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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 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated

CONTESTED CASE NO. W1-11-0516

ORDER FOR ADWR REVIEW OF
ABSTRACT FOR *DE MINIMIS* WATER
RIGHT AND PREPARATION OF MAP
AND
ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Nature Conservancy - SV*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Proposed abstract prepared for review and mapping by the Arizona
Department of Water Resources. A status conference is set for **May 20, 2021 at 3:30 p.m.**

NUMBER OF PAGES: 12

DATE OF FILING: March 24, 2021

1 This Order initiates a contested case to consider the claims and resolve objections to
2 Watershed File Report 111-22-018 (“WFR”) published in the Final San Pedro River Watershed
3 Hydrographic Survey Report (1991). A copy of the WFR is attached as Appendix A. This
4 contested case involves claims for water rights for irrigation, domestic, and stock watering uses.
5 Arizona Department of Water Resources (“ADWR”) found no irrigation or domestic use, but it
6 did find a potential water right for stock watering for the land located in section 04 Township
7 22S Range 18E in Santa Cruz County, Arizona.
8

9 10 **Claimants and Landowner**

11 On May 29, 1979, Roy and Margaret Ewing, as owners of Z Triangle Ranch, filed
12 Statement of Claimant 39-1584 for water rights for irrigation, domestic use, and stock and
13 wildlife watering. The Arizona Department of Water Resources matched the Statement of
14 Claimant with Statement of Claim 36-64468. A subsequent filing by Mr. Ewing reported a sale
15 of property to The Nature Conservancy. The WFR lists the Arizona Chapter of the Nature
16 Conservancy as the landowner. A copy of a map from the Santa Cruz County Assessor’s Office
17 is attached as Appendix B showing the location of tax parcels 108-37-004, 108-37-003B, 108-
18 51-003B, and 108-52-001. The public records of the Arizona Department of Water Resources do
19 not contain an assignment of the Statement of Claimant to The Nature Conservancy.
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23 **Adjudication of Water Right for Stock Watering**

24 In 1994, the Special Master issued a Memorandum Decision, Findings of Fact, and
25 Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses,
26 dated November 14, 1994, amended February 23, 1995, approved and modified September 27,
27 2002 (“Decision”). The Decision established the procedures for adjudicating *de minimis* water
28

1 rights for claims in the San Pedro watershed. As required by the Decision, a proposed water right
2 abstract has been prepared for the *de minimis* water right analyzed by the WFR for review by
3 ADWR. A proposed abstract is attached as Appendix C. In addition, ADWR shall map the
4 location of the stock and wildlife watering use reported in the WFR.
5

6
7 **IT IS ORDERED:**

8
9 1. Contested Case. This contested case shall be known as *In re Nature Conservancy –*
10 *SV* and it will address the Statement of Claimant and objections that were filed to Watershed File
11 Report 111-22-018 published in the Final San Pedro River Watershed Hydrographic Survey Report
12 (1991). Copies of objections can be found under the case name and number on the following
13 website:

14 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

15 2. Litigants. The litigants in this contested case are the Claimant, the current
16 landowner, all persons who filed objections to the Watershed File Report who are listed on
17 Appendix D, and claimants who are allowed to intervene by order.

18
19 3. Court-Approved Mailing List.

20 A. The initial Court-approved mailing list for this case shall include all persons
21 listed on Appendix D to this order. The list may be modified only by filing a
22 motion with the Special Master to amend the Court-approved mailing list. Litigants
23 are responsible for using the current Court-approved mailing list.

24
25 B. A copy of any pleading filed with the Clerk of the Maricopa County
26 Superior Court in this case shall be served upon each person listed on the Court-
27 approved mailing list.
28

1 C. Claimants wishing to be added or removed from the mailing list shall file a
2 motion with the Special Master. Parties allowed to intervene will be automatically
3 added to the mailing list.
4

5 4. Courtesy Email List. The Special Master's office will email courtesy copies of
6 orders and minute entries entered in this case to persons listed on Appendix D. Requests for
7 inclusions on the email list may be sent to Durina Farrall at durina.farrall@jbazmc.maricopa.gov.

