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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. W1-11-3204  
ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re BLM - SRP*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case W1-11-3204 initiated and joint report due **February 4, 2020.**  
NUMBER OF PAGES: 12  
DATE OF FILING: December 26, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 114-04-BDD-032 (“WFR”) prepared by the Arizona Department of Water Resources and published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

1 The WFR identified potential water rights for irrigation use on land located in section 10  
2 Township 7S Range 16E. The identified source of water for the claimed uses is a well located  
3 in section 10 Township 7S Range 16E. The Arizona Department of Water Resources has  
4 determined that the well is located in the subflow zone.

5 A copy of the WFR is attached as Attachment A. A copy of the map prepared for the  
6 WFR is attached as Attachment B on which the land in question is labelled as "(32)".  
7

### 8 **Claimants & Landowner**

9

10 The WFR identified three Statements of Claimant (SOC) relevant to the potential water  
11 rights: 39-1976, 39-1977, and 39-2482. William Stambaugh filed SOCs 39-1976 and 39-1977  
12 and ASARCO Incorporated filed SOC 39-2482. The public records of the Arizona Department  
13 of Water Resources include an assignment of SOCs 39-1976 and 39-1977 to Salt River Project  
14 Agricultural Improvement and Power District ("SRP" or "Salt River Project").

15 Statement of Claimant 39-2482 was also included in Watershed File Report 114-04-  
16 BDD-002 that was the subject of Contested Case No. W1-11-3195, which was consolidated with  
17 Contested Case No. W1-11-2801. ASARCO Incorporated objected to the WFR in part on the  
18 grounds that the SOC 39-2482 applies to the land included in Watershed File Report 114-04-  
19 BDD-002 that ASARCO Incorporated owned and not to the land included within the boundaries  
20 of the land that was the subject of the WFR.

21 The WFR lists Bureau of Land Management – Safford District ("BLM") as the owner of  
22 the property described in the WFR. According to the Pinal County Assessor, the United States  
23 owns the property within the boundaries of the area mapped for the WFR. A copy of the map  
24 prepared by the Pinal County Assessor is attached as Attachment C.  
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1                   **IT IS ORDERED:**

2                   1.       Contested Case. This contested case shall be known as *In re BLM - SRP* and it  
3 will determine water rights asserted in the Statements of Claimant and objections that were filed  
4 to Watershed File Report 114-04-BDD-030 published in the Final San Pedro River Watershed  
5 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
6 and                   number                   on                   the                   following                   website:  
7 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
8 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

9                   2.       Litigants. The litigants in this contested case are the Claimants, the current  
10 landowner, all persons who filed objections to the listed watershed file reports who are included  
11 on Attachment D, and claimants who are allowed to intervene by order.

12                   3.       Court-Approved Mailing List.

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

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

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

1           4.     Courtesy Email List.

2           The Special Master's office will email courtesy copies of orders and minute  
3           entries entered in this case to persons listed on Attachment D. Requests for  
4           inclusions on the email list should be sent to Barbara Brown at  
5           [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

6  
7           5.     Joint Report. The United States and SRP shall file a joint report by February 4, 2020,  
8           which shall state whether:

- 9           a. Bureau of Land Management intends to request an assignment in whole or in  
10           part of SOCs 39-1976 and 39-1977 from SRP;
- 11           b. Bureau of Land Management intends to claim a right to water for use on the  
12           land included in the boundaries of the land mapped by ADWR for Watershed  
13           File Report 114-04-BDD-030 as shown on Attachment B. If so, BLM shall  
14           identify the source of water; and
- 15           c. Salt River Project intends to assert a claim for a water right pursuant to SOC  
16           39-1976 or 39-1977 for use on land included within the boundaries of the  
17           WFR.  
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19           The joint report shall also include the recommendations of the United States and SRP  
20           about the next action to be taken in this case.  
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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
BLM - SAFFORD DISTRICT	114-04-BDD-032	STAMBAUGH, WILLIAM M.	4532

