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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. W1-11-2838
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Howard S. and Ella D. Slotter*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-2838 initiated and status conference set
for **December 12, 2019 at 2:30 PM**
NUMBER OF PAGES: 12
DATE OF FILING: November 7, 2019

General Explanation

This Court Order begins the process necessary to determine legal rights to use water
from a well on land that the Pinal County Assessor has identified as owned by the Palo Verde
RV Park, LLC.

1 This contested case is one of the many cases that are included in a case known as the
2 general stream adjudication. Other cases in the general stream adjudication have been
3 completed, are in the process of determining water rights, or awaiting initiation. The purpose
4 of these cases it to determine the water rights of those persons who use water from the San
5 Pedro watershed in addition to the watersheds for the Upper Salt, Verde, Upper Gila, Lower
6 Gila, Augua Fria and Upper Santa Cruz. This case will determine water rights to water from
7 the San Pedro watershed.

8
9 **Claims for Water Rights**

10
11 This Order initiates this contested case to consider the claims for water rights and
12 resolve objections to Zone 2 Well Report 114-01-CDC-007 (“Report”) published in the Final
13 San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the Report is
14 attached as Attachment A. The Report identified potential water rights for domestic use and
15 irrigation for that land located in section 30 Township 5S Range 16E. The identified source of
16 water for the claimed uses is a well located in section 25 T5S R15E, which is referred to as
17 Well 02 in Watershed File Report (“WFR”) 114-01-CDC-007. The Arizona Department of
18 Water Resources (“ADWR”) has determined that the well is located in the subflow zone. A
19 copy of the map prepared for the Report is attached as Attachment B on which the land in
20 question is labelled as “(7)”.

21
22 **Claimants & Landowners**

23 The Report identified three Statements of Claimant (SOCs) relevant to the potential
24 water rights: 39-2480, 39-4037, and 39-4038. ASARCO Incorporated filed 39-2480 claiming
25 water for irrigation use. Howard S. and Ella D. Slotter filed SOC 39-4037 and 39-4038
26 claiming water for irrigation, domestic use, and a trailer court. The Report lists Howard S.
27 and Ella D. Slotter as the owner of the property described in 114-01-CDC-007. Subsequently
28

1 the property was transferred to the trustees of the Slotter Family Trust. In 2012, the trustee of
2 the Slotter Family Trust conveyed land to Thomas and Rosemarie Slotter. In 2019 Charles T.
3 Jordan Jr. and Sandra L. Jordan acquired the property. By a Quit Claim Deed filed August 2,
4 2019 with the Pinal County Recorder, Charles and Sandra Jordan conveyed land to Palo
5 Verde RV Park, LLC. A copy of the map of the property prepared by the Pinal County
6 Assessor is attached as Attachment C. The public records of Pinal County Assessor's Office
7 show Palo Verde RV Park LLC as the owner of tax parcel 300-11-0150. The public records
8 maintained by ADWR do not contain a SOC filed by Palo Verde RV Park LLC.
9

10 11 **Objections**

12 Multiple entities, including ASARCO Incorporated ("ASARCO"), filed objections to
13 the potential water rights determined by ADWR. ASARCO filed an objection which stated
14 in part: "Water Uses erroneously reported in this Watershed File Report related to ASARCO
15 Incorporated (Major User Code 1263)." Given that the Court is currently in the process of
16 adjudicating the water rights of ASARCO for use on that land labelled as "(CCD-1)" on the
17 attached map and the fact that it is more efficient to adjudicate all water rights asserted by a
18 claimant in the same or concurrent proceedings, this case is being initiated to determine if the
19 SOCs filed by ASARCO include claims for water rights identified in the Report.
20
21

22 **IT IS ORDERED:**

23 1. Contested Case. This contested case shall be known as *In re Howard S. and*
24 *Ella D. Slotter* and it will address SOCs and objections that were filed regarding the WFR 114-
25 01-CDC-007 published in the Final San Pedro River Watershed Hydrographic Survey Report
26 (1991). Copies of objections can be found under the case name and number on the following
27 website:
28

1 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
2 [asp](#)

