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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. W1-11-0539
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Forest Service – Coronado National Forest*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case initiated and telephonic status conference set for
November 19, 2021 at 3:15 PM
NUMBER OF PAGES: 17
DATE OF FILING: September 15, 2021

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report and the Zone 2 Well Report 111-22-ABC-002 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified a potential water right for irrigation for land described in the WFR as located in the northeast

1 quarter of section 16 Township 22S Range 18E. The identified sources of water for the claimed
2 use are surface water from the Babocomari River and one well. The Arizona Department of
3 Water Resources has not reported that the well is located in the subflow zone. Copies of the
4 WFR and the Zone Two Well Report are attached as Attachment A. A copy of the map prepared
5 for the WFR is attached as Attachment B. The land included within the boundaries of the WFR
6 is labelled on the map as "(2)".
7

8 The WFR identified Statement of Claimant 39-3330 (SOC) as the relevant filing for the
9 potential water right. H. L. Lawrence ("Claimant") filed the SOC claiming a right to 172.5
10 acre-feet of water for irrigation use on 115 acres of land in sections 9, 10 and 15 of Township
11 22S Range 18E. The sources of water listed by the Claimant are surface water from a tributary
12 of the Babocomari River and two wells. The wells are described as located in sections 10 and
13 15 Township 22 South Range 18E. A form of assignment filed with the Maricopa County
14 Superior Court includes the SOC as one of the Statements of Claimant assigned by the Triton
15 Group, as assignor, to Stephen and Ellen Levinson, assignees. The WFR lists the United States
16 Forest Service as the owner of the property described in 115-04-ADC-002.
17

18
19 **IT IS ORDERED:**
20

21 1. Contested Case. This contested case shall be known as *In re Forest Service –*
22 *Coronado National Forest* and it will address the Statement of Claimant and objections that were
23 filed to Watershed File Report and Zone 2 Well Report 111-22-ABC-002 published in the Final
24 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
25 found under the case name and number on the following website:
26

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

1 2. Litigants. The litigants in this contested case are the landowner, Stephen and Ellen
2 Levinson, all persons who filed objections to the listed watershed file reports who are listed on
3 Attachment C, and parties who are allowed to intervene by order.

4 3. Court-Approved Mailing List.

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

9 B. A copy of any pleading or other document filed with the Clerk of the
10 Maricopa County Superior Court in this case shall be served upon each person
11 listed on the Court-approved mailing list.

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

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

21 4. Status Conference. A telephonic status conference shall be held to address the
22 adjudication of the claimed and investigated water rights and determine whether the
23 United States Forest Service intends to pursue a right to appropriable water for irrigation
24 use on the land. The United States has taken the position in this General Adjudication
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1 that claims for water rights that identify wells as the source of water that are not located
2 in the subflow zone should be adjudicated in accordance with existing case law citing
3 *Pima Farms Co. v. Proctor*, 30 Ariz. 96, 108 (1926) and *Bristor v. Cheatham*, 75
4 Ariz.227 (1953). See Post Trial Brief of the United States at 10, in W1-11-203, filed
5 June 30, 2021. If the United States intends to pursue the potential appropriable water
6 rights for irrigation use identified in the WFR, the United States shall be prepared to state
7 its position on the manner in which those rights should be adjudicated and the applicable
8 evidentiary presumption.
9

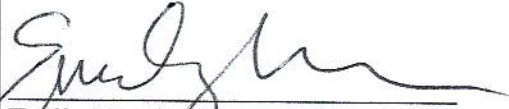
- 10
11 5. The Status Conference shall be held on **November 19, 2021 at 3:15 PM**. The Status
12 Conference shall be held using the Court Connect program. Instructions for Court
13 Connect are attached as Attachment E. If you receive this Order by email, click on the
14 red box "Join Court Connect Hearing" on the attached instructions to make an
15 appearance. If you do not receive this Order by email, log into the Court Connect
16 program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not
17 have access to the internet, you may attend telephonically using the telephone number
18 and access code included in the instructions for Court Connect. The Status Conference
19 may also be attended telephonically using the following instructions:

20 Instructions for telephonic appearance:
21 Dial: 602-506-9695 (local)
22 1-855-506-9695 (toll free long distance)
23 Dial Participant Pass Code 357264#
24

