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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA
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9 IN RE THE GENERAL
10 ADJUDICATION
11 OF ALL RIGHTS TO USE WATER IN
12 THE GILA RIVER SYSTEM AND
13 SOURCE

W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated

14 Contested Case No. W1-11-3107

15 ORDER SETTING DATE FOR
16 SUGGESTED CORRECTIONS OF
17 PROPOSED WATER RIGHTS

18 CONTESTED CASE NAME: *In re Paul L. Sale Investment Company*

19 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

20 DESCRIPTIVE SUMMARY: Six abstracts for proposed water rights analyzed by Watershed File
21 Report No. 114-04-BAB-007 issued for suggested corrections to be filed by **May 22, 2020**.

22 NUMBER OF PAGES: 17

23 DATE OF FILING: March 23, 2020

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25 This case involves *de minimis* claims for water rights analyzed by Watershed File
26 Reports No. 114-04-BAB-007 ("WFR") included in the final hydrographic survey report for
27 the San Pedro Watershed ("San Pedro HSR") filed on November 20, 1991. In 1994, the Special
28

1 Master issued a Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1
2 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994,
3 amended February 23, 1995, approved and modified September 27, 2002 (“Decision”). The
4 Decision established the procedures for adjudicating *de minimis* water rights for claims in the
5 San Pedro watershed.
6

7 Once the proposed water right abstracts have been prepared, “the litigants will be
8 provided an opportunity to suggest the correction of mistakes in the proposed abstracts.”
9 Decision, p. 47. This proceeding is not a forum in which to relitigate the Decision, which was
10 the subject of years of briefing and has now been affirmed for more than 14 years.
11 Subsequently, these abstracts will be included in a catalog of proposed water rights where they
12 will be subject to very limited set of objections and ultimately in a final decree.
13

14 Proposed water right abstracts have been prepared for the *de minimis* water rights
15 included in the WFR by the Claimant, reviewed by Arizona Department of Water Resources
16 (“ADWR”), and resubmitted by the Claimant. Two issues still exist between the abstracts as
17 drafted by Claimant and the Report filed by ADWR on January 17, 2020.
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19 First, the WFR identified the purpose of the potential water rights attached as “small
20 reservoirs” using the abbreviation “SR”. In the San Pedro HSR, ADWR explained that “common
21 reservoir purposes are: regulation of irrigation supply, fish-rearing, wildlife, recreation,
22 stockwatering, or flood control.” Vol. 1 San Pedro HSR at 165. The description used in the
23 attached abstracts is both consistent with ADWR’s explanation of the purposes of small reservoirs
24 and beneficial purposes recognized under A.R.S. §45-181(1). Accordingly, the original
25 designation of “SR” that ADWR attached to the potential water right is retained in the abstracts.
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The second issue concerns the location of Well 55-515185 within the southwestern quarter of section 8 T6S R16E. See figure 1. Claimant and ADWR both agree that the well is located in the 10-acre northeastern quarter-quarter-quarter. They do not agree whether the well is located in the western or eastern half of the southwestern quarter of section 8 T6S R16E. Based on the depiction of the location of the well figure 1 and the legal description by the Pinal County Assessor of the tax parcel to the north as shown on figure 1, the legal description offered by Claimant (NENWSW Sec. 8) has been included in the abstracts for 114-04-BAB-007-SR001 and 114-04-BAB-007-SR002.

