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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. W1-11-3208

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Asarco-Arizona Game and Fish Commission*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3208 initiated and status conference set for **December 12, 2019 at 1:30 PM**

NUMBER OF PAGES: 11

DATE OF FILING: October 30, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 114-04-CAA-002("WFR") published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for irrigation for the land described in the WFR located in sections 15 and 22 Township 7S Range 16E. The identified sources of water for the claimed uses are two wells that Arizona Department of Water Resources ("ADWR") has determined are located within the subflow

1 zone. A copy of the watershed file report is attached as Attachment A. A copy of the map
2 prepared for the WFR is attached as Attachment B. The land investigated by ADWR for the
3 WFR is labelled as “(2)”.

4
5 **Claimants & Landowners**

6 The WFR identified two Statements of Claimant (SOC) relevant to the potential water
7 right: 39-2472 and 39-2473. ASARCO Incorporated filed SOCs 39-2472 and 39-2473 and
8 assigned them to the Arizona Game and Fish Commission.
9

10 The WFR lists Asarco Inc. as the owner of the property described in 114-04-CAA-
11 002. The public records of Pinal County Assessor’s Office show the Arizona Game and Fish
12 Commission as the owner of tax parcel 300-36-0010. A copy of the map prepared by the
13 Pinal County Assessor’s Office is attached as Attachment B.
14

15 **IT IS ORDERED:**

16 1. Contested Case. This contested case shall be known as *In re Asarco-Arizona*
17 *Game and Fish Commission* and it will address Statements of Claimant and objections that
18 were filed regarding the watershed file report 114-04-CAA-002 published in the Final San
19 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
20 found under the case name and number on the following website:
21 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
22 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

23 2. Litigants. The litigants in this contested case are the claimant and all persons
24 who filed objections to the listed watershed file reports who are included on Attachment D, and
25 claimants who are allowed to intervene by order.
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1 3. Court-Approved Mailing List.

2 A. The initial Court-approved mailing list for this case shall include all
3 persons listed on Attachment D to this order. The list may be modified only by
4 filing a motion with the Special Master to amend the Court-approved mailing
5 list. Litigants are responsible for using the current Court-approved mailing list.
6

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

10 C. Claimants wishing to be added or removed from the mailing list shall file
11 a motion with the Special Master. Parties allowed to intervene will be
12 automatically added to the mailing list.
13

14 4. Courtesy Email List.

15 The Special Master's office will email courtesy copies of orders and minute
16 entries entered in this case to persons listed on Attachment D. Requests for
17 inclusions on the email list should be sent to Barbara Brown at
18 brownb099@superiorcourt.maricopa.gov.
19

20 5. Status Conference. An initial status conference shall be held to address the
21 adjudication of this case and determine whether the objections to the potential water rights can
22 be settled. If the objections cannot be settled, then a subsequent date will be set for a
23 scheduling conference to identify issues, file disclosure statements, conduct discovery, submit
24 prehearing motions, and hold a trial. No party shall conduct any discovery or file any motions
25 prior to the Scheduling Conference. The Status Conference shall be held on December 12,
26 **2019, at 1:30 p.m. before:**
27

28 6.

1 Special Master Susan Ward Harris
2 Superior Court of Arizona
3 201 West Jefferson Street
4 Courtroom 301
5 Phoenix, AZ 85003-2202

6 Instructions for telephonic appearance:
7 Dial: 602-506-9695 (local)
8 1-855-506-9695 (toll free long distance)
9 Dial Participant Pass Code 357264#

10 
11 SUSAN WARD HARRIS
12 Special Master

13 On October 30, 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
 ASARCO, INC. _____ REPORT NUMBER
 114-04-CAA-002

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W11-11-3208

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1116075.1100		IRRIGATION STOCK	36000.00	SWSW10	070S	160E	1917	SENW22	070S	160E
36-0027388		IRRIGATION STOCK	80.00	N2SW10	070S	160E				
39-0002472		IRRIGATION	700.00	NENE22	070S	160E	1900	NENW26	070S	160E
39-0002473		IRRIGATION	293.00		15 070S	160E	1949	NESENE22	070S	160E
					22 070S	160E	1974	SWNE22	070S	160E
					15 070S	160E				
					22 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
10-1116075.1100	IRRIGATION STOCK	NONE		
36-0027388	IRRIGATION STOCK	INCIDENTAL IRRIGATION	WO3	IRO01, IRO02, IRO03, IRO04
39-0002472	IRRIGATION	IRRIGATION	WO2	IRO01, IRO02, IRO03, IRO04
39-0002473	IRRIGATION	IRRIGATION	WO3	IRO01, IRO02, IRO03, IRO04

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO2	NESENE22	070S	160E	F-13	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO3	NWNE22	070S	160E	F-11	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

