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

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

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

Contested Case No. W1-11-2694

ORDER

CONTESTED CASE NAME: *In re Pima County Irrigation*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Arizona Department of Water Resources (ADWR) directed to review and confirm legal description for proposed water right 113-11-003-SP001. Abstract for proposed water rights for stock watering analyzed by Watershed File Report No. 113-12-023 issued for suggested corrections and request made to Pima County to state its intent to claim a water right for a stockpond.

NUMBER OF PAGES: 8

DATE OF FILING: March 1, 2019

1 This case includes *de minimis* claims for water rights analyzed by watershed file reports
2 no. 113-11-003 and 113-12-023 included in the final hydrographic survey report for the San
3 Pedro Watershed (“San Pedro HSR”) filed on November 20, 1991. In 1994, the Special Master
4 issued a Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases
5 involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended
6 February 23, 1995, approved and modified September 27, 2002 (“Decision”). The Decision
7 established the procedures for adjudicating *de minimis* water rights for claims in the San Pedro
8 watershed. Once the proposed water right abstracts have been prepared, “the litigants will be
9 provided an opportunity to suggest the correction of mistakes in the proposed abstracts.”
10 Decision, p. 47.

11
12 **A. Stockpond Claim**

13 A proposed abstract for 113-11-003-SP001 was prepared and issued to the parties for
14 correction. Although the landowner did not raise an objection to the place of use or point of
15 diversion identified by the watershed file report, the Arizona State Land Department states that
16 the abstract should use as the place of use or point of diversion the legal descriptions included in
17 the statement of claimant.
18

19 **IT IS ORDERED** that ADWR shall review the place of use and point of diversion for
20 113-11-003-SP001 and file a report and map by **April 29, 2019**.
21

22 **B. Stock watering Claim**

23 As required by the Decision, a proposed water right abstract has been prepared for the *de*
24 *minimis* stock watering potential water right included in watershed file nos. 113-12-023 which is
25 attached as Appendix A.
26


27 **IT IS FURTHER ORDERED** that any suggested corrections to the proposed abstract
28 shall be filed on or before **April 29, 2019**.

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C. Stockpond Claim

Potential water right 113-12-023-SP001 identifies a stockpond located at NENENE 6 T12S R18E which has Stockpond Application No. 38-90512 as its stated Basis of Right filing. According to the records of the Arizona Department of Water Resources, a copy of which are attached as Appendix B, 38-90512 was withdrawn after the issuance of the San Pedro HSR. Any existing stockpond that may have been associated with 38-90512 may now be related to Certificate of Water Right No. 93074 (Applic. No. 33-93074 and 33-93075. Until a basis of right is established, a proposed abstract cannot be issued. Accordingly,

IT IS ORDERED that Pima County shall file by **April 29, 2019** a report stating its intent to claim a water right to 113-12-023-SP001 and the basis of its right to that water right.


Susan Ward Harris
Special Master

The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on February 28, 2019, for filing and distributing a copy to all persons listed on the Court approved mailing list for this Contested Case.

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APPENDIX A

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No.:	113-12-023-SW001
2. Owner of Water Right:	Pima County
3. Landowner:	Pima County
4. Statement of Claimant No.(s):	39-0002769
5. Statement of Claimant Name(s):	Pima County
6. Lessee or Permittee:	None
7. Basis of Right:	36-0018387
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	December 31, 1906
10. Quantity:	Reasonable Use
11. Place of Use:	SWNESE 6 T12S R18E
12. Point of Diversion:	SWNESE 6 T12S R18E
13. Source of Water:	San Pedro River
14. Name of Facility:	Carpenter Spring

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APPENDIX B

ARIZONA DEPARTMENT OF WATER RESOURCES

15 South 15th Avenue, Phoenix, Arizona 85007
Telephone (602) 542-1553
Fax (602) 256-0506



July 22, 1992

FIFE SYMINGTON
Governor

ELIZABETH ANN RIEKE
Director

Donald K. P. Kellogg
11655 East Golf Links
Tucson, Arizona 85730

Re: Claim of Water Right for a Stockpond No. 38-90512.0000

Dear Mr. Kellogg:

Per your request dated July 12, 1992 to withdraw the referenced claim. This letter confirms that the referenced claim has been withdrawn from the active records of the Department.

Yours truly,

Patricia M. Rocko

Patricia M. Rocko
Surface Water Rights Specialist
Operations Division
Telephone (602) 542-1581

pr

KISCO OR BAG & BALE FEEDS

11655 E. GOLF LINKS 602-296-0457
TUCSON, AZ 85730

1731

7-18 1992

91-170/1221

PAY TO THE ORDER OF ARIZONA DEPT. WATER RESOURCES \$ 100.00

One Hundred and 00/100 DOLLARS

SECURITY PACIFIC BANK
Wilcox & Broadway Office #022
6245 East Broadway, Tucson, AZ 85711

Ronald K. Killogg

KISCO OR BAG & BALE FEEDS

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE FORM DVC-2 V-3

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DEDUCTIONS		NET AMOUNT
				PARTICULARS	AMOUNT	
		App. PERMIT # 33-93075		50.00		
		" " # 33-93074		50.00		
						100.00

*This is YOUR consent of my withdrawal
of App # 38-90512
Thank You
Ron Killogg*

Ranch Expenses