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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. W1-11-3126
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Rudy E. and Mary Louise Ruiz*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3126 initiated and status conference set
for **January 8, 2020 at 2:45 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 parcel 300-26-067 owned by
Pedro Rivero Gallego and Salvador Gallego.

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 the
11 Zone 2 Well Report 114-04-BAD-053 ("Report") published in the Final San Pedro River
12 Watershed Hydrographic Survey Report (1991). The Report identified domestic and irrigation
13 uses on land located in section 16 Township 6S Range 16E. The Report identified the source of
14 water for the claimed uses as a well located in section 16 T6S R16E. The Arizona Department
15 of Water Resources has determined that the well is located in the subflow zone. A copy of the
16 Report is attached as Attachment A. A copy of the map prepared for the Report is attached as
17 Attachment B on which the land in question is labelled as "(53)". A copy of the maps prepared
18 by the Pinal County Assessor showing tax parcel 300-26-067 is attached as Attachment C.
19

20
21 **Claimants & Landowners**

22 The Report identified one Statement of Claimant (SOC) relevant to the potential water
23 right: 39-0747. Rudy and May L. Ruiz filed the SOC claiming water for domestic and irrigation
24 use. Mr. and Mrs. Ruiz also filed a Uniform Questionnaire on December 1, 1988, that described
25 water used for domestic purposes. The public records of the Arizona Department of Water
26 Resources do not contain an assignment of the SOC.
27
28

1 The Report lists Rudy and Mary L. Ruiz as the owners of the property described in the
2 Report. In 2003 a quit claim deed was recorded to transfer the property from Rudy Ruiz to the
3 trustee of the Rudy Ruiz Family Trust. See Fee Number 2003-018938. A Warranty Deed has
4 been recorded with the Pinal County Recorder's Office in which Sylvia Roberts, as successor
5 trustee of the Rudy Ruiz Family Trust, to convey property to Pedro Rivero Gallego and Salvador
6 Gallego. See Fee Number 2016-051090; see also Fee Number 2017-043304. According to the
7 records of the Pinal County Assessor, Pedro Rivero Gallego and Salvador Gallego own tax parcel
8 300-26-067.

9
10 **IT IS ORDERED:**

11 1. Contested Case. This contested case shall be known as *In re Rudy and Mary L.*
12 *Ruiz* and it will determine water rights asserted in the Statement of Claimant and objections
13 that were filed to Report 114-04-BAD-053 published in the Final San Pedro River Watershed
14 Hydrographic Survey Report (1991). Copies of objections can be found under the case name
15 and number on the following website:

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

18
19 2. Litigants. The litigants in this contested case are the Claimants, the current
20 landowners, all persons who filed objections to the listed watershed file reports who are included
21 on Attachment D, and claimants who are allowed to intervene by order.

22
23 3. Court-Approved Mailing List.

24 A. The initial Court-approved mailing list for this case shall include all
25 persons listed on Attachment D to this order. The list may be modified only by
26 filing a motion with the Special Master to amend the Court-approved mailing list.
27 Litigants are responsible for using the current Court-approved mailing list.
28

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

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

7
8 4. Courtesy Email List.

9 The Special Master's office will email courtesy copies of orders and minute
10 entries entered in this case to persons listed on Attachment D. Requests for
11 inclusions on the email list should be sent to Barbara Brown at

12 brownb099@superiorcourt.maricopa.gov.

- 13
14 5. Status Conference. An initial status conference shall be held to determine whether
15 Claimants or the current landowners intend to pursue the claims for water rights or
16 whether the current landowners intend to assert a claim for a water right and, if so,
17 whether the objections to the potential water rights can be settled. If the objections
18 cannot be settled, then a subsequent date will be set for a scheduling conference to
19 identify issues, file disclosure statements, conduct discovery, submit prehearing
20 motions, and hold a trial. No party shall conduct any discovery or file any motions
21 prior to the Scheduling Conference. The Status Conference shall be held on **January**
22 **8, 2020 at 2:45 p.m.** before:

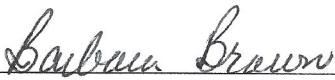
23
24 Special Master Susan Ward Harris
25 Superior Court of Arizona
26 201 West Jefferson Street, Courtroom 301
27 Phoenix, AZ 85003-2202
28

1 Instructions for telephonic appearance:
2 Dial: 602-506-9695 (local)
3 1-855-506-9695 (toll free long distance)
4 Dial Participant Pass Code 357264#
5

