

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

IN CHAMBERS (X) IN OPEN COURT ()

SPECIAL MASTER GEORGE A. SCHADE, JR.
Presiding

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

DATE: May 6, 2003

CIVIL NOS. W1-11-556
AND W1-11-1132

CONTESTED CASE NAME: *In re Coronado National Memorial.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master vacates the status conference set on May 5, 2003, accepts the Stipulation submitted by the parties, and will prepare and file a partial report on the claims of the United States in the Coronado National Memorial.

NUMBER OF PAGES: 3; Attachment A (Court-approved Mailing List) - 1 pg; Total - 4 pgs.

DATE OF FILING: Original filed with the Clerk of the Court on May 6, 2003.

ORDER

On May 2, 2003, the United States filed an Unopposed Motion to Vacate the May 5, 2003, Status Conference and a Motion for Approval of Stipulation and for Preparation of a Partial Report of the Special Master on Claims for Coronado National Memorial. A Stipulation executed by all the litigants in this contested case was filed.

The stipulation recites the terms of agreement and contains abstracts of attributes for twenty-one water right claims of the United States in the Coronado National Memorial. By letter dated May 2, 2003, the Special Master informed the parties that the conference would be vacated, and an order would be sent out.

1. Status Conference. An order vacating the conference is issued.

2. Stipulation filed on May 2, 2003. The stipulation states that it “is the result of negotiation,” the signatories “reserve the right to challenge and/or appeal the imposition by the Arizona Department of Water Resources or a court of competent jurisdiction of attributes [either less or more] favorable to the National Park Service than those set forth in the attached abstracts,” and the parties “agree to entry of a decree for these claims on the terms set forth in the” abstracts.

The stipulation addresses twenty-five water right claims (24 claims involve wells and one a stockpond). It contains abstracts of water right attributes for twenty-one claims and lists four statements of claimant that the United States will withdraw within sixty days after the Superior Court approves the stipulation.

The stipulation covers eleven claims that are part of contested case number W1-11-556 (including the four claims to be withdrawn) and fourteen claims whose objections were docketed in contested case number W1-11-1132. After the time for filing objections to the Final San Pedro River Watershed Hydrographic Survey Report (“San Pedro HSR”) ended on May 18, 1992, each objection was assigned a contested case number. In 2001, the United States acquired the lands associated with the claims and objections in contested case number W1-11-1132. A case initiation order has not been filed in that case, but the United States and the objectors reached agreement and submitted abstracts for the water right claims in contested case number W1-11-1132.

The Special Master has carefully reviewed the stipulation, abstracts, and case documents and finds that the stipulation was reached in good faith, and its terms are fair and just. It is noted that this matter has been in settlement since 1995, and many of the same counsel and staff have continuously and diligently worked on these claims.

3. Stipulation accepted on March 26, 1996. On March 26, 1996, Special Master Thorson accepted a stipulation, filed in contested case number W1-11-556, which included abstracts for three springs that “arise and terminate on the Coronado National Memorial.”¹ The stipulation included abstracts for other sources, which were wells, but upon the United States’ motion, on June 3, 1996, Special Master Thorson stayed “all further proceedings in regard to the definition of the attributes of the wells” until the resolution of Interlocutory Review Issues Nos. 2, 4, and 5, which were then before the Arizona Supreme Court. The abstracts contained in the stipulation filed on May 2, 2003, include the wells whose definitions were stayed on June 3, 1996. Of concern now is the status of the abstracts for the three springs, which Special Master Thorson accepted on March 26, 1996.²

¹ Stipulation 2 (March 19, 1996).

² The springs are *Joe’s Spring No. 3* (Statement of Claimant No. 39-11129A), *Tunnel Mine Spring* (Statement of Claimant No. 39-11129B), and *Brown Allotment Spring* (Statement of Claimant No. 39-11130A). See San Pedro HSR Watershed File Report No. 111-23-016.

There has been no indication that the abstracts are no longer valid. In the status report filed on December 21, 2001, the United States stated that three of the major parties “have acknowledged the continued validity of the abstracts for the three springs.”³

When he accepted the abstracts for the springs, Special Master Thorson ordered, “The abstracts of water rights will be held by the Master for inclusion in the first appropriate catalog or report of water uses for the San Pedro River watershed.”⁴ For efficiency and uniformity, the Special Master will include the stipulation and abstracts for the three springs in the partial report he will prepare for the Superior Court.

IT IS ORDERED:

1. The status conference set on May 5, 2003, is vacated.
2. The stipulation filed on May 2, 2003 is accepted.
3. The Special Master will prepare and file with the Clerk of the Court a partial report on the claims of the United States for the Coronado National Memorial that are the subject of the stipulation accepted on March 26, 1996, and of the stipulation filed on May 2, 2003.

DATED: May 6, 2003.

/s/ George A. Schade, Jr.
GEORGE A. SCHADE, JR.
Special Master

The original was filed on May 6, 2003, with the Clerk of the Maricopa County Superior Court, and copies were mailed to those parties who appear on the Court-approved mailing list for Contested Case No. W1-11-556 dated May 6, 2003 (Attachment A).

/s/ KDolge
Kathy Dolge

³ Status Report 2 (December 21, 2001).

⁴ Minute Entry 1-2 (March 26, 1996).