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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. W1-11-1350

ORDER TO INITIATE CONTESTED CASE
AND
ORDER SETTING STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Edgar and Lorraine Dimwiddie*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **August 18, 2021 at 3:45 p.m.**
NUMBER OF PAGES: 18
DATE OF FILING: May 11, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriable water from wells located on land that the Cochise County Assessor has identified as owned by

1 Keith Dinwiddie and Guadalupe Ramirez Durazo. This contested case is one of the many cases
2 in the General Stream Adjudication for the San Pedro River watershed. Other cases in which
3 claims have been made to water in the San Pedro River watershed have been completed, are in
4 the process of determining water rights, or awaiting initiation. The purpose of the General
5 Stream Adjudication is to determine the rights of those persons who filed statement of claimants
6 for rights to use appropriable water in the San Pedro watershed. The General Streams
7 Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila,
8 Agua Fria and Upper Santa Cruz watersheds.

9 Additional information about the General Stream Adjudication can be found on the
10 website maintained by the Maricopa County Superior Court (<https://superiorcourt.maricopa.gov>)
11 under the tab "Resources" or by using the following link:
12 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication>

13 In this case, Edgar and Lorraine Dinwiddie filed Statements of Claimant 39-5363, 39-
14 5364, 39-5365, 39-5366, and 39-5367 (collectively "SOCs") to claims rights to water for
15 domestic, stock watering and irrigation uses. The Arizona Department of Water Resources
16 ("ADWR") investigated those claims and prepared Watershed File Report 111-24-CBC-006
17 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).
18 Based on its investigation, ADWR found potential water rights for water for stockpounds, and
19 domestic and irrigation uses on the land. A copy of the WFR is attached as Attachment A. The
20 land included with the boundaries of the WFR is shown on the map attached as Attachment B
21 and labelled as "(6)".

22 The Arizona Department of Water Resources identified four wells as the sources of water
23 for the claimed uses. It has determined that wells 01, 02, 03, and 04 are within the subflow zone.
24 After ADWR issued the WFR, objections were filed to the findings made by the ADWR in the
25 WFR. The purpose of this case is to consider the claims made for water rights that are the subject
26 of the WFR and resolve the objections to the WFR.
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1 **Claimants & Landowners**

2 The public records maintained by ADWR do not include assignments of the SOC's from
3 Edgar F. and Lorraine Dinwiddie to successor landowners. Accordingly, Edgar F. and Lorraine
4 Dinwiddie shall be known as the Claimants. The records of the Cochise County Assessor list
5 Keith Dinwiddie and Guadalupe Ramirez Durazo as the owners of the property described in the
6 WFR. A copy of a map prepared by the Cochise County Assessor showing tax parcel 104-41-
7 001 is attached as Attachment C.

8
9 **IT IS ORDERED:**

10 1. Contested Case.

- 11 A. This contested case is initiated and shall be known as *In re Edgar and*
12 *Lorraine Dinwiddie*. It will determine appropriable water rights asserted
13 in Statements of Claimant 39-5363, 39-5364, 39-5365, 39-5366, and 39-
14 5367 and resolve objections filed to WFR 111-24-CBC-006 published in
15 the Final San Pedro River Watershed Hydrographic Survey Report (1991).
- 16 B. Copies of objections can be obtained upon request from the Arizona
17 Department of Water Resources.
- 18 C. Copies of objection can also be found on the website maintained by the
19 Maricopa County Superior Court for the General Streams Adjudication on
20 the Active Cases page. The objections for each case are listed under the
21 case number. The objections can also be accessed using the following link:

22 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudica](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
23 [tion/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

24
25 2. Litigants. The litigants in this contested case are the Claimants, the current
26 landowners, all persons who filed objections to the WFR, who are included on Attachment D,
27 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
4 only by filing a motion with the Special Master to amend the Court-
5 approved mailing list. Litigants are responsible for using the current
6 Court-approved mailing list.

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

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

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

21
22 4. Status Conference. An initial status conference shall be held to determine whether
23 the Claimants have or intend to assign the SOCs to current landowners and
24 whether the current landowners intend to pursue claims for rights to water for use
25 on the land included within the boundaries of the WFR.
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1 A. If the Claimants or current landowners intend to pursue rights to
2 appropriable water for use on the land, the parties will be expected to
3 advise whether they are interested in pursuing discussions to resolve the
4 objections to the WFR and the amount of time that the parties believe
5 will be necessary to complete those discussions.
6

7
8 B. If the objections cannot be settled, then a subsequent date will be set for
9 a scheduling conference to identify issues, file disclosure statements,
10 conduct discovery, submit prehearing motions, and hold a trial. No party
11 shall conduct any discovery or file any motions prior to the Status
12 Conference.
13

14 The Status Conference shall be held on **August 18, 2021 at 3:45 p.m.** The Status
15 Conference will be conducted using the Court Connect program. Instructions for Court Connect
16 are attached as Attachment F. If this Order is received by email, click on the red box "Join Court
17 Connect Hearing" on the attached instruction page to make an appearance. If this Order is not
18 received by email, log into the Court Connect program on the internet by typing
19 <https://tinyurl.com/specialwatermaster>. Telephonic appearance through Court Connect is
20 available at 917-781-4590, access code 688-970-203#.

21 Appearance by telephone is also available as follows:

22 602-506-9695 (local)
23 1-855-506-9695 (toll free long distance)
24 Dial Collaboration (conference) Code 357264#

25
26 
27 SUSAN WARD HARRIS
28 Special Master

1 On May 11, 2021, the original of the foregoing was
2 delivered to the Clerk of the Maricopa County Superior
3 Court for filing and distributing a copy to all persons
4 listed on the Court-approved mailing list for this contested
5 case, a copy of which is attached hereto as Attachment D,
6 and to all persons listed on the Court-approved mailing
7 list for W-1, W-2, W-3, and W-4 (Consolidated).
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
DINWIDDIE, EDGAR G. & LORRAINE	111-24-CBC-006

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
39-0005363		DOMESTIC STOCK	4.00 2.00	NWNW33	230S	220E	1928	NENWNW33	230S	220E
39-0005364		IRRIGATION STOCK	800.00 3.00	27	230S	220E	1919	NWSENW27	230S	220E
39-0005365		IRRIGATION STOCK	118.00 2.00	27	230S	220E	1919	SWNENW27	230S	220E
39-0005366		DOMESTIC	4.00	SWNW27	230S	220E	1918	NWSWNW27	230S	220E
39-0005367		DOMESTIC	4.00	SENW27	230S	220E	1918	SENW27	230S	220E

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
39-0005363	DOMESTIC STOCK	NONE		
39-0005364	IRRIGATION STOCK	IRRIGATION	WO2	IROO1
39-0005365	IRRIGATION STOCK	INCIDENTAL IRRIGATION	WO4	IROO1
39-0005366	DOMESTIC	DOMESTIC	WO3	DMOO1
39-0005367	DOMESTIC	DOMESTIC	WO3	DMOO1

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWSWNW27	230S	220E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO2	NWSENW27	230S	220E	UNNAMED	GROUNDWATER : ZONE 2
WO3	NWSENW27	230S	220E	UNNAMED	GROUNDWATER : ZONE 2
WO4	SWNENW27	230S	220E	UNNAMED	GROUNDWATER : ZONE 2

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NWSENW27	230S	220E	WO3	GROUNDWATER : ZONE 2			NO
IROO1	SWNENW27	230S	220E	WO1, WO2, WO3	GROUNDWATER : ZONE 1	1935		ND
IROO2	NWNW27	230S	220E	WO4	GROUNDWATER : ZONE 2	1985		NO

R E S E R V O I R S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPOO1	NESENW27	230S	220E		SURFACE WATER	1976	UNNAMED	STOCKWATERING
SPOO2	SWNENW27	230S	220E		SURFACE WATER	1976	UNNAMED	EROSION CNTRL

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS FOR DATE	
DM001	39-0005366 39-0005367	NONE		GROUNDWATER : ZONE 2
IRO01	39-0005364 39-0005365 39-0005366 39-0005367	NONE	1935 1935 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GRDUNDWATER : ZONE 2
IRO02	NONE	NONE	1985 1985 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SPO01	NONE	NONE	1976 1976 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
SPO02	NONE	NONE	1976 1976 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
NONE	39-0005363	NONE		

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

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
IRO01	MAX. OBSERVED REGIONAL	60.8 60.8	PERM. PSTR AVE. CROP	61% 50%	3.3 AF/AC 5.4 AF/AC	200.6 AFA 328.3 AFA	DEFICIT IRRIGATION
	MAX. POTENTIAL	60.8	ALFALFA	61%	5.4 AF/AC	328.3 AFA	
IRO02	MAX. OBSERVED REGIONAL	7.9 7.9	SUMMER PSTR AVE. CROP	47% 50%	2.0 AF/AC 5.4 AF/AC	15.8 AFA 42.7 AFA	DEFICIT IRRIGATION
	MAX. POTENTIAL	7.9	ALFALFA	47%	7.1 AF/AC	56.1 AFA	
SPO01	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPO02	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-5363 - CLAIMS DOMESTIC AND STOCKWATERING USES. NO DOMESTIC OR STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATIONS.

