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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. W1-11-3378

ORDER REGARDING OBJECTIONS TO
PROPOSED FORM OF ABSTRACT

CONTESTED CASE NAME: *In re Alex Pacheco and Christine Salazar Pacheco*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Parties instructed to stipulate to the entry of a proposed abstract or attend a Scheduling Conference on February 20, 2020.

NUMBER OF PAGES: 8

DATE OF FILING: January 21, 2020

On November 27, 2019, David and Arthur Pacheco filed Statement of Claim 36-105938 with the Arizona Department of Water Resources in which they asserted a claim for 9.2 acre feet of water per year to irrigate 0.364 acres of land.

1 In the original Watershed File Report under the heading "QUANTITIES OF USE,"
2 Arizona Department of Water Resources determined that 5.4 acre feet of water was used
3 annually to irrigate one acre of land (the "Water Duty"). A copy of Watershed File Report
4 115-05-AB-002 is attached as Attachment A. At the time of the investigation, Arizona
5 Department of Water Resources found that the Pachecos irrigated 1.7 acres of land. It
6 calculated the total amount of irrigation water used on the Pacheco land by multiplying 5.4 acre
7 feet of water per acre of land by the 1.7 acres of irrigable land to arrive at an estimated volume
8 of 9.2 acre feet of water per year:

$$5.4 \times 1.7 = 9.2$$

9
10 A proposed abstract has been submitted which is attached as Attachment B. It lists
11 Statement of Claim 36-105938 as the basis of the right to water for domestic and irrigation
12 water claimed by David and Arthur Pacheco. It also provides a description of the irrigated land
13 which is presumably the 0.364 acres included in the Statement of Claimant. Using the water
14 duty of 5.4 acre feet of water per acre of land and multiplying that amount by 0.364 acres of
15 irrigable land results in 1.97 acre feet of water for irrigation. This amount of 2.0¹ acre feet of
16 water annually would be in addition to the amount for domestic use.
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$$5.4 \times 0.364 = 2.0$$


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20 To date no stipulation has been reached by the parties regarding the proposed water
21 rights claimed by David and Arthur Pacheco and objections have not been withdrawn.
22 Accordingly,
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¹ The calculated amount of 1.97 has been rounded up to 2.0.

1 **IT IS ORDERED** that the parties shall either file a stipulated abstract or they shall
2 appear at a Scheduling Conference on February 20, 2020 at 1:30 p.m. in the Superior Court of
3 Arizona, 201 West Jefferson Street, Courtroom 301, Phoenix, AZ 85003-2202 to set dates
4 necessary to litigate the claimed rights. A date will be set for the completion of discovery, if
5 any, and a date will be set for the hearing to hear the evidence in support of the objections and
6 the claims for water rights.

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 
13 Susan Ward Harris
14 Special Master

15 On January 21, 2020, the original of the foregoing was
16 delivered to the Clerk of the Maricopa County Superior
17 Court for filing and distributing a copy to all persons
18 listed on the Court-approved mailing list for this
19 contested case.
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ATTACHMENT A

LAND OWNER

 PACHECO, ALEX & CHRISTINE

WATERSHED FILE
 REPORT NUMBER

 115-05-AB-002

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-3378

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
36-0037255		IRRIGATION	320.00	21	060S	190E	1880	NWNE28	060S	190E
39-0001173	QUE.RECD	IRRIGATION		28	060S	190E	1908	SESESW21	060S	190E
39-0012254	QUE.RECD	DOMESTIC	.01	SESESW21	060S	190E	1915	SESESW21	060S	190E
		IRRIGATION		SESESW21	060S	190E		21	060S	190E
		DOMESTIC								

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO	
			DIVERSIONS	PWR NUMBERS
36-0037255	IRRIGATION	IRRIGATION	DO1	OT001
39-0001173	IRRIGATION	IRRIGATION	DO1, WO1	DM001, DT001
	DOMESTIC	DOMESTIC		
39-0012254	IRRIGATION	IRRIGATION	WO1	DM001, OT001
	DOMESTIC	DOMESTIC		

DIVERSIONS

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION	
	SECTION	TWNP	RNGE		SURFACE WATER	GROUNDWATER
DO1	SENWNE28	060S	190E	SALAZAR-TAPIA DITCH	ARAVAIPA CREEK	CATALOGUED
WO1	SESESW21	060S	190E	UNNAMED	ARAVAIPA CREEK	CATALOGUED

USES

PWR #	LOCATION			SUPPLIED BY	WATER SOURCES	PHOTO SOURCE		
	SECTION	TWNP	RNGE			DATE	CHANGE	FACILITY NAME
DM001	SESESW21	060S	190E	WO1	GROUNDWATER : CATALOGUED	1935	NO	
OT001	SESW21	060S	190E	DO1	SURFACE WATER		NO	

SHARED USES AND DIVERSIONS

** WATER FROM DO1 FOUND IN FILE (115-05-AC-5) 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	
				GROUNDWATER	SURFACE WATER
DM001	39-0001173	NONE		CATALOGUED	ARAVAIPA CREEK
	39-0012254				
OT001	39-0001173	36-0037255	1867 SEE EXPLANATION		
	39-0012254				

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
OT001	REGIONAL	1.7	AVE. CROP	50%	5.4 AF/AC	8.2 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

FILINGS AND DECREES

FILING 36-37255 - CLAIMS AN IRRIGATION WATER USE WHICH DOES NOT APPLY TO THIS PROPERTY.
FILINGS 39-1173 & 39-12254 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH PROVIDED ADDITIONAL
INFORMATION ABOUT WATER USE LOCATIONS.

DIVERSIONS

D1 - DIVERSION FROM ARAVAIPA CREEK INTO THE SALAZAR-TAPIA DITCH.
W1 - A CATALOGUED WELL PROVIDES WATER FOR A DOMESTIC USE.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

PWR SUMMARY

OT1 - AN AFFIDAVIT APPLYING TO WATER USES ON THIS PROPERTY CLAIMS A PRIORITY DATE OF 1867.

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ATTACHMENT B

**Abstract of Water Right
San Pedro Watershed
Alex Pacheco & Christine Salazar Pacheco**

1. Proposed Water Right No.:	115-05-AB-002-DM001
2. Owner of Water Right:	David J. Pacheco, a single man, as to an undivided ½ interest and Arthur A. Pacheco, a married man, as his sole and separate property, as to an undivided ½ interest.
3. Landowner:	David J. Pacheco, a single man, as to an undivided ½ interest and Arthur A. Pacheco, a married man, as his sole and separate property, as to an undivided ½ interest.
4. Statement of Claimant No.(s):	39-0001173 39-0012254
5. Statement of Claimant Name(s):	Alex & Christine Pacheco
6. Lessee or Permittee:	None
7. Basis of Right:	55-649375 & 36-105938
8. Beneficial Use:	Domestic use with associated irrigation of laws, gardens or landscape in an amount not more than one-half acre per residence.
9. Priority Date:	July 1, 1908
10. Quantity:	Not to exceed 9.2 AFA
11. Place of Use:	BEG 300' N SE COR E2 SW4 TH N 150'; W 1320'; S 150'; E 1320' TO BEG SEC 216 19
12. Point of Diversion:	BEG 300' N SE COR E2 SW4 TH N 150'; W 1320'; S 150'; E 1320' TO BEG SEC 216 19 Point - 32.89087, -110.41009
13. Source of Water:	Surface water and sub flow from Aravaipa Creek
14. Name of Facility:	N/A
Comments:	