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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA
8

9 IN RE THE GENERAL
10 ADJUDICATION OF ALL RIGHTS
11 TO USE WATER IN THE GILA
12 RIVER SYSTEM AND SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. **W1-11-1483**

13 **ORDER INITIATING CONTESTED**
14 **CASE AND SETTING INITIAL**
15 **CONFERENCE**

16 CONTESTED CASE NAME: *In re Lee E. and Sharie H. Taylor*

17 HSR INVOLVED: San Pedro Hydrographic Survey.

18 DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-1483. Initial conference set for **Tuesday, October 8, 2024 at 11:00**
20 **am.**

21 NUMBER OF PAGES: 16

22 **General Explanation**

23 This order opens a case to determine rights to use water on land that the Cochise
24 County Assessor has identified as owned by Snow Development LLC and Rancho Fiesta
25 Land and Cattle Company. The first step in this case is an initial conference with the
26 Court, scheduled for **Tuesday, October 8, 2024 at 11:00 am.**, to determine if each
27 landowner is interested in pursuing water rights claims. Each current landowner **MUST**
28 attend the scheduled initial conference if they plan to pursue water rights claims. Failure

1 to appear at the initial conference could result in the dismissal of the case and the loss of
2 potential surface water rights.

3 In this case, White House Ranch and Lee E. Taylor (“Claimants”) filed Statements
4 of Claimant (“SOCs”) 39-2809, 39-2810, 39-2811, 39-4840, and 39-6326 to assert claims
5 to use water on land that appears to comprise the Cochise County tax parcel 208-10-
6 014B.

7 During the initial conference, each current landowner must state whether he or she
8 intends to pursue water rights claims.

9
10 **Additional background information on the process for determining water**
11 **rights in Arizona can be found on Attachment A.**

12
13 **Details of the Case**

14 SOC 39-2809, 39-2810, 39-2811, 39-4840, and 39-6326 contains the following
15 claim(s):

Use	Quantity	Location	Source
Irrigation	2216 acre-feet annually (AFA)	NWSW28, NE29, NE31 T15S, R20E	Groundwater
Irrigation	2180 AFA	NE29, NE31, NW32 T15S, R20E	Groundwater
Irrigation	52 AFA	SWNW28	Groundwater
Domestic	0.45 AFA	NWNW28 T15S R20E	Groundwater
Stock and wildlife watering	1.50 AFA	NW28 T15S R20E	Groundwater

22
23 The Arizona Department of Water Resources (“ADWR”) investigated the claims
24 made by the Claimant and prepared Watershed File Report (“WFR”) 112-14-DAD-002,
25 published in the Final San Pedro Watershed Hydrographic Survey Report (1991)
26 (“HSR”). The WFR recorded the following use(s):
27
28

Use	Quantity	Location	Source
Irrigation	4.8 acres of irrigated land	NWNW28 T15S, R20E	Groundwater
Irrigation	4.3 acres of irrigated land	SWNW 28 T15S, R20E	Groundwater
Domestic	Not reported	NENWNW28 T15S R20E	Groundwater

A copy of the WFR is attached as Attachment B. A map, prepared by ADWR, showing the area investigated is attached as Attachment C.

After ADWR issued the WFR, objections were filed to the findings made in the WFR by Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation, Magma Copper Company (now BHP Copper), ASARCO Inc., Salt River Project, and the United States. The objections are summarized in the table below.

Objector(s)	Summary
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation	<ul style="list-style-type: none"> • The water claimed depletes water for federal and Indian rights • Absence of well registration • Absence of water use rate • Absence of basis of right • Quantity claimed exceeds quantity necessary for beneficial use • Inaccurate description of place of use • Inaccurate methodology for estimating quantity of right
Magma Copper Company and ASARCO Inc.	<ul style="list-style-type: none"> • Groundwater not subject to adjudication • The wells at issue do not deplete water for federal and Indian rights;
Salt River Project	<ul style="list-style-type: none"> • Incorrect methodology for calculating quantity of use • Absence of diversion rate;

The purpose of this case is to consider the claims in SOC's 39-2809, 39-2810, 39-2811, 39-4840, and 39-6326 and to resolve the objections to WFR No. 112-14-DAD-002.

1 **Claimant and Landowners**

2 WFR 112-14-DAD-002 lists Lee and Sharie H. Taylor as the owner(s) of the
3 property investigated in 1990. According to maps obtained from the Cochise County
4 Assessor's ('Assessor') website, the land investigated appears to comprise parcels 208-
5 10-014B.

