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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

W-1, W-2, W-3, W-4 (Consolidated)
Contested Case No. W1-11-3209
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re ASLD - Smith*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3209 initiated and status conference set
for **December 12, 2019 at 1:30 PM**
NUMBER OF PAGES: 11
DATE OF FILING: October 29, 2019

This Order initiates a contested case to consider the claims and resolve objections to
WFR (“WFR”) 114-04-CAD-001 published in the Final San Pedro River Watershed
Hydrographic Survey Report (1991). The WFR identified potential water rights for domestic
use and for irrigation for the land described in the WFR located in section 27 Township 7S
Range 16E. One well provides the source of water for the claimed uses. The Arizona
Department of Water Resources (“ADWR”) determined that the well is located within the

1 subflow zone. A copy of the WFR is attached as Attachment A. A copy of the map prepared
2 for the WFR is attached as Attachment B.

3
4 **Claimants & Landowners**

5 The WFR identified two Statements of Claimant (SOCs) relevant to the potential
6 water right: 39-2962 and 39-13205. John E. Smith filed SOC 39-2962 and subsequently
7 assigned it to the Arizona Game and Fish Commission. The Arizona State Land Department
8 (“ASLD”) filed SOC 39-13205.
9

10 The WFR lists ASLD as the owner of the property described in 114-04-CAD-001 and
11 John E. and Mary Lou Smith as the lessees. The public records maintained by the ASLD
12 show that the Arizona Game and Fish Commission is the lessee of the property identified on
13 the map prepared by ADWR. A copy of the map prepared by the ASLD is attached as
14 Attachment C.
15

16 **IT IS ORDERED:**

17 1. Contested Case. This contested case shall be known as *In re ASLD - Smith* and
18 it will address SOCs and objections that were filed regarding the WFR 114-04-CAD-001
19 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies
20 of objections can be found under the case name and number at the following website:
21 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
22 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

23 2. Litigants. The litigants in this contested case are the Claimants and all persons
24 who filed objections to the listed WFRs who are included on Attachment D, and claimants who
25 are allowed to intervene by order.
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1 3. Court-Approved Mailing List.

2 A. The initial Court-approved mailing list for this case shall include all
3 persons listed on Attachment D to this order. The list may be modified only by
4 filing a motion with the Special Master to amend the Court-approved mailing
5 list. Litigants are responsible for using the current Court-approved mailing list.

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

9 C. Claimants wishing to be added or removed from the mailing list shall file
10 a motion with the Special Master. Parties allowed to intervene will be
11 automatically added to the mailing list.

12 4. Courtesy Email List.

13 The Special Master's office will email courtesy copies of orders and minute
14 entries entered in this case to persons listed on Attachment D. Requests for
15 inclusions on the email list should be sent to Barbara Brown at
16 brownb099@superiorcourt.maricopa.gov.

17 5. Status Conference. An initial status conference shall be held to address the
18 adjudication of this case and determine whether the objections to the potential water rights can
19 be settled. If the objections cannot be settled, then a subsequent date will be set for a
20 scheduling conference to identify issues, file disclosure statements, conduct discovery, submit
21 prehearing motions, and hold a trial. Arizona Game and Fish Commission and ASLD are
22 expected to meet prior to the Status Conference to determine the ownership of the potential
23 water right at issue in this contested case. The Status Conference shall be held on December 12,
24 **2019, at 1:30 p.m.** before:
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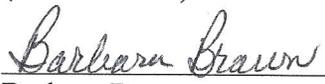
Special Master Susan Ward Harris
Superior Court of Arizona
201 West Jefferson Street
Courtroom 301
Phoenix, AZ 85003-2202

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



SUSAN WARD HARRIS
Special Master

On October 29, 2019, 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 contested case, a copy of which is attached hereto as Attachment D, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).



