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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. W1-11-0440

ORDER TO INITIATE CONTESTED CASE
AND
ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Robert D. and Sue Walker*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **November 19, 2021 at 2:40 p.m.**
NUMBER OF PAGES: 19
DATE OF FILING: September 1, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriable water for land that the Cochise County Assessor has identified as owned by Michael J. and Catherine M. McCormack. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River Watershed to determine legal rights to water. Other cases

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

7 In this case Douglas I. Rysdam ("Claimant") filed a Statement of Claimant on July 1,
8 1980 for rights to use water for domestic, mining, stock watering, and irrigation purposes on land
9 in the SESW of Section 18 Township 21S Range 22E. The Arizona Department of Water
10 Resources ("ADWR") investigated those claims and prepared a report known as Watershed File
11 Report No. 111-20-DDA-002 ("WFR") published in the Final San Pedro River Watershed
12 Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment A.

13 The WFR found domestic and irrigation uses of water on the land. A copy of the map
14 prepared by ADWR is attached as Attachment B on which the land investigated is marked as
15 "(2)". After ADWR issued the WFR, objections were filed to the findings made in the WFR.
16 The purpose of this case is to consider the claims made for water rights that are the subject of the
17 WFR and resolve the objections to the WFR.
18

19 **Claimant & Landowners**

20
21 The WFR identified one Statement of Claimant ("SOC") relevant to the potential water
22 right: 39-6518. It identifies a well as one of the sources of water. Arizona Department of
23 Water Resources has determined that the well is located in the sub-flow zone. The public records
24 maintained by the ADWR do not include an assignment of the SOC from the Claimant to
25 successor landowners.

26 The WFR list Robert D. and Sue G. Walker as the owners of the property described in
27 the WFR. The current records of the Cochise County Assessor list Michael and Catherine
28

1 McCormack as the owners of the property described in the WFR and corresponding to the map
2 in the SOC filed by the Claimant. A copy of a map prepared by the Cochise County Assessor
3 showing tax parcel no. 107-29-008 is attached as Attachment C. A copy of the map filed by
4 Claimant is attached as Attachment D. The public records of ADWR do not include a SOC filed
5 by Michael and Catherine McCormack.

6
7 **IT IS ORDERED:**

8 1. Contested Case. This contested case shall be known as *In re Robert D. and Sue*
9 *Walker* and it will determine appropriable water rights asserted in the Statement of Claimant and
10 objections that were filed to Watershed File Report 111-20-DDA-002 published in the Final San
11 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found
12 under the case name and number on the following website:

13 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
14 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

15 2. Litigants. The litigants in this contested case are the Claimant, the current
16 landowners, all persons who filed objections to the WFR, who are included on Attachment E,
17 and parties who are allowed to intervene by order.

18
19 3. Court-Approved Mailing List.

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

4 C. Claimants wishing to be added or removed from the mailing list shall file
5 a motion with the Special Master. Parties allowed to intervene will be
6 automatically added to the Court-approved mailing list.
7

8 D. The Clerk of the Court will send copies of all minute entries and orders
9 issued in this case to the parties listed on the Court-approved mailing list.
10 Upon request, the Clerk of the Court will provide copies by email. Parties
11 may request emailed copies of minute entries and orders by completing
12 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
13 CASE DOCUMENTS, which is attached as Attachment F.
14

15 4. Status Conference.

16 A. An initial status conference shall be held to determine whether the
17 Claimant or Michael and Catherine McCormack intend to pursue claims
18 for rights to appropriable water. If so, the parties seeking water rights
19 shall be prepared at the Status Conference to provide information about
20 efforts undertaken to assign or file a Statement of Claimant.
21

22
23 B. If the Claimant or current landowners intend to pursue rights to
24 appropriable water for use on the land, the parties will be expected to
25 advise whether they are interested in pursuing discussions to resolve the
26 objections to the WFR and the amount of time that the parties believe
27 will be necessary to complete those discussions.
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C. If the objections cannot be settled, then a subsequent date will be set for a scheduling conference to identify issues, file disclosure statements, conduct discovery, submit prehearing motions, and hold a trial. No party shall conduct any discovery or file any motions prior to the Status Conference.

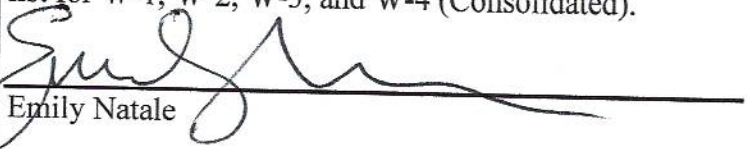
The Status Conference shall be held on **November 19, 2021 at 2:40 p.m.** The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached as Attachment G. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect. The Status Conference may also be attended telephonically using the following instructions:

Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#


SUSAN WARD HARRIS
Special Master

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On September 1, 2021, 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 E, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).


Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
WALKER, ROBERT D.	-----
& SUE G.	111-20-DDA-002

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
33-0085125	PROTEST	IRRIGATION	11.69	SESW18	21OS	22OE	1980	SESW18	21OS	22OE
		DOMESTIC	11.69							
		STOCK	11.69							
		MINING	11.69							
39-0006518		IRRIGATION	11.69	SESW18	21OS	22OE	1959	SESW18	21OS	22OE
		DOMESTIC	11.69							
		STOCK	11.69							
		MINING	11.69							

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS	
33-0085125	IRRIGATION DOMESTIC STOCK MINING	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL	PO1,WO1	D	MOO1,OTOO1
39-0006518					

DIVERSIONS

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
PO1	NESWSW18	21OS	22OE	UNNAMED	SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO1	NESWSW18	21OS	22OE	UNNAMED	

USES

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE					
DMOO1	NESWSW18	21OS	22OE	WO1	GROUNDWATER : ZONE 1 SURFACE WATER GROUNDWATER : ZONE 1	1984	NO	NO
OTOO1	SWSW18	21OS	22OE	PO1,WO1				

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0006518	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
OTOO1	39-0006518	NONE	1959 FILING	39-6518	
NONE	NONE	33-0085125			

QUANTITIES OF USE

PWR #	QUANTIFICATION		CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE	ACRES					
DMOO1							
OTOO1	REGIONAL	.3	AVE. CROP	50%	5.4 AF/AC	1.6 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

FILINGS AND DECREES

FILING 33-85125 - FILING IS UNDER PROTEST.

DIVERSIONS

P1 - INSTREAM PUMP LOCATED ON THE SAN PEDRO RIVER.

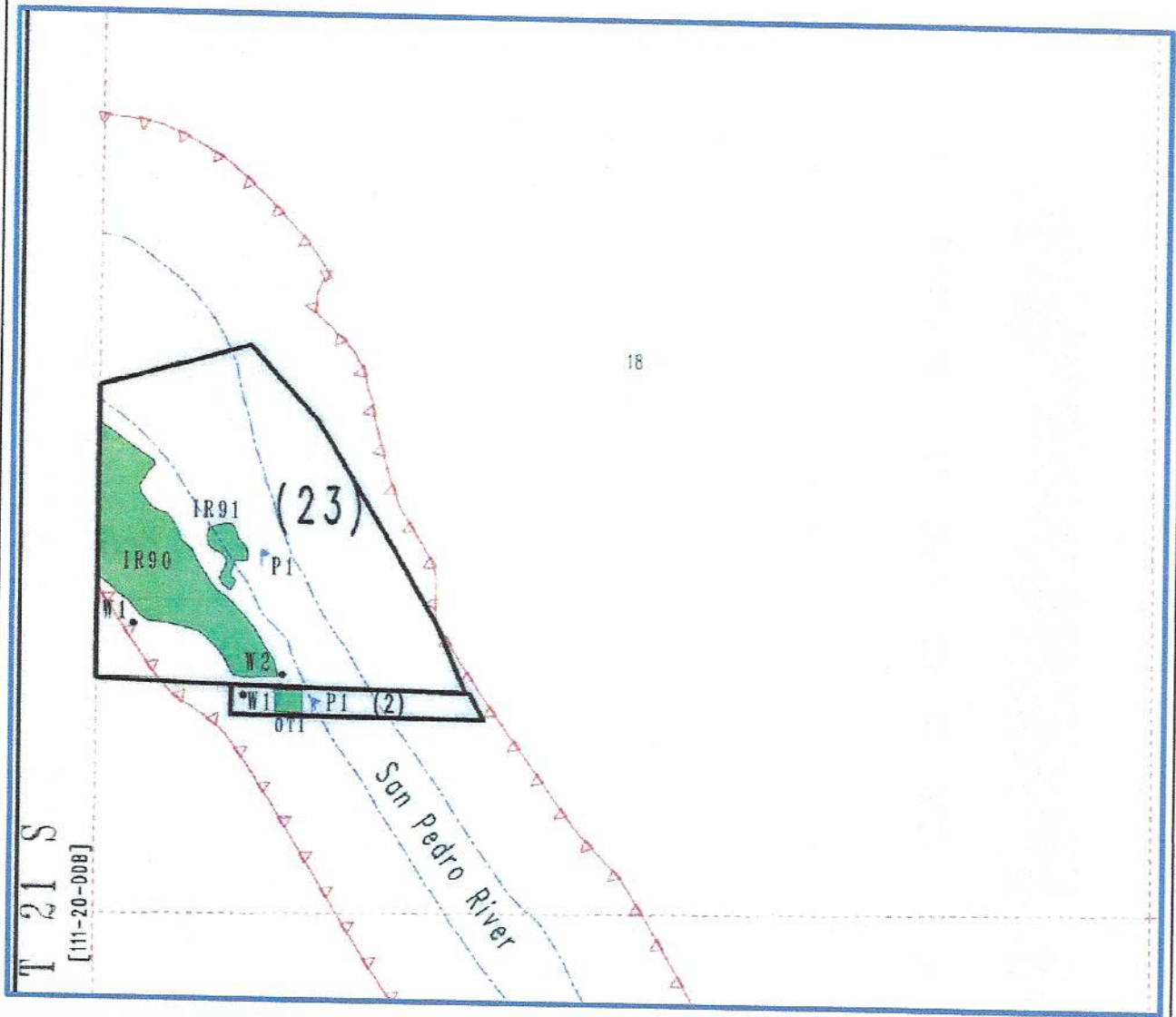
W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

