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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. W1-11-3321

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Aravaipa Farm, LLC*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3321 initiated and status conference set
for **July 18, 2019 at 2:00 PM**

NUMBER OF PAGES: 15

DATE OF FILING: June 7, 2019

This Order initiates a contested case to consider the claims and resolve objections to
Watershed File Report 115-04-ADC-002 (“WFR”) published in the Final San Pedro River
Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for
irrigation for the land described in the WFR located in section 04 Township 7S Range 17E.
The identified sources of water for the claimed uses are surface water from Aravaipa Creek and
two wells. A copy of the watershed file report is attached as Attachment A. A copy of the

1 map prepared for the WFR is attached as Attachment B and a copy of the current tax parcel
2 map is attached as Attachment C.

3
4 **Claimants & Landowners**

5 The WFR identified two Statements of Claimant (SOC) relevant to the potential water
6 right: 39-11526 and 39-11527. William C. Farney filed SOC 39-11526 claiming a domestic
7 use and SOC 39-11527 claiming an irrigation use for a garden and an orchard. The WFR lists
8 William C. and Rafaela Farney as the owner of the property described in 115-04-ADC-002.
9

10 By Warranty Deed filed on December 9, 1998, William C. and Rafaela Farney
11 conveyed tax parcel 300-42-062B to Carol Steele. On September 2, 2016, William and
12 Rafaela Farney assigned SOC 39-11526 and SOC 39-11527 to Carol Steele. By a Special
13 Warranty Deed filed October 14, 2016, Carol Steele conveyed land to Aravaipa Farm, LLC
14 and an assignment filed on December 5, 2016 assigned SOC 39-11526 and SOC 39-11527 to
15 Aravaipa Farm, LLC. The public records of Pinal County Assessor's Office show Aravaipa
16 Farm as the owner of tax parcels 300-42-0120 and 300-42-002Z. Larry T. and Susan C.
17 Steele own tax parcels 300-42-002W and 300-42-002X. The public records maintained by
18 ADWR do not show that Larry T. and Susan C. Steele have filed a SOC. The Nature
19 Conservancy owns 300-42-001G, but that land has already been mapped and is the subject of
20 proposed abstract 115-04-011-WL001, a copy of which is attached as Attachment E.
21
22

23 **IT IS ORDERED:**

24 1. Contested Case. This contested case shall be known as *In re Aravaipa Farm,*
25 *LLC* and it will address Statements of Claimant and objections that were filed regarding the
26 watershed file report 115-04-ADC-002 published in the Final San Pedro River Watershed
27 Hydrographic Survey Report (1991). Copies of objections can be found under the case name
28 and number on the following website:

1 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.>
2 [asp](#)

3 2. Litigants. The litigants in this contested case are the claimants, the current
4 landowners, all persons who filed objections to the listed watershed file reports who are listed
5 on Attachment D, and claimants who are allowed to intervene by order.

6 3. Court-Approved Mailing List.

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

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

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

18 4. Courtesy Email List.

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

24
25 5. Status Conference. An initial status conference shall be held to address the
26 adjudication of this case and determine whether the objections to the potential water rights can
27 be settled. If the objections cannot be settled, then a subsequent date will be set for a
28

1 scheduling conference to identify issues, file disclosure statements, conduct discovery, submit
2 prehearing motions, and hold a trial. The Status Conference shall be held on **July 18, 2019**, at
3 2:00 PM before:

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

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

12
13 
14 SUSAN WARD HARRIS
15 Special Master

16 On June 7, 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	WATERSHED FILE
-----	REPORT NUMBER
FARNEY, WILLIAM C.	115-04-ADC-002
& RAFAELA	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *WI-11-3321*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWP NRGE	CLAIM DATE	DIVERSION LOCATION SECTION TWP NRGE
36-0037021		IRRIGATION STOCK	260.00	SE04 070S 170E	1888	NWNW03 070S 170E
36-0037022		IRRIGATION DOMESTIC	.55	SE04 070S 170E	1888	NESE04 070S 170E
39-0011526	QUE.RECD	IRRIGATION DOMESTIC STOCK	207.00	NESE04 070S 170E	1888	NENWSE04 070S 170E
39-0011527	QUE.RECD	IRRIGATION	760.00	NESE04 070S 170E	1890	SENE04 070S 170E NESE04 070S 170E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0037021	IRRIGATION STOCK	IRRIGATION INCIDENTAL	PO1,WO1,WO2	IROO1
36-0037022	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	WO1,WO3	DMOO1,IROO2
39-0011526	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC	WO1,WO3	DMOO1,IROO1,IROO2
39-0011527	IRRIGATION	IRRIGATION INCIDENTAL	PO1,WO1,WO3	IROO1,IROO2

