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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 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
Consolidated

CONTESTED CASE NO. W1-11-2662

ORDER TO INITIATE A CONTESTED CASE

AND

ORDER SETTING A TELEPHONIC STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re Hope Iselin Jones II*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Case initiated to adjudicate claims for rights to water for a stockpond and stock watering uses investigated in Watershed File Report 113-12-007. Arizona Department of Water Resources (ADWR) shall review attached abstracts and file a report by **August 3, 2020**. A telephonic status conference is set for **August 10, 2020 at 2:00 p.m.**

NUMBER OF PAGES: 17

DATE OF FILING: June 5, 2020

1 This Order initiates a contested case to consider the claims for water rights for a stockpond  
2 and stock and wildlife watering and to resolve objections to Watershed File Report 113-12-007  
3 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report  
4 (1991). The WFR identified potential water rights on land located in sections 9, 17, and 19  
5 T12S R20E. The identified sources of water are surface water from springs. A copy of the  
6 WFR is attached as Attachment A. A copy of the map prepared for the WFR is attached as  
7 Attachment B on which the land is labelled as “(7)”.

9 On July 13, 1984 and March 12, 1990, the conservator of the Estate of Hope I. Jones filed  
10 Statements of Claimant 39-0611, 39-0619, 39-0626, 39-0628, 39-0632, 39-13878, 39-13879, and  
11 39-13880 (“SOCs”) for water rights for a stock pond and stock and wildlife watering. The  
12 public records maintained by Arizona Department of Water Resources (“ADWR”) includes an  
13 assignment of the SOC’s to C-Spear LLC, an Arizona limited liability company. According to  
14 the public records maintained by the Cochise County Treasurer, the land included within the  
15 boundaries of the WFR is owned by C-Spear LLC as tax parcels 209-05-004 and 209-05-005. A  
16 copy of the map is attached as Attachment C.

### 19 **Adjudication of Claims**

20 Under current law, a claimant who asserts claims for water rights for irrigation use and  
21 “Small Water Use Claims” shall have the Small Water Uses Claims determined in conjunction  
22 with the adjudication of the claims for water for irrigation use. A.R.S. §45-257(A)(1). The term  
23 “Small Water Use Claims” includes claims for stock watering and stockponds with a capacity of  
24 not more than 15 acre feet. A.R.S. §45-251(9).  
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1 C-Spear LLC is the assignee of claims for water rights for irrigation that will be adjudicated  
2 in *In re Hope Iselin Jones*, contested case no. W1-11-2697. Accordingly, this case was initiated to  
3 deal with the Small Claims investigated by ADWR.

#### 4 **Expedited Procedures**

5  
6 Claims for rights to water for domestic use, stock watering, and stockponds in the San  
7 Pedro Watershed and the objections to the Watershed File Reports that examine those claims are  
8 determined using an expedited process. The process is set forth in the Memorandum Decision,  
9 Findings of Fact, and Conclusions of Law for Group 1 Cases involving Stockwatering,  
10 Stockponds, and Domestic Uses, dated November 14, 1994, amended February 23, 1995,  
11 approved and modified September 27, 2002 (“Decision”).

12  
13 The first step in the procedure is the preparation of proposed abstracts for each of the  
14 claimed water rights for stock watering and the stock pond analyzed by the WFR for which  
15 ADWR listed a basis for a legal right (referred to as a “Applicable Pre-Filing” in the WFR).  
16 Drafts of the proposed abstracts have been prepared and are attached as Attachment D. The  
17 drafts are being provided to ADWR for review and comment. Upon receipt of a report and maps  
18 from ADWR, the second step requires the proposed abstracts to be distributed to all of the parties  
19 because the Decision directs that “the litigants will be provided an opportunity to suggest the  
20 correction of mistakes in the proposed abstracts.” Decision, p. 47. After suggested  
21 corrections have been received from the parties, the suggested corrections will be reviewed and  
22 any necessary corrections will be made to the proposed abstracts. The third step in the process is  
23 the inclusion of the reviewed and corrected abstracts into a catalog of proposed water rights  
24 where they will be subject to very limited set of objections and ultimately in a final decree.  
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1 **IT IS ORDERED:**

2  
3 1. Contested Case. This contested case shall be known as *In re Hope Iselin Jones II*  
4 and it will address Statements of Claimant listed in and the objections to Watershed File Report  
5 113-12-007 published in the Final San Pedro River Watershed Hydrographic Survey Report  
6 (1991). Copies of objections can be found under the case name and number on the following  
7 website:

8 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

9 2. Litigants. The litigants in this contested case are the Claimant, all persons who filed  
10 objections to the watershed file report who are listed on Attachment E, and claimants who are  
11 allowed to intervene by order.

