



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) 771-8689

March 18, 2013

Michael & Susan Cavender
1921 W. DeHaviland Way
Tucson, Arizona 85737

RE: Statement of Claim of Right No. 36-105623

Applicant:

The Statement of Claim of Right you submitted has been received by the Arizona Department of Water Resources (Department) and has been issued the above-referenced number.

Check No. 3340 for \$5.00 was submitted by Anthony Fines, P.C. and has been deposited.
Thank you for your payment.

Please do not hesitate to contact me at (602) 771-8618 or toll free (within Arizona only) at 1-800-352-8488 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
Permitting Unit

cc: Anthony Fines, P.C.

ARIZONA DEPARTMENT OF WATER RESOURCES

SURFACE WATER RIGHTS

MAIL TO: P.O. BOX 458

PHOENIX, ARIZONA 85001-0458 FEB 25 2013

500 North Third Street
Phoenix, Arizona 85004-3903
Telephone (602) 417-2442
Fax (602) 417-2424

(For office use only)

Registry No: 36-105623

Date Filed: 2-25-13

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

1. Claimant Michael J. Cavender and Susan S. Cavender Telephone (520) 742-1448
Address 1921 West DeHaviland Way City Tucson State AZ Zip 85737

2. Type of water source and name Aravaipa Creek and drainage onto the property, as described on SCHEDULE A.

a tributary to San Pedro River within the watershed

Table with 4 columns: Type of Water Use(s), Annual Use, Acres Irrigated, Specific Months of Use. Rows include Stockwatering, Rec/Fish/Wildlife, and Domestic Uses.

4. Date the water was first used beneficially (month/day/year): October 2, 1906 - See Schedule A

5. Location of point of water diversion: County Graham - See Schedule A

Lot (if applicable) 1/4 1/4 1/4, Section Township N/S, Range E/W

6. Location of place(s) of water use: County Graham - See Schedule A

Lot (if applicable) 1/4 1/4 1/4, Section Township N/S, Range E/W

Lot (if applicable) 1/4 1/4 1/4, Section Township N/S, Range E/W

7. Legal basis for the claim (attach any documents being filed in support of claim): See Schedule A attached hereto.

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

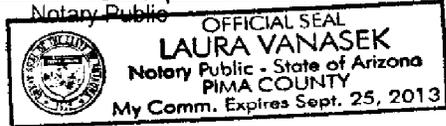
STATE OF ARIZONA
County of Pima

Michael J. Cavender
Susan S. Cavender
Signature(s)

SUBSCRIBED AND SWORN to before me this 14th day of December, 2012

My commission expires 9-25-13

Laura Vanasek
Notary Public



WORKSHEET TO ASSIST IN DETERMINING QUANTITIES OF USE

Beneficial Uses Include, but are not Limited to, Domestic, Municipal, Recreation, Wildlife, Including Fish, Agricultural, Mining, Stockwatering, and Power Purposes

Statement of Claim No. 36-105623
(for office use only)

This worksheet and the Standard Water Use Quantities guide are provided as a means to help you calculate water use. Complete only those sections that apply to your use(s). Enter each total from this worksheet in section #3 of the Statement of Claim.

DOMESTIC

# of people using water	X Standard quantity	= Amount & measure
4	720 GPD	See explanation
Total annual amount for domestic		0.44 AFA

Domestic uses are used 200 days per year, equalling 144,000 GPA. 144,000 GPA = 0.44 AFA.

STOCKWATERING

# & type of head	X Standard quantity per head per day	X Number of days per year water is used	= Amount & measure
30 - 50	12 GPD	365	131,400 - 219,000 GPA
			GPA
Total annual amount for stockwatering			GPA

WILDLIFE

# & type of head	X Standard quantity per head per day	X Number of days per year water is used	= Amount & measure
Various indigenous species, est'd @ 20	0.5 GPD	365	3650 GPA
			GPA
Total annual amount for wildlife			GPA

FLB 2 A 2813

F03 01 2011

SCHEDULE A
Statement of Claim to Use Public Water
Michael J. and Susan S. Cavender

Item 3 -- Types of Water Uses

The property was settled in the early 1900s, as discussed in Item 4 below. Stockwatering can occur directly at Aravaipa Creek or at two ponds located in the SW SE NE Section 17 T7S R20E. These ponds are so close together that they might be considered one pond. They were natural depressions formed by water draining from various canyons and seeps on the property, which eventually drained into Aravaipa Creek. These ponds were used, along with the creek when water was available in it, for stockwatering by the original homesteaders.

During floods, these natural depressions and other drainage would wash out the farmland and also wash out Klondyke Road, which provides access to the property. In the 1950s, Claimants' predecessors worked on the ponds to help control the flooding problem, building berms. By the late 1980s, the U.S. Army Corps of Engineers performed some work in the area to help stabilize Klondyke Road and to prevent the damaging flooding by Aravaipa Creek and the washes and seeps that flowed into the creek.

The ponds were later improved by Claimants in the 1990s to regulate irrigation on their property. The ponds are capable of storing 0.35 acre-feet each, or 0.70 acre-feet in total. These small ponds are close together and might be considered one pond. In addition to the regulatory irrigation purposes, livestock and wildlife may drink from the ponds. Their primary purpose, however, is for flood control and irrigation regulation.

Domestic uses from surface water sources stem back to the original homesteaders. An old adobe house remains in the NE SE NW Section 21, T7S R20E and is considered to be the oldest house in the area. A hand-dug well is located at this adobe house, which had to be repaired in the 1950s because it silted in (the 1950s improved version was registered under 55-645605). To the best of Claimants' information, knowledge and belief, the original homesteaders obtained their water directly from the surface and from shallow wells which they were able to dig by hand, such as the one at the adobe house.

Item 4 – Claimed Priority Date

The claim is based on continuous, historic beneficial use since the time that the land described herein was settled.

The following parcels received homestead patents on the dates indicated below (homestead patents are attached as Exhibit 1). With respect to a priority date, the priority would be at least five (5) years before the date of each homestead patent. This is because anyone wishing to homestead property had to reside upon and cultivate the land for a period of five (5) years prior to applying for a patent.

Legal Description	Number of Acres	Homesteader	Date of Patent	Priority Date
NE Section 20 T7S R20E	160	Henry D. Parker	February 18, 1915	February 18, 1910
NW Section 21 T7S R20E	160	Connie C. Hayes	June 23, 1914	June 23, 1909
SE Section 17 T7S R20E	160	David A. Upchurch	June 12, 1913	June 12, 1908
SW Section 17 T7S R20E	160	James T. Sanford	March 3, 1921	March 3, 1917
NE Section 17 T7S R20E	160	William A. Ferguson	October 24, 1914	October 24, 1909
NW Section 17 T7S R20E	160	Jesus W. Gienfuegos	October 2, 1911	October 2, 1906

Portions of a publication titled "Brands and Marks of Cattle, Horses, Sheep, Goats and Hogs as They Appear of Record in the Office of the Live Stock Sanitary Board of Arizona," are attached as Exhibit 2 for informational purposes to verify the historic stockwatering uses herein.

Attached as Exhibit 3 is a copy of the tax assessor's paperwork on the adobe house that is located on the property. The tax assessor believed that the house was constructed in 1916.

Item 6, Points of Diversion

Item 8, Means of Diversion

Item 9, Means of Conveyance

Stockwatering from Aravaipa Creek can take place directly at the creek, when it has water in it, which is shown on the map attached as Exhibit 4, but more typically occurs at the regulatory irrigation ponds that are also shown on Exhibit 4 and at drinkers located throughout the property.

