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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. W1-11-1345

ORDER TO INITIATE CONTESTED CASE
AND
ORDER SETTING TELEPHONIC STATUS
CONFERENCE

CONTESTED CASE NAME: *In re First National Bank of Arizona and Charles Leftault, as co-trustees*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case initiated and telephonic status conference set for **June 17, 2021 at 3:00 p.m.**

NUMBER OF PAGES: 11

DATE OF FILING: April 12, 2021

General Explanation

This Order begins the process necessary to determine legal rights for water from wells located on land that the Cochise County Assessor has identified as owned by Rancho del Rio San Pedro LLC. This contested case is one of the many cases in the General Stream Adjudication

1 for the San Pedro River watershed. Other cases in which claims have been made to water in the
2 San Pedro River watershed have been completed, are in the process of determining water rights,
3 or awaiting initiation.

4 The purpose of the General Adjudication is to determine the rights of those persons who
5 filed statement of claimants for rights to use water from the San Pedro watershed. The General
6 Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila,
7 Agua Fria and Upper Santa Cruz watersheds. Persons who fail to timely file statements of
8 claimant will forfeit any rights to the use of water in this river system and source.
9

10 **Claimants**

11 In this case, First National Bank of Arizona and Charles J. Leftault, as co-trustees filed
12 Statements of Claimant 39-2256, 39-2257, 39-2260, 39-2262, and 39-2263 (SOCs) claiming
13 rights to water for irrigation, domestic, and stock uses on land located in the north half of section
14 15 Township 23S Range 22E. The Arizona Department of Water Resources investigated the
15 claims and the water uses on the land and issued Watershed File Report 111-24-CBB-004
16 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).
17 The Arizona Department of Water Resources identified potential water rights for a domestic and
18 an irrigation use and listed four wells as the sources of water for the uses. The Arizona
19 Department of Water Resources later determined that the wells labelled as Wells W1, W2, W3,
20 and W5 are located in the subflow zone. A copy of the watershed file report is attached as
21 Attachment A. A copy of the map prepared for the WFR is attached as Attachment B. The land
22 included in the boundaries of the WFR is labelled on the map as “(4)”.

25 After the WFR was issued, objections were filed to the findings in that report. The
26 purpose of this case to consider the claims made for water rights that were investigated in the
27 WFR and resolve the objections to the WFR.
28

1 **Landowner**

2 First National Bank of Arizona and Charles Leftault, as co-trustees were identified in the
3 WFR as the landowner. The public records of the Arizona Department of Water Resources do
4 not include an assignment of the SOCs to any succeeding landowner. According to the Cochise
5 County Treasurer, tax parcel 104-34-002A is currently owned by Rancho del Rio San Pedro
6 LLC. A copy of the map prepared by the Cochise County Treasurer is attached as Attachment
7 C.
8

9 **IT IS ORDERED:**

10
11 1. Contested Case. This contested case shall be known as *In re First National Bank*
12 *of Arizona and Charles Leftault, as co-trustees* and it will address the Statements of Claimant
13 and objections that were filed to Watershed File Report 111-24-CBB-004 published in the Final
14 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
15 found under the case name and number on the following website:
16 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
17 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

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

21 3. Court-Approved Mailing List.


22 A. The initial Court-approved mailing list for this case shall include all
23 persons listed on Attachment D to this order. The list may be modified only by
24 filing a motion with the Special Master to amend the Court-approved mailing list.
25 Litigants are responsible for using the current Court-approved mailing list.
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1 B. A copy of any pleading filed with the Clerk of the Maricopa County
2 Superior Court in this case shall be served upon each person listed on the Court-
3 approved mailing list.

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

7
8 5. Status Conference. A telephonic status conference shall be held to address the
9 adjudication of the claimed and investigated water rights and determine whether the current
10 landowner intends to pursue a right to water use on the land. The Status Conference shall be
11 held on **June 17, 2021**, at 3:00 p.m.

12
13 Instructions for telephonic appearance:
14 Dial: 602-506-9695 (local)
15 1-855-506-9695 (toll free long distance)
16 Dial Participant Pass Code 357264#

17
18
19 
20 Susan Ward Harris
21 Special Master

22
23 On April 12, 2021, the original of the foregoing was
24 delivered to the Clerk of the Maricopa County Superior
25 Court for filing and distributing a copy to all persons
26 listed on the Court-approved mailing list for this contested
27 case, a copy of which is attached hereto as Attachment D,
28 and to all persons listed on the Court-approved mailing
list for W-1, W-2, W-3, and W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
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FIRST INTERS. BANK OF AZ. LEFTAULT, CHARLES J (TRUSTEE)	111-24-CBB-004

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
39-0002256		IRRIGATION	160.00	SWNE15	230S	220E	1937	SWSWNE15	230S	220E
39-0002257		IRRIGATION	160.00	SENE15	230S	220E	1910	NWSENE15	230S	220E
39-0002260		STOCK	.25	SWNE15	230S	220E	1937	NESWNE15	230S	220E
39-0002262		DOMESTIC	2.46	SWNE15	230S	220E	1940	NWSWNE15	230S	220E
39-0002263	AMENDED	IRRIGATION	230.00	SWNE15	230S	220E	< 1951	NWSWNE15	230S	220E

