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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 NOS. W1-11-2696; W1-11-2588;
W1-11-2589; W1-11-2658; W1-11-2659

ORDER TO INITIATE CONTESTED
CASES
AND
ORDER TO CONSOLIDATE CASES

CONTESTED CASE NAME: *In re Bayless and Berkalew*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-2696 to address objections to watershed file report 113-12-BD-004. The following contested cases shall be consolidated with this case: W1-11-2588, W1-11-2589, W1-11-2658, and W1-11-2659. All cases are consolidated under **Contested Case No. W1-11-2696**.

NUMBER OF PAGES: 16.

DATE OF FILING: October 11, 2017.

This Order initiates a contested case to resolve objections to watershed file report 113-12-BD-004 that sets forth proposed water rights to San Pedro River for irrigation and stockpond use. A copy of watershed file report 113-12-BD-004 is attached as Attachment A.

1 Pursuant to A.R.S. §45-257(A)(1), which requires that a “claimant’s small water use
2 claims¹ shall be determined in conjunction with the determination of that claimant’s other
3 claims,” this contested case shall also resolve objections to claims for stockponds and stock
4 watering in the following watershed file reports: 113-09-017, 113-09-018, 113-12-003, and
5 113-12-004. Those watershed file reports had been included in the consolidation of test cases
6 to resolve stock watering and stockpond water use claims in *In re Sands*, contested case no.
7 W1-11-19. By an Order entered in *In re Sands*, contested cases W1-11-2588, W1-11-2589,
8 W1-11-2658, and W1-11-2659 have been severed from *In re Sands* and will be consolidated
9 under this contested case no. W1-11-2696.
10

11 **Irrigation Claims**

12 Watershed File Report 113-12-BD-004 analyzes claims filed by claimants Bayless &
13 Berkalew Company and the Arizona State Land Department. The watershed file report
14 identifies the landowner as Bayless & Berkalew, but includes three statements of claimant
15 filed by Arizona State Land Department for water use on state trust land in sections 3, 6, and 8
16 in T11 R19, section 34 T11, R18 and section 23 T11 R18². Public records maintained by the
17 Arizona State Land Department identify the current lessee of state trust land in the sections for
18 which Arizona State Land Department claims water rights is Bayless & Berkalew Company.
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24 ¹ A small water use includes stockponds that have a capacity of not more 15 acre feet that is used solely
25 for watering livestock or wildlife and stock watering used by livestock or wildlife. A.R.S. §45-251(9)

26 ² The State Land Department filed Statement of Claimant nos. 39-7253, 39-7255, and 39-13263.
27 According to the watershed file report the claim made for irrigation use in 39-13263 is not applicable to the
28 watershed file report at issue. By objection dated May 15, 1992, the State Land Department withdrew its
Statement of Claimant 39-7253.

1 **Stockpond and Stock Watering Claims**

2 This case shall also resolve the objections to claims made by Bayless & Berkalew
3 Company for water rights for stockpond and stock watering uses. In *In re Sands*, contested
4 case no. W1-11-19, the Special Master issued a Memorandum Decision, Findings of Fact, and
5 Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic
6 Uses, dated November 14, 1994, amended February 23, 1995, approved and modified
7 September 27, 2002 (“Decision”). Bayless & Berkalew Company’s claims were part of the
8 Group I Cases considered in *In re Sands*. The Decision determined that stock watering and
9 certain stockponds and domestic uses in the San Pedro River watershed constitute *de minimis*
10 uses and established expedited procedures for adjudicating those claims. The expedited
11 adjudication process requires the preparation of proposed water right abstracts that include the
12 following information: the proposed water right number, the owner of the water right, the
13 landowner, the statement of claimant number, the name of the claimant, the lessee or
14 permittee, the basis of the right, the beneficial use, the priority date, the quantity of water, the
15 place of use, point of diversion, source of water and name of facility, where available.
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18 On March 24, 2017, Claimant submitted 76 draft Abstracts for water rights for
19 stockponds and stock watering in *In re Sands*, for the following watershed file reports: 113-
20 09-017, 113-09-018, 113-12-003 and 113-12-004 (“Claimant’s Abstracts). Arizona
21 Department of Water Resources has the mapping data and technology available to ascertain
22 the place of use and point of diversion for each of the claimed water uses. To expedite the
23 process of preparing abstracts for proposed water rights, the Arizona Department of Water
24 Resources will review the 76 draft abstracts filed in *In re Sands* to identify the differences, if
25 any, among the places of use and points of diversion reported in the applicable watershed file
26 reports, as determined using current aerial maps and technology, and reported by Claimant.
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1 **IT IS ORDERED:**

2 1. Contested Cases and Consolidated Case Number. The contested cases W1-11-
3 2696, W1-11-2588, W1-11-2589, W1-11-2658, and W1-11-2659 shall be consolidated under
4 contested case no. W1-11-2696 and shall be known as *In re Bayless and Berkalew*. This case
5 will resolve the objections that were filed to the watershed file reports 113-09-017, 113-09-018,
6 113-12-003, 113-12-004, and 113-12-BD-004 published in the Final San Pedro River
7 Watershed Hydrographic Survey Report (1991).

