

1 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
2 **IN AND FOR THE COUNTY OF MARICOPA**

3
4 IN RE THE GENERAL ADJUDICATION
5 OF ALL RIGHTS TO USE WATER IN
6 THE GILA RIVER SYSTEM AND
7 SOURCE

W-1 (SALT)
W-2 (VERDE)
W-3 (UPPER GILA)
W-4 (SAN PEDRO)

CONTESTED CASE NOS. W1-11-232
W1-11-1344

8
9 **ORDER CLARIFYING**
10 **DECEMBER 5, 2024 ORDER**

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12 CONTESTED CASE NAME: *In re San Pedro Riparian National Conservation Area*
 In re McDowell & Craig Manufacturing

13 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

14 DESCRIPTIVE SUMMARY: This order clarifies the status of abstract 111-24-CBB-003-
15 SP001, the Court’s mapping instructions to ADWR, and apparent inaccuracies in abstract
16 111-20-032-WL008 and the accompanying map.

NUMBER OF PAGES: 10

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18 On December 5, 2024, the Court issued an Approval of Abstracts and Inclusion in the
19 Catalog of Proposed Water Rights and Order to File Progress Schedules (“December 5
20 Order”) in the above listed cases. This December 5 Order approved proposed abstracts
21 for multiple state law water rights for the San Pedro Riparian National Conservation Area
22 (“SPRNCA”) and set an agenda for resolving remaining state law water rights in these
23 cases. On December 13, 2024, SRP requested clarification regarding certain aspects of
24 the Order. The Court responds to SRP’s request for clarification regarding:

- 25 1. Whether the Court inadvertently requested comments for 111-24-CBB-003-
26 SP001, an abstract that has already been approved.

- 1 2. Whether the Court inadvertently omitted from its December 5 Order maps
2 submitted by the United States on October 10, 2024, for proposed abstracts 111-
3 24-CCB-011-SP002, 111-24-CCB-011-SP003, and 111-24-CCB-011-SP006.
4 3. Whether the Court inadvertently recorded the incorrect Point of Diversion and
5 inadvertently included an incorrect map for abstract 111-20-032-WL008,
6 approved in its December 5 Order.

7 111-24-CBB-003-SP001
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9 The Court inadvertently stated that the abstract approval process is not complete for
10 111-24-CBB-003-SP001. The Court recognizes that an abstract was approved for this
11 water right on October 28, 2024. W1-11-1344, Order Approving Proposed Water Right
12 Abstract (Oct. 28, 2024).

13 **IT IS ORDERED** that the following language from page 11 of the Court’s December
14 5 Order be struck:

15 “The Court issued a proposed abstract for 111-24-CBB-003-SP001 in May
16 2024. No party has provided corrections to this proposed abstract. IT IS
17 ORDERED that any suggested corrections for 111-24-CBB-003-SP001 must be
18 filed by January 7, 2025.”
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20 Maps for 111-24-CCB-011-SP002, SP003, and SP006
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22 The Court recognizes that the United States submitted proposed maps for water
23 rights 111-24-CCB-011-SP002, 111-24-CCB-011-SP003, and 111-24-CCB-011-SP006.
24 W1-11-232, United States’ Notice of Filing Corrected Abstracts (Oct. 10, 2024). The
25 Court also recognizes that no party has objected to these maps. Nonetheless, the Court
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27

1 instructed Arizona Department of Water Resources (“ADWR”) to prepare maps for these
2 rights by January 7, 2025. December 5 Order at 6.

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4 The Court instructed ADWR to prepare maps for the above uses for the sake of
5 consistency and ease of administration. Simply put, limiting the number of entities
6 producing maps will minimize future questions regarding interpretation of the maps. Still,
7 in creating the above maps, ADWR shall consider the proposed maps submitted by the
8 United States. Further, ADWR shall seek clarification from the United States where the
9 place of use or point of diversion is unclear.

10 111-20-032-WL008

11 In the Court’s December 5 Order, the abstract for 111-20-032-WL008 and the map
12 accompanying that abstract are inaccurate. December 5 Order at PDF 14–15. The Point of
13 Diversion should read “NESESW Section 20 T21S R22E” rather than “NESESW Section
14 29 T21S R22E.” *Id.* at PDF 14. A corrected abstract is attached as Attachment A to this
15 order.

16 The map accompanying the abstract included in the Special Master’s order is also
17 incorrect. ADWR shall create a map to accompany the abstract based on the map for
18 111-20-032-WL008 submitted in the United States’ October 10, 2024, filing.

19 **IT IS ORDERED** adding to the Catalog of Proposed Water Rights the corrected
20 abstract for 111-20-032-WL008.

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22 **IT IS ORDERED** that ADWR shall create a map to accompany the abstract for
23 111-20-032-WL008.

