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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. W1-11-3193

ORDER TO INITIATE CONTESTED
CASE AND SET A STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Arizona State Land Department*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-3193 to determine water rights for property located in SWNE Section 28 T6S R16E in Pinal County.
NUMBER OF PAGES: 11
DATE OF FILING: October 16, 2019

This case involves claims for water rights for irrigation use on land that the Arizona Department of Water Resources (“ADWR”) identified as owned by the Arizona State Land Department (“ASLD”) at the time of the publication of the San Pedro Hydrographic Survey Report (1991). This Order initiates a contested case to resolve objections to and adjudicate water rights analyzed by Watershed File Report 114-04-BDA-004 (“WFR”) published in the

1 Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is
2 attached as Attachment A.

3 The WFR identified Statements of Claimant (“SOCs”) 39-4004 and 39-13895 as the
4 adjudication filings for a potential water right for irrigation use. ASARCO, Incorporated filed
5 SOC 39-4004 which ASARCO LLC subsequently amended. Arizona State Land Department
6 filed SOC 39-13895 for water used on 2.3 acres in the northeast quarter of section 28 T6S
7 R16E. ASARCO, Incorporated filed an objection to the WFR on grounds that included the
8 assertion that “ASLD is not the owner of the property. ASARCO Incorporated is the owner of
9 the property.”

10 **IT IS ORDERED:**

11 1. Contested Case, Designation and Docket Number. This contested case initiates
12 case no. W1-11-3193 which shall be known as *In re Arizona State Land Department*.

13 2. Litigants. The litigants in this contested case are the landowner identified by
14 ADWR, the claimed landowner and the claimants, ASLD and ASARCO, LLC, all persons who
15 filed objections to the listed WFR who are listed on Attachment B, and claimants who are
16 allowed 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 B. A copy of any pleading filed with the Clerk of the Maricopa County
23 Superior Court in this case shall be served upon each person listed on the Court-
24 approved mailing list.
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C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the mailing list.

4. Courtesy Email List.


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

5. An initial status conference shall be held on November 13, 2019, at 2:15 p.m.

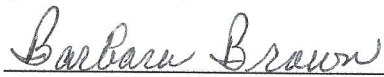
before:

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

1 On October 16, 2019 the original of the foregoing was
2 delivered to the Clerk of the Maricopa County Superior
3 Court for filing and distributing a copy to all persons
4 listed on the Court-approved mailing list for this
5 contested case, a copy of which is attached hereto as
6 Attachment B and to all persons listed on the Court-
7 approved mailing list for W-1, W-2, W-3, and W-4
8 (Consolidated).

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Barbara Brown
Barbara Brown

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ATTACHMENT A

ATTACHMENT B

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

Arizona State Land Department
Carrie J. Brennan and Kevin P. Crestin
Arizona Attorney General
Natural Resources Section
2005 North Central
Phoenix, AZ 85004

ASARCO LLC
Lauren Caster, Brian Heiserman and Bradley Pew
Fennemore Craig, P.C.
2394 East Camelback Road, Ste 600
Phoenix AZ 85016-3429

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

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

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

San Carlos Apache Tribe
Joe P. Sparks and Laurel A. Herrmann
the Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

1 Special Master Susan Ward Harris
2 Superior Court of Arizona
3 201 West Jefferson Street
4 Courtroom 301
5 Phoenix, AZ 85003

6 Tonto Apache Tribe
7 Lucas T. Christian and Julian Nava
8 Rosette, LLP
9 565 W. Chandler Blvd, Ste 212
10 Chandler, AZ 85225

11 U. S. Department of Justice
12 F. Patrick Barry
13 Environment and Natural Resources
14 P. O. Box 7611
15 Washington DC 20044-7611

16 U. S. Department of Justice
17 R. Lee Leininger
18 Natural Resources Section
19 999 18th Street, So Terrace, Ste 370
20 Denver, CO 80202

21 Yavapai-Apache Nation
22 Camp Verde Reservation
23 Susan B. Montgomery, Robyn L. Interpreter,
24 and Jay Tomkus
25 Montgomery & Interpreter, PLC
26 3301 E. Thunderbird Road
27 Phoenix, AZ 85032
28

