

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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. W1-11-3422

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re David T. & Marilyn Lee et al.*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **August 18, 2021 at 3:30 p.m.**  
NUMBER OF PAGES: 18  
DATE OF FILING: April 30, 2021

**General Explanation**

This Order begins the process necessary to adjudicate claims for rights to appropriable water from wells located on land that the Graham County Assessor has identified as owned by Roy G. and Yvonne Haught, Clayton R. Randall and Allison Randall, as trustees, and Richard B. Holcomb and Karen C. Holcomb, as trustees. This contested case is one of the many cases in

1 the General Stream Adjudication for the San Pedro River watershed. Other cases in which  
2 claims have been made to water in the San Pedro River watershed have been completed, are in  
3 the process of determining water rights, or awaiting initiation. The purpose of the General  
4 Adjudication is to determine the rights of those persons who filed statement of claimants for  
5 rights to use appropriable water in the San Pedro watershed. The General Adjudication will also  
6 determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila, Agua Fria and Upper  
7 Santa Cruz watershed.

8 In this case, Daniel T. Cloud and Robert V. Stephens (collectively "Claimants") filed a  
9 statement of claimant for rights to use appropriable water on land in Section 7 Township 8S  
10 Range 21E. The Arizona Department of Water Resources investigated those claims and  
11 prepared a report known as a Zone 2 Well Report 115-06-CCA-001 ("Report") published in the  
12 Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the Report is  
13 attached as Attachment A.

14 The Report found water used for domestic and irrigation purposes on the land, which is  
15 more specifically shown on the map attached as Attachment B and labelled as "(1)". Three  
16 wells are listed as the sources of the water. After the Arizona Department of Water Resources  
17 issued the Report, objections were filed to the findings made by the Arizona Department of Water  
18 Resources in the Report. The purpose of this case is to consider the claims made for water  
19 rights that are the subject of the Report and resolve the objections to the Report.

#### 21 **Claimants & Landowners**

22  
23 The Report identified one Statement of Claimant (SOC) relevant to the potential water  
24 right: 39-4978. Daniel R. Cloud and Robert Stephens ("Claimants") filed the SOC claiming  
25 water for irrigation, stockwatering, and domestic uses. The Report lists David T. and Marilyn  
26 Lee and Daniel T. and Virginia Cloud and Robert and Sarah Stephens as the owners of the  
27 property described in the Report. On March 19, 1992, Arizona Department of Water Resources  
28 issued Certificates of Water Right 85239 and 85240 to Daniel T. and Virginia Cloud and Robert

1 and Sarah Stephens for domestic, stockwatering and irrigation water uses on Section 7 Township  
2 8 South, Range 21 East. In 1999, those Certificates of Water Right were assigned to Indian  
3 Springs Ranch Partnership. The public records maintained by the Arizona Department of Water  
4 Resources do not include an assignment of the SOC from the Claimants to successor landowners  
5 and do not include an assignment of the Certificates of Water Rights from Indian Springs Ranch  
6 Partnership to successor landowners.

7 A warranty deed, document 2004-01346, was filed with the Graham County Recorder's  
8 Office on March 11, 2004, that named Indian Springs Ranch Partnership as the grantor and Roy  
9 G. and Yvonne Haight, Clayton R. and Allison D. Randall, as the grantees of land in Section 7,  
10 Township 8S Range 21E. The records of the Graham County Assessor list Roy G. and Yvonne  
11 Haight, Richard B. Holcomb and Karen C. Holcomb, as trustees, and Richard B. Holcomb and  
12 Karen C. Holcomb, as trustees as the owners of the property described in the Report. A copy  
13 of a map prepared by the Graham County Assessor showing tax parcels 111-08-001B, 111-08-  
14 001D, and 111-08-001E is attached as Attachment C.

