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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, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-11-3406

ORDER TO INITIATE CONTESTED CASE

CONTESTED CASE NAME: *In re ASLD – Carl C. Anderson Sr.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3406 initiated, reports from Arizona State Land Department due **February 10, 2020** and **April 17, 2020**. Proposed abstracts due **May 8, 2020**.

NUMBER OF PAGES: 12

DATE OF FILING: January 9, 2020

A contested case has been initiated in the Aravaipa subwatershed to adjudicate the claims asserted by Bar 7 Cattle Company, LLC for irrigation water uses, among other uses.

Pursuant to A.R.S. § 45-257 a “claimant’s small water use claim shall be determined in conjunction with the determination of that claimant’s other claims.” A small water use includes

1 stockponds that have a capacity of not more 15 acre feet that is used solely for watering livestock  
2 or wildlife and stock watering used by livestock or wildlife. A.R.S. §45-251(9). This case  
3 involves claims for stockponds and stock and wildlife watering that Bar 7 Cattle Company has  
4 represented that it will assert in the Aravaipa subwatershed that are included in Watershed File  
5 Report 115-06-004 (“WFR”) published in the Final San Pedro River Watershed Hydrographic  
6 Survey Report (1991). A copy of the WFR is attached as Attachment A.  
7

8 In 1994, the Special Master issued a Memorandum Decision, Findings of Fact, and  
9 Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic  
10 Uses, dated November 14, 1994, amended February 23, 1995, approved and modified  
11 September 27, 2002 (“Decision”). The Decision determined that stock watering and certain  
12 stockponds and domestic uses in the San Pedro River watershed constitute *de minimis* uses and  
13 established expedited procedures to resolve objections to watershed file reports that included  
14 *de minimis* potential water rights in the San Pedro watershed. For purposes of the Decision, a  
15 stockpond is defined as a pond or artificial facility having a capacity of not more than 15 acre-  
16 feet and used solely for stock or wildlife. Decision, p. 6. Stock watering means instream  
17 watering of stock at unimproved or improved locations on a stream, creek, spring or similar  
18 source. *Id. at 5*. Claims for wildlife watering should be handled in the same manner as claims  
19 for stock watering. *Id. at 48*.  
20

21 The expedited process set forth in the Decision requires the preparation of proposed  
22 water right abstracts that include the following information: the proposed water right number,  
23 the owner of the water right, the landowner, the statement of claimant number, the name of the  
24 claimant, the lessee or permittee, the basis of the right, the beneficial use, the priority date, the  
25 quantity of water, the place of use, point of diversion, source of water, and name of facility,  
26 where available.  
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1 This Order initiates a contested case to consider the claims for water rights and resolve  
2 objections to the WFR that identified potential water rights for stock watering and stockponds  
3 on land in Section 14, Township 8S Range 20E. A copy of the map prepared for the WFR is  
4 attached as Attachment B.

5  
6 **Claimants & Landowner**

7 The WFR identified three Statements of Claimant (“SOC”) filed by the Arizona State  
8 Land Department, Eleanor Claridge, and Anderson Development Co. as the relevant filings for  
9 the potential water rights. Statement of Claimant 39-2307 filed by Eleanor Claridge was  
10 assigned to Carl C. Anderson, Marie Jo Anderson, John Bird, Jennifer Jo Bird, and Anderson  
11 Development Corporation. Public records maintained by ADWR do not show that the  
12 remaining SOCs have been assigned.  
13

14 Arizona State Land Department is named in the WFR as the owner of the property  
15 described in the WFR and Carl C. Anderson Sr. is named as the lessee. According to the maps  
16 prepared by the Arizona State Land Department, which are publically available, the relevant  
17 land is leased by the Arizona State Department to the Bar 7 Cattle Company, LLC. A copy of  
18 the map prepared by the Arizona State Land Department is attached as Attachment C.  
19

20 **IT IS ORDERED:**

21  
22 1. Contested Case. This contested case shall be known as *In re ASLD – Carl C.*  
23 *Anderson Sr.* and it will address the Statements of Claimant and objections that were filed to  
24 Watershed File Report 115-06-004 published in the Final San Pedro River Watershed  
25 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
26 and number on the following website:

27 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew)  
28 [a sp](#)

1           2.     Litigants. The litigants in this contested case are the Claimants, all persons who  
2 filed objections to the Watershed File Report who are listed on Attachment D, and claimants who  
3 are allowed to intervene by order.

