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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. W1-11-3315
CONTESTED CASE NO. W1-11-3317

ORDER ISSUING REVISED DRAFT
ABSTRACTS FOR DOMESTIC USES;
DRAFT ABSTRACTS FOR IRRIGATION
USES; AND REQUIRING ADDITIONAL
INFORMATION FOR IRRIGATION
USES

CONTESTED CASE NAMES: *In re Young*
In re Lester Young

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Draft abstracts prepared for domestic water uses and irrigation water uses. Information required from landowners regarding amount of land irrigated and flow rates from pipes used for irrigation. A telephonic status conference is set for **February 22, 2019** at 8:30 a.m.

NUMBER OF PAGES: 18

DATE OF FILING: January 8, 2019

This Order is issued as part of the continuing process to resolve the objections to the claims for water rights for the property currently owned by Lemuel Young as trustee of the

1 Lemuel B. Young Trust, the beneficiaries of the Louise Young Living Trust, Nancy and Harold
 2 Young as trustees of the Young Living Trust and the Aravaipa Ranch LLC. On October 16,
 3 2018, the parties in *In re Young* timely submitted maps showing GPS coordinates for the
 4 corners of the irrigated areas and the GPS coordinates for each well. On October 25, 2018,
 5 Aravaipa Ranch LLC filed a map in *In re Lester Young* providing similar information. Based
 6 on the filings by the parties, two issues must be resolved at this stage before proposed abstracts
 7 may be issued to all of the parties for suggested corrections and objections. The first issue
 8 concerns the amount of acreage involved in each claim for water for irrigation use. The second
 9 issue is the identification of the maximum flow rate of the water used for irrigation.

10 **A. Irrigated Acreage**

11 The landowners in *In re Young* request that the irrigated acreage allocated to Nancy and
 12 Harold Young be increased from 0.8 acres to 1.1 acres and the irrigated acreage allocated to
 13 Aravaipa Ranch LLC be reduced from 1.1 acres to 0.8 acres. In support of their position, the
 14 landowners state that tax parcel 300-29-003D owned by Nancy and Harold Young consists of
 15 1.32 acres and tax parcel 300-29-003C owned by Aravaipa Ranch LLC consists of 0.8677
 16 acres. Table 1 below shows the amount of irrigated land identified by ADWR, Harold and
 17 Nancy Young, and Aravaipa Ranch LLC along with the quantity of irrigation water associated
 18 with the land by ADWR, Harold and Nancy Young and Aravaipa Ranch LLC, respectively.

Landowners	Aravaipa Ranch LLC	Nancy and Harold Young
Acreage Reported Irrigated by ADWR	1.1	0.8
Acreage Reported Irrigated by Harold and Nancy Young	0.8	1.1
ADWR's Proposed Quantity for OT001 (acre-feet)	5.9	4.3
Amount of Maximum Water Usage Claimed by Harold and Nancy Young (annual acre-feet)		8.0
Amount of Maximum Water Usage Claimed by Aravaipa Ranch LLC (annual acre-feet)	6.0	

27 **Table 1.**

1 Thus, at issue is whether Aravaipa Ranch LLC agrees or disagrees that ADWR's report
2 is in error and the amount of irrigated acreage allocated between Aravaipa Ranch LLC and
3 Harold and Nancy Young should be changed so that the amount of irrigated acreage allocated
4 to Aravaipa Ranch LLC is 0.8 acres and the amount of irrigated acreage allocated to Harold
5 and Nancy Young is 1.1 acres.

