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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.
W1-11-3318

ORDER ISSUING DRAFT ABSTRACT
FOR DOMESTIC USE AND REQUEST
FOR ADDITIONAL INFORMATION

CONTESTED CASE NAMES: *In re Bower*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Draft Abstract for Domestic Use prepared for review. No time set to file comments, corrections or objections to the abstract.
NUMBER OF PAGES: 22
DATE OF FILING: August 28, 2018

Arizona Department of Water Resources found potential water rights (PWR) for the property currently owned by Russell and Sheila Richardson for domestic use (DM) and irrigation totaling less than two acres associated with domestic use (OT). A copy of

1 Watershed File Report 115-04-ADB-009 (WFR) prepared by Arizona Department of Water
 2 Resources is attached as Attachment A. The OT designation assigned by Arizona Department
 3 of Water Resources to potential water rights associated with the land owned by Russell and
 4 Sheila Richardson means that all outside water use is associated with the OT use so that
 5 domestic use is confined to water used within the home. Vol. 1 Hydrographic Survey Report
 6 for the San Pedro River Watershed, dated November 20, 1991, Table 8-6, p. 563. A copy of
 7 Table 8-6 is attached as Attachment B.

8 **A. Background of Water Use**

9 A portion of the land owned by Russell and Sheila Richardson is included in a 120 acre
 10 parcel originally homesteaded by William Row. The U.S. Land Office received Mr. Row's
 11 form of Homestead Entry for the northeast quarter of the southwest quarter and the south half
 12 of the southwest quarter of Section 34 T6S R17E on July 19, 2013. Subsequently, the United
 13 States issued Patent 777844, dated October 18, 1920 to William Row for the parcel.

14 Based upon Mr. Row's beneficial use of water on the land and their continuing use,
 15 owners of land in the southwest quarter of Section 34 filed statements of claimant for water
 16 rights. The Arizona Department of Water Resources investigated those claims. In 1991, the
 17 Arizona Department of Water Resources prepared six watershed file reports that provided the
 18 results of its investigation. The current landowners and the amount of irrigated acreage for
 19 land located in SW Section 34 T 6S R 17E are shown in the following table:
 20

| Landowners | Acreage Reported Irrigated by ADWR | Watershed File Report | Pinal County Tax Parcel Number | Contested Case |
|--|------------------------------------|-----------------------|--------------------------------|----------------|
| Jerry Iser | 0.3 | 115-04-ADB-003 | 300-29-003E | W1-11-3314 |
| Lemuel Young Trust | 1.0 | 115-04-ADB-006 | 300-29-003H | W1-11-3315 |
| Beneficiaries of the Louise Young Living Trust | 2.3 | 115-04-ADB-007 | 300-29-003A | W1-11-3315 |

| Landowners | Acreage Reported Irrigated by ADWR | Watershed File Report | Pinal County Tax Parcel Number | Contested Case |
|-------------------------------|---|------------------------------|---------------------------------------|-----------------------|
| Aravaipa Ranch LLC | 1.1 | 115-04-ADB-008 | 300-29-003C | W1-11-3317 |
| Russell and Sheila Richardson | 1.3 | 115-04-ADB-009 | 300-29-004 | W1-11-3318 |
| Nancy and Harold Young | 0.8 | 115-04-ADB-010 | 300-29-003D | W1-11-3315 |

Attached as Attachment C is a map prepared by Arizona Department of Water Resources of the land on which it investigated water use in the southwest quarter of Section 34 T 6S R17E.¹ Attached as Attachment D is a map prepared by Pinal County Assessor showing the ownership of land in Section 34 T 6S R17E.

The remainder of the land owned by Mr. and Mrs. Richardson is located in Section 3 T7S R17E. The WFR assessed the total irrigated acreage shown in the table above located in the two sections of land. Copies of a survey filed with the Arizona Department of Water Resources as well as a map prepared by Arizona Department of Water Resources for watershed file report 115-04-ADC-001 showing the land in Section 3 T7S R17E are attached as Attachment E. Mr. Row's homestead did not include the land in Section 3 T7S R17E. Accordingly, Mr. Row's beneficial use of water cannot provide a basis or a priority date for a water right for Section 3 T7S R17E.

