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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 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
(Consolidated)

Contested Case No. **W1-11-3107**

**ORDER FOR AMENDED  
WATERSHED FILE REPORT  
AND  
ORDER SETTING  
TELEPHONIC STATUS  
CONFERENCE**

**CONTESTED CASE NAME:** *In re Paul L. Sale Investment Co.*

**HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report.

**DESCRIPTIVE SUMMARY:** A telephonic status conference shall be held on **March 22, 2021 at 3:00 p.m.** Arizona Department of Water Resources shall file an amended Watershed File Report 114-01-CCD-012 by **September 10, 2021.**

**NUMBER OF PAGES:** 4

**DATE OF FILING:** March 12, 2021

1 This contested case involves claims for water rights for irrigation use that are the subject of  
2 Watershed File Reports 114-01-CCD-012 and 114-04-BAB-007. These watershed file reports  
3 affect land that the Salt River Project ("SRP") references as the North Tract and the South Tract.  
4 Both tracts involve claims for water for irrigation uses among other types of uses.

5 On the North Tract, Arizona Department of Water Resources ("ADWR") found a  
6 domestic use and determined that 68.6 acres of land in section 23 T5S R15E was irrigated using  
7 between 75.5 and 391.0 acre feet of water per year, depending upon the methodology employed.  
8 Watershed File Report 114-01-CCD-012 listed no statements of claimants or any earlier filings and  
9 set the apparent first use date at 1990 based on an aerial photograph. Subsequent to the publication  
10 of the San Pedro Hydrographic Survey Report ("San Pedro HSR"), the Nature Conservancy filed  
11 Statement of Claimant 39-17557 ("SOC"). The Nature Conservancy claimed 427 acre feet of  
12 water, an amount approximately a ten percent greater than the largest amount reported by ADWR,  
13 for 27.2 acres of land in sections 23 and 26 T5S R15E. It also referenced Notices of Water Rights  
14 filed with the Pinal County Recorder to claim 1878 and 1882 priority dates. The current question,  
15 which is presented by the SOC, is whether ADWR should be requested to produce an amended  
16 watershed file report to examine the claims made. No party disagrees that ADWR should prepare  
17 an amended Watershed File Report 114-01-CCD-012 for the North Tract.

18 The South Tract, in contrast with the North Tract, was the subject of numerous Statements  
19 of Claimant that ADWR listed in Watershed File Report 114-04-BAB-007. It was also the subject  
20 of a more extensive narrative report in the San Pedro HSR that described the historic irrigation of  
21 the land beginning in 1878 based on a Notice recorded in 1879. The Nature Conservancy filed an  
22 amended Statement of Claimant 39-2219 in this case after the issuance of the San Pedro HSR.  
23 According to SRP, the amended Statement of Claimant 39-2219 was intended to consolidate all of  
24 the claims for water rights contained in the earlier Statements of Claimant into a single Statement  
25 of Claimant. The amended Statement of Claimant asserted a right to 2,494 acre feet of water per  
26 year to irrigate 158.6 acres of land in sections 7 and 8 T6S R16E. While the amended Statement of  
27 Claimant lists a quantity greater than the amount determined by ADWR or the amounts in the  
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1 individually filed Statements of Claimant, that quantity does not exceed the amounts claimed in  
2 other filings reported by ADWR in Watershed File Report 114-04-BAB-007.

3 In its Disclosure Statement, SRP states that this contested case presents, *inter alia*, the same  
4 three issues designated in *In re St. David Irrigation District*, Contested Case No. W1-11-1675.  
5 Specifically, SPR represented that the issue of the proper methodology to quantify the water use  
6 present in this case is also present in *In re St. David Irrigation District*. It also referenced the  
7 question of whether water rights perfected prior to 1919 are subject to forfeiture, which is one of  
8 the issues designated in the first phase of *In re St. David Irrigation*. Finally, in this case, as in *In re*  
9 *St. David Irrigation District*, the point of diversion presents an issue because evidently wells  
10 provide the current source of water for the South Tract. Since the filing of the Disclosure  
11 Statements, the first two issues have been resolved, (the former by settlement and the latter by  
12 decision) and the third issue is the subject of settlement discussions. Thus, it is appropriate at this  
13 juncture to set a Status Conference to determine if the resolution of issues in *In re St. David*  
14 *Irrigation District*, have enable the parties to move forward with settlement discussions in this  
15 case, or if not, to determine appropriate procedures to move forward.

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17 Based on the foregoing,

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19 **IT IS ORDERED** that Arizona Department of Water Resources shall complete an  
20 amended Watershed File Report 114-01-CCD-012 by **September 10, 2021**, which shall be  
21 distributed to all parties on the court approved mailing lists for this contested case and for the  
22 General Adjudication of the Gila River System and Source.

