

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 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:** A Telephonic Status Conference shall be held on **January 22, 2021 at 1:30 p.m.**

**NUMBER OF PAGES:** 8

**DATE OF FILING:** December 8, 2020

This contested case shall determine the claims for water rights listed in and resolve the objections to Watershed File Report 113-12-DD-001 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for irrigation uses for the land described in the WFR located in section 31 Township 13S Range 20E. It also identified a domestic use of water in the southwest quarter of the southwest quarter of the northwest quarter of section 32 T13S R20E.

1 The identified source of water for the claimed uses is one well located in the northeast  
2 quarter of section 31 T13S R20E. The Arizona Department of Water Resources has determined  
3 that Well 01, which is the source of water for irrigation and domestic use, is located within the  
4 subflow zone. A copy of the watershed file report is attached as Attachment A. A copy of the  
5 map prepared for the WFR is attached as Attachment B on which the land investigated is labelled  
6 with "(01)" and the irrigated land is highlighted in green.

### 7 8 **Claimants & Landowners**

9  
10 The WFR identified two Statements of Claimant (SOC) relevant to the potential water  
11 rights: 39-3890 and 39-14406. Marie Kelly filed SOC 39-3890. David and Fay Gard  
12 subsequently filed a form of assignment of SOC 39-3890 and filed SOC 39-14406. The public  
13 records maintained by ADWR do not include assignments of the SOC's from David and Fay  
14 Gard. On October 18, 2020, Joel A. Quisenberry filed Statement of Claimant 39-18140 to  
15 claim water rights for domestic and irrigation uses on property identified as Cochise County  
16 Tax Parcel 209-53-001.

17 The Arizona Department of Water Resources listed David and Fay Gard as the owners  
18 of the property described in the WFR. The public records of Cochise County Assessor's Office  
19 identify Joel and Donna Quisenberry as the owners of tax parcel 209-53-001, which is located  
20 in section 31 township 13S Range 20E and tax parcel 20954002b, located in section 32 township  
21 13S Range 20E. It also named Robert Hammett and Phyllis Tharp as the owners of tax parcels  
22 20954002 and 20954004, located in the southeast quarter of the northwest quarter of Section 32  
23 Township 13 Range 20 East, and Louisa M. Jaskulski as the owner of tax parcel 20954001,  
24 located in the northeast quarter of the southwest quarter of section 32, Township 13 South,  
25 Range 20 East. A copy of a map prepared by the Cochise County Assessor's Office is attached  
26 as Attachment C. The public records of ADWR do not include a Statement of Claimant for  
27 water rights filed by Robert Hammett, Phyllis Tharp, or Louisa Jaskulski in section 32,  
28 Township 13 South, Range 20 East. A copy of this order is provided as a courtesy to:

1 Robert Hammett and Phyllis Tharp  
2 5363 N Cascabel Rd.  
3 Benson, Az 85602

Louisa Jaskulski  
205 Sunset Dr. Lot 164  
Sedona, Az 86336

4 **IT IS ORDERED** that a Status Conference shall be held to determine whether the  
5 objections to the potential water rights for irrigation and domestic uses can be settled. If the  
6 objections cannot be settled, then a subsequent date will be set for a scheduling conference to  
7 identify issues, file disclosure statements, conduct discovery, submit prehearing motions, and  
8 hold a trial. The telephonic Status Conference shall be held on **January 22, 2021 at 1:30 p.m.**

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

14 **IT IS FURTHER ORDERED** that David and Fay Gard shall be removed from the court-  
15 approved mailing list. Copies of orders in this case have been sent to the last known address for  
16 David and Fay Gard and have been returned with no forwarding address.

17  
18   
19 SUSAN WARD HARRIS  
20 Special Master

21  
22 On December 8, 2020, the original of the foregoing was  
23 delivered to the Clerk of the Maricopa County Superior  
24 Court for filing and distributing a copy to all persons  
25 listed on the Court-approved mailing list for this  
26 contested case.  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
GARD, DAVID & FAY N.A.	113-12-DD-001
SILVER TIP RANCH	

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 SECTION	LOCATION TWNP	RNGE
36-0029052		IRRIGATION DOMESTIC STOCK	24.43	NE31 NW32	130S	200E	1910	NE31	130S	200E
39-0003890	QUE.RECD	IRRIGATION DOMESTIC STOCK	24.35 .07	NE31 31 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	NENSW32	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	WO1	DMO01, IRO01, IRO02
39-0003890	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO1	DMO01, IRO01, IRO02
39-0014406	WILDLIFE IRRIGATION STOCK RECREATION	INCIDENTAL INCIDENTAL NONE NONE NONE	WO2	

