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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. W1-11-3301; W1-11-3302;
W1-11-3369; W1-11-3373

ORDER TO INITIATE CONTESTED
CASES
AND
ORDER TO CONSOLIDATE CASES

CONTESTED CASE NAME: *In re Arizona Chapter of the Nature Conservancy – Instream Flow*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master initiates contested cases W1-11-3301, W1-11-3302, W1-11-3369 and W1-11-3373 to address objections to watershed file reports 115-04-11, 115-04-12, 115-05-50, and 115-05-54. All cases are consolidated under Contested Case No. **W1-11-3301**.

NUMBER OF PAGES: 12.

DATE OF FILING: June 1, 2017.

1 This case involves claims asserted by the Arizona Chapter of the Nature
2 Conservancy in the Aravaipa subwatershed for instream stock and wildlife watering and for
3 instream flow for wildlife and recreation uses along Aravaipa Creek. These claims are
4 analyzed by the watershed file reports 115-04-11, 115-04-12, 115-05-50, and 115-05-54
5 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).
6 Copies of the watershed file reports are attached as Attachment A.
7

8 **IT IS ORDERED:**

9 1. Contested Cases, Consolidation, Designation and Docket Number. This
10 contested case initiates case nos. W1-11-3301, W1-11-3302, W1-11-3369 and W1-11-3373.
11 These four cases are consolidated under *In re Arizona Chapter of the Nature Conservancy –*
12 *Instream Flow*, Contested Case No. W1-11-3301.

13 2. Litigants. The litigants in this contested case are the claimant, namely The
14 Nature Conservancy, all persons who filed objections to the watershed file reports and who are
15 listed on Attachment B, and claimants who are allowed to intervene by order.
16

17 3. Court-Approved Mailing List.

18 A. The initial Court-approved mailing list for this case shall include all
19 persons listed on Attachment B to this order. The list may be modified only by
20 filing a motion with the Special Master to amend the Court-approved mailing
21 list. Litigants are responsible for using the current Court-approved mailing list.
22

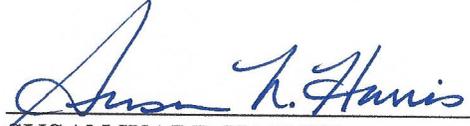
23 B. A copy of any pleading filed with the Clerk of the Maricopa County
24 Superior Court in this case shall be served upon each person listed on the Court-
25 approved mailing list.
26
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28

1 C. Claimants wishing to be added or removed from the mailing list shall
2 file a motion with the Special Master. Parties allowed to intervene will be
3 automatically added to the mailing list.
4

5 4. Amended Statements of Claimant. To the extent that the Nature Conservancy
6 desires to file amended statements of claimant with respect to any claim included in the
7 watershed file reports, it shall file by November 17, 2017. The Nature Conservancy shall also
8 file a report that includes a table which identifies the changes included in the amended
9 statements of claimant and the information included on the watershed file reports under the
10 headings "Uses" and "PWR Summary". Any responses to the Nature Conservancy's filings
11 shall be filed by **December 8, 2017**. A status conference shall be held on **Friday, December**
12 **15, 2017, at 10:30 a.m.** before:

13 Special Master Susan Ward Harris
14 Superior Court of Arizona
15 201 West Jefferson Street
16 Courtroom 301
Phoenix, AZ 85003-2202

17 Instructions for telephonic appearance:
18 Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
19 Dial Participant Pass Code 357264#

20 
21 SUSAN WARD HARRIS
Special Master

22 On June 1, 2017, the original of the foregoing was
23 delivered to the Clerk of the Maricopa County Superior
24 Court for filing and distributing a copy to all persons
25 listed on the Court-approved mailing list for this
26 contested case, a copy of which is attached hereto as
27 Attachment B, and to all persons listed on the Court-
28 approved mailing list for W-1, W-2, W-3, and W-4
(Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
AZ. CHAP. NATURE CONSERV.	115-04-011

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
33-0095771		REC/FISH/WLDFL REC/FISH/WLDFL	10432.68	NWNW03	070S	170E	1990			
39-0014133		REC/FISH/WLDFL	10432.68	SWNE04	070S	170E	1990	NE04	070S	170E
				NW04	070S	170E		NW04	070S	170E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
33-0095771	RECREATION WILDLIFE	RECREATION WILDLIFE		WLOO1
39-0014133	RECREATION WILDLIFE	RECREATION WILDLIFE		WLOO1

