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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

Contested Case No. W1-11-3377

ORDER REGARDING ISSUANCE OF
DRAFT PROPOSED WATER RIGHT
ABSTRACTS

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

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Arizona Department of Water Resources is directed to review draft proposed water right abstracts based on watershed file reports 115-05-AB-001, 115-05-AC-003, 115-05-AC-004, and 115-05-AC-005.

NUMBER OF PAGES: 17.

DATE OF FILING: April 19, 2018.

The Arizona Chapter of the Nature Conservancy (TNC) claims water rights for five irrigation uses and five domestic water uses analyzed in the following four watershed file reports: 115-05-AB-001, 115-05-AC-003, 115-05-AC-004, and 115-05-AC-005.

1 Objections to potential water rights included in these watershed file reports were
2 originally filed by: ASARCO Incorporated, City of Mesa, City of Phoenix, Gila River
3 Indian Community, Magma Copper Company, Salt River Project, San Carlos Apache
4 Tribe, Tonto Apache Tribe, United States, Yavapai-Apache Indian Community, Camp
5 Verde Reservation, and the original landowners. The water rights at issue in this case are
6 as follows:

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8 **Irrigation Claims:**

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Potential Water Right (PWR)
115-05-AB-001-IR001
115-05-AC-003-IR001
115-05-AC-003-IR002
115-05-AC-003-IR003
115-05-AC-004-IR001

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15 **Domestic Claims**

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Potential Water Right (PWR)
115-05-AB-001-DM001
115-05-AC-003-DM001
115-05-AC-004-DM001
115-05-AC-005-DM002
115-05-AC-005- DM003

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23 By minute order filed December 20, 2017, the Objectors were ordered to file their
24 responses to TNC's amended claims for water rights by March 30, 2018. The minute
25 entry was sent to all parties on the court-approved mailing list, which includes all
26 Objectors. Responses were timely filed by ASARCO LLC, BHP Copper Inc., Salt
27

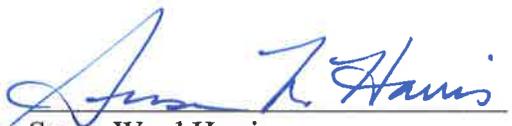
1 River Project Agricultural Improvement and Power District and Salt River Valley Water
2 Users' Association ("Salt River Project"), San Carlos Apache Tribe and Tonto Apache
3 Tribe. Salt River Project, San Carlos Apache Tribe, and Tonto Apache Tribe agreed that
4 their objections to the above listed watershed filed reports would be resolved upon the
5 issuance of watershed file reports amended consistently with TNC's consolidated
6 abstracts filed on February 15, 2018, as amended on March 22, 2018. BHP Copper Inc.
7 and ASARCO LLC filed to preserve issues related to groundwater "should this contested
8 case go forward". *BHP Copper Inc.'s and ASARCO LLC's Response to The Arizona*
9 *Chapter of the Nature Conservancy's Consolidated Abstract of Statements of Claimant,*
10 *filed March 30, 2017, p. 2.* No other Responses to the amended claims were received.
11

12 At the status conference held on April 4, 2018, to consider the appropriate
13 procedures to adjudicate TNC's amended claims as set forth in the consolidated abstract,
14 the City of Phoenix was represented in addition to the parties who filed responses. No
15 objections were raised by any of the parties to the resolution of TNC's claims analyzed in
16 Watershed File Reports 115-05-AB-001, 115-05-AC-003, 115-05-AC-004, and 115-05-
17 AC-005 consistent with its amended, consolidated abstracts. All claims for irrigation use
18 provided for a quantity of water less than the maximum observed amount set forth in the
19 relevant watershed file report.
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22 **IT IS ORDERED that** Arizona Department of Water Resources shall review the
23 draft abstracts attached as Appendix A to confirm the accuracy of the legal descriptions
24 of the proposed water rights. In addition, ADWR shall provide the GPS coordinates for
25 the wells that serve as the sources of water for the listed uses and file its report by May
26 21, 2018.
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Upon receipt of ADWR's Report, this court shall issue Proposed Water Right Abstracts to all parties for the purposes of filing suggested corrections to the information included in the abstracts.


Susan Ward Harris
Special Master

On April 19, 2018, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this case.


Barbara K. Brown

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APPENDIX A

**Abstract of Water Right
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:	SESW 21 T6S R19E
12. Point of Diversion:	SESW 21 T6S R19E
13. Source of Water:	Aravaipa Creek
14. Name of Facility:	Salazar-Tapia Ditch

Abstract of Water Right
San Pedro Watershed

1. Proposed Water Right No:	115-05-AC-003-IR001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-12291
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	None
8. Beneficial Use	Irrigation
9. Priority Date	December 31, 1921
10. Quantity:	70 acre feet annually
11. Place of Use:	SENWNE 1 T7S R19E SESE 36 T6S R19E SESW 36 T6S R19E SWSE 36 T6S R19E
12. Point of Diversion:	SENWNE 1 T7S R19E
13. Source of Water:	Well
14. Name of Facility:	Cobra Farm