6 A copy of the map showing the relevant tax parcels and current ownership is
7 attached as Attachment D. The public records of ADWR do not contain any assignments
8 of the SOC listed in the WFR. Further, landowners do not appear to have filed any
9 additional SOC's since the issuance of the HSR.

10 In order to obtain a decreed water right, each property owner must present to the
11 Court an SOC claiming a water right and evidence of that right. This evidence may
12 include the relevant WFR. Further, property owners must ensure that all water rights
13 claims are paired with the appropriate basis of right, e.g. a statement of claim, decree,
14 stockpond registration, or water rights certificate.

15 If either the property owner proves to the Court the existence of a water right on
16 their property or enters into a valid settlement approved by the Court, the court will
17 recognize an enforceable water right in a "Final Decree." Ariz. Rev. Stat. § 45-257(B).

18 This is an order from the Court, and all parties must comply with the following
19 instructions. The failure to obey this, or any, court order may result in the dismissal of
20 this case and the loss of potential surface water rights. If you have questions regarding
21 this Order or any of the attachments, please contact the General Stream Adjudication,
22 Office of the Special Water Master, at (602) 372-4115. Please note that staff can only
23 answer administrative questions and cannot provide legal advice.

24 **IT IS ORDERED:**

25 **1. Case Initiation.** This order initiates contested case W1-11-1483, In re Lee E.
26 and Sharie H. Taylor. This case will resolve claims to use appropriable water
27 asserted in Statement(s) of Claimant 39-2809, 39-2810, 39-2811, 39-4840, and 39-
28

6326 and objections that were filed to Watershed File Report No. 112-14-DAD-002.

2. Initial Conference. An initial conference shall be held on **Tuesday, October 8, 2024 at 11:00 am.** to determine whether each current landowner intends to pursue claims for water rights. The conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment E. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.

3. Parties. The litigants in this contested case are the claimant(s), the current landowner(s), and all parties who filed objections to the Watershed File Report. The objector(s) in this case are Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation, Magma Copper Company, ASARCO Inc., Salt River Project, and the United States.

4. Objections. Copies of objections filed to this case can be found under the respective case names and numbers on the following website: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>.

5. Court-Approved Mailing List.

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

B. A copy of any pleading filed with the Clerk of the Maricopa County

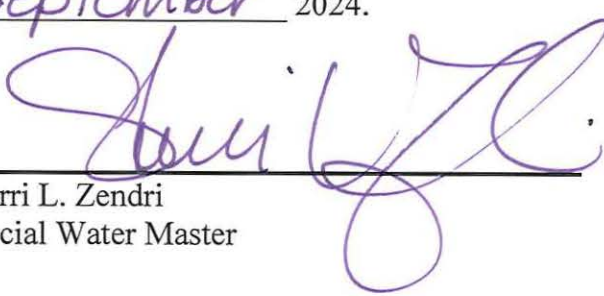
1 Superior Court in this case shall be served upon each person listed on the
2 Court-approved mailing list.

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

6 D. The Clerk of the Court will send copies of all minute entries and orders
7 issued in this case to the parties listed on the Court-approved mailing list.

8 E. Claimants who would like to receive courtesy copies of minute entries
9 and orders may request inclusion on an email list by sending a request to
10 emily.natale@jbazmc.maricopa.gov.

11 Signed this 9th day of September 2024.

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15 Sherri L. Zendri
16 Special Water Master

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20 On September 9, 2024, the original of
21 the foregoing was delivered to the Clerk of the
22 Maricopa County Superior Court for filing and
23 distributing a copy to all persons listed on the
24 Court-approved mailing list for this contested
25 case, a copy of which is attached, and to all
26 persons listed on the Court-approved mailing list
27 for W1, W2, W3, and W4.

28 
Emily Natale

ATTACHMENT A

General Background on the Water Rights Determination Process in Arizona

A general stream adjudication is a judicial proceeding to determine the quantity and priority of all water rights in a river system. Arizona is undertaking general stream adjudications of both the Gila River and the Little Colorado River systems. A river system includes surface water flowing “in streams or other natural channels,” groundwater sufficiently connected to that surface water, and water subject to claims by the federal government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the priority of such rights is important in Arizona where times of drought or water scarcity can occur.

