

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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. W1-11-2080

ORDER TO INITIATE CASE AND  
CONSOLIDATE

CONTESTED CASE NAME: *In re Jay and Lois Kartchner*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-2080 and consolidate it with *In re St. David Irrigation District*, contested case no. **W1-11-1675**.

NUMBER OF PAGES: 9

DATE OF FILING: January 30, 2020

This case involves claims for water rights for irrigation and domestic uses in sections 4 and 5 T18S R21E. James Kartchner filed Statements of Claimant 39-4099, 39-4100, 39-4104, and 39-4105 for irrigation, domestic, and stockwatering uses, and Kartchner Farms and Ranches, Inc. filed Statements of Claimant 39-4130, 39-4131, 39-4132, and 39-4137 for irrigation, stockwater,

1 and recreational use. for an irrigation use. The public records of Arizona Department of Water  
2 Resources do not contain any assignments of the Statement of Claimant.

3 The Arizona Department of Water Resources investigated the claims and submitted its  
4 results in a Watershed File Report 112-17-DBA-010 (“WFR”), which was published in the Final  
5 San Pedro River Watershed Hydrographic Survey Report (1991). The WFR listed six wells as  
6 the sources of water. A copy of the WFR is attached as Attachment A and a copy of the map of  
7 the boundaries of WFR, which is labelled as “(010)” is attached as Attachment B. The purpose  
8 of this case is to resolve the four objections made to the WFR and adjudicate claimed water  
9 rights.  
10

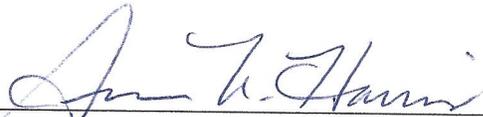
11 In a Status Report filed by St. David Irrigation District (“District”) dated January 13,  
12 2020, the District stated that it has determined that the landowners in this case are members of  
13 the District, receive water and will be represented by the District. According to the Cochise  
14 County Assessor, the property included in area mapped for the WFR appears to be tax parcel  
15 numbers 121-12-003C, 121-12-004R, and 121-12-004Q with Fred and Beverly Kartchner as the  
16 named as the owners. A copy of the Cochise County Assessor’s map of the tax parcel is attached  
17 as Attachment C. Accordingly,  
18

19 **IT IS ORDERED:**

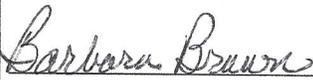
- 20
- 21 1. Contested Case, Consolidation, Designation and Docket Number. This Order  
22 initiates contested case no. W1-11-2080. This contested case is consolidated with *In*  
23 *re St. David Irrigation District*, Contested Case No. W1-11-1675.
  - 24 2. Litigants. The litigants in this contested case are the claimants, the landowners, the  
25 District, and all persons who filed objections to the watershed file report who are  
26 listed on Attachment D, and claimants who are allowed to intervene by order.  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Court-Approved Mailing List. The initial Court-approved mailing list for this case shall include all persons listed on Attachment D to this Order. The mailing list shall be merged with the mailing list for *In re St. David Irrigation District*.

  
\_\_\_\_\_  
SUSAN WARD HARRIS  
Special Master

On January 30, 2020, 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 and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

  
\_\_\_\_\_  
Barbara Brown

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ATTACHMENT A

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
KARTCHNER, JAY A. & LOIS M. (TRUSTEES)	112-17-DBA-010

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	HOUSE WELL	NENESE05	18OS	21OE	DMOO1, DMOO2, DMOO3 IROO1	SHARED
W02	NORTH CALF PASTURE	NENESE05	18OS	21OE	DMOO1, DMOO2, DMOO3 IROO1	SHARED
W03	MIDDLE CALF PASTURE	NENESE05	18OS	21OE	DMOO1, DMOO2, DMOO3 IROO1	SHARED
W04	CEMENT BOX-CALF PAST	NENESE05	18OS	21OE	DMOO1, DMOO2, DMOO3 IROO1	SHARED
W12	UNNAMED	SWNWSW04	18OS	21OE	DMOO1, DMOO2, DMOO3 IROO2	
W13	UNNAMED	SWNWSW04	18OS	21OE	DMOO1, DMOO2, DMOO3 IROO2	

W1-11-2080

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMOO1	NENESE05	18OS	21OE				
DMOO2	SWNWSW04	18OS	21OE				
DMOO3	NWNWNE05	18OS	21OE				
IROO1	NESE05	18OS	21OE	1918	36-2690 & 36-2691	18.9 AFA	3.5
IROO2	NWSW04	18OS	21OE	1950	FILING 36-26552	7.6 AFA	1.4

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0004099		DMOO1
39-0004100	W12, W13	DMOO1, DMOO2
39-0004104		DMOO1
39-0004105	W12, W13	DMOO1, DMOO2, IROO2
39-0004130	W01, W02, W03 W04	DMOO1, IROO1
39-0004131	W01, W02, W03 W04	DMOO1, IROO1
39-0004132	W01, W02, W03 W04	DMOO1, IROO1
39-0004137	W01, W02, W03 W04	DMOO1, IROO1

EXPLANATION

W1-W4, W12 & W13 - WELLS PROVIDE WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

IR1 - IRRIGATED ORCHARD.

