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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. W1-11-3104

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *Salt River Project – River Preserve II*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3104 initiated and status conference set for **November 1, 2019 at 1:30 p.m.**
NUMBER OF PAGES: 12
DATE OF FILING: June 25, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 114-04-BAB-002 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for irrigation for the land described in the WFR located in section 07 Township 6S Range 16E, which is Arizona State Trust land. The WFR identified the source of water for the claimed use as water from a well located in SWNWSE section 06 T6S R16E and a well in NWNWSW

1 section 08 T6S R16E. A copy of the watershed file report is attached as Attachment A. A copy
2 of the map prepared for the WFR is attached as Attachment B and a copy of the current State
3 Land Department map is attached as Attachment C.

4
5 **Claimants and Landowners**

6 The WFR identified two potential irrigation rights, IR006 and IR007, that protrude
7 onto the land included in WFR 114-04-BAB-002 from adjoining parcels. The land labelled as
8 IR006 protrudes onto the northern part of the property from WFR 114-04-BAB-007, which is
9 the subject of contested case no. W1-11-3107, and IR007 protrudes onto the western part of
10 the property from WFR 114-04-BAB-001, which is the subject of contested case no. W1-11-
11 3103.

12
13 The WFR identified three Statements of Claimant (SOC), 39-2221, 39-2225, and 39-
14 6730. Paul L. Sale Investment Co. filed SOC's 39-2221 and 39-2225 on December 17, 1979.
15 On April 30, 1997, Paul L. Sale Investment Co. assigned SOC's 39-2221 and 39-2225 to The
16 Nature Conservancy. On May 31, 2017, The Nature Conservancy assigned SOC's 39-2221
17 and 39-2225 to Salt River Project Agricultural Improvement and Power District.

18
19 Statement of Claimant 39-6730 filed by the Arizona State Land Department claimed a
20 right to water for irrigation use in the southeast quarter of section 07 T6S R16E. The Arizona
21 State Land Department has stated that it does not intend to pursue claims associated with SOC
22 39-6730 and that SOC was dismissed during the status conference for *In re Paul L. Sale*
23 *Investment Co.* contested case no. W1-11-3107 on June 18, 2019.

24
25 **IT IS ORDERED;**

26 1. Contested Case. This contested case shall be known as *In re Salt River Project*
27 *- River Preserve II* and it will address claims for water rights included in watershed file report
28

1 114-04-BAB-002 and objections that were filed to that WFR published in the Final San Pedro
2 River Watershed Hydrographic Survey Report (1991). Copies of objections can be found
3 under the case name and number on the following website:
4 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.
5 asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

6 2. Litigants. The litigants in this contested case are the Claimant, the current
7 landowner, all persons who filed objections to the listed watershed file report who are included
8 on Attachment D, and claimants who are allowed to intervene by order.

9
10 3. Court-Approved Mailing List.

11
12 A. The initial Court-approved mailing list for this case shall include all
13 persons listed on Attachment D to this order. The list may be modified only by
14 filing a motion with the Special Master to amend the Court-approved mailing
15 list. Litigants are responsible for using the current Court-approved mailing list.

16
17 B. A copy of any pleading filed with the Clerk of the Maricopa County
18 Superior Court in this case shall be served upon each person listed on the Court-
19 approved mailing list.

20
21 C. Claimants wishing to be added or removed from the mailing list shall file
22 a motion with the Special Master. Parties allowed to intervene will be
23 automatically added to the mailing list.

24 4. Courtesy Email List.

25 The Special Master's office will email courtesy copies of orders and minute
26 entries entered in this case to persons listed on Attachment D. Requests for
27 inclusions on the email list should be sent to Barbara Brown at

28 brownb099@superiorcourt.maricopa.gov.

