

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

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. W1-11-3449

ORDER FOR ADWR REVIEW OF
ABSTRACTS FOR *DE MINIMIS* WATER
RIGHTS AND
ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Anthony Lunt - Stockponds*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: This contested case no. W1-11-3449 was separated from W1-11-2583 (consolidated) by order dated April 27, 2019. Proposed abstracts prepared for two stockponds for review and mapping by the Arizona Department of Water Resources. A status conference is set for 1:30 p.m. on **July 17, 2019**.

NUMBER OF PAGES: 13

DATE OF FILING: April 29, 2019

1 This contested case involves claims asserted by Anthony Lunt and the Galiuro Trust for
2 water rights for stockponds and objections filed to watershed file report 115-10-021 published in
3 the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the
4 watershed file report is attached as Appendix A. A copy of the objection is attached as
5 Appendix B.
6

7 **Certificates of Stockpond Water Rights**

8 On July 13, 1984, Michael Isley filed two statements of claimant for two stockponds, 39-
9 4167 and 39-4168. The Arizona Department of Water Resources (ADWR) matched the
10 statements of claimant with Statements of Claim 38-82421 and 82442, respectively. Michael
11 Isley assigned the documents to Anthony Lunt. On March 12, 1993, ADWR issued Certificates
12 of Stockpond Water Right to Anthony Lunt for stockponds located in the NWSE and the NESE
13 quarter quarters of Section 11, T9S R20E with a priority date of April 30, 1977 and December
14 31, 1965, respectively. Mr. Lunt subsequently assigned Statement of Claim 38-82442 to the
15 Galiuro Trust.
16

17 **Background**

18 This case had been consolidated with contested case no. W1-11-2583, which was
19 consolidated with *In re Sands*, contested case no. W1-11-19. By Order dated April 26, 2019, this
20 case was separated from W1-11-2583 for the purpose of separately considering the watershed file
21 report that investigated the claims assigned to Anthony Lunt for water rights on land he owns. On
22 April 29, 2019, an order was issued in W1-11-3451 to adjudicate claims made by Anthony Lunt for
23 irrigation and domestic use. Under current law, a claimant who has asserted claims for irrigation
24 use and Small Water Use Claims shall have the Small Water Uses Claims determined in
25 conjunction with the claims for water for irrigation use. A.R.S. §45-257(A)(1). The term "Small
26
27
28

1 Water Use Claims” includes claims for stock watering and stockponds with a capacity of not more
2 than 15 acre feet. A.R.S. §45-251(9).

3 **Adjudication of Water Rights for Stockponds**

4 In 1994, the Special Master issued a Memorandum Decision, Findings of Fact, and
5 Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses,
6 dated November 14, 1994, amended February 23, 1995, approved and modified September 27,
7 2002 (“Decision”). The Decision established the procedures for adjudicating *de minimis* water
8 rights for claims in the San Pedro watershed. This procedure applies to the water rights for
9 stockponds claimed by Anthony Lunt and the Galiuro Trust.
10

11 As required by the Decision, proposed water right abstracts have been prepared for the *de*
12 *minimis* water rights analyzed by watershed file report no. 115-10-021. The abstracts are attached
13 as Appendix C. No abstract has been prepared for the potential water rights included the
14 Watershed File report 115-10-021 and identified as SP003 and SP004 because it does not appear
15 that either a statement of claimant or a statement of claim has been filed for those stockponds.
16

17 **Current Action**

18 The abstracts will be reviewed by ADWR to confirm the location of the stockponds. In
19 addition, ADWR shall prepare a map of the stockponds. Upon receipt of a report and map from
20 the Arizona Department of Water “the litigants will be provided an opportunity to suggest the
21 correction of mistakes in the proposed abstracts.” Decision, p. 47. This proceeding is not a
22 forum in which to relitigate the Decision, which was the subject of years of briefing and has now
23 been affirmed for more than 14 years. After suggested corrections have been received from the
24 parties, the suggested corrections will be reviewed and any necessary corrections will be made to
25 the abstracts. Subsequently, these abstracts will be included in a catalog of proposed water rights
26 where they will be subject to very limited set of objections and ultimately in a final decree.
27
28

