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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. W1-11-3356

**ORDER SETTING DATE FOR
SUGGESTED CORRECTIONS
OF PROPOSED WATER
RIGHTS**

CONTESTED CASE NAME: *In re SLD – Withrow Ranch, Inc.*

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 No. 115-05-033 and sets a deadline to file suggested corrections.

NUMBER OF PAGES: 21


DATE OF FILING: September 21, 2020

This case involves *de minimis* claims for water rights analyzed by Watershed File Report 115-05-033 included in the final hydrographic survey report for the San Pedro Watershed (“San Pedro HSR”) filed on November 20, 1991. In 1994, the Special Master issued

1 a Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases
2 involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended
3 February 23, 1995, approved and modified September 27, 2002 (“Decision”). The Decision
4 established the procedures for adjudicating *de minimis* water rights for claims in the San Pedro
5 watershed.

6 After the proposed water right abstracts have been prepared, “the litigants will be
7 provided an opportunity to suggest the correction of mistakes in the proposed abstracts.”
8 Decision, p. 47. This proceeding is not a forum in which to relitigate the Decision, which was
9 the subject of years of briefing and has now been affirmed for almost 18 years. Once the
10 clerical corrections have been completed, the abstracts will be included in a catalog of proposed
11 water rights where they will be subject to very limited set of objections and, ultimately in a final
12 decree. As required by the Decision, proposed water right abstracts have been prepared for the
13 *de minimis* water rights analyzed by Watershed File Report no. 115-05-001 that are attached as
14 Appendix A.

15 **IT IS ORDERED** that any suggested corrections to the proposed abstracts shall be filed
16 on or before **November 23, 2020**.

17 
18 _____
19 Susan Ward Harris
20 Special Master

21 The original of the foregoing was delivered to the Clerk
22 of the Maricopa County Superior Court on September
23 21, 2020, for filing and distributing a copy to all persons
24 listed on the Court approved mailing list for this
25 Contested Case.