All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a property owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-254(A). This person is the “claimant.” The SOC contains, among other characteristics, a description of the source and quantity of the water used, the location of use, the location from which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

After the property owner files the SOC, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOC and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report (“HSR”) and publishes the report for public review and comment. In response, other claimants in the Adjudication may file “objections” disputing the information or recommendations in the WFR. The individuals who file objections are called “objectors.”

This “contested case”, one of thousands in the Gila River System, will evaluate claims asserted in specific Statements of Claimant while considering objections to the WFR that reported ADWR’s initial inspection of those claims.

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ATTACHMENT B
Watershed File Report

AS OF 10/11/91

LAND OWNER

TAYLOR, LEE E.
& SHARIE H.WATERSHED FILE
REPORT NUMBER

112-14-DAD-002

PHOTO ID - 18-4 (87)

QUAD 1 - GALLETA FLAT EAST

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
38-0080570		STOCK	.29	SWNW28	150S	200E	1970	SWNW28	150S	200E
39-0002808		IRRIGATION	2216.00	NWSW28 NE29 NE31	150S 150S 150S	200E 200E 200E	1979	SESWNW28	150S	200E
39-0002809		IRRIGATION	2216.00	NWSW28 NE29 NE31	150S 150S 150S	200E 200E 200E	1979	SEENW32	150S	200E
39-0002810		IRRIGATION	2216.00	NWSW28 NE29 NE31	150S 150S 150S	200E 200E 200E	1965	SEENW32	150S	200E
39-0002811		IRRIGATION	2180.00	NE29 NE31 NW32	150S 150S 150S	200E 200E 200E	1965	SWSENE31	190S	200E
39-0004840		IRRIGATION	2216.00	NWSW28 NE29 NE31	150S 150S 150S	200E 200E 200E	1980	NESENW32	190S	200E
39-0006326		IRRIGATION DOMESTIC STOCK REC/FISH/WLDF	52.00 .45 1.50 1.50	SWNW28 NWNW28 NW28	150S 150S 150S	200E 200E 200E	< 1960	SWSWNW28	150S	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
38-0080570	STOCK	STOCKWELL		
39-0002808	IRRIGATION	IRRIGATION	W04	IR002
39-0002809	IRRIGATION	IRRIGATION	W01	IR002
39-0002810	IRRIGATION	IRRIGATION	W02	IR002
39-0002811	IRRIGATION	IRRIGATION	W05	IR002
39-0004840	IRRIGATION	IRRIGATION	W03	IR002
39-0006326	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL	W06, W07	DM001, IR001

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SEENW32	150S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
W02	SEENW32	150S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
W03	NESENW32	150S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

D I V E R S I O N S

(CONTINUED)

112-14-DAD-002

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W04	SESWNW32	150S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
W05	SWSENE31	150S	200E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
W06	NWSWNW28	150S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W07	SWNWNW28	150S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W08	SWNWNW28	150S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NENWNW28	150S	200E	W07, W08	GROUNDWATER : ZONE 1		NO	
IR001	NWNW28	150S	200E	W06, W07, W08	GROUNDWATER : ZONE 1	1967	NO	
IR002	SWNW28	150S	200E	W01, W02, W03 W04, W05	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1972	NO	

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM W01 FOUND IN FILE (112-14-DAC-1) IS USED IN THIS FILE
 ** WATER FROM W02 FOUND IN FILE (112-14-DAC-1) IS USED IN THIS FILE
 ** WATER FROM W03 FOUND IN FILE (112-14-DAC-1) IS USED IN THIS FILE
 ** WATER FROM W04 FOUND IN FILE (112-14-DAC-1) IS USED IN THIS FILE
 ** WATER FROM W05 FOUND IN FILE (112-14-DAC-1) IS USED IN THIS FILE

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
DM001	39-0006326	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR001	39-0006326	NONE	1967 1967 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR002	39-0002808 39-0002809 39-0002810 39-0002811 39-0004840	NONE	1972 1972 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE	38-0080570		GROUNDWATER : ZONE 2

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							SEE VOLUME 1 - GENERAL ASSESSMENT
IR001	MAX. OBSERVED	4.8	PERM. PSTR	38%	8.3 AF/AC	39.8 AFA	
	REGIONAL	4.8	AVE. CROP	50%	5.4 AF/AC	25.9 AFA	
	MAX. POTENTIAL	4.8	ALFALFA	38%	8.8 AF/AC	42.2 AFA	
IR002	MAX. OBSERVED	4.3	FALL GRAINS	38%			
	REGIONAL	4.3	AVE. CROP	50%	5.4 AF/AC	23.2 AFA	
	MAX. POTENTIAL	4.3	ALFALFA	38%	8.8 AF/AC	37.8 AFA	

E X P L A N A T I O N

DIVERSIONS

W1-W6 - WELLS PROVIDE WATER FOR IRRIGATION USES.

