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2 Arizona Department of Water Resources  
3 Legal Division  
4 1110 W. Washington St., Suite 310  
5 Phoenix, Arizona 85007  
6 Telephone: 602-771-8472  
7 Fax: 602-771-8687  
8 [knielsen@azwater.gov](mailto:knielsen@azwater.gov)

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 IN RE THE GENERAL ADJUDICATION  
12 OF ALL RIGHTS TO USE WATER IN  
13 THE GILA RIVER SYSTEM AND  
14 SOURCE

15 W-1 (Salt)  
16 W-2 (Verde)  
17 W-3 (Upper Gila)  
18 W-4 (San Pedro)  
(Consolidated)

Contested Case No. W1-11-1511

**ARIZONA DEPARTMENT OF  
WATER RESOURCES' PLAN FOR  
REVIEW OF SPRA APPLICATION  
NOS. 38-88613, 38-88680, AND 38-94631**

Special Master Sherri Zendri

19 **CONTESTED CASE NAME:** *In re ASLD – Fred and Carol Telles*

20 **HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report (“HSR”)

21 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) provides its plan “describing how the agency will complete review of stockpond applications 38-88613, 38-88680, and 38-94631” pursuant to the Court’s Order filed on September 16, 2025.

22 **NUMBER OF PAGES:** Four and nine-page attachment

23 **DATE OF FILING:** October 16, 2025

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25  
26

1 On September 16, 2025, the Court issued its Notice of Decision Regarding Issue of  
2 Broad Legal Importance and Order for the Arizona Department of Water Resources to File  
3 a Plan, in which it requested for “ADWR to file a plan no later than October 20, 2025,  
4 describing how the agency will complete review of stockpond applications 38-88613, 38-  
5 88680, and 38-94631.”<sup>1</sup>

6 Accordingly, ADWR provides the following update and plan regarding certification.

7 **1. Stockpond Registration Act (“SPRA”) Application No. 38-88613 (Big Tank)**

8 On October 9, 2025, ADWR sent a letter to the Arizona State Land Department  
9 (“ASLD”) regarding issues with their Amendment for Claim of Water Right for a  
10 Stockpond and Application for Certification and Reactivation Request for  
11 Withdrawn/Inactive Claim of Water Right for a Stockpond and Application for Certification  
12 No. 38-88613, Big Tank (“Amendment for 38-88613”) (Attachment A). To summarize the  
13 contents of that letter, ASLD has duplicate filings for Big Tank – one filed under Article 7,  
14 Statement of Claim of Right No. 36-5271, and another filed under Article 10, SPRA  
15 Application No. 38-88613. The Amendment for 38-88613 claims a capacity greater than  
16 what is permissible under A.R.S. § 45-271 and ASLD did not provide a deed as proof of  
17 landownership. Once ADWR receives corrections for these deficiencies on the Amendment  
18 for 38-88613, ADWR will schedule an inspection and, upon completion of the inspection,  
19 post the stockpond for public notice for a revised period of thirty days, inclusive of  
20 weekends and state holidays. If no protests are received, ADWR will certificate SPRA  
21 Application No. 38-88613. ADWR anticipates certification within six months and will  
22 update the Court when ADWR issues a certificate for SPRA Application No. 38-88613. In  
23 the event that certification does not occur within six months, ADWR will provide an update  
24 to the Court regarding its current status on or before April 20, 2026.

25 \_\_\_\_\_  
26 <sup>1</sup> [Order](#), *In re ASLD – Fred and Carol Telles*, Contested Case No. W1-11-1511, at 13.

1           **2. SPRA Application No. 38-88680 (Three Oaks)**

2           On October 14, 2025, ADWR sent a letter to ASLD notifying them that SPRA  
3 Application No. 38-88680 is a duplicate filing for Certificate of Water Right No.  
4 70717.0001 (“CWR No. 70717”) (Attachment B). Accordingly, ADWR will be  
5 consolidating SPRA Application No. 38-88680 with CWR No. 70717 pursuant to the  
6 Arizona Administrative Code R12-15-303 and will not be certifying SPRA Application  
7 No. 38-88680. SPRA Application No. 38-88680 will be marked as inactive upon  
8 consolidation, which is scheduled to take place on Wednesday, November 14, 2025.


