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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. W1-11-0185

ORDER TO INITIATE CONTESTED CASE  
AND  
ORDER TO SET TELEPHONIC STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re Babacomari Ranch Company I*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case W1-11-0185 initiated and telephonic status conference set for **May 20, 2021 at 3:00 p.m.**  
NUMBER OF PAGES: 13  
DATE OF FILING: March 22, 2021

This Order initiates a contested case to consider the claims for water rights and resolve objections to Watershed File Report 111-19-DAC-001("WFR") published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights domestic use, irrigation, and a small reservoir for land located in section 06 Township 21S Range 19E. The identified source of water for the claimed uses is surface water from the Babocomari

1 River and one well that Arizona Department of Water Resources has determined is located in the  
2 subflow zone. A copy of the watershed file report is attached as Attachment A. A copy of the  
3 map prepared for the WFR is attached as Attachment B.

4  
5 **Claimant & Landowner**

6 The WFR identified Statements of Claimant 39-4906, 39-4934, and 39-4935 (“SOCs”)  
7 as the relevant filings for the potential water rights. Babacomari Ranch Company, a limited  
8 partnership, filed the SOC’s claiming domestic, stock watering, and irrigation water rights. It  
9 further claimed a right to all surface and subsurface water located upon the Babacomari Land  
10 Grant, used and unused.

11  
12 Babacomari Ranch Company is named in the WFR as the owner of the property  
13 described in 111-19-DAC-001. According to the Cochise County Recorder’s Office,  
14 Babacomari Ranch Company is the owner of tax parcel 106-03-038. A copy of the current tax  
15 parcel map is attached as Attachment C.

16  
17 **IT IS ORDERED:**

18 1. Contested Case. This contested case shall be known as *In re Babacomari Ranch*  
19 *Company I* and it will address the Statements of Claimant and objections that were filed to  
20 Watershed File Report 111-19-DAC-001 published in the Final San Pedro River Watershed  
21 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
22 and number on the following website:  
23 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
24 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

25 2. Litigants. The litigants in this contested case are the Claimant, the current  
26 landowner, all persons who filed objections to the Watershed File Report who are included on  
27 the list on Attachment D, and claimants who are allowed to intervene by order.  
28

1           3.     Court-Approved Mailing List.

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

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

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

12           4.     Courtesy Email List.

13           The Special Master's office will email courtesy copies of orders and minute  
14           entries entered in this case to persons listed on Attachment D. Requests for  
15           inclusions on the email list should be sent to Durina Farrall at  
16           [durina.farrall@jbazmc.maricopa.gov](mailto:durina.farrall@jbazmc.maricopa.gov).

17           5.     Status Conference. An initial status conference shall be held to determine the water  
18           rights the Claimant intends to pursue and whether the objections to the Watershed  
19           File Report can be settled. If the objections cannot be settled, then a subsequent date  
20           will be set for a scheduling conference to identify issues, file disclosure statements,  
21           conduct discovery, submit prehearing motions, and hold a trial. No party shall  
22           conduct any discovery or file any motions prior to the Status Conference. A  
23           telephonic Status Conference shall be held on May 20, 2021 at 3:00 p.m.



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 SUSAN WARD HARRIS  
7 Special Master

8  
9 On March 22, 2021, the original of the foregoing was  
10 delivered to the Clerk of the Maricopa County Superior  
11 Court for filing and distributing a copy to all persons  
12 listed on the Court-approved mailing list for this contested  
13 case, a copy of which is attached hereto as Attachment D,  
14 and to all persons listed on the Court-approved mailing  
15 list for W-1, W-2, W-3, and W-4 (Consolidated).  
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# ATTACHMENT A