8 2. Litigants. The litigants in this contested case are the claimants, namely Bayless
9 & Berkalew Company and Arizona State Land Department, all persons who filed objections to
10 the listed watershed file reports who are included on the list attached as Attachment B, and
11 claimants who are allowed to intervene by order.

12 3. Abstract Report. The Arizona Department of Water Resources shall file by
13 **November 10, 2017**, a report that identifies the place of use and the point of diversion for each
14 stockpond and stock watering water use listed in watershed file reports 113-09-017, 113-09-
15 018, 113-12-003, 113-12-004, 113-12-BD-004 and 113-12-BD-004. The report shall include a
16 table listing the place of use and point of diversion specified for each potential water right in
17 the watershed file reports, any deviations from those locations identified using ADWR's
18 mapping data and for those stockpond and stock watering uses included in the Claimant's
19 Abstracts, the place of use and point of diversion identified in the Claimant's Abstracts. In
20 addition the report shall include a map showing the locations according to the watershed file
21 reports and, where applicable, the new GIS-based location.

22 4. Court-Approved Mailing List.

23 A. The initial Court-approved mailing list for this case shall include all
24 persons listed on Attachment B to this order. The list may be modified only by
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1 filing a motion with the Special Master to amend the Court-approved mailing
2 list. Litigants are responsible for using the current Court-approved mailing list.

3 B. A copy of any pleading filed with the Clerk of the Maricopa County
4 Superior Court in this case shall be served upon each person listed on the Court-
5 approved mailing list.

6 C. Claimants wishing to be added or removed from the mailing list shall file
7 a motion with the Special Master. Parties allowed to intervene will be
8 automatically added to the mailing list.

9
10 5. Courtesy Email List.

11 The Special Master's office will email courtesy copies of orders and minute
12 entries entered in this case to persons who request to be included on an email list
13 for this case. Requests for inclusion on the email list shall be sent to Barbara
14 Brown at brownb099@superiorcourt.maricopa.gov.

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17 An initial scheduling conference shall be held to determine the process to resolve the
18 objections made to the claims for water rights at issue on **November 21, 2017**, at 1:30 p.m.
19 before:

20 Special Master Susan Ward Harris
21 Superior Court of Arizona
22 201 West Jefferson Street
23 Courtroom 301
24 Phoenix, AZ 85003-2202
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Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#


SUSAN WARD HARRIS
Special Master

On October 11, 2017, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached hereto as Attachment B.


Barbara Brown

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ATTACHMENT A

LAND OWNER

WATERSHED FILE
REPORT NUMBERBAYLESS AND BERKALEW CO.
% K.J. SMALLHOUSE

113-12-BD-004

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE SECTION	LOCATION TWP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWP	RNGE
C -0000191		IRRIGATION	2560.00	NWNE26	110S	180E	1910	NWNE26	110S	180E
10-0202786		IRRIGATION	9050.00		13	120S 180E	1888	NENWSW19	120S	190E
10-1001647							1883			
10-1001706							1886			
10-1001725		IRRIGATION	9050.00	SW12	120S	180E	1888			
10-1001727			1810.00	SW34	110S	180E	1888			
10-1001774		IRRIGATION	1810.00	SW34	110S	180E	1893			
10-1002275			3620.00				1910			
20-1001314							1888	34	110S	180E
33-0070671	PROTEST	STOCK	.33	SWNE13	120S	180E	1978	SWNE13	120S	180E
				NWSE13	120S	180E		NWSE13	120S	180E
36-0019611		STOCK	.31	NESESW34	110S	180E	1940	NESESW34	110S	180E
36-0019612		IRRIGATION DOMESTIC STOCK	800.00	NESENE15	110S	180E	1950	NESENE15	110S	180E
36-0019613		DOMESTIC STOCK	1.12	NENWSE13	120S	180E	1951			
					12	120S 180E				
					17	120S 190E				
36-0019614		IRRIGATION STOCK	1000.00	NWNWSE23	110S	180E	1977	NWNWSE23	110S	180E
36-0019616		DOMESTIC STOCK	.61	SWSWNE11	120S	180E	1950	SWSWNE11	120S	180E
36-0019617		IRRIGATION STOCK	1100.00		11	120S 180E	1950	SWSWNE11	120S	180E
36-0019618		IRRIGATION STOCK	900.00	NENENE03	120S	180E	1970	NENENE03	120S	180E
36-0019619		DOMESTIC STOCK	1.23	NENWSE34	110S	180E	1940			
					36	110S 180E				
36-0019620		IRRIGATION STOCK	700.00	NENENE03	120S	180E	1936	NENENE03	120S	180E
					03	120S 180E				
36-0019622		STOCK	.61	NESWNW12	120S	180E	1932	NESWNW12	120S	180E
36-0019623		DOMESTIC	.31	SESWSE34	110S	180E	1945	SESWSE34	110S	180E
36-0019625		STOCK	.31	NENESE03	110S	180E	1945	NENESE03	110S	180E
36-0019628		STOCK	.61	SEWNWNE15	110S	180E	1943	SEWNWNE15	110S	180E
36-0067633		IRRIGATION STOCK	1600.00	SW12	120S	180E	1900	NENW19	120S	190E
					13	120S 180E		11	120S	190E
								13	120S	190E
36-0070672		IRRIGATION STOCK	1600.00	SW12	120S	180E	1900	SWNWSE13	120S	180E
					13	120S 180E				
38-0019636		STOCK REC/FISH/WLDF OTHER	.25	NWSE23	110S	180E	1962	NWSE23	110S	180E
38-0019637		STOCK REC/FISH/WLDF OTHER	.50	NWSE13	120S	180E	1952	NWSE13	120S	180E
				SWNE13	120S	180E		SWNE13	120S	180E
39-0002786		IRRIGATION	4.00		23	110S 180E		NWSW26	110S	180E
					26	110S 180E		NESE27	110S	180E
					27	110S 180E				
39-0003534	AMENDED	IRRIGATION STOCK	1599.00	NENENE03	120S	180E	1936	NENENE03	120S	180E
			1.00							
39-0003535		DOMESTIC STOCK	.61				1950	SWSWNE11	120S	180E
			.77							
39-0003536	AMENDED	IRRIGATION STOCK	2000.00	SW12	120S	180E	1900	SWNWSE13	120S	180E
			3.75		13	120S 180E		NENW19	120S	190E
								SESE19	120S	190E
39-0003537	AMENDED	IRRIGATION DOMESTIC STOCK	800.00	NESENE15	110S	180E	1950	NESENE15	110S	180E
			.25					SENE19	120S	190E
			1.75					SENE19	120S	190E
39-0003539	AMENDED	IRRIGATION STOCK	1000.00	NWNWSE23	110S	180E	1977	NWNWSE23	110S	180E
			1.00		23	110S 180E				
39-0003540		IRRIGATION STOCK	1100.00	SWSWNE11	120S	180E	1950	SWSWNE11	120S	180E
39-0003541		DOMESTIC STOCK	.92	SWSW08	120S	190E	1951	NENWSE13	120S	180E
			.81	NENW17	120S	190E				
39-0003544		DOMESTIC	.31				1945	SESWSE34	110S	180E