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	114-04-BDA-004	SIMONIS DONOVAN ACCOUNTS MULVANIA, RICHARD L.	4518

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-3193

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
10-1101233.1100		IRRIGATION		E2SW28	060S	160E	1878	SESWSW33	060S	160E
36-0018832		IRRIGATION DOMESTIC STOCK	960.00	E2NW28	060S	160E	1873	SENE20	060S	160E
36-0018833		IRRIGATION DOMESTIC STOCK	2640.00	SWSW33	060S	160E	1876	SENE20	060S	160E
36-0018834		IRRIGATION DOMESTIC STOCK	655.00	SWSW33	060S	160E	1878	SENE20	060S	160E
36-0018835		IRRIGATION DOMESTIC STOCK		SWSW33	060S	160E	1883	SENE20	060S	160E
36-0018836		IRRIGATION DOMESTIC STOCK		SWSW33	060S	160E	1890	SENE20	060S	160E
36-0018837		IRRIGATION DOMESTIC STOCK		SWSW33	060S	160E	1891	SENE20	060S	160E
36-0018838		IRRIGATION DOMESTIC STOCK		SWSW33	060S	160E	1914	SENE20	060S	160E
39-0004004		IRRIGATION DOMESTIC STOCK	4243.00				1873	NWNWSW33	060S	160E
		DOMESTIC	2.00					SWSWSW33	060S	160E
		STOCK	10.00					NENESW33	060S	160E
39-0013895		MINING IRRIGATION	12.60	NE28	060S	160E	1973	NWNWSE28	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
10-1101233.1100	IRRIGATION	NOT APPLICABLE	SO1	
36-0018832	IRRIGATION	IRRIGATION	SO1,WO1,WO2	IROO1
	DOMESTIC	NOT APPLICABLE	WO3	
	STOCK	INCIDENTAL		
36-0018833	IRRIGATION	IRRIGATION	SO1,WO1,WO2	IROO1
	DOMESTIC	NOT APPLICABLE	WO3	
	STOCK	INCIDENTAL		
36-0018834	IRRIGATION	IRRIGATION	SO1,WO1,WO2	IROO1
	DOMESTIC	NOT APPLICABLE	WO3	
	STOCK	INCIDENTAL		
36-0018835	IRRIGATION	IRRIGATION	SO1,WO1,WO2	IROO1
	DOMESTIC	NOT APPLICABLE	WO3	
	STOCK	INCIDENTAL		
36-0018836	IRRIGATION	IRRIGATION	SO1,WO1,WO2	IROO1
	DOMESTIC	NOT APPLICABLE	WO3	
	STOCK	INCIDENTAL		
36-0018837	IRRIGATION	IRRIGATION	SO1,WO1,WO2	IROO1
	DOMESTIC	NOT APPLICABLE	WO3	
	STOCK	INCIDENTAL		
36-0018838	IRRIGATION	IRRIGATION	SO1,WO1,WO2	IROO1
	DOMESTIC	NOT APPLICABLE	WO3	
	STOCK	INCIDENTAL		
39-0004004	IRRIGATION	IRRIGATION	SO1,WO1,WO2	IROO1
	DOMESTIC	NOT APPLICABLE	WO3	
	STOCK	INCIDENTAL		
39-0013895	MINING	NOT APPLICABLE		
	IRRIGATION	IRRIGATION	WO4	IROO1

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
SO1	SESWSW33	060S	160E	ISRAEL SPRING	SURFACE WATER: SAN PEDRO RIVER
WO1	SWNESW33	060S	160E	WELL #1	SHARED GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO2	NWNWSW33	060S	160E	WELL #2	SHARED GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	SENWNW33	060S	160E	WELL #14	SHARED GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO4	NWNWSE28	060S	160E	UNNAMED	SHARED GROUNDWATER : ZONE 2

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SWNE28	060S	160E	SO1,WO1,WO2 WO3,WO4	SURFACE WATER GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1978	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 SO1 FOUND IN FILE (114-04-BDA-1) IS USED IN THIS FILE
- ** WATER FROM WO1 FOUND IN FILE (114-04-BDA-1) IS USED IN THIS FILE
- ** WATER FROM WO2 FOUND IN FILE (114-04-BDA-1) IS USED IN THIS FILE
- ** WATER FROM WO3 FOUND IN FILE (114-04-BDA-1) IS USED IN THIS FILE
- ** WATER FROM WO4 FOUND IN FILE (114-04-BDA-1) 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
IROO1	39-0004004 39-0013895	10-1101233.1100 36-0018832 36-0018833 36-0018834 36-0018835 36-0018836 36-0018837 36-0018838	1978	1978 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2

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
IROO1	MAX. OBSERVED REGIONAL	4.4	DBL.CROPPED	48%	3.1 AF/AC	13.6 AFA	
	MAX. POTENTIAL	4.4	AVE. CROP	50%	5.4 AF/AC	23.8 AFA	
		4.4	ALFALFA	48%	6.9 AF/AC	30.4 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-1101233-11 - CLAIMS AN IRRIGATION USE FROM ISRAEL SPRING. THE CLAIMED USE DOES NOT APPLY TO THIS W.F.R.
 FILINGS 36-18832 THROUGH 36-18838 & 39-4004 - CLAIM DOMESTIC WATER USES WHICH DO NOT APPLY TO THIS W.F.R.
 FILING 39-4004 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND MINING WATER USES. THE MINING USE DOES NOT APPLY TO THIS PROPERTY.

DIVERSIONS

S1 - DIVERSION FROM ISRAEL SPRING PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.
 W1-W4 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

IR1 - IRRIGATED DOUBLE CROPS (CORN AND SMALL GRAINS).

SHARED USES AND DIVERSIONS

S1 - ISRAEL SPRING IS SHARED WITH W.F.R. #114-04-BDA-1.
W1-W4 - WELLS ARE SHARED WITH W.F.R. #114-04-BDA-1.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED WHICH SUPPORTED INFORMATION PROVIDED IN THE PRELIMINARY H.S.R.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
SLD	114-04-BDA-004

WELLS	WELL NAMES	WELL LOCATION	WATER USES SERVED	REMARKS
-----	-----	SECTION TWNP RNGE	-----	-----
WO4	UNNAMED	NWNWSE28 060S 160E	IROO1	W11-11-3193 SHARED

WATER USE NUMBERS	WATER USE LOCATION	*** APPARENT FIRST USE ***	APPAR. ANNUAL	ACRES
-----	SECTION TWNP RNGE	DATE BASIS FOR DATE	VOLUME USED	IRRIGATED
IROO1	SWNE28 060S 160E	1978 1978 AERIAL PHOTO	23.8 AFA	4.4

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0004004		IROO1
39-0013895	WO4	IROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER AND ZONE 1 GROUNDWATER.

** WATER FROM WO4 FOUND IN FILE (114-04-BDA-1) IS USED IN THIS FILE.

W4 - WELL SUPPLIES WATER FOR IRRIGATION AND STOCKWATERING USES.

IR1 - IRRIGATED DOUBLE CROPS (CORN AND SMALL GRAINS).