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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

Contested Case No. W1-11-1921

ORDER TO INITIATE CASE AND
CONSOLIDATE

CONTESTED CASE NAME: *In re Neil H. and Carmen Carruthers*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-1921 and consolidate it with *In re St. David Irrigation District*, contested case no. **W1-11-1675**.
NUMBER OF PAGES: 10
DATE OF FILING: January 30, 2020

This case involves claims for water rights for irrigation and domestic uses in section 11 T17S R20E. Alvah Fenn filed Statement of Claimant 39-6664 for an irrigation use. On May 13, 1991, Alvah and Barbara Fenn assigned the Statement of Claimant to Michael and Jennifer O'Callaghan. The public records of Arizona Department of Water Resources contain

1 documentation regarding a requested assignment of the Statement of Claimant to Mark and
2 Carrie Fenn.

3 The Arizona Department of Water Resources investigated the claims and submitted its
4 results in a Watershed File Report 112-17-BAD-033 (“WFR”), which was published in the Final
5 San Pedro River Watershed Hydrographic Survey Report (1991). The WFR listed one well as
6 the source of water. A copy of the WFR is attached as Attachment A and a copy of the map of
7 the boundaries of WFR, which is labelled as “(33)” is attached as Attachment B. The purpose
8 of this case is to resolve the four objections made to the WFR and adjudicate claimed water
9 rights.
10

11 In a Status Report filed by St. David Irrigation District (“District”) dated January 13,
12 2020, the District stated that it has determined that the landowners in this case are members of
13 the District, receive water and will be represented by the District. According to the Cochise
14 County Assessor, the property included in area mapped for the WFR appears to be tax parcel no.
15 123-27-002B with Alward Howard and Sandra Claire Carruthers as the named as the owners. A
16 copy of the Cochise County Assessor’s map of the tax parcel is attached as Attachment C.
17 Accordingly,
18


19 **IT IS ORDERED:**

- 20 1. Contested Case, Consolidation, Designation and Docket Number. This Order
21 initiates contested case no. W1-11-1921. This contested case is consolidated with *In*
22 *re St. David Irrigation District*, Contested Case No. W1-11-1675.
23
- 24 2. Litigants. The litigants in this contested case are the assignee of the original claimant,
25 the landowners, the District, and all persons who filed objections to the watershed file
26 report who are listed on Attachment D, and claimants who are allowed to intervene
27 by order.
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3. Court-Approved Mailing List. The initial Court-approved mailing list for this case shall include all persons listed on Attachment D to this Order. The mailing list shall be merged with the mailing list for *In re St. David Irrigation District*.

4. The St. David Irrigation District shall file a consent in this contested case with copies mailed to those individuals listed on Attachment D by **February 28, 2020** signed by the landowners listed above who consent to be represented by St. David Irrigation District in *In re St. David Irrigation District*.



SUSAN WARD HARRIS
Special Master

On January 30, 2020, 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 and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).



Barbara Brown

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ATTACHMENT A

19/6

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
CARRUTHERS, NEIL H.	112-17-BAD-033
& CARMEN M.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-1921

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0006664		IRRIGATION STOCK OTHER	2.00	11	170S	200E	1947	SWNESW11	170S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0006664	IRRIGATION STOCK OTHER	IRRIGATION INCIDENTAL NONE	WO2	OTOO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO2	SWNESW11	170S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NENESW11	170S	200E		GROUNDWATER : CATALOGUED		NO	
OTOO1	NESW11	170S	200E	WO2	GROUNDWATER : ZONE 1	1986	NO	

SHARED USES AND DIVERSIONS

** WATER FROM WO2 FOUND IN FILE (112-17BAD-22) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	NONE	NONE			GROUNDWATER : CATALOGUED
OTOO1	39-0006664	NONE	1986	1986 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							
OTOO1	REGIONAL	1.8	AVE. CROP		5.4 AF/AC	9.7 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

FILINGS AND DECREES

FILING 39-6664 - CLAIMS IRRIGATION, STOCKWATERING, AND OTHER USES. THE CLAIMED "OTHER" WATER USE IS FOR FIRE PROTECTION. NO OTHER WATER USES WERE FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W2 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

