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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN
THE GILA RIVER SYSTEM AND
SOURCE

CIVIL NO. W1-11-3326

ORDER TO FILE CASE INFORMATION
REPORT AND TO SET SCHEDULING
CONFERENCE

CONTESTED CASE NAME: *In re Lackner*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Claimant to submit maps to ADWR by January 22, 2019, to allow ADWR to apply USGS boundary information by February 15, 2019. Parties directed to file a Case Information Report by March 14, 2019. A Scheduling Conference is set for March 21, 2019.
NUMBER OF PAGES: 25
DATE OF FILING: January 10, 2019

On November 13, 2018, the Lackner Living Trust, Claimant, filed a Notice of Revised Irrigation Abstracts and Status Report in which it reported that Salt River Project, the City of Phoenix and the Arizona State Land Department had no objections to their proposed abstracts for water rights for four irrigation uses and a water right for a small reservoir known

1 as Irrigation Tank. The San Carlos Apache Tribe and The Tonto Apache Tribe (the "Tribes")
2 filed objections to the proposed abstracts prepared by the Claimant. No other party filed
3 timely objections to the Claimant's proposed abstracts.

4 The objections filed by the Tribes include objections to the information and water
5 right characteristics in the abstracts which appear to range from issues that should be
6 relatively easy to remedy to the more substantive issue of the correct priority date. The
7 category of issues that should be quickly resolved includes the identification of the
8 appropriate Statement of Claimant. In each case, the Tribes question the applicability of
9 Statement of Claimant 39-3478, but do not contest the applicability of the Statement of
10 Claimant 39-3472. Also, included in this group of issues is the allocation of water for
11 potential water rights IR001 and IR002. The Tribes do not contest the total quantity of water
12 permitted under IR001 and IR002, but request that the total amount be allocated between the
13 parcels that will be subject to IR001 and IR002. Presumably, Claimant based on its
14 experience and use irrigating those acres can provide the requested allocation. Finally, the
15 Tribes objected to the lack of certain locational information on the maps attached to the
16 abstracts. The Tribes request that the maps include an USGS overlay that identifies the
17 relevant section lines. The mapping division of ADWR has the capability to provide the
18 USGS overlay on the maps prepared by Claimant.

19 The more difficult issues concern the contentions regarding the bases of the water
20 rights for the beneficial uses and the associated priority dates. The abstracts drafted by the
21 Claimant list the filings that ADWR included as "Applicable Pre Filings" as well as two Well
22 Registrations as the bases for the claimed water right and claim a priority date of February 10,
23 1913 for each irrigation use and 1936 as the date for the small reservoir use. A summary of
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1 the documents, claimed beneficial use, and the date of reported first use included in WFR
2 115-05-DB-001 is set forth in Table 1.

Filing Nos.	Claimed Beneficial Use	Date of Reported First Use
0-171 ¹	agriculture and stock raising	January 23, 1913
36-25572	stock watering	1941
36-25587	irrigation and stock watering	January 1, 1978
38-25566	stock watering	1936
38-25567	irrigation, stock watering, and domestic	1936
4A-73 ²	irrigation and stock watering	June 23, 1920
55-612030	irrigation and stock watering	1978
55-612031	irrigation and stock watering	1978

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11 **Table 1.**

12 The Tribes challenge the applicability of the documents to the claimed irrigation uses.
13 They also state that none of the documents reviewed support a 1913 priority date and question
14 the 1936 priority date for the small reservoir water use. The Tribes' objections must be
15 resolved by an evidentiary hearing if not resolved by a settlement.

16
17 **IT IS ORDERED:**

18 1. Claimant shall provide the maps attached to its proposed abstracts to ADWR in the
19 appropriate format to permit ADWR to overlay USGS information on each map showing the
20 section, township and range boundaries by **January 22, 2019**. Arizona Department of Water
21 Resources shall file the maps with the USGS overlay information by **February 15, 2019**.

22
23 2. Claimant and the parties who have objections to the proposed water rights in WFR
24 115-05-DB-001 shall jointly submit a Case Information Report that complies with the Rules for
25 Proceedings Before the Special Master §8.03[1], no later than **March 14, 2019**. A Scheduling
26
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28 ¹ A copy of 0-171 is attached as Attachment A.

