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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. W1-11-1897

ORDER TO INITIATE CONTESTED CASE
AND
ORDER SETTING STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Mark and Marion Kartchner III*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **April 21, 2022 at 2:15 p.m.**
NUMBER OF PAGES: 15
DATE OF FILING: February 8, 2022

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land that the Cochise County Assessor has identified as owned by those persons and entities listed on Table 1 below. This contested case is one of the many cases in the Arizona General Stream Adjudication for the San Pedro River Watershed to determine

1 legal rights to water. Other cases in which claims have been made for legal rights to water in the
2 San Pedro River Watershed have been completed, are in the process of determining water rights,
3 or are awaiting initiation. The purpose of the General Adjudication is to determine the rights of
4 those persons who filed Statements of Claimant for rights to use appropriable water in Arizona.
5 The General Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila,
6 Lower Gila, Agua Fria, and Upper Santa Cruz watersheds.
7

8 In this case, the trustees of the Mark M. and Marion B. Kartchner Revocable Trust
9 (“Claimant”) filed Statements of Claimant (“SOCs”) 39-13545 and 39-13553 on March 30, 1989
10 for rights to water for use on land in the north half of the southeast quarter of Section 4 Township
11 17S Range 20E, which Mr. Kartchner more specifically designated as Rancho Los Alamos,
12 Unit 2, Lot Nos. 1-64. The Arizona Department of Water Resources (“ADWR”) investigated
13 the claims that it characterized as claims for irrigation and domestic uses, and prepared a report
14 known as Watershed File Report No. 112-17-BAC-001 (“WFR”) published in the Final San
15 Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as
16 Attachment A.
17

18 The SOC’s filed include claims for 63.00 acre-feet annually of water for irrigation use and
19 24.00 acre-feet annually for domestic use with a priority date of 1952 from two wells: Well
20 registration number 55-631763, located in SENENE Section 4 T17S R20E and well registration
21 number 55-513059, located in SESENE Section 4 T17S R20E. The WFR found no irrigation or
22 domestic watering uses on the land described in the WFR. After ADWR issued the WFR,
23 objections were filed to the findings made in the WFR. The purpose of this case is to consider
24 the claims made for water rights that are the subject of the WFR and resolve the objections to the
25 WFR.
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Claimants & Landowners

The WFR identified two SOCs relevant to the potential water right: 39-13545 and 39-13553. Mark M. Kartchner, on behalf of Mark M. and Marion B. Kartchner Revocable Trust, filed the SOCs claiming water for irrigation and domestic uses. The WFR lists Mark & Marion Kartchner as the owners of the property described as located in the north half of the southeast quarter of Section 4 Township 17S Range 20E. Currently, the Cochise County Treasurer shows two subdivisions in the north half of the southeast quarter. Ranchitos Los Alamos #2 referenced in the SOC surrounds a subdivision known as San Pedro I Golf Estates. The SOCs indicate that the land includes 64 lots of the Ranchitos Los Alamos #2 subdivision. The tax parcel numbers listed below include lot one and lots 29-64 of Ranchitos Los Alamos #2 subdivision. The Cochise County Treasurer’s map does not show lots 2-28 in Ranchitos Los Alamos #2 in the north half of the southeast quarter. A Deed of Distribution filed with Cochise County as document PB2019-00167, recorded on February 18, 2020, shows that Lot numbers 2-56 of the Ranchitos Los Alamos Unit No. 2 were released to the Trustee of the Gail M. Hartley Exempt Marital Trust.

Landowner	Tax Parcel No.	Lot No.
Woodland Trust	123-09-1706	1
Gateway Trade Park LLC	123-09-080F2 123-09-074B	57-58 59-94
Gail M. Hartley Exempt Marital Trust	123-09-080D4 123-09-060A9 123-09-06103 123-09-074C8	29-42 43-44 45 46-56

Table 1

The Cochise County Treasurer lists First American Title Insurance Co Trust #8628 (“First American”) as the owner of additional land located in the north half of the southeast quarter of

1 Section 4 Township 17S Range 20E that is the San Pedro Golf Estates subdivision. A Special
2 Warranty Deed recorded at document 2018-23459 conveyed from First American Title Insurance
3 Co Trust #8628 Lots 1 through 224 of San Pedro Golf Estates to Stardust Lot Development LLC.

