WATER-RIGHT DOCKET

Tumacacori National Historical Park

Docket No: 6

BINNEY PROPERTY

Preliminary Docket Information

00-00-0000: Summary of Wells

Summary of Wells

55-551438

Owner Name: George A. Binney
Location: SW¼ of NE¼ of NE¼ of Section 31, Township 21S, Range 13E
D(21-13)31AAC
Total depth of hole: 120 ft
Diameter of casing: 8 in
Method of construction: drilled
Date started: October 3, 1995
Date completed: October 10, 1995
Depth to water: 9 ft
Log of well: available
Design pump capacity: <35 gpm
Proposed annual volume of water: <10 ac-ft
Use: irrigation
Number of acres to be irrigated: <2
Type of well: exempt commercial

55-551439

Owner Name: George A. Binney
Claim of entitlement: certificate of grandfathered right 58-100085.0000
Location: SW¼ of NE¼ of NE¼ of Section 31, Township 21S, Range 13E
D(21-13)31AAC
Total depth of hole: 65 ft
Diameter of casing: 8 in
Method of construction: drilled
Date to start: October 11, 1995
Date completed: October 25, 1995
Depth to water: 9 ft
Log of well: available
Design pump capacity: 135 gpm
Proposed annual volume of water: 217 ac-ft
Use: livestock
Type of well: exempt commercial (uncertain if exempt)
Well tested in March, 1996
Used previously as a test well for pollution by the University of Arizona

55-600636

Owner Name: George A. Binney
Location: SW¼ of SW¼ of SW¼ of Section 29, Township 21S, Range 13E
D(21-13)29CCC
Total depth of hole: 150 ft
Diameter of casing: 12 in
Date completed: 1935
Depth to water: 5 ft
Maximum pump capacity: 500 to 800 gpm
Use: irrigation
Number of acres to be irrigated: 100 acres

55-600637

Owner Name: George A. Binney
Location: SW¼ of SW¼ of SW¼ of Section 29, Township 21S, Range 13E
D(21-13)29CCC
Total depth of hole: 220 ft
Diameter of casing: 12 in
Date completed: 1940
Depth to water: 5 ft
Maximum pump capacity: 800 gpm
Use: irrigation
Number of acres to be irrigated: 100 acres

55-600638

Owner Name: George A. Binney
Location: NE¼ of NE¼ of NE¼ of Section 31, Township 21S, Range 13E
D(21-13)31AAA
Total depth of hole: 102 ft
Diameter of casing: 16 in
Date completed: August 30, 1970
Depth to water: 10 ft
Maximum pump capacity: 1,500 gpm
Use: domestic and irrigation
Number of acres to be irrigated: 50 acres

55-600639

Owner Name: George A. Binney
Location: SE¼ of SW¼ of SW¼ of Section 29, Township 21S, Range 13E
D(21-13)29CCD
Total depth of hole: 100 ft
Diameter of casing: 12 in
Date completed: 1945
Depth to water: 5 ft
Maximum pump capacity: 600 gpm
Use: domestic and irrigation
Number of acres to be irrigated: 50 acres

55-608600

Owner Name: Anamax Mining Company, an Arizona General Partnership
Claim of entitlement: well in existence at time of property acquisition,
certificate of grandfathered right 58-160036.0004
Location: SW¼ of NE¼ of SE¼ of Section 30, Township 21S, Range 13E
D(21-13)30DAC
Use: inactive irrigation well

55-608601

Owner Name: Anamax Mining Company, an Arizona General Partnership
Claim of entitlement: well in existence at time of property acquisition,
certificate of grandfathered right 58-160036.0004
Location: SE¼ of SE¼ of NE¼ of Section 30, Township 21S, Range 13E
D(21-13)30ADD
Use: inactive irrigation well

55-623092

Owner Name: **Anamax Mining Company** (conveyed from Richland Development Co. in 1986); Richland Development Co. (conveyed from Duval Corporation in 1985)
Claim of entitlement: certificate of grandfathered right 58-113551.0004
Location: SE¼ of NE¼ of SE¼ of Section 19, Township 21S, Range 13E
D(21-13)19DAD
Total depth of hole: 45 ft
Diameter of casing: 60 in (hand dug)
Date completed: 1938
Maximum pump capacity: 8 gpm
Past Use: inactive irrigation well
Use: domestic and livestock

55-623093

Owner Name: **Anamax Mining Company** (conveyed from Richland Development Co. in 1986); Richland Development Co. (conveyed from Duval Corporation in 1985)
Claim of entitlement: certificate of grandfathered right 58-113551.0004
Location: SW¼ of SW¼ of SW¼ of Section 20, Township 21S, Range 13E
D(21-13)20CCC
Total depth of hole: 80 ft
Diameter: 8 in
Date completed: na
Maximum pump capacity: no pump
Use: inactive irrigation well

55-629109

Owner Name: National Park Service, Western Region, Division of Water Resources
Location: NW¼ of SW¼ of SE¼ of Section 30, Township 21S, Range 13E
D(21-13)30DCB
Well No. 1
Total depth of hole: 77 ft
Diameter of casing: 4 to 6 in
Date completed: 1937
Depth to water: na
Maximum pump capacity: na
Use: unused

55-629110

Owner Name: National Park Service, Western Region, Division of Water Resources
Location: NE¼ of SW¼ of SE¼ of Section 30, Township 21S, Range 13E
D(21-13)30DCA
Well No. 2 (Headquarters Well)
Place of use: NW¼ of SW¼ of SE¼ of Section 30, Township 21S, Range 13E
Total depth of hole: 152 ft
Diameter of casing: 8 in
Date completed: August 12, 1959
Depth to water: 9.6 ft
Maximum pump capacity: <35 gpm
Use: domestic, public supply, fire suppression

55-629111

Owner Name: National Park Service, Western Region, Division of Water Resources
Location: NE¼ of SW¼ of SE¼ of Section 30, Township 21S, Range 13E
D(21-13)30DBD
Well No. 3
Total depth of hole: 16.8 ft
Diameter of casing: 8 in
Date completed: na
Depth to water: 13.2 ft
Maximum pump capacity: na
Use: unused

Certificate Of Grandfathered Groundwater Right

COUNTY OF SANTA CRUZ

STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

This is to certify that pursuant to the provisions of Title 45, Chapter 2, Arizona Revised Statutes

USA NATIONAL PARK Service

P.O. Box 728

Santa Fe, NM 87504-0728

is granted

IRRIGATION GRANDFATHERED RIGHTS

in the

SANTA CRUZ ACTIVE MANAGEMENT AREA

For 56.0 ***irrigation*** *acres of land. The rights are appurtenant to and groundwater may be used only on the irrigation acres of land described as follows:*

Assessor's Parcel Number (APN) 112-45-012; an irregular portion of W ½SW ¼ SW ¼ Sec 29 T21S R13E and an irregular portion of S ½ SE ¼ Sec 30 T21S R13E and an irregular portion of N ½ NE ¼ Sec 31 T21S R13E, GSRB&M, all of which are part of Baca Float #3. Excluding: Irregular portion of E ½ of owned acreage containing Santa Cruz Riverbed as more fully described in the map attached hereto as Exhibit A and made a part hereof by reference.

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

CERTIFICATE NO. 58-100085.0001

is granted this 4th day of March 2005

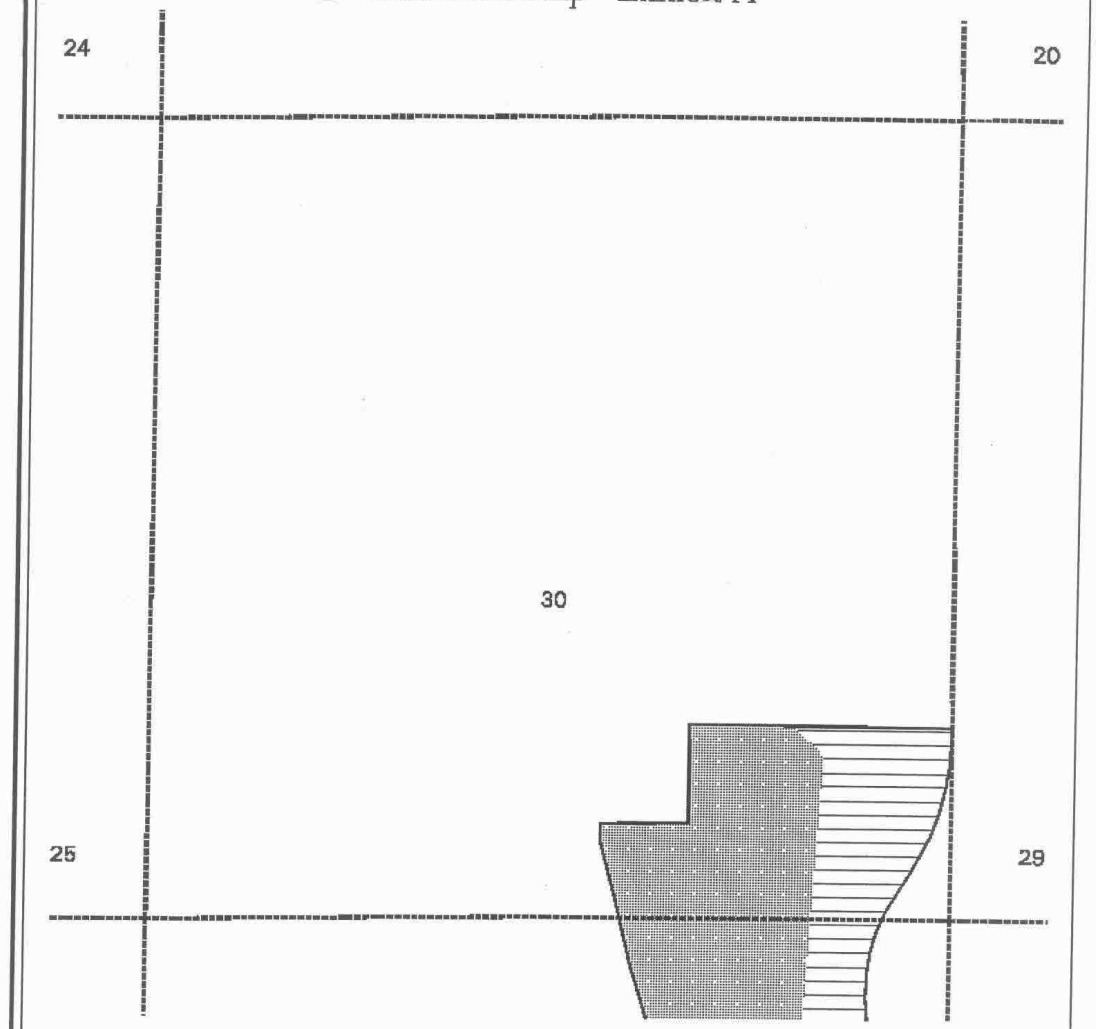
ARIZONA DEPARTMENT OF WATER RESOURCES

Alejandro Barcenas

Santa Cruz Active Management Area Director

The Department of Water Resources must be notified if the above named person(s) changes his address or conveys ownership of the right to another person(s) or wishes to convert the right to a non-irrigation grandfathered right associated with retired irrigated land.

Certificate Map –Exhibit A



Owner :
USA NATIONAL PARK SERVICE
Certificate No. : 58 –100085.0001
Irrigation Acres : 56.00

ARIZONA DEPARTMENT OF WATER RESOURCES

For more information about this map call:
(520) 761 –1814

North

Scale 1:10560 1 inch = 880 feet

Section 29 Township 21 S Range 13 E
Section 30 Township 21 S Range 13 E
Section 31 Township 21 S Range 13 E
Type of Right : IRRIGATION USE
Certificate Date : 03/04/05

Irrigation (Appurtenant)
Non –Irrigation (Non –Appurtenant)

ARIZONA DEPARTMENT OF WATER RESOURCES
SANTA CRUZ ACTIVE MANAGEMENT AREA

NOTICE OF IRRIGATION WATER DUTY
AND MAXIMUM ANNUAL GROUNDWATER ALLOTMENT

Pursuant to A.R.S. § 45-572(B), the Director of the Arizona Department of Water Resources hereby gives notice of the irrigation water duty and maximum annual groundwater allotment established for the Irrigation Grandfathered Right listed below in the Third Management Plan for the Santa Cruz Active Management Area.

The water duty and annual allotment became effective beginning in calendar year 2003 and shall remain in effect until the first compliance date of the water duty and annual allotment established for the Irrigation Grandfathered Right in the Fourth Management Plan. The owner of the Irrigation Grandfathered Right and any person using groundwater pursuant to the right must comply with the water duty and annual allotment while regulated under the Base Agricultural Conservation Program in the Third Management Plan.

IRRIGATION GRANDFATHERED RIGHT NO. 58-100085.0001

ASSIGNED IRRIGATION EFFICIENCY 80%PERCENT

IRRIGATION WATER DUTY: 5.84 ACRE-FEET PER ACRE

MAXIMUM ANNUAL
GROUNDWATER ALLOTMENT: 303.68 ACRE-FEET PER YEAR

The **irrigation water duty** is the amount of water in acre-feet per acre that is reasonably required to irrigate the crops historically grown in the farm unit to which the above-referenced Irrigation Grandfathered Right is appurtenant. The **maximum annual groundwater allotment** is the maximum amount of water that may be used in any year to irrigate the irrigation acres associated with the Irrigation Grandfathered Right, except as provided by A.R.S. 45-467, the flexibility account provision. The annual allotment is calculated by multiplying the water duty for the Irrigation Grandfathered Right by the number of water duty acres associated with the right.

ARIZONA DEPARTMENT OF WATER RESOURCES
SANTA CRUZ ACTIVE MANAGEMENT AREA
857 West Bell Road, Suite 3, Nogales, Arizona 85621
Telephone 520-761-1814
Facsimile 520-761-1869

JANET NAPOLITANO
Governor

HERB GUENTHER
Director

March 4, 2005

Re: Grandfathered Groundwater Right No.: 58-100085.0001

Dear Irrigation Grandfathered Right Owner:

Enclosed is your Certificate of Grandfathered Groundwater Right. The Certificate identifies the number of acres in your farm that may be irrigated with groundwater and the location of those acres. It is an important document and substantially affects the value of your land.

Also enclosed is a Notice of Irrigation Water Duty and Maximum Annual Groundwater Allotment for your Certificate. The irrigation water duty and maximum annual groundwater allotment were established in the Management Plan for the Santa Cruz Active Management Area (AMA) for the Third Management Plan (TMP), and became effective in 2003. The irrigation water duty and maximum annual groundwater allotment apply to water use on your farm while you are regulated under the Base Agricultural Conservation Program (Base Program). You will be regulated under the Base Program unless you apply for and are accepted for regulation under one of the two alternative agricultural conservation programs described below.

Please take time to review the enclosed Notice. Of special importance is the maximum annual groundwater allotment. This allotment is the maximum amount of groundwater that may be used to irrigate the acres described on your Certificate while you are regulated under the Base Program, except as provided by the flexibility account provision explained below.

To be in compliance with the Base Program, your water use for each calendar year must not exceed your maximum annual groundwater allotment--unless you borrowed from your flexibility account. Because variations in market conditions, weather and other natural forces often affect agricultural water use, the Groundwater Code requires the Department to establish a flexibility account for each farm. The flexibility accounts went into effect on January 1, 1987. If you use less than your maximum annual groundwater allotment, the Department will register a credit to your flexibility account. If you use more than your maximum annual groundwater allotment, the Department will register a debit to your account. The Code limits the total amount you may borrow from your flexibility account to 50% of the maximum annual groundwater allotment. Credits and debits are calculated differently for farms that use both surface water and groundwater.

The Third Management Plan also includes two alternative conservation programs: the Best Management Practices Program (BMP) and the Historic Cropping program. The BMP Program requires the implementation of specific agricultural conservation practices on the farm in lieu of complying with a water duty and annual allotment. Under the Historic Cropping program, the Director will calculate the water duty and annual allotment using an assigned irrigation efficiency of 75 percent. If a farm has limiting soils, the Director may use an assigned irrigation efficiency of 70 percent. Use of flex account provisions is limited under the Historic Cropping Program. An individual who wishes to be regulated under one of the alternative programs must apply on a form prescribed and furnished by the Director. The

Director must approve the application before the individual can be regulated under the program. If you are interested in enrolling in either of the alternative programs, please contact your AMA office for an application form.

You have the right to request a variance and, in some limited circumstances, an administrative review for relief from the conservation requirements. Please refer to the enclosed Variance and Administrative Review Insert for more information.

Every reasonable effort has been made to ensure that the information contained in the Certificate and Notice is accurate. However, if an administrative or typographical error has been made, please notify the Santa Cruz Active Management office within 30 days of receipt of this letter.

Supporting information for your Certificate, including a map depicting the land to which the right is appurtenant, is on file at the Department and is available upon request. If your property includes any non-irrigation areas, a map is attached as an exhibit to your Certificate. Remember that only acres of land specifically identified on this Certificate may be irrigated and that your groundwater allotment may be used only on those acres.

As the owner of the grandfathered right, you are required to file an Annual Water Withdrawal and Use Report on a calendar year basis. Please refer to the Annual Reports Insert for more information. You are also reminded that the Department must be notified if the person named in the Certificate changes his or her mailing address, conveys ownership of all or a part of the land to another person or wishes to convert the irrigation right to a non-irrigation right. Forms and information relative to these matters are available upon request.

Questions about the Certificate or conveyance procedures should be directed to the Santa Cruz Active Management office

Sincerely,

Alejandro Barcenas

Alejandro R. Barcenas
Santa Cruz AMA Director

Enclosures

IMPORTANT NOTICE

VARIANCES AND ADMINISTRATIVE REVIEWS

The Arizona Department of Water Resources (Department) has found the conservation requirements to be equitable for most water users. However, if you believe you will be unable to comply with these requirements by the dates specified you may request a variance. A variance may be granted for up to five years if there are "compelling economic circumstances" preventing timely compliance with the annual allotment assigned to your irrigation right. An application for a variance must be filed with the Department within 95 days after the date of this notice.

No new applications for administrative review will be accepted at this time, except as allowed under A.R.S. §§ 45-571.01 and 45-575(B). Under A.R.S. § 45-571.01, you may file an application for administrative review to correct factual, technical or legal errors in the establishment of your requirements only if you have reacquired the land to which your right is appurtenant involuntarily, or voluntarily in lieu of foreclosure, and you did not previously have the right to request an administrative review of the requirements. Such an application must be filed within 95 days after the date of this notice. A.R.S § 45-575(B) allows for the filing of an application for administrative review at any time if extraordinary circumstances, which were not in existence as of the date the Department first gave notice of the Third Management Plan water duties and allotments to the owner of your land, make it unreasonable to require compliance with the water duties and allotments.

If you have questions regarding variances and administrative reviews, please contact your local Active Management Area office: Phoenix 602-417-2465; Prescott 928-778-7202; Pinal 520-836-4857; Tucson 520-770-3800; Santa Cruz 520-761-1814.

WELL AGREEMENT
AND DECLARATION OF EASEMENTS

THIS AGREEMENT is made January 31, 1995, between TUMACACORI MISSION LAND DEVELOPMENT, LTD., 37 Tubac Road, Tubac, County of Santa Cruz, State of Arizona, herein referred to as GRANTOR, and JACK and CHARMA HAWK JAMES, 1923 E. Frontage Road, Tumacacori, , County of Santa Cruz, State of Arizona, herein referred to as GRANTEE.

1. GRANTOR is the owner of a parcel of land described as Assessor's Parcel # 112-45-001, legal attached as Exhibit A;
2. GRANTEE is the owner of a parcel of land described as Assessor's Parcel # 112-35-028, legal attached as Exhibit B.

THEREFORE, in consideration of Ten ($10.00) Dollars, or other good and valuable consideration, receipt of which is hereby acknowledged, and subject to the conditions set forth in this instrument, GRANTOR does hereby grant, sell and convey to GRANTEE the right to drill a well on the above mentioned property. GRANTEE shall be limited to drawing FIVE (5 gpm) GALLONS PER MINUTE from such well. GRANTOR does not represent nor guarantee amount or quality of water. The water shall be used only on Grantee's property described above RJR JJD

FURTHER, GRANTOR hereby grants to GRANTEE, an easement for the use and purpose of conveying water from such well and for maintenance on, in, over and across a strip of land Fifteen (15') feet in width for ingress and egress for maintenance and repairs and water line and electrical, in a direct line from the southeast boundary of Grantee's Property to the well site, which shall be at least Seventy (70') from the western boundary of GRANTOR'S above mentioned property. Said easement to be no longer than One Hundred (100') feet in length from the southern boundary of GRANTEE'S property ending with the well site. Should it become necessary, GRANTEE agrees that GRANTOR may change the easement for ingress and egress for maintenance and repairs, should the repositioning become necessary due to GRANTOR'S development plans. The trenching and covering for the pipeline shall conform with County specifications, such that a road way may be built over said pipeline.

FURTHER, GRANTEE, in consideration of the above right to drill such well and deed of easement, agrees to bear all of the cost related to such well. All above ground equipment related to such well shall be located on GRANTEE'S property;

FURTHER, GRANTEE agrees to hook up to the first available alternative water source, and further agrees to abandon well described herein and the easement theretoshall be of no further force and effect. If said water

source belongs to the GRANTOR, GRANTEE may hook up to same and GRANTOR agrees to assume the hookup fee or a portion thereof, to be negotiated at the time of hookup, depending on the cost of same.

FURTHER, should it become possible at some time in the future for a well to be drilled on GRANTEE'S property, GRANTOR will pay for the drilling of such well, GRANTEE will pay for hooking up to such well and the well described herein shall be abandoned and the easement thereto shall be of no further force and effect.

FURTHER, GRANTEE agrees to provide GRANTOR with a Fifteen (15') foot emergency easement at such time as GRANTOR'S above described property is developed . Such emergency easement shall be parallel to GRANTEE'S southern property line, running in an east/west direction, beginning Five (5') Feet north of said southern boundary. If, in the future, it is determined that such emergency easement is not adequate for GRANTOR'S purposes, GRANTOR shall abandon said emergency easement and it shall be of no futher force and effect.

FURTHER, should GRANTEE decide to sell the property in the future, they agree to give GRANTOR a THIRTY (30) DAY right of first refusal.

FURTHER, it is agreed by and between the parties, that GRANTEE'S right to use water under this agreement is assignable or transferable to any ~~party.~~ Any future Buyer of GRANTEE'S property must endorse this agreement and abide by all of its terms and conditions. Purchaser of Grantee's property described above RTR

To have and to hold such right and easement to maintain the well, take water and to conduct same over, on, through and across the land of GRANTOR, subject, however to the above conditions, the GRANTEE and GRANTOR, their heirs and assigns, forever.

In witness whereof, GRANTOR and GRANTEE have set their hands on this date.

Tumacacori Mission Land Development Ltd., GRANTOR — Date 1/31/95
by Gary P. Brasher and Roy Ross, Co-General Partners

STATE OF ARIZONA)
COUNTY OF SANTA CRUZ)

Subscribed and sworn to before me by Gary P. Brasher and Roy Ross, this 31st day of January, 1995.

OFFICIAL SEAL
JACQUELINE J. ARONSON
Notary Public - Arizona
PIMA COUNTY
My Comm. Expires Nov. 8, 1996

Jacqueline Aronson
Notary Public
My commission expires: Nov. 8, 1996

Well Agreement and Declaration of Easements
between Tumacacori Mission Land Development
and Jack and Charma Hawk James

Charma Hawk James 2/1/95

Jack W. James and Charma Hawk James, GRANTEES Date

STATE OF ARIZONA)
COUNTY OF SANTA CRUZ)

Subscribed and sworn to before me by Jack W. and Charma Hawk James this _____ day of January, 1995.



Notary Public
My Commission Expires:_____

NOVEMBER 1994

RJ
STABEL REALTY

JAMES - BRASHER ROSS WELL PROPOSAL

After conferring with the purchasers of the Urschalitz property with regard to your requirements to enable them to drill a well on the property, we have come up with the following proposal:

There is no problem with the well site being on the property line, unless at the last minute, the State insists that it be 50' from the property line. We will proceed with the application for the well permit on the grounds that the well may be drilled along the property line. My clients request, however, that should the State insist on the 50' requirement, that my clients be allowed to drill the well at that point, with an underground line from the well to their property where all of the above ground equipment will be located.

The well site will be 100' from the edge of the leach line, which is the shortest distance possible under State regulations.

If you will provide us with a map of your property we will make the necessary calculations and provide you with a plan thereof. We will also provide you with the information which we will be sending to the State with my clients application.

If at the time another water source is available, my clients may connect to such system at no cost to themselves. In consideration of this, they will agree to abandon the well and transfer it to you at no charge.

We have checked with the County regarding the width of an emergency exit. Ken Zentner indicated to me that 15' was the least we could do. Further, he indicated that they have no requirements regarding easements for emergency purposes, per se. This decision would only be finally made at such time as the proposed development came before the County for consideration. My clients have no problem allowing this easement. As you are aware, the property is only 75' in width, north to south, so anything much larger would be difficult.

My clients agree that should they wish to sell the property in the future, they will notify you first and give you an opportunity to make an offer on the property. We feel that a 15 day right of refusal period is inordinate and would effect the ability to obtain offers on the property. The

12 B Tubac Road · P.O. Box 1349 · Tubac, Arizona 85646 · 602-398-2962

James' do not wish to be unreasonable and would agree to a 48 to 72 hour first right of refusal period.

My clients agree to paying the costs incurred in completing this agreement, with the exception of paying any attorney's fees incurred by you in reviewing any of the documentation.

Please call me at your earliest convenience, as we wish to expedite this matter in any way possible.

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

RECEIVED
MAY 0 9 2005
OFFICE OF THE REGIONAL SOLICITOR
DENVER, COLORADO

In Reply Refer to:
L4425 (IMSF-LR)
TUMA/101-12

MAY 0 4 2005

Memorandum

To: Office of the Solicitor, Rocky Mountain Region
Attention: Peter Fahmy

From: Chief, Land Resources Program Center, Intermountain Region

Subject: Documents Relating to the Acquisition of Tract 101-12 at Tumacacori National Historical Park

Enclosed for your information are the following documents relating to the acquisition of Tract 101-12 at Tumacacori National Historical Park:

1. Warranty Deed conveying fee title from George A. Binney to the USA.

2. Certificate of Grandfathered Ground Water Right to the USA.

3. Notice of Irrigation Water Duty and Maximum Annual Ground Water Allotment

4. Request for Assignment of Surface Water Applications and claims and Assignment and Reissuance of Permits and Certificated Rights.

5. Copy of the Policy of Title Insurance Issued by Stewart Title Guaranty Company.

6. Copy of a Well Agreement and Declaration of Easements

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

Glenna F. Vigil

Enclosures

cc:
Superintendent, Tumacacori, w/encs.

Southern Arizona Title Insurance Agency

855 W. Bell Road
Nogales, AZ 85621
Phone: (520) 281-2024
Fax: (520) 281-0588

NATIONAL PARK SERVICE
P.O. BOX 728
SANTA FE, NM 87504-0728

Re: Order No.: 00107130
Policy No.: O-9998-005718

Dear Sir or Madam:

In connection with the completion of the transaction recently handled by us for you, we are pleased to enclose your policy of title insurance.

Our Company now has a special file set up on this property, therefore, we are in a position to render you excellent service in future transactions.

We appreciate having had the opportunity of serving you in this transaction, and hope we have handled it to your satisfaction.

Very truly yours,
SOUTHERN ARIZONA TITLE INSURANCE AGENCY



STACIA M. FONTES

ALTA U.S. POLICY – 9-28-91

UNITED STATES OF AMERICA
POLICY OF TITLE INSURANCE ISSUED BY

STEWART TITLE

GUARANTY COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, STEWART TITLE GUARANTY COMPANY, a Texas 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.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused this policy to be signed and sealed by its duly authorized officers as of the Date of Policy shown in Schedule A.

STEWART TITLE
GUARANTY COMPANY

Stewart Morris Jr.
Chairman of the Board

Malcolm S. Morris
President

Countersigned:

Authorized Signatory

SOUTHERN ARIZONA TITLE INS. AGY.
Company

855 W. BELL ROAD #200
NOGALES, AZ 85621
City, State

STEWART TITLE GUARANTY INCORPORATED CO. 1908 TEXAS

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.

Page 1 of Policy Serial No. 0-9998- 005718

ALTA U.S. POLICY – 9-28-91

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] [C], 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][C], 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 an 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 against 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.**

SCHEDULE A

ORDER NO.: 00107130

POLICY NO.: O-9998-005718

EFFECTIVE DATE: September 1, 2004

AMOUNT OF INSURANCE: $1,297,600.00

1. Name of Insured:

   UNITED STATES OF AMERICA

2. The estate or interest in the land described herein and which is covered by this policy is:

   FEE

3. The estate or interest referred to herein is at the date of policy vested in:

   UNITED STATES OF AMERICA

4. The land referred to in this policy is situated in the State of Arizona, County of Santa Cruz, and is described as follows:

   See Exhibit A attached hereto and made a part hereof.

ORDER NO.: 00107130

POLICY NO.: O-9998-005718

Exhibit A

ORDER NO.: 00107130

POLICY NO.: O-9998-005718

A. P. N.: 112-45-012

TRACT NO. 101-12

Situated in the State of Arizona, County of Santa Cruz, in a portion of the Baca Float No. 3, within protracted Sections 29, 30, and 31, Township 21 South, Range 13 East, Gila and Salt River Base and Meridian, being more particularly described as follows:

Commencing at a 3-1/2 inch diameter Arizona Highway Department brass cap monument marked "NPS #6";

Thence North 87 degrees 58 minutes 14 seconds East, 25.62 feet to the Point of Beginning;

Thence South 89 degrees 19 minutes 13 seconds East, 518.31 feet to a 3-1/2 inch brass cap monument marked "NPS #5";

Thence North 0 degrees 46 minutes 33 seconds East, 679.50 feet;

Thence South 89 degrees 40 minutes 32 seconds East, 1724.70 feet;

Thence South 0 degrees 05 minutes 35 seconds West, 10.20 feet;

Thence South 10 degrees 30 minutes 25 seconds East, 190.81 feet;

Thence South 11 degrees 25 minutes 35 seconds West, 174.33 feet;

Thence South 19 degrees 10 minutes 35 seconds West, 207.17 feet;

Thence South 29 degrees 36 minutes 35 seconds West, 81.41 feet;

Thence South 15 degrees 51 minutes 35 seconds West, 103.51 feet;

Thence South 31 degrees 43 minutes 35 seconds West, 179.66 feet;

Thence South 30 degrees 03 minutes 35 seconds West, 279.07 feet;

Thence South 20 degrees 46 minutes 35 seconds West, 480.99 feet;

Thence South 11 degrees 48 minutes 35 seconds West, 154.21 feet;

Thence South 6 degrees 24 minutes 25 seconds East, 162.28 feet;

Thence South 2 degrees 01 minutes 35 seconds West, 149.46 feet;

Thence South 3 degrees 59 minutes 25 seconds East, 199.54 feet;

ORDER NO.: 00107130 POLICY NO.: O-9998-005718

Thence South 6 degrees 23 minutes 35 seconds West, 123.81 feet;

Thence South 1 degree 06 minutes 25 seconds East, 167.96 feet;

Thence South 13 degrees 22 minutes 21 seconds East, 132.58 feet;

Thence North 89 degrees 56 minutes 15 seconds West, 1227.66 feet;

Thence North 15 degrees 16 minutes 12 seconds West, 53.00 feet;

Thence South 89 degrees 55 minutes 43 seconds East, 757.23 feet;

Thence North 11 degrees 29 minutes 45 seconds East, 484.44 feet;

Thence South 80 degrees 34 minutes 26 seconds West, 953.37 feet;

Thence North 15 degrees 16 minutes 12 seconds West, 857.34 feet;

Thence along a curve, concave to the southwest, having a radius of 7539.44 feet, a delta angle of 6 degrees 12 minutes 48 seconds, and an arc length of 817.60 feet, to the Point of Beginning.

Excepting the South 30 feet therefrom.

The above-described parcel, designated as Tract 101-12, Tumacacori National Historical Park, is intended to be a portion of the land desribed in a conveyance to George A. Binney, Trustee, from George A. Binney by Deed dated May 10, 1982, and recorded September 30, 1983, in Docket 360, Page 422, Santa Cruz County.

All in accordance with the map entitled "Boundary Survey for a Portion of Baca Float No. 3, Within Protracted Sections 29, 30, & 31, T21S, R13E, G. & S.R.M." by John D. Stitzer, L. S. 25086, dated 31 October 2000, drawing number 00-03-10.

SCHEDULE B

ORDER NO.: 00107130

POLICY NO.: O-9998-005718

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. **All restrictive covenants affecting the above described property, but the Company guarantees that any such restrictive covenants have not been violated so as to affect, and that a future violation thereof will not affect the validity or priority of the mortgage hereby insured.**
2. **Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or any overlapping of improvements which a correct survey would show.**
3. **Taxes and assessments collectible by the County Treasurer not yet due and payable for the year 2004.**
4. **Any and all easements that are located on your lot and/or any common areas wherein you may have rights and the reservations and conditions as shown or dedicated on the recorded plat of caption subdivision.**
5. **Reservations by the United States of America or the State of Arizona contained in the Patent recorded in the office of the Santa Cruz County Recorder.**
6. **Water rights and title to water.**
7. **Any action, by the Santa Cruz County Assessor and/or Treasurer, altering the current or prior tax assessment, subsequent to the date of the Policy of Title Insurance.**
8. **Any claim, which arises out of the transaction, either a) creating the interest of the mortgagee and/or b) vesting in the insured the estate or interest, insured by this policy by reason of the operation of federal bankruptcy, state insolvency, or similar creditor's rights law.**
9. **Established and/or existing roads or highways, or rights of way therefor with specific reference to Highway No. 89.**
10. **Certificate of Grandfathered Groundwater rights recorded in Docket 440 at page 469.**
11. **Easements as recorded in docket 945 at page 531.**

12. Easement to CITIZENS UTILITIES COMPANY, A CORPORATION for RIGHT OF WAY EASEMENT OVER A DESCRIPTION PORTION OF CAPTIONED PROPERTY and rights incident thereto recorded in Book 21 of Miscellaneous Records at page 520.

13. Easement to THE STATE OF ARIZONA for RIGHT OF WAY OVER THE WESTERLY 100 FEET OF CAPTION PROPERTY and rights incident thereto recorded in Book 25 of Miscellaneous Records at page 176.

14. Easement to TUCSON GAS, ELECTRIC LIGHT AND POWER COMPANY for ELECTRIC LINES OVER A DESCRIBED PORTION OF CAPTION & OTHER PROPERTY and rights incident thereto recorded in Book 19 of Miscellaneous Records at page 442.

15. Easement to THE STATE OF ARIZONA for HIGHWAY PURPOSES and rights incident thereto recorded in Book 17 of Miscellaneous Records at page 362.

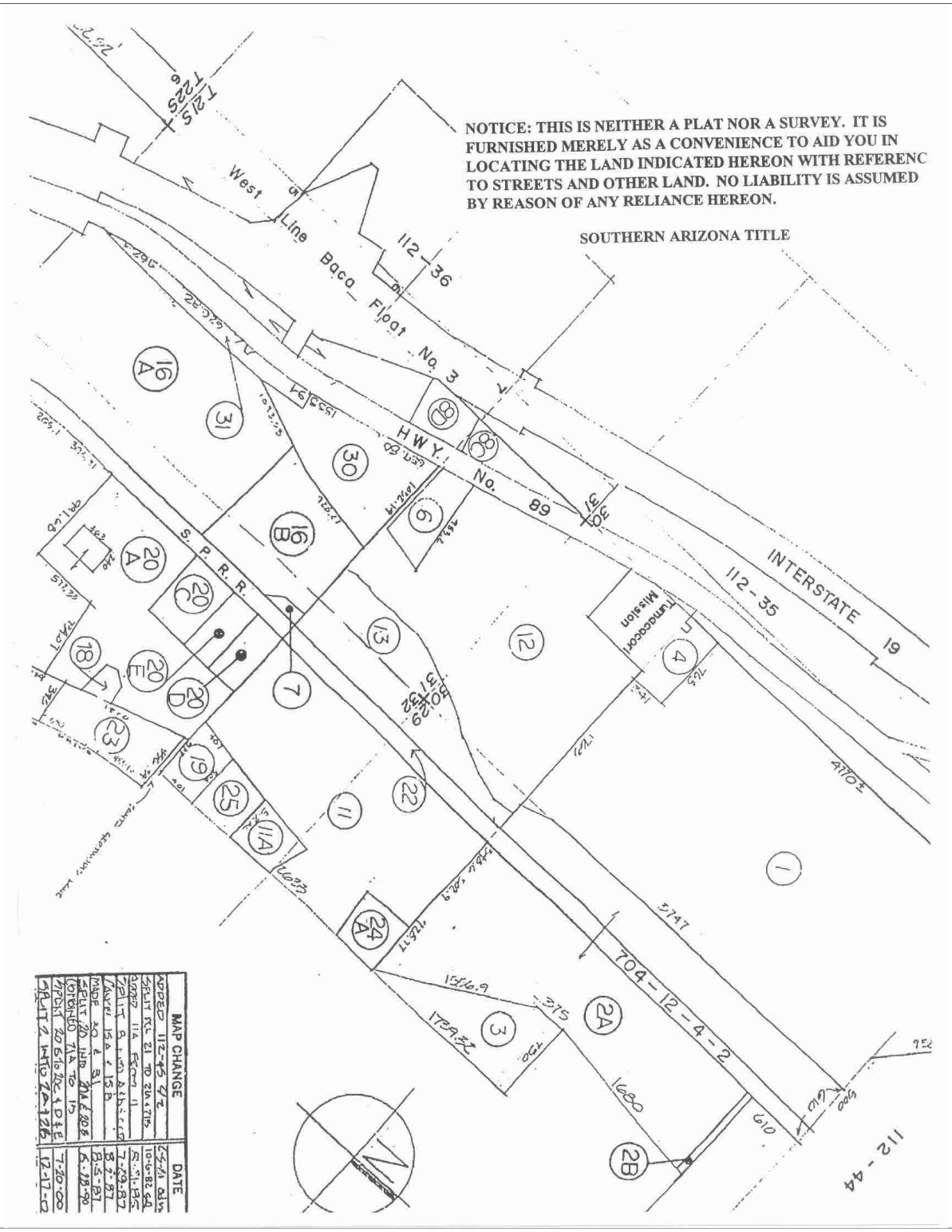
16. Easement to PUBLIC UTILITIES CONSOLIDATED CORPORATION for POWER LINES, ETC. and rights incident thereto recorded in Book 20 of Miscellaneous Records at page 283.

17. Easement to CITIZENS UTILITIES COMPANY, A CORPORATION for POWER LINES, ETC. and rights incident thereto recorded in Book 20 of Miscellaneous Records at page 327.

18. Established and/or existing roads, roadways and highways, particularly excepting the right, privilege and easement by way of existing roads or relocations of said roads as described and as reserved in deed of record in the office of the County Recorder of Santa Cruz County, Arizona, in Book 20 of Deeds at pages 48 to 51 inclusive.

19. Reservations of minerals in Deed from James E. Bouldin, et al, recorded in Book 12 of Deeds at page 91.

20. Matters disclosed by Survey of said land by John D. Stitzer, Job No. 00-03-10, dated June 25, 2001.


NOTICE: THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED MERELY AS A CONVENIENCE TO AID YOU IN LOCATING THE LAND INDICATED HEREON WITH REFERENC TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF ANY RELIANCE HEREON.
SOUTHERN ARIZONA TITLE
West Line Baca Float No. 3
112-36
HWY. No. 89
INTERSTATE 19
112-35
S. P. R. R.
Tumacacori Mission
704-12-4-2
112-44
MAP CHANGE
DATE

CONDITIONS AND STIPULATIONS Continued
(Continued and concluded from reverse side of Policy)

(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, EXTENT OF LIABILITY AND COINSURANCE.**

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, attorney's 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 P.O. Box 2029, Houston, Texas 77252.

