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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. W1-11-2713

ORDER TO INITIATE CONTESTED
CASE AND
ORDER FOR TELEPHONIC STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Hope Iselin Jones IV*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-2713 initiated and telephonic status conference set for **August 10, 2020 at 2:00 p.m.**
NUMBER OF PAGES: 13
DATE OF FILING: June 8, 2020

This Order begins the formal legal process necessary to determine rights for water for irrigation and domestic use on land in section 4 T13S R19E that the Cochise County Assessor has identified as owned by C-Spear LLC, an Arizona limited liability company.

1 In this case, two Statement of Claimant were filed for the legal rights to use water on land
2 that is more specifically shown on the map attached as Attachment A. The land involved in this
3 case is labelled as "(23)". The Arizona Department of Water Resources ("ADWR") investigated
4 those claims and prepared a report known as Watershed File Report 113-12-DBC-023 ("WFR")
5 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Hope
6 Iselin Jones was identified as the owner of the property described in the WFR. The WFR
7 identified a potential water right for irrigation of less than two acres associated with a domestic
8 use. One well is listed as the source of the water. Arizona Department of Water Resources has
9 determined that the well listed in the WFR is located within the subflow zone of the San Pedro
10 River. A copy of the WFR is attached as Attachment B.

11 After the Arizona Department of Water Resources issued the WFR, objections were filed
12 to the findings in the WFR. The purpose of this case to consider the claims made for water
13 rights that were investigated in the WFR and resolve the objections to the WFR.
14

15 **Claimant & Landowner**

16
17 The WFR identified two Statements of Claimant (SOCs) relevant to the potential water
18 right: 39-5823 and 39-14019. Earl J. Kaul filed Statement of Claimant 39-5823 for which the
19 public records of ADWR show assignments of the SOC to the Sweetwater Center. Among the
20 objections was an objection filed by the Conservator of the Estate of Hope I. Jones stating that
21 Statement of Claimant 39-5823 did not apply to the land included within the boundaries of the
22 WFR. The Conservator of the Estate of Hope I. Jones filed Statement of Claimant 39-14019
23 which was assigned to C-Spear LLC in 2018. The records of the Cochise County Assessor
24 identified C-Spear LLC as the owner of tax parcel 209-31-001 shown on Attachment C.

25 **IT IS ORDERED:**

26
27 1. Contested Case. This contested case shall be known as *In re Hope Iselin Jones*
28 *IV* and it will determine water rights asserted in the Statements of Claimant and objections that

1 were filed to Watershed File Report 113-12-DBC-023 published in the Final San Pedro River
2 Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the
3 case name and number on the following website:
4 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
5 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

6 2. Litigants. The litigants in this contested case are the Claimants and all persons
7 who filed objections to the listed watershed file reports who are included on Attachment D, and
8 claimants who are allowed to intervene by order.

9
10 3. Court-Approved Mailing List.

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

16
17 B. A copy of any pleading filed with the Clerk of the Maricopa County
18 Superior Court in this case shall be served upon each person listed on the
19 Court-approved mailing list. No pleadings, correspondence, or
20 documents will be accepted by the Special Master that are not also filed
21 with the Clerk of the Maricopa County Superior Court and mailed to each
22 person listed on the Court-approved mailing list.

23
24 C. Claimants wishing to be added or removed from the mailing list shall file
25 a motion with the Special Master. Parties allowed to intervene will be
26 automatically added to the mailing list.
27
28

1 4. Courtesy Email List.

2 The Special Master's office will email courtesy copies of orders and minute
3 entries entered in this case to persons listed on Attachment D. Requests for
4 inclusions on the email list should be sent to Barbara Brown at
5 brownb099@superiorcourt.maricopa.gov.

6
7 5. Status Conference.

