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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. W1-11-3246
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Clarence R. Miller*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3246 initiated and status conference set for **February 4, 2020 at 2:15 p.m.**
NUMBER OF PAGES: 14
DATE OF FILING: December 19, 2019

General Explanation

This Order begins the process necessary to determine rights to water used on land that the Pinal County Assessor has identified as tax parcels 302-02-007, 306-03-001, 306-08-002, and 306-09-002, owned by Harriett F. Hedrick and Beverly Meade Miller.

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

7
8 **Claims for Water Rights**

9
10 This Order initiates a contested case to consider the claims and resolve objections to
11 Watershed File Report 114-04-DCA-001 (“WFR”) prepared by the Arizona Department of
12 Water Resources and published in the Final San Pedro River Watershed Hydrographic Survey
13 Report (1991).

14 The WFR identified potential water rights for domestic and irrigation use on land located
15 in section 12 Township 8S Range 16E and sections 1, 6, 7, and 12 Township 8S Range 17E.
16 According to maps maintained by the Arizona State Land Department, land located in NE section
17 12 T8S R17E and in SE section 1 T8S R17E is Arizona State Trust Land. The maps prepared
18 by Arizona Department of Water Resources for the WFR do not include land in these two
19 sections. Accordingly, at this point this case will proceed with respect to claimed water rights
20 for water on land in Sections 1 and 12 T8S R16E and Sections 6 and 7 T8S R17E as mapped by
21 Arizona Department of Water Resources.

22 The identified source of water for the claimed uses is a well located in NWNWNW
23 section 7 T8S R17E. The Arizona Department of Water Resources has determined that the well
24 is located in the subflow zone.

25 A copy of the WFR is attached as Attachment A. A copy of the map prepared for the
26 WFR is attached as Attachment B on which land in sections 1 and 12, T8S R16E and in sections
27 6 and 7 in T8S R17E are labelled as “(1)” or “(DCA-1)”. A copy of the map prepared by the
28

1 Pinal County Assessor showing tax parcels 302-02-007, 306-03-001, 306-08-002, and 306-09-
2 002 is attached as Attachment C.

3
4 **Claimants & Landowners**

5
6 The WFR identified one Statements of Claimant (SOC) relevant to the potential water
7 right: 39-4235. Clarence R. Miller filed the SOC claiming water for irrigation, stock watering,
8 and domestic uses. The public records of the Arizona Department of Water Resources do not
9 include an assignment of the SOC filed by Clarence R. Miller or the personal representative of
10 his estate to the current landowners.

11 The WFR identified Clarence R. Miller as the owner of the property. On June 28, 2006,
12 Harriett F. Hedrick recorded Letters of Appointment which named her as the personal
13 representative of the Estate of Clarence Rowden Miller with the Pinal County Recorder's Office.
14 See Fee Number 2006-091742. On July 7, 2006, a Deed of Distribution was recorded that
15 transferred the property in undivided shares to Ralph Mark Miller, Harriett Hedrick, and Sonja
16 Murphey. See Fee No. 2006-096618. In 2012, Sonja Murphey transferred an undivided one-
17 third interest in the property to Harriett Hedrick, and Katherine Elizabeth Miller, as personal
18 representative of the Estate of Ralph Mark Miller, conveyed a one-third interest in the property
19 to Beverly Meade Miller. See Fee Nos. 2012-024472 and 2012-034563. The records of the Pinal
20 County Assessor list as the owners of the property described in the WFR as Harriett Hedrick and
21 Beverly Meade Miller.

22
23 **IT IS ORDERED:**

24 1. Contested Case. This contested case shall be known as *In re Clarence R. Miller*
25 and it will determine water rights asserted in the Statement of Claimant and objections that
26 were filed to Watershed File Report 114-04-DCA-001 published in the Final San Pedro River
27 Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the
28 case name and number on the following website:

1 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
2 [asp](#)

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

6 3. Court-Approved Mailing List.

7 A. The initial Court-approved mailing list for this case shall include all
8 persons listed on Attachment D to this order. The list may be modified
9 only by filing a motion with the Special Master to amend the Court-
10 approved mailing list. Litigants are responsible for using the current
11 Court-approved mailing list.
12

13 B. A copy of any pleading filed with the Clerk of the Maricopa County
14 Superior Court in this case shall be served upon each person listed on the
15 Court-approved mailing list.
16

17 C. Claimants wishing to be added or removed from the mailing list shall file
18 a motion with the Special Master. Parties allowed to intervene will be
19 automatically added to the mailing list.

