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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, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-11-2713

ORDER GRANTING REQUEST TO  
ASSIGN PWR 113-12-DBC-023-SW001  
AND  
ORDER TO STAY CASE

CONTESTED CASE NAME: *In re Hope Iselin Jones IV*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

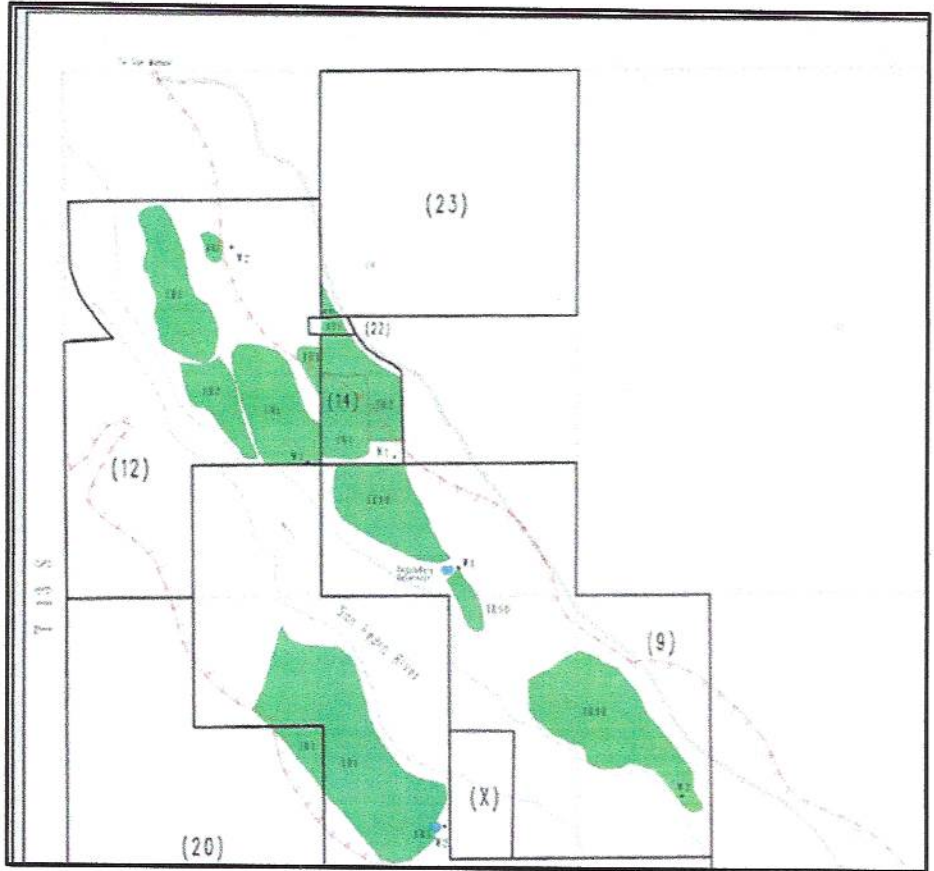
DESCRIPTIVE SUMMARY: Case stayed pending development of subflow depletion test for Well 02, the source of supply for a claimed stock watering use.

NUMBER OF PAGES: 3

DATE OF FILING: March 19, 2021

This contested case adjudicates claims for water use investigated by and objections to Watershed File Report 113-12-DBC-023. Claimant C-Spear LLC filed a Status Report and Request to Assign PWR 113-12-DBC-023 to a claimed used for stock watering ("Report"). Claimant correctly states that the claims included in Statement of Claimant 39-5823 and Statement of Claim 36-29151 were included in the Watershed File Report error. Statement of

1 Claimant 39-5823 and  
2 Statement Claim 36-  
3 29151 pertain to the  
4 land included in  
5 Watershed File Report  
6 113-12-DBC-014. The  
7 land investigated by that  
8 report is labelled as  
9 “(14)” on the map  
10 created by ADWR. See  
11 *figure 1*. Claimant  
12 further disclaimed any  
13 potential interest in the  
14 surface water claimed in



15 those two filings.  
16 Based on this statement,  
17 it is understood that

*Figure 1.* The land included in Watershed File Report 113-12-DBC-023 is labelled as “(23)”. Arizona Department of Water Resources mapped irrigated land in a small portion of the southwestern corner of the land included within the boundaries of the investigated area.

18 Claimant seeks no right to water for an irrigation use on the southwestern corner of the property  
19 labelled as “(23)” as shown on *figure 1*. Accordingly, no water right will be found and no  
20 abstract will be prepared based on PWR 113-12-DBC-023-OT001. No further action will be  
21 taken with respect to PWR 113-12-DBC-023-OT001.

22 Claimant requests that a potential water right be recognized for a stock watering use  
23 included in Statement of Claimant 39-14019 located in SWSWNE section 4 T13S R19E.  
24 Arizona Department of Water Resources identified two wells in the WFR. It states that W1 is  
25 located in the southeast quarter of Section 4 and W2 is located in the northeast quarter of Section  
26 4. Claimant “believes that well 55-805943, situated in SW SWNE Section 4 Township 13 South  
27 Range 19 East is the well referred to in 39-0014019.” Report at 2.

1 For administrative purposes to allow ease of reference to the claim, the number PWR  
2 113-12-DBC-023-SW001 will be assigned to a claim for stock watering for which Well 55-  
3 805943 is the designated source of water. The assignment of an identifying number does not  
4 represent any findings regarding the existence of a use or any characteristic of a water right. No  
5 further action, however, will be taken to adjudicate the claim using *de minimis* procedures. First,  
6 ADWR did not identify W2 as located within the subflow zone, which is consistent with  
7 Claimant's statement that Well 55-805943 is located outside the subflow zone. Second, ADWR  
8 did not find any stockwatering use supplied by W2, which it characterized as "unused". An  
9 important assumption underlying the *de minimis* process is that the claimed use exists and has  
10 been confirmed by ADWR. Here, although the prior landowner objected to the WFR on the  
11 grounds that the well could be made operational, there is no pre-filing document listed that  
12 supports a stock watering use and no actual stock watering use was found. Thus, it would be  
13 inappropriate to summarily adjudicate the claimed stock watering right using the procedures for  
14 *de minimis* claims.

15  
16 **IT IS ORDERED:**

- 17  
18 1. No abstract shall be prepared for PWR 113-12-DBC-023-OT001  
19 2. The case is stayed pending development of the subflow depletion test to determine  
20 whether that well registered as 55-805943 is pumping subflow.

21  
22   
23 SUSAN WARD HARRIS  
Special Master

24 On March 19, 2021, the original of the  
25 foregoing was delivered to the Clerk of the  
26 Maricopa County Superior Court for filing  
27 and distributing a copy to all persons listed  
on the Court-approved mailing list for this  
contested case.