To the extent that stockwatering, domestic and wildlife uses of surface water are provided by wells, the following points of diversion apply:

Well No. 1 55-613295	D(7-20) 21 BDB	NW SE NW Section 21 T7S R20E
Well No. 2 55-613296	D(7-20) 21 BDA	NE SE NW Section 21 T7S R20E
Well No. 3 55-613297	D(7-20) 21 BBC	SW NW NW Section 21 T7S R20E
Adobe House 55-645605	D(7-20) 21 BDA	NE SE NW Section 21 T7S R20E
Domestic 55-578417	D(7-20) 21 BDA	NE SE NW Section 21 T7S R20E
Domestic 55-553455	D(7-20) 20 AAA	NE NE NE Section 20 T7S R20E

Claimants are referring to the wells as potential points of diversion as a precaution in the event that the wells are found to be pumping subflow. However, Claimants are not stating or admitting that the wells listed herein do in fact pump subflow or appropriable surface water.

5/17/2010

Attachments

- Exhibit 1 Copies of homestead patents
- Exhibit 2 “Brands and Marks of Cattle, Horses, Sheep, Goats and Hogs as They Appear of Record in the Office of the Live Stock Sanitary Board of Arizona
- Exhibit 3 Tax assessor’s record on the adobe house
- Exhibit 4 Map showing the location of Aravaipa Creek and the regulatory ponds
- Exhibit 5 Copies of deeds to Claimants, showing ownership and interest in the property

11/13/2013

EXHIBIT 1
Homestead Patents

11/19/2013

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Phoenix, Arizona,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Henry D. Parker**

has been established and duly consummated, in conformity to law, for the **northeast quarter of Section twenty in Township seven south of Range twenty east of the Gila and Salt River Meridian, Arizona, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **EIGHTEENTH**

(SEAL)

day of **FEBRUARY** in the year of our Lord one thousand nine hundred and **FIFTEEN**

and of the Independence of the United States the one hundred and **THIRTY-NINTH.**

By the President:

By

Woodrow Wilson
M. P. LeRoy Secretary,
L. B. Lamar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **458753**

FEB 21 1915

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Phoenix, Arizona, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Connie C. Hayes** has been established and duly consummated, in conformity to law, for the **northwest quarter of Section twenty-one in Township seven south of Range twenty east of the Gila and Salt River Meridian, Arizona, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-THIRD**

(SEAL)

day of **JUNE** in the year of our Lord one thousand nine hundred and **FOURTEEN** and of the Independence of the United States the one hundred and **THIRTY-EIGHTH.**

By the President:

Woodrow Wilson

By

M. O. LeRoy Secretary.

H. B. Lamar

9-3104

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **416560**

The north half of the northwest quarter and the southeast quarter of the northwest quarter of Section twenty-one of the land above described are subject to all rights under an application by the Aravaipa Canyon Railroad Company, approved November 9, 1904, under the Act of March 3, 1875, being an application for right of way for Railroad purposes.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Phoenix, Arizona,** has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant

David A. Upchurch

according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the **southeast quarter of Section seventeen in Township seven south of Range twenty east of the Gila and Salt River Meridian, Arizona, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant, and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWELFTH**

(SEAL)

day of **JUNE** in the year of our Lord one thousand nine hundred and **THIRTEEN** and of the Independence of the United States the one hundred and **THIRTY-SEVENTH**

By the President:

Woodrow Wilson

By

M. P. LeRoy Secretary,

H. J. Sanford
Recorder of the General Land Office.

6-3409

RECORD OF PATENTS: Patent Number **340982**

The north half of the southeast quarter and the southeast quarter of the southeast quarter of Section seventeen of the land above described are subject to all rights under an application by the Aravaipa Canyon Railroad Company, approved November 9, 1904, under the Act of March 3, 1875, being an application for a Right of Way.

03668-01896

Phoenix 029876.

The United States of America,

Of all to whom these presents shall come. Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Phoenix, Arizona, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **James T. Sanford** has been established and duly consummated, in conformity to law, for the southwest quarter of Section seven-teen in Township seven south of Range twenty east of the Gila and Salt River Meridian, Arizona, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **THIRD** day of **MARCH** in the year of our Lord one thousand nine hundred and **TWENTY-ONE** and of the Independence of the United States the one hundred and **FORTY-FIFTH**.

By the President: *Woodrow Wilson*
 By: *W. P. Le Roy* Secretary
S. B. Samler
 Recorder of the General Land Office.

1421231
(SEAL)

RECORD OF PATENTS: Patent Number **798559**

Phoenix 01756

The United States of America,

To all to whom these presents shall come. Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Phoenix, Arizona,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **William A. Ferguson** has been established and duly consummated, in conformity to law, for the **northeast quarter of Section seven-teen in Township seven south of Range twenty east of the Gila and Salt River Meridian, Arizona, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-FOURTH**

(SEAL)

day of **OCTOBER** In the year of our Lord one thousand
 nine hundred and **FOURTEEN** and of the Independence of the
 United States the one hundred and **THIRTY-NINTH.**

By the President:

By

Woodrow Wilson
M. O. LeRoy Secretary
John O. Cornell
 Acting Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **437975**

The southwest quarter of the northeast quarter of the land above described is subject to all rights under an application by the Arapa Canyon Railroad, approved November 9, 1904, under the Act of March 3, 1875, being an application for Right of Way for railroad purposes.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at PHOENIX, ARIZONA, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant

JESUS M. CIENFUEGOS

according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for the NORTHWEST QUARTER OF SECTION SEVENTEEN IN TOWNSHIP SEVEN SOUTH OF RANGE TWENTY EAST OF THE GILA AND BALT RIVER MERIDIAN, ARIZONA, CONTAINING ONE HUNDRED SIXTY ACRES,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way therefor for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **SECOND**

(SEAL)

day of **OCTOBER** in the year of our Lord one thousand
 nine hundred and **ELEVEN** and of the Independence of the
 United States the one hundred and **THIRTY-SIXTH.**

By the President:

Wm. H. Taft

By

W. P. DeHay Secretary.

W. P. DeHay
Recorder of the General Land Office

RECORD OF PATENTS: Patent Number

227892

—271

EXHIBIT 2

Brands & Marks of Cattle, Horses, Sheep

1908

BRANDS AND MARKS

—OF—

CATTLE, HORSES, SHEEP GOATS AND HOGS

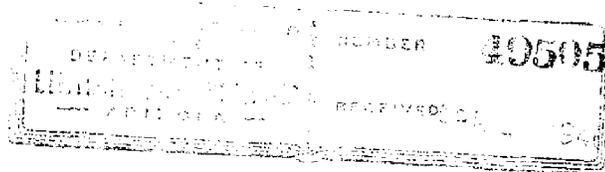
AS THEY APPEAR OF RECORD IN THE OFFICE OF THE
LIVE STOCK SANITARY BOARD OF ARIZONA
AT PHOENIX, ARIZONA

The Right to the Use of the Brands and Marks herein
described is not lawful and the same are not
lawful evidence of ownership unless
the annual brand tax has
been paid in full

ISSUED BY THE
LIVE STOCK SANITARY BOARD OF ARIZONA

This Volume Includes
All Brands and Marks Recorded to
JULY 13, 1908

PRESS OF THE MCNEIL CO. PHOENIX



INTRODUCTION

This volume contains all brands recorded in the Territorial Brand Book of Arizona from No. 1, which was recorded on April 28, 1897, to No. 11,566, which was recorded July 13, 1908. The owner's name here given is that shown by the record, or by such instruments of conveyance as have been from time to time recorded in this office. It does not follow that because a brand is shown herein to be recorded in the name of a certain person, that such brand is a lawful brand and is the property of such person; because there might be instruments of conveyance not yet recorded which would accomplish a change of ownership, and also the legal right to the use of the brand may be impaired by neglect to pay the annual license fee or brand tax. But in order to render the greatest aid to stockmen and inspectors, we have herein published all brands ever recorded in this office regardless of whether the right to use of same still continues to be valid or not.

