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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. W1-11-3202

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re ASARCO, Inc. - SRP*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3202 initiated and joint report due **February 4, 2020.**

NUMBER OF PAGES: 11

DATE OF FILING: December 24, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 114-04-BDD-030 (“WFR”) prepared by the Arizona Department of Water Resources and published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

1 The WFR identified potential water rights for domestic and irrigation associated with an  
2 irrigation use on land located in section 4 Township 7S Range 16E. The identified source of  
3 water for the claimed uses is a well located in section 4 Township 7S Range 16E. The Arizona  
4 Department of Water Resources has determined that the well is located in the subflow zone.

5 A copy of the WFR is attached as Attachment A. A copy of the map prepared for the  
6 WFR is attached as Attachment B on which the land in question is labelled as "(30)". A copy  
7 of the map prepared by the Pinal County Assessor showing tax parcel 300-31-004 is attached as  
8 Attachment C.

9  
10 **Claimants & Landowners**

11  
12 The WFR identified one Statement of Claimant (SOC) relevant to the potential water  
13 right: 39-4846. Edwin Ash filed the SOC claiming water for irrigation and stock watering uses.  
14 The public records of the Arizona Department of Water Resources include an assignment of SOC  
15 39-4846 to Salt River Project Agricultural Improvement and Power District ("SRP" or "Salt  
16 River Project"). Statement of Claimant 39-4846 was also included in Watershed File Report  
17 114-04-BDD-029 that was the subject of Contested Case No. W1-11-3201, which was  
18 consolidated with Contested Case No. W1-11-3194.

19 The WFR lists ASARCO as the owner of the property described in the WFR, but  
20 ASARCO in its objection filed May 11, 1992 states that "ASARCO is not the land owner in this  
21 WFR." Objection at 3. The records of the Pinal County Assessor list Arizona Game and Fish  
22 Commission as the current owner of the property described in the WFR.

23  
24 **IT IS ORDERED:**

25 1. Contested Case. This contested case shall be known as *In re ASARCO-SRP* and  
26 it will determine water rights asserted in the Statement of Claimant and objections that were filed  
27 to Watershed File Report 114-04-BDD-030 published in the Final San Pedro River Watershed  
28 Hydrographic Survey Report (1991). Copies of objections can be found under the case name

1 and number on the following website:  
2 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
3 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

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

7  
8 3. Court-Approved Mailing List.

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

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

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

23 4. Courtesy Email List.

24 The Special Master's office will email courtesy copies of orders and minute  
25 entries entered in this case to persons listed on Attachment D. Requests for  
26 inclusions on the email list should be sent to Barbara Brown at  
27 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

1 5. Joint Report. Arizona Game and Fish Commission and SRP shall file a joint report  
2 by February 4, 2020, which shall state whether:

3 a. Arizona Game and Fish intends to request an assignment of SOC 39-4846  
4 from SRP;

5 b. Arizona Game and Fish intends to claim a right to water for use on the land  
6 included in the boundaries of the land mapped by ADWR for Watershed File  
7 Report 114-04-BDD-030 as shown on Attachment B. If so, Arizona Game  
8 and Fish Commission shall identify the source of water; and  
9

10 c. Salt River Project intends to assert a claim for a water right pursuant to SOC  
11 39-4846.

12 The joint report shall also include the recommendations of Arizona Game and Fish  
13 Commission and SRP about the next action to be taken in this case.

14 6. ASARCO Objection. If ASARCO intends to modify its Objection to claim ownership  
15 to the land included in the boundaries of the land mapped by ADWR for Watershed  
16 File Report 114-04-BDD-030, it shall file an amended Objection by February 4, 2020.  
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22   
23 SUSAN WARD HARRIS  
24 Special Master

25 On December 24, 2019, the original of the foregoing was  
26 delivered to the Clerk of the Maricopa County Superior  
27 Court for filing and distributing a copy to all persons  
28 listed on the Court-approved mailing list for this contested  
case, a copy of which is attached hereto as 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
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ASARCO, INC.	114-04-BDD-030

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3202

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWNP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWNP RNGE
39-0004846	3201	IRRIGATION STOCK	10.00	NW04 070S 160E	1919	NESENW04 070S 160E NW04 070S 160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0004846	IRRIGATION STOCK	IRRIGATION INCIDENTAL	W01	IRO02

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	NESWNW04 070S 160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE FACILITY NAME
IRO02	SENW04 070S 160E	W01	GROUNDWATER : ZONE 1	1947	NO

SHARED USES AND DIVERSIONS

\*\* WATER FROM W01 FOUND IN FILE (114-04BDD-29) 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
IRO02	39-0004846	NONE	1947	1947 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IRO02	MAX. OBSERVED REGIONAL	.8	PERM. PSTR	32%	9.9 AF/AC	7.9 AFA	
	MAX. POTENTIAL	.8	AVE. CROP	50%	5.4 AF/AC	4.3 AFA	
		.8	ALFALFA	32%	10.4 AF/AC	8.3 AFA	

EXPLANATION

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.