15  
16 **IT IS ORDERED:**

17 1. Contested Case. This contested case shall be known as *In re David T. & Marilyn*  
18 *Lee et al.* and it will determine appropriable water rights asserted in the Statement of Claimant  
19 and objections that were filed to the Report 115-06-CCA-001 published in the Final San Pedro  
20 River Watershed Hydrographic Survey Report (1991). Copies of objections can be found under  
21 the case name and number on the following website:  
22 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
23 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

24 2. Litigants. The litigants in this contested case are the Claimants, the current  
25 landowners, all persons who filed objections to the Report, who are included on Attachment D,  
26 and claimants who are allowed to intervene by order.  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Court-Approved Mailing List.

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

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 Court-approved mailing list.

D. The Clerk of the Clerk will send copies of all minute entries and orders issued in this case to the parties listed on the Court-approved mailing list. Upon request, the Clerk of the Court will provide copies by email. Parties may request emailed copies of minute entries and orders by completing and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS, which is attached as Attachment E.

4. Status Conference.

A. An initial status conference shall be held to determine whether the Claimants, Roy G. and Yvonne Haught, Clayton R. and Allison D. Randall, as trustees, and Richard B. Holcomb and Karen C. Holcomb, as trustees, intend to pursue claim for rights to appropriable water. If so, the parties seeking water rights shall be prepared at the Status Conference to

1 provide information about efforts undertaken to assign or file Statements  
2 of Claimant and assign Certificates of Water Right to current landowners.

3  
4 B. If the Claimants or current landowners intend to pursue rights to  
5 appropriable water for use on the land, the parties will be expected to  
6 advise whether they are interested in pursuing discussions to resolve the  
7 objections to the Report and the amount of time that the parties believe  
8 will be necessary to complete those discussions.  
9

10  
11 C. If the objections cannot be settled, then a subsequent date will be set for  
12 a scheduling conference to identify issues, file disclosure statements,  
13 conduct discovery, submit prehearing motions, and hold a trial. No party  
14 shall conduct any discovery or file any motions prior to the Status  
15 Conference.  
16

17  
18 The Status Conference shall be held on **August 18, 2021 at 3:30 p.m.** The Status  
19 Conference shall be held using the Court Connect program. Instructions for Court Connect are  
20 attached as Attachment F. If you receive this Order by email, click on the red box "Join Court  
21 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this  
22 Order by email, log into the Court Connect program on the internet by typing  
23 <https://tinyurl.com/specialwatermaster>.

24  
25  
26  
27  
28

1 For parties or persons without access to the internet, appearance by telephone is available  
2 as follows:

3 Instructions for telephonic participation:  
4 Dial: 602-506-9695 (local)  
5 1-855-506-9695 (toll free long distance)  
6 Dial Collaboration (conference) Code 357264#

7   
8 SUSAN WARD HARRIS  
9 Special Master

10 On April 30, 2021, the original of the foregoing was  
11 delivered to the Clerk of the Maricopa County Superior  
12 Court for filing and distributing a copy to all persons  
13 listed on the Court-approved mailing list for this contested  
14 case, a copy of which is attached hereto as Attachment D,  
15 and to all persons listed on the Court-approved mailing  
16 list for W-1, W-2, W-3, and W-4 (Consolidated).  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTACHMENT A**

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
LEE, DAVID T. & MARILYN	115-06-CCA-001
CLOUD, DANIEL T.	
& VIRGINIA	
STEPHENS, ROBERT & SARAH	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	NESWSE07	080S	210E	IROO1	W1-11-3422 UNUSED
W02	UNNAMED	SENWNE07	080S	210E	IROO1, IROO2	
W03	UNNAMED	NESWNE07	080S	210E	DMOO1, IROO1, IROO2	
W04	UNNAMED	NESWSE07	080S	210E		

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMO01	NESWNE07	080S	210E				
IROO1	NE07	080S	210E	1972	1972 AERIAL PHOTO	500.6 AFA	92.7
	SE07	080S	210E				
	SW07	080S	210E				
IROO2	NE07	080S	210E	1984	1984 AERIAL PHOTD	171.7 AFA	31.8
	NW07	080S	210E				
	SE07	080S	210E				
	SW07	080S	210E				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
38-0004978	W03	DMO01, IROO1, IROO2
38-0004979	W01	IROO1

