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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. W1-11-2731

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

CONTESTED CASE NAME: *In re Albert S. Duff III*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: The Telephonic Status Conference shall be held on **September 25, 2020** at 3:00 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.

1 The purpose of the General Adjudication is to determine the water rights of those persons
2 who filed Statements of Claimant with the Arizona Department of Water Resources to use water
3 from the San Pedro watershed. The General Adjudication will also determine water rights in the
4 Upper Salt, Verde, Upper Gila, Lower Gila, Agua Fria, and Upper Santa Cruz watersheds.

5 This contested case shall adjudicate the claims for water rights listed in and resolve the
6 objections to Watershed File Report 113-12-DD-011 (“WFR”) published in the Final San Pedro
7 River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights
8 for domestic and irrigation uses for the land described in the WFR located in section 31 Township
9 13S Range 20E. The identified sources of water for the claimed uses are three wells located in
10 section 31 T13S R20E. The Arizona Department of Water Resources has determined that the
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 “(11”).
14

15 **Claimant & Landowners**

16
17 The WFR identified two Statements of Claimant (SOC) relevant to the potential water
18 rights: 39-1089 and 39-1090. Albert S. Duff filed the SOC claiming irrigation, stock watering,
19 and other uses. The Arizona Department of Water Resources listed Albert S. Duff III as the
20 owner of the property described in the WFR. According to the public records of Cochise County
21 Recorder, Mr. Duff sold tax parcel 209-53-010 to Randall Gordon by a deed recorded on June
22 27, 1991. The public records of Cochise County Assessor’s Office state that Jeffrey T. Robbins
23 and Sybil Isolde Erden own tax parcel 209-53-010. A copy of the current tax parcel map is
24 attached as Attachment C. The public records maintained by ADWR do not include assignments
25 of the SOC from Albert S. Duff to a subsequent landowner or any SOC filed by Jeffrey T.
26 Robbins and Sybil Isolde Erden.
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1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re Albert S. Duff III*
3 and it will address Statements of Claimant and objections that were filed regarding Watershed
4 File Report 113-12-DD-011 published in the Final San Pedro River Watershed Hydrographic
5 Survey Report (1991). Copies of objections can be found under the case name and number on
6 the following website:
7 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/ActiveCases.asp>

8 2. Litigants. The litigants in this contested case are the Claimant, current
9 landowners, all persons who filed objections to the Watershed File Report who are listed on
10 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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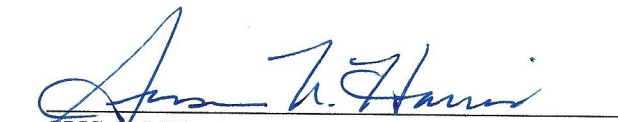
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4. Courtesy Email List.

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 Barbara Brown at brownb099@superiorcourt.maricopa.gov.

5. Status Conference. An initial status conference shall be held to address the adjudication of this case, determine whether the Claimant or the current landowners intend to pursue water rights for the property. If so, then a discussion will be held to determine whether the objections to the potential water rights can be settled. If the objections cannot be settled, then a subsequent date will be set for a scheduling conference to identify issues, file disclosure statements, conduct discovery, submit prehearing motions, and hold a trial. The Telephonic Status Conference shall be held on **September 25, 2020 at 3:00 p.m.**

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


SUSAN WARD HARRIS
Special Master

On July 27, 2020, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for W1-11-2731, a copy of which is attached hereto as Attachment D, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
DUFF, III, ALBERT S.	113-12-DD-011

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

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
36-0029379		IRRIGATION DOMESTIC	125.44	NWNW31	130S	200E	1977	NWNW31	130S	200E
36-0029380		IRRIGATION DOMESTIC	125.44	NWNW31	130S	200E	1972	NWNW31	130S	200E
38-0029378		STOCK OTHER	2.50	SWNW31	130S	200E	1977	SWNW31	130S	200E
39-0001089		IRRIGATION DOMESTIC	125.00	SWNWNW31	130S	200E	1977	SWNWNW31	130S	200E
		STOCK	.22							
		OTHER	.22							
39-0001090		IRRIGATION DOMESTIC	125.00	SWNWNW31	130S	200E	1972	SWNWNW31	130S	200E
		STOCK	.22							
		OTHER	.22							

