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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. W1-11-3117

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Cruz C. Hernandez*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3117 initiated and status conference set for  
**January 7, 2020 at 1:45 p.m.**

NUMBER OF PAGES: 11

DATE OF FILING: December 3, 2019

**General Explanation**

This Court Order begins the process necessary to determine legal rights to use water from a well located on land that the Pinal County Assessor has identified as tax parcel 300-55-010B owned by Augustine and Martha Avechuco.

1 This contested case is one of the many cases that are included in the General Stream  
2 Adjudication. The purpose of the General Adjudication is to determine the water rights of those  
3 persons who use water from the San Pedro watershed in addition to the watersheds for the Upper  
4 Salt, Verde, Upper Gila, Lower Gila, Agua Fria and Upper Santa Cruz. Other cases in the General  
5 Stream Adjudication have been completed, are in the process of determining water rights, or  
6 awaiting initiation. This case is initiated to determine water rights to water in the San Pedro  
7 watershed.

### 8 9 **Claims for Water Rights**

10 This Order initiates a contested case to consider the claims and resolve objections to  
11 Watershed File Report 114-04-BAC-007 (“WFR”) published in the Final San Pedro River  
12 Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for  
13 domestic and irrigation use on land located in section 17 Township 6S Range 16E. The identified  
14 source of water for the claimed uses is a well located in section 17 T6S R16E. The Arizona  
15 Department of Water Resources (“ADWR”) has determined that Well 01 is located in the subflow  
16 zone. A copy of the WFR is attached as Attachment A. A copy of the map prepared for the WFR  
17 is attached as Attachment B on which the land in question is labelled as “(7)”. A copy of the map  
18 prepared by the Pinal County Assessor showing tax parcel 300-55-010B is attached as Attachment  
19 C.  
20

### 21 **Claimant & Landowners**

22 The WFR identified no Statement of Claimant (SOC) relevant to the potential water rights.  
23 On June 19, 1992, Cruz Hernandez filed SOC 39-14747 for domestic use on land in Section 17  
24 Township 6S Range 16E. No assignment of the SOC can be found in the public records of ADWR.  
25

26 The WFR lists Cruz C. Hernandez as the owner of the property described in the WFR. A  
27 quit claim deed was filed in The Pinal County Recorder’s Office transferring property from Cruz  
28 Hernandez to Augustine and Martha Avechuco (Fee No. 2011-0084717). According to the records

1 of the Pinal County Assessor, Augustine and Martha Avechuco own the property within the  
2 boundaries of the WFR.

3  
4 **IT IS ORDERED:**

5 1. Contested Case. This contested case shall be known as *In re Cruz C. Hernandez*.  
6 It will determine water rights asserted in the Statement of Claimant and objections that were filed  
7 to Watershed File Report 114-04-BAC-007 published in the Final San Pedro River Watershed  
8 Hydrographic Survey Report (1991). Copies of objections can be found under the case name and  
9 number on the following website:

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

11 2. Litigants. The litigants in this contested case are the Claimants, the current  
12 landowners, all persons who filed objections to the listed watershed file reports who are included  
13 on Attachment D, and claimants who are allowed to intervene by order.

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16 3. Court-Approved Mailing List.

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

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

24 C. Claimants wishing to be added or removed from the mailing list shall file a  
25 motion with the Special Master. Parties allowed to intervene will be automatically  
26 added to the mailing list.  
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1           4.     Courtesy Email List. The Special Master's office will email courtesy copies of  
2 orders and minute entries entered in this case to persons listed on Attachment D. Requests for  
3 inclusions on the email list should be sent to Barbara Brown at  
4 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

5  
6           5.     Status Conference. An initial status conference shall be held to determine whether  
7 the current landowners intend to assert claim for a water right and, if so, whether the objections to  
8 Watershed File Report 114-04-BAC-007 can be settled. If the objections cannot be settled, then a  
9 subsequent date will be set for a scheduling conference to identify issues, file disclosure statements,  
10 conduct discovery, submit prehearing motions, and hold a trial. No party shall conduct any  
11 discovery or file any motions prior to the Status Conference.

12  
13  
14           The Status Conference shall be held on **January 7, 2020 at 1:45 p.m.** before:

15                           Special Master Susan Ward Harris  
16                           Superior Court of Arizona  
17                           201 West Jefferson Street, Courtroom 301  
                              Phoenix, AZ 85003-2202

18           Instructions for telephonic appearance:  
19           Dial: 602-506-9695 (local)  
20           1-855-506-9695 (toll free long distance)  
21           Dial Participant Pass Code 357264#

22  
23                             
24                           \_\_\_\_\_  
                              SUSAN WARD HARRIS  
                              Special Master



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On December 3, 2019, 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 this contested case, 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).

