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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. W1-11-3382

ORDER INITIATING CONTESTED CASE

CONTESTED CASE NAME: *In re Arizona Chapter of the Nature Conservancy-Agro Land.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: The Special Master initiates a contested case to address objections to watershed file report 115-05-AC-003.
NUMBER OF PAGES: 9
DATE OF FILING: May 25, 2017.

This Order initiates a contested case to resolve objections to watershed file report 115-05-AC-003 that sets forth proposed water rights.

IT IS ORDERED:

1 1. Contested Case Designation and Docket Number. This contested case will
2 address the objections that were filed to the watershed file report 115-05-AC-003, a copy of
3 which is attached as Attachment A, published in the Final San Pedro River Watershed
4 Hydrographic Survey Report (1991).

5 2. Contested Case Designation and Docket Number. The objections filed to the
6 watershed file report 115-05-AC-003 will be resolved as part of *In re Arizona Chapter of the*
7 *Nature Conservancy – Agro Land*, Contested Case No. W1-11-3382.

8 3. Litigants. The litigants in this contested case are the claimant, namely The
9 Nature Conservancy, all persons who filed objections to watershed file report 115-05-AC-
10 003 listed on Attachment B, and claimants who are allowed to intervene by order.

11 4. Court-Approved Mailing List.

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

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

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

23 5. Amended Statements of Claimant. To the extent that the Nature
24 Conservancy desires to amend statements of claimant analyzed in WFR 115-05-AC-003, it
25 shall file amended statements of claimant by November 16, 2017. The Nature Conservancy
26 shall file a report regarding the status of its claims and shall include a table which identifies
27
28

1 the water characteristics listed in its amended statements of claimant and the original
2 statements of claimant. Any responses to the Nature Conservancy's report shall be filed by
3 **December 8, 2017**. A status conference shall be held on **Friday, December 15, 2017, at**
4 **10:30 a.m.** before:


5
6 Special Master Susan Ward Harris
7 Superior Court of Arizona
8 201 West Jefferson Street
9 Courtroom 301
10 Phoenix, AZ 85003-2202

11 Instructions for telephonic appearance:

12 Dial: 602-506-9695 (local)

13 1-855-506-9695 (toll free long distance)

14 Dial Participant Pass Code 357264#

15
16 
17 SUSAN WARD HARRIS
18 Special Master

19 On May 25, 2017, the original of the foregoing was
20 delivered to the Clerk of the Maricopa County
21 Superior Court for filing and distributing a copy to all
22 persons listed on the Court-approved mailing list for
23 this contested case, a copy of which is attached hereto
24 as Attachment B, and to all persons listed on the
25 Court-approved mailing list for W-1, W-2, W-3, and
26 W-4 (Consolidated).
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ATTACHMENT A

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LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
AGRO LAND AND CATTLE CO.	115-05-AC-003

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
20-0503061		IRRIGATION		SWNW24	060S	190E	1915	SESW01	060S	190E
		DOMESTIC STOCK		SW25	060S	190E				
		STOCK		SENE35	060S	190E				
36-0036733		STOCK	.96				1910	SENW35	060S	190E
36-0046625		DOMESTIC STOCK	5.00	SWNW24	060S	190E	1915	SWSE01	060S	190E
				NWNW25	060S	190E				
				SENE35	060S	190E				
39-0001494		DOMESTIC STOCK	350.00	SENE35	060S	190E	1915	SWSW25	060S	190E
39-0001495		DOMESTIC STOCK	350.00							
39-0001495		DOMESTIC STOCK	300.00	SWNESW25	060S	190E	1936	SWNESW25	060S	190E
39-0001496		DOMESTIC STOCK	300.00							
39-0001496		IRRIGATION	720.00	NWNE01	070S	190E	1936	NWNE01	070S	190E
39-0001497		DOMESTIC STOCK	300.00					NENENW01	070S	190E
39-0001497		DOMESTIC STOCK	300.00	SWNW36	060S	190E	1916	SWNW36	060S	190E
39-0002901		DOMESTIC STOCK			36	060S 190E	1973	36	060S	190E
39-0002902		DOMESTIC STOCK			25	060S 190E	1979	25	060S	190E
39-0003382		DOMESTIC STOCK	2.30	NESE35	060S	190E	1900			
39-0003383		IRRIGATION	3.00	NESE01	060S	190E				
				NENW01	070S	190E				
39-0003994		IRRIGATION	12.00	SW12	060S	190E	1915	SESE01	060S	190E
		DOMESTIC STOCK	2.00	NE23	060S	190E				
		MINING	5.00							
		MINING	1.00							
39-0012285		IRRIGATION		NESW36	060S	190E	1900	SWSWNW36	060S	190E
		DOMESTIC STOCK								
39-0012291		IRRIGATION	650.00	SENWNE01	070S	190E		SENWNE01	070S	190E
39-0012292		IRRIGATION	200.00				1918	NWSW25	060S	190E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
20-0503061	IRRIGATION	NONE	SO1	DMOO1
	DOMESTIC STOCK	DOMESTIC INCIDENTAL		
36-0036733	STOCK	NONE		
36-0046625	DOMESTIC STOCK	DOMESTIC INCIDENTAL	SO1	DMOO1
39-0001494	DOMESTIC STOCK	DOMESTIC INCIDENTAL	SO1	DMOO1
39-0001495	DOMESTIC STOCK	DOMESTIC INCIDENTAL		DMOO1
39-0001496	IRRIGATION	IRRIGATION	WO1	IROO1, IROO2, IROO3
39-0001497	DOMESTIC STOCK	NONE		
39-0002901	DOMESTIC STOCK	NONE		
39-0002902	DOMESTIC STOCK	DOMESTIC INCIDENTAL		DMOO1
39-0003382	DOMESTIC	CATALOGUED WELL	WO3	DMOO1
39-0003383	IRRIGATION	DISCONTINUED	WO2	IRO90
39-0003994	IRRIGATION	NOT APPLICABLE	SO1	
	DOMESTIC STOCK	NOT APPLICABLE		
	MINING	NOT APPLICABLE		
	MINING	NOT APPLICABLE		
39-0012285	IRRIGATION	IRRIGATION		DMOO1, IROO3
	DOMESTIC	DOMESTIC		
39-0012291	IRRIGATION	IRRIGATION	WO1	IROO1, IROO2, IROO3
39-0012292	IRRIGATION	NOT APPLICABLE		

