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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. W1-11-3123

ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Mary Ann Cluff*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3123 initiated and status conference set for  
**January 8, 2020 at 2:00 p.m.**

NUMBER OF PAGES: 13

DATE OF FILING: December 3, 2019

**General Explanation**

This Court Order begins the process necessary to determine legal rights to water used on land that the Pinal County Assessor has identified as tax parcel 300-16-007E owned by Troy and Norine Brownrigg.

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 ("WFR") 114-04-BAD-001 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 21 Township 6S Range 16E. The identified  
14 source of water for the claimed uses are wells located in section 21 T6S R16E. The Arizona  
15 Department of Water Resources has determined that Well 01 and Well 02 are 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 "(1)". A copy of the map  
18 prepared by the Pinal County Assessor showing tax parcel 300-16-007E is attached as Attachment  
19 C.  
20

### 21 **Claimant & Landowners**

22 The WFR identified three Statements of Claimant (SOCs) relevant to the potential water  
23 right: 39-5919, 39-5920, and 39-5921. Mary A. Cluff filed the SOC's claiming water for domestic  
24 and irrigation uses. Ms. Cluff also filed a Uniform Questionnaire in which she described water  
25 uses included stock watering and irrigation. On March 18, 1991, the personal representative of  
26 the Estate of Mary Cluff distributed to Martha Ann Collier the following property:  
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1 Those portions of the Southeast ¼ of the Northwest ¼ and the  
2 Northeast ¼ of the Southwest ¼ of Section 21, Township 6 South,  
3 Range 16 East, lying westerly of the right-of-way for State Highway  
4 77, all in the Gila and Slat River Base and Meridian, Pinal County,  
5 Arizona.

6 On May 14, 1992, an assignment of the SOCs was filed naming Martha Parker Collier as the  
7 assignee. The public records of ADWR do not contain any additional assignments of the SOCs.

8 The WFR lists Mary Ann Cluff as the owner of the property described in the WFR. The  
9 Pinal County Recorder's Office contains documents transferring the property to Martha Ann Collier  
10 who then transferred property to Jerry D. and Virginia Quick (Fee No. 1995-004217) who then  
11 transferred the property to Troy and Norine Brownrigg (Fee No. 2004-020740). According to the  
12 records of the Pinal County Assessor, Troy and Norine Brownrigg own the property included in the  
13 WFR.

14 **IT IS ORDERED:**

15 1. Contested Case. This contested case shall be known as *In re Mary Ann Cluff* and it  
16 will determine water rights asserted in the Statement of Claimant and objections that were filed to  
17 Watershed File Report 114-04-BAD-001 published in the Final San Pedro River Watershed  
18 Hydrographic Survey Report (1991). Copies of objections can be found under the case name and  
19 number on the following website:

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

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

24 3. Court-Approved Mailing List.

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

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

6 C. Claimants wishing to be added or removed from the mailing list shall file a  
7 motion with the Special Master. Parties allowed to intervene will be automatically  
8 added to the mailing list.  
9

10 4. Courtesy Email List.

11 The Special Master's office will email courtesy copies of orders and minute entries  
12 entered in this case to persons listed on Attachment D. Requests for inclusions on  
13 the email list should be sent to Barbara Brown at  
14 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

- 15  
16 5. Status Conference. An initial status conference shall be held to determine whether  
17 the Martha Collier intends to pursue a claim for a water right or whether the current  
18 landowners intend to assert a claim for a water right and, if so, whether the objections  
19 to Watershed File Report 114-04-BAD-001 can be settled. If the objections cannot  
20 be settled, then a subsequent date will be set for a scheduling conference to identify  
21 issues, file disclosure statements, conduct discovery, submit prehearing motions, and  
22 hold a trial. No party shall conduct any discovery or file any motions prior to the  
23 Status Conference.  
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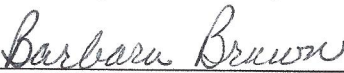
1 The Status Conference shall be held on **January 8, 2020 at 2:00 p.m.** before:

2 Special Master Susan Ward Harris  
3 Superior Court of Arizona  
4 201 West Jefferson Street, Courtroom 301  
Phoenix, AZ 85003-2202

5 Instructions for telephonic appearance:  
6 Dial: 602-506-9695 (local)  
7 1-855-506-9695 (toll free long distance)  
8 Dial Participant Pass Code 357264#

