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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. W1-11-3119  
ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Augustine and Martha Avechuco*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case W1-11-3119 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 on land that the Pinal County Assessor has identified as tax parcel 300-55-090 owned by Sandra and James Goad and tax parcel 300-55-010A 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-009 (“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 has determined that Well 01 is located in the subflow zone. A  
16 copy of the WFR is attached as Attachment A. A copy of the map prepared for the WFR is attached  
17 as Attachment B on which the land in question is labelled as “(9)”. A copy of the maps prepared  
18 by the Pinal County Assessor showing tax parcels 300-55-090 and 300-55-010A are attached as  
19 Attachment C.  
20

### 21 22 **Claimant & Landowners**

23 The WFR identified no Statement of Claimant (SOC) relevant to the potential water rights.  
24 On June 19, 1992, Augustine and Martha Avechuco filed SOC 39-14746 claiming water for  
25 domestic and irrigation uses on land in Section 17 Township 6S Range 16E. The WFR lists  
26 Augustine and Martha Avechuco as the owner of the property described in the WFR.  
27  
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1           **IT IS ORDERED:**

2           1.       Contested Case. This contested case shall be known as *In re Augustine and*  
3 *Martha Avechuco*. It will determine water rights asserted in the SOC and objections that were  
4 filed to WFR 114-04-BAC-009 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 the  
6 following website:

7 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>  
8

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

13           3.       Court-Approved Mailing List.

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

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

23           C.       Claimants wishing to be added or removed from the mailing list shall file a  
24 motion with the Special Master. Parties allowed to intervene will be automatically  
25 added to the mailing list.  
26

27           4.       Courtesy Email List. The Special Master's office will email courtesy copies of  
28 orders and minute entries entered in this case to persons listed on Attachment D. Requests for



1 inclusions on the email list should be sent to Barbara Brown at  
2 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

3 5. Status Conference. An initial status conference shall be held to determine whether  
4 the claimants and landowners intend to pursue a claim for a water right and, if so, whether the  
5 objections to WFR 114-04-BAC-009 can be settled. If the objections cannot be settled, then a  
6 subsequent date will be set for a scheduling conference to identify issues, file disclosure statements,  
7 conduct discovery, submit prehearing motions, and hold a trial. No party shall conduct any  
8 discovery or file any motions prior to the Status Conference.  
9

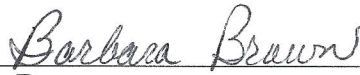
10 The Status Conference shall be held on **January 7, 2020 at 1:45 p.m.** before:

11 Special Master Susan Ward Harris  
12 Superior Court of Arizona  
13 201 West Jefferson Street, Courtroom 301  
14 Phoenix, AZ 85003-2202

15 Instructions for telephonic appearance:  
16 Dial: 602-506-9695 (local)  
17 1-855-506-9695 (toll free long distance)  
18 Dial Participant Pass Code 357264#

19   
20 SUSAN WARD HARRIS  
21 Special Master

22 On December 3, 2019, 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 listed  
25 on the Court-approved mailing list for this contested case, a  
26 copy of which is attached hereto as Attachment D, and to all  
27 persons listed on the Court-approved mailing list for W-1,  
28 W-2, W-3, and W-4 (Consolidated).

27   
28 Barbara Brown

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# ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
AVECHUCO, AUGUSTINE B. & MARTHA C.	114-04-BAC-009

D I V E R S I O N S

DIV #	SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SENE17	O6OS	16OE	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

W1-11-3119

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	SENE17	O6OS	16OE	WO1	GROUNDWATER : ZONE 1		NO	
IR090	NENE17	O6OS	16OE	WO1	GROUNDWATER : ZONE 1	1964	NO	
IR091	NENE17	O6OS	16OE	WO1	GROUNDWATER : ZONE 1	1969	NO	
IR092	NENE17	O6OS	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 FOUND IN FILE (114-04-BAC-7) IS USED IN THIS FILE

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
DM001	NONE	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR090	NONE	NONE	1964	1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR091	NONE	NONE	1969	1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR092	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
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT DISCONTINUED IRRG.
IR090	REGIONAL	1.2	NO CROP				DISCONTINUED IRRG.
IR091	REGIONAL	.6	NO CROP				DISCONTINUED IRRG.
IR092	REGIONAL	2.8	NO CROP				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.