1 5. Status Report and Conference. Salt River Project shall file a status report by
2 **October 18, 2019**, which shall identify the applicable adjudication filings and pre-filings for
3 claims for water use. It shall also set forth the positions of Salt River Project and the Arizona
4 State Land Department regarding the ownership of the claimed water rights. An initial status
5 conference shall be held on **November 1, 2019** at 1:30 p.m. in the Superior Court of Arizona,
6 201 West Jefferson Street, Courtroom 301, Phoenix, AZ 85003-2202
7

8
9 Instructions for telephonic appearance:
10 Dial: 602-506-9695 (local)
11 1-855-506-9695 (toll free long distance)
12 Dial Participant Pass Code 357264#

13
14 
15 SUSAN WARD HARRIS
16 Special Master
17

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

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LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	114-04-BAB-002	PAUL L. SALE INVEST. CO.	05-955

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0002221		IRRIGATION	425.00	SWNWSE06	060S	160E				
39-0002225	AMENDED	IRRIGATION	250.00	NWNWSW08	060S	160E	1968	SWNWSE06	060S	160E
		DOMESTIC	2.00				1949	NWNWSW08	060S	160E
39-0006730		STOCK	112.00							
		IRRIGATION	566.37	07	060S	160E	1980	NWNWSW08	060S	160E
		OTHER	14.00							

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002221	IRRIGATION	IRRIGATION	WO3	IRO06
39-0002225	IRRIGATION DOMESTIC	IRRIGATION NONE	WO4	IRO06, IRO07
39-0006730	STOCK IRRIGATION OTHER	INCIDENTAL IRRIGATION NONAPPROPRIABLE	WO4	IRO07

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO3	SWNWSE06 060S 160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO4	NWNWSW08 060S 160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IRO06	NENW07 060S 160E NWNE07 060S 160E	WO3, WO4	GROUNDWATER : ZONE 1	1983	NO	
IRO07	NWSE07 060S 160E SWSE07 060S 160E	WO4	GROUNDWATER : ZONE 1	1983	NO	

SHARED USES AND DIVERSIONS

** WATER FROM WO3 FOUND IN FILE (114-04-BAB-7) IS USED IN THIS FILE
 ** WATER FROM WO4 FOUND IN FILE (114-04-BAB-7) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IRO06	39-0002221 39-0002225 39-0006730	NONE	1983	1983 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO07	39-0002225 39-0006730	NONE	1983	1983 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO6	MAX. OBSERVED	1.7	PERM. PSTR	63%	3.2 AF/AC	5.4 AFA	DEFICIT IRRIGATION
	REGIONAL	1.7	AVE. CROP	50%	5.4 AF/AC	9.2 AFA	
IROO7	MAX. POTENTIAL	1.7	ALFALFA	63%	5.3 AF/AC	9.0 AFA	DEFICIT IRRIGATION
	MAX. OBSERVED	5.7	PERM. PSTR	63%	3.2 AF/AC	18.2 AFA	
	REGIONAL	5.7	AVE. CROP	50%	5.4 AF/AC	30.8 AFA	
	MAX. POTENTIAL	5.7	ALFALFA	63%	5.3 AF/AC	30.2 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2225 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

FILING 39-6730 - CLAIMS RAINFALL RETENTION AS AN "OTHER" WATER USE. RAINFALL RETENTION IS CONSIDERED TO BE A NONAPPROPRIABLE USE.

DIVERSIONS

W3 & W4 - WELLS PROVIDE WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

IR6 & IR7 - IRRIGATED PASTURE.

