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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 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
Consolidated

Contested Case Nos. W1-11-1675

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re St. David Irrigation District*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTION: Status Conference set for **August 18, 2022 at 2:30 p.m.** to determine consolidation of additional cases.  
NUMBER OF PAGES: 25  
DATE OF FILING: July 27, 2022

On June 1, 2022, St. David Irrigation District (“District”) filed a Status Report on the five Watershed File Reports listed in the January 21, 2022 Minute Entry that requested additional information with respect to nine tax parcels that St. David had identified in its Motion for Partial Summary Judgment Regarding Points of Diversion, filed August 2, 2021. The table in the Minute Entry included information provided by the St. David Irrigation District in the first five columns and the associated Watershed File Report numbers and contested case numbers in the last two

1 columns. The table is reproduced below as Table 1. Since the issuance of the Minute Entry, *In*  
 2 *re St. David Irrigation District*, contested case no. W1-11-2192, has been initiated and  
 3 consolidated with this contested case.

4	Area	Tax Parcel No.	Well Registration No.	GPS	Well Owner/Registrant	WFR	Case
5	St. David	12106018	55-617943	31.902002, 110.220905	- Guisti, Rose	112-17-044	W1-11-1642
6	St. David	12108007	55-613373	31.898815, 110.214645	- Martin, Jason and Cynthia	112-17-044	W1-11-1642
7	St. David	12108008	55-613374	31.898218, 110.214752	- Martin, Jason and Cynthia	112-17-044	W1-11-1642
8	St. David	12108009	55-613375	31.898159, 110.213765	- Martin, Jason and Cynthia	112-17-044	W1-11-1642
9	St. David	12115021	55-619450	31.905154, 110.238163	- Cochise County Investments LLC	112-17-044	W1-11-1642
10	St. David	12135002	55-612819	31.836273, 110.211099	- St. David Irrigation District	112-17-DCA-018	W1-11-2192
11	Pomerene	12418013	UNKNOWN	31.943723, 110.267905	- Kartchner, Jacob	112-17-BDA-004	W1-11-1983
12	St. David	12136006K	55-609171	31.832530, 110.203167	- Enclave St David LLC	112-17-DCA-009	W1-11-2186
13	Pomerene	12307004B	UNKNOWN	31.985402, 110.280484	- Least Agriculture, L.L.C.	112-17-037	W1-11-1635