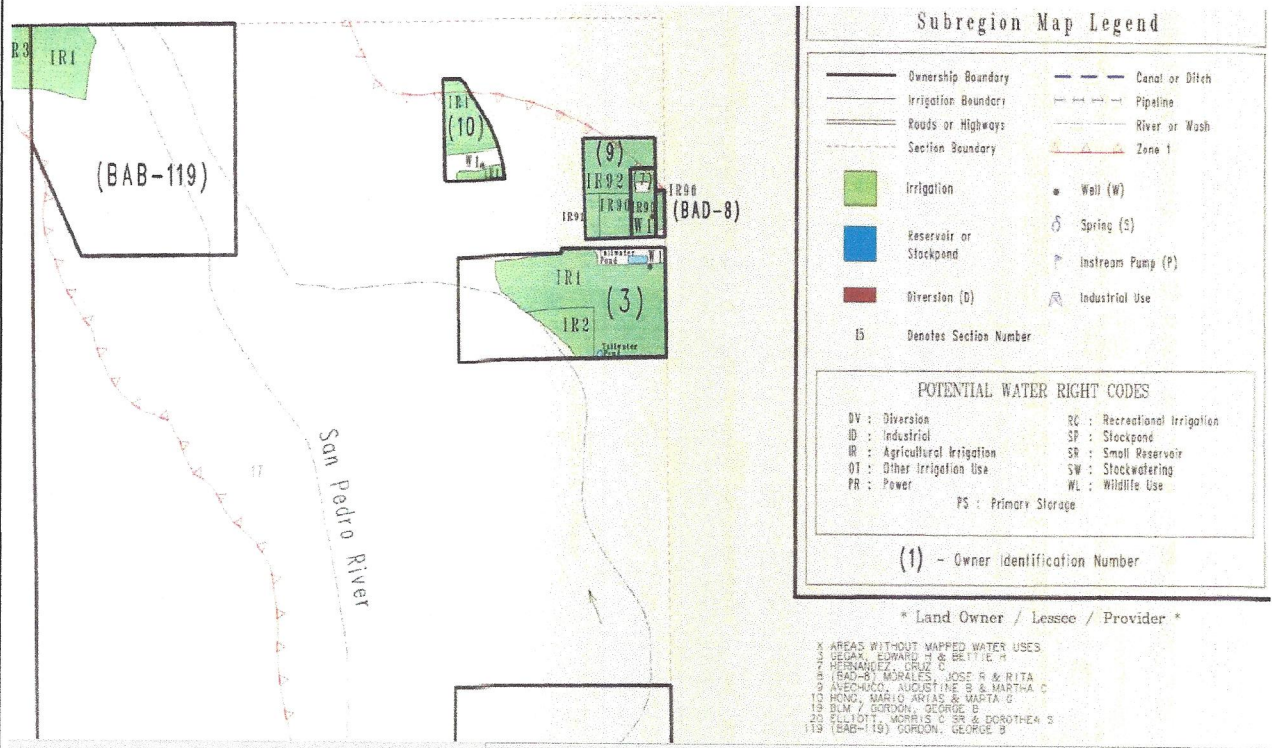
IR90-IR92 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #114-04-BAC-7.