DIVERSIONS

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SESENE31	130S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO2	NENSW32	130S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED

USES

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMO01	SWSWNW32	130S	200E	WO1	GROUNDWATER : ZONE 1		NO	
IRO01	SENE31	130S	200E	WO1	GROUNDWATER : ZONE 1	1935	NO	
IRO02	SENE31	130S	200E	WO1	GROUNDWATER : ZONE 1	1972	NO	
IRO03	SENE31	130S	200E	WO1	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		SAN PEDRO RIVER

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							
IRO01	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	
IRO02	MAX. OBSERVED REGIONAL	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	
IRO03	MAX. OBSERVED REGIONAL	3.5	PERM. PSTR	58%	5.4 AF/AC	29.1 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.

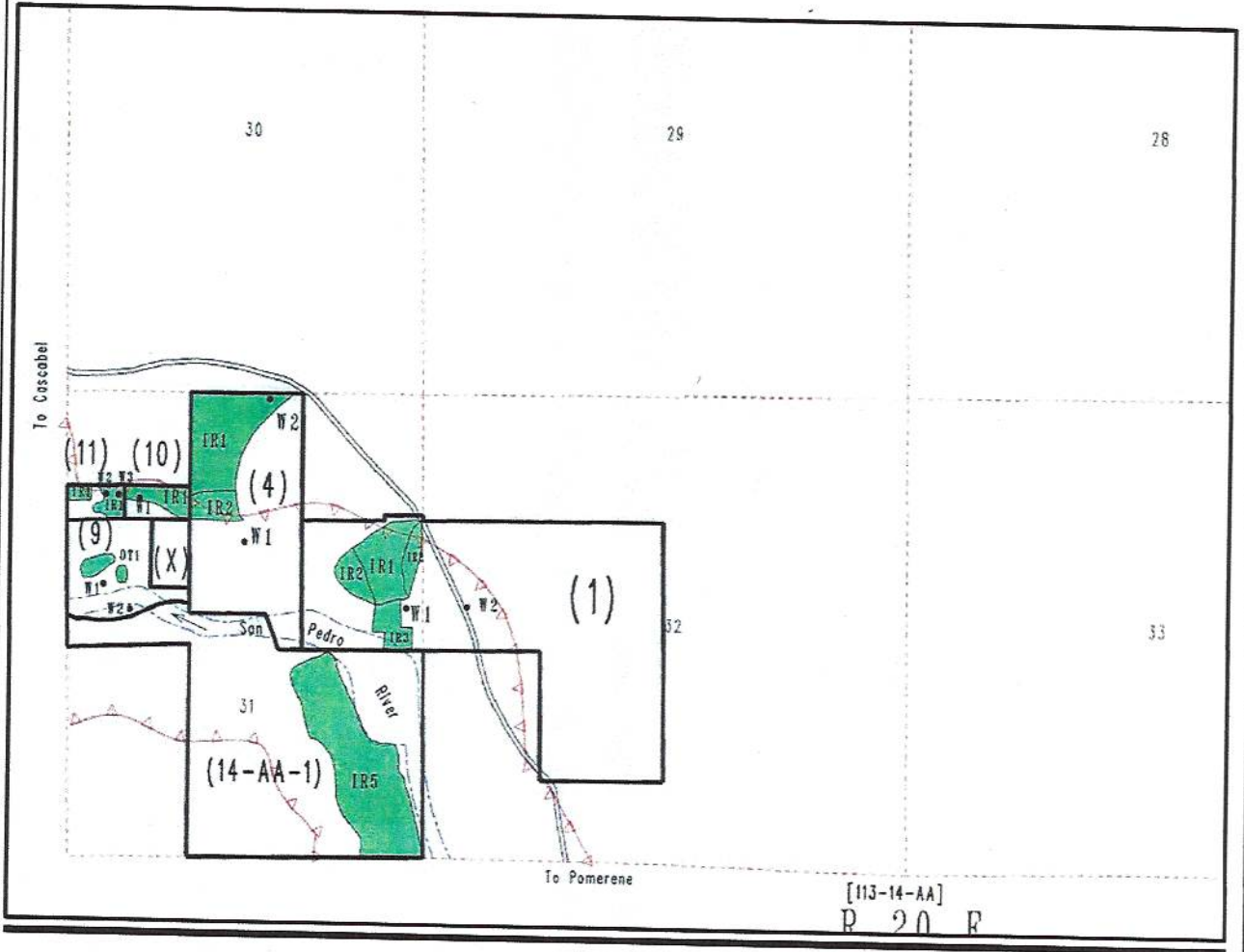
USES AND RESERVOIRS

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

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

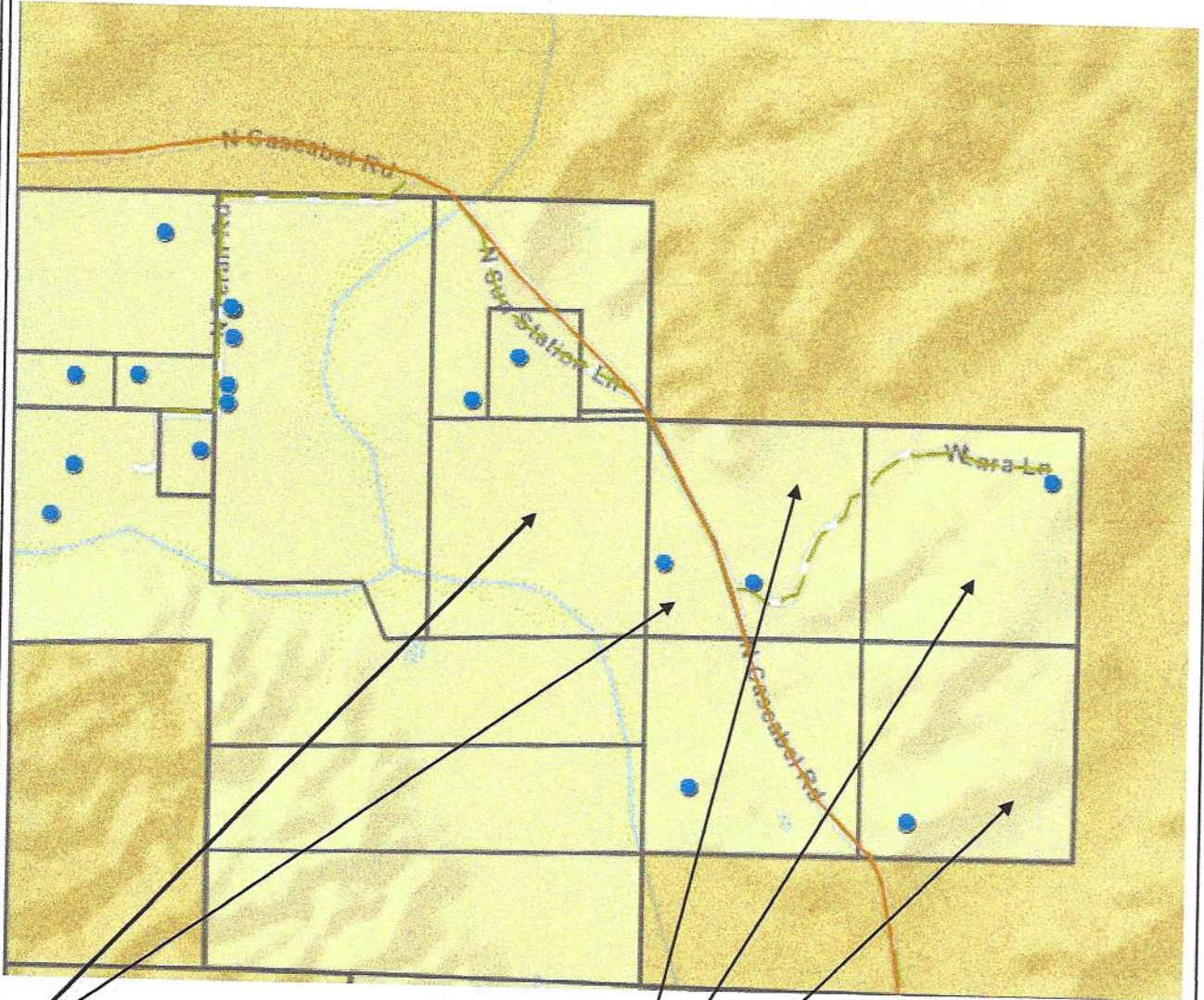
A COMMENT WAS RECEIVED WHICH PROVIDES ADDITIONAL INFORMATION ON THE LAND OWNERSHIP, WELL LOCATIONS, AND IRRIGATION.

# ATTACHMENT B



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ATTACHMENT C



Quisenberry Joel & Donna - Tax Parcel 20953001  
Quisenberry Joel & Donna - Tax Parcel 20954002b

Hammett Robert & Tharp Phyllis - Tax Parcel 20954002  
Hammett Robert & Tharp Phyllis - Tax Parcel 20954004

Jaskulski Louisa M - Tax Parcel 20954001