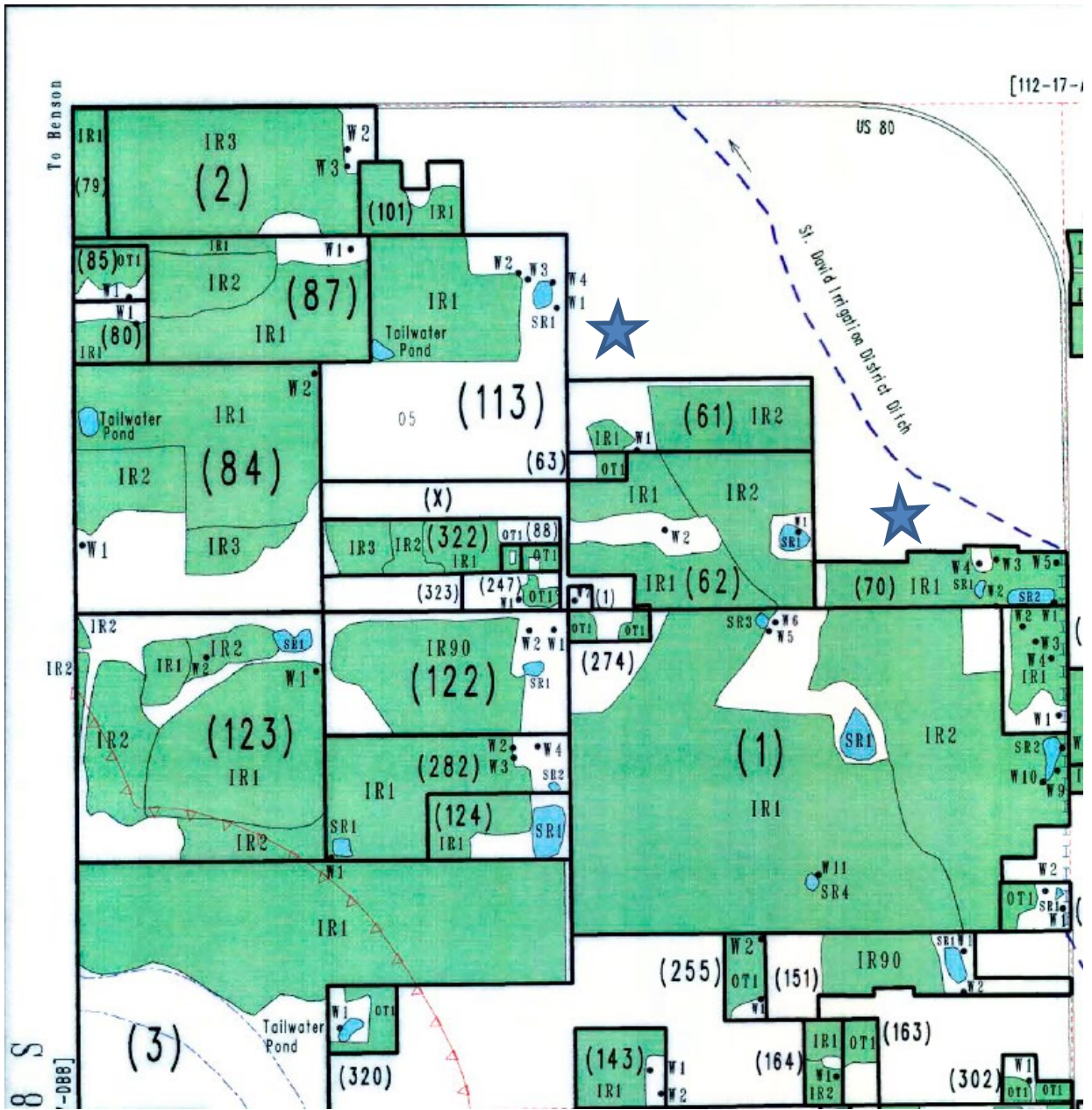
14 **Table 1.** Table produced in the January 21, 2022 Minute Entry. This table includes information provided by the St.  
 15 David Irrigation District in the first five columns. Contested Case W1-11-2192 was initiated and consolidated with  
 16 this case on June 21, 2021.

17 **A. Rose Guisti and Jason and Cynthia Martin**

18 Rose Guisti, according to the Cochise County Treasurer, owns tax parcel number 121-  
 19 06-018. It is located in the northeast quarter of Section 5 Township 18S Range 21. A map of  
 20 the land prepared by the Cochise County Treasurer is shown on Attachment A. The District  
 21 provided updated tax parcel numbers for the land that the Cochise County Treasurer shows as  
 22 owned by Jason and Cynthia Martin: 121-08-006, 121-007B, 121-08-010. Those tax parcels are  
 23 also located in the northeast quarter of Section 5 Township 18S Range 21. A map of the land  
 24 prepared by the Cochise County Treasurer is shown on Attachment B.

25 Arizona Department of Water Resources did not prepare Watershed File Reports for  
 claimed water rights for that portion of the northeast quarter of Section 5 Township 18S R21E in  
 which the Guisti and Martin land is located. *Figure 1* shows the land for which water uses were

1 investigated in Section 5 Township 18S Range 21E. The public records maintained by ADWR  
2 do not contain a Statement of Claimant filed by either Ms. Guisti or Mr. and Mrs. Martin.



21 Figure 1. Map of water uses prepared by ADWR in Section 5, Township 18S Range 21E. The boundaries of the  
22 investigated land are outlined in black and identified by a number in parenthesis. The stars mark the approximate  
23 locations of the Guisti and Martin land.

