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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. W1-11-3207
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re John and Mary Lou Smith*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3207 initiated and status conference set
for **December 12, 2019 at 1:30 PM**
NUMBER OF PAGES: 12
DATE OF FILING: October 30, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 114-04-CAA-001 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for domestic use and for irrigation for the land described in the WFR located in sections 15 and 22 Township 7S Range 16E. The identified sources of water for the claimed uses are three wells that Arizona Department of Water Resources (“ADWR”) has located within the subflow zone.

1 A copy of the watershed file report is attached as Attachment A. A copy of the map prepared
2 for the WFR is attached as Attachment B. The land investigated by ADWR for the WFR is
3 labelled as “(1)”.

4
5 **Claimants & Landowners**

6 The WFR identified three Statements of Claimant (SOC) relevant to the potential
7 water right: 39-2472, 39-2473, and 39-2962. ASARCO Incorporated filed SOCs 39-2472 and
8 39-2473 and assigned them to the Arizona Game and Fish Commission. John E. Smith filed
9 SOC 39-2962 claiming irrigation, stock watering and municipal use and later assigned it to the
10 Arizona Game and Fish Commission. The WFR lists John E. and Mary Lou Smith as the
11 owner of the property described in 114-04-CAA-001. The public records of Pinal County
12 Assessor’s Office shows the John E. and Mary Lou Smith Trust as the owner of tax parcel
13 300-35-0040 and Arizona Game and Fish Commission as the owner of tax parcel 300-36-
14 005C. A copy of the map prepared by the Office of the Pinal County Assessor is attached as
15 Attachment B.
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18 **IT IS ORDERED:**

19 1. Contested Case. This contested case shall be known as *In re John and Mary*
20 *Lou Smith* and it will address Statements of Claimant and objections that were filed regarding
21 the Watershed File Report 114-04-CAA-001 published in the Final San Pedro River Watershed
22 Hydrographic Survey Report (1991). Copies of objections can be found under the case name
23 and number on the following website:
24 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
25 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
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1 2. Litigants. The litigants in this contested case are the Claimants, landowners, all
2 persons who filed objections to the listed watershed file reports who are included on
3 Attachment D, and claimants who are allowed to intervene by order.

4 3. Court-Approved Mailing List.

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

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

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

15 4. Courtesy Email List.

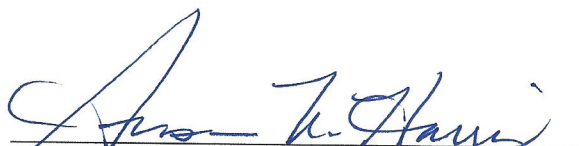
16 The Special Master's office will email courtesy copies of orders and minute
17 entries entered in this case to persons listed on Attachment D. Requests for
18 inclusions on the email list should be sent to Barbara Brown at
19 brownb099@superiorcourt.maricopa.gov.

20 5. Status Conference. An initial status conference shall be held to address the
21 adjudication of this case and determine whether the objections to the potential water rights can
22 be settled. If the objections cannot be settled, then a subsequent date will be set for a
23 scheduling conference to identify issues, file disclosure statements, conduct discovery, submit
24 prehearing motions, and hold a trial. No party shall conduct any discovery or file any motions
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1 prior to the Scheduling Conference. The Status Conference shall be held on **December 12,**
2 **2019**, at 1:30 p.m. before:

3
4 Special Master Susan Ward Harris
5 Superior Court of Arizona
6 201 West Jefferson Street
7 Courtroom 301
8 Phoenix, AZ 85003-2202

9 Instructions for telephonic appearance:
10 Dial: 602-506-9695 (local)
11 1-855-506-9695 (toll free long distance)
12 Dial Participant Pass Code 357264#

13 
14 SUSAN WARD HARRIS
15 Special Master

16 On October 30, 2019, the original of the foregoing was
17 delivered to the Clerk of the Maricopa County Superior
18 Court for filing and distributing a copy to all persons
19 listed on the Court-approved mailing list for this
20 contested case, a copy of which is attached hereto as
21 Attachment D, and to all persons listed on the Court-
22 approved mailing list for W-1, W-2, W-3, and W-4
23 (Consolidated).
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ATTACHMENT A

LAND OWNER
SMITH, JOHN E. & MARY LOU

WATERSHED FILE
REPORT NUMBER
114-04-CAA-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3207

