



WATER-RIGHT DOCKET

Saguaro National Park

Docket No: 31

RINCON CREEK INSTREAM FLOW

State Water Rights Documentation

10-30-2012: Letter to SAGU Superintendent from Arizona DWR regarding Application for Permit No. 33-96733



JANICE K. BREWER
Governor

SANDRA A. FABRITZ-WHITNEY
Director

ARIZONA DEPARTMENT OF WATER RESOURCES

3550 North Central Avenue, Second Floor
PHOENIX, ARIZONA 85012-2105
Telephone (602) 771-8621
Fax (602) 771-8686

October 30, 2012

U.S. Department of the Interior
National Park Service, Saguaro National Park
Attn: Darla Sidles, Superintendent
3693 S. Old Spanish Trail
Tucson, AZ 85012

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

Dear Ms. Sidles:

Per Arizona Revised Statute § 41-1077, if an agency is not in compliance with the Licensing Time Frame Rules set forth in Arizona Administrative Code R12-15-401, fees charged for reviewing and acting on an application shall be refunded. Also, an agency shall excuse payment of any such fees for that license that have not yet been paid.

It has come to the attention of the Arizona Department of Water Resources (Department) that the time frame established to process the above-referenced application has been exceeded. Thus, the Department is required to reimburse the initial application fee of \$75.00 that was submitted for the above-referenced application. The refund will be forthcoming. In addition, the Department will excuse payment of any additional application fees.

Please do not hesitate to contact me at (602) 771-8612 or toll free (within Arizona only) at 1-800-352-8488 if you require further information or assistance.

Sincerely,

Kevin Hadder
Surface Water Permitting
Engineering & Permits Division

CC: James Harte, WRD, Fort Collins, CO

COPY

JANICE K. BREWER
Governor



HERBERT R. GUENTHER
Director

ARIZONA DEPARTMENT OF WATER RESOURCES

3550 North Central Avenue, Second Floor
PHOENIX, ARIZONA 85012-2105
(602) 771-8500

March 25, 2009

U. S. Department of the Interior
National Park Service
Water Resources Division
Attn: Paul Christensen
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596

RE: Statement of Claimant 39-79967
Received January 3, 2005

Dear Mr. Christensen:

The Arizona Department of Water Resources (ADWR or "Department") has received your statement of claimant (SOC) to be filed within the Gila River System and Source ("Gila River adjudication"). After the SOC is processed by ADWR, it will be submitted to the Superior Court for Maricopa County to be included in the adjudication proceedings that will determine the nature, extent, and relative priorities of all rights to use water within the Gila adjudication. By filing this SOC with the Department, you have asserted your claim to water rights. A copy of your SOC filing is enclosed.

In order for the Court or Special Master to consider your SOC a part of this comprehensive court proceeding, the filing fee must be fully paid. Otherwise, your SOC may be deemed waived. The filing fee for a corporation, municipal corporation, the state or any political subdivision, or an association or partnership is 2 cents for every acre-foot of water claimed or \$20.00, whichever is greater. The filing fee for an individual is \$20.00 for each statement of claimant form filed except when more than one use is served from a common source of supply and two or more forms are required. You may pay the \$20.00 filing fee with a credit card by calling the Department's cashier at 1.866.246.1414 or by submitting a check or money order made payable to the Arizona Department of Water Resources, P.O. Box 38589, Phoenix, Arizona 85067-3589.

All adjudication filing fees collected by the Department for the Gila River adjudication will be forwarded to the Superior Court for Maricopa County. For additional information, you can visit ADWR's website at www.azwater.gov or by calling 1.866.246.1414.

Very truly yours,

Christina Lopez
Administrative Assistant
Adjudications Admin. Support Unit



Printed on recycled paper. Each ton of recycled paper saves 7,000 gallons of water.

RECEIVED JAN - 3 2005 Information Management	STATEMENT OF CLAIMANT FORM FOR OTHER USES¹ UPPER SANTA CRUZ RIVER WATERSHED SUPERIOR COURT OF MARICOPA COUNTY	<i>For Departmental Use Only</i> (09) File No. 39- <u>79967</u> Date Filed: <u>1/3/2005</u> WFN <u>92098</u>
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1. Claimant Name: Saguaro National Park
 Claimant Address: 3693 S Old Spanish Trail City Tucson
 State: AZ Zip Code 85730 Telephone 520-733-5100

2. Basis of Claim:

A.	☐	Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
B.	☒	Appropriation Right acquired after June 12, 1919. Application No. <u>33-96733</u> , Permit No. _____, or Certificate of Water Right No. _____
C.	☐	Decreed water right. Principal litigants, court, date and case no. _____
D.	☐	Right to withdraw groundwater. Grandfathered Right No. _____
E.	☐	Other, describe: _____

3. Claimed Priority Date: 12 / 10 / 2002 (month/day/year)

4. Use:

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

5. Source of Water:

A.	☒	Stream: name <u>Rincon Creek</u> , tributary to <u>Pantano Wash</u>
B.	☐	Spring: name _____, tributary to _____
C.	☐	Lake or Reservoir: name _____, tributary to _____
D.	☐	Groundwater.

6. Legal description of the Point of Diversion: (attach additional sheet if required)
 _____ 1/4, _____ 1/4, _____ 1/4, Section 16, 17, Township 15 N, Range 17 E W
 See attached sheet for legal description

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

8. Means of Diversion:

A.	☐	Instream pump.
B.	☐	Gravity flow into a ditch, canal or pipeline.
C.	☐	Well: Arizona Department of Water Resources Well Registration No. 55- _____
D.	☒	Other, describe: <u>instream flow maintenance</u>

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: instream-flow maintenance

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

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

11. Claimed Right:

- A. Maximum Flow Rate: 8.24 ☒ cubic-feet per second
☐ gallons per minute
☐ Arizona miner's inches
- B. Annual Volume of Water Use: 1,210 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? Contact, Chief, Water Rights Branch National Park Service,
1201 Oakridge Dr., Ste 250, Fort Collins, CO 80525, 970-225-3505.**15. Additional comments:** _____

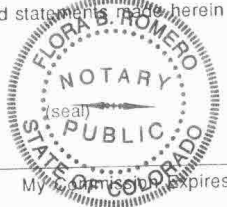
(attach additional sheet if required)

16. Attach Filing Fee to Form. Mail form(s) and filing fee(s) to

AZ DEPT OF WATER RESOURCES
 ADJUDICATION SECTION
 PO BOX 458
 PHOENIX AZ 85001-0458

17. Notarized Statement:

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



Flora B. Romero, Notary Public
 State of Colorado
 My Commission Expires 7/31/2006

Charles W. Pettee

Flora B. Romero
 Notary Public

or, _____
 Authorized Personnel of the Department of Water Resources



IN REPLY REFER TO:

United States Department of the Interior

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



September 10, 2008

L54 (2380)
SAGU

Ms. Elizabeth Logan
Water Management Support Section
Arizona Department of Water Resources
3550 N. Central Ave
Phoenix, AZ 85012

RE: Water-Right Application No. 33-96733 of Saguaro National Park
Submission of Assessment Report in Electronic Format

Dear Ms. Logan:

On September 8, 2008, my office mailed the assessment report and supporting documents for water-right application no. 33-96733 via overnight mail to you. In my September 8, 2008, cover letter, I noted that my office would later submit to you a CD containing the same documents in electronic format. The CD is enclosed.

If you have any questions or need additional information, please contact Paul Christensen of my staff at 970-225-3534 or paul_christensen@nps.gov.

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

Enclosures (1)

cc: Sarah Craighead, Superintendent, SAGU, Tucson, AZ (w/CD)
Peter Fahmy, SOL, Lakewood, CO (w/o enclosure)
Bill Hansen, NPS, Fort Collins, CO (w/o enclosure)
Paul Christensen, NPS, Fort Collins, CO (w/o enclosure)



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Water Resources Division
1201 Oakridge Drive, Suite 250
Fort Collins, Colorado 80525-5596
September 08, 2008



L54 (2380)
SAGU/Water Rights

Ms. Elizabeth Logan
Water Management Support Section
Arizona Department of Water Resources
3550 N. Central Ave
Phoenix, AZ 85012

RE: Water-Right Application No. 33-96733 of Saguaro National Park
Submission of Required Assessment Report

Dear Ms. Logan:

Enclosed is the National Park Service's assessment report for water-right application no. 33-96733 of Saguaro National Park. The assessment report is due September 10, 2008, and consists of two parts:

1. "Assessment Report, Water-Right Application No. 33-96733 for Instream-Flow Maintenance, Middle Reach Rincon Creek, Pima County, Arizona."
2. "Appendices for Assessment Report, Water-Right Application No. 33-96733 for Instream-Flow Maintenance, Middle Reach Rincon Creek, Pima County, Arizona." The appendices contain photographs, hydrologic data collected by the National Park Service, and description of hydrologic data-collection methods.