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES **WI-11-3204**

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0060269		IRRIGATION	100.00	09 070S	160E		1884	SENE11	070S	160E
39-0001976		IRRIGATION	325.00	10 070S	160E		1878	NWNW08	070S	170E
39-0001977		IRRIGATION	325.00	09 070S	160E		1878	SWSWNE10	070S	160E
39-0002482		IRRIGATION	1659.00	10 070S	160E		1884	NWNW08	070S	170E
				11 070S	160E					
				SENE11	070S	160E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0060269	IRRIGATION	IRRIGATION	W03	IROO1, IROO2
39-0001976	IRRIGATION	IRRIGATION		IROO1, IROO2
39-0001977	IRRIGATION	IRRIGATION	W03	IROO1, IROO2
39-0002482	IRRIGATION	IRRIGATION		IROO1, IROO2

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W03	SESENW10	070S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SESW10	070S	160E	W03	GROUNDWATER : ZONE 1	1935	YES	
IROO2	SESW10	070S	160E	W03	GROUNDWATER : ZONE 1	1969	NO	

SHARED USES AND DIVERSIONS

\*\* WATER FROM W03 FOUND IN FILE (114-04-BDD-1) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0001976 39-0001977 39-0002482	36-0060269	1884 FILING 36-60269	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
IROO2	39-0001976 39-0001977 39-0002482	36-0060269	1969 1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED REGIONAL	.7	FALL GRAINS	50%	.8 AF/AC	.6 AFA	
	MAX. POTENTIAL	.7	AVE. CROP	50%	5.4 AF/AC	3.8 AFA	
		.7	ALFALFA	50%	6.7 AF/AC	4.7 AFA	
IROO2	MAX. OBSERVED	.4	MULTI.CROPS	47%	2.0 AF/AC	.8 AFA	

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO2	REGIONAL MAX. POTENTIAL	.4 .4	AVE. CRO ALFALFA	50% 47%	5.4 AF/AC 7.1 AF/AC	2.2 AFA 2.8 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 36-60269, 39-1976 & 39-2482 - CLAIM IRRIGATION FROM A SURFACE WATER DIVERSION ON ARAVAIPA CREEK. THE SOURCE OF IRRIGATION WATER HAS BEEN CHANGED TO A ZONE 1 GROUNDWATER WELL.

DIVERSIONS

W3 - WELL PROVIDES WATER FOR IRRIGATION USE.

USES AND RESERVOIRS

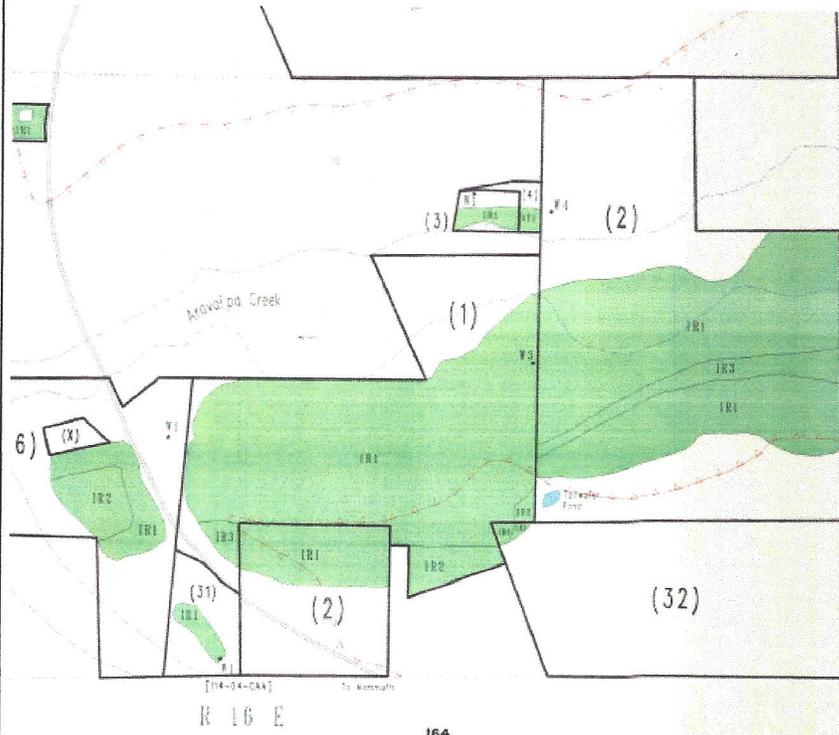
IR1 & IR2 - IRRIGATED SMALL GRAINS AND TURF.

SHARED USES AND DIVERSIONS

W3 - WELL IS SHARED WITH W.F.R. #114-04-BDD-1.

