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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 TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Alex Pacheco and Christine Salazar Pacheco*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3378 initiated to resolve objections to watershed file report 115-05-AB-002 and sets a Scheduling Conference.
NUMBER OF PAGES: 9
DATE OF FILING: March 26, 2019

This Order initiates a contested case to resolve objections to potential water rights included in watershed file report 115-05-AB-002 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The watershed file report identifies potential water rights for irrigation associated with a domestic use and a domestic use for land located in SESW section 21 Township 6S Range 19E. Arizona Department of Water Resources listed a

1 diversion by the Salazar-Tapia ditch from the Aravaipa Creek and a well as the sources of the
2 water for the two water uses. A copy of the watershed file report is attached as Attachment A.
3 Graham County Assessor's Office identifies the land included in the watershed file report as
4 tax parcel no. 110-20-010 (the Property).

5 **Claimant and Land Ownership**

6 On July 13, 1984, Alex and Christine Pacheco filed Statement of Claimant No. 39-1173
7 claiming a right to water for irrigation and domestic use for the Property. According to the
8 death certificate filed at document 2005-02676 in the Graham County Recorder's Office, Alex
9 Pacheco died in 2004. In 2011 by warranty deed at document number 2011-05726, Christine
10 Pacheco, a widow, conveyed undivided interests in the Property to David J. Pacheco and
11 Arthur Pacheco.

12 **IT IS ORDERED:**

13
14 1. Contested Case. This contested case shall be known as *In re Alex and Christine*
15 *Pacheco*. This case will resolve the objections that were filed to the watershed file report 115-
16 05-AB-002 published in the Final San Pedro River Watershed Hydrographic Survey Report
17 (1991). Copies of objections can be found on the following website under this case name and
18 case number:

19 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
20 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

21 2. Litigants. The litigants in this contested case are the claimant, the current
22 landowners, all persons who filed objections to the listed watershed file reports who are
23 included on Attachment B, and claimants who are allowed to intervene by order.

24 3. Court-Approved Mailing List.

25 A. The initial Court-approved mailing list for this case is attached as
26 Attachment B to this order. The list may be modified only by filing a motion
27
28

1 with the Special Master to amend the Court-approved mailing list. Litigants are
2 responsible for using the current Court-approved mailing list.

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

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

9
10 4. Courtesy Email List.

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

15
16 5. Scheduling Conference. Pursuant to §8.03[1], Rules for Proceedings before the
17 Special Master, a scheduling conference shall be held to address the
18 adjudication of this case and determine whether the objections to the potential
19 water rights can be settled. If the objections cannot be settled, then a schedule
20 will be set to identify issues, file disclosure statements, conduct discovery,
21 submit prehearing motions, and hold a trial. No party shall conduct any
22 discovery or file any motions prior to the Scheduling Conference. The
23 Scheduling Conference shall be held on **May 8, 2019**, at 1:30 p.m. before:

24
25 Special Master Susan Ward Harris
26 Superior Court of Arizona
27 201 West Jefferson Street
28 Courtroom 301
Phoenix, AZ 85003-2202

1 Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
2 1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#
3

4
5 
6 SUSAN WARD HARRIS
Special Master
7
8

9 On March 26, 2019, the original of the foregoing was
delivered to the Clerk of the Maricopa County Superior
10 Court for filing and distributing a copy to all persons
listed on the Court-approved mailing list for this
11 contested case, a copy of which is attached hereto as
Attachment B, and to all persons listed on the Court-
12 approved mailing list for W-1, W-2, W-3, and W-4
13 (Consolidated).
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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

WI-11-3378

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

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0037255	IRRIGATION	IRRIGATION	DO1	OTO01
39-0001173	IRRIGATION	IRRIGATION	DO1,WO1	DMO01,OTO01
39-0012254	DOMESTIC	DOMESTIC	WO1	DMO01,OTO01
	IRRIGATION	IRRIGATION		
	DOMESTIC	DOMESTIC		

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	SESNWNE28	060S	190E	SALAZAR-TAPIA DITCH	SURFACE WATER: ARAVAIPA CREEK
WO1	SESESW21	060S	190E	UNNAMED	SHARED GROUNDWATER : CATALOGUED

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMO01	SESESW21	060S	190E	WO1	GROUNDWATER : CATALOGUED		NO	
OTO01	SESW21	060S	190E	DO1	SURFACE WATER	1935	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
DMO01	39-0001173 39-0012254	NONE		GROUNDWATER : CATALOGUED
OTO01	39-0001173 39-0012254	36-0037255	1867 SEE EXPLANATION	SURFACE WATER: ARAVAIPA CREEK

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMO01							
OTO01	REGIONAL	1.7	AVE. CROP	50%	5.4 AF/AC	9.2 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.
DT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

PWR SUMMARY

DT1 - AN AFFIDAVIT APPLYING TO WATER USES ON THIS PROPERTY CLAIMS A PRIORITY DATE OF 1867.

ATTACHMENT B

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Arizona Department of Water Resources
Kimberly Parks
Janet L. Miller
P. O. Box 36020
Phoenix, AZ 85067

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Safford Arizona 85546-3221

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Christine Pacheco
c/o David Pacheco
910 West 11th Street
Safford Arizona 85546-3221

City of Phoenix
200 West Washington Street, 13th Floor
Phoenix, AZ 85003-1611

David Pacheco
910 West 11th Street
Safford Arizona 85546-3221

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

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

- 1 San Carlos Apache Tribe
- 2 Tonto Apache Tribe
- 3 Joe P. Sparks and Laurel A. Hermann
- 4 The Sparks Law Firm, P.C.
- 5 7503 First Street
- 6 Scottsdale, AZ 85251-4573
- 7
- 8 U. S. Department of Justice
- 9 Patrick Barry
- 10 Environment and Natural Resources
- 11 P. O. Box 7611
- 12 Washington, D.C. 2044-7611
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Environment and Natural Resources
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Yavapai-Apache Nation
Camp Verde Reservation
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