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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

CIVIL NO. W1-11-3304

ORDER INITIATING CONTESTED
CASE

CONTESTED CASE NAME: *In re Arizona Chapter of the Nature Conservancy – Wood and Westerfield Diversions.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: The Special Master initiates a contested case to address objections to watershed file report 115-04-AAD-002 and sets a Scheduling Conference.
NUMBER OF PAGES: 8
DATE OF FILING: February 28, 2017.

This Order initiates a contested case to address objections to watershed file report 115-04-AAD-002 that sets forth proposed water rights to surface water with an apparent first use date of 1888.

1 **IT IS ORDERED:**

2 1. Contested Case Designation and Docket Number. This contested case will
3 address the objections that were filed to the watershed file report 115-04-AAD-002, a copy
4 of which is attached as Attachment A, published in the Final San Pedro River Watershed
5 Hydrographic Survey Report (1991).

6 2. Contested Case Designation and Docket Number. The objections filed to the
7 watershed file report 115-04-AAD-002 will be resolved as part of *In re the Arizona Chapter*
8 *of Nature Conservancy – Wood and Westerfield Diversions*, Contested Case No. W1-11-
9 3304.

10 3. Litigants. The litigants in this contested case are the claimant, namely the
11 Arizona Chapter of the Nature Conservancy, all persons who filed objections to watershed
12 file report 115-04-AAD-002 listed on Attachment B, and claimants who are allowed to
13 intervene by order.

14 4. Court-Approved Mailing List.

15 A. The initial Court-approved mailing list for this case shall include all
16 persons listed on Attachment B of this order. The list may be modified only
17 by filing a motion with the Special Master to amend the Court-approved
18 mailing list which the Special Master grants. Litigants are responsible for
19 using the current Court-approved mailing list.

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

23 C. Claimants wishing to be added or removed from the mailing list shall file a
24 motion with the Special Master. Parties allowed to intervene will be
25 automatically added to the mailing list.
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
AZ. CHAP. NATURE CONSERV.	115-04-AAD-002

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 SECTION	LOCATION TWNP	RNGE
10-1104317.1200		IRRIGATION	72000.00	SE23	060S	170E	1893	NWSW24	060S	170E
10-1104565.1200		OTHER								
36-0037271.0001		IRRIGATION	90000.00	SENESE26	060S	170E	1894	NWSW24	060S	170E
		IRRIGATION	400.00	23	060S	170E	1888	NWSW24	060S	170E
				26	060S	170E				
36-0037272.0001		DOMESTIC	.49	23	060S	170E	1888	SESE23	060S	170E
				26	060S	170E				
36-0037273.0001		IRRIGATION	250.00	23	060S	170E	1888	NWSW24	060S	170E
				24	060S	170E				
36-0037274		DOMESTIC	1.10	24	060S	170E	1888	NWSW24	060S	170E
		STOCK								
39-0005497		IRRIGATION	250.00	23	060S	170E	1888	NWSW24	060S	170E
				24	060S	170E				
39-0005498		IRRIGATION	250.00	23	060S	170E	1888	NWSW24	060S	170E
		REC/FISH/WLDF	150.00	26	060S	170E				
39-0005515		DOMESTIC	1.00	24	060S	170E	1888	NWSW24	060S	170E
		STOCK	1.00							
39-0005517		DOMESTIC	.49	23	060S	170E	1888	SESE23	060S	170E
				26	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
10-1104317.1200	IRRIGATION	NOT APPLICABLE		
	OTHER	NOT APPLICABLE		
10-1104565.1200	IRRIGATION	NOT APPLICABLE		
36-0037271.0001	IRRIGATION	IRRIGATION	DO1	IROO1
36-0037272.0001	DOMESTIC	DOMESTIC		DMOO2
36-0037273.0001	IRRIGATION	IRRIGATION	PO1	IROO1
36-0037274	DOMESTIC	DOMESTIC		DMOO1
	STOCK	INCIDENTAL		
39-0005497	IRRIGATION	IRRIGATION	PO1	IROO1
39-0005498	IRRIGATION	IRRIGATION	DO1	IROO1
	WILDLIFE	INCIDENTAL		
39-0005515	DOMESTIC	DOMESTIC		DMOO1
	STOCK	INCIDENTAL		
39-0005517	DOMESTIC	DOMESTIC		DMOO2

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	SENESE23	060S	170E	WESTERFIELD DIV.	SURFACE WATER: ARAVAIPA CREEK
PO1	NWNWSW24	060S	170E	WOOD DIVERSION	SURFACE WATER: ARAVAIPA CREEK