STEWART TITLE
GUARANTY COMPANY

09-01-2004: Letter to NPS from Southern AZ Title Insurance Agency regarding Title Insurance, cont

STEWART TITLE
GUARANTY COMPANY

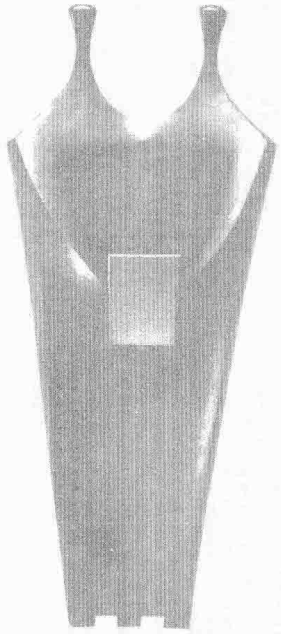
ESTABLISHED 1893

INCORPORATED 1908

A NAME

RECOGNIZED NATIONALLY
AS BEING
SYNONYMOUS WITH

QUALITY



Sanctity of Contract

STEWART TITLE
GUARANTY COMPANY

P. O. Box 2029
Houston, Texas 77252

UNITED STATES
OF
AMERICA

POLICY
OF
TITLE INSURANCE

INSTRUMENT #0410178
OFFICIAL RECORDS OF
SANTA CRUZ COUNTY
SUZANNE SAINZ
COUNTY RECORDER
REQUEST OF :
SOUTHERN ARIZONA TITLE INS.
DATE: 09/01/04 TIME: 4.40
FEE: 17.00
DOCK 1067 PAGE 949 PAGES: 4

MICROFILMED/INDEXED

0410178

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

16730

Tumacacori
National Historical Park
Tract 101-12

500 19822 4P

EXEMPT ARS 11-1134 A-3

WARRANTY DEED

GEORGE A. BINNEY, as Trustee of THE G.A.B. 1982 TRUST, GRANTOR, for and in consideration of the sum of ONE MILLION TWO HUNDRED NINETY SEVEN THOUSAND SIX HUNDRED AND NO/100, ($1,297,600.00) cash in hand paid to me by the UNITED STATES OF AMERICA, GRANTEE, and receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto the said GRANTEE, and unto its assigns forever, the following described lands lying in the County of Santa Cruz and State of Arizona, to-wit:

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

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

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

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

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

DISCLOSURE OF BENEFICIARIES PER ARS 33-404: GEORGE A. BINNEY
P. O. Box 7
Crystal, Nev. 89402

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

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

IN WITNESS WHEREOF, the said GRANTOR, has hereunto set hand and seal this 16 day of August, 2004

George A. Binney, Trustee of
The G.A.B. 1982 Trust

ACKNOWLEDGMENT

State of Nevada)
) ss.
County of Washoe)

Before me, the undersigned authority, on this day personally appeared George A. Binney, Trustee of The G.A.B. 1982 Trust, ~~known~~ proved to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal on this 16 day of August, 2004.

My Commission Expires: MAY 26, 2008

Seal

ROSA I. GONZALEZ
NOTARY PUBLIC
STATE OF NEVADA
APPT. NO. 04-90065-2
MY APPT. EXPIRES MAY 26, 2008

Notary Public

EXHIBIT "A"

TRACT NO. 101-12

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Thence N.87°58'14"E., 25.62 feet to the Point of Beginning;

Thence S.89°19'13"E., 518.31 feet to a 3-1/2" brass cap monument marked "NPS #5";

Thence N.0°46'33"E., 679.50 feet;

Thence S.89°40'32"E., 1724.70 feet;

Thence S.0°05'35"W., 10.20 feet;

Thence S.10°30'25"E., 190.81 feet;

Thence S.11°25'35"W., 174.33 feet;

Thence S.19°10'35"W., 207.17 feet;

Thence S.29°36'35"W., 81.41 feet;

Thence S.15°51'35"W., 103.51 feet;

Thence S.31°43'35"W., 179.66 feet;

Thence S.30°03'35"W., 279.07 feet;

Thence S.20°46'35"W., 480.99 feet;

Thence S.11°48'35"W., 154.21 feet;

Thence S.6°24'25"E., 162.28 feet;

Thence S.2°01'35"W., 149.46 feet;

Thence S.3°59'25"E., 199.54 feet;

Thence S.6°23'35"W., 123.81 feet;

Thence S.1°06'25"E., 167.96 feet;

Thence S.13°22'21"E., 132.58 feet;

Thence N.89°56'15"W., 1227.66 feet;

Thence N.15°16'12"W., 53.00 feet;

Thence S.89°55'43"E., 757.23 feet;

Thence N.11°29'45"E., 484.44 feet;

Thence S.80°34'26"W., 953.37 feet;

Thence N.15°16'12"W., 857.34 feet;

Thence along a curve, concave to the southwest, having a radius of 7539.44 feet, a delta angle of 6°12'48", and an arc length of 817.60 feet, to the Point of Beginning.

Excepting the south 30 feet therefrom.

Containing, after exception, 89.23 acres, more or less.

The above-described parcel, designated as Tract 101-12, Tumacacori National Historical Park, is intended to be a portion the land described in a conveyance to George A. Binney, Trustee, from George A. Binney by deed dated May 10, 1982, and recorded September 30, 1983, in Docket 360, Page 422, Santa Cruz County.

All in accordance with the map entitled "Boundary Survey for a Portion of Baca Float No. 3, Within Protracted Sections 29, 30 & 31, T21S, R13E, G. & S.R.M." by John D. Stitzer, L.S. 25086, dated 31 October 2000, drawing number 00-03-10.

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APPRAISAL OF MISSION RANCH
LOCATED AT 1885 E. FRONTAGE ROAD
TUMACACORI , SANTA CRUZ, AZ.

GEORGE A. BINNEY
NPS TRACT 101-12- TUMA

PREPARED FOR: UNITED STATES DEPARTMENT OF THE INTERIOR –
NATIONAL PARK SERVICE INTERMOUNTAIN
LAND RESOURCES PROGRAM CENTER
BRADLEY K. FLINT (CHIEF APPRAISER)

PREPARED BY: SUSAN M. CORBETT, MAI

DATE OF VALUE: APRIL 10TH, 2003

FILE NUMBER: 02-L-9008

S. M. CORBETT & ASSOCIATES LTD
REAL ESTATE APPRAISERS AND CONSULTANTS
SUSAN M. CORBETT, MAI
P.O. Box 65738
Tucson, Arizona 85728
(520) 325-1900
Fax: (520) 319-5612

Date: April 15th, 2003
File: 02- L 9008

Mr. Bradley K. Flint
Chief Appraiser, Land Resources Program Center
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87504-0728

Re: Tumacacori National Historic Park
Tract # 101-12
George A. Binney

Dear Mr. Flint:

In response to your authorization, I have conducted the required inspection, gathered the necessary data, and made certain analysis which have enabled me to form an opinion as to the Market Value on the above referenced tract. This an improved working ranch including residential (main & guesthouse) barns, stable, storage, arena, livestock chutes and pens, pool, perimeter fencing, private well, etc. The ranch which lies adjacent to the Tumacacori National Park, is located west of Highway 89, about three miles south of Tubac and 23 miles north of Nogales in Santa Cruz County, Arizona. According to NPS calculations, the total site comprises 89.23 acres of which roughly 60% of the land is pastured with Type I grandfathered water rights. The property is proposed for a total acquisition.

If accepted (pursuant to NPS review policy), this appraisal serves as a recommendation of value for the Statement of Just Compensation. This appraisal has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP-2003 Edition), and the Uniform Appraisal Standards for Federal Land Acquisitions. Based on the following and subject to the limiting conditions as set forth in this report, I have developed the following Market Value estimate as of April 10th, 2003:

FAIR MARKET VALUE OF THE PROPERTY.....$1,297,600

The above value estimate includes all land and primary structural improvements but excludes 1) any value attributable to the underground fuel tanks and one operational pump located next to hay loft. This component is viewed to be 100% depreciated but may have

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environmental issues due to significant seepage, dispensing, maintenance and storage of used oils/fuels and 2) the ranch trailer which is occupied by the ranch foreman (Clark). Refer to pages 1 and 2 of report for justification.

Appraisal Standards for Federal Land Acquisitions, mandate that the appraisal must be made without regard to enhancement, or diminishment to value, that might result from project influences. Therefore, the value will be predicated on sales within close proximity to a public park and available for private development. Any and all constraints including development, density and access concerns due to pending NPS acquisition have been disregarded.

Your attention is invited to the data and discussions contained in this report and to the pertinent exhibits.

I do hereby certify that, to the best of my knowledge and belief, all statements and opinions contained in this report are correct, subject to the limiting conditions which are made a part of this report.

Respectfully submitted,

Susan M. Corbett, MAI
Certified General Real Estate
Appraiser Number 30165

SMC/kle

02-L-9008
NPS-101-12

TABLE OF CONTENTS

INTRODUCTION AND GENERAL FACTUAL DATA 1-2
Client Reference
Location
Purpose/Function
OWNERSHIP AND PROPERTY HISTORY/TAXES 3-5
PLAT MAP/ AERIAL MAPPING 6-7
SCOPE OF THE APPRAISAL 8-9
WATER RIGHTS & IMPACT ON VALUE 10-12
NEIGHBORHOOD DATA 13-16
SITE DATA 17-21
DESCRIPTION OF IMPROVEMENTS 22-23
SUBJECT PHOTOGRAPHS 24-34
ZONING 35-36
HIGHEST AND BEST USE 37-38
LAND VALUATION 39-57
LAND VALUE ANALYSIS 58-60
COST APPROACH 61-64
RECONCILATION 65

APPRAISER'S CERTIFICATION 66

UNDERLYING ASSUMPTIONS AND LIMITING CONDITIONS 67-69

APPRAISER'S QUALIFICATIONS 70-71

ADDENDUM 72

NPS Mapping
NPS Legal
Azomarr Cost Estimate plus working calculations
Floorplans
Listing on subject
Water Right Data and Certificate
FEMA Floodplain
Title

SMC 02-L-9008
NPS 101-12

INTRODUCTION AND GENERAL FACTUAL DATA

CLIENT:	United States Department of the Interior – National Park Service Intermountain Land Resources Program Center. Bradley K. Flint, Chief Appraiser, (505-988-6817)
CLIENT REFERENCE:	Tract #101-12: George A. Binney, et al
CONTRACTURAL DATA:	NPS Purchase Order Number P1255030015, dated 10-30-02
TYPE OF PROPERTY:	Improved working ranch including residential (main & guesthouse) barns, stable, storage, arenas, livestock chutes, pens, pool, perimeter fencing, private wells, etc.
GENERAL LOCATION:	Three miles south of Tubac, 23 miles north of Nogales, and adjacent south of the Tumacacori National Historic Park. The subject lies roughly one mile north of the Tumacacori and Carmen I-19 Interchange in Santa Cruz County, Arizona. The property is located at 1885 E. Frontage Road, Tumacacori, Santa Cruz County, Arizona 85640.
ACQUISITION:	This will be a total acquisition of the property including all improvements, excluding the fuel island and personality including equipment, cars, ~~mobile home,~~ tractors, materials, surplus feed, supplies etc.
EFFECTIVE DATE OF VALUE:	April 10th, 2003
INSPECTIONS:	December 6, 2002 (subject & NPS representative) January 28, 2002 (subject property & Stacey Clark ranch manager) February 4, 2003 (subject & comparable's) March 13, 2003 (property owner) April 10, 2003 (Ian Marr P.E. & property owner) April 10, 2003 (Final)
ESTIMATED VALUE:	**$1,297,600 - (land and improvements but excludes 1)any value attributable to the underground fuel tanks and one operational pump located next to hay loft- viewed to be 100% depreciated but may have significant environmental factors due to**

significant seepage and historical practice of dispensing/maintenance/storage of used oils/fuels and 2) ranch trailer which is occupied by the ranch foreman (Clark).

TRAILER:

The 10x60 foot trailer which is around 25-30 years old is in a dilapidated condition, including sub-standard flooring (gapping holes), roofing (holes in trusses and leakage), only one operational bathroom, no heating, electrical problems with many non-operational outlets, and damaged interior/exterior side panels. The structural and economic integrity of the trailer is non-existent. In all likelihood, the structure is in violation of safety, building and occupancy codes.

I spoke with three manufactured home companies who specialize in the resale and or removal of trailers, including US Mobile Home Brokers (520-792-9900), The Home Store (520-888-6441) and The Used Home Store (520-294-4030). All three of these reputable companies unequivocally stated that a trailer of this age and condition has no value. The removal cost would far out weigh any salvage value. Due to age and location, the special permitting needed to relocate and haul particurily along a public road would be difficult if not altogether impossible to obtain. Typically, these trailers are broken down on-site and hauled to a land fill. I spoke with several demolition companies including Barnett & Shore (520-791-0286) and Taylor Demolition and Recycling (520-623-0410).Local costs for mobile home removal generally hover between $3000 to $4000. The potential cost for the subject given the location would in all likelihood be at "least double." Without the benefit of a specific estimate, I did not reflect any value nor deduct the cost for removal.

PURPOSE AND FUNCTION OF APPRAISAL:

The purpose of this appraisal is to value the total site, including all structural improvements, water rights, wells, perimeter fencing and other misc. ancillary improvements. The park's general management plan (1990) identified this tract for total acquisition due to historic significance including archeological finds, riparian preservation and endangered species

concerns. This appraisal will set forth a complete appraisal, with special limiting conditions. As a total take, there are no severance damages and or after analysis.

PROJECT INFLUENCE:

In compliance with the *Uniform Appraisal Standards for Federal Land Acquisitions*, this appraisal has been prepared without regard to any enhancement or diminishment in value that might result due to the interest in the site by the National Park Service. The intended user is the NPS.

FORMAT:

A complete self-contained Narrative Report, in compliance with the Uniform Appraisal Standards for Federal Land Acquisitions, (Interagency and Land Acquisition Conference 2000) and by the *Uniform Standard of Professional Appraisal Practice (USPAP)* ,2003Edition. No departures from Standard One (of USPAP) were invoked.

OWNER CONTACT & INSPECTION:

Following multiple telephonic conferences during the period between November and December 2002, I had multiple meetings on-site with the property owner Mr. George Binney. Mr. Binney travels extensively and therefore coordination of meeting(s) was difficult. Ultimately, Mr. Binney did provide the requested information regarding historical and recent expenditures, as well as documentation along with other pertinent data. The ranch's manager, Ms. Stacey Clark was extremely helpful but did not have access to the primary main house.

Primary Phone Numbers:
Ranch Headquarters: 520-398-9163
Binney Cell: 775-831-6060 or 907-9208
Ranch Manager: 520-398-2058 (Stacey Clark)

The most recent inspection with the National Park Service was conducted on December 6, 2002 whereby Mr. Bradley K. Flint, (Chief Appraiser-IMRLRPC) was present. My final inspection and re-verification of relevant data was conducted April 10th, 2003.

As noted on page 13 of the 2000 *Uniform Appraisal Standards for Federal Land Acquisitions,* Market

Value as utilized in this appraisal is defined as follows:

"Market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal."

INTEREST TO BE APPRAISED: The interest to be appraised is the interest arising from the fee simple estate, subject to the effects of the Reservations and Acceptance of records. Fee simple estate is defined as, "Absolute ownership, unencumbered by any other interest or estate subject only to the limitations to the four powers of government".

OWNERSHIP:

□ **Tract 101-12**
Title is currently vested in the name of George A. Binney, as Trustee of the G.A.B. 1982 Trust. Title was acquired by virtue of deed dated 4-25-1980 under Docket 360 at Page 422.

A review of a preliminary title report issued by Fidelity National Title Agency, under their Order No. 50019822-LP dated January 29, 2003, is straight forward with no unusual citations. The report however does not reference a Quit Claim Deed dated 11-01-02 whereby Binney conveyed a small strip of land (30 feet) located along Santa Gertrudis Lane to an adjoining property owner. Refer to Docket 945 @ Page 531. A copy of this instrument is included in the addendum to this report.

HISTORY: Mission Ranch had been formally listed by Brasher-Ross Real Estate. As of the date of appraisal, the listing had expired. Reportedly, the owner (Binney) took the property off the market about 1.5 years ago to negotiate in good faith with the NPS. Based on the information I could garner, the following represents offer's and or activity to date:

1- Formal listing by Brasher-Ross at $1.5 million- *A Jewel nestled in the Santa Cruz Valley"* circa 1999 (copy in addendum)
2- Offer dated 7-26-99 for $800,000 by Hamilton Trust; offer rejected and countered at $1.3 million
3- Misc. correspondence by Brasher-Ross supporting value of $1,307,075, partionment based on value assigned to arbitrary allocation of improvements of $393,075, irrigated land at $812,000, bonus value of $60,000 for commercial zoning and $42,000 for non-irrigated land. (1031 exchange)
4- Revised offer from Hamilton Trust at $1,060,000 on 8-4-99 (1031 exchange)
5- Counter offer from Binney at $1.2 million - subject to 1031 exchange dated 8-23-02
6- Revised offer on 8-23-99 by Hamilton Trust for $1.2 million (1031 exchange)
7- Revised offer on 12-22-99 for $1,250,000 by Hamilton Trust-multiple contingencies including Seller/Buyer obtaining a legal five lot split plus all inventory of farm equipment – deal fell through due to issues regarding value of non-personality items (equipment)
8- Interest on property remains strong-current offers are in abeyance pending NPS's forthcoming offer

REAL ESTATE TAXES:
(CLASSIFIED AS RANCH)

□ **Tract 101-12**
APN 112-45-012

2002 Taxes:	$ 2,575.02
Full Cash Value:	$190,044
Delinquent:	None

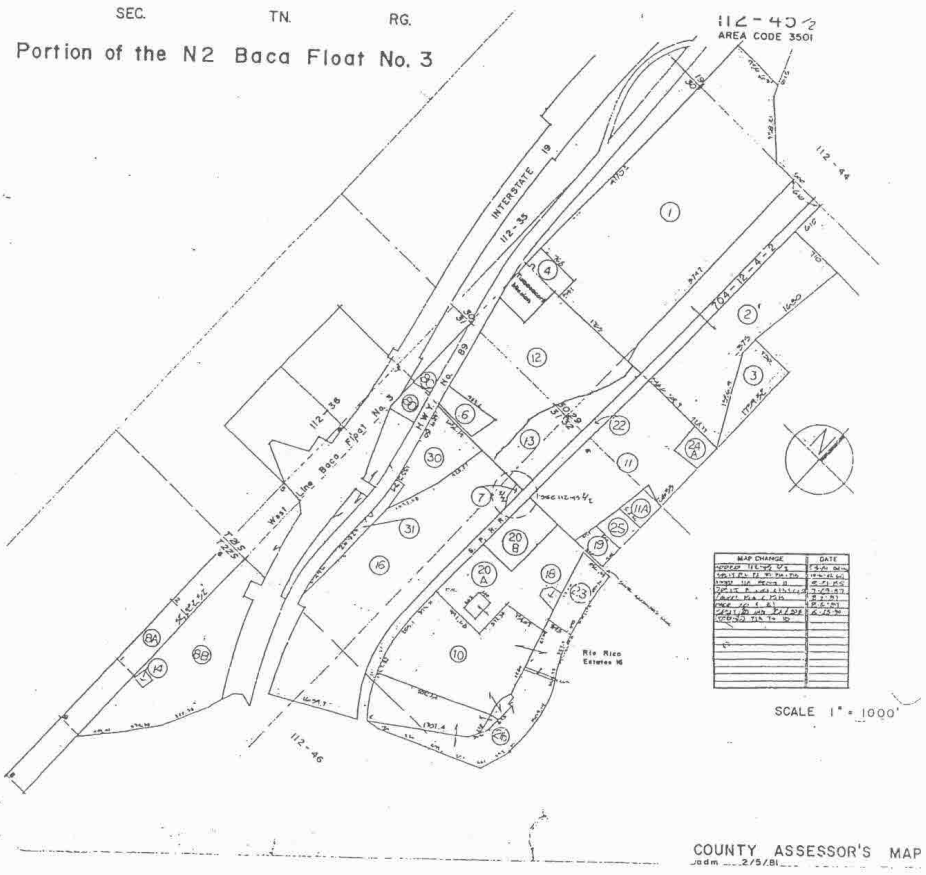
LEGAL DESCRIPTION: Lengthy legal in addendum. Summarily: the site is located in a portion of the Baca Float No. 3, within protracted Sections 29-31, T21S, R13E, G&SRB&M, Santa Cruz County, Arizona.

CERTIFICATION: See page 66

ASSUMPTIONS AND LIMITING CONDITIONS: See page 67

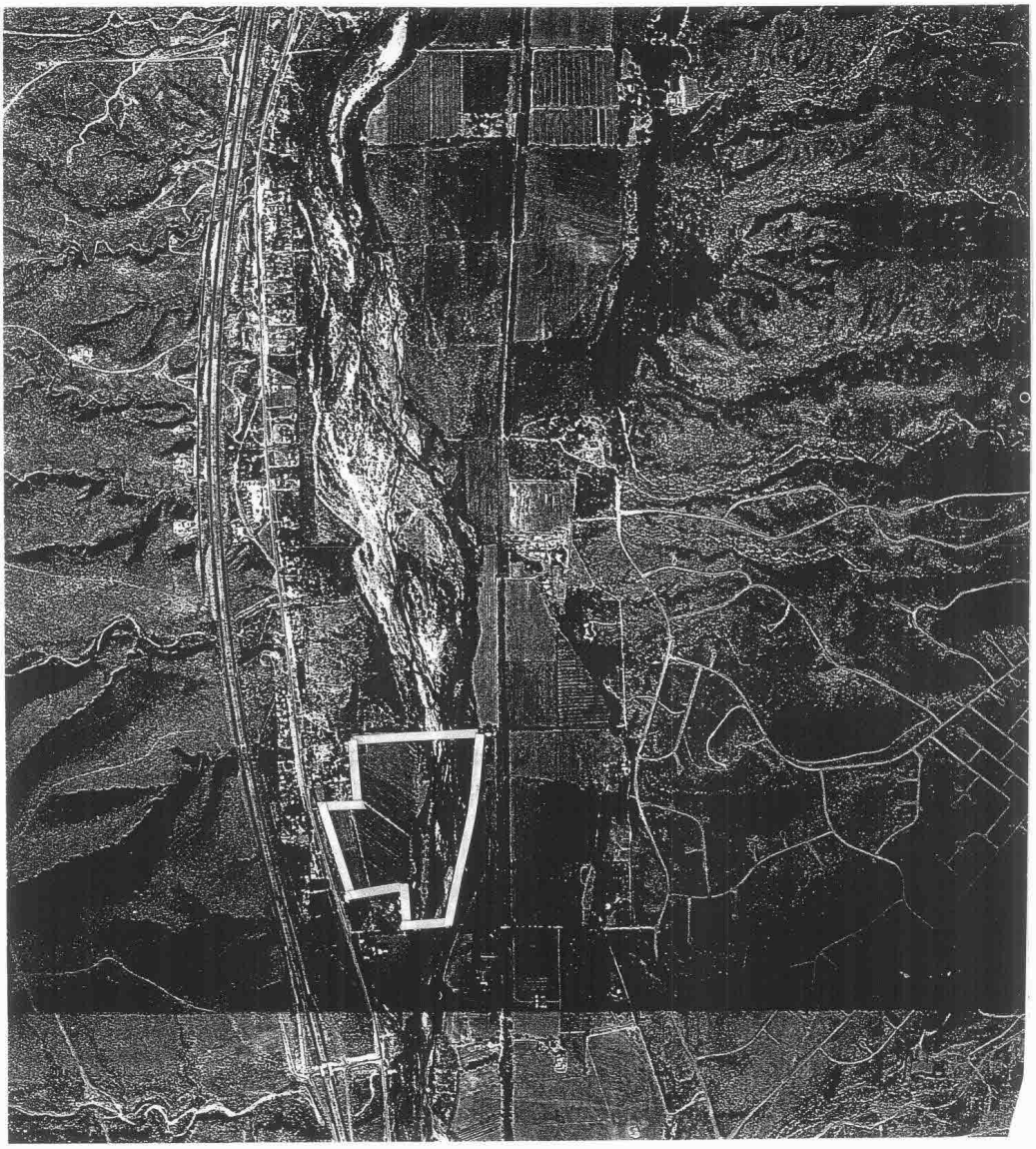
SMC 02-L-9008
NPS 101-12

PLAT MAP



SMC 02-L-9008
NPS 101-12

AERIAL MAP



SCOPE OF THE APPRAISAL

This appraisal assignment was authorized on behalf of the National Park Service by Mr. Bradley Flint, Chief Appraiser. The function of this report is to develop a Market Value estimate of the property as improved as of April 10th, 2003 the final date of inspection and verification of data. If accepted (pursuant to NPS review policy), this appraisal serves as a recommendation of value for the Statement of Just Compensation. This is a total acquisition.

The physical features of the property are relatively straight forward. At nearly 89 acres, this property comprises a working ranch known as Mission Ranch. Roughly 60% of the land is pastured with full Type 1 irrigated water rights. The property lies adjacent south to the Tumacacori Mission Historic Park and has a distinctive entry from Highway 89. There is no question that the site has multiple attributes which defy ready market comparisons. Generally, this area is entombed with indisputable cultural links dating back to the 1700's. It is recorded and verified that this area has significant architectural finds including remains of fields, pit houses, unusual fauna and historic wall/fort remnants. The University of Arizona and the Sonoran Desert Field Station, has verified that this locale contains one of the highest breeding densities of several endangered birds. As expected, the pool of market data for vacant sales is thin and therefore required the utilization of older transactions. Remarkably, the sales which span over a period of 8 years remains relatively consistent regardless of improvements, water rights and/or other appurtenances. All of the land sales utilized are within a 5-mile perimeter.

While improved ranch properties sell in the Tumacacori/Tubac Valley, all have unique attributes which are site specific. Most tend to be equestrian oriented with improvements ranging from state of the art to classic working. Because of the hybrid nature of the subject improvements, I elected to utilize only the Cost Approach to Value. There is insufficient market data to extrapolate meaningful comparisons based on the Improved Direct Sales Comparison Approach. Moreover, ranches of this caliber rarely, if ever are leased thereby invalidating the Income Approach. Due to sole reliance of the Cost Approach, I retained a professional cost estimator who inspected the premises with me. Field measurements were taken on all structural (excluding field fencing) components.

All relevant facts affecting the property's value were researched and considered, including land use patterns and regulations, site characteristics, subject history and data indicating supply and demand for comparable properties. Comparable land within the immediate area was also investigated. All of the sale transactions utilized for comparative value analysis were personally confirmed with an involved party. A variety of public records and private data sources were also utilized for general and specific comparison. I also personally inspected the subject property and the primary land comparables utilized in the valuation analysis. The sales chosen for comparison are dated but deemed relevant and provide a sound basis for valuation when utilized in concert with the outside broker interviews.

This report constitutes a statement of the nature of the subject property, all of the data utilized in arriving at the estimate of market value, and the summary of the estimate of

market value as requested by the client, NPS. Guidelines for NPS mandate that the appraisal must be made without regard to enhancement or diminishment to value that might result from its interest in the site.

Due to the unusual nature of the real estate, I relied extensively on the following outside broker/individual interviews to assist me in the final development of Market Value. The following agents/market participants were contacted during the appraisal investigation to augment the appraisal investigation for confirmations and/or regarding current market conditions.

COMPANY AFILLIATION		
COMPANY	CONTACT	PHONE NUMBER
Marsha Burden & Associates	Marsha Burden	(520) 455-4634
First United Realty, Inc.	Marty Ryan	1-800-726-0100
Nogales Realty	Paul Hathaway	(520) 287-8649
Headquarters West	Fred Baker	(520) 792-2652
The Arizona State Park Board	Ray Warner	(602) 542-2174
Roy Long Realty	Birdie Stabel	(520) 398-2962
Water Development	Phil Halpenny	(520) 327-7412
City of Nogales	Alexandro Bareenas	(520) 761-1814
Glenveagh Assoc.	John Harney	(480) 897-7945
Brasher Realty	Gary Brasher	1-800-700-2506
Walter Armer & Assoc.	Wally Armer	(520) 586-9139
Henry Amado	Same	(520) 881-4900
Ian Marr	Azomarr	(520)-325-5140
Hoot Gibson.	Same	(520) 296-0207

WATER RIGHTS AND IMPACT ON VALUE

General Water Regulations:

In Arizona, a primary concern of agriculture/ranching operations is the availability of water at a cost-effective price, which typically entails utilizing groundwater. Since Arizonans have been pumping groundwater faster than it is replaced naturally, (a situation called overdraft) the State Legislature passed the Arizona Groundwater Management Code in 1980. The Department of Water Resources (DWR) was established as a state agency responsible for administering the Code.

The restrictions governing groundwater use vary depending on where the groundwater is located. The Code established three levels of water management to respond to different groundwater conditions. The lowest level of management includes general provisions that apply statewide. The next level of management applied to Irrigation Non-Expansion Areas (INA's). The highest level of management with the most extensive provisions is applied to Active Management Areas (AMA's) where groundwater overdraft is most severe. Currently, there are three INA's and five AMA's within the state. The Santa Cruz AMA was previously part of the Tucson AMA and now regulates the area in which the subject property is located.

Groundwater users within INA's and AMA's are subject to regulation which specifies well placement, withdrawal limitations, transferability, appropriate uses and reporting requirements based upon a series of water rights classifications. The regulation of groundwater consumption outside of INA's and AMA's only requires the issuance of well drilling permits with groundwater withdrawal literally at the discretion of the well owner.

The code designates four basic classifications of groundwater withdrawal rights within AMA's: exempt withdrawals, grandfathered rights, service rights and withdrawal permits.

Exempt Withdrawals are wells that have a maximum pump capacity of 35 gallons per minute (GPM) and are used to withdraw groundwater only for non-irrigation purposes, including watering less than two acres of land. Exempt well owners are not required to measure groundwater pumpage, file annual water use reports, or pay withdrawal fees.

Grandfathered rights (GFR's) consist of the following three types: Irrigation, Type 1 non-irrigation, and Type 2: irrigation. The Tucson/Santa Cruz AMA withdrawal rate is $3.15 per acre-foot except for Type II rights which is $5.27 per acre-foot. There are 325,851 gallons per acre-foot, which is about the amount a family of four consumes in a year without any water saving devices.

Irrigation GFR's apply to two or more acres of land irrigated between 1975 and 1980, to produce plants for sale, human consumption, or as feed for livestock. Irrigation GFR does not specify how much groundwater can be pumped; that amount will vary over time according to a formula established by DWR. An irrigation GFR is an appurtenance to the

associated land. If the irrigated land is located outside the service area of a water company, the landowner may apply to DWR to have the Irrigation GFR converted to a Type 1 non-irrigation GFR.

Type 1 non-irrigation GFR's are associated with land permanently retired from farming and converted to a non-irrigation use. This right may be sold or leased only with the land. The maximum amount of groundwater that may be pumped each year using a Type 1 right is three-acre feet per acre. Once an Irrigation GRR has been converted to a Type 1 right, the retired farm land can never be irrigated to grow crops again. The original owner of a Type 1 right may either withdraw the groundwater from the retired farm land associated with the right or use groundwater from elsewhere on that retired farm land. However, if the groundwater is withdrawn from a well that is not located on the retired farm land, the water must be used on the retired farm land. Any new owner may only withdraw groundwater from the retired farm land associated with the right.

Type 2 non-irrigation GFR's can generally be used for any non-irrigation purpose. The right is based on historical pumping of groundwater for a non-irrigation use and equals the maximum amount pumped in any one year between 1975 and 1980. Type 2 rights are personal property which can be sold separately from the land/well.

Service Area rights allow cities, towns, private water companies and irrigation districts to withdraw groundwater to serve their customers. The service area is primarily the area of land actually being served water. **Withdrawal permits** allow new withdrawals of groundwater for non-irrigation uses within AMA's. Permits are available for almost any non-irrigation use excluding domestic water for subdivisions.

Surface water claims/rights are also administered by DWR, but are separate from groundwater rights since surface water is appropriable. The Doctrine of Prior Appropriation is utilized to determine the priority of surface water claims/rights based on the concept of "first in time, first in right". A primary criteria for establishing priority is the ability to prove historical continuous use. Claimants who have filed the appropriate documents receive a Statement of Claimant number. Surface water claims can be severed and transferred within the AMA as long as the source remains the same, authorization is obtained from any downstream irrigation district(s), and notice is given to downstream users which may be impaired.

However, because surface water resources in Arizona have been over-appropriated, a water rights adjudication process is now in progress for the entire Gila River drainage basin which includes the Santa Cruz River. The primary function of this legal action is to determine where surface water ends and groundwater begins, as well as to establish priority of claims. The court in adjudicating water rights is unlikely to approve "double dipping" of having a surface water right and a groundwater right for irrigation of the same fields. A more likely scenario would be to divide the allocation between surface water and groundwater and to base it on the number of historic irrigated acres multiplied by the average annual water demand per acre.

The surface water claims are currently being challenged in the Arizona courts. This is critical to the valuation, since the subject lies within the zone identified as "saturated holocene alluvium". An earlier Supreme Court decision noted that this characteristic should be classified as surface water versus ground water. This is in stark contrast to the earlier Arizona Court mandates which could not or did not specify whether or not the subject area utilized ground water or surface water. Because of the ambiguity of the law, there is a special adjudication hearing which is scheduled to be heard sometime in the next 18 months clarifying the water rights. A group of private individuals within the Santa Cruz Valley, including Mission Ranch (subject) has expensed in excess of $80,000 formulating the documentation of retainment of legal counsel. From a valuation perspective, it is pivotal in that if identified as surface water, these rights then become transferable, whereas currently they run with the land. The current water rights (Type 1-irrigated with 285.48 acre feet per year) on the subject are certainly sufficient to accommodate domestic and continued pastured uses.

Irregardless of the outcome of the anticipated adjudicated court decision, it must be determined if any measurable incremental value exits for the water rights as they currently exist beyond the current use. Ultimately, for incremental value, there must be demand to support development since these rights are appurtenant to the land. Given the abundant availability of improved residential land and the area's low level of absorption it is my opinion, that at the present time the anticipated adjudicated rights do not have any incremental value. While the subject appears to have some of the oldest documented surface water claims (1872-1899), there still must be demand. This demand will most likely come from the existing developments along the same aquifer, consisting primarily of Kino Springs, Rio Rico, or the City of Nogales. Kino Springs already has an agreement with the City of Nogales for assured water supply; however, the financial responsibility for development of the system still rests with the owner which is financially unfeasible given the current level of absorption. The owners/developers of Rio Rico have also indicated that they are not interested in acquiring additional water rights since they presently possess through the City of Nogales a 100-year assured supply. Mr. Hugh Holub, who as an attorney representing the City of Nogales, indicated they have enough water for at least 65,000 people which essentially equates to tripling the city's existing size. Given historic and current growth projections, this will accommodate their needs for at least the next 30 years and eliminates the only potential user. Therefore, given the lack of current demand by potential users and the pending litigation surrounding surface water claims/rights, no additional or bonus value beyond the need to maintain or utilize the land for it's current use accrues to the subject. However, for the purpose of establishing market value of the subject property as if vacant, the sales chosen for comparison have been adjusted to account for specific water rights.

Source: Documentation for this section has been obtained through the Arizona Department of Water Resources. Retainment of an outside consultant, retainment of the Water Development Corporation (Mr. Phil Hal Penney with the Water Development Corporation) and (Mr. Brad Despain), who measures and reports the subject's ground water usage and Mr. Hugh Holub, Esq., who specializes in litigation pertaining to water rights.

NEIGHBORHOOD DATA

The subject is located in Santa Cruz County the smallest and southernmost county in the State of Arizona. The county comprises roughly 1,236 square miles of land area which is about 38% privately owned. This is the second highest ratio of the 15 Arizona counties and compares to the statewide average of 18%. The U.S. Forest Service and BLM own over 50% with the State consuming around 12%. The entire Santa Cruz County is a product of generations of cultural and ethnic interactions, especially by American West and Mexican traditions. This county was named after the Santa Cruz River which bisects it from north to south. The Santa Cruz River is fed by numerous mountain ranges, including the Santa Rita's, Tumacacori and San Caytano's. Area ecosystems range dramatically from riparian to desert scrub to rolling grassy hills with steep rocky mountains.

The population of Santa Cruz County was 39,381 according to the 2000 census. This reflects an average annual compound increase of 3.7% over the 1990 census figures. The Santa Cruz County growth rate compares favorably to the national average annual compounded rate for the same period of approximately 1.7%. The City of Nogales which lies adjacent to the International Border is the county seat and is associated with strong commercial, religious and cultural ties to Mexico. The only other incorporated areas are Patagonia, Arizona which is a small community (1,000 residents) located approximately 30 miles northeast of Nogales. The three primary unincorporated areas consist of Rio Rico, Tubac (3 miles north of the subject) and Sonoita.

By age, the population of Santa Cruz County is relatively young with a median age of 27.2 years compared to 32.9 years statewide. Approximately 11% of the population is 65 years or older versus 14.3% nationwide. This segment has increased by more than 50% between the 1990 and 2000 census stats. The increase reflects the continued appeal of this area as a retirement destination.

Principal highway access through Santa Cruz County is via Interstate-19 (I-19), a federally maintained highway originating from Interstate-10 (I-10) in Tucson, about 50 miles to the north. I-19 terminates at the International Border separating the United States and Mexico, at which point Mexican Federal Highway 15 proceeds south approximately 176 miles to Hermisillo, the capital of the Mexican State of Sonora. Mexican Highway 15 is one of the few well-traveled and maintained highways in western Mexico and has been critical in the transportation of produce entering the United States. The produce industry in Nogales, on both sides of Nogales, has been significant in terms of population growth. Other routes throughout Santa Cruz County include State Highway 82 which connects Nogales with Sonoita and State Highway 83 which provides access south from I-10 to Sonoita.

Recent population growth on both sides of the border is a response to an expanded economic base in the area due to the development and implementation of the maquilodora "twin plant" strategy. The twin plant concept was intended to take advantage of the more favorable wage and operational costs found in Mexico and combines them with the marketing advantages found in the United States. Presently over 83 firms have operations in Nogales, primarily in the produce, apparel and electronic industries. During normal years,

the Nogales produce industry accounts for 80% of the winter produce consumed in the United States and Canada. Many produce warehouses are located along the I-19 corridor from northern Nogales to the Rio Rico Industrial Park. Nogales, Arizona is the largest inland produce port of winter vegetables in the United States with over 62 firms reporting as many as 40,000 to 50,000 truckloads of produce annually. To this extent, many growers have upgraded warehouse and storage to include sophisticated/refrigerated air circulation, gassing and distribution improvements to compete with winter growers and brokers in other ports of entries such as California, Texas and Florida. The largest produce warehouse in the district is located off of River Road and I-19, a distance less than 20 miles south of the subject.

The largest employment sector in Santa Cruz County is retail and wholesale trade. This is due to the extraordinary demand by Mexican citizens for goods found in the United States. Illustrating this fact is that Nogales has the highest per capita retail sales in the state. Tourism is also a growing industry to the area fueled by winter visitors as well as shoppers from Tucson and Phoenix. Santa Cruz County serves one of the major gateways between the United States and Mexico. The economic position with respect to retail sales is expected to grow in importance as the North American Free Trade Agreement (NAFTA) continues to be implemented and expanded.

The following table details the average 2000 Santa Cruz County non-agricultural employment by industry.

Employment Category

Manufacturing - 7.27%
Mining - 0.0%
Construction - 3.64%
Transportation/Communications & Utilities - 7.27%
Retail & Wholesale Trade - 45.45%
Finance/Real Estate - 2.73%
Services & Miscellaneous - 15.45%
Government -18.19%

Amenities in the area include the Pena Blanca and Patagonia Lakes which provide swimming, boating, fishing and camping. The United States Forest Service incorporates over 50% of the counties land area and includes the Coronado National Forest, which includes various hiking and picnicking locations. There are also three 18-hole golf courses identified as Kino Springs, Rio Rico and Tubac Country Club.

In summary, Santa Cruz County appears to have relatively favorable long-term economic stability and growth given the regional climate and improvements to the International Border with Mexico. The near term outlook for the county is good with most economic indicators indicating modest upswings in the local economy. However, a major deterrent involves drug trafficking and illegal trespass. Both the U.S. Border Patrol and the International Border continue improving monitoring/surveillance activities. The continued

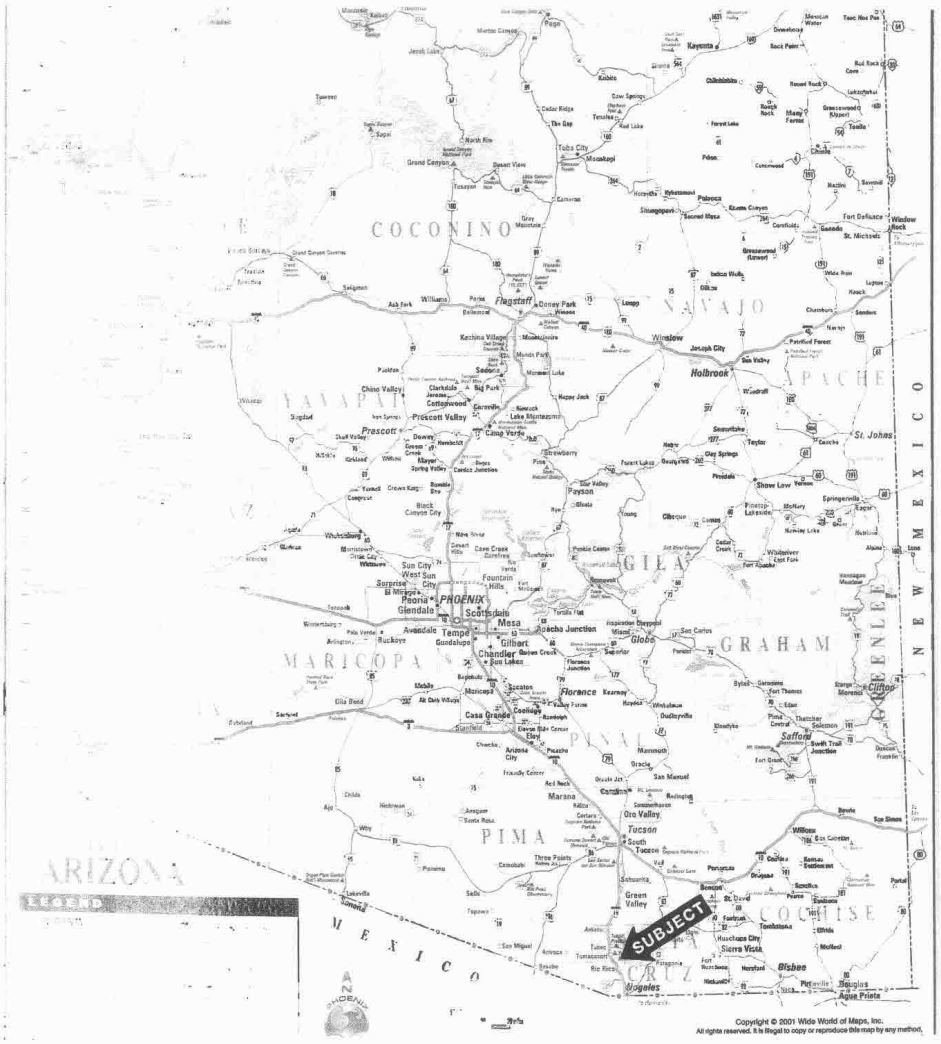
success of the maquilodora operations on both sides of the border, and the ongoing improvement in the United States and Mexican economies should ensure continued population and economic growth.

