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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

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.  
NUMBER OF PAGES: 3.  
DATE OF FILING: October 11, 2017

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

1 in conjunction with the claims for water for irrigation use. A.R.S. §45-257(A)(1). The term  
2 “Small Water Use Claims” includes claims for stock watering and stockponds with a capacity of  
3 not more than 15 acre feet. A.R.S. §45-251(9).  
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5 *In re Bayless and Berkalew*

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

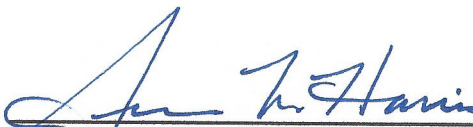
20 The contested case *In re Brighthawk*, case no. W1-11-3312 will adjudicate the claims  
21 asserted by Brighthawk LLC for water rights for irrigation use in the NENE Sec. 34 T6S, R17E  
22 with water diverted from the Aravaipa Creek. Watershed file report 115-04-009 determined that  
23 a potential stockwatering claim existed in the NENENE Sec. 34, T6S, R17E and listed Statement  
24 of Claimant 39-2671 as the applicable adjudication filing. Jephtha O. and Peggy White,  
25 predecessors in interest to Brighthawk LLC filed Statement of Claimant 39-2671. The objections  
26 to watershed file report 115-04-009 were initially considered in contested case W1-11-3299,  
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1 initiated on April 2, 1993. That case was subsequently consolidated with W1-11-3294 on May 19,  
2 1993. On December 3, 1993, the Special Master entered a Consolidation Order that consolidated  
3 W1-11-3294 under case number W1-11-19. Pursuant to A.R.S. §45-257(A)(1), this small water  
4 use shall be considered in conjunction with its irrigation claims.

5 Accordingly,

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

8 **IT IS FURTHER ORDERED** that contested cases W1-11-2588, W1-11-2589, W1-11-  
9 2658 and W1-11-2659 shall be separated from W1-11-2585 and W1-11-19 and consolidated with  
10 contested case no. W1-11-2696.  
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16 Susan Ward Harris  
17 Special Master  
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19 On October 11, 2017, the original of the foregoing  
20 was delivered to the Clerk of the Maricopa County  
21 Superior Court for filing and distributing a copy to all  
22 persons listed on the Court approved mailing list for  
23 Contested Case No. W1-11-19.

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25 Barbara Brown  
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