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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. W1-11-3380
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Sandra Fraser, Daniel and Cindy Tapia, and Norma Luepke*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3380 initiated to resolve objections to Watershed File Report 115-05-AB-004 and sets a Scheduling Conference on May 8, 2019.
NUMBER OF PAGES: 13
DATE OF FILING: March 28, 2019

On July 13, 1984, Victoria S. Tapia filed Statements of Claimant Nos. 39-0333 and 39-4006 claiming a right to water for irrigation and stock watering on land she owned. Arizona Department of Water Resources analyzed those claims in Watershed File Report 115-05-AB-004 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

1 The Watershed File Report identifies potential water rights for domestic and irrigation uses for
2 land located in NESW section 21 and SESW section 21 Township 6S Range 19E. The source
3 of the water for the potential water rights is a diversion by the Salazar-Tapia ditch from the
4 Aravaipa Creek and a well. A copy of the Watershed File Report is attached as Attachment A.
5 This Order initiates the contested case that will resolve the objections to the potential water
6 rights listed in the Watershed File Report.

7 **Ownership of Land**

8 **1. Current Ownership**

9
10 A copy of the map prepared by the Arizona Department of Water Resources identifying
11 the land included in the Watershed File Report is attached as Attachment B. The land at issue
12 is marked with a "4". The Graham County Assessor identifies the land as current tax parcel
13 nos. 110-20-003, 110-20-004, 110-20-013, 110-20-014, and 110-20-015 (the Property). A
14 copy of the Graham County Assessor's map is attached as Attachment C. The Graham County
15 Assessor lists the owners of the Property as follows:

16

Tax Parcel No.	Land Owner
110-20-003	Sandra Fraser, Daniel and Cindy Tapia
110-20-004	Sandra Fraser, Daniel and Cindy Tapia
110-20-013	Sandra Fraser, Daniel and Cindy Tapia
110-20-014	Sandra Fraser, Daniel and Cindy Tapia
110-20-015	Norma Tapia Luepke

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24 **2. Transfers of Ownership**

25 On June 17, 1987, Victoria Tapia quit claimed that property included in current tax
26 parcel nos. 110-20-014 and 110-20-015 to Jose S. Tapia. By deed docketed at 396-961,
27 Victoria Tapia and Jose S. Tapia quit claimed tax parcel nos. 110-20-003, 110-20-004, and
28 110-20-013 to Sandra Fraser, Daniel and Cindy Tapia, and Dale and Lisa Tapia. By quit claim

1 deed recorded on August 26, 1988, Jose Tapia transferred tax parcel no. 110-20-014 to Sandra
2 Fraser, Daniel and Cindy Tapia, and Dale and Lisa Tapia. On November 1, 1988, Sandra
3 Fraser, Daniel Tapia and Dale Tapia filed a Uniform Questionnaire claiming water for
4 irrigation, stock and wildlife watering. By a quit claim deed dated October 20, 2005, Dale
5 Tapia, a widower, quit claimed his interest in tax parcel nos. 110-20-003, 110-20-004, 110-20-
6 013, and 110-20-014 to Sandra Fraser.

7 By quit claim deed filed August 26, 1988, Jose Tapia quit claimed the property included
8 in tax parcel no. 110-20-015 to Norma Tapia-Luepke. On February 14, 2002, Norma Luepke
9 transferred tax parcel no. 110-20-015 to Stewart Title and Trust of Tucson as trustee of Trust
10 Number 3589.

11 **IT IS ORDERED:**

12
13 1. Contested Case. This contested case shall be known as *In re Sandra Fraser,*
14 *Daniel and Cindy Tapia, and Norma Luepke.* It will address the objections that were filed to
15 the Watershed File Report 115-05-AB-004 published in the Final San Pedro River Watershed
16 Hydrographic Survey Report (1991). Copies of objections can be found on the following
17 website:

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

20 2. Litigants. The litigants in this contested case are the Claimant, the current
21 landowners, all persons who filed objections to the listed Watershed File Reports who are
22 included on Attachment D, and claimants who are allowed to intervene by order.

23 3. Court-Approved Mailing List.

24 A. The initial Court-approved mailing list for this case shall include all
25 persons listed on Attachment D to this order. The list may be modified only by
26 filing a motion with the Special Master to amend the Court-approved mailing
27 list. Litigants are responsible for using the current Court-approved mailing list.
28

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 4. Courtesy Email List.

