

WPF 153



Cover Page: Application Information

- 1.) Title of Project: Lyle Canyon Allotment Riparian Area Restoration Project
- 2.) Type of Project: Submitted
  - Water Acquisition
  - Capital Project
  - Water Conservation
- 3.) Stream type
  - Perennial
  - Intermittent
  - Ephemeral
- 4.) Date submitted: 7-28-97
- 5.) Date received by ADWR: \_\_\_\_\_
- 6.) Applicant Name: Byrd B. Lindsey
- 7.) Applicant address (city, county, zip code)
  - Byrd B. Lindsey
  - Personal Identifiable Information**
  - Flagstaff, AZ: 85611
- 8.) Inside AMA Outside AMA:

- 9.) Contact person/title: Byrd Lindsey Owner/Operator
- Phone number: **Personal Identifiable Information**
- Fax number: **Personal Identifiable Information**

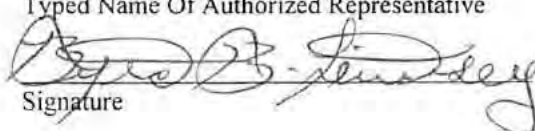
- 10.) Type of application: New (X)
- 11.) Project start date: 02-01-1998
- End date: 01-01-2001

Grant type	Amount
------------	--------

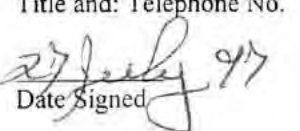
- 12.) Other moneys obtained and secured: \$2,000.00 USFS contribution
- 13.) Estimated funding:
  - a.) AWP: \$55,476.33
  - b.) Applicant: \$39,035.00
  - c.) USFS \$2,000.00
  - d.) Total: \$96,511.33
- 14.) Tax ID number: **Personal Identifiable Information**

15.) The undersigned hereby offers and agrees to perform in compliance with all terms, conditions, specifications and scope in the application. Signature certifies understanding and compliance with the attached application. Signature certifies that all information provided by the applicant within this application is true and accurate. The Arizona Water Protection Fund Commission may approve grant award agreements with modifications to scope items, methodology, schedule, final products, and/or budget.

Byrd B. Lindsey  
 Typed Name Of Authorized Representative

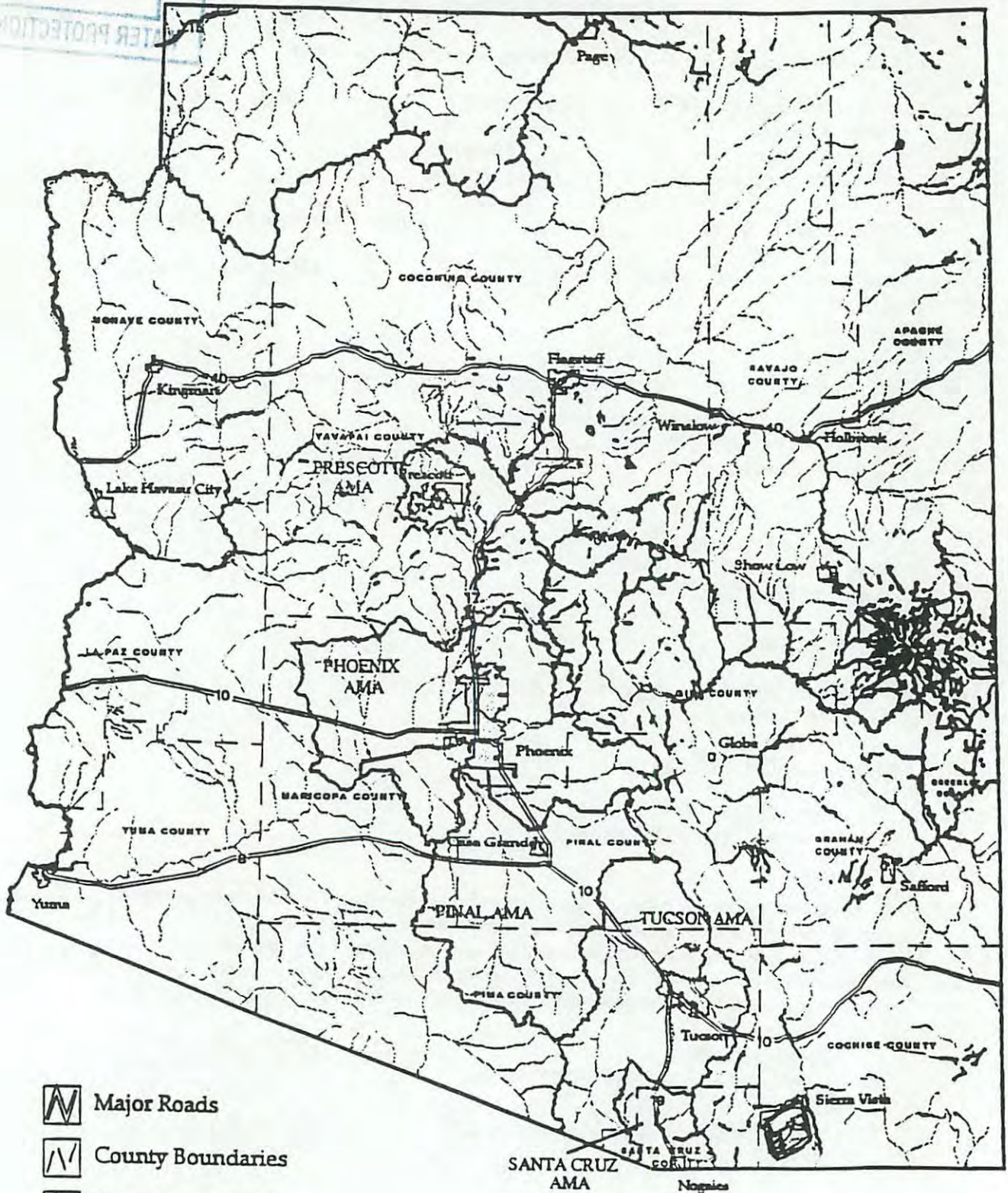
  
 Signature






Owners **Personal Identifying Information**  
 Title and: Telephone No.

  
 Date Signed

# Arizona Map Instructions

Indicate on the map the approximate location of your project. Ensure that your markings are clearly visible on all five copies submitted.



-  Major Roads
-  County Boundaries
-  Perennial Streams
-  Intermittent or Ephemeral Streams
-  Active Management Areas



PROJECT NAME:



**LOCATION INFORMATION/LAND OWNERSHIP FORM**

1. County: Santa Cruz & Cochise                      2. Section: 13, 14, 23, 24, 25 26 19 & 30 Township: 22S
4. Range : 18E-19E 5. Stream Name: Lyle Canyon, Brushy Canyon, Korn Canyon
6. Landownership of project area: Public Land Managed By The USFS
7. Current land use of project area: Grazing And Recreation
8. Length of stream through project area: 10 Miles
9. Size of project area (in acres): 11,500
10. Is the project area fully defined at this time: Y/N? Yes

**11. Provide directions to the project site from the nearest town. List any special access requirements.**

The project is located on the west side of the Huachuca Mountains. It is approximately 18 miles southeast of Sonoita, 12 Miles southwest of Sierra Vista . when you get to Canelo from either direction, continue towards Parker Lake for 3 miles. Turn east on Lyle Canyon Road and bear left over a cattle guard at the bottom of the hill. Continue east to Brushy Canyon and follow the Brushy Canyon Road to the southeast. Follow this road for 5 miles and through the gate to the Mountain pasture. The project will begin in this pasture.

12.. If you manage the land on which the project is located, attach a copy of the lease, special use permit, intergovernmental agreement or other appropriate official instrument.

**Summary:**

The purpose of this project is to restore and protect the riparian areas on the Lyle Canyon Allotment, and to restore the obligate riparian plant species on the allotment. This would be achieved by installing fences, wells, a water storage tank and drinkers that will enable us to help the new and old growth of the Sycamore, Cottonwood Willow and Walnut trees, not to mention the numerous other plant species in the riparian areas. Lyle Canyon is a main tributary of the Babacomri River, which is a main tributary of the San Pedro River.

**Project Objectives:**

The applicants objectives for the allotment are to restore and maintain riparian and upland vegetation diversity, density and canopy cover for wildlife habitat. His desire is to stabilize stream banks, increase infiltration, reduce sheet runoff and erosion. Also to reduce peak flows and sediment flows in the creeks. We desire to improve the water quality and enhance the over all health of the riparian areas while they desire to maintaining a viable livestock operation on the allotment.

**Problem Statement:**

Cattle are like humans, as they will take the path of least resistance. We have seen our cattle move to the riparian areas in the spring and early summer months, and stay in these sensitive areas in the past. Since water and feed are usually not a problem in these areas, and the animals tend to stay where the “pickings” are the best. Year around grazing is degrading the riparian areas, and the applicants desire is to bring the riparian areas back to a manageable part of the ecosystem of the ranch.

**Method:**

The desire of the applicant is to manage there cattle ranch differently than it has been managed in the past. The family has recently acquired this allotment, and can see improvements are needed. Historically it has been left up to the cattle which areas they grazed and which areas they left alone. There has always been a problem with developed water on the ranch, and the cattle have watered mainly on natural springs and water catchments available during the rainy season. Some of the improvements on the allotment were not maintained properly by the previous permittee, and are now in various stages of disrepair. The dirt tank that we intend to clean out is directly upstream from major a riparian area. The tank currently will not hold water and the sediment runs into the riparian area. Fixing the tank will improve water quality.

There has been some impact from humans, such as mining in earlier years. Today the negative impacts have been from recreation, such as hunting, ATV’s combined with uncontrolled grazing. We will not be able to control the hunters and ATV travel in the area, but we will have the control of the cattle when the project is completed. There is no bare ground in the riparian areas, but there is evidence that the native grasses both in the riparian areas and on the upland pastures have suffered. We still have an abundance of plant species, but those that do better under heavy impact and are more drought resistant have flourished, while other native species have suffered. We know we can once again obtain a balance in the ecosystem if we can control the cattle ranging patterns with better management and rotation.

