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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. W1-11-2190

ORDER TO INITIATE CASE AND
CONSOLIDATE

CONTESTED CASE NAME: *In re Enclave St. David LLC*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-2190 and consolidate it with *In re St. David Irrigation District*, contested case no. **W1-11-1675**
NUMBER OF PAGES: 8
DATE OF FILING: September 23, 2019

This case involves claims for water rights for irrigation and small reservoir uses in sections 28 and 33 T18S R21E. Mark and Marion Kartchner and Kartchner Farms & Ranches, Inc. filed Statements of Claimant 39-6677 and 39-6678 for the claimed water uses. The public

1 records of Arizona Department of Water Resources include assignments of the Statements of
2 Claimant to Enclave St. David LLC (“Claimant”).

3 The Arizona Department of Water Resources investigated the claims and submitted its
4 results in Watershed File Report 112-17-DCA-016 (“WFR”), which was published in the Final
5 San Pedro River Watershed Hydrographic Survey Report (1991). The WFR listed two wells as
6 the sources of water. A copy of the WFR is attached as Attachment A. The purpose of this
7 case is to resolve the five objections made to the WFR. The Objectors are included in
8 Attachment B.
9

10 According to the Cochise County Assessor, the property included in the area mapped for
11 the WFR consists of tax parcel nos. 121-35-008 and 121-42-003 owned by Enclave St. David
12 LLC.

13 Accordingly,

14 **IT IS ORDERED:**

- 15
- 16 1. Contested Case, Consolidation, Designation and Docket Number. This Order
17 initiates contested case no. W1-11-2190. This contested case is consolidated
18 with *In re St. David Irrigation District*, Contested Case No. W1-11-1675.
 - 19 2. Litigants. The litigants in this contested case are the Claimant, all persons who filed
20 objections to the watershed file report who are listed on Attachment B, and
21 claimants who are allowed to intervene by order.
 - 22 3. Court-Approved Mailing List. The initial Court-approved mailing list for this case
23 shall include all persons listed on Attachment B to this Order. The mailing list shall
24 be merged with the mailing list for *In re St. David Irrigation District*.
25
 - 26 4. The St. David Irrigation District shall file a consent in this contested case with
27 copies mailed to those individuals listed on Attachment B by **October 25, 2019**
28

1 signed by the Claimant if it consents to be represented by St. David Irrigation
2 District in *In re St. David Irrigation District*.

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5 
6 SUSAN WARD HARRIS
7 Special Master

8
9 On September 23, 2019, the original of the foregoing
10 was delivered to the Clerk of the Maricopa County
11 Superior Court for filing and distributing a copy to all
12 persons listed on the Court-approved mailing list for this
13 contested case.
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
KARTCHNER, MARK M.	112-17-DCA-016
& MARION B.	
KARTCHNER, K. DALE & E.	
BRIMHALL, JERRY & C. RUTH	

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

W1-11-2190

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
36-0026145		IRRIGATION STOCK DOMESTIC REC/FISH/WLDF	750.00	SENW28	180S	210E	1957	NESW28	180S	210E
36-0026146		IRRIGATION STOCK DOMESTIC REC/FISH/WLDF	1000.00	SENW28	180S	210E	1962	NENW33	180S	210E
36-0026153		IRRIGATION STOCK DOMESTIC REC/FISH/WLDF	32.00	SW28	180S	210E	1907	NENW33	180S	210E
39-0006677		IRRIGATION DOMESTIC STOCK REC/FISH/WLDF	640.00 10.00 1.34 10.00	SENW28	180S	210E	1910	SENEW28	180S	210E
39-0006678		IRRIGATION DOMESTIC STOCK REC/FISH/WLDF	1440.00 1.00 1.23 10.00	SWNW28	180S	210E	1907	NENENW33	180S	210E

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
36-0026145	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION NONE INCIDENTAL INCIDENTAL INCIDENTAL		IROO1, SROO1
36-0026146	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION NONE INCIDENTAL INCIDENTAL INCIDENTAL	WO1, WO9	IROO1, SROO1
36-0026153	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION NONE INCIDENTAL INCIDENTAL INCIDENTAL	WO1, WO9	IROO1, SROO1
39-0006677	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION NONE INCIDENTAL INCIDENTAL INCIDENTAL		IROO1, SROO1
39-0006678	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION NONE INCIDENTAL INCIDENTAL INCIDENTAL	WO1, WO9	IROO1, SROO1