6 **B. Maximum Rate of Flow**

7
8 Each of the parties provided the maximum amount of water diverted each year for
9 irrigation purposes for the land identified by GPS coordinates. Those amounts are included in
10 Table 1. In addition to this information, the objecting parties during the course of the
11 proceedings have requested that the abstracts for water rights for irrigation use include
12 information about the maximum flow rate from the identified source of water. The maximum
13 flow rate may be stated in gallons per minute or cubic feet per second (cfs). The calculation of
14 the maximum rate of flow must be made from the pipe from which the irrigation water is
15 transported from the source to the irrigated land or from the pump which transports the water.
16 At the status conference held on July 19, 2018 in Contested Case W1-11-3317 this issue was
17 discussed in depth. Explanations about the required information and methods to obtain the
18 information were provided by both Mark A. McGinnis representing Salt River Project and Joe
19 Sparks representing the San Carolos and Apache Tribe and Tonto Apache Tribe. Contact
20 information for counsel is listed on Attachment A. The maximum rate of flow must be
21 identified for water right for an irrigation use.
22
23

24 **C. Draft Abstracts**

25 As part of an effort to advance these claims, draft abstracts have been prepared for
26 domestic and irrigation uses based on the information provided by ADWR and by the
27 landowners that does not conflict. No entries are made in the abstracts where the information
28

1 provided by ADWR and the landowner is in conflict. The draft abstracts are attached as
2 Attachment B. These documents have been prepared to simply consolidate available
3 information in a common format and are not being distributed for purposes of filing objections.

4 **IT IS ORDERED** setting a telephonic status conference on February 22, 2019 at 8:30
5 a.m. at which Harold and Nancy Young and Aravaipa Ranch LLC will state their positions
6 with respect to the amount of irrigated land they each own. Also, each landowner will
7 provide information about the maximum flow rate to be included in the abstract for an
8 irrigation water right.
9

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

14
15 
16 SUSAN WARD HARRIS
17 Special Master
18
19
20

21 On January 8, 2019, the original of the foregoing was
22 delivered to the Clerk of the Maricopa County Superior
23 Court for filing and distributing a copy to all persons
24 listed on the Court-approved mailing list for this
25 contested case.
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ATTACHMENT A

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Mark A. McGinnis and R. Jeffrey Heilman
Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste 200
Phoenix, AZ 85016
602-801-9060

Joe P. Sparks and Laurel A. Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573
480-949-1339

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ATTACHMENT B

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-ADB-006-DM001
2. Owner of Water Right:	Lemuel B. Young as trustee of the Lemuel B. Young Trust
3. Landowner:	Lemuel B. Young as trustee of the Lemuel B. Young Trust
4. Statement of Claimant No.(s):	39-5682
5. Statement of Claimant Name(s):	Lemuel B. Young as trustee of the Lemuel B. Young Trust
6. Lessee or Permittee:	None
7. Basis of Right:	Pre-1919 rights based on Homestead Entry of William Row filed July 19, 1913
8. Beneficial Use	Domestic Use
9. Priority Date	July 19, 1913
10. Quantity:	Not to exceed 1 (one) acre foot per year
11. Place of Use:	NESWSW 34 T6S R17E
12. Point of Diversion:	NESWSW 34 T6S R17E
13. Source of Water:	Well located at GPS coordinates N32° 51.805', W110° 36.074'

Comment: This abstract is for a right to use water for domestic use is issued in connection with an abstract for a water right for irrigation use. Water for domestic use is limited to domestic use within the home.

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-ADB-006-OT001
2. Owner of Water Right:	Lemuel B. Young as trustee of the Lemuel B. Young Trust
3. Landowner:	Lemuel B. Young as trustee of the Lemuel B. Young Trust
4. Statement of Claimant No.(s):	39-5683
5. Statement of Claimant Name(s):	Lemuel B. Young as trustee of the Lemuel B. Young Trust
6. Lessee or Permittee:	None
7. Basis of Right:	Pre-1919 rights based on Homestead Entry of William Row filed July 19, 1913
8. Beneficial Use	Irrigation
9. Priority Date	July 19, 1913
10. Quantity:	
11. Rate of Maximum Flow:	
12. Place of Use:	NESWSW 34 T6S R17E – see attached map
13. Point of Diversion:	NESWSW 34 T6S R17E
14. Source of Water:	Well located at GPS coordinates N32° 51.805', W110° 36.074' In-stream pump located in Aravaipa Creek



