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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

Contested Case No. W1-11-2839

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Fred T. Ash & Sons*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-2839 to address objections to Watershed File Report 114-01-CDC-017. An initial status conference is set for November 13, 2019 at 1:45 p.m.
NUMBER OF PAGES: 10
DATE OF FILING: October 10, 2019

This case involves water rights for irrigation use on land that Arizona Department Water Resources (“ADWR”) identified as owned by Fred T. Ash & Sons at the time of the publication of the San Pedro Hydrographic Survey Report (1991). This Order initiates a contested case to resolve objections to Watershed File Report 114-01-CDC-017 (“WFR”)

1 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991) and
2 adjudicate water rights. A copy of the WFR is attached as Attachment A.

3 According to the public records of the Pinal County Assessor, the land identified by the
4 WFR is tax parcel number 300-12-004D and it is currently owned by CSAK Holdings, LLC.
5 A copy of the Pinal County Assessor's map is attached as Attachment B. The public records
6 maintained by ADWR do not show that either Fred T. Ash & Sons or CSAK Holdings, LLC
7 has filed a Statement of Claimant ("SOC") with respect to water rights on the land identified in
8 Section 31 T5S R16E. Instead, the WFR identifies the relevant SOC as SOC 39-2477 filed by
9 ASARCO Incorporated and subsequently amended by ASARCO LLC.

10 **IT IS ORDERED:**

11 1. Contested Case, Designation and Docket Number. This contested case initiates
12 case no. W1-11-2839 which shall be known as *In re Fred T. Ash and Sons*.

13 2. Litigants. The litigants in this contested case are the landowner, CSAK
14 Holdings, LLC, Claimant, Asarco LLC, all persons who filed objections to the watershed file
15 reports who are included on the list attached as Attachment C, and claimants who are allowed
16 to intervene by order.

17 3. Court-Approved Mailing List.

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

23 B. A copy of any pleading filed with the Clerk of the Maricopa County
24 Superior Court in this case shall be served upon each person listed on the Court-
25 approved mailing list.
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1 C. Claimants wishing to be added or removed from the mailing list shall file
2 a motion with the Special Master. Parties allowed to intervene will be
3 automatically added to the mailing list.

4 4. Courtesy Email List.

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

9
10
11 5. For purposes of determining whether water rights will be pursued by the
12 landowner or the Claimant for use on the land that is the subject of WFR 114-01-CDC-017, an
13 initial status conference shall be held on November 13, 2019 at 1:45 p.m. before:

14 Special Master Susan Ward Harris
15 Superior Court of Arizona
16 201 West Jefferson Street
17 Courtroom 301
Phoenix, AZ 85003-2202

18 Instructions for telephonic appearance:
19 Dial: 602-506-9695 (local)
20 1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#

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23 SUSAN WARD HARRIS
24 Special Master
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On October 10, 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 C, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

Barbara Brown
Barbara Brown

ATTACHMENT A

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LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
ASH, FRED T. & SONS	114-01-CDC-017

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-2839

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
36-0027389		IRRIGATION DOMESTIC	90.00	NWNE25	050S	150E	1900	NWNW08	060S	160E
39-0002477		IRRIGATION	211.00	NENE25	050S	150E	1974	SWSESW31	050S	160E
				31	050S	160E				
				06	060S	160E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0027389	IRRIGATION DOMESTIC	IRRIGATION	W05	IROO1
39-0002477	IRRIGATION	NOT APPLICABLE IRRIGATION	W05	IROO1, IROO2, IROO3

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W05	SWSESW31	050S	160E	F-5	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	NESW31	050S	160E	W05	GROUNDWATER : ZONE 1	1935	YES	
IROO2	NESW31	050S	160E	W05	GROUNDWATER : ZONE 1	1955	NO	
IROO3	NESW31	050S	160E	W05	GROUNDWATER : ZONE 1	1983	NO	

SHARED USES AND DIVERSIONS

** WATER FROM W05 FOUND IN FILE (114-01-CCD-1) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0002477	36-0027389	1900 FILING 36-27389	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0002477	36-0027389	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO3	39-0002477	36-0027389	1974 FILING 39-2477	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED REGIONAL	1.0	FALL GRAINS	45%	.9 AF/AC	.9 AFA	
	MAX. POTENTIAL	1.0	AVE. CROP	50%	5.4 AF/AC	5.4 AFA	
	MAX. POTENTIAL	1.0	ALFALFA	45%	7.4 AF/AC	7.4 AFA	
IROO2	MAX. OBSERVED REGIONAL	.7	FALL GRAINS	45%	.9 AF/AC	.6 AFA	
	MAX. POTENTIAL	.7	AVE. CROP	50%	5.4 AF/AC	3.8 AFA	
	MAX. POTENTIAL	.7	ALFALFA	45%	7.4 AF/AC	5.2 AFA	
IROO3	MAX. OBSERVED REGIONAL	.5	FALL GRAINS	45%	.9 AF/AC	.5 AFA	
	MAX. POTENTIAL	.5	AVE. CROP	50%	5.4 AF/AC	2.7 AFA	
	MAX. POTENTIAL	.5	ALFALFA	45%	7.4 AF/AC	3.7 AFA	

FILINGS AND DECREES

FILING 36-27389 - CLAIMS IRRIGATION AND DOMESTIC WATER USES. THE CLAIMED DOMESTIC USE DOES NOT APPLY TO THIS W.F.R.