# ATTACHMENT B

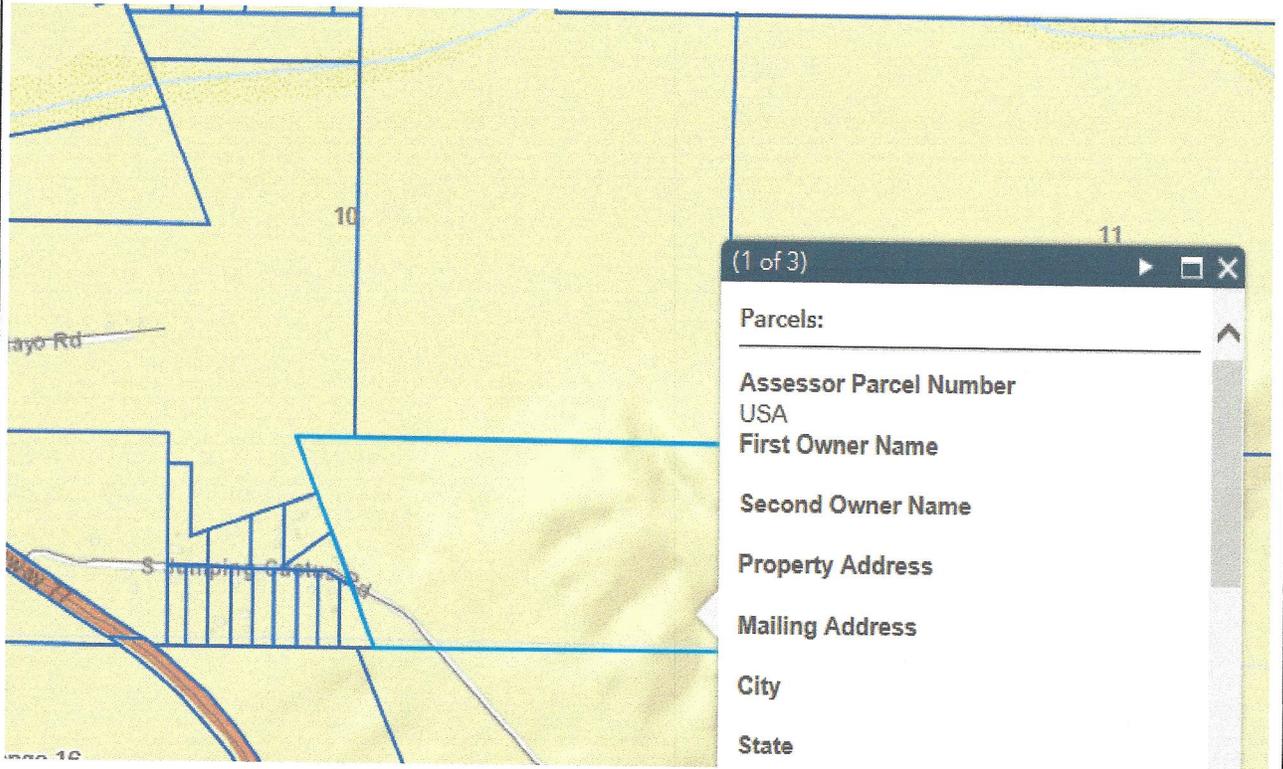
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State of Arizona Department of Water Resources ALLOCATION DIVISION	
<b>MAP OF WATER USES</b>	
Basin System:	GILA
Watershed:	SAN PEDRO
Subwatershed:	WINKELMAN
Region:	04-EDD
Date:	November 1991

# ATTACHMENT C

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# ATTACHMENT D

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

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

14 Clerk of the Superior Court  
15 Maricopa County  
16 Attn: Water Case  
17 601 West Jackson Street  
18 Phoenix, AZ 85003

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

24 Joe P. Sparks and Laurel A. Herrmann  
25 The Sparks Law Firm, P.C.  
26 7503 First Street  
27 Scottsdale, AZ 85251-4573

28 Lucas T. Christian & Julian Nava  
Rosette, LLP  
565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

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

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Salt River Valley Water Users Association,  
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, Yosef Negose, and Emmi Blades  
Environment and Natural Resources  
P. O. Box 7611  
Washington, D.C. 20044-7611