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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. W1-11-3103

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In Re Salt River Project – River Preserve I*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3103 initiated and status conference set for **November 1, 2019 at 1:30 p.m.**
NUMBER OF PAGES: 11
DATE OF FILING: June 25, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report No. 114-04-BAB-001 (“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 the southeast quarter of section 07 Township 6S Range 16E, which is Arizona State Trust land. The WFR identified the source of water for the claimed use as a well located in the NWNWSW section 08 T6S R16E. A copy

1 of the watershed file report is attached as Attachment A. A copy of the map prepared for the
2 WFR is attached as Attachment B and a copy of the Arizona State Land Department parcel
3 map is attached as Attachment C.

4
5 **Claimants and Landowner**

6 The WFR identified two Statements of Claimant (SOC) relevant to the potential water
7 right: 39-2225 and 39-6730. Paul L. Sale Investment Co. filed Statement of Claimant 39-
8 2225 to assert claims for domestic, stock watering and irrigation uses on section 08 T6S
9 R16E. It identified the source of water as a well located in the NWNWSW of section 08 T6S
10 R16E. The SOC was assigned by Paul L. Sale Investment Co. to The Nature Conservancy on
11 April 30, 1997. The Nature Conservancy assigned SOC 39-2225 to the Salt River Project
12 Agricultural Improvement and Power District on July 28, 2017.

13
14 Statement of Claimant 39-6730 filed by the Arizona State Land Department claimed a
15 right to water for irrigation use in the southeast quarter of the Section 07 T6S R16E. The
16 Arizona State Land Department has stated that it does not intend to pursue claims associated
17 with SOC 39-6730 and its SOC was dismissed during the status conference for *In re Paul L.*
18 *Sale Investment Co.* contested case no. W1-11-3107 on June 18, 2019.

19
20 **IT IS ORDERED:**

21
22 1. Contested Case. This contested case shall be known as *In re Salt River Project*
23 *– River Preserve I* and it will address claims for water rights included in watershed file report
24 114-04-BAB-001 and objections that were filed to that WFR published in the Final San Pedro
25 River Watershed Hydrographic Survey Report (1991). Copies of objections can be found
26 under the case name and number on the following website:
27 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
28 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

1 2. Litigants. The litigants in this contested case are the Claimant, the current
2 landowner, all persons who filed objections to the listed watershed file report who are included
3 on Attachment D, and claimants who are allowed to intervene by order.

4 3. Court-Approved Mailing List.

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

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

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

16
17 4. Courtesy Email List. The Special Master's office will email courtesy copies of
18 orders and minute entries entered in this case to persons listed on Attachment D. Requests for
19 inclusions on the email list should be sent to Barbara Brown at

20 brownb099@superiorcourt.maricopa.gov.

21
22 5. Status Report and Conference. Salt River Project shall file a status report by
23 **October 18, 2019**, which shall identify the applicable adjudication filings and pre-filings for
24 claims for water use. It shall also set forth the positions of Salt River Project and the Arizona
25 State Land Department regarding the ownership of the claimed water right(s). An initial status
26 conference shall be held on **November 1, 2019** at 1:30 p.m. in the Superior Court of Arizona,
27 201 West Jefferson Street, Courtroom 301, Phoenix, AZ 85003-2202
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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 June 25, 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	114-04-BAB-001	PAUL L. SALE INVEST. CO.	01-78156

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 LOCATION SECTION	TWNP	RNGE
39-0002225	AMENDED	IRRIGATION DOMESTIC STOCK	250.00 2.00	NWNWSW08	060S	160E	1949	NWNWSW08	060S	160E
39-0006730	AMENDED	IRRIGATION	112.00 321.90	SENWNE07 NENW07	060S	160E	1941	NWNWSW08	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
39-0002225	IRRIGATION DOMESTIC STOCK	IRRIGATION NONE	WO4	IRO07
39-0006730	IRRIGATION	INCIDENTAL IRRIGATION	WO4	IRO07

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO4	NWNWSW08	060S	160E	UNNAMED	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
IRO07	SE07	060S	160E	WO4	GROUNDWATER : ZONE 1	1983	NO	

SHARED USES AND DIVERSIONS

** WATER FROM WO4 FOUND IN FILE (114-04-BAB-7) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IRO07	39-0002225 39-0006730	NONE	1983 1983	AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IRO07	MAX. OBSERVED REGIONAL	43.2	PERM. PSTR	38%	8.3 AF/AC	358.6 AFA	
	MAX. POTENTIAL	43.2	AVE. CROP ALFALFA	50% 38%	5.4 AF/AC 8.8 AF/AC	233.3 AFA 380.2 AFA	