Tubac/Tumacacori Area:

The subject is located about 23 miles north of the International Border, about 50 miles south of Tucson, and 3 miles south of Tubac. The historic Tumacacori Mission which is controlled and operated by the National Park Service is a tourist beacon. This area which was founded in the late 1600's, when the Spaniards built early outposts for exploration, mining and ranching. The area is recognized as Arizona's first European settlement. Today the area is home to at least 5 distinct cultures culminating with the historic registration of the Tumacacori Mission. Today the Tubac/Tumacacori area is a thriving and internationally recognized artisan community, primarily dependent on art, tourism and retirees.

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STATE MAP



SITE DATA

The subject property is commonly referred to as Mission Ranch. This property is highly improved with 54 irrigated acres. The salient facts of the site as follows:

LOCATION:

General: Mid-central portion of the Santa Cruz County, Arizona.

Specific: Adjacent south of the Tumacacori National Monument which lies about 1.5 miles north of the I-19 and The Tumacacori/Carmen Interchange. This area lies about 3 miles south of Tubac and 20 miles north of Nogales and the International Border. The property is further identified by street address as 1885 E. Frontage Road, Tumacacori, Santa Cruz, Arizona.

SIZE: 89.23 acres per survey prepared by John D. Sitzer, dated 02-05-03. It is highly irregular particularly along the east boundary where it skirts the Santa Cruz River. The property has 857.34 feet of frontage and extends easterly to a maximum depth of 1,724.70 feet at the north boundary. On the south, the parcel runs 1,228.72 feet. No dimensions are available on the east due to the curvilinear lines of the river.

ACCESS: The site has at least two verifiable points of legal access: the first along Highway 89 and the second from Santa Gertrudis Lane which runs along the south boundary. Entry from the frontage road (Highway 89) is restricted due to an electronic gate. This highway which provides all weather access is paved and maintained by ADOT. Santa Gertrudis is dirt (30 foot wide) and is not passable during high peak flooding as it crosses the Santa Cruz River. Excluding the extreme eastern boundary, most of the land is readily traversable.

TOPOGRAPHY AND VEGETATION: The site has two distinct zones. The western two thirds is flat with less than a 8 to10 foot graduated grade change. Of the total land area, roughly 54 acres are irrigated pastures. Natural vegetation is moderately dense including multiple mature stands of mesquites, cottonwood and willow. The eastern

boundary abuts the Santa Cruz River. Generally, the river is strewn with debris with large random expanses of soil erosion, only counter balanced by intermittent lush riparian areas with dense vegetation and mature cottonwoods.

FLOODPLAIN:

The subject property appears to lie within Zone A. However, the quality of mapping is questionable and could not be verified with the Santa Cruz Floodplain Department. Zone A is for "areas of 100-year flood". Some of the A designations have base foot elevations and flood hazard factors determined, while some do not. In this instance, no specific study has been undertaken and without such any application of standard flood frequency analyses and floodplain delineation techniques are not likely to yield highly accurate results for any type of development on the subject. It is conceivable that the western one-third portion lying closer to Hwy 89 and the Tumacacori Mission may fall under a 500-year floodplain. Reportedly, the residences and other structural improvements have never been inundated during high/peak flooding periods.

SITE & SOIL CONDITIONS:

The best of my knowledge, no environmental assessment has been performed of the subject site. However there are three areas of concern:

1- There is an old fuel island located near the existing hay loft. There is no public information available and the owner did not know the capacity of the underground tank. There is considerable seepage around the equipment and much of the dirt in and around the area is stained. There also several large drums of used oil.
2- Near the south end of the property there are several barrels (contents unknown) and discarded truck/ranch equipment including batteries.
3- There is considerable wildcat debris particularly along the banks of the Santa Cruz River and in the streambed.
4- **In absence of a soils report, this appraisal has been prepared and the value estimate has been predicated on the assumption that there are no hazardous materials, contamination or other adverse soil conditions on the property that would cause a loss in value. Due to visual**

observation as well as surrounding land uses which includes a high incidence of ranching/farming and the associated pesticides, the client is urged to obtain a Phase I Environmental Site Assessment Report.

UTILITIES:

Electricity: Citizens Utility Company provides electrical service to the subject property.

Water: According to the Arizona Department of Water Resources (520-770-3800), there are three wells noted under registration Certificates #55139, #551438 and #551439. The drill dates are 8/1970 and 10/1995. Water level is high at 10 feet with a pumping capacity of up to 1500 GPM. The grandfathered water rights for 56 acres is filed under Certificate #58-100085. Total groundwater allotment is 285.48 acre feet per year.

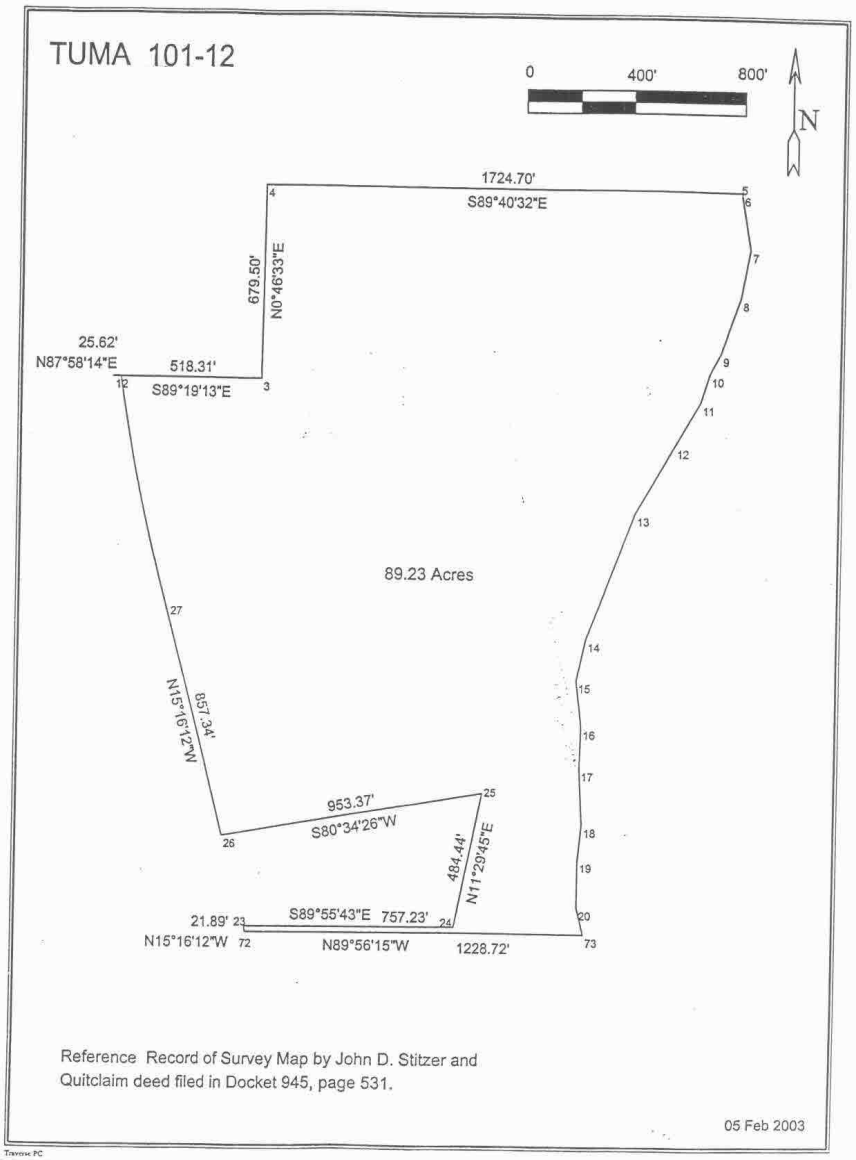
Sewer: Sewage removal is allowable by private septic systems. There are two septic systems on site.

Natural gas: Natural gas is currently not available to the subject property or surrounding area. Gas is currently available by propane.

COVENANTS, CONDITIONS, EASEMENTS & RESTRICTIONS: A review of a preliminary title report issued by Fidelity National Title Agency, under their Order No. 50019822-LP dated January 29, 2003, is straight forward with no unusual citations. The report however does not reference a Quit Claim Deed dated 11-01-02 whereby Binney conveyed a small strip of land (30 feet) located along Santa Gertrudis Lane to an adjoining property owner. Refer to Docket 945 @ Page 531. A copy of this instrument is included in the addendum to this report.

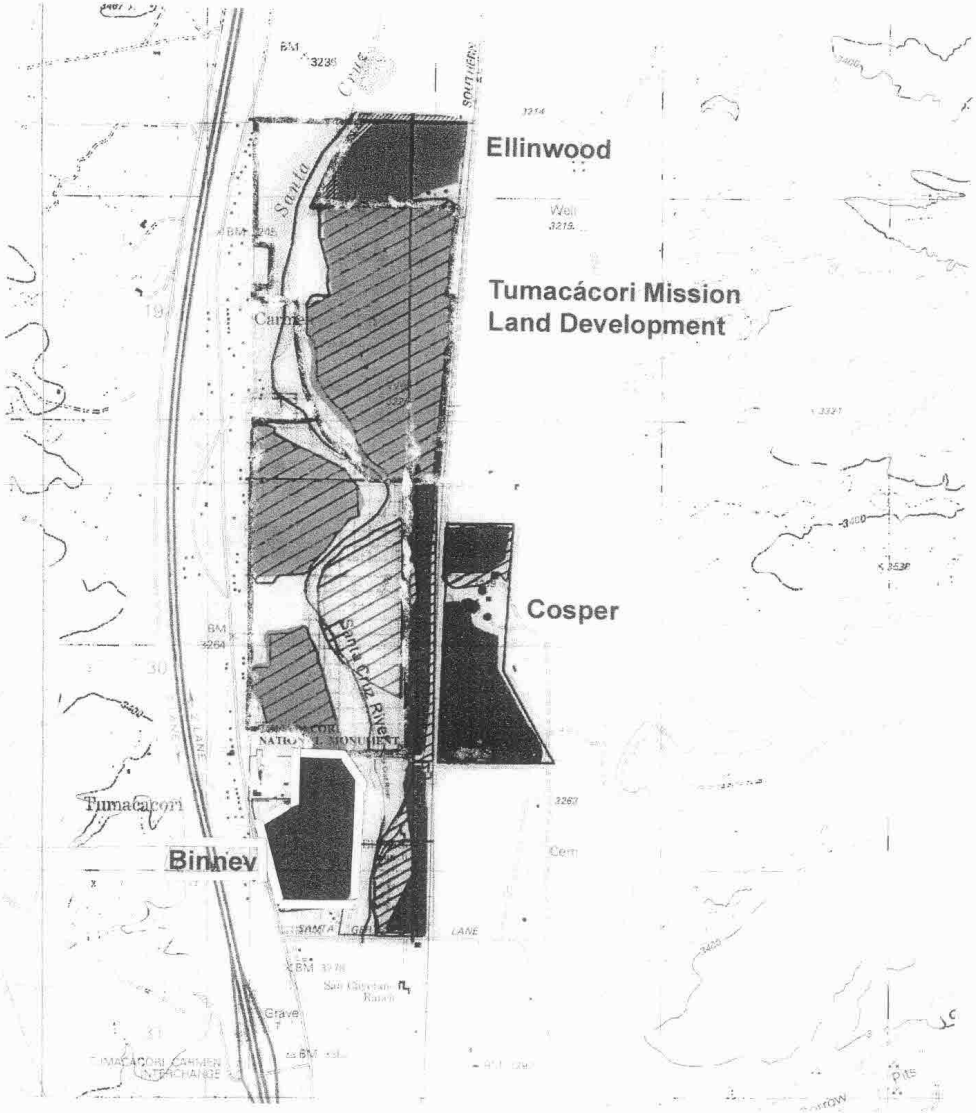
SMC 02-L-9008
NPS 101-12

SURVEY



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TOPGRAPHICAL MAP



DESCRIPTION OF IMPROVEMENTS

The western portion of the property is improved with the ranch headquarters fronting on U.S. Highway 89. Known as Mission Ranch, the primary improvements consist of a two-bedroom main house, a one-bedroom guest house, a seven-stall horse barn with an attached main office, associated hay barns, arenas/round pens, a cattle chute, and a large pre-engineered storage building. Other improvements include enhanced landscaping, perimeter fencing utilizing both block and wood, an electronic security front gate, various corrals, equipment sheds and a small fuel station for ranch equipment and tractors. There is an older (30 year plus) manufactured home currently utilized by the ranch foreman. Any modicum of monetary value would be offset by demolition. No value has been assigned to this component.

Collectively, the improvements exhibit a wide array of construction materials, architectural features and design elements. The improvements were built over a period of over 30 years commencing in the late 1960's (barn/stable/main residence/pool) with a final addition of a near 4,000 square foot storage facility in 1984. It is apparent that during the intervening years ongoing maintenance and upgrades are evident. The property as a whole has excellent "street" appeal denoting a contemporary ranch style. As with any working ranch operation, there are areas of deferred maintenance primarily associated with pasture, fencing, hayloft and general accumulation of old equipment.

Basic construction features of the primary structural improvements are as follows:

- **Residence** - According to field measurements this home contains 1,890 square feet versus 1,514 square feet per Assessor records. The disparity appears to emanate from an addition (circa unknown) as well as the fact that the Assessor may not have picked up the addition or it was constructed without a permit. Nonetheless, the addition and overall quality and functional utility of the home are good. This two-bedroom, one bath ranch-style residence has exterior block walls, a wood shake roof and a combination of hard wood doors and anodized and steel cased window frames. Interior features are varied and include a combination of tile, vinyl and carpeting. The walls are primarily dry wall or exposed block. There is a beehive style fireplace in the living room and a good array of custom cabinetry throughout the house. According to public records, the original residence was originally constructed in 1968 but has been upgraded and well maintained over the years.

- **Guest House** - The guest house, according to Assessor records, was constructed in 1980. This is essentially a large one-bedroom with a combination kitchen and living room. The guest house is located off of the pool area across from the main residence. The exterior construction features include a combination of wood siding and masonry with a shingled roof. The interior finish is average and includes a combination of vinyl, tile and carpet. The kitchen and bathroom areas are typical of prefabricated units. The overall condition of this improvement is average.

- **Stable** - This near 3,200 square foot stable is the cornerstone of the ranch operations. Incorporating seven working stalls including one for stud services, the barn includes a tack room, attached kitchen/break room, small manager's office, restroom and a large private office. In addition there is a two-story mezzanine above the stalls which includes hay chutes and added storage capacity. All stalls have oversized outside chain link runs. Primary construction features include block walls, upgraded wood stall gates, upgraded electrical and an asphalt shingled gabled roof. The private office has expansive wood paneling and carpeting. This office includes evaporative cooling and a gas furnace. The functional utility and condition is good.

- **Pre-engineered Building** - The final or primary improvement to the ranch operations includes a 4,050 square foot pre-engineered building located at the southern end of the property, a considerable distance away from the primary improvements. Accessed by a 12 x 14 sliding door, the interior finish is half dirt floors and half concrete. It appears at one time additional improvements were made to this building to incorporate a kitchen and private restroom including a shower stall. Currently this building is primarily used for storage. Condition is good.

- **Ancillary Improvements** - There are a multitude of ancillary improvements including a pool located between the guest house, stable and the main house; a cattle loading ramp, horse arenas, an abundance of patio walls and various ancillary sheds and storage out-buildings. The overall ranch is secured by electronic gate and various locked field gates. Between the entrance and the primary improvements are a series of meandering driveways enhanced by mature landscaping.

- **Division of Realty & Personality** – Any specialized equipment including tractors, vehicles and associated ranching operations are personal property and are therefore excluded from the valuation.

SPECIAL NOTATION: The trailer (10x60) which is occupied by the foreman (Clark) is located to the east of the primary residence and hay barn. The trailer which is at least 30 years old is in a dilapidated condition, including sub-standard flooring (gapping holes), roofing (holes in trusses and leakage), only one operational bathroom, no heating, poor electrical, and damaged side panels. The trailer is elevated on cinder blocks. `The structural/economic integrity of this trailer is non-existent. In all likelihood the structure is in violation of safety, building and occupancy codes. (Refer to page 2 for details)

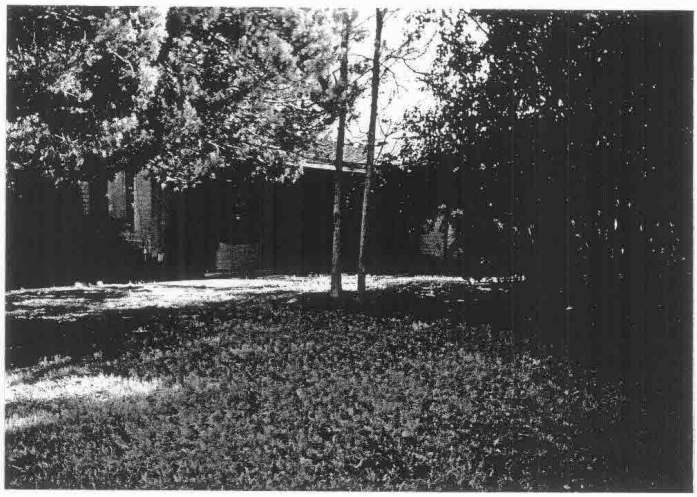
There is an older fuel pad with underground tanks and two pumps located next to the hay barn Details regarding holding tank size and ADEQ inspections were not available. The equipment is dated (at least 25 years) and notable oil spills were observed.

These two components are viewed to be 100% depreciated and not included in the valuation.

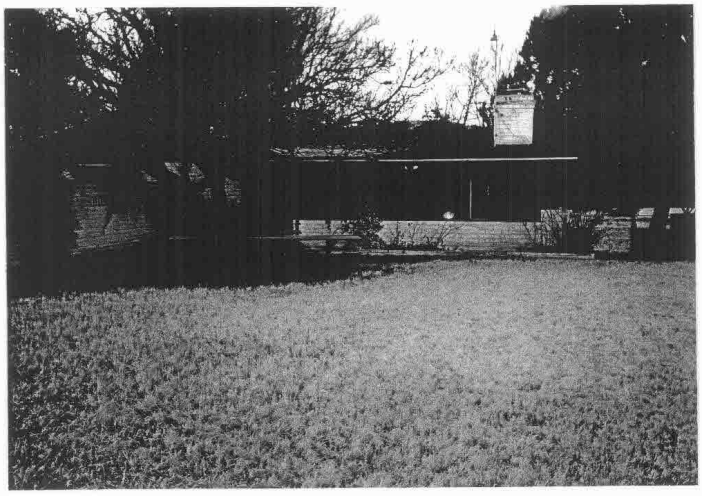
SUMMARY:

Overall, the ranch improvements collectively are viewed to be in good condition with above average appeal. The floor plans are included in the addendum.

SUBJECT PHOTOGRAPHS

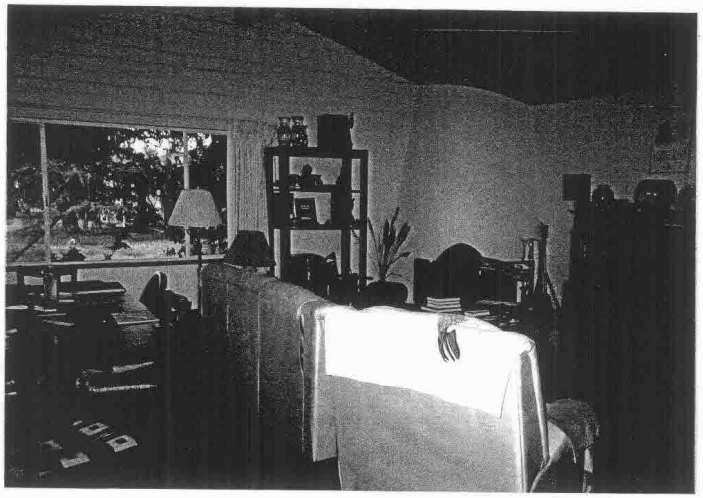


MAIN HOUSE FRONT ELEVATION

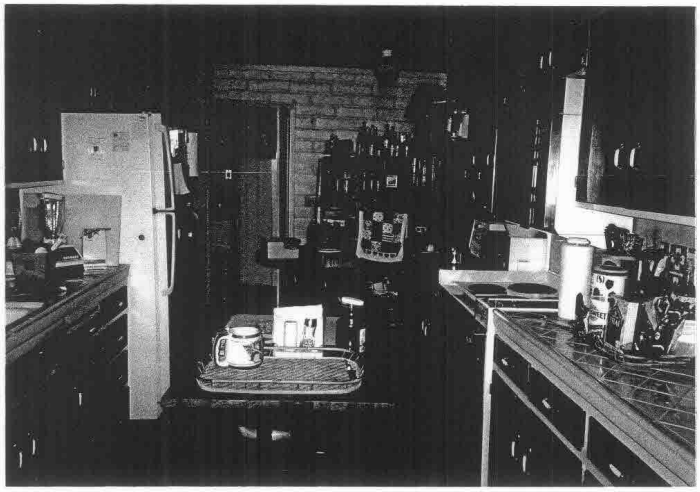


MAIN HOUSE REAR ELEVATION

SUBJECT PHOTOGRAPHS

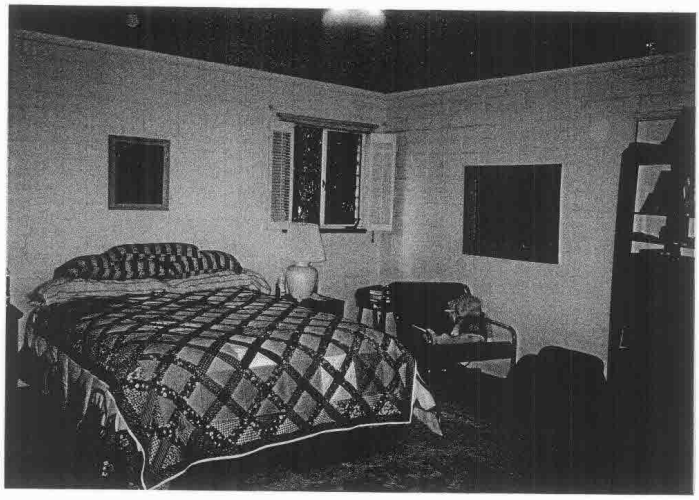


MAIN HOUSE LIVING ROOM



MAIN HOUSE KITCHEN

SUBJECT PHOTOGRAPHS

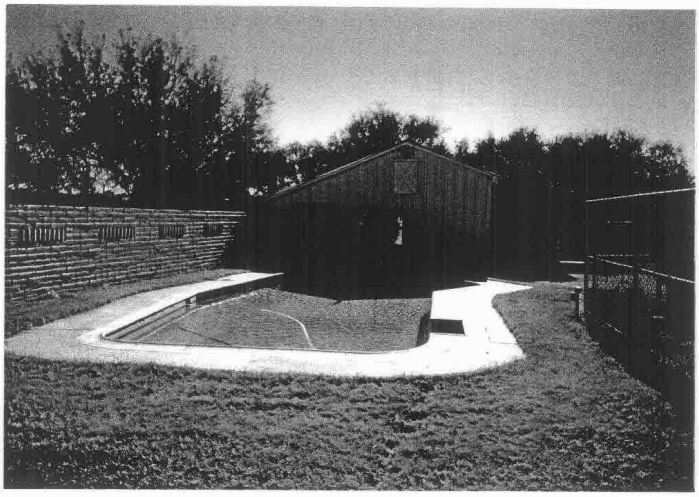


MAIN HOUSE MASTER BEDROOM

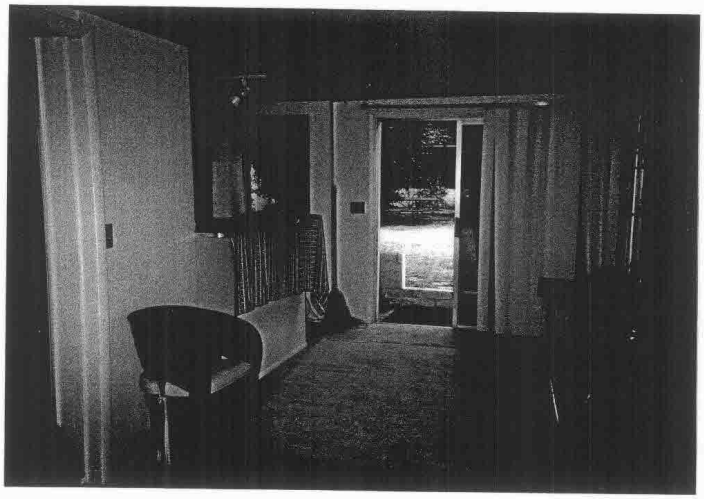


MAIN HOUSE GUEST ROOM

SUBJECT PHOTOGRAPHS

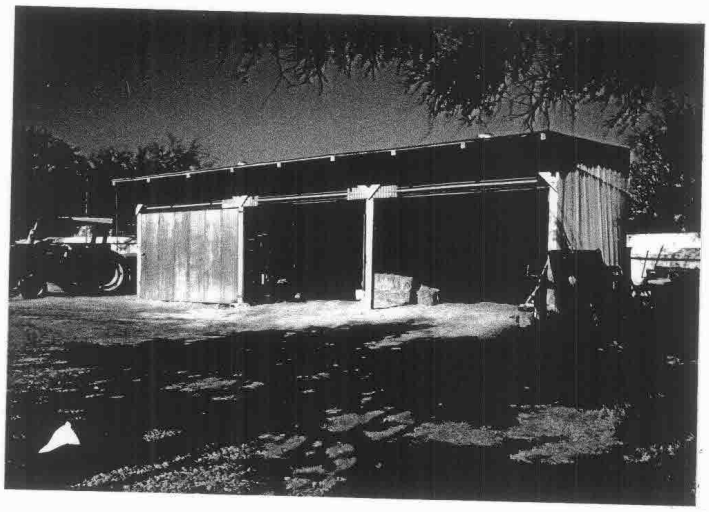


POOL AND GUEST HOUSE



INTERIOR GUEST HOUSE

SUBJECT PHOTOGRAPHS



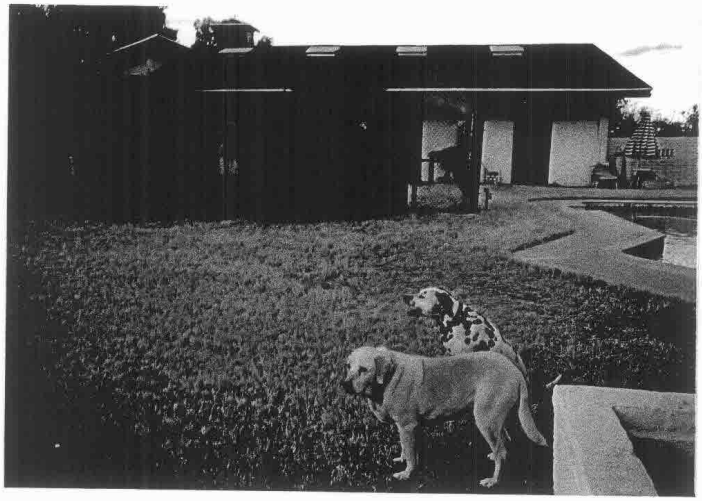
HAY SHED



FRONT ELEVATION OF STALL/BARN

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SUBJECT PHOTOGRAPHS

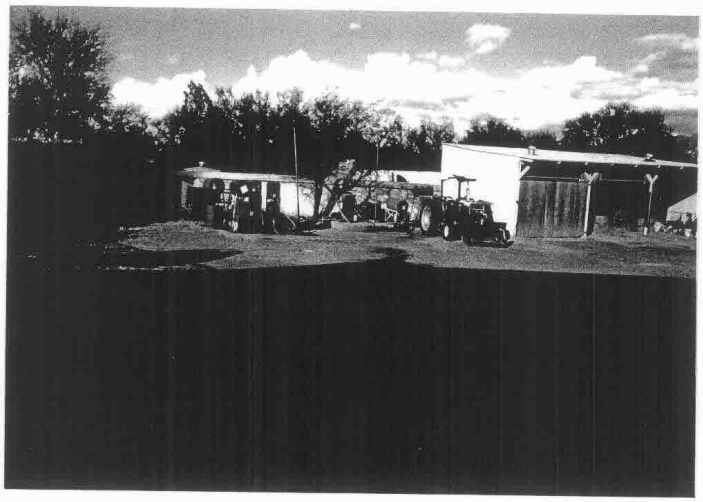


SOUTH ELEVATION OF STALL (DOGS NOT INCLUDED)

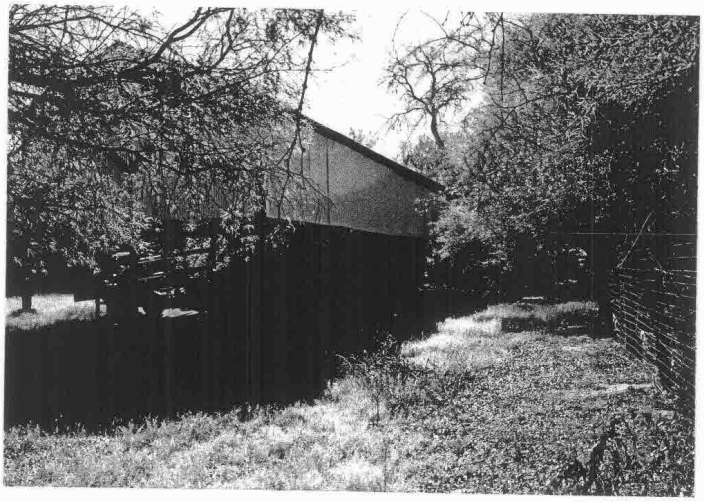


INTERIOR RANCH OFFICE

SUBJECT PHOTOGRAPHS



UNDERGROUND FUEL FACILITY



SOUTH STORAGE BARN

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NPS 101-12

SUBJECT PHOTOGRAPHS



IRRIGATED FIELDS



IRRIGATED FIELDS

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NPS 101-12

SUBJECT PHOTOGRAPHS



WELL



ROUGH ZONE NEAR THE SANTA CRUZ RIVER

SUBJECT PHOTOGRAPHS



THE NORTHEAST CORNER OF THE PROPERTY



THE SANTA CRUZ RIVER

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NPS 101-12

SUBJECT PHOTOGRAPHS



THE SANTA CRUZ RIVER



FRIENDS OF THE SANTA CRUZ

ZONING

The majority (78%) of the subject property is zoned GR, general rural, under the Santa Cruz County Zoning Ordinance. The GR classification is for rural residential uses with accommodations for animals and agricultural. General development standards for single family dwellings are as follows:

Minimum Lot Area:	180,000 square feet, or 4.13 acres
Minimum Lot width:	150 feet
Minimum Front Yard:	35 feet
Minimum Side Yards:	25 feet each
Minimum Rear Yard:	50 feet
Maximum Building Height:	2-1/2 stories, or 35 feet

Please refer to the zoning code for development standards as they pertain to the other permitted uses including farm animals, riding stables, nurseries, animal kennels, airports, country clubs, campgrounds, feed lots, guest ranches, roping arenas and rodeo arenas.

The remaining approximate 23% (18-20 acres) is zoned B-1. Neighborhood Business. This area represents a small strip running along the entire length (roughly 850 feet) of Highway 89. This zoning allows for a myriad of uses and is generally viewed to be a transition zone between the more intense B-2 classification. This zone encourages the renovation of residential homes to commercial use. General development standards for single family dwellings are as follows:

Minimum Lot Area:	6,000square feet
Minimum Lot width:	50 feet
Minimum Front Yard:	20 feet
Minimum Side Yards:	None
Minimum Rear Yard:	15 feet
Maximum Building Height:	35 feet

The commercial zoning has no impact on current value due to lack of demand.

The state legislature revised the subdivision law, effective July 1994, to allow a property owner to split a parcel five times without being considered a subdivision. The resulting parcels must still meet the underlying zoning requirements. The current zoning is consistent with the surrounding land use patterns.

SMC 02-L-9008
NPS 101-12

ZONING MAP



HIGHEST & BEST USE

Highest and best use is a market driven concept and its analysis is fundamental to an appraisal. It reflects an assumption about market behavior that the value of a property is directly related to the perceived benefits of its ownership. According to the Appraisal Institute, *highest and best use* is defined as "the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value", as of the date of the appraisal.

As if Vacant:

Legal restrictions to highest and best use, as they apply to the subject property, are primarily in the form of zoning. The subject is predominately zoned GR, which allows a myriad of uses ranging from ranching to large homesteads as long as the minimum lot size is 4.13 acres. The modicum of land classified for business use is essentially moot since there is not a scintilla of economic feasibility.

Physical characteristics such as location, access, size, configuration, topography, and utility availability must be considered to evaluate the development potential of the site. The subject property is a slightly irregularly shaped parcel containing roughly 89.23 acres, which provides adequate development potential. However, the Santa Cruz River traverses the land randomly along the eastern boundary, thereby effecting development on roughly 28 – 30 acres due to floodplain ordinances including a mandatory 500 foot set back from top of bank. Topographically, the flood plain along the Santa Cruz River consists of a riparian area which maintains a perennial flow of water and effluent in varying proportions. Consequently, all-weather access tends to be problematic, particularly in circumstances of heavy rain inundation. Unlike many large tracts in the area, the subject land has weather access from Highway 89.

With respect to public utility availability, only electric and telephone lines are to the site. Water is provided by two wells. The property has Type I irrigated GFR (Grandfathered Rights) with more than sufficient acre rights to support multiple homes with domestic well(s).

The crux of the Highest and Best Use devolves to the concept of economic feasibility. There is no question that the site is strategically located with excellent access, pristine views and an inherent "historic" benefit from the adjacency to the established National Park Service Tumacacori Mission. There are nearly no apparent adverse physical constraints for development; however, there is considerable competition in the Tubac/Tumacacori Valley, including Rio Rico, Tubac and Kino Springs, all of which can be purchased on a cost basis for less. For example, Barrio de Tubac is an active 360-acre master-planned community in Tubac, bordered by the old village to the north, the Santa Cruz River to the east and I-19 to the west. Its southern boundary is the Village of Tumacacori. The community is developing a new 20-unit upscale country inn, as well as town homes and individual detached patio homes (Tubac Homes). A large lot, single-family area is also being actively developed and marketed by Dorn Homes. Sewer and all other utilities are in place, with plans for more

than 30,000 square feet of commercial space for sale or lease, including two restaurants and commercial/retail space for retail shops or art galleries in Tubac Village, adjacent to the well-known Mercado de Baca. The Village of Tubac is connected directly to the Barrio de Tubac retail shops by a new road that runs alongside of the Mercado complex.

A competing development also includes the custom homes available at The Villages of Rio Rico, developed by Rio Rico Properties Inc. a subsidiary of Avatar Properties Inc. These homes are located near the Rio Rico Golf Course and Resort.

The subject could in all likelihood be rezoned without inordinate obstacles. Given the lay of the land, extending utility infrastructure would not be problematic. While the property lends itself to a higher density use, the immediate demand is marginal in light of competing projects which are now under way. In lieu of developing the land to optimum density, the land could legally be split a maximum of 5 times. The demand is excellent for these smaller "ranchette" lots, particularly those offering Type I - irrigated rights. Five lots averaging 18 acres would solicit strong interest.

As Improved:

The subject is improved with multiple structures supporting a working ranch. In addition to a main house, guest house, barn, storage and a high quality stable, there are irrigated fields and associated corrals and fencing. Most of these improvements have been in place for well over 30 years and are good condition. Collectively, the improvements are functional and any items of deferred maintenance are typical for this type of property. The ranch is well known in the Santa Cruz valley and would elicit strong interest if offered on the market. Attesting to the demand, there is only one active listing of a similar type ranch (Ellinwood) in the area. Most properties of this caliber are held for many years and are reflective of multi-generational ties. There are no market derived indices to suggest a change in the foreseeable future. Therefore, the highest and best use is the current use.

LAND VALUATION

As expected, a thorough search of land sales in the area revealed few transactions from which to extrapolate meaningful price data. Much of the vacant land is under government ownership, and population densities remain small compared to other counties. Given the intrinsic physical characteristics of the site, I felt it was important to concentrate on sales located within the immediate area and influenced by proximity to the Santa Cruz River. However, historically sales within this area are scarce and often convoluted, due to arbitrary and idiosyncratic pricing issues involving improvements and water rights. Seller/Buyer motivation is difficult to establish and document, due to informal arrangements and familial/community ties. The very definition of Market Value presupposes a broad market with a pool of rationally motivated sellers and buyers. Based on my investigation, values in this locale have frequently been influenced by non-monetary factors and often overshadowed by individual business/investment agenda, including a high preponderance of 1031 exchanges. The economic and demographic profile of the area precludes expansive market appeal. However, there clearly exists a limited segment of market participants who seek acquisition of distinctive properties in this haven of artists and affluent retirees.

The following tabulation represents those sales which were deemed most appropriate for analysis, although each require significant adjustments. The use of comparable sales in valuation is known as the Direct Sales Comparison Approach. It is the application of the **Principle of Substitution,** which affirms that, when a property can be replaced, its value tends to be set by the cost of acquisition of an equally desirable substitute property that can be acquired without undue or costly delay.

