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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

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

17 W-1 (Salt)
18 W-2 (Verde)
19 W-3 (Upper Gila)
20 W-4 (San Pedro)
21 (Consolidated)

22 Contested Case No. W1-11-3312

23 **ARIZONA DEPARTMENT OF WATER
24 RESOURCES' REPORT**

25 (Special Master Susan Ward-Harris)

26 **CONTESTED CASE NAME:** *In re Brighthawk LLC*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources ("ADWR") provides its report on severances and transfers of water rights pertaining to the claims in this case as requested by the Court during the status conference on November 7, 2018.

NUMBER OF PAGES: Four

DATE OF FILING: December 4, 2018

1 for 220 AFA of surface water beneficially used to irrigate 22 acres and provide
2 stockwatering for 50 head of cattle and domestic use for one family. The place of use
3 listed in the claim is described as being within the Northeast quarter (NE¹/₄) of Section 34,
4 Township 6 South, Range 17 East, with the point of diversion located within the Southeast
5 quarter of the Southeast quarter (SE¹/₄SE¹/₄), Section 27, Township 6 South, Range 17
6 East. Documents submitted with the claim include homestead documentation, a letter
7 testifying to use of water from Aravaipa Creek, and a map depicting the place of use.

8
9 On March 20, 2001, ADWR received a Request for Assignment to transfer
10 ownership of the claim to Brighthawk LLC. The assignment was submitted with a Deed
11 of Trust and Assignment of Rents from Bill J. Burnstein and Debra S. Burnstein to
12 Brighthawk LLC that describes by legal location the lands purchased. By letter dated
13 May 24, 2001, ADWR assigned the Claim to Brighthawk LLC.

14 On November 9, 2017, ADWR received an amendment to the claim. The
15 amendment requested 1) the priority date be amended to reflect December 15, 1905, 2) the
16 beneficial use of water be amended to reflect 46.2 AFA for irrigation of 6.6 acres, 3 AFA
17 for domestic use, and 75,000 GPA for stockwatering, 3) the place of use be amended to
18 reflect the Northeast quarter of the Northeast quarter (NE¹/₄NE¹/₄) and the Northwest
19 quarter of the Northeast quarter (NW¹/₄NE¹/₄), Section 34, Township 6 South, Range 17
20 East, and 4) the point of diversion be amended to reflect two wells, registered with
21 ADWR as Well Registration Nos. 55-223307 and 55-908389, and an in-stream pump
22 located within the Northeast quarter of the Northeast quarter of the Northeast quarter
23 (NE¹/₄NE¹/₄NE¹/₄), Section 34, Township 6 South, Range 17 East. By letter dated
24 November 28, 2017, ADWR processed the amendment.

1 ADWR's records do not show any sever and transfer of water rights associated
2 with this claim.

3 **DATED** this 4th day of December, 2018.

4 ARIZONA DEPARTMENT OF WATER
5 RESOURCES

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7 _____
8 Kimberly R. Parks, Deputy Counsel
9 Janet L. Miller, Deputy Counsel

9 **ORIGINAL** of the foregoing sent by
10 first-class mail on December 4, 2018, to:

11 Clerk of the Maricopa Superior Court
12 Attn: Water Case
13 601 W. Jackson Street
14 Phoenix, Arizona 85003

14 **COPIES** of the foregoing sent by
15 first-class mail on December 4, 2018, to:

16 Special Master Susan Ward-Harris
17 Maricopa County Superior Court
18 Central Court Building
19 201 West Jefferson Street, Suite 3A
20 Phoenix, AZ 85003-2205

19 **COPIES** of the foregoing sent by
20 first-class mail on December 4, 2018 to all
21 parties on the court-approved mailing list
22 for Contested Case No. W1-11-3312.

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