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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

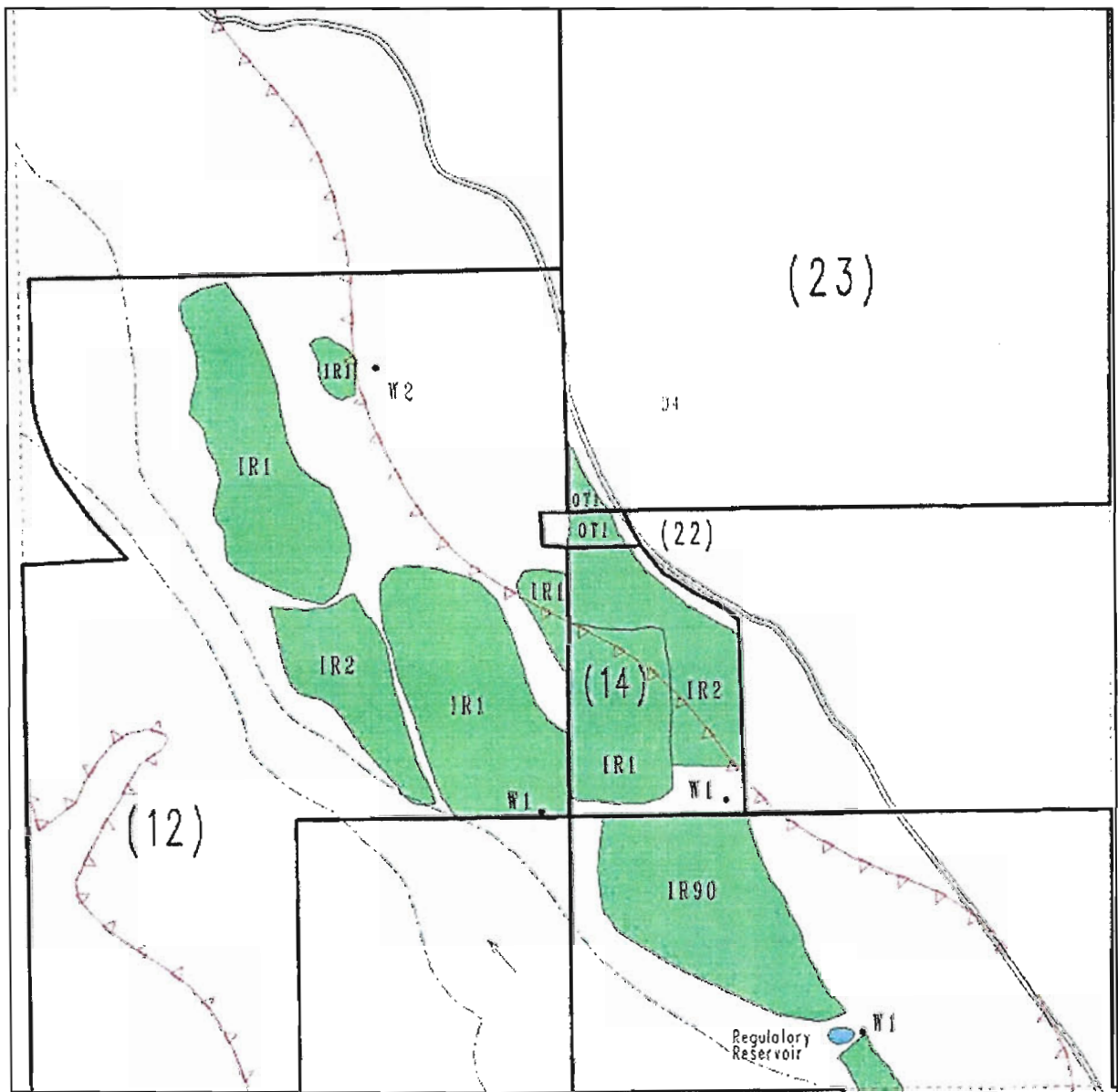
W-1, W-2, W-3, W-4 (Consolidated)
Contested Case No. W1-11-2712

ORDER TO FILE A MAP AND REPORT

CONTESTED CASE NAME: *In re Carey R. Smith et al.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Arizona Department of Water Resources shall file a map and report on **October 9, 2020**.
NUMBER OF PAGES: 16
DATE OF FILING: **September 21, 2020**

Sweetwater Center has moved for the dismissal of this contested case on the ground that the land investigated by Watershed File Report 113-12-DBC-022 is a part of the land owned by Sweetwater Center that is the subject of Watershed File Report 113-12-DBC-014. Sweetwater Center seeks a determination of rights to water for use on land included in Watershed File Reports 113-12-DBC-022 and 113-12-DBC-014 in Contested Case No. W1-11-2710.