1 Updated Chart

2 An updated chart summarizing state law claims in SPRNCA is attached as Attachment B
3 to this order.

4 Signed this 18th day of December 2024

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8 Sherri L. Zendri
9 Special Water Master

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11 On December 18, 2024, the
12 original of the foregoing was delivered to the
13 Clerk of the Maricopa County Superior Court for
14 filing and distributing a copy to all persons listed
15 on the Court approved mailing list.

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Emily Natale

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ATTACHMENT A
Corrected Abstract for 111-20-032-WL008

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No.:	111-20-032-WL008
2. Owner of Water Right:	United States on behalf of the Department of the Interior, Bureau of Land Management
3. Landowner:	United States on behalf of the Department of the Interior, Bureau of Land Management
4. Statement of Claimant Nos.:	39-13993, 39-14503
5. Statement of Claimant Name:	United States on behalf of the Department of the Interior, Bureau of Land Management
6. Lessee or Permittee:	N/A
7. Basis of Right:	33-95388
8. Beneficial Use:	Wildlife watering
9. Priority Date:	April 3, 1990
10. Quantity:	Reasonable use
11. Place of Use:	NESESW Sec. 20 T21S R22E of the Gila and Salt River Baseline and Meridian, Cochise County, Arizona (see attached map)
12. Point of Diversion:	NESESW Sec. 20 T21S R22E of the Gila and Salt River Baseline and Meridian, Cochise County, Arizona (see attached map)
13. Source of Water:	Lewis Spring North in the Sierra Vista subwatershed of the San Pedro River watershed

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ATTACHMENT B
**Updated Chart Summarizing All Claims for State Law Water Rights Appurtenant to the
San Pedro Riparian National Conservation Area**

All Claims for State law Water Rights Appurtenant to the San Pedro Riparian National Conservation Area

Case No.	WFR	PWR(s)	SOC(s)	Status	Eligible for Summary Adjudication?	Next Step
W1-11- 232	111-20-032	None	39-2612	Pending	NO	File application for permit
		WL001	39-674	Pending	YES	S&T + WFR Revision
		WL002	39-675	Pending	YES	S&T + WFR Revision
		WL003	39-676	Pending	YES	Certificate Amendment or S&T + WFR Revision
		WL004	39-677	Added to Catalog	YES	N/A
		WL005	39-678	Pending	YES	Certificate Amendment or S&T + WFR Revision
		WL008	39-13993	Added to Catalog	YES	N/A
			39-14503	Added to Catalog	YES	N/A
		WL009	39-14505	Pending	YES	S&T + WFR Revision
			39-13992	Pending	YES	
		WL010	39-13997	Added to Catalog	YES	N/A
			39-14504	Added to Catalog	YES	N/A
		DM002	39-4290	Stayed	YES	File application for permit
		SP002	39-11232	Added to Catalog	YES	N/A
W1-11-441	111-20-DDA-023	None	39-174844	Stayed	NO	File application for permit

All Claims for State law Water Rights Appurtenant to the San Pedro Riparian National Conservation Area

Case No.	WFR	PWR(s)	SOC(s)	Status	Eligible for Summary Adjudication?	Next Step
W1-11-629	111-23- AAA-001	None	39-671	Pending	NO	Dispose by settlement, abstract, or partial decree
		IR093	39-4274	Pending	NO	File application for permit
		WL001	39-13611	Pending	NO	Dispose by settlement, abstract, or partial decree
			39-13998	Pending	NO	Dispose by settlement, abstract, or partial decree
			39-13999	Pending	NO	Dispose by settlement, abstract, or partial decree
			39-14507	Pending	NO	Dispose by settlement, abstract, or partial decree
W1-11-1344	111-24- CBB-003	IR001	39-3796	Pending	NO	Dispose by settlement, abstract, or partial decree
		SP001	39-3797	Added to Catalog	YES	N/A
W1-11-1374	111-24- CCB-011	SP002	39-955	Added to Catalog	YES	N/A
		SP003	39-956	Added to Catalog	YES	N/A
		SP006	39-957	Added to Catalog	YES	N/A

All Claims for State law Water Rights Appurtenant to the San Pedro Riparian National Conservation Area

Case No.	WFR	PWR(s)	SOC(s)	Status	Eligible for Summary Adjudication?	Next Step
		WL001	39-14482	Pending	NO	Finish instream flow right certification
			39-14485	Pending	NO	Finish instream flow right certification
W1-11-1655	112-17-063	None	39-13625	Stayed	NO	File application for permit
			39-13995	Stayed	NO	File application for permit
		SW001	39-670	Pending	YES	WFR Revision
		SW002	39-672	Pending	YES	WFR Revision
		SP001	39-13628	Added to Catalog	YES	N/A

Claims to be investigated in a future San Pedro HSR

39-174846, 39-174848, 39-174849, 39-174850, 39-174851, 39-174852, 39-174853, 39-174854, 39-174855, 39-174856, 39-174857, 39-174858, 39-174859, 39-174860, 39-174861, 39-174847, 39-174862, 39-174863, 39-178750, 33-96197