Also enclosed are six reports that support the assessment report and are cited in the same report. These are:

3. Briggs, M., 2008. Middle Rincon Creek: Water Requirements for Bottomland Vegetation of Middle Rincon Creek and Potential Threats to Water Availability. Rincon Institute and the National Park Service, Tucson, Arizona.
4. Goforth, C.L. and D. Walker, 2008. Aquatic Macroinvertebrates and their Relationship to Water Availability and Streamflow in Middle Rincon Creek, Saguaro National Park East. University of Arizona, Tucson, Arizona.
5. Haley & Aldrich, Inc., 2005. Construction of Monitor Wells RC-1, RC-2, RC-3, RC-4, RC-5, RC-6, and RC-7 at Rincon Creek, Pima County, Arizona. Rincon Institute, Tucson, Arizona.

6. Haley & Aldrich, Inc., 2007. Hydrology of the Middle Reach of Rincon Creek, Pima County, Arizona. Rincon Institute, Tucson, Arizona.
7. Perger, B., 2008. Rincon Creek Water Monitoring Summary, 2003-2006. Saguaro National Park, Tucson, Arizona.
8. Stitt, E.J., D.E. Swann, and K. Ratzlaff, 2008. Aquatic Herpetofauna and Surface-Water Availability in Rincon Creek, Saguaro National Park, Pima County, Arizona. Rincon Institute and National Park Service, Tucson, Arizona.

We look forward to receiving a favorable response to Saguaro National Park's water-right application. If you have any questions or need additional information, please contact Paul Christensen of my staff at 970-225-3534 or paul_christensen@nps.gov. A CD containing electronic versions of the eight documents will follow under separate cover letter.

Sincerely,



Charles W. Pettee
Chief, Water Rights Branch

Enclosures (8)

cc: Sarah Craighead, Superintendent, SAGU, Tucson, AZ (w/assessment report and appendices only)
Don Swann, SAGU, Tucson, AZ (w/o enclosures)
Peter Fahmy, SOL, Lakewood, CO (w/o enclosures)
Bill Hansen, NPS, Fort Collins, CO (w/o enclosures)
Paul Christensen, NPS, Fort Collins, CO (w/o enclosures)

ARIZONA DEPARTMENT OF WATER RESOURCES

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



JANET NAPOLITANO
GOVERNOR

HERB GUENTHER
DIRECTOR

December 17, 2007

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

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

Ms. Craighead: *SC mmm*

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

The streamflow assessment report for Permit to Appropriate No. 33-96733 must be completed and sent to the Department on or before September 10, 2008. The licensing time frame for this application will continue to remain suspended and will not recommence until the date the required streamflow assessment is received by the Department.

If you have any questions, please contact me at (602) 771-8618.

Sincerely,

Barbara L. Norton

Barbara L. Norton
Surface Water Rights Specialist

Certified Mail No. 7002 1000 0004 7004 3075

Arizona Department of Water Resources
3550 North Central Avenue
Phoenix, Arizona 85012

NOTICE OF COMPLETENESS

**REQUEST FOR APPROVAL OF TIME TO COMPLETE CONSTRUCTION
OF WORKS BY WHICH WATER IS PUT TO BENEFICIAL USE
Application for Permit to Appropriate No. 33-96733**

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

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

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

Notice of Completeness Prepared by	Barbara L. Norton
Date Mailed	December 17, 2007



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Saguaro National Park
3693 South Old Spanish Trail
Tucson AZ 85730



November 6, 2007

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

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

Dear Ms. Logan,

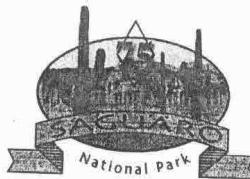
The National Park Service (NPS) requests a third extension of time to submit the required assessment report to support the above-referenced water-right application.

The NPS and its partners have completed data collection for hydrology, aquatic macroinvertebrates, aquatic herpetofauna, and bottomland vegetation. The period of measurement includes water years 2003 through 2007.

The hydrologic data consists of continuous stream flow measurements at one site on Rincon Creek, and staff-gage levels at three sites on the creek, continuous ground water levels at three shallow monitoring wells, and instantaneous water level measurements in four shallow wells and three deep wells. The occurrence of water in the channel over time has also been measured as well as the volumes of three pools.

The NPS's partners, the Rincon Institute and the University of Arizona, have completed draft reports on the relationship of the occurrence of water with aquatic macroinvertebrates, aquatic herpetofauna, and bottomland vegetation. The Rincon Institute also completed a draft report on the hydrogeology and ground-water surface-water relations of the area. The NPS has reviewed these drafts and provided comments on the same.

Before the partners may complete their final reports, the NPS must provide the partners with finalized hydrologic data to assure that all hydrologic data used by the partners in their reports are identical. The NPS anticipates providing these data to the partners by November 1, 2007, and that the partners will complete their reports by January 15, 2008.



We anticipate that the NPS's assessment report will be completed by September 1, 2008. Thus, the NPS requests that it be granted an extension of time to September 10, 2008. If you have any questions, please contact Paul Christensen of the National Park Service's Water Resources Division at 970-225-3534 or paul_christensen@nps.gov.

Sincerely,



Sarah Craighead, Superintendent
Saguaro National Park

cc: Paul Christensen, WRD, Fort Collins, CO
Peter Fahmy, WRD (SOL), Fort Collins, CO



ARIZONA DEPARTMENT OF WATER RESOURCES

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



JANET NAPOLITANO
GOVERNOR

HERB GUENTHER
DIRECTOR

April 18, 2007

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

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

Ms. Craighead:

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

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

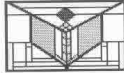
If you have any questions, please contact me at (602) 771-8500.

Sincerely,

A handwritten signature in cursive script that reads "Creola Lasky".

Creola Lasky
Supervisor, Surface Water

Certified Mail No. 7002 2030 0003 4794 6278



Paul Christensen

04/24/2007 04:14 PM
MDT

To: sarah_craighead@nps.gov

cc: Meg Weesner/SAGU/NPS@NPS, Don Swann/SAGU/NPS@NPS, Bill
Hansen/FTCOLLINS/NPS@NPS

Subject: NPS Water Right Application --33-96733 -- Rincon Creek

Hi Sarah,

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

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

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

If you have any questions, do contact me.

Paul



United States Department of the Interior

NATIONAL PARK SERVICE

Saguaro National Park
3693 South Old Spanish Trail
Tucson AZ 85730



IN REPLY REFER TO:

L54

November 14, 2006

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

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

Dear Ms. Logan,

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

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

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

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

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

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

Sincerely,

Sarah Craighead
Superintendent

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





United States Department of the Interior

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

IN REPLY REFER TO:

December 20, 2004

L54 (2380)
SAGU

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

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

Dear Sir or Madam:

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

Sincerely,

Charles W. Pettee
Chief, Water Rights Branch

(All w/enclosure)

cc: Sarah Craighead, SAGU, Tucson
Lee Leiningner, DOJ, Denver
Peter Fahmy, SOL, Denver

STATEMENT OF CLAIMANT FORM
FOR
OTHER USES¹

UPPER SANTA CRUZ RIVER WATERSHED
SUPERIOR COURT OF MARICOPA COUNTY

For Departmental Use Only

File No. 39- _____
Date Filed: _____
WFN _____

1. Claimant Name: Saguaro National Park
Claimant Address: 3693 S Old Spanish Trail City Tucson
State: AZ Zip Code 85730 Telephone 520-733-5100
2. Basis of Claim:
 - A. ☐ Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. _____
 - B. ☒ Appropriation Right acquired after June 12, 1919. Application No. 33-96733, Permit No. _____, or Certificate of Water Right No. _____
 - C. ☐ Decreed water right. Principal litigants, court, date and case no. _____
 - D. ☐ Right to withdraw groundwater. Grandfathered Right No. _____
 - E. ☐ Other, describe: _____
3. Claimed Priority Date: 12 / 10 / 2002(month/day/year)
4. Use:

A. ☐ Municipal	E. ☒ Recreation, Fish & Wildlife
B. ☐ Commercial or Industrial	F. ☐ Other, describe: _____
C. ☐ Mining	_____
D. ☐ Stockwatering other than from a stockpond	_____
5. Source of Water:
 - A. ☒ Stream: name Rincon Creek, tributary to Pantano Wash
 - B. ☐ Spring: name _____, tributary to _____
 - C. ☐ Lake or Reservoir: name _____, tributary to _____
 - D. ☐ Groundwater.
6. Legal description of the Point of Diversion: (attach additional sheet if required)
_____¹/₄, _____¹/₄, _____¹/₄, Section 16, 17, Township 15 N, Range 17 E W
See attached sheet for legal description
7. If there are Irrigation, Domestic or Stockpond Uses also supplied from the Point of Diversion, describe: none
8. Means of Diversion:
 - A. ☐ Instream pump.
 - B. ☐ Gravity flow into a ditch, canal or pipeline.
 - C. ☐ Well: Arizona Department of Water Resources Well Registration No. 55- _____
 - D. ☒ Other, describe: instream flow maintenance

¹ See Instructions for explanation of uses in this category

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: instream-flow maintenance

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:

- A. Maximum Flow Rate: 8.24 ☒ cubic-feet per second
☐ gallons per minute
☐ Arizona miner's inches
- B. Annual Volume of Water Use: 1,210 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?** Contact, Chief, Water Rights Branch National Park Service, 1201 Oakridge Dr., Ste 250, Fort Collins, CO 80525, 970-225-3505.**15. Additional comments:** _____

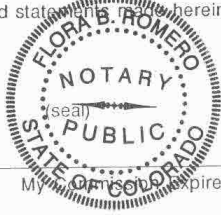
(attach additional sheet if required)

16. Attach Filing Fee to Form. Mail form(s) and filing fee(s) to

AZ DEPT OF WATER RESOURCES
 ADJUDICATION SECTION
 PO BOX 458
 PHOENIX AZ 85001-0458

17. Notarized Statement:

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



My Commission Expires _____

Flora B. Romero, Notary Public
State of Colorado

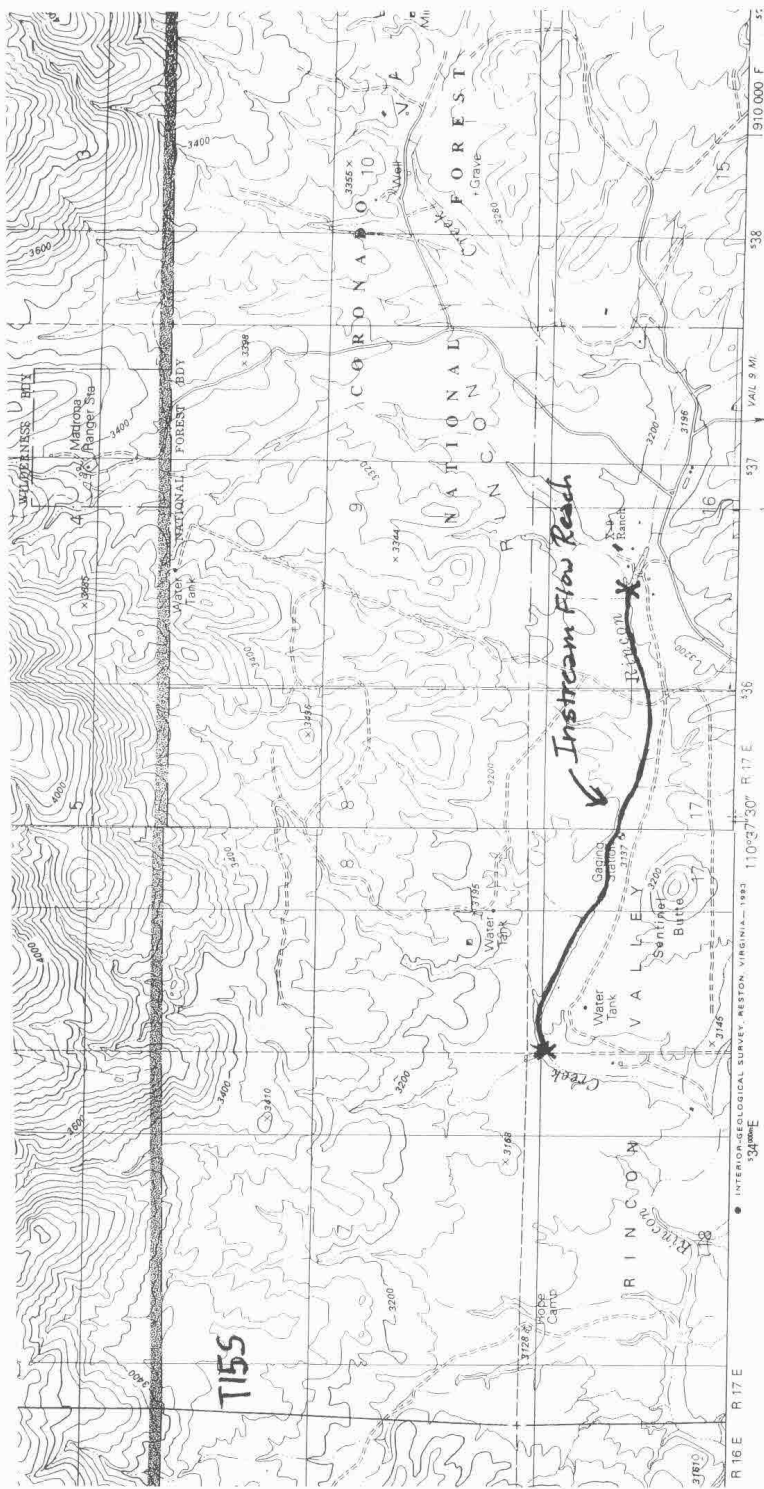
My Commission Expires **7/31/2006**

Charles W. Pettee

Flora B. Romero
 Notary Public

or, _____
 Authorized Personnel of the Department of Water Resources

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



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

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

Projection and 10,000-foot grid ticks: Arizona coordinate system, central zone (Transverse Mercator)
1000-meter Universal Transverse Mercator grid, zone 12
1927 North American Datum

To place on the predicted North American Datum 1983 move the projection lines 7 meters south and 61 meters east as shown by dashed corner ticks

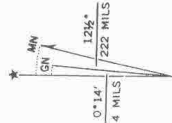
Where omitted land lines have not been established There may be private inholdings within the boundaries of the National or State reservations shown on this map

ROAD CLASSIFICATION

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

TANQUE VERDE PEAK, ARIZ
32110-96-TF-024

1981
MINOR REVISION 1993
DMA 3848 II NW-SERIES V898



UTM GRID AND 1981 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

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



United States Department of the Interior

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



IN REPLY REFER TO:

L54

April 8, 2004

Ms. Lisa Logan
Arizona Department of Water Resources
500 N. 3rd St.
Phoenix, AZ 85004

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

Dear Ms. Logan,

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

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

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

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

Sincerely,

Sarah Craighead, Superintendent
Saguaro National Park

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

TAKE PRIDE[®]
IN AMERICA



SAGUARO NATIONAL PARK

3693 South Old Spanish Trail

Tucson AZ 85730-5601

PHONE: 520-733-5100

FAX: 520-733-5183



Tucson Mountain Visitor Center: 520-733-5158

Rincon Mountain Visitor Center: 520-733-5153

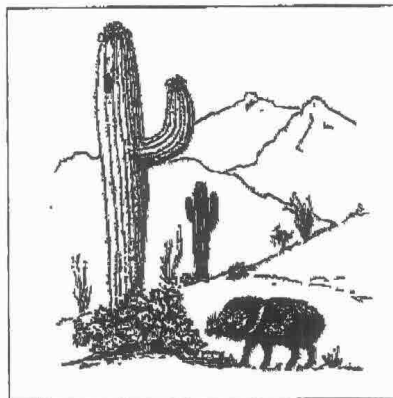
To: Paul Christensen Date: 12/12/03
Phone Number: 970-225-3534 Fax Number: 970-225-~~3534~~ 9965

