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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

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-11-2805

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re State Land Department – Paul L. Sale Investment Co.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-2805 initiated and status conference set for **November 1, 2019 at 1:30 p.m.**

NUMBER OF PAGES: 12

DATE OF FILING: June 24, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 114-01-CCD-010 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR stated that there is no evidence of irrigation in the previous five years, but there has been irrigated acreage in the past on the land described in the WFR located in section 36 Township 5S Range 15E. The identified source of water for the claimed use is a well located in the SWNESE section 36 T5S R15E. A copy of

1 the watershed file report is attached as Attachment A. A copy of the map prepared by Salt
2 River Project of the land included in the WFR is attached as Attachment B. A copy of the map
3 prepared by Arizona Department of Water Resources for the WFR is attached as Attachment C.
4

5 **Claimants and Landowners**

6 The WFR identified two Statements of Claimant (SOC) relevant to the potential water
7 right: 39-2224 and 39-6728. The public records of the Arizona Department of Water
8 Resources (ADWR) show that Paul L. Sale Investment Co. filed SOC 39-2224 on December
9 17, 1979 claiming an irrigation use with sources of water from the San Pedro River with a
10 point of diversion in SWNESE section 36 T5S R16E and an irrigation well located in the
11 SWNESE section 36 T6S R16E. On January 5, 1981 Paul L. Sale Investment Co. amended
12 SOC 39-2224 to increase the amount of the irrigation claim and increase the acreage of
13 irrigated land.
14

15 On September 30, 1980, Arizona State Land Department (ASLD) filed SOC 39-6728
16 claiming irrigation, stock watering, wildlife, and other uses. It claimed the San Pedro River as
17 the source of water with points of diversion in the SESW and NENE of section 36 T5S R15E
18 along with water from a well located in the SWNESE section 36 T5S R15E. In its second
19 amendment, ASLD reduced its claimed irrigation quantity from 704.4 acre-feet annually to
20 178.8 acre-feet annually.
21

22 The WFR identified the Arizona State Land Department as the landowner of the land
23 included in the WFR. The public records of ADWR do not show an assignment of SOCs 39-
24 2224 and 39-6728. The public records of the Arizona State Land Department identify Salt
25 River Project as the current lessee of the property.
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1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re State Land*
3 *Department – Paul L. Sale Investment Co.* and it will address Statements of Claimant and
4 objections that were filed regarding the watershed file report 114-01-CCD-010 published in the
5 Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections
6 can be found under the case name and number on the following website:
7 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
8 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

9 2. Litigants. The litigants in this contested case are the Claimants, all persons who
10 filed objections to the listed watershed file reports who are included in the list on Attachment
11 D, and claimants who are allowed to intervene by order.

12 3. Court-Approved Mailing List.

13 A. The initial Court-approved mailing list for this case shall include all
14 persons listed on Attachment D to this order. The list may be modified only by
15 filing a motion with the Special Master to amend the Court-approved mailing
16 list. Litigants are responsible for using the current Court-approved mailing list.
17

18 B. A copy of any pleading filed with the Clerk of the Maricopa County
19 Superior Court in this case shall be served upon each person listed on the Court-
20 approved mailing list.
21

22 C. Claimants wishing to be added or removed from the mailing list shall file
23 a motion with the Special Master. Parties allowed to intervene will be
24 automatically added to the mailing list.
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1 4. Courtesy Email List.

2 The Special Master's office will email courtesy copies of orders and minute
3 entries entered in this case to persons listed on Attachment D. Requests for
4 inclusions on the email list should be sent to Barbara Brown at
5 brownb099@superiorcourt.maricopa.gov.

6
7 5. Status Report and Conference. Salt River Project shall file a status report with
8 respect to its claims for water rights, the status of assignments of the Statement of Claimant,
9 and the ownership of the water right by **October 18, 2019**. A status conference shall be held
10 on **November 1, 2019** at 1:30 p.m. before:

11 Special Master Susan Ward Harris
12 Superior Court of Arizona
13 201 West Jefferson Street
14 Courtroom 301
15 Phoenix, AZ 85003-2202

16 Instructions for telephonic appearance:
17 Dial: 602-506-9695 (local)
18 1-855-506-9695 (toll free long distance)
19 Dial Participant Pass Code 357264#

20 
21 SUSAN WARD HARRIS
22 Special Master

23 On June 24, 2019, the original of the foregoing was
24 delivered to the Clerk of the Maricopa County Superior
25 Court for filing and distributing a copy to all persons
26 listed on the Court-approved mailing list for this
27 contested case, a copy of which is attached hereto as
28 Attachment D, and to all persons listed on the Court-
approved mailing list for W-1, W-2, W-3, and W-4
(Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	114-01-CCD-010	PAUL L. SALE INVEST. CO.	01-36477

