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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. W1-11-001511**

**NOTICE OF DECISION REGARDING  
ISSUE OF BROAD LEGAL  
IMPORTANCE**

**AND**

**ORDER FOR ARIZONA  
DEPARTMENT OF WATER  
RESOURCES TO FILE A PLAN**

19  
20 **CONTESTED CASE NAME:** *In re ASLD – Fred & Carol Telles*

21 **DESCRIPTIVE SUMMARY:** This order clarifies whether the Adjudication Court  
22 may recognize a stockpond application under A.R.S. § 45-273 as a basis of right. No  
23 later than **October 20, 2025**, ADWR shall file a plan for certification of the pending  
24 stockpond applications relevant to contested case W1-11-1511. No later than  
25 **November 10, 2025**, ADWR shall file a plan regarding certification of the stockpond  
applications listed on Attachment A to this order.

**NUMBER OF PAGES:** 18

26 **SUMMARY**

27 1. A stockpond application under A.R.S. § 45-273 cannot serve as a basis of  
28 right for a *de minimis* stockpond.

1           2. ADWR has statutory duties to review and certificate pending stockpond  
2 applications under A.R.S. § 45-275. In contested cases dealing with pending stockpond  
3 applications, the Special Master will issue appropriate orders to the claimants and  
4 ADWR to ensure timely certification of the relevant stockponds.

5           3. The Special Master will not take immediate action with respect to abstracts  
6 already approved despite their reliance on pending stockpond applications as basis of  
7 right. ADWR shall provide the Court with a plan for timely review and certification of  
8 stockpond applications pertinent to those abstracts.

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10 **BACKGROUND**

11           Contested case W1-11-1511 involves, among other claims, ten claims for  
12 stockponds filed by the Arizona State Land Department ("ASLD"). Watershed File  
13 Report ("WFR") No. 112-15-002, investigating those claims, identified five *de minimis*  
14 stockpond potential water rights ("PWRs"). For four of those PWRs, ASLD offers  
15 pending Stockpond Registration Act ("SPRA") applications as basis of right:  
16 application nos. 38-88613, 38-88680, and 38-94631. ASLD filed all four applications in  
17 June 1979. As of the date of this order, ADWR has not granted a certificate for any  
18 application.

19           In January 2025, the Special Master made a preliminary determination that a  
20 stockpond application under the SPRA, alone, is not a sufficient basis of right.<sup>1</sup> In a pair  
21 of filings, ASLD and ADWR informed the Special Master of 173 abstracts in the San  
22 Pedro River Watershed "adjudicated and approved by the Court . . . with stockpond  
23 applications that [are] not certified."<sup>2</sup> In its filing, ADWR requested that the Special  
24 Master designate as an issue of broad legal importance ("IBLI") the issue of "whether a  
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<sup>1</sup>W1-11-1511, Minute Entry at 3 (Jan. 29, 2025).

27 <sup>2</sup>W1-11-1511, Arizona Department of Water Resources' Comments (Mar. 18, 2025); W1-11-1511,  
28 ASLD's Notice of Filing Basis of Right Amendments (Mar. 3, 2025).

1 *de minimis* stockpond must be certificated for an abstract to be approved.”<sup>3</sup>

2 On March 28, 2025, the Special Master designated the IBLI in the Gila River  
3 and Little Colorado River Adjudications.<sup>4</sup> On May 19, 2025, the Special Master  
4 narrowed the issues to the following:

- 5 1. Is a stockpond application under A.R.S. § 45-273 a sufficient basis of right for  
6 a *de minimis* stockpond or is a stockpond certificate under A.R.S. § 45-275  
7 necessary?
- 8 2. If a certificate is necessary, how can ADWR expedite the certification  
9 process?
- 10 3. If a certificate is necessary, how best should the Court address the abstracts  
11 previously approved despite the absence of a certificate?<sup>5</sup>

12 On June 30, 2025, ADWR, Baca Float #3 LLC, the City of Flagstaff, ASLD,  
13 Aztec Land and Cattle Company, Ltd., Bar T Bar Ranch, Inc., Bayless & Berkalew  
14 Company, Flying M Ranch, LLP, and J. Albert Brown Ranches, Inc. filed responses  
15 asserting that a stockpond application may serve as a basis of right.<sup>6</sup> The San Carlos  
16 Apache Tribe, Salt River Project, and Tonto Apache Tribe contended that a certificate  
17 is necessary.<sup>7</sup>

18 As to the second issue, parties recommended that ADWR streamline review of  
19 stockpond applications by heeding findings made through adjudication,<sup>8</sup> utilizing

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20 <sup>3</sup>W1-11-1511, Arizona Department of Water Resources’ Comments.

21 <sup>4</sup>W1-11-1511, Notice of Designation of Issues of Broad Legal Importance (Mar. 28, 2025).

22 <sup>5</sup>W1-11-1511, Revised Notice of Designation of Issues of Broad Legal Importance (May 19, 2025).

23 <sup>6</sup>W1-11-1511, ADWR’s Comments on IBLI (“ADWR Comments”) (June 30, 2025); W1-11-1511,  
24 Flagstaff and Baca Float #3’s Response to Revised Notice of Designation of IBLI (“Flagstaff  
25 Response”) (June 30, 2025); W1-11-1511, ASLD’s Response to IBLI and Joinder in Aztec Land &  
Cattle’s Response (“ASLD Response”) (June 30, 2025); W1-11-1511, Aztec Land and Cattle  
Company’s Response to IBLI and Joinder in ASLD’s Response to IBLI (“Aztec Response”) (June 30,  
2025); ASARCO LLC’s Joinder in ASLD and Aztec Land and Cattle’s Response (June 30, 2025).