APPLICABLE FILINGS AND DECREES (CONTINUED)

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	TWNP	LOCATION RNGE
39-0003546		DOMESTIC STOCK	.61	NENW36	110S	180E		NENWSE34	110S	180E
39-0003547		STOCK	.61	NESWNW12	120S	180E	1932	NESWNW12	120S	180E
39-0003548		STOCK	.31	NENESE03	110S	180E	1945	NENESE03	110S	180E
39-0003553		STOCK	.31				1940	NESESW34	110S	180E
39-0003563		STOCK	.50	NWSE13	120S	180E	1952	NWSE13	120S	180E
				SWNE13	120S	180E		SWNE13	120S	180E
39-0003564		STOCK	.25	NWSE23	110S	180E	1962	NWSE23	110S	180E
39-0007253		STOCK	2.00	03	110S	190E	1950	NESENE15	110S	180E
		REC/FISH/WLDF	.50	06	110S	190E				
				08	110S	190E				
39-0007255		DOMESTIC STOCK	.61	NENW36	110S	180E	1940	NENWSE34	110S	180E
		OTHER	96.00	34	110S	180E		34	110S	180E
39-0013263	AMENDED	IRRIGATION	53.60	NWSWSE23	110S	180E	1920	SWNESW23	110S	180E
				S2NWNE23	110S	180E				
39-0014027		IRRIGATION	1503.36	S202	120S	180E	1982	NWSW12	120S	180E
				N211	120S	180E				
				SW12	120S	180E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
C -0000191	IRRIGATION	NOT APPLICABLE	DO2	
10-0202786.1100	IRRIGATION	IRRIGATION	DO1	IRO01
10-1001647.2100	IRRIGATION	IRRIGATION		IRO03
10-1001706.2100	IRRIGATION	IRRIGATION		IRO03, IRO06, IRO08
	STOCK	NONE		IRO09, IRO16, IRO17
10-1001725.2100	IRRIGATION	IRRIGATION		IRO10, IRO11, IRO12
10-1001727.2100	IRRIGATION	IRRIGATION		IRO14
	DOMESTIC	NONE		
	STOCK	NONE		
10-1001774.2100	IRRIGATION	IRRIGATION		IRO14
10-1002275.2100	IRRIGATION	IRRIGATION		DMO02, IRO03, IRO04
	DOMESTIC	DOMESTIC		IRO15
	STOCK	NONE		
20-1001314	IRRIGATION	NONE		DMO04
	DOMESTIC	CATALOGUED WELL		
33-0070671				
36-0019611	STOCK	STOCKWELL	W20	
36-0019612	IRRIGATION	IRRIGATION	W05	IRO03, IRO09
	DOMESTIC	NONE		
	STOCK	INCIDENTAL		
36-0019613	DOMESTIC	DOMESTIC	W11	DMO01
	STOCK	INCIDENTAL		
36-0019614	IRRIGATION	IRRIGATION	W07	IRO06, IRO08
	STOCK	INCIDENTAL		
36-0019616	DOMESTIC	DOMESTIC	W12	DMO02
	STOCK	INCIDENTAL		
36-0019617	IRRIGATION	IRRIGATION	W06	IRO04
	STOCK	INCIDENTAL		
36-0019618	IRRIGATION	IRRIGATION	W04	IRO02
	STOCK	INCIDENTAL		
36-0019619	DOMESTIC	DOMESTIC	W17	DMO04
	STOCK	INCIDENTAL		
36-0019620	IRRIGATION	NONE	W03	IRO02
	STOCK	NONE		
36-0019622	STOCK	STOCKWELL		
36-0019623	DOMESTIC	CATALOGUED WELL	W19	DMO06
36-0019625	STOCK	STOCKWELL		
36-0019628	STOCK	NONE	W16	
36-0067633	IRRIGATION	IRRIGATION	DO1	IRO01, IRO10, IRO11
	STOCK	INCIDENTAL		IRO12
36-0070672	IRRIGATION	IRRIGATION	DO1, W01	IRO01, IRO10, IRO11
	STOCK	INCIDENTAL		IRO12
38-0019636	STOCK	STOCK		SPO01
	WILDLIFE	INCIDENTAL		
	OTHER	NONAPPROPRIABLE		
38-0019637	STOCK	STOCK		PSO01

