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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. W1-11-0914

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Philip and Anne McKeown*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR

DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 7, 2021** at **1:40 p.m.**

NUMBER OF PAGES: 15

DATE OF FILING: August 10, 2021

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land that the Cochise County Assessor has identified as owned by Brandon Miller and Brandy Harper. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River watershed to determine legal rights to

1 water. Other cases in which claims have been made for legal rights to water in the San Pedro
2 River Watershed have been completed, are in the process of determining water rights, or
3 awaiting initiation. The purpose of the General Adjudication is to determine the rights of those
4 persons who filed statements of claimant for rights to use appropriable water in the San Pedro
5 River Watershed. The General Adjudication will also determine water rights in the Upper Salt,
6 Verde, Upper Gila, Lower Gila, Agua Fria and Upper Santa Cruz watersheds.

7 In this case, Philip and Anne McKeown ("Claimants") filed Statement of Claimant 39-
8 11489 on January 5, 1982 for rights to water for use on land in SESE Section 12 Township 23S
9 Range 20E. The Arizona Department of Water Resources ("ADWR") investigated the claim,
10 which it characterized as a claim for irrigation and domestic uses, and prepared a report known
11 as Watershed File Report No. 111-23-BD-029 ("WFR") published in the Final San Pedro River
12 Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment
13 A.

14 The WFR found an irrigation use and a domestic use of water on the land supplied by
15 the Nicksville Water Company. After ADWR issued the WFR, objections were filed to the
16 findings made in the WFR. The purpose of this case is to consider the claims made for water
17 rights that are the subject of the WFR and resolve the objections to the WFR.

18 19 **Claimant & Landowners**

20
21 The WFR identified one Statement of Claimant ("SOC") relevant to the potential water
22 right: 39-11489. Philip and Anne McKeown filed the SOC claiming water for domestic and
23 irrigation uses. The WFR lists Philip and Anne McKeown as the owners of the property
24 described as located in the southeast quarter of the southeast quarter of Section 12 Township
25 23S Range 20E. The public records maintained by ADWR do not include an assignment of the
26 SOC from the Claimants to the successor landowners.

27 The records of the Cochise County Recorder include a warranty deed from Philip and
28 Anne McKeown to Jeffrey and Kimberly Shell in 1995, recorded as document 1995-15077,

1 that identified the property as tax parcel 105-51-007. Jeffrey and Kimberly Shell then
2 conveyed the property by warranty deed to Carlos and Migdalia Diaz in 1998, recorded as
3 document 1998-18182. The property was conveyed again by warranty deed to Santiago
4 Anschutz in 2014, recorded as 2014-03479. The property was finally conveyed to the current
5 owners, Brandon Miller and Brandy Harper, in 2015 by warranty deed, recorded as 2015-
6 04626 as tax parcel 105-51-007. The Cochise County Assessor lists Brandon Miller and
7 Brandy Harper as the current owners of tax parcel 105-51-007. A copy of a map prepared by
8 the Cochise County Assessor showing tax parcel 105-51-007 is attached as Attachment B. The
9 public records of ADWR do not include a Statement of Claimant filed by anyone other than
10 Phillip and Anne McKeown for this property.

11
12

IT IS ORDERED:

13 1. Contested Case. This contested case shall be known as *In re Phillip and Anne*
14 *McKeown* and it will determine appropriable water rights asserted in the Statement of Claimant
15 and objections that were filed to Watershed File report 111-23-DB-029 published in the Final
16 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
17 found under the case name and number on the following 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 Claimants, the current
21 landowners, all persons who filed objections to the WFR, and parties who are allowed to
22 intervene by order.

23 3. Court-Approved Mailing List.
24
25 A. The initial Court-approved mailing list for this case shall include all
26 persons listed on Attachment C to this order. The list may be modified
27 only by filing a motion with the Special Master to amend the Court-
28

1 approved mailing list. Litigants are responsible for using the current
2 Court-approved mailing list.