LAND SALES TABULATION –*NET TO LAND

SALE	DATE	LOCATION	SALES PRICE	# OF ACRES	$ PER ACRE	ZONE
1	03/95	Clarks Crossing Road, across the Tubac Bridge, AKA 85 Clark Crossing Road	$1,757,016*	363.59	$4,832	GR
2	07/96	Hwy 89 to Santa Gertrudis Lane, Tumacacori, AZ	$700,000*	160.57	$4,359	GR
3	10/98	About ½ mile east of Tubac, east of the railroad & river.	$320,000	60	$5,333	GR
4	06/01	SEc of the I-19 Frontage Road & Chavez Siding Road	$675,000	97.61	$6,915	GR
5	2003	Clarks Crossing Road across railroad tracks south about ½ mile	$475,000*	47.35	$10,031	GR
Subj	04/10	Mission Ranch Highway 89, adj. south of the Tumacacori Mission (NPS)	---	89.23	---	GR/ B1

****See individual sales for audit breakdown between improvements and land**

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NPS 101-12

LAND SALE ONE:	Tax I.D. No. 112-44-006B, 24C to 24F, 24H, 031, 032B & 033
LOCATION:	Clarks Crossing Road, across the Tubac Bridge, AKA 85 Clark Crossing Road
PROXIMITY TO SUBJECT:	2.5 miles northeast
LEGAL DESCRIPTION:	Lengthy – includes land in Baca Float No. 3 & Tubac Ranch Estates
RECORDS:	Multiple Warranty Deeds:

Date	Docket/Book
11/01/94	654/824
12/27/94	658/6
02/14/95	660/326-329
02/21/95	660/679
03/20/95	662/609

SELLER(S):	Tres Alamos, V. Buchanan, J. Gray, Evans Trust, N. Castle, JB Investments & A. Hansen
BUYER:	Gary & Leslie Troyer
ASKING PRICE:	$1,857,016
TERMS:	Cash
ADJUSTED SALES PRICE:	$1,757,016 ($100,000 assigned to improvements)
SITE SIZE:	363.59 acres
PRICE PER ACRE:	$4,832
ZONING:	GR (General rural)
HIGHEST AND BEST USE:	Ranching/agricultural/low-density residential
PHYSICAL CHARACTERISTICS:	
°Topography/Vegetation:	Primarily flat with a slight rise to east; approximately 100 acres irrigated with pasture.
°Utilities:	Electric & phone

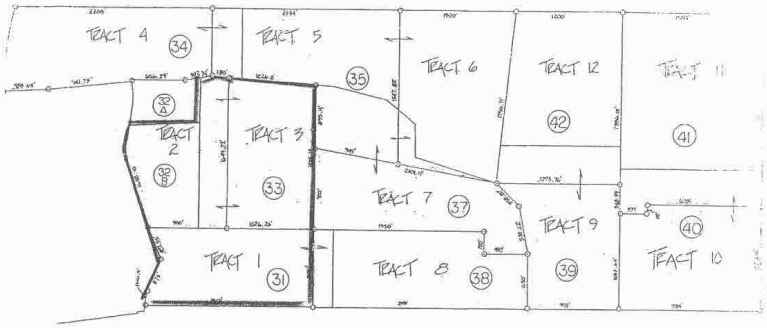
SMC 02-L-9008
NPS 101-12

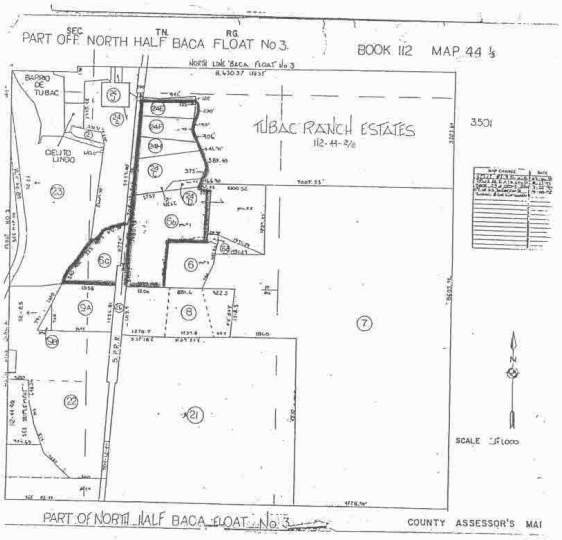
LAND SALE ONE CON'T:

°Water:	5 domestic, 1 commercial, 2 stock, 1 non-irrigation of 8 irrigation. Rights include Type I, non-irrigated Type I and grandfathered. There are 67.9 acres retired. Priority date is 1945 within the SCAMA. Water allotment ranges from 300 to 665.4 per acre feet.
°Access:	County and non-County maintained roads over private easement.
°Configuration:	Irregular
°Improvements:	Older ranch with substantial pastures. At time of sale, improvements consisted of 3 residences that were in average to poor condition.
COMMENTS:	Primarily unimproved irrigated acreage located east of Tubac along both sides of the railroad. Following the purchase, the land has been extensively upgraded with three custom homes.
OWNERSHIP HISTORY:	Property represents an assemblage of 8 parcels from various owners.
MARKETING TIME:	N/A
CONFIRMED WITH:	Gary Brasher, Broker (520) 398-2506

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NPS 101-12

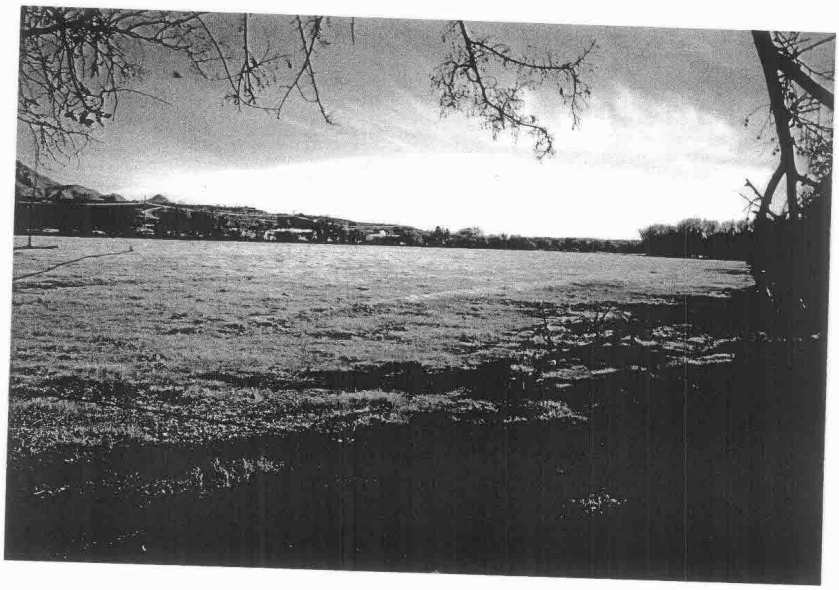
PLAT MAP





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LAND SALE ONE PHOTOGRAPH



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LAND SALE TWO:	Tax I.D. No. 112-45-002, -013
LOCATION:	Highway 89 to Santa Gertrudis Lane, Tumacacori, Arizona. Alternative access from Clark Crossing Road east across the railroad and river, AKA Potreros Ranch (formerly Cosper Ranch)
PROXIMITY TO SUBJECT:	1/4 mile northwest
LEGAL DESCRIPTION:	Lengthy legal within the N½ of Baca Float No. 3, Santa Cruz County, Arizona
RECORDS:	Warranty Deed Recorded: July 5, 1996 Docket/Page: 698/602-4
SELLER: BUYER:	Melinda Hagy Judith M. Hunt Trust
SALE PRICE: TERMS:	$2,200,000 Cash
ADJUSTED SALES PRICE:	$700,000 ($1.5 million allocated to improvements and personal property)
SITE SIZE:	160.57 acres
PRICE PER ACRE:	$4,359
ZONING:	GR
HIGHEST AND BESE USE:	Active ranch operations
PHYSICAL CHARACTERISTICS:	
°Topography/Vegetation:	Generally level with open 120 acres of pastures and native vegetation including multiple stands of mature trees; southern portion abuts the Santa Cruz.
°Utilities:	All to property except gas.
°Water:	Irrigation grandfather rights; 4 domestic wells, 6 irrigation and 4 stock. Water allotment ranges between 423.7 to 2,160 acre feet. Within the SCAMA.

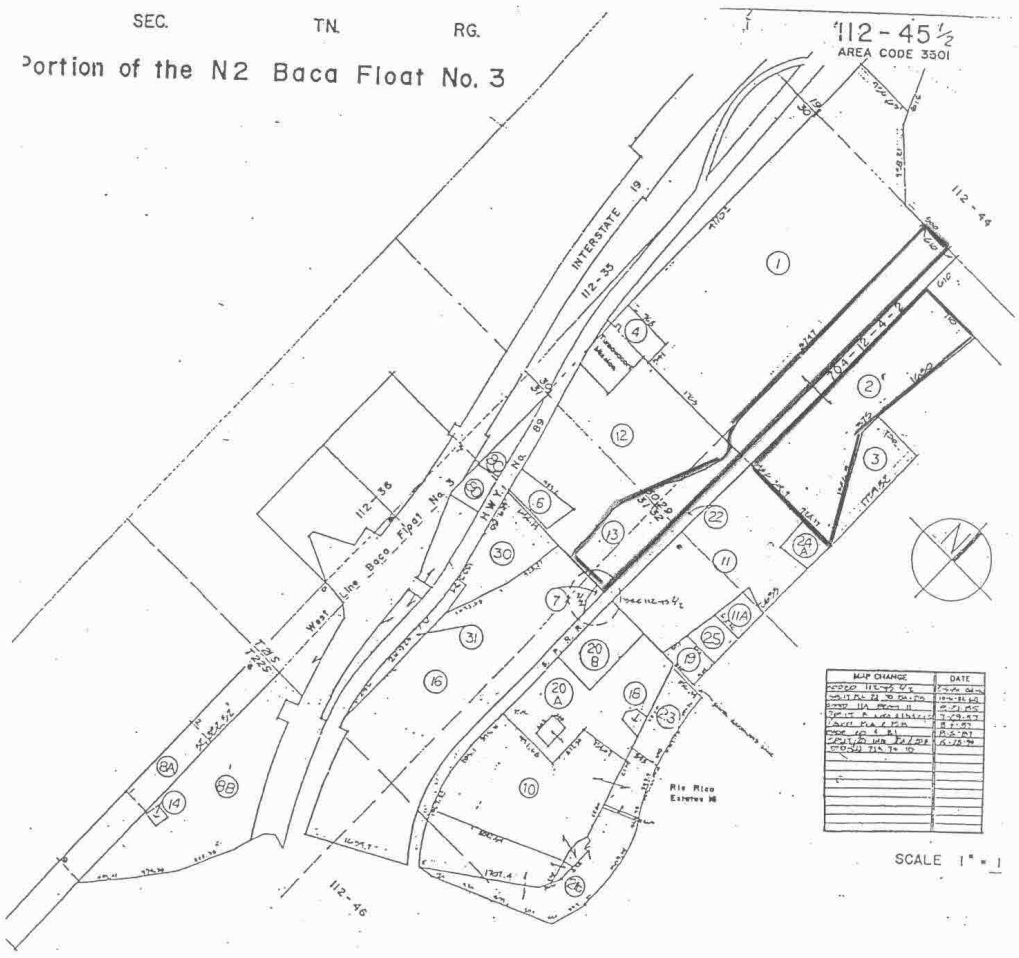
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LAND SALE TWO CON'T:

°Access:	From Highway 89 to Gertrudis Lane across the Santa Cruz River from Clarks Crossing Road.
°Configuration:	Semi L-shaped.
°Improvements:	Primary residence, multiple guest houses, barn(s), corrals, fencing, storage, mobile home, personal property
COMMENTS:	Highly improved acreage within the Tumacacori area. Fully operational equestrian ranch, barns, therapy pools, and extensive personal and operational improvements. Land lies on both sides of the railroad and east of the river.
OWNERSHIP HISTORY:	In 1994 the property was identified as Quarter Circle Spear Ranch and sold for $1,650,000 of which $800,000 was allocated to the land.
MARKETING TIME:	N/A
CONFIRMED WITH:	Judith Hunt, buyer (520) 398-8112

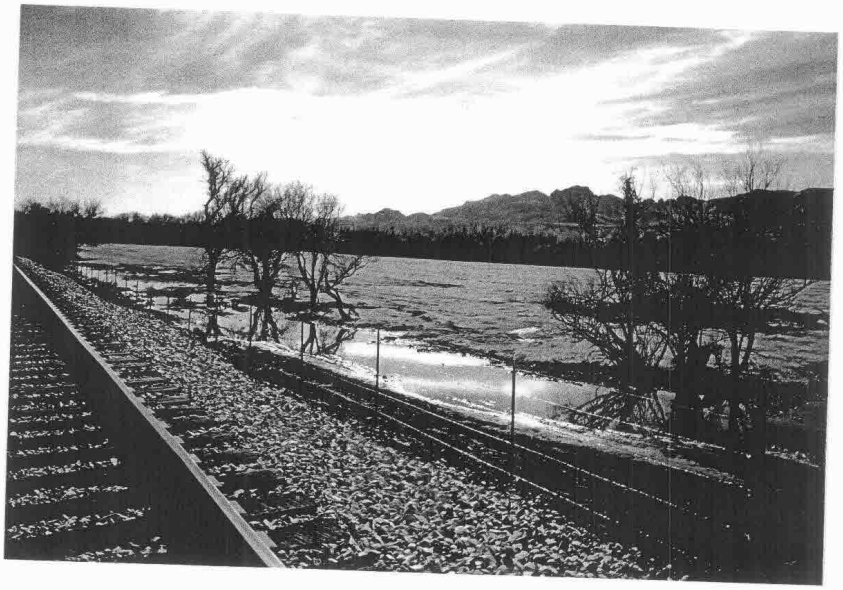
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LAND SALE TWO PHOTOGRAPH



LAND SALE THREE:	Tax I.D. No. 112-18-005
LOCATION:	About one-half mile east of Tubac, east of the railroad and river.
PROXIMITY TO SUBJECT:	3.5 miles northeast
LEGAL DESCRIPTION:	SE¼, NE¼ & S½, SW¼, NE¼, Sec. 8, T21S, R13E plus recorded easement (550 at page 181), G&RSB&M, Santa Cruz County, Arizona
RECORDS:	Joint Tenancy Deed Recorded: October 14, 1998 Docket/Page: 773/685(6)
SELLER: BUYER:	Joseph Riley Bodrov/Cavallero
SALE PRICE: TERMS:	$320,000 $80,000 down, balance due October 6, 2001
SIZE:	60 acres
PRICE PER ACRE:	$5,333
ZONING:	GR
HIGHEST AND BEST USE:	Land investment
PHYSICAL CHARACTERISTICS:	
°Topography/Vegetation:	Hilly rolling terrain with heavy native vegetation. 60% lies in floodplain.
°Utilities:	None
°Water:	None
°Access:	From a private easement
°Configuration:	L-shaped
°Improvements:	None
COMMENTS:	Unimproved acreage with difficult access.
OWNERSHIP HISTORY:	Seller owned property in excess of 10 years.

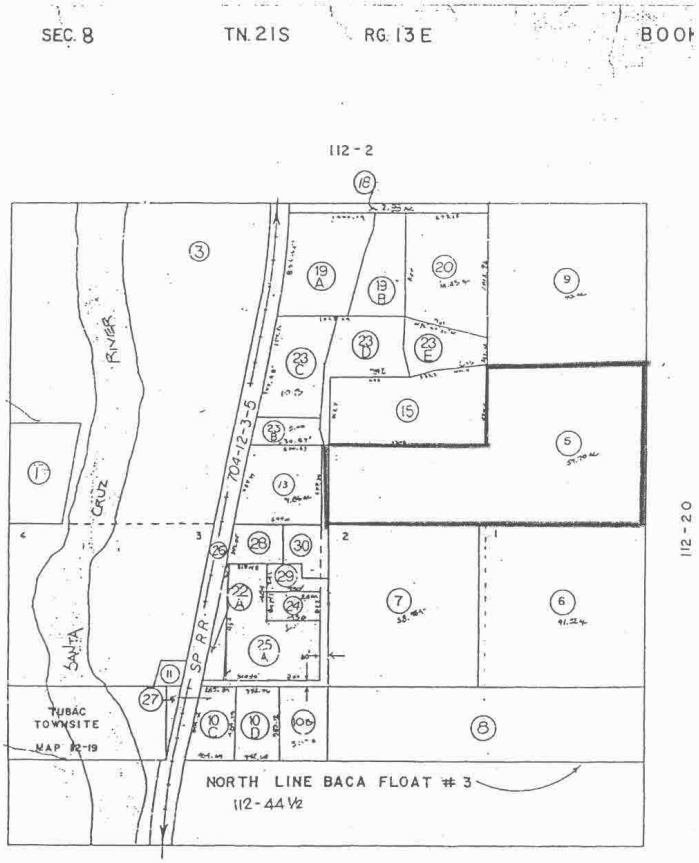
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LAND SALE THREE CON'T:

MARKETING TIME: N/A

CONFIRMATION: Affidavits and Wally Armer, Appraiser (520-586-9139

PLAT MAP



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LAND SALE THREE PHOTOGRAPH



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NPS 101-12

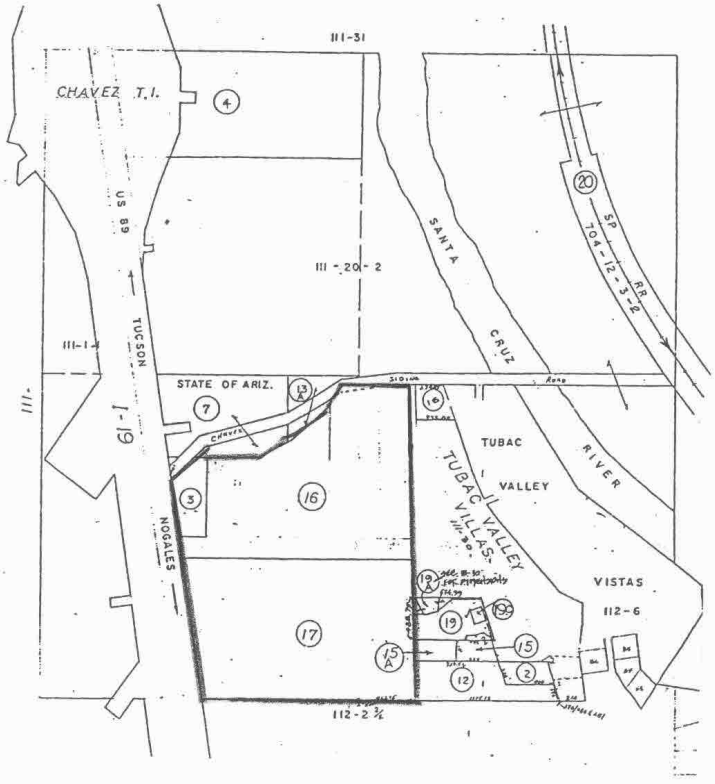
LAND SALE FOUR:	Tax I.D. No. 111-32-003, -016 & -017
LOCATION:	Southeast corner of the I-19 Frontage Road and Chavez Siding Road
PROXIMITY TO SUBJECT:	5.0 miles north
LEGAL DESCRIPTION:	Long metes and bounds in Sec. 31, T20S, R13E, G&SRB&M, Santa Cruz County, Arizona
RECORDS:	Warranty Deed Recorded: June 11, 2001 Docket/Page: 877/240
SELLER: BUYER:	Amir Vazirnezhad, etal Tubac Rio Cruz, LLC
SALE PRICE: TERMS:	$675,000 Cash
SITE SIZE:	97.61 acres
PRICE PER ACRE:	$6,915
ZONING:	GR
HIGHEST AND BEST USE:	Short-term investment
PHYSICAL CHARACTERISTICS:	
°Topography/Vegetation:	10% floodplain; balance varies from relatively level to rolling hills with grasses which are mesquite/cottonwood bosques.
°Utilities:	Electric & telephone only on north boundary
°Water:	10-acre feet of Type II water rights – transferable. No grandfathered rights
°Access:	I-19 frontage road, ¼ mile north of I-19 and Chavez Siding interchange.
°Configuration:	Roughly rectangular with slight deviation on north property line fronting on Chavez Siding Road.
°Improvements:	None

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NPS 101-12

LAND SALE FOUR CON'T:

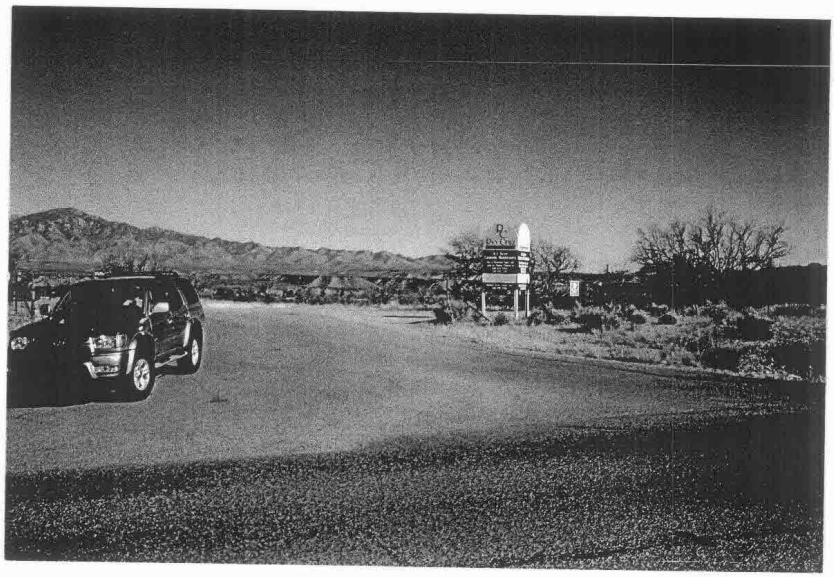
COMMENTS:	Buyer in process of submitting a subdivision plan for 21 lots. Process and approval pending for a 100-year assured water certificate. Hydrology study in progress.
OWNERSHIP HISTORY:	Assemblage from various owners who maintained title from 1990 – 1992.
MARKETING TIME:	1 year
CONFIMED WITH:	Luis Ybarra, buyer (520) 624-9764

PLAT MAP



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LAND SALE FOUR PHOTOGRAPH



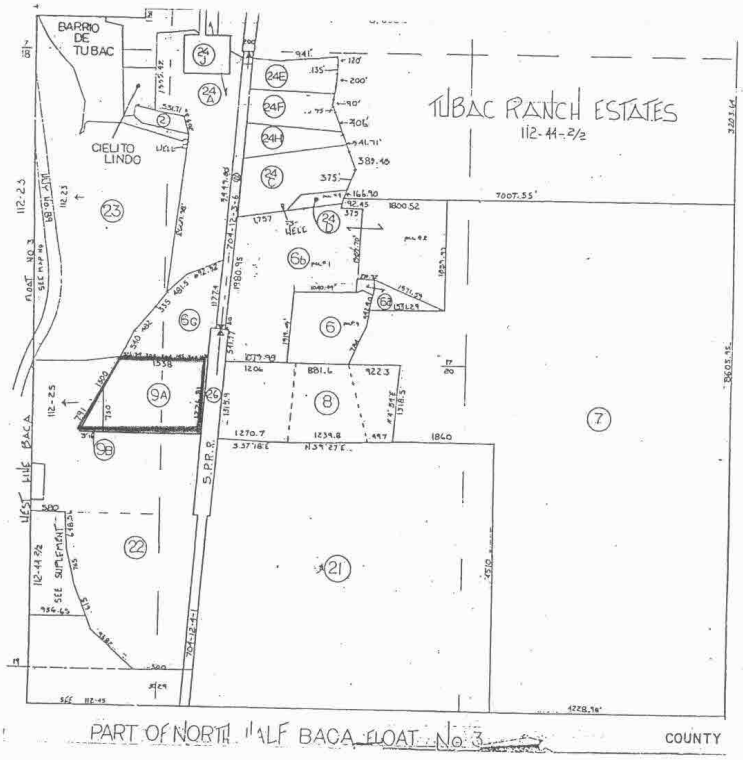
LAND LISTING FIVE:	Tax I.D. No. 112-44-009A
LOCATION:	Clark Crossing Road across railroad south to 45 Clark Crossing Road, Tubac, Arizona
PROXIMITY TO SUBJECT:	Adjacent northeast
LEGAL DESCRIPTION:	Portion of N½ of Baca Float No. 3, Santa Cruz County
RECORDS:	Active listing - 2003
SELLER:	John & Joan Ellinwood
BUYER:	N/A
ASKING PRICE:	$1,500,000 includes extensive residential improvements
TERMS:	Offer; currently free and clear
ADJUSTED SALES PRICE:	$475,000 (land only – estimates per broker opinions)
SITE SIZE:	47.35 acres
PRICE PER ACRE:	$10,031
ZONING:	GR
HIGHEST AND BESE USE:	Active ranch operations
PHYSICAL CHARACTERISTICS:	
°Topography/Vegetation:	Level
°Utilities:	Electric & telephone on property
°Water:	One domestic and two irrigation wells-Water allotment is 3.04 per acre feet for irrigation and 118.56 acre feet maximum groundwater
°Access:	Privately maintained dirt road, west over the Union Pacific tracks
°Configuration:	Irregular
°Improvements:	Substantial: 3,614-square-foot residence with multiple upgrades; 2-bedroom guest house, caretaker quarters, tennis court, pool, fencing and storage.

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NPS 101-12

LAND LISTING FIVE CON'T:

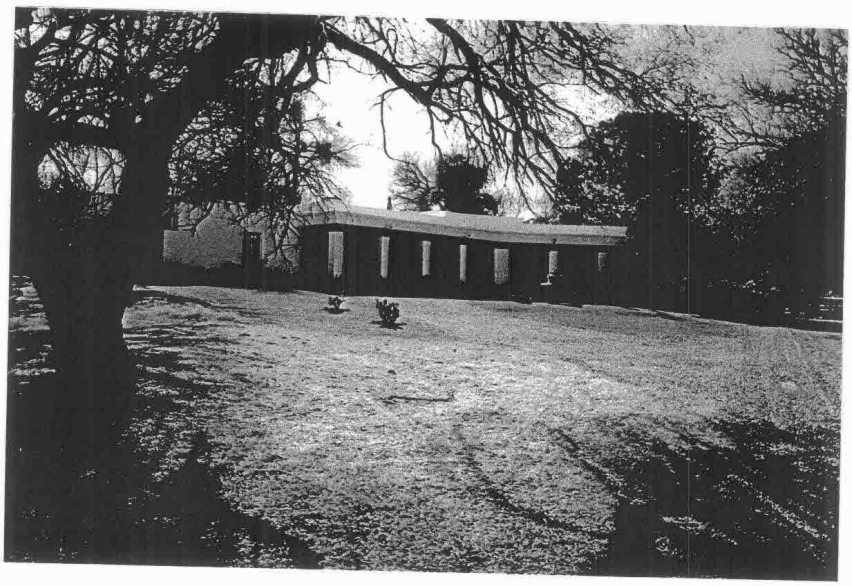
COMMENTS:	Three offers on property within the last 6 months, the most recent for $1.25 million.
OWNERSHIP HISTORY:	Ellinwoods have owned premises since the 1970s.
MARKETING TIME:	N/A
CONFIRMED WITH:	Birdie Stabel, Roy Long Realty (520) 398-2962

PLAT MAP



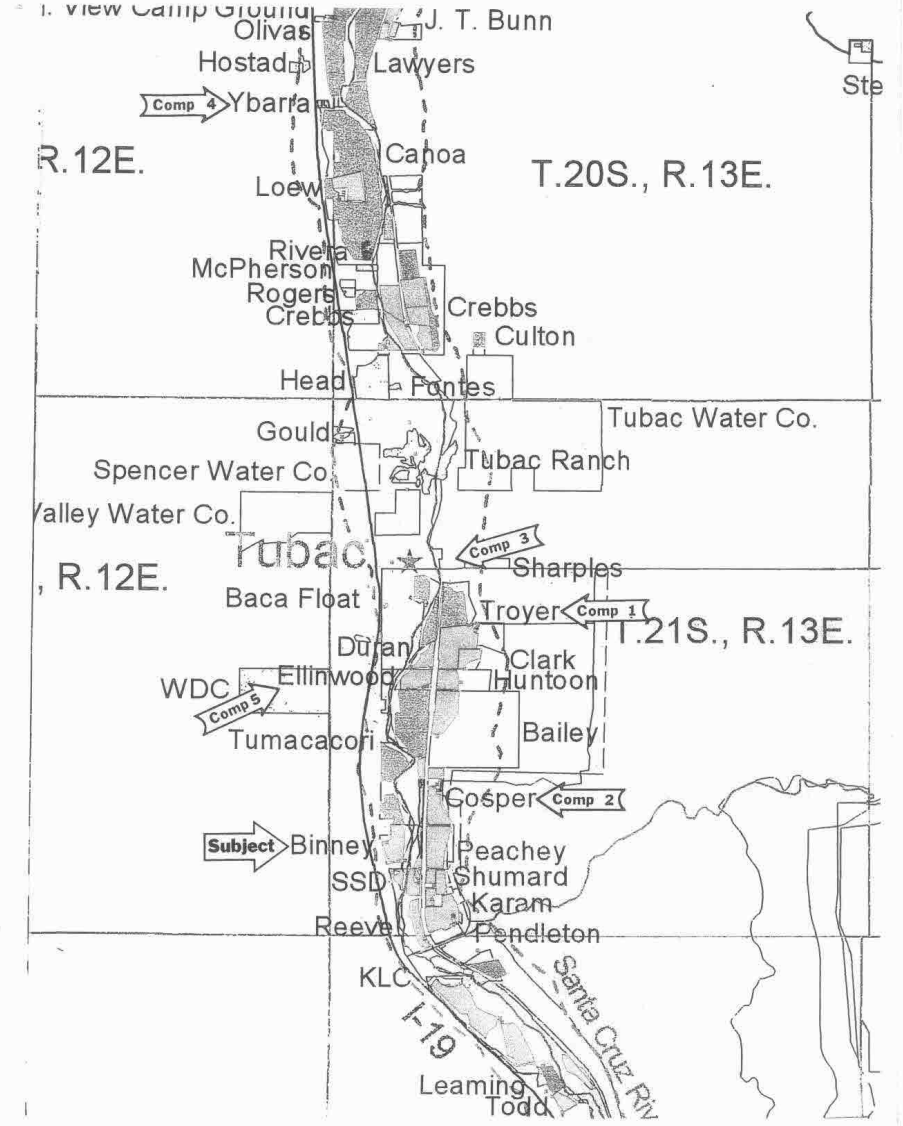
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NPS 101-12

LAND LISTING FIVE PHOTOGRAPHS



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LAND SALES MAP



LAND VALUE ANALYSIS

Four primary sales and one listing were utilized for direct comparison. Other transactions not specifically cited but retained in my file were investigated and confirmed to augment the analysis. As communicated throughout this report, the subject area is highly eclectic in ownership profile. Confirmation of sales is extraordinarily difficult, due in part to recordation procedures within the Santa County Recorder's Office, and to commingling of personality and real estate. Often the underlying value for the real estate appeared to be secondary to the specific disposition/acquisition criteria of the seller/buyer or a combination thereof. A concerted effort was undertaken to confirm the specifics of each sale. However, an unusually high level of subjectivity was required to perform comparative analysis. In performing value adjustments, I drew upon my own experience and the expertise of local market participants, previously cited.

Land Sale One represents an assemblage of several parcels over a two-year period between 1994 and 1995. Collectively, this near 363 acre combined tract was purchased for an equivalent price of $4,832 per acre, after an arbitrary allocation of $100,000 for personality which included three homes in poor condition. The land lies west of the subject on both sides of the railroad track, west of the Santa Cruz River. Like the subject, the land is used extensively for ranch and farming operations. There is a substantial size discrepancy warranting a significant upward adjustment. The property has an abundance of water rights, ranging from domestic to Type I irrigation, stock ponds and commercial (300 to 665 per acre feet). The land is viewed competitive both in terms of general locale; however, the specific location is inferior as the subject has all-weather access from an ADOT frontage road. Conversely, this comparable property requires crossing the Santa Cruz River, which during high flood is impassable. Offsetting this adjustment, about one-half of the land lies further east of the Santa Cruz tributary on a bluff resulting in more usable land sited outside of the 100-year floodplain. The site is similar due to the wide spectrum of irrigated/pasture uses although the subject has a higher percentage of irrigated land, 60% vs. 30% overall. It should be noted that reportedly portions of this property have been informally offered for sale in price points in excess of $8,000 per acre. The prevailing adjustment is upward for size and time.

Land Sale Two is located about one-quarter mile northwest of the subject. This 1996 equestrian ranch sold for $2.2 million dollars, of which $700,000 was allocated to the land, resulting in a $4,359 per acre net land basis. Given this disparity between land/improvements and personality, I am unclear and unable to confirm if the value ascribed to the improvements was due to tax ramifications. In any event, the value assigned to the land falls within current trends. The sale is relevant due to proximity and the inclusion of the substantial improvements including multiple residential dwellings, corrals, barns, therapy pools, etc. However, the improvements are of higher custom quality. The parcel has a competitive ratio of irrigated to non-irrigated land (60% to 75%). The site straddles both sides of the railroad and skirts the Santa Cruz River along the southern reaches. All land west of the railroad, which is estimated at 65 acres, is 100% flood prone. Over the years the property has been identified under various names including Quarter Circle Spear, Cosper Ranch and is presently identified as Potreros Ranch. Illustrating the peculiarities of this area, this ranch originally sold in 1994 for

$1,650,000 with roughly $850,000 being allocated for the land. This resulted in an assigned net land basis of roughly $4980 per acre. Significant upgrades to the property were made during the intervening period and therefore, the allocated land value as stated may be skewed. This working equestrian ranch has some of the highest concentration of water rights with a priority date going back to 1873. The water allotment rights range from 423.72 to 2,160 acre-feet per annum. The water rights associated with this property are difficult to quantify. Generally it appears that rights of this nature capture a $2,000 to $3,000 per acre premium. As with **Sale One**, an overall upward adjustment for time is reasonable to reflect the eight-year time span.

Land Sale Three is a relatively isolated parcel located east of Tubac with circuitous access. This 60-acre parcel sold in 1998 for $5,333 per acre. The property has no utilities or water rights. It appears, based upon public recordation's, that the parcel was acquired as part of an estate liquidation. I was not able to confirm this sale with a specific party of the transaction; however, I investigated the sale with the title company as well as through a reputable appraiser. By all accounts, no real estate commission was paid based on reported escrow statements. The sale illustrates the quirky nature of the real estate in this area. The property has no significant attributes but sold at a price comparable to operating ranches. This sale is typical of most isolated parcels within the area. Based on my investigation, there appears a heightened demand for smaller in-fill tracts (20-60 acres) which generally garner values in excess of $5,000 to $7,000 per acre for long-term investment. Overall, I am adjusting this sale upward due to specific location, time, and lack of water rights/utilities.

Land Sale Four is located just to the north of Tubac Road off the I-19 Frontage Road and Chavez Siding Road. This near 100-acre parcel sold in June of 2001 for $6,915 per acre. This is an unusual property for the area in that roughly 80% is considered usable, despite proximity to the Santa Cruz River. The property sold with Type II water rights which are transferable. The Buyer is in the process of submitting a subdivision plat to 21 lot subdivision. The approval is currently being upheld pending submission of a hydrology studies to secure a 100 year water supply certificate, which would transfer the underlying water rights to the Water Company (Citizens). This proposed housing development illustrates the continued demand for residential product in the area.

Land Sale Five is included since it represents a small farm located within close proximity of the subject. This property is currently listed at $1.5 million, which includes substantial hacienda-style improvements including a custom home, tennis courts, guest/employee quarters, pool and about 44 acres of irrigated land. It is difficult to extrapolate from the listing the underlying land value. When consulted, several local brokers estimated the land value at $10,000 to $18,000 per acre. The listing in and of itself is not viewed as comparable to the subject, but the quality of the improvements does have an impact upon surrounding values. In all parameters, this listing establishes the upper limit and is included primarily for supplementary informational purposes only.

SMC 02-L-9008
NPS 101-12

Summary:

The land transactions chosen for direct comparison are admittedly poor, but they represent the best available data in the area. Listings are thin with asking prices exhibiting a myriad of value points in the area. Current asking prices generally hover between $8,000 to $14,000 per acre. These parcels almost without exception have irrigated water rights. To date while activity/interest appears good, there are no sales to substantiate these higher tier numbers. Due to ownership patterns, the sales chosen for comparison span a period of eight years. Despite the extended timeframe of these sales, sale prices were observed to be quite stable, with some pressure discerned from the diminishing inventory. All of the sales essentially represented cash transactions and required no adjustments. The subject is a "signature" working ranch, well known in the community. It is one of the few having all weather access. Further, the improvements appear to ` lie outside the 100-year floodplain.

Based on my appraisal investigation, in conjunction with broker consultations and confirmations, I am estimating the value of the subject (89.23 acres) at $760,000, rounded or $8,500 (rounded) per acre. While this pushes the upper limit, the subject has a competitive edge over most of the other working ranch land due to size, specific location and configuration. As communicated throughout this report, the subject area is highly random in ownership profile. Confirmation of sales is extraordinarily difficult, due in part to recordation procedures within the Santa County Recorder's Office, and to commingling of personality and real estate. Often the underlying value for the real estate appears to be secondary to the specific disposition/acquisition criteria of the seller/buyer or a combination thereof. The value ascribed reflects the a-typical features of the real estate with particular emphasis on water rights.

FAIR MARKET VALUE OF THE PROPERTY
AS OF APRIL 10th, 2003: $760,000
(89.23 ACRES @ $8,500 PER ACRE, ROUNDED)

COST APPROACH TO VALUE

The Cost Approach to Value is a set of procedures of which a value indication is arrived for the fee simple interest in a property by estimating the current cost to construct a reproduction of, or replacement for the existing structure; deducting the accrued depreciation from the reproduction or replacement cost; and adding the necessary land value plus an entrepreneurial profit. This approach is particularly useful in valuing new or nearly new improvements but is also relevant for property such as the subject which are either of a hybrid nature or not frequently exchanged in the market place.

A major steps in applying the Cost Approach are: 1) estimate the reproduction cost (or replacement) cost of the improvements as of the date of the appraisal, 2) estimate the amount of depreciation present in the improvements, 3) deduct total depreciation from the estimated reproduction/replacement cost to arrive at the indicated value of the improvement as of the date of the appraisal, and 4) add the estimated value of the land to the indicated improvement value to arrive at an indication of total market value.

Typically, appraisers rely on National Cost Publications such as Marshall Valuation Service. In this instance due to local and specific nature of the improvements, a professional cost estimator, Ian Marr, P.E. with Azamarr Company was retained. Mr. Marr developed a Quantity Survey method whereby the quantity and quality of all materials used and all labor required are estimated and unit figures applied to arrive at a total cost estimate for materials and labor. Mr. Marr's quantity estimates are included in the addendum.

SMC 02-L-9008
NPS 101-12

COST APPROACH

I. REPRODUCTION COST, NEW
(PER IAN MARR, P.E.)

DIRECT COSTS: (Rounded)

Main House		
1,890 SF @ $84.65/SF		$160,000
Guest House		
765 SF @ $90.20/SF		69,000
Stable Barn		
3,234 SF @ $89.36/SF		289,000
Hay Barn		
680 SF @ $8.82/SF		6,000
Pool/Shed		32,000
Pre-Engineered Barn		
4,050 SF @ $20.50/SF.		83,000
Ancillary Site Improvements		
◦Wishing Well @	$5,000	
◦Cattle Loading Ramp @	12,000	
◦Horse Arenas @	18,000	
◦Electronic Entry Gate @	15,000	
◦Patio Walls @	19,000	69,000

TOTAL COST NEW :
(includes 12% contractor overhead) $708,000

INDIRECT COSTS:
Interim financing, professional fees,
permitting taxes during construction, etc.
$708,000 x 8%, Rounded $ 56,600

TOTAL DIRECT & INDIRECT COSTS: $764,600

DEVELOPER'S PROFIT @ 5%, ROUNDED: 38,000

TOTAL REPRODUCTION COST, NEW: $802,600

SMC 02-L-9008
NPS 101-12

II. LESS DEPRECIATION

Based on age/life method – weighted average

Actual age – 1967/1984
Economic Life – 60 years
Effective Age – 20 years

20/60 = 33%, Rounded	($ 265,000)
III.DEPRECIATED REPRODUCTION COST:	537,600
IV. LAND VALUE, AS VACANT:	760,000
V. ESTIMATED MARKET VALUE VIA COST APPROACH	$1,297,600

The Reproduction Cost Approach figures were developed by a professional cost estimator, Ian Marr, P.E., who inspected the premises with me on April 10th, 2003 accompanied by the property owner. Mr. Marr utilized the quantity survey method which is generally viewed to be more accurate. The stated costs were segregated for the individual building components. All building sizes were field measured since actual drawings were not provided by the property owner or available through public records. As noted on the Cost Approach, the total cost new, includes a 12% contractor's overhead which is typical of the market in Santa Cruz County. To this was added the indirect costs to account for financing, professional fees, permitting, taxes during construction, etc. These costs were estimated at 8% or $56,600, bringing the direct and indirect costs to $764,600. To this was added a nominal developer's profit of 5% or $38,000, bringing the total reproduction cost, new, to $802,600. It is important to note that in utilizing a Cost Approach, properties of this type are rarely built for profit but rather for owner occupancy. Therefore, the reliance on a lower entrepreneurial profit was felt reasonable.

The economic age/life method of estimating depreciation is applied in this appraisal. This method accounts for all three forms of depreciation; physical deterioration, functional obsolescence as well as economic. The percentage of depreciation is calculated, by dividing the effective age of the property by the total economic life. Each of the subject improvements has its own unique characteristics and associated depreciation and economic life factors. Nonetheless, all of the improvements are considered to be an interracial part of the ranch operations and are perceived as such in the market place. As expected, the working components such as the sheds and corrals have sustained a heightened or greater level of depreciation. However, this is counter balanced by the ongoing maintenance and quality of the residential structures and overall ancillary site improvements Therefore, I have elected to utilize a weighted average against all of the improvements. Based upon my observation, I have estimated that the overall economic life of the improvements is 60 years measured against an effective age of 20 years resulting in a 33% depreciation estimate, or $265,000, rounded. The lower effective age reflects the expenditures incurred over the last

two years, including new roofs on the stable and guest house, significant repairs to the shake roof on the main residence, new driveway paving, replacements/repairs of fencing/walls within the "residential compound" and new plumbing. This amount when deducted from the reproduction cost, new, results in a depreciated reproduction cost of $537,600.

To this added the market value of the land, as vacant, previously estimated at $760,000 resulting in an estimated market value via the Cost Approach of $1,297,600. This estimate excludes any and all personal property.

The above value estimate does not include the following:

- **The trailer (10x60) which is occupied by the foreman (Clark). This trailer is located to the east of the primary residence and hay barn. The trailer which is at least 30 years old is in a dilapidated condition, including sub-standard flooring (gapping holes), roofing (holes in trusses and leakage), only one operational bathroom, no heating, poor electrical, and damaged side panels. The trailer is elevated on cinder blocks.` The structural/economic integrity of this trailer is non-existent. In all likelihood the structure is in violation of safety, building and occupancy codes.**
- **This estimate does not include any value assigned to the underground fuel pump station located adjacent east of the hay barn. These improvements are of negligible value; further, the environmental issues have not yet been determined. Therefore, no value has been assigned to this sub-component of the overall improvements.**

ESTIMATED MARKET VALUE THROUGH THE COST APPROACH, AS OF APRIL 10TH, 2003.....$1,297,600

RECONCILATION

Only the Cost Approach to Value was utilized. The two other traditional approaches, Direct Sales Comparison, as Improved and Income were not deemed applicable. While it is preferable to utilize more than one technique, both of these approaches were limited to the available market data and my research did not reveal any properties that were considered truly comparable due to the subject's highly individualized structural components. Most ranches sell based on arbitrary allocations involving land, improvements and equipment. Often these estimates are set by the listing brokers. During my appraisal investigation, I could find no ranches possessing similar features that was leased to an outside operator. Some fields are leased to adjoining property owners for pasture and or planting of crops. Most of these are tenured leases between friends and or relatives. There is one operating ranch available on the market (Ellinwood) which includes extensive improvements including a large style hacienda type home, caretakers residence(s), tennis courts etc. The listed value was predicated on cost plus land. To date, the property has not sold although there was an offer of in excess of $1.2 million several months ago.

