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

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

CIVIL NO. W1-11-2696

ORDER RE: PROPOSED
ABSTRACTS FOR BAYLESS
& BERKALEW COMPANY

CONTESTED CASE NAME: *In re Bayless & Berkalew*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: 15 abstracts for proposed water rights for *de minimis* water rights analyzed by Watershed File Report Nos. 113-09-017, 113-09-018, 113-12-003, and 113-12-004 are issued and a deadline set to file suggested corrections. Bayless & Berkalew and ASLD are directed to review seven additional abstracts.
NUMBER OF PAGES: 19
DATE OF FILING: May 25, 2018

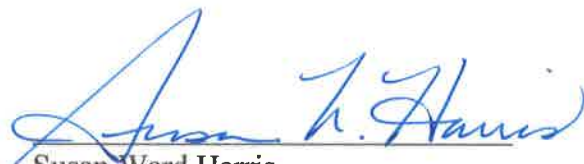
On May 14, 2018, the Arizona Department of Water Resources (ADWR) filed a report regarding the legal descriptions of the points of diversion and places of use for water rights included in 22 proposed abstracts prepared by Arizona State Land Department and Bayless &

1 Berkalew Company for *de minimis* claims for water rights analyzed by watershed file reports
2 nos. 113-09-017, 113-09-018, 113-12-003, and 113-12-004 included in the final hydrographic
3 survey report for the San Pedro Watershed (“San Pedro HSR”) filed on November 20, 1991. It
4 provided comments with respect to seven of the 22 proposed abstracts. The comment for 113-
5 09-017-SW014 simply notes a clerical error, but the remaining comments are substantive.
6

7 Pursuant to the Memorandum Decision, Findings of Fact, and Conclusions of Law for
8 Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November 14,
9 1994, amended February 23, 1995, approved and modified September 27, 2002 (“Decision”),
10 the remaining fifteen proposed water right abstracts for the *de minimis* water rights analyzed by
11 watershed file nos. 113-09-017, 113-09-018, 113-12-003, and 113-12-004 are attached as
12 Appendix A. The parties will now have “an opportunity to suggest correction of mistakes in the
13 proposed abstracts.” Decision at 47. Following the correction process, the abstracts will be
14 included in a catalog of proposed water rights.
15

16 **IT IS ORDERED** that any suggested corrections to the proposed abstracts attached as
17 Appendix A shall be filed on or before July 27, 2018.

18 **IT IS FURTHER ORDERED** that Arizona State Land Department and Bayless &
19 Berkalew Company shall file revised proposed abstracts for 113-09-017-SW001, 113-09-017-
20 SW004, 113-09-017-SW014, 113-09-018-SW001, 113-12-003-SW002, 113-12-003-SW003,
21 and 113-12-003-SW018 or file a response to the ADWR’s Report with respect to its Comments
22 by August 6, 2018.
23

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27 Susan Ward Harris
28 Special Master

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The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on May 25, 2018, for filing and distributing a copy to all persons listed on the Court approved mailing list for Contested Case No. W1-11-2696.

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APPENDIX A

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-09-017-SW005
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007233
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005171
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWNE Section 33 T10S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (North Dam Wash)
14. Name of Facility:	North Dam Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-09-018-DM001
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003538
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0067628 55-608223 55-608237
8. Beneficial Use:	Domestic
9. Priority Date:	12/31/1900
10. Quantity:	Not to exceed 1.0 ac-ft/yr
11. Place of Use:	SWSE 10 T11S R19E
12. Point of Diversion:	SWSE SESE 10 T11S R19E and NENE 15 T11S R19E
13. Source of Water:	Surface Water (Sheep Camp Wash)
14. Name of Facility:	Sheep Camp Wash, Spring & Wells

Additional Information

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**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-003-SW004
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0003559 Bayless & Berkalew Co. 39-0007257 State of Arizona (State Land Department) 39-0007258 State of Arizona (State Land Department) 39-0007259 State of Arizona (State Land Department) 39-0013289 State of Arizona (State Land Department)
5. Statement of Claimant Name(s):	State of Arizona (State Land Department) Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0004720 36-0004721 36-0004722 36-0019634 36-0005522
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW NWSE NESE SESE Section 9, NWSW NESW NWSE NESE SENE Section 10, SWNW NENW Section 11, SWSE E2SE Section 2, N2SW Section 1, NWNW Section 16, N2NE SWNE SENW NESW SWSW SESW Section 17, SESE Section 18, NENE Section 19 T12S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aguja Wash)
14. Name of Facility:	Aguja Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW005 113-12-003-SW006
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013278 39-0003558
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005511 36-0067632
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE SESE Section 32 SWSW SESW SWSE SESE Section 33, SWSW SESW NWSE SWSE NESE Section 34, SWNW NENW SENW SWNE NWNE SENE Section 36 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Redfield Canyon)
14. Name of Facility:	Redfield Canyon