Barbara Brown  
Barbara Brown

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# ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
HERNANDEZ, CRUZ C. (WID)	114-04-BAC-007

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SENENE17	06OS	16OE	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

W1-11-3117

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SENENE17	06OS	16OE	WO1	GROUNDWATER : ZONE 1		NO	
IR090	NENE17	06OS	16OE	WO1	GROUNDWATER : ZONE 1	1983	NO	

S H A R E D U S E S A N D D I V E R S I O N S

\*\* WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:  
114-04-BAC-9

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS FOR DATE	
DMOO1	NONE	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR090	NONE	NONE	1983 1983 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

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							
IR090	REGIONAL	1.3	NO CROP				SEE VOLUME 1 - GENERAL ASSESSMENT DISCONTINUED IRRG.

E X P L A N A T I O N

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

SHARED USES AND DIVERSIONS

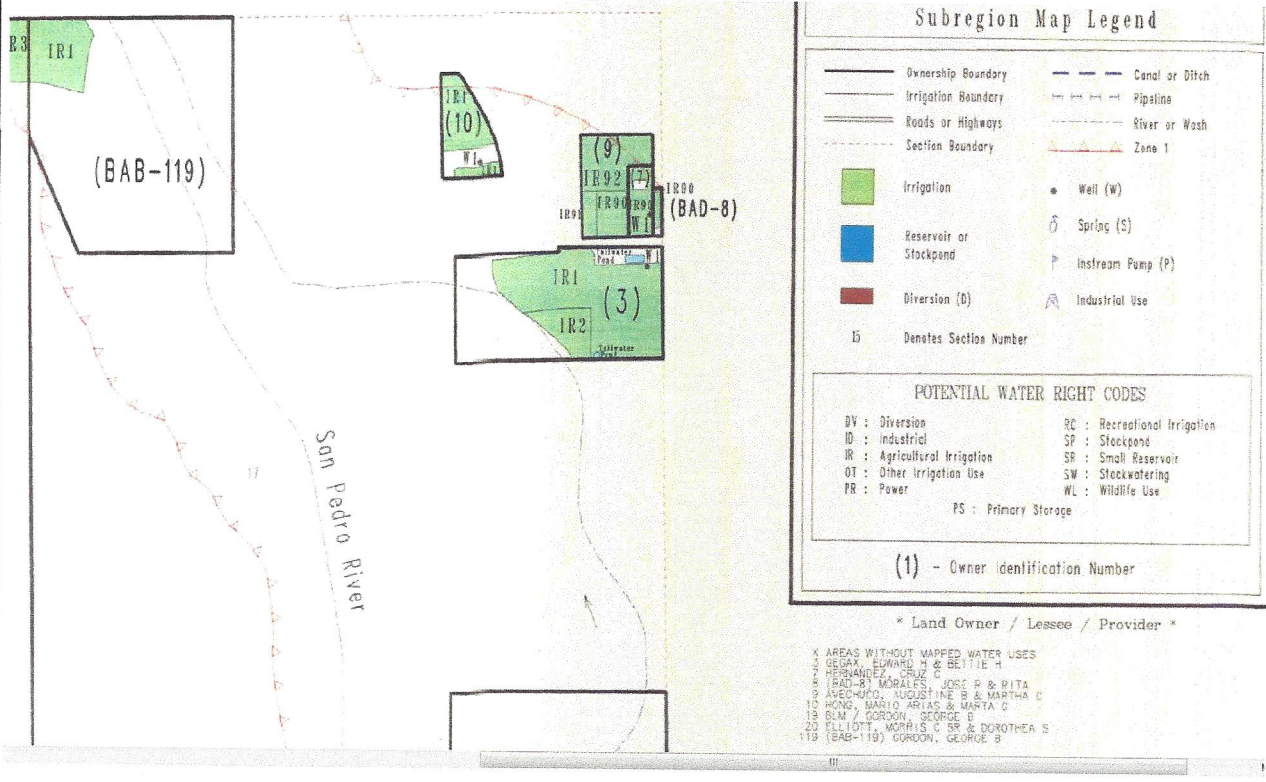
W1 - WELL IS SHARED WITH W.F.R. #114-04-BAC-9.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED WHICH INDICATED THAT A CHANGE IN OWNERSHIP HAD OCCURRED.