26 <sup>7</sup>W1-11-1511, San Carlos Apache Tribe’s Response to IBLI (“San Carlos Response”) (June 30, 2025);  
27 W1-11-1511, Salt River Project’s Brief Addressing IBLI (“SRP Response”) (June 30, 2025); Tonto  
Apache Tribe’s Joinder in Salt River Project’s Brief Addressing IBLI (June 30, 2025).

28 <sup>8</sup>Aztec Response at 5–6; SRP Response at 16.

1 technology to the fullest extent possible, and forgoing in-person investigations.<sup>9</sup> Some  
2 parties also recommended that the Adjudication Court order ADWR to complete review  
3 of applications.<sup>10</sup> To the extent that the Special Master determines that a stockpond  
4 application is not a sufficient basis of right, the parties suggested three possible  
5 scenarios for reexamining abstracts supported only by a stockpond application:  
6 reexamination of abstracts as soon as possible,<sup>11</sup> reexamination only after the proposed  
7 catalog objection period,<sup>12</sup> or no reexamination at all.<sup>13</sup>

8 On August 28, 2025, the Special Master held a hearing regarding all three issues.  
9 In particular, the Special Master sought answers from ADWR regarding stockpond  
10 certification procedures and consequences to the agency and to the adjudication  
11 resulting from the backlog.

## 12 13 **I. SPRA-eligible stockponds must be certified.**

### 14 **a. The language in the SPRA is clear that certification is a prerequisite to an** 15 **enforceable stockpond right.**

16 Until June 12, 1919, water users could initiate a right to appropriate water  
17 merely by demonstrating an intent to appropriate water or by putting water to beneficial  
18 use.<sup>14</sup> On June 12, 1919, the Arizona legislature enacted an administrative permitting  
19 and certification process for obtaining water rights.<sup>15</sup> These procedures are codified at  
20 Title 45, Chapter 1, Article 5 of the Arizona Revised Statutes.<sup>16</sup>

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21 <sup>9</sup> Aztec Response at 6.

22 <sup>10</sup> SRP Response at 15; San Carlos Response at 7. Note that ADWR maintains that the Adjudication Court  
23 lacks authority to order ADWR to act with respect to permitting and certification. ADWR Comments at 7.

24 <sup>11</sup> SRP Response at 17, San Carlos Response at 8.

25 <sup>12</sup> ASLD Response at 5–6.

26 <sup>13</sup> Flagstaff Response at 3; Aztec Response at 7.

27 <sup>14</sup> *Parker v. McIntyre*, 47 Ariz. 484, 489, 56, 56 P.2d 1337, 1339, *Clough v. Wing*, 2 Ariz. 371, 382–  
28 383, 17 P. 453, 457 (Terr. 1888).

<sup>15</sup> 1919 Ariz. Sess. Laws, 4th Legis. ch. 164.

<sup>16</sup> Ariz. Rev. Stat. §§ 45-151 to 45-167.

1 The first step in this process is to apply to ADWR for a permit to construct a  
2 diversion of appropriable water.<sup>17</sup> ADWR then publishes a notice of the application and  
3 accepts protests by water users asserting harm from the proposed appropriation. ADWR  
4 then reviews the application and the protests to determine whether the proposed  
5 appropriation meets certain criteria, e.g. whether the appropriation is for a beneficial  
6 use and is in the public interest.<sup>18</sup> If the proposed appropriation meets these criteria,  
7 ADWR “shall approve” the application.<sup>19</sup> After the permittee completes his or her  
8 proposed diversion, ADWR evaluates whether the “appropriation has been perfected  
9 and a beneficial use completed.”<sup>20</sup> If ADWR determines that the permittee has indeed  
10 perfected his or her appropriation, ADWR “shall issue to the [permittee] a certificate  
11 signed by the director.”<sup>21</sup>

12 Despite the enactment of this law in 1919, many landowners failed to obtain permits  
13 for the construction of stockponds. In order to clarify the status of stockponds under  
14 Arizona’s water code and to integrate unpermitted stockponds into the administrative  
15 appropriation system, the legislature enacted the Stockpond Registration Act in 1977.  
16 For stockponds constructed between June 12, 1919, and August 28, 1977, and bearing a  
17 volume of no more than 15 acre-feet, the SPRA set out an accelerated certification  
18 procedure.<sup>22</sup>

19 First, one claiming a stockpond right must file a “claim of water right for a  
20 stockpond and application for certification” with ADWR.<sup>23</sup> The SPRA then requires  
21 ADWR to “deliver a notice of each claim to water users who . . . might be affected by  
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23 <sup>17</sup> Ariz. Rev. Stat. § 45-152.

24 <sup>18</sup> Ariz. Rev. Stat § 45-153(A).

25 <sup>19</sup> *Id.*

26 <sup>20</sup> Ariz. Rev. Stat. § 45-162(A).

27 <sup>21</sup> *Id.*

28 <sup>22</sup> Ariz. Rev. Stat. §§ 45-271, 45-272.

<sup>23</sup> Ariz. Rev. Stat. § 45-273.

