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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. W1-11-1675

ORDER TO SEPARATE CASE
SET STATUS CONFERENCE
AND APPROVE REQUEST TO ADD
COUNSEL TO COURT-APPROVED
MAILING LIST

CONTESTED CASE NAME: *In re St. David Irrigation District*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order separates contested case no. **W1-11-2193** from this case.
A status conference is set for **May 9, 2019** at 1:30 p.m.
NUMBER OF PAGES: 15
DATE OF FILING: April 10, 2019

This contested case will resolve objections to potential water rights for a group of owners of land for which claims have been submitted and investigated by the Arizona Department of Water Resources (ADWR). The results of ADWR's investigations were provided in a series

1 of watershed file reports published in the Final San Pedro River Watershed Hydrographic
2 Survey Report (1991). The contested cases were chosen, initiated, and consolidated in 1995
3 with this contested case because of their association with the St. David Irrigation District
4 ("District").

5 **A. Additional Cases Consolidated**

6 Due to the decision of the District to allow additional landowners to have their lands
7 annexed into the District, additional watershed file reports and the objections to those
8 watershed file reports will be considered in this case. Thirteen additional contested cases have
9 been consolidated with this case. These cases involve the following listed watershed file
10 reports and landowners:
11

Contested Case No.	Watershed File Report	Landowner
W1-11-1509	112-14-DDD-002	Pomerene River Estates LLC
W1-11-1758	112-17-ACB-007	Norman Bradley, Jr.
W1-11-1759	112-17-ACB-008	Jennifer and Jacob Kartchner
W1-11-1881	112-17-BAA-185	Earl East
W1-11-1898	112-17-BAD-001	Jay Barney
W1-11-1898	112-17-BAD-001	Fred and Beverly Kartchner
W1-11-1905	112-17-BAD-011	Least Agriculture LLC
W1-11-1910	112-17-BAD-016	Lavon Womack, Rebecca Womack and Rodney and Sharon Xanos as Trustees of the Xanthos Revocable Trust, dated January 18, 2003
W1-11-1915	112-17-BAD-021	Gail and Renita Larson
W1-11-1915	112-17-BAD-021	Beverly and Thomas Wing
W1-11-1916	112-17-BAD-022	Mark and Carrie Fenn
W1-11-1917	112-17-BAD-028	LJS Property IV LLC
W1-11-1980	112-17-BDA-001	Ogilvie Cattle Company LLC
W1-11-1981	112-17-BDA-002	Ogilvie Cattle Company LLC
W1-11-1989	112-17-BDA-014	Jennifer and Jacob Kartchner

24 **B. Cases Separated**

25 Given the intention that this case should resolve objections to claims for water rights
26 that are associated with St. David Irrigation District, the watershed file report and associated
27
28

1 contested case involving land managed by the Bureau of Land Management and located in the
2 San Pedro Riparian National Conservation Area is not appropriately included in this contested
3 case. Watershed file report 112-17-DCD-001 includes no potential water rights and is limited
4 to reporting a diversion of water from the San Pedro River into the St. David Irrigation District
5 Ditch.

6 The continued consolidation of another set of cases also requires further consideration.
7 In its pleading filed August 17, 2018, the St. David Irrigation District provided the Court with
8 a list of landowners on whose behalf it will assert claims for irrigation uses. It further stated
9 that it will continue to exert an effort to identify landowners who have irrigation claims
10 through the District and include them in its claims. Based on the information received, the
11 landowners who may have claims but are not included in the District's list of landowners
12 constitutes an extensive list. The list is attached as Appendix A. Moreover, there are eight
13 watershed file reports for which no landowner is represented by the District as follows:
14
15

16	Watershed File	Landowner	Contested Case
17	Report		No.
18	112-17-ACC-041	Hardwick John & Rebecca	W1-11-1770
19	112-17-ACC-041	Fenn Walter Bruce & Michelle Vance	W1-11-1770
20	112-17-DB-101	De La Cruz Lorenzo A & Judy A	W1-11-2069
21	112-17-DBA-156	Libby Fred & Connie Lynn	W1-11-2098
22	112-17-DBB-068	Trejo Damon & Marie	W1-11-2145
23	112-17-DBB-069	Trejo Damon & Marie	W1-11-2146
24	112-17-DBD-003	Guinn Joanne F	W1-11-2150
25	112-17-DBD-021	Witbeck Gerald L & Judith C	W1-11-2165
26	112-17-DCA-010	United States	W1-11-2187

27 To the extent that landowners desire to pursue water rights separately from the District,
28 a better case management approach may be to separate from this case those contested cases in
which the District will play no role. Thus, as this case approaches the stage at which

1 proceedings can begin, consideration needs be given to the continued consolidation of the
2 eight cases identified above with this case.