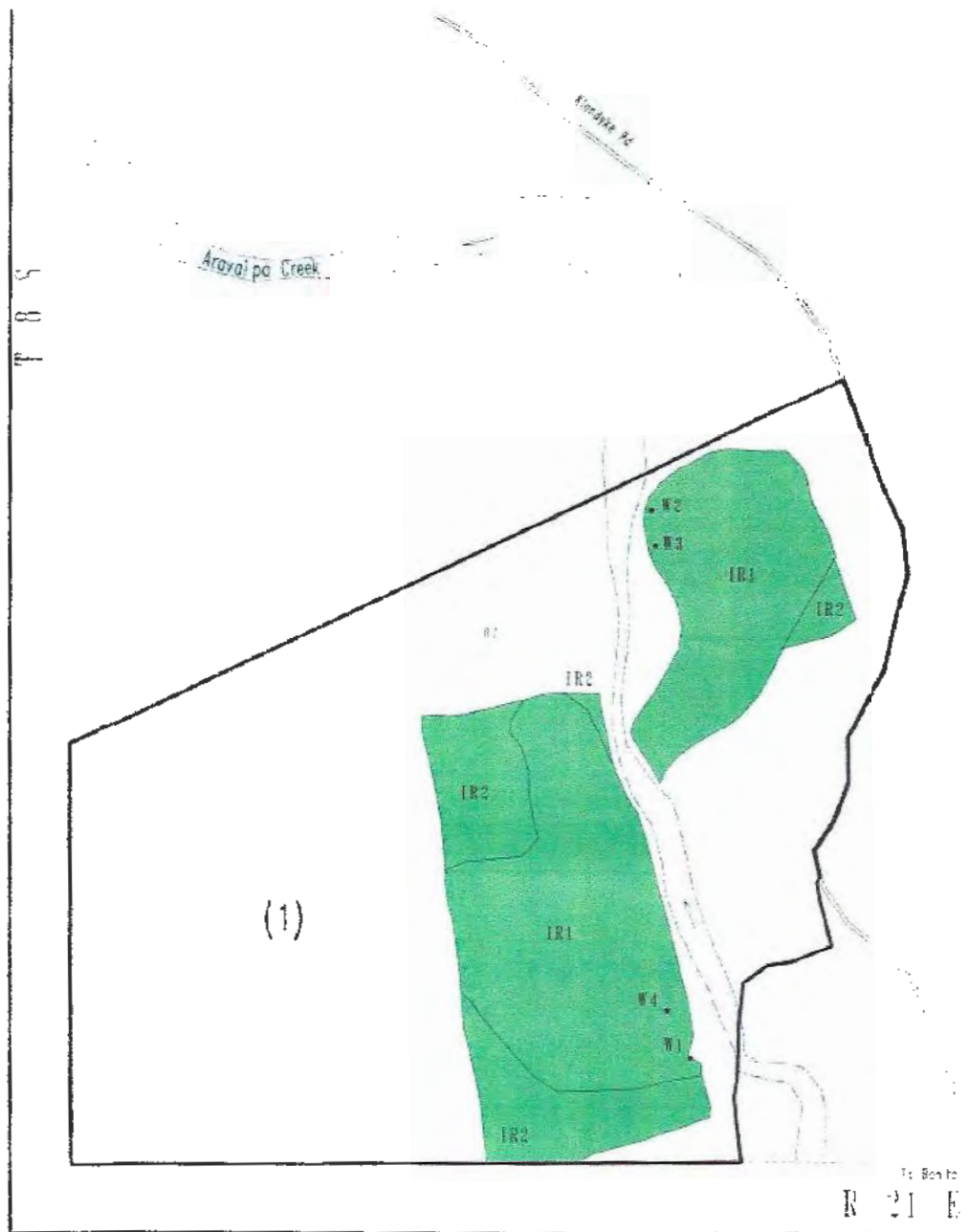
EXPLANATION

- 
- W1 & W2 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.
  - W3 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.
  - W4 - UNUSED WELL.
  - DM1 - DOMESTIC USE.
  - IR1 & IR2 - IRRIGATED PASTURE.