W7 & W8 - WELLS PROVIDE WATER FOR IRRIGATION, DOMESTIC AND STOCKWATERING USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR1 - IRRIGATED PASTURE.

IR2 - IRRIGATED SMALL GRAINS.

A TAILWATER RESERVOIR COLLECTS RUN-OFF IRRIGATION WATER.

SHARED USES AND DIVERSIONS

E X P L A N A T I O N (CONTINUED)

112-14-DAD-002

W1-W5 - WELLS ARE SHARED WITH W.F.R. #112-17-DAC-1.

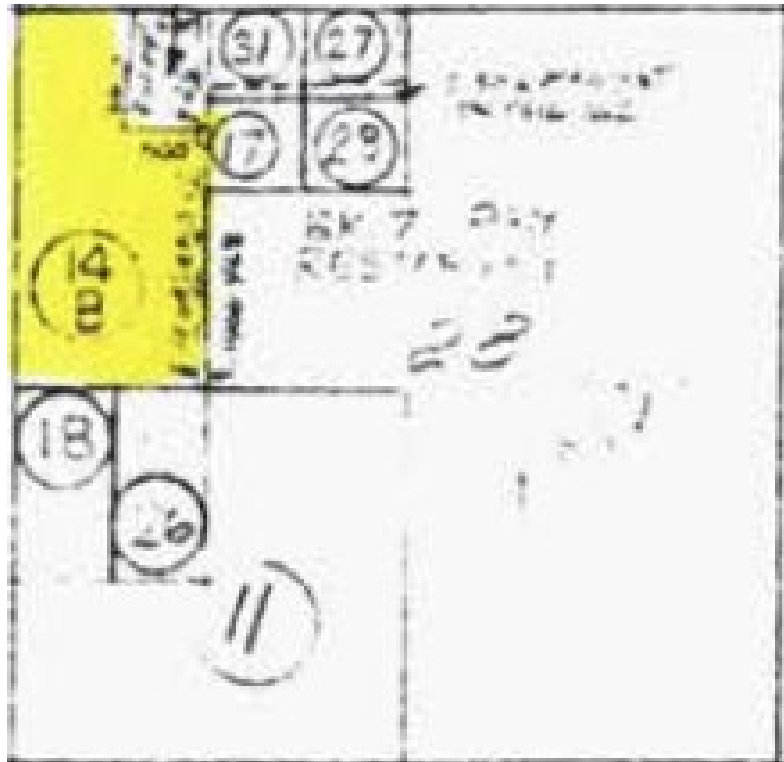
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED DESCRIBING AN ADDITIONAL WELL W8 AND THE USES SUPPLIED BY THIS WELL.
A FIELD INVESTIGATION LOCATED THIS WELL AND IT WAS INCLUDED IN THIS W.F.R.