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
36-0029379	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC		IROO1,DMOO1
36-0029380	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC		IROO1,DMOO1
38-0029378	STOCK OTHER	NONE		
39-0001089	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC		IROO1,DMOO1
	STOCK	INCIDENTAL		
	OTHER	INCIDENTAL		
39-0001090	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC		IROO1,DMOO1
	STOCK	INCIDENTAL		
	OTHER	INCIDENTAL		

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SENWNW31	130S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W02	SWNWNW31	130S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED
W03	SWNWNW31	130S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SWNWNW31	130S	200E	W01,W02,W03	GROUNDWATER : ZONE 1		NO	
IROO1	NENW31	130S	200E	W01,W02,W03	GROUNDWATER : ZONE 1	1979	NO	
	NWNW31	130S	200E					
	SENW31	130S	200E					
	SWNW31	130S	200E					

** WATER FROM W01 FOUND IN FILE (113-12-DD-10) IS USED IN THIS FILE
 ** WATER FROM W02 IS SHARED WITH THESE ADDITIONAL FILES:
 113-12-DD-10
 ** WATER FROM W03 IS SHARED WITH THESE ADDITIONAL FILES:
 113-12-DD-10

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0001089 39-0001090	36-0029379 36-0029380		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0001089 39-0001090	36-0029379 36-0029380	1973 FILING 36-29380	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE	38-0029378		

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

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	2.9	GRAIN CORN	38%	3.3 AF/AC	9.6 AFA	
	REGIONAL	2.9	AVE. CROP	50%	5.4 AF/AC	15.7 AFA	
	MAX. POTENTIAL	2.9	ALFALFA	38%	8.8 AF/AC	25.5 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-1089 & 39-1090 - DOMESTIC WATER USE WAS CLAIMED UNDER THE "OTHER" USE CATEGORY;
 FILING 38-29378 - CLAIMS A WATER USE FROM A STOCKPOND. NO STOCKPOND WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1, W2, & W3 - WELLS PROVIDE WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 IR1 - IRRIGATION OF CORN.

SHARED USES AND DIVERSIONS

W1, W2, & W3 - WELLS SHARED WITH W.F.R. #113-12-DD-10.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

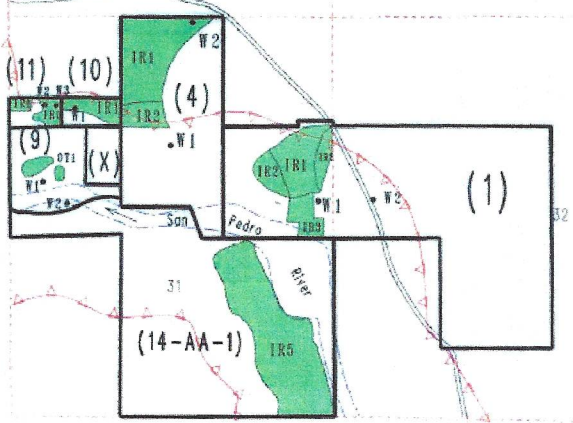
A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH DESCRIBED WATER SOURCES, IRRIGATION USES, AND DATE OF FIRST USE.