D I V E R S I O N S

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
WO1	NENENW33	180S	210E	UNNAMED	GROUNDWATER : ZONE 2 SHARED
WO9	NENENW33	180S	210E	UNNAMED	GROUNDWATER : ZONE 2

PWR #	LOCATION			SUPPLIED BY		PHOTO SOURCE		FACILITY NAME
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES	DATE	CHANGE	
IROO1	NW33	18OS	21OE	WO1,WO9	GROUNDWATER : ZONE 2	1964	NO	
	SW28	18OS	21OE					

R E S E R V O I R S

PWR #	LOCATION			SUPPLIED BY		PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES			
SROO1	SESESW28	18OS	21OE	WO1,WO9	GRNDWTR : ZONE 2	1964	UNNAMED	IRRIGATION STOCKWATERING RECREATION WILDLIFE

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:
 112-17-DCA-6

P W R S U M M A R Y

PWR #	APPLICABLE		*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS	DATE BASIS	FOR DATE	
IROO1	39-0006677	36-0026145	1964	1964 AERIAL PHOTO	GROUNDWATER : ZONE 2
	39-0006678	36-0026146			
		36-0026153			
SROO1	39-0006677	36-0026145	1964	1964 AERIAL PHOTO	GROUNDWATER : ZONE 2
	39-0006678	36-0026146			
		36-0026153			

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

PWR #	QUANTIFICATION		ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE							
IROO1	MAX. OBSERVED		93.1	MULTI.-DBL.	45%	5.0 AF/AC	465.5 AFA	
	REGIONAL		93.1	AVE. CROP	50%	5.4 AF/AC	502.7 AFA	
	MAX. POTENTIAL		93.1	ALFALFA	45%	7.4 AF/AC	688.9 AFA	
SROO1	MAX. AREA/CAP		LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 36-26145, 36-26146, 36-26153, 39-6677 & 39-6678 - CLAIM IRRIGATION, DOMESTIC, STOCKWATERING, RECREATION, AND WILDLIFE WATER USES. NO DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATIONS.

DIVERSIONS

W1 & W9 - WELLS PROVIDE WATER FOR IRRIGATION, STOCKWATERING, RECREATION, AND WILDLIFE USES.

USES AND RESERVOIRS

IR1 - IRRIGATED MULTIPLE-DOUBLE CROPS (SMALL GRAINS, ALFALFA, AND PASTURE).
 SR1 - SMALL RESERVOIR, SUPPLIED BY WELLS W1 & W9, IS USED FOR IRRIGATION, STOCKWATERING, RECREATION, AND WILDLIFE PURPOSES.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #112-17-DCA-6.

ATTACHMENT B

1
2
3 Arizona Department of Water Resources
4 Kimberly Parks
5 P. O. Box 36020
6 Phoenix, AZ 85067

7 ASARCO Incorporated
8 Lauren J. Caster Fennemore Craig, P.C.
9 2394 east Camelback Road
10 Suite 600
11 Phoenix, AZ 85016-3429

12 D. A. Brown, D. E. Brown, J. A. Brown
13 Brown & Brown Law Offices, P.C.
14 P. O. Box 1890
15 St. Johns, AZ 85936

16 Enclave St. David LLC
17 1650 N. Kold Road, Suite 132
18 Tucson, AZ 85715

19 George J. Feulner
20 2 East Congress #1000
21 Tucson, AZ 85701

22 Gila River Indian Community
23 Linus Everling and Thomas L. Murphy
24 Office of The General Counsel
25 P. O. Box 97
26 Sacaton, Az 85147

27 Magma Copper Company (BHP)
28 John D. Burnside
29 Snell & Wilmer, L.L.P.
30 400 East Van Buren Street
31 Suite 1900
32 Phoenix, AZ 85004

33 Salt River Valley Water Users Association and the Salt River Project Agricultural
34 Improvement and Power District
35 John B. Weldon, Jr. and Mark A. McGinnis
36 Salmon, Lewis & Weldon PLC
37 2850 E Camelback Rd, Ste 200
38 Phoenix, AZ 85016

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4 Lucas T. Christian and Julian Nava
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6 565 W. Chandler Blvd. Suite 212
7 Chandler, AZ 85225

7 U. S. Department of Justice
8 R. Lee Leininger
9 Natural Resources Section
10 999 18th Street, So Terrace, Ste. 370
11 Denver, CO 80202

10 Yavapai-Apache Nation
11 Camp Verde Reservation
12 Susan B. Montgomery and Robyn L. Interpreter
13 Montgomery & Interpreter, PLC
14 3301 E. Thunderbird Road
15 Phoenix, AZ 85032

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