12  
13 3. Court-Approved Mailing List.

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

18  
19 B. A copy of any pleading filed with the Clerk of the Maricopa County  
20 Superior Court in this case shall be served upon each person listed on the Court-  
21 approved mailing list.

22  
23 C. Claimants wishing to be added or removed from the mailing list shall file a  
24 motion with the Special Master. Parties allowed to intervene will be automatically  
25 added to the mailing list.

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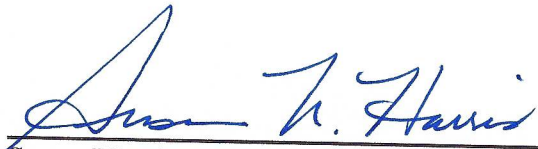


1           4.     Courtesy Email List. The Special Master's office will email courtesy copies of  
2 orders and minute entries entered in this case to persons listed on Attachment E. Requests for  
3 inclusions on the email list should be sent to Barbara Brown at  
4 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

5  
6           5.     Arizona Department of Water Resources. By **August 3, 2020**, ADWR shall review  
7 and file a report with its comments on the draft abstracts attached as Attachment D and prepare  
8 maps regarding the potential water rights.

9  
10          6.     Telephonic Status Conference. A Status Conference shall be held on **August 10,**  
11 **2020, at 2:00 p.m.** solely for the purpose of addressing any questions the claimant or the objectors  
12 may have about the abstracts or process. All parties will be provided with an opportunity to  
13 submit written suggested corrections to the abstracts after the status conference.

14 Instructions for telephonic appearance:  
15 Dial: 602-506-9695 (local)  
16 1-855-506-9695 (toll free long distance)  
17 Dial Participant Pass Code 357264#

18   
19 Susan Ward Harris  
20 Special Master

21  
22 The original of the foregoing was delivered to the Clerk of  
23 the Maricopa County Superior Court on June 5, 2020, for  
24 filing and distributing a copy to all persons listed on the  
25 Court approved mailing list for this contested case which is  
26 attached as Attachment D and to all persons listed on the  
27 Court-approved mailing list for W-1, W-2, W-3, and W-4  
28 (Consolidated).

26   
27 Barbara Brown

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# ATTACHMENT A

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LAND OWNER  
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 JONES, HOPE ISELIN  
 % ARIZONA TRUST COMPANY

WATERSHED FILE  
 REPORT NUMBER  
 -----  
 113-12-007

APPLICABLE FILINGS AND DECREES  
 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
10-0226208.1200		DOMESTIC STOCK		SEENW09	120S	200E	1916	SEENW09	120S	200E
10-0227452.1100		DOMESTIC STOCK		SEENW09	120S	200E	1918	SEENW09	120S	200E
36-0012035		STOCK	.80	NENE19	120S	200E	1879	NENE19	120S	200E
36-0012042		STOCK	1.00	SESW19	120S	200E	< 1879	SESW19	120S	200E
36-0012043		STOCK	1.00	NWSW19	120S	200E	1879	NWSW19	120S	200E
36-0012046		STOCK	1.00	NENW09	120S	200E	1879	NENW09	120S	200E
38-0012070		STOCK	13.40	NESE17	120S	200E	1970	NESE17	120S	200E
39-0000611		STOCK	13.40	NESE17	120S	200E	1970	NESE17	120S	200E
39-0000619		STOCK	.80	NENE19	120S	200E	< 1879	NENENE19	120S	200E
39-0000626		STOCK	1.00	SESW19	120S	200E	< 1879	SESESW19	120S	200E
39-0000628		STOCK	1.00	NWSW19	120S	200E	< 1879	SWNWSW19	120S	200E
39-0000632	AMENDED	STOCK	1.00	NENW09	120S	200E	1879	NENW09	120S	200E
39-0013878		STOCK	1.00	NENW09	120S	200E	1919	NENW09	120S	200E
39-0013879		STOCK	1.00	SWSW17	120S	200E	1900	SWSW17	120S	200E
39-0013880		STOCK	1.00	NENW09	120S	200E	1900	NENW09	120S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-0226208.1200	DOMESTIC STOCK	NONE		SW001
10-0227452.1100	DOMESTIC STOCK	NONE		SW001
36-0012035	STOCK	SPRING		SW002
36-0012042	STOCK	SPRING		SW003
36-0012043	STOCK	SPRING		SW004
36-0012046	STOCK	SPRING		SW001
38-0012070	STOCK	STOCK		SPO01
39-0000611	STOCK	STOCK		SPO01
39-0000619	STOCK	SPRING		SW002
39-0000626	STOCK	SPRING		SW003
39-0000628	STOCK	SPRING		SW004
39-0000632	STOCK	SPRING		SW001
39-0013878	STOCK	SPRING		SW005
39-0013879	DOMESTIC STOCK	NONE		SW006
39-0013880	STOCK	SPRING		SW006