There will also be found in this book a number of valuable articles on subjects of peculiar interest to stock growers, notably a brief discussion of certain well known contagious diseases of live stock, some of which are alike fatal to the human family. The sanitary articles are carefully prepared by our Territorial Veterinarian, Dr. J. C. Norton, and not intended for the enlightenment of experts, but avoiding disputed theories are expressed as far as possible in terms that all laymen can understand. If all can learn and realize that practically all contagious diseases are due to the presence of some vegetable or animal parasite, which can not originate spontaneously, then it will be clear that with the intelligent united effort of all classes directed by wise regulations, it will be only a short time until contagion can be eradicated, the introduction of new infection entirely prevented, and loss of life from contagious disease reduced to a minimum.

LIVE STOCK SANITARY BOARD,

By George Pusch, Chairman.

J. D. CARTER, Secretary.

STOCK GROWING AND AGRICULTURE.

The relationship between stock raising and agriculture is intimate. The farmer achieves best success who combines stock growing with his farming. The stock grower achieves best success who combines agriculture with his stock growing. Agriculture brings to the stock grower better feed, which means better beef, and teaches him the values of well bred cattle. It means reserve feed with which to "finish" his own feeders, or to keep his stock in good breeding condition when the range feed fails. Every range man should endeavor to acquire some agricultural land for his headquarters ranch, and maintain substantial enclosures, within which he should seek to improve the productiveness of the land by cultivation, and by seeding same to such grasses and grains as seem best adapted to his land and climatic conditions. He should raise his own hay and grain and plenty of it. He should try to have fruit trees, vines, berries, a garden, and make his cattle ranch a home which will have some attractiveness for his wife and family, and in which they may feel pride and contentment. He should help to develop the country, teach his boys and girls to work, and to know something more than riding a bucking bronco, throwing a rope and branding a calf. His chief pride should be in the development of an attractive home and in an intelligent, industrious and contented family. Good, intelligent and attractive women do not care to live surrounded by nothing but sage brush, miles and miles from anything that may please the eye or gratify the sense of home comfort. It is not altogether the element of pecuniary profit. There are other senses to be gratified than that of mere money getting. There is no amount of money which compensates an intelligent person for spending the best part of a life in barren, desolate or unpleasant surroundings. Build a decent house and keep it painted and in good repair. Plant shade trees. Dig or bore a good well, and raise enough water to the surface, so that you may produce your

own fruit and vegetables. Produce your own milk, butter and eggs. Plow up your pasture and seed it to drought-resisting grains and grasses. Do not permit yourself to become shiftless, nor your home to look like a last year's bird-nest. Set a good example for your children and your neighbors, and encourage them to follow it.

BRANDS AND MARKS

ZE		C—Left ribs H—Left thigh. W. Appleby, W. S. Appleby and J. F. Appleby, 7015 Tempe, Arizona	Z/L		C—Left hip H—Left thigh J. R. Spain, 5734 Buckeye, Arizona
ZL		C—Right hip, H—Right thigh John Northcutt, 9055 Phoenix, Arizona	Z/L		C—Left shoulder H—Left shoulder. Harsh & Culbertson, 10412 Lordsburg New Mexico
Z/E		C—Left ribs H—Left hip. Jessie Wiltbank, 10395 Eagar, Arizona	Z-L		C—Left shoulder to ribs to hip H—Left shoulder Haisb & Culbertson 10977 Lordsburg New Mexico
Z ^a E		C—Left ribs to hip Denia Ellison, 5931 Young, Arizona	ZM		C—Left ribs H—Left thigh W R and F. D Blackmer 7243 Buckeye Arizona
ZF		C—Left ribs H—Left thigh Ernest Wilkins, 10317 Nutrioso, Arizona	ZM		H—Left thigh. I G Gibson, 6466 Payson, Arizona
ZH		C—Left ribs H—Left thigh. Whitehead & Hancock, 6147 San Simon, Arizona	ZM		C—Left ribs to hip I G Gibson, 6466 Payson, Arizona
ZI		H—Left thigh. J. R. Wallace & J. A. Johnson, 7342 Flagstaff, Arizona	Z/N		C—Left ribs H—Left thigh J M Sanders, 10482 Concho, Arizona
ZH		C—Left hip, H—Left thigh. M M and Eugene Jackson, 6480 Alramont, Arizona	ZI		C Left ribs P B Crane, 6931 Fairbank, Arizona
ZH		C—Left ribs to hip J. R. Wallace & J. A. Johnson, 7342 Flagstaff, Arizona	ZO		C—Left ribs, H—Left thigh. Paschall Slaughter, 9054 Springerville, Arizona
Z-H		C—Left shoulder to ribs to hip. H—Left thigh Zae Hayes, 9197 Globe, Arizona	Z-O		C—Right ribs H—Right thigh Martin Sulzberger, 9055 Springerville, Arizona
ZI		C—Left hip, H—Left thigh. Mrs L M Harris, 10509 Hackberry, Arizona	ZON		C—Left ribs H—Left thigh V R McCuen, 8756 Ft Thomas, Arizona
Z/I		C—Left ribs R H Samuel, 5758 Young, Arizona	ZP		C—Left ribs H—Left thigh Ruby Baker, 10030 Gleeson Arizona
ZIL		C—Left ribs, H—Left thigh Mrs Lizzie Dees, 8092 Pearce Arizona	ZP		C—Left ribs Selvero Peraza, 7260 Cittenden, Arizona
ZIP		C—Left hip H—Left shoulder R. A Turner 6859 Turner, Arizona	Z/P		C—Left ribs H—Left thigh D P Pugh, 7326 Cttenden, Arizona
ZJ		C—Left hip H—Left thigh Ramon Aleguilla, 9892 Nogales, Arizona	Z-P		C—Left ribs H—Left thigh H D Parker, 7892 Aravaipa, Arizona
ZJ		C—Right hip, H—Right thigh J. T Vance, 10268 Mesa, Arizona	ZQ		C—Right ribs, H—Right thigh Helena Naegle, 10850 Concho, Arizona
ZK		C—Both hips, H—Left thigh. John Kellner & Ramon Zepeda, 3311 Arivaca, Arizona	ZR		C—Left ribs H—Left shoulder. Riley Casner, 9327 Camp Verde, Arizona
ZK		C—Left hip H—Left thigh H B Langers, 10560 Oiaole, Arizona	ZS		C—Left ribs H—Left shoulder Z T Stone, 359 Prescott, Arizona
ZK		C—Left hip, H Left thigh N W and C E. Chilson, 7024 Payson, Arizona	ZI		C—Left hip H—Left thigh Mrs Mary Allenbaugh, 10065 Holbrook, Arizona
ZL		C—Left hip H—Left thigh G B Davis, 10572 Hackberry, Arizona	ZT		C—Left ribs R H Samuel, 9303 Young, Arizona