1 the use of water set forth in the claim” and accept protests to the claim.<sup>24</sup> Following, the  
2 SPRA states that ADWR “shall conduct such investigation as . . . is necessary to certify  
3 the water right.”<sup>25</sup> After any necessary hearing, ADWR “shall issue a certification of  
4 the water right if it appears that the material facts stated in the claim are true.”<sup>26</sup> The  
5 certificate “shall be recognized as if such water had been appropriated” pursuant to the  
6 permitting and certification provisions enacted in 1919.<sup>27</sup>

7 The 1977 Stockpond Registration Act was purposely drafted to parallel Article 5  
8 and to bring unpermitted stockponds into conformance with other appropriations.  
9 Under section 45-152, an individual must file an application with ADWR for a  
10 prospective water use. Under section 45-273, one must apply for the retroactive  
11 recognition of a previously constructed stockpond. Section 45-162(A) imposes on  
12 ADWR a mandatory duty to issue a water right certificate upon evidence of a  
13 “perfected and . . . beneficial use.” Likewise, under section 45-275(C), ADWR must  
14 issue a certification on proof that the stockpond application is accurate, and that the  
15 stockpond claimed meets the relevant criteria.

16 While an application and permit under Article 5 may be valuable legal  
17 instruments, they represent only the partial fulfillment of multiple mandatory steps  
18 toward the attainment of an appropriative right. An uncertified application under the  
19 SPRA is no different. Subsection 45-151(C), establishing an equivalence between  
20 certificates under the SPRA and certificates under Article 5 affirms this fact. No party  
21 disputes that, for the Court to recognize a post-1919 appropriation outside the scope of  
22 the SPRA, an Article 5 certificate is necessary. Accordingly, because a stockpond  
23 application represents something less than an Article 5 certificate, it can represent only  
24 an inchoate water right.

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25 <sup>24</sup> Ariz. Rev. Stat. §§ 45-274(A), (B).

26 <sup>25</sup> Ariz. Rev. Stat. § 45-275(A)

27 <sup>26</sup> Ariz. Rev. Stat. §§ 45-275(B), (C).

28 <sup>27</sup> Ariz. Rev. Stat. § 45-151(C).

1 Ninety years ago, the Arizona Supreme Court held that it is not possible to  
2 “appropriate water under the law of Arizona for the purpose of irrigation by its mere  
3 beneficial use for that purpose upon land. Certain formalities [are] required to initiate  
4 and perfect the right.”<sup>28</sup> The Special Master has affirmed this principle, declaring that  
5 the 1919 code establishes “mandatory requirements that a well owner must satisfy to  
6 obtain an appropriable water right . . . after June 12, 1919.”<sup>29</sup> This is the rule in prior  
7 appropriation jurisdictions across the western United States.<sup>30</sup> In Arizona, this principle  
8 applies as forcefully to stockpond applications as it does to Article 5 applications and  
9 permits. Therefore, the Adjudication Court may recognize an appropriative right under  
10 the SPRA only after ADWR has completed its investigation and certification duties  
11 under that act.

12 **b. Past *de minimis* orders cannot, and need not, create an exception to the**  
13 **certification requirement.**

14 In three reports approved by the Water Judge, the Special Master decided that  
15 legal basis for *de minimis* water rights include prior decrees, Water Rights Registration  
16 Act filings, “certificates of water right” issued under Article 5, notices of appropriation,  
17 and “filings pursuant to the Stockpond Registration Act.”<sup>31</sup>

18 The plain language of the San Pedro, Silver Creek, and Lower LCR *De Minimis*  
19 Reports are clear that the Special Master intended that stockpond applications may  
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21 <sup>28</sup> *In re Determination of Relative Rights to Use of Waters of Pantano Creek in Pima County*, 45 Ariz.  
22 156, 174 (1935).

23 <sup>29</sup> W1-11-0245, Report of the Special Master at 14 (Sept. 23, 2021).

24 <sup>30</sup> *Burbank Irr. Dist. No. 4 v. Wash. Dept. of Ecology*, 534 P.3d 833, 838 (Wash. App. 2023) (“Permits  
25 represent inchoate water rights, which are not choate (i.e., vested) until perfected.”); *Loosle v. First*  
26 *Federal Savings*, 858 P. 2d 999 (1993) (“Until the certificate is issued, any right to use the water  
remains inchoate.”); *In re General Adjudication of All Rights to Use Water in Big Horn*, 2004 WY 21,  
¶ 29, 85 P.3d 981, 989 (Wyo. 2004) (stating that “water rights are perfected” only after the “Wyoming  
State Board of Control . . . issue[s] a certificate).

27 <sup>31</sup> W1-11-19, San Pedro De Minimis Report at 41–42 (Nov. 14, 1994); CV6417-33-9005R, Silver Creek  
28 De Minimis Report at 19 (Aug. 23, 2022); CV6417-400, Lower LCR De Minimis Report at 20–21  
(Oct. 30, 2020).

1 serve as basis of right in summary adjudication proceedings. The Special Master used  
2 the narrow term “certificates” in the context of rights obtained under Article 5 and used  
3 the broader term, “filings,” in the context of water rights obtained under the SPRA. If  
4 the Special Master had intended to limit basis of right under the SPRA to certificates,  
5 the Special Master would have simply repeated the word “certificates.”

6 Parties justify the intent to allow stockpond applications to serve as basis of right  
7 on the ground that requiring the certification of every SPRA application prior to the  
8 issuance of a *de minimis* right would defeat the purposes of summary adjudication.<sup>32</sup> In  
9 one estimate, ASLD and Aztec Land and Cattle Company calculated that it would take  
10 approximately five years to certify all stockpond applications in the San Pedro River  
11 Watershed.<sup>33</sup> ADWR, assuming that certification of each application would occupy the  
12 whole licensing time frame, estimated that certification of all uncertified stockpond  
13 applications in Arizona would take 13,780 “working years.”<sup>34</sup>

14 However, ADWR is not being asked to certify all 16,000-plus statewide  
15 stockponds immediately.<sup>35</sup> Even if it does take ADWR approximately five years to  
16 certify all stockpond applications in the San Pedro Watershed, it is not likely the  
17 Special Master will get through those stockpond claims much more quickly. Moreover,  
18 not every stockpond requires the full 220 days under the licensing timeframe rules.<sup>36</sup>  
19 And, where a stockpond may take the fully allotted timeframe ADWR is not required to  
20 process applications in serial.

