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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. W1-11-2619

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

CONTESTED CASE NAME: *In re George and Nancy Muller*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: The Telephonic Status Conference shall be held on **September 25, 2020** at 2:00 p.m.

NUMBER OF PAGES: 11

DATE OF FILING: July 27, 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-035 (“WFR”) published in the Final San Pedro  
5 River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights  
6 for domestic and irrigation uses for the land described in the WFR located in section 10 Township  
7 11S Range 18E. The identified sources of water for the claimed uses are three wells located in  
8 section 10 T11S R18E. The Arizona Department of Water Resources has determined that the  
9 wells are located within the subflow zone. A copy of the watershed file report is attached as  
10 Attachment A. A copy of the map prepared for the WFR is attached as Attachment B on which  
11 the land investigated is labelled with “(35)”.

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14 **Claimants & Landowners**

15  
16 The WFR identified two Statements of Claimant (SOC) relevant to the potential  
17 water rights: 39-2507 and 39-12249. Robert F. Muller and David Spohr filed the SOCs claiming  
18 irrigation and domestic uses. Valory Strauser filed an amendment to 39-12249. The Arizona  
19 Department of Water Resources listed George and Nancy Muller as the owner of the property  
20 described in the WFR. According to the public records of Pima County Assessor’s Office, Mr.  
21 and Mrs. Muller own tax parcel 205-19-001U. A copy of the current tax parcel map is attached  
22 as Attachment C. The public records maintained by ADWR neither include assignments of the  
23 SOCs nor SOCs filed by George Muller or Nancy Lee Muller.

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1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re George and Nancy*  
3 *Muller* and it will address Statements of Claimant and objections that were filed regarding  
4 Watershed File Report 113-09-CC-035 published in the Final San Pedro River Watershed  
5 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
6 and number on the following website:  
7 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/ActiveCases.asp>

8 2. Litigants. The litigants in this contested case are the Claimants, current  
9 landowners, all persons who filed objections to Watershed File Report 113-09-CC-035 who are  
10 listed on Attachment D, and claimants who are allowed to intervene by order.

11 3. Court-Approved Mailing List.

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

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

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

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
MULLER, GEORGE WILLIAM	113-09-CC-035
& NANCY LEE	

APPLICABLE FILINGS AND DECREES

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
10-1001728.2200			27150.00		10	110S 180E	1888			
39-0002507	QUE.RECD	IRRIGATION DOMESTIC		NENE10	110S	180E	1974	SWNENE10	110S	180E
39-0012249		DOMESTIC	1.00	SWNENE10	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
10-1001728.2200	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC NONE		DM001, IROO1
39-0002507	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	WO1	DM001, IROO1
39-0012249	DOMESTIC	NOT APPLICABLE	WO4	

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWNENE10	110S	180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO2	NWNENE10	110S	180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
WO3	NWNENE10	110S	180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
WO4	SWSESE03	110S	180E	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
DM001	NWNENE10	110S	180E	WO2	GROUNDWATER : ZONE 1		NO	
IROO1	NENE10	110S	180E	WO1, WO2, WO4	GROUNDWATER : ZONE 1	1988	NO	

SHARED USES AND DIVERSIONS

\*\* WATER FROM WO1 FOUND IN FILE (113-09-CC-34) IS USED IN THIS FILE  
 \*\* WATER FROM WO2 IS SHARED WITH THESE ADDITIONAL FILES:  
 113-09-CC-34  
 \*\* WATER FROM WO4 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*	WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS FOR DATE	
DM001	39-0002507	10-1001728.2200		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0002507 39-0012249	10-1001728.2200	1974 FILING 39-2507	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT DEFICIT IRRIGATION
IROO1	MAX. OBSERVED	7.1	PERM. PSTR	61%	3.3 AF/AC	23.4 AFA	
	REGIONAL	7.1	AVE. CROP	50%	5.4 AF/AC	38.3 AFA	
	MAX. POTENTIAL	7.1	ALFALFA	61%	5.4 AF/AC	38.3 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

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 W.F.R.