6
7 
8 SUSAN WARD HARRIS
9 Special Master

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

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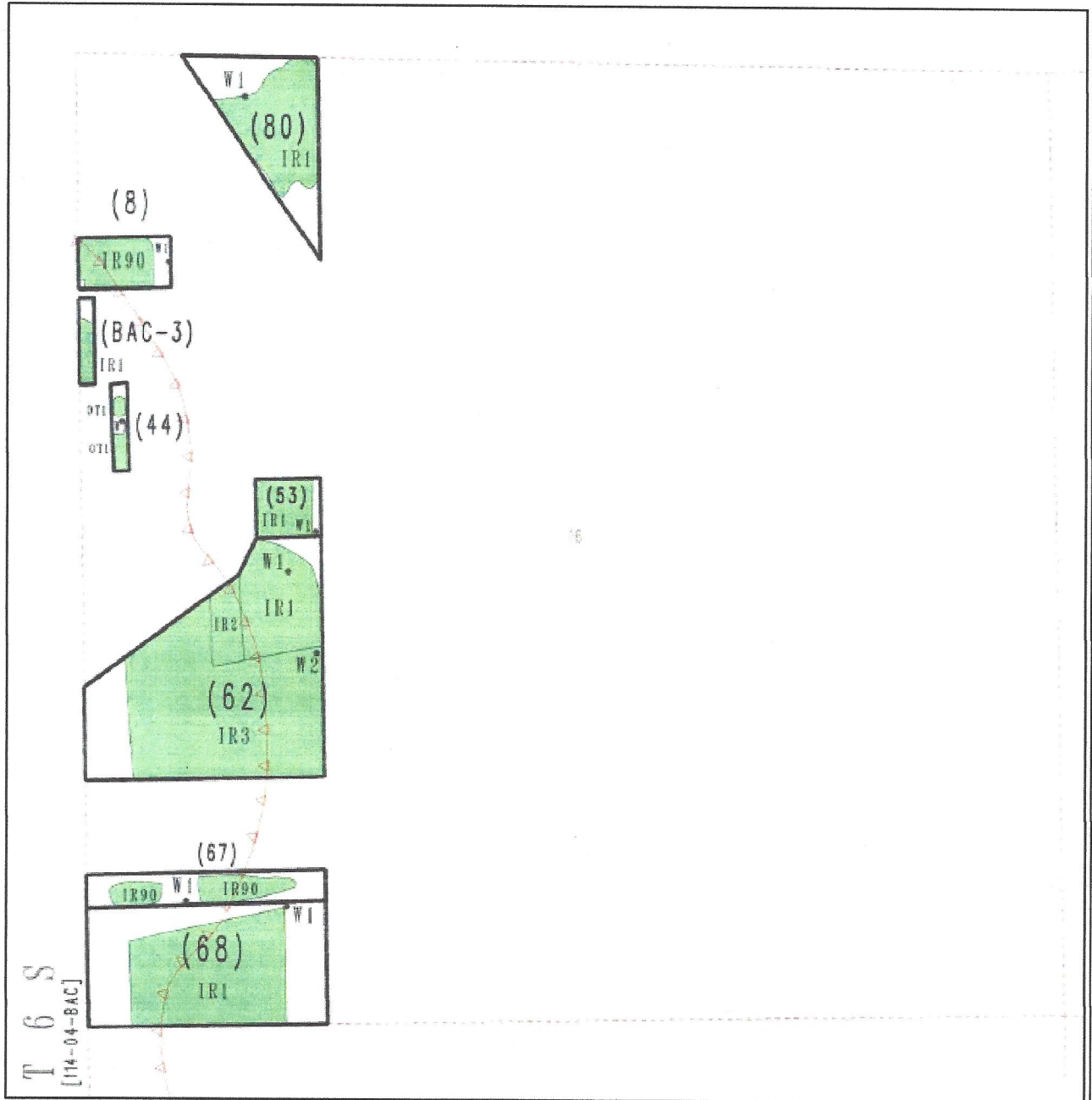
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16 Barbara Brown

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ATTACHMENT A

ATTACHMENT B

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LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
RUIZ, RUDY E. & MARY LOUISE	114-04-BAD-053

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	SESWNW16	060S	160E	DM001, IRO01	W1-11-3126

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DM001 IRO01	SESWNW16 SWNW16	060S 060S	160E 160E	1957	CLAIMANT INTERVIEW	12.4 AFA	2.3

