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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. W1-11-1163
ORDER TO INITIATE CONTESTED
CASE
AND
ORDER SETTING STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Rose A. C. Smith*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case initiated and telephonic status conference set for
June 17, 2021 at 1:30 p.m.

NUMBER OF PAGES: 10

DATE OF FILING: April 5, 2021

This Order initiates a contested case to consider the claims and resolve objections to
Watershed File Report 111-23-DDD-002 ("WFR") published in the Final San Pedro River
Watershed Hydrographic Survey Report (1991). The WFR stated that the land investigated,

1 which is located in section 18 T24S R22E, had been irrigated within the past ten years, but no
2 irrigation had occurred in the preceding five years. It also reported a domestic water use on the
3 land. A well serves as the identified source of water that ADWR has determined is located
4 within the subflow zone. A copy of the watershed file report is attached as Attachment A. A
5 copy of the map prepared for the WFR is attached as Attachment B. The land included in the
6 boundaries of the WFR is labelled on the map as "(2)".
7

8 The WFR identified Statements of Claimant 39-3833, 39-3834, 39-3835, 39-12804, and
9 39-12805 as the relevant filings for the potential water right. Ted R. and Rose A. C. Smith filed
10 the Statements of Claimant for water rights for irrigation, domestic, and stock watering. In 2008,
11 Cheryl Yarbrough filed a form of assignment of the Statements of Claimant. On August 15,
12 2008, Cheryl Yarbrough and the Nature Conservancy signed and filed an assignment for
13 Statement of Claimant 39-12805. In 2011, the Nature Conservancy assigned Statement of
14 Claimant 39-12805 to the Arizona Game and Fish Commission.
15

16 The WFR lists Rose A. Clinton Smith as the owner of the property described in 111-23-
17 DDD-002. According to the Cochise County Treasurer's Office, the Arizona Game and Fish
18 Commission currently owns tax parcel 104-740-001D. A copy of the map from the Cochise
19 County Treasurer's Office is attached as Attachment C.
20

21
22 **IT IS ORDERED:**
23

24 1. Contested Case. This contested case shall be known as *In re Rose A. C. Smith*
25 and it will address the Statement of Claimant and objections that were filed to Watershed File
26 Report 111-23-DDD-002 published in the Final San Pedro River Watershed Hydrographic
27 Survey Report (1991). Copies of objections can be found under the case name and number on
28 the following website:

1 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
2 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

3 2. Litigants. The litigants in this contested case are the claimant, the current
4 landowner, all persons who filed objections to the listed watershed file report who are listed on
5 Attachment D, and claimants who are allowed to intervene by order.

6
7 3. Court-Approved Mailing List.

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

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

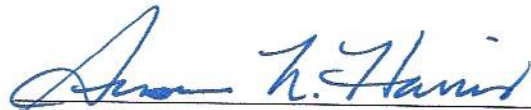
15 C. Claimants wishing to be added or removed from the mailing list shall file
16 a motion with the Special Master. Parties allowed to intervene will be
17 automatically added to the mailing list.

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19
20 4. Courtesy Email List. The Special Master's office will email courtesy copies of
21 orders and minute entries entered in this case to persons listed on Attachment D. Requests for
22 inclusions on the email list may be sent to Durina Farrall at durina.farrall@jbazmc.maricopa.gov.

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1 5. Status Conference. A telephonic status conference shall be held to address the
2 adjudication of the claimed and investigated water rights and determine whether the current
3 landowner intends to pursue a right to water use on the land. The Status Conference shall be
4 held on **June 17, 2021, at 1:30 p.m.**

5
6 Instructions for telephonic appearance:
7 Dial: 602-506-9695 (local)
8 1-855-506-9695 (toll free long distance)
9 Dial Participant Pass Code 357264#

10
11
12 
13 _____
14 Susan Ward Harris
15 Special Master

16 On April 5, 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 D,
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	ZONE 2 WELL
-----	REPORT NUMBER
SMITH, ROSE A. CLINTON	-----
	111-23-DDD-002

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	NESWNE18	24OS	22OE	DMOO1, IRO90, IRO91	UNUSED
WO2	UNNAMED	NWSESE07	24OS	22OE		

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE	
DMOO1	NENENE18	24OS	22OE			
IRO90	NENE18	24OS	22OE	1952	FILING 36-42083	22.2
IRO91	SENE18	24OS	22OE			
	NENE18	24OS	22OE	1984	1984 AERIAL PHOTO	37.0