21 Even accepting ADWR’s worst-case estimates as true, summary adjudication  
22 can only streamline adjudication procedures; it cannot alter the essential elements of a

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23 <sup>32</sup> ASLD Response at 5 (June 30, 2025); Aztec Response at 4 (June 30, 2025); ADWR Comments at 6  
24 (June 30, 2025).

25 <sup>33</sup> ASLD Response at 5 (June 30, 2025); Aztec Response at 4 (June 30, 2025).

26 <sup>34</sup> ASLD Response at 5 (June 30, 2025); Aztec Response at 4 (June 30, 2025); ADWR Comments at 6  
(June 30, 2025).

27 <sup>35</sup> ADWR Comments at 6.

28 <sup>36</sup> Arizona Administrative Code R12-15-401. Table A, Line 14.



1 water right. Notwithstanding the clear intent of the *de minimis* reports, the Adjudication  
2 Court simply cannot second-guess the legislative determination that certification is a  
3 condition precedent to an enforceable right under the SPRA. By the same token,  
4 ADWR can and must abide by its investigation and certification duties under the SPRA.

5  
6 **IT IS ORDERED** that a SPRA Application IS NOT a sufficient basis of right  
7 for a *de minimis* stockpond.

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9 **II. Improving certification timeframes under SPRA.**

10 It is undisputed, even by ADWR, that the review of stockpond applications is  
11 extremely delayed.<sup>37</sup> In total, ADWR estimates that there are 16,826 uncertified  
12 stockpond applications across the state.<sup>38</sup> As pertinent to the general stream  
13 adjudications, this translates to approximately 13,879 uncertified stockpond claims in  
14 the Gila and Little Colorado River Basin Adjudications.<sup>39</sup> This very case involves two  
15 stockpond applications that have been pending for nearly half a century.<sup>40</sup> While these  
16 facts cannot permit adjudication claimants to sidestep the certification process, they  
17 must provoke some introspection.

18 ADWR has stated that the backlog can be attributed to an inheritance of uncertified  
19 applications from its predecessor, duplicate filings by landowners, and unresponsive  
20 applicants.<sup>41</sup> The agency's only explanation as to why it has been unable to address  
21 these challenges over the last 50 years is a lack of resources and staffing.

22 In order to expedite the review of stockpond claims, San Carlos Apache Tribe

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24 <sup>37</sup> ADWR states that, "[w]hile ADWR would certainly continue its efforts to meet or beat the licensing  
25 time frame allowances in the certification process, it cannot guarantee that it will be able to do so."  
ADWR Comments at 7 (June 30, 2025).

26 <sup>38</sup> *Id.* at 6.

27 <sup>39</sup> *Id.*

28 <sup>40</sup> 38-88680 and 38-94631 were both filed in June 1979.

<sup>41</sup> ADWR Comments at 6.

1 and SRP suggest that the Court either “direct” or “request” ADWR to “complete its  
2 investigation” of SPRA applications.<sup>42</sup> Although, at this stage, it is not appropriate for  
3 the Court to “order” ADWR to act regarding the entire stockpond application backlog,  
4 the Special Master will request information regarding the review of applications  
5 pertinent to individual contested cases.

6 Even though the Court declines to order ADWR to remedy the stockpond  
7 application logjam, the Special Master respectfully urges ADWR to reevaluate its  
8 stockpond certification procedure. To start, the Special Master recommends that  
9 ADWR take a hard look at its statutory mandate. The SPRA requires ADWR to  
10 "conduct such investigation as in the director's judgment is necessary to certify the  
11 water right," but merely permits "an inspection of the stockpond."<sup>43</sup> Clearly, an in-  
12 person investigation of the stockpond is not statutorily required.

13 Moreover, in most cases, it does not appear that such an investigation is  
14 practically necessary either. ADWR should consider substituting GIS analysis, remote  
15 sensing, and LiDAR analysis for most in-person investigations. By 1994, ADWR had  
16 the ability to statistically determine volume measurements for stockponds using “aerial  
17 photography[] or satellite imagery.”<sup>44</sup> In 2019, ADWR utilized a “Small Unmanned  
18 Aircraft System” and “sonar mapping devices” in order to measure both the surface  
19 area and, notably, depth of over 100 stockponds in the Lower Little Colorado River  
20 Watershed.<sup>45</sup> In 2022, ADWR used GIS tools, Google Earth, and National Agriculture  
21 Imagery Program imagery alongside a “regression analysis” to estimate the volumes of  
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24 <sup>42</sup> San Carlos Response at 7 (June 30, 2025); SRP Response at 15 (June 30, 2025).

25 <sup>43</sup> Ariz. Rev. Stat. § 45-275(A).

26 <sup>44</sup> San Pedro De Minimis Report at 33 (Nov. 14, 1994).

27 <sup>45</sup> CV6417-400, Technical Report Regarding *De Minimis* Adjudication of Stockpond and Stock and  
28 Wildlife Watering Uses in the Lower Little Colorado River Subwatershed at 18 (July 2019). In  
addition, as part of the Lower Little Colorado River *de minimis* report, ADWR used a regression  
analysis to estimate the capacities of stockponds not analyzed with sonar mapping. *Id.* at 20.

1 thousands of stockponds in the Verde River Watershed.<sup>46</sup> Moreover, ADWR  
2 acknowledged in 2025 that, for purposes of stockpond certification, the agency accepts  
3 LiDAR data developed by “federal, state, local governments, universities, non-profits,  
4 and for-profit entities.”<sup>47</sup> The Special Master encourages ADWR to use its wide  
5 discretion to continue adapting its procedures to the technology and needs of the 21<sup>st</sup>  
6 century.