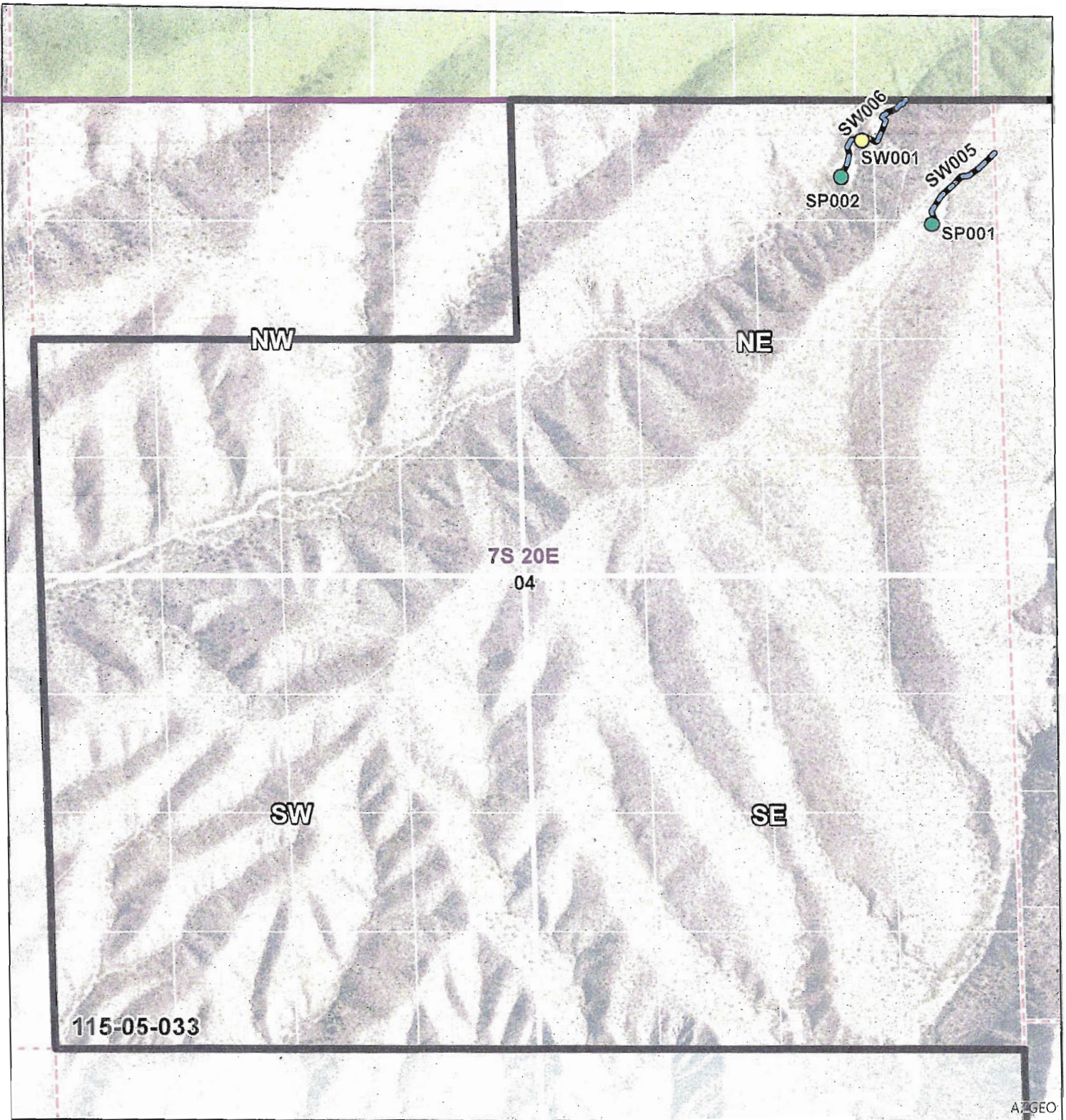
26 
27 _____
28 Durina Farrall

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APPENDIX A

**Proposed Abstract of Water Right
San Pedro Watershed**

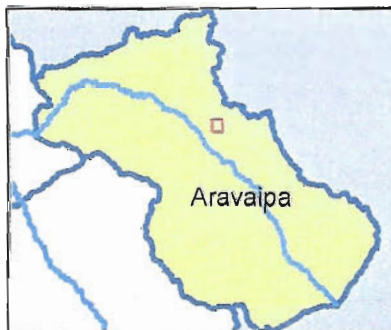
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SP001
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2150 39-6980
5. Statement of Claimant Name(s):	Kaibab Industries, Inc. Arizona State Land Department
6. Lessee or Permittee:	Michael J. Cavender
7. Basis of Right:	38-0072583 38-0088432
8. Beneficial Use:	Stock watering from a stockpond
9. Priority Date:	09/01/1958
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill
11. Place of Use:	SENE 04 070S R20E See attached map
12. Point of Diversion:	SENE 04 070S R20E
13. Source of Water:	Aravaipa Creek
14. Name of Facility:	Little Wonder Tank



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ADWR August 2020



Legend

SP - Stockpond	Section
SW - Spring	QQQ
SW - Streamside Use	Q
WFR Boundary	USFS
Township	Private Land

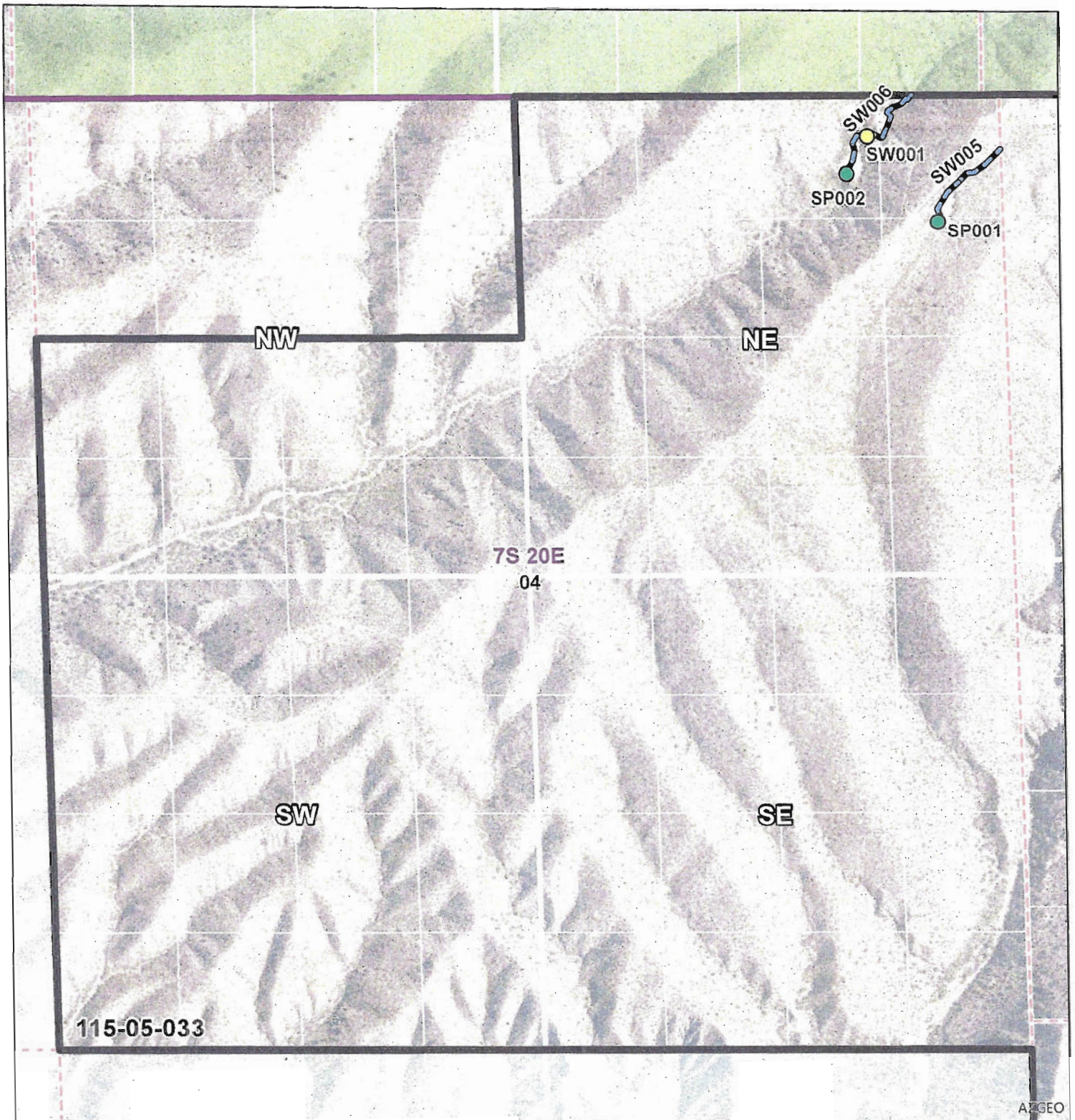
0 375 750 Feet



Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.