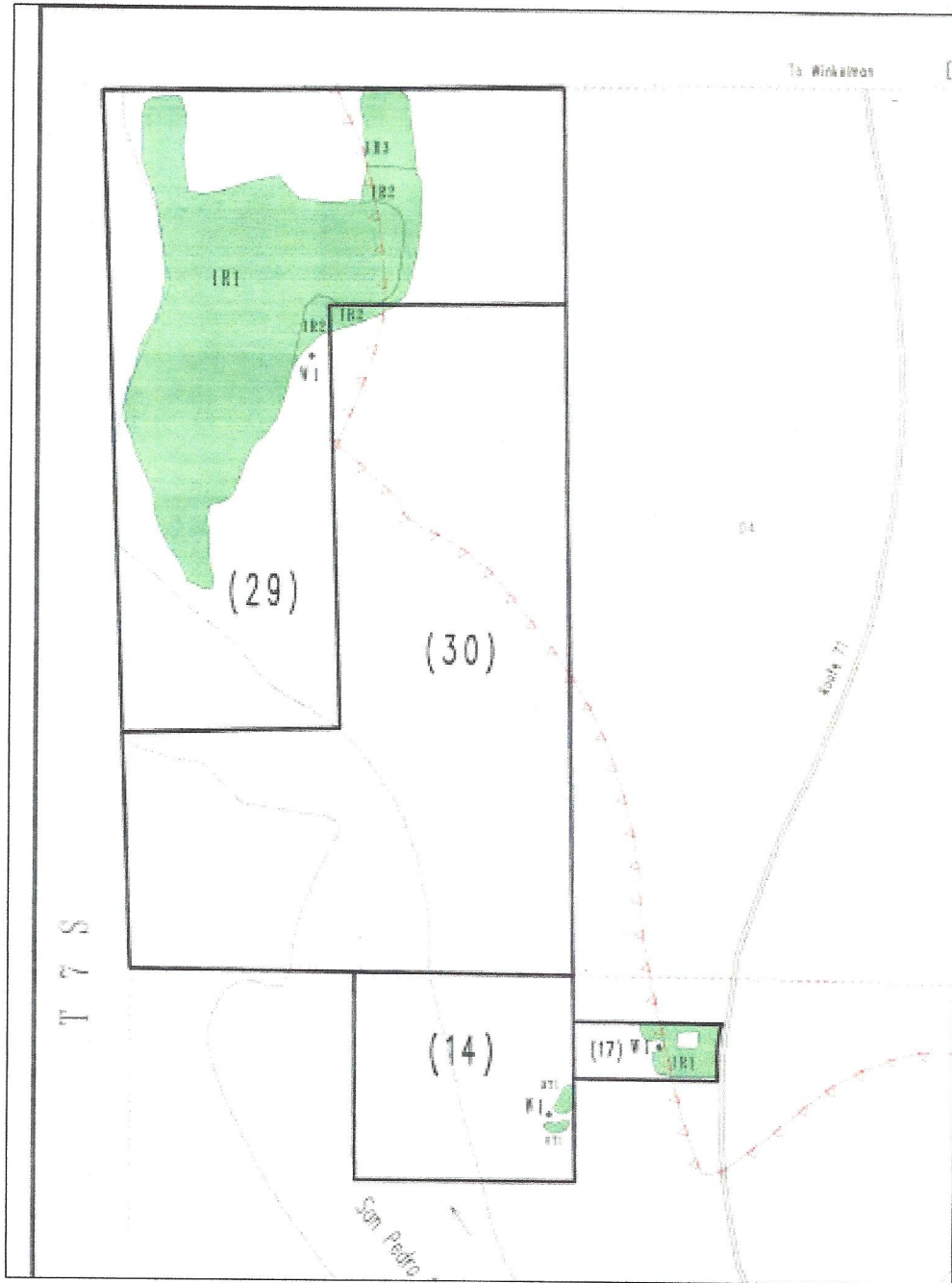
SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #114-04-BDD-29.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS  
A COMMENT WAS RECEIVED WHICH CLARIFIED LAND OWNERSHIP.