USE

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
SW001	SEENW09	120S	200E		SURFACE WATER		NO	YELLOW JACKET SPRING
SW002	NENENE19	120S	200E		SURFACE WATER		NO	LITTLE EUREKA SPRING
SW003	SESESW19	120S	200E		SURFACE WATER		NO	UNNAMED
SW004	NWNWSW19	120S	200E		SURFACE WATER		NO	UNNAMED
SW005	NENW09	120S	200E		SURFACE WATER		NO	BRADBURY SPRING
SW006	SWSW17	120S	200E		SURFACE WATER		NO	UNNAMED SPRING

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPO01	NWNESE17	120S	200E		SURFACE WATER	1972	UNNAMED	STOCKWATERING



PWR #	APPLICABLE		*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS		
SPOO1	39-0000611	38-0012070	1970 FILING 38-12070	SURFACE WATER: SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER
SWOO1	39-0000632	10-0226208.1200 10-0227452.1100 36-0012046	1879 FILING 36-12046	
SWOO2	39-0000619	36-0012035	1879 FILING 36-12035	SURFACE WATER: SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER
SWOO3	39-0000626	36-0012042	1879 FILING 36-12042	
SWOO4	39-0000628	36-0012043	1879 FILING 36-12043	SURFACE WATER: SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER
SWOO5	39-0013878	NONE		
SWOO6	39-0013880	NONE		
NONE	39-0013879	NONE		

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION		ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	MAX.	AREA/CAP						
SPOO1			LT 2.0					
SWOO1							LTE 15.0 AF	
SWOO2								SEE VOLUME 1 - GENERAL ASSESSMENT
SWOO3								SEE VOLUME 1 - GENERAL ASSESSMENT
SWOO4								SEE VOLUME 1 - GENERAL ASSESSMENT
SWOO5								SEE VOLUME 1 - GENERAL ASSESSMENT
SWOO6								SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 10-0226208-12 & 10-0227452-11 - CLAIM DOMESTIC AND STOCKWATERING USES FROM YELLOW JACKET SPRING. NO DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATIONS.  
 FILING 39-13880 - CLAIMS A DOMESTIC WATER USE. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

