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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.  
W1-11-3317

ORDER ISSUING DRAFT ABSTRACT  
FOR DOMESTIC USE

CONTESTED CASE NAMES: *In re Lester Young*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Draft abstract for domestic use prepared for review. No time set to file comments, corrections or objections to the abstract.  
NUMBER OF PAGES: 17  
DATE OF FILING: August 28, 2018

Arizona Department of Water Resources found potential water rights (PWR) for the property currently owned by Aravaipa Ranch LLC for domestic use (DM) and irrigation totaling less than two acres associated with domestic use (OT). A copy of Watershed File

Report 115-04-ADB-008 (WFR) prepared by Arizona Department of Water Resources is attached as Attachment A. The OT designation assigned by Arizona Department of Water Resources to potential water rights associated with the land owned by Aravaipa Ranch, LLC means that all outside water use is associated with the OT use so that domestic use is confined to water used within the home. Vol. 1 Hydrographic Survey Report for the San Pedro River Watershed, dated November 20, 1991, Table 8-6, p. 563. A copy of Table 8-6 is attached as Attachment B.

**A. Background of Water Use**

The land owned by Aravaipa Ranch LLC is included in a 120 acre parcel originally homesteaded by William Row. The U.S. Land Office received Mr. Row’s form of Homestead Entry for the northeast quarter of the southwest quarter and the south half of the southwest quarter of Section 34 T6S R17E on July 19, 2013. Subsequently, the United States issued Patent 777844, dated October 18, 1920 to William Row for the parcel.

Based upon Mr. Row’s beneficial use of water on the homesteaded land and their use, owners of land in the southwest quarter of Section 34 filed statements of claimant for water rights. The Arizona Department of Water Resources investigated those claims. In 1991, the Arizona Department of Water Resources prepared six watershed file reports that provided the results of its investigation. The current landowners and the amount of irrigated acreage for land located in SW Section 34 T 6S R 17E are shown in the following table:

<b>Landowners</b>	<b>Acreage Reported Irrigated by ADWR</b>	<b>Watershed File Report</b>	<b>Pinal County Tax Parcel Number</b>	<b>Contested Case</b>
Jerry Iser	0.3	115-04-ADB-003	300-29-003E	W1-11-3314
Lemuel Young Trust	1.0	115-04-ADB-006	300-29-003H	W1-11-3315
Beneficiaries of the Louise Young Living Trust	2.3	115-04-ADB-007	300-29-003A	W1-11-3315

Landowners	Acreage Reported Irrigated by ADWR	Watershed File Report	Pinal County Tax Parcel Number	Contested Case
Aravaipa Ranch LLC	1.1	115-04-ADB-008	300-29-003C	W1-11-3317
Russell and Sheila Richardson	1.3 <sup>1</sup>	115-04-ADB-009	300-29-004	W1-11-3318
Nancy and Harold Young	0.8	115-04-ADB-010	300-29-003D	W1-11-3315

Attached as Attachment C is a map prepared by Arizona Department of Water Resources of the land on which it investigated water use in the southwest quarter of Section 34 T 6S R17E.<sup>2</sup> Attached as Attachment D is a map prepared by Pinal County Assessor showing the ownership of land in Section 34 T 6S R17E.

As part of a process to settle objections to the water rights listed in the WFR, Nathan Young, a member of Aravaipa Ranch LLC, met with the Arizona Department of Water Resources and representatives of the entities that filed objections to WFR 115-04-ADB-008. The Arizona Department of Water Resources mapped the location of the well and determined that it is located within the subflow zone. *See* Attachment C to the Arizona Department of Water Resources' Meeting Report, filed April 2, 2018.

**B. Draft Abstracts**

For the purpose of resolving objections filed to the WFR, a draft abstract for domestic water use has been prepared for the parties' review. The draft abstract is attached as

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<sup>1</sup> The reported acreage owned by Mr. and Mrs. Richardson also includes land marked as irrigated land located in Section 3, T7S R17E.

<sup>2</sup> The numbers in parentheses on the map prepared by Arizona Department of Water Resources correspond to the final numbers of the watershed file report. For example, parcel labelled "(3)" is the subject of Watershed File Report 115-04-AD-003.