We have begun a monitoring process with the USFS, and will continue to do so for years to come. With the use of photos and triangle monitoring points, the applicant will see the health of the riparian areas abound. Also, they will see the clean water that is needed to sustain the different populations of animal and plant species in the areas.

**Significance of the Project:**

This will not only help in the betterment of the upland watersheds, but will also enhance the wildlife populations. The State as a whole will benefit from this, in that there will be more animals to hunt, observe and enjoy. We need to keep the ranch intact. Many ranches have been subdivided and our open spaces are becoming fewer and farther between. We are a family-owned ranch that has been operating on this same property for 5 generations. It is to our advantage to keep the ranch intact, and pass it on to future generations. We can see how using the rotation method will help us achieve our long-range goals of keeping the ranch intact, and also the goals of the USFS and the environmental community. We believe this project will be so successful that many interested party’s will see that there is a common ground on the grazing issue.

The applicant will see, and will document, the improvement of the quality and quantity of water, not only in the Lyle Canyon area, but in the Babacomri and San Pedro as well.

**Statement of problem(s):**

- 1.) The riparian areas in the allotment are grazed heavily most of the year due to lack of fences, and consequently riparian areas are degraded.
- 2.) The surrounding watersheds of the riparian areas are grazed heavily in some areas, and not at all in others.
- 3.) Some pastures are used during the growing season every year, not giving the grasses the chance to recover.
- 4.) Two of the riparian areas are dry because the water table is lower.

**Statement of cause(s) of the problem(s):**

- 1.) Lack of good fences and fences in general have allowed the cattle to range freely for the last 100 years.
- 2.) Lack of developed water in the upland watersheds of some pastures on the allotment have forced the cattle to hang in the riparian areas longer than they should have.
- 3.) The previous permittee was not able to maintain the improvements on the allotment as well as he could have.
- 4.) Lack of water in the Harkey pasture. It has a dirt tank, but it is dry before the summer rains, and the cattle can only water at a corral at the edge of the riparian area causing the forage in the area and immediate upland watershed to suffer.
- 5.) A dirt tank directly above a major riparian area washed out, resulting in a lack of recharge in the aquifer.

**Statement of remedies or solutions:**

- 1.) Install fences in strategic areas so the cattle can be moved away from the riparian areas during sensitive times.
- 2.) Drilling a well, installing a pump, installing a 15,000 gallon storage tank, a 2.5 mile pipeline system and drinkers in the allotment to keep the cattle in the upland watersheds.
- 3.) Drilling a well, installing a pump and running a pipeline to the dirt tank in the Harkey pasture.
- 4.) Cleaning out the existing dirt tank to help recharge the aquifer and improve the cover in the riparian area.
- 5.) The permittee needs the flexibility to graze the riparian areas during non-sensitive times to reduce the fire hazard, and move them out of the riparian areas during sensitive times.
- 6.) The permittee practices responsible grazing practices on the ranch using a rest-rotation method of grazing. He is currently running fifty animal units on the allotment. He will continue to operate the ranch as he is now, with a rest-rotation method of grazing.

The USFS along with the permittee will establish a long range, working monitoring plan on the allotment. With photos we will monitor the regeneration of obligate plant species in the riparian areas. Also with cross section transects we will have the ability to monitor channel morphology on a regular basis.

### **Introductory Information:**

The Lyle Canyon Allotment is located on the Coronado National Forest on the west side of the Huachuca Mountains. It extends from Canelo on the west to the Fort Huachuca Military Reservation fence on the east. On the north it is bordered by the Manila Allotment, and the Collins Allotment on the south. The 11,500 acre allotment is divided into 8 (eight) pastures:

- 1.) The Harkey Pasture consists of approximately 477 acres of forest, and 140 acres of privately owned leased land that we are utilizing for upland pastures. It is watered by the Harkey tank and wet seeps in Ferosa Canyon and Lyle Canyon. There is also water at the corrals at the edge of Lyle Canyon.
- 2.) The Weaner Pasture is approximately 197 acres. There is no permanent water supply in this pasture. It is watered by wet seeps in Algerita Canyon during the wet season. Algerita is the only riparian area in this pasture.
- 3.) The Page House Pasture is approximately 149 acres of private land that we are also leasing as pasture. There is water at the corrals and also wet seeps in Algerita Canyon in the wet seasons.
- 4.) The Algerita Pasture is one of the largest pastures on the allotment at approximately 1,607 acres. It is used mainly as a winter pasture, as it is very mountainous. It is watered by developed springs and water at the corrals. There are three riparian areas in this pasture.
- 5.) The Matthew's Pasture is approximately 400 acres of forest land. It has a riparian area running almost the full length of the pasture in the middle of the pasture. It is watered by a developed water on the west end, but the east end of the pasture has not been grazed for sometime due to lack of water.
- 6.) The Korn Pasture is approximately 455 acres of forest land. The previous owner sold off the adjacent private property, and that was the only permanent water in the pasture. Korn Canyon runs through the very extreme Southeast corner for only a short ways. This is the only riparian area in the pasture, and the cattle watered here in the wet times of year. My Father, my son and myself hand dug a well in the pasture and erected a windmill by hand on the well, and that now serves as the permanent water in the pasture.
- 7.) The Mountain Pasture is the largest pasture on the allotment at approximately 2,932 acres. There are two major riparian areas in this pasture, the Korn Canyon and Lyle Canyon. It is watered by a few developed springs, and one earthen tank along with natural seeps. The East side of this pasture is very mountainous, and is used mainly as a winter pasture.
- 8.) The Lower Lyle Pasture is the newest pasture on the allotment, being created in the winter of 1996. It will serve as a replacement heifer pasture, but to date there is no developed water in the pasture.

The paper work on the allotment was completed in January of 1996. We obtained a temporary permit two years before, and began running cattle on the allotment at this time. We immediately saw the need for maintenance on the fences and waters and have begun to do some of the most necessary work.

Three of the major maintenance plans we undertook were the repair of the Algerita and Mountain pasture fence. This repair had to be done by horse back, so every fence post and every piece of wire was packed in on a pack saddle. The construction of a well in the Korn pasture, and the erecting of a wind mill on that well. We also re-dug the water on the Bartell, and installed temporary pipelines, storage tanks and drinkers. Again, we dug this well by hand. All of these developments have helped us extremely well in holding cattle in the right pastures and watering them at developed springs, and out of the riparian areas. It has been very beneficial in not only improving the previous degradation of the riparian areas, but it has also helped us in establishing better cover in the riparian areas for birds, quail and small animals.

Lyle Canyon is the biggest riparian area on the allotment, but there are a number of smaller riparian areas that are also of great importance to the ecosystem. The Merit Water, Algerita Canyon, Rough Canyon, Brushy Canyon, Korn Canyon and the Bartell Spring.

These areas are of great concern, not only to us but to the State as a whole. These areas hold some of the best deer and javelina in the State, in that many record book whitetail deer bucks have been taken from the area in the past. Mountain Lions are very prevalent also, as are a flock of Turkeys of about 6 (six) birds.

As stated, the fences and developed waters are all lacking in maintenance. Also the lack of fences has been a problem in keeping the cattle in the upland watersheds.

Our desire is to install the fences and waters on the allotment in strategic locations. Knowledge of the area is also very helpful to us, in that we know the areas where the cattle impact is the heaviest.

We know that installing fences on the allotment will have long lasting effects. The benefits of this will be for 20 years or longer. It will have long term affects on the riparian areas, and will improve forage and cover in both the upland watersheds and riparian areas. We, as permittees, will be responsible for the maintenance of fences.

These fences were in the planning stages with the previous permittee and the USFS for quite a few years, but they never materialized for one reason or the other. We are going to make these improvements a reality. We see the drastic need of the improvements, and know that they will be of benefit for the long term, 20 years or more.

By installing the well in the Korn pasture, the 15,000 gallon storage tank, installing pipelines to the East side of the Matthew's pasture, the West side of the Korn pasture, the East side of the Lower Lyle pasture and the West side of the Mountain pasture, we can ensure the improvements of the cover in the riparian areas and also in the upland watersheds by being able to move the cattle with water troughs. We know that we will see improvements on the range very quickly, and these improvements will help us for the

long term. When the ranch is passed down to another generation, these improvements will still be functioning. These improvements will indeed be long term, 20 years or more.

We, as a family, have been good stewards of the range for generations now. We have operated on a USFS lease since the Forest Service began overseeing the land in Arizona. My great grandfather and my great uncle operated this lease for years, and when my great uncle died, his widow sold the allotment to the former permittee. The permittee decided to move to Oklahoma and we picked up the allotment from him. We have another smaller allotment adjacent to the Lyle Canyon Allotment, so we are not new to the cattle business, nor to the needs of the range. Because of our knowledge of the land, and the fact that we *know* we must protect the ecosystem, we have accomplished the following improvements on the allotment:

### **RANGE IMPROVEMENTS IN THE LAST TWO YEARS**

1.) Reconstructed and repaired the fence between the Algerita and Mountain pasture. All of this work was done off horse back, as we are unable to drive to this part of the allotment.

2.) Built and reconstructed approximately 1 mile of fence to create the Lower Lyle pasture. This insured that the cattle would not be in the Lyle Canyon riparian area unless we moved them there. The permittee did this to protect the area.

3.) Dug a well and installed a windmill in the Southeast end of the Korn pasture. This is the only permanent water in this pasture, and because there are no good roads, we were able to only drive 4 wheel drive pick-ups to the well. All of this work, even the digging of the well was done by hand.

4.) Dug a well, again by hand, in the Matthew's pasture. It was a maintenance project on the Bartell water in the North end of the pasture. We installed a pump, a 1,000 gallon storage tank, ran a pipeline and installed and patched drinkers. This is the only permanent water in this pasture.