IR2 - IRRIGATED PASTURE.

\*\* WATER FROM W01 IS SHARED WITH THESE ADDITIONAL FILES:

112-17-DBA-1

\*\* WATER FROM W02 IS SHARED WITH THESE ADDITIONAL FILES:

112-17-DBA-1

\*\* WATER FROM W03 IS SHARED WITH THESE ADDITIONAL FILES:

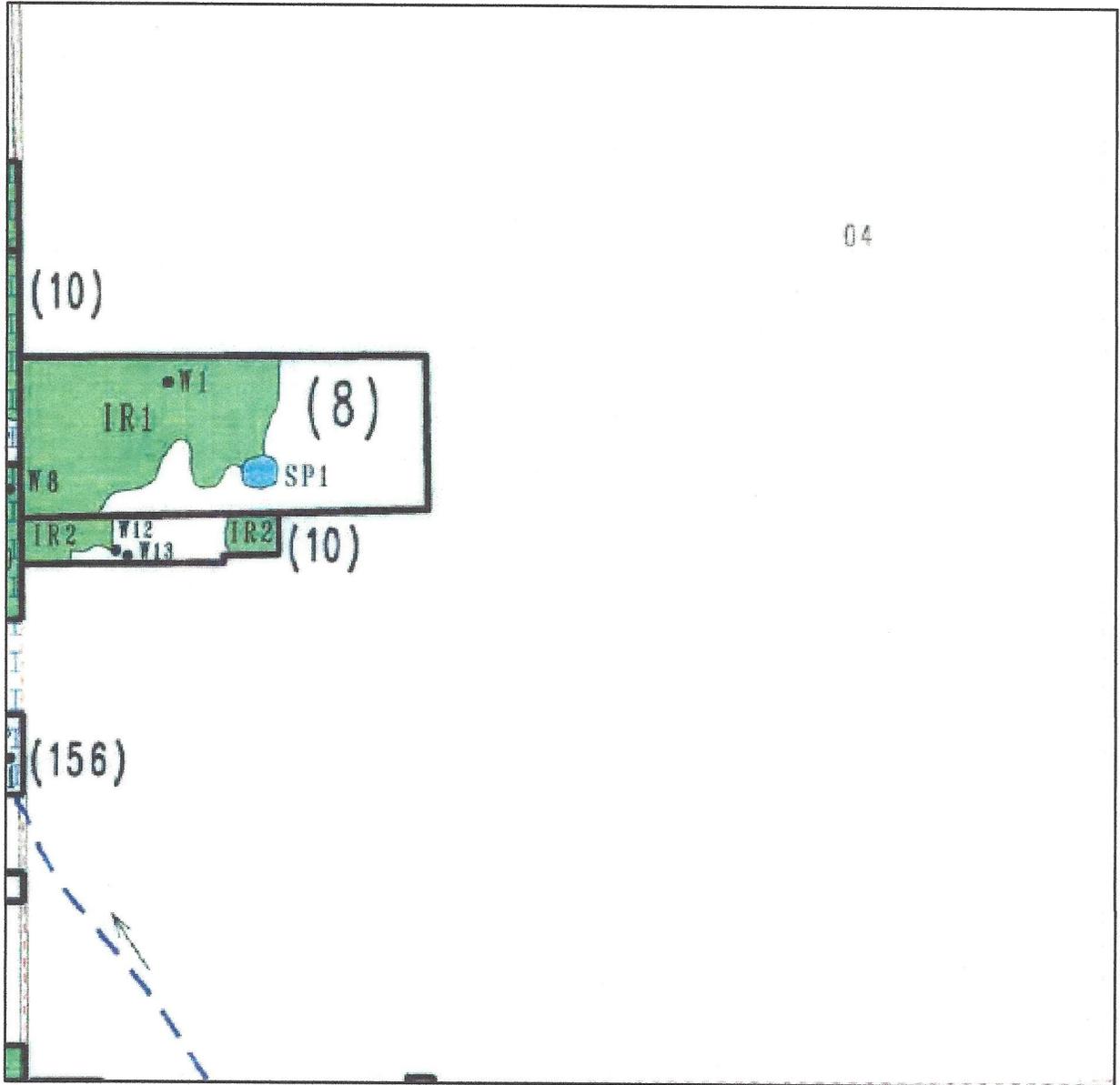
112-17-DBA-1

\*\* WATER FROM W04 IS SHARED WITH THESE ADDITIONAL FILES:

112-17-DBA-1

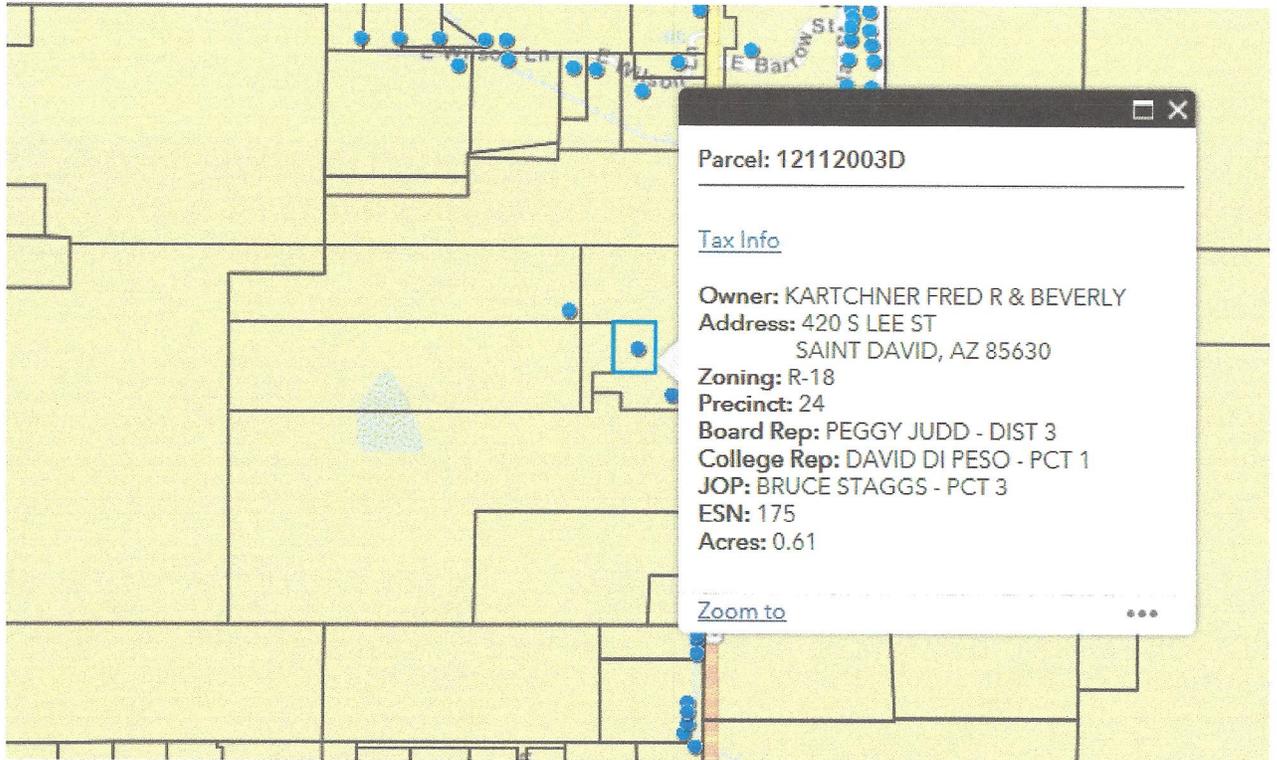
# ATTACHMENT B

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



# ATTACHMENT C

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



# ATTACHMENT D

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Arizona Department of Water Resources  
Kimberly Parks  
P. O. Box 36020  
Phoenix, AZ 85067

ASARCO Incorporated  
Lauren J. Caster Fennemore Craig, P.C.  
2394 east Camelback Road  
Suite 600  
Phoenix, AZ 85016-3429

D. A. Brown, D. E. Brown, J. A. Brown  
Brown & Brown Law Offices, P.C.  
P. O. Box 1890  
St. Johns, AZ 85936

Fred R & Beverly Kartchner  
420 S Lee St  
Saint David, Az 85630

Gila River Indian Community  
Linus Everling and Thomas L. Murphy  
Office of the General Counsel  
P. O. Box 97  
Sacaton, Az 85147

James Kartchner  
Rt. 1, Box 149  
St. David, AZ 85630

Kartchner Farms and Ranches, Inc.  
Rt. 1, Box 149  
St. David, AZ 85630

Magma Copper Company (BHP)  
John D. Burnside  
Snell & Wilmer, L.L.P.  
400 East Van Buren Street  
Suite 1900  
Phoenix, AZ 85004

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Salt River Valley Water Users Association and the Salt River Project Agricultural  
Improvement and Power District  
John B. Weldon, Jr. and Mark A. McGinnis  
Salmon, Lewis & Weldon PLC  
2850 E Camelback Rd, Ste 200  
Phoenix, AZ 85016

Joe P. Sparks and Laurel A. Hermann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

Lucas T. Christian and Julian Nava  
Rosette, LLP  
565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

U. S. Department of Justice  
R. Lee Leininger  
Natural Resources Section  
999 18<sup>th</sup> Street, So Terrace, Ste. 370  
Denver, CO 80202

Yavapai-Apache Nation  
Camp Verde Reservation  
Susan B. Montgomery and Robyn L. Interpreter  
Montgomery & Interpreter, PLC  
3301 E. Thunderbird Road  
Phoenix, AZ 85032