RECORDED MARKS AND BRANDS OF LIVE STOCK FOR ARIZONA

TO		C-Left ribs H-Left thigh Clay and Clarence Cornwall, 7801 Owens, Arizona
TO		H-Left shoulder Thomas Ortiz, 6057 Flagstaff, Arizona
TO		C-Left ribs H-Left hip Iocel Slaughter, 9053 Springerville, Arizona
TO		C-Left thigh H-Left thigh Mrs M E Spink, 10,877 Nogales, Arizona
T/O		C-Left ribs H-Left thigh Toribio Ochoba, 11,009 Ash Fork, Arizona
T-O		C-Left shoulder to ribs to hip H-Left thigh Robert Van Winkle, 8281 Dos Cabezas, Arizona
TOD		C-Left ribs G W Todd, 3706 Willcox, Arizona
T		C-Left hip Fred Venator, 6021 Kymo, Arizona
TOL		C-Left shoulder to ribs to hip H-Left thigh J E Cosper & Sons, 9765 Duncan, Arizona
TOM		C-Left ribs T J Riggs, 1556 Revision, Arizona
TOO		C-Left ribs H-Left thigh Asa Walker, 4653 Dragoon, Arizona
TOP		C-Left shoulder to ribs to hip H-Left thigh J R Lee, 8168 Nutrioso, Arizona
TO		H-Left hip J T Wakefield, 8979 Navajo, Arizona
TO		C-Left ribs to right shoulder J T Wakefield, 8979 Navajo, Arizona
TOY		C-Left ribs Callie Slaughter, 9089 Springerville, Arizona
P		C-Left hip H-Left thigh Mrs A E Rodgers, 10,392 Canille, Arizona
TP		C-Right hip H-Right thigh Fibucio Padillo, 9094 Cedar, Arizona
TP		C-Left hip H-Left thigh C E Tucker, 4887 Columbia, Arizona
T/P		C-Left ribs H-Left thigh Albert Benedict, 5724 Nogales, Arizona
T-P		C-Right ribs H-Right hip Thorwald Peterson, 10,714 Pinedale, Arizona

1-735

TR		C-Left hip 66 Icodosa Bega, Arivaca, Arizona
TR		C-Both hips Thomas Richards, 4342 Ft. Grant, Arizona
TR		C-Left hip H-Left thigh Emil Hurler, 10,900 Mesa, Arizona
TR		C-Left hip H-Left thigh H H Taylor, 8592 Mesa, Arizona
T/R		C-Left hip H-Left thigh Concepcion Armenta, 5763 Yuma, Arizona
T/R		C-Left hip H-Left thigh James Chappell, 7895 Mohawk, Arizona
I/R		C-Right hip Lupe Randell, 7861 Florence, Arizona
T/S		C-Left ribs H-Left thigh W J Davidson, 10,227 Camp Verde, Arizona
S		C-Left hip H-Left thigh James McPherson, 1141 Florence, Arizona
J		C-Left hip H-Left thigh Perrin & Cheape, 4567 Williams, Arizona
J		C-Left ribs and left hip H-Left shoulder Tobe Riley, 11,223 Duncan, Arizona
J		C-Left hip W D Webb, 6022 Seligman, Arizona
J		C-Left hip Elizabeth Bissig, 4898 Payson, Arizona
J		H-Left thigh Bonacher Bros., 3746 Payson, Arizona
J		C-Left hip H-Left thigh J H Simpson, Sr., 1003 Phoenix, Arizona
TS		C-Left hip H-Left thigh Thomas Smith, 8950 Williams, Arizona
T/S		C-Left ribs H-Left thigh J T Sanford, 9677 Aravaipa, Arizona
T/S		C-Right ribs H-Right thigh Teofilo Sena, 8760 Concho, Arizona
T/S		C-Left hip H-Left thigh Tomas Selaya, 7331 Yuma, Arizona
T-S		C-Left ribs H-Left shoulder T A Stafford, 10,899 Dos Cabezas, Arizona

2-153

EXHIBIT 3

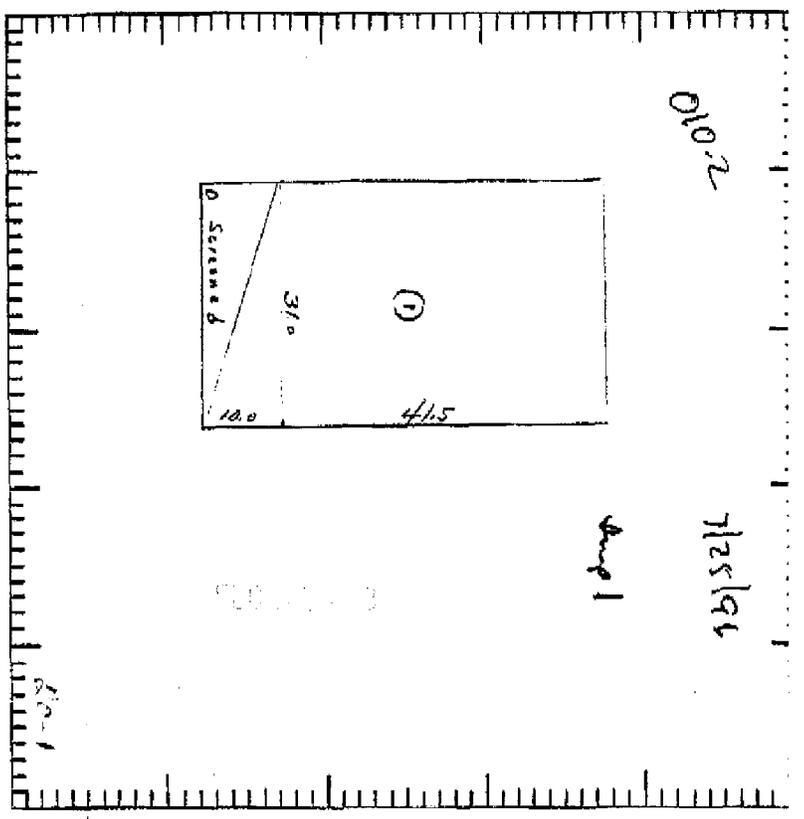
Tax Assessor's Record on the Adobe House

1916

ANL

Ship No.	Item	Description	Qty	Unit	Amount
443		1086-1287	443	Min	2257
1341		510			1373
		310			