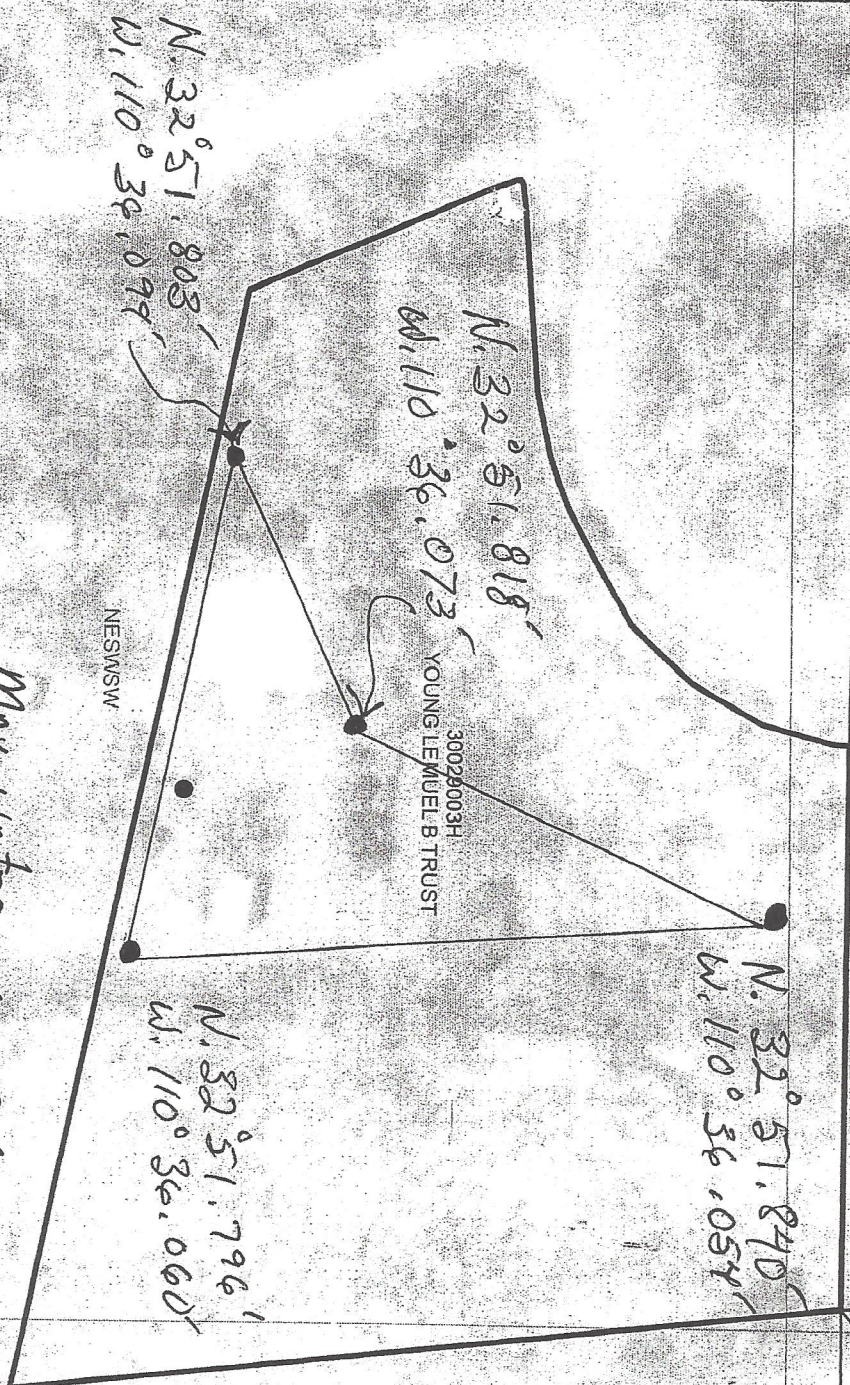
USA300028

SENMSW

30029003F
DAHL, ROBERT O
& SARAH CO-TRS

SWNESW

30029003G
KAPLAN, GLORIA



Max winter usage per year = 2.5 acres FT.