USES AND RESERVOIRS

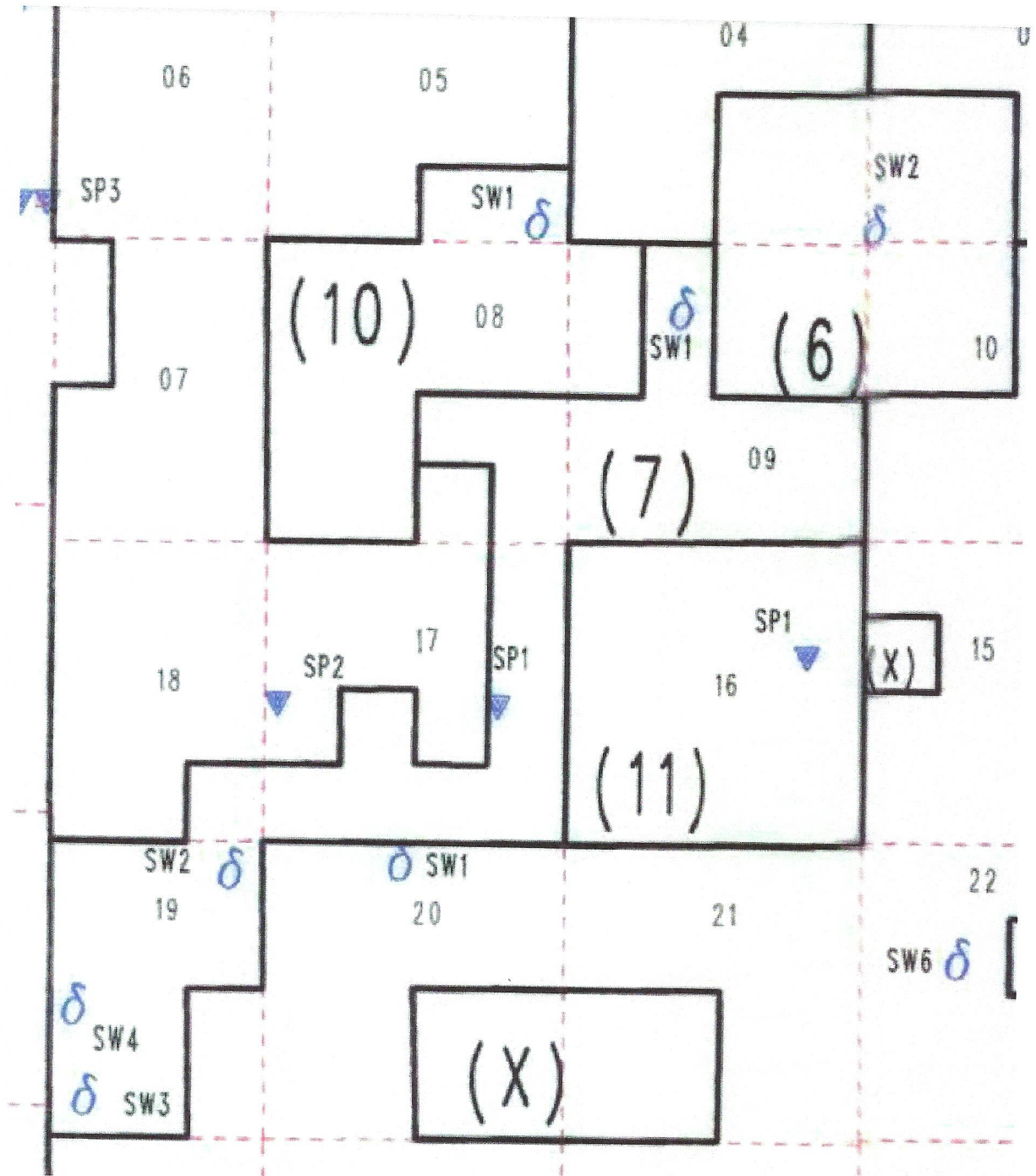
- SP1 - UNNAMED STOCKPOND.
- SW1 - STOCKWATERING USE FROM YELLOW JACKET SPRING.
- SW2 - STOCKWATERING USE FROM LITTLE EUREKA SPRING.
- SW3 - STOCKWATERING USE FROM AN UNNAMED SPRING.
- SW4 - STOCKWATERING FROM AN UNNAMED SPRING.
- SW5 - STOCKWATERING FROM BRADBURY SPRING.
- SW6 - STOCKWATERING FROM AN UNNAMED SPRING.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED PROVIDING ADDITIONAL INFORMATION REGARDING WATER USE ON THE PROPERTY.