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

Number of Pages (Including cover sheet): _____

Subject: Saguaro

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



ARIZONA DEPARTMENT OF WATER RESOURCES

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



JANET NAPOLITANO
GOVERNOR

HERB GUENTHER
DIRECTOR

December 8, 2003

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

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

Applicant:

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

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

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

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

Sincerely,

Barbara L. Norton



Surface Water Rights Specialist

Enclosures

cc: Drew Swieczkowski, Section Manager, Hydrology Division

Certified Mail No. 7001 1940 0000 1295 1908

NO. 780 P. 3

SAGUARO NATIONAL PARK

9:00AM

DEC. 12, 2003



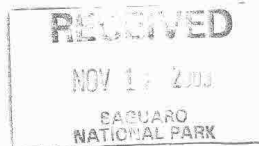
ATTORNEYS

Ryley Carlock & Applewhite

A PROFESSIONAL ASSOCIATION

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

November 11, 2003



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

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

Dear Ms. Weesner:

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

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

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

496699
11/11/03

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



Ms. Margaret W. Weesner
November 11, 2003
Page 2

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Cynthia M. Chandley'.
Cynthia M. Chandley

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



United States Department of the Interior

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



IN REPLY REFER TO:

L54 (SAGU)

October 23, 2003

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

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

Dear Ms. Norton,

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

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

Sincerely,

Margaret W. Weesner
Acting Superintendent

Enclosures

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

TAKE PRIDE
IN AMERICA

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

AFFIDAVIT OF POSTING AND PUBLICATION

STATE OF ARIZONA)

Application No. 33-96733

County of Pima) ss.

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

1. One copy of the Notice associated with the above referenced application was posted at the point of diversion of water within twenty (20) days of the date of issuance of the notice and remained posted for three consecutive weeks.
2. An abbreviated notice associated with the above referenced application was published in the newspaper identified by the Department of Water Resources. The first publication was within twenty (20) days of the date of issuance of the notice and the notice was published once per week for three consecutive weeks.
3. Required Attachment: Affidavit of Publication from the appropriate newspaper.

Margaret W. Weesner
Affiant

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



Clara Gauna
Notary Public

My commission expires May 13, 2006

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

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

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

The application states:

1. Source of Water: Rincon Creek, a tributary to the Santa Cruz River, within the Santa Cruz River watershed.
2. Proposed uses and amount: 1,210 acre-feet per annum for recreation and wildlife, including fish.
3. Places of use: Within the natural channel of Rincon Creek beginning in the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, Township 15 South, Range 17 East, and ending in the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, Township 15 South, Range 17 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

SUBMITTED MAPS AVAILABLE AT THE DEPARTMENT OF WATER RESOURCES

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

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

ARIZONA DEPARTMENT OF WATER RESOURCES

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

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

Arizona Daily Star
www.azstarnet.com

Tucson Citizen
www.tucsoncitizen.com



NOTICE
The Department of Water Resources is in receipt of application 33-86733, an Application for Permit to Appropriate Public Water - Instream Flow.
Uses: 1.210 afa for recreation and wildlife, including fish.
Source: Rincon Creek
Places of use: beginning SE1/4NW1/4, Sec. 16, T.13S., R.17E., ending NW1/4NW1/4, Sec. 17, T.15S., R.17E.
Contact Louise Hutchinson at (602) 417-2442 regarding this application and your ability to participate in this process.
Publish September 10, 17, and 24, 2003
The Arizona Daily Star
Tucson Citizen

STATE OF ARIZONA
COUNTY OF PIMA

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

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

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

Janice Anderson
Agent

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



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

My Commission Expires

Notary Public

Valerie S. Gonzales

M267203983801

L54

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



(For office use only)

Registry No: _____

Date Filed: _____

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

1. Applicant Saguaro National Park Telephone 520-733-5123
 Address 3693 S. Old Spanish Trail City Tucson State AZ Zip 85730
2. Type of water source and name Public waters flowing in Rincon Creek and tributaries
 a tributary to Santa Cruz River within the _____ watershed.
 (For office use only)

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

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

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

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

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

5. Location of proposed instream flow appropriation: County Pima

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

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 15 N(S) Range 17 E(W)
 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 15 N(S) Range 17 E(W)
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, Township 15 N(S) Range 17 E(W)
 _____ $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 15 N(S) Range 17 E(W)
 _____ $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 15 N(S) Range 17 E(W)
 N $1\frac{1}{2}$ ~~NW~~ NW $\frac{1}{4}$, Section 17, Township 15 N(S) Range 17 E(W)

6. Owner of land on which the proposed instream flow appropriation is located National Park Service/
Saguaro National Park - See attached land status map.
Private _____ State _____ BLM _____ National Forest _____ Other X _____
Does the applicant have legal access to the proposed stream segment? Yes X No _____
If "No," explain in item 8 below.

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

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

9. **REQUIRED ATTACHMENTS:**

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

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

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

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

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

Sarah Crawford 12/9/02
Signature of Applicant/Representative (if representative, include authorization) Date
Superintendent, Saguaro National Park
DWR (Rev 2/99)



United States Department of the Interior

NATIONAL PARK SERVICE

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



IN REPLY REFER TO:

L54 (SAGU)

October 21, 2003

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

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

Dear Ms. Chandley:

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

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

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

TAKE PRIDE[®]
IN AMERICA 

Sincerely yours,

A handwritten signature in cursive script, reading "Margaret W. Weesner".

Margaret W. Weesner
Acting Superintendent
Saguaro National Park

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

ARIZONA DEPARTMENT OF WATER RESOURCES

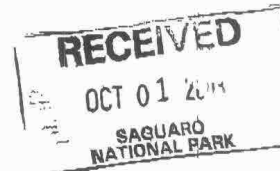
Surface Water Rights
500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2442
Fax (602) 417-2424



JANET NÁPOLITANO
Governor

HERB GUENTHER
Director

September 29, 2003



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

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

Sarah:

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

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

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

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

Sincerely,

Barbara L. Norton

Barbara L. Norton
Surface Water Rights Specialist

b1n

Enclosure

P.2 NO.203

SAGUARO NATIONAL PARK

OCT. 2. 2003 11:03AM



SAGUARO NATIONAL PARK

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



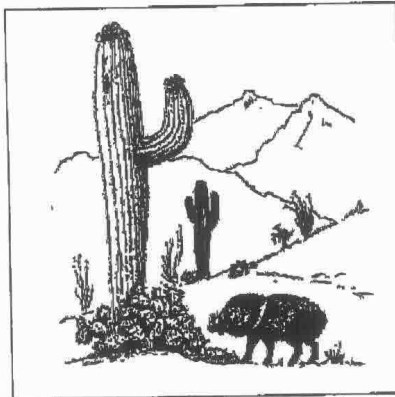
Tucson Mountain Visitor Center: 520-733-5158
Rincon Mountain Visitor Center: 520-733-5153

To: Paul Christiansen Date: 9/24/03
Phone Number: _____ Fax Number: ~~503-887-6884~~
970-225-9965
From: Sarah Craighead Division: _____
Phone number: 520-733-5101

Number of Pages (Including cover sheet): 34

Subject: _____

Remarks: _____





ATTORNEYS

Ryley Carlock & Applewhite

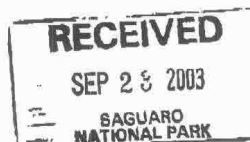
A PROFESSIONAL ASSOCIATION

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

September 22, 2003

Certified Mail/R.R.R.

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



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

Dear Mr. Guenther:

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

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

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

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

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

^{3/} See Ariz. Const. art. 2, sec. 4.

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

489296.1
9/22/2003

One North Central Avenue, Suite 1200, Phoenix, Arizona 85004-4417, Telephone 602-258-7701, Facsimile 602-257-9582, www.realaw.com
P.2 NO.140 SAGUARO NATIONAL PARK SEP.24.2003 3:44PM

Herb Guenther
September 22, 2003
Page 2

 Ryley Carlock & Applewhite

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

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

Sincerely,


Cynthia M. Chandley
Attorney for Phelps Dodge Corporation

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

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

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

^{7/} See A.R.S. §§ 41-1001, et seq.