30029003A
YOUNG HAROLD D & NANCY L TRS

Scale: 1:1,000



Source: Esri, DigitalGlobe, GeoEye, Earthstar, Geographic, CNES/Airbus, DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

In re Young

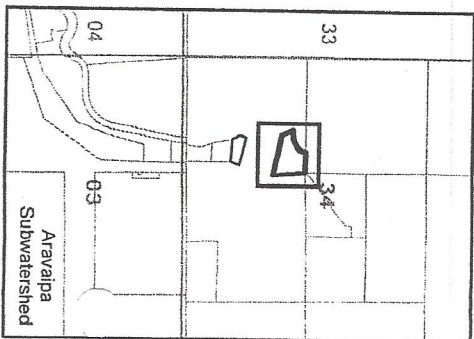
Watershed File Report
115-04-ADB-006

30029003H

T06S R17E
Section 34



ADWR Septem bert 2018



GPS.

Legend
N 32.51805
W 110.36074
Domestic Well

Pinal County
Parcels

Sections

QQQ

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-ADB-007-DM001
2. Owner of Water Right:	Estate of Arthur Young, Pauline Barney as trustee of the Pauline Y. Barney Family Trust, Harold Young and Nancy Young as trustees of the Young Living Trust, Lemuel B. Young as trustee of the Lemuel B. Young Trust, Nathan Young, Jeffrey Young, and Sandra Waltz as trustee of the Verdugo Living Trust.
3. Landowner:	Estate of Arthur Young, Pauline Barney as trustee of the Pauline Y. Barney Family Trust, Harold Young and Nancy Young as trustees of the Young Living Trust, Lemuel B. Young as trustee of the Lemuel B. Young Trust, Nathan Young, Jeffrey Young, and Sandra Waltz as trustee of the Verdugo Living Trust.
4. Statement of Claimant No.(s):	39-5683 39-5848 39-5863
5. Statement of Claimant Name(s):	Arthur Young, Pauline Barney as trustee of the Pauline Y. Barney Family Trust, Harold Young and Nancy Young as trustees of the Young Living Trust, Lemuel B. Young as trustee of the Lemuel B. Young Trust, Nathan Young, Jeffrey Young, and Sandra Waltz as trustee of the Verdugo Living Trust.
6. Lessee or Permittee:	None
7. Basis of Right:	Pre-1919 rights based on Homestead Entry of William Row filed July 19, 1913
8. Beneficial Use	Domestic Use
9. Priority Date	July 19, 1913
10. Quantity:	Not to exceed 1 (one) acre foot per year
11. Place of Use:	NESWSW 34 T6S R17E
12. Point of Diversion:	NESWSW 34 T6S R17E
13. Source of Water:	Well – located at GPS coordinates N32° 51.791', W110° 36.064'

