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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. W1-11-0622

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Cochise County Board of Supervisors*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Case initiated and status conference set for **September 2, 2021 at 2:30 p.m.**

NUMBER OF PAGES: 15

DATE OF FILING: July 13, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriable water for land in the southeast quarter of Section 13 Township 22S Range 21E. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River

1 Watershed to determine legal rights to water. Other cases in which claims have been made to
2 water in the San Pedro River Watershed have been completed, are in the process of determining
3 water rights, or awaiting initiation. The purpose of the General Adjudication is to determine the
4 rights of those persons who filed claims for rights to use appropriable water in the San Pedro
5 River Watershed. The General Adjudication will also determine water rights in the Upper Salt,
6 Verde, Upper Gila, Lower Gila, Agua Fria and Upper Santa Cruz watersheds.

7 On July 13, 1984, Henry P. Hauschildt and Verna B. Hauschildt filed Statement of
8 Claimant 39-1962 to assert rights to water for mining, wildlife, agricultural, and domestic uses.
9 The Arizona Department of Water Resources ("ADWR") investigated those claims and prepared
10 a report known as Watershed File Report No. 111-23-AA-016 ("WFR") published in the Final
11 San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached
12 as Attachment A.

13 The WFR identified no potential water rights for use of water on the land. The purpose
14 of this contested case is to consider the claims made for water rights that are the subject of the
15 WFR and resolve any objections to the WFR.
16

17 **Claimants & Landowner**

18
19 The Claimants in this case are Henry P. Hauschildt and Verna B. Hauschildt. The public
20 records of the Arizona Department of Water Resources do not show an assignment of Statement
21 of Claimant 39-1962 to any of the successor landowners.

22 The WFR lists the Arizona State Land Department ("ASLD") as the owner of the
23 property, but ASLD filed an objection stating that it did not own the described property. The
24 records of the Cochise County Treasurer list the Cochise County Board of Supervisors as the
25 owner of tax parcel 107-47-021, which is described as the southeast quarter of Section 13 T22S
26 R21E. A copy of a map prepared by the Cochise County Assessor showing tax parcels 107-47-
27 021 is attached as Attachment B.
28

1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re Cochise County*
3 *Board of Supervisors* and it will determine appropriate water rights asserted in Statement of
4 Claimant 39-1962 and objections that were filed to Watershed File Report 111-23-AA-016
5 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies
6 of objections can be found under the case name and number on the following website:
7 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
8 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

9 2. Litigants. The litigants in this contested case are the Claimants, all persons who
10 filed objections to the WFR, the current landowner of the land described by the WFR, who are
11 included in Attachment C, and claimants who are allowed to intervene by order.

12 3. Court-Approved Mailing List.

13 A. The initial Court-approved mailing list for this case shall include all
14 persons listed on Attachment C to this order. The list may be modified
15 only by filing a motion with the Special Master to amend the Court-
16 approved mailing list. Litigants are responsible for using the current
17 Court-approved mailing list.

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

21 C. Claimants wishing to be added or removed from the mailing list shall file
22 a motion with the Special Master. Parties allowed to intervene will be
23 automatically added to the Court-approved mailing list.
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1 D. The Clerk of the Court will send copies of all minute entries and orders
2 issued in this case to the parties listed on the Court-approved mailing list.
3 Upon request, the Clerk of the Court will provide copies by email. Parties
4 may request emailed copies of minute entries and orders by completing
5 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
6 CASE DOCUMENTS, which is attached as Attachment D.
7

8 4. Status Conference.

9 A. An initial status conference shall be held to determine whether the
10 Claimants or the current landowner intend to pursue claims for rights to
11 appropriable water. If so, each party seeking a water right shall be
12 prepared at the Status Conference to provide information about efforts
13 undertaken to file or assign a Statement of Claimant.
14

15 B. If the Claimants or the current landowner intend to pursue rights to
16 appropriable water for use on the land, the parties will be expected to
17 advise whether they are interested in pursuing discussions to resolve the
18 objections to the WFR and the amount of time that the parties believe
19 will be necessary to complete those discussions.
20

21 C. If the objections cannot be settled, then a subsequent date will be set for
22 a scheduling conference to identify issues, file disclosure statements,
23 conduct discovery, submit prehearing motions, and hold a trial. No party
24 shall conduct any discovery or file any motions prior to the Status
25 Conference.
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1 The Status Conference shall be held on **September 2, 2021 at 2:30 p.m.** The Status
2 Conference shall be held using the Court Connect program. Instructions for Court Connect are
3 attached as Attachment E. If you receive this Order by email, click on the red box “Join Court
4 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this
5 Order by email, log into the Court Connect program on the internet by typing
6 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
7 telephonically using the telephone number and access code included in the instructions for Court
8 Connect.

