1 2 3 4 5 6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA 7 IN AND FOR THE COUNTY OF MARICOPA 8 9 IN RE THE GENERAL ADJUDICATION 10 OF ALL RIGHTS TO USE WATER IN THE GILA RIVER SYSTEM AND SOURCE 11 CONTESTED CASE NO. W1-11-3310 12 ORDER RE PROPOSED ABSTRACTS: 13 ASSIGNMENT TO TRACK 1; AND SETTING A STATUS CONFERENCE 14 15 16 CONTESTED CASE NAME: In re Larsen. 17 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report. 18 DESCRIPTIVE SUMMARY: Proposed abstracts prepared for de minimis domestic uses; extension granted to enter stipulated agreement with respect to claims made by the trustees 19 of the Hedrick-Gorman Trust; order issued assigning Larsen claims to Track 1 procedures; 20 and status conference set. 21 NUMBER OF PAGES: 15 22 DATE OF FILING: May 14, 2018 23 24 On December 18, 2018, Arizona Department of Water Resources (ADWR) filed a 25

corrected WFR 115-04-ADA-001 to include additional points of diversion and created a new

WFR 115-04-ADA-003. Copies of the WFRs are attached as Appendix A. The new WFR 115-

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04-ADA-003 was created based on the statement of claimant filed by Mary Kathleen Larson on October 24, 1988. The 1988 filing reported a transfer of 5.57 acres to Mary Kathleen Larson along with updated locations and water rights associated with the parcel. The filing was not processed with a new statement of claimant number or as an amendment to existing statements of claimant of record. As a result WFR 115-04-ADA-001 issued in 1991 did not accurately identify the ownership of land. To properly reflect the ownership of land, ADWR has corrected WFR 115-04-ADA-001 and created WFR 115-04-ADA-003 associated with the 1988 Larsen statement of claimant that has been numbered 39-17921.

WFR 115-04-ADA-001

The corrected watershed file report lists one potential domestic use and two potential irrigation uses. On May 1, 2018, counsel for Philip Hedrick and Cathy Gorman, individually and as the trustees of the Hedrick-Gorman Trust dated June 26, 2013, filed a notice of a tentative settlement and requested an additional 60 days to submit an executed agreement to resolve objections to water rights. Attached to the request was a claim for domestic, stock watering and irrigation use.

The claim for domestic use if for one acre foot annually, which is consistent with WFR 115-04-ADA-001 and qualifies as a *de minimis* use. The Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended February 23, 1995, approved and modified September 27, 2002 ("Decision") established the procedures for adjudicating *de minimis* water rights for claims in the San Pedro watershed. The Decision directs that proposed water right abstracts be prepared for the *de minimis* claims after which litigants will have the opportunity to submit corrections to clerical mistakes in the proposed abstracts. Decision, p. 47. Thereafter, the abstracts will be included in a catalog of proposed water rights where they will be subject to very limited set of objections and

ultimately included in a final decree. As directed by the Decision, a proposed abstract for the domestic use has been prepared and is attached as Appendix B.

Accordingly for good cause shown,

IT IS ORDERED that the parties shall have until June 29, 2018, to file suggested corrections to the proposed abstract for domestic use and to resolve objections to the remaining claims, file an executed agreement and proposed abstracts. Each water right shall be the subject of a separate proposed abstract.

IT IS FURTHER ORDERED that if the parties do not file an agreement with respect to the remaining claims, the parties shall attend a status conference on July 11, 2018, at 1:30 p.m. in the Superior Court of Arizona, 201 West Jefferson Street, Courtroom 301, Phoenix, AZ 85003-2202 to schedule further proceedings in this matter. The status conference with respect to WFR 115-04-ADA-001 will be vacated if a timely settlement agreement is filed.

WFR 115-04-ADA-003

The new WFR 115-04-ADA-003 lists one domestic use and one irrigation use. A domestic use qualifies as a *de minimis* use under the Decision. A proposed abstract has been prepared for the *de minimis* claim and is attached as Appendix C. Based on representations from Richard McQuillan, Mary K. Larsen has recently died. As a result, the name of the owner of the water right and landowner will not be completed until the personal representative of the Estate of Mary Larsen or other properly authorized individual provides the requisite information about ownership.

