

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

03/20/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Arizona Chapter of the Nature
Conservancy – Salazar-Tapia Ditch
Contested Case No. W1-11-3377

FILED: 04/01/2019

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3 and W-4 (Consolidated)

In re: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

11:30 a.m. This is the time set for a status conference before Special Master Susan Ward Harris to establish a procedure to determine the proper party to claim the water rights at issue in Watershed File Report 115-05-AB-001.

The following attorneys appear in-person: Mark McGinnis and John Weldon on behalf of Salt River Project; Charles Cahoy on behalf of the City of Phoenix; Carla Consoli on behalf of the Arizona Chapter of the Nature Conservancy (TNC); and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe.

The following attorneys and parties appear telephonically: Bradley Pew on behalf of ASARCO; Jay Tomkus on behalf of the Pascua Yaqui Tribe and the Yavapai Apache Nation; Kimberly Parks on behalf of the Arizona Department of Water Resources; Stephen Cann on behalf of TNC; Dale Allred, Barbara Allred and Theresa Salazar-Knox on behalf of the Salazar Family Church, LLC.

Court reporter, Brigid Donovan, is present and a record of these proceedings is made digitally.

Ms. Consoli states that there are three chains of title that are relevant to this case: chain of title for the actual property, chain of title for the basis of right and the chain of title for the statement of claimant. Ms. Consoli has been able to close the chain of title

for the property and the basis of right but not the statement of claimant. The missing link is the assignment of the statement of claimant 39-2645 from E.G. Salazar to Defenders of Wildlife.

Discussion is held regarding the land at issue, tax parcel 110-20-011. Graham County Assessor's office lists the Salazar Family Church, LLC as the owner of the property. TNC is asserting water rights and has filed two abstracts for two potential water rights (PWR) nos. 115-05-AB-001-DM001 and 115-05-AB-001-IR001.

Ms. Knox states that the Salazar Family Church intends to assert an irrigation claim. Ms. Knox further states that her father, E.G. Salazar would not have assigned the water rights for property that he retained.

The Court recognizes that the Salazar Family Church is a landowner intending to assert a water right for property described in watershed file no. 115-05-AB-001 that references a statement of claimant (39-2645) filed in regards to the property the Salazar Family Church owns.

A status conference shall be held focusing on the statement of claim and statement of claimant. The status conference shall be held on May 8, 2019, at 2:00 p.m. in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#

11:57 a.m. Matter concludes.

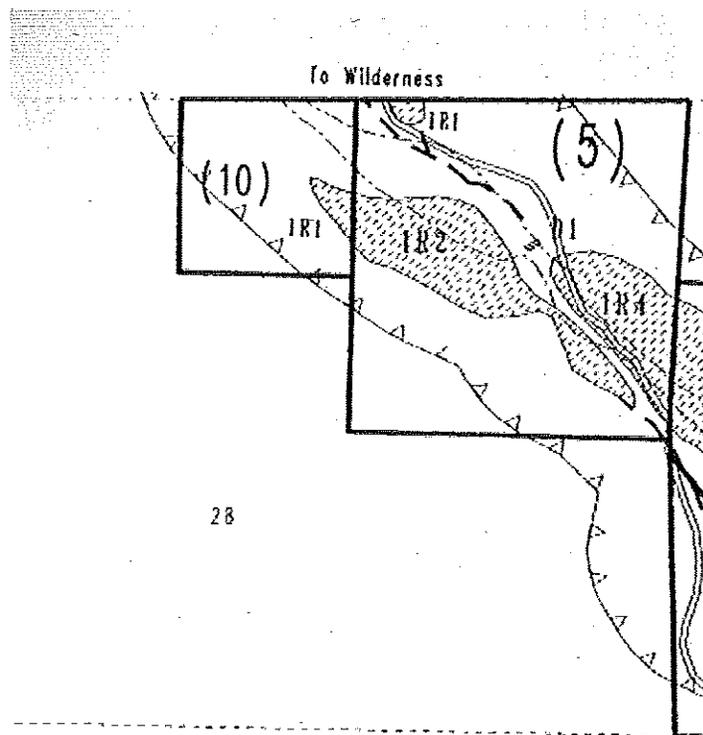
LATER:

On February 4, 1980, E.G. Salazar filed Statement of Claimant 39-2645 claiming 11 acre feet of water to irrigate four acres of land in SESW section 21 T6S R19E and one acre foot of water for stock watering. The Arizona Department of Water Resources investigated the claim. It prepared a map showing irrigated land in SESW section 21, west of an unnamed road. It also prepared watershed file report 115-05-AB-001 that reported a domestic use and a 4.1 acre irrigated pasture in SESW section 21.

Based on representations made at the status conference, The Nature Conservancy does not claim title to that land included in tax parcel 110-20-011 in SESW section 21. Thus, this case does not involve a dispute about land ownership. This case concerns potential water rights described in watershed file report 115-05-AB-001.

