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9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**
12

13 IN RE THE GENERAL ADJUDICATION
14 OF ALL RIGHTS TO USE WATER IN
15 THE GILA RIVER SYSTEM AND
16 SOURCE

17 W-1 (Salt)
18 W-2 (Verde)
19 W-3 (Upper Gila)
20 W-4 (San Pedro)
21 (Consolidated)

22 Contested Case No. W1-11-3377

23 **ARIZONA DEPARTMENT OF WATER**
24 **RESOURCES' COMMENTS ON**
25 **PROPOSED ABSTRACTS**

26 (Special Master Susan Ward Harris)

CONTESTED CASE: *Arizona Chapter of the Nature Conservancy- Salazar-Tapia Ditch*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources ("ADWR") provides notice of filing its comments on the proposed abstracts as requested by the Court in the Minute Entry Order dated August 5, 2019.

NUMBER OF PAGES: Three

DATE OF FILING: August 20, 2019

1 Pursuant to the Court's Minute Entry Order in this matter dated August 5, 2019,
2 ADWR hereby provides its comments on the proposed abstracts for Salazar Family
3 Church for PWRs 115-05-AB-001-IR001, DM001, and SW001.

4
5 **Owner of the Water Right**

6 ADWR's records show that Statement of Claim 36-65216 was transferred from the
7 Salazar family to Defenders of Wildlife in 1986, and from Defenders of Wildlife to The
8 Nature Conservancy in 1988. The Nature Conservancy has indicated that it is not
9 pursuing this claim and that it does not dispute the Salazar Family's claim that 36-65216
10 was inadvertently transferred to The Nature Conservancy. ADWR received a Request for
11 Assignment on June 18, 2019 and Request for Amendment on July 15, 2019; however,
12 ADWR cannot process these requests until either The Nature Conservancy assigns the
13 claim back to the Salazar Family or until The Nature Conservancy submits documentation
14 to ADWR indicating that the claim originally should not have been transferred.

15 **Points of Diversion**

16 The points of diversion in the proposed abstracts for IR001 and DM001 are
17 identified as "unregistered wells." Under A.R.S. § 45-593 (A), "a person who owns an
18 existing well which is or has been used to withdraw or monitor water shall register the
19 well on a registration form provided by the director." The unregistered wells identified in
20 the abstracts and maps must be registered with the Department.

21
22 Additionally, Schedule A, which is an attachment included with the recently filed
23 Amendment to the Statement of Claim, identifies a ditch as one of the points of diversion
24 for IR001, but the ditch does not appear to be reflected in the proposed abstract.

25 A copy of ADWR's report is being posted to ADWR's web site.
26

1 **DATED** this 20th day of August, 2019.

2 ARIZONA DEPARTMENT OF WATER
3 RESOURCES

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Kimberly R. Parks, Deputy Counsel

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7 **ORIGINAL** of the foregoing sent by
8 first-class mail on August 20, 2019, to:

9 Clerk of the Maricopa Superior Court
10 Attn: Water Case
11 601 W. Jackson Street
12 Phoenix, Arizona 85003

13 **COPIES** of the foregoing sent by
14 first-class mail on August 20, 2019, to:

15 Special Master Susan Ward-Harris
16 Maricopa County Superior Court
17 Central Court Building
18 201 West Jefferson Street, Suite 3A
19 Phoenix, AZ 85003-2205

20 **COPIES** of the foregoing sent by
21 first-class mail on August 20, 2019 to
22 all parties on the court-approved mailing list
23 for Contested Case No. W1-11-3377.

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