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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. W1-11-3125

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Stanley C. and Molly Yoder*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3125 initiated and status conference set for **January 8, 2020 at 2:30 p.m.**

NUMBER OF PAGES: 12

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 parcel 300-26-049 owned by Mark W. Paton.

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

8  
9 **Claims for Water Rights**

10 This Order initiates a contested case to consider the claims and resolve objections to  
11 Watershed File Report 114-04-BAD-044 ("WFR") published in the Final San Pedro River  
12 Watershed Hydrographic Survey Report (1991). The Report identified domestic water use and  
13 irrigation associated with a domestic use on land located in section 16 Township 6S Range 16E.  
14 The Watershed File Report identified the source of water for the claimed uses as a well located  
15 in section 16 T6S R16E. The Arizona Department of Water Resources has determined that the  
16 well is located in the subflow zone. A copy of the WFR is attached as Attachment A. A copy  
17 of the map prepared for the WFR is attached as Attachment B on which the land in question is  
18 labelled as "(44)". A copy of the map prepared by the Pinal County Assessor showing tax  
19 parcel 300-26-049 is attached as Attachment C.  
20

21  
22 **Claimant & Landowner**

23 The Report identified two Statements of Claimant (SOCs) relevant to the potential water  
24 right: 39-2342 and 39-11774. Stanley Yoder filed the SOC's claiming water for domestic and  
25 irrigation use. Mr. Yoder filed a Uniform Questionnaire on October 14, 1988, that described  
26 water used for domestic purposes. The public records of the Arizona Department of Water  
27 Resources do not contain an assignment of the SOC's.  
28

1 The WFR lists Stanley and Molly Yoder as the owners of the property described in the  
2 WFR. According to the records of the Pinal County Assessor, Mark Paton owns tax parcel 300-  
3 26-049.

4  
5 **IT IS ORDERED:**

6  
7 1. Contested Case. This contested case shall be known as *In re Stanley C. and*  
8 *Molly Yoder* and it will determine water rights asserted in the Statements of Claimant and  
9 objections that were filed to WFR 114-04-BAD-044 published in the Final San Pedro River  
10 Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the  
11 case name and number on the following website:

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

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

17  
18 3. Court-Approved Mailing List.

19 A. The initial Court-approved mailing list for this case shall include all  
20 persons listed on Attachment D to this order. The list may be modified only by  
21 filing a motion with the Special Master to amend the Court-approved mailing list.

22 Litigants are responsible for using the current Court-approved mailing list.

23  
24 B. A copy of any pleading filed with the Clerk of the Maricopa County  
25 Superior Court in this case shall be served upon each person listed on the Court-  
26 approved mailing list.

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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](mailto:brownb099@superiorcourt.maricopa.gov).

- 9  
10 5. Status Conference. An initial status conference shall be held to determine whether the  
11 Claimants or the current landowner intends to assert a claim for a water right and, if  
12 so, whether the objections to the potential water rights can be settled. If the objections  
13 cannot be settled, then a subsequent date will be set for a scheduling conference to  
14 identify issues, file disclosure statements, conduct discovery, submit prehearing  
15 motions, and hold a trial. No party shall conduct any discovery or file any motions  
16 prior to the Scheduling Conference. The Status Conference shall be held on **January**  
17 **8, 2020 at 2:30 p.m.** before:

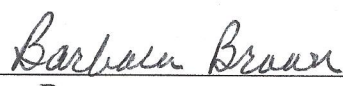
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21 Special Master Susan Ward Harris  
22 Superior Court of Arizona  
23 201 West Jefferson Street, Courtroom 301  
24 Phoenix, AZ 85003-2202  
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Instructions for telephonic appearance:  
Dial: 602-506-9695 (local)  
1-855-506-9695 (toll free long distance)  
Dial Participant Pass Code 357264#

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

On December 6, 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).

  
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Barbara Brown

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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE REPORT NUMBER
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YODER, STANLEY C. & MOLLY E.	114-04-BAD-044

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3125

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0002342	QUE.RECD	IRRIGATION	2.49	SWSWSW16	16OS	16OE	1956			
39-0011774	QUE.RECD	DOMESTIC	.56	SWSWSW16	16OS	16OE	1956			

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002342	IRRIGATION	IRRIGATION	W01	DMOO1, OTOO1
39-0011774	DOMESTIC	DOMESTIC	W01	DMOO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	NWSWNW16	06OS	16OE	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NWSWNW16	06OS	16OE	W01	GROUNDWATER : ZONE 1		NO	
OTOO1	SWSWNW16	06OS	16OE	W01	GROUNDWATER : ZONE 1	1964	NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0002342	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
OTOO1	39-0002342	NONE	1956 FILING 39-11774	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							
OTOO1	REGIONAL	.5	AVE. CROP		5.4 AF/AC	2.7 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

