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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)

CIVIL NO. W1-11-1174 (Consolidated)

ORDER AND PARTIAL DECREE OF
STIPULATED PUBLIC WATER RESERVE
NO. 107 WATER RIGHTS OF THE
UNITED STATES OF AMERICA IN THE
SAN PEDRO RIVER WATERSHED

This matter came before the Court on the Final San Pedro River Watershed Hydrographic Survey Report (1991) (“San Pedro HSR”) and objections to that report in Contested Case No. W1-11-1174 (Consolidated) involving the water rights of the United States of America claimed pursuant to an Executive Order entitled Public Water Reserve No. 107 (April 17, 1926) for lands managed by the United States Department of the Interior, Bureau of Land Management, located within the San Pedro River Watershed.

An Order and Partial Decree concerning fourteen abstracts of water rights included in this case was entered on April 11, 2008. On April 20, 2016, the San Carlos Apache Tribe and the United States filed a joint report attaching a proposed stipulation and 16 proposed abstracts for water rights. Arizona Department of Water Resources reviewed the proposed abstracts and recommended that a

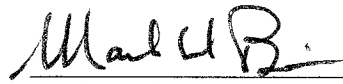
1 partial decree be entered for each of the stipulated claims. *Arizona Department of Water Resrouces'*
2 *Review of Stipulation and Water Right Abstracts*, filed June 19, 2016. On May 9, 2017, the parties
3 reached a stipulated agreement concerning those abstracts filed the previous year. On May 17,
4 2017, the Special Master filed a Report that accepted the stipulations and proposed abstracts of water
5 rights and recommended the approval of the stipulated agreement and the proposed abstracts of
6 water rights. Pursuant to A.R.S. § 45-257(A)(2), parties were permitted a period of sixty days to file
7 objections to the report. The Arizona State Land Department (ASLD) objected to the Report on the
8 ground that the abstracts should be amended to include the names of the springs that provide the
9 sources of the water and the proposed water right numbers so that the abstracts could be incorporated
10 into a final catalog of water rights. No response was filed to ASLD's objection. By Order dated
11 December 13, 2017, this Court issued sixteen abstracts that included the information requested by
12 ASLD and permitted the parties until January 31, 2018 to submit any proposed corrections. No
13 corrections were timely filed.

14 **THE COURT FINDS** that notice of the Special Master's report was given as required by
15 law and prior orders of this Court; the period of sixty days allowed for filing objections to the report
16 was proper pursuant to A.R.S. § 45-257(A)(2); the period for filing objections to the report and
17 proposed partial decree has passed and the objections filed have been addressed; and the stipulated
18 agreement should be approved.

19 **THE COURT ADJUDICATES AND DECREES** the Public Water Reserve No. 107 water
20 rights of the United States of America as set forth in the sixteen abstracts of water rights attached to
21 this Order.

22 **IT IS ORDERED** that the sixteen abstracts of water rights shall be incorporated in the
23 tabulations or lists of all water rights and their relative priorities in the Gila River System and Source
24 in the form that the Court shall determine to be most appropriate.

1 DATED this 2nd day of March, 2018.

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4 Mark Brain
5 Judge of the Superior Court
6

7 On March 2nd, 2018, the original of the
8 foregoing was delivered to the Clerk of the
9 Maricopa County Superior Court for filing and
10 distributing a copy to all persons listed on the
11 Court-approved mailing list for Contested Case
12 No. W1-11-1174.
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Bureau of Land Management

Proposed Water Right Number	115-02-007-SW008
Statement of Claimant Number	39-11181
Owner	United States
Name of Source	Oak Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29 T5S R19E
Place of Use	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29 T5S R19E
Flow Rate/Volume	0.11 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-007-SW011
Statement of Claimant Number	39-11182
Owner	United States
Name of Source	John Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T5S R19E
Place of Use	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T5S R19E
Flow Rate/Volume	0.11 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-007-SW013
Statement of Claimant Number	39-11183
Owner	United States
Name of Source	Juniper Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T5S R19E
Place of Use	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T5S R19E
Flow Rate/Volume	0.11 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-007-SW010
Statement of Claimant Number	39-11187
Owner	United States
Name of Source	Bull Muhly Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T5S R19E
Place of Use	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T5S R19E
Flow Rate/Volume	0.20 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	Original SOC incorrectly claimed 0.020AFA, this amount is amended to 0.20 AFA.

Bureau of Land Management

Proposed Water Right Number	115-02-011-SW006
Statement of Claimant Number	39-11201
Owner	United States
Name of Source	No. 2 Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29 T5S R19E
Place of Use	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29 T5S R19E
Flow Rate/Volume	0.40 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-011-SW004
Statement of Claimant Number	39-11202
Owner	United States
Name of Source	Upper Boulder Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20 T5S R19E
Place of Use	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20 T5S R19E
Flow Rate/Volume	0.40 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-011-SW005
Statement of Claimant Number	39-11203
Owner	United States
Name of Source	Claridge Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T5S R19E
Place of Use	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T5S R19E
Flow Rate/Volume	0.19 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-007-SW007
Statement of Claimant Number	39-11204
Owner	United States
Name of Source	Cottonwood Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T5S R19E
Place of Use	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T5S R19E
Flow Rate/Volume	0.40 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-016-SW015
Statement of Claimant Number	39-11205
Owner	United States
Name of Source	Upper Deer Creek #1 Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18 T5S R20E
Place of Use	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18 T5S R20E
Flow Rate/Volume	0.07 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-016-SW014
Statement of Claimant Number	39-11206
Owner	United States
Name of Source	Indian Draw Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7 T5S R20E
Place of Use	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7 T5S R20E
Flow Rate/Volume	0.07 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-016-SW016
Statement of Claimant Number	39-11207
Owner	United States
Name of Source	Upper Deer Creek #2 Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18 T5S R20E
Place of Use	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18 T5S R20E
Flow Rate/Volume	0.07 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-016-SW002
Statement of Claimant Number	39-11209
Owner	United States
Name of Source	Goat Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13 T5S R19E
Place of Use	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13 T5S R19E
Flow Rate/Volume	0.05 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-016-SW017
Statement of Claimant Number	39-11210
Owner	United States
Name of Source	Horse Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18 T5S R20E
Place of Use	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18 T5S R20E
Flow Rate/Volume	0.05 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-016-SW003
Statement of Claimant Number	39-11211
Owner	United States
Name of Source	Juniper Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13 T5S R19E
Place of Use	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13 T5S R19E
Flow Rate/Volume	0.05 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	

Bureau of Land Management

Proposed Water Right Number	115-02-011-SW041
Statement of Claimant Number	39-14445
Owner	United States
Name of Source	Warm Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23 T5S R19E
Place of Use	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23 T5S R19E
Flow Rate/Volume	0.153 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	Original SOC incorrectly claimed 0.077 AFA. This is amended to 0.153 AFA

Bureau of Land Management

Proposed Water Right Number	115-02-007-SW033
Statement of Claimant Number	39-14446
Owner	United States
Name of Source	Chest Spring
Date of Reservation	04/17/1926
Source	Spring
Point of Diversion	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T5S R19E
Place of Use	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 T5S R19E
Flow Rate/Volume	0.06 AFA
Use	Stockwater
Basis of Claim	Federal reserved water right – PWR 107
Remarks	