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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. W1-11-2806

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Arizona State Land Department*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-2806 initiated and status conference set for **December 12, 2019 at 2:00 p.m.**

NUMBER OF PAGES: 11

DATE OF FILING: November 1, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 114-01-CCD-011 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified a potential water right for irrigation for the land described in the WFR located in section 36 Township 5S Range 15E. The identified source of water for the claimed type of use is a well. A copy of the WFR is

1 attached as Attachment A. A copy of the map prepared for the WFR is attached as Attachment  
2 B.

3  
4 **Claimants & Landowner**

5 The WFR identified two Statements of Claimant (SOC) relevant to the potential water  
6 right: 39-2224 and 39-6728. Paul L. Sale Investment Company filed SOC 39-2224 claiming a  
7 right to water for irrigation use on section 36 Township 6S Range 16E. Arizona State Land  
8 Department filed SOC 39-6728 claiming water rights for irrigation and stock and wildlife  
9 watering on section 36 Township 5S Range 15E and subsequently amended it to claim 169  
10 acre-feet per year for irrigation use. The WFR lists the Arizona State Land Department as the  
11 owner of the property. A map prepared by Arizona State Land Department of the land  
12 included within the boundaries of WFR is attached as Attachment C.  
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15 **IT IS ORDERED:**

16 1. Contested Case. This contested case shall be known as *In re Arizona State Land*  
17 *Department* and it will address Statements of Claimant and objections that were filed regarding  
18 Watershed File Report 114-01-CCD-011 published in the Final San Pedro River Watershed  
19 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
20 and number on the following website:  
21 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
22 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

23 2. Litigants. The litigants in this contested case are the Claimants, the current  
24 landowner, all persons who filed objections to the Watershed File Report who are included on  
25 Attachment D, and claimants who are allowed to intervene by order.  
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1           3.     Court-Approved Mailing List.

2           A.     The initial Court-approved mailing list for this case shall include all  
3           persons listed on Attachment D to this order. The list may be modified only by  
4           filing a motion with the Special Master to amend the Court-approved mailing  
5           list. Litigants are responsible for using the current Court-approved mailing list.

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

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

12           4.     Courtesy Email List.

13           The Special Master's office will email courtesy copies of orders and minute  
14           entries entered in this case to persons listed on Attachment D. Requests for  
15           inclusions on the email list should be sent to Barbara Brown at  
16           [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

17           5.     Status Conference. An initial status conference shall be held to address the  
18           adjudication of this case and determine whether the objections to the potential water rights can  
19           be settled. If the objections cannot be settled, then a subsequent date will be set for a  
20           scheduling conference to identify issues, file disclosure statements, conduct discovery, submit  
21           prehearing motions, and hold a trial. No party shall conduct any discovery or file any motions  
22           prior to the Scheduling Conference. The Status Conference shall be held on **December 12,**  
23           **2019**, at 2:00 p.m. before:  
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Special Master Susan Ward Harris  
Superior Court of Arizona  
201 West Jefferson Street  
Courtroom 301  
Phoenix, AZ 85003-2202

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

  
\_\_\_\_\_  
SUSAN WARD HARRIS  
Special Master

On November 1, 2019, 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, a copy of which is attached hereto as Attachment 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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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	114-01-CCD-011	HAT RANCH CATTLE COMPANY	05-1475

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 *WI-11-2806*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0002224	AMENDED	IRRIGATION	463.00	SWNESE36	06OS	160E	1977	SWNESE36	05OS	160E
39-0006728		IRRIGATION	704.70	NWNE36	05OS	150E	1853	SWNESE36	05OS	150E
		STOCK	3.36	SESW36	05OS	150E				
		REC/FISH/WLDFL	.04	SE36	05OS	150E				
		OTHER								

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
39-0002224	IRRIGATION	DISCONTINUED	WO1	IRO90
39-0006728	IRRIGATION	DISCONTINUED	WO1	IRO90
	STOCK	INCIDENTAL		
	WILDLIFE	INCIDENTAL		
	OTHER	NONAPPROPRIABLE		

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWNESE36	05OS	150E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IRO90	SWNE36	05OS	150E	WO1	GROUNDWATER : ZONE 1	1980	NO	

S H A R E D U S E S A N D D I V E R S I O N S

\*\* WATER FROM WO1 FOUND IN FILE (114-01CCD-10) IS USED IN THIS FILE

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IRO90	39-0002224	NONE	1980	1980 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
	39-0006728				

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
IRO90	REGIONAL	1.7	NO CROP				DISCONTINUED IRRG.