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0003833	WO1	DMOO1, IRO90, IRO91
39-0003834	WO1	DMOO1
39-0003835	WO2	
39-0012804	WO1	DMOO1
39-0012805	WO1	DMOO1, IRO90, IRO91

EXPLANATION

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

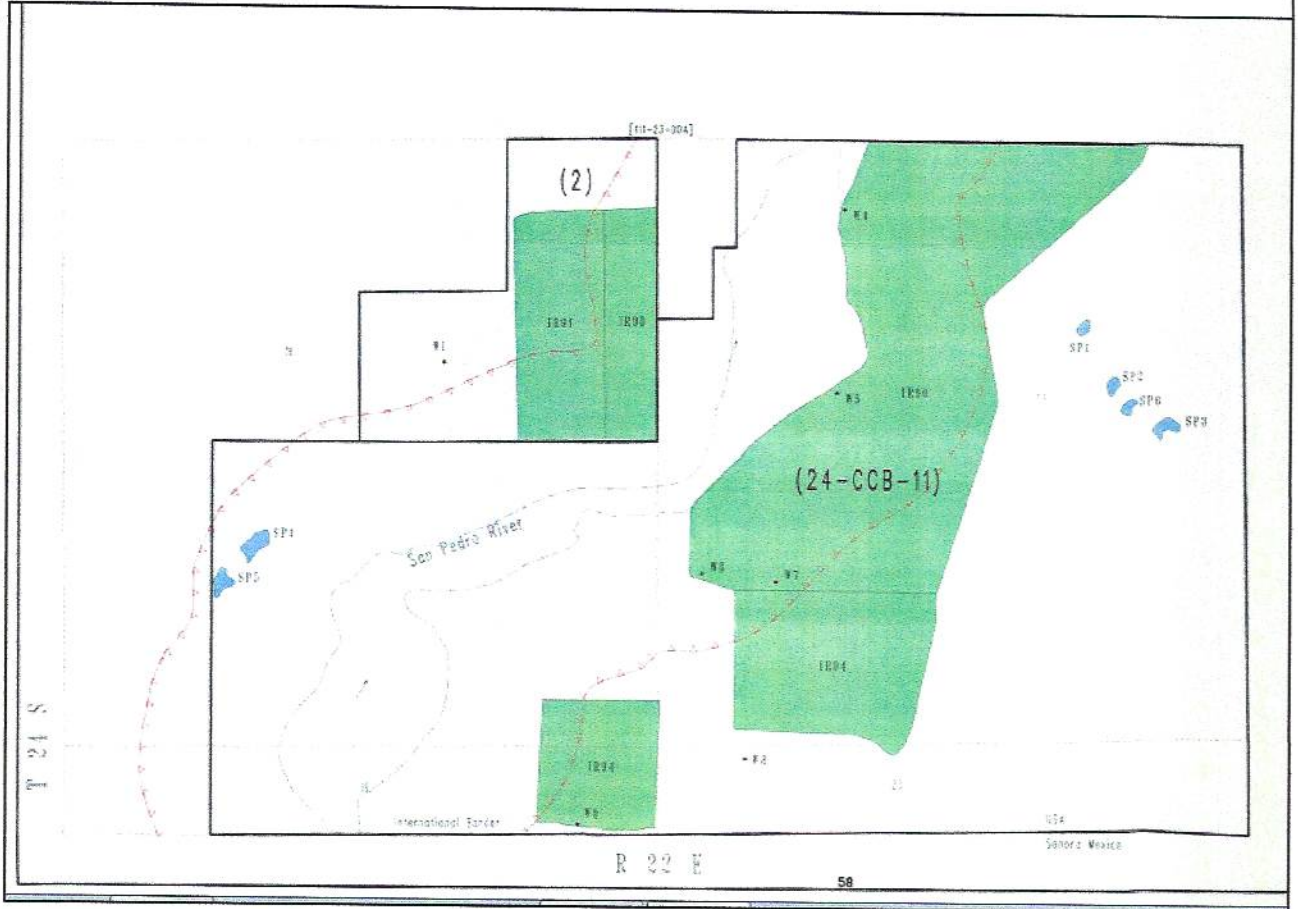
W2 - UNUSED IRRIGATION WELL.

DM1 - DOMESTIC WATER USE INCLUDES STOCKWATERING USES.