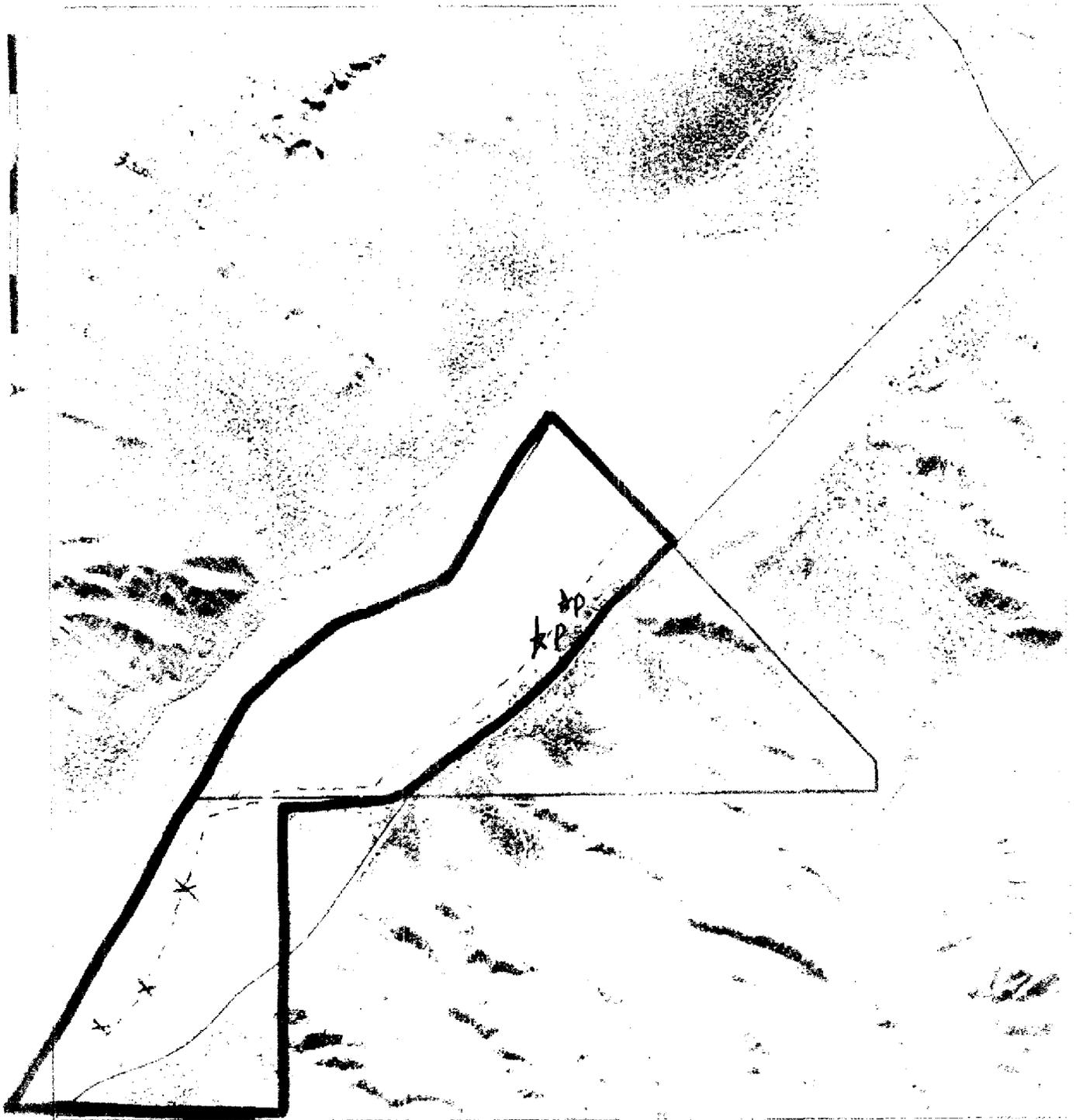
Wagon 1453



Ship No.	Floor No.	By	Item Code	Quantity	Unit	Material	Remarks	Est. No.
		Wagon	1086-1287	443	Min			4980
		Wagon	510					805
		Wagon	310					

EXHIBIT 4

Map showing the location of Aravaipa Creek
and the regulatory ponds



* P = POND LOCATION

EXHIBIT 5

Deeds showing Claimants' interest in the property.

Recorded in the office of
 When recorded and to
 MICHAEL J. CAVEADER
 1922 W. DeWittland Way
 Tucson, AZ 85717

Joint Tenancy Deed

For the purpose of the deed, the parties hereto have been identified as MICHAEL J. CAVEADER, an Arizona corporation, and SARAH INDUSTRIES, INC., an Arizona corporation.

It hereby states that MICHAEL J. CAVEADER and SARAH INDUSTRIES, INC. are joint tenants with right of survivorship.

Set of record in common and separate interests in the County of Maricopa, Arizona.

HERE ATTACHED COPY OF LEGAL DESCRIPTION

Subject to current taxes and assessments, covenants, conditions and restrictions, liens, mortgages, judgments, liens and encumbrances of record, and for the purpose of this deed, all persons who have or claim to have any interest in the premises by, through, under, or in violation of any law, statute, ordinance, regulation, order, agreement, contract, deed, or otherwise, are hereby notified that the parties hereto, by signing and accepting this deed, have agreed to the terms and conditions hereof, and the right of survivorship, and to the same, as set forth in the recitals hereof.

Dated this 14th day of August, 1998.

Accepted and approved:
 Michael J. Caveader
 MICHAEL J. CAVEADER
 Sarah Industries, Inc.
 SARAH INDUSTRIES, INC.

STATE OF ARIZONA
 County of Maricopa

This instrument was acknowledged before me this 14th day of August, 1998, by MICHAEL J. CAVEADER and SARAH INDUSTRIES, INC.

My commission expires August 31, 1998.

STATE OF ARIZONA
 County of Maricopa

This instrument was acknowledged before me this 14th day of August, 1998, by MICHAEL J. CAVEADER and SARAH INDUSTRIES, INC.

My commission expires August 31, 1998.

1998 AUG 14 10:52 AM

OFFICIAL DOCUMENT

EXHIBIT

LEGAL DESCRIPTION

That part of Sections 20 and 21, Township 7 South, Range 20 West, Meridian 30 East, Graham County, Arizona, is more fully described as follows:

BEGINNING at the Northwest corner of said Section 21;

thence North 89 deg. 59' 51" East, along said fence line, a distance of 1343.93 feet to a fence line bearing, a distance of 1343.93 feet to a fence line;

thence South 88 deg. 59' 51" East, along said fence line, a distance of 1343.93 feet;

thence South 01 deg. 41' 16" East, a distance of 602.29 feet;

thence South 31 deg. 19' 33" East, a distance of 428.14 feet;

thence South 60 deg. 43' 20" East, a distance of 367.31 feet;

thence South 10 deg. 09' 56" East, a distance of 240.16 feet;

thence South 18 deg. 09' 56" East, a distance of 206.11 feet;

thence South 83 deg. 40' 20" West, a distance of 228.60 feet;

thence North 65 deg. 55' 11" West, a distance of 22.46 feet;

thence North 73 deg. 59' 55" West, a distance of 40.78 feet;

thence North 16 deg. 54' 27" West, a distance of 402.69 feet;

thence North 67 deg. 36' 29" West, a distance of 1897.48 feet;

thence North 53 deg. 36' 29" West, a distance of 483.85 feet;

thence North 71 deg. 21' 10" West, a distance of 864.73 feet;

thence North 49 deg. 05' 53" West, a distance of 645.91 feet;

thence North 21 deg. 18' 28" West, a distance of 369.10 feet;

thence North 21 deg. 05' 04" West, a distance of 432.36 feet;

thence North 52 deg. 31' 09" West, a distance of 268.24 feet;

thence North 84 deg. 09' 11" West, a distance of 612.85 feet;

thence South 62 deg. 30' 20" East, a distance of 6.15 feet;

thence North 55 deg. 19' 12" West, a distance of 918.62 feet;

thence North 46 deg. 36' 18" East, a distance of 1525.10 feet;

thence South 45 deg. 13' 30" East, a distance of 764.08 feet;

thence South 81 deg. 43' 10" East, a distance of 200.67 feet;

thence South 66 deg. 43' 07" East, a distance of 15.61 feet;

thence South 55 deg. 07' 17" East, a distance of 431.24 feet;

thence South 42 deg. 07' 17" East, a distance of 733.00 feet;

thence South 20 deg. 31' 15" East, a distance of 671.13 feet;

thence South 44 deg. 31' 15" East, a distance of 499.25 feet;

thence South 00 deg. 03' 08" West, a distance of 1039.81 feet to the POINT OF BEGINNING.

000160241593

STEWART TITLE
GUARANTY COMPANY

400

WARRANT DEED

COMMUNITY DEED WITH RIGHT OF SURVIVORSHIP

WHEN RECEIVED, MAIL
 Mr. and Mrs. Michael J. Cavender
 1921 W. Dehavenland
 Tucson, AZ 85717

04/20/08 11:00 AM
 552 803

RECORDED
 PUBLISHED
 COUNTY CLERK
 P. M.

