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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

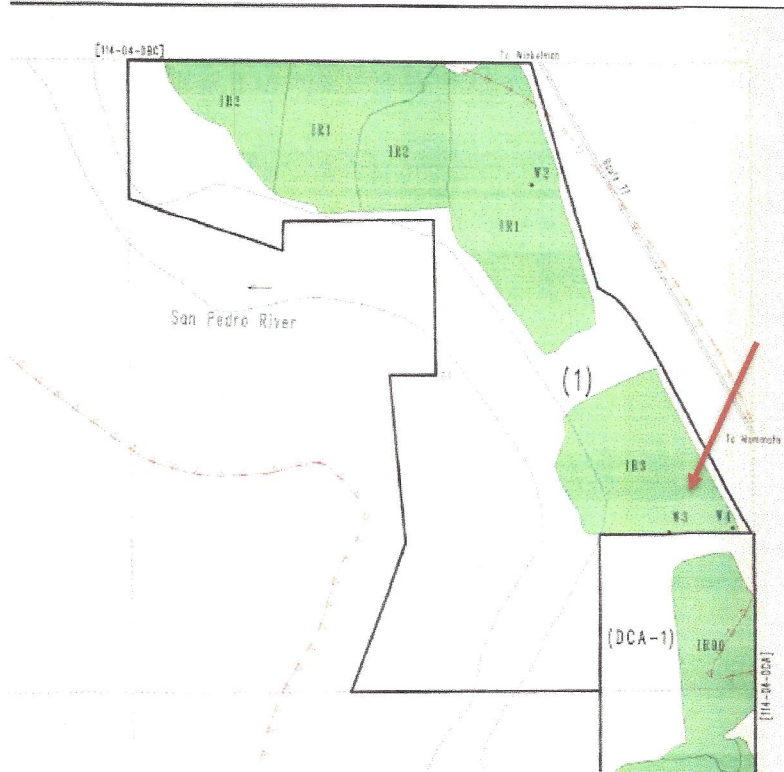
W-1, W-2, W-3, W-4 (Consolidated)
Contested Case No. W1-11-3248
ORDER TO MAP WELLS
AND
ORDER TO ADWR FOR A REPORT

CONTESTED CASE NAME: *In re H & E Land and Cattle Company*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: The Nature Conservancy shall file a map of the wells on tax parcel 306-02-0020 by **May 28, 2020** and ADWR shall review the map and file a report by **July 31, 2020**.
NUMBER OF PAGES: 6
DATE OF FILING: April 23, 2020

On April 20, 2020, The Nature Conservancy filed a Report which stated that it has determined: there are three wells currently in use on the property included within the boundaries of Watershed File Report 114-04-DCB-001 (“WFR”); all of the wells are located outside the subflow zone; and, it is currently pumping groundwater. It reserves a right to make a claim in the future for surface water.

1 **1. Location of Wells relative to Subflow Zone**

2 The WFR identified four
 3 wells as the source of irrigation
 4 water on the property. One well
 5 was located in Section 36 T7S
 6 R16E and three wells were
 7 located in Section 1 T8S R16E.
 8 Arizona Department of Water
 9 Resources (“ADWR”) identified
 10 Well 3 located in SWNESE
 11 Section 1 T8S Range 16E, Pinal
 12 county tax parcel 306-02-0020
 13 (UTM 532091.5282,
 14 3625030.234) as located within
 15 the subflow zone. See figure 1.



16 **FIGURE 1. Map of WFR 114-04-DCB-001**

17
 18 The Nature Conservancy’s Report did not include a map of the locations of its operational
 19 wells relative to the subflow. According to ADWR’s Well Registry, there are four wells on tax
 20 parcel 306-02-0020:

Registry No. (55-)	Cadastral	Owner Name	Well Type	Drill Date
624440	D08016001ABC	THE NATURE	NON-EXEMPT	1/1/1925
503079	D08016001ACA	POWER,K	EXEMPT	11/22/1982
624441	D08016001DAD	THE NATURE	NON-EXEMPT	8/23/1976
624445	D08016001ACD	THE NATURE	EXEMPT	

27
 28 A map of the wells is attached as Attachment A.

1 To avoid any confusion regarding the wells at issue, The Nature Conservancy shall
2 provide a map of the three wells which it claims are currently operational on tax parcel 306-02-
3 0020 relative to the subflow zone. Upon receipt of the map, ADWR will review the map to
4 determine whether any of the wells are in the subflow zone and whether Well 3 referenced in the
5 WFR is included on the map.

6 **2. Procedural Posture**

7 The Nature Conservancy states that it is only pumping groundwater but reserves the
8 right to later claim surface water rights. If Nature Conservancy does not wish to pursue a claim
9 for surface water then the Statements of Claimant 39-5990, 39-5991, 39-5992, 39-5993, 39-
10 5994, and 39-5995 should be dismissed. If Nature Conservancy wishes to pursue a claim for
11 surface water, then assuming that all of the sources of water are wells are located outside the
12 subflow zone, this case will be stayed pending the approval of a subflow depletion test. When
13 The Nature Conservancy files the map referenced above, it shall indicate whether the
14 Statements of Claimant should be dismissed or this case should be stayed.
15
16

17 **IT IS ORDERED:**

- 18 1. Map. The Nature Conservancy shall file a map of tax parcel 306-02-0020 that
19 locates: (a) the wells that are operational; (b) any well that is not operational; and
20 (c) the subflow zone as determined by ADWR. Each well shall be labelled with
21 the well registration number. The map shall be filed by **May 28, 2020**.
- 22 2. Statement of Position. The Nature Conservancy shall file a Statement of Position
23 by **May 28, 2020** that states whether the Statements of Claimant should be
24 dismissed or this case should be stayed. If the Nature Conservancy disagrees that
25 it must take either position, then it shall identify what it believes is the correct
26 position and the reasons that such a position should be accepted. Any party that
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disagrees with the position taken by the Nature Conservancy shall file its objection by **July 31, 2020**.