Due to the sole reliance on the Cost Approach, a professional cost estimator was retained who completed a quantity survey method. The estimated land value was extrapolated from several sales of vacant and improved properties in the immediate area. The value ascribed of $1,297,600 is felt to be well supported based on broker consultations. The subject was listed for $1.5 million about 1.5 to 2 years ago but was taken off the market due NPS's interest. Older offers (see page 4) ranged from $800,000 to $1,250,000. Therefore based on the Cost Approach, I am estimating the market value of the subject, all inclusive at $1,297,600. The marketing time for the property at this price is projected at 12 months or less based on opinions of knowledgeable brokers and market participants.

ESTIMATED MARKET VALUE OF THE FEE SIMPLE INTEREST AS OF APRIL 10TH , 2003 IN AN "AS-IS" CONDITION.....$1,297,600

The above value estimate does not include the following:

- **The trailer (10x60) which is occupied by the foreman (Clark). This trailer is located to the east of the primary residence and hay barn. The trailer which is at least 30 years old is in a dilapidated condition, including sub-standard flooring (gapping holes), roofing (holes in trusses and leakage), only one operational bathroom, no heating, poor electrical, and damaged side panels. The trailer is elevated on cinder blocks.` The structural/economic integrity of this trailer is non-existent. In all likelihood the structure is in violation of safety, building and occupancy codes.**
- **This estimate does not include any value assigned to the underground fuel pump station located adjacent east of the hay barn. These improvements are of negligible value; further, the environmental issues have not yet been determined. Therefore, no value has been assigned to this sub-component of the overall improvements.**

SMC 02-L-9008
NPS 101-12

APPRAISER'S CERTIFICATE

I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF....

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- this appraisal was made and the appraisal report prepared in conformity with the *Uniform Appraisal Standards for Federal Land Acquisitions*.
- the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice* except to the extent that the *Uniform Appraisal Standards for Federal Land Acquisitions* required invocation of USPAP's Jurisdictional Exception Rule, as described in Section D-1 of the Uniform Appraisal Standards for Federal Land Acquisitions, and with the requirements of the *Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute*.
- I have made a personal inspection of the property that is the subject of this report as of the date of appraisal and considered all known or discovered factors considered to affect the value thereof.
- No one provided significant professional assistance to the person signing this report. I have also relied upon surveys, legal documents, etc. provided by other professional persons who are not Certified Appraisers, as they have been identified herein.
- the use of this report is subject to the requirements of the Appraisal Institute relating to review by the duly authorized representatives of that organization.
- As of the date of this report, I, Susan M. Corbett, MAI, have completed the requirements under the continuing education program of the Appraisal Institute.

It is my opinion that the following value is indicated:

MARKET VALUE OF THE PROPERTY
AS OF APRIL 10th, 2003: $1,297,600
REFER TO VALUE EXCLUSIONS @ PAGE 65



SUSAN M. CORBETT, MAI
Certified General Real Estate Appraiser
Certificate Number 30165

UNDERLYING ASSUMPTIONS AND LIMITING CONDITIONS

No opinion as to title is rendered. Data related to ownership and legal description was obtained from county records and is considered reliable. Title is assumed to be marketable and free and clear of all liens, encumbrances, easements and restrictions except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management, and available for its highest and best use.

No survey or engineering analysis of this property has been made by the appraisers. The appraisers assume the existing boundaries to be correct, that no encroachments exist and assume no responsibility for any condition not readily observable from customary investigation and inspection of the premises, which might affect the valuation, excepting those items which were specifically mentioned in the report.

The report is based, in part, upon information assembled from a wide range of sources and, therefore, the incorporated data cannot be guaranteed. An impractical and uneconomic expenditure of time would be required in attempting to furnish unimpeachable verification in all instances, particularly as to engineering and market-related information.

It is suggested that the client consider independent verification within these categories as a prerequisite to any transaction involving sale, lease, or other significant commitment of subject property, and that such verification be performed by the appropriate specialists.

The date of value to which the conclusions and opinions expressed in this report apply, is set forth in the report. Further, that the dollar amount of any value opinion rendered was based upon the purchasing power of the American dollar existing on that date.

The appraisers assume no responsibility for economic or physical factors which may affect the opinions in this report which occur after the date of the letter transmitting the report.

The appraisers reserve the right to make such adjustments to the analyses, opinions and conclusions set forth in this report as may be required by consideration of additional data or more reliable data that may become available.

No opinion is expressed as to the value of subsurface oil, gas or mineral rights or whether the property is subject to surface entry for the exploration or removal of such materials except as is expressly stated.

- Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, toxic waste or subsoil gases, or other potential hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

- No opinion is intended to be expressed for matters which require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers.

- In the event the report is placed in the hands of a third party, it is requested that such party be made cognizant of any and all limiting conditions resulting from the basis of appraisers' employment and discussions related thereto as well as those set forth in the report.

- No consideration has been given in the appraisal as to the value of personal property (as considered by the appraisers) located on the premises, or the cost of moving or relocating such personal property; only the real property has been considered.

- No detailed soil studies covering the subject property were available to the appraisers. Therefore, it was assumed that existing soil conditions are capable of supporting development of subject property to its assumed highest and best use without extraordinary foundation or soil remedial expense.

- Testimony or attendance in court or at any other hearing is not required by reason of rendering this appraisal, unless such arrangements are made a reasonable time in advance.

- Maps, plats and exhibits included in the report are for illustration only as an aid in visualizing matters discussed within the report. They should not be considered as surveys, or relied upon for any other purpose, nor should they be removed from, reproduced, or used apart from the report.

- The property is appraised assuming it to be in full compliance with all applicable federal, state and local environmental regulations and laws, unless otherwise stated.

- The property is appraised assuming that all applicable zoning and use regulations and restrictions have been complied with, unless otherwise stated.

- The property is appraised assuming that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or

national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based, unless otherwise stated.

- The possession of this report, or a copy of it, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraisers, and in any event only with proper written qualification and only in its entirety.

- The liability of S. M. Corbett and Associates and the appraisers responsible for this report is limited to the client only and to the fee actually received by the appraisers. Further, there is no accountability, obligation or liability to any third party. If this report is placed in the hands of anyone other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussion. The appraisers are in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property, physically, financially and/or legally.

- Acceptance of and/or use of this appraisal report by client or any third party constitutes acceptance of the above conditions. Appraisers' liability extends only to the stated client, not subsequent parties or users, and limited to the amount of fee received by appraisers.

QUALIFICATIONS OF SUSAN M. CORBETT, MAI

PROFESSIONAL AFFILIATIONS AND ACCREDITATIONS:

Member of the Appraisal Institute, MAI Designation (1985: Certificate #7176)
Certified General Real Estate Appraiser, Arizona Board of Appraisal (Certificate #30165)
Member of the National and Tucson Board of Realtors (1975)

PRESENT EMPLOYMENT:

President and Principal of S.M. Corbett & Associates, Ltd., a commercial real estate appraisal and consulting firm founded in 1988 and with offices in Tucson, Arizona.

Arizona Department of Transportation, Level IV Reviewer, 2002 to present.

CLIENTS AND SERVICES:

S. M. Corbett & Associates, Ltd., is a small firm of appraisal professionals dedicated to providing the highest standards of valuation and consulting services. The firm is widely recognized for its appraisals of unique properties which require in addition to appraisal expertise, the ability to proactively interact with other disciplines during the valuation process including input from scientific, engineering and architectural fields. Ms. Corbett's clients are drawn from both the private and public sectors, and includes developers, corporations, financial institutions, governmental agencies and law firms. Non-valuation assignments include arbitration, market identification and analysis, project feasibility and land use mix recommendations, economic trend analysis, and the evaluation of contaminated properties.

TYPES OF PROPERTIES APPRAISED:

All types of commercial real estate, including: multi-family, industrial, mid to high-rise office buildings, industrial, commercial retail, hotels, vacant land, and special purpose.

COURT QUALIFICATIONS:

Routinely testifies as an expert witness in Federal and Superior Courts in Pima and Maricopa Counties. Ms. Corbett directs the preparation of analyses and documentation that are tailored to the requirements of court proceedings. When retained as the primary trial consultant, services include determining tactics, assembling and coordinating the expert testimonies, exhibits, and other forms of evidence.

PROFESSIONAL EXPERIENCE:

Practitioner of general real estate (1975-1992). Appraisal associate with Boyd N. Ross, MAI (1976-1978). Appraisal associate (1978-1988) and senior appraiser (1985-1988) with Sanders K. Solot & Associates.

EDUCATION:

Bachelor of Science in Business Administration, University of Phoenix, 1982.

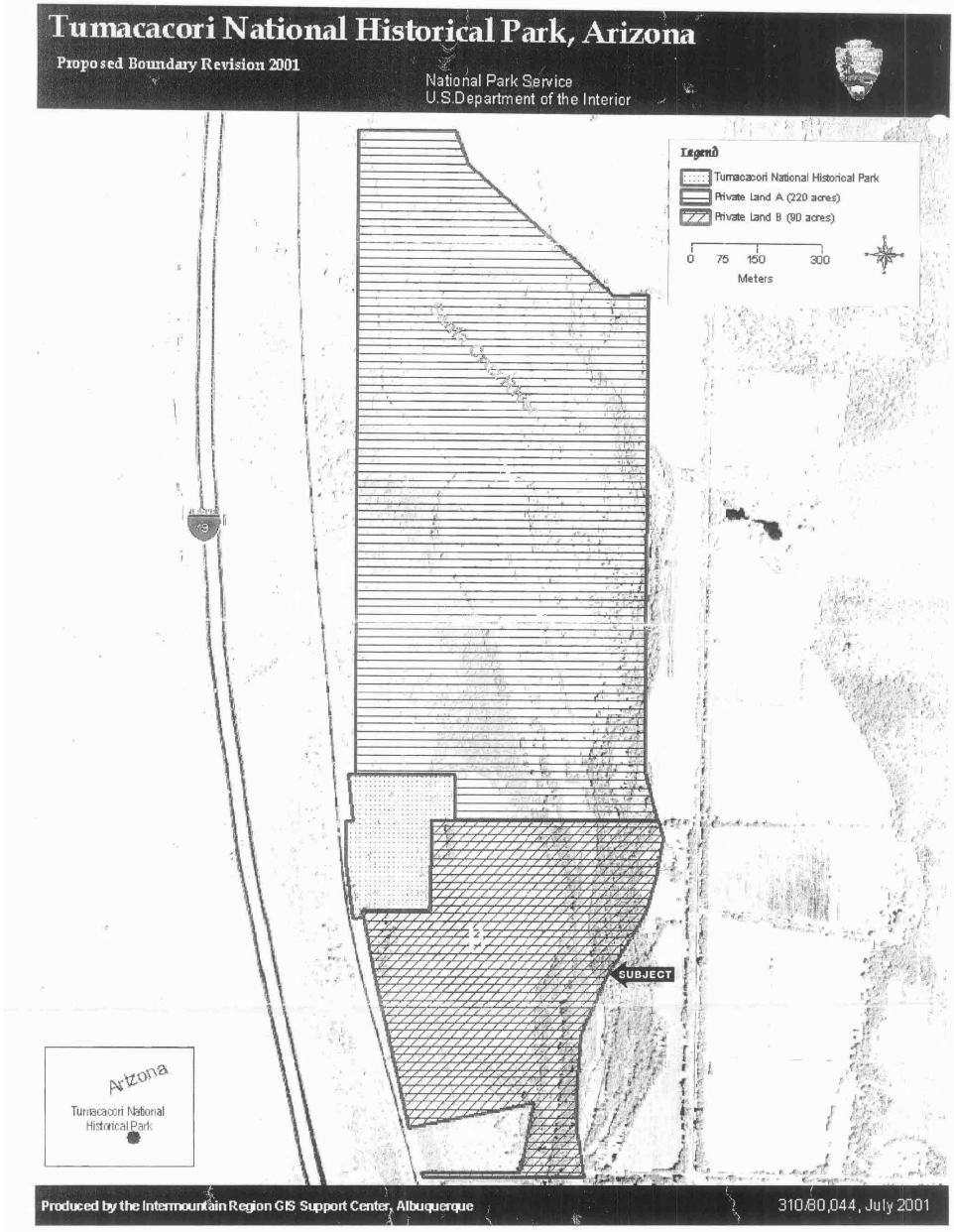
CONTINUING EDUCATION:

Ongoing participation in professional seminars in general and specialized areas of appraisal including but not limited to: Due Diligence and the Environmental Checklist, FEMA Flood Hazard, Litigation Valuation, Complex. Cures Using Before and After Techniques, USPAP, Reviewing Appraisals, Easement Valuation, Case Studies, Conservation Easements, Valuation of Leasehold Interests, & Real Estate Finance.

SMC 02-L-9008
NPS 101-12

ADDENDUM

1- Tumacacori –NPS Mapping
2- NPS Legal Dated 2-5-03
3- Azomarr Cost Estimate including working calculations
4- Floorplans
5- Historical Listing on subject
6- Water Right Data and Certificate
7- FEMA Floodplain
8- Tittle


Tumacacori National Historical Park, Arizona
Proposed Boundary Revision 2001
National Park Service
U.S.Department of the Interior
Legend
Tumacacori National Historical Park
Private Land A (220 acres)
Private Land B (90 acres)
0 75 150 300
Meters
19
SUBJECT
Arizona
Tumacacori National Historical Park
Produced by the Intermountain Region GIS Support Center, Albuquerque
310/80,044, July 2001

TUMACACORI NATIONAL HISTORICAL PARK

AREA: 89.23 Acres ±

DATE: September 18, 2002
RREVISED DATE: February 5, 2003

INTEREST TO BE ACQUIRED: FEE

TRACT NO. 101-12

Situated in the State of Arizona, County of Santa Cruz, in a portion of the Baca Float No. 3, within protracted Sections 29, 30 and 31, Township 21 South, Range 13 East, Gila and Salt River Base and Meridian, being more particularly described as follows:

Commencing at a 3-1/2" diameter Arizona Highway Department brass cap monument marked "NPS #6";

Thence N.87°58'14"E., 25.62 feet to the Point of Beginning;

Thence S.89°19'13"E., 518.31 feet to a 3-1/2" brass cap monument marked "NPS #5";

Thence N.0°46'33"E., 679.50 feet;

Thence S.89°40'32"E., 1724.70 feet;

Thence S.0°05'35"W., 10.20 feet;

Thence S.10°30'25"E., 190.81 feet;

Thence S.11°25'35"W., 174.33 feet;

Thence S.19°10'35"W., 207.17 feet;

Thence S.29°36'35"W., 81.41 feet;

Thence S.15°51'35"W., 103.51 feet;

Thence S.31°43'35"W., 179.66 feet;

Thence S.30°03'35"W., 279.07 feet;

Thence S.20°46'35"W., 480.99 feet;

Thence S.11°48'35"W., 154.21 feet;

Thence S.6°24'25"E., 162.28 feet;

Thence S.2°01'35"W., 149.46 feet;

Thence S.3°59'25"E., 199.54 feet;

Thence S.6°23'35"W., 123.81 feet;

Thence S.1°06'25"E., 167.96 feet;

Thence S.13°22'21"E., 132.58 feet;

Thence N.89°56'15"W., 1227.66 feet;

Thence N.15°16'12"W., 53.00 feet;

Thence S.89°55'43"E., 757.23 feet;

Thence N.11°29'45"E., 484.44 feet;

Thence S.80°34'26"W., 953.37 feet;

Thence N.15°16'12"W., 857.34 feet;

Thence along a curve, concave to the southwest, having a radius of 7539.44 feet, a delta angle of 6°12'48", and an arc length of 817.60 feet, to the Point of Beginning.

Excepting the south 30 feet therefrom.

Containing, after exception, 89.23 acres, more or less.

The above-described parcel, designated as Tract 101-12, Tumacacori National Historical Park, is intended to be a portion the land described in a conveyance to George A. Binney, Trustee, from George A. Binney by deed dated May 10, 1982, and recorded September 30, 1983, in Docket 360, Page 422, Santa Cruz County.

All in accordance with the map entitled "Boundary Survey for a Portion of Baca Float No. 3, Within Protracted Sections 29, 30 & 31, T21S, R13E, G. & S.R.M." by John D. Stitzer, L.S. 25086, dated 31 October 2000, drawing number 00-03-10.

Azomarr Company Inc.
302 S. Stratford Drive
Tucson, Arizona 85716
(602) 325-5140

D. Ian Marr P.E.

S. Corbett
P.O. Box 65738
Tucson Az.
85728

April 7, 2003

Re: NPS – Tubac _ Binney 101-12

Dear Ms. Corbett,

In accordance with your request, I have visited the above site, and prepared an estimate for the cost to replace the below listed structures at today's construction costs. It is my opinion that these costs would be as follows, rounded to the nearest $1000.00.

Horse Barn	$289,000
Main House	160,000
Hay Barn	6,000
Guest House	69,000
Pool Heater Shed	2,000
Wishing Well	5,000
Entry Gate	15,000
Cattle Loading Ramp	12,000
Horse Arenas	18,000
Swimming Pool	30,000
Storage Barn	83,000
Patio Walls	19,000
Total	**$708,000**

The above excludes any costs for fuel handling, paving, or farm fencing.

If you have any questions, please feel free to contact me.

D Ian Marr

Yours truly D. Ian Marr

PROJECT: _____ SEC. NO.: _____

LOCATION: Tucson ARCHITECT: _____ DATE: _____

SUMMARY OF: _____ SHEET NO.: _____

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
Pool												
415 Heater	1	Ea		2500								
478 Pool	600	SF	40	24000								
Creepy crawler	1	EA		1500								
Kool Deck	400	SF	4.00	1600								
				29600								30000
Pre Engineered Barn APRON	200	SF	10.00	2000								
50 x 80	4000	SF	10.00	40000								
Soil	2000	CY	7.00	14000								
End Ftgs 2x40x3'x2'	18	CY	500	9000								
Ftgs 8x4'x4'x1'	5	CY	600	3000								
Sliding Doors 12x14	2	Pr	4000	8000								
Partn	580	SF	5.00	2900								
Plumbing w.c. Sink Septic	1	LS	2000	2000								
Int Doors	2	Ea	300	600								
Ext. HM 3x7	1	Ea	600	600								
Clg. D.W. & poly	200	SF	5.50	1000								
				83800								84000
4050 SF												

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

LOCATION: _____ ARCHITECT: _____ DATE: _____

SUMMARY OF: _____ SHEET NO.: _____

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
Pool Heater Shed.												
SOG	50	SF	7.00	350								
Roof C.I.	50	SF	2.00	100								
Walls	170	SF	5.00	850								
Door & Fr.	1	EA	100	100								2000
				1400								
Washing Well Fdn & Slab	25	LF	65	1625								
SOG	40	SF	7	280								
CMU	125	SF	10	1250								
4x4.	80	LF	1.25	100	1	160						
Ply	40	SF	1	40	1	160						
Shakes.	40	SF	5	200								
Paint	400	SF	0.80	320								
2x6	80	LF	2	160	2	320						
				3975		640		4615				5600

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

LOCATION: Tubac ARCHITECT: _____ DATE: _____

SUMMARY OF: _____ SHEET NO.: _____

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
Entry:												
Elect Gate	1	Pr		2600								
Soil	40	LF	7.00	280								
CMU	100	SF	8.00	800								
Paint	100	SF	1.00	100								
Cattle Guard 5000 #	1	Ea		10000								
Conc Stain	20	LF	65.00	1300								
				15000								15000
Cattle Chute												
Conc 4"x12"x5'												
1/2 4"x12"x5'	15	CY	500.00	7500								
6" ϕ pipe 64' 18.99												
2" ϕ Pipe 400' 3.65	2674	LBS	1.50	4011								
				11511								12000
Arena:												
Oval 2" ϕ Welded 2000' 3.65	7300	LB	1.75	12775								
8' Gate	1	Ea	400.00	400								
Round 2" ϕ 535	2600	LB	1.75	3500								
8' Gate	1	Ea	400.00	400								
CL Fence 6'	125	LF	7.00	875								
				17950								18000

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

LOCATION: Tubac ARCHITECT: _____ DATE: _____

SUMMARY OF: _____ SHEET NO.: _____

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
PATIO WALLS.												
FTG & SLab	133	LF	87	11571								
CMU	700	F	10	7000								
WD Gate 6'x6'	1	Ea	385	385								
" 6'x4'	1	Ea	300	300								
				19256								19000

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

LOCATION: Tuba. ARCHITECT: _____ DATE: _____

SUMMARY OF: _____ SHEET NO.: _____

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
HAY BARN												
Footings 2x2x2	8	Ea	100	800								
4x4	160	LF	2.10	336								
Trusses 20 14	280	LF	2.30	644								
2x6	320	LF	1.80	576								
Corr	1600	SF	2	3200								
Door Corr Alum	1	Ea	40	400								
				5956								6000
GUEST HOUSE												
Footing 24.8 x 31	120	LF	8.7	1044								
EXT WALLS 120x8 25x4	1060	SF	14	14840								
SOG	875	SF	7	6125								
Part'n	460	SF	5	2300								
Vanity Cabs	7	LF	85	595								
Wall Cabs	12	LF	45	540								
Counter	6	LF	35	210								
Fold Doors	8	Pr	110	880								
Int Doors - Fr & Hdw	2	Ea	180	360								
Ext Slider 8x8	1		150	150								
windows	5	Ea	350	1750								
CT wall	46	SF	6	276								
Vinyl Floor	125	SF	2.50	312								
w/w Carpet	100	SY	22	2200								
C/F	1	LS		40978								

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

LOCATION: TUBAC ARCHITECT: _____ DATE: _____

SUMMARY OF: HORSE BARN SHEET NO.: 2 of

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
B/F				204175								
Mtl Screen Door	1	Ea	175	175								
Doors. 3x7	5	Ea	400	2000								
Louvered Door 3-1	1	Pr	600	600								
Dutch Doors.	7	Ea	400	2800								
"	3	Pr	800	2400								
Corr plastic Skylights	6	Ea	25	150								
Alum Windows 2	80	SF	30	2400								
W/W carpet	65	SY	26	1690								
SV	125	LF	2	250								
Ply clg	2400	SF	2.50	6000								
Trusses.	3000	SF	3.00	9000								
Sliding Doors 8x10	1	Pr		3000								
Plumb. 7DF WC Lav sink. S.T.	1	LS.		18000								
EVAP Cooler	1	Ea		1200								
Furnace	1	Ea		1500								
Duct Work	1	LS		2000								
Elect	1	LS.		25000								
Paint Conc Floor	3800	SF	1.00	3800								
Kitchen Cabinets	10	LF	310	3100								
				289245								

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

LOCATION: TUBAC. ARCHITECT: _____ DATE: _____

SUMMARY OF: HORSE BARN SHEET NO.: 1 of 2

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
SOG	4500	SF	7.00	31500								
Toe	100	LF	19.00	1900								
Ftg & Stem	866	LF	87.00	75342								
8" CL Fence	310	LF	30.00	9300								
CL Gates 3'x7'	7	Ea	265.00	1855								
CMU	4300	SF	10.00	43000								
W.I. Paints	320	LF	3.25	1040								
6x6 Posts (5)	40	LF	10.00	400								
6x8 Bm	72	LF	12.00	864								
8x10 Bm.	104	LF	20.00	2080								
4x8 Lnt	850	LF	5.60	4760								
Asphalt Shing 1x12 Roof Sheath	3000	SF	2.25	6750								
" 5/8 Ply Roof	3850	SF	1.25	4812								
Vinyl Faced Insul	4300	SF	0.75	3225								
Batt insul	1200	SF	0.45	540								
5/8 Attic. Floor	2400	SF	1.10	2640								
Ply Clg	2340	SF	1.75	4095								
Ply Soffit	625	SF	1.75	1094								
Paint East Gable Ply 1x6 2x4	200	SF	4.00	800								
West Gable 2x4	200	SF	1.50	300								
D.W Clg & Frame	300	SF	1.40	420								
Deco Ply 2x2 & Insul	1350	SF	3.75	5062								
D.W Paint	360	SF	5.00	1800								
Ply & 2x4 Paint	200	SF	3.00	600								
				204179								

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

LOCATION: TUBAC ARCHITECT: _____ DATE: _____

SUMMARY OF: _____ SHEET NO.: 2 of 2

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
Guest House B/F				38338								
Trusses @ 16" 24' 27 Ea	730	LF	7.00	5110								
Cly D.W & Insul	1000	SF	2.00	2000								
Roof Ply & Asph Shingles	1200	SF	3.50	4200								
Eave & D.S.	110	LF	4.50	495								
Heat Pump	1	Ea	700.00	700								
Elect	1	LS		8000								
Plumbing (1)	1	LS		7000								
765 SF				68483						89.50/SF		69000

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

LOCATION: TUBAC ARCHITECT: _____ DATE: _____

SUMMARY OF: MAIN House SHEET NO.: 1 of 2

SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
MAIN House 1514 SF 1890 SF												
Ftgs & Stems	225	LF	87.00	19575								
SOG	1950	SF	7.00	13650								
Patio - Tile & conc	180	SF	15.80	2844								
- Timber 10x6	16	LF	15.00	240								
Stepping Stones 18x18	40	EA	6.00	240								
24"ø	30	EA	7.00	210								
Toe	80	LF	19.00	1520								
CMU	1940	SF	10.00	19400								
Wd Roof Ply & insul	2550	SF	4.90	12495								
Clg DW & Insul	1914	SF	1.40	2680								
Roof Framing	2550	SF	2.35	5992								
Porch Roof 1x12 Eth	625	SF	1.75	1094								
Porch: 6x6 Posts 2x8	16	LF	8.75	140								
Bm 6x6	32	LF	8.75	280								
Corbels	4	EA	25.00	100								
Extra Integral Color Scored	210	SF	2.00	420								
East CMU x2'	110	SF	10.00	1100								
" Glazed x4'	176	SF	25.00	4400								
Roof Beams 6x8	32	LF	9.40	301								
Wood Shakes	34	SQ	295.00	10030								
Mex Tile	1240	SF	8.80	10912								
Accent C.T	40	EA	12.00	480								
CT Splash	50	LF	5.75	288								
W/W Carpet	50	SY	26.00	1800								
C/F				102040								

04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

PROJECT: _____ SEC. NO.: _____

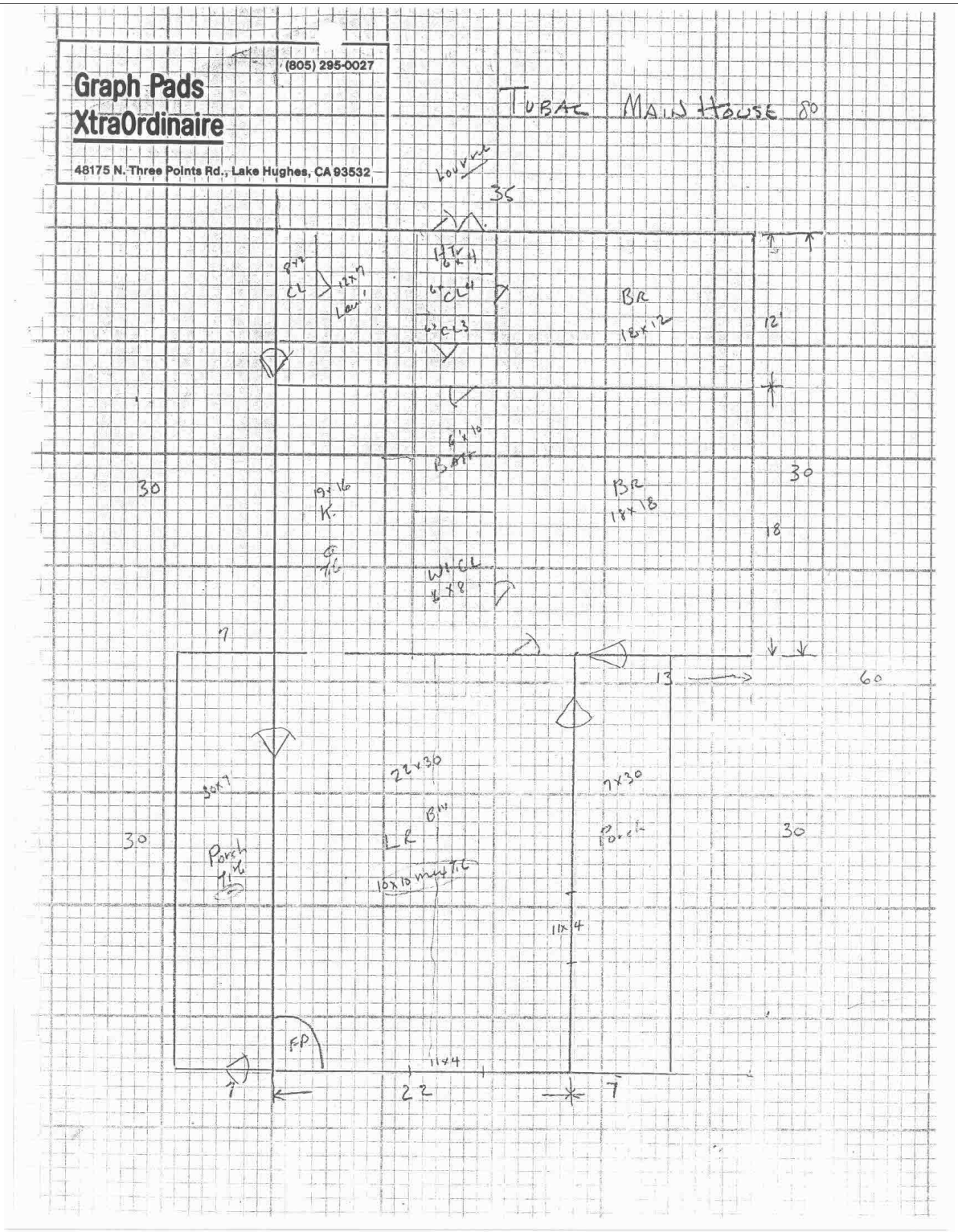
LOCATION: Jubilee ARCHITECT: _____ DATE: _____

SUMMARY OF: Main House SHEET NO.: 2 of 2

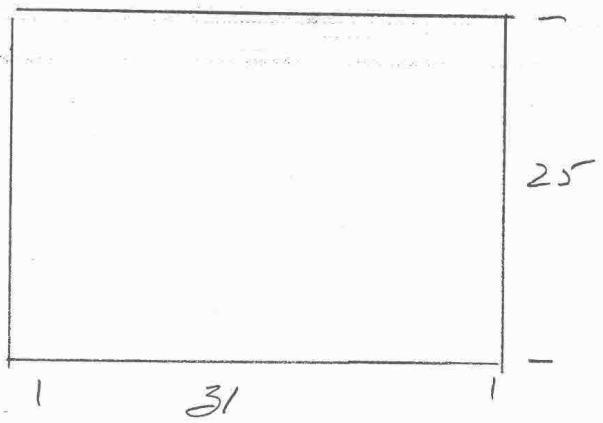
SUMMARY BY: _____ PRICED BY: _____ EXTENSIONS BY: _____ EXTENSIONS CHECKED BY: _____

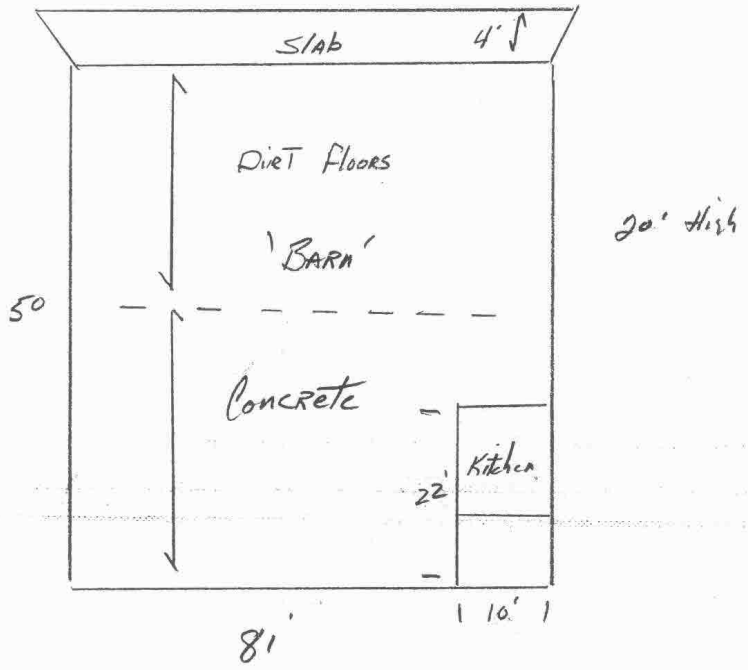
DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	MATERIAL	UNIT PRICE	LABOR	UNIT PRICE	EQUIPMENT	UNIT PRICE	SUBCONTRACT	UNIT PRICE	TOTAL
Main House B/F				102040								
Sheet Vinyl	60	sf	3.00	180								
Doors. Mtl Screen	3	Ea	175	525								
Wd "	1	Ea	75	75								
Ext w/ Lts & Fr	5	Ea	400	2000								
" Louvre & Fr	1	Pr	600	600								
Int & Fr	6	Ea	150	900								
Windows Alum.	190	sf	25	4750								
Beehive Fireplace	1	Ea		3500								
Evap Cooling	1	Ea		1200								
Gas Furnace	1	Ea		1500								
Duct work	1	LS		2000								
Jacuzzi	1	Ea		2500								
Elect	1	LS		18000								
Plumb- Low H Lav. W.C. Tub. LTub. K Sink STub.	1	LS		1050								
Fascia & D.S	275	LF	4.50	1238								
Planter Curb	150	LF	7.00	1050								
Kitchen Base Cab.	24	LF	150	3600								
Wall Cab	27	LF	85	2295								
Poured Vermiculite Insul	1940	sf	0.95	1843								
				160296								

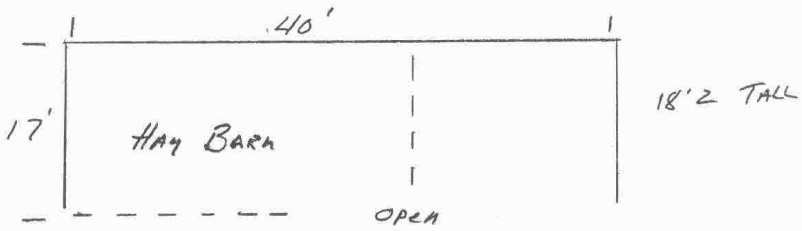
04-10-2003: Appraisal of Mission Ranch, George A. Binney, NPS Tract 101-12-TUMA, cont

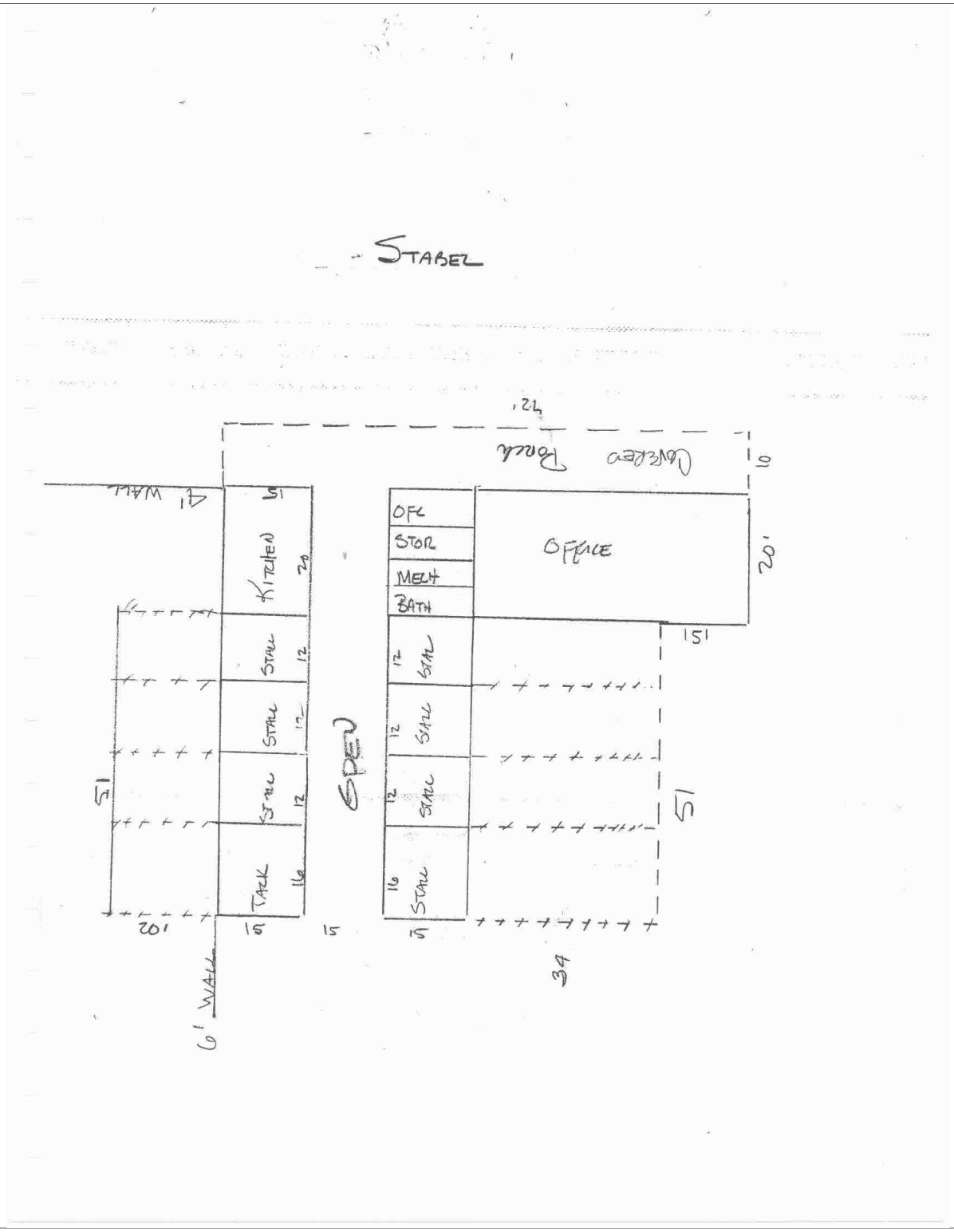

Graph Pads
XtraOrdinaire
(805) 295-0027
48175 N. Three Points Rd., Lake Hughes, CA 93532
TUBAC MAIN HOUSE 80
Louvre
35
BR
18x12
12'
30
9x16
K.
BR
18x18
18
30
13
60
22x30
7x30
Porch
30
11x4
FP
22
7

Guest House



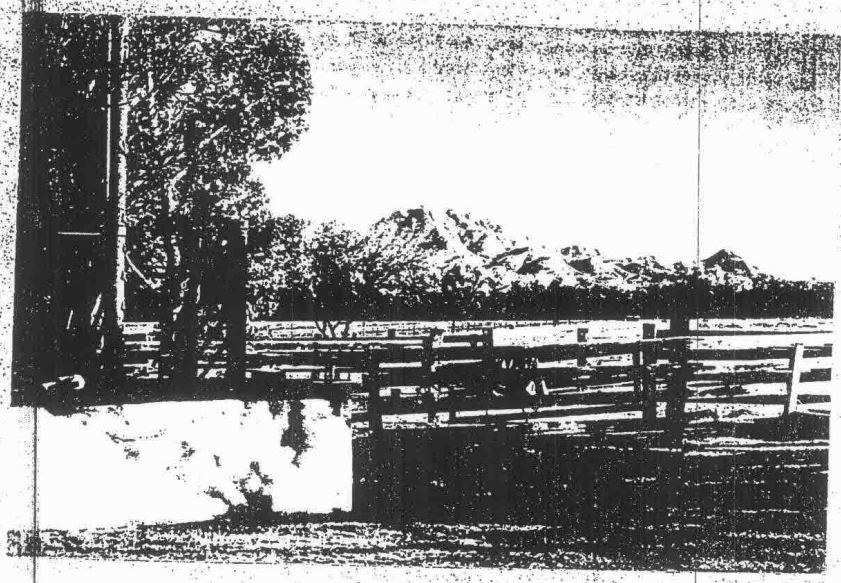

SLAB
4'
DIRT FLOORS
'BARN'
20' High
50
Concrete
Kitchen
22'
10'
81'


40'
17'
HAY BARN
OPEN
18'2 TALL


STABEL
OFC
STOR
MELT
BATH
OFFICE
KITCHEN
STALL
TACK
OPEN
WALL
6' WALL
20'
15
34

"MISSION RANCH"

A Jewel Nestled in the Santa Cruz Valley . . .



This farm/ranch property borders the stately Tumacacori Mission and is comprised of approximately 84 acres, 54 acres of which is irrigated land. The property features a 2 bed/1 bath, 1500 square foot main house and a 1 bed/1 bath, 700 square foot guest house as well as pool, barns, stables, tack room and much more.

This is a rare opportunity
to acquire a truly special property.

$1,500,000

Offered by:

Brasher✧Ross Real Estate, Inc.
2 Tubac Rd • PO Box 4241 • 520.398.2506 • 800.700.2506 • fax 520.398.2407
E-Mail BRTubac@aol.com Visit our web site www.brasher-ross.com

The information furnished is from sources deemed reliable but is not guaranteed and is subject to change, corrections, errors and omissions, prior sale or withdrawal without notice

"A JEWEL NES[illegible]LED IN THE LUSH SANTA [illegible]RUZ VALLEY"

does not fully describe this picturesque farm/ranch located along the Santa Cruz River , between the Tumacacori and Santa Rita Mountains.

Bordered on the north by the historic Tumacacori Mission National Park, this property sits in the shadow of the historic mission's bell tower. On the east, the ranch is contiguous with the Santa Cruz River riparian habitat, home to cottonwood, willow and mesquite groves as well as numerous species of bird and other wildlife. The Mission Ranch enjoys excellent access via the East Frontage Road of Interstate 19. It is located between the Tumacacori and the Tubac interchanges for easy access to Nogales or Tucson, yet is well buffered from freeway noise.

The Mission Ranch has the benefit of approximately 54 acres of irrigated farm ground that is served by two irrigation wells with a total groundwater allotment of 285.48 acre-feet per year. The ranch is well equipped for horses with ample stables, tack room and separate office. A separate, 3800 square foot metal shed/barn may serve as equipment storage or hay barn.

In addition to the tranquility and quality of life this property offers, it has the added benefit of approximately 20 acres of commercially zoned property that borders the I-19 East Frontage Road.

ADDRESS:	**1885 E. Frontage Road**
TAX PARCEL:	**112-45-012**
LEGAL:	**See broker for full legal**
BATHS:	**1 in main house/ 1 bath in guest house**
BEDROOMS:	**2 in main house/ 1 in guest house**
LOT SIZE:	**approx. 84.70 including approx. 54 irrigated acres**
POOL:	**yes**
ROOF:	**wood shingle**
SQUARE FT:	**approx. 1514 in main house** **approx. 756 sq. ft. guest house**
TAXES:	**$3,123.72 (1999)**
UTILITIES:	**WATER - Private well** **POWER - Citizens Utilities** **GAS - Propane** **SEWER - Septic**
YEAR BUILT:	**1968**

PRICED AT $1,500,000

Brasher-Ross Real Estate, Inc
Two Tubac Road, P. O. Box 4241 Tubac, AZ 85646
520.398.2506 ◆ 800.700.2506 ◆ Fax 520.398.2407
Email: BRTubac@aol.com ◆ Web site: www.brasher-[illegible].com

This information is obtained from sources deemed reliable but is not guaranteed and is subject to change, omission or withdrawal without notice.

Certificate Of Grandfathered Groundwater Right

COUNTY OF SANTA CRUZ

STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

This is to certify that pursuant to the provisions of Title 45, Chapter 2, Arizona Revised Statutes

GEORGE A. BINNEY
Mission Ranch
P. O. Box 16
Tumacacori, Arizona 85640

is granted
IRRIGATION GRANDFATHERED RIGHTS
in the
TUCSON ACTIVE MANAGEMENT AREA

for 56.0 *irrigation acres of land. The rights are appurtenant to and groundwater may be used only on the irrigation acres of land described as follows:*

Assessor's Parcel Number 112-45-012 as of 11/82; an irregular portion of W½ SW¼ SW¼ Sec 29 T21S R13E and an irregular portion of S½ SE¼ Sec 30 T21S R13E and an irregular portion of N½ NE¼ Sec 31 T21S R13E, GSRB&M, all of which are part of Baca Float #3.

Excluding: Irregular portion of E½ of owned acreage containing Santa Cruz Riverbed as more fully described in the map attached hereto as Exhibit A and made a part hereof by reference.

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

CERTIFICATE NO. 58-100085

is granted this 17th day of August, 1983

ARIZONA DEPARTMENT OF WATER RESOURCES

Wesley E. Steiner
Director

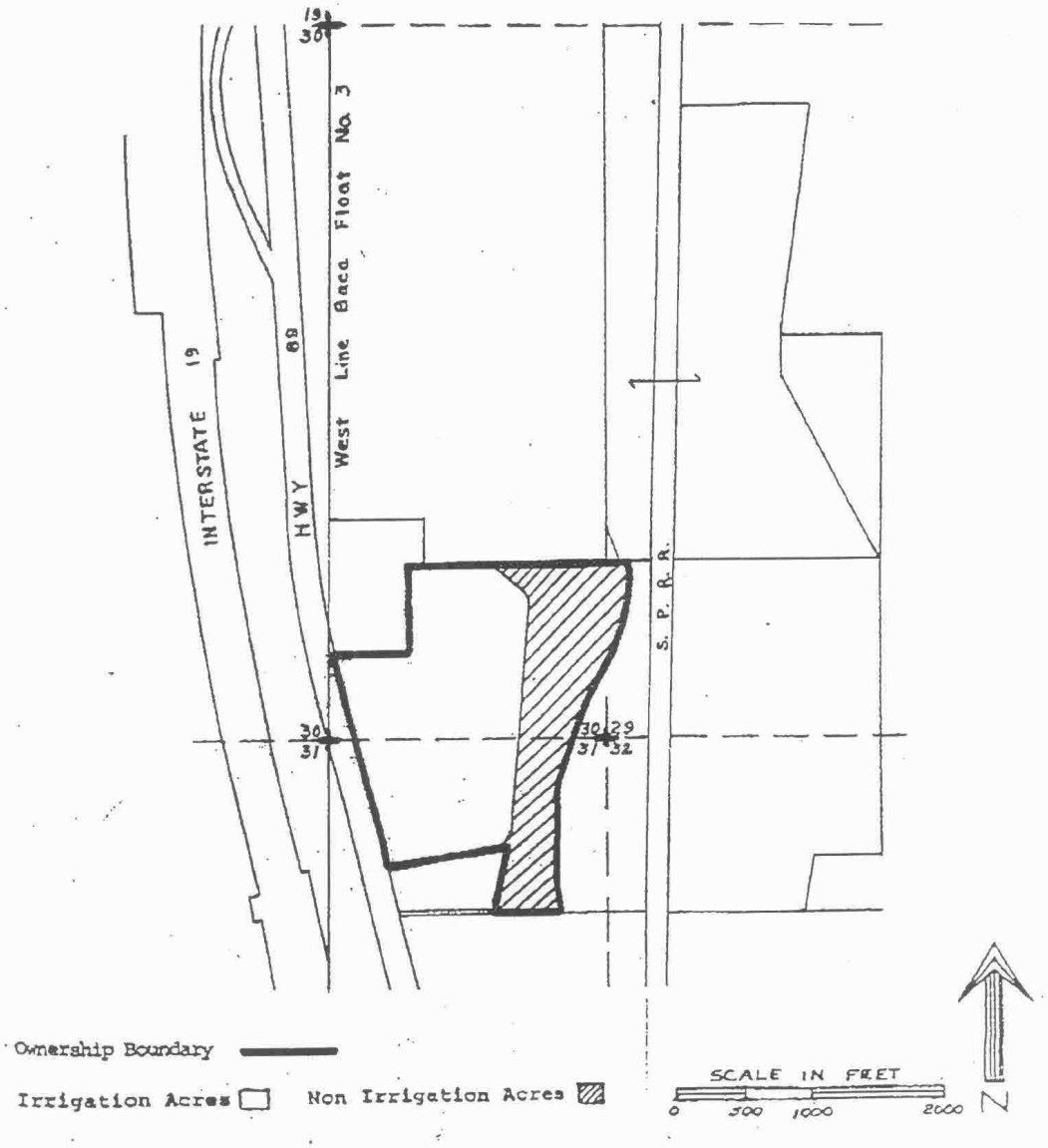
The Department of Water Resources must be notified if the above named person(s) changes his address, conveys ownership of the land to another person(s) or wishes to convert the right to a non-irrigation grandfathered right associated with retired irrigated land.

PAGE 2 OF 2 EXHIBIT A

NAME GEORGE A. BINNEY CERTIFICATE NO. 58-100085

Sec 29,30,31 T 21 S R 13 E Map Source SANTA CRUZ Co. ASSESSOR

Irrigation Acres Certified 56.0 Date 4/21/83



STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
SANTA CRUZ ACTIVE MANAGEMENT AREA

NOTICE OF FINAL IRRIGATION WATER DUTY AND MAXIMUM ANNUAL GROUNDWATER ALLOTMENT

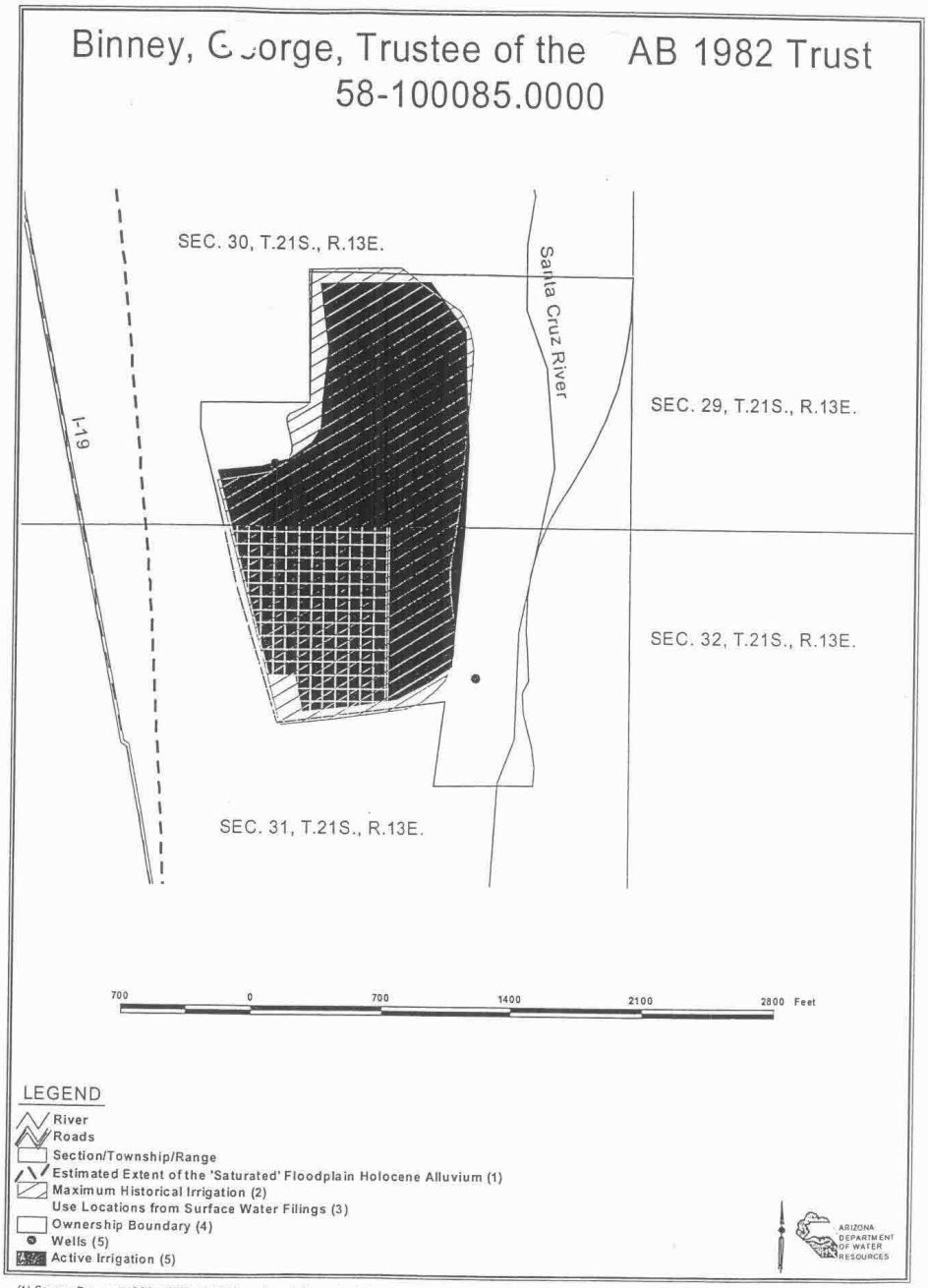
Pursuant to Arizona Revised Statutes (A.R.S.) § 45-565(C), the Director of the Arizona Department of Water Resources hereby gives additional notice of the final irrigation water duty and maximum annual groundwater allotment for the Second Management Period for:

IRRIGATION GRANDFATHERED RIGHT CERTIFICATE NO. 58-100085.0000

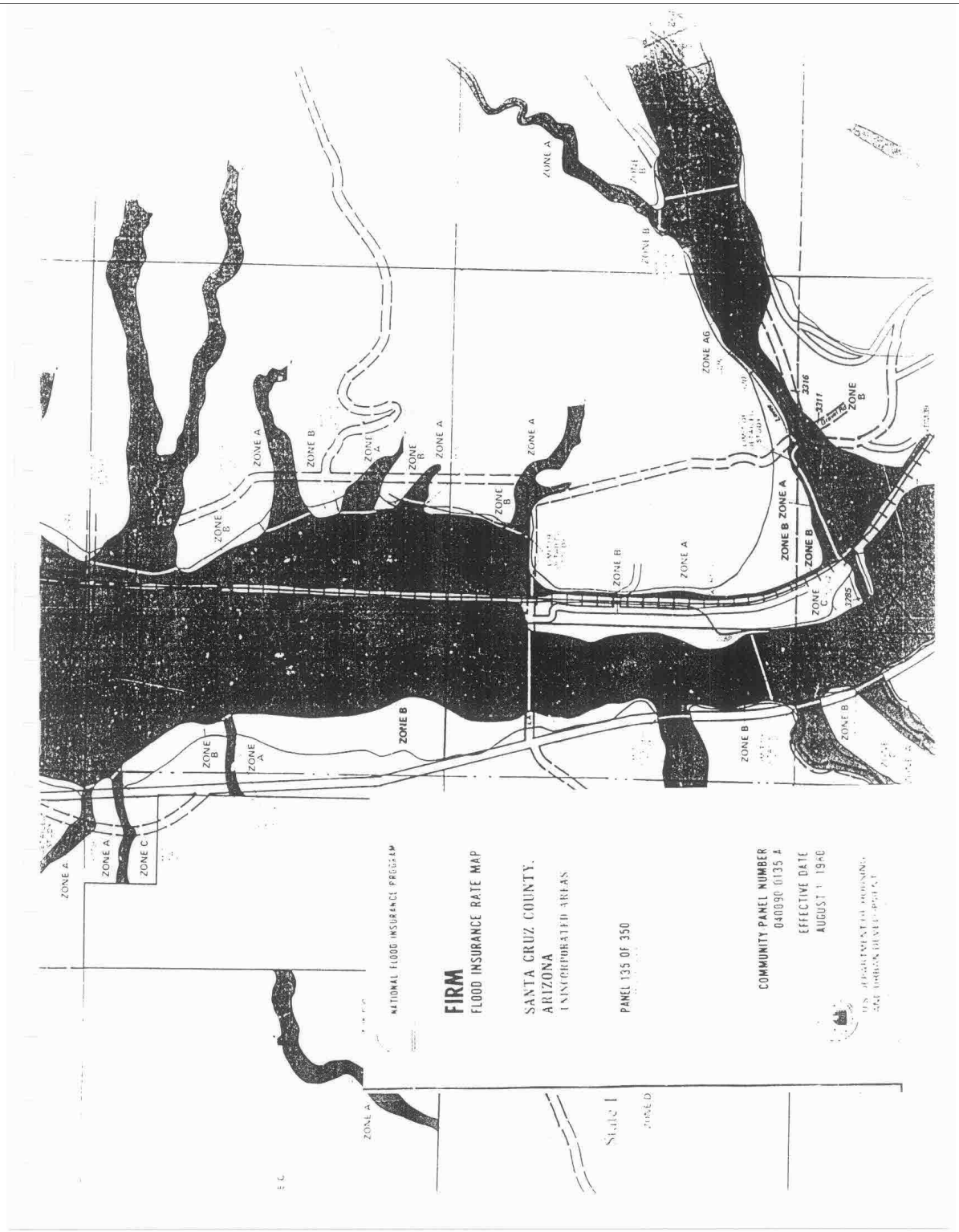
The following is the final irrigation water duty and maximum annual groundwater allotment for the above-referenced irrigation grandfathered right. The water duty and allotment shall become effective beginning in calendar year 2000, and shall remain in effect until the first compliance date of the water duties and maximum annual groundwater allotments established for the irrigation grandfathered right in the Third Management Plan.

IRRIGATION WATER DUTY:	5.49	ACRE-FEET PER ACRE
MAXIMUM ANNUAL GROUNDWATER ALLOTMENT:	285.48	ACRE-FEET PER YEAR

The irrigation water duty is the amount of water in acre-feet per acre that is reasonably required to irrigate the crops historically grown in the farm unit to which the above-referenced irrigation grandfathered right is appurtenant. **The maximum annual groundwater allotment** is the maximum amount of water that may be used in any year to irrigate the irrigation acres associated with the irrigation grandfathered right, except as provided in A.R.S. § 45-467, the flexibility account provision. The maximum annual groundwater allotment is calculated by multiplying the final irrigation water duty for the irrigation grandfathered right by the number of water duty acres associated with the irrigation grandfathered right. You were previously noticed of these requirements.



(1) Source: Drewes (USGS, 1980), 1:125000, and available geologic data and recent streamflow conditions.
This map was prepared only for the Inventory Report. The actual extent of the saturated floodplain Holocene alluvium will be determined in the adjudication process.
(2) Source: 1958 Aerial Photograph
(3) Source: Applicable Surface Water Filings
(4) Source: ADWR Registry of Groundwater Rights
(5) Source: 2000 ADWR Investigations


NATIONAL FLOOD INSURANCE PROGRAM
FIRM
FLOOD INSURANCE RATE MAP
SANTA CRUZ COUNTY,
ARIZONA
PANEL 135 OF 350
COMMUNITY PANEL NUMBER
040090 0135 A
EFFECTIVE DATE
AUGUST 1 1980
ZONE A
ZONE B
ZONE C
ZONE AG
2316
2311
2285

Fidelity National Title Agency, Inc.

7750 East Broadway, Suite A-200 • Tucson, AZ 85710
(520) 290-6227 • FAX (520) 290-3886

FACSIMILE TRANSMISSION

ATTN: Glenna Vigil
National Park Service
505-988-6709
FROM: Laura Pulvertaft

DATE: January 29, 2003
NO. OF PAGES: 7 - Including coversheet
ESCROW NO: 50019822-LP

Attached is a copy of prelim for the other Tumacacori property.

NOTE: If there are any questions concerning this transmission please call Laura Pulvertaft at (520) 290-6227

PLEASE NOTE: In the event any of these pages require an ORIGINAL SIGNATURE, please copy the fax transmittal page(s) and sign on the PHOTO COPY and return to us with the original signature.

THANK YOU.

CONFIDENTIALITY NOTICE

The information contained in this facsimile is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the address above via the United States Postal Service. Thank you.

Fax Transmittal (Rev. 6/30)

Binney
TUMA 101-12

Report No. 00107130

SOUTHERN ARIZONA TITLE INSURANCE AGENCY

PRELIMINARY REPORT

Agreeing to your order for title insurance covering the property described herein STEWART TITLE GUARANTY COMPANY, acting through SOUTHERN ARIZONA TITLE INSURANCE AGENCY, will issue its regular form of Title Insurance Policy in the amount set forth herein upon the satisfactory compliance with the requirements set forth herein, and upon payment of all charges and disbursements (providing that nothing affecting the title adversely shall arise or become known subsequent to the date hereof and prior to the issuance's of said title insurance) as shown below. (Note: All instruments herein referred to are recorded in the Office of the County Recorder of Santa Cruz County, Arizona.)

If, within 90 days from the date of this Report the applicant shall have failed to comply with the requirements set forth on the attachment to this Preliminary Title Report, unless further time is granted by the Company, the Company shall have the option of issuing its regular form of Title Insurance Policy, at its scheduled rate, including in Schedule B of said Policy as exceptions all unsatisfied requirements, or to make a charge commensurate with the services incidental to the issuance of the Report.

POLICY OR POLICIES TO BE ISSUED:

(a) Standard Owners Policy IN THE AMOUNT OF $TO COME IN FAVOR OF:
DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

(b) None IN THE AMOUNT OF $ IN FAVOR OF:

(c) None IN THE AMOUNT OF $ IN FAVOR OF:

TITLE TO THE FEE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT IS AT THE EFFECTIVE DATE HEREOF IN THE NAME OF:

GEORGE A. BINNEY, AS TRUSTEE OF THE G. A. B. 1982 TRUST

LEGAL DESCRIPTION:

See Exhibit B attached hereto and made a part hereof.

EFFECTIVE DATE OF THIS REPORT IS January 9, 2003 at 7:30 A.M.

Tony Montesinos/00107130
Amended:

THIS IS A PRELIMINARY MEMORANDUM REPORT AND NOT A COMMITMENT TO INSURE TITLE NOR A TITLE INSURANCE POLICY. VOID IF EXCEPTIONS AND REQUIREMENTS ARE NOT ATTACHED.

Report No. 00107130

SCHEDULE B — PART 1

SUBJECT TO THE USUAL PRINTED CONDITIONS, STIPULATIONS AND EXCEPTIONS CONTAINED IN THE REGULAR FORM OF SAID POLICY, OR BY RIDER ATTACHED THERETO.

A COPY OF SCHEDULE B PART I OF THE POLICY IS AVAILABLE UPON REQUEST.

SCHEDULE B — PART 2

SUBJECT TO THE FOLLOWING SPECIFIC ENCUMBRANCES, RESERVATIONS AND EXCEPTIONS.

1. Taxes for the year 2003 and subsequent years.
2. Reservations by the United States of America or the State of Arizona contained in the Patent recorded in the office of the County Recorder.
3. Water rights and title to water.
4. Any action, by the Santa Cruz County Assessor and/or Treasurer, altering the current or prior tax assessment, subsequent to the date of the Policy of Title Insurance.
5. Any claim, which arises out of the transaction, either a) creating the interest of the mortgagee and/or b) vesting in the Insured the estate or interest, insured by this policy by reason of the operation of federal bankruptcy, state insolvency, or similar creditor's rights law.
6. Established and/or existing roads or highways, or rights of way therefor with specific reference to Highway No. 89.
7. Certificate of Grandfathered Groundwater rights recorded in Docket 440 at page 469.
8. Easements as recorded in docket 945 at page 531.
9. Easement to CITIZENS UTILITIES COMPANY, A CORPORATION for RIGHT OF WAY EASEMENT OVER A DESCRIPTION PORTION OF CAPTIONED PROPERTY and rights incident thereto recorded in Book 21 of Miscellaneous Records at page 520.
10. Easement to THE STATE OF ARIZONA for RIGHT OF WAY OVER THE WESTERLY 100 FEET OF CAPTION PROPERTY and rights incident thereto recorded in Book 25 of Miscellaneous Records at page 176.
11. Easement to TUCSON GAS, ELECTRIC LIGHT AND POWER COMPANY for ELECTRIC LINES OVER A DESCRIBED PORTION OF CAPTION & OTHER PROPERTY and rights incident thereto recorded in Book 19 of Miscellaneous Records at page 442.
12. Easement to THE STATE OF ARIZONA for HIGHWAY PURPOSES and rights incident thereto recorded in Book 17 of Miscellaneous Records at page 362.
13. Easement to PUBLIC UTILITIES CONSOLIDATED CORPORATION for POWER LINES, ETC. and rights incident thereto recorded in Book 20 of Miscellaneous Records at page 283.
14. Easement to CITIZENS UTILITIES COMPANY, A CORPORATION for POWER LINES, ETC. and rights incident thereto recorded in Book 20 of Miscellaneous Records at page 327.

EXCEPTIONS (CONTINUED)

15. Established and/or e ng roads, roadways and highways, partic y excepting the right, privilege and easement by way of existing roads or relocations of said roads as described and as reserved in deed of record in the office of the County Recorder of Santa Cruz County, Arizona, in Book 20 of Deeds at pages 48 to 51 inclusive.

16. Reservations of minerals in Deed from James E. Bouldin, et al, recorded in Book 12 of Deeds at page 91.

REQUIREMENTS

1. Taxes for 2nd half of the year 2002 are to be paid.
   The tax number being used is 112-45-012.
   The full year tax amount for the year 2002 is $2,575.02.

2. This prelim is subject to the approval of its content by STEWART TITLE GUARANTY COMPANY. Should this approval be denied, this report will be invalid and of not force or effect.

3. Submit to SOUTHERN ARIZONA TITLE INSURANCE AGENCY a complete copy of THE G. A. B. 1982 TRUST and any Amendments and/or Modifications thereto. Said Agreement must clearly show that the Trust is still in effect and that the Trustees may execute the documents required in this transaction.

4. Furnish Trust Certification by GEORGE A. BINNEY, AS TRUSTEE OF THE G. A. B. 1982 TRUST.

5. Submit, prior to signing documents, a Certified Copy of Resolution by the Board of Directors of DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE, authorizing the execution and delivery by the proper officers of all instruments required for the consummation of the transaction to be insured herein, and specifically naming said officers and their title.

6. Record Deed and Affidavit of Legal Value from GEORGE A. BINNEY, AS TRUSTEE OF THE G. A. B. 1982 TRUST (TO) DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE.

   NOTE: ARS 33-404 provides that any conveyance of real property either to or by the Trustee(s) must disclose the names and addresses of the Beneficiaries and the Declaration of Trust under which said Trustee is acting.

NOTE: Section 6-343 of the Arizona Revised Statues provides that effective August 22, 2002, escrow agents may disburse funds from escrow accounts only if the funds are available for withdrawal. Funds availability is determined as follows:

a.) ELECTRONIC FUNDS TRANSFER (Bank Wire) are available for disbursement on the same day.

b.) CASHIER'S CHECKS, CERTIFIED CHECKS, AND TELLER'S CHECKS are available for disbursement on the NEXT BUSINESS DAY, provided said checks are deposited within the bank's normal hours of operation.

In order to avoid unnecessary closing delays, you may use the foregoing methods of payment whenever possible.

Note: SOUTHERN ARIZONA TITLE INSURANCE AGENCY reserves the right to modify and/or elect to issue insurance without completion and/or recordation of all those requirements as set forth above.

I have reviewed this Preliminary Memorandum Report and the Recorded Plat of this Subdivision (if this exception has been set forth on Schedule B).

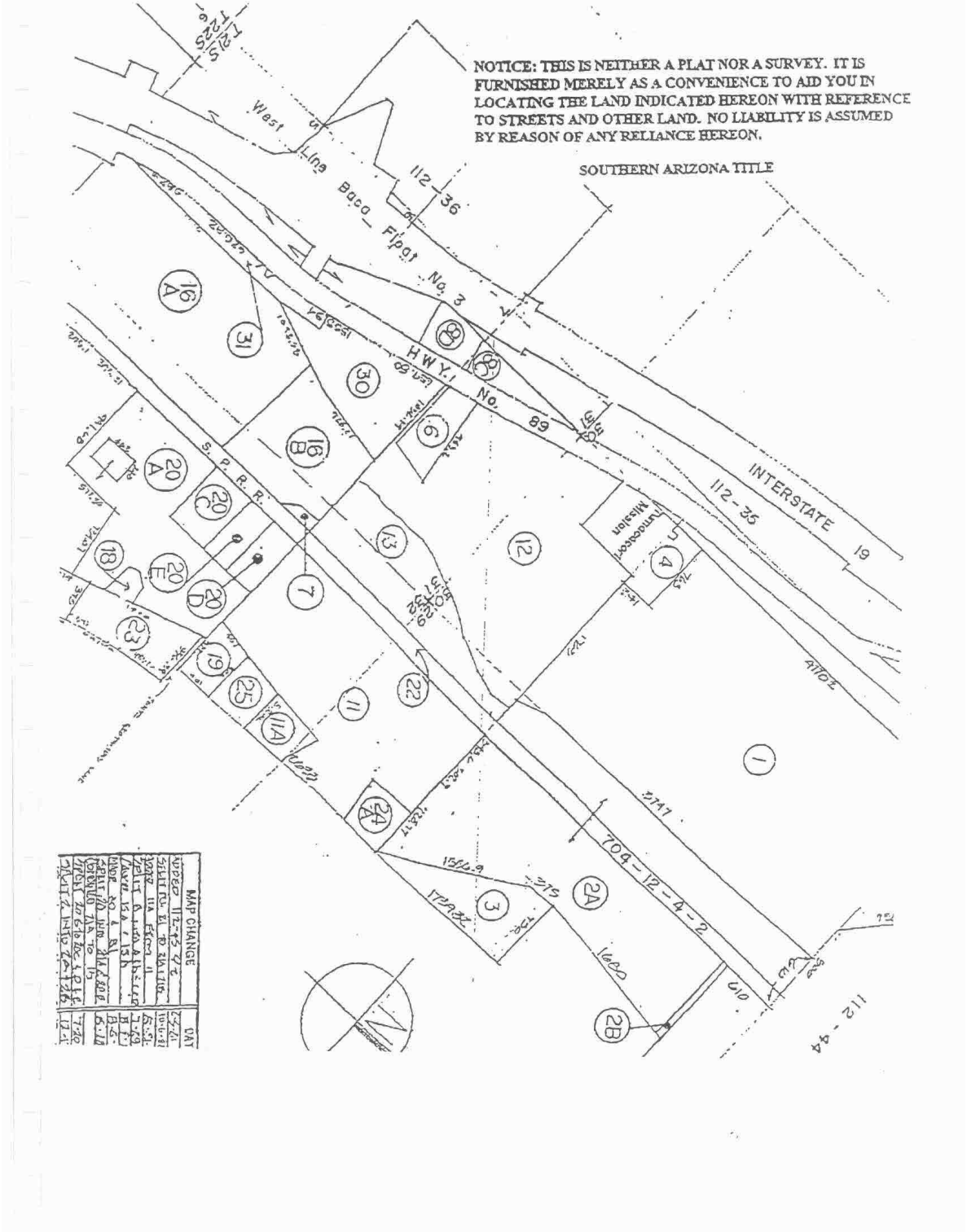
END REQUIREMENTS

Exhibit B

A. P. N.: 112-45-012

All that certain Parcel of land situated in Santa Cruz County, Arizona, described as follows:

Beginning at a point 1334.5 feet south of the corner of Sections 29, 30, 31, and 32, Township 21 South, Range 13 East, Gila and Salt River Base and Meridian, and on the north line of the "KARNS TRACT";
thence west along said north line of the "KARNS TRACT", 460.91 feet to a point on the east bank of the Santa Cruz River, SAID LAST MENTIONED POINT BEING THE POINT OF BEGINNING;
thence North 13 degrees 26 minutes 00 seconds West, 132.35 feet to a point;
thence North 01 degrees 12 minutes 00 seconds West, 167.95 feet to a point;
thence North 06 degrees 18 minutes 00 seconds East, 123.8 feet to a point;
thence North 04 degrees 05 minutes 00 seconds West, 199.52 feet to a point;
thence North 01 degrees 56 minutes 00 seconds East, 149.45 feet to a point;
thence North 06 degrees 30 minutes 00 seconds West, 162.27 feet to a point;
thence North 11 degrees 43 minutes 00 seconds East, 154.2 feet to a point;
thence North 20 degrees 41 minutes 00 seconds East, 480.95 feet to a point;
thence North 29 degrees 58 minutes 00 seconds East, 279.05 feet to a point;
thence North 31 degrees 38 minutes 00 seconds East, 179.65 feet to a point;
thence North 15 degrees 46 minutes 00 seconds East, 103.5 feet to a point;
thence North 29 degrees 31 minutes 00 seconds East, 81.4 feet to a point;
thence North 19 degrees 05 minutes 00 seconds East, 207.15 feet to a point;
thence North 11 degrees 20 minutes 00 seconds East, 174.32 feet to a point;
thence North 10 degrees 36 minutes 00 seconds West, 190.00 feet to the southwest corner of the "WILLIAM LOWE TRACT" (being also the northwest corner of the "KING TRACT")
thence north a distance of 10.2 feet to a point;
thence North 89 degrees 36 minutes 00 seconds West, 1723.35 feet to the northeast corner of the TUMACACORI MISSION TRACT;
thence south along the east line of the Tumacacori Mission fence to the point thereon which is due west from the southwest corner of the "WILLIAM LOWE TRACT" hereinabove described;
thence due west to a point on the west boundary line of the BACA FLOAT NO. 3;
thence south along the west boundary line of said BACA FLOAT NO. 3 to the intersection of said boundary line with the relocated east right-of-way line of the Nogales-Tucson Highway (U. S. Highway No. 89), Federal Interstate Project 86;
thence southeasterly along the relocated east right-of-way line of said Highway, Federal Interstate Project 86, to the point thereon which is due west from the Point of Beginning;
thence due east to the Point of Beginning;
EXCEPTING AND EXCLUDING THEREFROM the east half of the northwest quarter of the southwest quarter of the southeast quarter, and the west half of the northeast quarter of the southwest quarter of the southeast quarter of Section 30, Township 21 South, Range 13 East, Gila and Salt River Base and Meridian, Santa Cruz County, State of Arizona, on which tract is situated the Tumacacori Mission;
FURTHER EXCEPTING AND EXCLUDING the part of said land which was conveyed to Donald W. Williams, Jr. and Sylvia F. Williams, husband and wife, by deed dated April 1, 1953, recorded in the Office of the County Recorder of Santa Cruz County, Arizona, in Book 32 of Deeds at page 597 thereof.


NOTICE: THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED MERELY AS A CONVENIENCE TO AID YOU IN LOCATING THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF ANY RELIANCE HEREON.
SOUTHERN ARIZONA TITLE
INTERSTATE 19
112-36
112-35
HWY. 89
S. P. R. R.
704-12-4-2
112-44
MAP CHANGE

112-45-018
Baca
31-21-13

INSTRUMENT #0210184
OFFICIAL RECORDS OF
SANTA CRUZ COUNTY
SUZANNE SAINZ
COUNTY RECORDER
REQUEST OF :
BAILEY, SARAH
DATE: 11/01/02 TIME: 4.00
FEE: 16.00
DOCK 945 PAGE 531 PAGES: 2

~~John Erdner~~
Sarah A Bailey
#298, 8987 E Tanque Verde Rd
Tucson, Az 85749
When Recorded Return To:

QUIT CLAIM DEED

For value received, the undersigned, **GEORGE A. BINNEY**, as trustee of the G.A.B. 1982 Trust, hereby quit-claims unto **GEORGE E. POTTINGER**, a married man, as his sole and separate property without any warranty of any nature, all his right, title and interest, if any, in and to the real property described follows:

The South thirty (30) feet of that property described in Docket 360 at page 422, Santa Cruz County, Arizona, Recorder's Office, as shown by Exhibit A attached hereto & incorporated herein

SUBJECT to a perpetual easement for ingress and egress in favor of Grantor and Grantor's successors and assigns, which easement shall be appurtenant to any real property owned by Grantor or Grantor's successors and assigns.

DATED this 1st day of November, 2002.

George A. Binney as Trustee of the G.A.B. 1982 Trust

State of Arizona)
)ss.
County of Pima)

This instrument was acknowledged before me this 1 day of November, 2002 by George A. Binney, as Trustee of the G.A.B. 1982 Trust, the Grantor herein.

Notary Public Denise M. Sanchez

My Commission Expires:

OFFICIAL SEAL
DENISE M. SANCHEZ
NOTARY PUBLIC - ARIZONA
PIMA COUNTY
My Comm. Expires Dec. 13, 2005

0945 531

TUMA 101-12

AFFIDAVIT OF PROPERTY VALUE

SEE INSTRUCTIONS FOR APPLICABLE STATUTES AND EXEMPTIONS

This form has been approved by the Arizona Department of Revenue pursuant to A.R.S. § 11-1133

1. ASSESSOR'S PARCEL NUMBER(S) (primary parcel number):
(a) [redacted] BOOK [redacted] MAP [redacted] PARCEL [redacted] SPLIT
Does this sale include any parcels that are being split/divided? Check one: Yes [redacted] No [redacted]
(b) How many parcel numbers, other than the primary parcel number, are included in this sale? ____
List the additional parcel numbers (up to 4) below.
(c) [redacted] (e) [redacted]
(d) [redacted] (f) [redacted]

2. SELLER'S NAME AND ADDRESS:
GEORGE A. BINNEY AS TRUSTEE OF THE G.A.B. 1982 TRUST, P.O. BOX 488 TUBACA CORI, AZ 85640

3. BUYER'S NAME AND ADDRESS:

Buyer and Seller related? Yes ____ No ____
If yes, state relationship: ____

4. ADDRESS OF PROPERTY:

5. MAIL TAX BILL TO:

6. TYPE/USE OF PROPERTY AT TIME OF SALE (check one):
a. [redacted] Vacant Land
b. [redacted] Single Family Residence other than Mobile Home
c. [redacted] Condo./Townhouse
d. [redacted] 2-4 Plex
e. [redacted] Apartment Building
f. [redacted] Commercial/Industrial
g. [redacted] Agricultural
h. [redacted] Mobile Home
i. [redacted] Other Use, Specify: ROAD RIGHT-OF-WAY

7. RESIDENTIAL BUYER'S USE:
Answer if you checked b, c, d, or h above (check one):
See instructions for definition of a "family member."
[redacted] To be occupied by owner or "family member."
[redacted] To be rented to someone other than "family member."

8. PARTY COMPLETING AFFIDAVIT (Name, Address, Phone):
[redacted] Phone [redacted]

FOR OFFICIAL USE ONLY (buyer and seller leave blank)
(a) County of Recordation: SANTA CRUZ
(b) Docket & Page Number: 945/531
(c) Fee/Recording Number: [redacted]
(d) Date of Recording: [redacted]
Assessor/DOR Validation Codes:
(e) Assessor: [redacted] (f) DOR: [redacted]
Use Code: ____

10. TYPE OF DEED OR INSTRUMENT (check one)
a. [redacted] Warranty Deed
b. [redacted] Special Warranty Deed
c. [redacted] Joint Tenancy Deed
d. [redacted] Contract or Agreement
e. [redacted] Quit Claim Deed
f. [redacted] Other GRANT DEED

11. TOTAL SALE PRICE: $ [redacted]

12. PERSONAL PROPERTY (see instructions for definition):
Did the sale include any personal property that has a value greater than 5% of the sale price?
(a) Yes [redacted] No [redacted] If yes, briefly describe: ____
Approximate Value: (b) $ [redacted]

13. DATE OF SALE: 10/02
Month / Year Only
NOTE: This is the date of the contract of sale. If you are recording title in fulfillment of a previously recorded contract, you need not complete this affidavit (see A.1. on reverse).