24 Source: Vol 9 San Pedro HSR at 103.

1           The Zone 2 Well Report 112-17-044 listed in Table 1 and associated with the Guisti and  
2 Martin land shows the results of ADWR's investigation of Statement of Claimant 39-4303 filed  
3 by St. David Water Association, which claimed 42 million gallons of water annually for  
4 domestic/municipal use for 227 families. The Zone 2 Well Report concluded that St. David  
5 Water Association provided municipal water for a number of sections of land including Section  
6 5, Township 18S Range 21E. A copy of the Zone 2 Well Report is attached as Attachment C.  
7 In its Status Report, the District stated that the St. David Domestic Water Improvement District  
8 has replaced the St. David Water Association. It represented that the wells on the Guisti and  
9 Martin properties are not used to provide water to the St. David Water Association. Thus, it does  
10 not appear that the existing Zone 2 Well Report 112-17-044 applies to water uses by Ms. Guisti  
11 and Mr. and Mrs. Martin.

12           **B. Cochise County Investments LLC**

13  
14           The District reported that to the best of its knowledge, Cochise County Investments LLC  
15 has only one well, 55-619450, on tax parcel number 121-15-024, which is part of the land  
16 investigated in Watershed File Report No. 112-17-DBB-023 associated with contested case no.  
17 W1-11-2128. Contested case W1-11-2128 has been initiated and consolidated with this case.

18           Based on the information provided by the District in its Status Report, no further action  
19 is needed with respect to a potential well owned by Cochise County Investments LLC that may  
20 have been included within Watershed File Report no. 112-17-044.

21  
22           **C. Jacob H. and Jennifer J. Kartchner**

23           The District advised that the tax parcel number 124-18-013 listed in Table 1 should be  
24 replaced with 124-18-011C8. It also stated that it does not believe that there is a well on tax  
25

1 parcel number 124-18-011C8. According to the District, a portion of tax parcel number 124-  
2 18-011C, is within the District's boundaries. It further states that that the contested case, W1-  
3 11-1983, should be initiated and consolidated with this case. Contested Case W1-11-1983 will  
4 adjudicate water rights investigated by Watershed File Report 112-14-BDA-004. The land  
5 included in Watershed File Report 112-14-BDA-004 is shown on Attachment D. The owners  
6 of the tax parcels located within the boundaries of Watershed File Report 112-14-BDA-004 are  
7 shown on Attachment E.

8 The District reported that the Kartchners also own tax parcel number 124-19-004C  
9 located in Section 24 Township 17S Range 20E. According to the District, two registered wells,  
10 55-628282 and 55-628285, are located on that tax parcel. Tax parcel number 124-19-004C was  
11 included in the land investigated in Watershed File Report 112-14-BDA-007, associated with  
12 contested case no. W1-11-1986. Contested Case W1-11-1986 was consolidated with this case  
13 on June 28, 2019.

14 **D. Enclave St. David LLC**

15 The District advised that tax parcel number 121-36-006K, associated with Watershed File  
16 Report No. 112-17-DCA-009, has not been annexed into the District. Accordingly, no action  
17 will be taken in this case with respect to Watershed File Report No. 112-17-DCA-009. The  
18 claims for water rights that are the subject of Watershed File Report No. 112-17-DCA-009 shall  
19 be adjudicated in contested case W1-11-2186.

21 **E. Least Agriculture, LLC**

22 Table 1 associated tax parcel number 123-07-004B with Least Agriculture, LLC. The  
23 District advised that the tax parcel number should be changed to 123-26-011F. This tax parcel  
24 is included in the land investigated by Watershed File Report 112-17-BAD-28, contested case  
25

1 W1-11-1917, which has been consolidated with this case. Least Agriculture LLC also owns tax  
2 parcel number 123-05-001. This tax parcel was included in the land investigated by Watershed  
3 File Report 112-17-BAD-011, contested case W1-11-1905, which has been consolidated with  
4 this case.

5 The District also contends that contested case W1-11-1635, associated with the Zone 2  
6 Well Report 112-17-037, a copy of which is attached as Attachment F, should be consolidated  
7 with this case. The Zone 2 Well Report 112-17-037 is a report finding that the Pomerene  
8 Domestic Water Users Association provides water from two wells for municipal purposes.  
9

10  
11 **IT IS ORDERED:**

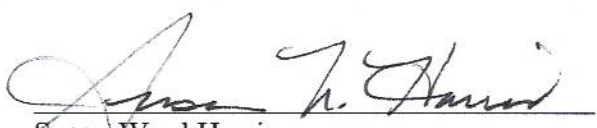
12 **1. Status Conference.** A Status Conference shall be held on **August 18, 2022 at**  
13 **2:30 p.m.** The purpose of the Status Conference will be to:

- 14 a. discuss whether contested case W1-11-1642, associated with Zone 2 Well  
15 Report 112-17-044, should be initiated and consolidated with this case;  
16 b. discuss the appropriate procedures to address water rights associated with  
17 water pumped from wells 55-617943, 55-613373, 55-613374, and 55-  
18 613375;  
19 c. discuss whether contested case W1-11-1983, associated with WFR 112-  
20 14-BDA-004 should be initiated and consolidated with this case; and  
21 d. discuss whether contested case W1-11-1635, associated with Zone 2 Well  
22 Report 112-17-035 should be initiated and consolidated with this case.

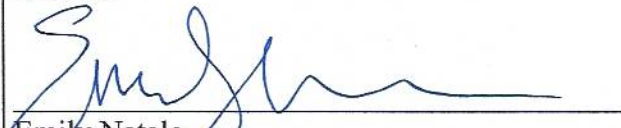
23 **2. Appearance at Status Conference.** The Status Conference shall be held  
24 using the Court Connect program. Instructions for Court Connect are attached as Attachment G.  
25

1 If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the  
2 attached instructions to make an appearance. If you do not receive this Order by email, log into  
3 the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If  
4 you do not have access to the internet, you may attend telephonically using the telephone number  
5 and access code included in the instructions for Court Connect. You may also attend  
6 telephonically using the following numbers:

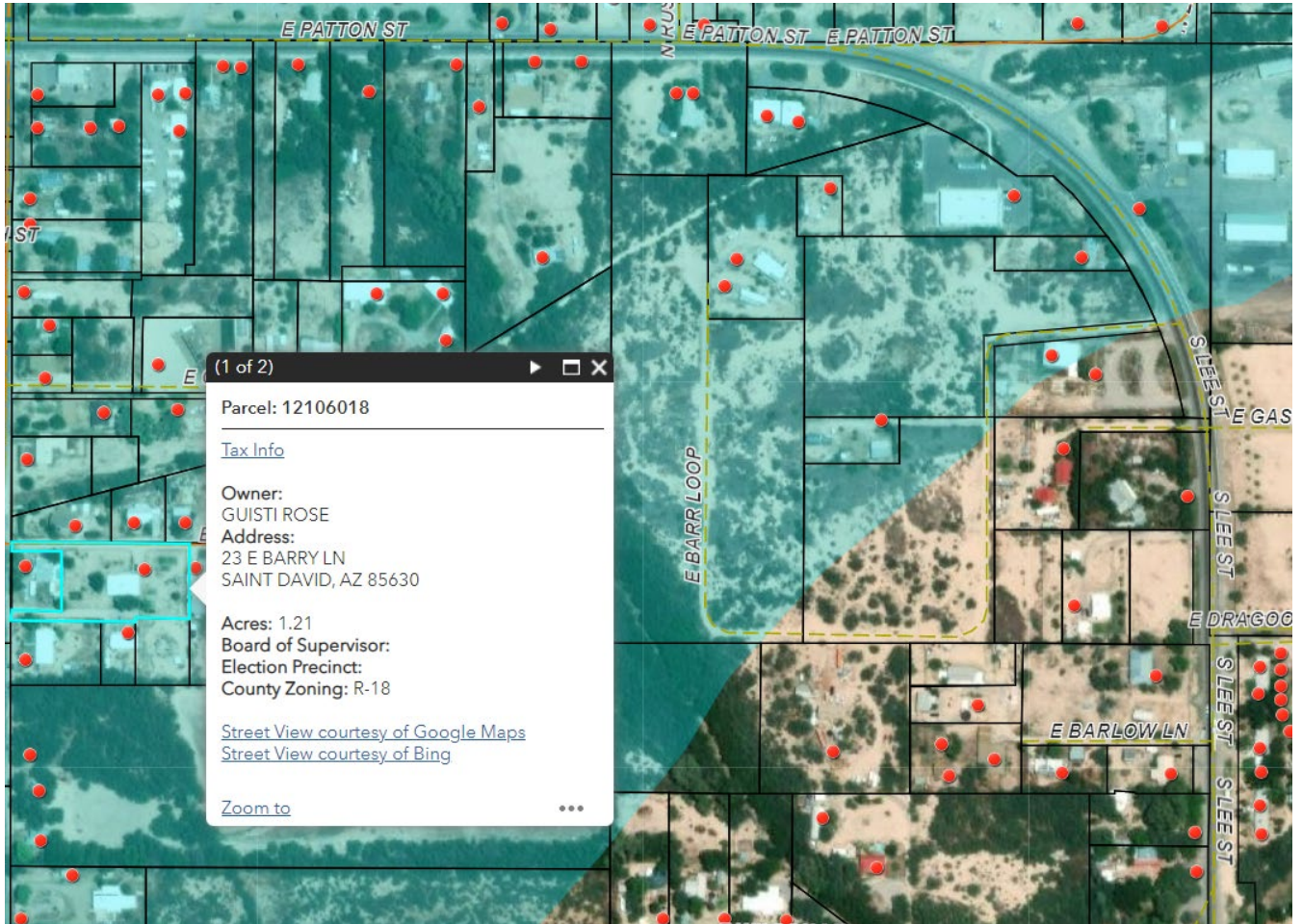
7  
8 Instructions for telephonic participation:  
9 Dial: 602-506-9695 (local)  
1-855-506-9695 (toll free long distance)  
Dial Collaboration (conference) Code 357264#