3 2. Filing by ASARCO. By **November 27, 2019**, ASARCO shall file an amended
4 Objection that either:

- 5 (a) Identifies the portions of its SOCs listed in WFR 114-04-CCD-001 in
6 which it claims any water use or source identified in the attached
7 WFR 114-01-CDC-007; or
8 (b) Clarifies its objection that it makes no claim to the water uses or
9 potential water rights included in WFR 114-01-CDC-007.
10

11 If it is ASARCO's position that its objection to the Report 114-01-CDC-007 is
12 that the Report erroneously listed documents in the "Applicable Filings and
13 Decrees" that did not pertain to the land formerly owned by Howard and Ella
14 Slotter, then it shall clearly state such a position.
15

16 Litigants. The litigants in this contested case are the Claimants, the current landowner,
17 all persons who filed objections to the Report who are included on Attachment D, and
18 claimants who are allowed to intervene by order.
19

20 3. Court-Approved Mailing List.

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

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

1 C. Claimants wishing to be added or removed from the mailing list shall file
2 a motion with the Special Master. Parties allowed to intervene will be
3 automatically added to the mailing list.

4 4. Courtesy Email List.

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

9
10 5. Status Conference. An initial status conference shall be held to address the
11 adjudication of this case and determine whether the objections to the potential water rights can
12 be settled. If the objections cannot be settled, then a subsequent date will be set for a
13 scheduling conference to identify issues, file disclosure statements, conduct discovery, submit
14 prehearing motions, and hold a trial. No party shall conduct any discovery or file any motions
15 prior to the Status Conference. The Status Conference shall be held on **December 12, 2019** at
16 2:30 p.m. before:

17
18 Special Master Susan Ward Harris
19 Superior Court of Arizona
20 201 West Jefferson Street
21 Courtroom 301
22 Phoenix, AZ 85003-2202

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

27 
28 SUSAN WARD HARRIS
Special Master

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On November 7, 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

Barbara Brown

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ATTACHMENT A

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
SLOTTER, HOWARD S.	114-01-CDC-007
& ELLA D.	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
-----	-----	SECTION	TWNP	RNGE	-----	-----
WO2	F-2	SESESE25	O5OS	15OE	DMOO1,IROO1	WI-11-2838 SHARED

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***	APPAR. ANNUAL	ACRES
-----	SECTION	TWNP	RNGE	DATE	VOLUME USED	IRRIGATED
DMOO1	NESWSW30	O5OS	16OE	-----	-----	-----
IROO1	NWSW30	O5OS	16OE	1947	1947 AERIAL PHOTO	.1
						.5 AFA

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0002480	WO2	DMOO1,IROO1
39-0004037		DMOO1
39-0004038		DMOO1,IROO1

EXPLANATION

W2 - WELL PROVIDES WATER FOR IRRIGATION USES.

IR1 - IRRIGATED SMALL GRAINS. IR1 IS CONTIGUOUS WITH THE IRRIGATED ACREAGE FOUND IN REPORT #114-1-CCD-1.