# ATTACHMENT B

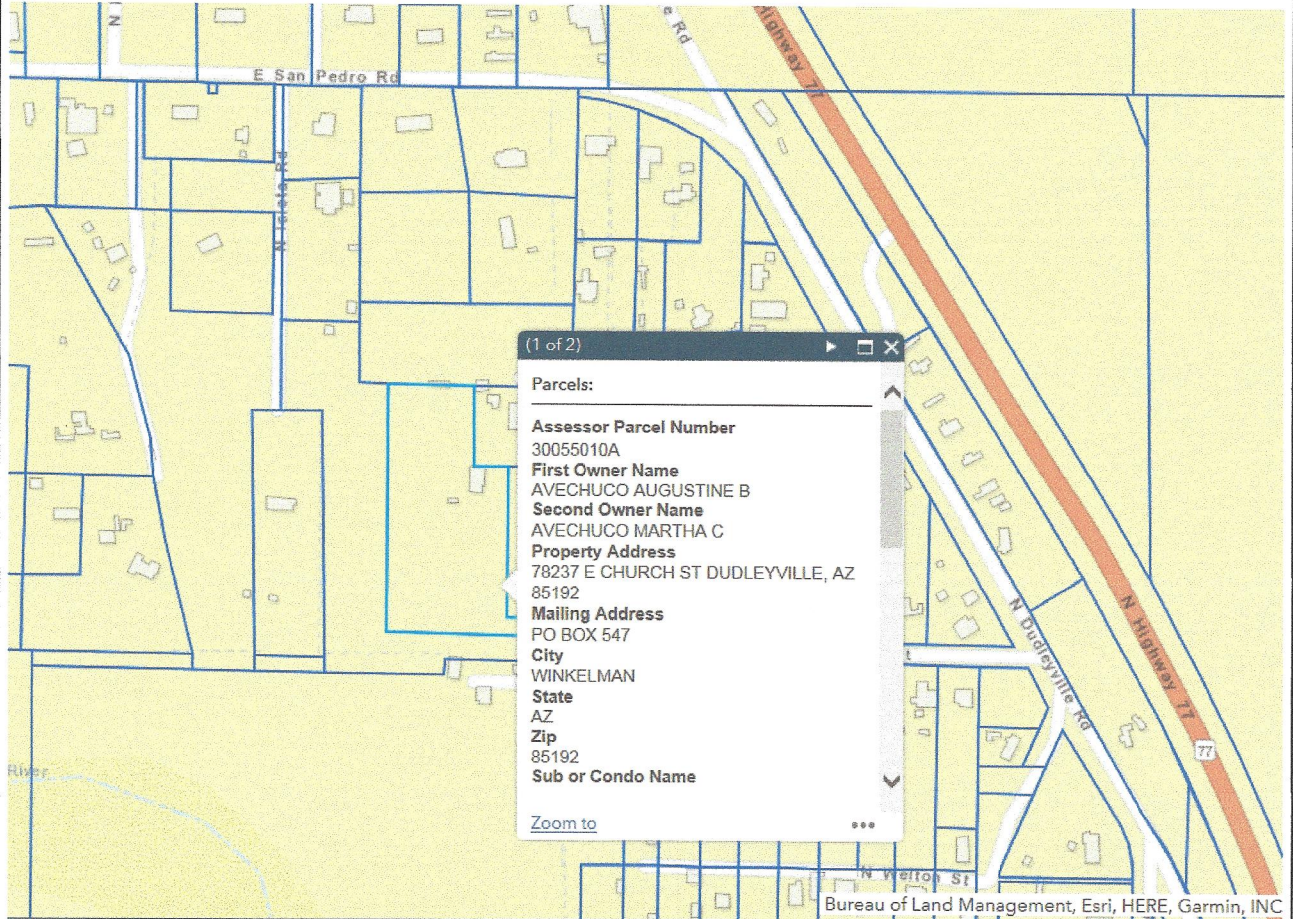
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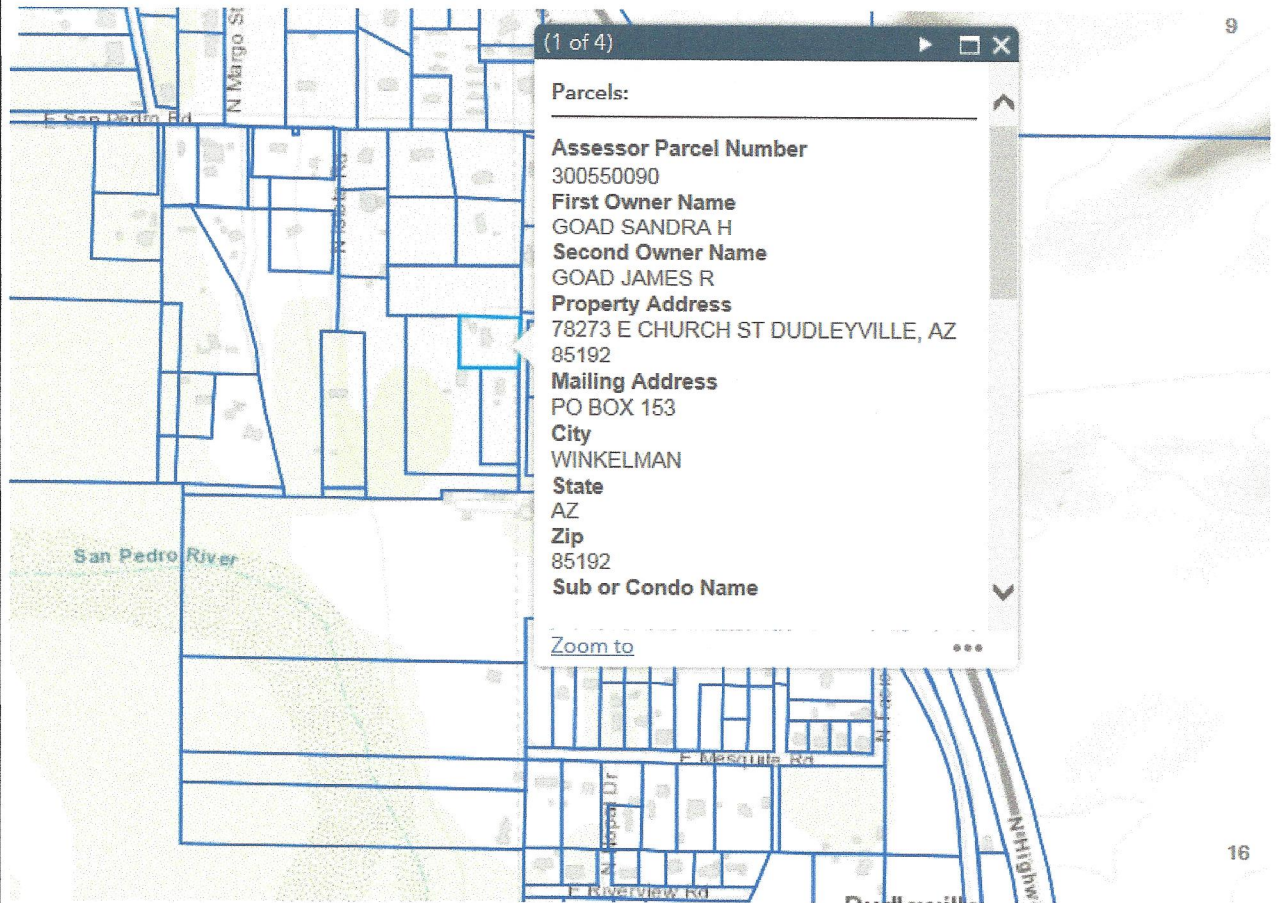
# ATTACHMENT C