DIVERSIONS

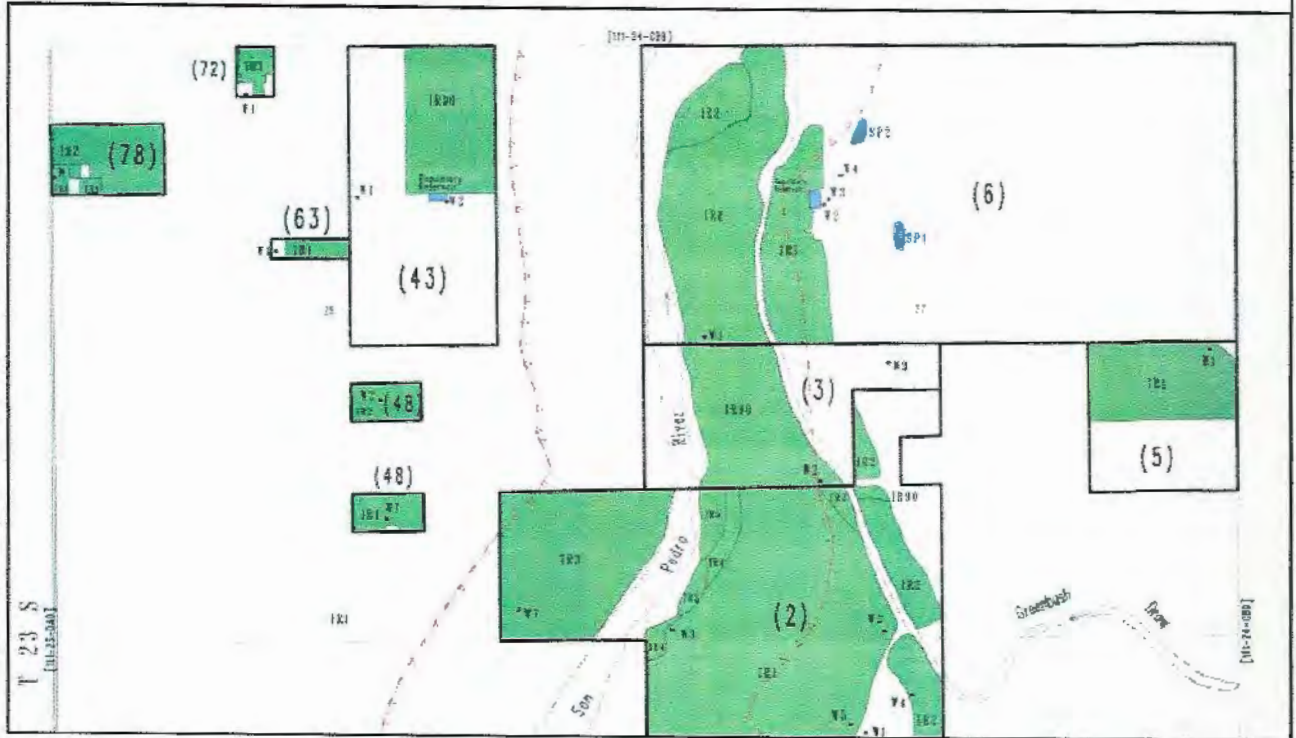
W1, W2 & W4 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.
W3 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
IR1 & IR2 - DEFICIT IRRIGATION OF PASTURE.
SP1 & SP2 - UNNAMED STOCKPONDS.
A REGULATORY RESERVOIR IS USED FOR IRRIGATION PURPOSES.