Barbara Brown

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
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SLD	114-04-CAD-001	SMITH, JOHN E. & MARY LOU	05-23462

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3209

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1103298.1100 36-0048159		IRRIGATION	3600.00	SE22	070S	160E	1886			
		IRRIGATION	350.00	SESE22	070S	160E	1886	NW26	070S	160E
		DOMESTIC STOCK						SESE22	070S	160E
39-0002962		IRRIGATION	350.00	SESE22	070S	160E	1886	SESE22	070S	160E
		DOMESTIC STOCK	10.00							
		MUNICIPAL	2.00							
39-0013205		IRRIGATION	13.50	NENENE27	070S	160E	1886	SESESE22	070S	160E
								SWNWNW26	070S	160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1103298.1100 36-0048159	IRRIGATION IRRIGATION DOMESTIC STOCK	IRRIGATION IRRIGATION DOMESTIC INCIDENTAL	WO1	IROO1 DMOO1, IROO1
39-0002962	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO1	DMOO1, IROO1
39-0013205	MUNICIPAL IRRIGATION	NONE IRRIGATION	WO1	IROO1

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SESESE22	070S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NENENE27	070S	160E	WO1	GROUNDWATER : ZONE 1		NO	
IROO1	NENE27	070S	160E	WO1	GROUNDWATER : ZONE 1	1935	YES	

SHARED USES AND DIVERSIONS

** WATER FROM WO1 FOUND IN FILE (114-04-CAA-1) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0002962 39-0013205	36-0048159		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0002962 39-0013205	10-1103298.1100 36-0048159	1886 FILING 36-48159	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							
IROO1	MAX. OBSERVED	1.5	PERM. PSTR	32%	9.9 AF/AC	14.9 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT
	REGIONAL	1.5	AVE. CROP	50%	5.4 AF/AC	8.1 AFA	
	MAX. POTENTIAL	1.5	ALFALFA	32%	10.4 AF/AC	15.6 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2962 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, AND MUNICIPAL USES. NO MUNICIPAL USE WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

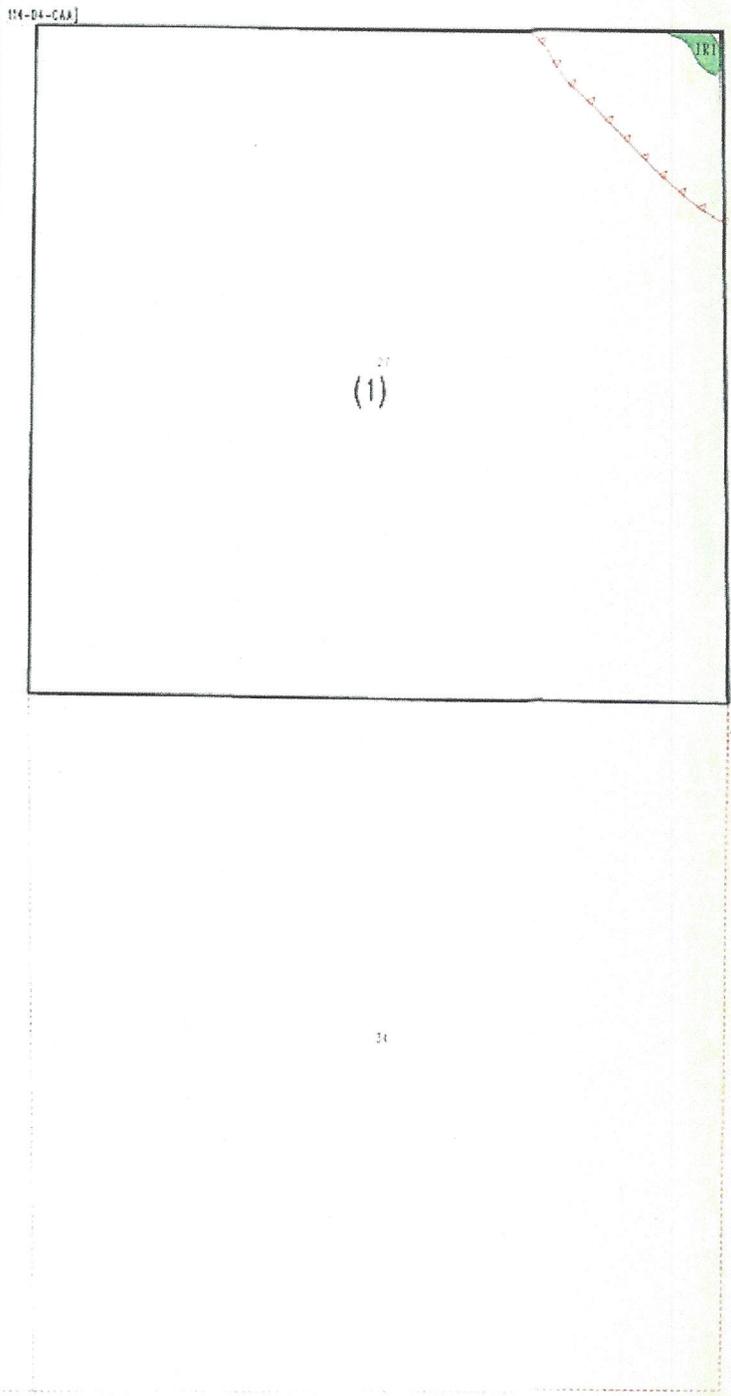
W1 - WELL IS SHARED WITH W.F.R. #114-04-CAA-1.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH STATED THAT STATEMENT OF CLAIMANT 39-113205 SHOULD APPEAR IN THIS W.F.R. AND BE MATCHED TO A POTENTIAL WATER RIGHT (P.W.R.).