9   
10 \_\_\_\_\_  
11 SUSAN WARD HARRIS  
12 Special Master

13 On December 3, 2019, 2019, the original of the foregoing  
14 was delivered to the Clerk of the Maricopa County Superior  
15 Court for filing and distributing a copy to all persons listed  
16 on the Court-approved mailing list for this contested case, a  
17 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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Barbara Brown

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# ATTACHMENT A

92 MAY 11 PM 2:17  
 FILED  
 BY J. Gordon DEB  
 JUDITH ALLEN, CLERK

LAND OWNER \_\_\_\_\_ WATERSHED FILE  
 CLUFF, MARY ANN \_\_\_\_\_ REPORT NUMBER  
 114-04-BAD-001

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

WI-11-3123

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0005919	QUE.RECD	DOMESTIC STOCK		SESENW21	060S	160E	1936	SESENW21	060S	160E
39-0005920	QUE.RECD	IRRIGATION DOMESTIC STOCK	245.51	SESWNW21	060S	160E	1976	SESWNW21	060S	160E
39-0005921	QUE.RECD	IRRIGATION DOMESTIC STOCK	245.51	SESWNW21	060S	160E	1952	SESWNW21	060S	160E
			5.00							

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
39-0005919	DOMESTIC STOCK	DOMESTIC INCIDENTAL	WO3	DMOO1
39-0005920	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO1	DMOO1, IROO1
39-0005921	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO2	DMOO1, IROO1, IROO2

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWNESW21	060S	160E	UNNAMED	GROUNDWATER : ZONE 2
WO2	SESWNW21	060S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	NENESW21	060S	160E	UNNAMED	GROUNDWATER : ZONE 2

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NENESW21	060S	160E	WO3	GROUNDWATER : ZONE 2		NO	
IROO1	SESENW21	060S	160E	WO1, WO2	GROUNDWATER : ZONE 1	1955	NO	
IROO2	NENW21	060S	160E	WO1, WO2	GROUNDWATER : ZONE 1	1964	NO	
					GROUNDWATER : ZONE 2			

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	39-0005919 39-0005920 39-0005921	NONE			GROUNDWATER : ZONE 2
IROO1	39-0005920 39-0005921	NONE	1955	1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0005920 39-0005921	NONE	1964	1964 AERIAL PHOTO	GROUNDWATER : ZONE 2 GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							
IROO1	MAX. OBSERVED REGIONAL	49.3	COTTON	58%	3.9 AF/AC	192.3 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT
	MAX. POTENTIAL	49.3	AVE. CROP	50%	5.4 AF/AC	266.2 AFA	
IROO2	MAX. OBSERVED	49.3	ALFALFA	58%	5.7 AF/AC	281.0 AFA	
	REGIONAL	3.4	COTTON	58%	3.9 AF/AC	13.3 AFA	
	MAX. POTENTIAL	3.4	AVE. CROP	50%	5.4 AF/AC	18.4 AFA	
		3.4	ALFALFA	58%	5.7 AF/AC	19.4 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-5919, 39-5920 & 39-5921 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ABOUT THE CLAIMED USES.

DIVERSIONS

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

USES AND RESERVOIRS

DM1 - DOMESTIC USE.  
 IR1 & IR2 - IRRIGATED COTTON.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE PREVIOUS LAND OWNER WHICH INDICATED THAT AN OWNERSHIP CHANGE HAD OCCURRED.  
 A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH PROVIDED INFORMATION ON OWNERSHIP, WELLS AND WATER USES.



LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
CLUFF, MARY ANN	114-04-BAD-001

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	SWNESW21	060S	160E	IROO1, IROO2	WI-11-3123
W03	UNNAMED	NENESW21	060S	160E	DMOO1	

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMOO1	NENESW21	060S	160E				
IROO1	SESENW21	060S	160E	1955	1955 AERIAL PHOTO	266.2 AFA	49.3
IROO2	NENW21	060S	160E	1964	1964 AERIAL PHOTO	18.4 AFA	3.4

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0005919	W03	DMOO1
39-0005920	W01	DMOO1, IROO1
39-0005921		DMOO1, IROO1, IROO2

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY ZONE 1 GROUNDWATER.