**Abstract of Water Right
San Pedro Watershed**

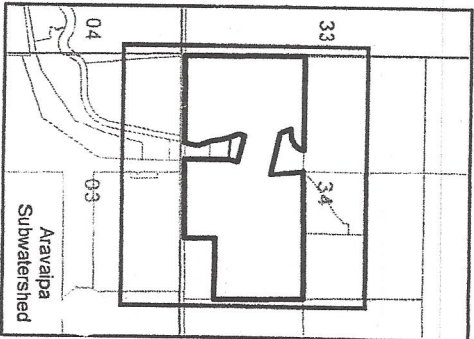
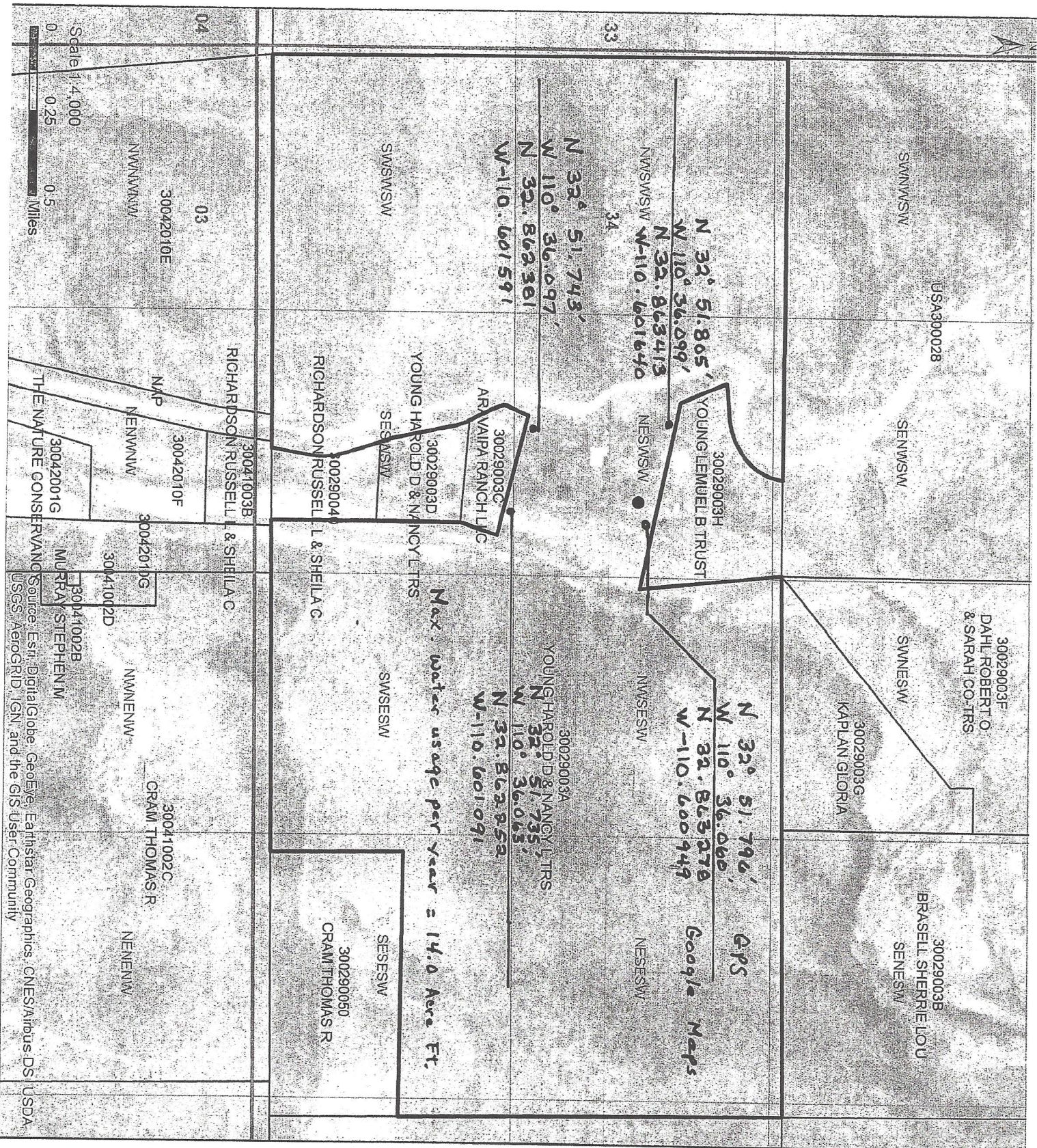
1. Proposed Water Right No:	115-05-ADB-007-IR001
2. Owner of Water Right:	Estate of Arthur Young, Pauline Barney as trustee of the Pauline Y. Barney Family Trust, Harold Young and Nancy Young as trustees of the Young Living Trust, Lemuel B. Young as trustee of the Lemuel B. Young Trust, Nathan Young, Jeffrey Young, and Sandra Waltz as trustee of the Verdugo Living Trust.
3. Landowner:	Estate of Arthur Young, Pauline Barney as trustee of the Pauline Y. Barney Family Trust, Harold Young and Nancy Young as trustees of the Young Living Trust, Lemuel B. Young as trustee of the Lemuel B. Young Trust, Nathan Young, Jeffrey Young, and Sandra Waltz as trustee of the Verdugo Living Trust.
4. Statement of Claimant No.(s):	39-5683 39-5848 39-5849 39-5863
5. Statement of Claimant Name(s):	Arthur Young, Pauline Barney as trustee of the Pauline Y. Barney Family Trust, Harold Young and Nancy Young as trustees of the Young Living Trust, Lemuel B. Young as trustee of the Lemuel B. Young Trust, Nathan Young, Jeffrey Young, and Sandra Waltz as trustee of the Verdugo Living Trust.
6. Lessee or Permittee:	None
7. Basis of Right:	36-45013 36-45014 36-46570
8. Beneficial Use:	Irrigation Use
9. Priority Date:	July 19, 1913
10. Quantity:	
11. Rate of Maximum Flow:	
12. Place of Use:	NESWSW 34 T6S R17E – see attached map
13. Point of Diversion:	NESWSW 34 T6S R17E
14. Source of Water:	Well located at GPS coordinates N32° 51.791', W110° 36.064'

