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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. W1-11-0488

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Mickey J. & Britta V. Rutherford*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **August 6, 2021 at 1:30 p.m.**
NUMBER OF PAGES: 15
DATE OF FILING: June 3, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriate water for land that the Cochise County Assessor has identified as owned by Stacey L. Andress and Laura Brennan. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River watershed to determine legal rights to water. Other cases

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

7 In this case, Mickey Joe Rutherford ("Claimant") filed a Statement of Claimant on June
8 3, 1980 for future rights to use water for domestic and irrigation purposes on land in NESE
9 Section 26 Township 19S Range 22E. The Arizona Department of Water Resources ("ADWR")
10 investigated those claims and prepared a report known as Watershed File Report No. 111-21-
11 BB-003 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey
12 Report (1991). A copy of the WFR is attached as Attachment A.

13 The WFR found no use of water on the land and no sources of water for use on the land.
14 After ADWR issued the WFR, objections were filed to the findings made in the WFR. The
15 purpose of this case is to consider the claims made for water rights that are the subject of the
16 WFR and resolve the objections to the WFR.

18 **Claimant & Landowners**

19
20 The WFR identified one Statement of Claimant (SOC) relevant to the potential water
21 right: 39-3918. Mickey Joe Rutherford filed the SOC claiming water for future irrigation and
22 domestic uses. The WFR lists Mickey J. and Britta V. Rutherford as the owners of the property
23 described in the WFR. The public records maintained by the ADWR do not include an
24 assignment of the SOC from the Claimant to successor landowners.

25 The records of the Cochise County Assessor list Stacey L. Andress and Laura Brennan as the
26 owners of the property described in the WFR. A copy of a map prepared by the Cochise County
27 Assessor showing tax parcels 108-13-003A and 108-13-003B is attached as Attachment B. The
28

1 public records also do not include a Statement of Claimant filed by either Stacey L. Andress or
2 Laura Brennan.

3
4 **IT IS ORDERED:**

5 1. Contested Case. This contested case shall be known as *In re Mickey J. & Britta*
6 *V. Rutherford* and it will determine appropriable water rights asserted in the Statement of
7 Claimant and objections that were filed to Watershed File Report 111-21-BB-003 published in
8 the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections
9 can be found under the case name and number on the following website:

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

12 2. Litigants. The litigants in this contested case are the Claimant, the current
13 landowners, all persons who filed objections to the WFR, who are included on Attachment C,
14 and claimants who are allowed to intervene by order.

15
16 3. Court-Approved Mailing List.

17 A. The initial Court-approved mailing list for this case shall include all
18 persons listed on Attachment C to this order. The list may be modified
19 only by filing a motion with the Special Master to amend the Court-
20 approved mailing list. Litigants are responsible for using the current
21 Court-approved mailing list.
22

23 B. A copy of any pleading filed with the Clerk of the Maricopa County
24 Superior Court in this case shall be served upon each person listed on the
25 Court-approved mailing list.
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1 C. Claimants wishing to be added or removed from the mailing list shall file
2 a motion with the Special Master. Parties allowed to intervene will be
3 automatically added to the Court-approved mailing list.

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

11 4. Status Conference.

12
13 A. An initial status conference shall be held to determine whether the
14 Claimant, Stacey L. Andress, and Laura Brennan, intend to pursue claims
15 for rights to appropriable water. If so, the parties seeking water rights
16 shall be prepared at the Status Conference to provide information about
17 efforts undertaken to assign or file a Statement of Claimant.
18

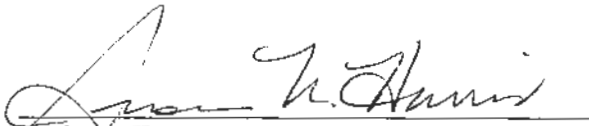
19
20 B. If the Claimant or current landowners intend to pursue rights to
21 appropriable water for use on the land, the parties will be expected to
22 advise whether they are interested in pursuing discussions to resolve the
23 objections to the WFR and the amount of time that the parties believe
24 will be necessary to complete those discussions.
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27 C. If the objections cannot be settled, then a subsequent date will be set for
28 a scheduling conference to identify issues, file disclosure statements,

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conduct discovery, submit prehearing motions, and hold a trial. No party shall conduct any discovery or file any motions prior to the Status Conference.

The Status Conference shall be held on **August 6, 2021 at 1:30 p.m.** The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached as Attachment F. If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.


SUSAN WARD HARRIS
Special Master

On June 3, 2021, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached hereto as Attachment C, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
RUTHERFORD, MICKEY J.	111-21-BB-003
& BRITTA V.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *WI-11-488*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0003918	QUE.RECD	IRRIGATION	.50	NESE26	1805	220E		NESE26	1805	220E
		DOMESTIC	3.00							
		STOCK	.50							

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0003918	IRRIGATION	NONE		
	DOMESTIC	NONE		
	STOCK	NONE		

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0003918	NONE		

EXPLANATION

FILINGS AND DECREES
 FILING 39-3918 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED WATER USE AND DIVERSION LOCATIONS AND CLAIMS AN IRRIGATION WATER USE.
 FILING 39-3918 - CLAIMS IRRIGATION, DOMESTIC AND STOCKWATERING USES. NO WATER USES WERE FOUND AT THE CLAIMED LOCATION.