110-45-007A, part.

KNOW ALL MEN BY THESE PRESENTS:
 KAISAR INDUSTRIES, INC., an Arizona Corporation, for the consideration of Ten and No/100 Dollars and other valuable considerations, the Grantor herein, does hereby convey and warrant unto
 MICHAEL J. CAVENDER and SUSAN S. CAVENDER, his wife, the Grantee
 not an tenants in common, but as a community property estate with right of survivorship, the following described real property situate in Graham County, Arizona:
 SEE ATTACHED EXHIBIT FOR A MORE DETAILED REFERENCE MADE A PART HEREOF

SUBJECT TO: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights and any amendments of record.

And the Grantors warrant to title against the same whatsoever, subject to the matters above set forth.

THE GRANTEE affirms that they are married to each other and by signing below, evidence their intention to acquire the premises as a community property estate with right of survivorship.

Dated this ____ day of ____ 1998.

ACCEPTED AND APPROVED:
 Michael J. Cavender
 Michael J. Cavender

KAISAR INDUSTRIES, INC.
 By: [Signature]
 Vice President

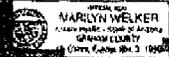
552 803

OFFICIAL INSTRUMENT

STATE OF ARIZONA
COUNTY OF GRAHAM

On this, the 24th day of April, 1998, before me, the undersigned, a Notary Public, personally appeared Michael K. Gavelder, who acknowledged himself to be the President of Kalbar Industries, Inc., a corporation, and acknowledged that he, as such officer, was authorized so to do, execute the foregoing instrument for the purposes therein contained by signing the name of the corporation, Michael K. Gavelder, as such officer.

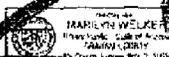
My commission expires:



STATE OF ARIZONA
COUNTY OF Graham

This instrument was acknowledged before me this 24th day of April, 1998 by Michael Gavelder and Susan G. Gavelder, husband and wife.

My commission expires:



UNRECORDED

BOOK 552 PAGE 804

AMENDED EXHIBIT A

LEGAL DESCRIPTION FILE NO: 980148

That part of the Northwest Quarter of Section 21, Township 30 North, Range 10 East of the Gila and Salt River Basins, Graham County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Section 21 and the Northwest corner of said Township 30 North and the North Boundary of said Section 21 and the basis for bearing, a distance of 1343.93 feet to the POINT OF BEGINNING;

THENCE North 89° 42' 48" East a distance of 1306.59 feet to the Northwest corner of said Section 21;

THENCE South 00° 23' 01" East along the North-South Boundary of said Section 21, a distance of 2182.52 feet;

THENCE North 41° 56' 56" East a distance of 545.82 feet;

THENCE North 18° 09' 56" West a distance of 206.11 feet;

THENCE North 19° 21' 25" West a distance of 240.16 feet;

THENCE North 60° 43' 20" East a distance of 262.33 feet;

THENCE North 31° 19' 33" West a distance of 428.14 feet;

THENCE North 43° 41' 16" West a distance of 602.40 feet;

THENCE North 38° 41' 16" West a distance of 583.56 feet to the POINT OF BEGINNING.

SUBJECT TO the following conditions and reservations reserved by the Juniors herein.

1. Grantee may enclose the perimeter of the acreage lying North of the County Road prior to April 20, 2008 to allow free movement of livestock across the property.
2. Grantee shall retain an easement across the acreage lying South of the County Road running from the County Road to the lay barn which lies North of the sale property boundary.

Michael J. ...
...

REC-552 REG-505

0000000000

LAW OFFICE OF L. ANTHONY FINES
145 S. SIXTH AVENUE
TUCSON, ARIZONA 85701
TELEPHONE: (520) 547-2890
FACSIMILE: (520) 882-0617

FACSIMILE TRANSMITTAL SHEET

TO: Barbara Norton	FROM: L. Anthony Fines
COMPANY: ADWR	DATE: 3/7/13
FAX NUMBER: 602-771-8689	TOTAL NO. OF PAGES INCLUDING COVER: 6
PHONE NUMBER: 602-771-8618	SENDER'S REFERENCE NUMBER: Cavender
RE: Michael and Susan Cavender	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Barbara,

Per your request, attached is a revised Schedule A to the Statement of Claim of Right to Use Public Waters in the State of Arizona regarding Michael and Susan Cavender.

Should you have any questions, please contact our office.

L. Anthony Fines

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

SCHEDULE A
Statement of Claim to Use Public Water
Michael J. and Susan S. Cavender

Item 3 - Types of Water Uses

The property was settled in the early 1900s, as discussed in Item 4 below. Stockwatering can occur directly at Aravaipa Creek or at two ponds located in the NE SW Section 17 T7S R20E. These ponds are so close together that they might be considered one pond. They were natural depressions formed by water draining from various canyons and seeps on the property, which eventually drained into Aravaipa Creek. These ponds were used, along with the creek when water was available in it, for stockwatering by the original homesteaders.

During floods, these natural depressions and other drainage would wash out the farmland and also wash out Klondyke Road, which provides access to the property. In the 1950s, Claimants' predecessors worked on the ponds to help control the flooding problem, building berms. By the late 1980s, the U.S. Army Corps of Engineers performed some work in the area to help stabilize Klondyke Road and to prevent the damaging flooding by Aravaipa Creek and the washes and seeps that flowed into the creek.

The ponds were later improved by Claimants in the 1990s to regulate irrigation on their property. The ponds are capable of storing 0.35 acre-feet each, or 0.70 acre-feet in total. These small ponds are close together and might be considered one pond. In addition to the regulatory irrigation purposes, livestock and wildlife may drink from the ponds. Their primary purpose, however, is for flood control and irrigation regulation.

Domestic uses from surface water sources stem back to the original homesteaders. An old adobe house remains in the NE SE NW Section 21, T7S R20E and is considered to be the oldest house in the area. A hand-dug well is located at this adobe house, which had to be repaired in the 1950s because it silted in (the 1950s improved version was registered under 55-645605). To the best of Claimants' information, knowledge and belief, the original homesteaders obtained their water directly from the surface and from shallow wells, which they were able to dig by hand, such as the one at the adobe house.

Item 4 - Claimed Priority Date

The claim is based on continuous, historic beneficial use since the time that the land described herein was settled.

The following parcels received homestead patents on the dates indicated below (homestead patents are attached as Exhibit 1). With respect to a priority date, the priority would be at least five years before the date of each homestead patent. This is because anyone wishing to homestead property had to reside upon and cultivate the land for a period of five years prior to applying for a patent.

Legal Description	Number of Acres	Homesteader	Date of Patent	Priority Date
NE Section 20 T7S R20E	160	Henry D. Parker	February 18, 1915	February 18, 1910
NW Section 21 T7S R20E	160	Connie C. Hayes	June 23, 1914	June 23, 1909
SE Section 17 T7S R20E	160	David A. Upchurch	June 12, 1913	June 12, 1908
SW Section 17 T7S R20E	160	James T. Sanford	March 3, 1921	March 3, 1917
NE Section 17 T7S R20E	160	William A. Ferguson	October 24, 1914	October 24, 1909
NW Section 17 T7S R20E	160	Jesus W. Gienfuegos	October 2, 1911	October 2, 1906

Portions of a publication titled "Brands and Marks of Cattle, Horses, Sheep, Goats and Hogs as They Appear of Record in the Office of the Live Stock Sanitary Board of Arizona," are attached as Exhibit 2 for informational purposes to verify the historic stockwatering uses herein.