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-6728 - CLAIMS RAINFALL RETENTION AS AN "OTHER" WATER USE. RAINFALL RETENTION IS CONSIDERED TO BE A NONAPPROPRIABLE USE.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

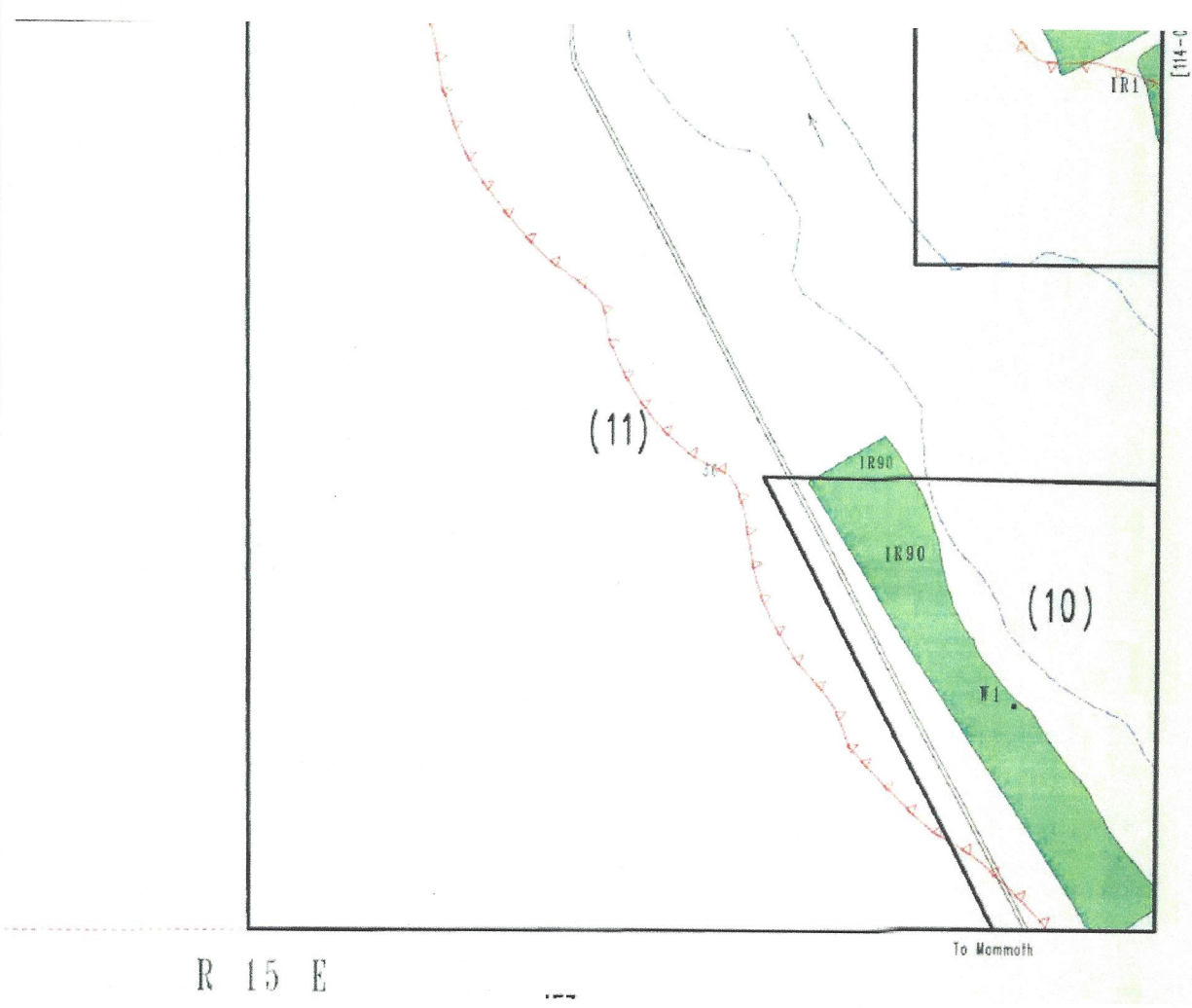
IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #114-01-CCD-10.