10  
11   
12 Susan Ward Harris  
Special Master

13 On July 27, 2022, the original of the foregoing was  
14 delivered to the Clerk of the Maricopa County Superior  
15 Court for filing and distributing a copy to all persons listed  
16 on the Court-approved mailing list for this contested case  
and a courtesy copy to Rose Guisti, Jason and Cynthia  
Martin, and St. David Domestic Water Improvement  
District.

17   
18 Emily Natale

# Attachment A

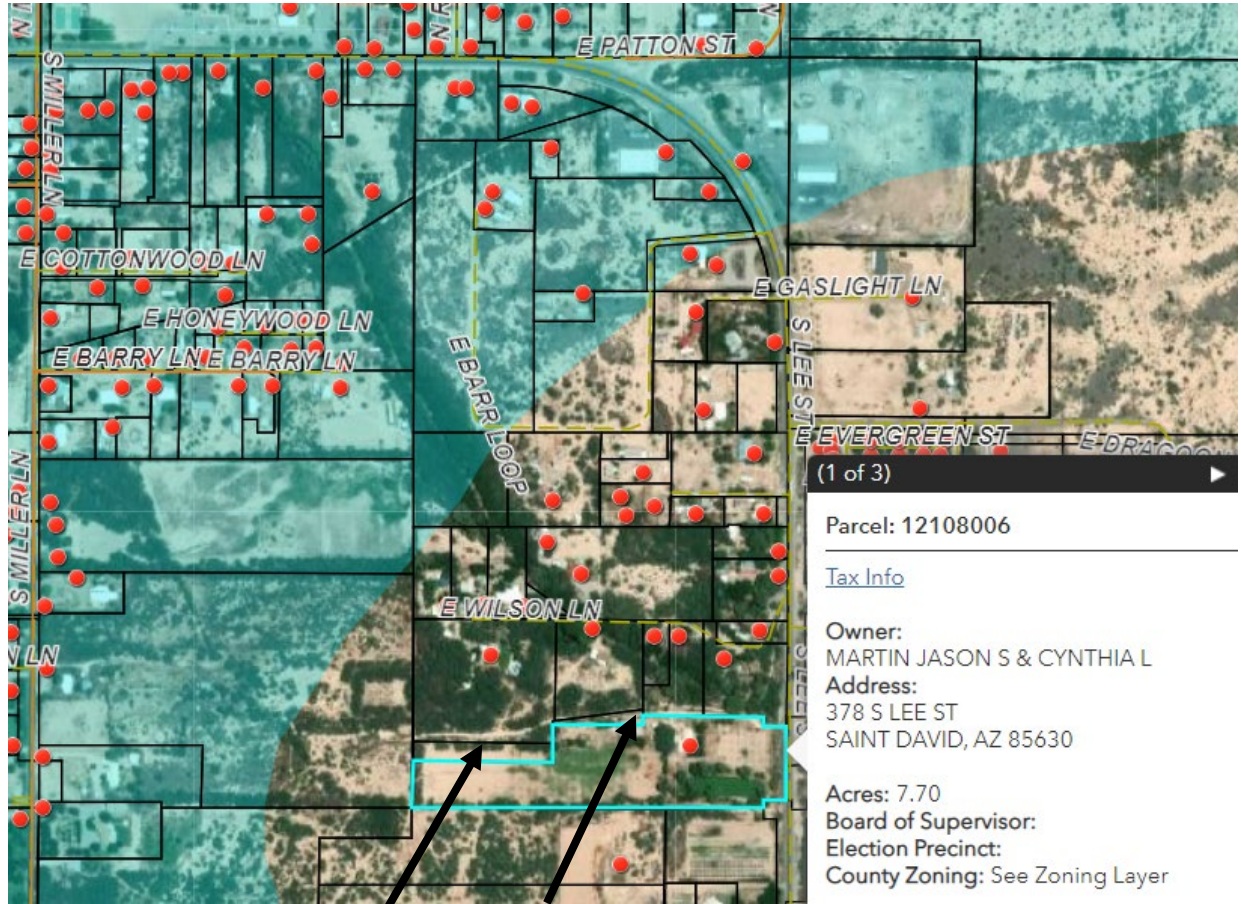


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# Attachment B

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Parcel 12108010  
