

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

**ARIZONA GENERAL STREAM ADJUDICATION**  
**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

**W1-00-001234** (Consolidated)

Contested Case No. **W1-11-002689**

**ORDER INITIATING CONTESTED  
CASE**

CONTESTED CASE NAME: *In re ASLD – K.J. Smallhouse*

HSR INVOLVED: San Pedro Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of the Maricopa County Superior Court is directed to initiate W1-11-002689. ASLD and Bayless and Berkalew shall inform the Court in writing whether the claims at issue in this contested case are completely resolved **by May 8, 2026.**

NUMBER OF PAGES: 10

This order opens a case to determine rights to use water on the parcels that the Pima County Assessor has identified as owned by **Bayless and Berkalew** and the **State of Arizona.**

Arizona Department of Water Resources (“ADWR”) records indicate that Bayless and Berkalew filed statements of claimant 39-3539 and 39-1326, claiming water for irrigation and stock watering uses dating to 1977 and 1920. The filing of a statement of claimant declares an individual’s intent to claim a water right and begins the process of pursuing that water right with the Court.

ADWR investigated the claimed water uses and issued watershed file report

1 (“WFR”) no. 113-12-BA-011 in 1991. A copy of the WFR is attached as Attachment A  
2 and lists ASLD as the owner of the land investigated. A map illustrating the area  
3 investigated in the WFR is attached as Attachment B. The WFR describes stock watering  
4 and irrigation uses in NW¼NW¼SE¼ Section 23 Township 11S, Range 18E. A map  
5 depicting the subject parcels, **PIMA COUNTY PARCELS 205-170-010, 205-170-**  
6 **010M, and 205-210-030**, is attached as Attachment C.

7 It appears that abstracts issued in contested cases **W1-11-2658** and **W1-11-2659**  
8 may already cover water uses on the relevant parcels for this contested case, making this  
9 contested case unnecessary.

10 Objections were timely filed to the findings made in the WFR by ASARCO,  
11 Magma Copper, Bayless and Berkalew, SRP, the United States, the Gila River Indian  
12 Community, San Carlos Apache Tribe, Tonto Apache Tribe, and the Yavapai-Apache  
13 Nation. Copies of objections in this case can be found under the relevant case name and  
14 number on the following website:

15 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>  
16

17  
18 **ATTACHMENTS TO THIS ORDER:**

- 19 Attachment A: Copy of WFR No. 113-12-BA-011.
- 20 Attachment B: ADWR map showing land investigated in WFR No. 113-12-BA-011.
- 21 Attachment C: Map showing the relevant tax parcels and current ownership.
- 22 Attachment D: Initial Court Approved Mailing List

23  
24 **IT IS ORDERED:**

- 25 **1. Case Initiation.** This order initiates contested case W1-11-002689.
- 26 **2. Declaration.** By **May 8, 2026**, ASLD and Bayless and Berkalew shall inform the  
27 Court in writing whether the claims at issue in this contested case are completely resolved.
- 28 **3 Parties.** The litigants in this contested case are the current landowner, lessees, and

1 all parties who filed objections to the watershed file report. The objectors are ASARCO,  
2 Bayless and Berkalew, SRP, the United States, the Gila River Indian Community, San  
3 Carlos Apache Tribe, Tonto Apache Tribe, Yavapai-Apache Nation, and Magma Copper.

4 **4. Objections.** Copies of objections filed to this case can be found under the respective  
5 case names and numbers on the following website:  
6 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>.  
7

8 **5. Court Approved Mailing List.**

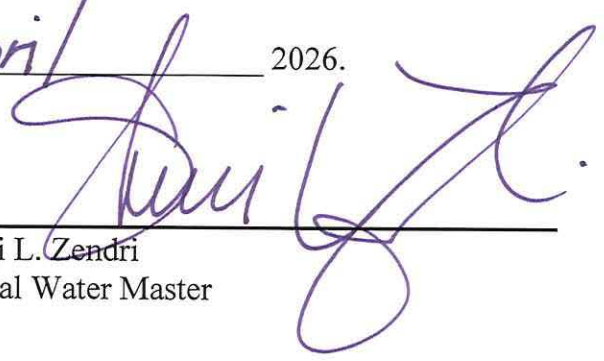
9 A. The initial Court Approved Mailing List for this case shall include all persons listed  
10 on Attachment D to this order. The list may be modified only by filing a motion with the  
11 Special Master. Litigants are responsible for using the current Court Approved Mailing  
12 List.

13 B. A copy of any pleading filed with the Clerk of the Maricopa County Superior Court  
14 in this case shall be served upon each person listed on the Court Approved Mailing List.