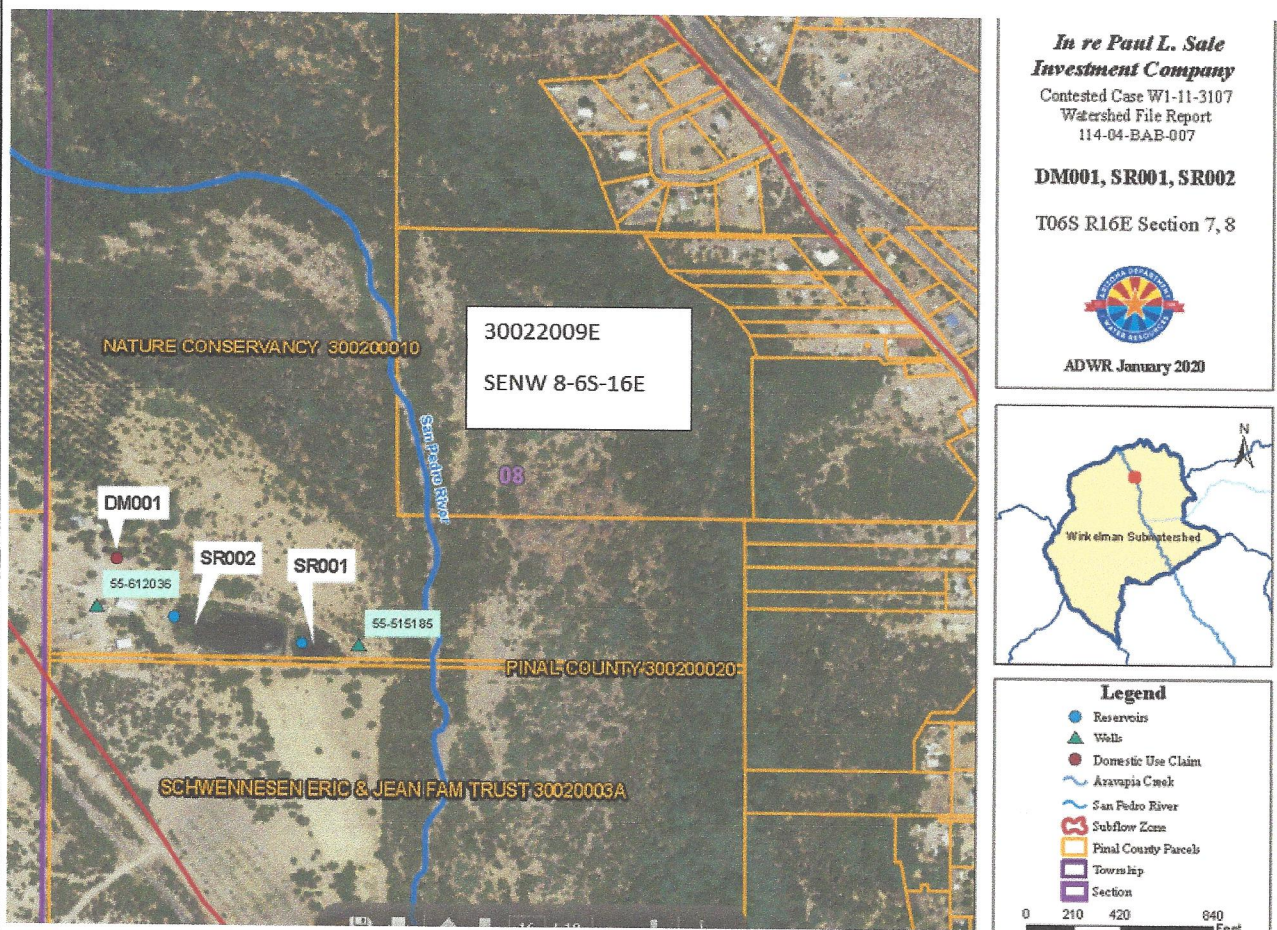



FIGURE 1. Map prepared by ADWR that includes the legal description of a parcel to the north of the subject well obtained from the Pinal County Assessor.

1 **IT IS ORDERED** that any suggested corrections to the proposed abstracts shall be filed
2 on or before May 22, 2020.

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7 Susan Ward Harris
Special Master

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9 The original of the foregoing was delivered to the Clerk
10 of the Maricopa County Superior Court on March 23,
11 2020, for filing and distributing a copy to all persons
listed on the Court approved mailing list for this
Contested Case.