** WATER FROM WO2 FOUND IN FILE (114-01-CCD-1) IS USED IN THIS FILE.

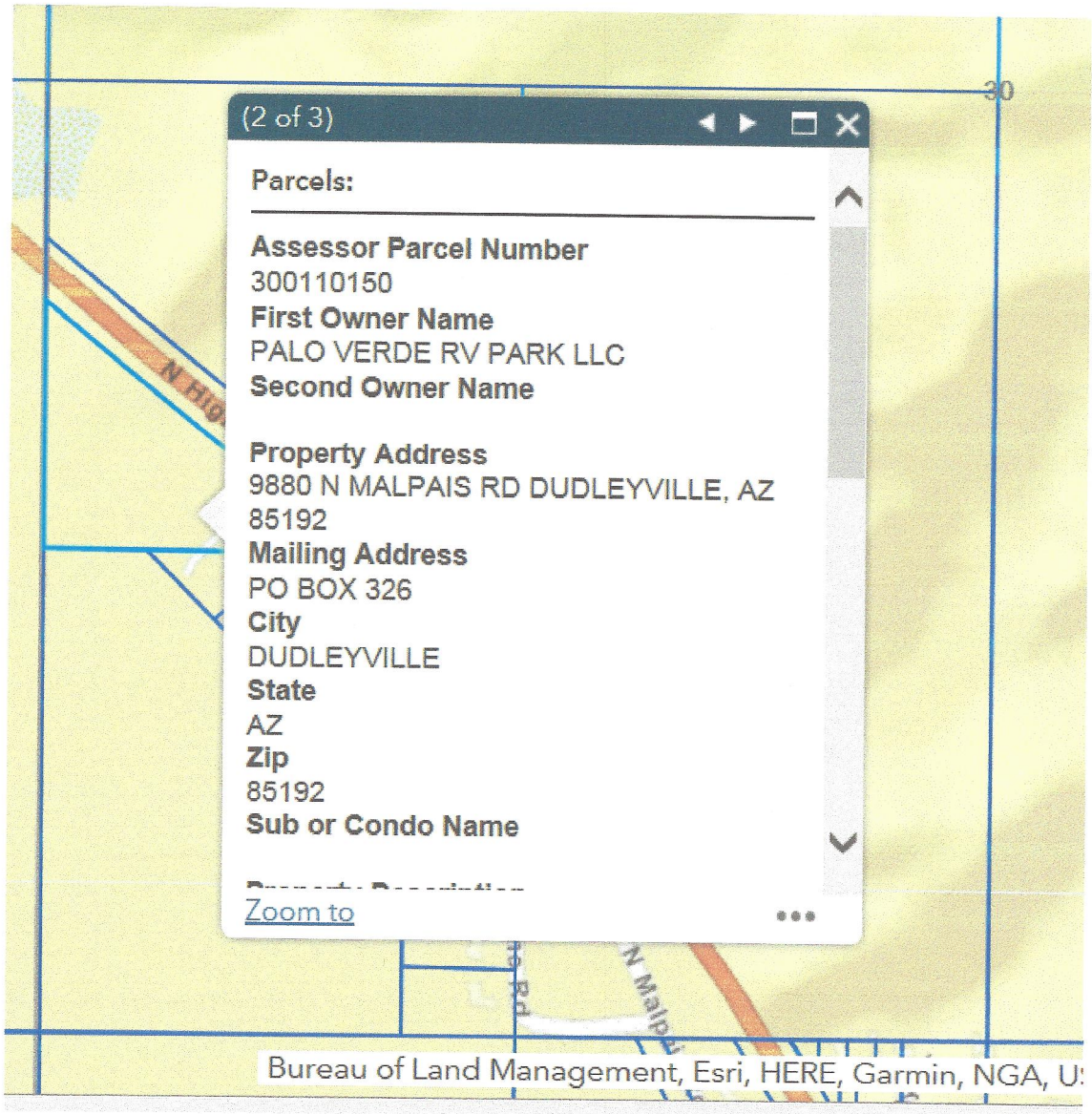
ATTACHMENT B

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ATTACHMENT C

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ATTACHMENT D

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

ASARCO Incorporated
Lauren J. Caster
Fennemore Craig, P.C.
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Suite 600
Phoenix, AZ 85016-3429

BHP Copper, Inc.
John D. Burnside
Snell & Wilmer, L.L.P.
400 E. Van Buren Street, Ste 1900
Phoenix AZ 85004

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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Star Route, Box 6
Winkelman, AZ 85292

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Palo Verde RV Park LLC
Charles Tracy Jordan Jr
9880 S Malpais Rd
Winkelman, AZ 85192

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

Salt River Valley Water Users Association,
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

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

The Nature Conservancy
Carla Consoli and Stanley Lutz
Lewis Roca Rothgerber Christie, LLP
201 East Washington Street
Suite 201
Phoenix, AZ 85004

U. S. Department of Justice
Patrick Barry and Yosef Negose
Environment and Natural Resources
P. O. Box 7611
Washington, D.C. 20044-7611

U. S. Department of Justice
R. Lee Leininger
Natural Resources Section
999 18th Street, So Terrace, Ste 370
Denver, CO 80202