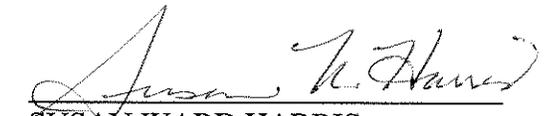
9 The Special Master's office will email courtesy copies of orders and minute
10 entries entered in this case to persons listed on Attachment D. Requests for
11 inclusions on the email list should be sent to Barbara Brown at
12 brownb099@superiorcourt.maricopa.gov.

- 13 5. Scheduling Conference. Pursuant to §8.03[1], Rules for Proceedings before the
14 Special Master, a scheduling conference shall be held to address the
15 adjudication of this case, a schedule to identify issues, file disclosure statements,
16 conduct discovery, submit prehearing motions, and set a trial date, if needed.
17 No party shall conduct any discovery or file any motions prior to the Scheduling
18 Conference. The Scheduling Conference shall be held on **May 8, 2019**, at 1:45
19 p.m. before:
20

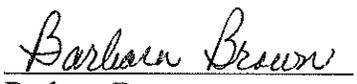
21
22 Special Master Susan Ward Harris
23 Superior Court of Arizona
24 201 West Jefferson Street
Courtroom 301
Phoenix, AZ 85003-2202

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

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SUSAN WARD HARRIS
Special Master

On March 28, 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, 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).


Barbara Brown

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
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FRASER, SANDRA TAPIA, DANIEL & CINDY TAPIA, DALE & LISA & JOSE LUPKE, NORMA	115-05-AB-004

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-3380

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0037255		IRRIGATION	320.00	21	060S	190E	1880	NWNE28	060S	190E
36-0047416		IRRIGATION DOMESTIC STOCK	90.50	NESESW21	060S	190E	1908	NWNE28	060S	190E
36-0061144		IRRIGATION STOCK	90.50	NESESW21	060S	190E	1908	NWNE28	060S	190E
36-0068212		IRRIGATION	10.00	SESW21	060S	190E	1910	SESW21	060S	190E
39-0000333	QUE.RECD	IRRIGATION STOCK	80.00 .09	SESW21	060S	190E	1908	NWNWNE28	060S	190E
39-0000334		IRRIGATION STOCK	5.00 .04	NESESW21	060S	190E	1908	NWNE28	060S	190E
39-0004006	QUE.RECD	DOMESTIC	1.00	NWSESW21	060S	190E	1908	NESESW21	060S	190E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0037255	IRRIGATION	IRRIGATION	DO1	IROO1
36-0047416	IRRIGATION DOMESTIC STOCK	IRRIGATION NONE	DO1	IROO1
36-0061144	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1	IROO1
36-0068212	IRRIGATION	IRRIGATION	DO1	IROO1
39-0000333	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1	IROO1
39-0000334	IRRIGATION STOCK	IRRIGATION INCIDENTAL	DO1	IROO1
39-0004006	DOMESTIC	DOMESTIC	WO1	DMOO1

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	SESNWNE28 060S 190E	SALAZAR-TAPIA DITCH	SURFACE WATER: ARAVAIPA CREEK
WO1	NESESW21 060S 190E	UNNAMED	SHARED GROUNDWATER : CATALOGUED

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE FACILITY NAME
DMOO1	NESESW21 060S 190E	WO1	GROUNDWATER : CATALOGUED		NO
IROO1	SESW21 060S 190E	DO1	SURFACE WATER	1935	NO

SHARED USES AND DIVERSIONS

** WATER FROM DO1 FOUND IN FILE (115-5-AC-5) IS USED IN THIS FILE

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0004006	NONE		
IR001	39-0000333 39-0000334	36-0037255 36-0047416 36-0061144 36-0068212	1867 SEE EXPLANATION	GROUNDWATER : CATALOGUED SURFACE WATER: ARAVAIPA CREEK

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
DM001							
IR001	MAX. OBSERVED REGIONAL	6.2	PERM. PSTR	32%	9.9 AF/AC	61.4 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT
	MAX. POTENTIAL	6.2	AVE. CROP	50%	5.4 AF/AC	33.5 AFA	
		6.2	ALFALFA	32%	10.4 AF/AC	64.5 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-333 & 39-4006 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ABOUT WATER USE AMOUNTS AND LOCATIONS.

DIVERSIONS

- D1 - DIVERSION FROM ARAVAIPA CREEK INTO THE SALAZAR-TAPIA DITCH.
- W1 - A CATALOGUED WELL PROVIDES WATER FOR DOMESTIC AND STOCKWATERING USES.

USES AND RESERVOIRS

- DM1 - DOMESTIC USE.
- IR1 - IRRIGATED PASTURE.