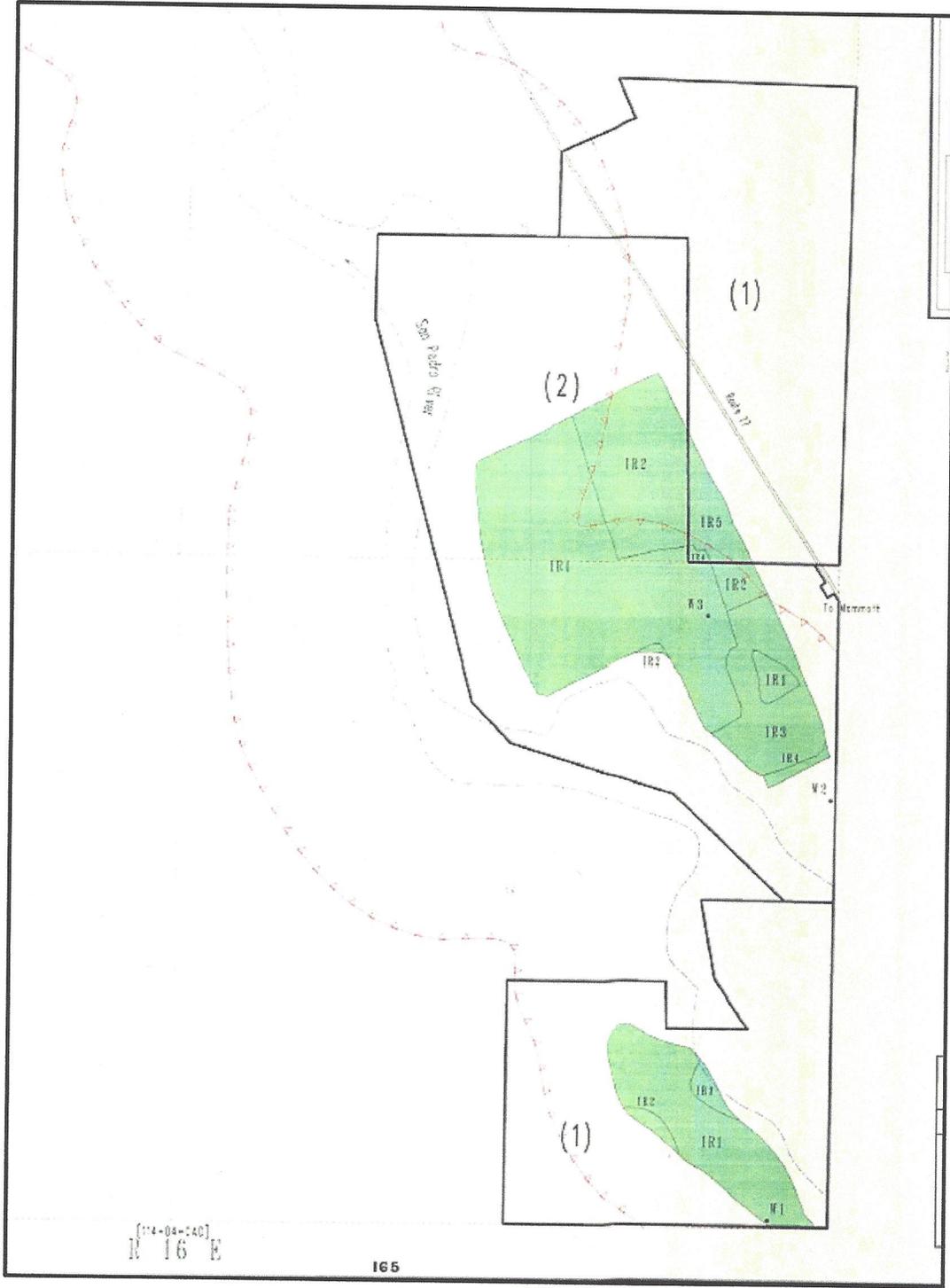
PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IRO01	NE22	070S	160E	WO2, WO3	GROUNDWATER : ZONE 1	1935	NO	
	NW22	070S	160E					
	SE15	070S	160E					
	SW15	070S	160E					
IRO02	NENE22	070S	160E	WO2, WO3	GROUNDWATER : ZONE 1	1969	NO	
	NWNE22	070S	160E					
	NWSE15	070S	160E					
	SESE15	070S	160E					
	SWSE15	070S	160E					
IRO03	NENE22	070S	160E	WO2, WO3	GROUNDWATER : ZONE 1	1971	NO	
	SENE22	070S	160E					
IRO04	SENE22	070S	160E	WO2, WO3	GROUNDWATER : ZONE 1	1983	NO	

