

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 to file statement of claimant for water in federal wilderness areas based on federal reserved water rights.  
NUMBER OF PAGES: 3.  
DATE OF FILING: August 29, 2017.

The United States filed an Amended Report dated July 28, 2017, that identified all wilderness areas within the Gila River Basin System for which the United States has claims based on federal reserved water rights that have not been settled or are not the subject of an active contested case. It separated the wilderness areas into two categories: (1) the 13 wilderness areas for which a

1 statement of claimant has been filed; and (2) the 40 wilderness areas for which no statement of  
2 claimant has been filed.

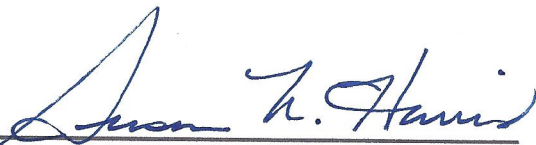
3         As the Court reported in *In re Gen. Adjudication of All Rights to Use Water In Gila River*  
4 *Sys. & Source*, 212 Ariz. 64, 68, 127 P.3d 882, 886 (2006), the Arizona legislature declared that  
5 “an early focus by the general stream adjudication courts” should be the determination of Indian  
6 and non-Indian federal water claims. This order of priority arose from a need “to plan for the  
7 impacts that the federal water rights may have on the welfare of this state.” 1995 Ariz. Sess. Laws,  
8 ch. 9, § 25(C) (1<sup>st</sup> Reg. Sess.). In this Adjudication, the court has focused on the San Pedro River  
9 Watershed. Based on the Amended Report, all wilderness areas in the San Pedro River Watershed  
10 subject to claims for federal reserved water rights for which a statement of claimant has been filed  
11 have been settled or are in the process of being adjudicated. In its Amended Report, The United  
12 States lists three wilderness areas in the San Pedro River watershed subject to claims based on  
13 federal reserved water rights for which a statement of claimant has not been filed.

14         According to the United States, the preparation of the statements of claimant for the 40  
15 wilderness areas that it identified throughout this Adjudication will require a substantial  
16 commitment of time and resources. Thus, it is important that the claims should be prioritized so  
17 that the United States can focus its efforts on those claims that should be considered consistently  
18 with the process currently adopted in this Adjudication. As this Court is currently adjudicating  
19 claims in the San Pedro River Watershed and has ordered the Arizona Department of Water  
20 Resources to prepare a San Pedro II – Sierra Vista Hydrographic Survey Report (HSR) pursuant to  
21 §45-256 to report on claims filed in the Sierra Vista subwatershed since the issuance of the San  
22 Pedro HRS on November 20, 1991, dates for the preparation of statements of claimant for  
23 wilderness areas in the San Pedro River watershed will be set. If the United States has not filed  
24 statements of claimant for wilderness areas in the remaining watersheds in this Adjudication at  
25  
26  
27  
28

1 such time as the Court initiates action with respect to a new area, then a hearing will be set to  
2 consider appropriate and reasonable filing dates.

3 **IT IS ORDERED** that the United States shall file by **August 31, 2018**, a statement of  
4 claimant for the Miller Peak Wilderness Area;

5 **IT IS FURTHER ORDERED** that the United States shall file by **August 30, 2019**,  
6 statements of claimant for the Galiuro and Rincon Mountain wilderness areas.  
7

8  
9  
10  
11   
12 Susan Ward Harris  
13 Special Master  
14

15 On August 29, 2017, the original of the foregoing was  
16 delivered to the Clerk of the Maricopa County  
17 Superior Court for filing and distributing a copy to all  
18 persons listed on the Court approved mailing list for  
19 W-1, W-2, W-3 and W-4 (Consolidated).  
20  
21  
22  
23  
24  
25  
26  
27  
28