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APPENDIX A

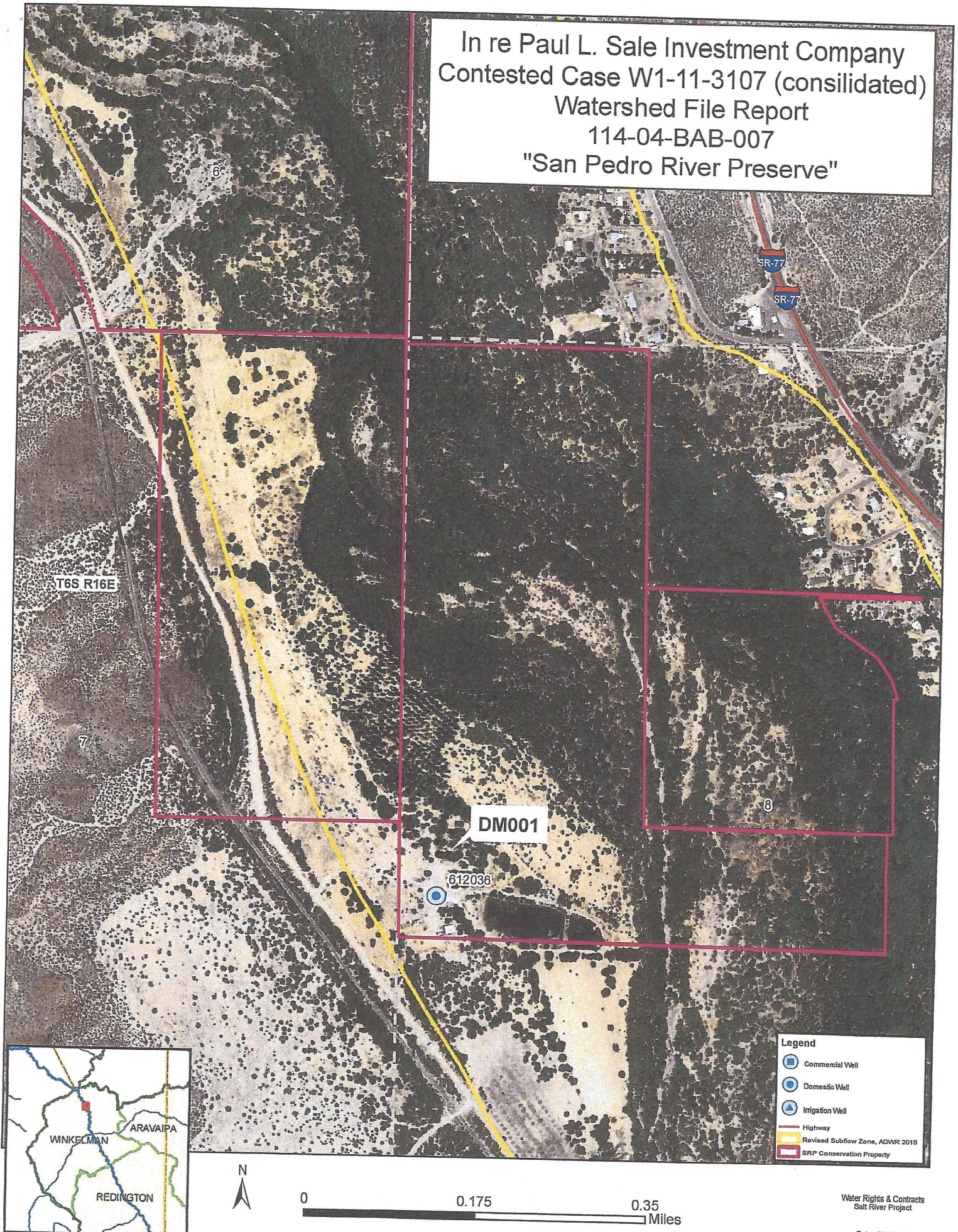
Amended Abstract of Water Right
San Pedro Watershed
(San Pedro River Preserve – South Tract, De Minimis)

1. Proposed Water Right No:	114-04-BAB-007-DM001
2. Owner of Water Right:	Salt River Project Agricultural Improvement and Power District
3. Landowner:	Salt River Project Agricultural Improvement and Power District
4. Statement of Claimant No.(s):	39-2219
5. Statement of Claimant Name(s):	Salt River Project Agricultural Improvement and Power District
6. Lessee or Permittee:	None
7. Basis of Right:	36-64312
8. Beneficial Use:	Domestic
9. Priority Date:	02/01/1878
10. Quantity:	Not to exceed 1.0 AFA
11. Place of Use:	NW SW Section 08 T06S R16E
12. Point of Diversion:	55-612036: <ul style="list-style-type: none"> NW NW SW Section 08 T06S R16E (32°55'27.06", -110°44'28.75")
13. Source of Water:	Subflow from the San Pedro River
14. Name of Facility:	N/A

Additional Information

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In re Paul L. Sale Investment Company
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Watershed File Report
114-04-BAB-007
"San Pedro River Preserve"



