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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. W1-11-3124

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Jose and Rita Morales*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3124 initiated and status conference set for **January 8, 2020 at 2:15 p.m.**

NUMBER OF PAGES: 11

DATE OF FILING: December 6, 2019

**General Explanation**

This Court Order begins the process necessary to determine the legal water rights to water used on land that the Pinal County Assessor has identified as tax parcels 300-26-011D-G and

1 300-26-019A owned by Pablo Calderon, Amanda Morales-Calderon, Felix Morales, Maria  
2 Carolina Burnam, and Robert Morales.

3 This contested case is one of the many cases that are included in the General Stream  
4 Adjudication. The purpose of the General Adjudication is to determine the water rights of those  
5 persons who use water from the San Pedro watershed in addition to the watersheds for the Upper  
6 Salt, Verde, Upper Gila, Lower Gila, Agua Fria and Upper Santa Cruz. Other cases in the  
7 General Stream Adjudication have been completed, are in the process of determining water  
8 rights, or awaiting initiation. This case is initiated to determine water rights to water in the San  
9 Pedro watershed.

#### 11 **Claims for Water Rights**

12 This Order initiates a contested case to consider the claims and resolve objections to the  
13 Zone 2 Well Report 114-04-BAD-008 (“Report”) published in the Final San Pedro River  
14 Watershed Hydrographic Survey Report (1991). The Report identified domestic and irrigation  
15 uses on land located in sections 16 and 17 Township 6S Range 16E. The Arizona Department  
16 of Water Resources did note that no irrigation had occurred on the land in the five years prior to  
17 its investigation. The Report identified the source of water for the claimed use as a well located  
18 in section 16 T6S R16E. The Arizona Department of Water Resources has determined that the  
19 well is located in the subflow zone. A copy of the Report is attached as Attachment A. A copy  
20 of the map prepared for the Report is attached as Attachment B on which the land in question is  
21 labelled as “(8)”. A copy of the maps prepared by the Pinal County Assessor showing tax  
22 parcels 300-26-011D-G, and 300-26-019A, are attached as Attachment C.

#### 25 **Claimant & Landowner**

26 The Report identified one Statement of Claimant (SOC) relevant to the potential water  
27 right: 39-11538. Jose R. and Rita Morales filed the SOC claiming water for domestic and  
28

1 irrigation use. Jose and Rita Morales filed a Uniform Questionnaire on October 31, 1988, that  
2 described water used for domestic use and a two-acre garden. The public records of the Arizona  
3 Department of Water Resources do not contain an assignment of the SOC.

4 The Report lists Jose and Rita Morales as the owners of the property described in the  
5 Report. A death certificate has been recorded with the Pinal County Recorder's Office for Jose  
6 Romero Morales with respect to tax parcel 300-26-011D. See Fee Number 1998-007052. Also  
7 recorded with the Pinal County Recorder's Office are quit claim deeds from Rita Morales to  
8 Maria Carolina Burnam (Fee Number 2004-009647), Robert Morales (Fee Number 2006-  
9 132670), Felix Morales (Fee Number 2006-077802), and Pablo Calderon and Amanda Morales-  
10 Calderon (Fee Number 2015-035098). According to the records of the Pinal County Assessor,  
11 Felix Morales, Maria Carolina Burnam, Robert Morales, and Pablo and Amanda Calderon own  
12 tax parcels 300-26-011D-G, and 300-26-019A.

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15 **IT IS ORDERED:**

16 1. Contested Case. This contested case shall be known as *In re Jose and Rita*  
17 *Morales* and it will determine water rights asserted in the Statement of Claimant and objections  
18 that were filed to Report 114-04-BAD-008 published in the Final San Pedro River Watershed  
19 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
20 and number on the following website:

21 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
22 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

23 2. Litigants. The litigants in this contested case are the Claimant, the current  
24 landowners, all persons who filed objections to the listed watershed file reports who are included  
25 on Attachment D, and claimants who are allowed to intervene by order.

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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.

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.