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1103298.1100		IRRIGATION	3600.00	SE22	070S	160E				
36-0048159		IRRIGATION DOMESTIC STOCK	350.00	SESE22	070S	160E	1886	NW26	070S	160E
39-0002472		IRRIGATION	700.00	15	070S	160E	1949	NESENE22	070S	160E
39-0002473		IRRIGATION	293.00	22	070S	160E	1974	SWNESE22	070S	160E
39-0002962		IRRIGATION DOMESTIC STOCK MUNICIPAL	350.00 10.00 2.00	SESE22	070S	160E	1886	SESE22	070S	160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1103298.1100	IRRIGATION	IRRIGATION		IROO1
36-0048159	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO1	DMOO1, IROO1, IROO2 IROO3
39-0002472	IRRIGATION	IRRIGATION	WO2	IROO4, IROO5
39-0002473	IRRIGATION	IRRIGATION	WO3	IROO4, IROO5
39-0002962	IRRIGATION DOMESTIC STOCK MUNICIPAL	IRRIGATION DOMESTIC INCIDENTAL NONE	WO1	DMOO1, IROO1, IROO2 IROO3

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SESESE22	070S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO2	NESENE22	070S	160E	F-13	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO3	NWNENE22	070S	160E	F-11	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
DMOO1	SENWSE22	070S	160E	WO1	GROUNDWATER : ZONE 1		NO	
	SESESE22	070S	160E					
	SWSESE22	070S	160E					
IROO1	NESE22	070S	160E	WO1	GROUNDWATER : ZONE 1	1935	YES	
	NWSE22	070S	160E					
	SESE22	070S	160E					
	SWSE22	070S	160E					
IROO2	SESE22	070S	160E	WO1	GROUNDWATER : ZONE 1	1978	NO	
	SWSE22	070S	160E					
IROO3	SESE22	070S	160E	WO1	GROUNDWATER : ZONE 1	1983	NO	
IROO4	SESE15	070S	160E	WO2, WO3	GROUNDWATER : ZONE 1	1935	NO	
IROO5	SESE15	070S	160E	WO2, WO3	GROUNDWATER : ZONE 1	1969	NO	

** WATER FROM W01 IS SHARED WITH THESE ADDITIONAL FILES:
 114-04-CAD-1
 ** WATER FROM W02 FOUND IN FILE (114-01-CAA-2) IS USED IN THIS FILE
 ** WATER FROM W03 FOUND IN FILE (114-04-CAA-2) 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
DMOO1	39-0002962	36-0048159		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0002962	10-1103298.1100 36-0048159	1886 FILING 36-48159	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0002962	36-0048159	1978 1978 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO3	39-0002962	36-0048159	1983 1983 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO4	39-0002472 39-0002473	NONE	1920 1920 STATE SURVEY	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO5	39-0002472 39-0002473	NONE	1969 1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

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
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	22.3	PERM. PSTR	45%	5.5 AF/AC	122.7 AFA	
	MAX. POTENTIAL	22.3	AVE. CROP	50%	5.4 AF/AC	120.4 AFA	
IROO2	MAX. OBSERVED REGIONAL	1.1	ALFALFA	45%	7.4 AF/AC	165.0 AFA	
	MAX. POTENTIAL	1.1	PERM. PSTR	61%	3.3 AF/AC	3.6 AFA	DEFICIT IRRIGATION
IROO3	MAX. OBSERVED REGIONAL	1.1	AVE. CROP	50%	5.4 AF/AC	5.9 AFA	
	MAX. POTENTIAL	1.1	ALFALFA	61%	5.4 AF/AC	5.9 AFA	
IROO3	MAX. OBSERVED REGIONAL	1.5	PERM. PSTR	61%	3.3 AF/AC	5.0 AFA	DEFICIT IRRIGATION
	MAX. POTENTIAL	1.5	AVE. CROP	50%	5.4 AF/AC	8.1 AFA	
IROO4	MAX. OBSERVED REGIONAL	.4	ALFALFA	61%	5.4 AF/AC	8.1 AFA	
	MAX. POTENTIAL	.4	COTTON	46%	5.1 AF/AC	2.0 AFA	
IROO5	MAX. OBSERVED REGIONAL	.4	AVE. CROP	50%	5.4 AF/AC	2.2 AFA	
	MAX. POTENTIAL	.4	ALFALFA	45%	7.4 AF/AC	3.0 AFA	
IROO5	MAX. OBSERVED REGIONAL	6.1	COTTON	45%	5.1 AF/AC	31.1 AFA	
	MAX. POTENTIAL	6.1	AVE. CROP	50%	5.4 AF/AC	32.9 AFA	
	MAX. POTENTIAL	6.1	ALFALFA	45%	7.4 AF/AC	45.1 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2962 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND MUNICIPAL USES. NO MUNICIPAL USE WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.
 W2 & W3 - WELLS PROVIDE WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