1 At issue here is the ownership of the land in Watershed File Report 113-12-DBC-022,
2 which is shown in figure 1 and labelled as "(22)".



23 **Figure 1.** Map of section 4, township 13S Range 19E from the maps prepared by
24 Arizona Department of Water Resources as part of the San Pedro Hydrographic Survey
25 Report filed November 21, 1991.

26
27 Watershed File Report 113-12-DBC-022 lists 39-5823 as the relevant Statement of
28 Claimant. Earl and Norma B. Kaul filed Statement of Claimant 39-5823 and assigned it to El

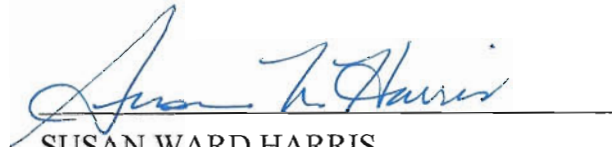
1 Potrero, Inc. A copy of the Assignment is attached as Appendix A. A deed was filed with the
2 Cochise County Recorder on December 21, 1990, at document 1990-24419 in which Earl and
3 Norma Kaul conveyed land to El Potrero, Inc. *et al.* (“Kaul Deed”). A copy of the deed obtained
4 from the public records of Arizona Department of Water Resources (“ADWR”) is attached as
5 Appendix B. On December 3, 2014, a Warranty Deed was recorded with the Cochise Country
6 Recorder at document 2014-21318 that named El Potrero, Inc. as the grantor and Sweetwater
7 Center as the grantee of land in Section 4, Township 13S, Range 19E (“El Potrero Deed”). A
8 copy of the deed is attached as Appendix C. The records of the Cochise County Assessor
9 identified Sweetwater Center as the owner of tax parcel 209-31-009A that appears to include the
10 land labelled as (22) on figure 1.

11 Watershed File Report 113-12-DBC-022 names Carey Smith *et al.* as the landowner of
12 the land included in Watershed File Report 113-12-DBC-022. On August 13, 1990, a quit claim
13 deed was filed to transfer land from Carey and Irene Smith to William Atley, Conservator of the
14 Estate of Hopi I. Smith (“Smith Deed”). A copy of the deed provided by Sweetwater Center is
15 attached as Appendix D.

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19 **IT IS ORDERED** that by **October 9, 2020**, ADWR shall file a map that compares the
20 boundaries of Watershed File Report 113-12-DBC-022, the land included in the Kaul Deed, the
21 land described in the Smith Deed, and the land described in the El Potrero, Inc. deed.

22
23 **IT IS FURTHER ORDERED** that by **October 9, 2020**, ADWR shall file a report
24 regarding Watershed File Report 113-12-DBC-022 that shall include its recommendations about
25 whether the potential water right identified in Watershed File Report 113-12-DBC-022 should
26 be classified using the “OT” designation or whether it should be designated as “IR”. The report
27 shall also include ADWR’s recommended proposed water right number that should be used in
28

1 an abstract for any water right for irrigation use on land within the boundaries of Watershed File
2 Report 113-12-DBC-022.

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7 SUSAN WARD HARRIS
8 Special Master

9
10 On September 21, 2020, 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 contested
14 case.

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Durina Farrall

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APPENDIX A

ASSIGNMENT OF STATEMENT OF CLAIMANT
Superior Court of Maricopa County

This form is to be used to notify the Superior Court of Maricopa County of any change in ownership of land upon which a claim for a water right was made on a statement of claimant form filed in the General Adjudication of the Gila River System and Source. This form may also be used to notify the Court of any change in ownership of a water right which is not attached or appurtenant to land or which has been transferred from one parcel of land to another. The General Adjudication of the Gila River System and Source includes the Salt River, San Pedro River, Upper Gila River, Verde River, Agua Fria River, Lower Gila River, and Upper Santa Cruz River Watersheds.

