

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

CIVIL NO. W1-11-19  
ORDER TO SEPARATE  
CLAIMS IN CONTESTED  
CASE

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

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master separates the claims for water rights for stockponds and for stock watering analyzed by Watershed File Report No. 111-19-002 from the remaining claims to be considered in this contested case for administrative convenience.

NUMBER OF PAGES: 6.

DATE OF FILING: October 31, 2016

This contested case, *In re Sands Group of Cases*, originally involved 54 watershed file reports (“WFRs”) from the final hydrographic survey report for the San Pedro Watershed (“San Pedro HSR”) filed on November 20, 1991. Included within the group of WFRs in this case is

1 WRF No. 111-19-002 that identifies seven beneficial uses with associated proposed water right  
 2 numbers as follows:

3	4	5	6	7	8	9	10	11	12	13
Watershed	File	Statement	Claimant	Legal Description	Proposed Water	Right Number	and use	Landowner		
	111-19-002	39-0002022	Sands Investment Company	NE SE SE 34 T19S T18E	111-19-002-DM001	domestic		Sands Properties LLC		
	111-19-002	39-0002020	Pima County	NW NW NW 23 T19S R18E	111-19-002-SP001	stockpond		Pima County		
	111-19-002	39-0002001	Pima County	SW SW SW 23 T19S R18E	111-19-002-SP002	stockpond		Pima County		
	111-19-002	39-0002013	Pima County	NE NW SW 34 T19S R18E	111-19-002-SP003	stockpond		Pima County		
	111-19-002	39-0013764	Sands Investment Company	NE NW SW 34 T19S R18E	111-19-002-SP003	stockpond		Pima County		
	111-19-002	39-0002019	Pima County	SW NE NE 33 T19S R18E	111-19-002-SW001	Stock watering		Pima County		
	111-19-002	None filed		SW NW SW 25 T19S R18E	111-19-002-SP004	stockpond		Pima County		
	111-19-002	None filed		NW SW SW 34 T19S R18E	111-19-002-SP005	stockpond		Pima County		

14 A copy of WFR no. 111-19-002 is attached as Appendix A.

15  
 16  
 17 Since the issuance of the San Pedro HSR, Sands Properties, LLC, the successor in interest  
 18 to the original landowner, Sands Investment Company, transferred the land described in this WFR  
 19 associated with the claims for stockponds and for stock watering and assigned to Pima County its  
 20 statements of claimant 39-2001, 39-2013, 39-2019, 39-2020, 39-2029 and 39-2032. Pima County  
 21 was not one of the parties originally involved in this contested case. The claims assigned to it do  
 22 not present the potential ownership issues currently pending in *In re the Sands Group of Cases*  
 23 because the claimant also owns the land associated with the claims. At the status conference on  
 24 September 8, 2016, counsel for Pima County stated that he had no objection to the separation of  
 25 Pima County's claims for water rights from this case.  
 26

27 The water claims asserted by Pima County will be separated from this case for  
 28

1 administrative convenience. The Memorandum Decision, Findings of Fact and Conclusions of  
2 Law dated November 14, 1994, amended February 23, 1995, and approved as modified by Order,  
3 dated September 27, 2002, will continue to govern the adjudication of these *de minimis* claims.

4  
5 **IT IS ORDERED**, the water claims for stockponds and for stock watering listed in WFR  
6 No. 111-19-002 shall no longer be consolidated with this contested case. They will be adjudicated  
7 in a new contested case known as *In re Pima County*, case number W1-11-19A.

8  
9 **IT IS FURTHER ORDERED** that the water right asserted by Sands Investment Company  
10 by statement of claimant 39-0002022 for domestic use shall not be separated and shall remain a  
11 part of *In re Sands Group of Cases*.

