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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. W1-11-2726

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

CONTESTED CASE NAME: *In re David and Fay Gard*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: The Telephonic Status Conference shall be held on September 10, 2020 at 3:00 p.m.
NUMBER OF PAGES: 11
DATE OF FILING: July 13, 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

1 those persons who filed statements of claimant to use water from the San Pedro watershed. The
2 General Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila,
3 Lower Gila, Agua Fria, and Upper Santa Cruz watersheds.

4 This contested case shall determine the claims for water rights listed in and resolve the
5 objections to Watershed File Report 113-12-DD-001 ("WFR") published in the Final San Pedro
6 River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights
7 for domestic and irrigation uses for the land described in the WFR located in sections 31 and 32
8 Township 13S Range 20E. The identified sources of water for the claimed uses is one well
9 located in section 32 T13S R20E. The Arizona Department of Water Resources has determined
10 that Well 01, which is the source of water for irrigation use, is located within the subflow zone.
11 A copy of the watershed file report is attached as Attachment A. A copy of the map prepared
12 for the WFR is attached as Attachment B on which the land investigated is labelled with "(01)".
13 A copy of the current tax parcel map is attached as Attachment C.

14 15 **Claimant & Landowners**

16 The WFR identified two Statements of Claimant (SOC) relevant to the potential water
17 rights: 39-3890 and 39-14406. Marie Kelly filed SOC 39-3890. David and Fay Gard
18 subsequently filed a form of assignment of SOC 39-3890 to which they attached a statement
19 that they had purchased the property from the personal representative of the Estate of Marie
20 Kelly. The representative of the estate of Marie Kelly did not sign the form of assignment.
21 David and Fay Gard also filed SOC 39-14406. The Arizona Department of Water Resources
22 listed David and Fay Gard as the owners of the property described in the WFR. The public
23 records of Cochise County Assessor's Office identify Joel and Donna Quisenberry as the
24 owners of tax parcel 209-53-001. The public records maintained by ADWR do not include
25 assignments of the SOC's from David and Fay Gard.
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1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re In re David and Fay*
3 *Gard* and it will address Statements of Claimant and objections that were filed regarding
4 Watershed File Report 113-12-DD-001 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, all persons who
9 filed objections to the listed watershed file reports who are listed on Attachment D, and claimants
10 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

GARD, DAVID & FAY N.A.
SILVER TIP RANCH

WATERSHED FILE
REPORT NUMBER

113-12-DD-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

2726
WI-11-~~9~~

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWNP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWNP RNGE
36-0029052		IRRIGATION DOMESTIC STOCK	24.43	NE31 130S 200E NW32 130S 200E NESW32 130S 200E	1910	NE31 130S 200E
39-0003890	QUE.RECD	IRRIGATION DOMESTIC STOCK	24.35 .07	31 130S 200E 32 130S 200E	1910	31 130S 200E
39-0014406		REC/FISH/WLDF IRRIGATION STOCK REC/FISH/WLDF	.01 150.00 10.00	32 130S 200E	1989	NENWSW32 130S 200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0029052	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	W01	DMO01, IRO01, IRO02
39-0003890	IRRIGATION DOMESTIC STOCK WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL	W01	DMO01, IRO01, IRO02
39-0014406	IRRIGATION STOCK RECREATION	NONE NONE NONE	W02	

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SESENE31	130S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W02	NENWSW32	130S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED

USES

PWR #	SECTION	TWNP	RNGE	DIVERSIONS	SUPPLIED BY WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
DMO01	SWSWNW32	130S	200E	W01	GROUNDWATER : ZONE 1		NO	
IRO01	SENE31	130S	200E	W01	GROUNDWATER : ZONE 1	1935	NO	
IRO02	SENE31	130S	200E	W01	GROUNDWATER : ZONE 1	1972	NO	
IRO03	SENE31	130S	200E	W01	GROUNDWATER : ZONE 1	1990	NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
DMO01	39-0003890	36-0029052		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO01	39-0003890	36-0029052	1910 36-29052 & 39-3890	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO02	39-0003890	36-0029052	1972 1972 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO03	39-0003890	36-0029052	1990 1990 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	39-0014406	NONE		

