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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. W1-11-3314  
  
ORDER ISSUING DRAFT ABSTRACT  
FOR DOMESTIC USE AND REQUIRING  
INFORMATION FOR ABSTRACT FOR  
IRRIGATION USE

CONTESTED CASE NAME: *In re Iser*  
  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
  
DESCRIPTIVE SUMMARY: Draft abstract prepared for domestic water use and information required from landowner and ADWR for preparation of proposed abstract for remaining water right.  
  
NUMBER OF PAGES: 17.  
  
DATE OF FILING: August 28, 2018

Arizona Department of Water Resources found potential water rights (PWR) for the property currently owned by Jerry Iser for domestic use (DM) and irrigation totaling less than two acres associated with domestic use (OT). A copy of Watershed File Report 115-04-ADB-008 (WFR) prepared by Arizona Department of Water Resources is attached as Attachment A.

The OT designation assigned by Arizona Department of Water Resources to potential water rights associated with the land owned by Jerry Iser means that all water used outside of the home is associated with the OT use. Consequently, the amount of water subject to a domestic water right use is limited to water used within the home. Vol. 1 Hydrographic Survey Report for the San Pedro River Watershed, dated November 20, 1991, Table 8-6, p. 563. A copy of Table 8-6 is attached as Attachment B.

**A. Background of Water Use**

The land owned by Jerry Iser is included in a 120 acre parcel originally homesteaded by William Row. The U.S. Land Office received Mr. Row’s form of Homestead Entry for the northeast quarter of the southwest quarter and the south half of the southwest quarter of Section 34 T6S R17E on July 19, 1913. Subsequently, the United States issued Patent 777844, dated October 18, 1920 to William Row for the parcel.

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

<b>Landowners</b>	<b>Acreage Reported Irrigated by ADWR</b>	<b>Watershed File Report</b>	<b>Pinal County Tax Parcel Number</b>	<b>Contested Case</b>
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

<b>Landowners</b>	<b>Acreage Reported Irrigated by ADWR</b>	<b>Watershed File Report</b>	<b>Pinal County Tax Parcel Number</b>	<b>Contested Case</b>
Aravaipa Ranch LLC	1.1	115-04-ADB-008	300-29-003C	W1-11-3317
Russell and Sheila Richardson	1.3 <sup>1</sup>	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.<sup>2</sup> Attached as Attachment D is a map prepared by Pinal County Assessor showing the ownership of land in Section 34 T 6S R17E.

**B. Draft Abstracts**

For the purpose of resolving objections filed to the WFR, a draft abstract for domestic water use has been prepared for the parties’ review. The draft abstract is attached as Attachment E. A time will be set to file comments, corrections, and objections to the abstract for domestic use at the time the proposed abstract for a water right for the irrigation use associated with a domestic use is issued.

A proposed abstract for a water right for irrigation use associated with a domestic use will be prepared and distributed to the parties upon receipt of additional information. Accordingly,

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<sup>1</sup> The reported acreage owned by Mr. and Mrs. Richardson also includes land marked as irrigated land located in Section 3, T7S R17E.

<sup>2</sup> 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.

**IT IS ORDERED:**

1. By **September 28, 2018**, the Arizona Department of Water Resources shall prepare and file with the Court a map of the land owned by Jerry Iser that identifies the GPS coordinates for the location of the well on the property and determines whether the well is located within the subflow zone.

2. By **October 19, 2018**, Mr. Iser shall identify the irrigated portion of his property on the map prepared by ADWR by listing the GPS coordinates for the corners of the irrigated area. In addition Mr. Iser shall provide the maximum diversion rate of water from Aravaipa Creek for irrigation use. Mr. Iser shall send copies of the map that he has completed and the information requested in this paragraph to the Court and all persons named on the mailing which is attached as Attachment F.

  
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 this contested case.

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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE
ISER, JERRY & VERA	REPORT NUMBER
	115-04-ADB-003

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 SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
33-0094354	PROTEST	DOMESTIC IRRIGATION	1.00	NESW34	06OS	17OE	1988	NESW34	06OS	17OE
		STOCK	20.00							
		REC/FISH/WLDF	1.00							
36-0059361		IRRIGATION	33.00	NESW34	06OS	17OE	< 1920	SENW34	06OS	17OE
		DOMESTIC STOCK								
		REC/FISH/WLDF								
36-0068183		IRRIGATION	55.00	NESW34	06OS	17OE	< 1920	NESW34	06OS	17OE
		STOCK								
		DOMESTIC MINING								
		REC/FISH/WLDF								
39-0002969	QUE.RECD	IRRIGATION	30.00	N2NESW34	06OS	17OE	1979	N2NESW34	06OS	17OE
		DOMESTIC STOCK	1.00							
		STOCK	1.00							
		REC/FISH/WLDF	2.00							

