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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

CIVIL NO. W1-11-3318
ORDER TO SET SCHEDULING
CONFERENCE

CONTESTED CASE NAME: *In re Bowers*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Conference set to schedule future proceedings to allow objectors to present evidence regarding chain of title claims and other objections to 115-04-ADB-009-DM001 and OT001.
NUMBER OF PAGES: 3
DATE OF FILING: June 25, 2018

This case concerns potential water rights 115-04-ADB-009-DM001 and OT001. The landowner has not filed an objection to Watershed File Report 115-04-ADB-009 (the WFR). The only objections to the WFR have been filed by other claimants. The Arizona Department

1 of Water Resources (ADWR) has conducted a meeting with the landowner and the Objectors,
2 prepared documents to assist in the resolution of the objections, and filed a Meeting Report.

3 At this point, it appears that the primary issue that must be resolved is the objection
4 raised by the San Carlos Apache Tribe and Tonto Apache Tribe (the Tribes), joined by the Gila
5 River Indian Community, that the landowner has not provided documents to show the chain of
6 title to the land for which he claims an appurtenant water right from William Row to Russell
7 Richardson. The remaining objections may be amenable to settlement.

8 Based on the copy of the patent from the United States to William Row dated October
9 18, 1921, attached to the Tribes' Statement of Position, Mr. Row obtained title to land that
10 included the south half of the southwest quarter of Section 34 T 6S R17E. Attached to the
11 form of Assignment of Statement of Claimant 39-4326 is a Warranty Deed listing Russell L.
12 Richardson and Sheila Richardson as grantees of two parcels of real property. Parcel One is
13 located in the SWSW section 34 T6S R17E. Parcel Two is located in section 3 T7S R17E. The
14 places of use for the water rights in the WFR are in SWSW 34 T6S R17E and NWNW 3 T7S
15 R17E.

16 Pursuant to A.R.S. 45-256(C) any "claimant who has filed an objection to the water
17 right as prescribed by subsection B of this section shall have a fair and reasonable opportunity
18 to present evidence in support of or in opposition to those portions of the director's report".
19 *See also* §13.05[3], Rules for Proceeding Before the Special Master. Thus, proceedings must
20 be conducted to give the Tribes, the Gila Indian Community and any other Objector the
21 opportunity to present evidence in support of their opposition to the director's report
22 identifying potential water rights. The landowner will also be permitted to present evidence at
23 the same proceeding.

24 Accordingly,
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IT IS ORDERED that a conference shall be set on July 19, 2018, at 1:30 p.m. to:

1. Identify all issues that must be resolved;
2. Set the date by which the Tribes, the Gila Indian Community and any other Objectors will file disclosure statements that identify the evidence in support of their objections along with any other necessary deadlines; and
3. Schedule an evidentiary hearing.

The scheduling conference shall be held at the Superior Court of Arizona, 201 West Jefferson Street, Courtroom 301, Phoenix, AZ 85003-2202.

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

IT IS FURTHER ORDERED that Mr. Richardson shall have a copy of any title insurance policy insuring the landowner's good title to the land or the name of the title insurance company that insured the landowner's good title to the land available at the scheduling conference.


SUSAN WARD HARRIS
Special Master

On June 25, 2018, 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.