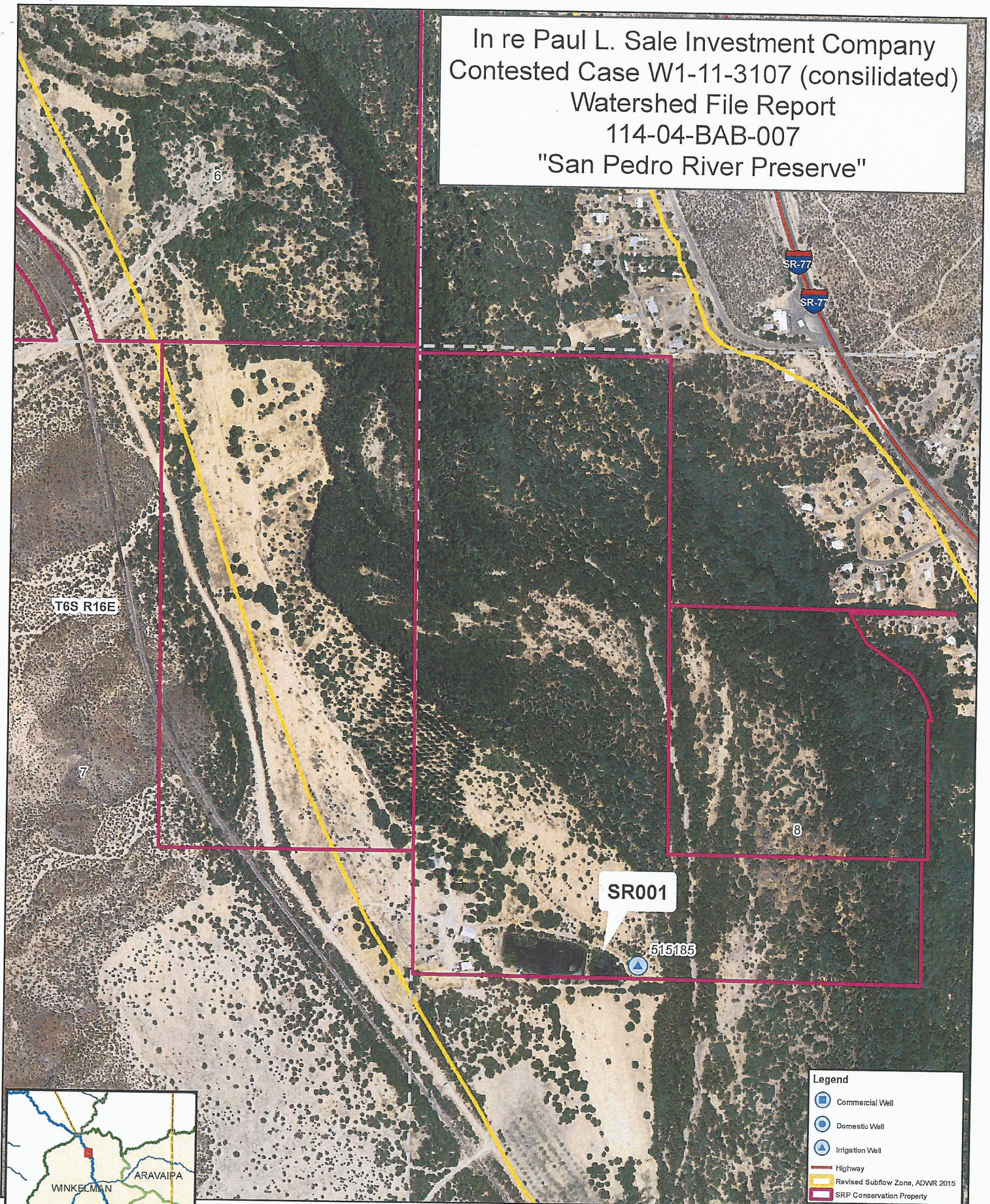
Amended Abstract of Water Right
San Pedro Watershed
(San Pedro River Preserve – South Tract, De Minimis)

1. Proposed Water Right No:	114-04-BAB-007-SR001
2. Owner of Water Right:	Salt River Project Agricultural Improvement and Power District
3. Landowner:	Salt River Project Agricultural Improvement and Power District
4. Statement of Claimant No.(s):	39-2219
5. Statement of Claimant Name(s):	Salt River Project Agricultural Improvement and Power District
6. Lessee or Permittee:	None
7. Basis of Right:	36-64312
8. Beneficial Use:	Stock watering and wildlife, including fish
9. Priority Date:	02/01/1878
10. Quantity:	Not to exceed (\leq) 4.0 acre-feet with continuous fill
11. Place of Use:	NW SW Section 08 T06S R16E
12. Point of Diversion:	55-515185: <ul style="list-style-type: none"> NE NW SW Section 08 T06S R16E (32°55'25.39", - 110°44'17.08")
13. Source of Water:	Subflow from the San Pedro River
14. Name of Facility:	N/A