14. DOWN PAYMENT (cash, etc.): $ [redacted]

15. METHOD OF FINANCING:
a. [redacted] All Cash (Paid in full)
b. [redacted] Exchange or trade
c. [redacted] Assumption of existing loan(s)
d. [redacted] New loan from seller (Seller Carryback)
e. [redacted] New loan(s) from financial institution (1) [redacted] Conventional (2) [redacted] VA (3) [redacted] FHA
f. [redacted] Other, explain ____

16. PARTIAL INTERESTS: Is only a partial ownership interest being transferred? For example: ½ (.25) or ½ (.50). Yes [redacted] No [redacted]
If yes, explain. ____

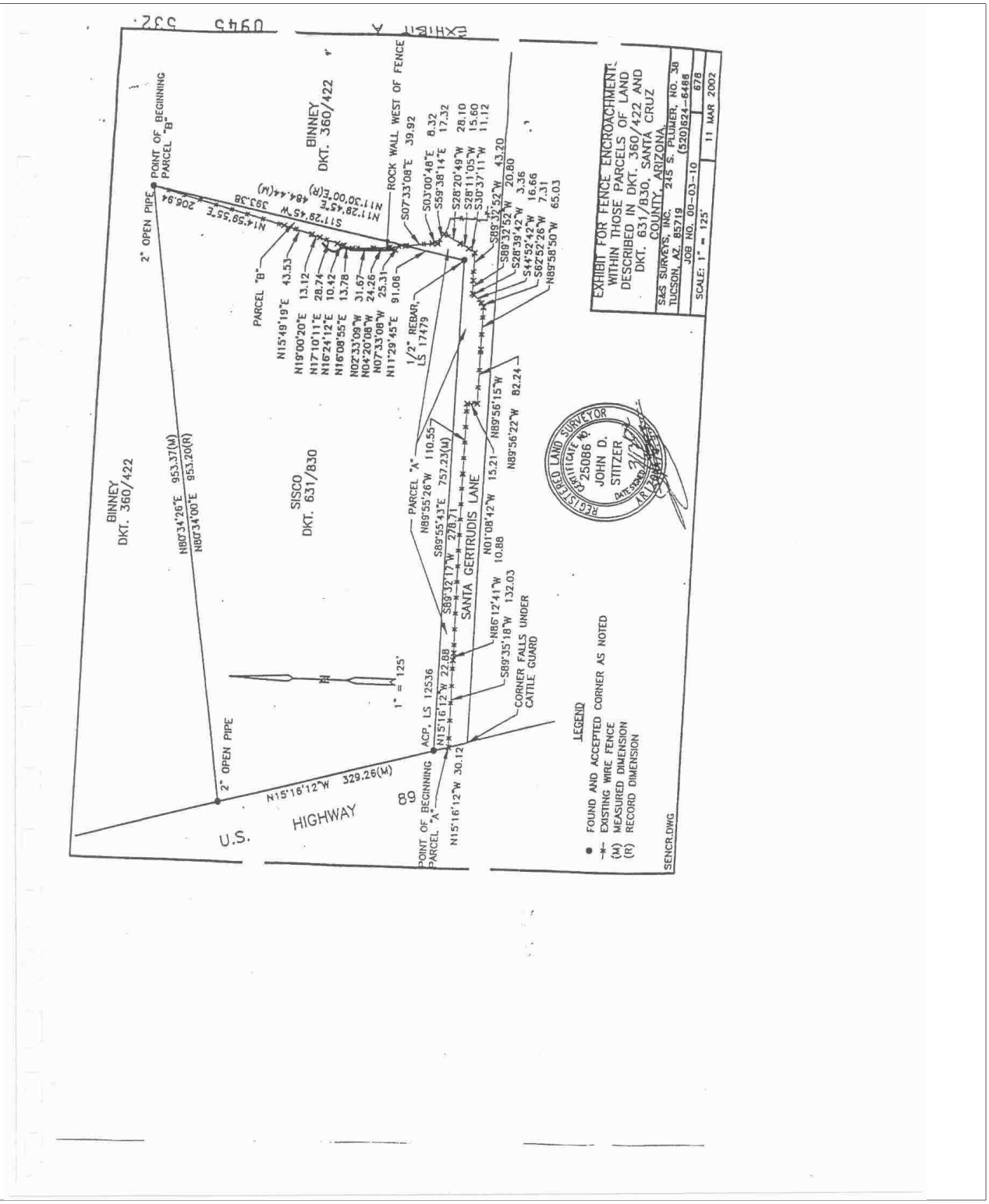
17. ADDITIONAL INFORMATION (check all that apply):
a. [redacted] Affixed Mobile Home b. [redacted] Other: ____
Number of Units: ____ (Apartment, Motel, Mobile Home Park)

18. LEGAL DESCRIPTION (attach copy if necessary):
S 30 FT DRT 300/422

THE UNDERSIGNED BEING DULY SWORN, ON OATH, SAYS THAT THE FOREGOING INFORMATION IS A TRUE AND CORRECT STATEMENT OF THE FACTS PERTAINING TO THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY.

Signature of Seller/Agent: [redacted]
State of Arizona, County of Pima
Subscribed and sworn to before me on this 01 day of November 20 02
Notary Public: [redacted]
Notary Expiration Date: [redacted]
DOR FORM 82162 (Rev. 8/01)
DENISE M. SANCHEZ NOTARY PUBLIC - ARIZONA PIMA COUNTY My Comm. Expires Dec 13 2005

Signature of Buyer/Agent: [redacted]
State of Arizona, County of Pima
Subscribed and sworn to before me on this 01 day of November 20 02
Notary Public: [redacted]
Notary Expiration Date: [redacted]
DENISE M. SANCHEZ NOTARY PUBLIC - ARIZONA PIMA COUNTY My Comm. Expires Dec 13 2005



Other Supporting Information

Summary of ASWF Statements of Claimant

36-60526

Claimant: SSD Limited Partnership
County: Santa Cruz
Water Use: Domestic: 12 acre-feet
1.5 acre-feet for 2 dwellings
10.5 acre-feet for 3 acres of lawn
Stock: 0.7 acre-feet for ~ 20 animals
Priority Date: 1790 or April 2, 1807 or October 26, 1903 or January 1, 1905
Well: 55-610540
(Wells are not subject to prior appropriation doctrine. However, may become subject as a result of the Arizona Supreme Court's 2000 Decision on subflow. *In re General Adjudication of All Rights to Use Water in the Gila River Sys. and Source*, 198 Ariz. 330, 9 P.3d 1069 (2000) ("Gila IV"). Therefore, this is claimed as surface water for protection.)
Date of Well Construction: before 1958
(The right to groundwater use is inherent in the ownership of overlying land.)

"To the extent that water withdrawn from the well is determined to be appropriable, Claimant claims the following alternative priority dates" . . . "Futhermore, Claimant reserves the right to supplement or support any or all of the following priority dates with additional historical information.

The mission at Tumacacori was established in 1757 and was supplied with water from the Santa Cruz River by at least two ditches. One ditch is referred to as the Old Mission Ditch, and the other ditch served a structure in the mission's orchard. The ditch serving the orchard is believed to have been constructed no later than 1790, and appears to have crossed what now is Claimant's property. Accordingly, Claimant asserts a priority date of 1790 based on beneficial use of water from the ditch serving the orchard at the Tumacacori Mission.

On April 2, 1807, Don Alejo Garcia Conde granted a royal patent to the Indians at Tumacacori for lands along the Santa Cruz River south from Tubac. **Attachment A** is a copy of a survey conducted in 1880 of the "Tumacacori Private Land Claim." Claimant's property is within the area identified on that survey as part of the "Fundo Legal." The Indians and subsequent residents farmed the land and raised stock there. **Attachment B** is a copy of *Faxon v. United States*, 171 U.S. 244 (1898), which describes the 1807 land grant and agricultural activities there. Accordingly, if the earlier claimed priority date is rejected by a court of competent jurisdiction, Claimant asserts a priority date of April 2, 1807 based on the historical and beneficial use of water on land associated with this 1807 land grant.

In addition, homestead applications were made on Claimant's property no later than October 26, 1903. On that date, Alberto Madril filed Application Number 2943 listing the following land among the land claimed for his homestead: the southeast quarter of the southeast quarter of Section 31, Township 21 South, Range 13 East. **Attachment C** is a copy of the General Land Office serial register for Homestead Application 2943. Claimant's property includes the southeast quarter of Section 31, Township 21 South, Range 13 East. A homestead applicant was required to reside on and cultivate the land. See Act of 1862, 12 Stat. 392. Furthermore, upon information and belief, a house was built on Claimant's property around the time that Alberto Madril filed his homestead application. **Attachment D** is a copy of a letter from Claimant's grandfather stating his belief that the house on Claimant's property was built in approximately 1905. **Attachment E** consists of copies of photographs of the house being used as a school. Accordingly, if the earlier claimed priority dates are rejected by a court of competent jurisdiction, Claimant asserts a priority date of October 26, 1903 based on historical and beneficial use of water associated with Alberto Madril's homestead application.

Finally, if the earlier claimed priority dates are rejected by a court of competent jurisdiction, Claimant asserts a priority date of January 1, 1905 as indicated in the original Statement of Claim."

Letter from Charles C. Day to Mr. L. Bernell Solsberry

Date: June 30, 1977

"John Chiapetta told me that both of those wells were on the place when he bought it back in the 1950's. I assume the irrigation well, the one furthest south, was drilled by Mallery in the 1930's. A test was run on this well on Dec. 3rd, 1955 by John Chiapetta. He doesn't remember a thing about it as he told me he never did anything to that well. I must have received the log of this test when I bought the ranch. This log shows that the casing is 16", the static water was 20' deep and the well depth was 65½'. The test was run for 2 hours and the well was producing 700 GPM at the 56' level. There was a recommendation that the well be deepened to about 100 ft., but I'm not sure. We now have an electric (10HP) motor on it and get about 500 gallons of water a minute to water about 10 acres of pasture for cattle and horses.

I haven't the slightest idea when the domestic well (the one furthest north) was drilled. The house that it serves, so I'm told, was the original Calabassas School house and was built around 1905. The original class rooms still remain, but needless to say, the house has been remod[e]led many times. We are adding a very small room at the present time. All I could get out of John Chiapetta was that he cleaned it (the well) a time or

two. We installed a new submersible (½ HP) pump on July 31, 1967. The only information of any use that came out of that operation was the the well is 95ft. deep and that the pump is set at 42ft. No mention is made of the size of the casing, but I'm sure it is no larger than 8in., possibly only 6in. I have no idea how many gals. It pumps in a minute. It pumps into a pressure tank. We water a large lawn and plants continually and so far (Knock on wood) we've had no trouble.

Right now the spring or seep or whatever is dry, so I can't give you much information along these lines, but the well seems fine."

On December 17th, 1992, SSD Limited Partnership bought water rights from Charles C. and Sally S. Day. The irrigation water use 36-60524 is 95 acre-feet per year. The stockwater use 36-60525 is 1500 gallons per year. The claim 36-60526 is 12 acre-feet per year for domestic use and 0.7 acre-feet per year for stockwater.

36-105062

Claimant: Tumacacori Mission Land Development, Ltd.
County: Santa Cruz
Water Use: Irrigation: 2,160 ac-ft per year for 295 acres from Jan. 1 to Dec. 31st
Stockwatering: 1.3 ac-ft per year for 100 animal units from Jan. 1st to Dec. 31st
(water withdrawn from wells near the Santa Cruz River)
Priority Date: Prior to October 11, 1873
Wells: 55- 55-608600 and 55-608601 (grandfathered right 58-160036.0004)
Location of point of diversion: the historic northerly-running ditch extending from the Santa Cruz River; wells 55-608600 and 55-608601 also irrigated the land; NW¼ of SE¼ of NE¼ of Section 31, Township 21S, Range 13E

"As the Santa Cruz River channel became progressively more incised, it became more difficult to utilize Santa Cruz surface water directly for irrigation. As a result, owners of this property began withdrawing water from wells. Currently, water used on the Subject Property" . . . "is (or can be) withdrawn from wells." . . . "Even though groundwater is used on the Subject Property, Claimant has not abandoned the right to (i) use surface water diverted from the Santa Cruz River when and if available on a continuous basis; and (ii) beneficially use water on the Subject Property for the purposes set forth in the attached documents."

Location of place of water use: Sections 19, 20, 29, and 30 of Township 21S, Range 13E
Consumptive use: 2160 acre-feet per year to irrigate 295 acres of crops (4.1 acre-feet per acre per year for crops with an irrigation efficiency of 55% = 7.3 acre-feet per acre per year)

"The land to which this right is appurtenant is part of a Spanish land grant known as the Luis Maria Baca Float No. 3. Consequently, it has not been surveyed into sections. To meet the requirements of the Arizona Department of Water Resources, the Claimant hereby provides the legal

description of the place(s) of use which is based on extended sections from section lines that have been surveyed to the west of the Baca Float No. 3." (If interested, this is provided on page 4.)

Legal basis: prior appropriation and application to beneficial use

"The United States Supreme Court's opinion in *Faxon et al. V. United States*, 171 U.S. 244, 244, 18 S. Ct. 849, 43 L. Ed. 151 (1898). The case involved an appeal from the Court of Private Land Claims of the 'Tumacacori, Calabazas, and Huebabi Grant' in the Santa Cruz valley. In the course of the opinion, the Court restated the history of the area surrounding the old mission of Tumacacori (the land at issue was 'four leagues of the townsite of . . . Tumacacori'). In 1807, the Spanish Comandante of the Presidio of Tubac, Don Alejo Garcia Conde, issued 'a royal patent or title to the Indians of the pueblo of Tumacacori.' Later, the land was purportedly conveyed to one Don Francisco Aguilar, and the 'titulo' (conveyance document) of 1844 characterized the land surrounding Tumacacori as 'temporal farming and grazing land' and 'farming lands and land for raising cattle and horses' and 'agricultural land.' "

"Passage in Charles D. Poston, BUILDING A STATE IN APACHE LAND al p. 79 (Aztec Press reprint). The author traveled from the Presidio at Tubac to the 'Mission of San Jose de Tumacacori' in late 1856. Noting that the mission was deteriorating, he cited records indicating that the Mission formerly 'supported a population of 3,500 people, from cultivation of the rich lands in the valley [and] grazing cattle . . .' The author characterized the valley as 'an earthly paradise' and noted that 'any fruit trees yet remained in the gardens of the old mission church . . .'"

The area was surveyed by Theodore F. White in 1876 and 1877 and officially filed with the U.S. Surveyor's General office. The ditch was noted running north near "King's house in Section 29. He also noticed it running close to a "ranch house" near the intersection of Sections 19, 20, 29, and 30. "Rickman's house" was noted to be adjacent to the Santa Cruz River in Section 19.

"Homestead Application of Tomas Cota, dated February 16, 1899 and subsequent documentation relating to the Homestead granted on September 22, 1902 for 160 acres of Section 30, T. 21 S., R. 13 E. In Mr. Cota's testimony, he stated that he established residency on the land in 1886 that there was already a house on the property, that he had 100 acres of his 160 tract under cultivation, and had raised crops every year that sufficient water was present. Note that the Homestead Proof was witnessed by a neighbor who stated his residence as "Calabasas" in Santa Cruz county, lending further support that the agricultural lands in question are the same as those in question in the *Faxon* opinion."

In the "1870 Census, pertinent excerpts reprinted in the pamphlet R. Joe King, *"King" of Tumacacori* (1993). The census identifies Joseph King as a "farmer." King's farm house is located along the old ditch on the 1910 survey map attached as item 8 below and is adjacent to the place of use identified in this application."

"Richard J. Hinton's 1878 'The Handbook to Arizona', pertinent excerpts reprinted in King, *supra*. Hinton wrote, at page 191 of the Handbook, that 'The ruins [of the mission] are located on the west side of the Santa Cruz, about a quarter of a mile from the dwelling of Mr. King. There is abundant evidence of long continued cultivation in the vicinity; . . .' "

"An October 11, 1873 article from 'The Citizen', reprinted in King, *supra*. The article notes that: 'Magery, Rickman and several others have planted crops of corn on the Santa Cruz along the Sonora line, which will make an average yield.' Rickman's house is identified on the 1910 survey map and is approximately located within the place of use identified in this application."

"T.Smith – one of the best farmers in Arizona. He raised a good crop of barley and wheat and has about one hundred acres of excellent corn now standing in the field, and has a large surplus of potatoes for sale. Jo King and A. Rickman have good field of corn opposite the old Tumacacury church. The old town of Tubac is only inhabited by three or four families." . . . "Several farms are under cultivation near the town."

A map of the area with the ditch was produced on November 7, 1910 by the U.S. Surveyor General.

"Claimant does not concede the constitutionality of the 1974 Water Rights Registration Act, as amended, as set forth in A.R.S. § 45-181, *et seq*., nor, by filing this claim, does Claimant concede that it is subject to the provisions of this Act, including, but not limited to those provisions which pertain to the relinquishment of a surface water right through non-use."

"This Statement of Claim of Right is made without waiver of any water rights and/or dates of priority of water right which have vested in Claimant as successor in interest to the original grantee under the Luis Maria Cabeza de Baca Land Grant from the Provisional Department of the State of Durango, Mexico, dated January 16, 1821, confirmed by Act of Congress (Act of June 21, 1860, 12 Stat. 72, c. 167) as selected (as Baca Float No. 3) on June 17, 1863."

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. 36-60526
Filed 3-3-78 at 8:00 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 Day (Print Last Name or Name of Co.) Charles (First Name) C. (Middle Initial)

2000 E. Elm Street, Tucson, Arizona (Address, City, State, Zip) (Phone No.)

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

3. The quantities of water used annually 600 gallons (Gallons or Acre feet) from 1 (Day) 1 (Month)

to 31 (Day) 12 (Month) each year

4. The date(s) the water was first used beneficially _____ (Month) _____ (Day) 1905 (Year)

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

Tributary to _____ on the Santa Cruz River (Leave Blank) Watershed

6. The point of diversion is within the NW ¼, NE ¼, Section 31, of Township 21 S (N/S), Range 13 E (E/W), G&SRB&M, in the County of Santa Cruz

7. The Place(s) of use is in the NW ¼, NE ¼, Section 31, of Township 21 S (N/S), Range 13 E (E/W), G&SRB&M, in the County of Santa Cruz.

8. The legal basis for the claim prior continuous use

(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA)
) SS
County of Santa Cruz

JOE L. MACHADO 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.

Law Offices of L. B. Solsberry
As Agents for Charles C. Day

By _____ (CLAIMANT(S))

Subscribed and sworn to before me this 1st day of March, 19 78.

My Commission Expires:
(SEAL) July 6, 1979.

_____ (NOTARY PUBLIC)

Filed in Water Rights Claim Registry No 36-60526 of the State Land Department of March 3, 1978 at 8:00 a.m.

F. C. Ryan, Director
Water Rights Division

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

For Departmental Use Only

File No. 39- 76598
Date Filed: 7-31-87
WFN

RECEIVED JUL 31 1987 DEPT. OF WATER RESOURCES

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

UPPER SANTA CRUZ RIVER WATERSHED

SUPERIOR COURT OF MARICOPA COUNTY

Ensign Farm
Type 1 Non-Irrigation Grandfathered Right

1. Claimant Name: ANAMAX MINING COMPANY
Claimant Address: P. O. Box 127 City Sahuarita
State: Arizona Zip Code 85629 Telephone (602) 791-2824

2. Basis of Claim:
A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
D. ☒ Right to withdraw groundwater. Type 1 Non-Irrigation Grandfathered Right, Certificate No. 58-160036.0001. See EXHIBIT A
E. ☐ Other, describe: _____

3. Claimed Priority Date: 7-30-1984 (month/day/year) See EXHIBIT B

4. Use:
A. ☐ Municipal
B. ☐ Commercial or Industrial
C. ☐ Mining
D. ☐ Stockwatering other than from a stockpond
E. ☐ Recreation, Fish & Wildlife
F. ☒ Other, describe: Under Arizona law, this Type 1 right may be used for any purpose.

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

6. Legal description of the Poi ~~apply~~ Exhibits A & B of 39-76598 apply to 80 c's 76598 to 76603. :d) See ATTACHMENT 1
___¼, ___¼, ___¼ ___E/W

7. If there are Irrigation, Dom :int of Diversion, describe:

8. Means of Diversion:
A. ☐ Instream pump
B. ☐ Gravity flow intc
C. ☒ Well: Arizona D :ation No. 55- See ATTACHMENT 1
D. ☐ Other, describe _

[1] See Instructions for explanatio

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

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

Legal Subdivision	Section	Township	Range
_____	_____	_____ N/S	_____ E/W
_____	_____	_____ N/S	_____ E/W

11. Claimed Right: Type 1 No. 58-160036.0001
   A. Maximum Flow Rate: _____ ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: 432 acre-feet
   C. Storage Right: _____ acre-feet

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

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

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

15. 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: _____
(attach additional sheet if required)

17. Notarized Statement:
I (We), ANAMAX MINING COMPANY
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.

By: _____
Harold F. Metz, Controller

(seal)

February 15, 1988
My Commission Expires:

Maria Deol
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

ATTACHMENT 1

ENSIGN FARM

RECEIVED
JUL 31 1987
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WATER RESOURCES

COUNTY SANTA CRUZ

TOWNSHIP 21 S RANGE 13 E

Answer to Question 6.

Assessor's Parcel Number 112-45-001: Irregular portion of S½ SE¼ Sec 19 T21S R13E lying east of Highway 89; irregular portion N½ SE¼; part of NE¼ Sec 30 T21S R13E, GSRB&M.

Excluding: Native vegetation, washes, and other non-irrigated portions, as more fully described in the map attached hereto.

Answer to Question 8.

Well Registration No. 55-608600, SW¼NE¼SE¼, Sec. 30, T21S, R13E
" 55-608601, SE¼SE¼NE¼, Sec. 30, T21S, R13E

Under Arizona law the groundwater withdrawn pursuant to this Type 1 Non-Irrigation Grandfathered Right, Certificate No. 58-160036.0001, may be withdrawn from any well drilled on the lands to which the right is appurtenant, said lands are described above.



EXHIBIT A

BASIS OF CLAIM

The water right for which this Statement of Claimant is filed is a right to withdraw groundwater pursuant to the law of the State of Arizona. The filing of this Statement of Claimant should not be construed nor is it intended to constitute an admission that this court has jurisdiction to adjudicate or otherwise affect claimant's right to withdraw groundwater under Arizona law. Claimant asserts that the right to withdraw and use percolating groundwater as reflected in this Statement of Claimant is not subject to adjudication pursuant to A.R.S. §45-251, et seq., nor is it water subject to claims based on federal law. Claimant further asserts that the groundwater withdrawn and used pursuant to the right as reflected in this Statement of Claimant is not related, either in a legal sense or a physical sense, to any waters which are subject to claims based upon federal law and that this court lacks jurisdiction to adjudicate this right to use groundwater vis-a-vis any rights to use water which are subject to adjudication pursuant to A.R.S. §45-251, et seq.

RECEIVED
JUL 31 1987
DEPT. OF
WATER RESOURCES

EXHIBIT B

CLAIMED PRIORITY DATE

The right to withdraw and use groundwater which is reflected in this Statement of Claimant is based on the law of the State of Arizona. The concept of priority date in the context of a right to withdraw and use groundwater in the State of Arizona is inapplicable and meaningless for the reason that rights to withdraw and use groundwater within Arizona are derived from the ownership of lands which overlay the groundwater. The filing of this Statement of Claimant and any information or statement contained herein regarding the priority date on this right to withdraw and use groundwater is not intended nor is it to be construed as an admission by claimant that the concept of priority date has any meaning or applicability to the right to withdraw and use groundwater as stated herein.

For Departmental Use Only

File No. 39- 76599
Date Filed: 7-31-87
WFN

RECEIVED
JUL 31 1987
DEPT. OF
WATER RESOURCES

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

UPPER SANTA CRUZ RIVER WATERSHED

SUPERIOR COURT OF MARICOPA COUNTY

ENSIGN FARM WELL #1

1. **Claimant Name:** ANAMAX MINING COMPANY
   Claimant Address: P. O. Box 127 City Sahuarita
   State: Arizona Zip Code 85629 Telephone (602) 791-2824

2. **Basis of Claim:**
   - A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
   - B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   - C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   - D. ☒ Right to withdraw groundwater. Type 1 Non-Irrigation Grandfathered Right, Certificate No. 58-160036.0001. See EXHIBIT A
   - E. ☐ Other, describe: _____

3. **Claimed Priority Date:** 1-4-1974 (month/day/year)
   See item 16 and EXHIBIT B

4. **Use:**
   - A. ☐ Municipal
   - B. ☐ Commercial or Industrial
   - C. ☐ Mining
   - D. ☐ Stockwatering other than from a stockpond
   - E. ☐ Recreation, Fish & Wildlife
   - F. ☒ Other, describe: Under Arizona law this Type 1 right may be used for any purpose.

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

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, NE ¼, SE ¼, Section 30, Township 21S N/S, Range 13E E/W

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

8. **Means of Diversion:**
   - A. ☐ Instream pump
   - B. ☐ Gravity flow into ditch, canal or pipeline.
   - C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55- 608600
   - 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: _____

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

Legal Subdivision	Section	Township	Range
_____	_____	_____N/S	_____E/W
_____	_____	_____N/S	_____E/W

11. **Claimed Right:** Type 1 No. 58-160036.0001
   A. Maximum Flow Rate: unknown ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: _____ acre-feet
   C. Storage Right: _____ acre-feet

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

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

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

15. **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:** _____

Well was in existence at time of property acquisition on 1-4-1974.

(attach additional sheet if required)

17. **Notarized Statement:**
I (We), ANAMAX MINING COMPANY
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.

By: _____
Harold F. Metz, Controller

(seal)

February 15, 1988
My Commission Expires:

Maria Deal
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

RECEIVED
JUL 31 1987
DEPT. OF
WATER RESOURCES

For Departmental Use Only

File No. 39- 76600

Date Filed: 7-31-87

WFN _____

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

UPPER SANTA CRUZ RIVER WATERSHED

SUPERIOR COURT OF MARICOPA COUNTY

ENSIGN FARM WELL #2

1. Claimant Name: ANAMAX MINING COMPANY
   Claimant Address: P. O. Box 127 City Sahuarita
   State: Arizona Zip Code 85629 Telephone (602) 791-2824

2. Basis of Claim:
   A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
   B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   D. ☒ Right to withdraw groundwater. Type 1 Non-Irrigation Grandfathered Right, Certificate No. 58-160036.0001. See Exhibit A
   E. ☐ Other, describe: _____

3. Claimed Priority Date: 1-4-1974 (month/day/year)
   See item 16 and EXHIBIT B

4. Use:
   A. ☐ Municipal
   B. ☐ Commercial or Industrial
   C. ☐ Mining
   D. ☐ Stockwatering other than from a stockpond
   E. ☐ Recreation, Fish & Wildlife
   F. ☒ Other, describe: Under Arizona law this Type 1 right may be used for any purpose.

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

6. Legal description of the Point of Diversion: (attach additional sheet if required)
   SE ¼, SE ¼, NE ¼, Section 30, Township 21S N/S, Range 13E E/W

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

8. Means of Diversion:
   A. ☐ Instream pump
   B. ☐ Gravity flow into ditch, canal or pipeline.
   C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55- 608601
   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: _____

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

Legal Subdivision	Section	Township	Range
_____	_____	_____N/S	_____E/W
_____	_____	_____N/S	_____E/W

11. Claimed Right: Type 1 No. 58-160036.0001 ☐ cubic-feet per second
   A. Maximum Flow Rate: unknown ☐ gallons per minute
   ☐ Arizona miner's inches
   B. Annual Volume of Water Use: _____ acre-feet
   C. Storage Right: _____ acre-feet

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

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

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

15. 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: _____
Well was in existence at time of property acquisition on 1-4-1974.
(attach additional sheet if required)

17. Notarized Statement:
I (We), ANAMAX MINING COMPANY
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.

By: _____
Harold F. Metz, Controller

(seal)

February 15, 1988
My Commission Expires:

Maria Deal
Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

RECEIVED JUL 31 1987 DEPT. OF WATER RESOURCES

For Departmental Use Only

File No. 39- 76602

Date Filed: 7-31-87

WFN

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

UPPER SANTA CRUZ RIVER WATERSHED

SUPERIOR COURT OF MARICOPA COUNTY

BAILEY FARM WELL 1

1. Claimant Name: ANAMAX MINING COMPANY
   Claimant Address: P. O. Box 127 City Sahuarita
   State: Arizona Zip Code 85629 Telephone (602) 791-2824

2. Basis of Claim:
   - A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
   - B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   - C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   - D. ☒ Right to withdraw groundwater. Type 1 Non-Irrigation Grandfathered Right, Certificate No. 58-113551.0002. See EXHIBIT A
   - E. ☐ Other, describe: _____

3. Claimed Priority Date: 1938 (month/day/year) See EXHIBIT B

4. Use:
   - A. ☐ Municipal
   - B. ☐ Commercial or Industrial
   - C. ☐ Mining
   - D. ☐ Stockwatering other than from a stockpond
   - E. ☐ Recreation, Fish & Wildlife
   - F. ☒ Other, describe: Under Arizona law, this Type 1 right may be used for any purpose.

5. Source of Water:
   - A. ☐ Stream: name _____, tributary to _____
   - B. ☐ Spring: name _____, tributary to _____
   - C. ☐ Lake or Reservoir: name _____, tributary to _____
   - D. ☒ Groundwater

6. Legal description of the Point of Diversion: (attach additional sheet if required)
   SE ¼, NE ¼, SE ¼, Section 19, Township 21S N/S, Range 13E E/W

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

8. Means of Diversion:
   - A. ☐ Instream pump
   - B. ☐ Gravity flow into ditch, canal or pipeline.
   - C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55- 623092
   - 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: _____

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

Legal Subdivision	Section	Township	Range
_____	_____	_____N/S	_____E/W
_____	_____	_____N/S	_____E/W

11. Claimed Right: Type 1 No. 58-113551.0002
    A. Maximum Flow Rate: 8 ☐ cubic-feet per second ☒ gallons per minute ☐ Arizona miner's inches
    B. Annual Volume of Water Use: _____ acre-feet
    C. Storage Right: _____ acre-feet

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

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

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

15. 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: _____
    (attach additional sheet if required)

17. Notarized Statement:
    I (We), ANAMAX MINING COMPANY
    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.

    By: _____
    Harold F. Metz, Controller

    (seal)

    February 15, 1988
    My Commission Expires:

    Maria Deal
    Notary Public

    or, _____
    Authorized Personnel of the Department of Water Resources

RECEIVED JUL 31 1987 DEPT. OF WATER RESOURCES

For Departmental Use Only

File No. 39- 76603

Date Filed: 7-31-87

WFN _____

STATEMENT OF CLAIMANT FORM FOR OTHER USES[1]

UPPER SANTA CRUZ RIVER WATERSHED

SUPERIOR COURT OF MARICOPA COUNTY

BAILEY FARM WELL 2

1. **Claimant Name:** ANAMAX MINING COMPANY
   Claimant Address: P. O. Box 127 City Sahuarita
   State: Arizona Zip Code 85629 Telephone (602) 791-2824

2. **Basis of Claim:**
   - A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
   - B. ☐ Appropriation Right acquired after June 12, 1919. Application No. _____, Permit No. _____, or Certificate of Water Right No. _____
   - C. ☐ Decreed water right. Principal litigants, court, date and case no.: _____
   - D. ☒ Right to withdraw groundwater. Type 1 Non-Irrigation Grandfathered Right, Certificate No. 58-113551.0002. See EXHIBIT A
   - E. ☐ Other, describe: _____

3. **Claimed Priority Date:** 6-9-1982 (month/day/year)
   See item 16 and EXHIBIT B

4. **Use:**
   - A. ☐ Municipal
   - B. ☐ Commercial or Industrial
   - C. ☐ Mining
   - D. ☐ Stockwatering other than from a stockpond
   - E. ☐ Recreation, Fish & Wildlife
   - F. ☒ Other, describe: Under Arizona law, this Type 1 right may be used for any purpose.

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

6. **Legal description of the Point of Diversion:** (attach additional sheet if required)
   SW ¼, SW ¼, SW ¼, Section 20, Township 21S N/S, Range 13E E/W

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

8. **Means of Diversion:**
   - A. ☐ Instream pump
   - B. ☐ Gravity flow into ditch, canal or pipeline.
   - C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55- 623093
   - 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: _____

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

Legal Subdivision	Section	Township	Range
_____	_____	_____N/S	_____E/W
_____	_____	_____N/S	_____E/W

11. Claimed Right: Type 1 No. 58-113551.0002
   A. Maximum Flow Rate: unknown ☐ cubic-feet per second ☐ gallons per minute ☐ Arizona miner's inches
   B. Annual Volume of Water Use: _____ acre-feet
   C. Storage Right: _____ acre-feet

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

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

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

15. 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: _____
   Date of registration by previous owner.
   (attach additional sheet if required)

17. Notarized Statement:
   I (We), ANAMAX MINING COMPANY
   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.

   By: _____
   Harold F. Metz, Controller

   (seal)

   February 15, 1988
   My Commission Expires:

   Maria Deal
   Notary Public

   or, _____
   Authorized Personnel of the Department of Water Resources

Summary of Grandfather Groundwater Rights

58-100085.0000

The grandfathered water right 100085.0000 includes well 55-551439.

Letter from ADWR to George A. Binney
Date: June 9, 2003

"The Director of the Arizona Department of Water Resources ('Director') adopted the Third Management Plan ('TMP') for the Santa Cruz Active Management Area ('AMA') in December of 1999. As originally adopted, the TMP did not contain a Base Agricultural Conservation Program with new irrigation water duties and maximum annual groundwater allotments for farms in the AMA because of questions regarding the appropriate irrigation efficiency to use when calculating the water duties. This issue was resolved in 2002 when the Legislature enacted legislation requiring the Director to calculate the irrigation water duties for most farms in the AMA using an assigned irrigation efficiency of 80 percent. A lower assigned irrigation efficiency may be used for farms determines by the Director to have limiting soils or excessive slopes and for farms where orchard crops were historically grown and continue to be grown. The legislation also requires the Director to modify the TMP to include a Best Management Practices ('BMP') Program as an alternative to the Base Program.

In April of 2003, the Director adopted modifications to Chapter 4 of the TMP to comply with legislation enacted in 2002. The modifications include the addition of a Base Program with irrigation water duties calculated in the manner required by legislation and the addition of a BMP Program. The Historic Cropping Program, an alternative program that was included in the TMP as adopted in 1999, was retained in the modifications. The purpose of this notice is to inform you of the water duties and allotments established for your farm and of the availability of the alternative programs."

"The irrigation water duty and maximum annual groundwater allotment adopted for your farm for the Base Program are set forth in the enclosed 'Notice of Irrigation Water Duty and Maximum Annual Groundwater Allotment.' You must comply with the water duty and annual allotment unless you apply for and are accepted for regulation under one of the alternative agricultural conservation programs described below."

"Three are two conservation programs available to you as alternatives to the Base Program: the BMP Program and the Historic Cropping Program. The BMP Program requires the implementation of specific agricultural conservation practices on the farm in lieu of complying with a water duty and annual allotment. Under the Historic Cropping program, the Director will calculate the water duty and annual allotment using an assigned irrigation efficiency of 75 percent. If a farm has limiting soils, the Director may use an assigned irrigation efficiency of 70 percent. Use of flex account provisions is limited under the Historic Cropping Program. An individual who wishes to be regulated under one of these alternative programs must apply on a form prescribed and furnished

by the Director. The Director must approve the application before the individual can be regulated under the program.
The Director has found the Base Program irrigation water duties and maximum annual groundwater allotments established in the modifications to Chapter 4 of the TMP to be achievable for most Irrigation Grandfathered Right holders. However, there are two separate methods for seeking administrative relief from the water duty and annual allotment established for your farm if you believe you will be unable to comply with them. You may request a VARIANCE or an ADMINISTRATIVE REVIEW."

"The water duty and annual allotment shall become effective beginning in calendar year 2003 and shall remain in effect until the first compliance date of the water duty and annual allotment established for the Irrigation Grandfathered Right in the Fourth Management Plan. The owner of the Irrigation Grandfathered Right and any person using groundwater pursuant to the right must comply with the water duty and annual allotment while regulated under the Base Agricultural Conservation Program in the Third Management Plan."

ASSIGNED IRRIGATION EFFICIENCY: 80 PERCENT
IRRIGATION WATER DUTY: 5.84 ACRE-FEET PER ACRE
MAXIMUM ANNUAL GROUNDWATER ALLOTMENT: 303.68 ACRE-FEET/YEAR

"The irrigation water duty is the amount of water in acre-feet per acre that is reasonably required to irrigate the crops historically grown in the farm unit to which the above-referenced Irrigation Grandfathered Right is appurtenant. The maximum annual groundwater allotment is the maximum amount of water that may be used in any year to irrigate the irrigation acres associated with the Irrigation Grandfathered Right, except as provided by A.R.S. 45-467, the flexibility account provision. The annual allotment is calculated by multiplying the water duty for the Irrigation Grandfathered Right by the number of water duty acres associated with the right."

Reports of withdrawals of water from wells are available for 1986 to 2002.

58-113551.0004

The grandfathered water right 113551.0003 (otherwise known as 113551.0004) of 151.7 acres with 455 acre-feet water was conveyed from Roy F. Ross to Tumacacori Mission Land Development Ltd. Wells 55-623092 and 623093 were also conveyed.

"This is an official notice that the Director of the Arizona Department of Water Resources (director) has issued a final order adopting the management plan for the Santa Cruz Active Management Area (AMA) for the third management period, 2000 to 2010. This is also an Official Notice of the conservation requirements and monitoring and reporting requirements established in the Third Management Plan (TMP) for industrial users that will become effective on January 1, 2002."

"As a person who uses water not supplied from the city, town, or private water company for a non-irrigation use, you are an industrial user. Beginning on January 1, 2002 and continuing until the first compliance date for any substitute requirements in the Fourth Management Plan, you are required to comply with the conservation requirements and monitoring and reporting requirements for all industrial users in sections 6-201 through 6-204 of the TMP."

"If you are an industrial user that begins using more than 100 acre-feet of water for an industrial use after January 1, 2000, you must comply with the conservation requirements for new large industrial users in sections 6-601 through 6-602 of the TMP." . . . "This notice is being sent to each non-irrigation grandfathered rightholder and groundwater withdrawal permit holder." . . . "If you change or expand the purposes for which you use water, you may fall into a new industrial user category." . . . "Copies of requirements for other industrial categories are available upon request from the Santa Cruz AMA office." . . . "You have the right to seek administrative relief from the conservation requirements established in the TMP. You also have the right to seek judicial review of the director's order adopting the TMP."

"The Department has found the conservation requirements in the TMP to be equitable for most water users. However, there are two separate methods for seeking administrative relief from the conservation requirements if you believe you will be unable to comply with the requirements. You may request a VARIANCE or an ADMINISTRATIVE REVIEW."

Reports of withdrawals of water from wells are available for 1990 to 2001.

58-160036.0004

The grandfathered water right 160036.0003 (otherwise known as 160036.0004) of 144 acres with 432 acre-feet water was conveyed from Roy F. Ross to Tumacacori Mission Land Development Ltd. Wells 55-608600 and 608601 were also conveyed.

"As a person who uses water not supplied from the city, town, or private water company for a non-irrigation use, you are an industrial user. Beginning on January 1, 2002 and continuing until the first compliance date for any substitute requirements in the Fourth Management Plan, you are required to comply with the conservation requirements and monitoring and reporting requirements for all industrial users in sections 6-201 through 6-204 of the TMP."

"If you are an industrial user that begins using more than 100 acre-feet of water for an industrial use after January 1, 2000, you must comply with the conservation requirements for new large industrial users in sections 6-601 through 6-602 of the TMP." . . . "This notice is being sent to each non-irrigation grandfathered rightholder and groundwater

withdrawal permit holder." . . . "If you change or expand the purposes for which you use water, you may fall into a new industrial user category." . . . "Copies of requirements for other industrial categories are available upon request from the Santa Cruz AMA office." . . . "You have the right to seek administrative relief from the conservation requirements established in the TMP. You also have the right to seek judicial review of the director's order adopting the TMP."

"The Department has found the conservation requirements in the TMP to be equitable for most water users. However, there are two separate methods for seeking administrative relief from the conservation requirements if you believe you will be unable to comply with the requirements. You may request a VARIANCE or an ADMINISTRATIVE REVIEW."

"Pursuant to A.R.S. 45-565.B., the Director of the Department of Water Resources hereby gives notice of irrigation water duties and the maximum annual groundwater allotments for Irrigation Grandfathered Right Certificate No. 58-160036.0004 for the Second Management Period, 1990 to 2000. The irrigation water duty is the amount of water in acre feet per acre that is reasonable to apply to irrigated land in a farm unit during the accounting period. The maximum annual groundwater allotment is the maximum amount of water that may be used to irrigate the above referenced Grandfathered Right, except as provided in A.R.S. 45-467, the flexibility account provision.

In accordance with A.R.S. 45-565.A.1., the Department has established two intermediate water duties, two intermediate maximum annual water allotments, one final water duty and one final maximum annual water allotment as follows:"

Beginning calendar year 1992 and for each calendar year through the calendar year 1994:

IRRIGATION WATER DUTY: 3.75 ACRE FEET PER ACRE

MAXIMUM GROUNDWATER ANNUAL ALLOTMENT: 23.62 ACRE FEET

Beginning calendar year 1995 and for each calendar year through the calendar year 1999:

IRRIGATION WATER DUTY: 3.61 ACRE FEET PER ACRE

MAXIMUM GROUNDWATER ANNUAL ALLOTMENT: 22.74 ACRE FEET

Beginning calendar year 2000 and for each calendar year until the compliance date of any Third Management Plan requirement:

IRRIGATION WATER DUTY: 3.53 ACRE FEET PER ACRE

MAXIMUM GROUNDWATER ANNUAL ALLOTMENT: 22.23 ACRE FEET

Certificate Of Grandfathered Groundwater Right

COUNTY OF SANTA CRUZ

STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

This is to certify that pursuant to the provisions of Title 45, Chapter 2, Arizona Revised Statutes

GEORGE A. BINNEY
Mission Ranch
P. O. Box 16
Tumacacori, Arizona 85640

is granted
IRRIGATION GRANDFATHERED RIGHTS
in the
TUCSON ACTIVE MANAGEMENT AREA

for 56.0 *irrigation acres of land. The rights are appurtenant to and groundwater may be used only on the irrigation acres of land described as follows:*

Assessor's Parcel Number 112-45-012 as of 11/82; an irregular portion of W½ SW¼ SW¼ Sec 29 T21S R13E and an irregular portion of S½ SE¼ Sec 30 T21S R13E and an irregular portion of N½ NE¼ Sec 31 T21S R13E, GSRB&M, all of which are part of Baca Float #3.

Excluding: Irregular portion of E½ of owned acreage containing Santa Cruz Riverbed as more fully described in the map attached hereto as Exhibit A and made a part hereof by reference.