In re Young
 Watershed File Report
 115-04-ADB-007
30029003A

T06S R17E
 Section 34



ADWR September 2018



GPS

Legend
 N 32° 51.791', W 110° 36.064'
 Domestic Well

- Pinel County
- Parcels
- Sections
- QQQ

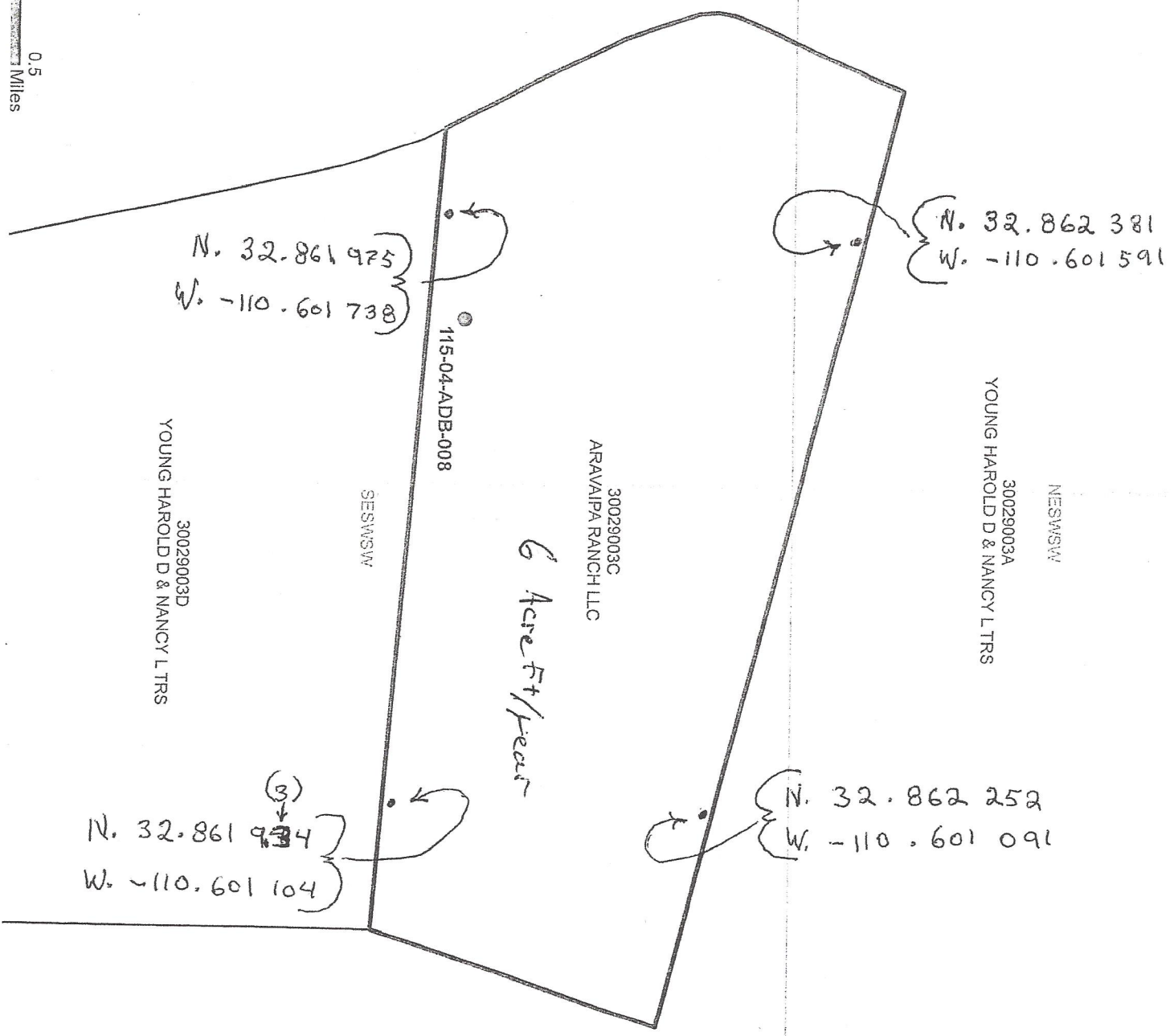
**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-ADB-008-DM001
2. Owner of Water Right:	Aravaipa Ranch, LLC
3. Landowner:	Aravaipa Ranch, LLC
4. Statement of Claimant No.(s):	39-5845
5. Statement of Claimant Name(s):	Aravaipa Ranch, LLC
6. Lessee or Permittee:	None
7. Basis of Right:	36-46570
8. Beneficial Use	Domestic Use
9. Priority Date	July 19, 1913
10. Quantity:	Not to exceed 1 (one) acre foot per year
11. Place of Use:	SESWSW 34 T6S R17E
12. Point of Diversion:	SESWSW 34 T6S R17E
13. Source of Water:	Well located at GPS coordinates N32° 51.723', W110° 36.091'

