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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. **W1-11-2618**

ORDER TO INITIATE CONTESTED CASE
AND
ORDER TO SET A TELEPHONIC STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Robert F. and Patsy Ruth Muller*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: The Telephonic Status Conference shall be held on **February 12, 2021 at 1:00 p.m.**
NUMBER OF PAGES: 10
DATE OF FILING: November 20, 2020

This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River watershed. Other cases in which claims have been made to water in the San Pedro River watershed have been completed, are in the process of determining water rights, or awaiting initiation. The purpose of the General Adjudication is to determine the water rights of those persons who filed statements of claimant to use water from the San Pedro watershed. The

1 General Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila,
2 Lower Gila, Agua Fria, and Upper Santa Cruz watersheds.

3 This contested case shall determine the claims for water rights listed in and resolve the
4 objections to Watershed File Report 113-09-CC-034 (“WFR”) published in the Final San Pedro
5 River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights
6 for irrigation use for the land described in the WFR located in section 10 Township 11S Range
7 18E. The identified sources of water for the claimed uses are three wells. Two of the wells are
8 located in section 10 T11S R18E. The WFR filed in 1991 stated that water from two of the
9 wells is shared with the property that is the subject of contested case *In re George and Nancy*
10 *Muller*, W1-11-2619. The Arizona Department of Water Resources has determined that these
11 wells are located within the subflow zone. A copy of the watershed file report is attached as
12 Attachment A. A copy of the map prepared for the WFR is attached as Attachment B on which
13 the land investigated is labelled with “(34)”.

14

15 **Claimants & Landowners**

16

17 The WFR identified two Statements of Claimant (SOC) relevant to the potential water
18 rights: 39-2507 and 39-12249. Robert F. Muller and David Spohr filed the SOCs claiming
19 irrigation and domestic uses. Valory Strauser filed an amendment to 39-12249. The Arizona
20 Department of Water Resources listed Robert and Patsy Muller as the owners of the property
21 described in the WFR. According to the public records of Pima County Assessor’s Office, Mr.
22 and Mrs. Muller owned tax parcel 205-19-001N. According to the public records maintained by
23 the Pima County Assessor’s Office, tax parcels 205-19-001N and 205-19-001P were combined
24 in 1998 into a single tax parcel 205-19-001U. A copy of the current tax parcel map is attached
25 as Attachment C.

26 The public records maintained by ADWR include an assignment Statement of Claimant
27 39-2507 from Patsy Ruth Muller, widow of Robert F. Muller, to Nancy Lee Muller.

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IT IS ORDERED:

1. **Contested Case.** This contested case shall be known as *In re Robert F. and Patsy Ruth Muller* and it will address Statements of Claimant and objections that were filed regarding Watershed File Report 113-09-CC-034 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the case name and number on the following website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/ActiveCases.asp>

2. **Litigants.** The litigants in this contested case are the Claimants, all persons who filed objections to Watershed File Report 113-09-CC-034, who are included on the list attached as Attachment D, and claimants who are allowed to intervene by order.

3. **Court-Approved Mailing List.**

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

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

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

4. **Courtesy Email List.**


The Special Master's office will email courtesy copies of orders and minute entries entered in this case to persons listed on Attachment D. Requests for inclusions on the email list should be sent to Durina Farrall at durina.farrall@jbazmc.maricopa.gov

1 5. Status Conference. An initial status conference shall be held to address the
2 adjudication of this case, determine whether the Claimants intend to pursue water rights for the
3 property. If so, then a discussion will be held to determine whether the objections to the potential
4 water rights can be settled. If the objections cannot be settled, then a subsequent date will be set
5 for a scheduling conference to identify issues, file disclosure statements, conduct discovery,
6 submit prehearing motions, and hold a trial. The telephonic Status Conference shall be held on
7 **February 12, 2020 at 1:00 p.m.**

8
9 Instructions for telephonic appearance:
10 Dial: 602-506-9695 (local)
11 1-855-506-9695 (toll free long distance)
12 Dial Participant Pass Code 357264#

13 
14 SUSAN WARD HARRIS
15 Special Master

16 On November 20, 2020, the original of the foregoing was
17 delivered to the Clerk of the Maricopa County Superior
18 Court for filing and distributing a copy to all persons
19 listed on the Court-approved mailing list for W1-11-2619,
20 a copy of which is attached hereto as Attachment D, and
21 to all persons listed on the Court-approved mailing list for
22 W-1, W-2, W-3, and W-4 (Consolidated).

