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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

W-1, W-2, W-3, W-4 (Consolidated)
Contested Case No. W1-11-3105
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Salt River Project – River Preserve III*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3105 initiated and status conference set for **November 1, 2019 at 1:30 p.m.**
NUMBER OF PAGES: 12
DATE OF FILING: June 25, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report No. 114-04-BAB-003 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified a potential water right for irrigation for the land described in the WFR located in the southeast quarter of section 07 Township 6S Range 16E, which is Arizona State Trust land. Specifically, the WFR identified an irrigation use, IR004, protruding onto the land included in WFR 114-04-BAB-003 from

1 114-04-BAB-007, which is part of contested case no. W1-11-3107, that is supplied by well
2 W04 also part of that contested case. The WFR identified the source of water for the claimed
3 use as a well located in the NWNWSW section 08 T6S R16E. A copy of the watershed file
4 report is attached as Attachment A. A copy of the map prepared for the WFR is attached as
5 Attachment B and a copy of the current Arizona State Land Department (ASLD) parcel map is
6 attached as Attachment C.

7
8 **Claimants and Landowner**

9 The WFR identified Statements of Claimant (SOC) relevant to the potential water
10 right: 39-2225 and 39-6730. Paul L. Sale Investment Co. filed SOC 39-2225 on December
11 17, 1979. It assigned SOC 39-2225 to The Nature Conservancy on April 30, 1997. The
12 Nature Conservancy assigned SOC 39-2225 to the Salt River Project Agricultural
13 Improvement and Power District on July 28, 2017.

14
15 Statement of Claimant 39-6730 filed by the Arizona State Land Department claimed a
16 right to water for irrigation use in the southeast quarter of the Section 07 T6S R16E. The
17 Arizona State Land Department has stated that it does not intend to pursue claims associated
18 with SOC 39-6730 and that SOC was dismissed during the status conference for *In re Paul L.*
19 *Sale Investment Co.* contested case no. W1-11-3107 on June 18, 2019.

20
21 **IT IS ORDERED:**

22 1. Contested Case. This contested case shall be known as *In re Salt River Project*
23 *– River Preserve III* and it will address claims for water rights included in watershed file report
24 114-04-BAB-003 and objections that were filed to that WFR published in the Final San Pedro
25 River Watershed Hydrographic Survey Report (1991). Copies of objections can be found
26 under the case name and number on the following website:
27
28

1 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
2 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

3 2. Litigants. The litigants in this contested case are the Claimant, the current
4 landowner, all persons who filed objections to the listed watershed file report who are included
5 on Attachment D, and claimants who are allowed to intervene by order.

6
7 3. Court-Approved Mailing List.

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

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

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

18
19 4. Courtesy Email List. The Special Master's office will email courtesy copies of
20 orders and minute entries entered in this case to persons listed on Attachment D. Requests for
21 inclusions on the email list should be sent to Barbara Brown at

22 brownb099@superiorcourt.maricopa.gov.

23
24 5. Status Report and Conference. Salt River Project shall file a status report by
25 **October 18, 2019**, which shall identify the applicable adjudication filings and pre-filings for
26 claims for water use. It shall also set forth the positions of Salt River Project and the Arizona
27 State Land Department regarding the ownership of the water right. An initial status conference
28

1 shall be held on **November 1, 2019** at 1:30 p.m. in the Superior Court of Arizona, 201 West
2 Jefferson Street, Courtroom 301, Phoenix, AZ 85003-2202

3
4 Instructions for telephonic appearance:
5 Dial: 602-506-9695 (local)
6 1-855-506-9695 (toll free long distance)
7 Dial Participant Pass Code 357264#

8
9
10 
11 SUSAN WARD HARRIS
12 Special Master

13 On June 25, 2019, the original of the foregoing was
14 delivered to the Clerk of the Maricopa County Superior
15 Court for filing and distributing a copy to all persons
16 listed on the Court-approved mailing list for this
17 contested case, a copy of which is attached hereto as
18 Attachment D, and to all persons listed on the Court-
19 approved mailing list for W-1, W-2, W-3, and W-4
20 (Consolidated).
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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	114-04-BAB-003	PAUL L. SALE INVEST. CO.	03-24130

APPLICABLE FILINGS AND DECREES

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
39-0002225	AMENDED	IRRIGATION	250.00	NWNWSW08	060S	160E	1949	NWNWSW08	060S	160E
		DOMESTIC	2.00							
		STOCK	112.00							
39-0006730		IRRIGATION	566.37	07	060S	160E	1980	NWNWSW08	060S	160E
		OTHER	14.00							

