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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 Nos. W1-11-2645; W1-11-2690

ORDER TO INITIATE CONTESTED
CASES AND
ORDER TO CONSOLIDATE CASES

CONTESTED CASE NAME: *In re Pima County Flood Control District*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: The Special Master initiates contested cases W1-11-2645 and W1-11-2690 to address objections to watershed file reports 113-11-002 and 113-12-BA-012. The cases are consolidated under **Contested Case No. W1-11-2690**.
NUMBER OF PAGES: 11
DATE OF FILING: December 26, 2017

This Order initiates a contested case to resolve the objections made to potential water rights included in watershed file reports analyzing claims filed by or assigned to Pima County Flood District. The claims include a potential water right for irrigation use. Watershed File

1 Report 113-12-BA-012 identifies one potential water right for irrigation use in Section 23
2 T11S R18E. In addition, pursuant to A.R.S. § 45-257, which requires that a “claimant’s small
3 water use claims¹ shall be determined in conjunction with the determination of that claimant’s
4 other claims,” this contested case shall also resolve objections to claims for stock watering
5 identified in Watershed File Report 113-11-002 that lists two potential water rights for stock
6 watering in sections 14 and 24 in T12S R17E. Copies of the watershed file reports are
7 included as Attachment A.
8

9 The Arizona Department of Water Resources identified Riley West, Inc. as the land
10 owner in Watershed File Report 113-11-002. Riley West, Inc. filed Statement of Claimant
11 (SOC) 39-2080. In 1999, Riley West, Inc. assigned SOC 39-2080 to The Nature Conservancy
12 which assigned the SOC to Pima County Regional Flood Control District on September 22,
13 2011. Based on the records maintained by the Pima County Assessor, the Pima County
14 Regional Flood Control District owns the land on which potential water right 113-11-002-
15 SW001 is used. It also owns land in Section 24 T12S R17E (Tax Parcel 205-23-003D), but
16 the Bellota Preservation Corporation, an Arizona corporation, owns the land (Tax Parcel 205-
17 23-003E) actually included in the legal description for potential water right 113-11-002-
18 SW002. The public records maintained by the Arizona Department of Water Resources do
19 not include a statement of claimant filed by Bellota Preservation Corporation.
20
21

22 The expedited process established in the Memorandum Decision, Findings of Fact,
23 and Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and
24 Domestic Uses, dated November 14, 1994, amended February 23, 1995, approved and
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¹ A small water use includes stockponds that have a capacity of not more 15 acre feet that is used solely
for watering livestock or wildlife and stock watering used by livestock or wildlife. A.R.S. §45-251(9)

1 modified September 27, 2002 ("Decision") shall be used to prepare proposed water right
2 abstracts for stock watering claims upon a showing that appropriate claims have been filed.

3
4 **IT IS ORDERED:**

5 1. Contested Cases, Consolidation, Designation and Docket Number. This
6 contested case initiates case nos. W1-11-2645 and W1-11-2690. These two cases are
7 consolidated under *In re Pima County Flood Control District*, Contested Case No. W1-11-
8 2690.

9 2. Litigants. The parties in this contested case are the Pima County Flood Control
10 District, all persons who filed objections to the listed watershed file reports who are listed on
11 Attachment B, and claimants who are allowed to intervene by order.

12
13 3. Court-Approved Mailing List.

14 A. The initial Court-approved mailing list for this case is set forth as
15 Attachment C to this Order. A courtesy copy of this Order shall be sent to the statutory agent
16 for Bellota Preservation Corporation. The list may be modified only by filing a motion with
17 the Special Master to amend the Court-approved mailing list. Litigants are responsible for
18 using the current Court-approved mailing list.

19
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 Court-approved
22 mailing list.

