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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

W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated

Contested Case No. W1-11-3326

ORDER SETTING DATE FOR
SUGGESTED CORRECTIONS OF
PROPOSED ABSTRACTS FOR WATER
RIGHTS
AND
ORDER SETTING DATE FOR
COMMENTS ON DRAFTS OF
ABSTRACTS FOR PROPOSED
WATER RIGHTS

CONTESTED CASE NAME: *In re Lackner*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master issues abstracts for proposed water rights 115-05-004-SW009 and 115-05-038-SP003 and sets a deadline to file suggested corrections. Also issued for comments are draft abstracts for 115-05-038-SP004, 115-05-038-SW003, and 115-05-042-SW001.

NUMBER OF PAGES: 7

DATE OF FILING: April 5, 2019

1 **1. Proposed Abstracts for 115-05-004-SW009 and 115-05-038-SP003**

2 The Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases
3 involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended
4 February 23, 1995, approved and modified September 27, 2002, (“Decision”) established
5 procedures for adjudicating *de minimis* water rights for claims in the San Pedro watershed.
6 Proposed water right abstracts are prepared and then litigants have an opportunity to suggest
7 corrections of any clerical mistakes in the proposed abstracts. Subsequently, the abstracts are
8 included in a catalog of proposed water rights where they will be subject to a very limited set of
9 objections and ultimately in a final decree.
10

11 In accordance with these procedures, proposed abstracts have been prepared for the *de*
12 *minimis* water rights 115-05-004-SW009 and 115-05-038-SP003. The proposed abstracts are
13 attached as Appendix A.
14

15 **2. Draft Abstracts for 115-05-038-SP004, 115-05-038-SW003, and 115-05-042-SW001**

16 The claimant has proposed draft abstracts for the above listed *de minimis* uses. In each
17 case the place of use spans multiple quarter quarter quarter sections due to the installation of
18 piping. Given the procedures established by the Decision, the question is whether the proposed
19 abstract should include the sites serviced by the water piped from the point of diversion.
20 Comment are requested from the parties about the places of use included in the draft abstracts.
21

22 No comments are requested with respect to the priority date proposed by the claimant.
23 The Decision establishes the procedures for determining the priority date. A priority date earlier
24 than the Apparent First Use Date will not be included in an abstract based on a statement of
25 claimant or statement of claim that was amended or filed after the issuance of the San Pedro HSR.
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APPENDIX A

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-004-SW009
2. Owner of Water Right:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust dated June 30, 1980
3. Landowner:	State of Arizona (State Land Department)
4. Statement of Claimant No.(s):	39-0003489
5. Statement of Claimant Name(s):	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust dated June 30, 1980
6. Lessee or Permittee:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust dated June 30, 1980
7. Basis of Right:	36-0025578
8. Beneficial Use:	Stockwatering & Wildlife
9. Priority Date:	January 1, 1932
10. Quantity:	Reasonable use
11. Place of Use:	SE SW SE Section 33 T07S R19E
12. Point of Diversion:	SE SW SE Section 33 T07S R19E
13. Source of Water:	Right Prong Four Mile Canyon
14. Name of Facility:	Developed Spring #11

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-038-SP003
2. Owner of Water Right:	Norma L. Lackner, Kirrilla M. Jeremy and William Ernest Lackner, Co-Trustees of the Lackner Living Trust, dated June 30, 1980
3. Landowner:	Norma L. Lackner, Kirrilla M. Jeremy and William Ernest Lackner, Co-Trustees of the Lackner Living Trust, dated June 30, 1980
4. Statement of Claimant No.(s):	39-17986
5. Statement of Claimant Name(s):	Norma L. Lackner, Kirrilla M. Jeremy and William Ernest Lackner, Co-Trustees of the Lackner Living Trust, dated June 30, 1980
6. Lessee or Permittee:	None
7. Basis of Right:	38-0095737
8. Beneficial Use	Stock Pond
9. Priority Date	December 31, 1973
10. Quantity:	Not to exceed (\leq) 4 ac-ft. with continuous fill
11. Place of Use:	SESWNW 29 T7S R19E
12. Point of Diversion:	SESWNW 29 T7S R19E
13. Source of Water:	Turkey Creek
14. Name of Facility:	Van Dyke Tank

