

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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. W1-11-2697

ORDER TO INITIATE CONTESTED  
CASE AND  
ORDER FOR TELEPHONIC STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re Hope Ieslin Jones*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case W1-11-2697 initiated and telephonic status conference set for **August 10, 2020 at 2:00 p.m.**  
NUMBER OF PAGES: 14  
DATE OF FILING: June 4, 2020

**General Explanation**

This Order begins the formal legal process necessary to determine rights for water for irrigation and domestic use on land in sections 29 and 32 T12S R19E that the Cochise County

1 Assessor has identified as owned by C-Spear LLC, an Arizona limited liability company. This  
2 contested case is one of the many cases in the General Stream Adjudication for the San Pedro  
3 River watershed. Other cases in which claims have been made to water in the San Pedro River  
4 watershed have been completed, are in the process of determining water rights, or awaiting  
5 initiation.

6 The purpose of the General Adjudication is to determine the rights of those persons who  
7 filed statement of claimants for rights to use water from the San Pedro watershed. The General  
8 Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila,  
9 Agua Fria and Upper Santa Cruz watershed. Persons who fail to timely file statements of  
10 claimant will forfeit any rights to the use of water in this river system and source.

11 In this case, the Conservator of the Estate of Hope I. Jones filed Statements of Claimant  
12 for the legal rights to use water on land that is more specifically shown on the map attached as  
13 Attachment A. The land involved in this case is labelled as "(1)". The Arizona Department of  
14 Water Resources ("ADWR") investigated those claims and prepared a report known as  
15 Watershed File Report 113-12-CAA-001 ("WFR") published in the Final San Pedro River  
16 Watershed Hydrographic Survey Report (1991). Hope Iselin Jones was identified as the owner  
17 of the property described in the WFR. The WFR identified one potential water right for domestic  
18 use, two small reservoirs, and two potential water rights for irrigation use on the land described  
19 in the WFR. Three wells are listed as the sources of the water. In addition, ADWR also included  
20 an additional well as a "cataloged well." Arizona Department of Water Resources has  
21 determined that two wells listed in the WFR and a cataloged well are located within the subflow  
22 zone of the San Pedro River. A copy of the WFR and the report concerned the cataloged well  
23 are attached as Attachment B.

24 After the Arizona Department of Water Resources issued the WFR, objections by the  
25 original claimant as well as other water user were filed to the findings in the WFR. The purpose  
26 of this case to consider the claims made for water rights that were investigated in the WFR and  
27 resolve the objections to the WFR.  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Claimant & Landowner**

The WFR identified ten Statements of Claimant (SOCs) relevant to the potential water right: 39-5822 and 39-5823. In 2018, a form of assignment was filed with Arizona Department of Water Resources to assign the SOC's to C-Spear LLC. The records of the Cochise County Assessor identified C-Spear LLC as the owner of tax parcels 209-01-003C, 209-03-002, and 209-01-005 shown on Attachment C.

**IT IS ORDERED:**

1. Contested Case. This contested case shall be known as *In re Hope Ieslin Jones* and it will determine water rights asserted in the Statements of Claimant and objections that were filed to Watershed File Report 113-12-CAA-001 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the case name and number on the following website: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

2. Litigants. The litigants in this contested case are the Claimant, C-Spear LLC, and all persons who filed objections to the listed watershed file reports who are included on Attachment D, and claimants who are allowed to intervene by order.

3. Court-Approved Mailing List.

A. The initial Court-approved mailing list for this case shall include all persons listed on Attachment D 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.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

B. A copy of any pleading filed with the Clerk of the Maricopa County Superior Court in this case shall be served upon each person listed on the Court-approved mailing list. No pleadings, correspondence, or documents will be accepted by the Special Master that are not also filed with the Clerk of the Maricopa County Superior Court and mailed to each person listed on the Court-approved mailing list.

