

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 IN AND FOR THE COUNTY OF MARICOPA
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4

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

W-1, W-2, W-3, W-4
(Consolidated)

8
9 ORDER FOR SAN PEDRO
10 HSR II TO ANALYZE NEW
11 STATEMENTS OF
CLAIMANT

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13 HSR INVOLVED: None.

14 DESCRIPTIVE SUMMARY: Order requiring Arizona Department of Water Resources to prepare
15 a hydrographic survey report for statements of claimant filed in the San Pedro Watershed not
16 included in the San Pedro HSR, dated November 20, 1991.

17 NUMBER OF PAGES: 3.
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20 The San Pedro Basin has been the subject of extensive litigation following the issuance of
21 the first hydrographic survey report (HSR) filed on November 20, 1991. Proposed water rights
22 identified in the 1991 HSR (San Pedro I) are currently in the process of being adjudicated. Since
23 the issuance of San Pedro I, more than 1,800 statements of claimant have been filed asserting water
24 rights in the San Pedro Basin. In order to fully adjudicate the San Pedro Basin, the Arizona
25 Department of Water Resources (ADWR) must prepare an HSR with respect to the statements of
26 claimant that are not analyzed in San Pedro I.
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1 The parties have already briefed and argued the necessity of requiring ADWR to re-
2 examine the more than 8,000 statements of claimant considered in San Pedro I and reproduce a
3 new San Pedro I. By order filed September 29, 2000, the Court specifically decided that ADWR
4 would not be ordered to recreate all of its watershed file reports for the statements of claimant that
5 had been examined. The Court also declined almost 16 years ago to order ADWR to engage in
6 additional assessments in the San Pedro Basin until the Court had ruled on the Special Master's
7 report on *de minimis* use.
8

9 The Court subsequently ruled on the Special Master's report on *de minimis* use and ADWR
10 is reporting progress on creating a program that will be used to prepare proposed water abstracts
11 for *de minimis* use throughout the San Pedro Watershed. The Special Master is expected to issue an
12 order to continue the adjudication of the *de minimis* uses in *In re Sands Group of Cases*. Thus, it is
13 now appropriate to order ADWR to prepare a preliminary hydrographic survey report which shall
14 be known as San Pedro II that assesses the statements of claimant filed in the San Pedro Basin
15 beginning with the filing date that immediately follows the date of the last statement of claimant
16 analyzed in San Pedro I.
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18 **IT IS ORDERED** that Arizona Department of Water Resources shall prepare a preliminary
19 HSR known as San Pedro II in compliance with A.R.S. § 45-256, which shall include the following
20 information:
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- 22 1. Proposed water right attributes for each claim made in the statements of claimant,
23 which are:
 - 24 i. Type of water use and date of use;
 - 25 ii. Applicable filings made with ADWR;
 - 26 iii. Source of water;
 - 27 iv. Legal description of point of diversion of the water;
 - 28 v. Legal description of place of use of the water;

- 1 vi. Quantity of use in acre feet per year; and
2 vii. Dates on which any use of water listed in the statements of claimant began
3 or ceased.

4 If applicable, water attributes will also include storage volume, name of reservoir or
5 stock pond, and number of irrigated acres.

- 6 2. The priority date claimed in each statement of claimant for each proposed water right.
7
8 3. Fee ownership of the land to which the water rights will be appurtenant.
9
10 4. Identification of the claims which qualify as *de minimis* claims pursuant to the Special
11 Master's Memorandum Decision, Findings of Fact and Conclusions of Law for Group I
12 Cases Involving Stockwatering, Stockponds and Domestic Uses ("*De Minimis*
13 Decision"), dated November 14, 1994, modified on February 23, 1995, as approved
14 and modified by court order dated September 26, 2002.
15
16 5. A statement that clearly identifies those claims for which the Director of Arizona
17 Department of Water Resources does not make a recommendation concerning the water
18 rights claimed and uses investigated.

19 Dated: June 20, 2016

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21 _____
22 The Honorable Mark H. Brain
23 Judge of the Superior Court

24 On June 21, 2016, the original of the foregoing was
25 delivered to the Clerk of the Maricopa County
26 Superior Court for filing and distributing a copy to all
27 persons listed on the Court approved mailing list for
28 Contested Case No. W-1, W-2, W-3, W-4
(Consolidated).