

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


CIVIL NO. W1-11-3318
SUPPLEMENTAL CASE
MANAGEMENT ORDER

CONTESTED CASE NAME: *In re Bowers*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Additional documentation to be submitted with Arizona
Department of Water Resources Meeting Report
NUMBER OF PAGES: 2
DATE OF FILING: April 12, 2018


Pursuant to the Case Management Order in this case, Arizona Department of Water
Resources (ADWR) will schedule a meeting with the current landowners, as successors in
interest to Mr. and Mrs. Bowers, and the objectors no later than May 4, 2018. At the
conclusion of the meeting, ADWR shall file a Meeting Report pursuant to Rules for Proceeding
Before the Special Master, §8.02[1][c]. The Meeting Report shall contain as an attachment a

1 written statement from any objector who raises an issue at the meeting regarding the current
2 landowner's title to the property identified in Watershed File Report 115-04-ADB-009 or to the
3 chain of title from the original appropriator of the water used on the land to the current
4 landowner.

5 The doctrine of prior appropriation under Arizona law treats a water right as
6 appurtenant to, although severable under limited circumstances, from the land on which it is to
7 be used. A.R.S. §45-172. See also *Salt River Valley. Water Users' Ass'n v. Kovacovich*, 3
8 Ariz. App. 28, 30, 411 P.2d 201, 203 (1966); *Gillespie Land & Irr. Co., v. Buckeye Irr. Co.*, 75
9 Ariz. 377, 257 P. 2d 393 (1953). The general rule is that “[w]hen the water right . . . is
10 appurtenant to the land, a conveyance of the land, without more, transfers the appurtenant
11 water right.” 1 *Waters and Water Rights* §12.02(f) (Amy K. Kelley, ed., 3rd ed.
12 LexisNexis/Matthew Bender 2018). The objector shall provide to ADWR within two business
13 days of the meeting a written statement in support of the objector's position.
14

15
16 
17 SUSAN WARD HARRIS
18 Special Master

19 On April 12, 2018, the original of the foregoing was
20 delivered to the Clerk of the Maricopa County Superior
21 Court for filing and distributing a copy to all persons
22 listed on the Court-approved mailing list for this
23 contested case.

24 
25 Barbara Brown
26
27
28