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S (CONTINUED)

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
38-0019637	WILDLIFE	INCIDENTAL		
39-0002786	OTHER	NONAPPROPRIABLE		
39-0003534	IRRIGATION	NOT APPLICABLE	DO2	
39-0003535	IRRIGATION	IRRIGATION	WO3,WO4	IRO02
39-0003536	STOCK	NONE		
39-0003537	DOMESTIC	DOMESTIC	W12	DMO02
39-0003538	STOCK	INCIDENTAL		
39-0003539	IRRIGATION	IRRIGATION	DO1,WO1,W10	IRO01,IRO10,IRO11
39-0003540	STOCK	INCIDENTAL		IRO12,IRO15
39-0003541	IRRIGATION	IRRIGATION	WO5,W15,W16	IRO03,IRO09
39-0003542	DOMESTIC	NONE		
39-0003543	STOCK	INCIDENTAL		
39-0003544	IRRIGATION	IRRIGATION	WO7	IRO06,IRO08,IRO16
39-0003545	STOCK	INCIDENTAL		IRO17,SPOO1
39-0003546	IRRIGATION	IRRIGATION	WO6	IRO04
39-0003547	STOCK	INCIDENTAL		
39-0003548	DOMESTIC	DOMESTIC	W11	DMO01
39-0003549	STOCK	INCIDENTAL		
39-0003550	DOMESTIC	CATALOGUED WELL	W19	DMO06
39-0003551	DOMESTIC	DOMESTIC	W17	DMO04
39-0003552	STOCK	INCIDENTAL		
39-0003553	STOCK	STOCKWELL		
39-0003554	STOCK	STOCKWELL		
39-0003555	STOCK	STOCKWELL	W20	
39-0003556	STOCK	STOCK		PSO01
39-0003557	STOCK	STOCK		SPOO1
39-0007253	STOCK	NONE	W15	
39-0007254	WILDLIFE	NONE		
39-0007255	DOMESTIC	DOMESTIC	W18	DMO04,DMO05
39-0013263	STOCK	INCIDENTAL		
39-0014027	OTHER	NONE		
39-0013263	IRRIGATION	NOT APPLICABLE	WO7	
39-0014027	IRRIGATION	IRRIGATION	W10	IRO01,IRO10,IRO11
39-0014027	STOCK	INCIDENTAL		IRO12,IRO13,IRO15

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	LOCATION	WATER SOURCE AND CLASSIFICATION
DO1	SENENW19	120S	190E	BAYLESS DITCH		SURFACE WATER: SAN PEDRO RIVER SHARED
DO2	SWNESE27	110S	180E	MARKHAM DITCH		SURFACE WATER: SAN PEDRO RIVER SHARED
WO1	SWNWSE13	120S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	NENENE03	120S	180E	UNNAMED		GROUNDWATER : ZONE 2
WO4	NENENE03	120S	180E	UNNAMED		GROUNDWATER : ZONE 2
WO5	NWSWNW14	110S	180E	BOLLEN IRRIG. WELL		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO6	SESWNE11	120S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO7	SWNESW23	110S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO8	NENWNW23	110S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
W10	NWNWSW12	120S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W11	NENWSE13	120S	180E	DAVIS DOMESTIC		GROUNDWATER : ZONE 2
W12	SWSWNE11	120S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W13	SENESW23	110S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
W14	SENENW23	110S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
W15	NWSENE15	110S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
W16	NENENE15	110S	180E	BOLLEN STOCK WELL		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
W17	NWSWSE34	110S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W18	SWSWSE34	110S	180E	UNNAMED		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W19	SESWSE34	110S	180E	SCHOOLHOUSE WELL		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W20	NWSENW34	110S	180E	URHEA LIVESTOCK WELL		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