As part of a process to settle objections to the water rights listed in the WFR, Russell Richardson met with the Arizona Department of Water Resources and representatives of the

¹ The numbers in parentheses on the map prepared by Arizona Department of Water Resources correspond to the final numbers of the watershed file report. For example, parcel labelled "(3)" is the subject of Watershed File Report 115-04-AD-003.

1 entities that filed objections to WFR 115-04-ADB-008. The Arizona Department of Water
2 Resources has mapped the location of the well and determined that it is located within the
3 subflow zone. See Attachment C to the Arizona Department of Water Resources' Meeting
4 Report, filed April 2, 2018.

5 **B. Draft Abstracts**

6 For the purpose of resolving objections filed to the WFR, a draft abstract for domestic
7 water use has been prepared for the parties' review. The draft abstract is attached as
8 Attachment F.
9

10 A proposed abstract for a water right for irrigation use also will be prepared and
11 distributed to the parties upon receipt from the landowner of the following:

- 12 1. The map prepared by ADWR of the landowner's property filed August 20, 2018,
13 that has been completed by the owner with the GPS coordinates for the corners of
14 the irrigated property;
- 15 2. A statement that reports the amount of irrigated acreage to be allocated between the
16 land located in Section 34 T 6S R17E and in Section 3 T 7S R17E;
- 17 3. Documentation supporting a claimed basis and priority date for the irrigation of the
18 land in Section 3 T 7S R17E;
- 19 4. The GPS coordinates for the well;
- 20 5. The maximum diversion rate of water from Aravaipa Creek.
21
22

23 Copies of the completed map and the requested information shall be filed with the
24 Court and all persons named on the mailing which is attached as Attachment G. A time will be
25 set to file comments, corrections, and objections to the abstract for domestic use at the time the
26 proposed abstract for a water right for irrigation is issued.
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SUSAN WARD HARRIS
Special Master

On August 28, 2018, 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 the contested case.

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ATTACHMENT A

| | |
|---------------------------------------|----------------|
| LAND OWNER | WATERSHED FILE |
| ----- | REPORT NUMBER |
| RICHARDSON, ANTHON G. & BARBARA L. | 115-04-ADB-009 |

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

| FILING NUMBER | FILING STATUS | USES | QUANTITY IN AFA | USE LOCATION | | | CLAIM DATE | DIVERSION LOCATION | | |
|---------------|---------------|---------------------------------|-----------------|--------------|------|------|------------|--------------------|------|------|
| | | | | SECTION | TWNP | RNGE | | SECTION | TWNP | RNGE |
| 36-0059979 | | IRRIGATION DOMESTIC STOCK | 24.00 | SWSW34 | 060S | 170E | 1916 | SWSW34 | 060S | 170E |
| 39-0004326 | QUE.RECD | IRRIGATION DOMESTIC | 36.00 .18 | SWSW34 | 060S | 170E | 1913 | SWSW34 | 060S | 170E |

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

| FILING NUMBER | USES CLAIMED OR REFERENCED | USES FOUND BY DWR | APPLIES TO DIVERSIONS | APPLIES TO PWR NUMBERS | |
|---------------|---------------------------------|--|-----------------------|------------------------|-------------|
| | | | | | |
| 36-0059979 | IRRIGATION DOMESTIC STOCK | IRRIGATION NOT APPLICABLE INCIDENTAL | PO1 | | OTO01 |
| 39-0004326 | IRRIGATION DOMESTIC | IRRIGATION DOMESTIC | PO1 | | DMO01,OTO01 |

D I V E R S I O N S

| DIV # | LOCATION | | | DIVERSION NAME | WATER SOURCE AND CLASSIFICATION |
|-------|----------|------|------|----------------|---------------------------------|
| | SECTION | TWNP | RNGE | | |
| PO1 | SESWSW34 | 060S | 170E | UNNAMED | SURFACE WATER: ARAVAIPA CREEK |