W1-11-185

LAND OWNER  
-----  
BABOCOMARI RANCH COMPANY

WATERSHED FILE  
REPORT NUMBER  
-----  
111-19-DAC-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

| FILING NUMBER   | FILING STATUS | USES   | QUANTITY IN AFA | USE LOCATION SECTION | TWNP   | RNGE      | CLAIM DATE | DIVERSION LOCATION SECTION | TWNP | RNGE |
|-----------------|---------------|--|-----------------|----------------------|--------|-----------|------------|----------------------------|------|------|
| 10-0203467.1100 |               | IRRIGATION<br>DOMESTIC<br>STOCK                    |                 |                      | 03     | 210S 180E | 1894       |                            |      |      |
| 10-0221021.1100 |               | IRRIGATION<br>DOMESTIC<br>STOCK<br>MINING<br>OTHER |                 |                      |        |           | 1912       | SWSE01                     | 210S | 180E |
| 10-1209461.1100 |               | IRRIGATION<br>DOMESTIC<br>STOCK<br>MINING<br>OTHER |                 |                      |        |           | 1912       | SWSE01                     | 210S | 180E |
| 3R-0001142      | CERTIF.       | IRRIGATION<br>STOCK                                | 123.79<br>2.33  |                      |        | 210S 190E | 1951       | SWSW06                     | 210S | 190E |
| 36-0021891      |               | IRRIGATION<br>STOCK<br>DOMESTIC                    |                 |                      |        |           | 1832       |                            |      |      |
| 39-0004906      |               | IRRIGATION   |                 |                      |        |           | 1832       |                            |      |      |
| 39-0004934      |               | IRRIGATION<br>DOMESTIC                             | 2.73            |                      | 01     | 210S 190E | 1951       | 01                         | 210S | 190E |
| 39-0004935      |               | IRRIGATION<br>STOCK                                | 123.79<br>2.33  |                      | 06     | 210S 190E | 1951       | 06                         | 210S | 190E |
| 4A-0003144      | CERTIF.       | IRRIGATION<br>STOCK                                | 123.79<br>2.33  |                      |        | 210S 190E | 1951       | SWSW06                     | 210S | 190E |
| 4A-0003156      | CERTIF.       | DOMESTIC   | 2.73            |                      | SESE01 | 210S 190E | 1951       | SESE01                     | 210S | 180E |
|                 |               |  |                 |                      | SWSW06 | 210S 190E |            | SWSW06                     | 210S | 190E |

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 |
|-----------------|--|--|-----------------------|------------------------|
| 10-0203467.1100 | IRRIGATION<br>DOMESTIC<br>STOCK                    | NONE<br>NONE<br>NOT APPLICABLE                           |                       |                        |
| 10-0221021.1100 | IRRIGATION<br>DOMESTIC<br>STOCK<br>MINING<br>OTHER | IRRIGATION<br>DOMESTIC<br>NOT APPLICABLE<br>NONE<br>NONE | DO1                   | IROO1, DMOO1, DMOO2    |
| 10-1209461.1100 | IRRIGATION<br>DOMESTIC<br>STOCK<br>MINING<br>OTHER | IRRIGATION<br>DOMESTIC<br>NOT APPLICABLE<br>NONE<br>NONE | DO1                   | IROO1, DMOO1, DMOO2    |
| 3R-0001142      | IRRIGATION<br>STOCK                                | IRRIGATION<br>STOCK                                      | DO1                   | IROO1, SROO1           |
| 36-0021891      | IRRIGATION<br>DOMESTIC<br>STOCK                    | NONE<br>NONE<br>NONE                                     |                       |                        |
| 39-0004906      | IRRIGATION   | NONE   |                       |                        |
| 39-0004934      | IRRIGATION<br>DOMESTIC                             | INCIDENTAL<br>DOMESTIC                                   | WO1                   | DMOO1, DMOO2           |
| 39-0004935      | IRRIGATION<br>STOCK                                | IRRIGATION<br>INCIDENTAL                                 | DO1, WO1              | IROO1, SROO1           |
| 4A-0003144      | IRRIGATION<br>STOCK                                | IRRIGATION<br>STOCK                                      | DO1                   | IROO1, SROO1           |
| 4A-0003156      | DOMESTIC   | DOMESTIC   | WO1                   | DMOO2                  |

| DIV # | SECTION  | TWNP | RNGE | DIVERSION NAME       | WATER SOURCE AND CLASSIFICATION              |
|-------|----------|------|------|----------------------|--|
| DO1   | SWSWSE06 | 21OS | 19OE | BABOCOMARI RIV. DIV. | SURFACE WATER: BABOCOMARI RIVER              |
| WO1   | NESWSE06 | 21OS | 19OE | WELL B               | GROUNDWATER : ZONE 1 OF THE BABOCOMARI RIVER |