² A copy of 4A-73 is attached as Attachment B.

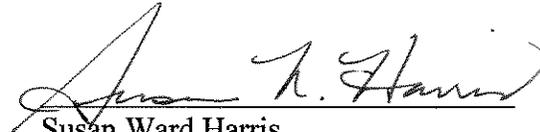
1 Conference shall be held on **March 21, 2019 at 2:45 p.m.** in the Superior Court of Arizona,
2 Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

3
4 Instructions for telephonic participation:

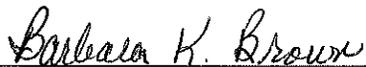
5 Dial: 602-506-9695 (local)

6 1-855-506-9695 (toll free long distance)

7 Dial Collaboration (conference) Code 357264#

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12 Susan Ward Harris
Special Master

13 On January 10, 2019, the original of the foregoing was
14 delivered to the Clerk of the Maricopa County Superior
15 Court for filing and distributing a copy to all persons
16 listed on the Court-approved mailing list for this
contested case.

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18 Barbara K. Brown
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ATTACHMENT A

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0-171

NOTICE OF LOCATION.

AGRICULTURAL AND STOCK RAISING WATER RIGHT

KNOW ALL MEN BY THESE PRESENTS:

That Wiley M. Morgan of Klondyke, Graham County, Arizona have this day located for agricultural and Stock Raising purposes Two Hundred and Fifty inches, miner's measure, of the water of this spring under and in accordance with the laws of the State of Arizona regulating the location and possession of water rights.

Also the right of Way for a ditch from the point where is posted this notice to a place selected as a suitable site for a Reservoir.

The dimensions of said ditch at the head being as follows, Two and one-half feet wide at top, 18 inches wide at bottom, Two feet in depth, with a uniform grade of 12 per cent to the rod.

This location may be more generally described as being situated from the forks of Four Mile Creek on the west fork about one and one quarter mile from the forks, about One Hundred feet from the creek on south side of the creek, about five miles in a south westerly direction from Klondyke Arizona, in Graham County, Arizona State.

Dated on the ground this 23rd day of January 1913

Witness

Wiley M. Morgan

Fred, L. Meeks.

Filed and recorded at request of Wiley M. Morgan Feb 10th A.D. 1913 at 9 A.M.

75-19 E
SESE Sec 27 -

*unnamed Sp.
4 mile SW*

D. H. Claridge County recorder

By *D. H. Claridge* Deputy

STATE OF ARIZONA, COUNTY OF GRAHAM, ss.
I, H. LYLE GRANT, County Clerk for the County and State aforesaid, do hereby certify that the within instrument is a true and correct copy of the original and certain Water Location filed for record at 9:00 A.M., on the 10th day of February, 1913 and recorded in BOOK No. 5 of Misc. Records, of Graham County, Arizona, page 572.

WITNESS my hand and official seal this 23 day of August, 1967.

By *Ethel Sherman* Deputy

6-171

A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Graham)

M. J. HABY, being first duly sworn upon his oath, deposes and says:

That he is the husband of Margaret Duffy Haby and that they are the owners of the property described in the attached deed, recorded in Book 36, page 395 in the office of the Graham County Recorder; and that they acquired the said property from Wiley M. Morgan on the 16th day of January, 1932, and that they have been continuously the owners of said property from that date. That he has resided in the Klondyke area of Graham County since 1901, and that since that time he has been and is at the present time familiar with the said property. That at least by the year 1912, water from Four Mile Spring in the Right Prong of Four Mile Creek was taken by ditch to the forks of the Right Prong and Four Mile Creek and from there it was taken by pipeline approximately 2-1/2 to 3 miles downstream on the Four Mile Creek where it was used for the purpose of watering stock on the said property and that it has been continuously used for that purpose from that date to the present time.

That the Four Mile Spring is located in Section 27, Township 7 South, Range 19 East of the Gila and Salt River Base and Meridian. The Right Prong of Four Mile Creek runs in an easterly direction through Section 27, and joins Four Mile Creek in Section 26, Township 7 South, Range 19 East of the Gila and Salt River Base and Meridian.

DATED this 8th day of JULY, 1968.


M. J. HABY

SUBSCRIBED AND SWORN to before me, a Notary Public, this 8th day of July, 1968.