U S E S

| PWR # | LOCATION | | | SUPPLIED BY DIVERSIONS | WATER SOURCES | PHOTO SOURCE | | |
|-------|----------|------|------|------------------------|----------------------|--------------|--------|---------------|
| | SECTION | TWNP | RNGE | | | DATE | CHANGE | FACILITY NAME |
| DMO01 | SESWSW34 | 060S | 170E | | GROUNDWATER : ZONE 1 | | | NO |
| OTO01 | NWNW03 | 070S | 170E | PO1 | SURFACE WATER | 1935 | | YES |
| | SWSW34 | 060S | 170E | | | | | |

P W R S U M M A R Y

| PWR # | APPLICABLE ADJ FILINGS | APPLICABLE PRE FILINGS | *APPARENT FIRST USE DATE* | | WATER SOURCES AND CLASSIFICATIONS |
|-------|------------------------|------------------------|---------------------------|---------|--|
| | | | DATE BASIS FOR DATE | DATE | |
| DMO01 | 39-0004326 | NONE | | | GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK |
| OTO01 | 39-0004326 | 36-0059979 | 1913 FILING | 39-4326 | SURFACE WATER: ARAVAIPA CREEK |

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 |
|-------|---------------------|-------|-----------|-----|------------|------------------|-----------------------------------|
| | | | | | | | |
| DMO01 | | | | | | | SEE VOLUME 1 - GENERAL ASSESSMENT |
| OTO01 | REGIONAL | 1.3 | AVE. CROP | 50% | 5.4 AF/AC | 7.0 AFA | |

E X P L A N A T I O N

FILINGS AND DECREES

FILING 36-59979 - CLAIMS A DOMESTIC WATER USE WHICH DOES NOT APPLY TO THIS PROPERTY.
 FILING 39-4326 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ABOUT WATER USE AND DIVERSION LOCATIONS.

DIVERSIONS

P1 - INSTREAM PUMP DIVERTS WATER FROM ARAVAIPA CREEK INTO A PIPELINE.

USES AND RESERVOIRS

DM1 - DOMESTIC WATER USE INCLUDES STOCKWATERING USES.

OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

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ATTACHMENT B

TABLE 8-6

CRITERIA TO ESTABLISH IRRIGATION PWRs

1. IRRIGATION WITHIN THE ZONE 1

| WATER SOURCE TYPE | TOTAL LAND AREA UNDER IRRIGATION | DOMESTIC USE PRESENT | IRRIGATION WATER USE TYPE CREATED | MAPPED | COMMENT |
|--|---|----------------------|-----------------------------------|--------|---|
| Surface/ Zone 1, Zone 2, or Zone 3 Well | greater than or equal to 0.1 acres | no | IR, OT, RC | yes | Source is a direct surface water diversion not supplied by a water company or municipal distribution system. PWR type depends upon irrigation purpose. |
| Surface/ Zone 1, Zone 2, or Zone 3 Well | greater than or equal to 0.1 acres, but less than two acres | yes | OT | yes | Source is a direct surface water diversion not supplied by a water company or municipal distribution system. When associated with a domestic use, all outside irrigation is reported as OT. DM PWR may be created. |
| Zone 1 Well | less than 0.5 acres | yes | none | no | DM PWR created, if supplied by a Zone 1 well. No separate irrigation PWR is reported. |
| Zone 1 Well | less than 0.5 acres | no | none | no | |
| Zone 1 Well | greater than or equal to 0.5 acres, but less than two acres | yes | OT | yes | DM PWR created for inside use if the domestic use is supplied by a Zone 1 well. All outside irrigation reported as OT. |
| Zone 1 Well | greater than or equal to two acres | yes | IR, OT, RC | yes | DM PWR also created, if the domestic use is supplied by a Zone 1 well. |
| Zone 1 Well | greater than or equal to 0.5 acres | no | IR, OT, RC | yes | |
| Effluent | any size | yes or no | none | yes | Lands irrigated by effluent are not assigned a PWR unless the effluent is mixed with a groundwater or surface water source supplying a mapped PWR. Lands irrigated solely by effluent will be mapped on special water use map and described in the Major Users Reports or Unusual Circumstances sections of Volume 1. |