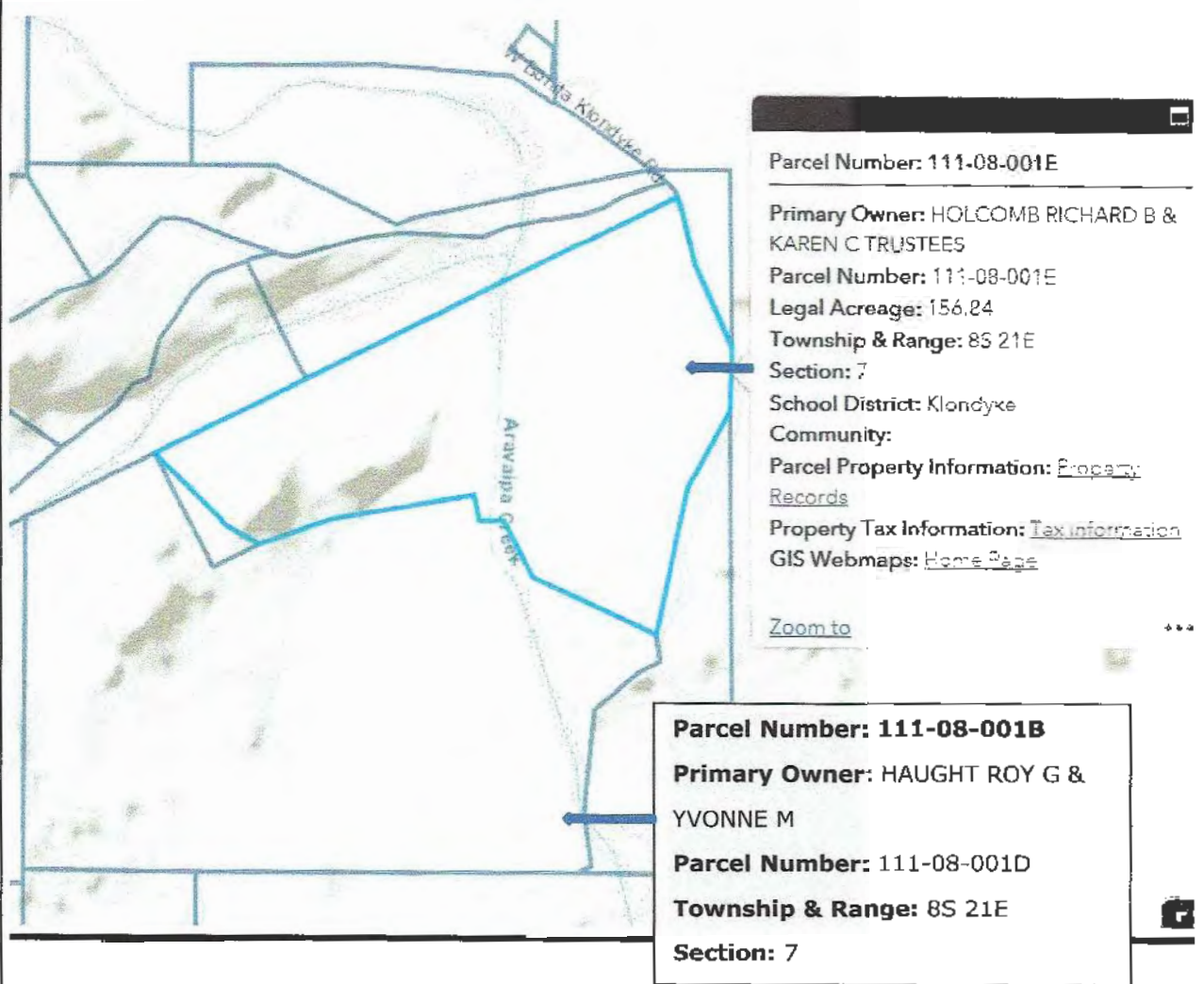
# ATTACHMENT B

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



# ATTACHMENT C

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



# ATTACHMENT D

1  
2  
3 Arizona Department of Water Resources  
4 Kimberly Parks  
5 P. O. Box 36020  
6 Phoenix, AZ 85067

