

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. W1-11-3247

ORDER TO INITIATE CONTESTED CASE

CONTESTED CASE NAME: *In re BLM - Miller*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3247 initiated and status conference set for **February 4, 2020 at 2:15 p.m.**

NUMBER OF PAGES: 11

DATE OF FILING: December 20, 2019

This Order initiates a contested case to consider the claims for water rights and resolve objections to Watershed File Report 114-04-DCA-002 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified a potential water right for irrigation for land located in NENW section 7 Township 8S Range 17E. The identified source of water for the claimed uses is one well that ADWR has determined is located in the

1 subflow zone. A copy of the watershed file report is attached as Attachment A. A copy of the
2 map prepared for the WFR is attached as Attachment B.

3
4 **Claimant & Landowner**

5 The WFR identified Statements of Claimant 39-4235 and 39-13942 (“SOCs”) as the
6 relevant filing for the potential water rights. Clarence R. Miller filed SOC 39-4235 claiming
7 domestic, stock watering, and irrigation water rights. The public records maintained by ADWR
8 do not show an assignment of SOC 39-4235. Arizona State Land Department filed SOC 39-
9 13942 claiming federal reserved water rights for irrigation use.
10

11 The Bureau of Land Management – Safford District is named in the WFR as the owner
12 of the property described in 114-04-DCA-002. It did not file a SOC and, according to the maps
13 maintained as a public record by the Arizona State Land Department, the land included in the
14 WFR is State Trust Land. A copy of the map prepared by Arizona State Land Department is
15 attached as Attachment C.
16

17 **IT IS ORDERED:**

18 1. Contested Case. This contested case shall be known as *In re BLM- Miller* and it
19 will address the Statements of Claimant and objections that were filed regarding the watershed
20 file report 114-04-DCA-002 published in the Final San Pedro River Watershed Hydrographic
21 Survey Report (1991). Copies of objections can be found under the case name and number on
22 the following website:
23 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
24 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

25 2. Litigants. The litigants in this contested case are the Claimants, the current
26 landowner, all persons who filed objections to the Watershed File Report who are listed on
27 Attachment D, and claimants who are allowed to intervene by order.
28

1 3. Court-Approved Mailing List.

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

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

9 C. Claimants wishing to be added or removed from the mailing list shall file
10 a motion with the Special Master. Parties allowed to intervene will be
11 automatically added to the mailing list.

12 4. Courtesy Email List. The Special Master's office will email courtesy copies of
13 orders and minute entries entered in this case to persons listed on Attachment D. Requests for
14 inclusions on the email list should be sent to Barbara Brown at
15 **brownb099@superiorcourt.maricopa.gov**.

16 5. Status Conference. An initial status conference shall be held to address ownership
17 of the land. The State of Arizona and the United States shall be prepared at the status conference
18 to state their respective positions regarding ownership of the land. If the land is State Trust Land,
19 then the State of Arizona shall advise at the status conference regarding discussions that have
20 occurred regarding ownership of the claimed water rights as between the State of Arizona and
21 the lessee.

22
23
24
25
26
27
28

1 The Status Conference shall be held on February 4, 2020 at 2:15 p.m. before:

2 Special Master Susan Ward Harris
3 Superior Court of Arizona
4 201 West Jefferson Street
5 Courtroom 301
6 Phoenix, AZ 85003-2202

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

11 
12 SUSAN WARD HARRIS
13 Special Master

14 On December 20, 2019, the original of the foregoing was
15 delivered to the Clerk of the Maricopa County Superior
16 Court for filing and distributing a copy to all persons
17 listed on the Court-approved mailing list for this contested
18 case, a copy of which is attached hereto as Attachment D,
19 and to all persons listed on the Court-approved mailing
20 list for W-1, W-2, W-3, and W-4 (Consolidated).
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
BLM - SAFFORD DISTRICT	114-04-DCA-002	MILLER, CLARENCE R.	4534