PWR #	LOCATION			SUPPLIED BY		PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES			
D001	NWSWNE13	120S	180E	W11	GROUNDWATER : ZONE 2		NO	
D002	SWSWNE11	120S	180E	W12	GROUNDWATER : ZONE 1		NO	
D003	NWNWNE03	120S	180E	W03, W04	GROUNDWATER : ZONE 2		NO	
D004	SWNWSE34	110S	180E	W17	GROUNDWATER : ZONE 1		NO	
D005	SWSWSE34	110S	180E	W18	GROUNDWATER : ZONE 1		NO	
D001	SENEW19	120S	190E	DO1	SURFACE WATER	1935	NO	
I001	NE13	120S	180E	DO1, W01, W10	SURFACE WATER	1935	NO	
	NW13	120S	180E		GROUNDWATER : ZONE 1			
	SE13	120S	180E					
	SW13	120S	180E					
I002	NE03	120S	180E	W04	GROUNDWATER : ZONE 2	1935	NO	
	NW03	120S	180E					
I003	NE15	110S	180E	W05	GROUNDWATER : ZONE 1	1935	NO	
	NW14	110S	180E					
	SE10	110S	180E					
	SW11	110S	180E					
I004	NE11	120S	180E	W06	GROUNDWATER : ZONE 1	1955	NO	
	NW11	120S	180E					
I005	NESE03	120S	180E	W04	GROUNDWATER : ZONE 2	1964	NO	
	SENE03	120S	180E					
	SWNE03	120S	180E					
I006	NE23	110S	180E	W07	GROUNDWATER : ZONE 1	1964	NO	
	NW23	110S	180E					
	SE23	110S	180E					
	SW23	110S	180E					
I008	NESW23	110S	180E	W07	GROUNDWATER : ZONE 1	1979	NO	
	NWNE23	110S	180E					
	NWSE23	110S	180E					
	SWNE23	110S	180E					
I009	SENE15	110S	180E	W05	GROUNDWATER : ZONE 1	1979	NO	
	SWSW11	110S	180E					
I010	SESW12	120S	180E	DO1, W01, W10	SURFACE WATER	1979	NO	
	SWSW12	120S	180E		GROUNDWATER : ZONE 1			
I011	NESW12	120S	180E	DO1, W01, W10	SURFACE WATER	1984	NO	
	NWSE13	120S	180E		GROUNDWATER : ZONE 1			
	NWSW12	120S	180E					
	SESW12	120S	180E					
	SWNW12	120S	180E					
	SWSE13	120S	180E					
	SWSW12	120S	180E					
I012	NE11	120S	180E	W10	GROUNDWATER : ZONE 1	1984	NO	
	NW12	120S	180E					
	SW12	120S	180E					
I013	NE11	120S	180E	W10	GROUNDWATER : ZONE 1	1987	NO	
	NW11	120S	180E					
	SE02	120S	180E					
	SW02	120S	180E					
I014	SW34	110S	180E	W04	GROUNDWATER : ZONE 2	1988	NO	
I015	NE03	120S	180E	W10	GROUNDWATER : ZONE 1	1989	NO	
	NW03	120S	180E					
	NW11	120S	180E					
	SE03	120S	180E					
	SW02	120S	180E					
I016	NENW23	110S	180E	W07	GROUNDWATER : ZONE 1	1990	NO	
	SESW14	110S	180E					
I017	SESW14	110S	180E	W07	GROUNDWATER : ZONE 1	1990	NO	
	SWSW14	110S	180E					

R E S E R V O I R S

PWR #	LOCATION			SUPPLIED BY		PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES			
PS001	SESWNE13	120S	180E	DO1	SURFACE WATER		DAVIS STOCKPOND	IRRIGATION
SPO01	NENWSE23	110S	180E		SURFACE WATER		CHARCOAL DAM	STOCKWATERING STOCKWATERING WILDLIFE

** WATER FROM DO1 FOUND IN FILE (113-12-BD-2) IS USED IN THIS FILE
 ** WATER FROM DO2 IS SHARED WITH THESE ADDITIONAL FILES:
 113-12-BA-12
 ** WATER FROM WO7 IS SHARED WITH THESE ADDITIONAL FILES:
 113-12-BA-11