Counsel for Philip Hedrick, Cathy Gorman and the Hedrick-Gorman Trust dated June 26, 2013 represented that the parties are close to an agreement and proposed that the case be assigned to Track 1 under the Rules for Proceedings Before the Special Master. Track 1

A copy of the Rules for Proceeding before the Special Master can be found on the website: https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/pdfs-RulesRev053105.pdf

requires that a meeting be held for all litigants and their attorneys, if any, and ADWR to clarify 1 the objections and determine whether the objections can be resolved by amendment to the 3 Statements of Claimant or by an agreement between the litigants. 4 Accordingly, 5 IT IS FURTHER ORDERED that the parties shall have until June 29, 2018, to file 6 suggested corrections, included ownership information, to the proposed abstract for domestic 7 use. 8 IT IS FURTHER ORDERED that ADWR shall hold a meeting with the claimants and 9 the objectors no later than June 29, 2018. At the conclusion of the meeting, ADWR shall file a 10 11 Meeting Report pursuant to Rule 8.02[1][c]. 12 IT IS FURTHER ORDERED the parties shall attend a status conference on July 11, 13 2018, at 1:30 p.m. in the Superior Court of Arizona, 201 West Jefferson Street, Courtroom 301, 14 Phoenix, AZ 85003-2202 to schedule further proceedings in this matter. 15 16 Instructions for telephonic appearance at the status conference: 17 Dial: 602-506-9695 (local) 1-855-506-9695 (toll free long distance) 18 Dial Participant Pass Code 357264# 19 20 21 22 SUSAN WARD HARRIS Special Master 23 On May 14, 2018 the original of the 24 foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing 25 and distributing a copy to all persons listed 26 on the Court-approved mailing list for this contested case.

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APPENDIX A

ATTACHMENT 2

LAND OWNER

WFR NUMBER

O'NEIL, JAMES T. & MARY E.S.

115-04-ADA-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

THE THIRD PROPERTY AND DECREES					
FILING NUMBER	FILING STATUS	<u>USES</u>	QUANITY IN AFA	USE LOCATION <u>SECTION TWNP RNGE CLAIM DATE</u>	DIVERSION LOCATION SECTION TWNP RNGE
10-1104199.1100		IRRIGATION OTHER		NW26 060S 170E 1891	NE26 060S 170E
10-1104565.1200 10-1105634.1200		IRRIGATION IRRIGATION	90000.00	SENENE26 060S 170E 1894	NWSW24 060S 170E
10 4442		THE TON	3000.00	SE23 060S 170E 1899 NENE26 060S 170E SWSW26 060S 170E	NWSESE23 060S 170E SESESE23 060S 170E SENW26 060S 170E
10-1112496.1100		IRRIGATION		NWSESE23 060S 170E 1910 SWNESE26 060S 170E	NWSW24 060S 170E
10-1113412.1100		IRRIGATION	10800.00	SESE23 060S 170E 1911 NENE26 060S 170E	SESE23 060S 170E
36-0048316		DOMESTIC		N223 060S 170E 1900	NENE26 060S 170E
39-0001486		IRRIGATION DOMESTIC	200.00	SESW26 060S 170E SESE23 060S 170E N223 060S 170E 1890	SESE23 060S 170E
39-0012598		IRRIGATION DOMESTIC	200.00	SESW26 060S 170E SESE23 060S 170E NE26 060S 170E 1900	SESE23 060S 170E
		IRRIGATION	0.50 200.00	SESE23 060S 170E 1900	NENE26 060S 170E SESE23 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
10-1104199.1100 10-1104565.1200 10-1105634.1200 10-1112496.1100 10-1113412.1100 36-0048316	IRRIGATION OTHER IRRIGATION IRRIGATION IRRIGATION IRRIGATION IRRIGATION DOMESTIC	NOT APPLICABLE NOT APPLICABLE NOT APPLICABLE IRRIGATION NONE IRRIGATION		IROO1
39-0001486	IRRIGATION DOMESTIC IRRIGATION	DOMESTIC IRRIGATION DOMESTIC IRRIGATION	P01,W01,W02,W04, W05 P01,W01,W02,W04, W05 P01,W01,W02,W04,	DM001,IR001,IR002 DM001,IR001,IR002 DM001,IR001,IR002
39-0012598	DOMESTIC IRRIGATION	IRRIGATION IRRIGATION	P01,W01,W02,W04, W05 P01,W01,W02,W04, W05 P01,W01,W02,W04, W05	DM001,IR001,IR002 DM001,IR001,IR002 DM001,IR001,IR002