Proposed Abstract of Water Right San Pedro Watershed

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SP002
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2142 39-6982
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Michael J. Cavender
7. Basis of Right:	38-0072584 38-0088429
8. Beneficial Use:	Stock watering from a stockpond
9. Priority Date:	09/15/1958
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill
11. Place of Use:	NWNENE 04 070S R20E See attached map
12. Point of Diversion:	NWNENE 04 070S R20E
13. Source of Water:	Spring Canyon
14. Name of Facility:	Spring Canyon Tank



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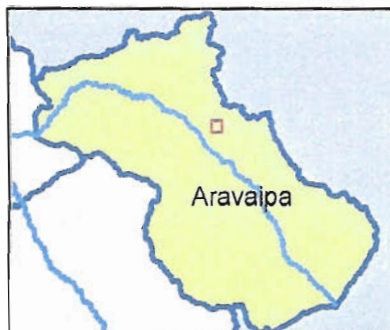
In re SLD - Withrow Ranch, Inc.

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 115-05-033

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Legend

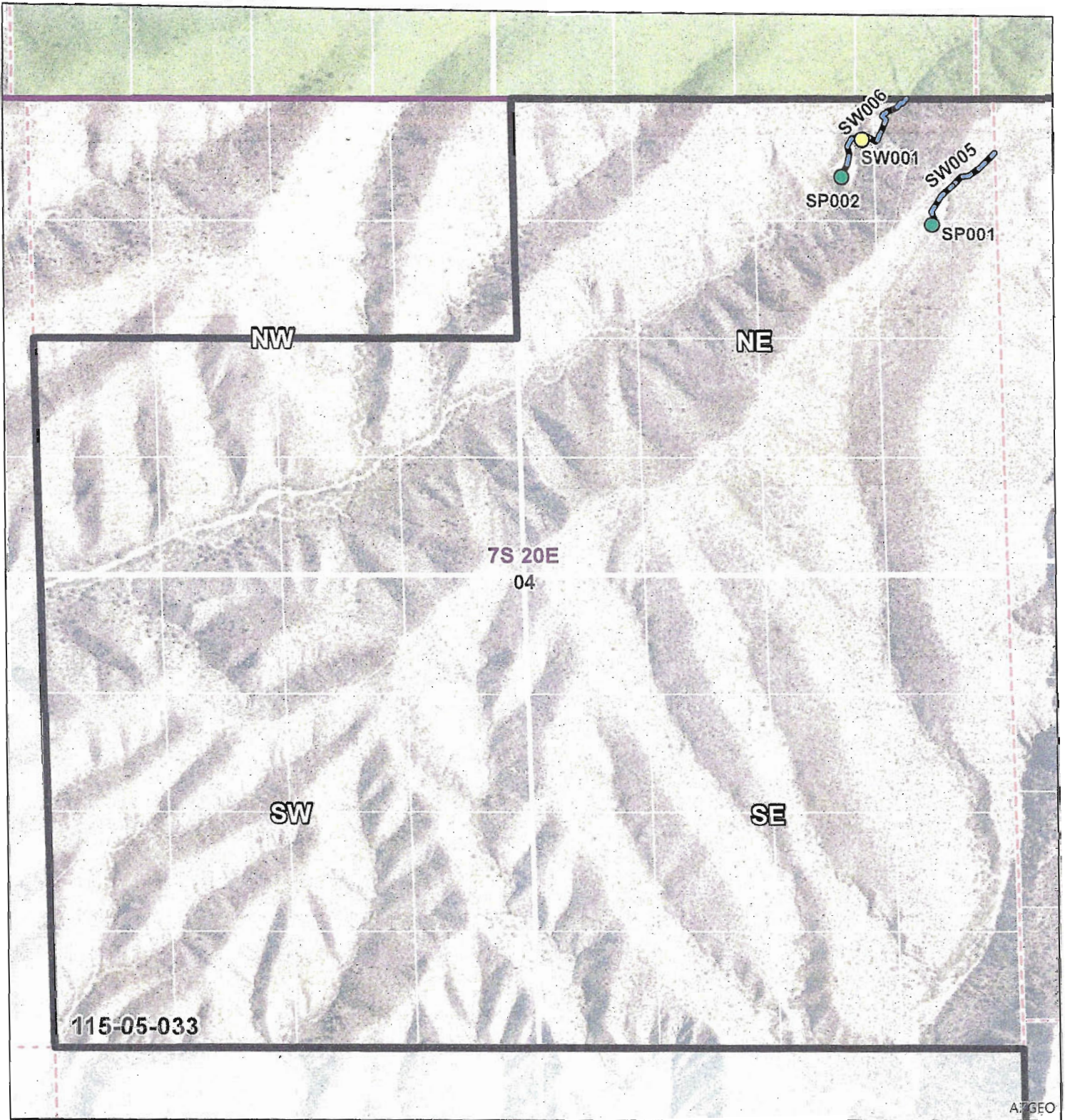
SP - Stockpond	Section
SW - Spring	QQQ
SW - Streamside Use	Q
WFR Boundary	USFS
Township	Private Land

0 375 750 Feet


Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department, NAIP 2017.

**Proposed Abstract of Water Right
San Pedro Watershed**

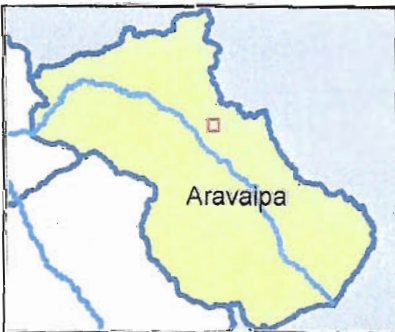
Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SW001
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2151 39-6981
5. Statement of Claimant Name(s):	Whiting Ranch, Incorporated Arizona State Land Department
6. Lessee:	Michael J. Cavender
7. Basis of Right:	36-0005030 36-0072579
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NENE 04 070S R20E See attached map
12. Point of Diversion:	NENE 04 070S R20E
13. Source of Water:	Spring Canyon Spring



In re SLD - Withrow Ranch, Inc.
 Contested Case W1-11-3356
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Legend