P. 3 04.10

SAGUARO NATIONAL PARK

SEP. 24. 2003 3:44PM

Herb Guenther
September 22, 2003
Page 3

 Ryley Carlock & Applewhite

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

NO. 140 P. 4

SAGUARO NATIONAL PARK SEP. 24. 2003 3:45PM



SAGUARO NATIONAL PARK

3693 South Old Spanish Trail

Tucson AZ 85730-5601

PHONE: 520-733-5100

FAX: 520-733-5183



Tucson Mountain Visitor Center: 520-733-5158

Rincon Mountain Visitor Center: 520-733-5153

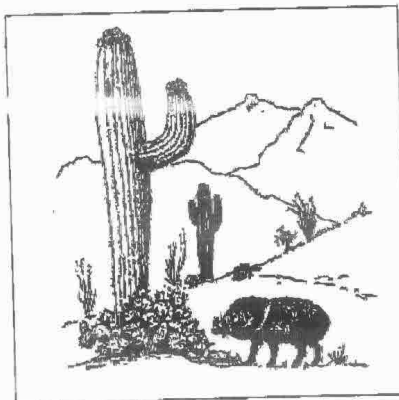
To: Paul Christensen Date: 9/4/03
Phone Number: _____ Fax Number: 978-225-9965

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

Number of Pages (Including cover sheet): 4

Subject: _____

Remarks: _____



ARIZONA DEPARTMENT OF WATER RESOURCES

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



JANET NAPOLITANO
Governor

HERB GUENTHER
Director

September 2, 2003



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

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

Sarah:

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

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Barbara L. Norton".

Barbara L. Norton
Surface Water Rights Specialist

Enclosures

NO. 923 P. 2

SEP. 4. 2003 9:07AM SAGUARO NATIONAL PARK

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

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

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

The application states:

1. Source of Water: Rincon Creek, a tributary to the Santa Cruz River, within the Santa Cruz River watershed.
2. Proposed uses and amount: 1,210 acre-feet per annum for recreation and wildlife, including fish.
3. Places of use: Within the natural channel of Rincon Creek beginning in the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 16, Township 15 South, Range 17 East, and ending in the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 17, Township 15 South, Range 17 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

SUBMITTED MAPS AVAILABLE AT THE DEPARTMENT OF WATER RESOURCES

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

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

ARIZONA DEPARTMENT OF WATER RESOURCES

NOTICE

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

Uses: 1,210 acs for recreation and wildlife, including fish.

Source: Rincon Creek

Places of use: beginning SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.16, T.15S., R.17E.

ending NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.17, T.15S., R.17E.

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



United States Department of the Interior

NATIONAL PARK SERVICE

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

IN REPLY REFER TO:

L54

June 9, 2003

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

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

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

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

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

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

Sincerely,

Sarah Craighead
Superintendent, Saguaro National Park

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

NOTICE OF COMPLETENESS

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

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

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



United States Department of the Interior

NATIONAL PARK SERVICE

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

IN REPLY REFER TO:

L54

April 15, 2003

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

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

Dear Ms. Norton,

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

1. Source of Water. The NPS understands that only one source may be claimed per application. I have corrected the application (attached) accordingly, crossing out references to tributaries and three locations of proposed instream flow appropriation. My initials follow each correction. A revised location map is also attached.
2. Monthly Streamflow Requirements. The NPS chooses to employ **incremental methods** to justify the requirements. Thus the NPS is initiating studies to develop the information needed to justify requirements. Results of the studies will be submitted to your office by December 10, 2004 as per requirements.
3. Land Ownership. As per your request, copies of deeds showing NPS ownership to the land at the place of use are attached.

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

Sincerely,


Sarah Craighead
Superintendent

MAR. 12. 2003

8:44AM

SAGUARO NATIONAL PARK

NO. 97B

P. 1



SAGUARO NATIONAL PARK

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

520-733-5100

Fax: 520-733-5183

Rincon Mountain Visitor Center
520-733-5153

Tucson Mountain Visitor Center
520-733-5158

DATE: 3/12/03

TO: Paul Christiansen

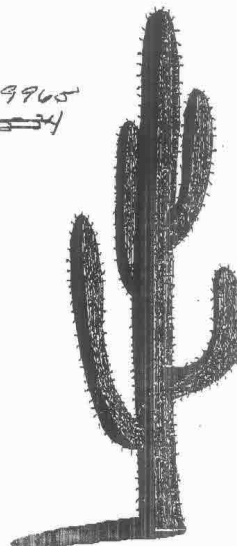
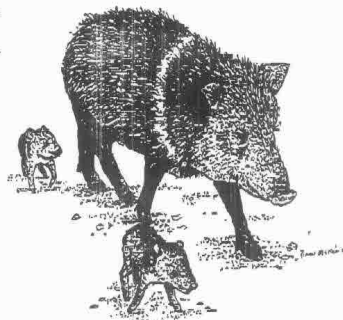
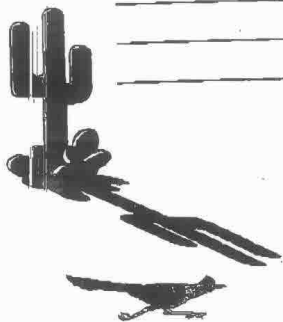
FROM: Sarah Campbell

PHONE: 520-733-5101

SUBJECT: _____

Number of Pages to follow: 13

Comments: _____



9965
970-225-3334

MAR. 12. 2003

8:44AM

SAGUARO NATIONAL PARK

NO. 978

P.2

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



FIRST NOTICE OF DEFICIENCY

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

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

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

1. Item #2 - The source on the application is "Rincon Creek and Tributaries". Only one source may be claimed per application. Enclosed are additional Applications to Appropriate Public Water for your use.
2. Item #4 - The USGS gage date is not in agreement with the flows requested on the application. If a measuring point other than the USGS gage was used to determine the monthly flows, a legal location and the method used to measure flows must be provided. If the gage data is going to be used to support this application, the following monthly flows (in cfs) are all that can be substantiated:

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

(Attached is additional information regarding gage data)

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

MAR. 12. 2003 8:44AM

SAGUARO NATIONAL PARK

NO. 978 P. 3

Notice of Deficiency Prepared by

Barbara L. Norton

Date Mailed

March 4, 2003

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

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

MAR. 12. 2003

8:45AM

SAGUARO NATIONAL PARK

NO. 978

P. 4

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



(For office use only)

Registry No: 33-96733Date Filed: December 17, 2002

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

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

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

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

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

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

5. Location of proposed instream flow appropriation: County Pima

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

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 15 N $\frac{1}{2}$ Range 17 EW
 SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 15 N $\frac{1}{2}$ Range 17 EW
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, Township 15 N $\frac{1}{2}$ Range 17 EW
 $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 15 N $\frac{1}{2}$ Range 17 EW
 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 15 N $\frac{1}{2}$ Range 17 EW
 N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 17, Township 15 N $\frac{1}{2}$ Range 17 EW

MAR. 12. 2003 8:45AM SAGUARO NATIONALPARK

NO. 978 P. 5

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

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

Monthly Statistics

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
# Days	1065	980	1054	1020	1054	1020	1035	1009	990	1054	1020	1069	12350
Avg Day	17.22	13.50	12.26	3.00	0.155	0.056	2.11	10.06	3.04	2.62	2.25	9.19	6.29
Max Day	1400	858.0	327.0	73.00	5.80	2.90	280.0	634.0	278.0	396.0	354.0	977.0	1400
Min Day	0	0	0	0	0	0	0	0	0	0	0	0	0
# Months	34	34	34	34	34	34	32	32	33	34	34	34	32
SDay Month	46.79	23.80	18.52	5.22	0.352	0.255	2.99	15.41	5.33	8.50	8.09	24.04	7.84
Skew Month	4.25	1.78	1.96	1.90	4.27	5.65	3.47	1.99	2.01	3.92	4.77	4.20	1.95
Min Month	0	0	0	0	0	0	0	0	0	0	0	0	0.072
Max Month	247.1	75.23	74.39	17.96	1.95	1.48	12.61	63.95	19.15	42.88	44.40	129.8	33.39
Exceedences													
1%	317.3	181.2	144.9	47.20	2.69	2.00	57.20	199.9	75.50	55.98	67.40	251.3	112.0
5%	66.50	61.00	62.30	16.00	0.683	0.180	5.53	49.55	14.00	2.63	6.20	37.55	27.00
10%	32.00	28.00	35.00	10.00	0.420	0.040	0.110	21.00	3.10	0.400	1.50	16.00	11.00
20%	12.00	13.00	15.00	2.10	0.200	0	0	4.70	0.500	0.080	0.100	1.80	1.40
50%	0.200	0.420	1.30	0.200	0	0	0	0	0	0	0	0	0
80%	0	0	0	0	0	0	0	0	0	0	0	0	0
90%	0	0	0	0	0	0	0	0	0	0	0	0	0
95%	0	0	0	0	0	0	0	0	0	0	0	0	0
99%	0	0	0	0	0	0	0	0	0	0	0	0	0