Additional Information

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In re Paul L. Sale Investment Company
Contested Case W1-11-3107 (consolidated)
Watershed File Report
114-04-BAB-007
"San Pedro River Preserve"



- Legend**
- Commercial Well
 - Domestic Well
 - Irrigation Well
 - Highway
 - Revised Subflow Zone, ADWR 2015
 - SRP Conservation Property

Amended Abstract of Water Right
San Pedro Watershed
(San Pedro River Preserve – South Tract, De Minimis)

1. Proposed Water Right No:	114-04-BAB-007-SR002 ¹
2. Owner of Water Right:	Salt River Project Agricultural Improvement and Power District
3. Landowner:	Salt River Project Agricultural Improvement and Power District
4. Statement of Claimant No.(s):	39-2219
5. Statement of Claimant Name(s):	Salt River Project Agricultural Improvement and Power District
6. Lessee or Permittee:	None
7. Basis of Right:	36-64312
8. Beneficial Use:	Stock watering and wildlife, including fish
9. Priority Date:	02/01/1878
10. Quantity:	Not to exceed 5.6 acre-feet with continuous fill ²
11. Place of Use:	NW SW Section 08 T06S R16E
12. Point of Diversion:	55-515185: <ul style="list-style-type: none"> NE NW SW Section 08 T06S R16E (32°55'25.39", - 110°44'17.08")
13. Source of Water:	Subflow from the San Pedro River
14. Name of Facility:	N/A