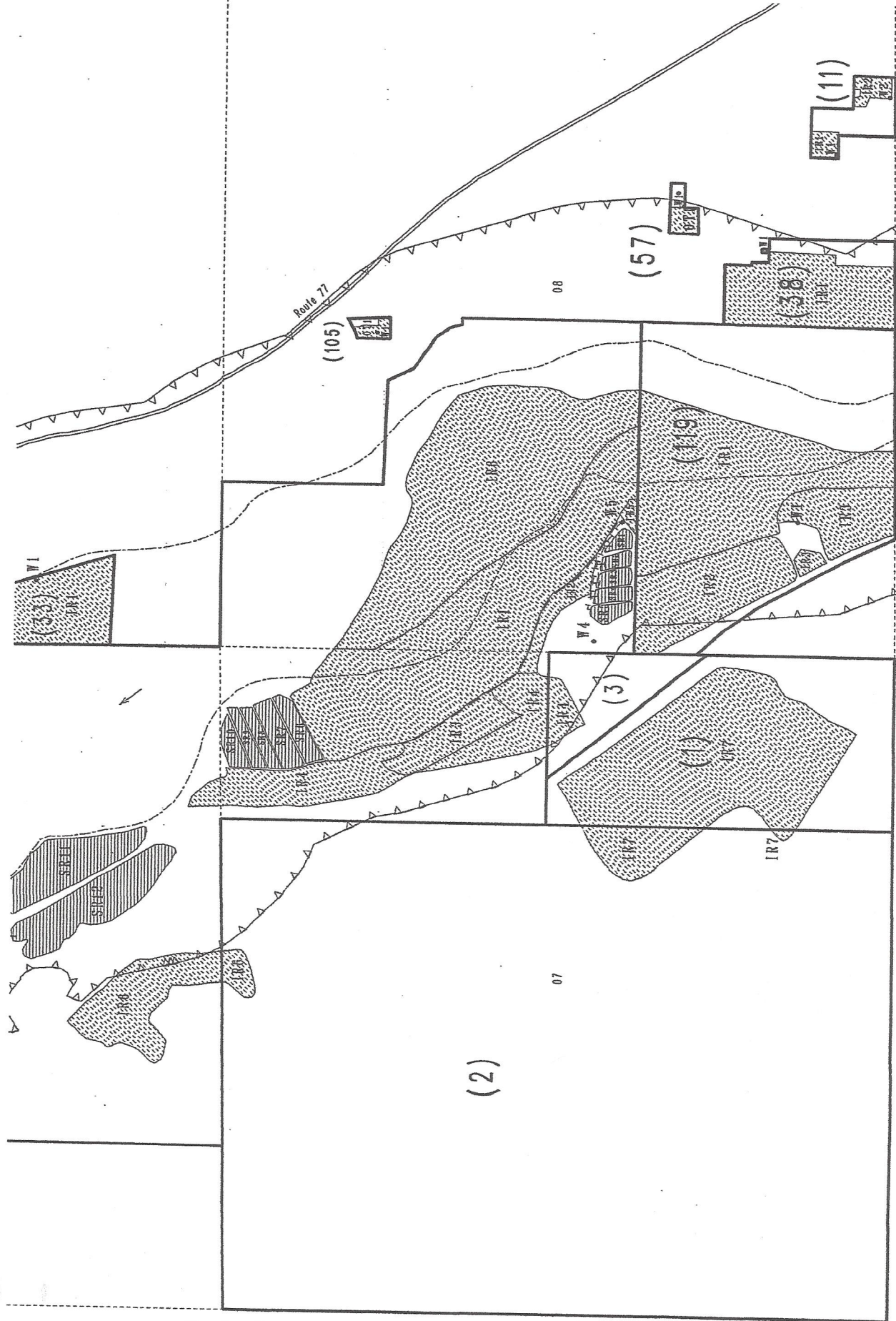
SHARED USES AND DIVERSIONS

W3 & W4 - WELLS ARE SHARED WITH W.F.R. #114-04-BAB-7.