MAR. 12. 2003

8:45AM

SAGUARO NATIONAL PARK

NO. 978

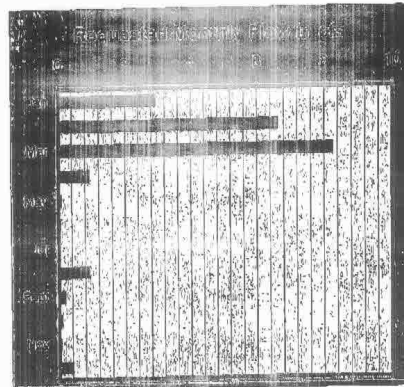
P. 6

Rincon Creek

Application

33-96733

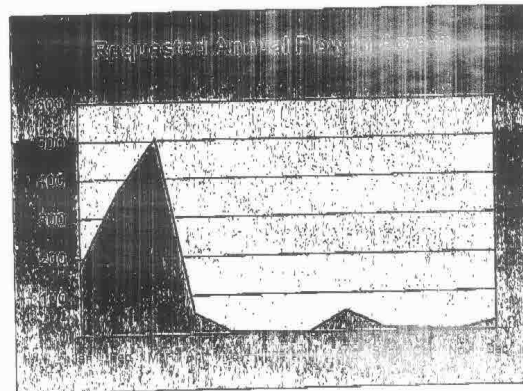
Month	# of Days	cfs	acre-ft	(value)
Jan	31	2.9	178.27	178.27
Feb	28	6.6	366.46	366.46
Mar	31	8.24	506.54	506.54
Apr	30	0.9	53.54	53.54
May	31	0.07	4.30	4.30
June	30	0.05	2.97	2.97
Jul	31	0.02	1.23	1.23
Aug	31	0.89	54.71	54.71
Sept	30	0.17	10.11	10.11
Oct	31	0.08	4.92	4.92
Nov	30	0.05	2.97	2.97
Dec	31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



(1ft³/sec) (60sec/min) (60min/hour) (24hours/day) (28,30 or 31days/month) 7.48 gal/ft³ (1 acre-ft/325,851gal) = Acre-Feet for Month

$$1 \text{ cfs} = 723.92 \text{ acre-ft/year} = 1.983 \text{ acre-ft/day}$$

Total Annual Volume in
Acre-feet = 1210.0



MAR. 12. 2003 8:45AM

SAGUARO NATIONAL PARK

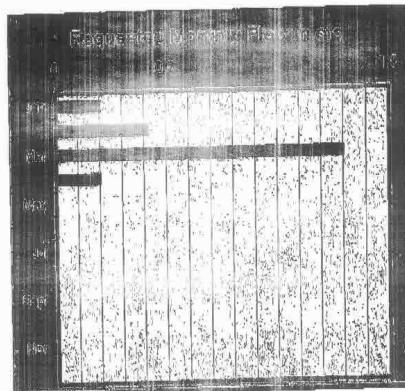
NO. 978 P. 7

Rincon Creek

USGS Gage 09485000
1952-2001

33-96733

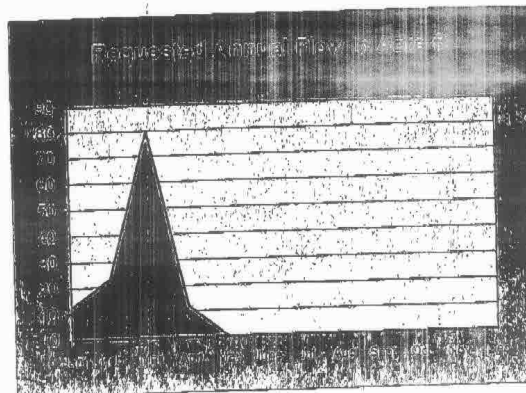
Month	# of Days	cfs	acre-ft	(value)
Jan	31	0.2	12.29	12.29
Feb	28	0.42	23.32	23.32
Mar	31	1.3	79.91	79.91
Apr	30	0.2	11.90	11.90
May	31	0	0.00	0.00
June	30	0	0.00	0.00
Jul	31	0	0.00	0.00
Aug	31	0	0.00	0.00
Sept	30	0	0.00	0.00
Oct	31	0	0.00	0.00
Nov	30	0	0.00	0.00
Dec	31	0	0.00	0.00
total			127.43	



$(1\text{ft}^3/\text{sec}) (60\text{sec}/\text{min}) (60\text{min}/\text{hour}) (24\text{hours}/\text{day}) (28.30 \text{ or } 31\text{days}/\text{month}) 7.48 \text{ gal}/\text{ft}^3 (1 \text{ acre-ft}/325,851\text{gal}) = \text{Acre-Feet for Month}$

$$1\text{cfs} = 723.92 \text{ acre-ft}/\text{year} = 1.983 \text{ acre-ft}/\text{day}$$

Total Annual Volume in
Acre-feet = 127.4



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

(For office use only)
 Registry No: 33-96733
 Date Filed: December 17, 2002

DEC 1 0 2002

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

1. Applicant Saguaro National Park Telephone 520-733-5123
 Address 3693 S. Old Spanish Trail City Tucson State AZ Zip 85730
 2. Type of water source and name Public waters flowing in Rincon Creek and tributaries ^{SL} ✓
 a tributary to Santa Cruz River within the Santa Cruz River watershed.
 (For office use only)

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

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

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

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

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

5. Location of proposed instream flow appropriation: County Pima

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

NW 1/4 SE 1/4, Section 9, Township 15, N 17 Range 17, E 17 SC ✓
SW 1/4 SE 1/4, Section 9, Township 15, N 17 Range 17, E 17 SC ✓
NW 1/4 NE 1/4, Section 16, Township 15, N 17 Range 17, E 17 SC ✓
NE 1/4 NW 1/4, Section 16, Township 15, N 17 Range 17, E 17
NE 1/4 NE 1/4, Section 17, Township 15, N 17 Range 17, E 17
NW 1/4 NE 1/4, Section 17, Township 15, N 17 Range 17, E 17
N 1/2 NW 1/4, Section 17, Township 15, N 17 Range 17, E 17

Per conversation with Hansen & Barb Norton on 6/10/03 @ 0930 MDT - Barb
 initiated change and is working on Notice by 6/15/03.

LNRH

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

Private _____ State _____ BLM _____ National Forest _____ Other x _____

Does the applicant have legal access to the proposed stream segment? Yes x No _____

If "No," explain in item 8 below.