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

CERTIFICATE NO. 58-100085

is granted this 17th day of August, 1983

ARIZONA DEPARTMENT OF WATER RESOURCES

Wesley E. Steiner
Director

The Department of Water Resources must be notified if the above named person(s) changes his address, conveys ownership of the land to another person(s), or wishes to convert the right to a non-irrigation grandfathered right associated with retired irrigated land.

Certificate Of Grandfathered Groundwater Right

COUNTY OF SANTA CRUZ

STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

This is to certify that pursuant to the provisions of Title 45, Chapter 2, Arizona Revised Statutes

TUMACACORI MISSION LAND DEVELOPMENT, LTD.
333 West Holly
Phoenix, Arizona 85003

Is granted
TYPE 1 NON-IRRIGATION GRANDFATHERED RIGHTS
in the
TUCSON ACTIVE MANAGEMENT AREA

for 455 / 151.7 *acre-feet of groundwater annually from January 1 through December 31. The rights are appurtenant to acres of land described as follows:*

Assessor's Parcel Number 112-44-022 as of 10/87: Part of the N½ Baca Float #3 and part of Sections 18, 19, 20, and 29 T21S R13E, GSRB&M.

Excluding: Areas not irrigated historically, as described in the map attached hereto as Exhibit A and made a part hereof by reference.

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

CERTIFICATE NO. 58-113551.0004

Is Granted this 17th Day of April, 1990

ARIZONA DEPARTMENT OF WATER RESOURCES

Director

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

Certificate Of Grandfathered Groundwater Right

COUNTY OF SANTA CRUZ

STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

This is to certify that pursuant to the provisions of Title 45, Chapter 2, Arizona Revised Statutes

TUMACACORI MISSION LAND DEVELOPMENT, LTD.
333 West Holly
Phoenix, Arizona 85003

Is granted
TYPE 1 NON-IRRIGATION GRANDFATHERED RIGHTS
in the

TUCSON ACTIVE MANAGEMENT AREA

for 432 *acre-feet of groundwater annually from January 1 through December 31. The rights are appurtenant to*
144 *acres of land described as follows:*

Assessor's Parcel Number 112-45-001 as of 10/87: Irregular portion of S½ SE¼ Sec 19 T21S R13E lying east of Highway 89; irregular portion N½ SE¼; part of NE¼ Sec 30 T21S R13E, GSRB&M.

Excluding: Native vegetation, washes and othernon-irrigated portions as more fully described on the map attached hereto as Exhibit A and made a part hereof by reference.

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

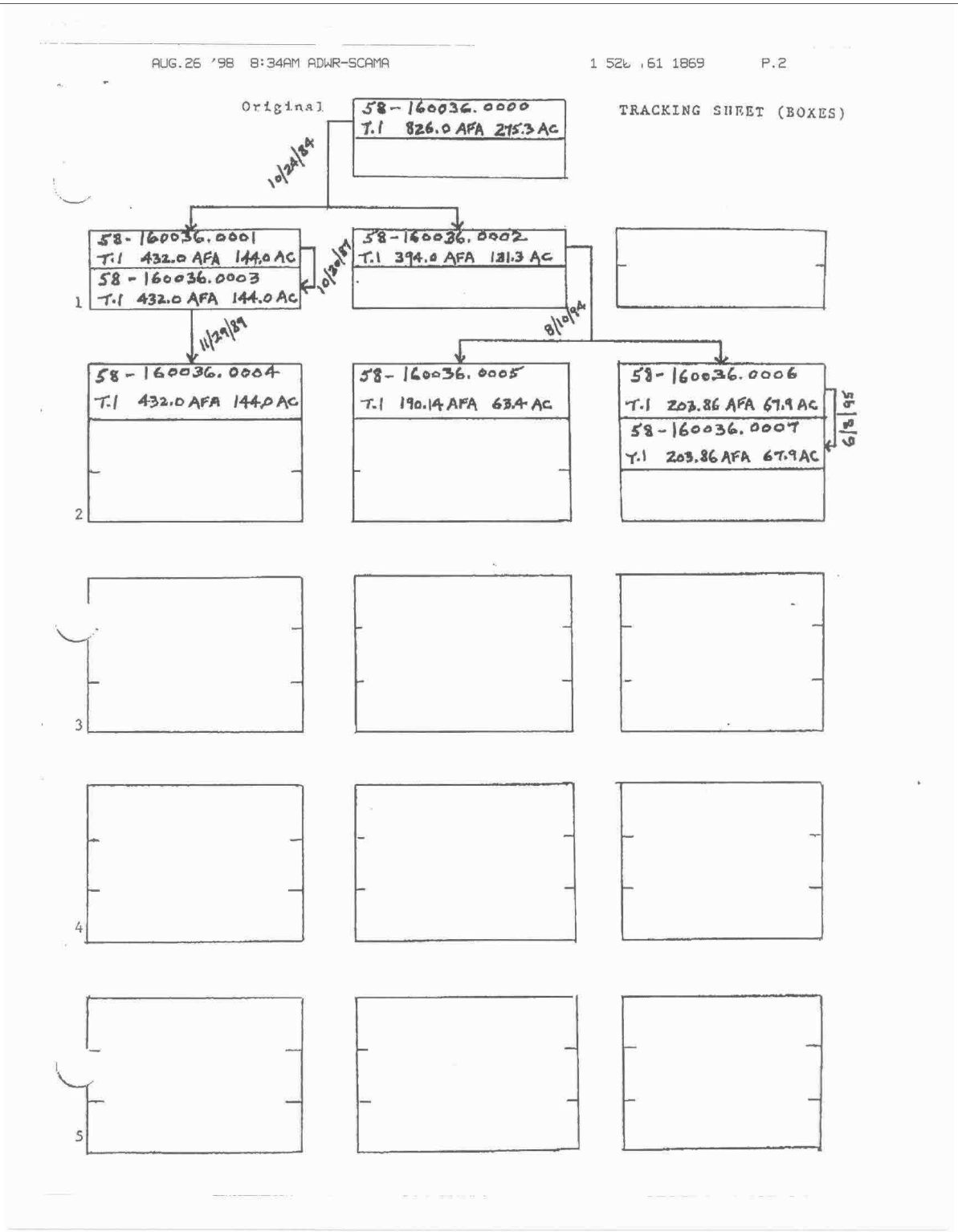
CERTIFICATE NO. 58-160036.0004

Is Granted this 17th Day of April, 1990

ARIZONA DEPARTMENT OF WATER RESOURCES

Director

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


AUG.26 '98 8:34AM ADWR-SCAMA 1 526 161 1869 P.2
Original
58-160036.0000
T.1 826.0 AFA 275.3 Ac
TRACKING SHEET (BOXES)
10/24/84
58-160036.0001
T.1 432.0 AFA 144.0 Ac
58-160036.0003
T.1 432.0 AFA 144.0 Ac
10/30/87
58-160036.0002
T.1 394.0 AFA 131.3 Ac
1
11/29/89
8/10/94
58-160036.0004
T.1 432.0 AFA 144.0 Ac
58-160036.0005
T.1 190.14 AFA 63.4 Ac
58-160036.0006
T.1 203.86 AFA 67.9 Ac
58-160036.0007
T.1 203.86 AFA 67.9 Ac
6/3/95
2
3
4
5

Summary of Statements of Claimant

39-78818, 78819, 78820

Letter from Stanley L. Ponce of the NPS Water Rights Branch
Date: October 26, 1987

"The enclosed water right claims are being submitted for filing in the Lower Gila River and Upper Santa Cruz River General Adjudications."

Date: August 26, 1987

"This Court has received a request from the City of Tucson for the appointment of Loretta Humphrey, an Assistant City Attorney to the Steering Committee for the Gila Adjudication. There is no counsel on that committee now from the Upper Santa Cruz watershed area and the Court believes it appropriate that the area should have representation on the committee.

IT IS, HEREBY, ORDERED appointing Loretta Humphrey from the City of Tucson for that committee.

Pursuant to a motion filed by the National Park Service, Upper Santa Cruz watershed area and lower Gila watershed area,

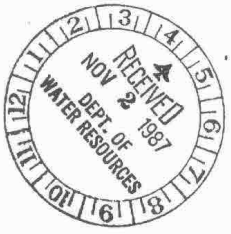
IT IS ORDERED that the National Park Service may have up to and including November 2, 1987 to file its statements of claimant. However, this Court notes that the National Park Service has now had at least three extensions and no further extentions for any reason whatsoever will be granted; all in accordance with the formal written Order signed by the Court this date."

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR THE RESERVED AND APPROPRIATED WATER RIGHTS IN THE UPPER SANTA CRUZ RIVER GENERAL ADJUDICATION.
Date: November 12, 1987

"The United States of America hereby claims water rights in those portions of the National Monuments described below which are encompassed by this adjudication. The United States claims reserved rights under the legislation which designates or enlarges the areas known as Saguaro National Monument and Tumacacori National Monument."

"The United States of America claims water rights under Arizona state law for beneficial purposes in Tumacacori National Monument as follows"

1. Well No. 1 – Registration No. 55-629109.
2. Well No. 2 (Headquarters Well) –Registration No. 55-629110.
3. Well No. 3 – Registration No. 55-629111.



STATEMENT OF CLAIMANT FORM FOR DOMESTIC USE

UPPER SANTA CRUZ RIVER WATERSHED

For Departmental Use Only

File No. 39- 78818

Date Filed: 11-2-87

WFN _____

SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** United States of America, National Park Service (Tumacacori NM)
Claimant Address: Western Regional Office, P.O. Box 36063 City 450 Golden Gate Avenue San Francisco
State: California Zip Code 94102 Telephone (415) 556-8660

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

3. **Claimed Priority Date:** 1937 (month/day/year)

4. **Source of Water:**
   - A. ☐ Stream: name _____, tributary to _____
   - B. ☐ Spring: name _____, tributary to _____
   - C. ☐ Lake or Reservoir: name _____, tributary to _____
   - D. ☒ Groundwater

5. A. **Legal description of the Point of Diversion:**
County Santa Cruz, Section 30, Township 21 S, Range 13 E.
Legal Subdivision:
NW ¼, SW ¼, SE ¼ of the Section

   B. **Legal Description of Place of Use:** (one of the following)
County Santa Cruz, Section 30, Township 21 S, Range 13 E.
NW ¼, SW ¼, SE ¼ of the Section, or
Parcel I.D. _____, or
Subdivision Name _____ Block No. ____ Lot No. ____

6. **If there are Irrigation, Stockpond or Other Uses** supplied from the point of diversion, describe: _____

7. **Means of Diversion:**
   - A. ☐ Instream pump.
   - B. ☐ Gravity flow into ditch, canal or pipeline.
   - C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55- 629109
   - D. ☐ Other, describe _____

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

9. **Annual Volume Claimed:** n/a _____ acre-feet

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

11. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Work days (415) 556-1036

12. **Additional comments:** Serves as a backup well for well # 55-629110.

(attach additional sheet if required)

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

14. **Notarized Statement:**
I (We), John D. Cherry, on behalf of the United States of America, 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
MARY E MEREDITH
NOTARY PUBLIC - CALIFORNIA
SAN FRANCISCO COUNTY
My comm. expires MAR 26, 1989

My Commission Expires:
March 26, 1989

10/28/87

Subscribed and sworn to before me this 28th day of October, 1987.
Witness my hand and official seal.

Mary E. Meredith
Mary E. Meredith Notary Public

or,
Authorized Personnel of the Department of Water Resources



STATEMENT OF CLAIMANT FORM
FOR
DOMESTIC USE

UPPER SANTA CRUZ RIVER WATERSHED

SUPERIOR COURT OF MARICOPA COUNTY

For Departmental Use Only

File No. 39- 78819

Date Filed: 11-2-87

WFN _____

1. **Claimant Name:** United States of America, National Park Service (Tumacacori NM)
Claimant Address: Western Regional Office, P.O. Bx 36063 City 450 Golden Gate Ave. San Francisco
State: Ca. Zip Code 94102 Telephone (415) 556-8660

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

3. **Claimed Priority Date:** August 12, 1959 (month/day/year)

4. **Source of Water:**
A. ☐ Stream: name _____, tributary to _____
B. ☐ Spring: name _____, tributary to _____
C. ☐ Lake or Reservoir: name _____, tributary to _____
D. ☒ Groundwater

5. A. **Legal description of the Point of Diversion:**
County Santa Cruz, Section 30, Township 21 S, Range 13 E
Legal Subdivision:
NE ¼, SW ¼, SE ¼ of the Section

B. **Legal Description of Place of Use:** (one of the following)
County Santa Cruz, Section 30, Township 21 S, Range 13 E
NW ¼, SW ¼, SE ¼ of the Section, or
Parcel I.D. _____, or
Subdivision Name _____ Block No. ____ Lot No. ____

6. **If there are Irrigation, Stockpond or Other Uses** supplied from the point of diversion, describe: Water is also used for public purposes at the Visitor Center.

7. **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- 629110
D. ☐ Other, describe _____

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

9. **Annual Volume Claimed:** 5 acre-feet

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

11. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Work days (415) 556-1036

12. **Additional comments:** Well provides water for three residences currently occupied by five persons. In addition, the well supplies water to the Visitor Center which accomodates 60,000 visitors annually.

(attach additional sheet if required)

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

14. **Notarized Statement:**
I (We), John D. Cherry, on behalf of the United States of America, 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.

John D. Cherry 10/28/87

OFFICIAL SEAL
MARY E MEREDITH
NOTARY PUBLIC - CALIFORNIA
SAN FRANCISCO COUNTY
My comm. expires MAR 26, 1989
(seal)

Subscribed and sworn to before me this 28th day of October, 1987
Witness my hand and official seal.

Mary E. Meredith
Mary E. Meredith Notary Public

My Commission Expires:
March 26, 1989

or, _____
Authorized Personnel of the Department of Water Resources

RECEIVED NOV 2 1987 DEPT. OF WATER RESOURCES

For Departmental Use Only

File No. 39- 78820

Date Filed: 11-2-87

WFN _____

STATEMENT OF CLAIMANT FORM FOR DOMESTIC USE

UPPER SANTA CRUZ RIVER WATERSHED

SUPERIOR COURT OF MARICOPA COUNTY

1. **Claimant Name:** United States of America, National Park Service (Tumacacori NM)
Claimant Address: Western Regional Office, P.O. Box 36063 City 450 Golden Gate Ave. San Francisco
State: California Zip Code 94102 Telephone (415) 556-8660

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

3. **Claimed Priority Date:** _____ (month/day/year)

4. **Source of Water:**
   - A. ☐ Stream: name _____, tributary to _____
   - B. ☐ Spring: name _____, tributary to _____
   - C. ☐ Lake or Reservoir: name _____, tributary to _____
   - D. ☒ Groundwater

5. A. **Legal description of the Point of Diversion:**
County Santa Cruz, Section 30, Township 21 °S, Range 13 E
Legal Subdivision:
SE ¼, NW ¼, SE ¼ of the Section

   B. **Legal Description of Place of Use:** (one of the following)
County Santa Cruz, Section 30, Township 21 °S, Range 13 E
NW ¼, SW ¼, SE ¼ of the Section, or
Parcel I.D. _____, or
Subdivision Name _____ Block No. ____ Lot No. ____

6. **If there are Irrigation, Stockpond or Other Uses** supplied from the point of diversion, describe: _____

7. **Means of Diversion:**
   - A. ☐ Instream pump.
   - B. ☐ Gravity flow into ditch, canal or pipeline.
   - C. ☒ Well: Arizona Department of Water Resources Well Registration No. 55- 629111
   - D. ☐ Other, describe _____

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

9. **Annual Volume Claimed:** n/a acre-feet

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

11. **Should** it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Work days (415) 556-1036

12. **Additional comments:** Serves as a backup well for well # 55-629110.

(attach additional sheet if required)

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

14. **Notarized Statement:**
I (We), John D. Cherry, on behalf of the United STates of America, 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
MARY E MEREDITH
NOTARY PUBLIC - CALIFORNIA
(seal) SAN FRANCISCO COUNTY
My comm. expires MAR 26, 1989

My Commission Expires:
March 26, 1989

John D. Cherry 10/28/87

Subscribed and sworn to before me this 28th day of October, 1987.
Witness my hand and official seal.

Mary E. Meredith
Mary E. Meredith Notary Public

or, _____
Authorized Personnel of the Department of Water Resources

Inventory of Water Uses & Rights

☐ Reviewed

LANDOWNER:
Tumacacori Mission Land Development (Anamax involvement)

RECORD# _____
REACH _____

MANAGEMENT TYPE:	To Be Determined
INVENTORY PAGE/MAP:	348 - 350
PLACE OF USE (Generally):	
ANNUAL WATER ALLOCATION:	432.0 ac-ft/yr
NUMBER OF ACRES:	144.0 Retired
PRIORITY DATE:	NLT 1949 (Aerial Photo)

WELL(s)/DIVERSION	LOCATION:	TYPE OF USE:
None		

GRANDFATHERED RIGHT(s):
58-160036.0004

TYPE:
Non-IRR Type I

SURFACE WATER RIGHT(s):
None

OPERATOR/LESSEE:

QUESTIONS:

1. Proof of ownership.
2. Proof of surface water on lands east of the river.

INVENTORY OF WATER USES AND RIGHTS
IRRIGATION AND OTHER USES/CLAIMS

ATTRIBUTE OF RIGHT	ADWR INVENTORY	
	ADWR FINDINGS	*DATA SOURCE(S)*[1]
CURRENT LANDOWNER(S)	Tumacacori Mission Land Development, Ltd.	Assessor Records
CLAIMANT NAME(S) AND ASSOCIATED FILING(S)	Tumacacori Mission Land Development, Ltd.	Statement of Claim 36-105062 and Type 1 Non-Irrigation Grandfathered Right 58-160036.0004
	Anamax Mining Company	Statements of Claimant 39-76598, 39-76599, and 39-76600
TYPE(S) OF USE	No Water Uses Found	2000 ADWR Investigations
	Irrigation	36-105062, Well Registrations 55-608600 and 55-608601
	Stock	36-105062
	Non-Irrigation Use	39-76598, 39-76599, 39-76600, and 58-160036.0004
	Domestic	39-78818, 39-78819, and 39-78820
	Municipal	55-629110
	No Use Code Listed	55-629109 and 55-629111
IRRIGATION USE		
WATER SOURCE(S)	Santa Cruz River	36-105062
	Well Water	36-105062
TYPE(S) OF DIVERSION	Surface	36-105062
	Well	36-105062, 55-608600, and 55-608601
DIVERSION LOCATION(S)	NW, SE, NE, Sec. 31, T.21S., R.13E. SE, NE, Sec. 31, T.21S., R.13E.	36-105062
	SW, NE, SE, Sec. 30, T.21S., R.13E.	55-608600
	SE, SE, NE, Sec. 30, T.21S., R.13E.	55-608601
USE LOCATION(S)	S2, SE, Sec. 19, T.21S., R.13E. NE, SE, Sec. 19, T.21S., R.13E. E2, SW, NE, Sec. 19, T. 21S., R.13E. W2, W2, SW, Sec. 20, T.21S., R.13E. W2, SW, NW, Sec. 20, T.21S., R.13E. SW, NW, SW, Sec. 29, T.21S., R.13E. NE, Sec. 30, T.21S., R.13E. N2, SE, Sec. 30, T.21S., R.13E.	36-105062
ACRES	0.0	2000 ADWR Investigations
	295.0	36-105062
	138.6	Maximum Acreage Determined from 1958 Aerial Photograph
AMOUNT(S) (Acre-Feet)	2,160.0	36-105062
	0.0	Average Withdrawal for the Past 10 Years

REPORTED ANNUAL WITHDRAWALS (Acre-Feet)	RIGHT NO.	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
	58-160036.0004	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

PRIORITY DATE(S)	Prior to October 11, 1873	36-105062
	1949	1949 Aerial Photograph

NON-IRRIGATION USES		
WATER SOURCE(S)	Well Water	39-76598 39-76599, 39-76600, and 58-160036.0004
TYPE(S) OF DIVERSION	Wells	39-76598 39-76599, 39-76600, and 55-608600, 55-608601, and 58-160036.0004
DIVERSION LOCATION(S)	SW, NE, SE, Sec. 30, T.21S., R.13E.	39-76598, 39-76599, 55-608600, and 58-160036.0004
	SE, SE, NE, Sec. 30, T.21S., R.13E.	39-76598, 39-76600, 55-608601, and 58-160036.0004
USE LOCATION(S)	S2, SE, Sec. 19, T.21S., R.13E.	39-76598, 39-76599, 39-76600, and 58-160036.0004
	N2, SE, NE, Sec, 30, T.21S., R.13E.	39-76598
	Sec. 30, T.21S., R.13E.	39-76599 and 39-76600
	NE, Sec. 30, T.21S., R.13E. N2, SE, Sec. 30, T.21S., R.13E.	58-160036.0004
ACRES	0.0	2000 ADWR Investigations
	144.0	39-76598, 39-76599 and 39-76600
	144.0 (Retired)	58-160036.0004
AMOUNT(S) (Acre-Feet)	432.0	39-76598, 39-76599, 39-76600 and 58-160036.0004
	0.0	Average Withdrawal for the Past 10 Years

REPORTED ANNUAL WITHDRAWALS (Acre-Feet)	RIGHT NO.	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
	58-160036.0004	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

PRIORITY DATE(S)	1949	1949 Aerial Photograph
	January 4, 1974	39-76599 and 39-76600
	July 30, 1984	39-76598

OTHER USES/CLAIMS LESS THAN OR EQUAL TO 10 ACRE-FEET[2]					
TYPE(S) OF USE	WATER RIGHTS FILINGS	WATER SOURCE(S)	DIVERSION LOCATION(S)	USE LOCATION(S)	USE AMOUNT
Stock	36-105062	Santa Cruz River/Well	NW, SE, NE, Sec. 31, T.21S., R.13E.	Sec. 19, 20, 29, and 30, T.21S., R.13E.	1.3 AF/YR

REMARKS

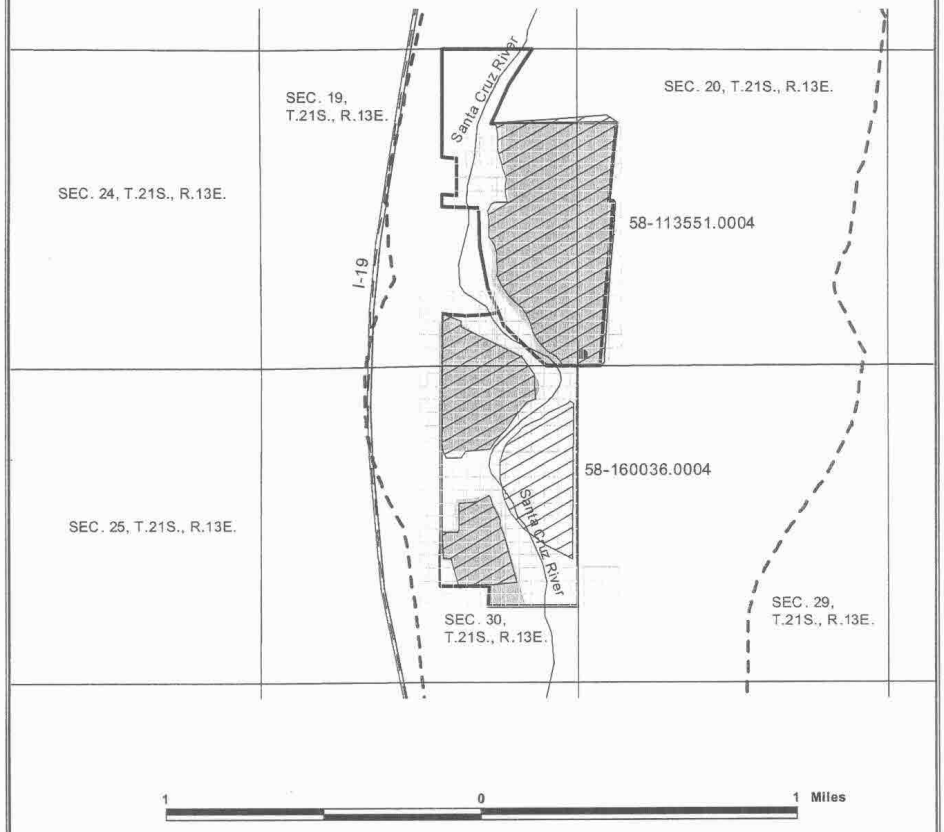
TYPE(S) OF USE

ADWR did not find any water uses on this property, based upon field investigations and pumpage records.

[1] Data sources may include notices of appropriation, Home Entry Surveys, General Land Office plat maps, aerial photography, certificates of water right, statements of claim, statements of claimant, grandfathered groundwater rights, and ADWR field investigations. Only the applicable data sources are listed for each landownership parcel.

[2] The information shown in this tabulation is based on the data provided in the filing(s) and ADWR investigations where noted.

Tumacacori Mission Land Development, Ltd.
58-160036.0004 and 58-113551.0004



LEGEND

- River
- Roads
- Section/Township/Range
- Estimated Extent of the 'Saturated' Floodplain Holocene Alluvium (1)
- Maximum Historical Irrigation (2)
- Use Locations from Surface Water Filings (3)
- Well (4)
- Ownership Boundary (5)
- Type 1 Non-Irrigation Grandfathered Right (5)

ARIZONA DEPARTMENT OF WATER RESOURCES

(1) Source: Drewes (USGS, 1980), 1:125000, and available geologic data and recent streamflow conditions.
This map was prepared only for the Inventory Report. The actual extent of the saturated floodplain Holocene alluvium will be determined in the adjudication process.
(2) Source: 1958 Aerial Photograph
(3) Source: Applicable Surface Water Filings
(4) Source: 2000 ADWR Investigations
(5) Source: ADWR Registry of Groundwater Rights

(Draft Final Rev. 3/21/2001)

INVENTORY OF WATER USES AND RIGHTS
IRRIGATION AND OTHER USES/CLAIMS

ATTRIBUTE OF RIGHT	ADWR INVENTORY	
	ADWR FINDINGS	*DATA SOURCE(S)*[1]
CURRENT LANDOWNER(S)	Tumacacori Mission Land Development, Ltd. Brasher, Gary P.	Assessor Records
CLAIMANT NAME(S) AND ASSOCIATED FILING(S)	Andrade, Omez	Notice of Appropriation 10-1201008.0201
	Tumacacori Mission Land Development, Ltd.	Statement of Claim 36-105062 and Type 1 Non-Irrigation Grandfathered Right 58-113551.0004
	Amamax Mining Company	Statements of Claimant 39-76602 and 39-76603
TYPE(S) OF USE	No Water Uses Found	2000 ADWR Investigations
	Irrigation	10-1201008.0201 and 36-105062
	Non-Irrigation	39-76602, 39-76603, and 58-113551.0004
	Domestic	10-1201008.0201 and 55-623092
	Stock	36-105062 and 55-623092
IRRIGATION USE		
WATER SOURCE(S)	Santa Cruz River	10-1201008.0201 and 36-105062
	Well Water	36-105062
TYPE(S) OF DIVERSION	Surface	10-1201008.0201 and 36-105062
	Well	36-105062
DIVERSION LOCATION(S)	NE, SE, Sec. 30, T.21S., R.13E.	10-1201008.0201
	SE, NE, Sec. 30, T.21S., R.13E.	10-1201008.0201 and 36-105062
	NW, SE, NE, Sec. 31, T.21S., R.13E.	36-105062
USE LOCATION(S)	E2, SE, Sec. 19, T.21S., R.13E. W2, SW, Sec. 20, T.21S., R.13E.	10-1201008.0201
	S2, SE, Sec. 19, T.21S., R.13E. NE, SE, Sec. 19, T.21S., R.13E. E2, SW, NE, Sec. 19, T. 21S., R.13E. W2, W2, SW, Sec. 20, T.21S., R.13E. W2, SW, NW, Sec. 20, T.21S., R.13E. SW, NW, SW, Sec. 29, T.21S., R.13E. NE, Sec. 30, T.21S., R.13E. N2, SE, Sec. 30, T.21S., R.13E.	36-105062
ACRES	295.0	36-105062
	160.5	Maximum Acreage Determined from 1958 Aerial Photograph
AMOUNT(S) (Acre-Feet)	2,160.0	36-105062
	1,810.0 (Includes Domestic Use)	10-1201008.0201
PRIORITY DATE(S)	Prior to October 11, 1873	36-105062
	April 17, 1899	10-1201008.0201
	1935	1935 Aerial Photograph

NON-IRRIGATION USES – Domestic, Stock, and Other Uses		
WATER SOURCE(S)	Well Water	2000 ADWR Investigations, 39-76602, 39-76603, and 58-113551.0004
TYPE(S) OF DIVERSION	Well	2000 ADWR Investigations, 39-76602, 39-76603, 55-623092, 55-623093, and 58-113551.0004
DIVERSION LOCATION(S)	SW, SW, SW, Sec. 20, T.21S., R.13E.	2000 ADWR Investigations, 39-76603, and 55-623093
	SE, NE, SE, Sec. 19, T.21S., R.13E.	39-76602 and 55-623092
USE LOCATION(S)	E2, Sec. 19, T.21S., R.13E. W2, W2, Sec. 20, T.21S., R.13E.	39-76602 and 39-76603
	Sec. 18, T.21S., R.13E. Sec. 19, T.21S., R.13E. Sec. 20, T.21S., R.13E. Sec. 29, T.21S., R.13E.	58-113551.0004
ACRES	151.7 (Retired)	39-76602, 39-76603, and 58-113551.0004
AMOUNT(S) (Acre-Feet)	455.0	39-76602, 39-76603, and 58-113551.0004
	0.0	Average Withdrawal for the Past 10 Years
REPORTED ANNUAL WITHDRAWALS (Acre-Feet)	RIGHT NO. / 1990 / 1991 / 1992 / 1993 / 1994 / 1995 / 1996 / 1997 / 1998 / 1999	
	58-113551.0004 / 0.0 / 0.0 / 0.0 / 0.0 / 0.0 / 0.0 / 0.0 / 0.0 / 0.0 / 0.0	
PRIORITY DATE(S)	1938	39-76602
	June 9, 1982	39-76603

OTHER USES/CLAIMS LESS THAN OR EQUAL TO 10 ACRE-FEET[2]					
TYPE(S) OF USE	WATER RIGHTS FILINGS	WATER SOURCE(S)	DIVERSION LOCATION(S)	USE LOCATION(S)	USE AMOUNT
Stock	36-105062	Santa Cruz River and Well	NW, SE, NE, Sec. 31, T.21S., R.13E.	Sec. 19, 20, 29, and 30, T.21S., R.13E.	1.3 AF

REMARKS

TYPE(S) OF USE
ADWR did find any water uses on this property based upon field investigations and pumpage records..

[1] Data sources may include notices of appropriation, Home Entry Surveys, General Land Office plat maps, aerial photography, certificates of water right, statements of claim, statements of claimant, grandfathered groundwater rights, and ADWR field investigations. Only the applicable data sources are listed for each landownership parcel.

[2] The information shown in this tabulation is based on the data provided in the filing(s) and ADWR investigations where noted.

Inventory of Water Uses & Rights

☐ Reviewed

LANDOWNER:
Tumacacori Mission Land Development (Anamay involvement)

RECORD# _____
REACH _____

MANAGEMENT TYPE:	To Be Determined
INVENTORY PAGE/MAP:	346 - 350
PLACE OF USE (Generally):	
ANNUAL WATER ALLOCATION:	455.0 ac-ft/yr
NUMBER OF ACRES:	151.7 retired acres
PRIORITY DATE:	4/17/1899; 10/11/1873

WELL(s)/DIVERSION	LOCATION:	TYPE OF USE:
None		

GRANDFATHERED RIGHT(s): **TYPE:**

58-113551.0004 — Cross reference to 55, 36, 38 Non-IRR Type I

SURFACE WATER RIGHT(s):
None

OPERATOR/LESSEE:

QUESTIONS:
1. Proof of ownership.

Inventory of Water Uses & Rights

☐ Reviewed

LANDOWNER:
Binney, George as Trustee of the GAB `982 Trust Mission Ranch

RECORD# _____
REACH Tumacacori

MANAGEMENT TYPE:	To Be Determined
INVENTORY PAGE/MAP:	A042 - A044
PLACE OF USE (Generally):	T21S R13E Sec 30 & 31
ANNUAL WATER ALLOCATION:	307.4 ac-ft/yr
NUMBER OF ACRES:	56.0
PRIORITY DATE:	1949

WELL(s)/DIVERSION	LOCATION:	TYPE OF USE:
55-600636	T21S R13E Sec 29 CCC	IRR
55-600639	T21S R13E Sec 29 CCD	IRR, DOM

GRANDFATHERED RIGHT(s):	TYPE:
58-100085	IRR

SURFACE WATER RIGHT(s):
None

OPERATOR/LESSEE:

QUESTIONS:

1. Proof of ownership.
2. Any Information prior to 1949.

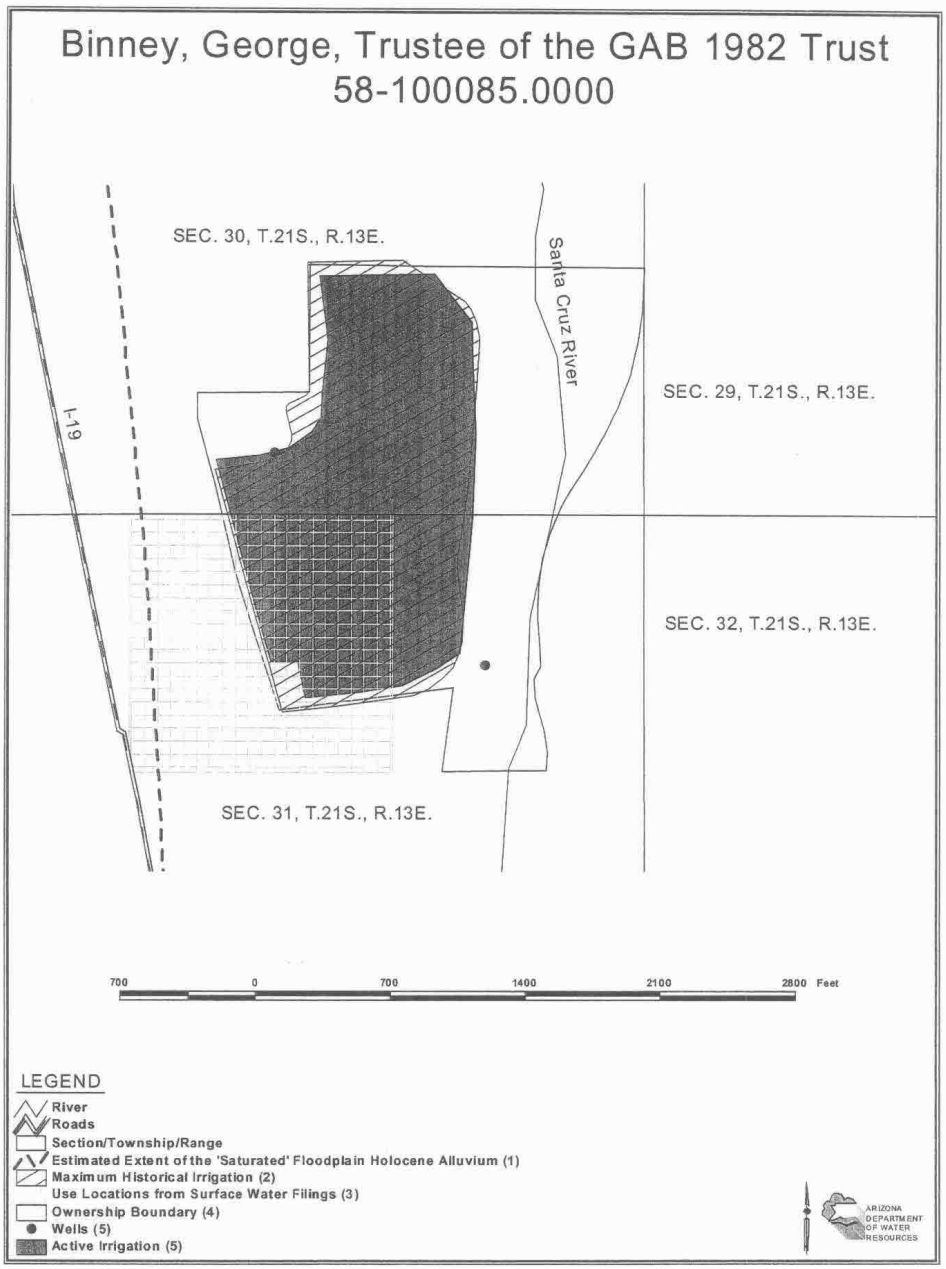
INVENTORY OF WATER USES AND RIGHTS
IRRIGATION AND OTHER USES/CLAIMS

ATTRIBUTE OF RIGHT	ADWR INVENTORY	
	ADWR FINDINGS	*DATA SOURCE(S)*[1]
CURRENT LANDOWNER(S)	Binney, George, Trustee of the GAB 1982 Trust Mission Ranch	Assessor Records
CLAIMANT NAME(S) AND ASSOCIATED FILING(S)	Day, Charles C.	Statement of Claim 36-60526
	Binney, George A.	Irrigation Grandfathered Right 58-100085
TYPE(S) OF USE	Irrigation	2000 ADWR Investigations, Well Registration 55-551438, 55-600636, 55-600637, 55-600638, and 55-600639, and 58-100085
	Domestic	2000 ADWR Investigations, 36-60526, 55-600638, and 55-600639
	Stock	55-551439
IRRIGATION USE		
WATER SOURCE(S)	Well Water	2000 ADWR Investigations and 58-100085
TYPE(S) OF DIVERSION	Wells	2000 ADWR Investigations, 55-551438, 55-600636, 55-600637, 55-600638, 55-600639, and 58-100085
DIVERSION LOCATION(S)	SW, NE, NE, Sec. 31, T.21S., R.13E.	2000 ADWR Investigations and 55-551438
	SW, SW, SW, Sec. 29, T.21S., R.13E.	55-600636, 55-600637, and 58-100085
	NE, NE, NE, Sec. 31, T.21S., R.13E.	55-600638 and 58-100085
	SE, SW, SW, Sec. 29, T.21S., R.13E.	55-600639 and 58-100085
USE LOCATION(S)	S2, SE, Sec. 30, T.21S., R.13E. N2, NE, Sec. 31, T.21S., R.13E.	2000 ADWR Investigations
	W2, SW, SW, Sec. 29, T.21S., R.13E. S2, SE, Sec. 29, T.21S., R.13E. NE, NE, NE, Sec. 31, T.21S., R.13E. SE, SW, SW, Sec. 29, T.21S., R.13E.	58-100085
ACRES	47.2	2000 ADWR Investigations
	56.0	Maximum Acreage Determined from 58-100085 Irrigation Acres
AMOUNT(s) (Acre-Feet)	285.5	SMP Final Water Allotment for 2000 (5.49 AF/AC Water Duty and 52.0 Water Duty Acres)
	97.6	Average Withdrawal for the Past 10 years.
REPORTED ANNUAL WITHDRAWALS (Acre-Feet)	RIGHT NO. 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999	
	58-100085 82.6 116.3 108.8 62.0 174.6 106.0 0.0 131.6 101.5 93.1	
PRIORITY DATE(S)	1949	1949 Aerial Photograph

OTHER USES/CLAIMS LESS THAN OR EQUAL TO 10 ACRE-FEET[2]					
TYPE(S) OF USE	WATER RIGHTS FILINGS	WATER SOURCE(S)	DIVERSION LOCATION(S)	USE LOCATION(S)	USE AMOUNT
Domestic	2000 ADWR Invest.	Well	SE, SW, SE, Sec. 30, T.21S., R.13E.	SE, SW, SE, Sec. 30, T.21S., R.13E.	
Domestic	36-60526	Well	NW, NE, Sec. 31, T.21S., R.13E.	NW, NE, Sec. 31, T.21S., R.13E.	0.002 AF/YR
Stock	55-551439	Well	SW, NE, NE, Sec. 31, T.21S., R.13E.		
Domestic	55-600638	Well	NE, NE, NE, Sec. 31, T.21S., R.13E.		
Domestic	55-600639	Well	SE, SW, SW, Sec. 29, T.21S., R.13E.		
REMARKS					

[1] Data sources may include notices of appropriation, Home Entry Surveys, General Land Office plat maps, aerial photography, certificates of water right, statements of claim, statements of claimant, grandfathered groundwater rights, and ADWR field investigations. Only the applicable data sources are listed for each landownership parcel.

[2] The information shown in this tabulation is based on the data provided in the filing(s) and ADWR investigations where noted.



(1) Source: Drewes (USGS, 1980), 1:125000, and available geologic data and recent streamflow conditions.
This map was prepared only for the Inventory Report. The actual extent of the saturated floodplain Holocene alluvium will be determined in the adjudication process.
(2) Source: 1958 Aerial Photograph
(3) Source: Applicable Surface Water Filings
(4) Source: ADWR Registry of Groundwater Rights
(5) Source: 2000 ADWR Investigations

Docket Information

Number of Documents in Docket 190

Documents Dated from 1/31/1995 to 5/4/2005

Docket Compiled: 4/2/2012