9           **3. SPRA Application No. 38-94631**

10          Within three weeks, ADWR will reach out to ASLD to schedule an on-site inspection  
11 of the stockpond. Following inspection, ADWR will post the stockpond for public notice  
12 for a revised period of thirty days, inclusive of weekends and state holidays. After the public  
13 notice period, and if no protests are received, ADWR will certificate SPRA Application No.  
14 38-94631. ADWR anticipates certification within six months and will update the Court  
15 when ADWR issues a certificate for SPRA Application No. 38-94631. In the event that  
16 certification does not occur within six months, ADWR will provide an update to the Court  
17 regarding its current status on or before April 20, 2026.

18          The original of this Plan, along with Attachments A and B, is being filed with the  
19 Clerk and is being posted to ADWR’s website at: <https://www.azwater.gov/adjudications>.

20                   **DATED** this 16th day of October, 2025.

21                                   ARIZONA DEPARTMENT OF WATER  
22                                   RESOURCES

23                                     
24                                   \_\_\_\_\_  
25                                   Karen J. Nielsen, Deputy Counsel  
26

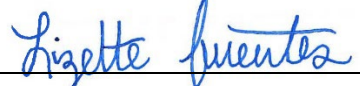
1 **ORIGINAL** of the foregoing notice and attachment  
2 sent by first-class mail on October 16, 2025, to:

3 Clerk of the Maricopa Superior Court  
4 Attn: Water Case  
5 601 W. Jackson Street  
6 Phoenix, Arizona 85003

7 **COPY** of the foregoing notice and attachments  
8 sent by electronic mail on October 16, 2025, to:

9 Special Master Sherri Zendri  
10 [water@jbazmc.maricopa.gov](mailto:water@jbazmc.maricopa.gov)

11 **COPIES** of the foregoing notice and attachment  
12 sent by first-class mail on October 16, 2025, to all  
13 parties on the court-approved mailing list  
14 for Contested Case No. W1-11-1511.

15   
16 \_\_\_\_\_

# **ATTACHMENT A**

KATIE M. HOBBS  
GOVERNOR



THOMAS BUSCHATZKE  
DIRECTOR

ARIZONA DEPARTMENT OF WATER RESOURCES  
1110 WEST WASHINGTON STREET, SUITE 310  
PHOENIX, ARIZONA 85007  
602.771.8500  
AZWATER.GOV

October 9, 2025

Arizona State Land Department  
Attn: Heide Kocsis  
1110 W. Washington St.  
Phoenix, Arizona 85007

COPY

*RE: Amendment for Claim of Water Right for a Stockpond and Application for Certification and Reactivation Request for Withdrawn/Inactive Claim of Water Right for a Stockpond and Application for Certification ("Amendment") No. 38-88613, Big Tank.*

Applicant:

The Arizona Department of Water Resources ("Department") received the enclosed Amendment form filed on August 5, 2025, for the above-referenced Claim of Water Right for a Stockpond and Application for Certification ("Claim"). The Department is unable to process the Amendment until additional information and clarifications are provided.

The following items were noted upon review of the submitted Amendment form and associated documentation:

1. While the cover letter included with the Amendment requested removal of the stockpond claim from Statement of Claim of Right No. 36-5271 "so as not to be duplicative of 38-88613", ADWR cannot process this request without submission of an Amendment for Statement of Claim of Right to Use Public Waters of the State of Arizona for changes to stock watering or wildlife specifically. Please note that stockponds filed under the Stockpond Registration Act are for stock watering and incidental wildlife, and past registrations made pursuant to Title 45, Article 7, remain in the Department's files as part of the official record.
2. Statement of Claim of Right No. 36-5271, Big Tank Wash, is stated as utilizing the same water source/type as Big Tank. Big Tank was filed pursuant to A.R.S. §§ 45-271 - 45-276 for the Stockpond Registration Act of 1977. Under the provision of the Stockpond Registration Act, a stockpond must have been constructed between June 12, 1919, and August 27, 1977, must be used solely for watering livestock or incidental wildlife, except fish, and cannot exceed a capacity of more than 15 acre-feet a year.

