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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 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated

Contested Case No. W1-11-3377

ORDER SETTING A STATUS
CONFERENCE AND
ORDER TO SEPARATE CONTESTED
CASES

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

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

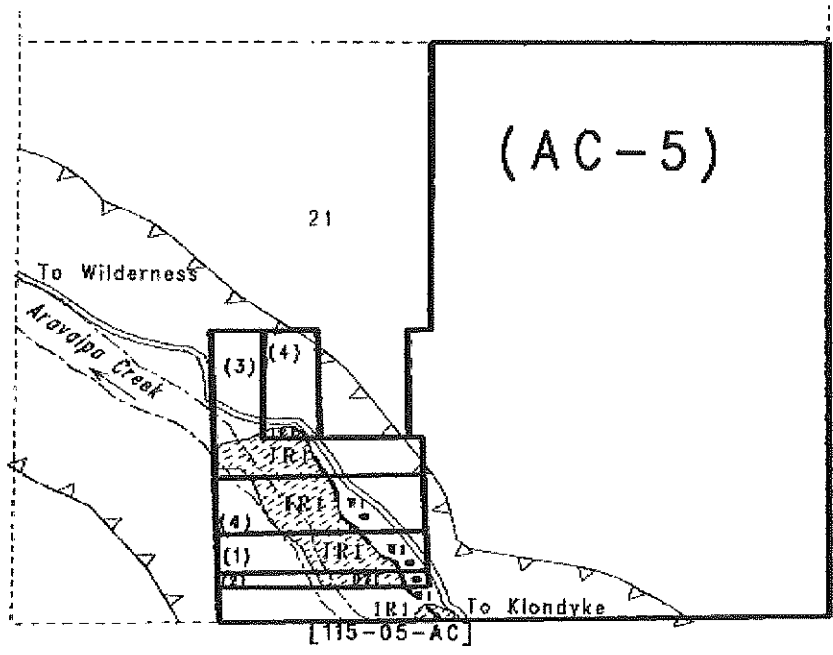
DESCRIPTIVE SUMMARY: Orders issued to:
1] Add Salazar Family Church, LLC to the court-approved mailing list;
2] Set a status conference on **Wednesday, March 20, 2019, at 11:30 a.m.**; and
3] Separate contested cases W1-11-3382, W1-11-3383 and W1-11-3384 from this case no. W1-11-3377.

NUMBER OF PAGES: 8

DATE OF FILING: February 5, 2019

This consolidated case includes potential water rights for irrigation and domestic uses and diversions from Aravaipa Creek into the Salazar-Tapia Ditch for land located in Graham County

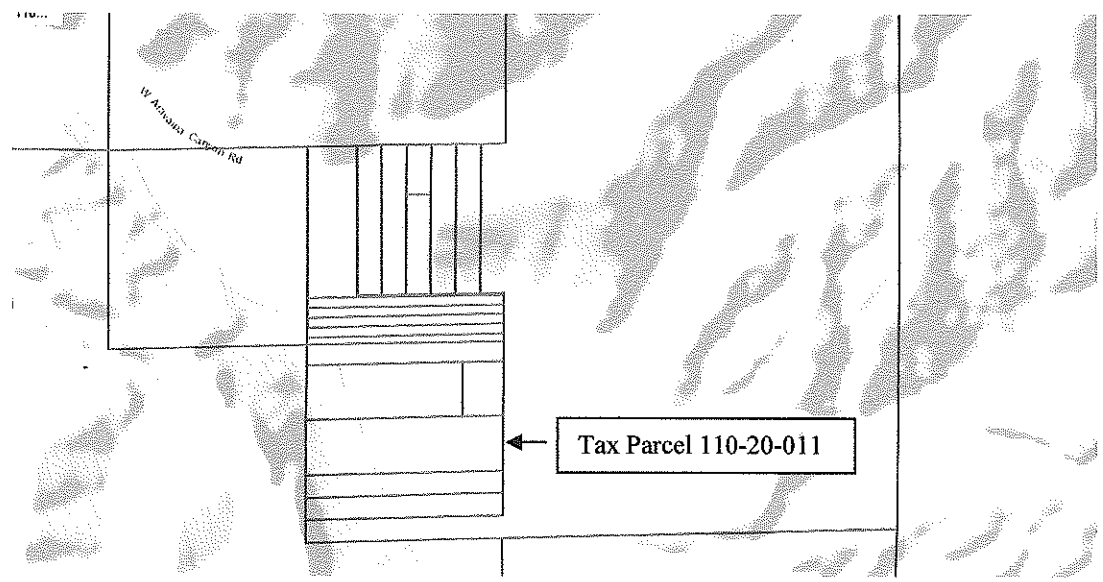
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in section 21,
Township 6S, Range
19E. The specific
parcel of land for
which Arizona
Department of Water
Resources has found
potential water rights
is labelled as (1) on

the map shown above that Arizona Department of Water Resources prepared in July 1990.