WFR NUMBER

O'NEIL, JAMES T. & MARY E.S.

115-04-ADA-001

DIVERSIONS

DIV # P01 W01 W02 W04 W05	LO SECTION SWNENE26 NWNENE26 SESESE23 NWNENE26 NWNENE26		0E 0E	DIVERS UNNAME UNNAME UNNAME UNNAME	ED ED ED	GROU GROU GROU	ER SOURCE A FACE WATER UNDWATER : UNDWATER : UNDWATER :	: ARAVAIP, ZONE 1 ZONE 1 ZONE 1	
USES									
PWR #	LOCATION TWN			LIED BY RSIONS	WATER SOURCES		PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NWNENE26 0605	170E	W04,	W05	ZONE 1 GROUNDWATI	FR			
IR001	NENE26 0605 SESE23 0605		W01,	W02	ZONE 1 GROUNDWATI				
IR002	NENE26 060S	170E	P01		SURFACE WATER				
PWR S	SUMMARY								
		PPLICABLE		*APPARE	ENT FIRST USE DATE	= *			
PWR #		RE FILINGS	6	DATE	BASIS FOR DATE		WATER SOUR	CES AND C	LASSIFICATIONS
DM001	39-0001486 39-0012598	6-0048316		,			ZONE 1 GRO	UNDWATER	
IR001	39-0012598 1	0-1105634. 0-1113412. 6-0048316		1899	10-1105634.1200		ZONE 1 GRO	OUNDWATER	
IR002		6-0048316		1980 .	1980 AERIAL PHOTO	0	SURFACE WA	TER	
NONE	NONE 1	0-1104199.; 0-1104565.; 0-1112496.;	1200						

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							SEE VOLUME 1 -
IR002	MAX OBSERVED REGIONAL MAX POTENTIAL MAX OBSERVED REGIONAL MAX POTENTIAL	5.3 5.3 2.0 2.0	FRUIT W/GC AVE CROP ALFALFA SMALL GRAIN AVE CROP ALFALFA	67 % 50 % 67 % 61 % 50 %	5.3 AF/AC 5.4 AF/AC 5.4 AF/AC .9 AF/AC 5.4 AF/AC	28.1 AFA 28.6 AFA 28.6 AFA 1.7 AFA 10.5 AFA 10.5 AFA	GENERAL ASSESSMENT DEFICIT IRRIGATION

WFR NUMBER

O'NEIL, JAMES T. & MARY E.S.

115-04-ADA-001

EXPLANATION

FILINGS AND DECREES

FILING 10-1104199-011 - CLAIMS IRRIGATION AND OTHER WATER USES FROM ARAVAIPA CREEK. THE CLAIMED USES DO FILING 10-1104565-012 - CLAIMS IRRIGATION AN IRRIGATION WATER USE FROM ARAVAIPA CREEK. NO WATER USES FILING 10-1112496-011 - CLAIMS IRRIGATION WATER USES FROM ARAVAIPA CREEK. NO IRRIGATION WAS FOUND AT

DIVERSIONS

PO1 - PORTABLE INSTREAM PUMP DIVERSIONS FROM ARAVAIPA CREEK INTO A DITCH SYTEM.

W01 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.
W02 - WELL PROVIDES WATER FOR IRRIGATION USE.
W04 - WELL PROVIDES WATER FOR DOMESTIC USE. WO5 - WELL PROVIDES WATER FOR DOMESTIC USE.