8 A. An initial status conference shall be held to determine whether objections
9 to the WFR can be settled and the amount of time that the parties will
10 require to discuss the resolution of the objections. If the objections
11 cannot be settled between the Claimant and the Objectors, then a
12 scheduling conference will be held at a later date to:

- 13
14 a. identify issues;
15 b. set deadlines to file disclosure statements, conduct discovery,
16 and submit prehearing motions; and,
17 c. fix a date for a trial on the claimed water rights.

18 The Telephonic Status Conference shall be held on **August 10, 2020 at 2:00 p.m.**

19 Instructions for telephonic appearance:

20 Dial: 602-506-9695 (local)

21 1-855-506-9695 (toll free long distance)

22 Dial Participant Pass Code 357264#

23 

24 SUSAN WARD HARRIS

 Special Master

25 On June 8, 2020, the original of the foregoing was delivered to the Clerk
26 of the Maricopa County Superior Court for filing and distributing a copy
27 to all persons listed on the Court-approved mailing list for this contested
28 case, a copy of which is attached hereto as Attachment D, 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

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ATTACHMENT B

LAND OWNER

JONES, HOPE ISELIN
% ALLAN D. BOGUTZ

WATERSHED FILE
REPORT NUMBER

113-12-DBC-023

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-2713

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
36-0029151		IRRIGATION	15.91	NWSE04	130S	190E	1963	NWSE04	130S	190E
39-0005823		IRRIGATION	15.91	NWNWSE04	130S	190E	1918	NWSE04	130S	190E
		DOMESTIC	.13							
		STOCK	.31							
39-0014019		STOCK	8.07				1879	SWSWNE04	130S	190E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0029151	IRRIGATION	IRRIGATION	WO1	OTOO1
39-0005823	IRRIGATION	IRRIGATION	WO1	OTOO1
	DOMESTIC	NONE		
	STOCK	INCIDENTAL		
39-0014019	STOCK	NONE	WO2	

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SENWSE04	130S	190E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO2	SWSWNE04	130S	190E	UNNAMED	GROUNDWATER : ZONE 2 UNUSED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
OTOO1	SWNE04	130S	190E	WO1	GROUNDWATER : ZONE 1	1987	NO	

SHARED USES AND DIVERSIONS

** WATER FROM WO1 FOUND IN FILE (113-12DBC-14) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
OTOO1	39-0005823	36-0029151	1987	1987 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	39-0014019	NONE			

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
OTOO1	REGIONAL	.7	AVE. CROP	50%	5.4 AF/AC	3.8 AFA	

FILINGS AND DECREES

FILING 39-5223 - CLAIMS DOMESTIC WATER USE WHICH DOES NOT APPLY TO THIS PROPERTY.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.
W2 - UNUSED WELL.

USES AND RESERVOIRS

OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #113-12-DBC-14.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
JONES, HOPE ISELIN	113-12-DBC-023
% ALLAN D. BOGUTZ	

WELLS	WELL NAMES	WELL LOCATION		WATER USES SERVED	REMARKS
		SECTION	TWNP RNGE		
W02	UNNAMED	SWSWNE04	130S 190E		WI-11-2713 UNUSED