15 C. Claimants wishing to be added or removed from the mailing list shall file a motion  
16 with the Special Master. Parties allowed to intervene will be automatically added to the  
17 Court Approved Mailing List.

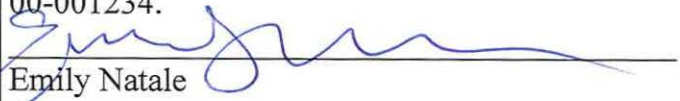
18 D. The Clerk of the Court will send copies of all minute entries and orders issued in  
19 this case to the parties listed on the Court Approved Mailing List.

20 E. Claimants who would like to receive courtesy copies of minute entries and orders  
21 may request inclusion on an email list by sending a request to  
22 emily.natale@jbazmc.maricopa.gov.

23 Signed this 9<sup>th</sup> day of April 2026.  
24  
25  
26  
27   
28 Sherri L. Zendri  
Special Water Master

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

On April 9, 2026, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached, and to all persons listed on the Court-approved mailing list for W1-00-001234.

  
Emily Natale

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

**ATTACHMENT A**  
**Watershed File Report**

AS OF 10/11/91

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	113-12-BA-011	BAYLESS & BERKALEW CO. % K.J. SMALLHOUSE	05-83

PHOTO ID - 22-4 (90)

QUAD 1 - REDINGTON

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1001706.2100							1886			
10-1001730.2100							1888			
36-0019614		IRRIGATION STOCK	1000.00	NWNWSE23	110S	180E	1977	NWNWSE23	110S	180E
39-0003539	AMENDED	IRRIGATION STOCK	1000.00 1.00	NWNWSE23	110S	180E	1977	NWNWSE23	110S	180E
39-0013263	AMENDED	IRRIGATION	53.60	NWSWSE23 S2NWNE23	110S	180E	1920	SWNESW23	110S	180E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1001706.2100	IRRIGATION STOCK	IRRIGATION NONE		IR001, IR002, IR003 IR004
10-1001730.2100	IRRIGATION STOCK	NONE NONE		IR003
36-0019614	IRRIGATION STOCK	IRRIGATION INCIDENTAL	W07	IR001, IR002, IR003 IR004
39-0003539	IRRIGATION STOCK	IRRIGATION INCIDENTAL	W07	IR001, IR002, IR003 IR004
39-0013263	IRRIGATION	IRRIGATION	W07	IR001, IR002

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W07	SWNESW23	110S	180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IR001	NWNE23	110S	180E	W07	GROUNDWATER : ZONE 1	1964	NO	
IR002	SWSE23	110S	180E	W07	GROUNDWATER : ZONE 1	1979	NO	
IR003	NWNE23	110S	180E	W07	GROUNDWATER : ZONE 1	1990	NO	
IR004	NENW26	110S	180E	W07	GROUNDWATER : ZONE 1	1990	NO	
	SESW23	110S	180E					
	SESW14	110S	180E	W07	GROUNDWATER : ZONE 1	1990	NO	

SHARED USES AND DIVERSIONS

113-12-BA-011

\*\* WATER FROM W07 FOUND IN FILE (113-12-BD-4) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IR001	39-0003539 39-0013263	10-1001706.2100 36-0019614	1964	1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR002	39-0003539 39-0013263	10-1001706.2100 36-0019614	1977	36-19614 & 39-3539	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR003	39-0003539 39-0013263	10-1001706.2100 10-1001730.2100 36-0019614	1989	CLAIMANT INTERVIEW	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR004	39-0003539 39-0013263	10-1001706.2100 36-0019614	1990	1990 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IR001	MAX. OBSERVED REGIONAL	2.7	PERM. PSTR	32%	9.9 AF/AC	26.7 AFA	
		2.7	AVE. CROP	50%	5.4 AF/AC	14.6 AFA	
IR002	MAX. POTENTIAL	2.7	ALFALFA	32%	10.4 AF/AC	28.1 AFA	
	MAX. OBSERVED REGIONAL	6.3	PERM. PSTR	32%	9.9 AF/AC	62.4 AFA	
IR003	MAX. POTENTIAL	6.3	AVE. CROP	50%	5.4 AF/AC	34.0 AFA	
	MAX. OBSERVED REGIONAL	6.3	ALFALFA	32%	10.4 AF/AC	65.5 AFA	
IR004	MAX. OBSERVED REGIONAL	3.9	FALL GRAINS	32%	1.3 AF/AC	5.1 AFA	
	MAX. POTENTIAL	3.9	AVE. CROP	50%	5.4 AF/AC	21.1 AFA	
IR004	MAX. OBSERVED REGIONAL	3.9	ALFALFA	32%	10.4 AF/AC	40.6 AFA	
	MAX. POTENTIAL	1.3	PERM. PSTR	32%	9.9 AF/AC	12.9 AFA	
	MAX. OBSERVED REGIONAL	1.3	AVE. CROP	50%	5.4 AF/AC	7.0 AFA	
	MAX. POTENTIAL	1.3	ALFALFA	32%	10.4 AF/AC	13.5 AFA	

EXPLANATION

DIVERSIONS

W7 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

IR1, IR2 & IR4 - IRRIGATED PASTURE.  
IR3 - IRRIGATED SMALL GRAINS.