20 4. Courtesy Email List.

21 The Special Master's office will email courtesy copies of orders and minute
22 entries entered in this case to persons listed on Attachment D. Requests for
23 inclusions on the email list should be sent to Barbara Brown at
24 brownb099@superiorcourt.maricopa.gov.
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1 On December 19, 2019, the original of the foregoing was
2 delivered to the Clerk of the Maricopa County Superior
3 Court for filing and distributing a copy to all persons
4 listed on the Court-approved mailing list for this contested
5 case, a copy of which is attached hereto as Attachment D,
6 and to all persons listed on the Court-approved mailing
7 list for W-1, W-2, W-3, and W-4 (Consolidated).

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Barbara Brown

ATTACHMENT A

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LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
MILLER, CLARENCE R.	114-04-DCA-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-3246

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWNP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWNP RNGE
39-0004235		IRRIGATION	800.00	NW07 080S 170E	1950	NWNWNW07 080S 170E
		DOMESTIC	2.00			
		STOCK	2.00			

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0004235	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO1	DMO01, IRO01, IRO02 IRO03, IRO90

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NWNWNW07 080S 170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMO01	NWNWNW07 080S 170E	WO1	GROUNDWATER : ZONE 1		NO	
IRO01	NWNW07 080S 170E	WO1	GROUNDWATER : ZONE 1	1955	NO	
IRO02	NENE12 080S 160E	WO1	GROUNDWATER : ZONE 1	1969	NO	
IRO03	NWNW07 080S 170E	WO1	GROUNDWATER : ZONE 1	1971	NO	
IRO90	NENE12 080S 170E	WO1	GROUNDWATER : ZONE 1	1978	NO	
	NWNW07 080S 170E					
	SESE01 080S 170E					
	SWSW06 080S 170E					

SHARED USES AND DIVERSIONS

** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:
114-01-DCA-2

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMO01	39-0004235	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO01	39-0004235	NONE	1950 FILING 39-4235	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO02	39-0004235	NONE	1969 1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO03	39-0004235	NONE	1971 1971 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO90	39-0004235	NONE	1978 1978 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
D0001							
I0001	MAX. OBSERVED REGIONAL	5.9	PERM. PSTR	32%	9.9 AF/AC	58.4 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT
	MAX. POTENTIAL	5.9	AVE. CROP	50%	5.4 AF/AC	31.9 AFA	
I0002	MAX. OBSERVED REGIONAL	14.7	ALFALFA	32%	10.4 AF/AC	61.4 AFA	DEFICIT IRRIGATION
	MAX. POTENTIAL	14.7	PERM. PSTR	61%	3.3 AF/AC	48.5 AFA	
	MAX. OBSERVED REGIONAL	14.7	AVE. CROP	50%	5.4 AF/AC	79.4 AFA	
	MAX. POTENTIAL	14.7	ALFALFA	61%	5.4 AF/AC	79.4 AFA	
I0003	MAX. OBSERVED REGIONAL	12.6	PERM. PSTR	32%	9.9 AF/AC	124.7 AFA	DISCONTINUED IRRG.
	MAX. POTENTIAL	12.6	AVE. CROP	50%	5.4 AF/AC	68.0 AFA	
I0090	REGIONAL	31.4	NO CROP	32%	10.4 AF/AC	131.0 AFA	