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right:	115-05-038-SP004
2. Owner of Right:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980
3. Landowner:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980
4. Statement of Claimant No.(s):	39-0003475
5. Statement of Claimant Name(s):	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980
6. Lessee or Permittee:	None
7. Basis of Right:	38-0025560
8. Beneficial Use:	Stockpond and Stockwatering
9. Priority Date:	December 31, 1948
10. Quantity:	Not to exceed (\leq) 4 acre-feet with continuous fill
11. Place of Use:*	NW SE NW Section 27 T07S R19E SW NW NE Section 27 T07S R19E NE SW NE Section 27 T07S R19E NE SE NE Section 27 T07S R19E NE NE SW Section 27 T07S R19E NW NE SE Section 27 T07S R19E NE NE NW Section 28 T07S R19E SW SE NE Section 28 T07S R19E (Horse Pasture Dirt Tank)
12. Point of Diversion:	SW SE NE Section 28 T07S R19E
13. Source of Water:	Turkey Creek
14. Name of Facility:	Dirt Tank #3 (Horse Pasture Dirt Tank)

Additional Information

*Horse Pasture Dirt Tank connects directly to a pipeline. The additional places of use represent troughs and drinkers that are supplied water from Horse Pasture Dirt Tank via the pipeline.

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right:	115-05-038-SW003
2. Owner of Right:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980
3. Landowner:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980 State of Arizona (State Land Department)*
4. Statement of Claimant No.(s):	39-0003506
5. Statement of Claimant Name(s):	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980
6. Lessee or Permittee:	None
7. Basis of Right:	36-0025575 55-xxxxxxx 55-xxxxxxx
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1913
10. Quantity:	Reasonable use
11. Place of Use:	SW NE SE Section 20 T07S R19E (ASLD) SW NE NE Section 20 T07S R19E (ASLD) SW NW NE Section 20 T07S R19E (ASLD) NE NE SW Section 20 T07S R19E SW SE SW Section 20 T07S R19E NW NW NE Section 29 T07S R19E NW NW NW Section 29 T07S R19E SW NE NE Section 30 T07S R19E <u>SW SW NE Section 30 T07S R19E (Doc Ison Spring)</u>
12. Point of Diversion:	Doc Ison Spring: SW SW NE <u>Section 30 T07S R19E</u> Well: SW SE SW Section 20 T07S R19E Well: NW NE NE Section 30 T07S R19E
13. Source of Water:	Turkey Creek
14. Name of Facility:	Doc Ison Spring

Additional Information

*The spring is located on deeded land owned by the Lackner Living Trust dated June 30, 1980, in Section 30 Township 07 South Range 19 East and is connected to a pipeline that extends onto land owned by the State of Arizona (State Land Department) in Section 20 Township 07 South Range 19 East. Each additional place of use identified above represents a trough or drinker located along the pipeline that receives water from the spring and wells.

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right:	115-05-042-SW001
2. Owner of Right:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980
3. Landowner:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980 State of Arizona (State Land Department)*
4. Statement of Claimant No.(s):	39-0003491
5. Statement of Claimant Name(s):	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980
6. Lessee or Permittee:	Norma L. Lackner, Kirrilla M. Jeremy, and William Ernest Lackner, Co-Trustees of the Lackner Living Trust Dated June 30, 1980
7. Basis of Right:	10-0501044.3200 10-0505563.1100 36-0025570
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1913
10. Quantity:	Reasonable Use
11. Place of Use*:	NE NE NE Section 19 T07S R19E (<u>Garden Spring</u>) SW SW NE Section 17 T07S R19E (ASLD) SE SE NW Section 17 T07S R19E (ASLD) NW NE SW Section 17 T07S R19E (ASLD) SE NW SE Section 17 T07S R19E (ASLD)
12. Point of Diversion:	NE NE NE Section 19 T07S R19E
13. Source of Water:	Garden Spring Canyon
14. Name of Facility:	Garden Spring

Additional Information

*The spring is located on deeded land owned by the Lackner Living Trust Dated June 30, 1980, in Section 19 T07S R19E and connected to a pipeline that is situated on land owned by the State of Arizona in Section 17 T07S R19E. Each additional place of use identified above represents a trough or drinker that is connected to the pipeline and receives water from the spring.