Both sides of this form are to be completed in accordance with the instructions below. All signatures are to be verified by a notary public. Mail the original completed form to: Arizona Department of Water Resources, Adjudications Division, 15 South 15th Avenue, Phoenix, Arizona 85007.

General Instructions

Please attach to this form a copy of a duly recorded deed, a copy of the County Assessor's tax parcel notice or other documentation which evidences change of ownership of the land or of a water right to which Statement(s) of Claimant applies.

Two or more Statements of Claimant may be assigned on this form only if the assignor(s)/seller(s) are identical on all Statements of Claimant and the assignee(s)/buyer(s) are identical on all Statements of Claimant. If a Statement of Claimant is subdivided to two or more separate assignees/buyers, an assignment form must be completed for each of the assignees/buyers. If more space is needed, attach a separate sheet.

This assignment form must be signed by all assignee(s)/buyer(s) and all assignor(s)/seller(s), and the current address and telephone number of each party must be furnished. If there are more than two assignees or assignors, the name, address, telephone number and signature of each additional assignee or assignor should be attached on a separate sheet.

The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following Statement(s) of Claimant:

39- <u>0005823</u>	filed in the	<u>San Pedro</u>	River Watershed
39- _____	filed in the	_____	River Watershed
39- _____	filed in the	_____	River Watershed
39- _____	filed in the	_____	River Watershed
39- _____	filed in the	_____	River Watershed

COMPLETE OTHER SIDE OF FORM

39- _____ filed in the _____ River Watershed
 39- _____ filed in the _____ River Watershed
 39- _____ filed in the _____ River Watershed
 39- _____ filed in the _____ River Watershed
 39- _____ filed in the _____ River Watershed

SELLER(S) ASSIGNOR(S)

BUYER(S)/ASSIGNEE(S)

NAME(S) Earl J. & Norma B. Kaul
 (print or type)

NAME(S) El Potrero, Inc.
 (print or type)

ADDRESS 5618 E. 36th St.
Tucson, Arizona 85711

ADDRESS 2018 W. Las Reales
Tucson, AZ 85746

TELEPHONE (602) 5025

TELEPHONE (602) 573-1679

Earl J. Kaul
 Signature

James A. Corbett Secretary
 Signature

Norma B. Kaul
 Signature

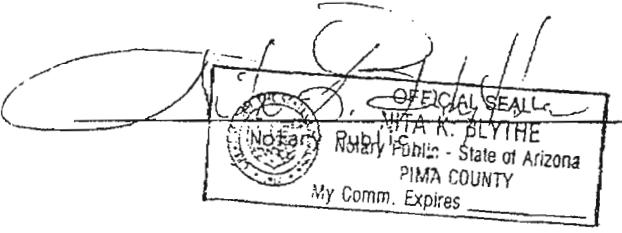
 Signature

STATE OF ARIZONA)
) SS.
 County of PIMA)

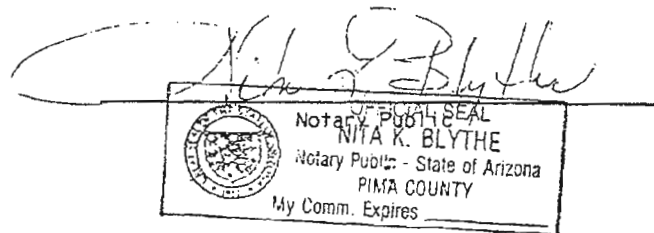
STATE OF ARIZONA)
) SS.
 County of PIMA)

The foregoing instrument was acknowledged
 and signed before me this 7th day of
January, 1991, by
Earl J. Kaul and Norma B. kaul.