DIVERSIONS

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

USES AND RESERVOIRS

DM1 - DOMESTIC USE.  
 IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

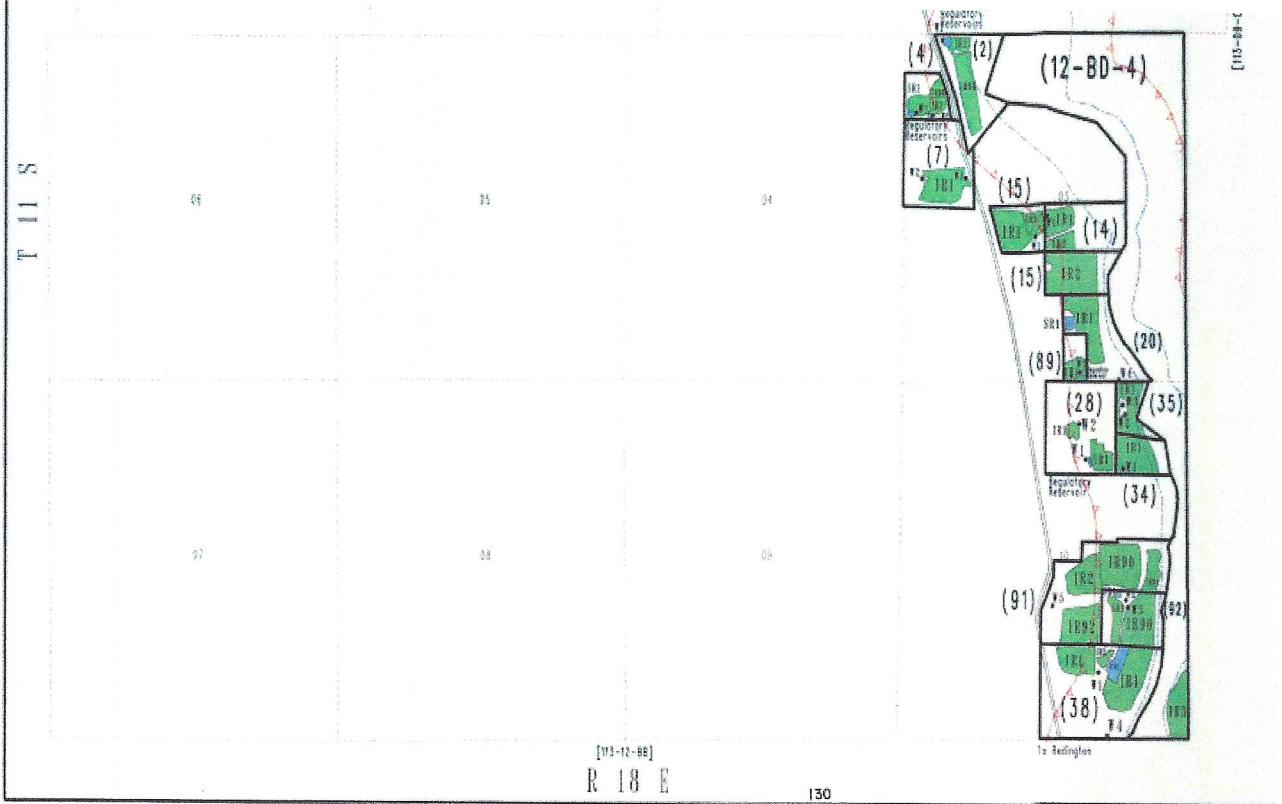
W1 & W2 - WELLS ARE SHARED WITH W.F.R. #113-09-CC-34.  
 W4 - WELL IS SHARED WITH W.F.R. #113-09-CC-20.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER OF W.F.R. #113-09-CC-34 THAT RESULTED IN A FIELD INVESTIGATION OF THIS PROPERTY.

