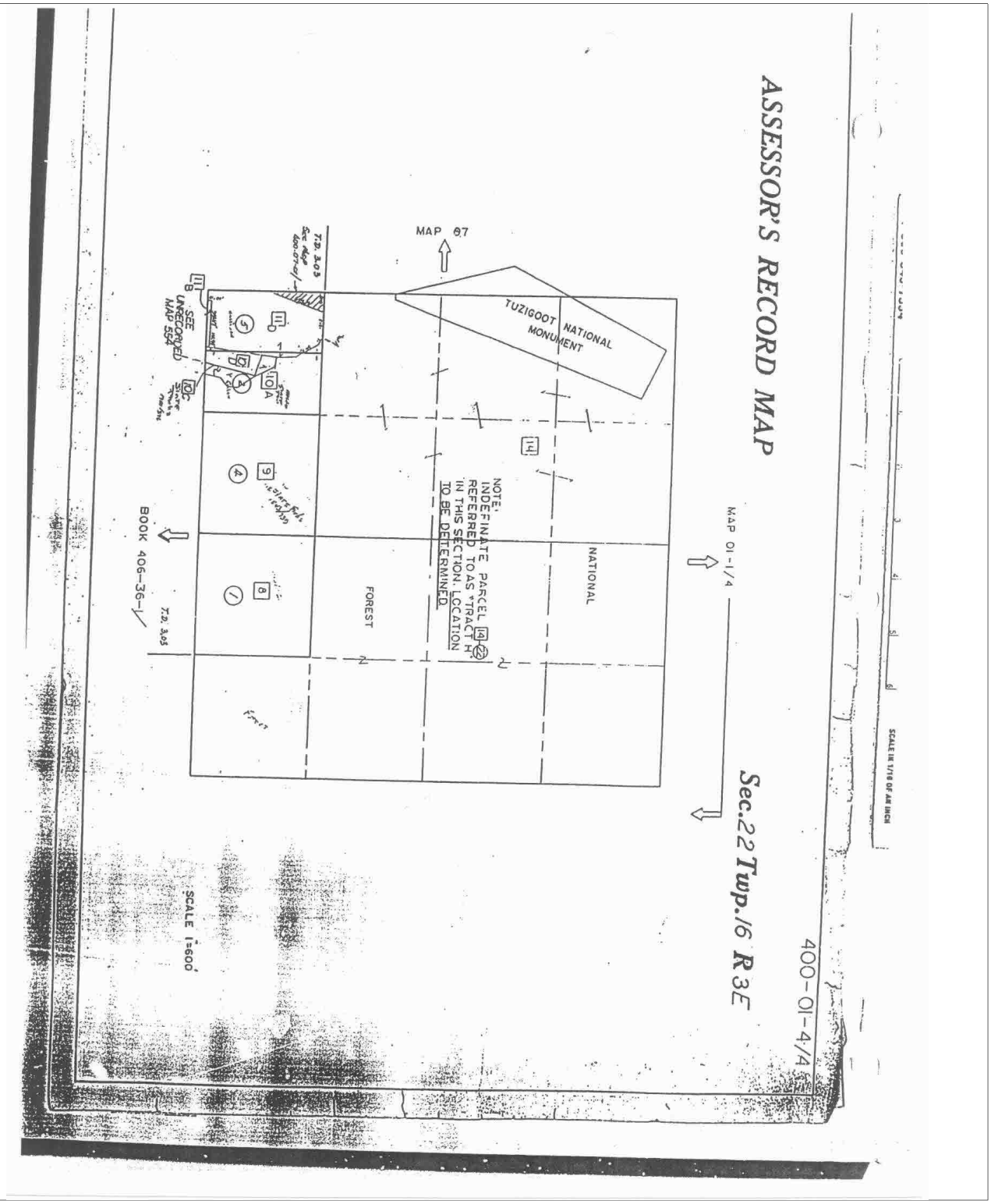
All matters as set forth in Plat, recorded December 29, 1980 as Book 2 of Land Surveys, Pages 192 and 193.

The terms and provisions contained in the document entitled "Agreement and Amendment of Agreement" recorded May 9, 1990 as Book 2247 of Official Records, Page 709 of Official Records.

The terms and provisions contained in the document entitled "Easement Agreement" recorded June 21, 2000 as Book 3762 of Official Records, Page 247 of Official Records.


TAVASCI MARSH
400-01-14
EXHIBIT TO ACCOMPANY LEGAL
PROPOSED TUZIGOOT NATIONAL MONUMENT
W1/4COR SEC 15
FD USFS ALUM CAP
LS •9431
C1/4COR SEC 15
FD USFS ALUM CAP
SW COR SEC 15
FD 2 1/2" ALUM PIPE
16
15
21
22
S1/2COR SEC 15
N1/4SEC 22
FD GLO BRASS CAP
FD GLO BRASS CAP
MARKED AP2
FD GLO BRASS CAP
MARKED AP3
EXISTING TUZIGOOT NATIONAL MONUMENT
N
SCALE: 1" = 1000'
FD GLO BRASS CAP
MARKED AP1
C1/4COR SEC 22
FD ALUM CAP
W1/4COR SEC 22
FD GLO BRASS CAP
TUZIGOOT
ROAD
FD1/2" REBAR
LS •14202
FD GLO BRASS CAP
MARKED AP4
FD GLO BRASS CAP
MARKED AP5
SE COR N1/2SW1/4SEC 22
FD NPS ALUM CAP
SW COR N1/2SW1/4SEC 22
FD NPS ALUM CAP IN CONCRETE
Registered Land Surveyor
CERTIFICATE NO.
27238
DAVID PAUL
FORNEY
Date Signed 9/19/96
ARIZONA, U.S.A.
S1/4COR SEC 22
FD GLO BRASS CAP
21
22
SW COR SEC 22
FD GLO BRASS CAP
28
27
TUZIGOOT NATIONAL MONUMENT
PROPOSED LAND TRANSFER
CVL
COE & VAN LOO
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
TELEPHONE(602) 264-6831
DATE
SEPT 19, 1996
PROJECT NO.
2000-503
2000\503\LAND\EHTZ1000.DGN
PLOT DATE: 9/19/96

09-28-2007: Documents relating to Tract 01-108, Tuzigoot National Monument, cont



B 88 556-557

Shea Springs & Tavasi March

Daniel J. O'Shea, et ux
to
United Verde Copper Company

Warranty Deed.

TERRITORY OF ARIZONA,
County of Yavapai } ss.

Know All Men by These Presents:

That Daniel J. O'Shea and Margaret O'Shea his wife, first parties of the County of Yavapai, Arizona

for and in consideration of

One ($1.00) and other valuable consideration DOLLARS,

to them in hand paid by the United Verde Copper Company

the receipt whereof is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said

United Verde Copper Company

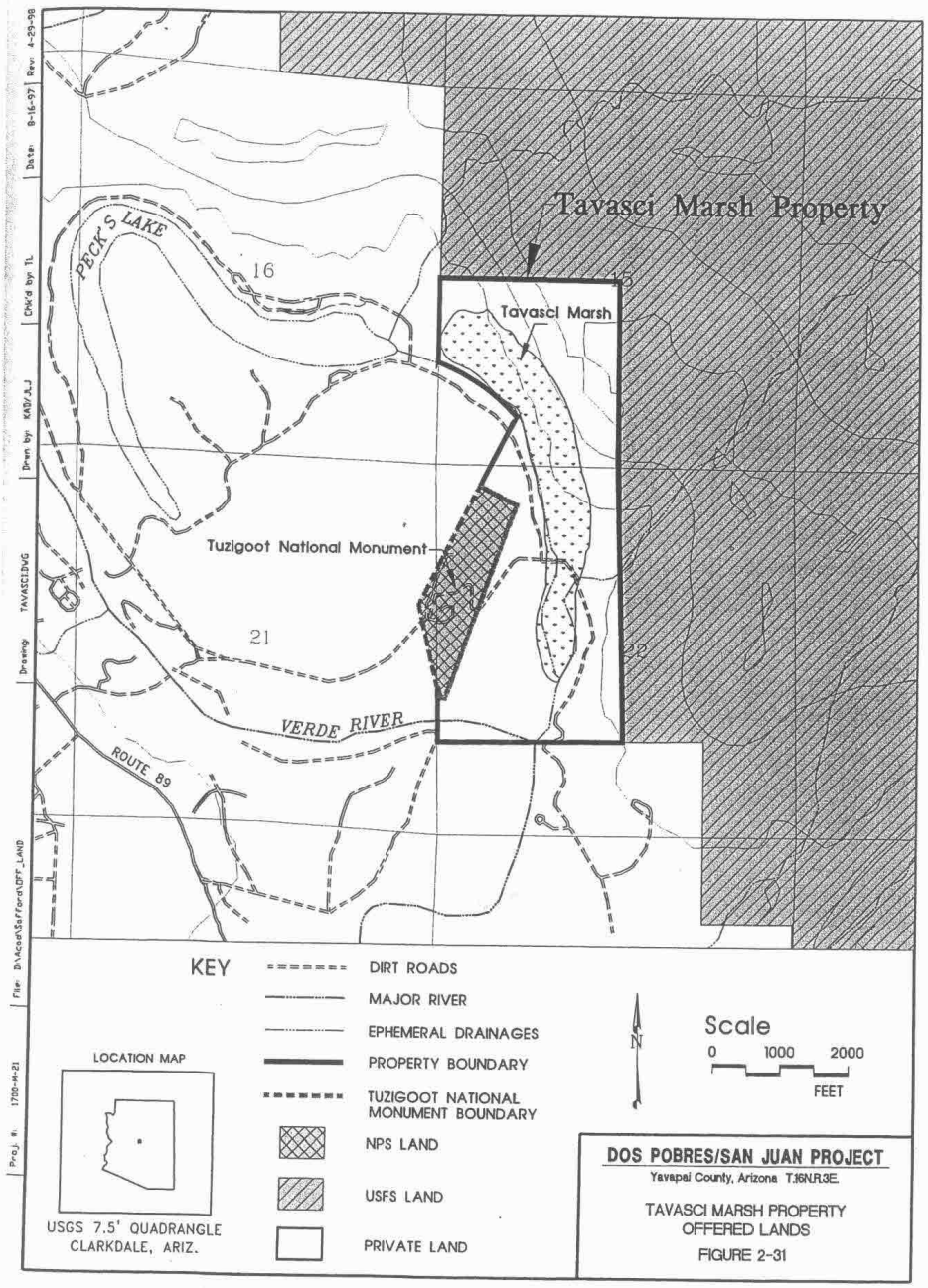
all that certain premises described as follows, viz: West half of the Northwest quarter of the Southwest quarter of the Southwest quarter of Section 19, Township 16 North of Range 2 East of the Gila and Salt River Base & Meridian, Yavapai County, Arizona; Also the Northeast quarter of the Northwest quarter, and the Northwest quarter of the Northwest quarter of Section 22 and the Northeast quarter of the Northeast quarter of Section 21, all in Township 16 North of Range 2 East, Gila and Salt River Base Meridian, Yavapai County, Arizona; Together with all right, title and interest in and to all waters, water rights, water appropriations and uses, and all ditches, canals, flumes, reservoirs or other means of using or conveying water thereunto belonging or in any wise appertaining, that is or has been used upon, belonging to or connected with said land, or any part thereof. It being the intent to convey all waters, water rights and the means of conveying or using the same of every kind or character connected with said land or belonging to said land or any part thereof whether appropriated by grantors or by their predecessors in interest or otherwise and particularly 27/96 of the Rich Bryan Company Ditch and water right and the Goodwin Spring and all water rights

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 United Verde Copper Company its successors

~~heirs~~ and assigns forever.

And ~~we~~ hereby ~~bind ourselves, our~~ heirs, executors and administrators, to warrant and forever defend, all and singular, the premises unto the said United Verde Copper Company its successors

~~heirs~~ and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.


Tavasci Marsh Property
PECK'S LAKE
16
15
Tavasci Marsh
Tuzigoot National Monument
21
22
VERDE RIVER
ROUTE 89
KEY
DIRT ROADS
MAJOR RIVER
EPHEMERAL DRAINAGES
PROPERTY BOUNDARY
TUZIGOOT NATIONAL MONUMENT BOUNDARY
NPS LAND
USFS LAND
PRIVATE LAND
LOCATION MAP
USGS 7.5' QUADRANGLE
CLARKDALE, ARIZ.
N
Scale
0 1000 2000
FEET
DOS POBRES/SAN JUAN PROJECT
Yavapai County, Arizona T.16N.R.3E.
TAVASCI MARSH PROPERTY
OFFERED LANDS
FIGURE 2-31

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:**
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

8. **Place(s) of Use, Annual Water Use and Claimed Priority Date(s):** (attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. **Claimed Right:**

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 806.5 acre-feet

C. Storage Right: _____ acre-feet

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

11. **It** may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. **Additional comments:** See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. **Notarized Statement:**

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(seal)

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

March 16, 1997
My Commission Expires:

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

A NA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE

Filing Fee $5.00

(LEAVE BLANK)
36- 25460
Registry No.
Filed JUN 29 1979 at 8:36 A.M.
(DATE) (TIME)

INSTRUCTIONS:

1. Submit Statement of Claim in duplicate.
2. Answer all questions fully.
3. File separate claim for each claimed right to appropriate and for each source of water.

1. Name of Claimant Phelps Dodge Corporation
(Print Last Name or Name of Co.) (First Name) (Middle Initial)

United Verde Branch, Jerome, Arizona 86331 634-2622
(Address, City, State, Zip) (Phone No.)

2. The purpose(s) and extent of use(s) Industrial and Wildlife
(Examples: Irrigation, Stockwater, Domestic)

3. The quantities of water used annually (500 g.p.m.) 806.5 acre ft. from All year
(Gallons or Acre feet) (Day) (Month)

to _____ each year
(Day) (Month)

4. The date(s) the water was first used beneficially Prior to October 30, 1911
(Month) (Day) (Year)

5. The Name(s) of the water course(s) or Water Source(s) being claimed Shea Springs
(Source Name)

Tributary to Verde River on the Verde River (Leave Blank) Watershed

6. The point of diversion is within the NE ¼ SW ¼, Section 15,
of Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

7. The Place(s) of use is in the SE NE ¼ SW NW ¼, Section 15 22, of
Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

8. The legal basis for the claim Beneficial use from before warranty deed in Book 889 Deeds, page 556, 10-30-11, Daniel & Margarete O'Shea to United Verde Copper Co.
(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA)
) ss
County of Maricopa)

Keith J. Coke being first duly sworn on oath, deposes and states that the foregoing Statement of Claim is true and correct of his own knowledge except as to any matters stated therein to be on information and belief and as to all such matters so stated he believes the same to be true and correct.

Phelps Dodge Corporation
By Keith J. Coke
(CLAIMANT(S)) Agent

Subscribed and sworn to before me this 6th day of June, 1979.

My Commission Expires:
May 13, 1981.
(SEAL)

Michele Swerdlow
(NOTARY PUBLIC)

Filed in Water Rights Claim Registry No. 36-25460 of the State Land Department of June 29, 1979 at 8:36 a. M.

Brian Kirby
Adjudication Section

ARS 45-184 "FILING OF CLAIM WITH THE DEPARTMENT NOT DEEMED ADJUDICATION OF RIGHT"

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
THRU	
39	48007

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

WATER PAYMENT
GUESTS 1
CHK NO 10127
GILA 140.00
TAX 0.00
TOTL 140.00
ADJ.CHEK 140.00

CHECK 10127 10/7/85 im TOTAL $ 140.00

JUDITH ALLEN, CLERK
BY [illegible] DEP.
FILED
95 SEP 13 AM 9:50

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

RECEIVED
SEP - 5 1995
ADJUDICATIONS

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N. Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:**
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (Attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. Claimed Right:

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 806.5 acre-feet

C. Storage Right: _____ acre-feet

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

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. Additional comments: See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. Mail form(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. Notarized Statement:

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

March 16, 1997
My Commission Expires:

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

JUDITH ALLEN, CLERK
BY: DEP

FILED
95 SEP 13 AM 9:50

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. Claimant Name: Phelps Dodge Corporation - Copper Queen Branch
Claimant Address: 36 W. Highway 92 City Bisbee
State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. Basis of Claim:
A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☐ Other, describe: _____

RECEIVED
SEP - 5 1995
ADJUDICATIONS

3. Claimed Priority Date: Prior to 10/30/11 (month/day/year)

4. Use:
A. ☒ Municipal
B. ☒ Commercial or Industrial
C. ☒ Mining
D. ☒ Stockwatering other than from a stockpond
E. ☒ Recreation, Fish & Wildlife
F. ☐ Other, describe: _____

5. Source of Water:
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Shea Springs, tributary to Verde River
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater

6. Legal description of the Point of Diversion: (attach additional sheet if required)
SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

7. If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:
See Irrigation Use Amendment SOC #39-48002.

8. Means of Diversion:
A. ☐ Instream pump
B. ☒ Gravity flow into ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

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

Legal Subdivision	Section	Township	Range
See Attachment A	____	____N/S	____E/W
____	____	____N/S	____E/W

11. **Claimed Right:**
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #14, below

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

15. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

16. **Additional comments:** Beneficial use from before warranty deed in Book 889 Deeds, Pages 556, 10/30/11 Daniel and Margarete O'Shea to United Verde Copper Co. Shea Springs refers to a number of small springs and one large spring. Total quantity includes both irrigation and other uses.

(attach additional sheet if required)

17. **Notarized Statement:**
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997

March 16, 1997
My Commission Expires

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
OTHER USES AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E
Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E
Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

T 16 N, R 2 E
Sec. 9; all
Sec. 12; S/2 S/2
Sec. 13; NW/4, N/2 NE/4
Sec. 14; N/2, SW/4
Sec. 15; S/2, NW/4
Sec. 16; all
Sec. 17; SW/4
Sec. 20; E/2 E/2
Sec. 21; all
Sec. 22; all
Sec. 26; W/2
Sec. 27; all
Sec. 28; E/2, E/2 W/2
Sec. 33; NE/4
Sec. 34; all
Sec. 35; W/2, SE/4, SE/4 NE/4
Sec. 36; W/2 W/2

T 15 N, R 2 E
Sec. 1; all
Sec. 2; E/2
Sec. 11; E/2 E/2
Sec. 12; W/2, W/2 NE/4
Sec. 13; W/2 W/2
Sec. 14; N/2 S/2, NE/4

WFR:tmp
5-16-95

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
THRU	
39	48007

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00
						WATER PAYMENT	
						GUESTS 1	
						CHK NO 10127	
						BILS 140.00	
						TAX 0.00	
						TOTL 140.00	
						RCVD CHE [illegible]	

CHECK 10127 10/7/05 in TOTAL $ 140.00

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N. Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:**
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. Claimed Right:

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 806.5 acre-feet

C. Storage Right: _____ acre-feet

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

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. Additional comments: See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. Notarized Statement:

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(SEAL)

March 16, 1997
My Commission Expires:

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	42003
THRU	
39	42007

FUND SOURCE	ACCOUNT NO. AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

WATER PAYMENT
GUESTS 1
CHK NO 10127
DLR 140.00
TAX 0.00
TOTL 140.00
ADJUSTMENT 140.00

CHECK 10127 10/7/85 im

TOTAL $ 140.00

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:** Same as other Use Amendment SOC #39-48002
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   E. ☐ Other, describe: _____

3. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater.

4. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N Range 3 E and
   S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. **If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:**
   See Other Use Amendment SOC #39-48002

6. **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: _____

7. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

8. Place(s) of Use, Annual W[illegible] Use and Claimed Priority Date(s): (attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. Claimed Right:

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 806.5 acre-feet

C. Storage Right: _____ acre-feet

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

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. Additional comments: See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. Notarized Statement:

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(seal)

March 16, 1997
My Commission Expires:

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE

Filing Fee $5.00

(LEAVE BLANK)
36- 25460
Registry No.
Filed JUN 29 1979 at 8:36 M.
(DATE) (TIME)

INSTRUCTIONS:

1. Submit Statement of Claim in duplicate.
2. Answer all questions fully.
3. File separate claim for each claimed right to appropriate and for each source of water.

1. Name of Claimant Phelps Dodge Corporation
(Print Last Name or Name of Co.) (First Name) (Middle Initial)
United Verde Branch, Jerome, Arizona 86331 634-2622
(Address, City, State, Zip) (Phone No.)

2. The purpose(s) and extent of use(s) Industrial and Wildlife
(Examples: Irrigation, Stockwater, Domestic)

3. The quantities of water used annually (500 g.p.m.) 806.5 acre ft from All year
(Gallons or Acre feet) (Day) (Month)
to _____ each year
(Day) (Month)

4. The date(s) the water was first used beneficially Prior to October 30, 1911
(Month) (Day) (Year)

5. The Name(s) of the water course(s) or Water Source(s) being claimed Shea Springs
(Source Name)
Tributary to Verde River on the Verde River Watershed
(Leave Blank)

6. The point of diversion is within the NE ¼ SW ¼, Section 15,
of Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

7. The Place(s) of use is in the SE NE ¼ SW NW ¼, Section 15 22, of
Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

8. The legal basis for the claim Beneficial use from before warranty deed in Book 889 Deeds, page 556, 10-30-11, Daniel & Margarete O'Shea to United Verde Copper Co.
(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA)
) ss
County of Maricopa)

Keith J. Coke being first duly sworn on oath, deposes and states that the foregoing Statement of Claim is true and correct of his own knowledge except as to any matters stated therein to be on information and belief and as to all such matters so stated he believes the same to be true and correct.

Phelps Dodge Corporation
By Keith J. Coke
(CLAIMANT(S)) Agent

Subscribed and sworn to before me this 6th day of June, 1979.