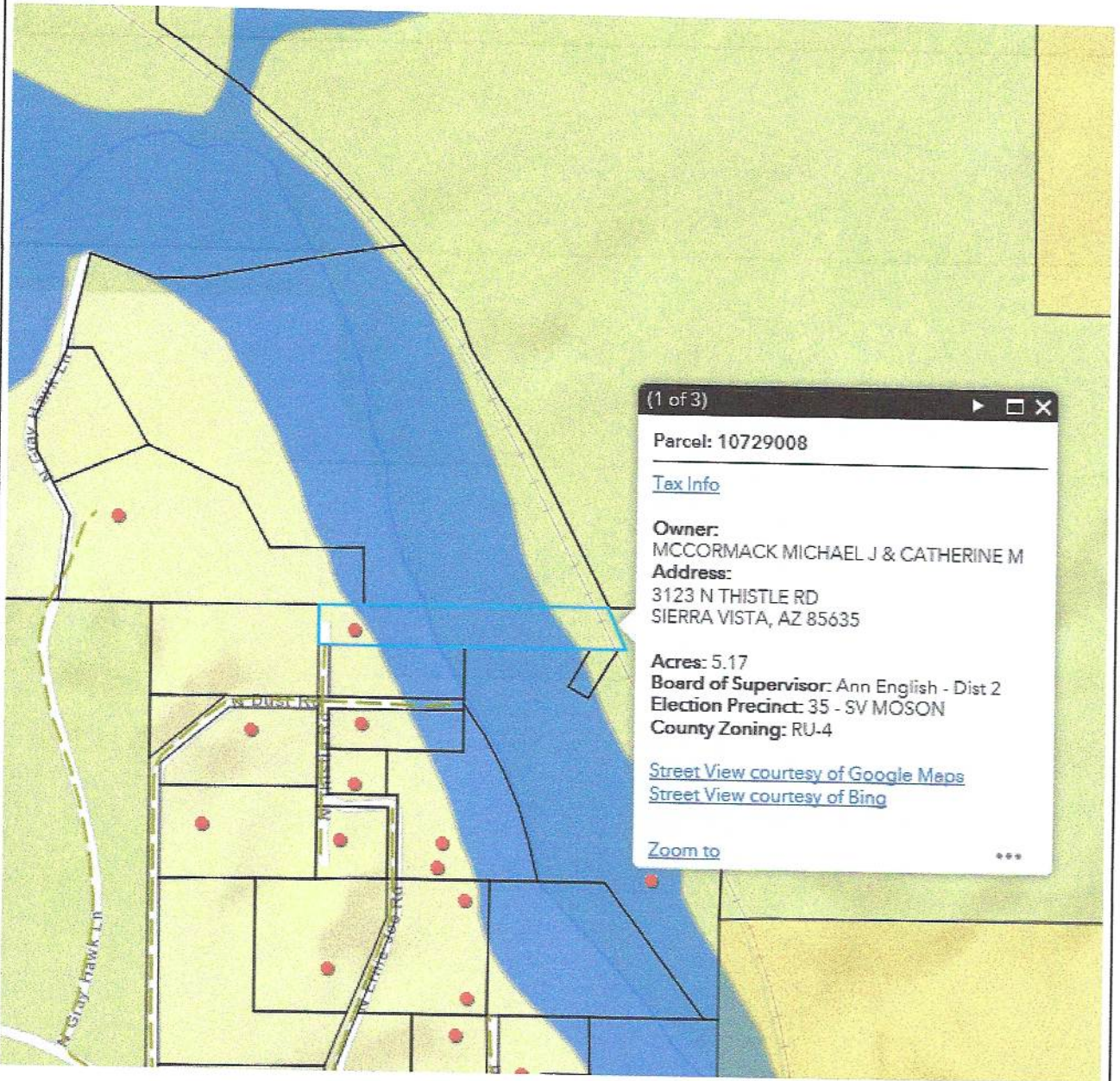
DM1 - DOMESTIC USE.