NOTARY PUBLIC

My commission expires: Dec. 7, 1968.

0-171

A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Graham)

LUPE SALAZAR, being first duly sworn upon his
oath, deposes and says:

That he is a resident of Klondyke, Arizona; that he
was born in Aravaipa Canyon, near Klondyke, on the 4th day of January,
1894, and that he has resided in the Aravaipa Area near Klondyke
since that time.

That he is familiar with Four Mile Creek and the
Right Hand Prong called Spring Creek and the Spring called Four Mile
Spring.

That he recalls that at least by the year 1912 water
from Four Mile Spring in the Right Prong of Four Mile Creek was taken
by ditch to the Forks of the Right Prong and Four Mile Creek and
from there it was taken by pipe line approximately 2-1/2 to 3 miles
downstream on the Four Mile Creek where it was used for the purpose
of watering stock on the property that is presently owned by M. J.
Haby.

That at least from 1912 and until the present day,
the water has been diverted and used continuously as described.

DATED this 5th day of September, 1967.



LUPE SALAZAR

SUBSCRIBED and sworn to before me, a Notary Public,
this 5th day of September, 1967.



Notary Public

My commission expires:

12-12-70

A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Graham)

JAMES SANFORD, being first duly sworn upon his oath,
deposes and says:

That he is a resident of Safford, Arizona; that he was
formerly a resident of Klondyke, Arizona, and that he resided
in the Klondyke area from the year 1916 to the year 1968,
and that he is 88 years old.

That he is familiar with 4 Mile Creek and the Right
Prong called Spring Creek and the spring called Four Mile Spring.

That he recalls that at least by the year ¹⁹¹⁷ ~~1912~~ water
from Four Mile Spring in the Right Prong of Four Mile Creek
was taken by ditch to the forks of the Right Prong and Four Mile
Creek and from there it was taken by pipeline approximately
two and a half to three miles downstream on the Four Mile Creek
where it was used for the purpose of watering stock on the property
that is presently owned by M. J. Haby.

That so far as is known to your affiant, from ¹⁹¹⁷ ~~1912~~ until
the present day, the water has been diverted and used continuously
as described.

DATED this 26th day of April, 1968.

J. T. Sanford
JAMES SANFORD

Subscribed and sworn to before me, a Notary Public,
this 26th day of April, 1968.

Alva L. Hansen
Notary Public

My commission expires:
December 12, 1970.

A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Graham)

FRANCISCA REFUJIO GONZALEZ, also known as Cuca Gonzalez, being first duly sworn upon her oath, deposes and says:

That she is a resident of Klondyke, Arizona; that she was born in Bonita, Arizona, on October 10, 1899, and that she has resided in the Klondyke Area all of her life.

That she is familiar with Four Mile Creek and the Right Hand Prong called Spring Creek and the Spring called Four Mile Spring.

That she recalls that at least by the year 1912 water from Four Mile Spring in the Right Prong of Four Mile Creek was taken by ditch to the Forks of the Right Prong and Four Mile Creek and from there it was taken by pipe line approximately 2-1/2 to 3 miles downstream on the Four Mile Creek where it was used for the purpose of watering stock on the property that is presently owned by M. J. Haby.

That at least from 1912 and until the present day, the water has been diverted and used continuously as described.

DATED this 5th day of September, 1967.

Francisca Refugio Gonzalez

SUBSCRIBED AND SWORN to before me, a Notary Public, this 5th day of September, 1967.

Arval Lee Mortensen
Notary Public

My commission expires:

12-12-70

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A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Graham)

CARL BOTT, being first duly sworn upon his oath, deposes and says:

That he is a resident of Klondyke, Graham County, Arizona, and that he resided in Klondyke, Arizona, on the year 1924 to the year 1968, and that he is 48 years old.

That he is familiar with Four Mile Creek and the Right Prong called Spring Creek and the Spring called Four Mile Spring. That he recalls at least by the year 1926 water from Four Mile Spring was taken approximately 2-1/2 to 3 miles downstream on the Four Mile Creek where it was used for the purpose of watering stock on the property that is presently owned by M. J. Haby.

That he recalls that at least by the year 1945 the U. S. Forest Service had hooked on to the pipeline at M. J. Haby's present place for the purpose of providing water for a Ranger Station approximately 1/4 mile from M. J. Haby's place.