My Commission Expires:
May 13, 1981.
(SEAL)

Michele Swerdlow
(NOTARY PUBLIC)

Filed in Water Rights Claim Registry No. 36-25460 of the State Land Department of June 29, 1979 at 8:36 a. M.

Brian Kirby
Adjudication Section

ARS 45-184 "FILING OF CLAIM WITH THE DEPARTMENT NOT DEEMED ADJUDICATION OF RIGHT"

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	42001
THRU	
39	42007

FUND SOURCE	ACCOUNT NO. AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

METER	PAYMENT
GUESTS	1
CHK NO	10127
GILS	140.00
TAX	0.00
TOTL	140.00
ADJ.CHK	140.00

CHECK 10127 10/7/85 im

TOTAL $ 140.00

Shea Springs

RECEIVED AUG 1 1985 DEPT. OF WATER RESOURCES

For Departmental Use Only
File No. 39-48002
Date Filed: 8-1-85
WFN

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

VERDE RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** Phelps Dodge Corporation
   Claimant Address: Copper Queen Branch, Drawer K City Bisbee
   State: Arizona Zip Code 85603 Telephone (602) 432-3621

2. **Basis of Claim:**
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater.
   E. ☐ Other, describe: _____

3. **Claimed Priority Date:** Prior to Oct. 30, 1911 (month/day/year)

4. **Use:**
   A. ☐ Municipal
   B. ☒ Commercial or Industrial
   C. ☐ Mining
   D. ☒ Stockwatering other than from a stockpond
   E. ☒ Recreation, Fish & Wildlife
   F. ☐ Other, describe: _____

5. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼ S ½, NE ¼ NW ¼, SW ¼ SW ¼, Section 15 15, Township 16 16 N/S, Range 3 3 E/W and

7. **If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:**
   Shea Springs irrigates grazing land and crop land directly below the spring.

8. **Means of Diversion:**
   A. ☐ Instream pump
   B. ☒ Gravity flow into ditch, canal or pipeline.
   C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
   D. ☐ Other, describe _____

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

9. Means of Conveyance:
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land.

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

Legal Subdivision	Section	Township	Range
See Attachment 'A'	____	____N/S	____E/W
_____	____	____N/S	____E/W

11. Claimed Right:
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

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

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 8 a.m. to 5 p.m., Monday through Friday.

15. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

16. Additional comments: Beneficial use from before warranty deed in Book 889 Deeds, pages 556, 10-30-11, Daniel & Margarite O'Shea to United Verde Copper Co. Shea Spring refers to a number of small springs and one large spring.

(attach additional sheet if required)

17. Notarized Statement:
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

J H Cadd
General Superintendent, Copper Queen Branch

(seal)
My Commission Expires April 19, 1989
My Commission Expires:

Mary L. Orr
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT 'A'

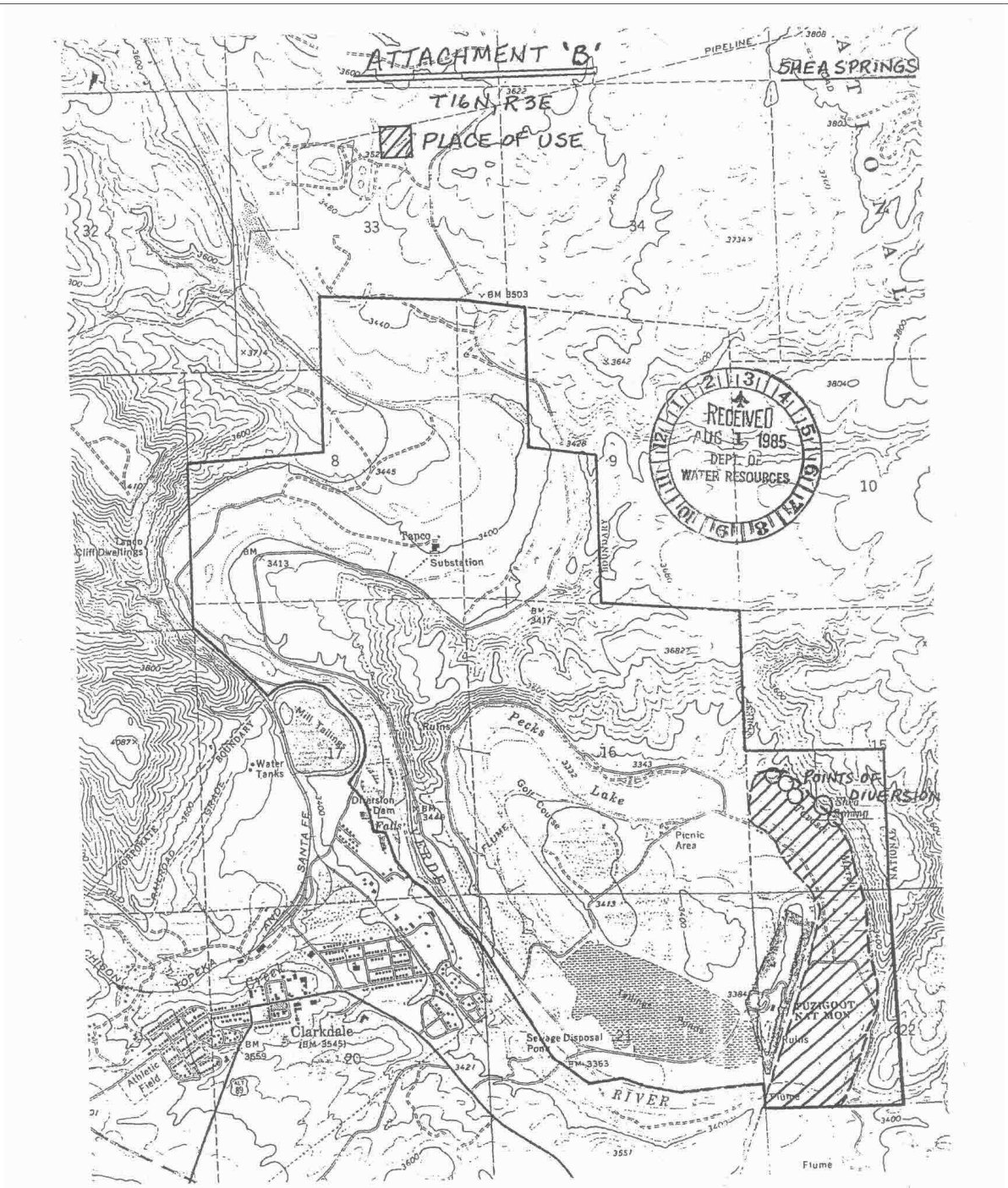
SHEA SPRINGS

Places of Use



Yavapai County

N½ SW¼	Section 22	T16N R3E
SE¼ SW¼	Section 15	T16N R3E
NE¼ NW¼	Section 22	T16N R3E
S½ NW¼	Section 22	T16N R3E


ATTACHMENT 'B'
T16N, R3E
PLACE OF USE
PIPELINE
5 MILE SPRINGS
RECEIVED
AUG 1 1985
DEPT. OF
WATER RESOURCES
POINTS OF DIVERSION
Tuzigoot Cliff Dwellings
Tenco Substation
Water Tanks
Diversion Dam
Falls
Peck's Lake
Golf Course
Picnic Area
Mill Tailings
Ruins
Clarkdale
Athletic Field
Sewage Disposal Ponds
TUZIGOOT NAT MON
RIVER
Flume
SANTA FE
TRACK
TOPEKA
BOUNDARY
BM 3503
BM 3413
BM 3441
BM 3559
BM 3545
BM 3363

480 7 Shea Springs

RECEIVED AUG 1 1985 DEPT. OF WATER RESOURCES

For Departmental Use Only

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

VERDE RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** Phelps Dodge Corporation
   Claimant Address: Copper Queen Branch, Drawer K City Bisbee
   State: Arizona Zip Code 85603 Telephone (602) 432-3621

2. **Basis of Claim:**
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater.
   E. ☐ Other, describe: _____

3. **Claimed Priority Date:** Prior to Oct.30, 1911 (month/day/year)

4. **Use:**
   A. ☐ Municipal
   B. ☒ Commercial or Industrial
   C. ☐ Mining
   D. ☒ Stockwatering other than from a stockpond
   E. ☒ Recreation, Fish & Wildlife
   F. ☐ Other, describe: _____

Clerk of the Superior Court Received From D.W.R.
JUL 27 1987
Date
Deputy Clerk

5. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼ S ½, NE ¼ NW ¼, SW ¼ SW ¼, Section 15 15, Township 16 N/S 16 N, Range 3 E/W 3 E and

7. **If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:**
   Shea Springs irrigates grazing land and crop land directly below the spring.

8. **Means of Diversion:**
   A. ☐ Instream pump
   B. ☒ Gravity flow into ditch, canal or pipeline.
   C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
   D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land.

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

Legal Subdivision	Section	Township	Range
See Attachment 'A'	____	____N/S	____E/W
____	____	____N/S	____E/W

11. **Claimed Right:**
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

13. **It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant** J.H. Cadd, General Superintendent Copper Queen Branch

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 8 a.m. to 5 p.m., Monday through Friday.

15. **Attach Filing Fee to Form.** Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

16. **Additional comments:** Beneficial use from before warranty deed in Book 889 Deeds, pages 556, 10-30-11, Daniel & Margarite O'Shea to United Verde Copper Co. Shea Spring refers to a number of small springs and one large spring.

(attach additional sheet if required)

17. **Notarized Statement:**
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

J.H. Cadd
General Superintendent, Copper Queen Branch

(seal)
My Commission Expires April 19, 1989
My Commission Expires: _____

Mary L. Orr
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT 'A'

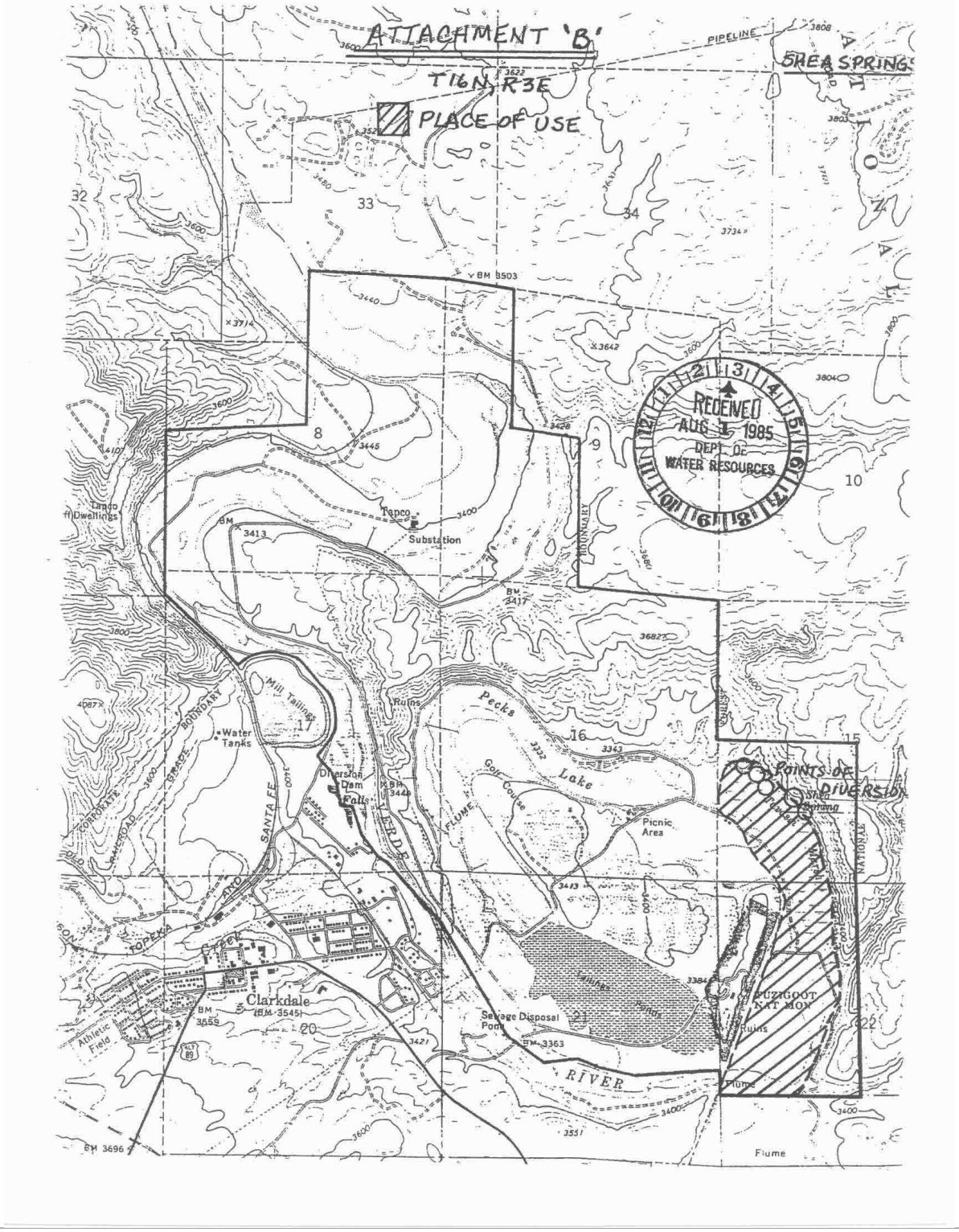
SHEA SPRINGS

Places of Use



Yavapai County

N½ SW¼	Section 22	T16N R3E
SE¼ SW¼	Section 15	T16N R3E
NE¼ NW¼	Section 22	T16N R3E
S½ NW¼	Section 22	T16N R3E


ATTACHMENT 'B'
T16N, R3E
PLACE OF USE
PIPELINE
SHEA SPRINGS
RECEIVED
AUG 1 1985
DEPT. OF
WATER RESOURCES
Tapco Substation
Tapco Dwellings
Water Tanks
Mill Tailings
Ruins
Peck's Lake
Golf Course
Picnic Area
POINTS OF DIVERSION
Shea Springs
Diversion Dam
Falls
SANTA FE
FLUME
BOUNDARY
CORDE
Clarkdale
(BM 3545)
Athletic Field
Sewage Disposal Pond
Tailings Ponds
TUZIGOOT NAT MON
Ruins
RIVER
Flume
BM 3503
BM 3413
BM 3559
BM 3696
BM 3363
32
33
34
8
9
10
15
16
17
20
21
22

JUDITH ALLEN, CLERK DEP

FILED
95 SEP 13 AM 9:50

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1] AMENDMENT

SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002 .1

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
   Claimant Address: 36 W. Highway 92 City Bisbee
   State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:**
   - A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   - B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   - C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
   - D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
   - E. ☐ Other, describe: _____

RECEIVED
SEP - 5 1995
ADJUDICATIONS

3. **Claimed Priority Date:** Prior to 10/30/11 (month/day/year)

4. **Use:**
   - A. ☒ Municipal
   - B. ☒ Commercial or Industrial
   - C. ☒ Mining
   - D. ☒ Stockwatering other than from a stockpond
   - E. ☒ Recreation, Fish & Wildlife
   - F. ☐ Other, describe: _____

5. **Source of Water:**
   - A. ☐ Stream: name _____, tributary to _____
   - B. ☒ Spring: name Shea Springs, tributary to Verde River
   - C. ☐ Lake or Reservoir: name _____, tributary to _____
   - D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

7. **If there are Irrigation, Domestic or Stockpond** uses also supplied from the Point of Diversion, describe:
   See Irrigation Use Amendment SOC #39-48002.

8. **Means of Diversion:**
   - A. ☐ Instream pump
   - B. ☒ Gravity flow into ditch, canal or pipeline.
   - C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
   - D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

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

Legal Subdivision	Section	Township	Range
See Attachment A	____	____N/S	____E/W
____	____	____N/S	____E/W

11. **Claimed Right:**
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant. Arrangements must be made with the person identified in Item #14, below

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

15. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

16. **Additional comments:** ~~Beneficial use from before warranty deed in Book 889 Deeds, Pages 556, 10/30/11 Daniel and Margarete O'Shea to United Verde Copper Co.~~ Shea Springs refers to a number of small springs and one large spring. Total quantity includes both irrigation and other uses.

(attach additional sheet if required)

17. **Notarized Statement:**
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(SEAL)

March 16, 1997
My Commission Expires:

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
OTHER USES AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E
Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E
Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

T 16 N, R 2 E
Sec. 9; all
Sec. 12; S/2 S/2
Sec. 13; NW/4, N/2 NE/4
Sec. 14; N/2, SW/4
Sec. 15; S/2, NW/4
Sec. 16; all
Sec. 17; SW/4
Sec. 20; E/2 E/2
Sec. 21; all
Sec. 22; all
Sec. 26; W/2
Sec. 27; all
Sec. 28; E/2, E/2 W/2
Sec. 33; NE/4
Sec. 34; all
Sec. 35; W/2, SE/4, SE/4 NE/4
Sec. 36; W/2 W/2

T 15 N, R 2 E
Sec. 1; all
Sec. 2; E/2
Sec. 11; E/2 E/2
Sec. 12; W/2, W/2 NE/4
Sec. 13; W/2 W/2
Sec. 14; N/2 S/2, NE/4

WFR:tmp
5-16-95

PHELPS DODGE CORPORATION
COPPER QUEEN BRANCH, DRAWER K
BISBEE AZ 85603

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ADMINISTRATION
99 EAST VIRGINIA
PHOENIX, ARIZONA 85004

RECEIPT

KIND ENTRY	FILE REFERENCE NO.
39	48001
	THRU
39	48007

ACCOUNT NO. FUND SOURCE	AGENCY	CHAPTER	DIV.	INT. ACCT.	ITEM DESCRIPTION	RATE	$ AMOUNT
					FILING FEE FOR STATEMENT OF CLAIMANT		
					VERDE ADJUDICATION (7)		140.00

WATER PAYMENT
GUESTS 1
CHK NO 10127
GILS 140.00
TAX 0.00
TOTL 140.00
ADJ.CHEK 140.00

CHECK 10127 10/7/85 im

TOTAL $ 140.00

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. **Claimant Name:** Phelps Dodge Corporation - Copper Queen Branch
Claimant Address: 36 W. Highway 92 City Bisbee
State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. **Basis of Claim:**
A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no.? _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☐ Other, describe: _____

RECEIVED
ADJUDICATION

3. **Claimed Priority Date:** Prior to 10/30/11 (month/day/year)

4. **Use:**
A. ☒ Municipal
B. ☒ Commercial or Industrial
C. ☒ Mining
D. ☒ Stockwatering other than from a stockpond
E. ☒ Recreation, Fish & Wildlife
F. ☐ Other, describe: _____

5. **Source of Water:**
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Shea Springs, tributary to Verde River
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and
S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

7. **If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:**
See Irrigation Use Amendment SOC #39-48002.

8. **Means of Diversion:**
A. ☐ Instream pump
B. ☒ Gravity flow into ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☐ Other, describe _____

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

9. **Means of Conveyance:**
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

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

Legal Subdivision	Section	Township	Range
See Attachment A		N/S	E/W
		N/S	E/W

11. **Claimed Right:**
    A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
    B. Annual Volume of Water Use: 806.5 acre-feet
    C. Storage Right: _____ acre-feet

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

13. **It may** be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #14, below

14. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

15. **Mail form(s) to:** Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

16. **Additional comments:** ~~Beneficial use from before warranty deed in Book 889 Deeds, Pages 556, 10/30/11 Daniel and Margarete O'Shea to United Verde Copper Co.~~ Shea Springs refers to a number of small springs and one large spring. Total quantity includes both irrigation and other uses.

(attach additional sheet if required)

17. **Notarized Statement:**
    I (We), Phelps Dodge Corporation
    the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(SEAL)

March 16, 1997
My Commission Expires:

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

United States Department of the Interior

OFFICE OF THE SOLICITOR
Field Office, Southwest Region
P.O. Box 1042
Santa Fe, New Mexico 87504-1042

TAKE PRIDE IN AMERICA

September 4, 2007

L1425(IMLR-S)
TUZI / 01-108

MEMORANDUM

TO: Chief, Land Resources Program Center
Intermountain Region
National Park Service

FROM: Robert C. Eaton, Attorney-Adviser
Southwest Region

SUBJECT: Tuzigoot National Monument- Final Title Opinion for the Acquisition of Tract No. 01-108, Yavapai County, Arizona

FTO Request Dated:	July 27, 2007	
Acreage:	323.75	Consideration: Exchange
Interest Acquired:	Fee Simple	
Vendor(s):	Phelps Dodge Corporation, a New York Corporation	
Deed Dated:	August 25, 2005	Deed Filed: September 15, 2005
Book No.:	4311	Page No.: 392
Title Insurance:	First American Title Insurance Company, Policy No. NCS-178391-PHX-1	

An examination has been made of the title evidence pertaining to the above-numbered tract and interest(s) therein, which have been acquired under the authority of existing law. The land and interest(s) acquired are described more particularly in the deed contained in the file.

The title evidence discloses valid title to be vested in the United States of America, subject to any outstanding rights contained in Schedule B of the title insurance policy and endorsements thereto, and subject further to any reservations contained in the deed to the United States of America, which rights and reservations, if any, are such that the agency has determined will not interfere with the contemplated use of the land.

Robert C. Eaton

Robert C. Eaton

cc:
Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attn: Chief, Land Acquisition Section, P.O. Box 561, Washington, D.C. 20044

F.A. Special
Lack of Signatures

ENDORSEMENT

Attached to Policy No. NCS-178391-PHX1

Issued By

First American Title Insurance Company

The Company hereby assures the Insured that the Company will not deny liability under the policy or any endorsements issued therewith solely on the grounds that the policy and/or endorsement(s) were issued electronically and/or lack signatures in accordance with Paragraph 15 (c) of the Conditions and Stipulations.