4           3.     Court-Approved Mailing List.

5           A.     The initial Court-approved mailing list for this case shall include all  
6 persons listed on Attachment D to this order. The list may be modified only by  
7 filing a motion with the Special Master to amend the Court-approved mailing list.  
8 Litigants are responsible for using the current Court-approved mailing list.

9           B.     A copy of any pleading filed with the Clerk of the Maricopa County  
10 Superior Court in this case shall be served upon each person listed on the Court-  
11 approved mailing list.

12           C.     Claimants wishing to be added or removed from the mailing list shall file  
13 a motion with the Special Master. Parties allowed to intervene will be  
14 automatically added to the mailing list.

15           4.     Courtesy Email List.

16           The Special Master's office will email courtesy copies of orders and minute  
17 entries entered in this case to persons listed on Attachment D. Requests for  
18 inclusions on the email list should be sent to Barbara Brown at  
19 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

20           5.     Arizona State Land Department.

21           A.     The Arizona State Land Department shall file a report by **February 10,**  
22 **2020** identifying the ownership of the land included within the boundaries of  
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1 Watershed File Report 115-06-004 on which ADWR has found *de minimis*  
2 potential water rights and the current lessees of that land.

3 B. The Arizona State Land Department shall file a joint report with Bar 7  
4 Cattle Company, LLC identifying the ownership of the potential water rights or,  
5 if a dispute exists, the potential water rights about which a dispute exists as to  
6 ownership by **April 17, 2020**.

7  
8 C. Bar 7 Cattle Company, LLC shall prepare and file with Arizona  
9 Department of Water Resources proposed abstracts for *de minimis* water rights  
10 on land leased by Bar 7 Cattle Company and included within the boundaries of  
11 WFR 115-06-004 by **May 8, 2020**. The Arizona Department of Water Resources  
12 shall review the proposed abstracts regarding the location of the points of  
13 diversion and places of use and file its report by **June 26, 2020**.

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18 SUSAN WARD HARRIS  
19 Special Master

20 On January 9, 2020, the original of the foregoing was  
21 delivered to the Clerk of the Maricopa County Superior  
22 Court for filing and distributing a copy to all persons  
23 listed on the Court-approved mailing list for this contested  
24 case, a copy of which is attached hereto as Attachment D,  
25 and to all persons listed on the Court-approved mailing  
26 list for W-1, W-2, W-3, and W-4 (Consolidated).

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# ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	115-06-004	ANDERSON, SR., CARL C.	05-170

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3406

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE	
33-0043444.0001	PROTEST	STOCK	1.00	NENW14	08OS	200E	1977	NENW14	08OS	200E	
36-0005082		STOCK	.83	NENW14	08OS	200E					1884
38-0075660		REC/FISH/WLDLF									
38-0088645		STOCK	1.02	NENW14	08OS	200E	1941	NENW14	08OS	200E	
39-0002307	AMENDED	STOCK	.55	NENW14	08OS	200E	1941	NENW14	08OS	200E	
39-0007052		REC/FISH/WLDLF									
39-0012207		STOCK	1.02	NENW14	08OS	200E	1941	NENW14	08OS	200E	
		REC/FISH/WLDLF	.08	NENW14	08OS	200E	1884	NENW14	08OS	200E	
		STOCK	.50	SENE	NW14	08OS	1970	SENE	NW14	08OS	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
33-0043444.0001				
36-0005082	STOCK	STOCK		SW001
38-0075660	WILDLIFE	INCIDENTAL		
38-0088645	STOCK	STOCK		SPO01
	STOCK	STOCK		SPO01
39-0002307	WILDLIFE	INCIDENTAL		
39-0007052	STOCK	STOCK		SPO01
	STOCK	STOCK		SPO01, SW001
39-0012207	WILDLIFE	INCIDENTAL		
	STOCK	STOCK		SPO01

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
SW001	NENWSW14	08OS	200E		SURFACE WATER		NO	INSTREAM USE

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPO01	SENE	NW14	08OS	200E	SURFACE WATER	1984	STOCKPOND #3	STOCKWATERING WILDLIFE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SPO01	39-0002307 39-0007052 39-0012207	38-0075660 38-0088645	1941	38-88645 & 38-75660	SURFACE WATER: ARAVAIPA CREEK
SW001	39-0007052	36-0005082	1884	FILING 36-5082	SURFACE WATER: ARAVAIPA CREEK
NONE	NONE	33-0043444.0001			

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SPO01	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT

FILINGS AND DECREES

FILING 33-73444.0001 - FILING IS UNDER PROTEST.