That so far as is known to your affiant, from the year 1926 until the present day, the water has been diverted from Four Mile Spring and used continuously by M. J. Haby and the former owner of the property, Wiley M. Morgan, for the purpose of watering stock.

DATED this 9 day of JULY, 1968.

Carl Bott

SUBSCRIBED AND SWORN to before me, a Notary Public, this 9th day of JULY, 1968.

Edward Adam Mortimer
NOTARY PUBLIC

My commission expires:

12-12-70

A F F I D A V I T

STATE OF ARIZONA)
) ss,
County of Graham)

ROY CLARIDGE, being first duly sworn upon his oath, deposes and says:

That he is a resident of Klondyke, Graham County, Arizona, and that he resided in Klondyke, Arizona, on the year 1935 to the year 1968, and that he is 58 years old.

That he is familiar with Four Mile Creek and the Right Prong called Spring Creek and the Spring called Four Mile Spring. That he recalls at least by the year 1935 water from Four Mile Spring was taken approximately 2-1/2 to 3 miles downstream on the Four Mile Creek where it was used for the purpose of watering stock on the property that is presently owned by M. J. Haby.

That he recalls that at least by the year 1935 the U. S. Forest Service had hooked on to the pipeline at M. J. Haby's present place for the purpose of providing water for a Ranger Station approximately 1/4 mile from M. J. Haby's place.

That so far as is known to your affiant, from the year 1935 until the present day, the water has been diverted from Four Mile Spring and used continuously by M. J. Haby and the former owner of the property, Wiley M. Morgan, for the purpose of watering stock.

DATED this 9th day of JULY, 1968.

Roy J Claridge
ROY CLARIDGE

SUBSCRIBED AND SWORN to before me, a Notary Public, this 9th day of JULY, 1968.

Arvid L. Mortensen
NOTARY PUBLIC

My commission expires:

12-12-70

A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Graham)

GEORGE CLARIDGE, being first duly sworn upon his oath, deposes and says:

That he is a resident of Klondyke, Graham County, Arizona, and that he resided in Klondyke, Arizona, on the year 1916 to the year 1968, and that he is 69 years old.

That he is familiar with Four Mile Creek and the Right Prong called Spring Creek and the Spring called Four Mile Spring. That he recalls at least by the year 1928 water from Four Mile Spring was taken approximately 2-1/2 to 3 miles downstream on the Four Mile Creek where it was used for the purpose of watering stock on the property that is presently owned by M. J. Haby.

That he recalls that at least by the year 1930 the U. S. Forest Service had hooked on to the pipeline at M. J. Haby's present place for the purpose of providing water for a Ranger Station approximately 1/4 mile from M. J. Haby's place.

That so far as is known to your affiant, from the year 1928 until the present day, the water has been diverted from Four Mile Spring and used continuously by M. J. Haby and the former owner of the property, Wiley M. Morgan, for the purpose of watering stock.

DATED this 10th day of JULY, 1968.

George B Claridge

SUBSCRIBED AND SWORN to before me, a Notary Public, this 10th day of JULY, 1968.

Arvid L. Mortensen
NOTARY PUBLIC

My commission expires:

12-12-70

A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Graham)

NEUEL O. WEATHERSBY, being first duly sworn upon his oath,
deposes and says:

That he is a resident of Klondyke, Arizona, and that he has
resided in the Klondyke area since 1910, and that he is 58 years old.

That he is familiar with Four Mile Creek and the Right Prong
called Spring Creek and the Spring called Four Mile Spring.

That he recalls ever since his childhood that there has exist-
ed a pipeline from Four Mile Spring to the property presently owned
by M. J. Haby and formerly owned by Wiley M. Morgan.

That he recalls that in 1925 and 1926 water from this pipe-
line was taken further to a Forest Ranger Station and was used there
for a number of years.

That he remembers being told by Wiley M. Morgan that Morgan
was the owner of a water right from Four Mile Spring and further that
Morgan stated the number of acre feet contained in said water right.

That so far as is known to this affiant, from his childhood
days until the present time, water has been diverted from Four Mile
Spring and used continuously on the property owned by M. J. Haby for
the purpose of watering stock.

DATED this 10th day of JULY, 1968.

