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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. W1-11-1365

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re David W. Stickland*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR

DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 21, 2021** at **1:30 p.m.**

NUMBER OF PAGES: 15

DATE OF FILING: August 17, 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 Sandra Jean, the trustees of the Hopper Living Trust, and Janice Eberhardt and Vicki Nelson. This contested case is one of the many cases in the General Stream Adjudication for

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

8 In this case, David W. Stickland ("Claimant") filed Statement of Claimant 39-11911 on
9 January 3, 1985 for rights to water for use on land in SWNW Section 10 Township 24S Range
10 22E. The Arizona Department of Water Resources ("ADWR") investigated the claim, which it
11 characterized as a claim for an irrigation use from a well, and prepared a report known as
12 Watershed File Report No. 111-24-CC-002 ("WFR") published in the Final San Pedro River
13 Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment
14 A.

15 The WFR showed no irrigation use on the land described in the WFR. The Arizona
16 Department of Water Resources also found a well on the property that was not in use. After
17 ADWR issued the WFR, objections were filed to the findings made in the WFR. The purpose
18 of this case is to consider the claims made for water rights that are the subject of the WFR and
19 resolve the objections to the WFR.
20

21 **Claimant & Landowners**

22
23 The WFR identified one Statement of Claimant ("SOC") relevant to the potential water
24 right: 39-11911. David W. Stickland filed the SOC claiming water for irrigation uses diverted
25 from a well registered as 55-505865. The public records maintained by ADWR do not include
26 an assignment of the SOC from the Claimant to the successor landowners. The public records
27 of ADWR do contain a Statement of Change of Well Ownership for 55-505865 from Richard
28 Fiorentino to Sandra Jean and Joleen E. Gross on October 15, 1996.

1 The WFR lists David W. and Margaret L. Stickland as the owners of the property
2 described as located in the southwest quarter of the northwest quarter of Section 10 Township
3 24S Range 22E. The records of the Cochise County Recorder include a warranty deed from
4 Margaret L. Stickland to Edward H. Mendoza on October 12, 1993, recorded as document
5 1993-27697 and listed as parcel no. 104-48-028. Edward H. Mendoza conveyed portion of tax
6 parcel no. 104-84-028 to James A. Collins and Susan E. Kelly by joint tenancy deed on July
7 17, 1995, recorded as document 1995-17327, Kerry P. Jobusch by warranty deed on September
8 18, 1995, recorded as document 1995-23144, and Richard Fiorentino on July 29, 1996 and
9 August 13, 1996, recorded as documents 1996-20051 and 1996-21438 respectively. The
10 Cochise County Assessor lists Janice E. Eberhardt and Vicki S. Nelson as the current owners of
11 tax parcel no. 104-84-028B. It names Richard W. and Kerry P. Hopper as Trustees of the
12 Hopper Living Trust as the current owners of tax parcel no. 104-84-028D, and Sandra Jean as
13 the current owner of tax parcel nos. 104-84-028F and 104-84-028E. A copy of a map prepared
14 by the Cochise County Assessor showing these tax parcels and the current owners is attached
15 as Attachment B. A warranty deed recorded on August 2, 2021, names Sandra Jean as the
16 grantor of tax parcels 104-84-028E and 104-84-028F to Richard Krug and Nancy Krug, as
17 grantees.

18
19 **IT IS ORDERED:**

20 1. Contested Case. This contested case shall be known as *In re David W. Stickland*
21 and it will determine appropriable water rights asserted in the Statement of Claimant and
22 objections that were filed to Watershed File Report 111-24-CC-002 published in the Final San
23 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
24 found under the case name and number on the following website:
25 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
26 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
27
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1 2. Litigants. The litigants in this contested case are the Claimant, the current
2 landowners, all persons who filed objections to the WFR, and parties who are allowed to
3 intervene by order.

4
5 3. Court-Approved Mailing List.

6 A. The initial Court-approved mailing list for this case shall include all
7 persons listed on Attachment C to this order. The list may be modified
8 only by filing a motion with the Special Master to amend the Court-
9 approved mailing list. Litigants are responsible for using the current
10 Court-approved mailing list.