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0003541	36-0019613		GROUNDWATER : ZONE 2
DM002	39-0003535	10-1002275.2100 36-0019616		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
DM003	39-0003534	36-0019618 36-0019620		GROUNDWATER : ZONE 2
DM004	39-0003546 39-0007255	20-1001314 36-0019619		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
DM005	39-0007255	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
DV001	39-0003536	10-0202786.1100 36-0067633 36-0070672	1879 G.L.O. PLAT MAPS	SURFACE WATER: SAN PEDRO RIVER
IR001	39-0003536 39-0014027	10-0202786.1100 36-0067633 36-0070672	1879 G.L.O. PLAT MAPS	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR002	39-0003534	36-0019618 36-0019620	1921 1921 STATE SURVEY	GROUNDWATER : ZONE 2
IR003	39-0003537	10-1001647.2100 10-1001706.2100 10-1002275.2100 36-0019612	1879 G.L.O. PLAT MAPS	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR004	39-0003540	10-1002275.2100 36-0019617	1950 36-19617 & 39-3540	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR005	39-0003534	36-0019618	1964 1964 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR006	39-0003539 39-0013263	10-1001706.2100 36-0019614 36-0019614	1964 1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR008	39-0003539 39-0013263	10-1001706.2100 36-0019614	1977 39-3539 & 36-19614	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR009	39-0003537	10-1001706.2100 36-0019612	1979 1979 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR010	39-0003536 39-0014027	10-0202786.1100 10-1001725.2100 36-0067633 36-0070672	1979 1979 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR011	39-0003536 39-0014027	10-0202786.1100 10-1001725.2100 36-0067633 36-0070672	1984 1984 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR012	39-0003536 39-0014027	10-1001725.2100 36-0067633 36-0070672	1984 1984 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR013	39-0003536 39-0014027	NONE	1987 1987 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR014	39-0003534	10-1001727.2100 10-1001774.2100 36-0019618	1988 1988 FIELD INVEST.	GROUNDWATER : ZONE 2
IR015	39-0003536 39-0014027	10-1002275.2100	1989 1989 FIELD INVEST.	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR016	39-0003539 39-0013263	10-1001706.2100 36-0019614	1989 CLAIMANT INTERVIEW	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR017	39-0003539 39-0013263	10-1001706.2100 36-0019614	1990 1990 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
PS001	39-0003536 39-0003563	10-0202786.1100 36-0067633 36-0070672 38-0019637	1988 1988 FIELD INVEST.	SURFACE WATER: SAN PEDRO RIVER
SPO01	39-0003539 39-0003564	38-0019636	1965 FILING 38-19636	SURFACE WATER: SAN PEDRO RIVER
NONE		C -0000191 33-0070671 36-0019611 36-0019622 36-0019623 36-0019625		

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE		36-0019628			

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
DMOO2							SEE VOLUME 1 - GENERAL ASSESSMENT
DMOO3							SEE VOLUME 1 - GENERAL ASSESSMENT
DMOO4							SEE VOLUME 1 - GENERAL ASSESSMENT
DMOO5							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	89.4	PERM. PSTR	43%	7.3 AF/AC	652.6 AFA	
	REGIONAL	89.4	AVE. CROP	50%	5.4 AF/AC	482.8 AFA	
	MAX. POTENTIAL	89.4	ALFALFA	43%	7.7 AF/AC	688.4 AFA	
IROO2	MAX. OBSERVED	133.3	PERM. PSTR	54%	5.8 AF/AC	773.1 AFA	
	REGIONAL	133.3	AVE. CROP	50%	5.4 AF/AC	719.8 AFA	
	MAX. POTENTIAL	133.3	ALFALFA	54%	6.1 AF/AC	813.1 AFA	
IROO3	MAX. OBSERVED	31.1	MULTI.-DBL.	49%	5.6 AF/AC	174.2 AFA	
	REGIONAL	43.9	AVE. CROP	50%	5.4 AF/AC	237.1 AFA	
	MAX. POTENTIAL	43.9	ALFALFA	49%	6.8 AF/AC	298.5 AFA	
IROO4	MAX. OBSERVED	69.5	PERM. PSTR	60%	4.0 AF/AC	278.0 AFA	DEFICIT IRRIGATION
	REGIONAL	69.5	AVE. CROP	50%	5.4 AF/AC	375.3 AFA	
	MAX. POTENTIAL	69.5	ALFALFA	60%	5.6 AF/AC	389.2 AFA	
IROO5	MAX. OBSERVED	18.5	PERM. PSTR	58%	5.4 AF/AC	99.9 AFA	
	REGIONAL	18.5	AVE. CROP	50%	5.4 AF/AC	99.9 AFA	
	MAX. POTENTIAL	18.5	ALFALFA	58%	5.7 AF/AC	105.5 AFA	
IROO6	MAX. OBSERVED	58.2	WINTER PSTR	40%	.9 AF/AC	52.4 AFA	
	REGIONAL	58.2	AVE. CROP	50%	5.4 AF/AC	314.3 AFA	
	MAX. POTENTIAL	58.2	ALFALFA	40%	8.4 AF/AC	488.9 AFA	
IROO8	MAX. OBSERVED	32.7	PERM. PSTR	49%	4.8 AF/AC	157.0 AFA	DEFICIT IRRIGATION
	REGIONAL	32.7	AVE. CROP	50%	5.4 AF/AC	176.6 AFA	
	MAX. POTENTIAL	32.7	ALFALFA	49%	6.8 AF/AC	222.4 AFA	
IROO9	MAX. OBSERVED	9.1	DBL.CROPPED	45%	4.4 AF/AC	40.0 AFA	
	REGIONAL	9.1	AVE. CROP	50%	5.4 AF/AC	49.1 AFA	
	MAX. POTENTIAL	9.1	ALFALFA	45%	7.4 AF/AC	67.3 AFA	
IRO10	MAX. OBSERVED	32.7	PERM. PSTR	45%	7.0 AF/AC	228.9 AFA	
	REGIONAL	32.7	AVE. CROP	50%	5.4 AF/AC	176.6 AFA	
	MAX. POTENTIAL	32.7	ALFALFA	45%	7.4 AF/AC	242.0 AFA	
IRO11	MAX. OBSERVED	27.2	PERM. PSTR	32%	9.9 AF/AC	269.3 AFA	
	REGIONAL	27.2	AVE. CROP	50%	5.4 AF/AC	146.9 AFA	
	MAX. POTENTIAL	27.2	ALFALFA	32%	10.4 AF/AC	282.9 AFA	
IRO12	MAX. OBSERVED	116.2	PERM. PSTR	38%	8.3 AF/AC	964.5 AFA	
	REGIONAL	116.2	AVE. CROP	50%	5.4 AF/AC	627.5 AFA	
	MAX. POTENTIAL	116.2	ALFALFA	38%	8.8 AF/AC	1022.6 AFA	
IRO13	MAX. OBSERVED	91.8	PERM. PSTR	38%	8.3 AF/AC	761.9 AFA	
	REGIONAL	91.8	AVE. CROP	50%	5.4 AF/AC	495.7 AFA	
	MAX. POTENTIAL	91.8	ALFALFA	38%	8.8 AF/AC	807.8 AFA	
IRO14	MAX. OBSERVED	43.4	PERM. PSTR	45%	7.0 AF/AC	303.8 AFA	
	REGIONAL	43.4	AVE. CROP	50%	5.4 AF/AC	234.4 AFA	
	MAX. POTENTIAL	43.4	ALFALFA	45%	7.4 AF/AC	321.2 AFA	
IRO15	MAX. OBSERVED	157.7	WINTER PSTR	53%	1.4 AF/AC	220.8 AFA	DEFICIT IRRIGATION
	REGIONAL	157.7	AVE. CROP	50%	5.4 AF/AC	851.6 AFA	
	MAX. POTENTIAL	157.7	ALFALFA	53%	6.2 AF/AC	977.7 AFA	
IRO16	MAX. OBSERVED	28.6	FALL GRAINS	32%	2.1 AF/AC	60.1 AFA	
	REGIONAL	28.6	AVE. CROP	50%	5.4 AF/AC	154.4 AFA	
	MAX. POTENTIAL	28.6	ALFALFA	32%	10.4 AF/AC	297.4 AFA	
IRO17	MAX. OBSERVED	16.3	FALL GRAINS	32%	2.1 AF/AC	34.2 AFA	
	REGIONAL	16.3	AVE. CROP	50%	5.4 AF/AC	88.0 AFA	
	MAX. POTENTIAL	16.3	ALFALFA	32%	10.4 AF/AC	169.5 AFA	
PSO01	MAX. AREA/CAP	5.5				21.5 AF	
SPOO1	MAX. AREA/CAP	1.9				9.3 AF	