12  
13  
14  
15   
16 Susan Ward Harris  
17 Special Master

18  
19 The original of the foregoing was delivered to the  
20 Clerk of the Maricopa County Superior Court on  
21 October 31, 2016, for filing and distributing a copy to  
22 all persons listed on the Court approved mailing list  
23 for Contested Case No. W1-11-19.  
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

# APPENDIX A

LAND OWNER  
 SANDS INVESTMENT COMPANY

WATERSHED FILE  
 REPORT NUMBER  
 111-19-002

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 SECTION	LOCATION TWNP	RNGE
3R-0001651	CERTIF.	STOCK	1.10	NWNW23	190S	180E	1957	NWNW23	190S	180E
3R-0001652	CERTIF.	STOCK	1.10	SWSW23	190S	180E	1957	SWSW23	190S	180E
36-0080279		STOCK	.55	NENE33	190S	180E	1919	NENE33	190S	180E
36-0080292		STOCK	.76	NENE36	190S	180E	1936	NENE36	190S	180E
36-0080293		DOMESTIC	1.22	NESE34	190S	180E	1919	NESE34	190S	180E
36-0080294		STOCK	.61	NENE33	190S	180E	1919	NENE33	190S	180E
36-0080295		STOCK	.92	NWSW25	190S	180E	1948	NWSW25	190S	180E
38-0013331		STOCK	2.00	NWSW34	190S	180E	1960	NWSW34	190S	180E
38-0081495		STOCK	1.10	NWNW23	190S	180E	1950	NWNW23	190S	180E
38-0081496		STOCK	1.10	SWSW23	190S	180E	1950	SWSW23	190S	180E
39-0002001	QUE.RECD	STOCK	1.10	SWSWSW23	190S	180E	1950	SWSWSW23	190S	180E
39-0002013	QUE.RECD	STOCK	2.00	NENWSW34	190S	180E	1960	NENWSW34	190S	180E
39-0002019	QUE.RECD	STOCK	.55	SWNESE33	190S	180E	1919	SWNESE33	190S	180E
39-0002020	QUE.RECD	STOCK	1.10	NWNWNW23	190S	180E	1950	NWNWNW23	190S	180E
39-0002022	QUE.RECD	DOMESTIC STOCK	.06	NENESE34	190S	180E	1919	NENESE34	190S	180E
39-0002029	QUE.RECD	STOCK	.92							
39-0002030	QUE.RECD	STOCK	.61	NENENE33	190S	180E	1919	NENENE33	190S	180E
39-0002032	QUE.RECD	STOCK	.77	NENENE36	190S	180E	1935	NENENE36	190S	180E
39-0013764		STOCK	.92	NWNWSW25	190S	180E	1948	NWNWSW25	190S	180E
39-0013765		STOCK		NWSW34	190S	180E	1970	NWSW34	190S	180E
4A-0004197	CERTIF.	STOCK	.55	SENWSE26	190S	180E	1919	SENWSE26	190S	180E
				NENE33	190S	180E	1957	NENE33	190S	180E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
3R-0001651	STOCK	STOCK		SPOO1
3R-0001652	STOCK	STOCK		SPOO2
36-0080279	STOCK	SPRING		SWOO1
36-0080292	STOCK	CATALOGUED WELL		
36-0080293	DOMESTIC	CATALOGUED WELL		DMOO1
36-0080294	STOCK	CATALOGUED WELL		
36-0080295	STOCK	CATALOGUED WELL		
38-0013331	STOCK	STOCK		SPOO3
38-0081495	STOCK	STOCK		SPOO1
38-0081496	STOCK	STOCK		SPOO2
39-0002001	STOCK	STOCK		SPOO2
39-0002013	STOCK	STOCK		SPOO3
39-0002019	STOCK	SPRING		SWOO1
39-0002020	STOCK	STOCK		SPOO1
39-0002022	DOMESTIC	CATALOGUED WELL		DMOO1
39-0002029	STOCK	CATALOGUED WELL		
39-0002030	STOCK	CATALOGUED WELL		
39-0002032	STOCK	CATALOGUED WELL		
39-0013764	STOCK	STOCK		SPOO3
39-0013765	WILDLIFE	INCIDENTAL		
4A-0004197	STOCK	CATALOGUED WELL		
	STOCK	SPRING		SWOO1