4 The public records of the Arizona Department of Water Resources do not contain an
5 assignment of the SOC from Mark M. and Marion B. Kartchner to any successor landowner. A
6 copy of the map prepared by the Cochise County Assessor showing the tax parcels listed above
7 is attached as Attachment B.
8

9
10
11 **IT IS ORDERED:**

12 1. Contested Case. This contested case shall be known as *In re Mark and Marion*
13 *Kartchner III* and it will determine appropriable water rights asserted in the Statement of
14 Claimant and objections that were filed to Watershed File Report 112-17-BAC-001 published in
15 the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections
16 can be found under the case name and number on the following website:
17 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
18 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
19

20
21 2. Litigants. The litigants in this contested case are the Claimants, the current
22 landowners, all persons who filed objections to the WFR, and parties who are allowed to
23 intervene by order.

24 3. Court-Approved Mailing List.

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

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

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

6 C. Claimants wishing to be added or removed from the mailing list shall file
7 a motion with the Special Master. Parties allowed to intervene will be
8 automatically added to the Court-approved mailing list.

9
10 D. The Clerk of the Court will send copies of all minute entries and orders
11 issued in this case to the parties listed on the Court-approved mailing list.
12 Upon request, the Clerk of the Court will provide copies by email. Parties
13 may request emailed copies of minute entries and orders by completing
14 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
15 CASE DOCUMENTS, which is attached as Attachment D.
16

17 4. Status Conference. An initial status conference shall be held to determine
18 whether the Claimants or current landowners intend to pursue claims for rights to appropriable
19 water for irrigation or stock watering use. If no person claiming a water right appears at the
20 Status Conference, then Statements of Claimant 39-13545 and 39-13553 and this case will be
21 dismissed and no further action will be taken with respect to the WFR or the objections filed to
22 the WFR.
23

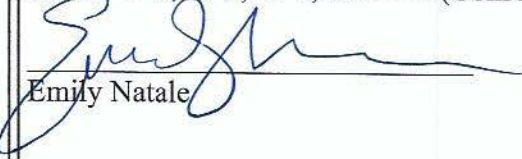
24 The Status Conference shall be held on **April 21, 2022 at 2:15 p.m.** The Status
25 Conference shall be held using the Court Connect program. Instructions for Court Connect are
26 attached as Attachment E. If you receive this Order by email, click on the red box “Join Court
27 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this
28

1 Order by email, log into the Court Connect program on the internet by typing
2 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
3 telephonically using the telephone number and access code included in the instructions for Court
4 Connect. Alternatively, you may attend telephonically using the following instructions:

5
6 Instructions for telephonic appearance:
7 Dial: 602-506-9695 (local)
8 1-855-506-9695 (toll free long distance)
9 Dial Participant Pass Code 357264#

10
11 
12 SUSAN WARD HARRIS
13 Special Master

14 On February 8, 2022, the original of the foregoing was
15 delivered to the Clerk of the Maricopa County Superior
16 Court for filing and distributing a copy to all persons
17 listed on the Court-approved mailing list for this contested
18 case, a copy of which is attached hereto as Attachment C,
19 and to all persons listed on the Court-approved mailing
20 list for W-1, W-2, W-3, and W-4 (Consolidated).

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Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
KARTCHNER, MARK & MARION	112-17-BAC-001

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-1897

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0013545		DOMESTIC	24.00	NESE04	170S	200E	1952	NENESE04	170S	200E
		IRRIGATION	24.00	N2SE04	170S	200E				
39-0013553		IRRIGATION	39.00	NESE04	170S	200E	1952	SESENE04	170S	200E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0013545	IRRIGATION	NONE		
	DOMESTIC	NONE		
39-0013553	IRRIGATION	NONE		