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# Attachment C

LAND OWNER  
 -----  
 ST. DAVID WATER ASSOCIAT.

ZONE 2 WELL  
 REPORT NUMBER  
 -----  
 112-17-044

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	NWSWSW33	17OS	21OE	MU001	W1-11-1642
WO2	UNNAMED	SWNWSW33	17OS	21OE	MU001	

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
MU001	04	18OS	21OE	1969	FILING 39-4303	125.4 AFA	
	05	18OS	21OE				
	06	18OS	21OE				
	08	18OS	21OE				
	09	18OS	21OE				
	31	17OS	21OE				
	32	17OS	21OE				
	33	17OS	21OE				

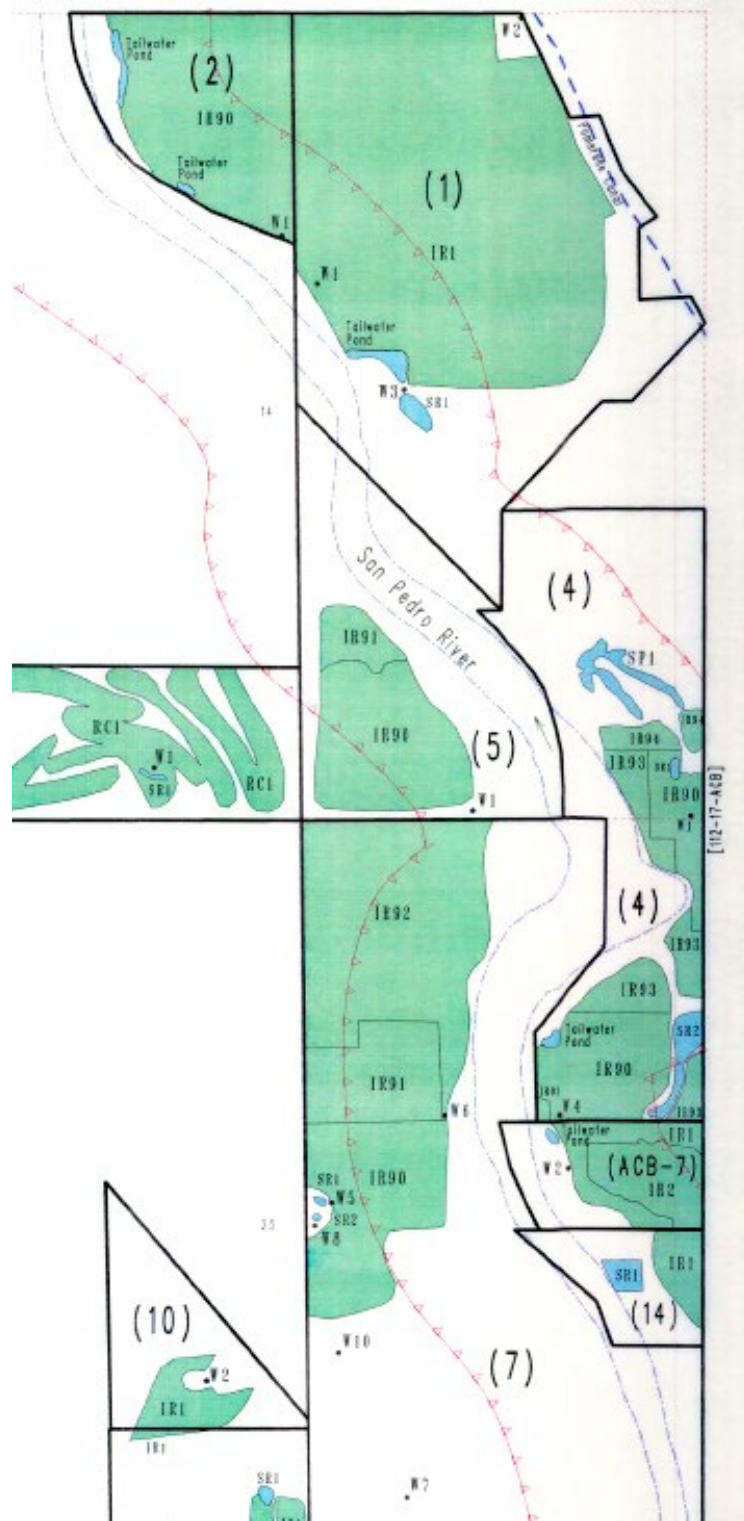
APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0004303	WO1	MU001