SHARED USES AND DIVERSIONS

W7 - WELL IS SHARED WITH W.F.R. #113-12-BD-4

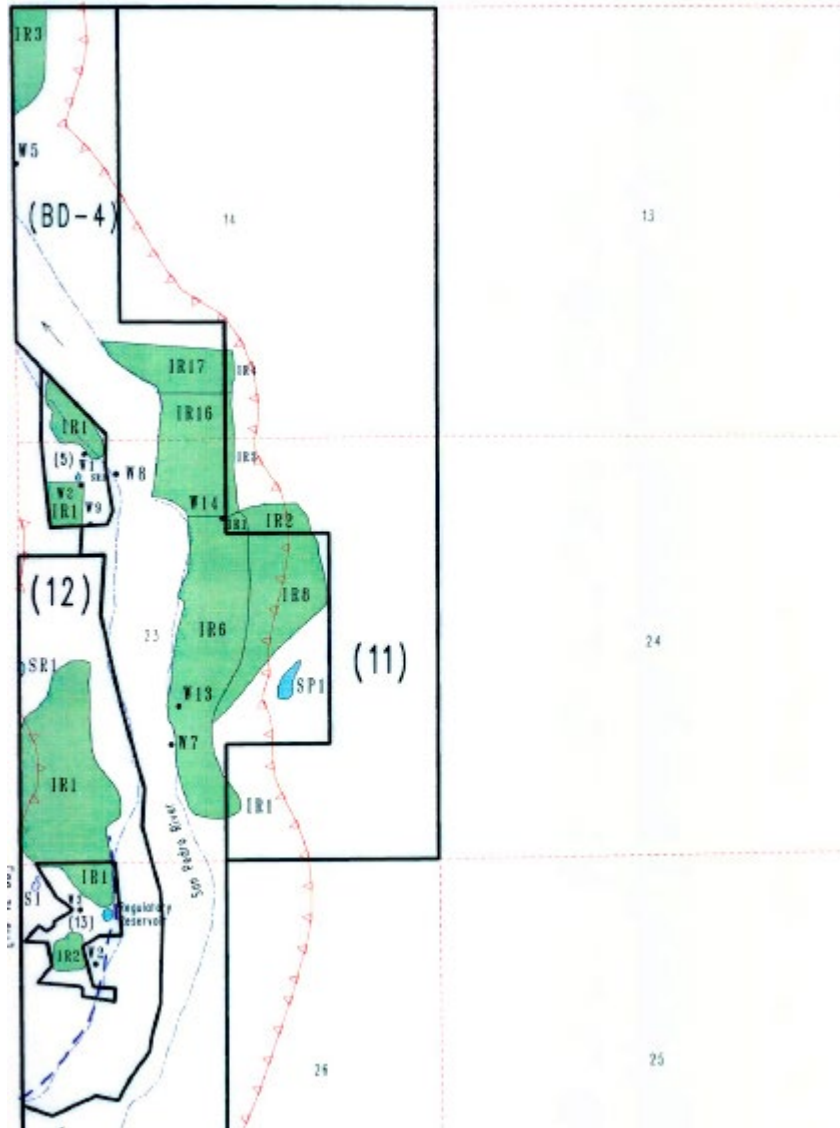
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER ON THE DISPOSITION OF FILING 39-13263.