1 Attachment E. A proposed abstract for a water right for irrigation use also will be prepared  
2 and distributed to the parties upon receipt from the landowner by **October 19, 2018** of the  
3 following:

- 4 1. The map prepared by ADWR of the landowner's property filed August 20, 2018,  
5 that has been completed by the owner with the GPS coordinates for the corners of  
6 the irrigated property;
- 7 2. The GPS coordinates for the well; and,
- 8 3. The maximum diversion rate of water from Aravaipa Creek.

9  
10 Copies of the completed map and the requested information shall be filed with the  
11 Court and all persons named on the mailing which is attached as Attachment F. A time will be  
12 set to file comments, corrections, and objections to the abstract for domestic use at the time the  
13 proposed abstract for a water right for irrigation is issued.  
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19 SUSAN WARD HARRIS  
20 Special Master

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22 On August 28, 2018, 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 the  
26 contested case.  
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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
YOUNG, LESTER	115-04-ADB-008
& THELMA LEE	

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 LOCATION SECTION	TWNP	RNGE
36-0045013		IRRIGATION	8.00	SWSW34	060S	170E	1915	SWSW34	060S	170E
36-0045014		IRRIGATION	14.00	SWSW34	060S	170E	1915	SWSW34	060S	170E
36-0046570		IRRIGATION DOMESTIC	6.00	SW34	060S	170E	1920	SW34	060S	170E
39-0005683	QUE.RECD	IRRIGATION	4.00	NESWSW34	060S	170E	1919	NESWSW34	060S	170E
39-0005845	QUE.RECD	IRRIGATION DOMESTIC		SESWSW34	060S	170E	1921	SESWSW34	060S	170E
39-0005846	QUE.RECD	IRRIGATION	8.00	SESWSW34	060S	170E	1913	SESWSW34	060S	170E
39-0005849	QUE.RECD	IRRIGATION	14.00	SWSW34	060S	170E	1913	SWSW34	060S	170E
39-0005862	QUE.RECD	IRRIGATION DOMESTIC	6.00	SESWSW34	060S	170E	1913	SESWSW34	060S	170E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0045013	IRRIGATION	IRRIGATION	P02	OT001
36-0045014	IRRIGATION	IRRIGATION	P01	OT001
36-0046570	IRRIGATION DOMESTIC	IRRIGATION NOT APPLICABLE	P01	OT001
39-0005683	IRRIGATION	IRRIGATION	P01, P01	OT001
39-0005845	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	P01	DM001, OT001
39-0005846	IRRIGATION	IRRIGATION	P02	OT001
39-0005849	IRRIGATION	IRRIGATION	P01, P02	OT001
39-0005862	IRRIGATION DOMESTIC	IRRIGATION NOT APPLICABLE	P01	OT001

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
P01	SESWSW34	060S	170E	UNNAMED	SURFACE WATER: ARAVAIPA CREEK SHARED
P02	SESWSW34	060S	170E	UNNAMED	SURFACE WATER: ARAVAIPA CREEK SHARED

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
DM001	SESWSW34	060S	170E		GROUNDWATER : ZONE 1		NO	
OT001	SWSW34	060S	170E	P01, P02	SURFACE WATER	1935	NO	

SHARED USES AND DIVERSIONS

\*\* WATER FROM P01 IS SHARED WITH THESE ADDITIONAL FILES:  
115-04-ADB-6, 115-04-ADB-7

\*\* WATER FROM P02 FOUND IN FILE (115-02ADB-10) IS USED IN THIS FILE

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS FOR DATE	
D0001	39-0005845	NONE		GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
OT001	39-0005683 39-0005845 39-0005846 39-0005849 39-0005862	36-0045013 36-0045014 36-0046570	1913 FILING 39-5846	SURFACE WATER: ARAVAIPA CREEK

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
D0001							SEE VOLUME 1 - GENERAL ASSESSMENT
OT001	REGIONAL	1.1	AVE. CROP	50%	5.4 AF/AC	5.9 AFA	

EXPLANATION

FILINGS AND DECREES

FILINGS 36-46570 & 39-5862 - CLAIM DOMESTIC WATER USES WHICH DO NOT APPLY TO THIS PROPERTY.  
 FILINGS 39-5683, 39-5845, 39-5846, 39-5849 & 39-5862 - UNIFORM QUESTIONNAIRES WERE RECEIVED  
 WHICH PROVIDED INFORMATION ABOUT POINTS OF DIVERSION, PLACES OF USE AND SHARED WATER USES.

