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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. W1-11-2421

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Magma Copper - De Minimis*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-2421 to address objections to watershed file report 113-08-014.

NUMBER OF PAGES: 10.

DATE OF FILING: July 12, 2018.

A contested case has been initiated in the Redington subwatershed to adjudicate the claims asserted by Magma Copper Company for irrigation water uses, among other uses. Pursuant to A.R.S. § 45-257, a “claimant’s small water use claim shall be determined in conjunction with the determination of that claimant’s other claims.” A small water use includes stockponds that have a capacity of not more 15 acre feet that is used solely for

1 watering livestock or wildlife. A.R.S. §45-251(9). This case involves claims for stockponds
2 asserted by Magma Copper Company in the Redington subwatershed that are analyzed by the
3 watershed file report 113-08-014 published in the Final San Pedro River Watershed
4 Hydrographic Survey Report (1991). Copies of the watershed file reports are attached as
5 Attachment A.

6
7 In 1994, the Special Master issued a Memorandum Decision, Findings of Fact, and
8 Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic
9 Uses, dated November 14, 1994, amended February 23, 1995, approved and modified
10 September 27, 2002 ("Decision"). The Decision determined that stock watering and certain
11 stockponds and domestic uses in the San Pedro River watershed constitute *de minimis* uses
12 and established the procedures for adjudicating *de minimis* water rights for claims in the San
13 Pedro watershed. For purposes of the Decision, a stockpond is defined as a pond or artificial
14 facility having a capacity of not more than 15 acre-feet and used solely for stock or wildlife.
15
16 Decision at 6. The claims in this contested case will be adjudicated in accordance with the
17 Decision.

18 **IT IS ORDERED:**

19
20 1. Contested Case. This contested case shall be known as *In re Magma Copper -*
21 *De Minimis* and it will address the claims analyzed in watershed file report 113-08-014
22 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

23 2. Litigants. The litigants in this contested case are the Claimant, namely, Magma
24 Copper Company, all persons who filed objections to the listed watershed file reports who are
25 listed on Attachment B, and claimants who are allowed to intervene by order.

26 3. Court-Approved Mailing List.

27 A. The initial Court-approved mailing list for this case shall include all
28 persons listed on Attachment C to this order. The list may be modified only by

1 filing a motion with the Special Master to amend the Court-approved mailing
2 list. Litigants are responsible for using the current Court-approved mailing list.

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

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

9
10 4. Courtesy Email List.

11 The Special Master's office will email courtesy copies of orders and minute
12 entries entered in this case to persons listed on Attachment C. Requests for
13 inclusions on the email list should be sent to Barbara Brown at
14 brownb099@superiorcourt.maricopa.gov.

15
16
17 An initial scheduling conference shall be held to determine the process to resolve the
18 objections made to the claims for water rights at issue on **August 23, 2018**, at 1:30 p.m. before:

19 Special Master Susan Ward Harris
20 Superior Court of Arizona
21 201 West Jefferson Street
22 Courtroom 301
23 Phoenix, AZ 85003-2202

24 Instructions for telephonic appearance:
25 Dial: 602-506-9695 (local)
26 1-855-506-9695 (toll free long distance)
27 Dial Participant Pass Code 357264#
28


SUSAN WARD HARRIS
Special Master

1 On July 12, 2018, the original of the foregoing was
2 delivered to the Clerk of the Maricopa County Superior
3 Court for filing and distributing a copy to all persons
4 listed on the Court-approved mailing list for this
5 contested case, a copy of which is attached hereto as
6 Attachment B, and to all persons listed on the Court-
7 approved mailing list for W-1, W-2, W-3, and W-4
8 (Consolidated).

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Barbara K. Brown
Barbara K. Brown

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ATTACHMENT A

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SPOO1	39-0003148	38-0027711	1964 FILING 38-27711	SURFACE WATER: SAN PEDRO RIVER
SPOO2	NONE	NONE	1955 1955 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
SPOO3	NONE	NONE	1979 1979 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
SPOO4	39-0003151	38-0027716	1948 FILING 38-27716	SURFACE WATER: SAN PEDRO RIVER
SPOO5	39-0003150	38-0027714	1967 FILING 38-27714	SURFACE WATER: SAN PEDRO RIVER
SPOO6	39-0003155	38-0027720	1948 FILING 38-27720	SURFACE WATER: SAN PEDRO RIVER
NONE	39-0003164	NONE		
	39-0003170			

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
SPOO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPOO2	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPOO3	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPOO4	MAX. AREA/CAP	1.3				6.3 AF	
SPOO5	MAX. AREA/CAP	3.8				41.3 AF	
SPOO6	MAX. AREA/CAP	2.7				15.1 AF	

E X P L A N A T I O N

USES AND RESERVOIRS
 SP1-SP6 - UNNAMED STOCKPONDS.

ATTACHMENT B

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

Magma Copper Company
P. O. Box M
San Manuel, AZ 85631

San Carlos Apache Tribe
Tonto Apache Tribe
Joe P. Sparks and Laurel A. Hermann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

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

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ATTACHMENT C

Court Approved Mailing List
In re Magma Copper - De Minimis case no. W1-11-2421
W1-11-2421 (8 Names)
Prepared by the Special Master
7/12/2018

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

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, Ste 3A
201 West Jefferson
Phoenix, AZ 85003-2205

John D. Burnside and Megan
Tracy
Snell & Wilmer, L.L.P.
400 East Van Buren Street
Suite 1900
Phoenix, AZ 85004

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
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Sacaton, AZ 85147

Magma Copper Company
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