**ATTACHMENT B**

**ADWR Map of Area Investigated [denoted as “(11)”]**

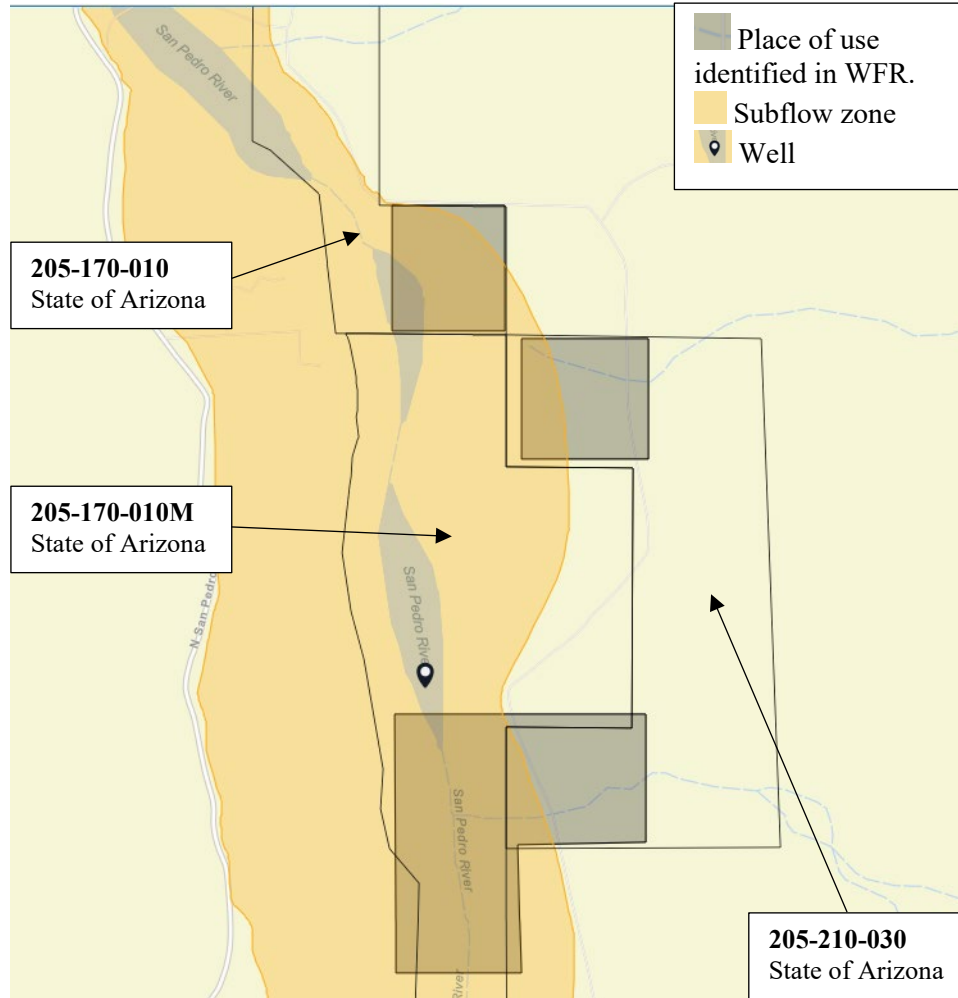
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



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

### ATTACHMENT C

#### Relevant Parcels in Relation to Subflow Zone



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

**ATTACHMENT D**

**Initial Court-Approved Mailing List**

Arizona Department of Water Resources  
Karen J. Nielsen  
1110 West Washington, Suite 310  
Phoenix, AZ 85007

Susan B. Montgomery, Robyn Interpreter,  
Montgomery & Interpreter PLC  
3301 E Thunderbird Road  
Phoenix, AZ 85032

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson St.  
Phoenix, AZ 85003

Gila River Indian Community  
Javier Ramos and Michael Carter  
Office of the General Counsel  
P.O. Box 97  
Sacaton, AZ 85147

Special Master Sherri Zendri  
Superior Court of Arizona  
201 W. Jefferson Street  
Courtroom 301  
Phoenix, AZ 85003

Merrill C. Godfrey and Brette A. Pena  
Akin Gump Straus Hauer & Feld LLP  
2001 K Street, N.W.  
Washington, DC 20006

A. Ritchie, J. Sutton, B. Velasco  
San Carlos Apache Tribe  
Office of the Attorney General  
PO Box 40  
San Carlos, AZ 85550

Mark McGinnis, Michael Foy,  
Katrina Wilkinson, Kathryn Ust  
Salmon, Lewis & Weldon  
2850 E. Camelback Rd. Suite 200 Phoenix,  
AZ 85016

Mark Weiderschein  
United States Dept. of Justice – ENRD  
P.O. Box 7611, Ben Franklin Station  
Washington, DC 20044

Sean Hood & Rhett Billingsley  
Fennemore Craig, P.C.  
2394 East Camelback Road Ste 600  
Phoenix, AZ 85016-3429

Joe P. Sparks and Laurel A. Hermann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

John D. Burnside  
Snell & Wilmer, L. L. P.  
One E. Washington Street, Suite 2700  
Phoenix, AZ 85004-2556

Jeremiah Weiner, Brett J. Stavin,  
Rosemary Avila  
Rosette, LLP.  
120 S. Ash Avenue, Suite 201  
Tempe, AZ 85281

D. Brown, J. Brown, A. Brown  
G Perkins, B. Heiserman, B. Pew  
Brown & Brown Law P.C.  
PO Box 1890  
St. Johns, AZ 85936