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002225	IRRIGATION	IRRIGATION	WO4	IROO4
	DOMESTIC	NONE		
	STOCK	STOCK		
39-0006730	IRRIGATION	IRRIGATION	WO4	IROO4
	OTHER	NONAPPROPRIABLE		

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO4	NWNWSW08	060S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IROO4	NESE07	060S	160E	WO4	GROUNDWATER : ZONE 1	1969	NO	

SHARED USES AND DIVERSIONS

** WATER FROM WO4 FOUND IN FILE (114-04-BAB-7) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
IROO4	39-0002225	NONE	1969 1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO4	MAX. OBSERVED	2.3	PERM. PSTR	63%	3.2 AF/AC	7.4 AFA	DEFICIT IRRIGATION
	REGIONAL	2.3	AVE. CROP	50%	5.4 AF/AC	12.4 AFA	
	MAX. POTENTIAL	2.3	ALFALFA	63%	5.3 AF/AC	12.2 AFA	

FILINGS AND DECREES

FILING 39-2225 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

FILING 39-6730 - CLAIMS RAINFALL RETENTION AS AN "OTHER" WATER USE. RAINFALL RETENTION IS CONSIDERED TO BE A NONAPPROPRIABLE USE.

DIVERSIONS

W4 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

IR4 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W4 - WELL IS SHARED WITH W.F.R. #114-4-BAB-7.