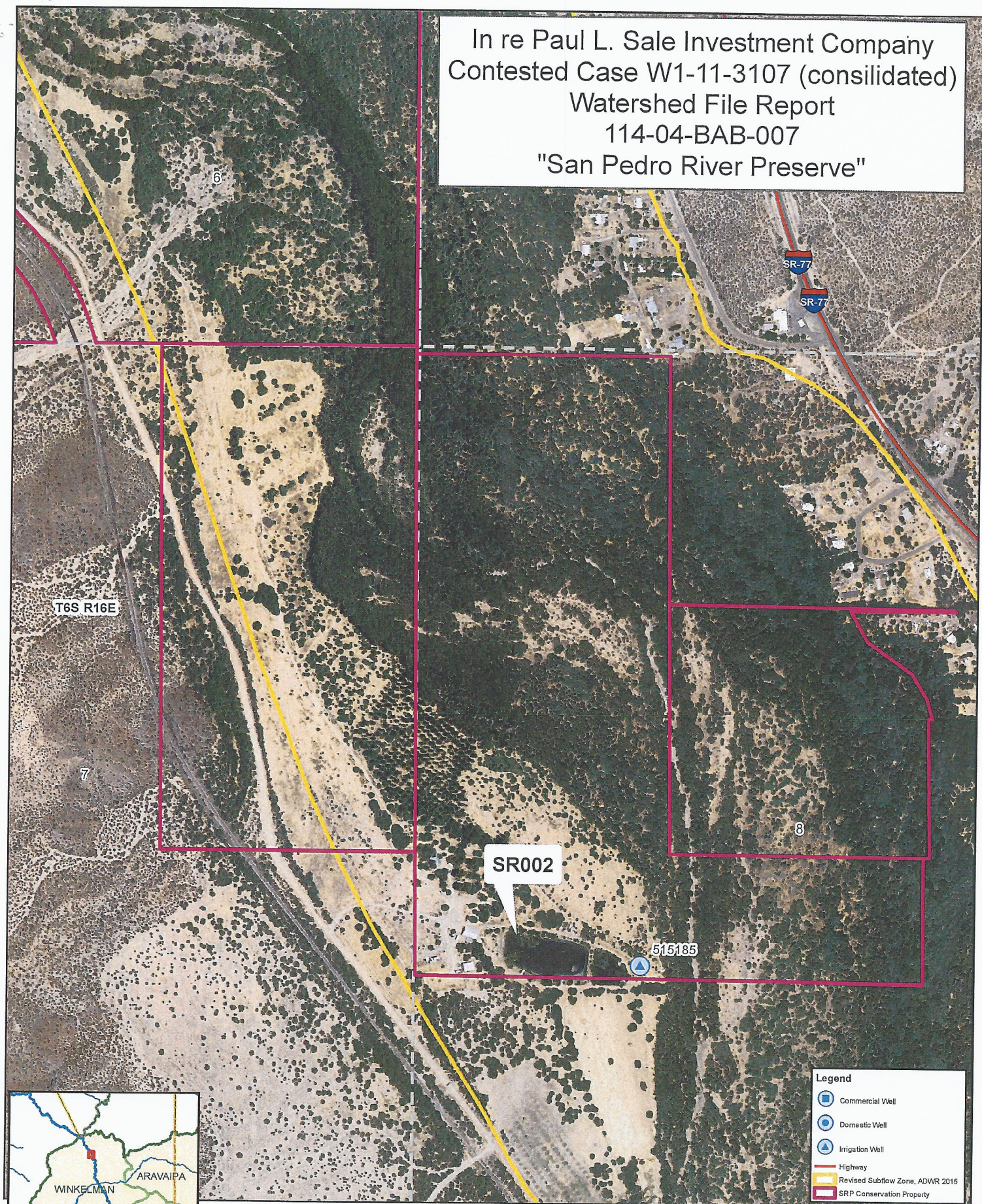
Additional Information

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¹ The small reservoirs described as SR002, SR003, SR004 and SR005 by ADWR in this WFR are physically one small reservoir, not four separate reservoirs. Therefore, this abstract of water right includes water uses collectively described in PWRs SR002, SR003, SR004 and SR005.