7       Additionally, ADWR should incorporate adjudication findings into stockpond  
8 investigations whenever possible. Information made available to ADWR through  
9 summary adjudication procedures can and should assist ADWR in certifying SPRA  
10 Applications and resolving any protests that may have been filed. The creation of a *de*  
11 *minimis* abstract supplies current information regarding claimed stockponds, including  
12 maps and GIS coordinates. ADWR’s review of this information in connection with its  
13 review of pending SPRA applications may supply much of the information needed to  
14 certify a right.

15       In addition to integrating technology and adjudication findings into its review of  
16 stockpond applications, ADWR should also consider accepting more data from  
17 stockpond applicants. At the August 28<sup>th</sup> oral proceeding, ADWR mentioned that it has  
18 accepted data from claimants, with proper understanding, instead of conducting an on-  
19 site investigation.<sup>48</sup> Specifically, ADWR has permitted certain applicants, like the U.S.  
20 Forest Service, to submit “photographs and Geographic Information System (GIS)  
21 substantiated data and maps to resolve the pending certification process.”<sup>49</sup> The Special  
22 Master encourages ADWR to expand these opportunities to *all* stockpond applicants.

23       ADWR claims past historical practice as the rationale for a 60-day notice period  
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25 <sup>46</sup>W1-106, Technical Report *De Minimis* Domestic, Stockpond, and Stock and Wildlife Watering Uses  
in the Verde River Watershed 18–23 (Aug. 2022).

26 <sup>47</sup>See imaged record for stockpond application no. 38-10931 at PDF 19.

27 <sup>48</sup>W1-11-1511, Minute Entry at 6 (August 28, 2025).

28 <sup>49</sup>See imaged record for stockpond application no. 38-10931 at PDF 8.

1 and an on-site investigation. “That’s the way we’ve always done it” is very seldom the  
2 best answer. Especially when the actions in question have the potential to penalize  
3 water rights claimants who completed all their obligations under the SPRA, only to wait  
4 nearly half a century for a certificate from ADWR. To the extent that his hardship  
5 cannot be avoided, ADWR should, at a minimum, develop a written policy or rule  
6 explaining its stockpond certification procedure.

7  
8 **III. The special master will not take any immediate action on previously  
approved abstracts.**

9 In line with summary adjudication procedures for the San Pedro Watershed, the  
10 Special Master has approved numerous abstracts for *de minimis* stockponds that list  
11 pending SPRA applications as basis of right.<sup>50</sup> In its comments filed March 18, 2025,  
12 ADWR provided a list of 173 approved abstracts that cite a pending stockpond  
13 application as a basis of right.<sup>51</sup>

14 Previously approved abstracts for stockponds are generally either abstracts  
15 approved pursuant to a negotiated stipulation between the parties or abstracts approved  
16 following summary adjudication procedures. Upholding these previously approved  
17 abstracts preserves the finality of decisions by the Adjudication Court and respects the  
18 parties’ prerogative to negotiate stipulations as an alternative to litigation.<sup>52</sup> As such,  
19 the abstracts listed on Attachment A, which were previously approved for the Catalog  
20 of Proposed Water Rights, will remain in the Catalog.<sup>53</sup>

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22  
23 <sup>50</sup>W1-11-19, San Pedro De Minimis Report at 41–42 (Nov. 14, 1994); W1-11-19, Order (September 26, 2002).

24 <sup>51</sup>W1-11-1511, Attachment B to Arizona Department of Water Resources’ Comments (Mar. 18, 2025).

25 <sup>52</sup>*See Harsh Bldg. Co. v. Bialac*, 22 Ariz. App. 591, 593 (1975) (“A stipulation is an agreement,  
26 admission or concession made in a judicial proceeding by the parties thereto or their attorneys, in  
respect to some matter incident thereto, for the purpose, ordinarily, of avoiding delay, trouble and  
expense.”).

27 <sup>53</sup>The list on Attachment A is the same list as Attachment B to ADWR’s March 18, 2025 comments  
28 filed in contested case W-11-1511.

1 As mentioned previously, however, the Adjudication Court's actions do not  
2 relieve ADWR of the statutory obligation to complete the certification process and to  
3 certify stockponds meeting SPRA requirements. Claimants, after having done  
4 everything required to earn a water right under Arizona law, should be able to expect  
5 that the rights they diligently pursued are, in fact, awarded to them. If ADWR processes  
6 three per week, which is about 55% of the 5.4 per week average the agency asserted  
7 during oral proceedings,<sup>54</sup> the 173 stockpond claims could be certified by the end of  
8 calendar year 2026.

9  
10 **IT IS ORDERED** that ADWR file a plan no later than **October 20, 2025**,  
11 describing how the agency will complete review of stockpond applications 38-88613,  
12 38-88680, and 38-94631. If the agency is unable to complete the certification process  
13 within six months, the plan shall include status reports to the Court every six months  
14 until the stockponds are certified.

15  
16 **IT IS FURTHER ORDERED** that ADWR shall provide a plan no later than  
17 **November 10, 2025**, for review and certification of the pending stockpond applications  
18 listed on Attachment A to this order. The plan shall also identify stockpond applications  
19 on the list that appear extraneous to their associated abstract.<sup>55</sup> The plan shall include  
20 status reports to the Court every six months until the stockponds are certified.