IR90 & IR91 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

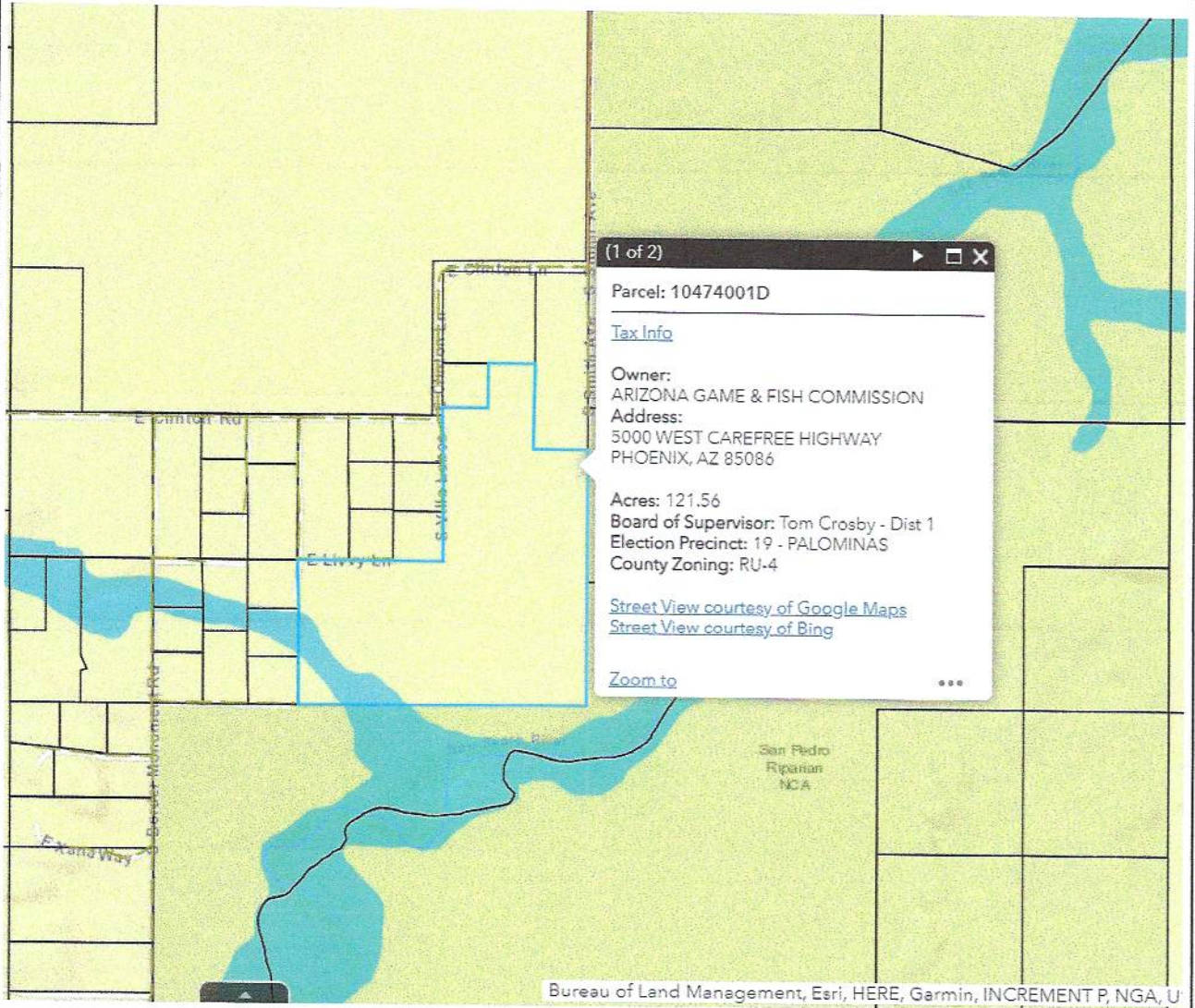
ATTACHMENT B

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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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John D. Burnside
Snell & Wilmer, L.L.P.
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Phoenix AZ 85004

Cheryl Yarbrough
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Sierra Vista, AZ 85635

Clerk of the Superior Court
Maricopa County
Attn: Water Case
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Office of the General Counsel
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Salt River Project Agricultural Improvement and Power District
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Salmon, Lewis & Weldon PLC
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Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
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Patrick Barry and Emmi Blades
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