FILINGS AND DECREES

FILING 39-2225 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W4 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

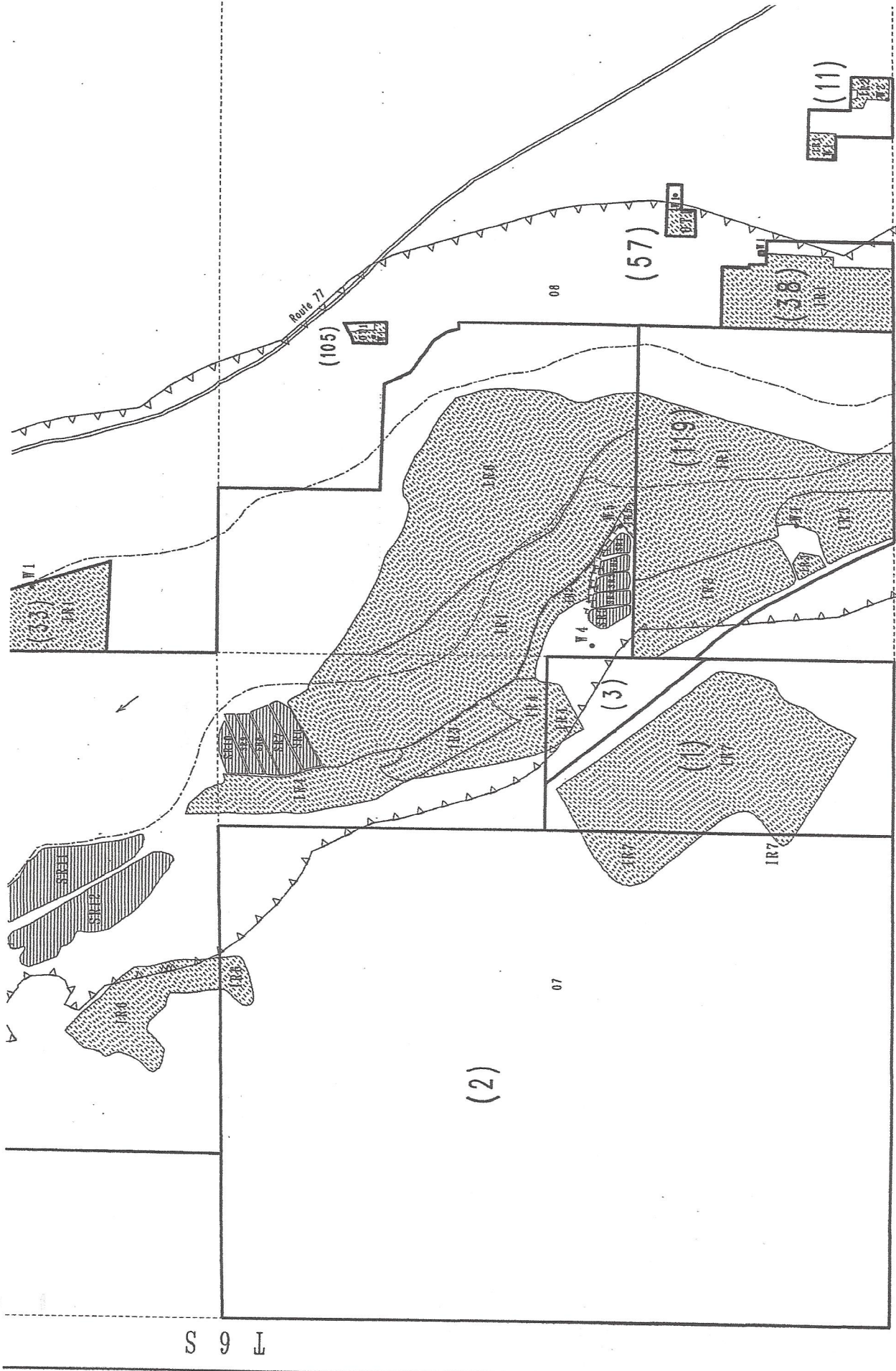
IR7 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W4 - WELL IS SHARED WITH W.F.R. #114-04-BAB-7.