USES AND RESERVOIRS

DM001 - DOMESTIC USE.

IRO01 - IRRIGATED ORCHARD WITH GROUND COVER USED FOR PASTURE.

IRO02 - IRRIGATED SMALL GRAINS. A RESERVOIR ON THIS PROPERTY IS PRESENTLY BREACHED AND UNUSED.

DISPOSITION OF LANDOWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED WHICH CLARIFIED LAND OWNERSHIP, DIVERSIONS, DISTRIBUTION METHODS, AND DAMAGES DUE TO FLOODING OF ARAVAIPA CREEK.

ATTACHMENT 3

LAND OWNER

LARSEN, MARY K

WFR NUMBER

115-04-ADA-003

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

		TWO IN THE PROPERTY OF THE PRO				
FILING NUMBER	FILING STATUS	<u>USES</u>	QUANITY IN AFA	USE LOCATION SECTION TWNP RNG	E <u>CLAIM DATE</u>	DIVERSION LOCATION SECTION TWNP RNGE
10-1104199.1100		IRRIGATION OTHER		NW26 060S 170	E 1891	NE26 060S 170E
10-1104565.1200		IRRIGATION	90000.00	SENENE26 060S 170	E 1894	NWSW24 060S 170E
10-1105634.1200		IRRIGATION	9000.00	SE23 060S 170 NENE26 060S 170 SWSW26 060S 170	E 1899	NWSESE23 060S 170E SESESE23 060S 170E SENW26 060S 170E
10-1112496.1100		IRRIGATION		NWSESE23 060S 170 SWNESE26 060S 170	DE 1910 DE	NWSW24 060S 170E
10-1113412.1100		IRRIGATION	10800.00	SESE23 060S 170 NENE26 060S 170	DE 1911	SESE23 060S 170E
36-0048316		DOMESTIC		N223 060S 170 SESW26 060S 170	E 1900	NENE26 060S 170E
39-0001486		IRRIGATION DOMESTIC	200.00 0.18	SESE23 060S 170 N223 060S 170)E 1890	SESE23 060S 170E
39-0012598		IRRIGATION	200.00	SESW26 060S 170 SESE23 060S 170)E	SESE23 060S 170E
33 0012338		DOMESTIC IRRIGATION	0.50 200.00	NE26 060S 170 SESE23 060S 170	1300	NENE26 060S 170E
39-0017921		DOMESTIC	0.20	26 0605 170		SESE23 060S 170E
		IRRIGATION	8.80	26 060S 170	E	
		STOCK	0.10	26 0605 170	E	

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1104199.1100 10-1104565.1200 10-1105634.1200 10-1112496.1100 10-1113412.1100 36-0048316 39-0001486 39-0012598	IRRIGATION OTHER IRRIGATION IRRIGATION IRRIGATION IRRIGATION DOMESTIC IRRIGATION STOCK	NOT APPLICABLE NOT APPLICABLE NOT APPLICABLE IRRIGATION NONE IRRIGATION DOMESTIC IRRIGATION DOMESTIC IRRIGATION DOMESTIC IRRIGATION DOMESTIC IRRIGATION DOMESTIC IRRIGATION IRRIGATION IRRIGATION TRIGATION TRIGATION TRIGATION STOCK	P02,W03 P02,W03 P02,W03 P02,W03 P02,W03 P02,W03 P02,W03 P02,W03 P02,W03	IR001 IR001 DM002,IR001 DM002,IR001