EXPLANATION

W1 & W2 - WELLS PROVIDE WATER FOR MUNICIPAL USES.

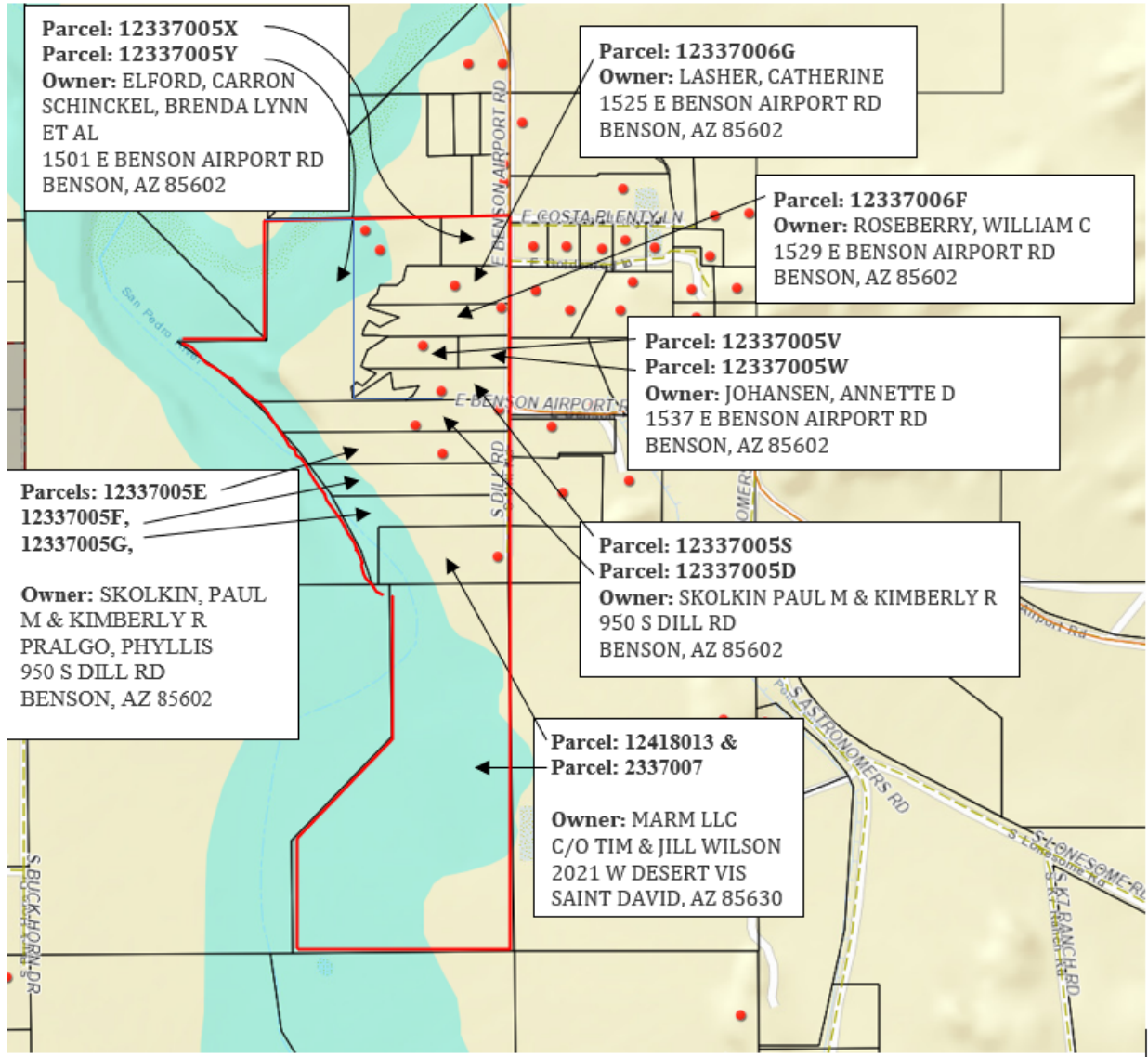
MU1 - MUNICIPAL WATER USE: ST. DAVID WATER ASSOCIATION. FOR MORE INFORMATION ON THE ST. DAVID WATER ASSOCIATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