Comment: This abstract is for a right to use water for domestic use is issued in connection with an abstract for a water right for irrigation use. Water for domestic use is limited to domestic use within the home.

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-05-ADB-008-OT001
2. Owner of Water Right:	Aravaipa Ranch, LLC
3. Landowner:	Aravaipa Ranch, LLC
4. Statement of Claimant No.(s):	39-5845
5. Statement of Claimant Name(s):	Aravaipa Ranch, LLC
6. Lessee or Permittee:	None
7. Basis of Right:	36-46570
8. Beneficial Use	Irrigation Use
9. Priority Date	July 19, 1913
10. Quantity:	
11. Rate of Maximum Flow:	
12. Place of Use:	SWSW 34 T6S R17E – see attached map
13. Point of Diversion:	SWSW 34 T6S R17E
14. Source of Water:	Well located at GPS coordinates N32° 51.723', W110° 36.091' Instreams pumps in Aravaipa Creek



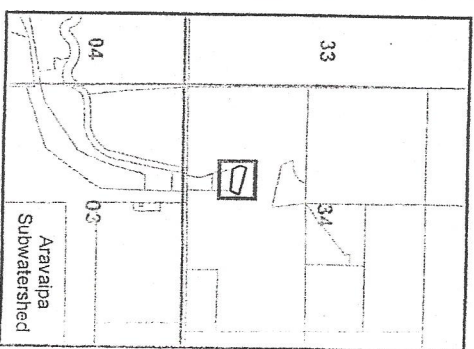
In re Lester Young
Watershed File Report
115-04-ADB-008