Attached as Exhibit 3 is a copy of the tax assessor's paperwork on the adobe house that is located on the property. The tax assessor believed that the house was constructed in 1916.

Item 5 - Location of Points of Diversion.

Generally:

Section 17, Township 7S, Range 20E:

SE $\frac{1}{4}$ of the NW $\frac{1}{4}$
NE $\frac{1}{4}$ of the SW $\frac{1}{4}$
SW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

Section 21, Township 7S, Range 20E:

NW $\frac{1}{4}$ of the NW $\frac{1}{4}$
NE $\frac{1}{4}$ of the NW $\frac{1}{4}$
SW $\frac{1}{4}$ of the NW $\frac{1}{4}$
SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.

Specifically:

STOCKWATERING/WILDLIFE/REGULATORY IRRIGATION STORAGE POINTS OF DIVERSION: The two ponds located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 17, T7S, R20E, and as shown on the map attached as Exhibit 4.

STOCKWATERING POINTS OF DIVERSION: Stockwatering from Aravaipa Creek can take (and has taken) place directly at the creek, when it has water in it, which is shown on the map attached as Exhibit 4 (but more typically occurs at the regulatory irrigation ponds that are also shown on Exhibit 4 and at drinkers located throughout the property).

DOMESTIC/STOCKWATERING/WILDLIFE POINTS OF DIVERSION: To the extent that stockwatering, domestic and wildlife uses of surface water are provided by wells, the following points of diversion apply:

Well No. 1 55-613295	D(7-20) 21 BDB	NW¼ of the SE¼ of the NW¼, Sec 21 T7S R20E
Well No. 2 55-613296	D(7-20) 21 BDA	NE¼ of the SE¼ of the NW¼, Sec 21 T7S R20E
Well No. 3 55-613297	D(7-20) 21 BBC	SW¼ of the NW¼ of the NW¼, Sec 21 T7S R20E
Adobe House 55-645605	D(7-20) 21 BDA	NE¼ of the SE¼ of the NW¼, Sec 21 T7S R20E
Domestic 55-578417	D(7-20) 21 BDA	NE¼ of the SE¼ of the NW¼, Sec 21 T7S R20E
Domestic 55-553455	D(7-20) 20 AAA	NE¼ of the NE¼ of the NE¼, Sec 20 T7S R20E

Claimants are referring to the wells as potential points of diversion as a precaution in the event that the wells are found to be pumping subflow. However, Claimants are not stating or admitting that the wells listed herein do in fact pump subflow or appropriable surface water. To the best of Claimants' knowledge, the well described as the Adobe House Well has been used before the year 1919 and to the extent it pumps subflow, has a priority date of June 23, 1909.

Item 6 - Location of Places of Water Use.

Generally:

Section 17, Township 7S, Range 20E:

SW¼ of the NE¼
SE¼ of the NW¼
NE¼ of the SW¼
SW¼ of the SE¼
SE¼ of the SE¼
NE¼ of the SE¼
NW¼ of the SE¼.

Section 21, Township 7S, Range 20E:

NW¼ of the NW¼
NE¼ of the NW¼
SW¼ of the NW¼
SE¼ of the NW¼.

Specifically:

See map attached as Exhibit 4.

STOCKWATERING USES: Stockwatering from Aravaipa Creek can take (and has taken) place directly at the creek, when it has water in it, which is shown on the map attached as Exhibit 4, but more typically occurs at the regulatory irrigation ponds that are also shown on Exhibit 4 (NE¼ of the SW¼, Section 17, T7S, R20E) and at drinkers located throughout the property.

STOCKWATERING/WILDLIFE USES: Wildlife uses occur throughout the property described on the map attached as Exhibit 4, but is claimed for the two ponds described above.

Domestic uses occur throughout the property described on the map attached as Exhibit 4 (in the ¼-¼ sections described under "Generally" above), but specifically correspond with the creek and possible (but not probable) subflow pumping at the points of diversion known as Well Nos. 1 through 3, the Adobe House Well, and the two domestic wells described in Item 5 above. To the best of Claimants' knowledge, the well described as the Adobe House Well has been used before the year 1919 and to the extent it pumps subflow, has a priority date of June 23, 1909.

[Also, irrigation can take (and has taken) place in the following ¼-¼ sections:

Section 17, Township 7S, Range 20E:

SW¼ of the NE¼
SE¼ of the NW¼
NE¼ of the SW¼
SW¼ of the SE¼
SE¼ of the SE¼
NE¼ of the SE¼
NW¼ of the SE¼.

Section 21, Township 7S, Range 20E:

NW¼ of the NW¼
NE¼ of the NW¼.]

A pipeline runs from the wells to the fields as shown on the map attached as Exhibit 4.

Item 7 - Legal Basis for the Claim (and Means of Diversion and Means of Conveyance).

See discussion and information provided under items 3- 6, above and the attachments.

Attachments

- Exhibit 1 Copies of homestead patents
- Exhibit 2 "Brands and Marks of Cattle, Horses, Sheep, Goats and Hogs as They Appear of Record in the Office of the Live Stock Sanitary Board of Arizona
- Exhibit 3 Tax assessor's record on the adobe house
- Exhibit 4 Map showing the location of Aravaipa Creek and the regulatory ponds
- Exhibit 5 Copies of deeds to Claimants, showing ownership and interest in the Property

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TUCSON, ARIZONA 85701
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RE: Michael and Susan Cavender	YOUR REFERENCE NUMBER:

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS

Barbara,

Per your request and our conversations, attached is a revised Schedule A and a new Schedule A-1 to the Statement of Claim of Right to Use Public Waters in the State of Arizona regarding Michael and Susan Cavender.

Should you have any questions, please contact our office.

L. Anthony Fines

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SCHEDULE A
Statement of Claim to Use Public Water
Michael J. and Susan S. Cavender

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Item 4 - Claimed Priority Date

The claim is based on continuous, historic beneficial use since the time that the land described herein was settled.

The following parcels received homestead patents on the dates indicated below (homestead patents are attached as Exhibit 1). With respect to a priority date, the priority would be at least five years before the date of each homestead patent. This is because anyone wishing to homestead property had to reside upon and cultivate the land for a period of five years prior to applying for a patent.

Legal Description	Number of Acres	Homesteader	Date of Patent	Priority Date
NE Section 20 T7S R20E	160	Henry D. Parker	February 18, 1915	February 18, 1910
NW Section 21 T7S R20E	160	Connie C. Hayes	June 23, 1914	June 23, 1909
SE Section 17 T7S R20E	160	David A. Upchurch	June 12, 1913	June 12, 1908
SW Section 17 T7S R20E	160	James T. Sanford	March 3, 1921	March 3, 1917
NE Section 17 T7S R20E	160	William A. Ferguson	October 24, 1914	October 24, 1909
NW Section 17 T7S R20E	160	Jesus W. Gienfuegos	October 2, 1911	October 2, 1906

Portions of a publication titled "Brands and Marks of Cattle, Horses, Sheep, Goats and Hogs as They Appear of Record in the Office of the Live Stock Sanitary Board of Arizona," are attached as Exhibit 2 for informational purposes to verify the historic stockwatering uses herein.

Attached as Exhibit 3 is a copy of the tax assessor's paperwork on the adobe house that is located on the property. The tax assessor believed that the house was constructed in 1916.