# Attachment D



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# Attachment E



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# Attachment F

LAND OWNER	ZONE 2 WELL REPORT NUMBER
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POMERENE DOMESTIC W.U.A. % G. SHERMAN	112-17-037

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	NWNESE34	160S	200E	MU001	W1-11-1635
WO2	UNNAMED	SENESEW35	160S	200E	MU001	

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
MU001	02	170S	200E	1948	FILING 39-5940	153.0 AFA	
	03	170S	200E				
	27	160S	200E				
	34	160S	200E				
	35	160S	200E				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0005940	WO1, WO2	MU001

EXPLANATION

W1 & W2 - WELLS PROVIDE WATER FOR MUNICIPAL USES.

MU1 - MUNICIPAL WATER USE: POMERENE DOMESTIC WATER USERS ASSOCIATION. FOR MORE INFORMATION ON THE POMERENE DOMESTIC WATER USERS ASSOCIATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

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# Attachment G





## Court Connect Hearing Notice for In re St. David Irrigation District

*This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.*

*All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.*

**Participants:** Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

**Case Name: In re St. David Irrigation District, Contested Case No. W1-11-1675**

**Start Date/Time: August 18, 2022 at 2:30 p.m.**

**JOIN COURT CONNECT HEARING**

**Dial-in Information:** +1 917-781-4590

**Private Dial-in Information:** for privacy purposes, you can block your phone number by dialing \*67 +1 917-781-4590

**Dial-in Access Code:** 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)



Court Approved Mailing List  
In re St. David Irrigation District  
W1-11-1675 (91 Names)  
Prepared by the Special Master  
7/27/2022

---

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Wilmer, L.L.P.  
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John I & Amanda J. Malboeuf  
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Solicitor  
Office of the Solicitor  
U.S. Department of the Interior  
Sandra Day O'Connor U.S.  
Courthouse  
Ste. 404 401 W. Washington  
St., SPC 44  
Phoenix, AZ 85003

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Saint David, AZ 85630

KENNETH & JULIE HAYMORE

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ST DAVID, AZ 85630

KENNETH LEON & COLLEEN  
A SCOTT  
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Akpolo  
Arizona Department of Water  
Resources  
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ST DAVID, A85630

MERRILL FAMILY TRUST  
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Benson, Az 85602

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PENSION PLAN  
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DEL MAR, CA 92014

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Phoenix, AZ 85020

MICHAEL EUGENE &  
TAMARA IONA RICE  
685 W STARDUST TRL  
ST DAVID, Az 85630

Mark and Carrie Fenn  
217 Pomerene Road  
Benson, AZ 85602

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