

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

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

W1-00-001234 (Consolidated)

Contested Case No. **W1-11-002739**

ORDER SETTING DEADLINES

CONTESTED CASE NAME: *In re ASLD – D.M. Martin*

HSR INVOLVED: San Pedro Hydrographic Survey.

DESCRIPTIVE SUMMARY: This order sets multiple deadlines regarding the stockwatering and stockpond claims for this contested case.

NUMBER OF PAGES: 6

This contested case involves Arizona State Land Department (“ASLD”) potential water rights for 17 instream stockwatering locations, and 12 ponds. There is some debate whether two of the ponds meet the statutory definition of “stockpond” under ARS §45-271, therefore this order uses the term “pond” to encompass all surface water impoundments that are part of this contested case.

Stockwatering

Draft abstracts for the stockwatering claims were filed on September 5, 2025. Objector San Carlos Apache Tribe (“the Tribe”) noted that ASLD provided only a quarter-quarter section description for places of use. Moreover, the Tribe objected that most places of use listed in ASLD’s abstracts of potential water right (“PWR”) do not match the relevant places of use in the WFR.

1 First, places of use may be specified to the nearest quarter-quarter section.
2 Summary adjudication procedures in the San Pedro River Watershed permit stock
3 watering uses to be “described to the quarter-quarter section in which the use occurs.”¹
4 Further, Arizona Revised Statutes section 45-254(C)(6) requires that claims only specify
5 places of use to the nearest quarter-quarter section.

6 Second, because a WFR comprises the entire evidentiary record for a summarily
7 adjudicated right, the WFR must support the places of use listed in the relevant abstracts.
8 Table 1 (attached) is a comparison of the locations of use as listed in the statement of
9 claimant (“SOC”), the applicable basis of right, ASLD’s draft abstracts, the map attached
10 to ASLD’s draft abstract, and the WFR. Discrepancies appear to be the result of
11 ADWR’s default practice of assigning the “¼ ¼ ¼ section, township, range designation
12 **where the water course enters the property or lease allotment boundary**” as the place
13 of use for a stock watering use.²

14 **IT IS ORDERED** that no later than **August 31, 2026**, ADWR will prepare a
15 supplemental WFR that includes both the location of use as defined by the San Pedro
16 HSR, and the location of use as claimed by ASLD.

17 **IT IS FURTHER ORDERED** this supplemental WFR shall include only the
18 stockwatering claims. A separate amended WFR for the ponds, if necessary, may be
19 ordered later.

20 The statements of claimant and bases of right all report consistent places of use. It
21 should be noted, however, that ASLD appears to have substituted filing 36-5532 with 36-
22 4744 as the basis of right for SW005 after the WFR was published.

23 **Ponds**

24 On February 20, 2026, ASLD filed stockpond abstracts and requested the Court
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28 ¹ W1-11-19, Memorandum Decision at 43 (Nov. 14, 1994).

² San Pedro Hydrographic Survey Report at 559 (1991) (emphasis added).

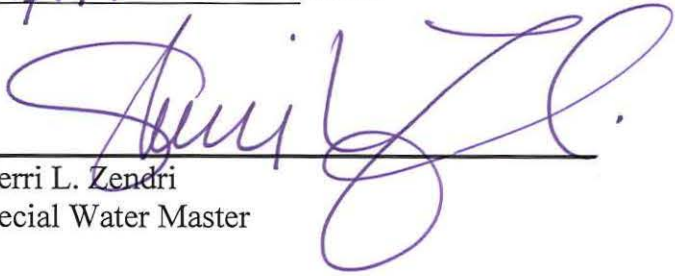
1 provide a deadline for comments.³ The Special Master provided a March 13, 2026,
2 deadline for comments to the abstracts, and requested an estimated timeline from ADWR
3 for certification. Comments were timely received from the Tribe and ADWR.
4 Additionally, ADWR estimated eight months to process the 12 stockpond certifications.

5 The Tribe and ADWR identified two issues with ASLD's abstracts. First, multiple
6 SOC's claim as bases of right both a "36" and a "38" filing.⁴ A single basis of right is key
7 because there can be only a single date of "first" beneficial use. Moreover, redundant
8 filings increase the workload of an already taxed agency. Second, discrepancies were
9 found regarding the quantities of use claimed when compared to the dimensions of the
10 stockponds. Most notably, at least two of the ponds may not meet the definition of a
11 stockpond pursuant to ARS § 45-271.

12 **IT IS ORDERED** that ASLD shall file with AWDR no later than **June 1, 2026**,
13 final SOC's and pre-adjudication filings for all ponds associated with this contested case.
14 Each SOC shall claim a single basis of right.