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ATTACHMENT B

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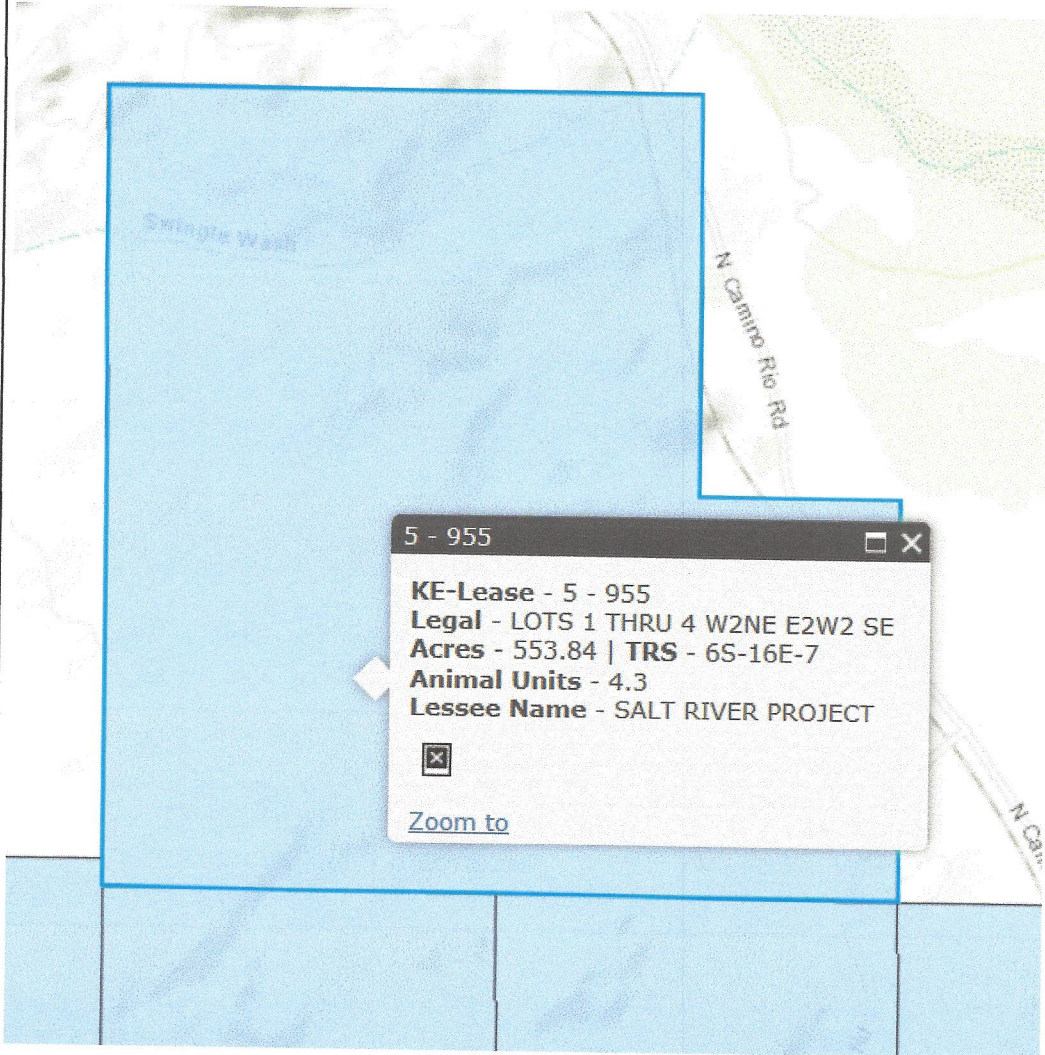
[14-04-BAC]

R 16 E

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ATTACHMENT C

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ATTACHMENT D

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4 Arizona Department of Water Resources
5 Kimberly Parks
6 Janet L. Miller
7 P. O. Box 36020
8 Phoenix, AZ 85067

7

8 ASARCO Incorporated
9 Lauren J. Caster
10 Fennemore Craig, P.C.
11 2394 East Camelback Road
12 Suite 600
13 Phoenix, AZ 85016-3429

11

12 BHP Copper, Inc.
13 John D. Burnside and Megan Tracy
14 Snell & Wilmer, L.L.P.
15 400 East Van Buren Street
16 Suite 1900
17 Phoenix, AZ 85004

15

16 Clerk of the Superior Court
17 Maricopa County
18 Attn: Water Case
19 601 West Jackson Street
20 Phoenix, AZ 85003

19

20 David F. Jacobs and Carrie J. Brennan
21 Arizona Attorney General
22 Natural Resources Section
23 2005 North Central
24 Phoenix, AZ 85004

22

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

26

27 Joe P. Sparks and Laurel A. Herrmann
28 The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

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S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, AZ 85032

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
Washington, D.C. 20044-7611