23 
24 Durina Farrall

ATTACHMENT A

PAGE: 149

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
MULLER, ROBERT F.	113-09-CC-034
& PATSY RUTH	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-2618

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWNP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWNP RNGE
39-0002507	QUE.RECD	IRRIGATION		NENE10 110S 180E	1974	SWNE10 110S 180E
39-0012249		DOMESTIC	1.00	SWNE10 110S 180E		03 110S 180E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002507	IRRIGATION	IRRIGATION	W01	IROO1
39-0012249	DOMESTIC	NONE		
	DOMESTIC	NOT APPLICABLE	W04	

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SWNE10 110S 180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W02	NWNE10 110S 180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W04	SWSE03 110S 180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE FACILITY NAME
IROO1	NENE10 110S 180E	W01,W02,W04	GROUNDWATER : ZONE 1	1988	NO

SHARED USES AND DIVERSIONS

** WATER FROM W01 IS SHARED WITH THESE ADDITIONAL FILES:
 113-09-CC-35
 ** WATER FROM W02 FOUND IN FILE (113-09-CC-35) IS USED IN THIS FILE
 ** WATER FROM W04 FOUND IN FILE (113-09-CC-20) 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
IROO1	39-0002507	NONE	1974 FILING 39-2507	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
	39-0012249			

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED	9.0	PERM. PSTR	61%	3.3 AF/AC	29.7 AFA	DEFICIT IRRIGATION
	REGIONAL	9.0	AVE. CROP	50%	5.4 AF/AC	48.6 AFA	
	MAX. POTENTIAL	9.0	ALFALFA	61%	5.4 AF/AC	48.6 AFA	

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FILE 113-09-CC-034 (CONTINUED)
EXPLANATION

CONTINUATION OF PAGE: 149

FILINGS AND DECREES

FILING 39-2507 - CLAIMS IRRIGATION AND DOMESTIC WATER USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

FILING 39-2507 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

FILING 39-12249 - CLAIMS A DOMESTIC WATER USE WHICH DOES NOT APPLY TO THIS PROPERTY.

DIVERSIONS

W1, W2, & W4 - WELLS PROVIDE WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W1 & W2 - WELLS ARE SHARED WITH W.F.R. #113-09-CC-35.

W4 - WELL IS SHARED WITH W.F.R. #113-09-CC-20.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER DESCRIBING WATER USES ON THE PROPERTY.

