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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. W1-11-3322

ORDER TO INITIATE CONTESTED
CASE AND TO ADWR TO MAP
LOCATION OF WELL

CONTESTED CASE NAME: *In re Ouillette*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3322 initiated, ADWR directed to map location of well by **July 10, 2019**, and status conference set for **July 18, 2019 at 2:15 PM**
NUMBER OF PAGES: 11
DATE OF FILING: June 7, 2019

This Order initiates a contested case to resolve objections to Watershed File Report 115-04-ADC-003 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment A. The WFR identifies potential water rights for a domestic use and an irrigation use associated with domestic use for the land described in the WFR located in the northwest quarter of the southeast quarter of

1 section 04 Township 7S Range 17E. A copy of the map prepared by Arizona Department of
2 Water Resources for the land included in the WFR is attached as Attachment B and the land is
3 marked with a (3). The identified source of water for the claimed uses is a well.
4

5 **Claimants & Landowners**

6 The WFR identified Dorothy Ouillette as the landowner of the property included in the
7 WFR. On August 25, 2005, Ms. Ouillette filed statement of Claimant 39-15917 to claim 1.2
8 acre feet of water for domestic and irrigation use. She listed the means of diversion as a well
9 under Well Registration No. 55-900852.
10

11 Following the issuance of the WFR, Dorothy Ouillette transferred land in NWSE
12 section 04 T7S R17E, tax parcel no. 300-42-003A to herself as trustee of the Dorothy M.
13 Ouillette Revocable Living Trust, dated November 1, 2004. See Quitclaim Deed, filed
14 December 3, 2004 with the Pinal County Recorder, fee number 2004-099166. A copy of the
15 parcel map accessed from the public records of the Pinal County Assessor is attached as
16 Attachment C. On June 14, 2011, a death certificate for Dorothy M. Ouillette was filed with
17 the Pinal County Recorder. On June 14, 2011, Michael W. Ouillette and Marie A. Ouillette,
18 successor trustees of The Dorothy M. Ouillette Revocable Living Trust, quitclaimed the land
19 to themselves as trustees of The Ouillette Family Real Property Trust. See Quitclaim Deed
20 recorded with the Pinal County Recorder at fee number 2011-049575.
21

22 On March 22, 2019, Michael W. Ouillette and Marie A. Ouillette as Trustees of the
23 Ouillette Family Real Property Trust transferred land NWSE section 04 T7S R17E located
24 north and west of the Aravaipa River but not north and west of Aravaipa Road to Julia
25 Pemberton. See Warranty Deed recorded with the Pinal County Recorder at fee number 2019-
26 020112. The public records of ADWR do not contain an assignment of the statement of
27 claimant.
28

1 **Status Conference**

2 An initial status conference shall be held in this case to determine if the current
3 landowner intends to assert claims for the potential water rights included in the WFR. Failure
4 to participate at the status conference with the Arizona Department of Water Resources may
5 result in a dismissal of the filed statement of claimant and no further adjudication of the
6 potential water rights listed in the WFR.
7

8 **IT IS ORDERED** that ADWR shall prepare a map of the well relative to the
9 boundaries of the subflow zone and file it with the court by July 10, 2019.

10 **IT IS FURTHER ORDERED:**

11
12 1. Contested Case. This contested case shall be known as *In re Ouillette* and it will
13 address objections that were filed to the watershed file report 115-04-ADC-003 published in
14 the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of
15 objections can be found under the case name and number on the following website:
16 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
17 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

18 2. Litigants. The litigants in this contested case are the claimant's successors in
19 interest, the current landowner, all persons who filed objections to the listed watershed file
20 report who are listed on Attachment D, and claimants who are allowed to intervene by order.

21 3. Court-Approved Mailing List.

22 A. The initial Court-approved mailing list for this case shall include all
23 persons listed on Attachment D to this order. The list may be modified only by
24 filing a motion with the Special Master to amend the Court-approved mailing
25 list. Litigants are responsible for using the current Court-approved mailing
26 list.
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B. A copy of any pleading filed with the Clerk of the Maricopa County Superior Court in this case shall be served upon each person listed on the Court-approved mailing list.

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

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. A status conference shall be held on **July 18, 2019**, at 2:15 PM before:

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

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 June 7, 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).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
OUILLETTE, DOROTHY	115-04-ADC-003

D I V E R S I O N S

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
WO1	NWNWSE04	070S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK

W1-11-3322

U S E S

PWR #	LOCATION			SUPPLIED BY		PHOTO SOURCE		
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES	DATE	CHANGE	FACILITY NAME
DMOO1	NWNWSE04	070S	170E	WO1	GROUNDWATER : ZONE 1		NO	
OTOO1	NWSE04	070S	170E	WO1	GROUNDWATER : ZONE 1	1980	NO	

P W R S U M M A R Y

PWR #	APPLICABLE	APPLICABLE	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS	DATE BASIS	FOR DATE	
DMOO1	NONE	NONE			GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
OTOO1	NONE	NONE	1980	1980 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK

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

PWR #	QUANTIFICATION	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE						
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
OTOO1	REGIONAL	.8	AVE. CROP	50%	5.4 AF/AC	4.3 AFA	

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.

OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

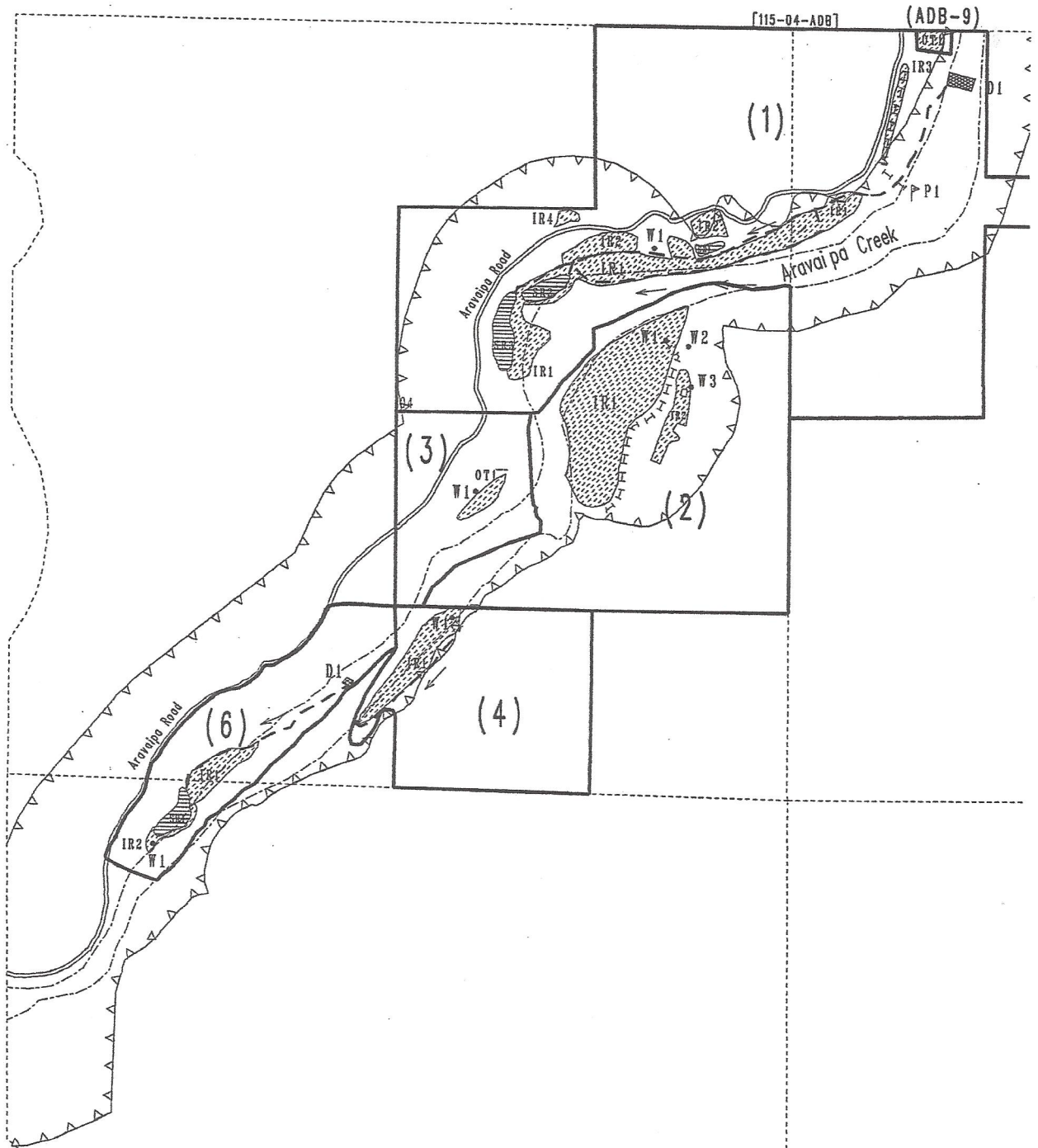
A COMMENT FROM THE 1987 PRELIMINARY H.S.R. WAS RECEIVED WHICH VERIFIED THE OWNERSHIP AND DESCRIBED THE SOURCE OF WATER FOR USES ON THIS PROPERTY.

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH INDICATED THAT THEY WOULD LIKE TO "RESERVE" THE RIGHT TO USE WATER FROM ARAVAIPA CREEK.