- 3. Report. The Arizona Department of Water Resources shall review the map filed by The Nature Conservancy and file a Report that (a) identifies which well on the The Nature Conservancy's map, if any, is Well 3 referenced in the WFR; (b) advises whether any of the wells labelled as operational are included in the WFR and are located in the subflow zone. The Report shall be filed by July 31, 2020.

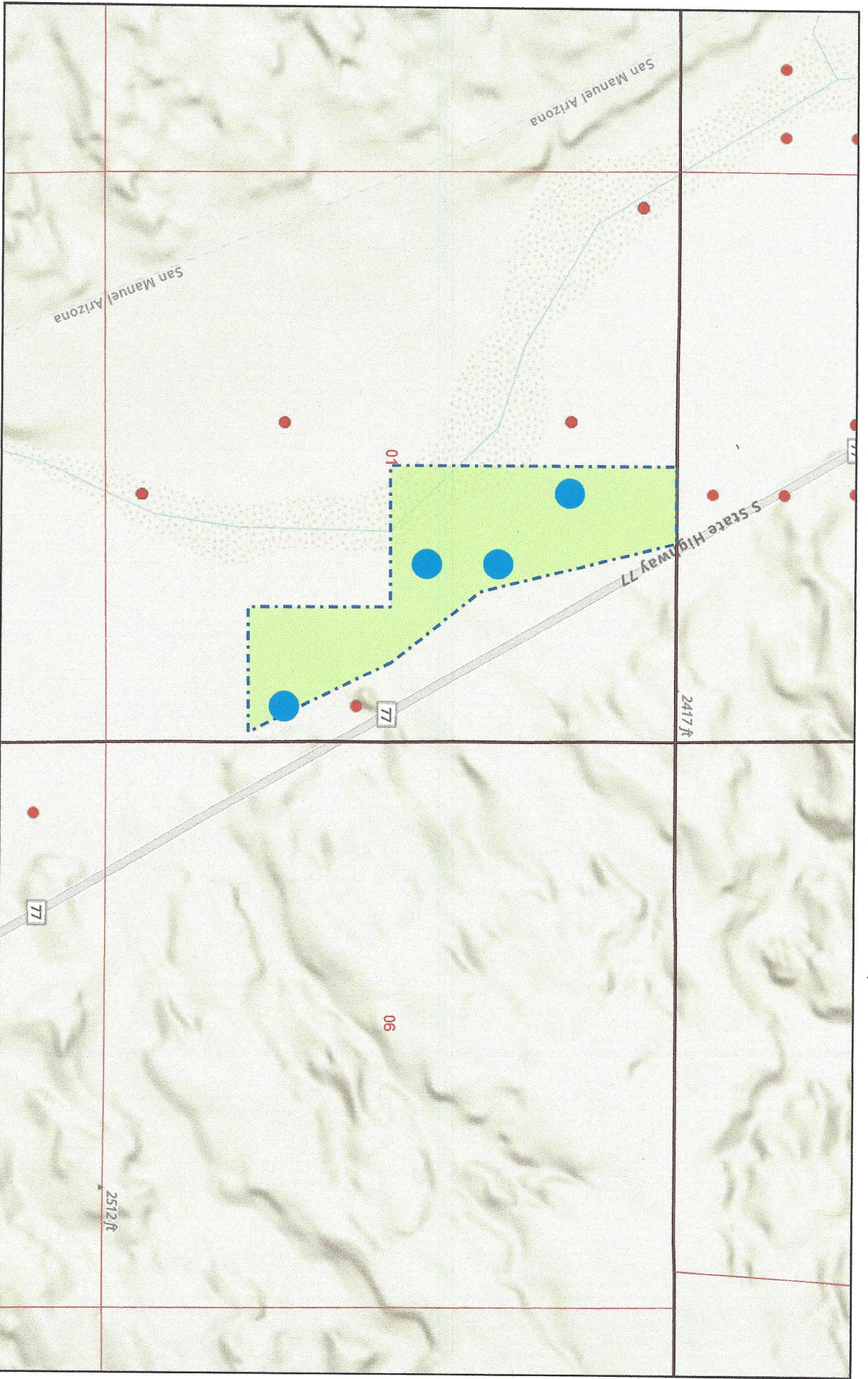

SUSAN WARD HARRIS
Special Master

On April 23, 2020, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case.

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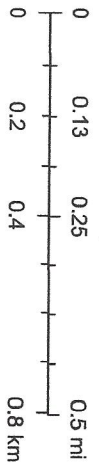
ATTACHMENT A

Registry of Wells in Arizona (Wells 55)



April 21, 2020

1:18,056



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS.