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6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
7 **IN AND FOR THE COUNTIES OF MARICOPA AND APACHE**
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, W-2, W-3, and W-4 (Consolidated)
and
CV 6417

13 IN RE THE GENERAL
14 ADJUDICATION OF ALL RIGHTS
15 TO USE WATER IN THE LITTLE
16 COLORADO RIVER SYSTEM AND
17 SOURCE

CONTESTED CASE NO. W1-11-1511

NOTICE OF DESIGNATION OF
ISSUES OF BROAD LEGAL
IMPORTANCE

18 **CONTESTED CASE NAME:** *In re ASLD – Fred & Carol Telles*

19 **DESCRIPTIVE SUMMARY:** Notice is given designating an issue as one of broad
20 legal importance in both these general adjudications. Interested parties must file a
21 Notice of Limited Appearance on or before **May 30, 2025**. Parties may file briefs for
22 Court consideration on or before **June 30, 2025**.

23 **NUMBER OF PAGES:** 3 (plus attachment)

24 Pursuant to Rules for Proceedings Before the Special Master section 12.03, the
25 Special Master may designate an issue raised by objections, Watershed File Reports, or
26 motions as an issue of broad legal significance to claimants throughout the river system
27 being adjudicated or to litigants in other river system adjudications in Arizona. An issue
28 of broad legal importance is defined as one that has procedural or substantive
significance that arises in other contested cases. Rules for Proceedings § 12.01. In this
case, the objections and positions taken by the parties raise legal issues that affect
numerous claimants in both the Gila River and Little Colorado River General Stream

1 Adjudications.

2 In a Minute Entry filed January 9, 2025, for this contested case, the Special Master
3 ordered Arizona State Land Department (“ASLD”) to “seek certification of uncertified
4 post-1919 stockponds by March 1, 2025.” W1-11-1511, Minute Entry at 3 (Jan. 9, 2025).
5 ASLD subsequently reminded the Court that the Court had previously approved abstracts
6 for numerous uncertified, but registered stockponds. ASLD’s Notice of Filing Basis of
7 Right Amendments, Requests for Certification and Formal Request to Reactivate Claim
8 No. 38-88613 with ADWR at 3 (March 3, 2025). ASLD further stated that it has over
9 690 stockpond applications pending in the San Pedro River Watershed. *Id.* Further,
10 ADWR filed comments with the Court listing 173 abstracts approved for uncertified, but
11 registered stockponds. ADWR Comments at 2 (March 18, 2025).

12 A certification requirement for stockponds would impact numerous contested
13 cases throughout the Little Colorado River and Gila River Basins, including cases that
14 have already been settled or decided.

15 **THEREFORE, IT IS ORDERED** designating the following as issues of broad legal
16 importance:

- 17 1) At minimum, what must a claimant show to prove the existence of a
18 basis of right?
- 19 a) May an appropriation initiated after June 12, 1919, be perfected
20 without a water right certificate?
- 21 b) Is evidence of perfection of an appropriation pursuant to a permit
22 under Arizona Revised Statutes section 45-153 or a stockpond claim
23 under section 45-273 a sufficient basis of right?
- 24 2) If certification is necessary, how can ADWR expedite the certification
25 process?
- 26 3) If certification is necessary, how best should the Court address the
27 abstracts previously approved, despite the absence of a certificate?

28 Notice of this issue of broad legal importance is distributed to all parties on

1 the Court-Approved Mailing Lists ("CAMLs") for Little Colorado River and Gila
2 River Basins. Further proceedings regarding this issue will occur within contested
3 case W1-11-1511.

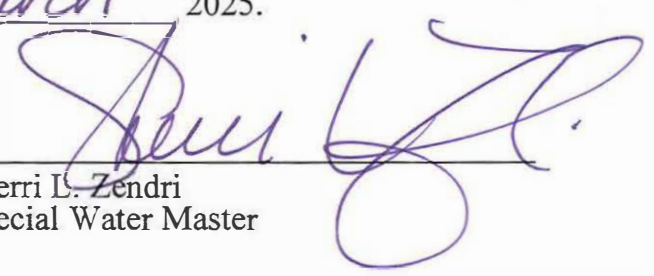
4 **THEREFORE, IT IS FURTHER ORDERED** that any claimant in either
5 the Little Colorado River or the Gila River basin interested in participating in this
6 proceeding must file a Notice of Limited Appearance for contested case W1-11-
7 1511 no later than **May 30, 2025**. Attachment I to this order includes a standard
8 form for the notice for parties' convenience.

9 **IT IS FURTHER ORDERED** that parties must respond to the issues posed
10 by this Order no later than **June 30, 2025**, and replies shall be filed by **July 31,**
11 **2025**. Parties must serve response and reply briefs to all the individuals listed on
12 the CAML that is current on or after June 20, 2025, for contested case W1-11-1511.

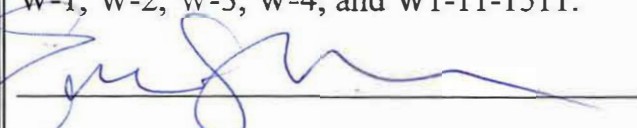
13 The most current CAML can be found at:

14 [https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdju](https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/1511ML.pdf)
15 [dication/docs/1511ML.pdf](https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/1511ML.pdf).

16 DATED this 28th day of March 2025.

17 
18
19 Sherri L. Zendri
20 Special Water Master

21
22 On March 28, 2025, the
23 original of the foregoing was delivered to the
24 Clerk of the Apache County Superior Court
25 and the Clerk of the Maricopa County
26 Superior Court for filing and distributing a
27 copy to all persons listed on the Court-
28 approved mailing lists for Cases: CV6417,
W-1, W-2, W-3, W-4, and W1-11-1511.


Emily Natale

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ATTACHMENT I

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

Contested Case No. **W1-11-1511**

13 **NOTICE OF LIMITED APPEARANCE**
14 **AND REQUEST TO AMEND COURT-**
APPROVED MAILING LIST

15 CONTESTED CASE NAME: *In re ASLD – Fred and Carol Telles*

16 HSR INVOLVED: San Pedro Hydrographic Survey.

17 DESCRIPTIVE SUMMARY: Notice of Limited Appearance and Request to Amend the
18 Court Approved Mailing List is filed on behalf of _____.

19 NUMBER OF PAGES: 2

20 **NOTICE IS HEARBY GIVEN** that (name) _____ of
21 the law firm (if applicable) _____ **FULL NAME** enters this Notice
22 of Limited Appearance in the above-captioned matter regarding the Issue of Broad
23 Legal Importance on behalf of _____.
NAME OF PARTY REPRESENTED

24
25 Additionally, it is requested that _____ be
26 **FULL NAME**

27 /

28 /

1 added to the Court Approved Mailing List for this Contested Case. All further
2 correspondence, pleadings, and other material relevant to this should be served upon the
3 following address:

4
5 Name: _____

6 Firm (if applicable): _____

7 Street: _____

8 City/State/Zip _____

9 Email address: _____

10
11 Signed this _____ day of _____ 2025.

12
13
14 Signature: _____

15
16 Print Full Name: _____

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21 On _____ 2025, the original of the
22 foregoing was delivered to the Clerk of the
23 Maricopa County Superior Court for filing and
24 distributing a copy to all persons listed on the
25 Court-approved mailing list for this contested
26 case.
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