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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. W1-11-0245  
ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Town of Huachuca City*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case W1-11-0245 initiated and status conference set  
for **July 17, 2019 at 2:15 p.m.**  
NUMBER OF PAGES: 9  
DATE OF FILING: June 12, 2019

This Order initiates a contested case to consider the claims and resolve objections to  
Watershed File Report 111-20-050 (“WFR”) published in the Final San Pedro River Watershed  
Hydrographic Survey Report (1991). The WFR lists five wells. Two wells are located in  
section 5 T21S R20E, two wells are located in section 31 T20S R20E, and one well is located  
in section 8 T21S R20E. One well located in section 31 T20S R20E referred to as “Mohave &

1 Pima” is designated as an unused well. A copy of the watershed file report is attached as  
2 Attachment A.

3  
4 **Claimants & Landowners**

5 The WFR identified two Statements of Claimant (SOC) relevant to the potential water  
6 right: 39-3128 and 39-11323. The Town of Huachuca filed both SOCs claiming water for  
7 municipal use. The two wells located in section 31 T20S R20E are within the subflow  
8 boundaries. According to Arizona Department of Water Resources, the wells are located on  
9 tax parcels 106-47-153 and 106-47-008. The Cochise County Assessor’s Office identifies the  
10 current owners of those tax parcels as JRL Development LLC and Frank Cullen Brophy *et ux*  
11 and Babacomari Ranch Co. LLLP.  
12

13  
14 **IT IS ORDERED:**

15 1. Contested Case. This contested case shall be known as *In re Town of Huachuca*  
16 *City* and it will adjudicate claims for water made in the Statements of Claimant and objections  
17 that were filed to watershed file report 111-20-050 published in the Final San Pedro River  
18 Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the  
19 case name and number on the following website:

20 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
21 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

22 2. Litigants. The litigants in this contested case are the Claimant, the current  
23 landowners, all persons who filed objections to the listed watershed file reports who are listed  
24 on Attachment B, and claimants who are allowed to intervene by order.

25 3. Court-Approved Mailing List.

26  
27 A. The initial Court-approved mailing list for this case shall include all  
28 persons listed on Attachment B to this order. The list may be modified only by

1 filing a motion with the Special Master to amend the Court-approved mailing  
2 list. Litigants are responsible for using the current 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 Court-  
5 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 mailing list.

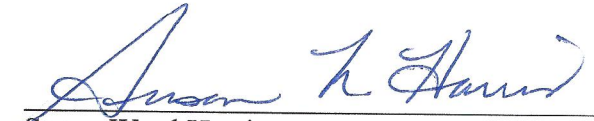
9  
10 4. Courtesy Email List.

11 The Special Master's office will email courtesy copies of orders and minute  
12 entries entered in this case to persons listed on Attachment B. Requests for  
13 inclusions on the email list should be sent to Barbara Brown at  
14 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

15  
16 5. Status Conference. An initial status conference shall be held to address the  
17 adjudication of this case, determine the status of the wells used by Town of Huachuca for  
18 municipal use, and determine whether the objections to the potential water rights can be settled.  
19 If the objections cannot be settled, then a subsequent date will be set for a scheduling  
20 conference to identify issues, file disclosure statements, conduct discovery, submit prehearing  
21 motions, and hold a trial. No party shall conduct any discovery or file any motions prior to the  
22 Status Conference. The Status Conference shall be held on **July 17, 2019**, at 2:15 p.m. before:

23  
24 Special Master Susan Ward Harris  
25 Superior Court of Arizona  
26 201 West Jefferson Street  
27 Courtroom 301  
28 Phoenix, AZ 85003-2202