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

4. Courtesy Email List.

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

5. Status Conference.

A. An initial status conference shall be held to determine whether objections to the WFR can be settled and the amount of time that the parties will require to discuss the resolution of the objections. If the objections cannot be settled between the Claimant and the Objectors, then a scheduling conference will be held at a later date to:

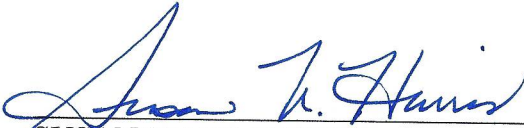
- a. identify issues;
- b. set deadlines to file disclosure statements, conduct discovery, and submit prehearing motions; and,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

c. fix a date for a trial on the claimed water rights.

The Telephonic Status Conference shall be held on **August 10, 2020 at 2:00 p.m.**

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

  
\_\_\_\_\_  
SUSAN WARD HARRIS  
Special Master

On June 4, 2020, 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).



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTACHMENT B**



LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
JONES, HOPE ISELIN	113-12-CAA-001
% ALLAN D. BOGUTZ	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *W1-11-2697*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE	
33-0012062	CERTIF.	IRRIGATION	466.89	NWNWSE32	120S	190E	1979	NWNWSE32	120S	190E	
				SWSENE32	120S	190E					
				NENWSE32	120S	190E					
36-0012033		STOCK	1.00	NWNW32	120S	190E	1879	NWNW32	120S	190E	
36-0012036		DOMESTIC		SESE32	120S	190E	1879	SESE32	120S	190E	
		STOCK									
36-0012037		IRRIGATION	200.00	NWSE32	120S	190E	< 1879	NWNW04	130S	190E	
36-0012038		DOMESTIC	1.00	SWSW29	120S	190E	< 1879	SWSW29	120S	190E	
		STOCK									
36-0012041		IRRIGATION	757.89	SWSE32	120S	190E	1879	SWSE32	120S	190E	
36-0012045		IRRIGATION	100.00	NWSE32	120S	190E	1879	NWSE32	120S	190E	
39-0000617		DOMESTIC	.50				1879	SENWNW32	120S	190E	
		STOCK	.50								
39-0000620							< 1879	SESESE32	120S	190E	
39-0000621		IRRIGATION			32	120S	190E	< 1879	SENWSE32	120S	190E
39-0000622		DOMESTIC	.50				< 1879	SESWW29	120S	190E	
		STOCK	.50				< 1879				
39-0000625		IRRIGATION	150.00	NENW32	120S	190E	< 1879	NESWSE32	120S	190E	
39-0000627		IRRIGATION	100.00	SWNE32	120S	190E	1919	NWNW04	130S	190E	
								NENWSE32	120S	190E	
39-0000630		IRRIGATION	650.00	NWSE32	120S	190E	1959	NWNWSE32	120S	190E	
39-0014016		STOCK		SESWW29	120S	190E	1879	SESWW29	120S	190E	
39-0014021		STOCK		NWNWSE32	120S	190E	1879	SENWSE21	120S	190E	
		STOCK	679.65					NENWSE32	120S	190E	
		OTHER									
39-0014022		STOCK		NWNWSE32	120S	190E	1879	SENENW32	120S	190E	
		STOCK	679.65	SENWNW32	120S	190E					
		OTHER									