30029003C

T06S R17E
Section 34



ADWR August 2018



Legend
N. 32° 51.723'
W. 110° 36.091'
Domestic Well

Pinal County
Parcels

Sections

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**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-ADB-010-DM001
2. Owner of Water Right:	Harold Young and Nancy Young as trustees of the Young Living Trust, dated March 2, 2012
3. Landowner:	Harold Young and Nancy Young as trustees of the Young Living Trust, dated March 2, 2012
4. Statement of Claimant No.(s):	39-5847
5. Statement of Claimant Name(s):	Harold Young and Nancy Young as trustees of the Young Living Trust, dated March 2, 2012
6. Lessee or Permittee:	None
7. Basis of Right:	Pre-1919 rights based on Homestead Entry of William Row filed July 19, 1913
8. Beneficial Use	Domestic Use
9. Priority Date	July 19, 1913
10. Quantity:	Not to exceed 1 (one) acre foot per year
11. Place of Use:	SESWSW 34 T6S R17E
12. Point of Diversion:	SESWSW 34 T6S R17E
13. Source of Water:	Well located at GPS coordinates N32° 51.720', W110° 36.091'

Comment: This abstract is for a right to use water for domestic use is issued in connection with an abstract for a water right for irrigation use. Water for domestic use is limited to domestic use within the home.

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-ADB-010-OT001
2. Owner of Water Right:	Harold Young and Nancy Young as trustees of the Young Living Trust, dated March 2, 2012
3. Landowner:	Harold Young and Nancy Young as trustees of the Young Living Trust, dated March 2, 2012
4. Statement of Claimant No.(s):	39-5847
5. Statement of Claimant Name(s):	Harold Young and Nancy Young as trustees of the Young Living Trust, dated March 2, 2012
6. Lessee or Permittee:	None
7. Basis of Right:	36-0045013
8. Beneficial Use	Irrigation Use
9. Priority Date	July 19, 1913
10. Quantity:	
11. Rate of Maximum Flow:	
12. Place of Use:	SWSW 34 T6S R17E – see attached map
13. Point of Diversion:	SWSW 34 T6S R17E
14. Source of Water:	Well located at GPS coordinates N32° 51.720', W110° 36.091' In-stream pump located in Aravaipa Creek

Comment: This abstract is for a right to use water for domestic use is issued in connection with an abstract for a water right for irrigation use. Water for domestic use is limited to domestic use within the home.

30029003A
YOUNG HAROLD D & NANCY L TRS

NESWSW

NWSESW

30029003C
ARAVAIPA RANCH LLC

N 32° 51.720'
W 110° 36.100'
N 32.861975
W-110.601738

34
N 32° 51.715' GPS
W 110° 36.070'
N 32.861934 Google
W-110.601104 Maps

Max. water usage per
Year = 8.0 Acre ft.

N 32° 51.686'
W 110° 36.095'
N 32.861393
W-110.601569

SESWSW

300290040
RICHARDSON RUSSELL L & SHEILA C

SWSESW

N 32° 51.682'
W 110° 36.072'
N 32.861348
W-110.601194

Scale 1:1,000



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

In re Young

Watershed File Report

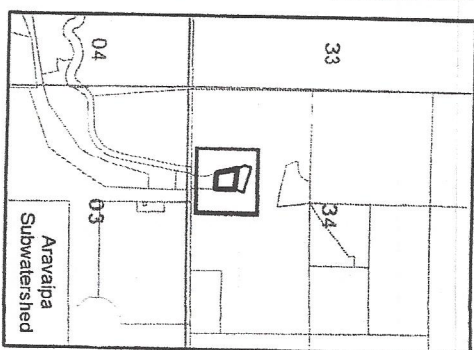
115-04-ADB-010

30029003D

T06S R17E
Section 34



ADWR September 2018



GPS
Legend
N 32° 51.720'
W 110° 36.091'
Domestic Well

- Pinal County
- Parcels
- Sections

QQQ