23 C. Claimants allowed to intervene will be automatically added to the
24 mailing list.
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1 An initial scheduling conference shall be held to determine the process to resolve the
2 objections made to the claims for potential water rights at issue on **January 25, 2018**, at 11:00
3 a.m. 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

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

13
14 
15 SUSAN WARD HARRIS
16 Special Master

17 On December 26, 2017, the original of the foregoing
18 was delivered to the Clerk of the Maricopa County
19 Superior Court for filing and distributing a copy to all
20 persons listed on the Court-approved mailing list for this
21 contested case.
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
RILEY WEST, INC.	113-11-002

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-2645

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0002080		STOCK	.06				1900			
4A-0001251	CERTIF.	STOCK	31.40	SWNE24	120S	170E	1931	NWSE14	120S	170E
4A-0001252	CERTIF.	STOCK	33.60	SESE14	120S	170E	1936	SESE14	120S	170E
4A-0002050	CERTIF.	STOCK	.73	NWNE24	120S	170E	1938	NWNE24	120S	170E
4A-0003949	CERTIF.	STOCK	1.53	NWSW14	120S	170E	1957	NWSW14	120S	170E
				NWNW08	120S	180E		NWNW08	120S	180E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002080	STOCK	SPRING		
4A-0001251	STOCK	STOCK		SW002
4A-0001252	STOCK	STOCK		SW001
4A-0002050	STOCK	STOCK		SW001
4A-0003949	STOCK	STOCK		SW001

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
SW001	SWNWSW14	120S	170E		SURFACE WATER		NO	INSTREAM USE
SW002	SESESW24	120S	170E		SURFACE WATER		NO	INSTREAM USE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
SW001	NONE	4A-0001252 4A-0002050 4A-0003949	DATE BASIS FOR DATE	SURFACE WATER: SAN PEDRO RIVER
SW002	NONE	4A-0001251		SURFACE WATER: SAN PEDRO RIVER
NONE	39-0002080	NONE		

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT
SW002							SEE VOLUME 1 - GENERAL ASSESSMENT

EXPLANATION

USES AND RESERVOIRS

- SW1 - INSTREAM STOCKWATERING USE FROM BUEHMAN CANYON.
- SW2 - INSTREAM STOCKWATERING USE FROM BULLOCK CANYON.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED WHICH DISAGREED WITH D.W.R., REPORTING "NO USE FOUND" FOR FILINGS 4A-1251, 4A-1252 & 4A-2050.

LAND OWNER _____ WATERSHED FILE
 PIMA COUNTY FLOOD CONTROL DISTRICT _____ REPORT NUMBER
 113-12-BA-012

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *W1-11-2690*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE			
C -0000191	CERTIF.	IRRIGATION	2560.00	NWNE26	11OS	18OE	1910	NWNE26	11OS	18OE			
33-0078568.0001		STOCK	.54	NWSW23	11OS	18OE	1979	NWSW23	11OS	18OE			
36-0027655.0001		STOCK	1.15	W2SW23	11OS	18OE	1906	NWNW26	11OS	18OE			
39-0002764	AMENDED	IRRIGATION	5.00	23	11OS	18OE	1935	NWNW26	11OS	18OE			
		IRRIGATION		.77	26	11OS					18OE		
		STOCK	3.00	27	11OS	18OE							
39-0002772		REC/FISH/WLDF	1810.00	23	11OS	18OE	1906				NWNW26	11OS	18OE
39-0002786		OTHER	1810.00	22	11OS	18OE							
	IRRIGATION	4.00	23	11OS	18OE		NWSW26	11OS	18OE				
				26	11OS	18OE		NESE27	11OS	18OE			
				27	11OS	18OE							

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
C -0000191	IRRIGATION	IRRIGATION	DO2	IROO1
33-0078568.0001	STOCK	SPRING	SO1	SROO1
36-0027655.0001	IRRIGATION	IRRIGATION	SO1	IROO1
	STOCK	INCIDENTAL		
39-0002764	IRRIGATION	IRRIGATION	WO2	IROO1
	STOCK	INCIDENTAL		
39-0002772	RECREATION	RECREATION	SO1	IROO1
	OTHER	INCIDENTAL		
39-0002786	IRRIGATION	IRRIGATION	DO2	IROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO2	SWNESE27	11OS	18OE	MARKHAM DITCH	SURFACE WATER: SAN PEDRO RIVER SHARED
SO1	NWNW26	11OS	18OE	SENECA SPRING	SURFACE WATER: SAN PEDRO RIVER SHARED
WO2	SENW26	11OS	18OE	KELLY WELL	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IROO1	NWSW23	11OS	18OE	DO2, SO1, WO2	SURFACE WATER	1935	NO	
	SWSW23	11OS	18OE		GROUNDWATER : ZONE 1			