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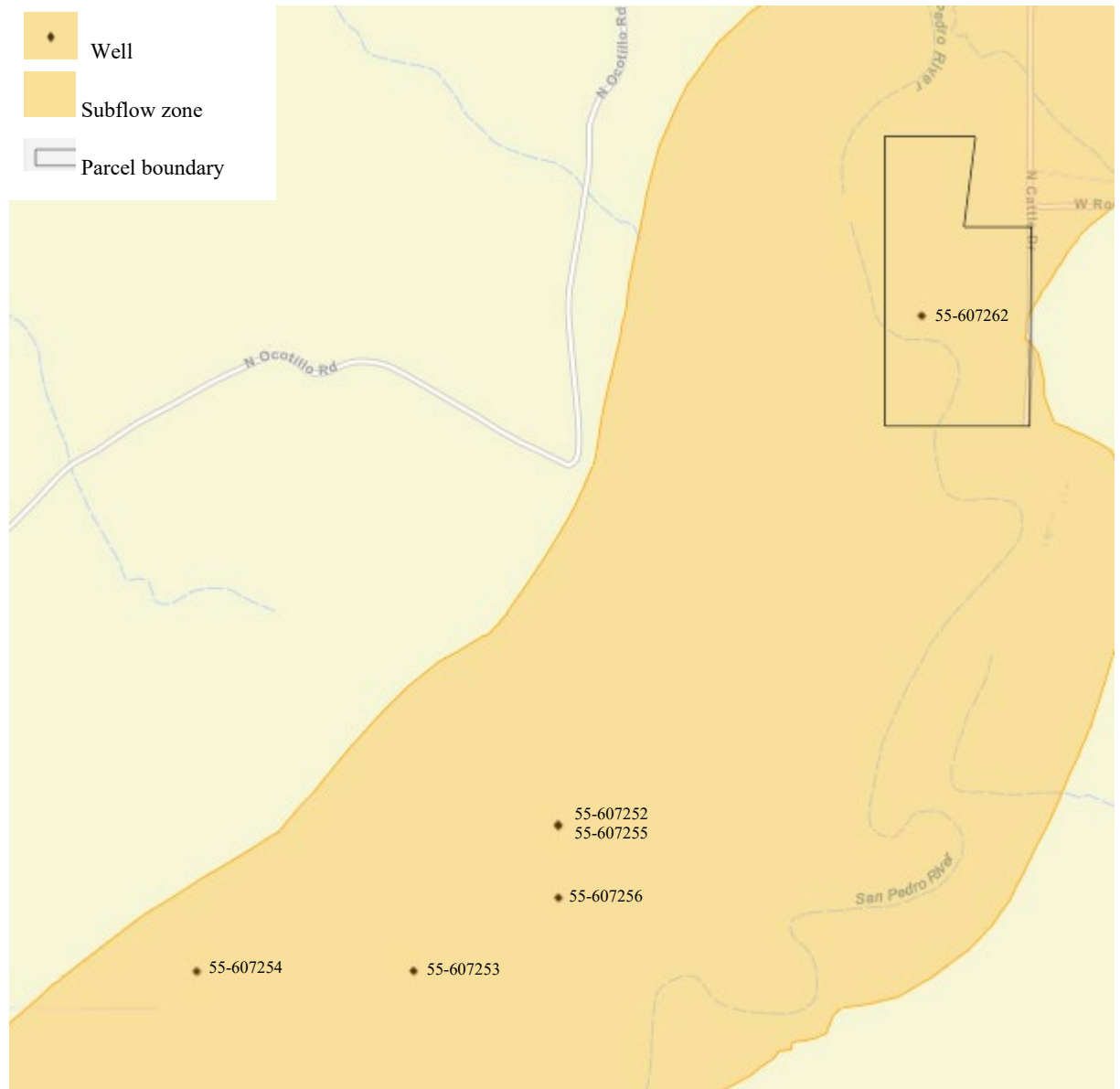
ATTACHMENT C

ADWR Map



ATTACHMENT D

Assessor Map



*Note that the WFR reports that two wells at SWNWNW Section 28, T15S, R20E serve a domestic use. These wells are not pictured because they do not appear to be catalogued in ADWR's well registry.

ATTACHMENT E



Court Connect Hearing Notice for In re Lee E. and Sharie H. Taylor

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 Lee E. and Sharie H. Taylor

Contested Case No. W1-11-1483

Start Date/Time: Tuesday, October 8, 2024 at 11:00 am.

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](#)

ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water Resources Kimberly R. Parks and Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Jeremiah Weiner, Brett J. Stavin, & Jay Lee Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Sunshine Manuel Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Laura Boyer & Maggie Woodward U. S. Department of Justice – ENRD P.O. Box 7611, Ben Franklin Station Washington, DC 20044	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	BHP Copper John D. Burnside Snell and Wilmer, L.L.P. One E. Washington Street Suite 2700 Phoenix, AZ 85004-2556
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	Lauren Caster Fennemore Craig, P.C. 2394 East Camelback Road Ste 600 Phoenix, AZ 85016

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Salt River Project
J. B. Weldon, M. A. McGinnis, M. K.
Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite 200
Phoenix, AZ 85016

White House Ranch
2621 E. Camelback Rd Suite 190
Phoenix, AZ 85016

Lee E. Taylor
3330 N. Camino Suerte
Tucson, AZ 85715

Snow Development LLC
12120 E Barbary Coast Rd
Tucson, AZ 85749-8442

Rancho Fiesta Land & Cattle LLC
1550 E Seneca St.
Tucson, AZ 85719