DIVERSIONS

DIV #	LOCATION SECTION TWP NRGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
PO1	NESENE04 070S 170E	UNNAMED	SURFACE WATER: ARAVAIPA CREEK UNUSED
WO1	SWSENE04 070S 170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
WO2	SWSENE04 070S 170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK UNUSED
WO3	SWSENE04 070S 170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK

USES

PWR #	LOCATION SECTION TWP NRGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SWSENE04 070S 170E	WO3	GROUNDWATER : ZONE 1		NO	
IROO1	NESE04 070S 170E NWSE04 070S 170E SENE04 070S 170E SWNE04 070S 170E	WO1	GROUNDWATER : ZONE 1	1935	NO	
IROO2	NESE04 070S 170E SENE04 070S 170E	WO3	GROUNDWATER : ZONE 1	1980	NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0011526 39-0011527	36-0037022		GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
IROO1	39-0011526 39-0011527	36-0037021 36-0037022	1888 FILING 36-37021	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
IROO2	39-0011526 39-0011527	36-0037022	1980 1980 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	13.0	FRUIT TREES	45%	6.6 AF/AC	85.8 AFA	
	REGIONAL	13.0	AVE. CROP	50%	5.4 AF/AC	70.2 AFA	
	MAX. POTENTIAL	13.0	ALFALFA	45%	7.4 AF/AC	96.2 AFA	
IROO2	MAX. OBSERVED	1.4	PERM. PSTR	63%	3.2 AF/AC	4.5 AFA	DEFICIT IRRIGATION
	REGIONAL	1.4	AVE. CROP	50%	5.4 AF/AC	7.6 AFA	
	MAX. POTENTIAL	1.4	ALFALFA	63%	5.3 AF/AC	7.4 AFA	

E X P L A N A T I O N

DIVERSIONS

- P1 - UNUSED INSTREAM PUMP.
- W1 - WELL PROVIDES WATER FOR IRRIGATION USE.
- W2 - UNUSED WELL.
- W3 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

- DM1 - DOMESTIC USE.
- IR1 - IRRIGATED FRUIT TREES.
- IR2 - IRRIGATED PASTURE.