U S E S

| PWR # | SECTION  | TWNP | RNGE | SUPPLIED BY<br>DIVERSIONS | WATER SOURCES            | PHOTO<br>DATE | SOURCE<br>CHANGE | FACILITY NAME |
|-------|----------|------|------|---------------------------|--------------------------|---------------|------------------|---------------|
| DMOO1 | SWSWSE06 | 21OS | 19OE |                           | GROUNDWATER : CATALOGUED |               | YES              |               |
| DMOO2 | SWSWSE06 | 21OS | 19OE | WO1                       | GROUNDWATER : ZONE 1     |               | YES              |               |
| IROO1 | SESE06   | 21OS | 19OE | DO1,WO1                   | SURFACE WATER            | 1935          | YES              |               |
|       | SWSE06   | 21OS | 19OE |                           | GROUNDWATER : ZONE 1     |               |                  |               |
|       | SWSW06   | 21OS | 19OE |                           |                          |               |                  |               |

R E S E R V O I R S

| PWR # | SECTION  | TWNP | RNGE | SUPPLIED BY<br>DIVERSIONS | WATER SOURCES                     | PHOTO<br>DATE | RESERVOIR NAME | STORAGE<br>PURPOSE          |
|-------|----------|------|------|---------------------------|-----------------------------------|---------------|----------------|-----------------------------|
| SROO1 | SWSWSE06 | 21OS | 19OE | WO1                       | SURFACE WATER<br>GRNDWTR : ZONE 1 | 1983          | UNNAMED        | IRRIGATION<br>STOCKWATERING |

P W R S U M M A R Y

| PWR # | APPLICABLE<br>ADJ FILINGS | APPLICABLE<br>PRE FILINGS  | *APPARENT FIRST USE DATE*<br>DATE BASIS FOR DATE | WATER SOURCES AND CLASSIFICATIONS  |
|-------|---------------------------|--|--|--|
| DMOO1 | 39-0004934                | 10-0221021.1100<br>10-1209461.1100   |  | GROUNDWATER : CATALOGUED   |
| DMOO2 | 39-0004934<br>39-0004935  | 10-0221021.1100<br>10-1209461.1100   |  | GROUNDWATER : ZONE 1 OF THE<br>BABOCOMARI RIVER                                    |
| IROO1 | 39-0004934<br>39-0004935  | 10-0221021.1100<br>10-1209461.1100<br>3R-0001142<br>4A-0003144<br>4A-0003156 | 1912 FILING 10-0221021-11                        | SURFACE WATER: BABOCOMARI RIVER<br>GROUNDWATER : ZONE 1 OF THE<br>BABOCOMARI RIVER |
| SROO1 | 39-0004934<br>39-0004935  | 3R-0001142<br>4A-0003144<br>4A-0003156                                       | 1951 CWR 3R-1142                                 | SURFACE WATER: BABOCOMARI RIVER<br>GROUNDWATER : ZONE 1 OF THE<br>BABOCOMARI RIVER |
| NONE  | 39-0004906                | 10-0203467.1100<br>36-0021891  |  |  |

Q U A N T I T I E S O F U S E

| PWR # | QUANTIFICATION<br>TYPE | ACRES | CROP TYPE  | EFF | WATER DUTY | ESTIMATED<br>VOLUME | REMARKS                              |
|-------|------------------------|-------|------------|-----|------------|---------------------|--------------------------------------|
| DMOO1 |                        |       |            |     |            |                     | SEE VOLUME 1 -<br>GENERAL ASSESSMENT |
| DMOO2 |                        |       |            |     |            |                     | SEE VOLUME 1 -<br>GENERAL ASSESSMENT |
| IROO1 | MAX. OBSERVED          | 31.3  | PERM. PSTR | 32% | 9.9 AF/AC  | 309.9 AFA           |                                      |
|       | REGIONAL               | 31.3  | AVE. CROP  | 50% | 5.4 AF/AC  | 169.0 AFA           |                                      |
|       | MAX. POTENTIAL         | 31.3  | ALFALFA    | 32% | 10.4 AF/AC | 325.5 AFA           |                                      |
| SROO1 | MAX. AREA/CAP          | 1.3   |            |     |            | 4.3 AF              |                                      |