PWR SUMMARY

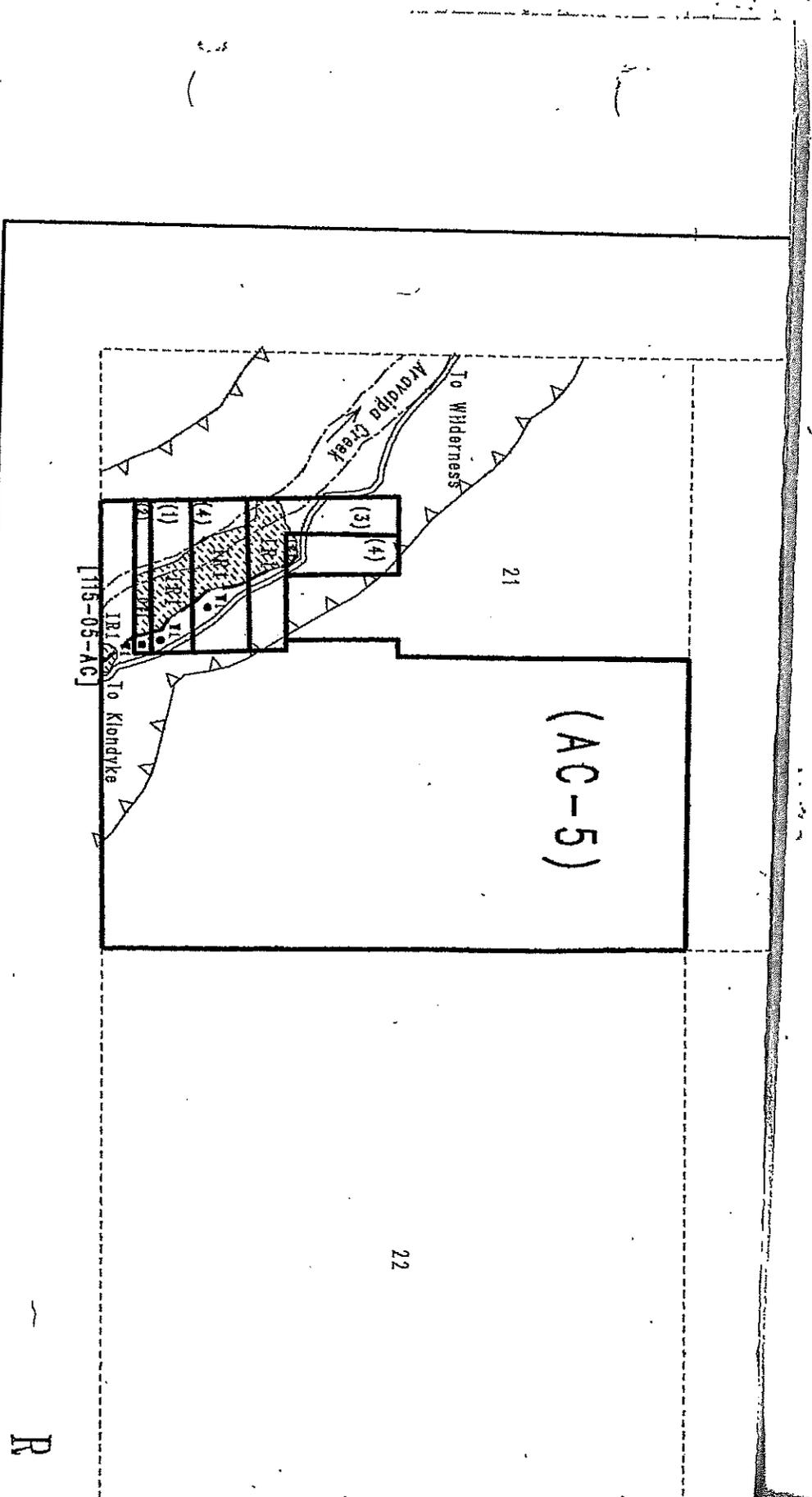
IR1 - AN AFFIDAVIT CLAIMING A PRIORITY DATE OF 1867 REFERS TO WATER USES ON THIS PROPERTY.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH STATED THEY WOULD LIKE A PARTIAL ASSIGNMENT ON THE SALAZAR-TAPIA DITCH.