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ATTACHMENT B

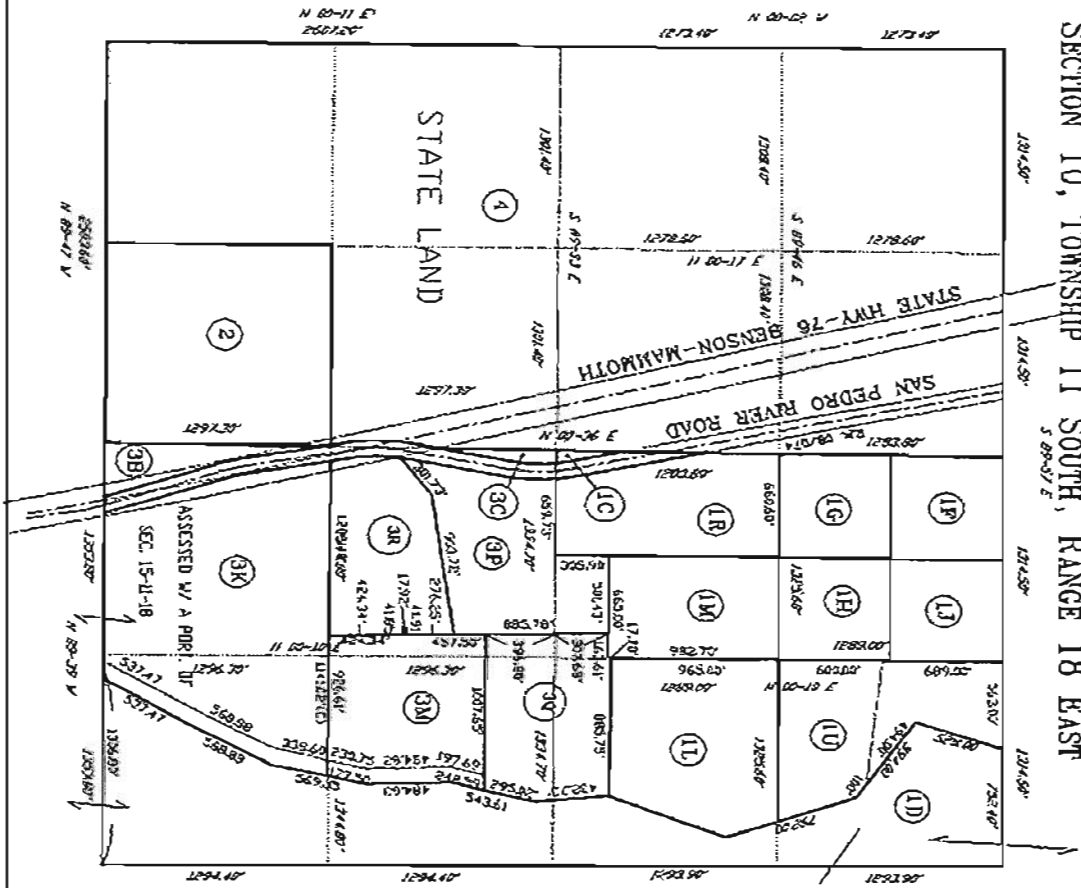


ATTACHMENT C

ASSESSOR'S RECORD MAP

205-19
-20

SECTION 10, TOWNSHIP 11 SOUTH, RANGE 18 EAST



ASSESSED IN SEC. 15-11-18
WITH A PORT. IN
SEC. 03-11-18
205-20

Diana
COUNTY
ASSESSOR

758 900K OI, 7486 OIB, S.Y.

2006-1
VISUALSIBERO - 01/23/06 JIM

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3 **ATTACHMENT D**
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5 Arizona Department of Water Resources
6 Kimberly Parks
7 P. O. Box 36020
8 Phoenix, AZ 85067

9 ASARCO Incorporated
10 Lauren J. Caster
11 Fennemore Craig, P.C.
12 2394 East Camelback Road
13 Suite 600
14 Phoenix, AZ 85016-3429

15 BHP Copper, Inc.
16 John D. Burnside
17 Snell & Wilmer, L.L.P.
18 400 E. Van Buren Street, Ste 1900
19 Phoenix AZ 85004

20 Clerk of the Superior Court
21 Maricopa County
22 Attn: Water Case
23 601 West Jackson Street
24 Phoenix, AZ 85003

25 David Spohr
26 2509 N. Campbell, #248
27 Tucson, AZ

28 Nancy Lee Muller
15998 N San Pedro River Rd
Benson Az 85602-9601

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

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2 The Sparks Law Firm, P.C.
3 7503 First Street
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9 Chandler, AZ 85225

10 S. Montgomery, R. Interpreter, J. Tomkus,
11 Mia A. Montoya Hammersley
12 Montgomery & Interpreter, Plc
13 3301 E. Thunderbird Road
14 Phoenix, AZ 85032

15 Salt River Valley Water Users Association,
16 Salt River Project Agricultural Improvement and Power District
17 John B. Weldon, Jr. and Mark A. McGinnis
18 Salmon, Lewis & Weldon PLC
19 2850 E Camelback Rd, Ste. 200
20 Phoenix, AZ 85016

21 Special Master Susan Ward Harris
22 Superior Court of Arizona
23 201 W. Jefferson Street
24 Courtroom 301
25 Phoenix, AZ 85003

26 U. S. Department of Justice
27 Patrick Barry and Emmi Blades
28 Environment and Natural Resources
P. O. Box 7611
Washington, D.C. 20044-7611

Valory Strausser
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Benson, AZ 85602