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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

CIVIL NO. W1-11-2696

ORDER FOR ADWR REVIEW
OF ABSTRACTS FOR *DE*
MINIMIS WATER RIGHTS

CONTESTED CASE NAME: *In re Bayless & Berkalew*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.


DESCRIPTIVE SUMMARY: NUMBER OF PAGES: 25.

DATE OF FILING: March 27, 2018

The Arizona State Land Department and Bayless and Berkalew Company have submitted proposed abstracts for *de minimis* water rights, which are attached as Appendix A. According to the Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended February 23, 1995, approved and modified September 27, 2002 (“Decision”), the

1 point of diversion and place of use will be described to the quarter-quarter (1/4-1/4) section.
2 Where two or more stock watering uses occur within the same quarter-quarter (1/4-1/4) section,
3 the rights will be described to the nearest quarter-quarter-quarter (1/4-1/4-1/4) section.

4 **IT IS ORDERED** that ADWR shall review the legal descriptions of the points of
5 diversion and places of use in the submitted abstracts and determine whether the claimed water
6 sources and facilities for such diversions and uses exist on the land referenced in the proposed
7 legal descriptions. No adjustment will be made to the legal descriptions to account for
8 headwaters or the boundaries of the watershed file report. A report shall be filed by ADWR by
9 May 14, 2018.
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15 Susan Ward Harris
16 Special Master
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18 The original of the foregoing was delivered to
19 the Clerk of the Maricopa County Superior
20 Court on March 27, 2018, for filing and
21 distributing a copy to all persons listed on the
22 Court approved mailing list for Contested Case
23 No. W1-11-2696.
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APPENDIX A

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-09-017-SW001
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007235 State of Arizona (State Land Department) 39-0003581 Bayless & Berkalew Co.
5. Statement of Claimant Name(s):	State of Arizona (State Land Department) Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005173 36-0019635 36-0100145
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NENE NWNE SWNE SENE Section 34 T10S R19E, NENW NWNW SWNW SENW Section 34 T10S R19E, NESW NWSE SWSE SESE Section 34 T10S R19E, NWSE NESE SWSE SESE NW Section 34 T10S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Upper Rhodes Wash)
14. Name of Facility:	Upper Rhodes Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-09-017-SW004
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007237 State of Arizona (State Land Department) 39-0007238 State of Arizona (State Land Department) 39-0003582 Bayless & Berkalew Co.
5. Statement of Claimant Name(s):	State of Arizona (State Land Department) Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0019632 36-0100146 36-0005175 36-0005176
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNW NENW SWNW SENW NWSW NESW SWSW SESW Section 1 T11S R19E, NWNW NENW SWNW SENW NWSW NESW SWSW SESW NWNE NENE SWNE SENE NWSE NESE SWSE SESE Section 2 T11S R19E, NWNW NENW SWNW SEW NWNE NENE SWNE SENE Section 12 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Sol Rhea Wash)
14. Name of Facility:	Sol Rhea Wash

Additional Information

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-09-017-SW005
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007233
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005171
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWNE Section 33 T10S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (North Dam Wash)
14. Name of Facility:	North Dam Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-09-017-SW014
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013275 State of Arizona (State Land Department) 39-0003558 Bayless & Berkalew Co.
5. Statement of Claimant Name(s):	State of Arizona (State Land Department) Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005508 36-0019633
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE NWSE NESE Section 7, NWSW NESW NWSE NESE Section 8, NWSW NESW NWSE NESE Section 9, NWSW Section 10, NESW SESW Section 14, NWNE NENE SENE Section 23, SWNW NWSW NESW NWSE SWNE NWNE Section 24, SWSE NWSE SWNE SENW NENW Section 13, NWSE NWSE Section 12 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Bollen Wash)
14. Name of Facility:	Bollen Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-09-018-DM001
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003538
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0067628 55-608223 55-608237
8. Beneficial Use:	Domestic
9. Priority Date:	12/31/1900
10. Quantity:	Not to exceed 1.0 ac-ft/yr
11. Place of Use:	SWSE 10 T11S R19E
12. Point of Diversion:	SWSE SESE 10 T11S R19E and NENE 15 T11S R19E
13. Source of Water:	Surface Water (Sheep Camp Wash)
14. Name of Facility:	Sheep Camp Wash, Spring & Wells

