

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. W1-11-3377

ORDER INITIATING CONTESTED
CASE

CONTESTED CASE NAME: *In re the Arizona Chapter of the Nature Conservancy – Salazar-Tapia Ditch.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master initiates a contested case to address objections to watershed file report 115-05-AB-001 and sets a Scheduling Conference.

NUMBER OF PAGES: 8

DATE OF FILING: February 28, 2017.

This Order initiates a contested case to address objections to watershed file report 115-05-AB-001 that sets forth proposed water rights to the Aravaipa Creek with an apparent first use date of 1867.

1 **IT IS ORDERED:**

2 1. Contested Case Designation and Docket Number. This contested case will
3 address the objections that were filed to the watershed file report 115-05-AB-001, a copy of
4 which is attached as Attachment A, published in the Final San Pedro River Watershed
5 Hydrographic Survey Report (1991).

6 2. Contested Case Designation and Docket Number. The objections filed to the
7 watershed file report 115-05-AB-001 will be resolved as part of *In re the Arizona Chapter of*
8 *the Nature Conservancy – Salazar-Tapia Ditch*, Contested Case No. W1-11-3377.

9 3. Litigants. The litigants in this contested case are the claimant, namely the
10 Arizona Chapter of the Nature Conservancy, all persons who filed objections to watershed
11 file report 115-05-AB-001 listed on Attachment B, and claimants who are allowed to
12 intervene by order.

13 4. Court-Approved Mailing List.

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

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

22 C. Claimants wishing to be added or removed from the mailing list shall file a
23 motion with the Special Master. Parties allowed to intervene will be
24 automatically added to the mailing list.
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
----- SALAZAR, EPIGMENIO G.	----- 115-05-AB-001

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
36-0037255.0001		IRRIGATION	320.00	21	060S	190E	1880	NWNE28	060S	190E
36-0065216		IRRIGATION STOCK	1.00	28	060S	190E	< 1867	NWNE28	060S	190E
39-0002645	QUE.RECD	IRRIGATION STOCK	11.00 1.00	SES	W21	060S 190E	1867	NWNE28	060S	190E

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
36-0037255.0001	IRRIGATION	IRRIGATION		IROO1
36-0065216	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1	IROO1
39-0002645	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1	IROO1

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	SENWNE28	060S	190E	SALAZAR-TAPIA DITCH	SURFACE WATER: ARAVAIPA CREEK SHARED
WO1	SESESW21	060S	190E	UNNAMED	GROUNDWATER : CATALOGUED

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SESESW21	060S	190E	WO1	GROUNDWATER : CATALOGUED		NO	
DVOO1	SENWNE29	060S	190E	DO1	SURFACE WATER	1935	NO	
IROO1	SES	W21	060S	DO1	SURFACE WATER	1935	NO	

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM DO1 FOUND IN FILE (115-05-AC-5) IS USED IN THIS FILE

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
DMOO1	NONE	NONE		GROUNDWATER : CATALOGUED
DVOO1	39-0002645	36-0065216	1867 FILING 36-65216	SURFACE WATER: ARAVAIPA CREEK
IROO1	39-0002645	36-0037255.0001 36-0065216	1867 39-2647 & 36-65216	SURFACE WATER: ARAVAIPA CREEK

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

PWR #	QUANTIFICATION TYPE	AGRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	4.1	SUMMER PSTR	32%	6.1 AF/AC	25.0 AFA	
		4.1	AVE. CROP	50%	5.4 AF/AC	22.1 AFA	
		4.1	AF AFA	32%	10.4 AF/AC	42.6 AFA	

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

DIVERSION PWR NOS.	DIVERSION CAPACITY	MAXIMUM DEMAND RATE	DECREEED RATE	CERTIFICATED RATE	ESTIMATED VOLUME DIVERTED
DVOO1	1.0 CFS	.3 CFS			228.2 AFA

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2645 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

DIVERSIONS

D1/DV1 - DIVERSION FROM ARAVAIPA CREEK INTO THE SALAZAR-TAPIA DITCH.
 W1 - A CATALOGUED WELL PROVIDES WATER FOR DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 DV1 - DIVERSION FROM ARAVAIPA CREEK INTO THE SALAZAR-TAPIA DITCH.
 IR1 - IRRIGATED PASTURE.

Attachment B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Arizona Department of Water Resources
Janet L. Miller
P. O. Box 36020
Phoenix, Arizona 85067

City of Phoenix
Brad Holm and Monique Coady
Phoenix City Attorney's Office
200 West Washington Street, 13th Floor
Phoenix, Arizona 85003-1611

Gila River Indian Community
Linus Everling and Thomas L. Murphy
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

The Nature Conservancy
Stephen C. Cann
2424 Spruce Street, Suite 100
Boulder, Colorado 80302

Salt River Valley Water Users' Association's and the Salt River Project Agricultural
Improvement and Power District
John B. Weldon, Jr. and Mark A. McGinnis
Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste 200
Phoenix, AZ 85016

San Carlos Apache Tribe
Tonto Apache Tribe
Camp Verde Reservation
Joe P. Sparks, Julia M. R. Kolsrud and
Laurel A. Hermann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

1 United States
2 R. Lee Leininger
3 U.S. Department of Justice
4 Natural Resources Section
5 999 18th Street, So Terrace, Suite 370
6 Denver, CO 80202

7 David Negri
8 U. S. Department of Justice
9 800 Park Boulevard, #600
10 Boise, ID 83712

11 Yavapai-Apache Nation
12 Susan B. Montgomery/Robyn L. Interpreter
13 Montgomery & Interpreter, PLC
14 3301 E. Thunderbird Road
15 Phoenix, AZ 85032

16

17

18

19

20

21

22

23

24

25

26

27

28