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

ATTACHMENT B

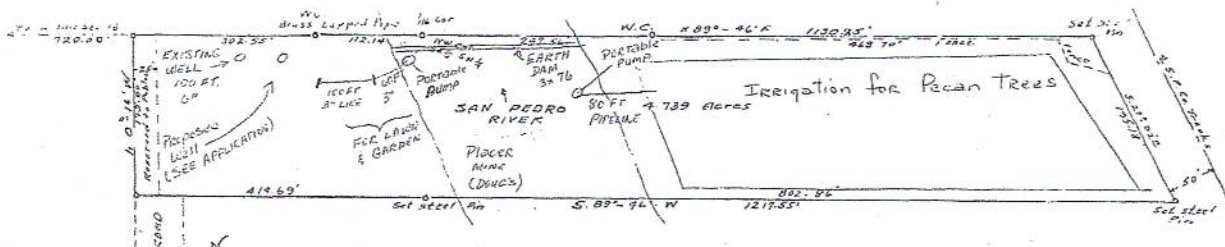


ATTACHMENT C

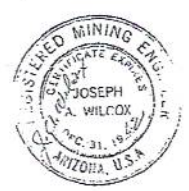


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ATTACHMENT D



A PORTION OF THE $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ OF SECTION 18
 T21S, R22E, G. & S. R. B. & M.
 COCHISE COUNTY,
 ARIZONA.
 Scale: 1" = 100' July 3, 1962
 J. A. Wilcox Reg. Eng.



DESCRIPTION

Beginning at a point on the north boundary of Lot 4 of said section 18 which is 590.46' W a distance of 720.00 feet from the west boundary of said section 18; thence going N. 09°-46' E along the north boundary of the $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said section 18 for 1130.95 feet to a point on the southwesterly boundary of the Southern Pacific Company Right-of-way; thence S. 27°02' E along southwesterly boundary of said Southern Pacific Co. Right-of-way which is 50.00 feet from and parallel to the center line of said company's tracks for 105.18 feet; thence S. 20° 41' W for 1217.55 feet; thence N. 0° 12' W for 1750.00 feet to the point of beginning. The west 25.00 feet of the above described property is reserved to be public as a right-of-way.

Note: The present boundary of the S.P.C. right-of-way is 50.00 feet from the center of the tracks but may not be in accordance with right-of-way easements.

ATTACHMENT E

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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

Douglas Rysdam
P. O. Box 671
Sierra Vista, AZ 85635

F. P. Barry, Emmi Blades, and C. McBride
U. S. Department of Justice, Environment
and Natural Resources
P. O. Box 7611
Washington, D. C. 20044-7611

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

1 Michael J. and Catherine M. McCormack
2 3123 N. Thistle Road
3 Sierra Vista, AZ 85635
4 Current Recorded Land Owner

5 Salt River Valley Water Users Association,
6 Salt River Project Agricultural Improvement and Power District
7 John B. Weldon, Jr., Mark A. McGinnis, and Michael Foy
8 Salmon, Lewis & Weldon PLC
9 2850 E Camelback Rd, Ste. 200
10 Phoenix, AZ 85016

11 San Carlos Apache Tribe
12 c/o Joe P. Sparks and Laurel A. Herrmann
13 The Sparks Law Firm, P.C.
14 7503 First Street
15 Scottsdale, AZ 85251-4573

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

21 Tonto Apache Tribe
22 c/o Richard Palmer, Jr., Jeremiah Weiner
23 and Lauren Mulhern
24 Rosette, LLP
25 565 W. Chandler Blvd. Suite 212
26 Chandler, AZ 85225

27 Yavapai-Apache Indian Community
28 c/o S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, AZ 85032

Charles L. Cahoy, Asst. City Attorney
Phoenix City Attorney's Office
200 W. Washington 13th Flr.
Phoenix, AZ 85003

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ATTACHMENT F

**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.

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

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ATTACHMENT G



Court Connect Hearing Notice for In re Robert D. and Sue Walker

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 online, rather than in 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 remote proceeding.

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 Robert D. and Sue Walker, Contested Case No. W1-11-0440

Start Date/Time: November 19, 2021 at 2:40 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](#)