QUANTITIES OF USE

DIVERSION PWR NOS.	DIVERSION CAPACITY	MAXIMUM DEMAND RATE	DECREED RATE	CERTIFICATED RATE	ESTIMATED VOLUME DIVERTED
DV001	13.8 CFS	3.0 CFS			660.9 AFA

EXPLANATION

FILINGS AND DECREES

DECREE 20-10001314 - CHARLES DYKE -VS- P. V. CALDWELL, ISSUED ON MAY 25, 1888 THE TERRITORIAL SUPREME COURT MODIFIED A DECISION OF THE TERRITORIAL DISTRICT COURT ENJOINING PLAINTIFF DYKE FROM DIVERTING WATER FROM POOLS LOCATED IN THE BED OF THE SAN PEDRO RIVER, BUT PERMITTING THE PLAINTIFF TO DIVERT THE WATER FLOWING OVER DEFENDANT CALDWELL'S DAM, AFTER RESTORING THE DAM TO ITS PRIOR HEIGHT FOLLOWING A FLOOD WHICH HAD LOWERED THE DAM. FOR MORE INFORMATION ON THIS DECREE, SEE CHAPTER 1 IN VOLUME 1.

FILING C-191 - CLAIMS IRRIGATION USES SERVED BY THE MARKHAM DITCH SINCE 1910. THE MARKHAM DITCH IS NO LONGER BEING USED FOR IRRIGATION USES IN THIS WATERSHED FILE REPORT.

FILING 33-70671 - FILING IS UNDER PROTEST.

FILING 39-2786 - CLAIMS AN IRRIGATION USE. THE CLAIMED IRRIGATION USE DOES NOT APPLY TO THIS W.F.R.

FILINGS 36-19612 & 39-3537 - CLAIM IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

FILING 36-19620 - CLAIMS IRRIGATION AND STOCKWATERING USES FROM AN UNUSED WELL.

FILING 36-19628 - CLAIMS A STOCKWATERING USE FROM UNNAMED WELL.

FILINGS 38-19636 & 38-19637 - CLAIM EROSION CONTROL AS AN "OTHER" WATER USE. EROSION CONTROL IS CONSIDERED TO BE A NONAPPROPRIABLE USE.

FILING 39-3534 - CLAIMS IRRIGATION AND STOCKWATERING USES. NO STOCKWATERING USE WAS FOUND AT THE CLAIMED LOCATION.