Even after we accomplished these tasks, we still see the need for many more improvements. The riparian area cover and the upland watershed suffer the most. The grasses need to be grazed in the upland pastures, but the cattle are inherently lazy and will hang in the riparian areas. This causes problems with the cover, and we know we can help solve this problem by installing fences and upland watershed drinkers.

The permittee tries to locate the cattle using salt rotation, but this does not solve the problem. Although the cattle do move, they do not stay because of lack of water and they must travel so far between the salts and water. They know that they cannot survive without water, and they can survive without salt, so they choose to stay close to the water.



The fences have the same impact. We need the fences to hold the cattle out of the riparian areas, and out of the areas with heavy impact. We can establish a better rotation practice on the allotment if we install fences and waters.

The permittee did all of this work because he is a good steward of the land. The desire is to keep improving it.

## **Need For The Project**

The project will benefit the riparian areas on the allotment. The cattle will be able to be moved and rotated, and the riparian area cover will improve because there will be less impact.

Also the State of Arizona will benefit because the improved waters, forage and cover will make for better bird watching and hunting, better deer and javelina habitat and better turkey habitat. The fences will give us control over where the animals range and we can control the impact more on the ground.

The maintenance on the dirt tanks will cause the aquifer to come up, and we will also see an increase in migratory water fowl, as they will have places to land while they are migrating to and from their winter and summer habitats. The duck hunters will also benefit from this. The well in the Harkey pasture will also insure that the aquifer comes up and will benefit the migratory birds as well.

The project will be a benefit to everyone and everything for greater than 20 years. The information we gather from this project will have long lasting benefits. It will have positive results in the cover, upland pastures and also let others know that “there is life after fencing cattle out of riparian areas”.

## **Feasibility**

This project is a cost-effective way to improve the riparian areas, obtain clear, pure water and help the tributaries of the San Pedro.

The project's feasibility is very evident. About half of the fence work will be done from horse back, as there are no roads or other accesses. But as stated before, we are old hands at packing fence posts. The waters and wells will all have adequate access for well rigs and the permittee can install the pumps and do the needed work.

The fence work that is done by horse back will have no impact on the vegetation and the disturbance to the wildlife will be almost nonexistent.

The pipeline distribution system and the storage tank installation will be done by competent personnel. All of the maintenance will be done by the permittee. The project has a foreseen benefit of more than 20 years. It will be measured by close monitoring of the allotment by the USFS and the permittee

### **Impacts**

We will have only positive impacts on the areas. The water sources used to get the cattle out of the riparian areas will be a benefit to all. The personnel that install the pipeline and the wells will be very competent, and the permittee will insure that they care for the land. The pipeline trencher will be a rubber tired trencher instead of a steel track piece of equipment, to ensure that the impact will be positive.

The permittee will work closely with the USFS and the AG&F Dept. and he knows that the impacts will be positive. One that will be long lasting and an asset to the State. There will be no degradation to habitat or surface water off-site.

### **Monitoring**

There will be a very well thought out and implemented monitoring process between the permittee and the USFS. This process has already begun, and will continue in the coming years. The process will be through photos of cages and enclosures in pastures throughout the allotment. There will also be triangle monitoring points at different locations on the allotment.

Working with the Forest Service to come to a basic and realistic monitoring system is already in the works. The past two years of drought have made the monitoring process very difficult, but still a necessity. The project will tell us very quickly if we have made progress with the riparian areas. We know from removing cattle from riparian areas for an allotted time on the ranch that it does improve the cover in these areas.. Time will tell us just how much the project benefits the range, upland watersheds and improvement of riparian ground cover on the allotment, not to mention the quality of water that will be recharged and how much the water table will improve. The permittee and the USFS both understand that the allotment will greatly benefit from the implementation of this project.

With the use of photo points we will monitor the regeneration of obligate plant species in the riparian areas. Also with cross section transects we will monitor channel morphology every one to two years. These locations will be in the Lyle Canyon, Korn Canyon, Page Canyon and the Algerita Canyon.

**Objective #1:**

Construct new and repair old fences to control livestock access on the riparian areas and the immediate upland areas of the allotment.

**Benefits:**

The watershed on the allotment all runs into Lyle Canyon which runs into a major tributary of the San Pedro River. This project will help in controlling the livestock grazing on the riparian areas, and will further allow for restoration of the stream channel and the subwatershed of the riparian areas.

**Objective #2:**

Develop and implement a water well, a distribution system pipeline and storage tank system (2.5 miles), and water troughs.

**Benefits:**

This will allow the permittee to use the upland watersheds and rotate the cattle more effectively on the allotment. By controlling the cattle with the use of water and salts, the permittee can help the pastures by increasing the upland biodiversity. As we increase the vegetative ground cover on the whole allotment, the run off and erosion will decrease, and the water quality will increase. This will improve livestock distribution on the upland areas, and will exclude the cattle from the riparian area in the sensitive times.

**Objective #3:**

Implement a resource monitoring program.

**Benefits:**

The applicant wants to show how the changing of management will quickly show positive response. They want to show the area in the different stages of recovery, from the first implementation of the project, all the way to its' end, years from now.

**Objective #4:**

The applicant will provide an example of how a healthy riparian area and stream ecosystem can be managed while at the same time operating a viable cattle operation.

**Benefits:**

This information can be used for other livestock operators and managers. They can use this information to develop similar restoration projects.

## Task Descriptions

### Task #1 Description: Obtain Necessary Permits and Authorizations

- a. Coronado National Forest is promoting and contributing to project (see enclosed letter securing their participation).
- b. NEPA will be accomplished by the Coronado National Forest in 1998.
- c. Apply for the State permits for the drilled water wells

Deliverable description: a & b Signed copies of above. c. A photocopy of the permit.

Deliverable due date: a. 1-1-98 b. 5-15-98 c. 1-1-98

AWPF task cost: None

### Task #2 Description: Construct And Repair The Fences On Upland Watersheds To Hold The Cattle Out Of The Riparian Areas

The needed construction of the fences in three pastures of the allotment will be accomplished and will add up to 7 (seven) miles of fences. The needed repair of the existing fences is 4 (four) miles. The needed materials will be obtained to complete the fences, and to also reconstruct some of the fences on separate allotment pastures.

The materials will be ordered for the fences, and the proposed fences will be obtained, delivered to and stored at the ranch headquarters in Canelo, AZ under the applicants responsibility.

The fences will be constructed according to the USFS guidelines and specifications. There is an attached copy of guidelines in the packet. See project development map for the location of the fence on the allotment.

The fences will be completed in three phases. 1.) The division fence between the Upper Algerita pasture and the Lower Algerita pastures. 2.) The Mountain and Merrit pastures division fence. 3.) The Merrit and Upper Lyle Pasture division fence.

Deliverable description: a. Copies of material invoices. b. Description of the progress of the fences on the project. c. Photos of the completed project for documentation.

Deliverable due date: 2-31-2000

AWPF task cost: \$23,000.00

### Task #3 Description: Drill the well in the Korn pasture.

A cased well will be drilled in the Korn Pasture. A 60 amp electrical service will be constructed on an over head pole (Sulfur Springs Valley Electric Cooperative will supply the transformer, service wire and poles for this job). A 3 HP pump will be installed at the well sight.

Deliverable description: Photocopy of the state permit and photocopy of the bid for the drilling and casing of the well. Photocopy of the invoice for the 60 amp meter loop (the applicant will be responsible for the construction and installing of the meter loop on the pole). Photocopy of the invoice for the 3 hp pump and a photo of the completed project.

Deliverable due date: 6-01-98

AWPF task cost: \$9,374.92

Task # 4 Description: Install The 15,000 Gallon Storage Tank, Run A 2.5 Mile Pipeline underground From The Well To The Storage Tank, Run The Pipelines From The Storage Tank To The Water Troughs And Install The Water Troughs. Floats Will Be Installed On The Water Troughs.

The pad will need to be graded and the storage tank will need to be erected and secured with concrete in the Korn pasture. A 2" (two inch) pipeline will be constructed and installed according to the USFS specifications. The water troughs will be installed in strategic locations in the 5 (five) different pastures to ensure that the upland watershed forage is utilized, but not harmed.

The water storage tank has already been purchased and is being stored at the ranch headquarters in Canelo. The pipeline will be purchased and stored by the applicant while the construction is in progress and until construction is completed.

There will be 6 (Six) 700 gallon water troughs. One 700 gallon water trough in the Lower Lyle pasture will be sufficient, as the applicant will not have very many head of cattle in this pasture at anyone time.

**Deliverable description:** Photocopy of the bid to do the grading of the pad to install the storage tank. A copy of the invoice will be submitted for the purchase of the pipe and fittings, and an invoice of the cost for installation (digging of the trench) of the pipeline. Submit a copy of the invoice for the purchase of the water troughs and floats. A photo of the completed project will be submitted.

**Deliverable due date:** 12-31-2000

**AWPF task cost:** \$9,770.00

**Task # 5 Description:** Clean out a dirt tank in the Matthews Pasture. This tank can be cleaned without doing the NEPA studies because it is considered maintenance by the USFS.

**Deliverable description:** Photocopy of the contract between the heavy equipment operator and the permittee. Photograph of the completed project.

**Deliverable due date:** 12-31-98

**AWPF task cost:** \$7,800.00

**Task # 6 Description:** Drill the well in the Harkey pasture and run 200 feet of pipeline to an existing dirt tank. There will be no troughs needed. Install a 1.5 hp. pump in the well.

**Deliverable description:** Drill a cased well in the Harkey pasture to give the cattle a permanent water source out of the Lyle canyon riparian area. A photo of the completed project.

**Deliverable due date:** 12-31-2000

**AWPF task cost:** \$5,531.41

**Task # 7 Description:** Start The Rotation Of The Cattle In The Newly Created Pastures.

This rotation is already in the permittee's Annual Management Plan (AMP), but it cannot be followed through until the completion of the project.