² See Special Master John E. Thorson's Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases Involving Stockwatering, Stockponds, and Domestic Uses, Conclusion of Law No. 19, at 38 (November 14, 1994).

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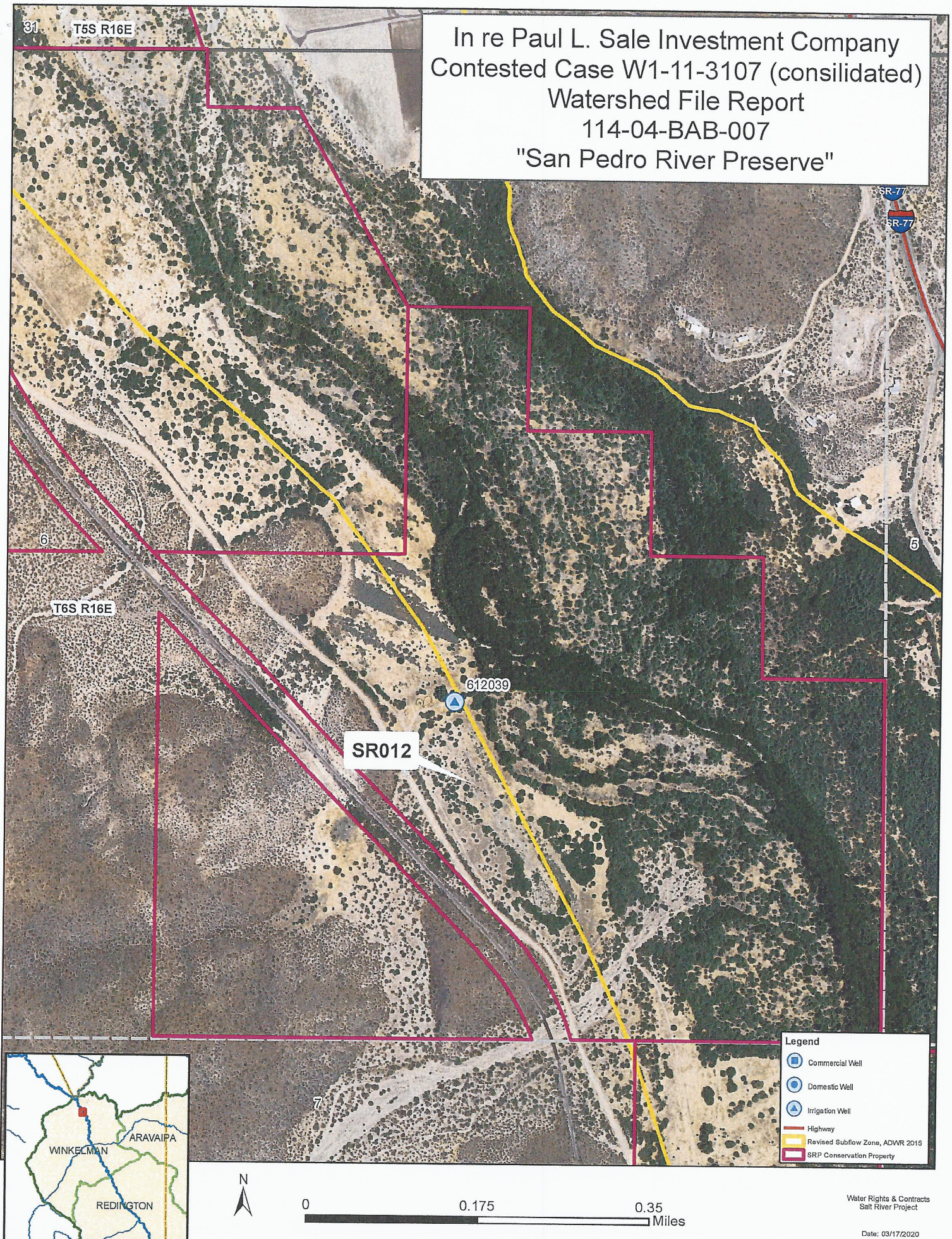
Amended Abstract of Water Right
San Pedro Watershed
(San Pedro River Preserve – South Tract, De Minimis)