## 21 22 **CONCLUSION**

23 An uncertified stockpond application under the Stockpond Registration Act may  
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25 <sup>54</sup> ADWR presented data indicating the agency completes an average of 283 stockpond certifications  
26 each year. W1-11-1511, Minute Entry at 2 (August 28, 2025).

27 <sup>55</sup> For instance, abstracts 111-19-002-SP001 and 111-19-002-SP002 already appear to be associated  
28 with water right certificates 3R-1651 and 3R-1652. In addition, abstract 115-05-DB-001-IR001,  
representing an irrigation use, appears to be erroneously paired with a stockpond application.

1 not serve as a basis of right. The statutory requirement that ADWR investigate and  
2 certify stockponds cannot be ignored by ADWR or this Court. Stockponds must be  
3 certified, and certification should occur within a reasonable timeframe.

4 Signed this 16<sup>th</sup> day of September 2025

5  
6  
7  
8 Sherri L. Zendri  
Special Water Master

9  
10 On September 16, 2025  
11 the original of the foregoing was  
12 delivered to the Clerk of the Maricopa  
13 County Superior Court for filing and  
14 distributing a copy to all persons listed  
15 on the Court approved mailing lists for  
16 the cases in which this order is filed.

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28  
Emily Natale

## Attachment A

### Proposed Water Rights (PWRs) with Uncertificated Stockpond as a Basis of Right

| CONTESTED CASE NO. | PWR              | BASIS OF RIGHT NO.                                 |
|--------------------|------------------|--|
| W1-11-0019A        | 111-19-002-SP001 | 38-81495; 3R-1651                                  |
| W1-11-0019A        | 111-19-002-SP002 | 38-81495; 3R-1652                                  |
| W1-11-0067         | 111-19-058-SP001 | 38-96113   |
| W1-11-1432         | 112-14-027-SP001 | 38-88683   |
| W1-11-1432         | 112-14-027-SP002 | 38-88682   |
| W1-11-1432         | 112-14-027-SP003 | 38-88814   |
| W1-11-1432         | 112-14-027-SP004 | 38-88713   |
| W1-11-1432         | 112-14-027-SP006 | 38-88627   |
| W1-11-1432         | 112-14-027-SP007 | 38-88650   |
| W1-11-1432         | 112-14-027-SP008 | 38-88637   |
| W1-11-1432         | 112-14-027-SP009 | 38-88750   |
| W1-11-1432         | 112-14-027-SP010 | 38-94537   |
| W1-11-1432         | 112-14-027-SP011 | 38-23188   |
| W1-11-1432         | 112-14-027-SP012 | 38-88815   |
| W1-11-1432         | 112-14-027-SP013 | 38-94753   |
| W1-11-1432         | 112-14-027-SP014 | 38-88389   |
| W1-11-1432         | 112-14-027-SP015 | 38-94633   |
| W1-11-232          | 111-20-032-SP002 | 38-19221   |
| W1-11-232          | 112-17-063-SP001 | 38-94145   |
| W1-11-2401         | 113-05-001-SP001 | 36-5052; 38-81037                                  |
| W1-11-2401         | 113-05-005-SP001 | 38-81039   |
| W1-11-2401         | 113-08-050-SP001 | 38-94519   |
| W1-11-2401         | 113-09-001-SP001 | 3R-1148; 38-81038; Certificate of Water Right 2187 |
| W1-11-2401         | 113-09-001-SP002 | 38-94564   |
| W1-11-2401         | 113-09-001-SP003 | 38-23187   |
| W1-11-2401         | 113-09-001-SP005 | 3R-1149; 38-94754; Certificate of Water Right 2188 |
| W1-11-2421         | 113-08-014-SP001 | 38-27711   |
| W1-11-2421         | 113-08-014-SP004 | 38-27716   |
| W1-11-2421         | 113-08-014-SP005 | 38-27714   |
| W1-11-2421         | 113-08-014-SP006 | 38-27720   |
| W1-11-2590         | 113-09-019-SP001 | 3R-2545; 38-88409; CWR 3884                        |
| W1-11-2590         | 113-09-019-SP002 | 38-88468   |
| W1-11-2590         | 113-09-019-SP003 | 38-27307; 38-94289                                 |
| W1-11-2590         | 113-09-019-SP008 | 3R-2546; 38-88484; CWR 3885                        |
| W1-11-2590         | 113-09-019-SP009 | 3R-2537; 38-88841; CWR 3972                        |
| W1-11-2590         | 113-09-019-SP011 | 3R-2538; 38-33795; CWR 3878                        |
| W1-11-2590         | 113-09-019-SP013 | 3R-2539; 38-88478; CWR 3973                        |
| W1-11-2590         | 113-09-019-SP014 | 38-88483   |
| W1-11-2590         | 113-09-019-SP015 | 38-88622   |
| W1-11-2665         | 113-09-016-SP001 | 38-81509   |
| W1-11-2665         | 113-09-016-SP002 | 38-81510   |
| W1-11-2665         | 113-12-005-SP001 | 38-17073   |
| W1-11-2666         | 113-12-011-SP001 | 38-12064; 38-94273                                 |
| W1-11-2666         | 113-12-011-SP002 | 36-4755; 38-12071; 38-94274                        |
| W1-11-2666         | 113-12-011-SP003 | 38-12068; 38-94272                                 |
| W1-11-2666         | 113-12-011-SP004 | 36-5512; 38-94594                                  |
| W1-11-2666         | 113-12-011-SP006 | 36-5514; 38-94595                                  |
| W1-11-2670         | 113-12-015-SP001 | 38-88749   |
| W1-11-2670         | 113-12-015-SP002 | 38-88205   |
| W1-11-2670         | 113-12-015-SP005 | 38-94550   |
| W1-11-2670         | 113-12-015-SP009 | 38-88286   |
| W1-11-2694         | 113-11-003-SP001 | 38-15228   |
| W1-11-2694         | 113-12-001-SP001 | 38-18307   |
| W1-11-2694         | 113-12-001-SP002 | 38-18305   |