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
SO1	SESWS01	060S	190E	STOWE SPRING	SURFACE WATER: ARAVAIPA CREEK SHARED
W01	SENWNE01	070S	190E	UNNAMED	GROUNDWATER : ZONE 2
W02	NENESE35	060S	190E	UNNAMED	GROUNDWATER : ZONE 2
W03	NENESE35	060S	190E	UNNAMED	GROUNDWATER : CATALOGUED
W04	NWNESW36	060S	190E	UNNAMED	GROUNDWATER : ZONE 2

USES

PWR #	LOCATION			SUPPLIED BY		PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES			
D001	NESENE35	060S	190E	SO1, W03	SURFACE WATER		NO	
	NWSESW25	060S	190E		GROUNDWATER : CATALOGUED			
I001	NWNE01	070S	190E	W01, W04	GROUNDWATER : ZONE 2	1935	NO	
	SESE36	060S	190E					
	SESW36	060S	190E					
	SWSE36	060S	190E					
I002	NWNE01	070S	190E	W01, W04	GROUNDWATER : ZONE 2	1972	NO	
	SESW36	060S	190E					
	SWSE36	060S	190E					
I003	NESW36	060S	190E	W01, W04	GROUNDWATER : ZONE 2	1987	NO	
	NWSE36	060S	190E					
	SESW36	060S	190E					
	SWSE36	060S	190E					
I090	NESE35	060S	190E	W01	GROUNDWATER : ZONE 2	1948	NO	
	NWSE35	060S	190E					

RESERVOIRS

PWR #	LOCATION			SUPPLIED BY		PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES			
S001	SWSESE36	060S	190E	W01	GRNDWTR : ZONE 2	1972	UNNAMED	STOCKWATERING

SHARED USES AND DIVERSIONS

** WATER FROM SO1 IS SHARED WITH THESE ADDITIONAL FILES:
 115-05-34

PWR SUMMARY

PWR #	APPLICABLE		*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS	DATE BASIS	FOR DATE	
D001	39-0001494	20-0503061			SURFACE WATER: ARAVAIPA CREEK GROUNDWATER : CATALOGUED
	39-0001495	36-0046625			
	39-0002902				
	39-0003382				
	39-0003994				
	39-0012285				
I001	39-0001496	NONE	1921	1921 STATE SURVEY	GROUNDWATER : ZONE 2
	39-0012291				
I002	39-0001496	NONE	1972	1972 AERIAL PHOTO	GROUNDWATER : ZONE 2
	39-0012291				
I003	39-0001496	NONE	1987	1987 AERIAL PHOTO	GROUNDWATER : ZONE 2
	39-0012285				
	39-0012291				
I090	39-0001496	NONE	1948	1948 AERIAL PHOTO	GROUNDWATER : ZONE 2
	39-0003383				
	39-0012291				
S001	39-0001496	NONE	1972	1972 AERIAL PHOTO	GROUNDWATER : ZONE 2
	39-0012291				
NONE	39-0001497	36-0036733			
	39-0002901				
	39-0012292				