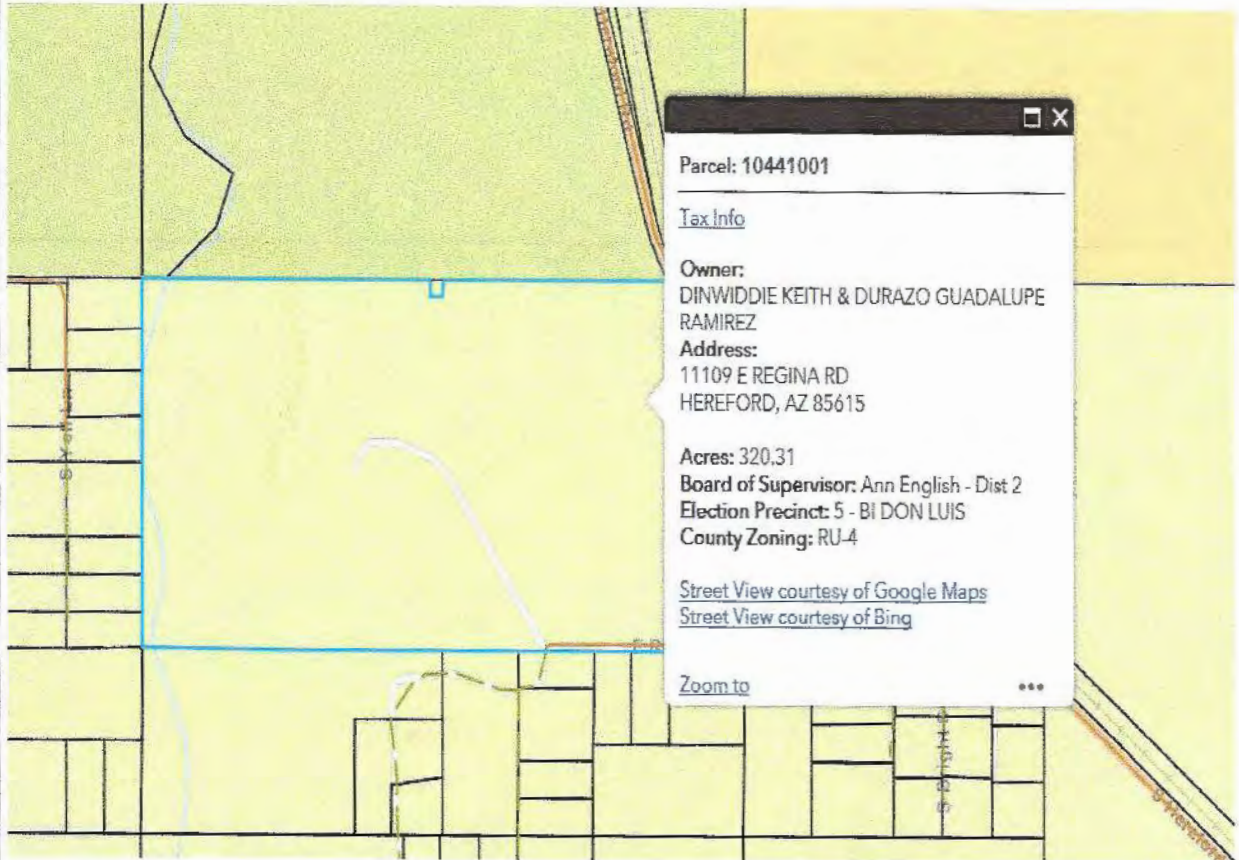
ATTACHMENT B

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ATTACHMENT C

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

ASARCO Incorporated
Lauren J. Caster
Fennemore Craig, P.C.
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Phoenix, AZ 85016-3429

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

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

Edgar and Lorraine Dinwiddie
11103 Regina Road
Hereford, AZ 85615

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Keith Dinwiddie and Guadalupe Ramirez Durazo
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1 Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
2 Rosette, LLP
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3 Chandler, AZ 85225
4 S. Montgomery, R. Interpreter, J. Tomkus
5 Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
6 Phoenix, AZ 85032
7 Salt River Valley Water Users Association,
Salt River Project Agricultural Improvement and Power District
8 John B. Weldon, Jr., Mark A. McGinnis, and Michael Foy
9 Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste. 200
10 Phoenix, AZ 85016
11 Special Master Susan Ward Harris
12 Superior Court of Arizona
201 W. Jefferson Street
13 Courtroom 301
Phoenix, AZ 85003
14 U. S. Department of Justice
15 Patrick Barry and Emma Blades
16 Environment and Natural Resources
P. O. Box 7611
17 Washington, D.C. 20044-7611
18 William Sullivan
19 Law Ofcs of William P. Sullivan P.L.L.C.
3240 East Union Hills Drive, Ste. 117
20 Phoenix, AZ 85050
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ATTACHMENT E

**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 F



Court Connect Hearing Notice for *In re Edgar and Lorraine Dinwiddie*, Contested Case W1-11-1350

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 Edgar and Lorraine Dinwiddie, Contested Case W1-11-1350

Start Date/Time: August 18, 2021 at 3:45 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](#)