Abstract of Water Right
San Pedro Watershed

1. Proposed Water Right No:	115-05-AC-003-IR002
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-1496
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	None
8. Beneficial Use	Irrigation
9. Priority Date	December 31, 1936
10. Quantity:	30 acre feet annually
11. Place of Use:	SEWN 1 T7S R19E SESW 36 T6S R19E SWSE 36 T6S R19E
12. Point of Diversion:	SEWN 1 T7S R19E
13. Source of Water:	Well
14. Name of Facility:	None

Abstract of Water Right
San Pedro Watershed

1. Proposed Water Right No:	115-05-AC-003-IR003
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-12285
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	None
8. Beneficial Use	Irrigation
9. Priority Date	December 31, 1900
10. Quantity:	50 acre feet annually
11. Place of Use:	NWSE 36 T6S R19E SESW 36 T6S R19E SWSE 36 T6S R 10E
12. Point of Diversion:	NWNESW 36 T6S R19E
13. Source of Water:	Aravaipa Creek
14. Name of Facility:	Claridge Ditch

Abstract of Water Right
San Pedro Watershed

1. Proposed Water Right No:	115-05-AC-004-IR001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-3958
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	36-68497
8. Beneficial Use	Irrigation
9. Priority Date	December 31, 1867
10. Quantity:	50 acre feet annually
11. Place of Use:	SWNW 27 T6S R19E NWSW 27 T6S R19E
12. Point of Diversion:	SESW 27 T6S R19E
13. Source of Water:	Aravaipa Creek
14. Name of Facility:	Claridge Ditch

**Abstract of Water Right
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:	SESW 21 T6S R19E
12. Point of Diversion:	SESW 21 T6S R19E
13. Source of Water:	Well
14. Name of Facility:	Cataloged well

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-AC-003-DM001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-12285
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	None
8. Beneficial Use	Domestic Use
9. Priority Date	December 31, 1900
10. Quantity:	5 acre feet annually
11. Place of Use:	SWNW 36 T6S R19E
12. Point of Diversion:	SWNW 36 T6S R19E
13. Source of Water:	Well
14. Name of Facility:	None
<p>Comment: Three domestic uses are included under this proposed water right. 1 of 3.</p>	

Abstract of Water Right
San Pedro Watershed

1. Proposed Water Right No:	115-05-AC-003-DM001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-1495
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	36-46625 55-803711 55-806346
8. Beneficial Use	Domestic Use
9. Priority Date	December 31, 1915
10. Quantity:	6 acre feet annually plus reasonable use for stockwatering
11. Place of Use:	NESW 25 T6S R19E SWSW 25 T6S R19E
12. Point of Diversion:	NESW 25 T6S R19E SWSW 25 T6S R19E
13. Source of Water:	Well
14. Name of Facility:	None

Comment: Three domestic uses are included under this proposed water right. 2 of 3.

Abstract of Water Right
San Pedro Watershed

1. Proposed Water Right No:	115-05-AC-003-DM001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-1494
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	20-503061
8. Beneficial Use	Domestic Use
9. Priority Date	December 31, 1915
10. Quantity:	2 acre feet annually
11. Place of Use:	NESE 35 T6S R19E SENE 35 T6S R19E
12. Point of Diversion:	NESE 35 T6S R19E
13. Source of Water:	Well
14. Name of Facility:	none
<p>Comment: Three domestic uses are included under this proposed water right. 3 of 3.</p>	

Abstract of Water Right
San Pedro Watershed

1. Proposed Water Right No:	115-05-AC-004-DM001
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-3974
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	None
8. Beneficial Use	Domestic Use
9. Priority Date	December 31, 1888
10. Quantity:	4 acre feet annually plus reasonable use for stockwatering
11. Place of Use:	SW 27 T6S R19E
12. Point of Diversion:	SW 27 T6S R19E
13. Source of Water:	Cataloged well
14. Name of Facility:	None

Abstract of Water Right
San Pedro Watershed

1. Proposed Water Right No:	115-05-AC-005-DM002
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-5513
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	36-3726.0001
8. Beneficial Use	Domestic Use
9. Priority Date	December 31, 1880
10. Quantity:	5 acre feet annually
11. Place of Use:	SENE 28 T6S R19E
12. Point of Diversion:	SENE 28 T6S R19E
13. Source of Water:	Aravaipa Creek
14. Name of Facility:	Nature Conservancy/West Ditch

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	115-05-AC-005-DM003
2. Owner of Water Right:	The Nature Conservancy
3. Landowner:	The Nature Conservancy
4. Statement of Claimant No.(s):	39-5514 39-5522
5. Statement of Claimant Name(s):	The Nature Conservancy
6. Lessee or Permittee:	None
7. Basis of Right:	10-50323.11 36-37259.0001 36-37260.0001
8. Beneficial Use	Domestic Use
9. Priority Date	December 31, 1900
10. Quantity:	4 acre feet annually
11. Place of Use:	SESW 27 T6S R19E NENE 34 T6S R19E SESE 27 T6S R19E
12. Point of Diversion:	SESW 27 T6S R19E
13. Source of Water:	Cataloged well
14. Name of Facility:	None