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
D0001							
I0001	MAX. OBSERVED REGIONAL	8.0	PECANS W/GC	58%	6.0 AF/AC	48.0 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT
	MAX. POTENTIAL	8.0	AVE. CROP	50%	5.4 AF/AC	43.2 AFA	
I0002	MAX. OBSERVED REGIONAL	5.1	ALFALFA	58%	5.7 AF/AC	45.6 AFA	
	MAX. POTENTIAL	5.1	PECANS W/GC	58%	6.0 AF/AC	30.6 AFA	
	MAX. POTENTIAL	5.1	AVE. CROP	50%	5.4 AF/AC	27.5 AFA	
I0003	MAX. OBSERVED REGIONAL	3.5	ALFALFA	58%	5.7 AF/AC	29.1 AFA	
	MAX. POTENTIAL	3.5	PERM. PSTR	58%	5.4 AF/AC	18.9 AFA	
	MAX. POTENTIAL	3.5	AVE. CROP	50%	5.4 AF/AC	18.9 AFA	
	MAX. POTENTIAL	3.5	ALFALFA	58%	5.7 AF/AC	20.0 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-3890 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ABOUT WATER USES AND DIVERSION LOCATIONS ON THIS PROPERTY.
 FILING 39-14406 - CLAIMS IRRIGATION, STOCKWATERING, AND RECREATION USES. NO USES WERE FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, STOCKWATERING, AND WILDLIFE USES.
 W2 - UNUSED WELL.

USES AND RESERVOIRS

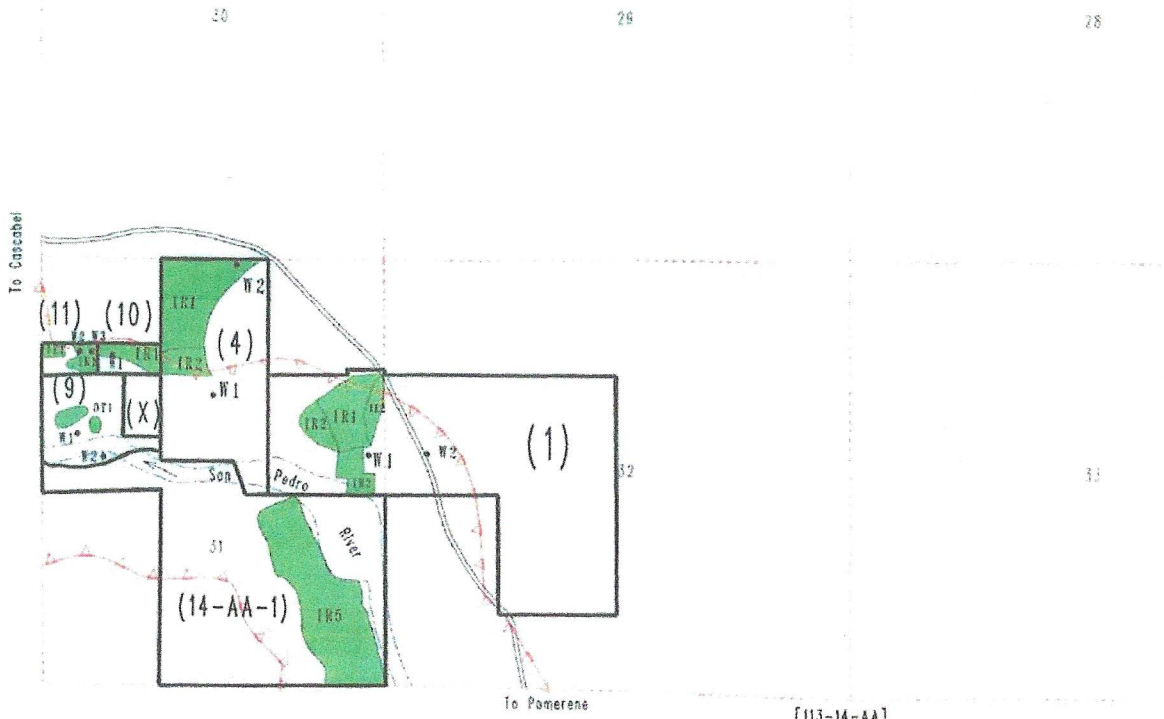
DM1 - DOMESTIC USE.
 IR1 & IR2 - IRRIGATED PECAN TREES.
 IR3 - IRRIGATED PASTURE.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED WHICH PROVIDES ADDITIONAL INFORMATION ON THE LAND OWNERSHIP, WELL LOCATIONS, AND IRRIGATION.