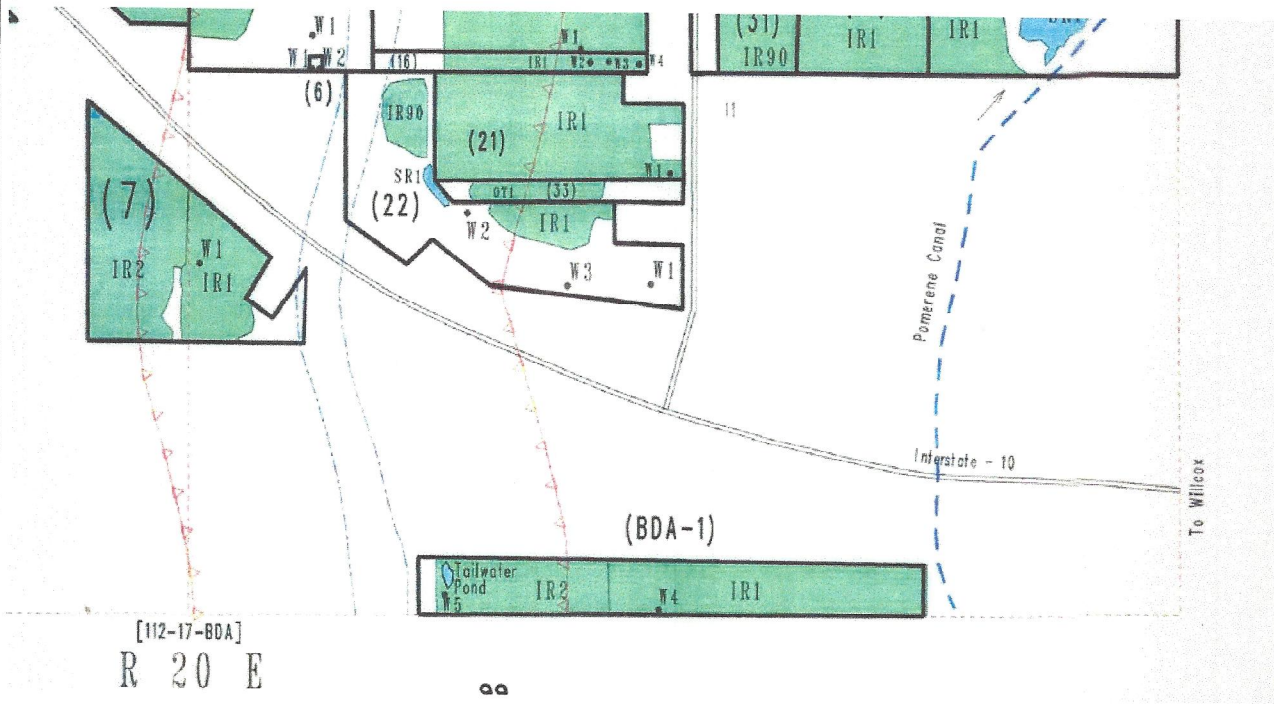
OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

SHARED USES AND DIVERSIONS

W2 - WELL IS SHARED WITH W.F.R. #112-17-BAD-22.

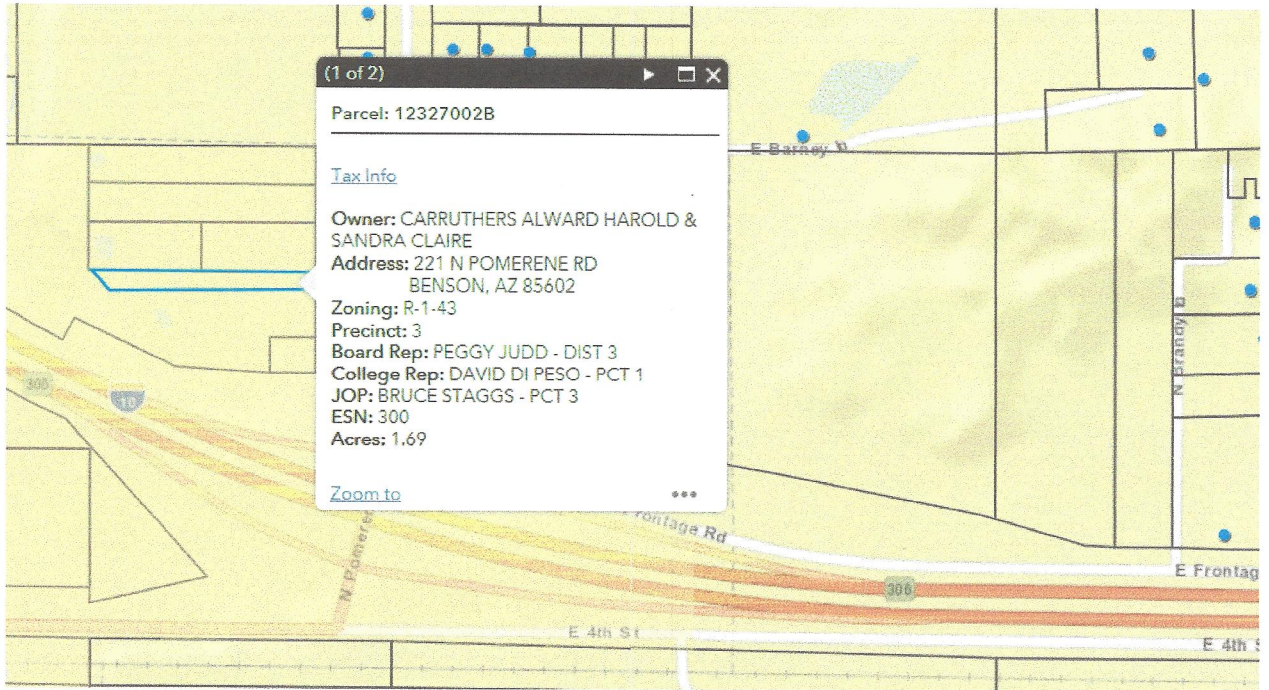
ATTACHMENT B

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ATTACHMENT C

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ATTACHMENT D

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