**Deliverable description:** Photographs of the areas, and the USFS will send the AWPF Commission a letter of completion

**Deliverable due date:** 12-31-2000

**AWPF task cost:** None

**Task # 8 Description:** Monitor For Effect

The applicant, along with the USFS will monitor the progress of the restoration. They will, with the use of photographs, the Parker Three Points Transits and cages. Photographs will be taken every 6 (six) months

**Deliverable description:** Photos and reports of the progress.

**Deliverable due date:** 12-31-2000

**AWPF task cost:** None

**Task # 9 Description:** Maintenance Agreement

A maintenance agreement will be written that will describe who is responsible for the maintenance of each of the improvements in November of 1998. Also, a maintenance inspection schedule will be developed. It will specify who will be responsible for doing what when.

**Deliverable description:** A copy of the maintenance with the USFS

**Deliverable due date:** December 15,1998

**AWPF task cost:** None

Start Date: 2-1-98      Yrs of Benefit: >20      Project Name:

End Date: 2-31-2001      Duration: 3 Years

### Lyle Canyon Riparian Area Restoration Project

**Project Categories and Tasks**

**Months Since Project Initiated (Year 1)**

Task No.	Task Cost	Task Description	1	2	3	4	5	6	7	8	9	10	11	12
1		Obtain Necessary Permits USFS to Complete NEPA	X											
2		Drill Well In Harkey Pasture		X										
3		Clean Out Dirt Stock Tank		X										
4		Start Construction Of Fence				X								
4a		Order And Pickup Material				X								
4b		Construct And Repair Fence					X	X	X	X	X	X	X	X
5		Drill Well In Korn					X							
6		Install Pipeline						X						
7		Install Storage Tank							X					
8		Install Water Troughs								X				
9		Start Rotation In New Pastures												
10		Monitor For Effect						X						X
11		Maintenance Agreement												X
12		Photo Documentation When Each Job Is Completed		X		X			X			X		X



Start Date: 2-1-98      Yrs of Benefit: >20      Project Name:

End Date: 2-31-2001      Duration: 3 Years

### Lyle Canyon Riparian Area Restoration Project

Project Categories and Tasks			Months Since Project Initiated (Year 2)											
Task No.	Task Cost	Task Description	13	14	15	16	17	18	19	20	21	22	23	24
1		Obtain Necessary Permits USFS To Complete Nepa Study												
2		Drill Well In Harkey												
3		Clean Out Dirt Stock Tanks												
4		Construction Of Fence												
4a		Order And Pickup Material												
4b		Construct And Repair Fence	X	X	X	X	X	X	X	X	X	X	X	X
5		Drill Well In Korn												
6		Install Pipeline												
7		Install 15,000 Gal. Storage Tank												
8		Install Water Troughs												
9		Start Rotation In New Pastures												
10		Monitor For Effect						X						X
11		Maintenance Agreement												
12		Photo Documentation When Each Job Is Completed	X		X	X	X			X			X	X

Start Date: 2-1-98      Yrs of Benefit: >20      Project Name:

End Date: 2-31-2001      Duration: 3 Years

### Lyle Canyon Riparian Area Restoration Project

Project Categories and Tasks			Months Since Project Initiated (Year 3)											
Task No.	Task Cost	Task Description	25	26	27	28	29	30	31	32	33	34	35	36
1		Obtain Necessary Permits USFS To Complete NEPA												
2		Drill Well Inn Harkey Pasture												
3		Clean Out Dirt Stock Tank												
4		Construction Of Fence												
4a		Order And Pick Up Material												
4b		Construct And Repair Fence												
5		Drill Well In Korn												
6		Install Pipeline												
7		Install 15,000 Gal Storage Tank												
8		Install Water Troughs												
9		Start Rotation In New Pastures	X	X	X	X	X	X	X	X	X	X	X	X
10		Monitor For Effect						X						X
11		Maintenance Agreement												
12		Photo Documentation When Each Project Is Completed			X	X			X	X		X	X	X

**PROJECT BUDGET**

	FUNDING SOURCES			
	AWPF	Lyle Canyon Allotment	USFS	Total
<b>ADMINISTRATION COSTS (1)</b>				
Project mgmt costs		\$500.00		\$ 500.00
Phone, clerical, travel		\$500.00		
USFS Range Staff				
<b>DIRECT LABOR COSTS (2)</b>				
NEPA study labor			\$1,000.00	\$2,000.00
Construction of fence labor		\$29,705.00		\$29,705.00
Fence removal and repair		\$4,230.00		\$4,230.00
Install pipeline & water troughs labor		\$960.00		\$960.00
Install storage tank labor		\$640.00		\$640.00
<b>OTHER DIRECT COSTS</b>				
Fence material 11.5mi @ \$2,000.00/mi	\$23,000			\$23,000
2" PVC Pipe sch.40	\$6,000.00			\$6,000.00
700 Gallon Water Troughs X 6 @ \$340.00 ea. (Price includes floats and fittings)	\$2,040.00			\$2,040.00
15,000 Gallon Water Storage Tank		\$2,500.00		\$2,500.00
<b>OUTSIDE SERVICES</b>				
USFS completion of NEPA			\$1,000.00	
Well drillers	\$9,750.00			
Heavy equipment to clean dirt tanks	\$7,800.00			
Pump Setters	\$5,156.33			
<b>CAPITAL OUTLAY</b>				
Tech/Industrial Equip.	\$1,730.00			
Water (CAP/effluent)				
Other (describe)				
<b>Total</b>	<b>\$55,476.33</b>	<b>\$39,035.00</b>	<b>\$2,000.00</b>	<b>\$96,511.33</b>

(1) Administration costs are limited to 5% of the total dollars requested for a project.

(2) Include wages, salaries, and fringe benefits.

(3) Attach list of capital equipment expenditures over \$1,000.00

## **BUDGET INFORMATION:**

### **Explanation Of Costs**

#### *Direct Labor:*

The USFS will provide the service for the Range Conservationist and Biologists to complete the NEPA study. Costs for their support will be 80 hours at \$25.00 per hour.

The Ranch owner will be responsible for the construction and repair of the fences. Fence removal is priced at .20/foot. Fence construction is priced at \$2,583.00/mile. The crew will consist of four members working by the job, not the hour.

The labor to install the pipeline and water troughs will be borne by the ranch owner. The crew will consist 4 members at an hourly rate of \$10.00 per hour. It will take three days to complete the pipeline and install the drinkers.

The ranch owner will rent a backhoe to grade a pad for the water tank, but the installation cost will be borne by the rancher. The crew will consist of 4 members and will take 3 days at \$10.00 per hour.

#### *Other Direct Costs:*

Fence material costs total at \$2,000.00 per linear mile. These materials include:

- fence posts(t-type) and clips
- barbed and smooth wire
- fence stays
- 6" x 8" x 8' treated corner posts
- 4" x 4" braces

Two cased wells on the allotment at \$15.00 per foot

#### *Technical/Industrial Equipment:*

Backhoe Rental and Operator-\$800.00

Equipment Trailer Rental-\$50.00

Trencher Rental For Pipeline-\$880.00

**Community Support:**

**Laura Dupee, Range & Watershed Staff, USFS, Sierra Vista, AZ**

**Dan Milligan, Ranch Manager. Elgin, AZ**

**Shane Lyman, Assistant Fire Manager, USFS, Nogales, AZ**

## **Personnel:**

**Byrd B. Lindsey:** Ranch owner and retired X-Ray Technician

Born **Personal Identifiable** in Tempe Arizona to a ranching family.  
He was raised for a good part of his life by his grand-father on the ranch he now owns and operates.  
Has every skill ever needed to operate a long term cattle operation.  
Learned what he knows through years of hard work and caring for the land  
Skills:  
Mechanic, welder, veterinarian, electrician, long time fence builder, active environmentalist.

**Stephen G. Lindsey:** Ranch manager and Energy Management/Marketing Specialist for Sulfur Springs Valley Electric Cooperative

Born in Patagonia Arizona on **Personal Identifiable** to Byrd and Elaine Lindsey, long time ranchers.  
Has worked a ranch all his life.  
Skills:  
Well Digger, fence builder, windmill setter, cowman and cowboy poet  
Has a love for the land that is unsurpassed

**Naomi Ruth Lindsey:** Domestic Engineer

Born in Benson Arizona on **Personal Identifiable** Raised in Benson

Direct participant in the management of the ranch  
Helps doctor  
Rides, plus keeps a great house  
Skills:  
Too numerous to name

**Joshua D. Lindsey:** Cowboy

Born in Tucson Arizona on **Personal Identifiable** to Stephen G. And Naomi R. Lindsey  
Direct participant in the ranch and all the duties assigned  
Skills:  
Farrier, cowboy, tractor operator, fence builder, well digger and windmill setter

## **F.R.O.G. Drilling**

Dan Sanders  
P.O.4378 Huachuca City 85616  
(520) 456-1312  
DWR License # 122-ROC License # 102899  
Well Driller for 30 plus years

## **John Everhart**

Everhart Construction  
HC1 Box 327  
Elgin, AZ 85611  
(520) 455-9297  
Backhoe Operator  
Owned and operated his own business for 22 years

**Foster Pump**

Bailey Foster  
PO Box 271  
Sonoita, AZ 85637  
Federal ID # IV 86-0650990  
Contractors Lic. Number Commercial-079268 Residential-079003

**J & T Enterprises (Dirt Work)**

Burl Thorton  
P.O. Box 203 Arivaca, AZ 85601  
34 years of experience  
20 years in his own dirt work business

SHPO Certification  
(must be submitted)

This certification is required by regulations implementing the State Preservation Act (A.R.S. 41-861 through 41-864), effective July 24, 1982. It is understood that recipients of state funds are required to comply with this law throughout the project period. The State Historic Preservation Act mandates that all State agencies consider the potential of activities or projects to impact significant cultural resources. Each State agency is required to consult with the State Historic Preservation Officer with regard to those activities or projects that may impact cultural resources.