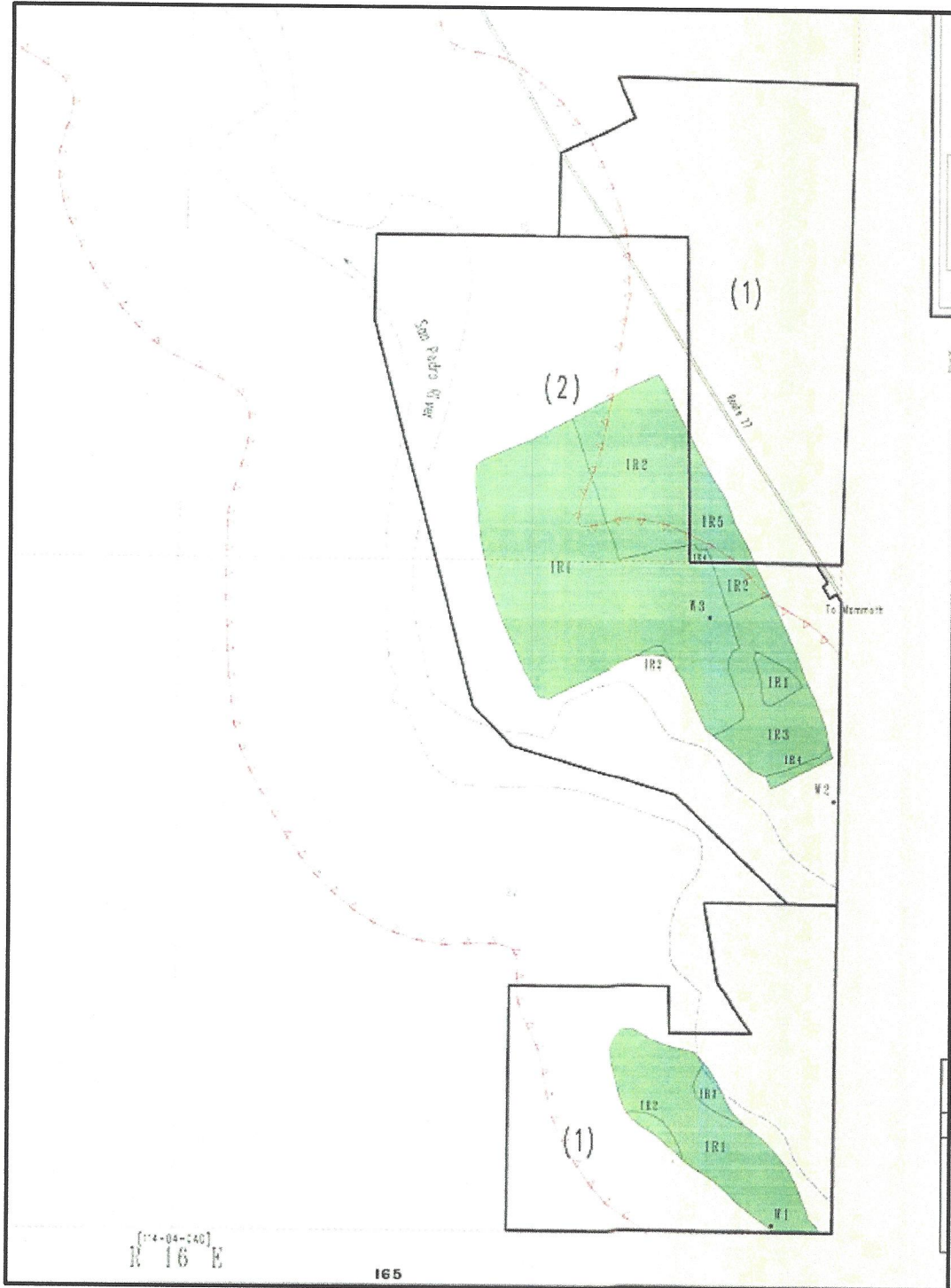
DM1 - DOMESTIC USE.
 IR1-IR3 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #114-04-CAD-1.
 W2 & W3 - WELLS ARE SHARED WITH W.F.R. #114-04-CAA-2.