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ATTACHMENT B

T 7 S



[115-04-ADB]

(ADB-9)

(1)

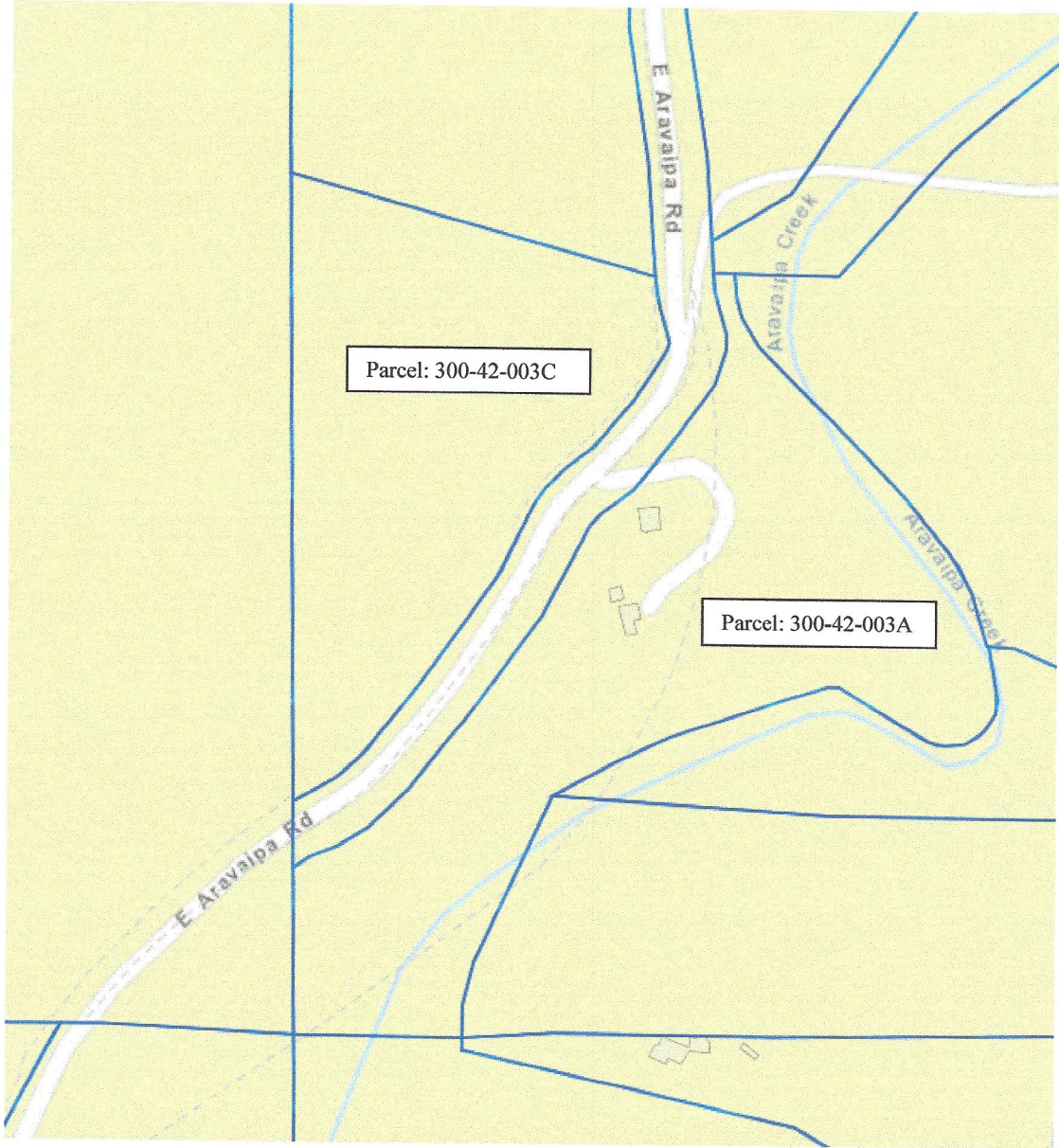
(3)

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ATTACHMENT C



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ATTACHMENT D

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Arizona Department of Water Resources
Kimberly Parks
Janet L. Miller
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
L. William Staudenmaier/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

Julia Pemberton
PO Box 1095
Jerome, AZ 86331

1 Julia Pemberton
88965 E. Aravaipa Rd.
2 Dudleyville, AZ 85192

3 Marie A. Ouillette
Trustee of the Ouillette Family Real Property Trust
4 P. O. Box 5421
5 Oracle, AZ 85623

6 Michael W. Ouillette
Trustees of the Ouillette Family Real Property Trust
7 2104 SE Edler Drive
8 Stuart, FL 34994

9 S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
10 3301 E. Thunderbird Road
11 Phoenix, AZ 85032

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

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

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

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