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-09-018-SW001
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003538
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0019633
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW 10 T11S R19E NWNW SWNW SENW 14 T11S R19E NENE 15 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Bollen Wash)
14. Name of Facility:	Bollen Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW002
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007247 State of Arizona (State Land Department) 39-0007248 State of Arizona (State Land Department) 39-0003584 Bayless & Berkalew Co.
5. Statement of Claimant Name(s):	State of Arizona (State Land Department) Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005184 36-0005185 36-0019631 36-0019633
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNW NENW SWNW SENW NENE NWNE SWNE SENE Section 25 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Sheep Camp Wash)
14. Name of Facility:	Sheep Camp Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW003
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0003580
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0019630
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESE NWSE SWSE SESE NESW NWSW SWSW SESW Section 34 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Kelly Wash)
14. Name of Facility:	Kelly Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW004
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0003559 Bayless & Berkalew Co. 39-0007257 State of Arizona (State Land Department) 39-0007258 State of Arizona (State Land Department) 39-0007259 State of Arizona (State Land Department) 39-0013289 State of Arizona (State Land Department)
5. Statement of Claimant Name(s):	State of Arizona (State Land Department) Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0004720 36-0004721 36-0004722 36-0019634 36-0005522
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW NWSE NESE SESE Section 9, NWSW NESW NWSE NESE SENE Section 10, SWNW NENW Section 11, SWSE E2SE Section 2, N2SW Section 1, NWNW Section 16, N2NE SWNE SENW NESW SWSW SESW Section 17, SESE Section 18, NENE Section 19 T12S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Aguja Wash)
14. Name of Facility:	Aguja Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW005 113-12-003-SW006
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013278 39-0003558
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005511 36-0067632
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE SESE Section 32 SWSW SESW SWSE SESE Section 33, SWSW SESW NWSE SWSE NESE Section 34, SWNW NENW SENW SWNE NWNE SENE Section 36 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Redfield Canyon)
14. Name of Facility:	Redfield Canyon

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW015*
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007236
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005174
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SENE 35 T11S R18E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Lower Mesa Wash)
14. Name of Facility:	Lower Mesa Wash

Additional Information

*Also refers to Road Wash

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW015*
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013270
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005503
8. Beneficial Use:	Stockwatering and Wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SENW 36 T11S R18E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Road Wash)
14. Name of Facility:	Road Wash

Additional Information

*Also refers to Lower Mesa Wash

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-003-SW016
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0007246 39-0013277
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005183 36-0005510
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE SESE Section 20, NESE NWSE NESW SENE SWNW Section 27, SENE NENE NWNE NENW NWNW Section 28, NENE NENW NWNW Section 29, NENE NWNE NENW NWNW Section 30 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Markham Canyon)
14. Name of Facility:	Markham Canyon

Additional Information

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**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-003-SW018
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013260 State of Arizona (State Land Department)
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005497
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SENW NWNW SWNE NENE SENE Section 14, NWNW NENW NWNW NENE Section 13 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Lower Bollen Wash)
14. Name of Facility:	Lower Bollen Wash

Additional Information

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**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-003-SW022
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013269
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005502
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE SESE NESE Section 36 T11S R18E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Redfield Canyon)
14. Name of Facility:	Redfield Canyon Wash

