

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA
8

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

W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated

13 CONTESTED CASE NO. W1-11-3346

14 **ORDER SETTING DATE FOR**
15 **SUGGESTED CORRECTIONS OF**
16 **PROPOSED WATER RIGHTS**
17

18 CONTESTED CASE NAME: *In re ASLD – Agro Land and Cattle Co.*
19

20 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

21 DESCRIPTIVE SUMMARY: Abstracts issued for proposed water rights for stockwatering and
22 stockpond uses analyzed by Watershed File Report number 115-05-023 and deadline set to file
suggested corrections.

23 NUMBER OF PAGES: 12

24 DATE OF FILING: March 23, 2023
25

26 This case involves claims for water rights analyzed by Watershed File Report 115-05-
27 023 (“WFR”) included in the final hydrographic survey report for the San Pedro Watershed
28 (“San Pedro HSR”) filed on November 20, 1991. In the WFR prepared by Arizona Department

1 of Water Resources ("ADWR") it identified proposed water rights for SP001 and SP002,
2 among others. It listed as the applicable filings in the WFR, Claims of a Water Right for a
3 Stockpond 38-94528 and 38-76237 filed under the 1977 Stockpond Registration Act (A.R.S.
4 §45-271 through §45-276). Arizona Revised Statute §45-272(A) provides:
5

6 (A) The owner of any stockpond constructed after June 12, 1919 and prior to
7 August 27, 1977, the capacity of which is not in excess of fifteen acre-feet
8 and concerning which water rights litigation or protest to the state land
9 department was not a matter or record prior to August 27, 1977, shall have
10 a valid water right in such stockpond with priority as of the date of
11 construction and shall be eligible for such evidence of validity as the
12 director may prescribe.

13 According to the findings that ADWR included in the WFR, the two stockponds were first
14 put to beneficial use in 1972 and 1942, respectively and were less than fifteen acre-feet in size.
15 These two stockponds along with three stockwatering uses are eligible for adjudication under
16 the summary procedures set forth in the Memorandum Decision, Findings of Fact, and
17 Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic
18 Uses, dated November 14, 1994, amended February 23, 1995, approved and modified
19 September 27, 2002 ("Decision").

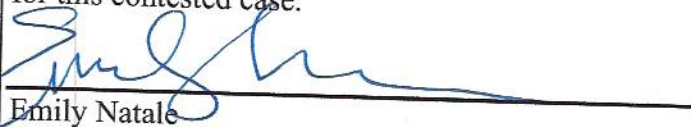
20 Proposed water right abstracts have been prepared for the *de minimis* water rights
21 analyzed by Watershed File Report number 115-05-023 that are attached as Appendix A.

22 **IT IS ORDERED** that any suggested corrections to the proposed abstracts shall be filed
23 on or before **June 30, 2023**.

24
25
26 
27 Susan Ward Harris
28 Special Master

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on March 23, 2023, for filing and distributing a copy to all persons listed on the Court approved mailing list for this contested case.


Emily Natale

Court Approved Mailing List
In re ASLD - Agro Land and Cattle Co., Contested Case No. W1-11-3346
W1-11-3346 (13 Names)
Prepared by the Special Master
3/23/2023

Carla A. Consoli
May Potenza Baran & Gillespie
P.C.
1850 N. Central Avenue, 16th
Floor
Phoenix, AZ 85004

Joe P. Sparks and Laurel A.
Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

Carrie Brennan & Kevin Crestin
Arizona Attorney General
Natural Resources Department
2005 North Central
Phoenix, AZ 85004

Kimberly R. Parks and Kome
Akpolo
Arizona Department of Water
Resources
1110 West Washington, Suite
310
Phoenix, AZ 85007

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

S. Montgomery, R. Interpreter,
J. Tomkus,
Montgomery & Interpreter PLC
3301 E. Thunderbird Road
Phoenix, AZ 85032

David Gehlert
United States Department of
Justice
Environment & Natural
Resources Division
999 18th Street, South Terrace
Ste 370
Denver, CO 80202

SHSFWLLC
Agro Land and Cattle Co.
6750 N. Oracle Rd.
Tucson, AZ 85704

J. B. Weldon, M. A. McGinnis,
M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite
200
Phoenix, AZ 85016

Sherri L. Zendri
Special Master
Central Court Building, Ste 3A
201 West Jefferson
Phoenix, AZ 85003-2205