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES **WI-11-3247**

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWNP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWNP RNGE
39-0004235		IRRIGATION DOMESTIC	800.00 2.00	NW07 080S 170E	1950	NWNWNW07 080S 170E
39-0013942		STOCK IRRIGATION	2.00 3.71	SWNENW07 080S 170E	1979	NWNWNW07 080S 170E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0004235	IRRIGATION DOMESTIC	IRRIGATION NONE	WO1	IROO1
39-0013942	STOCK IRRIGATION	INCIDENTAL IRRIGATION	WO1	IROO1

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NWNWNW07 080S 170E	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
IROO1	NENW07 080S 170E	WO1	GROUNDWATER : ZONE 1	1971	NO

SHARED USES AND DIVERSIONS

** WATER FROM WO1 FOUND IN FILE (114-04-DCA-1) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0004235 39-0013942	NONE	1971 1971 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
IROO1	MAX. OBSERVED REGIONAL	1.4	PERM. PSTR	32%	9.9 AF/AC	13.9 AFA	
	MAX. POTENTIAL	1.4	AVE. CROP	50%	5.4 AF/AC	7.6 AFA	
		1.4	ALFALFA	32%	10.4 AF/AC	14.6 AFA	

EXPLANATION

FILINGS AND DECREES

FILING 39-4235 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.
 FILING 39-13942 - CLAIMS A FEDERAL RESERVED WATER RIGHT PRIORITY DATE OF 1986, BUT THE CLAIMED DATE OF FIRST BENEFICIAL USE IS 1979.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.

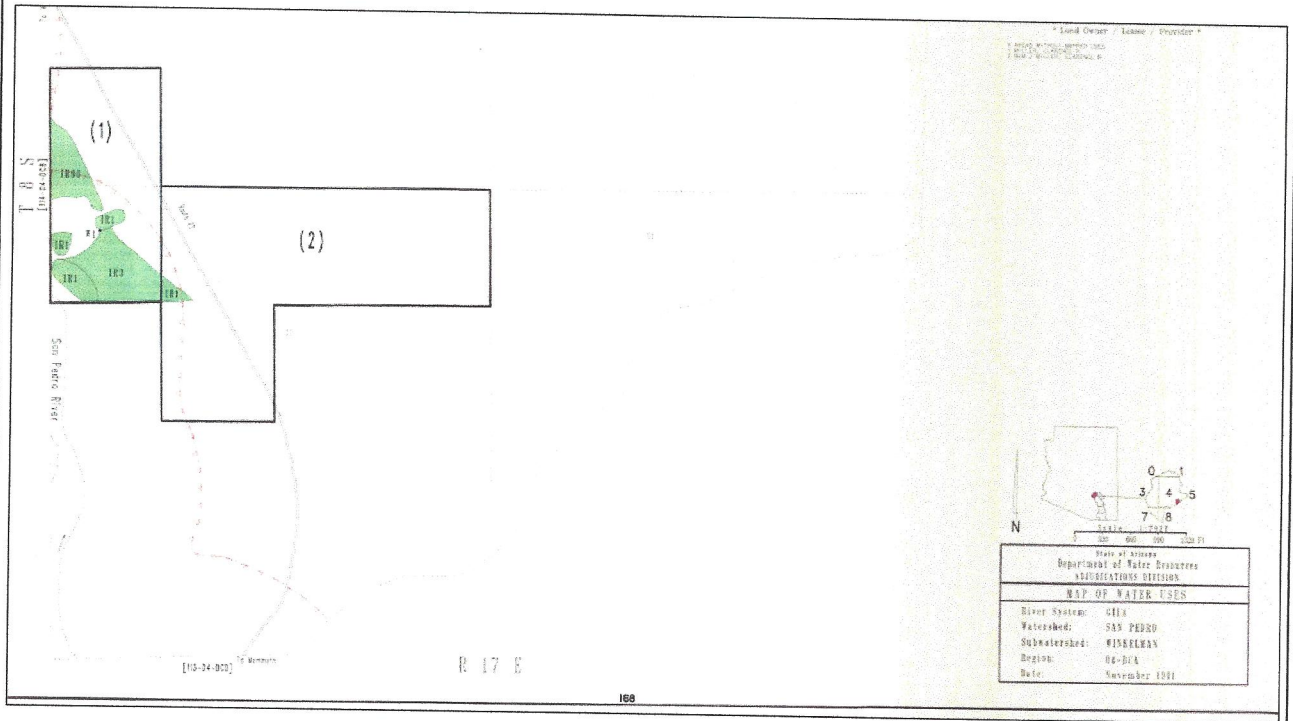
SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #114-04-DCA-1.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LESSEE WHICH STATED THAT THE WELL WAS LOCATED ON PRIVATE LAND,
NOT LEASED LAND.