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 June 12, 2019, 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  
13 contested case, a copy of which is attached hereto as  
14 Attachment B, and to all persons listed on the Court-  
15 approved mailing list for W-1, W-2, W-3, and W-4  
16 (Consolidated).  
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**ATTACHMENT A**

|  |                              |
|--|------------------------------|
| LAND OWNER   | ZONE 2 WELL<br>REPORT NUMBER |
| -----  | -----                        |
| HUACHUCA CITY MUNI. WATER<br>SUPPLY<br>TOWN OF HUACHUCA CITY | 111-20-050                   |

| WELLS | WELL NAMES     | WELL LOCATION |      |      | WATER USES SERVED | REMARKS |
|-------|----------------|---------------|------|------|-------------------|---------|
|       |                | SECTION       | TWNP | RNGE |                   |         |
| W01   | LA SOMBRA      | SWSESW05      | 210S | 200E | MU001             |         |
| W02   | MOHAVE & PIMA  | SWSWSE31      | 200S | 200E |                   | UNUSED  |
| W03   | COCHISE & PIMA | NESESE31      | 200S | 200E | MU001             |         |
| W04   | SKYLINE        | SENWNE05      | 210S | 200E | MU001             |         |
| W05   | NORTHGATE      | SWSWNE08      | 210S | 200E | MU001             |         |

W1-11-245

| WATER USE NUMBERS | WATER USE LOCATION |      |      | *** APPARENT FIRST USE *** |                    | APPAR. ANNUAL<br>VOLUME USED | ACRES<br>IRRIGATED |
|-------------------|--------------------|------|------|----------------------------|--------------------|------------------------------|--------------------|
|                   | SECTION            | TWNP | RNGE | DATE                       | BASIS FOR DATE     |                              |                    |
| MU001             | 05                 | 210S | 200E | 1957                       | 39-11323 & 39-3128 | 274.4 AFA                    |                    |
|                   | 06                 | 210S | 200E |                            |                    |                              |                    |
|                   | 07                 | 210S | 200E |                            |                    |                              |                    |
|                   | 08                 | 210S | 200E |                            |                    |                              |                    |
|                   | 31                 | 200S | 200E |                            |                    |                              |                    |
|                   | 32                 | 200S | 200E |                            |                    |                              |                    |
|                   | 33                 | 200S | 200E |                            |                    |                              |                    |

| APPLICABLE STATEMENTS<br>OF CLAIMANT | APPLIES TO:<br>WELLS | APPLIES TO:<br>WATER USES |
|--------------------------------------|----------------------|---------------------------|
| -----                                | -----                | -----                     |
| 39-0003128                           | W01, W03, W04<br>W05 | MU001                     |
| 39-0011323                           | W01, W03, W04<br>W05 | MU001                     |

EXPLANATION

W1 & W3-W5 - WELLS PROVIDE WATER FOR MUNICIPAL USES.

W2 - UNUSED WELL.

MU1 - MUNICIPAL WATER USE: HUACHUCA CITY MUNICIPAL WATER SUPPLY. FOR MORE INFORMATION ON THE HUACHUCA CITY MUNICIPAL WATER SUPPLY, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

# ATTACHMENT B

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

ASARCO Incorporated  
Lauren J. Caster  
Fennemore Craig, P.C.  
2394 East Camelback Road  
Suite 600  
Phoenix, AZ 85016-3429

Brophy Frank Cullen et ux  
Babacomari Ranch Co LLLP  
c/o Babacomari Ranch CO LLLP  
PO Box 490  
Sonoita, Az 85637

Babacomari Ranch Co LLLP  
3129 SOUTH HIGHWAY 83 #4  
SONOITA, Arizona  
85637

Babacomari Management, L.L.C., General Partner  
Andrew Abraham  
702 E Osborn Road #110  
Phoenix, Az 85014

BHP Copper, Inc  
L. Wm. Staudenmaier and John D. Burnside  
Snell & Wilmer, L. L. P.  
400 E. Van Buren Street, Ste 1900  
Phoenix, Az 85004-2202

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

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City of Mesa  
Wilbert J. Taebel  
City Attorney's Office  
P. O. Box 1466  
Mesa, AZ 85211

City of Phoenix  
Charles L. Cahoy, Asst. City Attorney  
200 West Washington 13<sup>th</sup> Floor  
Phoenix, AZ 85003

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

JRL Development, L.L.C.  
John Robin Lewis  
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Tucson, Az 85750

JRL Development Llc  
5821 Paseo Cocospera  
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The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, Az 85251-4573

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

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



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

6 U. S. Department of Justice  
7 Patrick Barry and Yosef Negose  
8 U.S. Department of Justice  
9 Environment and Natural Resources  
10 P. O. Box 7611  
11 Washington, D.C. 20044-7611

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