EXPLANATION

FILINGS AND DECREES  
 FILINGS 39-2342 & 39-11774 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH REFLECT INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENTS OF CLAIMANT.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

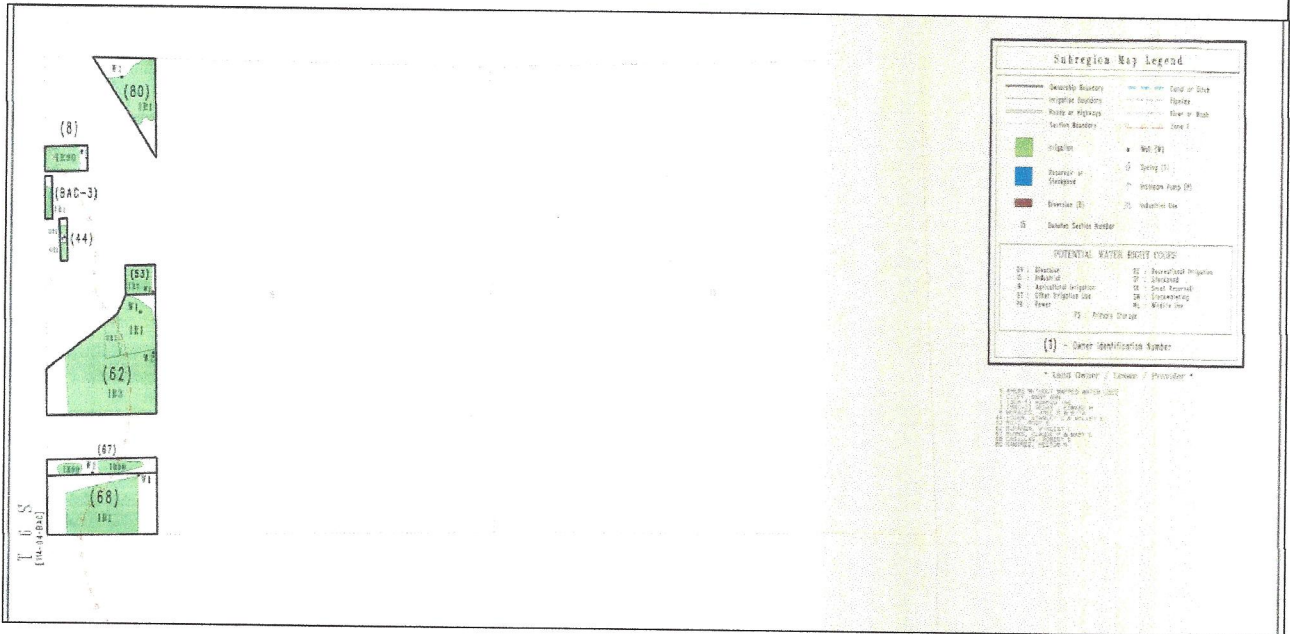
DM1 - DOMESTIC USE.

OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.



# ATTACHMENT B

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# ATTACHMENT C



# 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.  
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

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  
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Sacaton, AZ 85147

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The Sparks Law Firm, P.C.  
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Scottsdale, AZ 85251-4573

Lucas T. Christian & Julian Nava  
Rosette, LLP  
565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

- 1 Rudy E. and Mary L. Ruiz
- 2 P. O. Box 114
- 3 Hayden, AZ 85235
- 4 Sylvia Roberts, Trustee
- 5 1972 West Cholla Estate Dr.
- 6 Tucson, AZ 85704
- 7 S. Montgomery, R. Interpreter, J. Tomkus
- 8 Montgomery & Interpreter, Plc
- 9 3301 E. Thunderbird Road
- 10 Phoenix, AZ 85032
- 11 Salt River Valley Water Users Association,
- 12 Salt River Project Agricultural Improvement and Power District
- 13 John B. Weldon, Jr. and Mark A. McGinnis
- 14 Salmon, Lewis & Weldon PLC
- 15 2850 E Camelback Rd, Ste. 200
- 16 Phoenix, AZ 85016
- 17 Special Master Susan Ward Harris
- 18 Superior Court of Arizona
- 19 201 W. Jefferson Street
- 20 Courtroom 301
- 21 Phoenix, AZ 85003
- 22 U. S. Department of Justice
- 23 Patrick Barry, Yosef Negose
- 24 Environment and Natural Resources
- 25 P. O. Box 7611
- 26 Washington, D.C. 20044-7611
- 27
- 28