The foregoing instrument was acknowledged
 and signed before me this 19th day of
December, 1990, by
James A. Corbett, Secretary of El Potrero,
Inc., an Arizona corporation



My Commission Expires: 4-23-94



My Commission Expires 4-23-94

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APPENDIX B

Recorded at the request of:

TICOR TITLE INSURANCE

Recording Data:

DEC 21 1990 3PM 1/2
7-



FEE # 901224419
OFFICIAL RECORDS
COCHISE COUNTY
DATE 12/21/90 HOUR 3

REQUEST OF
PIONEER TITLE AGENCY
CHRISTINE RHODES-RECORDER
FEE : 12.00 PAGES : 2

When recorded, mail to:
EL POTRERO, INC. and NANCY
FERGUSON and MARTIN TURNER and JIM
CORBETT and PAT CORBETT
C/O 2018 W. LOS REALES
TUCSON ARIZONA 85746

209-31-009

DEED

ESCROW NO. E-469359JM

For the consideration of Ten Dollars, and other valuable considerations, I or we,
EARL J. KAUL AND NORMA B. KAUL, HUSBAND AND WIFE

do hereby convey to
THOMAS V. ORUM AND NANCY FERGUSON, HUSBAND AND WIFE, MARTIN TURNER, AN UNMARRIED MAN, JAMES
A. CORBETT AND ~~PAT~~*CORBETT, HUSBAND AND WIFE, AND EL POTRERO, INC., AN ARIZONA CORPORATION
the following real property located in COCHISE County, Arizona:

*PATRICIA C.

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

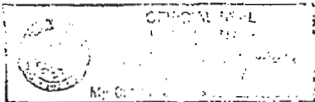
Subject to current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances,
liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the
title against all persons whomsoever.

Dated: DECEMBER 13, 19 90

Earl J. Kaul
EARL J. KAUL

Norma B. Kaul
NORMA B. KAUL

STATE OF ARIZONA }
County of PIMA } ss.



Acknowledged before me on 14
December, 19 90, by
Earl J. Kaul and Norma B. Kaul

Jay Maxim
My commission will expire: 12/10/92 Notary Public
~~4-23-94~~

STATE OF _____ }
County of _____ } ss.

Acknowledged before me on _____, 19 _____, by _____

Notary Public
My commission will expire _____

NOTE: The parties are cautioned that by completing and executing this document, legal rights, duties and obligations
are created. By signing, the parties acknowledge that they have been advised to seek and obtain independent legal counsel
as to all matters contained in the within document prior to signing same and that said parties have obtained advice or
choose to proceed without same.

901224419



TICOR TITLE INSURANCE

ORDER NUMBER: 600037-U04

EXHIBIT 'A'

PARCEL I:

THE WEST 775.00 FEET OF THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, LYING WEST OF THE CENTER LINE OF THE COUNTY ROAD AS IT EXISTED ON JANUARY 4, 1965.

PARCEL II:

AN EASEMENT FOR INGRESS AND EGRESS AND UTILITIES OVER THE SOUTH 30.00 FEET OF THAT PORTION OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, LYING WEST OF THE CENTER LINE OF THE COUNTY ROAD AS IT EXISTED ON JANUARY 4, 1965, EXCEPT THE WEST 775.00 THEREOF.

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APPENDIX C

SEP 16 2020

Recording Requested by:
Title Security Agency, LLC

When recorded mail to:
Sweetwater Center
2018 West Los Reales Rd.
Tucson, AZ 85746

**ELECTRONICALLY
RECORDED**

WARRANTY DEED

File No. 5587930 (JS)

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

El Potrero, Inc., an Arizona corporation, the GRANTOR does hereby convey to

Sweetwater Center, an Arizona non-profit corporation, the GRANTEE

the following described real property situate in Cochise County, Arizona:

as set forth in Exhibit "A" attached hereto and made a part hereof.

Subject To: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And the GRANTOR does warrant the title against all persons whomsoever, subject to the matters set forth above.

DATED: December 1, 2014

El Potrero, Inc., an Arizona corporation



By: Patricia C. Corbett, President

File No.: 5587930 (JS)
A.P.N.: 209-31-007; 209-31-009

Warranty Deed - continued


STATE OF ARIZONA)
County of PIMA) ss.