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(1 of 4)

**Parcels:**

**Assessor Parcel Number**  
300550090

**First Owner Name**  
GOAD SANDRA H

**Second Owner Name**  
GOAD JAMES R

**Property Address**  
78273 E CHURCH ST DUDLEYVILLE, AZ  
85192

**Mailing Address**  
PO BOX 153

**City**  
WINKELMAN

**State**  
AZ

**Zip**  
85192

**Sub or Condo Name**

Zoom to

# 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

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  
Rosette, LLP  
2 565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225  
3  
4 S. Montgomery, R. Interpreter, J. Tomkus  
Montgomery & Interpreter, Plc  
5 3301 E. Thunderbird Road  
Phoenix, AZ 85032  
6  
7 Salt River Valley Water Users Association,  
Salt River Project Agricultural Improvement and Power District  
8 John B. Weldon, Jr. and Mark A. McGinnis  
Salmon, Lewis & Weldon PLC  
9 2850 E Camelback Rd, Ste. 200  
Phoenix, AZ 85016  
10  
11 Sandra and James Goad  
P. O. Box 153  
12 Winkelman, AZ 85192  
13 Special Master Susan Ward Harris  
Superior Court of Arizona  
14 201 W. Jefferson Street  
Courtroom 301  
15 Phoenix, AZ 85003  
16  
17 U. S. Department of Justice  
Patrick Barry and Yosef Negose  
Environment and Natural Resources  
18 P. O. Box 7611  
19 Washington, D.C. 20044-7611  
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