25
26 
27 _____
28 SUSAN WARD HARRIS
Special Master

1 On September 15, 2021, 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 C,
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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Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
FS - CORONADO	111-22-ABC-002	TRITON GROUP LIMITED	POST CANYON

WI-11-539

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0041838		IRRIGATION	460.00	SENESE09	22OS	180E	1910	SENE16	22OS	180E
				SWNWSW10	22OS	180E				
				SWNWNW15	22OS	180E				
39-0003330		IRRIGATION	172.50	NESE09	22OS	180E	1910	NWNWSW10	22OS	180E
				NWSW10	22OS	180E				
				NWNW15	22OS	180E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0041838	IRRIGATION	IRRIGATION	DO1	IROO1
39-0003330	IRRIGATION	IRRIGATION	WO1	IROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NESENE16	22OS	180E	UNNAMED	SURFACE WATER: BABOCOMARI RIVER SHARED
PO1	SESENE16	22OS	180E	UNNAMED	SURFACE WATER: BABOCOMARI RIVER SHARED
WO1	NWSWNW15	22OS	180E	UNNAMED	GROUNDWATER : ZONE 2 SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IROO1	NENE16	22OS	180E	DO1,PO1,WO1	SURFACE WATER	1984	NO	
	SENE16	22OS	180E		GROUNDWATER : ZONE 2			

SHARED USES AND DIVERSIONS

** WATER FROM DO1 IS SHARED WITH THESE ADDITIONAL FILES:
 111-22-ABC-1, 111-22-ABC-3
 ** WATER FROM PO1 FOUND IN FILE (111-22-ABC-3) IS USED IN THIS FILE
 ** WATER FROM WO1 FOUND IN FILE (111-22-ABC-1) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0003330	36-0041838	1970 CLAIMANT INTERVIEW	SURFACE WATER: BABOCOMARI RIVER GROUNDWATER : ZONE 2

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED	2.8	PERM. PSTR	32%	9.9 AF/AC	27.7 AFA	
	REGIONAL	2.8	AVE. CROP	50%	5.4 AF/AC	15.1 AFA	
	MAX. POTENTIAL	2.8	ALFALFA	32%	10.4 AF/AC	29.1 AFA	

DIVERSIONS

- D1 - DIVERSION FROM TURKEY CREEK INTO AN IRRIGATION PIPELINE.
- P1 - INSTREAM PUMP LOCATED ON TURKEY CREEK.
- W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

- IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

- D1 - DIVERSION IS SHARED WITH W.F.R.'S #111-22-ABC-1 & #111-22-ABC-3.
- P1 - INSTREAM PUMP IS SHARED WITH W.F.R. #111-22-ABC-3.
- W1 - WELL IS SHARED WITH W.F.R. #111-22-ABC-1.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

- A COMMENT WAS RECEIVED WHICH INDICATED A CHANGE IN OWNERSHIP, AND DESCRIBED IRRIGATION AND INSTREAM STOCKWATERING USES.

LAND OWNER	ZONE 2 WELL REPORT NUMBER
-----	-----
FS - CORONADO	111-22-ABC-002

WELLS	WELL NAMES	WELL LOCATION		WATER USES SERVED	REMARKS
-----	-----	SECTION	TWNP	RNGE	-----
WO1	UNNAMED	NWSWN15	22OS	18OE	IROO1
					SHARED

W1-11-539

WATER USE NUMBERS	WATER USE LOCATION	*** APPARENT FIRST USE ***	APPAR. ANNUAL	ACRES
-----	SECTION TWNP RNGE	DATE BASIS FOR DATE	VOLUME USED	IRRIGATED
IROO1	NENE16 22OS 18OE	1970 CLAIMANT INTERVIEW	15.1 AFA	2.8
	SENE16 22OS 18OE			

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
-----	-----	-----
39-0003330	WO1	IROO1

EXPLANATION

THE APPARENT ANNUAL VOLUME REPORTED FOR IROO1 IS PARTIALLY SUPPLIED BY SURFACE WATER.