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
33-0012062	IRRIGATION	IRRIGATION	WO1	IROO1, IROO2
36-0012033	STOCK	STOCKWELL		
36-0012036	DOMESTIC	NONE		
	STOCK	NONE		
36-0012037	IRRIGATION	IRRIGATION		IROO1, IROO2
36-0012038	DOMESTIC	DOMESTIC		DMOO1
	STOCK	INCIDENTAL		
36-0012041	IRRIGATION	IRRIGATION		IROO1
36-0012045	IRRIGATION	IRRIGATION	WO3	IROO1, IROO2
39-0000617	DOMESTIC	NONE		
	STOCK	STOCKWELL		
39-0000620				
39-0000621	IRRIGATION	IRRIGATION		IROO1, IROO2
39-0000622	DOMESTIC	DOMESTIC		DMOO1
	STOCK	INCIDENTAL		
39-0000625	IRRIGATION	IRRIGATION		IROO1
39-0000627	IRRIGATION	IRRIGATION	WO3	IROO1, IROO2
39-0000630	IRRIGATION	IRRIGATION	WO1	IROO1, IROO2
39-0014016	STOCK	CATALOGUED WELL		
39-0014021	IRRIGATION	IRRIGATION	WO1	IROO1, SROO2
	STOCK	INCIDENTAL		
39-0014022	IRRIGATION	IRRIGATION	WO4	IROO1, SROO1
	STOCK	INCIDENTAL		



DIV #	LOCATION				DIVERSION NAME	WATER SOURCE AND CLASSIFICATION	
	SECTION	TWNP	RNGE				
WO1	NENWSE32	12OS	19OE	UNNAMED	GROUNDWATER	: ZONE 1 OF THE SAN PEDRO RIVER	
WO2	SENWSE32	12OS	19OE	UNNAMED	GROUNDWATER	: ZONE 1 OF THE SAN PEDRO RIVER UNUSED	
WO3	NWNESE32	12OS	19OE	UNNAMED	GROUNDWATER	: ZONE 1 OF THE SAN PEDRO RIVER	
WO4	SESENW32	12OS	19OE	UNNAMED	GROUNDWATER	: ZONE 1 OF THE SAN PEDRO RIVER	
WO5	SWSWSE29	12OS	19OE	UNNAMED	GROUNDWATER	: CATALOGUED	
WO6	NESENW32	12OS	19OE	UNNAMED	GROUNDWATER	: CATALOGUED	

U S E S

PWR #	LOCATION				SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE						
DMOO1	SWSWSE29	12OS	19OE	WO5	GROUNDWATER	: CATALOGUED		NO	
IROO1	NE32	12OS	19OE	WO1,WO4	GROUNDWATER	: ZONE 1	1935	NO	
	NW32	12OS	19OE						
	SE32	12OS	19OE						
	SW29	12OS	19OE						
	SW32	12OS	19OE						
IROO2	NWSE32	12OS	19OE	WO1	GROUNDWATER	: ZONE 1	1976	NO	
	SWNE32	12OS	19OE						

R E S E R V O I R S

PWR #	LOCATION				SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
	SECTION	TWNP	RNGE						
SROO1	SEENW32	12OS	19OE	WO4	GRNDWTR	: ZONE 1	1990	UNNAMED	IRRIGATION STOCKWATERING
SROO2	NWNWSE32	12OS	19OE	WO1	GRNDWTR	: ZONE 1	1955	S. PASTURE RESERVOIR	IRRIGATION STOCKWATERING

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS	FOR DATE	
DMOO1	39-0000622	36-0012038			GROUNDWATER : CATALOGUED
IROO1	39-0000621	33-0012062	1921	1921	STATE SURVEY
	39-0000625	36-0012037			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
	39-0000627	36-0012041			
	39-0000630	36-0012045			
	39-0000630				
	39-0014021				
	39-0014022				
IROO2	39-0000621	33-0012062	1976	1976	AERIAL PHOTO
	39-0000627	36-0012037			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
	39-0000630	36-0012045			
	39-0014021				
SROO1	39-0014022	NONE	1990	1990	AERIAL PHOTO
SROO2	39-0000630	33-0012062	1955	1955	AERIAL PHOTO
	39-0014021				GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	39-0000617	36-0012033			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
	39-0000620	36-0012036			
	39-0014016				