This endorsement is made a part of said policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

First American Title Insurance Company

BY Curt B. Johnson PRESIDENT

ATTEST Brian Hagerman SECRETARY



Endorsement:

ENDORSEMENT

Attached to Policy No. NCS-178391-PHX1

Issued By

First American Title Insurance Company

The provisions of said Policy are hereby modified and amended as of the date hereof as to the following matters and none other:

Exception 7 of Parcel 12 on the above said Policy is here by deleted.

The total liability of the Company under this policy and any endorsements therein shall not exceed, in the aggregate, the face amount of said policy and costs which the Company is obligated under the Conditions and Stipulations hereof to pay.

This endorsement is made a part of said policy and is subject to the Exclusions from Coverage, Schedules, Conditions and Stipulations therein, except as modified by the provisions thereof.

This endorsement is not to be construed as insuring the title as of any later date than the date of said policy, except as herein expressly provided as to the subject matter hereof.

ALTA U.S. Policy Form (9-28-91)
Form No. 1037

Order Number: NCS-178391-PHX1
Page Number: 1

First American

First American Title Insurance Company
National Commercial Services
4801 East Washington Street
Phoenix, AZ 85034
Phn - (602)685-7000

November 08, 2005

Title Officer:	Dan Figueroa
Phone:	(602)685-7160
Order Number:	NCS-178391-PHX1
Escrow Officer:	Carol Peterson
Phone:	(602)567-8100
Property:	AZ

Attached please find the following item(s):

A Policy of Title Insurance

Thank You for your confidence and support. We at First American Title Insurance Company maintain the fundamental principle:

Customer First!

First American Title Insurance Company

TU21/01-108

UNITED STATES OF AMERICA
Policy of Title Insurance

ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.
5. In instances where the insured acquires title to the land by condemnation, failure of the commitment for title insurance, as updated to the date of the filing of the lis pendens notice or the Declaration of Taking, to disclose the parties having an interest in the land as disclosed by the public records.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY Gary L. Kennett PRESIDENT

ATTEST Mark A. Amen SECRETARY



SCHEDULE A

Type of Coverage: **ALTA Owner's U. S. Policy (9-28-91)**

Amount of Insurance:

Parcel 1	$222,000.00
Parcel 2-4	$29,000.00
Parcel 5	$85,000.00
Parcel 6-7	$416,000.00
Parcel 8	$320,000.00
Parcel 9-11	$960,000.00
Parcel 12	$3,100,000.00
Parcel 13	$624,000.00
Parcel 14-20	$160,000.00
Parcel 21-22	$72,000.00
Parcel 23-24	$264,000.00
	$6,252,000.00

Policy Number: NCS-178391-PHX1

Date of Policy:

September 16, 2005 T.A.I. Fee No. 050935180 (Cochise County)
September 15, 2005 T.A.I. Docket 12640, Page 5129 (Pima County)
September 15, 2005 T.A.I. Book 4311, Page 392 (Yavapai County)
September 16, 2005 T.A.I. 2005-12247 (Santa Cruz County)
September 16, 2005 T.A.I. Fee No. 2005-05318 (Graham County)

1. Name of insured:

   United States of America

2. The estate or interest in the land which is covered by this policy is:

   Fee Simple

3. Title to the estate or interest in the land is vested in:

   United States of America and its assigns

4. The land referred to in this policy is described as follows:

   Real property in the County of Cochise, Pima, Yavapai, Santa Cruz and Graham, State of Arizona, described as follows:

THE FOLLOWING PARCEL NOS. 1 THROUGH 5 ARE LOCATED IN COCHISE COUNTY, ARIZONA:

PARCEL NO. 1:

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 9;

THE NORTHEAST QUARTER;

THE EAST HALF OF THE NORTHWEST QUARTER AND THE SOUTH HALF OF SECTION 10;

ALL IN TOWNSHIP 14 SOUTH, RANGE 28 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA;

EXCEPT AS TO THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 9; THE SOUTHEAST QUARTER AND THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 10, ALL COAL AND MINERALS AS RESERVED IN PATENT FROM UNITED STATES OF AMERICA; AND

EXCEPT 30% OF THE COAL AND OTHER MINERALS AS RESERVED IN DEED RECORDED IN DOCKET 187, PAGE 323, RECORDS OF COCHISE COUNTY, ARIZONA.

PARCEL NO. 2:

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 28 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA.

PARCEL NO. 3:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 28 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA.

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 4:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 28 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA.

PARCEL NO. 5:

LOTS 1, 2, 3 AND 4, AND THE EAST HALF OF THE WEST HALF OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 28 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA;

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

THE FOLLOWING PARCEL NOS. 6 THROUGH 11 ARE LOCATED IN PIMA COUNTY, ARIZONA:

PARCEL NO. 6:

LOT 1, OF SECTION 5, TOWNSHIP 18 SOUTH, RANGE 18 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA;

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 7:

LOT 2 AND THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 SOUTH, RANGE 18 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA;

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 8:

THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 18 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA.

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES.

PARCEL NO. 9:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 18 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA;

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 10:

THE EAST HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 19 SOUTH, RANGE 18 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL NO. 11:

THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 18 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY, ARIZONA;

EXCEPT AS TO THE EAST HALF OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

THE FOLLOWING PARCEL NO. 12 IS LOCATED IN YAVAPAI COUNTY, ARIZONA:

PARCEL NO. 12:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, AND THAT PART OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER SECTION 22, TOWNSHIP 16 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15, MONUMENTED WITH A 2 1/2" ALUMINUM PIPE;

THENCE NORTH 01 DEGREES 38 MINUTES 17 SECONDS WEST (MEASURED) NORTH 00 DEGREES 36 MINUTES 26 SECONDS EAST (RECORD), ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, AS SHOWN ON THE BOUNDARY SURVEY OF THE PROPOSED TUZIGOOT NATIONAL MONUMENT, RECORDED IN BOOK 2 OF LAND SURVEYS, PAGE 192, YAVAPAI COUNTY RECORDS, A DISTANCE OF 1,475.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 01 DEGREES 38 MINUTES 17 SECONDS WEST, ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1,196.12 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 15, MONUMENTED WITH A UNITED STATES FOREST SERVICE ALUMINUM CAP;

THENCE NORTH 88 DEGREES 01 MINUTES 21 SECONDS EAST, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 15, A DISTANCE OF 2,609.43 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 15, MONUMENTED WITH A UNITED STATES FOREST SERVICE ALUMINUM CAP;

THENCE SOUTH 02 DEGREES 20 MINUTES 25 SECONDS EAST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 15, A DISTANCE OF 2,659.29 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 15, ALSO BEING THE NORTH QUARTER CORNER OF SAID SECTION 22, MONUMENTED WITH A GLO BRASS CAP;

THENCE SOUTH 03 DEGREES 55 MINUTES 01 SECONDS EAST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 22, A DISTANCE OF 2,657.46 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 22, MONUMENTED WITH AN ALUMINUM CAP;

THENCE SOUTH 03 DEGREES 55 MINUTES 08 SECONDS EAST, CONTINUING ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 22, A DISTANCE OF 1,323.01 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 22, MONUMENTED WITH A NATIONAL PARK SERVICE ALUMINUM CAP;

THENCE SOUTH 87 DEGREES 09 MINUTES 57 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 2,667.13 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 22, MONUMENTED WITH A NATIONAL PARK SERVICE ALUMINUM CAP IN CONCRETE;

THENCE NORTH 03 DEGREES 33 MINUTES 07 SECONDS WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 795.91 FEET TO THE SOUTHWESTERLY BOUNDARY OF THE EXISTING "TUZIGOOT NATIONAL MONUMENT BOUNDARY", MONUMENT WITH A 1/2" REBAR;

THENCE ALONG SAID EXISTING "TUZIGOOT NATIONAL MONUMENT BOUNDARY", THE FOLLOWING COURSES:

THENCE SOUTH 16 DEGREES 15 MINUTES 43 SECONDS EAST, A DISTANCE OF 169.85 FEET TO A GLO BRASS CAP;

THENCE NORTH 87 DEGREES 28 MINUTES 58 SECONDS EAST, A DISTANCE OF 70.00 FEET TO A GLO BRASS CAP;

THENCE NORTH 17 DEGREES 32 MINUTES 19 SECONDS EAST, A DISTANCE OF 2,977.54 FEET TO A GLO BRASS CAP;

THENCE NORTH 65 DEGREES 28 MINUTES 39 SECONDS WEST, A DISTANCE OF 594.31 FEET TO A GLO BRASS CAP;

THENCE NORTH 24 DEGREES 32 MINUTES 11 SECONDS EAST, DEPARTING SAID EXISTING "TUZIGOOT NATIONAL MONUMENT BOUNDARY" AND ALONG THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY BOUNDARY LINE OF SAID EXISTING "TUZIGOOT NATIONAL MONUMENT BOUNDARY", A DISTANCE OF 1,133.00 FEET TO THE BEGINNING OF A 2,850.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 45 DEGREES 29 MINUTES 58 SECONDS WEST;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28 DEGREES 12 MINUTES 28 SECONDS, A DISTANCE OF 1,403.10 FEET TO THE TRUE POINT OF BEGINNING.

THE FOLLOWING PARCEL NO. 13 IS LOCATED IN SANTA CRUZ COUNTY, ARIZONA:

PARCEL NO. 13:

THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 20 SOUTH, RANGE 18 EAST, GILA AND SALT RIVER MERIDIAN, SANTA CRUZ COUNTY, ARIZONA; AND

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 20 SOUTH, RANGE 18 EAST, GILA AND SALT RIVER MERIDIAN, SANTA CRUZ COUNTY, ARIZONA;

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

THE FOLLOWING PARCEL NOS. 14 THROUGH 24 ARE LOCATED IN GRAHAM COUNTY, ARIZONA;

PARCEL NO. 14:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 22 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

PARCEL NO. 15:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 22 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

PARCEL NO. 16:

THE NORTH HALF OF THE SOUTHWEST QUARTER; THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 22 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

PARCEL NO. 17:

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 22 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

PARCEL NO. 18:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 SOUTH, RANGE 23 EAST GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

PARCEL NO. 19:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30 TOWNSHIP 5 SOUTH, RANGE 23 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

PARCEL NO. 20:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 SOUTH, RANGE 23 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

PARCEL NO. 21:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTERS; THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH RANGE 27 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN. GRAHAM COUNTY, ARIZONA.

EXCEPTING ALL COAL AND OTHER MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 22:

ALL THAT PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER LYING NORTHWEST OF A LINE BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER; RUNNING THENCE SOUTHWESTERLY TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 27 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, GRAHAM COUNTY, ARIZONA.

PARCEL NO. 23:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 27 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 27 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA, AND THAT PART OF THE NORTHEAST QUARTER OF SAID SECTION 10, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 10;

THENCE WESTERLY TO THE CENTER QUARTER CORNER OF SAID SECTION 10;

THENCE NORTHEASTERLY TO THE NORTH SIXTEENTH CORNER OF SAID SECTION 10;

THENCE SOUTHERLY TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PART OF THE EAST HALF OF SAID SECTION 10, A FIVE ACRE PARCEL, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 10, THE BASIS FOR BEARING IS THE RECORD GLO BEARING ON EAST BOUNDARY OF SECTION 10, WHICH IS NORTH 00 DEG. 01' WEST;

THENCE SOUTH 89 DEGREES 59 MINUTES WEST, A DISTANCE OF 540.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 59 MINUTES WEST, A DISTANCE OF 660.00 FEET;

THENCE NORTH 00 DEGREES 01 MINUTES WEST, A DISTANCE OF 330.00 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES EAST, A DISTANCE OF 660.00 FEET;

THENCE SOUTH 00 DEG. 01' EAST, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 24:

THE WEST HALF OF THE SECTION 14, AND THE WEST HALF OF SECTION 23, ALL IN TOWNSHIP 5 SOUTH, RANGE 27 EAST, GILA AND SALT RIVER MERIDIAN, GRAHAM COUNTY, ARIZONA.

EXCEPTING ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

SCHEDULE B

Parcels Nos. 1 through 5 (Cochise County)

PART TWO:

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Water rights, claims or title to water.

2. An easement for roadway and incidental purposes in the document recorded as Docket 1477, Page 483 of Official Records.

   (Affects Parcel No. 4)

3. An easement for ingress and egress and incidental purposes in the document recorded as Docket 1859, Page 516 of Official Records.

   (Affects Parcel No. 4)

4. An easement for road and incidental purposes in the document recorded as 9405-15184 of Official Records.

   (Affects Parcel No. 2)

5. Rights and other matters in that certain undefined airplane landing strip disclosed in instrument no. 9204-9807 and re-recorded in instrument no. 9208-20286 of Official Records.

   (Affects Parcel No. 2 and 5)

6. Lack of a right of access to and from the land.

7. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

8. The rights of parties in possession by reason of any unrecorded lease or leases or month to month tenancies affecting any portion of the within described property.

SCHEDULE B

Parcel Nos. 6 through 11 (Pima County)

PART TWO:

1. Water rights, claims or title to water.

2. An easement for electrical and communication facilities and incidental purposes in the document recorded as Docket 2003, Page 341 of Official Records.

   (Affects Parcel No. 8)

3. An easement for pipe line and incidental purposes in the document recorded as Docket 10369, Page 2757 of Official Records.

   (Affects Parcel No. 9, 10 and 11)

4. An easement for roadway and incidental purposes in the document recorded as Docket 10369, Page 2764 of Official Records.

   (Affects Parcel No. 9, 10 and 11)

5. Lack of a right of access to and from the land.

6. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

7. The rights of parties in possession by reason of any unrecorded lease or leases or month to month tenancies affecting any portion of the within described property.

SCHEDULE B

Parcel No. 12 (Yavapai County)

PART TWO:

1. Reservations or Exceptions in Patents, or in Acts authorizing the issuance thereof.

2. Water rights, claims or title to water.

3. The rights or claims of title, if any, by the State of Arizona to any portion of the property described in Schedule A being located in the bed of any river or dry wash.

4. An easement for electric lines and incidental purposes in the document recorded as Book 348 of Official Records, Page 306 .

5. All matters as set forth in Survey, recorded December 29, 1980 as Book 2 of Land Surveys, Pages 192 and 193.

6. The terms and provisions contained in the document entitled "Agreement and Amendment of Agreement" recorded May 9, 1990 as Book 2247 of Official Records, Page 709 .

7. The terms and provisions contained in the document entitled "Easement Agreement" recorded June 21, 2000 as Book 3762 of Official Records, Page 247 .

8. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

9. The rights of parties in possession by reason of any unrecorded lease or leases or month to month tenancies affecting any portion of the within described property.

SCHEDULE B

Parcel No. 13 (Santa Cruz County)

PART TWO:

1. Reservations or Exceptions in Patents, or in Acts authorizing the issuance thereof.
2. The right to enter upon said land and prospect for and remove all coal, oil, gas, minerals or other substances, as reserved in the Patent to said land.
3. Water rights, claims or title to water.
4. Reservation of all oil rights as reserved in Warranty Deed recorded as Book 17 of Deeds, Page 522.
5. Reservation of all oil, gas and mineral rights as to an undivided 30/100th as reserved in Quit Claim Deed recorded as Docket 382, Page 117.
6. Lack of a right of access to and from the land.
7. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
8. The rights of parties in possession by reason of any unrecorded lease or leases or month to month tenancies affecting any portion of the within described property.

SCHEDULE B

Parcel Nos. 14 through 24 (Graham County)

PART TWO:

1. Reservations or Exceptions in Patents, or in Acts authorizing the issuance thereof.

2. The right to enter upon said land and prospect for and remove all coal, oil, gas, minerals or other substances, as reserved in the Patent to said land.

   (Affects Parcel No. 21 and 24)

3. Water rights, claims or title to water.

4. The rights or claims of title, if any, by the State of Arizona to any portion of the property described in Schedule A being located in the bed of any river or dry wash.

5. Lack of a right of access to and from the land.

6. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

7. The rights of parties in possession by reason of any unrecorded lease or leases or month to month tenancies affecting any portion of the within described property.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
(a) created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under the policy;
(c) resulting in no loss or damage to the insured claimant; or
(d) attaching or created subsequent to Date of Policy.
4. This policy does not insure against the invalidity or insufficiency of any condemnation proceeding instituted by the United States of America, except to the extent set forth in insuring provision 5.

CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS. The following terms when used in this policy mean:
(a) "insured": the insured named in Schedule A, and, subject to any rights or defenses the Company would have had against the named insured, those who succeed to the interest of the named insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors.
(b) "insured claimant": an insured claiming loss or damage.
(c) "knowledge" or "known": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of the public records as defined in this policy or any other records which impart constructive notice of matters affecting the land.
(d) "land": the land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.
(e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
(f) "public records": records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge. With respect to Section 1(a)(iv) of the Exclusions From Coverage, "public records" shall also include environmental protection liens filed in the records of the clerk of the United States district court for the district in which the land is located.
(g) "unmarketability of the title": an alleged or apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A to be released from the obligation to purchase by virtue of a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE AFTER CONVEYANCE OF TITLE.
The coverage of this policy shall continue in force as of Date of Policy in favor of an insured only so long as the insured retains an estate or interest in the land, or holds and indebtedness secured by a purchase money mortgage given by a purchaser from the insured, or only so long as the insured shall have liability by reason of covenants of warranty made by the insured in any transfer or conveyance of the estate or interest. This policy shall not continue in force in favor of any purchaser from the insured of either (i) an estate or interest in the land, or (ii) an indebtedness secured by a purchase money mortgage given to the insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT.
The insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 4(a) below, (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if title to the estate or interest, as insured, is rejected as unmarketable. If prompt notice shall not be given to the Company, then as to the insured all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any insured under this policy unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

4. DEFENSE AND PROSECUTION OF ACTIONS; DUTY OF INSURED CLAIMANT TO COOPERATE.
a. Upon written request by the insured and subject to the options contained in Section 6 of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an insured in litigation in which any third party asserts a claim adverse to the title or interest as insured, but only as to those stated causes of action alleging a defect, lien or encumbrance or other matter insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the insured to object for reasonable cause) to represent the insured as to those stated causes of action and shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs or expenses incurred by the insured in the defense of those causes of action which allege matters not insured by this policy.

b. The Company shall have the right, at its own cost, to institute and prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest, as insured, or to prevent or reduce loss or damage to the insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this policy. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

c. Whenever the Company shall have brought an action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

d. In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of the insured for this purpose. Whenever requested by the Company, the insured, at the Company's expense, shall give the Company all reasonable aid (i) in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as insured. If the Company is prejudiced by the failure of the insured to furnish the required cooperation, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

e. Notwithstanding Conditions and Stipulations Section 4(a-d), the Attorney General of the United States shall have the sole right to authorize or to undertake the defense of any matter which would constitute a claim under the policy, and the Company may not represent the insured without authorization. If the Attorney General elects to defend at the Government's expense, the Company shall, upon request, cooperate and render all reasonable assistance in the prosecution or defense of the proceeding and in prosecuting any related appeals. If the Attorney General shall fail to authorize and permit the Company to defend, all liability of the Company with respect to that claim shall terminate; provided, however, that if the Attorney General shall give the Company timely notice of all proceedings and an opportunity to suggest defenses and actions as it shall recommend should be taken, and the Attorney General shall present the defenses and take the actions of which the Company shall advise the Attorney General in writing, the liability of the Company shall continue and, in any event, the Company shall cooperate and render all reasonable assistance in the prosecution or defense of the claim and any related appeals.

5. PROOF OF LOSS OR DAMAGE.

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the defect in, or lien or encumbrance on the title, or other matter insured against by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the insured claimant to provide the required proof of loss or damage, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, the insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Unless prohibited by law or governmental regulation, failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph shall terminate any liability of the Company under this policy as to that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY.

In case of a claim under this policy, the Company shall have the following additional options:

a. To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations to the insured under this policy, other than to make the payment required, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, and the policy shall be surrendered to the Company for cancellation.

b. To Pay or Otherwise Settle With Parties Other than the Insured or With the Insured Claimant.

i. Subject to the prior written approval of the Attorney General, to pay or otherwise settle with other parties for or in the name of an insured claimant any claim insured against under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or

ii. to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in paragraphs 6(b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation. Failure of the Attorney General to give the approval called for in 6(b)(i) shall not prejudice the rights of the insured unless the Company is prejudiced thereby, and then only to the extent of the prejudice.

7. DETERMINATION AND EXTENT OF LIABILITY.

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described.

a. The liability of the Company under this policy shall not exceed the least of:
I. the Amount of Insurance stated in Schedule A; or,
II. the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.
b. The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

8. APPORTIONMENT.

If the land described in Schedule [A][C] consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

9. LIMITATION OF LIABILITY.

a. If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
b. In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.
c. The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY.

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

11. LIABILITY NONCUMULATIVE.

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

12. PAYMENT OF LOSS.

a. No payment shall be made without producing this policy or an accurate facsimile for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
b. When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

13. SUBROGATION UPON PAYMENT OR SETTLEMENT.

a. The Company's Right of Subrogation.
Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.
The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.
If a payment on account of a claim does not fully cover the loss of the insured claimant, the Company shall be subrogated to these rights and remedies in the proportion which the Company's payment bears to the whole amount of the loss.
If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.
b. The Company's Rights Against Non-insured Obligors.
The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guaranties, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.
c. No Subrogation to the Rights of the United States.
Notwithstanding the provisions of Conditions and Stipulations Section 13(a) and(b), whenever the Company shall have settled and paid a claim under this policy, the Company shall not be subrogated to the rights of the United States. The Attorney General may elect to pursue any additional remedies which may exist, and the Company may be consulted. If the Company agrees in writing to reimburse the United States for all costs, attorneys' fees and expenses, to the extent that funds are recovered they shall be applied first to reimbursing the Company for the amount paid to satisfy the claim, and then to the United States.