# ATTACHMENT B

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# ATTACHMENT C

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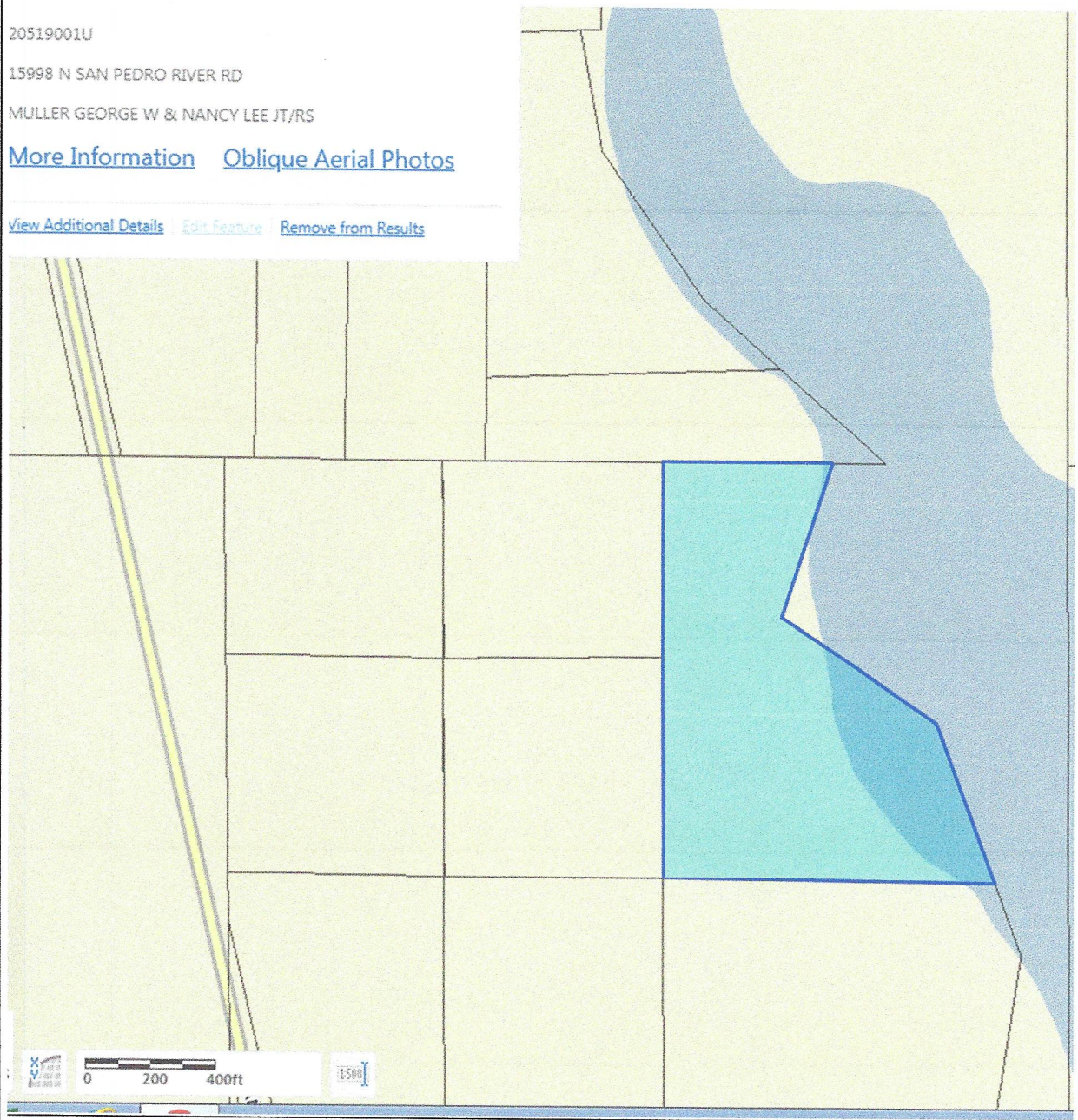
20519001U

15998 N SAN PEDRO RIVER RD

MULLER GEORGE W & NANCY LEE JT/RS

[More Information](#) [Oblique Aerial Photos](#)

[View Additional Details](#) [Edit Feature](#) [Remove from Results](#)



# ATTACHMENT D

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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

David Spohr  
2509 N. Campbell, #248  
Tucson, AZ

George W & Nancy Lee Muller  
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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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Mia A. Montoya Hammersley  
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13 Salt River Valley Water Users Association,  
Salt River Project Agricultural Improvement and Power District  
14 John B. Weldon, Jr. and Mark A. McGinnis  
Salmon, Lewis & Weldon PLC  
15 2850 E Camelback Rd, Ste. 200  
16 Phoenix, AZ 85016  
17 Special Master Susan Ward Harris  
Superior Court of Arizona  
18 201 W. Jefferson Street  
Courtroom 301  
19 Phoenix, AZ 85003  
20  
21 U. S. Department of Justice  
Patrick Barry, Yosef Negose, and Emmi Blades  
22 Environment and Natural Resources  
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23 Washington, D.C. 20044-7611  
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