SP - Stockpond	Section
SW - Spring	QQQ
SW - Streamside Use	Q
WFR Boundary	USFS
Township	Private Land

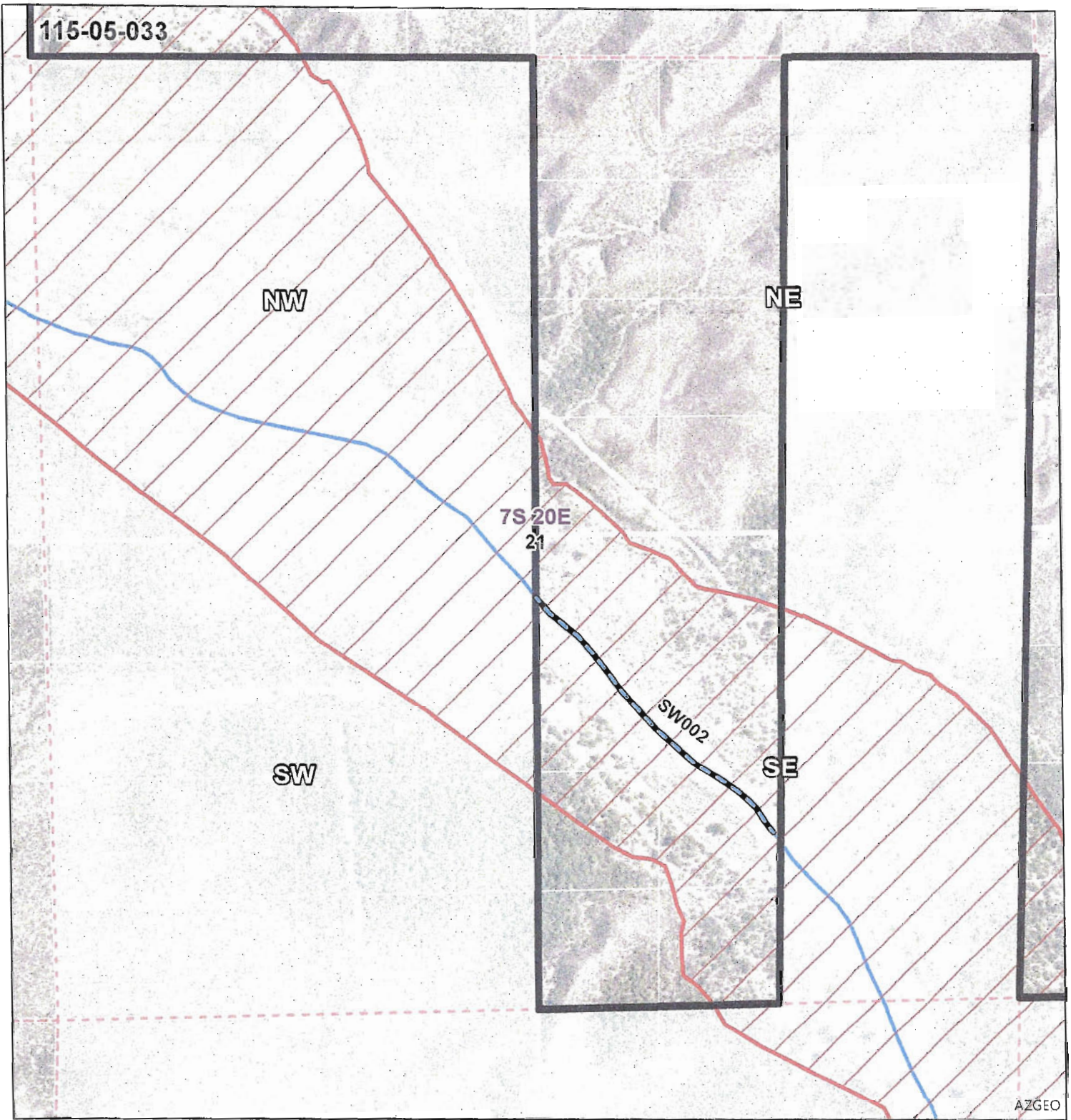
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Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.

**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SW002
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-7029
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Magoffin Family Trust
7. Basis of Right:	36-0005066
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NESWSE 21 070S R20E See attached map
12. Point of Diversion:	NESWSE 21 070S R20E
13. Source of Water:	Aravaipa Creek



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Legend

SW - Streamside Use	Section
WFR Boundary	QQQ
Subflow Zone	Q
Aravaipa Creek	Private Land