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. An initial status conference shall be held to determine whether Rita Morales intends to pursue the claim for a water right or whether the current landowners intend to assert a claim for a water right and, if so, whether the objections to the potential water rights can be settled. If the objections cannot be settled, then a subsequent date will be set for a scheduling conference to identify issues, file disclosure statements, conduct discovery, submit prehearing motions, and hold a trial. No party shall conduct any discovery or file any motions prior to the Scheduling

1 Conference. The Status Conference shall be held on **January 8, 2020 at 2:15 p.m.**

2 before:

3 Special Master Susan Ward Harris  
4 Superior Court of Arizona  
5 201 West Jefferson Street, Courtroom 301  
6 Phoenix, AZ 85003-2202

6 Instructions for telephonic appearance:  
7 Dial: 602-506-9695 (local)  
8 1-855-506-9695 (toll free long distance)  
9 Dial Participant Pass Code 357264#

10  
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13 SUSAN WARD HARRIS  
14 Special Master

15 On December 6, 2019, the original of the foregoing was  
16 delivered to the Clerk of the Maricopa County Superior  
17 Court for filing and distributing a copy to all persons  
18 listed on the Court-approved mailing list for this contested  
19 case, a copy of which is attached hereto as Attachment D,  
20 and to all persons listed on the Court-approved mailing  
21 list for W-1, W-2, W-3, and W-4 (Consolidated).

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Barbara Brown

# ATTACHMENT A

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LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
MORALES, JOSE R. & RITA	114-04-BAD-008

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	SWNWNW16	06OS	16OE	DMO01, IRO90	W1-11-3124

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMO01	SWNWNW16	06OS	16OE				
IRO90	NENE17	06OS	16OE	1956	FILING 39-11538		2.5
	NWNW16	06OS	16OE				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0011538	W01	DMO01, IRO90

EXPLANATION

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W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

DM1 - DOMESTIC USE.

IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.





# ATTACHMENT C

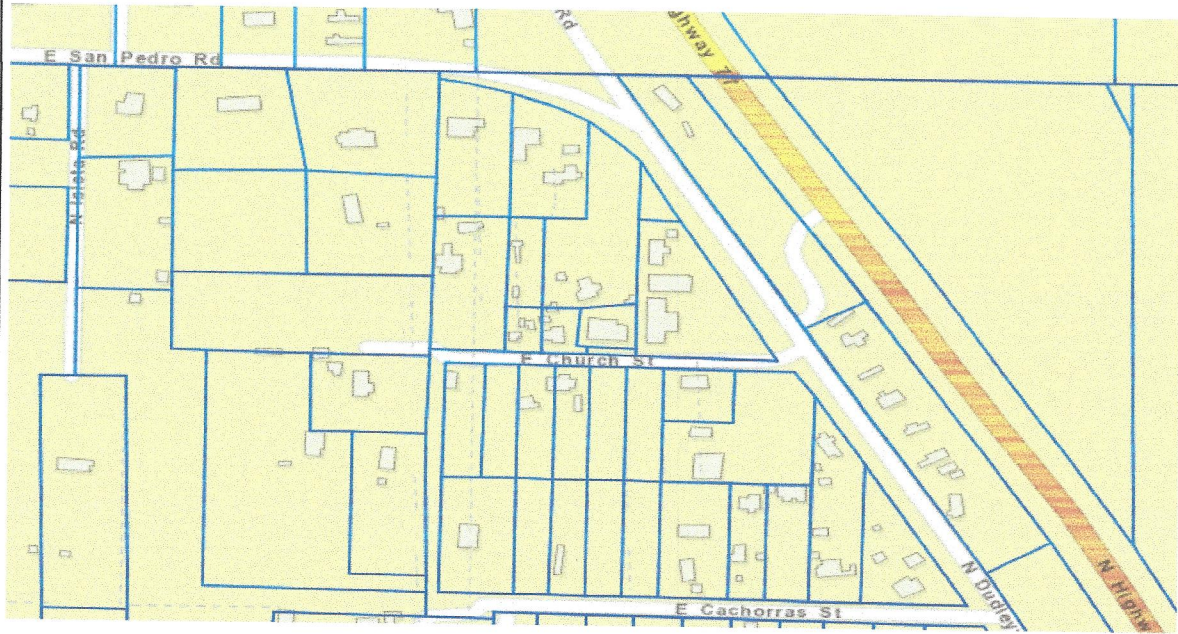


Figure 1. Larger area including the land at issue as mapped by the Pinal County Assessor



Figure 2. Specific tax parcels included in the Report (that are also shown in *figure 1*).

# ATTACHMENT D

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

ASARCO Incorporated  
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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  
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Phoenix, AZ 85003

Gila River Indian Community  
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Office of the General Counsel  
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1 Mark W. Paton  
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2 Winkelman, AZ 85192

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

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

10 Special Master Susan Ward Harris  
Superior Court of Arizona  
11 201 W. Jefferson Street  
12 Courtroom 301  
Phoenix, AZ 85003

13 Stanley and Molly Yoder  
14 Box 179  
15 Hayden, AZ 85235

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

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