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-0203467-11 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. THE CLAIMED STOCKWATERING USE CAN BE FOUND IN W.F.R. #111-19-18. THIS FILING CONTAINS INCONCLUSIVE INFORMATION, THEREFORE NO IRRIGATION OR DOMESTIC USES COULD BE MATCHED TO THIS FILING.  
 FILINGS 10-0221021-11 & 10-1209461-11 - CLAIM IRRIGATION, DOMESTIC, STOCKWATERING, MINING, AND OTHER WATER USES. THE CLAIMED STOCKWATERING USE CAN BE FOUND IN W.F.R. #111-19-18. NO MINING OR OTHER WATER USES WERE FOUND AT THE CLAIMED LOCATION.  
 FILING 36-21891 - CLAIMS AN APPARENT FIRST USE DATE OF 1832 BASED UPON A MEXICAN LAND GRANT. THIS IS A BLANKET FILING COVERING ALL AREAS OF THE BABOCOMARI LAND GRANT. THE FILING CONTAINS



INCONCLUSIVE INFORMATION, THEREFORE NO USES COULD BE MATCHED TO THIS FILING.  
FILING 39-4906 - CONTAINS INCONCLUSIVE INFORMATION, THEREFORE NO USES COULD BE MATCHED TO THIS FILING.

DIVERSIONS

D1 - DIVERSION FROM THE BABOCOMARI RIVER INTO AN UNNAMED DITCH.  
W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC AND STOCKWATERING USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE (MAIN RANCH HOUSE) INCLUDES IRRIGATION TOTALING LESS THAN ONE-HALF ACRE.  
DM2 - DOMESTIC USE (HEADQUARTERS COMPLEX) INCLUDES IRRIGATION TOTALING LESS THAN ONE-HALF ACRE.  
IR1 - IRRIGATED PASTURE.  
SR1 - SMALL RESERVOIR, LOCATED ON THE BABOCOMARI RIVER, IS USED FOR IRRIGATION AND STOCKWATERING PURPOSES. SR1 IS SUPPLEMENTED BY WELL W1.

QUANTITIES OF USE

SR1 - FILINGS 3R-1142 & 4A-3144 STATE A CERTIFICATED STOCKPOND CAPACITY OF 6.415 ACRE-FEET.