8 5. Review and Map. Arizona Department of Water Resources shall review and
9 provide comments on the attached abstract and prepare a map of the area that was the subject of the
10 investigation reported in the WFR showing the location of the stock watering use. The report and
11 map shall be filed by ADWR by **May 14, 2021**.


12 6. Status Conference. A telephonic status conference shall be held to address the
13 adjudication of the claimed and investigated water rights and determine whether the current
14 landowner intends to pursue a right to water use on the land, and if so, the nature of the water
15 rights claimed. The telephonic status conference shall be held in this case at 3:30 p.m. on **May**
16 **20, 2021**.
17

18
19
20 Instructions for telephonic participation:

21 Dial: 602-506-9695 (local)

22 1-855-506-9695 (toll free long distance)

23 Dial Collaboration (conference) Code 357264#
24
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26
27 
28 Susan Ward Harris
Special Master

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The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on March 24, 2021, for filing and distributing a copy to all persons listed on the Court approved mailing list for this contested case which is attached as Appendix D and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

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APPENDIX A

LAND OWNER _____ WATERSHED FILE
 AZ. CHAP. NATURE CONSERV. _____ REPORT NUMBER
 111-22-018

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	LOCATION TWNP	RNGE
36-0064468		IRRIGATION STOCK	1089.45	NWNWO4	22OS	18OE	1900	NWNWO4	22OS	18OE
39-0001584		IRRIGATION DOMESTIC STOCK REC/FISH/WLDFL	1.00 .92 .40 .31	NWNWO4 SWSW33	21OS	18OE	1900	NWNWO4	22OS	18OE

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0064468	IRRIGATION STOCK	NONE STOCK		SW001
39-0001584	IRRIGATION DOMESTIC STOCK WILDLIFE	NONE NONE STOCK INCIDENTAL		SW001

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
SW001	SWNWNWO4 22OS 18OE		SURFACE WATER		NO	INSTREAM USE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SW001	39-0001584	36-0064468	1900 FILING 36-64468	SURFACE WATER: BABOCOMARI RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT

EXPLANATION

FILINGS AND DECREES

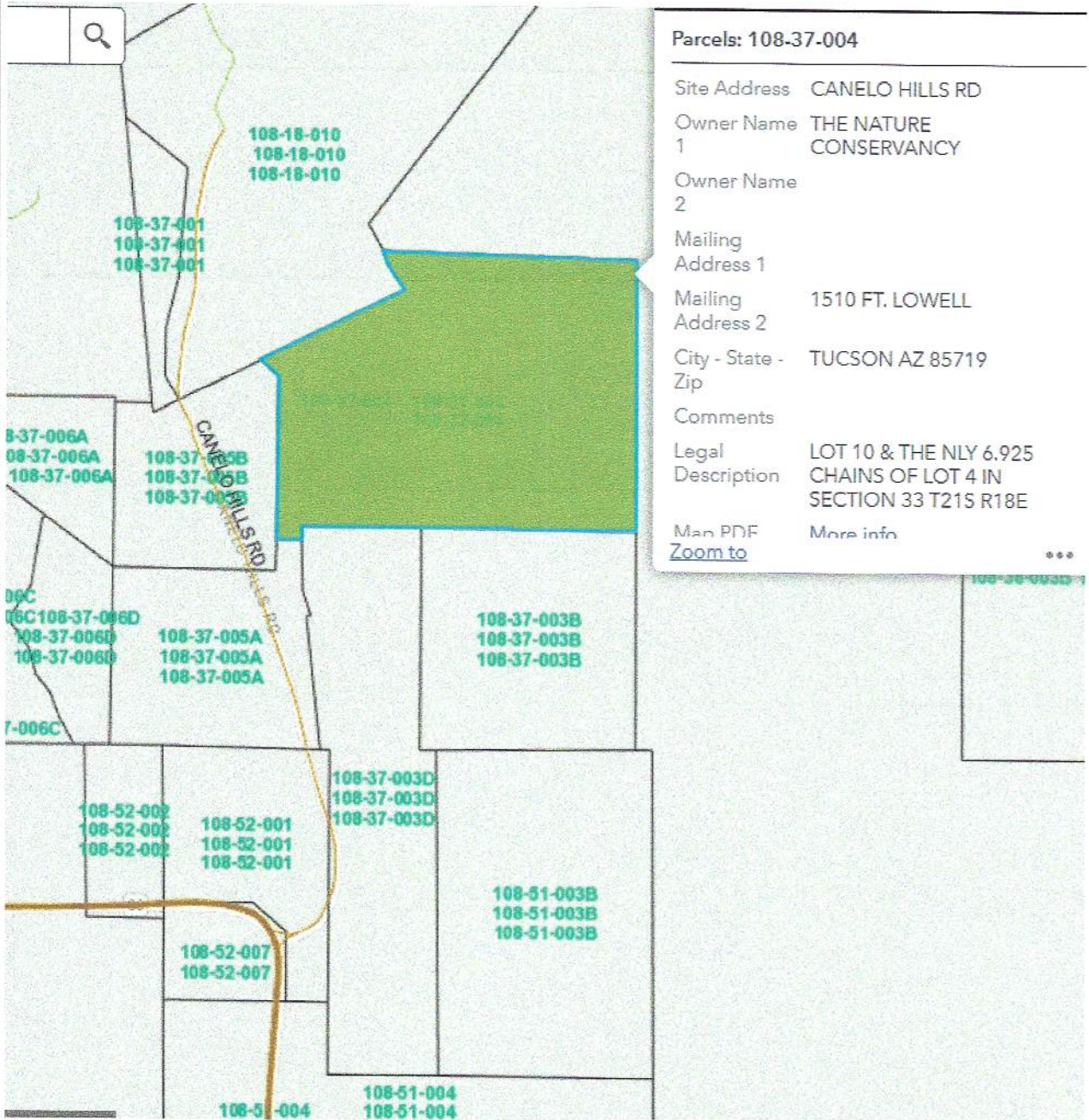
FILING 36-64468 - CLAIMS IRRIGATION AND STOCKWATERING USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.
 FILING 39-1584 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND WILDLIFE WATER USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.