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ATTACHMENT B



(AC-5)

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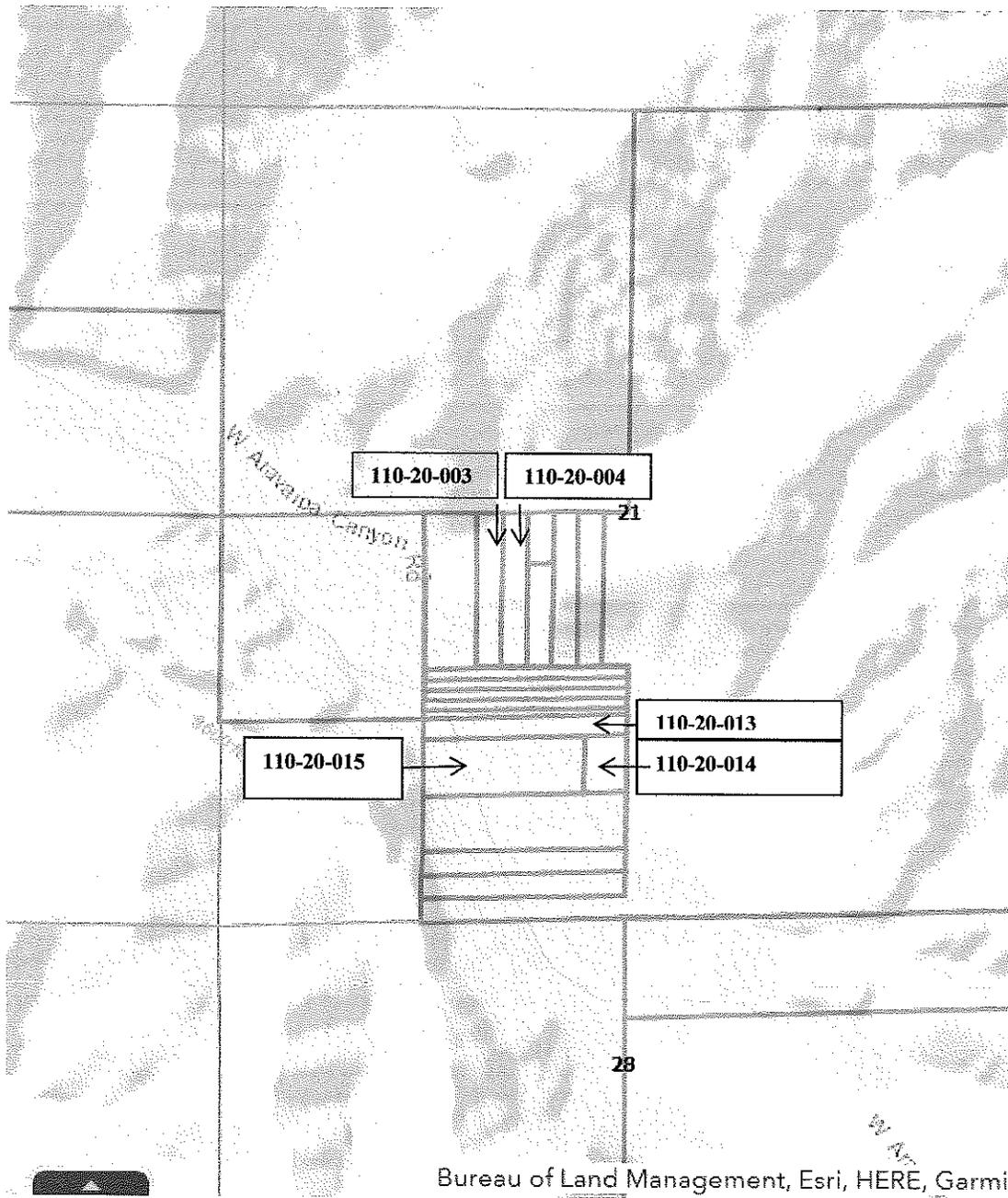
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[115-05-AC]

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ATTACHMENT C

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Bureau of Land Management, Esri, HERE, Garm...

ATTACHMENT D

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

City of Phoenix
200 West Washington Street, 13th Floor
Phoenix, AZ 85003-1611

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

Norma Tapia-Luepke
3630 Leahi Avenue
Honolulu, HI 96815

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

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

Sandra Fraser
Daniel J. & Cindy Tapia
P. O. Box 165
Dragoon, Az 85609-0165

Stewart Title Trust Dept.
P. O. Box 42200
Tucson, AZ 85733-2200

1 U. S. Department of Justice
Patrick Barry
2 Environmental and Natural Resources
P. O. Box 7611
3 Washington D.C. 20044-7611

4
5 Victoria S. Tapia
Klondyke Rural Station
6 Willcox, AZ 85643

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

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