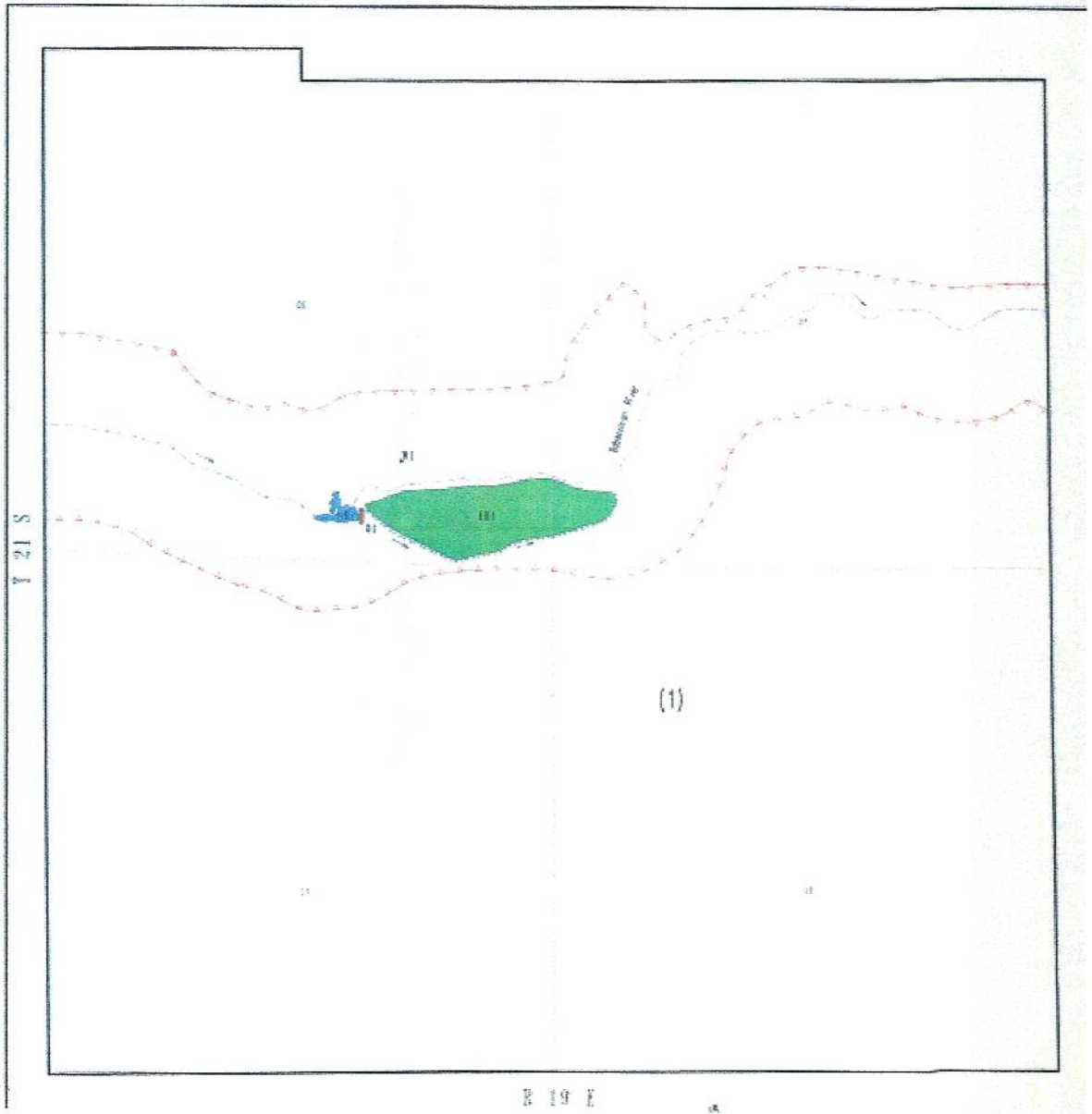
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH GAVE ADDITIONAL INFORMATION ON WATER RIGHTS CLAIMS AND ASSOCIATED WATER USES.  
NOTE: FILINGS 4A-3156, 39-4934 & 39-4935 ALL APPEAR TO RELATE TO TWO WELLS (W1 AND AN UNMAPPED DOMESTIC/STOCK WELL). BASED UPON D.W.R.'S CRITERIA, WELLS SUPPLYING SOLEY DOMESTIC USES (WHICH INCLUDE INCIDENTAL IRRIGATION AND STOCKWATERING USES) ARE NOT MAPPED OR A POINT OF DIVERSION CREATED. THE UNMAPPED WELL REFERENCED IN THE CLAIMANTS WATER RIGHTS FILINGS SERVES THE MAIN RANCH HEADQUARTERS, AND ASSOCIATED IRRIGATION AND STOCKWATERING.