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
39-0002256	IRRIGATION	IRRIGATION	WO2	IROO1
39-0002257	IRRIGATION	IRRIGATION	WO3	IROO1
39-0002260	STOCK	STOCKWELL		
39-0002262	DOMESTIC	DOMESTIC	WO5	DMOO1
39-0002263	IRRIGATION	IRRIGATION	WO1	IROO1

D I V E R S I O N S

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWSWNE15 230S 220E	MAIN IRRIGATION WELL	GROUNDWATER : ZONE 2
WO2	SESENE15 230S 220E	UNNAMED	GROUNDWATER : ZONE 2 UNUSED
WO3	SESENE15 230S 220E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
WO5	SWSWNE15 230S 220E	UNNAMED	GROUNDWATER : CATALOGUED

U S E S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SESWNE15 230S 220E SWSWNE15 230S 220E	WO5	GROUNDWATER : CATALOGUED		NO	
IROO1	SENE15 230S 220E SWNE15 230S 220E	WO1	GROUNDWATER : ZONE 2	1935	NO	

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	39-0002262	NONE		GROUNDWATER : CATALOGUED
IROO1	39-0002256 39-0002257 39-0002263	NONE	1921 1921 STATE SURVEY	GROUNDWATER : ZONE 2
NONE	39-0002260	NONE		

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	37.7	PERM. PSTR	45%	7.0 AF/AC	263.9 AFA	
	MAX. POTENTIAL	37.7	AVE. CROP	50%	5.4 AF/AC	203.6 AFA	
		37.7	ALFALFA	45%	7.4 AF/AC	279.0 AFA	

DIVERSIONS

- W1 - WELL PROVIDES WATER FOR IRRIGATION USES.
- W2 & W3 - UNUSED WELLS.
- W5 - A CATALOGUED WELL PROVIDES WATER FOR DOMESTIC USE.

USES AND RESERVOIRS

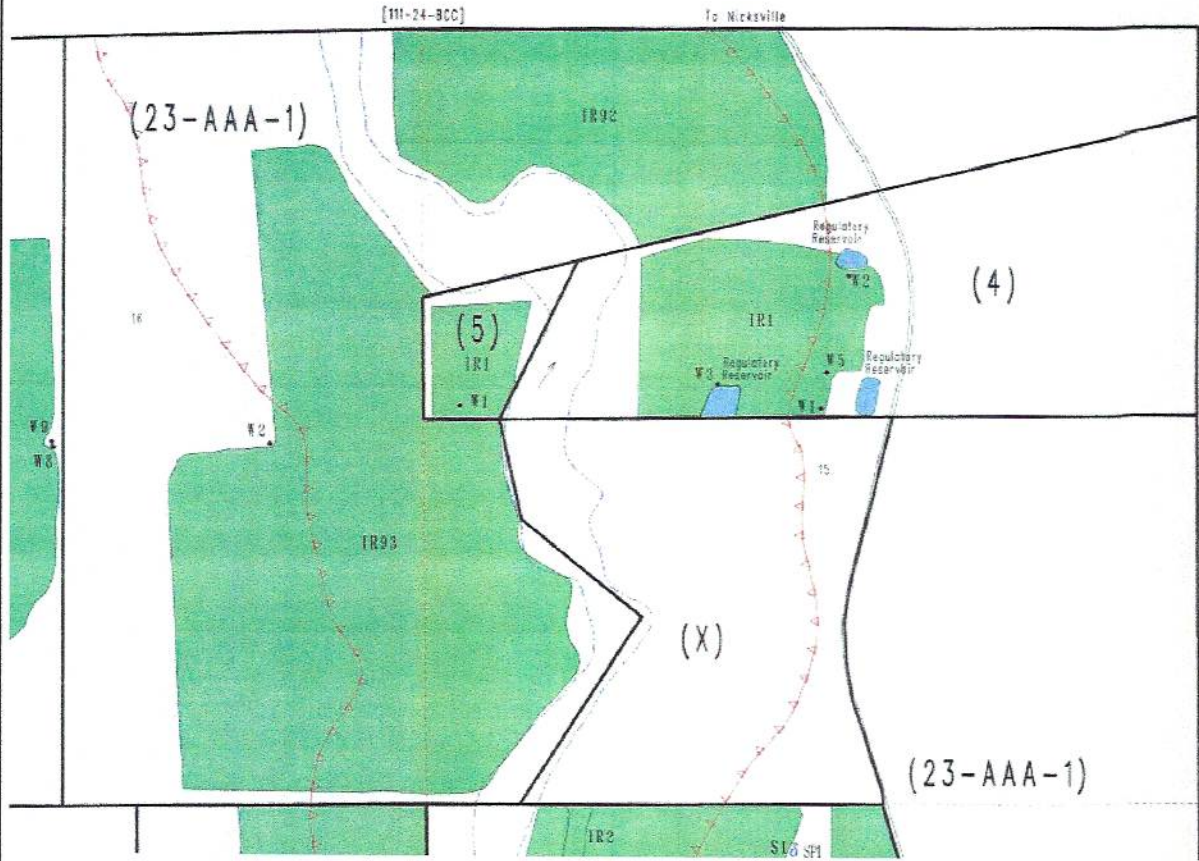
- DM1 - DOMESTIC USE.
- IR1 - IRRIGATED PASTURE AND NUT TREES.
- REGULATORY RESERVOIRS, SUPPLIED BY WELL W1, ARE USED FOR IRRIGATION PURPOSES.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