14. ARBITRATION ONLY BY AGREEMENT.

Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters shall be arbitrated only when agreed to by both the Company and the Insured.
The law of the United States, or if there be no applicable federal law, the law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.
A copy of the Rules may be obtained from the Company upon request.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT.

a. This policy together with all endorsements, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
b. Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or by any action asserting such claim, shall be restricted to this policy.
c. No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

16. SEVERABILITY.

In the event any provision of the policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

17. NOTICES, WHERE SENT.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company at 1 First American Way, Santa Ana, California 92707, or to the office which issued this policy

556

Daniel J. O'Shea, et ux
to
United Verde Copper Company

Warranty Deed.

TERRITORY OF ARIZONA, County of Yavapai } ss.

Know All Men by These Presents:

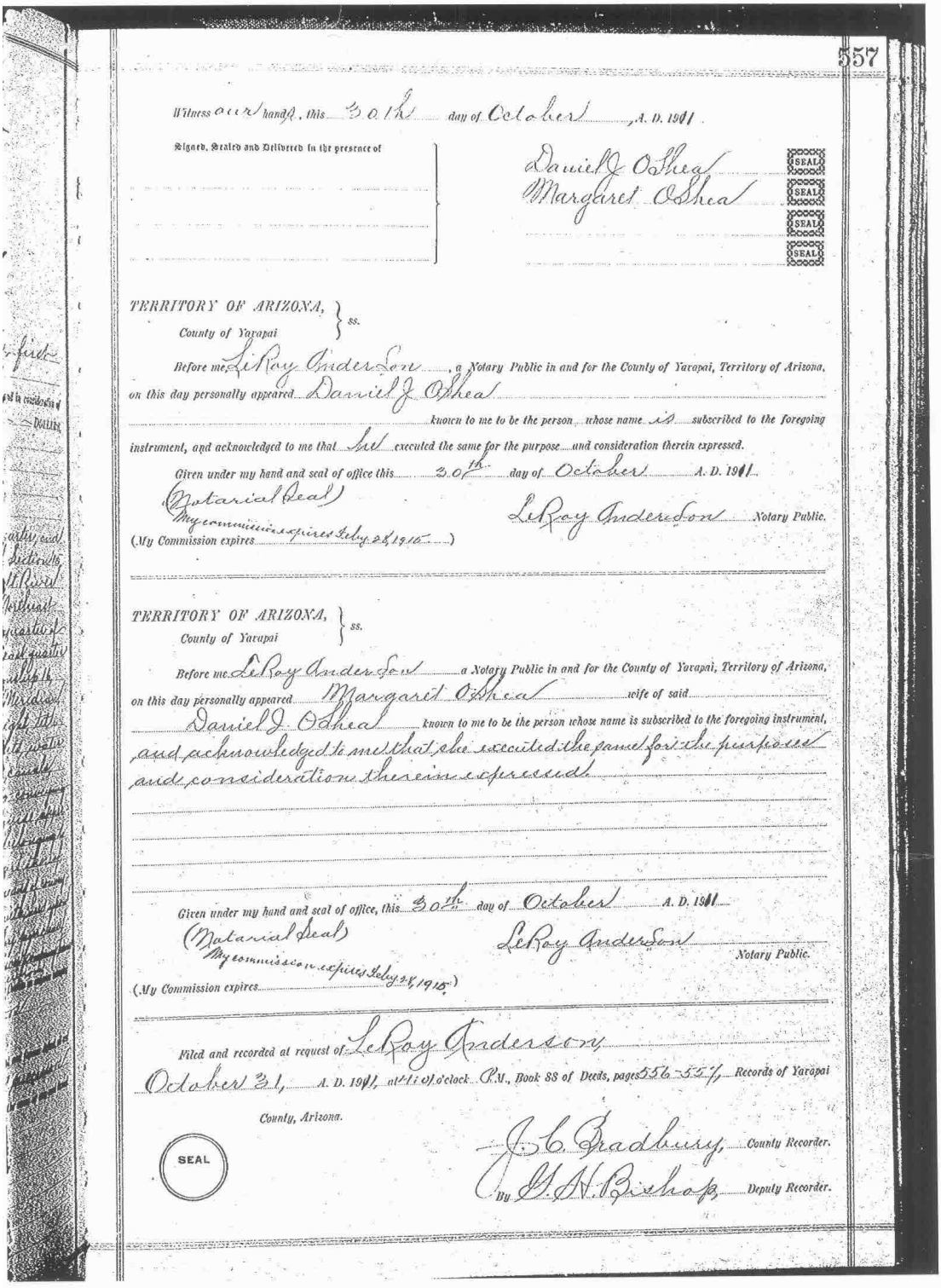
That Daniel J. O'Shea and Margaret O'Shea his wife, first parties of the County of Yavapai Arizona for and in consideration of One ($1.00) and no/100 and other good and valuable consideration DOLLARS, to them in hand paid by the United Verde Copper Company

has granted, sold and conveyed, and by these presents do grant, sell and convey unto the said United Verde Copper Company all that certain premises described as follows, viz: West half of the Northwest quarter, and the Southeast quarter of the Southwest quarter of Section 15, Township 16, North of Range 3 East, of the Gila and Salt River Base & Meridian, Yavapai County, Arizona. Also the Northeast quarter of the Northwest quarter, and the Northwest quarter of the Northwest quarter of Section 22, and the Northeast quarter of the Northeast quarter of Section 21, all in Township 16, North of Range 3 East, Gila and Salt River Base & Meridian, Yavapai County, Arizona. Together with all right, title and interest in and to all water, water rights, water appropriations and uses, and all ditches, canals, pipes, flumes, or other means of using or conveying water thereunto belonging or in any wise appertaining, that is or has been used upon, belonging to, or connected with said land, or any part thereof, it being the intent to convey all water, water rights and the means of conveying or using the same of every kind or character connected with, used upon or belonging to said land or any part thereof, whether acquired by purchase, appropriation, user or otherwise, and particularly 27/96 of the Rich Brewer Company former ditch and water right and the Goldwin Spring and all water thereto.

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 United Verde Copper Company its successors ~~heirs~~ and assigns forever.

And we hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend, all and singular, the premises unto the said United Verde Copper Company its successors ~~heirs~~ and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

10-30-1911: Warranty Deed, cont



557

Witness our hand & seal this 30th day of October, A. D. 1911.

Signed, Sealed and Delivered in the presence of

Daniel J. O'Shea SEAL
Margaret O'Shea SEAL
SEAL
SEAL

TERRITORY OF ARIZONA, County of Yavapai } ss.

Before me, LeRoy Anderson, a Notary Public in and for the County of Yavapai, Territory of Arizona, on this day personally appeared Daniel J. O'Shea 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 purpose and consideration therein expressed.

Given under my hand and seal of office this 30th day of October A. D. 1911.

(Notarial Seal)

LeRoy Anderson Notary Public.

My commission expires Feby 24 1915

(My Commission expires My commission expires Feby 24 1915.)

TERRITORY OF ARIZONA, County of Yavapai } ss.

Before me, LeRoy Anderson a Notary Public in and for the County of Yavapai, Territory of Arizona, on this day personally appeared Margaret O'Shea wife of said Daniel J. O'Shea known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 30th day of October A. D. 1911.

(Notarial Seal)

LeRoy Anderson Notary Public.

My commission expires Feby 24 1915

(My Commission expires My commission expires Feby 24 1915.)

Filed and recorded at request of LeRoy Anderson

October 31 A. D. 1911, at 11 o'clock A.M., Book 88 of Deeds, pages 556-557 Records of Yavapai County, Arizona.

SEAL

J. C. Bradbury County Recorder.

By G. N. Bishop Deputy Recorder.

Other Supporting Information

phelps dodge Mining Company 4521 U.S. Highway 191, Morenci, Arizona 85540-9795 • (520) 865-4521, Ext. 6207

Richard N. Mohr
Manager Environmental Services
Arizona Operations

June 26, 1998

Mr. Jeff Hughes
National Park Service
Water Resources Division
1201 Oak Ridge Dr., Suite 250
Fort Collins, CO 80525

Subject: Shea Springs Water Rights

Dear Mr. Hughes:

Attached you will find a copy of the referenced document providing the history of water rights use of Shea Springs as you requested. If you have additional questions or need additional information please contact me at your convenience.

Very truly yours,

Richard N Mohr

RNM:km
Attachment

cc: A. J. Broderick - w/o attachment
E. M. Schern
J. A. Korolsky - w/o attachment
W. F. Richardson - w/o attachment
C. M. Chandley - w/o attachment

SUMMARY OF SHEA SPRINGS WATER RIGHT

HISTORY:

Shea Springs (a.k.a. Goodwin, Taylor, or Big) is located on Phelps Dodge Corporation (PDC) patented land on the east side of the lower section of Peck's Lake in the SW1/4 NE1/4 SW1/4 of Section 15, T16N, R3E, G&SRBM, Yavapai County, Arizona.

- The Springs were acquired by the United Verde Copper Company (UVCC) from Daniel J. and Margaret O'Shea on October 11, 1911 (Attachment A). At the time of purchase, this spring (referred to in the deed as Goodwin Spring) was believed to be located on the Shea Home Ranch.
- Apparently, Mr. O'Shea discovered that the spring was not located on the Shea Home Ranch as he had originally thought and notified UVCC of his findings shortly after UVCC's purchase. A letter dated November 20, 1911 from UVCC to the Hon. LeRoy Anderson documents the situation (Attachment B).
- In 1913, UVCC conveyed the Shea Home Ranch lands to the United Verde Fruit and Orchard Company (UVF&OCo.).
- In 1928, the UVF&OCo was dissolved and the former Shea Home Ranch was conveyed back to UVCC.
- On June 11, 1931, the UVCC acquired the 40-acre tract of land adjacent to the Shea Home Ranch upon which Shea Springs is located through an exchange with the U.S. Government for land UVCC owned in Tusayan (Coconino) National Forest (Attachment C).
- PDC acquired all of the property and assets of UVCC in 1935.
- A summary sheet of the chain of title for the Shea Home Ranch is included as Attachment D.

For many years, PDC leased the spring fed marshlands to the Tavasci family. The area known today as "Tavasci Marsh" was criss-crossed with a system of drainage ditches and converted into pasture land. In 1987 the Corps of Engineers (COE) notified Mr. Tavasci and PDC that they were in violation of the Clean Water Act by draining Tavasci Marsh. PDC and Mr. Tavasci responded that the drainage ditch to which the COE had referred was in existence since at least 1925 and Mr. Tavasci had cleaned out the channel each year for at least 20 years (Attachment E). Mr. Tavasci's cattle had been grazing on the leased lands, including the marsh area, since 1928. The COE agreed that this activity was exempt because it was part of the continuing ranch operation and did not involve newly irrigated lands (Attachment E). As such, no enforcement proceedings were undertaken by the COE.

The Tavasci grazing lease was terminated shortly before PDC entered into the 1990 Cooperative Agreement with the Arizona Game and Fish Department (AG&F) to manage Tavasci Marsh (Attachment F). PDC maintained a limited first right to the use of Shea Springs as long as the supply to the Tavasci Marsh Land is not significantly less than would be supplied under natural conditions from Shea Springs.

WATER RIGHT:

Shea Springs refers to a number of small springs and one large spring that are continuously used in Tavasci Marsh. PDC's recent Shea Springs water right filings date back to 1979 (#36-25460), and claim a priority date of "Prior to October 30, 1911", which is the date of the sale of the Shea Home Ranch to UVCC. PDC has claimed 500 gpm (806.5 acre-feet annually) as the volume of water beneficially used. The surface water pre-filing, #36-25460, claims industrial and wildlife uses (Attachment G). Statement of Claimant (SOC) #39-48002, filed in 1985, and amended in 1995, as a result of the Gila River General Stream Adjudication, claims the following uses: irrigation, municipal, commercial or industrial, mining, stockwatering other than from a stockpond, and recreation, fish & wildlife. The claimed place of use listed on SOC #39-48002 for Shea Springs is Tavasci Marsh. Currently, the Marsh is beneficially being used for recreational irrigation and wildlife uses.

ADWR uses aerial photography and current information, such as claimant interviews and field investigations to prove beneficial use. A historical analysis conducted by PDC Land & Water Resources Department of available aerial photography revealed the Marsh's existence and beneficial use as early as 1940. The use of the Marsh also appeared on the 1943, 1968, 1972, 1977, 1980, and 1987 photography which are available at ADWR. As an aside, the 1940 Hayden Report, an evaluation of irrigation in the Verde Valley, titled Irrigation on the Upper Verde River Watershed from Surface Waters, references a 1914 notice of appropriation for the water of Shea Springs.

Prepared by PDC Land & Water Resources Department

COPY

WARRANTY DEED

TERRITORY OF ARIZONA)
) ss
County of Yavapai)

KNOW ALL MEN BY THESE PRESENTS:

That Daniel J. O'Shea, and Margaret O'Shea, his wife, first parties, of the County of Yavapai, Arizona, for and in consideration of One ($1.00) and 00/100 DOLLARS, and other good and valuable considerations, to them in hand paid by the United Verde Copper Company, has granted, sold and conveyed, and by these presents does grant, sell and convey unto the said United Verde Copper Company all that certain premises described as follows, viz: West half of the Southwest quarter, and the Southeast quarter of the Southwest Quarter, of Section 15, Township 16, North of Range 3 East, of the Gila and Salt River Base Meridian; Yavapai County, Arizona. Also the Northeast quarter of the Northwest Quarter, and the Northwest quarter of the Northwest quarter, of Section 22, and the Northeast quarter of the Northeast quarter, of Section 21, all in Township 16, North of Range 3 East, Gila and Salt River Base Meridian, Yavapai County, Arizona. Together with all right, title and interest in and to all water, water rights, water appropriations and uses and all ditches, canals, pipes, flumes, or other means of using or conveying water thereunto belonging or in any wise appertaining, that is or has been used upon, belonging to or connected with said land or any part thereof, it being the intent to convey all water, water rights and the means of conveying or using the same of every kind and character connected with, used upon or belonging to said land or any part thereof whether acquired by purchase, appropriation, use or otherwise, and particularly 29/96 of the Rich Brewer Company tunnel ditch and water right, and the Goodwin Springs and all water therefrom.

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 United Verde Copper Company, its successors and assigns forever.

And we hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend, all and singular, the premises unto the said United Verde Copper Company, its successors and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

Witness our hands this 30th day of October, A.D. 1911.

(Sd) DANIEL J. O'SHEA (SEAL)

(Sd) MARGARET O'SHEA (SEAL)

Territory of Arizona)
) ss
County of Yavapai)

Before me, LeRoy Anderson, a Notary Public in and for the County of Yavapai, Territory of Arizona, on this day personally appeared Daniel J. O'Shea, 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 purpose and consideration therein expressed.

Given under my hand and seal of office this 30th day of October, A.D. 1911.

(SEAL)

(Sd) LeROY ANDERSON,
Notary Public.

My Commission expires Feby. 28, 1915.

Territory of Arizona)
) ss
County of Yavapai)

Before me, LeRoy anderson, a Notary Public in and for the County of Yavapai, Territory of Arizona, on this day personally appeared Margaret O'Shea, wife of said Daniel J. O'Shea, known to me to be the person whose name is subscribed to the forevoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 30th day of October, A.D. 1911.

(SEAL)

(Sd) LeROY ANDERSON,
Notary Public.

My Commission expires Feby. 28, 1915.

lawfully claiming or to claim the same.

IN WITNESS WHEREOF, we have hereunto set our hands and seal the 30th day of October, A.D. 1911.

(Sd) D. J. SHEA (SEAL)

(Sd) J. M. GOODWIN (SEAL)

(Sd) M. J. BRADLEY (SEAL)

Indexed
Copied
2966
TITLE
No. 22411

BILL OF SALE
Short Form

From SHEA et Als.

To UNITED VERDE COPPER COMPANY

Dated October 30th, 1911. A.D. 19___

Filed and recorded at request of Thos. Anderson October 31st, 1911, at 10:08 o'clock A.M., Book 24 Deeds Page 526-527 Promises

Fee $ Nihil
Wm. Bishop, Recorder.
By Deputy

STATE OF ARIZONA)
County of Yavapai) ss.

Before me, a Notary Public in and for the County of Yavapai, in the State of Arizona, on this 30th day personally appeared D. J. Shea, J. M. Goodwin, 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 purpose and consideration therein expressed.

Given under my hand and seal of office, this 30th day of October, A.D. 1911.

(SEAL) LeROY ANDERSON,
Notary Public.

My Commission expires Feby. 25, 1915.

11-20-1911: Letter to LeRoy Anderson from United Verde Copper Co. regarding protecting rights to the water of the big springs adj

November 20th, 1911.

Hon. LeRoy Anderson,

Prescott, Arizona.

Dear Sir:-

In regard to protecting our rights to the water of the big springs adjoining the D. J. Shea Ranch, concerning which we wrote you the other day, we beg to state further that Mr. Shea informed us this morning that this spring is not on patented ground. He gets his information from two surveys, one made by J.J. Fisher, and the other made by A. B. Mader. As we informed you the other day Shea stated that the spring was recently located by C. S. Chick and others. Shea says that it has been generally understood that the spring was on his place, but that the recent locators in making a survey for an oil company discovered that it was not so situated. This is what prompted them to make the location.

We enclose small drawing showing the location of the spring, and the work that Shea advises that we should do at once in order to protect our rights.

We understand that some time ago C. D. Willard of Cottonwood brought suit against Shea in regard to this same spring. It might be well to ascertain the particulars of this law suit. We believe that Shea won the suit.

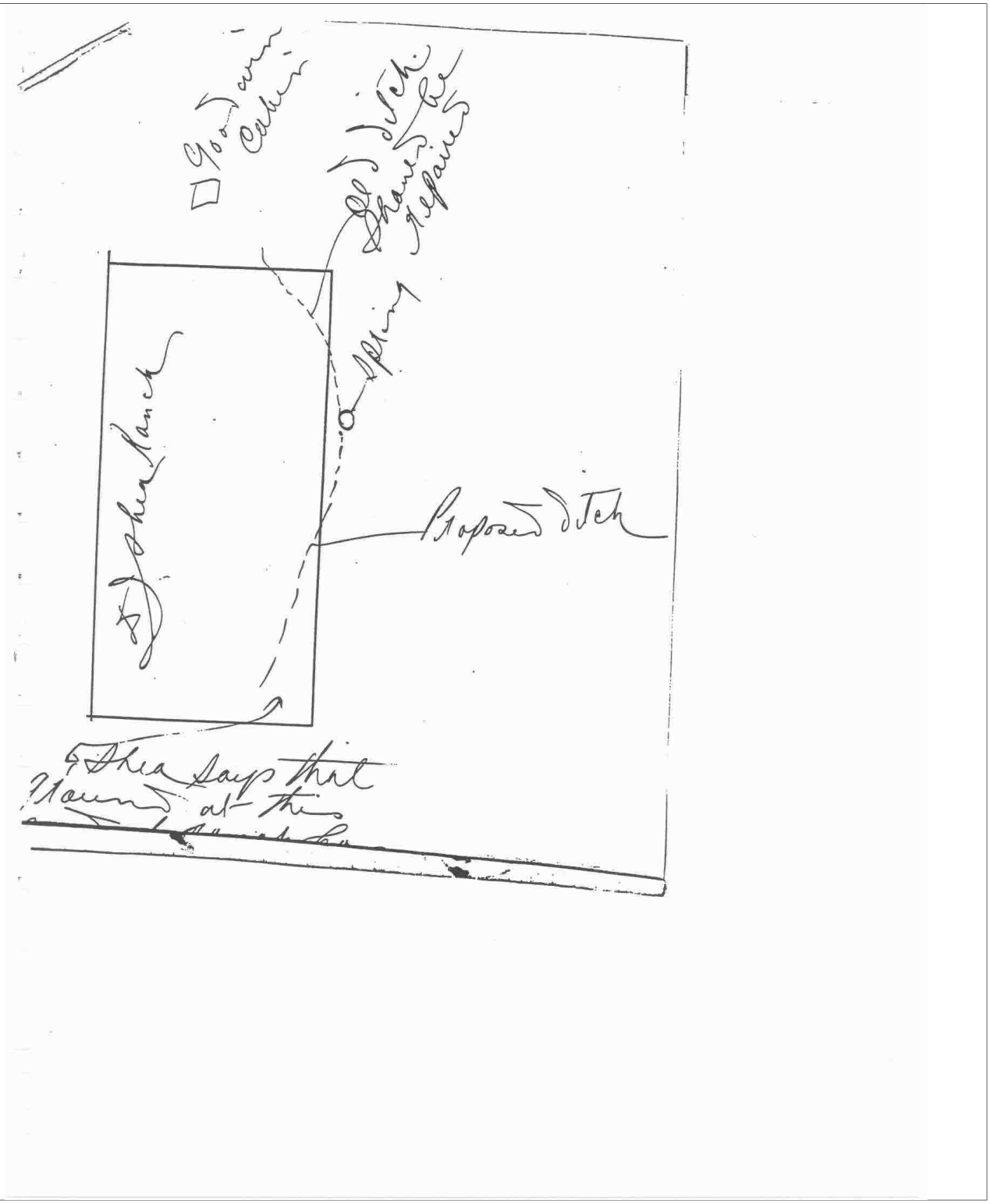
As advised by you this afternoon, we will send a man down there at once to look the ground over and give us his opinion as to what needs to be done. We also note your advice that prompt action is necessary.

Respectfully yours,

UNITED VERDE COPPER CO.