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NWNWSW24	060S	170E	PO1	SURFACE WATER		NO	WOOD DOMESTIC
DMOO2	SENESE23	060S	170E	PO1	SURFACE WATER		NO	WESTERFIELD DOMESTIC
DVOO1	SENESE23	060S	170E	DO1	SURFACE WATER	1935	NO	
IROO1	NESE23	060S	170E	DO1,PO1	SURFACE WATER	1935	NO	
	NWSW24	060S	170E					
	SESE23	060S	170E					

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0005497 39-0005515	36-0037273.0001 36-0037274		SURFACE WATER: ARAVAIPA CREEK
DMOO2	39-0005497 39-0005517	36-0037272.0001 36-0037273.0001		SURFACE WATER: ARAVAIPA CREEK
DVOO1	39-0005498	36-0037271.0001	1888 FILING 36-37271.0001	SURFACE WATER: ARAVAIPA CREEK
IROO1	39-0005497 39-0005498	36-0037271.0001 36-0037273.0001	1888 36-37271 & 36-37273	SURFACE WATER: ARAVAIPA CREEK
NONE	NONE	10-1104317.1200 10-1104565.1200		

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
DMOO2							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL MAX. POTENTIAL	15.0 15.0 15.0	PERM. PSTR AVE. CROP ALFALFA	60% 50% 60%	3.8 AF/AC 5.4 AF/AC 5.5 AF/AC	57.0 AFA 81.0 AFA 82.5 AFA	DEFICIT IRRIGATION

DIVERSION PWR NOS.	DIVERSION CAPACITY	MAXIMUM DEMAND RATE	DECREED RATE	CERTIFICATED RATE	ESTIMATED VOLUME DIVERTED
DVOO1	5.7 CFS	.3 CFS			123.1 AFA

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-1104317-11 - CLAIMS IRRIGATION AND OTHER WATER USES FROM ARAVAIPA CREEK. THE CLAIMED USES DO NOT APPLY TO THIS W.F.R..

FILING 10-1104565-12 - CLAIMS IRRIGATION WATER USES FROM ARAVAIPA CREEK. THE CLAIMED USES DO NOT APPLY TO THIS W.F.R..

DIVERSIONS

P1 - PORTABLE INSTREAM PUMP DIVERSION FROM ARAVAIPA CREEK INTO A PIPELINE SYSTEM.
D1/DV1 - DIVERSION FROM ARAVAIPA CREEK INTO THE WESTERFIELD DIVERSION DITCH.

USES AND RESERVOIRS

DM1 & DM2 - DOMESTIC USES.
DV1 - DIVERSION FROM ARAVAIPA CREEK INTO THE WESTERFIELD DIVERSION DITCH.
IR1 - IRRIGATED PASTURE.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT FROM THE 1987 PRELIMINARY H.S.R. WAS RECEIVED WHICH DESCRIBED USES, DIVERSION LOCATIONS, AND PRIORITY DATES.
A COMMENT WAS RECEIVED WHICH INDICATED 39-5515 AND 39-5498 NEED TO BE AMENDED.

ATTACHMENT B

1
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3 Arizona Department of Water Resources
4 Janet L. Miller
5 P. O. Box 36020
6 Phoenix, Arizona 85067

7 ASARCO, Incorporated
8 Lauren J. Caster and Gregory L. Adams
9 Fennemore Craig, P.C.
10 2394 East Camelback Road, Ste. 600
11 Phoenix, Arizona 85016-3429

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

17 The Nature Conservancy
18 Stephen C. Cann
19 2424 Spruce Street, Suite 100
20 Boulder, Colorado 80302

21 Salt River Valley Water Users' Association's and the Salt River Project Agricultural
22 Improvement and Power District
23 John B. Weldon, Jr. and Mark A. McGinnis
24 Salmon, Lewis & Weldon PLC
25 2850 E Camelback Rd, Ste 200
26 Phoenix, AZ 85016

27 San Carlos Apache Tribe
28 Tonto Apache Tribe
Camp Verde Reservation
Joe P. Sparks, Julia M. R. Kolsrud and
Laurel A. Hermann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

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United States
R. Lee Leininger
U.S. Department of Justice
Natural Resources Section
999 18th Street, So Terrace, Suite 370
Denver, CO 80202

David Negri
U. S. Department of Justice
800 Park Boulevard, #600
Boise , ID 83712

Yavapai-Apache Nation
Susan B. Montgomery/Robyn L. Interpreter
Montgomery & Interpreter, PLC
3301 E. Thunderbird Road
Phoenix, AZ 85032