11
12 B. A copy of any pleading filed with the Clerk of the Maricopa County
13 Superior Court in this case shall be served upon each person listed on the
14 Court-approved mailing list.


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

18
19 D. The Clerk of the Court will send copies of all minute entries and orders
20 issued in this case to the parties listed on the Court-approved mailing
21 list. Upon request, the Clerk of the Court will provide copies by email.
22 Parties may request emailed copies of minute entries and orders by
23 completing and submitting a CONSENT FOR ELECTRONIC RECEIPT
24 OF WATER CASE DOCUMENTS, which is attached as Attachment D.

25
26 4. Status Conference. An initial status conference shall be held to determine
27 whether the Claimant or the current landowners intend to pursue claims for rights to
28

1 appropriate water for irrigation use. If no person claiming a water right appears at the Status
2 Conference, then Statement of Claimant 39-11911 and this case will be dismissed and no
3 further action will be taken with respect to the WFR or the objections filed to the WFR.

4 The Status Conference shall be held on **October 21, 2021 at 1:30 p.m.** The Status
5 Conference shall be held using the Court Connect program. Instructions for Court Connect are
6 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court
7 Connect Hearing" on the attached instructions to make an appearance. If you do not receive
8 this Order by email, log into the Court Connect program on the internet by typing
9 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may
10 attend telephonically using the telephone number and access code included in the instructions
11 for Court Connect.
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16 SUSAN WARD HARRIS
17 Special Master

18 On August 17, 2021, the original of the foregoing was
19 delivered to the Clerk of the Maricopa County Superior
20 Court for filing and distributing a copy to all persons
21 listed on the Court-approved mailing list for this
22 contested case, a copy of which is attached hereto as
23 Attachment C, and to all persons listed on the Court-
24 approved mailing list for W-1, W-2, W-3, and W-4
(Consolidated).

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29 Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
STICKLAND, DAVID W.	111-24-CC-002
& MARGARET L.	

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 LOCATION SECTION	TWNP	RNGE
39-0011911	QUE.RECD	IRRIGATION	.04	SWNW10	24OS	22OE	1983	SWNW10	24OS	22OE