**Attachment A**  
**Proposed Water Rights (PWRs) with Uncertificated Stockpond as a Basis of Right**

|            |                  |                               |
|------------|------------------|-------------------------------|
| W1-11-2694 | 113-12-001-SP003 | 38-18304                      |
| W1-11-2696 | 113-09-017-SP001 | 38-67620; 38-88621            |
| W1-11-2696 | 113-09-017-SP002 | 38-67608; 38-88618            |
| W1-11-2696 | 113-09-017-SP005 | 38-67615; 38-88620            |
| W1-11-2696 | 113-09-017-SP006 | 38-67613; 38-88600            |
| W1-11-2696 | 113-09-017-SP007 | 38-67614; 38-88597            |
| W1-11-2696 | 113-09-017-SP008 | 38-67607; 38-88599            |
| W1-11-2696 | 113-09-017-SP009 | 38-88722; 38-94591            |
| W1-11-2696 | 113-09-017-SP010 | 38-94592                      |
| W1-11-2696 | 113-12-003-SP001 | 38-94586                      |
| W1-11-2696 | 113-12-003-SP002 | 38-67622; 38-88617            |
| W1-11-2696 | 113-12-003-SP003 | 38-67610; 38-88619            |
| W1-11-2696 | 113-12-003-SP004 | 38-67619; 38-88598            |
| W1-11-2696 | 113-12-003-SP005 | 38-67609; 38-88605            |
| W1-11-2696 | 113-12-003-SP006 | 38-67612; 38-88610            |
| W1-11-2696 | 113-12-003-SP007 | 38-67611; 38-88604            |
| W1-11-2696 | 113-12-003-SP008 | 36-19629; 38-67618; 38-88603  |
| W1-11-2696 | 113-12-003-SP009 | 38-67617; 38-88602; 38-88609  |
| W1-11-2696 | 113-12-003-SP010 | 38-67621; 38-88608            |
| W1-11-2696 | 113-12-003-SP011 | 38-22712; 38-94512            |
| W1-11-2696 | 113-12-003-SP012 | 38-94587                      |
| W1-11-2696 | 113-12-003-SP013 | 38-94588                      |
| W1-11-2696 | 113-12-003-SP014 | 38-94598                      |
| W1-11-2696 | 113-12-003-SP015 | 38-94599                      |
| W1-11-2696 | 113-12-004-SP002 | 38-67616                      |
| W1-11-2696 | 113-12-004-SP003 | 38-67605                      |
| W1-11-2760 | 113-14-004-SP001 | 38-88411                      |
| W1-11-2760 | 113-14-004-SP002 | 38-88412                      |
| W1-11-2760 | 113-14-004-SP003 | 38-88592                      |
| W1-11-2760 | 113-14-004-SP004 | 38-88415                      |
| W1-11-2760 | 113-14-004-SP005 | 38-88414                      |
| W1-11-2760 | 113-14-004-SP006 | 38-88413                      |
| W1-11-2760 | 113-14-004-SP007 | 38-88652                      |
| W1-11-2760 | 113-14-004-SP008 | 38-88410                      |
| W1-11-2760 | 113-14-004-SP009 | 38-88408; 38-61454            |
| W1-11-2760 | 113-14-004-SP012 | 38-94756                      |
| W1-11-2760 | 113-14-004-SP013 | 38-94757                      |
| W1-11-2760 | 113-14-004-SP016 | 38-22902                      |
| W1-11-2760 | 113-14-004-SP017 | 38-61456; 38-94619            |
| W1-11-2760 | 113-14-004-SP018 | 38-94755                      |
| W1-11-2760 | 113-14-004-SP019 | 38-94523                      |
| W1-11-2760 | 113-14-004-SP020 | 36-100073; 38-61466; 36-22903 |
| W1-11-2844 | 114-03-005-SP001 | 38-94290                      |
| W1-11-3300 | 115-05-030-SP001 | 38-61132                      |
| W1-11-3325 | 115-05-001-SP002 | 38-88371                      |
| W1-11-3325 | 115-05-001-SP003 | 38-88370                      |
| W1-11-3325 | 115-05-001-SP005 | 38-94565                      |
| W1-11-3325 | 115-05-001-SP006 | 38-88368                      |
| W1-11-3325 | 115-05-001-SP008 | 38-88374                      |
| W1-11-3325 | 115-05-001-SP009 | 38-88383                      |
| W1-11-3325 | 115-05-001-SP010 | 38-88656                      |
| W1-11-3325 | 115-05-001-SW002 | 38-5068; 38-5069              |
| W1-11-3325 | 115-05-001-SW005 | 38-5072                       |
| W1-11-3325 | 115-05-001-SW006 | 38-5073                       |
| W1-11-3326 | 115-05-002-SP001 | 38-88422                      |