E X P L A N A T I O N

DIVERSIONS

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

USES AND RESERVOIRS

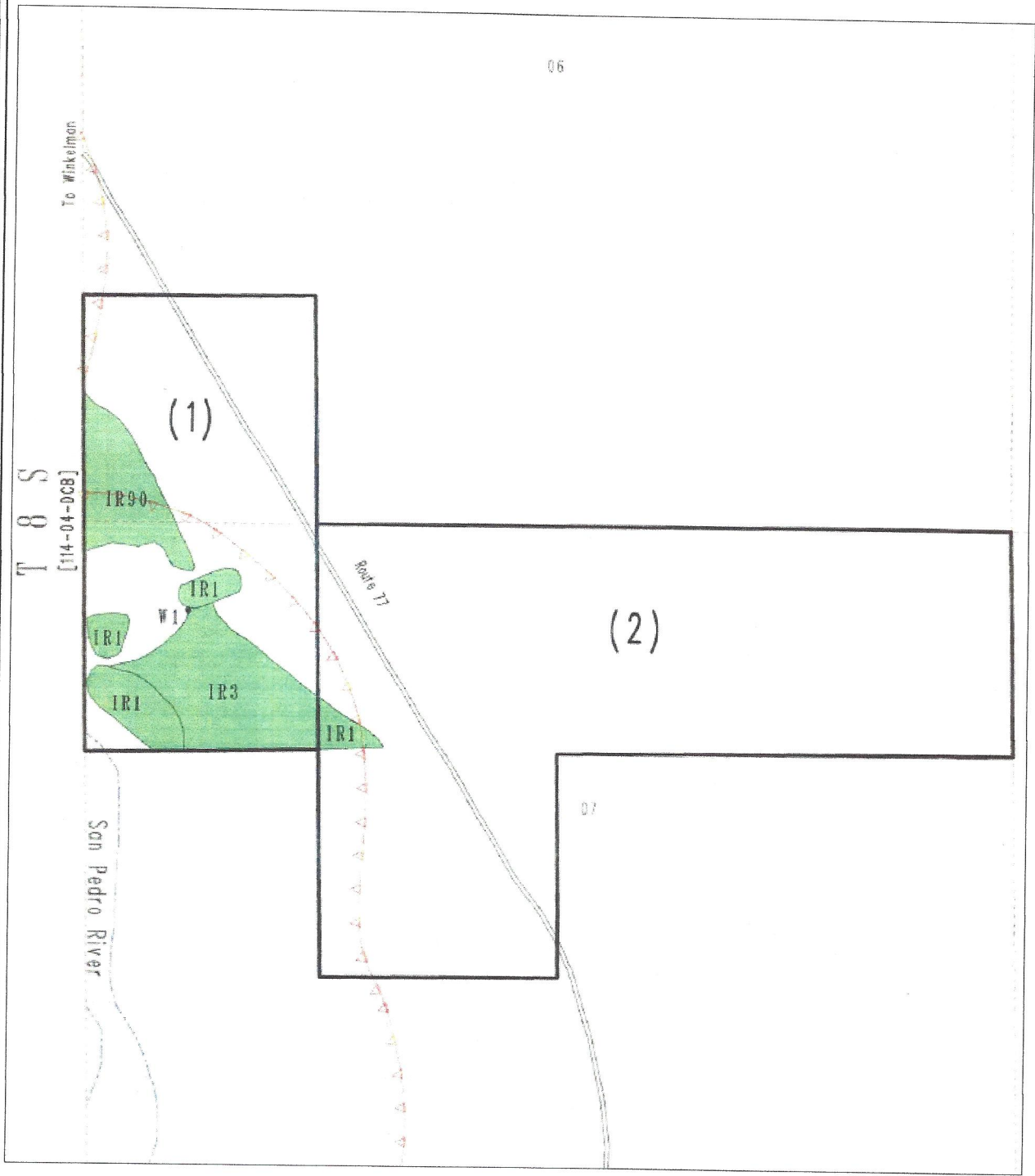
DM1 - DOMESTIC USE.
 IR1-IR3 - IRRIGATED PASTURE.
 IR90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON A PORTION OF THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