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

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

9. REQUIRED ATTACHMENTS:

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

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

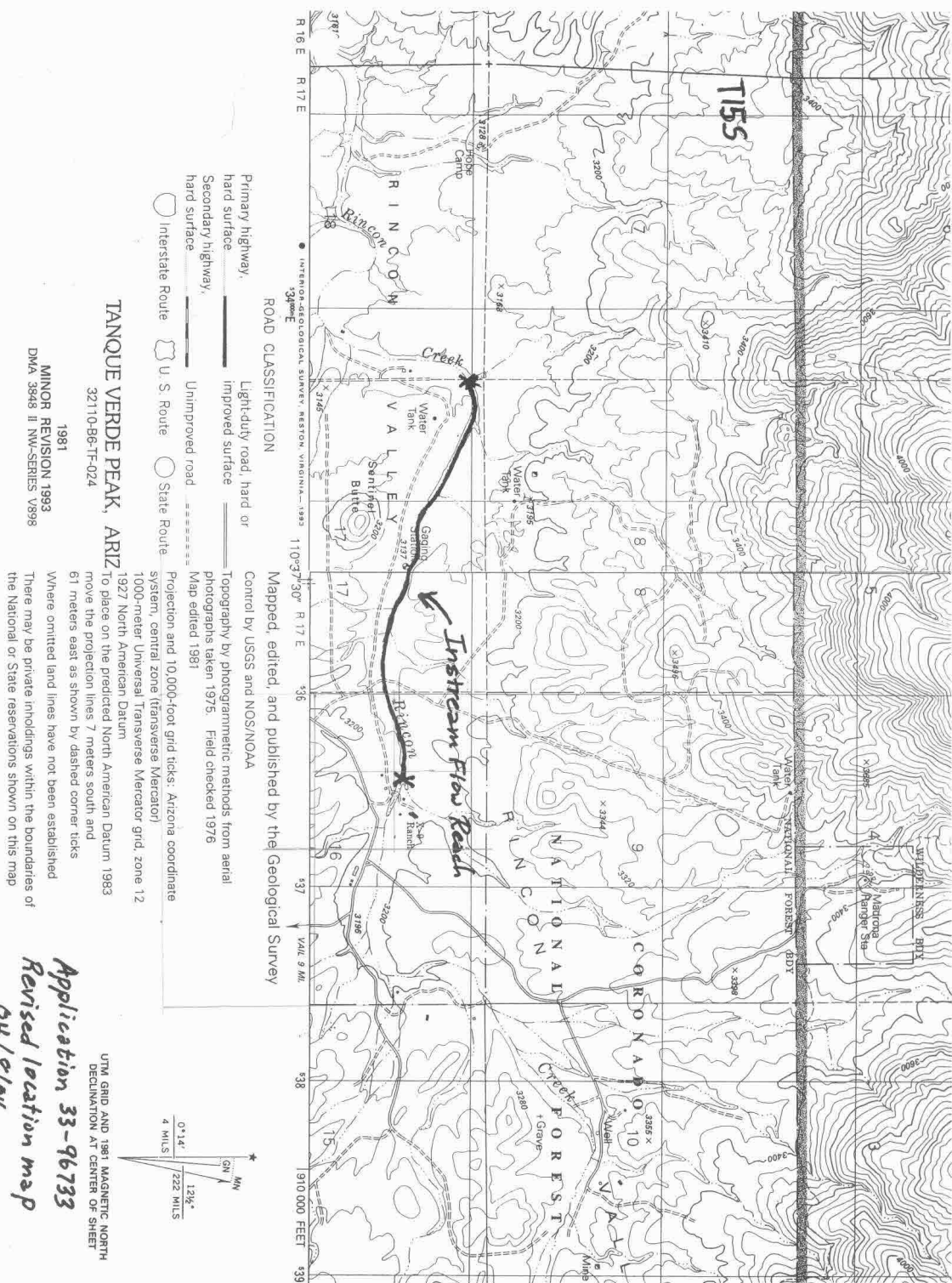
Copy of the deed showing land ownership, or if owned by other than applicant, provide copies of all leases, grazing permits, allotments, etc., or a letter from the landowner authorizing the proposed appropriation.

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

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

Sarah Crawford
 Signature of Applicant/Representative (if representative, include authorization)
 Superintendent, Saguaro National Park
 WR (Rev 2/99)

12/9/02
 Date



**SURFACE WATER ADMINISTRATION
CHECK DEPOSIT REQUEST/R EIPT**

SUBMITTED BY Mims Gutierrez DATE 12-10-02
 APPLICANT USDI, National Park Service CHECK NO. 007180
 REGISTRY NO. _____ CHECK AMT. 75.00
 CREDIT CARD ☐

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

\$ _____ REFUND DUE
 \$ _____ AMOUNT UNDERPAID

ADDITIONAL REMARKS:

Document Number		
Doc Type	Init. Org.	Sequence Number
TD	8670	00040
Account Number		
Resp. Org.	Project No.	PWE
86710001	5ZM	
Object Class	Social Security Number	
252Z		
TRAVEL		
TYPE	ADV #	D P M



**U.S. Department of the Interior
National Park Service**

1-2 / 210

DATE

Dec 9, 2002

8670

007180

NOT GOOD AFTER 60 DAYS FROM DATE

PAY TO THE
ORDER OF

AZ Department of Water Resources \$ 75.00

Seventy-five and no/100

NOT GOOD FOR MORE THAN \$2500

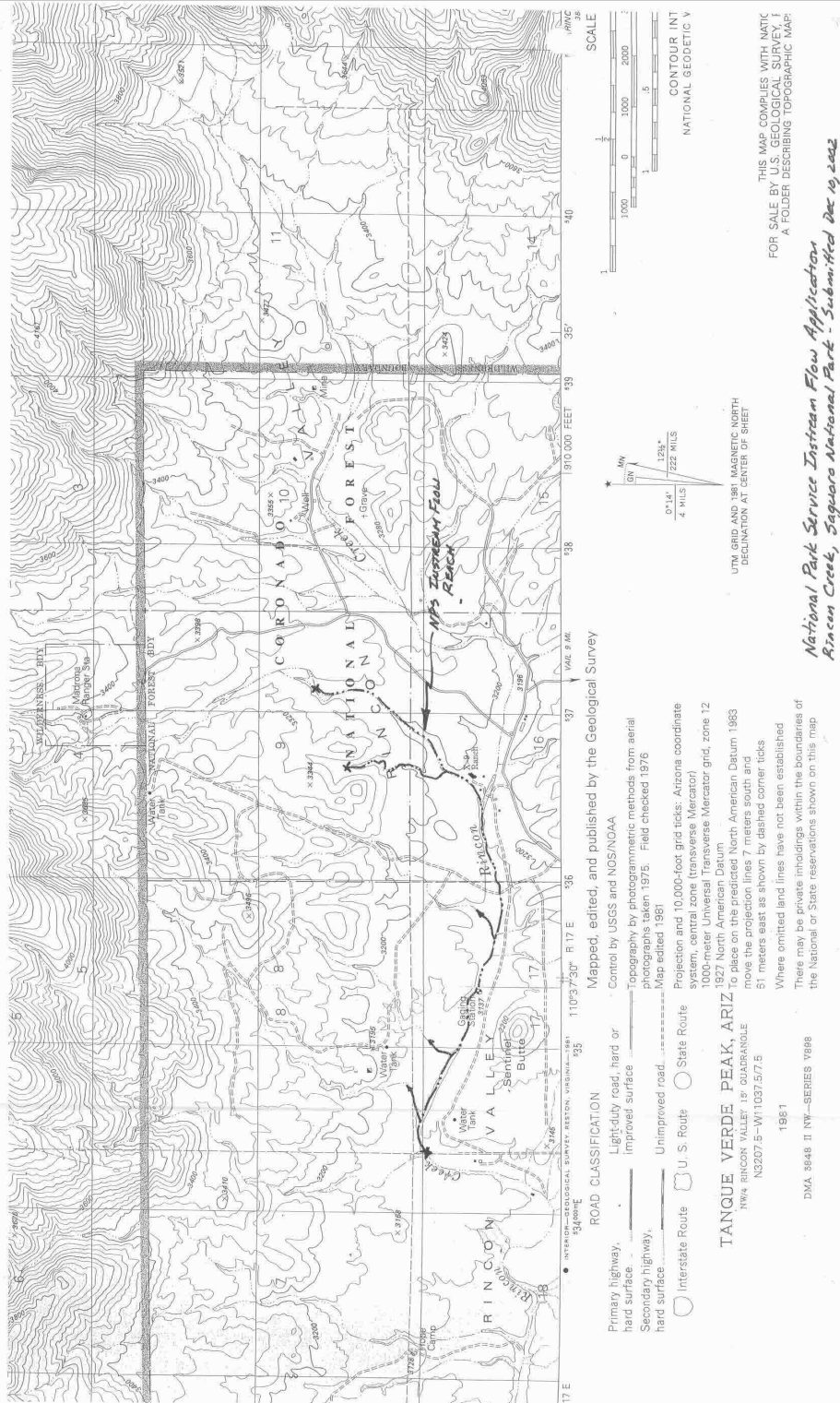
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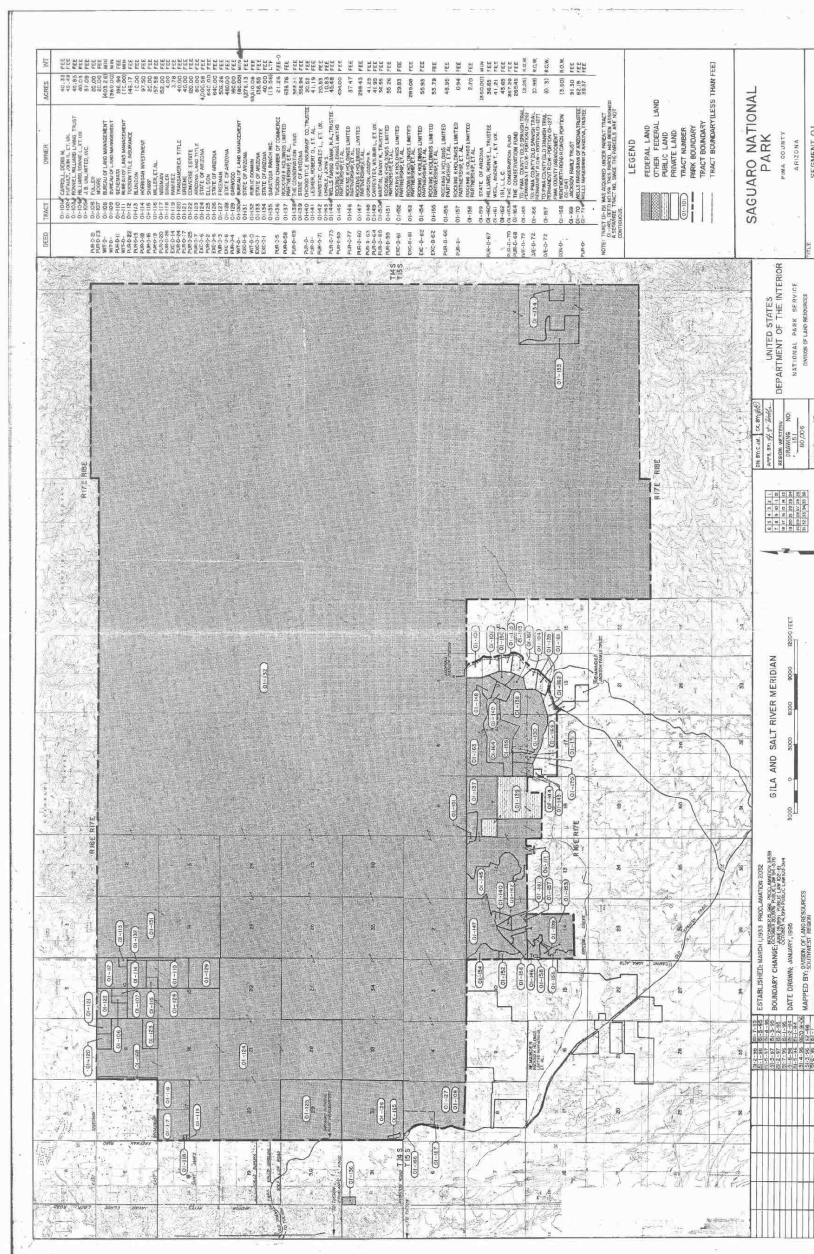
DOLLARS