*The enclosed Amendment form indicates that the stockpond and its water source have a total combined annual use of 20.58 acre-feet, in violation of the maximum capacity limitations set by the Stockpond Registration Act.*

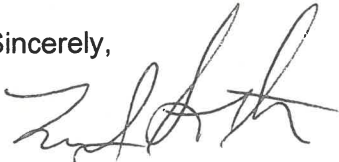
3. Item 15 of the Amendment form revised the point of diversion to show the Northwest quarter of the Southwest quarter, (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ), Section 23, Township 14 South, Range 22 East, Gila and Salt River Base and Meridian, Cochise County, Arizona.

*Please provide the Department with the required proof of landownership in the form of a deed that lists the location of point of diversion.*

There are other options you may be able to pursue to claim any stockwatering use and/or storage, such as retaining your Statement of Claim of Right No. 36-5271 or filing an Application for a Permit to Appropriate Public Water of the State of Arizona or to Construct a Reservoir for any additional storage needs.

Please do not hesitate to contact me at [fshelton@azwater.gov](mailto:fshelton@azwater.gov), (602) 771-8232, toll free (within Arizona) at 1-800-352-8488, if you require further information or assistance.

Sincerely,



Faith Shelton  
Surface Water Permitting Section  
Water Planning and Permitting Division

COPY

ENCLOSURES

CC: Kevin Crestin, Assistant Attorney General

# **ATTACHMENT B**

**KATIE M. HOBBS  
GOVERNOR**



**THOMAS BUSCHATZKE  
DIRECTOR**

**ARIZONA DEPARTMENT OF WATER RESOURCES  
1110 WEST WASHINGTON STREET, SUITE 310  
PHOENIX, ARIZONA 85007  
602.771.8500  
AZWATER.GOV**

October 14, 2025

Arizona State Land Department  
Attn: Heide Kocsis  
1110 W. Washington St.  
Phoenix, Arizona 85007

**CG COPY**

*RE: Certificate of Water Right No. 70717.0001 ("CWR No. 70717"), Three Oaks Tank, and Claim of Water Right for a Stockpond and Application for Certification No. 38-88680.0000 ("Claim No. 38-88680"), Three Oaks.*

Applicant:

The Arizona Department of Water Resources ("Department") has completed its review of Claim No. 38-88680. In its review, Department staff identified CWR No. 70717 as a duplicate filing.

According to Department records, CWR No. 70717 was assigned to Bayo Telles Ranch, Inc. on behalf of the State of Arizona on March 30, 1992, with a priority date of October 3, 1978. The Arizona State Land Department filed Claim No. 38-88680 on June 27, 1979. Upon examination of the historical documentation, legal descriptions, and geospatial data, the Department has determined that both filings are for the same reservoir located at the Southeast of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ), Section 3, Township 14 South, Range 22 East (documentation enclosed).

As a result of this determination and pursuant to the Arizona Administrative Code R12-15-303, Claim No. 38-88680 will be administratively consolidated with CWR No. 70717 in thirty days from the date this letter is mailed, on Thursday, November 13, 2025, unless ADWR receives a letter with accompanying evidence contesting the consolidation.

Should you have any questions, please do not hesitate to contact our office at [fshelton@azwater.gov](mailto:fshelton@azwater.gov), (602) 771-8232, toll free (within Arizona) at 1-800-352-8488.