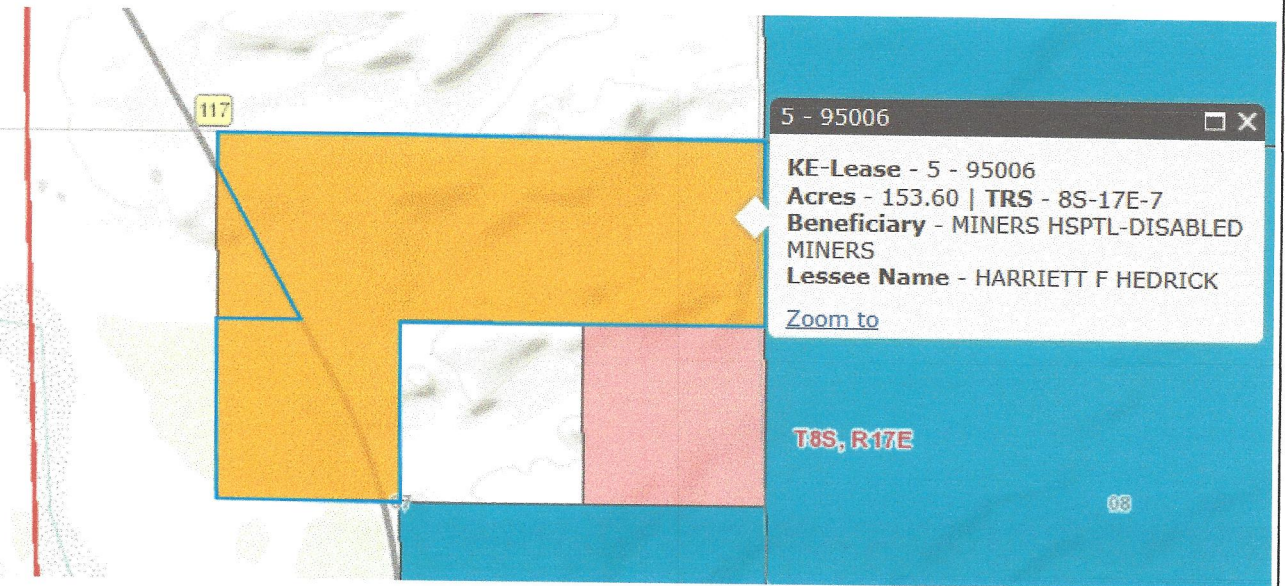
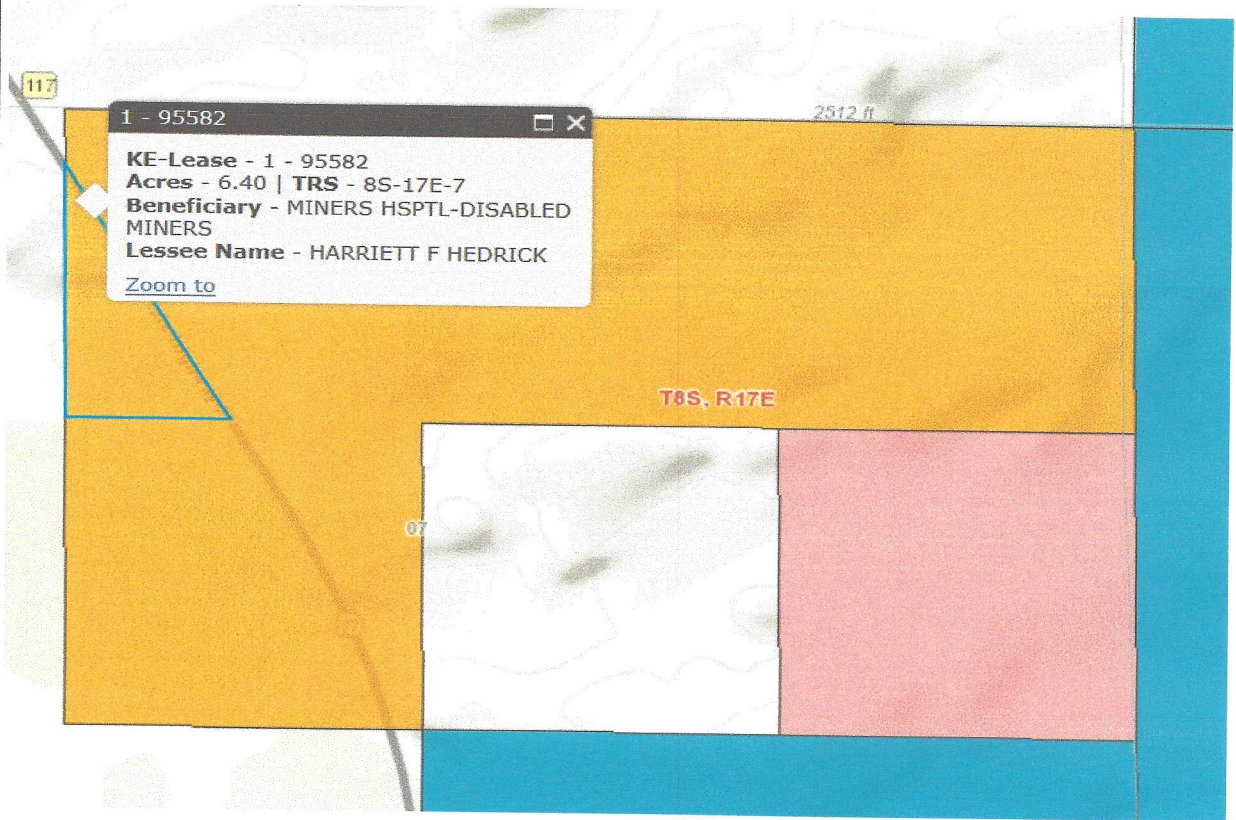
ATTACHMENT B



