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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 CORRECTION OF  
PROPOSED ABSTRACT AND FOR  
STATEMENT OF INTENT TO  
PURSUE POTENTIAL WATER  
RIGHT 115-05-DB-002-IR001

CONTESTED CASE NAME: *In re Lackner*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Suggested corrections to proposed abstract for 115-05-DB-002-SW001 and notice of intent to pursue potential water right 115-05-DB-002-IR001 to be filed by **August 13, 2019.**

NUMBER OF PAGES: 6

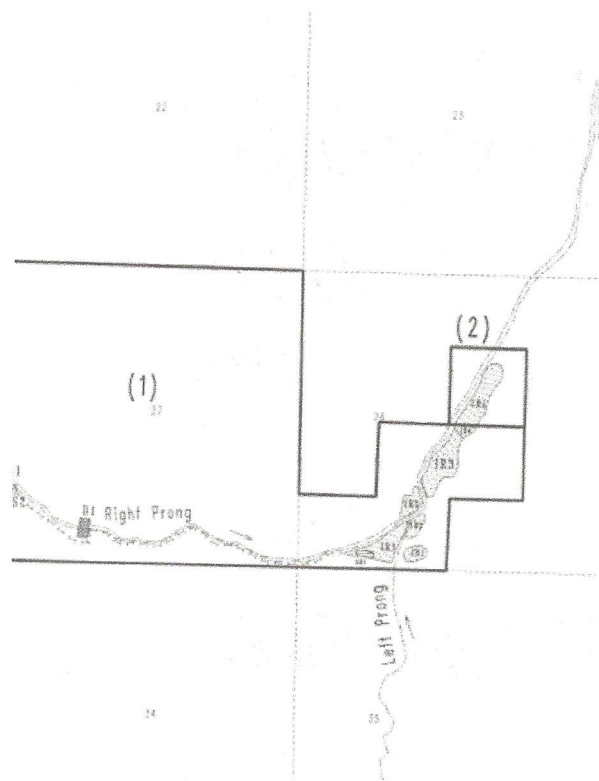
DATE OF FILING: June 17, 2019

1 This consolidated case involves seven watershed file reports. Abstracts have been  
2 approved for potential water rights identified in six of the watershed file reports. The remaining  
3 watershed file report, 115-05-DB-002 (“WFR”), involves two potential water rights. The WFR  
4 lists potential water rights for an irrigation use and a stock watering use in the SWNE Section 26  
5 T7S R19E.<sup>1</sup> The Statements of Claimant identified in the WFR are 39-3472, 39-3473 39-3478,  
6 39-3492, and 39-6964.  
7

8 The potential water right for stock watering listed Statement of Claimant 39-6964 as the  
9 applicable adjudication filing. In its Report dated April 16, 2018, the Arizona State Land  
10 Department stated that the point of diversion for this potential water right is on private land and  
11 that the State does not claim ownership to the right. The stock watering claim constitutes a *de*  
12 *minimis* claim for a water right and, thus, is determined according to the procedures set forth in  
13 the Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases  
14 involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended  
15 February 23, 1995, approved and modified September 27, 2002 (“Decision”). A proposed  
16 abstract for 115-05-DB-002-SW001 has been prepared and is attached as Appendix A.  
17 According to the Decision, the parties shall be provided an opportunity to provide suggested  
18 corrections to the proposed abstract.  
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26 <sup>1</sup> The Report filed by the Arizona State Land Department on April 16 , 2018 states that the potential water right for  
27 irrigation in Watershed File Report 115-05-DB-002 is not at issue in this case because it was not included in the  
28 initiating order. The Order put at issue both claims investigated in Watershed File Report 115-05-DB-002. *See*  
*Order*, dated September 15, 2017, at 3, lines 9-18.

1 Four statements of claimant, which have been assigned to Norma Lee Lackner, Trustee of  
2 the Lackner Living Trust, are listed as applicable adjudication filings for the claim for irrigation



3 use in SWNE Section 26 T7S R 19E. Arizona  
4 Department of Water Resources mapped the  
5 relevant irrigation use in the area labelled (2)  
6 shown on *figure 1*. The parties did not address  
7 this potential water right in their Case  
8 Management Report filed March 14, 2019, nor  
9 was a proposed abstract included with the  
10 stipulated abstracts filed on June 7, 2019.  
11 Presumably, this potential irrigation right was  
12 not addressed due to the assumption made early  
13 in the case that the irrigation right was not at  
14 issue. Potential water right 115-05-DB-002-

15  
16 **FIGURE 1.** Map prepared by Arizona Department  
17 of Water Resources for Watershed File Report  
18 115-05-DB-001.

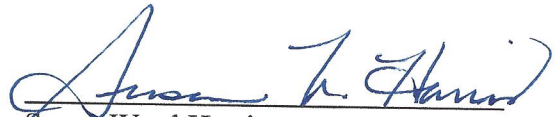
19 IR001 is at issue in this case and the

20 Claimants, Arizona State Land Department and the trustees of the Lackner Living Trust, shall  
21 advise the Court of their intent to pursue this claim, the ownership of the potential right, and  
22 status of objections to the proposed right.

23 **IT IS ORDERED** that any suggested corrections to the proposed abstract for 115-05-  
24 DB-002-SW001 shall be filed on or before **August 13, 2019**.

25 **IT IS FURTHER ORDERED** that the Arizona State Land Department and Norma Lee  
26 Lackner, Trustee of the Lackner Living Trust, shall file a statement whether they intend to  
27 pursue potential water right 115-05-DB-002-IR002. If so, they shall advise the Court of the  
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1 ownership of the potential right and the status of their efforts to resolve objections to the  
2 proposed right by **August 13, 2019**.

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5   
6 Susan Ward Harris  
7 Special Master

8 The original of the foregoing was delivered to  
9 the Clerk of the Maricopa County Superior  
10 Court on June 17, 2019, for filing and  
11 distributing a copy to all persons listed on the  
12 Court approved mailing list for this contested  
13 case.

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# APPENDIX A

## Abstract of Water Right San Pedro Watershed

<b>1. Proposed Water Right No.:</b>	115-05-DB-002-SW001
<b>2. Owner of Water Right:</b>	Norma L. Lackner, Kirrilla M. Jeremy and William Ernest Lackner, Co-Trustees of the Lackner Living Trust, dated June 30, 1980
<b>3. Landowner:</b>	Norma L. Lackner, Kirrilla M. Jeremy and William Ernest Lackner, Co-Trustees of the Lackner Living Trust, dated June 30, 1980
<b>4. Statement of Claimant No.(s):</b>	39-6964
<b>5. Statement of Claimant Name(s):</b>	Arizona State Land Department
<b>6. Lessee or Permittee:</b>	None
<b>7. Basis of Right:</b>	36-5017 4A-0073
<b>8. Beneficial Use:</b>	Stock watering
<b>9. Priority Date:</b>	1884
<b>10. Quantity:</b>	Reasonable Use
<b>11. Place of Use:</b>	SWSWNE 26 T7S R19E
<b>12. Point of Diversion:</b>	SWSWNE 26 T7S R19E
<b>13. Source of Water:</b>	Four Mile Creek