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13 SUSAN WARD HARRIS
14 Special Master

15
16 On July 13, 2021, the original of the foregoing was
17 delivered to the Clerk of the Maricopa County Superior
18 Court for filing and distributing a copy to all persons
19 listed on the Court-approved mailing list for this contested
20 case, a copy of which is attached hereto as Attachment C,
21 and to all persons listed on the Court-approved mailing
22 list for W-1, W-2, W-3, and W-4 (Consolidated).
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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	111-23-AA-016	HAUSCHILDT, HENRY P., ETUX	CP #9104

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *W1-11-622*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
39-0001962	QUE.RECD	IRRIGATION DOMESTIC STOCK MINING REC/FISH/WLDF		SE13	22OS	21OE	1966	SE13	22OS	21OE

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0001962	IRRIGATION DOMESTIC STOCK MINING WILDLIFE	NONE NONE NONE NONE NONE		

PWR SUMMARY

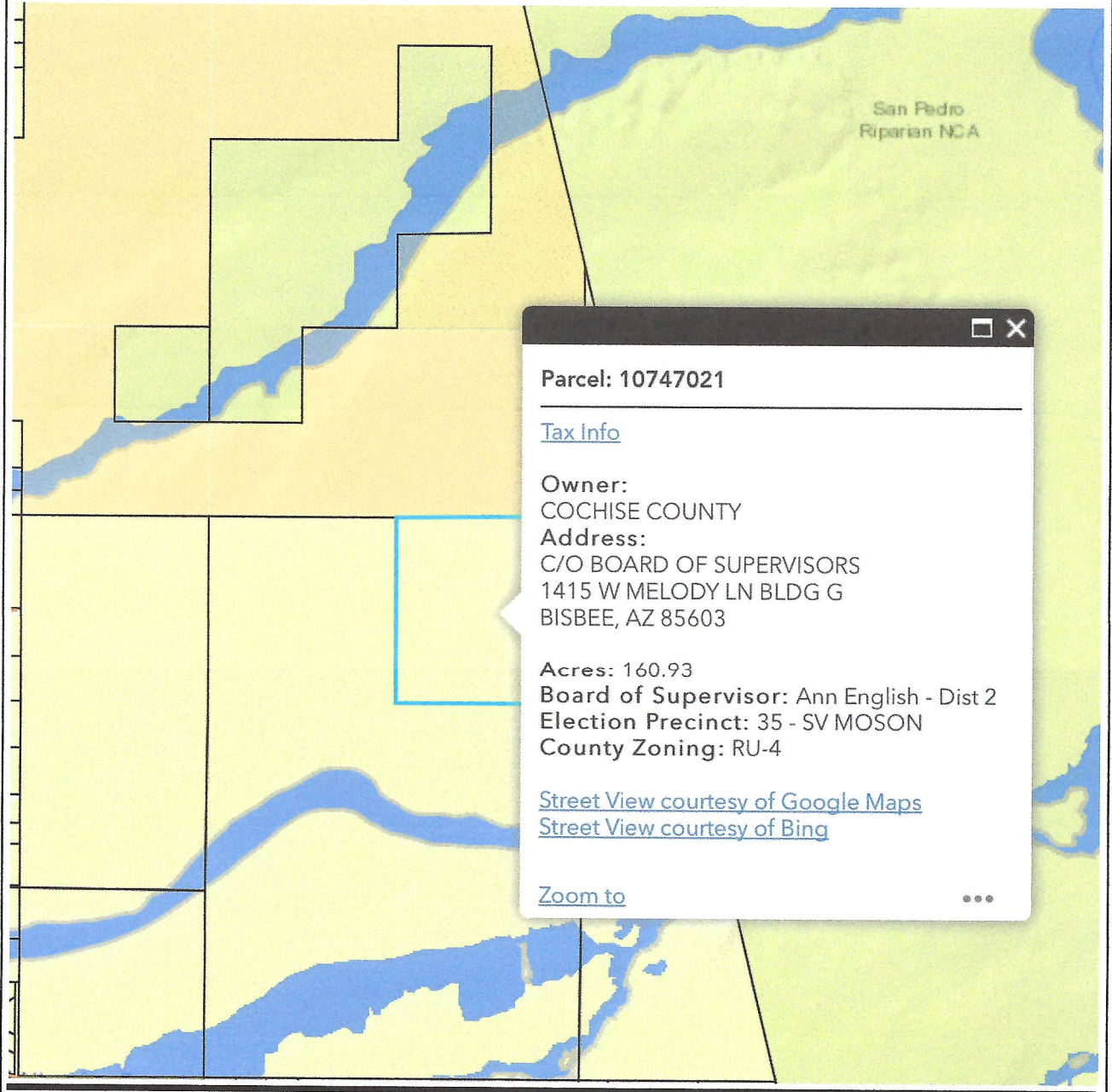
PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0001962	NONE		

