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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

W-1, W-2, W-3, W-4 (Consolidated)

ORDER REGARDING CLAIMS FOR  
WILDERNESS AREAS

CONTESTED CASE NAME: None.

HSR INVOLVED: None

DESCRIPTIVE SUMMARY: Order denying motion to initiate a contested case and order to file status report regarding statements of claimant for water in the Galiuro and Rincon Mountain wilderness areas based on federal reserved water rights.

NUMBER OF PAGES: 3.

DATE OF FILING: September 21, 2018.


The United States filed an Amended Report dated July 28, 2017, that identified three wilderness areas in the San Pedro River watershed for which it had not filed a statement of claimant: Miller Peak Wilderness Area, Galiuro Wilderness Area, and the Rincon Mountain Wilderness Area. Due to the expressed legislative desire for an early determination of Indian and

1 non-Indian federal water claims, deadlines were set by which the United States would file its  
2 claims for water rights to wilderness areas in the San Pedro River Watershed. In anticipation of  
3 the United States' deadline for filing a statement of claimant for the Miller Peak Wilderness Area,  
4 Freeport Minerals Corporation moved for the initiation of a contested case to address the claims  
5 asserted by the United States. On the due date for filing a statement of claimant for the Miller  
6 Peak Wilderness Area, the United States filed a notice that it elected not to file a claim for the  
7 Miller Peak Wilderness Area.  
8

9 The statutory provisions governing the adjudication of water rights require the existence of  
10 a claimant defined as a person claiming water rights. A.R.S. §§45-251, 45-257. In the absence of  
11 a statement of claimant from the United States for water rights to Miller Peak Wilderness Area, no  
12 claim exists for Arizona Department of Water Rights to investigate pursuant to A.R.S. §45-256 or  
13 for the court to adjudicate pursuant to A.R.S. §45-257.  
14

15 **IT IS ORDERED** denying Freeport Minerals Corporation's Motion to Initiate a Contested  
16 Case to Address the Federal Reserved Right Claims Asserted by the U.S. Forest Service for Miller  
17 Peak Wilderness Area.

18 **IT IS FURTHER ORDERED** that the United States shall file by **December 3, 2018**, a  
19 report on the status of its preparation of statements of claimant for the Galiuro and Rincon  
20 Mountain Wilderness Areas.  
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22  
23  
24   
25 Susan Ward Harris  
26 Special Master  
27  
28

1 On September 21, 2018, the original of the foregoing  
2 was delivered to the Clerk of the Maricopa County  
3 Superior Court for filing and distributing a copy to all  
4 persons listed on the Court approved mailing list for  
5 W-1, W-2, W-3 and W-4 (Consolidated).  
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