PROJECT TITLE: Lyle Canyon Allotment riparian Area Restoration Project

Please answer the following questions which provide information about the potential of the project to impact cultural resources:

1. Does the project have the potential to disturb the surface and/or subsurface of the ground?

YES: X NO: \_\_\_\_\_

2. Are there any buildings or structures (including mines, bridges, dams, canals, etc.) which are 50 years or older within the project area that have the potential to be disturbed by the proposed activity?

YES: \_\_\_\_\_ NO: X

3. Are there any known prehistoric and/or historic archaeological sites within the project area?

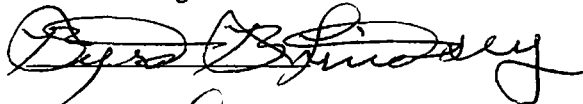
YES: \_\_\_\_\_ NO: \_\_\_\_\_

4. Are you aware of any archeological investigations that have been performed within one (1) mile of the project area?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If you have answered "NO" to all of the above questions, please sign on the line below certifying that the activity or project is in compliance (and will remain in compliance throughout the project period) with the State Historic Preservation Act. YOU MUST SUBMIT THIS FORM WITH YOUR COMPLETED APPLICATION.

\_\_\_\_\_  
Authorized Signature



Date

27 July 97

If you have answered "YES" to any of the questions above, please answer the following questions.



SHPO Certification

If you answered yes to question #1, specifically identify any surface or subsurface impacts that are expected. Attach extra sheets if more space is needed.

Impacts will occur with construction of the fence lines and the water facilities.

If you answered yes to question #1, describe the current ground surface condition within the entire project area boundary (i.e., is the ground in a natural undisturbed condition, or has it been bladed, paved, graded, used for agriculture, etc.). Attach extra sheets if more space is needed.

Except for a four wheel drive road, the impacts have all been from livestock grazing.

Has the project area been previously surveyed for cultural resources by a qualified Archaeologist?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

DON'T KNOW:

If yes, submit a copy of the Archaeologist's report with your application.

YOU MUST SUBMIT THIS FORM WITH YOUR COMPLETED APPLICATION

**III A. Common Tasks Forms Task Form for Wells**

Well type(s): e.g., monitor, piezometer, production, etc.	<b>Production</b>
How will these wells be used: e.g., to measure water levels, to measure water quality, to supply water to livestock, etc.	<b>To supply water to livestock</b>
Number of wells of each type?	<b>two</b>
Approximate depths (min.-max.)	<b>150-250 well in Harkey, 200-400 well in Korn</b>
Approximate diameter (min.-max.)	<b>8 inches 0 to 20 feet to 6 inches 0 to total depth</b>
Pump size (gpm) if applicable	<b>1.5 HP submersible capable of 16-20 gallons per minute 3 HP submersible capable of 16-20 gallons per minute</b>
Well casing material	<b>steel and PVC</b>
Estimated depth and length of perforated or screened interval	<b>100 to 200 feet</b>
Well drilling method	<b>drilled</b>
Cost per well in budget	
Have you included a map indicating the approximate location of the wells? If NO, please list parameters used to select well locations.	<b>yes</b>
What will happen to the wells after the AWPf project is completed?	<b>We will use the wells to supply water to livestock for years to come, and the applicant will maintain the wells</b>
Additional information if required	

AWPF Task Form for Fencing	
Item	Applicant's Response
Fence type: These fences will be built to the USFS and the AG&F standards	<b>4 wire (3 barbed and bottom smooth) 6' steel T-Posts, 20 feet apart, and 3 metal stays</b>
Fence description:	<b>"H" brace-Two 4"X6"X 8' pressure treated posts 4X4 brace in between the posts, will need 8 per mile</b>
Purpose of fence:	<b>keep livestock off of the riparian areas</b>
Approximate fence length:	<b>11.5 miles</b>
Approximate number of gates to be installed:	<b>22 wire gates in price of linear fence</b>
Approximate number of cattle guards to be installed:	<b>none</b>
Cost of fence in budget:	
Cost of gates and cattle guards in budget:	<b>none</b>
Have you included a map indicating the approximate location of all fence segments? If NO, please explain WHY.	<b>yes</b>
Who will be responsible for fence maintenance once the fence is complete?	<b>The applicant</b>
Additional information if required	

AWPF Task Form for Water Development Systems	
Item	Applicant's response
Source or sources of water	ground water on the allotment
Quantity of water (ac-ft/year)	< 5 ac ft/yr
If source is surface water, do you have a water right for this quantity of water?	N/A
If you have a surface water right, does your project change the point of diversion, place of use, or type of use? If so, describe.	N/A
If source is an existing well, what is the well's registration or identification number?	N/A
If source is a new well(s), have you completed and attached a task form for the well(s)?	YES
Distribution system:	<p><b><u>pipelines:</u></b>  length: 2.5 miles  diameter: 2"  pipe type: PVC schedule 40 (370 PSI) and fittings  5 2" check valves  above ground or below ground: below ground level</p> <p><b><u>storage:</u></b>  tanks: number, type and capacity: 1-15,000 gallon  troughs: number, type and capacity: 5-8' round 700 gallons each  (will have escape ramps for small animals)  (AG&amp;F may wish to add small game drinkers)</p> <p><b><u>distribution energy source:</u></b>  pumps: electric pumps, 1-1.5 hp and 1-3 hp submersible to pump from the well bottom to the storage tanks to gravity feed to the water troughs</p>
Maintenance of the system:	<b>Responsible party during project lifetime: The applicant, Steve Lindsey</b> <b>Responsible party after project is complete: The applicant, Steve Lindsey</b>
Have you included a map indicating the approximate location of the system's components? If NO, please explain WHY.	YES
Cost of system in budget?	

AWPF Task Form for common Monitoring Activities	
Item	Applicant's response
<b>Groundwater monitoring (Y/N):</b> If Y,	
Depth to water (Y/N): if Y	
method?	
approx. # of sample pts.?	
sample frequency?	
start date & end date?	
GW quality (Y/N): if Y	
constituents?	
approx. # of sample pts.?	
sample frequency?	
start date & end date?	
<b>Surface water monitoring (Y/N)</b>	
Discharge (Y/N): if Y	
method?	
approx. # of sample pts.?	
sample frequency?	
start date & end date?	
Stage (Y/N): if Y	
method?	
approx. # of sample pts.?	
sample frequency?	
start date & end date?	
SW quality (Y/N): if Y	
constituents?	
approx. # of sample pts.?	
sample frequency?	

start date & end date?	
Photo point monitoring (Yes): If Y,	
Approximate number of points, and photos per point?	<b>3</b>
How often will photos be taken?	<b>Every year</b>
Additional information if needed	<b>will work n conjunction with the USFS</b>
Wildlife monitoring (Y/N): If Y,	
Aquatic (Y/N): If Y,	
Which plant and/or animal categories?	
Which parameters?	
How often will monitoring be performed?	
Start and end dates for monitoring?	
Terrestrial (Y/N): If Y,	<b>Regeneration of riparian obligate plant species</b>
Which plant and/or animal categories?	<b>riparian</b>
Which parameters?	<b>Riparian areas</b>
How often will monitoring be performed?	<b>Every year</b>
Start and end dates for monitoring?	<b>5-15-2000-forever</b>
Additional information if needed	<b>we will start the process as soon as we have the fences and waters operational</b>
Fisheries habitat (Y/N): If Y,	
List abiotic parameters	
How often will monitoring be performed?	

Start and end dates for monitoring?	
Climatic data (Y/N): If Y,	
List types of data?	
How often will monitoring be performed?	
Start and end dates of monitoring?	
Additional information if needed	
Soil monitoring (Y/N): If Y,	
Soil type (Y/N)	
Soil moisture (Y/N): If Y,	
How often will monitoring be performed?	
Start and end dates for monitoring?	
Additional information if needed	
<b>Channel morphology (YES):</b> If Y,	
List parameters measured?	<b>Channel Morphology</b>
How often will monitoring be performed?	<b>Every 1-2 years</b>
Start and end dates for monitoring?	<b>01-01-2001</b>
<b>Aerial imagery:</b> <b>photos/videography (Y/N): If Y,</b>	
List formats that will be used	
How often will imagery be taken?	
Start and end dates for imagery?	

Additional information if needed	
Will transects be used (YES) during any of the activities mentioned above: If Y,	
List which activities involve the use of transects	<b>Channel Morphology</b>
Transect dimensions? (If more than one type/size, please indicate)	<b>Will depend on the size of the channel</b>
Approximate number?	<b>3-4</b>
Location selection parameters?	<b>Lyle Canyon, Korn Canyon, Page Canyon and Algerita Canyon</b>



## **ADDITIONAL ATTACHMENTS**

- **Letters Of Community Support**
- **Copy Of The Grazing Permit**
- **Copy Of The USFS's Guidelines For Construction Of A 4-Strand Barbed Wire Fence**
- **Maps Of The Project Area**



United States  
Department of  
Agriculture

Forest  
Service

Sierra Vista  
Ranger District

5990 S. Highway 92  
Hereford, AZ 85615  
Fax: 520/670-4640  
V/TTY: 520/378-0311

---

Date: July 23, 1997

John Keane, Commission Chairman  
Arizona Water Protection Fund Commission  
Arizona Department of Water Resources  
500 N. Third Street  
Phoenix, AZ 85004

Dear Mr. Keane and AWPFC Commissioners:

I am writing regarding the Arizona Water Protection Fund grant proposal by Byrd and Steve Lindsey. They are proposing to build fences and water developments that will enhance watershed and riparian conditions in the Lyle Canyon area of the Huachuca Mountains. Byrd Lindsey has recently acquired the Forest grazing permit for the Lyle Canyon Allotment. This allotment has had a history of poor management and grazing related problems. In the short time the Lindseys have had the allotment they have done a tremendous amount of work to bring the existing fences and water developments into working order so the cattle can be managed properly. Unfortunately, years ago, when the existing improvements were built, they were not designed with riparian management in mind. In fact, the fences were designed so the cattle would have access to the riparian areas for water. Therefore, these canyons, Brushy, Korn and Lyle, become heavily grazed while other portions of the pastures they flow through remain untouched. The Lindseys have put forth an ambitious proposal to correct this problem by building fences and water developments that will make it possible to control the amount of grazing sustained by the riparian areas, and to better disperse grazing on the uplands.