P W R S U M M A R Y

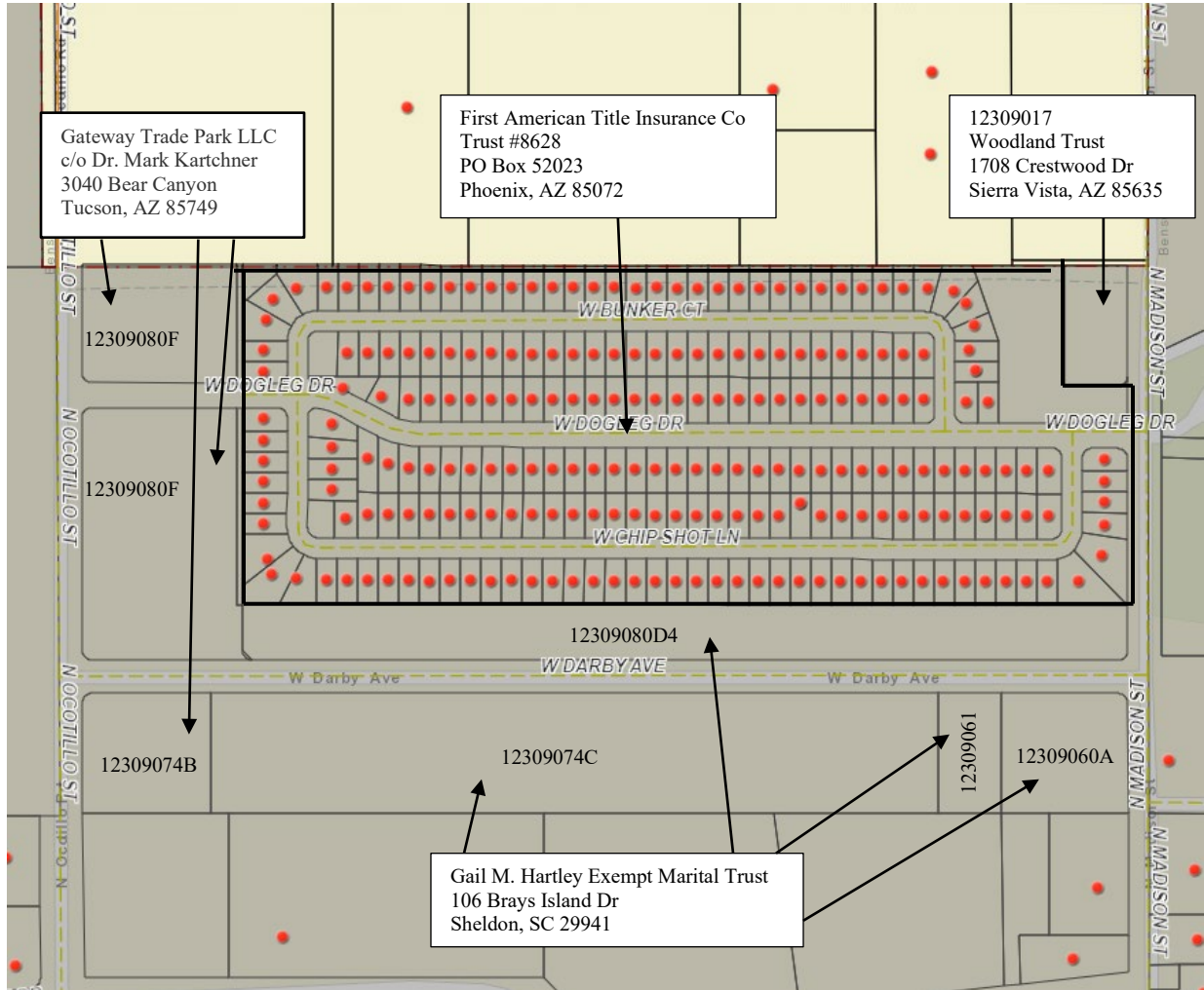
PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0013545	NONE		
	39-0013553			

E X P L A N A T I O N

FILINGS AND DECREES
 FILING 39-13545 - CLAIMS IRRIGATION AND DOMESTIC USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.
 FILING 39-13553 - CLAIMS AN IRRIGATION USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

ATTACHMENT B

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ATTACHMENT C

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

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

First American Title Insurance Co
Trust #8628
Trust Department
PO Box 52023
Phoenix, AZ 85072

Gail M Hartley Exempt Marital Trust
106 Brays Island Dr
Sheldon, SC 29941

Gail M Hartley Exempt Marital Trust
Ryley Carlock & Applewhite
One North Central
Suite 1200
Phoenix, AZ 85004-4417

Gateway Trade Park LLC
c/o Dr. Mark M Kartchner
3040 Bear Canyon
Tucson, AZ 85749

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

Mark M. and Marion B. Kartchner
Revocable Trust
3040 Bear Canyon Rd
Tucson, AZ 85749

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

Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

Stardust Lot Development LLC
Chris Heeter, Statutory Agent
6720 North Scottsdale Road, Ste 220
Scottsdale, AZ 85253

Tonto Apache Tribe
Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

Woodland Trust
1708 Crestwood Dr
Sierra Vista, AZ 85635

Yavapai Apache Nation
S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, AZ 85032

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ATTACHMENT D

**CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA**

Jeff Fine
Clerk

**MARICOPA COUNTY
Customer Service Center
601 West Jackson
Phoenix, AZ 85003**

602 372-4115
Water Case Clerk

CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to Mayra.Antelo@Maricopa.Gov.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Name [Printed]:

Signature:

Date:

Thank you,

Mayra Antelo
Clerk of the Superior Court
Water Case Specialist
(602) 372-5375 options 7,1,3,4

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ATTACHMENT E



Court Connect Hearing Notice for In re Mark & Marion Kartchner III

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 Mark and Marion Kartchner III Contested Case No. W1-11-1897

Start Date/Time: April 21, 2022 at 2:15 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](#)