Sincerely,

Faith Shelton  
Surface Water Permitting Section  
Water Planning and Permitting Division

ENCLOSURES

CC: Kevin Crestin, Assistant Attorney General  
Eric Wilkins, Assistant Attorney General

**This is to Certify, That** Fred or Carol Telles, RR #1, Post Office Box 1560, by and for the State of Arizona,

of Willcox State of Arizona has made proof to the satisfaction of the DEPARTMENT OF WATER RESOURCES of Arizona of a right to the use of the waters of an Unnamed Wash, a tributary of the San Pedro River,

for Stockwatering and Wildlife under Application No. 33-70717.0000 Permit No. 33-70717.0000 of the

DEPARTMENT OF WATER RESOURCES and that said right to the use of said waters has been perfected in accordance with the laws of Arizona, and made and entered of record in the Records of the Department of Water Resources at Phoenix, Arizona, under Certificate No. 70717.0000 ; that the priority of the right hereby confirmed dates from October 3, 1978 ; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 118,260 gallons per annum for stockwatering, and 13,140 gallons per annum for wildlife. The authorized storage capacity shall not exceed 1.21 acre-feet.

**A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or if for other purposes, the place where such water is put to beneficial use, is as follows:** the place of use and point of diversion are located within the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) Section 3, Township 14 South, Range 22 East, Gila and Salt River Base and Meridian, Cochise County, Arizona.

The reservoir is unnamed.

**COPY**

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, and subject to all prior existing rights.

Witness, the seal and signature of the DEPARTMENT OF WATER RESOURCES

affixed this 13th day of December, 1991.

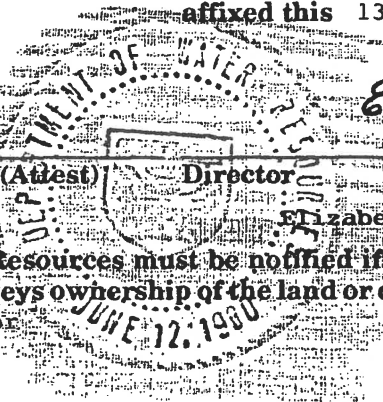
*Herb Dishlip*  
Deputy Director  
Herb Dishlip

(Attest)

*Elizabeth Ann Rieke*  
Director  
Elizabeth Ann Rieke

The Department of Water Resources must be notified if the above named person(s) changes his address or conveys ownership of the land or of the water right to another person(s), A.R.S. § 45-164, Bpr

911225862



# Certificate of Water Right

STATE OF ARIZONA

County of Cochise

Certificate No. 70717.0000

Arizona Department of Water Resources  
Operations Division  
15 South 15th Avenue  
Phoenix, Arizona 85007



FEE # 911225862  
OFFICIAL RECORDS  
COCHISE COUNTY  
DATE            HOUR  
12/26/91      11

DWR-33-6A-11/90

REQUEST            OF  
ARIZONA DEPT WATER RESOURCES  
CHRISTINE RHODES-RECORDER  
FEE :            9.00            PAGES :    2

911225862

Dept. of Water Resources  
99 East Virginia  
Suite 100  
Phoenix, Arizona 85004

CLAIM OF WATER RIGHT FOR A STOCKPOND;  
APPLICATION FOR CERTIFICATION  
(Chapter 69 Laws 1977)

(LEAVE BLANK)	
No. <u>38-88680</u>	
Filed <u>6-27-79</u> at <u>10:48 A</u> M	
(Date)	(Time)

FILING FEE \$10.00  
INSTRUCTIONS:

1. File a separate claim for each stockpond.
2. Submit in duplicate; typewrite or print in ink.
3. Complete each blank with required information.

AMENDMENT TO FILE #38-21798

NOTE: The law provides that a claim which does not contain the required information or which is not accompanied by the required filing fee shall not be accepted by the Department but shall be returned to the sender.

STATE OF ARIZONA

I, STATE LAND DEPARTMENT of 1624 W. ADAMS  
 (Name) (Street, P. O. Box, Rural Route)  
PHOENIX ARIZONA 85007 255-3500  
 (City) (State) (Zip Code) (Phone No.)

do hereby claim a water right for the stockpond herein described and do hereby make application for certification of such right.