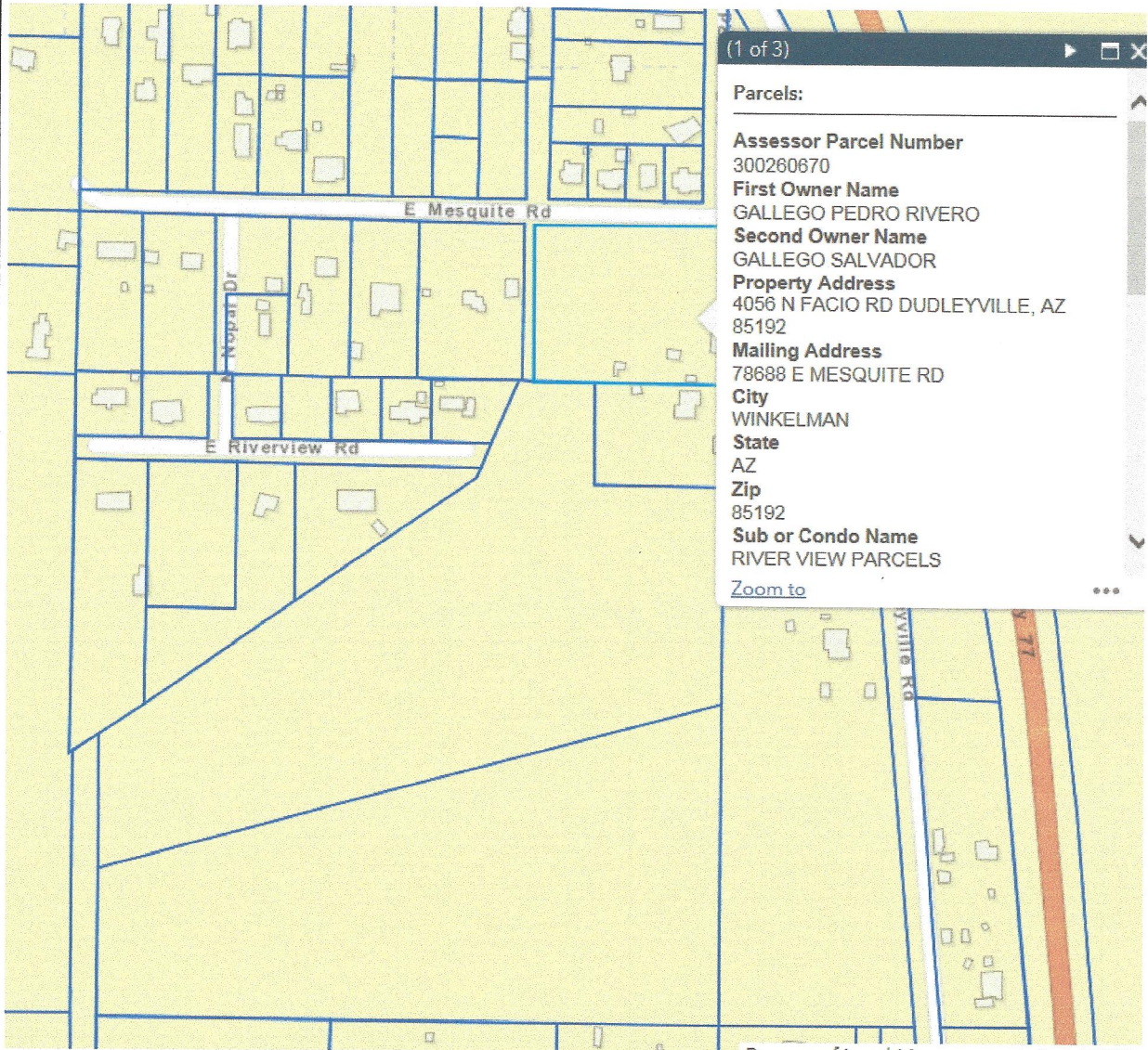
APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0000747	WO1	DM001, IRO01

EXPLANATION

-
- W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.
 - DM1 - DOMESTIC USE.
 - IR1 - IRRIGATED MULTIPLE CROPS (CORN AND PECANS).

ATTACHMENT C

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ATTACHMENT D

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

8 ASARCO Incorporated
9 Lauren J. Caster
10 Fennemore Craig, P.C.
11 2394 East Camelback Road
12 Suite 600
13 Phoenix, AZ 85016-3429

14 BHP Copper, Inc.
15 John D. Burnside
16 Snell & Wilmer, L.L.P.
17 400 E. Van Buren Street, Ste 1900
18 Phoenix AZ 85004

19 Clerk of the Superior Court
20 Maricopa County
21 Attn: Water Case
22 601 West Jackson Street
23 Phoenix, AZ 85003

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

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

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

Pedro Rivero Gallego
78688 E. Mesquite Road
Winkelman, AZ 85192

1 Dudley, AZ 85192
2 Martin and Rosa Martinez
P. O. Box 53
3 Winkelman, AZ 85192
4 Pablo Calderon
5 Amanda Morales-Calderon
1033 S, Revere
6 Mesa, AZ 85210
7 Rita Morales
8 P. O. Box 514
Hayden, AZ 85235
9 Robert R. Morales
10 P. O. Box 313
11 Winkelman, AZ 85192
12 S. Montgomery, R. Interpreter, J. Tomkus
13 Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
14 Phoenix, AZ 85032
15 Salt River Valley Water Users Association,
Salt River Project Agricultural Improvement and Power District
16 John B. Weldon, Jr. and Mark A. McGinnis
Salmon, Lewis & Weldon PLC
17 2850 E Camelback Rd, Ste. 200
18 Phoenix, AZ 85016
19 Special Master Susan Ward Harris
Superior Court of Arizona
20 201 W. Jefferson Street
Courtroom 301
21 Phoenix, AZ 85003
22 U. S. Department of Justice
23 Patrick Barry and Yosef Negose
Environment and Natural Resources
24 P. O. Box 7611
25 Washington, D.C. 20044-7611
26
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