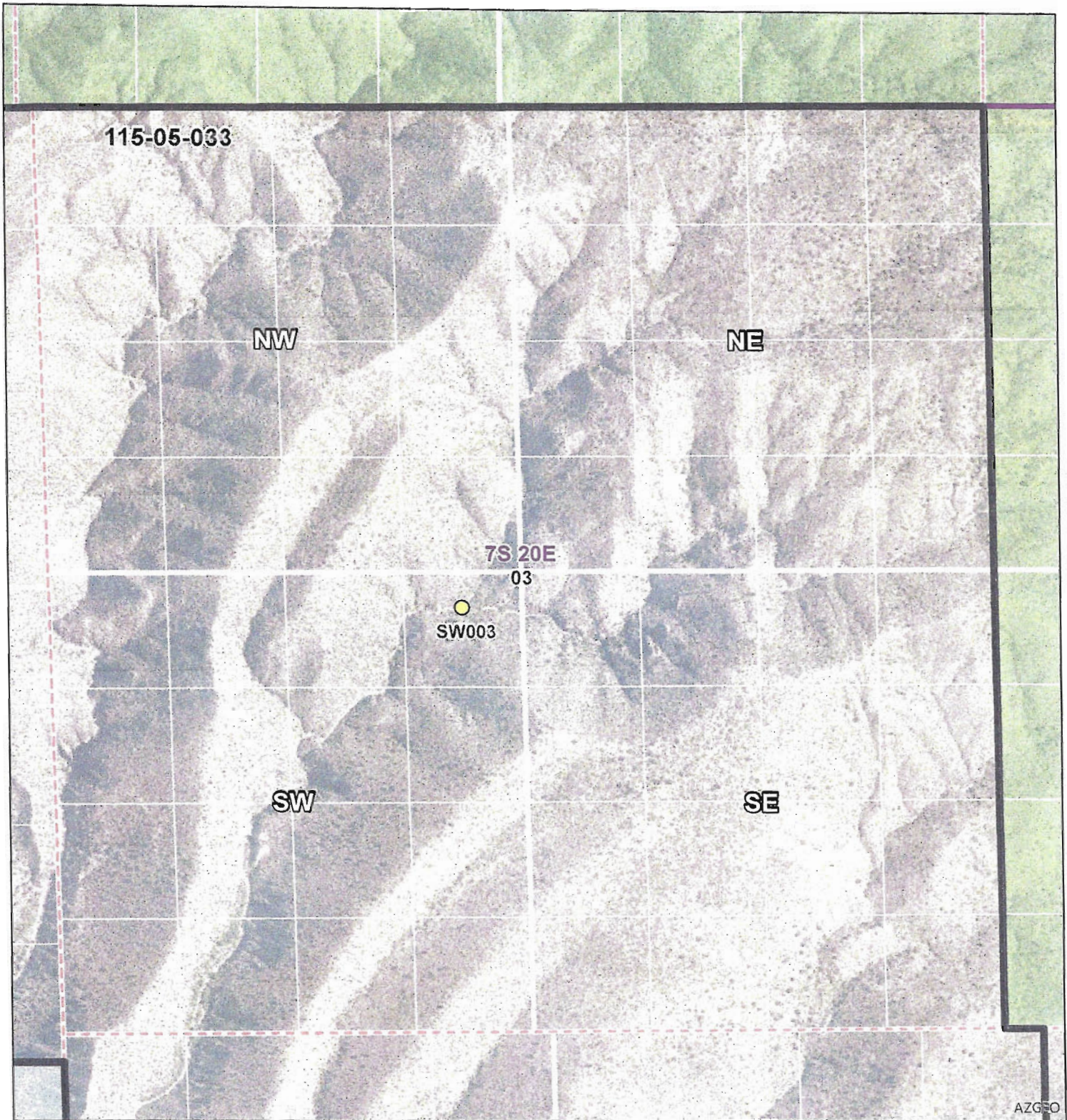
0 375 750 Feet



Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.

**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SW003
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2161 39-13944
5. Statement of Claimant Name(s):	Whiting Ranch, Incorporated Arizona State Land Department
6. Lessee or Permittee:	Michael J. Cavender
7. Basis of Right:	36-0072571 36-0100298
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NESW 03 070S R20E See attached map
12. Point of Diversion:	NESW 03 070S R20E
13. Source of Water:	Balopas Spring



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In re SLD - Withrow Ranch, Inc.

Contested Case W1-11-3356

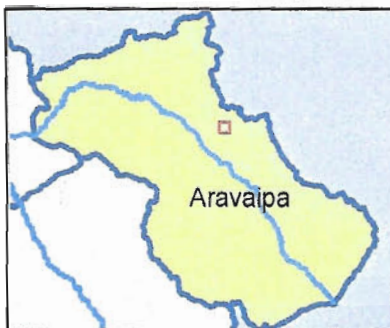
Watershed File Report

115-05-033





Section 3 T07S R20E

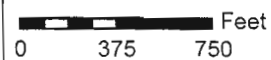


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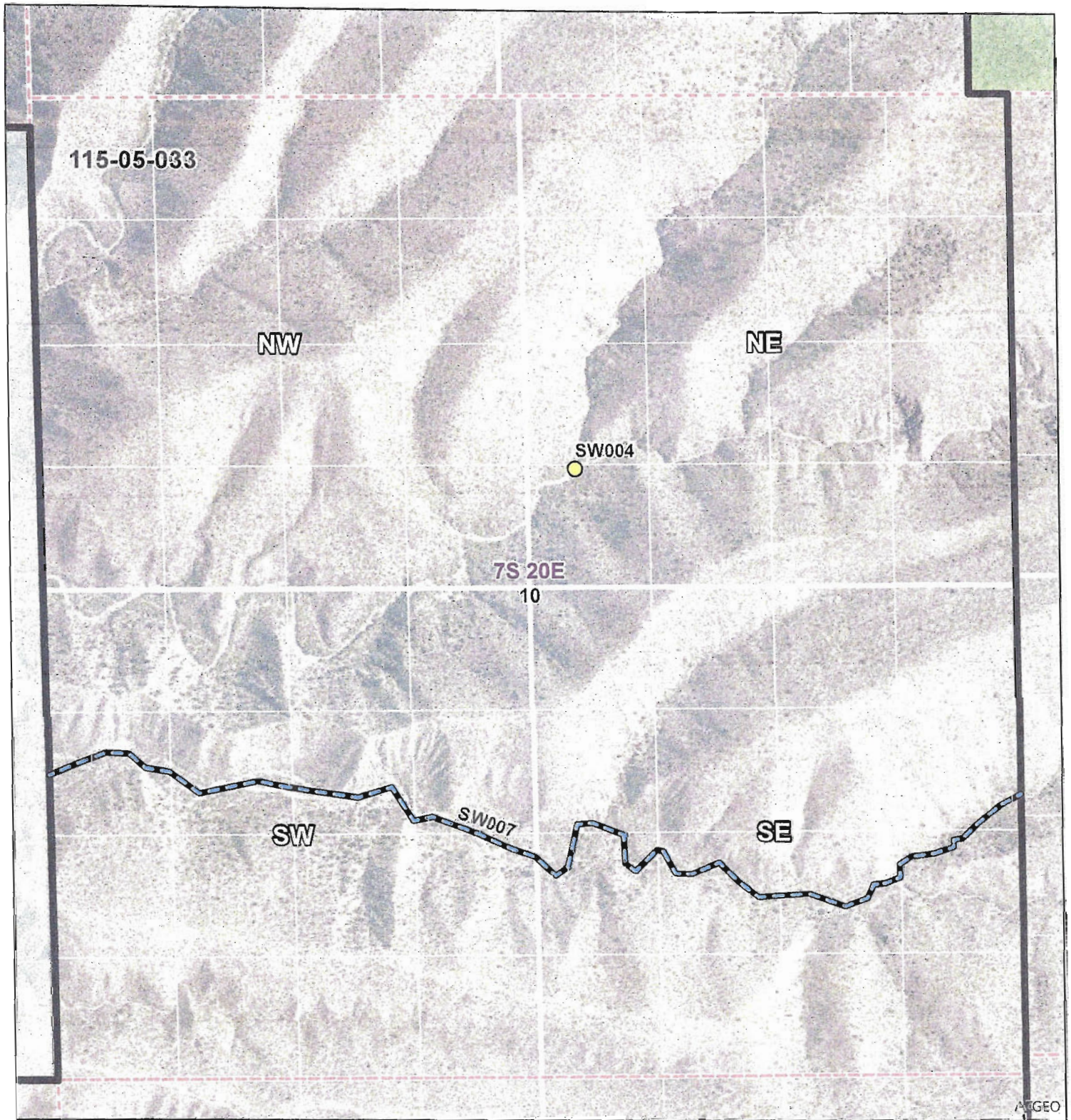
Legend