By_____

11-20-1911: Letter to LeRoy Anderson from United Verde Copper Co. regarding protecting rights to the water of the big springs adj



Shea Springs Tract

(Tract 14)

Company: P D

BRIEF OF INSTRUMENT

Kind of instrument: Patent from United States of America

Date of instrument: June 11 1931

Parties to instrument: USA to United Verde Copper Co

Brief outline of provisions:

In exchange for a tract in Tusayan National Forest USA conveys NE¼ SW¼ Sec 15, T 16N, R 3E, G & S R Meridian

GLO Patent No. 1047031

Phoenix LO No. 069285

On Oct 30 1911 D. J. O'Shea et ux deeded to UVCCo 240 acres known as Shea Home Ranch, including all water rights, etc., particularly 29/96ths of the Rich Brewer Company Tunnel Ditch and water rights and the Goodwin Spring and all water therefrom. It was believed at the time the spring (Goodwin or Shea or Big Spring) was on Shea ground; after discovering this was not the case UVCCo acquired the ground it was on, as above.

No filing found on waters of this spring.

Notations re reservations, etc:*

"Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States."

Place and date of recording: Prescott July 9 1931 Book 154 Deeds, Page 17

Tract designation on general map: Tract 14

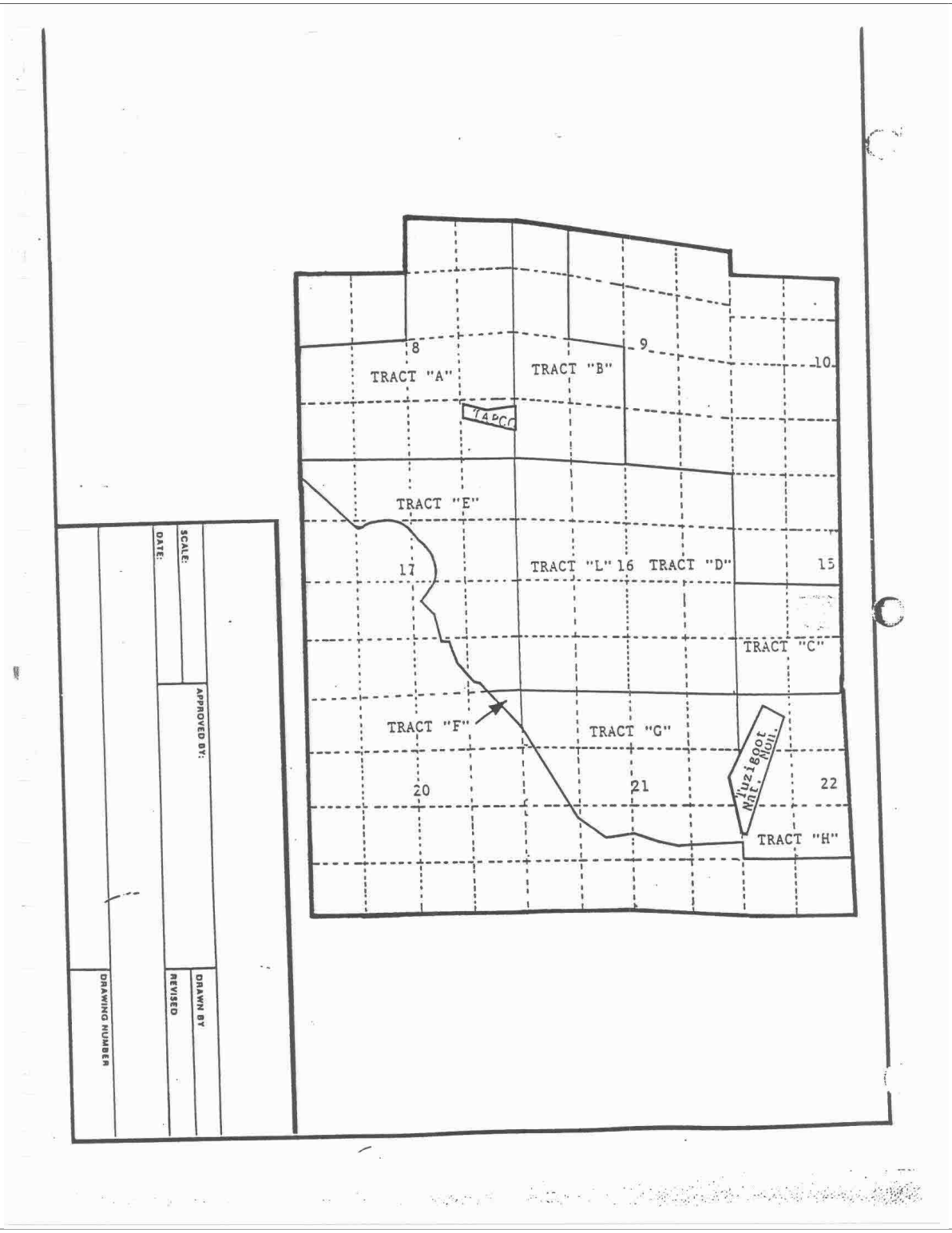
Detail plat in Clarkdale or Jerome file: Property File - 32

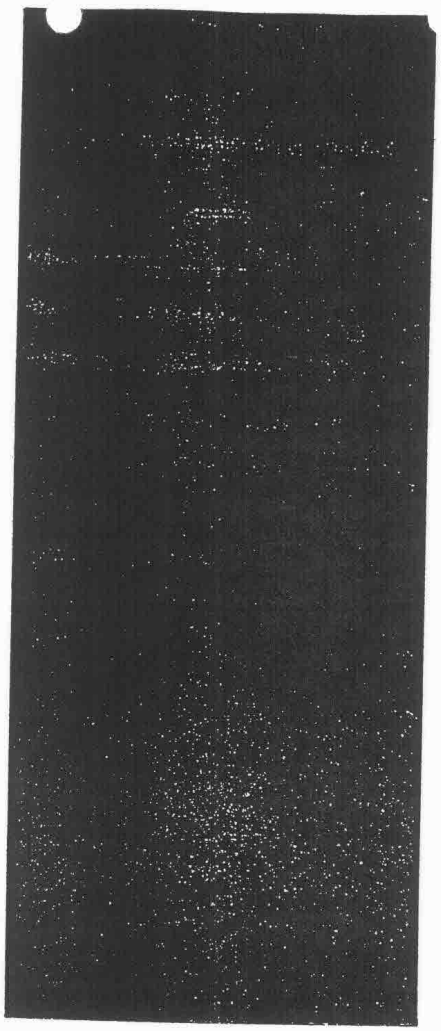
*Such as rights of way reverting to original owner.

Chain of Title

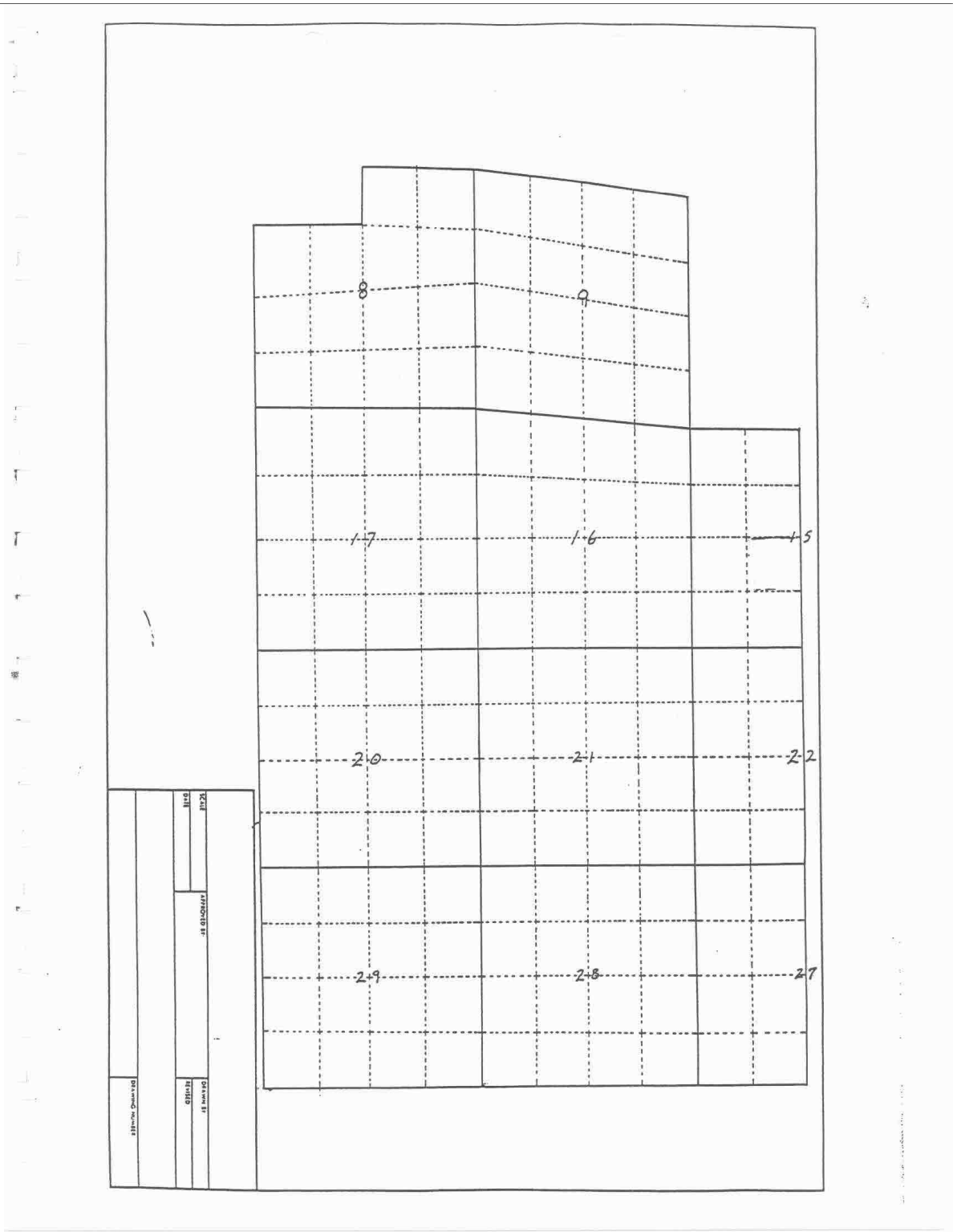
Shea Springs Tract

1. Patent - USA to United Verde Copper Co.
   NE¼ of SW¼ section 15 T16N, R3E
   June 11, 1931 Book 154 page 17.


8
9
10
TRACT "A"
TRACT "B"
TAPCO
TRACT "E"
17
TRACT "L" 16
TRACT "D"
15
TRACT "C"
TRACT "F"
TRACT "G"
Tuzigoot Nat. Mon.
20
21
22
TRACT "H"
DATE:
SCALE:
APPROVED BY:
DRAWING NUMBER
REVISED
DRAWN BY



N.Y. File #796


8
9
17
16
15
20
21
22
29
28
27
Drawing Number
Revised
Drawn By

Phoenix 069285. 4—1040

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, the United Verde Copper Company, being the owner of a certain tract of land situated and included within the limits of the Tusayan National Forest, Arizona, has, under the provisions of the Act approved March 20, 1922 (42 Stat. 465), entitled "An Act To consolidate national forest lands", reconveyed and relinquished the said Tract to the United States and has, under the provisions of said Act, selected in lieu thereof the following described tract of land:

The northeast quarter of the southwest quarter of Section fifteen in Township sixteen north of Range three east of the Gila and Salt River Meridian, Arizona, containing forty acres, according to the Official Plat of the Survey of the said Land, on file in the General Land Office:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said United Verde Copper Company, and to its successors, the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said United Verde Copper Company, and to its successors and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Herbert Hoover, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the ELEVENTH day of JUNE in the year of our Lord one thousand nine hundred and THIRTY-ONE and of the Independence of the United States the one hundred and FIFTY-FIFTH

By the President: Herbert Hoover

By Leslie E Dietz, Secretary,

Emma L. Warren
Recorder of the General Land Office.

RECORDED: Patent Number 1047031

SNX

Chain of Title

Shea Home Ranch

1. Patent - USA to Thomas Goodwin Sr. for W½ of SW¼ and SE¼ of SW¼ section 15 and NE¼ of NW¼ section 22 T16N, R3E December 31, 1890 Book 52 page 181.

2. Decree of Distribution - John Goodwin Sr. to John Goodwin Jr. W½ of SW¼ and SE¼ of SW¼ section 15 and NE¼ of NW¼ section 22 T16N, R3E. October 14,1896 Book 40 page 216.

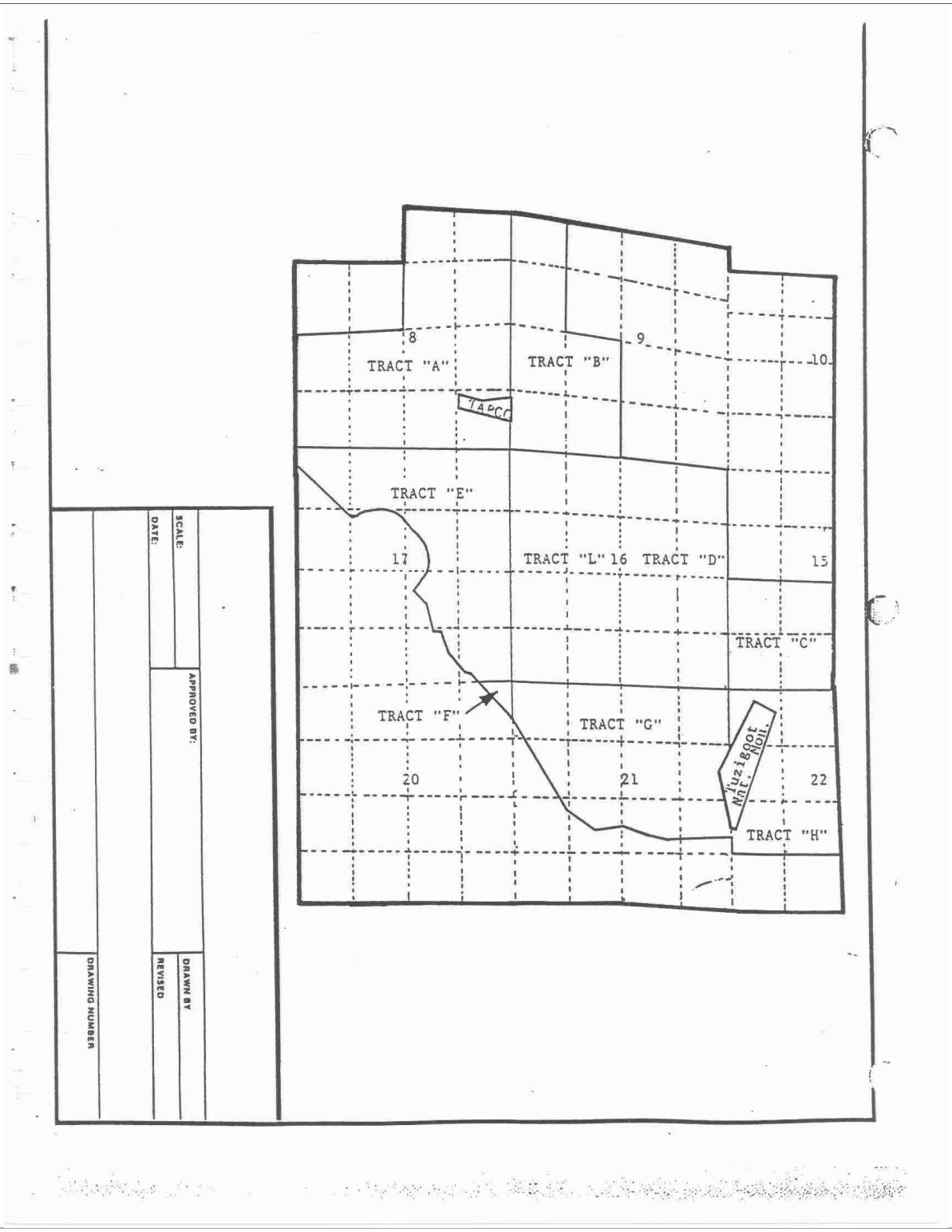
3. John Goodwin Jr. to Margaret M. Goodwin, wife W½ of SW¼ and SE¼ of SW¼ section 15 and NE¼ of NW¼ section 22 T16N, R3E February 4,1897 Book 50 page 40.

4. John Goodwin Jr. and Margaret M. Goodwin, wife to D. J. Shea same property as No.'s 1, 2 and 3 above. September 5, 1900.

5. Patent - USA to D. J. O'Shea for NE¼ of NE¼ section 21 and NW¼ of NW¼ section 22 T15N, R3E April 26,1906 - Book 91 page429.

6. D. J. O'Shea and wife to UVCCo. W½ of SW¼ and SE¼ of SW¼ section 15 and NE¼ of NW¼ and NW¼ of NW¼ section 22 and NE¼ of NE¼ section 21 T16N, R3E October 30, 1911 Book 88 page 556.

10-30-1911: Chain of Title, cont



phelps dodge Corporation Copper Queen Branch, Bisbee, Arizona 85603

April 16, 1987

Charles M. Holt, Chief
Regulatory Branch
Los Angeles District
Corps of Engineers
Department of the Army
P.O. Box 2711
Los Angeles, California 90053-2235

Dear Mr. Holt: -

This responds to your letter dated March 31, 1987 in which you refer to John Tavasci, Sr., Phelps Dodge Corporation or their contractors, "constructing a drainage channel, with an associated discharge of dredge material, into Tavasci Marsh, in Yavapai County, Arizona." The drainage ditch to which you refer is on land owned by Phelps Dodge and leased to Mr. Tavasci under a Lease Agreement (the "Lease") dated December 17, 1965.

We are informed of the following information by Mr. Tavasci. The drainage ditch to which you refer has been in existence since at least 1925 and Mr. Tavasci has cleaned out the channel every year for at least the last 20 years. Mr. Tavasci's cattle have been grazing on the leased lands, including the marsh area, since 1928. None of the marsh area has been fenced or otherwise isolated from the remainder of the leased lands. The drainage ditch cleaning that Mr. Tavasci recently carried out has been no different than the annual cleaning conducted for at least the past 20 years.

Because the drainage ditch maintenance was a part of a continuing ranching activity which did not bring any area of land into a use to which it was not previously subject, the activity is exempted pursuant to 33 U.S.C. § 1344(4)(1). See, Conant v. United States, 786 F.2d 1008 (11th Cir. 1986); U.S. v. Akers, 785 F.2d 814 (9th Cir. 1986); Avoyelles Sportmen's League v. Alexander, 473 F. Supp. 525 (D.W.D. La. 1979). Further, the regulations exempt "the maintenance (but not construction) of drainage ditches." 33 C.F.R. § 323.4(a)(3). Therefore, without considering other questions such as whether this land area is subject

to the Clean Water Act, it is clear that Mr. Tavasci's activities are exempted from that Act.

Section 6 of that Lease provides:

> It is understood and agreed that Lessor [Phelps Dodge Corporation] has no control over the management and farming of the said premises; that lessee [John Tavasci, Sr.] is an independent contractor, and that lessor is not and shall in no wise be liable for any injury to or death of lessee, his employees, or his or their families, or of any other person or persons, suffered in, on or about said demised premises or resulting from any cause whatsoever in, on or about said demised premises; and lessor is not and shall not be liable for any injury or damage to any property belonging to lessee or any other person or persons, incurred or received on, in or about said demised premises.

Without considering whether this maintenance of a drainage ditch is exempt under 33 U.S.C., §1344(f)(1), it is clear that Phelps Dodge Corporation, being only the lessor of the property and not having been involved in the performance of the activity on the property, is not subject to any violations of the Clean Water Act resulting from the activity carried out on this property by Mr. Tavasci. See, 33 C.F.R. §§325.1(c), 325.2(d)(7) and 326.2. It is the "person proposing to undertake" a regulated activity who must apply for a permit and who must sign the permit application. 33 C.F.R. §§ 325.1(c), 325.1(d)(7). When the district engineer becomes aware of any unauthorized activity, he shall immediately issue an order prohibiting further work "to all persons responsible for and/or involved in the performance of the activity." 33 C.F.R. § 326.2(a). Phelps Dodge has not undertaken, been responsible for or been involved in the drainage ditch maintenance. Therefore, we suggest that your office work with Mr. Tavasci regarding the subjects raised in your letter.

Pursuant to your request, there are enclosed a map (dated in 1943) showing the drainage ditch as it existed then and presently exists and a cross sectional view of the maintenance which was done after October 5, 1984. Even though this drainage ditch maintenance is exempted under

the Clean Water Act, and Phelps Dodge Corporation is not responsible for any of the activities carried out by Mr. Tavasci on the property subject to the Lease, we have asked Mr. Tavasci, and he has agreed, to refrain from any further maintenance of the drainage ditch. We understand that Mr. Tavasci is responding further to your letter. Please contact me if you have any questions arising from this response to your letter.

Sincerely,

John H. Ladd

JHL
Enclosures

cc: Mr. John Tavasci, Sr.

April 17, 1987

Department of the Army
Office of the chief
Regulatory Branch
P.O. Box 2711
Los Angeles, California 90053-2325

Dear Mr. Holt:

Whoever brought to your attention that we were "constructing a drainage channel, with an associated discharge of dredged material, into Tavasci Marsh" was completely mistaken. If he had had the courtesy to ask me what I was doing I would have told him and shown him that I was doing my annual cleaning of an existing drainage ditch.

My family and I have leased this land since 1928 and this ditch has been there and been cleaned as needed. I know I have had the ditch cleaned every year for the past 20 years.

I have enclosed a copy of the district map showing the Clarkdale Dairy lease portion. Please note the date of May 21, 1943 and also note the ditch which starts at Pecks Lake and goes past Taylor Spring and on to the Verde River.