DIVERSIONS

P1 & P2 - INSTREAM PUMPS DIVERT WATER FROM ARAVAIPA CREEK INTO A PIPELINE SYSTEM.

USES AND RESERVOIRS

DM1 - DOMESTIC USE,  
 DT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

SHARED USES AND DIVERSIONS

P1 - INSTREAM PUMP IS SHARED WITH W.F.R.'S #115-04-ADB-6 & 115-04-ADB-7.  
 P2 - INSTREAM PUMP IS SHARED WITH W.F.R. #115-04-ADB-10.

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**ATTACHMENT B**



TABLE 8-6

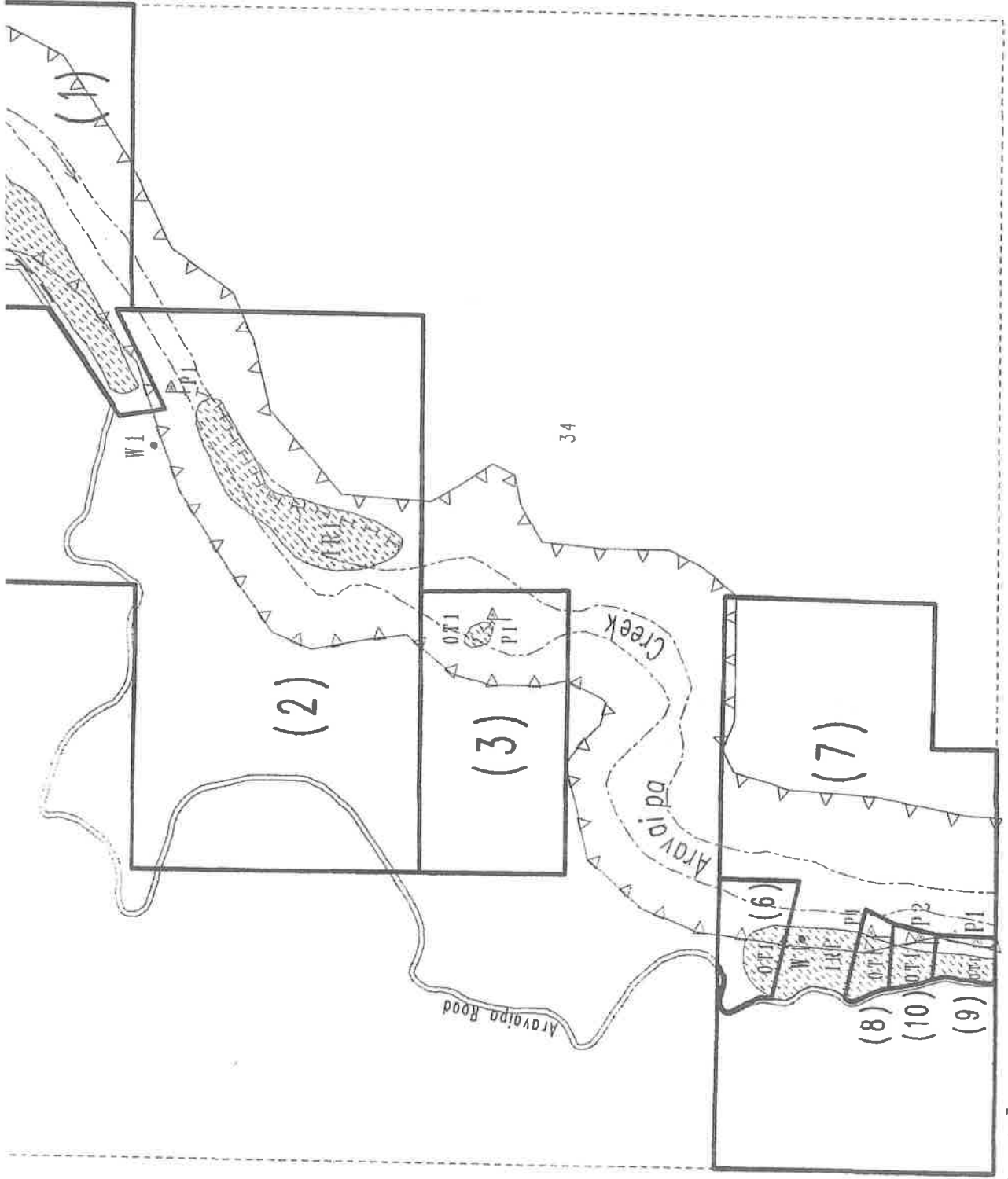
## CRITERIA TO ESTABLISH IRRIGATION PWRs