According to the records maintained by the County Assessor's Office for Graham County, the land at issue is tax parcel 110-20-011. The Salazar Family Church, LLC, an Arizona limited liability company, is listed as the owner of the property in the tax records. A copy of the relevant portion of the parcel map for Graham County is shown below:



1 **Background**

2 On May 26, 1978, E. G. Salazar filed Claim of Right to Use Public Waters of the State
3 No. 36-65216 (Claim No. 65216) for land located in the southeast quarter of the southwest quarter
4 of section 21 in Township 6S Range 19E. On February 4, 1980, E. G. Salazar filed Statement of
5 Claimant 39-2645 for water for irrigation and domestic use on four acres of land in the southeast
6 quarter of the southwest quarter of section 21 in Township 6S Range 19E.
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8 On December 16, 1985, E. G. Salazar assigned Claim No. 36-65216 to Defenders of
9 Wildlife Trust for the George Whittell Wildlife Preserve. On June 10, 1988, the Defenders of
10 Wildlife Trust for the George Whittell Wildlife Preserve assigned Claim No. 36-65216 to The
11 Nature Conservancy by an Assignment (Conveyance) of Water Right filed with Arizona
12 Department of Water Resources. On January 8, 1990, the Defenders of Wildlife Trust for the
13 George Whittell Wildlife Preserve assigned Statement of Claimant 39-2645 to The Nature
14 Conservancy. A copy of a deed recorded in the Graham County Recorder's Office at docket 406
15 pages 709-716 was attached to the Assignment. The Defenders of Wildlife Trust for the George
16 Whittell Wildlife Preserve quit claimed a number of parcels of land to The Nature Conservancy
17 that included land in the northwest quarter of the southwest quarter, the south 150 feet of the east
18 half of the southwest quarter, and the east half of Sec. 21 T6S R19E.
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21 On November 20, 1991, the Arizona Department of Water Resources completed its final
22 hydrographic survey report for the San Pedro Watershed ("San Pedro HSR") that included
23 Watershed File Report 115-05-AB-001 (the WFR). A copy of the WFR is attached as
24 Attachment A. The WFR described the location of the land investigated as in the southeast
25 quarter of the southwest quarter of Section 21, identified the landowner as Epigmenio Salazar,
26 and the relevant documents filed with the Arizona Department of Water Resources as Claim No.
27 36-65216 and Statement of Claimant 39-2645.
28

1 **Claims for Water Rights**

2 On March 30, 2018, The Nature Conservancy filed a consolidated abstract of claimed
3 water rights. As part of its claims, The Nature Conservancy listed water rights in the southeast
4 quarter of the southwest quarter of Sec. 21 T6S R19E based on Claim No. 36-65216 and
5 Statements of Claimant 39-2645 and 39-1173. On May 21, 2018, ADWR filed a Report stating
6 that the land described by The Nature Conservancy as the place of use for potential water rights
7 under the WFR in the southeast quarter of the southwest quarter of Sec. 21 T 6S R 19E was not
8 owned by The Nature Conservancy. In its Response to Request for Additional Information, The
9 Nature Conservancy produced a map for the proposed water rights listed in the WFR that
10 identified the claimed places of use in the southeast quarter of section 21; not in the southwest
11 quarter of section 21. Thus, it appears that The Nature Conservancy is not claiming water rights
12 for land identified in the WFR.
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16 **Adjudication of Water Rights**

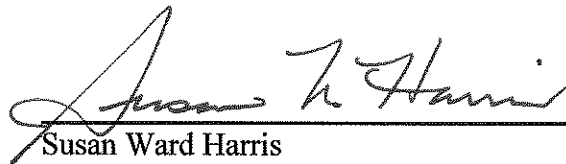
17 At this point, a status conference is necessary to establish a procedure to determine the
18 proper party to claim the water rights at issue. The Salazar Family Church LLC appears to be the
19 current landowner of the land for which potential water rights are described in the WFR. It has
20 not, however, filed a statement of claimant with the Arizona Department of Water Resources.
21 The Nature Conservancy is the named assignee of a Statement of Claimant referenced in the
22 WFR. Its most recent filing does not, however, map water uses on the land described in the
23 WFR. The purpose of the status conference will be to identify the parties that have the right and
24 intent to pursue water rights to that land in the southwest quarter of section 21, T6S R19E
25 described in the WFR.
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1 **IT IS ORDERED** that the Salazar Family Church, LLC shall be added to the court-
2 approved mailing list for this contested case W1-11-3377.

3 **IT IS FUTHER ORDERED** that a status conference shall be held on **March 20, 2019 at**
4 **11:30 a.m.** in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West
5 Jefferson Street, Phoenix, AZ 85003-2202.

6 Instructions for telephonic participation:
7 Dial: 602-506-9695 (local)
8 1-855-506-9695 (toll free long distance)
9 Dial Collaboration (conference) Code 357264#

10 **IT IS FURTHER ORDERED** that W1-11-3382, W1-11-3383, and W1-11-3384 shall be
11 separated from this contested case W1-11-3377 and contested cases W1-11-3382, W1-11-3383,
12 and W1-11-3384 shall be consolidated as contested case *In re Arizona Chapter of the Nature*
13 *Conservancy – Agro Land*, contested case no. W1-11-3382.

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19 Susan Ward Harris
20 Special Master

21 The original of the foregoing was delivered to the Clerk
22 of the Maricopa County Superior Court on February 5,
23 2019, for filing and distributing a copy to all persons
24 listed on the Court approved mailing list for this
25 Contested Case.

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 Barbara Brown

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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 LOCATION SECTION	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	SES21	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	SEWN28 060S 190E	SALAZAR-TAPIA DITCH	SURFACE WATER: ARAVAIPA CREEK
WO1	SESE21 060S 190E	UNNAMED	SHARED GROUNDWATER : CATALOGUED

U S E S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SESE21 060S 190E	WO1	GROUNDWATER : CATALOGUED		NO	
DVOO1	SEWN29 060S 190E	DO1	SURFACE WATER	1935	NO	
IROO1	SES21 060S 190E	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	ACRES	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	
	MAX. POTENTIAL	4.1	AVE. CROP	50%	5.4 AF/AC	22.1 AFA	
		4.1	ALFALFA	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	DECREED RATE	CERTIFICATED RATE	ESTIMATED VOLUME DIVERTED
DV001	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.