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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

Contested Case No. W1-11-2690
ORDER RE:
SECOND JOINT SETTLEMENT REPORT
AND
PROPOSED ABSTRACTS

CONTESTED CASE NAME: *In re Pima County Flood Control District*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: A second joint settlement report shall be filed by the United States by **November 9, 2018**. Arizona Department of Water Resources requested to review proposed abstracts and produce maps by **November 9, 2018**.
NUMBER OF PAGES: 9
DATE OF FILING: October 10, 2018

This contested case shall resolve objections to the following Watershed File Reports:
113-11-002, 113-12-BA-012, and 113-12-021.

1 **Watershed File Report 113-12-BA-012**

2 On August 31, 2018, the parties filed a Joint Settlement Report (“the Report”).
3 According to the Report, proposed abstracts for water rights analyzed in Watershed File
4 Report 113-12-BA-012 (the “WFR”) were prepared by counsel for Pima Counsel and
5 circulated among the parties who filed objections to the WFR. The proposed abstracts appear
6 to be acceptable to BHP Copper, Inc. and ASARCO, LLC for purposes of settling their
7 objections as well as to Salt River Project and the City of Phoenix. As to the remaining
8 objectors, the Report states that certain water right characteristics appear to be under study by
9 the parties. The United States and the Gila Indian Community had only recently received the
10 proposed abstracts at the time of the filing of the Report so their position with respect to the
11 abstracts is unknown.
12

13
14 Counsel for the United States shall consult with each of the parties and prepare a
15 Second Joint Settlement Report approved by all objectors that includes the most recent
16 abstracts under discussion by the parties and lists with specificity those characteristics in the
17 proposed abstracts to which objections have not been resolved.
18

19 **Watershed File Reports 113-11-002 and 113-12-021**

20 This case also involves *de minimis* claims for water rights analyzed by Watershed File
21 Reports Nos. 113-11-002 and 113-12-021 included in the final hydrographic survey report for
22 the San Pedro Watershed (“San Pedro HSR”) filed on November 20, 1991. In 1994, the
23 Special Master issued a Memorandum Decision, Findings of Fact, and Conclusions of Law for
24 Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November
25 14, 1994, amended February 23, 1995, approved and modified September 27, 2002
26 (“Decision”). The Decision established the procedures for adjudicating *de minimis* water
27 rights for claims in the San Pedro watershed.
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On October 10, 2018, 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 this contested case.

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ATTACHMENT A

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No.:	113-11-002-SW001-A
2. Owner of Water Right:	Pima County Regional Flood Control District
3. Landowner:	Pima County Regional Flood Control District
4. Statement of Claimant No.(s):	39-17838
5. Statement of Claimant Name(s):	Pima County Regional Flood Control District
6. Lessee or Permittee:	None
7. Basis of Right:	Certificate of Water Right 4053 (Applic. No. 4A-3949)
8. Beneficial Use:	Stock watering
9. Priority Date:	April 25, 1957
10. Quantity:	Reasonable Use
11. Place of Use:	NWSW 14 T12 R17 *
12. Point of Diversion:	NWSW 14 T12 R17 *
13. Source of Water:	San Pedro River
14. Name of Facility:	Buehman Canyon

*See attached map.

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No.:	113-11-002-SW001-B
2. Owner of Water Right:	Pima County Regional Flood Control District
3. Landowner:	Pima County Regional Flood Control District
4. Statement of Claimant No.(s):	39-17846
5. Statement of Claimant Name(s):	Pima County Regional Flood Control District
6. Lessee or Permittee:	None
7. Basis of Right:	Certificate of Water Right 1247 (App. No. 4a-2050)
8. Beneficial Use:	Stock watering
9. Priority Date:	October 4, 1938
10. Quantity:	Reasonable Use
11. Place of Use:	NWNE 24 T12 R17*
12. Point of Diversion:	NWSW 14 T12 R17*
13. Source of Water:	San Pedro River
14. Name of Facility:	Buehman Canyon

*See attached map

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No.:	113-12-021-SW001
2. Owner of Water Right:	Pima County
3. Landowner:	Pima County
4. Statement of Claimant No.(s):	39-2771
5. Statement of Claimant Name(s):	Pima County Regional Flood Control
6. Lessee or Permittee:	None
7. Basis of Right:	36-18384
8. Beneficial Use:	Stock watering
9. Priority Date:	January 15, 1902
10. Quantity:	Reasonable Use
11. Place of Use:	SENENW 18 T11S R18E
12. Point of Diversion:	SENENW 18 T11S R18E
13. Source of Water:	Peck Spring

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No.:	113-12-021-SW002
2. Owner of Water Right:	Pima County
3. Landowner:	Pima County
4. Statement of Claimant No.(s):	39-2768
5. Statement of Claimant Name(s):	Floyd and Lavita Bingham Family Trust
6. Lessee or Permittee:	None
7. Basis of Right:	4A-4914
8. Beneficial Use:	Stock watering
9. Priority Date:	December 31, 1971
10. Quantity:	Reasonable Use
11. Place of Use:	SENE 30 T11S R18E
12. Point of Diversion:	SENE 30 T11S R18E
13. Source of Water:	Edgar Spring