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
39-0011911	IRRIGATION	NONE		

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	NESWNW10	24OS	22OE	UNNAMED	GROUNDWATER : ZONE 2 UNUSED

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0011911	NONE		

E X P L A N A T I O N

FILINGS AND DECREES

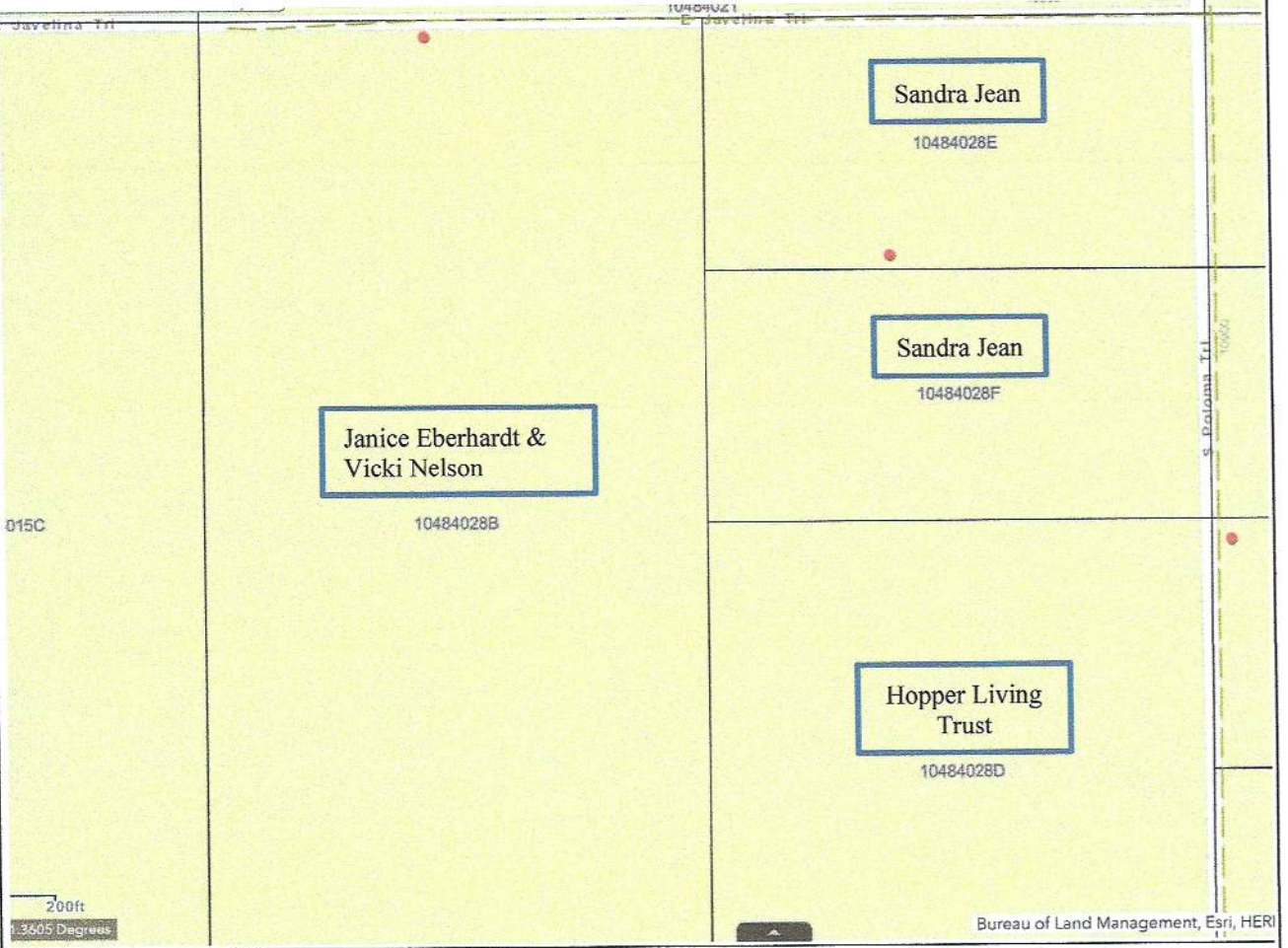
FILING 39-11911 - CLAIMS AN IRRIGATION WATER USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.
 FILING 39-11911 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

DIVERSIONS

W1 - UNUSED WELL.

ATTACHMENT B

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ATTACHMENT C

1
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3 Arizona Department of Water Resources

4 Kimberly Parks
5 P. O. Box 36020
6 Phoenix, AZ 85067

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

10 David W. Stickland
11 200 Balfour Pl.
Sierra Vista, AZ 85635

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

17 Hopper Living Trust
18 C/O Richard & Kerry Hopper
19 2141 Lexington Dr.
20 Sierra Vista, AZ 85635

21 Janice E. Eberhardt & Vicki S. Nelson
22 4027 N. Twin Buttes Ct. #20
23 Douglas, AZ 85607

24 Joe P. Sparks and Laurel A. Herrmann
25 The Sparks Law Firm, P.C.
26 7503 First Street
Scottsdale, AZ 85251-4573

27 Richard Palmer, Jr., Jeremiah Weiner
28 and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

Sandra Jean
10946 E. Javelina Trail
Hereford, AZ 85615

1 S. Montgomery, R. Interpreter, J. Tomkus
2 Montgomery & Interpreter, Plc
3 3301 E. Thunderbird Road
4 Phoenix, AZ 85032

5 Special Master Susan Ward Harris
6 Superior Court of Arizona
7 201 W. Jefferson Street
8 Courtroom 301
9 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 David W. Stickland

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 David W. Stickland, Contested Case No. W1-11-1365

Start Date/Time: October 21, 2021 at 1:30 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](#)