SHARED USES AND DIVERSIONS

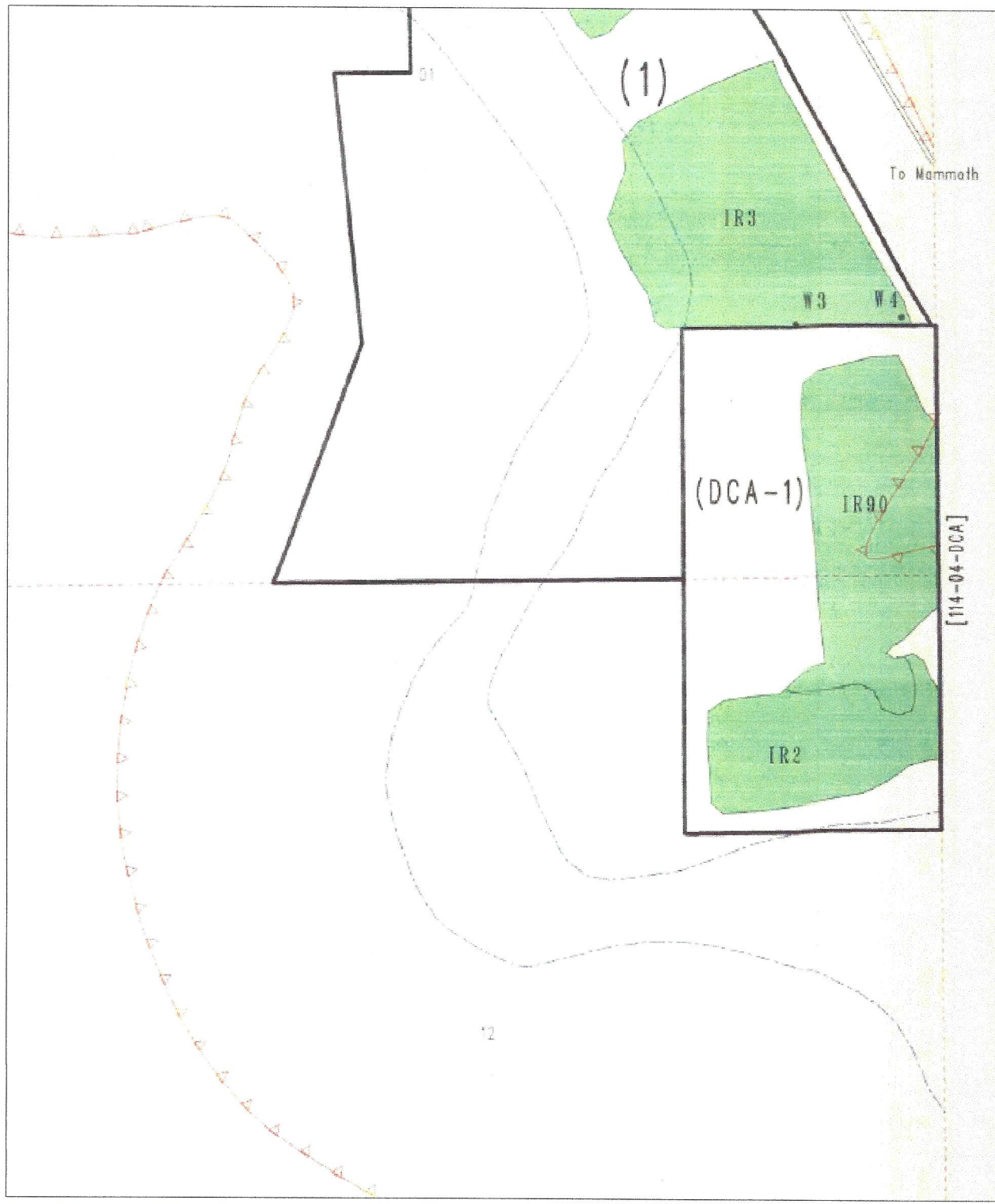
W1 - WELL IS SHARED WITH W.F.R. # 114-04-DCA-2.