1. State the date of completion of construction of the stockpond Nov. 1978  
 (a) Name of stockpond Three Oaks (Mo., Day, Yr.)  
July 1979
2. State the capacity of the stockpond at spillway level on August 29, 1977:  
5.5 4.1 (Acre Feet).
3. What was sole purpose for which pond was constructed? STOCKWATERING AND WILDLIFE
4. What is current primary use? STOCKWATERING
5. What other uses are made of pond? Wildlife

(Give percentage of each "other" use to total use.)

6. Was stockpond subject to litigation or to a protest of record to the Land Department prior to August 29, 1977? Yes X No  
 (a) If the answer is 'yes', attach explanation.
7. Has previous filing, claim or registration of this stockpond been made?  
X Yes No; if 'yes', attach explanation giving date and file number.

FILE #38-21798 SUBMITTED AT 10:48 AM, JUNE 27, 1979 and 39-7462 filed 9/30/80.

8. State the date water was first used beneficially July 1979 Nov. 1978  
 (Month, Day, Year)
9. State the quantities of water used annually 5.5 4.1  
 (Acre Feet)  
 (a) What is average number of head using this water? 170 maximum no.?  
 (b) Over what part of year?
10. State the name of water course or water source Sheet Flow  
 Tributary to Tres Alamos Wash on the San Pedro watershed.  
 (Leave Blank)
11. The point of diversion is within SE 1/4, NW 1/4, Section 3, of  
 Township 14S, Range 22E in the County of Cochise.
12. The location of impounding dam is within SE 1/4, NW 1/4, Section 3, of  
 Township 14S, Range 22E in the County of Cochise.  
 (If site of number 11 differs from number 12 attach explanatory plat or map)
13. The dimensions of the impounding dam and reservoir are:  
 (a) Height of dam to spillway 16 ft. (Measured inside dam)  
 (b) Length of dam 537 ft.  
 (c) Surface area of water at spillway level \_\_\_\_\_ acres. Shape? (Circle One)  
 square; rectangle, circle; half-circle; egg-shaped; triangle.

14. State the name of owner of land on which dam is located:  
STATE OF ARIZONA, AS TRUSTEE

15. State the name of owner (s) of any land inundated when stockpond is filled to capacity:  
\_\_\_\_\_

COPY

I hereby certify under the penalty of perjury, that the information contained and statements herein made are, to the best of my knowledge and belief, true, correct and complete.

Dated this 30TH day of JUNE, A.D., 1982.

William H. Allen  
for (Claimant) ACTING STATE LAND COMMISSIONER

Subscribed and sworn to before me this 30<sup>th</sup> day of June, 1982

My Commission Expires:

MAR 20 1983, 19    .  
(Seal)

Suey R. McKinnis  
(Notary Public)

STATE OF ARIZONA

CERTIFICATE OF WATER RIGHT

to a

STOCKPOND

Number

THIS IS TO CERTIFY, that

of                      State of                      pursuant to the provisions of Title 45, Chapter 1, Article 8, ARS, has registered a claim of water right for a stockpond and has made application for certification of that right and that it appears to the STATE LAND COMMISSIONER that the material facts stated in the claim are true and entitle the claimant to a water right for a stockpond with capacity not to exceed                      acre feet; that date of priority based on date of construction is                     ; that location is in     <sup>1</sup>/<sub>4</sub>,     <sup>1</sup>/<sub>4</sub>, Section     , Township     , Range     , Gila and Salt River Base and Meridian, County, Arizona; that source of water is     .

The water right for the stockpond herein certified is subject to all prior existing rights as provided by Section 45-402, B, Arizona Revised Statutes.

WITNESS, the seal and signature of the STATE LAND COMMISSIONER affixed this

\_\_\_\_\_  
State Land Commissioner

COPY