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ATTACHMENT C

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ATTACHMENT D

SEC. 34 TN.06S RG.17E

SEE MAP 300-28

300-29

AREA CODE
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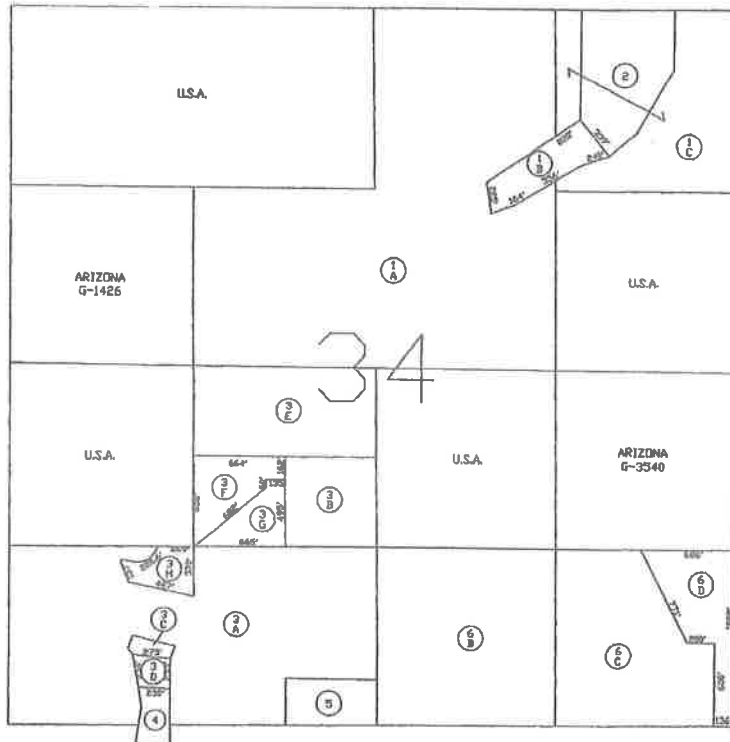
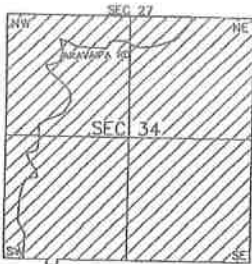
SPECIAL DISTRICTS
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THIS MAP IS FOR TAX PURPOSES ONLY.
THIS OFFICE WILL NOT ASSUME LIABILITY FOR
REPRESENTATION, MEASUREMENTS OR ACREAGE.