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

ATTACHMENT C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



ATTACHMENT D

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

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

15 BHP Copper, Inc.
16 John D. Burnside
17 Snell & Wilmer, L.L.P.
18 400 E. Van Buren Street, Ste 1900
19 Phoenix AZ 85004

20 Beverly Meade Miller
21 927 E. Weymouth
22 Tucson, AZ 85719

23 Beverly Meade Miller
24 c/o Katherine Elizabeth Miller
25 Personal Representative of Estate of Ralph Miller
26 2344 Kachina Lane
27 Chino valley, AZ 86323-5440

28 Carrie Brennan & Kevin Crestin
Arizona Attorney General
Natural Resources Department
2005 N. Central
Phoenix, AZ 85004

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

1 Gila River Indian Community
2 Linus Everling and Thomas L. Murphy
3 Office of the General Counsel
4 P. O. Box 97
5 Sacaton, AZ 85147

6 Harriett Hedrick
7 927 E. Weymouth
8 Tucson, AZ 85719

9 Joe P. Sparks and Laurel A. Herrmann
10 The Sparks Law Firm, P.C.
11 7503 First Street
12 Scottsdale, AZ 85251-4573

13 Lucas T. Christian & Julian Nava
14 Rosette, LLP
15 565 W. Chandler Blvd. Suite 212
16 Chandler, AZ 85225

17 S. Montgomery, R. Interpreter, J. Tomkus
18 Montgomery & Interpreter, Plc
19 3301 E. Thunderbird Road
20 Phoenix, AZ 85032

21 Salt River Valley Water Users Association,
22 Salt River Project Agricultural Improvement and Power District
23 John B. Weldon, Jr. and Mark A. McGinnis
24 Salmon, Lewis & Weldon PLC
25 2850 E Camelback Rd, Ste. 200
26 Phoenix, AZ 85016

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

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

27
28