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

APPENDIX A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
LUNT, ANTHONY	115-10-021

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3449

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
38-0082421		STOCK	1.00	NWSE11	09OS	200E	1977	NWSE11	09OS	200E
38-0082442		STOCK	1.00	NESE11	09OS	200E	1965	NESE11	09OS	200E
39-0004167		STOCK	1.00	NWSE11	09OS	200E	1977	NWSE11	09OS	200E
39-0004168		STOCK	1.00	NESE11	09OS	200E	1965	NESE11	09OS	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
38-0082421	STOCK	STOCK		
38-0082442	STOCK	STOCK		SPO02
39-0004167	STOCK	STOCK		SPO01
39-0004168	STOCK	STOCK		SPO02 SPO01

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPO01	NENESE11	09OS	200E		SURFACE WATER	1984	SPRING TANK	STOCKWATERING
SPO02	NENWSE11	09OS	200E		SURFACE WATER	1983	CHARLIE'S TANK	STOCKWATERING
SPO03	NWSESE11	09OS	200E		SURFACE WATER	1983	UNNAMED	STOCKWATERING
SPO04	SENESE11	09OS	200E		SURFACE WATER	1983	UNNAMED	STOCKWATERING

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
SPO01	39-0004168	38-0082442	1965 FILING 38-82442	SURFACE WATER: ARAVAIPA CREEK
SPO02	39-0004167	38-0082421	1977 FILING 38-82421	SURFACE WATER: ARAVAIPA CREEK
SPO03	NONE	NONE	1983 1983 AERIAL PHOTO	SURFACE WATER: ARAVAIPA CREEK
SPO04	NONE	NONE	1983 1983 AERIAL PHOTO	SURFACE WATER: ARAVAIPA CREEK

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	
SPO02	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPO03	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPO04	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

EXPLANATION

USES AND RESERVOIRS
 SP1 - SPRING TANK STOCKPOND.
 SP2 - CHARLIE'S TANK STOCKPOND.
 SP3 & SP4 - UNNAMED STOCKPONDS.

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

APPENDIX B

**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

**MANDATORY FORM FOR OBJECTIONS TO
The Hydrographic Survey Report for
The San Pedro River Watershed**

No. W111003449

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed _____ or Catalogued Well No. _____
File Report or Zone 2 Well Report No. 11510 021 (please insert no.)
(please insert no.)

OBJECTOR INFORMATION

Objector's Name: Gila River Indian Community San Carlos Apache Tribe; Tonto Apache Tribe; Yavapai-Apache Indian Community, Camp Verde Reservation
C/O Cox & Cox C/O Sparks & Siler, P.C.
Objector's Address: Suite 300 Luhrs Tower, P.O. Box 4245 7503 First Street
Phoenix, AZ 85030 Scottsdale, AZ 85251
Objector's Telephone: (602) 254-7207 (602) 949-1988

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):
39-11-05478 39-05-41142 39-07-12652 39-07-12676 39-05-50058 39-07-12169
39-U8-60083 39-L8-36340 39-L8-37360 39-U8-63614 39-07-12675 39-05-50059

STATE OF ARIZONA

COUNTY OF MARICOPA

VERIFICATION (must be completed by objector)

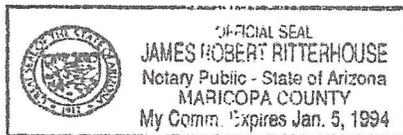
I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 18 day of May, 1992, postage prepaid and addressed as follows:

Name: LUNT, ANTHONY
Address: 1137 EAST CAMINO DEL, SAGHUARO
TUCSON AZ 85749

I declare under perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Alfred S. Cox
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 11 day of May 1992.
James R. Rittnerhouse
Notary Public for the State of Arizona



(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well report; or to information contained in Volume 1 of the Hydrographic Survey Report.)

Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

000001

STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check category(ies) to which you object, and state the reason for the objection on the back of this form.