# ATTACHMENT B

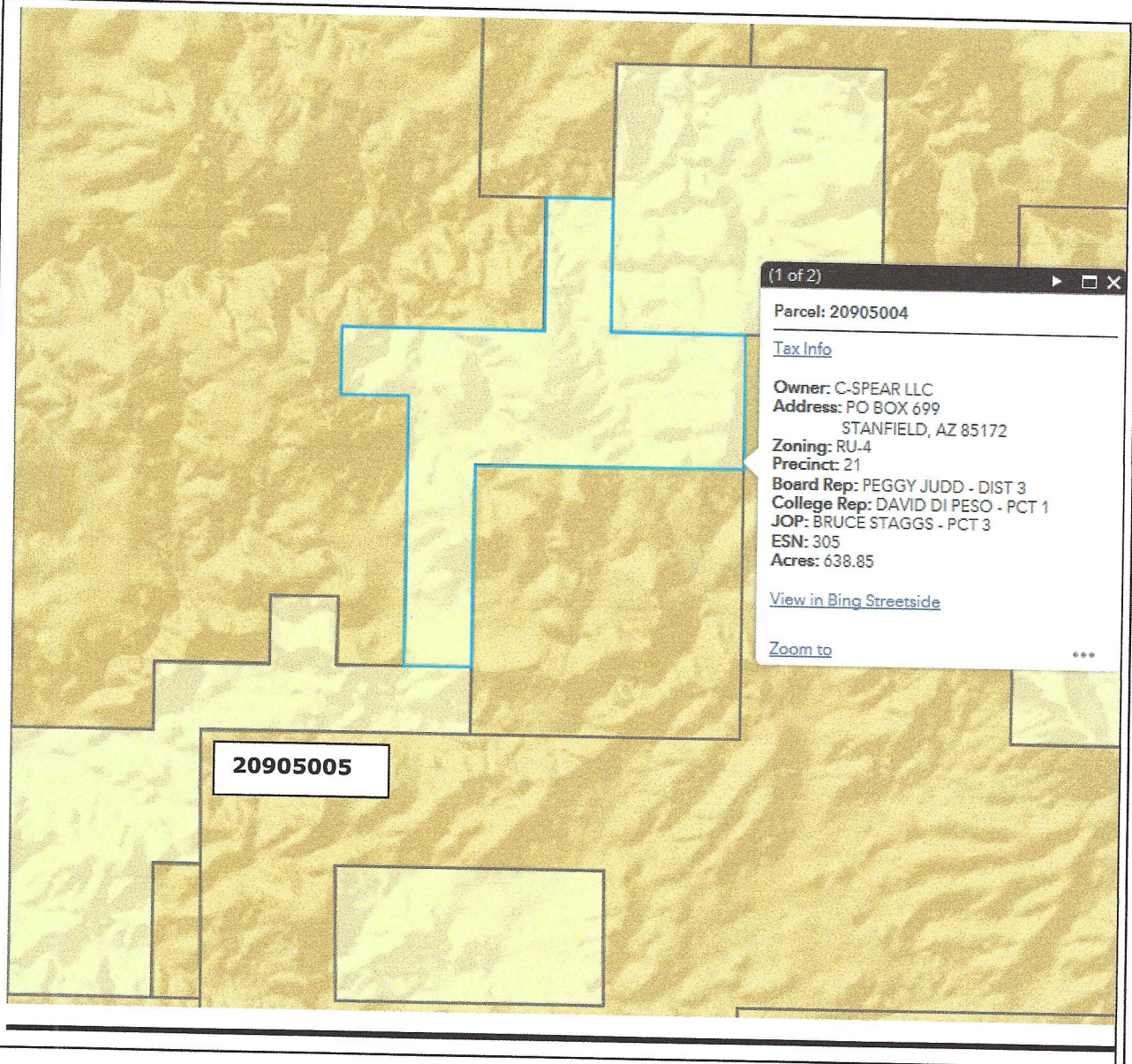
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# ATTACHMENT C

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**Parcel:** 20905004

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Tax Info

**Owner:** C-SPEAR LLC  
**Address:** PO BOX 699  
STANFIELD, AZ 85172

**Zoning:** RU-4  
**Precinct:** 21  
**Board Rep:** PEGGY JUDD - DIST 3  
**College Rep:** DAVID DI PESO - PCT 1  
**JOP:** BRUCE STAGGS - PCT 3  
**ESN:** 305  
**Acres:** 638.85

[View in Bing Streetside](#)

**Zoom to** ...

**20905005**



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**ATTACHMENT D**

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# Proposed Abstract of Water Right

## San Pedro Watershed

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	113-12-007-SP001	
2. Owner of Water Right:	C-Spear, LLC	
3. Landowner:	C-Spear, LLC	
4. Statement of Claimant No.(s):	39-0000611	
5. Statement of Claimant Name(s):	C-Spear, LLC	
6. Lessee or Permittee:	n/a	
7. Basis of Right:	38-0012070	
8. Beneficial Use:	Stock watering from a stock Pond	
9. Priority Date:	12/31/1970	
10. Quantity:	Not to exceed ( $\leq$ ) 4 acre feet annually with continuous fill	
11. Place of Use:	NWNESE 17 12S R20E	
12. Point of Diversion:	NWNESE 17 12S R20E	
13. Source of Water:	Surface Water: San Pedro River	
14. Name of Facility:	Unnamed Stockpond	

# Proposed Abstract of Water Right

## San Pedro Watershed

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	113- 12-007-SW001	
2. Owner of Water Right:	C-Spear, LLC	
3. Landowner:	C-Spear, LLC	
4. Statement of Claimant No.(s):	39-0000632	
5. Statement of Claimant Name(s):	C-Spear, LLC	
6. Lessee or Permittee:	n/a	
7. Basis of Right:	10-0226208.1200 10-0227452.1100 36-0012046	
8. Beneficial Use:	Stock watering and wildlife	
9. Priority Date:	12/31/1879	
10. Quantity:	Reasonable Use	
11. Place of Use:	SENENW 09 12S 20E	
12. Point of Diversion:	SENENW 09 12S 20E	
13. Source of Water:	Yellow Jacket Spring	