-  SW - Spring
-  WFR Boundary
-  Township
-  Section
- QQQ
- Q
- USFS
- Private Land



**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SW004
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-2156 39-13899
5. Statement of Claimant Name(s):	Whiting Ranch, Incorporated Arizona State Land Department
6. Lessee or Permittee:	Michael J. Cavender
7. Basis of Right:	36-0072570 36-0100299
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWNE 10 070S R20E See attached map
12. Point of Diversion:	SWNE 10 070S R20E
13. Source of Water:	Section 10 Spring



In re SLD - Withrow Ranch, Inc.

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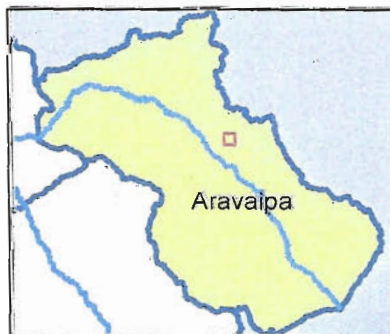
Watershed File Report

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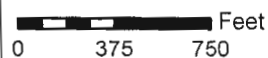


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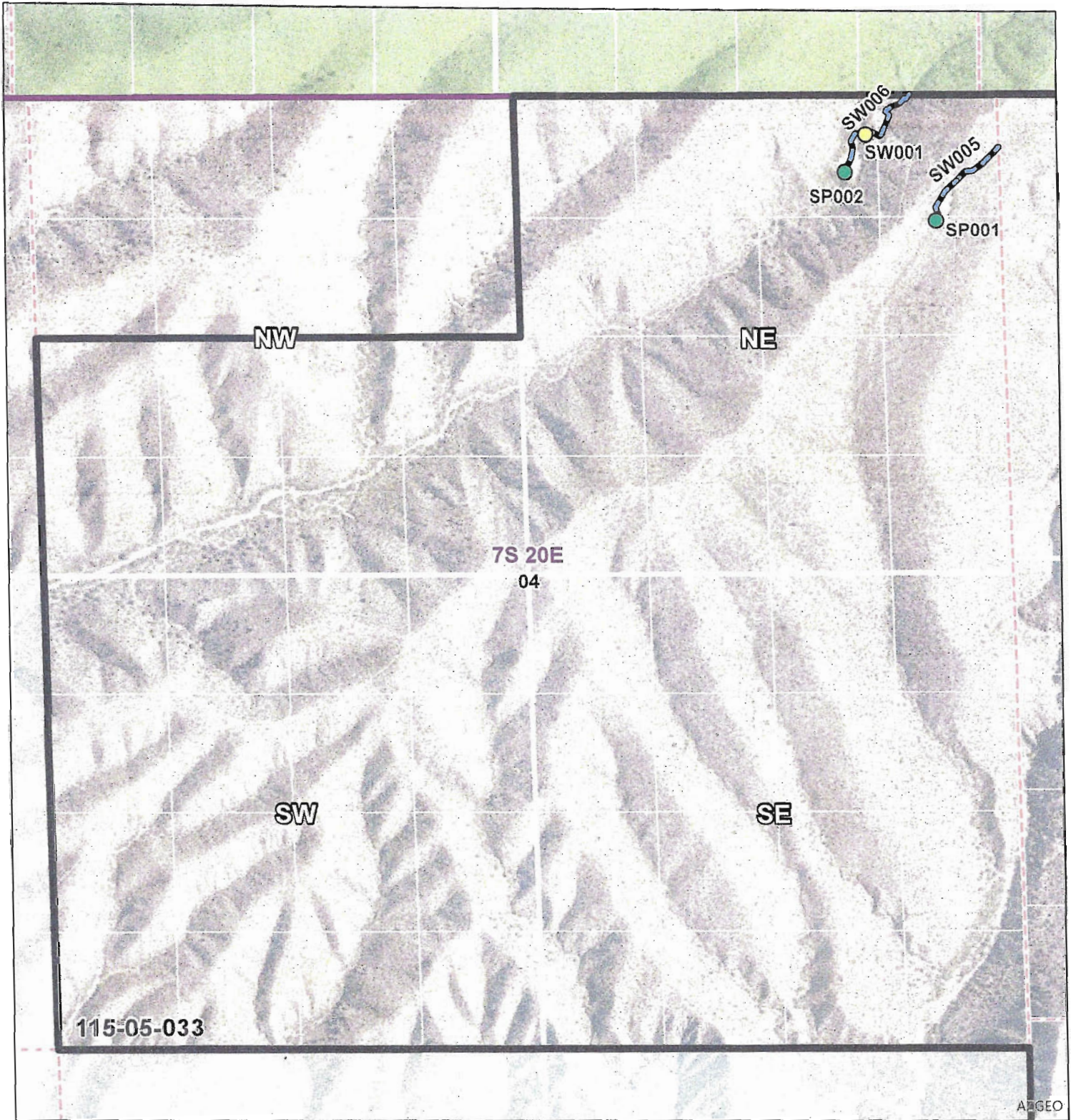
Legend