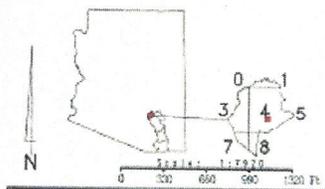
ATTACHMENT B

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Subregion Map Legend			
	Ownership Boundary		Canal or Ditch
	Irrigation Boundary		Pipeline
	Roads or Highways		River or Wash
	Section Boundary		Zone 1
	Irrigation		Well (W)
	Reservoir or Stockpond		Spring (S)
	Diversion (D)		Instream Pump (P)
	Industrial Use		
IS Denotes Section Number			
POTENTIAL WATER RIGHT CODES			
DV : Diversion	IC : Recreational Irrigation		
I : Industrial	IP : Stockpond		
R : Agricultural Irrigation	SR : Small Reservoir		
DI : Other Irrigation Use	SW : Stockwatering		
PA : Power	NL : Wildlife Use		
	PS : Primary Storage		
(1) - Owner Identification Number			
* Land Owner / Lessee / Provider *			

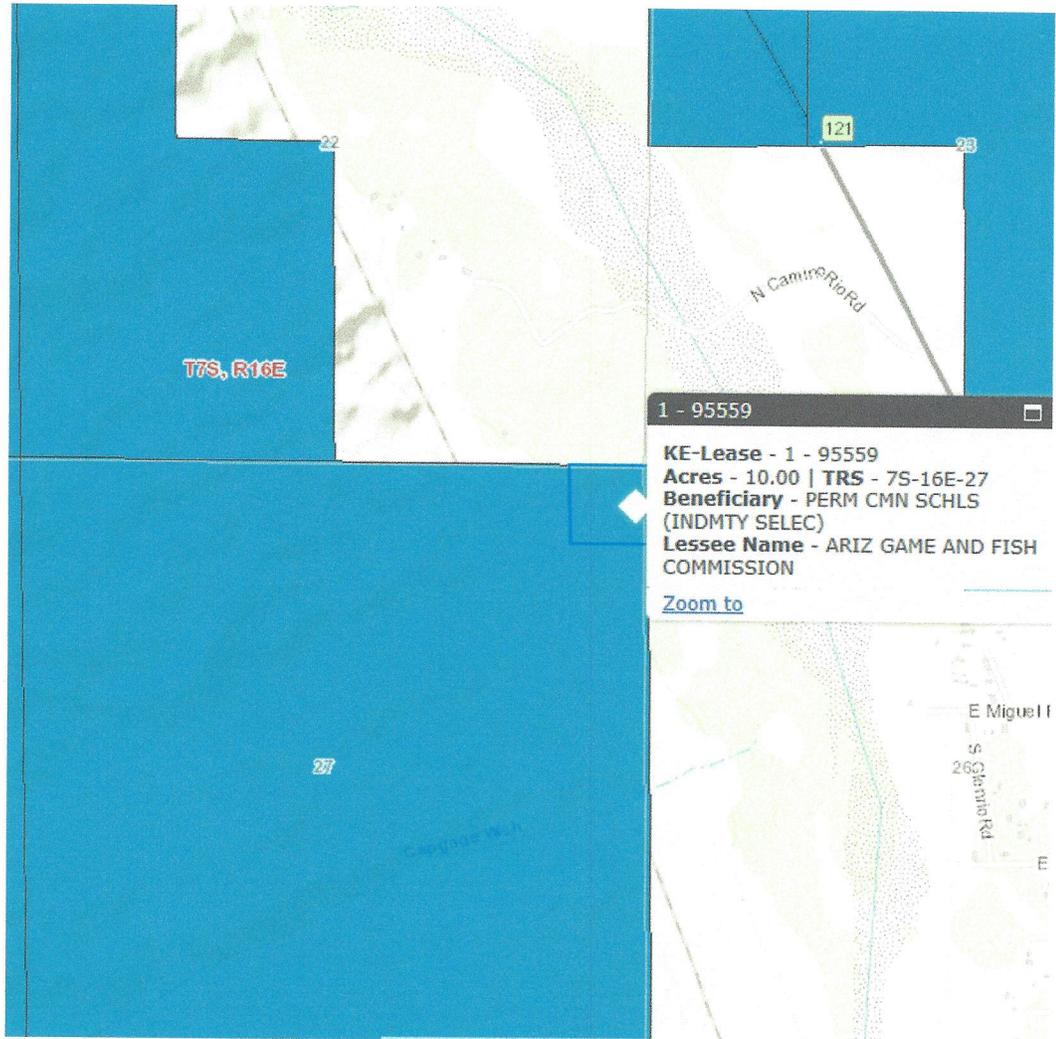
AREAS WITHOUT WATER RIGHTS USES



State of Arizona Department of Water Resources ADJUDICATIONS DIVISION	
MAP OF WATER USES	
River System:	GILA
Watershed:	SAN PEDRO
Subwatershed:	VINKELMAN
Region:	04-CAD
Date:	November 1991

ATTACHMENT C

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ATTACHMENT D

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Arizona Department of Water Resources
Kimberly Parks
P. O. Box 36020
Phoenix, AZ 85067

Arizona Game and Fish Commission
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Phoenix, AZ 85086

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Fennemore Craig, P.C.
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Kevin Crestin
Arizona Attorney General
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Phoenix AZ 85004

Clerk of the Superior Court
Maricopa County
Attn: Water Case
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Phoenix, AZ 85003

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Office of the General Counsel
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4 Chandler, AZ 85225

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6 Montgomery & Interpreter, Plc
7 3301 E. Thunderbird Road
8 Phoenix, AZ 85032

9 Salt River Valley Water Users Association,
10 Salt River Project Agricultural Improvement and Power District
11 John B. Weldon, Jr. and Mark A. McGinnis
12 Salmon, Lewis & Weldon PLC
13 2850 E Camelback Rd, Ste. 200
14 Phoenix, AZ 85016

15 Special Master Susan Ward Harris
16 Superior Court of Arizona
17 201 W. Jefferson Street
18 Courtroom 301
19 Phoenix, AZ 85003

20 U. S. Department of Justice
21 Patrick Barry and Yosef Negose
22 Environment and Natural Resources
23 P. O. Box 7611
24 Washington, D.C. 20044-7611

25 U. S. Department of Justice
26 R. Lee Leininger
27 Natural Resources Section
28 999 18th Street, So Terrace, Ste 370
Denver, CO 80202