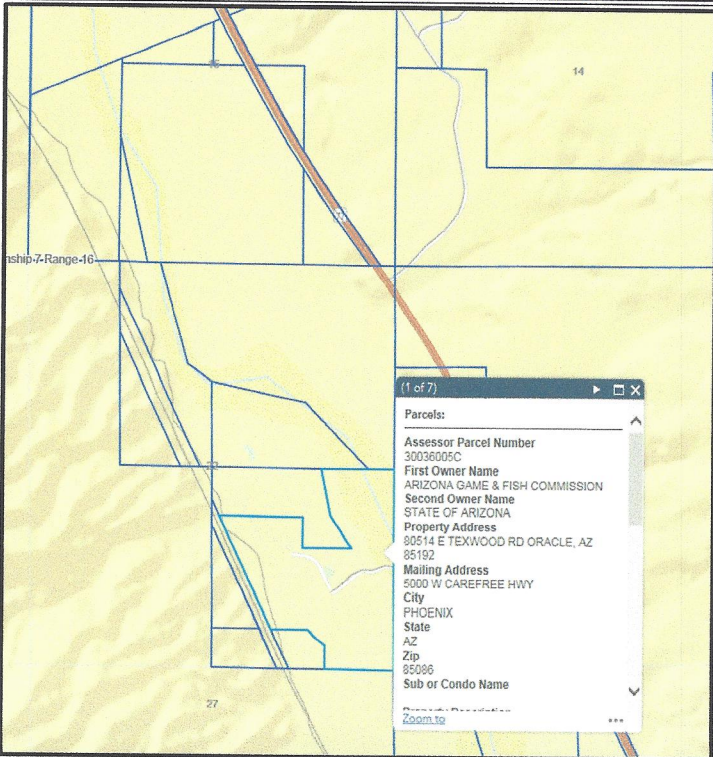
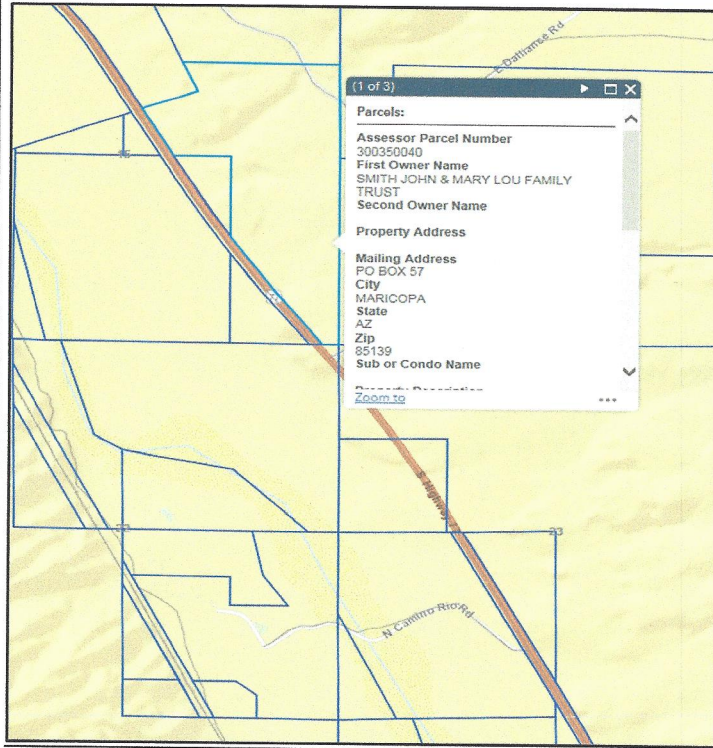
ATTACHMENT B

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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

Arizona Game & Fish Commission
State of Arizona
5000 W. Carefree Highway
Phoenix, AZ 85086

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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

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

John and Mary Lou Smith Family Trust
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Maricopa, AZ 85139

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Salt River Project Agricultural Improvement and Power District
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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
Environment and Natural Resources
P. O. Box 7611
Washington, D.C. 20044-7611