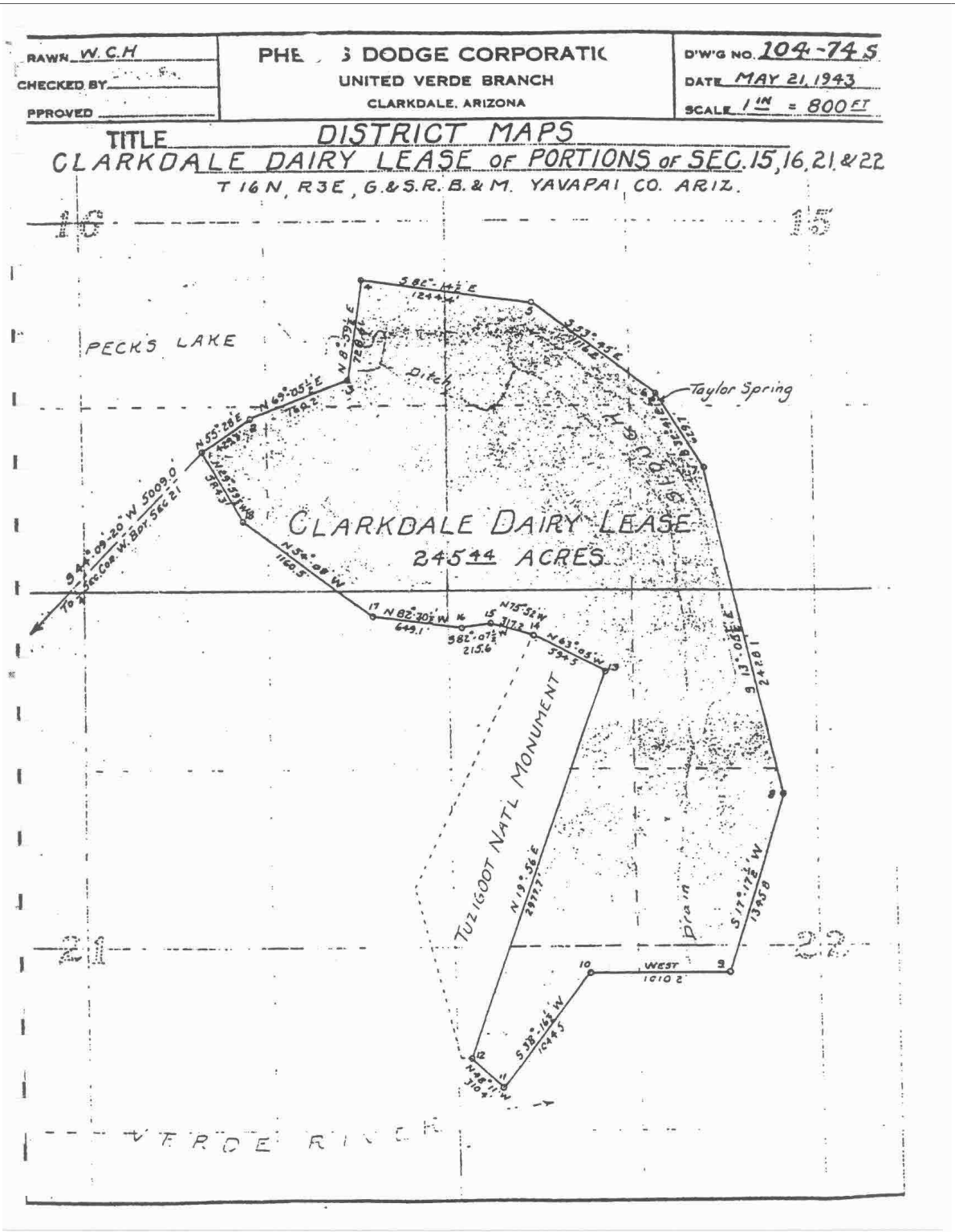
That area is used as a pasture land for the cows and is important to our operation. My and my family's livestock have grazed on this entire area since at least 1928. The wet areas have never been fenced from the other leased pasture and my livestock have always grazed in the same area where they are now grazing. The work I have done in cleaning the drainage ditch is no different than what I have been doing each year at least in the past 20 years.

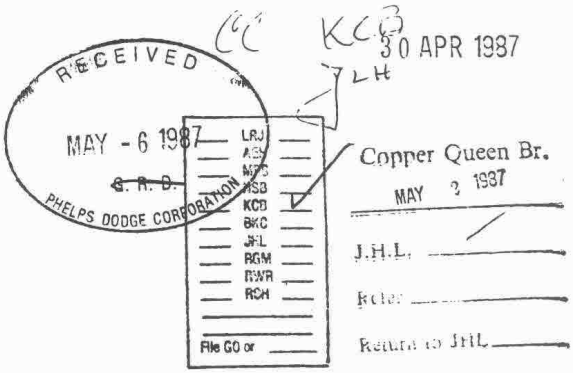
As it is, we have many cows into the slough and get bogged down and have to be rescued. Some even die.

We have obeyed your request and have ceased cleaning the ditch until further notice from you and Phelps Dodge. I understand Phelps Dodge is also responding to your letter. Please let me know if you need additional information.

Sincerely,

John Tavasci, Sr.
P.O. Box 249
Cottonwood, Arizona 85326


DRAWN W.C.H
CHECKED BY
APPROVED
PHE 3 DODGE CORPORATIC
UNITED VERDE BRANCH
CLARKDALE, ARIZONA
D'W'G NO. 104-745
DATE MAY 21, 1943
SCALE 1 IN = 800 FT
TITLE DISTRICT MAPS
CLARKDALE DAIRY LEASE OF PORTIONS OF SEC. 15, 16, 21 & 22
T 16 N, R 3 E, G. & S. R. B. & M. YAVAPAI CO. ARIZ.
16
15
PECK'S LAKE
Ditch
Taylor Spring
CLARKDALE DAIRY LEASE
24544 ACRES
TUZIGOOT NATL MONUMENT
Dr'a in
WEST
21
22
VERDE RIVER



Office of the Chief
Regulatory Branch

John Tavasci, Sr.
P. O. Box 249
Cottonwood, Arizona 85326
Dear Mr. Tavasci:

Reference is made to your letter of April 17, 1987 in which you responded to our letter of March 31, 1987 requesting additional information concerning a drainage channel into Tavasci Marsh. Supplemental information was provided by Phelps Dodge Corporation (April 16, 1987).

Based on the information furnished in your letter (referenced above), we have determined that your proposed project is not subject to our jurisdiction. Therefore, no permit is required from our office.

The receipt of your letter is appreciated.

Sincerely,

Richard Harlacher
Acting Chief, South Coast Section

cc: Phelps Dodge

Ken C. Bennett
Phelps Dodge Corp., Suite 1
2600 N. Central
Phoenix, Az 85004

AGREEMENT AND AMENDMENT OF AGREEMENT

THIS AGREEMENT AND AMENDMENT OF AGREEMENT ("This Agreement") is made and entered into on the 15th day of January, 1990 between the STATE OF ARIZONA, acting herein by and through the Arizona Game and Fish Commission, hereinafter referred to as the "Commission", and PHELPS DODGE CORPORATION, hereinafter referred to as "Phelps Dodge".

WHEREAS, the Commission and Phelps Dodge have heretofore entered that Agreement dated April 24, 1951 relating to Show Low Lake and surrounding lands, which Agreement is recorded in Book 5, Pages 517-519, in the records of Navajo County, Arizona and has been amended by the following:

1. Supplemental Agreement dated August 18, 1955;
2. Supplemental Indenture dated October 11, 1963, recorded in Docket 290, Pages 385-387;

hereinafter referred to collectively as the "1951 Agreement";

WHEREAS, uncertainties have been raised regarding some provisions of the 1951 Agreement which the Commission and Phelps Dodge desire to resolve by amending the 1951 Agreement and entering This Agreement;

WHEREAS, the Commission and Phelps Dodge desire to cooperate in the management of Show Low Lake, a riparian area near Tuzigoot National Monument known as Tavasci Marsh and another riparian area on the Verde River upstream from Tavasci Marsh known

as Packard Ranch and to cooperate in conservation programs and quality real estate developments at Show Low Lake and Verde Valley Ranch.

NOW, THEREFORE, in consideration of the covenants and conditions hereinafter set forth, it is mutually agreed as follows:

I. Show Low Lake

1.1 Upon execution of This Agreement, Phelps Dodge shall convey to the Commission as a gift for fish, wildlife, public recreational and related purposes that tract of land consisting of approximately eight (8.0) acres situated on the shore of Show Low Lake in Navajo County, Arizona described as follows and shown on the plat (not to scale) attached hereto as Exhibit A (referred to hereinafter as "Donated Lands"):

Being a portion of the northwest quarter of Section 10, Township 9 North, Range 22 East, G.&S.R.B.&M., Navajo County, Arizona, more particularly described as follows:

COMMENCING at the west Quarter Corner of said Section 10; THENCE S89 degrees 33'27"E, 495.00 feet to a point marking the centerline and beginning of a 60.00 foot wide highway easement described in Docket 312, Page 959; THENCE N36 degrees 41'05"W, along said centerline, 87.87 feet to a point marking the beginning of a tangent curve, having a radius of 302.92 feet to the right; THENCE northwesterly, continuing along said centerline and along the arc of said curve, through a central angle of 22 degrees 24'26", having an arc distance of 118.47 feet; THENCE N14 degrees 16'39"W, continuing along said centerline, 28.00 feet; THENCE N75 degrees 43'21"E, 20.00 feet to the easterly edge of pavement in the aforementioned easement, said point also marking the POINT OF BEGINNING; THENCE along said easterly edge of pavement the following courses and distances:

DOCKET 992 PAGE 223

N14 degrees 16'39"W, 211.00 feet to a point marking the beginning of a tangent curve, having a radius of 801.02 feet to the right; THENCE northerly, along the arc of said curve, through a central angle of 08 degrees 21'35", having an arc distance of 116.87 feet; THENCE N05 degrees 55'04"W, 562.22 feet; THENCE, leaving said edge of pavement, N89 degrees 14'52"E, 304 feet, more or less to a point at the elevation of 6535 feet (based on the elevation of the northwest corner of said Section 10 being 6561 feet as shown on the Show Low South Quadrangle, mapped, edited, and published by the U.S.G.S. and dated 1977); THENCE S14 degrees 07'59"E, 121.63 feet, more or less, to a point at said elevation of 6535 feet; THENCE S25 degrees 23'45"E, 109.59 feet, more or less, to a point at said elevation of 6535 feet; THENCE S33 degrees 09'48"E, 120.65 feet, more or less, to a point at said elevation of 6535 feet; THENCE S34 degrees 52'31"E, 120.67 feet, more or less, to a point at said elevation of 6535 feet; THENCE S35 degrees 08'55"E, 119.85 feet, more or less, to a point at said elevation of 6535 feet; THENCE S38 degrees 11'27"E, 95.43 feet, more or less, to a point at said elevation of 6535 feet; THENCE S38 degrees 34'30"E, 64.01 feet, more or less, to a point at said elevation of 6535 feet; THENCE S66 degrees 18'40"W, 604 feet, more or less, to the POINT OF BEGINNING.

The said conveyance shall be by quitclaim deed in the form attached hereto as Exhibit B. The Commission and Phelps Dodge agree that the following conditions shall apply to the Donated Lands:

A. The conveyance to the Commission shall reserve to Phelps Dodge an easement over the north three hundred fifty (350) feet of the Donated Lands on which Phelps Dodge, its affiliates, successors or assigns may construct any improvements needed to meet dam safety requirements.

B. The Commission shall prohibit vehicular traffic between the high and low water level of the lake within the Donated Lands except for boat launching and emergency purposes.

C. The Commission shall maintain the Donated Lands in a clean and orderly condition and all facilities will be constructed and operated in a way which will comply with all laws and regulations and will not cause water pollution or unsightly or odoriferous conditions.

D. The Commission shall design and construct any facilities on the Donated Lands in a manner consistent with public park purposes and to maintain attractive appearances conforming to the overall quality of the lake area. The Commission shall consult with Phelps Dodge with regard to the architecture and location of any facilities to be constructed on the Donated Lands and shall comply with reasonable requests of Phelps Dodge with respect to such architecture and location to the extent that funds are available to comply with such requests.

1.2 The use, development and management of Show Low Lake and the shore of Show Low Lake extending from the low water mark to twenty (20) feet horizontally away from Show Low Lake from the top of the spillway elevation (being at elevation 6,570 feet) ("Show Low Lake and Lands") shall be subject to the following

DOCKET 992 PAGE 225

conditions:

A. The Commission and the general public shall have access from Show Low Lake Road and Kiewatt Lane to Show Low Lake dam (except during spillway overflows) and to the Donated Lands.

B. The Commission and the general public shall have access from the Donated Lands and Show Low Lake dam to, and the right to use, the entire water body of Show Low Lake subject only to restrictions necessary for safety and maintenance and operation of the dam, spillway and pumping facilities.

C. The general public shall have an easement from the Donated Lands and Show Low Lake dam around the entire shore of Show Low Lake extending from the low water mark to 20 feet horizontally away from Show Low Lake from the top of the spillway elevation (being at elevation 6,570 feet) (the "Shoreline Easement"). The Shoreline Easement will be for public non-vehicular use with no camping or fires permitted and without limiting Phelps Dodge's rights to place and maintain private improvements within the Shoreline Easement which do not prevent public use of the Shoreline Easement. Such improvements may include boat docks for homeowners associations and for lodging facilities but shall not include boat docks for individual residences.

DOCKET 992 PAGE 226

D. The Shoreline Easement shall be attached to and run with the land within the Shoreline Easement. No land within the Shoreline Easement may be conveyed without the conveyance expressly excepting the Shoreline Easement.

E. The Commission shall have the right to manage the waters of Show Low Lake for fish, wildlife and recreation purposes including vegetation programs, stocking and studies, law enforcement, and management of other aquatic wildlife associated with Show Low Lake. Phelps Dodge and the Commission shall each have the right and shall cooperate to enhance the fishery and the waters of Show Low Lake.

F. The parties hereto agree that this Section 1.2 of this Agreement shall remain in effect and run with the land. Phelps Dodge agrees that any conveyance of Show Low Lake and Lands or parts thereof shall be subject and make reference to This Agreement.

1.3 Sub-paragraph (3)(d) is hereby deleted from the 1951 Agreement and said Sub-paragraph (3)(d) shall be of no further force and effect. Except with respect to the deletion of the said Sub-paragraph (3)(d), all other provisions of the 1951 Agreement shall remain in full force and effect.

1.4 Nothing in this Agreement shall be deemed to interfere with any rights of record affecting Show Low Lake and

DOCKET 992 PAGE 227

Lands or with the rights of Phelps Dodge, its subsidiaries, affiliates and successors to use, manage, maintain and rehabilitate Show Low Lake and Lands, and to use, manage, maintain, repair, modify or replace Show Low Lake dam and appurtenances, for the supply of water for mining, metallurgical and related purposes.

II. Verde Valley Riparian Areas

2.1 The Commission and Phelps Dodge hereby agree to cooperatively manage that land located in Sections 15 and 22, Township 16 North, Range 3 East, Yavapai County, Arizona, shown on the plat (not to scale) attached hereto as Exhibit C (referred to hereinafter as the "Tavasci Marsh Land") and that land in Sections 7 and 8, Township 17 North, Range 3 East, Yavapai County, Arizona, shown on the plat (not to scale) attached hereto as Exhibit D (referred to hereinafter as "Packard Ranch Lands") (said Tavasci Marsh Lands and Packard Ranch Lands being referred to hereinafter collectively as the "Riparian Areas") upon the following terms and conditions:

A. Except as specifically provided for hereinafter, Phelps Dodge will not construct or allow the construction of any structures within the Riparian Areas without the consent of the Commission.

B. This Section 2.1 of This Agreement shall remain in effect and run with the Riparian Areas unless and until any portion of the Riparian Areas is conveyed to one of the following federal or state governmental agencies

DOCKET 992 PAGE 228

(or their successors) at which time the rights of the Commission under this Section 2.1 shall be transferred to the grantee with respect to the conveyed portion:

National Park Service
U.S. Bureau of Land Management
U.S. Bureau of Reclamation
U.S. Fish and Wildlife Service
U.S. Forest Service
Arizona Game and Fish Department
Arizona State Land Department
Arizona State Parks Board

In the event any of the Riparian Areas or portions thereof are conveyed to a recognized national conservation organization, this Section 2.1 of this Agreement shall terminate with respect to such conveyed portion and such conveyance shall provide that (1) such conservation organization shall elect either to manage and use such conveyed lands only for marsh, riparian habitat and wildlife purposes or to allow the Commission to manage the said conveyed lands for the same purposes while such conveyed lands are owned by the conservation organization and (2) the conservation organization may convey the said lands only to one of

DOCKET 992 PAGE 229

the federal or state governmental agencies listed above in this Paragraph B. Phelps Dodge may reserve from any such conveyance to one of the listed federal or state agencies or conservation organizations the rights provided to Phelps Dodge under Paragraphs E, F, G, H, I, J, K, and L of this Section 2.1. In the event that any of the Riparian Areas or portions thereof are conveyed to a party other than one of the federal or state agencies listed above or other than a recognized national conservation organization, the parties hereto agree that any such conveyance shall be subject to and make specific reference to this Agreement.

C. Grazing on the Packard Ranch Land and Tavasci Marsh Land may continue, under specific guidelines established by the Commission, until such time as wildlife habitat improvement plans are developed and implemented except that Phelps Dodge will terminate the existing grazing lease, in accordance with the provisions of that grazing lease, on that portion of the Tavasci Marsh Land which lies north of the Tuzigoot Road designated on Exhibit C hereto. The Commission will erect and maintain the fences around the Riparian Areas to exclude livestock and not the public, when the grazing leases are terminated.

DOCKET 992 PAGE 230

D. The Commission may restore the wetland character of the Riparian Areas and carry out habitat improvement and modification by vegetation control, drainage modifications and transplantation of species which are not designated or proposed for designation at the time of transplantation in any legally protected category which could cause significant interference with Phelps Dodge's present or future use of other lands.

E. Phelps Dodge shall have the first right to use water from Shea Springs situated north of the Tavasci Marsh Land as long as the supply to the Tavasci Marsh Land (which may include Phelps Dodge providing supplemental water of equivalent quality from other sources) is not significantly less than would be supplied under natural conditions from Shea Springs.

F. Phelps Dodge will have the right to maintain, and Phelps Dodge and the public shall have the right to use, existing roads and paths through the Riparian Areas. Existing roads and paths may be eliminated only with the approval of Phelps Dodge and pursuant to applicable law. The Commission and the public shall have a nonexclusive easement at locations designated by Phelps Dodge entering the Southwest Quarter of Section 15 and the Northwest Quarter of Section 22 from the Southeast Quarter of Section 16, Township 16 North,

Range 3 East.

G. The main ditch to the Verde River from Pecks Lake along the west side of the Tavasci Marsh Land shown on Exhibit C hereto may be maintained, improved and used by Phelps Dodge for drainage control of Pecks Lake.

H. Phelps Dodge will have the right of ingress and egress through the Riparian Areas to areas within the Riparian Areas which are not subject to this Agreement and to areas outside the Riparian Areas along existing routes and other routes to be selected by Phelps Dodge in consultation with the Commission within the corridors designated as "Future Access Corridors" on Exhibits C and D hereto.

I. Upon approval and issuance of the necessary permits by the Arizona Department of Environmental Quality ("ADEQ"), Phelps Dodge will have the right to utilize a portion of the Tavasci Marsh Land, not to exceed 15 acres, for outflow facilities and the development of enhanced and constructed wetlands. The location of such facilities will be selected in consultation with the Commission in the northernmost portion of the Tavasci Marsh Land subject to ADEQ compliance requirements.

J. The Commission and Phelps Dodge will cooperate in the development of appropriate paths and observation

stations through the Riparian Areas for the public. The Commission will bear the cost and consult with Phelps Dodge in selecting the locations of the paths and observation stations.

K. It is understood that natural and diverted storm water flows will pass over the Riparian Areas, provided that the Commission may review and make recommendations to Phelps Dodge on the locations and nature of any storm water diversion facilities, and provided further that the Commission and Phelps Dodge shall cooperate to minimize storm damage potential from diverted storm water flows.

L. Phelps Dodge shall have the right to construct utility facilities over the Riparian Areas at locations determined by Phelps Dodge in consultation with the Commission except that no utility facilities shall be constructed within the portion of the Tavasci Marsh Lands lying within the Northeast Quarter of the Northwest Quarter of Section 22 or lying within the Southwest Quarter of Section 15 except as needed to service the facilities provided for in Paragraph I of this Section 2.1.

M. The Commission may prohibit and enforce the prohibition against the cutting of trees within the Riparian Areas.

DOCKET 992 PAGE 233

IN WITNESS WHEREOF, the parties have caused This Agreement to be executed as of the date first written above.

ATTEST:

Secretary and Director

ARIZONA GAME AND FISH COMMISSION

By Frances W. Werner
Chairman

Approved as to form:

APKER, APKER, HAGGARD & KURTZ, P.C.

JHH 1/4/90

PHELPS DODGE CORPORATION

By

Its Vice President & General Manager

STATE OF ARIZONA)
)ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 10th day of January, 1990 by Frances W. Werner, acting by and through the Arizona Game and Fish Commission.