U S E S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
WLOO1	NENWNW03 070S 170E		SURFACE WATER	1990	NO	INSTREAM USE

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
WLOO1	39-0014133	33-0095771	1990 FILING 33-95771	SURFACE WATER: ARAVAIPA CREEK

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
WLOO1							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

33-95771 - CLAIMS AN INSTREAM FLOW QUANTITY OF 10,432.68 ACRE- FEET PER YEAR FOR WILDLIFE AND RECREATION USES ALONG ARAVAIPA CREEK.

USES AND RESERVOIRS

WL1 - WILDLIFE AND RECERATION USES ALONG ARAVAIPA CREEK.

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
AZ. CHAP. NATURE CONSERV.	115-04-012

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 SECTION	LOCATION TWNP	RNGE
36-0032525.0002	AMENDED	REC/FISH/WLDFL STOCK	3652.00				1887	NENE04 S204	070S	170E
39-0002116.0001	AMENDED	IRRIGATION DOMESTIC STOCK	3650.00 1.00 1.23		03	070S 170E	1887	NWNW03	070S	170E
39-0011371.0001	AMENDED	IRRIGATION STOCK REC/FISH/WLDFL	1207.87		NWNW03	070S 170E	1887	NWNW03 SENE04	070S	170E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0032525.0002	IRRIGATION DOMESTIC STOCK	NOT APPLICABLE		
39-0002116.0001	WILDLIFE OTHER	WILDLIFE OTHER		WLOO1
39-0011371.0001	WILDLIFE OTHER	WILDLIFE OTHER		WLOO1

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
WLOO1	NENW03 070S 170E		SURFACE WATER	1987	NO	INSTREAM USE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
WLOO1	39-0002116	NONE		SURFACE WATER: ARAVAIPA CREEK
NONE	39-0011371			
	NONE	36-0032525.0002		

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
WLOO1							SEE VOLUME 1 - GENERAL ASSESSMENT

EXPLANATION

USES AND RESERVOIRS
 WL1 - INSTREAM WILDLIFE AND RECREATION USES FROM ARAVAIPA CREEK.

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
AZ. CHAP. NATURE CONSERV.	115-05-050

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 SECTION	LOCATION TWNP	RNGE
C -0000170		STOCK		SWNE20	060S	190E	1905	SWNE20	060S	190E
36-0037256.0001		IRRIGATION	160.00				1890	NWSW21	060S	190E
36-0037257.0001		IRRIGATION	200.00		19	060S 190E	1880	SWNE20	060S	190E
					20	060S 190E				
36-0037263.0001		DOMESTIC	.55	NWSW21	060S	190E	1880	NWSW21	060S	190E
36-0037265.0001		DOMESTIC	.55	SENE19	060S	190E	1880	SENE19	060S	190E
39-0005505	AMENDED	IRRIGATION	140.00	SWNE20	060S	190E	1879	SWNE20	060S	190E
		REC/FISH/WLDLF	60.00							
39-0005510	AMENDED	STOCK	110.00	NWSW20	060S	190E	1879	NWSW21	060S	190E
		REC/FISH/WLDLF	50.00							
39-0005519		DOMESTIC		NWSW21	060S	190E		NWSW26	060S	190E
		REC/FISH/WLDLF	.55							
39-0005520		DOMESTIC		SENE19	060S	190E		SENE19	060S	190E
		REC/FISH/WLDLF	.55							

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
C -0000170	IRRIGATION	NONE		SW001
	STOCK	STOCK		
36-0037256.0001	IRRIGATION	NONE		
36-0037257.0001	IRRIGATION	NONE		
36-0037263.0001	DOMESTIC	DOMESTIC		DMO01
36-0037265.0001	DOMESTIC	DOMESTIC		DMO02
39-0005505	IRRIGATION	NONE		SW001
	WILDLIFE	WILDLIFE		
39-0005510	STOCK	STOCK		SW001
	WILDLIFE	INCIDENTAL		
39-0005519	DOMESTIC	DOMESTIC		DMO01, SW001
	WILDLIFE	WILDLIFE		
39-0005520	DOMESTIC	DOMESTIC		DMO02, SW001
	WILDLIFE	WILDLIFE		