# ATTACHMENT B

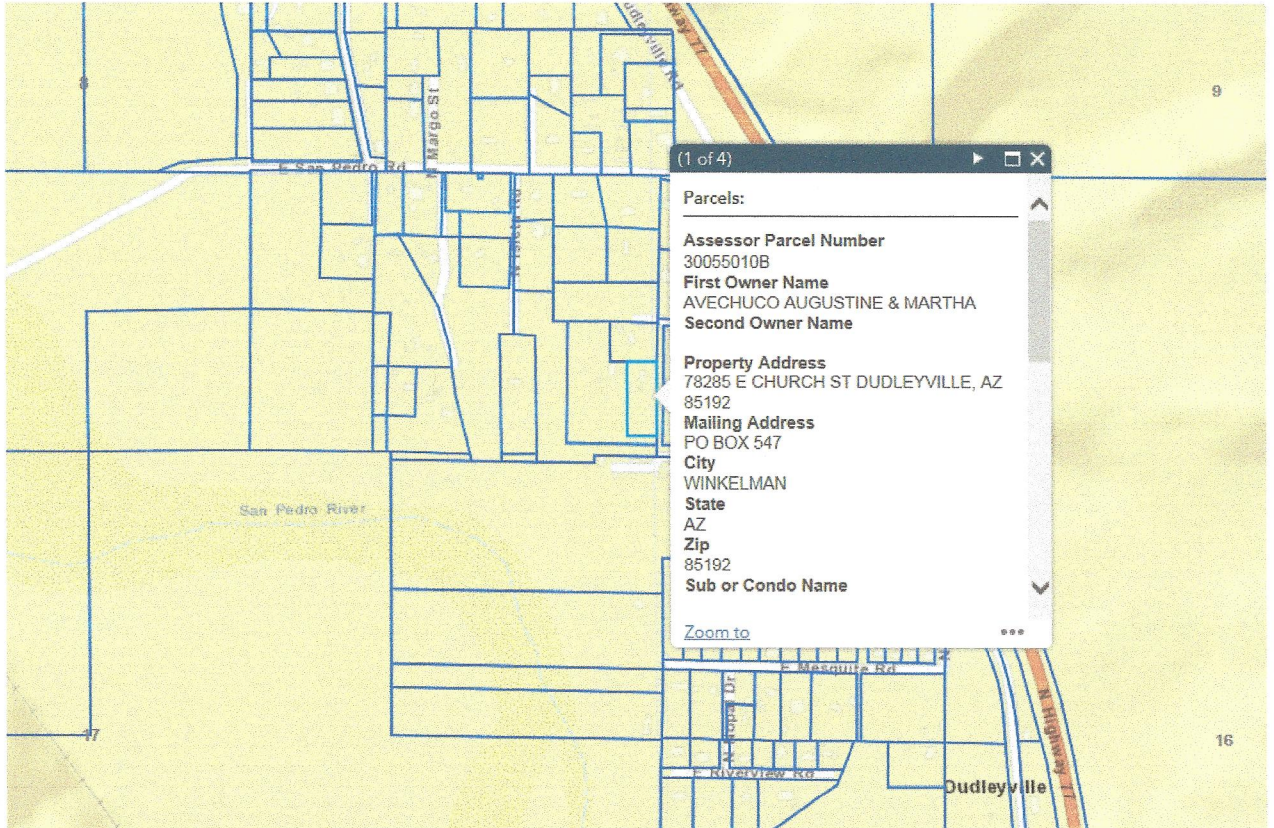
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# ATTACHMENT C

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# 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.  
2394 East Camelback Road  
Suite 600  
Phoenix, AZ 85016-3429

Augustine and Martha Avechuco  
P. O. Box 547  
Winkelman, AZ 85192

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

Cruz C. Hernandez  
Box 36  
Winkelman, AZ 85292

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

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  
2 Rosette, LLP  
3 565 W. Chandler Blvd. Suite 212  
4 Chandler, AZ 85225

5 S. Montgomery, R. Interpreter, J. Tomkus  
6 Montgomery & Interpreter, Plc  
7 3301 E. Thunderbird Road  
8 Phoenix, AZ 85032

9 Salt River Valley Water Users Association,  
10 Salt River Project Agricultural Improvement and Power District  
11 John B. Weldon, Jr. and Mark A. McGinnis  
12 Salmon, Lewis & Weldon PLC  
13 2850 E Camelback Rd, Ste. 200  
14 Phoenix, AZ 85016

15 Special Master Susan Ward Harris  
16 Superior Court of Arizona  
17 201 W. Jefferson Street  
18 Courtroom 301  
19 Phoenix, AZ 85003

20 U. S. Department of Justice  
21 Patrick Barry and Yosef Negose  
22 Environment and Natural Resources  
23 P. O. Box 7611  
24 Washington, D.C. 20044-7611

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