LARSEN, MARY K

WFR NUMBER

115-04-ADA-003

DIVERSIONS

	LO	CATION						
DIV # P02	SECTION NWSWNE26	<u>TWNP</u> 060S	RNGE 170E	DIVERS UNNAME	SION NAME ED	WATER SOURCE SURFACE WATE		· · · · · · · · · · · · · · · · · · ·
W03	NESWNE26	0605	170E	UNNAME	ED			THE ARAVAIPA
USES								
PWR #	LOCATION TWI			LIED BY RSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM002	NESWNE26 0605	170E	W03		ZONE 1 GROUNDWAT	ER		
IR001	NESWNE26 0605	170E	P02		SURFACE WATER :	ARAVAIPA		
PWR S	SUMMARY							
	APPLICABLE A	APPLICABL	_E	*APPARI	ENT FIRST USE DATE	E*		
PWR #		PRE FILIN	NGS	DATE	BASIS FOR DATE	WATER SO	URCES AND	CLASSIFICATIONS
DM002	39-0001486 39-0012598 39-0017921	36-004831	L6				ROUNDWATER	
IROO1	39-0012598	LO-110563 LO-111341 36-004831	2.1100	1899	10-1105634.1200	SURFACE	WATER : ARA	AVAIPA CREEK
NONE	1	LO-110419 LO-110456 LO-111249	5.1200					

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM002 IR001	MAX OBSERVED REGIONAL MAX POTENTIAL	.4 PERM. PSTR .4 AVE CROP .4 ALFALFA	61 % 50 % 61 %	3.3 AF/AC 5.4 AF/AC 5.4 AF/AC	1.2 AFA 1.9 AFA 1.9 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

LARSEN, MARY K

WFR NUMBER

115-04-ADA-003

EXPLANATION

FILINGS AND DECREES

FILING 10-1104199-011 - CLAIMS IRRIGATION AND OTHER WATER USES FROM ARAVAIPA CREEK. THE CLAIMED USES DO NOT APPLY TO THIS W.F.R.
FILING 10-1104565-012 - CLAIMS IRRIGATION AN IRRIGATION WATER USE FROM ARAVAIPA CREEK. NO WATER USES APPLY TO THIS FILING.
FILING 10-1112496-011 - CLAIMS IRRIGATION WATER USES FROM ARAVAIPA CREEK. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

PO2 - PORTABLE INSTREAM PUMP DIVERSION FROM ARAVAIPA CREEK INTO A PIPELINE SYTEM. WO3 - WELL PROVIDES WATER FOR DOMESTIC USE.

USES AND RESERVOIRS

DM002 - DOMESTIC USES. IR001 - IRRIGATED PASTURE.

DISPOSITION OF LANDOWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED WHICH CLARIFIED LAND OWNERSHIP, DIVERSIONS, DISTRIBUTION METHODS, AND DAMAGES DUE TO FLOODING OF ARAVAIPA CREEK.

APPENDIX B

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-04-ADA-001-DM
2. Owner of Water Right:	Philip Hedrick and Cathy Gorman as the trustees of the Hedrick-Gorman Trust dated June 26, 2013
3. Landowner:	Philip Hedrick and Cathy Gorman as the trustees of the Hedrick-Gorman Trust dated June 26, 2013
4. Statement of Claimant No.(s):	39-1486 39-12598
5. Statement of Claimant Name(s):	Philip Hedrick and Cathy Gorman as the trustees of the Hedrick-Gorman Trust dated June 26, 2013
6. Lessee or Permittee:	None
7. Basis of Right:	36-48316
8. Beneficial Use	Domestic
9. Priority Date	December 31, 1899
10. Quantity:	Not to exceed 1 acre foot per year
11. Place of Use:	NWNENE 26 T6S R17E
12. Point of Diversion:	NWNENE 26 T6S R17E
13. Source of Water:	Wells (2)
14. Name of Facility:	None

APPENDIX C

Abstract of Water Right San Pedro Watershed

1. Proposed Water Right No:	115-04-ADA-003-DM002
2. Owner of Water Right:	
3. Landowner:	
4. Statement of Claimant No.(s):	39-1486 39-12598 39-17921
5. Statement of Claimant Name(s):	Mary Kathleen Larsen
6. Lessee or Permittee:	None
7. Basis of Right:	36-48316
8. Beneficial Use	Domestic
9. Priority Date	December 31, 1899
10. Quantity:	Not to exceed 1 acre foot per year
11. Place of Use:	NESWNE 26 T6S R17E
12. Point of Diversion:	NESWNE 26 T6S R17E
13. Source of Water:	Well
14. Name of Facility:	None