Neuel O. Weathersby

SUBSCRIBED AND SWORN to before me, a Notary Public, this
10th day of JULY, 1968.

Arval Rayan Mortensen
Notary Public

My commission expires:

12-12-70

A F F I D A V I T

STATE OF ARIZONA)
) ss.
County of Graham)

WALTER BULL, being first duly sworn upon his oath, deposes and says:

That he is a resident of Klondyke, Arizona, and has been familiar with the area for many years.

That in the year 1926 he recalls a Forest Ranger by the name of Sam Sowell living approximately one-fourth mile from M. J. Haby's present place and that at that location the Forest Service had made attempts to obtain water by wells, and had been unsuccessful.

That to obtain water at that location, the Forest Service had connected a pipeline to the pipeline belonging to Wiley M. Morgan which brought water from the Spring called Four Mile Spring.

That your affiant was employed by the Forest Service in 1926 and that the pipeline from Four Mile Spring was in operation at that time.

That in the early 1930's your affiant helped Wiley M. Morgan in a roundup and at that time the pipeline from Four Mile Spring to the property then owned by Wiley M. Morgan and presently owned by M. J. Haby was intact and in use.

That in 1939 your affiant worked with the U. S. Geological Survey to serve this area and at that time the pipeline was intact and in use.

That your affiant has helped M. J. Haby many times since 1939, and that the said pipeline has been used continuously to provide water for stock on the M. J. Haby property.

DATED this 9th day of JULY, 1968.

Walter Bull (Jr.)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 9th day of JULY, 1968.

Carol Lee San Mortensen
Notary Public

My commission expires: 12-12-70

Administrative Policy prior to Water Rights
Registration Act of 1974 -

OLD RIGHTS

In order to provide a public record of claimed old rights, and to provide a ready reference in the Department to aid in the determination of whether claimed vested rights exist when passing on an application to appropriate water, the following procedure is adopted:

Any person claiming an "Old Right" acquired prior to June 12, 1919, may file with the Water Division, State Land Department, an affidavit setting forth the nature of said right, the date of acquisition by affiant or his predecessor in interest, and the book and page where recorded (if recorded).

If said "Old Right" has been recorded a certified copy of same should be attached to the affidavit.

Said affidavit will be filed for record in the Department. It should be in sufficient detail, accompanied by maps, to enable the Department to readily identify the source and point of diversion and use of the water and the works, if any.

Any other documentary evidence (affidavits of individuals knowing the facts, etc.) that will support the claimed old right should be attached to claimant's affidavit.

August 22, 1967

Mr. M. J. Haby
Klondyke Rural Station
Willcox, Arizona 85643

Dear Mr. Haby:

Reference is made to your letter of August 19th relative to the replacement of a pipeline from a spring in Section 27 to an area in Section 24.

You did not give the name of the spring nor the township and range wherein the spring is located.

We are assuming that the township is 7 South and the range 19 East. If this is correct, you are advised that we have no recording of a spring in this area.

Wiley Morgan has two Certificates of Water Right, one on Humming Bird Wash and the other on Turkey Creek- neither point of diversion being in Section 27.

We have a filing on the Righthand Fork of Four Mile Creek having its point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 7 South, Range 19 East. The original owner of this certificated water is given as Gifford Allaire. A Mrs. Kirrilla Lackner acquired it in 1950.

As the waters of this spring have been used since 1910, it may be of record in the Graham County Recorder's office at Safford. If so, you have an old recorded water right, and you can make any changes in the distribution system you wish to make.

If you wish to give us the name of the spring and its location by township, range and section, we will be glad to recheck our records.

Yours very truly,

F. C. Ryan, Supervisor
Water Division k

FCR:kh:fr

OLD RIGHT
O-171

August 28, 1967

Mr. M. J. Haby
Klondyke Rural Station
Willcox, Arizona 85643

Dear Mr. Haby:

It is indicated from your letter of August 18th that you wish to record your Old Water Right in this office.

In recording an Old Water Right in this Division a certain format is set up for such a transaction. The enclosed insert describes the requirements for this procedure..

Our records are cross-indexed as follows:

1. By applicant's name and address
2. By location (township, range, section and 40-acre subdivision of the source of appropriation; and
3. By name of the source of appropriation and its tributaries.