USES AND RESERVOIRS

SP1 - STOCKPOND #3.

SW1 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM #3 WASH.

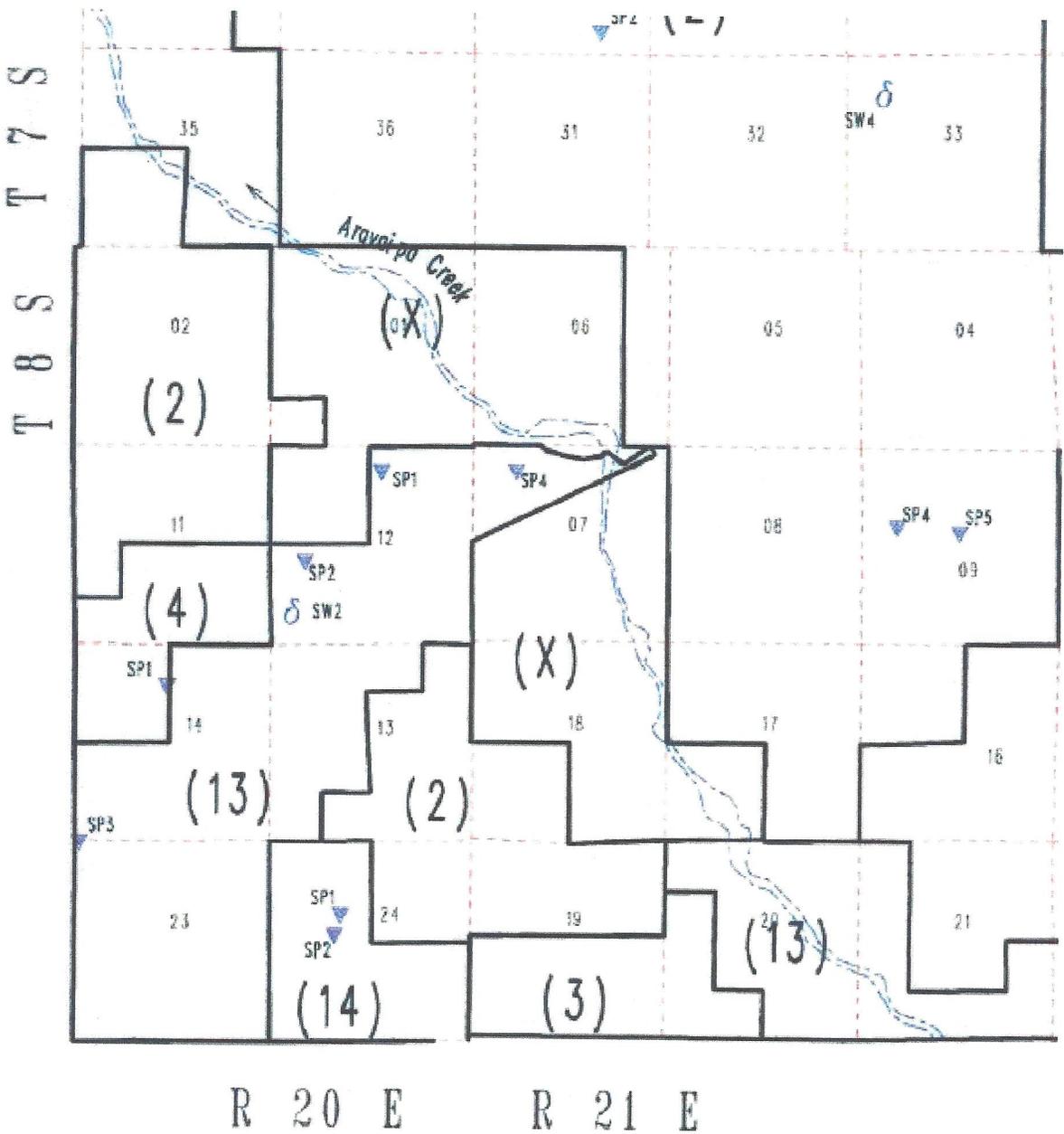
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ON PRIORITY DATES.