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES **W1-11-2805**

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
33-0080711	PROTEST	IRRIGATION	463.00	NESE36	050S	150E	1979	SWNE36	050S	150E
39-0002224	AMENDED	IRRIGATION	323.00	SWNESE36	050S	150E	1977	SWNESE36	050S	150E
39-0006728	AMENDED	IRRIGATION	178.80	NWNE36	050S	150E	1853	SWNESE36	050S	150E
				SESW36	050S	150E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
33-0080711				
39-0002224	IRRIGATION	DISCONTINUED	W01	IRO90
39-0006728	IRRIGATION	DISCONTINUED	W01	IRO90

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SWNESE36 050S 150E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IRO90	NESE36 050S 150E NWSE36 050S 150E SESE36 050S 150E	W01	GROUNDWATER : ZONE 1	1980	NO	

SHARED USES AND DIVERSIONS

** WATER FROM W01 IS SHARED WITH THESE ADDITIONAL FILES:
114-01CCD-11, 114-04-BAB-7

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IRO90	39-0002224	NONE	1980 1980	AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE	33-0080711			

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IRO90	REGIONAL	27.7	NO CROP				DISCONTINUED IRRG.

FILINGS AND DECREES

FILING 33-80711 - FILING IS UNDER PROTEST.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION, STOCKWATERING, AND WILDLIFE USES.

USES AND RESERVOIRS

IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

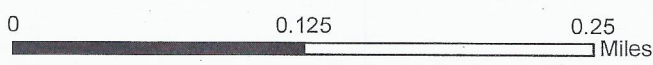
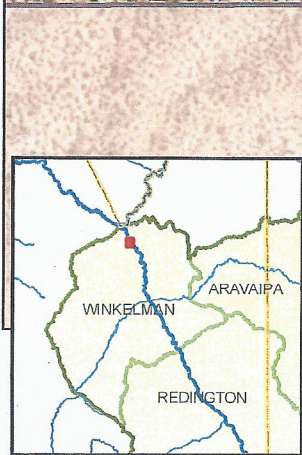
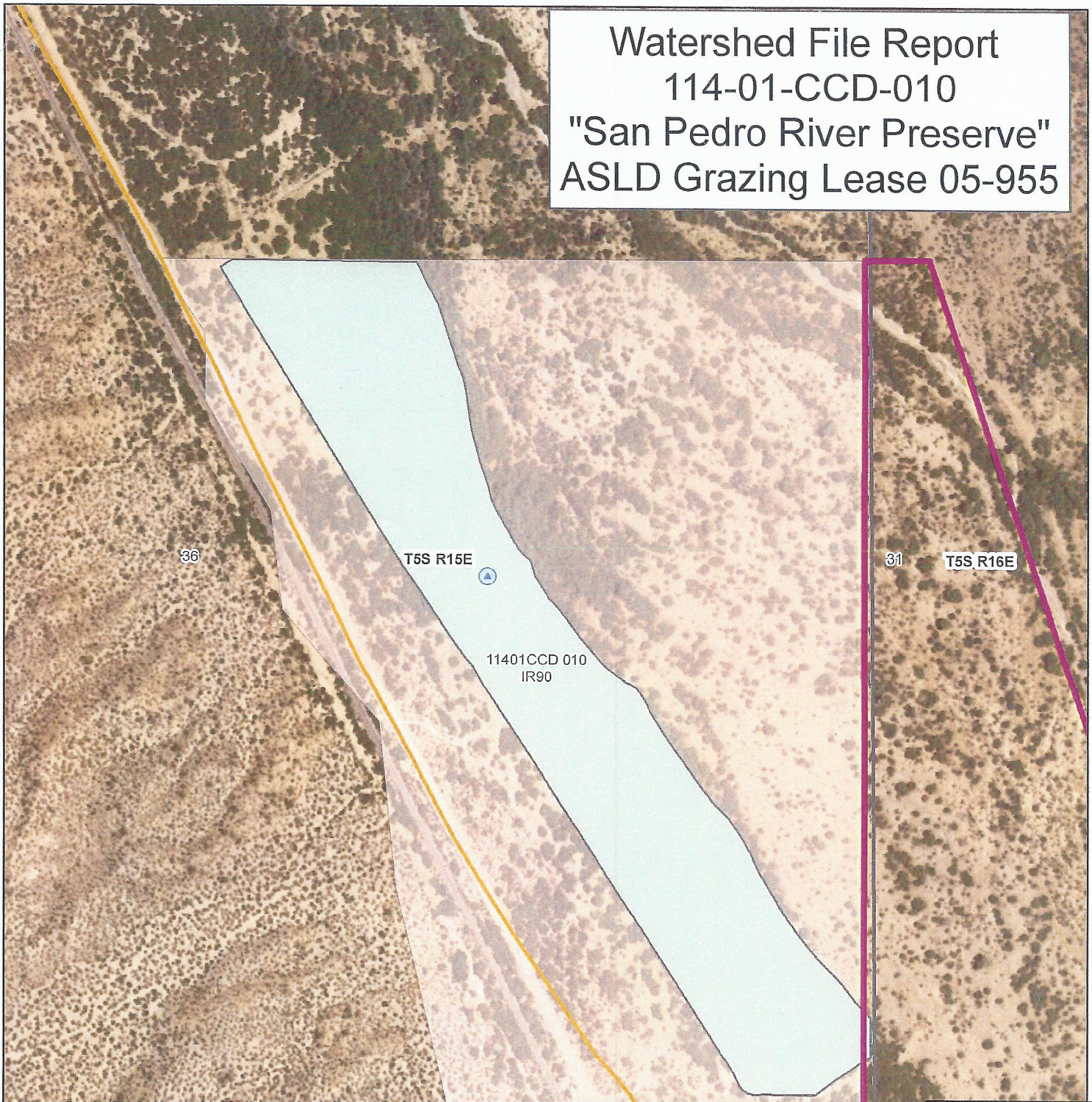
SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R.'S #114-01-CCD-11 & #114-04-BAB-7.