Items 1 and 2 are okeh, but item 3 needs more data, namely, the name of the spring and, its tributary, that is, which one of the forks of Four Mile Creek is it tributary to. If the spring does not have a known name, you name it.

If you will read the enclosed insert you will note that it calls for

1. An affidavit (notarized) by you setting forth the date of your acquisition, method (by Deed, Bill of Sale, etc).
2. Use of water, agriculture, stockwatering, etc.
3. Place of use (by township, range, section and 40-acre subdivision for each place of use.

August 28, 1967

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Mr. M. J. Haby

4. A map. The United States Geological Survey has a topographical map of the area entitled Klondyke 1938. Such map can be secured from any Blue Print Company. On this map indicate the location of the spring.
5. A recording fee of \$1.50 made payable to the State Land Department-Water Division.
6. You will note it also calls for affidavits (notarized) of several individuals knowing the facts of acquisition (pre-1919) as well as to your acquisition and use.

We will be glad to record this instrument when the complete folio is received.

Yours very truly,

F. C. Ryan, Supervisor
Water Division . . . k

FCR:kh:fr

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ATTACHMENT B

Transferred to Korrilla B. Lockner 2-24-50
MANUFACTURING STATIONS - PHOENIX, ARIZONA 78878
For Record see A-73

Certificate Record No. 4

Page No. 4

STATE OF ARIZONA

WATER DISTRICT NO. COUNTY OF Graham

CERTIFICATE OF WATER RIGHT

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

This is to Certify, That Gifford Allaire

of Klondyke, State of Arizona, has made proof to the satisfaction of the STATE WATER COMMISSIONER of Arizona, of a right to the use of the waters of the Four Mile Creek (Right Prong), a tributary of Four Mile Creek, for the purpose of Irrigation and stockwatering

under Application 73 Permit No. A57 of the State Water Commission, and that said right to the use of said waters has been perfected in accordance with the laws of Arizona, and made and entered of record in the Records of the State Water Commissioner at Phoenix, Arizona, in Volume 1, at page 4, on the 9th day of September; that the priority of the right hereby confirmed dates from June 23, 1920; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one (1) cubic feet per second.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or if for other purposes, the place where such water is put to beneficial use, is as follows: Five (5) acres in the SW₂ SW₄, Section 26, Township 7 S. Range 19 E., Graham County, Arizona, G&SRB&M.

Assigned 31st day of May, 1957 by Korrilla B. Lockner to the Federal Land Bank of Berkeley P. O. Box 525, Berkeley 1, California

Recorded: June 19, 1957

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

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

Witness the seal and signature of the STATE

WATER COMMISSIONER affixed this

9th day of September, 1920.

(Seal)

By W. S. Norviel, State Water Commissioner.

Attest: C. C. Lewis, Secretary

Recorded in State Record of Water Right Certificates, Volume 1, Page 4

*Permit No. 57 Certificate No. 4

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Arizona

I, Gifford Allaire (Name of applicant)

of Klondyke (Postoffice), County of Graham

State of Arizona, do hereby make application for a permit to appropriate the following

described public waters of the State of Arizona, subject to existing rights:

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

1. The source of the proposed appropriation is Four Mile Creek, Right hand Prong. (Name of stream)

tributary of Four Mile Creek.

2. The amount of water which the applicant intends to apply to beneficial use is the entire flow of this creek, being on an average what is conveyed cubic feet per second by a 4 inch pipe.

3. The use to which the water is to be applied is Irrigation and stockwatering and domestic use. (Irrigation, power, mining, manufacturing domestic supplies, etc.)

4. The point of diversion is located N. 35° W. 2 chains, thence N. 77° W. 7 Chains, starting at the SW corner of Section 26. (Give distance and bearing to section corner)

(If unsurveyed land it should be so stated and tied to some natural object)

being within the SE 1/4 of SW 1/4 of Sec. 27, Tp. 7 S. (Give smallest legal subdivision) (No. N. or S.)

R. 19 E., G. and S. R. B. & M., in the County of Graham (No. E. or W.)

5. The main ditch to be 34 chains (Main ditch, canal or pipe line)

miles in length, terminating in the SE 1/4 of SW 1/4 of Sec. 26, Tp. 7 S. (Smallest legal subdivision) (No. N. or S.)