A COMMENT WAS RECEIVED WHICH STATED THAT FILING 33-43444.0001 SHOULD BE MATCHED TO SP1 AS A  
POTENTIAL WATER RIGHT (P.W.R.). D.W.R. DOES NOT MATCH PROTESTED FILINGS TO P.W.R.'S.

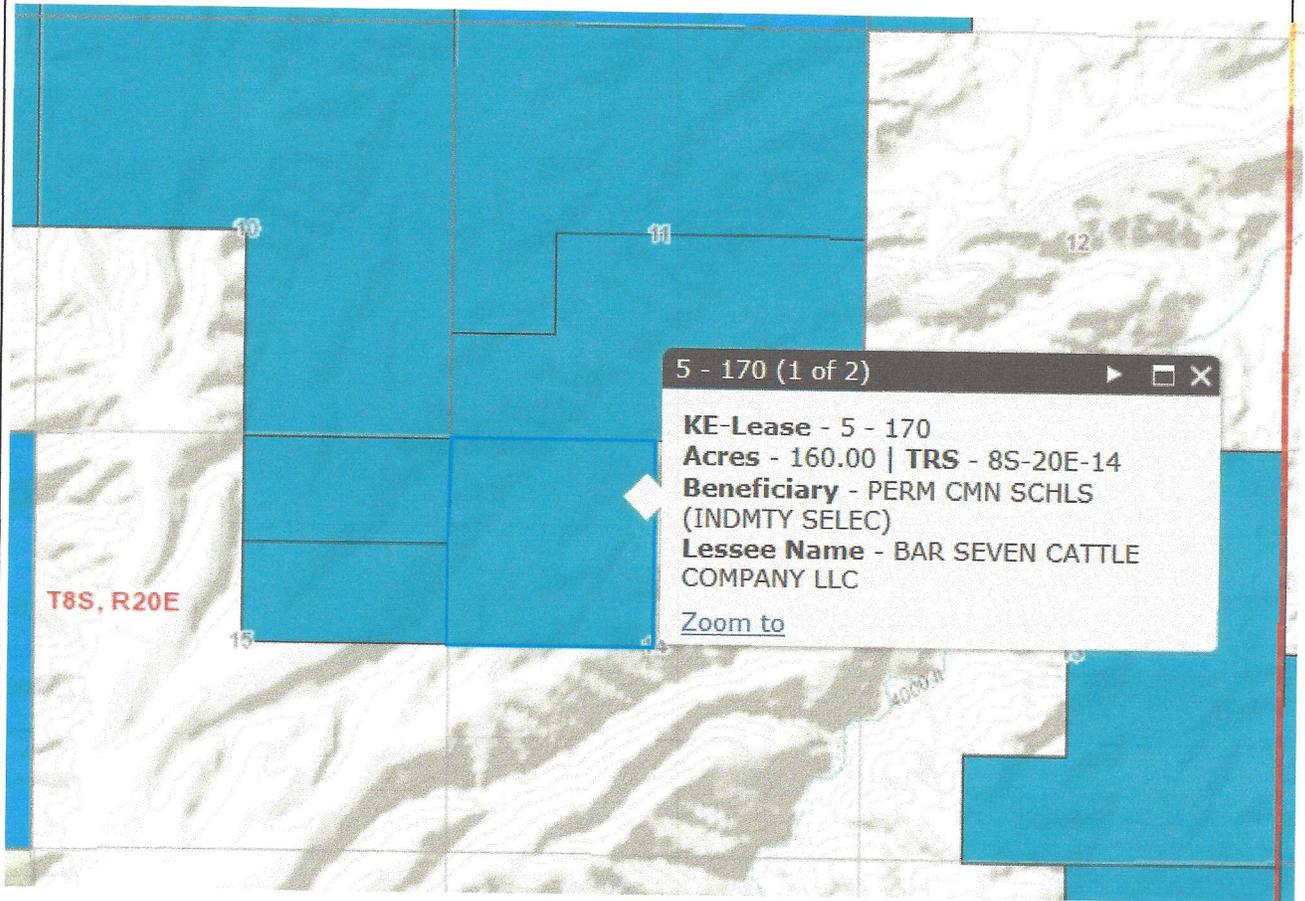
# ATTACHMENT B

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# ATTACHMENT D

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Maricopa County  
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8 201 W. Jefferson Street  
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9 Phoenix, AZ 85003

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