Additional Information

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**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-003-SW024
2. Owner of Water Right:	State of Arizona (State Land Department)
3. Landowner:	State of Arizona
4. Statement of Claimant No.(s):	39-0013291
5. Statement of Claimant Name(s):	State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0005524
8. Beneficial Use:	Stockwatering and wildlife
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	NWNW Section 17 T12S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Pipeline Wash)
14. Name of Facility:	Pipeline Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-004-SW002
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co. and State of Arizona (State Land Department)*
4. Statement of Claimant No.(s):	39-0003552
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	Bayless & Berkalew Co.*
7. Basis of Right:	36-0067629
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	SESESE 14 T11S R19E SENE 22 T11S R19E NWNE 23 T11S R19E
12. Point of Diversion:	SESESE 14 T11S R19E
13. Source of Water:	Surface Water (Bollen Wash)
14. Name of Facility:	Stone Cabin Spring

Additional Information

*Subject to Lessee's right to reimbursement (if any) for improvements in Sections 22 and 23. The Spring is located on Bayless & Berkalew Co. private land. The Place of Use is on both Bayless & Berkalew Co. and Arizona State Land Department through a pipeline.

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-004-SW003* 113-09-018-SR001
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003538
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0019633 36-0067628 4A-0000497 55-608223 55-608237
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	SWSE SESE 10 T11S R19E and NENE 15 T11S R19E
12. Point of Diversion:	SWSE SESE 10 T11S R19E and NENE 15 T11S R19E
13. Source of Water:	Surface Water (Sheep Camp Wash)
14. Name of Facility:	Sheep Camp Wash, Spring & Wells

Additional Information

*Both WFRs represents the same water use.

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-004-SW004
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003538
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	4A-0000497
8. Beneficial Use:	Stockwatering
9. Priority Date:	09/10/1924
10. Quantity:	Reasonable Use
11. Place of Use:	NENENE 15 T11S R19E SWSE SESE 10 T11S R19E
12. Point of Diversion:	NENENE 15 T11S R19E
13. Source of Water:	Surface Water (Wilson Spring)
14. Name of Facility:	Wilson Spring

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-004-SW005
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003558
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0067632 10-0501008.3100
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	NWSW NESW NWSE NESE SWNE SENE 35 T11S R19E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Redfield Canyon)
14. Name of Facility:	Redfield Canyon

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	113-12-004-SW006
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co.
4. Statement of Claimant No.(s):	39-0003584
5. Statement of Claimant Name(s):	Bayless & Berkalew Co.
6. Lessee or Permittee:	None
7. Basis of Right:	36-0019631
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1900
10. Quantity:	Reasonable Use
11. Place of Use:	NWSW NESW SWSW 19 T11S R20E
12. Point of Diversion:	None
13. Source of Water:	Surface Water (Sheep Camp Wash)
14. Name of Facility:	Sheep Camp Wash

Additional Information

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Abstract of Water Right San Pedro Watershed

1. Proposed Water Right:	113-12-003-SW009* 113-12-004-SW009
2. Owner of Water Right:	Bayless & Berkalew Co.
3. Landowner:	Bayless & Berkalew Co. and State of Arizona (State Land Department)**
4. Statement of Claimant No.(s):	39-0003557 Bayless & Berkalew Co. 39-0007252 State of Arizona (State Land Department)
5. Statement of Claimant Name(s):	Bayless & Berkalew Co. State of Arizona (State Land Department)
6. Lessee or Permittee:	Bayless & Berkalew Co.
7. Basis of Right:	36-0004724 36-0067625 4A-0001322
8. Beneficial Use:	Stockwatering
9. Priority Date:	12/31/1884
10. Quantity:	Reasonable Use
11. Place of Use:	SWSW SESW SWSE SESE 32 T11S R19E SWSW SESW SWSE SESE 33 T11S R19E SWSW SESW NWSE NESE 34 T11S R19E NWSW 35 T11S R19E
12. Point of Diversion:	NWSW 35 T11S R19E
13. Source of Water:	Surface Water (Redfield Canyon)
14. Name of Facility:	Redfield Canyon Spring

Additional Information

*Both WFRs represent the same water use.

**Subject to Lessee's right to reimbursement (if any) for improvements in Sections 32, 33 and 34. The Spring is located on Bayless & Berkalew Co. private land. The Place of Use is on both Bayless & Berkalew Co. and Arizona State Land Department through a pipeline.