# Proposed Abstract of Water Right

## San Pedro Watershed

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	113-12-007-SW002	
2. Owner of Water Right:	C-Spear, LLC	
3. Landowner:	C-Spear, LLC	
4. Statement of Claimant No.(s):	39-0000619	
5. Statement of Claimant Name(s):	C-Spear, LLC	
6. Lessee or Permittee:	n/a	
7. Basis of Right:	36-0012035	
8. Beneficial Use:	Stock watering and wildlife	
9. Priority Date:	12/31/1879	
10. Quantity:	Reasonable Use	
11. Place of Use:	NENENE 19 12S R20E	
12. Point of Diversion:	NENENE 19 12S R20E	
13. Source of Water:	Little Eureka Spring	

# Proposed Abstract of Water Right

## San Pedro Watershed

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	113-12-007-SW003	
2. Owner of Water Right:	C-Spear, LLC	
3. Landowner:	C-Spear, LLC	
4. Statement of Claimant No.(s):	39-0000626	
5. Statement of Claimant Name(s):	C-Spear, LLC	
6. Lessee or Permittee:	n/a	
7. Basis of Right:	36-0012042	
8. Beneficial Use:	Stock watering and wildlife	
9. Priority Date:	12/31/1879	
10. Quantity:	Reasonable Use	
11. Place of Use:	SESESW 19 12S 20E	
12. Point of Diversion:	SESESW 19 12S 20E	
13. Source of Water:	Unnamed Spring	

# Proposed Abstract of Water Right

## San Pedro Watershed

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	113-12-007-SW004	
2. Owner of Water Right:	C-Spear, LLC	
3. Landowner:	C-Spear, LLC	
4. Statement of Claimant No.(s):	39-0000628	
5. Statement of Claimant Name(s):	C-Spear, LLC	
6. Lessee or Permittee:	n/a	
7. Basis of Right:	36-0012043	
8. Beneficial Use:	Stock watering and wildlife	
9. Priority Date:	12/31/1879	
10. Quantity:	Reasonable Use	
11. Place of Use:	NWNWSW 19 12S R20E	
12. Point of Diversion:	NWNWSW 19 12S R20E	
13. Source of Water:	Unnamed Spring	



# ATTACHMENT E

1  
2  
3 Bryan Hartman  
33490 West Miller Road  
4 Stanfield, Az 85172

5 C-Spear LLC  
6 P. O. Box 699  
Stanfield, AZ 85172

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

11 Joe P. Sparks and Laurel A. Herrmann  
The Sparks Law Firm, P.C.  
12 7503 First Street  
13 Scottsdale, Az 85251-4573

14 John D. Burnside  
Snell & Wilmer, L.L.P.  
15 400 East Van Buren Street  
Suite 1900  
16 Phoenix, AZ 85004

17 Kimberly R. Parks  
18 Arizona Department Of Water Resources  
P. O. Box 36020  
19 Phoenix, Az 85067

20 Linus Everling and Thomas L. Murphy  
21 Gila River Indian Community  
Office Of The General Counsel  
22 P. O. Box 97  
Sacaton, Az 85147  
23

24 Lucas T. Christian, Julian Nava  
25 Richard Palmer and Jeremiah D. Weiner  
Rosette, LLP  
26 565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225  
27  
28

1 S. Montgomery, R. Interpreter, J. Tomkus, and  
2 Mia A. Montoya Hammersley  
3 Montgomery & Interpreter, Plc  
4 3301 E. Thunderbird Road  
5 Phoenix, AZ 85032

6 Salt River Valley Water Users Association,  
7 Salt River Project Agricultural Improvement and Power District  
8 John B. Weldon, Jr. and Mark A. McGinnis  
9 Salmon, Lewis & Weldon PLC  
10 2850 E Camelback Rd, Ste. 200  
11 Phoenix, AZ 85016

12 Susan Ward Harris  
13 Special Master  
14 Central Court Building, Ste 3a  
15 201 West Jefferson  
16 Phoenix, Az 85003-2205

17 U. S. Department of Justice  
18 Patrick Barry, Josef Negose, and Emmi Blades  
19 Environment and Natural Resources  
20 P. O. Box 7611  
21 Washington, D.C. 20044-7611

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