USES AND RESERVOIRS

SW1 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM O'DONNELL CANYON.

APPENDIX B

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APPENDIX C

**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	111-22-018	
2. Owner of Water Right:		
3. Landowner:		
4. Statement of Claimant No.:	39-0001584	
5. Statement of Claimant Name:	Z Triangle Ranch	
6. Lessee or Permittee:	N/A	
7. Basis of Right:	36-0064468	
8. Beneficial Use:	Stock watering	
9. Priority Date:	12/31/1900	
10. Quantity:	Reasonable Use	
11. Place of Use:	SWNWNW Section 04 T22S R18E Gila and Salt River Base and Meridian, Santa Cruz County, AZ	
12. Point of Diversion:	SWNWNW Section 04 T22S R18E Gila and Salt River Base and Meridian, Santa Cruz County, AZ	
13. Source of Water:	Surface Water: Babocomari River	

APPENDIX D

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4 Clerk of the Superior Court
5 Maricopa County
6 Attn: Water Case
7 601 West Jackson Street
8 Phoenix, Az 85003

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 Kimberly R. Parks
14 Arizona Department of Water Resources
15 P. O. Box 36020
16 Phoenix, Az 85067

17 Linus Everling and Thomas L. Murphy
18 Gila River Indian Community
19 Office of The General Counsel
20 P. O. Box 97
21 Sacaton, Az 85147

22 Richard Palmer Jr., J. Weiner, L. Christian
23 Rosette, LLP
24 565 W. Chandler Blvd. Ste. 212
25 Chandler, AZ 85225

26 S. Montgomery, R. Interpreter, J. Tomkus
27 Montgomery & Interpreter, Plc
28 3301 E. Thunderbird Road
Phoenix, Az 85032

Susan Ward Harris
Special Master
Central Court Building, Ste 3a
201 West Jefferson
Phoenix, Az 85003-2205

1 Z Triangle Ranch
Roy E. and Margaret G. Ewing
2 P.O. Box 290
3 Elgin, Arizona 85611

4 The Nature Conservancy
Carla Consoli and Stanley Lutz
5 Lewis Roca Rothgerber Christie, LLP
201 East Washington Street
6 Suite 201
7 Phoenix, AZ 85004

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

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