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
33-0094354				
36-0059361	IRRIGATION	IRRIGATION	PO1	DM001,OT001
	DOMESTIC STOCK	DOMESTIC INCIDENTAL		
	RECREATION	INCIDENTAL		
	WILDLIFE	INCIDENTAL		
36-0068183	IRRIGATION	IRRIGATION	PO1	DM001,OT001
	DOMESTIC STOCK	DOMESTIC INCIDENTAL		
	MINING	INCIDENTAL		
	WILDLIFE	INCIDENTAL		
39-0002969	IRRIGATION	IRRIGATION	PO1	DM001,OT001
	DOMESTIC STOCK	DOMESTIC INCIDENTAL		
	WILDLIFE	INCIDENTAL		

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
PO1	NENESW34	06OS	17OE	UNNAMED	SURFACE WATER: ARAVAIPA CREEK

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
DM001	NENESW34	06OS	17OE		GROUNDWATER : CATALOGUED		NO	
OT001	NESW34	06OS	17OE	PO1	SURFACE WATER	1990	NO	

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
DM001	39-0002969	36-0059361 36-0068183			GROUNDWATER : CATALOGUED
OT001	39-0002969	36-0059361	1989	1989 FIELD INVEST.	SURFACE WATER: ARAVAIPA CREEK

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
OTO01		36-0068183		
NONE	NONE	33-0094354		

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMO01							SEE VOLUME 1 - GENERAL ASSESSMENT
OTO01	REGIONAL	.3	AVE. CROP	50%	5.4 AF/AC	1.6 AFA	

EXPLANATION

FILINGS AND DECREES

FILING 36-68183 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND MINING USES. NO MINING USE WAS FOUND AT THE CLAIMED LOCATION.

FILING 39-2969 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ABOUT CLAIMED USES AND DIVERSIONS. THE CLAIMED DOMESTIC WELL WAS NOT LOCATED DURING SUBSEQUENT FIELD INVESTIGATIONS.

DIVERSIONS

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

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

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

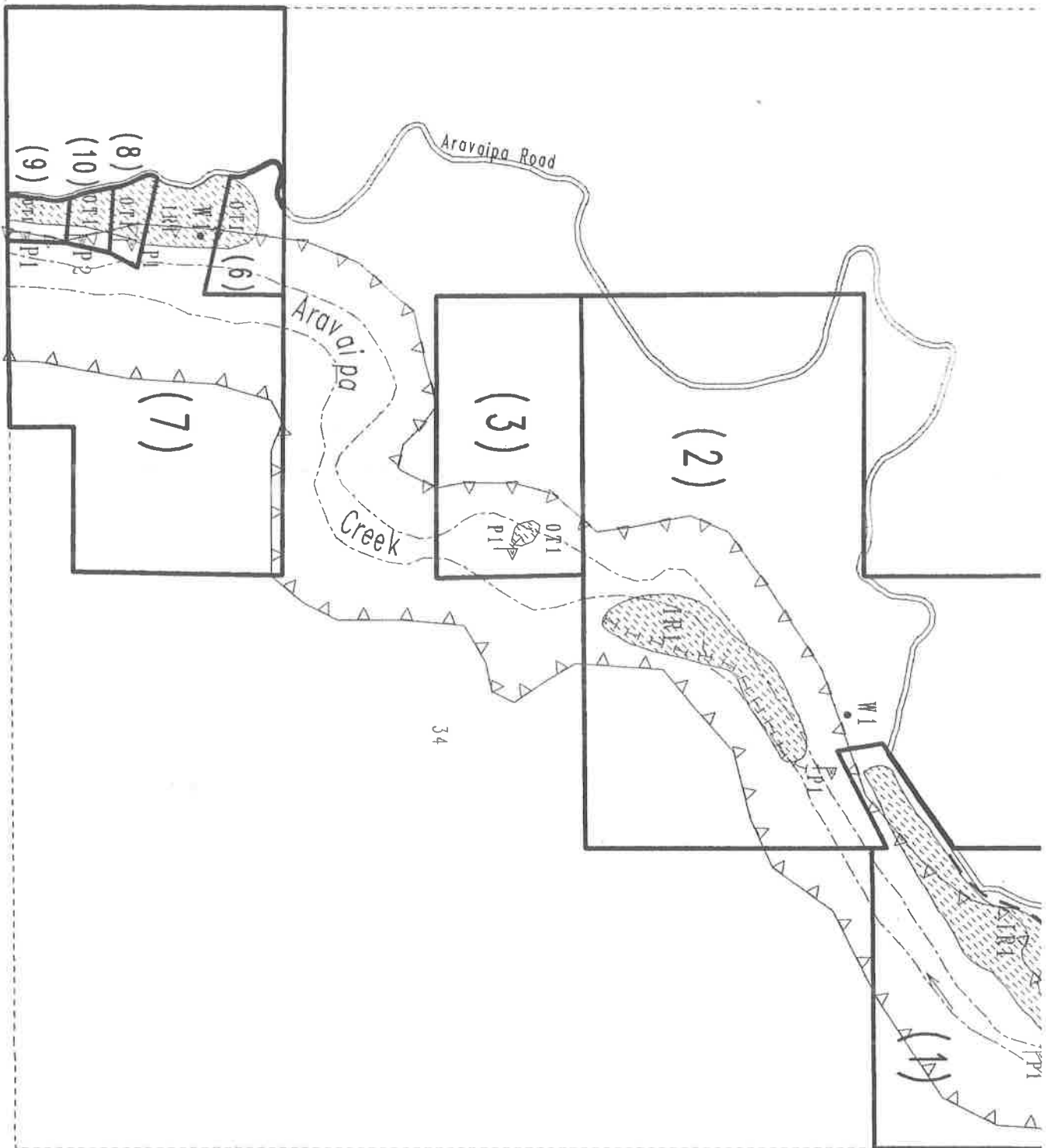
WATER SOURCE TYPE	TOTAL LAND AREA UNDER IRRIGATION	DOMESTIC USE PRESENT	IRRIGATION WATER USE TYPE CREATED	MAPPED	COMMENT
Surface/ Zone 1, Zone 2, or Zone 3 Well	greater than or equal to 0.1 acres	no	IR, OT, RC	yes	Source is a direct surface water diversion not supplied by a water company or municipal 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

