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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

Contested Case No. W1-11-2102

ORDER TO INITIATE CASE AND
CONSOLIDATE

CONTESTED CASE NAME: *In re Charles B. and Martha White*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-2102 and consolidate it with *In re St. David Irrigation District*, contested case no. **W1-11-1675**
NUMBER OF PAGES: 9
DATE OF FILING: October 11, 2019

This case involves claims for water rights for irrigation and domestic uses in section 8 T18S R21E. Charles B. White, Jr. filed Statement of Claimant 39-1970 for the claimed water uses. The public records of Arizona Department of Water Resources do not include an assignment of the Statement of Claimant.

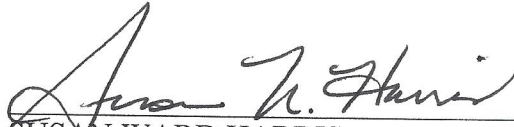
1 The Arizona Department of Water Resources investigated the claims and submitted its
2 results in a Watershed File Report 112-17-DBA-179 (“WFR”), which was published in the
3 Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR listed one
4 well as the source of water. A copy of the WFR is attached as Attachment A. The purpose of
5 this case is to resolve the five objections made to the WFR and adjudicate claimed water rights.
6 The Objectors are included in Attachment B.

7
8 In a Report filed by St. David Irrigation District (“District”) dated September 13, 2019,
9 the District stated that it has determined that the landowners in this case have agreed to have
10 the District represent their interests. According to the Cochise County Assessor, the property
11 included in area mapped for the WFR appears to be tax parcel no. 121-17-004 with the trustees
12 of the Charles B. and Martha White Family Trust named as the owners. Accordingly,

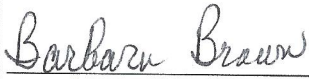
13 **IT IS ORDERED:**

- 14
- 15 1. Contested Case, Consolidation, Designation and Docket Number. This Order
16 initiates contested case no. W1-11-2102. This contested case is consolidated
17 with *In re St. David Irrigation District*, Contested Case No. W1-11-1675.
 - 18 2. Litigants. The litigants in this contested case are the Claimant, all persons who filed
19 objections to the watershed file report who are listed on Attachment B, and
20 claimants who are allowed to intervene by order.
 - 21 3. Court-Approved Mailing List. The initial Court-approved mailing list for this case
22 shall include all persons listed on Attachment B to this Order. The mailing list shall
23 be merged with the mailing list for *In re St. David Irrigation District*.
 - 24 4. The St. David Irrigation District shall file a consent in this contested case with
25 copies mailed to those individuals listed on Attachment B by **October 25, 2019**
 - 26
 - 27
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1 signed by the landowners listed above who consent to be represented by St. David
2 Irrigation District in *In re St. David Irrigation District*.

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6 SUSAN WARD HARRIS
7 Special Master

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10 On October 11, 2019, the original of the foregoing was
11 delivered to the Clerk of the Maricopa County Superior
12 Court for filing and distributing a copy to all persons
13 listed on the Court-approved mailing list for this
14 contested case.

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
-----	-----
WHITE, JR., CHARLES B. & MARTHA	112-17-DBA-179

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-2102

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWNP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWNP RNGE
39-0001970	QUE.RECD	IRRIGATION DOMESTIC	34.19 .56	08 180S 210E	1909	SENE08 180S 210E SESE32 180S 210E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0001970	IRRIGATION DOMESTIC	NONE DOMESTIC	W05	DM001

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W05	NESENE08 180S 210E	UNNAMED	GROUNDWATER : ZONE 2 SHARED

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE CHANGE	FACILITY NAME
DM001	SENE08 180S 210E	W05	GROUNDWATER : ZONE 2		NO

RESERVOIRS

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SROO1	NESENE08 180S 210E	W05	GRNDWTR : ZONE 2	1955	UNNAMED	IRRIGATION

SHARED USES AND DIVERSIONS

** WATER FROM W05 IS SHARED WITH THESE ADDITIONAL FILES:
112-17DBA180

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0001970	NONE		GROUNDWATER : ZONE 2
SROO1	39-0001970	NONE	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 2

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							
SROO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	SEE VOLUME 1 - GENERAL ASSESSMENT

FILINGS AND DECREES

FILING 39-1970 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH INDICATED IRRIGATION AND DOMESTIC WATER USES. NO IRRIGATION USE WAS FOUND DURING THE FIELD INVESTIGATION.

DIVERSIONS

W5 - WELL PROVIDES WATER FOR DOMESTIC USES IN THIS W.F.R. AND IRRIGATION USES IN W.F.R.
#112-17-DBA-180.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

SR1 - SMALL RESERVOIR, SUPPLIED BY WELL W5, IS USED FOR IRRIGATION PURPOSES ON PROPERTY LOCATED IN W.F.R. #112-17-DBA-180.

SHARED USES AND DIVERSIONS

W5 - WELL IS SHARED WITH W.F.R. #112-17-DBA-180.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
WHITE, JR., CHARLES B.	-----
& MARTHA	112-17-DBA-179

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W05	UNNAMED	NESENE08	180S	210E	DM001,SRO01	WI-11-2102 SHARED

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DM001	SENE08	180S	210E				
SRO01	NESENE08	180S	210E	1955	1955 AERIAL PHOTO		
						LTE 15.0 AF	

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0001970	W05	DM001

EXPLANATION

W5 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

DM1 - DOMESTIC USE.

SR1 - SMALL RESERVOIR IS USED FOR IRRIGATION PURPOSES.

** WATER FROM W05 IS SHARED WITH THESE ADDITIONAL FILES:

112-17DBA180

ATTACHMENT B

1
2
3 Arizona Department of Water Resources
4 Kimberly Parks
5 P. O. Box 36020
6 Phoenix, AZ 85067

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

12 Charles B. and Martha White Family Trust
13 1080 S. Lee St.
14 St. David, AZ 85630

15 D. A. Brown, D. E. Brown, J. A. Brown
16 Brown & Brown Law Offices, P.C.
17 P. O. Box 1890
18 St. Johns, AZ 85936

19 Gila River Indian Community
20 Linus Everling and Thomas L. Murphy
21 Office of the General Counsel
22 P. O. Box 97
23 Sacaton, AZ 85147

24 Magma Copper Company (BHP)
25 John D. Burnside
26 Snell & Wilmer, L.L.P.
27 400 East Van Buren Street
28 Suite 1900
Phoenix, AZ 85004

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

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7503 First Street
Scottsdale, AZ 85251-4573

Lucas T. Christian and Julian Nava
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

U. S. Department of Justice
R. Lee Leininger
Natural Resources Section
999 18th Street, So Terrace, Ste. 370
Denver, CO 80202

Yavapai-Apache Nation
Camp Verde Reservation
Susan B. Montgomery and Robyn L. Interpreter
Montgomery & Interpreter, PLC
3301 E. Thunderbird Road
Phoenix, AZ 85032