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO2 IS PARTIALLY SUPPLIED BY ZONE 1 GROUNDWATER.

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

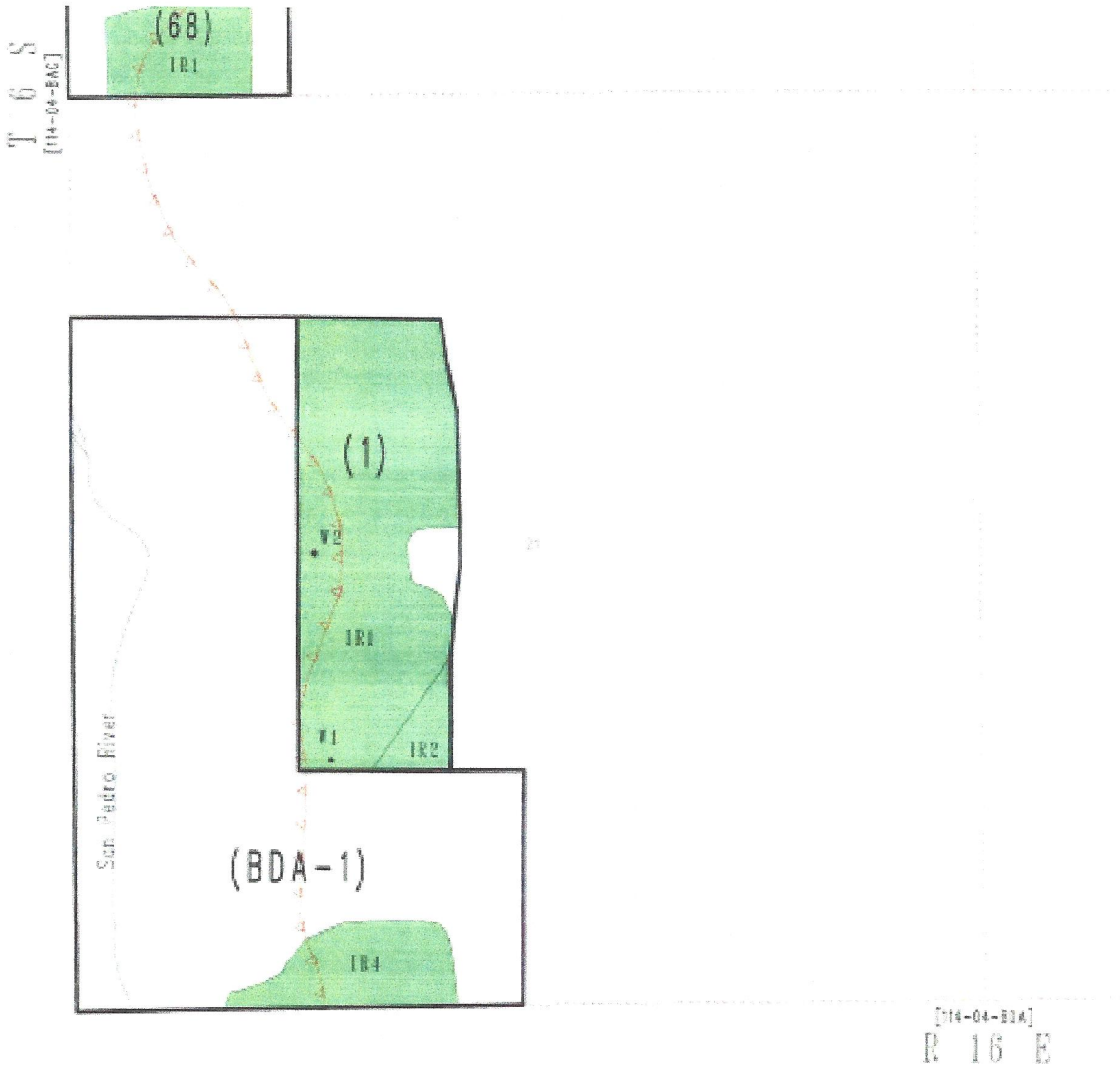
W3 - WELL PROVIDES WATER FOR DOMESTIC AND STOCKWATERING USES.

DM1 - DOMESTIC USE.

IR1 & IR2 - IRRIGATED COTTON.

