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. W1-11-19 (Consolidated) ORDER TO SEPARATE CONTESTED CASES

CONTESTED CASE NAME: *In re Sands Group of Cases*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Order to remove and separate W1-11-2588, W1-11-2589, W1-11-2658, W1-11-2659, and W1-11-3299 from the cases consolidated under contested case W1-11-19.

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This consolidated case consists of the Group 1 test cases involving water claims for stock watering, stockponds and domestic use. Under current law, a claimant who has asserted claims for irrigation use and Small Water Use Claims shall have the Small Water Uses Claims determined

in conjunction with the claims for water for irrigation use. A.R.S. §45-257(A)(1). The term "Small Water Use Claims" includes claims for stock watering and stockponds with a capacity of not more than 15 acre feet. A.R.S. §45-251(9).

In re Bayless and Berkalew

The contested case *In re Bayless and Berkalew,* case no. W1-11-2696 will adjudicate the claims asserted by Bayless & Berkalew Company for water rights for irrigation use. In accordance with A.R.S. §45-257(A)(1), the objections to the Small Water Use claims made by Bayless & Berkalew shall be resolved in conjunction with its irrigation claims. Claims for Small Water Uses made by Bayless & Berkalew Company were originally analyzed in watershed file reports 113-09-017, 113-09-018, 113-12-003, and 113-12-004 and were the subject of contested cases W1-11-2588, W1-11-2589, W1-11-2658, and W1-11-2659, which were consolidated as part of *In re Bayless & Berkalew Group of Cases,* W1-11-2585, and then further consolidated as part of *In re Sands,* W1-11-19. Due to the requirements of A.R.S. §45-257(A)(1), the objections to the Small Water Use claims shall be resolved in contested case no. W1-11-2696.

In re Brighthawk

The contested case *In re Brighthawk,* case no. W1-11-3312 will adjudicate the claims asserted by Brighthawk LLC for water rights for irrigation use in the NENE Sec. 34 T6S, R17E with water diverted from the Aravaipa Creek. Watershed file report 115-04-009 determined that a potential stockwatering claim existed in the NENENE Sec. 34, T6S, R17E and listed Statement of Claimant 39-2671 as the applicable adjudication filing. Jeptha O. and Peggy White, predecessors in interest to Brighthawk LLC filed Statement of Claimant 39-2671. The objections to watershed file report 115-04-009 were initially considered in contested case W1-11-3299,

initiated on April 2, 1993. That case was subsequently consolidated with W1-11-3294 on May 19, 1993. On December 3, 1993, the Special Master entered a Consolidation Order that consolidated W1-11-3294 under case number W1-11-19. Pursuant to A.R.S. §45-257(A)(1), this small water use shall be considered in conjunction with its irrigation claims.

Accordingly,

IT IS ORDERED that contested case W1-11-3299 shall be separated from W1-11-3294 and W1-11-19 and shall be consolidated with contested case no. W1-11-3312.

IT IS FURTHER ORDERED that contested cases W1-11-2588, W1-11-2589, W1-11-2658 and W1-11-2659 shall be separated from W1-11-2585 and W1-11-19 and consolidated with contested case no. W1-11-2696.

Susan Ward Harris
Special Master

On October 11, 2017, 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 Contested Case No. W1-11-19.

Barbara Brown
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