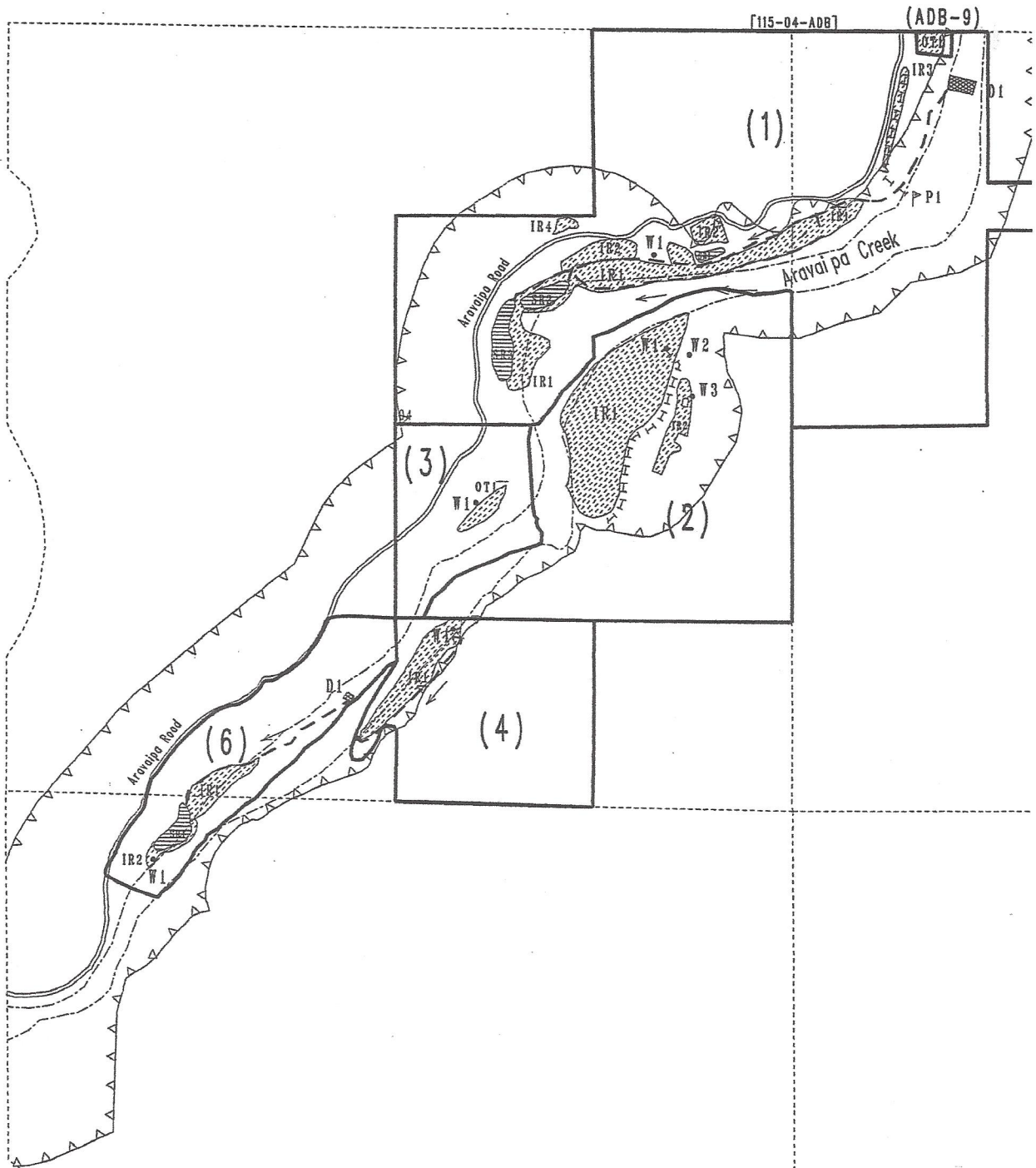
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH CLARIFIED OWNERSHIP OF THE PARCELS, AND WHICH DESCRIBED WATER USES AND THEIR LOCATIONS.

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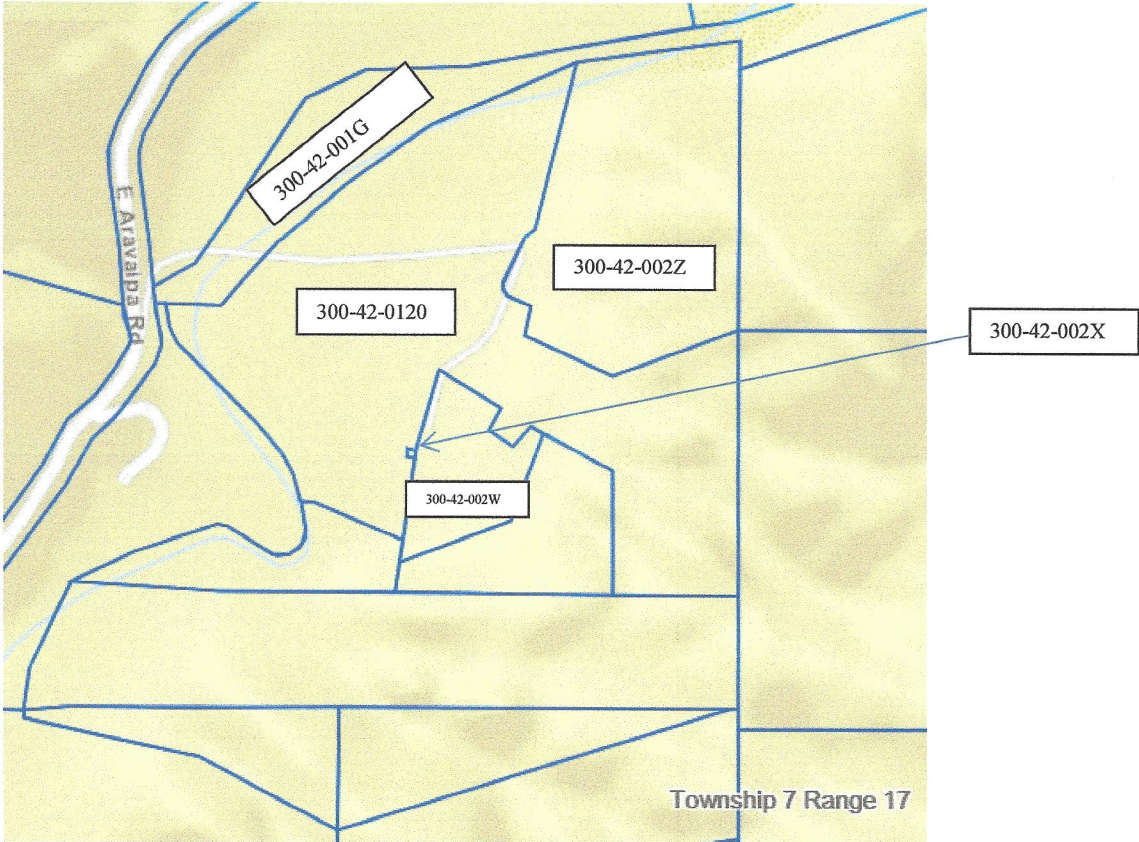
ATTACHMENT B

T 7 S



ATTACHMENT C

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ATTACHMENT D

Aravaipa Farm, LLC
C/O Kevin J. Madden
4935 N. Calle Bendita
Tucson, AZ 85718

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

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

BHP Copper, Inc
C/O CT Corporation System
3800 North Central Ave. Ste. 460
Phoenix, AZ 85012

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

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

Joe P. Sparks and Laurel A. Herrmann
The Sparks Law Firm, P.C.

1 7503 First Street
Scottsdale, Az 85251-4573

2 Larry T. and Susan C. Steele
3 89263 E. Aravaipa Rd.
4 Winkelman, AZ 85192

5 Larry T. and Susan C. Steele
6 89263 E. Aravaipa Rd.
Dudleyville, AZ 85192

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

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

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

17 The Nature Conservancy
18 Carla Consoli and Stanley Lutz
19 Lewis Roca Rothgerber Christie, LLP
201 East Washington Street
20 Suite 201
Phoenix, AZ 85004

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

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ATTACHMENT E

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-04-011-WL001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.:	39-14133
5. Statement of Claimant Name:	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	Application and Permit No. 33-95771 Certificate No. 95771
8. Beneficial Use:	Instream use for wildlife and recreation. There shall be no interference with the natural flow of Aravaipa Creek
9. Priority Date:	October 31, 1990
10. Quantity:	10,272.8 acre feet annually
11. Place of Use:	NWNW 3 T7S R17E - SWNE 4 T7S R17E
12. Point of Diversion:	Water will not be diverted from the natural channel.
13. Source of Water:	Aravaipa Creek
14. Name of Facility:	Aravaipa Creek

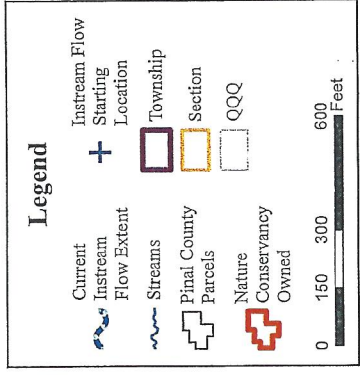
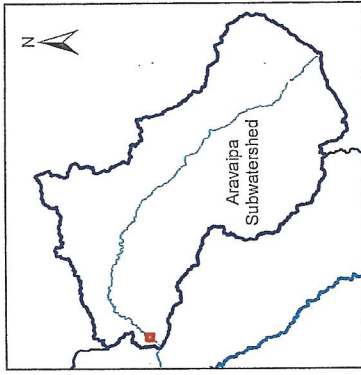
*In re Arizona Chapter of the
Nature Conservancy-
Instream Flow*

Contested Case No. W1-11-3301
Proposed Water Right No.
115-04-011-WL001

T7S R17E Sections 3 & 4



ADWR May 2018



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR AeroGlobe, IGN, and the GIS User Community