SEE MAP 300-28

SEE MAP 300-28

VICINITY MAP



SEE MAP 300-41

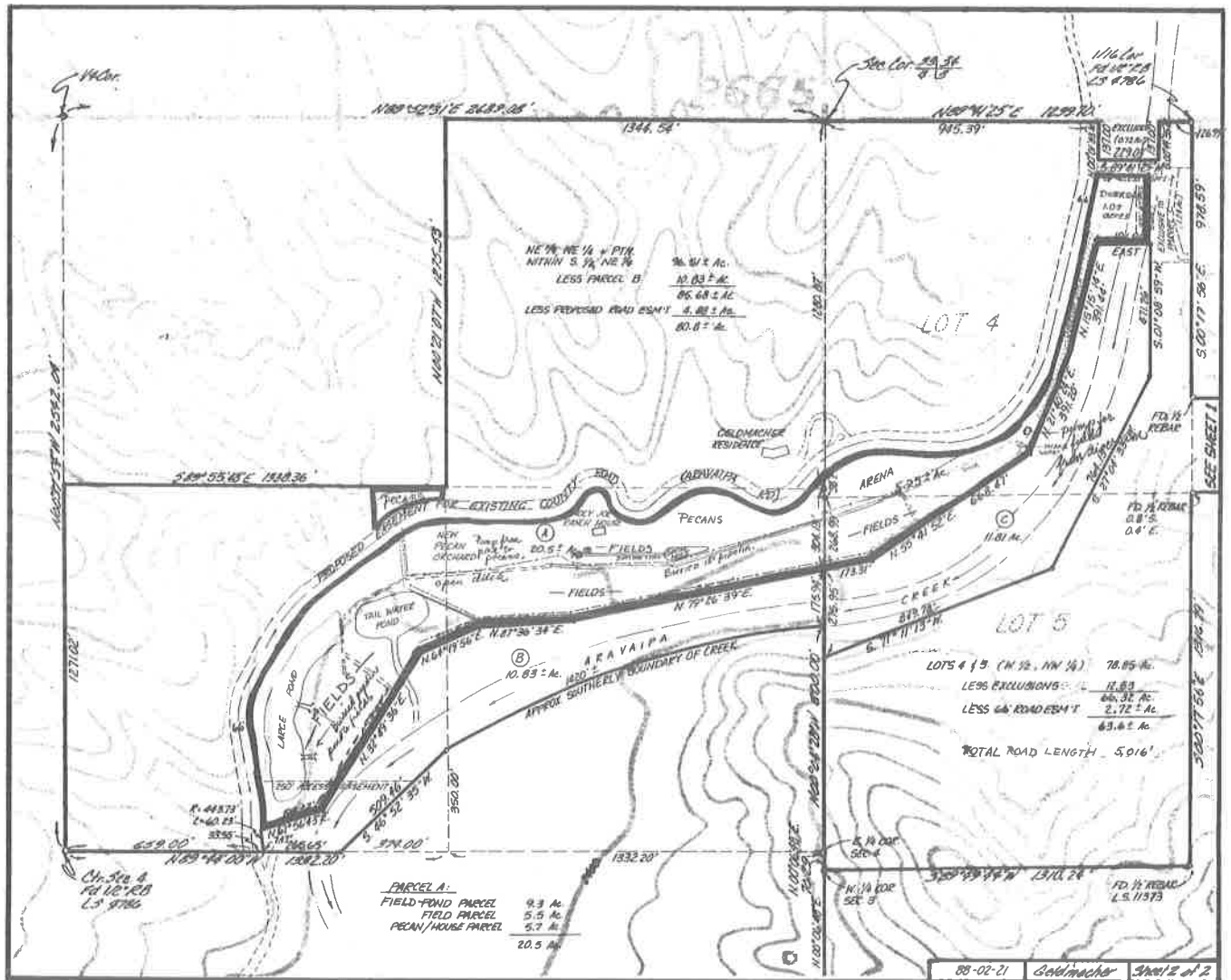
SCALE: 1" = 600'

05-07-2003

PINAL COUNTY ASSESSORS MAP

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ATTACHMENT E



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ATTACHMENT F

Abstract of Water Right San Pedro Watershed

| | |
|--|---|
| 1. Proposed Water Right No: | 115-05-ADB-009-DM001 |
| 2. Owner of Water Right: | Russell L. Richardson and Sheila Richardson |
| 3. Landowner: | Russell L. Richardson and Sheila Richardson |
| 4. Statement of Claimant No.(s): | 39-4326 |
| 5. Statement of Claimant Name(s): | Russell L. Richardson and Sheila Richardson |
| 6. Lessee or Permittee: | None |
| 7. Basis of Right: | 36-59979 |
| 8. Beneficial Use | Domestic Use |
| 9. Priority Date | July 19, 1913 |
| 10. Quantity: | Not to exceed 1 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 to be provided by landowner] |

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.

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ATTACHMENT G

Court Approved Mailing List
In re Bowers, Contested Case No. W1-11-3318
W1-11-3318 (10 Names)
Prepared by the Special Master
1/12/2018

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

R. Lee Leininger
U. S. Department of Justice
Natural Resources Section
999 18th St. Terrace STE 370
Denver, CO 80202

Edward C. and Ruth C. Bowers
1611 East Harwell Road
Phoenix, AZ 85042

Russell L. and Sheila C.
Richardson
17326 E Brooks Farm Road
Gilbert, AZ 85298

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

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

John B. Weldon, Jr. and Mark
A. McGinnis
Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste
200
Phoenix, AZ 85016

Susan Ward Harris
Special Master
Central Court Building, Suite
3A
201 W. Jefferson
Phoenix, AZ 85003

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

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