## 1. IRRIGATION WITHIN THE ZONE 1

WATER SOURCE TYPE	TOTAL LAND AREA UNDER IRRIGATION	DOMESTIC USE PRESENT	IRRIGATION WATER USE TYPE CREATED	MAPPED	COMMENT
Surface/ Zone 1, Zone 2, or Zone 3 Well	greater than or equal to 0.1 acres	no	IR, OT, RC	yes	Source is a direct surface water diversion not supplied by a water company or municipal distribution system. PWR type depends upon irrigation purpose.
Surface/ Zone 1, Zone 2, or Zone 3 Well	greater than or equal to 0.1 acres, but less than two acres	yes	OT	yes	Source is a direct surface water diversion not supplied by a water company or municipal distribution system. When associated with a domestic use, all outside irrigation is reported as OT. DM PWR may be created.
Zone 1 Well	less than 0.5 acres	yes	none	no	DM PWR created, if supplied by a Zone 1 well. No separate irrigation PWR is reported.
Zone 1 Well	less than 0.5 acres	no	none	no	
Zone 1 Well	greater than or equal to 0.5 acres, but less than two acres	yes	OT	yes	DM PWR created for inside use if the domestic use is supplied by a Zone 1 well. All outside irrigation reported as OT.
Zone 1 Well	greater than or equal to two acres	yes	IR, OT, RC	yes	DM PWR also created, if the domestic use is supplied by a Zone 1 well.
Zone 1 Well	greater than or equal to 0.5 acres	no	IR, OT, RC	yes	
Effluent	any size	yes or no	none	yes	Lands irrigated by effluent are not assigned a PWR unless the effluent is mixed with a groundwater or surface water source supplying a mapped PWR. Lands irrigated solely by effluent will be mapped on special water use map and described in the Major Users Reports or Unusual Circumstances sections of Volume 1.

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# ATTACHMENT C



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[115-04-ADC]