The Nature Conservancy claims the water rights listed in watershed file report 115-05-AB-001 and has prepared drafts of abstracts which are attached to this minute entry. The Nature Conservancy describes the place of use for the two potential water rights included in watershed file report 115-05-AB-001 as SWSE section 21 and maps the place of use as 0.86 acres located along the boundary of SWSE section 21 and NWNE section 28. This place of use is outside the boundaries of tax parcel 110-20-011.

The Arizona Department of Revenue prepared watershed file report no. 115-05-AC-005 that included land in SWSE section 21 and NWNE section 28. It also prepared a map for the watershed file report. The portion of the map that includes section 28 is shown below:



This map shows an irrigation use at the boundary of NWNE section 28 and east of a road. The watershed file report identifies a discontinued irrigation use in NWNE section 28 and SWSE section 21 that had been irrigated within the previous ten years.

At the status conference on May 8, 2019, The Nature Conservancy shall be prepared to explain the reasons that the uses it mapped for 115-05-AB-001 are not either potential water rights 115-05-AC-005-IR090 or 115-05-AC-005-DM001. It shall also be prepared to identify whether the places of use for which it seeks a water right pursuant to 115-05-AB-001 are east or west of West Aravaipa Canyon Road.

A copy of this order is mailed to all persons listed on the Court approved mailing list.

Abstract of Water Rights
San Pedro Watershed

1. Proposed Water Right No:	115-05-AB-001-DM001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-2645
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	36-65216
8. Beneficial Use	Domestic Use
9. Priority Date	December 31, 1867
10. Quantity:	4 acre feet annually
11. Place of Use:	South 150' of the E1/2 SW 21 T6S R19E SWSE 21 T6S R19E
12. Point of Diversion:	SWSWSE 21 T6S R19E
13. Source of Water:	Well — located at GPS 555287E 3639280N 32.890952 degrees north and 110.40984 degrees West
14. Name of Facility:	Cataloged well

Abstract of Water Rights
San Pedro Watershed

1. Proposed Water Right No:	115-05-AB-001-IR001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-2645
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	36-65216
8. Beneficial Use	Irrigation
9. Priority Date	December 31, 1867
10. Quantity:	5 acre feet annually
11. Place of Use:	South 150' of the E1/2 SW 21 T6S R19E <u>SWSE 21T6S R19E NWNE 28 T6S R19E</u>
12. Point of Diversion:	<u>SEWNNE 28 T6S R19E</u> <u>NWNE 28 T6S R19E</u>
13. Source of Water:	Aravaipa Creek
14. Name of Facility:	Salazar-Tapia Ditch

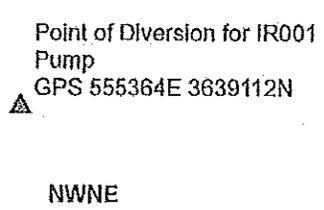
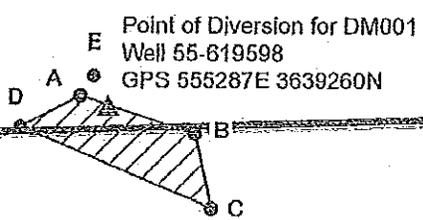
115-05-AB-001-IR001 and 115-05-AB-001-DM001
 Topographical Survey in th Southwest Quarter of the Southeast
 Quarter of Section 21 and Northwest Quarter of the Northeast
 Quarter of Section 28
 Township 6 South, Range 19 East
 Graham County, Arizona

Place of Use - DM001
 Outdoor water use (0.86 acres)
 Point A - 555270 Easting, 3639266 Northing
 Point B - 555340 Easting, 3639243 Northing
 Point C - 555350 Easting, 3639198 Northing
 Point D - 555233 Easting, 3639247 Northing
 Point E ("Schnell" House) - 555278 Easting, 3639278 Northing

Assessor's Parcel 110-20-008
 SE1/4 Sec 21

SWSE

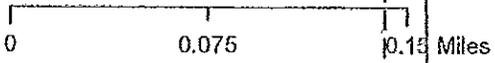
SESE



NE1/4 Sec 28
 NENE

NWNE

Assessor's Parcel 110-14-008



Area Overview T6S R19E

07 08	09	10	11	12	18	17	16 15
18 17	16	15	14	13	18	17	16 15
19 20	21	22	23	24	19	20	21 22
30 29	28	27	26	25	30	29	28 27
31 32	33	34	35	36	31	32	33 34
06 05	04	03	02	01	06	05	04 03
07 08	09	10	11	12	07	08	09
18 17	16	15	14	13	18	17	16 15

- Point of Diversion GPS locations
- Place of Use GPS locations
- Place of Use Areas
- PLSS Sections
- PLSS Quarter quarter sections
- Aravaipa Preserve deeded lands (TNC fee owned)

NORTH

Map by:
 The Nature Conservancy 11/15/2018
 GPS data collected 10/23/2018
 GPS Coordinates in UTM NAD 83 Zone 12 N
 Topographic map: USGS National Boundaries dataset