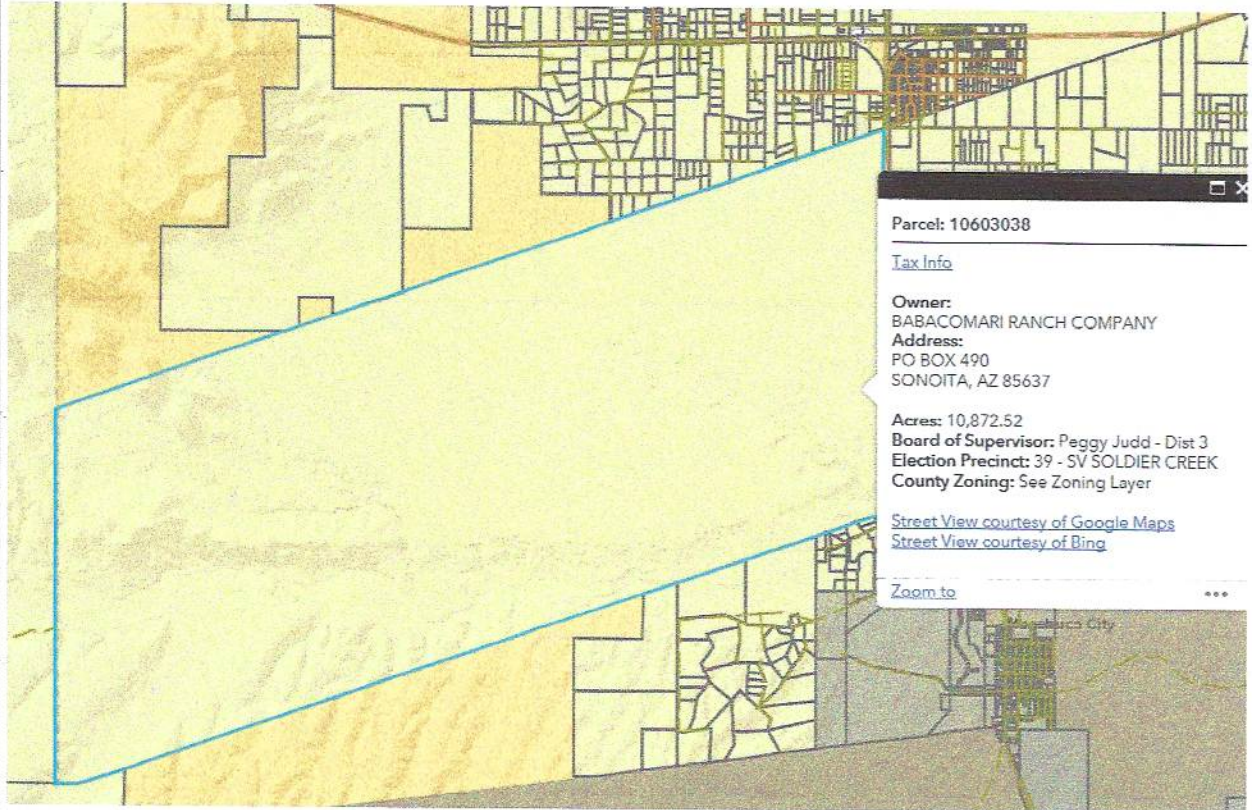
# ATTACHMENT B

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# ATTACHMENT C

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# ATTACHMENT D

1  
2  
3 Andrew Abraham

4 Statutory Agent for Babacomari Ranch Company Limited Liability Limited Partnership  
5 1850 N Central Ave Ste 1700  
6 Phoenix, Arizona  
7 85004

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

12 ASARCO Incorporated  
13 Lauren J. Caster  
14 Fennemore Craig, P.C.  
15 2394 East Camelback Road  
16 Suite 600  
17 Phoenix, AZ 85016-3429

18 Babacomari Ranch Company, a limited partnership  
19 P.O. Box 490  
20 Sonoita, Az 85637

21 Bella Vista Ltd. Partnership  
22 Daniel Cracchiolo, Esq.  
23 702 East Osborn  
24 P O Box 16882  
25 Phoenix, Arizona 85011

26 Bella Vista Water Company  
27 4055 Campus Dr.  
28 Sierra Vista, AZ 85635

Bella Vista Ranches Ltd.  
4055 Campus Drive  
Sierra Vista, Arizona  
85635

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



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

4 Frank Brophy  
5 5831 North 38th Place  
Paradise Valley, Arizona  
6 85253

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

10 Joe P. Sparks and Laurel A. Herrmann  
11 The Sparks Law Firm, P.C.  
12 7503 First Street  
Scottsdale, Az 85251-4573

13 Lucas T. Christian & Julian Nava  
14 Rosette, LLP  
15 565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

16 Pueblo del Sol Water Company  
17 Corporation Service Company  
2338 West. Royal Palm Rd, Suite J  
18 Phoenix, AZ 85021

19 S. Montgomery, R. Interpreter, J. Tomkus  
20 Montgomery & Interpreter, Plc  
3301 E. Thunderbird Road  
21 Phoenix, AZ 85032

22 Salt River Valley Water Users Association,  
23 Salt River Project Agricultural Improvement and Power District  
John B. Weldon, Jr. and Mark A. McGinnis  
24 Salmon, Lewis & Weldon PLC  
2850 E Camelback Rd, Ste. 200  
25 Phoenix, AZ 85016

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1 Special Master Susan Ward Harris  
Superior Court of Arizona  
2 201 W. Jefferson Street  
Courtroom 301  
3 Phoenix, AZ 85003

4 William P. Sullivan  
5 Law Ofcs of William P. Sullivan P.L.L.C.  
3240 East Union Hills Drive, Ste. 117  
6 Phoenix, Az 85050

7 U. S. Department of Justice  
8 Patrick Barry and Emmi Blades  
Environment and Natural Resources  
9 P. O. Box 7611  
Washington, D.C. 20044-7611

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