3
4 **Court Approved Mailing List**

5 An initial court-approved mailing list was prepared that included the persons and entities
6 that had been identified by ADWR as current landowners, the St. David Irrigation District, and
7 those persons and entities who filed objections to the watershed file reports. The court-
8 approved mailing list has been revised to remove from the list those individuals and entities
9 included in the list of landowners filed by the St. David Irrigation District. A copy of the
10 current court-approved mailing list is attached as Appendix B.

11
12 In addition, a motion dated November 16, 2018, was filed to add Sara Ransom with the
13 Cochise County Attorney's Office to the court-approved mailing list. Accordingly,

14
15 **IT IS ORDERED**

- 16 1. Separating contested case W1-11-2193 from this case;
- 17 2. Granting the motion to add Sara Ransom to the Court-approved mailing list; and
- 18 3. Setting a status conference to address general issues of case management including
19 the continued consolidation of the eight cases listed above. The status conference
20 shall be held on **May 9, 2019, at 1:30 p.m.** before:

21
22 Special Master Susan Ward Harris
23 Superior Court of Arizona
24 201 West Jefferson Street
25 Courtroom 301
Phoenix, AZ 85003-2202

26 Instructions for telephonic appearance:
27 Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
28 Dial Participant Pass Code 357264#

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SUSAN WARD HARRIS
Special Master

On April 10, 2019, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case.


Barbara Brown
Barbara Brown

APPENDIX A

- 1
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- 4 Baxter Blaine W & Beverly A
- 5 Blanchette Robert F & Stephanie A (2)
- 6 Carlsen Richard A
- 7 Carpenter Todd Jarrett & Marilyn Jean
- 8 Cochise County
- 9 Cochise County Board Of Supervisors
- 10 Council Rock Llc
- 11 Cray Darren A & Elizabeth
- 12 De La Cruz Lorenzo A & Judy A
- 13 Deskins Mark S & Robin L
- 14 Deskins Travis Raun & Debbie Ann
- 15 DMR Ranch-HCA LLC
- 16 Downing Patrick J
- 17 Draper Holly
- 18 Fenn Walter Bruce & Michelle Vance
- 19 Fleck Nicholas & Jessica
- 20 Fletcher Jason W
- 21 Fry Samuel & Rachel
- 22 Gaynor Gary L & Cinda L Trust
- 23 Gill Larry Brent & Yvette V
- 24 Goodale Fay
- 25 Goodman Bert A & Frances D
- 26 Guinn Joanne F
- 27 Hardwick John & Rebecca
- 28 Haymore Kenneth & Julie
- Jeff And Guy Group LLC
- Judd Howard Lee & Melanie
- Judd Laren D
- Knowlton Edward M
- Lachmanek Paul G & Amy D
- Libby Fred & Connie Lynn
- Marrill Family Trust
- Maynard Terry E & Eileen F
- Merrill Family Trust
- Miller William F
- Nelson, Christopher & Kelsey
- Perez Carmen
- Pesqueira Ernest G & Marla L
- Rice Michael Eugene & Tamara Iona
- Santiago Luis S & Isabel
- Scott Kenneth Leon & Colleen A
- Secretary Of Housing & Urban Development

- 1 Seguin Donne
State Of Arizona
- 2 Stewart Paul M Family Trust
Taylor Rusty Dean & Laurie Ann
- 3 Thompson Roger & Marsha
Trejo Damon & Marie
- 4 Trejo Gary Alan & Susan Loree
Trejo Steven Raun & Barbara Kay
- 5 United States
Varga Nicole Suzanne
- 6 Warren Jason L & Nancy Gray
Weber Don & Debbie
- 7 Whitfield Eric Stewart & Herica Judyth
Witbeck Gerald L & Judith C
- 8 Young Steven Carl & Julia Merrell

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APPENDIX B

Court Approved Mailing List
In re St. David Irrigation District
W1-11-1675 (78 Names)
Prepared by the Special Master
4/10/2019

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