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6 **UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff, and)
10 GILA RIVER INDIAN COMMUNITY,)
11 Plaintiff in Intervention and)
12 SAN CARLOS APACHE TRIBE,)
13 Plaintiff in Intervention,)
14 vs.)
15 GILA VALLEY IRRIGATION)
16 DISTRICT, et al.,)
17 Defendants.)

Case No.: CV31-59-TUC-SRB
(a/k/a Globe Equity No. 59)
(Assigned to Hon. Susan R. Bolton)
WATER COMMISSIONER'S ORDER
OF APPORTIONMENT No. 1-2019
and the
ALLOCATION OF
APPORTIONMENT TO UVD TBI
ACRES

Order No. 1-2019

18)
19)
20 Article VIII (2) of the Decree entered on June 29, 1935 in the above-entitled cause
21 provides that on the first day of January of each calendar year, or as soon thereafter as
22 there is water stored in San Carlos Reservoir [the "Reservoir"], which is available for
23 release from Coolidge Dam for conveyance to and diversion on the lands of the San
24 Carlos Project, the Gila Water Commissioner shall apportion for the ensuing irrigation
25 year, to the Upper Valley Defendants [UVDs] an amount of water equal to the available

1 storage [after appropriate deductions for losses] and shall permit the diversion of said
2 amount of water from the natural flow of the Gila River for irrigation of the lands of the
3 UVDs in disregard of the prior rights of the plaintiff but within the duty of water
4 limitations of the Decree [6 acre-feet per acre during each irrigation season] and subject
5 to the actual consumptive use limitation of Article VIII (2).

6 Articles IX and X of the Decree provide that when, under the rule and method of
7 apportionment stated in Article VIII, there is apportioned to the UVDs an amount of
8 water from the natural flow of the Gila River, there also shall be apportioned to the
9 parties named in Articles IX and X, for the purposes therein specified, an amount of
10 water per acre corresponding with the amount per acre apportioned to the UVDs under
11 Article VIII.

12 Article VIII (2) further provides that the Commissioner shall make additional
13 apportionments from time to time if and when water shall flow into the Reservoir and
14 shall be stored there and become added to the available stored water in the Reservoir,
15 which apportionments shall be made and calculated in the same manner as the first
16 apportionment.

17 The Court has ordered that only lands then being irrigated [TBI] may receive
18 natural flow of the Gila River. Therefore, in allocating the apportionments made pursuant
19 to Article VIII (2), the Commissioner allocates the water apportioned to the UVDs, to the
20 lands reported as TBI. Because the amount of acreage reported as TBI may change from
21 time to time, when the TBI acreage changes, it is necessary and appropriate for the
22 Commissioner to re-allocate the amount of water apportioned under Article VIII (2) to
23 the revised number of TBI acres. However, the total amount of water calculated and
24 apportioned pursuant to Article VIII (2) does not change unless there has also been an
25 Additional apportionment because of added stored water available for release in the

1 Reservoir.

2 Notwithstanding the total amount of water apportioned or the allocation of the
3 total apportionment to TBI acres, the Commissioner will not permit the 6 acre-feet
4 limitation to be exceeded.

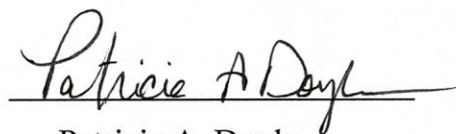
5 **THEREFORE**, under the authority contained in Article VIII (2) of the Gila
6 Decree [and after appropriate deductions for losses] an apportionment is made to the
7 UVDs as of January 1, 2019 in the amount of **19,415 acre-feet** of water. Accordingly,
8 based upon **22,204.84 TBI acres**, as of January 1, 2019, there are allocated **0.54 acre-**
9 **feet** of water to each TBI acre. Attached hereto is the computation sheet for
10 apportionment and allocation of apportionment.

11 **FURTHER**, under the authority contained in Articles IX and X of the Decree
12 there is apportioned an equivalent amount of water per acre to the lands and for the
13 purposes specified in Articles IX and X of the Gila Decree.

14 **PROVIDED**, however, and notwithstanding the foregoing, diversions from the
15 natural flow of the Gila River shall not exceed the duty of water limitations of the Decree
16 or the limitations otherwise specified in Articles IX and X of the Decree.

17 The above apportionments are in addition to and not exclusive of the right to
18 divert in regular order of priority when the same is available, limited to a maximum
19 diversion of **six acre-feet per acre** of apportioned and priority water, and also limited, as
20 appropriate, to actual consumptive use of 120,000 acre-feet of water per year as
21 determined by the method set forth in the Decree.

22 **SO ORDERED** this 4th day of January 2019.

23
24 

25 Patricia A. Doyle

Gila Water Commissioner

Computation of Apportionment and Allocation of Apportionment

San Carlos Reservoir

Lake Elevation 2400 hrs. December 31, 2018	2,412.81
Storage 2400 hrs. December 31, 2018	19,415 ac-ft
Less Minimum Pool	<u>1 ac-ft</u>
	19,414 ac-ft
Less Minimum Pool "B" (Awaiting Court Decision)	<u>0 ac-ft</u>
	19,414 ac-ft
Estimated Evaporation, Transit & Seepage Loss	<u>7,464 ac-ft</u>
	11,950 ac-ft
Total Available for Apportionment	11,950 ac-ft

Apportionment No. 1-2019: 11,950 acre-feet

Allocation per acre TBI based on TBI of 22,204.29 acres: 0.538 a/f/a

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