- A COMMENT FROM THE 1987 PRELIMINARY H.S.R. WAS RECEIVED FROM THE LAND OWNER WHICH INDICATED THAT AN OWNERSHIP CHANGE HAD OCCURRED.
- A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH REQUESTED A CHANGE IN ANNUAL VOLUME USED FOR STATEMENT OF CLAIMANT 39-2263.

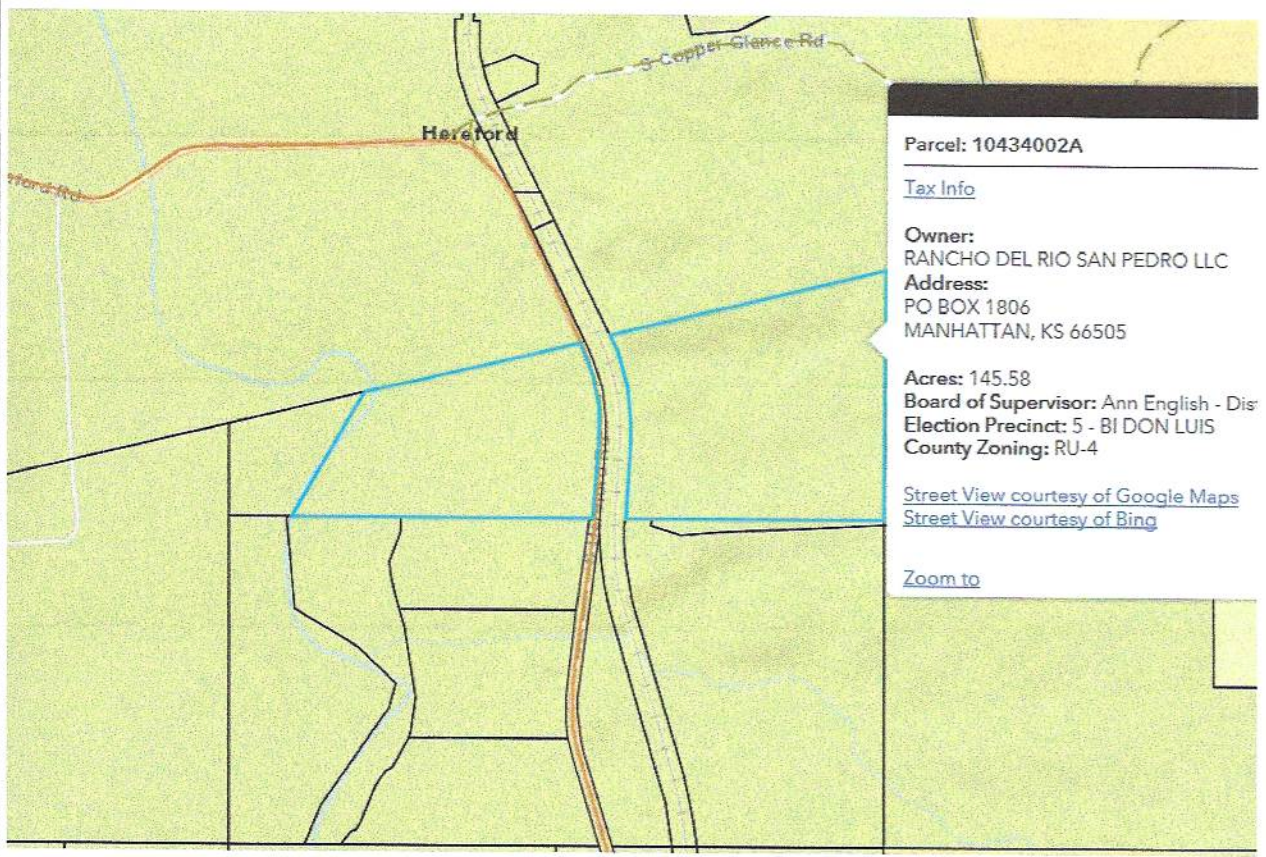
ATTACHMENT B

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ATTACHMENT C



ATTACHMENT D

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Arizona Department of Water Resources
Kimberly Parks
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Phoenix, AZ 85067

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Hereford, Az 85615

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Fennemore Craig, P.C.
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Phoenix, AZ 85016-3429

Bella Vista Ltd. Partnership, Hickville Water Company
Bella Vista Water Company, Bella Vista Ranches, Ltd. Partnership
Dan Cracciola, Pueblo del Sol
c/o William Sullivan
Law Ofcs of William P. Sullivan P.L.L.C.
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Phoenix, AZ 85050

Clerk of the Superior Court
Maricopa County
Attn: Water Case
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