The Forest Service is very much in favor of seeing this work done. We have limited funds available for range improvement work each year and right now they are being directed toward allotments that have threatened or endangered (T&E) species conflicts. This situation has put the Lyle Canyon Allotment low on our list for receiving funds because, at this time, few T&E species have been identified there. The allotment does, however, have important riparian areas that are in need of better management. Now that we have a permittee who is willing to put a lot of hard work into improving riparian and watershed conditions the time is right to take action. We can provide the administrative support necessary to complete the NEPA documentation and SHPO clearances. The amount of labor the Lindseys' are proposing to undertake, to match AWPFC dollars, is considerable, but they have already demonstrated their willingness and ability to work hard to make their grazing operation compatible with the land.

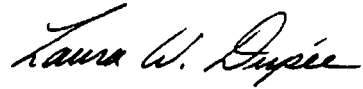
I strongly support this proposal because it will improve riparian conditions, water quality and quantity not only on Forest land but on private lands downstream in the Babocomari River watershed. In addition, with shrinking federal budgets, it is important that ranchers find new and innovative ways to keep their public land operations viable and in compliance with environmental regulations.



Lindsey AWPf Proposal

This is an excellent example of ranchers taking the initiative to implement whatever measures are necessary to ensure their grazing operation is sustainable and compatible with other resource values. My hope is that this will inspire similar actions among other grazing permittees.

Sincerely,

A handwritten signature in cursive script that reads "Laura W. Dupée".

LAURA W. DUPÉE  
Range & Watershed Staff

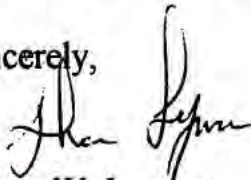
To: John Keane Commissioner Chairman and AWPf Commissioners

I am writing in behalf of Byrd Lindsey, Stephen Lindsey and the other members of the Lindsey family in support of their request for a grant from the Arizona Water Protection Fund for the Lyle Canyon Allotment Riparian Area Restoration Project. This family is honest, hard working and willingly cooperates with other agencies for the betterment of the land. I am currently employed by the US Forest Service (USFS) since 1987, and have a good working knowledge of proper land management practices. The addition of new fence and installation of new wells, pipeline, and repair of existing stock tanks will greatly improve riparian areas, keep the native grass diversity, and make better use of all land the Lindseys manage.

I have ridden all of the Lindsey's allotments and have seen the great improvements already made in the short time they have managed their new allotments. Such improvements include fence repair, development of springs, installation of two hand dug wells, pipeline, drinkers, and construction of a windmill. These improvements are already benefiting the land, and the installation of additional fence and wells with the necessary water tanks and pipe will only further benefit the land both public and private. Additional water and fences will also benefit wildlife, obligate riparian plant species, and the management of riparian areas by further dispersing cattle to other parts of the pastures. This will also provide the option of removing cattle from certain areas during highly sensitive periods.

In closing, I highly recommend the approval of this grant and am in full support of the actions the Lindseys are willing to take. I cannot stress enough the high level of integrity, hard work and strong values the whole family possess. Please feel free to call or write if you have any questions.

Sincerely,



Shane W. Lyman

Personal Identifiable  
Information

Sonoita, AZ 85637

Telephone: Home Personal Identifiable  
Information

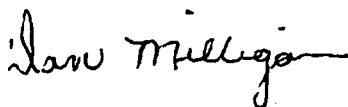
Work Personal Identifiable  
Information

To whom it may concern:

This letter is in support of Mr. Steve Lindsey in his efforts to gain approval for the proposal submitted to restore and protect the Lyle Canyon Allotment. I have known Mr. Lindsey and his family for the past three yeras, and am aware of his commitment to ranching and the land that they care for and maintain. His desire is to improve the water quality and protect the plants and wildlife in the area while also running a viable livestock operation. With the plans he has submitted this should be achievable.

Mr. Lindsey and his family work hard and are dedicated to the betterment of their ranch and the surrounding areas. I hope you will support him in this project and allow him to make the improvements proposed.

Sincerely,

A handwritten signature in cursive script that reads "Dan Milligan". The signature is written in dark ink and is positioned above the typed name and address.

Dan Milligan  
Canelo Springs Ranch

**TERM GRAZING PERMIT — PARTS 1 AND 2**  
(Reference FSM 2230)

P. \_\_\_\_\_ OF \_\_\_\_\_

PERMITTEE NUMBER \_\_\_\_\_

PERMIT NUMBER 05-00613

**PART 1**

E Lazy H Ranch Partnership c/o Byrd Lindsey of HCl Box 344, Elgin, AZ 85611  
(Name of Permittee) (Post Office address including Zip Code)

hereinafter called the permittee, is hereby authorized to graze livestock owned by the permittee upon designated lands administered by the Forest Service within the Coronado (X appropriate box)  National Forest  National Grassland

under the following terms and conditions:

1. Description of range. The livestock shall be grazed only upon the area described as follows: described on attached page and/or delineated on the attached map dated \_\_\_\_\_ which is part of this permit (strike out item or items not applicable).

Commensurate property is the same as that for the Canelo Allotment, approximately 40 acres located in the SW 1/4, NW 1/4, Sec. 10, T22S, R18E shown on map entitled Canelo Allotment Base Property.

Lyle Canyon Allotment #327

Sierra Vista Ranger District

2. The number, kind, and class of livestock, period of use, and grazing allotment on which the livestock are permitted to graze are as follows, unless modified by the Forest Service in the Bill for Collection:

LIVESTOCK			PERIOD OF USE		GRAZING ALLOTMENT
NUMBER	KIND	CLASS	FROM	TO	
50	Cattle	cow/calf	03/01	02/28	Lyle Canyon

3. It is fully understood and agreed that this permit may be suspended or cancelled, in whole or in part, after written notice, for failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 hereof, or any of the regulations of the Secretary of Agriculture on which this permit is based, or the instructions of Forest officers issued thereunder, or for knowingly and willfully making a false statement or representation in the permittee's grazing application, and amendments thereto; or for conviction for failure to comply with Federal laws or regulations or State and local laws relating to livestock control and to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit. This permit can also be cancelled, in whole or in part, or otherwise modified, at any time during the term to conform with needed changes brought about by law, regulation, Executive order, allotment management plans, land management planning, numbers permitted or seasons of use necessary because of resource conditions, or the lands described otherwise being unavailable for grazing. Any suspension or cancellation action may be appealed pursuant to 36 CFR 211.18.

4. This permit supersedes permit issued 11/1/94 to Howard or Nancy Boss by Jeanne M. Wade, District Ranger. I have reviewed the provisions of the grazing permit, the standards and guidelines and management requirements of the Coronado National Forest Plan of July 1986 applicable to the Lyle Canyon Allotment area and the Allotment Management Plan with the grazing permittee. William G. Wiley District Ranger

**I HAVE REVIEWED AND ACCEPT THE TERMS OF THIS PERMIT**

SIGNATURE OF PERMITTEE OR HIS AUTHORIZED AGENT <u>Byrd Lindsey</u>			DATE <u>1-25-97</u>
SIGNATURE OF FOREST OFFICER <u>Jeanne M. Wade</u>	NAME (Print) <u>JEANNE M. WADE</u>	TITLE <u>District Ranger</u>	DATE

## PART 2 - GENERAL TERMS AND CONDITIONS

1. **Validation of Permit.** The issuance of a Bill for Collection and payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.
2. **Bill for Collection.** Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.
3. **Payment of Fees.** The permittee will not allow owned or controlled livestock to be on Forest Service-administered lands unless the fees specified in the Bill for Collection are paid.
4. **Administrative Offset and Credit Reporting.** Pursuant to 31 U.S.C. 3716 and 7 CFR Part 3, Subpart B, any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owed the United States shall be disclosed to consumer or commercial credit reporting agencies.
5. **Interest, Penalty, and Administrative Costs.** Pursuant to 31 U.S.C. 3717 and 7 CFR Part 3, Subpart B, interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due.

Interest shall be assessed using the most current rate prescribed by the United States Department of the Treasury Fiscal Requirements Manual (FRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed.

A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business of the next workday.

6. **Term of Permit.** This permit is effective until 12/31/2004 unless waived, cancelled, or otherwise terminated as provided herein. The permittee has first priority for receipt of a new permit at the end of the term subject to modification deemed necessary by the Forest Service.

In order to update terms and conditions, this permit may be cancelled at the end of the midyear of each decade, beginning with 1995, provided it is reissued to the existing permit holder for a new term of 10 years.

### 7. Ownership Requirement

(a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.

(b) Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the Forest officer in charge.

### 8. Range and Livestock Management

(a) The allotment management plan for the land described on page 1, Part 1, is a part of this permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors to do likewise.

(b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).

(c) When, in the judgment of the Forest officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing would damage the resources.

(d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(e). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.

(e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Service-administered lands not described in either Part 1 hereof or the annual Bill for Collection.

(f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.

(g) Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.

(h) The permittee will pay the costs of, perform, or otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.

(i) This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private- or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable standards for maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage.

9. **Nonuse.** At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.

10. **Protection.** The permittee, or the permittees' agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forest System.

### 11. General

(a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.

(b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.

(c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.

(d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote the land to another public purpose including disposal. In the event of such cancellation on National Forests in the 16 contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.

(e) The permittee may not transfer, assign, lease, or sublet this permit in whole or in part.

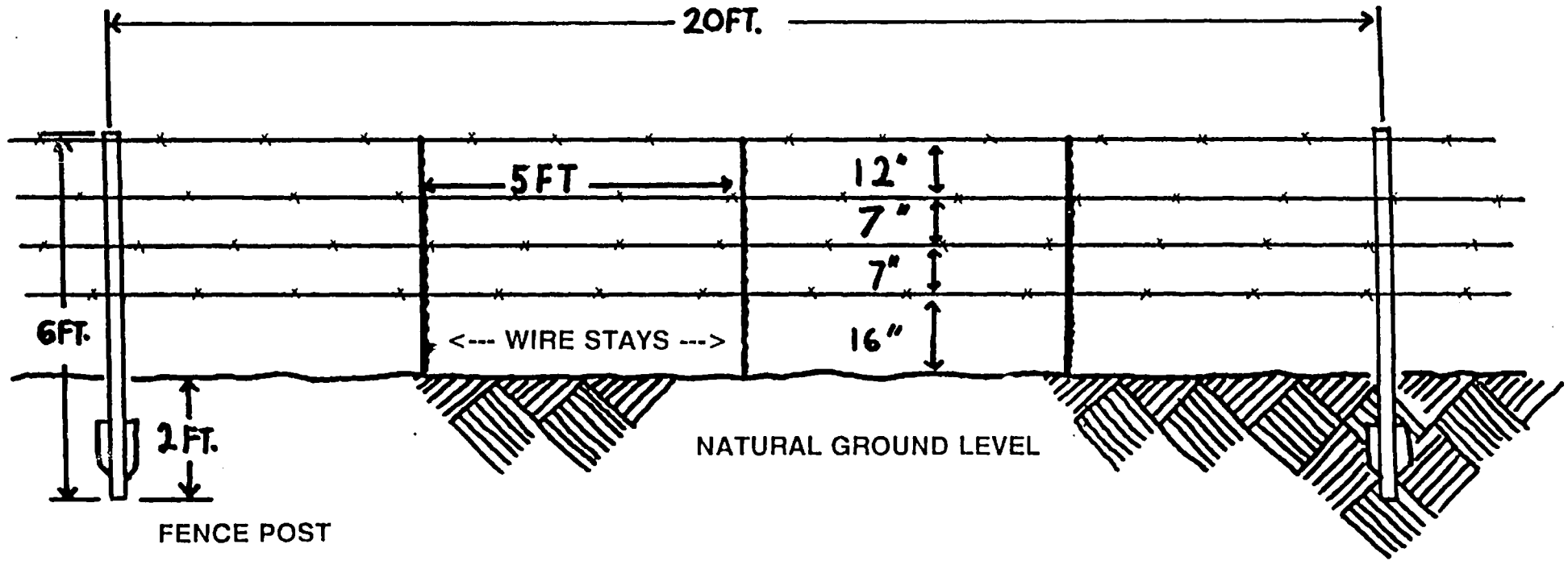
(f) This permit includes the terms and conditions of Part 3 hereof, consisting of page 3 through \_\_\_\_\_, which follow



# CORONADO NATIONAL FOREST

FENCE CONSTRUCTION DETAIL

TYPICAL FOUR-WIRE FENCE SECTION





LINE BRACE  
TIGHT SOIL

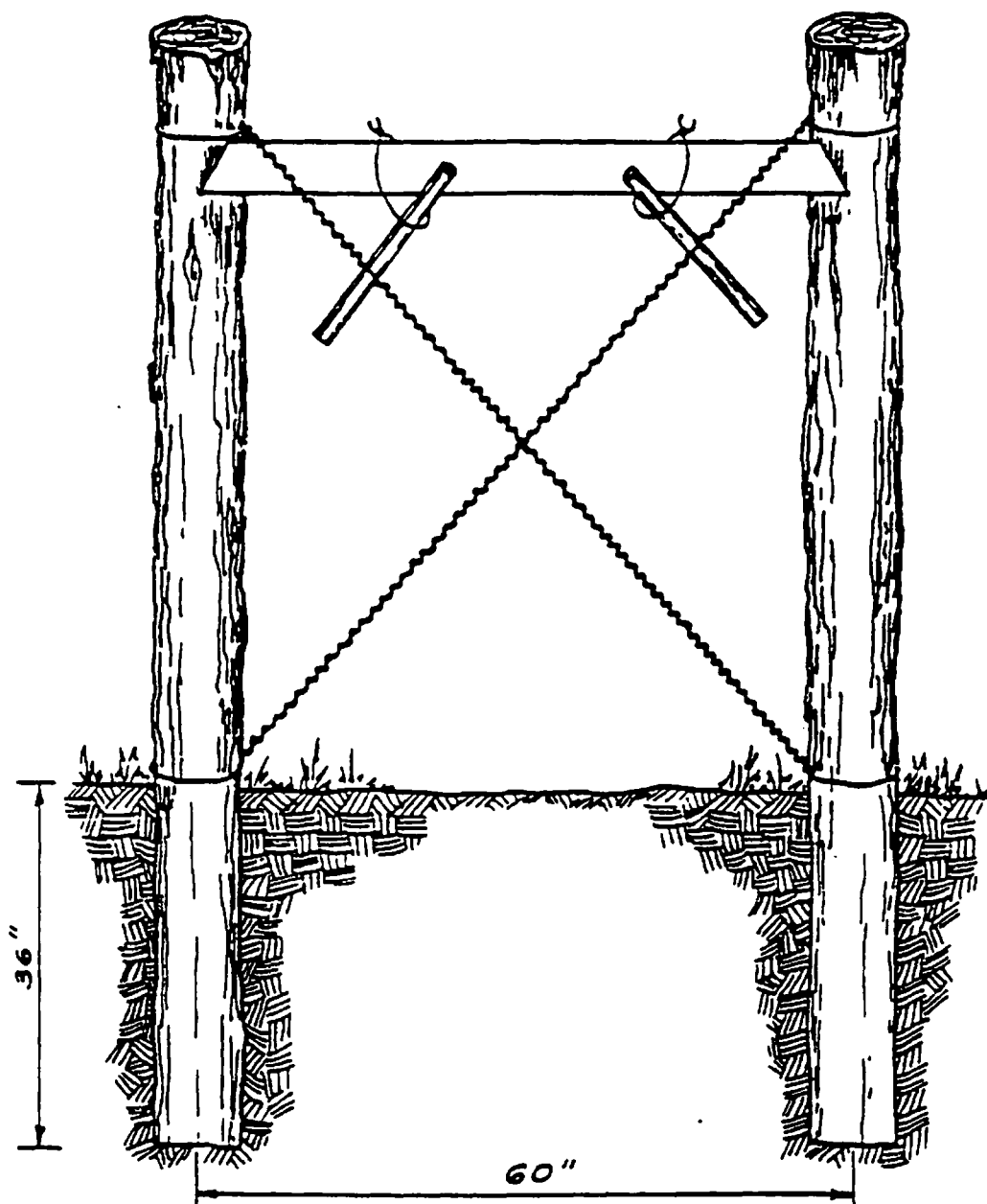
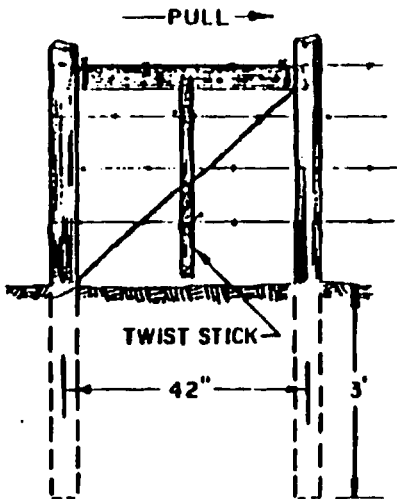
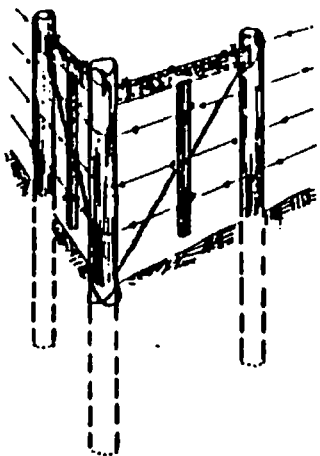
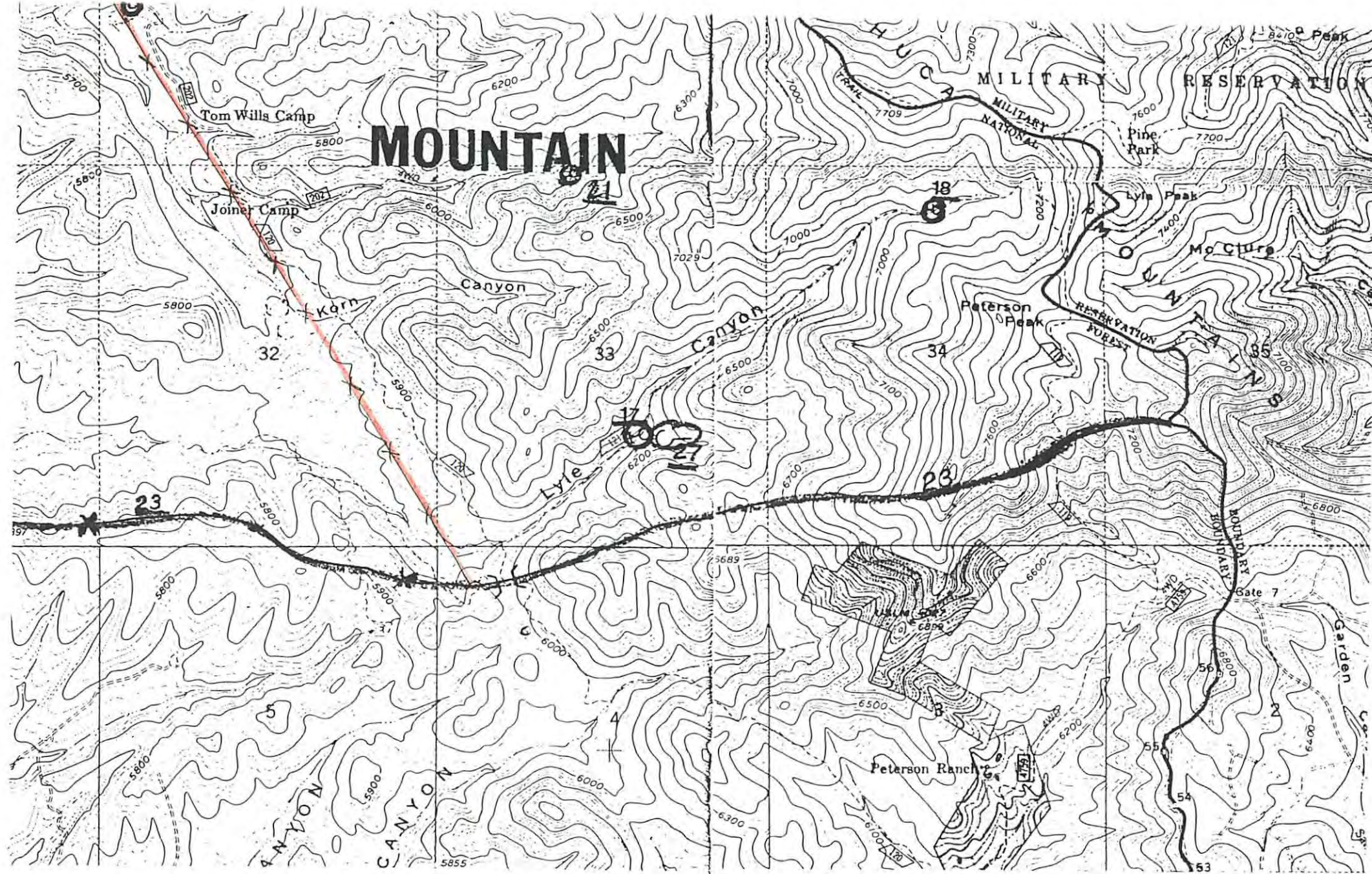