DIVERSIONS

W5 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

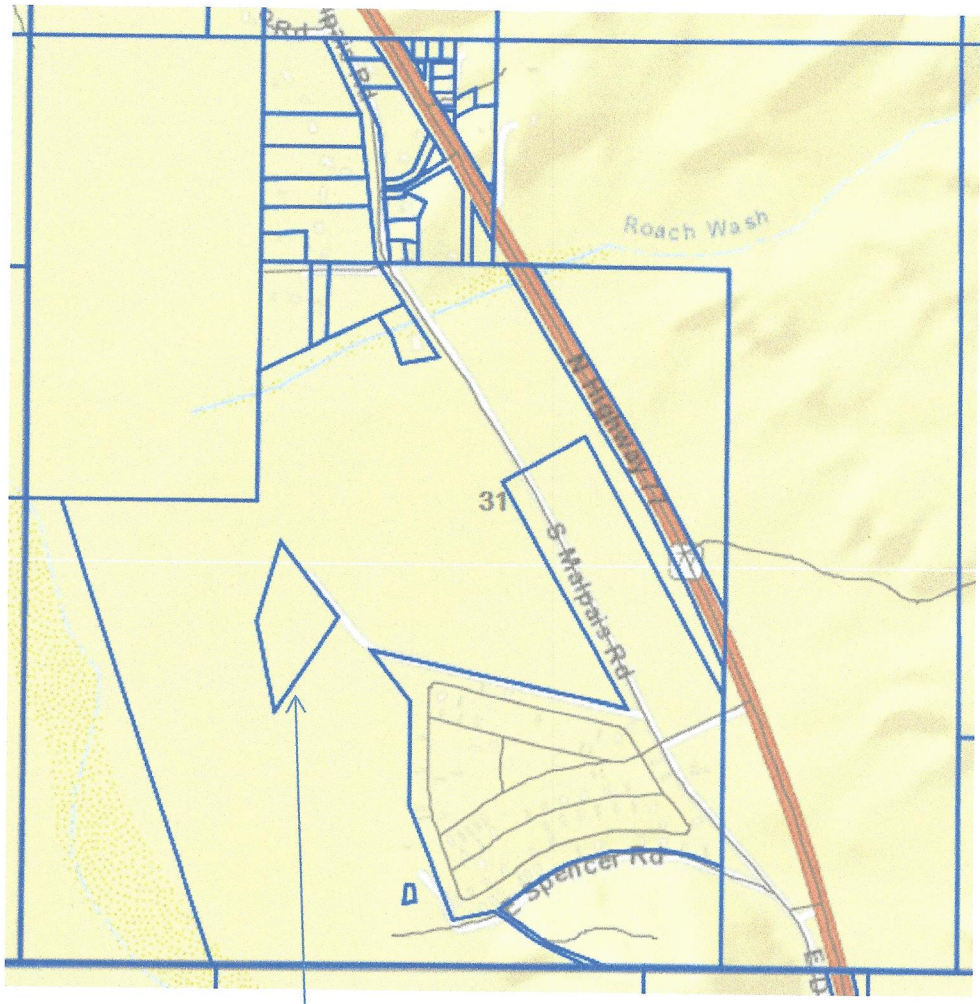
IR1-IR3 - IRRIGATED SMALL GRAINS.

SHARED USES AND DIVERSIONS

W5 - WELL IS SHARED WITH W.F.R. #114-01-CCD-1.

ATTACHMENT B

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Tax Parcel No. 300-12-004D

ATTACHMENT C

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

ASARCO Inc.
Lauren J. Caster
Fennemore Craig, P.C.
2394 East Camelback Road
Suite 600
Phoenix, AZ 85016-3429

BHP Copper, Inc.
John D. Burnside
Snell & Wilmer, L.L.P.
400 E. Van Buren Street, Ste 1900
Phoenix AZ 85004

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

CSAK Holdings, LLC
Davidson & Kaffer PLLC
8700 E Pinnacle Peak Rd Ste 221,
Scottsdale, AZ, 85255

Fred T. Ash & Sons
122 North Macdonald Street
Mesa, AZ 85201

Fred T. Ash & Sons
210 North Central St. #101
Mesa, AZ 85201

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

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

5 San Carlos Apache Tribe
Joe P. Sparks and Laurel A. Hermann
6 The Sparks Law Firm, P.C.
7503 First Street
7 Scottsdale, AZ 85251-4573
8

9 Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
10 Courtroom 301
Phoenix, AZ 85003
11

12 Tonto Apache Tribe
Lucas T. Christian & Julian Nava
13 Rosette, LLP
565 W. Chandler Blvd. Suite 212
14 Chandler, AZ 85225
15

16 Yavapai-Apache Nation
Camp Verde Reservation
S. Montgomery, R. Interpreter, J. Tomkus
17 Montgomery & Interpreter, PLC
3301 E. Thunderbird Road
18 Phoenix, AZ 85032
19

20 U. S. Department of Justice
Patrick Barry and Yosef Negose
U.S. Department of Justice
21 Environment and Natural Resources
P. O. Box 7611
22
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