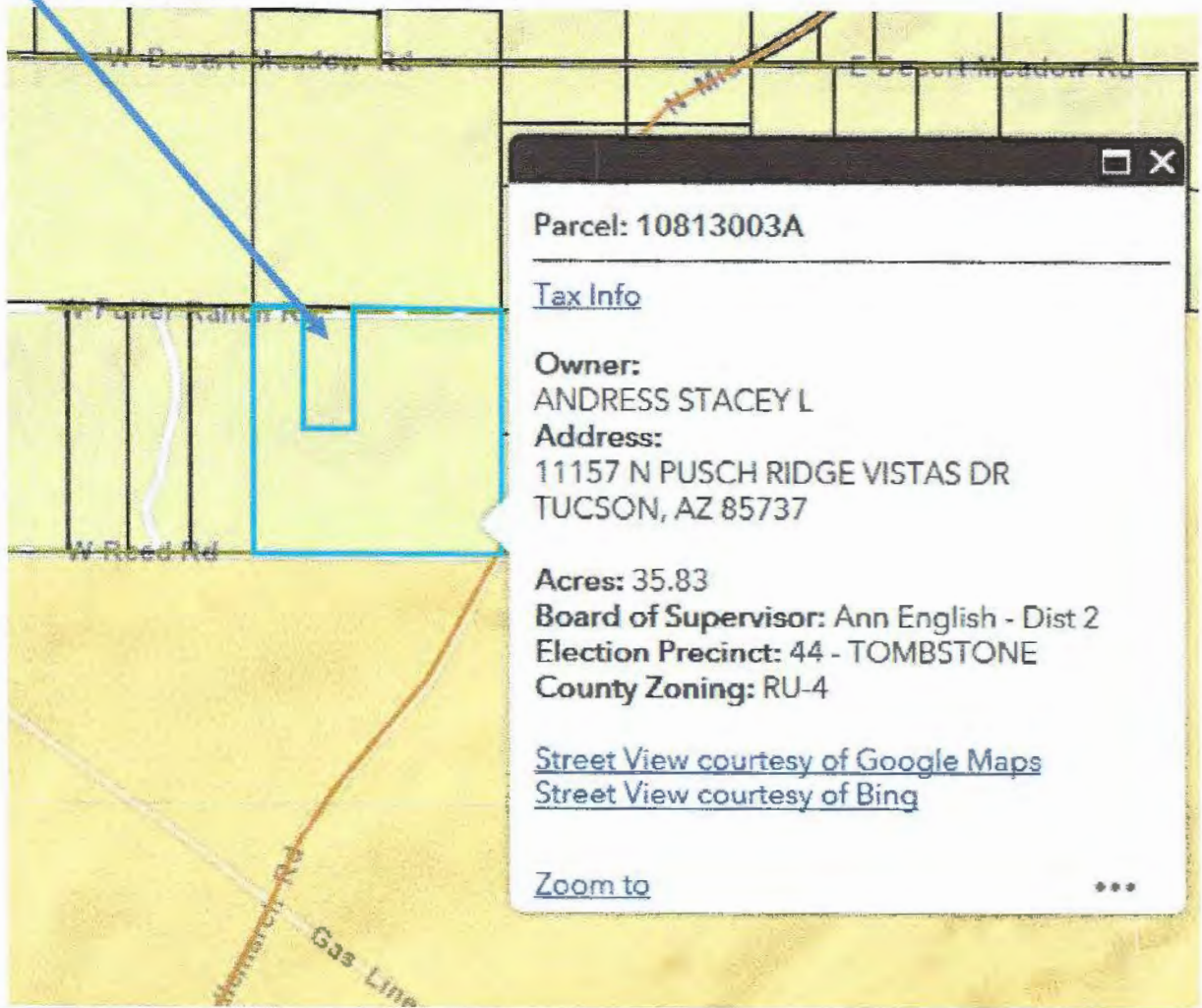
ATTACHMENT B

Parcel: 10813003B

[Tax Info](#)

Owner: BRENNAN LAURA
Address: 11 WOODLAND LN APT A
SMITHTOWN, NY 11787

Acres: 4.00



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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

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

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

Laura Brennan
11 Woodland Lane, Apt. A
Smithtown, New York 11787

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Post Office Box 58195
Fairbanks, Alaska 99711

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

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

1 Stacey L. Andress
11157 N. Pusch Ridge Vistas Drive
2 Tucson, AZ 85737

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

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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 Mickey J. and Britta V. Rutherford*, Contested Case No. W1-11-0488

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 in an online, rather than 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 proceeding which will be conducted remotely.

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 Mickey J. and Britta V. Rutherford

Start Date/Time: August 4, 2021 at 1:45

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](#)