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NESESE34	190S	180E		GROUNDWATER ; CATALOGUED		NO	SANDS WEST CAMP
SWOO1	SWNESE33	190S	180E		SURFACE WATER		NO	FRIGIDAIR SPRING

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
	SECTION	TWNP	RNGE					
SPO01	NWNWNW23	190S	180E		SURFACE WATER	1972	MCNALLY TANK	STOCKWATERING
SPO02	SWSWSW23	190S	180E		SURFACE WATER	1972	BOULDER TANK	STOCKWATERING
SPO03	NENWSW34	190S	180E		SURFACE WATER	1972	VICTORIA TANK	STOCKWATERING
SPO04	SWNWSW25	190S	180E		SURFACE WATER	1972	UNNAMED	STOCKWATERING
SPO05	NWSWSW34	190S	180E		SURFACE WATER	1972	UNNAMED	STOCKWATERING

P W R S U M M A R Y

PWR #	APPLICABLE	APPLICABLE	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS	DATE BASIS	FOR DATE	
DM001	39-0002022	36-0080293			GROUNDWATER : CATALOGUED
SPO01	39-0002020	3R-0001651	1950 FILING	38-81495	SURFACE WATER: BABOCOMARI RIVER
SPO02	39-0002001	38-0081495	1950 FILING	38-81496	SURFACE WATER: BABOCOMARI RIVER
SPO03	39-0002013	3R-0001652	1960 FILING	38-13331	SURFACE WATER: BABOCOMARI RIVER
	39-0013764	38-0081496			
SPO04	NONE	NONE	1972 1972 AERIAL PHOTO		SURFACE WATER: BABOCOMARI RIVER
SPO05	NONE	NONE	1972 1972 AERIAL PHOTO		SURFACE WATER: BABOCOMARI RIVER
SW001	39-0002019	36-0080279	1919 FILING	36-80279	SURFACE WATER: BABOCOMARI RIVER
		4A-0004197			
NONE	39-0002029	36-0080292			
	39-0002030	36-0080294			
	39-0002032	36-0080295			
	39-0013765				

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION		ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE							
DM001								SEE VOLUME 1 - GENERAL ASSESSMENT
SPO01	MAX. AREA/CAP		LT 2.0				LTE 15.0 AF	
SPO02	MAX. AREA/CAP		LT 2.0				LTE 15.0 AF	
SPO03	MAX. AREA/CAP		LT 2.0				LTE 15.0 AF	
SPO04	MAX. AREA/CAP		LT 2.0				LTE 15.0 AF	
SPO05	MAX. AREA/CAP		LT 2.0				LTE 15.0 AF	
SW001								SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-2001, 39-2013, 39-2019, 39-2020, 39-2022, 39-2029, 39-2030 & 39-2032 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH REFLECT INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENTS OF CLAIMANT.

USES AND RESERVOIRS

- DM1 - DOMESTIC USE.
- SP1 - MCNALLY TANK STOCKPOND.
- SP2 - BOULDER TANK STOCKPOND.
- SP3 - VICTORIA TANK STOCKPOND.
- SP4 & SP5 - UNNAMED STOCKPONDS.
- SW1 - STOCKWATERING USE FROM FRIGIDAIRE SPRING.

QUANTITIES OF USE

- SP1 - FILING 3R-1651 STATES A CERTIFICATED STOCKPOND CAPACITY OF 6.00 ACRE-FEET.
- SP2 - FILING 3R-1652 STATES A CERTIFICATED STOCKPOND CAPACITY OF 6.00 ACRE-FEET.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT FROM THE 1987 PRELIMINARY H.S.R. WAS RECEIVED FROM THE LAND OWNER WHICH SUPPORTED INFORMATION IN THE WATERSHED FILE REPORT.