- SW - Spring
- SW - Streamside Use
- WFR Boundary
- Section
- QQQ
- Q
- USFS
- Private Land




**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SW005
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-6980
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Michael J. Cavender
7. Basis of Right:	36-5029
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NENE 04 070S R20E See attached map
12. Point of Diversion:	NENE 04 070S R20E
13. Source of Water:	Little Wonder Wash













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Legend

-  SP - Stockpond
-  SW - Spring
-  SW - Streamside Use
-  WFR Boundary
-  Township
-  Section
-  QQQ
-  Q
-  USFS
-  Private Land

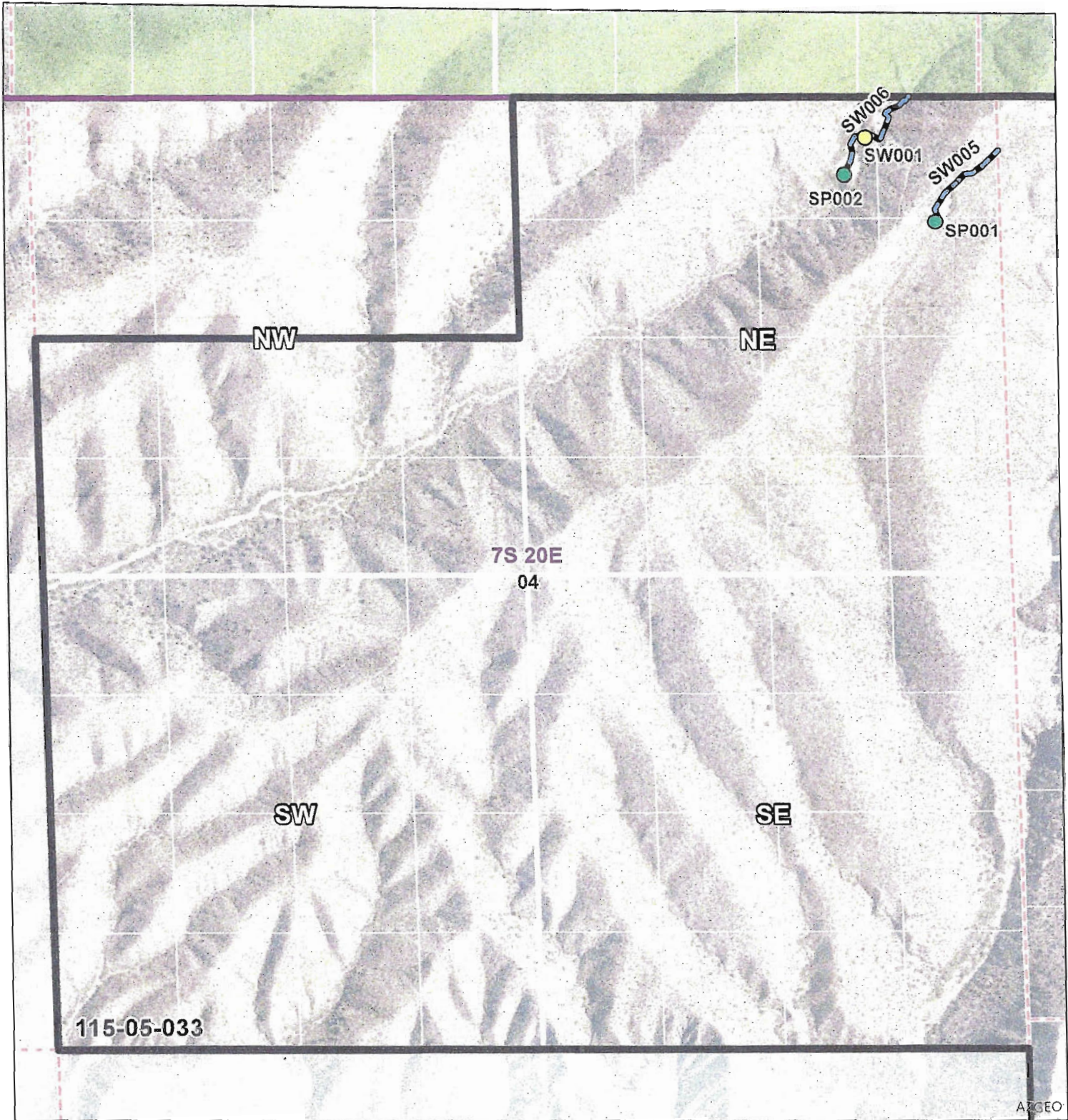
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Data sources include: Land ownership acquired April 2019 from the Arizona State Land Department. NAIP 2017.