# ATTACHMENT B

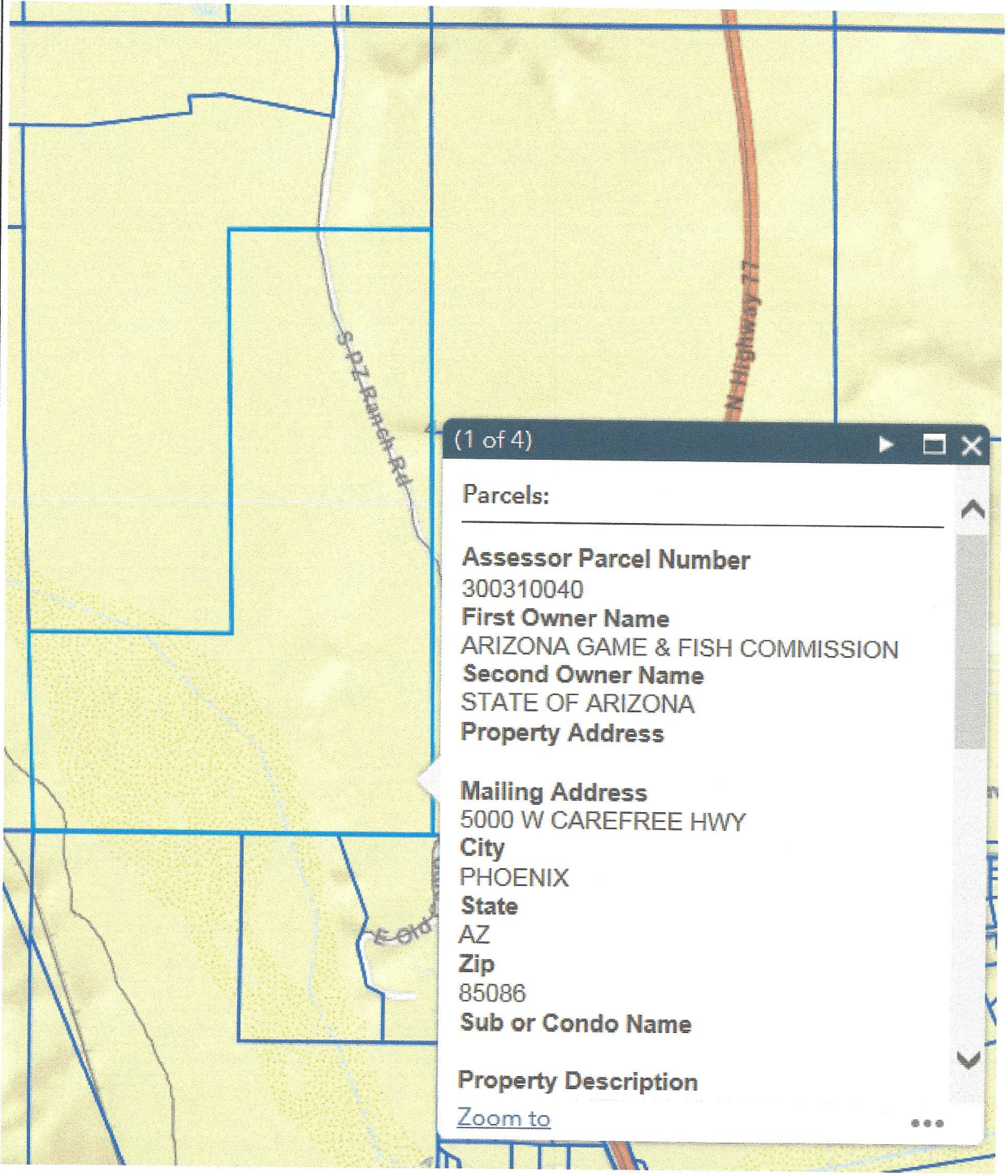
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# ATTACHMENT C

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# ATTACHMENT D

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

8 Arizona Game & Fish Commission  
9 5000 W. Carefree Highway  
10 Phoenix, AZ 85086

11 ASARCO Incorporated  
12 Lauren J. Caster  
13 Fennemore Craig, P.C.  
14 2394 East Camelback Road  
15 Suite 600  
16 Phoenix, AZ 85016-3429

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

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

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

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

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



1 Salt River Valley Water Users Association,  
2 Salt River Project Agricultural Improvement and Power District  
3 John B. Weldon, Jr. and Mark A. McGinnis  
4 Salmon, Lewis & Weldon PLC  
5 2850 E Camelback Rd, Ste. 200  
6 Phoenix, AZ 85016

7 Special Master Susan Ward Harris  
8 Superior Court of Arizona  
9 201 W. Jefferson Street  
10 Courtroom 301  
11 Phoenix, AZ 85003

12 U. S. Department of Justice  
13 Patrick Barry, Yosef Negose and Emmi Blades  
14 Environment and Natural Resources  
15 P. O. Box 7611  
16 Washington, D.C. 20044-7611

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