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**ATTACHMENT D**

SEC. 34 TN.06S RG.17E

SEE MAP 300-28

300-29

AREA CODE  
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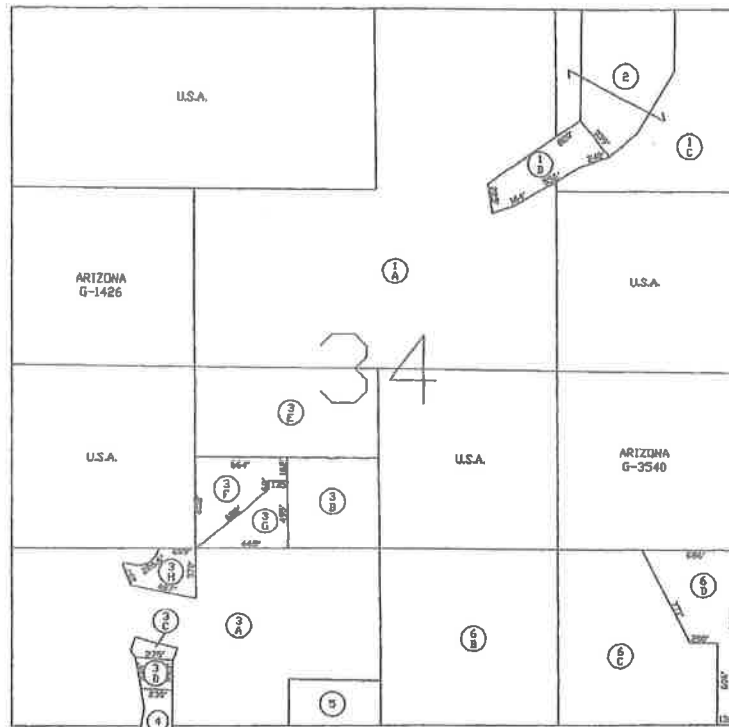
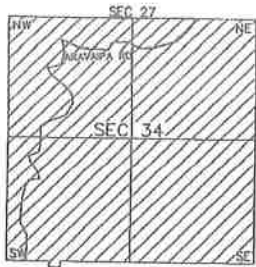
SPECIAL DISTRICTS  
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THIS MAP IS FOR TAX PURPOSES ONLY.  
THIS OFFICE WILL NOT ASSUME LIABILITY FOR  
REPRESENTATION, MEASUREMENTS OR AGREEMENT.

SEE MAP 300-28

SEE MAP 300-28

VICINITY MAP



SEE MAP 300-41



SCALE: 1" = 600'

05-07-2003

PINAL COUNTY ASSESSORS MAP

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**ATTACHMENT E**

## Abstract of Water Right San Pedro Watershed

<b>1. Proposed Water Right No:</b>	115-05-ADB-008-DM001
<b>2. Owner of Water Right:</b>	Aravaipa Ranch, LLC
<b>3. Landowner:</b>	Aravaipa Ranch, LLC
<b>4. Statement of Claimant No.(s):</b>	39-5845
<b>5. Statement of Claimant Name(s):</b>	Aravaipa Ranch, LLC
<b>6. Lessee or Permittee:</b>	None
<b>7. Basis of Right:</b>	36-46570
<b>8. Beneficial Use</b>	Domestic Use
<b>9. Priority Date</b>	July 19, 1913
<b>10. Quantity:</b>	Not to exceed 1 (one) acre foot per year
<b>11. Place of Use:</b>	SESWSW 34 T6S R17E
<b>12. Point of Diversion:</b>	SESWSW 34 T6S R17E
<b>13. Source of Water:</b>	Well – located at [GPS coordinates to be inserted upon receipt from landowner]

Comment: This abstract is for a right to use water for domestic use is issued in connection with an abstract for a water right for irrigation use. Water for domestic use is limited to domestic use within the home.

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**ATTACHMENT F**



Court Approved Mailing List  
In re Lester Young, Contested Case No. W1-11-3317  
W1-11-3317 (9 Names)  
Prepared by the Special Master  
2/8/2018

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Clerk of the Superior Court  
Maricopa County  
Attn: Water case  
601 West Jackson Street  
Phoenix, AZ 85003

R. Lee Leininger  
U. S. Department of Justice  
Natural Resources Section  
999 18th St. Terrace STE 370  
Denver, CO 80202

Joe P. Sparks and Laurel A.  
Herrmann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

S. Montgomery, R. Interpreter,  
J. Tomkus  
Montgomery & Interpreter, PLC  
3301 E. Thunderbird Road  
Phoenix, AZ 85032

John B. Weldon, Jr. and Mark  
A. McGinnis  
Salmon, Lewis & Weldon PLC  
2850 E Camelback Rd, Ste  
200  
Phoenix, AZ 85016

Susan Ward Harris  
Special Master  
Central Court Building, Suite  
3A  
201 W. Jefferson  
Phoenix, AZ 85003

Kimberly R. Parks and Janet L.  
Miller  
Arizona Department of Water  
Resources  
P. O. Box 36020  
Phoenix, AZ 85067

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

Nathan Young  
Aravaipa Ranch LLC  
36 S Matlock St  
Mesa, AZ 85204