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	RESERVOIR NAME	STORAGE PURPOSE
SROO1	NENESE22	11OS	18OE	SO1	SURFACE WATER	1971	SENECA SPRING	STOCKWATERING

** WATER FROM DO2 FOUND IN FILE (113-12-BD-4) 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
IROO1	39-0002764 39-0002772 39-0002786	C -0000191 33-0078568.0001 36-0027655.0001	1879 G.L.O. PLAT MAPS	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SROO1	39-0002772	33-0078568.0001 36-0027655.0001	1971 1971 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER

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
IROO1	MAX. OBSERVED REGIONAL	52.3 52.3	PERM. PSTR AVE. CROP	60% 50%	4.0 AF/AC 5.4 AF/AC	209.2 AFA 282.4 AFA	DEFICIT IRRIGATION
	MAX. POTENTIAL	52.3	ALFALFA	60%	5.6 AF/AC	292.9 AFA	
SROO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2764 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.
 FILING 39-2772 - TWO UNIFORM QUESTIONNAIRES WERE RECEIVED, ONE OF WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT. THE OTHER QUESTIONNAIRE CLAIMED WELL W3 LOCATED IN W.F.R. #112-17-BB-6. THE QUESTIONNAIRE WHICH REFERENCES S1 (SENECA SPRING) IS IN THIS W.F.R..

DIVERSIONS

D2 - DIVERSION FROM THE SAN PEDRO RIVER INTO THE MARKHAM DITCH.
 S1 - SENECA SPRING PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.
 W2 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.
 SR1 - SMALL RESERVOIR, SUPPLIED BY SENECA SPRING (S1), IS USED FOR STOCKWATERING PURPOSES.

SHARED USES AND DIVERSIONS

DIVERSION D2 IS SHARED WITH W.F.R. #113-12-BD-4.

QUANTITIES OF USE

FILING 33-78568 - CLAIMS A CERTIFICATED STOCKPOND CAPACITY OF 2.15 ACRE-FEET.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

THE PIMA COUNTY FLOOD CONTROL DISTRICT OWNS THE PROPERTY AND THE ARIZONA CHAPTER OF THE NATURE CONSERVANCY HAS AGREED TO MANAGE THE PROPERTY.

ATTACHMENT B

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ASARCO Incorporated

BHP Copper Inc. (successor in interest to Magma Copper Company)

City of Phoenix

Gila River Indian Community

Pima County Flood Control District

Salt River Valley Water Users Association and the Salt River Project Agricultural Improvement and Power District

San Carlos Apache Tribe

Tonto Apache Tribe

Yavapai-Apache Nation

Camp Verde Reservation

United States

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ATTACHMENT C

Court Approved Mailing List
In re Pima County Flood Control District, Case No. W1-11-2690
W1-11-2690 (12 Names)
Prepared by the Special Master
12/26/2017

Brad Holm and Monique Coady
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Gila River Indian Community
Office of the General Counsel
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Michael F. McNulty
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200
Phoenix, AZ 85016

Pima County Flood Control
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Tucson, AZ 85701

Kimberly R. Parks and Janet L.
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Arizona Department of Water
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Phoenix, AZ 85067

R. Lee Leiningner and Andrew
Guarino
U.S. Department of Justice
Environment and Natural
Resources
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L. William Staudenmaier/John
D. Burnside
Snell & Wilmer, L.L.P.
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Phoenix, AZ 85004

Susan B. Montgomery/Robyn
L. Interpreter
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Phoenix, AZ 85032