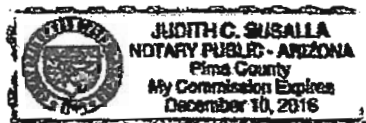
On Dec 1, 2014, before me, the undersigned Notary Public, personally appeared Patricia C. Corbett, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

12/10/16


Notary Public



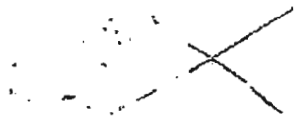


Exhibit "A"

A portion of the North half of the Southeast quarter of Section 4, Township 13 South, Range 19 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

BEGINNING at the center quarter corner of said Section 4, a found brass capped monument stamped "C ¼, LS 4080", from which the East quarter corner, a found GLO brass capped monument bears South 89°56'04" East, a distance of 2,638.06 feet, said Center quarter being the POINT OF BEGINNING;
 thence South 00°10'57" East along the West line of said Southeast quarter, 1,317.80 feet to the Southwest corner of said North half, a found aluminum capped pin stamped LS 4080;
 thence South 89°51'26" East, along the South line of said North half, 1,346.64 feet to a point on the centerline of Cascabel Road,
 thence North 27°41'03" West along said centerline, 334.83 feet;
 thence South 89°57'37" West, 411.18 feet to a set ½ inch iron pin tagged RLS 23942;
 thence North 01°24'16" West, 159.57 feet to a set ½ inch iron pin tagged RLS 23942;
 thence South 85°02'37" West, 48.30 feet to a set ½ inch iron pin tagged RLS 23942;
 thence North 05°12'03" West, 235.50 feet to a set ½ inch iron pin tagged RLS 23942;
 thence North 40°23'55" East, 67.11 feet to a set ½ inch iron pin tagged RLS 23942;
 thence North 48°20'55" West, 154.39 feet to a set ½ inch iron pin tagged RLS 23942;
 thence North 44°55'50" East, 108.53 feet to a point on the centerline of Cascabel Road;
 thence North 75°22'28" West along said centerline, 90.31 feet
 thence North 83°28'16" West along said centerline, 165.81 feet;
 thence North 59°22'02" West along said centerline, 279.84 feet
 thence North 42°49'28" West along said centerline, 72.62 feet;
 thence North 36°04'49" West along said centerline, 195.50 feet to a point on the North line of said Southeast quarter,
 thence North 89°56'04" West along said North line, 54.11 feet to the POINT OF BEGINNING.

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APPENDIX D

AUG 13 1990 8 AM

5.00



FEE # 900815370
OFFICIAL RECORDS
COCHISE COUNTY
DATE 08/13/90
HOUR 8

When recorded, mail to:

Robert J. Kundtz
Jones, Edwards, Smith & Kofron, P.C.
P. O. Box 13326
Tucson, Arizona 85732

REQUEST OF
PIONEER TITLE AGENCY
CHRISTINE RHODES-RECORDER
FEE : 10.00 PAGES : 1

707467

QUIT-CLAIM DEED

For the consideration of Ten and 00/100 Dollars (\$10.00), and other valuable consideration, we, CAREY R. SMITH and IRENE W. SMITH, do hereby quit-claim and release unto WILLIAM S. ATLEY, CONSERVATOR OF THE ESTATE OF HOPE I. JONES, A PROTECTED PERSON, all our right, title and interest in and to the following described real property situated in Cochise County, Arizona:

The South half of the Northeast Quarter of Section 4, Township 13 South, Range 19 East, of the Gila and Salt River Base and Meridian, Cochise County, Arizona.

This Quit-Claim Deed is being recorded to correct a typographical error made in the Decree of Dissolution of Marriage in the matter of In Re the Marriage of Carey R. Smith, Petitioner, and Irene W. Smith, Respondent, Cochise County Superior Court Case No. 33871, recorded on June 1, 1979 at Docket 1334, Pages 301 through 306.

DATED this 13th day of August, 1990.

Carey R. Smith
CAREY R. SMITH

Irene W. Smith
IRENE W. SMITH

*Jayne Jean Shelton 7/13/90
Cochise County Dist. 4*

STATE OF TEXAS)
) ss.
COUNTY OF WARD)

*also known as Hope Iselin Jones, also known as
Hope Iselin Bonevitt

The foregoing instrument was acknowledged before me by CAREY R. SMITH and IRENE W. SMITH before me this 13th day of August, 1990.

900815370

Jayne Jean Shelton

1-14-94