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT DEFICIT IRRIGATION
IROO1	MAX. OBSERVED REGIONAL	38.8	SUMMER PSTR	47%	2.0 AF/AC	77.6 AFA	
		38.8	AVE. CROP	50%	5.4 AF/AC	209.5 AFA	
IROO2	MAX. POTENTIAL	38.8	ALFALFA	47%	7.1 AF/AC	275.5 AFA	DEFICIT IRRIGATION
	MAX. OBSERVED REGIONAL	18.8	SUMMER PSTR	47%	2.0 AF/AC	37.6 AFA	
IROO3	MAX. OBSERVED REGIONAL	18.8	AVE. CROP	50%	5.4 AF/AC	101.5 AFA	
	MAX. POTENTIAL	18.8	ALFALFA	47%	7.1 AF/AC	133.5 AFA	
IRO90	MAX. OBSERVED REGIONAL	25.7	ALFALFA	45%	7.4 AF/AC	190.2 AFA	
	MAX. POTENTIAL	25.7	AVE. CROP	50%	5.4 AF/AC	138.8 AFA	
SR001	MAX. AREA/CAP	LT 2.0	NO CROP	45%	7.4 AF/AC	190.2 AFA	DISCONTINUED IRRG.
						LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

DECREE 20-0503061 - MAE D. DAVIDSON -VS- WILFORD H. CLARIDGE; ROY CLARIDGE; RAY CLARIDGE; AND HUGH CLARIDGE, ISSUED ON OCTOBER 30, 1940 BY THE GRAHAM COUNTY SUPERIOR COURT ENTERED A STIPULATED DECREE WHICH ESTABLISHED THE OWNERSHIP OF FOUR WATER RIGHTS ORIGINATING IN STOWE GULCH AND DIVERTED BY MEANS OF THE SAME PIPELINE. EACH OF THE FOUR WATER RIGHTS ENTITLED THE PARTIES TO DIVERT AN AMOUNT EQUAL TO ONE-HALF OF THE CAPACITY OF THE ONE-INCH PIPELINE AT FOUR DIFFERENT PLACES OF USE FOR AGRICULTURAL, DOMESTIC, AND STOCKWATERING PLACES OF USE. FOR MORE INFORMATION ON THIS DECREE, SEE CHAPTER 1 IN VOLUME 1.

FILINGS 39-1497 & 39-2901 - CLAIM DOMESTIC AND STOCKWATERING USES. NO DOMESTIC OR STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATIONS.

FILING 36-36733 - CLAIMS STOCKWATERING USES. NO STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATION.

FILINGS 39-3994 & 39-12292 - CLAIM IRRIGATION, DOMESTIC, STOCKWATERING AND MINING WATER USES WHICH DO NOT APPLY TO THIS W.F.R.

DIVERSIONS

S1 - STOWE SPRING PROVIDES WATER FOR DOMESTIC AND STOCKWATERING USES.
 W1, W2 & W4 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.
 W3 - CATALOGUED WELL PROVIDES WATER FOR DOMESTIC USE.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 IR1-IR3 - IRRIGATED PASTURE.
 IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON A PORTION OF THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.
 SR1 - SMALL RESERVOIR, SUPPLIED BY WELL W1, IS USED FOR STOCKWATERING PURPOSES.

SHARED USES AND DIVERSIONS

S1 - STOWE SPRING IS SHARED WITH W.F.R. #115-05-34.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED WHICH CLARIFIED THE OWNERSHIP AND EXISTING WATER USES. THE COMMENTOR FELT THAT NOT ALL IRRIGATED ACREAGE WAS REPORTED IN THE PRELIMINARY H.S.R. SUBSEQUENT FIELD INVESTIGATIONS AND ANALYSIS OF AERIAL PHOTOGRAPHY INDICATED NO ADDITIONAL IRRIGATED ACREAGE. A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH GAVE ADDITIONAL INFORMATION ON WELL LOCATIONS AND USES.

ATTACHMENT B

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

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

The Nature Conservancy
Stephen C. Cann
2424 Spruce Street, Suite 100
Boulder, Colorado 80302

Carla Consoli and Stanley B. Lutz
Lewis Roca Rothgerber Christie, LLP
201 East Washington Street, Suite 1200
Phoenix, AZ 85004

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

5 San Carlos Apache Tribe
Tonto Apache Tribe
6 Camp Verde Reservation
Joe P. Sparks, Julia M. R. Kolsrud and
7 Laurel A. Hermann
The Sparks Law Firm, P.C.
8 7503 First Street
9 Scottsdale, AZ 85251-4573

10 United States
R. Lee Leininger
11 U.S. Department of Justice
Natural Resources Section
12 999 18th Street, So Terrace, Suite 370
13 Denver, CO 80202

14 David Negri
15 U. S. Department of Justice
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16 Boise, ID 83712

17 Yavapai-Apache Nation
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