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ATTACHMENT B

Watershed File Report 114-01-CCD-010 "San Pedro River Preserve" ASLD Grazing Lease 05-955

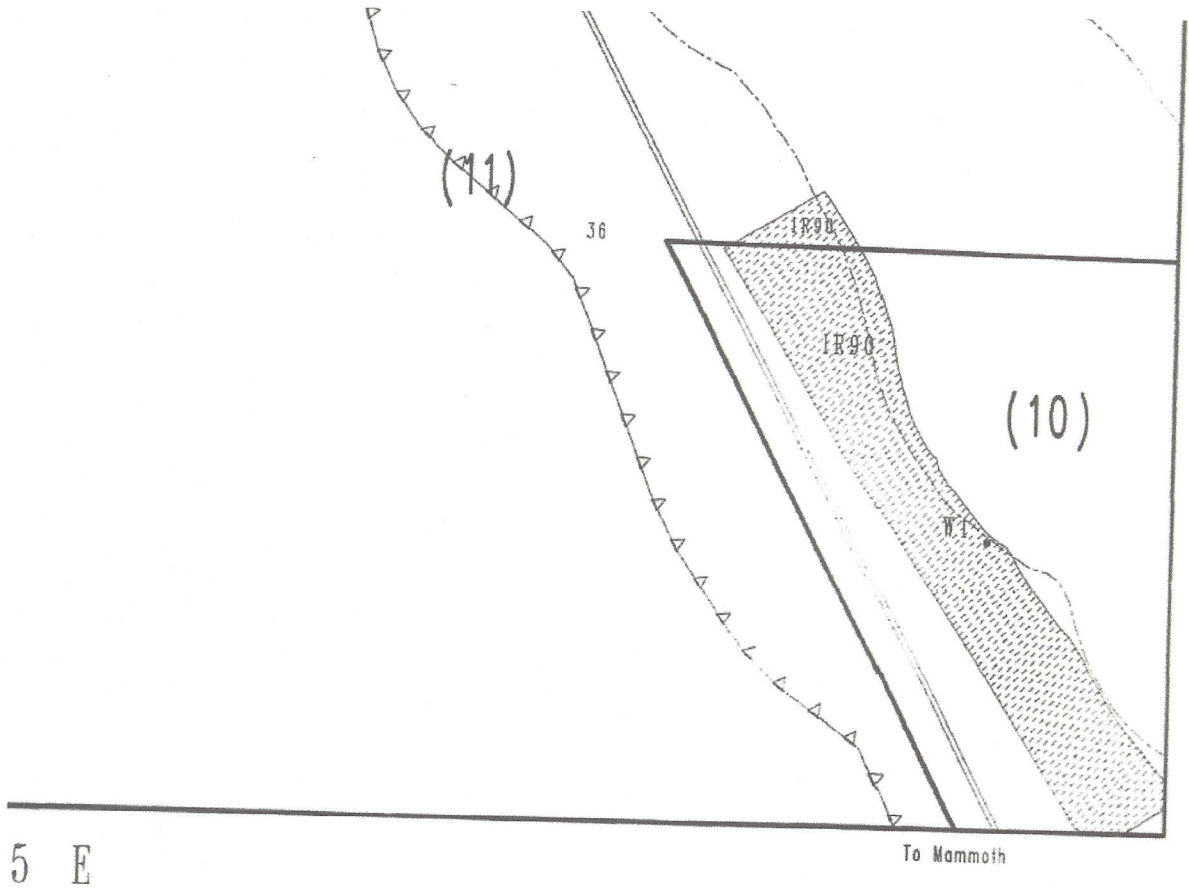


Legend

- Revised Subflow Zone, ADWR 2015
- Well Type**
- COMMERCIAL
- DOMESTIC
- IRRIGATION
- ★ Town
- Highway
- SRP Conservation Property
- ADWR 1991 HSR
- State Trust Land Grazing Lease

ATTACHMENT C

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ATTACHMENT D

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Arizona Department of Water Resources
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Janet L. Miller
P. O. Box 36020
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Snell & Wilmer, L.L.P.
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Clerk of the Superior Court
Maricopa County
Attn: Water Case
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Phoenix, AZ 85003

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Paul L. Sale Investment Company
Paul L. Sale
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Mesa, AZ 85213

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

Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

U. S. Department of Justice
Patrick Barry and Yosef Negose
U.S. Department of Justice
Environment and Natural Resources
P. O. Box 7611
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