Notary Public

My Commission expires:

March 3, 1991

STATE OF ARIZONA)
) ss.
County of Maricopa)

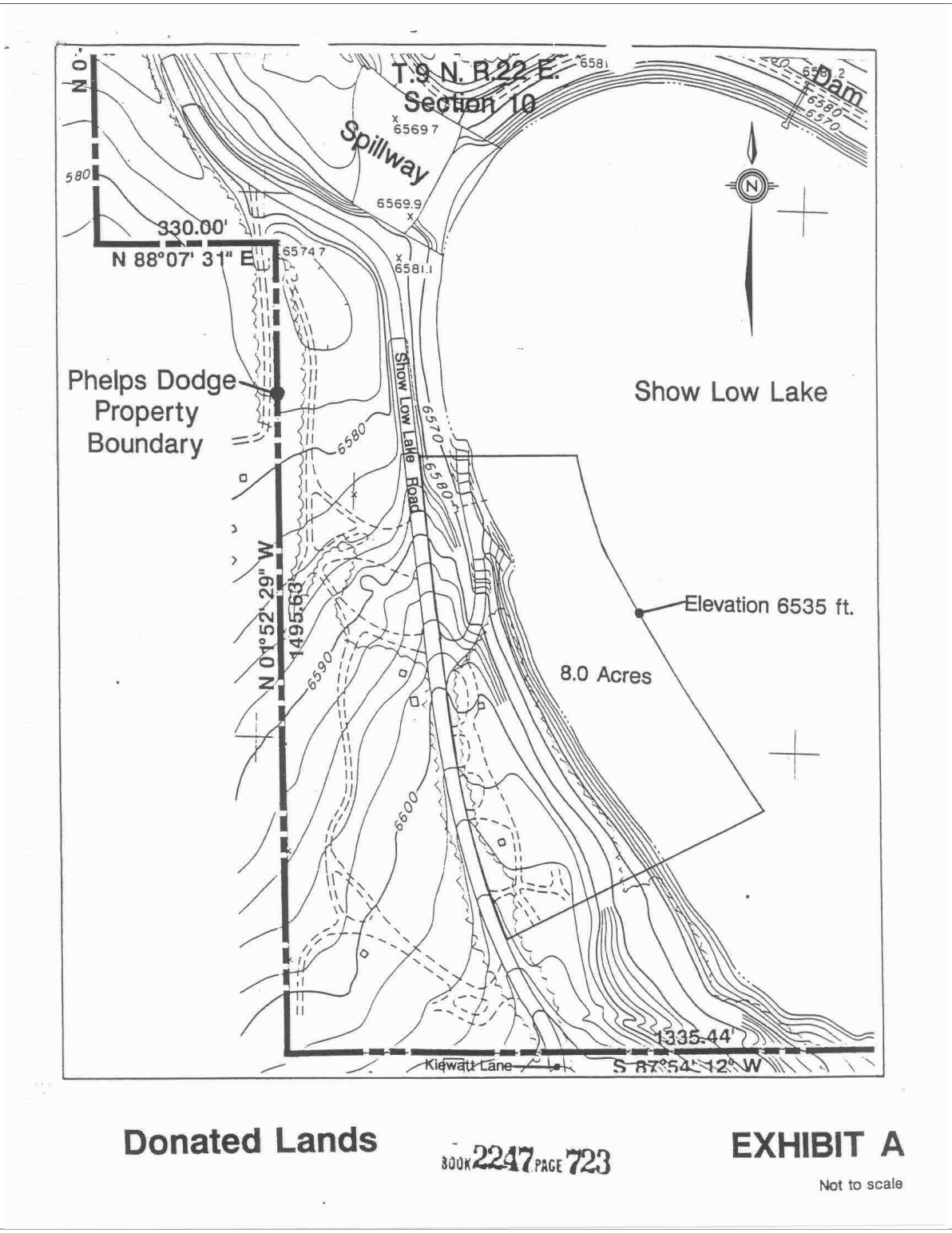
The foregoing instrument was acknowledged before me this 15th day of January, 1990 by A.E. Himebaugh, Vice Pres. & Gen. Manager of Phelps Dodge Corporation on behalf of the Corporation.

Judy E. Howle
Notary Public

My Commission expires:

_____

OFFICIAL SEAL
JUDY E. HOWLE
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Nov 20, 1992



Donated Lands

BOOK 2247 PAGE 723

EXHIBIT A

Not to scale

This deed is exempt from the requirements of A.R.S. § 42-1612 by A.R.S. § 41614.A.3.

QUIT CLAIM DEED AND RIGHT OF WAY

PHELPS DODGE CORPORATION, a New York corporation, ("Grantor") for valuable consideration, quit claims to the STATE OF ARIZONA acting herein by and through the ARIZONA GAME AND FISH COMMISSION ("Grantee") the following described real estate situated in Section Ten (10), Township Nine (9) North, Range Twenty-two (22) East G&SRB&M, Navajo County, Arizona:

Being a portion of the northwest quarter of Section 10, Township 9 North, Range 22 East, G.&S.R.B.&M., Navajo County, Arizona, more particularly described as follows:

COMMENCING at the west Quarter Corner of said Section 10; THENCE S89 degrees 33'27"E, 495.00 feet to a point marking the centerline and beginning of a 60.00 foot wide highway easement described in Docket 312, Page 959; THENCE N36 degrees 41'05"W, along said centerline, 87.87 feet to a point marking the beginning of a tangent curve, having a radius of 302.92 feet to the right; THENCE northwesterly, continuing along said centerline and along the arc of said curve, through a central angle of 22 degrees 24'26", having an arc distance of 118.47 feet; THENCE N14 degrees 16'39"W, continuing along said centerline, 28.00 feet; THENCE N75 degrees 43'21"E, 20.00 feet to the easterly edge of pavement in the aforementioned easement, said point also marking the POINT OF BEGINNING; THENCE along said easterly edge of pavement the following courses and distances:

N14 degrees 16'39"W, 211.00 feet to a point marking the beginning of a tangent curve, having a radius of 801.02 feet to the right; THENCE northerly, along the arc of said curve, through a central angle of 08 degrees 21'35", having an arc distance of 116.87 feet; THENCE N05 degrees 55'04"W, 562.22

Exhibit B

BOOK 2247 PAGE 724

feet; THENCE, leaving said edge of pavement, N89 degrees 14'52"E, 304 feet, more or less to a point at the elevation of 6535 feet (based on the elevation of the northwest corner of said Section 10 being 6561 feet as shown on the Show Low South Quadrangle, mapped, edited, and published by the U.S.G.S. and dated 1977); THENCE S14 degrees 07'59"E, 121.63 feet, more or less, to a point at said elevation of 6535 feet; THENCE S25 degrees 23'45"E, 109.59 feet, more or less, to a point at said elevation of 6535 feet; THENCE S33 degrees 09'48"E, 120.65 feet, more or less, to a point at said elevation of 6535 feet; THENCE S34 degrees 52'31"E, 120.67 feet, more or less, to a point at said elevation of 6535 feet; THENCE S35 degrees 08'55"E, 119.85 feet, more or less, to a point at said elevation of 6535 feet; THENCE S38 degrees 11'27"E, 95.43 feet, more or less, to a point at said elevation of 6535 feet; THENCE S38 degrees 34'30"E, 64.01 feet, more or less, to a point at said elevation of 6535 feet; THENCE S66 degrees 18'40"W, 604 feet, more or less, to the POINT OF BEGINNING.

(the "Granted Lands") together with a nonexclusive right of way over lands owned by Grantor to the Granted Lands for vehicular travel by the employees of Grantee and the general public from Showlow Lake Road and Kiewatt Lane, the said grant of the Granted Lands and easement being for fish, wildlife and public recreation purposes only.

RESERVING AND EXCEPTING to the Grantor, its affiliates, successors and assigns, the following rights:

1. A nonexclusive right of way through the Granted Lands for road and public and private utilities to other lands owned by Grantor;

2. An easement over the north three hundred fifty (350) feet of the Granted Lands on which to construct any improvements needed to meet safety requirements of the Showlow Lake dam and for the area needed for any such construction operations.

3. The right to the reversion of title to the Granted Lands in the event the Granted Lands are used for purposes other than fish, wildlife and public recreation.

SUBJECT TO:

1. That Lease dated April 13, 1981 between Phelps Dodge Corporation as Lessor and Navajo County as Lessee, recorded in Docket 624, Page 930, Official Records of Navajo County, Arizona.

2. That Easement Deed dated February 7, 1986 between Phelps Dodge Corporation as Grantor and Phelps Dodge Morenci, Inc. as Grantee, recorded in Docket 812, Page 837, Official Records of Navajo County, Arizona.

3. Any prior easements existing upon the Granted Lands.

TO HAVE AND TO HOLD the Granted Lands and right of way unto Grantee and its successors, until its use of said Granted Lands be abandoned or until such time as it may forfeit its title to Grantor by using the Granted Lands for purposes other than fish, wildlife and public recreation, at which time all rights hereunder shall revert to Grantor.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed by its duly authorized officer this _____ day of January, 1990.

Approved as to form:

APKER, APKER, HAGGARD & KURTZ, P.C.

_____

PHELPS DODGE CORPORATION

By_____

Its_____

BOOK 2247 PAGE 726

STATE OF ARIZONA)
) ss.
County of Maricopa)

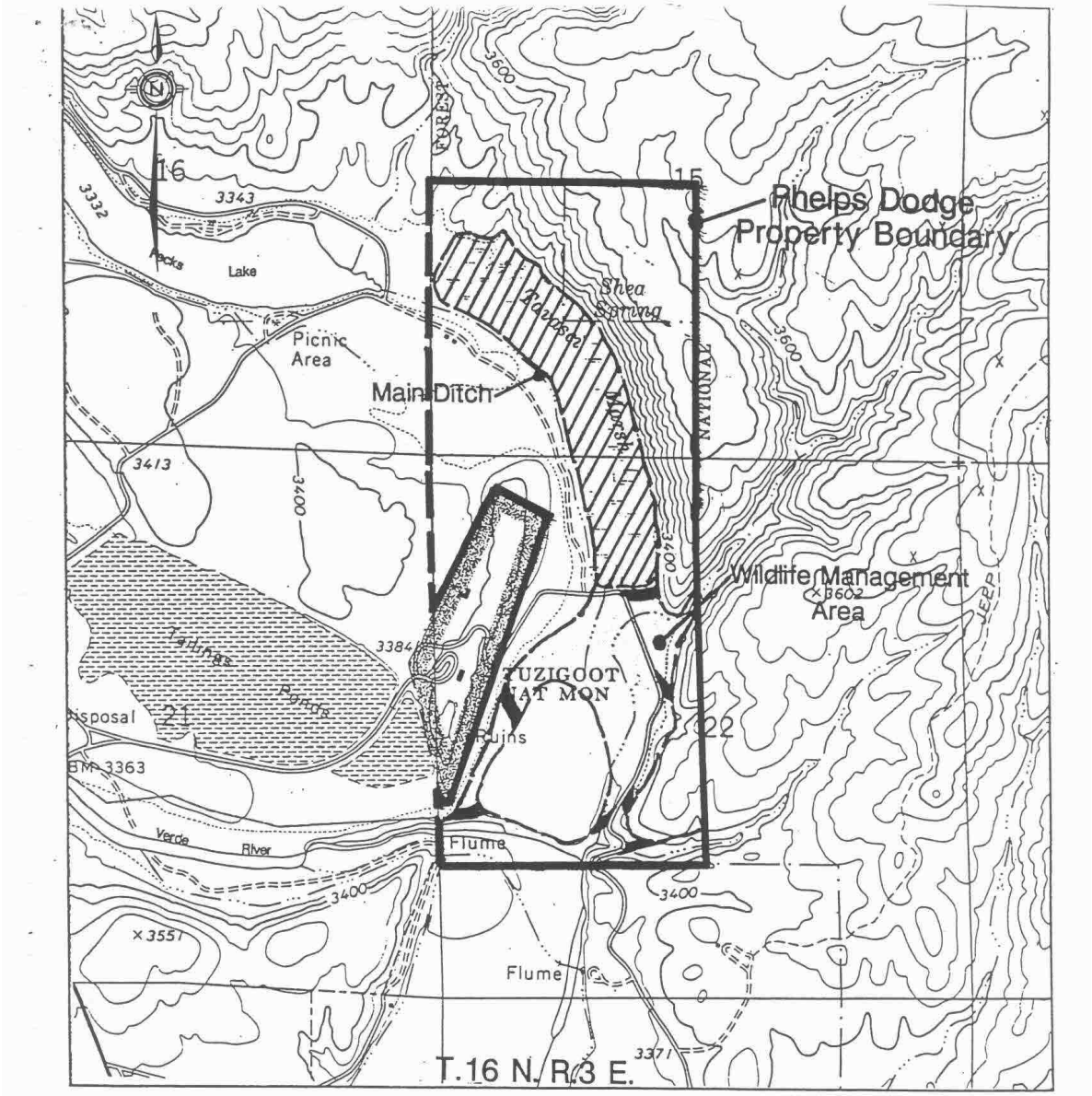
The foregoing instrument was acknowledged before me this _____ day of January, 1990, by _____, _____ of Phelps Dodge Corporation, a New York corporation, on behalf of said Corporation.

_____
Notary Public

My Commission expires:

_____

BOOK 2247 PAGE 727



Wildlife Management Area

TAVASCI MARSH

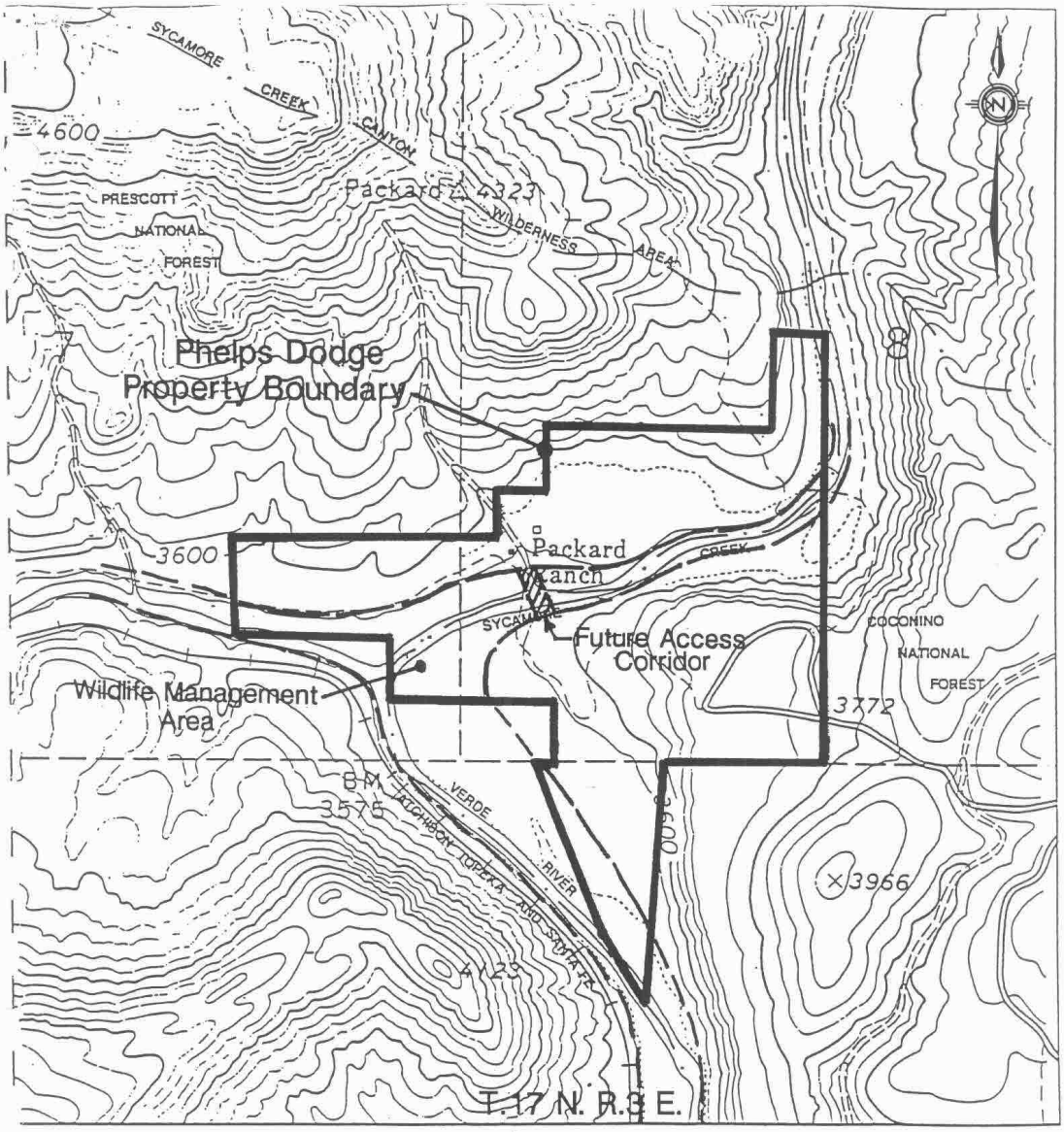
BOOK 2247 PAGE 728

Non-grazing Area

Future Access Corridor

Exhibit C

Not to scale



Wildlife Management Area

PACKARD RANCH

BOOK 2247 PAGE 729

Exhibit D

Not to scale

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES[1]
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. Claimant Name: Phelps Dodge Corporation - Copper Queen Branch
Claimant Address: 36 W. Highway 92 City Bisbee
State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. Basis of Claim:
A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☐ Other, describe: _____

RECEIVED
PUBLICATIONS

3. Claimed Priority Date: Prior to 10/30/11 (month/day/year)

4. Use:
A. ☒ Municipal
B. ☒ Commercial or Industrial
C. ☒ Mining
D. ☒ Stockwatering other than from a stockpond
E. ☒ Recreation, Fish & Wildlife
F. ☐ Other, describe: _____

5. Source of Water:
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Shea Springs, tributary to Verde River
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater

6. Legal description of the Point of Diversion: (attach additional sheet if required)
SW ¼, NE ¼, SW ¼, Section 15, Township 16 N, Range 3 E and
S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

7. If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:
See Irrigation Use Amendment SOC #39-48002.

8. Means of Diversion:
A. ☐ Instream pump
B. ☒ Gravity flow into ditch, canal or pipeline.
C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55-_____
D. ☐ Other, describe _____

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

9. Means of Conveyance:
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land

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

Legal Subdivision	Section	Township	Range
See Attachment A	_____	_____N/S	_____E/W
_____	_____	_____N/S	_____E/W

11. Claimed Right:
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

13. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #14, below

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

15. Mail form(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

16. Additional comments: Beneficial use from before warranty deed in Book 889 Deeds, Pages 556. 10/30/11 Daniel and Margarete O'Shea to United Verde Copper Co. Shea Springs refers to a number of small springs and one large spring. Total quantity includes both irrigation and other uses.

(attach additional sheet if required)

17. Notarized Statement:
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(SEAL)

March 16, 1997
My Commission Expires:

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
OTHER USES AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E
Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E
Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

T 16 N, R 2 E
Sec. 9; all
Sec. 12; S/2 S/2
Sec. 13; NW/4, N/2 NE/4
Sec. 14; N/2, SW/4
Sec. 15; S/2, NW/4
Sec. 16; all
Sec. 17; SW/4
Sec. 20; E/2 E/2
Sec. 21; all
Sec. 22; all
Sec. 26; W/2
Sec. 27; all
Sec. 28; E/2, E/2 W/2
Sec. 33; NE/4
Sec. 34; all
Sec. 35; W/2, SE/4, SE/4 NE/4
Sec. 36; W/2 W/2

T 15 N, R 2 E
Sec. 1; all
Sec. 2; E/2
Sec. 11; E/2 E/2
Sec. 12; W/2, W/2 NE/4
Sec. 13; W/2 W/2
Sec. 14; N/2 S/2, NE/4

WFR:tmp
5-16-95

Shea Springs

RECEIVED AUG 1 1985 DEPT. OF WATER RESOURCES

For Departmental Use Only
File No. 39-48002
Date Filed: 8-1-85
WFN

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

VERDE RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** Phelps Dodge Corporation
   Claimant Address: Copper Queen Branch, Drawer K City Bisbee
   State: Arizona Zip Code 85603 Telephone (602) 432-3621

2. **Basis of Claim:**
   A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☐ Right to withdraw groundwater.
   E. ☐ Other, describe: _____

3. **Claimed Priority Date:** Prior to Oct. 30, 1911 (month/day/year)

4. **Use:**
   A. ☐ Municipal
   B. ☒ Commercial or Industrial
   C. ☐ Mining
   D. ☒ Stockwatering other than from a stockpond
   E. ☒ Recreation, Fish & Wildlife
   F. ☐ Other, describe: _____

5. **Source of Water:**
   A. ☐ Stream: name _____, tributary to _____
   B. ☒ Spring: name Shea Springs, tributary to Verde River
   C. ☐ Lake or Reservoir: name _____, tributary to _____
   D. ☐ Groundwater

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼ S ½, NE ¼ NW ½, SW ¼ SW ½, Section 15 15, Township 16 16 N/S, Range 3 3 E/W and

7. **If there are Irrigation, Domestic or Stockpond uses also supplied from the Point of Diversion, describe:**
   Shea Springs irrigates grazing land and crop land directly below the spring.

8. **Means of Diversion:**
   A. ☐ Instream pump
   B. ☒ Gravity flow into ditch, canal or pipeline.
   C. ☐ Well: Arizona State Land Department, Arizona Water Commission or Arizona Department of Water Resources Intent to Drill File No. _____
   D. ☐ Other, describe _____

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

9. Means of Conveyance:
   A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
   B. ☒ Other, describe: Natural saturation of pasture land.

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

Legal Subdivision	Section	Township	Range
See Attachment 'A'	____	____N/S	____E/W
____	____	____N/S	____E/W

11. Claimed Right:
   A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 806.5 acre-feet
   C. Storage Right: _____ acre-feet

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

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

14. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 8 a.m. to 5 p.m., Monday through Friday.