## Attachment A

### Proposed Water Rights (PWRs) with Uncertificated Stockpond as a Basis of Right

|            |                     |  |
|------------|---------------------|--|
| W1-11-3326 | 115-05-002-SP002    | 38-88435; 3R-2258  |
| W1-11-3326 | 115-05-002-SP003    | 38-88674   |
| W1-11-3326 | 115-05-002-SP005    | 38-88813; 3R-2257.1  |
| W1-11-3326 | 115-05-002-SP006    | 38-88675   |
| W1-11-3326 | 115-05-002-SP007    | 38-88673   |
| W1-11-3326 | 115-05-002-SP008    | 38-88457; 38-2554.0001   |
| W1-11-3326 | 115-05-004-SP002    | 38-25568.1; 38-88424; 38-88454; 38-94529                                   |
| W1-11-3326 | 115-05-004-SP003    | 38-25564.1   |
| W1-11-3326 | 115-05-004-SP005    | 38-25555.1; 38-94530   |
| W1-11-3326 | 115-05-004-SP006    | 38-25562.1; 38-88453   |
| W1-11-3326 | 115-05-004-SP007    | 38-25556.1; 38-25569.1; 38-94531   |
| W1-11-3326 | 115-05-022-SP001    | 38-88420   |
| W1-11-3326 | 115-05-022-SP002    | 38-25558   |
| W1-11-3326 | 115-05-022-SP003    | 38-25565   |
| W1-11-3326 | 115-05-022-SP004    | 38-25557; 38-88455   |
| W1-11-3326 | 115-05-038-SP001    | 38-25561   |
| W1-11-3326 | 115-05-038-SP002    | 38-25559   |
| W1-11-3326 | 115-05-038-SP003    | 38-95737   |
| W1-11-3326 | 115-05-038-SP004    | 38-25560   |
| W1-11-3326 | 115-05-DB-001-DM001 | 36-25572; 36-25587; 38-25566; 38-25567; 4A-73; 55-612030; 55-612031        |
| W1-11-3326 | 115-05-DB-001-IR001 | 0-171; 36-25572; 36-22587; 38-25566; 38-25567; 4A-73; 55-612030; 55-612031 |
| W1-11-3326 | 115-05-DB-001-IR002 | 0-171; 36-25572; 36-22587; 38-25566; 38-25567; 4A-73; 55-612030; 55-612031 |
| W1-11-3326 | 115-05-DB-001-IR003 | 0-171; 36-25572; 36-22587; 38-25566; 38-25567; 4A-73; 55-612030; 55-612031 |
| W1-11-3326 | 115-05-DB-001-SR001 | 0-171; 36-25572; 36-22587; 38-25566; 38-25567; 55-612030; 55-612031        |
| W1-11-3326 | 115-05-DB-001-SW001 | 0-171; 36-25572; 36-22587; 38-25566; 38-25567; 4A-73                       |
| W1-11-3329 | 115-05-005-SP001    | 38-61135; 38-88459   |
| W1-11-3329 | 115-05-005-SP003    | 33-84222; 38-88458   |
| W1-11-3329 | 115-05-005-SP007    | 3R-2445; 38-88434  |
| W1-11-3329 | 115-05-005-SP008    | 3R-2444; 38-88418  |
| W1-11-3329 | 115-05-005-SP011    | 3R-2443; 38-88423  |
| W1-11-3329 | 115-05-005-SP014    | 38-61140; 38-88440   |
| W1-11-3329 | 115-05-018-SP004    | 38-86587; 38-88761   |
| W1-11-3329 | 115-05-018-SP005    | 36-37269; 38-88772   |
| W1-11-3329 | 115-05-018-SP006    | 38-94702   |
| W1-11-3329 | 115-05-018-SP007    | 38-94702   |
| W1-11-3329 | 115-05-018-SP008    | 38-86585; 38-88545; 3R-1866  |
| W1-11-3329 | 115-05-018-SP009    | 3R-1867; 38-86584; 38-88421  |
| W1-11-3329 | 115-05-018-SP010    | 38-88705   |
| W1-11-3329 | 115-05-018-SP011    | 38-86590; 38-88771   |
| W1-11-3329 | 115-05-018-SP012    | 38-86593; 38-88399   |
| W1-11-3329 | 115-05-018-SP014    | 38-86591; 38-88525   |
| W1-11-3329 | 115-05-018-SP015    | 38-86592; 38-88445   |
| W1-11-3329 | 115-05-018-SP016    | 38-86586; 38-88532   |
| W1-11-3329 | 115-05-018-SP017    | 38-86588; 38-88526   |
| W1-11-3329 | 115-05-018-SP018    | 38-86589; 38-88538   |
| W1-11-3329 | 115-05-018-SW006    | 36-37268; 38-94702   |
| W1-11-3338 | 115-05-015-SP002    | 38-22891   |
| W1-11-3338 | 115-05-015-SP003    | 38-22870   |
| W1-11-3338 | 115-05-015-SP004    | 38-94759   |
| W1-11-3338 | 115-05-015-SP005    | 38-94518   |
| W1-11-3338 | 115-05-015-SP006    | 38-94517   |
| W1-11-3356 | 115-05-033-SP001    | 38-88432   |
| W1-11-3356 | 115-05-033-SP002    | 38-88429   |
| W1-11-3372 | 115-05-053-SP001    | 38-88428   |
| W1-11-3403 | 115-06-001-SP001    | 38-88671   |

## Attachment A

### Proposed Water Rights (PWRs) with Uncertificated Stockpond as a Basis of Right

|            |                  |                    |
|------------|------------------|--------------------|
| W1-11-3407 | 115-06-005-SP001 | 38-88433           |
| W1-11-3407 | 115-06-005-SP003 | 38-88444           |
| W1-11-3429 | 115-10-001-SP002 | 38-94568           |
| W1-11-3429 | 115-10-001-SP003 | 38-88710           |
| W1-11-3429 | 115-10-001-SP005 | 38-88708           |
| W1-11-3429 | 115-10-001-SP006 | 38-94534           |
| W1-11-3429 | 115-10-001-SP007 | 38-27660; 38-88707 |
| W1-11-3429 | 115-10-001-SP009 | 38-94543           |
| W1-11-3429 | 115-10-001-SP010 | 38-94573           |