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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

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 for stock watering and stockponds analyzed by Watershed File Report Nos. 115-05-002, 115-05-004 and 115-05-022 and sets a deadline to file suggested corrections.

NUMBER OF PAGES: 19


DATE OF FILING: January 8, 2019

1 This contested case includes *de minimis* claims for water rights for stockponds and stock
2 watering analyzed by watershed file reports nos. 115-05-002, 115-05-004 and 115-05-022
3 included in the final hydrographic survey report for the San Pedro Watershed (“San Pedro
4 HSR”) filed on November 20, 1991. In 1994, the Special Master issued a Memorandum
5 Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases involving
6 Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended February
7 23, 1995, approved and modified September 27, 2002 (“Decision”). The Decision established
8 the procedures for adjudicating *de minimis* water rights for claims in the San Pedro watershed.
9

10 Once the proposed water right abstracts have been prepared, “the litigants will be
11 provided an opportunity to suggest the correction of mistakes in the proposed abstracts.”
12 Decision, p. 47. This proceeding is not a forum in which to relitigate the Decision, which was
13 the subject of years of briefing and has now been affirmed for more than 14 years.
14 Subsequently, these abstracts will be included in a catalog of proposed water rights where they
15 will be subject to very limited set of objections.
16

17 As required by the Decision, proposed water right abstracts have been prepared for the *de*
18 *minimis* water rights analyzed by watershed file nos. 115-05-002, 115-05-004 and 115-05-022
19 which are attached as Appendix A.
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21 **IT IS ORDERED** that any suggested corrections to the proposed abstracts shall be filed
22 on or before **March 11, 2019**.
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27 Susan Ward Harris
28 Special Master

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The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on January 8, 2019, for filing and distributing a copy to all persons listed on the Court approved mailing list for this Contested Case.

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APPENDIX A

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-002-SW003
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006916
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005001
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1969
10. Quantity:	Reasonable Use
11. Place of Use:	SENENW Section 14 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Long Trail Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-002-SW007
2. Owner of Water Right:	State of Arizona (State Land Department)*
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013170
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005421
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1957
10. Quantity:	Reasonable Use
11. Place of Use:	NWSWNE Section 8 T07S R19E
12. Point of Diversion:	NWSWNE Section 8 T07S R19E
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Cottonwood Spring

Additional Information

*Subject to Lessee's right to reimbursement, if any, for improvements.

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-002-SW008
2. Owner of Water Right:	State of Arizona (State Land Department)*
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013171
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005422
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	November 26, 1930
10. Quantity:	Reasonable Use
11. Place of Use:	NENWNE Section 16 T07S R19E
12. Point of Diversion:	NENWNE Section 16 T07S R19E
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Turkey Seep

Additional Information

*Subject to Lessee's right to reimbursement, if any, for improvements.

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-002-SW010
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006914
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	4A-1175
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	November 26, 1930
10. Quantity:	Reasonable Use
11. Place of Use:	SEWNNE Section 9 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Yount Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-002-SW011
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006953
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005009
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1958
10. Quantity:	Reasonable Use
11. Place of Use:	NWSWNW Section 08 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Garden Spring Canyon

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-004-SP005
2. Owner of Water Right:	State of Arizona (State Land Department)*
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0003480 Lackner Living Trust 39-0006965 State of Arizona (State Land Department)
5. Statement of Claimant Name(s):	Lackner Living Trust State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	38-0025555.0001 38-0094530
8. Beneficial Use:	Stockpond
9. Priority Date:	December 31, 1958
10. Quantity:	Not to exceed (\leq) 4 ac-ft with continuous fill
11. Place of Use:	NENWNE Section 31 T07S R19E
12. Point of Diversion:	NENWNE Section 31 T07S R19E
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	66 Peak Tank

Additional Information

*Subject to Lessee's right to reimbursement, if any, for improvements.

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-004-SP006
2. Owner of Water Right:	State of Arizona (State Land Department)*
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0003477 Lackner Living Trust 39-0006966 State of Arizona (State Land Department)
5. Statement of Claimant Name(s):	Lackner Living Trust State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	38-0025562.0001 38-0088453
8. Beneficial Use:	Stockpond
9. Priority Date:	December 31, 1948
10. Quantity:	Not to exceed (\leq) 4 ac-ft with continuous fill
11. Place of Use:	NWSENW Section 31 T07S R19E
12. Point of Diversion:	NWSENW Section 31 T07S R19E
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Hank's Tank

Additional Information

*Subject to Lessee's right to reimbursement, if any, for improvements.

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-004-SW010
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006966
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005019 4A-0001596.001
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	February 12, 1935
10. Quantity:	Reasonable Use
11. Place of Use:	SENENW Section 36 T07S R18E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Right Prong Four Mile Canyon

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-004-SW012
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006962
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005016
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1974
10. Quantity:	Reasonable Use
11. Place of Use:	NENWSE Section 36 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Long Hollow

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-004-SW013
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006965
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005018
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1958
10. Quantity:	Reasonable Use
11. Place of Use:	NWNENE Section 31 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	66 Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-004-SW014
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006972
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005025
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1957
10. Quantity:	Reasonable Use
11. Place of Use:	SENWSW Section 36 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Right Branch Hollow Canyon

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-022-SW001
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006955
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005010
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1958
10. Quantity:	Reasonable Use
11. Place of Use:	SWSWNE Section 17 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	#3 Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-022-SW002
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006956
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005011
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	December 31, 1958
10. Quantity:	Reasonable Use
11. Place of Use:	SESENW Section 17 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	#2 Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-022-SW003
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0006957
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005012
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	May 15, 1969
10. Quantity:	Reasonable Use
11. Place of Use:	NWSESE Section 17 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	#1 Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-022-SW004
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013206
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Lackner Living Trust
7. Basis of Right:	36-0005419
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	October 28, 1985
10. Quantity:	Reasonable Use
11. Place of Use:	SENESE Section 20 T07S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aravaipa Creek)
14. Name of Facility:	Eddie's Draw

Additional Information

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