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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. W1-11-3388

ORDER INITIATING CONTESTED CASE

CONTESTED CASE NAME: *In re Arizona Chapter of the Nature Conservancy – Aravaipa Creek II.*

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 115-05-AC-010 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 115-05-AC-010 that sets forth proposed water rights to Aravaipa Creek with an apparent first use date of 1908.

IT IS ORDERED:

1. Contested Case Designation and Docket Number. This contested case will address the objections that were filed to the watershed file report 115-05-AC-010 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991), a copy of which is attached as Attachment A.

2. Contested Case Designation and Docket Number. The objections filed to the watershed file report 115-05-AC-010 will be resolved as part of *In re Arizona Chapter of the Nature Conservancy – Aravaipa Creek II*, Contested Case No. W1-11-3388.

3. Litigants. The litigants in this contested case are the claimant, namely the Arizona Chapter of the Nature Conservancy, all persons who filed objections to watershed file report 115-05-AC-010 listed in Attachment B, and claimants who are allowed to intervene by order.

4. Court-Approved Mailing List.

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

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

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

1 5. Scheduling Conference. Pursuant to §8.03[1], Rules for Proceedings before
2 the Special Master, a scheduling conference shall be held to address the adjudication of this
3 case including, but not limited to a determination whether this case should be consolidated
4 with W1-11-3304, W1-11-3377, W1-11-3383, and W1-11-3384, a schedule to identify
5 issues, file disclosure statements, conduct discovery, submit prehearing motions, and set a
6 trial date. Any reports or motions the litigants desire to file in advance of the Scheduling
7 Conference shall be filed by **May 4, 2017**. The Scheduling Conference shall be held on
8 **Thursday, May 18, 2017, at 9:30 a.m.** before:

9
10 Special Master Susan Ward Harris
11 Superior Court of Arizona
12 201 West Jefferson Street
 Courtroom 301
 Phoenix, AZ 85003-2202

13 Instructions for telephonic appearance:


14 Dial: 602-506-9695 (local)

15 1-855-506-9695 (toll free long distance)

16 Dial Participant Pass Code 357264#

17
18 
19 SUSAN WARD HARRIS
 Special Master

20
21 On February 28, 2017, the original of the foregoing
22 was delivered to the Clerk of the Maricopa County
23 Superior Court for filing and distributing a copy to all
24 persons listed on the Court-approved mailing list for
25 this contested case, a copy of which is attached hereto
as Attachment B, and to all persons listed on the
Court-approved mailing list for W-1, W-2, W-3, and
W-4 (Consolidated).

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27 Barbara K. Brown

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
BLM - SAFFORD DISTRICT	115-05-AC-010	TAPIA, JOSE S.	UNKNOWN

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 TWP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWP RNGE
36-0037254		IRRIGATION	400.00	NE28 060S 190E	1880	
36-0037255		IRRIGATION	320.00	21 060S 190E	1880	NWSE27 060S 190E
				28 060S 190E		NWNE28 060S 190E
36-0047357		IRRIGATION DOMESTIC STOCK	10.00	NENW28 060S 190E	1908	NWSW27 060S 190E
39-0000336	QUE.RECD	IRRIGATION DOMESTIC STOCK	18.00 .45	NENENW28 060S 190E	1908	NWNESW27 060S 190E
39-0005509		STOCK REC/FISH/WLDF	.04 150.00	NE28 060S 190E		NWSW27 060S 190E

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
36-0037254	IRRIGATION	DISCONTINUED	DO2	IRO90
36-0037255	IRRIGATION	DISCONTINUED	DO2	IRO90
36-0047357	IRRIGATION DOMESTIC STOCK	DISCONTINUED NONE	DO2	IRO90, SW001
39-0000336	IRRIGATION DOMESTIC STOCK	INCIDENTAL DISCONTINUED NONE	DO2	IRO90, SW001
39-0005509	STOCK WILDLIFE	INCIDENTAL NOT APPLICABLE NOT APPLICABLE	DO2	

D I V E R S I O N S

DIV #	LOCATION SECTION TWP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO2	SWNWSW27 060S 190E	UNNAMED	SURFACE WATER: ARAVAIPA CREEK SHARED

U S E S

PWR #	LOCATION SECTION TWP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IRO90	NENW28 060S 190E	DO2	SURFACE WATER	1935	NO	
SW001	NENENW28 060S 190E		SURFACE WATER		NO	INSTREAM USE

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM DO2 FOUND IN FILE (115-05-AC-5) IS USED IN THIS FILE

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
IRO90	39-0000336 39-0005509	36-0037254 36-0037255 36-0047357	1908 FILING 36-47357	SURFACE WATER: ARAVAIPA CREEK
SW001	39-0000336	36-0047357		SURFACE WATER: ARAVAIPA CREEK

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IR090 SW001	REGIONAL	2.0	NO CROP				DISCONTINUED IRRG. SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-5509 - CLAIMS STOCKWATERING AND WILDLIFE WATER USES WHICH DO NOT APPLY TO THIS PROPERTY.
 FILINGS 36-47357 & 39-336 - CLAIM DOMESTIC WATER USES. NO DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATIONS.

DIVERSIONS

D2 - UNNAMED DIVERSION FROM ARAVAIPA CREEK.

USES AND RESERVOIRS

IR90 - DISCONTINUED IRRIGATION: D.W.R HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.
 SW1 - INSTREAM STOCKWATERING USE FROM ARAVAIPA CREEK.

SHARED USES AND DIVERSIONS

D2 - DIVERSION IS SHARED WITH W.F.R. #115-05-AC-5.

ATTACHMENT B

1
2
3 Arizona Department of Water Resources
4 Janet L. Miller
5 P. O. Box 36020
6 Phoenix, Arizona 85067

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

13 The Nature Conservancy
14 Stephen C. Cann
15 2424 Spruce Street, Suite 100
16 Boulder, Colorado 80302

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

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

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

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

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