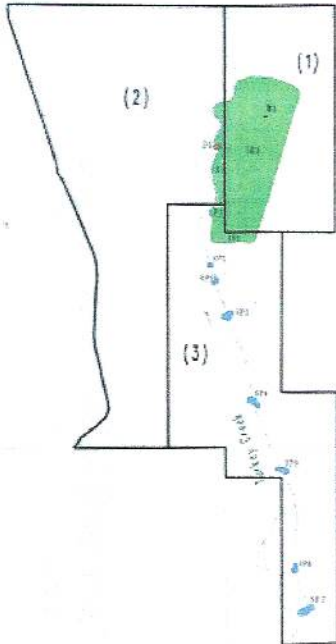
** WATER FROM WO1 FOUND IN FILE (111-22-ABC-1) IS USED IN THIS FILE.

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

IR1 - IRRIGATED PASTURE.

ATTACHMENT B

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Subregion Key Legend

—	Boundary Boundary	—	State or River
—	Regulatory Boundary	—	Regulatory Boundary
—	State or District	—	State or River
—	Tributary	—	State or River
■	Wetland	●	Well (W)
■	Wetland (W)	○	Wetland (W)
■	Wetland (W)	○	Wetland (W)
■	Wetland (W)	○	Wetland (W)
■	Wetland (W)	○	Wetland (W)
■	Wetland (W)	○	Wetland (W)
■	Wetland (W)	○	Wetland (W)

POTENTIAL WATER RIGHT CODES

01 - Riparian	02 - Riparian (Special)
03 - Alluvial	04 - Alluvial (Special)
05 - Riparian (Special)	06 - Alluvial (Special)
07 - Other Riparian Use	08 - Alluvial (Special)
09 - None	10 - Riparian (Special)
11 - Riparian (Special)	12 - Riparian (Special)
13 - Riparian (Special)	14 - Riparian (Special)
15 - Riparian (Special)	16 - Riparian (Special)
17 - Riparian (Special)	18 - Riparian (Special)
19 - Riparian (Special)	20 - Riparian (Special)
21 - Riparian (Special)	22 - Riparian (Special)
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47 - Riparian (Special)	48 - Riparian (Special)
49 - Riparian (Special)	50 - Riparian (Special)

(1) - Water Identification Number

San Pedro River Basin

State of Arizona
Department of Water Resources
SOUTHWEST DIVISION
RAP OF WATER USES

River System:	USA
Watershed:	SAN PEDRO
Subwatershed:	SAN PEDRO
Region:	SI-ADP
Date:	November 1991

ATTACHMENT C

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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.
John D. Burnside
Snell & Wilmer, L.L.P.
400 E. Van Buren Street, Ste 1900
Phoenix AZ 85004

Charles Cahoy
City of Phoenix
200 W. Washington 13th Flr.
Phoenix, AZ 85003

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

1 H. L. Lawrence
2 5 Angels Ranch, R.R. Box 329
3 Elgin, Arizona 85611

4 R. Lee Leininger
5 U.S. Department of Justice
6 Natural Resources Section
7 999 18th Street, So Terrace, Suite 370
8 Denver, CO 80202

9 Richard Palmer, Jr., Jeremiah Weiner
10 and Lauren Mulhern
11 Rosette, LLP
12 565 W. Chandler Blvd. Suite 212
13 Chandler, AZ 85225

14 S. Montgomery, R. Interpreter, J. Tomkus
15 Montgomery & Interpreter, Plc
16 3301 E. Thunderbird Road
17 Phoenix, AZ 85032

18 Salt River Valley Water Users Association,
19 Salt River Project Agricultural Improvement and Power District
20 John B. Weldon, Jr., Mark A. McGinnis, and Michael Foy
21 Salmon, Lewis & Weldon PLC
22 2850 E Camelback Rd, Ste. 200
23 Phoenix, AZ 85016

24 Special Master Susan Ward Harris
25 Superior Court of Arizona
26 201 W. Jefferson Street
27 Courtroom 301
28 Phoenix, AZ 85003

Stephen and Ellen Levinson
1740 South Coast Highway
Laguna Beach, CA 92651

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

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ATTACHMENT D

**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 E



Court Connect Hearing Notice for In re Forest Service – Coronado National Forest

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 Forest Service – Coronado National Forest, Contested Case No. W1-11-0539
Start Date/Time: November 19, 2021 at 3:15 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](#)