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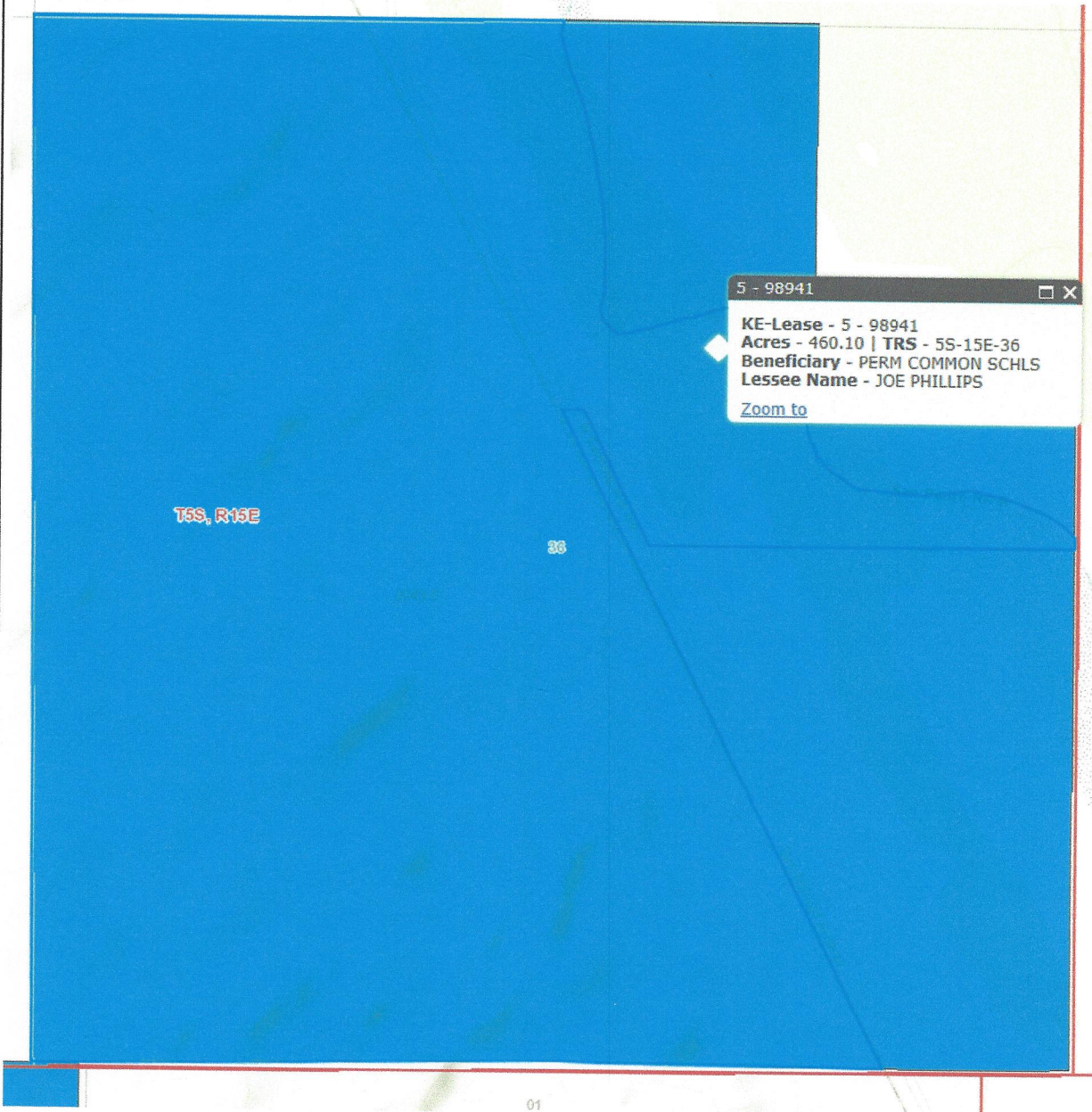
# ATTACHMENT B





# ATTACHMENT C

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# ATTACHMENT D

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

ASARCO Incorporated  
Lauren J. Caster  
Fennemore Craig, P.C.  
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Phoenix, AZ 85016-3429

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John D. Burnside  
Snell & Wilmer, L.L.P.  
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Phoenix AZ 85004

Carrie Brennan  
Kevin Crestin  
Arizona Attorney General  
Natural Resources Department  
2005 No. Central  
Phoenix, AZ 85004

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
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Phoenix, AZ 85003

Gila River Indian Community  
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Office of the General Counsel  
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Scottsdale, Az 85251-4573

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Rosette, LLP  
2 565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

3  
4 Paul L. Sale Investment Co.  
Paul L. Sale  
5 3313 E Draper Circle  
Mesa, AZ 85213

6  
7 S. Montgomery, R. Interpreter, J. Tomkus  
Montgomery & Interpreter, Plc  
8 3301 E. Thunderbird Road  
Phoenix, AZ 85032

9  
10 Salt River Valley Water Users Association,  
Salt River Project Agricultural Improvement and Power District  
11 John B. Weldon, Jr. and Mark A. McGinnis  
Salmon, Lewis & Weldon PLC  
12 2850 E Camelback Rd, Ste. 200  
Phoenix, AZ 85016

13  
14 Special Master Susan Ward Harris  
Superior Court of Arizona  
201 W. Jefferson Street  
15 Courtroom 301  
Phoenix, AZ 85003

16  
17 U. S. Department of Justice  
Patrick Barry and Yosef Negose  
18 Environment and Natural Resources  
P. O. Box 7611  
19 Washington, D.C. 20044-7611

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