FILING 39-7253 - CLAIMS STOCKWATERING AND WILDLIFE WATER USES. NO STOCKWATERING OR WILDLIFE USES WERE FOUND AT THE CLAIMED LOCATION.

FILING 39-7255 - CLAIMS RAINFALL RETENTION AS AN "OTHER" WATER USE. RAINFALL RETENTION IS CONSIDERED TO BE AN NONAPPROPRIABLE USE.

AN AMENDED STATEMENT OF CLAIMANT WAS RECEIVED WHICH COULD NOT BE MATCHED TO AN ORIGINAL FILING AND CLAIMED IRRIGATION OF IR1, IR10, IR11, IR12 & IR13 FROM WELL W10.

FILING 39-13263 - CLAIMS AN IRRIGATION WATER USE. THE CLAIMED IRRIGATION USE DOES NOT APPLY TO THIS W.F.R.

DIVERSIONS

D1/DV1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE BAYLESS DITCH.

D2 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE MARKHAM DITCH.

W1-W3, W4-W7, & W10 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.

W8 & W13-W16 - UNUSED WELLS.

W17 & W18 - WELLS PROVIDE WATER FOR DOMESTIC AND STOCKWATERING USES.

W11 & W12 - WELLS PROVIDE WATER FOR DOMESTIC AND STOCKWATERING USES.

W19 - WELL PROVIDES WATER FOR DOMESTIC USES.

W20 - WELL PROVIDES WATER FOR STOCKWATERING USES.

USES AND RESERVOIRS

DM1-DM5 - DOMESTIC USES.

DV1 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE BAYLESS DITCH.

IR1, IR2, IR4, IR5, IR6, IR8, IR10, IR11, IR12, IR13, IR14 & IR15 - IRRIGATED PASTURE.

IR3 - IRRIGATED MULTIPLE-DOUBLE CROPS (SORGHUM AND PASTURE).

IR9 - IRRIGATED DOUBLE CROPS.

IR16 & IR17 - IRRIGATED SMALL GRAINS.

PS1 - PRIMARY STORAGE RESERVOIR, SUPPLIED BY DIVERSION D1, IS USED FOR IRRIGATION AND STOCKWATERING PURPOSES.

SP1 - CHARCOAL DAM STOCKPOND.

SHARED USES AND DIVERSIONS

D1 - DIVERSION IS SHARED WITH W.F.R. #113-12-BD-2.

D2 - DIVERSION IS SHARED WITH W.F.R. #113-12-BA-12.

W7 - WELL IS SHARED WITH W.F.R. #113-12-BA-11.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT FROM THE 1987 PRELIMINARY H.S.R. WAS RECEIVED WHICH DESCRIBED NEW IRRIGATION USES ON THE PROPERTY. SUBSEQUENT FIELD INVESTIGATIONS IDENTIFIED ADDITIONAL IRRIGATED ACREAGE WHICH HAS BEEN INCLUDED IN THIS W.F.R.

AN EXTENSIVE COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH DESCRIBED A NUMBER OF ERRORS AND CONCERNS ABOUT THIS W.F.R.

ATTACHMENT B

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Arizona Department of Water Resources
Janet L. Miller
P. O. Box 36020
Phoenix, AZ 85067

Arizona State Land Department
Theresa Craig, Carrie Brennan and
Edwin Slade, III
Arizona Attorney General
1275 West Washington Street
Phoenix, AZ 85007

ASARCO Incorporated
Lauren J. Caster and Gregory L. Adams
Fennemore Craig, P.C.
2394 east Camelback Road
Suite 600
Phoenix, AZ 85016-3429

Bayless & Berkalew Company
Stephanie A. Smallhouse
10805 N San Pedro River Road
Benson, AZ 85602

City of Mesa
City Attorney's Office
Wilbert J. Taebel
P. O. Box 1466
Mesa, AZ 85211-1466

City of Phoenix
Brad Holm and Monique Coady
200 West Washington Street, 13th Floor
Phoenix, AZ 85003-1611

Gila River Indian Community
Linus Everling and Thomas L. Murphy
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

Magma Copper Company (BHP)
John D. Burnside and Megan Tracy
Snell & Wilmer, L.L.P.

1 400 East Van Buren Street
Suite 1900
2 Phoenix, AZ 85004

3 Salt River Valley Water Users Association and the Salt River Project Agricultural
Improvement and Power District
4 John B. Weldon, Jr. and Mark A. McGinnis
5 Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste 200
6 Phoenix, AZ 85016

7 San Carlos Apache Tribe
Tonto Apache Tribe
8 Joe P. Sparks and Laurel A. Hermann
9 The Sparks Law Firm, P.C.
7503 First Street
10 Scottsdale, AZ 85251-4573

11 U. S. Department of Justice
R. Lee Leininger
12 Natural Resources Section
13 999 18th Street, So Terrace, Ste. 370
Denver, CO 80202

14
15 Yavapai-Apache Nation
Camp Verde Reservation
16 Susan B. Montgomery and Robyn L. Interpreter
Montgomery & Interpreter, PLC
17 3301 E. Thunderbird Road
Phoenix, AZ 85032

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