ATTACHMENT B

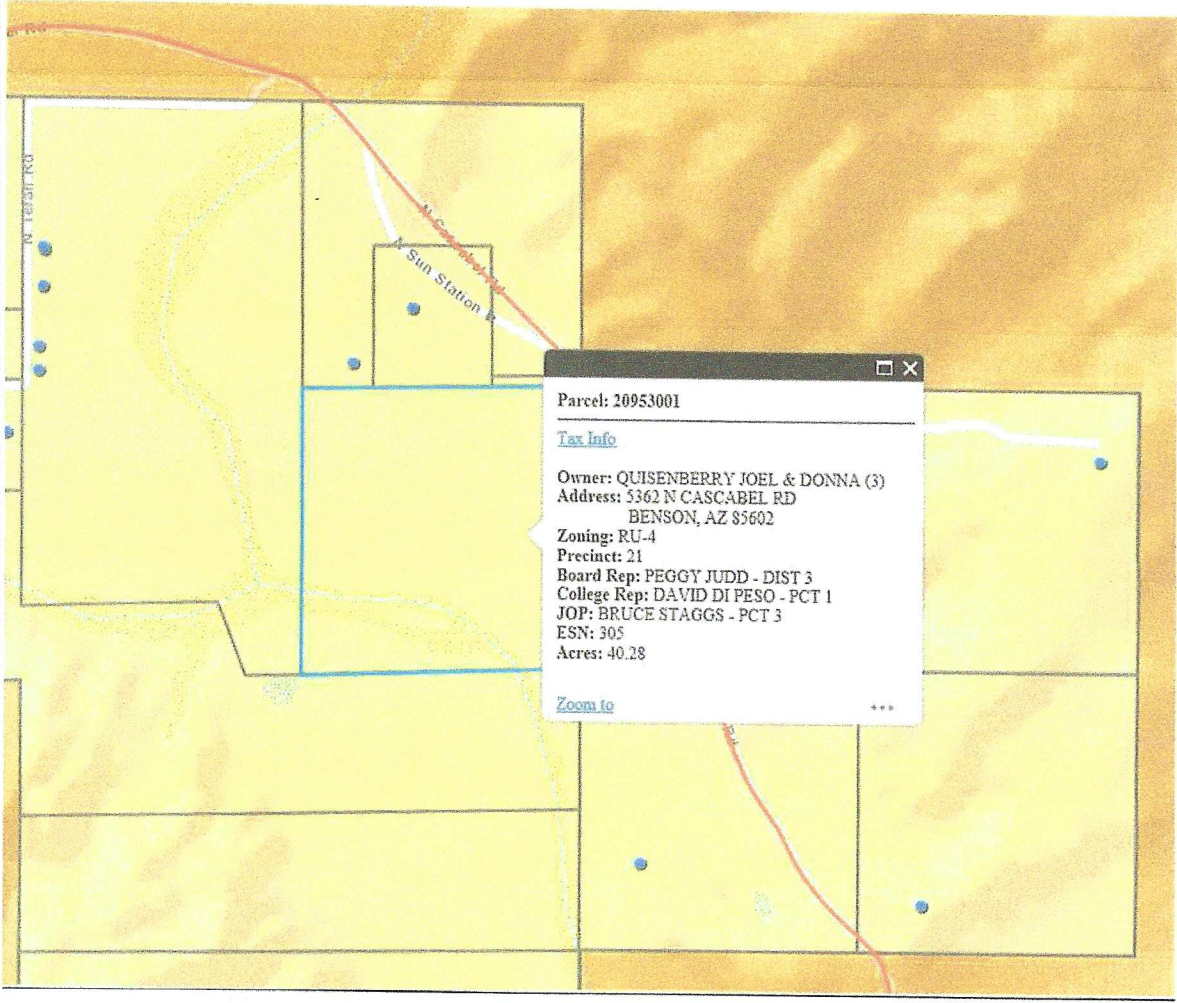
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P 2 A R

ATTACHMENT C

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ATTACHMENT D

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

ASARCO Incorporated
Lauren J. Caster
Fennemore Craig, P.C.
2394 East Camelback Road
Suite 600
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 and Fay Gard
HCR 400
Benson, AZ 85602

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

Joel and Donna Quisenberry
5362 N. Cascabel Road
Benson, AZ 85602

Joe P. Sparks and Laurel A. Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, Az 85251-4573

1 Lucas T. Christian, Julian Nava
Richard J. Palmer & Jeremiah Weiner
2 Rosette, LLP
565 W. Chandler Blvd. Suite 212
3 Chandler, AZ 85225

4 S. Montgomery, R. Interpreter, J. Tomkus,
5 Mia A. Montoya Hammersley
Montgomery & Interpreter, Plc
6 3301 E. Thunderbird Road
Phoenix, AZ 85032
7

8 Salt River Valley Water Users Association,
9 Salt River Project Agricultural Improvement and Power District
John B. Weldon, Jr. and Mark A. McGinnis
10 Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste. 200
11 Phoenix, AZ 85016

12 Special Master Susan Ward Harris
13 Superior Court of Arizona
201 W. Jefferson Street
14 Courtroom 301
Phoenix, AZ 85003
15

16 U. S. Department of Justice
Patrick Barry, Yosef Negose, and Emmi Blades
17 Environment and Natural Resources
P. O. Box 7611
18 Washington, D.C. 20044-7611
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