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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

CIVIL NO. W1-11-3314

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Iser*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-3314 to address objections to watershed file reports 115-04-ADB-003.  
NUMBER OF PAGES: 7.  
DATE OF FILING: September 20, 2017.

This Order initiates a contested case to resolve objections to watershed file report 115-04-ADB-003 that sets forth potential water rights to Aravaipa Creek for domestic and irrigation use totaling less than two acres associated with a domestic use.

1 On April 18, 1980, Jerry Iser filed a Statement of Claimant claiming a right to water for  
2 domestic use. On October 21, 1988, Mr. Iser submitted a Uniform Questionnaire that included  
3 a diagram showing an instream pump in Aravaipa Creek that delivered water for pasture  
4 irrigation on the NESW section 34, T6S, R17E. In 1991 the Arizona Department of Water  
5 Resources issued Watershed File Report 115-04-ADB-003 (WFR) as part of the San Pedro  
6 Hydrographic Survey Report. It listed two potential water rights for use on NESW section 34,  
7 T6S, R17. A copy of the WFR is attached as Attachment A.

8 **IT IS ORDERED:**

9  
10 1. Contested Case. This contested case shall be known as *In re Iser* and it will  
11 address the objections that were filed to the watershed file report 115-04-ADB-003 published  
12 in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

13 2. Litigants. The litigants in this contested case are the Claimant, namely Jerry  
14 Iser, all persons who filed objections to the listed watershed file reports who are listed on  
15 Attachment B, and claimants who are allowed to intervene by order.

16 3. Court-Approved Mailing List.

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

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

24 C. Claimants wishing to be added or removed from the mailing list shall file  
25 a motion with the Special Master. Parties allowed to intervene will be  
26 automatically added to the mailing list.  
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**ATTACHMENT A**

LAND OWNER  
ISER, JERRY & VERA

WATERSHED FILE  
REPORT NUMBER  
115-04-ADB-003

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
33-0094354	PROTEST	DOMESTIC IRRIGATION STOCK	1.00 20.00 1.00	NESW34	060S	170E	1988	NESW34	060S	170E
36-0059361		REC/FISH/WLDF IRRIGATION STOCK	1.00 1.00 33.00	NESW34	060S	170E	< 1920	SENW34	060S	170E
36-0068183		REC/FISH/WLDF IRRIGATION STOCK	1.00 1.00 55.00	NESW34	060S	170E	< 1920	NESW34	060S	170E
39-0002969	QUE.RECD	DOMESTIC MINING REC/FISH/WLDF IRRIGATION STOCK REC/FISH/WLDF	30.00 1.00 1.00 2.00	N2NESW34	060S	170E	1979	N2NESW34	060S	170E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
33-0094354 36-0059361	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC	PO1	DMOO1,OTOO1
36-0068183	RECREATION WILDLIFE IRRIGATION DOMESTIC STOCK MINING	INCIDENTAL IRRIGATION DOMESTIC INCIDENTAL	PO1	DMOO1,OTOO1
39-0002969	WILDLIFE IRRIGATION DOMESTIC STOCK WILDLIFE	INCIDENTAL IRRIGATION DOMESTIC INCIDENTAL	PO1	DMOO1,OTOO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
P01	NENESW34	060S	170E	UNNAMED	SURFACE WATER: ARAVAIPA CREEK

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE FACILITY NAME
DMOO1	NENESW34	060S	170E		GROUNDWATER : CATALOGUED	1990	NO
OTOO1	NESW34	060S	170E	PO1	SURFACE WATER		NO

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0002969	36-0059361 36-0068183	1989 1989 FIELD INVEST.	GROUNDWATER : CATALOGUED
OTOO1	39-0002969	36-0059361		SURFACE WATER: ARAVAIPA CREEK

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
OT001		36-0068183		
NONE	NONE	33-0094354		

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							
OT001	REGIONAL	.3	AVE. CROP	50%	5.4 AF/AC	1.6 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

EXPLANATION

FILINGS AND DECREES

FILING 36-68183 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND MINING USES. NO MINING USE WAS FOUND AT THE CLAIMED LOCATION.  
 FILING 39-2969 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ABOUT CLAIMED USES AND DIVERSIONS. THE CLAIMED DOMESTIC WELL WAS NOT LOCATED DURING SUBSEQUENT FIELD INVESTIGATIONS.

DIVERSIONS

P1 - AN INSTREAM PUMP WHICH DIVERTS WATER FROM ARAVAIPA CREEK INTO A PIPELINE.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

# ATTACHMENT B

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3

Arizona Department of Water Resources

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Janet L. Miller

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P. O. Box 36020

Phoenix, Arizona 85067

6

Gila River Indian Community

7

Linus Everling

Thomas L. Murphy

8

Gila River Indian Community

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Office of the General Counsel

P. O. Box 97

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Sacaton, AZ 85147

11

Jerry Iser

12

90187 East Aravaipa Road

Winkelman, AZ 85192

13

Salt River Valley Water Users Association and the Salt River Project Agricultural

14

Improvement and Power District

15

John B. Weldon, Jr. and Mark A. McGinnis

16

Salmon, Lewis & Weldon PLC

2850 E Camelback Rd, Ste 200

Phoenix, AZ 85016

17

San Carlos Apache Tribe

18

Tonto Apache Tribe

Joe P. Sparks

19

The Sparks Law Firm, P.C.

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7503 First Street

Scottsdale, AZ 85251-4573

21

Yavapai-Apache Nation

22

Camp Verde Reservation

23

Susan B. Montgomery/Robyn L. Interpreter

24

Montgomery & Interpreter, PLC

3301 E. Thunderbird Road

Phoenix, AZ 85032

25

U. S. Department of Justice

26

R. Lee Leininger

27

Natural Resources Section

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Denver, CO 80202