Jeremiah Weiner, Kent
Millward,
Anthony Proano, & Lauren
Mulhern
ROSETTE, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

Thomas L. Murphy
Gila River Indian Community
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

Yosef M. Negose
U.S. Department of Justice -
ENRD
Indian Resources Section
P.O. Box 7611
Washington, DC 20044

APPENDIX A

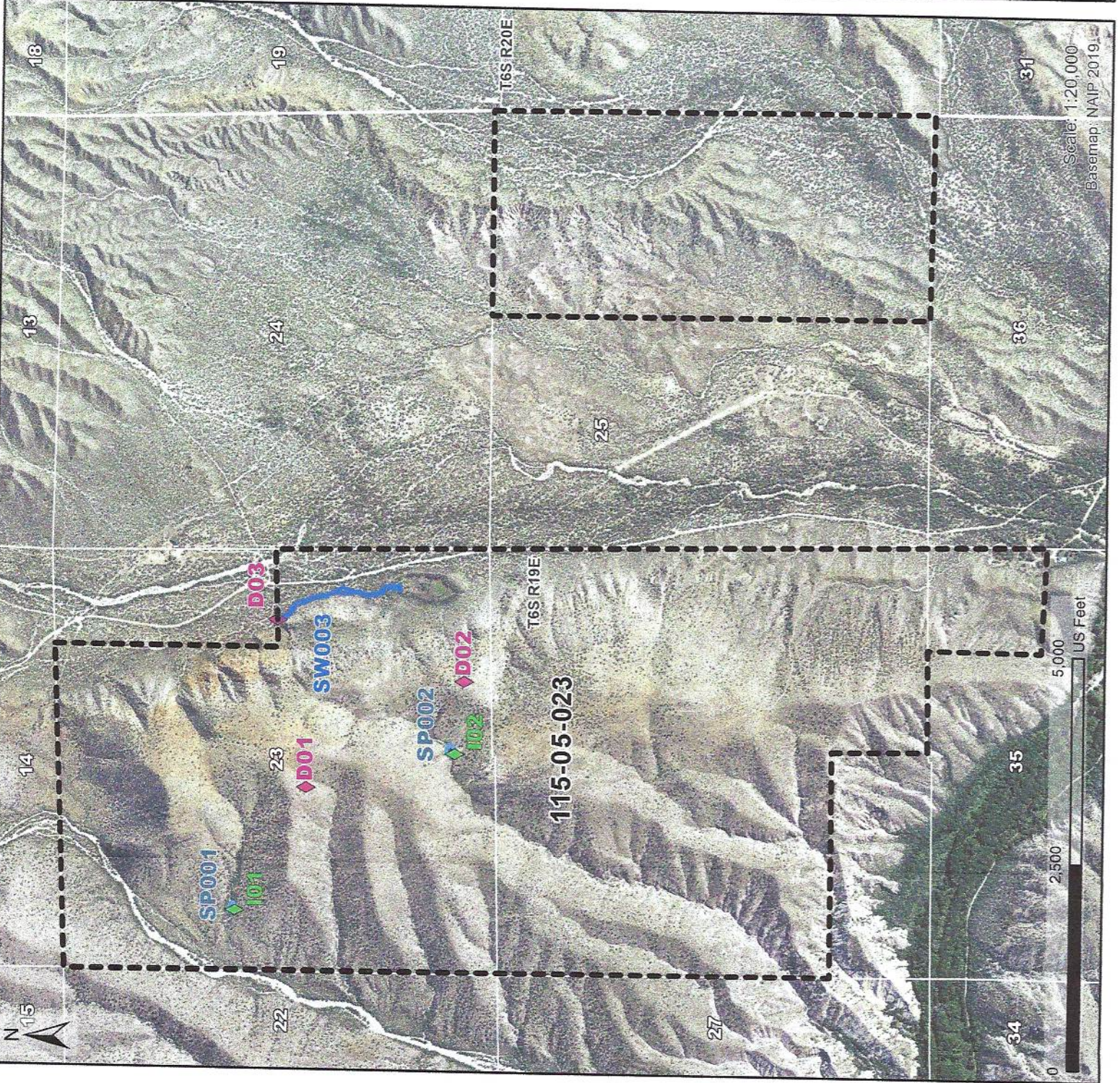
115-05-023-SP001

115-05-023-SP002

115-05-023-SW001

115-05-023-SW002

115-05-023-SW003



**WFR Boundary**

**Township/Range**

**Section**

**Water Use Type**

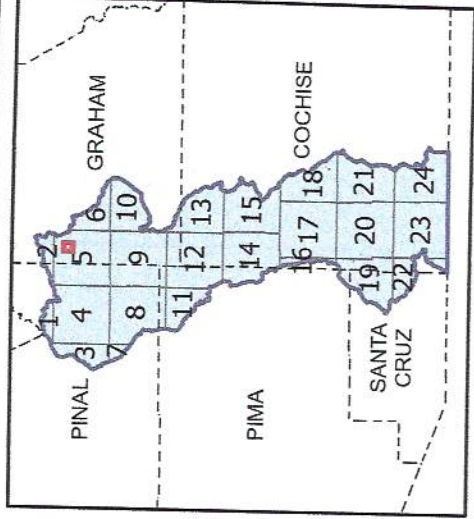
**Stockpond**

**Surface Water**

**Points of Diversion**

**Diversion**

**Impoundment**



Watershed File Report

115-05-023

Landowner

ARIZONA STATE LAND DEPARTMENT

HSR Region 05

San Pedro River



ADWR February 2023

PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

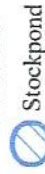
San Pedro River Watershed

1. Proposed Water Right	115-05-023-SP001
2. Owner of Right	State of Arizona - Arizona State Land Department
3. Landowner	State of Arizona - Arizona State Land Department
4. Statement of Claimant(s)	39-6779
5. Lessee or Permittee	The Nature Conservancy
6. Basis of Right	38-94528
7. Beneficial Use	Stock and wildlife watering from a stockpond
8. Priority Date	12/31/1971
9. Quantity	4.7 acre-feet annually with continuous fill
10. Place of Use	SESWNW23 06S 19E
11. Point of Diversion	I01 (SESWNW23 06S 19E)
12. Source of Water	Triangle Wash
13. Facility Name	Triangle Tank

Additional Information:

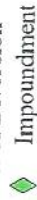


Beneficial Use



Stockpond

Point of Diversion



Impoundment

115-05-023-SP001

San Pedro River



ADWR February 2023

PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

San Pedro River Watershed

1. Proposed Water Right	115-05-023-SP002
2. Owner of Right	State of Arizona - Arizona State Land Department
3. Landowner	State of Arizona - Arizona State Land Department
4. Statement of Claimant(s)	39-6778, 39-12290
5. Lessee or Permittee	The Nature Conservancy
6. Basis of Right	10-0505525.1100, 38-0071077, 38-0076237, 38-0094526
7. Beneficial Use	Stock and wildlife watering from a stockpond
8. Priority Date	12/31/1942
9. Quantity	Not to exceed ($\leq$) 4 acre-feet annually with continuous fill
10. Place of Use	SWSWSE23 06S 19E
11. Point of Diversion	I02 (SWSWSE23 06S 19E)
12. Source of Water	Blackhill Wash
13. Facility Name	Blackhill Tank

Additional Information:



115-05-023-SP002

San Pedro River



ADWR February 2023

PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

San Pedro River Watershed

1. Proposed Water Right	115-05-023-SW001
2. Owner of Right	State of Arizona - Arizona State Land Department
3. Landowner	State of Arizona - Arizona State Land Department
4. Statement of Claimant(s)	39-6779
5. Lessee or Permittee	The Nature Conservancy
6. Basis of Right	36-4945
7. Beneficial Use	Stock and wildlife watering
8. Priority Date	12/31/1884
9. Quantity	Reasonable use
10. Place of Use	NENESW23 06S 19E
11. Point of Diversion	D01 (NENESW23 06S 19E)
12. Source of Water	Triangle Wash

Additional Information:



115-05-023-SW001

San Pedro River



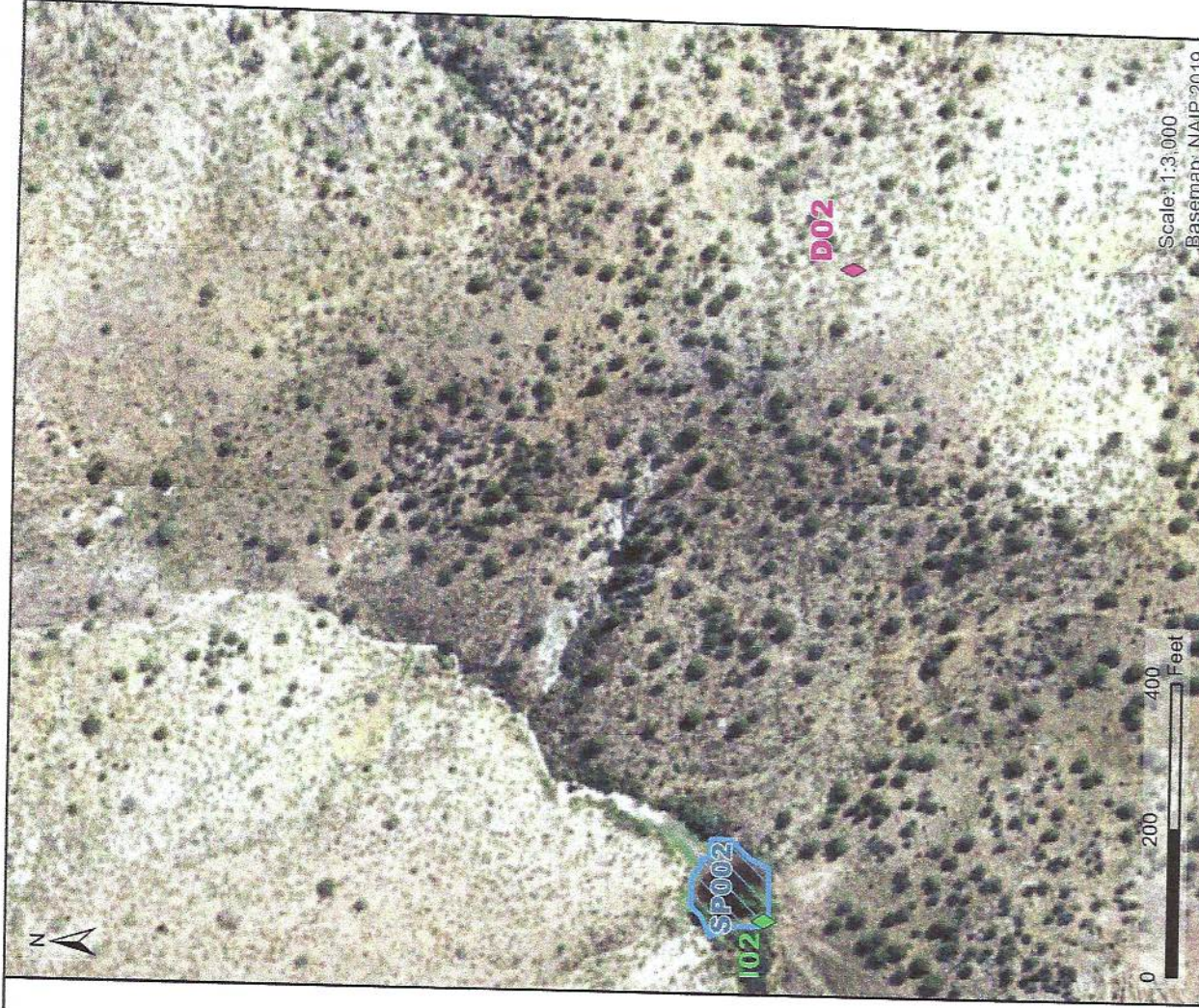
ADWR February 2023

PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

San Pedro River Watershed

1. Proposed Water Right	115-05-023-SW002
2. Owner of Right	State of Arizona - Arizona State Land Department
3. Landowner	State of Arizona - Arizona State Land Department
4. Statement of Claimant(s)	39-6778
5. Lessee or Permittee	The Nature Conservancy
6. Basis of Right	10-0505525.1100, 36-4944
7. Beneficial Use	Stock and wildlife watering
8. Priority Date	12/31/1884
9. Quantity	Reasonable use
10. Place of Use	NESWSE23 06S 19E
11. Point of Diversion	D02 (SESWSE23 06S 19E)
12. Source of Water	Blackhill Wash

Additional Information:



Scale: 1:3,000
Basemap: NAIP 2019

115-05-023-SW002

San Pedro River



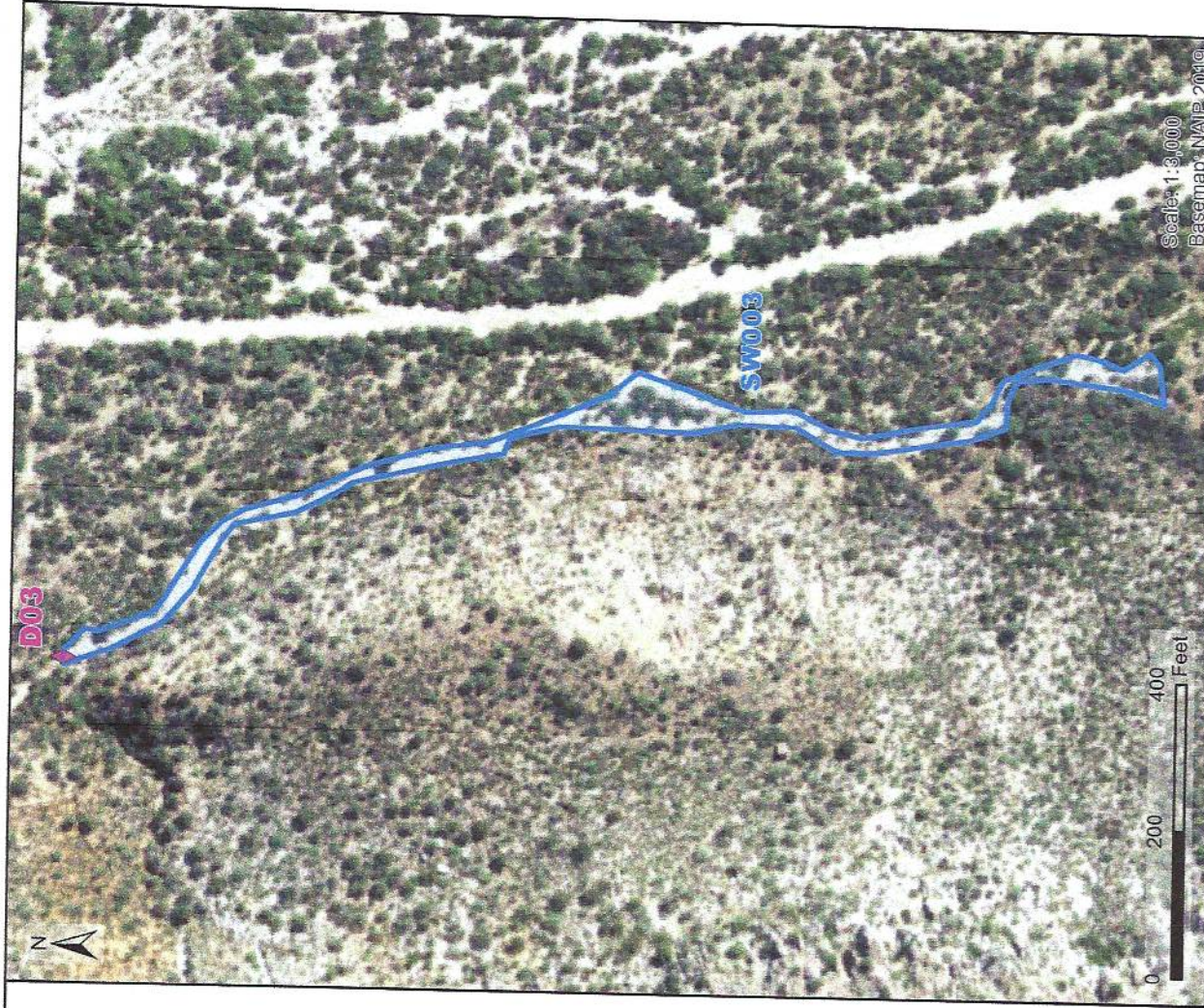
ADWR February 2023

PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

San Pedro River Watershed

1. Proposed Water Right	115-05-023-SW003
2. Owner of Right	State of Arizona - Arizona State Land Department
3. Landowner	State of Arizona - Arizona State Land Department
4. Statement of Claimant(s)	39-13160
5. Lessee or Permittee	The Nature Conservancy
6. Basis of Right	10-505525, 36-5409
7. Beneficial Use	Stock and wildlife watering
8. Priority Date	12/31/1884
9. Quantity	Reasonable use
10. Place of Use	SENESE23 06S 19E
11. Point of Diversion	D03 (SENESE23 060S 190E)
12. Source of Water	Top Draw Wash

Additional Information:



Beneficial Use

Stockwatering

Point of Diversion

Diversion

115-05-023-SW003

San Pedro River



ADWR February 2023