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ATTACHMENT B



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Route 77

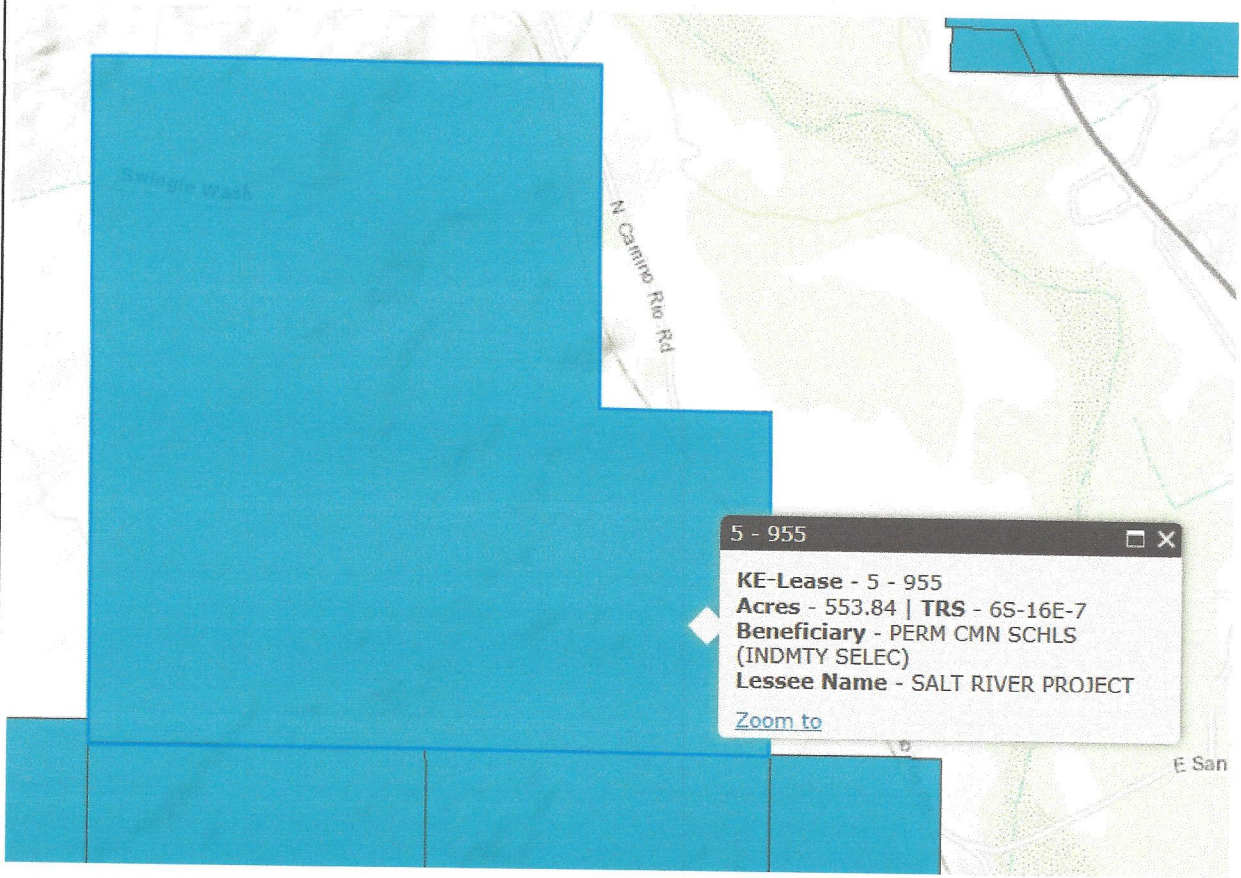
[14-04-BAC]

R 16 E

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ATTACHMENT C

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ATTACHMENT D

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4 Arizona Department of Water Resources
5 Kimberly Parks
6 Janet L. Miller
7 P. O. Box 36020
8 Phoenix, AZ 85067

7

8 ASARCO Incorporated
9 Lauren J. Caster
10 Fennemore Craig, P.C.
11 2394 East Camelback Road
12 Suite 600
13 Phoenix, AZ 85016-3429

10

11

12 BHP Copper, Inc.
13 John D. Burnside and Megan Tracy
14 Snell & Wilmer, L.L.P.
15 400 East Van Buren Street
16 Suite 1900
17 Phoenix, AZ 85004

15

16 Clerk of the Superior Court
17 Maricopa County
18 Attn: Water Case
19 601 West Jackson Street
20 Phoenix, AZ 85003

18

19 David F. Jacobs and Carrie J. Brennan
20 Arizona Attorney General
21 Natural Resources Section
22 2005 North Central
23 Phoenix, AZ 85004

22

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

25

26 Joe P. Sparks and Laurel A. Herrmann
27 The Sparks Law Firm, P.C.
28 7503 First Street
Scottsdale, AZ 85251-4573

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

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

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

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