SHARED USES AND DIVERSIONS

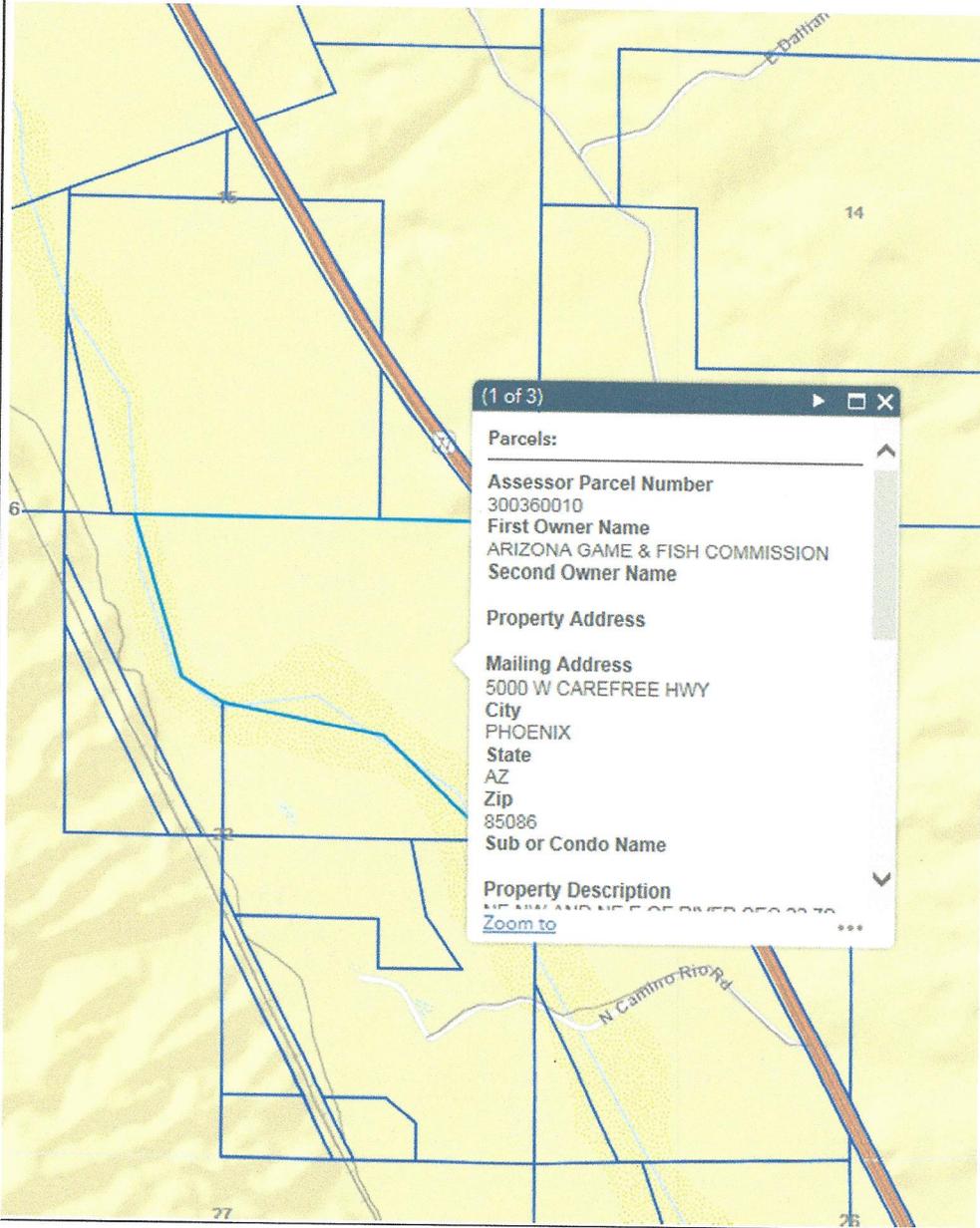
** WATER FROM WO2 IS SHARED WITH THESE ADDITIONAL FILES:
 114-04-CAA-1
 ** WATER FROM WO3 IS SHARED WITH THESE ADDITIONAL FILES:
 114-04-CAA-1

ATTACHMENT B

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ATTACHMENT C



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ATTACHMENT D

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

Arizona Game and Fish Commission
5000 West Carefree Highway
Phoenix, AZ 85086

ASARCO Incorporated
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Fennemore Craig, P.C.
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BHP Copper, Inc.
John D. Burnside
Snell & Wilmer, L.L.P.
400 E. Van Buren Street, Ste 1900
Phoenix AZ 85004

Clerk of the Superior Court
Maricopa County
Attn: Water Case
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8 Phoenix, AZ 85032

9 Salt River Valley Water Users Association,
10 Salt River Project Agricultural Improvement and Power District
11 John B. Weldon, Jr. and Mark A. McGinnis
12 Salmon, Lewis & Weldon PLC
13 2850 E Camelback Rd, Ste. 200
14 Phoenix, AZ 85016

15 Special Master Susan Ward Harris
16 Superior Court of Arizona
17 201 W. Jefferson Street
18 Courtroom 301
19 Phoenix, AZ 85003

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

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