EXHIBIT 9

CORNER  
TIGHT SOIL

FIGURE 58





Reconstruction

NEW

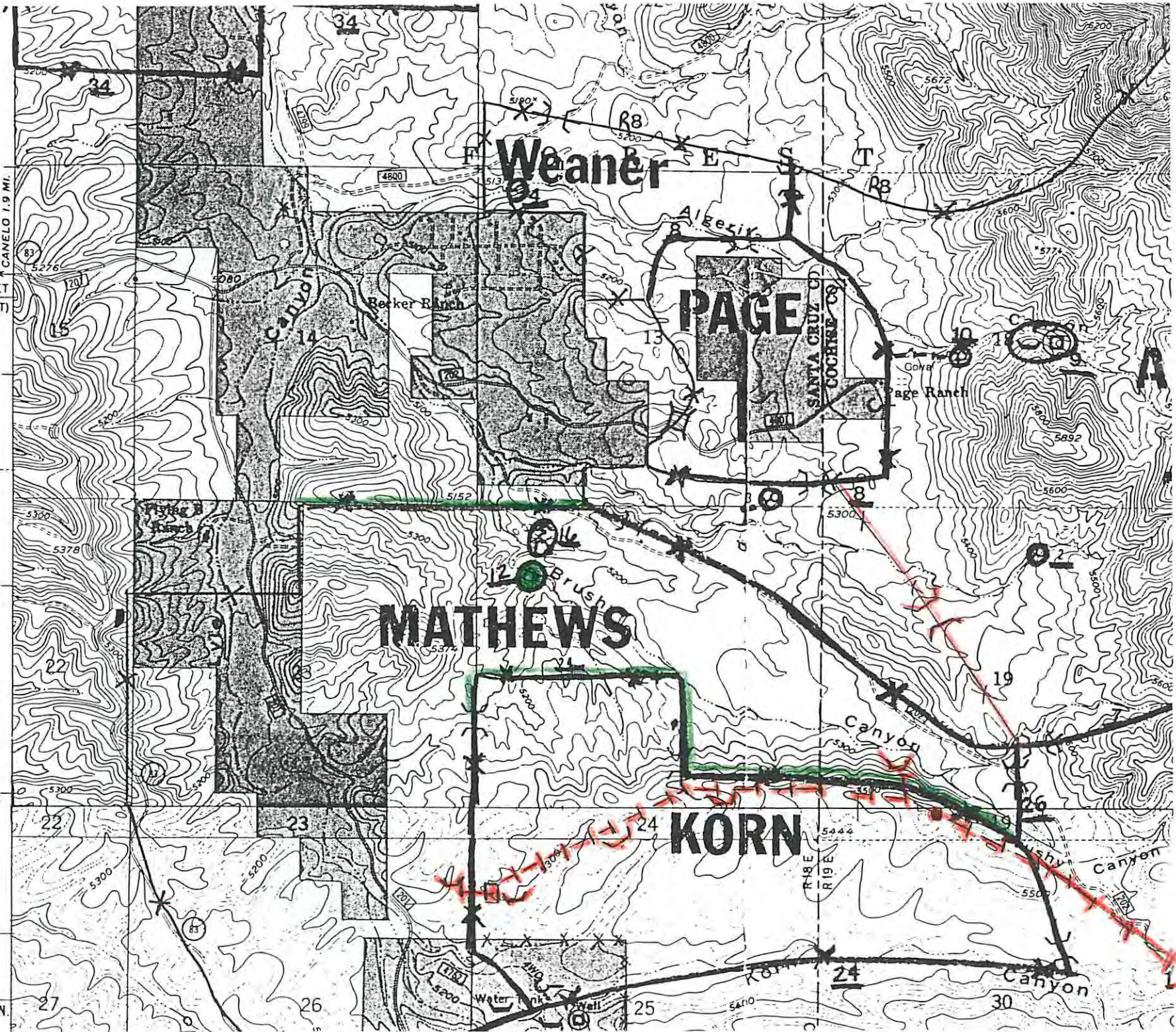
THIS MAP IS A PART OF GRAZING PERMIT NO. 05-00613  
 ISSUED TO Lazart Ranch Partnerships  
 BY James M. Wade AND SHOWS THE  
 ALLOTMENT(S) SPECIFIED IN THE PERMIT RC 00

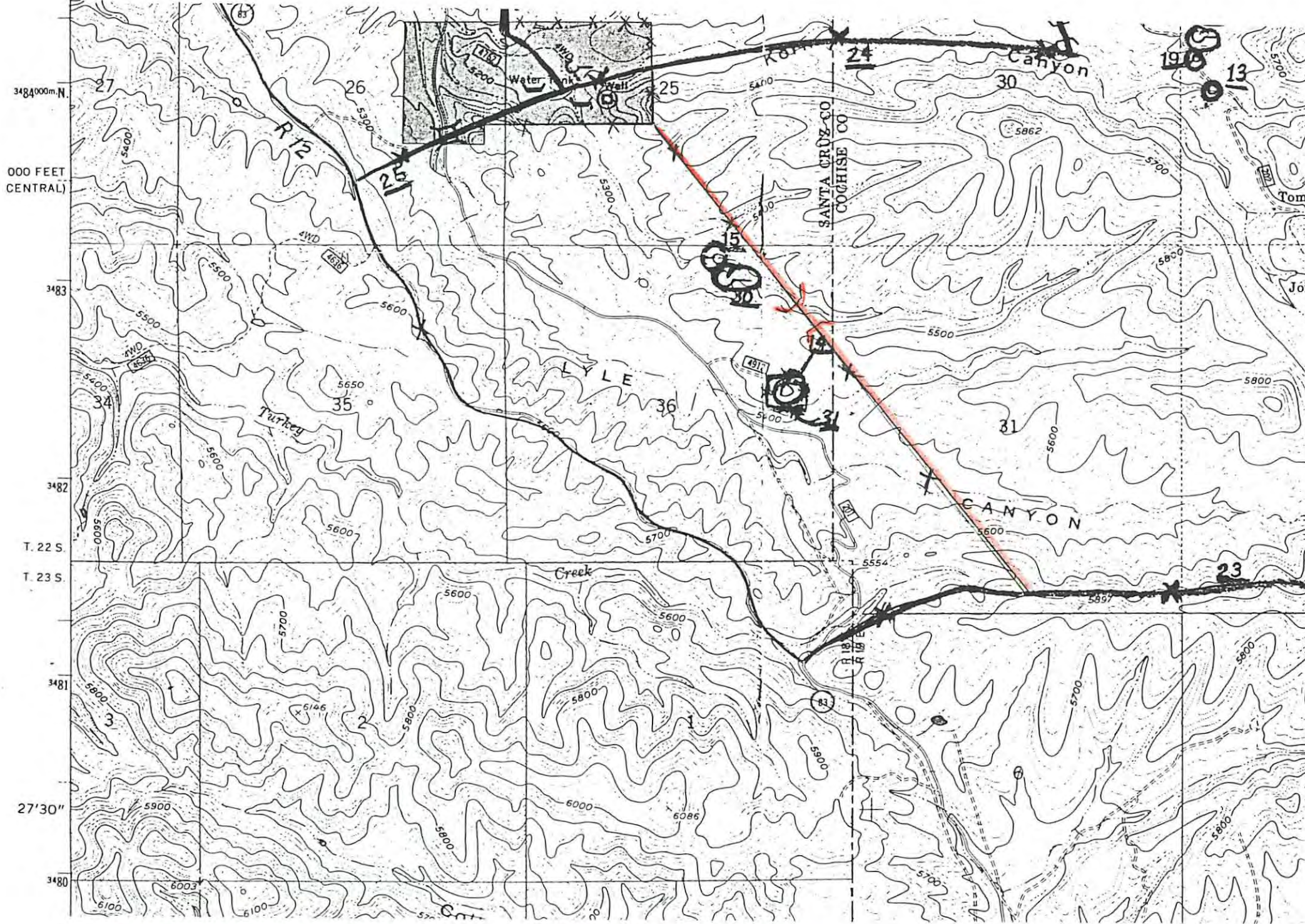
NEW

Reconstruction 31°30'

CANELO 1.9 MI.  
30 000 FEET  
(EAST)

3484000m.N.





RECONSTRUCTION

NEW

N2W

Reconstruction