ATTACHMENT B

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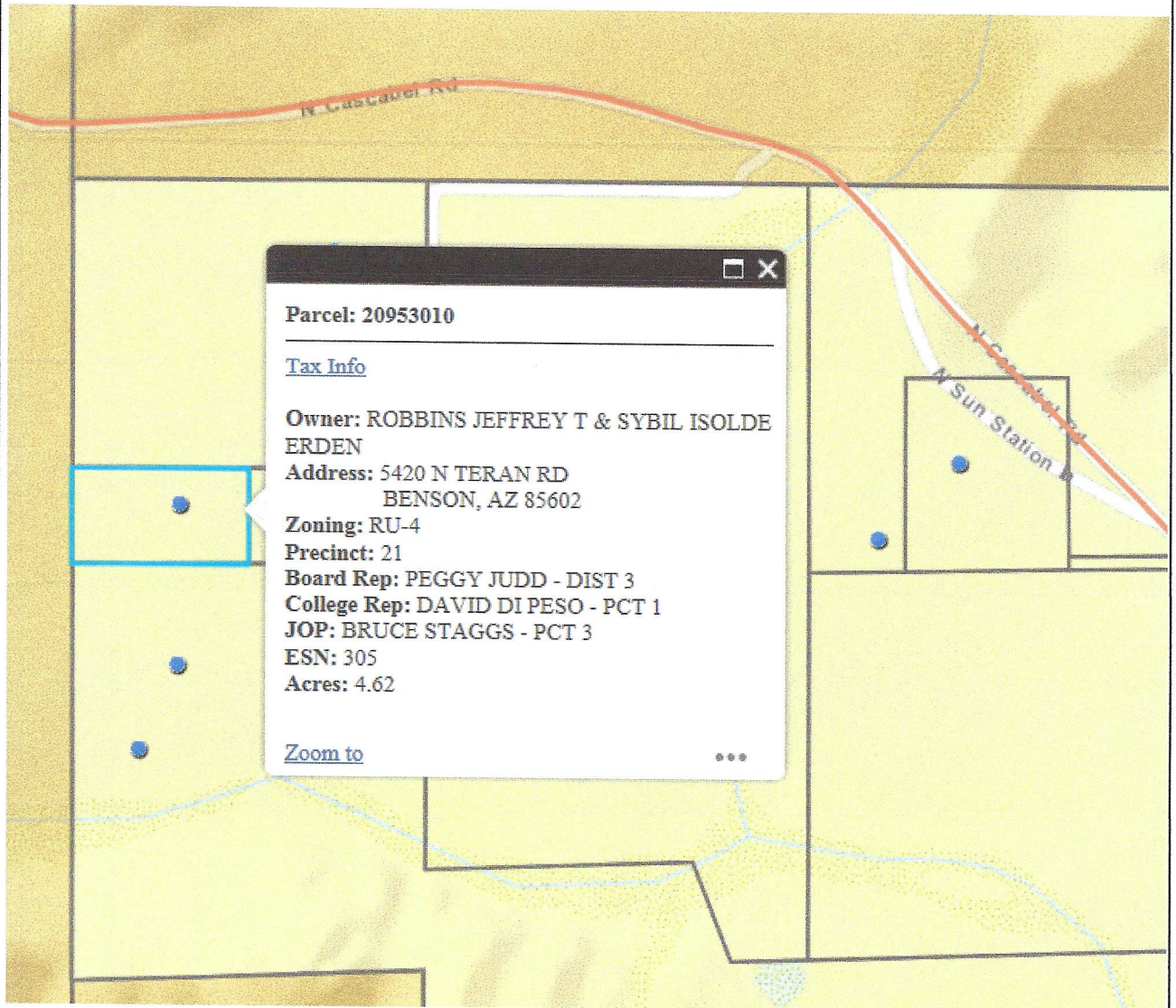


To Pomerene

[113-14-AA]
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ATTACHMENT C

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ATTACHMENT D

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Albert Duff III
Rt. 1 Box 42C
Benson, AZ 85602

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

ASARCO Incorporated
Lauren J. Caster
Fennemore Craig, P.C.
2394 East Camelback Road
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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

Gila River Indian Community
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Office of the General Counsel
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Sacaton, AZ 85147
Jeffrey Robbins and Sybil Isolde Erden
5420 N. Teron Road
Benson, AZ 85602

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

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Lucas T. Christian, Julian Nava
Richard J. Palmer & Jeremiah Weiner
Rosette, LLP
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Chandler, AZ 85225

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

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

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

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