

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

01/25/2018

CLERK OF THE COURT  
FORM V000

SPECIAL WATER MASTER  
SUSAN HARRIS

A. Hatfield

Deputy

In Re: Pima County Flood Control District  
Contested Case No. W1-11-2690

FILED: 01/31/2018

In Re: The General Adjudication  
of All Rights to Use Water in the  
Gila River System and Source  
W-1, W-2, W-3 and W-4 (Consolidated)

In re: Scheduling Conference

**MINUTE ENTRY**

**Courtroom: CCB 301**

11:00 a.m. This is the time set for a scheduling conference before Special Master Susan Ward Harris to determine the process to resolve the objections made to the claims for the potential water rights at issue.

The following attorneys appear telephonically: Michael F. McNulty and Michael LeBlanc on behalf of Pima County Flood Control District.

The following attorney appears in-person: Carrie Brennan on behalf of the Arizona State Land Department.

Court reporter, Celeste Paxton Jones, is present and a record of these proceedings is made digitally.

Discussion is held concerning Watershed File Report (WFR) 113-11-002 that identifies two potential water rights for stock watering and WFR 113-12-BA-012 that identifies potential water rights for irrigation use and a small reservoir.

The Court notes that the Salt River Project (SRP) filed an extensive objection to Pima County Flood Control District's potential irrigation rights.

IT IS ORDERED that counsel for Pima County Flood Control District shall meet with SRP regarding its objections to the claims for irrigation rights. Counsel for Pima

County Flood Control District shall file on or before March 12, 2018 a proposal regarding a procedure to resolve objections to irrigation rights.

Mr. McNulty advises the Court that in WFR 13-11-002 there are stock watering claims that did not have any associated Statement of Claimant (SOC) filings but the Pima County Flood Control District subsequently filed SOC Nos. 39-17903, 39-17846, and 39-17838.

Discussion is held regarding ownership of the land on which the uses of water claimed in the SOCs are located.

IT IS FURTHER ORDERED directing Pima County Flood Control District to file a report by February 26, 2018, regarding ownership of the land for which the Arizona Department of Water Resources (ADWR) identified a place of use for potential water right (PWR) for stock watering, PWR 113-11-002-SW002.

Carrie Brennan addresses the Court regarding a couple of instances in WFR 113-12-BA-012 involving SOC No. 39-2764 and applicable pre-filing document C-0000191 asserting that the listed points of diversion are located on State Trust Land although the wells are not.

IT IS FURTHER ORDERED directing the Arizona State Land Department to file a report by February 26, 2018, regarding Arizona State Land Department's ownership of land identified in WFR 113-12-BA-012 as the place of use for PWR 113-12-BA-012-IR001 and 113-12-BA-012-SR001. To the extent that any of the identified points of diversion are located on state trust land, the Arizona State Land Department shall include in its report the relevance of such ownership in this proceeding and to the adjudication of water rights for Pima County Flood Control District.

IT IS FURTHER ORDERED adding Carrie Brennan to the Court-approved mailing list.

The Court provides clarification on its previous ruling directing Pima County Flood Control District's report to the Court proposing on how the parties should move forward on the objections to the irrigation claims. Claims for stock watering shall be summarily adjudicated in accordance with the procedures set forth in the Special Master's Memorandum Decision dated November 14, 1994, amended February 23, 1995, approved and modified September 27, 2002.

11:15 a.m. Matter concludes.

**LATER:**

Pursuant to A.R.S. § 45-257, this Court must adjudicate Pima County Flood Control District's small water use claims<sup>1</sup> that have been analyzed in the San Pedro Hydrographic Survey Report. As reported by counsel for the Pima County Flood Control District at the scheduling conference, Pima County Flood Control District filed the following additional SOCs:

1. Statement of Claimant 39-17838 to assert a claim based on Application No. 4A-3949 for stock watering on NWNW Sec. 8 T12S R18E to NWSW Sec. 14 T12S R 17E from Buehman Canyon. This Statement of Claimant corresponds to the point of diversion in PWR 113-11-002-SW001.
2. Statement of Claimant 39-17846 to assert a claim based on Application No. 4A-2050 for stock watering on NWE Sec. 24 T12S R17E from Buehman Canyon. Application No. 4A-2050 also relates to 113-11-002-SW001, but WFR 113-11-002 indicates that ADWR did not find a use related to 4A-2050. The legal description in 39-17846 does not correspond to the place of use for stock watering in WFR 113-11-002.
3. Statement of Claimant 39-17903 to assert a claim based on Application No. 4A-1252 for stock watering on SESE Sec. 14 T12S R17E from the Keystone Spring, tributary to Buehman Canyon. Application No. 4A-1252 also relates to 113-11-002-SW001, but WFR 113-11-002 indicates that ADWR did not find a use related to 4A-1252. The legal description in 39-17903 does not correspond to the place of use for stock watering in WFR 113-11-002.

Prior to March 22, 2018, counsel for the Pima County Flood Control District shall meet, by telephone or in person, with ADWR regarding the location of the point of diversion/place of use for PWR 113-11-002-SW001 and shall be prepared at the second scheduling conference to report on its desired legal description for the point of diversion/place of use for PWR 113-11-002-SW001.

A status conference shall be held to consider the reports to be filed and meetings held pursuant to this minute entry on March 22, 2018, at 11:00 a.m. before:

Special Master Susan Ward Harris  
Superior Court of Arizona  
201 West Jefferson Street  
Courtroom 301

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<sup>1</sup> A small water use includes stockponds that have a capacity of not more 15 acre feet that is used solely for watering livestock or wildlife and stock watering used by livestock or wildlife. A.R.S. §45-251(9)

Phoenix, AZ 85003-2202

Instructions for telephonic appearance:

Dial: 602-506-9695 (local)

1-855-506-9695 (toll free long distance)

Dial Participant Pass Code 357264#

If no agreement among the parties is reached regarding a procedure to resolve the objections to the irrigation claims set forth in WFR 113-12-BA-012 , the Track 2 Procedures, as described in §8.03 of the Rules for Proceedings before the Special Master, shall apply and a Scheduling Conference under §8.03[1] shall be set. A copy of the Rules for Proceedings before the Special Master can be found at the following location:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication>.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-2690.