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

S. J. Schatz
SIGNATURE

⑈8670007180⑈ ⑈021000021⑈ 753⑈220156⑈





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



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

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

MAIL

AMOUNT PAID \$ 13.00

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

Saguaro National Park
 Tract 01-171

EXEMPT (ARS11-1134A3)

50003466 DY

SPECIAL WARRANTY DEED

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

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

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

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

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

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

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

70103466 DY

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

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

(SEAL)

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

Attest:

By: 
DVORA M. KOTSCHEDOFF
Assistant Vice President

By: 
RICK SCHREIBER
Assistant Vice President

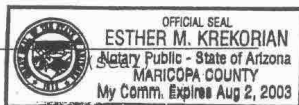
ACKNOWLEDGMENT

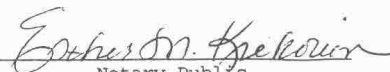
State of Arizona)
County of Maricopa) ss.

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

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

My Commission Expires:




Notary Public

COPIES
10/10/99

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

Anne J. Miller
38373 Cherrywood Drive
Murrieta, CA 92562

$\omega_1, \omega_2, \omega_3$ bands	$\omega_1, \omega_2, \omega_3$ bands
$\omega_1, \omega_2, \omega_3$ bands	$\omega_1, \omega_2, \omega_3$ bands

SAGUARO NATIONAL MONUMENT

DATE: JANUARY 12, 1998

AREA: 39.37 ACRES $\pm$

INTEREST TO BE ACQUIRED: FEE

TRACT NO. 01-171

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

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

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

EXHIBIT "A"

$$\sum_{n=0}^{\infty} \frac{t^n}{n!} \left(\frac{d}{dt} \right)^n f(t) = f(t)$$

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



TFNTI
NATIONAL PARK SERVICES
PO BOX 728
SANTA FE NM 87504

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

MAIL

AMOUNT PAID \$ 10.00

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

Saguaro National Park
Tract 01-144

EXEMPT (ARS42-1614A3)

125690-00

SPECIAL WARRANTY DEED

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

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

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

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

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

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

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

10789

213

SAGUARO NP DEED NO. 73

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

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

(SEAL)

Attest:

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

By:

Dvora Kotschedoff
Dvora Kotschedoff
Assistant Vice President

By:

Rick Schreiber
Rick Schreiber
Assistant Vice President

ACKNOWLEDGMENT

State of ARIZONA)
) ss.
County of MARICOPA)

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

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

My Commission Expires:
December 25, 2000

(Seal)

Lavina M. Patrick
Notary Public



10789 214

SAGUARO NATIONAL MONUMENT

DATE: NOVEMBER 14, 1997

REVISED: JANUARY 12, 1998

AREA: 45.48 ACRES±

INTEREST TO BE ACQUIRED: FEE

TRACT NO. 01-144

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

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

EXHIBIT "A"

10789 215

F. ANN RODRIGUEZ RECORDER
 RECORDED BY: LMD
 DEPUTY RECORDER
 1963 ROZE
 TFNTI
 NATIONAL PARK SERVICE
 PO BOX 728
 SANTA FE NM 87504



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

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

Saguaro National Park
 Tract 01-138

EXEMPT (ARS42-1614A3)

WARRANTY DEED

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

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

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

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

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

SAGUARO NP DEED NO. 69

10658 753

6

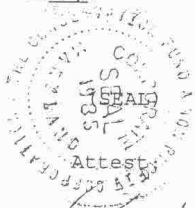
District/Association, made reference by Assignment of Water Rights recorded in Docket 8187, Page 3001 and re-recorded in Docket 8209, Page 1805 and in Docket 8187, Page 2996 and re-recorded in Docket 8209, Page 1811; but not limited thereto; (9) Declaration of Roadway Easement recorded in Docket 9752,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

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

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

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

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



Attest:
[Signature]

THE CONSERVATION FUND, a Maryland
Nonprofit Corporation

By *[Signature]*

10658 754

COMMONWEALTH

ACKNOWLEDGMENT

State of Virginia)

County of ARLINGTON)

ss

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

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

My Commission Expires:

3/31/98

(SEAL)

Shirley J. Pong
Notary Public

10658 755

EXHIBIT "ONE"

TRACT No. 01-138

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

COMMENCING at the Northwest corner of said Section 8;

THENCE South $01^{\circ}13'55''$ West, a distance of 3,993.65 feet along the West line of said Section 8, to the Southwest corner of Lot 55 of said X9 Ranch, Phase III;

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

THENCE North $02^{\circ}22'51''$ West, a distance of 151.02 feet along a portion of the West line of said Lot 53 and Lot 54;

THENCE South $82^{\circ}21'04''$ East, a distance of 1,337.69 feet;

THENCE South $57^{\circ}31'36''$ East, a distance of 1,140.00 feet;

THENCE North $20^{\circ}33'59''$ East, a distance of 1,829.03 feet;

THENCE North $89^{\circ}17'00''$ East, a distance of 1,640.69 feet, to a point on the East line of said Lot 45;

THENCE South $25^{\circ}48'19''$ West, a distance of 574.15 feet along the East line of said Lot 45, to the Southeast corner thereof, said corner being the Northwest corner of said Lot 50;

THENCE South $60^{\circ}26'32''$ East, a distance of 1,190.00 feet along the North line of said Lot 50, to the Northeast corner thereof;

THENCE South $04^{\circ}59'29''$ East, a distance of 1,149.36 feet along the East line of said Lot 50, to the Southeast corner thereof, said corner being the Northeast corner of said Lot 66;

THENCE South $06^{\circ}20'25''$ West, a distance of 860.26 feet along the East line of said Lot 66, to the Southeast corner thereof said corner being the Northeast corner of said Lot 68;

continued.....

Legal description continued - Page 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10658 757

Docket Information

Number of Documents in Docket 70

Documents Dated from 9/10/1999 to 10/30/2012

Docket Compiled: 1/19/2017