3 B. A copy of any pleading filed with the Clerk of the Maricopa County
4 Superior Court in this case shall be served upon each person listed on the
5 Court-approved mailing list.


6 C. Claimants wishing to be added or removed from the mailing list shall file
7 a motion with the Special Master. Parties allowed to intervene will be
8 automatically added to the Court-approved mailing list.

9
10 D. The Clerk of the Court will send copies of all minute entries and orders
11 issued in this case to the parties listed on the Court-approved mailing
12 list. Upon request, the Clerk of the Court will provide copies by email.
13 Parties may request emailed copies of minute entries and orders by
14 completing and submitting a CONSENT FOR ELECTRONIC RECEIPT
15 OF WATER CASE DOCUMENTS, which is attached as Attachment D.
16

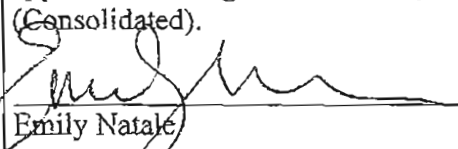
17 4. Status Conference. An initial status conference shall be held to determine
18 whether the current landowners Brandon Miller and Brandy Harper intend to pursue claims for
19 rights to appropriable water for domestic or irrigation use. If no person claiming a water
20 right appears at the Status Conference, then Statement of Claimant 39-11489 and this case will
21 be dismissed and no further action will be taken with respect to the WFR or the objections filed
22 to the WFR.
23

24 The Status Conference shall be held on **October 7, 2021 at 1:40 p.m.** The Status
25 Conference shall be held using the Court Connect program. Instructions for Court Connect are
26 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court
27 Connect Hearing" on the attached instructions to make an appearance. If you do not receive
28

1 this Order by email, log into the Court Connect program on the internet by typing
2 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may
3 attend telephonically using the telephone number and access code included in the instructions
4 for Court Connect.

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8 SUSAN WARD HARRIS
Special Master

9
10 On August 10, 2021, the original of the foregoing was
11 delivered to the Clerk of the Maricopa County Superior
12 Court for filing and distributing a copy to all persons
13 listed on the Court-approved mailing list for this
14 contested case, a copy of which is attached hereto as
Attachment C, 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
MCKEOWN, PHILIP	111-23-BD-029
& ANNE M.	

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 SECTION	LOCATION TWNP	RNGE
39-0011489	QUE.RECD	IRRIGATION DOMESTIC		SESE12	230S	200E	1981	SESE12	230S	200E