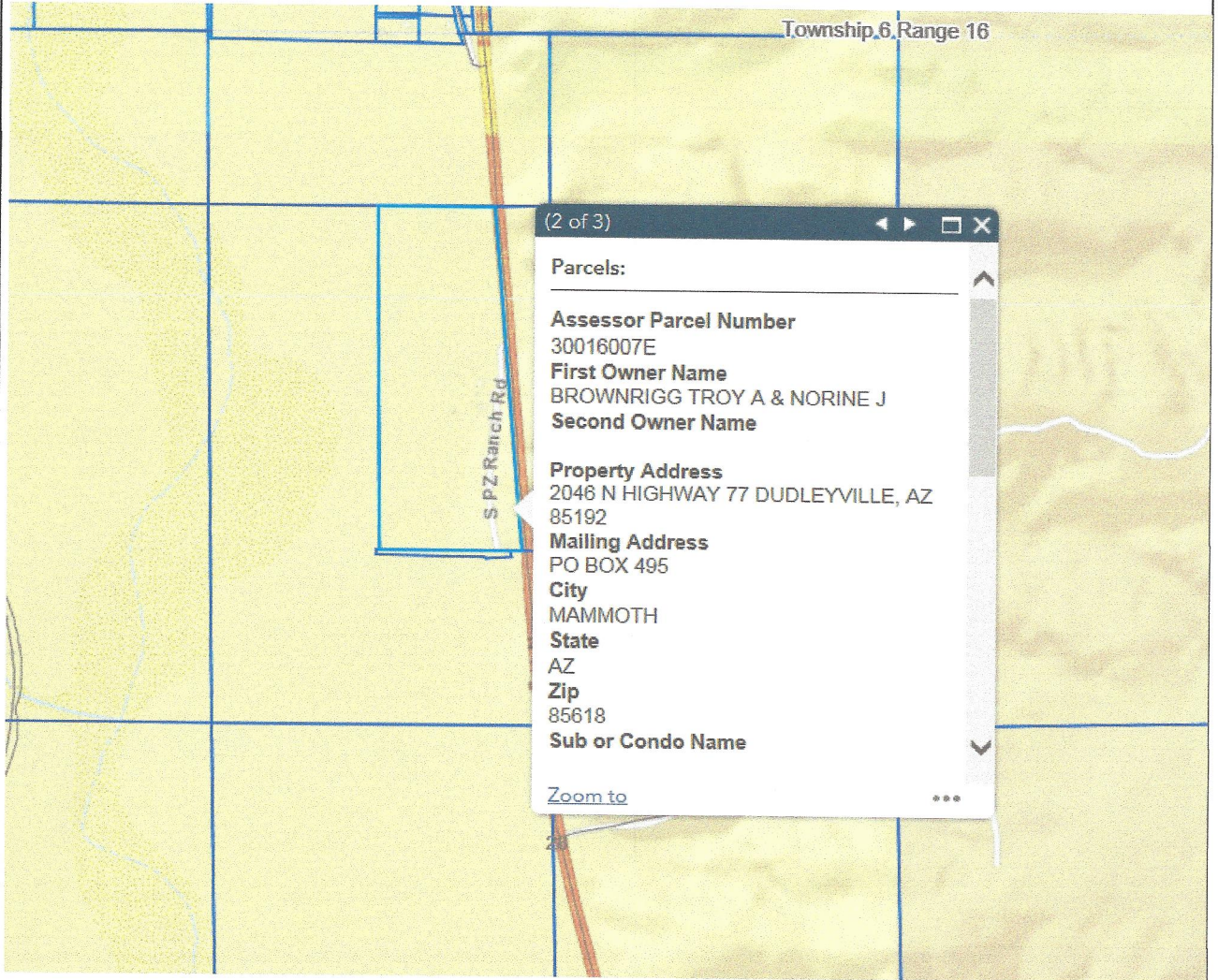
# ATTACHMENT B

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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

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

Martha Parker Collier  
P. O. Box 158  
Escalon, CA 95320

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

Joe P. Sparks and Laurel A. Herrmann  
The Sparks Law Firm, P.C.  
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Scottsdale, AZ 85251-4573

Lucas T. Christian & Julian Nava  
Rosette, LLP  
565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

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S. Montgomery, R. Interpreter, J. Tomkus  
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

Troy and Norine Brownrigg  
P. O. Box 495  
Mammoth, AZ 85618

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