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
DMO01	NENWSW21 060S 190E		GROUNDWATER : CATALOGUED		NO	
DMO02	NESENE19 060S 190E		GROUNDWATER : CATALOGUED		NO	
DMO03	SWNWNW20 060S 190E		GROUNDWATER : CATALOGUED		NO	
SW001	SWSENE35 060S 190E		SURFACE WATER		NO	INSTREAM USE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMO01	39-0005519	36-0037263.0001		GROUNDWATER : CATALOGUED
DMO02	39-0005520	36-0037265.0001		GROUNDWATER : CATALOGUED
DMO03	NONE	NONE		GROUNDWATER : CATALOGUED
SW001	39-0005505	C -0000170	1905 FILING C-170	SURFACE WATER: ARAVAIPA CREEK
	39-0005510			
	39-0005519			
	39-0005520			
NONE	NONE	36-0037256.0001		
		36-0037257.0001		

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
DMOO2							SEE VOLUME 1 - GENERAL ASSESSMENT
DMOO3							SEE VOLUME 1 - GENERAL ASSESSMENT
SWOO1							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 36-37256 & 36-37257 - CLAIM IRRIGATION WATER USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATIONS.

USES AND RESERVOIRS

DM1-DM3 - DOMESTIC USES.

SW1 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM ARAVAIPA CREEK.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH PROVIDED ADDITIONAL INFORMATION ON WATER USES AND FILINGS IN THIS WATERSHED FILE REPORT.

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
AZ. CHAP. NATURE CONSERV.	115-05-054

A P P L I C A B L E F I L I N G S A N D D E C R E E S

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
33-0095488	APPLICA.	REC/FISH/WLDF REC/FISH/WLDF	14901.28	SESW13	060S	170E	1990			
				NESE23	060S	170E				
33-0095489	APPLICA.	REC/FISH/WLDF REC/FISH/WLDF	13566.47	SESE23	060S	170E	1990			
				NENE19	060S	190E				
				SWNE19	060S	190E				
33-0095490	APPLICA.	REC/FISH/WLDF	11212.17	SENE19	060S	190E	1990			
				NWSW27	060S	190E				
				SWSW27	060S	190E				
39-0014131		REC/FISH/WLDF	11212.17	SESW27	060S	190E	1990			
				NE28	060S	190E		NE28	060S	190E
39-0014132		REC/FISH/WLDF	13566.47	SWNE35	060S	190E	1990	SWNE35	060S	190E
				E219	060S	190E		E219	060S	190E
39-0014134		REC/FISH/WLDF	14901.28	NWSW21	060S	190E	1990	NWSW21	060S	190E
				SW13	060S	170E		SW13	060S	170E
				NESW26	060S	170E		NESW26	060S	170E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
33-0095488	RECREATION WILDLIFE	RECREATION WILDLIFE		WLOO1
33-0095489	RECREATION WILDLIFE	RECREATION WILDLIFE		WLOO1
33-0095490	RECREATION WILDLIFE	RECREATION WILDLIFE		WLOO1
39-0014131	RECREATION WILDLIFE	RECREATION WILDLIFE		WLOO1
39-0014132	RECREATION WILDLIFE	RECREATION WILDLIFE		WLOO1
39-0014134	RECREATION WILDLIFE	RECREATION WILDLIFE		WLOO1

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
WLOO1	SENWSW21	060S	190E		SURFACE WATER	1990	NO	INSTREAM USE

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
WLOO1	39-0014131 39-0014132 39-0014134	33-0095488 33-0095489 33-0095490	1990 FILING 33-95490	SURFACE WATER: ARAVAIPA CREEK

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
WLOO1							SEE VOLUME 1 - GENERAL ASSESSMENT

FILINGS AND DECREES

FILINGS 33-95488, 33-95489 & 33-95490 - CLAIM INSTREAM USES FOR RECREATION AND WILDLIFE ALONG
ARAVAIPA CREEK.

USES AND RESERVOIRS

WL1 - INSTREAM USE ALONG ARAVAIPA CREEK.

ATTACHMENT B

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Arizona Department of Water Resources
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- 2 Tonto Apache Tribe
- 3 Camp Verde Reservation
- 4 Joe P. Sparks, Julia M. R. Kolsrud and
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