Item 5 - Location of Points of Diversion

Points of Diversion (1/4-1/4 sections):

Section 17, Township 7S, Range 20E:

SE $\frac{1}{4}$ of the NW $\frac{1}{4}$
NE $\frac{1}{4}$ of the SW $\frac{1}{4}$
SW $\frac{1}{4}$ of the SE $\frac{1}{4}$

Section 21, Township 7S, Range 20E:

NW $\frac{1}{4}$ of the NW $\frac{1}{4}$
NE $\frac{1}{4}$ of the NW $\frac{1}{4}$
SW $\frac{1}{4}$ of the NW $\frac{1}{4}$
SE $\frac{1}{4}$ of the NW $\frac{1}{4}$

Schedule A-1, which should be considered part of this Schedule A, contains supplemental information regarding the points of diversion.

Item 6 - Location of Places of Water Use

Places of use (1/4-1/4 sections):

Section 17, Township 7S, Range 20E:

SW $\frac{1}{4}$ of the NE $\frac{1}{4}$
SE $\frac{1}{4}$ of the NW $\frac{1}{4}$
NE $\frac{1}{4}$ of the SW $\frac{1}{4}$
SW $\frac{1}{4}$ of the SE $\frac{1}{4}$
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$
NE $\frac{1}{4}$ of the SE $\frac{1}{4}$

NW¼ of the SE¼

Section 21, Township 7S, Range 20E:

**NW¼ of the NW¼
NE¼ of the NW¼
SW¼ of the NW¼
SE¼ of the NW¼**

Schedule A-1, which should be considered part of this Schedule A, contains supplemental information regarding the places of use.

Item 7 - Legal Basis for the Claim (and Means of Diversion and Means of Conveyance)

See discussion and information provided under items 3- 6, above and the attachments.

Attachments

Schedule A-1 Supplemental information regarding points of diversion and places of use

Exhibit 1 Copies of homestead patents

Exhibit 2 "Brands and Marks of Cattle, Horses, Sheep, Goats and Hogs as They Appear of Record in the Office of the Live Stock Sanitary Board of Arizona

Exhibit 3 Tax assessor's record on the adobe house

Exhibit 4 Map showing the location of Aravaipa Creek and the regulatory ponds

Exhibit 5 Copies of deeds to Claimants, showing ownership and interest in the Property

SCHEDULE A-1
Statement of Claim to Use Public Water
Michael J. and Susan S. Cavender
 (supplements and is a part of Schedule A)

Supplemental Information regarding Points of Diversion (Item 5).

The points of diversion are as described in Schedule A. The following information provides additional detail regarding the points of diversion:

STOCKWATERING/WILDLIFE/REGULATORY IRRIGATION STORAGE POINTS OF DIVERSION: The two ponds located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 17, T7S, R20E, and as shown on the map attached as Exhibit 4.

STOCKWATERING POINTS OF DIVERSION: Stockwatering from Aravaipa Creek can take (and has taken) place directly at the creek, when it has water in it, which is shown on the map attached as Exhibit 4 (but more typically occurs at the regulatory irrigation ponds that are also shown on Exhibit 4 and at drinkers located throughout the property).

DOMESTIC/STOCKWATERING/WILDLIFE POINTS OF DIVERSION: To the extent that stockwatering, domestic and wildlife uses of surface water are provided by wells, the following points of diversion apply:

Well No. 1 55-613295	D(7-20) 21 BDB	NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec 21 T7S R20E
Well No. 2 55-613296	D(7-20) 21 BDA	NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec 21 T7S R20E
Well No. 3 55-613297	D(7-20) 21 BBC	SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec 21 T7S R20E
Adobe House 55-645605	D(7-20) 21 BDA	NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec 21 T7S R20E
Domestic 55-578417	D(7-20) 21 BDA	NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec 21 T7S R20E
Domestic 55-553455	D(7-20) 20 AAA	NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec 20 T7S R20E

Claimants are referring to the wells as potential points of diversion as a precaution in the event that the wells are found to be pumping subflow. However, Claimants are not stating or admitting that the wells listed herein do in fact pump subflow or appropriable surface water. To the best of Claimants' knowledge, the well described as the Adobe House Well has been used before the year 1919 and to the extent it pumps subflow, has a priority date of June 23, 1909.

Supplemental Information regarding Places of Use (Item 6).

The places of use are as described in Schedule A. The following information provides additional detail regarding the places of use:

See map attached as Exhibit 4.

STOCKWATERING USES: Stockwatering from Aravaipa Creek can take (and has taken) place directly at the creek, when it has water in it, which is shown on the map attached as Exhibit 4, but more typically occurs at the regulatory irrigation ponds that are also shown on Exhibit 4 (NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 17, T7S, R20E) and at drinkers located throughout the property.

STOCKWATERING/WILDLIFE USES: Wildlife uses occur throughout the property described on the map attached as Exhibit 4, but is claimed for the two ponds described above.

Domestic uses occur throughout the property described on the map attached as Exhibit 4 (in the $\frac{1}{4}$ - $\frac{1}{4}$ sections described under "Generally" above), but specifically correspond with the creek and possible (but not probable) subflow pumping at the points of diversion known as Well Nos. 1 through 3, the Adobe House Well, and the two domestic wells described in Item 5 above. To the best of Claimants' knowledge, the well described as the Adobe House Well has been used before the year 1919 and to the extent it pumps subflow, has a priority date of June 23, 1909.

Also, irrigation can take (and has taken) place in the following $\frac{1}{4}$ - $\frac{1}{4}$ sections:

Section 17, Township 7S, Range 20E:

SW $\frac{1}{4}$ of the NE $\frac{1}{4}$
SE $\frac{1}{4}$ of the NW $\frac{1}{4}$
NE $\frac{1}{4}$ of the SW $\frac{1}{4}$
SW $\frac{1}{4}$ of the SE $\frac{1}{4}$
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$
NE $\frac{1}{4}$ of the SE $\frac{1}{4}$
NW $\frac{1}{4}$ of the SE $\frac{1}{4}$

Section 21, Township 7S, Range 20E:

NW $\frac{1}{4}$ of the NW $\frac{1}{4}$
NE $\frac{1}{4}$ of the NW $\frac{1}{4}$

A pipeline runs from the wells to the fields as shown on the map attached as Exhibit 4.

THE LAW OFFICE OF

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February 20, 2013

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

Re: Michael J. Cavender and Susan S. Cavender

Dear Sir or Madam:

Enclosed are the originals and one copy of the following documents:

1. Statement of Claim of Right to Use Public Waters of the State of Arizona with a filing fee of \$5.00; and
2. Statement of Claimant Form for Other Uses Amendment.

We have also enclosed a self-addressed, stamped envelope for the return of the filed-stamped copies. If you have any questions, please call our office.

Sincerely,


L. Anthony Fines

LAF:lv
Enclosures

FEB 20 2013

Arizona Department of Water Resources

3550 N Central Ave.
Phoenix AZ 85012

Customer:
ANTHONY FINES, P.C.
145 S SIXTH AVENUE
TUCSON, AZ 85701

Receipt #: 13-26737
Office: MAIN OFFICE
Receipt Date: 02/28/2013
Sale Type: IN_PERSON
Cashier: WRBLN

Item No.	Index	AOBJ	Description	Ref ID	Qty	Unit Price	Ext Price
67530	15239	4315-TT	Statement of claim for a water right	36-105623.	1	5.00	5.00
RECEIPT TOTAL:							5.00

Payment type: CHECK

Amount Paid: \$5.00

Payment Received Date: 02/28/2013

Notes: FROM TTA. Applicant: Michael J. & Susan S. Cavender

Check # 3340