**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SW006
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-6982
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Michael J. Cavender
7. Basis of Right:	36-0005031
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NENE 04 070S R20E See attached map
12. Point of Diversion:	NENE 04 070S R20E
13. Source of Water:	Spring Canyon



In re SLD - Withrow Ranch, Inc.

Contested Case W1-11-3356

Watershed File Report

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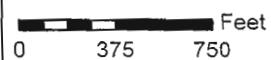


ADWR August 2020



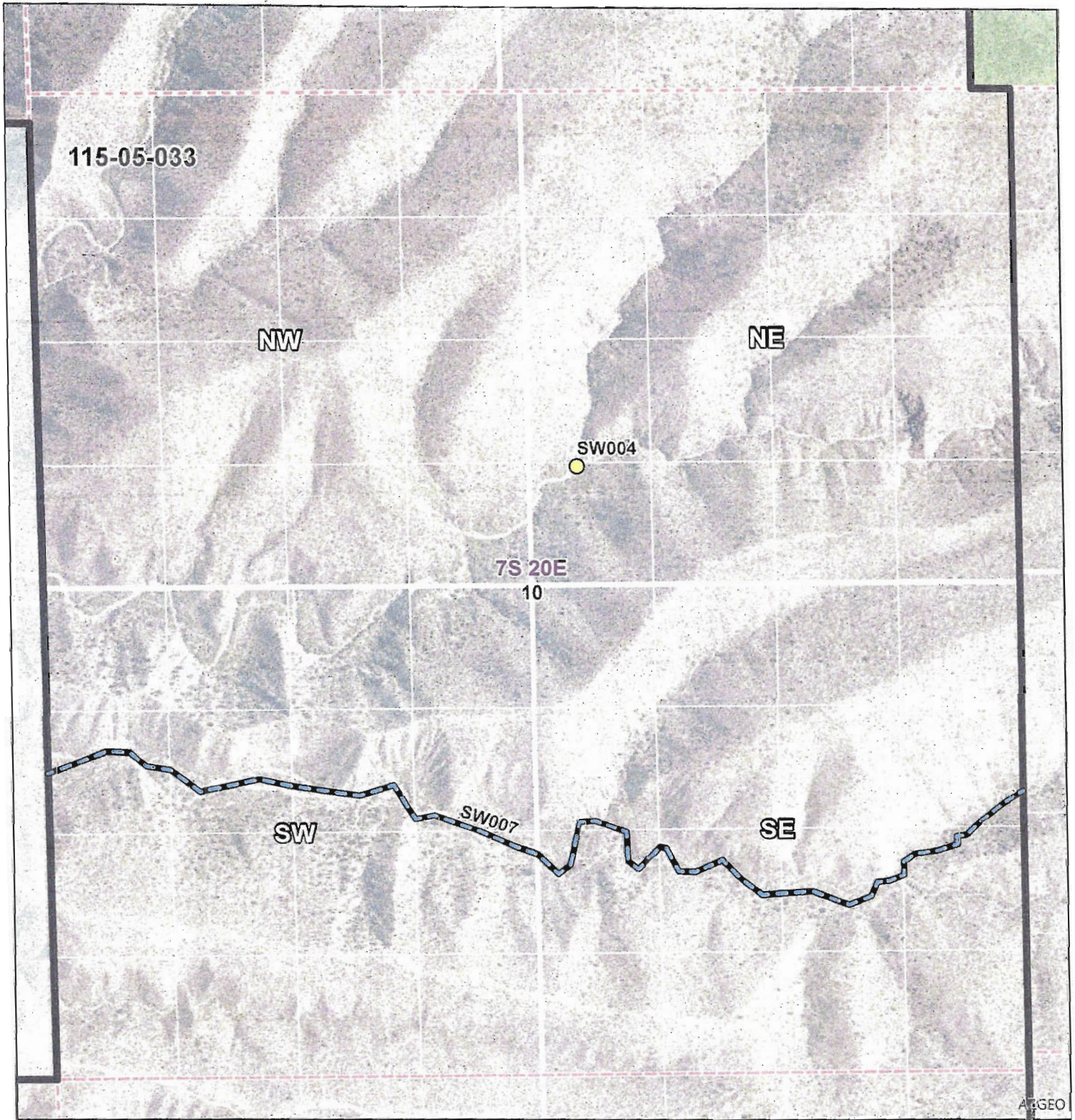
Legend

- SP - Stockpond
- SW - Spring
- SW - Streamside Use
- WFR Boundary
- Township
- Section
- QQQ
- Q
- USFS
- Private Land



**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right
1. Proposed Water Right No.:	115-05-033-SW007
2. Owner of Water Right:	State of Arizona – Arizona State Land Department
3. Landowner:	State of Arizona – Arizona State Land Department
4. Statement of Claimant No.(s):	39-13943
5. Statement of Claimant Name(s):	Arizona State Land Department
6. Lessee or Permittee:	Michael J. Cavender
7. Basis of Right:	36-0100043
8. Beneficial Use:	Stock watering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NESE 10 070S R20E See attached map
12. Point of Diversion:	NESE 10 070S R20E
13. Source of Water:	Deep Well Canyon



ARGEO

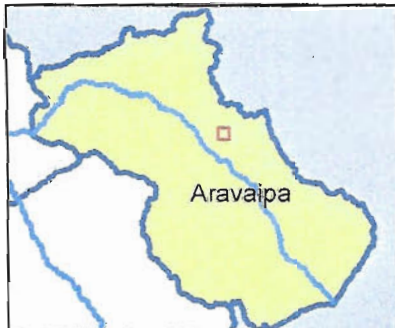
In re SLD - Withrow Ranch, Inc.

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Legend

- SW - Spring
- SW - Streamside Use
- WFR Boundary
- Section
- QQQ
- Q
- USFS
- Private Land