7 ASARCO Incorporated  
8 Lauren J. Caster  
9 Fennemore Craig, P.C.  
10 2394 East Camelback Road  
11 Suite 600  
12 Phoenix, AZ 85016-3429

13 BHP Copper, Inc.  
14 John D. Burnside  
15 Snell & Wilmer, L.L.P.  
16 400 E. Van Buren Street, Ste 1900  
17 Phoenix AZ 85004

18 Clerk of the Superior Court  
19 Maricopa County  
20 Attn: Water Case  
21 601 West Jackson Street  
22 Phoenix, AZ 85003

23 Daniel T. Cloud  
24 Robert Stephens  
25 c/o G. Wayne McKellips, Jr.  
26 P. O. Box 33907  
27 Phoenix, Az 85067

28 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 Richard Palmer, Jr., Jeremiah Weiner  
and Lauren Mulhern
- 2 Rosette, LLP
- 3 565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225
- 4
- 5 Richard and Karen Holcomb, as trustees
- 6 31065 W. Bonita Klondyke Rd  
Willcox, AZ 85643-7619
- 7 Roy G. and Yvonne M. Haught
- 8 Clayton R. Randall and Allison Randall, as trustees  
3422
- 9 Payson, AZ 85547-0073
- 10 S. Montgomery, R. Interpreter, J. Tomkus
- 11 Montgomery & Interpreter, Plc
- 12 3301 E. Thunderbird Road  
Phoenix, AZ 85032
- 13 Salt River Valley Water Users Association,  
Salt River Project Agricultural Improvement and Power District
- 14 John B. Weldon, Jr., Mark A. McGinnis, and Michael Foy
- 15 Salmon, Lewis & Weldon PLC
- 16 2850 E Camelback Rd, Ste. 200  
Phoenix, AZ 85016
- 17 Special Master Susan Ward Harris
- 18 Superior Court of Arizona
- 19 201 W. Jefferson Street  
Courtroom 301  
Phoenix, AZ 85003
- 20 U. S. Department of Justice
- 21 Patrick Barry and Emma Blades
- 22 Environment and Natural Resources
- 23 P. O. Box 7611  
Washington, D.C. 20044-7611

24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTACHMENT E**

**CLERK OF THE COURT  
SUPERIOR COURT OF ARIZONA**

Jeff Fine  
Clerk

**MARICOPA COUNTY  
Customer Service Center  
601 West Jackson  
Phoenix, AZ 85003**

602 372-4115  
Water Case Clerk

**CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS**

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to [Mayra.Antelo@Maricopa.Gov](mailto:Mayra.Antelo@Maricopa.Gov).

Preferred email address:

---

Alternate email address:

---

Physical address:

---

Phone number:

---

Firm Name:

---

Name [Printed]:

---

Signature:

---

Date:

---

Thank you,

Mayra Antelo  
Clerk of the Superior Court  
Water Case Specialist  
(602) 372-5375 options 7,1,3,4

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ATTACHMENT F





## Court Connect Hearing Notice for In re David T. & Marilyn Lee et al., Contested Case No. W1-11-3422

*This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear in an online, rather than a physical, courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.*

*All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.*

**Participants:** Please follow the steps below to participate in the proceeding which will be conducted remotely.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

**Case Name:** In re David T. & Marilyn Lee et al., contested case no. W1-11-3422

**Start Date/Time:** August 18, 2021 at 3:30 p.m.

**JOIN COURT CONNECT HEARING**

**Dial-in Information:** +1 917-781-4590

**Private Dial-in Information:** for privacy purposes, you can block your phone number by dialing \*67 +1 917-781-4590

**Dial-in Access Code:** 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