[115-04-ADC]  
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**ATTACHMENT D**

SEC. 34 TN.06S RG.17E

SEE MAP 300-28

300-29

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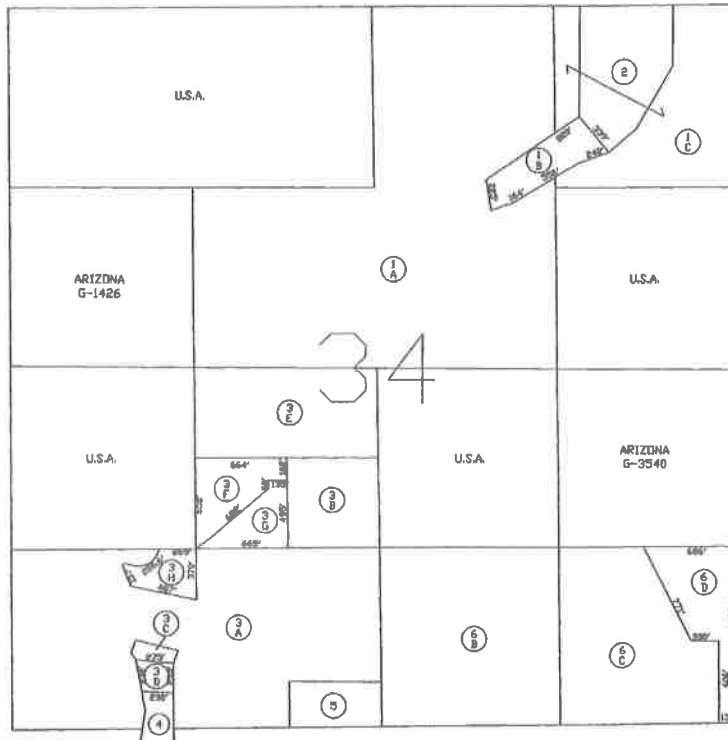
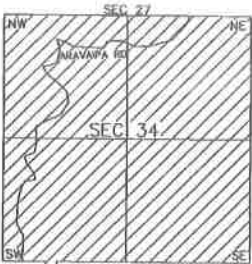
SPECIAL DISTRICTS  
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THIS MAP IS FOR TAX PURPOSES ONLY.  
THIS OFFICE WILL NOT ASSUME LIABILITY FOR  
REPRESENTATION, MEASUREMENTS OR ACREAGE.

SEE MAP 300-28

SEE MAP 300-28

VICINITY MAP



SEE MAP 300-41

PINAL COUNTY ASSESSORS MAP

SCALE: 1" = 600'

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**ATTACHMENT E**

## Abstract of Water Right San Pedro Watershed

<b>1. Proposed Water Right No:</b>	115-05-ADB-003-DM001
<b>2. Owner of Water Right:</b>	Jerry Iser
<b>3. Landowner:</b>	Jerry Iser
<b>4. Statement of Claimant No.(s):</b>	39-2969
<b>5. Statement of Claimant Name(s):</b>	Jerry and Vera Iser
<b>6. Lessee or Permittee:</b>	None
<b>7. Basis of Right:</b>	36-59361
<b>8. Beneficial Use</b>	Domestic Use
<b>9. Priority Date</b>	July 19, 1913
<b>10. Quantity:</b>	Not to exceed 1 (one) acre foot per year
<b>11. Place of Use:</b>	NENESW 34 T6S R17E
<b>12. Point of Diversion:</b>	NENESW 34 T6S R17E
<b>13. Source of Water:</b>	Well – located at [ GPS coordinates will be inserted upon receipt from landowner]

Comment: The abstract 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 F**



Court Approved Mailing List  
In re Iser, Contested Case No. W1-11-3314  
W1-11-3314 (9 Names)  
Prepared by the Special Master  
1/16/2018

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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 Street, So Terrace,  
Suite 370  
Denver, CO 80202

Jerry Iser  
90187 E Aravaipa Road  
Winkleman, AZ 85192

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

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

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

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

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