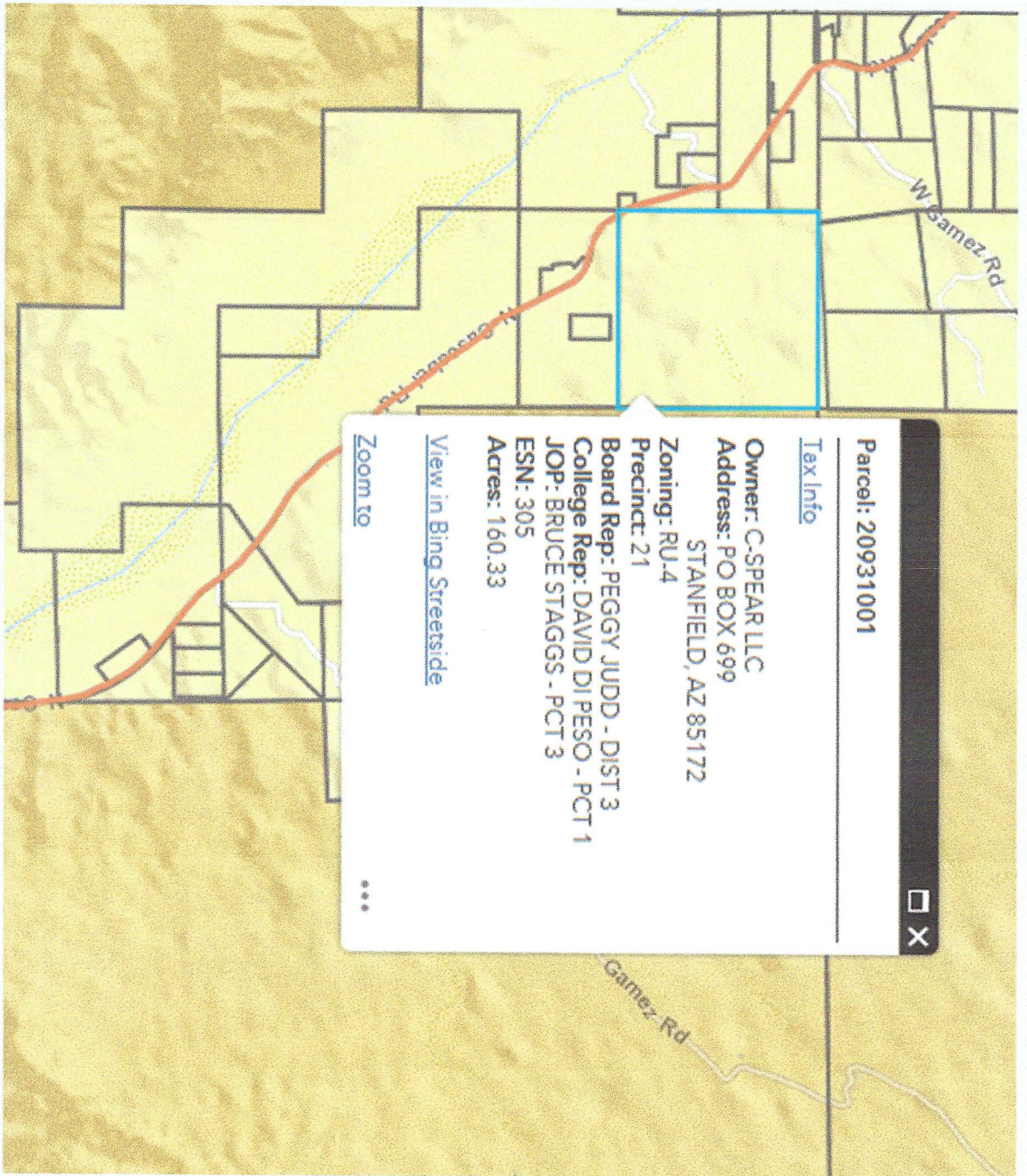
APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0014019	W02	

EXPLANATION

W2 - UNUSED WELL.

ATTACHMENT C

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ATTACHMENT D

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Arizona Department of Water Resources
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Phoenix, AZ 85067

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Clerk of the Superior Court
Maricopa County
Attn: Water Case
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7 Salt River Valley Water Users Association,
8 Salt River Project Agricultural Improvement and Power District
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9 Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste. 200
10 Phoenix, AZ 85016

11 Special Master Susan Ward Harris
12 Superior Court of Arizona
201 W. Jefferson Street
13 Courtroom 301
Phoenix, AZ 85003

14 Sweetwater Center
15 Thomas V. Orum, statutory agent
1125 East Linden Street
16 Tucson, AZ 85719

17 U. S. Department of Justice
18 Patrick Barry, Yosef Negose and Emmi Blades
19 Environment and Natural Resources
P. O. Box 7611
20 Washington, D.C. 20044-7611

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