EXPLANATION

FILINGS AND DECREES
 FILING 39-1962 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, MINING, AND WILDLIFE WATER USES. NO IRRIGATION, DOMESTIC, STOCKWATERING, MINING, OR WILDLIFE USES WERE FOUND AT THE CLAIMED LOCATION.
 FILING 39-1962 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

ATTACHMENT B

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Parcel: 10747021

[Tax Info](#)

Owner:
COCHISE COUNTY
Address:
C/O BOARD OF SUPERVISORS
1415 W MELODY LN BLDG G
BISBEE, AZ 85603

Acres: 160.93
Board of Supervisor: Ann English - Dist 2
Election Precinct: 35 - SV MOSON
County Zoning: RU-4

[Street View courtesy of Google Maps](#)
[Street View courtesy of Bing](#)

[Zoom to](#)



ATTACHMENT C

1
2
3 Arizona Department of Water Resources
4 Kimberly Parks
5 P. O. Box 36020
6 Phoenix, AZ 85067

7 Clerk of the Superior Court
8 Maricopa County
9 Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

10 Cochise County, Board of Supervisors
11 1415 Melody Lane Bldg G
Bisbee, AZ 85603

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

17 Henry P. Hauschildt and Verna B. Hauschildt
18 3973 East Justin Lane
19 Tucson, AZ 85712

20 Joe P. Sparks and Laurel A. Herrmann
21 The Sparks Law Firm, P.C.
22 7503 First Street
23 Scottsdale, AZ 85251-4573

24 Kevin Crestin
25 Office of the Arizona Attorney General
26 Natural Resources Section
27 2005 North Central Avenue
28 Phoenix, AZ 85004

Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

1 S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
2 3301 E. Thunderbird Road
Phoenix, AZ 85032

3
4 Special Master Susan Ward Harris
Superior Court of Arizona
5 201 W. Jefferson Street
Courtroom 301
6 Phoenix, AZ 85003

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ATTACHMENT D

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Court Connect Hearing Notice for In re Cochise County Board of Supervisors

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear in an online, rather than a physical, courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the proceeding which will be conducted remotely.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Cochise County Board of Supervisors, Contested Case No. W1-11-0622

Start Date/Time: September 2, 2021 at 2:30 p.m.

JOIN COURT CONNECT HEARING.

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)



ATTACHMENT E

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**CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA**

Jeff Fine
Clerk

MARICOPA COUNTY
Customer Service Center
601 West Jackson
Phoenix, AZ 85003

602 372-4115
Water Case Clerk

CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to Mayra.Antelo@Maricopa.Gov.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Visit us at our website: www.clerkofcourt.maricopa.gov

L.R.D. 4-09-18

Name [Printed]:

Signature:

Date:

Thank you,

Mayra Antelo
Clerk of the Superior Court
Water Case Specialist
(602) 372-5375 options 7,1,3,4