15. Attach Filing Fee to Form. Mail form(s) and fee(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, AZ 85062.

16. Additional comments: Beneficial use from before warranty deed in Book 889 Deeds, pages 556, 10-30-11, Daniel & Margarite O'Shea to United Verde Copper Co. Shea Spring refers to a number of small springs and one large spring.

(attach additional sheet if required)

17. Notarized Statement:
I (We), Phelps Dodge Corporation
the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

J H Ladd
General Superintendent, Copper Queen Branch

(seal)
My Commission Expires April 19, 1989
My Commission Expires: _____

Mary L. Orr
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT 'A'

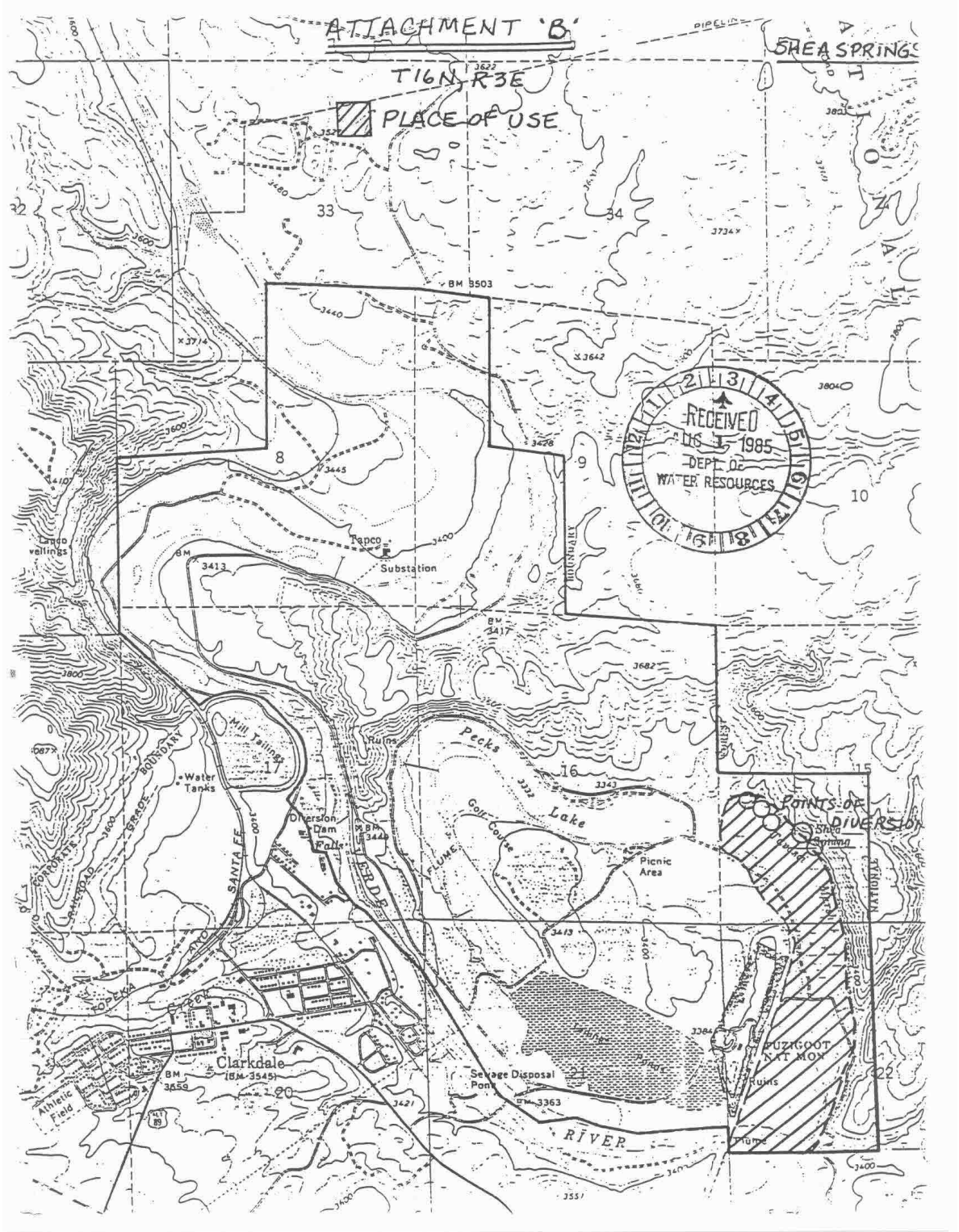
SHEA SPRINGS

Places of Use



Yavapai County

N½ SW¼	Section 22	T16N R3E
SE¼ SW¼	Section 15	T16N R3E
NE¼ NW¼	Section 22	T16N R3E
S½ NW¼	Section 22	T16N R3E


ATTACHMENT 'B'
T16N, R3E
PLACE OF USE
SHEA SPRINGS
PIPELINE
BM 3503
RECEIVED
DEC 1 1985
DEPT OF
WATER RESOURCES
Tapco
Substation
Mill Tailings
Water Tanks
Ruins
Pecks Lake
Golf Course
Picnic Area
POINTS OF DIVERSION
Shea Springs
Diversion Dam
Falls
FLUME
SANTA FE
CORPORATE BOUNDARY
Clarkdale
(BM-3545)
Athletic Field
Sewage Disposal Pond
PUZZGOOT NAT MON
Ruins
RIVER
Flume

STATEMENT OF CLAIMANT FORM
FOR
IRRIGATION USE
AMENDMENT
SUPERIOR COURT OF MARICOPA COUNTY

CLAIM BEING AMENDED
NO. 39-48002

1. Claimant Name: Phelps Dodge Corporation - Copper Queen Branch
Claimant Address: 36 W. Highway 92 City Bisbee
State: Arizona Zip Code 85603 Telephone (520) 432-3621

2. Basis of Claim: Same as other Use Amendment SOC #39-48002
A. ☒ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. 36-25460
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____ Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
E. ☐ Other, describe: _____

RECEIVED

3. Source of Water:
A. ☐ Stream: name _____, tributary to _____
B. ☒ Spring: name Shea Springs, tributary to Verde River
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☐ Groundwater.

4. Legal description of the Point of Diversion: (attach additional sheet if required)
SW ¼, NE ¼, SW ¼, Section 15, Township 16 N. Range 3 E and
S 1/2, NW 1/4, SW 1/4, 15 16 N 3 E

5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:
See Other Use Amendment SOC #39-48002

6. 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: _____

7. Means of Conveyance:
A. ☒ Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: _____
B. ☒ Other, describe: Natural saturation of pasture land.

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)

County: Yavapai

Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
See Attachment A		N/S	E/W		806.5	Prior to 10/30/11
		N/S	E/W			
		N/S	E/W			

9. Claimed Right:

A. Maximum Flow Rate: 500 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches

B. Annual Volume of Water Use: 806.5 acre-feet

C. Storage Right: _____ acre-feet

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

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Arrangements must be made with the person identified in Item #12, below

12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? 7:00 a.m. to 4:00 p.m., Monday through Friday: W.F. Richardson, Morenci Branch, telephone (520) 865-4521, Ext. 273

13. Additional comments: See Other Use Amendment SOC 39-48002

(attach additional sheet if required)

14. Mail form(s) to: Department of Water Resources, P.O. Box 2920, Phoenix, Arizona 85062.

15. Notarized Statement:

I (We), Phelps Dodge Corporation

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my(our) knowledge and belief true, correct and complete.

OFFICIAL SEAL
LINDA M. STACY
Notary Public-State of AZ
GREENLEE COUNTY
My Comm. Expires March 16, 1997
(seal)

March 16, 1997
My Commission Expires:

T. R. Snider, Vice President, Arizona Operations PDMC
President, Phelps Dodge Morenci Inc. DATE: 8-25-95

Linda M. Stacy
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT A

PHELPS DODGE CORPORATION
IRRIGATION USE AMENDMENT
SOC. NO. 39-48002

Places of Use
Yavapai County
(G&SRB&M)

Phelps Dodge Corporation
Property Located Within:

T 17 N, R 3 E

Sec. 7; SE/4 SE/4
Sec. 8; SW/4
Sec. 17; NW/4

T 16 N, R 3 E

Sec. 8; NE/4, S/2
Sec. 9; SW/4, W/2 NW/4
Sec. 15; SW/4
Sec. 16; all
Sec. 17; N/2, SE/4
Sec. 20; NE/4 NE/4
Sec. 21; N/2, N/2 S/2
Sec. 22; NW/4, N/2 SW/4

WFR:tmp
5-16-95

06-29-1979: Statement of Claim of Right to use Public Waters of the State, registry no. 36-25460

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE PUBLIC WATERS OF THE STATE

(LEAVE BLANK)
36- 25460
Registry No.
Filed JUN 29 1979 at 8:36 A.M.
(DATE) (TIME)

Filing Fee $5.00

INSTRUCTIONS:

1. Submit Statement of Claim in duplicate.
2. Answer all questions fully.
3. File separate claim for each claimed right to appropriate and for each source of water.

1. Name of Claimant Phelps Dodge Corporation
(Print Last Name or Name of Co.) (First Name) (Middle Initial)

United Verde Branch, Jerome, Arizona 86331 634-2622
(Address, City, State, Zip) (Phone No.)

2. The purpose(s) and extent of use(s) Industrial and Wildlife
(Examples: Irrigation, Stockwater, Domestic)

(500 g.p.m.)

3. The quantities of water used annually 806.5 acre ft from All year
(Gallons or Acre feet) (Day) (Month)

to _____ each year
(Day) (Month)

4. The date(s) the water was first used beneficially Prior to October 30, 1911
(Month) (Day) (Year)

5. The Name(s) of the water course(s) or Water Source(s) being claimed Shea Springs
(Source Name)

Tributary to Verde River on the Verde River Watershed
(Leave Blank)

6. The point of diversion is within the NE ¼ SW ¼, Section 15,
of Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

7. The Place(s) of use is in the SE NE ¼ SW NW ¼, Section 15 22, of
Township 16 N (N/S), Range 3 E (E/W), G&SRB&M, in the County of Yavapai.

8. The legal basis for the claim Beneficial use from before warranty deed in Book 889 Deeds, page 556, 10-30-11, Daniel & Margarete O'Shea to United Verde Copper Co.
(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA)
) SS
County of Maricopa)

Keith J. Coke being first duly sworn on oath, deposes and states that the foregoing Statement of Claim is true and correct of his own knowledge except as to any matters stated therein to be on information and belief and as to all such matters so stated he believes the same to be true and correct.

Phelps Dodge Corporation
By Keith J. Coke
(CLAIMANT(S)) Agent

Subscribed and sworn to before me this 6th day of June, 1979.

My Commission Expires:

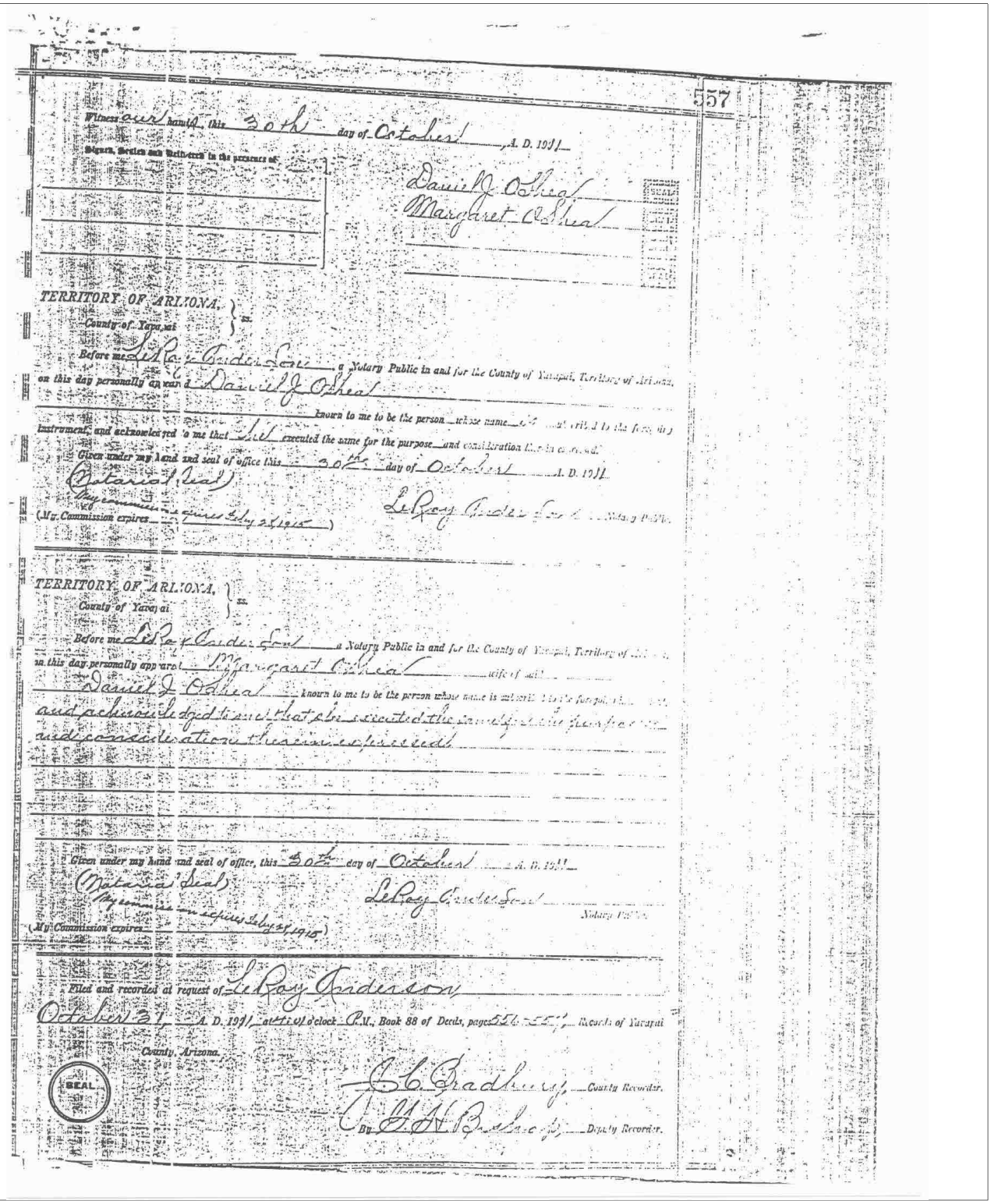
May 13, 1981.
(SEAL)

Michele Swerdlow
(NOTARY PUBLIC)

Filed in Water Rights Claim Registry No. 36-25460 of the State Land Department of June 29, 1979 at 8:36 a. M.

Brian Kirby
Adjudication Section

ARS 45-184 "FILING OF CLAIM WITH THE DEPARTMENT NOT DEEMED ADJUDICATION OF RIGHT"



557

Witness our hand... this 30th day of October, A. D. 1911

Signed, Sealed and Delivered in the presence of:

Daniel J. O'Shea
Margaret O'Shea

TERRITORY OF ARIZONA }
County of Yavapai } ss.

Before me LeRoy Anderson a Notary Public in and for the County of Yavapai, Territory of Arizona, on this day personally appeared Daniel J. O'Shea 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 purpose and consideration therein expressed.

Given under my hand and seal of office this 30th day of October A. D. 1911

(Notarial Seal)

LeRoy Anderson Notary Public.

(My Commission expires June 3rd 1915)

TERRITORY OF ARIZONA }
County of Yavapai } ss.

Before me LeRoy Anderson a Notary Public in and for the County of Yavapai, Territory of Arizona, on this day personally appeared Margaret O'Shea wife of Daniel J. O'Shea known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 30th day of October A. D. 1911

(Notarial Seal)

LeRoy Anderson Notary Public.

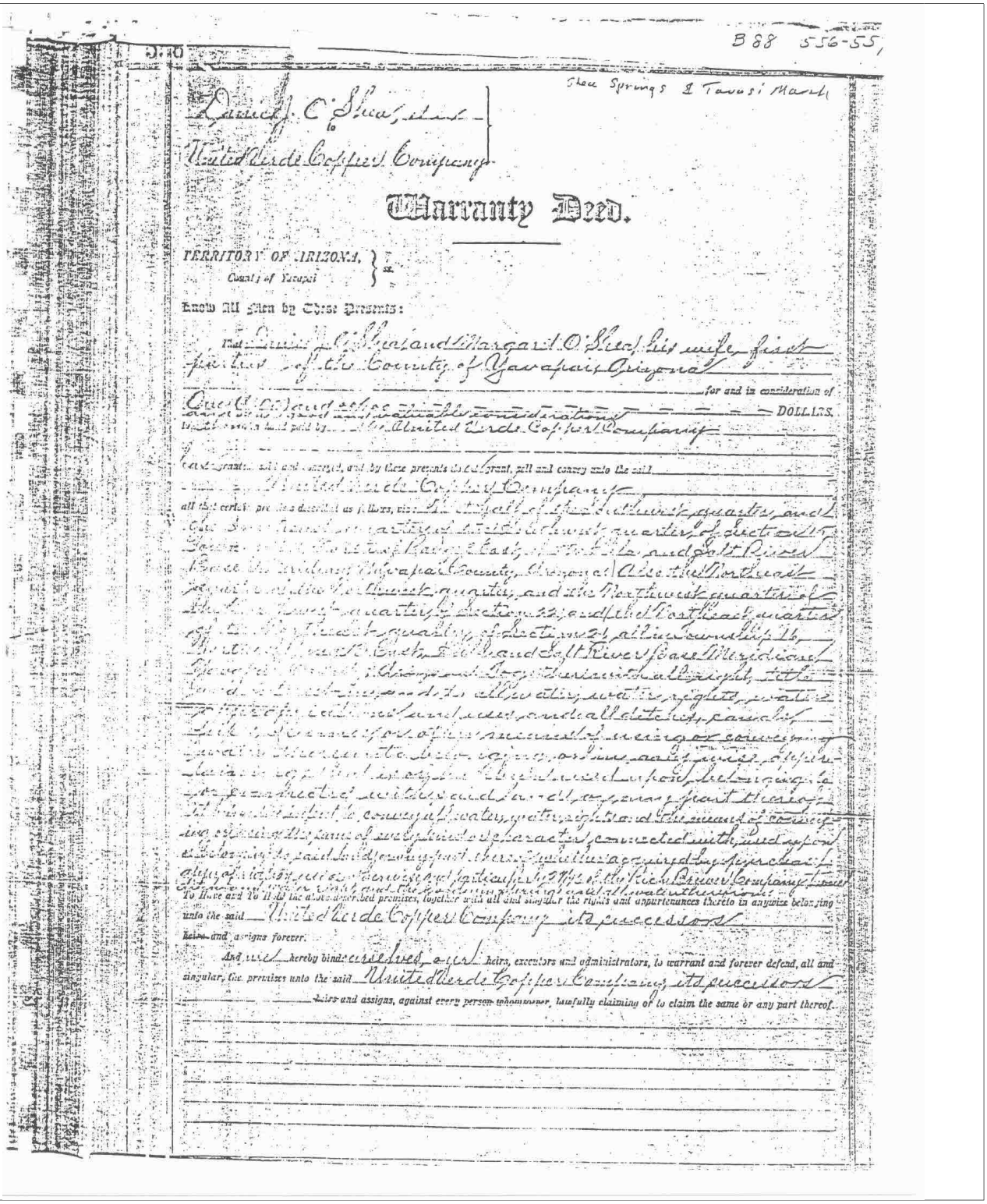
My Commission expires June 3rd, 1915

Filed and recorded at request of LeRoy Anderson
October 31 A. D. 1911 at 10 o'clock A.M., Book 88 of Deeds, pages 556-557, Records of Yavapai County, Arizona.

SEAL

E. C. Bradbury County Recorder.
By [illegible] Deputy Recorder.

06-29-1979: Statement of Claim of Right to use Public Waters of the State, registry no. 36-25460, cont



B 88 556-55,

Slew Springs & Tonto Mail

Daniel J. O'Shea, et ux
to
United Verde Copper Company

Warranty Deed.

TERRITORY OF ARIZONA,
County of Yavapai } ss.

Know All Men by These Presents:

That Daniel J. O'Shea and Margaret O'Shea his wife, first parties of the County of Yavapai Arizona

for and in consideration of

One (1.00) and other valuable consideration ——— DOLLARS.

to them in hand paid by the United Verde Copper Company

have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said

United Verde Copper Company

all that certain premises described as follows, viz: The South half of the Southwest quarter, and the South half of the Southeast quarter of Section Thirty in Township Fifteen North of Range Four East of the Gila and Salt River Base and Meridian in the County of Yavapai County, Arizona; Also the Northeast quarter of the Northwest quarter, and the Northwest quarter of the Northeast quarter of Section Thirty-one, and the Northeast quarter of the Northeast quarter of Section Thirty, all in Township Fifteen North of Range Four East of the Gila and Salt River Base and Meridian, in the County of Yavapai and Territory of Arizona, together with all water, water rights, privileges, ditches and ditch rights appurtenant thereto, and all ditches, canals, flumes, reservoirs, or other means of storing or conveying water now or heretofore constructed or maintained upon, belonging to or appurtenant to the above described premises, and all rights of way for the construction, maintenance and operation of such ditches, canals, flumes, reservoirs or other means of storing or conveying water, and all water, water rights and the means of conveying or storing the same, of every kind and character connected with, used upon or belonging to said land or any part thereof, or which may hereafter be acquired by reason of any of the foregoing, or otherwise, by the said United Verde Copper Company, its successors or assigns, and the full enjoyment of all water thereunto.

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 United Verde Copper Company its successors

heirs and assigns forever.

And we hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend, all and singular, the premises unto the said United Verde Copper Company, its successors

heirs and assigns, against every person whomsoever, lawfully claiming or to claim the same or any part thereof.

Docket Information

Number of Documents in Docket 264

Documents Dated from 10/30/1911 to 6/2/2011

Docket Compiled: 6/21/2011