1. Proposed Water Right No:	114-04-BAB-007-SR012
2. Owner of Water Right:	Salt River Project Agricultural Improvement and Power District
3. Landowner:	Salt River Project Agricultural Improvement and Power District
4. Statement of Claimant No.(s):	39-2219
5. Statement of Claimant Name(s):	Salt River Project Agricultural Improvement and Power District
6. Lessee or Permittee:	None
7. Basis of Right:	36-64312
8. Beneficial Use:	Stock watering and wildlife, including fish
9. Priority Date:	02/01/1878
10. Quantity:	Not to exceed (\leq) 4.0 acre-feet with continuous fill
11. Place of Use:	SW SE Section 06 T06S R16E
12. Point of Diversion:	55-612039: <ul style="list-style-type: none"> SW NW SE Section 06 T06S R16E (32°56'15.17", -110°44'58.18")
13. Source of Water:	Subflow from the San Pedro River
14. Name of Facility:	N/A

Additional Information

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In re Paul L. Sale Investment Company
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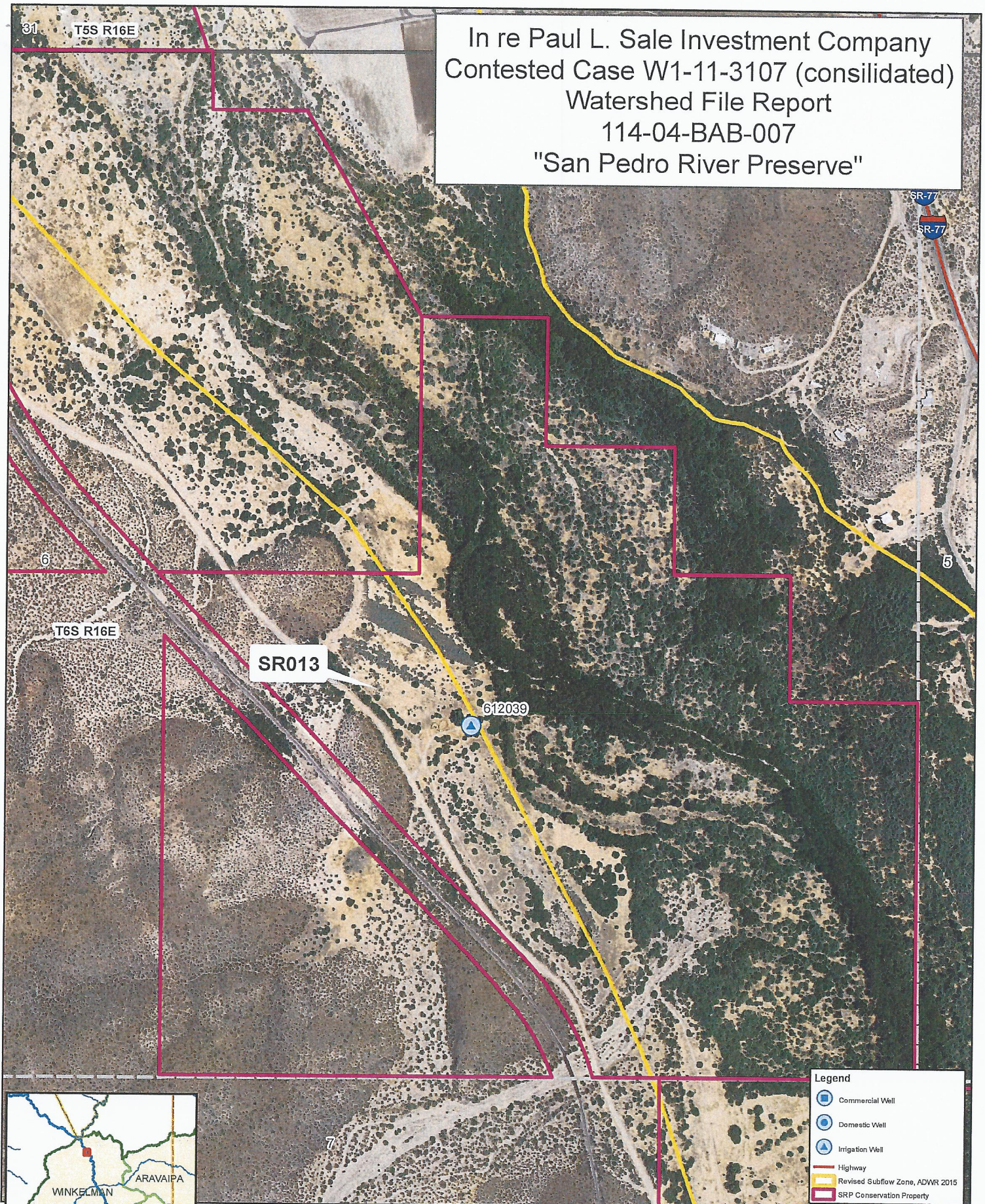
Amended Abstract of Water Right
San Pedro Watershed
(San Pedro River Preserve – South Tract, De Minimis)

1. Proposed Water Right No:	114-04-BAB-007-SR013
2. Owner of Water Right:	Salt River Project Agricultural Improvement and Power District
3. Landowner:	Salt River Project Agricultural Improvement and Power District
4. Statement of Claimant No.(s):	39-2219
5. Statement of Claimant Name(s):	Salt River Project Agricultural Improvement and Power District
6. Lessee or Permittee:	None
7. Basis of Right:	36-64312
8. Beneficial Use:	Stock watering and wildlife, including fish
9. Priority Date:	02/01/1878
10. Quantity:	Not to exceed (\leq) 4.0 acre-feet with continuous fill
11. Place of Use:	NE SW & NW SE Section 06 T06S R16E
12. Point of Diversion:	55-612039: <ul style="list-style-type: none"> SW NW SE Section 06 T06S R16E (32°56'15.17", -110°44'58.18")
13. Source of Water:	Subflow from the San Pedro River
14. Name of Facility:	N/A

Additional Information

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114-04-BAB-007
"San Pedro River Preserve"



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0 0.175 0.35 Miles

Water Rights & Contracts
Salt River Project

Date: 03/17/2020

Amended Abstract of Water Right
San Pedro Watershed
(San Pedro River Preserve – South Tract, De Minimis)

1. Proposed Water Right No:	114-04-BAB-007-SR014
2. Owner of Water Right:	Salt River Project Agricultural Improvement and Power District
3. Landowner:	Salt River Project Agricultural Improvement and Power District
4. Statement of Claimant No.(s):	39-2219
5. Statement of Claimant Name(s):	Salt River Project Agricultural Improvement and Power District
6. Lessee or Permittee:	None
7. Basis of Right:	36-64312
8. Beneficial Use:	Stock watering and wildlife, including fish
9. Priority Date:	02/01/1878
10. Quantity:	Not to exceed (\leq) 4.0 acre-feet with continuous fill
11. Place of Use:	NE SW & NW SE Section 06 T06S R16E
12. Point of Diversion:	55-612039: <ul style="list-style-type: none"> SW NW SE Section 06 T06S R16E (32°56'15.17", -110°44'58.18")
13. Source of Water:	Subflow from the San Pedro River
14. Name of Facility:	N/A

Additional Information

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31 T5S R16E

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 - SRP Conservation Property