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right:	113-12-003-SW009* 113-12-004-SW009
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co. and State of Arizona (State Land Department)**
4. Statement of Claimant No.(s):	39-0003557 Bayless & Berkalew Co. 39-0007252 State of Arizona (State Land Department)
5. Statement of Claimant Name(s):	Bayless & Berkalew Co. State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0004724 36-0067625 4A-0001322
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE SESE 32 T11S R19E SWSW SESW SWSE SESE 33 T11S R19E SWSW SESW NWSE NESE 34 T11S R19E NWSW 35 T11S R19E
12. Point of Diversion:	NWSW 35 T11S R19E
13. Source of Water:	Surface Water (Redfield Canyon)
14. Name of Facility:	Redfield Canyon Spring

Additional Information

*Both WFRs represent the same water use.

**Subject to Lessee's right to reimbursement (if any) for improvements in Sections 32, 33 and 34. The Spring is located on Bayless & Berkalew Co. private land. The Place of Use is on both Bayless & Berkalew Co. and Arizona State Land Department through a pipeline.

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-003-SW015*
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007236
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005174
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SENE 35 T11S R18E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Lower Mesa Wash)
14. Name of Facility:	Lower Mesa Wash

Additional Information

*Also refers to Road Wash

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-003-SW015*
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013270
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005503
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SENW 36 T11S R18E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Road Wash)
14. Name of Facility:	Road Wash

Additional Information

*Also refers to Lower Mesa Wash

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW016
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007246 39-0013277
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005183 36-0005510
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE SESE Section 20, NESE NWSE NESW SENE NENE NWNE NENW NWNW Section 27, SENE NENE NWNE NENW NWNW Section 28, NENE NENW NWNW Section 29, NENE NWNE NENW NWNW Section 30 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Markham Canyon)
14. Name of Facility:	Markham Canyon

Additional Information

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**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-003-SW022
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013269
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005502
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE SESE NESE Section 36 T11S R18E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Redfield Canyon)
14. Name of Facility:	Redfield Canyon Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW024
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013291
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005524
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNW Section 17 T12S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Pipeline Wash)
14. Name of Facility:	Pipeline Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-004-SW002
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co. and State of Arizona (State Land Department)*
4. Statement of Claimant No.(s):	39-0003552
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.*
7. Basis of Right:	36-0067629
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	SESESE 14 T11S R19E SENE 22 T11S R19E NWNE 23 T11S R19E
12. Point of Diversion:	SESESE 14 T11S R19E
13. Source of Water:	Surface Water (Bollen Wash)
14. Name of Facility:	Stone Cabin Spring

Additional Information

*Subject to Lessee's right to reimbursement (if any) for improvements in Sections 22 and 23. The Spring is located on Bayless & Berkalew Co. private land. The Place of Use is on both Bayless & Berkalew Co. and Arizona State Land Department through a pipeline.

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-004-SW003* 113-09-018-SR001
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003538
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0019633 36-0067628 4A-0000497 55-608223 55-608237
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	SWSE SESE 10 T11S R19E and NENE 15 T11S R19E
12. Point of Diversion:	SWSE SESE 10 T11S R19E and NENE 15 T11S R19E
13. Source of Water:	Surface Water (Sheep Camp Wash)
14. Name of Facility:	Sheep Camp Wash, Spring & Wells

Additional Information

*Both WFRs represents the same water use.

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-004-SW004
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003538
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	4A-0000497
8. Beneficial Use:	Stockwatering
9. Priority Date:	09/10/1924
10. Quantity:	Reasonable Use
11. Place of Use:	NENENE 15 T11S R19E SWSE SESE 10 T11S R19E
12. Point of Diversion:	NENENE 15 T11S R19E
13. Source of Water:	Surface Water (Wilson Spring)
14. Name of Facility:	Wilson Spring

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-004-SW005
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003558
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0067632 10-0501008.3100
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	NWSW NESW NWSE NESE SWNE SENE 35 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Redfield Canyon)
14. Name of Facility:	Redfield Canyon

Additional Information

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**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-004-SW006
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003584
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0019631
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	NWSW NESW SWSW 19 T11S R20E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Sheep Camp Wash)
14. Name of Facility:	Sheep Camp Wash

Additional Information

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