- 1. I object to the description of **Land Ownership**
- X 2. I object to the description of **Applicable Filings and Decrees**
- 3. I object to the description of **DWR's Analysis of Filings and Decrees**
- X 4. I object to the description of **Diversions** for the claimed water right(s)
- 5. I object to the description of **Uses** for the claimed water right(s)
- 6. I object to the description of **Reservoirs** used for the claimed water right(s)
- 7. I object to the description of **Shared Uses & Diversions** for the claimed water right(s)
- 8. I object to the **PWR (Potential Water Right) Summary** of the claimed water right(s)
- X 9. I object to the description of **Quantities of Use** for the claimed water right(s)
- 10. I object to the **Explanation** provided for the unclaimed water right(s)
- 11. Other Objections (please state volume, page and line number for each objection)

REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attached supporting information and additional pages as necessary. The following objection(s) are based upon information and belief:

CATEGORY
NUMBER

- 4) The use of the water claimed depletes water for senior federal and Indian water rights (1150).
- 9) HSR does not show a claimed water use rate (1000).
- 2) HSR does not show statement of Claimants filing for each Zone 1 Potential Water Right (475).
- 2) HSR does not show Water Rights Registration for each Zone 1 Potential Water Right (420).
- 2) HSR does not show registration of stockpond filing for each stockpond (420).
- 4) Impoundment of water interferes with senior federal and Indian water rights (1150).

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

APPENDIX C

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-10-021-SP001
2. Owner of Water Right:	Galiuro Trust
3. Landowner:	Galiuro Trust
4. Statement of Claimant No.(s):	39-4168
5. Statement of Claimant Name(s):	Galiuro Trust
6. Lessee or Permittee:	N/A
7. Basis of Right:	38-82442
8. Beneficial Use	Stockpond
9. Priority Date	December 31, 1965
10. Quantity:	Not to exceed (\leq) 4 ac-ft. with continuous fill
11. Place of Use:	NENESE 11 T9S R20E
12. Point of Diversion:	NENESE 11 T9S R20E
13. Source of Water:	Spring Canyon (a tributary of Deer Creek, a tributary of the San Pedro River)
14. Name of Facility:	Spring Tank

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-10-021-SP002
2. Owner of Water Right:	Anthony Lunt
3. Landowner:	Galiuro Trust
4. Statement of Claimant No.(s):	39-4167
5. Statement of Claimant Name(s):	Anthony Lunt
6. Lessee or Permittee:	N/A
7. Basis of Right:	38-82421
8. Beneficial Use	Stockpond
9. Priority Date	April 30, 1977
10. Quantity:	Not to exceed (\leq) 4 ac-ft. with continuous fill
11. Place of Use:	NENWSE 11 T9S R20E
12. Point of Diversion:	NENWSE 11 T9S R20E
13. Source of Water:	a tributary of Deer Creek, a tributary of the San Pedro River)
14. Name of Facility:	Charlie's Tank

APPENDIX D

1
2
3 Anthony Lunt, Trustee
4 Galiuro Trust
5 12929 S. Deer Creek Road
6 Klondyke, Az 85643

7 Anthony Lunt,
8 12929 Deer Creek Road
9 Willcox, Az 85643

10 Clerk of The Superior Court
11 Maricopa County
12 Attn: Water Case
13 601 West Jackson Street
14 Phoenix, Az 85003

15 Joe P. Sparks And Laurel A. Herrmann
16 The Sparks Law Firm, P.C.
17 7503 First Street
18 Scottsdale, Az 85251-4573

19 Kimberly R. Parks And Janet L. Miller
20 Arizona Department Of Water Resources
21 P. O. Box 36020
22 Phoenix, Az 85067

23 Linus Everling And Thomas L. Murphy
24 Gila River Indian Community
25 Office Of The General Counsel
26 P. O. Box 97
27 Sacaton, Az 85147

28 S. Montgomery, R.Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, Az 85032

Susan Ward Harris
Special Master
Central Court Building, Ste 3a
201 West Jefferson
Phoenix, Az 85003-2205