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
39-0011489	IRRIGATION DOMESTIC	MUNICIPAL MUNICIPAL		

P W R S U M M A R Y

FWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0011489	NONE		

E X P L A N A T I O N

FILINGS AND DECREES

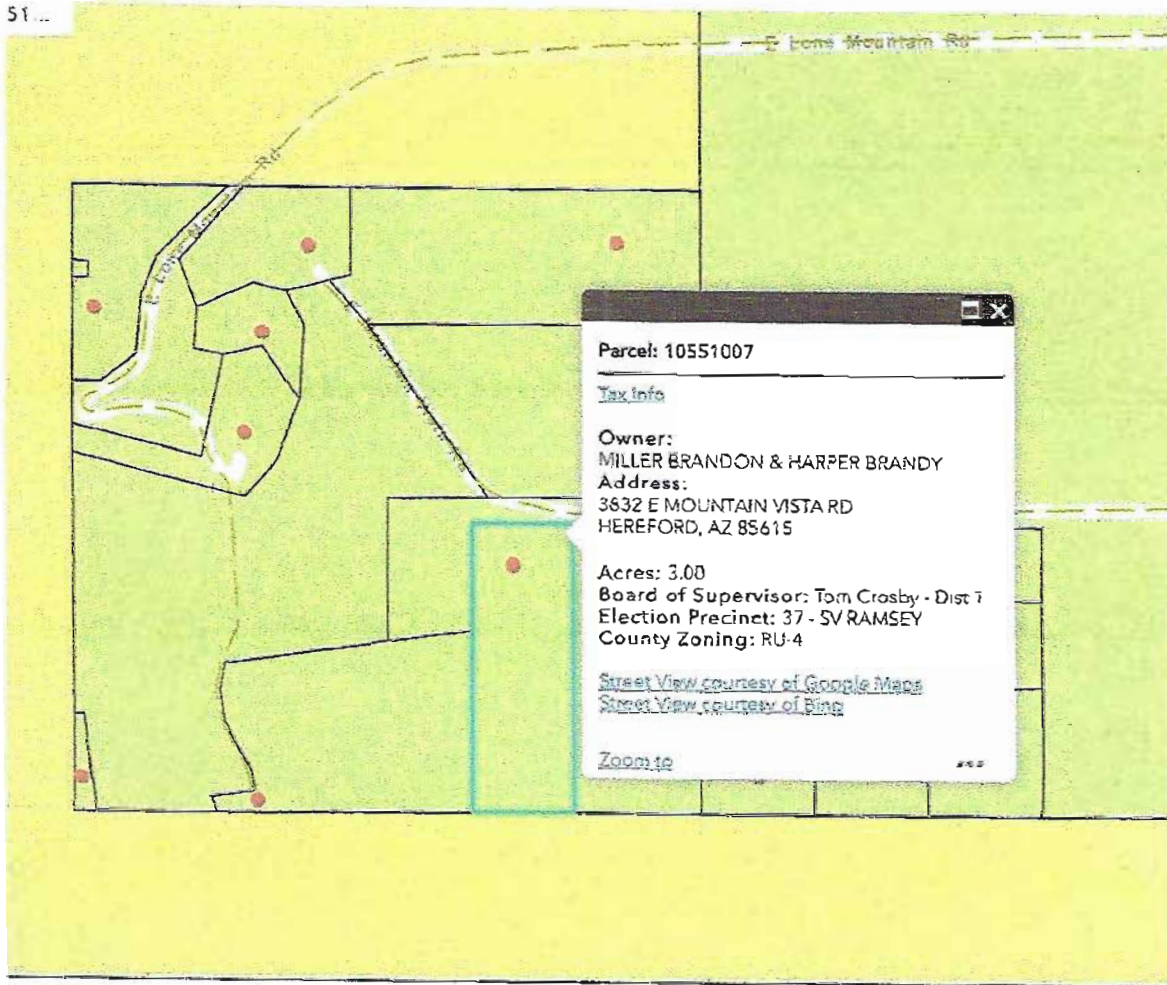
FILING 39-11489 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED WATER USE AND DIVERSION LOCATIONS.

USES AND RESERVOIRS

IRRIGATION AND DOMESTIC WATER USES ARE SUPPLIED BY THE NICKSVILLE WATER COMPANY.

ATTACHMENT B

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ATTACHMENT C

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

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

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

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The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

McKeown Family Trust
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Hereford, AZ 85615

Brandon Miller and Brandy Harper
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Hereford, AZ 85615

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and Lauren Mulhern
Rosette, LLP
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Chandler, AZ 85225

S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, AZ 85032

1 Special Master Susan Ward Harris
2 Superior Court of Arizona
3 201 W. Jefferson Street
4 Courtroom 301
5 Phoenix, AZ 85003

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ATTACHMENT D

**CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA**

Jeff Fine
Clerk

**MARICOPA COUNTY
Customer Service Center
601 West Jackson
Phoenix, AZ 85003**

602 372-4115
Water Case Clerk

CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to Mayra.Antelo@Maricopa.Gov.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Name [Printed]:

Signature:

Date:

Thank you,

Mayra Antelo
Clerk of the Superior Court
Water Case Specialist
(602) 372-5375 options 7,1,3,4

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ATTACHMENT E



Court Connect Hearing Notice for In re Philip and Anne McKeown

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Philip and Anne McKeown, Contested Case No. W1-11-0914

Start Date/Time: October 7, 2021 at 1:40 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

