

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 SETTING DATE FOR
SUGGESTED CORRECTIONS
OF PROPOSED WATER
RIGHTS

CONTESTED CASE NAME: *In re Bayless & Berkalew*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Abstracts issued for proposed water rights for stock watering
analyzed by Watershed File Reports Nos. 113-09-017, 113-09-018, and 113-12-003 and sets a
deadline to file suggested corrections.
NUMBER OF PAGES: 10
DATE OF FILING: June 1, 2018

This case involves *de minimis* claims for water rights analyzed by WRF Nos. 113-09-017, 113-09-018, and 113-12-003 included in the final hydrographic survey report for the San

1 Pedro Watershed (“San Pedro HSR”) filed on November 20, 1991. In 1994, the Special
2 Master issued a Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1
3 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994,
4 amended February 23, 1995, approved and modified September 27, 2002 (“Decision”). The
5 Decision established the procedures for adjudicating *de minimis* water rights for claims in the
6 San Pedro watershed.
7

8 Once the proposed water right abstracts have been prepared, litigants will have the
9 opportunity to suggest the correction of clerical mistakes in the proposed abstracts. Decision at
10 47. Subsequently, the abstracts will be included in a catalog of proposed water rights where
11 they will be subject to a very limited set of objections and ultimately in a final decree.
12

13 Proposed water right abstracts have been prepared for stock watering uses in accordance
14 with the Decision and are attached as Exhibit A. All persons who filed objections to the listed
15 watershed file reports now have an opportunity to suggest any corrections of mistakes in the
16 proposed abstracts.
17

18 **IT IS ORDERED** that any suggested corrections to the proposed abstracts shall be filed
19 on or before **July 27, 2018**.

20
21 
22 Susan Ward Harris
23 Special Master
24

25 The original of the foregoing was delivered to
26 the Clerk of the Maricopa County Superior
27 Court on June 1, 2018, for filing and
28 distributing a copy to all persons listed on the
Court approved mailing list for Contested Case
No. W1-11-2696.

Exhibit 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 |
| 9. Priority Date: | 12/31/1884 |
| 10. Quantity: | Reasonable Use |
| 11. Place of Use: | NWSW NESW SWSW SESW NWSE NESE SWSE SESE Section 34 T10S R19E, NWNW SWNW NENW SENW NWSW NESW SWSW SESW Section 35 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

| |
|--|
| |
|--|

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, SWNW SENW NWSW NESW SWSW NWNE NENE SWNE SENE NWSE NESE Section 2 T11S R19E, NWNW NENW SWNW SENW 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-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 |
| 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 SESW NENW SECTION 13, NWSE NESE 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

**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: | SWSE SESE 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

| |
|--|
| |
|--|

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 |
| 9. Priority Date: | 12/31/1884 |
| 10. Quantity: | Reasonable Use |
| 11. Place of Use: | NWNW NENW SWNW SENW NENE NWNE SWNE 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

| |
|--|
| |
|--|

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 |
| 9. Priority Date: | 12/31/1900 |
| 10. Quantity: | Reasonable Use |
| 11. Place of Use: | NENE NWNE SWNE SENW NESW 34 T11S R19E |
| 12. Point of Diversion: | None |
| 13. Source of Water: | Surface Water (Kelly Wash) |
| 14. Name of Facility: | Kelly Wash |

Additional Information

| |
|--|
| |
|--|

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 |
| 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 R18E |
| 12. Point of Diversion: | None |
| 13. Source of Water: | Surface Water (Lower Bollen Wash) |
| 14. Name of Facility: | Lower Bollen Wash |

Additional Information

| |
|--|
| |
|--|