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
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	CERTIFICATE	79.0			5.9 AF/AC	466.1 AFA	
	MAX. OBSERVED	84.3	PERM. PSTR	34%	9.4 AF/AC	792.4 AFA	
	REGIONAL	84.3	AVE. CROP	50%	5.4 AF/AC	455.2 AFA	
IROO2	MAX. POTENTIAL	84.3	ALFALFA	34%	9.9 AF/AC	834.6 AFA	
	CERTIFICATE	79.0			5.9 AF/AC	466.1 AFA	
	MAX. OBSERVED	30.8	PERM. PSTR	45%	7.0 AF/AC	215.6 AFA	
	REGIONAL	30.8	AVE. CROP	50%	5.4 AF/AC	166.3 AFA	

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO2	MAX. POTENTIAL	30.8	ALFALFA	45%	7.4 AF/AC	227.9 AFA	
SROO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SROO2	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 33-12062 - CLAIMS IRRIGATION OF 79 ACRES OF LAND. THIS ACREAGE DESCRIBES ALL OF IR2 AND A PORTION OF IR1. ADDITIONAL USE LOCATIONS CITED IN THE FILING ARE FOUND IN THE SW1/4, NE1/4 & SE1/4 OF THE NW1/4 OF SECTION 32, T.12S., R.19E.  
 FILING 36-12036 - CLAIMS DOMESTIC AND STOCKWATERING USES. NO DOMESTIC OR STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATION.  
 FILINGS 36-12038 & 39-622 - CLAIM AN ADDITIONAL WELL NOT FOUND DURING FIELD INVESTIGATIONS.  
 FILINGS 36-12041 & 39-625 - CLAIM AN ADDITIONAL WELL NOT FOUND DURING FIELD INVESTIGATIONS.  
 FILING 39-617 - CLAIMS DOMESTIC AND STOCKWATERING USES FROM A WELL. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.  
 FILING 39-620 - NO WATER USES, USE AMOUNTS OR LOCATIONS WERE CLAIMED. NO WATER USES COULD BE MATCHED TO THIS FILING.

DIVERSIONS

W1 & W4 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.  
 W2 & W3 - UNUSED WELLS.  
 W5 & W6 - CATALOGUED WELLS.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.  
 IR1 & IR2 - IRRIGATED PASTURE.  
 SR1 & SR2 - SMALL RESERVOIRS FOR IRRIGATION AND STOCKWATERING USES.

