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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

CIVIL NO. W1-11-3317
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Lester Young*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-3317 to address objections to watershed file reports 115-04-ADB-008.
NUMBER OF PAGES: 9
DATE OF FILING: September 20, 2017

This Order initiates a contested case to resolve objections to watershed file report 115-04-ADB-008 that sets forth potential water rights to Aravaipa Creek for domestic use and irrigation totaling less than two acres associated with a domestic use.

On June 24, 1980, Lester Young filed Statements of Claimant 39-5845, and 39-5862 claiming rights to water for domestic and irrigation use on the SWSW section 34, T6S R17E.

1 On October 19, 1988, Lester and Thelma Young submitted a Uniform Questionnaire that
2 included a diagram showing an instream pump in Aravaipa Creek that delivered water for
3 irrigation. In 1991 the Arizona Department of Water Resources issued Watershed File Report
4 115-04-ADB-008 (WFR) as part of the San Pedro Hydrographic Survey Report. It listed
5 potential water rights for domestic use on SESWSW section 34 T6S R17E and irrigation use on
6 SWSW section 34 T6S R17E. A copy of the WFR is attached as Attachment A.
7

8 On August 14, 2015, Thelma Lee Young, a widow, signed a Warranty Deed in favor
9 of Aravaipa Ranch, L.L.C. for a parcel of land located in the southwest quarter of section 34
10 T6S R17E. The public records maintained by the Arizona Department of Water Resources
11 do not contain an assignment of the Statements of Claimant. Pre-Trial Order No. 1, filed
12 May 30, 1986 provided that successors in interest to individuals who filed a Statement of
13 Claimant shall automatically be substituted as parties. Thus, Aravaipa Ranch, L.L.C. is a
14 party to this case.
15

16 **IT IS ORDERED:**

17
18 1. Contested Case. This contested case shall be known as *In re Lester Young* and it
19 will address the objections that were filed to the watershed file report 115-04-ADB-008
20 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

21 2. Litigants. The litigants in this contested case are the claimant, namely Thelma
22 Young, all persons who filed objections to the listed watershed file reports who are listed on
23 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 shall include all
26 persons listed on Attachment B to this order. The list may be modified only by
27
28

1 filing a motion with the Special Master to amend the Court-approved mailing
2 list. Litigants are 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
17 An initial scheduling conference shall be held to determine the process to resolve the
18 objections made to the claims for water rights at issue on **October 24, 2017**, at 2:00 p.m.
19 before:

20 Special Master Susan Ward Harris
21 Superior Court of Arizona
22 201 West Jefferson Street
23 Courtroom 301
24 Phoenix, AZ 85003-2202

25 Instructions for telephonic appearance:
26 Dial: 602-506-9695 (local)
27 1-855-506-9695 (toll free long distance)
28 Dial Participant Pass Code 357264#


SUSAN WARD HARRIS
Special Master

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On September 20, 2017, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case.

Barbara Brown
Barbara Brown

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
YOUNG, LESTER	115-04-ADB-008
& THELMA LEE	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	TWNP	LOCATION RNGE
36-0045013		IRRIGATION	8.00	SWSW34	060S	170E	1915			
36-0045014		IRRIGATION	14.00	SWSW34	060S	170E	1915	SWSW34	060S	170E
36-0046570		IRRIGATION	6.00	SW34	060S	170E	1920	SW34	060S	170E
		DOMESTIC								
39-0005683	QUE.RECD	IRRIGATION	4.00	NESWSW34	060S	170E	1919	NESWSW34	060S	170E
39-0005845	QUE.RECD	IRRIGATION		SESWSW34	060S	170E	1921	SESWSW34	060S	170E
		DOMESTIC								
39-0005846	QUE.RECD	IRRIGATION	8.00	SESWSW34	060S	170E	1913	SESWSW34	060S	170E
39-0005849	QUE.RECD	IRRIGATION	14.00	SWSW34	060S	170E	1913	SWSW34	060S	170E
39-0005862	QUE.RECD	IRRIGATION	6.00	SESWSW34	060S	170E	1913	SESWSW34	060S	170E
		DOMESTIC								

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0045013	IRRIGATION	IRRIGATION	P02	OT001
36-0045014	IRRIGATION	IRRIGATION	P01	OT001
36-0046570	IRRIGATION	IRRIGATION	P01	OT001
	DOMESTIC	NOT APPLICABLE		
39-0005683	IRRIGATION	IRRIGATION	P01, P01	OT001
39-0005845	IRRIGATION	IRRIGATION	P01	DM001, OT001
	DOMESTIC	DOMESTIC		
39-0005846	IRRIGATION	IRRIGATION	P02	OT001
39-0005849	IRRIGATION	IRRIGATION	P01, P02	OT001
39-0005862	IRRIGATION	IRRIGATION	P01	OT001
	DOMESTIC	NOT APPLICABLE		

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
P01	SESWSW34	060S	170E	UNNAMED	SURFACE WATER: ARAVAIPA CREEK
P02	SESWSW34	060S	170E	UNNAMED	SHARED SURFACE WATER: ARAVAIPA CREEK
					SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE FACILITY NAME
DM001	SESWSW34	060S	170E		GROUNDWATER : ZONE 1		NO
OT001	SWSW34	060S	170E	P01, P02	SURFACE WATER	1935	NO

SHARED USES AND DIVERSIONS

** WATER FROM P01 IS SHARED WITH THESE ADDITIONAL FILES:
 115-04-ADB-6, 115-04-ADB-7
 ** WATER FROM P02 FOUND IN FILE (115-02ADB-10) IS USED IN THIS FILE

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0005845	NONE		GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
OTOO1	39-0005683 39-0005845 39-0005846 39-0005849 39-0005862	36-0045013 36-0045014 36-0046570	1913 FILING 39-5846	SURFACE WATER: ARAVAIPA CREEK

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							
OTOO1	REGIONAL	1.1	AVE. CROP	50%	5.4 AF/AC	5.9 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 36-46570 & 39-5862 - CLAIM DOMESTIC WATER USES WHICH DO NOT APPLY TO THIS PROPERTY.
 FILINGS 39-5683, 39-5845, 39-5846, 39-5849 & 39-5862 - UNIFORM QUESTIONNAIRES WERE RECEIVED
 WHICH PROVIDED INFORMATION ABOUT POINTS OF DIVERSION, PLACES OF USE AND SHARED WATER USES.

DIVERSIONS

P1 & P2 - INSTREAM PUMPS DIVERT WATER FROM ARAVAIPA CREEK INTO A PIPELINE SYSTEM.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

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

SHARED USES AND DIVERSIONS

P1 - INSTREAM PUMP IS SHARED WITH W.F.R.'S #115-04-ADB-6 & 115-04-ADB-7.

P2 - INSTREAM PUMP IS SHARED WITH W.F.R. #115-04-ADB-10.

ATTACHMENT B

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Aravaipa Ranch, L.L.C.
Yvonne Young
36 S. Matlock St
Mesa, Arizona 85204

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

Gila River Indian Community
Linus Everling
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Gila River Indian Community
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3 Denver, CO 80202

4 Thelma Young
5 P. O. Box 871
Paulden, AZ 85204

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