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ATTACHMENT B

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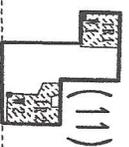
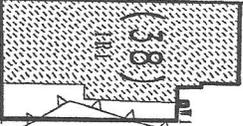
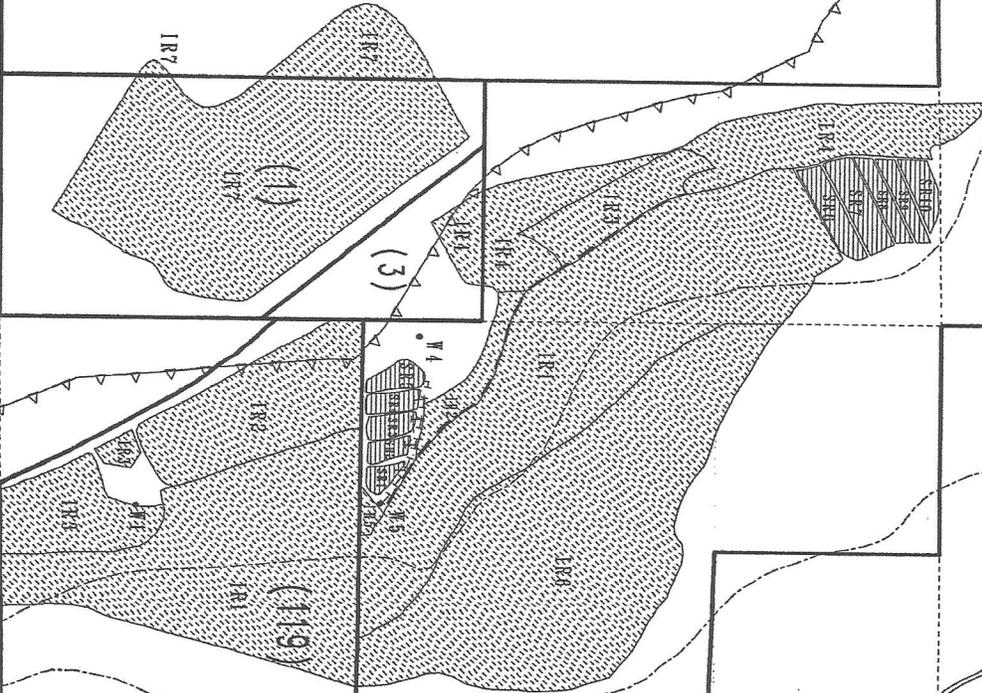
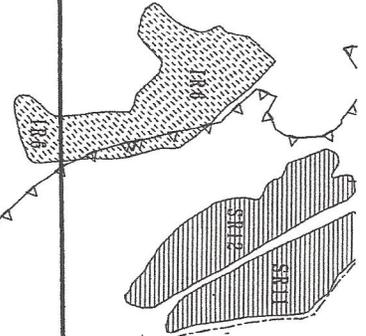
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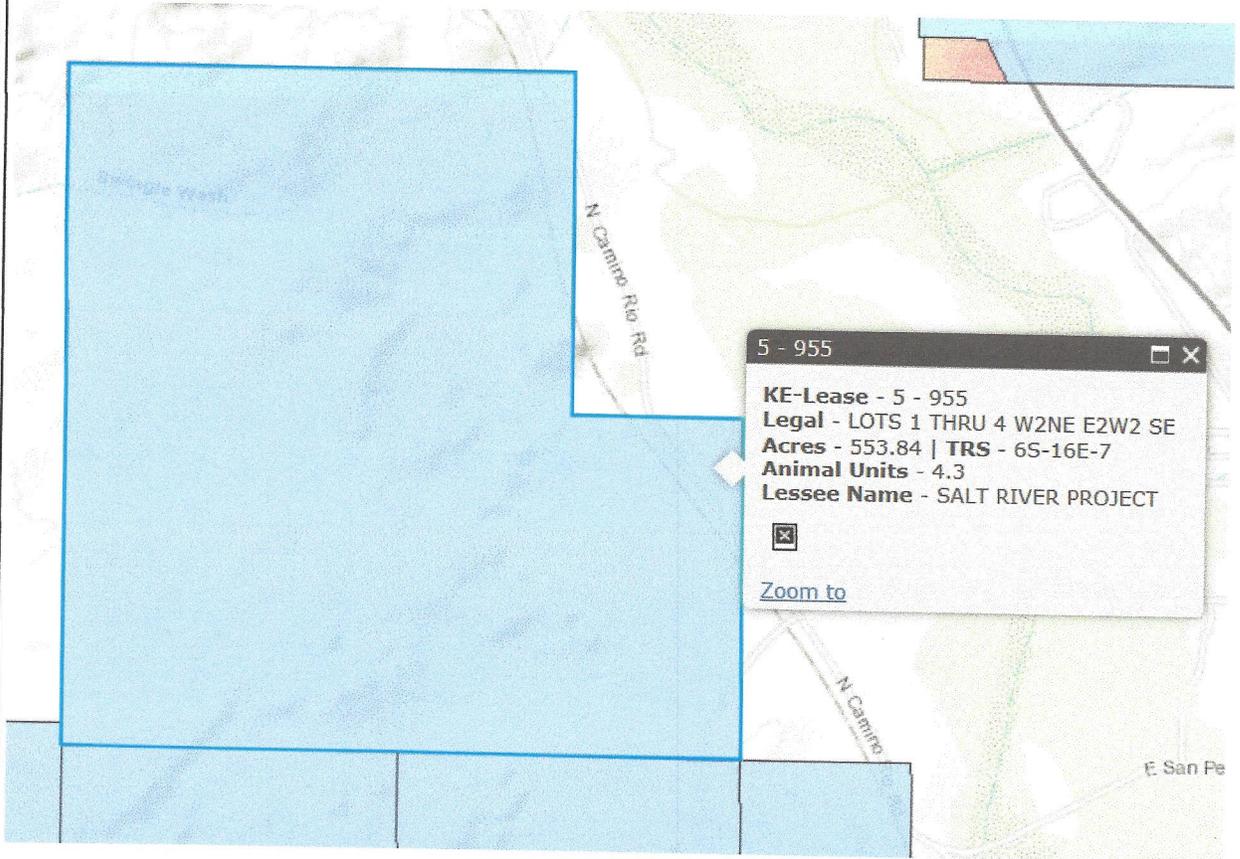
Route 77
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ATTACHMENT C

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ATTACHMENT D

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4 Arizona Department of Water Resources
5 Kimberly Parks
6 Janet L. Miller
7 P. O. Box 36020
8 Phoenix, AZ 85067

9 ASARCO Incorporated
10 Lauren J. Caster
11 Fennemore Craig, P.C.
12 2394 East Camelback Road
13 Suite 600
14 Phoenix, AZ 85016-3429

15 BHP Copper, Inc.
16 John D. Burnside and Megan Tracy
17 Snell & Wilmer, L.L.P.
18 400 East Van Buren Street
19 Suite 1900
20 Phoenix, AZ 85004

21 Clerk of the Superior Court
22 Maricopa County
23 Attn: Water Case
24 601 West Jackson Street
25 Phoenix, AZ 85003

26 David F. Jacobs and Carrie J. Brennan
27 Arizona Attorney General
28 Natural Resources Section
2005 North Central
Phoenix, AZ 85004

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

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

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

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

Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

U. S. Department of Justice
Patrick Barry and Yosef Negose
U.S. Department of Justice
Environment and Natural Resources
P. O. Box 7611
Washington, D.C. 20044-7611