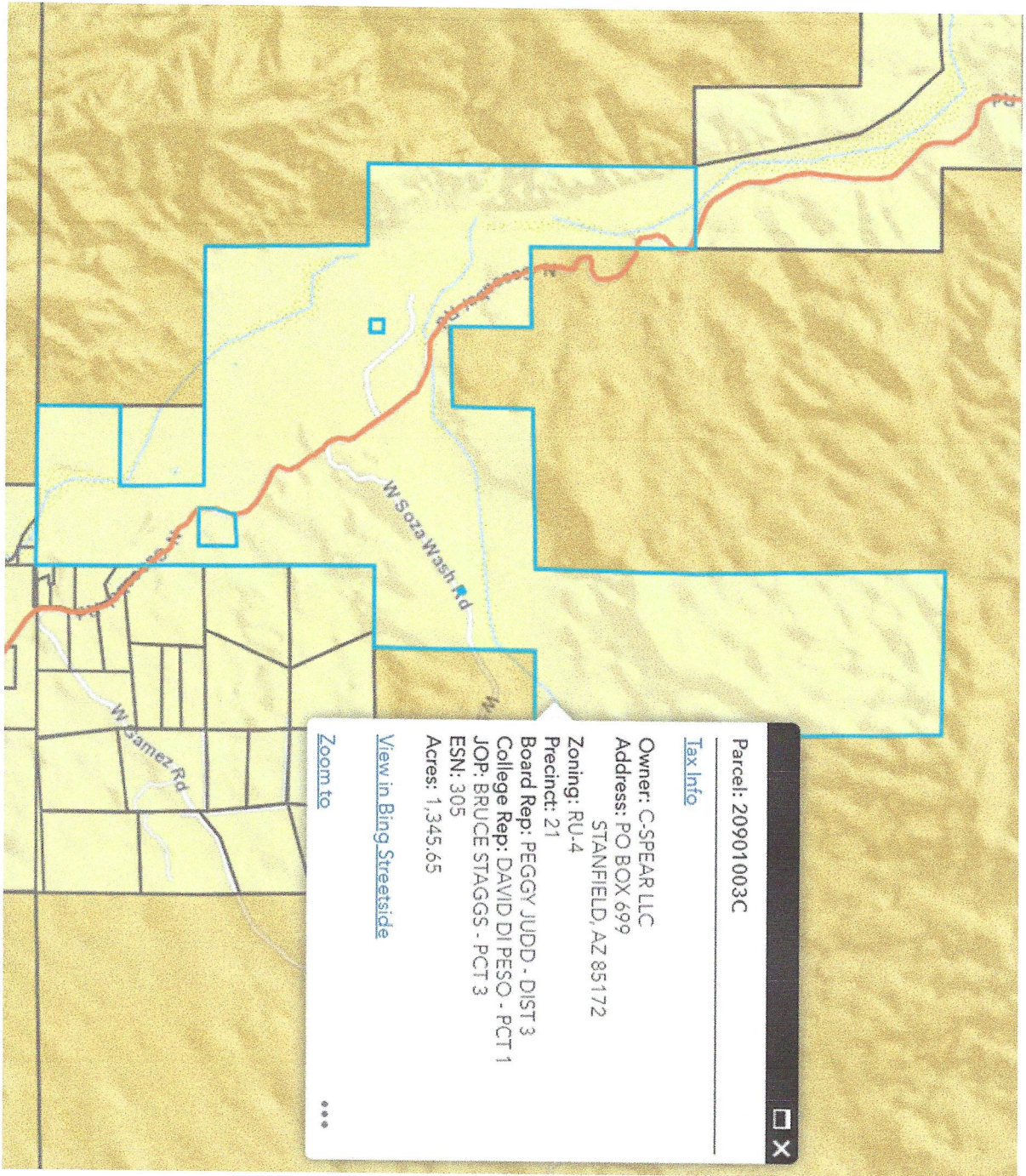
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED OUTLINING WELL LOCATIONS, IRRIGATION AND STOCKPOND USES, AND HISTORIC WATER USES.



# ATTACHMENT C

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



# ATTACHMENT D

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

ASARCO Incorporated  
Lauren J. Caster  
Fennemore Craig, P.C.  
2394 East Camelback Road  
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

Bryan Hartman  
33490 West Miller Road  
Stanfield, AZ 85172

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

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

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

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



- 1 Lucas T. Christian, Julian Nava,  
Richard Palmer and Jeremiah Weiner
- 2 Rosette, LLP  
565 W. Chandler Blvd. Suite 212
- 3 Chandler, AZ 85225
  
- 4 S. Montgomery, R. Interpreter, J. Tomkus  
Montgomery & Interpreter, PLC
- 5 3301 E. Thunderbird Road  
Phoenix, AZ 85032
  
- 7 Salt River Valley Water Users Association,  
Salt River Project Agricultural Improvement and Power District
- 8 John B. Weldon, Jr. and Mark A. McGinnis  
Salmon, Lewis & Weldon PLC
- 9 2850 E Camelback Rd, Ste. 200  
Phoenix, AZ 85016
  
- 11 Special Master Susan Ward Harris  
Superior Court of Arizona
- 12 201 W. Jefferson Street  
Courtroom 301
- 13 Phoenix, AZ 85003
  
- 14 U. S. Department of Justice  
Patrick Barry, Yosef Negose and Emma Blades
- 15 Environment and Natural Resources  
P. O. Box 7611
- 16 Washington, D.C. 20044-7611
  
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28