R. 19 E., G. and S. R. B. & M., the proposed location being shown throughout on the accompanying map. (No. E. or W.)

6. The name of the ditch, canal or other works is Four Mile Ditch.

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam 2 feet, length on top 20 feet, length at bottom 15 feet; material to be used and character of construction Loose rock and dirt. (Loose rock, concrete)

masonry, rock and brush, timber crib, etc., watertway over or around dam)

(b) Description of headgate no headgate the Ditch taps the creek and diverts the entire flow. (Timber, concrete, etc., number and size of openings)

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

CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) 24 inches feet; width on bottom 16 inches feet; depth of water 4 inches feet; grade about 15 feet fall per one thousand feet.

(b) At 1200 feet miles from headgate. Width on top (at water line) about 20 inches feet; width on bottom about 12 inches feet; depth of water about 4 inches feet; grade about 15 feet fall per one thousand feet.

About 1000 feet from the headgate I have installed 150 feet of 4 inch pipe with which to convey this water across 4 mile creek to the land I am cultivating.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

IRRIGATION—

9. The land to be irrigated has a total area of 5 acres, located in each smallest legal subdivision, as follows: situated in about the centre of the SW 1/4 (Give area of land in each 40 acre subdivision which you intend to irrigate)

Section 26, Twp. 7 S., Range 19 E. G. & S. R. B. & M.

Also for the purpose of watering my cattle, about 200 head.

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilized feet. (Head)

(c) The nature of the works by means of which the power is to be developed.

(d) Such works to be located in of Sec. (Legal Subdivision)

Tp. (No. N. or S.), R. (No. E. or W.), G. and S. R. B. & M.

(e) Is water to be returned to any stream? (Yes or No)

(f) If so, name stream and locate point of return

Sec. (No. N. or S.), Twp. (No. N. or S.), R. (No. E. or W.), G. and S. R. B. & M.

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

MUNICIPAL SUPPLY—

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

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

- ✓ 12. Estimated cost of proposed works, \$ 550.00 already constructed.
- ✓ 13. Construction work will begin on or before already done, except I intend to construct
a cement flume to conduct water under
- ✓ 14. Construction work will be completed on or before the bed of the creek within a year
to replace the pipe which floods wash
- ✓ * 15. The water will be completely applied to the proposed use on or before Oct.
* has been for the last five years and is now.

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

Gifford Allaire
(Name of applicant)
Klondyke, Arizona.

Signed in the presence of us as witnesses:

- (1) W. G. McCourt _____, Willcox, Arizona.
(Name) (Address of witness)
- (2) E. R. Morgan _____, " "
(Name) (Address of witness)

Remarks: The 5 acres now under irrigation is the only tillable
and irrigable land available for this water. I have used the flow
of this creek for over five years, and will not furnish sufficient
water in the summer for the proper irrigation of this 5 acres.

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data,
and return the same for correction or completion, as follows: Question No. 8 should be answered.
Questions Nos. 12, 13, 14, 15 must be answered, stating some definite
amount in answer to No. 12 and stating definite dates in answers
to the following three questions.

In order to retain its priority, this application must be returned to the State Water Commissioner, with corrections,
on or before August 25, 1920.

WITNESS my hand this 26th day of June, 1920

W. S. Norviel,
State Water Commissioner.

STATE OF ARIZONA, }
County of Maricopa, }^{55.}

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

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed One (1) cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is June 23, 1920.

Actual construction work shall begin on or before Work practically completed and shall thereafter be prosecuted with reasonable diligence and be completed on or before the additional work to be completed on or before July 1, 1921.

Complete application of the water to the proposed use shall be made on or before Already applied, and has been for last five years.

WITNESS my hand this 17th day of July, 1920.

W. S. Norviel,
State Water Commissioner.

Handwritten:
9-9-20

Application No. 73 Permit No. 57

PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE
STATE OF ARIZONA

District No. _____ District No. _____

This instrument was first received in the office of the State Water Commissioner at Phoenix, Arizona, on the 23rd day of June, 1920, at 10:00 O'clock A. M.

Returned to applicant for correction June 26, 1920.

Corrected application received July 13, 1920.

Approved July 17, 1920.

Recorded in Book No. 1 of Permits, at page _____

W. S. Norviel,
State Water Commissioner.