15 **IT IS FURTHER ORDERED** that ASLD and ADWR shall file a joint status
16 report no later than **July 31, 2026**, updating the Special Master on the processing of these
17 ponds, including an update to the estimated timeframe for completion.

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19 Signed this 14th day of April 2026.

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23 _____
24 Sherri L. Zendri
25 Special Water Master

26 ³ This Court's December 18, 2026, order did not provide any deadlines for revised abstracts, or for
27 abstracts for the stockponds. However, an error on the General Stream Adjudication website listed
28 a February 20, 2026, deadline for "Revised Abstracts and notice re: stockponds."

⁴ "36" filings are statements of claim filed under the Water Rights Registration Act, A.R.S. §§ 45-
151-166. "38" filings are stockpond registrations filed under the Stockpond Registration Act,
A.R.S. §§ 45-271-276.

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On April 14th, 2026, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached.

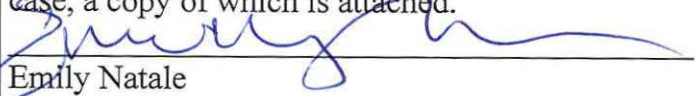

Emily Natale

Table 1 – Comparison of Locations - all are within Township 11 South and Range 21 East

PWR	Statement of Claimant (¼ ¼ Section)	Basis of Right (¼ ¼ Section)	ASLD Map (¼ ¼ Section)	ASLD Abstract (¼ ¼ Section)	Watershed File Report (¼ ¼ ¼ Section)
113-13-006-SW001	SENW 33	SENW 33	SENW 33 NWSE 33	SENW 33	SWNWNW 33
113-13-006-SW002	SWNW 34	SWNW 34	SWNW 34	SWNW 34	NWSENW 34
113-13-006-SW003	NESW 35	NESW 35	NESW 35 SWSW 35 SESW 35	NESW 35	NWSWSW 36
113-13-006-SW004	SESW 01	SESW 01	SESW 01	SESW 01	SESWSE 01
113-13-006-SW005^A	NWNE 03	NWNE 03	NENW 09 SWNW 09 SENW 09	NENW 09	NWSENW 03
113-13-006-SW006	SENE 03	SENE 03	SENE 03 SESE 03 NESE 03	SENE 03	NWNWNE 03
113-13-006-SW007	SENW 04	SENW 04	SENW 04 NWSE 04 SWNE 04 SESW 04 NENW 04	SENW 04	SESWNW 34
113-13-006-SW008	SESW 05	SESW 05	SESW 05 NESW 05 NWSW 05	SESW 05	NWNWSW 05
113-13-006-SW009	SENE 10	SENE 10	SENE 10	SENE 10	SWSENW 11
113-13-006-SW0010^B	NENW 32 NESE 32 NWNE 32	NWNE 32 SWNE 32 SENE 32	NWNE 32 NENW 32 SWNE 32 NESE 32 SENE 32 SESE 32	NENW 32	NWNWNE 32
113-13-006-SW0011	NESE 15	NESE 15	NESE 15 SENE 15 NWNE 15	NESE 15	SWSWSE 10
113-13-006-SW0012^B	NENW 11 NWNE11 SWNE 11	SWNW 01 NESW 01 NWSW 01	SWNW 12 NESW 12 SENW 12	NESW 12	NENESW 12
113-13-006-SW0013	NWNE 05 N2NW 05	NWNE 05 N2NW 05	NWNE 05 SWNE 05 N2NW 05	NWNE 05	NWNWNW 05
113-13-006-SW0014	NESE 08 NWSW 09	NESE 08 NWSW 09	NESE 08 NWSE 09 NWSW 09 SWNE 09 SWSW 09 SENE 09 NESW 09	NWSW 09	NESWSE 03
113-13-006-SW0015	SESW 11	SESW 11	SESW 11	SESW 11	NWSWNE 14
113-13-006-SW0016^B	NESW 10 NESW 10 NWSE 10	NESW 14 SWSW 10 SESW 10	NESW 14	NENE 14	SENE 14
113-13-006-SW0017	NENW 16 SENW 16 NWSW 16	NENW 16 SENW 16 NWSW 16	SENW 16 NESW 16	NENW 16	SENE 16

^A The water rights registration filing for this claim was replaced with another after WFR publication. The updated filings list the location of use claimed by ASLD on the draft abstract and map

^B The statements of claimant and water rights registration filings included additional location of use data not listed on the WFR that did include all the locations identified in the draft abstract and associated maps.

Court Approved Mailing List
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