ATTACHMENT B

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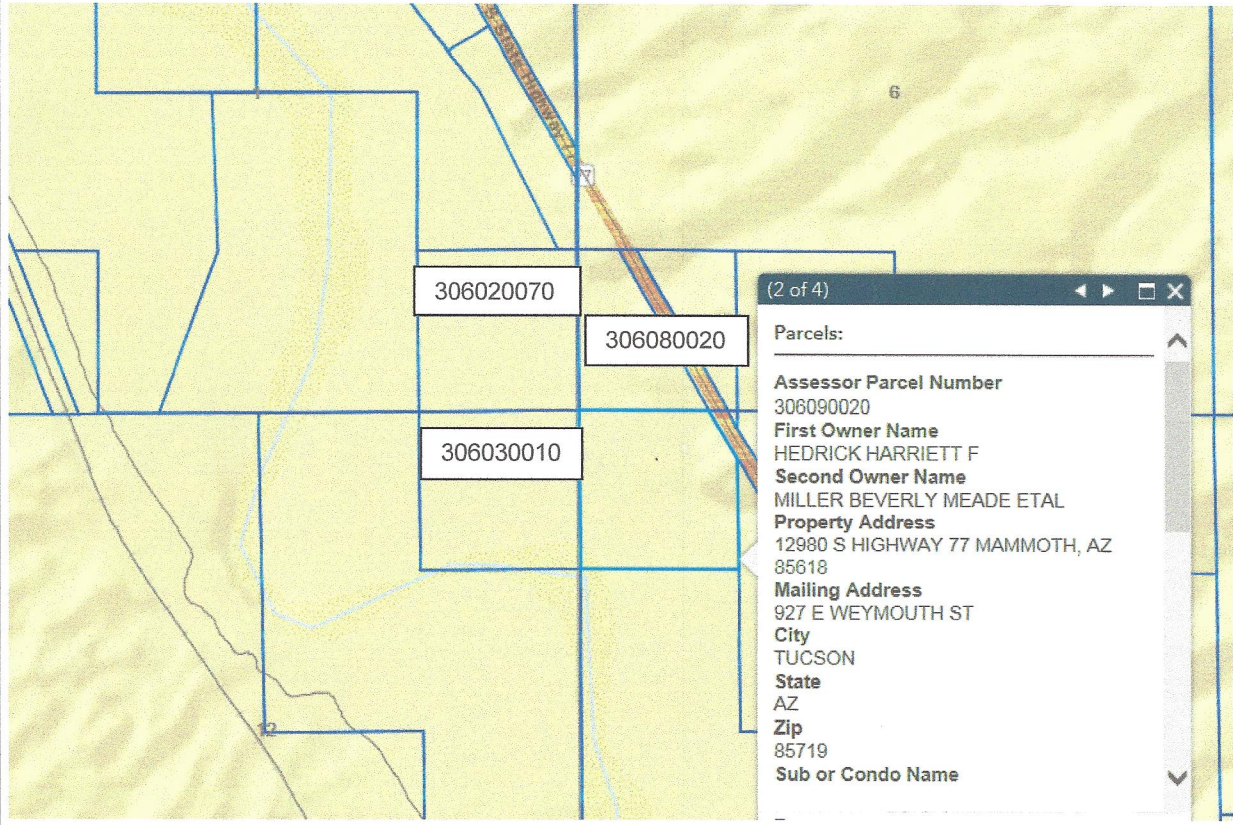


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ATTACHMENT C

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ATTACHMENT D

1
2
3 Arizona Department of Water Resources

4 Kimberly Parks

5 Janet L. Miller

6 P. O. Box 36020

7 Phoenix, AZ 85067

8 ASARCO Incorporated

9 Lauren J. Caster

10 Fennemore Craig, P.C.

11 2394 East Camelback Road

12 Suite 600

13 Phoenix, AZ 85016-3429

14 BHP Copper, Inc.

15 John D. Burnside

16 Snell & Wilmer, L.L.P.

17 400 E. Van Buren Street, Ste 1900

18 Phoenix AZ 85004

19 Beverly Meade Miller

20 927 E. Weymouth

21 Tucson, AZ 85719

22 Beverly Meade Miller

23 c/o Katherine Elizabeth Miller

24 Personal Representative of Estate of Ralph Miller

25 2344 Kachina Lane

26 Chino valley, AZ 86323-5440

27 Carrie Brennan & Kevin Crestin

28 Arizona Attorney General

Natural Resources Department

2005 N. Central

Phoenix, AZ 85004

Clerk of the Superior Court

Maricopa County

Attn: Water Case

601 West Jackson Street

Phoenix, AZ 85003

27

28

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

4 Harriett Hedrick
927 E. Weymouth
5 Tucson, AZ 85719

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

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

12

13 S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
14 3301 E. Thunderbird Road
Phoenix, AZ 85032

15

16 Salt River Valley Water Users Association,
Salt River Project Agricultural Improvement and Power District
17 John B. Weldon, Jr. and Mark A. McGinnis
Salmon, Lewis & Weldon PLC
18 2850 E Camelback Rd, Ste. 200
Phoenix, AZ 85016

19

20 Special Master Susan Ward Harris
Superior Court of Arizona
21 201 W. Jefferson Street
Courtroom 301
22 Phoenix, AZ 85003

23

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

26

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